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726. — Notwithstanding any clause in the contract to the contrary, a property mortgaged to a person can be mortgaged to another person during the continuance of the previous contract.

But beasts of burden cannot be subjected to suc[c]essive mortgages.

727. — The parties to a contract of mortgage may agree that the obligation shall be performed by instalments.

728. — A contract of mortgage must be made in writing in the presence of and registered by the competent official in accordance with the rules relating thereto.

CHAPTER II.

EXTENT OF MORTGAGE.

729. — The mortgaged property is security for the performance of the obligation and for the following accessories :

1) Interest, if any.

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729.—The mortgaged property is security for the performance of the obligation and for the following accessories :

1) Interest, if any.

2) Compensation in case of non—performance of the obligation.

3) Costs of enforcement of the right of mortgage.

730. — The right of mortgage extends to all the properties mortgaged and to the whole of each of them, even after part performance.

ILLUSTRATION. — I. — A is the creditor of B for 10,000 baht and B has assigned as mortgage to A his land situated in Samsen. If B pays 5,000 baht to A, the whole of the land remains however security for the payment of 5,000 baht still due by B, and A may exercise his right against the whole land as well as if he had received no part performance.

II. — A is the creditor of B for 10,000 baht and B has assigned as mortgage to A his land situated in Samsen. B dies, and C, D and E are his statutory heirs. The debts of the estate will be divided between C, D and E. However, suppose C has received in his own part the land situated in Samsen and mortgaged by B, C is liable for the payment of 10,000 baht even by enforcement of the land mortgaged as the case may be, and has only a recourse against D and E if he pays or has his land sold.

731. — When the mortgaged property is divided into parcels, rights of mortgage continues to extend to each and all of them.

However, one parcel may be transferred free of any right of mortgage with the consent of the mortgagee. Such consent or order cannot be set up against the buyer of the mortgagee's right unless it has been registered.

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3) Costs of enforcement of the right of mortgage.

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ILLUSTRATION.—I.—*A is the creditor of B for 10,000 baht and B has assigned as mortgage to A his land situated in Samsen. If B pays 5000 baht to A, the whole of the land remains however security for the payment of 5000 baht still due by B, and A may exercise his right against the whole land as well as if he had received no part performance.*

II.—*A is the creditor of B for 10,000 baht and B has assigned as mortgage to A his land situated in Samsen. B dies, and C, D and E are his statutory heirs. The debts of the estate will be divided between C, D and E. However, suppose C has received in his own part the land situated in Samsen and mortgaged by B, C is liable for the payment of 10,000 baht even by enforcement of the land mortgaged as the case may be, and has only a recourse against D and E if he pays or has his land sold.*

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