

732. — The right of mortgage extends to all things which are so connected with the mortgaged property as to form one thing with it, subject to the restrictions provided by the three following Sections.

ILLUSTRATION. — I. — *A mortgages to B his "dwelling house" in Bangkok. The mortgage extends of right to the servants' quarters, the garage, water—pipes, as well as to the doors, windows, gutters, lockers of the house because all those things are necessary to make a "dwelling. house".*

II. — *A mortgages to B his "rice mill" in Ayuthia. The mortgage extends of right to all the fixtures and plant, such as boiler, engine etc., because such things are necessary to make a building fit to be used as "rice mill".*

733. — The right of mortgage on a land does not extend to the buildings erected by the mortgagor upon it after the time of mortgage unless there is in the contract a special clause to that effect.

However, in any case, the mortgagee can have such buildings sold with the land, but his preferential right does not extend to the increase of value derived from the buildings.

734. — The right of mortgage over buildings made by a person upon or under another's land does not extend to that land, and vice versa.

735. — The right of mortgage does not extend to the fruits, interests and profits of the mortgaged property

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except after the time when the mortgagee has notified the mortgagor or the transferee of his intention to enforce the mortgage.

CHAPTER III.
RIGHTS AND DUTIES
OF
MORTGAGEE AND MORTGAGOR.

736. — No agreement entered after the time of the mortgage creating servitudes or other real rights upon the mortgaged property which depreciates the property, can be set up against the mortgagee unless he has agreed to it.

ILLUSTRATION. — *A has mortgaged to B his godown situated along the river Menam. A afterwards agrees with C, a Shipping Co., that the latter shall have the exclusive right to use the embankment as a landing place for passengers and cargo. This agreement cannot be set up against B unless he has agreed to it.*

737. — If the mortgaged property is damaged, or if one of the mortgaged properties is lost or damaged, so that the security becomes insufficient, the mortgagee can enforce at once the mortgage, unless there is no fault of the mortgagor and the latter offers either to mortgage another property of sufficient value or to repair the damage within a reasonable time.

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