

No. II.

DEBTS OF DECEASED
PERSONS.

An Act to abolish the distinction as to priority of payment which now exists between the specialty and simple contract Debts of Deceased Persons. [18th August, 1881.]

Preamble.

WHEREAS it is expedient to abolish the distinction as to priority of payment between specialty and simple contract debts of deceased persons Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows :—

All specialty and simple contract debts of deceased persons to stand in equal degree after the passing of this Act.

1. In the administration of the estate of every person who shall die on or after the date of the passing of this Act no debt or liability of such person shall be entitled to any priority or preference by reason merely that the same is secured by or arises under a bond deed or other instrument under seal or is otherwise made or constituted a specialty debt but all the creditors of such person as well specialty as simple contract shall be treated as standing in equal degree and be paid accordingly out of the assets of such deceased person whether such assets are legal or equitable any statute or other law to the contrary notwithstanding Provided always that this Act shall not prejudice or affect any lien mortgage charge or other security which any creditor may hold or be entitled to for the payment of his debt.

Short title.

2. This Act shall be styled and may be cited as the "Debts of Deceased Persons Act."