



ANNO QUADRAGESIMO SECUNDO ET QUADRAGESIMO
TERTIO

VICTORIÆ REGINÆ.

A.D. 1879.

No. 140.

An Act to abolish the Distinction and Priority of Pay-
ment which now exist between the Specialty
and Simple Contract Debts of Deceased Persons.

[Assented to, 25th October, 1879.]

WHEREAS it is expedient to abolish the distinction as to priority Preamble.
of payment between specialty and simple contract debts of
deceased persons—Be it therefore Enacted by the Governor of the
Province of South Australia, by and with the advice and consent of
the Legislative Council and House of Assembly of the said province,
in this present Parliament assembled, as follows:

In the administration of the estate of every person who shall die
on or after the first day of January, one thousand eight hundred
and eighty, 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 credi-
tors 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
bond, deed, or other instrument, under seal given or executed
before the coming into operation hereof; but all such bonds, deeds,
or other instruments shall be entitled to priority or preference,
according

All specialty and
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of deceased persons
to stand in equal
degree.

Deceased Persons Debts Act.—1879.

according to the law at present in force: and provided also that this Act shall not prejudice or affect any lien, charge, or other security which any creditor may hold or be entitled to for the payment of his debt.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

WM. F. DRUMMOND JERVOIS, Governor.