

South Australia

## The Estates Tail Act 1881

An Act to adopt a certain Act of Parliament of the United Kingdom of Great Britain and Ireland, passed in the fourth year of the reign of His late Majesty King William the Fourth, intituled "An Act for the Abolition of Fines and Recoveries, and for the substitution of more simple modes of Assurance."

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### Preamble

WHEREAS it is doubtful whether the Act of Parliament of the United Kingdom of Great Britain and Ireland, passed in the fourth year of the reign of His late Majesty King William the Fourth, intituled "An Act for the Abolition of Fines and Recoveries, and for the substitution of more simple modes of Assurance," is in force in this Province: And whereas it is desirable to set such doubts at rest:

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### The Parliament of South Australia enacts as follows:

#### 1—Short title

This Act may for all purposes be cited as *The Estates Tail Act 1881*.

#### 2—Act 3 & 4 Wm. 4c. 74, declared in force

The said Act of Parliament of the United Kingdom of Great Britain and Ireland, passing in the fourth year of the reign of His late Majesty King William the Fourth, intituled "An Act for the Abolition of Fines and Recoveries, and for the substitution of more simple modes of Assurance" is hereby declared to be in force in the State.

### **3—Interpretation**

In the construction and for the purposes of the said Act, any mention of the Court of Chancery, His Majesty's High Court of Chancery, the Court of Common Pleas at Westminster, or any other superior court of law, shall be taken to apply to the Supreme Court of the State; and any mention of the Lord High Chancellor of Great Britain, or any judge of any of the superior courts at Westminster, shall be taken to apply to a Judge of the said Supreme Court; and for the purposes of the said Act enrolment of any deed shall be deemed to be sufficiently performed when such deed shall have been deposited or enrolled in the General Registry Office, at Adelaide, in manner provided by the statutes in force related to the deposit or enrolment of deeds in the State. In the case of land under the provisions of the *Real Property Act 1886* the Registrar-General shall, upon such deposit or enrolment, enter upon the folium of the register-book constituting the certificate of title of the land, a memorial of such deed.

### **4—Saving clause**

Nothing in this Act contained shall in any way affect an Ordinance, No. 15 of 1845, intituled "An Ordinance to render effectual conveyances by married women, and to declare the effect of certain deeds in relation to dower," or any provisions relating to settled estates or estates tail contained in any Act of Parliament for the relief of insolvent debtors for the time being in force in the State.

## Legislative history

### Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Principal Act

Year	No	Title	Assent	Commencement
1881	228	<i>The Estates Tail Act 1881</i>	18.11.1881	18.11.1881