

South Australia

The Settled Estates Act Amendment Act 1889

An Act to amend the *Settled Estates Act 1880*.

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Preamble

WHEREAS it is expedient to amend the *Settled Estates Act 1880*:

The Parliament of South Australia enacts as follows:

1—Short title

This Act may be cited as *The Settled Estates Act Amendment Act 1889* and shall be incorporated and read as one with the *Settled Estates Act 1880*.

2—Order of Court not invalidated and exception in section 40 of *Settled Estates Act 1880* not to apply

An order of the court under any statutory or other jurisdiction shall not, as against a purchaser, be invalidated on the ground of want of jurisdiction or of want of any concurrence, consent, notice, or service, whether the purchaser has notice of any such want or not. This section shall have effect with respect to any lease, sale, or other act under the authority of the court, and purporting to be made in pursuance of the *Settled Estates Act 1880*, notwithstanding the exception in section 40 of that Act.

3—Power to mortgage freehold property

In addition to the powers conferred upon the court by the *Settled Estates Act 1880*, wherever in any settlement a direction or trust for sale or conversion is given or contained, and the court shall deem it proper and consistent, with a due regard for the interests of all parties entitled, the court may, subject to such provisions and restriction as the court may think fit, authorise the trustees or the executors for the time being of any settlement, to mortgage or otherwise pledge the whole or any portion of the freehold property the subject of any such settlement; and the moneys received from any such mortgage or pledge shall be applied in such manner as the court shall from time to time direct, having due regard to such interests as aforesaid.

4—Act may be negatived

This Act shall not affect any settlement made which expressly negatives the provisions of this Act.

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.

Principal Act

Year	No	Title	Assent	Commencement
1889	459	<i>The Settled Estates Act Amendment Act 1889</i>	13.11.1889	13.11.1889