

## THE ESTATES TAIL ACT, 1881

being

The Estates Tail Act, 1881, No. 228 of 1881 [Assented to 18th November, 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.”**

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—Be it therefore Enacted by the Governor of the Province of South Australia, with the advice and consent of the House of Assembly and Legislative Council of the said Province, in this present Parliament assembled, as follows:

Preamble.

1. This Act may for all purposes be cited as “The Estates Tail Act, 1881”.

Short title.

2. The said 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 hereby declared to be in force in the State<sup>1</sup>.

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

3. 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<sup>1</sup>; 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 relating to the deposit or enrolment of deeds in the State<sup>2</sup>. In the case of land under the provisions of The Real Property Act, 1886<sup>3</sup>, the Registrar-General shall, upon such deposit or enrolment, enter

Interpretation.

<sup>1</sup> In a previous reprint of this Act the expression “said province” had been altered to “State” pursuant to the Acts Republication Act, 1934.

<sup>2</sup> In a previous reprint of this Act the expression “this province” had been altered to “the State” pursuant to the Acts Republication Act, 1934.

<sup>3</sup> In a previous reprint of this Act the expression “the Real Property Act, 1861” had been altered to “The Real Property Act, 1886” (now Real Property Act, 1886-1975) pursuant to the Acts Republication Act, 1934.

upon the folium of the register-book constituting the certificate of title of the land, a memorial of such deed.

Saving clause.

4. 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<sup>1</sup>.

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