VICTORIÆ REGINÆ

A.D. 1879.

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No. 137.

An Act to give effect in South Australia to Probates and
Letters of Administration granted in the other
Australasian Colonies, and in the United
Kingdom of Great Britain and Ireland.

[Assented to, 27th August, 1879.]

WHEREAS it is expedient to give to probates and letters of *Preamble.*
administration granted in the other Australasian Colonies
or in the United Kingdom the like force and effect as if originally
granted in South Australia, upon the same being resealed—Be it
therefore Enacted by His Excellency the Governor of South
Australia, by and with the advice and consent of the Legislative
Council and House of Assembly, in Parliament assembled, as
follows:

1. In the construction and for the purposes of this Act, and of *Interpretation*
all proceedings thereunder, the following terms shall have the
respective meanings hereafter assigned to them, except where
there is something in the context repugnant to such construction,
that is to say—

   " Australasian Colonies" shall mean the colonies of New South *Australasian colonies*
   Wales, Victoria, South Australia, Western Australia,
   Queensland, Tasmania, and New Zealand:

   " United Kingdom" shall mean Great Britain and Ireland: *United Kingdom.*

   " Probate" shall include " Exemplification of probate," or any *Probate.*
   other formal document purporting to be under the seal of a Court
   of competent jurisdiction which shall in the opinion of a Judge of
   the Supreme Court be deemed sufficient: " Letters

Intercolonial Probate Act.—1879.

Letters of administration.

" Letters of administration " shall include " Exemplification of letters of administration," or such other formal evidence of the letters of administration purporting to be under the seal of a Court of competent jurisdiction as shall in the opinion of a Judge of the Supreme Court be deemed sufficient.

Probates and letters of administration granted in other colonies or the United Kingdom, to be of like force as if granted to South Australia on being resealed.

2. From and after the period at which this Act shall come into operation, when any probate or letters of administration to be granted by the Supreme Court of any of the other Australasian colonies, or by any Court of competent jurisdiction in the United Kingdom of Great Britain and Ireland, shall be produced to, and a copy thereof deposited with, the Registrar of the Supreme Court of South Australia, such probate or letters of administration shall be sealed with the seal of the last-mentioned Court, and shall have the like force and effect and have the same operation in South Australia; and every executor and administrator thereunder shall perform the same duties, and be subject to the same liabilities, as if such probate or letters of administration had been originally granted by the Supreme Court of South Australia.

Seal not to be affixed till duty is paid.

And as to administration till bond is entered into.

3. The seal of the Supreme Court of South Australia shall not be affixed to any probate or letters of administration granted in any of the other Australasian colonies, or by any such Court of the United Kingdom as aforesaid, so as to give operation thereto as if the grant had been made by the Supreme Court of South Australia, until all such probate, stamp, and other duties, if any, have been paid as would have been payable if such probate or letters of administration had been originally granted by the Supreme Court of South Australia; and, further, such letters of administration shall not be so sealed until such bond has been entered into as would have been required if such letters had been originally granted by the last-mentioned Supreme Court.

Commencement of Act.

4. This Act shall come into operation, and take effect on and after the first day of January, one thousand eight hundred and eighty.

Short title.

5. This Act may be cited as " The Intercolonial Probate Act."

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

WM. F. DRUMMOND JERVOIS, Governor.