



ANNO QUINQUAGESIMO SEXTO ET QUINQUAGESIMO  
SEPTIMO

VICTORIÆ REGINÆ.

A.D. 1893.

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No. 569.

An Act to amend "The Real Property Act, 1886."

[Assented to, December 23rd, 1893.]

**B**E it Enacted by the Governor of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said province, in Parliament assembled, as follows:

**1.** This Act may be cited for all purposes as "The Real Property Amendment Act, 1893," and shall be incorporated with "The Real Property Act, 1886."

Short title and  
incorporation.

**2.** All moneys which, by reason of any sale by an incumbrancee or otherwise, shall become applicable to the payment of an incumbrance shall be applied, firstly, in payment of the moneys then actually due to the incumbrancee, and if the incumbrance shall not then be satisfied the surplus shall be paid to the Public Trustee, who shall invest the same upon Government securities or upon loan to the Treasurer, and shall hold such surplus and the investments and income thereof upon trust to satisfy the accruing payments of the annuity, rent, charge, or other sum of money secured by the incumbrance, and subject thereto for the persons entitled to such moneys after payment of the incumbrance.

Mode of payment of  
incumbrance.

**3.** In every incumbrance hereafter executed, unless it shall be therein otherwise provided, there shall be implied a covenant by the incumbrancer with the incumbrancee that he will pay the annuity, rent, charge, or other sum of money thereby secured, at the times and in manner therein mentioned.

Covenant to be  
implied in every  
incumbrance.

**4.** Every

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*The Real Property Amendment Act.—1893.*

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Transfer of Crown  
leases to be by  
separate instrument.

**4.** Every transfer hereafter executed of a Crown lease shall be made by a separate instrument, and not by indorsement.

Section 2 to be retro-  
spective.

**5.** Section 2 of this Act is retrospective, and shall be read and construed as if originally inserted in "The Real Property Act, 1886."

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

S. J. WAY, Lieutenant-Governor.