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 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 rescaled—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 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 Wales, Victoria, South Australia, Western Australia, Queensland, Tasmania, and New Zealand:

“United Kingdom” shall mean Great Britain and Ireland:

“Probate” shall include “Exemplification of probate,” or any 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
"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.

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.

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.

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

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 JEROIS, Governor.