

*I Certify that this PUBLIC BILL, which originated in the LEGISLATIVE COUNCIL, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.*

W. L. S. COOPER,  
*Clerk of the Parliaments.*

*Legislative Council Chamber,  
Sydney, 31st August, 1916.*

## New South Wales.



ANNO SEPTIMO

# GEORGII V REGIS.

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## Act No. 40, 1916.

An Act to confirm certain sales, exchanges, partitions, enfranchisements, and contracts by trustees and others. [Assented to, 19th September, 1916.]

**W**HEREAS trustees and others in the intended Preamble.  
exercise of trusts or powers authorising them to dispose of land by sale, exchange, partition, or enfranchisement have disposed of land, subject to such trusts or powers with an exception or reservation of minerals, and either with or without rights and powers for or incidental to the working, getting, and carrying away of such minerals or otherwise relating thereto, or have so disposed of minerals with or without such rights and powers separately from the residue of the land, such  
mode

*Sales by Trustees Confirmation.*

mode of disposition not being expressly authorised nor forbidden by the instrument creating the trust or power: And whereas it is expedient to confirm such dispositions as aforesaid. Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title.

**1.** This Act may be cited as the "Sales by Trustees Confirmation Act, 1916."

Confirmation  
of certain  
sales, &c.  
25 and 26  
Vic., c. 108,  
s. 1.

**2.** No sale, exchange, partition, enfranchisement, or contract for sale at any time heretofore of land by any trustee or other person expressed or intended to be made in exercise of any trust or power authorising the sale, exchange, partition, or enfranchisement of land, and not forbidding the reservation of minerals, and which sale, exchange, partition, enfranchisement, or contract shall have been made with an exception or reservation of minerals, and with or without rights or powers for or incidental to the working, getting, and carrying away of such minerals or otherwise relating thereto shall be invalid on the ground only that the trust or power did not expressly authorise such exception or reservation, but such sale, exchange, partition, enfranchisement, or contract shall be deemed to have taken effect in the same manner as if the exception or reservation had been authorised by the trust or power; and no sale, exchange, partition, or contract for sale heretofore made as aforesaid of any minerals separately from the residue of the land subject to the trust or power intended to have been exercised, and either with or without such rights or powers as aforesaid, shall be invalid on the ground only that the trust or power did not expressly authorise such sale, exchange, or partition, but such sale, exchange, partition, or contract shall be deemed to have taken effect in the same manner as if such mineral rights and powers (if any) had been expressly authorised to be so dealt with separately from the residue of such land; but this enactment shall not be deemed to confirm any sale, exchange, partition, enfranchisement, or contract for sale already declared by a court of competent jurisdiction to be invalid, nor to confirm or affect any sale, exchange, partition, enfranchisement, or contract for sale as to the validity of which any suit or other proceeding is now pending.

*In the name and on behalf of His Majesty I assent  
to this Act.*

G. STRICKLAND,

*Government House,*

*Governor.*

*Sydney, 19th September, 1916.*

*This PUBLIC BILL originated in the LEGISLATIVE COUNCIL, and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.*

C. H. H. CALVERT,  
*For the Clerk of the Parliaments.*  
*Legislative Council Chamber,*  
*Sydney, 23rd August, 1916.*

## New South Wales.



ANNO SEPTIMO

## GEORGII V REGIS.

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Act No. , 1916.

An Act to confirm certain sales, exchanges, partitions, enfranchisements, and contracts by trustees and others.

**W**HEREAS trustees and others in the intended Preamble.  
exercise of trusts or powers authorising them to  
dispose of land by sale, exchange, partition, or enfran-  
chisement have disposed of land, subject to such trusts  
5 or powers with an exception or reservation of minerals,  
and either with or without rights and powers for or  
incidental to the working, getting, and carrying away  
of such minerals or otherwise relating thereto, or have  
so disposed of minerals with or without such rights and  
10 powers separately from the residue of the land, such  
mode

*Sales by Trustees Confirmation.*

mode of disposition not being expressly authorised nor forbidden by the instrument creating the trust or power: And whereas it is expedient to confirm such dispositions as aforesaid. Be it therefore enacted by the  
 5 King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Sales by Trustees  
 10 Confirmation Act, 1916." Short title.

2. No sale, exchange, partition, enfranchisement, or  
 contract for sale at any time heretofore of land by any  
 trustee or other person expressed or intended to be made  
 in exercise of any trust or power authorising the sale,  
 15 exchange, partition, or enfranchisement of land, and not  
 forbidding the reservation of minerals, and which sale,  
 exchange, partition, enfranchisement, or contract shall  
 have been made with an exception or reservation of  
 minerals, and with or without rights or powers for or  
 20 incidental to the working, getting, and carrying away of  
 such minerals or otherwise relating thereto shall be invalid  
 on the ground only that the trust or power did not ex-  
 pressly authorise such exception or reservation, but such  
 25 sale, exchange, partition, enfranchisement, or contract  
 as if the exception or reservation had been authorised by  
 the trust or power; and no sale, exchange, partition, or  
 contract for sale heretofore made as aforesaid of any  
 minerals separately from the residue of the land subject  
 30 to the trust or power intended to have been exercised,  
 and either with or without such rights or powers as  
 aforesaid, shall be invalid on the ground only that the  
 trust or power did not expressly authorise such sale,  
 exchange, or partition, but such sale, exchange, partition,  
 35 or contract shall be deemed to have taken effect in the  
 same manner as if such mineral rights and powers (if  
 any) had been expressly authorised to be so dealt with  
 separately from the residue of such land; but this  
 enactment shall not be deemed to confirm any sale,  
 40 exchange, partition, enfranchisement, or contract for  
 sale already declared by a court of competent juris-  
 diction to be invalid, nor to confirm or affect any sale,  
 exchange, partition, enfranchisement, or contract for  
 sale as to the validity of which any suit or other pro-  
 45 ceeding is now pending.

Confirmation  
 of certain  
 sales, &c.  
 25 and 26  
 Vic., c. 108,  
 s. 1.

Legislative Council.

No. , 1916

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## A BILL

To confirm certain sales, exchanges, partitions, enfranchisements, and contracts by trustees and others.

[MR. J. D. FITZGERALD ;—16 *August*, 1916.]

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