

FOSTER'S TRUSTEES. An Act to enable the Trustees for the time being of the Will of Samuel Foster late of Birmingham gentleman deceased to grant Leases of Land in the Colony of New South Wales. [7th September, 1842.]

Preamble.

WHEREAS Samuel Foster late of Birmingham in the kingdom of England gentleman deceased duly made signed and published his last will and testament in writing bearing date the twentieth day of March one thousand eight hundred and nineteen and thereby devised all his real estate in the Colony of New South Wales to trustees therein named and their heirs upon certain trusts therein particularly mentioned and set forth and whereas there is no power contained in the said will enabling the said trustees to grant leases and whereas it will be greatly for the benefit of all parties interested in the said trust estates if the trustees or trustee for the time being of the said will are empowered to grant building and other leases of the said hereditaments which cannot be effected without the aid and authority of the Legislature Be it therefore enacted by His Excellency the Governor of New South Wales with the advice of the Legislative Council thereof That from and after the passing of this Act it shall and may be lawful for the trustees or trustee for the time being of the will of the said Samuel Foster by any deed or deeds instrument or instruments in writing to demise and lease the said lands and other hereditaments devised by the said will or any part or parts thereof to any person or persons for any number of years not exceeding twenty-one years to take effect in possession and not in reversion at rack-rent without taking any premium or foregift for the same and so that the lessee execute counterparts thereof respectively thereby covenanting for the due payment of the rents and be not made dispunishable for waste.

Trustees of the will of the late Samuel Foster empowered to grant leases.

Trustees may grant building or improving leases.

2. And be it enacted That it shall and may be lawful to and for the said trustees or trustee for the time being of the said will by any deed or deeds writing or writings to demise or lease all or any part or parts of the said lands and hereditaments devised by the said will to any person or persons who shall or may improve the same or covenant and agree to improve the same by erecting and building thereon

Foster's Trustees.

thereon any new house or houses erections or buildings or to rebuild or repair any of the messuages tenements erections or buildings whatsoever which now are or hereafter shall be erected or stand on the same hereditaments or any part thereof or to expend such sum or sums of money on the improvements thereof respectively as shall be thought adequate to the interest therein respectively to be departed with for any term or number of years not exceeding twenty-one years to take effect in possession and not in reversion or in the way of future interest and so that in every such demise or lease there be reserved the best and most improved yearly rent or rents and so that the lessee or lessees execute a counterpart or counterparts thereof and thereby covenant for the payment of the rent to be thereby reserved.

3. Provided always and be it enacted That nothing in this Act contained shall be construed or taken to affect or apply to any right title privilege immunity or interest of Her Majesty Her Heirs and Successors or of any body or bodies politic or corporate or of any other person or persons except such as are mentioned therein or of those claiming by or under him her or them.

Nothing in this Act contained to affect any right &c. of Her Majesty or any corporation.

4. And be it enacted That this Act shall not commence or take effect until the same shall have received the Royal approbation and the notification of such approbation shall have been made in the *New South Wales Government Gazette* by order of His Excellency the Governor for the time being of the said Colony.

This Act to take effect when it shall have received the Royal approbation.

5. And be it enacted That when and as soon as this Act shall have received the Royal approbation and the notification thereof shall have been made as aforesaid the same shall be deemed and taken to be a public Act and shall be judicially taken notice of as such by the Judges of the Supreme Court of New South Wales and by all other Judges Justices and others within the Colony of New South Wales and its dependencies without being specially pleaded.

Then this Act to be deemed a public Act.