

# AUSTRALIAN CAPITAL TERRITORY.

No. 10 of 1943.

## AN ORDINANCE

To amend the Trustee Act, 1898, of the State of New South Wales, in its application to the Territory.\*

**B**E it ordained by the Governor-General in and over the Commonwealth of Australia, with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *Seat of Government Acceptance Act 1909-1938* and the *Seat of Government (Administration) Act 1910-1940*, as follows:—

1. This Ordinance may be cited as the *Trustee Ordinance 1943*. Citation.

2. This Ordinance shall be deemed to have commenced on the Commencement. first day of January, 1934.

3. After section 4AB of the Trustee Act, 1898, of the State of New South Wales, in its application to the Territory, as amended by the *Trustee Ordinance 1932*, the *Trustee Ordinance 1934* and the *Trustee Ordinance 1936*, the following section is inserted:—

“4AC. Unless otherwise provided in the instrument creating the trust, the rule in *Howe v. Earl of Dartmouth* (7 Ves. 137a) shall not apply in relation to trust property consisting of a lease of land in the Territory granted under the *City Area Leases Ordinance 1936-1938*, the *Church Lands Leases Ordinance 1924-1932* or the *Leases (Special Purposes) Ordinance 1925-1943*, and such leases shall be deemed to be authorized investments for the purposes of the Trustee Act, 1898, of the State of New South Wales, in its application to the Territory.”

Application of rule in Howe v. Earl of Dartmouth to leases.

Dated this twenty-ninth day of September, 1943.

GOWRIE

Governor-General.

By His Excellency's Command,

J. S. COLLINGS

Minister of State for the Interior.

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\* Notified in the *Commonwealth Gazette* on 30th September, 1943.