

No. II.

INFANTS' MARRIAGE
SETTLEMENTS.

An Act to enable Infants with the approbation of the Supreme Court in its Equitable Jurisdiction to make binding Settlements of their Real and Personal Estate on Marriage. [29th December, 1856.]

Preamble.

WHEREAS great inconveniences and disadvantages arise in consequence of persons who marry during minority being incapable of making binding settlements of their property For remedy whereof be it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in this present Parliament assembled as follows:—

Infants may with the approbation of the Supreme Court make valid settlements or contracts for settlements of their real and personal estate upon marriage.

1. From and after the passing of this Act it shall be lawful for every infant upon or in contemplation of his or her marriage with the sanction of the Supreme Court in its Equitable Jurisdiction to make a valid and binding settlement or contract for a settlement of all or any part of his or her property or property over which he or she has any power of appointment whether real or personal and whether in possession reversion remainder or expectancy and every conveyance appointment and assignment of such real or personal estate or contract to make a conveyance appointment or assignment thereof executed by such infant with the approbation of the said Court for the purpose of giving effect to such settlement shall be as valid and effectual as if the person executing the same were of the full age of twenty-one years Provided always that this enactment shall not extend to powers of which it is expressly declared that they shall not be exercised by an infant.

In case infant die under age appointment &c. to be void.

2. Provided always that in case any appointment under a power of appointment or any disentailing assurance shall have been executed by any infant tenant in tail under the provisions of this Act and such infant shall afterwards die under age such appointment or disentailing assurance shall thereupon become absolutely void.

The sanction of the Supreme Court to be given upon petition.

3. The sanction of the Supreme Court in its Equitable Jurisdiction to any such settlement or contract for a settlement may be given upon petition presented by the infant or his or her guardian in a summary way without the institution of a suit and if there be no guardian the Court may require a guardian to be appointed or not as it shall think fit and the Court also may if it shall think fit require that any persons interested or appearing to be interested in the property should be served with notice of such petition.

Not to apply to males under 20 or females under 17 years of age.

4. Provided always that nothing in this Act contained shall apply to any male infant under the age of twenty years or to any female infant under the age of seventeen years.

Jurisdiction given to the Primary Judge in Equity or one other Judge in his absence or illness.

5. The jurisdiction and powers by this Act vested in the Supreme Court may be exercised by the Primary Judge thereof in Equity or one other Judge acting as such in his absence or during his illness in the same manner as the ordinary Equitable Jurisdiction and powers of the Supreme Court are now exercised and subject in like manner to appeal rehearing and review.