

An Act to enable the Trustees for the time being of the Will of William Lawson late of Prospect in the County of Cumberland in the Territory of New South Wales Esquire deceased to grant Mining Leases of Land in the Colony of New South Wales. [22nd December, 1866.]

LAWSON'S TRUST.

WHEREAS William Lawson late of Prospect in the County of Cumberland in the Territory of New South Wales Esquire deceased duly made and published his last will and testament in writing bearing date the twelfth day of May one thousand eight hundred and fifty-four and thereby devised the several pieces or parcels of land and hereditaments described in the First Schedule to this Act to a Trustee therein named upon certain trusts for the benefit of his daughter Maria Emily Lawson during her life and after her decease for the children of the said Maria Emily Lawson if more than one as tenants in common in tail general with cross remainders between them in tail general And whereas the said testator duly made and executed two several codicils to his said will and by the second of the said codicils devised the several pieces or parcels of land and hereditaments described in the Second Schedule to this Act to the said Trustees of his said will upon the same trusts for the benefit of his said daughter Maria Emily Lawson and her children as the said lands devised by his said will And whereas the said testator died on the second day of February one thousand eight hundred and sixty-one without having revoked or altered his said will and codicil so far as the same related to the devises hereinbefore mentioned And whereas the said will contains a power enabling the Trustee or Trustees for the time being of the said will with the consent in writing of the person or persons beneficially interested if he she or they should have attained the age of twenty-one years but if not then of the sole authority of such Trustee or Trustees to lease any of the said lands and hereditaments so devised in trust as hereinbefore mentioned to any person or persons for any number of years not exceeding twenty-one years upon certain terms therein mentioned but the said will does not contain any power enabling the said Trustee or Trustees to grant leases of the said lands and hereditaments or any part thereof for mining purposes And whereas the said Maria Emily Lawson the daughter of the said testator in the said will named has intermarried with and is now the wife of Charles Ieely and there are several children now living of the said marriage And whereas it has been recently discovered that there are valuable mines of gold copper and other minerals and substances upon and under the said lands so devised in trust as hereinbefore mentioned or some of them And whereas it will be greatly for the benefit of all parties interested in the said trust estate if the Trustee or Trustees for the time being of the said will are empowered to grant leases of the said lands and hereditaments for mining purposes Be it therefore 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 Parliament assembled and by the authority of the same as follows:—

1. It shall be lawful for the Trustee or Trustees for the time being of the said will of the said William Lawson with the consent in writing of the person or persons beneficially interested if he she or they shall

Power to grant mining leases not exceeding sixty years.

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shall have attained the age of twenty-one years but if not then of the sole authority of such Trustee or Trustees by deed or deeds but subject nevertheless to the trusts of the said will to demise by way of lease all or any of the mines minerals coals quarries stones clay sand and substances in under or upon the said lands either with or without any messuages buildings lands or hereditaments convenient to be held with the same respectively and either with or without the surface of the lands in or under which the same or any part thereof respectively shall be and whether the same have or have not been hitherto opened or worked for any term of years not exceeding sixty years to take effect in possession together with all such liberties licenses powers and privileges for searching for working the said mines and for getting washing smelting burning rendering merchantable and disposing of minerals coals quarries stones clay sand and substances as to the person or persons for the time being exercising the power hereby given shall seem expedient so as there be reserved on every such lease the best rent or rents tolls duties royalties or reservations by the acre the ton or otherwise to be incident to the immediate reversion that can be reasonably gotten without taking anything in the nature of a fine or premium and so as there be contained in every such lease a condition for re-entry for non-payment or non-delivery within a reasonable time to be therein specified of the rent or rents tolls duties royalties or reservations thereby reserved and so as the lessee or lessees do execute a counterpart thereof and do thereby covenant for the due payment or delivery of the rent or rents tolls duties royalties or reservations thereby reserved Provided always that the reservation of rents tolls duties or royalties the amount of which shall vary with or according to the acreage worked or the minerals coals stones clay sand or substances gotten shall not be taken to be in the nature of a fine or premium though the effect of such reservation may eventually be disadvantageous to the remainder-man.

## Short title of Act.

2. In citing this Act in any instrument document or proceeding it shall be lawful to use the expression "Lawson's Trust Act."

## FIRST SCHEDULE.

Two thousand and sixty acres of land situate at Bonyamurra or Harrison's Plains in the county of Bligh originally granted by the Crown to William Lawson the testator by deed dated on or about the first day of June one thousand eight hundred and forty-one.

Also two thousand five hundred and sixty acres of land situate at Queen Charlotte's Vale in the county of Bathurst granted to the said testator by the Crown by deed dated on or about the fifteenth day of August one thousand eight hundred and thirty-four.

Also six hundred and forty acres situate in the parish of Grantham in the county of Bathurst originally granted to William Lawson the testator's father by the Crown by deed dated on or about the fifteenth day of August one thousand eight hundred and thirty-four.

Also six hundred and forty acres of land situate in the parish of Grantham in the county of Bathurst originally granted by the Crown to the said William Lawson the testator's father by deed dated on or about the thirtieth day of March one thousand eight hundred and thirty-eight.

Also seven hundred acres of land situate in the county of Westmoreland bounded on the west by Campbell's River originally granted by the Crown to the said William Lawson the testator's father by deed dated on or about the fifteenth day of August one thousand eight hundred and thirty-four.

Also six hundred and forty acres of land situate in the parish of Torrens King's Plains in the county of Bathurst originally granted by the Crown to the said William Lawson the testator's father by deed dated on or about the twelfth day of April one thousand eight hundred and thirty-seven.

Also

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Also seventy-eight acres parish and county of Bathurst commencing on the Macquarie River bounded on the north by a line west one hundred and thirty-nine chains forming part of the southern boundary of J. Bayliss' one hundred and eight acres west by F. Parker's sixty-two acres south by T. Miller's eighty-six acres and Nelson Lawson's one hundred and seven acres east by the Macquarie River granted to William Lawson the testator by the Crown by deed dated on or about the first day of June one thousand eight hundred and forty-one.

## SECOND SCHEDULE.

All that piece or parcel of land situate in the parish of Byng in the county of Bathurst in the said Colony containing by admeasurement eleven hundred and eighty-three acres (be the same more or less) bounded on the south by a line east one hundred and thirty-one chains commencing on Lewis' Ponds one mile north of William Toms' grant six hundred and forty acres on the east by a line north eighty chains on the north by a line west one hundred and fifty-two chains to Lewis' Ponds and on the west by Lewis' Ponds to the south-west corner being the land sold as lot 67 in pursuance of the advertisement of the 15th November 1836.

Also all that piece or parcel of land situate in the parish of Byng county and Colony aforesaid containing by admeasurement seven hundred and thirty-seven acres (be the same more or less) bounded on the south by a line west one hundred and nine chains commencing at the south-west corner of a measured portion of one thousand one hundred and eighty-three acres applied for by H. Perrier on the west by a line north eighty chains on the north by a line east eighty-seven chains to Lewis' Ponds and on the east by Lewis' Ponds to the south-west corner of H. Perrier's application for purchase (one thousand one hundred and eighty-three acres) as aforesaid being the land sold as lot 178 in pursuance of the advertisement of the 5th December 1836.

Also all that piece or parcel of land situate in the parish of Worcester county and Colony aforesaid containing by admeasurement nine hundred and thirty-five acres (be the same more or less) bounded on the south by a line west one hundred and fifty-one chains twenty links from Lewis' Ponds commencing at the south-east corner one mile north of a measured portion of one thousand two hundred and forty-one acres on the west by a line north eighty chains on the north by a line east ninety-eight chains to Lewis' Ponds and on the east and north-east by Lewis' Ponds to the south-east corner aforesaid being the land sold as lot 4 in pursuance of the advertisement of 10th July 1837.

And also all that piece or parcel of land situate in the parish of Freemantle sections Nos. 6 and 7 in the county and Colony aforesaid containing by admeasurement one thousand two hundred and forty-one acres (be the same more or less) bounded on the south by a measured portion of one thousand one hundred and eighty-three acres east one hundred and fifty-two chains commencing at Lewis' Ponds at the north-west corner of the aforesaid portion on the east by a line north eighty chains and on the north by a line west one hundred and fifty-seven chains to Lewis' Ponds and on the west by Lewis' Ponds to the north-west corner of the measured portion of one thousand one hundred and eighty-three acres aforesaid being the land sold as lot 26 in pursuance of the advertisement of 2nd April 1838.