

## An Act to amend the "Underwood's Estate Act of 1873." [16th June, 1874.]

### Preamble.

WHEREAS it is expedient to amend the "Underwood's Estate Act of 1873" in the manner hereinafter provided 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:—

Trusts &c. vested in  
trustees may be ex-  
ercised by majority.

1. All the trusts powers and authorities by the said "Underwood's Estate Act of 1873" vested in or conferred upon William Henry Mackenzie senior John Piper Mackenzie and Robert John King in the said Act named as the trustees of the said Act or upon other the trustees for the time being of the said Act and all matters and things incident thereto shall be vested in the said William Henry Mackenzie senior John Piper Mackenzie and Robert John King and two other trustees to be appointed in the manner hereinafter mentioned and such trusts powers authorities and matters may be carried out exercised and done by any three of the said five trustees or other the trustees for the time being of said Act And any conveyance executed by any three of such five trustees or of other the trustees for the time being of the said

Act

*Underwood's Estate Act Amendment.*

Act of land sold under and for the purposes of the said Act shall be valid and effectual to vest the said land and the legal estate therein in the person or persons to whom the same shall be so conveyed as fully and effectually in all respects as if the said conveyance had been executed by all the trustees for the time being of the said Act Provided that such the remaining trustee or trustees shall have had notice to attend a meeting of the whole body of trustees for considering the then question whether such matter or thing shall be carried out exercised or done or whether such conveyance shall be executed and shall either have absented himself or themselves or being present shall have had full opportunity of deliberating with his or their co-trustees upon such question Provided also that in case of difference of opinion between the trustees upon any question arising for their determination in the execution of their trusts under the said recited Act it shall be lawful for the said trustees or any two or more of them to apply to the Primary Judge of the Supreme Court in Equity by petition or summons without instituting any suit upon a written statement or upon affidavit if the Judge shall so require for his decision and direction upon the matter so in difference and the said Judge shall pronounce such decision and give such direction thereon as he shall think just and may make such references as he may think necessary to the Master in Equity for the appointment of solicitors receivers surveyors or auctioneers or any of them and otherwise and such decision and direction shall be binding upon the said trustees and shall so far as may concern all other persons be of the same force and effect as an unanimous determination of the said trustees subject nevertheless to an appeal to or re-hearing by the full Court in the ordinary way Provided nevertheless that when any sale shall have been effected under the proposed exercise of the powers conferred hereby or by the recited Act the title of the purchasers shall not be liable to be impeached on the ground that no case had arisen to authorize the exercise of such powers or any of them.

2. The two additional trustees hereinbefore directed to be appointed shall in the first instance be appointed by the Primary Judge in Equity of the Supreme Court and every vacancy occurring in the trusteeship shall be filled up by the surviving or continuing trustees in the manner provided by section seven of "Underwood's Estate Act of 1873."

3. That the costs and expenses of and incidental to the passing of this Act may be paid by the said trustees or any two of them and deducted by them out of the proceeds of sale of the said land or any part thereof.

4. This Act may be cited as "Underwood's Estate Act Amendment Act of 1874." Short title.