

An Act to enable the Reverend Henry Hodg-^{BOBART'S TRUSTEES.}
kinson Bobart of Parramatta in the County
of Cumberland Clerk and Elizabeth Mary his
wife (late Elizabeth Mary Marsden spinster)
and the survivor of them and their trustees to
grant leases of land situate on the Molong
River in the County of Wellington. [30th
October, 1846.]

WHEREAS by certain letters patent or grant under the hand of ^{Preamble.}
Sir George Gipps Knight Captain General and Governor-in-
Chief of the Territory of New South Wales and its dependencies and
sealed with the seal of the Colony bearing date the eleventh day of ^{Grant of 11th June}
June in the year of Lord one thousand eight hundred and forty-two ^{1842.}
all that piece or parcel of land in the Territory aforesaid containing by
admeasurement

Bobart's Trustees.

admeasurement one thousand two hundred and eighty acres be the same more or less situate in the County of Wellington parish unnamed at Molong bounded on the north by Martha Marsden's grant east one hundred and forty-five chains from the Molong rivulet and a continued east line thirty-three chains fifty links on the east by a line south eighty chains on the south by a line west one hundred and fifty-five chains to Molong rivulet and on the west by that rivulet being the land promised to the said Elizabeth Mary Bobart formerly Elizabeth Mary Marsden spinster and of which she was authorized to take possession on the thirtieth day of August one thousand eight hundred and thirty-one as a clergyman's daughter's portion to be called Hermon with all the rights and appurtenances thereto belonging was granted unto Francis Watkins of Church-street Parramatta in the said Colony and Patrick Hill also of Parramatta and their heirs to the use of the said Henry Hodgkinson Bobart for his life without impeachment of waste and failing that use in his lifetime to the use of the said Francis Watkins and Patrick Hill their executors and administrators during the life of and in trust for the said Henry Hodgkinson Bobart and to preserve contingent remainders and on his death to the use of Elizabeth Mary the wife of the said Henry Hodgkinson Bobart for her life without impeachment of waste and after the decease of the survivor of them the said Henry Hodgkinson Bobart and Elizabeth Mary his wife in case there should be but one child of the said marriage to the use of such only child his or her heirs and assigns for ever and in case there should be more than one child then to the use of all and every the children of the said marriage equally to be divided between them share and share alike as tenants in common and of the heirs of such children lawfully issuing and for default of such child of the said marriage or being such if all should die in the lifetime of the said Henry Hodgkinson Bobart Elizabeth Mary his wife or of the survivor of them to and for such and uses intents and purposes and subject to such powers and conditions and in such manner and form as the said Elizabeth Mary Bobart notwithstanding her coverture by any deed or writing with or without power of revocation to be by her duly executed and attested by two or more credible witnesses should direct or appoint and for want of such appointment to the use of the said Elizabeth Mary Bobart her heirs and assigns for ever subject nevertheless to the payment of the annual quit-rent of ten pounds thirteen shillings and four-pence sterling for ever from the first day of January one thousand eight hundred and thirty-nine And whereas considerable veins and lodes of copper and other ore are believed to exist within and under the said lands or some part thereof and it will be greatly for the benefit and advantage of the said Henry Hodgkinson Bobart and Elizabeth Mary his wife and their children if the said lands were demised and let to any person or persons who may be willing to open and work mines for obtaining the said ores but inasmuch as the said Henry Hodgkinson Bobart and Elizabeth Mary his wife are not by law enabled to let the said lands for any term or number of years beyond their own lives and the life of the survivor of them and it is expedient that the said Henry Hodgkinson Bobart and Elizabeth Mary his wife or the survivor of them should be empowered to grant leases of the said lands for such mining purposes for a definite period or term of years Be it therefore enacted by His Excellency the Governor of New South Wales with the advice and consent of the Legislative Council thereof That from and after the passing of this Act it shall and may be lawful for the said Henry Hodgkinson Bobart and Elizabeth Mary his wife during their joint lives and for the survivor of them and also for the said Francis Watkins and Patrick Hill (their trustees) or the survivor of them his executors or administrators in case any estate or interest in the said lands shall become vested in them

The Rev. Henry Hodgkinson Bobart and Elizabeth Mary his wife and the survivor and their trustees empowered to grant leases &c.

Bobart's Trustees.

them or him under the limitation contained in the said grant by any deed or deeds writing or writings to demise or lease all or any part of the said lands and hereditaments comprised in the said letters patent or grant to any person or persons who may be willing to open and work any mine or mines for digging for and obtaining any copper or other ores that may be found in and under the said lands or any part thereof and to make and execute any grant or license or grants or licenses for the purposes aforesaid with all necessary powers and authorities for such lessee or lessees grantee or grantees to erect all proper and requisite buildings engines and machinery for carrying on and conducting the works of the said mines and for smelting and refining the said ores and minerals on the said lands for any term or number of years not exceeding in the whole the term of forty years from this Act taking effect to take effect in possession and not in reversion or remainder or by way of future interest and so that in every such demise lease or license there be reserved the best and most approved yearly rent payment royalty or reservation during the existence of such lease and license without taking any fine or premium for the same and so that the lessee or lessees execute a counterpart or counterparts thereof and thereby covenant for the payment or render of the rent royalty and reservation to be thereby reserved.

2. 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 herein and claiming or to claim under the said letters patent or grant and any limitation therein.

This Act not to affect the rights of Her Majesty or any corporation &c.

3. 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 by the order of His Excellency the Governor for the time being of the said Colony in the *New South Wales Government Gazette*.

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