ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

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C A P. CVIII.

An Act to confirm certain Sales, Exchanges, Partitions, and Enfranchisements by Trustees and others. [7th *August* 1862.]

WHEREAS Trustees and others, in the intended Exercise of Trusts or Powers authorizing them to dispose of Land by Sale, Exchange, Partition, or Enfranchisement, have disposed of Land subject to such Trusts or Powers, with an Exception or Reservation of Minerals, and either with or without Rights and Powers for or incidental to the working, getting, and carrying away of such Minerals, or otherwise relating thereto, or have so disposed of Minerals with or without such Rights and Powers separately from the Residue of the Land, such Mode of Disposition not being expressly authorized nor forbidden by the Instrument creating the Trust or Power: And whereas it is expedient to confirm such Dispositions as aforesaid: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Powers of Sale, &c. not to be invalid on

1. No Sale, Exchange, Partition, or Enfranchisement at any Time heretofore of Land by any Trustee or other Person, expressed or

the Ground of Want of express Mention of Exception of Reservation of Minerals, &c.

intended to be made in exercise of any Trust or Power authorizing the Sale, Exchange, Partition, or Enfranchisement of Land, and not forbidding the Reservation of Minerals, and which Sale, Exchange, Partition, or Enfranchisement shall have been made with an Exception or Reservation of Minerals, and with or without Rights or Powers for or incidental to the working, getting, and carrying away of such Minerals, or otherwise relating thereto, shall be invalid on the Ground only that the Trust or Power did not expressly authorize such Exception or Reservation, but such Sale, Exchange, Partition, or Enfranchisement shall be deemed to have taken effect in the same Manner as if the Exception or Reservation had been authorized by the Trust or Power; and no Sale, Exchange, or Partition heretofore made as aforesaid of any Minerals separately from the Residue of the Land subject to the Trust or Power intended to have been exercised, and either with or without such Rights or Powers as aforesaid, shall be invalid on the Ground only that the Trust or Power did not expressly authorize such Sale, Exchange, or Partition, but such Sale, Exchange, or Partition shall be deemed to have taken effect in the same Manner as if such Minerals, Rights, and Powers (if any) had been expressly authorized to be so dealt with separately from the Residue of such Land; but this Enactment shall not be deemed to confirm any Sale, Exchange, Partition, or Enfranchisement already declared by a Court of competent Jurisdiction to be invalid, nor to confirm or affect any Sale, Exchange, Partition, or Enfranchisement as to the Validity of which any Suit or other Proceeding is now pending.

Not to confirm Sales, &c. declared invalid, or pending.

Trustees may dispose of Land or Minerals separately, without the Residue, &c.

2. And whereas it is expedient that Trusts and Powers to dispose of Land by way of Sale, Exchange, Partition, or Enfranchisement should be extended in the Manner herein-after appearing:

Every Trustee and other Person now or hereafter to become authorized to dispose of Land by way of Sale, Exchange, Partition, or Enfranchisement may, unless forbidden by the Instrument creating the Trust or Power, so dispose of such Land with an Exception or Reservation of any Minerals, and with or without Rights and Powers of or incidental to the working, getting, or carrying away of such Minerals, or may (unless forbidden as aforesaid) dispose of by way of Sale, Exchange, or Partition the Minerals with or without such Rights or Powers separately from the Residue of the Land, and in either Case without Prejudice to any future Exercise of the Authority with respect to the excepted Minerals, or (as the Case may be) the undisposed-of Land; but this Enactment shall not enable any such Disposition as aforesaid without the previous Sanction of the Court of Chancery, to be obtained on Petition in a summary Way of the Trustee or other Person authorized as aforesaid, which Sanction once obtained shall extend to the enabling from Time to Time of any Disposition

Sanction of Court of Chancery requisite.

Disposition within this Enactment of any Part or Parts of the Land comprised in the Order to be made on such Petition, without the Necessity of any further or other Application to the Court.

3. This Act shall not extend to *Ireland* or *Scotland.* Extent of Act.

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