

New South Wales



ANNO VICESIMO

ELIZABETHÆ II REGINÆ

An Act to enable the Trustees of the Will of James Francis Wilson deceased to pay and transfer to beneficiaries under the said Will the capital of the shares of the residuary estate of the said deceased the income whereof is bequeathed to them respectively to be applied for the respective charitable purposes mentioned in the said Will; to vary the trusts of the said Will accordingly; and for purposes connected therewith. [Assented to, 14th May, 1971.]

WHEREAS

J. F. Wilson Will Trusts Variation.

Preamble.

WHEREAS :

- (1) On the twenty-seventh day of February one thousand nine hundred and sixty-six James Francis Wilson (hereinafter referred to as "the deceased") late of Wollstonecraft in the State of New South Wales, Company Director, died having first duly made and published his last Will and Testament Probate whereof was on the twenty-second day of August one thousand nine hundred and sixty-six duly granted by the Supreme Court of New South Wales in its Probate jurisdiction to Colin Robert Milne and Peter Lancing Crosthwaite both of Sydney Solicitor and Chartered Accountant respectively (hereinafter referred to as "the Trustees") the Executors and Trustees named in the said Will :
- (2) The trusts of the said Will in respect of the residuary estate of the deceased provide for payment thereof of debts, duties and expenses and for division of the ultimate residue thereof into four equal parts :
- (3) One of such parts was devised and bequeathed upon trusts providing for the payment and transfer of the income and capital thereof to the Trustees of the Roman Catholic Archdiocese of Sydney to be applied in and towards the education in New South Wales of children of the Roman Catholic faith :
- (4) The trusts of the said Will in respect of the remaining three parts of the ultimate residue of the said residuary estate are in the following terms that is to say :
"And to hold the remaining three of such equal parts which together with any bequest to be added thereto which may be made by my sister the said Rose Wilson shall be called 'The William Wilson Fund' UPON TRUST to pay the net

annual

J. F. Wilson Will Trusts Variation.

annual income arising therefrom in perpetuity equally to THE TRUSTEES OF THE SUPERIOR COUNCIL OF AUSTRALIA OF THE SOCIETY OF ST. VINCENT DE PAUL to be applied by the Trustees at their discretion within the State of New South Wales for the relief of poverty and education THE MOTHER SUPERIOR for the time being of THE DAUGHTERS OF CHARITY OF ST. VINCENT DE PAUL and THE TRUSTEES OF OUR LADY'S NURSES OF THE POOR to be applied in New South Wales for the purposes of the Order or the survivors or survivor of them PROVIDED ALWAYS that if my said sister shall predecease me and shall have created in her own Will a fund to be called 'The William Wilson Fund' to be held and applied upon like trusts as hereinbefore mentioned THEN I GIVE DEVISE AND BEQUEATH the said remaining three of such equal parts to the Trustees of 'The William Wilson Fund' so created to be added thereto and held and applied upon the trusts thereof” :

- (5) The residuary estate of the deceased after payment thereof of debts duties and expenses comprises assets of substantial value :
- (6) The sister hereinbefore referred to of the deceased survived him and is not desirous that any fund to be called “The William Wilson Fund” be established or maintained as provided by the hereinbefore recited trusts of the said Will of the deceased :
- (7) The said hereinbefore recited trusts constitute valid trusts for charitable purposes but as to the said three parts create only endowments of income in perpetuity for such charitable purposes and do not constitute gifts of the capital thereof :

(8)

J. F. Wilson Will Trusts Variation.

- (8) The beneficiaries referred to in the hereinbefore recited trusts of the income of the said three parts are desirous that the capital of the residuary estate of the deceased the net annual income whereof is bequeathed equally between them upon the trusts hereinbefore recited be paid or paid and transferred as the case may be to them in equal shares to be applied by them respectively for the same respective purposes as are specified in the hereinbefore recited trusts of the respective shares in the said net annual income :
- (9) The Trustees are precluded from paying or paying and transferring as the case may be the said capital to the said beneficiaries as so desired by them by reason of the absence of any power or authority for that purpose vested in them by the said Will or by law and by reason of the absence of any inherent or statutory jurisdiction in any Court or other person or body to grant such power or authority to the Trustees :
- (10) It is expedient to empower and authorize the Trustees to pay or to pay and transfer as the case may be to the said respective beneficiaries in equal shares the capital of the residuary estate of the deceased the net annual income whereof is bequeathed equally between them by the hereinbefore recited trusts of the said Will to be applied by them respectively for the same respective purposes as are specified in the hereinbefore recited trusts of the respective shares in the said net annual income thereof and to vary the trusts of the said Will of the deceased accordingly :

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 :

Short
title.

1. This Act may be cited as the "J. F. Wilson Will Trusts Variation Act, 1971".

2.

J. F. Wilson Will Trusts Variation.

2. Colin Robert Milne and Peter Lancing Crosthwaite as Trustees of the Will of the deceased or other the Trustee or Trustees for the time being of the said Will are hereby authorized and empowered in their absolute discretion to pay and transfer to The Trustees of the Superior Council of Australia of the Society of St Vincent de Paul being a body corporate, and to the Mother Superior for the time being of the Daughters of Charity of St Vincent de Paul and to the Trustees of Our Lady's Nurses of the Poor being a body corporate, a one-third part respectively of the assets and moneys comprising the capital of the shares of the residuary estate of the deceased the net annual income whereof is bequeathed to them in equal shares by the trusts of the said Will and to execute all instruments required to effect such payment and transfer and the trusts of the said Will are hereby varied accordingly.

Authority to pay or to pay and transfer capital assets.

3. Nothing in this Act shall be deemed to exclude or affect the power to sell the whole or any portion of the estate of the deceased given to the Trustees of the said Will by the said Will and if they should exercise the said power the said Trustees are also authorized in their absolute discretion to pay the net proceeds of such sale comprised in the said shares of the said residuary estate to the respective beneficiaries abovenamed in the shares abovementioned.

Preservation of power of sale and authority to pay proceeds thereof.

4. The capital of each said respective share of the said residuary estate whether then consisting wholly of money or partly of money and partly of other assets shall upon payment or payment and transfer thereof as the case may be to the respective beneficiary abovenamed be held and applied by that beneficiary for the same purposes as are provided in respect of the net annual income thereof by the trusts of the said Will.

Application of assets or moneys.

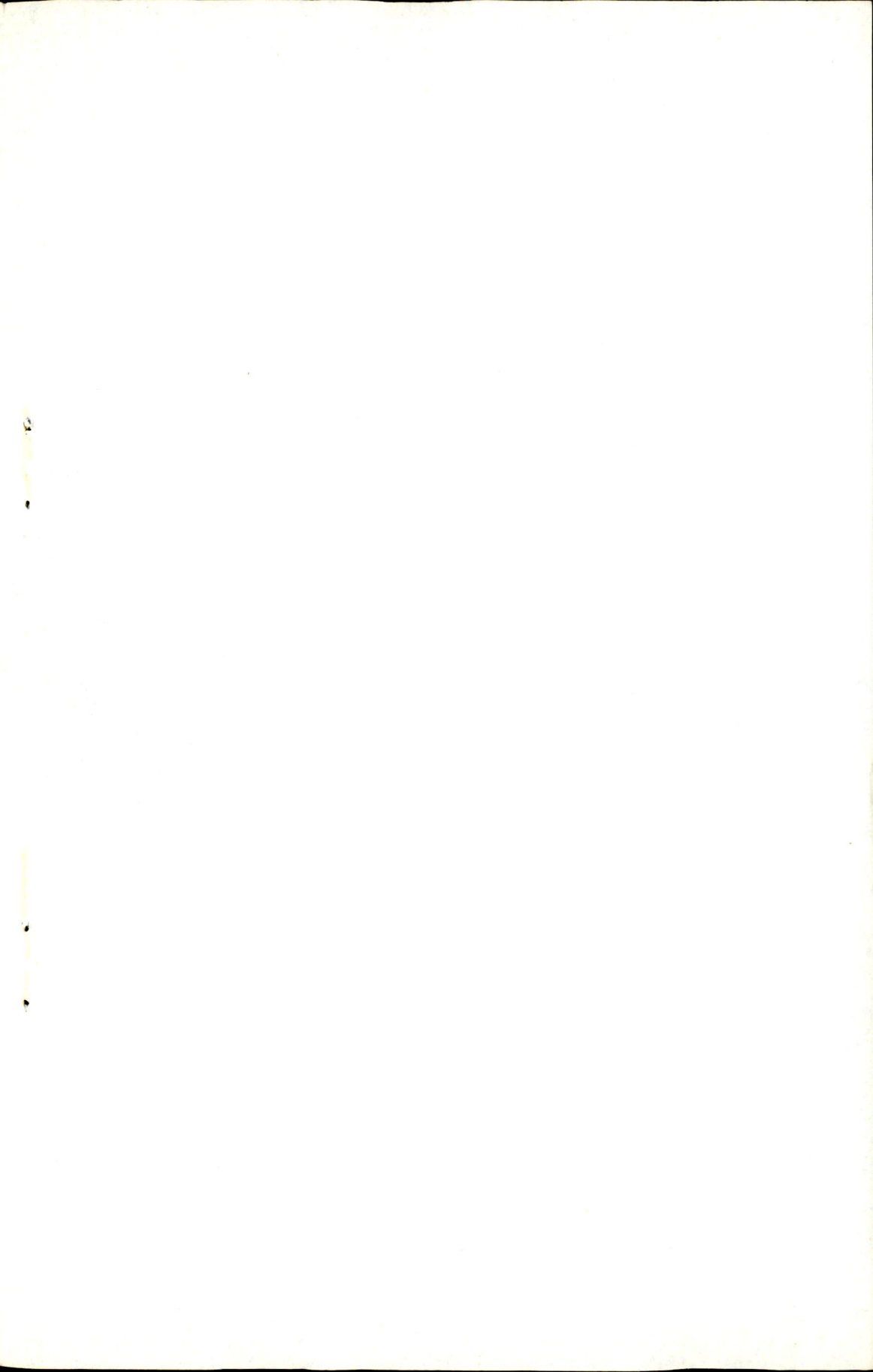
J. F. Wilson Will Trusts Variation.

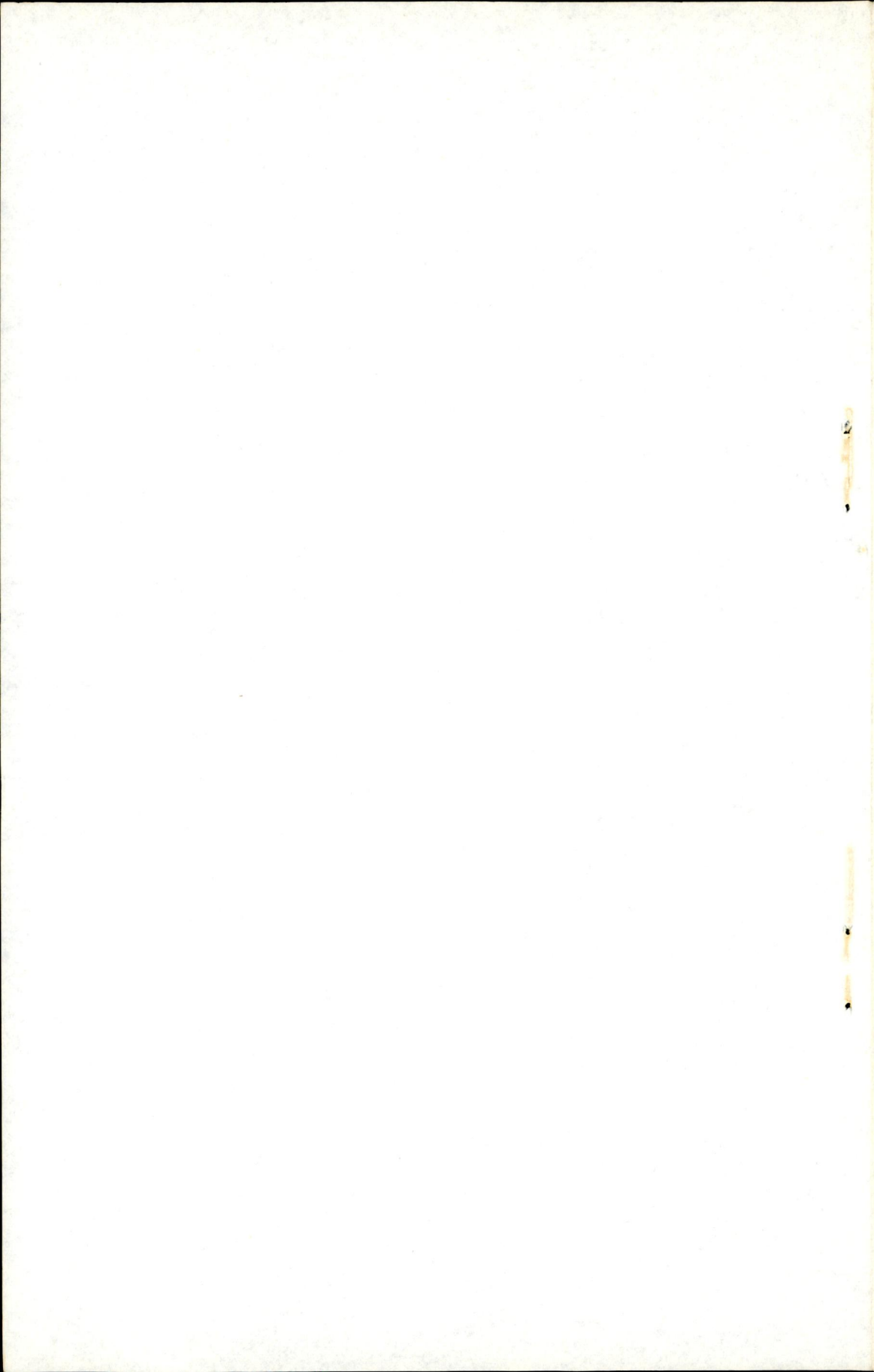
Discharge
of
Trustees.

5. The receipt of the Secretary Treasurer or other proper Officer of The Trustees of the Superior Council of Australia of the Society of St Vincent de Paul and of the Trustees of Our Lady's Nurses of the Poor and of the person at the time of payment or payment and transfer as the case may be appearing to the Trustees of the said Will to be the Mother Superior of the Daughters of Charity of St Vincent de Paul shall in each instance respectively be a full and sufficient discharge to the Trustees of the said Will for the payment or payment and transfer as the case may be of capital assets authorized to be made by this Act and the Trustees of the said Will shall not be bound to see to the application thereafter of such capital assets.

BY AUTHORITY:

V. C. N. BRIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1971





I certify that this PRIVATE BILL, which originated in the LEGISLATIVE COUNCIL, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

J. R. STEVENSON,
Clerk of the Parliaments.

*Legislative Council Chamber,
Sydney, 6 May, 1971.*

New South Wales



ANNO VICESIMO

ELIZABETHÆ II REGINÆ

An Act to enable the Trustees of the Will of James Francis Wilson deceased to pay and transfer to beneficiaries under the said Will the capital of the shares of the residuary estate of the said deceased the income whereof is bequeathed to them respectively to be applied for the respective charitable purposes mentioned in the said Will; to vary the trusts of the said Will accordingly; and for purposes connected therewith. [Assented to, 14th May, 1971.]

WHEREAS

J. F. Wilson Will Trusts Variation.

Preamble. WHEREAS :

- (1) On the twenty-seventh day of February one thousand nine hundred and sixty-six James Francis Wilson (hereinafter referred to as "the deceased") late of Wollstonecraft in the State of New South Wales, Company Director, died having first duly made and published his last Will and Testament Probate whereof was on the twenty-second day of August one thousand nine hundred and sixty-six duly granted by the Supreme Court of New South Wales in its Probate jurisdiction to Colin Robert Milne and Peter Lancing Crosthwaite both of Sydney Solicitor and Chartered Accountant respectively (hereinafter referred to as "the Trustees") the Executors and Trustees named in the said Will :
- (2) The trusts of the said Will in respect of the residuary estate of the deceased provide for payment thereout of debts, duties and expenses and for division of the ultimate residue thereof into four equal parts :
- (3) One of such parts was devised and bequeathed upon trusts providing for the payment and transfer of the income and capital thereof to the Trustees of the Roman Catholic Archdiocese of Sydney to be applied in and towards the education in New South Wales of children of the Roman Catholic faith :
- (4) The trusts of the said Will in respect of the remaining three parts of the ultimate residue of the said residuary estate are in the following terms that is to say :

"And to hold the remaining three of such equal parts which together with any bequest to be added thereto which may be made by my sister the said Rose Wilson shall be called 'The William Wilson Fund' UPON TRUST to pay the net
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J. F. Wilson Will Trusts Variation.

annual income arising therefrom in perpetuity equally to THE TRUSTEES OF THE SUPERIOR COUNCIL OF AUSTRALIA OF THE SOCIETY OF ST. VINCENT DE PAUL to be applied by the Trustees at their discretion within the State of New South Wales for the relief of poverty and education THE MOTHER SUPERIOR for the time being of THE DAUGHTERS OF CHARITY OF ST. VINCENT DE PAUL and THE TRUSTEES OF OUR LADY'S NURSES OF THE POOR to be applied in New South Wales for the purposes of the Order or the survivors or survivor of them PROVIDED ALWAYS that if my said sister shall predecease me and shall have created in her own Will a fund to be called 'The William Wilson Fund' to be held and applied upon like trusts as hereinbefore mentioned THEN I GIVE DEVISE AND BEQUEATH the said remaining three of such equal parts to the Trustees of 'The William Wilson Fund' so created to be added thereto and held and applied upon the trusts thereof” :

- (5) The residuary estate of the deceased after payment thereof of debts duties and expenses comprises assets of substantial value :
- (6) The sister hereinbefore referred to of the deceased survived him and is not desirous that any fund to be called “The William Wilson Fund” be established or maintained as provided by the hereinbefore recited trusts of the said Will of the deceased :
- (7) The said hereinbefore recited trusts constitute valid trusts for charitable purposes but as to the said three parts create only endowments of income in perpetuity for such charitable purposes and do not constitute gifts of the capital thereof :

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J. F. Wilson Will Trusts Variation.

- (8) The beneficiaries referred to in the hereinbefore recited trusts of the income of the said three parts are desirous that the capital of the residuary estate of the deceased the net annual income whereof is bequeathed equally between them upon the trusts hereinbefore recited be paid or paid and transferred as the case may be to them in equal shares to be applied by them respectively for the same respective purposes as are specified in the hereinbefore recited trusts of the respective shares in the said net annual income :
- (9) The Trustees are precluded from paying or paying and transferring as the case may be the said capital to the said beneficiaries as so desired by them by reason of the absence of any power or authority for that purpose vested in them by the said Will or by law and by reason of the absence of any inherent or statutory jurisdiction in any Court or other person or body to grant such power or authority to the Trustees :
- (10) It is expedient to empower and authorize the Trustees to pay or to pay and transfer as the case may be to the said respective beneficiaries in equal shares the capital of the residuary estate of the deceased the net annual income whereof is bequeathed equally between them by the hereinbefore recited trusts of the said Will to be applied by them respectively for the same respective purposes as are specified in the hereinbefore recited trusts of the respective shares in the said net annual income thereof and to vary the trusts of the said Will of the deceased accordingly :

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 :

Short
title.

1. This Act may be cited as the "J. F. Wilson Will Trusts Variation Act, 1971".

2.

J. F. Wilson Will Trusts Variation.

2. Colin Robert Milne and Peter Lancing Crosthwaite as Trustees of the Will of the deceased or other the Trustee or Trustees for the time being of the said Will are hereby authorized and empowered in their absolute discretion to pay and transfer to The Trustees of the Superior Council of Australia of the Society of St Vincent de Paul being a body corporate, and to the Mother Superior for the time being of the Daughters of Charity of St Vincent de Paul and to the Trustees of Our Lady's Nurses of the Poor being a body corporate, a one-third part respectively of the assets and moneys comprising the capital of the shares of the residuary estate of the deceased the net annual income whereof is bequeathed to them in equal shares by the trusts of the said Will and to execute all instruments required to effect such payment and transfer and the trusts of the said Will are hereby varied accordingly.

Authority to pay or to pay and transfer capital assets.

3. Nothing in this Act shall be deemed to exclude or affect the power to sell the whole or any portion of the estate of the deceased given to the Trustees of the said Will by the said Will and if they should exercise the said power the said Trustees are also authorized in their absolute discretion to pay the net proceeds of such sale comprised in the said shares of the said residuary estate to the respective beneficiaries abovenamed in the shares abovementioned.

Preservation of power of sale and authority to pay proceeds thereof.

4. The capital of each said respective share of the said residuary estate whether then consisting wholly of money or partly of money and partly of other assets shall upon payment or payment and transfer thereof as the case may be to the respective beneficiary abovenamed be held and applied by that beneficiary for the same purposes as are provided in respect of the net annual income thereof by the trusts of the said Will.

Application of assets or moneys.

J. F. Wilson Will Trusts Variation.

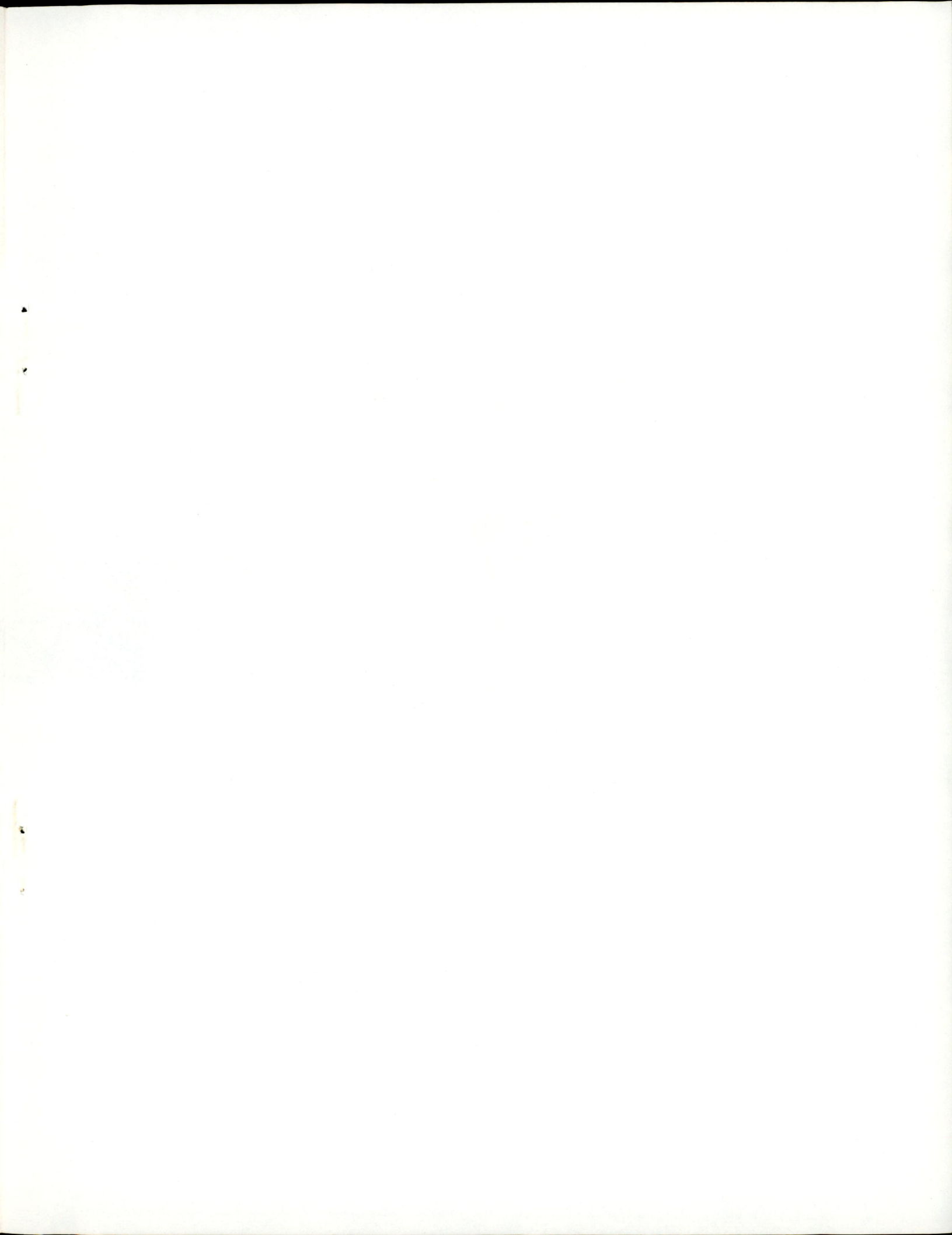
Discharge
of
Trustees.

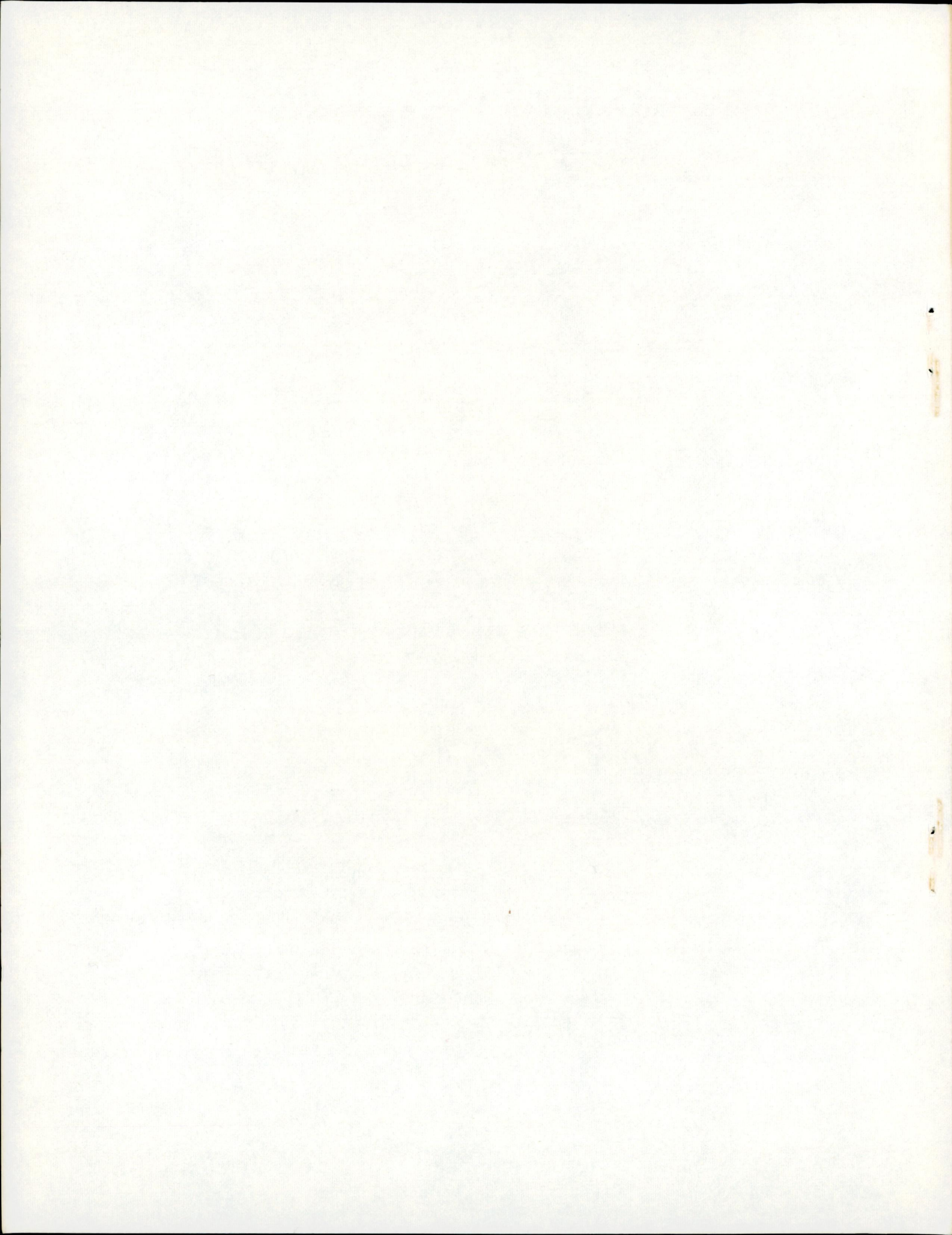
5. The receipt of the Secretary Treasurer or other proper Officer of The Trustees of the Superior Council of Australia of the Society of St Vincent de Paul and of the Trustees of Our Lady's Nurses of the Poor and of the person at the time of payment or payment and transfer as the case may be appearing to the Trustees of the said Will to be the Mother Superior of the Daughters of Charity of St Vincent de Paul shall in each instance respectively be a full and sufficient discharge to the Trustees of the said Will for the payment or payment and transfer as the case may be of capital assets authorized to be made by this Act and the Trustees of the said Will shall not be bound to see to the application thereafter of such capital assets.

In the name and on behalf of Her Majesty I assent to this Act.

A. R. CUTLER,
Governor.

*Government House,
Sydney, 14th May, 1971.*





This PRIVATE BILL originated in the LEGISLATIVE COUNCIL, and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.

J. R. STEVENSON,
Clerk of the Parliaments.

*Legislative Council Chamber,
Sydney, 29 April, 1971.*

New South Wales



ANNO VICESIMO

ELIZABETHÆ II REGINÆ

An Act to enable the Trustees of the Will of James Francis Wilson deceased to pay and transfer to beneficiaries under the said Will the capital of the shares of the residuary estate of the said deceased the income whereof is bequeathed to them respectively to be applied for the respective charitable purposes mentioned in the said Will; to vary the trusts of the said Will accordingly; and for purposes connected therewith.

WHEREAS

J. F. Wilson Will Trusts Variation.

WHEREAS :

Preamble.

5 (1) On the twenty-seventh day of February one thousand nine hundred and sixty-six James Francis Wilson (hereinafter referred to as "the deceased") late of Wollstonecraft in the State of New South Wales, Company Director, died having first duly made and published his last Will and Testament Probate whereof was on the twenty-second day of August one thousand nine hundred and sixty-six

10 duly granted by the Supreme Court of New South Wales in its Probate jurisdiction to Colin Robert Milne and Peter Lancing Crosthwaite both of Sydney Solicitor and Chartered Accountant respectively (hereinafter referred to as "the Trustees")

15 the Executors and Trustees named in the said Will :

20 (2) The trusts of the said Will in respect of the residuary estate of the deceased provide for payment thereof of debts, duties and expenses and for division of the ultimate residue thereof into four equal parts :

25 (3) One of such parts was devised and bequeathed upon trusts providing for the payment and transfer of the income and capital thereof to the Trustees of the Roman Catholic Archdiocese of Sydney to be applied in and towards the education in New South Wales of children of the Roman Catholic faith :

30 (4) The trusts of the said Will in respect of the remaining three parts of the ultimate residue of the said residuary estate are in the following terms that is to say :

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J. F. Wilson Will Trusts Variation.

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OF CHARITY OF ST. VINCENT DE PAUL
10 and THE TRUSTEES OF OUR LADY'S
NURSES OF THE POOR to be applied in New
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survivors or survivor of them PROVIDED
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me and shall have created in her own Will a fund
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mentioned THEN I GIVE DEVISE AND
20 BEQUEATH the said remaining three of such
equal parts to the Trustees of 'The William
Wilson Fund' so created to be added thereto and
held and applied upon the trusts thereof” :

- 25 (5) The residuary estate of the deceased after payment
thereout of debts duties and expenses comprises
assets of substantial value :
- 30 (6) The sister hereinbefore referred to of the deceased
survived him and is not desirous that any fund to
be called “The William Wilson Fund” be estab-
lished or maintained as provided by the herein-
before recited trusts of the said Will of the
deceased :
- 35 (7) The said hereinbefore recited trusts constitute valid
trusts for charitable purposes but as to the said
three parts create only endowments of income in
perpetuity for such charitable purposes and do not
constitute gifts of the capital thereof :

(8)

J. F. Wilson Will Trusts Variation.

- (8) The beneficiaries referred to in the hereinbefore recited trusts of the income of the said three parts are desirous that the capital of the residuary estate of the deceased the net annual income whereof is bequeathed equally between them upon the trusts hereinbefore recited be paid or paid and transferred as the case may be to them in equal shares to be applied by them respectively for the same respective purposes as are specified in the hereinbefore recited trusts of the respective shares in the said net annual income :
- (9) The Trustees are precluded from paying or paying and transferring as the case may be the said capital to the said beneficiaries as so desired by them by reason of the absence of any power or authority for that purpose vested in them by the said Will or by law and by reason of the absence of any inherent or statutory jurisdiction in any Court or other person or body to grant such power or authority to the Trustees :
- (10) It is expedient to empower and authorize the Trustees to pay or to pay and transfer as the case may be to the said respective beneficiaries in equal shares the capital of the residuary estate of the deceased the net annual income whereof is bequeathed equally between them by the hereinbefore recited trusts of the said Will to be applied by them respectively for the same respective purposes as are specified in the hereinbefore recited trusts of the respective shares in the said net annual income thereof and to vary the trusts of the said Will of the deceased accordingly :

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. This Act may be cited as the "J. F. Wilson Will Trusts Variator Act, 1971".

Short
title.

2.

J. F. Wilson Will Trusts Variation.

2. Colin Robert Milne and Peter Lancing Crosthwaite
 as Trustees of the Will of the deceased or other the Trustee
 or Trustees for the time being of the said Will are hereby
 authorized and empowered in their absolute discretion to pay
 5 and transfer to The Trustees of the Superior Council of
 Australia of the Society of St Vincent de Paul being a body
 corporate, and to the Mother Superior for the time being of
 the Daughters of Charity of St Vincent de Paul and to the
 Trustees of Our Lady's Nurses of the Poor being a body
 10 corporate, a one-third part respectively of the assets and
 moneys comprising the capital of the shares of the residuary
 estate of the deceased the net annual income whereof is
 bequeathed to them in equal shares by the trusts of the said
 Will and to execute all instruments required to effect such
 15 payment and transfer and the trusts of the said Will are
 hereby varied accordingly.

Authority to pay or to pay and transfer capital assets.

3. Nothing in this Act shall be deemed to exclude or
 affect the power to sell the whole or any portion of the estate
 of the deceased given to the Trustees of the said Will by the
 20 said Will and if they should exercise the said power the said
 Trustees are also authorized in their absolute discretion to pay
 the net proceeds of such sale comprised in the said shares of
 the said residuary estate to the respective beneficiaries above-
 named in the shares abovementioned.

Preservation of power of sale and authority to pay proceeds thereof.

25 4. The capital of each said respective share of the said
 residuary estate whether then consisting wholly of money or
 partly of money and partly of other assets shall upon payment
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 respective beneficiary abovenamed be held and applied by
 30 that beneficiary for the same purposes as are provided in
 respect of the net annual income thereof by the trusts of the
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Application of assets or moneys.

J. F. Wilson Will Trusts Variation.

5. The receipt of the Secretary Treasurer or other proper Officer of The Trustees of the Superior Council of Australia of the Society of St Vincent de Paul and of the Trustees of Our Lady's Nurses of the Poor and of the person at the time
5 of payment or payment and transfer as the case may be appearing to the Trustees of the said Will to be the Mother Superior of the Daughters of Charity of St Vincent de Paul shall in each instance respectively be a full and sufficient discharge to the Trustees of the said Will for the payment or
10 payment and transfer as the case may be of capital assets authorized to be made by this Act and the Trustees of the said Will shall not be bound to see to the application thereafter of such capital assets.

Discharge
of
Trustees.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1971
[5c]

1911

The first part of the report
concerns the general conditions
of the country and the
state of the population.
It is found that the
country is generally
well developed and
the population is
increasing rapidly.
The second part of the
report deals with the
economy and the
resources of the country.
It is found that the
economy is generally
well developed and
the resources are
abundant.

THE HOUSE OF REPRESENTATIVES
LEGISLATIVE

OFFICE OF THE CLERK
LEGISLATIVE

APRIL 29 1971

FIVE

This PRIVATE BILL originated in the LEGISLATIVE COUNCIL, and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.

Clerk of the Parliaments.

*Legislative Council Chamber,
Sydney, April, 1971.*

New South Wales



ANNO VICESIMO

ELIZABETHÆ II REGINÆ

An Act to enable the Trustees of the Will of James Francis Wilson deceased to pay and transfer to beneficiaries under the said Will the capital of the shares of the residuary estate of the said deceased the income whereof is bequeathed to them respectively to be applied for the respective charitable purposes mentioned in the said Will; to vary the trusts of the said Will accordingly; and for purposes connected therewith.

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J. F. Wilson Will Trusts Variation.

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5 (1) On the twenty-seventh day of February one thousand nine hundred and sixty-six James Francis Wilson (hereinafter referred to as "the deceased") late of Wollstonecraft in the State of New South Wales, Company Director, died having first duly made and published his last Will and Testament Probate whereof was on the twenty-second day of August one thousand nine hundred and sixty-six 10 duly granted by the Supreme Court of New South Wales in its Probate jurisdiction to Colin Robert Milne and Peter Lancing Crosthwaite both of Sydney Solicitor and Chartered Accountant respectively (hereinafter referred to as "the Trustees") 15 the Executors and Trustees named in the said Will :

20 (2) The trusts of the said Will in respect of the residuary estate of the deceased provide for payment thereof of debts, duties and expenses and for division of the ultimate residue thereof into four equal parts :

25 (3) One of such parts was devised and bequeathed upon trusts providing for the payment and transfer of the income and capital thereof to the Trustees of the Roman Catholic Archdiocese of Sydney to be applied in and towards the education in New South Wales of children of the Roman Catholic faith :

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J. F. Wilson Will Trusts Variation.

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- 10
- 15 (9) The Trustees are precluded from paying or paying and transferring as the case may be the said capital to the said beneficiaries as so desired by them by reason of the absence of any power or authority for that purpose vested in them by the said Will or by law and by reason of the absence of any inherent or statutory jurisdiction in any Court or other person or body to grant such power or authority to the Trustees :
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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. This Act may be cited as the "J. F. Wilson Will Trusts Variation Act, 1971".

Short title.

2.

J. F. Wilson Will Trusts Variation.

2. Colin Robert Milne and Peter Lancing Crosthwaite as Trustees of the Will of the deceased or other the Trustee or Trustees for the time being of the said Will are hereby authorized and empowered in their absolute discretion to pay and transfer to The Trustees of the Superior Council of Australia of the Society of St Vincent de Paul being a body corporate, and to the Mother Superior for the time being of the Daughters of Charity of St Vincent de Paul and to the Trustees of Our Lady's Nurses of the Poor being a body corporate, a one-third part respectively of the assets and moneys comprising the capital of the shares of the residuary estate of the deceased the net annual income whereof is bequeathed to them in equal shares by the trusts of the said Will and to execute all instruments required to effect such payment and transfer and the trusts of the said Will are hereby varied accordingly.

Authority to pay or to pay and transfer capital assets.

3. Nothing in this Act shall be deemed to exclude or affect the power to sell the whole or any portion of the estate of the deceased given to the Trustees of the said Will by the said Will and if they should exercise the said power the said Trustees are also authorized in their absolute discretion to pay the net proceeds of such sale comprised in the said shares of the said residuary estate to the respective beneficiaries abovenamed in the shares abovementioned.

Preservation of power of sale and authority to pay proceeds thereof.

4. The capital of each said respective share of the said residuary estate whether then consisting wholly of money or partly of money and partly of other assets shall upon payment or payment and transfer thereof as the case may be to the respective beneficiary abovenamed be held and applied by that beneficiary for the same purposes as are provided in respect of the net annual income thereof by the trusts of the said Will.

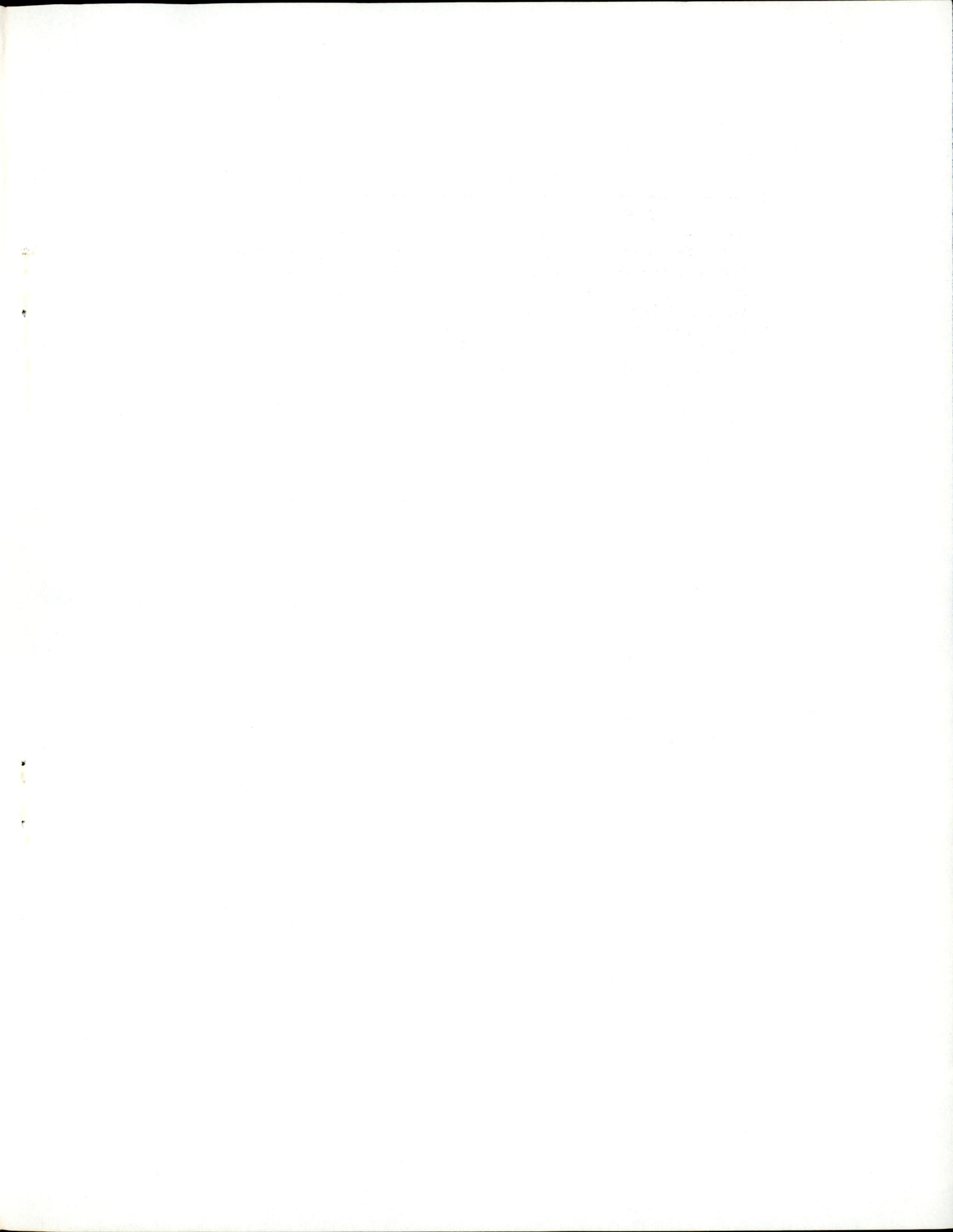
Application of assets or moneys.

J. F. Wilson Will Trusts Variation.

5 **5.** The receipt of the Secretary Treasurer or other proper Discharge
Officer of The Trustees of the Superior Council of Australia of Trustees.
of the Society of St Vincent de Paul and of the Trustees of
Our Lady's Nurses of the Poor and of the person at the time
10 of payment or payment and transfer as the case may be
appearing to the Trustees of the said Will to be the Mother
Superior of the Daughters of Charity of St Vincent de Paul
shall in each instance respectively be a full and sufficient
15 discharge to the Trustees of the said Will for the payment or
payment and transfer as the case may be of capital assets
authorized to be made by this Act and the Trustees of the
said Will shall not be bound to see to the application there-
after of such capital assets.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1971



PROOF

Legislative Council

1971

A BILL

To enable the Trustees of the Will of James Francis Wilson deceased to pay and transfer to beneficiaries under the said Will the capital of the shares of the residuary estate of the said deceased the income whereof is bequeathed to them respectively to be applied for the respective charitable purposes mentioned in the said Will; to vary the trusts of the said Will accordingly; and for purposes connected therewith.

[MR RILEY—27 April, 1971.]

WHEREAS

J. F. Wilson Will Trusts Variation.

WHEREAS :

Preamble.

5 (1) On the twenty-seventh day of February one thousand nine hundred and sixty-six James Francis Wilson (hereinafter referred to as "the deceased") late of Wollstonecraft in the State of New South Wales, Company Director, died having first duly made and published his last Will and Testament Probate whereof was on the twenty-second day of August one thousand nine hundred and sixty-six

10 duly granted by the Supreme Court of New South Wales in its Probate jurisdiction to Colin Robert Milne and Peter Lancing Crosthwaite both of Sydney Solicitor and Chartered Accountant respectively (hereinafter referred to as "the Trustees")

15 the Executors and Trustees named in the said Will :

20 (2) The trusts of the said Will in respect of the residuary estate of the deceased provide for payment thereof of debts, duties and expenses and for division of the ultimate residue thereof into four equal parts :

25 (3) One of such parts was devised and bequeathed upon trusts providing for the payment and transfer of the income and capital thereof to the Trustees of the Roman Catholic Archdiocese of Sydney to be applied in and towards the education in New South Wales of children of the Roman Catholic faith :

30 (4) The trusts of the said Will in respect of the remaining three parts of the ultimate residue of the said residuary estate are in the following terms that is to say :

35 "And to hold the remaining three of such equal parts which together with any bequest to be added thereto which may be made by my sister the said Rose Wilson shall be called 'The William Wilson Fund' UPON TRUST to pay the net

annual

J. F. Wilson Will Trusts Variation.

5 annual income arising therefrom in perpetuity
equally to THE TRUSTEES OF THE SUPER-
IOR COUNCIL OF AUSTRALIA OF THE
SOCIETY OF ST. VINCENT DE PAUL to be
applied by the Trustees at their discretion within
the State of New South Wales for the relief of
poverty and education THE MOTHER SUPER-
IOR for the time being of THE DAUGHTERS
OF CHARITY OF ST. VINCENT DE PAUL
10 and THE TRUSTEES OF OUR LADY'S
NURSES OF THE POOR to be applied in New
South Wales for the purposes of the Order or the
survivors or survivor of them PROVIDED
ALWAYS that if my said sister shall predecease
15 me and shall have created in her own Will a fund
to be called 'The William Wilson Fund' to be
held and applied upon like trusts as hereinbefore
mentioned THEN I GIVE DEVISE AND
BEQUEATH the said remaining three of such
20 equal parts to the Trustees of 'The William
Wilson Fund' so created to be added thereto and
held and applied upon the trusts thereof” :

- 25 (5) The residuary estate of the deceased after payment
thereout of debts duties and expenses comprises
assets of substantial value :
- 30 (6) The sister hereinbefore referred to of the deceased
survived him and is not desirous that any fund to
be called “The William Wilson Fund” be estab-
lished or maintained as provided by the herein-
before recited trusts of the said Will of the
deceased :
- 35 (7) The said hereinbefore recited trusts constitute valid
trusts for charitable purposes but as to the said
three parts create only endowments of income in
perpetuity for such charitable purposes and do not
constitute gifts of the capital thereof :

(8)

J. F. Wilson Will Trusts Variation.

- 5 (8) The beneficiaries referred to in the hereinbefore
recited trusts of the income of the said three parts
are desirous that the capital of the residuary estate
of the deceased the net annual income whereof is
bequeathed equally between them upon the trusts
hereinbefore recited be paid or paid and transferred
as the case may be to them in equal shares to be
applied by them respectively for the same respec-
10 tive purposes as are specified in the hereinbefore
recited trusts of the respective shares in the said
net annual income :
- 15 (9) The Trustees are precluded from paying or paying
and transferring as the case may be the said
capital to the said beneficiaries as so desired by
them by reason of the absence of any power or
authority for that purpose vested in them by the
said Will or by law and by reason of the absence
of any inherent or statutory jurisdiction in any
Court or other person or body to grant such power
or authority to the Trustees :
- 20 (10) It is expedient to empower and authorize the
Trustees to pay or to pay and transfer as the case
may be to the said respective beneficiaries in equal
shares the capital of the residuary estate of the
25 deceased the net annual income whereof is
bequeathed equally between them by the herein-
before recited trusts of the said Will to be applied
by them respectively for the same respective pur-
poses as are specified in the hereinbefore recited
30 trusts of the respective shares in the said net annual
income thereof and to vary the trusts of the said
Will of the deceased accordingly :

BE it therefore enacted by the Queen's Most Excellent
Majesty, by and with the advice and consent of the Legislative
35 Council and Legislative Assembly of New South Wales in
Parliament assembled, and by the authority of the same, as
follows :

1. This Act may be cited as the "J. F. Wilson Will Trusts Short
Variation Act, 1971". title.

2.

J. F. Wilson Will Trusts Variation.

2. Colin Robert Milne and Peter Lancing Crosthwaite as Trustees of the Will of the deceased or other the Trustee or Trustees for the time being of the said Will are hereby authorized and empowered in their absolute discretion to pay
5 and transfer to The Trustees of the Superior Council of Australia of the Society of St Vincent de Paul being a body corporate, and to the Mother Superior for the time being of the Daughters of Charity of St Vincent de Paul and to the Trustees of Our Lady's Nurses of the Poor being a body
10 corporate, a one-third part respectively of the assets and moneys comprising the capital of the shares of the residuary estate of the deceased the net annual income whereof is bequeathed to them in equal shares by the trusts of the said Will and to execute all instruments required to effect such
15 payment and transfer and the trusts of the said Will are hereby varied accordingly.

Authority to pay or to pay and transfer capital assets.

3. Nothing in this Act shall be deemed to exclude or affect the power to sell the whole or any portion of the estate of the deceased given to the Trustees of the said Will by the
20 said Will and if they should exercise the said power the said Trustees are also authorized in their absolute discretion to pay the net proceeds of such sale comprised in the said shares of the said residuary estate to the respective beneficiaries abovenamed in the shares abovementioned.

Preservation of power of sale and authority to pay proceeds thereof.

25 4. The capital of each said respective share of the said residuary estate whether then consisting wholly of money or partly of money and partly of other assets shall upon payment or payment and transfer thereof as the case may be to the respective beneficiary abovenamed be held and applied by
30 that beneficiary for the same purposes as are provided in respect of the net annual income thereof by the trusts of the said Will.

Application of assets or moneys.

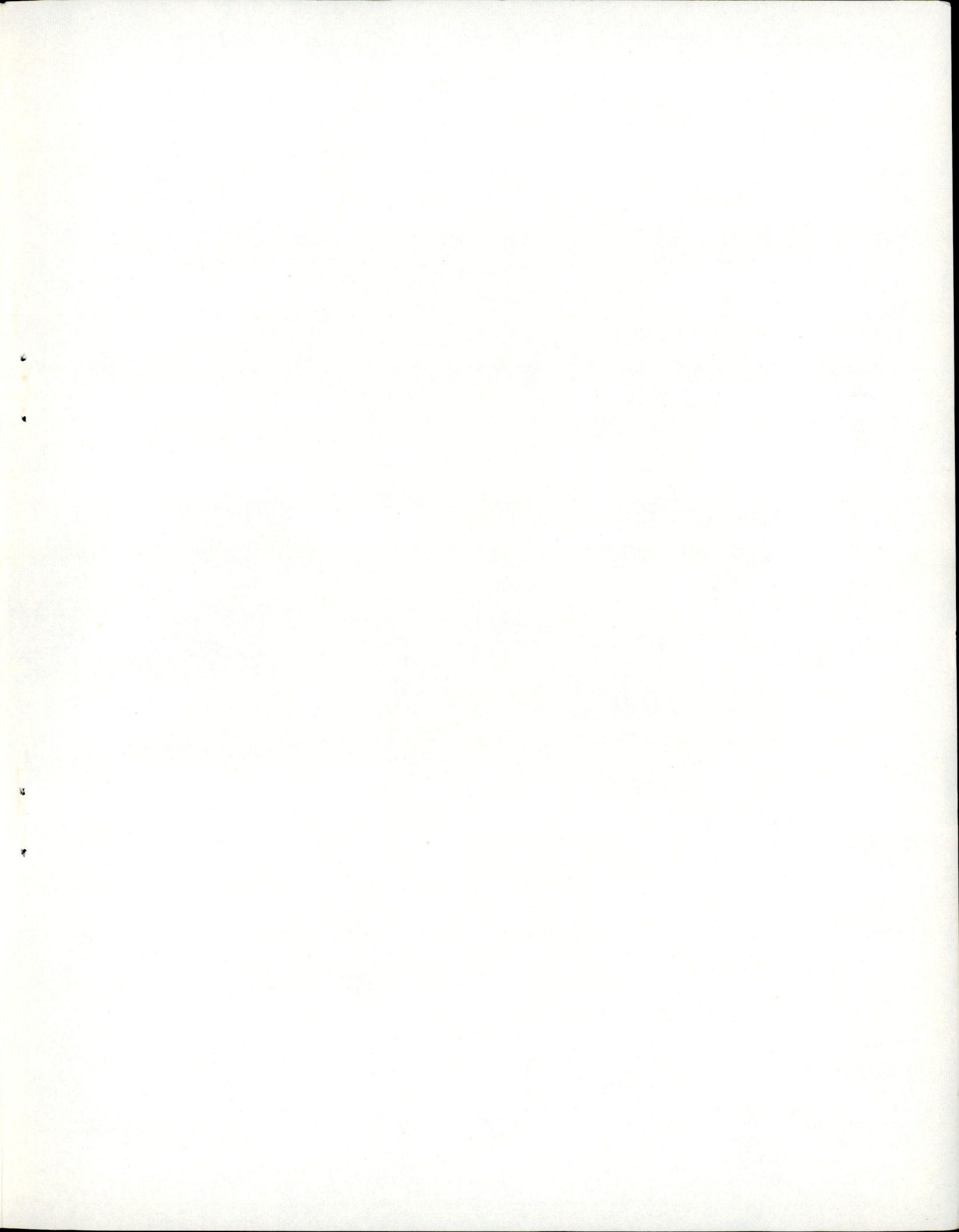
J. F. Wilson Will Trusts Variation.

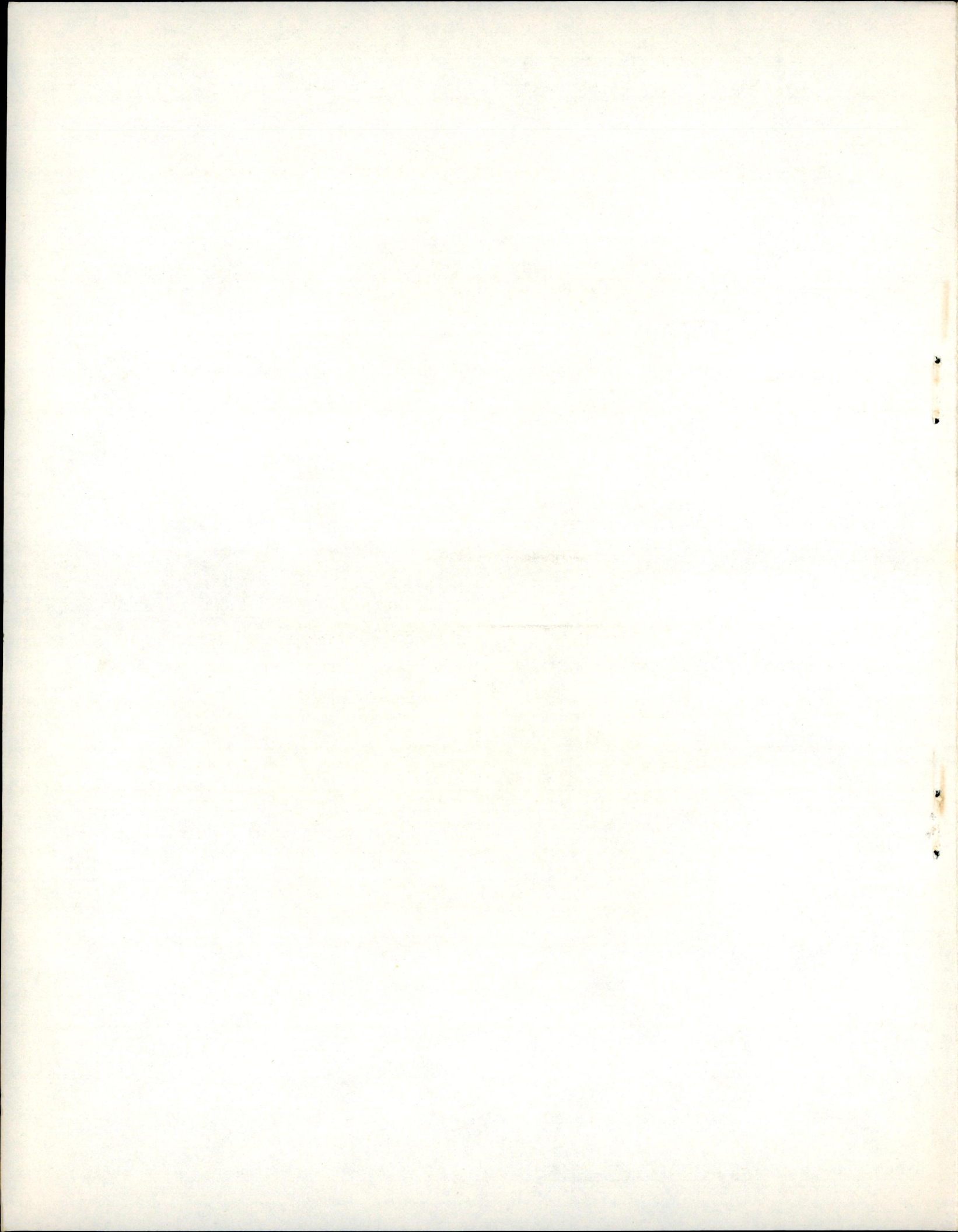
5 5. The receipt of the Secretary Treasurer or other proper
Officer of The Trustees of the Superior Council of Australia
of the Society of St Vincent de Paul and of the Trustees of
Our Lady's Nurses of the Poor and of the person at the time
10 of payment or payment and transfer as the case may be
appearing to the Trustees of the said Will to be the Mother
Superior of the Daughters of Charity of St Vincent de Paul
shall in each instance respectively be a full and sufficient
discharge to the Trustees of the said Will for the payment or
10 payment and transfer as the case may be of capital assets
authorized to be made by this Act and the Trustees of the
said Will shall not be bound to see to the application there-
after of such capital assets.

Discharge
of
Trustees.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1971





Legislative Council

1971

A BILL

To enable the Trustees of the Will of James Francis Wilson deceased to pay and transfer to beneficiaries under the said Will the capital of the shares of the residuary estate of the said deceased the income whereof is bequeathed to them respectively to be applied for the respective charitable purposes mentioned in the said Will; to vary the trusts of the said Will accordingly; and for purposes connected therewith.

[MR RILEY—27 April, 1971.]

WHEREAS

J. F. Wilson Will Trusts Variation.

WHEREAS :

Preamble.

- 5 (1) On the twenty-seventh day of February one thousand nine hundred and sixty-six James Francis Wilson (hereinafter referred to as "the deceased") late of Wollstonecraft in the State of New South Wales, Company Director, died having first duly made and published his last Will and Testament Probate whereof was on the twenty-second day of August one thousand nine hundred and sixty-six
- 10 duly granted by the Supreme Court of New South Wales in its Probate jurisdiction to Colin Robert Milne and Peter Lancing Crosthwaite both of Sydney Solicitor and Chartered Accountant respectively (hereinafter referred to as "the Trustees")
- 15 the Executors and Trustees named in the said Will :
- (2) The trusts of the said Will in respect of the residuary estate of the deceased provide for payment thereof of debts, duties and expenses and for division of the ultimate residue thereof into four equal parts :
- 20
- (3) One of such parts was devised and bequeathed upon trusts providing for the payment and transfer of the income and capital thereof to the Trustees of the Roman Catholic Archdiocese of Sydney to be applied in and towards the education in New South Wales of children of the Roman Catholic faith :
- 25
- (4) The trusts of the said Will in respect of the remaining three parts of the ultimate residue of the said residuary estate are in the following terms that is to say :
- 30
- 35 "And to hold the remaining three of such equal parts which together with any bequest to be added thereto which may be made by my sister the said Rose Wilson shall be called 'The William Wilson Fund' UPON TRUST to pay the net
- annual

J. F. Wilson Will Trusts Variation.

5 annual income arising therefrom in perpetuity
 equally to THE TRUSTEES OF THE SUPER-
 IOR COUNCIL OF AUSTRALIA OF THE
 SOCIETY OF ST. VINCENT DE PAUL to be
 applied by the Trustees at their discretion within
 the State of New South Wales for the relief of
 poverty and education THE MOTHER SUPER-
 IOR for the time being of THE DAUGHTERS
 10 OF CHARITY OF ST. VINCENT DE PAUL
 and THE TRUSTEES OF OUR LADY'S
 NURSES OF THE POOR to be applied in New
 South Wales for the purposes of the Order or the
 survivors or survivor of them PROVIDED
 15 ALWAYS that if my said sister shall predecease
 me and shall have created in her own Will a fund
 to be called 'The William Wilson Fund' to be
 held and applied upon like trusts as hereinbefore
 mentioned THEN I GIVE DEVISE AND
 20 BEQUEATH the said remaining three of such
 equal parts to the Trustees of 'The William
 Wilson Fund' so created to be added thereto and
 held and applied upon the trusts thereof” :

- (5) The residuary estate of the deceased after payment
 25 thereof of debts duties and expenses comprises
 assets of substantial value :
- (6) The sister hereinbefore referred to of the deceased
 survived him and is not desirous that any fund to
 be called “The William Wilson Fund” be estab-
 30 lished or maintained as provided by the herein-
 before recited trusts of the said Will of the
 deceased :
- (7) The said hereinbefore recited trusts constitute valid
 trusts for charitable purposes but as to the said
 three parts create only endowments of income in
 35 perpetuity for such charitable purposes and do not
 constitute gifts of the capital thereof :

(8)

J. F. Wilson Will Trusts Variation.

- 5 (8) The beneficiaries referred to in the hereinbefore recited trusts of the income of the said three parts are desirous that the capital of the residuary estate of the deceased the net annual income whereof is bequeathed equally between them upon the trusts hereinbefore recited be paid or paid and transferred as the case may be to them in equal shares to be applied by them respectively for the same respective purposes as are specified in the hereinbefore recited trusts of the respective shares in the said net annual income :
- 10
- 15 (9) The Trustees are precluded from paying or paying and transferring as the case may be the said capital to the said beneficiaries as so desired by them by reason of the absence of any power or authority for that purpose vested in them by the said Will or by law and by reason of the absence of any inherent or statutory jurisdiction in any Court or other person or body to grant such power or authority to the Trustees :
- 20
- 25 (10) It is expedient to empower and authorize the Trustees to pay or to pay and transfer as the case may be to the said respective beneficiaries in equal shares the capital of the residuary estate of the deceased the net annual income whereof is bequeathed equally between them by the hereinbefore recited trusts of the said Will to be applied by them respectively for the same respective purposes as are specified in the hereinbefore recited trusts of the respective shares in the said net annual income thereof and to vary the trusts of the said Will of the deceased accordingly :
- 30

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. This Act may be cited as the "J. F. Wilson Will Trusts Variation Act, 1971".

Short
title.
2.

J. F. Wilson Will Trusts Variation.

2. Colin Robert Milne and Peter Lancing Crosthwaite as Trustees of the Will of the deceased or other the Trustee or Trustees for the time being of the said Will are hereby authorized and empowered in their absolute discretion to pay
 5 and transfer to The Trustees of the Superior Council of Australia of the Society of St Vincent de Paul being a body corporate, and to the Mother Superior for the time being of the Daughters of Charity of St Vincent de Paul and to the Trustees of Our Lady's Nurses of the Poor being a body
 10 corporate, a one-third part respectively of the assets and moneys comprising the capital of the shares of the residuary estate of the deceased the net annual income whereof is bequeathed to them in equal shares by the trusts of the said Will and to execute all instruments required to effect such
 15 payment and transfer and the trusts of the said Will are hereby varied accordingly.

Authority to pay or to pay and transfer capital assets.

3. Nothing in this Act shall be deemed to exclude or affect the power to sell the whole or any portion of the estate of the deceased given to the Trustees of the said Will by the
 20 said Will and if they should exercise the said power the said Trustees are also authorized in their absolute discretion to pay the net proceeds of such sale comprised in the said shares of the said residuary estate to the respective beneficiaries abovenamed in the shares abovementioned.

Preservation of power of sale and authority to pay proceeds thereof.

25 4. The capital of each said respective share of the said residuary estate whether then consisting wholly of money or partly of money and partly of other assets shall upon payment or payment and transfer thereof as the case may be to the respective beneficiary abovenamed be held and applied by
 30 that beneficiary for the same purposes as are provided in respect of the net annual income thereof by the trusts of the said Will.

Application of assets or moneys.

J. F. Wilson Will Trusts Variation.

5 **5.** The receipt of the Secretary Treasurer or other proper
Officer of The Trustees of the Superior Council of Australia
of the Society of St Vincent de Paul and of the Trustees of
Our Lady's Nurses of the Poor and of the person at the time
10 of payment or payment and transfer as the case may be
appearing to the Trustees of the said Will to be the Mother
Superior of the Daughters of Charity of St Vincent de Paul
shall in each instance respectively be a full and sufficient
discharge to the Trustees of the said Will for the payment or
10 payment and transfer as the case may be of capital assets
authorized to be made by this Act and the Trustees of the
said Will shall not be bound to see to the application there-
after of such capital assets.

Discharge
of
Trustees.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1971

[5c]

