

A BILL

To Amend the “ Underwood’s Estate Act of 1873.”

WHEREAS it is expedient to amend the “ Underwood’s Estate Preamble.
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
5 Legislative Assembly of New South Wales in Parliament assembled
and by the authority of the same as follows —

1. THAT all the trusts powers and authorities by the said Trusts, &c., vested in
Trustees, may be ex-
ercised by majority.
Underwood’s Estate Act of 1873 vested in or conferred upon William
Henry Mackenzie senior John Piper Mackenzie and Robert John
10 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 may be carried out exercised and done by
any two of them the said William Henry Mackenzie senior John
Piper Mackenzie and Robert John King or other the Trustees for the
15 time being of said Act And that any conveyance executed by any
two of them the said William Henry Mackenzie senior John Piper
Mackenzie and Robert John King or other the Trustees for the time
being of the said 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
20 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 shall
have been notified to attend a meeting of the whole body of Trustees

A BILL

To amend the law relating to the

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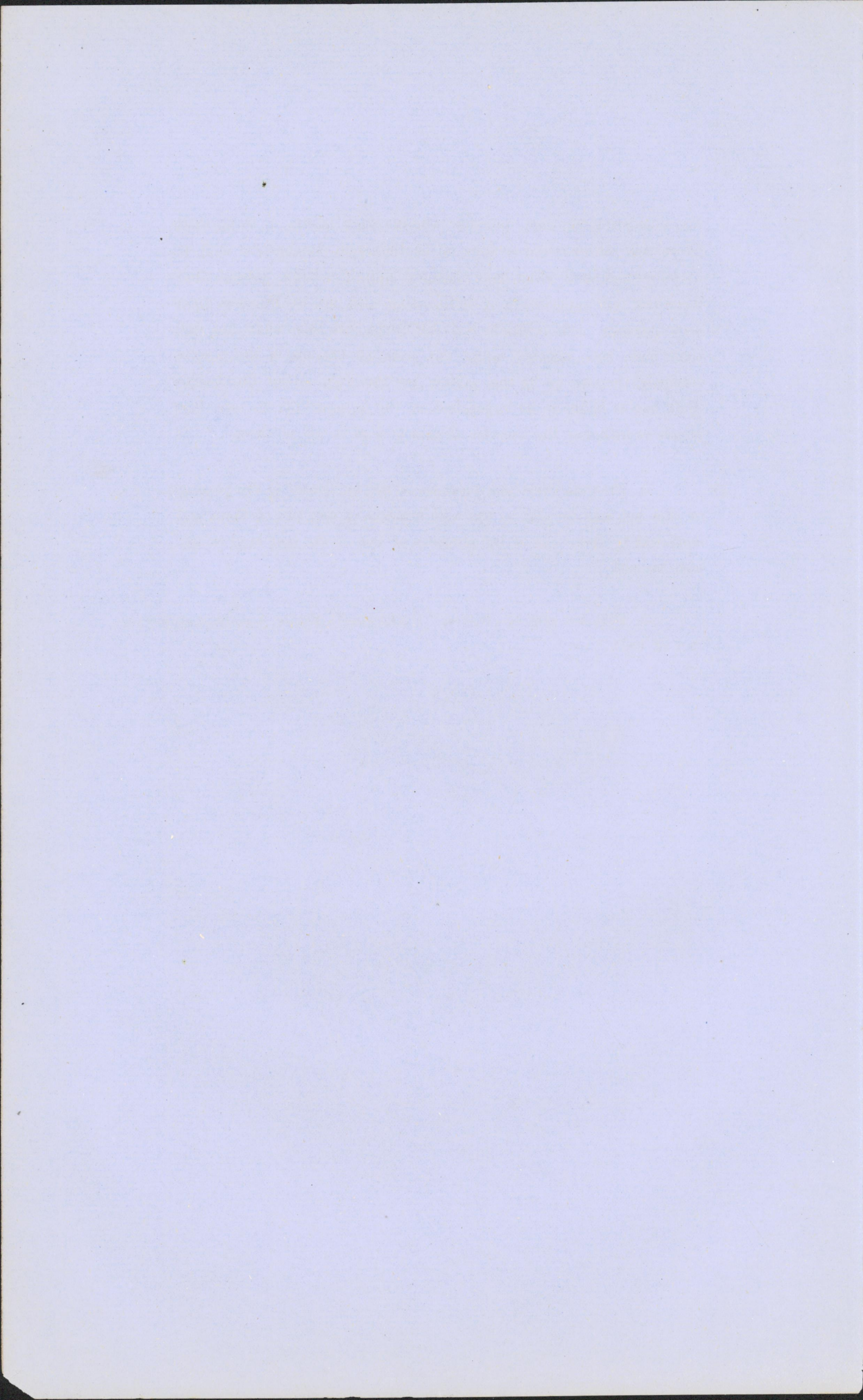
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for considering the then question whether such matter or thing shall be carried out exercised or done or whether such conveyance shall be executed and shall either have absented himself or being present shall have had full opportunity of deliberating with his Co-Trustees upon
5 such question 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.

10 2. That the costs and expenses of and incidental to the passing Costs of Act. 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.

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

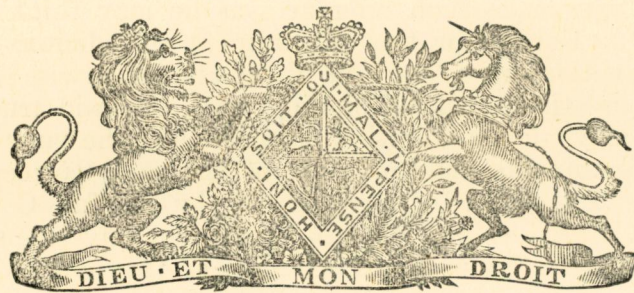


This PRIVATE BILL originated in the LEGISLATIVE COUNCIL, and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.

*Legislative Council Chamber,
Sydney, 18th March, 1874. }*

JOHN J. CALVERT,
Clerk of the Parliaments.

New South Wales.



ANNO TRICESIMO SEPTIMO

VICTORIÆ REGINÆ.

An Act to amend the "Underwood's Estate Act of 1873."

WHEREAS it is expedient to amend the "Underwood's Estate Act of 1873" in the manner hereinafter provided Preamble. 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. That 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 may be carried out exercised and done by any two of them the said William Henry Mackenzie senior John Piper Mackenzie and Robert John King or other the trustees for the time being of said Act And that any conveyance executed by any two of them the said William Henry Mackenzie senior John Piper Mackenzie and Robert John King or other the trustees for the time being of the said Act of land sold under and for the purposes of the said

Trusts &c. vested in trustees may be exercised by majority.

Underwood's Estate Act Amendment.

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
 5 of the said Act. Provided that such the remaining trustee 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 being present shall
 10 have had full opportunity of deliberating with his 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 one or more of them to apply to
 15 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
 20 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
 25 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
 30 liable to be impeached on the ground that no case had arisen to authorize the exercise of such powers or any of them.

2. That the costs and expenses of and incidental to the passing Costs of Act. 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
 35 part thereof.

3. This Act may be cited as "Underwood's Estate Act Amend- Short title. ment Act of 1874."

New South Wales.



ANNO TRICESIMO SEPTIMO

VICTORIÆ REGINÆ.

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

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 :—

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

Trusts &c. vested in trustees may be exercised by majority.

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.

Appointment of
additional trustees.

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."

Costs of Act.

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.

Short title.

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