

New South Wales.

A BILL

To authorize the sale of certain Lands and hereditaments devised by the Will of the late JAMES UNDERWOOD and the payment of the proceeds thereof into the Supreme Court.

WHEREAS James Underwood late of Sydney deceased being seized ^{Preamble} of the lands and hereditaments hereinafter mentioned and described duly made and executed his last Will and Testament in writing and thereby devised unto John Campbell and Robert Campbell the younger
5 therein mentioned their Heirs and Assigns all his messuages lands tenements and hereditaments whatsoever and wheresoever and which he had power to dispose of by his Will upon the trusts therein declared and after firstly declaring the trusts of certain houses and premises in George Street Sydney to be for his son Joseph Underwood and his Assigns during
10 his life and from and after his decease upon trust for all and every such one or more child or children of the said Joseph Underwood in Equal Shares and proportions as Tenants in common in tail with cross remainders between them in tail and if there should be but one such child the whole to be in trust for such only child in tail the said James
15 Underwood among other things declared that the said John Campbell and Robert Campbell or the survivor of them or the Trustees or Trustee for the time being of his Will should stand and be possessed of the following lands and in the manner following that is to say: "Three-hundred and nine acres of Land or thereabouts formerly Powell's property
20 "and now occupied by the said Mr. Potts (in schedule 'A' to this Bill more fully described) and my Land at Long Cove containing 175 acres occupied by Mr. William Tavener and the said John Ireland (in schedule " 'B' to this Bill more fully described) as to one-fourth part thereof for
25 "my said son Joseph Underwood and his children and as to one other fourth part thereof for my said son Edward Underwood and his children and as to one other fourth part thereof for my said son Richard Underwood and his children and as to the remaining fourth part thereof
"for my said Grandson George Grimes and his children and do and shall stand and be possessed of my premises occupied by Mr. William Aber-
30 "crombie and all other my Lands situated on or near the South Head Poad (in schedule 'C' to this Bill more fully described) and all the residue of my said Real Estate whatsoever and wheresoever which I shall be seized of or entitled to at the time of my decease as to one-fifth part thereof for my said son Joseph Underwood and his children and
"as to one other fifth part thereof for my said son Edward Underwood

“and his children and as to one other fifth part thereof for my said son
 “Richard Underwood and his children and as to the one other fifth part
 “thereof for my said son William Underwood and his children and as to
 “the remaining fifth part thereof for my said son Thomas Underwood
 “and his children. Upon such and the same trusts respectively and for 5
 “such and the same Estates and interests respectively as I have herein-
 “before declared of the messuages and premises first hereinbefore devised
 “to my said son Joseph Underwood and his children and as if I had again
 “declared and repeated those trusts each time I devised my remaining
 “property using the names of the party or parties for whom the same 10
 “are intended and I do hereby declare that in case any or either of my
 “said five sons shall depart this life without leaving any child or children
 “him or them surviving then I devise the share or shares of such son or
 “sons unto and equally between the survivors and survivor of them my
 “said sons and their respective heirs as Tenants in common in tail;” 15
 AND WHEREAS the said James Underwood died on the Nineteenth
 day of February in the year one thousand eight hundred and forty four
 without having altered or revoked his said Will and leaving the several
 persons therein named him surviving AND WHEREAS on the tenth
 day of October in the year one thousand eight hundred and fifty the said 20
 Joseph Underwood died without leaving Issue, AND WHEREAS the
 said Edward Underwood died in the year one thousand eight hundred
 and fifty six leaving Issue that is to say Sydney Edward Underwood
 Clara Elizabeth Underwood now Clara Elizabeth Spalding Powell Cecil
 Underwood and Angelina Fenn Underwood, AND WHEREAS the said 25
 Richard Underwood Thomas Underwood and George Grimes are all
 married and have issue Infants under the age of 21 years respectively
 AND WHEREAS the said William Underwood has recently married
 AND WHEREAS the said Richard Underwood Thomas Underwood
 and George Grimes have alienated their respective Estates and interests 30
 in the Lands and hereditaments so devised to them as aforesaid AND
 WHEREAS the said respective Estates and interests of the said Richard
 Underwood and Thomas Underwood are now vested in Kate Rodd the
 Trustee of the Will of the late John Savery Rodd deceased upon the
 trusts in the said Will declared and the Estate and interest of the said 35
 George Grimes is now vested in Robert Allen Hunt Thomas Wilton
 Eady and William Alfred Toogood the Trustees of the Will of the late
 Alfred Toogood deceased upon the trusts in the said Will declared AND
 WHEREAS the trusts of the said Will so far as relates to the real
 estate of the said testator are now at an end AND WHEREAS the 40
 said Will of the said James Underwood contains no power or authority
 for the sale of the said Lands and hereditaments AND WHEREAS
 the said Lands and hereditaments are adapted for sub-division into a large
 number of Allotments for building purposes but in their present state
 are for the most part unimproved and unproductive and in consequence of 45
 the complication of interests therein it is impossible to improve or pro-
 perly manage the same AND WHEREAS it is expedient that the said
 Lands should be sub-divided and sold and the proceeds of such sales be
 paid into the Supreme Court in its Equitable Jurisdiction in the matter of
 the trusts of the said Will of the said James Underwood in trust to at- 50
 tend the orders of the said Court BE IT THEREFORE ENACTED
 by the Queen’s most Excellent Majesty by and with the advice and con-
 sent of the Legislative Council and Legislative Assembly of New South
 Wales in Parliament assembled and by the authority of the same as
 follows— 55

Legal Estate to be vested
 W. H. Mackenzie and J.
 P. Mackenzie.

1. From and after the passing of this Act the legal Estate of and
 in the Lands and hereditaments described in the schedules ‘A,’ ‘B’ and
 ‘C’ hereto shall for the purposes of this Act vest in William Henry
 Mackenzie senior Accountant and John Piper Mackenzie Official

Assignee of Insolvent Estates both of Sydney aforesaid their heirs and assigns as joint tenants.

2. It shall be lawful for the said William Henry Mackenzie senior and John Piper Mackenzie or the survivor of them to sell the Lands and hereditaments described in the schedules 'A' 'B' and 'C' hereto either by Public Auction or by Private Contract and in such parcels or allotments and with such rights of way in and over such Lands or any portion thereof as they or he shall deem expedient and for such price or prices as can be reasonably obtained for the same and when sold to convey to the Purchasers their heirs and assigns or to such uses and in such manner as any such Purchasers may direct or require and thereupon the said Lands and hereditaments so conveyed and the legal Estate therein shall vest absolutely in the persons to whom the same shall be so conveyed their heirs and assigns or go and remain to such uses and in such manner as aforesaid freed and discharged from any trusts created by the said Will.

Lands may be sold and conveyed to Purchaser.

3. It shall be lawful for the said William Henry Mackenzie and John Piper Mackenzie or the survivor of them to allow to any Purchaser or Purchasers of the said Lands and hereditaments credit for any number of years not exceeding ten years for payment of a part of his or her or their purchase money upon such terms as to interest and otherwise as may by the said William Henry Mackenzie and John Piper Mackenzie or the survivor of them be deemed reasonable and proper. Provided that the Land shall remain unconveyed or be otherwise rendered a Security by Mortgage for so much of the purchase money thereof as shall remain unpaid together with the interest thereon until the same shall have been paid.

Credit may be given to Purchasers for payment of part of purchase money.

4. The said William Henry Mackenzie and John Piper Mackenzie or the survivor of them shall immediately upon receipt of the moneys from each and every such sale after deducting the costs and expenses thereof and connected therewith pay the same into the Supreme Court in its Equitable Jurisdiction in the matter of the said Will in trust to attend the orders of the Court and the Certificate of the Master in Equity of the fact of the money being so paid shall be a sufficient discharge for the money so paid and the Court shall have the same power to apply and deal with such moneys in every respect as if the same had been paid into Court under the Act passed in the twenty-first year of Her present Majesty's Reign entitled "An act for the better securing Trust Funds and for relief of Trustees."

Proceeds to be paid into the Supreme Court to be dealt with as under the Trustee Act 21 Victoria No. 7.

5. It shall be lawful for the Supreme Court in Equity from time to time to allow to the said William Henry Mackenzie and John Piper Mackenzie or the survivor of them such commission or per centage as shall be just and reasonable for their or his pains or trouble in effectuating such sale or sales or otherwise in exercising the powers and performing the duties hereby conferred and imposed.

Remuneration.

SCHEDULE A.

ALL THAT piece or parcel of Land situate in the parish of Concord in the County of Cumberland in the Colony of New South Wales and containing by estimation three hundred and nine acres commencing on Powell's Creek at the Northern corner of Thomas Rose's seventy acres grant being bounded on the North-west by a line bearing West 25 degrees South 24 chains 50 links thence on the South-west by a line bearing South 40 degrees East 37 chains to the Parramatta Road thence by a line bearing West 33 degrees South to the South side of the Parramatta Road

thence on the North-east by that Road bearing North-westerly to the North-west corner of Powell's 19 acres Grant thence again on the North-west by Pott's Land being a line bearing South 20 degrees West 23 chains to the North-west corner of Simeon Lords 160 acres Grant thence again on the South-west by Pott's Land being a line bearing South 33 degrees East 52 chains to the North-west corner of Thomas Rose's 60 acres Grant thence on the South-east by the North-west boundary of Rose's said Grant being a line bearing East 33 degrees North 50 chains thence again on the North-east by a line bearing North 33 degrees West 52 chains to the North-west boundary line of Simeon Lord's 160 acres Grant thence by that boundary line bearing East 33 degrees North to Powell's Creek and thence again on the North-east by that Creek bearing North-westerly to the point of commencement be the said several bearings and dimensions all more or less such parcel of Land comprising Thomas Rose's 70 acres Grant E. Powell's 19 acres Grant Simeon Lord's 160 acres Grant and F. Meredith's 60 acres Grant. Save and except so much of the said Land as is used or inclosed for the Railway Line running from Sydney to Parramatta and in connection with the said Railway.

SCHEDULE B.

ALL THAT piece or parcel of Land containing by estimation 175 acres more or less situate in the parish of Petersham County of Cumberland in the Colony of New South Wales on the South side of the Road leading from Parramatta to Sydney commencing at that point where the said Road crosses Long Cove Creek being bounded on the North by the South side of the Parramatta Road bearing North-westerly to its intersection with the South-eastern side of the Liverpool Road bearing South-westerly till it meets the Northern side of the Railway line thence on the South-west by a line bearing South-easterly to the Government Road which divides Kable's Grant from Foveaux's Grant thence on the South by the North side of the said Grant bearing Easterly to the Northern corner of Foveaux's Grant thence on the South-west by the North-east boundary of Foveaux's Grant being a line bearing South 30 degrees East 26 chains to Long Cove Creek and thence on the East by that Creek bearing Northerly to the point of commencement be the said several bearings and dimensions all more or less. Save and except so much of the said Land as is used or inclosed for the Railway Line running from Sydney to Parramatta and in connection with the said Railway.

SCHEDULE C.

ALL THAT piece or parcel of Land situate in the parish of Alexandria in the County of Cumberland in the Colony of New South Wales comprising 100 acres more or less being bounded on the South by the South Head Road 40 chains 50 links commencing at the junction of the South Head Road with the Road to Point Piper on the West by lines bearing North 44 degrees 30 minutes East 8 chains 50 links East 24 chains 50 links and North 21 chains 30 links on the North by lines bearing East 8 chains and South 45 degrees East 25 chains to the Point Piper Road and on the East by that Road 35 chains to the point of commencement be the said several bearings and dimensions all more or less saving and excepting from the said 100 acres three acres fronting the South Head Road and enclosed by a stone wall upon which the dwelling house called Juniper Hall is built and also such other pieces or parcels of Land as may have been at various times duly sold and conveyed to various persons.

Legislative Council.

36^o VICTORIÆ, 1872.

A BILL

To authorize the sale of certain lands and hereditaments devised by the Will of the late James Underwood and the payment of the proceeds thereof into the Supreme Court.

(As amended and agreed to in Select Committee.)

WHEREAS James Underwood late of Sydney deceased being Preamble.
seized of the lands and hereditaments hereinafter mentioned
and described duly made and executed his last will and testament in
writing and thereby devised unto John Campbell and Robert Campbell
5 the younger therein mentioned their heirs and assigns all his messuages
lands tenements and hereditaments whatsoever and wheresoever and
which he had power to dispose of by his will upon the trusts therein
declared and after firstly declaring the trusts of certain houses and
premises in George-street Sydney to be for his son Joseph Underwood
10 and his assigns during his life and from and after his decease upon
trust for all and every such one or more child or children of the said
Joseph Underwood in equal shares and proportions as tenants in
common in tail with cross remainders between them in tail and if there
should be but one such child the whole to be in trust for such only
15 child in tail the said James Underwood among other things declared
that the said John Campbell and Robert Campbell or the survivor of
them or the Trustees or Trustee for the time-being of his will should
stand and be possessed of the following lands and in the manner
following that is to say "Three hundred and nine acres of land or
20 " thereabouts formerly Powell's property and now occupied by the said
" Mr. Potts (in Schedule A to this Bill more fully described) and my
" land at Long Cove containing one hundred and seventy-five acres
c 31— " occupied

" occupied by Mr. William Tavener and the said John Ireland (in
 " Schedule B to this Bill more fully described) as to one-fourth part
 " thereof for my said son Joseph Underwood and his children and as
 " to one other fourth part thereof for my said son Edward Underwood
 " and his children and as to one other fourth part thereof for my said 5
 " son Richard Underwood and his children and as to the remaining
 " fourth part thereof for my said grandson George Grimes and his
 " children and do and shall stand and be possessed of my premises
 " occupied by Mr. William Abercrombie and all other my lands
 " situated on or near the South Head Road (in Schedule C to this 10
 " Bill more fully described) and all the residue of my said real estate
 " whatsoever and wheresoever which I shall be seized of or entitled to
 " at the time of my decease as to one-fifth part thereof for my said
 " son Joseph Underwood and his children and as to one other fifth
 " part thereof for my said son Edward Underwood and his children 15
 " and as to one other fifth part thereof for my said son Richard
 " Underwood and his children and as to the one other fifth part thereof
 " for my said son William Underwood and his children and as to the
 " remaining fifth part thereof for my said son Thomas Underwood and
 " his children upon such and the same trusts respectively and 20
 " for such and the same estates and interests respectively as I have
 " hereinbefore declared of the messuages and premises first herein-
 " before devised to my said son Joseph Underwood and his children and
 " as if I had again declared and repeated those trusts each time I
 " devised my remaining property using the names of the party or 25
 " parties for whom the same are intended and I do hereby declare that
 " in case any or either of my said five sons shall depart this life
 " without leaving any child or children him or them surviving then I
 " devise the share or shares of such son or sons unto and equally
 " between the survivors and survivor of them my said sons and their 30
 " respective heirs as tenants in common in tail" And whereas the
 said James Underwood died on the nineteenth day of February in the
 year one thousand eight hundred and forty-four without having altered
 or revoked his said will and leaving the several persons therein named
 him surviving And whereas on the tenth day of October in the year 35
 one thousand eight hundred and fifty the said Joseph Underwood died
 without leaving issue And whereas the said Edward Underwood died
 in the year one thousand eight hundred and fifty-six leaving issue that
 is to say Sydney Edward Underwood Clara Elizabeth Underwood now
 Clara Elizabeth Spalding Powell Cecil Underwood and Angelina Fenn 40
 Underwood **And whereas it is alleged that the interests of the said
 Sydney Edward Underwood and Clara Elizabeth Spalding are subject
 to certain charges in favor of James Charles Abbott of London** And
 whereas the said Richard Underwood Thomas Underwood and George
 Grimes are all married and have issue ~~infants~~ **some of whom are under** 45
 the age of twenty-one years respectively And whereas the said
 William Underwood has recently married And whereas the said
 Richard Underwood Thomas Underwood and George Grimes have
 alienated their respective estates and interests in the lands and heredita-
 ments so devised to them as aforesaid And whereas the said respec- 50
 tive estates and interests of the said Richard Underwood and Thomas
 Underwood are now vested in Kate Rodd the Trustee of the will of
 the late John Savery Rodd deceased upon the trusts in the said will
 declared and the estate and interest of the said George Grimes is
 now vested in Robert Allen Hunt Thomas Wilton Eady and William 55
 Alfred Toogood the Trustees of the will of the late Alfred Toogood
 deceased upon the trusts in the said will declared And whereas the
~~trusts of the said will so far as relates to the real estate of the said testator~~
 estates by the will of the said James Underwood originally vested in
 the said John Campbell and Robert Campbell are now at an end
 And

And whereas the said will of the said James Underwood contains no power or authority for the sale of the said lands and hereditaments And whereas the said lands and hereditaments are adapted for subdivision into a large number of allotments for building purposes but 5 in their present state are for the most part unimproved and unproductive and in consequence of the complication of interests therein it is impossible to improve or properly manage the same And whereas it is expedient that the said lands should be subdivided and sold and the proceeds of such sales be paid into the Supreme Court in its 10 Equitable Jurisdiction in the matter of the trusts of the said will of the said James Underwood in trust to attend the orders of the said Court 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 15 and by the authority of the same as follows:—

1. From and after the passing of this Act the legal estate of and in the lands and hereditaments described in the Schedules A B and C hereto shall for the purposes of this Act vest in William Henry Mackenzie senior accountant and John Piper Mackenzie Official 20 Assignee of Insolvent Estates both of Sydney aforesaid their heirs and assigns as joint tenants.

Legal estate to be vested in W. H. Mackenzie and J. P. Mackenzie.

2. It shall be lawful for the said William Henry Mackenzie senior and John Piper Mackenzie or the survivor of them to sell the lands and hereditaments described in the Schedules A B and C hereto 25 either by public auction or by private contract and in such parcels or allotments and with such rights-of-way in and over such lands or any portion thereof as they or he shall deem expedient and for such price or prices as can be reasonably obtained for the same and when sold to convey to the purchasers their heirs and assigns or to such uses and in 30 such manner as any such purchasers may direct or require and thereupon the said lands and hereditaments so conveyed and the legal estate therein shall vest absolutely in the persons to whom the same shall be so conveyed their heirs and assigns or go and remain to such uses and in such manner as aforesaid freed and discharged from any trusts 35 created by the said will.

Lands may be sold and conveyed to purchaser.

3. It shall be lawful for the said William Henry Mackenzie and John Piper Mackenzie or the survivor of them to allow to any purchaser or purchasers of the said lands and hereditaments credit for 40 any number of years not exceeding ten years for payment of a part of his or her or their purchase money upon such terms as to interest and otherwise as may be by the said William Henry Mackenzie and John Piper Mackenzie or the survivor of them be deemed reasonable and proper Provided that the land shall remain unconveyed or be otherwise rendered a security by mortgage for so much of the purchase 45 money thereof as shall remain unpaid together with the interest thereon until the same shall have been paid.

Credit may be given to purchasers for payment of part of purchase money.

4. The said William Henry Mackenzie and John Piper Mackenzie or the survivor of them shall immediately upon receipt of the moneys from each and every such sale after deducting the costs and 50 expenses thereof and connected therewith pay the same into the Supreme Court in its equitable jurisdiction in the matter of the said will in trust to attend the orders of the Court and the certificate of the Master in Equity of the fact of the money being so paid shall be a sufficient discharge for the money so paid and the Court shall have the 55 same power to apply and deal with such moneys in every respect as if the same had been paid into Court under the Act passed in the twenty-first year of Her present Majesty's reign intituled "*An Act for the better securing Trust Funds and for relief of Trustees.*"

Proceeds to be paid into the Supreme Court to be dealt with as under the Trustee Act 21 Victoria No. 7.

Remuneration.

5. It shall be lawful for the Supreme Court in Equity from time to time to allow to the said William Henry Mackenzie and John Piper Mackenzie or the survivor of them such commission or per-centage as shall be just and reasonable for their or his pains or trouble in effectuating such sale or sales or otherwise in exercising the powers and performing the duties hereby conferred and imposed. 5

SCHEDULES.

SCHEDULE A.

All that piece or parcel of land situate in the parish of Concord in the county of Cumberland in the Colony of New South Wales and containing by estimation three hundred and nine acres Commencing on Powell's Creek at the northern corner of Thomas Rose's seventy acres grant being bounded on the north-west by a line bearing west twenty-five degrees south twenty-four chains fifty links thence on the south-west by a line bearing south forty degrees east thirty-seven chains to the Parramatta Road thence by a line bearing west thirty-three degrees south to the south side of the Parramatta Road thence on the north-east by that road bearing north-westerly to the north-west corner of Powell's nineteen acres grant thence again on the north-west by Pott's land being a line bearing south twenty degrees west twenty-three chains to the north-west corner of Simeon Lord's one hundred and sixty acres grant thence again on the south-west by Pott's land being a line bearing south thirty-three degrees east fifty-two chains to the north-west corner of Thomas Rose's sixty acres grant thence on the south-east by the north-west boundary of Rose's said grant being a line bearing east thirty-three degrees north fifty chains thence again on the north-east by a line bearing north thirty-three degrees west fifty-two chains to the north-west boundary-line of Simeon Lord's one hundred and sixty acres grant thence by that boundary-line bearing east thirty-three degrees north to Powell's Creek and thence again on the north-east by that creek bearing north-westerly to the point of commencement be the said several bearings and dimensions all more or less such parcel of land comprising Thomas Rose's seventy acres grant E. Powell's nineteen acres grant Simeon Lord's one hundred and sixty acres grant and F. Meredith's sixty acres grant Save and except so much of the said land as is used or inclosed for the railway line running from Sydney to Parramatta and in connection with the said railway. 10 15 20 25 30

SCHEDULE B.

All that piece or parcel of land containing by estimation one hundred and seventy-five acres more or less situate in the parish of Petersham county of Cumberland in the Colony of New South Wales on the south side of the road leading from Parramatta to Sydney Commencing at that point where the said road crosses Long Cove Creek being bounded on the north by the south side of the Parramatta Road bearing north-westerly to its intersection with the south-eastern side of the Liverpool Road bearing south-westerly till it meets the northern side of the railway line thence on the south-west by a line bearing south-easterly to the Government Road which divides Kable's grant from Foveaux's grant thence on the south by the north side of the said grant bearing easterly to the northern corner of Foveaux's grant thence on the south-west by the north-east boundary of Foveaux's grant being a line bearing south thirty degrees east twenty-six chains to Long Cove Creek and thence on the east by that creek bearing northerly to the point of commencement be the said several bearings and dimensions all more or less Save and except so much of the said land as is used or inclosed for the railway line running from Sydney to Parramatta and in connection with the said railway. 35 40 45

SCHEDULE C.

All that piece or parcel of land situate in the parish of Alexandria in the county of Cumberland in the Colony of New South Wales comprising one hundred acres more or less being bounded on the south by the South Head Road forty chains fifty links Commencing at the junction of the South Head Road with the road to Point Piper on the west by lines bearing north forty-four degrees thirty minutes east eight chains fifty links east twenty-four chains fifty links and north twenty-one chains thirty links on the north by lines bearing east eight chains and south forty-five degrees east twenty-five chains to the Point Piper Road and on the east by that road thirty-five chains to the point of commencement be the said several bearings and dimensions all more or less saving and excepting from the said one hundred acres three acres fronting the South Head Road and enclosed by a stone wall upon which the dwelling-house called Juniper Hall is built and also such other pieces or parcels of land as may have been at various times duly sold and conveyed to various persons. 50 55 60

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, 4th December, 1872. }*

JOHN J. CALVERT,
Clerk of the Parliaments.

New South Wales.



ANNO TRICESIMO SEXTO

VICTORIÆ REGINÆ.

An Act to authorize the sale of certain lands and hereditaments devised by the Will of the late James Underwood and the payment of the proceeds thereof into the Supreme Court.

WHEREAS James Underwood late of Sydney deceased being ^{Preamble.} seized of the lands and hereditaments hereinafter mentioned and described duly made and executed his last will and testament in writing and thereby devised unto John Campbell and Robert Campbell
5 the younger therein mentioned their heirs and assigns all his messuages lands tenements and hereditaments whatsoever and wheresoever and which he had power to dispose of by his will upon the trusts therein declared and after firstly declaring the trusts of certain houses and premises in George-street Sydney to be for his son Joseph Underwood
10 and his assigns during his life and from and after his decease upon trust for all and every such one or more child or children of the said Joseph Underwood in equal shares and proportions as tenants in common in tail with cross remainders between them in tail and if there
15 should be but one such child the whole to be in trust for such only child in tail the said James Underwood among other things declared that the said John Campbell and Robert Campbell or the survivor of them or the Trustees or Trustee for the time-being of his will should stand and be possessed of the following lands and in the manner following that is to say "Three hundred and nine acres of land or
20 "thereabouts formerly Powell's property and now occupied by the said "Mr. Potts (in Schedule A to this Bill more fully described) and my "land at Long Cove containing one hundred and seventy-five acres
"occupied

Underwood's Estate.

" occupied by Mr. William Tavener and the said John Ireland (in
 " Schedule B to this Bill more fully described) as to one-fourth part
 " thereof for my said son Joseph Underwood and his children and as
 " to one other fourth part thereof for my said son Edward Underwood
 5 " and his children and as to one other fourth part thereof for my said
 " son Richard Underwood and his children and as to the remaining
 " fourth part thereof for my said grandson George Grimes and his
 " children and do and shall stand and be possessed of my premises
 " occupied by Mr. William Abercrombie and all other my lands
 10 " situated on or near the South Head Road (in Schedule C to this
 " Bill more fully described) and all the residue of my said real estate
 " whatsoever and wheresoever which I shall be seized of or entitled to
 " at the time of my decease as to one-fifth part thereof for my said
 " son Joseph Underwood and his children and as to one other fifth
 15 " part thereof for my said son Edward Underwood and his children
 " and as to one other fifth part thereof for my said son Richard
 " Underwood and his children and as to the one other fifth part thereof
 " for my said son William Underwood and his children and as to the
 " remaining fifth part thereof for my said son Thomas Underwood and
 20 " his children upon such and the same trusts respectively and
 " for such and the same estates and interests respectively as I have
 " hereinbefore declared of the messuages and premises first herein-
 " before devised to my said son Joseph Underwood and his children and
 " as if I had again declared and repeated those trusts each time I
 25 " devised my remaining property using the names of the party or
 " parties for whom the same are intended and I do hereby declare that
 " in case any or either of my said five sons shall depart this life
 " without leaving any child or children him or them surviving then I
 " devise the share or shares of such son or sons unto and equally
 30 " between the survivors and survivor of them my said sons and their
 " respective heirs as tenants in common in tail" And whereas the
 said James Underwood died on the nineteenth day of February in the
 year one thousand eight hundred and forty-four without having altered
 or revoked his said will and leaving the several persons therein named
 35 him surviving And whereas on the tenth day of October in the year
 one thousand eight hundred and fifty the said Joseph Underwood died
 without leaving issue And whereas the said Edward Underwood died
 in the year one thousand eight hundred and fifty-six leaving issue that
 is to say Sydney Edward Underwood Clara Elizabeth Underwood now
 40 Clara Elizabeth Spalding Powell Cecil Underwood and Angelina Fenn
 Underwood And whereas it is alleged that the interests of the said
 Sydney Edward Underwood and Clara Elizabeth Spalding are subject
 to certain charges in favor of James Charles Abbott of London And
 whereas the said Richard Underwood Thomas Underwood and George
 45 Grimes are all married and have issue some of whom are under
 the age of twenty-one years respectively And whereas the said
 William Underwood has recently married And whereas the said
 Richard Underwood Thomas Underwood and George Grimes have
 alienated their respective estates and interests in the lands and heredita-
 50 ments so devised to them as aforesaid And whereas the said respec-
 tive estates and interests of the said Richard Underwood and Thomas
 Underwood are now vested in Kate Rodd the Trustee of the will of
 the late John Savery Rodd deceased upon the trusts in the said will
 declared and the estate and interest of the said George Grimes is
 55 now vested in Robert Allen Hunt Thomas Wilton Eady and William
 Alfred Toogood the Trustees of the will of the late Alfred Toogood
 deceased upon the trusts in the said will declared And whereas the
 estates by the will of the said James Underwood originally vested in
 the said John Campbell and Robert Campbell are now at an end
 And

Underwood's Estate.

And whereas the said will of the said James Underwood contains no power or authority for the sale of the said lands and hereditaments And whereas the said lands and hereditaments are adapted for subdivision into a large number of allotments for building purposes but
 5 in their present state are for the most part unimproved and unproductive and in consequence of the complication of interests therein it is impossible to improve or properly manage the same And whereas it is expedient that the said lands should be subdivided and sold and the proceeds of such sales be paid into the Supreme Court in its
 10 Equitable Jurisdiction in the matter of the trusts of the said will of the said James Underwood in trust to attend the orders of the said Court 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
 15 and by the authority of the same as follows :—

1. From and after the passing of this Act the legal estate of
 and in the lands and hereditaments described in the Schedules A B
 and C hereto shall for the purposes of this Act vest in William Henry
 Mackenzie senior accountant and John Piper Mackenzie Official
 20 Assignee of Insolvent Estates both of Sydney aforesaid their heirs and assigns as joint tenants.

Legal estate to be vested in W. H. Mackenzie and J. P. Mackenzie.

2. It shall be lawful for the said William Henry Mackenzie
 senior and John Piper Mackenzie or the survivor of them to sell the
 lands and hereditaments described in the Schedules A B and C hereto
 25 either by public auction or by private contract and in such parcels or allotments and with such rights-of-way in and over such lands or any portion thereof as they or he shall deem expedient and for such price or prices as can be reasonably obtained for the same and when sold to convey to the purchasers their heirs and assigns or to such uses and in
 30 such manner as any such purchasers may direct or require and thereupon the said lands and hereditaments so conveyed and the legal estate therein shall vest absolutely in the persons to whom the same shall be so conveyed their heirs and assigns or go and remain to such uses and in such manner as aforesaid freed and discharged from any trusts
 35 created by the said will.

Lands may be sold and conveyed to purchaser.

3. It shall be lawful for the said William Henry Mackenzie
 and John Piper Mackenzie or the survivor of them to allow to any
 purchaser or purchasers of the said lands and hereditaments credit for
 any number of years not exceeding ten years for payment of a part of
 40 his or her or their purchase money upon such terms as to interest and otherwise as may by the said William Henry Mackenzie and John Piper Mackenzie or the survivor of them be deemed reasonable and proper Provided that the land shall remain unconveyed or be otherwise rendered a security by mortgage for so much of the purchase
 45 money thereof as shall remain unpaid together with the interest thereon until the same shall have been paid.

Credit may be given to purchasers for payment of part of purchase money.

4. The said William Henry Mackenzie and John Piper Mac-
 kenzie or the survivor of them shall immediately upon receipt of the
 moneys from each and every such sale after deducting the costs and
 50 expenses thereof and connected therewith pay the same into the Supreme Court in its equitable jurisdiction in the matter of the said will in trust to attend the orders of the Court and the certificate of the Master in Equity of the fact of the money being so paid shall be a sufficient discharge for the money so paid and the Court shall have the
 55 same power to apply and deal with such moneys in every respect as if the same had been paid into Court under the Act passed in the twenty-first year of Her present Majesty's reign intituled "*An Act for the better securing Trust Funds and for relief of Trustees.*"

Proceeds to be paid into the Supreme Court to be dealt with as under the Trustee Act 21 Victoria No. 7.

Underwood's Estate.

5. It shall be lawful for the Supreme Court in Equity from time to time to allow to the said William Henry Mackenzie and John Piper Mackenzie or the survivor of them such commission or per-centage as shall be just and reasonable for their or his pains or trouble in effectuating such sale or sales or otherwise in exercising the powers and performing the duties hereby conferred and imposed. Remuneration.

SCHEDULES.

SCHEDULE A.

All that piece or parcel of land situate in the parish of Concord in the county of Cumberland in the Colony of New South Wales and containing by estimation three hundred and nine acres Commencing on Powell's Creek at the northern corner of Thomas Rose's seventy acres grant being bounded on the north-west by a line bearing west twenty-five degrees south twenty-four chains fifty links thence on the south-west by a line bearing south forty degrees east thirty-seven chains to the Parramatta Road thence by a line bearing west thirty-three degrees south to the south side of the Parramatta Road thence on the north-east by that road bearing north-westerly to the north-west corner of Powell's nineteen acres grant thence again on the north-west by Pott's land being a line bearing south twenty degrees west twenty-three chains to the north-west corner of Simeon Lord's one hundred and sixty acres grant thence again on the south-west by Pott's land being a line bearing south thirty-three degrees east fifty-two chains to the north-west corner of Thomas Rose's sixty acres grant thence on the south-east by the north-west boundary of Rose's said grant being a line bearing east thirty-three degrees north fifty chains thence again on the north-east by a line bearing north thirty-three degrees west fifty-two chains to the north-west boundary-line of Simeon Lord's one hundred and sixty acres grant thence by that boundary-line bearing east thirty-three degrees north to Powell's Creek and thence again on the north-east by that creek bearing north-westerly to the point of commencement be the said several bearings and dimensions all more or less such parcel of land comprising Thomas Rose's seventy acres grant E. Powell's nineteen acres grant Simeon Lord's one hundred and sixty acres grant and F. Meredith's sixty acres grant Save and except so much of the said land as is used or inclosed for the railway line running from Sydney to Parramatta and in connection with the said railway.

SCHEDULE B.

All that piece or parcel of land containing by estimation one hundred and seventy-five acres more or less situate in the parish of Petersham county of Cumberland in the Colony of New South Wales on the south side of the road leading from Parramatta to Sydney Commencing at that point where the said road crosses Long Cove Creek being bounded on the north by the south side of the Parramatta Road bearing north-westerly to its intersection with the south-eastern side of the Liverpool Road bearing south-westerly till it meets the northern side of the railway line thence on the south-west by a line bearing south-easterly to the Government Road which divides Kable's grant from Foveaux's grant thence on the south by the north side of the said grant bearing easterly to the northern corner of Foveaux's grant thence on the south-west by the north-east boundary of Foveaux's grant being a line bearing south thirty degrees east twenty-six chains to Long Cove Creek and thence on the east by that creek bearing northerly to the point of commencement be the said several bearings and dimensions all more or less Save and except so much of the said land as is used or inclosed for the railway line running from Sydney to Parramatta and in connection with the said railway.

SCHEDULE C.

Underwood's Estate.

SCHEDULE C.

- All that piece or parcel of land situate in the parish of Alexandria in the county of Cumberland in the Colony of New South Wales comprising one hundred acres more or less being bounded on the south by the South Head Road forty chains fifty links
- 5 Commencing at the junction of the South Head Road with the road to Point Piper on the west by lines bearing north forty-four degrees thirty minutes east eight chains fifty links east twenty-four chains fifty links and north twenty-one chains thirty links on the north by lines bearing east eight chains and south forty-five degrees east twenty-five chains to the Point Piper Road and on the east by that road thirty-five chains to the
- 10 point of commencement be the said several bearings and dimensions all more or less saving and excepting from the said one hundred acres three acres fronting the South Head Road and enclosed by a stone wall upon which the dwelling-house called Juniper Hall is built and also such other pieces or parcels of land as may have been at various times duly sold and conveyed to various persons.

Sydney : Thomas Richards, Government Printer.—1872.

[6d.]

