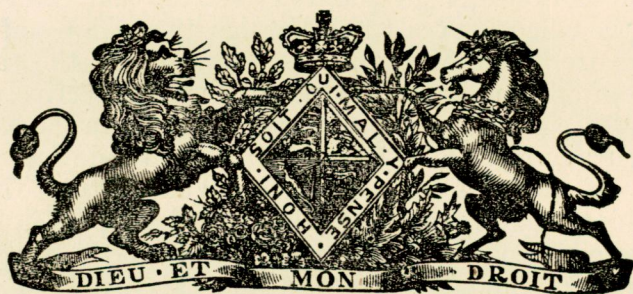


This PRIVATE BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

*Legislative Assembly Chamber,
Sydney, 13 February, 1877.* }

F. W. WEBB,
Acting Clerk of Legislative Assembly.

New South Wales.



ANNO QUADRAGESIMO

VICTORIÆ REGINÆ.

An Act to authorize the Trustees of the Marriage Settlement of Mrs. Bassett to sell and dispose of certain lands at Manly Beach and elsewhere in the Colony of New South Wales.

WHEREAS Darcy Wentworth late of Homebush in the Colony ^{Preamble.}
of New South Wales Esquire on the fifth day of July one
thousand eight hundred and twenty-seven duly made signed and
published his last will and testament in writing of that date whereby
5 reciting that he was possessed of extensive real estates which he was
desirous of bequeathing to his children in such manner as that the
same should be enjoyed by them respectively only for and during the
period of their natural lives in order therefore to limit the same strictly
in entail to them his said children and to the several and respective
10 heirs of their bodies respectively the said testator gave devised and
bequeathed the whole of his property real personal and mixed where-
soever the same might be situate except as thereafter was excepted
unto his friends John Thomas Campbell William Lawson William
Redfern Esquires and unto his the said testator's son William Charles
15 Wentworth Esquire their heirs executors administrators and assigns
according to the respective nature and quality thereof To have and
to hold his the said testator's said real personal and mixed estate
to them his the said testator's said trustees and the survivor of
132—A them

Bassett Darley Estates.

them and the heirs executors administrators and assigns of such survivor In trust nevertheless to and for the uses intents and purposes following that was to say (after devising certain legacies and annuities and declaring certain trusts in respect thereof) Upon
5 trust to allow his the said testators's said son William Charles Wentworth to have possess and enjoy certain of his the said testator's estates and property in the said will particularly mentioned and described the said William Charles Wentworth to possess and enjoy the said estates hereditaments and premises respectively and every part and
10 parcel thereof for and during the term of his natural life and from and after his decease the same to go and descend to his first and other sons and daughters in tail in the order of primogeniture males to be preferred to females and to the several and respective heirs of their bodies so as that each possessor should take only a life estate and interest in the
15 same And in the event of the said William Charles Wentworth's decease without issue then the said testator gave and devised his said estates to his said trustees and their heirs in trust to allow his the said testator's other children thereafter mentioned to possess and enjoy the same strictly limited to life interest and entail to each of them respectively in
20 the order of primogeniture males to be preferred to females in the order in the said will particularly mentioned And (after certain devises and declarations of trust in favor of his son Darcy Wentworth) Upon further trust to allow his the said testator's children Martha Sophia Robert Mary Ann and Katherine to possess and enjoy the whole of his the said
25 testator's Illawarra estate (including certain lands at Liverpool and Appin) and comprising the several parcels of land mentioned and described in the second Schedule hereto for and during the periods of the respective natural lives of his said testator's said five therein last-mentioned children to be held and enjoyed by them respectively and
30 by their respective heirs of their bodies as tenants in common and not as joint tenants with the like limitations as to remainder to their respective issue and to succession in default of such issue as was thereinbefore in the said will limited and appointed with regard to the other estates thereby by the said will devised and bequeathed to his the said
35 testator's said son William Charles And (after declaring certain trusts in regard to certain other property of the said testator) Upon further trust to allow his the said testator's daughter Katherine to enjoy his the said testator's estates at Broken Bay North Harbour and Duck River more particularly described in the first Schedule hereto to be had
40 and held by the said Katherine during the term of her natural life and to go and descend to the heirs of her body subject to the like limitations and conditions as were thereinbefore in the said will declared of and concerning the said other real estates (being the limitations and conditions declared of and concerning the property devised to the said
45 testator's said son William Charles Wentworth and similar limitations and conditions as to property devised to and in trust for certain others of the said testator's children) And the said testator declared that in the event of the death of any of his said nine children (in the said will particularly mentioned) without issue of their bodies as therein
50 aforesaid he the said testator gave and devised the estate or estates thereinbefore given and devised in trust for such children and their issue as therein aforesaid as should die without issue to the eldest of his the said testator's said children who should be then living in the order of succession therein particularly mentioned to be had and held by such
55 succeeding child and the heirs of his or her body subject to the like limitations and conditions as therein aforesaid And whereas the said testator was at the time of his so making the said will seized and possessed of the said parcels of land and hereditaments respectively mentioned and described in the said first and second Schedules hereto
And

Bassett Darley Estates.

And whereas the said testator died on the seventh day of July one thousand eight hundred and twenty-seven without having in any way altered or revoked his said last will and testament which was on the twenty-second day of May one thousand eight hundred and twenty-
5 eight duly proved in the Supreme Court of New South Wales in its Ecclesiastical Jurisdiction when administration of the estate of the said Darcy Wentworth was duly granted to the said John Thomas Campbell William Lawson and William Charles Wentworth And whereas under misapprehension as to the true construction of the said will
10 of the said Darcy Wentworth it was originally believed that the said Katherine the said daughter of the said Darcy Wentworth took an estate tail in the several lands hereditaments and premises devised to and in trust for her by the said will of the said Darcy Wentworth and that she was accordingly able by a deed duly executed in accordance
15 with the provisions of the Statute in that behalf in force in the said Colony of New South Wales to bar the said supposed estate tail and all remainders in the said lands hereditaments and premises expectant thereon And whereas under such misapprehension as aforesaid certain deeds were executed for the purpose of barring the supposed
20 estates tail of the said Katherine Wentworth the daughter of the said testator in the said lands hereditaments and premises mentioned and described in the said first and second Schedules hereto and for the purpose of settling the same on the then intended marriage of the said Katherine Wentworth with one Benjamin Darley And whereas the
25 said Katherine Wentworth intermarried with the said Benjamin Darley on the sixth day of February one thousand eight hundred and forty-seven by whom she had several children of whom the eldest and only now surviving son was and is Benjamin Wentworth Darley who was born on the twenty-first day of May one thousand eight hundred and
30 fifty-four and attained his age of twenty-one years on the twenty-first day of May one thousand eight hundred and seventy-five And whereas the said Benjamin Darley died on the twenty-second day of June one thousand eight hundred and sixty-four leaving him surviving the said Katherine his widow and the said Benjamin Wentworth Darley his
35 only now surviving and eldest son by the said Katherine Darley And whereas upon the death of the said Benjamin Darley the said Katherine his widow had only the same and the same extent of estate of and in the said land hereditaments and premises mentioned and described in the said first and second Schedules hereto as she took under
40 the will of the said testator Darcy Wentworth namely a life estate And whereas by an indenture dated the twenty-first day of November one thousand eight hundred and sixty-seven and made between the said Katherine Darley of the first part William Thomas Bassett of the second part and George Osborne and Edwin
45 Daintrey of the third part reciting that a marriage had been agreed upon and was intended to be then shortly solemnized between the said Catherine Darley and William Thomas Bassett and (amongst other recitals) also reciting that under the said will of the said testator Darcy Wentworth the said Katherine Darley was or might be entitled
50 for her life or other interest to some share or shares in his real estate and absolutely or otherwise to some share in his personal estate and that it had been agreed that the same should be settled as therein mentioned the said Katherine Darley with the consent of the said William Thomas Bassett granted assigned released and conveyed unto the said
55 George Osborne and Edwin Daintrey their heirs executors administrators and assigns All and singular the estate share right title and interest whatsoever whether for life or absolutely or for any other estate and whether in possession reversion remainder or expectancy which under or by virtue of the will of her said deceased father Darcy Wentworth

Bassett Darley Estates.

worth she the said Katherine Darley then was or should or might be or become entitled to in the real and personal estates of him the said Darcy Wentworth deceased and whether the same were situate in New South Wales or elsewhere In trust for the said Katherine Darley her heirs executors administrators and assigns until the said intended marriage should be solemnized And after the solemnization thereof Upon trust as to the said real estate and hereditaments thereby granted and conveyed or intended so to be Upon trust for the said Katherine Darley for her sole and separate use and benefit and so that she might receive the rents and profits of such real estate and hereditaments free from the debts and control of her said intended husband during her life without anticipation and from and after her decease Upon trust for such person as she should by any deed or by her will notwithstanding coverture appoint and in default of appointment Upon trust for the right heirs of the said Katherine Darley And in the said indenture was contained a power to appoint new trustees in the events therein mentioned and enabling the said Katherine Darley during her life to exercise such power And whereas by an indenture dated the eleventh day of January one thousand eight hundred and sixty-nine and made between the said Katherine Bassett of the first part the said George Osborne of the second part and Alexander Stuart of the third part reciting that the said Edwin Daintrey had declined to act and had never acted in the trusts of the said indenture of the twenty-first day of November one thousand eight hundred and sixty seven the said Katherine Bassett nominated and appointed the said Alexander Stuart to be a new trustee in the room and place of the said Edwin Daintrey and to act in conjunction with the said George Osborne in the trusts of the said last-mentioned indenture And by the now reciting indenture All and singular the estate share right title and interest real and personal estate whatsoever and other premises comprised in and by the thereinbefore and hereinbefore recited indenture of the twenty-first day of November one thousand eight hundred and sixty-seven was granted released and assigned unto the said George Osborne and Alexander Stuart their heirs executors administrators and assigns upon the trusts of the said last-mentioned indenture And whereas by an indenture dated the twenty-second day of September one thousand eight hundred and fifty-one and expressed to be made between Thomas Alexander Reddall of the first part Robert Towns and Sophia Towns his wife (formerly Sophia Wentworth) of the second part Robert Darcy Wentworth Towns eldest son of the said Sophia Towns an infant under the age of twenty-one years of the third part the said Robert Towns and Stephen Addison of the fourth part the said Stephen Addison and Mary Ann Addison his wife (formerly Mary Ann Wentworth) of the fifth part Hugh Darcy Addison eldest son of the said Mary Ann Addison an infant under the age of twenty-one years of the sixth part the said Benjamin Darley and Katherine Darley his wife of the seventh part Katherine Darley the younger eldest daughter of the said Katherine Darley an infant under the age of twenty-one years of the eighth part the said Robert Towns and Alexander Donaldson Kellie of the ninth part and Randolph John Want of the tenth part a partition of the said lands hereditaments and premises mentioned and described in the said second Schedule hereto was purported to be made but the same was ineffectual for such purpose inasmuch as the same was not executed by all the parties who were interested in the said lands hereditaments and premises and whose execution was necessary to complete and effect such partition And whereas by an indenture dated the sixteenth day of March one thousand eight hundred and seventy-six and made between the said Benjamin Wentworth Darley of the first part the said George Osborne and Alexander Stuart of the second

Bassett Darley Estates.

second part George Penkivil Slade of the third part and the said Benjamin Wentworth Darley of the fourth part the said Benjamin Wentworth Darley with the consent of the said George Osborne and Alexander Stuart granted and released All that the inheritance in
 5 remainder expectant on the determination of the said estate for life of the said Katherine Bassett of and in All those the said lands hereditaments and premises mentioned and described in the said first Schedule thereto and hereto and of and in all that the share estate and interest of the said Benjamin Wentworth Darley in the lands and
 10 hereditaments mentioned and described in the said second Schedule thereto and hereto to the said George Penkivil Slade freed and discharged of and from all estates tail of the said Benjamin Wentworth Darley in the said lands hereditaments and premises and all estates rights titles interests and powers to take effect after the determination
 15 or in defeasance of the same estates tail to the use of the said Benjamin Wentworth Darley his heirs and assigns for ever And whereas the said lands hereditaments and premises mentioned and described in the said first and second Schedules hereto are of great value and it would be advisable and of great advantage to all parties
 20 interested in the same that the said lands in the said first Schedule mentioned should be sold and the moneys arising from the sale thereof be held in trust for the persons interested in the same lands hereditaments and premises according to their respective estates and interests therein And whereas it is expedient that the trustees of the said
 25 indenture of the twenty-first day of November one thousand eight hundred and sixty-seven should have power to dispose of the share and interest of the said Katherine Bassett and Benjamin Wentworth Darley in the lands mentioned in the said second Schedule hereto And whereas the said objects cannot be attained without an Act of the
 30 Legislature there being no power of sale contained in the said indenture of settlement of the twenty-first day of November one thousand eight hundred and sixty-seven 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
 35 assembled and by the authority of the same as follows:—

1. From and after the passing of this Act the said lands hereditaments and premises mentioned and described in the said first Schedule hereto shall be vested in the said George Osborne and Alexander Stuart their heirs and assigns for an estate of inheritance in fee simple in
 40 possession.

2. It shall be lawful for the said George Osborne and Alexander Stuart or other the trustees or trustee of this Act (such person or persons whether the present or future trustees or trustee being herein-
 45 after designated as the said trustees or trustee) to sell and dispose of all and singular the lands hereditaments and premises mentioned and described in the said first Schedule hereto or any or either of them or any part of the same by public auction or private contract either in one or several lots and in such parcels lots and divisions and upon such terms and conditions as they or he shall deem expedient and for such
 50 price or prices as can be reasonably obtained for the same with power to buy in the said lands hereditaments and premises or any part thereof at any sale by auction and to rescind or vary any contract for sale and to resell without being responsible for any loss occasioned thereby Upon any sale so made the said trustees or trustee may convey the land
 55 so sold to the purchaser or purchasers thereof or as such purchaser or purchasers may direct and upon the execution of any such conveyance the inheritance in fee simple in possession in the land thereby conveyed shall vest in the person or persons to whom the same shall be conveyed either absolutely or to or for such estates uses trusts or limita-
 60 tions as may be created limited or declared in and by such deed.

3.

Bassett Darley Estates.

3. It shall be lawful for the said trustees or trustee to allow any purchaser or purchasers credit for the payment of the whole or part of his her or their purchase money upon such terms as to interest or otherwise generally as the said trustees or trustee may deem reasonable and expedient. Provided that the land in respect of which such credit shall be given shall remain unconveyed or shall by a proper mortgage with full powers of entry and sale and other usual and proper provisions be made a security for the payment of the purchase money remaining unpaid and in respect of which credit is given. And provided that in the event of credit being given for the whole purchase money such other security be given by or on behalf of the purchaser as shall in the opinion and discretion of the said trustees or trustee be sufficient together with the value of the land in respect of which such credit shall be given to secure the payment of the said purchase money and accruing interest thereon. In the event of any such security being taken the vendors lien for the said purchase money and every part thereof shall in all cases continue and be enforceable notwithstanding any arrangement as to the giving or taking of such security or otherwise.
4. The said trustees or trustee shall stand possessed of all moneys arising from any sale hereby authorized. Upon trust in the first place to pay all costs and expenses of and incidental to the procuring and passing this Act and also of all deeds instruments acts dealings and proceedings previously or subsequently to the passing of this Act executed signed done or undertaken for the purpose of enabling the said trustees or trustee to carry out any sale hereby authorized. And in the next place to pay all costs and expenses of and incidental to such sale. And in the next place to retain and pay the commission hereby authorized. And in the last place to invest the surplus of the said moneys arising from any such sale after making and paying such costs charges expenses and commission as aforesaid in any Debentures or Government securities of any kind of the Colonies of New South Wales Victoria Queensland or New Zealand or the public stocks or funds or Government securities of the United Kingdom or upon freehold leasehold or chattel real securities in the United Kingdom of England and Ireland or any of the said Colonies or in or upon the stocks funds shares debentures mortgages or securities of any corporation company or public body municipal commercial or otherwise in the United Kingdom or any of the said Colonies or upon Bank deposit receipts of any Bank in the said United Kingdom or any of the said Colonies and with power from time to time and at any time to vary or transpose any such investment and security into or for any other investment or security of the nature hereby authorized.
5. The said trustees or trustee shall stand possessed of all and every such stocks funds and securities and all the net interest income and annual produce thereof. Upon trust during the life of the said Katherine Bassett to pay such net interest income and annual produce of the said stocks funds and securities to the said Katherine Bassett for her life for her sole and separate use and free from the debts control or interference of her present or any future husband her receipts alone to be sufficient discharges for the same and so that she may not in any way dispose of the same income and annual proceeds by way of anticipation. After the decease of the said Katherine Bassett the said trustees or trustee shall stand possessed of the said stocks funds and securities and the interest income and annual produce of the same upon trust for the said Benjamin Wentworth Darley absolutely. If the said Katherine Bassett shall die at any time between the times at which any such income as aforesaid shall be payable on any such investment the said trustees or trustee shall apportion the income becoming payable at the

Power to give credit
to purchasers.

Trusts of purchase
money.
To pay costs and
expenses of Act.

To pay expenses of
sale.

To pay commission.

Investment of
surplus.

Trusts of invest-
ments.

Bassett Darley Estates.

the time next after the death of the said Katherine Bassett between the representatives of the said Katherine Bassett and the said Benjamin Wentworth Darley or his representatives according to the proportion of time during which each of such parties have been respectively
5 entitled to the stocks funds or securities producing such income.

6. It shall be lawful for the said trustee or trustee to lease either
the whole or any part of the said lands and hereditaments mentioned
and described in the said first Schedule hereto to any person or persons
who shall covenant to improve the same by erecting and building
10 thereon any house or houses building or buildings and to repair and
rebuild any houses or buildings which shall hereafter be standing
thereon or by otherwise expending in improvement such moneys as
shall be deemed adequate to the interest to be parted with for any
term of years not exceeding ninety-nine years to take effect in possession
15 and not in reversion or by way of future interest so as there be reserved
in every such lease the best yearly rent to be incident to the immediate
reversion that can be reasonably obtained without taking anything in
the nature of a fine or premium for the making thereof and so that
there be contained in every such lease a condition of re-entry for non-
20 payment of rent within a reasonable time to be therein specified or non-
observance or non-performance of covenants by the lessee and so that
the lessee do execute a counterpart thereof and thereby covenant for
payment of the rent thereby reserved and be not by any express words
made dispunishable for waste.

Power to grant
building leases.

25 7. The said trustees or trustee shall stand possessed of the rents
arising from and payable under any lease made under the authority of
this Act upon the same trusts as are herein declared in regard to the
income of the said stocks funds and securities under the fifth section
of this Act.

Rents to be held on
same trusts as in-
come of investments.

30 8. It shall be lawful for the said trustees or trustee to make
and alter and concur in the making and altering of any roads streets
or ways on and over any part or parts of the said lands hereditaments
and premises mentioned and described in the said first Schedule hereto
and also to undertake and concur in undertaking any works for and to
35 make erect and carry out and concur in making erecting and carrying
out any gardens ornamental grounds places of recreation erections
sewers drains watercourses lamps lighting or any other work which
may in their or his discretion conduce to the better laying out or
selling of the said lands and hereditaments or the convenience and
40 enjoyment of those persons who may have purchased any part thereof
The cost of any such works on the part of the said Trustees or
trustee or their or his proportion of any costs for such works shall for
the purposes of this Act be held to be costs and expenses of and
incidental to sales hereunder For any of the purposes of this section
45 the said trustees or trustee may reserve and dedicatè either absolutely
or upon any condition any part and parts of the said lands heredita-
ments and premises.

Power to make
roads &c.

50 9. It shall be lawful for the said trustees or trustee without
price or consideration to convey and dedicate any part or parts of the
said lands hereditaments and premises mentioned and described in the
said first Schedule hereto either absolutely or upon any conditions for
the purpose of the erection of any building for religious educational or
charitable purposes and to confirm any appropriation or gift of any
part of the said lands and hereditaments made for any such purpose at
55 any time previously to the passing of this Act.

Power to dedicate
land for religious
educational and
charitable purposes.

10. It shall be lawful for the said trustees or trustee to exchange
any part of the said lands hereditaments and premises mentioned and
described in the said first Schedule hereto for any other part or parts
of the said lands hereditaments and premises which may have been
previously

Power to exchange
for land previously
sold.

Bassett Darley Estates.

previously sold and conveyed under the authority of this Act and for the purpose of carrying out any such exchange to execute and do any deed or thing in the opinion of the said trustees or trustee necessary or expedient.

5 11. The said trustees or trustee may at any time and from time to time make execute sign take and do all applications deeds instru-
ments steps and things necessary or expedient for the purpose of
bringing under the provisions of the "Real Property Act" the said
lands hereditaments and premises mentioned and described in the said
10 first Schedule hereto or any part or parts thereof.

Power to bring land
under Real Property
Act.

12. It shall be lawful for the said trustees or trustee from time
to time to retain and pay to themselves and the others and other of
them an aggregate commission of five pounds per centum calculated
upon the moneys arising from every sale made under the authority of
15 this Act after deduction of all commission auctioneers agents and
advertising costs and expenses of such sale Upon any lease made
under the authority of this Act the said trustees or trustee may
retain and pay to themselves and the others and other of them an
aggregate commission of five pounds per centum calculated upon a
20 capitalized value of the rent thereby reserved money for such purpose
being taken to be of the value of six pounds per centum per annum.

Trustees com-
mission.

13. The receipt and receipts in writing of the said trustees or
trustee shall be an absolute discharge to any purchaser or purchasers
of any lands and hereditaments sold and to any lessee or under tenant
25 of any land so as aforesaid demised for any purchase money and rent
respectively paid in respect of any such purchase and the reservations
and provisions of any such lease and shall exonerate the person or
persons so paying from the necessity of seeing to the application of
any such purchase money or rent and from any liability for the non-
30 application or misapplication of the same or any part of the same.

Trustees receipts to
be sufficient dis-
charges.

14. Upon the death desire to be discharged from or refusal or
becoming unfit or incapable to act in the trusts of this Act of the said
George Osborne and Alexander Stuart or either of them or of any
trustee appointed under the provisions of the sixty-third section of
35 "The Trust Property Act of one thousand eight hundred and sixty-two"
(which shall be held to be incorporated herewith) the said Katherine
Bassett shall during her lifetime be held to be the person nominated
for the purpose of appointing a new trustee and after her death so long
as any trusts of this Act shall remain unperformed the said Benjamin
40 Wentworth Darley his executors or administrators shall be held to be
the person or persons (as the case may be) nominated for the purpose
of appointing a new trustee The expression "the said trustees or
trustee" wherever used in this Act shall be taken and held to mean
the trustees or trustee for the time being of this Act whether original
45 or substituted.

Appointment of new
trustees.

15. It shall be lawful for the said George Osborne and Alexander
Stuart or the trustees or trustee for the time being of the said inden-
ture of the twenty-first day of November one thousand eight hundred
and sixty-seven at any time and from time to time in any way to con-
50 cur with the person or persons for the time being under the said will
of the said Darcy Wentworth entitled to the one-fifth share of the said
hereditaments described in the second Schedule hereto next in remainder
or reversion after the life estate of the said Katherine Bassett whether
such share shall or shall not be then partitioned and if deemed necessary
55 or desirable also to concur with any person or persons possessed of or
entitled to the other fifth shares of and in the said hereditaments for
the purpose of carrying out a sale or sales either of the said one-fifth
share or of the entirety of the said hereditaments and for this purpose
they shall possess similar powers of conveyance and with the like con-
sequences

Power to trustees to
concur in selling land
in second Schedule.

Bassett Darley Estates.

- sequences to those provided in and by the second section of this Act
 On any such sale the purchase money payable in respect of or the fair
 proportion applicable to such one-fifth share as the case may be shall
 be paid to and held by the said trustees of this Act upon the trusts
 5 and for the purposes declared in and by the fourth and fifth sections
 of this Act and the said trustees of the said indenture of settlement
 shall have similar powers of giving receipts and with similar conse-
 quences to those conferred and declared in and by the thirteenth section
 of this Act.
- 10 16. Upon the death of the said Katherine Bassett the said trustees
 or trustee shall convey assure and assign to the said Benjamin Went-
 worth Darley his heirs executors administrators or assigns any of the
 said lands and hereditaments mentioned and described in the said first
 Schedule hereto remaining unsold and unconveyed subject to and with
 15 the benefit of any leases granted and subject to any other estates rights
 or interests created and any dedications made by the said trustees or
 trustee under the authority of this Act and all stocks funds and secu-
 rities held by the said trustees or trustee under or in pursuance of the
 provisions of this Act and any income of or from the same to which the
 20 representatives of the said Katherine Bassett shall not be entitled under
 the provisions of this Act according to the nature of the said respective
 properties and the then existing circumstances.
17. The said trustees with respect to any charges or expenses
 contemplated by this Act and common to the properties comprised in
 25 the first and second Schedules shall in the event of the sale of both
 properties have and there is hereby conferred on them full authority
 and discretion to apportion such expenses or charges between the
 proceeds of the said several properties comprised in such Schedules
 respectively.
- 30 18. This Act may be cited as the "Bassett Darley Estates Act." Short title.

Trusts of purchase
money.Trusts of unsold
portions of land in
first Schedule and
of funds on Mrs.
Bassett's death.Power to apportion
expenses.

Short title.

Bassett Darley Estates.

SCHEDULES.

THE FIRST SCHEDULE.

- 5 All that piece or parcel of land situate at Big Manly cove County of Cumberland in the Colony of New South Wales Commencing on the eastern side of Big Manly Cove at high-water-mark at a point distant one hundred feet south forty-five degrees west from the south-eastern corner of J. Thompson's one hundred acres grant being bounded on the north-west by the said one hundred feet being the south-eastern boundary of the reserve as set forth in Thompson's grant bearing north forty-five degrees east thence by the south-eastern boundary Thompson's grant on the same bearing nineteen chains to 10 a point distant one hundred feet from high-water-mark on Cabbage-tree Bay thence on the same bearing by the said one hundred feet being in all twenty-two chains to the waters of Cabbage-tree Bay thence on the north-east by the waters of Cabbage-tree Bay eighteen chains to the north-west corner of Cheers's grant thence on the south-east by the north-west boundary of Cheers's grant bearing south forty-five degrees west to the 15 waters of Big Manly Cove And thence on the south-west by the said waters north-westerly to the point of commencement excepting out of the said land a road of one chain wide on the south-east side reserved by Government which said parcel of land was originally granted to Gilbert Baker by deed-poll or grant from the Crown bearing date the first day of January one thousand eight hundred and ten.
- 20 Also all that piece or parcel of land situate at Big Manly Cove in the county of Cumberland in the said Colony Commencing at the southern corner of Baker's grant Being bounded on the north-west by a line north forty-five degrees east to the waters of the Pacific Ocean thence on the north-east by the said waters south-easterly to the north-west corner of land granted for a Roman Catholic Episcopal residence thence on 25 the south-east by the said grant being a line bearing south twenty degrees east forty-one chains fifty links to the waters of North Harbour and thence on the south and west by the said waters to the point of commencement which said parcel of land was originally granted to Richard Cheers by deed-poll or grant from the Crown bearing date the first day of January one thousand eight hundred and ten.
- 30 Also all that piece or parcel of land situate in the parish of Manly Cove county of Cumberland in the Colony of New South Wales Commencing on the bank of Curl Curl Creek at a point distant about ten chains north-westerly from the Government road crossing the said creek Being bounded on the west by a line bearing south sixty-five chains on the south by a line bearing east sixty-five chains on the east by a line 35 bearing north forty-five chains to Curl Curl Creek and thence on the north by Curl Curl Creek to the point of commencement which said parcel of land was originally granted to the testator Darcy Wentworth by deed-poll or grant from the Crown bearing date the twenty-fifth day of July one thousand eight hundred and eighteen.
- 40 Also all that piece or parcel of land situate in the parish of Manly Cove county of Cumberland in the Colony of New South Wales Commencing on the shore of the South Pacific Ocean Being bounded on the south-west by a line bearing west thirty-five degrees north to the north-east corner of Jones's grant thence on the north-west by a line bearing north thirty-five degrees east twenty chains thence on the north-east by a line bearing east thirty-five degrees south twenty-eight chains and thence on the 45 south-east by a line bearing south thirty-five degrees west four chains to the waters of the South Pacific and by the said waters south-westerly to the point of commencement which said parcel of land was originally granted to Thomas Bruin by deed-poll or grant from the Crown bearing date the twenty-fifth day of July one thousand eight hundred and eighteen.
- 50 Also all that piece or parcel of land situate in the parish of Narrabeen county of Cumberland in the Colony of New South Wales Commencing at a small creek falling into the South Pacific Ocean being bounded on the north by the said creek and a line bearing west ten degrees south to Pitt Water thence on part of the west north and north-west by Pitt Water and a small creek to the north-western corner of McIntosh's grant thence 55 on part of the south by the northern boundary of said grant bearing easterly five chains to the north-eastern corner thereof thence on the north-west by the south-eastern boundaries of McIntosh and Hughes' grants bearing south thirty degrees west fifty-eight chains thence on the south-west by the north-eastern boundaries of Hughes' grant a Government road part of Collins' and also by Rowan's and Jenkins' grants bearing east 60 thirty degrees south to the waters of the South Pacific Ocean And thence on the east by the said ocean to the point of commencement which said parcel of land was originally granted to Robert Campbell by deed-poll or grant from the Crown bearing date the thirty-first day of August one thousand eight hundred and nineteen.
- 65 Also all that piece or parcel of land situate in the parish of Narrabeen county of Cumberland in the Colony of New South Wales Commencing at the north-western corner of J. J. Therry's two hundred and eighty acres grant on the east side of Careel Bay being bounded on the west by that bay and Pitt Water bearing northerly to Broken Bay thence on the north by the waters of the headland of Broken Bay to Barranjuie or the south head of Broken Bay thence on the east by the South Pacific Ocean southerly to the

Bassett Darley Estates.

the north-eastern corner of Therry's grant aforesaid and thence on the south by the northern boundary of the said grant being a line bearing west twenty degrees south twenty-eight chains to the point of commencement which said parcel of land was originally granted to James Napper by deed-poll or grant from the Crown bearing
5 date the sixteenth day of March one thousand eight hundred and sixteen.

And also all that piece or parcel of land situate in the parish of Liberty Plains county of Cumberland in the Colony of New South Wales Commencing on the west bank of Duck Creek at a point opposite to the south-west corner of W. Longford's sixty acres grant on Duck River Being bounded on the south by a line west twenty-two chains
10 thence on the west by Blaxcell's grant being a line bearing north one hundred and thirty-eight chains to Duck Creek thence by that creek to the Parramatta Road and thence on the north by the Parramatta Road commencing at Duck Creek Bridge to Duck River Bridge and on the east by Duck River to the point of commencement which said parcel of land was originally granted to William Lawson and William Charles
15 Wentworth by deed-poll or grant from the Crown bearing date the twenty-ninth day of January one thousand eight hundred and forty.

SECOND SCHEDULE.

ALL those two thousand acres of land lying and situate in the district of Illawarra and county of Camden bounded on the north by part of Wentworth's Farm of one thousand
20 six hundred and fifty acres bearing west south fifty-one chains and a west line of one hundred and forty chains bounding part of Wentworth Gore's farm of one thousand five hundred acres on the west by a south line of sixty-two chains on the south by an east line to the sea and on all other sides by the sea which said parcel of land was originally granted to the testator Darcy Wentworth by deed-poll or grant from the Crown
25 bearing date the third day of September one thousand eight hundred and twenty-one.

Also all those one thousand five hundred acres lying and situate in the district of Illawarra bounded on the south-west by Terry's farm bearing south thirty-five degrees east sixty-two chains on the south by an east line of two hundred and eighty-four chains on the east by a north line of fifty-one chains to Darcy Wentworth's farm and on the
30 north side by Wentworth Milham Horsley and William Wentworth's farms which said parcel of land was originally granted to the testator Darcy Wentworth by deed-poll or grant from the Crown bearing date the ninth day of January one thousand eight hundred and twenty-one.

Also all those one thousand six hundred and fifty acres of land lying and situate in
35 the district of Illawarra bounded on the north side by Davey's farm bearing west on the west side by Mileham's farm bearing south one hundred and fourteen chains on the south by an east line to the coast and on the east by the coast which said parcel of land was originally granted to the testator Darcy Wentworth by deed-poll or grant from the Crown bearing date the ninth day of January one thousand eight hundred and twenty-
40 one.

Also all that piece or parcel of land situate in the district of Illawarra containing one thousand acres bounded on the south-west side by Andrew Allen's farm and eighteen chains of Terry's farm bearing south thirty-five degrees east on the south by an east line of thirty chains on the east by a north line to a small creek on the Illawarra Lake and
45 on the north side by the lake and Macquarie River which said parcel of land was originally granted to William Wentworth by deed-poll or grant from the Crown bearing date the ninth day of January one thousand eight hundred and twenty-one.

Also all that piece or parcel of land situate in the district of Illawarra containing two thousand acres granted as appears to Thomas Davey bounded on the west and south
50 by Mileham's farm bearing south-east forty-two chains and a continued east line to the coast and on all other sides by the sea-coast and Illawarra Lake which said parcel of land was originally granted to Thomas Davey by deed-poll or grant from the Crown bearing date the ninth day of January one thousand eight hundred and twenty-one.

Also all that piece or parcel of land situate in the district of Illawarra granted as
55 appears to John Horsley containing one thousand two hundred acres bounded on the west side by Wentworth's bearing south on the south side by an east line of ninety-eight chains on the east by a north line to the Illawarra Lake and on the north side by that lake which said parcel was originally granted to John Horsley by deed-poll or grant from the Crown bearing date the ninth day of January one thousand eight hundred and
60 twenty-one.

Also all that piece or parcel of land containing seven hundred acres situate in the districts of Illawarra bounded on the west by Horsley's farm bearing south on the south side by an east line of sixty chains on the east by a north line of one hundred and fourteen chains on the north by a west line of forty-two chains a north line to the Illawarra Lake
65 and on the north by that lake which said parcel of land was originally granted to James Mileham by deed-poll or grant from the Crown bearing date the ninth day of January one thousand eight hundred and twenty-one.

Also all that piece or parcel of land situate in the district of Illawarra containing one thousand acres more or less bounded on the west by a line bearing south eighty
70 chains commencing from the south-west corner of Darcy Wentworth's farm on the south
by

Bassett Darley Estates.

by a line bearing east seventy-two chains thence by Minmurra River to the sea-coast on the east by the sea-coast and on the north by the farm of Darcy Wentworth bearing west one hundred and fifty chains to the commencing corner being the land originally promised to one William Ralph.

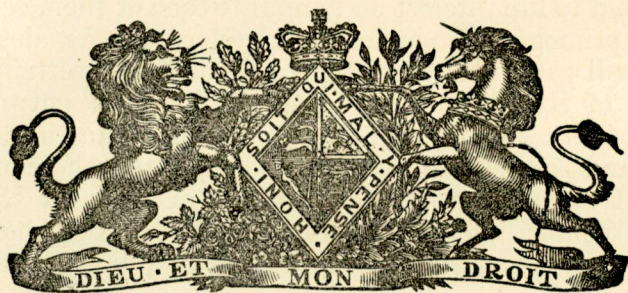
- 5 Also all that piece or parcel of land containing two thousand acres more or less situated in the district of Illawarra Commencing at the Minumurra River at the south-east corner of W. Ralph's one thousand acres grant and bounded on the north by the south boundary of that land bearing west on the east by the west boundary of W. Ralph's grant aforesaid and by the west boundary of Darcy Wentworth's two thousand acres grant bearing north again on the north by part of the south boundary of Wentworth Gore's one thousand five hundred acres bearing west on the west by the eastern boundary of Reddall's one thousand two hundred and eighty acres by the eastern boundaries of two measured portions of land containing respectively three hundred and twenty acres and one hundred acres being a line bearing south to the south-east corner of 15 the said one hundred acres and a prolongation south of six chains forty-six links to a marked tree on the south by a line bearing east ninety-two chains fifty links to the Minumurra River and on the east by that river to the south-east corner of W. Ralph's one thousand acres grant as aforesaid.

- 20 Also all those fifty acres of land lying situate and being in the district of Appin in the said Colony bounded on the south by Clarke's farm bearing east on the east by the Appin road on the north by a west line of forty-five chains sixty-six links to a chain of ponds to the north-east corner of Broughton's Lachlan Vale Farm and on the west by those ponds which said parcel of land was originally granted to Francis Thompson by deed-poll or grant from the Crown bearing date the seventeenth day of 25 August one thousand eight hundred and nineteen.

- Also all those fifty acres of land lying situate and being in the said district of Appin bounded on the south by M'Guigan's farm bearing east on the east by the Appin road on the north by a west line to a chain of ponds bounding Broughton's Lachlan Vale Farm and on the west by those ponds being twelve chains in width on a north line 30 which said parcel of land was originally granted to John Clarke by deed-poll or grant from the Crown bearing date the seventeenth day of August one thousand eight hundred and nineteen.

- And also all those thirty acres of land lying situate and being in the district of Bankstown bounded on the east side by Shaw's farm bearing north thirty chains seventy 35 links on the north side by a west line of eleven chains on the west by a south line to George's River and on the south by that river which said parcel of land was originally granted to Thomas Moore by deed-poll or grant from the Crown bearing date the twentieth day of June one thousand eight hundred and sixteen.

New South Wales.



ANNO QUADRAGESIMO

VICTORIÆ REGINÆ.

An Act to authorize the Trustees of the Marriage Settlement of Mrs. Bassett to sell and dispose of certain lands at Manly Beach and elsewhere in the Colony of New South Wales. [Assented to, 21st March, 1877.]

WHEREAS Darcy Wentworth late of Homebush in the Colony Preamble.
of New South Wales Esquire on the fifth day of July one thousand eight hundred and twenty-seven duly made signed and published his last will and testament in writing of that date whereby reciting that he was possessed of extensive real estates which he was desirous of bequeathing to his children in such manner as that the same should be enjoyed by them respectively only for and during the period of their natural lives in order therefore to limit the same strictly in entail to them his said children and to the several and respective heirs of their bodies respectively the said testator gave devised and bequeathed the whole of his property real personal and mixed where-soever the same might be situate except as thereafter was excepted unto his friends John Thomas Campbell William Lawson William Redfern Esquires and unto his the said testator's son William Charles Wentworth Esquire their heirs executors administrators and assigns according to the respective nature and quality thereof To have and to hold his the said testator's said real personal and mixed estate to them his the said testator's said trustees and the survivor of
A them .

Bassett Darley Estates.

them and the heirs executors administrators and assigns of such survivor In trust nevertheless to and for the uses intents and purposes following that was to say (after devising certain legacies and annuities and declaring certain trusts in respect thereof) Upon trust to allow his the said testator's said son William Charles Wentworth to have possess and enjoy certain of his the said testator's estates and property in the said will particularly mentioned and described the said William Charles Wentworth to possess and enjoy the said estates hereditaments and premises respectively and every part and parcel thereof for and during the term of his natural life and from and after his decease the same to go and descend to his first and other sons and daughters in tail in the order of primogeniture males to be preferred to females and to the several and respective heirs of their bodies so as that each possessor should take only a life estate and interest in the same And in the event of the said William Charles Wentworth's decease without issue then the said testator gave and devised his said estates to his said trustees and their heirs in trust to allow his the said testator's other children thereafter mentioned to possess and enjoy the same strictly limited to life interest and entail to each of them respectively in the order of primogeniture males to be preferred to females in the order in the said will particularly mentioned And (after certain devises and declarations of trust in favor of his son Darcy Wentworth) Upon further trust to allow his the said testator's children Martha Sophia Robert Mary Ann and Katherine to possess and enjoy the whole of his the said testator's Illawarra estate (including certain lands at Liverpool and Appin) and comprising the several parcels of land mentioned and described in the second Schedule hereto for and during the periods of the respective natural lives of his said testator's said five therein last-mentioned children to be held and enjoyed by them respectively and by their respective heirs of their bodies as tenants in common and not as joint tenants with the like limitations as to remainder to their respective issue and to succession in default of such issue as was thereinbefore in the said will limited and appointed with regard to the other estates thereby by the said will devised and bequeathed to his the said testator's said son William Charles And (after declaring certain trusts in regard to certain other property of the said testator) Upon further trust to allow his the said testator's daughter Katherine to enjoy his the said testator's estates at Broken Bay North Harbour and Duck River more particularly described in the first Schedule hereto to be had and held by the said Katherine during the term of her natural life and to go and descend to the heirs of her body subject to the like limitations and conditions as were thereinbefore in the said will declared of and concerning the said other real estates (being the limitations and conditions declared of and concerning the property devised to the said testator's said son William Charles Wentworth and similar limitations and conditions as to property devised to and in trust for certain others of the said testator's children) And the said testator declared that in the event of the death of any of his said nine children (in the said will particularly mentioned) without issue of their bodies as therein aforesaid he the said testator gave and devised the estate or estates thereinbefore given and devised in trust for such children and their issue as therein aforesaid as should die without issue to the eldest of his the said testator's said children who should be then living in the order of succession therein particularly mentioned to be had and held by such succeeding child and the heirs of his or her body subject to the like limitations and conditions as therein aforesaid And whereas the said testator was at the time of his so making the said will seized and possessed of the said parcels of land and hereditaments respectively mentioned and described in the said first and second Schedules hereto
And

Bassett Darley Estates.

And whereas the said testator died on the seventh day of July one thousand eight hundred and twenty-seven without having in any way altered or revoked his said last will and testament which was on the twenty-second day of May one thousand eight hundred and twenty-eight duly proved in the Supreme Court of New South Wales in its Ecclesiastical Jurisdiction when administration of the estate of the said Darcy Wentworth was duly granted to the said John Thomas Campbell William Lawson and William Charles Wentworth And whereas under misapprehension as to the true construction of the said will of the said Darcy Wentworth it was originally believed that the said Katherine the said daughter of the said Darcy Wentworth took an estate tail in the several lands hereditaments and premises devised to and in trust for her by the said will of the said Darcy Wentworth and that she was accordingly able by a deed duly executed in accordance with the provisions of the Statute in that behalf in force in the said Colony of New South Wales to bar the said supposed estate tail and all remainders in the said lands hereditaments and premises expectant thereon And whereas under such misapprehension as aforesaid certain deeds were executed for the purpose of barring the supposed estates tail of the said Katherine Wentworth the daughter of the said testator in the said lands hereditaments and premises mentioned and described in the said first and second Schedules hereto and for the purpose of settling the same on the then intended marriage of the said Katherine Wentworth with one Benjamin Darley And whereas the said Katherine Wentworth intermarried with the said Benjamin Darley on the sixth day of February one thousand eight hundred and forty-seven by whom she had several children of whom the eldest and only now surviving son was and is Benjamin Wentworth Darley who was born on the twenty-first day of May one thousand eight hundred and fifty-four and attained his age of twenty-one years on the twenty-first day of May one thousand eight hundred and seventy-five And whereas the said Benjamin Darley died on the twenty-second day of June one thousand eight hundred and sixty-four leaving him surviving the said Katherine his widow and the said Benjamin Wentworth Darley his only now surviving and eldest son by the said Katherine Darley And whereas upon the death of the said Benjamin Darley the said Katherine his widow had only the same and the same extent of estate of and in the said land hereditaments and premises mentioned and described in the said first and second Schedules hereto as she took under the will of the said testator Darcy Wentworth namely a life estate And whereas by an indenture dated the twenty-first day of November one thousand eight hundred and sixty-seven and made between the said Katherine Darley of the first part William Thomas Bassett of the second part and George Osborne and Edwin Daintrey of the third part reciting that a marriage had been agreed upon and was intended to be then shortly solemnized between the said Catherine Darley and William Thomas Bassett and (amongst other recitals) also reciting that under the said will of the said testator Darcy Wentworth the said Katherine Darley was or might be entitled for her life or other interest to some share or shares in his real estate and absolutely or otherwise to some share in his personal estate and that it had been agreed that the same should be settled as therein mentioned the said Katherine Darley with the consent of the said William Thomas Bassett granted assigned released and conveyed unto the said George Osborne and Edwin Daintrey their heirs executors administrators and assigns All and singular the estate share right title and interest whatsoever whether for life or absolutely or for any other estate and whether in possession reversion remainder or expectancy which under or by virtue of the will of her said deceased father Darcy Wentworth

Bassett Darley Estates.

worth she the said Katherine Darley then was or should or might be or become entitled to in the real and personal estates of him the said Darcy Wentworth deceased and whether the same were situate in New South Wales or elsewhere In trust for the said Katherine Darley her heirs executors administrators and assigns until the said intended marriage should be solemnized And after the solemnization thereof Upon trust as to the said real estate and hereditaments thereby granted and conveyed or intended so to be Upon trust for the said Katherine Darley for her sole and separate use and benefit and so that she might receive the rents and profits of such real estate and hereditaments free from the debts and control of her said intended husband during her life without anticipation and from and after her decease Upon trust for such person as she should by any deed or by her will notwithstanding coverture appoint and in default of appointment Upon trust for the right heirs of the said Katherine Darley And in the said indenture was contained a power to appoint new trustees in the events therein mentioned and enabling the said Katherine Darley during her life to exercise such power And whereas by an indenture dated the eleventh day of January one thousand eight hundred and sixty-nine and made between the said Katherine Bassett of the first part the said George Osborne of the second part and Alexander Stuart of the third part reciting that the said Edwin Daintrey had declined to act and had never acted in the trusts of the said indenture of the twenty-first day of November one thousand eight hundred and sixty-seven the said Katherine Bassett nominated and appointed the said Alexander Stuart to be a new trustee in the room and place of the said Edwin Daintrey and to act in conjunction with the said George Osborne in the trusts of the said last-mentioned indenture And by the now reciting indenture All and singular the estate share right title and interest real and personal estate whatsoever and other premises comprised in and by the thereinbefore and hereinbefore recited indenture of the twenty-first day of November one thousand eight hundred and sixty-seven was granted released and assigned unto the said George Osborne and Alexander Stuart their heirs executors administrators and assigns upon the trusts of the said last-mentioned indenture And whereas by an indenture dated the twenty-second day of September one thousand eight hundred and fifty-one and expressed to be made between Thomas Alexander Reddall of the first part Robert Towns and Sophia Towns his wife (formerly Sophia Wentworth) of the second part Robert Darcy Wentworth Towns eldest son of the said Sophia Towns an infant under the age of twenty-one years of the third part the said Robert Towns and Stephen Addison of the fourth part the said Stephen Addison and Mary Ann Addison his wife (formerly Mary Ann Wentworth) of the fifth part Hugh Darcy Addison eldest son of the said Mary Ann Addison an infant under the age of twenty-one years of the sixth part the said Benjamin Darley and Katherine Darley his wife of the seventh part Katherine Darley the younger eldest daughter of the said Katherine Darley an infant under the age of twenty-one years of the eighth part the said Robert Towns and Alexander Donaldson Kellie of the ninth part and Randolph John Want of the tenth part a partition of the said lands hereditaments and premises mentioned and described in the said second Schedule hereto was purported to be made but the same was ineffectual for such purpose inasmuch as the same was not executed by all the parties who were interested in the said lands hereditaments and premises and whose execution was necessary to complete and effect such partition And whereas by an indenture dated the sixteenth day of March one thousand eight hundred and seventy-six and made between the said Benjamin Wentworth Darley of the first part the said George Osborne and Alexander Stuart of the second

Bassett Darley Estates.

second part George Penkivil Slade of the third part and the said Benjamin Wentworth Darley of the fourth part the said Benjamin Wentworth Darley with the consent of the said George Osborne and Alexander Stuart granted and released All that the inheritance in remainder expectant on the determination of the said estate for life of the said Katherine Bassett of and in All those the said lands hereditaments and premises mentioned and described in the said first Schedule thereto and hereto and of and in all that the share estate and interest of the said Benjamin Wentworth Darley in the lands and hereditaments mentioned and described in the said second Schedule thereto and hereto to the said George Penkivil Slade freed and discharged of and from all estates tail of the said Benjamin Wentworth Darley in the said lands hereditaments and premises and all estates rights titles interests and powers to take effect after the determination or in defeasance of the same estates tail to the use of the said Benjamin Wentworth Darley his heirs and assigns for ever And whereas the said lands hereditaments and premises mentioned and described in the said first and second Schedules hereto are of great value and it would be advisable and of great advantage to all parties interested in the same that the said lands in the said first Schedule mentioned should be sold and the moneys arising from the sale thereof be held in trust for the persons interested in the same lands hereditaments and premises according to their respective estates and interests therein And whereas it is expedient that the trustees of the said indenture of the twenty-first day of November one thousand eight hundred and sixty-seven should have power to dispose of the share and interest of the said Katherine Bassett and Benjamin Wentworth Darley in the lands mentioned in the said second Schedule hereto And whereas the said objects cannot be attained without an Act of the Legislature there being no power of sale contained in the said indenture of settlement of the twenty-first day of November one thousand eight hundred and sixty-seven 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. From and after the passing of this Act the said lands hereditaments and premises mentioned and described in the said first Schedule hereto shall be vested in the said George Osborne and Alexander Stuart their heirs and assigns for an estate of inheritance in fee simple in possession.

Land in first Schedule to be vested in trustees in fee simple.

2. It shall be lawful for the said George Osborne and Alexander Stuart or other the trustees or trustee of this Act (such person or persons whether the present or future trustees or trustee being hereinafter designated as the said trustees or trustee) to sell and dispose of all and singular the lands hereditaments and premises mentioned and described in the said first Schedule hereto or any or either of them or any part of the same by public auction or private contract either in one or several lots and in such parcels lots and divisions and upon such terms and conditions as they or he shall deem expedient and for such price or prices as can be reasonably obtained for the same with power to buy in the said lands hereditaments and premises or any part thereof at any sale by auction and to rescind or vary any contract for sale and to resell without being responsible for any loss occasioned thereby Upon any sale so made the said trustees or trustee may convey the land so sold to the purchaser or purchasers thereof or as such purchaser or purchasers may direct and upon the execution of any such conveyance the inheritance in fee simple in possession in the land thereby conveyed shall vest in the person or persons to whom the same shall be conveyed either absolutely or to or for such estates uses trusts or limitations as may be created limited or declared in and by such deed.

Trustees empowered to sell and convey.

Bassett Darley Estates.

Power to give credit
to purchasers.

3. It shall be lawful for the said trustees or trustee to allow any purchaser or purchasers credit for the payment of the whole or part of his her or their purchase money upon such terms as to interest or otherwise generally as the said trustees or trustee may deem reasonable and expedient Provided that the land in respect of which such credit shall be given shall remain unconveyed or shall by a proper mortgage with full powers of entry and sale and other usual and proper provisions be made a security for the payment of the purchase money remaining unpaid and in respect of which credit is given And provided that in the event of credit being given for the whole purchase money such other security be given by or on behalf of the purchaser as shall in the opinion and discretion of the said trustees or trustee be sufficient together with the value of the land in respect of which such credit shall be given to secure the payment of the said purchase money and accruing interest thereon In the event of any such security being taken the vendors lien for the said purchase money and every part thereof shall in all cases continue and be enforceable notwithstanding any arrangement as to the giving or taking of such security or otherwise.

Trusts of purchase
money.
To pay costs and
expenses of Act.

4. The said trustees or trustee shall stand possessed of all moneys arising from any sale hereby authorized Upon trust in the first place to pay all costs and expenses of and incidental to the procuring and passing this Act and also of all deeds instruments acts dealings and proceedings previously or subsequently to the passing of this Act executed signed done or undertaken for the purpose of enabling the said trustees or trustee to carry out any sale hereby authorized And in the next place to pay all costs and expenses of and incidental to such sale And in the next place to retain and pay the commission hereby authorized And in the last place to invest the surplus of the said moneys arising from any such sale after making and paying such costs charges expenses and commission as aforesaid in any Debentures or Government securities of any kind of the Colonies of New South Wales Victoria Queensland or New Zealand or the public stocks or funds or Government securities of the United Kingdom or upon freehold leasehold or chattel real securities in the United Kingdom of England and Ireland or any of the said Colonies or in or upon the stocks funds shares debentures mortgages or securities of any corporation company or public body municipal commercial or otherwise in the United Kingdom or any of the said Colonies or upon Bank deposit receipts of any Bank in the said United Kingdom or any of the said Colonies and with power from time to time and at any time to vary or transpose any such investment and security into or for any other investment or security of the nature hereby authorized.

To pay expenses of
sale.

To pay commission.

Investment of
surplus.

Trusts of invest-
ments.

5. The said trustees or trustee shall stand possessed of all and every such stocks funds and securities and all the net interest income and annual produce thereof Upon trust during the life of the said Katherine Bassett to pay such net interest income and annual produce of the said stocks funds and securities to the said Katherine Bassett for her life for her sole and separate use and free from the debts control or interference of her present or any future husband her receipts alone to be sufficient discharges for the same and so that she may not in any way dispose of the same income and annual proceeds by way of anticipation After the decease of the said Katherine Bassett the said trustees or trustee shall stand possessed of the said stocks funds and securities and the interest income and annual produce of the same upon trust for the said Benjamin Wentworth Darley absolutely If the said Katherine Bassett shall die at any time between the times at which any such income as aforesaid shall be payable on any such investment the said trustees or trustee shall apportion the income becoming payable at
the

Bassett Darley Estates.

the time next after the death of the said Katherine Bassett between the representatives of the said Katherine Bassett and the said Benjamin Wentworth Darley or his representatives according to the proportion of time during which each of such parties have been respectively entitled to the stocks funds or securities producing such income.

6. It shall be lawful for the said trustee or trustee to lease either the whole or any part of the said lands and hereditaments mentioned and described in the said first Schedule hereto to any person or persons who shall covenant to improve the same by erecting and building thereon any house or houses building or buildings and to repair and rebuild any houses or buildings which shall hereafter be standing thereon or by otherwise expending in improvement such moneys as shall be deemed adequate to the interest to be parted with for any term of years not exceeding ninety-nine years to take effect in possession and not in reversion or by way of future interest so as there be reserved in every such lease the best yearly rent to be incident to the immediate reversion that can be reasonably obtained without taking anything in the nature of a fine or premium for the making thereof and so that there be contained in every such lease a condition of re-entry for non-payment of rent within a reasonable time to be therein specified or non-observance or non-performance of covenants by the lessee and so that the lessee do execute a counterpart thereof and thereby covenant for payment of the rent thereby reserved and be not by any express words made dispunishable for waste.

Power to grant building leases.

7. The said trustees or trustee shall stand possessed of the rents arising from and payable under any lease made under the authority of this Act upon the same trusts as are herein declared in regard to the income of the said stocks funds and securities under the fifth section of this Act.

Rents to be held on same trusts as income of investments.

8. It shall be lawful for the said trustees or trustee to make and alter and concur in the making and altering of any roads streets or ways on and over any part or parts of the said lands hereditaments and premises mentioned and described in the said first Schedule hereto and also to undertake and concur in undertaking any works for and to make erect and carry out and concur in making erecting and carrying out any gardens ornamental grounds places of recreation erections sewers drains watercourses lamps lighting or any other work which may in their or his discretion conduce to the better laying out or selling of the said lands and hereditaments or the convenience and enjoyment of those persons who may have purchased any part thereof The cost of any such works on the part of the said Trustees or trustee or their or his proportion of any costs for such works shall for the purposes of this Act be held to be costs and expenses of and incidental to sales hereunder For any of the purposes of this section the said trustees or trustee may reserve and dedicate either absolutely or upon any condition any part and parts of the said lands hereditaments and premises.

Power to make roads &c.

9. It shall be lawful for the said trustees or trustee without price or consideration to convey and dedicate any part or parts of the said lands hereditaments and premises mentioned and described in the said first Schedule hereto either absolutely or upon any conditions for the purpose of the erection of any building for religious educational or charitable purposes and to confirm any appropriation or gift of any part of the said lands and hereditaments made for any such purpose at any time previously to the passing of this Act.

Power to dedicate land for religious educational and charitable purposes.

10. It shall be lawful for the said trustees or trustee to exchange any part of the said lands hereditaments and premises mentioned and described in the said first Schedule hereto for any other part or parts of the said lands hereditaments and premises which may have been previously

Power to exchange for land previously sold.

Bassett Darley Estates.

previously sold and conveyed under the authority of this Act and for the purpose of carrying out any such exchange to execute and do any deed or thing in the opinion of the said trustees or trustee necessary or expedient.

Power to bring land under Real Property Act.

11. The said trustees or trustee may at any time and from time to time make execute sign take and do all applications deeds instruments steps and things necessary or expedient for the purpose of bringing under the provisions of the "Real Property Act" the said lands hereditaments and premises mentioned and described in the said first Schedule hereto or any part or parts thereof.

Trustees commission.

12. It shall be lawful for the said trustees or trustee from time to time to retain and pay to themselves and the others and other of them an aggregate commission of five pounds per centum calculated upon the moneys arising from every sale made under the authority of this Act after deduction of all commission auctioneers agents and advertising costs and expenses of such sale Upon any lease made under the authority of this Act the said trustees or trustee may retain and pay to themselves and the others and other of them an aggregate commission of five pounds per centum calculated upon a capitalized value of the rent thereby reserved money for such purpose being taken to be of the value of six pounds per centum per annum.

Trustees receipts to be sufficient discharges.

13. The receipt and receipts in writing of the said trustees or trustee shall be an absolute discharge to any purchaser or purchasers of any lands and hereditaments sold and to any lessee or under tenant of any land so as aforesaid demised for any purchase money and rent respectively paid in respect of any such purchase and the reservations and provisions of any such lease and shall exonerate the person or persons so paying from the necessity of seeing to the application of any such purchase money or rent and from any liability for the non-application or misapplication of the same or any part of the same.

Appointment of new trustees.

14. Upon the death desire to be discharged from or refusal or becoming unfit or incapable to act in the trusts of this Act of the said George Osborne and Alexander Stuart or either of them or of any trustee appointed under the provisions of the sixty-third section of "The Trust Property Act of one thousand eight hundred and sixty-two" (which shall be held to be incorporated herewith) the said Katherine Bassett shall during her lifetime be held to be the person nominated for the purpose of appointing a new trustee and after her death so long as any trusts of this Act shall remain unperformed the said Benjamin Wentworth Darley his executors or administrators shall be held to be the person or persons (as the case may be) nominated for the purpose of appointing a new trustee The expression "the said trustees or trustee" wherever used in this Act shall be taken and held to mean the trustees or trustee for the time being of this Act whether original or substituted.

Power to trustees to concur in selling land in second Schedule.

15. It shall be lawful for the said George Osborne and Alexander Stuart or the trustees or trustee for the time being of the said indenture of the twenty-first day of November one thousand eight hundred and sixty-seven at any time and from time to time in any way to concur with the person or persons for the time being under the said will of the said Darcy Wentworth entitled to the one-fifth share of the said hereditaments described in the second Schedule hereto next in remainder or reversion after the life estate of the said Katherine Bassett whether such share shall or shall not be then partitioned and if deemed necessary or desirable also to concur with any person or persons possessed of or entitled to the other fifth shares of and in the said hereditaments for the purpose of carrying out a sale or sales either of the said one-fifth share or of the entirety of the said hereditaments and for this purpose they shall possess similar powers of conveyance and with the like consequences

Bassett Darley Estates.

sequences to those provided in and by the second section of this Act On any such sale the purchase money payable in respect of or the fair proportion applicable to such one-fifth share as the case may be shall be paid to and held by the said trustees of this Act upon the trusts and for the purposes declared in and by the fourth and fifth sections of this Act and the said trustees of the said indenture of settlement shall have similar powers of giving receipts and with similar consequences to those conferred and declared in and by the thirteenth section of this Act.

Trusts of purchase money.

16. Upon the death of the said Katherine Bassett the said trustees or trustee shall convey assure and assign to the said Benjamin Wentworth Darley his heirs executors administrators or assigns any of the said lands and hereditaments mentioned and described in the said first Schedule hereto remaining unsold and unconveyed subject to and with the benefit of any leases granted and subject to any other estates rights or interests created and any dedications made by the said trustees or trustee under the authority of this Act and all stocks funds and securities held by the said trustees or trustee under or in pursuance of the provisions of this Act and any income of or from the same to which the representatives of the said Katherine Bassett shall not be entitled under the provisions of this Act according to the nature of the said respective properties and the then existing circumstances.

Trusts of unsold portions of land in first Schedule and of funds on Mrs. Bassett's death.

17. The said trustees with respect to any charges or expenses contemplated by this Act and common to the properties comprised in the first and second Schedules shall in the event of the sale of both properties have and there is hereby conferred on them full authority and discretion to apportion such expenses or charges between the proceeds of the said several properties comprised in such Schedules respectively.

Power to apportion expenses.

18. This Act may be cited as the "Bassett Darley Estates Act."

Short title.

Bassett Darley Estates.

SCHEDULES.

THE FIRST SCHEDULE.

All that piece or parcel of land situate at Big Manly cove County of Cumberland in the Colony of New South Wales Commencing on the eastern side of Big Manly Cove at high-water-mark at a point distant one hundred feet south forty-five degrees west from the south-eastern corner of J. Thompson's one hundred acres grant being bounded on the north-west by the said one hundred feet being the south-eastern boundary of the reserve as set forth in Thompson's grant bearing north forty-five degrees east thence by the south-eastern boundary Thompson's grant on the same bearing nineteen chains to a point distant one hundred feet from high-water-mark on Cabbage-tree Bay thence on the same bearing by the said one hundred feet being in all twenty-two chains to the waters of Cabbage-tree Bay thence on the north-east by the waters of Cabbage-tree Bay eighteen chains to the north-west corner of Cheers's grant thence on the south-east by the north-west boundary of Cheers's grant bearing south forty-five degrees west to the waters of Big Manly Cove And thence on the south-west by the said waters north-westerly to the point of commencement excepting out of the said land a road of one chain wide on the south-east side reserved by Government which said parcel of land was originally granted to Gilbert Baker by deed-poll or grant from the Crown bearing date the first day of January one thousand eight hundred and ten.

Also all that piece or parcel of land situate at Big Manly Cove in the county of Cumberland in the said Colony Commencing at the southern corner of Baker's grant Being bounded on the north-west by a line north forty-five degrees east to the waters of the Pacific Ocean thence on the north-east by the said waters south-easterly to the north-west corner of land granted for a Roman Catholic Episcopal residence thence on the south-east by the said grant being a line bearing south twenty degrees east forty-one chains fifty links to the waters of North Harbour and thence on the south and west by the said waters to the point of commencement which said parcel of land was originally granted to Richard Cheers by deed-poll or grant from the Crown bearing date the first day of January one thousand eight hundred and ten.

Also all that piece or parcel of land situate in the parish of Manly Cove county of Cumberland in the Colony of New South Wales Commencing on the bank of Curl Curl Creek at a point distant about ten chains north-westerly from the Government road crossing the said creek Being bounded on the west by a line bearing south sixty-five chains on the south by a line bearing east sixty-five chains on the east by a line bearing north forty-five chains to Curl Curl Creek and thence on the north by Curl Curl Creek to the point of commencement which said parcel of land was originally granted to the testator Darcy Wentworth by deed-poll or grant from the Crown bearing date the twenty-fifth day of July one thousand eight hundred and eighteen.

Also all that piece or parcel of land situate in the parish of Manly Cove county of Cumberland in the Colony of New South Wales Commencing on the shore of the South Pacific Ocean Being bounded on the south-west by a line bearing west thirty-five degrees north to the north-east corner of Jones's grant thence on the north-west by a line bearing north thirty-five degrees east twenty chains thence on the north-east by a line bearing east thirty-five degrees south twenty-eight chains and thence on the south-east by a line bearing south thirty-five degrees west four chains to the waters of the South Pacific and by the said waters south-westerly to the point of commencement which said parcel of land was originally granted to Thomas Bruin by deed-poll or grant from the Crown bearing date the twenty-fifth day of July one thousand eight hundred and eighteen.

Also all that piece or parcel of land situate in the parish of Narrabeen county of Cumberland in the Colony of New South Wales Commencing at a small creek falling into the South Pacific Ocean being bounded on the north by the said creek and a line bearing west ten degrees south to Pitt Water thence on part of the west north and north-west by Pitt Water and a small creek to the north-western corner of McIntosh's grant thence on part of the south by the northern boundary of said grant bearing easterly five chains to the north-eastern corner thereof thence on the north-west by the south-eastern boundaries of McIntosh and Hughes' grants bearing south thirty degrees west fifty-eight chains thence on the south-west by the north-eastern boundaries of Hughes' grant a Government road part of Collins' and also by Rowan's and Jenkins' grants bearing east thirty degrees south to the waters of the South Pacific Ocean And thence on the east by the said ocean to the point of commencement which said parcel of land was originally granted to Robert Campbell by deed-poll or grant from the Crown bearing date the thirty-first day of August one thousand eight hundred and nineteen.

Also all that piece or parcel of land situate in the parish of Narrabeen county of Cumberland in the Colony of New South Wales Commencing at the north-western corner of J. J. Therry's two hundred and eighty acres grant on the east side of Careel Bay being bounded on the west by that bay and Pitt Water bearing northerly to Broken Bay thence on the north by the waters of the headland of Broken Bay to Barranjuie or the south head of Broken Bay thence on the east by the South Pacific Ocean southerly to the

Bassett Darley Estates.

the north-eastern corner of Therry's grant aforesaid and thence on the south by the northern boundary of the said grant being a line bearing west twenty degrees south twenty-eight chains to the point of commencement which said parcel of land was originally granted to James Napper by deed-poll or grant from the Crown bearing date the sixteenth day of March one thousand eight hundred and sixteen.

And also all that piece or parcel of land situate in the parish of Liberty Plains county of Cumberland in the Colony of New South Wales Commencing on the west bank of Duck Creek at a point opposite to the south-west corner of W. Longford's sixty acres grant on Duck River Being bounded on the south by a line west twenty-two chains thence on the west by Blaxcell's grant being a line bearing north one hundred and thirty-eight chains to Duck Creek thence by that creek to the Parramatta Road and thence on the north by the Parramatta Road commencing at Duck Creek Bridge to Duck River Bridge and on the east by Duck River to the point of commencement which said parcel of land was originally granted to William Lawson and William Charles Wentworth by deed-poll or grant from the Crown bearing date the twenty-ninth day of January one thousand eight hundred and forty.

SECOND SCHEDULE.

ALL those two thousand acres of land lying and situate in the district of Illawarra and county of Camden bounded on the north by part of Wentworth's Farm of one thousand six hundred and fifty acres bearing west south fifty-one chains and a west line of one hundred and forty chains bounding part of Wentworth Gore's farm of one thousand five hundred acres on the west by a south line of sixty-two chains on the south by an east line to the sea and on all other sides by the sea which said parcel of land was originally granted to the testator Darcy Wentworth by deed-poll or grant from the Crown bearing date the third day of September one thousand eight hundred and twenty-one.

Also all those one thousand five hundred acres lying and situate in the district of Illawarra bounded on the south-west by Terry's farm bearing south thirty-five degrees east sixty-two chains on the south by an east line of two hundred and eighty-four chains on the east by a north line of fifty-one chains to Darcy Wentworth's farm and on the north side by Wentworth Milham Horsley and William Wentworth's farms which said parcel of land was originally granted to the testator Darcy Wentworth by deed-poll or grant from the Crown bearing date the ninth day of January one thousand eight hundred and twenty-one.

Also all those one thousand six hundred and fifty acres of land lying and situate in the district of Illawarra bounded on the north side by Davey's farm bearing west on the west side by Mileham's farm bearing south one hundred and fourteen chains on the south by an east line to the coast and on the east by the coast which said parcel of land was originally granted to the testator Darcy Wentworth by deed-poll or grant from the Crown bearing date the ninth day of January one thousand eight hundred and twenty-one.

Also all that piece or parcel of land situate in the district of Illawarra containing one thousand acres bounded on the south-west side by Andrew Allen's farm and eighteen chains of Terry's farm bearing south thirty-five degrees east on the south by an east line of thirty chains on the east by a north line to a small creek on the Illawarra Lake and on the north side by the lake and Macquarie River which said parcel of land was originally granted to William Wentworth by deed-poll or grant from the Crown bearing date the ninth day of January one thousand eight hundred and twenty-one.

Also all that piece or parcel of land situate in the district of Illawarra containing two thousand acres granted as appears to Thomas Davey bounded on the west and south by Mileham's farm bearing south-east forty-two chains and a continued east line to the coast and on all other sides by the sea east and Illawarra Lake which said parcel of land was originally granted to Thomas Davey by deed-poll or grant from the Crown bearing date the ninth day of January one thousand eight hundred and twenty-one.

Also all that piece or parcel of land situate in the district of Illawarra granted as appears to John Horsley containing one thousand two hundred acres bounded on the west side by Wentworth's bearing south on the south side by an east line of ninety-eight chains on the east by a north line to the Illawarra Lake and on the north side by that lake which said parcel was originally granted to John Horsley by deed-poll or grant from the Crown bearing date the ninth day of January one thousand eight hundred and twenty-one.

Also all that piece or parcel of land containing seven hundred acres situate in the districts of Illawarra bounded on the west by Horsley's farm bearing south on the south side by an east line of sixty chains on the east by a north line of one hundred and fourteen chains on the north by a west line of forty-two chains a north line to the Illawarra Lake and on the north by that lake which said parcel of land was originally granted to James Mileham by deed-poll or grant from the Crown bearing date the ninth day of January one thousand eight hundred and twenty-one.

Also all that piece or parcel of land situate in the district of Illawarra containing one thousand acres more or less bounded on the west by a line bearing south eighty chains commencing from the south-west corner of Darcy Wentworth's farm on the south

Bassett Darley Estates.

by a line bearing east seventy-two chains thence by Minmurra River to the sea-coast on the east by the sea-coast and on the north by the farm of Darcy Wentworth bearing west one hundred and fifty chains to the commencing corner being the land originally promised to one William Ralph.

Also all that piece or parcel of land containing two thousand acres more or less situated in the district of Illawarra Commencing at the Minumurra River at the south-east corner of W. Ralph's one thousand acres grant and bounded on the north by the south boundary of that land bearing west on the east by the west boundary of W. Ralph's grant aforesaid and by the west boundary of Darcy Wentworth's two thousand acres grant bearing north again on the north by part of the south boundary of Wentworth Gore's one thousand five hundred acres bearing west on the west by the eastern boundary of Reddall's one thousand two hundred and eighty acres by the eastern boundaries of two measured portions of land containing respectively three hundred and twenty acres and one hundred acres being a line bearing south to the south-east corner of the said one hundred acres and a prolongation south of six chains forty-six links to a marked tree on the south by a line bearing east ninety-two chains fifty links to the Minumurra River and on the east by that river to the south-east corner of W. Ralph's one thousand acres grant as aforesaid.

Also all those fifty acres of land lying situate and being in the district of Appin in the said Colony bounded on the south by Clarke's farm bearing east on the east by the Appin road on the north by a west line of forty-five chains sixty-six links to a chain of ponds to the north-east corner of Broughton's Lachlan Vale Farm and on the west by those ponds which said parcel of land was originally granted to Francis Thompson by deed-poll or grant from the Crown bearing date the seventeenth day of August one thousand eight hundred and nineteen.

Also all those fifty acres of land lying situate and being in the said district of Appin bounded on the south by M'Guigan's farm bearing east on the east by the Appin road on the north by a west line to a chain of ponds bounding Broughton's Lachlan Vale Farm and on the west by those ponds being twelve chains in width on a north line which said parcel of land was originally granted to John Clarke by deed-poll or grant from the Crown bearing date the seventeenth day of August one thousand eight hundred and nineteen.

And also all those thirty acres of land lying situate and being in the district of Bankstown bounded on the east side by Shaw's farm bearing north thirty chains seventy links on the north side by a west line of eleven chains on the west by a south line to George's River and on the south by that river which said parcel of land was originally granted to Thomas Moore by deed-poll or grant from the Crown bearing date the twentieth day of June one thousand eight hundred and sixteen.

By Authority: CHARLES POTTER, Acting Government Printer, Sydney, 1877.

[9d.]