

48° VICTORIÆ, 1884.

A BILL

To authorize the sale of certain land devised by Joseph Napoleon Dillon and to provide for the investment and payment of the proceeds.

WHEREAS Joseph Napoleon Dillon late of Sydney deceased being
seised in fee of the land described in the Schedule hereto made
and executed his last will bearing date the seventeenth day of Decem-
ber one thousand eight hundred and fifty-two in the words following
that is to say "This is the last will and testament of me Joseph Napo-
5 leon Dillon of Sydney in the Colony of New South Wales gentleman
being of sound and disposing mind memory and understanding give
and bequeath unto my wife Mary Ann after payment of my debts and
funeral expenses all my household furniture and effects of what nature
and kind soever I give and devise to my son Joseph Napoleon Dillon
10 all my right title and interest in and to sixty acres of land at Cook's
River for the term of his natural life the rents and profits of the said
land to be applied towards his maintenance and education until he
shall arrive at the age of twenty-one years and after his death the
said land to go to his children if any in equal shares as tenants in
15 common and in case he shall die without issue then to my said wife if
she shall survive for her life and after her death to my own right
heirs And I appoint my said wife executrix of this my will In
923— testimony

Freamble.

Recites will of Joseph Napoleon Dillon.

Devise of sixty acres

Death of testator &c.	testimony whereof I have hereunto set my hand and seal this seven- teenth day of December in the year of our Lord one thousand eight hundred and fifty-two" And whereas the said Joseph Napoleon Dillon departed this life without having altered or revoked his said will and	5
Certificate of title as to son.	leaving his said wife and son him surviving And whereas the land in the said will mentioned being the same as is described in the Schedule hereto has been brought under the provisions of the "Real Property Act" (twenty-sixth Victoria number nine) and its amending Acts and a certificate for an estate for life in respect thereof has issued in favour of Joseph Napoleon Dillon the younger being the son of the said	10
Will gives no power of sale.	testator mentioned in his said will And whereas the will contains no authority for the sale of the said land during the son's life And it is impossible therefore without the aid of Parliament to sell the same or to demise it for a longer period than the life of the said son in conse- quence whereof the land cannot be advantageously cultivated and it remains unproductive of income And whereas it is important in the interests of all concerned having title whether in possession or prospec- tively therein that the whole legal estate in the said land should be vested in Trustees to be appointed for the purpose and subject to the provisions hereinafter expressed to sell the land and invest and apply	15 20
Expediency of appointing Trustees for sale.	the proceeds of sale as hereinafter directed 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 :—	25
Vesting legal estate in Trustees.	1. After the passing of this Act the whole legal estate of and in the land devised by the aforesaid will shall for the purposes of this Act vest in Gerald Ross Campbell of Sydney in the Colony aforesaid barrister-at-law and John MacDonald of the same place commission agent or other the Trustees under this Act for the time being and their	30
Power of sale.	heirs and assigns and shall be divested out of every person who now is or would hereafter but for this Act become entitled thereto. 2. It shall be lawful for the said Gerald Ross Campbell and John MacDonald (who hereinafter in this Act are included under the designation of Trustees) and for other the Trustees for the time	35
Power to give credit to purchasers &c.	being under this Act at such time or times as they shall think fit to sell the said land or any part or parts thereof either by public auction or private contract in one or in more lot or lots and with such rights- of-way if any over the same and in such manner generally and upon such terms and conditions as they shall deem expedient and for such price or prices as can reasonably be obtained for the same with power to buy in the land or lots offered for sale by auction and to vary or rescind any contract for sale either on terms or gratuitously and to resell without being responsible for any loss occasioned thereby and to convey the said land or the part or parts thereof sold to the purchaser or purchasers and his or their heirs and assigns or to such uses and in such manner as such purchaser or purchasers may direct and thereupon the said land or such part or parts thereof as shall be conveyed by the said Trustees and the legal estate therein shall vest absolutely in the person or persons to whom the same has or have been so conveyed his or their heirs and assigns or shall remain to such uses and in such manner as aforesaid freed and discharged from the trust or trusts created by the said will or by this Act Provided that the trustees shall not thereby lose their lien on the land conveyed for so much of the purchase money as shall remain unpaid thereon.	40 45 50 55
	3. It shall be lawful for the Trustees for the time being to allow to any purchaser or purchasers credit for any number of years not exceeding fourteen years for the payment of so much of the purchase money as shall not exceed two-thirds of the whole upon such terms as to	

to interest and otherwise as may by the Trustees be deemed reasonable Provided that the land sold shall remain unconveyed or be otherwise rendered a security by mortgage with power of entry and sale and other usual provisions for payment of the purchase money remaining
 5 unpaid together with the interest thereon until satisfied Provided further that notwithstanding any such security being taken the vendors lien for the purchase money shall not be thereby affected.

4. The receipt or receipts in writing of the Trustees for the purchase money and interest thereon as to the whole or any part or
 10 parts of the land shall be full discharges to the purchaser or purchasers for the same and from all liability to see to the application thereof and from any liability for the loss nonapplication or misapplication of the same or any part thereof.

5. The Trustees for the time being shall stand seized of the said
 15 land until sold and conveyed as aforesaid or of such portions thereof as from time to time remain unsold in trust for such person or persons as but for this Act would be entitled for the time being to the same or to some estate or interest therein to the extent of such estate or interest respectively under the aforesaid will and subject to the provisions
 20 therein expressed concerning the same and after the sale of the whole or of any portion or portions of the said land shall stand possessed of the moneys arising from such sale upon trust in the first place to pay all costs and expenses of and incidental to the procuring of this Act and also of and incidental to any instruments or proceedings
 25 subsequent to its passing or for the purpose of enabling the Trustees to carry out any sale hereby authorized and in the next place to pay all costs and expenses incurred in and about the same and after such payment or payments upon trust to invest the residue either in debentures or other Government securities of any kind of this Colony or upon
 30 freehold securities in the said Colony or upon deposit at interest in any Bank carrying on business in the Colony or partly in one and partly in another class or classes of the securities hereinbefore mentioned with power from time to time to vary any such investment.

6. The Trustees shall stand possessed of all moneys so invested
 35 or secured as aforesaid on the same trusts as are hereinbefore expressed with respect to the land until sold And shall stand possessed of the interest and annual produce arising from the investment of the said moneys and also arising from all unpaid purchase moneys as hereinbefore provided for and also of the rents profits and annual produce
 40 (if any) of all unsold parts of the said land on the same trusts as last aforesaid and on trust to pay the said moneys as the same respectively accrue or as soon thereafter as conveniently may be unto the person or persons then entitled as aforesaid in proportion to his or their interest in the land under the aforesaid will Every receipt by a person to
 45 whom any moneys are paid under this Act shall be a complete discharge to the Trustees for such moneys.

7. Whenever either of the Trustees herein named dies or goes
 to reside out of New South Wales or desires to be discharged from or
 50 refuses or becomes incapable to act in the trusts created by this Act before the same have been fully performed he shall be held to have vacated such trusts and thereupon the surviving or continuing Trustee may by instrument in writing appoint a new Trustee in the place of the Trustee so vacating his office and as often as any new Trustee is so appointed all the trust property then remaining unconveyed shall
 55 by virtue of such instrument become vested in the new Trustee jointly with the surviving or continuing Trustee and every new Trustee appointed as aforesaid shall have the same powers as if he had been originally named in this Act.

Power as to making roads.

8. The Trustees for the time being under this Act may make and alter any roads or streets over the said land as they shall deem expedient and also may erect make and alter any walls sewers drains or other works upon the said land which may in the discretion of the said Trustees conduce to the improving or more advantageously selling the said land or any part thereof The cost of any such works on the part of the Trustees may be deducted by them as expenses incidental to the sale under this Act and for any of the purposes of this section the Trustees for the time being may reserve and dedicate any ways either absolutely or conditionally any part or parts of the said land.

Short title.

9. This Act may be cited as "Dillon's Estate Act of 1884."

THE SCHEDULE.

All that piece of land situated on the Rocky Point Road in the parish of Saint George and county of Cumberland containing sixty-three acres fifteen perches or thereabouts Commencing on the eastern side of Rocky Point Road at its intersection with Park-street and bounded thence on the west by that road bearing northerly twenty-two chains seven links to A. Kennerley's forty-two acres grant on the north by that grant bearing easterly twenty-two chains forty-seven links to a swamp on the north-east and on the north-west by lines along the margin of that swamp bearing south fifty-three degrees fifteen minutes east one chain ninety links south fifty degrees nineteen minutes east two chains ninety-three links south sixty-six degrees forty-five minutes east one chain four links and north eighty-seven degrees one minute east one chain eighty-eight links to Scarborough Park on the east by that park bearing southerly eighteen chains eighty links to Park-street aforesaid and on the south by that street bearing westerly twenty-nine chains fifty links to the point of commencement.

Legislative Council.

48^o VICTORIÆ, 1884.

A BILL

To authorize the sale of certain land devised by Joseph Napoleon Dillon and to provide for the investment and payment appropriation of the proceeds.

(As amended and agreed to in Select Committee.)

WHEREAS Joseph Napoleon Dillon late of Sydney deceased being Preamble.
seised in fee of the land described in the Schedule hereto made
and executed his last will bearing date the seventeenth day of Decem-
ber one thousand eight hundred and fifty-two in the words following
5 that is to say "This is the last will and testament of me Joseph Napo- Recites will of
leon Dillon of Sydney in the Colony of New South Wales gentleman Joseph Napoleon
being of sound and disposing mind memory and understanding give Dillon.
and bequeath unto my wife Mary Ann after payment of my debts and
funeral expenses all my household furniture and effects of what nature
10 and kind soever I give and devise to my son Joseph Napoleon Dillon Devise of sixty acres.
all my right title and interest in and to sixty acres of land at Cook's
River for the term of his natural life the rents and profits of the said
land to be applied towards his maintenance and education until he
shall arrive at the age of twenty-one years and after his death the
15 said land to go to his children if any in equal shares as tenants in
common and in case he shall die without issue then to my said wife if
she shall survive for her life and after her death to my own right
heirs And I appoint my said wife executrix of this my will In
c 150— testimony

NOTE.—The words to be omitted are ruled through; those to be inserted are printed in black letter.

- testimony whereof I have hereunto set my hand and seal this seven-
 teenth day of December in the year of our Lord one thousand eight
 hundred and fifty-two" And whereas the said Joseph Napoleon Dillon
 departed this life on or about the twentieth day of May one thousand
 eight hundred and fifty-five without having altered or revoked his said
 will and leaving his said wife and son him surviving And whereas the
 land in the said will mentioned being the same as is described in the
 Schedule hereto has been brought under the provisions of the "Real
 Property Act" (twenty-sixth Victoria number nine) and its amending
 Acts and a certificate for an estate for life in respect thereof has issued in
 favour of Joseph Napoleon Dillon the younger being the son of the said
 testator mentioned in his said will And whereas the will contains no
 authority for the sale of the said land during the son's life And it is
 impossible therefore without the aid of Parliament to sell the same or
 to demise it for a longer period than the life of the said son in conse-
 quence whereof the land cannot be advantageously cultivated and it
 remains unproductive of income And whereas it is important in the
 interests of all concerned having title whether in possession or pros-
 pectively therein that the whole legal estate in the said land should be
 vested in Trustees to be appointed for the purpose and subject to the
 provisions hereinafter expressed to sell the land and invest and apply
 the proceeds of sale as hereinafter directed 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. After the passing of this Act the whole legal estate of and
 in the land devised by the aforesaid will shall for the purposes of this
 Act vest in Gerald Ross Campbell of Sydney in the Colony aforesaid
 barrister-at-law and John MacDonald of the same place commission
 agent or other the Trustees under this Act for the time being and their
 heirs and assigns and shall be divested out of every person who now is
 or would hereafter but for this Act become entitled thereto.
2. It shall be lawful for the said Gerald Ross Campbell and
 John MacDonald (who hereinafter in this Act are included under
 the designation of Trustees) and for other the Trustees for the time
 being under this Act at such time or times as they shall think fit to
 sell the said land or any part or parts thereof either by public auction
 or private contract in one or in more lot or lots and with such rights-
 of-way if any over the same and in such manner generally and upon
 such terms and conditions as they shall deem expedient and for such
 price or prices as can reasonably be obtained for the same with power
 to buy in the land or lots offered for sale by auction and to vary or
 rescind any contract for sale either on terms or gratuitously and to
 resell without being responsible for any loss occasioned thereby and to
 convey the said land or the part or parts thereof sold to the purchaser
 or purchasers and his or their heirs and assigns or to such uses and in
 such manner as such purchaser or purchasers may direct and thereupon
 the said land or such part or parts thereof as shall be conveyed by the
 said Trustees and the legal estate therein shall vest absolutely in the
 person or persons to whom the same has or have been so conveyed his
 or their heirs and assigns or shall remain to such uses and in such
 manner as aforesaid freed and discharged from the trust or trusts
 created by the said will or by this Act Provided that the trustees shall
 not thereby lose their lien on the land conveyed for so much of the
 purchase money as shall remain unpaid thereon.
3. It shall be lawful for the Trustees for the time being to allow
 to any purchaser or purchasers credit for any number of years not
 exceeding fourteen years for the payment of so much of the purchase
 money
- Death of testator &c. 5
- Certificate of title as to son. 10
- Will gives no power of sale. 15
- Expediency of appointing Trustees for sale. 20
- Vesting legal estate in Trustees. 30
- Power of sale. 35
- Power to give credit to purchasers &c. 55

money as shall not exceed two-thirds of the whole upon such terms as to interest and otherwise as may by the Trustees be deemed reasonable Provided that the land sold shall remain unconveyed or be otherwise rendered a security by mortgage with power of entry and sale and
 5 other usual provisions for payment of the purchase money remaining unpaid together with the interest thereon until satisfied Provided further that notwithstanding any such security being taken the vendors lien for the purchase money shall not be thereby affected.

4. The receipt or receipts in writing of the Trustees for the
 10 purchase money and interest thereon as to the whole or any part or parts of the land shall be full discharges to the purchaser or purchasers for the same and from all liability to see to the application thereof and from any liability for the loss nonapplication or misapplication of the same or any part thereof. Receipts for purchase money.

5. The Trustees for the time being shall stand seized of the said
 15 land until sold and conveyed as aforesaid or of such portions thereof as from time to time remain unsold in trust for such person or persons as but for this Act would be entitled for the time being to the same or to some estate or interest therein to the extent of such estate or interest
 20 respectively under the aforesaid will and subject to the provisions therein expressed concerning the same and after the sale of the whole or of any portion or portions of the said land shall stand possessed of the moneys arising from such sale upon trust in the first place to pay
 25 all costs and expenses of and incidental to the procuring of this Act and also of and incidental to any instruments or proceedings subsequent to its passing or for the purpose of enabling the Trustees to carry out any sale hereby authorized and in the next place to pay all costs and expenses incurred in and about the same and after such
 30 payment or payments upon trust to invest the residue either in debentures or other Government securities of any kind of this Colony or upon freehold securities in the said Colony ~~or upon deposit at interest in any Bank carrying on business in the Colony~~ or partly in one and partly in another class or classes of the securities hereinbefore mentioned with power from time to time to vary any such investment. Trusts of the unsold land
And purchase money.
Investment of proceeds of sale.

6. The Trustees shall stand possessed of all moneys so invested
 35 or secured as aforesaid on the same trusts as are hereinbefore expressed with respect to the land until sold And shall stand possessed of the interest and annual produce arising from the investment of the said moneys and also arising from all unpaid purchase moneys as herein-
 40 before provided for and also of the rents profits and annual produce (if any) of all unsold parts of the said land on the same trusts as last aforesaid and on trust to pay the said moneys as the same respectively accrue or as soon thereafter as conveniently may be unto the person or persons then entitled as aforesaid in proportion to his or their interest
 45 in the land under the aforesaid will Every receipt by a person to whom any moneys are paid under this Act shall be a complete discharge to the Trustees for such moneys. Application of trust moneys income &c.
Receipts.

7. Whenever either of the Trustees herein named dies or goes
 50 to reside out of New South Wales or desires to be discharged from or refuses or becomes incapable to act in the trusts created by this Act before the same have been fully performed he shall be held to have vacated such trusts and thereupon the surviving or continuing Trustee may by instrument in writing appoint a new Trustee in the place of the Trustee so vacating his office and as often as any new Trustee is
 55 so appointed all the trust property then remaining unconveyed shall by virtue of such instrument become vested in the new Trustee jointly with the surviving or continuing Trustee and every new Trustee appointed as aforesaid shall have the same powers as if he had been originally named in this Act. Power to appoint new Trustees.

Power as to making roads.

8. The Trustees for the time being under this Act may make and alter any roads or streets over the said land as they shall deem expedient and also may erect make and alter any walls sewers drains or other works upon the said land which may in the discretion of the said Trustees conduce to the improving or more advantageously selling the said land or any part thereof The cost of any such works on the part of the Trustees may be deducted by them as expenses incidental to the sale under this Act and for any of the purposes of this section the Trustees for the time being may reserve and dedicate any ways either absolutely or conditionally any part or parts of the said land.

Short title.

9. This Act may be cited as "Dillon's Estate Act of 1884."

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All that piece of land situated on the Rocky Point Road in the parish of Saint George and county of Cumberland containing sixty-three acres fifteen perches or thereabouts Commencing on the eastern side of Rocky Point Road at its intersection with Park-street and bounded thence on the west by that road bearing northerly twenty-two chains seven links to A. Kennerley's forty-two acres grant on the north by that grant bearing easterly twenty-two chains forty-seven links to a swamp on the north-east and on the north-west by lines along the margin of that swamp bearing south fifty-three degrees fifteen minutes east one chain ninety links south fifty degrees nineteen minutes east two chains ninety-three links south sixty-six degrees forty-five minutes east one chain four links and north eighty-seven degrees one minute east one chain eighty-eight links to Scarborough Park on the east by that park bearing southerly eighteen chains eighty links to Park-street aforesaid and on the south by that street bearing westerly twenty-nine chains fifty links to the point of commencement.

Sydney : Thomas Richards, Government Printer.—1884.

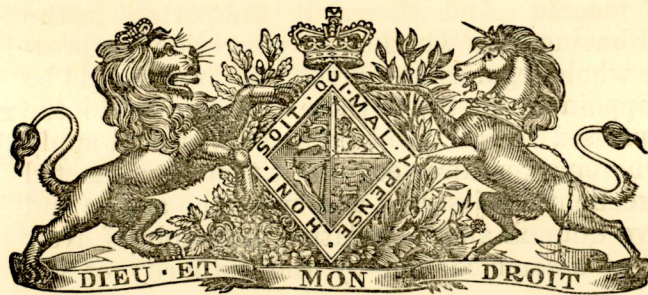
[3d.]

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

*Legislative Council Chamber, }
Sydney, 12th August, 1884. }*

JOHN J. CALVERT,
Clerk of the Parliaments.

New South Wales.



ANNO QUADRAGESIMO OCTAVO

VICTORIÆ REGINÆ.

An Act to authorize the sale of certain land devised by Joseph Napoleon Dillon and to provide for the investment and appropriation of the proceeds.

WHEREAS Joseph Napoleon Dillon late of Sydney deceased being
seised in fee of the land described in the Schedule hereto made
and executed his last will bearing date the seventeenth day of Decem-
ber one thousand eight hundred and fifty-two in the words following
5 that is to say "This is the last will and testament of me Joseph Napo-
leon Dillon of Sydney in the Colony of New South Wales gentleman
being of sound and disposing mind memory and understanding give
and bequeath unto my wife Mary Ann after payment of my debts and
funeral expenses all my household furniture and effects of what nature
10 and kind soever I give and devise to my son Joseph Napoleon Dillon
all my right title and interest in and to sixty acres of land at Cook's
River for the term of his natural life the rents and profits of the said
land to be applied towards his maintenance and education until he
shall arrive at the age of twenty-one years and after his death the
15 said land to go to his children if any in equal shares as tenants in
common and in case he shall die without issue then to my said wife if
she shall survive for her life and after her death to my own right
heirs And I appoint my said wife executrix of this my will In
c 150— testimony

Preamble.

Recites will of
Joseph Napoleon
Dillon.

Devise of sixty acres.

Dillon's Estate.

testimony whereof I have hereunto set my hand and seal this seven-
 teenth day of December in the year of our Lord one thousand eight
 hundred and fifty-two” And whereas the said Joseph Napoleon Dillon Death of testator &c.
 departed this life on or about the twentieth day of May one thousand
 5 eight hundred and fifty-five without having altered or revoked his said
 will and leaving his said wife and son him surviving And whereas the Certificate of title as
to son.
 land in the said will mentioned being the same as is described in the
 Schedule hereto has been brought under the provisions of the “Real
 Property Act” (twenty-sixth Victoria number nine) and its amending
 10 Acts and a certificate for an estate for life in respect thereof has issued in
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of sale.
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 15 to demise it for a longer period than the life of the said son in conse-
 quence whereof the land cannot be advantageously cultivated and it
 remains unproductive of income And whereas it is important in the
 interests of all concerned having title whether in possession or pros-
 pectively therein that the whole legal estate in the said land should be
 20 vested in Trustees to be appointed for the purpose and subject to the Expediency of
appointing Trustees
for sale.
 provisions hereinafter expressed to sell the land and invest and apply
 the proceeds of sale as hereinafter directed 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
 25 South Wales in Parliament assembled and by the authority of the
 same as follows:—

1. After the passing of this Act the whole legal estate of and Vesting legal estate
in Trustees.
 in the land devised by the aforesaid will shall for the purposes of this
 Act vest in Gerald Ross Campbell of Sydney in the Colony aforesaid
 30 barrister-at-law and John MacDonald of the same place commission
 agent or other the Trustees under this Act for the time being and their
 heirs and assigns and shall be divested out of every person who now is
 or would hereafter but for this Act become entitled thereto.

2. It shall be lawful for the said Gerald Ross Campbell and Power of sale.
 35 John MacDonald (who hereinafter in this Act are included under
 the designation of Trustees) and for other the Trustees for the time
 being under this Act at such time or times as they shall think fit to
 sell the said land or any part or parts thereof either by public auction
 or private contract in one or in more lot or lots and with such rights-
 40 of-way if any over the same and in such manner generally and upon
 such terms and conditions as they shall deem expedient and for such
 price or prices as can reasonably be obtained for the same with power
 to buy in the land or lots offered for sale by auction and to vary or
 rescind any contract for sale either on terms or gratuitously and to
 45 resell without being responsible for any loss occasioned thereby and to
 convey the said land or the part or parts thereof sold to the purchaser
 or purchasers and his or their heirs and assigns or to such uses and in
 such manner as such purchaser or purchasers may direct and thereupon
 50 said Trustees and the legal estate therein shall vest absolutely in the
 person or persons to whom the same has or have been so conveyed his
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 55 not thereby lose their lien on the land conveyed for so much of the
 purchase money as shall remain unpaid thereon.

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to purchasers &c.
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Dillon's Estate.

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 25 Act and also of and incidental to any instruments or proceedings subsequent to its passing or for the purpose of enabling the Trustees to carry out any sale hereby authorized and in the next place to pay all costs and expenses incurred in and about the same and after such payment or payments upon trust to invest the residue either in debentures or other Government securities of any kind of this Colony or upon
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 And purchase money.
 Investment of proceeds of sale.

6. The Trustees shall stand possessed of all moneys so invested
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 45 whom any moneys are paid under this Act shall be a complete discharge to the Trustees for such moneys. Application of trust moneys income &c.
 Receipts.

7. Whenever either of the Trustees herein named dies or goes
 to reside out of New South Wales or desires to be discharged from or
 refuses or becomes incapable to act in the trusts created by this Act
 50 before the same have been fully performed he shall be held to have vacated such trusts and thereupon the surviving or continuing Trustee may by instrument in writing appoint a new Trustee in the place of the Trustee so vacating his office and as often as any new Trustee is so appointed all the trust property then remaining unconveyed shall
 55 by virtue of such instrument become vested in the new Trustee jointly with the surviving or continuing Trustee and every new Trustee appointed as aforesaid shall have the same powers as if he had been originally named in this Act. Power to appoint new Trustees.

Dillon's Estate.

8. The Trustees for the time being under this Act may make and alter any roads or streets over the said land as they shall deem expedient and also may erect make and alter any walls sewers drains or other works upon the said land which may in the discretion of the said Trustees conduce to the improving or more advantageously selling the said land or any part thereof. The cost of any such works on the part of the Trustees may be deducted by them as expenses incidental to the sale under this Act and for any of the purposes of this section the Trustees for the time being may reserve and dedicate any ways either absolutely or conditionally any part or parts of the said land.

Power as to making roads.

9. This Act may be cited as "Dillon's Estate Act of 1884."

Short title.

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DILLON'S ESTATE BILL.

SCHEDULE of the Amendments referred to in Message of 30 September, 1884.

STEPHEN W. JONES,
Clerk of the Legislative Assembly.

- Page 2, clause 2, line 37. *After* "Act" *insert* "**with the consent of the Master in
"Equity"**"
- Page 2, clause 2, line 39. *Omit* "or private contract"
- Page 3. *Omit* clauses 4, 5, and 6, *insert* new clauses **4, 5, and 6,**
-

THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT

CHICAGO, ILLINOIS

1911

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

Legislative Council Chamber,
Sydney, 12th August, 1884. }

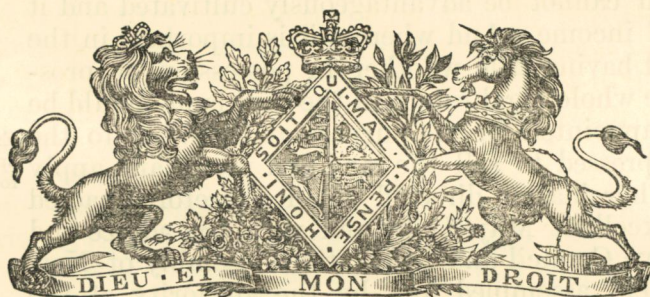
JOHN J. CALVERT,
Clerk of the Parliaments.

The LEGISLATIVE ASSEMBLY has this day agreed to this Bill with Amendments.

Legislative Assembly Chamber,
Sydney, 30 September, 1884. }

STEPHEN W. JONES,
Clerk of Legislative Assembly.

New South Wales.



ANNO QUADRAGESIMO OCTAVO

VICTORIÆ REGINÆ.

An Act to authorize the sale of certain land devised by Joseph Napoleon Dillon and to provide for the investment and appropriation of the proceeds.

WHEREAS Joseph Napoleon Dillon late of Sydney deceased being Preamble.
seised in fee of the land described in the Schedule hereto made
and executed his last will bearing date the seventeenth day of Decem-
ber one thousand eight hundred and fifty-two in the words following
5 that is to say "This is the last will and testament of me Joseph Napo- Recites will of
leon Dillon of Sydney in the Colony of New South Wales gentleman Joseph Napoleon
being of sound and disposing mind memory and understanding give Dillon.
and bequeath unto my wife Mary Ann after payment of my debts and
funeral expenses all my household furniture and effects of what nature
10 and kind soever I give and devise to my son Joseph Napoleon Dillon Devise of sixty acres.
all my right title and interest in and to sixty acres of land at Cook's
River for the term of his natural life the rents and profits of the said
land to be applied towards his maintenance and education until he
shall arrive at the age of twenty-one years and after his death the
15 said land to go to his children if any in equal shares as tenants in
common and in case he shall die without issue then to my said wife if
she shall survive for her life and after her death to my own right
heirs And I appoint my said wife executrix of this my will In
c 150— testimony

NOTE.—The words to be omitted are ruled through; those to be inserted are printed in black letter.

Dillon's Estate.

- testimony whereof I have hereunto set my hand and seal this seven-
 teenth day of December in the year of our Lord one thousand eight
 hundred and fifty-two" And whereas the said Joseph Napoleon Dillon
 departed this life on or about the twentieth day of May one thousand
 5 eight hundred and fifty-five without having altered or revoked his said
 will and leaving his said wife and son him surviving And whereas the
 land in the said will mentioned being the same as is described in the
 Schedule hereto has been brought under the provisions of the "Real
 Property Act" (twenty-sixth Victoria number nine) and its amending
 10 Acts and a certificate for an estate for life in respect thereof has issued in
 favour of Joseph Napoleon Dillon the younger being the son of the said
 testator mentioned in his said will And whereas the will contains no
 authority for the sale of the said land during the son's life And it is
 impossible therefore without the aid of Parliament to sell the same or
 15 to demise it for a longer period than the life of the said son in conse-
 quence whereof the land cannot be advantageously cultivated and it
 remains unproductive of income And whereas it is important in the
 interests of all concerned having title whether in possession or pros-
 pectively therein that the whole legal estate in the said land should be
 20 vested in Trustees to be appointed for the purpose and subject to the
 provisions hereinafter expressed to sell the land and invest and apply
 the proceeds of sale as hereinafter directed 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
 25 South Wales in Parliament assembled and by the authority of the
 same as follows :—
1. After the passing of this Act the whole legal estate of and
 in the land devised by the aforesaid will shall for the purposes of this
 Act vest in Gerald Ross Campbell of Sydney in the Colony aforesaid
 30 barrister-at-law and John MacDonald of the same place commission
 agent or other the Trustees under this Act for the time being and their
 heirs and assigns and shall be divested out of every person who now is
 or would hereafter but for this Act become entitled thereto.
2. It shall be lawful for the said Gerald Ross Campbell and John
 35 MacDonald (who hereinafter in this Act are included under the designa-
 tion of Trustees) and for other the Trustees for the time being under this
 Act **with the consent of the Master in Equity** at such time or times as
 they shall think fit to sell the said land or any part or parts thereof either
 by public auction ~~or private contract~~ in one or in more lot or lots and with
 40 such rights-of-way if any over the same and in such manner generally
 and upon such terms and conditions as they shall deem expedient and
 for such price or prices as can reasonably be obtained for the same with
 power to buy in the land or lots offered for sale by auction and to vary
 or rescind any contract for sale either on terms or gratuitously and to
 45 resell without being responsible for any loss occasioned thereby and to
 convey the said land or the part or parts thereof sold to the purchaser
 or purchasers and his or their heirs and assigns or to such uses and in
 such manner as such purchaser or purchasers may direct and thereupon
 the said land or such part or parts thereof as shall be conveyed by the
 50 said Trustees and the legal estate therein shall vest absolutely in the
 person or persons to whom the same has or have been so conveyed his
 or their heirs and assigns or shall remain to such uses and in such
 manner as aforesaid freed and discharged from the trust or trusts
 created by the said will or by this Act Provided that the trustees shall
 55 not thereby lose their lien on the land conveyed for so much of the
 purchase money as shall remain unpaid thereon.
3. It shall be lawful for the Trustees for the time being to allow
 to any purchaser or purchasers credit for any number of years not
 exceeding fourteen years for the payment of so much of the purchase
 money

Death of testator &c.

Certificate of title as
to son.Will gives no power
of sale.Expediency of
appointing Trustees
for sale.Vesting legal estate
in Trustees.

Power of sale.

Power to give credit
to purchasers &c.

Dillon's Estate.

money as shall not exceed two-thirds of the whole upon such terms as to interest and otherwise as may by the Trustees be deemed reasonable Provided that the land sold shall remain unconveyed or be otherwise rendered a security by mortgage with power of entry and sale and
 5 other usual provisions for payment of the purchase money remaining unpaid together with the interest thereon until satisfied Provided further that notwithstanding any such security being taken the vendors lien for the purchase money shall not be thereby affected.

4. The receipt or receipts in writing of the Trustees for the
 10 purchase money and interest thereon as to the whole or any part or parts of the land shall be full discharges to the purchaser or purchasers for the same and from all liability to see to the application thereof and from any liability for the loss nonapplication or misapplication of the same or any part thereof. Receipts for purchase money.

5. The Trustees for the time being shall stand seized of the said
 15 land until sold and conveyed as aforesaid or of such portions thereof as from time to time remain unsold in trust for such person or persons as but for this Act would be entitled for the time being to the same or to some estate or interest therein to the extent of such estate or interest
 20 respectively under the aforesaid will and subject to the provisions therein expressed concerning the same and after the sale of the whole or of any portion or portions of the said land shall stand possessed of the moneys arising from such sale upon trust in the first place to pay all costs and expenses of and incidental to the procuring of this
 25 Act and also of and incidental to any instruments or proceedings subsequent to its passing or for the purpose of enabling the Trustees to carry out any sale hereby authorized and in the next place to pay all costs and expenses incurred in and about the same and after such payment or payments upon trust to invest the residue either in debentures or other Government securities of any kind of this Colony or upon
 30 freehold securities in the said Colony or partly in one and partly in another class or classes of the securities hereinbefore mentioned with power from time to time to vary any such investment. Trusts of the unsold land
And purchase money.
Investment of proceeds of sale.

6. The Trustees shall stand possessed of all moneys so invested
 or secured as aforesaid on the same trusts as are hereinbefore expressed
 35 with respect to the land until sold And shall stand possessed of the interest and annual produce arising from the investment of the said moneys and also arising from all unpaid purchase moneys as hereinbefore provided for and also of the rents profits and annual produce (if any) of all unsold parts of the said land on the same trusts as last
 40 aforesaid and on trust to pay the said moneys as the same respectively accrue or as soon thereafter as conveniently may be unto the person or persons then entitled as aforesaid in proportion to his or their interest in the land under the aforesaid will Every receipt by a person to
 45 whom any moneys are paid under this Act shall be a complete discharge to the Trustees for such moneys. Application of trust moneys income &c.
Receipts.

4. It shall be lawful for the Trustees or Trustee of this Act for
 the time being on the receipt of the proceeds of the sale of any property
 sold under the provisions of this Act to deduct the costs and expenses
 of and incidental to such sale and also so much of the costs and
 50 expenses of all parties of and incidental to the passing of this Act as shall be fairly chargeable to the several parties interested in the property out of the sale of which such proceeds shall have arisen having regard to the amount of the interest of each of such several parties therein And the said Trustees or Trustee aforesaid shall after deducting such costs and expenses of sale and costs of passing this Act as
 55 aforesaid pay the balance of the said proceeds together with the rents if any received in respect of the same premises into the Supreme Court of New South Wales in its Equitable Jurisdiction in the matter of the
 said

Dillon's Estate.

said will and to an account to be entitled in the trusts of the said will as affecting the property out of the sale of which the said proceeds have arisen.

5 money being so paid shall be a sufficient discharge for the money so paid and the Court shall have the same power to apply and deal with such moneys in every respect as if the same had been paid into Court under the Act passed in the twenty-first year of Her present Majesty's reign intituled "An Act for the better securing Trust Funds and for
10 relief of Trustees."

Proceeds to be dealt with as under 21 Victoria No. 7.

6. It shall be lawful for the Supreme Court in Equity from time to time to allow to the said Trustees or Trustee for the time being of this Act such commission or percentage as shall be just and reasonable for their or his pains or trouble in effectuating such sale or sales or
15 otherwise in exercising the powers and performing the duties hereby conferred and imposed.

Remuneration.

7. Whenever either of the Trustees herein named dies or goes to reside out of New South Wales or desires to be discharged from or refuses or becomes incapable to act in the trusts created by this Act
20 before the same have been fully performed he shall be held to have vacated such trusts and thereupon the surviving or continuing Trustee may by instrument in writing appoint a new Trustee in the place of the Trustee so vacating his office and as often as any new Trustee is so appointed all the trust property then remaining unconveyed shall
25 by virtue of such instrument become vested in the new Trustee jointly with the surviving or continuing Trustee and every new Trustee appointed as aforesaid shall have the same powers as if he had been originally named in this Act.

Power to appoint new Trustees.

8. The Trustees for the time being under this Act may make
30 and alter any roads or streets over the said land as they shall deem expedient and also may erect make and alter any walls sewers drains or other works upon the said land which may in the discretion of the said Trustees conduce to the improving or more advantageously selling the said land or any part thereof The cost of any such works on the
35 part of the Trustees may be deducted by them as expenses incidental to the sale under this Act and for any of the purposes of this section the Trustees for the time being may reserve and dedicate any ways either absolutely or conditionally any part or parts of the said land.

Power as to making roads.

9. This Act may be cited as "Dillon's Estate Act of 1884."

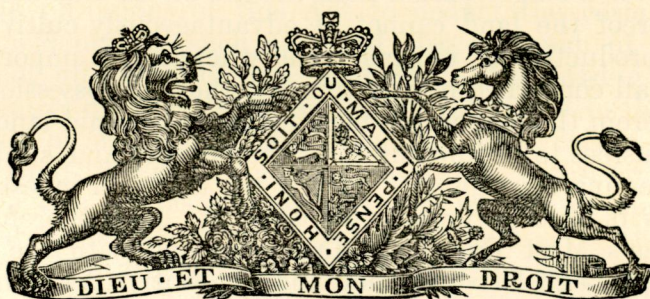
Short title.

40

THE SCHEDULE.

All that piece of land situated on the Rocky Point Road in the parish of Saint George and county of Cumberland containing sixty-three acres fifteen perches or thereabouts Commencing on the eastern side of Rocky Point Road at its intersection with Park-street and bounded thence on the west by that road bearing northerly twenty-
45 two chains seven links to A. Kennerley's forty-two acres grant on the north by that grant bearing easterly twenty-two chains forty-seven links to a swamp on the north-east and on the north-west by lines along the margin of that swamp bearing south fifty-three degrees fifteen minutes east one chain ninety links south fifty degrees nineteen minutes east two chains ninety-three links south sixty-six degrees forty-five minutes east one
50 chain four links and north eighty-seven degrees one minute east one chain eighty-eight links to Scarborough Park on the east by that park bearing southerly eighteen chains eighty links to Park-street aforesaid and on the south by that street bearing westerly twenty-nine chains fifty links to the point of commencement.

New South Wales.



ANNO QUADRAGESIMO OCTAVO

VICTORIÆ REGINÆ.

An Act to authorize the sale of certain land devised by Joseph Napoleon Dillon and to provide for the investment and appropriation of the proceeds. [Assented to, 31st October, 1884.]

WHEREAS Joseph Napoleon Dillon late of Sydney deceased being seised in fee of the land described in the Schedule hereto made and executed his last will bearing date the seventeenth day of December one thousand eight hundred and fifty-two in the words following that is to say "This is the last will and testament of me Joseph Napoleon Dillon of Sydney in the Colony of New South Wales gentleman being of sound and disposing mind memory and understanding give and bequeath unto my wife Mary Ann after payment of my debts and funeral expenses all my household furniture and effects of what nature and kind soever I give and devise to my son Joseph Napoleon Dillon all my right title and interest in and to sixty acres of land at Cook's River for the term of his natural life the rents and profits of the said land to be applied towards his maintenance and education until he shall arrive at the age of twenty-one years and after his death the said land to go to his children if any in equal shares as tenants in common and in case he shall die without issue then to my said wife if she shall survive for her life and after her death to my own right heirs And I appoint my said wife executrix of this my will In testimony

Preamble.

Recites will of Joseph Napoleon Dillon.

Devise of sixty acres.

Dillon's Estate.

- testimony whereof I have hereunto set my hand and seal this seventeenth day of December in the year of our Lord one thousand eight hundred and fifty-two” And whereas the said Joseph Napoleon Dillon departed this life on or about the twentieth day of May one thousand eight hundred and fifty-five without having altered or revoked his said will and leaving his said wife and son him surviving And whereas the land in the said will mentioned being the same as is described in the Schedule hereto has been brought under the provisions of the “Real Property Act” (twenty-sixth Victoria number nine) and its amending Acts and a certificate for an estate for life in respect thereof has issued in favour of Joseph Napoleon Dillon the younger being the son of the said testator mentioned in his said will And whereas the will contains no authority for the sale of the said land during the son’s life And it is impossible therefore without the aid of Parliament to sell the same or to demise it for a longer period than the life of the said son in consequence whereof the land cannot be advantageously cultivated and it remains unproductive of income And whereas it is important in the interests of all concerned having title whether in possession or prospectively therein that the whole legal estate in the said land should be vested in Trustees to be appointed for the purpose and subject to the provisions hereinafter expressed to sell the land and invest and apply the proceeds of sale as hereinafter directed 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:—
- Death of testator &c.** 1. After the passing of this Act the whole legal estate of and in the land devised by the aforesaid will shall for the purposes of this Act vest in Gerald Ross Campbell of Sydney in the Colony aforesaid barrister-at-law and John MacDonald of the same place commission agent or other the Trustees under this Act for the time being and their heirs and assigns and shall be divested out of every person who now is or would hereafter but for this Act become entitled thereto.
- Certificate of title as to son.**
- Will gives no power of sale.**
- Expediency of appointing Trustees for sale.**
- Vesting legal estate in Trustees.**
- Power of sale.**
2. It shall be lawful for the said Gerald Ross Campbell and John MacDonald (who hereinafter in this Act are included under the designation of Trustees) and for other the Trustees for the time being under this Act at such time or times as they shall think fit to sell the said land or any part or parts thereof by public auction in one or in more lot or lots and with such rights-of-way if any over the same and in such manner generally and upon such terms and conditions as they shall deem expedient and for such price or prices as can reasonably be obtained for the same with power to buy in the land or lots offered for sale by auction and to vary or rescind any contract for sale either on terms or gratuitously and to resell without being responsible for any loss occasioned thereby and to convey the said land or the part or parts thereof sold to the purchaser or purchasers and his or their heirs and assigns or to such uses and in such manner as such purchaser or purchasers may direct and thereupon the said land or such part or parts thereof as shall be conveyed by the said Trustees and the legal estate therein shall vest absolutely in the person or persons to whom the same has or have been so conveyed his or their heirs and assigns or shall remain to such uses and in such manner as aforesaid freed and discharged from the trust or trusts created by the said will or by this Act Provided that the trustees shall not thereby lose their lien on the land conveyed for so much of the purchase money as shall remain unpaid thereon.
- Power to give credit to purchasers &c.**
3. It shall be lawful for the Trustees for the time being to allow to any purchaser or purchasers credit for any number of years not exceeding fourteen years for the payment of so much of the purchase money as shall not exceed two-thirds of the whole upon such terms as
- to

Dillon's Estate.

to interest and otherwise as may by the Trustees be deemed reasonable Provided that the land sold shall remain unconveyed or be otherwise rendered a security by mortgage with power of entry and sale and other usual provisions for payment of the purchase money remaining unpaid together with the interest thereon until satisfied Provided further that notwithstanding any such security being taken the vendors lien for the purchase money shall not be thereby affected.

4. The receipt or receipts in writing of the Trustees for the purchase money and interest thereon as to the whole or any part or parts of the land shall be full discharges to the purchaser or purchasers for the same and from all liability to see to the application thereof and from any liability for the loss nonapplication or misapplication of the same or any part thereof. Receipts for purchase money.

5. It shall be lawful for the Trustees of this Act for the time being on the receipt of the proceeds of the sale of any property sold under the provisions of this Act to deduct the costs and expenses of and incidental to such sale and also so much of the costs and expenses of all parties of and incidental to the passing of this Act as shall be fairly chargeable to the parties interested in the property out of the sale of which such proceeds shall have arisen And the said Trustees shall after deducting such costs and expenses of sale and costs of passing this Act as aforesaid pay the balance of the said proceeds within three months at the latest after the receipt thereof together with the rents if any received in respect of the same premises into the Supreme Court of New South Wales in its Equitable Jurisdiction in the matter of the said will to an account to be entitled in the trusts of the said will. Proceeds how dealt with.

6. The Trustees for the time being shall stand seised of the said land until sold and conveyed as aforesaid or of such portions thereof as from time to time remain unsold in trust for such person or persons as but for this Act would be entitled for the time being to the same or to some estate or interest therein to the extent of such estate or interest respectively under the aforesaid will and subject to the provisions therein expressed concerning the same. Trusts of the unsold land.

7. The Court shall have the same power to apply and deal with such moneys in every respect as if the same had been paid into Court under the Act passed in the twenty-first year of Her present Majesty's reign intituled "*An Act for better securing Trust Funds and for the relief of Trustees.*" Proceeds to be dealt with as under 21 Victoria No. 7.

8. It shall be lawful for the Supreme Court in Equity from time to time to allow to the said Trustees for the time being of this Act such commission or percentage as shall be just and reasonable for their pains or trouble in effectuating such sale or sales or otherwise in exercising the powers and performing the duties hereby conferred and imposed. Remuneration.

9. Whenever either of the Trustees herein named dies or goes to reside out of New South Wales or desires to be discharged from or refuses or becomes incapable to act in the trusts created by this Act before the same have been fully performed he shall be held to have vacated such trusts and thereupon the surviving or continuing Trustee may by instrument in writing appoint a new Trustee in the place of the Trustee so vacating his office and as often as any new Trustee is so appointed all the trust property then remaining unconveyed shall by virtue of such instrument become vested in the new Trustee jointly with the surviving or continuing Trustee and every new Trustee appointed as aforesaid shall have the same powers as if he had been originally named in this Act. Power to appoint new Trustees.

10. The Trustees for the time being under this Act may make and alter any roads or streets over the said land as they shall deem expedient and also may erect make and alter any walls sewers drains Power as to making roads.

OR

Dillon's Estate.

or other works upon the said land which may in the discretion of the said Trustees conduce to the improving or more advantageously selling the said land or any part thereof The cost of any such works on the part of the Trustees may be deducted by them as expenses incidental to the sale under this Act and for any of the purposes of this section the Trustees for the time being may reserve and dedicate any ways either absolutely or conditionally any part or parts of the said land.

Short title.

11. This Act may be cited as "Dillon's Estate Act of 1884."

THE SCHEDULE.

All that piece of land situated on the Rocky Point Road in the parish of Saint George and county of Cumberland containing sixty-three acres fifteen perches or thereabouts Commencing on the eastern side of Rocky Point Road at its intersection with Park-street and bounded thence on the west by that road bearing northerly twenty-two chains seven links to A. Kennerley's forty-two acres grant on the north by that grant bearing easterly twenty-two chains forty-seven links to a swamp on the north-east and on the north-west by lines along the margin of that swamp bearing south fifty-three degrees fifteen minutes east one chain ninety links south fifty degrees nineteen minutes east two chains ninety-three links south sixty-six degrees forty-five minutes east one chain four links and north eighty-seven degrees one minute east one chain eighty-eight links to Scarborough Park on the east by that park bearing southerly eighteen chains eighty links to Park-street aforesaid and on the south by that street bearing westerly twenty-nine chains fifty links to the point of commencement.

By Authority: THOMAS RICHARDS, Government Printer, Sydney, 1884.

[3d.]