

47^o VICTORIÆ, 1883.

A BILL

To enable John Williams or other the Trustee or Trustees for the time being of the Will of William Moffitt deceased to lease certain portions of the real estate of the said William Moffitt deceased.

WHEREAS William Moffitt late of Sydney in the Colony of New South Wales bookseller being at the time of his death seized and possessed of among other lands the lands and hereditaments described in the Schedule hereto duly made and executed his last will and testament dated the fifth day of June one thousand eight hundred and seventy-three and thereby appointed John Williams of Sydney aforesaid Crown Solicitor sole devisee in trust of all his real estate upon trust as to the lands and hereditaments described in the Schedule hereto for the testator's eldest daughter Elizabeth Preston Marks wife of the Honorable John Marks Esquire of Darling Point near Sydney aforesaid for her sole and separate use during her lifetime and from and after her death upon the trusts in the said will declared concerning the same And whereas the said William Moffitt died on the thirty-first day of July one thousand eight hundred and seventy-four without having altered or revoked his said last will and testament leaving him surviving the said Elizabeth Preston Marks and other two daughters Sarah Jane Marks wife of James Marks of Jamberoo in the said Colony and Mary Thorne wife of Robert Thorne of Liverpool-street in Sydney aforesaid And whereas the said will was on the twenty-seventh day of August one thousand eight hundred and seventy-four proved in the Supreme Court

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Court of New South Wales by the said John Williams and the said Elizabeth Preston Marks the executor and executrix respectively named therein And whereas the said last will and testament does not contain any power to lease or demise the said lands and hereditaments or to expend money in the erection of buildings upon the said land and the buildings now thereon are dilapidated and of little value And whereas the said lands and hereditaments can now be let on a building lease for a ground rent exceeding the rents and profits at present received and upon favourable conditions as to building and otherwise And it is desirable that the said John Williams or other the trustee or trustees for the time being of the said will should be empowered to grant building leases or lease of the said lands and hereditaments or of any portion thereof for any period not exceeding thirty years the rents and issues thereof being received by him or them for the benefit of such person or persons respectively entitled thereto under the said will And whereas the authority of the Legislature is necessary in the premises 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:—

General power to grant building leases.

1. It shall be lawful for the said John Williams or the trustee or trustees for the time being as aforesaid to grant a lease or leases of all or any of the lands and hereditaments described in the Schedule hereto or of any of them or of any part thereof for building purposes and for the term or terms not exceeding thirty years to take effect in possession and not in reversion nor by way of future interest so as there be reserved in such lease or leases the best rent or rents that can reasonably be obtained for the said lands and hereditaments or any of them or any part thereof without taking any premium or fine or foregift for the granting thereof and so as there be contained in every such lease proper and reasonable covenants and agreements by every such lessee for the due payment of rent reserved thereby and a power of re-entry for non-payment of such rent or for any breach of any of the covenants in the said lease or leases contained and so as the lessee or respective lessees duly execute a duplicate or counterpart of such lease or leases.

Trusts of rents and profits.

2. The said John Williams or the trustee or the trustees for the time being as aforesaid shall pay the rents issues and proceeds of the said lands and hereditaments to the party or parties entitled to the income profits or rent of the said lands and hereditaments under and by virtue of the said will of the said testator.

Short title.

3. This Act may be cited as the "Moffitt's Estate Leasing Enabling Act of 1883."

THE SCHEDULE.

All that piece or parcel of land situated at Sydney in the parish of Alexandria county of Cumberland and Colony of New South Wales be the hereinafter mentioned several dimensions a little more or less being lot seventeen section eighteen Sydney sections Commencing at the intersection of the north-eastern side of George-street with the north-western side of Bathurst-street thence on the south-east by Bathurst-street bearing north eighty-five degrees twenty-one minutes east distance one hundred and thirty-four feet one inch thence on the north-east by a line running along the side of a brick wall bearing north four degrees thirty minutes west distance eighty-six feet four inches thence on the north-west by a line running along a brick wall fence and brick wall bearing south eighty-nine degrees west distance one hundred and thirty-one feet nine inches to George-street thence on the south-west by that street bearing south three degrees east distance ninety-four feet six inches to the point of commencement.