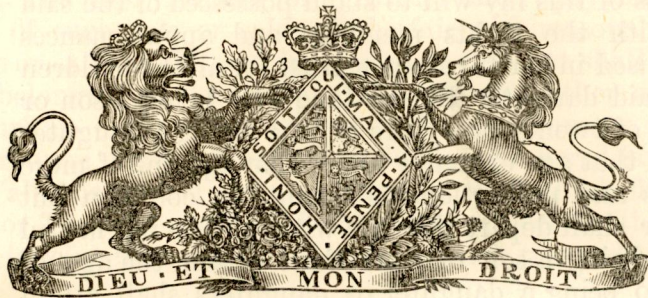


*This PRIVATE BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL, for its concurrence.*

*Legislative Assembly Chamber,  
Sydney, 4 May, 1886.* }

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

## New South Wales.



ANNO QUADRAGESIMO NONO

# VICTORIÆ REGINÆ.

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An Act to enable the Trustees of the will of Mr. William Barker deceased to sell certain land and hereditaments in Pitt-street Redfern in the Colony of New South Wales and to make provision for the investment of the proceeds thereof.

**W**HEREAS William Barker late of Sydney solicitor by his last will and testament bearing date the twenty-fourth day of August one thousand eight hundred and seventy-seven appointed his wife Emma Barker the Reverend Hulton Smyth King and the Reverend Hugh Barker executrix and executors and Trustees of his said will And whereas the said William Barker died on or about the twenty-fourth day of January one thousand eight hundred and seventy-nine And whereas the said Hugh Barker by deed-poll bearing date the twenty-sixth day of May one thousand eight hundred and seventy-nine disclaimed and renounced the trusts of the said will And whereas probate of the said will was duly granted by the Supreme Court of New South Wales to the said Emma Barker and Hulton Smyth King on the eighteenth day of February one thousand eight hundred and seventy-nine And whereas by his said will the said testator devised and bequeathed unto his said Trustees all his real and personal property upon trust "as to all those five houses situated in Fitzroy-terrace in

*Barker's Estate.*

Pitt-street Redfern near the City of Sydney with the land at the back of the said houses as the same were conveyed to me by Charles Broughton and Eliza his wife by indenture bearing date the eleventh day of November one thousand eight hundred and seventy-five upon trust to  
 5 pay the rents issues and profits thereof to my said wife Emma Barker for her sole and separate and inalienable use and benefit and without power of anticipation and from and after her decease I direct my said Trustees to stand possessed of the said houses and premises upon trust  
 10 to pay the rents and profits thereof after deducting all necessary expenses for repairs and insurance to my daughter Emma Jane Barker during her life as and when the same shall become due and not by way of anticipation for her own sole separate and inalienable use and benefit free from the debts control or engagements of any husband with whom she may intermarry her receipt alone notwithstanding coverture  
 15 to be a good valid and effectual discharge and from and after the death of my said daughter I direct the said Trustees or Trustee for the time being acting in the trusts of this my will to stand possessed of the said houses and premises with the rights members and appurtenances thereunto belonging devised in her favor upon trust for all the children  
 20 or any the child of my said daughter Emma Jane who being a son or sons shall attain the age of twenty-one years or who being a daughter or daughters shall attain that age or marry under that age and if more than one in equal shares and proportions as tenants in common but in case my said daughter shall depart this life without leaving lawful  
 25 issue her surviving who being a son or sons shall attain the age of twenty-one years or who being a daughter or daughters shall attain that age or marry under age then I direct the Trustees of this my will to stand possessed of the houses and premises hereinbefore devised in favor of my said daughter Emma Jane upon trust for all my other  
 30 children who shall be then living in equal shares and proportions and the issue of such of them as shall have previously departed this life such issue if more than one to take in equal shares and proportions as tenants in common the share only which would otherwise have gone to their father or mother if living” And whereas the said will contains  
 35 no power for the Trustee or Trustees thereof to sell the said land or to create such tenancies upon the security of which a tenant would be induced to expend money in building or in improving the existing buildings And whereas the said houses and premises are in such a dilapidated condition that it is impossible for the Trustees of the said  
 40 will to let the same with advantage and there are no funds available for the repair thereof And whereas the said Emma Jane Barker is now of age and unmarried and is desirous that the said land and premises should be sold and the proceeds of such sale be invested as hereinafter provided And whereas it is deemed highly beneficial for  
 45 all parties interested that the said land and premises should be sold and the proceeds of the sale thereof should be invested in real or Government security in New South Wales 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  
 50 Wales in Parliament assembled and by the authority of the same as follows:—

1. It shall and may be lawful for the said Emma Barker and Power to sell.  
 Hulton Smyth King or other the Trustee or Trustees for the time being of the said will to sell the said land and premises devised as aforesaid  
 55 either by public auction or by private contract and either in one or more parcel or parcels and for such price or prices as can be reasonably obtained for the same and upon and subject to such terms or conditions of sale as the said Trustees shall deem expedient with power to buy in the said land and premises or any part thereof at any sale by auction  
 and

*Barker's Estate.*

and with power to vary or rescind any contract for sale and upon any sale or sales to convey the same or any part thereof when sold to the purchaser or purchasers his her or their heirs or assigns or as such purchaser or purchasers may direct freed and discharged from all trusts  
 5 created by the said will and the receipts in writing of the said Trustee or Trustees for the purchase money of the said land and premises or any part thereof shall be valid and effectual discharges to the purchaser or purchasers thereof and shall relieve such purchaser or purchasers from all responsibility for the loss misapplication or non-application  
 10 of such money.

2. It shall and may be lawful for the said Emma Barker and Hulton Smyth King or the Trustee or Trustees for the time being of the said will to allow any purchaser or purchasers credit for the whole or any part or parts of his her or their purchase money upon such  
 15 terms as to interest or otherwise and generally as such Trustee or Trustees may deem expedient. Trustees may give credit for purchase money.

3. The said Trustee or Trustees after payment out of the proceeds of such sale or sales of the fair and reasonable expenses of such sale or sales and of and incidental to this Act shall invest the said  
 20 moneys belonging to the trusts of the said will either at interest upon real securities or upon securities of the Government of New South Wales or upon mortgage of other lands and hereditaments in New South Wales as such Trustee or Trustees shall think fit and the said Trustee or Trustees shall hold the same subject to the trusts of the  
 25 said will hereinbefore mentioned so far as such trusts shall be applicable thereto. Trustees to invest proceeds.

4. This Act may be cited as the "Barker's Estate Act of 1886." Short title.

OF VICTORIA

ACT NO. 10

and will have to vary or amend any contract for sale and upon any sale of land to comply with the provisions of this Act...

2. It shall and may be lawful for the said Trustee, after payment of the said purchase money...

3. The said Trustee or Trustees after payment of the purchase money of any sale or lease of the land...

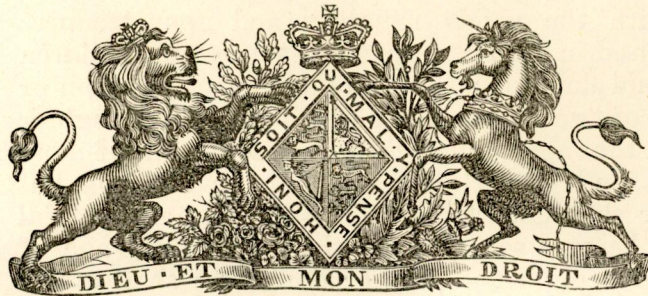
4. This Act may be cited as the "Trustee's Act of 1880."

*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, 4 May, 1886.* }

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

## New South Wales.



ANNO QUADRAGESIMO NONO

## VICTORIÆ REGINÆ.

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An Act to enable the Trustees of the will of Mr. William Barker deceased to sell certain land and hereditaments in Pitt-street Redfern in the Colony of New South Wales and to make provision for the investment of the proceeds thereof.

**W**HEREAS William Barker late of Sydney solicitor by his last Preamble.  
will and testament bearing date the twenty-fourth day of  
August one thousand eight hundred and seventy-seven appointed his  
wife Emma Barker the Reverend Hulton Smyth King and the  
5 Reverend Hugh Barker executrix and executors and Trustees of his  
said will And whereas the said William Barker died on or about the  
twenty-fourth day of January one thousand eight hundred and seventy-  
nine And whereas the said Hugh Barker by deed-poll bearing date the  
twenty-sixth day of May one thousand eight hundred and seventy-nine  
10 disclaimed and renounced the trusts of the said will And whereas  
probate of the said will was duly granted by the Supreme Court of  
New South Wales to the said Emma Barker and Hulton Smyth King  
on the eighteenth day of February one thousand eight hundred and  
seventy-nine And whereas by his said will the said testator devised  
15 and bequeathed unto his said Trustees all his real and personal property  
upon trust "as to all those five houses situated in Fitzroy-terrace in

*Barker's Estate.*

Pitt-street Redfern near the City of Sydney with the land at the back of the said houses as the same were conveyed to me by Charles Broughton and Eliza his wife by indenture bearing date the eleventh day of November one thousand eight hundred and seventy-five upon trust to  
 5 pay the rents issues and profits thereof to my said wife Emma Barker for her sole and separate and inalienable use and benefit and without power of anticipation and from and after her decease I direct my said Trustees to stand possessed of the said houses and premises upon trust  
 10 to pay the rents and profits thereof after deducting all necessary expenses for repairs and insurance to my daughter Emma Jane Barker during her life as and when the same shall become due and not by way of anticipation for her own sole separate and inalienable use and benefit free from the debts control or engagements of any husband with whom she may intermarry her receipt alone notwithstanding coverture  
 15 to be a good valid and effectual discharge and from and after the death of my said daughter I direct the said Trustees or Trustee for the time being acting in the trusts of this my will to stand possessed of the said houses and premises with the rights members and appurtenances thereunto belonging devised in her favor upon trust for all the children  
 20 or any the child of my said daughter Emma Jane who being a son or sons shall attain the age of twenty-one years or who being a daughter or daughters shall attain that age or marry under that age and if more than one in equal shares and proportions as tenants in common but in case my said daughter shall depart this life without leaving lawful  
 25 issue her surviving who being a son or sons shall attain the age of twenty-one years or who being a daughter or daughters shall attain that age or marry under age then I direct the Trustees of this my will to stand possessed of the houses and premises hereinbefore devised in favor of my said daughter Emma Jane upon trust for all my other  
 30 children who shall be then living in equal shares and proportions and the issue of such of them as shall have previously departed this life such issue if more than one to take in equal shares and proportions as tenants in common the share only which would otherwise have gone to their father or mother if living” And whereas the said will con-  
 35 tains no power for the Trustee or Trustees thereof to sell the said land or to create such tenancies upon the security of which a tenant would be induced to expend money in building or in improving the existing buildings And whereas the said houses and premises are in such a dilapidated condition that it is impossible for the Trustees of the said  
 40 will to let the same with advantage and there are no funds available for the repair thereof And whereas the said Emma Jane Barker is now of age and unmarried and is desirous that the said land and premises should be sold and the proceeds of such sale be invested as hereinafter provided And whereas it is deemed highly beneficial for  
 45 all parties interested that the said land and premises should be sold and the proceeds of the sale thereof should be invested in real or Government security in New South Wales 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  
 50 Wales in Parliament assembled and by the authority of the same as follows :—

1. It shall and may be lawful for the said Emma Barker and Hulton Smyth King or other the Trustee or Trustees for the time being of the said will to sell the said land and premises devised as aforesaid  
 55 either by public auction or by private contract and either in one or more parcel or parcels and for such price or prices as can be reasonably obtained for the same and upon and subject to such terms or conditions of sale as the said Trustees shall deem expedient with power to buy in the said land and premises or any part thereof at any sale by auction and

Power to sell.

*Barker's Estate.*

and with power to vary or rescind any contract for sale and upon any sale or sales to convey the same or any part thereof when sold to the purchaser or purchasers his her or their heirs or assigns or as such purchaser or purchasers may direct freed and discharged from all trusts  
 5 created by the said will and the receipts in writing of the said Trustee or Trustees for the purchase money of the said land and premises or any part thereof shall be valid and effectual discharges to the purchaser or purchasers thereof and shall relieve such purchaser or purchasers from all responsibility for the loss misapplication or non-application  
 10 of such money.

2. It shall and may be lawful for the said Emma Barker and Hulton Smyth King or the Trustee or Trustees for the time being of the said will to allow any purchaser or purchasers credit for the whole or any part or parts of his her or their purchase money upon such  
 15 terms as to interest or otherwise and generally as such Trustee or Trustees may deem expedient. Trustees may give credit for purchase money.

3. The said Trustee or Trustees after payment out of the proceeds of such sale or sales of the fair and reasonable expenses of such sale or sales and of and incidental to this Act shall invest the said  
 20 moneys belonging to the trusts of the said will either at interest upon real securities or upon securities of the Government of New South Wales or upon mortgage of other lands and hereditaments in New South Wales as such Trustee or Trustees shall think fit and the said Trustee or Trustees shall hold the same subject to the trusts of the  
 25 said will hereinbefore mentioned so far as such trusts shall be applicable thereto. Trustees to invest proceeds.

4. This Act may be cited as the "Barker's Estate Act of 1886." Short title.

Bankers' Act

and will power to vary or rescind any contract for sale and upon any sale or sales to convey the same or any part thereof when sold to the purchaser on purchase as his part of the same or as such part thereof on purchase, any money paid and his liability from all trusts created by the sale will and the receipt in writing of the said Trustee or Trustees for the purchase money of the said land and premises or any part thereof shall be valid and effectual to charge to the purchaser or purchasers thereof and shall not be subject to any charge or charges of any kind, all responsibility for the loss, misapplication or non-application of such money.

3. It shall and may be lawful for the said Banker, Banker and Licensed Banker, King or the Trustee or Trustees for the time being of the said land to allow any purchase or purchases made for the whole or any part or parts of the said land purchase money upon such terms as to interest or otherwise as they may generally as with Trustees or Trustees may be deemed expedient.

4. The said Trustee or Trustees after payment out of the proceeds of such sale or sales of the said land reasonable expenses of such sale or sales and of such incidental charges shall have the said 20 moneys belonging to the funds of the said Banker either in current bank or otherwise or upon accounts of the Government of New South Wales or upon mortgages of other lands and possessions in New South Wales as such Trustee or Trustees shall think fit and the said Trustee or Trustees shall hold the same subject to the trusts of the said will or wills herein mentioned so far as such trusts shall be applicable thereto.

5. This Act may be cited as the "Bankers' Act" and shall extend to the whole of New South Wales.