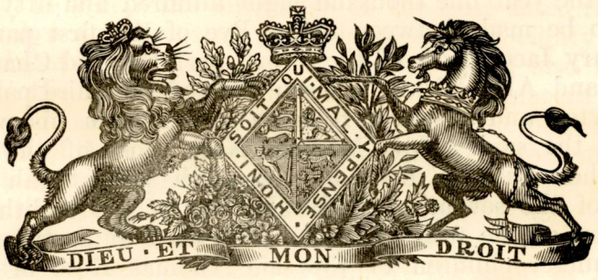

New South Wales.

ANNO QUINQUAGESIMO

VICTORIÆ REGINÆ.

* *

An Act to enable the Trustees of a settlement made on the marriage of Edward Payten and Hannah Rebecca Pye Rose to accept a surrender of a lease of part of the lands comprised in the said settlement and to extend the power to grant leases conferred by the said settlement on the Trustees thereof. [Assented to, 17th August, 1886.]

Preamble.

WHEREAS by an indenture dated the twenty-fifth day of January in the year of our Lord one thousand eight hundred and fifty-three and made between Hannah Rebecca Pye Rose of the first part Edward Payten of the second part and Charles Henry Jacob Rose and Alfred Marsom Nash Rose thereinafter designated Trustees of the third part being a settlement made in contemplation of a marriage then intended and afterwards duly solemnized between the said Edward Payten and Hannah Rebecca Pye Rose the undivided fifth part or share and all other parts or shares of her the said Hannah Rebecca Pye Rose of and in certain lands and hereditaments devised by the will of her father Thomas Rose deceased to or for her use and benefit were conveyed and assured unto and to the use of the said Trustees their heirs and assigns upon certain trusts therein expressed and declared for the benefit of the said Hannah Rebecca Pye Rose and her children And it was by the said indenture agreed and declared amongst other things that it should be lawful for the said Trustees or the Trustees or Trustee for the time being of the said indenture of settlement with the consent in writing of the said Hannah Rebecca Pye Rose during her life and after her decease and during the minority or respective minorities of any child or children of

of her the said Hannah Rebecca Pye Rose of their or his own authority by any deed or deeds writing or writings to demise or lease or join with the persons entitled to the other parts or shares of the said hereditaments thereinbefore mentioned in demising or leasing all or any part of the said hereditaments to any person or persons for any term or number of years not exceeding twenty-one years to take effect in possession and not in reversion without taking any fine premium or foregift for the making thereof and at such rent or rents and on such terms and conditions as the said Trustees or Trustee for the time being should think fit And whereas by an indenture dated the first day of January in the year one thousand eight hundred and fifty-eight and expressed to be made between James Pye of the first part the said Charles Henry Jacob Rose of the second part the said Charles Henry Jacob Rose and Alfred Marsom Nash Rose of the third part the said Edward Payten and Hannah Rebecca Pye Payten his wife of the fourth part the said Alfred Marsom Nash Rose of the fifth part Reuben Uther Bartlett Rose of the sixth part Sarah Elizabeth Jane Rose of the seventh part Sarah Rose of the eighth part and Squire Mason of the ninth part being a deed of partition between the five younger children of the said Thomas Rose of the lands devised to them by his said will certain lands therein particularly described and comprising *inter alia* the land described in the schedule to this Act were allotted to the said Hannah Rebecca Pye Payten as the fifth share of the said Hannah Rebecca Pye Payten of and in the lands and hereditaments so devised as aforesaid for her use and benefit by the will of the said Thomas Rose and were conveyed and assured to the use of the said Charles Henry Jacob Rose and Alfred Marsom Nash Rose as such Trustees as aforesaid of the hereinbefore recited indenture of settlement dated the twenty-fifth day of January one thousand eight hundred and fifty-three upon and for the trusts intents and purposes in the said indenture of settlement mentioned expressed and declared of and in respect of the undivided fifth part or share of the said Hannah Rebecca Pye Payten in the lands and hereditaments devised by the said Thomas Rose to or for her use and benefit subject to the payment of an annuity to the said Sarah Rose which has since ceased And whereas there is issue of the said marriage of the said Edward Payten and Hannah Rebecca Pye Payten now living And whereas by an indenture of lease dated the second day of September one thousand eight hundred and eighty and made between the said Charles Henry Jacob Rose and Alfred Marsom Nash Rose of the first part the said Hannah Rebecca Pye Payten of the second part and James Bentley Corbin and Phillip Nicolle of the third part the said Charles Henry Jacob Rose and Alfred Marsom Nash Rose in exercise of the power given to them in that behalf by the said indenture of settlement did demise and lease unto the said James Bentley Corbin and Phillip Nicolle a portion of the land comprised in the Schedule to this Act fronting Castlereagh-street for a term of twenty-one years from the second day of September one thousand eight hundred and eighty subject to the rent and covenants and conditions therein reserved and expressed and whereas the buildings on other portions of the land described in the schedule to this Act not comprised in the said lease are old and require considerable outlay to keep them in repair and the rent obtainable for the same is inadequate to the value of the land occupied by such buildings And whereas the land comprised in the Schedule to this Act could be leased as a whole on terms very advantageous for the persons interested therein if the said Trustees were empowered to accept a surrender of the said indenture of lease of the second day of September one thousand eight hundred and eighty and to grant a lease or leases of the said lands for a longer period than

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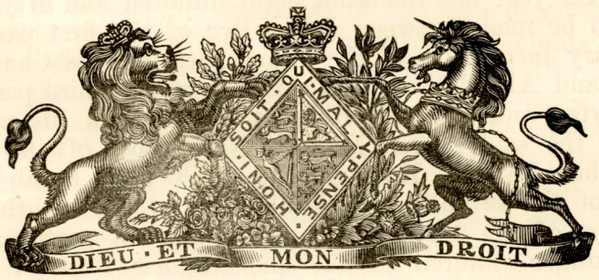
All that parcel of land situated in the parish of Saint James in the city of Sydney in the Colony of New South Wales being part of allotment number three of section thirty-nine comprised in a grant to Thomas Rose of two roods and twenty-six perches dated the ninth day of March one thousand eight hundred and thirty-seven which said land and premises are bounded on the east by Elizabeth-street bearing northerly forty-three feet ten inches on the north by allotment number four bearing westerly one hundred and fifty-three feet on the west by Castlereagh-street bearing southerly forty-four feet and on the south by another portion of the abovementioned grant conveyed to Alfred Marsom Nash Rose bearing easterly to Elizabeth-street one hundred and fifty-three feet.

By Authority: THOMAS RICHARDS, Government Printer, Sydney, 1886.

[3*d*.]



New South Wales.

ANNO QUINQUAGESIMO

VICTORIÆ REGINÆ.

* * *

An Act to enable the Trustees of a settlement made on the marriage of Edward Payten and Hannah Rebecca Pye Rose to accept a surrender of a lease of part of the lands comprised in the said settlement and to extend the power to grant leases conferred by the said settlement on the Trustees thereof. [Assented to, 17th August, 1886.]

Preamble.

WHEREAS by an indenture dated the twenty-fifth day of January in the year of our Lord one thousand eight hundred and fifty-three and made between Hannah Rebecca Pye Rose of the first part Edward Payten of the second part and Charles Henry Jacob Rose and Alfred Marsom Nash Rose thereinafter designated Trustees of the third part being a settlement made in contemplation of a marriage then intended and afterwards duly solemnized between the said Edward Payten and Hannah Rebecca Pye Rose the undivided fifth part or share and all other parts or shares of her the said Hannah Rebecca Pye Rose of and in certain lands and hereditaments devised by the will of her father Thomas Rose deceased to or for her use and benefit were conveyed and assured unto and to the use of the said Trustees their heirs and assigns upon certain trusts therein expressed and declared for the benefit of the said Hannah Rebecca Pye Rose and her children And it was by the said indenture agreed and declared amongst other things that it should be lawful for the said Trustees or the Trustees or Trustee for the time being of the said indenture of settlement with the consent in writing of the said Hannah Rebecca Pye Rose during her life and after her decease and during the minority or respective minorities of any child or children of

of her the said Hannah Rebecca Pye Rose of their or his own authority by any deed or deeds writing or writings to demise or lease or join with the persons entitled to the other parts or shares of the said hereditaments thereinbefore mentioned in demising or leasing all or any part of the said hereditaments to any person or persons for any term or number of years not exceeding twenty-one years to take effect in possession and not in reversion without taking any fine premium or foregift for the making thereof and at such rent or rents and on such terms and conditions as the said Trustees or Trustee for the time being should think fit And whereas by an indenture dated the first day of January in the year one thousand eight hundred and fifty-eight and expressed to be made between James Pye of the first part the said Charles Henry Jacob Rose of the second part the said Charles Henry Jacob Rose and Alfred Marsom Nash Rose of the third part the said Edward Payten and Hannah Rebecca Pye Payten his wife of the fourth part the said Alfred Marsom Nash Rose of the fifth part Reuben Uther Bartlett Rose of the sixth part Sarah Elizabeth Jane Rose of the seventh part Sarah Rose of the eighth part and Squire Mason of the ninth part being a deed of partition between the five younger children of the said Thomas Rose of the lands devised to them by his said will certain lands therein particularly described and comprising *inter alia* the land described in the schedule to this Act were allotted to the said Hannah Rebecca Pye Payten as the fifth share of the said Hannah Rebecca Pye Payten of and in the lands and hereditaments so devised as aforesaid for her use and benefit by the will of the said Thomas Rose and were conveyed and assured to the use of the said Charles Henry Jacob Rose and Alfred Marsom Nash Rose as such Trustees as aforesaid of the hereinbefore recited indenture of settlement dated the twenty-fifth day of January one thousand eight hundred and fifty-three upon and for the trusts intents and purposes in the said indenture of settlement mentioned expressed and declared of and in respect of the undivided fifth part or share of the said Hannah Rebecca Pye Payten in the lands and hereditaments devised by the said Thomas Rose to or for her use and benefit subject to the payment of an annuity to the said Sarah Rose which has since ceased And whereas there is issue of the said marriage of the said Edward Payten and Hannah Rebecca Pye Payten now living And whereas by an indenture of lease dated the second day of September one thousand eight hundred and eighty and made between the said Charles Henry Jacob Rose and Alfred Marsom Nash Rose of the first part the said Hannah Rebecca Pye Payten of the second part and James Bentley Corbin and Phillip Nicolle of the third part the said Charles Henry Jacob Rose and Alfred Marsom Nash Rose in exercise of the power given to them in that behalf by the said indenture of settlement did demise and lease unto the said James Bentley Corbin and Phillip Nicolle a portion of the land comprised in the Schedule to this Act fronting Castlereagh-street for a term of twenty-one years from the second day of September one thousand eight hundred and eighty subject to the rent and covenants and conditions therein reserved and expressed and whereas the buildings on other portions of the land described in the schedule to this Act not comprised in the said lease are old and require considerable outlay to keep them in repair and the rent obtainable for the same is inadequate to the value of the land occupied by such buildings And whereas the land comprised in the Schedule to this Act could be leased as a whole on terms very advantageous for the persons interested therein if the said Trustees were empowered to accept a surrender of the said indenture of lease of the second day of September one thousand eight hundred and eighty and to grant a lease or leases of the said lands for a longer period than twenty-one

twenty-one years and it is expedient and desirable to grant such powers to the said Trustees 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:—

Power to accept surrender of lease dated 2nd September 1880.

1. It shall be lawful for the said Charles Henry Jacob Rose and Alfred Marsom Nash Rose or the survivor of them or other the Trustees or Trustee for the time being of the said indenture of settlement dated the twenty-fifth day of January one thousand eight hundred and fifty-three (hereinafter called and referred to as the said Trustees or Trustee) to accept the surrender of the lease dated the second day of September one thousand eight hundred and eighty hereinbefore mentioned and of the term thereby granted And also from time to time with the consent of the said Hannah Rebecca Pye Payten during her life and after her death and during the minority of any of her children of their or his own authority by deed to demise and lease the land described in the Schedule to this Act and either subject or not subject to the said indenture of lease of the second day of September one thousand eight hundred and eighty to any person or persons or corporation who shall covenant to improve the same by repairing any building or buildings now standing or which shall hereafter be standing on any part of the land thereby leased or by erecting and building any house or houses building or buildings on such land or any part thereof or by otherwise expending in improvements thereon such moneys as shall be deemed by the said Trustees or Trustee adequate to the interest parted with but so that every lease under this power shall be for a term not exceeding thirty years to take effect in possession and shall be at such rent as the said Trustees or Trustee shall having regard to the terms and conditions of such lease think proper and reasonable and such rent may be for a less amount during the first year of the term thereby granted than for the residue of such term but so that nothing be taken by way of premium or foregift Provided that every indenture of lease made under the provisions of this Act shall contain a covenant by the lessee or lessees to pay the rent thereby reserved and for insurance against fire of any building or buildings erected or to be erected on the land thereby demised and also a condition of re-entry on non-payment of rent within a time to be therein specified or on breach of any of the covenants in such lease contained And so also that a counterpart of such lease be executed by the lessee or lessees.

Power to grant leases for thirty years.

Application of rents.

2. The said Trustees or Trustee shall pay and apply the rents and profits received by them or him in respect of any leases granted under the power conferred by this Act to the same person or persons for the same purposes and in the same manner as if such leases had been granted under the power of leasing contained in the said indenture of settlement.

Short title.

3. This Act may be cited as "Mrs. Payten's Estate Leasing Act."

SCHEDULE.

All that parcel of land situated in the parish of Saint James in the city of Sydney in the Colony of New South Wales being part of allotment number three of section thirty-nine comprised in a grant to Thomas Rose of two roods and twenty-six perches dated the ninth day of March one thousand eight hundred and thirty-seven which said land and premises are bounded on the east by Elizabeth-street bearing northerly forty-three feet ten inches on the north by allotment number four bearing westerly one hundred and fifty-three feet on the west by Castlereagh-street bearing southerly forty-four feet and on the south by another portion of the abovementioned grant conveyed to Alfred Marsom Nash Rose bearing easterly to Elizabeth-street one hundred and fifty-three feet.

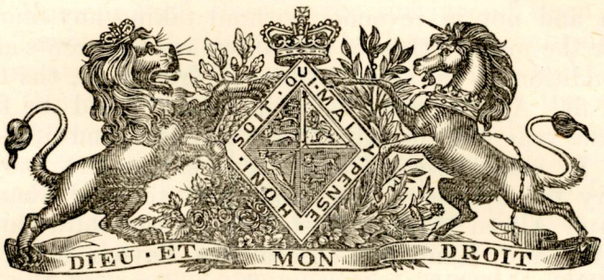
By Authority: THOMAS RICHARDS, Government Printer, Sydney, 1886.

I Certify that this PRIVATE BILL, *which originated in the* LEGISLATIVE ASSEMBLY, *has finally passed the* LEGISLATIVE COUNCIL *and the* LEGISLATIVE ASSEMBLY *of* NEW SOUTH WALES.

Legislative Assembly Chamber,
Sydney, 12 *August,* 1886.

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

New South Wales.



ANNO QUINQUAGESIMO

VICTORIÆ REGINÆ.

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I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

T. M. SLATTERY,
Chairman of Committees of the Legislative Assembly.

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In the name and on the behalf of Her Majesty I assent to this Act.

CARRINGTON.

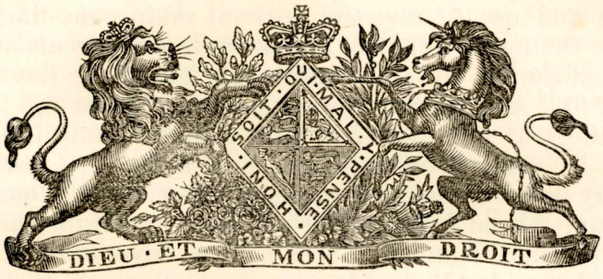
Government House,
17th August, 1886.

I Certify that this PRIVATE BILL, *which originated in the* LEGISLATIVE ASSEMBLY, *has finally passed the* LEGISLATIVE COUNCIL *and the* LEGISLATIVE ASSEMBLY *of* NEW SOUTH WALES.

Legislative Assembly Chamber,
Sydney, 12 *August,* 1886.

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

New South Wales.



ANNO QUINQUAGESIMO

VICTORIÆ REGINÆ.

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T. M. SLATTERY,
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twenty-one years and it is expedient and desirable to grant such powers to the said Trustees 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:—

Power to accept surrender of lease dated 2nd September 1880.

1. It shall be lawful for the said Charles Henry Jacob Rose and Alfred Marsom Nash Rose or the survivor of them or other the Trustees or Trustee for the time being of the said indenture of settlement dated the twenty-fifth day of January one thousand eight hundred and fifty-three (hereinafter called and referred to as the said Trustees or Trustee) to accept the surrender of the lease dated the second day of September one thousand eight hundred and eighty hereinbefore mentioned and of the term thereby granted And also from time to time with the consent of the said Hannah Rebecca Pye Payten during her life and after her death and during the minority of any of her children of their or his own authority by deed to demise and lease the land described in the Schedule to this Act and either subject or not subject to the said indenture of lease of the second day of September one thousand eight hundred and eighty to any person or persons or corporation who shall covenant to improve the same by repairing any building or buildings now standing or which shall hereafter be standing on any part of the land thereby leased or by erecting and building any house or houses building or buildings on such land or any part thereof or by otherwise expending in improvements thereon such moneys as shall be deemed by the said Trustees or Trustee adequate to the interest parted with but so that every lease under this power shall be for a term not exceeding thirty years to take effect in possession and shall be at such rent as the said Trustees or Trustee shall having regard to the terms and conditions of such lease think proper and reasonable and such rent may be for a less amount during the first year of the term thereby granted than for the residue of such term but so that nothing be taken by way of premium or foregift Provided that every indenture of lease made under the provisions of this Act shall contain a covenant by the lessee or lessees to pay the rent thereby reserved and for insurance against fire of any building or buildings erected or to be erected on the land thereby demised and also a condition of re-entry on non-payment of rent within a time to be therein specified or on breach of any of the covenants in such lease contained And so also that a counterpart of such lease be executed by the lessee or lessees.

Power to grant leases for thirty years.

Application of rents.

2. The said Trustees or Trustee shall pay and apply the rents and profits received by them or him in respect of any leases granted under the power conferred by this Act to the same person or persons for the same purposes and in the same manner as if such leases had been granted under the power of leasing contained in the said indenture of settlement.

Short title.

3. This Act may be cited as "Mrs. Payten's Estate Leasing Act."

SCHEDULE.

All that parcel of land situated in the parish of Saint James in the city of Sydney in the Colony of New South Wales being part of allotment number three of section thirty-nine comprised in a grant to Thomas Rose of two roods and twenty-six perches dated the ninth day of March one thousand eight hundred and thirty-seven which said land and premises are bounded on the east by Elizabeth-street bearing northerly forty-three feet ten inches on the north by allotment number four bearing westerly one hundred and fifty-three feet on the west by Castlereagh-street bearing southerly forty-four feet and on the south by another portion of the abovementioned grant conveyed to Alfred Marsom Nash Rose bearing easterly to Elizabeth-street one hundred and fifty-three feet.

In the name and on the behalf of Her Majesty I assent to this Act.

CARRINGTON.

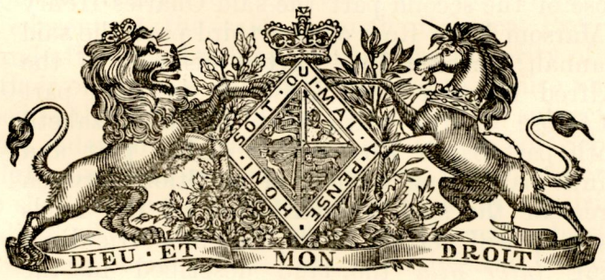
Government House,
17th August, 1886.

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, 3 *August,* 1886.

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

New South Wales.



ANNO QUINQUAGESIMO

VICTORIÆ REGINÆ.

* *

An Act to enable the Trustees of a settlement made on the marriage of Edward Payten and Hannah Rebecca Pye Rose to accept a surrender of a lease of part of the lands comprised in the said settlement and to extend the power to grant leases conferred by the said settlement on the Trustees thereof.

WHEREAS by an indenture dated the twenty-fifth day of January in the year of our Lord one thousand eight hundred and fifty-three and made between Hannah Rebecca Pye Rose of the first part Edward Payten of the second part and Charles Henry Jacob Rose and Alfred Marsom Nash Rose thereinafter designated Trustees of the third part being a settlement made in contemplation of a marriage then intended and afterwards duly solemnized between the said Edward Payten and Hannah Rebecca Pye Rose the undivided fifth part or share and all other parts or shares of her the said Hannah Rebecca Pye Rose of and in certain lands and hereditaments devised by the will of her father Thomas Rose deceased to or for her use and benefit were conveyed and assured unto and to the use of the said Trustees their heirs and assigns upon certain trusts therein expressed and declared for the benefit of the said Hannah Rebecca Pye Rose and her children And it was by the said indenture agreed and declared amongst other things that it should be lawful for the said Trustees or the Trustees or Trustee for the time being of the said indenture of settlement with the consent in writing of the said Hannah Rebecca Pye Rose during her life and after her decease and during the minority or respective minorities of any child or children Preamble.

of her the said Hannah Rebecca Pye Rose of their or his own authority by any deed or deeds writing or writings to demise or lease or join with the persons entitled to the other parts or shares of the said hereditaments thereinbefore mentioned in demising or leasing all or any part of the said hereditaments to any person or persons for any term or number of years not exceeding twenty-one years to take effect in possession and not in reversion without taking any fine premium or foregift for the making thereof and at such rent or rents and on such terms and conditions as the said Trustees or Trustee for the time being should think fit And whereas by an indenture dated the first day of January in the year one thousand eight hundred and fifty-eight and expressed to be made between James Pye of the first part the said Charles Henry Jacob Rose of the second part the said Charles Henry Jacob Rose and Alfred Marsom Nash Rose of the third part the said Edward Payten and Hannah Rebecca Pye Payten his wife of the fourth part the said Alfred Marsom Nash Rose of the fifth part Reuben Uther Bartlett Rose of the sixth part Sarah Elizabeth Jane Rose of the seventh part Sarah Rose of the eighth part and Squire Mason of the ninth part being a deed of partition between the five younger children of the said Thomas Rose of the lands devised to them by his said will certain lands therein particularly described and comprising *inter alia* the land described in the schedule to this Act were allotted to the said Hannah Rebecca Pye Payten as the fifth share of the said Hannah Rebecca Pye Payten of and in the lands and hereditaments so devised as aforesaid for her use and benefit by the will of the said Thomas Rose and were conveyed and assured to the use of the said Charles Henry Jacob Rose and Alfred Marsom Nash Rose as such Trustees as aforesaid of the hereinbefore recited indenture of settlement dated the twenty-fifth day of January one thousand eight hundred and fifty-three upon and for the trusts intents and purposes in the said indenture of settlement mentioned expressed and declared of and in respect of the undivided fifth part or share of the said Hannah Rebecca Pye Payten in the lands and hereditaments devised by the said Thomas Rose to or for her use and benefit subject to the payment of an annuity to the said Sarah Rose which has since ceased And whereas there is issue of the said marriage of the said Edward Payten and Hannah Rebecca Pye Payten now living And whereas by an indenture of lease dated the second day of September one thousand eight hundred and eighty and made between the said Charles Henry Jacob Rose and Alfred Marsom Nash Rose of the first part the said Hannah Rebecca Pye Payten of the second part and James Bentley Corbin and Phillip Nicolle of the third part the said Charles Henry Jacob Rose and Alfred Marsom Nash Rose in exercise of the power given to them in that behalf by the said indenture of settlement did demise and lease unto the said James Bentley Corbin and Phillip Nicolle a portion of the land comprised in the Schedule to this Act fronting Castlereagh-street for a term of twenty-one years from the second day of September one thousand eight hundred and eighty subject to the rent and covenants and conditions therein reserved and expressed and whereas the buildings on other portions of the land described in the schedule to this Act not comprised in the said lease are old and require considerable outlay to keep them in repair and the rent obtainable for the same is inadequate to the value of the land occupied by such buildings And whereas the land comprised in the Schedule to this Act could be leased as a whole on terms very advantageous for the persons interested therein if the said Trustees were empowered to accept a surrender of the said indenture of lease of the second day of September one thousand eight hundred and eighty and to grant a lease or leases of the said lands for a longer period than twenty-one

twenty-one years and it is expedient and desirable to grant such powers to the said Trustees 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:—

Power to accept surrender of lease dated 2nd September, 1880.

1. It shall be lawful for the said Charles Henry Jacob Rose and Alfred Marsom Nash Rose or the survivor of them or other the Trustees or Trustee for the time being of the said indenture of settlement dated the twenty-fifth day of January one thousand eight hundred and fifty-three (hereinafter called and referred to as the said Trustees or Trustee) to accept the surrender of the lease dated the second day of September one thousand eight hundred and eighty hereinbefore mentioned and of the term thereby granted And also from time to time with the consent of the said Hannah Rebecca Pye Payten during her life and after her death and during the minority of any of her children of their or his own authority by deed to demise and lease the land described in the Schedule to this Act and either subject or not subject to the said indenture of lease of the second day of September one thousand eight hundred and eighty to any person or persons or corporation who shall covenant to improve the same by repairing any building or buildings now standing or which shall hereafter be standing on any part of the land thereby leased or by erecting and building any house or houses building or buildings on such land or any part thereof or by otherwise expending in improvements thereon such moneys as shall be deemed by the said Trustees or Trustee adequate to the interest parted with but so that every lease under this power shall be for a term not exceeding thirty years to take effect in possession and shall be at such rent as the said Trustees or Trustee shall having regard to the terms and conditions of such lease think proper and reasonable and such rent may be for a less amount during the first year of the term thereby granted than for the residue of such term but so that nothing be taken by way of premium or foregift Provided that every indenture of lease made under the provisions of this Act shall contain a covenant by the lessee or lessees to pay the rent thereby reserved and for insurance against fire of any building or buildings erected or to be erected on the land thereby demised and also a condition of re-entry on non-payment of rent within a time to be therein specified or on breach of any of the covenants in such lease contained And so also that a counterpart of such lease be executed by the lessee or lessees.

Power to grant leases for thirty years.

Application of rents.

2. The said Trustees or Trustee shall pay and apply the rents and profits received by them or him in respect of any leases granted under the power conferred by this Act to the same person or persons for the same purposes and in the same manner as if such leases had been granted under the power of leasing contained in the said indenture of settlement.

Short title.

3. This Act may be cited as "Mrs. Payten's Estate Leasing Act."

SCHEDULE.

All that parcel of land situated in the parish of Saint James in the city of Sydney in the Colony of New South Wales being part of allotment number three of section thirty-nine comprised in a grant to Thomas Rose of two roods and twenty-six perches dated the ninth day of March one thousand eight hundred and thirty-seven which said land and premises are bounded on the east by Elizabeth-street bearing northerly forty-three feet ten inches on the north by allotment number four bearing westerly one hundred and fifty-three feet on the west by Castlereagh-street bearing southerly forty-four feet and on the south by another portion of the abovementioned grant conveyed to Alfred Marsom Nash Rose bearing easterly to Elizabeth-street one hundred and fifty-three feet.

Sydney: Thomas Richards, Government Printer.—1886.

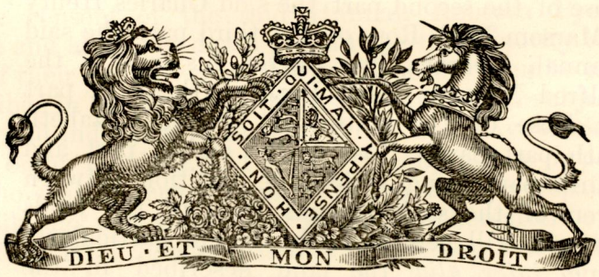
[3*d*.]

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, 3 *August,* 1886.

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

New South Wales.



ANNO QUINQUAGESIMO

VICTORIÆ REGINÆ.

* *

An Act to enable the Trustees of a settlement made on the marriage of Edward Payten and Hannah Rebecca Pye Rose to accept a surrender of a lease of part of the lands comprised in the said settlement and to extend the power to grant leases conferred by the said settlement on the Trustees thereof.

WHEREAS by an indenture dated the twenty-fifth day of January in the year of our Lord one thousand eight hundred and fifty-three and made between Hannah Rebecca Pye Rose of the first part Edward Payten of the second part and Charles Henry Jacob Rose and Alfred Marsom Nash Rose thereinafter designated Trustees of the third part being a settlement made in contemplation of a marriage then intended and afterwards duly solemnized between the said Edward Payten and Hannah Rebecca Pye Rose the undivided fifth part or share and all other parts or shares of her the said Hannah Rebecca Pye Rose of and in certain lands and hereditaments devised by the will of her father Thomas Rose deceased to or for her use and benefit were conveyed and assured unto and to the use of the said Trustees their heirs and assigns upon certain trusts therein expressed and declared for the benefit of the said Hannah Rebecca Pye Rose and her children And it was by the said indenture agreed and declared amongst other things that it should be lawful for the said Trustees or the Trustees or Trustee for the time being of the said indenture of settlement with the consent in writing of the said Hannah Rebecca Pye Rose during her life and after her decease and during the minority or respective minorities of any child or children Preamble.

of her the said Hannah Rebecca Pye Rose of their or his own authority by any deed or deeds writing or writings to demise or lease or join with the persons entitled to the other parts or shares of the said hereditaments thereinbefore mentioned in demising or leasing all or any part of the said hereditaments to any person or persons for any term or number of years not exceeding twenty-one years to take effect in possession and not in reversion without taking any fine premium or foregift for the making thereof and at such rent or rents and on such terms and conditions as the said Trustees or Trustee for the time being should think fit And whereas by an indenture dated the first day of January in the year one thousand eight hundred and fifty-eight and expressed to be made between James Pye of the first part the said Charles Henry Jacob Rose of the second part the said Charles Henry Jacob Rose and Alfred Marsom Nash Rose of the third part the said Edward Payten and Hannah Rebecca Pye Payten his wife of the fourth part the said Alfred Marsom Nash Rose of the fifth part Reuben Uther Bartlett Rose of the sixth part Sarah Elizabeth Jane Rose of the seventh part Sarah Rose of the eighth part and Squire Mason of the ninth part being a deed of partition between the five younger children of the said Thomas Rose of the lands devised to them by his said will certain lands therein particularly described and comprising *inter alia* the land described in the schedule to this Act were allotted to the said Hannah Rebecca Pye Payten as the fifth share of the said Hannah Rebecca Pye Payten of and in the lands and hereditaments so devised as aforesaid for her use and benefit by the will of the said Thomas Rose and were conveyed and assured to the use of the said Charles Henry Jacob Rose and Alfred Marsom Nash Rose as such Trustees as aforesaid of the hereinbefore recited indenture of settlement dated the twenty-fifth day of January one thousand eight hundred and fifty-three upon and for the trusts intents and purposes in the said indenture of settlement mentioned expressed and declared of and in respect of the undivided fifth part or share of the said Hannah Rebecca Pye Payten in the lands and hereditaments devised by the said Thomas Rose to or for her use and benefit subject to the payment of an annuity to the said Sarah Rose which has since ceased And whereas there is issue of the said marriage of the said Edward Payten and Hannah Rebecca Pye Payten now living And whereas by an indenture of lease dated the second day of September one thousand eight hundred and eighty and made between the said Charles Henry Jacob Rose and Alfred Marsom Nash Rose of the first part the said Hannah Rebecca Pye Payten of the second part and James Bentley Corbin and Phillip Nicolle of the third part the said Charles Henry Jacob Rose and Alfred Marsom Nash Rose in exercise of the power given to them in that behalf by the said indenture of settlement did demise and lease unto the said James Bentley Corbin and Phillip Nicolle a portion of the land comprised in the Schedule to this Act fronting Castlereagh-street for a term of twenty-one years from the second day of September one thousand eight hundred and eighty subject to the rent and covenants and conditions therein reserved and expressed and whereas the buildings on other portions of the land described in the schedule to this Act not comprised in the said lease are old and require considerable outlay to keep them in repair and the rent obtainable for the same is inadequate to the value of the land occupied by such buildings And whereas the land comprised in the Schedule to this Act could be leased as a whole on terms very advantageous for the persons interested therein if the said Trustees were empowered to accept a surrender of the said indenture of lease of the second day of September one thousand eight hundred and eighty and to grant a lease or leases of the said lands for a longer period than twenty-one

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1. It shall be lawful for the said Charles Henry Jacob Rose and Alfred Marsom Nash Rose or the survivor of them or other the Trustees or Trustee for the time being of the said indenture of settlement dated the twenty-fifth day of January one thousand eight hundred and fifty-three (hereinafter called and referred to as the said Trustees or Trustee) to accept the surrender of the lease dated the second day of September one thousand eight hundred and eighty hereinbefore mentioned and of the term thereby granted And also from time to time with the consent of the said Hannah Rebecca Pye Payten during her life and after her death and during the minority of any of her children of their or his own authority by deed to demise and lease the land described in the Schedule to this Act and either subject or not subject to the said indenture of lease of the second day of September one thousand eight hundred and eighty to any person or persons or corporation who shall covenant to improve the same by repairing any building or buildings now standing or which shall hereafter be standing on any part of the land thereby leased or by erecting and building any house or houses building or buildings on such land or any part thereof or by otherwise expending in improvements thereon such moneys as shall be deemed by the said Trustees or Trustee adequate to the interest parted with but so that every lease under this power shall be for a term not exceeding thirty years to take effect in possession and shall be at such rent as the said Trustees or Trustee shall having regard to the terms and conditions of such lease think proper and reasonable and such rent may be for a less amount during the first year of the term thereby granted than for the residue of such term but so that nothing be taken by way of premium or foregift Provided that every indenture of lease made under the provisions of this Act shall contain a covenant by the lessee or lessees to pay the rent thereby reserved and for insurance against fire of any building or buildings erected or to be erected on the land thereby demised and also a condition of re-entry on non-payment of rent within a time to be therein specified or on breach of any of the covenants in such lease contained And so also that a counterpart of such lease be executed by the lessee or lessees.

Power to grant leases for thirty years.

Application of rents.

2. The said Trustees or Trustee shall pay and apply the rents and profits received by them or him in respect of any leases granted under the power conferred by this Act to the same person or persons for the same purposes and in the same manner as if such leases had been granted under the power of leasing contained in the said indenture of settlement.

Short title.

3. This Act may be cited as "Mrs. Payten's Estate Leasing Act."

SCHEDULE.

All that parcel of land situated in the parish of Saint James in the city of Sydney in the Colony of New South Wales being part of allotment number three of section thirty-nine comprised in a grant to Thomas Rose of two roods and twenty-six perches dated the ninth day of March one thousand eight hundred and thirty-seven which said land and premises are bounded on the east by Elizabeth-street bearing northerly forty-three feet ten inches on the north by allotment number four bearing westerly one hundred and fifty-three feet on the west by Castlereagh-street bearing southerly forty-four feet and on the south by another portion of the abovementioned grant conveyed to Alfred Marsom Nash Rose bearing easterly to Elizabeth-street one hundred and fifty-three feet.

Sydney: Thomas Richards, Government Printer.—1886.

[3*d*.]