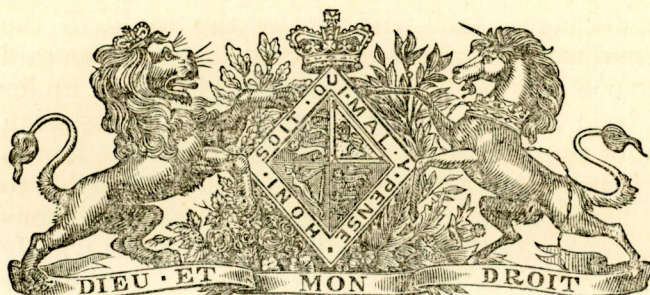


*This PRIVATE BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

*Legislative Assembly Chamber,  
Sydney, 1 April, 1886. }*

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

## New South Wales.



ANNO QUADRAGESIMO NONO

# VICTORIÆ REGINÆ.

\*\*\*\*\*

An Act to authorize Walter Iredale Uther and Hulton Smyth King or other the Trustee or Trustees for the time being of the will of Reuben Uther late of Sydney deceased to lease portion of the real estate of the said Reuben Uther.

**W**HEREAS Reuben Uther late of Sydney deceased died on the Preamble.  
tenth day of July one thousand eight hundred and eighty  
seized of the lands and hereditaments in the Schedule hereto described  
and having first duly made and executed his last will and testament  
5 dated the twentieth day of November one thousand eight hundred and  
seventy-three and the codicils thereto dated respectively the eighteenth  
day of November one thousand eight hundred and seventy-four the  
twenty-fifth day of August one thousand eight hundred and seventy-  
six the twenty-sixth day of January one thousand eight hundred and  
10 seventy-seven and the sixth day of July one thousand eight hundred  
and eighty whereby he appointed and devised the said lands and here-  
ditaments unto and to the use of the said Walter Iredale Uther and  
Hulton Smyth King upon certain trusts for the benefit of Ann Uther  
Walter Iredale Uther Henry Albert Uther Caroline Uther (his wife)  
15 Wilhelmina Uther (now Wilhelmina King) James King (her husband)  
Florence Uther (now Florence Harris) William Harris (her husband)  
Frances King Hulton Smyth King (her husband) Jessie Barker Hugh  
Barker



*Uther Estate Leasing.*

Barker (her husband) Clara Kezia Bedford Marks Samuel Marks (her husband) Emma Barker William Barker (her husband) since deceased Stanley Herbert Uther Charlotte Elizabeth Uther (his wife) Adelaide Ann Uther since deceased Helen Welch and Eliza Hosking during  
 5 their lives And whereas Jane Uther Mary Uther Harold Uther Ada King Leonard Uther Harris George Hulton Smyth King Walter Uther Smyth King William Cooper Smyth King Angelina Ann Smyth King Minnie Elizabeth Smyth King Isabella Charlotte Smyth King Ada Rosalie Smyth King Florence Emily Smyth King Theodore Barker  
 10 Herbert Barker Ernest Marks Zoa Marks Annie Marks Lily Marks Evelyn Maud Marks William Mandeville Barker Emily Barker Jessie Ann Barker Emma Jane Barker Ruby Uther Stanley Uther the younger are the children of the said life beneficiaries and as such entitled in remainder to the said lands under the said will and together  
 15 with the first above-mentioned beneficiaries are the sole persons interested therein And whereas several of the said children are still of tender years and under age And whereas by the said will the Trustee or Trustees thereof were empowered to grant leases of the said real estate until the whole or any portion thereof should be sold under  
 20 the said trusts for any term not exceeding seven years in possession And whereas no portion of the said real estate in the Schedule hereto mentioned and described has been sold and it is found impossible to let the same upon such leases with full advantage to the said persons beneficially entitled thereout and the said real estate remains wholly  
 25 or to a large extent unproductive And whereas the said real estate can now be let on building or other leases for a large rent and upon favourable conditions as to building and otherwise and it is desirable that the said Walter Iredale Uther and Hulton Smyth King or other the Trustee or Trustees for the time being of the said will should be  
 30 empowered to grant such lease or leases of the said real estate for any period not exceeding twenty-one years in possession with and subject to such conditions as to building and otherwise as such Trustee or Trustees may in his or their discretion deem expedient Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice  
 35 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. It shall be lawful for the said Walter Iredale Uther and <sup>Power to lease.</sup> Hulton Smyth King or the Trustee or Trustees for the time being of  
 40 the said will of the said Reuben Uther to execute and make any lease or leases of the said land and hereditaments or any part thereof described in the Schedule hereto to any person or persons who shall covenant to improve the same by erecting thereon any house or building or by repairing or rebuilding any house or building which may be now or  
 45 hereafter shall be standing thereon or by otherwise expending in improvements such moneys as such Trustee or Trustees shall deem adequate and subject to such further covenants as the said Trustee or Trustees may deem expedient but so that every such lease shall be for a term not exceeding twenty-one years to take effect in possession and  
 50 shall be at the best rent that can be reasonably obtained for the same having regard to the covenants to be performed on the part of the lessee or lessees but without taking anything in the nature of a fine or premium for the making thereof and so that there be contained in every such lease a covenant by the lessee or lessees for the payment of  
 55 the rent thereby reserved and a condition of re-entry for non-payment thereof within a reasonable time to be therein specified and for non-observance or non-performance of the covenants by the lessee or lessees and so that the lessee or lessees do execute a counterpart thereof.



*Uther Estate Leasing.*

2. It shall and may be lawful for the said Walter Iredale Uther and Hulton Smyth King to reimburse themselves out of the moneys in their hands under the trusts of the said will all the expenses incurred by them of and incidental to this Act.

Power to Trustees to reimburse themselves expenses.

5 3. This Act may be cited as the "Uther Estate Leasing Act of 1886."

Short title.

## THE SCHEDULE.

10 All that piece or parcel of land situate lying and being in the parish of St. James City of Sydney in the county of Cumberland Colony of New South Wales and be the hereinafter mentioned several dimensions all more or less and being portion of lot seven of section thirty-five Commencing at the intersection of the eastern side of Pitt-street with the southern side of a gateway eight feet nine inches wide and bounded on the west by Pitt-street aforesaid bearing northerly seventy-four feet four inches on the north by a line bearing easterly one hundred and sixty-three feet six inches on the east by a line bearing southerly one hundred and thirty-three feet seven inches on the south by lines bearing westerly one hundred and twenty-one feet one inch and forty-four feet six inches to Pitt-street aforesaid again on the west by Pitt-street bearing northerly fifty-one feet and a quarter inch again on the north by a line being the centre of a party-wall bearing easterly eighty-three feet nine inches again on the west by a line in the centre of a party-wall bearing northerly seven inches again on the north by a line in the centre of a party-wall bearing easterly twenty-two feet again on the west by a line bearing northerly thirteen feet eight inches again on the south by the southern side of gateway aforesaid bearing westerly twenty-two feet five inches northerly ten inches and lastly westerly eighty-three feet ten inches to the point of commencement and being numbers one hundred and sixty-eight one hundred and seventy one hundred and seventy-two one hundred and seventy-four one hundred and seventy-eight one hundred and eighty one hundred and eighty-two Pitt-street and five stores and one stable at rear.

15 All that piece or parcel of land situate lying and being in the parish of Alexandria in the county of Cumberland Colony of New South Wales and be the hereinafter mentioned several dimensions all more or less Commencing at the intersection of the northern side of Cooper-street Surry Hills with the western side of Hercules (late Young) street and bounded on the south by Cooper-street aforesaid bearing westerly one hundred and eighty-seven feet six inches to Holt-street on the south-west by said Holt-street bearing north-westerly fifty-six feet four inches on the north-west by a line bearing north-easterly one hundred and fifty-eight feet three inches on the west by a line bearing northerly one hundred and eighteen feet to Kippax-street on the north by the southern side of that street bearing easterly seventy-eight feet to Hercules-street aforesaid and on the east by the western side of that street bearing southerly two hundred and fifty-four feet to the point of commencement.

20 All that piece or parcel of land situate lying and being in the parish of Alexandria in the county of Cumberland Colony of New South Wales and be the hereinafter mentioned several dimensions all more or less Commencing at a point on the southern side of Cooper-street Surry Hills forty feet easterly from its intersection with the eastern side of Waterloo-street and bounded on the north by Cooper-street aforesaid bearing easterly two hundred and fifty feet five inches on the east by a line bearing southerly one hundred and fifty-four feet five inches to Adelaide-place on the south by the northern side of said Adelaide-place bearing westerly one hundred and eighty-seven feet four inches on the west by a line bearing northerly fifty-four feet again on the south by a line bearing westerly fifty feet five inches and lastly on the west by a line bearing northerly ninety-seven feet to the point of commencement.

25 All that piece or parcel of land situate lying and being in the parish of Alexandria in the county of Cumberland Colony of New South Wales and be the hereinafter mentioned several dimensions all more or less Commencing at the intersection of the eastern side of Waterloo-street with the northern side of Adelaide-place and bounded on the south by said Adelaide-place bearing easterly ninety-one feet six inches on the east by a line bearing northerly fifty-four feet on the north by a line bearing westerly ninety-one feet six inches to Waterloo-street aforesaid and on the west by that street bearing southerly fifty-four feet to the point of commencement.

30 All that piece or parcel of land situate lying and being in the parish of Alexandria in the county of Cumberland Colony of New South Wales and be the hereinafter mentioned several dimensions all more or less Commencing at the intersection of the southern side of Adelaide-place Surry Hills with the eastern side of Waterloo-street and bounded on the north by said Adelaide-place bearing easterly two hundred and seventy-six feet ten inches on the east by the western side of a lane bearing southerly ninety-seven feet nine inches on the south by a line bearing westerly two hundred and seventy feet four inches to Waterloo-street aforesaid and on the west by the eastern side of that street bearing northerly ninety-seven feet nine inches to the point of commencement.

All



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*Uther Estate Leasing.*

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All that piece or parcel of land situate lying and being in the parish of Alexandria in the county of Cumberland Colony of New South Wales and be the hereinafter mentioned several dimensions all more or less Commencing at the intersection of the northern side of Cleveland-street Surry Hills with the eastern side of High Holborn-street and bounded on the south by said Cleveland-street bearing easterly forty-eight feet three inches on the east by a line bearing northerly four hundred and seventy feet ten inches on the north-east by a line bearing north-westerly fifty-eight feet to High Holborn-street aforesaid and on the west by that street bearing southerly eighty-eight feet eleven inches and four hundred and six feet nine inches to the point of commencement.

All that piece or parcel of land situate lying and being in the parish of Alexandria in the county of Cumberland Colony of New South Wales and be the hereinafter mentioned several dimensions all more or less Commencing at a point on the western side of High Holborn-street Surry Hills one hundred and twenty feet northerly from its intersection with the northern side of Cleveland-street and bounded on the east by said High Holborn-street bearing northerly one hundred and twenty-one feet on the north by a line bearing westerly fifty-six feet on the west by a line bearing southerly one hundred and twenty-five feet and on the south by a line bearing easterly fifty-two feet to the point of commencement.

All that piece or parcel of land situate lying and being in the parish of Alexandria in the county of Cumberland Colony of New South Wales and be the hereinafter mentioned several dimensions all more or less and being the property known as numbers three hundred and fifty-seven and three hundred and fifty-nine Crown-street Surry Hills Commencing at the intersection of the western side of Crown-street with the north-eastern side of Fitzroy-street and bounded on the east by Crown-street aforesaid bearing northerly one hundred and thirty-five feet five inches on the north by lines bearing westerly two hundred and eight feet and twenty-four feet four inches on the north-west by the north-western side of a stone wall bearing south-westerly sixty-two feet two inches to Fitzroy-street aforesaid and on the south-west by that street bearing south-easterly two hundred and sixty-seven feet six inches to the point of commencement.



UTHER ESTATE BILL.

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*Schedule of Amendments referred to in Message of 1st July, 1886.*

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Page 1, Preamble, line 12. *Omit* "the said"  
Page 3, Schedule, line 27. *After* "rear" *Omit* remainder of Schedule.

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*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, 1 April, 1886. }*

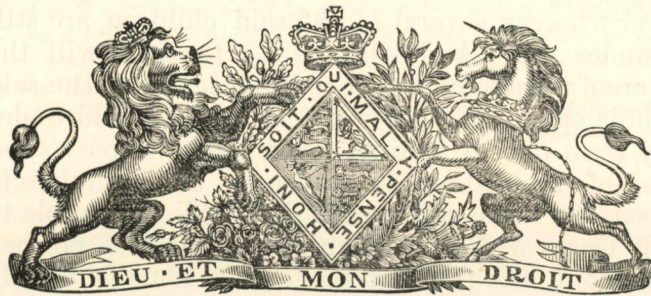
F. W. WEBB,  
*Acting Clerk of Legislative Assembly.*

*The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.*

*Legislative Council Chamber,  
Sydney, 1st July, 1886. }*

JOHN J. CALVERT,  
*Clerk of the Parliaments.*

## New South Wales.



ANNO QUINQUAGESIMO

# VICTORIÆ REGINÆ.

\*\*\*\*\*

An Act to authorize Walter Iredale Uther and Hulton Smyth King or other the Trustee or Trustees for the time being of the will of Reuben Uther late of Sydney deceased to lease portion of the real estate of the said Reuben Uther.

**W**HEREAS Reuben Uther late of Sydney deceased died on the Preamble.  
tenth day of July one thousand eight hundred and eighty  
seized of the lands and hereditaments in the Schedule hereto described  
and having first duly made and executed his last will and testament  
5 dated the twentieth day of November one thousand eight hundred and  
seventy-three and the codicils thereto dated respectively the eighteenth  
day of November one thousand eight hundred and seventy-four the  
twenty-fifth day of August one thousand eight hundred and seventy-  
six the twenty-sixth day of January one thousand eight hundred and  
10 seventy-seven and the sixth day of July one thousand eight hundred  
and eighty whereby he appointed and devised the said lands and here-  
ditaments unto and to the use of ~~the said~~ Walter Iredale Uther and  
Hulton Smyth King upon certain trusts for the benefit of Ann Uther  
Walter Iredale Uther Henry Albert Uther Caroline Uther (his wife)  
15 Wilhelmina Uther (now Wilhelmina King) James King (her husband)  
Florence Uther (now Florence Harris) William Harris (her husband)  
Frances King Hulton Smyth King (her husband) Jessie Barker Hugh  
115— Barker

NOTE.—The words to be omitted are ruled through.



*Uther Estate Leasing.*

Barker (her husband) Clara Kezia Bedford Marks Samuel Marks (her husband) Emma Barker William Barker (her husband) since deceased Stanley Herbert Uther Charlotte Elizabeth Uther (his wife) Adelaide Ann Uther since deceased Helen Welch and Eliza Hosking during  
 5 their lives And whereas Jane Uther Mary Uther Harold Uther Ada King Leonard Uther Harris George Hulton Smyth King Walter Uther Smyth King William Cooper Smyth King Angelina Ann Smyth King Minnie Elizabeth Smyth King Isabella Charlotte Smyth King Ada Rosalie Smyth King Florence Emily Smyth King Theodore Barker  
 10 Herbert Barker Ernest Marks Zoa Marks Annie Marks Lily Marks Evelyn Maud Marks William Mandeville Barker Emily Barker Jessie Ann Barker Emma Jane Barker Ruby Uther Stanley Uther the younger are the children of the said life beneficiaries and as such entitled in remainder to the said lands under the said will and together  
 15 with the first above-mentioned beneficiaries are the sole persons interested therein And whereas several of the said children are still of tender years and under age And whereas by the said will the Trustee or Trustees thereof were empowered to grant leases of the said real estate until the whole or any portion thereof should be sold under  
 20 the said trusts for any term not exceeding seven years in possession And whereas no portion of the said real estate in the Schedule hereto mentioned and described has been sold and it is found impossible to let the same upon such leases with full advantage to the said persons beneficially entitled thereout and the said real estate remains wholly  
 25 or to a large extent unproductive And whereas the said real estate can now be let on building or other leases for a large rent and upon favourable conditions as to building and otherwise and it is desirable that the said Walter Iredale Uther and Hulton Smyth King or other the Trustee or Trustees for the time being of the said will should be  
 30 empowered to grant such lease or leases of the said real estate for any period not exceeding twenty-one years in possession with and subject to such conditions as to building and otherwise as such Trustee or Trustees may in his or their discretion deem expedient Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice  
 35 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. It shall be lawful for the said Walter Iredale Uther and <sup>Power to lease.</sup> Hulton Smyth King or the Trustee or Trustees for the time being of  
 40 the said will of the said Reuben Uther to execute and make any lease or leases of the said land and hereditaments or any part thereof described in the Schedule hereto to any person or persons who shall covenant to improve the same by erecting thereon any house or building or by repairing or rebuilding any house or building which may be now or  
 45 hereafter shall be standing thereon or by otherwise expending in improvements such moneys as such Trustee or Trustees shall deem adequate and subject to such further covenants as the said Trustee or Trustees may deem expedient but so that every such lease shall be for a term not exceeding twenty-one years to take effect in possession and  
 50 shall be at the best rent that can be reasonably obtained for the same having regard to the covenants to be performed on the part of the lessee or lessees but without taking anything in the nature of a fine or premium for the making thereof and so that there be contained in every such lease a covenant by the lessee or lessees for the payment of  
 55 the rent thereby reserved and a condition of re-entry for non-payment thereof within a reasonable time to be therein specified and for non-observance or non-performance of the covenants by the lessee or lessees and so that the lessee or lessees do execute a counterpart thereof.



*Uther Estate Leasing.*

2. It shall and may be lawful for the said Walter Iredale Uther and Hulton Smyth King to reimburse themselves out of the moneys in their hands under the trusts of the said will all the expenses incurred by them of and incidental to this Act.

Power to Trustees to reimburse themselves expenses.

5 3. This Act may be cited as the "Uther Estate Leasing Act of 1886."

Short title.

## THE SCHEDULE.

10 All that piece or parcel of land situate lying and being in the parish of St. James City of Sydney in the county of Cumberland Colony of New South Wales and be the hereinafter mentioned several dimensions all more or less and being portion of lot seven of section thirty-five Commencing at the intersection of the eastern side of Pitt-street with the southern side of a gateway eight feet nine inches wide and bounded on the west by Pitt-street aforesaid bearing northerly seventy-four feet four inches on the north by a line bearing easterly one hundred and sixty-three feet six inches on the east by a line bearing southerly one hundred and thirty-three feet seven inches on the south by lines bearing westerly one hundred and twenty-one feet one inch and forty-four feet six inches to Pitt-street aforesaid again on the west by Pitt-street bearing northerly fifty-one feet and a quarter inch again on the north by a line being the centre of a party-wall bearing easterly eighty-three feet nine inches again on the west by a line in the centre of a party-wall bearing northerly seven inches again on the north by a line in the centre of a party-wall bearing easterly twenty-two feet again on the west by a line bearing northerly thirteen feet eight inches again on the south by the southern side of gateway aforesaid bearing westerly twenty-two feet five inches northerly ten inches and lastly westerly eighty-three feet ten inches to the point of commencement and being numbers one hundred and sixty-eight one hundred and seventy one hundred and seventy-two one hundred and seventy-four one hundred and seventy-eight one hundred and eighty one hundred and eighty-two Pitt-street and five stores and one stable at rear.

30 All that piece or parcel of land situate lying and being in the parish of Alexandria in the county of Cumberland Colony of New South Wales and be the hereinafter mentioned several dimensions all more or less Commencing at the intersection of the northern side of Cooper-street Surry Hills with the western side of Hercules (late Young) street and bounded on the south by Cooper-street aforesaid bearing westerly one hundred and eighty-seven feet six inches to Holt-street on the south-west by said Holt-street bearing north-westerly fifty-six feet four inches on the north-west by a line bearing north-easterly one hundred and fifty-eight feet three inches on the west by a line bearing northerly one hundred and eighteen feet to Kippax-street on the north by the southern side of that street bearing easterly seventy-eight feet to Hercules-street aforesaid and on the east by the western side of that street bearing southerly two hundred and fifty-four feet to the point of commencement.

40 All that piece or parcel of land situate lying and being in the parish of Alexandria in the county of Cumberland Colony of New South Wales and be the hereinafter mentioned several dimensions all more or less Commencing at a point on the southern side of Cooper-street Surry Hills forty feet easterly from its intersection with the eastern side of Waterloo-street and bounded on the north by Cooper-street aforesaid bearing easterly two hundred and fifty feet five inches on the east by a line bearing southerly one hundred and fifty-four feet five inches to Adelaide-place on the south by the northern side of said Adelaide-place bearing westerly one hundred and eighty-seven feet four inches on the west by a line bearing northerly fifty-four feet again on the south by a line bearing westerly fifty feet five inches and lastly on the west by a line bearing northerly 50 ninety-seven feet to the point of commencement.

55 All that piece or parcel of land situate lying and being in the parish of Alexandria in the county of Cumberland Colony of New South Wales and be the hereinafter mentioned several dimensions all more or less Commencing at the intersection of the eastern side of Waterloo-street with the northern side of Adelaide-place and bounded on the south by said Adelaide-place bearing easterly ninety one feet six inches on the east by a line bearing northerly fifty-four feet on the north by a line bearing westerly ninety-one feet six inches to Waterloo-street aforesaid and on the west by that street bearing southerly fifty-four feet to the point of commencement.

60 All that piece or parcel of land situate lying and being in the parish of Alexandria in the county of Cumberland Colony of New South Wales and be the hereinafter mentioned several dimensions all more or less Commencing at the intersection of the southern side of Adelaide-place Surry Hills with the eastern side of Waterloo-street and bounded on the north by said Adelaide-place bearing easterly two hundred and seventy-six feet ten inches on the east by the western side of a lane bearing southerly ninety-seven feet nine inches on the south by a line bearing westerly two hundred and seventy feet four inches to Waterloo-street aforesaid and on the west by the eastern side of that street bearing northerly ninety-seven feet nine inches to the point of commencement.

All



*Uther Estate Leasing.*

5 All that piece or parcel of land situate lying and being in the parish of Alexandria in the county of Cumberland Colony of New South Wales and be the hereinafter mentioned several dimensions all more or less Commencing at the intersection of the northern side of Cleveland-street Surry Hills with the eastern side of High Holborn-street and bounded on the south by said Cleveland-street bearing easterly forty-eight feet three inches on the east by a line bearing northerly four hundred and seventy feet ten inches on the north-east by a line bearing north-westerly fifty-eight feet to High Holborn-street aforesaid and on the west by that street bearing southerly eighty-eight feet eleven inches and four hundred and six feet nine inches to the point of commencement.

10 All that piece or parcel of land situate lying and being in the parish of Alexandria in the county of Cumberland Colony of New South Wales and be the hereinafter mentioned several dimensions all more or less Commencing at a point on the western side of High Holborn-street Surry Hills one hundred and twenty feet northerly from its intersection with the northern side of Cleveland-street and bounded on the east by said High Holborn-street bearing northerly one hundred and twenty-one feet on the north by a line bearing westerly fifty-six feet on the west by a line bearing southerly one hundred and twenty-five feet and on the south by a line bearing easterly fifty-two feet to the point of commencement.

20 All that piece or parcel of land situate lying and being in the parish of Alexandria in the county of Cumberland Colony of New South Wales and be the hereinafter mentioned several dimensions all more or less and being the property known as numbers three hundred and fifty-seven and three hundred and fifty-nine Crown-street Surry Hills Commencing at the intersection of the western side of Crown-street with the north-eastern side of Fitzroy-street and bounded on the east by Crown-street aforesaid bearing northerly one hundred and thirty-five feet five inches on the north by lines bearing westerly two hundred and eight feet and twenty-four feet four inches on the north-west by the north-western side of a stone wall bearing south-westerly sixty-two feet two inches to Fitzroy-street aforesaid and on the south-west by that street bearing south-easterly 30 two hundred and sixty-seven feet six inches to the point of commencement.



UTHER ESTATE LEASING BILL.

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*SCHEDULE showing the Legislative Assembly's disagreement from the Legislative Council's Amendments.*

Page 3, Schedule, lines 28 to 39. *Re-insert* “ All that piece or parcel of land situate  
“ lying and being in the parish of Alexandria in  
“ the county of Cumberland Colony of New South  
“ Wales and be the hereinafter mentioned several  
“ dimensions all more or less Commencing at the  
“ intersection of the northern side of Cooper-street  
“ Surry Hills with the western side of Hercules  
“ (late Young) street and bounded on the south  
“ by Cooper-street aforesaid bearing westerly one  
“ hundred and eighty-seven feet six inches to  
“ Holt-street on the south-west by said Holt-street  
“ bearing north-westerly fifty-six feet four inches  
“ on the north-west by a line bearing north-  
“ easterly one hundred and fifty-eight feet three  
“ inches on the west by a line bearing northerly  
“ one hundred and eighteen feet to Kippax-street  
“ on the north by the southern side of that street  
“ bearing easterly seventy-eight feet to Hercules-  
“ street aforesaid and on the east by the western  
“ side of that street bearing southerly two hun-  
“ dred and fifty-four feet to the point of com-  
“ mencement.”



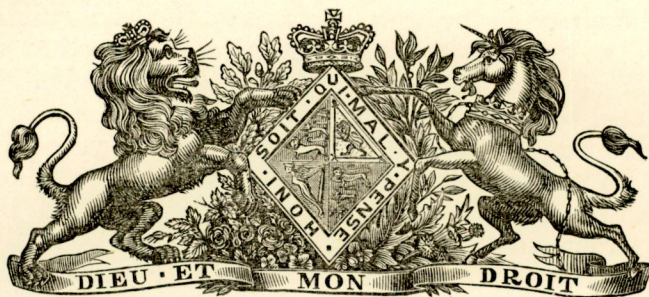
THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO



# New South Wales.



ANNO QUINQUAGESIMO

## VICTORIÆ REGINÆ.

\*\*\*\*\*

An Act to authorize Walter Iredale Uther and Hulton Smyth King or other the Trustee or Trustees for the time being of the will of Reuben Uther late of Sydney deceased to lease portion of the real estate of the said Reuben Uther. [Assented to, 27th August, 1886.]

**W**HEREAS Reuben Uther late of Sydney deceased died on the Preamble. tenth day of July one thousand eight hundred and eighty seized of the lands and hereditaments in the Schedule hereto described and having first duly made and executed his last will and testament dated the twentieth day of November one thousand eight hundred and seventy-three and the codicils thereto dated respectively the eighteenth day of November one thousand eight hundred and seventy-four the twenty-fifth day of August one thousand eight hundred and seventy-six the twenty-sixth day of January one thousand eight hundred and seventy-seven and the sixth day of July one thousand eight hundred and eighty whereby he appointed and devised the said lands and hereditaments unto and to the use of Walter Iredale Uther and Hulton Smyth King upon certain trusts for the benefit of Ann Uther Walter Iredale Uther Henry Albert Uther Caroline Uther (his wife) Wilhelmina Uther (now Wilhelmina King) James King (her husband) Florence Uther (now Florence Harris) William Harris (her husband) Frances King Hulton Smyth King (her husband) Jessie Barker Hugh Barker



*Uther Estate Leasing.*

Barker (her husband) Clara Kezia Bedford Marks Samuel Marks (her husband) Emma Barker William Barker (her husband) since deceased Stanley Herbert Uther Charlotte Elizabeth Uther (his wife) Adelaide Ann Uther since deceased Helen Welch and Eliza Hosking during their lives And whereas Jane Uther Mary Uther Harold Uther Ada King Leonard Uther Harris George Hulton Smyth King Walter Uther Smyth King William Cooper Smyth King Angelina Ann Smyth King Minnie Elizabeth Smyth King Isabella Charlotte Smyth King Ada Rosalie Smyth King Florence Emily Smyth King Theodore Barker Herbert Barker Ernest Marks Zoa Marks Annie Marks Lily Marks Evelyn Maud Marks William Mandeville Barker Emily Barker Jessie Ann Barker Emma Jane Barker Ruby Uther Stanley Uther the younger are the children of the said life beneficiaries and as such entitled in remainder to the said lands under the said will and together with the first above-mentioned beneficiaries are the sole persons interested therein And whereas several of the said children are still of tender years and under age And whereas by the said will the Trustee or Trustees thereof were empowered to grant leases of the said real estate until the whole or any portion thereof should be sold under the said trusts for any term not exceeding seven years in possession And whereas no portion of the said real estate in the Schedule hereto mentioned and described has been sold and it is found impossible to let the same upon such leases with full advantage to the said persons beneficially entitled thereout and the said real estate remains wholly or to a large extent unproductive And whereas the said real estate can now be let on building or other leases for a large rent and upon favourable conditions as to building and otherwise and it is desirable that the said Walter Iredale Uther and Hulton Smyth King or other the Trustee or Trustees for the time being of the said will should be empowered to grant such lease or leases of the said real estate for any period not exceeding twenty-one years in possession with and subject to such conditions as to building and otherwise as such Trustee or Trustees may in his or their discretion deem expedient 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 lease.**

1. It shall be lawful for the said Walter Iredale Uther and Hulton Smyth King or the Trustee or Trustees for the time being of the said will of the said Reuben Uther to execute and make any lease or leases of the said land and hereditaments or any part thereof described in the Schedule hereto to any person or persons who shall covenant to improve the same by erecting thereon any house or building or by repairing or rebuilding any house or building which may be now or hereafter shall be standing thereon or by otherwise expending in improvements such moneys as such Trustee or Trustees shall deem adequate and subject to such further covenants as the said Trustee or Trustees may deem expedient but so that every such lease shall be for a term not exceeding twenty-one years to take effect in possession and shall be at the best rent that can be reasonably obtained for the same having regard to the covenants to be performed on the part of the lessee or lessees but without taking anything in the nature of a fine or premium for the making thereof and so that there be contained in every such lease a covenant by the lessee or lessees for the payment of the rent thereby reserved and a condition of re-entry for non-payment thereof within a reasonable time to be therein specified and for non-observance or non-performance of the covenants by the lessee or lessees and so that the lessee or lessees do execute a counterpart thereof.



*Uther Estate Leasing.*

2. It shall and may be lawful for the said Walter Iredale Uther and Hulton Smyth King to reimburse themselves out of the moneys in their hands under the trusts of the said will all the expenses incurred by them of and incidental to this Act. Power to Trustees to reimburse themselves expenses.

3. This Act may be cited as the "Uther Estate Leasing Act of 1886." Short title.

## THE SCHEDULE.

All that piece or parcel of land situate lying and being in the parish of St. James City of Sydney in the county of Cumberland Colony of New South Wales and be the hereinafter mentioned several dimensions all more or less and being portion of lot seven of section thirty-five Commencing at the intersection of the eastern side of Pitt-street with the southern side of a gateway eight feet nine inches wide and bounded on the west by Pitt-street aforesaid bearing northerly seventy-four feet four inches on the north by a line bearing easterly one hundred and sixty-three feet six inches on the east by a line bearing southerly one hundred and thirty-three feet seven inches on the south by lines bearing westerly one hundred and twenty-one feet one inch and forty-four feet six inches to Pitt-street aforesaid again on the west by Pitt-street bearing northerly fifty-one feet and a quarter inch again on the north by a line being the centre of a party-wall bearing easterly eighty-three feet nine inches again on the west by a line in the centre of a party-wall bearing northerly seven inches again on the north by a line in the centre of a party-wall bearing easterly twenty-two feet again on the west by a line bearing northerly thirteen feet eight inches again on the south by the southern side of gateway aforesaid bearing westerly twenty-two feet five inches northerly ten inches and lastly westerly eighty-three feet ten inches to the point of commencement and being numbers one hundred and sixty-eight one hundred and seventy one hundred and seventy-two one hundred and seventy-four one hundred and seventy-eight one hundred and eighty one hundred and eighty-two Pitt-street and five stores and one stable at rear.

All that piece or parcel of land situate lying and being in the parish of Alexandria in the county of Cumberland Colony of New South Wales and be the hereinafter mentioned several dimensions all more or less Commencing at the intersection of the northern side of Cooper-street Surry Hills with the western side of Hercules (late Young) street and bounded on the south by Cooper-street aforesaid bearing westerly one hundred and eighty-seven feet six inches to Holt-street on the south-west by said Holt-street bearing north-westerly fifty-six feet four inches on the north-west by a line bearing north-easterly one hundred and fifty-eight feet three inches on the west by a line bearing northerly one hundred and eighteen feet to Kippax-street on the north by the southern side of that street bearing easterly seventy-eight feet to Hercules-street aforesaid and on the east by the western side of that street bearing southerly two hundred and fifty-four feet to the point of commencement.

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

[3d.]



