

Legislative Council.

50<sup>o</sup> VICTORIÆ, 1886.

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## A BILL

To appoint Trustees in the Colony of New South Wales of Mrs. Mary Susannah Long Armstrong's marriage settlement and to authorise the retention and investment in the said Colony of the trust funds and property comprised in or subject to the trusts thereof and otherwise to make provision in respect of the premises.

*(As amended and agreed to in Select Committee.)*

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**W**HEREAS by an indenture dated the twenty-first day of December one thousand eight hundred and seventy and made between John Armstrong of the first part and the said Mary Susannah Long Innes now Mary Susannah Long Armstrong of the second part and Edward Lawes Pym Reginald Gipps Long Innes James Armstrong and Richard Dawes the younger of the third part being the settlement of the property of the said Mary Susannah Long Armstrong made by her previously to and in consideration of her marriage with the said John Armstrong after reciting that a marriage had been agreed upon and was then intended to be shortly solemnized between the said John Armstrong and the said Mary Susannah Long Innes And reciting the respective wills of James Haydock Reiby and Mary Reiby both deceased and the will and codicil of Elizabeth Ann Innes deceased under which and by virtue whereof the said Mary Susannah Long Innes was entitled to certain shares of and in certain real and personal estate in the Colonies of New South Wales and Tasmania And also (interalia) that

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no

Preamble.

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

no division of the properties comprised in and subject to the trusts of the said wills respectively had then been made but the same were respectively held by the Trustees of the said respective wills in trust for the persons beneficially entitled to or interested therein respectively in undivided shares and no accurate particulars of the said properties had then been furnished to the said Edward Lawes Pym Reginald Gipps Long Innes James Armstrong and Richard Dawes the younger it was witnessed that in pursuance of the agreement entered into on the treaty for the said then intended marriage and in consideration of the said then intended marriage she the said Mary Susannah Long Innes with the privity and approbation of the said John Armstrong testified by his execution thereof and according to the several natures and quality of the property and to her estate and interest therein did thereby grant and assign unto the said Edward Lawes Pym Reginald Gipps Long Innes James Armstrong and Richard Dawes the younger their heirs executors and administrators All and singular the shares interests estates hereditaments and premises of in or to which she the said Mary Susannah Long Innes was seized possessed or otherwise entitled in possession reversion expectancy or otherwise howsoever under or by virtue of the said wills or codicils therein recited of the said James Haydock Reiby Mary Reiby and Elizabeth Ann Innes or any or either of such wills or codicils to hold the said premises thereinbefore granted and assigned or expressed or intended so to be unto and to the use of the said Edward Lawes Pym Reginald Gipps Long Innes James Armstrong and Richard Dawes the younger their heirs executors administrators and assigns according to the nature and quality thereof upon the trusts and for the intents and purposes and with under and subject to the powers provisions and declarations thereinafter expressed and declared or referred to concerning the same And it was thereby expressed and declared that the said Edward Lawes Pym Reginald Gipps Long Innes James Armstrong and Richard Dawes the younger their executors and administrators and other the Trustees or Trustee for the time being of the said indenture should stand possessed of all the said trust premises thereby assured upon the trusts thereafter expressed concerning the same respectively that was to say in trust for the said Mary Susannah Long Innes until the solemnization of the said then intended marriage and after the solemnization thereof upon trust that the said Trustees and Trustee for the time being should as and when the trust premises or any part thereof should come into their or his actual legal possession sell the same in manner therein mentioned and should lay out and invest the moneys arising from such sale and conversion and all and every other the principal sum and sums of money which might come into their hands in respect of the shares and interests thereby expressed to be assured in any of the public stocks or funds of Great Britain or in stock of the Bank of England or Ireland or in East India stock or in any loan of the East Indian Government (old or new) or upon security of any freehold copyhold or customary messuages lands or hereditaments in England or Wales for any term of years whereof not less than sixty years should be unexpired at the time of investment or in or upon any mortgages charges or investments authorized or secured by the Land Drainage Acts or other Acts of Parliament (of a like nature) whether then already passed or thereafter to be passed and whether such Acts should be public or private Acts or upon any mortgage of rates authorized by Act of Parliament for any town city borough or county in the United Kingdom or in or upon security of the debentures or debenture stock or bonds or mortgages or guaranteed or preference shares or guaranteed or preference stock of any Company incorporated by Act of Parliament or otherwise for the purpose of carrying on and then

then actually carrying on business in the United Kingdom or the East Indies and paying or dividing and having for the five years next or immediately preceding paid or divided a dividend or profit upon their ordinary shares or capital stock and with power for the said Trustees or  
5 Trustee with the consent in writing of the said John Armstrong and Mary Susannah Long Innes or the survivor of them during their his or her lives or life and after the death of such survivor at the sole discretion of the said Trustees or Trustee from time to time to change the said stocks funds or securities into other stocks funds or securities of a  
10 like nature as might be thought expedient and to stand possessed of the said trust premises upon trust to pay the whole income thereof unto the said Mary Susannah Long Innes and her assigns during her life for her sole and separate use without power of anticipation And after the death of the said Mary Susannah Long Innes (if the said John  
15 Armstrong should survive her) then to pay the whole of the said annual income to the said John Armstrong and his assigns during his life or until he should be outlawed or declared bankrupt or take the benefit or attempt to take the benefit of any statutory provisions for arrangement with creditors or should assign charge or incumber or attempt to  
20 assign charge or incumber the said annual income or some part thereof or should do or suffer something whereby the said annual income or some part thereof might if belonging absolutely to him become vested in or payable to some other person or persons And after the death of the survivor of them the said Mary Susannah Long Innes and John  
25 Armstrong (or other sooner determination under the provision hereinbefore contained of the said trust for payment of the said annual income to the said John Armstrong in case the same should take effect) to stand possessed of all the said trust premises in trust for all or such one or more exclusively of the other or others of the issue of the said  
30 intended marriage to be born during the lives of the said Mary Susannah Long Innes and John Armstrong or the life of the survivor of them or within twenty-one years after the death of such survivor at such age or time or respective ages or times if more than one in such shares and with such future executory or other trusts for the benefit of  
35 the said issue or some or one of them and with such provisions for their respective maintenance education and advancement at the discretion of the said Trustees or Trustee for the time being or of any other person And upon such conditions with such restrictions and in such manner as the said John Armstrong and Mary  
40 Susannah Long Innes should by any deed or deeds or writing or writings sealed and delivered with or without power of revocation and new appointment jointly appoint and in default of such joint appointment and so far as such joint appointment if any should not extend then as the survivor of them should in like manner or by will or codicil  
45 appoint and in default of such appointment and so far as such appointment if any should not extend in trust for all the children or any the child of the said then intended marriage who being sons or a son should attain the age of twenty-one years or being daughters or a daughter should attain that age or marry under that age and if more  
50 than one in equal shares as tenants in common And it was thereby provided that no child who or whose issue should take any part of the said trust premises under any appointment in pursuance of either of the powers lastly thereinbefore contained should in default of appointment to the contrary have or be entitled to any share of the unap-  
55 pointed part of the said trust premises without bringing the shares or share appointed to him or her or his or her issue into hotchpot and accounting for the same accordingly And it was thereby agreed and declared that the said Trustees or Trustee should after the death of the survivor of the said Mary Susannah Long Innes and John Armstrong  
or

or the sooner determination of the trust in favour of the said John Armstrong therein contained in case the same should take effect pay or apply the whole or such part as they or he should think fit of the annual income of the share to which any child of the said Mary Susannah Long Innes by the said John Armstrong should for the time 5 being be entitled in expectancy under the trusts thereinbefore declared for or towards his or her maintenance or education and that the said trustees or trustee might either themselves or himself so pay or apply the same or might pay the same to the guardian or guardians of such child for the purpose aforesaid without seeing to the appli- 10 cation thereof And should during such suspense of absolute vesting as aforesaid accumulate the residue if any of the said annual income in the way of compound interest by investing the same and the resulting income thereof in or upon any of the investments thereinbefore authorized for the benefit of the person or persons who under 15 the trust therein contained should become entitled to the principal fund from which the same respectively should have proceeded and might resort to the accumulation of any preceding year or years and apply the same for or towards the maintenance and education of the child for the time being presumptively entitled thereto in the same 20 manner as such accumulations might have been applied had they been annual income arising from the original trust fund in the year in which they should be so applied and it was thereby declared that it should be lawful for the said Trustees or Trustee after the death of the survivor of the said Mary Susannah Long Innes and John Armstrong 25 or in their his or her lifetime with their his or her consent in writing to raise any part or parts not exceeding altogether one half of the expectant or presumptive or vested share of any child of the then intended marriage under the trust thereinbefore declared and to pay and apply the same for her or his advancement or benefit as the said 30 trustees or trustee should think fit And it was thereby agreed and declared that if there should be no child of the said then intended marriage who being a son should attain the age of twenty-one years or being a daughter should attain that age or marry under that age then the said trustees or trustee should stand possessed of the said 35 trust premises and the annual income thereof or so much thereof respectively as should not have become vested or been applied under any of the trusts or powers therein contained upon the trusts following that was to say if the said Mary Susannah Long Innes should survive the said John Armstrong in trust for the said Mary 40 Susannah Long Innes her executors administrators and assigns But if the said John Armstrong should survive the said Mary Susannah Long Innes then in trust for such person or persons and for such purposes as the said Mary Susannah Long Innes should notwithstanding cover- ture by will or codicil or testamentary appointment direct And in 45 default of such appointment and so far as any such appointment should not extend in trust for such person or persons as under the statutes for the distribution of the effects of intestates would have become entitled thereto at the death of the said Mary Susannah Long Innes had she died possessed thereof intestate and without having 50 been married such persons if more than one to take as tenants in common in the shares in which they would have taken under the same statutes And it was by the now reciting indenture agreed and declared that until all the said hereditaments and premises thereinbefore expressed to be thereby granted and assigned respectively 55 should have been sold in pursuance of the trusts in the thereinbefore recited wills of the said James Haydock Reiby and Mary Reiby or in the now reciting indenture in that behalf contained the said Trustees or Trustee should pay or apply the rents and profits and annual income of

of the same premises or of so much thereof as for the time being should not have been sold as and when the same should come into their or his hands or hand to the person or persons for the purposes and in the manner to whom and for and in which the annual income  
5 of the stocks funds shares and securities in or upon which the moneys to arise from such sale or sales as aforesaid were thereinbefore directed to be invested would be payable or applicable under the trusts therein contained if the sale and investment aforesaid were then actually made And it was thereby agreed and declared that it should be lawful for  
10 the said Mary Susannah Long Innes by deed or will to direct or appoint that any part not exceeding one moiety of the said trust premises should (but subject and without prejudice to the trust thereinbefore declared concerning the income thereof for the benefit of the said Mary Susannah Long Innes during her life) be held upon  
15 such trusts for the benefit of any man the said Mary Susannah Long Innes might marry after the decease of the said John Armstrong and all or any one or more of the children and remoter issue of any subsequent marriage and in such manner as she might think proper And it was also provided that no such direction or appointment should  
20 have any effect by way of disposition or lien or charge upon the funds in case there should be more than two children of the marriage between the said John Armstrong and Mary Susannah Long Innes who being a son or sons should attain the age of twenty-one years or who being a daughter or daughters should attain that age or marry And there-  
25 upon the funds so directed or appointed should subject to the trust thereinbefore declared concerning the income thereof for the benefit of the said Mary Susannah Long Innes during her life be holden upon proper trusts accordingly and subject thereto upon the trusts thereinbefore contained concerning the same then subsisting or capable of  
30 taking effect And it was thereby provided that it should be lawful for the said Mary Susannah Long Innes notwithstanding her intended or any future coverture at any time after any son of her marriage with the said John Armstrong should have attained the age of twenty-one years or any daughter of such marriage should have attained that age  
35 or been married by any deed to revoke the power lastly thereinbefore contained And it was in the said indenture agreed and declared that if the said Mary Susannah Long Innes then was or if during the said then intended coverture she or the said John Armstrong in her right should under the said wills or otherwise at one and the same time and  
40 from the same source become seised or possessed of or entitled to any real or personal property not thereinbefore effectually settled of the value of two hundred and fifty pounds and upwards for any estate or interest whatsoever in possession reversion remainder or expectancy (except certain chattels and personal estate therein specified) then the  
45 said Mary Susannah Long Innes and John Armstrong and all other necessary parties if any should convey and assure the said real and personal property or otherwise cause the same to be vested in her said Trustees upon trust that they should sell and convert into money such part or parts of the said property as should not consist of money or of  
50 an annuity or annuities or other estate or interest for the life of the said Mary Susannah Long Innes and should stand and be possessed of the said proceeds of sale and the investments representing the same and the annual income thereof upon the trusts and with and subject to the powers provisoes and agreements in the said indenture pre-  
55 viously declared of and concerning the trust premises the trusts whereof were thereinbefore declared And it was by the said indenture also provided that in addition to the several powers and authorities usually conferred upon trustees the trustees or trustee for the time being might either themselves or himself pay and discharge out of the said premises

premises all expenses incurred in or about the execution of the trusts or powers of the said indenture including the costs charges and expenses of every trustee for the time being who might happen to be an attorney or solicitor or of the firm of attorneys or solicitors of which such Trustee might be a member any rule of law or equity to the contrary notwithstanding And it is thereby agreed and declared that the power of appointing a new Trustee or new Trustees of the said indenture in the place of any Trustee or Trustees who might die or be abroad or desire to be discharged or refuse or become incapable to act in the execution of the trusts of the said indenture should be vested in the said John Armstrong and Mary Susannah Long Innes during their joint lives and in the survivor during his or her life And that upon every or any such appointment the number of such Trustees might be augmented or reduced And it was thereby agreed and declared that the Trustees for the time being of the said indenture should not be bound to inquire or ascertain of what particulars the property to which the said Mary Susannah Long Innes was entitled then consisted and should not be answerable for any omission or failure to make inquiry or obtain information as to such particulars the true intent and meaning of the said indenture being that the said Trustees should be respectively chargeable only for such moneys stocks funds shares and securities and property as they should respectively receive or which should be actually conveyed or assigned or transferred to them or him And whereas the real and personal estate comprised in the will of the said James Haydock Reiby deceased are now represented by the particulars specified in the First Schedule hereto And whereas the real and personal estate comprised in the said will of the said Mary Reiby deceased are now represented by the particulars specified in the Second Schedule hereto And whereas under or by virtue of certain indentures of lease and release dated respectively the twenty-seventh and twenty-eighth days of April one thousand eight hundred and twenty-nine the release being made between Joseph Long Innes since deceased of the first part the said Mary Reiby and her daughter the said Elizabeth Anne Innes (then Elizabeth Ann Reiby) since deceased of the second part and George Bunn and Richard Jones of the third part certain hereditaments specified in the first part of the Third Schedule hereto were conveyed and assured unto the said George Bunn and Richard Jones their heirs and assigns from and after the solemnization of the said then intended marriage to the use of the said George Bunn and Richard Jones and their heir during the lives of the said Elizabeth Anne Innes and Joseph Long Innes and the life of the survivor of them upon certain trusts for the benefit of the said Elizabeth Anne Innes and Joseph Long Innes and from and after the decease of the survivor of them the said Elizabeth Anne Innes and Joseph Long Innes To the use of all and every the children of the said Elizabeth Anne Innes by the said Joseph Long Innes as tenants in common and to their several and respective heirs and assigns for ever And whereas there was born issue of the said marriage seven children and no more all of whom attained the age of twenty-one years and one of whom is the said Mary Susannah Long Armstrong And whereas the one-seventh share of the said Mary Susannah Long Armstrong of and in the said last mentioned hereditaments was not conveyed by or included in the said indenture of settlement of the twenty-first day of December one thousand eight hundred and seventy save and except so far as the same is comprised in and bound by the covenant for the settlement of other property of the said Mary Susannah Long Armstrong and the same share is now represented by the sum of money specified in the second part of the said Third Schedule And whereas there are now six children of the said marriage namely Christian  
Elizabeth

Elizabeth Mary Celia Innes Frances Clara John Nicholas Fraser Kathleen Arbuthnot Janet and Aileen Isabel who are all infants under the age of twenty-one years and unmarried And whereas at the time of the execution of the said settlement the said John Armstrong and  
 5 Mary Susannah Long Armstrong contemplated residing in England And the said Mary Susannah Long Armstrong desired that the settlement of her property should be framed in accordance with such intention and consequently no power was inserted in the said settlement for the appointment of Trustees thereof or for the investment of  
 10 the trust premises comprised therein out of Great Britain and all the monies now or hereafter constituting or representing the share of the said Mary Susannah Long Armstrong under the hereinbefore mentioned wills or the said indentures of lease and release or any of them will in the absence of enactment to the contrary be sent out of the  
 15 Colony and transmitted to Great Britain for investment there in accordance with the trusts of the said settlement And whereas the said John Armstrong and Mary Susannah Long Armstrong have subsequently to the execution of the said settlement changed their place of domicile and settled in this Colony with their said children with the  
 20 purpose and intention of residing permanently therein and it is apprehended that very serious loss and inconvenience will be occasioned to the several persons beneficially interested therein by the transmission to and investment in England of the said moneys And it will be greatly for the benefit of all the persons interested therein that all the  
 25 said monies should be retained and invested in this Colony and that for the purposes aforesaid fit and proper persons residing in this Colony should be appointed Trustees of the said settlement and such other arrangements made as are hereinafter enacted And whereas the persons hereafter nominated as Trustees are residents in this Colony  
 30 and are willing to accept the trusts hereof and of the said indenture of settlement of the twenty-first day of December one thousand eight hundred and seventy And whereas the said **Edward Lawes Pym Reginald Gipps Long Innes James Armstrong and Richard Dawes the younger** having been informed of the intention of the said **Mary**  
 35 **Susannah Long Armstrong** to apply to the Parliament of this Colony to pass this Act have made no objection thereto 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  
 40 as follows:—

1. The following persons namely—James William Johnson  
 Alexander Edmund Hemsley Ernest A. Smith and Edward Herbert  
 Crossman are hereby appointed Trustees in this Colony of the said  
 45 indenture of settlement of the twenty-first day of December one thousand eight hundred and seventy and all the estate share right title and interest of the said Mary Susannah Long Armstrong of and in the hereditaments and premises comprised in or subject to the trusts of the said wills and indentures of lease and re-lease or any of them and assigned by or otherwise comprised in or subject to the trusts of the  
 50 said indenture of settlement of the twenty-first day of December one thousand eight hundred and seventy and which estate share right title and interest are now represented by the several particulars specified in the three several schedules hereto are hereby (~~the said Edward Lawes Pym Reginald Gipps Long Innes James Armstrong and Richard Dawes the~~  
 55 ~~younger not objecting thereto~~) vested in the said James William Johnson Alexander Edmund Hemsley Ernest A. Smith and Edward Herbert Crossman their heirs executors administrators and assigns according to the nature and quality thereof as fully and effectually as if their names had been originally inserted in the said indenture of settlement  
 of

Appointment of  
 Trustees in this  
 Colony and vesting  
 clause.

of the twenty-first day of December one thousand eight hundred and seventy and in the place of the names of the said Edward Lawes Pym Reginald Gipps Long Innes James Armstrong and Richard Dawes the younger and shall be held by them and their heirs executors administrators and assigns respectively upon the trusts and for the ends intents and purposes and with under and subject to the powers provisions and declarations in the hereinbefore recited indenture of settlement contained and declared of and concerning all and singular the shares interests estates hereditaments and premises in and by the said indenture granted and assigned by the said Mary Susannah Long Armstrong to the said Edward Lawes Pym Reginald Gipps Long Innes James Armstrong and Richard Dawes the younger their heirs executors and administrators or such of them as may now or from time to time hereafter shall be subsisting and capable of taking effect And the Colonial Treasurer and the said Sir Joseph George Long Innes and all other persons having in their possession or power any moneys stocks funds shares or securities subject to the trusts of the said settlement or which but for this Act would be payable or transferable to the said Edward Lawes Pym Reginald Gipps Long Innes James Armstrong and Richard Dawes the younger as such Trustees of the said settlement as aforesaid are hereby authorized and required to pay and transfer the said moneys stocks funds shares or securities to the said James William Johnson Alexander Edmund Hemsley Ernest A. Smith and Edward Herbert Crossman to the intent that the same may be retained in this Colony and that henceforth the said James William Johnson Alexander Edmund Hemsley Ernest A. Smith and Edward Herbert Crossman shall be invested with and shall have the same trusts powers and authorities save as hereinafter mentioned to all intents and purposes as if they had been originally appointed Trustees of the said indenture of settlement it being the intent and purpose hereof that the same trusts powers and authorities shall enure in accordance with and subject to the Acts of Parliament affecting like trusts powers and authorities contained in settlements executed and operating in the Colony of New South Wales and the receipts or receipt in writing of the said James William Johnson Alexander Edmund Hemsley Ernest A. Smith and Edward Herbert Crossman or of the survivors or survivor of them or the executors or administrators of such survivor their or his assigns hereinafter referred to as the said Trustees or Trustee for any moneys paid and for any stocks funds shares or securities transferred to them or him by virtue hereof or in the execution of any of the trusts or powers hereby or by virtue of the said settlement authorized or conferred shall alone effectually discharge the person or persons paying or transferring the same therefrom and from being bound to see to the application or being answerable for the loss or misapplication thereof.

Provision for costs of Act and for investment of trust funds.

2. It shall be lawful for the said Trustees or Trustee to deduct the costs and expenses of and incidental to the passing of this Act out of the monies paid to them by virtue hereof and the said Trustees or Trustee shall notwithstanding the directions for investment in the said settlement contained and hereinbefore recited invest the balance of the said monies by way of deposit as a permanent investment with any bank carrying on business in Sydney or in or upon the purchase of shares of any such bank or in or upon the purchase of the Debentures or Treasury Bills of any Australian British Colony or in the purchase or on mortgage of any real estate in the Colony of New South Wales ~~And be it further enacted that this Act shall be binding upon the said John Armstrong and Mary Susannah his wife and all and every the child and children of the bodies of the said John Armstrong and Mary Susannah his wife now born or hereafter to be born and the said James William Johnson Alexander Edward Hemsley Ernest A. Smith~~



Smith and Edward Herbert Crossman and every Trustee of the said indenture of settlement and every person and persons claiming or to claim by from under or in trust for them and each and every of them Provided always and be it hereby enacted that nothing in this Act 5 contained shall be deemed to affect or apply to any right title or interest of Her Majesty her heirs or successors or of any body or bodies politic or corporate or of any other person or persons except the persons at whose instance and for whose special benefit this Act was passed or those claiming from or under him her or them And 10 be it enacted that this Act shall come into operation as soon as and not until the same shall have received the Royal Assent and the notification of such assent shall have been made in the New South Wales *Government Gazette* And be it enacted that the production of the New South Wales *Government Gazette* containing or purporting to contain 15 a copy of this Act shall be admitted as *prima facie* evidence of this Act and the contents thereof by all Judges Justices and others.

3. This Act may be cited as "Armstrong's Settlement Act of Short title. 1886."

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THE FIRST SCHEDULE HEREINBEFORE REFERRED TO.

20 A sum of four thousand pounds or thereabouts deposited with the Bank of New South Wales Sydney in the name of Sir Joseph George Long Innes Family Account the said Sir Joseph George Long Innes acting for and on behalf of and by the assent of the several beneficiaries and their Trustees.

A certain freehold cottage situate at or near Launceston in the Colony of 25 Tasmania and valued at about £200.

NOTE.—The said Mary Susannah Long Armstrong is under the said wills of the said James Haydock Reiby and Elizabeth Anne entitled to one equal sixth share of the above trust premises.

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THE SECOND SCHEDULE HEREINBEFORE REFERRED TO.

30 All that messuage and shop situate in George-street Sydney and let on lease to George Sands and numbered 374 in the said street.

All that messuage and shop situate in George-street aforesaid and let on lease to Saywell and numbered 376 in the said street.

The said messuages are registered in the name of the said Sir Joseph George Long Innes (acting and with such assent as aforesaid) and comprised and more 35 particularly described in certificate of title vol. 153 fol. 166.

A sum of four thousand five hundred pounds or thereabouts deposited with the Bank of New South Wales in the name of the said Sir Joseph George Long Innes (acting and with such assent as aforesaid) to the account aforesaid

40 Certain freehold hereditaments and premises situate near Launceston in the Colony of Tasmania aforesaid and known as Aubrey Farm.

NOTE.—The said Mary Susannah Long Armstrong is entitled to one equal seventh share of the above under the said will of the said Mary Reiby.

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THE THIRD SCHEDULE HEREINBEFORE REFERRED TO.

FIRST PART.

50 All that piece or parcel of land in the City of Sydney in the parish of St. James county of Cumberland and Colony of New South Wales being part of allotment seven of section thirty-seven originally granted to John M'Arthur by Crown grant dated the third day of December one thousand eight hundred and twenty-six containing twenty 55 perches and forty-nine one hundredths of a perch commencing on the eastern building line of George-street at the south western corner of the present building of the General Post Office and bounded thence on the west by that building line bearing south five degrees west forty-nine links and sixty-one one hundredths of a link (thirty-two feet eight inches and seven eighths of a link) thence on part of the south by the centre of a party wall bearing

bearing north fourteen minutes east seventy-nine one hundredths of a link (six inches and a quarter) thence on part of the south by the centre of a party wall bearing south eighty-four degrees forty-six links east fifty-three links and eighty-two one hundredths of a link (thirty-five feet six inches and a quarter) thence on part of the east by the centre of a party wall bearing north fifty degrees fourteen minutes east ninety-five one hundredths of a link (seven inches and a half) thence on part of the south by the centre of a party wall bearing south eighty-one degrees forty-eight minutes east eighty-one degrees eighty-two links (fifty-four feet) thence on part of the east by the centre of a party wall bearing north seven degrees fifteen minutes east thirty-eight one hundredths of a link (three inches) thence on the remainder of the south by the centre of a party wall and a line in continuation thereof bearing south eighty-two degrees forty-five links east ninety-four links and nineteen one hundredths of a link (sixty-two feet two inches) thence on the south-east by the centre of a party wall bearing north sixty-one degrees twenty-one minutes east eighteen links and sixty-one one hundredths of a link (twelve feet three inches and a half) to the south-west side of the Tank Stream thence on the north-east and the remainder of the east by that side of that stream being also the north-east and east side of a wall bearing north twenty-nine degrees thirty-five and a half minutes west twelve links and three one hundredths of a link (seven feet eleven inches and a quarter) and north five degrees forty-one minutes east twenty-nine links and nine one hundredths of a link (nineteen feet two inches and a half) to the south side of the present building of the General Post Office and thence on the north by that side of that building bearing north eighty-two degrees thirty-seven minutes west one hundred and sixty-five links and fourteen one hundredths of a link (one hundred and nine feet) and north eighty-five degrees four minutes west ninety-three links and five one hundredths of a link (sixty-one feet five inches) to the point of commencement. 25

SECOND PART.

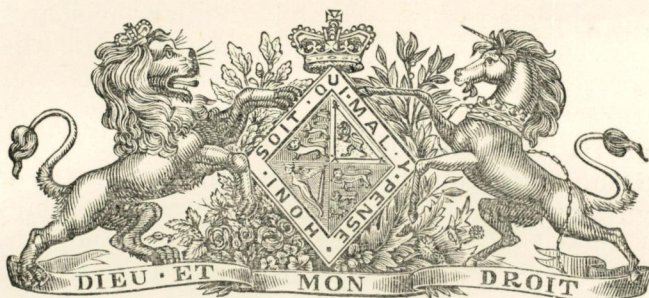
A sum of five thousand five hundred pounds in the hands of the Colonial Treasurer being the one seventh share of the said Mary Susannah Long Armstong in a sum of thirty-eight thousand five hundred pounds being the amount of the compensation moneys agreed or otherwise ascertained under and in accordance with the provisions of the Lands for Public Purposes Acquisition Act (forty-fourth Victoria number sixteen) and the amending Act in respect of the hereditaments and premises in the first part of this schedule described and recently resumed by the Government by virtue of a certain proclamation of resumption published in the New South Wales *Government Gazette* of the fourth day of May one thousand eight hundred and eighty-three. 35

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

*Legislative Council Chamber,  
Sydney, 22nd September, 1886.* }

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

## New South Wales.



ANNO QUINQUAGESIMO

# VICTORIÆ REGINÆ.

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An Act to appoint Trustees in the Colony of New South Wales of Mrs. Mary Susannah Long Armstrong's marriage settlement and to authorise the retention and investment in the said Colony of the trust funds and property comprised in or subject to the trusts thereof and otherwise to make provision in respect of the premises.

**W**HEREAS by an indenture dated the twenty-first day of Decem-<sup>Preamble.</sup>  
ber one thousand eight hundred and seventy and made between  
John Armstrong of the first part and the said Mary Susannah Long  
Innes now Mary Susannah Long Armstrong of the second part and  
5 Edward Lawes Pym Reginald Gipps Long Innes James Armstrong  
and Richard Dawes the younger of the third part being the settlement  
of the property of the said Mary Susannah Long Armstrong made by  
her previously to and in consideration of her marriage with the said  
John Armstrong after reciting that a marriage had been agreed upon  
10 and was then intended to be shortly solemnized between the said John  
Armstrong and the said Mary Susannah Long Innes And reciting the  
respective wills of James Haydock Reiby and Mary Reiby both deceased  
and the will and codicil of Elizabeth Ann Innes deceased under which  
and by virtue whereof the said Mary Susannah Long Innes was entitled  
15 to certain shares of and in certain real and personal estate in the  
Colonies of New South Wales and Tasmania And also (interalia) that

*Armstrong's Settlement.*

no division of the properties comprised in and subject to the trusts of the said wills respectively had then been made but the same were respectively held by the Trustees of the said respective wills in trust for the persons beneficially entitled to or interested therein respectively  
5 in undivided shares and no accurate particulars of the said properties had then been furnished to the said Edward Lawes Pym Reginald Gipps Long Innes James Armstrong and Richard Dawes the younger it was witnessed that in pursuance of the agreement entered into on the treaty for the said then intended marriage and in consideration of  
10 the said then intended marriage she the said Mary Susannah Long Innes with the privity and approbation of the said John Armstrong testified by his execution thereof and according to the several natures and quality of the property and to her estate and interest therein did thereby grant and assign unto the said Edward Lawes Pym Reginald  
15 Gipps Long Innes James Armstrong and Richard Dawes the younger their heirs executors and administrators All and singular the shares interests estates hereditaments and premises of in or to which she the said Mary Susannah Long Innes was seized possessed or otherwise entitled in possession reversion expectancy or otherwise howsoever  
20 under or by virtue of the said wills or codicils therein recited of the said James Haydock Reiby Mary Reiby and Elizabeth Ann Innes or any or either of such wills or codicils to hold the said premises thereinbefore granted and assigned or expressed or intended so to be unto and to the use of the said Edward Lawes Pym Reginald Gipps Long  
25 Innes James Armstrong and Richard Dawes the younger their heirs executors administrators and assigns according to the nature and quality thereof upon the trusts and for the intents and purposes and with under and subject to the powers provisions and declarations thereinafter expressed and declared or referred to concerning the same  
30 And it was thereby expressed and declared that the said Edward Lawes Pym Reginald Gipps Long Innes James Armstrong and Richard Dawes the younger their executors and administrators and other the Trustees or Trustee for the time being of the said indenture should stand possessed of all the said trust premises thereby assured upon the  
35 trusts thereafter expressed concerning the same respectively that was to say in trust for the said Mary Susannah Long Innes until the solemnization of the said then intended marriage and after the solemnization thereof upon trust that the said Trustees and Trustee for the time being should as and when the trust premises or any part thereof  
40 should come into their or his actual legal possession sell the same in manner therein mentioned and should lay out and invest the moneys arising from such sale and conversion and all and every other the principal sum and sums of money which might come into their hands in respect of the shares and interests thereby expressed to be assured  
45 in any of the public stocks or funds of Great Britain or in stock of the Bank of England or Ireland or in East India stock or in any loan of the East Indian Government (old or new) or upon security of any freehold copyhold or customary messuages lands or hereditaments in England or Wales for any term of years whereof not less than sixty  
50 years should be unexpired at the time of investment or in or upon any mortgages charges or investments authorized or secured by the Land Drainage Acts or other Acts of Parliament (of a like nature) whether then already passed or thereafter to be passed and whether such Acts should be public or private Acts or upon any mortgage of rates  
55 authorized by Act of Parliament for any town city borough or county in the United Kingdom or in or upon security of the debentures or debenture stock or bonds or mortgages or guaranteed or preference shares or guaranteed or preference stock of any Company incorporated by Act of Parliament or otherwise for the purpose of carrying on and then

*Armstrong's Settlement.*

then actually carrying on business in the United Kingdom or the East Indies and paying or dividing and having for the five years next or immediately preceding paid or divided a dividend or profit upon their ordinary shares or capital stock and with power for the said Trustees or  
5 Trustee with the consent in writing of the said John Armstrong and Mary Susannah Long Innes or the survivor of them during their his or her lives or life and after the death of such survivor at the sole discretion of the said Trustees or Trustee from time to time to change the said stocks funds or securities into other stocks funds or securities of a  
10 like nature as might be thought expedient and to stand possessed of the said trust premises upon trust to pay the whole income thereof unto the said Mary Susannah Long Innes and her assigns during her life for her sole and separate use without power of anticipation And after the death of the said Mary Susannah Long Innes (if the said John  
15 Armstrong should survive her) then to pay the whole of the said annual income to the said John Armstrong and his assigns during his life or until he should be outlawed or declared bankrupt or take the benefit or attempt to take the benefit of any statutory provisions for arrangement with creditors or should assign charge or incumber or attempt to  
20 assign charge or incumber the said annual income or some part thereof or should do or suffer something whereby the said annual income or some part thereof might if belonging absolutely to him become vested in or payable to some other person or persons And after the death of the survivor of them the said Mary Susannah Long Innes and John  
25 Armstrong (or other sooner determination under the provision hereinbefore contained of the said trust for payment of the said annual income to the said John Armstrong in case the same should take effect) to stand possessed of all the said trust premises in trust for all or such one or more exclusively of the other or others of the issue of the said  
30 intended marriage to be born during the lives of the said Mary Susannah Long Innes and John Armstrong or the life of the survivor of them or within twenty-one years after the death of such survivor at such age or time or respective ages or times if more than one in such shares and with such future executory or other trusts for the benefit of  
35 the said issue or some or one of them and with such provisions for their respective maintenance education and advancement at the discretion of the said Trustees or Trustee for the time being or of any other person And upon such conditions with such restrictions and in such manner as the said John Armstrong and Mary  
40 Susannah Long Innes should by any deed or deeds or writing or writings sealed and delivered with or without power of revocation and new appointment jointly appoint and in default of such joint appointment and so far as such joint appointment if any should not extend then as the survivor of them should in like manner or by will or codicil  
45 appoint and in default of such appointment and so far as such appointment if any should not extend in trust for all the children or any the child of the said then intended marriage who being sons or a son should attain the age of twenty-one years or being daughters or a daughter should attain that age or marry under that age and if more  
50 than one in equal shares as tenants in common And it was thereby provided that no child who or whose issue should take any part of the said trust premises under any appointment in pursuance of either of the powers lastly thereinbefore contained should in default of appointment to the contrary have or be entitled to any share of the unap-  
55 pointed part of the said trust premises without bringing the shares or share appointed to him or her or his or her issue into hotchpot and accounting for the same accordingly And it was thereby agreed and declared that the said Trustees or Trustee should after the death of the survivor of the said Mary Susannah Long Innes and John Armstrong  
or

*Armstrong's Settlement.*

or the sooner determination of the trust in favour of the said John Armstrong therein contained in case the same should take effect pay or apply the whole or such part as they or he should think fit of the annual income of the share to which any child of the said Mary  
5 Susannah Long Innes by the said John Armstrong should for the time being be entitled in expectancy under the trusts thereinbefore declared for or towards his or her maintenance or education and that the said trustees or trustee might either themselves or himself so pay or apply the same or might pay the same to the guardian or guardians  
10 of such child for the purpose aforesaid without seeing to the application thereof And should during such suspense of absolute vesting as aforesaid accumulate the residue if any of the said annual income in the way of compound interest by investing the same and the resulting income thereof in or upon any of the investments therein-  
15 before authorized for the benefit of the person or persons who under the trust therein contained should become entitled to the principal fund from which the same respectively should have proceeded and might resort to the accumulation of any preceding year or years and apply the same for or towards the maintenance and education of the  
20 child for the time being presumptively entitled thereto in the same manner as such accumulations might have been applied had they been annual income arising from the original trust fund in the year in which they should be so applied and it was thereby declared that it should be lawful for the said Trustees or Trustee after the death of the  
25 survivor of the said Mary Susannah Long Innes and John Armstrong or in their his or her lifetime with their his or her consent in writing to raise any part or parts not exceeding altogether one half of the expectant or presumptive or vested share of any child of the then intended marriage under the trust thereinbefore declared and to pay  
30 and apply the same for her or his advancement or benefit as the said trustees or trustee should think fit And it was thereby agreed and declared that if there should be no child of the said then intended marriage who being a son should attain the age of twenty-one years or being a daughter should attain that age or marry under that age  
35 then the said trustees or trustee should stand possessed of the said trust premises and the annual income thereof or so much thereof respectively as should not have become vested or been applied under any of the trusts or powers therein contained upon the trusts following that was to say if the said Mary Susannah Long Innes  
40 should survive the said John Armstrong in trust for the said Mary Susannah Long Innes her executors administrators and assigns But if the said John Armstrong should survive the said Mary Susannah Long Innes then in trust for such person or persons and for such purposes as the said Mary Susannah Long Innes should notwithstanding cover-  
45 ture by will or codicil or testamentary appointment direct And in default of such appointment and so far as any such appointment should not extend in trust for such person or persons as under the statutes for the distribution of the effects of intestates would have become entitled thereto at the death of the said Mary Susannah Long  
50 Innes had she died possessed thereof intestate and without having been married such persons if more than one to take as tenants in common in the shares in which they would have taken under the same statutes And it was by the now reciting indenture agreed and declared that until all the said hereditaments and premises therein-  
55 before expressed to be thereby granted and assigned respectively should have been sold in pursuance of the trusts in the thereinbefore recited wills of the said James Haydock Reiby and Mary Reiby or in the now reciting indenture in that behalf contained the said Trustees or Trustee should pay or apply the rents and profits and annual income  
of

*Armstrong's Settlement.*

of the same premises or of so much thereof as for the time being should not have been sold as and when the same should come into their or his hands or hand to the person or persons for the purposes and in the manner to whom and for and in which the annual income  
5 of the stocks funds shares and securities in or upon which the moneys to arise from such sale or sales as aforesaid were thereinbefore directed to be invested would be payable or applicable under the trusts therein contained if the sale and investment aforesaid were then actually made And it was thereby agreed and declared that it should be lawful for  
10 the said Mary Susannah Long Innes by deed or will to direct or appoint that any part not exceeding one moiety of the said trust premises should (but subject and without prejudice to the trust thereinbefore declared concerning the income thereof for the benefit of the said Mary Susannah Long Innes during her life) be held upon  
15 such trusts for the benefit of any man the said Mary Susannah Long Innes might marry after the decease of the said John Armstrong and all or any one or more of the children and remoter issue of any subsequent marriage and in such manner as she might think proper And it was also provided that no such direction or appointment should  
20 have any effect by way of disposition or lien or charge upon the funds in case there should be more than two children of the marriage between the said John Armstrong and Mary Susannah Long Innes who being a son or sons should attain the age of twenty-one years or who being a daughter or daughters should attain that age or marry And there-  
25 upon the funds so directed or appointed should subject to the trust thereinbefore declared concerning the income thereof for the benefit of the said Mary Susannah Long Innes during her life be holden upon proper trusts accordingly and subject thereto upon the trusts thereinbefore contained concerning the same then subsisting or capable of  
30 taking effect And it was thereby provided that it should be lawful for the said Mary Susannah Long Innes notwithstanding her intended or any future coverture at any time after any son of her marriage with the said John Armstrong should have attained the age of twenty-one years or any daughter of such marriage should have attained that age  
35 or been married by any deed to revoke the power lastly thereinbefore contained And it was in the said indenture agreed and declared that if the said Mary Susannah Long Innes then was or if during the said then intended coverture she or the said John Armstrong in her right should under the said wills or otherwise at one and the same time and  
40 from the same source become seised or possessed of or entitled to any real or personal property not thereinbefore effectually settled of the value of two hundred and fifty pounds and upwards for any estate or interest whatsoever in possession reversion remainder or expectancy (except certain chattels and personal estate therein specified) then the  
45 said Mary Susannah Long Innes and John Armstrong and all other necessary parties if any should convey and assure the said real and personal property or otherwise cause the same to be vested in her said Trustees upon trust that they should sell and convert into money such part or parts of the said property as should not consist of money or of  
50 an annuity or annuities or other estate or interest for the life of the said Mary Susannah Long Innes and should stand and be possessed of the said proceeds of sale and the investments representing the same and the annual income thereof upon the trusts and with and subject to the powers provisoes and agreements in the said indenture pre-  
55 viously declared of and concerning the trust premises the trusts whereof were thereinbefore declared And it was by the said indenture also provided that in addition to the several powers and authorities usually conferred upon trustees the trustees or trustee for the time being might either themselves or himself pay and discharge out of the said premises

*Armstrong's Settlement.*

premises all expenses incurred in or about the execution of the trusts or powers of the said indenture including the costs charges and expenses of every trustee for the time being who might happen to be an attorney or solicitor or of the firm of attorneys or solicitors  
5 of which such Trustee might be a member any rule of law or equity to the contrary notwithstanding And it is thereby agreed and declared that the power of appointing a new Trustee or new Trustees of the said indenture in the place of any Trustee or Trustees who might die or be abroad or desire to be discharged or refuse or become incapable  
10 to act in the execution of the trusts of the said indenture should be vested in the said John Armstrong and Mary Susannah Long Innes during their joint lives and in the survivor during his or her life And that upon every or any such appointment the number of such Trustees might be augmented or reduced And it was thereby agreed and  
15 declared that the Trustees for the time being of the said indenture should not be bound to inquire or ascertain of what particulars the property to which the said Mary Susannah Long Innes was entitled then consisted and should not be answerable for any omission or failure to make inquiry or obtain information as to such particulars  
20 the true intent and meaning of the said indenture being that the said Trustees should be respectively chargeable only for such moneys stocks funds shares and securities and property as they should respectively receive or which should be actually conveyed or assigned or transferred to them or him And whereas the real and personal estate comprised  
25 in the will of the said James Haydock Reiby deceased are now represented by the particulars specified in the First Schedule hereto And whereas the real and personal estate comprised in the said will of the said Mary Reiby deceased are now represented by the particulars specified in the Second Schedule hereto And whereas under or by  
30 virtue of certain indentures of lease and release dated respectively the twenty-seventh and twenty-eighth days of April one thousand eight hundred and twenty-nine the release being made between Joseph Long Innes since deceased of the first part the said Mary Reiby and her daughter the said Elizabeth Anne Innes (then Elizabeth Ann Reiby)  
35 since deceased of the second part and George Bunn and Richard Jones of the third part certain hereditaments specified in the first part of the Third Schedule hereto were conveyed and assured unto the said George Bunn and Richard Jones their heirs and assigns from and after the solemnization of the said then intended marriage to the use of the said  
40 George Bunn and Richard Jones and their heir during the lives of the said Elizabeth Anne Innes and Joseph Long Innes and the life of the survivor of them upon certain trusts for the benefit of the said Elizabeth Anne Innes and Joseph Long Innes and from and after the decease of the survivor of them the said Elizabeth Anne Innes and Joseph  
45 Long Innes To the use of all and every the children of the said Elizabeth Anne Innes by the said Joseph Long Innes as tenants in common and to their several and respective heirs and assigns for ever And whereas there was born issue of the said marriage seven children and no more all of whom attained the age of twenty-one years and one  
50 of whom is the said Mary Susannah Long Armstrong And whereas the one-seventh share of the said Mary Susannah Long Armstrong of and in the said last mentioned hereditaments was not conveyed by or included in the said indenture of settlement of the twenty-first day of December one thousand eight hundred and seventy save and except so  
55 far as the same is comprised in and bound by the covenant for the settlement of other property of the said Mary Susannah Long Armstrong and the same share is now represented by the sum of money specified in the second part of the said Third Schedule And whereas there are now six children of the said marriage namely Christian  
Elizabeth



*Armstrong's Settlement.*

Elizabeth Mary Celia Innes Frances Clara John Nicholas Fraser Kathleen Arbuthnot Janet and Aileen Isabel who are all infants under the age of twenty-one years and unmarried And whereas at the time of the execution of the said settlement the said John Armstrong and  
 5 Mary Susannah Long Armstrong contemplated residing in England And the said Mary Susannah Long Armstrong desired that the settlement of her property should be framed in accordance with such intention and consequently no power was inserted in the said settlement for the appointment of Trustees thereof or for the investment of  
 10 the trust premises comprised therein out of Great Britain and all the monies now or hereafter constituting or representing the share of the said Mary Susannah Long Armstrong under the hereinbefore mentioned wills or the said indentures of lease and release or any of them will in the absence of enactment to the contrary be sent out of the  
 15 Colony and transmitted to Great Britain for investment there in accordance with the trusts of the said settlement And whereas the said John Armstrong and Mary Susannah Long Armstrong have subsequently to the execution of the said settlement changed their place of domicile and settled in this Colony with their said children with the  
 20 purpose and intention of residing permanently therein and it is apprehended that very serious loss and inconvenience will be occasioned to the several persons beneficially interested therein by the transmission to and investment in England of the said moneys And it will be greatly for the benefit of all the persons interested therein that all the  
 25 said monies should be retained and invested in this Colony and that for the purposes aforesaid fit and proper persons residing in this Colony should be appointed Trustees of the said settlement and such other arrangements made as are hereinafter enacted And whereas the persons hereafter nominated as Trustees are residents in this Colony  
 30 and are willing to accept the trusts hereof and of the said indenture of settlement of the twenty-first day of December one thousand eight hundred and seventy And whereas the said Edward Lawes Pym Reginald Gipps Long Innes James Armstrong and Richard Dawes the younger having been informed of the intention of the said Mary  
 35 Susannah Long Armstrong to apply to the Parliament of this Colony to pass this Act have made no objection thereto 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  
 40 as follows :—

1. The following persons namely—James William Johnson Alexander Edmund Hemsley Ernest A. Smith and Edward Herbert Crossman are hereby appointed Trustees in this Colony of the said indenture of settlement of the twenty-first day of December one  
 45 thousand eight hundred and seventy and all the estate share right title and interest of the said Mary Susannah Long Armstrong of and in the hereditaments and premises comprised in or subject to the trusts of the said wills and indentures of lease and re-lease or any of them and assigned by or otherwise comprised in or subject to the trusts of the said  
 50 indenture of settlement of the twenty-first day of December one thousand eight hundred and seventy and which estate share right title and interest are now represented by the several particulars specified in the three several schedules hereto are hereby vested in the said James William Johnson Alexander Edmund Hemsley Ernest A. Smith and Edward  
 55 Herbert Crossman their heirs executors administrators and assigns according to the nature and quality thereof as fully and effectually as if their names had been originally inserted in the said indenture of settlement of the twenty-first day of December one thousand eight hundred and seventy and in the place of the names of the said Edward Lawes Pym  
 Reginald

Appointment of  
 Trustees in this  
 Colony and vesting  
 clause.

*Armstrong's Settlement.*

Reginald Gipps Long Innes James Armstrong and Richard Dawes the younger and shall be held by them and their heirs executors administrators and assigns respectively upon the trusts and for the ends intents and purposes and with under and subject to the powers provisions and declarations in the hereinbefore recited indenture of settlement contained and declared of and concerning all and singular the shares interests estates hereditaments and premises in and by the said indenture granted and assigned by the said Mary Susannah Long Armstrong to the said Edward Lawes Pym Reginald Gipps Long Innes James Armstrong and Richard Dawes the younger their heirs executors and administrators or such of them as may now or from time to time hereafter shall be subsisting and capable of taking effect And the Colonial Treasurer and the said Sir Joseph George Long Innes and all other persons having in their possession or power any moneys stocks funds shares or securities subject to the trusts of the said settlement or which but for this Act would be payable or transferable to the said Edward Lawes Pym Reginald Gipps Long Innes James Armstrong and Richard Dawes the younger as such Trustees of the said settlement as aforesaid are hereby authorized and required to pay and transfer the said moneys stocks funds shares or securities to the said James William Johnson Alexander Edmund Hemsley Ernest A. Smith and Edward Herbert Crossman to the intent that the same may be retained in this Colony and that henceforth the said James William Johnson Alexander Edmund Hemsley Ernest A. Smith and Edward Herbert Crossman shall be invested with and shall have the same trusts powers and authorities save as hereinafter mentioned to all intents and purposes as if they had been originally appointed Trustees of the said indenture of settlement it being the intent and purpose hereof that the same trusts powers and authorities shall enure in accordance with and subject to the Acts of Parliament affecting like trusts powers and authorities contained in settlements executed and operating in the Colony of New South Wales and the receipts or receipt in writing of the said James William Johnson Alexander Edmund Hemsley Ernest A. Smith and Edward Herbert Crossman or of the survivors or survivor of them or the executors or administrators of such survivor their or his assigns hereinafter referred to as the said Trustees or Trustee for any moneys paid and for any stocks funds shares or securities transferred to them or him by virtue hereof or in the execution of any of the trusts or powers hereby or by virtue of the said settlement authorized or conferred shall alone effectually discharge the person or persons paying or transferring the same therefrom and from being bound to see to the application or being answerable for the loss or misapplication thereof.

2. It shall be lawful for the said Trustees or Trustee to deduct the costs and expenses of and incidental to the passing of this Act out of the monies paid to them by virtue hereof and the said Trustees or Trustee shall notwithstanding the directions for investment in the said settlement contained and hereinbefore recited invest the balance of the said monies by way of deposit as a permanent investment with any bank carrying on business in Sydney or in or upon the purchase of shares of any such bank or in or upon the purchase of the Debentures or Treasury Bills of any Australian British Colony or in the purchase or on mortgage of any real estate in the Colony of New South Wales.

Provision for costs of Act and for investment of trust funds.

3. This Act may be cited as "Armstrong's Settlement Act of 1886."

*Armstrong's Settlement.*

## THE FIRST SCHEDULE HEREINBEFORE REFERRED TO.

A sum of four thousand pounds or thereabouts deposited with the Bank of New South Wales Sydney in the name of Sir Joseph George Long Innes Family Account the said Sir Joseph George Long Innes acting for and on behalf of and by the assent of 5 the several beneficiaries and their Trustees.

A certain freehold cottage situate at or near Launceston in the Colony of Tasmania and valued at about £200.

NOTE.—The said Mary Susannah Long Armstrong is under the said wills of the said James Haydock Reiby and Elizabeth Anne Innes entitled to one equal sixth share of the above trust premises.

## 10 THE SECOND SCHEDULE HEREINBEFORE REFERRED TO.

All that messuage and shop situate in George-street Sydney and let on lease to George Sands and numbered 374 in the said street.

All that messuage and shop situate in George-street aforesaid and let on lease to Saywell and numbered 376 in the said street.

15 The said messages are registered in the name of the said Sir Joseph George Long Innes (acting and with such assent as aforesaid) and comprised and more particularly described in certificate of title vol. 153 fol. 166.

A sum of four thousand five hundred pounds or thereabouts deposited with the Bank of New South Wales in the name of the said Sir Joseph George Long Innes 20 (acting and with such assent as aforesaid) to the account aforesaid

Certain freehold hereditaments and premises situate near Launceston in the Colony of Tasmania aforesaid and known as Aubrey Farm.

NOTE.—The said Mary Susannah Long Armstrong is entitled to one equal seventh share of the above under the said will of the said Mary Reiby.

## 25 THE THIRD SCHEDULE HEREINBEFORE REFERRED TO.

## FIRST PART.

All that piece or parcel of land in the City of Sydney in the parish of St. James county of Cumberland and Colony of New South Wales being part of allotment seven of section thirty-seven originally granted to John M'Arthur by Crown grant dated the 30 third day of December one thousand eight hundred and twenty-six containing twenty perches and forty-nine one hundredths of a perch commencing on the eastern building line of George-street at the south western corner of the present building of the General Post Office and bounded thence on the west by that building line bearing south five degrees west forty-nine links and sixty-one one hundredths of a link (thirty-two feet eight inches 35 and seven eighths of a link) thence on part of the south by the centre of a party wall bearing north fourteen minutes east seventy-nine one hundredths of a link (six inches and a quarter) thence on part of the south by the centre of a party wall bearing south eighty-four degrees forty-six links east fifty-three links and eighty-two one hundredths of a link (thirty-five feet six inches and a quarter) thence on part of the east by the 40 centre of a party wall bearing north fifty degrees fourteen minutes east ninety-five one hundredths of a link (seven inches and a half) thence on part of the south by the centre of a party wall bearing south eighty-one degrees forty-eight minutes east eighty-one degrees eighty-two links (fifty-four feet) thence on part of the east by the centre of a party wall bearing north seven degrees fifteen minutes east thirty-eight one hundredths 45 of a link (three inches) thence on the remainder of the south by the centre of a party wall and a line in continuation thereof bearing south eighty-two degrees forty-five links east ninety-four links and nineteen one hundredths of a link (sixty-two feet two inches) thence on the south-east by the centre of a party wall bearing north sixty-one degrees twenty-one minutes east eighteen links and sixty-one one hundredths of a link 50 (twelve feet three inches and a half) to the south-west side of the Tank Stream thence on the north-east and the remainder of the east by that side of that stream being also the north-east and east side of a wall bearing north twenty-nine degrees thirty-five and a half minutes west twelve links and three one hundredths of a link (seven feet eleven inches and a quarter) and north five degrees forty-one minutes east twenty-nine links 55 and nine one hundredths of a link (nineteen feet two inches and a half) to the south side of the present building of the General Post Office and thence on the north by that side of that building bearing north eighty-two degrees thirty-seven minutes west one hundred and sixty-five links and fourteen one hundredths of a link (one hundred and nine feet) and north eighty-five degrees four minutes west ninety-three links and five 60 one hundredths of a link (sixty-one feet five inches) to the point of commencement.

*Armstrong's Settlement.*

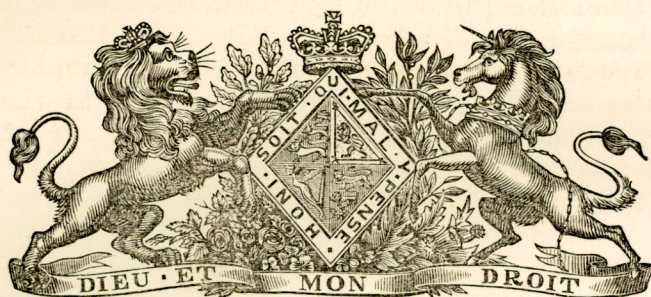
SECOND PART.

A sum of five thousand five hundred pounds in the hands of the Colonial Treasurer being the one seventh share of the said Mary Susannah Long Armstrong in a sum of thirty-eight thousand five hundred pounds being the amount of the compensation 5 moneys agreed or otherwise ascertained under and in accordance with the provisions of the Lands for Public Purposes Acquisition Act (forty-fourth Victoria number sixteen) and the amending Act in respect of the hereditaments and premises in the first part of this schedule described and recently resumed by the Government by virtue of a certain proclamation of resumption published in the New South Wales *Government Gazette* 10 of the fourth day of May one thousand eight hundred and eighty-three.

Sydney : Thomas Richards, Government Printer. —1886.

[9d.]

# New South Wales.



ANNO QUINQUAGESIMO

## VICTORIÆ REGINÆ.

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An Act to appoint Trustees in the Colony of New South Wales of Mrs. Mary Susannah Long Armstrong's marriage settlement and to authorise the retention and investment in the said Colony of the trust funds and property comprised in or subject to the trusts thereof and otherwise to make provision in respect of the premises. [Assented to, 8th October, 1886.]

**W**HEREAS by an indenture dated the twenty-first day of Decem-<sup>Preamble.</sup>  
ber one thousand eight hundred and seventy and made between John Armstrong of the first part and the said Mary Susannah Long Innes now Mary Susannah Long Armstrong of the second part and Edward Lawes Pym Reginald Gipps Long Innes James Armstrong and Richard Dawes the younger of the third part being the settlement of the property of the said Mary Susannah Long Armstrong made by her previously to and in consideration of her marriage with the said John Armstrong after reciting that a marriage had been agreed upon and was then intended to be shortly solemnized between the said John Armstrong and the said Mary Susannah Long Innes And reciting the respective wills of James Haydock Reiby and Mary Reiby both deceased and the will and codicil of Elizabeth Ann Innes deceased under which and by virtue whereof the said Mary Susannah Long Innes was entitled to certain shares of and in certain real and personal estate in the Colonies of New South Wales and Tasmania And also (interalia) that

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*Armstrong's Settlement.*

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no division of the properties comprised in and subject to the trusts of the said wills respectively had then been made but the same were respectively held by the Trustees of the said respective wills in trust for the persons beneficially entitled to or interested therein respectively in undivided shares and no accurate particulars of the said properties had then been furnished to the said Edward Lawes Pym Reginald Gipps Long Innes James Armstrong and Richard Dawes the younger it was witnessed that in pursuance of the agreement entered into on the treaty for the said then intended marriage and in consideration of the said then intended marriage she the said Mary Susannah Long Innes with the privity and approbation of the said John Armstrong testified by his execution thereof and according to the several natures and quality of the property and to her estate and interest therein did thereby grant and assign unto the said Edward Lawes Pym Reginald Gipps Long Innes James Armstrong and Richard Dawes the younger their heirs executors and administrators All and singular the shares interests estates hereditaments and premises of in or to which she the said Mary Susannah Long Innes was seized possessed or otherwise entitled in possession reversion expectancy or otherwise howsoever under or by virtue of the said wills or codicils therein recited of the said James Haydock Reiby Mary Reiby and Elizabeth Ann Innes or any or either of such wills or codicils to hold the said premises thereinbefore granted and assigned or expressed or intended so to be unto and to the use of the said Edward Lawes Pym Reginald Gipps Long Innes James Armstrong and Richard Dawes the younger their heirs executors administrators and assigns according to the nature and quality thereof upon the trusts and for the intents and purposes and with under and subject to the powers provisions and declarations thereinafter expressed and declared or referred to concerning the same And it was thereby expressed and declared that the said Edward Lawes Pym Reginald Gipps Long Innes James Armstrong and Richard Dawes the younger their executors and administrators and other the Trustees or Trustee for the time being of the said indenture should stand possessed of all the said trust premises thereby assured upon the trusts thereinafter expressed concerning the same respectively that was to say in trust for the said Mary Susannah Long Innes until the solemnization of the said then intended marriage and after the solemnization thereof upon trust that the said Trustees and Trustee for the time being should as and when the trust premises or any part thereof should come into their or his actual legal possession sell the same in manner therein mentioned and should lay out and invest the moneys arising from such sale and conversion and all and every other the principal sum and sums of money which might come into their hands in respect of the shares and interests thereby expressed to be assured in any of the public stocks or funds of Great Britain or in stock of the Bank of England or Ireland or in East India stock or in any loan of the East Indian Government (old or new) or upon security of any freehold copyhold or customary messuages lands or hereditaments in England or Wales for any term of years whereof not less than sixty years should be unexpired at the time of investment or in or upon any mortgages charges or investments authorized or secured by the Land Drainage Acts or other Acts of Parliament (of a like nature) whether then already passed or thereafter to be passed and whether such Acts should be public or private Acts or upon any mortgage of rates authorized by Act of Parliament for any town city borough or county in the United Kingdom or in or upon security of the debentures or debenture stock or bonds or mortgages or guaranteed or preference shares or guaranteed or preference stock of any Company incorporated by Act of Parliament or otherwise for the purpose of carrying on and then

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*Armstrong's Settlement.*

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then actually carrying on business in the United Kingdom or the East Indies and paying or dividing and having for the five years next or immediately preceding paid or divided a dividend or profit upon their ordinary shares or capital stock and with power for the said Trustees or Trustee with the consent in writing of the said John Armstrong and Mary Susannah Long Innes or the survivor of them during their his or her lives or life and after the death of such survivor at the sole discretion of the said Trustees or Trustee from time to time to change the said stocks funds or securities into other stocks funds or securities of a like nature as might be thought expedient and to stand possessed of the said trust premises upon trust to pay the whole income thereof unto the said Mary Susannah Long Innes and her assigns during her life for her sole and separate use without power of anticipation And after the death of the said Mary Susannah Long Innes (if the said John Armstrong should survive her) then to pay the whole of the said annual income to the said John Armstrong and his assigns during his life or until he should be outlawed or declared bankrupt or take the benefit or attempt to take the benefit of any statutory provisions for arrangement with creditors or should assign charge or incumber or attempt to assign charge or incumber the said annual income or some part thereof or should do or suffer something whereby the said annual income or some part thereof might if belonging absolutely to him become vested in or payable to some other person or persons And after the death of the survivor of them the said Mary Susannah Long Innes and John Armstrong (or other sooner determination under the provision hereinbefore contained of the said trust for payment of the said annual income to the said John Armstrong in case the same should take effect) to stand possessed of all the said trust premises in trust for all or such one or more exclusively of the other or others of the issue of the said intended marriage to be born during the lives of the said Mary Susannah Long Innes and John Armstrong or the life of the survivor of them or within twenty-one years after the death of such survivor at such age or time or respective ages or times if more than one in such shares and with such future executory or other trusts for the benefit of the said issue or some or one of them and with such provisions for their respective maintenance education and advancement at the discretion of the said Trustees or Trustee for the time being or of any other person And upon such conditions with such restrictions and in such manner as the said John Armstrong and Mary Susannah Long Innes should by any deed or deeds or writing or writings sealed and delivered with or without power of revocation and new appointment jointly appoint and in default of such joint appointment and so far as such joint appointment if any should not extend then as the survivor of them should in like manner or by will or codicil appoint and in default of such appointment and so far as such appointment if any should not extend in trust for all the children or any the child of the said then intended marriage who being sons or a son should attain the age of twenty-one years or being daughters or a daughter should attain that age or marry under that age and if more than one in equal shares as tenants in common And it was thereby provided that no child who or whose issue should take any part of the said trust premises under any appointment in pursuance of either of the powers lastly thereinbefore contained should in default of appointment to the contrary have or be entitled to any share of the unappointed part of the said trust premises without bringing the shares or share appointed to him or her or his or her issue into hotchpot and accounting for the same accordingly And it was thereby agreed and declared that the said Trustees or Trustee should after the death of the survivor of the said Mary Susannah Long Innes and John Armstrong

or

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or the sooner determination of the trust in favour of the said John Armstrong therein contained in case the same should take effect pay or apply the whole or such part as they or he should think fit of the annual income of the share to which any child of the said Mary Susannah Long Innes by the said John Armstrong should for the time being be entitled in expectancy under the trusts thereinbefore declared for or towards his or her maintenance or education and that the said trustees or trustee might either themselves or himself so pay or apply the same or might pay the same to the guardian or guardians of such child for the purpose aforesaid without seeing to the application thereof And should during such suspense of absolute vesting as aforesaid accumulate the residue if any of the said annual income in the way of compound interest by investing the same and the resulting income thereof in or upon any of the investments thereinbefore authorized for the benefit of the person or persons who under the trust therein contained should become entitled to the principal fund from which the same respectively should have proceeded and might resort to the accumulation of any preceding year or years and apply the same for or towards the maintenance and education of the child for the time being presumptively entitled thereto in the same manner as such accumulations might have been applied had they been annual income arising from the original trust fund in the year in which they should be so applied and it was thereby declared that it should be lawful for the said Trustees or Trustee after the death of the survivor of the said Mary Susannah Long Innes and John Armstrong or in their his or her lifetime with their his or her consent in writing to raise any part or parts not exceeding altogether one half of the expectant or presumptive or vested share of any child of the then intended marriage under the trust thereinbefore declared and to pay and apply the same for her or his advancement or benefit as the said trustees or trustee should think fit And it was thereby agreed and declared that if there should be no child of the said then intended marriage who being a son should attain the age of twenty-one years or being a daughter should attain that age or marry under that age then the said trustees or trustee should stand possessed of the said trust premises and the annual income thereof or so much thereof respectively as should not have become vested or been applied under any of the trusts or powers therein contained upon the trusts following that was to say if the said Mary Susannah Long Innes should survive the said John Armstrong in trust for the said Mary Susannah Long Innes her executors administrators and assigns But if the said John Armstrong should survive the said Mary Susannah Long Innes then in trust for such person or persons and for such purposes as the said Mary Susannah Long Innes should notwithstanding coverture by will or codicil or testamentary appointment direct And in default of such appointment and so far as any such appointment should not extend in trust for such person or persons as under the statutes for the distribution of the effects of intestates would have become entitled thereto at the death of the said Mary Susannah Long Innes had she died possessed thereof intestate and without having been married such persons if more than one to take as tenants in common in the shares in which they would have taken under the same statutes And it was by the now reciting indenture agreed and declared that until all the said hereditaments and premises thereinbefore expressed to be thereby granted and assigned respectively should have been sold in pursuance of the trusts in the thereinbefore recited wills of the said James Haydock Reiby and Mary Reiby or in the now reciting indenture in that behalf contained the said Trustees or Trustee should pay or apply the rents and profits and annual income of



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of the same premises or of so much thereof as for the time being should not have been sold as and when the same should come into their or his hands or hand to the person or persons for the purposes and in the manner to whom and for and in which the annual income of the stocks funds shares and securities in or upon which the moneys to arise from such sale or sales as aforesaid were thereinbefore directed to be invested would be payable or applicable under the trusts therein contained if the sale and investment aforesaid were then actually made And it was thereby agreed and declared that it should be lawful for the said Mary Susannah Long Innes by deed or will to direct or appoint that any part not exceeding one moiety of the said trust premises should (but subject and without prejudice to the trust thereinbefore declared concerning the income thereof for the benefit of the said Mary Susannah Long Innes during her life) be held upon such trusts for the benefit of any man the said Mary Susannah Long Innes might marry after the decease of the said John Armstrong and all or any one or more of the children and remoter issue of any subsequent marriage and in such manner as she might think proper And it was also provided that no such direction or appointment should have any effect by way of disposition or lien or charge upon the funds in case there should be more than two children of the marriage between the said John Armstrong and Mary Susannah Long Innes who being a son or sons should attain the age of twenty-one years or who being a daughter or daughters should attain that age or marry And thereupon the funds so directed or appointed should subject to the trust thereinbefore declared concerning the income thereof for the benefit of the said Mary Susannah Long Innes during her life be holden upon proper trusts accordingly and subject thereto upon the trusts thereinbefore contained concerning the same then subsisting or capable of taking effect And it was thereby provided that it should be lawful for the said Mary Susannah Long Innes notwithstanding her intended or any future coverture at any time after any son of her marriage with the said John Armstrong should have attained the age of twenty-one years or any daughter of such marriage should have attained that age or been married by any deed to revoke the power lastly thereinbefore contained And it was in the said indenture agreed and declared that if the said Mary Susannah Long Innes then was or if during the said then intended coverture she or the said John Armstrong in her right should under the said wills or otherwise at one and the same time and from the same source become seised or possessed of or entitled to any real or personal property not thereinbefore effectually settled of the value of two hundred and fifty pounds and upwards for any estate or interest whatsoever in possession reversion remainder or expectancy (except certain chattels and personal estate therein specified) then the said Mary Susannah Long Innes and John Armstrong and all other necessary parties if any should convey and assure the said real and personal property or otherwise cause the same to be vested in her said Trustees upon trust that they should sell and convert into money such part or parts of the said property as should not consist of money or of an annuity or annuities or other estate or interest for the life of the said Mary Susannah Long Innes and should stand and be possessed of the said proceeds of sale and the investments representing the same and the annual income thereof upon the trusts and with and subject to the powers provisoes and agreements in the said indenture previously declared of and concerning the trust premises the trusts whereof were thereinbefore declared And it was by the said indenture also provided that in addition to the several powers and authorities usually conferred upon trustees the trustees or trustee for the time being might either themselves or himself pay and discharge out of the said premises

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premises all expenses incurred in or about the execution of the trusts or powers of the said indenture including the costs charges and expenses of every trustee for the time being who might happen to be an attorney or solicitor or of the firm of attorneys or solicitors of which such Trustee might be a member any rule of law or equity to the contrary notwithstanding And it is thereby agreed and declared that the power of appointing a new Trustee or new Trustees of the said indenture in the place of any Trustee or Trustees who might die or be abroad or desire to be discharged or refuse or become incapable to act in the execution of the trusts of the said indenture should be vested in the said John Armstrong and Mary Susannah Long Innes during their joint lives and in the survivor during his or her life And that upon every or any such appointment the number of such Trustees might be augmented or reduced And it was thereby agreed and declared that the Trustees for the time being of the said indenture should not be bound to inquire or ascertain of what particulars the property to which the said Mary Susannah Long Innes was entitled then consisted and should not be answerable for any omission or failure to make inquiry or obtain information as to such particulars the true intent and meaning of the said indenture being that the said Trustees should be respectively chargeable only for such moneys stocks funds shares and securities and property as they should respectively receive or which should be actually conveyed or assigned or transferred to them or him And whereas the real and personal estate comprised in the will of the said James Haydock Reiby deceased are now represented by the particulars specified in the First Schedule hereto And whereas the real and personal estate comprised in the said will of the said Mary Reiby deceased are now represented by the particulars specified in the Second Schedule hereto And whereas under or by virtue of certain indentures of lease and release dated respectively the twenty-seventh and twenty-eighth days of April one thousand eight hundred and twenty-nine the release being made between Joseph Long Innes since deceased of the first part the said Mary Reiby and her daughter the said Elizabeth Anne Innes (then Elizabeth Ann Reiby) since deceased of the second part and George Bunn and Richard Jones of the third part certain hereditaments specified in the first part of the Third Schedule hereto were conveyed and assured unto the said George Bunn and Richard Jones their heirs and assigns from and after the solemnization of the said then intended marriage to the use of the said George Bunn and Richard Jones and their heir during the lives of the said Elizabeth Anne Innes and Joseph Long Innes and the life of the survivor of them upon certain trusts for the benefit of the said Elizabeth Anne Innes and Joseph Long Innes and from and after the decease of the survivor of them the said Elizabeth Anne Innes and Joseph Long Innes To the use of all and every the children of the said Elizabeth Anne Innes by the said Joseph Long Innes as tenants in common and to their several and respective heirs and assigns for ever And whereas there was born issue of the said marriage seven children and no more all of whom attained the age of twenty-one years and one of whom is the said Mary Susannah Long Armstrong And whereas the one-seventh share of the said Mary Susannah Long Armstrong of and in the said last mentioned hereditaments was not conveyed by or included in the said indenture of settlement of the twenty-first day of December one thousand eight hundred and seventy save and except so far as the same is comprised in and bound by the covenant for the settlement of other property of the said Mary Susannah Long Armstrong and the same share is now represented by the sum of money specified in the second part of the said Third Schedule And whereas there are now six children of the said marriage namely Christian  
Elizabeth

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Elizabeth Mary Celia Innes Frances Clara John Nicholas Fraser Kathleen Arbuthnot Janet and Aileen Isabel who are all infants under the age of twenty-one years and unmarried And whereas at the time of the execution of the said settlement the said John Armstrong and Mary Susannah Long Armstrong contemplated residing in England And the said Mary Susannah Long Armstrong desired that the settlement of her property should be framed in accordance with such intention and consequently no power was inserted in the said settlement for the appointment of Trustees thereof or for the investment of the trust premises comprised therein out of Great Britain and all the monies now or hereafter constituting or representing the share of the said Mary Susannah Long Armstrong under the hereinbefore mentioned wills or the said indentures of lease and release or any of them will in the absence of enactment to the contrary be sent out of the Colony and transmitted to Great Britain for investment there in accordance with the trusts of the said settlement And whereas the said John Armstrong and Mary Susannah Long Armstrong have subsequently to the execution of the said settlement changed their place of domicile and settled in this Colony with their said children with the purpose and intention of residing permanently therein and it is apprehended that very serious loss and inconvenience will be occasioned to the several persons beneficially interested therein by the transmission to and investment in England of the said moneys And it will be greatly for the benefit of all the persons interested therein that all the said monies should be retained and invested in this Colony and that for the purposes aforesaid fit and proper persons residing in this Colony should be appointed Trustees of the said settlement and such other arrangements made as are hereinafter enacted And whereas the persons hereafter nominated as Trustees are residents in this Colony and are willing to accept the trusts hereof and of the said indenture of settlement of the twenty-first day of December one thousand eight hundred and seventy And whereas the said Edward Lawes Pym Reginald Gipps Long Innes James Armstrong and Richard Dawes the younger having been informed of the intention of the said Mary Susannah Long Armstrong to apply to the Parliament of this Colony to pass this Act have made no objection thereto Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows :—

1. The following persons namely—James William Johnson Alexander Edmund Hemsley Ernest A. Smith and Edward Herbert Crossman are hereby appointed Trustees in this Colony of the said indenture of settlement of the twenty-first day of December one thousand eight hundred and seventy and all the estate share right title and interest of the said Mary Susannah Long Armstrong of and in the hereditaments and premises comprised in or subject to the trusts of the said wills and indentures of lease and re-lease or any of them and assigned by or otherwise comprised in or subject to the trusts of the said indenture of settlement of the twenty-first day of December one thousand eight hundred and seventy and which estate share right title and interest are now represented by the several particulars specified in the three several schedules hereto are hereby vested in the said James William Johnson Alexander Edmund Hemsley Ernest A. Smith and Edward Herbert Crossman their heirs executors administrators and assigns according to the nature and quality thereof as fully and effectually as if their names had been originally inserted in the said indenture of settlement of the twenty-first day of December one thousand eight hundred and seventy and in the place of the names of the said Edward Lawes Pym Reginald

Appointment of  
Trustees in this  
Colony and vesting  
clause.

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Reginald Gipps Long Innes James Armstrong and Richard Dawes the younger and shall be held by them and their heirs executors administrators and assigns respectively upon the trusts and for the ends intents and purposes and with under and subject to the powers provisions and declarations in the hereinbefore recited indenture of settlement contained and declared of and concerning all and singular the shares interests estates hereditaments and premises in and by the said indenture granted and assigned by the said Mary Susannah Long Armstrong to the said Edward Lawes Pym Reginald Gipps Long Innes James Armstrong and Richard Dawes the younger their heirs executors and administrators or such of them as may now or from time to time hereafter shall be subsisting and capable of taking effect And the Colonial Treasurer and the said Sir Joseph George Long Innes and all other persons having in their possession or power any moneys stocks funds shares or securities subject to the trusts of the said settlement or which but for this Act would be payable or transferable to the said Edward Lawes Pym Reginald Gipps Long Innes James Armstrong and Richard Dawes the younger as such Trustees of the said settlement as aforesaid are hereby authorized and required to pay and transfer the said moneys stocks funds shares or securities to the said James William Johnson Alexander Edmund Hemsley Ernest A. Smith and Edward Herbert Crossman to the intent that the same may be retained in this Colony and that henceforth the said James William Johnson Alexander Edmund Hemsley Ernest A. Smith and Edward Herbert Crossman shall be invested with and shall have the same trusts powers and authorities save as hereinafter mentioned to all intents and purposes as if they had been originally appointed Trustees of the said indenture of settlement it being the intent and purpose hereof that the same trusts powers and authorities shall enure in accordance with and subject to the Acts of Parliament affecting like trusts powers and authorities contained in settlements executed and operating in the Colony of New South Wales and the receipts or receipt in writing of the said James William Johnson Alexander Edmund Hemsley Ernest A. Smith and Edward Herbert Crossman or of the survivors or survivor of them or the executors or administrators of such survivor their or his assigns hereinafter referred to as the said Trustees or Trustee for any moneys paid and for any stocks funds shares or securities transferred to them or him by virtue hereof or in the execution of any of the trusts or powers hereby or by virtue of the said settlement authorized or conferred shall alone effectually discharge the person or persons paying or transferring the same therefrom and from being bound to see to the application or being answerable for the loss or misapplication thereof.

Provision for costs of Act and for investment of trust funds.

2. It shall be lawful for the said Trustees or Trustee to deduct the costs and expenses of and incidental to the passing of this Act out of the monies paid to them by virtue hereof and the said Trustees or Trustee shall notwithstanding the directions for investment in the said settlement contained and hereinbefore recited invest the balance of the said monies by way of deposit as a permanent investment with any bank carrying on business in Sydney or in or upon the purchase of shares of any such bank or in or upon the purchase of the Debentures or Treasury Bills of any Australian British Colony or in the purchase or on mortgage of any real estate in the Colony of New South Wales.

3. This Act may be cited as "Armstrong's Settlement Act of 1886."

Short title.

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## THE FIRST SCHEDULE HEREINBEFORE REFERRED TO.

A sum of four thousand pounds or thereabouts deposited with the Bank of New South Wales Sydney in the name of Sir Joseph George Long Innes Family Account the said Sir Joseph George Long Innes acting for and on behalf of and by the assent of the several beneficiaries and their Trustees.

A certain freehold cottage situate at or near Launceston in the Colony of Tasmania and valued at about £200.

NOTE.—The said Mary Susannah Long Armstrong is under the said wills of the said James Haydock Reiby and Elizabeth Anne Innes entitled to one equal sixth share of the above trust premises.

## THE SECOND SCHEDULE HEREINBEFORE REFERRED TO.

All that messuage and shop situate in George-street Sydney and let on lease to George Sands and numbered 374 in the said street.

All that messuage and shop situate in George-street aforesaid and let on lease to Saywell and numbered 376 in the said street.

The said messuages are registered in the name of the said Sir Joseph George Long Innes (acting and with such assent as aforesaid) and comprised and more particularly described in certificate of title vol. 153 fol. 166.

A sum of four thousand five hundred pounds or thereabouts deposited with the Bank of New South Wales in the name of the said Sir Joseph George Long Innes (acting and with such assent as aforesaid) to the account aforesaid.

Certain freehold hereditaments and premises situate near Launceston in the Colony of Tasmania aforesaid and known as Aubrey Farm.

NOTE.—The said Mary Susannah Long Armstrong is entitled to one equal seventh share of the above under the said will of the said Mary Reiby.

## THE THIRD SCHEDULE HEREINBEFORE REFERRED TO.

## FIRST PART.

All that piece or parcel of land in the City of Sydney in the parish of St. James county of Cumberland and Colony of New South Wales being part of allotment seven of section thirty-seven originally granted to John M'Arthur by Crown grant dated the third day of December one thousand eight hundred and twenty-six containing twenty perches and forty-nine one hundredths of a perch commencing on the eastern building line of George-street at the south western corner of the present building of the General Post Office and bounded thence on the west by that building line bearing south five degrees west forty-nine links and sixty-one one hundredths of a link (thirty-two feet eight inches and seven eighths of a link) thence on part of the south by the centre of a party wall bearing north fourteen minutes east seventy-nine one hundredths of a link (six inches and a quarter) thence on part of the south by the centre of a party wall bearing south eighty-four degrees forty-six links east fifty-three links and eighty-two one hundredths of a link (thirty-five feet six inches and a quarter) thence on part of the east by the centre of a party wall bearing north fifty degrees fourteen minutes east ninety-five one hundredths of a link (seven inches and a half) thence on part of the south by the centre of a party wall bearing south eighty-one degrees forty-eight minutes east eighty-one degrees eighty-two links (fifty-four feet) thence on part of the east by the centre of a party wall bearing north seven degrees fifteen minutes east thirty-eight one hundredths of a link (three inches) thence on the remainder of the south by the centre of a party wall and a line in continuation thereof bearing south eighty-two degrees forty-five links east ninety-four links and nineteen one hundredths of a link (sixty-two feet two inches) thence on the south-east by the centre of a party wall bearing north sixty-one degrees twenty-one minutes east eighteen links and sixty-one one hundredths of a link (twelve feet three inches and a half) to the south-west side of the Tank Stream thence on the north-east and the remainder of the east by that side of that stream being also the north-east and east side of a wall bearing north twenty-nine degrees thirty-five and a half minutes west twelve links and three one hundredths of a link (seven feet eleven inches and a quarter) and north five degrees forty-one minutes east twenty-nine links and nine one hundredths of a link (nineteen feet two inches and a half) to the south side of the present building of the General Post Office and thence on the north by that side of that building bearing north eighty-two degrees thirty-seven minutes west one hundred and sixty-five links and fourteen one hundredths of a link (one hundred and nine feet) and north eighty-five degrees four minutes west ninety-three links and five one hundredths of a link (sixty-one feet five inches) to the point of commencement.

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SECOND

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SECOND PART.

A sum of five thousand five hundred pounds in the hands of the Colonial Treasurer being the one seventh share of the said Mary Susannah Long Armstrong in a sum of thirty-eight thousand five hundred pounds being the amount of the compensation moneys agreed or otherwise ascertained under and in accordance with the provisions of the Lands for Public Purposes Acquisition Act (forty-fourth Victoria number sixteen) and the amending Act in respect of the hereditaments and premises in the first part of this schedule described and recently resumed by the Government by virtue of a certain proclamation of resumption published in the New South Wales *Government Gazette* of the fourth day of May one thousand eight hundred and eighty-three.

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

[9d.]