

Forest Lodge near Tarlo Estate.

FOREST LODGE NEAR
TARLO ESTATE.

An Act to authorize the sale of certain Lands and hereditaments conveyed upon certain trusts mentioned and declared in a certain Indenture dated the first day of May one thousand eight hundred and sixty-six and made between George Slocombe of the first part Eliza Simons of the second part and Charles Newman and John Simons of the third part and to enable the Trustees thereof to invest the proceeds of such sale for the persons entitled under such Deed and for other purposes in this Act mentioned. [20th June, 1884].

Preamble.

WHEREAS by Indenture bearing date the first day of May one thousand eight hundred and sixty-six made between George Slocombe of the first part Eliza Simons of the second part and Charles Newman and John Simons of the third part after reciting that the said Eliza Simons was seized of certain real estate at Forest Lodge near Tarlo and also of land in the city of Goulburn and was also possessed of certain personal estate and that a marriage was then intended to be had and solemnized between her the said Eliza Simons and the said George Slocombe all and singular to the real estate of the said Eliza Simons situate lying and being at Forest Lodge near Tarlo and in the city of Goulburn and all other the real estate of the said Eliza Simons in the Colony of New South Wales to which she was or might be entitled for any estate whatever were together with the said personal estate conveyed assured and assigned unto and to the use of the said Trustees their heirs and executors administrators and assigns upon trust that they the said Trustees their heirs executors administrators and assigns respectively should stand seized of the said real estate and possessed of the said personal estate and the annual income and profits to arise therefrom in trust for the said Eliza Simons her heirs executors administrators and assigns until the said intended marriage and after the solemnization thereof in trust to pay the annual income thereof and the rents issues and profits of the said hereditaments and premises into the proper hands of the said Eliza Simons during her natural life for her sole and separate use and benefit notwithstanding her coverture and without the same being subject to the debts control or engagements of the said George Slocombe and so that her receipts alone should be good and sufficient discharges for the same and so that she should not have power to deprive herself of the benefit thereof by sale mortgage charge or otherwise in the way of anticipation And after her decease then in trust as to the said real estate at Forest Lodge near Tarlo aforesaid to the use of the said George Slocombe for his life without impeachment of waste and after the death of the survivor of them the said George Slocombe and Eliza Simons in trust for all the children of the said Eliza Simons namely Mary Elizabeth Cartwright Sophia Jane Cartwright Ann Emily Cartwright Eliza Ann Simons Sarah Charlotte Simons and William Taylor Simons and the children issue of the said intended

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intended marriage for such estates and interests and in such shares and with under and subject to such charges powers provisoes conditions limitations and remainders over for the benefit of all or any one or more of the said children and in such manner as the said Eliza Simons should notwithstanding coverture by any deed or deeds or by her last will or codicil appoint and in default of and until such appointment and so far as no such appointment should extend to the use of all the said children of the said Eliza Simons as tenants in common and if and so often as any of the said children should die without issue then as well as to his or her original share as to the share or shares that shall have survived or accrued to him or her or to the heirs of his or her body to the use of the others of the said children and their respective heirs as tenants in common and for default of such issue to the use of the said Eliza Simons her heirs and assigns for ever And as to for and concerning the real estate at Goulburn aforesaid and all other the real and personal estate of the said Eliza Simons whatsoever upon the trusts in the said indenture mentioned And it was by the now reciting indenture declared and agreed that it should be lawful for the said Eliza Simons from time to time as occasion might require to appoint new Trustees or a new Trustee to the now reciting presents And that the said Trustees and all other Trustees of the said in part recited presents should have all the powers privileges and protection conferred upon Trustees by virtue of the "Trustee Act of 1862" And whereas the said marriage was duly had and solemnized in pursuance of the said settlement And whereas the said Charles Newman departed this life on the twenty-ninth day of December one thousand eight hundred and sixty-six And whereas by an indenture bearing date the fifth day of December one thousand eight hundred and seventy-nine and made between the said George Slocombe and the said Eliza Simons of the one part and Augustine Matthew Betts of the other part the said Augustine Matthew Betts was duly appointed a Trustee of the said indenture of settlement in the place of the said Charles Newman deceased And the said Augustine Matthew Betts and John Simons are the present Trustees thereof And whereas the said George Slocombe and Eliza Slocombe and the children of the said Eliza Slocombe are still surviving and there is one child issue of the said marriage surviving but such child is under the age of twenty-one years And whereas the said Eliza Slocombe has executed no deed of appointment of the said land and hereditaments And whereas the said indenture of settlement contains no power to sell that portion of the real estate thereby conveyed which is situate at Forest Lodge near Tarlo and which is particularly described in the Schedule to this Act and by reason of one of the children of the said Eliza Slocombe being under the age of twenty-one years it is impossible without the assistance of Parliament to sell the said lands and hereditaments And whereas in consequence of there being no power to sell or demise the said lands for a longer period than the lives of the said John Simons and Eliza Slocombe the said lands remain unimproved and the buildings thereon are becoming dilapidated and of less value and the annual rents derivable therefrom are every year becoming less and the said land would now realise a high price and the money which would arise from the sale thereof if invested would return a far larger annual income than the rents which can be obtained for the said land and hereditaments And whereas for the reasons aforesaid it is expedient in the interests of the parties entitled under the said Indenture of Settlement that power to sell the said land and hereditaments should be conferred on the said Trustees and that the proceeds of the sale of the said land and hereditaments as shall from time to time be sold should be invested in manner hereinafter provided and the annual issues and profits to accrue from such investments

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ments be applied for the benefit of the respective persons entitled to the said lands and hereditaments and otherwise appropriated upon the trusts declared by the said Indenture of Settlement of and concerning the said lands and hereditaments situate at Forest Lodge near Tarlo aforesaid. 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 :—

Lands vested in
present Trustees.

1. From and after the passing of this Act all the lands and hereditaments as are described in the Schedule of this Act and described in the said Indenture of Settlement as being all and singular the real estate of the said Eliza Simons at Forest Lodge near Tarlo aforesaid shall be and are hereby vested in John Simons of Rhyanna near Goulburn in the Colony of New South Wales farmer and Augustine Matthew Betts of Goulburn aforesaid solicitor their heirs and assigns upon the trusts and to and for the ends intents and purposes and with under and subject to the powers and provisions hereinafter expressed and contained concerning the same.

Power to sell lands.

2. It shall be lawful for the said John Simons and Augustine Matthew Betts or any two Trustees hereafter to be appointed by virtue of the power in that behalf contained in the said Indenture such persons being hereinafter designated the said Trustees to sell and absolutely dispose of all and singular the said lands and hereditaments mentioned and particularly described in the Schedule to this Act or any of them or any part of the same either by public auction or private contract either in one or in more lot or lots and in such manner generally and upon and subject to such terms and conditions as the said Trustees shall deem expedient with power to buy in the said lands and hereditaments or any of them or any part thereof at any sale by auction and to rescind or vary any contract for sale either on terms or gratuitously and to resell without being responsible for any loss occasioned thereby and upon any sale or sales to convey the land so sold to the purchaser or purchasers thereof his her or their heirs and assigns or as such purchaser or purchasers may direct freed and discharged from all trusts estates and interests affecting the same and the receipts in writing of the said Trustees for the purchase money of any lands and hereditaments so sold by virtue of this Act shall be full and sufficient discharges to any purchaser or purchasers from the same and from being bound to see to the application of the moneys therein expressed to be received and from any liability for the loss non-application or misapplication of the same or any part thereof.

Trustees may give
credit for purchase
moneys.

3. It shall be lawful for the said Trustees to allow any purchaser or purchasers credit for the payment of the whole or part or parts of his her or their purchase money upon such terms as to interest or otherwise and generally as the said Trustees may deem reasonable and expedient.

Trustees to invest
purchase moneys.

4. The said Trustees shall stand seized and possessed of the said lands and hereditaments or of such portion thereof as may from time to time remain unsold upon the trusts and subject to the provisions in the said indenture of settlement expressed and declared of and concerning the same and from and immediately after the sale of any portion of the said lands and hereditaments shall stand possessed of the moneys arising from such sale upon trust in the first place to pay all costs and expenses of and incidental to the procuring and passing this Act and in the next place to pay and satisfy all costs and expenses incurred in and about the effecting of any sale or sales. And after such payment as aforesaid upon trust to invest the net surplus of such moneys in any debentures or Government securities in New South Wales or upon any freehold securities in the Colony of New South Wales. And the

Windsor Gas-light Company (Limited).

the said Trustees shall have power from time to time in their discretion to vary or transpose any such investment or security into or for any other investment or security of the kind hereby authorized.

5. The said Trustees shall stand possessed of such investments and securities and the net dividends interest and annual income and produce arising therefrom upon such trusts and with and subject to such powers provisions and declarations as shall or nearly may correspond with the uses trusts provisions and declarations in the said Indenture of Settlement expressed and contained concerning the said lands and hereditaments or any part or parts thereof respectively or such of them as shall be subsisting or capable of taking effect as the different nature and quality of the premises and the rules of law and equity will permit.

To stand possessed
of income and
moneys upon trusts
of settlement.

6. It is hereby declared that all and every the powers and authorities which by this Act are conferred upon the said Trustees shall extend and be exercisable in all respects by any new Trustee or Trustees who from time to time may be nominated and appointed in pursuance of the power in that behalf contained in the said Indenture of Settlement.

New Trustees.

7. This Act may be cited as the "Forest Lodge near Tarlo Estate Act of 1884."

Short title.

THE SCHEDULE REFERRED TO.

EIGHT hundred and eighty acres of land situate in the county of Argyle at Wooroon-dooroonbidgee Creek being the land granted to John Francis Macarthur by grant dated the tenth December one thousand eight hundred and thirty-six Fifty-four acres situate at the same place being the land granted to William Simons by grant dated the eighth September one thousand eight hundred and fifty-nine Forty-five acres of land situate in the county of Argyle parish unnamed near Goulburn being the land ganted to William Simons on the twenty-third February one thousand eight hundred and sixty Fifty-six acres of land situate as aforesaid being the land granted to William Simons on the twenty-third February one thousand eight hundred and sixty Forty-six acres of land situate as aforesaid being the land granted to William Simons on the twenty-third February one thousand eight hundred and sixty Forty acres of land situate in the parish of Rhyanna and county of Argyle being the land granted to William Simons on the seventh October one thousand eight hundred and seventy-nine Thirty-three acres of land lot thirty-five portion one being the land granted to William Simons deceased on thirty-first December one thousand eight hundred and sixty-one.
