

An Act to enable John Bell Metcalfe and William Teale the Trustees under a certain Indenture of Settlement dated the third of January one thousand eight hundred and forty-eight made between Harriot Betts of the one part and Michael Metcalfe and Charles Lowe of the other part to sell certain Lands at the Glebe near the City of Sydney and to invest the money to arise from such sale upon the Trusts of the said Settlement. [13th November, 1855.]

HARRIOT BETTS'
TRUSTEES.

WHEREAS by an indenture bearing date the third day of Preamble.
January one thousand eight hundred and forty-eight Harriot Betts the younger of the Glebe near the city of Sydney in the Colony of New South Wales spinster being seized in fee (subject to the life estate therein) of her mother Harriot Betts widow of the land messuage and hereditaments hereinafter mentioned and referred to granted released and assured unto Michael Metcalfe and Charles Lowe both of Sydney aforesaid therein described four acres of land in the parish of Petersham in the Colony aforesaid with the messuage thereon erected called "Kew Cottage" with the outbuildings and premises thereto belonging and in the Schedule to this Act particularly described upon trust to pay the rents and profits of the said land messuage and hereditaments to or to permit the said land messuage and hereditaments to be occupied by the said Harriot Betts the younger rent free for her life for her sole and separate use and after her decease upon trust that the said Trustees should sell the said land messuage and hereditaments in manner therein mentioned for such price as they should think reasonable and the said
Harriot

Harriot Betts' Trustees.

Harriot Betts the younger thereby directed that the said Trustees should stand possessed of the moneys to arise from such sale in trust for her nephews and nieces thereafter named that is to say Harriot Betts George Panton Betts Maria Bowman Betts Margaret Louisa Betts Clara Leonora Betts and John James Arbouin Betts the six children of John Betts deceased the brother of the said Harriot Betts and Edward Nisbett Arbouin Betts the only child of Edward Dent Betts deceased another brother of the said Harriot Betts in equal shares and proportions as tenants in common with benefit of survivorship as in the said indenture is mentioned And whereas the said Harriot Betts the mother of the said Harriot Betts the younger and the said Edward Nisbett Arbouin Betts her said nephew have departed this life And whereas the said four acres of land messuage and hereditaments have become of considerable value and highly advantageous offers to purchase parts thereof fronting to the waters of Port Jackson have been made to the said Harriot Betts and the said Trustees but inasmuch as such Trustees have no power to sell until after the death of the said Harriot Betts the younger and doubts exist whether the said Harriot Betts has power to revoke the said recited indenture of settlement and to execute valid conveyances to purchasers of the said four acres of land messuage and hereditaments therein comprised and it would be highly beneficial as well to the said Harriot Betts as to the cestuique trusts in the said settlement named if the Trustees thereof were authorized and empowered to sell and dispose of either the whole of the said land messuage and hereditaments or such part thereof as with the consent of the said Harriot Betts the younger it might be deemed expedient to sell And whereas by an order of the Supreme Court of the said Colony dated the twenty-second day of September in the year one thousand eight hundred and fifty-five it was ordered that the said John Bell Metcalfe and William Teale be appointed Trustees of the said indenture of settlement of the third day of January one thousand eight hundred and forty-eight in the place and stead of the said Michael Metcalfe and Charles Lowe and that the real and personal property comprised in the said indenture of settlement mentioned be and the same is thereby vested in the said John Bell Metcalfe and William Teale their heirs executors administrators and assigns as joint tenants according to the nature of the property upon the trusts and for the intents and purposes of the said indenture of settlement Be it therefore enacted by His Excellency the Governor General of New South Wales by and with the advice and consent of the Legislative Council thereof as follows—

Trustees to sell and
to convey.

1. It shall be lawful for the said John Bell Metcalfe and William Teale or the Trustees or Trustee for the time being of the said indenture of settlement by and with the consent in writing of the said Harriot Betts the younger to sell and dispose of the said four acres of land messuage and hereditaments by public auction or private contract and either in one lot or in several lots as they shall think most expedient for such prices as they or he shall consider advantageous to the trust to accept for the same and when sold to convey the same or any part or parts thereof to the purchaser or purchasers their his or her heirs and assigns freed and discharged from the trusts created and declared by the said deed of settlement and the receipt of the Trustees or Trustee for the time being of the said settlement shall be a sufficient discharge to the purchaser or purchasers of the said land or any part or parts thereof for the purchase money payable by him or them respectively and shall wholly exonerate him or them from seeing to the application thereof and from all liability as to the misapplication or nonapplication thereof.

2.

Bishop's Leases.

2. The moneys to arise from the sale of the said four acres of land messuage and hereditaments or any part or parts thereof shall with all convenient speed be laid out and invested in the purchase of other lands in or near Sydney aforesaid for an estate in fee simple or in bank shares or on Government or real securities or on mortgage of freehold estates yet so as that during the life of the said Harriot Betts every such purchase or investment be made with her consent in writing And the said John Bell Metcalfe and William Teale and the survivor of them or other the Trustees or Trustee for the time being of the said settlement shall forthwith settle and assure or cause to be settled and assured the same hereditament so to be purchased to such and the same uses and upon such and the same trusts and for such and the same intents and purposes as are by the said settlement expressed and declared of and concerning the said four acres of land messuage and hereditaments or as near thereto as the deaths of parties and other contingencies may admit of with power nevertheless for the said Trustees or Trustee for the time being with the consent of the said Harriot Betts during her life to postpone the purchase or purchases hereinbefore directed And in the mean time and until the money arising by the sale or sales by this Act authorized shall be invested in the purchase of such other lands as aforesaid the said John Bell Metcalfe and William Teale and the survivor of them or the Trustees or Trustee for the time being of the said settlement with such consent as aforesaid shall place out such money at interest in bank shares or on Government or real securities and also from time to time with such consent as aforesaid shall or may alter vary and transpose such securities for other securities of the same or a like nature And the dividends interest annual profits and proceeds which shall from time to time arise in respect of such securities shall go and be payable and paid to such person and persons and be applied to and for such uses intents and purposes and in such manner as the rents and profits of the said four acres of land messuages and hereditaments are or may be payable or applicable under and by virtue of the said indenture of settlement.

SCHEDULE.

All that piece or parcel of land containing by admeasurement four acres more or less situate lying and being in the parish of Petersham in the Colony of New South Wales bounded on the west by the late John Betts' property bearing west forty-three degrees thirty minutes south thirteen chains seventy-five links on the south by Blackwattle Swamp Cove on the east by a line bearing east forty-three degrees thirty minutes north fourteen chains seventy-five links to the main road and on the north by that road bearing south forty-two degrees forty-five minutes east two hundred and eighty-one links to the commencing point.
