

An Act to enable the Trustees of a Settlement
made by George John Rogers of a messuage
and lands known as Craigend situate in the
City of Sydney to sell the said messuage and
lands and to make provision for the invest-
ment of the proceeds of the sale thereof.
[26th May, 1865.]

ROGERS'
SETTLEMENT.

WHIEREAS by an indenture bearing date the twenty-sixth day of Preamble.
April in the year one thousand eight hundred and forty-four
and made between George John Rogers of the one part and Richard
Windeyer and Robert Russell therein styled Trustees of the other part
after reciting as therein is recited the said George John Rogers did grant
bargain sell release and confirm unto the said Richard Windeyer and
Robert Russell and their heirs certain lands hereditaments and
premises with the messuage thereon situate in the parish of Alexandria
in the city of Sydney in the Colony of New South Wales known as
Craigend and more particularly described in the said indenture to hold
the same unto the said Trustees their heirs and assigns upon certain
trusts in the said indenture expressed and declared for the benefit of
the said George John Rogers and Martha Rogers his wife during their
respective lives and upon the decease of the survivor of them the said
George John Rogers and Martha Rogers upon trust that the said
Trustees and the survivor of them their and his heirs or assigns should
sell dispose of and convey by way of absolute sale all or any part
of the said lands and hereditaments and the inheritance in fee simple
for such price or prices as they or he should think fit and to execute
all necessary conveyances and assurances for that purpose and apply
the purchase moneys as in the said indenture is expressed and whereas
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Rogers' Settlement.

the said Richard Windeyer died in or about the month of December one thousand eight hundred and forty-seven and whereas by indenture dated the thirteenth day of March one thousand eight hundred and forty-eight made between the said Robert Russell of the first part the said George John Rogers of the second part and Charles Blaxland and William Russell of the third part after reciting the death of the said Richard Windeyer and that the said Robert Russell was desirous of being discharged from the trusts reposed in him by the said settlement the said George John Rogers did nominate and appoint the said Charles Blaxland and William Russell to be Trustees in the room and stead of the said Richard Windeyer and Robert Russell under the said settlement and by the last-mentioned indenture the said messuage lands hereditaments and premises with the appurtenances were conveyed and assured and vested in the said Charles Blaxland and William Russell their heirs and assigns upon the trusts expressed in the said settlement concerning the same and whereas the said George John Rogers died on or about the sixteenth day of January one thousand eight hundred and sixty-three leaving the said Martha Rogers and seven children of their marriage him surviving and whereas the said settlement contains no power or authority for the sale of the said messuage lands or hereditaments during the life of the said Martha Rogers and whereas it is considered that it would be advantageous to authorize the Trustees under the said settlement to effect an immediate sale of the said messuage and lands and invest the proceeds of sale thereof in the purchase of other lands in New South Wales or upon real or Government security therein and whereas the said Martha Rogers is desirous that the said messuage and lands should be sold and the proceeds thereof invested as 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 may be sold and conveyed to purchasers discharged from the trusts of settlement.

1. It shall be lawful for the said Charles Blaxland and William Russell as such Trustees as aforesaid or the Trustee or Trustees for the time being of the said settlement to sell the messuage or dwelling-house lands and hereditaments comprised or described in the said indenture of settlement either by public auction or by private contract and either in one or more parcels or allotments and with such rights of way in and over such lands or any portion thereof as they or he shall deem expedient and for such price or prices as can be reasonably obtained for the same and when sold to convey the same or any part or parts thereof to the purchaser or purchasers his her or their heirs and assigns or to such uses and in such manner as such purchaser or purchasers may direct or require and thereupon the said messuage lands and hereditaments or such part thereof as shall be so conveyed by the said Charles Blaxland and William Russell or the Trustees or Trustee for the time being of the said settlement and the legal estate therein shall vest absolutely in the person or persons to whom the same shall be so conveyed his her or their heirs and assigns or go and remain to such uses and in such manner as aforesaid freed and discharged from the trusts created by the said indentures and each of them.

Credit may be given to purchasers for payment of purchase money.

2. It shall be lawful for the said Charles Blaxland and William Russell or the Trustee or Trustees for the time being of the said settlement to allow to any purchaser or purchasers of the said messuage and lands or any part or parts thereof credit for any number of years not exceeding ten years for payment of a part of his her or their purchase money upon such terms as to interest and otherwise as may by the said Charles Blaxland and William Russell or the Trustee or Trustees for the time being of the said settlement be deemed reasonable and

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and proper Provided that the land shall remain unconveyed or be otherwise rendered a security by mortgage for so much of the purchase money thereof as shall remain unpaid together with the interest thereon until the same shall have been paid.

3. The said Charles Blaxland and William Russell or the Trustee or Trustees for the time being of the said settlement at their or his discretion shall invest the moneys or any part or parts thereof arising from such sale or sales or belonging to the trusts of the said settlement either at interest upon real securities or debentures or Treasury bills of the Government of New South Wales or upon purchase of other lands and hereditaments in New South Wales as the said Charles Blaxland and William Russell or the Trustee or Trustees for the time being of the said settlement shall think fit and either or any of such modes of investment shall be deemed and construed to be equally in accordance with the intent and meaning of the said settlement and shall be subject to the trusts of the said settlement so far as such trust shall be applicable thereto and then capable of taking effect.

Proceeds of sales to be invested in Government or real securities or in the purchase of other lands to be held upon the trusts of settlement.
