

WATKINS-WALLIS
TRUST ESTATE.

An Act to confer certain powers and authorities upon Stephen John Pearson and the Reverend John Douse Langley as trustees of two several indentures dated the twenty-second day of June, one thousand eight hundred and seventy-five, and the seventeenth day of May, one thousand eight hundred and seventy-eight, under which certain lands and moneys were vested in the said Stephen John Pearson and Reverend John Douse Langley on certain trusts in the said indentures mentioned. [16th March, 1892.]

Preamble.

WHEREAS by indenture bearing date the twenty-second day of June, in the year one thousand eight hundred and seventy-five, and made between Hannah Eliza Watkins, therein described as of Parramatta, in the Colony of New South Wales, widow, of the first part; Joseph Wallis, therein described as of Southwood Farm, at Mittagong, in the Colony aforesaid, farmer, of the second part; the said Hannah Eliza Watkins and the Reverend Robert Lethbridge King, therein described as of Liverpool, in the Colony aforesaid, Clerk in Holy Orders (the executors of the will of Francis Netterville Watkins, formerly of Parramatta aforesaid, Esquire), of the third part; and Stephen John Pearson, therein described as of Parramatta aforesaid, bank manager, and the Reverend John Douse Langley, of Sydney, in the Colony aforesaid, Clerk in Holy Orders (and which said Stephen John Pearson and John Douse Langley are hereinafter designated and referred to as "the said trustees"), of the fourth part: And reciting that the said Hannah Eliza Watkins was desirous of making a provision for her nephew, the said Joseph Wallis, and for his wife and issue, in manner hereinafter appearing, it was witnessed by the said indenture that for effectuating the said desire, and in consideration of the natural love and affection of the said Hannah Eliza Watkins for the said Joseph Wallis and for his wife and issue, and for other good considerations, the said Hannah Eliza Watkins did thereby for herself, her heirs, executors, and administrators, covenant with the said trustees, their heirs, executors, and administrators, that she, the said Hannah Eliza Watkins, her heirs, executors, or administrators, would, at the request of the said trustees or the survivor of them, or the executors or administrators of such survivor, or without any such request, pay unto the said trustees or the survivor of them, or the executors or administrators of such survivor, the sum of one thousand five hundred pounds, and it was declared by the said indenture that the said trustees or the survivor of them, or the executors or administrators of such survivor should invest the said sum of one thousand five hundred pounds when paid to them or him, and all instalments thereof which might from time to time be paid, and all other moneys which might come to the hands of the said trustees or the survivor of them, their executors or administrators, under or by virtue of any of the trusts or provisions therein contained in, *inter alia*, the purchase of freehold property in the said Colony of New South Wales,

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Wales, and that they should stand possessed thereof upon the trusts thereafter declared concerning the same: And the said indenture further witnessed that for the considerations aforesaid the said Hannah Eliza Watkins did thereby by virtue and in exercise of every power and authority thereunto enabling her, direct, limit, and appoint, and also grant, assign, release, and confirm: And the said Hannah Eliza Watkins and Robert Lethbridge King, and each of them, did grant, release, assign, and transfer, and the said Joseph Wallis did grant, release, and confirm unto the said trustees, their heirs and assigns, all that piece or parcel of land containing by admeasurement four hundred acres, be the same more or less, situate in the district of Mittagong, in the county of Camden; and commencing and bounded as in the said indenture mentioned; and also all that piece or parcel of land containing seventy-five acres one rood and thirty-two perches, situate at Mittagong, county of Camden, portions of J. T. Wilson's grant, and bounded as in the said indenture mentioned, together with all houses, buildings, fixtures, fences, ways, watercourses, rights, privileges, easements, advantages, and appurtenances whatsoever to the said lands and hereditaments, or any part thereof appertaining, and all the estate, terms of years, right, title, interest, claim, and demand of the said Hannah Eliza Watkins, and of the said Robert Lethbridge King, and Joseph Wallis into and upon the same premises, and also the term of years created by the indenture thereafter mentioned, to have and to hold the said land, hereditaments, and premises thereinbefore expressed, to be thereby granted unto and to the use of the said trustees and their heirs, freed and discharged from a certain indenture of the thirteenth day of August, one thousand eight hundred and sixty, made between the said Francis Netterville Watkins of the one part, and the said Joseph Wallis of the other part, and registered as number eight hundred and forty-six, book sixty-nine, and from the payment of all moneys intended to be thereby secured, but upon and for the trusts thereafter mentioned: And whereas, it was provided by the said indenture, and it was thereby agreed and declared that it should be lawful for the said Hannah Eliza Watkins, from time to time, and at any time or times, by any deed or deeds (but without prejudice to any previous exercise of any of the powers thereinbefore contained), to vary or revoke all or any of the uses, trusts, estates, powers, and authorities, thereinbefore limited and declared, of and concerning the said lands, hereditaments, and premises, and the said sum of one thousand five hundred pounds, or any of them, or any part or parts thereof; and by the same or any other deed, or deeds, to declare any new or other uses, estates, trusts, or powers of, and concerning, the said lands, hereditaments, and premises, and the said sum of one thousand five hundred pounds, the uses or trusts whereof respectively should be so varied or revoked as aforesaid: And whereas Mary Eliza Wallis, who, at the date of the said first mentioned indenture, was the wife of the said Joseph Wallis, departed this life on the twentieth day of January, one thousand eight hundred and seventy-six; and there were living on the seventeenth day of May, one thousand eight hundred and seventy-eight, five children of the said Joseph Wallis and the said Mary Eliza Wallis: And whereas the said Joseph Wallis intermarried with Mary Jane Wallis on the ninth day of December, one thousand eight hundred and seventy-six, and there was living on the seventeenth day of May, one thousand eight hundred and seventy-eight, one child of the said last-mentioned marriage: And whereas the said Hannah Eliza Watkins was desirous of altering and varying the uses, trusts, estates, powers, and authorities of the said indenture of the twenty-second day of June, one thousand eight hundred and seventy-five: And whereas by indenture bearing
date

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date the seventeenth day of May, in the year one thousand eight hundred and seventy-eight, and made between the said Hannah Eliza Watkins of the first part, the said Joseph Wallis of the second part, the said Mary Jane Wallis of the third part, and the said Stephen John Pearson and Reverend John Douse Langley, thereafter called "the said trustees," of the fourth part, it was witnessed that, *inter alia*, in order to effectuate the said desire, the said Hannah Eliza Watkins did, in pursuance of any and every power in anywise enabling her to vary and revoke certain of the uses, trusts, powers, and authorities contained in the said indenture of the twenty-second day of June, one thousand eight hundred and seventy-five, so as to comply with the directions thereafter in the now reciting indenture contained thereby, direct that it should be lawful for the said trustees to lend and advance to the said Joseph Wallis, out of the said sum of one thousand five hundred pounds, any sum or sums of money not exceeding five hundred pounds that might be required to purchase, advance, or carry on any business, stock, plant, or appurtenances for the said Joseph Wallis that might be approved of by the said trustees: And the said trustees were to lend such sum upon such terms and conditions, and to take such security as they might think most advisable: And whereas certain other directions were given by the said Hannah Eliza Watkins in the now reciting indenture: And whereas the said Hannah Eliza Watkins died on the seventeenth day of January, one thousand eight hundred and eighty-one: And whereas there is no power or authority conferred by either of the hereinbefore recited indentures of the twenty-second day of June, one thousand eight hundred and seventy-five, and the seventeenth day of May, one thousand eight hundred and seventy-eight, upon the said trustees to use or expend any of the moneys arising from the said lands in erecting and constructing houses or other buildings and improvements on the said lands, or in maintaining, repairing, or making additions to the houses and buildings already erected or which may hereafter be erected thereon: And whereas the said Joseph Wallis has expended his own proper moneys in the erection of houses, buildings, and other improvements on the said lands, and in obtaining a Torrens' title to part thereof, and there is no power or authority conferred by either of the said last-mentioned hereinbefore recited indentures upon the said trustees to repay to the said Joseph Wallis the moneys so expended: And whereas it is expedient that such powers and authorities as are hereinbefore referred to should be conferred upon the said Stephen John Pearson and Reverend John Douse Langley or other, the trustees for the time being of the said recited indentures: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Power to trustees
to invest in buildings
and improvements.

1. It shall be lawful for the said Stephen John Pearson and Reverend John Douse Langley, or the trustee or trustees for the time being of the said indentures of the twenty-second day of June, one thousand eight hundred and seventy-five, and the seventeenth day of May, one thousand eight hundred and seventy-eight, in their discretion to apply such part of the rents, issues, and profits of the lands comprised in the said hereinbefore recited indentures, and of the moneys arising from the sale thereof, and of the income arising from the investment of such moneys, as may be necessary for the purpose of pulling down, either wholly or in part, the house heretofore known as "Southwood House," facing the Old South Main Road on the said land, and in erecting and constructing, at a cost not exceeding one thousand pounds, a new house and other buildings and improvements
in

Silkstone Coal-mine Railway Act Amending.

in lieu thereof, and in maintaining, repairing, and making additions to the houses and buildings already erected or which may be hereafter erected upon the said lands.

2. It shall be lawful for the said Stephen John Pearson and Reverend John Douse Langley, or the trustees for the time being of the said indentures in the first section hereof mentioned, to repay to the said Joseph Wallis, as and when they in their discretion shall think fit, all or any portion of the moneys, not exceeding in the whole the sum of five hundred pounds, heretofore expended by him in the erection and construction of houses, buildings, and other improvements on the said lands, and in obtaining a Torrens' title to part of the said lands.

Power to trustees
to re-imburse
Joseph Wallis
moneys expended
by him.

3. It shall be lawful for the said Stephen John Pearson and Reverend John Douse Langley to pay out of the moneys in the first section hereof mentioned, or out of any other moneys in their hands, subject to the trusts of the said indentures in the first section hereof also mentioned, all reasonable expenses incurred by them in procuring the passing of this Act.

Power to trustees to
pay costs of this Act.

4. This Act shall be styled the "Watkins-Wallis Trust Estate Act of 1892."

Short title.