

REDFERN ESTATE
TRUST.

An Act to appoint John Alexander to be the Trustee of certain Indentures of Lease and Release by way of Settlement bearing date respectively the second and third days of August one thousand eight hundred and forty-two and for other purposes therein mentioned. [2nd October, 1847.]

Preamble.

WHEREAS by indentures of lease and release by way of settlement bearing date respectively the second and third days of August one thousand eight hundred and forty-two and made between William Lachlan Macquarie Redfern Esquire of the first part James Alexander Esquire and Sarah Alexander his wife of the second part and John Alexander of Sydney in the Colony aforesaid merchant and John Betts and David Wallace merchants of the third part all that parcel of land containing one hundred acres more or less situated in Sydney in the Colony aforesaid bounded on the north by a west line of thirty chains commencing at the south-west corner of the Surry Hill Farm on the west by a south line of thirty-four chains on the south by an east line of thirty chains and on the east by a north line of thirty-four chains passing through the swamp and which said parcel of land is known as the Redfern Estate was together with other property conveyed and assured unto and to the use of the said John Alexander John Betts and

Redfern Estate Trust.

and David Wallace their heirs and assigns upon and for the trusts ends intents and purposes and with under and subject to the powers provisoes agreements and declarations therein mentioned expressed and contained of and concerning the same And whereas by an indenture bearing date the twenty-second day of February one thousand eight hundred and forty-three indorsed on the said last hereinbefore in part recited indenture of the third day of August one thousand eight hundred and forty-two and made between the said John Alexander and David Wallace of the one part and the said John Betts of the other part the said John Alexander and David Wallace did irrevocably disclaim unto the said John Betts all the lands and hereditaments granted and conveyed by the hereinbefore in part recited indentures of settlement to them in conjunction with the said John Betts together with the conveyance thereof respectively made as aforesaid by the same indentures of settlement and all the trusts powers and authorities whatsoever by the same indentures given to or vested in them the said John Alexander and David Wallace in conjunction with the said John Betts as aforesaid upon or over the same hereditaments And whereas portions of the said lands and hereditaments have been sold under the trusts of the said indentures of settlement And whereas the said John Betts departed this life on the first day of September one thousand eight hundred and forty-six leaving an infant heir him surviving And whereas there now remains no trustee of the said indentures of settlement and no sufficient power in the said indentures of settlement to appoint a new trustee or trustees in the place of the said trustees and trustee who have so disclaimed and who has so died as aforesaid And whereas from the nature of the trusts of the said indentures of settlement no trustee can be appointed by the Supreme Court of the said Colony who could perform the trusts of the said indentures of settlement And whereas it would be greatly for the benefit of the persons interested under the said indentures of settlement to have a trustee appointed to carry out the trusts of the said indentures of settlement and such persons are desirous that the said John Alexander should be reinstated in the said trusts and be henceforth empowered to act therein in like manner as if he had not executed such disclaimer as aforesaid and the said John Alexander hath consented and agreed thereto Be it therefore enacted by His Excellency the Governor of New South Wales with the advice of the Legislative Council thereof That the said John Alexander shall henceforth be a trustee of the said indentures of settlement and that the lands and hereditaments hereinbefore particularly described (except such part or parts thereof as is or are sold under the trusts or powers contained in the said indentures of settlement) shall henceforth be vested in the said John Alexander his heirs and assigns upon the trusts and to and for the ends intents and purposes and with under and subject to the powers provisoes and declarations mentioned expressed and contained in and by the said indentures of settlement of the second and third days of August one thousand eight hundred and forty-two concerning the said hereditaments and that henceforth the said John Alexander shall be invested with and have the same trusts powers and authorities to all intents and purposes as if he had been originally appointed the sole trustee of the said indentures of settlement and had not disclaimed as aforesaid.

2. And be it further enacted That this Act shall be binding upon the said William Lachlan Macquarie Redfern James Alexander and Sarah his wife and all and every the child and children of the bodies of the said James Alexander and Sarah his wife now born or hereafter to be born and the said John Alexander and every trustee of the said indentures 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.

John Alexander to be trustee and lands and hereditaments to be vested in him excepting such parts thereof as have been sold.

This Act to be binding on W. L. M. Redfern James Alexander and wife and their children.

Commercial Banking Company.

This Act not to invest John Alexander with any larger estate than John Betts would have had if now alive.

3. Provided nevertheless and be it further enacted That nothing in this Act contained shall invest or be deemed or construed to invest the said John Alexander his heirs or assigns or the trustees or trustee to be appointed under and by virtue of this Act with any larger or other estate in the said lands and hereditaments than the said John Betts would have had in the same if he were now living.

Not to affect rights of Her Majesty or of anybody or person but those for whose benefit passed.

4. Provided always and be it enacted That nothing in this Act 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 or for whose especial benefit this Act is passed or those claiming from or under him her or them.

Not to come into operation until Royal assent notified.

5. And be it enacted That this Act shall come into operation so 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*.

Publication in *Government Gazette* to be admitted as *prima facie* evidence.

6. And be it enacted That the production of the *New South Wales Government Gazette* containing or purporting to contain 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.
