

An Act to confirm and give effect to an Agreement for the partition of certain Lands and Hereditaments situated in the Town of Bathurst settled by the late William Lee of Kelso upon his daughters Maria Brady and Elizabeth Lord and also for the sale of certain other Lands and Hereditaments in the Town of Bathurst devised by the said William Lee in trust for his three daughters Maria Brady Elizabeth Lord and Mary Jane Austin and their issue. [21st January, 1874.]

LEE'S
PARTITION AND
SALE.

WHEREAS certain articles of Agreement were recently made Preamble. and entered into in the words and figures following that is to say—" Articles of agreement made the eighth day of September one thousand eight hundred and seventy-three between George William Lord of Sydney in the Colony of New South Wales Esquire and Elizabeth his wife of the first part Maria Brady of Sydney aforesaid the wife of James Brady Adelaide Jane Brady of Sydney aforesaid spinster Albert Henry Brady of the same place gentleman Emily Sophia Brady an infant of the age of eighteen years or thereabouts and Edric Hubert Brady an infant of the age of sixteen years or thereabouts (the said Adelaide Jane Brady Albert Henry Brady Emily Sophia Brady and Edric Hubert Brady being the four children of the said Maria Brady) of the second part Robert Speir Austin of Sydney aforesaid Esquire and Mary Jane his wife of the third part John Lee and George Lee both of Bathurst in the said Colony Esquires of the fourth part and Thomas Lee of Bathurst aforesaid Esquire and the said John Lee and George Lee of the fifth part Whereas by an indenture dated the twenty-seventh day of October one thousand eight hundred and forty-three and made between William Lee therein described of the first part Mary the wife of the said William Lee of the second part John Dargin and Thomas Kite of the third part and James William Bligh of the fourth part for the considerations therein expressed the several parcels of land and hereditaments particularly described in the first Schedule hereunder written were (*inter alia*) released and confirmed unto and to the use of the said John Dargin and Thomas Kite their heirs and assigns upon trust when and so soon as the said Maria Brady and Elizabeth Lord should severally and respectively attain the age of twenty-one years or marry (events which have happened) as to one moiety or half part of the said lands and hereditaments for the said Maria Brady her heirs and assigns and as to the other moiety for the said Elizabeth Lord her heirs and assigns and to convey and assure the same to the said Maria Brady and Elizabeth Lord their heirs and assigns respectively as tenants in common And whereas by an indenture dated the fifth day of April one thousand eight hundred and sixty-one and made between James Brady of the first part the said Maria Brady of the second part the said William Lee of the

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“ third part and the said John Dargin and Thomas Kite of the fourth
“ part after reciting the hereinbefore recited indenture of the twenty-
“ seventh day of October one thousand eight hundred and forty-three
“ and that the said Mary Lee was then living and that the said Maria
“ Lee was then the wife of the said James Brady and had issue by the
“ said James Brady and that the said Elizabeth Lee was then the wife
“ of the said George William Lord (in the said indenture called George
“ Lord) and had issue by the said George William Lord and that the
“ said James Brady was by virtue of his said marriage with the said
“ Maria Lee and of his having issue by her entitled during the joint
“ lives of him and his said wife to the rents of one undivided moiety
“ of the said several parcels of land and hereditaments (particularly
“ described in the said first Schedule hereto) and to an estate for life in
“ the said moiety in the event of his surviving his said wife and that the
“ said William Lee had contracted with the said James Brady for the
“ absolute purchase of the said estate and interest of the said James
“ Brady of and in the said several lands and hereditaments for the sum
“ of five hundred pounds and that the said parties thereto were desirous
“ of having the said hereditaments settled to the uses thereinafter
“ declared it was witnessed that in pursuance of such desire and in
“ consideration of the natural love and affection which the said William
“ Lee had and bore to his said daughter Maria Brady and in con-
“ sideration of five hundred pounds to the said James Brady paid by
“ the said William Lee the said James Brady at the request of and by
“ the direction of the said William Lee did surrender and yield up
“ unto the said John Dargin and Thomas Kite their heirs and assigns
“ and did also direct and appoint and the said Maria Brady did direct
“ and appoint according to their several and respective estates rights
“ and interests therein the one undivided moiety of her the said Maria
“ Brady of and in the said lands in the first Schedule hereto par-
“ ticularly described unto the said John Dargin and Thomas Kite
“ their heirs and assign to such uses upon such trusts and for such
“ ends intents and purpose as the said Maria Brady should by any
“ deed or by her last will and testament and notwithstanding cover-
“ ture direct limit or appoint and for want of and until such direction
“ limitation or appointment or so far as the same should not extend
“ in trust for the said Maria Brady during her life to her sole and
“ separate use and free from the debts control interference or engage-
“ ments of her then present or any future husband And whereas
“ the estate of the said James Brady was by an order of the Supreme
“ Court of New South Wales bearing date the first day of June
“ one thousand eight hundred and sixty-one duly placed under
“ sequestration according to law and Frederick William Perry was
“ duly appointed the Official Assignee of the said Insolvent Estate And
“ whereas by an indenture dated the twelfth day of June one thousand
“ eight hundred and sixty-one and made between the said William
“ Lee of the first part the said John Dargin and Thomas Kite of the
“ second part the said John Lee and George Lee of the third part and
“ the said Maria Brady of the fourth part It is witnessed that for the
“ considerations therein expressed the said Maria Brady in pursuance
“ and performance of the power of appointment to her given and
“ limited by the said recited indenture of the fifth day of April one
“ thousand eight hundred and sixty-one did appoint and the said John
“ Dargin and Thomas Kite did release unto the said John Lee and
“ George Lee their heirs and assigns the said moiety to which she the
“ said Maria Brady was so entitled under the said recited indentures
“ of the twenty-seventh day of October one thousand eight hundred
“ and forty-three and the fifth day of April one thousand eight hundred
“ and sixty-one as aforesaid to hold the same unto the said John Lee
“ and

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“ and George Lee their heirs and assigns to the use of the said Maria Brady during the term of her natural life without impeachment of waste and to her sole and separate use apart from her then present or any future husband but so that the said Maria Brady should not in anywise sell or mortgage charge or incumber the said hereditaments by way of anticipation or otherwise and from and immediately after her decease to the use of the said Adelaide Jane Brady Albert Henry Brady Emily Sophia Brady and Edric Hubert Brady therein called Edward Herbert Brady and every other child of the said Maria Brady born in lawful wedlock their heirs and assigns as tenants in common And whereas by an order of the Supreme Court of New South Wales bearing date the ninth day of February one thousand eight hundred and sixty-three the said Frederick William Perry was removed from the office of Official Assignee of the said estate of the said James Brady and Robert Hamilton Sempill was appointed to be the Official Assignee thereof in his stead And whereas by a decree of the said Supreme Court made on the tenth day of November one thousand eight hundred and sixty-five in a certain suit in Equity wherein the said Robert Hamilton Sempill was plaintiff and the said William Lee James Brady and Maria Brady John Dargin Thomas Kite George Lee and John Lee were defendants and on appeal from a certain decree made in the same cause on the second day of March then last by his Honor Mr. Justice Milford the Primary Judge it was (amongst other things) declared that the said recited indentures of the fifth day of April and the twelfth day of June one thousand eight hundred and sixty-one so far as the same related to the said parcels of land and hereditaments in the first schedule hereto particularly described were and each of them was void as against the creditors of the said James Brady and also against the plaintiff as such Official Assignee of the estate and effects of the said James Brady And whereas the said William Lee duly made and published his last will dated on or about the second day of November one thousand eight hundred and sixty-eight whereby he appointed the said Thomas Lee John Lee and George Lee trustees and executors to whom he gave and bequeathed his personal estate upon trust amongst other things to set apart and to invest in Government securities in New South Wales or Queensland or upon mortgage of freehold estate or on real securities in New South Wales three several sums of two thousand five hundred pounds one thousand pounds and one thousand pounds with power from time to time to vary the investments thereof for others of a like nature and as to the said sum of two thousand five hundred pounds and the funds and securities upon which the same should be invested he declared that his said trustees or trustee for the time being should pay the dividends or annual produce thereof into the proper hands of his daughter Mary Jane Austin for and during the term of her natural life for her sole and separate use apart from any husband and so that her receipts alone should notwithstanding coverture be sufficient discharges for such dividends and annual proceeds and from and immediately after the decease of his said daughter Mary Jane Austin he declared that his said trustees or trustee for the time being should stand possessed of the said last-mentioned trust fund of two thousand five hundred pounds and the securities thereof to such uses upon such trusts and for such ends intents and purposes as his said daughter Mary Jane Austin should notwithstanding coverture by deed or will or any codicil or codicils to a will direct or appoint and in default of such direction or appointment to the lawful issue of the said Mary Jane Austin such issue if more than one to take in equal shares as tenants in common per *stirpes* and not per *capita* and

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“ and in case there should be no issue of the said Mary Jane Austin
“ living at the time of her decease then that the said trust fund of two
“ thousand five hundred pounds and the securities thereof should be
“ held in trust for his other daughters Maria Brady and Elizabeth
“ Lord and their issue lawfully begotten who should be living at the
“ time of the decease without issue of his said daughter Mary Jane
“ Austin share and share alike as tenants in common and as to the
“ two several trust funds of one thousand pounds and one thousand
“ pounds and the securities thereof he declared that one of such last-
“ mentioned trust funds should be upon like trusts for his daughter
“ Maria Brady and her issue and the other of them upon like trusts
“ for his daughter Elizabeth Lord and her issue as were therein before
“ declared in favour of his said daughter Mary Jane Austin and her
“ issue with reference to the said sum of two thousand five hundred
“ pounds and the securities thereof and that in case his said two
“ daughters Maria Brady and Elizabeth Lord or either of them should
“ die without leaving lawful issue living at the time of their or her
“ decease the fund to which such issue would have been entitled if
“ then living should go to his surviving daughters and their issue or
“ such of them as should be living at the time of the decease without
“ issue of his said two last-mentioned daughters or either of them and
“ the said testator also devised to his said trustees all that parcel of
“ land messuages or tenements and premises situated in George-street
“ in the town of Bathurst which he purchased from Edward Hughes
“ and George Thomas Bonner and which were conveyed to him by
“ indenture dated the thirteenth day of August one thousand eight
“ hundred and sixty-eight upon trust to pay the rents and profits
“ thereof in equal portions to his said three daughters Mary Jane
“ Austin Maria Brady and Elizabeth Lord in equal shares during the
“ term of their respective natural lives and for their own separate use
“ apart from husbands and upon the death of each one of his said
“ respective daughters the share of such daughter so dying should go
“ to such of her children or other issue lawfully begotten as she should
“ notwithstanding coverture by deed or will or any codicil or codicils
“ to a will direct or appoint and for want of appointment or so far as
“ the same should not extend to her children or other lawful issue in
“ equal shares as tenants in common if more than one per *stirpes* and
“ not per *capita* and in case of the death or failure of issue of any one
“ or more of his said daughters whether such death and failure of issue
“ should happen in his lifetime or after his decease then that the share
“ of the daughter or respective daughters and of her or their issue or
“ respective issue so dying should go to the surviving daughter or res-
“ pective surviving daughter and her or their issue or respective issue
“ lawfully begotten and be held upon the like trust in favour of such
“ surviving daughter or respective surviving daughters and her or their
“ issue respectively as were thereinbefore declared with reference to
“ the deceased daughter or respective deceased daughters and her or
“ their issue or respective issue and the testator thereby declared that
“ all females entitled under his will to any estates real or personal
“ should enjoy the same to their respective separate use apart
“ from their husbands and free from the debts control interference or
“ engagements of such husbands And whereas the said William Lee
“ died on or about the eighteenth day of November one thousand eight
“ hundred and seventy without having revoked or altered his said will
“ save by a codicil bearing date the fourteenth day of July one thousand
“ eight hundred and seventy which did not in any wise affect those
“ portions of the will which are hereinbefore recited and the said will
“ was on or about the thirtieth day of December one thousand eight
“ hundred and seventy duly proved by the said Thomas Lee John Lee
“ and

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“ and George Lee as such executors as aforesaid in the Supreme Court
“ of New South Wales And whereas by an indenture dated the
“ eleventh day of August one thousand eight hundred and seventy-one
“ and made between the said Robert Hamilton Sempill Official
“ Assignee of the estate of the said James Brady of the first part the
“ said George William Lord of the second part and the said John Lee
“ and George Lee of the third part in consideration of five hundred
“ pounds to the said Robert Hamilton Sempill paid by the said George
“ William Lord the said Robert Hamilton Sempill as such Official
“ Assignee as aforesaid did release and assign unto the said George
“ William Lord his heirs executors administrators and assigns all the
“ estate right title interest benefit claim and demand whatsoever both
“ at law and in equity of him the said Robert Hamilton Sempill as such
“ Official Assignee as aforesaid or otherwise howsoever of in and to
“ the one equal undivided moiety or half part and other the share and
“ interest formerly of the said Maria Brady of in to out of and upon
“ the several pieces or parcels of land and hereditaments comprised
“ and described in the first schedule hereto and of in and to the rents
“ issues and profits thereof accrued since the fifteenth day of April
“ one thousand eight hundred and seventy and thereafter to accrue
“ due whether acquired under and by virtue of the hereinbefore recited
“ decree or otherwise howsoever together with all right of suit in
“ connection therewith to hold the same with the appurtenances unto
“ and to the use of the said George William Lord his heirs executors
“ administrators and assigns according to the several natures and
“ tenures thereof respectively upon trust in the first place to secure to
“ the said George William Lord his executors administrators and
“ assigns the repayment by the said Maria Brady her executors and
“ administrators out of her separate estate on demand of the sum of
“ five hundred pounds so paid by him for the purchase of the said
“ right and interest as aforesaid together with interest as therein
“ mentioned and subject thereto upon trust for the said John Lee and
“ George Lee their heirs and assigns to be held by them upon the
“ trusts declared in and by the hereinbefore recited indenture of the
“ twelfth day of June one thousand eight hundred and sixty-one or
“ such and so many thereof as should or might be then subsisting
“ undetermined and capable of taking effect and to the intent that the
“ same might merge in the estate right title and interest thereby
“ vested in the said John Lee and George Lee their heirs and assigns
“ or intended so to be in such and the same manner as if the said suit
“ had never been instituted and the cause of the said suit had never
“ arisen And whereas by an indenture bearing date the twenty-fourth
“ day of June one thousand eight hundred and seventy-two and made
“ between the said George William Lord of the first part the said
“ Maria Brady of the second part the said John Lee and George Lee
“ of the third part and the said Thomas Lee John and George
“ Lee of the fourth part in consideration of five hundred pounds to the
“ said George William Lord paid by the said Thomas Lee John Lee and
“ George Lee the trustees of the will of the said William Lee deceased
“ out of the said sum of one thousand pounds so bequeathed in trust for
“ the said Maria Brady and her issue the said George William Lord so far
“ as he lawfully could or might at the request and by the direction of
“ the said Maria Brady John Lee and George Lee did grant and release
“ unto the said John Lee and George Lee all that the estate and
“ interest of him the said George William Lord under or by virtue of
“ the said recited indenture of the eleventh day of August one thou-
“ sand eight hundred and seventy-one of and in the said several parcels
“ of land and hereditaments comprised and described in the said first
“ schedule hereto to hold the same unto and to the use of the said John
“ Lee

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“ Lee and George Lee their executors administrators and assign upon trust in the first place to secure to the said Thomas Lee John Lee and George Lee as such trustees of the will of the said William Lee deceased as aforesaid the repayment by the said Maria Brady her executors or administrators out of her separate estate on demand of the amount then due and owing to the said George William Lord his executors administrators and assigns in respect of the said sum of five hundred pounds so secured to him by virtue of the said recited indenture of the eleventh day of August one thousand eight hundred and seventy-one as aforesaid together with interest thereon and payable at the times and in manner therein mentioned and upon due payment thereof then upon trust for the said John Lee and George Lee their heirs and assigns to be held by them upon the trusts and to and for the ends intents and purposes declared in and by the said therein and hereinbefore recited indentures of the twelfth day of June one thousand eight hundred and sixty-one and the eleventh day of August one thousand eight hundred and seventy-one or such of the same trusts as should be then subsisting undetermined and capable of taking effect And whereas neither the said recited indenture of the twenty-seventh day of October one thousand eight hundred and forty-three nor the said recited will of the said William Lee contain any powers for the partition or sale of the properties so settled and devised as hereinbefore mentioned and by reason of the complication of interests involved it is impossible to improve utilize or properly manage the portions thereof hereinafter referred to without a partition or sale thereof And whereas the said parties hereto of the first and second parts have proposed to make partitions of so much of the hereditaments comprised in the said first schedule hereto as is particularly described and comprised in the second and third schedules hereto in the manner hereinafter appearing And whereas the parties hereto of the first second and third parts have also proposed to the said Thomas Lee John Lee and George Lee as such executors and trustees of the said William Lee deceased as aforesaid to sell and dispose of the property situate in George-street in the town of Bathurst so devised by the said William Lee deceased in trust for the said Mary Jane Austin Maria Brady and Elizabeth Lord and their issue as hereinbefore recited And whereas it being impossible to carry out the wishes of the said parties hereto of the first second and third parts without the intervention of the Legislature application is about to be made to the Parliament of New South Wales for an Act to effectuate the same Now it is hereby mutually agreed and declared by and between the said several persons parties hereto as follows :—

“ 1. That the said Elizabeth Lord shall take and be entitled to the hereditaments described in the second schedule hereto and that the same shall be vested in her the said Elizabeth Lord her heirs and assigns in fee simple freed and discharged from all right title part share interest claim and demand of the said several persons parties hereto of the second fourth and fifth parts and every other child of the said Maria Brady born or to be born and every of them their and every of their heirs executors administrators and assigns respectively therein and thereto.

“ 2. That the said lands and hereditaments described in the third schedule hereto shall belong to and be vested in the said John Lee and George Lee their heirs and assigns upon the same trusts and to and for the same uses ends intents and purposes as are now or but for the execution and confirmation of the partition hereby proposed to be effected would have been subsisting with respect to the undivided moiety formerly of the said Maria Brady in the lands

“ and

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“ and hereditaments described in the said first schedule hereto so far
 “ as the same are still subsisting and capable of taking effect freed
 “ and discharged from all right title part share interest claim and
 “ demand of the said Elizabeth Lord and of the said George William
 “ Lord in right of the said Elizabeth Lord his wife his and her heirs
 “ executors administrators and assigns therein or thereto.

“ 3. The said Thomas Lee John and George Lee or the survivors or survivor of them shall sell the said property situate in George-street in the town of Bathurst so devised by the said William Lee deceased in trust for the said Mary Jane Austin Maria Brady and Elizabeth Lord and their issue as hereinbefore recited as soon as conveniently may be either by public auction or by private contract and in such parcels or allotments and with such rights-of-way in and over the same as they or he shall deem expedient subject to such terms and conditions and for such price or prices and whether for cash or on credit as can be reasonably obtained for the same and when sold shall release and convey the same to the purchaser or purchasers thereof in fee simple freed and discharged from the trusts created by the said will and the receipt or receipts of the said Thomas Lee John Lee and George Lee or the survivors or survivor of them for the purchase money to arise from any such sale or sales shall effectually discharge the person or persons paying the same from all liability in respect of the moneys in such receipt or receipts expressed to be received and such person or persons shall not be bound to see or enquire into the necessity or propriety of such sale or into the misapplication or non-application of the moneys arising therefrom.

“ 4. The said Thomas Lee John Lee and George Lee shall hold the net proceeds to arise from the sale of the said last-mentioned property in trust to invest the same in the manner directed by the said testator William Lee in respect of the aforesaid legacies of two thousand five hundred pounds one thousand pounds and one thousand pounds respectively as hereinbefore recited and upon trust to apply the dividends and annual income thereof in the mode provided by the said testator with respect to the rents and profits of the said property in George-street Bathurst and to divide the corpus thereof when divisible in the manner provided in reference to the said property by the said testator with respect to the shares of each of his three daughters and their issue or upon trusts as nearly similar thereto as the altered nature of the property and the rules of law and equity will permit.

“ 5. That in the event of no Act of the Legislature being passed to effectuate the objects of these articles within the period of twelve calendar months from the date hereof then these presents shall at the expiration of such period be absolutely null and void as from the date thereof and all parties or their representatives shall be remitted to the position which they would occupy had these articles never been executed.

“ THE FIRST SCHEDULE.

“ All that piece or parcel of land containing by admeasurement one rood and twenty-four perches in the town parish and county of Bathurst allotment number seven of section number two bounded on the south-west by allotment number six south forty-eight and a half degrees east two chains Commencing at the gaol and court house reserve on the south-east by William-street north forty-one and a half degrees east two chains on the north-east by allotment number eight north forty-eight and a half degrees west two chains to the gaol and court house reserve and on the north-west by the reserve south forty-one and a half degrees west two chains being the allotment sold as lot twelve in pursuance of the advertisement of the sixth day of January one thousand

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" thousand eight hundred and thirty-four Also all that parcel of land containing by admeasurement two roods (more or less) and situate in the town parish and county aforesaid being allotment number nineteen of section number two bounded on the south-east by a line bearing south forty-one and a half degrees west Commencing at the south corner of allotment number fourteen five chains on the south-west by a line north forty-eight and a half degrees west one chain on the north-west by a line north forty-one and a half degrees east five chains and on the north-east by a line south forty-eight and a half degrees east one chain being the allotment sold as lot sixty-three in pursuance of advertisement of the thirteenth day of November one thousand eight hundred and thirty-four Also all that parcel of land containing by admeasurement two roods and situated in the town parish and county aforesaid being allotment number twenty of section number two bounded on the south-east by a line south forty-one and a half degrees west Commencing at the south corner of allotment number thirteen five chains on the south-west by a line north forty-eight and a half degrees west one chain on the north-west by a line north forty-one and a half degrees east five chains and on the north-east by a line south forty-eight and a half degrees east one chain being the allotment sold as lot sixty-four in pursuance of advertisement of thirteenth November one thousand eight hundred and thirty-four Also all that parcel of land containing by admeasurement two roods and situate in the town parish and county aforesaid allotment number twenty-one of section number two bounded on the south-east by a line south forty-one and a half degrees west Commencing at the south corner of allotment number twelve five chains on the south-west by a line north forty-eight and a half degrees west one chain on the north-west by a line north forty-one and a half degrees east five chains and on the north-east by a line south forty-eight and a half degrees east one chain being the allotment sold as lot sixty-five in pursuance of advertisement of thirteenth day of November one thousand eight hundred and thirty-four Also all that parcel of land containing by admeasurement two roods and situated in the town parish and county aforesaid being allotment number twenty-two of section number two bounded on the south-east by a line south forty-one and a half degrees west five chains on the south-west by a line north forty-eight and a half degrees west one chain on the north-west by a line north forty-one and a half degrees east five chains and on the north-east by a line south forty-eight and a half degrees east one chain being the allotment sold as lot sixty-six in pursuance of advertisement of thirteenth day of November one thousand eight hundred and thirty-four Also all that parcel of land containing by admeasurement one rood and twenty-four perches situated in the town parish and county aforesaid being allotment number six of section number two bounded on the south-west by Howick-street south forth-eight and a half degrees east two chains Commencing at the corner of the gaol and court house reserve on the south-east by William-street north forty-one and a half degrees east two chains on the north-east by allotment number seven north forty-eight and a half degrees west two chains to the gaol and court house reserve and on the north-west by that reserve south forty-one and a half degrees west two chains being the allotment sold as lot eleven in pursuance of advertisement of sixth day of January one thousand eight hundred and thirty-four And also all those messuages or tenements shops stores and buildings erected on the said six allotments or parcels of land hereinbefore particularly described or upon some or one of them and which said six several allotments or parcels of land were conveyed to the said William Lee by indentures of lease and release bearing date respectively the thirty-first day of August and first day of September one thousand eight hundred and forty and made between John Liscombe of the first part the said William Lee of the second part John Betts Thomas Burdekin and Edye Manning of the third part the said William Lee of the fourth part and Gilbert Wright of the fifth part and by indentures of lease and release bearing date respectively the fifth and sixth days of June one thousand eight hundred and forty-one and made between George Rankin Robert Smith David Maxwell Irving George Busby James Garnett Ewer and John Liscombe of the first part the said George Busby John Liscombe James Garnett Ewer and James Byrne Richards Henry Perrier and John Street of the second part the said William Lee of the third part and Gilbert Wright of the fourth part.

" THE SECOND SCHEDULE.

" All that piece or parcel of land situate and lying in the parish of Bathurst in the county of Bathurst and Colony of New South Wales and be the hereinafter mentioned dimensions all more or less Commencing on the north-east side of Howick-street at its intersection with Barrack-lane being a point two hundred and eighty-nine feet nine inches north-westerly from William-street and bounded on the south-west by said Howick-street bearing west forty-one degrees thirty minutes north one hundred and five feet eleven inches on the north-west by a line bearing north forty-one degrees thirty minutes east three hundred and thirty feet on the north-east by a line bearing east forty-one degrees thirty minutes south one hundred and five feet eleven inches and on the south-east by Barrack-lane aforesaid bearing south forty-one degrees thirty minutes west three hundred and thirty feet to the point of commencement Also all that piece or parcel of land situate and lying in the parish county and Colony aforesaid and be the hereinafter mentioned dimensions all more or less Commencing on the north-east

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“ north-east side of Howick-street one hundred and forty-eight feet eleven inches north-west from William-street and bounded on the south-west by Howick-street bearing west forty-one degrees thirty minutes north one hundred and twenty-five feet three inches on the north-west by Barrack-lane bearing north forty-one degrees thirty minutes east three hundred and thirty feet on the north-east by a line bearing east forty-one degrees thirty minutes south one hundred and forty-one feet three inches on the south-east by a line bearing south forty-one degrees thirty minutes west one hundred and ninety-one feet seven inches again on the south-west by the termination of a lane and bearing west forty-one degrees thirty minutes north sixteen feet and lastly on the south-east by said lane bearing south forty-one degrees thirty minutes west one hundred and thirty-eight feet five inches to the point of commencement. And also all that piece or parcel of land situate and lying in the parish county and Colony aforesaid and be the hereinafter mentioned dimensions all more or less. Commencing at a point one hundred and nineteen feet three inches north-easterly from the intersection of William-street with Howick-street and bounded on the south-east by William-street bearing north forty-one degrees thirty minutes east twenty-nine feet two inches on the north-east by a line bearing west forty-one degrees thirty minutes north one hundred and thirty-two feet eleven inches to a lane sixteen feet wide on the north-west by that lane bearing south forty-one degrees thirty minutes west twenty-nine feet two inches and on the south-west by a line bearing east forty-one degrees thirty minutes south one hundred and thirty-two feet eleven inches to the point of commencement together with full right to the use as heretofore enjoyed of all the rights of way roads lanes and streets laid out or existing on near or contiguous to the said lands and hereditaments.

“ THE THIRD SCHEDULE.

“ All that piece or parcel of land situate and lying in the parish of Bathurst in the county of Bathurst and Colony of New South Wales and be the hereinafter mentioned dimensions all more or less. Commencing at the intersection of William-street with Howick-street and bounded on the south-east by William-street bearing north forty-one degrees thirty minutes east one hundred and nineteen feet three inches on the north-east by a line bearing west forty-one degrees thirty minutes north one hundred and thirty-two feet eleven inches to a lane sixteen feet wide on the north-west by that lane bearing south forty-one degrees thirty minutes west one hundred and nineteen feet three inches and on the south-west by Howick-street bearing east forty-one degrees thirty minutes south one hundred and thirty-two feet eleven inches to the point of commencement together with the right to the use as heretofore enjoyed of all rights of way roads lanes and streets laid out or existing on near or contiguous to the said land and hereditaments.

“ In witness whereof the said parties have hereunto set their hands and seals the day and year first before written.”

And whereas the said articles were duly executed by the said several parties thereto and also acknowledged by the said Elizabeth Lord Maria Brady and Mary Jane Austin. And whereas the said articles of agreement truly set forth the title to the said lands and hereditaments therein particularized or referred to. And whereas neither the indenture of settlement of the twenty-seventh day of October one thousand eight hundred and forty-three nor the will of the said William Lee recited in the said articles of agreement contain any powers for the partition or sale of the properties so settled and devised by the said instruments respectively as recited in the said articles of agreement. And whereas the said Emily Sophia Brady and the said Edric Hubert Brady parties to the said articles of agreement are infants and as such are incapable by law of making a valid agreement of partition without the authority of Parliament. And whereas the said recited agreement with respect to the sale of the land and hereditaments devised by the will of the said William Lee cannot be rendered binding upon the infant children of the said Elizabeth Lord Maria Brady and Mary Jane Austin without the authority of Parliament. And whereas it is expedient and would be greatly to the benefit of all parties entitled as well in possession as also in reversion or expectancy to the said several properties so proposed to be partitioned and sold as in the said articles of agreement mentioned that the said articles of agreement should be confirmed and the objects thereof effectuated. Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and

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consent

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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 in second Schedule vested in Mrs. Lord.

Land in third Schedule vested in Mrs. Brady's trustees.

Power of sale of lands in George-street Bathurst and investment of proceeds.

Short title.

1. The lands and hereditaments specified in the second Schedule to the said articles of agreement shall as from the day of the date thereof be and remain vested in the said Elizabeth Lord her heirs and assigns in the manner expressed and declared in and by the first operative clause of the said articles of agreement and freed and discharged as therein expressed.

2. The land and hereditaments specified in the third Schedule to the said articles of agreement shall as from the day of the date thereof be and remain vested in the said John Lee and George Lee their heirs and assigns to the uses and upon the trusts declared or referred to in and by the second operative clause of the said articles of agreement and freed and discharged as therein expressed.

3. The said Thomas Lee John Lee and George Lee and the survivors and survivor of them and other trustees or trustee for the time-being of the will of the said William Lee deceased shall have and may exercise the power of sale and conveyance conferred or intended or purported to be conferred by the third operative clause of the said articles of agreement and shall have such power of giving receipts and discharges as therein expressed and shall stand possessed of the proceeds of the sale or sales made under the aforesaid power upon such trusts as are expressed and declared in and by the fourth operative clause of the said agreement.

4. This Act shall be called "Lee's Partition and Sale Act of 1873."