

UTHER ESTATE
LEASING.
—

An Act to authorize Walter Iredale Uther and Hulton Smyth King or other the Trustee or Trustees for the time being of the will of Reuben Uther late of Sydney deceased to lease portion of the real estate of the said Reuben Uther. [27th August, 1886.]

Preamble.

WHEREAS Reuben Uther late of Sydney deceased died on the tenth day of July one thousand eight hundred and eighty seized of the lands and hereditaments in the Schedule hereto described and having first duly made and executed his last will and testament dated the twentieth day of November one thousand eight hundred and seventy-three and the codicils thereto dated respectively the eighteenth day of November one thousand eight hundred and seventy-four the twenty-fifth day of August one thousand eight hundred and seventy-six the twenty-sixth day of January one thousand eight hundred and seventy-seven and the sixth day of July one thousand eight hundred and eighty whereby he appointed and devised the said lands and hereditaments unto and to the use of Walter Iredale Uther and Hulton Smyth King upon certain trusts for the benefit of Ann Uther Walter Iredale Uther Henry Albert Uther Caroline Uther (his wife) Wilhelmina Uther (now Wilhelmina King) James King (her husband) Florence Uther (now Florence Harris) William Harris (her husband) Frances King Hulton Smyth King (her husband) Jessie Barker Hugh Barker (her husband) Clara Kezia Bedford Marks Samuel Marks (her husband) Emma Barker William Barker (her husband) since deceased Stanley Herbert Uther Charlotte Elizabeth Uther (his wife) Adelaide Ann Uther since deceased Helen Welch and Eliza Hosking during their lives And whereas Jane Uther Mary Uther Harold Uther Ada King Leonard Uther Harris George Hulton Smyth King Walter Uther Smyth King William Cooper Smyth King Angelina Ann Smyth King Minnie Elizabeth Smyth King Isabella Charlotte Smyth King Ada Rosalie Smyth King Florence Emily Smyth King Theodore Barker Herbert Barker Ernest Marks Zoa Marks Annie Marks Lily Marks Evelyn Maud Marks William Mandeville Barker Emily Barker Jessie Ann Barker Emma Jane Barker Ruby Uther Stanley Uther the younger are the children of the said life beneficiaries and as such entitled in remainder to the said lands under the said will and together with the first above-mentioned beneficiaries are the sole persons interested therein And whereas several of the said children are still of tender years and under age And whereas by the said will the Trustee or Trustees thereof were empowered to grant leases of the said real estate until the whole or any portion thereof should be sold under the said trusts for any term not exceeding seven years in possession And whereas no portion of the said real estate in the Schedule hereto mentioned and described has been sold and it is found impossible to let the same upon such leases with full advantage to the said persons beneficially entitled thereout and the said real estate remains wholly or to a large extent unproductive And whereas the said real estate can now be let on building or other leases for a large rent and upon favourable conditions as to building and otherwise and it is desirable that the said Walter Iredale Uther and Hulton Smyth King or other the Trustee or Trustees for the time being of the said will should be empowered

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empowered to grant such lease or leases of the said real estate for any period not exceeding twenty-one years in possession with and subject to such conditions as to building and otherwise as such Trustee or Trustees may in his or their discretion deem expedient. 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:—

1. It shall be lawful for the said Walter Iredale Uther and Hulton Smyth King or the Trustee or Trustees for the time being of the said will of the said Reuben Uther to execute and make any lease or leases of the said land and hereditaments or any part thereof described in the Schedule hereto to any person or persons who shall covenant to improve the same by erecting thereon any house or building or by repairing or rebuilding any house or building which may be now or hereafter shall be standing thereon or by otherwise expending in improvements such moneys as such Trustee or Trustees shall deem adequate and subject to such further covenants as the said Trustee or Trustees may deem expedient but so that every such lease shall be for a term not exceeding twenty-one years to take effect in possession and shall be at the best rent that can be reasonably obtained for the same having regard to the covenants to be performed on the part of the lessee or lessees but without taking anything in the nature of a fine or premium for the making thereof and so that there be contained in every such lease a covenant by the lessee or lessees for the payment of the rent thereby reserved and a condition of re-entry for non-payment thereof within a reasonable time to be therein specified and for non-observance or non-performance of the covenants by the lessee or lessees and so that the lessee or lessees do execute a counterpart thereof.

Power to lease.

2. It shall and may be lawful for the said Walter Iredale Uther and Hulton Smyth King to reimburse themselves out of the moneys in their hands under the trusts of the said will all the expenses incurred by them of and incidental to this Act.

Power to Trustees to reimburse themselves expenses.

3. This Act may be cited as the "Uther Estate Leasing Act of 1886."

Short title.

THE SCHEDULE.

All that piece or parcel of land situate lying and being in the parish of St. James city of Sydney in the County of Cumberland Colony of New South Wales and be the hereinafter mentioned several dimensions all more or less and being portion of lot seven of section thirty-five Commencing at the intersection of the eastern side of Pitt-street with the southern side of a gateway eight feet nine inches wide and bounded on the west by Pitt-street aforesaid bearing northerly seventy-four feet four inches on the north by a line bearing easterly one hundred and sixty-three feet six inches on the east by a line bearing southerly one hundred and thirty-three feet seven inches on the south by lines bearing westerly one hundred and twenty-one feet one inch and forty-four feet six inches to Pitt-street aforesaid again on the west by Pitt-street bearing northerly fifty-one feet and a quarter inch again on the north by a line being the centre of a party-wall bearing easterly eighty-three feet nine inches again on the west by a line in the centre of a party-wall bearing northerly seven inches again on the north by a line in the centre of a party-wall bearing easterly twenty-two feet again on the west by a line bearing northerly thirteen feet eight inches again on the south by the southern side of gateway aforesaid bearing westerly twenty-two feet five inches northerly ten inches and lastly westerly eighty-three feet ten inches to the point of commencement and being numbers one hundred and sixty-eight one hundred and seventy one hundred and seventy-two one hundred and seventy-four one hundred and seventy-eight one hundred and eighty one hundred and eighty-two Pitt-street and five stores and one stable at rear.

All that piece or parcel of land situate lying and being in the parish of Alexandria in the county of Cumberland Colony of New South Wales and be the hereinafter mentioned several dimensions all more or less Commencing at the intersection of the northern

Bowenfels Coal-mining and Copper-smelting Company's Railway (Sale and Vesting).

northern side of Cooper-street Surry Hills with the western side of Hercules (late Young) street and bounded on the south by Cooper-street aforesaid bearing westerly one hundred and eighty-seven feet six inches to Holt-street on the south-west by said Holt-street bearing north-westerly fifty-six feet four inches on the north-west by a line bearing north-easterly one hundred and fifty-eight feet three inches on the west by a line bearing northerly one hundred and eighteen feet to Kippax-street on the north by the southern side of that street bearing easterly seventy-eight feet to Hercules-street aforesaid and on the east by the western side of that street bearing southerly two hundred and fifty-four feet to the point of commencement.
