

An Act to enable the Trustees of the Will of HANSON'S TRUST.
Alcander Charles Hanson deceased to sell
or join with the proper persons in selling
certain Trust Real Estate. [26th May,
1876.]

WHEREAS Joseph Samuel Hanson late of the Colony of New Preamble.
South Wales on the first day of August one thousand eight
hundred and forty-seven duly made and executed his last will and
testament of that date by which he gave devised and bequeathed all
his real and personal estate of what nature kind or description soever
and wheresoever the same might be situated unto his dear wife Mary
Hanson and his friends Francis Mitchell Charles Mitchell and John
Campbell their heirs executors administrators and assigns according to
the nature and quality thereof respectively To hold the same unto
the said Mary Hanson Francis Mitchell Charles Mitchell and John
Campbell and the survivors and survivor of them and the heirs
executors administrators and assigns of such survivor upon trust and
to the uses following that was to say upon trust in the first place to
pay satisfy and discharge all his just debts funeral and testamentary
expenses and legacies and after payment thereof to pay the rents interests
and proceeds of his said real and personal estate for her support and
for the maintenance education and advancement in life of all his children
by his said wife during such time as she might remain a widow and
unmarried and upon his said wife being married to pay his said wife one-
eighth part of the annual rents interests and proceeds of his said real
and personal estate but declared that the same should not be liable to
the debts and control of any future husband whom she might marry
And to pay and apply a sufficient part of the residue rents interests
and proceeds of his said real and personal estate for and towards the
maintenance and education and advancement in life of all his said
children during their minorities and upon his said children attaining
the age of twenty-one years upon trust to pay convey and assure his
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said real and personal estate unto and amongst all his said children in equal shares and proportions share and share alike with benefit of survivorship between and amongst them if any or either of them should die without issue under the age of twenty-one years and if all of them should die without issue under the age of twenty-one years to the use of his own right heirs for ever and after bequeathing a legacy to his mother and naming a guardian of his children during their minorities appointed his said wife executrix and Francis Mitchell Charles Mitchell and John Campbell executors of his said will And whereas the said Joseph Samuel Hanson died on the seventh day of June one thousand eight hundred and fifty-two without having in any way revoked or altered his said will And whereas Alcander Charles Hanson a son of the said Joseph Samuel Hanson on the fourth day of January one thousand eight hundred and seventy duly made and executed his last will and testament of that date by which after directing the payment of all his just debts funeral and testamentary expenses and appointing Albert George Hanson and his dear wife Elizabeth Esther Hanson trustees and executors of his said will and making a bequest in favour of his said wife devised all estates vested in him as mortgagee unto and to the use of his said trustees their heirs executors administrators and assigns respectively subject to the equities and trusts affecting the same respectively and so far as he was beneficially interested as mortgagee to be disposed of as thereafter mentioned And the said testator by his said will gave devised and bequeathed unto his said trustees the rents and all other moneys and property he was or which he might be at any time thereafter entitled to under his father's will and also the interests to be derived from money invested by him on mortgage or otherwise upon the following trusts and directed his trustees or trustee therein mentioned to pay the said rents and interest to his said wife during her life the same to be had and received by her for her own sole and separate use and benefit and free from the debts control or engagements of any husband with whom she might intermarry after his decease and directed that his said wife should out of the income so as aforesaid to be received by her maintain educate and bring up his children being sons until the age of twenty-one years and being daughters until that age or marriage and in the event of any of the property in which he was interested under his father's will being sold by the persons beneficially interested therein or in the event of any of the moneys then invested by him on mortgage or otherwise being repaid or remaining in hand he directed his said trustees to invest all and every the said moneys in or upon any of the public funds or securities of the Colony of New South Wales or any real or leasehold securities in the said Colony with liberty to the said trustees or trustee to vary and transpose the investment from time to time for any other investment of the description aforesaid and directed that his said trustees should stand possessed of and interested in the said trust estate upon trust to pay the interest of the moneys so invested to his said wife during her life for her own sole separate and exclusive use and benefit and after the decease of his said wife directed his trustees or the trustee or trustees for the time being of his said will to stand seized of all the said money so payable to his wife during her life upon trust to pay to each child of his who being a male should attain the age of twenty-one years or being a female should attain that age or marry his or her share of the said rents and other money the share or shares of such child or children being a daughter or daughters to be for her or their sole and separate use Provided always that if any child of his should be an infant at the death of his said wife his trustees or trustee should apply the income of the expectant share of such infant for or towards

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towards his or her maintenance and education or should accumulate the said income if and so far as the same should not be required for the purposes aforesaid by investing the same and the resulting income thereof to the intent that such accumulation might be added to the principal of the said share and follow the destination thereof and on the youngest of his children attaining the age of twenty-one years or being a daughter attaining that age or marrying then the said testator directed his said trustees or the trustee or trustees for the time being of his said will to sell and convert into money all the property real and personal of which he might so die seized for the best prices that could be gotten for the same by public auction or private contract as to his said trustees or trustee might seem fit and after paying all necessary expenses attending such sale and reimbursing to themselves all necessary charges and expenses which they might incur with reference to the trusts of his said will to divide the proceeds equally between his children and the share of any such child being a daughter being had and received by her at all times for her own sole separate and exclusive use and benefit and the said testator empowered his trustees or trustee for the time being of his said will to give receipts for all moneys and effects to be paid or to be delivered to them by virtue of his will and declared that such receipts should exonerate the persons taking the same from all liability to see to the application or disposition of the moneys or effects therein mentioned and the said testator declared that if the trustees thereby appointed or either of them should die in his life time or if they or either of them or any future trustee or trustees of his said will should die or desire to retire from or refuse or become incapable to act in the trusts of his said will before the same should be fully performed then and in every such case it should be lawful for his said wife during her life and after her decease for the continuing trustee or trustees for the time being of his said will or if there should be no continuing trustee then for the retiring or refusing trustees or trustee or the executors or administrators of the last acting trustee to appoint any other person or persons to be a trustee or trustees in the place of the trustee or trustees so dying or desiring to retire or refusing or becoming incapable to act as aforesaid with liberty upon any such appointment to increase or diminish the original number of trustees and upon every such appointment the trust premises should be so conveyed and transferred that the same might become vested in the new trustee or trustees either jointly with the continuing trustee or trustees or solely as the case might require and every such new trustee (as well before as after the trust premises should have become vested in him) should have all the powers and authorities of a trustee in whose place he should be substituted and the said testator exempted every trustee of his said will from liability or losses occurring without his own wilful neglect or default and authorized him to retain and allow to his co-trustee all expenses incidental to the trusteeship and lastly revoked all former and other wills And whereas the said Alexander Charles Hanson died on the twenty-ninth day of May one thousand eight hundred and seventy-three without having in any way revoked or altered his said will And whereas by an indenture bearing date the seventeenth day of November one thousand eight hundred and seventy-four and made between the said Elizabeth Esther Hanson of the first part Albert George Hanson of Sydney aforesaid gentleman and the said Elizabeth Esther Hanson of the second part and William Henry Peisley the younger of Orierton Park of the third part reciting in part the said will of the said Alexander Charles Hanson and reciting that the said Albert George Hanson was desirous of being discharged from the trusts of the thereinbefore and hereinbefore mentioned will and that the said Elizabeth Esther Hanson was desirous of appointing the said William
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Henry Peisley the younger to be a trustee of the said will in the place and stead of the said Albert George Hanson The said Elizabeth Esther Hanson in exercise of the power given to her by the thereinbefore and hereinbefore recited will and of every other power or authority in anywise enabling her in that behalf did thereby nominate and appoint the said William Henry Peisley the younger to be a trustee of the said recited will in the place and stead of Albert George Hanson And the said Albert George Hanson and Elizabeth Esther Hanson did and each of them did thereby grant bargain sell release and confirm unto the said William Henry Peisley the younger and his heirs all the lands hereditaments and real estates then vested in the said Albert George Hanson and the said Elizabeth Esther Hanson upon and subject to the trusts powers and provisions of the said recited will and all the estate right title interest property claim and demand whatsoever both at law and in equity of them the said Albert George Hanson and Elizabeth Esther Hanson and each of them of in to or out of the said hereditaments and premises to have and to hold the said lands hereditaments and premises thereby released or otherwise assured or expressed and intended so to be unto the said William Henry Peisley the younger and his heirs to the use of the said Elizabeth Esther Hanson and to William Henry Peisley the younger their heirs and assigns upon and for the trusts intents and purposes and with under and subject to the powers provisions and declarations in and by the said thereinbefore and hereinbefore recited will expressed declared and contained of and concerning the same And whereas the youngest of the children of the said Alcander Charles Hanson has not attained or married under the said age of twenty-one years And whereas all the persons beneficially interested under the said will of the said Joseph Samuel Hanson except the said trustees of the said will of the said Alcander Charles Hanson are capable of joining in selling the said real estate so as aforesaid devised by such will of the said Joseph Samuel Hanson and are desirous of selling the same And whereas such sales cannot be made and carried out by reason only that the said trustees of the said will of the said Alcander Charles Hanson have not now power of selling or joining in selling and conveying any such real estate And whereas it would be for the benefit and advantage of the several persons beneficially entitled under the said will of the said Alcander Charles Hanson that the trustees of such will should at once and before the youngest of the said Alcander Charles Hanson's children being a son attaining the age of twenty-one years and being a daughter attaining or marrying under that age have power to sell and concur with those interested under the said will of the said Joseph Samuel Hanson in selling the real estate devised by such will And whereas the said sale and joining in selling by the said trustees of the said will of the said Alcander Charles Hanson cannot be carried out without an Act in that behalf of the Legislature of New South Wales And whereas it is expedient that such trustees of the said will of the said Alcander Charles Hanson should have such power to sell or to join with the proper persons in selling the said real estate devised by the said will of the said Joseph Samuel Hanson and to invest the moneys or proportion of moneys coming to them upon any such sale Be it 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 authority of the same as follows :—

Power to sell.

1. It shall be lawful for the trustees or trustee for the time being of the said will of the said Alcander Charles Hanson from time to time and at any time to sell or to join with all proper and necessary parties in selling either together or in parcels and either by public auction or private contract the real estate to which the said Alcander Charles Hanson was at
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at the time of his death entitled under the said will of the said Joseph Samuel Hanson and upon any such sale or sales to make or join or concur in making any stipulations or conditions as to title or evidence or commencement of title or otherwise and to buy in or rescind or vary any contract for sale and to resell without being responsible for any loss arising or being occasioned thereby.

2. It shall also be lawful for the said trustees or trustee for the time being of the said will of the said Alcander Charles Hanson to concur in the carrying out and completing any sale of the said real estate devised by the said will of the said Joseph Samuel Hanson or any part of it in which the said Alcander Charles Hanson was at the time of his death interested which may have been or may be before or after the passing of this Act agreed to be made and carried out by the parties interested in the land so agreed to be sold other than the said trustees or trustee and under whatever contracts terms stipulations or conditions such sale may have been agreed to be made or carried out if the carrying out and completing of such sale shall in the absolute discretion of the said trustees or trustee appear proper.

Power to concur in sales already agreed to or made.

3. It shall be lawful for the said trustees or trustee for the time being of the said will of the said Alcander Charles Hanson to execute and do and to join and concur with any proper or necessary parties in executing and doing any deed instrument or thing for effectuating any sale hereby authorized and vesting in any purchaser or purchasers the said real estate or any part or parts of the same.

Power to join in conveyance.

4. Upon the execution by the said trustees or trustee for the time being of the said will of the said Alcander Charles Hanson of any conveyance of land sold under the power in that behalf hereby conferred the person or persons to whom the same shall be conveyed shall so far as concerns the estate and interest therein of the said Alcander Charles Hanson and the said trustees or trustee and the persons beneficially entitled under the will of the said Alcander Charles Hanson have the same estate as if such conveyance had been executed by the said Alcander Charles Hanson in his life time or as if the said trustees or trustee had a now immediate power of sale.

Estates conveyed vested in purchasers.

5. The said trustees or trustee for the time being of the said will of the said Alcander Charles Hanson shall invest their proportion of the net moneys arising from every such sale or sales after payment of all the expenses of and attendant upon the same in and upon such securities as are authorized by the said will of the said Alcander Charles Hanson and with power to vary any such investment as in the said will declared and the said trustees or trustee shall stand possessed of the securities in or into which the said moneys shall be invested or transposed upon the same trusts as are declared in the said will of the said Alcander Charles Hanson with respect to his trust estate therein mentioned.

Direction to invest.

6. The receipts for the purchase moneys of any property hereby authorized to be sold in which the said trustees or trustee of the said will of the said Alcander Charles Hanson shall join shall effectually discharge the person or persons paying the same therefrom so far as concerns the share and proportion of the said trustees or trustee and the persons beneficially interested under the said will of the said Alcander Charles Hanson and from being bound to see to the application or being answerable for the loss or misapplication thereof so far as concerns such share and proportion as aforesaid.

Receipt clause.

7. This Act may be cited as the "Hanson's Trust Act 1876." Short title.