

[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

No. , 1921.

---

---

## A BILL

To appoint Jeannie Mitchell to be a trustee of the will of Peter Stuckey Mitchell, and to vary the provisions of the said will with regard to the payment to her of an annuity.

---

---

**W**HEREAS Peter Stuckey Mitchell, of Bringen-<sup>Preamble.</sup>  
brong, in the State of New South Wales, grazier  
(hereinafter called "the testator"), made his last will,  
dated the twenty-third day of October, one thousand  
nine hundred and sixteen, and three codicils thereto,  
dated the twenty-fifth day of May, one thousand nine  
hundred and seventeen, the fifteenth day of December,  
one thousand nine hundred and seventeen, and the  
29749 327—( ) twenty-fourth

twenty-fourth day of March, one thousand nine hundred and twenty, respectively (which said will and codicils are hereinafter referred to as "the said will"): And whereas the testator appointed Alfred Henry Chesterman, of Sydney, in the State of New South Wales, chairman of the Closer Settlement Advisory Board; Walter George Henderson, of Albury, in the said State, solicitor; and James Stephens, of Albury aforesaid, bank manager (hereinafter called "the said trustees"), executors and trustees of his said will: And whereas the testator, by his said will, after making certain bequests and other provisions, not material to be herein stated, devised and bequeathed all his real and personal estate, not thereby otherwise disposed of, unto the said trustees, and directed the said trustees, subject to and without interfering with the other trusts and provisions contained in the said will, to pay to his wife, Jeannie Mitchell, an annuity of five thousand pounds per annum: And whereas the testator further directed and expressed his desire that, subject to the trusts thereinbefore declared, the whole or all that remained of the net income of his residuary estate, and the moneys producing the same, should be known as "The Peter Mitchell Trust," and should be applied to and for the benefit of certain charitable purposes more particularly described in the said will: And whereas the testator died on the fourth day of January, one thousand nine hundred and twenty-one, and probate of the said will was duly granted to the said trustees by the Supreme Court of New South Wales in its probate jurisdiction on the seventeenth day of March, one thousand nine hundred and twenty-one: And whereas the testator shortly before his death had expressed his intention of making further and better provision for his said wife, and was desirous that his said wife should be appointed a trustee of his said will: And whereas the testator died before a further testamentary document could be prepared and executed for the purpose of giving effect to his said intention and desire: And whereas it is expedient that the terms of the said will should be varied in so far as is necessary to more fully express and carry out the intention and wishes

wishes of the testator: Be it therefore enacted by the King'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.** This Act may be cited as the "Will of P. S. Mitchell (Declaratory) Act, 1921." Short title.

**2.** The said Jeannie Mitchell, the widow of the testator, is hereby appointed to be a trustee of the said will of the testator, and the expression "my trustees," in the said will, shall include the said Jeannie Mitchell in addition to the said trustees: Testator's widow appointed a trustee of his will.

Provided that the said Jeannie Mitchell shall not be entitled to any portion of the commission payable to the said trustees under the said will.

**3.** The direction contained in the said will for payment by the said trustees to the said Jeannie Mitchell of an annuity of five thousand pounds shall be read and construed as a direction to the said trustees to pay to her during her lifetime the whole of the net income of the residuary estate of the testator, and the said Jeannie Mitchell shall be entitled, subject to the terms and dispositions of the will relating to payment of the said annuity, to be paid, as from the date of the death of the testator, the whole of the said net income: Income of residuary estate to be paid to testator's widow.

Provided that if in any year the said net income shall be less than five thousand pounds, the said trustees, if requested by the said Jeannie Mitchell so to do, shall pay to her, out of the capital of the said estate, a sufficient sum to bring her income up to five thousand pounds for the said year.

**4.** Except in so far as is necessary to give effect to the last two preceding sections, nothing in this Act shall be deemed to affect the trusts declared by or the provisions contained in the said will; and save as aforesaid, nothing in this Act shall affect or prejudice the rights of any person claiming to be entitled, as a beneficiary under the said will or otherwise, to any portion of the estate of the testator. Existing rights and claims not to be prejudiced.