
Moore's Trust Bankstown Land Sale Ordinance of 1944.

No. 12, 1944.

AN ORDINANCE to authorise the sale exchange mortgage or lease of certain land situated at Bankstown in the State of New South Wales vested in the Trustees of the Will of the late Thomas Moore and to provide for the application of the proceeds thereof and for other purposes.

WHEREAS Thomas Moore late of Liverpool in the State of New South Wales now deceased duly made his Will dated the sixth day of February One thousand eight hundred and thirty-nine whereby he devised unto the Right Reverend William Grant Broughton Lord Bishop of Australia, Alexander McLeay and Robert Campbell all his real and personal Estate upon trust to realise the personalty and with the proceeds thereof to purchase fee simple lands to be held upon the trusts thereafter declared as to the Testators other lands. And after declaring certain special trusts for appropriating certain lands for the establishment and maintenance of a college to be called "Moore's College" Testator directed that his other lands should be held by his Trustees upon trust to apply the income thereof upon the trusts in his said Will more particularly declared.

AND WHEREAS by the "Moore's College Lands Sale and Variation of Trusts Ordinance 1921" it was declared that by reason of circumstances subsequent to the creation of the said trusts in the hereinbefore recited Will contained it had become inexpedient to carry out or observe the trusts of the Church Trust Property described in the First Second and Third Schedules to such Ordinance of which the land described in the Schedule hereto formed part thereof and it was ordained that the said Church Trust Property shall be held upon trust and the income thereof be applied for the maintenance and support of the College established at Newtown known as "Moore College."

* AND WHEREAS the said Thomas Moore died on or about the twenty-fourth day of December One thousand eight hundred and forty without having revoked or altered his said Will except by a Codicil not material hereto and Probate of the said Will and Codicil was on the second day of February One

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thousand eight hundred and forty-one duly granted by the Supreme Court of New South Wales in its Ecclesiastical Jurisdiction to the Right Reverend William Grant Broughton, Alexander McLeay and Robert Campbell the Executors therein named.

AND WHEREAS the present Trustees under the said trusts of the Will of the said Thomas Moore are the Most Reverend Howard West Kelvinton Mowll of the City of Sydney in the State of New South Wales Doctor of Divinity Archbishop of Sydney and the Venerable Herbert Smirnoff Begbie of Sydney aforesaid Archdeacon and Archibald Lewis Blythe of Sydney aforesaid Gentleman (hereinafter referred to as "the Trustees").

AND WHEREAS the land described in the Schedule hereto is the whole of the land comprised in Certificate of Title Volume 1078 Folio 189 issued to the then Trustees under the said Will namely:—the Most Reverend William Saumarez Smith, The Very Reverend William Macquarie Cowper and the Hon. Edward Knox subject to a caveat by the Registrar-General.

AND WHEREAS by reason of circumstances subsequent to the creation of the aforesaid trusts it is expedient to sell exchange mortgage or lease the said land.

AND WHEREAS by reason of circumstances subsequent to the creation of the said trusts of the said land it has become inexpedient to carry out or observe such trusts in their entirety.

NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and in the place of the said Synod ordains declares directs and rules as follows:—

1. By reason of circumstances subsequent to the creation of the hereinbefore mentioned trusts it is expedient to sell exchange mortgage or lease the said land.

2. The said land may be sold by public auction or private contract either in one lot or in several lots at such time or times at such price or prices and upon such terms and conditions as the Trustees may deem expedient free from such trusts as aforesaid.

3. The Trustees are hereby authorised and empowered to subdivide the said land and for the purpose of such subdivision or for any other purpose to grant and dedicate and to form and

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make any roads paths drains water-courses rights-of-way or other easements or rights thereout or in connection therewith and to grant and dedicate any land for any public purpose as the Trustees may deem expedient freed from any trust whatsoever. And the Trustees are hereby empowered to execute and do any deed or deeds and any other instrument or instruments and all such acts matters measures and things necessary for the purpose of carrying into effect any sale or sales exchange mortgage lease or other dealing or matter authorised by this Ordinance.

4. The Trustees may at any time and from time to time let the said land or any part or parts thereof for any term or terms not exceeding fifty years to take effect in possession at such rent or rents and upon such terms covenants and conditions as the Trustees may deem expedient freed from any trust whatsoever.

5. The Trustees are hereby empowered to exchange the said land or any part or parts thereof freed from any trust whatsoever for any other land or lands.

6. The Trustees are hereby empowered to mortgage from time to time the whole or any part of the said land freed from any trust whatsoever for the purpose of borrowing moneys to enable the Trustees to carry into effect any one or more of the matters authorised by this Ordinance.

7. By-reason of circumstances subsequent to the creation of the hereinbefore trusts it has become inexpedient to carry out and observe such trusts in so far as such trusts are hereby varied.

8. The moneys arising from the said sale or sales exchange mortgage or lease shall after deducting thereout all rates taxes and other outgoings properly chargeable against the said land and all costs charges and expenses of and incidental to this Ordinance and the said sale or sales and the transfer or transfers of the said land in pursuance thereof and any exchange mortgage or lease including the expenses incurred in connection with the subdivision or any matters authorised by this Ordinance shall be held upon trust and may be applied for such purpose or purposes in connection with the College established at Newtown known as "Moore College" as the Committee constituted by "The Moore Theological College Ordinance of 1919" (or any Ordinance amending or taking the place of the same) with the approval of the Trustees may from time to time determine.

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9. The said moneys subject to such deductions as aforesaid, may be invested in accordance with the provisions of the "Investment of Church Trust Property Ordinance 1944" or any Ordinance amending or taking the place of the same.

10. For the purposes of this Ordinance the expression "The Trustees" shall where the context permits mean and include the Trustees or Trustee for the time being of the Will of the said Thomas Moore deceased.

11. This Ordinance may be cited as "Moore's Trust Bankstown Land Sale Ordinance of 1944."

THE SCHEDULE HEREINBEFORE REFERRED TO.

All that piece of land situated in the Parish of Bankstown and County of Cumberland containing forty-four acres thirty perches or thereabouts commencing on the Southern side of Liverpool Road at its intersection with a Road fifty links wide and bounded thence on the East by the last mentioned Road bearing Southerly thirty-four chains eighty-five and three-fifths links to land of Eliza Ward on the South by part of that land bearing Westerly twelve chains sixty-six and one-fifth links to land of S. Wallace on the West by that land bearing Northerly thirty-four chains fifty-seven links to Liverpool Road aforesaid on the North-west and on the North by the building lines of that Road bearing North-easterly one chain thirty-one links and Easterly four chains ninety-two and one-half links and six chains fifty-nine and three-fifths links to the point of commencement being the land delineated in the Public Map of the said Parish deposited in the Office of the Surveyor-General originally granted as fifty acres to Thomas Moore by Crown Grant dated the fourteenth day of April One thousand eight hundred and thirty-one.

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I certify that the Ordinance as printed is in accordance with the Ordinance as reported.

W. G. HILLIARD, Bishop.

Deputy Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney this twentieth day of December, 1944.

H. V. ARCHINAL.

Diocesan Secretary.

I assent to this Ordinance.

HOWARD SYDNEY.

22nd December, 1944.