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*Thomas Moore Trust Property Sale Ordinance 1938.*

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No. 4, 1938.

AN ORDINANCE to authorise the sale of certain land held by the Trustees of the Will of the late Thomas Moore and to provide for the application of the proceeds of sale and for other purposes.

WHEREAS Thomas Moore by his Will dated the sixth day of February 1839 and his Codicil dated the tenth day of March 1840 gave devised and bequeathed unto the Trustees named therein inter alia all and every his real estate lands tenements hereditaments messuages and premises to have and to hold the same as to part thereof upon certain trusts more particularly set forth in the said Will and Codicil and as to a certain residue therein mentioned "upon trust to apply the income arising therefrom as to one-fourth for the promotion of Christian knowledge; as to one-fourth for the augmentation of salaries of Clergymen; as to one-fourth for the maintenance and support of widows of Clergymen; and as to one-fourth for the relief and support of pious and necessitous persons of the Church of England communion as more particulary set forth therein."

AND WHEREAS there was no power to sell the lands mentioned in the said Will.

AND WHEREAS the said Thomas Moore died on the twenty-fourth day of December 1840 and Probate thereof was on the second day of February 1841 granted by the Supreme Court of New South Wales to the executors therein mentioned.

AND WHEREAS the present Trustees of the said Will are The Most Reverend Howard West Kilvinton Mowl The Venerable Archdeacon Herbert Smirnoff Begbie and Herbert Langley Tress.

AND WHEREAS the land more particularly described in the Schedule hereto formed part of the real estate of the said Thomas Moore and has been held by the Trustees of the said Will subject to the trusts relating thereto.

AND WHEREAS the land mentioned in the Schedule hereto forms part of the land coming under the said Will and is Church Trust property and is hereinafter referred to as the said land.

AND WHEREAS it is expedient to sell the said land.

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AND WHEREAS it is intended that the proceeds of sale of the said land should be held upon the trusts under and subject to which the said land is at present held.

AND WHEREAS by reason of circumstances subsequent to the creation of the aforesaid trusts it has become inexpedient to carry out and observe such trusts in so far as the same are hereby varied and it is expedient to vary such trusts in manner hereinafter mentioned.

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

1. By reason of circumstances subsequent to the creation of the said trusts to which the said land is now subject it has become inexpedient to carry out or observe such trusts to the extent to which the same are varied by this Ordinance and it is expedient that such trusts should be varied accordingly.

2. The said land may be sold by public auction or private contract together or in lots at such price for cash or on credit and upon such terms and conditions as the said Trustees may determine with power to rescind or vary any contract.

3. The proceeds arising from the said sale after payment thereof of all outgoings properly chargeable against the said land and all costs charges and expenses of and incidental to this Ordinance and the said sale and all things arising out of the said sale shall be held upon the trusts under and subject to which the said land is at present held.

4. The said net proceeds of sale may be invested in one or more of the investments following that is to say:—

- (a) Investments for the time being allowed by the law of any of the States of the Commonwealth of Australia for the investment of trust funds.
- (b) The purchase of real estate within the Commonwealth.
- (c) Fixed Deposit in any Bank carrying on business within the Commonwealth.

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- (d) Debentures of any Harbour Trust or Board of Works within the Commonwealth.
- (e) Municipal debentures of any State Capital.
- (f) Deposits in any Government Savings Bank within the Commonwealth.

and the said Trustees may from time to time vary or release any of such investments.

5. Whenever herein used the words "the said Trustees" shall mean and include the Trustees for the time being of the Will of the said late Thomas Moore.

6. This Ordinance may be cited as the "Thomas Moore Trust Property Sale Ordinance 1938."

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THE SCHEDULE.

FIRSTLY: All That parcel of land in the City of Sydney Parish of St. Philip and County of Cumberland having a frontage of 46ft 4 $\frac{1}{2}$ ins to Bridge Street by a depth on the western side of 80ft 9 $\frac{1}{2}$ ins and on the eastern side of 87ft 8 $\frac{1}{2}$ ins with a rear line of 46ft 5 $\frac{1}{2}$ ins and having an area of 14 $\frac{1}{2}$  perches being the whole of the land comprised in Certificate of Title Volume 4231 Folio 153 and being the premises known as Nos. 13 and 15 Bridge Street.

SECONDLY: All That parcel of land in the City of Sydney Parish of St. Philip County of Cumberland containing 1 $\frac{1}{2}$  perches situated at the rear of the premises hereinbefore described Commencing at the south-western corner of the land comprised in Certificate of Title Volume 4231 Folio 153 and bounded thence on the north-west by that land bearing north eighty-four degrees thirty-two minutes east forty-six feet five inches and one half of an inch on the north-east by the land comprised in Crown Grant Volume 31 Folio 55 bearing south thirteen degrees twenty-four minutes east nine feet and five-eighths of an inch to the building line of Bridge Lane on the south-east by that lane bearing south

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eighty-four degrees thirty-two minutes ten seconds west forty-six feet five inches and one-half of an inch and on the south-west by the north-eastern boundary of the land comprised in Crown Grant Volume 77 Folio 27 bearing north thirteen degrees twenty minutes west nine feet and five-eighths of an inch to the point of commencement and being the land contained in Crown Grant Volume 4354 Folio 68.

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

W. J. G. MANN,  
Acting Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney this twenty-fifth day of July, 1938.

H. V. ARCHINAL,  
Diocesan Secretary.

I assent to this Ordinance.

26th July, 1938.

HOWARD SYDNEY.