
*Thomas Moore Trust Property (Moore's Flat) Sale
Ordinance of 1935.*

No. 20, 1935.

AN ORDINANCE to authorise the sale of certain land situate near Sutton Forest in the State of New South Wales held by the Trustees of the Will of the late THOMAS MOORE and to provide for the application of the proceeds of sale thereof.

WHEREAS the land described in the first and second parts of the Schedule hereto is Church Trust property AND WHEREAS the land described in the first part of the said Schedule is vested in the Trustees of the Will of the late Thomas Moore who died on the Twenty-fourth day of December 1840 upon the trusts by such Will declared and expressed with reference to the rest residue and remainder of the Estate of the said Thomas Moore deceased therein mentioned AND WHEREAS the land described in the second part of the said Schedule is vested in the Most Reverend Howard West Kilvinton Mowll, the Right Reverend Sydney James Kirkby and Herbert Langley Tress as prior Trustees of the Will of the said Thomas Moore deceased upon the trusts aforesaid 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 their entirety in so far as they affect the said land and it is expedient to sell the said land and to vary such trusts in manner hereinafter mentioned and to make the further provisions hereinafter contained AND WHEREAS that part of the said land which is comprised in the first part of the Schedule hereto is Old System Freehold title and for the purposes of facilitating the sale hereby authorised it may be deemed expedient to have the same brought under the provisions of the Real Property Act Now Therefore the Standing Committee of the Synod of the Diocese of Sydney in the name and 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 in their entirety and it is expedient to sell the said land and to vary such trusts in manner hereinafter appearing.

2. The said land may be sold by the Trustees for the time being of the Will of the said Thomas Moore deceased either by

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public auction or private contract together or in lots for cash or on credit and at such price or prices and upon such terms and conditions as the said Trustees may determine, with power to vary or rescind any contract for sale and with a view to facilitating the sale or sales hereby authorised the said Trustees are hereby authorised at their discretion to make application to have that part of the said land which is comprised in the first part of the Schedule hereto brought under the provisions of the Real Property Act.

3. The purchase money to arise from any sale or sales of the said land or any part or parts thereof shall be paid to the said Trustees and so much thereof as shall be required for such purposes shall be applied by the said Trustees in the payment of all outgoings properly chargeable against the said land and all costs charges and expenses of and incidental to this Ordinance and of and incidental to any sale or sales of the said land or any part or parts thereof and of any survey and subdivision thereof and of any application which may be made by the said Trustees to have that part of the said land which is described in the first part of the Schedule hereto brought under the provisions of the Real Property Act and the balance of the said purchase money shall be held by the said Trustees upon the same trusts as those upon which the said land is now held.

4. The net proceeds arising from any such sale or sales 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.
- (d) Debentures of any Harbour Trust or Board of Works within the Commonwealth.
- (e) Municipal Debentures of any State Capital.
- (f) Mortgage bonds under any of the Savings Banks Acts of the Federal Government or any State within the Commonwealth.

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(g) 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 Thomas Moore deceased.

6. This Ordinance may be cited as "Thomas Moore Trust Property (Moore's Flat) Sale Ordinance of 1935."

THE SCHEDULE HEREINBEFORE REFERRED TO.

First Part.

ALL THAT area of land known as Moore's Flat situate near Sutton Forest in the State of New South Wales being the whole of the land granted to Thomas Moore by Crown Grant bearing date the First day of November 1822 and described in such Grant as being Two thousand acres of land situate lying and being in the County of Argyle and District of Sutton bounded on the east by Hill and Badgery's farms bearing south One hundred and eleven chains and a continued south line of seventy nine chains on the south by a line bearing west one hundred and thirty chains on the west by a line bearing north one hundred and forty-five chains forty links to the Argyle Road and on the north by that road together with any area of land in excess of the said area of Two thousand acres comprised within the boundaries or the reputed boundaries thereof and any area of land adjoining the same which may be vested in the said Trustees.

Second Part.

ALL THAT piece or parcel of land containing by admeasurement three roods five perches be the same more or less situated in the County of Camden Parish of Sutton Forest in the State of New South Wales being a closed road and being the whole

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of the land comprised in Crown Grant bearing date the Ninth day of November 1934 Registered Volume 4659 Folio 32 SAVE and except thereout all that part of the said land which lies at a depth greater than fifty feet below the surface thereof.

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

WALTER S. GEE,
Acting Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney this Thirtieth day of December, 1935.

H. V. ARCHINAL,
Diocesan Secretary.

I assent to this Ordinance.

HOWARD SYDNEY.

31st December, 1935.