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AN ORDINANCE to authorise the Trustees of the Will of the late Thomas Moore to receive from the Minister for Public Works the amount of compensation money to be paid by the Crown in respect of the resumption by the Crown of certain lands situated at Liverpool in the State of New South Wales and to declare the trusts upon which the said compensation moneys shall be held.

WHEREAS Thomas Moore late of Liverpool in the State of New South Wales now deceased was at the respective dates of his Will and death hereafter mentioned seised and possessed or otherwise well entitled to the land described in the Schedule hereto AND WHEREAS the said Thomas Moore duly made his Will dated the sixth day of February 1839 whereby he devised unto the Right Rev. William Grant Broughton Lord Bishop of Australia Alexander McLeay and Robert Campbell all his lands in the State (then Colony) of New South Wales upon trust as to his land at Liverpool aforesaid for a college or establishment to be called "Moore's College" for the education of boys or youths of the Protestant persuasion in the principles of christian knowledge and as to (inter alia) the dwelling house in the town of Liverpool wherein he then resided and the lands hereditaments and premises thereunto adjoining and occupied therewith Upon Trust that his said Trustees should appropriate and apply his said dwelling house and offices and the lands hereditaments and premises immediately adjoining thereto and occupied therewith as and for a college or establishment aforesaid And as to (inter alia) other lands in such will mentioned Upon Trust that the rents issues and profits thereof should be paid and applied towards the maintenance and support of such college or establishment AND WHEREAS the said Thomas Moore died on or about the twenty-fourth day of December 1840 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 1841 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 pre-

sent Trustees under the said trusts of the will of the said Thomas Moore are The Most Reverend John Charles Wright Doctor of Divinity Archbishop of Sydney and Metropolitan The Venerable Gerard Addington D'Arcy-Irvine Archdeacon of Cumberland and Vicar-General and George Alexander Chambers Clerk in Holy Orders (hereinafter referred to as the said Trustees) AND WHEREAS the said dwelling house and the said land hereditaments and premises occupied therewith became unsuitable for the purposes of the said Trust AND WHEREAS by the "St. James School Compensation Trust Act (1886)" it was provided that it should be lawful for the Trustees for the time being of the Will of the said Thomas Moore to convey certain land therein mentioned in consideration of the sum of £10,000 and that the said Trustees should stand possessed of the said sum of £10,000 Upon Trust to apply the same or any part thereof in or towards the establishment in Sydney of a college for the education and training of candidates for Holy Orders in connection with the Church of England and that the said Trustees should have the power of interim investment as therein mentioned AND WHEREAS the Trustees for the time being of the said Will in pursuance of the said Act established at Newtown in Sydney a college for the purposes aforesaid and the site of the said college is now vested in the Trustees of the said Will and the said college is called and known as "Moore College" and the college at Liverpool ceased to exist in or about the year 1891 AND WHEREAS by "Moore's College Lands Sale and Variation of Trusts Ordinance 1921" it was directed that (inter alia) the lands described in the Schedule hereto should be held upon trust and the income thereof be applied for the maintenance of the said Moore College so established at Newtown as aforesaid AND WHEREAS the income received by the Trustees in respect to the lands described in the Schedule hereto has been applied in the maintenance and support of the said Moore College so established at Newtown as aforesaid since its establishment AND WHEREAS by Crown Grant dated the ninth day of March 1837 Registered in Register of Town Grants No. 36 Page 199 the land in the first part of the Schedule hereto was duly granted to the said Thomas Moore AND WHEREAS by Certificate of Title dated the fifteenth day of March 1904 Registered Vol. 1524 Fol. 63 the Most Reverend William Saumarez Smith, John Kent and the Rev. John Douse Langley the then Trustees of the Will

of the said Thomas Moore were registered as the proprietors as joint tenants under the provisions of the Real Property Act 1900 of the land in the second part of the Schedule hereto AND WHEREAS by Notice of Resumption dated the twenty-ninth day of July 1924 the lands described in the Schedule hereto were resumed for the extension of the Liverpool State Hospital and Asylum and vested in the Minister for Public Works as constructing authority AND WHEREAS the said Notice of Resumption was duly published in the Government Gazette of date the fifteenth day of August 1924 and in the Sydney Morning Herald Newspaper of date the tenth day of September 1924 and thereupon such lands became for the purposes and subject to the provisions of the Public Works Act 1912 vested in the Minister for Public Works for an estate in fee simple in possession freed and discharged from all trusts obligations estates interests contracts charges rates rights-of-way or other easements whatsoever AND WHEREAS in pursuance of the Public Works Act 1912 the Trustees caused the prescribed notices of claim to be served upon the Crown Solicitor and the Minister for Public Works AND WHEREAS the interest of the Trustees in the said land has been valued by the Minister for Public Works at the sum of £1850 and the Trustees have agreed to such valuation AND WHEREAS by reason of such resumption and of other circumstances subsequent to the creation of the said Trust it has become impossible to carry out and observe the trusts upon which the said land was held NOW the Standing Committee of the Synod of the Diocese of Sydney in pursuance of the powers in that behalf conferred upon it by the Church of England Trust Property Act 1917 and the Ordinances of the Synod passed in the years 1918 and 1921 appointing the Standing Committee for the purpose of exercising during the recess of the Synod the powers and functions in the said Ordinances referred to And in pursuance of the powers vested in the said Synod by the Constitutions for the management and good government of the Church of England within the State of New South Wales or otherwise in the name and place of the said Synod declares and rules as follows:

1. By reason of circumstances subsequent to the creation of the Trusts in the hereinbefore recited Will contained it has become impossible to carry out and observe the trusts with

regard to the Church trust property described in the Schedule hereto.

2. The said Trustees or other the Trustees or Trustee for the time being of the Will of the said Thomas Moore may receive the compensation money and interest thereon to be paid by the Minister for Public Works as compensation in respect of the resumption of the land described in the Schedule hereto and the receipt of the said Trustees or other the Trustees or Trustee for the time being of the said Will shall effectively discharge the person paying the same from being concerned to see to the application of the said moneys or being answerable for the loss or misapplication thereof.

3. The said moneys after payment thereof of all deductions properly chargeable against the said land and all costs charges and expenses of or incidental to the resumption, notice of claim, the ascertainment of the value of the said land and of all costs charges and expenses of and incidental to this Ordinance payable by the said Trustees shall be held upon the same trusts as the said land was held prior to such resumption and any moneys held upon such trusts may be invested in any one or more of the investments following that is to say:—

- (a) The Purchase of real estate.
- (b) Any public funds or Government Stock or Government securities bonds debentures inscribed stock or treasury bills of or guaranteed by the Federal Government or the Government of any State in the Commonwealth of Australia.
- (c) First Mortgage on real property situated within the said Commonwealth.
- (d) Stocks funds or securities in or upon which by any general order cash under the control of any Court of Equity within the said Commonwealth may from time to time be invested.
- (e) Debentures of any Harbour Trust or Board of Works within the Commonwealth.
- (f) Municipal debentures of any State Capital.
- (g) Mortgage bonds under any of the Savings Banks Acts of the Federal Government or any State within the Commonwealth.

- (h) Deposits in any Government Savings Bank within the Commonwealth.
- (i) On fixed deposit in any Bank carrying on business in New South Wales.

And the Trustees for the time being of the said Will of Thomas Moore may from time to time vary or realise or raise money on the security of such investments.

4. This Ordinance shall be styled and cited as "Moore College Ordinance 1925."

THE SCHEDULE HEREINBEFORE REFERRED TO.

All that parcel of land containing by admeasurement 5 acres 3 roods and 23 perches be the same more or less situated lying and being in the Town of Liverpool Parish of St. Luke County of Cumberland bounded on the East by Forbes St. bearing north 12 chains and 13 links on the north by Campbell Street bearing west four chains 83 links on the west by Goulburn Street bearing south 12 chains and 9 links and on the south by Elizabeth Street bearing east 4 chains and 92 links which description is as contained in the Crown Grant of the said land to the said Thomas Moore but by more recent survey the said land is described as ALL THAT piece or parcel of land situated in the Parish of St. John County of Cumberland and State of New South Wales being Section 42 of the town of Liverpool Commencing at the intersection of the eastern side of Goulburn Street with the northern side of Elizabeth Street and bounded thence on the west by part of the eastern side of Goulburn Street bearing 359 degrees 19 minutes 12 chains 6 links thence on the north by part of the southern side of Campbell Street bearing 89 degrees 19 minutes 4 chains 92 links thence on the east by part of the western side of Forbes Street bearing 179 degrees 19 minutes 12 chains 8 links and thence on the south by part of the northern side of Elizabeth Street aforesaid bearing 269 degrees 33 minutes 4 chains 92 links to the point of commencement having an area of 5 acres 3 roods 30 perches or thereabouts

## SECOND PART.

All that piece or parcel of land situate in the Parish of St. John County of Cumberland and State of New South Wales being part of Lot 3 Section 30 and the whole of the land comprised in Certificate of Title Vol. 1,524 Fol. 68 Commencing at the intersection of the western side of Forbes Street with the northern side of Campbell Street and bounded thence on the south by the northern side of Campbell Street bearing 269 degrees 30 minutes 325 feet 1 inch thence on the west by the eastern side of Goulburn Street bearing 359 degrees 30 minutes 196 feet 10 inches thence on the north by a line bearing 90 degrees 11 minutes 325 feet 1½ inches to the western side of Forbes Street aforesaid and thence on the east by part of that side of that street bearing 179 degrees 30 minutes 193 feet to the point of commencement having an area of 1 acre 1 rood 32½ perches or thereabouts.

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

W. J. G. MANN,  
Chairman of Committee.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney, this twenty-third day of February, 1925.

C. R. WALSH,  
Secretary.

I assent to this Ordinance.

JOHN CHARLES SYDNEY.

2nd March, 1925.