

AN ORDINANCE to authorise the Church of England Property Trust Diocese of Sydney to convey certain land to the Municipal Council of Manly and to receive the purchase money therefor, to mortgage certain other land situated at Manly aforesaid, to authorise the demolishing of certain buildings erected on Church Trust property at Manly aforesaid, and the erection of certain other buildings thereon and to provide for the application of moneys received in respect thereof.

WHEREAS by Deed of Grant dated the twelfth day of April one thousand eight hundred and seventy-eight Registered Number 423 Book 180 George Osborne and Alexander Stuart therein described did thereby grant release convey assure and confirm unto the Bishop of Sydney his successors and assigns all that piece or parcel of land therein described which includes the lands described in the Schedules hereto upon trust to use the same as the site or sites and for the purposes of a Church of the Church of England and a Parsonage and School House in connection with the Church of England or for any or either of such purposes AND WHEREAS the said lands described in the Schedules hereto (hereinafter called the said land) are now vested in the Bishop of Sydney as Trustee and are Church trust property AND WHEREAS it is expedient to vest the said land in the Church of England Property Trust Diocese of Sydney (hereinafter called the Corporate Trust) AND WHEREAS by St. Matthew's Manly Sale Ordinance of 1910 provision was made for the sale of part of the said land and the application of the proceeds of sale AND WHEREAS by St. Matthew's Manly Sale Ordinance Supplementary Ordinance of 1915 provision was made for leasing part of the said land and the application of the income arising therefrom and a variation of the provisions of the lastly hereinbefore recited Ordinance as to the application of the proceeds of the sale of part of the said land AND WHEREAS by St. Matthew's Manly Supplemental Ordinance of 1919 further provision was made as to the application of the income of the proceeds

of the sale of part of the said land AND WHEREAS the authority to sell the land conferred by the hereinbefore recited Ordinances has not yet been exercised and no part thereof has been sold and there is now erected on the said land the Church and Parsonage of St. Matthew's Manly and a building known as Victoria Hall which has been utilised for shops and other public purposes AND WHEREAS a new Chancel was recently erected in connection with the said Church in respect of which Chancel the sum of six hundred and sixty-five pounds is still owing but there are no other liabilities due in respect of the said land AND WHEREAS the said Church encroaches on the Corso Manly as now aligned and the Municipal Council of Manly has requested that it be brought back to the alignment without delay and in or about the year one thousand nine hundred and twenty an Agreement was made between the Trustee of the said land and the said Council whereby the sum of Four hundred pounds was agreed to be paid by the Council to the Trustee as compensation for the conveyance of the land so encroaching as aforesaid AND WHEREAS owing to the growth of population in Manly a larger Church is necessary for the requirements of the Parish and the site at the corner of the Corso and Darley Road is the most suitable one for such new Church AND WHEREAS if such new Church be so erected on such last mentioned site the remaining portion of the said land fronting the Corso could be utilised for the purpose of erecting thereon shops and offices and thus produce substantial revenue AND WHEREAS it is desirable to pull down and demolish the existing Church Hall and shops to build a new Church at the corner of the Corso and Darley Road to build shops and offices on part of the remaining frontage to the Corso to build a new Hall on the remaining part of the said land at the rear of the said shops and offices AND WHEREAS by reason of circumstances subsequent to the creation of the trusts upon which the said land is held it has become impossible or inexpedient to carry out and observe such trusts with regard to part of the said land and it is expedient to mortgage part of the said land and to deal with it in the manner hereinafter provided Now the Synod of the Diocese of Sydney in pursuance of the powers vested in it by the Constitutions for the management and good government of the Church of England within the State of New South Wales

and by the Church of England Trust Property Act 1917 and otherwise hereby declares directs and rules as follows:—

1. The Synod hereby consents to the lands described in the First and Second Schedules hereto being vested and the said lands are hereby vested accordingly in the Corporate Trust subject to the trusts to which the said lands are now subject.

2. By reason of circumstances subsequent to the creation of the trusts to which the said land is subject it has become impossible and inexpedient to carry out and observe such trusts with regard to the land described in the First Schedule hereto.

3. The Corporate Trust is hereby empowered to convey the land described in the First Schedule hereto to the Municipal Council of Manly and receive the purchase or compensation money therefor.

4. By reason of circumstances subsequent to the creation of the trusts to which the land described in the Second Schedule hereto is subject it has become inexpedient to carry out and observe such trusts in so far as the said trusts are hereby varied and it is expedient and power is hereby given—

- (a) To demolish the existing Church of St. Matthew and the said Victoria Hall and either to use the material of the buildings so demolished in connection with the new buildings to be erected as hereinafter mentioned or dispose of the same by sale or otherwise.
- (b) With the approval in writing of the Archbishop to erect a new Church Parish Hall and Church Offices on part of the land described in the Second Schedule hereto.
- (c) To build offices and shops on that part of the land comprised in the Second Schedule hereto as is comprised in the Third Schedule hereto.
- (d) To lease for any term not exceeding five years and upon such terms and conditions and at such rent as the Rector and Churchwardens for the time being of the Church of St. Matthew Manly may deem expedient the said new Parish Hall and the offices and shops to be erected as aforesaid. Provided that every such Lease shall prohibit the sale of intoxicating liquors and Sunday trading except in the case of a qualified Chemist.

*St. Matthew's Manly Mortgaging 1927.*

(c) To mortgage the land described in the Second Schedule hereto.

5. The whole or any part of the land described in the Second Schedule hereto may be mortgaged from time to time to secure the repayment of a sum not exceeding twenty thousand pounds (£20,000) together with interest on such moneys and all costs charges and expenses of and incidental to borrowing such moneys and this Ordinance.

6. The amount or amounts so to be from time to time obtained in respect of the sale of the land described in the First Schedule hereto and the mortgage of the land described in the Second Schedule hereto after deducting costs charges and expenses as aforesaid shall be paid by the Corporate Trust to the Rector and Churchwardens for the time being of the Church of St. Matthew Manly and their receipt shall be a sufficient discharge for the same and shall be applied by them for or towards the repayment of the said debt or liability incurred in connection with the erection of the new Chancel as aforesaid and the payment of all costs charges and expenses of and incidental to the demolishing and rebuilding and building of the buildings hereinbefore mentioned.

7. All moneys payable as rent or otherwise in connection with any leases made in pursuance of this Ordinance shall be paid from time to time to the Rector and Churchwardens for the time being of the Church of St. Matthew Manly aforesaid whose receipt shall be a sufficient discharge for the same.

8. Until repayment in full of the moneys secured by the said mortgage the nett income to arise from the said leases so made in pursuance of this Ordinance shall be applied in the order of priority for the purposes and in manner following that is to say:—

- (a) In payment of interest on the amount so secured by mortgage as aforesaid
- (b) In setting aside an annual sum of Five hundred pounds (£500) for the purpose of repayment of the principal sum secured by the said mortgage and redeeming the same.

- (c) As to the next Two hundred and fifty pounds (£250) a year in payment of such moneys to the Treasurer for the time being of the Home Mission Society Diocese of Sydney for the purposes of the said Society.
- (d) As to the next Two hundred and fifty pounds (£250) a year in payment of such moneys for general Church purposes in connection with St. Matthew's Church aforesaid.
- (e) As to the next Five hundred pounds (£500) a year in payment of such moneys in equal proportions for general Church purposes in connection with those parts of the present Parish of Manly known as North Manly and West Manly when the same respectively are formed into Provisional Districts or Parishes and pending the formation of either or both of such new Provisional Districts or Parishes the whole or half of such moneys as the case may be shall be applied for the purposes of Church work for the benefit of the Parish of Manly for the time being.
- (f) As to the next Fifty pounds (£50) a year in payment of such moneys to the Parish of Narrabeen for general Church purposes in such Parish.
- (g) Any further income shall be applied in augmentation of object (b) aforesaid until the whole of the moneys secured by the said mortgage are paid in full.

9. After repayment of the moneys so secured by mortgage as aforesaid the said nett income to arise from the said leases so made in pursuance of this Ordinance shall be applied in the order of priority for the purposes and in manner following that is to say:—

- (a) In payment of the sum of Four hundred pounds (£400) a year to the Treasurer for the time being of the Home Mission Society Diocese of Sydney for the purpose of the said Society.
- (b) In payment of the sum of One hundred pounds (£100) a year to the Parish of Narrabeen for general Church purposes in such Parish.

- (c) The balance of the said income shall be applied as to one-half for general Church purposes in connection with St. Matthew's Church aforesaid and the remaining one-half of the said income shall be applied in the same manner and in the same proportions as are mentioned in clause 8 (c).

10. Any moneys receivable under or by virtue of this Ordinance and the accumulation of the income arising therefrom in the possession of the Corporate Trust and not immediately required to be applied as aforesaid may until such application be invested by the said Corporate Trust in any one or more of the following investments 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 of 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 Bank Acts 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 the business of Bankers in the State of New South Wales.

And the Corporate Trust may from time to time vary release or raise any money on the security of such investments.

11. This Ordinance may be cited as "St. Matthew's Manly Mortgaging Ordinance 1927."

THE FIRST SCHEDULE REFERRED TO.

All that parcel of land situate in the Parish of Manly Cove County of Cumberland in the State of New South Wales and being part of section A of a sub-division of part of the Bassett Darley Estate called East Brighton Commencing at a point on the South-Eastern building line of the Corso bearing 45 degrees and distant 106 feet 3 inches from its intersection with the North-Eastern building line of Darley Road and bounded on the North-West by lines bearing respectively 3 degrees 50 minutes 29 feet, 45 degrees 26 feet 6 inches, and 92 degrees 10 minutes 29 feet to the building line of The Corso and on the South-East by the prolongation of that building line bearing 225 degrees 70 feet 1 inch to the point of commencement.

THE SECOND SCHEDULE REFERRED TO.

All that parcel of land situate in the Parish of Manly Cove County of Cumberland in the State of New South Wales and being part of section G of a sub-division of part of the Bassett Darley Estate called East Brighton Commencing at the intersection of the South-Eastern building line of The Corso with the North-Eastern building line of Darley Road and bounded on the North-West by The Corso bearing 45 degrees 200 feet on the North-East by a line bearing 135 degrees 190 feet on the South-East by a line bearing 225 degrees 200 feet to Darley Road and on the South-West by that Road bearing 315 degrees 190 feet to the point of commencement.

THE THIRD SCHEDULE REFERRED TO.

All that parcel of land situate in the Parish of Manly Cove County of Cumberland in the State of New South Wales and being part of section G of a sub-division of part of the Bassett Darley Estate called East Brighton Commencing at a point on the South-Eastern building line of The Corso bearing 45 degrees and distant 80 feet from its intersection with the North-Eastern building line of Darley Road and bounded on the South West by a line bearing 135 degrees 70 feet on the South-East by a line bearing 45 degrees 120 feet on the North-East by a line bearing 315 degrees 70 feet to The Corso and on the North-West by part

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of the South-Eastern building line of The Corso by a prolongation of that building line and again by that building line bearing in all 225 degrees 120 feet to the point of commencement.

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

A. J. GOULD,

Chairman of Committees.

We certify that this Ordinance was passed this thirteenth day of October, 1927.

E. CLAYDON

HARRINGTON B. COWPER

} Secretaries of  
} the Synod.

I assent to this Ordinance.

GERARD D'ARCY-IRVINE,

Bishop Coadjutor, Commissary.

18th October, 1927.