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*St. Matthew's Manly Ordinance 1941 Amendment  
Ordinance 1968*

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No. 50, 1968

AN ORDINANCE to amend St. Matthew's Manly Ordinance 1941 by varying the appropriation and application of the rents arising from certain buildings erected on a portion of certain Church Trust Property situated in the Parish of St. Matthew Manly.

WHEREAS the land described in the First Schedule of the St. Matthew's Manly Ordinance 1941 (hereinafter called "the 1941 Ordinance") is vested in the Church of England Property Trust Diocese of Sydney (hereinafter called "the Corporate Trustee") and is church trust property held for the sole benefit of the Parish of St. Matthew Manly upon the trusts and for the purposes more particularly described in the 1941 Ordinance AND WHEREAS there are erected on the said land inter alia certain shops and offices (hereinafter called "the said shops") AND WHEREAS in pursuance of the provisions of the 1941 Ordinance the Corporate Trustee was authorised to further mortgage the said land for the sum and upon the terms and conditions therein appearing and to let the said shops for any term not exceeding five years and upon such terms and conditions and at such rentals as the Rector and Churchwardens for the time being at St. Matthew's Manly may deem expedient subject to the restrictions therein referred to AND WHEREAS the 1941 Ordinance provided that the net income for the said shops should be applied inter alia in payment of the interest payable under the mortgage and the further mortgages referred to in the said Ordinance and in making provision for repayment of the principal moneys secured by the said mortgages and subject thereto the said Ordinance directed that the balance of the said net income should be applied in the manner therein appearing AND WHEREAS the said Ordinance provided for a variation in the manner therein mentioned of the application of the said net income after payment in full of all moneys secured by the said mortgages AND WHEREAS the principal sum now owing under the said mortgages amounts to the sum of Four thousand dollars (\$4,000) and provision is being made for the repayment in full of such sum by the 31st day of March 1969 AND WHEREAS by reason of the circumstances which have arisen subsequent to the creation of the trusts recited in the 1941 Ordinance it has become inexpedient to carry out and observe such trusts in their entirety and it is expedient to vary the said trusts in the manner hereinafter appearing NOW the Standing Committee of the

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Synod of the Diocese of Sydney in the name and place of the said Synod HEREBY DECLARES ORDAINS AND DIRECTS as follows:—

1. By reason of circumstances which have arisen subsequent to the creation of the trusts declared by the provisions of the 1941 Ordinance it is inexpedient to carry out and observe the same and it is expedient to vary such trusts in the manner hereinafter provided.

2. Subject to the provisions hereinafter appearing the net income from the said shops after the payment of all rates, taxes and other outgoings charged or to be charged against the said land and/or buildings insofar as the same are not recoverable from any tenant under any lease or leases, shall be applied each year by the Corporate Trustee on and from the 1st day of April, 1969 for a period of five (5) years, as follows:—

- (a) As to the sum of Twelve thousand dollars (\$12,000) by annual payments to each of the following that is to say:—
- (i) The Home Mission Society Diocese of Sydney for the purposes of the said Society the sum of Five hundred dollars (\$500).
  - (ii) The Home Mission Society Diocese of Sydney in the name of the St. Matthew's Manly auxiliary of the Chesalon Parish Nursing Home of the said Society for the purposes of the said Home to be established and subsequently maintained in the Manly/Mosman Rural Deanery, the sum of Five hundred dollars (\$500).
  - (iii) The Sydney Church of England New Areas Committee for the purposes of the said Committee the sum of One thousand dollars (\$1,000).
  - (iv) The Churchwardens for the time being of St. Matthew's Manly for the creation and operation of a Free Fund to be accumulated or distributed annually or from time to time at the discretion of the Rector and Churchwardens for the time being of such Church for such urgent diocesan or parochial purpose or purposes as the said Rector and Churchwardens in their absolute discretion shall see fit the sum of Seven hundred dollars (\$700).
  - (v) The Churchwardens for the time being of the under-mentioned Churches for general Church purposes in

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connection with their respective parishes provisional parishes or provisional districts, the following sums:—

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| (1) St. Faith's, Narrabeen ....  | 200     |
| (2) All Saints, North Narrabeen<br>(Warriewood Valley) ....                | 800     |
| (3) St. Paul's, Seaforth ....  | 400     |
| (4) All Saint's, Balgowlah ....  | 400     |
| (5) St. Peter's, Manly Vale with<br>Allambie Heights ....                  | 400     |
| (6) St. David's, Forestville ....  | 400     |
| (7) St. Alban's, French's Forest   | 400     |
| (8) St. Timothy's, Narraweena<br>with Oxford Falls and<br>Beacon Hill .... | 400     |
| (9) St. John's, Dee Why and<br>Brookvale ....                              | 400     |
| (10) St. Mark's, Harbord and<br>Curl Curl ....                             | 400     |
| (11) St. John's, Mona Vale ....  | 200     |
| (12) St. Mark's, Avalon ....   | 200     |
| (13) St. Michael's, Newport ....   | 200     |
|  | 4,800   |
| (14) St. Matthew's, Manly ....   | 4,500   |
|  | \$9,300 |

PROVIDED that until such time as All Saints, North Narrabeen be created a provisional district the amount so provided to be paid to it shall be paid to the Churchwardens of St. Matthew's, Manly as an additional amount payable to the Free Fund under sub-clause (iv) hereof to be held by them pending the creation of the said provisional district.

- (vi) The Churchwardens for the time being of St. Matthew's Manly shall on or before the 31st day of March 1974 present an ordinance to the Synod of the Diocese of Sydney or the Standing Committee thereof for the purpose of varying the provisions hereinbefore appearing as to the allocation of the net income from the said shops having regard to the needs and commitments of the respective Churches and the other organisations hereinbefore referred to.

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(b) As to the balance of the said net income the Corporate Trustee shall after deducting therefrom all amounts payable to the Corporate Trustee for commission or other charges in respect of any collection of income as aforesaid pay the same to the Churchwardens for the time being of St. Matthew's Church aforesaid to be applied by them in the creation of an equalisation fund and operation thereon for the purpose of making good any deficit which may arise from time to time in the annual amount proposed to be distributed in pursuance of the provisions of paragraph (a) of this clause and operation thereon of an amortisation provision for the replacement of and alterations and/or additions to the said shops from time to time.

3. This Ordinance may be cited as "St. Matthew's Manly Ordinance, 1941 Amendment, Ordinance 1968".

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

ATHOL RICHARDSON,  
Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 16th day of December, 1968.

W. L. J. HUTCHISON,  
Secretary.

I assent to this Ordinance.

MARCUS LOANE,  
Archbishop of Sydney.

18/12/1968.