
St. Matthew's Manly Ordinance 1941.

No. 7, 1941.

AN ORDINANCE to consolidate and amend certain Ordinances relating to certain Church Trust Property situated in the Parish of St. Matthew's Manly, to authorise the borrowing of further moneys on the security thereof, to provide for the application of such moneys and the rents arising from certain buildings erected on portion of such property, to suspend the operation of the Land Ordinance Procedure and Delegation of Powers Ordinance 1926 so far as it relates to this Ordinance and for other purposes.

WHEREAS the land described in the First Schedule hereto is vested in the Church of England Property Trust Diocese of Sydney (hereinafter called the Property Trust) upon trust as a site and for the purpose of a Church of the Church of England and a Parsonage and School House in connection therewith.

AND WHEREAS from time to time seven Ordinances relative to the said land have been passed as the same are more particularly enumerated in the Second Schedule hereto.

AND WHEREAS prior to the year one thousand nine hundred and twenty-seven there were erected on the said land a Church, a Parsonage and a Parish Hall which also comprised certain shops.

AND WHEREAS with the sanction of the Ordinances numbered 4, 5 and 6 in the said Second Schedule the said Church and Parish Hall were demolished and there were erected on the said land a new Church a new Parish Hall and certain shops and offices (hereinafter referred to as the said shops) and for such purposes certain moneys amounting in all to Twenty-five thousand pounds (£25,000) were borrowed from The Australian Mutual Provident Society on the security of a mortgage over the said land and the said shops have been and are now being let.

AND WHEREAS the moneys so borrowed and the rents derived from the said lettings have been applied in accordance with the provisions of the three last mentioned Ordinances.

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AND WHEREAS the principal moneys now owing under the said Mortgage now amount to Nineteen thousand one hundred and twenty-five pounds (£19,125).

AND WHEREAS it appears to Synod expedient by reason of circumstances subsequent to the creation of the trusts of the said land to direct that such land should be further mortgaged to raise the additional sum of Three thousand five hundred pounds (£3,500) and that such sum and the rents of the said shops should be applied in manner hereinafter appearing.

NOW the Synod of the Diocese of Sydney in exercise of all the powers vested in it hereby ordains, directs, declares and rules as follows:—

1. The provisions of the Land Ordinance Procedure and Delegation of Powers Ordinance 1926 shall be suspended in respect of and be deemed not to apply to this Ordinance.

2. The seven Ordinances enumerated in the Second Schedule hereto are hereby repealed but such repeal shall not affect or invalidate any act done or payment made under or by virtue or in accordance with the provisions of such Ordinances or any of them and all such acts and payments are hereby expressly ratified validated and confirmed.

3. The said land shall and may be mortgaged to raise and secure the said additional sum of Three thousand five hundred pounds (£3500) and interest thereon and may also be mortgaged from time to time to secure the repayment with interest of any sum or sums of money which may for the time being be owing on the security of the said land and the Property Trust is hereby authorised to execute and deliver all necessary documents for the purpose of all such mortgages or the renewal or variation of all or any of them.

4. The said additional sum of Three thousand five hundred pounds (£3500) shall be applied:

- (a) As to Two thousand pounds (£2000) for the Parochial District of West Manly.
- (b) As to One thousand pounds (£1000) for the Parochial District of Dee Why-Brookvale.
- (c) As to Five hundred pounds (£500) for the Parish of Narrabeen and Pittwater.

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in or towards the erection of new Churches or for such other purposes as shall be approved by the Archbishop-in-Council.

5. The said shops may be let for any term not exceeding five years and upon such terms and conditions and at such rents as the Rector and Churchwardens for the time being of the Church of St. Matthew Manly may deem expedient provided that every such letting shall prohibit the sale of intoxicating liquors and Sunday-trading except in the case of a qualified Chemist.

6. Until repayment in full of all moneys secured by the said mortgages the nett income to arise from the said shops shall be applied:—

- (a) Firstly in payment of all costs charges and expenses of and incidental to the raising and securing the said sum of Three thousand five hundred pounds (£3500).
- (b) Secondly in payment of interest payable under the said mortgages.
- (c) Thirdly in setting aside an annual sum of Five hundred pounds (£500) and applying the same in repayment of the principal moneys secured by the said mortgages

and the balance of the said nett income shall be applied as follows:—

- (d) In payment of Two hundred and fifty pounds (£250) a year to the Treasurer for the time being of The Home Mission Society Diocese of Sydney for the purposes of such Society subject however as hereinafter provided.
- (e) In payment of Two hundred and fifty pounds (£250) a year to the Churchwardens for the time being of St. Matthew's Church aforesaid for general Church purposes in connection with such Church.
- (f) In payment of Two hundred and fifty pounds (£250) a year to the Churchwardens for the time being of the Parochial District of West Manly for general Church purposes in connection with such Parochial District.
- (g) In payment of One hundred and fifty pounds (£150) a year to the Churchwardens for the time being of the Parochial District of Dee Why-Brookvale for general

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Church purposes in connection with such Parochial District.

- (h) In payment of One hundred pounds (£100) a year to the Churchwardens for the time being of St. Matthew's Church aforesaid to be applied for general Church purposes in connection with the northern portion of the Parish of Manly.
- (i) In payment of Fifty pounds (£50) a year to the Churchwardens for the time being of the Parish of Narrabeen and Pittwater for general Church purposes in such parish.
- (j) In setting aside the residue of the said nett income and applying the same in reduction of the said principal moneys.

Provided however—

- (i) That until the principal moneys secured by the said Mortgages shall be reduced to the sum of Nineteen thousand one hundred and twenty-five pounds (£19,125), one half of the annual amount payable to said Home Mission Society shall be set aside and applied in repayment of the said principal moneys.
- (ii) That if the said balance of the nett income shall be insufficient in any year to pay in full the amounts mentioned in paragraphs (d) (e) (f) (g) (h) and (i) of this section, then such payments shall abate proportionately.
- (iii) That so long as the said principal moneys exceed the sum of Nineteen thousand one hundred and twenty-five pounds (£19,125) the interest payable in respect of such excess in any year shall be charged against and deducted from the respective shares in the income payable for such year to the Churchwardens of the Parochial Districts of West Manly and Dee Why-Brookvale and the Parish of Narrabeen and Pittwater respectively in the proportions that they share in the said sum of Three thousand five hundred pounds (£3500).

7. After payment in full of all moneys secured by the said Mortgages the nett income to arise from the said Leases shall be applied:—

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- (a) Firstly 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 purposes of the said Society.
- (b) Secondly in payment of the sum of One hundred pounds (£100) a year to the Churchwardens of the Parish of Narrabeen and Pittwater for general Church purposes in connection with such Parish.

and the balance of the said income shall be divided into twenty equal parts and be applied as follows:—

- (c) In payment of ten of such parts to the Churchwardens for the time being of St. Matthew's Church aforesaid for general Church purposes in connection with such Church.
- (d) In payment of five of such parts to the Churchwardens for the time being of the Parochial District of West Manly for general Church purposes in connection with such Parochial District.
- (e) In payment of three of such parts to the Churchwardens for the time being of the Parochial District of Dee Why-Brookvale for general Church purposes in connection with such Parochial District, and
- (f) In payment of two of such parts to the Churchwardens for the time being of St. Matthew's Church aforesaid to be applied for general Church purposes in connection with the Northern portion of the Parish of Manly.

8. Any moneys receivable under or by virtue of this Ordinance and the accumulation of the income arising therefrom in the possession of the Property Trust and not immediately required to be applied as aforesaid may until such application be invested by the said Property 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

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

9. The annual and yearly periods mentioned in this Ordinance shall be deemed to expire on the 31st day of March and the Property Trust shall make all such adjustments and apportionment in respect of the periodical sums and payments herein or in any Ordinance hereby repealed provided for as they shall think just and proper.

10. This Ordinance may be cited as "St. Matthew's Manly Ordinance 1941."

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 6 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-

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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 SECOND SCHEDULE REFERRED TO.

1. St. Matthew's Manly Sale Ordinance of 1910.
2. St. Matthew's Manly Sale Ordinance Supplementary Ordinance of 1915.
3. St. Matthew's Manly Supplemental Ordinance of 1919.
4. St. Matthew's Manly Mortgaging Ordinance 1927.
5. St. Matthew's Manly Mortgage Ordinance 1930.
6. St. Matthew's Manly Mortgage (Amending) Ordinance 1934.
7. St. Matthew's Manly Trusts Remedial Ordinance 1941.

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

R. C. ATKINSON,

Chairman of Committees.

We certify that this Ordinance was passed this Ninth day of December, 1941.

S. H. DENMAN

A. L. BLYTHE

} Secretaries of
the Synod.

I assent to this Ordinance.

HOWARD SYDNEY.

22nd December, 1941.