
*Church of England Section Manly (Balgowlah) Cemetery
Vesting and Change of Trusteeship Ordinance 1968*

No. 4, 1968.

AN ORDINANCE to vest certain land at Balgowlah held upon trust for the Interment of the Dead in Church of England Property Trust Diocese of Sydney, to authorise such Corporate Body and certain other personal trustees of portion of the Manly (Balgowlah) Cemetery to resign their trusteeship in favour of Manly Municipal Council and to pay to it certain funds held for the maintenance of such cemetery and purposes incidental thereto.

WHEREAS by Crown Grant dated 18th January 1872 Registered Volume CXXXII Folio 59 the land more particularly described in the first schedule hereto was granted to John Barker Smithers, William Howard Rolfe, Edmund Campbell Brown, Joseph Cook and John Fox (being respectively trustees nominated and appointed under and by virtue of an Act passed in the eighth year of the reign of His late Majesty King William IV entitled "An Act to regulate the Temporal Affairs of Churches and Chapels of the United Church of England & Ireland in N.S.W.") upon trust for the Interment of the Dead according to the use of the United Church of England & Ireland as by law established AND WHEREAS the said land is "Church Trust Property" within the meaning of the Church of England Trust Property Act 1917 AND WHEREAS all the said trustees are now long since dead and it is expedient that the said land be vested in Church of England Property Trust Diocese of Sydney (hereinafter called the "Corporate Trustee") AND WHEREAS the said land forms part of the Church of England Section of the Manly Cemetery at Balgowlah AND WHEREAS the remaining portion of the Church of England Section of the same cemetery although vested in the Crown is under the control and management of certain personal trustees namely Harry William Brown, Allan Edward John Pont and Charles Raymond Stoddart who have under their control certain money for the upkeep and maintenance of the Church of England Sections of such cemetery AND WHEREAS provision has now been made by Act No. 52, 1963 entitled "Local Government (Control of Cemeteries) Amendment Act 1966" for the appointment of a municipal council as a trustee of a private or public cemetery situated within its area with the care control and management thereof AND WHEREAS it is expedient that the care control and management of the said Church of England Sections of the Manly Cemetery at Balgowlah aforesaid be assumed by the Council of the Municipality of Manly in whose area they are

*Church of England Section Manly (Balgowlah) Cemetery
Vesting and Change of Trusteeship Ordinance 1968*

situated and that provision be now made for the retirement of the trusteeship of such Sections and the handing over of the funds now held by the present trustees to such Council for the upkeep and maintenance of such Sections NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of such Synod HEREBY DECLARES ORDAINS AND DIRECTS as follows:—

1. That the land described in the first schedule hereto be and the same is hereby vested in the Corporate Trustee.

2. By reason of circumstances subsequent to the creation of the trusts upon which the said land is held it is inexpedient to carry out and observe the same to the extent to which such trusts are hereby modified.

3. The Corporate Trustee is hereby empowered but without relinquishing the ownership of the said land to resign its trusteeship thereof so far as the care control and management of the land is concerned in favour of the Council of the Municipality of Manly.

4. The said recited personal trustees of the remaining Church of England Section of the said cemetery are also hereby authorised to resign their office as trustees with a view to the appointment of the said Council as a trustee thereof.

5. The money or funds set out in the second schedule hereto shall after the payment thereout of the costs of and incidental to this Ordinance the vesting of the land described in the first schedule in the Corporate Trustee and the documents of resignation pursuant hereto and after allowing for any current adjustments be paid to the Council of the Municipality of Manly to be applied by it towards the upkeep and maintenance of the Church of England Sections of the Balgowlah Cemetery.

6. This Ordinance may be cited as "Church of England Section Manly (Balgowlah) Cemetery Vesting and Change of Trusteeship Ordinance 1968".

FIRST SCHEDULE

All that piece or parcel of land situated at Balgowlah in the Municipality of Manly Parish of Manly Cove County of Cumberland containing one acre more or less being the whole of the land described and comprised in Crown Grant Volume CXXXII Folio 59.

*Church of England Section Manly (Balgowlah) Cemetery
Vesting and Change of Trusteeship Ordinance 1968*

SECOND SCHEDULE

Balance to credit of Account styled "The Trustees of the Balgowlah Church of England Burial Ground" in Commonwealth Savings Bank of Australia Account No. S268 Manly approx. \$10,460 plus accruing interest.

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 25th day of March, 1968.

F. A. JOHNSON,
Acting Secretary.

I assent to this Ordinance.

MARCUS LOANE,
Archbishop of Sydney.

25/3/1968.