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APPENDIX No. 49.

ORDINANCE. MANLY.

AN ORDINANCE to authorise the sale of certain Church land situate at Manly in the County of Cumberland and more particularly described in the Schedule hereto and to provide for the application of the proceeds thereof.

WHEREAS by the "Bassett Darley Estates Act" made and passed in the fortieth year of the reign of her late Majesty Queen Victoria intituled "An Act to authorise the Trustees of the Marriage Settlement of Mrs. Bassett to sell and dispose of certain lands at Manly and elsewhere in the State of New South Wales" the lands described in the First Schedule to the said Act including the land comprised in the Schedule hereto became vested in George Osborne and Alexander Stuart their heirs and assigns for an estate of inheritance in fee simple in possession the said George Osborne and Alexander Stuart or other the Trustees or Trustee of the said Act whether present or future Trustees or Trustee being thereafter designated as the said Trustees or Trustee AND ALSO by the said Act it is enacted that it should be lawful for the said Trustees or Trustee without price or consideration to convey and dedicate any part or parts of the said lands hereditaments and premises mentioned and described in the said First Schedule thereto either absolutely or upon any conditions for the purpose of the erection of any building for religious educational or charitable purposes and to confirm any appropriation or gift of any part of the said lands and hereditaments made for any such purpose at any time previously to the passing of the said Act AND WHEREAS by deed of grant bearing date the Twelfth day of April One thousand eight hundred and seventy-eight registered number Four hundred and twenty-three Book One hundred and eighty under the hands and seals of the said George Osborne and Alexander Stuart they the said George Osborne and Alexander Stuart did and each of them did thereby grant release convey assure and confirm unto the Bishop of Sydney his successors and assigns ALL that piece of land described in the said First Schedule thereunder written which includes the land comprised in the Schedule hereto To have and to hold the said land hereditaments and premises thereby assured or intended so to be with the appurtenances forever UPON TRUST to use the same as a site or sites and for the purpose of a church of the Church of England and a parsonage and schoolhouse in connection with the Church of England or for any or either of such purposes AND WHEREAS a church parsonage and schoolhouse have been erected upon a

portion of the said land AND WHEREAS by reason of circumstances which have occurred since the creation of the aforesaid Trust it has become inexpedient to carry out or observe the particular purpose to which the said land described in the Schedule hereto is by the said Trust devoted THE SYNOD OF THE DIOCESE OF SYDNEY in pursuance of the powers in that behalf conferred upon it by the Constitutions for the management and good government of the Church of England within the State of New South Wales and of all powers vested in the said Synod by the "Church of England Property Act of 1889" or otherwise ordains directs and rules as follows :—

1. By reason of the exigencies of the case and the circumstances which have occurred since the creation of the said Trust it has become inexpedient to carry out or observe the particular purpose to which the land described in the Schedule hereto was by the said Trust devoted.

2. The said land and the buildings thereon either together or separately shall be sold by public auction or private contract and either in one lot or in several lots at such price or prices and upon such terms and conditions as the Rector and Churchwardens for the time being of St. Matthew's Church Manly aforesaid with the approval of the Trustee may deem expedient freed from any trust whatsoever such terms and conditions to include a provision that the purchaser shall for himself and his assigns covenant that the land shall not be used for the purpose of carrying on the trade or business of a distiller brewer or seller of wines ales beers or spirituous liquors or any dangerous noxious or offensive trade whatsoever or any Sunday entertainment.

3. The purchase money arising from the said sale or sales (after payment thereof of the expenses of and incidental to this Ordinance and the said sale or sales and the conveyance of the said land in pursuance thereof) shall be paid to the Archbishop of Sydney or his Commissary and the receipt of the said Archbishop or his Commissary shall be a sufficient discharge therefor.

4. A sum not exceeding three-fourths of the nett proceeds of the sale of the said land shall when and as soon as all arrears due by the Parish of Manly with Pittwater under and by virtue of the Registry and Synod Assessments Ordinance of 1895 shall be paid be applied in the following manner :—

- (a) To discharge all existing Church Rectory Schoolhouse and organ liabilities not exceeding the sum of one thousand pounds.
- (b) To erect another Church including organ and fittings and Schoolhouse and fittings including caretaker's quarters if necessary upon the site of the present Rectory and make provision elsewhere for a Rectory either by purchase or otherwise the total sum not to exceed thirteen thousand three hundred and

fifty pounds such sum being allocated to the said respective purposes in such proportions as shall be approved by the Archbishop. PROVIDED that if the said sum is not expended any balance thereof shall be paid to the Rector and Churchwardens aforesaid for a fund to be called the Fabric Fund to be used by them in repairing enlarging or improving the said buildings.

- (c) To provide temporary accommodation for the conduct and management of Divine service elsewhere and also the renting of suitable premises for a Rectory.
- (d) To set apart the sum of three thousand pounds as an endowment for St. Matthew's Church aforesaid.
- (e) To pay all charges and other expenses in carrying out any of the aforesaid matters.

5. The said sum of three thousand pounds may be invested by the said Archbishop or his Commissary in any stocks funds or securities of or guaranteed by the Government of the Commonwealth of Australia or of or guaranteed by the Government of any of the States thereof or of the Dominion of New Zealand or on mortgage of real estate in New South Wales with power from time to time to vary any such investments for any other or others of them and pending such investments may be deposited at interest with the Savings Bank of New South Wales or with any Government Savings Bank or with any Joint Stock Company carrying on the business of Bankers in New South Wales and the interest arising from any such investment shall be paid to the Rector and Churchwardens for the time being of the said Church for stipend purposes.

6. The balance of the proceeds of the sale of the said lands shall be retained by the said Trustee for Church extension purposes in the Parish of Manly with Pittwater as at present existing and pending the expenditure thereof may be invested by him in the manner set out in Clause 5 hereof and the income arising from such investment may be applied for such Church extension as aforesaid.

7. The said proceeds of sale or any part thereof may be applied in lieu of the purposes aforesaid to such other purposes as may hereafter from time to time be determined by the Synod.

8. This Ordinance shall be styled and cited as the "S. Matthew's Manly Sale Ordinance of 1910."

THE 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 the Basset Darley Estate in the Municipality of Manly commencing at the

intersection of the North-Eastern building line of Darley Road with the South-Eastern building line of The Corso and bounded on the South-West by Darley Road bearing South-Easterly 90 feet on the South-East by a line bearing North-Easterly 200 feet on the North-East by a line bearing North-Westerly 90 feet to The Corso and on the North-West by the Corso being lines bearing respectively South-Westerly 23 feet 8 inches Westerly 29 feet again South-Westerly 26 feet 6 inches Southerly 29 feet and again South-Westerly 106 feet 3 inches to the point of commencement be the said several dimensions a little more or less.

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

EDW. H. ROGERS,

Chairman of Committers.

We certify that this Ordinance was passed this 9th day of September, 1910.

A. G. STODDART, } *Secretaries of*
W. R. BEAVER, } *Synod.*

I assent to this Ordinance.

JOHN CHARLES SYDNEY.

12th September, 1910.