

## APPENDIX No. 54.

7/19/15

## ORDINANCE. MANLY SALE. SUPPLEMENTARY.

AN ORDINANCE to authorise the leasing of portion of the lands comprised in the "St. Matthew's Manly Sale Ordinance of 1910" pending the sale thereof in pursuance of the said Ordinance and to provide for the application of the rents and profits thereof and to determine other purposes to which the nett proceeds of sale of the remainder of the said lands may be applied in lieu of the purposes mentioned in the said Ordinance and for other purposes.

WHEREAS by the "St. Matthew's Manly Sale Ordinance of 1910" it was declared that by reason of circumstances which had occurred since the creation of the trusts upon which the lands described in the Schedule to the said Ordinance and repeated in the First Schedule to this Ordinance were held it had become inexpedient to carry out or observe the particular purposes to which the said lands were by the said trusts devoted and it was directed that the said lands should be sold either in one lot or in several lots as therein provided and it was also directed how and in what manner the proceeds arising from the said sale or sales (after payment thereout of the expenses of and incidental to the said Ordinance and the said sale or sales and the conveyance of the said lands in pursuance thereof) should be dealt with and applied including provision that the said proceeds of sale or any part thereof might be applied to such other purposes in lieu of the purposes therein mentioned as should hereafter from time to time be determined by the Synod AND WHEREAS it is expedient to sell the said lands in several lots in pursuance of the alternative provision contained in the said Ordinance AND WHEREAS a Hall known as the "Victoria Hall" is erected upon the portion of the said lands described in the Second Schedule hereto and it is expedient that the Hall or the rooms and offices thereof and the said portion of the said lands should be let on occupation leases pending the sale thereof AND WHEREAS it is expedient that the Synod should in pursuance of the provision aforesaid determine other purposes to which the said proceeds of sale or part thereof should be applied in lieu of the purposes in the said Ordinance mentioned and that the Synod should make provision for the several other

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matters hereinafter mentioned WHEREFORE 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 it by the "Church of England Property Act of 1889" or otherwise ordains directs and rules as follows:—

1. The sale of the said lands described in the Second Schedule hereto may be postponed for a period of seven years from the assent to this Ordinance and thereafter from time to time for such periods as the Synod or if the Synod be not in Session the Standing Committee of the Diocese may by resolution with the sanction of the Archbishop or his Commissary approve and pending the said sale the said lands and the rooms and offices constituting the said Hall and other buildings thereon erected may from time to time be let in one lot or separately in several lots on occupation leases for any term or terms not exceeding seven years at any one time and at such rental or rentals and upon such terms and conditions as the Rector and Churchwardens for the time being of St. Matthew's Church Manly aforesaid may with the approval of the Trustee for the time being of the said lands deem expedient freed from the trusts upon which the same were held provided however that such leases shall be subject to the existing leases particulars whereof are set out in the Fourth Schedule hereto which are to be deemed to be hereby ratified and confirmed so far as the Synod lawfully may ratify and confirm the same.

2. The moneys to arise from the said existing leases and the moneys to arise from 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 St. Matthew's Church Manly aforesaid with and subject to the sanction from time to time of the Trustee or Trustees in whom or the corporate Trustees in which the said lands shall for the time being be vested and the receipt of the said Rector and Churchwardens with and subject to the sanction aforesaid shall be sufficient discharge for the same.

3. The moneys in the preceding paragraph mentioned shall be applied so far as may be required in payment of the expenses of and incidental to this Ordinance and any leases to be made in pursuance hereof and of all rates and taxes and of such repairs and other outgoings as shall be sanctioned by the Trustee or Trustees aforesaid and until otherwise determined by Synod shall be applied to the extent of One hundred and fifty pounds per annum in aid of the funds available from time to time for the purposes of the stipend of the Rector for the time being of St.

Matthew's Church Manly and subject thereto as follows that is to say:—

- (a) Two one-fifth parts thereof in aid of the funds available from time to time for general Church purposes in connection with St. Matthew's Church Manly.
- (b) One-fifth part thereof for the purposes of Church work for the benefit of the whole Parish of Manly and Pittwater pending the formation of a new Parish or new Parishes partly or wholly out of the said Parish and thereafter from time to time for the benefit of the said new Parish or Parishes or the remaining part of the said Parish of Manly and Pittwater in all respects as the said Archbishop or Commissary may direct.
- (c) Two one-fifth parts thereof in payment to the Treasurers for the time being of the Home Mission Society Diocese of Sydney for the purposes of the said Society provided however that the said sum of One hundred and fifty pounds per annum the said two one-fifth parts referred to in subsection (a) and pending the formation of a new Parish or new Parishes as aforesaid the said one-fifth part referred to in subsection (b) shall be held and applied by such Rector and Churchwardens as aforesaid for the objects and purposes aforesaid but in accordance with the provisions of the "Sydney Church Ordinance 1912" and of any Ordinance amending or taking the place of the same as Parochial Church Funds and property not excluded from control thereunder.

4. The nett proceeds of sale of the said lands described in the Second Schedule hereto shall be applied as may hereafter be determined by the Synod but the nett proceeds of sale of the lands described in the Third Schedule hereto being the remainder of the lands so directed by the "St. Matthew's Manly Sale Ordinance of 1910" to be sold as hereinbefore mentioned shall in lieu of the purposes mentioned in sections four five and six of the said Ordinance be applied in the order of priority and for the purposes and in the manner following that is to say:—

- (a) As to an amount not exceeding thirteen thousand pounds thereof in erecting another Church including organ and fittings and a school house and fittings and a caretaker's quarters if deemed necessary upon the site of the present Rectory and in making provision elsewhere for another Rectory either by purchase or otherwise and as to so much of the said amount of thirteen thousand pounds as shall not be needed for the said purposes in payment to the Rector and Churchwardens for the time being of St. Matthew's Church Manly aforesaid for use in

repairing enlarging and otherwise improving the said buildings or any of them.

- (b) As to One thousand pounds thereof for purchasing or paying for sites for Churches Ministers' Dwellings Schools and Parish Halls in the outlying districts of the Parish of Manly and Pittwater and North Manly or in or towards paying for the erection and repair of such buildings or any of them.
- (c) As to One thousand pounds thereof in payment to the Treasurer of the Church Buildings' Loan Fund for use in aid of the objects of the said Fund.
- And as to the remainder of the said nett proceeds if any,
- (d) One-fifth part thereof shall be paid to the Rector and Churchwardens aforesaid for use in aid of the purposes or any of the purposes mentioned in subsection (a) and in repairing enlarging and otherwise improving the buildings mentioned in subsection (a) of this section or any of them.
- (e) Two one-fifth parts thereof shall be used for the purposes or any of the purposes mentioned in subsection (b).
- (f) Two one-fifth parts thereof shall be paid to the Treasurer of the Church Buildings' Loan Fund for use in aid of the objects of the said Fund.

Provided however that the said parts of the said proceeds of sale referred to in subsections (a) (b) (d) and (e) shall respectively be applied to the purposes mentioned or referred to in the said subsections from time to time in such manner in all respects as shall be determined by the Rector and Churchwardens aforesaid but in accordance with the provisions of the "Sydney Church Ordinance 1912" and of any Ordinance amending or taking the place of the same as Parochial Church Funds and property not excluded from control thereunder and with and subject to the sanction from time to time of the Trustee or Trustees in whom or the corporate Trustees in which the said lands shall for the time being be vested.

5. Pending the application of the said rents or the said proceeds of sale or any part or parts thereof to the purposes or any of the purposes hereinbefore mentioned the same may from time to time until otherwise determined by the Synod be invested 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 any Government Savings Bank or with any Joint Stock Company carrying on the business of Bankers in New South Wales and the respective increases gained by the said rents and proceeds of sale and any part or parts thereof by means of such investments and deposits as aforesaid shall be added to and follow the destination of the moneys and proportionate parts of the moneys in respect of which the same shall respectively arise.

6. The "St. Matthew's Manly Sale Ordinance of 1910" shall be read as subject to and supplemented by this Ordinance.

7. This Ordinance may be cited as the "St. Matthew's Manly Sale Ordinance Supplementary Ordinance of 1915."

#### FIRST SCHEDULE.

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 ninety feet on the South-east by a line bearing North-easterly two hundred feet on the North-east by a line bearing North-westerly ninety feet to The Corso and on the North-west by The Corso being lines bearing respectively South-westerly twenty-three feet eight inches Westerly twenty-nine feet again South-westerly twenty-six feet six inches Southerly twenty-nine feet and again South-westerly one hundred and six feet three inches to the point of commencement be the said several dimensions a little more or less.

#### SECOND SCHEDULE.

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 Bassett 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 ninety feet on the South-east by a line bearing sixty-seven feet eight inches on the North-east by a line bearing North-westerly ninety feet to The Corso aforesaid and on the North-west by The Corso sixty-seven feet eight inches to the point of commencement be the said several dimensions a little more or less.

## THIRD SCHEDULE.

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 Bassett Darley Estate in the Municipality of Manly commencing at a point on the South-eastern building line of The Corso sixty-seven feet eight inches North-easterly from its intersection with the North-eastern building line of Darley Road and bounded on the South-west by a line partly fenced bearing South-easterly one hundred feet on the South-east by a line bearing North-easterly one hundred and thirty-two feet four inches on the North-east by a line bearing North-westerly one hundred feet to The Corso and on the North-west by the South-eastern building line of The Corso being lines bearing respectively South-westerly twenty-three feet eight inches Westerly twenty-nine feet again South-westerly twenty-six feet six inches Southerly twenty-nine feet and again South-westerly thirty-eight feet seven inches to the point of commencement be the said several dimensions a little more or less.

## FOURTH SCHEDULE.

## PARTICULARS OF TENANCIES.

Name of Tenant.	Subject matter of Tenancy.	Date of expiration of term	Rental.
1 S. G. Baker	3 Shops	Sep. 11th, 1916	£6 6s. per week
2 E. F. Chapman	1 Shop	Oct. 4th, 1916	£2 12s. 6d. per week
3 Mrs. Walker	1 Shop	Monthly tenant	£2 10s. per week
4 Bennison and Harlock	1 Shop	Monthly tenant	£2 per week

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

E. W. MOLESWORTH,  
*Chairman of Committees.*

We certify that this Ordinance was passed on 9th September, 1915.

E. CLAYDON } *Secretaries of*  
W. R. BEAVER } *the Synod.*

I assent to this Ordinance.

JOHN CHARLES SYDNEY.

23rd September, 1915.