

*St. Matthew's Manly Trusts Remedial Ordinance 1941.*

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No. 6, 1941.

AN ORDINANCE to determine the trusts upon which certain lands and other property within the Parish of Manly are held and to declare other trusts upon which the same shall be held and for other purposes.

WHEREAS the land described in the Second Schedule to "St. Matthew's Manly Mortgaging Ordinance 1927" (hereinafter called the said land) was vested in the Church of England Property Trust Diocese of Sydney (hereinafter called the Corporate Trust) subject to a trust to use the same as a site or sites and for the purposes of a Church of the Church of England and a Parsonage and School House in connection with the Church of England or for any or either of such purposes. AND WHEREAS certain Ordinances were made directing certain dealings with the said land with or without other land and the said Ordinances contain provisions for the application of the rents and proceeds of sale of the said land and parts thereof not for the use or benefit of the Church of England in the Parish of Manly and the said Ordinances do not nor does any of them contain the declaration hereinafter contained and it is expedient that the parts of the rents and proceeds of sale of the said land or parts thereof hereinafter referred to should be dealt with and applied for the use and benefit of the Church of England for other purposes and in other Parishes in the Diocese of Sydney or otherwise in accordance with the provisions contained in and respectively now standing unrepealed and amended or unamended and representing the effect of the Ordinances which are referred to in the Schedule to this Ordinance and hereinafter called the said Ordinances. NOW therefore the Standing Committee of the Diocese of Sydney in the name and place of the Synod of the Diocese of Sydney declares directs and rules as follows:—

1. By reason of circumstances subsequent to the creation of the trusts to which the said land is for the time being subject it has in the opinion of the Synod of the Diocese of Sydney for which the said land is held become impossible or inexpedient to deal with or apply parts of the rents of the said land referred to in the next succeeding section hereof for the use or benefit of the Parish of Manly or for the same or the like purposes.

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2. So much of the said rents as are by the provisions of the said Ordinances required to be dealt with and applied for the use and benefit of the Church of England for other purposes and in a Parish or Parishes other than Manly in the said Diocese or otherwise shall be held subject to and upon trust to be dealt with and applied for the use and benefit of the Church of England for the other purposes and in the other Parish or other Parishes in the said Diocese or otherwise as in the said Ordinances expressed as if the said Ordinances were repeated in this Section and the said Ordinances were valid and read as they stand treating the same as respectively validly repealing or amending prior provisions as expressed therein.

3. So much of the rents of the said land or of any part or parts thereof as have been dealt with and applied for the use and benefit of the Church of England for other purposes and in a Parish or Parishes other than Manly in the said Diocese or otherwise and shall be recouped as wrongly dealt with or applied shall immediately on and from such recoupment be held upon trust to return the same to the intent that by virtue of the trusts declared by this Ordinance the same may in effect be permanently retained notwithstanding the omission from the said Ordinances of the required declarations.

4. This Ordinance may be cited as "St. Matthew's Manly Trusts Remedial Ordinance 1941."

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SCHEDULE.

St. Matthew's Manly Sale Ordinance of 1910.

St. Matthew's Manly Sale Ordinance Supplementary Ordinance of 1915.

St. Matthew's Manly Supplemental Ordinance of 1919.

St. Matthew's Manly Mortgaging Ordinance 1927.

St. Matthew's Manly Mortgage Ordinance 1930.

St. Matthew's Manly Mortgage (Amending) Ordinance 1934.

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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 Fourteenth day of November, 1941.

S. H. DENMAN	} Secretaries of
A. L. BLYTHE	

I assent to this Ordinance.

HOWARD SYDNEY.

19th November, 1941.