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*The Church of England Homes Land Sale and Leasing  
Ordinance 1939.*

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No. 13, 1939.

AN ORDINANCE to authorise the sale of certain lands held for the benefit of the Church of England Homes and to provide for the application of the proceeds thereof.

WHEREAS by The Church of England Homes Constitution Ordinance 1930 (hereinafter referred to as the Constitution Ordinance) it was declared that the Church of England Homes (hereinafter referred to as the Society) should be thenceforth managed and conducted pursuant to the provisions of the said Constitution and with respect to the properties set out in the said Constitution and to the property to be thereafter acquired thereunder and in all respects should have and exercise all the rights powers and be otherwise subject to all the provisions therein contained AND WHEREAS by the said Constitution the management conduct and control of the said Society is vested in a Committee to be elected as therein provided AND WHEREAS the Church of England Property Trust Diocese of Sydney (hereinafter called the Property Trust) is the registered proprietor of the land comprised in Certificate of Title dated the Sixth day of August 1920 Registered Volume 3084 Folio 223 and more particularly described in the First Part of the First Schedule hereto subject to a Caveat No. C545239 by the Registrar-General forbidding the registration of any dealing affecting such land not consistent with the duties of the registered proprietor as Trustees for the Church of England Homes Carlingford AND WHEREAS the land described in the First Part of the First Schedule hereto is vacant and the said Society has no use for the same AND WHEREAS the Property Trust is also registered as the proprietor of the land comprised in Certificate of Title dated the 31st day of May 1922 Registered Volume 3319 Folio 122 being the land more particularly described in the Second Part of the First Schedule hereto Upon Trust for the benefit of and to permit the same to be used by the Society or Institution conducted in connection with the Church of England in the Diocese of Sydney known as the Church of England Homes (being the said Society) Subject Nevertheless to the provisions of the Constitution of the Society or Institution for the time being and from time to time in force as appears by a certain Deed Poll or Declaration of Trust under the Common Seal

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of the Property Trust dated the Eighteenth day of March 1938 Registered as Number 17053 AND WHEREAS there is erected on the land described in the Second Part of the First Schedule hereto a weatherboard cottage known as Number 101 Jersey Street Hornsby which is let to a tenant but which is not suitable for the purposes of the work of the said Society AND WHEREAS the Property Trust is also registered as the proprietor of land comprised in Certificate of Title dated the Sixteenth day of December 1922 Registered Volume 3400 Folio 33 and more particularly described in the Third Part of the First Schedule hereto Upon Trust for the Committee of the Church of England Homes as a Home for the Aged and Infirm AND WHEREAS there are three cottage residences erected on the land described in the Third Part of the First Schedule hereto AND WHEREAS it is impracticable for the said Society to use the land described in the Third Part of the First Schedule hereto as a Home for the Aged and Infirm AND WHEREAS the Archbishop of Sydney (described in the Certificate of Title as the Lord Bishop of Sydney) is the registered proprietor of the lands comprised in Certificates of Title respectively dated the Fourteenth day of May 1910 Registered Volume 2056 Folio 88 and dated the Ninth day of August 1910 Registered Volume 2075 Folios 185 and 186 which lands are respectively more particularly described in the First Second and Third Parts of the Second Schedule hereto AND WHEREAS the lands described in the First Second and Third Parts of the Second Schedule hereto are held by the Archbishop of Sydney Upon Trust for the benefit of the said Society AND WHEREAS there is erected on the land described in the First Part of the Second Schedule hereto a building known as "Quipoli" and the same is not suitable for the purposes of the said Society AND WHEREAS the land described in the Second and Third Parts of the Schedule hereto is vacant AND WHEREAS the Committee of the said Society is of opinion that it is expedient to sell the whole of the lands comprised and described in the First and Second Schedules hereto and convert the same into money so that such money shall be available for the purpose of carrying on the work of the said Society and pending the sale or sales of the said land or any part or parts thereof to lease the same or any part or parts thereof so that the same so far as practicable shall produce income which will be available for the purposes of carrying on the work of the said Society Now Therefore the Standing Committee of the Synod of the Diocese of Sydney in pursuance of the powers conferred

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upon it by the Church of England Trust Property Act 1917 and the "Land Ordinance Procedure and Delegation of Powers Ordinance 1926" and in pursuance of the powers in that behalf conferred upon the said Synod by the constitutions for the management and good government of the Church of England within the State of New South Wales and of all other powers thereunto enabling it ordains declares determines directs and rules as follows:—

1. By reason of circumstances subsequent to the creation of the trusts affecting the lands described in the First and Second Schedules hereto it has become inexpedient to carry out or observe the same to the extent to which they are by this Ordinance varied and it has become expedient to sell and/or lease the lands described in the First and Second Schedules hereto.

2. The several parcels of land described in the First and Second Schedules hereto or any part or parts thereof may be sold by the Committee for the time being of the said Society either by Public Auction or Private Contract together or in lots and at such price or prices and subject to and upon such terms and conditions as the Committee for the time being of the said Society shall determine and the Property Trust and the Archbishop of Sydney respectively and other the Trustee or Trustees for the time being of the said several parcels of land or any part or parts thereof are hereby authorised to execute and do all such acts transfers instruments and other documents as shall be necessary for the purposes of carrying into effect any sale of the whole or any part or parts thereof.

3. The moneys to arise from time to time from the sale of the lands described in the First and Second Schedules hereto or any part or parts thereof shall be received by the Property Trust and applied as follows:—

- (a) In payment of the costs charges and expenses of and incidental to this Ordinance.
- (b) In payment of the costs charges and expenses of and incidental to any sale or sales of the said lands or any part thereof which shall be payable by the said Society or the Trustee of such part or parts of the said lands as shall be sold.

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- (c) In the payment of any rates taxes or other outgoings and charges which may be outstanding in respect of the said lands or any part or parts thereof.
- (d) The balance of such moneys as shall from time to time remain after making the payments aforesaid shall be paid to the Archbishop of Sydney and shall be held by him Upon Trust for the said Society to be used by it in connection with or for the purpose of its work and objects as set forth in its Constitution.

4. Pending the sale of the several parcels of land described in the First and Second Schedules hereto or any part or parts thereof the said parcels of land or any part or parts thereof may be leased by the Committee of the Church of England Homes to such person at such rent for such period and upon such terms and conditions as the said Committee shall determine with full power to the said Committee to grant to the Lessee of the said land or of any part or parts thereof an option to purchase the land leased during the currency of the lease thereof or at the expiration of such lease at such price and upon such terms and conditions as the said Committee shall determine and the Property Trust and the Archbishop of Sydney respectively and other the Trustee or Trustees for the time being of the said land or any part or parts thereof are hereby authorised to execute and do all such acts leases instruments and other documents as shall be necessary for the purpose of carrying into effect any lease of the said lands or any part or parts thereof hereby authorised and if and when any option to purchase the land comprised in any such lease shall be exercised by the Lessee thereof the Property Trust or the Archbishop of Sydney and other the Trustee or Trustees thereof are hereby authorised to execute and do all such Transfer or Transfers Conveyance or Conveyances and other instruments acts and things as shall be necessary for the purpose of transferring or conveying to the Purchaser or Purchasers thereof the land in respect of which such option shall be exercised.

5. The rents profits and income to arise in respect of the leasing of the lands described in the First and Second Schedules hereto or any part or parts thereof under the powers hereby conferred shall be paid to the Treasurer for the time being of

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The Church of England Homes and shall be applied by the Committee for the time being of The Church of England Homes firstly in payment of all rates taxes and other outgoings payable in respect of the said land in so far as such rates taxes and other outgoings may be payable by The Church of England Homes and the balance of such rents profits and income shall be applied and utilised by the said Committee for the benefit of The Church of England Homes as the said Committee shall determine.

6. This Ordinance shall be styled and cited as "The Church of England Homes Land Sale and Leasing Ordinance 1939."

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THE FIRST SCHEDULE REFERRED TO.

First Part.

ALL THAT piece or parcel of land situate near Springwood in the County of Cook Parish of Coomassie Shire of Blue Mountains containing an area of about one rood (1 rd.) having a frontage of about Fifty-seven feet four and one-half inches (57ft. 4½ins.) to Grose Road by a depth of about One hundred and eighty-eight feet one and one-half inches (188ft. 1½ins.) along a right-of-way and a depth of about One hundred and ninety-two feet eight and one-quarter inches (192ft. 8¼ins.) on the other side the rear line measuring about Fifty-seven feet five inches (57ft. 5ins.) being part of Lot 1 Section 4 on Deposited Plan 6957 and being the whole of the land comprised in Certificate of Title dated the Sixth day of August 1920 Registered Volume 3084 Folio 223.

Second Part.

ALL THAT piece or parcel of land situate at Hornsby in the County of Cumberland Parish of South Colah Shire of Hornsby having a frontage of about Sixty-four feet six and one-half inches (64ft. 6½ins.) to Jersey Street North by a depth on one side of about two hundred and forty-seven feet three and three-quarters inches (247ft. 3¾ins.) and a depth on the other side of about Two hundred and twenty-three feet nine inches (223ft. 9ins.) the rear line measuring about Sixty feet (60ft.) being Lot 9 on Deposited Plan 6843 being the whole of the land comprised in Certificate of Title dated the 31st day of May 1922 Registered Volume 3319 Folio 122.

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Third Part.

ALL THAT piece or parcel of land situate at Woy Woy County of Northumberland Parish of Kincumber Shire of Erina containing an area of about One acre six perches (1 ac. 6 ps.) having a frontage of about Fifty feet ten and three-quarters inches (50ft. 10 $\frac{3}{4}$ ins.) to Venice Road and also a frontage of about Fifty feet nine and one-half inches (50ft. 9 $\frac{1}{2}$ ins.) to a road along the high-water mark of Brisbane Water and being the whole of the land comprised in Certificate of Title dated the Sixteenth day of December 1922 Registered Volume 3400 Folio 33.

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THE SECOND SCHEDULE HEREINBEFORE REFERRED TO.

First Part.

ALL THAT piece or parcel of land situate at Leura in the County of Cook Parish of Jamieson Shire of Blue Mountains containing an area of about one acre one rood thirty-eight and three-quarters perches (1 acre 1 rd. 38 $\frac{3}{4}$  ps.) having a frontage of about Two hundred and six feet eight inches (206ft. 8ins.) to Railway Parade by a depth on one side of about Three hundred and thirty-three feet four inches (333ft. 4ins.) and a depth on the other side of about Three hundred and forty-six feet six inches (346ft. 6ins.) being Lots 3, 4 and 5 and part of Lot 9 Section 4 on Deposited Plan 1175 and being the whole of the land comprised in Certificate of Title dated the Fourteenth day of May 1910 Registered Volume 2056 Folio 88.

Second Part.

ALL THAT piece or parcel of land situate near Katoomba in the County of Cook Parish of Blackheath Shire of Blue Mountains containing an area of about One rood (1 rd.) having a frontage of about One hundred links (100 links) to Third Avenue by a depth of about Two hundred and fifty links (250 links) being Lot 16 Section J on Deposited Plan 5785 and being the whole of the land comprised in Certificate of Title dated the Ninth day of August 1910 Registered Volume 2075 Folio 185.

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Third Part.

ALL THAT piece or parcel of land situate near Katoomba in the County of Cook Parish of Blackheath and Shire of Blue Mountains containing an area of about Three acres two roods three and one-quarter perches (3 acs. 2 rds. 3¼ ps.) having a frontage of about Three hundred links (300 lks.) to Hill View Road by a depth on one side of about One thousand one hundred and fifty-five and six-tenths links (1155 6/10 lks.) and a depth on the other side of about One thousand one hundred and ninety-two and eight-tenths links (1192 8/10 lks.) being Lots 24 25 and 26 Section P on Deposited Plan 5786 and being the whole of the land comprised in Certificate of Title dated the Ninth day of August 1910 Registered Volume 2075 Folio 186.

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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.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney this Eighteenth day of September, 1939.

H. V. ARCHINAL,

Diocesan Secretary.

I assent to this Ordinance.

HOWARD SYDNEY.

21st September, 1939.