
*The Church of England Homes (Havilah, Normanhurst)
Sale Ordinance 1950.*

No. 9, 1950.

AN ORDINANCE authorising the sale of certain lands situate near Normanhurst in the Shire of Hornsby and Parish of South Colah held upon trust 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, the amalgamation of the two Societies theretofore existing in connection with the Church of England in the Diocese of Sydney known respectively as the Church of England Homes and the Church of England Committee for Homes and Hostels for Children was approved and the Constitution of the amalgamated society known as The Church of England Homes (hereinafter called the said Society) set forth in the schedule to the said ordinance was ratified and confirmed and it was declared that the said 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 the objects of the said Society include the establishment and maintenance of Homes and Hostels for and the care education and training of orphans neglected necessitous or friendless children and such other children as may be placed in the charge of the said Society by parents guardians or other persons having authority so to do. AND WHEREAS by the said Constitution, it is provided that the management conduct and control of the said Society should be vested in a committee to be elected as therein provided. AND WHEREAS the unincorporated body of the Committee of the Church of England Homes was in pursuance of the powers conferred by the Church of England (Bodies Corporated) Act 1938 constituted a body corporate under the name of "The Committee of the Church of England Homes" (hereinafter called the said Committee). AND WHEREAS it is provided by the said Constitution that the property real and personal described in the second part of the schedule thereto being at the time of the said amalgama-

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tion vested in the Lord Archbishop of Sydney as a Corporation Sole upon trust for the benefit of the Church of England Committee for Homes and Hostels for Children should be used for the like purpose or purposes for which the same might be used at the time of the adoption of the said Constitution but should be held upon trust for the benefit of the said Society. AND WHEREAS the said Committee is now the registered proprietor under the provisions of the Real Property Act, 1960, of certain land situate near Normanhurst being the land described in the schedule hereto and such land is the same land as is described in Paragraph A of the second part of the Schedule to the said Constitution. AND WHEREAS there is erected on the said land certain buildings and such land with the said buildings known as Havilah Homes has since the said amalgamation been used occupied and maintained by the said Society as a home for younger children under the care and control of the said Society. AND WHEREAS the main work and activities of the said society concerning the care of children are conducted at Carlingford and the homes for boys and girls maintained by the said Society except the said Havilah Homes are situate at Carlingford and the said Committee is about to transfer to homes at Carlingford the work and activities of the said Society heretofore conducted by it at the said Havilah Homes. AND WHEREAS by reason of circumstances subsequent to the creation of the trusts affecting the land described in the schedule hereto it is expedient to sell such land. Now the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod ordains and declares as follows:—

1. By reason of circumstances subsequent to the creation of the trusts affecting the land described in the Schedule hereto it is expedient to sell such land and accordingly the said land or any part or parts thereof may be sold by the said Committee either by public auction or private contract together or in lots in subdivision or otherwise for cash or on credit or on terms of deferred payment and for such price or prices and upon such terms and conditions and with or subject to such restrictive building covenants as the said Committee shall determine with power to vary any contract for sale and to buy in at any auction or to rescind any contract for sale and to resell and with power also to lay out and construct such roads streets and ways to be dedicated to the public or not and grant such easements rights-of-way or drainage over the same as the circumstances may require or the said Committee thinks fit and to sever and sell the buildings

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and fixtures on the said land apart from the balance of the said land and the said Committee is hereby authorised to execute a transfer or transfers of the said land or of any part or parts thereof to the purchaser or purchasers thereof and such other instrument or instruments as the Committee shall determine for the purposes of executing and carrying out all or any of the powers and provisions aforesaid.

2. The moneys to arise from the sale of the land described in the schedule hereto or of any part or parts thereof shall be received by the said Committee and such part thereof as shall be required for that purpose shall be applied in payment of the costs fees and expenses of and incidental to this Ordinance and of and incidental to any sale or sales of the said land or any part or parts thereof and to the executing and carrying out of all or any of the powers and authorities hereby conferred on the said Committee and the balance of the said moneys shall be held and applied by the said Committee for the benefit of the said Society.

3. This Ordinance shall be styled and cited as "The Church of England Homes (Havilah, Normanhurst) Sale Ordinance, 1950."

THE SCHEDULE HEREINBEFORE REFERRED TO.

All those pieces or parcels of land situate near Normanhurst in the Shire of Hornsby Parish of South Colah and County of Cumberland containing in all about twenty two acres one rood twenty one and three-quarter perches (22 acres 1 rood 21½ perches) having frontages to Hewitt Avenue, Hinemoa Avenue and Havilah Avenue and being the whole of the land comprised in Certificates of Title respectively dated 7th November, 1922, Registered Volume 3385 Folio 63 and dated 16th December, 1921, Registered Volume 33263 Folio 18.

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

W. G. HILLIARD, Bishop.

Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney this 26th day of June, 1950.

H. V. ARCHINAL,

Diocesan Secretary.

I assent to this Ordinance.

HOWARD SYDNEY.

28th June, 1950.