
The Church of England Homes Constitution Ordinance 1930.

No. 17. 1930.

AN ORDINANCE to ratify, confirm and give full effect to an Amalgamation of the Church of England Homes and the Church of England Committee for Homes and Hostels for Children under one Constitution in the name of "The Church of England Homes" and for further purposes.

WHEREAS at and prior to the date of the adoption of the Constitution set forth in the Schedule hereto (hereinafter referred to as the Amalgamating Constitution) the Society or Institution known as the Church of England Homes had been conducted in connection with the Church of England in the Diocese of Sydney pursuant to a Constitution adopted by it for the management of its affairs whereby it was provided that such Constitution should not be altered, amended or added to except as determined by the resolution of a duly convened Annual or other General Meeting passed by a majority of not less than two-thirds of the members present at such meeting and entitled to vote in respect thereof under its provisions AND WHEREAS at and prior to the date of the adoption of the Amalgamating Constitution the Society or Institution known as The Church of England Committee for Homes and Hostels for Children had been conducted in connection with the Church of England in the Diocese of Sydney pursuant to a Constitution adopted by it for the management of its affairs AND WHEREAS the respective governing bodies of the Societies or Institutions above mentioned being of the opinion that the work or objects of such respective Societies or Institutions being of a similar nature could be carried on to greater advantage by one body or society have determined that an amalgamation of such Institutions under a common Constitution was desirable and for the purpose of effecting the same have submitted to the persons respectively entitled to vote at General Meetings as subscribers or members thereof Resolutions confirming the proposals for the amalgamation of such respective Institutions or Societies, which Resolutions were duly passed by such Subscribers or Members, and by further Resolutions duly passed at the same Meetings a common Constitution for the future

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management of such amalgamated bodies, being the Amalgamating Constitution hereinafter contained, was adopted AND WHEREAS the properties described in the Schedule to the said Amalgamating Constitution were acquired and are now held under the said Amalgamating Constitution by the said Institutions or Societies as set out in the said Schedule AND WHEREAS it is considered desirable that the said Amalgamating Constitution should be submitted for confirmation by Ordinance of the Synod of the said Diocese AND WHEREAS by reason of circumstances subsequent to the creation of the trusts of the said properties it is expedient that the said trusts should be varied if and so far as may be necessary for the purpose of giving full effect to the provisions of the said Amalgamating Constitution. The Synod of the Diocese of Sydney in pursuance of the powers conferred upon it by the Constitution for the management and good government of the Church of England within the State of New South Wales and the Church of England Trust Property Act, 1917 and of all other powers thereunto it enabling hereby ordains declares and rules as follows:—

1. It is hereby declared that by reason of circumstances subsequent to the creation of the trusts of the properties referred to in the said Amalgamating Constitution it has become inexpedient to carry out and observe such trusts to the extent to which the same are varied by this Ordinance and it is expedient to vary the said trusts accordingly and the same are hereby varied if and so far as may be necessary to give full effect to the provisions of the said Amalgamating Constitution.

2. The amalgamation of the said respective Societies or Institutions heretofore known as The Church of England Homes and The Church of England Committee for Homes and Hostels for Children is hereby approved and the Constitution of such amalgamated Society as set forth in the Schedule hereto is hereby ratified and confirmed and such amalgamated Society (to be known as The Church of England Homes) shall be henceforth managed and conducted pursuant to the provisions of the said Amalgamating Constitution and with respect to the properties set out in the said Amalgamating Constitution and to the property hereafter to be acquired thereunder and in all respects shall have

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and exercise all the rights powers and be otherwise subject to all the provisions therein contained.

3. This Ordinance may be cited as "The Church of England Homes Constitution Ordinance 1930."

THE SCHEDULE.

CONSTITUTION OF THE CHURCH OF ENGLAND
HOMES.

1. The Societies or Institutions heretofore existing in connection with the Church of England in the Diocese of Sydney and respectively known as the Church of England Homes and the Church of England Committee for Homes and Hostels for Children are hereby amalgamated to the intent that such respective Societies shall henceforth be conducted as one Society pursuant to the provisions of this Constitution.

NAME.

2. The said Societies or Institutions as so amalgamated shall henceforth be known as The Church of England Homes (hereinafter referred to as the Society).

OBJECTS.

3. The objects of the Society shall be:—

- (a) 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 Society by parents, guardians or other persons having authority so to do.
- (b) The establishment and maintenance of Homes for aged women in necessitous circumstances.
- (c) To solicit collect and provide money for the above purposes and for grants or subsidies to other similar committees of the Church of England in the State of New South Wales.

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(d) Such other work for the benefit assistance or uplifting of women and children as the Committee of the Society may from time to time determine.

4. The basic principles of the Society shall be the promotion of the spiritual, moral, intellectual, physical and industrial training of those in the charge or under the care of the Society, provided that all religious teaching given in connection with the Society shall be evangelical in character and be in all respects in conformity with the Articles of Religion of the Church of England.

MEMBERSHIP.

5. (a) Any person who is already a Life Governor or Life Member of either of the Amalgamating Societies or Institutions or who contributes the sum of Fifty Pounds (£50) or more in one sum to the Society shall, subject as hereinafter provided be entitled to become a life member of the Society.

(b) Any person voluntarily collecting and paying to the Society the sum of One Hundred Pounds (£100) at least for the Funds of the Society in any one year shall, subject as hereinafter provided, be entitled to become a life member.

(c) Every subscriber of the sum of Ten Shillings or more shall, subject as hereinafter provided, become a member of the Society for the financial year of the Society during which such sum has been subscribed.

Provided that the Committee shall have power to decline to accept any sum of money offered to the Society the gift or collection of which would otherwise entitle the donor or collector thereof to membership if in its discretion it should deem it desirable so to do.

Provided further that no person shall be entitled to vote or speak at any meeting of the Society whose subscription has not been received by the Treasurer at least two months prior to the holding of such Meeting.

6. The financial year of the Society shall end on the Thirtieth day of June in each year.

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MANAGEMENT.

7. The management, conduct and control of the Society shall be vested in a Committee (hereinafter referred to as "the Committee") to be elected from time to time at the Annual Meeting and to hold office until the next succeeding election of the Committee as hereinafter provided. Such Committee shall consist of not less than twenty members of the Society who shall also be members of the Church of England and shall be elected at an Annual General Meeting, retiring Members being eligible for re-election. The President, Vice-Presidents, Secretaries and Treasurers shall be ex-officio members of the Committee. The Committee shall have power to add to its number, fill up vacancies in the Committee and to appoint sub-committees, either from amongst themselves or other persons for such purposes and with such delegated powers as they shall deem expedient. Nine members shall form a quorum of the Committee. Questions arising at any meeting of the Committee shall be decided by a majority of votes of members present, and in case of an equality of votes the Chairman shall have a second or casting vote.

8. The Committee shall have power to make pass and enforce by-laws, rules, and regulations for the government, control or administration of the Homes, with full power from time to time to add to and vary the same, provided that they be not inconsistent with the provisions of this Constitution or any amendment thereof or addition thereto. Such by-laws, rules and regulations, or any of them shall be subject to disallowance by resolutions passed at any Annual or other General Meeting, of which due notice has been given.

9. The Committee shall have power to employ a General Secretary and such other officers and agents as they may deem necessary at such remuneration as they think fit; they may also suspend or dismiss such officers or agents.

10. Until the election of a Committee and other office bearers at an Annual General Meeting of the Society, the following persons shall constitute the Committee, viz:—

President.—The Most Reverend the Lord Archbishop of Sydney.

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Vice-Presidents.—The Right Reverend the Bishop Co-Adjutor, His Honour Judge Backhouse, Dr. Crago, Mr. H. L. Tress, Mrs. J. C. Wright, Mr. T. Buckland, Mr. Albert Littlejohn, Dr. Clarence Read.

Executive Committee.—Rev. Canon Cranswick, Rev. Robert Rook, Rev. F. W. Tugwell, Mr. A. E. Finch, Mr. G. Allnutt, Mr. G. T. Savage, Mr. F. P. J. Gray, Rev. P. J. Dryland, Mr. Albert Littlejohn, Dr. Clarence Read, Dr. P. A. Ash, Mr. G. M. Merivale, Mr. Stuart Osborne, Mr. J. B. Clamp, Mr. O. L. Friend, Mrs. Cranswick, Mrs. Rook, Mrs. W. H. Capel, Mrs. A. E. Finch, Mrs. F. P. J. Gray, Mrs. F. I. Lance, Mrs. Beaver, Mrs. F. H. Crocker, Mrs. Norman Rutter, Mrs. G. H. Olding, Mrs. R. B. S. Hammond, Mrs. G. F. B. Manning, Mrs. J. N. Manning, Mrs. W. Sapsford, Mrs. A. J. Hare, Mrs. Barff, Mrs. C. Millar, Mrs. F. M. Lawry, Miss E. Raine, Mrs. H. Glennie-Holmes, Mrs. Thomas Buckland, Mrs. P. R. Higgins, Mrs. Chapman, Mrs. Uttley Todd, Mrs. G. Denning, Mrs. I. Armitage, Mrs. Eryl Pitt, Mrs. H. E. McLeod, Mrs. H. Blaxland, Mrs. R. H. Bode and Miss E. M. Sutton.

Honorary Secretaries.—Rev. R. Rook (honorary clerical secretary), Mrs. F. M. Lawry, Mrs. W. Sapsford.

Honorary Treasurers.—Mr. A. E. Finch, Dr. P. A. Ash.

The Committee may elect Vice-Presidents to hold office until the first Annual General Meeting of the Society.

LADIES' COMMITTEE.

11. The Committee shall have power to appoint a Ladies' Committee to consist of not less than ten persons and who may or may not be members of the Committee with such powers and duties as the Committee shall delegate to them.

OFFICE BEARERS.

12. The Honorary Officers of the Society shall consist of a President, one or more Vice-Presidents, one or more Honorary Treasurers and one or more Honorary Secretaries of whom one at least shall be a Clergyman of the Church of England. The President shall be the Most Reverend the Lord Archbishop of

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Sydney. The other Honorary Officers shall be elected by the Committee.

13. An Auditor or Auditors shall be appointed at each Annual General Meeting of the Society, and it shall be the duty of the Committee to see that the Accounts of the Society are audited by the Auditor or Auditors so appointed as soon as practicable after the end of each financial year.

GENERAL MEETINGS.

14. The Annual General Meeting shall be held at such time and place as the Committee shall determine. Other general meetings, hereinafter called Extraordinary General Meetings, may be held whenever desired by the Committee, and shall be convened by the Committee and held on the written request of any seven Members of the Committee or of twenty Members of the Society, who shall have signed a requisition to the President or Secretary specifying the object of such Meeting.

15. At least 14 days notice of General Meetings shall be given by advertisement in a daily Sydney morning paper. Such notice shall specify any business proposed to be brought forward at such meeting other than ordinary business.

16. The ordinary business of an Annual General Meeting shall be:—

- (a) To consider the Report and Balance Sheet of the Society.
- (b) To elect such Office bearers as are required to be elected at an Annual Meeting;
- (c) To elect a Committee for the ensuing year.

Any other business of a Special nature and of which due notice has been given may be considered and disposed of at an Annual or an Extraordinary General Meeting of the Society.

17. No resolution to disallow any by-law, rule or regulation passed by the Committee, or to amend, alter or add to this Constitution shall be received at any Annual or Extraordinary General Meeting unless notice of such resolution has been given to the Committee or Secretary at least one month before such

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meeting, and unless the advertised notice convening such meeting shall contain a notice that such resolution will be submitted, and in the case of any proposed alterations or additions to be made in this Constitution shall state the general nature of such alterations or additions.

BUSINESS.

18. The Committee shall have power for the purpose of the maintenance or upkeep of the Society or the training or the welfare of any children from time to time in its care to engage in any business or businesses which shall appear to it to be capable of being carried on to the advantage of the Society and the benefit of such children or any of them and for such purpose it shall have power to appoint suspend or dismiss all servants and officers required or employed for the purpose of the carrying on of any such business.

PROPERTY.

19. The property real and personal described in the first part of the Schedule to this Constitution is at present vested in The Church of England Property Trust Diocese of Sydney upon trust for the benefit of the said Organisation known as the Church of England Homes (hereinbefore referred to) and the property real and personal described in the Second part of the Schedule to this Constitution is at present vested in The Lord Archbishop of Sydney as a Corporation Sole upon trust for the benefit of the said Organisation known as the Church of England Committee for Homes and Hostels for Children. Such respective property shall be used for the like purpose or purposes for which the same may be used at the time of the adoption of this Constitution, but shall be held upon trust for the benefit of the Society under this Constitution. The Committee shall be required to take all such action as may be necessary for the purpose of giving legal force and effect to the abovementioned provisions. Provided always that the purpose for which such properties or any of them may be used may by resolution of the Committee if confirmed at an Annual or Extraordinary General Meeting be from time to time altered or varied or added to, provided such purpose is always kept within the objects for the time being

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set out in the Constitution. Notice of any such resolution shall be given in like manner as is hereinbefore provided with regard to resolutions to alter or amend this Constitution.

20. The Society shall have power from time to time to acquire and hold in the name of its Trustee or Trustees by purchase lease gift or other means any property both real and personal and save as expressly precluded by any instrument declaring the trusts of any such property held upon trust for the Society to sell, mortgage, lease, underlease, surrender, exchange, partition or otherwise deal with such property in such manner in all respects as the Committee shall determine, and to erect alter or demolish any building upon any land held upon trust for it.

21. All real property hereafter acquired by the Society shall be vested in the Church of England Property Trust Diocese of Sydney as Trustee for the Society unless required to be vested in other Trustees by the donors thereof. All property other than real property held or acquired by or on behalf of the Society shall be vested in the Lord Archbishop of Sydney for the time being as a corporation sole or such other Trustee as shall be appointed by the Committee, excepting such cash as in the opinion of the Committee may be required to remain in the hands of the Committee or its Treasurer for the purposes of the general management and conduct of the affairs of the Society.

22. All properties other than those mentioned in Clause 19 hereof from time to time acquired by the Society shall be held subject to the Trusts declared or imposed by the donors thereof, and failing any such declaration, then upon such trusts and for such purposes as the Committee shall from time to time direct, And the Trustees are by this Constitution authorized and directed to make such sales dispositions or leases of such properties or any of them as shall be necessary to carry out any resolution of the Committee in that behalf.

INVESTMENT OF FUNDS.

23. The Trustees shall, with the approval of the Committee have power to invest any funds held on behalf of the Society

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upon any of the investments authorised by Law from time to time for the investment of trust funds, and on deposit in the Commonwealth and Government Savings Banks and in addition they may make investments upon the purchase of real property within the State of New South Wales. Such investments may, with the approval of the Committee, be realised, varied and transposed from time to time as may be deemed expedient.

24. This Constitution shall not be altered, amended or added to except as determined by the resolution of a duly convened Annual or Extraordinary General Meeting, passed by a majority of not less than two-thirds of the members present at such Meeting, and entitled to vote in respect thereof under the provisions of this Constitution.

POWER TO BORROW.

25. The Committee shall have power from time to time whenever in its discretion it shall deem it advisable so to do, to borrow moneys for the purposes of the Society at such rate of Interest and upon such security as the Committee shall determine. And the Trustees shall at the direction of the Committee execute all such mortgages or other securities and containing such covenants, other than covenants imposing personal pecuniary obligations upon the Trustees, powers and provisions as the Committee shall authorise or direct for the purpose of giving security for any sums so borrowed, together with the Interest payable thereon.

THE SCHEDULE.

FIRST PART.

REAL PROPERTY.

A. (i.) All that parcel of land situate in the Municipality the The Glebe, Parish of Petersham and County of Cumberland containing an area of 3 roods 33 perches or thereabouts, having a frontage of about 148 feet 10 inches to Forsyth Street by a depth along Arden Lane of about 210 feet 2½ inches and also a frontage to Avon Lane of about 98 feet 9 inches, the rear line

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thereof measuring about 254 feet 2 inches and being the whole of the land comprised in Certificate of Title dated the 9th day of November 1912 Registered Volume 2313 Folio 20.

(ii.) All that parcel of land situate in the Municipality of The Glebe, Parish of Petersham and County of Cumberland containing an area of 2 roods 14½ perches or thereabouts, being Lots 7, 8 and 9 of Avona Estate Subdivision having a frontage to Forsyth Street of about 145 feet by a depth along Avona Avenue on one side of about 181 feet 1½ inches and a depth along a lane on the other side of about 180 feet 6 inches, the rear line measuring about 140 feet 7 inches.

(iii.) All that parcel of land situate in the Municipality of The Glebe, Parish of Petersham and County of Cumberland containing an area of 3 roods 34½ perches or thereabouts, situate at the rear of the land described in paragraph (ii.) of this Section of the Schedule, having a frontage of about 226 feet 1½ inches to Avona Avenue and a frontage of about 273 feet 7½ inches to a lane, being the whole of the land comprised in Certificate of Title dated the 19th day of October 1899 Registered Volume 1297 Folio 95.

Upon these lands are erected buildings now vacant but formerly used as Homes and known as "Arden" "Strathmore" "Tress-Manning" and "Avona" respectively.

B. (i.) All that parcel of land situate at Carlingford in the Municipality of Dundas, Parish of Field of Mars and County of Cumberland, containing an area of 1 acre 3 roods 36 perches or thereabouts being Lots 13 and 14 Deposited Plan No. 4084, having a frontage of about 172 feet to Pennant Hills Road by a depth along Gibbons Street on one side of about 619 feet 6½ inches and a depth along the other side of about 590 feet and ¼ inch, the rear line measuring about 100 feet, and being the whole of the land comprised in Certificate of Title dated the 1st day of September 1917 Registered Volume 2783 Folio 249.

(ii.) All that parcel of land situate at Carlingford in the Municipality of Dundas, Parish of Field of Mars and County of Cumberland, containing an area of 4 acres 18½ perches or thereabouts and being Lots 1 and 26 on Deposited Plan Number

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3122, having frontages to Pennant Hills Road of about 150 $\frac{2}{10}$ links and to York Street of about 270 $\frac{5}{10}$ links, being the whole of the land comprised in Certificate of Title dated the 21st day of October 1898 Registered Volume 1262 Folio 205.

(iii.) All that parcel of land situate at Carlingford in the Municipality of Dundas, Parish of Field of Mars and County Cumberland, containing an area of 2 roods 2 perches or thereabouts being the whole of the land comprised in Certificate of Title dated the 15th day of February 1929 Registered Volume 4248 Folio 238.

(iv.) All that parcel of land situate at Carlingford in the Municipality of Dundas, Parish of Field of Mars and County of Cumberland, containing an area of 2 acres 35 $\frac{1}{2}$ perches or thereabouts being Lots 12 and 15 on Deposited Plan Number 4084, having a frontage of about 185 feet 11 $\frac{1}{4}$ inches to Pennant Hills Road by a depth along Gibbons Street on the one side of about 631 feet 7 $\frac{1}{2}$ inches and a depth along the other side of about 650 feet 2 inches, being the whole of the land comprised in Certificate of Title dated the 9th day of October 1917 Registered Volume 2793 Folio 78.

(v.) All that parcel of land situate at Carlingford in the Municipality of Dundas, Parish of Field of Mars and County of Cumberland, containing an area of 3 acres 2 roods 22 perches or thereabouts, having a frontage of about 657 links to Pennant Hills Road by a depth along the one side of about 675 $\frac{1}{10}$ links and a depth along the other side of about 562 $\frac{6}{10}$ links and being the whole of the land comprised in Certificate of Title dated the 15th day of February 1929 Registered Volume 4248 Folio 239.

Upon these lands are erected buildings used as Homes for Girls and known as "McGarvey Home" "Strathmore" (formerly "Minden") and "Tress-Manning" (formerly No. 2 Home) respectively.

C. (i) All that parcel of land situate at Carlingford in the Shire of Baulkham Hills, Parish of Field of Mars and County of Cumberland containing an area of 9 acres 16 $\frac{1}{2}$ perches or thereabouts having a frontage to Pennant Hills Road of 1327

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links by a depth along the one side of about 852 $\frac{1}{3}$ links and a depth along the other side of about 628 $\frac{5}{10}$ links being the whole of the land comprised in Certificate of Title dated the 6th day of February 1911 Registered Volume 2121 Folio 166.

(ii.) All that parcel of land situate in the Parish of Field of Mars County of Cumberland, containing an area of 36 acres 2 roods 30 perches or thereabouts, having a frontage of about 2022 links to a reserved road running off Pennant Hills Road, by a depth along the one side of about 1642 links and a depth along the other side of about 1997 links, being the whole of the land comprised in Certificate of Title dated the 17th day of June 1884 Registered Volume 700 Folio 22.

Upon these lands are erected buildings used as Homes for Boys known as "Buckland Home" "Noller Home" and "Vickery Home" respectively.

D. Property being acquired by the Church of England Homes from Trustees St. Paul's Church Carlisle.

All that parcel of land situate at Pennant Hill, Parish of Field of Mars, County of Cumberland, containing an area of 1 acre 2 roods 7 perches or thereabouts having a frontage of about 225 links to Pennant Hills Road by a depth along the one side of about 582 links and a depth along the other side along a reserved road or right-of-way of about 608 links.

Upon this land is erected a building formerly used as a Rectory but now used as a Boys Hostel.

E. Property acquired by the Church of England Homes from the Sydney Female Refuge Society.

All that parcel of land situate in the Municipality of The Glebe Parish of Petersham and County of Cumberland containing an area of about 1 acre 1 rood $37\frac{1}{2}$ perches or thereabouts having a frontage of about 260 feet 6 inches to Glebe Road and also a frontage of about 189 feet 3 inches to Hereford Street, being the whole of the land comprised in Certificate of Title dated the 3rd day of March 1923 Registered Volume 3426 Folio 127 upon which is erected a building known as "Rosebank" and out-buildings.

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PERSONAL PROPERTY.

 INVESTMENTS AND RE-INVESTMENTS OF PROCEEDS
 OF PERSONAL PROPERTY ACQUIRED BY THE
 CHURCH OF ENGLAND HOMES FROM THE
 SYDNEY FEMALE REFUGE SOCIETY.

	£	s.	d.
New South Wales Government Funded Stock 3½ per cent. (Act 61 Victoria No. 43) due Government option	3700	0	0
City of Sydney Electric Light Debentures, Series "D," 4 per cent., 1937	500	0	0
City of Sydney Electric Light Debentures, 5½ per cent., 1951	1500	0	0
Fixed Deposit with Bank of New South Wales, Head Office	49	12	0

SECOND PART.

REAL PROPERTY.

A. All those parcels of land near Normanhurst in the Parish of South Colah, County of Cumberland, containing 16 acres 2 roods 30 perches and 5 acres 2 roods 31¼ perches or thereabouts respectively, being the whole of the land comprised in Certificates of Title Registered Volume 3263 Folio 18 and Registered Volume 3385 Folio 63 respectively, upon which are erected several buildings known as "Havilah."

B. All that parcel of land at Leura in the Parish of Jamieson and County of Cook, containing an area of 1 acre 1 rood 38¼ perches or thereabouts, being the whole of the land comprised in Certificate of Title Registered Volume 2056 Folio 88, upon which is erected a building known as "Quipoli."

C. All those two parcels of land at Blackheath (Vacant) in the Parish of Blackheath, County of Cook, containing 3 acres 2 roods 3¼ perches and 1 rood or thereabouts respectively, being the whole of the land comprised in Certificates of Title Registered Volume 2075 Folios 186 and 185 respectively.

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D. All that parcel of land at Mudgee situated in the Parish of Mudgee and County of Wellington, containing an area of 2 acres 2 roods or thereabouts, being the land comprised in Conveyance dated the 11th September 1928 Registered Number 427 Book 1530, upon which is erected a building known as "Bleak House."

PERSONAL PROPERTY.

	£	s.	d.
Australian Gaslight Company Shares	1500	0	0
Commonwealth Treasury Bonds	3350	0	0
New South Wales Government Stocks	4100	0	0

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

A. J. GOULD,

Chairman of Committees.

We certify that this Ordinance was passed this seventeenth day of October, 1930.

S. H. DENMAN } Secretaries of
HARINGTON B. COWPER } the Synod.

I assent to this Ordinance.

GERARD D'ARCY-IRVINE.

Bishop Coadjutor, Commissary.

20th October, 1930: