
*The Church of England Homes (Rosebank) Land Sale
Ordinance 1940.*

No. 5, 1940.

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

WHEREAS the Church of England Property Trust Diocese of Sydney (hereinafter called the Property Trust) is registered as the proprietor of certain land situate at The Glebe being the whole of the land comprised in Certificate of Title Volume 4876 folio 192 and being more particularly described in the Schedule hereto AND WHEREAS the said land is held by the Property Trust upon trust for the benefit of the Society or Institution conducted in connection with the Church of England in the Diocese of Sydney known as The Church of England Homes (hereinafter called the said Society) as appears by the Constitution of the said Society and The Church of England Homes Constitution Ordinance 1930 such land being the residue of the land described in Paragraph E of the First Part of the Schedule to such Constitution after the sale of part to Violet Mary Bardsley under the authority conferred by The Church of England Homes (Rosebank) Land Sale Ordinance of 1937 AND WHEREAS there is erected on the land described in the Schedule hereto a building known as "Rosebank" and outbuildings which until recently were used by the said Society as a Home for Aged Women in Necessitous Circumstances in accordance with the objects of the said Society. AND WHEREAS the work of providing a Home for Aged Women in Necessitous Circumstances is now and has for some time past been carried on by the said Society at Drummoyne and the said Society has no further use for the land described in the Schedule hereto or the buildings erected thereon for the purposes of carrying out its objects AND WHEREAS the said land has been let by the Committee of the said Society to Archdeacon Robert Brodribb Stewart Hammond for use by him in connection with the organisation conducted in and about the City of Sydney known as Hammond's Social Services AND WHEREAS the Committee of the said Society has entered into an Agreement bearing date the 8th April 1940 with the said Robert Brodribb Stewart Hammond and Messieurs Harry Chesney Harte and Thomas Giles Paul acting for and on behalf of the said organisation known as Hammond's Social Services for the sale to the said Robert Brodribb Stewart Hammond Harry Chesney Harte and Thomas Giles Paul of the land described in the Schedule hereto for the

*The Church of England Homes (Rosebank) Land Sale
Ordinance 1940.*

total price or sum of One thousand seven hundred pounds (£1,700) AND WHEREAS the said Agreement for Sale was entered into subject to and upon the condition that the Synod of the Church of England in the Diocese of Sydney or the Standing Committee thereof by Ordinance to be passed under the Church of England Trust Property Act 1917 confirms the sale thereby made 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 therefore the Standing Committee of the Synod of the Diocese of Sydney in pursuance of the powers conferred upon it by the Church of England Trust Property Act 1917 and The Land Ordinance Procedure and Delegation of Powers Ordinance 1926 and of all other powers thereunto enabling it ordains and rules as follows:—

1. By reason of circumstances subsequent to the creation of the trusts affecting the land described in the Schedule 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 the said land.

2. The said recited Agreement for the sale of the land described in the Schedule hereto by the Committee of the Church of England Homes to the said Robert Brodrigg Stewart Hammond Harry Chesney Harte and Thomas Giles Paul is hereby ratified and confirmed and accordingly the said land may be sold to the Purchasers named in the said Agreement for the price and upon and subject to the terms and conditions set forth in the said Agreement but with power to the said Committee in its discretion to agree to a variation of the term of the said Agreement requiring the said land to be transferred to the Property Trust so that the same may be transferred to the Purchasers named in the said Agreement or as they shall direct and the Property Trust is hereby authorised to execute and do all such acts transfers instruments and other documents as shall be necessary for the purpose of carrying into effect the said Agreement for sale as originally executed or varied.

3. The moneys to arise from the sale of the land described in the Schedule hereto shall be received by the Property Trust and shall be applied as follows:—

- (a) In payment of the costs charges and expenses of and incidental to this Ordinance and of and incidental to the sale.

*The Church of England Homes (Rosebank) Land Sale
Ordinance 1940.*

- (b) In payment of any rates taxes or other outgoings and charges which may be outstanding in respect of the said land or any part or parts thereof.
- (c) The balance of such moneys as shall 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. This Ordinance shall be styled and cited as "The Church of England Homes (Rosebank) Land Sale Ordinance 1940."

THE SCHEDULE HEREINBEFORE REFERRED TO.

All that piece or parcel of land situate in the Municipality of The Glebe Parish of Petersham and County of Cumberland containing an area of about One rood thirty and three-quarter perches (1 rood 30 $\frac{3}{4}$ perches) having a frontage of about Ninety-nine feet three inches (99' 3") to Hereford Street by a depth along the Eastern boundary of about One hundred and fifty four feet six inches (154' 6") the rear line measuring about Two hundred and eleven feet two and one-half inches (211' 2 $\frac{1}{2}$ ") and the other boundaries being irregular and being the whole of the land comprised in Certificate of Title dated the 12th day of October 1937 Registered Volume 4876 Folio 192.

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

W. J. G. MANN,

Acting Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney this twenty-seventh day of May, 1940.

H. V. ARCHINAL,

Diocesan Secretary.

I assent to this Ordinance.

HOWARD SYDNEY.

May 28, 1940.