

**ST. GEORGE'S CHURCH OF ENGLAND,
HURSTVILLE, CEMETERY ACT.**

Act No. 63, 1961.

An Act to authorise the use of St. George's Church of England Cemetery at Hurstville for purposes other than a cemetery; and for purposes connected therewith. [Assented to, 11th December, 1961.]

**Elizabeth II,
No. 63, 1961**

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "St. George's Church of England, Hurstville, Cemetery Act, 1961".

2.

St. George's Church of England, Hurstville, Cemetery Act.**No. 63, 1961**Use of
cemetery
for other
purposes.

2. (1) It shall be lawful for the Church of England Property Trust Diocese of Sydney (hereinafter referred to as "the Trust") or such persons as may be authorised by the Trust to use such part of the land described in the Schedule to this Act as may be owned by the Trust and used as a cemetery (hereinafter referred to as "the said land") for the purposes of erecting and maintaining a rectory and suitable monument thereon and such other purposes as may be declared by ordinance made under the Church of England Trust Property Act, 1917, as amended by subsequent Acts, notwithstanding—

- (a) that the said land comprises a cemetery; and
- (b) any trusts, conditions, encumbrances or dedications affecting the said land immediately before the commencement of this Act.

(2) Before any use is made of the said land pursuant to subsection one of this section, the Trust or the persons authorised as aforesaid shall—

- (a) compile a register of the names of and other relevant information in respect of persons buried in the said land, so far as such names and information can be obtained, and deposit such register in the Mitchell Library, Sydney, where it shall be maintained so as to be available for inspection by any interested person from time to time;
- (b) subject as hereinafter provided, cause any headstones, grave enclosures, and other surface structures on the said land to be collected with due care and disposed of at the discretion of the Trust.

(3) At least three months before any headstones, grave enclosures, or other surface structures are collected and disposed of under subsection two of this section, an advertisement of the intention to do so shall be inserted twice at an interval of not less than two weeks in a newspaper or newspapers published and circulating in the locality, and twice at an interval of not less than two weeks in a newspaper or newspapers published in Sydney and circulating widely throughout New South Wales.

(4)

St. George's Church of England, Hurstville, Cemetery Act.

423

(4) At any time after the appearance of the first advertisement referred to in subsection three of this section and before the expiration of three months from the appearance of the last of such advertisements, the representatives or any persons claiming to be the representatives of any person buried in the said land may, at their own expense, remove the headstone, grave enclosure, or other surface structure erected over the grave of such person, and may, at their own expense, and with the permission of the Director-General of Public Health, remove to such cemetery as they desire, the remains of such person :

Provided that any such representatives or persons claiming to be such representatives shall give to the Trust not less than fourteen days' notice of their intention.

(5) The Trust shall as soon as practicable after the headstones, grave enclosures and other surface structures are collected under subsection two of this section erect in a suitable position on the said land a substantial monument in memory of those persons buried therein.

3. No compensation shall be payable to any person in respect of the performance of any act authorised by this Act. No compensation payable.

SCHEDULE.

Sec. 2.

ALL THAT piece or parcel of land containing by admeasurement 1 acre 1 rood 29 $\frac{1}{4}$ perches be the same more or less situated in the Municipality of Hurstville County of Cumberland Parish of St. George at Hurstville being the whole of the land in Primary Application No. 42124 and the whole of the land comprised in Certificate of Title Volume 4019 Folio 126 COMMENCING at the intersection of the north-eastern side of The Avenue and the north-western side of Forest Road and bounded thence on the south-east by the north-western side of Forest Road bearing 79 degrees 6 minutes 30 seconds 188 feet 2 $\frac{1}{2}$ inches on the north-east by lines bearing 314 degrees 48 minutes 51 feet 7 $\frac{1}{4}$ inches and 314 degrees 49 minutes 20 seconds 400 feet 8 $\frac{1}{4}$ inches to the easternmost corner of the land comprised in Certificate of Title Volume 4050 Folio 243 thence on the north-west the south-west and again on the north-west by a south-eastern boundary

No. 63, 1961 boundary a north-eastern boundary and another south-eastern boundary of the land comprised in Certificate of Title Volume 4050 Folio 243 bearing 230 degrees 39 minutes 50 seconds 133 feet 6 $\frac{1}{2}$ inches 130 degrees 56 minutes 30 feet 2 $\frac{1}{2}$ inches and 217 degrees 35 minutes 24 feet 6 inches to the aforesaid north-eastern side of The Avenue and thence again on the south-west by that north-eastern side of The Avenue bearing 134 degrees 53 minutes 40 seconds 326 feet 7 $\frac{1}{2}$ inches to the point of commencement.
