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*St. Mark's South Hurstville Sale and Mortgage  
Ordinance 1957.*

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No. 46, 1957.

AN ORDINANCE to authorise the sale of certain land in Prairievale Road South Hurstville to authorise the mortgaging of certain land in The Mall South Hurstville and to provide for the application of the proceeds of such sale and mortgage.

WHEREAS Stanley Pollard Leach, Wilfred De Courcy Browne and Reginald Hatcourt Scoble hereinafter called the Trustees are registered proprietors as joint tenants of the land comprised in Certificate of Title Volume 6834 Folio 15 more particularly described in the First Schedule hereto (hereinafter called the Present Rectory) AND WHEREAS the Present Rectory is Church Trust Property held by the said Trustees for the sole benefit of the Parish of St. Mark South Hurstville but no trusts in writing have been declared concerning the same AND WHEREAS the Present Rectory was purchased as a temporary dwelling and is unsuitable for retention by the Church as a rectory AND WHEREAS by Contract dated 24th September 1957 made between Church of England Property Trust Diocese of Sydney (hereinafter called the Corporate Trustee) of the one part and William Joseph Henry Dearne of the other part the Corporate Trustee has contracted to purchase the land and premises described in the 2nd Schedule hereto hereinafter called the Proposed Rectory for use as a Rectory AND WHEREAS the interest acquired under such contract in the Proposed Rectory is Church Trust Property held for the sole benefit of the Parish of St. Mark South Hurstville AND WHEREAS it is expedient that the Present Rectory be sold and the net proceeds applied in and towards the purchase of the Proposed Rectory which is to be registered in the name of the Corporate Trustee AND WHEREAS it is expedient that the Proposed Rectory be mortgaged for the purpose of borrowing a sum not exceeding Three thousand pounds (£3,000) to be also applied towards the purchase of the Proposed Rectory and costs and expenses incidental thereto Now the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod ordains and directs as follows:—

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1. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the said present Rectory is held it is inexpedient to carry out and observe the same and it is expedient that the said Present Rectory be sold.

2. The said Trustees are hereby empowered to sell the Present Rectory by public auction or private contract at such time and for such price and upon such terms and conditions as they shall think fit freed from the trusts aforesaid.

3. The proceeds of the sale of the Present Rectory shall after deducting thereout all outgoings properly chargeable against the same and the costs charges and expenses of and incidental to this Ordinance and of the sale of the Present Rectory and transfer executed in pursuance thereof be applied by the said Trustees in and towards the cost of and expenses incidental to the purchase of the Proposed Rectory.

4. The Proposed Rectory shall when vested in the Corporate Trustee be held by it upon trust to permit the same to be used as a Rectory in connection with the Church of England in the Parish of St. Mark South Hurstville.

5. By reason of the difference in value of the Present Rectory and the Proposed Rectory and in order to provide the necessary purchase money it is expedient to mortgage the Proposed Rectory:—

(i) The Corporate Trustee is hereby empowered to mortgage from time to time the Proposed Rectory for the purpose of borrowing the sums following:—

(a) When the power is first exercised a sum not exceeding Three thousand pounds (£3000).

(b) When the power is subsequently exercised such sum not exceeding Three thousand pounds (£3000) as the Standing Committee shall by resolution determine.

Provided that such debt shall be reduced at the rate of not less than One hundred and twenty pounds (£120) per annum when the power is first exercised and thereafter at such rate as Standing Committee shall by resolution determine.

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Provided further that no person or corporation advancing monies under this Ordinance shall be concerned to enquire whether such reduction as aforesaid shall have been made.

- (ii) Any renewal of a mortgage shall be deemed to be a subsequent exercise of the said power.
- (iii) A document purporting to be signed by the Archbishop or the Secretary of the Standing Committee of the said Diocese as a copy of any such resolution shall in favour of a mortgagee or any person or corporation claiming under the mortgage be conclusive evidence that such resolution was duly passed.

6. The proceeds of any mortgage hereby authorised shall be applied by the Corporate Trustee as follows:—

- (i) When the power is first exercised in payment of the costs charges and expenses of and incidental to such mortgage and subject thereto the balance shall be paid to the Churchwardens of the Church of St. Mark South Hurstville who shall apply the same in and towards the cost of and incidental to the purchase of the Proposed Rectory.
- (ii) When the power is subsequently exercised in payment of the principal interest and costs of and incidental to the discharge of any then existing mortgage and the costs and expenses of such further mortgage or mortgages.

7. The Churchwardens for the time being of the Parish of St. Mark South Hurstville shall within seven days of the holding of the Annual Vestry Meeting of such Church during such time as any money is owing to any mortgagee pursuant to this Ordinance cause an account to be furnished to the Secretary of the Standing Committee giving details of the amount borrowed, the amounts paid off and the balance owing.

8. This Ordinance shall be cited as "St. Mark's South Hurstville Sale and Mortgage Ordinance 1957."

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FIRST SCHEDULE.

All that piece or parcel of land situated in the Municipality of Kogarah Parish of St. George County of Cumberland having a frontage of 66 feet to Prairievale Road by depth of 163 feet 9½ inches being Lot X in plan lodged with transfer number F953182 being the whole of the land comprised in Certificate of Title Volume 6834 Folio 15 and known as No. 2 Prairievale Road South Hurstville.

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SECOND SCHEDULE.

All that piece or parcel of land situated in the Municipality of Kogarah Parish off St. George County of Cumberland having a frontage of 44 feet to The Mall by depth of 165 feet being Lot 173 on Deposited Plan No. 6202 and being the whole of the land comprised in Certificate of Title Volume 4415 Folio 193 and known as No. 31 The Mall South Hurstville.

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

W. G. HILLIARD,  
Chairman of Committees.

I certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 28th day of October, 1957.

W. L. J. HUTCHISON,  
Secretary.

I assent to this Ordinance.

HOWARD SYDNEY,  
Archbishop of Sydney.

28/10/1957.