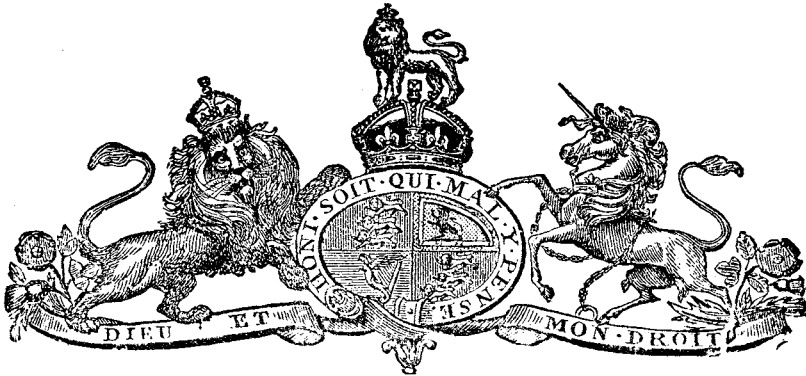


T A S M A N I A.



1934.

ANNO VICESIMO QUINTO
 GEORGII V. REGIS.
 No. 24.

ANALYSIS.

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| <ol style="list-style-type: none"> 1. Short title. 2. Interpretation. 3. The Hobart Presbyterian Burial-ground to vest in Corporation of Hobart. 4. Ground not to be built upon and to be held for the use of the public as a City recreation ground. 5. Provision as to removal of remains, tombstones, and monuments. | <ol style="list-style-type: none"> 6. Removal of remains by descendants. 7. Reinterment of remains by Council. 8. Council may provide proper places for reception of remains. 9. Tombstones, &c., not removed to become property of Council. 10. Expenses. 11. Indemnity. |
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AN ACT to vest the Disused Burial-ground known as "the Presbyterian Burial-ground" in the Lord Mayor, Aldermen, and Citizens of the City of Hobart for the Benefit and Use of the Inhabitants of the said City, to authorise the Council of the said City to remove Remains, Tombstones, and Monuments, and to improve and beautify the said Ground, and for other purposes. [2 November, 1934.]

A.D.
 1934.

WHEREAS on the twenty-seventh day of August, one thousand eight hundred and twenty-eight, the burial-ground known as the Presbyterian burial-ground was set apart by an order of His Excellency

Preamble

Hobart Presbyterian Burial-ground Vesting and Improvement.

A.D. 1934.

Colonel *George Arthur*, then Lieutenant-Governor of Tasmania, as a burial-ground for the Church of Scotland, now known as the Presbyterian Church :

And WHEREAS the said burial-ground was closed pursuant to proclamation dated the twenty-second day of July, one thousand eight hundred and seventy-two, and since that year no burials have been permitted therein :

And WHEREAS there are no moneys available to maintain the said disused burial-ground in suitable repair and condition, and the same has fallen into a state of disrepair :

And WHEREAS it is desirable that the said disused burial-ground should be vested in the Lord Mayor, aldermen, and citizens of the City of Hobart, and should become available as a City recreation ground for the benefit, enjoyment, and use of the inhabitants of the said City :

Be it therefore enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

Short title.

1 This Act may be cited as the *Hobart Presbyterian Burial-ground Vesting and Improvement Act 1934*.

Interpretation.

2 In this Act, unless the context otherwise determines—

“The Corporation” means the Corporation of the Lord Mayor, aldermen, and citizens of the City of Hobart :

“The Council” means the Hobart City Council :

“The said disused ground” means the disused burial-ground known as “the Presbyterian Burial-ground,” a description whereof is set forth in the schedule hereto :

“The Trustees” means the Trustees of the property of the Presbyterian Church of Tasmania.

The Hobart Presbyterian Burial-ground to vest in Corporation of Hobart.

3 On the passing of this Act, the said disused ground shall, by force of this Act and without the necessity of any conveyance or transfer, vest in the Corporation and its successors, for an estate in fee simple, for the purpose of this Act, freed and discharged from all estates, interest, trusts, obligations, contracts, licences, charges, rates, and rights-of-way, or other easements, including the restriction imposed on the same or any portion thereof by virtue of any of the provisions of the *Presbyterian Church Act 1896*.

60 Vict. No. 8.

Ground not to be built upon and to be held for the use of the public as a City recreation ground.

21 Geo. V. No. 64.

4 Except as hereinafter provided, the said disused ground shall remain for ever unbuilt upon, and shall be and remain vested in the Corporation as a City recreation ground, and shall be subject in all respects to the provisions of Part VIII. of the *Hobart Corporation Act 1930*, provided that no lease of the said disused ground or any part thereof shall be granted by the Council for any purpose.

Hobart Presbyterian Burial-ground Vesting and Improvement.

5 At least three months before any human remains, tombstones, or monuments are moved by the Council, the following steps shall be taken :—

A.D. 1934.

Provision as to removal of remains, tombstones, and monuments.

- I. A statement shall be prepared, sufficiently describing, by the name and date appearing thereon, the tombstones and monuments standing or being in the said disused ground and such other particulars as may be necessary for identification :
- II. Such statement shall be deposited at the office of the Town Clerk at the Town Hall, Hobart, and shall be open at all reasonable hours to inspection by all persons :
- III. An advertisement of the intention to remove or change the position of any such remains, tombstones, or monuments shall be inserted four times at least, at intervals of not less than two weeks, in one daily newspaper published and circulating in Hobart and in one daily newspaper published and circulating in Launceston, and such advertisement shall give notice of the deposit of the said statement and of the hours during which the same may be inspected.

6 At any time after the appearance of the first of such advertisements as aforesaid, and during the period of six months after such first appearance, the representatives of any person buried in the said disused ground may, upon giving fourteen days' notice to the Council of their intention so to do, remove to such cemetery as they desire the remains of such person and the tombstone or monument now erected over the grave of such person.

Removal of remains by descendants.

7 From and after the expiration of six months from the appearance of the first of such advertisements as aforesaid, the Council may, at its own expense, cause the remains of any persons interred or deposited in the said disused ground to be reverently removed and interred or deposited in some other cemetery in or near the City of Hobart or in some other portion of the said disused ground which may be set apart by the Council for that purpose in such manner as the Council may determine.

Reinterment of remains by Council.

8 The Council may build upon or under any part of the said disused ground such ornamental structure or vaults for the reception of any such remains as shall not have been removed from the said disused ground as the Council deems appropriate.

Council may provide proper places for reception of remains.

9 All tombstones, monuments, and material not removed from the said disused ground before the expiration of the period of six months mentioned in section seven of this Act shall become the property of the Corporation, and the Council may dispose of the same as it thinks proper.

Tombstones, &c., not removed to become property of Council.

Hobart Presbyterian Burial-ground Vesting and Improvement.

A.D. 1934.

Expenses.

10 The Council may, out of its Municipal Fund, defray the costs, charges, and expenses which it may from time to time incur in the execution of this Act.

Indemnity.

11 This Act shall be a complete indemnity to all persons for any act done pursuant hereto.

SCHEDULE.

COUNTY OF BUCKINGHAM, PARISH OF HOBART.

1A. 0R. 0P.

All that piece of land containing 1 acre 0 roods 0 perches (more or less) situate in the City of Hobart and bounded as follows:—Commencing at the most northern corner of land granted to Charles McArthur in Church Street and distant 182 links or thereabouts from the intersection of that street with Patrick Street thence on the north-east for $366\frac{1}{2}$ links or thereabouts north-westerly along Church Street to the most eastern corner of land granted to George Augustus James and Henry John James thence on the north-west for 277 links or thereabouts and in a south-westerly direction along the boundary of that grant thence on the south-west and in a south-easterly direction for $549\frac{1}{2}$ links or thereabouts to Patrick Street thence north-easterly along Patrick Street for 22 links or thereabouts thence north-westerly for 183 links or thereabouts along the south-western boundary of land granted to Charles McArthur thence north-easterly for 233 links or thereabouts along the north-western boundary of that land to the point of commencement.