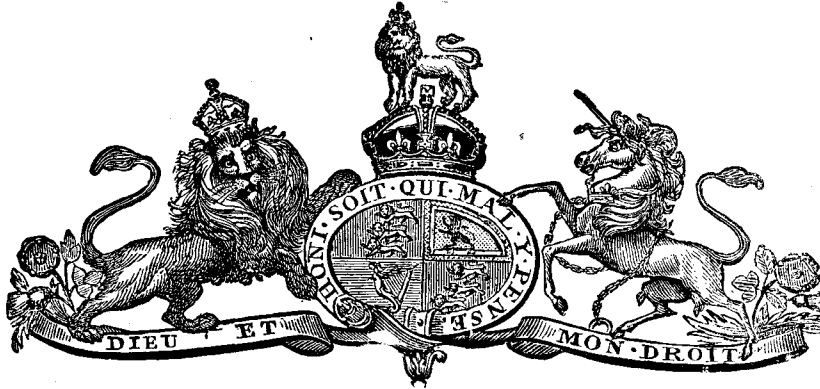


T A S M A N I A.



1913.

ANNO QUARTO

GEORGI V. REGIS.

No. 59.

ANALYSIS.

- | | | |
|---|--|---|
| 1. Short title. | | Certificate of title to be issued to Corporation. |
| 2. Interpretation. | | 4. Power to sell and convey land. |
| 3. Lease declared void, and land vested in Corporation in fee simple. | | 5. Application of moneys on sale of land. |

AN ACT to vest a certain Piece of Land in ^{A.D.} 1913. the Warden, Councillors, and Electors of the Municipality of Devonport, with Power to Sell or otherwise deal with the same.]

[24 December, 1913.]

WHEREAS the piece of land described in the schedule to this Act was by an indenture dated the Seventeenth day of February, One thousand nine hundred and eleven, demised and leased by the Governor unto the Warden, councillors, and electors of the Municipality of Devonport and their assigns for the term of Ninety-nine years at the yearly rent of One Shilling; and by the said indenture it is provided that if the said land shall be used for any other purpose than that of a public cemetery then the said land shall become absolutely forfeited to His Majesty the King : PREAMBLE.

And whereas the said piece of land is not situate within the Municipality of Devonport, but is within the Municipality of Latrobe, and the Municipal Council of Devonport therefore find it impracticable to establish a cemetery upon the said land :

Devonport Vesting and Enabling.

A.D. 1913.

And whereas it is expedient that the said lease of the said piece of land should be cancelled and that the said land should be vested in the Warden, councillors, and electors of the Municipality of Devonport for an estate in fee simple and that power should be given to the Municipal Council of the Municipality of Devonport to sell the said piece of land and apply the proceeds of sale in or towards the purchase of another piece of land suitable for the purposes of a public cemetery :

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 Devonport Council Enabling Act, 1913.”

Interpretation.

2 In this Act—

“ The Corporation ” means the Warden, councillors, and electors of the Municipality of Devonport :

“ The Council ” means the Council of the said municipality :

“ The said land ” means the land described in the schedule to this Act.

Lease declared void and land vested in Corporation in fee simple.

3—(1) The said lease recited in the preamble to this Act is hereby declared to be void, and all the estate and interest of the lessee under such lease is hereby extinguished.

(2) The said land is hereby vested in the Corporation for an estate in fee simple, free from encumbrances.

Certificate of title to be issued to Corporation.

(3) The Recorder of Titles is hereby authorised and directed upon written application being made to him by or on behalf of the Corporation, with a copy of this Act attached thereto, to issue a certificate of title under the provisions of “ The Real Property Act ” for the said land, free from encumbrances, in the name of the Corporation, and no warrant other than the said application and a copy of this Act shall be necessary for the issue of the said certificate of title as aforesaid.

Power to sell and convey land.

4 The Council is hereby authorised—

I. To sell the said land, either together or in lots, by public auction or private contract, for such price and upon such terms and conditions as the Council thinks fit :

II. To execute under the seal of the Council all necessary conveyances, transfers, and assurances of the said land or any part thereof to the purchaser or purchasers thereof.

Application of moneys on sale of land.

5 All purchase moneys received by the Council for the sale of the said land or any part thereof shall be applied and expended in or towards the purchase and acquisition, with the approval of the Chief Secretary for this State, of other land suitable for a public cemetery ; and any land so purchased shall be held by the Corporation in trust for the establishment or purposes of a public cemetery.

Devonport Vesting and Enabling.

A.D. 1913.

SCHEDULE.

COUNTY OF DEVON, PARISH OF TEMPLETON.

7a. 2r. 11½p.

Cemetery Reserve.

Bounded on the west by 7 chains and 99 links southerly along lands purchased by R. Driscoll and James East respectively commencing at the road from Devonport to Moriarty on the south by 12 chains 74½ links easterly also along the last mentioned land on the east by 3 chains 89 links northerly along a quarry reserve to the road from Devonport to Moriarty aforesaid and thence on the north-east by 13 chains 35 links north-westerly along that road to the point of commencement.

