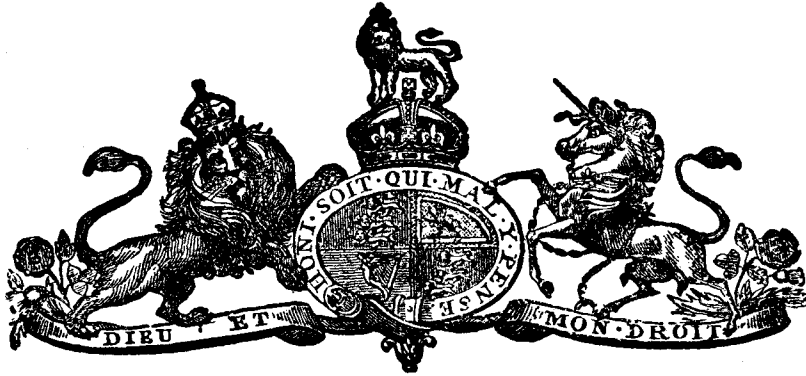


TASMANIA.



1916.

ANNO SEPTIMO
GEORGII V. REGIS.
No. 37.

ANALYSIS.

- 1. Short title and incorporation.
- 2. Interpretation.
- 3. Division of Act.

PART I.—ACQUISITION OF THE
QUEENBOROUGH CEMETERY.

- 4. Authority to Corporation to acquire Cemetery and rights.
- 5. Vesting of lands in Corporation.
- 6. Portion of land to be used as a public cemetery.
- 7. Other portion of the land to be city recreation ground.

PART II.—BORROWING
POWERS

- 8. Power to borrow.
- 9. Sums to be additional to sums already borrowed.
- 10. Provisions of Part XII. of 57 Vict. No. 11 or 43 Vict. No. 22 to be applicable.
- 11. Corporation empowered to pay off and reborrow.
- 12. Government may guarantee interest.
- 13. Savings banks may invest in such loans.
- 14. Government may lend under "The Local Public Works Loans Act, 1890."

AN ACT to further amend "The Hobart Corporation Act, 1893." [12 January, 1917.] AD. 1916.

WHEREAS the lands described in Schedule (1) and Schedule (2) hereto, and comprising Twelve acres twenty-four perches and Eight acres respectively, are now vested in certain Trustees in trust for the Queenborough Cemetery Company Limited, subject as to the lands described in Schedule (1) to certain rights acquired therein by Alexander Clark and Son Limited: PREAMBLE.

Hobart Corporation.

A.D. 1916.

And whereas the land described in Schedule (1) has been used as a cemetery, but the land described in Schedule (2) has never at any time been so used :

And whereas it is desirable that the lands described in Schedule (1) and Schedule (2) should be acquired by the Hobart Corporation, and that the land described in Schedule (1) when so acquired should be available for burial purposes as formerly, and that the land described in Schedule (2) when so acquired should become a City Recreation Ground :

And whereas it is expedient that the Hobart Corporation should be empowered to issue debentures to enable it to acquire the said lands, and also to borrow certain other moneys for the purposes hereinafter set forth :

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 and
incorporation.
57 Vic. No. 11.

1—(1) This Act may be cited for all purposes as “The Hobart Corporation Act, 1916,” and it is hereby incorporated with and shall be read as one with “The Hobart Corporation Act, 1893,” and every amendment thereof.

(2) “The Hobart Corporation Act, 1893,” and every amendment thereof, inclusive of this Act, may together be cited as “The Hobart Corporation Acts, 1893 to 1916.”

Interpretation.

2 In this Act, unless the context otherwise determines—

“The Company” means the Queenborough Cemetery Company Limited :

“The Trustees” means the trustees for the time being of the property of the Company :

“The said firm” means *Alexander Clark and Son Limited*.

Division of Act.

3 This Act is divided into two parts as follows :—

Part I.—Acquisition of the Queenborough Cemetery.

Part II.—Borrowing Powers.

PART I.

ACQUISITION OF THE QUEENBOROUGH CEMETERY.

Authority to
Corporation to
acquire Cemetery
and rights

4—(1) It shall be lawful for the Corporation to purchase and acquire from the Trustees and the Company, and for the Trustees and the Company to sell to the Corporation the lands described in Schedule (1) and in Schedule (2), and it shall be lawful for the Corporation to purchase and acquire from the said firm, and for the said firm to sell to the Corporation all rights it may have in and over the land described in Schedule (1).

Hobart Corporation.

(2) The purchase price payable for the said lands shall be One thousand five hundred and fifteen Pounds payable in debentures of the Corporation bearing interest at the rate of Five Pounds per centum per annum from the First day of October, One thousand nine hundred and sixteen, and the purchase price payable for the said rights shall be Two hundred and fifty Pounds, also payable in debentures of the Corporation bearing interest at the rate of Five Pounds per centum per annum from the First day of October, One thousand nine hundred and sixteen.

A.D. 1916.

(3) The Corporation is hereby authorised, for the purposes of this Act, to create and cause to be issued debentures charged upon the revenues of the Corporation (other than the water rates levied under the authority of "The Water Act, 1893," and any Act amending the same) for any sum or sums not exceeding in the whole One thousand seven hundred and sixty-five Pounds.

57 Vic. No. 25.

(4) All the provisions contained in Part II. of this Act relating to the moneys authorised to be borrowed thereunder shall be applicable to the debentures authorised to be created and issued under this section.

5—(1) Upon the delivery of debentures for One thousand five hundred and fifteen Pounds to Messrs. *Dobson, Mitchell, and Allport* as solicitors for the Trustees and the Company, and the delivery of debentures for Two hundred and fifty Pounds to the said firm the lands described in Schedule (1) and Schedule (2) and all the right, title, and interest of the Trustees and the Company, and of any person or persons claiming by, through, or under the Trustees or the Company in and to the same respectively, and all the right, title, and interest of the said firm shall, without the necessity of any conveyance, transfer, or connecting title, other than this Act, be transferred to and become vested in the Corporation freed and discharged from all claims and demands by or on the part of the Trustees, the Company, the shareholders in the Company, and the said firm respectively.

Vesting of lands
in Corporation.

(2) The Mayor for the time being of the City of Hobart, shall notify the completion of the said purchase by notice under his hand, which notice shall be published in the "Gazette" and in One or more daily newspapers published in the said city.

6—(1) The land described in Schedule (1) shall after it becomes vested in the Corporation in manner aforesaid thenceforth be used as a public cemetery, notwithstanding that it was closed under the provisions of "The Public Health Act, 1903."

Portion of land
to be used as a
public cemetery.
3 Ed. VII. No. 37.

(2) The Council shall have in regard to such land all the rights, powers and authorities, including the power to make rules and regulations conferred upon the trustees of public cemeteries by "The Cemeteries Act, 1865," and its amendments, so far as the same are applicable to the Council as if the members thereof were trustees appointed and gazetted as such under the lastmentioned Act,

29 Vic. No. 7.

Hobart Corporation.

A.D. 1916.

(3) All rules and regulations made by the Company in respect of the said cemetery and in force at the date when the said piece of land becomes vested in the Corporation shall be continued in force until superseded by any rules or regulations made by the Council under "The Cemeteries Act, 1865," and its amendments.

(4) Any right of burial granted or acquired by any person from the Company in respect of any portion of the said land and in existence at the time of the acquisition of such land by the Corporation shall be continued as if such right had been granted to such person by the Corporation.

57 Vict. No. 11.

(5) The provisions of "The Hobart Corporation Act, 1893," relating to by-laws made under that Act shall be applicable to rules and regulations hereafter made by the Council under this Act and under "The Cemeteries Act, 1865," and its amendments.

Other portion of
the land to be
city recreation
ground.
4 Geo. V. No. 24.

7 The land described in Schedule (2) shall, after it becomes vested in the Corporation in manner aforesaid, be and become a city recreation ground within the meaning and for the purposes of "The Hobart Corporation Act, 1913," and shall be held freed and discharged from any trust created in respect thereof, and from any carriage-way, foot-way, right-of-way, or other easement existing thereon.

PART II.

BORROWING POWERS.

Power to borrow.

8 It shall be lawful for the Corporation from time to time to borrow and take up at interest, on the security of the revenues of the Corporation (other than the water rates levied under the authority of "The Water Act," 1893," and any Act amending the same) such sum or sums of money not exceeding Twenty-five thousand Pounds as the Council deems necessary for the purpose of improving and extending the streets of the said city, and generally for the purposes of the Corporation Acts.

57 Vict. No. 25.

Sums to be
additional to sums
already borrowed.

9 The sum or sums which the Corporation may borrow under the authority of this Act shall be in addition to any sum or sums of money previously borrowed or authorised to be borrowed by or on behalf of the Corporation under the authority of any former Act.

Provisions of
Part XII. of 57
Vict. No. 11, or
43 Vict. No. 22
to be applicable.:

10 The provisions of Part XII. of "The Hobart Corporation Act, 1893," shall be applicable to any sum or sums of money borrowed under this Act, or, in the alternative, any sum or sums of money borrowed under the authority of this Act, shall be subject to the provisions of "The City of Hobart Town Loans Consolidation Act, 1880," and any Act amending the lastmentioned Act.

Hobart Corporation.

Provided that for the purposes of the sinking fund for the redemption of any debentures issued under this Act, Section Five of "The City of Hobart Loans Act, 1900," shall be read and construed as if the words "One Pound" were inserted in lieu of the words "Ten Shillings" in the Fifteenth line thereof.

A.D. 1916.
64 Vict. No. 49.

11 If, after having borrowed any sum or sums of money under the authority of this Act, the Corporation shall repay the same, or any part thereof, it shall be lawful for the Corporation again to borrow the sum or sums so paid off, and so from time to time.

Corporation
empowered to pay
off and reborrow.

12 In order to facilitate the borrowing by the Corporation of the said sum or sums of money it shall be lawful for the Government of Tasmania to guarantee the payment of interest for the same, or any part thereof, to the lenders: Provided that in every such case and so far as the Government of Tasmania, in consequence of such guarantee, advances and pays any sum or sums of money to any lender, all moneys so paid shall be, and the same are hereby declared to be, a First or primary charge upon the revenues of the Council; and the Treasurer for the time being of Tasmania shall have, and may exercise in that event, all or any of the powers given to the holders of debentures by "The City of Hobart Town Loans Consolidation Act, 1880," and any Act amending the same.

Government may
guarantee interest

13 It shall be lawful for the trustees for the time being, for any bank for savings in Tasmania now established, or hereafter to be established, to advance and lend to the Corporation, upon the security aforesaid, the whole or any part of the said sum or sums of money which the Corporation is authorised to borrow under this Act, anything in the Act of Council of 12 Victoriae No. 1 to the contrary notwithstanding.

Savings Banks
may invest in such
loans.

14 It shall be lawful for the Corporation to borrow and the Governor is hereby authorised, from time to time, out of the moneys of the Crown in Tasmania, or out of such sums as may be provided for the purpose, to lend to the Corporation, on the security of the entire revenues of the Corporation, other than the water rates hereinbefore mentioned, the whole or any part of the said sum or sums of money which the Corporation is authorised to borrow under this Act. Such loan shall be made under the provisions of "The Local Public Works Loans Act, 1890," and any Act amending the same: Provided that it shall not be necessary to lay before either House of Parliament plans and specifications of any proposed works, nor the report of the Engineer-in-Chief thereon, as provided in Section Two of "The Local Public Works Loans Act, 1890." The said sum or sums shall be paid to the Corporation at such times and in such manner as the Governor shall determine.

Government may
lend under "The
Local Public
Works Loans
Act, 1890."

54 Vic. No. 30.

Hobart Corporation.

A.D. 1916.

SCHEDULES.

(1)

COUNTY OF BUCKINGHAM.

PARISH OF HOBART.

12A. OR. 24P.

ALL that piece of land situate in the City of Hobart containing by admeasurement Twelve acres twenty-four perches more or less known as The Queenborough Cemetery and bounded on the north-west by a line of Twenty-four chains thirty links bearing in a south-westerly direction along the Mount Nelson Road and along the land described in Certificate of Title Vol. CLXXXVII. Folio 11 commencing at a point along the Mount Nelson Road distant Sixteen chains from the Main Road from Hobart to Kingston On the south-west by a line of Five chains bearing in a south-easterly direction along a location to Thomas Chaffey On the south-east by a line of Twenty-four chains thirty links bearing in a north-easterly direction along a location to Thomas Chaffey and on the north-east by a line of Five chains bearing in a north-westerly direction along the land described in the Schedule (2) hereto to the point of commencement Excepting thereout One rood Fifteen perches of land resumed by the Crown for the Mount Nelson Road. The said piece of land forming part of Twenty acres twenty-four perches situate in the City of Hobart aforesaid granted by the Crown to James Gregory Stephen Large and George Luckman by Letters Patent dated the Seventh day of October One thousand eight hundred and seventy-three and registered No. 15065.

AND ALSO all that piece of land containing One rood fifteen perches described in Certificate of Title Vol. CLXXXVII. Folio 11.

(2)

COUNTY OF BUCKINGHAM.

PARISH OF HOBART.

8A. OR. 0P.

ALL that piece of land situate in the City of Hobart containing Eight acres or thereabouts (being the balance of the said Twenty acres and Twenty-four perches of land granted by the said Letters Patent of the Seventh day of October One thousand eight hundred and seventy-three referred to in the Schedule (1) hereto) and bounded on the north-east by the road from Hobart to Kingston commencing at the angle of the last-mentioned road and the Mount Nelson Road On the south-east by part of a location to Thomas Chaffey On the south-west by the land described in the Schedule (1) hereto and on the north-west by the said Mount Nelson Road to the point of commencement.