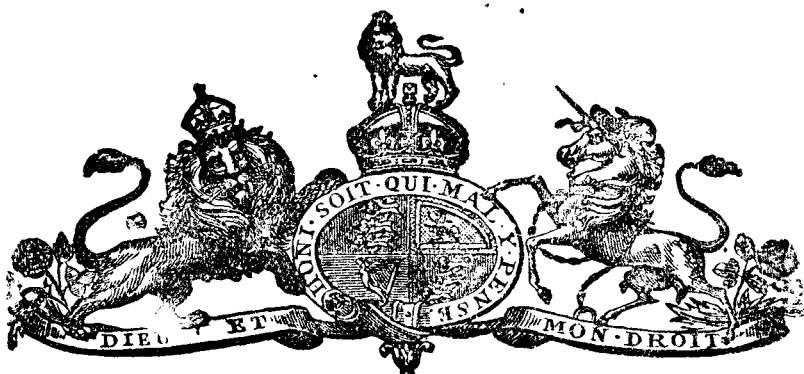


T A S M A N I A



1932.

ANNO VICESIMO TERTIO
 GEORGI V. REGIS
 No. 35.

ANALYSIS.

1. Short title.
2. Vesting of part of said land in Church Trustees.
3. Appointment of new Trustees; reduction of number of Trustees.
Regulations.

 AN ACT to vest portion of certain Land in the Parish of Kingborough at present held on trust as a Free Burial-ground in the Trustees of the Property of the Church of England in Tasmania; and to appoint new Trustees for the said Free Burial-ground; and to reduce the number of Trustees in relation thereto. [23 December, 1932.]

A.D.
 1932.

WHEREAS by an indenture, a copy of which is contained in the First Schedule, and which is hereinafter referred to as "the Trust Deed," dated the thirteenth day of August, one thousand eight hundred and eighty-five, made between *Eli Midson* of the first part, *John Midson* of the second part, *Robert Williamson* of the third part, and *Richard Groombridge, Edward Meredith, George McGuire, Thomas Rollins, and Alexander Lucas* of the fourth part, the whole of the land delineated in the plan contained in the Second Schedule, hereinafter referred to as "the said land," was conveyed to the said

PREAMBLE.

Margate Cemetery.

A.D. 1932.

Richard Groombridge, Edward Meredith, George McGuire, Thomas Rollins, and Alexander Lucas, upon the trusts set forth in the Trust Deed:

And whereas it is desirable that portion of the said land should be vested in the Trustees of the Property of the Church of England in Tasmania, and that new Trustees should be appointed for the purposes of the Trust Deed in respect of the balance of the said land:

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 Margate Cemetery Act, 1932.”

Vesting of part of said land in Church Trustees.

2 That part of the said land surrounded by a pink line in the plan contained in the Second Schedule is hereby vested in the Trustees of the Property of the Church of England in Tasmania for the purposes of a church building site, freed and discharged from all the trusts of the Trust Deed in relation thereto.

Appointment of new Trustees; reduction of number of Trustees.

3—(1) *Charles William Frost, William Robert Worsley, and William Henry Lawson, all of Margate, orchardists, are hereby appointed new Trustees for the purposes of, and in substitution for the persons named as Trustees in, the Trust Deed, and shall hold the balance of the said land upon and subject to all the trusts of the Trust Deed in the same manner, and shall have the same powers and be subject to the same duties and obligations, as if they had been appointed Trustees by the Trust Deed; and the number of Trustees for the purposes of the Trust Deed shall be reduced to three.*

Regulations.

(2) The proviso to the Trust Deed shall be read and construed as if the word “two” were substituted for the word “four” wherever occurring therein, to the intent that the power to make regulations referred to in that proviso may be exercised by not less than two Trustees.

THE FIRST SCHEDULE.**THE TRUST DEED.**

THIS INDENTURE made the thirteenth day of August one thousand eight hundred and eighty-five under the provisions of the Conveyancing and Law of Property Act 1884 BETWEEN ELI MIDSON of North-West Bay in Tasmania farmer of the first part JOHN MIDSON of the same place farmer of the second part ROBERT WILLIAMSON of Queenborough near Hobart in Tasmania gentleman of the third part and RICHARD GROOMBRIDGE of North-West Bay aforesaid farmer EDWARD MEREDITH of the same place farmer GEORGE MCGUIRE of the same place farmer

Margate Cemetery.

THOMAS ROLLINS of the same place farmer and ALEXANDER LUCAS of the same place farmer of the fourth part: WHEREAS by an indenture bearing date the twenty-third day of July one thousand eight hundred and seventy-five and registered in the Registry of Deeds at Hobart aforesaid on the ninth day of August in the same year and made between John Smart Groombridge of North-West Bay aforesaid farmer of the first part the said John Midson of the second part and Alexander Gellie of Hobart in Tasmania gentleman of the third part ALL THAT piece or parcel of land containing 63 acres or thereabouts situate in the Parish of Kingborough and bounded on the west by 66 chains and 34 links southerly along a grant to Hervey Raynard commencing at the north-east angle thereof on the North-West Bay River on the south by 10 chains and 50 links easterly along part of a grant to John Thomas on the east by 43 chains and 50 links northerly along a location to John Piercallars granted to John Lucas to the North-West Bay River aforesaid and thence by that river to the point of commencement was with other land conveyed and granted to the said Alexander Gellie by way of mortgage for the purpose of securing the payment of One hundred and fifty Pounds on the twenty-third day of July in the year one thousand eight hundred and seventy-eight and interest thereon at the rate of Nine Pounds per centum per annum and subject to a proviso for redemption and reconveyance of the said piece of land to the said John Midson or his heirs or executors or administrators or assigns and subject also to a term of one thousand years and a power of appointment in favour of the said Robert Williamson created by an indenture bearing date the eighth and registered the ninth day of December one thousand eight hundred and seventy-one made between James Lucas therein described of the one part and the said Robert Williamson of the other part the said term and power of appointment being vested in the said Robert Williamson for the purpose of securing the payment to him or to his heirs or executors or administrators or assigns of the sum of Two hundred and fifty Pounds and interest thereon at the rate of Seven Pounds per centum per annum: AND WHEREAS by an indenture bearing date the sixth day of July and registered on the twenty-second day of August in the year one thousand eight hundred and eighty-three and made between Ellen Gellie of Hobart in Tasmania relict and devisee of the said Alexander Gellie of the one part and the said Eli Midson of the other part the said piece of land became vested in the said Eli Midson as mortgagee subject to the said term and power of appointment vested in the said Robert Williamson as aforesaid: AND WHEREAS the piece of land hereinafter described and intended to be hereby granted is a portion of the piece of land hereinbefore described and referred to: AND WHEREAS the said Eli Midson John Midson and Robert Williamson are desirous of setting apart the piece of land hereinafter described and intended to be hereby conveyed as a free burial-ground for the interment of the dead and for that purpose have requested the said Richard Groombridge Edward Meredith George McGuire Thomas Rollins and Alexander Lucas to accept a conveyance of the piece of land hereinafter described upon the trusts hereinafter mentioned and they have consented to such conveyance thereof: NOW THIS INDENTURE WITNESSETH that in consideration of the premises and of divers other good and valuable considerations hereunto moving them they the said Eli Midson and Robert Williamson as mortgagees and according to their respective estates and interest therein and by the direction of the said John Midson hereby severally convey and the said John Midson as beneficial owner hereby conveys and confirms unto the said Richard Groombridge Edward Meredith George McGuire Thomas Rollins and Alexander Lucas (hereinafter called the said Trustees) ALL THAT piece or parcel of land situate at North-West Bay aforesaid and bounded as follows that is to say on the north-east by 224 feet 6 inches north-westerly along the main road from Three-Hut Point to Margate and Kingston commencing at the angle made by that road with the by-road

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forming the south-eastern boundary of the land now being described on the north-west by a straight line of 206 feet and 3 inches running in a south-westerly direction and parallel to the by-road aforesaid thence on the south-west by a straight line of 224 feet 6 inches running parallel to the main road aforesaid and extending in a south-westerly direction to the said by-road and thence on the south-east by 206 feet 3 inches north-westerly along the by-road aforesaid to the point of commencement to HOLD unto and to the use of the said Trustees or the survivors or survivor of them in fee simple UPON TRUST that they the said Trustees or the survivors or survivor of them or other the Trustees or Trustee at any time hereafter appointed in substitution or as the successors or assigns of the said Trustees or any of them or other the person or persons at any time entitled to act or acting in the discharge of the trust hereby created shall subject to such regulations as the said Trustees or the majority of them or the majority of their successors shall from time to time by writing under their hands make and adopt permit the said piece of land hereby granted to be used as a free burial-ground for the interment of the dead free of all charges or fees whatsoever by all persons wishing to use the same for that purpose. PROVIDED ALWAYS AND IT IS HEREBY DECLARED that no such regulations as aforesaid shall be made or adopted by the said Trustees or their successors at any time when the number of the Trustees is less than four or at any meeting of the Trustees at which less than four Trustees are present and that such regulations shall not in any way impose or entail upon any person or persons using the said piece of land or any portion thereof as a burial-ground any cost or expenditure of money which without such regulations such person or persons would not have to bear or pay for using the same for the purpose aforesaid. IN WITNESS whereof the said parties to these presents have hereunto set their hands and seals the day and year first hereinbefore written.

Signed sealed and delivered by
the said Eli Midson John
Midson Robert Williamson
Richard Groombridge and
Edward Meredith (the
words "than four" having
previously been interlined
between the fourteenth and
fifteenth lines on the third
page hereof) in the pres-
ence of—

A. INGLIS CLARK Solicitor
Hobart.

ELI MIDSON. (L.S.)
JOHN MIDSON. (L.S.)
ROBT. WILLIAMSON. (L.S.)
RICHARD GROOMBRIDGE. (L.S.)
E. MEREDITH. (L.S.)

Signed sealed and delivered by
the said George McGuire
Thomas Rollins and Alex-
ander Lucas (the words
"than four" having previ-
ously been interlined
between the fourteenth and
fifteenth lines on the third
page hereof) in the pres-
ence of—

JOHN DENEHEY Farmer
North-West Bay.

GEORGE MCGUIRE. (L.S.)
THOMAS ROLLINS. (L.S.)
ALEXANDER LUCAS. (L.S.)

THE SECOND SCHEDULE.

BUCKINGHAM
KINGBOROUGH

Scale :- 1 chain to an inch

