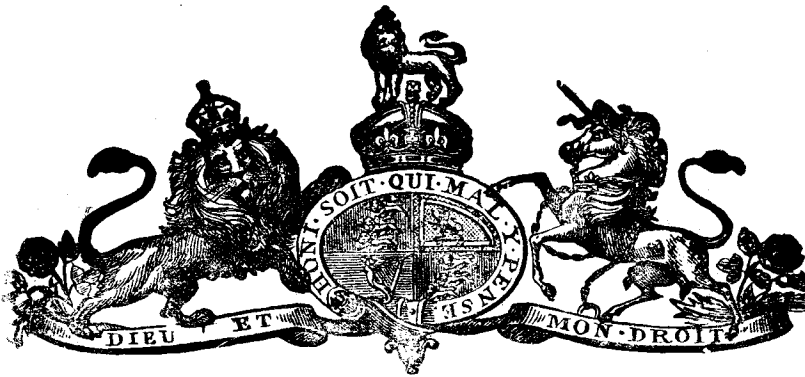


T A S M A N I A



1919.

ANNO DECIMO

GEORGII V. REGIS.

No. 6.

ANALYSIS.

1. Short title.
2. Interpretation.
3. Governor may by proclamation create a new right-of-way in substitution for an existing right-of-way appurtenant to certain Church of England property at New Town.
4. Upon registration of proclamation new right-of-way to become appurtenant to dominant tenement, and existing right-of-way to be extinguished.
5. Proclamation to be registered in Lands' Titles Office.
Surveyor-General to record substitution of new right-of-way for existing right-of-way.

A.D.
1919.

AN ACT to authorise the Governor to create a new Right-of-Way appurtenant to certain Land at New Town vested in the Trustees of the Property of the Church of England in Tasmania through and over certain Crown Land on which the New Town Sanatorium for Consumptives is established, in substitution for an existing Right-of-Way, and for other purposes. [24 October, 1919.]

BE it 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 :—

1 This Act may be cited as "The St. John's Rectory, New Town, Short title, Right-of-Way Act, 1919."

Right-of-Way, New Town.

A.D. 1919.

Interpretation.

2 In this Act—

“Schedule” means schedule to this Act :

“The said dominant tenement” means all those Five acres and One rood of land situate in the Town of New Town, in Tasmania, vested in the Trustees of the Property of the Church of England in Tasmania, and comprised and described in Land Grant, Registered Volume LXXIII., Folio 103, under “The Real Property Act” :

“The said existing right-of-way” means the easement or right-of-way in and by the said land grant created through, over, and along the strip of Crown land described in Schedule (1) and shown in the plan in Schedule (3) :

“The said grant” means the said Land Grant, Registered Volume LXXIII., Folio 103 :

“The said servient tenement” means the strip of Crown land described in Schedule (2) and shown in the plan in Schedule (3,) :

“The Trustees” means the Trustees of the Property of the Church of England in Tasmania.

Governor may by proclamation create a new right-of-way in substitution for an existing right-of-way appurtenant to certain Church of England property at New Town.

Upon registration of proclamation new right-of-way to become appurtenant to dominant tenement, and existing right-of-way to be extinguished.

3 The Governor may by proclamation create and define a new right-of-way for the beneficial enjoyment of and appurtenant to the said dominant tenement through, over, and along the said servient tenement, in substitution for the said existing right-of-way.

4 Upon the registration of the said proclamation in the Lands' Titles Office at Hobart, as hereinafter provided—

- i. The said new right-of-way created and defined by the said proclamation shall become appurtenant to the said dominant tenement and every part thereof, and shall be and confer full and free right and liberty to and for the Trustees, as and being the registered proprietors, and for the registered proprietors or proprietor for the time being of the said dominant tenement or any part thereof, and their, his, or her tenants, servants, agents, workmen, and visitors, to go, pass, and repass at all times hereafter, and for all purposes, and either with or without horses or other animals, carts, or other carriages, into, and out of, and from the said dominant tenement or any part thereof, through, over, and along the said servient tenement :
- ii. The said new right of-way shall be subject to such and the same incumbrances and interests as the dominant tenement is subject to :
- iii. The said existing right-of-way shall be deemed to have been duly surrendered to His Majesty the King free from any mortgage or incumbrance, and shall by the mere operation of this Act become and be determined, closed, and extinguished.

Right-of-Way, New Town.

5—(1) The said proclamation shall be registered in the Lands' Titles Office at Hobart by entering a memorial thereof on the folium in the Register Book containing the said grant, and for that purpose the Minister for Works shall furnish to the Recorder of Titles a certified copy of the said proclamation and a copy of this Act.

(2) The Surveyor-General shall cause the substitution of the said new right-of-way for the said existing right-of-way to be recorded upon the plans in his office relating to the dominant and servient tenements.

A.D. 1919.

Proclamation to be registered in Lands' Titles Office.

Surveyor-General to record substitution of new right-of-way for existing right-of-way.

SCHEDULES.

(1)

TOWN OF NEW TOWN.

Oa. 1r. 25½p.—Being a right-of-way, 25 feet wide (passing through Crown land) shown on Land Grant, Registered Vol. LXXIII., Folio 103.

Bounded on the south-west by 10 chains 70 links north-westerly in two bearings commencing at a point distant 2 chains 22 links north-easterly from the west angle of 5¼ acres granted to William Lovett and others on the north-west by 39¼ links north-easterly along a roadway on the New Town Rivulet on the north-east by 10 chains 88½ links south-easterly in two bearings along Crown land and thence on the south-east by 38 links south-westerly along the aforesaid land granted to William Lovett and others to the point of commencement.

(2)

TOWN OF NEW TOWN.

Oa. 1r. 27½p.—Being Crown land.

Bounded on the north-east by 11 chains 45 links south-easterly in two bearings along the New Town Charitable Institution grounds commencing at the west angle thereof on a roadway along the New Town Rivulet on the south-east by 38 links south-westerly along 5¼ acres granted to William Lovett and others on the south-west by 11 chains 26¾ links north-westerly in two bearings along Crown land and thence on the north-west by 39¼ links north-easterly along the beforementioned roadway along the New Town Rivulet to the point of commencement.

(3)

(Schedule attached.)



SCHEDULE . 3.



Scale 4 chains to an Inch.

