

## DOVER CEMETERY (VESTING).

No. 2 of 1949.

AN ACT to provide for the vesting in the Warden, Councillors, and Electors of the Municipality of Esperance of the disused Congregational cemetery situated at Dover and for its conversion into a Public Park or Garden, and for matters incidental thereto.  
[12 April, 1949.]

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:—

Short title.

**1** This Act may be cited as the *Dover Cemetery (Vesting) Act 1949*.

Interpretation.

**2** In this Act, unless the contrary intention appears—  
“the cemetery” means the disused Congregational cemetery situated at Dover in this State, being land more particularly described in the schedule;  
“the Council” means the Council of the Municipality of Esperance.

Vesting of cemetery in Corporation.

**3** The cemetery is hereby vested in the Warden, Councillors, and Electors of the Municipality of Esperance in fee simple free from all trusts and restrictions affecting the same, except as provided by this Act.

Power to lay out cemetery as a public park or garden.

**4**—(1) Subject to this Act, the Council may lay out the cemetery as a public park or garden for use as a place of quiet recreation by the inhabitants of the municipality.

(2) In the exercise of the powers conferred on it by this section the Council may—

- (a) construct streets, avenues, and walks in or through the cemetery;
- (b) erect and construct in the cemetery such ornamental and other buildings and structures, and provide therein such seats, shelters, and conveniences for the use of persons resorting thereto, as the Council thinks fit;
- (c) enclose, drain, turf, level, and light the whole or any part of the cemetery;
- (d) plant in the cemetery or in any portion thereof such trees, shrubs, and plants as the Council thinks fit;

- (e) upon and subject to the conditions prescribed in section five—
  - (i) demolish or remove any graves, monuments, vaults, and tombstones erected in any part of the cemetery; and
  - (ii) exhume and remove from the cemetery any human remains which are buried therein, and reinter those remains, either in the cemetery or elsewhere, as provided by this Act;
- (f) build upon or under any part of the cemetery such ornamental structures or vaults as the Council thinks fit for the reception of any human remains which are not removed from the cemetery for reinterment elsewhere; and
- (g) generally, execute such works, employ such officers and servants, give such orders and directions, and do all such acts and things as may be necessary for the laying out of the cemetery as a public park or garden or for carrying out or giving effect to the provisions of this Act.

**5**—(1) Before proceeding with the demolition of any graves, monuments, vaults, or tombstones erected in the cemetery or with the exhumation and removal of any human remains buried therein, the Council shall—

Conditions on which Council may remove human remains.

- (a) cause to be prepared a statement setting out—
  - (i) the names and dates appearing on the graves, monuments, vaults, or tombstones proposed to be removed by the Council; and
  - (ii) such other particulars as may be necessary for the identification of those graves, monuments, vaults, or tombstones and of the human remains to which they relate, so far as such particulars can be ascertained from the records of the cemetery or the inscriptions on the stones and monuments therein;
- (b) deposit the statement in the office of the Council Clerk and make it available for inspection by any person free of charge; and
- (c) publish, on such occasions and at such intervals as the Council may think desirable, in such newspapers as the Council may determine, a notice of the intention of the Council to demolish or remove the graves, monuments, vaults, or tombstones, or to exhume and remove the human remains.

(2) Any notice published in pursuance of paragraph (c) of subsection (1) shall specify the hours within which the statement prepared in accordance with paragraph (a) of that subsection may be inspected, and a copy of the notice shall be prominently displayed at or near the entrance to the council chambers.

Land for reinterment to be made available by Council.

**6** At any time within twelve months after the commencement of this Act, the Council, at the request of any direct descendant or near relative of any deceased person whose remains are buried in the cemetery or whose name appears on any grave, monument, vault, or tombstone erected therein, shall make available free of charge at a public cemetery under the control of the Council such lands as may be necessary for the reinterment in that public cemetery of those human remains, or for the re-erection in that public cemetery of the grave, monument, vault, or tombstone.

Power to Council to exhume and reinter human remains.

**7**—(1) From and after the expiration of twelve months after the commencement of this Act—

(a) all rights of any person in or to any human remains buried in the cemetery or any grave, monument, vault, or tombstone erected therein, shall be vested in the Council; and

(b) the Council may, at its own expense, demolish and remove any such grave, monument, vault, or tombstone, and reverently exhume and reinter (either in some other portion of the cemetery or in some other public cemetery in or near the city) any such human remains.

(2) The Council shall cause to be recorded in a register to be kept for the purpose, full details of any exhumation and reinterment of any human remains in pursuance of subsection (1), and the register shall be maintained by the Council in perpetuity and shall be available at all reasonable times for inspection by any person free of charge.

Cemetery when laid out as a park to be used for quiet recreation only.

**8** The cemetery, upon being laid out as a public park or garden in accordance with this Act, shall be available for the inhabitants of the municipality as a place of quiet recreation only, and the Council shall not permit any competitive games or sports to be conducted therein.

Indemnity.

**9** No action, claim, or demand whatsoever shall lie or be brought or allowed by or in favour of any person whomsoever against the Council or any officer, servant, or agent thereof for or on account of any damage or loss incurred or sustained, or alleged to have been incurred or sustained, by reason of the operation of this Act or of anything done in good faith by the Council or any officer, servant, or employee thereof in the execution of this Act.

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## THE SCHEDULE.

### TOWN OF DOVER.

#### 0A. 2R. 4P.

All that piece of land situate in the Town of Dover being portion of Lot 553 purchased by W. Knight containing 0a. 2r. 4p. commencing at a point on Main-road from Hobart to Southport distant 1 chain 56 links northerly from the north-east angle of 1 acre school site and

bounded on the south by 2 chains 93½ links westerly along portion of Lot 553 aforesaid on the west by 1 chain 85 2/10 links northerly again along portion of that lot on the north and north-east by 3 chains 13 9/10 links easterly and south-easterly in three bearings again along portion of that lot to the beforementioned Main-road and thence on the east by 1 chain 32 4/10 links southerly along that road to the point of commencement.

## MEERCROFT HOSPITAL AGREEMENT.

### No. 3 of 1949.

#### AN ACT to amend the *Meercroft Hospital Agreement Act 1947*. [12 April, 1949.]

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**—(1) This Act may be cited as the *Meercroft Hospital Agreement Act 1949*. Short title and citation.

(2) The *Meercroft Hospital Agreement Act 1947* \* is in this Act referred to as the Principal Act.

**2** Section three of the Principal Act is amended by adding at the end thereof the following subsection:— Power of Minister to give effect to Agreement.

“(2) For the purpose of carrying out and giving effect to the provisions of the Agreement that the Minister shall carry on and maintain the present Meercroft Hospital, the Minister may by order published in the *Gazette*—

(a) create a Board, to be called the Meercroft Hospital Board, which shall—

(i) be constituted in accordance with sections thirteen to twenty-six of the *Hospitals Act 1918*†; and

(ii) manage the present Meercroft Hospital in accordance with such instructions as are given by the Minister in the order; and

(b) appoint a district, which shall be deemed to be a hospitals district for the purpose of applying the said sections.”

11 & 12 Geo. VI. No. 87.

\* 9 Geo. V. No. 70. For this Act, as amended to 1936, see Reprint of Statutes, Vol. IV., page 417. Subsequently amended by 2 Geo. VI. No. 31, 5 Geo. VI. No. 49, 6 Geo. VI. No. 6, 7 Geo. VI. No. 45, 7 & 8 Geo. VI. No. 71, 9 Geo. VI. No. 29, 9 & 10 Geo. VI. No. 43, 10 Geo. VI. No. 51, and 11 Geo. VI. No. 50.