

THE HOBART CORPORATION ACT, 1913.

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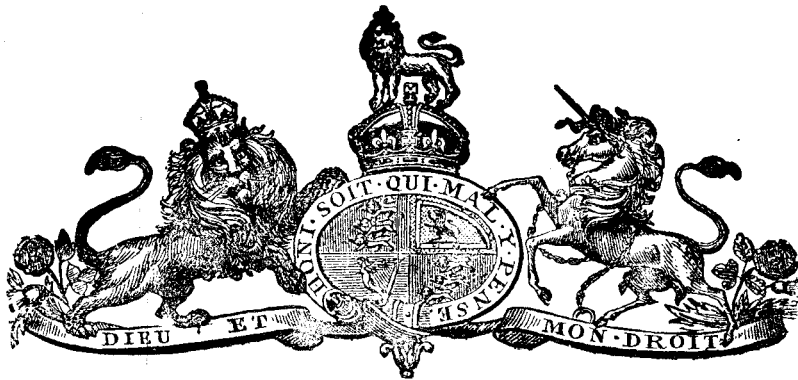
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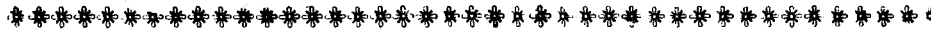


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No. 24.



AN ACT to further amend "The Hobart Corporation Act, 1893." [24 December, 1913.] ^{A.D.} 1913.

WHEREAS it is expedient to further amend "The Hobart Corporation Act, 1893," in the manner hereinafter appearing: PREAMBLE. 57 Vict. No. 11.

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:—

1—(1) This Act may be cited for all purposes as "The Hobart Corporation Act, 1913," and is hereby incorporated with, and shall be read as one with, "The Hobart Corporation Act, 1893," and every amendment thereof. Short title and incorporation.

(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 1913."

(3) Part VI. of this Act shall come into operation upon the passing hereof, and the remainder of this Act shall commence on a day to be fixed by the Governor by proclamation, and such day is hereinafter referred to as "the commencement of this Act."

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Interpretation.

57 Viet. No. 11.

See "Gazette,"
6th December,
1853, pp. 1194-5.

Schedule (1).

6 Ed. VII. No.
31.
See "Gazette,"
27th August,
1907, pp. 936-7.

3 Geo. V. No. 12.

2 In this Act, unless the context otherwise determines—

"The said Act" means "The Hobart Corporation Act, 1893":

"The said Acts" means the said Act and every Act amending the said Act:

"City" means the city of Hobart:

"Corporation" or "the Hobart Corporation" means the Corporation of the Mayor, Aldermen, and Citizens of the city of Hobart:

"The Council" or "the Hobart Council" means the Municipal Council of the City:

"The Market site" means all that piece of land situate in the city of Hobart, and bounded by Collins-street, Campbell-street, Macquarie-street, and Market-place, which said piece of land is a portion of an area of land included within the limits and boundaries of a market which was established by proclamation dated the thirtieth day of November, One thousand eight hundred and fifty-three, under the hand of Sir *William Thomas Denison*, the then Lieutenant-Governor of Tasmania:

"City recreation ground" means any recreation ground, pleasure resort, or public reserve within the city of Hobart which may for the time being be owned by or vested in the Corporation, or be under the management and control of the Council:

"The Queenborough Municipality," or "the Municipality of Queenborough" means and includes all that portion of Tasmania described in the Schedule (1) hereto, which said portion of Tasmania was proclaimed, constituted, and declared to be a municipality for the purposes of "The Local Government Act, 1906," under the name of "The Queenborough Municipality," by a proclamation dated the Twentieth day of August, One thousand nine hundred and seven, under the hand of His Excellency Sir *Gerald Strickland*, the then Governor of Tasmania:

"The Queenborough Corporation" means the body corporate of the Warden, Councillors, and Electors of the Municipality of Queenborough, created under "The Local Government Act, 1906":

"The Queenborough Council" means the Municipal Council of the Municipality of Queenborough:

"Electors" shall have the meaning assigned to such word by "The Local Government Act, 1906," and every amendment of such Act:

"The Sewerage Acts" means "The Metropolitan Drainage Acts, 1898 to 1911," and "The Hobart Sewerage Act, 1912," and any Act amending such Acts,

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

- Part I.—The Market Site.
- Part II.—The City Recreation Grounds.
- Part III.—Borrowing Powers.
- Part IV.—The Union of Queenborough with Hobart.
- Part V.—Re-definition of Hobart Boundaries.
- Part VI.—Increase in Number of Aldermen.
- Part VII.—Acquisition of Land.
- Part VIII.—Powers as to all lands vested in or acquired by the Corporation.
- Part IX.—Miscellaneous.

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Division of Act.

PART I.

THE MARKET SITE.

4—(1) The Market Site is hereby vested in the Corporation, and the Hobart Council shall have the care, control, and management thereof, and may erect thereon such buildings, halls, offices, and markets, and provide such other accommodation thereon as the Council may think fit, and may exercise in respect of such site and of any such buildings, halls, offices, and markets, or in respect of any portion thereof, all the powers and authorities conferred by Part VIII. of this Act. Market site vested in Council.

(2) In addition to the foregoing purposes, the Market Site may be used and applied to any other purposes and objects which the Governor may from time to time by proclamation approve.

PART II.

CITY RECREATION GROUNDS.

5 The Council shall have in regard to every city recreation ground all the rights, powers, and authorities conferred upon the trustees of public recreation grounds by "The Public Recreation Grounds Act, 1888," and its amendments, in addition to any rights, powers, and authorities conferred upon the Council by the said Acts and this Act. Control of city recreation grounds.
52 Vict. No. 17.

6—(1) The Council may, Once in every year, make and levy a rate, to be called the "Recreation Grounds Rate," upon and from the occupiers or owners of all lands, houses, buildings, or other premises within the city of Hobart; and such rate shall be payable in advance, in such portions and at such periods as the Council may from time to time appoint. Recreation ground rate.

(2) Such rate shall not exceed the amount of One Penny in the pound upon the assessed annual value of all properties within the city. Maximum rate.

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How rate to be recovered.

(3) So much of the said Acts as relates to rates, including the making of the same, the notice to be given thereof, the persons by whom the same shall be payable, the mode of and remedies for recovering the same, and all other incidents thereof, shall be applicable to all rates to be made and levied under this Act; but no exemption shall be allowed on account of any property being unoccupied.

Recreation grounds account to be kept.

7—(1) The Treasurer of the Corporation shall keep a separate and distinct account, to be called "The Recreation Grounds Account," of all moneys received and paid under the powers and provisions of this part of this Act.

Payments into the account.

(2) All rates, and all rents, fees, charges, and moneys received by the Council or by the said Treasurer under the provisions of this part of this Act, or in respect of any city recreation ground, shall be carried to the credit of the said account, and shall be appropriated and applied to the purposes of this part of this Act.

Application of moneys.

(3) Any moneys standing to the credit of the said account may be appropriated and applied by the Council, in such sum or sums as the Council may think proper, to all or any of the purposes hereinafter mentioned; that is to say—

- i. The improvement, maintenance, management, upkeep, and establishment of any city recreation ground :
- ii. The purchase and leasing of any land, building, or premises for a city recreation ground :
- iii. Contributions towards the improvement, maintenance, management, and upkeep of any public recreation ground, pleasure resort, or public reserve within the city, or in the neighbourhood thereof, such ground, resort, or reserve not being under the management or control of the Council :
- iv. Providing for any expenditure made by the Council under "The Mountain Park Act, 1906" :
- v. Providing for any expenditure made by the Council in respect of the Long Point Recreation Ground, as provided for under Section Twelve of "The Hobart Corporation Act, 1907" :
- vi. Any other payment which the City Council may think it expedient or desirable to make in connection with any city recreation ground.

6 Ed. VII. No. 11.

7 Ed. VII. No. 19.

Expenditure to be additional or substitutional.
1 Ed. VII. No. 56.
6 Ed. VII. No. 11.
7 Ed. VII. No. 19.

8 Any sum or sums of money expended by the Council under this Act may be in addition to, or in substitution for, any sum or sums which the Council is authorised or required to expend under Section Eighteen of "The Hobart Corporation Act, 1901," and under "The Mountain Park Act, 1906," and under Section Twelve of "The Hobart Corporation Act, 1907."

Amendment of Sections 3 & 8 of 6 Ed. VII. No. 11.

9—(1) The words "a sum of money not exceeding Two hundred Pounds," in the Sixth and Seventh lines of Section Three of "The

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Mountain Park Act, 1906," are hereby repealed, and the words "such sum or sums of money as the Council may think fit" are hereby inserted in lieu thereof. Such amendment shall be deemed to have been made at the commencement of the lastmentioned Act. A.D. 1913.

(2) The word "Fifty," in the third line of Subsection 1. of Section Eight of "The Mountain Park Act, 1906," is hereby repealed, and the words "Ninety-nine" are hereby inserted in lieu thereof.

10 It shall be lawful for the Corporation to purchase all that piece of land situate at Long Point, Sandy Bay, and described in Schedule (2) hereto; and upon the completion of any such purchase the land purchased shall be vested in the Corporation, and shall become a city recreation ground. Power to purchase land at Long Point for recreation ground. Schedule (2).

11 The three several pieces of land known as the South Hobart Recreation Ground and the West Hobart Recreation Ground, situate in the City of Hobart, and the North Hobart Recreation Ground, situate in the Municipality of New Town, which said pieces of land are respectively described in Schedule (3), Schedule (4), and Schedule (5) hereto, are hereby vested in the Corporation, and shall henceforth be under the management and control of the Council as city recreation grounds; and all property, moneys, or assets held by any person or persons in trust for, or on behalf of, or in connection with such recreation grounds, or any of them, at the date of the commencement of this Act shall be transferred to the Council, and shall be dealt with in such manner as the Council may think proper, and the powers and duties of any trustees elected or appointed as trustees of the said respective recreation grounds shall thereupon be terminated. South, West, and North Hobart Recreation Grounds vested in Corporation. Schedules (3), (4), and (5).

12 It shall be lawful for the Council to accept from any person or body of persons having the control or management of any public recreation ground, pleasure resort, or public reserve within the city of Hobart, or in the neighbourhood thereof, a transfer of all his or their property, rights, and liabilities in, over, and upon such ground, resort, or reserve; and thereupon such ground, resort, or reserve shall become a city recreation ground for the purposes of this Act. Transfer of public recreation grounds to Council.

PART III.**BORROWING POWERS.**

13—(1) 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 not exceeding in the whole Twenty-five Power to borrow. 57 Vict. No. 25.

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thousand Pounds as shall by the Council be deemed requisite and sufficient for the purpose of—

- I. Erecting and constructing on the Market Site such buildings, halls, offices, and markets as the Council may think proper :
- II. Fitting up and furnishing, sewerage, installing light and power, and providing all necessary appliances, accommodation, materials, and things in or in connection with such buildings, halls, offices, and markets, as the Council may think proper :
- III. Generally for more fully carrying out the purposes and objects of Part I. of this Act.

Further power to borrow.

(2) It shall be further 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 aforesaid, such sum or sums of money, not exceeding in the whole Three thousand Pounds, as shall by the Council be deemed necessary to enable the Corporation to complete the purchase of the piece of land referred to in Section Ten and described in Schedule (2) of this Act.

Sums borrowed to be additional.

(3) The sum or sums which the Corporation may borrow for the purposes 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 of 43 Vict. No. 22, to be applicable.

(4) All the provisions of Part Twelve of the said Act 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.

Corporation empowered to pay off and reborrow.

(5) 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; and all the provisions of this section shall extend to any sum or sums that may be so reborrowed.

Government may guarantee interest.

(6) 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 payment of interest for the same or any part therefor 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 entire revenues of the Corporation; 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.

43 Vict. No. 22. Savings banks may invest in such loans.

(7) It shall be lawful for the trustees for the time being of any bank for savings in Tasmania now established, or hereafter to be established, to advance and lend to the Corporation upon the security

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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 the Council of 12 *Victoria* No. 1 to the contrary notwithstanding. A.D. 1913.

(8) 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. Governor may lend under "The Local Public Works Loans Act, 1890." 54 Vict. No. 30.

(9) Notwithstanding anything contained in any former Act, the Council shall set apart from year to year, as contributions to a sinking fund for the liquidation of the respective sums of Twenty-five thousand Pounds and Three thousand Pounds hereinbefore authorised to be borrowed, a sum not less than One Pound for every One hundred Pounds borrowed under the authority of this Act. Sinking fund.

PART IV.

THE UNION OF QUEENBOROUGH WITH HOBART.

14 On and after the commencement of this Act—

- i. The Queenborough Municipality shall cease to be a Municipality under "The Local Government Act, 1906," and shall for all purposes be included in, and shall thenceforth form portion of, the city for the purposes of the said Acts and of every other Act, and the boundaries of the city shall be altered and extended to include the Queenborough Municipality: Queenborough united to Hobart. Queenborough Municipality to become portion of the City of Hobart. 6 Ed. VII. No. 31.
- ii. The Queenborough Corporation shall be dissolved, and the powers and duties of the Queenborough Council shall be terminated, and such Council shall cease to exist; and all officers and servants then employed by the Queenborough Council, except such as may, with the consent of the Hobart Council, be transferred to the Corporation, shall cease to hold office. No sum of money shall be payable or paid by the Corporation to any officer or servant of the Queenborough Council by way of compensation for any loss of office. Dissolution of Queenborough Corporation.

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Lands, &c., vested
in Hobart
Corporation.Moneys owing to
or by Queen-
borough Corpor-
ation.Unpaid rates
recoverable.Contracts, &c., to
be enforceable.Actions, &c., may
be continued.Pending actions
and proceedings.

or employment suffered by such officer or servant by reason of this Act :

- III. All lands, easements, and property (real or personal) vested in or possessed by the Queenborough Corporation or by the Queenborough Council, shall, without any conveyance, assignment, or transfer, be and become vested in the Hobart Corporation or the Hobart Council, as the case may require :
- IV. All moneys due and owing to or by the Queenborough Corporation shall be payable and recoverable to, by, or from the Hobart Corporation, and the Hobart Corporation shall be in law the successors of the Queenborough Corporation in respect of such moneys :
- V. All rates which shall have accrued due in respect of property within the Queenborough Municipality, and which remain unpaid on the commencement of this Act, shall remain due, payable, and leviable, and may be paid to and received by the Hobart Council, and the Hobart Council may levy and enforce payment of the same in the same manner as city rates :
- VI. All contracts, agreements, mortgages, bonds, covenants, securities, deeds, and other instruments lawfully made or entered into, and then subsisting with and in favour of or by or for the Queenborough Corporation, shall be as binding and of as full force and effect, and may be proceeded on and enforced by, against, and with reference to the Hobart Corporation as fully and effectually in all respects as they might have been enforced by or against and with reference to the Queenborough Corporation if this Act had not been passed :
- VII. All actions, suits, prosecutions, or other proceedings whatsoever, commenced by or against the Queenborough Corporation, may, without change of parties, suggestion, or other alteration of any pleading or record, or otherwise, be continued, and shall take effect in favour of or against the Hobart Corporation : and all notices given by or to the Queenborough Corporation shall be continued and shall take effect in favour of or against the Hobart Corporation, as the case may be :
- VIII. If any action or proceeding, or any cause of action or proceeding, is pending or existing by or against the Queenborough Corporation or the Queenborough Council in relation to any powers, duties, liabilities, or land or property, by the operation of this Act transferred to the Hobart Corporation, the same shall not be in anywise prejudicially affected by reason of the passing of this Act, but may be continued, prosecuted, and enforced by or against the Hobart Corporation

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- or the Hobart Council, as successors of the Queenborough Corporation or the Queenborough Council, as if this Act had not been passed :
- A.D. 1913. —
- ix. All decrees, judgments, and orders, duly made or obtained in favour of or against the Queenborough Corporation may be enforced by or against the Hobart Corporation in like manner as such decrees, judgments, and orders could have been enforced if this Act had not been passed : Decrees, &c., may be enforced.
- x. All fines and penalties, lawfully imposed and incurred, may be levied and recovered from the persons respectively liable to pay the same in like manner as such fines and penalties could have been levied and recovered if this Act had not been passed : Fines and penalties may be recovered.
- xi. All moneys borrowed by the Queenborough Corporation from the State of Tasmania, or from any person or body, corporate or unincorporate, and then unpaid, together with interest thereon, shall become and be deemed to be a liability of the Hobart Corporation to the Treasurer of Tasmania or to such person or body; and the benefit of any moneys paid by the Queenborough Corporation into any sinking fund shall accrue to the Hobart Corporation, and any moneys standing in the books of the Treasury in the names of the Treasurer of Tasmania and the Queenborough Corporation shall be transferred to the names of the said Treasurer and the Hobart Corporation :
- Moneys borrowed by Queenborough Corporation.
- xii. All moneys which the Queenborough Corporation is authorised to borrow, and which may be unborrowed by such Corporation at the date of its dissolution, may be borrowed by the Hobart Corporation, and all the provisions relating to the borrowing of the moneys so authorised, and the manner in which, and the terms and conditions under which, the same may be borrowed shall be applicable in all respects to the borrowing of the moneys by the Hobart Corporation; but it shall not be necessary to take any poll before proceeding to borrow such moneys : Moneys unborrowed by Queenborough Corporation may be borrowed by Hobart Corporation.
- xiii. Every person appointed as a justice of the peace in and for the District of Queenborough, and holding office at the time fixed for the commencement of this Act shall continue to hold office, and shall, on and from the commencement of this Act become a justice of the peace in and for the District of Hobart, under the provisions of "The District Justices Act, 1907," as if he had been appointed a justice in and for the lastnamed district : District Justices continued.
- xiv. Until the lands, houses, buildings, and other property within the Queenborough Municipality shall be included in the assessment roll for the city, the 7 Ed. VII. No. 36. Assessment roll to be applica'

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2 Geo. V. No. 61.

assessment roll for the Queenborough Municipality, made in compliance with "The Annual Values Assessment Act, 1911," and in force at the commencement of this Act, shall be deemed to be part of the assessment roll for the time being of the city.

Expenditure in Queenborough.

15—(1) During each of the Five years commencing from the commencement of this Act, the amount which shall be annually expended by the Hobart Council upon the construction, repair, maintenance, and upkeep of streets and roads, and upon watering the same, and upon cleansing, and upon work done and services rendered by the City Health Department with the Queenborough Municipality, shall bear the same proportion to the amount expended upon the like objects within the whole of the city, including the Queenborough Municipality, as the amount of revenue derived from the general rate upon properties within the Queenborough Municipality bears to the amount of revenue derived from the general rate upon properties within the whole city, including the Queenborough Municipality.

(2) If at the end of any of the said Five years, it shall be found that there has been expended within the Queenborough Municipality an amount less than the amount which should have been expended under the provisions of this section, then there shall be expended in the following year an amount equal to such difference, in addition to the amount which should under this section be expended in that year; and if the amount expended as aforesaid shall be more than the amount which should have been expended, then the Hobart Council may expend in the following year an amount less, to the extent of such difference, than the amount which should under this section be expended in that year.

Queenborough to become portion of Metropolitan Drainage Area.

16—(1) On and after the commencement of this Act the Queenborough Municipality shall be added to, and shall become a portion of, the Metropolitan Drainage Area for all the purposes of the Sewerage Acts, but subject to the provisions regarding a special sewerage rate as hereinafter contained.

Outfall at One Tree Point.

(2) Subject to the provisions of the Sewerage Acts, the outfall of main sewer through which the sewerage of the Municipality of Queenborough shall be discharged into the River Derwent, shall be at or in the vicinity of One Tree Point.

Separate account to be kept.

(3) So long as any liability for the payment of a special sewerage rate shall exist, a separate account shall be kept of all moneys expended by the Hobart Council in connection with any sewerage works carried out by such Council under the authority of the Sewerage Acts and of this Act within any sewerage area or areas established within the Queenborough Municipality.

Special sewerage rate may be levied.

(4) If in any of the First Five years after the commencement of this Act the amount derived or to be derived from the sewerage rate levied and collected under the Sewerage Acts upon and from the occupiers or owners of all properties within any sewerage area or areas for the time being established within the Queenborough Municipality shall be

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insufficient to carry out the objects and purposes of the Sewerage Acts within such sewerage area or areas, including the payment of interest upon any capital expenditure incurred thereon and a proper proportion of the maintenance, supervision, and management expenses in connection therewith, the Council may in respect of such year make and levy a special sewerage rate, to be paid by the respective owners or occupiers of all lands, houses, buildings, and other premises within such sewerage area or areas, for the purpose of making good any deficiency in the separate account relating to such sewerage area or areas.

(5) The special sewerage rate to be made and levied as aforesaid shall not with any sewerage rate made and levied under "The Hobart Sewerage Act, 1912," exceed the amount of One Shilling and Fourpence Halfpenny in the pound upon the assessed annual value of the properties within such sewerage area or areas.

(6) Every special sewerage rate may be made, levied, and recovered by the Hobart Council in the same manner as any sewerage rate may be made, levied, and recovered under the Sewerage Acts.

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Maximum of special sewerage rate.

How rate to be made, &c.

PART V.

RE-DEFINITION OF HOBART BOUNDARIES.

- 17** On and after the commencement of this Act :—
- i. The area contained within the boundaries set forth in the Schedule (6) to this Act shall cease to form part of the Municipality of New Town, and shall for all purposes be included in and shall thenceforth form portion of the city for the purposes of the said Acts and of every other Act, and the boundaries of the city shall be altered and extended to include such area :

Ryde-street to be included in City.
Schedule (6).
 - ii. Schedule (1) of "The Hobart Corporation Act, 1898," shall be repealed :

Schedule (1) of 62 Vict. No. 14 repealed.
 - iii. The boundaries of the City of Hobart shall be those described in the Schedule (7) to this Act, and shall so remain until altered by legislative authority.

Boundaries of City of Hobart.

PART VI.

INCREASE IN THE NUMBER OF ALDERMEN.

18—(1) On and after a day to be fixed by the Governor by proclamation there shall be Eleven aldermen of the city, and on that day the word "Eleven" shall be substituted for the word "Nine" in the First line of Section Fifteen of the said Act.

(2) The First Two additional aldermen shall be elected on a day to be fixed by the Governor, by proclamation, by the electors of Queenborough.

Number of aldermen increased to Eleven.

How first additional aldermen to be elected.

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6 Ed. VII. No.
31.
See Sections 45,
52, and 59.

(3) The election shall be held and conducted under the provisions of "The Local Government Act, 1906," in the same manner in every respect as if the election were being held to fill up Two extraordinary vacancies in the Queenborough Council under such Act, and as if the Queenborough Municipality were an unsubdivided municipality under that Act. Provided that the Governor may by proclamation fix the number of days during which the notice of such election shall be advertised and posted throughout the Queenborough Municipality, and the times and dates within which nominations of candidates for election shall be received, which number of days and times and dates need not be in conformity with those prescribed by "The Local Government Act, 1906."

(4) The Warden of Queenborough or the Returning Officer at such election shall, as soon as practicable after the holding of such election, declare the result of such election, and shall inform the Town Clerk of Hobart in writing of such result, and state the names and addresses of the Two candidates elected and the number of votes given and recorded in favour of each of such candidates.

(5) Subject to the provisions of the said Act, the elected candidate at such election who receives the larger number of votes shall become an alderman of the city from the day following the day upon which he is elected and for Four years from the Second Friday in December, One thousand nine hundred and thirteen, and the elected candidate who receives the smaller number of votes shall become an alderman of the city from the same day and for Three years from the Second Friday in December, One thousand nine hundred and thirteen.

(6) If both the elected candidates have an equal number of votes, it shall be determined by lot which of them shall hold the office of alderman for Four years and which for Three years respectively.

(7) If either of the aldermen so to be elected as aforesaid shall cease during the term for which he was elected to be an alderman under the provisions of the said Act, the vacancy so caused shall be filled up by an election to be held in the same manner as if the Queenborough Municipality and Council had been continued, and as if such vacancy had been an extraordinary vacancy occurring in such Council, and as if the Queenborough Municipality were an unsubdivided municipality under "The Local Government Act, 1906": Provided that all the duties imposed upon a warden or the Municipal Council by "The Local Government Act, 1906," in regard to an election to fill up an extraordinary vacancy under that Act shall be imposed upon, and shall be performed and exercised by the Mayor of the City or by the City Council, as the case may require: Provided, also, that the alderman elected to fill such vacancy shall hold office only for the remainder of the period for which the alderman whose place he takes was elected: Provided also, that if such vacancy shall occur within Two months of the time when the alderman so vacating his office would have gone out of office under the provisions of this Act, then such vacancy shall not be filled up until the next annual election for aldermen is held.

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19—(1) Every present and future alderman, except as otherwise provided in this Act, and except in the case of aldermen elected to supply any extraordinary vacancy, shall hold office for three years, and shall go out of office in the rotation hereinafter declared.

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Tenure of office.

(2) On the day preceding the Second Friday in December in each year, an election shall be held to supply the places of those who retire by rotation, and the persons elected shall assume office upon their predecessors going out of office.

When election to be held.

(3) Section Twenty-one of the said Act is hereby repealed.

Repeal of Section
21 of 57 Vict.
No. 11.

20 The rotation in which the aldermen of the city shall go out of office in the year One thousand nine hundred and fourteen and in each succeeding year shall be regulated as follows:—

Rotation in which
aldermen go out
of office.

- I. On the Second Friday in December in each of the years One thousand nine hundred and fourteen, and One thousand nine hundred and fifteen, the Three aldermen who were elected at the ordinary election held in the month of December in each of the years One thousand nine hundred and eleven and One thousand nine hundred and twelve respectively, shall go out of office:
- II. On the Second Friday in December in each Third successive year after the year One thousand nine hundred and fifteen, the Three aldermen who were elected at the ordinary election held in the month of December in the Third preceding year shall go out of office:
- III. On the Second Friday in December in the year One thousand nine hundred and sixteen, the Three aldermen who were elected at the ordinary election held in the month of December, One thousand nine hundred and thirteen, and the alderman who was elected by the electors of the Queenborough Municipality under the provisions of Section Eighteen of this Act with Three years' tenure of office, shall go out of office:
- IV. On the Second Friday in December in each Third successive year after the year One thousand nine hundred and sixteen, the Four aldermen who were elected at the ordinary election held in the month of December in the Third preceding year shall go out of office:
- V. On the Second Friday in December in the year One thousand nine hundred and seventeen, the Three aldermen who were elected at the ordinary election held in the month of December One thousand nine hundred and fourteen, and the alderman who was elected by the electors of the Queenborough Municipality under the provisions of Section Eighteen of this Act with Four years' tenure of office, shall go out of office:
- VI. On the Second Friday in December in each Third successive year after the year One thousand nine hundred

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and seventeen, the Four aldermen who were elected at the ordinary election held in the month of December in the third preceding year shall go out of office.

PART VII.

ACQUISITION OF LAND.

Power to purchase or resume.
(Sec. 16, N.S.W.
No. 39 1905).

21 The Council may from time to time, with the approval of the Governor without further or other authority than this Act, purchase or resume all lands required for the opening of new public ways, or the widening, enlarging, or extending of public ways in the city of Hobart, or for carrying out improvements in, or remodelling any portion of the said city, or for any of the purposes of the said Acts or for any purposes which the Council thinks desirable in the interests of the said city. The Council may with the like approval and authority, purchase, or resume all lands of which those required for such purposes form part. The expression "public ways" in this section shall include "tramways."

Preliminary expenses.
(Sec. 17, N.S.W.
No. 39, 1905).

22 The Council may defray from the municipal fund the expenses of obtaining plans, estimates and reports as to the cost or desirability of such purchase, resumption, or construction: Provided that in the event of such lands being purchased or resumed, or such works constructed, any preliminary expenditure in connection therewith, shall be charged to the said account to which the cost of such purchase, construction, or resumption is charged.

Power to enter and survey.

23 The Council may by its officers or servants enter upon any land in the city of Hobart for the purpose of surveying or making valuations thereof.

Governor may issue notification.
(Sec. 6, Com. Act
No. 13, 1901).

24 The Governor, at the request of the Council, may, by notification and description published in the "Gazette" and in each daily newspaper published in Hobart, declare that any land of which the acquisition is authorised by this Act has been acquired under this Act for the purpose therein expressed. A plan of such land showing, as far as can be ascertained, the separate parcels of same where the same is held by more than One owner, shall be deposited with the City Engineer at the Town Hall, Hobart, which plan shall be open for public inspection.

Effect of notification.
(Sec. 7, Com. Act
No. 13, 1901).

25 Upon the publication of such notice and description the land therein described shall be vested in the Corporation for an estate in fee simple in possession freed and discharged from all trusts, obligations, estates, interests, contracts, charges, rates, rights-of-way, or easements whatsoever.

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26—(1) Immediately after the publication in the "Gazette" of a notification that any land has been acquired under this Act, the Council shall cause a copy of the notification, together with a plan of the land, to be served upon the owners of the land resident within Tasmania, or such of them as can with reasonable diligence be ascertained, either personally or by registered letter posted to their last known place of abode.

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Notice to owners.
(Sec. 13, Com. Act
No. 13, 1901).

(2) If any owner is absent from Tasmania or cannot, after diligent inquiry, be found, or if service by registered letter cannot be effected, a copy of the notification, together with a plan of the land shall be left with the occupier of the land, or, if there is no occupier, shall be affixed upon some conspicuous part of the land.

(3) Every person claiming compensation in respect of any land so acquired, or work or other matter done under the authority of this Part, shall within One hundred and twenty days from the publication of such notification, or within such further time as a justice of the Supreme Court upon the application and at the cost of the claimant may either before or after the expiration of such One hundred and twenty days appoint in that behalf, serve a notice in writing upon the Council, which notice shall set forth the nature of the estate, interest, or title of the claimant in such land, together with an abstract of title, and if the claimant claims in respect of damage the nature of the damage which the claimant has sustained or will sustain by reason of such acquisition or work or matter, together with full particulars of such damage, and such notice shall be in such form as may be prescribed.

Notice of claim
for compensation.

27 The owner of any land so resumed, or the person who but for the provisions of this Act would have been such owner, shall upon asserting a claim and making out a title in respect of any land so acquired, be entitled to receive such compensation for such land as is agreed upon or afterwards ascertained under the provisions herein contained. Upon the publication of such notice as aforesaid, the estate and interest of any person entitled to any land so acquired, and whether to the legal or the equitable estate therein, shall be taken to have been converted into a claim for compensation in pursuance of the provisions hereinafter contained.

Compensation.
(Sec. 26, N.S.W.
No. 39, 1905.
Sec. 11, Com. Act
No. 13, 1901).

28 In this Part, unless inconsistent with the context or subject-matter, "land" includes land and any easement, covenant, right, or privilege in, over, or affecting any land.

Land defined.

29 The Council may in respect of any land purchased or resumed under the provisions of this Part of this Act do all or any of the following things:—

Powers of
Council.
(Sec. 270 of
57 Vict. No. 11),

- I. Demolish or repair any buildings or erections on such land and sell or otherwise deal with the materials thereof:
- II. Construct new buildings or erections thereon:
- III. Close, alter, raise, lower, widen, extend, or divert any existing street thereon:

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- iv. Construct and open any new street thereon ; and construct and maintain any tramways thereon :
- v. Construct or alter any bridges or culverts :
- vi. Alter the levels of such land and alter existing drains and construct new drains and sewers thereon :
- vii. Construct and purchase waterworks, garbage destructors, gasworks, electric or other power works :
- viii. Generally alter, remodel and improve such land and buildings in such manner as the Council thinks fit :
- ix. Construct, purchase or provide municipal offices, pounds, abattoirs, market-places, market-houses and places for weighing carts and their loadings :
- x. Provide pleasure grounds, libraries, museums, schools of art, places of public resort and recreation, washhouses, baths, and gymnasia :
- xi. Sell the whole or any portion of such land in one or more lots by public auction or private contract and on such terms and conditions as the Council thinks fit, including power to take such securities for the payment of any balance of purchase money or to allow such period for payment of the same as the Council thinks fit :
- xii. Lease the whole or any portion of such land or any buildings thereon for such periods on such terms and conditions as the Council thinks fit :
- xiii. Use the whole or any portion of such land for any purposes which the Council thinks desirable in the interests of the city of Hobart.

Incorporation.

30 For the purpose of facilitating and effectuating the purchase or acquisition of any lands under this Part of this Act, all the provisions contained in Sections Two hundred and sixty-seven and Two hundred and sixty-eight of "The Hobart Corporation Act, 1893," shall be and they are hereby incorporated with this Act.

Repeal.

31 Sections Two hundred and sixty to Two hundred and sixty-six inclusive, and Sections Two hundred and sixty-nine to Two hundred and seventy-two inclusive, of "The Hobart Corporation Act, 1893," are hereby repealed.

PART VIII.**POWERS AS TO ALL LANDS VESTED IN OR ACQUIRED BY THE CORPORATION.**

Power to manage or improve.
(Sec. 272 of 57 Vict. No. 11).

32 The Council may also from time to time manage or improve any real or personal property heretofore or hereafter acquired by the Corporation in such manner as the Council thinks fit,

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33 The Council may also from time to time demise or let any real or personal property heretofore or hereafter acquired by the Corporation for such periods, and on such terms and conditions as the Council thinks fit: Provided always that nothing in this section contained shall authorise the demising or letting of any park lands, except under the authority of an Act of Parliament or (if the demising or letting shall be for a temporary purpose only) except with the approval of the Governor.

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Power to let.
(Sec. 271 of
57 Vict. No. 11).**PART IX.**

MISCELLANEOUS.

34—(1) The Council may from time to time appoint and employ a City Engineer.

Appointment and
duties of City
Engineer.

(2) All the provisions of Part XIII. of the said Act shall be applicable to the City Engineer as if such officer had been expressly mentioned therein.

(3) The City Engineer shall perform such duties as may be from time to time assigned to him by the Council.

(4) The Council may assign to the City Engineer the powers, duties, and obligations conferred or imposed upon the following officers, or any of them, namely:—

- i. The City Surveyor or Building Surveyor, or Surveyor under "The Hobart Building Act, 1886," and any amendment thereof for the time being in force, and any by-law made thereunder: 50 Vict. No. 19.
- ii. The City Surveyor, or the City Engineer, or the Engineer under "The Hobart Corporation Act, 1893," and any amendment thereof for the time being in force, and any by-law made thereunder: 57 Vict. No. 11.
- iii. The Director of the Waterworks under "The Hobart Water Act, 1893," and any amendment thereof for the time being in force, and any by-law made thereunder: 57 Vict. No. 25.
- iv. The Superintendent of Waterworks or the Engineer under "The Hobart Light Act, 1896," and any amendment thereof for the time being in force, and any by-law made thereunder: 59 Vict. No. 45.
- v. The Surveyor of the Local Authority of the City under "The Public Health Act, 1903," and any amendment thereof for the time being in force, and any by-law made thereunder: 3 Ed. VII. No. 37.
- vi. The Surveyor, or the Town Surveyor, or the City Surveyor under "The Police Act, 1905," and any amendment thereof for the time being in force, and any by-law made thereunder: 5 Ed. VII. No. 30.
- vii. The Engineer or the Engineer-in-Chief under "The Sewerage Acts," and any amendment thereof for the time being in force, and any by-law made thereunder.

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(5) When any of the powers, duties, and obligations referred to in the last preceding subsection are assigned by the Council to the City Engineer, all such powers, duties, and obligations shall be conferred or imposed upon him as if the words "City Engineer" had been used in the respective Acts and by-laws referred to in such subsection in lieu of the several designations used therein and mentioned in such subsection; and in the performance of such powers, duties, and obligations he may for all purposes be styled and known as "the City Engineer," in lieu of such several designations as aforesaid.

Amendment of
Section 13 of
57 Vict. No. 11.

35 Section Thirteen of the said Act is amended by omitting the words "of the annual value of Eight Pounds and upwards," and adding this proviso:—

"Provided that no person shall be a citizen in respect of property of a less annual value than Five Pounds unless there is a house upon such property, and such person resides there."

Amendment of
Section 24 of
57 Vict. No. 11.

36 Section Twenty-four of the said Act is hereby amended by omitting all words after "the following scale, viz.," and substituting therefor the following:—

Annual value of Land or Buildings given in the Assessment Roll.	Number of Votes.
Under £50	1
£50 and under £100	2
£100 and under £150	3
£150 and over	4

Amendment of
Section 62 of
57 Vict. No. 11.

37 Section Sixty-two of the said Act is hereby amended by omitting the words "One hundred Pounds," in the Fifth line, and substituting the word "Fifty" therefor.

SCHEDULES.

(1.)

See Section 2.

BOUNDARIES OF QUEENBOROUGH MUNICIPALITY.

Commencing at the junction of Sandy Bay Rivulet with the River Derwent and bounded by the northern side of that rivulet to the south-western boundary of the city of Hobart by the south-east and south-west boundaries of that city to the west side of Forest-road thence by a line to the south-east angle of 317½ acres of land granted to Susan Ross and Valentine Griffiths by the south boundary of that land by part of the east and by a south-east boundary of 2660 acres granted to Joseph Allport and Thomas Young thence by a line south-easterly to the north-west angle of 15 acres purchased by W. Pigenit by the west boundary of that land by part of the west boundary of other land purchased by W. C. Pigenit to Long Creek by the northern side of that creek to a south-west angle of 100 acres purchased by W. Walton by a west by a south and again by a west boundary of that land by the northern side of a rivulet after crossing the same to a south-east boundary of Lot 5227 purchased by D. Dunkley by that boundary

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by the north-west and by the north-east boundary of other land purchased by D. Dunkley by part of the east boundary of 80 acres 23 perches purchased by D. F. Kemp to the northern side of the rivulet by that rivulet south-easterly to a point opposite the south-east angle of 15 acres purchased by M. Goram by a line to and along the east boundary of that land by the north boundaries of 110 acres purchased by F. Fitzroy by the west and by the south boundary of land purchased by W. Weeding by part of the west and by the north boundary of land granted to William Proctor by an east boundary of the Mt. Nelson Reserve to a rivulet by that rivulet to the River Derwent aforesaid and thence by that river north-westerly to the point of commencement.

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(2.)

LONG POINT RECREATION GROUND.

All that piece of land situate in the Parish of Queenborough, County of Buckingham, in Tasmania, containing 9 acres 3 roods and 20 perches and $\frac{4}{10}$ of a perch or thereabouts, and bounded as follows; that is to say:—On the east by a straight line of 21 chains 12 links and $\frac{5}{10}$ of a link commencing at a point on the Main-road from Hobart to Kingston and extending northerly along a public road to the River Derwent thence on the north by an irregular line of 6 chains 19 links and $\frac{9}{10}$ of a link along the River Derwent aforesaid to land belonging to Thomas Heathorn thence on the west by a straight line of 4 chains 22 links extending southerly along the lastmentioned land to a public road again on the north by 64 links extending easterly along the lastmentioned road again on the west by a straight line of 13 chains 79 links and $\frac{6}{10}$ of a link extending southerly along the lastmentioned road and thence on the south-west by a straight line of 4 chains 95 links and $\frac{4}{10}$ of a link extending south-easterly along the lastmentioned road to the point of commencement.

See Section 10.

(3.)

SOUTH HOBART RECREATION GROUND.

All that piece of land situate in the City of Hobart, containing 3 acres and 36 perches or thereabouts, and bounded as follows; that is to say:—On the north-east by 6 chains $25\frac{3}{4}$ links south-easterly along D'Arcy-street commencing at the angle of that street and Washington-street on the south-east by 6 chains $32\frac{1}{4}$ links south-westerly to Lower Wentworth-street on the south-west by 3 chains $76\frac{1}{2}$ links north-westerly along that street thence by a curved line whose chord is 70 links to Washington-street aforesaid and thence on the north-west by 6 chains 74 links north-easterly along that street to the point of commencement.

See Section 11.

(4.)

WEST HOBART RECREATION GROUND.

SECTION U2.

All that piece of land situate in the City of Hobart, containing 8 acres and 6 perches or thereabouts, and bounded as follows; that is to say:—On the north-west by 7 chains 80 links north-easterly along Hamilton-street commencing at the angle of that street and Knocklofty-terrace on the north-east by 8 chains $60\frac{1}{2}$ links south-easterly along land granted to William Emanuel Baynton, John Baynton and James Elisha Baynton on the east by a curved line of 6 chains 14 links southerly along Lansdowne-crescent on the south-east by 3 chains 5 links south-westerly along a school site on the south-west by 4 chains 31 links north-westerly also along that school site again on the south-east by $84\frac{1}{4}$ links 59 links

See Section 11.

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and 4 chains $1\frac{3}{4}$ links south-westerly also along that school-site and thence again on the south-west by 3 chains $81\frac{1}{4}$ links north-easterly along Knocklofty-terrace aforesaid to the point of commencement.

(5.)

See Section 11.

NORTH HOBART RECREATION GROUND.

All that piece of land situate in the Municipality of New Town, containing 8 acres 2 roods and 29 perches or thereabouts, and bounded as follows; that is to say:—On the north-east by 9 chains $42\frac{3}{4}$ links south-easterly along Letitia-street commencing at the angle of that street and Moore-street on the south-east by 13 chains 27 links south-westerly along Ryde-street on the south-west by 6 chains $82\frac{1}{10}$ links north-westerly along Argyle-street on the north-west by 9 chains $98\frac{3}{10}$ links north-easterly along land reserved for Blind Deaf and Dumb Institute again on the south-west by 2 chains $99\frac{7}{10}$ links north-westerly also along that reserve and thence ~~again~~ on the north-west by 1 chain $34\frac{1}{2}$ links north-easterly along Moore-street aforesaid to the point of commencement.

(6.)

See Section 17.

AREA INCLUDED IN CITY.

RYDE-STREET.

Commencing at a point on the boundary of the Queen's Domain opposite the north-west side of Ryde-street thence crossing Park-street to and along the north-west side of Ryde-street to the intersection of Ryde-street and Argyle-street thence diagonally crossing Argyle-street to the south-east side of Carr-street thence recrossing Argyle-street to and along the south-east side of Ryde-street to and across Park-street and thence along the boundary of the Queen's Domain north-westerly to the point of commencement.

(7.)

See Section 17.

BOUNDARIES OF THE CITY OF HOBART.

Commencing at the junction of a rivulet forming the north boundary of 31a. 1r. 17p. granted to R. Gayer with the River Derwent thence by the south side of that rivulet westerly to the north-west angle of land located to J. Nairn by an east boundary of the Mt. Nelson reserve by the north and by part of the west boundary of 1540 acres granted to William Proctor by part of the north boundary of 320 acres granted to John Dunn by an east by a north again by an east again by a north and by the west boundary of 110 acres purchased by F. Fitzroy to a rivulet by that rivulet to the east boundary of 80a. 0r. 23p. purchased by D. F. Kemp by part of the east and by the south-west and the south-east boundaries of that land by the south-east boundary of Lot 5227 purchased by D. Dunkley to a rivulet by that rivulet to a point opposite the north-west angle of 100 acres granted to William Walton thence crossing that rivulet to that angle by a west by a south and again by a west boundary of that grant to Long Creek by that creek north-westerly to the west boundary of 40 acres purchased by W. C. Piguénit by part of the west boundary of that land and by the west boundary of 15 acres also purchased by W. C. Piguénit thence by a north-westerly line to the south-east boundary (near the trigonometrical station on Mt. Wellington) of 2660 acres granted to Joseph Allport and Thomas Young by that boundary and by the east boundary of that grant by part of the west and by part of the north boundary of 317a. 2r. 0p. granted to Susan Ross and Valentine Grif-

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fiths by the west and by part of the north boundary of 75a. 2r. 0p. also granted to Susan Ross and Valentine Griffiths by part of the east boundary of 37a. 2r. 26p. purchased by Charles McLachlan by the north side of Elphinstone-road to the south-west angle of 1a. 2r. 10p. granted to John Swan by the west boundary of that land thence by an easterly line through part of a location to William Sorell to the south-west angle of 20a. 1r. 0p. granted to William Bunster by the south boundary of that grant by the south-east boundary of 13a. Or. 30p. granted to George Bilton and by a continued north-easterly line to the centre of the Main-road from Hobart to Launceston by the centre of that road south-easterly to a point in line with the north-west boundary of land owned by J. H. Marlin thence by a line to and along that boundary by the north-east boundary of that land by part of the north-east boundary of land owned by E. G. Piesse thence by a line crossing a right-of-way to and along the south-east boundary of land owned by Sarah Briggs to Commercial-road thence by a line crossing Commercial-road to the south angle of land originally granted to J. M. Wilson now occupied by or belonging to the Trustees of the Friends' High School by the south-east boundary of that land and the south-east side of Carr-street to Argyle-street thence crossing Argyle-street diagonally to the south angle of the North Hobart Recreation Reserve thence by the north-west side of Ryde-street to the north-east side of Park-street by that street north-westerly to the south angle of 0a. Or. 35 $\frac{3}{4}$ p. of land purchased by the Co-operative Estate and Motor Transport Limited by the south-east and north-east boundaries of that land by the north-east and south-east boundaries of 4a. 3r. 2p. purchased by Thomas Daniel Chapman by the south-east and east boundaries of 0a. 3r. 14p. purchased by the Co-operative Estate and Motor Transport Limited by part of the south boundary of Lot 27 purchased by Thomas Daniel Chapman by the south-east boundaries of Lots 28, 29, and 30 purchased by Samuel Moses to Bellevue-parade thence by a south-easterly line in continuation of the south side of that parade for a distance of 1 chain 40 links or thereabouts thence by a straight line crossing the Main Line railway at right angles to the southern angle of the Cornelian Bay Recreation Reserve thence by the south-east boundary of that reserve to the south-west shore of Cornelian Bay and thence by that bay and by the River Derwent aforesaid to the point of commencement.

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Including all lands to be reclaimed and wharves to be constructed in the future along the boundary along Cornelian Bay and the River Derwent.

