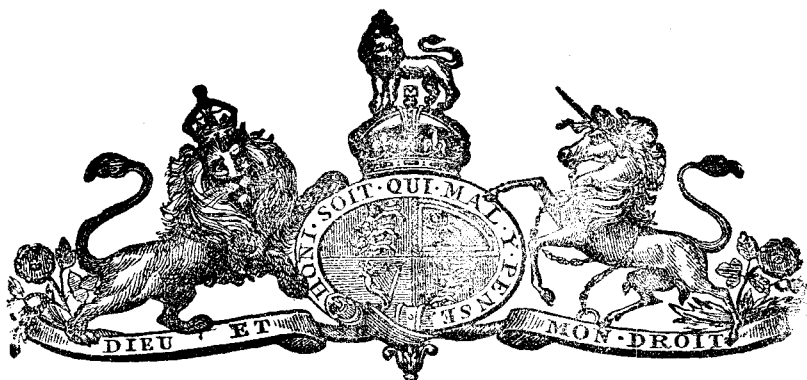


## TASMANIA.



1925.

ANNO SEXTO DECIMO

GEORGII V. REGIS.

No. 17.

## ANALYSIS.

1. Short title.
2. Interpretation.
3. Cemetery vested in the Corporation on the passing of this Act.
4. Power to sell part of land.
5. Corporation to keep in order.
6. Council to be trustees.
7. Seats, &c., may be provided.
8. Expenses.
9. Disposal of cash balance and shares.

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AN ACT to arrange for the Control of the  
Charles Street General Cemetery.

A.D.  
1925.

[24 November, 1925.]

**W**HEREAS by indenture dated the nineteenth day of April, one thousand eight hundred and forty-three, and registered the twentieth day of June, one thousand eight hundred and forty-four, No. 7287, certain land situate in the City of Launceston, having frontages on Cleveland Street, Charles Street, and Howick Street, was granted and assigned by one *John Robert Murphy* to *Philip Oakden*, *James Down*, *William Stammers Button*, *Thomas Corbett*, and *Henry Dowling*, in consideration of the payment of Five hundred and thirty Pounds to the said *John Robert Murphy* :

PREAMBLE.

*Launceston (Charles Street) General Cemetery.*

A. D. 1925.

And whereas by a declaration of trust dated the thirtieth day of July, one thousand eight hundred and forty-four, on the part of the said *Philip Oakden, James Down, William Stammers Button, Thomas Corbett, and Henry Dowling* (executed by all except the said *James Down*), they acknowledged and declared that the said sum of Five hundred and thirty Pounds was paid out of the proper money of a certain company or co-partnership formed in Launceston for the purpose of establishing a cemetery, and that the names of the said *Philip Oakden, James Down, William Stammers Button, Thomas Corbett, and Henry Dowling* were made use of in the said indenture in trust only for the said company, their executors, administrators, and assigns, and upon or for no other trust, intent, or purpose whatsoever; and the said declaration of trust contained a covenant by the said *Philip Oakden, James Down, William Stammers Button, Thomas Corbett, and Henry Dowling* for assuring the said hereditaments and premises, and for paying and disposing of the profits unto and for the said cemetery company, their executors, administrators, and assigns, or unto or for such other person or persons as they shall by writing appoint and direct, and in the meantime that the said *Philip Oakden, James Down, William Stammers Button, Thomas Corbett, and Henry Dowling* should stand and be possessed of and interested in the same in trust only and for the said company, their executors, administrators, and assigns:

And whereas by indenture of conveyance dated the fourth and registered the twelfth day of July, one thousand eight hundred and eighty-seven, No. 7/8459, after reciting that the said *Philip Oakden, James Down, William Stammers Button, and Henry Dowling* were all dead, the said *Thomas Corbett* granted and conveyed the said lands and premises unto the said *Thomas Corbett, Frank Hart, Frederick Lewis Fysh, Howard Button, William Archer Dowling, and Robert Kidd*:

And whereas by a declaration of trust dated the fourth day of July, one thousand eight hundred and eighty-seven, endorsed on the before-mentioned declaration of trust of the thirtieth day of July, One thousand eight hundred and forty-four, the said *Thomas Corbett, Frank Hart, Frederick Lewis Fysh, Howard Button, William Archer Dowling, and Robert Kidd* declared that the said land and hereditaments were conveyed to them upon the trust and for the purpose expressed and declared in the therein-before written deed poll, and upon and for no other use, intent, or purpose whatsoever:

And whereas there was never any real company, but meetings were held of those interested, and a minute-book was kept of such meetings, and *Charles Nickalls* has for a considerable time acted as secretary for the cemetery:

And whereas one acre nineteen perches and one-half of a perch of the said land was conveyed to one *John Cassidy* in one thousand nine hundred and thirteen:

And whereas portion of the land was used as a cemetery and known as the Charles Street General Cemetery:

*Launceston (Charles Street) General Cemetery.*

And whereas owing to the continued decrease in the number of interments taking place in the said cemetery, which now average only about seven yearly, the expenditure considerably exceeds the revenue, consequently the committee who have managed the cemetery are not in a position to maintain the grounds; and also owing to the fact that the said cemetery will be finally closed under the Cemeteries Amendment Act, 1902, against all burials at the end of the present year, when the revenue from that source will entirely cease, the committee have agreed with the Corporation of the City of Launceston that the control of the said cemetery, which is general or undenominational, be vested in that body, the Corporation undertaking to maintain it in good order, and at the same time safeguard the interests of those who have relatives buried therein:

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** This Act may be cited as “The Launceston (Charles Street) General Cemetery Act, 1925.” Short title.

**2** In this Act, unless the context otherwise indicates— Interpretation.

“The Corporation” means the Mayor, aldermen, and citizens of the City of Launceston:

“The Council” means the Municipal Council of the City of Launceston:

“The Cemetery” means the land, description whereof is set forth in Schedule (1) to this Act.

**3** The cemetery shall, by force of this Act and without the necessity of any conveyance or any grant, vest in the Corporation and their successors for an estate in fee simple, freed and discharged from all estates, interests, trusts, obligations, contracts, licences, charges, rates, and rights-of-way or other easements. Cemetery vested in the Corporation on the passing of this Act.

**4** It shall be lawful for the Corporation to sell and dispose of the land mentioned in Schedule (2) hereto, either in one lot or in several lots by public auction or by private contract for cash or upon credit in such manner as the Council shall, from time to time, think fit, and the Corporation may convey the same to the purchaser or purchasers thereof by means of any conveyance or conveyances under the provisions of the General Law as if the cemetery had been originally granted to the Corporation for an estate in fee simple without any trusts or conditions whatsoever, and it shall be lawful for the Corporation to sell, demolish, or otherwise dispose of the mortuary and caretaker's cottage or either of them now standing on portion of the said land if the council think fit. The net purchase moneys arising from all such sales shall be paid into and become part of the Municipal Fund. Power to sell part of land.

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*Launceston (Charles Street) General Cemetery.*

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A.D. 1925.

Corporation to  
keep in order.  
3 Ed. VII No.  
37.

**5** The Corporation shall, as from the thirty-first day of December, one thousand nine hundred and twenty-five, keep the cemetery, excepting the land comprised in Schedule (2) to this Act, in fair order as a cemetery closed under the provisions of the Public Health Act, 1903.

Council to be  
trustees.  
29 Vict. No. 7.  
Cf. 2 Ed. VII.  
No. 9, sec. 2.  
7 Geo. V. No.  
37, sec. 6.  
62 Vict. No. 60.

**6** The Council shall, for purposes of the Cemeteries Act, 1865, and its amendments, be the trustees of such cemetery, and have all the powers, rights, and authorities, including the power to make rules and regulations conferred upon such trustees, as if they were trustees appointed and gazetted under such Act, and the provisions of the Launceston Corporation Act, 1894, relating to by-laws made under that Act shall be applicable to such rules and regulations, and the provisions of Section Six of the Launceston Corporation Act, 1898, shall apply as if this were a cemetery established under such last-mentioned Act.

Seats, &c., may  
be provided.  
Cf. 10 Geo. V.  
No. 43, sec. 8.  
Expenses.  
*Ib.*, sec. 9.

**7** The Corporation may provide seats, shelters, and other conveniences for the use of the public in the said cemetery.

**8** The Corporation may defray all costs, charges, and expenses from time to time incurred in the execution of this Act out of the Municipal Fund.

Disposal of cash  
balance and  
shares.

**9** The amount held by the said *Charles Nickalls* for the cemetery company shall be applied in the first place in defraying the legal expenses incurred by the Corporation with regard to advice in respect of the position of the cemetery company and the preparation and passing of this Act, and the balance of the said amount shall be paid into and become part of the Municipal Fund, and the seven shares in the Mount Bischoff Tin Mining Company, registered, held by the said *Charles Nickalls* for the cemetery company shall be handed over to the said *Charles Nickalls* by way of remuneration for his services as secretary for the cemetery.

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*Launceston (Charles Street) General Cemetery.*

## SCHEDULES.

A. D. 1925.

## (1)

All that piece or parcel of land situate lying and being in Launceston aforesaid bounded on the north-east by a line of fifty-seven feet along Charles-street commencing at a point one hundred and seventy-one feet distant from Howick-street thence on the north-west by a line of one hundred and seventy-six feet along land sold by *John Robert Murphy* to *Cottam* thence again on the north-east by a line at a right angle with the last extending to Cleveland-street thence on the north-west by a line of five hundred and seventy-six feet along Cleveland-street aforesaid extending to other land formerly belonging to the said *John Robert Murphy* thence on the south-west by a line of one hundred and fifty-nine feet or thereabouts at right angles with the last extending from Cleveland-street to a point distant one hundred and ninety-nine feet or thereabouts from Howick-street thence on the south-east by a line of two hundred and sixty-two feet eight inches or thereabouts along one acre and nineteen and one-half perches sold by the cemetery company to *John Cassidy* thence again on the south-west by a line of one hundred and eighty feet two inches or thereabouts along the lastmentioned land to Howick-street aforesaid thence again on the south-east by a line of three hundred and eighteen feet or thereabouts along Howick-street aforesaid to other land formerly belonging to the said *John Robert Murphy* thence on the north-east by a line of one hundred and seventy feet along the said lastmentioned land and thence on the south-east by one hundred and seventy-six feet along the same land to the point of commencement.

## (2)

Firstly all that piece of land situate and being in Launceston aforesaid bounded on the north-east by a line of fifty-seven feet or thereabouts north-westerly along Charles-street commencing at a point one hundred and seventy-one feet distant from Howick-street thence on the north-west by a line of one hundred and seventy-six feet or thereabouts south-westerly along land sold by *John Robert Murphy* to *Cottam* thence on the south-west by a line of fifty-six feet eight inches or thereabouts south-easterly along other part of the cemetery and thence on the south-east by a line of one hundred and seventy-six feet north-easterly along land formerly belonging to the said *John Robert Murphy* to the point of commencement.

Secondly all that piece or parcel of land situate and being in Launceston aforesaid bounded on the south-east by a line of thirty-eight feet north-easterly along Howick-street commencing at a point distant two hundred and eighty feet or thereabouts from the eastern corner of one acre nineteen and one-half perches sold to *John Cassidy* by the cemetery company and extending to land formerly belonging to *John Robert Murphy* thence on the north-east by a line of one hundred and seventy feet or thereabouts north-westerly along the last-mentioned land thence on the north-west by a line of thirty-eight feet south-westerly along other part of the cemetery and thence on the south-west by a line of one hundred and seventy feet or thereabouts south-easterly along other part of the cemetery to the point of commencement.

