

## TASMANIA.



1938.

ANNO SECUNDO

GEORGII VI. REGIS.

No. 27.

## ANALYSIS.

1. Short title.
2. Act to be construed with 52 Vict. No. 4, 2 Edw. VII. No. 18, and 2 Geo. V. No. 9.
3. Vesting of land in new trustees.
4. Divesting of rights of other persons.
5. Record of persons interred in burial ground.
6. Removal of remains.

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AN ACT to vest the Wesleyan Burial Ground in the Town of New Norfolk in certain persons as Trustees upon the trusts set out in the Wesleyan Methodist Model Deed of Tasmania, 1888, and to authorise such Trustees to remove from the said Burial Ground the remains of any persons interred therein.

A.D.  
1938.

[16 November, 1938.]

WHEREAS from the year one thousand eight hundred and fifty-one or thereabouts, until the year one thousand eight hundred and eighty-four or thereabouts, the allotment or piece of land situate at the corner of Richmond and Blair streets, in the Town of New Norfolk, delineated in the plan set out in the schedule, and known as the Wesleyan Burial

Preamble.

*New Norfolk Wesleyan Burial Ground.*

A.D. 1938.

Ground, and hereinafter referred to as “the Burial Ground” was occupied and used by the Wesleyan Methodist Society in New Norfolk aforesaid, as a burial ground for its members :

And whereas by an Indenture of Conveyance (hereinafter called “the said Indenture”) dated the tenth day of June, one thousand eight hundred and sixty-three, and registered on the first day of July in the same year, No. 5/1982, and made between *Edward Primrose Tregurtha* therein described and *Elizabeth* his wife of the first part, *Samuel Dowsett*, *William Barnett*, *Ebenezer Shoobridge*, *Walter Clewer*, *Charles Grist*, *Robert John Wills*, *William Rousel*, *James Roach*, and *Henry Chipman Hurst*, all therein described and hereinafter referred to as “the original trustees” of the second part, and the Reverend *James Stephen Hambrook Royce*, therein described of the third part the land thereinafter described, being portion of the burial ground and comprising the land granted to the said *Edward Primrose Tregurtha* by certain letters patent in the said indenture referred to, was for the consideration therein mentioned, granted and released by the said *Edward Primrose Tregurtha* and *Elizabeth* his wife, to the original trustees upon trust to permit the same to be used as a burial ground for the members of the said Wesleyan Methodist Society, and such other persons as were in the said indenture mentioned :

And whereas all the original trustees have long since died and no new trustees have been appointed for the purposes of the said indenture :

And whereas the burial ground was closed for use as such in or about the year one thousand eight hundred and eighty-four, and has since been in the occupation or under the control of the trustees of certain other property held by them on behalf of the Wesleyan Methodist Society aforesaid, and it is expedient that the same should be vested in new trustees for and on behalf of the Wesleyan Methodist Church of Australasia in Tasmania, and upon the trusts hereinafter mentioned :

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 *New Norfolk Wesleyan Burial Ground Act 1938*.

*New Norfolk Wesleyan Burial Ground.*

**2** The *Tasmanian Wesleyan Methodists Act* 1888, the *Methodist Union Act* 1902, the *Methodist Church Act* 1911, and this Act shall be read and construed together as one Act.

A.D. 1938.  
Act to be construed with 52 Vict. No. 4, 2 Ed. VII. No. 18 and 2 Geo. V. No. 9

**3** The burial ground, being the land delineated in the plan set out in the schedule, and therein surrounded by red boundary lines is hereby vested in *William Ebenezer Shoo-bridge*, of Hobart, in Tasmania, gentleman, *Henry Wanostrocht Shoo-bridge*, of Bushy Park, in Tasmania, hop-grower, *Vincent William Shoo-bridge*, of New Town, in Tasmania, gentleman, *Walter Ernest Ransley* of the same place gentleman, *Robert George Wiggins* of New Norfolk aforesaid, hospital attendant, *August Voigt*, of New Norfolk aforesaid, printer and storekeeper, *Francis Alan Lewis* of the same place, hospital attendant, *Herbert William Traill* of the same place, estate agent, *Cecil Hartley Rowe* of the same place, medical practitioner, *Alexander Traill* of the same place, gentleman, *John William Brazendale* of the same place, gentleman, and *Francis James Coleman* of the same place, hospital attendant (all of whom are hereinafter referred to as "the new trustees") for an estate in fee simple upon such and the same trusts and purposes as are expressed and declared in the *Wesleyan Methodist Model Deed* of Tasmania, 1888 (or any duly authorised amendment or modification thereof), with respect to the lands therein referred to, and as if the land so delineated as aforesaid were church land within the meaning of the *Tasmanian Wesleyan Methodists Act* 1888, and upon no other trust, and for no other purpose whatsoever.

Vesting of land in new trustees.

**4** Upon such vesting as aforesaid the rights of all persons other than the new trustees in the burial ground and in the graves, tombs, vaults, monuments, tombstones, and other memorials therein shall wholly cease.

Divesting of rights of other persons.

**5—(1)** The new trustees shall prepare a statement showing the names of all persons interred in the burial ground, together with the respective dates of their deaths and such other particulars with respect to such persons as can be ascertained from the records of the burial ground and the inscriptions on the vaults, monuments, tombstones, and other memorials aforesaid.

Record of persons interred in burial ground.

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*New Norfolk Wesleyan Burial Ground.*

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A.D. 1938.  

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(2) Such statement shall be deposited by the new trustees at the office of the Chief Secretary and shall be available for inspection by any person interested therein.

Removal of  
remains.

**6—**(1) The new trustees may cause the remains of any person interred in the burial ground to be reverently disinterred, and to be removed and interred in some other cemetery in or near the Town of New Norfolk aforesaid.

(2) If any direct descendant of any person whose remains are interred in the burial ground shall desire such remains to be removed to any other cemetery in Tasmania, such descendants, upon application to the new trustees within six months after the passing of this Act, shall be permitted to remove such remains to such other cemetery, and such new trustees shall bear all costs of or incidental to such removal.

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# SCHEDULE



