

TOODYAY CEMETERIES.

3° GEO. VI., No. VIII.

No. 8 of 1939.

AN ACT for the closure of portion of a certain Road and to vest certain Lands in His Majesty ; and for other purposes relative thereto.

[Assented to 28th October, 1939.]

WHEREAS the land described in the First Schedule hereto forms portion of a road in the Toodyay Road District: And whereas the lands described in the first and second columns of the Second Schedule hereto are vested in various persons, bodies, or trustees, as set out in the third column of the said Second Schedule: And whereas it is desirable to close the said portion of the said road and to vest the lands described in the First and Second Schedules in His Majesty, with intent that same may be added together and proclaimed a public cemetery: Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the *Toodyay Cemeteries Act, 1939.*

Closure of portion of Quinlan street and vesting of the land comprised therein in His Majesty.

2. All that portion of Quinlan street in the Toodyay Road District more particularly described in the First Schedule to this Act is hereby closed and all rights of way over the same shall cease on the passing of this Act.

The land comprised in the said portion of the said street shall be and the same is hereby vested in His Majesty freed and released from all and every trusts or trust affecting the same, and shall be deemed to be Crown land within the meaning of the Land Act, 1933-1938, and be dealt with in the manner in this Act hereinafter mentioned.

3. From and after the commencement of this Act all rights of property which may have at any time been vested by statute or otherwise in the persons or corporations mentioned in the third column of the Second Schedule to this Act, or in any other person or persons or corporations whatsoever in any part of the lands described in the first and second columns of the said Second Schedule, shall absolutely cease and determine, and the whole of the said lands and all the right and title in law or in equity thereto shall be and the same are hereby vested in His Majesty freed and released from all and every trusts or trust affecting the same, and shall be deemed to be Crown land within the meaning of the Land Act, 1933-1938, and shall be dealt with in the manner in this Act hereinafter mentioned.

Lands vested
in His
Majesty.

4. The lands more particularly described in the First and Second Schedules hereto, when vested in His Majesty as provided for in this Act, shall forthwith be set aside in one reserve under the provisions of the Land Act, 1933-1938, for the purposes of a public cemetery, and thereafter shall be appointed a public cemetery under and for the purpose of the Cemeteries Act, 1897, and shall be placed under the control of the Toodyay Road Board, or such other trustees as the Governor may from time to time appoint under the provisions of the said last-mentioned Act.

Lands vested
in His
Majesty to
be added
together and
appointed a
public ceme-
tery and
placed under
the control
of the Toody-
ay Road
Board.

5. The Registrar of Titles shall make such entries in and amendments of the records in the Office of Land Titles relating to the lands mentioned in the First and Second Schedules to this Act as may in his opinion be necessary or expedient in consequence of the passing of this Act.

Entries and
amendments
to be made by
the Registrar
of Titles.

FIRST SCHEDULE.

All that portion of land bounded by lines starting from the south-eastern corner of lot 76 of Avon location U3 (as shown on L.T.O. deposited plan 3649) and extending southerly along the western alignment of the Toodyay-Bolgart road to the north-eastern corner of lot 143 on plan 3649 aforesaid; thence westerly along the northern boundary of said lot 143 to its north-western corner; thence northerly to the south-western corner of lot 76 aforesaid, and thence easterly along its southern boundary to the starting point.

SECOND SCHEDULE.

Land.	Reference.	Proprietors.
Portions of Avon Location U3 and being lots 77, 78, 79 and 80 on plan 3649	Volume 1060, folio 622	Toodyay Road Board, Toodyay.
Portion of Avon location U3 and being lot 81 on plan 330	Volume 333, folio 22	Toodyay Road Board, Toodyay.
Portion of Avon location U3 and being lot 76 on plan 3649	Volume 839, folio 54	The Perth Diocesan Trustees, Cathedral avenue, Perth.
Portions of Avon location U3 and being lots 75 and 142 on plan 3649	Volume 601, folio 71	The Roman Catholic Bishop of Perth, Vic- toria square, Perth.
Portion of Avon location U3 on plan 3649	Volume 86, folio 121	The Diocesan Trustees of the Church of England in Western Australia.