

New Zealand

ANALYSIS.

Title.

Preamble.

1. Short Title.

2. Interpretation.

3. Power to remove remains and monuments.

4. Power to sell and dispose of land and mode of application of moneys received.

5. Protection of purchaser.

6. Private Act.

1943, No. 1—*Private*

AN ACT to authorize the Trustees for the Time being of the Canterbury Jewish Congregation to close a Cemetery and to sell and dispose of certain Land and to exercise certain other Powers. Title.

[25th August, 1943

WHEREAS the trustees for the time being of the Canterbury Jewish Congregation are registered as the proprietors of an estate in fee-simple in all that parcel of land more particularly hereinafter described, such land having been originally conveyed to the said trustees upon trust as a burial-ground for the Jews: And whereas there has been no interment in the said ground for over forty years and there are no objections among the next-of-kin of those who have been buried in the said ground to the closing of the said ground as a cemetery: And whereas the said ground has fallen into disuse and is unsightly: And whereas the said ground Preamble.

is situated in a residential quarter of the City of Christchurch, and it is in the public interest that the said ground be closed as a burial-ground and the remains buried therein transferred to another burial-ground, together with the monuments and other memorials: And whereas it is desirable that the said trustees shall be empowered to sell the said piece of land and to apply the proceeds thereof in payment of the cost and expenses in connection with the promotion of this Act and the cost of transferring the remains and memorials as before mentioned and to apply any surplus for the benefit of the Canterbury Jewish Congregation: And whereas the powers requisite to enable the said trustees to sell such land and apply the proceeds as aforesaid are obtainable only by legislation:

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

Short Title.

1. This Act may be cited as the Canterbury Jewish Cemetery Empowering Act, 1943.

Interpretation.

2. In this Act, if not inconsistent with the context,—
“ Congregation ” means the Canterbury Jewish Congregation:

“ The ground ” means all that parcel of land containing one rood, being part of Rural Section 26, City of Christchurch, being all the land comprised in certificate of title, Volume 373, folio 256 (Canterbury Registry):

“ The trustees ” means the trustees for the time being of the Canterbury Jewish Congregation.

Power to remove remains and monuments.

3. The trustees may and they are hereby empowered to remove the remains of those deceased persons who have been buried in the ground to a properly recognized burial-ground subject to the provisions of the Cemeteries Act, 1908, together with all monuments, headstones, and other memorials erected in the ground, and to close the ground as a burial-ground.

Power to sell and dispose of land and mode of application of moneys received.

4. It shall be lawful for the trustees to sell and dispose of the ground by public auction or private contract at such time and upon such terms and conditions as they may deem fit, and to transfer and assure the same to a purchaser freed and discharged of and from the said trust, and to apply the net proceeds

thereof in payment of all costs and expenses of and incidental to the promotion of this Act and in payment of all expenses of and incidental to the removal of and reinterment of the remains and re-erection of the monuments, headstones, and other memorials or the erection of such other memorials as the trustees shall deem fitting, and subject thereto in promoting and furthering such one or more of the purposes and activities of the Canterbury Jewish Congregation as shall be determined by a resolution of the congregation carried at a special meeting duly convened and held in accordance with the rules of the congregation.

5. The receipt in writing of the trustees shall effectually discharge the purchaser or other person paying any money in respect of such sale therefrom and from being bound to see or inquire as to the application thereof or being responsible for any loss, misapplication, or non-application thereof. Protection
of purchaser.

6. This Act is hereby declared to be a private Act. Private Act.