

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and having this day passed as now printed is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

*House of Representatives,
24th October, 1878.*

Hon. Mr. Sheehan.

Cemeteries Management Amendment.

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A BILL INTITLED

AN ACT to allow Private Lands to be used for Cemeteries.

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

1. The Short Title of this Act shall be “The Cemeteries Management Amendment Act, 1878.”

2. Whenever in any district, city, town, or place, or near thereto, there is no public cemetery, or where it is desirable to close any existing cemetery or to establish another cemetery, the Council of any county or borough may agree with the owner of any private lands situate within a county, and outside of the limits of any borough or town, to set apart such lands as may be suitable for a private cemetery under this Act.

3. Every such cemetery shall be subject, in all cases, to the following conditions:—

(1.) The Council of the county or borough, as the case may be, shall give public notice of any lands being set apart for a cemetery under this Act, and thereafter no portion of such lands shall be used by the owner thereof or any person except for the purpose of a cemetery, until such cemetery is closed.

(2.) The cemetery shall be open at all reasonable hours, and the public shall have free access thereto.

(3.) The owner shall, on request, dispose of the fee-simple of any portion of the lands in such cemetery to private persons for the purpose of burial or erecting monuments, if any such lands are available; the limits of the portion to be disposed of to any one person to be fixed by general regulations.

(4.) A portion of the cemetery, in extent in each case as the Council of the county or borough shall determine, shall be set apart, kept, and maintained for the burial therein, free of any charge, of the bodies of poor persons, and of such persons from hospitals, lunatic asylums, gaols, prisons, and other public institutions, as may be required by the person in charge of any such institution.

- (5.) Upon the request of the governing body of any separate religious denomination or sect, the owner shall set apart and keep a portion of the cemetery to be used for the exclusive interment of the bodies of members of such denomination or sect. 5
- (6.) The owner of the lands shall have the entire management of the cemetery, subject to such general regulations, and to such fees for burials in any part thereof, as the Governor may from time to time approve.
- (7.) The owner aforesaid, and his heirs or assigns, shall, subject to all regulations to be made as aforesaid, have all the powers granted to trustees of public cemeteries under the provisions of "The Cemeteries Management Act, 1877." 10
- (8.) The provisions of the above-named Act numbered respectively nine to twenty inclusive, twenty-three to thirty inclusive, thirty-two to thirty-five inclusive, and thirty-eight (except as to inspection of accounts), shall apply in respect of every cemetery opened under this Act, and to the owner aforesaid, in the same manner as the said provisions apply to public cemeteries, and to the trustees thereof. 15
- (9.) All matters required by the aforesaid Act to be published in the *New Zealand Gazette*, shall in respect of the same matters under this Act, be published instead in some newspaper having general circulation in the district or place where the cemetery is situate, once at least in two consecutive weeks. 20

Other cemeteries in the neighbourhood may be closed.

4. When any cemetery shall be opened under this Act, the Governor may, at the instance of the local body or bodies concerned, direct any cemeteries within a radius of ten miles of the first-named cemetery to be closed in accordance with the provisions of the Act in the next following section mentioned. 30

Cemeteries subject to be closed.

5. Every cemetery opened under this Act shall be subject to and may be closed under the provisions of "The Burial-Grounds Closing Act, 1874." 35

Powers of Governor in certain cases.

6. The powers and functions granted by this Act to the Council of any county shall, in respect of all parts of the colony wherein the whole of "The Counties Act, 1876," is not in force, be exercisable by the Governor.

Repeal.

7. "The Auckland Burial Ground Act, 1871," is hereby repealed. 40

Private and other lands may be dedicated for public cemeteries.

8. Where the Council of any county or borough shall have acquired, by gift, purchase, or otherwise in any manner, any lands not being within the limits of any borough, for the purposes of a public cemetery, such Council may, by public notification, three times repeated in some newspaper having general circulation in the county wherein the said lands are situated, declare the same to be dedicated and open as a public cemetery; and thereafter the said lands shall be used for such cemetery purposes only. 45

Act of 1877 to apply.

9. The provisions of "The Cemeteries Management Act, 1877," shall apply to every cemetery dedicated as aforesaid, in the same manner as they apply to public cemeteries set apart by the Governor out of Crown lands; and all provisions, covenants, conditions, or stipulations contained in any deed of gift or other instrument of transfer or dedication of lands for the purpose of such cemetery which are inconsistent with or repugnant to the provisions of the Act last aforesaid shall cease to be operative in respect to such lands. 50

Section 89 of Act of 1877 amended.

10. The provisions of the thirty-ninth section of "The Cemeteries Management Act, 1877," shall apply in respect to cemeteries established or to be established subsequent to the passing of the said Act, as well as to cemeteries theretofore established. 55

Act not to apply to Jewish Cemetery, Auckland.

11. Nothing herein contained shall apply to the Jewish Cemetery situate in Symonds Street, Auckland. 60