

Mr. Monk.

DEVONPORT CEMETERY.

ANALYSIS.

Title.
Preamble.
1. Short Title.

2. Cemetery within borough may be declared lawfully established.
3. Upon requisition of Borough Council Governor may direct burial-ground to be closed.

A BILL INTITULED

AN ACT to provide for the Use of a certain Parcel of Land as Cemetery for the Borough of Devonport. Title.

WHEREAS within the Borough of Devonport land has been heretofore set apart for a cemetery, but has not been so used; and such land is some distance removed from the part of the borough occupied by any dwelling-houses or other buildings, and is separated from such part by a broad tract of land unavailable for building purposes: And whereas no other land available for a cemetery is procurable within any fair distance from the said borough; and it is expedient specially to authorise the use of the above first-mentioned lands for cemetery purposes: Preamble.

BE IT THEREFORE 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 is “The Devonport Cemetery Act, 1889.” Short Title.

2. Notwithstanding anything contained in section forty-nine of “The Cemeteries Act, 1882,” the Council of the Borough of Devonport by special resolution may declare that the cemetery heretofore set apart or established within the Borough of Devonport shall be deemed to have been lawfully established although the same is within the limits of such borough, and such cemetery shall thereafter be used and managed in accordance with the provisions of the Act last aforesaid. Cemetery within borough may be declared lawfully established.

3. Notwithstanding anything contained in “The Cemeteries Act, 1882,” the Governor in Council may, upon a requisition of the Council of the Borough of Devonport, adopted by special resolution, direct the burial-grounds heretofore and now used for the interment of the dead therein within the Borough of Devonport to be closed, notwithstanding the Council of the Borough of Devonport shall not have provided a sufficient cemetery outside the limits of the borough. Upon requisition of Borough Council Governor may direct burial-ground to be closed.

Duties of Returning Officers.

11. Every Returning Officer, on the receipt of a writ, shall indorse thereon the date of its receipt, and shall forthwith give at least fifteen days' notice of the day of polling, in the manner best calculated to give general publicity thereto.

5

(1.) The election shall then proceed and all things be done at the polling in the same manner in every respect as if it were an election for a member of the House of Representatives. A voting-paper shall be printed, having the names of all the candidates thereon in the same order as on the list furnished to the Returning Officer by the Colonial Secretary.

10

(2.) Every voter shall erase from the voting-paper every name excepting the name of the candidate for whom he wishes to vote.

(3.) The Returning Officer shall make up the result of the poll in the same manner as if it were an election for the House of Representatives, and shall indorse on the writ the name of the person who has received the greatest number of votes at the election, together with the number of votes received by him, and forthwith return the writ, so indorsed, to the Clerk of the Writs.

15
20

Returning Officers not to have either original or casting vote.

When numbers equal, to indorse both names on writ.

On return of writs Clerk of Writs to ascertain the person having majority of votes in the colony.

12. No Returning Officer shall have a vote under this Act, nor shall he exercise any casting-vote; but, if in any district it is found that any two or more of the candidates having the highest number of votes are equal in number, the Returning Officer shall indorse both or all their names on the writ and bracket them together as equal, together with the number of votes.

25

13. On receipt of the writs from the various electoral districts the Clerk of the Writs shall ascertain from the names indorsed thereon the name of the candidate who has received the greatest number of votes throughout the colony; and shall report the result to the Governor. Similarly, if any two or more candidates have received an equal number of votes throughout the colony he shall report the same to the Governor, who thereupon shall nominate as Governor one or other of the equal candidates, so as to determine the election.

30
35

Governor to notify result and proclaim the election.

Governor may make regulations for carrying Act into force.

14. The Governor shall forthwith, by Proclamation in the *Gazette*, notify the result of the election; and the candidate so proclaimed to be elected shall be Governor-elect from that day.

15. The Governor from time to time, by Order in Council, may make, alter, or revoke regulations for any purpose connected with any election under this Act, for the purpose of having any such election duly carried out and completed.

40

Governor in Council may remedy defects, &c., in elections.

16. When any accidental or unavoidable impediment, misfeasance, or omission happens the Governor in Council may take all such measures as may be necessary for removing or rectifying the same, or may declare any or all of the proceedings at or for any election valid, notwithstanding such impediment, misfeasance, or omission.

45

Every such Order in Council shall state specifically the nature of the impediment, misfeasance, or omission, and shall be forthwith gazetted.

50