

ONEHUNGA CEMETERY BILL, 1889.

A BILL intituled: An Act to authorise the opening of a Public Cemetery within the Town of Onehunga.

Preamble.

WHEREAS under "The Special Powers and Contracts Act, 1881," a Crown Grant of 47 acres within the Town of Onehunga was authorized to be issued on or after the first day of June, 1882, to the Borough of Onehunga in exchange for an endowment of 1000 acres reserved in the Punakitere Survey District for the Town of Onehunga under "The Municipal Corporations Act, 1876," and the said 47 acres were to be apportioned into a rifle range, Cemetery, and place of recreation.

And whereas the grant for the Cemetery, though thus authorized, was not made during the year 1882, when the said Borough Council could, before the passing of "The Cemeteries Act" on the 15th September, 1882, have opened a public Cemetery within the Borough, but was made on the 2nd October, 1883.

And whereas 10 acres of the said 47 acres were on the last-mentioned date granted to the Mayor, Councillors and Burgesses of the Borough of Onehunga in trust for the inhabitants of the Borough of Onehunga and the County of Eden for a Cemetery, and it is desirable that the intention of Parliament as expressed in "The Special Powers and Contracts Act, 1881," and in the Grant should be fulfilled, and that the Borough of Onehunga should have a Cemetery on the aforesaid 47 acres, and not be deprived of that right by a subsequent Act, namely, "The Cemeteries Act, 1882," which, under Section 49 prohibits the establishment of a cemetery within the limits of any borough, and it is expedient that the said Section should not apply to the said 10 acres granted for a Cemetery within the limits of the Borough of Onehunga

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

Short Title.

1. The Short Title of this Act is "The Onehunga Cemetery Act, 1889."

Section 49 of Cemeteries Act 1882, not to apply.

2. Section 49 of "The Cemeteries Act, 1882," shall not apply to the 10 acres granted on the 2nd October, 1883, for a Cemetery to the Mayor, Councillors and Burgesses of the Borough of Onehunga and their successors in trust for the inhabitants of the Borough of Onehunga and the County of Eden.

Cemetery to be opened.

3. It shall be lawful for the Mayor, Councillors and Burgesses of the Borough of Onehunga to open and establish a public Cemetery on the 10 acres mentioned in Section 2 of this Act and described in the Schedule hereto, anything contained in the said Section 49 of "The Cemeteries Act, 1882," notwithstanding.

Cemetery Trustees.

4. The Mayor, Councillors and Burgesses of the Borough of Onehunga shall on the passing of this Act be the Trustees of the Cemetery authorised to be opened and established under this Act, and shall manage the Cemetery subject to the other provisions of "The Cemeteries Act, 1882," and the trusts contained in the Crown Grant of the said 10 acres.

SCHEDULE. CEMETERY RESERVE.

ALL that parcel of land in the Provincial District of Auckland, containing by admeasurement 10 acres more or less, situated in the Otahuhu Survey District, and being southern portions of Sections Numbers 44, 45 and 46 and middle portion of Section Number 61, near the Town of Onehunga. Bounded towards the North by a road 100 links and by the Recreation Reserve 1570 links; on the East and South by the Manukau Harbour; on the West by the Rifle Range 650 links, and again by the Manukau Harbour.