

[AS REPORTED FROM LOCAL BILLS COMMITTEE.]

Mr. Hamlin, for Sir G. M. O'Rorke.

ONEHUNGA CEMETERY.

ANALYSIS.

Title.
Preamble.
1. Short Title.

2. Section 49 of "Cemeteries Act, 1882," not to apply.
3. Cemetery to be opened.
4. Cemetery trustees.

A BILL INTITULED

AN ACT to authorise the Opening of a Public Cemetery within the Town of Onehunga. Title.

WHEREAS under "The Special Powers and Contracts Act, 1881," Preamble.

5 a Crown grant of forty-seven acres within the town of Onehunga was authorised to be issued on or after the first day of June, one thousand eight hundred and eighty-two, to the Borough of Onehunga in exchange for an endowment of one thousand acres reserved in the Punakitere Survey District for the Town of Onehunga under "The Municipal
10 Corporations Act, 1876," and the said forty-seven acres were to be apportioned into a rifle-range, cemetery, and place of recreation :

And whereas the grant for the cemetery, though thus authorised, was not made during the year one thousand eight hundred and eighty-two, when the said Borough Council could, before the passing of the
15 Cemeteries Act, on the fifteenth of September, one thousand eight hundred and eighty-two, have opened a public cemetery within the borough, but was made on the second of October, one thousand eight hundred and eighty-three :

And whereas ten acres of the said forty-seven acres were on the
20 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,
25 and that the Borough of Onehunga should have a cemetery on the aforesaid forty-seven acres, and not be deprived of that right by a subsequent Act, namely, "The Cemeteries Act, 1882," which, under

section forty-nine, 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 ten acres granted for a cemetery within the limits of the Borough of Onehunga :

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

Section 49 of "Cemeteries Act, 1882," not to apply.

2. Section forty-nine of "The Cemeteries Act, 1882," shall not apply to the ten acres granted on the second of October, one thousand eight hundred and eighty-three, 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 ten acres mentioned in section two of this Act, and described in the Schedule hereto, anything contained in the said section forty-nine 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 ten acres.

SCHEDULE.

CEMETERY RESERVE.

ALL that parcel of land in the Provincial District of Auckland, containing by ad-measurement 10 acres, more or less, situated in the Otahuhu Survey District, and being southern portions of Sections Nos. 44, 45, and 46, and middle portion of Section No. 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.