

Mr. Lawry

ONEHUNGA CEMETERY.

[LOCAL BILL.]

ANALYSIS.

Title.	
Preamble.	
1. Short Title.	3. Cemetery to be opened.
2. Section 49 of "Cemeteries Act, 1882," not to apply.	4. Cemetery trustees.
	5. Closing of existing burial-grounds. Schedules.

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 Corporation of 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 Corporations Act, 1876," and the said forty-seven acres were to be apportioned into a rifle-range, cemetery, and place of recreation :

15 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 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 :

20 And whereas ten acres of the said forty-seven 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, under the circumstances, section forty-nine of "The Cemeteries Act, 1882," which prohibits the establishment of a cemetery within the limits of any borough, should be declared not to apply to the aforesaid forty-seven acres :

And whereas it is desirable that the crowded burial-grounds within the heart of the Borough of Onehunga, in Queen Street and Church Street of the said borough, as the same are described in the First Part of the Schedule hereto, should respectively be closed, and this may not be done until another suitable site is provided for the purpose : 5

And whereas the aforesaid ten acres are situate on a promontory jutting out into the waters of Manukau Harbour, and bounded on the landward side by a high road, separating the same entirely from the occupied portions of the borough, and the opening of a cemetery thereon could not be injurious to the inhabitants of the said borough, and is a suitable site for the purpose aforesaid : 10

Struck out.

And whereas an injunction of the Supreme Court has been obtained to restrain the Borough Council from utilising the said ten acres contrary to section forty-nine of "The Cemeteries Act, 1882," and it is expedient that the aforesaid injunction of the Supreme Court should be dissolved, and that the aforesaid ten acres granted for a cemetery should be utilised for such purpose notwithstanding that the said acres are situate within the limits of the Borough of Onehunga : 15 20

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, 1894." 25

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 day of October, one thousand eight hundred and eighty-three, to the Mayor, Councillors, and Burgesses of the Borough of Onehunga and their successors, and more particularly described in the Second Schedule hereto, in trust for the inhabitants of the Borough of Onehunga and the County of Eden, for a cemetery ; and the injunction of the Supreme Court mentioned in the recitals of this Act, prohibiting the use of the said acres as a cemetery, is hereby dissolved. it shall be lawful for the Council of the Borough of Onehunga to open and establish a public cemetery on the said ten acres. 30 35

Struck out.

Cemetery to be opened.

3. It shall be lawful for the Council 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 Second Part of the Schedule hereto, anything contained in the said section forty-nine of "The Cemeteries Act, 1882," notwithstanding. 40

Cemetery trustees.

4. The Council of the Borough of Onehunga shall 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. 45

Closing of existing burial-grounds.

5. Whenever the aforesaid Borough Council shall declare the ten acres aforesaid to be opened as a public cemetery the Governor may, under the authority of section seventy-three of "The Cemeteries 50

Act, 1882," declare that burials in the above-mentioned burial-grounds in Queen Street and Church Street respectively described in the First Part of the Schedule hereto shall be wholly discontinued, subject, however, to sections seventy-five to eighty-one of that Act.

SCHEDULES.

Schedules.

FIRST SCHEDULE.

PART I.

EXISTING BURIAL-GROUNDS.

1. ALL that land ~~situate in~~ *fronting Church and Queen Streets*, in the Borough of Onehunga, *in the Land District of Auckland*, comprising 1 acre, more or less, being Allotment No. 9, Block XVIII., of the said borough.

2. All that land ~~situate in~~ *fronting Albert and Church Streets*, in the Borough of Onehunga, *in the Land District of Auckland*, comprising 1 acre, more or less, being Allotment No. 9, Block X., of the said borough.

SECOND SCHEDULE.

PART II.

CEMETERY RESERVE.

ALL that parcel of land in the ~~Provincial~~ *Land 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-west by a road, 100 links, and by the recreation reserve, 1,570 links; on the east and south by the Manukau Harbour; on the west *generally* by the rifle-range, 650 links, and again by the Manukau Harbour, *excepting from the above-described area a road 1 chain wide between the rifle-range and the road fronting western boundary-line of Section No. 61 (north portion), fronting Manukau Harbour.*