

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

Legislative Council,
7th August, 1874.

[AS AMENDED BY THE HOUSE OF REPRESENTATIVES.]

(Hon. Mr. Mantell.)

Wellington Burial-Ground.

ANALYSIS.

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A BILL INTITULED

AN ACT to regulate Burial-Grounds in the City of Wellington. Title.

WHEREAS it is expedient for the protection of the public health that burials should be discontinued in the several burial-grounds specified in the Schedule to this Act, and that other burial-grounds should be provided in lieu thereof: 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 shall be "The Wellington Burial-Ground Act, 1874." Short Title.

2. The term "Superintendent" throughout this Act shall mean the Superintendent of the Province of Wellington. Interpretation.

3. Whenever the Superintendent shall be of opinion that interments in any of the burial-grounds specified in the Schedule to this Act should be discontinued, it shall be lawful for him, at any time after he shall have purchased or acquired any burial-ground or grounds, ~~not being within the boundaries of the City of Wellington,~~ approved of by his Executive Council (which he is hereby authorized to purchase or acquire), and made such arrangements as he may think necessary for the interment of the dead therein, to declare, by Proclamation to be published in the Wellington Provincial Government Gazette, that interments shall be discontinued in any of the burial-grounds in the Schedule mentioned, subject to the following exceptions, viz.:—A husband or wife in the same grave with his or her wife or husband previously buried, a parent with a child previously buried, a child with a parent previously buried. *a brother with a sister pre-* Interments to be discontinued.

viously buried, or vice versa (provided that no burial of any sort except husband or wife shall take place after the period of fifteen years from the passing of this Act.) From and after a day to be fixed in such Proclamation, any burial-ground so closed shall be maintained in good order by the Trustees of the respective denominations to which it belongs, set apart as a public reserve, and open to the public under such rules and regulations as may from time to time be made by the Superintendent of such province, and such reserve shall not be sold nor leased nor in any manner diverted to any other purpose than as aforesaid

11. Any person committing any breach of any of the said regulations shall be liable to a penalty not exceeding five pounds, to be recovered before any two or more Justices of the Peace in a summary way. The trustees and all persons in whom are vested or who have the care of such burial-grounds shall, so far as the said regulations specially apply to them, conform to, obey, and enforce the same, and all other persons shall, so far as the regulations apply to the public generally, conform to and obey the same.

Penalty for burials contrary to Proclamation.

4. After the day fixed in any such Proclamation, it shall not be lawful to bury the dead in any burial-ground in which interment has by any such Proclamation been ordered to be discontinued, except as herein mentioned, and any person who shall after such time as aforesaid bury any body, or in anywise aid or assist in the burial of any body, in any burial-ground in which burials are ordered to be discontinued by such Proclamation as aforesaid, except as aforesaid, shall forfeit and pay for any such offence any sum not exceeding one hundred pounds, to be recovered in a summary way.

Management of burial-ground.

5. The burial-grounds to be established under this Act shall be managed in manner provided by any Act of the Superintendent and Provincial Council of the Province of Wellington heretofore or hereafter to be passed for the management of public cemeteries, subject to the provisions of this Act.

Bodies may be moved to burial-grounds provided under this Act.

6. It shall be lawful for the relatives of any deceased person, with the consent of the Superintendent, in writing, to cause the body of such deceased person to be removed from any of the burial-grounds specified in the Schedule to this Act, and to be interred in any burial-ground provided under this Act.

Superintendent may sell surplus land.

7. It shall be lawful for the Superintendent from time to time to sell and dispose of any lands purchased by him under this Act which may not be required for a burial-ground, and which may not have been used for the burial of the dead, and for completing and carrying any such sales into effect he may make sign and execute a conveyance of the land, and the signature thereof by the Superintendent shall be deemed to be a good valid and effectual execution, and a receipt for the purchase money therein shall be a discharge to the purchaser. The money to arise from such sale and disposal shall be subject to appropriation by the Provincial Council of the Province of Wellington.

Right to take legal proceedings not to be barred.

8. Nothing in this Act contained shall take away from or deprive any person of the right to proceed by way of indictment for a nuisance, or to take any other legal proceedings he may think fit.

Strike out Clauses 9 to 14 inclusive underlined.

Portions of burial-grounds may be set apart for separate denominations.

9. Upon the request of the governing body of any separate religious denomination or sect, the Superintendent may, upon such terms and conditions not inconsistent with the known tenets or usages of such religious denomination or sect, permanently appropriate and set apart a portion of any burial-ground provided under this Act to be used for the exclusive interment of the bodies of members of such denomination or sect.

Denominations to provide for maintenance of burial-grounds set apart for their separate use.

10. Every denomination or sect shall provide for the maintenance and care of any burial-ground appropriated to its exclusive use, and shall have the direction of the order and course in which such ground

shall be opened and used for the purpose of interment, and the times at which interments in such burial-ground may take place, and as to the setting up of headstones and monuments with the inscriptions thereon, and the removal of such headstones or monuments; and the Superintendent shall provide in like manner and have the same powers in respect of burial-grounds not appointed to the exclusive use of any denomination or sect.

11. Any person committing any breach of any of the said regulations shall be liable to a penalty of not exceeding five pounds, to be recovered before any two or more Justices of the Peace in a summary way. The trustees and all persons in whom are vested or who have the care of such burial-grounds shall, so far as the said regulations specially apply to them, conform to, obey, and enforce the same, and all other persons shall, so far as the regulations apply to the public generally, conform to and obey the same.

Penalty for breach of regulations.

12. The Superintendent, in respect of any burial-grounds provided under this Act, and not appropriated exclusively to any denomination or sect as hereinbefore provided, may make regulations from time to time as to depth and formation of graves and places of interment, the nature of coffins to be received in such burial-grounds, the notice to be given in respect of funerals, and generally as to all matters connected with the good order of such burial-ground, and the convenient interment of bodies therein.

Superintendent may make regulations.

13. Nothing in this Act contained shall be construed to divest alter or affect the right title or interest of any trustees of any religious denomination, or any person or persons, in or to any places in the existing burial-grounds, or in or to any vault monument headstone mortuary chapel, or any other place matter or thing, in the existing burial-grounds, with free right of ingress and egress as they respectively now have in from and through the same, or such right of control and management of the site of such burying places, save as to future interments, as provided by clause three of this Act.

Saving of rights of trustees, &c.

14. All sums received for the purchase of sites of graves in the burial-grounds appropriated to any denominations, and in any burial-ground not appropriated exclusively to any denomination or sect as hereinbefore provided, and all fees or sums to be paid upon interments in any such burial-grounds as aforesaid, shall be received by the respective trustees of such burial-grounds, and be by them applied to the erection and maintenance of the necessary buildings and fences, and to all matters connected with the maintenance and good order of such burial-grounds.

Appropriation of fees.

New Clause.

9. Whereas certain persons claim to have received from the trustees or managers of the said cemeteries leases or licenses for themselves their executors or administrators to use and occupy family vaults graves or other burial-places for terms of years renewable or otherwise, and have paid pecuniary consideration for the same, and such persons may be deprived in whole or in part of such rights in case of the closing of such cemeteries, it is hereby enacted that it shall be lawful for the Governor in Council from time to time to appoint some person or persons to be Commissioner or Commissioners to inquire into such claims, (with the powers contained in "The Commissioners Powers Act, 1867,") and such Commissioner or Commissioners shall have power to award such compensation or refund as he or they may think equitable to any person deprived of such use or occupation as aforesaid in whole or in part. The compensation to be awarded shall not exceed the amount paid for the lease or use of the ground in addition to the amount expended in the construction of the grave or v It. Subject to such deduction on account of interments already

Compensation to be made in certain cases.

made in such ground as the Commissioner or Commissioners shall think equitable. The cost of monuments shall not be included in the cost of construction of the grave.

On such awards as aforesaid being confirmed by the Governor in Council, the amount awarded may be recovered from the Corporation of the City of Wellington in the same manner as any debt due on a civil contract from such Corporation. The amount awarded shall be paid out of any moneys applicable by the City Council of the said city to any purposes whatever.

In lieu of any such compensation as aforesaid, the Commissioner or Commissioners may adjust any such claim with the consent of the claimant by awarding a grant or lease of a vault grave or burial-place in any other cemetery in the said Province. All such claims as aforesaid must be notified to the Colonial Secretary within six months after the passing of this Act, otherwise the same shall be barred, and the claimant shall not be entitled to avail himself of the provisions of this section of this Act.

SCHEDULE.

Schedule.

CHURCH OF ENGLAND CEMETERY.

ALL that piece or parcel of land and premises situate and being in the Town of Wellington, in the Province of Wellington, New Zealand, being part of the Cemetery Reserves Nos. 2 and 3: the said No. 2 being bounded on the North-east by Town Acres 474 and 473; on the South-east by Bolton Street; on the South-west by Town Acre No. 501 and the end of Difficult Road; and on the North-west by Public Cemetery No. 1, and containing three acres two roods and twenty-five perches, or thereabouts: and said No. 3 being bounded on the North by Cemetery Road; on the South-east by Town Acres Nos. 501, 499, 497, 495, 493; on the South by the Town Belt; and on the North-west by the Public Cemetery No. 5, and containing three acres two roods and thirty-two perches, or thereabouts.

PUBLIC CEMETERY.

All that piece or parcel of land in the Province of Wellington, in the Colony of New Zealand, containing by admeasurement three acres three roods and sixteen perches, more or less, being the allotment No. 1 in the Cemetery Reserve of the City of Wellington aforesaid. Bounded towards the North by the Town Section No. 502 on the plan of the said city, four hundred and twenty-one links and three hundred and twenty-nine links; towards the South-east partly by the Town Section No. 474, and partly by the Church of England Cemetery, two thousand two hundred and six hundred and sixty links; towards the South-west by the Cemetery Road, five hundred and forty-five links; and towards the North-west by Glenbervie Terrace, four hundred and thirty-two links and seventy-seven links. And also all that other piece or parcel of land situated at Wellington aforesaid, containing by admeasurement four acres three roods and twelve perches, more or less, being the allotment No. 5 of the said Cemetery Reserve. Bounded towards the North by Glenbervie Terrace, eight hundred and thirty-five links; towards the South-east by the Church of England Cemetery, three thousand nine hundred and ninety-five links; towards the South by the Wesley Road, five hundred and forty-five links; and towards the North-west by the Tinakori Road, eight hundred and twenty links.

ROMAN CATHOLIC CEMETERY.

All that piece or parcel of land situate in the Town of Wellington, in the Province of Wellington, in the Islands of New Zealand, containing two acres three roods and twenty perches, more or less. Bounded towards the North and North-east by Upland Road, four hundred and twenty links and one hundred and thirty-five links respectively; towards the East by Grave Yard Road, five hundred and thirty links and one hundred and seventy links respectively; and towards the South-west and North-west by the Town Belt, five hundred links and four hundred and twenty links respectively.

JEWISH CEMETERY.

All that piece or parcel of land and premises situate and being in the Town of Wellington, in the Province of Wellington, New Zealand, being the Cemetery Reserve No. 4, containing two roods and thirty-seven perches, or thereabouts; and bounded towards the West by Glenbervie Terrace, three hundred and fifty-six links; towards the North-east by Difficult Road, four hundred and forty-nine links; and towards the South by Cemetery Road, four hundred and forty-nine links.