

As Amended by the Select Committee, 1st September, 1882.

1882.

## A BILL

To authorise the Closing of certain Cemeteries in Wellington and to make provision for acquiring Sites for and establishing other Cemeteries in lieu thereof

WHEREAS the several parcels of land described in the First Schedule hereto have long been appropriated to the purposes of cemeteries or burial-grounds AND WHEREAS it is expedient for reasons affecting the public health and otherwise that the same should no longer be used for such purposes and that provision should be made for acquiring sites for and establishing other cemeteries or burial-grounds in lieu thereof And it is also expedient that the powers hereinafter mentioned should be given to the Council of the Borough of the City of Wellington hereinafter called the City Council.

Preamble.

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

1. The Short Title of this Act shall be "The Wellington Cemeteries Act 1882."

Short Title.

2. The Governor in Council may by order in Council direct that the lands described in the First Schedule hereto shall from and after a date to be named in such order no longer be used for the purposes of cemeteries burial-grounds or places of burial subject however to the like exceptions as are mentioned in "The Burial-ground Closing Act 1874."

Governor may close cemeteries in First Schedule.

3. From and after the date fixed in such order the *lands mentioned in Section 2* whole of the said lands shall be vested in the Corporation of the Borough or the City of Wellington as a public reserve open to the public under such rules and regulations as may from time to time be made by the City Council in that behalf and except as hereinafter mentioned no part of the said lands shall be sold or mortgaged or diverted to any other purpose.

Closed cemeteries to be vested in Corporation.

4. If any person after the time mentioned in any such order shall bury any body or shall in anywise act or assist in or shall suffer or permit the burial of any body within any part of the lands described in the First Schedule hereto such body not being that of a person within one of the degrees of relationship hereinbefore excepted he shall upon conviction before any two Justices forfeit a penalty of not less than twenty and not exceeding one hundred pounds.

No person to bury after date.

5. The relatives of any deceased person may with the consent of the City Council signified by resolution of the said Council cause the body of any deceased person to be removed from the land described in the First Schedule hereto and to be interred in any cemetery or burial-ground within which burials for the time being are not prohibited.

Power to remove bodies.

6. For the purpose of providing a site for and establishing other cemeteries or burial-grounds in lieu of the cemeteries or burial-grounds hereby authorized to be closed the City Council may *within twelve calendar months after the passing of this Act* in manner provided by and subject to the provisions of the Second Part of "The Public Works Act 1876" or provided by and subject to the provisions for similar purposes contained in any Act which may be substituted for the last-mentioned Act take the land described in the Third *Second* Schedule hereto and such land when so taken shall be vested in the said

Power to acquire land for new cemeteries.

Corporation for the purposes of cemeteries and burial-grounds and shall from thenceforth (subject as hereinafter mentioned) be subject to the provisions of any Acts of the General Assembly of New Zealand for the time being in force regulating the management of cemeteries.

New clause.

7. Notwithstanding anything hereinbefore contained the City Council may acquire by purchase or in manner provided by and subject to the provisions of the Second Part of "The Public Works Act 1876" any land beyond the limits of the Borough which in the opinion of the City Council shall be fit for the purpose of establishing other cemeteries or burial-grounds in lieu of those hereby authorised to be closed but shall with reference to any such acquisition be subject to the conditions following (that is to say) :—

- (a) No purchase or other acquisitions shall be deemed to be finally concluded until after the expiration of fourteen days from the commencement of the next ensuing session of the General Assembly of New Zealand
- (b) The City Council shall cause to be published in a newspaper published in the City of Wellington and generally current within the District in which any land proposed to be acquired as last aforesaid is situated a notice of their intention to acquire the same for the purposes of this Act and requiring all persons objecting to the appropriation of the said land for the purposes of this Act to signify to the Council in writing any objections thereto and the ground of such objections.
- (c) The notice to be published as aforesaid shall be published not less than three times in each week for four consecutive weeks prior to the commencement of the next ensuing session of the General Assembly of New Zealand.
- (d) It shall be the duty of the City Council to deposit in the Private Bill Office immediately after the commencement of such next ensuing session a true copy of every such objection as aforesaid but no such objection shall be deemed to avail against the acquisition of the land mentioned therein unless a petition in support of such opposition shall be presented to the House of Representatives within fourteen days after the commencement of such next ensuing session or unless a Select Committee of the said House of Representatives shall report against such acquisition.

In case any such Select Committee as aforesaid shall not report against such acquisition as aforesaid then the City Council shall be at liberty forthwith to complete any such purchase as aforesaid and to appropriate the lands so to be acquired for the purposes of this Act.

Power to sell part of closed grounds.

7. For the purposes of providing in whole or in part as the case may be the purchase-money for any land so to be taken and acquired as aforesaid the City Council may sell and dispose of or mortgage with power of sale all or any part of the lands described in the Second Schedule hereto forming part of the lands described in the First Schedule hereto Provided always that every sale of any part of such lands shall be by public auction of which not less than thirty days public notice shall be given and so that in the conditions for sale thereof there shall be reserved to the City Council the power of bidding once for each lot.

Struck out.

Power to raise special loan.

8. Notwithstanding the power of sale lastly hereinbefore given The City Council may in lieu of selling or mortgaging all or any part of the lands described in the Second Schedule hereto or for the purpose of making up any deficiency of amount as the case may require raise

the whole of *providing the* said *purchase-money for any sum required* by them under the provisions of this Act or such deficiency as the case may be *raise the same* by way of special loan in the manner provided by "The Municipal Corporations Act 1876."

9. All the provisions contained in Part III. of "The Public Works Act 1876" or the provisions provided by any Act which may be substituted for the said last mentioned Act relating to compensation shall apply to the land which may be taken under the provisions of this Act except that

New clause.

- (1) The compensation awarded in respect of lands taken under this Act shall be paid to the Public Trustee who shall upon such evidence as shall to him appear satisfactory pay over the same to the person or persons entitled thereto. If the lands so taken or any part thereof shall be vested in any person or persons upon trust the said compensation shall be paid to such person or persons to be held upon and the like trusts and to and for the like ends intents and purposes as the lands shall be subject to when so taken. And the receipt in writing of such person or persons shall effectually discharge the Public Trustee from seeing to the application thereof or being answerable or accountable for the misapplication or non-application thereof.

10. 9. Notwithstanding anything in "The Cemeteries Management Act 1877" or in any other Act in force in that behalf to the contrary the management maintenance and care of the cemeteries or burial-grounds to be acquired in lieu of the cemeteries or burial-grounds described in the First Schedule to this Act shall vest in the Corporation of the said City of Wellington who shall have all the same powers and be subject to the same responsibilities and liabilities as Trustees appointed by the Governor would have and be subject to under the said Acts.

Management of new cemeteries to be vested in City Council.

11. 10. Nothing in this Act shall interfere with or affect the rights of Her Majesty.

Saving rights of Crown.

#### THE FIRST SCHEDULE ABOVE REFERRED TO.

Firstly—Those two several parcels of land situated in the City of Wellington, and being the parts numbered respectively 2 and 3 of the Cemetery Reserves in the said City, the said part numbered 2 being bounded on the North-east by Town Acres 474 and 473 on the plan of the said City; on the South-east by Bolton Street; on the South-west by Town Acre number 501 on the plan of the said City, and the end of Cemetery Road, and on the North-west by part number 1 of the Cemetery Reserves and Town Acre number 502 on the plan of the said City; and the said part numbered 3 being bounded on the North by Cemetery Road; on the South-east by Town Acres numbers 501, 499, 497, 495, and 493 on the plan of the said City; on the South by the Town Belt, and on the North-west by part number 5 of the Cemetery Reserves, which said several parcels of land are the lauds comprised in the Crown grant numbered 9, registered in the Registry of Deeds Office, at Wellington, by the number 247.

Secondly—That parcel of land situated in the said City of Wellington, and being the part numbered 1 of the Cemetery Reserves aforesaid. Bounded towards the North by the Town Acre numbered 502 on the plan of the said City; towards the South-east partly by the Town Acre numbered 474 on the plan of the said City, and partly by part number 2 of the Cemetery Reserves; towards the South-west by the Cemetery Road, and towards the North-west by Glenbervie Terrace.

Thirdly—That parcel of land situated in the City of Wellington aforesaid, and being the part numbered 5 of the said Cemetery Reserves. Bounded towards the North by Glenbervie Terrace; towards the South-east by part number 3 of the Cemetery Reserves; towards the South by the Wesley Road, and towards the North-west by the Tinakori Road, which several parcels of land, herein secondly and thirdly described, are the lands comprised in Crown grant number 1775A, registered in the Registry of Deeds Office, at Wellington, by the number 9201.

Fourthly—That parcel of land situated in the said City of Wellington, and being the part numbered 5 of the said Cemetery Reserves. Bounded towards the North-east and South by the Cemetery Road, and towards the North-west by Glenbervie Terrace,

which last-mentioned parcel of land is the land comprised in the Crown grant numbered \_\_\_\_\_, and not yet registered.

Fifthly—That parcel of land situated in the said City of Wellington, containing two acres three roods and twenty perches, or thereabouts. Bounded towards the North and North-east by Upland Road; towards the East by Graveyard Road, and towards the North-west and South-west by the Town Belt, which last-mentioned parcel is the land comprised in the Crown grant numbered 69, and not yet registered.

**THE SECOND SCHEDULE ABOVE REFERRED TO.**

The two several parcels of land described in the first Schedule hereto as the parts numbered respectively 3 and 5 of the Cemeteries Reserve, and containing together by admeasurement eight acres three roods and twenty-four perches, little more or less. Bounded on the Northward partly by Glenbervie Terrace and partly by Cemetery Road; on the North-westward by the Tinakori Road; on the Southward by Wesley Road, and on the South-eastward by the Sections numbered 493, 495, 497, 499 and 501 on the plan of the City of Wellington.

Struck out.

**THE THIRD SCHEDULE ABOVE REFERRED TO.**

All that parcel of land situated in the Evans' Bay District, of the Provincial District of Wellington, containing 112 acres, little more or less, and being the section numbered 1 on the plan of the said district. Bounded on the Southward by section 2 on the plan of the said district; on the West by the Wellington Town Belt, and on the North-north-west, North-east and East respectively by the Evans' Bay Road.