



CEMETERIES ORDINANCE, 1856.

IN THE TWENTIETH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA

No. 15.

ANALYSIS.

Title.

Preamble.

1. Cemetery on road to Half-way Bush to be shut.
2. Except to certain burials.
3. Which may take place within prescribed limits.

4. Corpses buried in present Cemetery may be removed on warrant.
5. New Cemeteries to be formed.
6. Burials prohibited except in such Cemeteries.
7. Short Title.

AN ORDINANCE *to authorise the shutting of the present Cemetery at Dunedin, and the formation of Cemeteries elsewhere.* Title.

WHEREAS it is expedient that the present Burial Ground or Cemetery adjoining to the present road from Dunedin to Half-way Bush, as laid down on the authorised Map or Plan of Dunedin, should be closed for the future against the burial of any Corpse or Coffin therein, except in the cases hereinafter provided, and that means of Interment should be provided at or near Dunedin, and in other parts of the Province :

BE IT THEREFORE ENACTED by the Superintendent of the Province of Otago, with the advice and consent of the Provincial Council thereof, as follows :—

1. It shall not be lawful, from and after a time to be fixed by the Superintendent, and notified in the Provincial Government Gazette, to bury or to permit or suffer to be buried, in the before-mentioned Burial Ground, or Cemetery, any Corpse or Coffin, except in so far as hereinafter allowed ; and whosoever, after such notification, shall bury, or cause, permit, or suffer to be buried, any Corpse or Coffin, contrary to this enactment, shall, for every such offence, be liable to a penalty not exceeding fifty pounds, to be recovered in a summary way, with full costs of suit.

Cemetery on road to Half-way Bush to be shut.

2. Provided that nothing herein contained shall prevent the interment within the limits of the before-mentioned Burial Ground, or Cemetery, to be circumscribed as hereinafter enacted, of the Corpse and Coffin of any person

Except to certain burials.

who stood in the following degrees of relationship to any person whose Corpse shall have been buried therein at any time prior to the passing of this Ordinance: that is to say, the Corpse of any Husband, or Wife, or Parent, of any person whose Corpse shall have been so buried.

Which may take place within prescribed limits.

3. Provided also, that such burials as continue to be privileged as aforesaid may be made in only such part of the said Burial Ground, or Cemetery, as has been already used, or intervening spaces, and shall not be made in any other part thereof; and that it shall be lawful for the Superintendent to cause the present fence or rail around the said Burial Ground to be removed, and a fence or rail to be erected and maintained circumscribing the same by enclosing only such part of it wherein Corpses or Coffins have been buried, and the intervening spaces.

Corpses buried in present Cemetery may be removed on warrant.

4. It shall be lawful for any near relative of any person whose Corpse and Coffin have been buried within the present Burial Ground, or Cemetery, with the written consent of the Superintendent to be first obtained, to remove such Corpse and Coffin from such Burial Ground or Cemetery, to any new Burial Ground or Cemetery, to be formed in pursuance of this Ordinance.

New Cemeteries to be formed.

5. It shall be lawful for the Superintendent from time to time to acquire, reserve, and appropriate, for the purposes of a Burial Ground or Cemetery, any land in any locality or localities within a convenient distance from the Town of Dunedin, and also any land in any locality or localities convenient to any district or part of the Province wherein a population has settled, or may hereafter settle, and to authorise any such land to be enclosed, made, and formed into a Burial Ground accordingly; and from and after any time to be fixed by the Superintendent, and published in the Provincial Government Gazette, such land shall be open and used for such purposes, under such regulations as may from time to time be made by the Superintendent, or other competent authority: Provided always that in the event of any religious denomination applying for a portion of such Burial Ground to be consecrated and set apart for the exclusive use of any such denomination, a portion shall be set apart accordingly.

Burials prohibited except in such Cemeteries.

6. It shall not be lawful to make or form a Public Burial Ground, or Cemetery, upon any land situated within three miles from the nearest point of the Town of Dunedin, other than Burial Grounds or Cemeteries hereby authorised to be formed, and whosoever shall bury, or cause, permit, or suffer to be buried, any Corpse in any Grave or Burial Ground contrary to this enactment, shall, for every such offence, be liable to a penalty not exceeding Fifty Pounds, which may be recovered by any person with full costs of suit, by way of summary proceeding: Provided that this enactment shall not apply to any private Burial Ground.

Short Title.

7. This Ordinance shall be termed, and may be cited and referred to as the "Cemeteries' Ordinance, 1856."

Passed the Provincial Council this 5th day of December 1856.

JAMES MACANDREW,
Speaker.

ROBERT CHAPMAN,
Clerk of Council.

Assented to on behalf of the Governor, at Dunedin, the Eleventh day of December, One Thousand Eight Hundred and Fifty-six.

W. CARGILL,
Superintendent.