

658 663 and Lambton Harbor Towards the East by Lambton Harbor and Kent Terrace Towards the South by Sussex square Buckle Street Abel Smith Street Public and Church of England Cemetery and Sections 621 493 and 492 And towards the West by Grant Road and Sections on the West of Wellington Terrace be shall forfeit a sum not exceeding five shillings for each head of Cattle so driven.

8. All penalties under this Act may be recovered by summary proceedings. Penalties how to be recovered.

9. The term "Cattle" in Clauses numbers 1 2 3 4 5 and 6 shall include all horned Cattle Sheep and Horses. Interpretation of the word "Cattle."

CEMETERY.

An ACT to provide for the Management of the Public Cemetery of the Town of Wellington. Title.

Session I., No. 9.]

[Assented to 26th January, 1854.]

FOR the purpose of providing for the management of the Public Cemetery of Wellington BE IT ENACTED by the Superintendent of the Province of Wellington with the advice and consent of the Provincial Council thereof as follows:— Preamble.

1. The management of the affairs of such Cemetery shall be vested in not less than three nor more than five Trustees to be appointed by the Superintendent by writing under his hand, within one month after the passing of this Act and in the month of January in each and every year following. Trustees to be appointed by Superintendent every year.

2. Every such nomination or re-appointment of any such Trustee shall be signified by the publication of a notice to that effect in the *Government Gazette*. To be published in *Gazette*.

3. It shall be lawful for such trustees and their successors to accept a Crown grant of the land in the town of Wellington set apart for a Public Cemetery and described in the schedule to this Act in trust for the purposes set forth in this Act. Trustees to accept Grant.

Legal estate
to vest in new
Trustees.

4. The legal estate in the land and all moneys goods chattels and effects whatsoever of or belonging to or connected with the said Cemetery shall become vested in the Trustees for the time being immediately upon their appointment and the notice of such appointment in the *Government Gazette* shall be a sufficient evidence of their title.

Three Trust-
tees may act.

5. All acts matters and things which the Trustees are by any of the provisions of this Act authorised and required to do shall and may be done by any three of such Trustees assembled at a meeting whereof due notice shall have been given to or forwarded for all the Trustees.

Chairman.

6. At all meetings of the Trustees the senior Trustee in the order of appointment present shall preside as chairman and shall not only vote as a Trustee but in case of equality of votes shall have a casting vote.

Trustees to
appoint Sexton
and officers.

7. It shall be lawful for the majority of such Trustees to appoint and for good and sufficient cause from time to time to remove clerks sextons and such other subordinate officers as they in their discretion shall think necessary and to fix such salaries as they may deem fit to be paid to such clerks sextons and other officers.

To pay sala-
ries.

8. It shall also be lawful for the said Trustees out of the moneys to be received by them under the authority of this Act to pay the salaries so appointed to be paid to the clerks sextons and such other subordinate officers and also the necessary incidental charges of management of the said Cemetery.

To enclose
land arrange
plan &c.

9. It shall be lawful for the said Trustees from time to time to enclose all or any part or parts of the said land and prepare a general plan for laying out the said land and arranging the places in which interments shall take place and also to erect a chapel or other building for the performance of funeral service.

May take up
money on loan
for certain
purposes.

10. It shall be lawful for the said Trustees from time to time to borrow or take up money by way of loan for the purpose of defraying the expenses of the preliminary works at any rate of interest not exceeding eight per cent. which loan or loans together with the interest accruing thereon shall be a first charge on the funds received by the said Trustees under the authority of this Act after defraying expenses of management.

11. The Trustees shall keep at their offices a register of all mortgages under this Act and within twenty-four hours after the date of any mortgage an entry shall be made in the proper register of the number and date thereof the amount thereby received and the names and descriptions of the parties thereto as stated in the deed and every such register shall be open to public inspection during office hours at the office of the Trustees without fee or reward.

A register of all mortgages to be kept at the office of Trustees open to public inspection.

12. The Trustees under such conditions and restrictions as they may think proper and which shall have been approved by the Superintendent and his Executive Council may sell the exclusive right of burial either in perpetuity or for a limited period in any part of the said Cemetery and also the right of constructing any vault or place of burial with the exclusive right of burial therein in perpetuity or for a limited period and also the right of erecting and placing any monument gravestone tablet or monumental inscription in the said Cemetery.

Trustees under certain restrictions may sell right of burial &c.

13. The Trustees shall also subject to such approval aforesaid fix and settle and receive such fees and payment in respect of interment in the said Cemetery as they shall think fit and also the sums to be paid for the exclusive right of burial either in perpetuity or for a limited period and also the right of erecting and placing any monument tablet gravestone or monumental inscription in the said Cemetery and may from time to time subject as aforesaid revise and alter such fees payments and sums aforesaid.

Trustees to fix and receive fees and payments connected with Cemetery.

14. A table showing such fees and payments and all other fees and payments in respect of interment in the said Cemetery shall be printed and published and shall be affixed and at all times continued on some conspicuous part of the said Cemetery.

A table of fees and payments to be affixed on a conspicuous part of Cemetery.

15. Subject to such rules and regulations as shall be necessary for the preservation of decency and order the Public Cemetery shall be open for the interment of all deceased persons to be buried with such religious or other ceremonial if any as the friends of such deceased persons shall provide.

Cemetery to be open for interment of all deceased persons.

Power to relations of persons already interred in Cemetery to purchase such places of interment.

16. The relations or friends of persons already interred in the said Cemetery may at any time within one year from the passing of this Act purchase the exclusive right of burial in perpetuity or for a limited period in the pieces of land in which such interments have taken place subject as to price and otherwise to the general regulations for the management of the Cemetery.

Moneys received by the Trustees how to be applied.

17. The moneys to be received by the Trustees under the authority of this Act shall be applied in the first place to the payment of current necessary expenses and interest on loans if any and subject thereto and to the payment off of such loans shall be laid out in the permanent improvement of the said Cemetery and for no other purpose whatsoever.

Entries of the proceedings of the Trustees to be made and preserved.

18. Entries of all proceedings of the Trustees with the names of the members who attend each meeting shall be made in books to be provided and kept for that purpose under the direction of the Trustees and shall be signed by the members present or any two of them and all entries purporting to be so signed shall be received as evidence without proof of any meeting of Trustees having been duly summoned or held or of the presence at any such meeting of the persons named in any such entry as being present thereat or of the signature of any person by whom any such entry purporting to be signed all which matters shall be presumed until the contrary be proved.

An account of all moneys paid and received to be entered in books by the Trustees.

19. The Trustees shall provide and keep books in which shall be entered true and regular accounts of all sums of money received and paid for or on account of the purposes of this Act and of all liabilities incurred by them for such purposes and of the several purposes for which such sums are paid and such liabilities incurred.

A balance sheet to be prepared within one month after the close of each year.

20. The Trustees or any three of them shall within one calendar month after the close of every year cause a balance sheet to be prepared containing a true statement of the receipts and payments on account of the Cemetery during the past year and of all sums of money which may be due to or by the Trustees and shall cause such balance sheet with all needful vouchers to be forwarded to the Treasurer of the Province to be audited and published in the *Government Gazette*.

21. The Trustees of such Cemetery shall not be answerable or accountable for the other or others of them but each and every of them only for his and their own acts receipts neglects or defaults respectively and the said Trustees or any of them shall not be amenable or accountable for any banker broker or other person with whom or in whose hands or custody any part of the moneys of such Cemetery shall or may be deposited or lodged for safe custody or otherwise in execution of the trusts hereby in them reposed nor for any other misfortune loss or damage which may happen in the execution of the aforesaid trusts or in relation thereunto except the same shall happen by or through their own wilful default respectively.

Liability of Trustees.

22. Every person who shall wilfully destroy or injure any building wall or fence belonging to the said Cemetery or destroy or injure any plant or tree therein or who shall daub or disfigure any wall thereof or put up any bill therein or on any wall thereof or wilfully destroy injure or deface any monument tablet inscription or gravestone within the said Cemetery or do any other wilful damage therein shall forfeit a sum not exceeding five pounds.

Penalty for defacing or injuring anything connected with Cemetery.

23. Every person who shall play at any games or sport or discharge firearms save at a military funeral in the said Cemetery or who shall wilfully and unlawfully disturb any persons assembled in the said Cemetery for the purpose of burying any body therein or who shall commit any nuisance within the said Cemetery shall forfeit for every such offence a sum not exceeding five pounds.

Penalty for wilfully interrupting or disturbing those engaged in the ceremony of interment.

BOUNDS OF CEMETERIES.

Schedule.

UPPER CEMETERY, 4A. 3R. 12P.

Bounded towards the North by Glenberrie Terrace 835 links, towards the North-west by Tinakori Road 820 links, towards the South by Town Belt 545 links, and towards the South-east by Church of England Cemetery 995 links.

LOWER CEMETERY, 3A. 3R. 16P.

Bounded towards the North and North-east by town section No. 502 421 links and 329 links respectively, towards the South and South-east by Church of England Cemetery 160 and 660 links respectively, towards the South-west by Difficult Road 545 links, and towards the North-west by Glenbervie Terrace 77 links and 432 links.