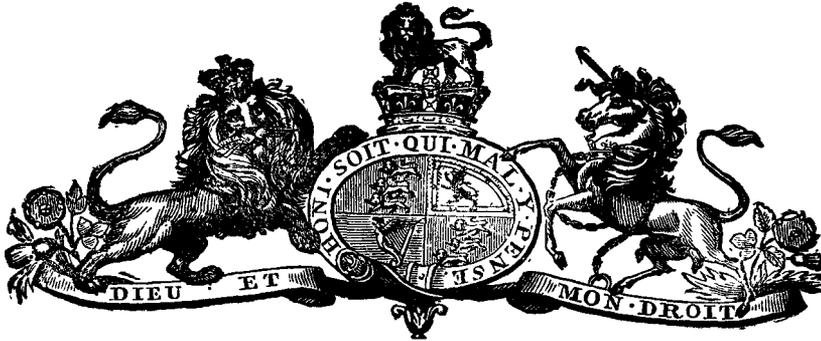


NEW ZEALAND.



TRICESIMO QUINTO

VICTORIÆ REGINÆ.

No. XXVII.

ANALYSIS.

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| <p>Title.
Preamble.
1. Short Title.
2. Interpretation.
3. Superintendent incorporated.
4. Superintendent to provide burial-grounds.
5. Superintendent may make and widen roads.
6. May purchase land.
7. Portions of burial-grounds may be set apart for separate denominations.
8. Notice to be given that burial-ground provided.</p> | <p>9. Superintendent may by Proclamation close existing burial-grounds.
10. Penalty for burials contrary to Proclamation.
11. Denominations to have the care of burial-grounds set apart for their separate use.
12. Bodies may be moved to burial-grounds provided under this Act.
13. Superintendent may make regulations.
14. Fees may be fixed by Superintendent.
15. Superintendent may sell surplus land.
16. Right to take legal proceedings not to be barred.
Schedule.</p> |
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AN ACT to regulate Burials near the City of Auckland. Title.
[14th November 1871.]

WHEREAS it is expedient for the protection of the public health Preamble.
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:

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 Auckland Burial-Ground Act 1871.” Short Title.

2. The term “Superintendent” throughout this Act shall mean the Superintendent of the Province of Auckland. Interpretation.

3. For the purposes of this Act the Superintendent and his successors shall be and be deemed to be a body corporate and shall take and bear the name of “The Superintendent of the Province of Auckland” and by that name shall have perpetual succession and shall be capable in law to do and suffer whatever may be lawfully done and suffered by a body corporate. Superintendent incorporated.

4. The Superintendent shall with all convenient speed provide in such places as having regard to the public health may appear to him to be expedient burial-grounds of sufficient extent for the decent interment of the bodies of persons dying within the City of Auckland and Superintendent to provide burial-grounds.

Auckland Burial-Ground.

its vicinity and the Superintendent may from time to time in case it shall appear to him necessary or expedient enlarge any burial-ground provided under this Act.

Superintendent may make and widen roads.

5. It shall be lawful for the Superintendent to make roads to such burial-grounds and to widen any existing roads for facilitating and improving the approaches to the same.

May purchase land.

6. For any of the purposes of this Act the Superintendent may purchase any lands which he may deem expedient and may pay for the same out of money to be appropriated by the Provincial Council of Auckland to carry out the purposes of this Act.

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

7. 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.

Notice to be given that burial-ground provided.

8. When the Superintendent shall have provided any burial-ground and have made all such arrangements as he may think necessary for the interment in such ground of the bodies of the dead he shall give notice thereof in the Provincial Government *Gazette* and after a day to be fixed in such notice interments may be made in such burial-ground.

Superintendent may by Proclamation close existing burial-grounds.

9. 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 wholly or subject to any exceptions it shall be lawful for him by Proclamation to be published in the Auckland Provincial Government *Gazette* to order that interments shall be wholly discontinued or shall be discontinued subject to any exception or exceptions mentioned in such Proclamation from and after a day to be fixed in such Proclamation and such exception may from time to time be abolished varied and altered by a like Proclamation. Provided that any burial-ground so closed shall be set apart as a public reserve and not diverted to any other purpose.

Penalty for burials contrary to Proclamation.

10. After the day so fixed 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 therein 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 in such Proclamation excepted shall forfeit and pay for any such offence any sum not exceeding one hundred pounds to be recovered in a summary way.

Denominations to have the care of burial-grounds set apart for their separate use.

11. Every denomination or sect shall provide for the 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 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.

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

12. 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 make regulations.

13. The Superintendent in respect of any burial-grounds provided under this Act and not appropriated exclusively to any denomination

Auckland Burial-Ground.

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.

14. There shall be paid upon interments in any burial-ground provided under this Act such fees or sums as the Superintendent shall from time to time fix in this behalf which fees or sums shall be applied to such purposes in such burial-ground as the Superintendent shall from time to time direct.

Fees may be fixed by Superintendent.

15. 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 appropriated to any religious denomination or sect and not 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 Auckland.

Superintendent may sell surplus land.

16. 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.

Right to take legal proceedings not to be barred.

SCHEDULE.

Schedule.

CHURCH OF ENGLAND CEMETERY.

ALL that piece or parcel of land in the Province of Auckland in the Colony of New Zealand and containing by admeasurement nine acres two roods and thirty-five perches more or less situated in the Parish of Waitemata in the County of Eden and being part of section number fifteen of the Suburbs of Auckland bounded towards the North by allotment number nine of section number fifteen aforesaid eight hundred links towards the East by a stream towards the South by allotment number nineteen of section number three of the Suburbs of Auckland aforesaid seven hundred and thirty links and towards the West by Symonds Street one thousand five hundred and twenty links.

ROMAN CATHOLIC CEMETERY.

All that piece or parcel of land in the Province of Auckland in our Colony of New Zealand containing by admeasurement five acres and eighteen perches more or less situated in the Parish of Waitemata in the County of Eden and being allotment number twenty-two of section number seven of the Suburbs of Auckland bounded towards the North by allotment number twenty-three of section number seven aforesaid six hundred links towards the East by Symonds Street eight hundred and fifty-one links towards the South by East Street six hundred links and towards the West by a road and allotment number seven of section number seven aforesaid eight hundred and fifty-one links.

PRESBYTERIAN CEMETERY.

All that piece or parcel of land in the Province of Auckland in the Colony of New Zealand and containing by admeasurement three acres more or less situated in the Parish of Waitemata in the County of Eden and being allotment number twenty-three of section number seven of the Suburbs of Auckland bounded towards the North by allotment number twenty-four of section number seven aforesaid six hundred links towards the East by Symonds Street five hundred links towards the South by allotment number twenty-two of section number seven aforesaid six hundred links and towards the West by allotments numbers seven and eight of section number seven aforesaid five hundred links.

Auckland Burial-Ground.

WESLEYAN CEMETERY.

All that piece or parcel of land in the Province of Auckland in our Colony of New Zealand containing by admeasurement three acres two roods and twenty-five perches more or less situated in the Parish of Waitemata in the County of Eden and being allotment number nine of section number fifteen of the Suburbs of Auckland bounded towards the North-east by allotment number six of section number fifteen of the Suburbs of Auckland eight hundred and fifteen links towards the South-east by allotment number thirteen of section number three of the Suburbs of Auckland three hundred and fourteen links towards the South-west by a line eight hundred links and towards the North-west by Symonds Street two hundred and seventy-eight links and three hundred and seventeen links.

JEWISH CEMETERY.

All that piece or parcel of land in the Province of Auckland in our Colony of New Zealand containing by admeasurement one acre more or less situated in the Parish of Waitemata in the County of Eden and being allotment number twenty-four of section number seven of the Suburbs of Auckland bounded towards the North by the Karangahape Road six hundred links towards the East by Symonds Street one hundred and sixty-eight links towards the South by allotment number twenty-three of section number seven aforesaid six hundred links and towards the West by allotment number eight of section number seven aforesaid one hundred and sixty-eight links.

WELLINGTON, NEW ZEALAND:

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