



## ANALYSIS

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1964, No. 2—*Local*

**An Act to empower the Featherston County Council to remove all headstones, monuments, and grave surrounds erected in the Waihenga Cemetery in the Borough of Martinborough, to level and plant the ground, and to erect a monument common to all persons interred in the said cemetery**  
 [31 August 1964]

WHEREAS by virtue of section 39 of the Local Legislation Act 1949, the Waihenga Cemetery, being the land described in subsection (3) of the said section 39, was vested in the Corporation of the County of Featherston as a closed cemetery, but subject to such burial rights as then existed: And whereas the Council has experienced difficulty in keeping the land and the headstones, monuments, and grave surrounds therein in a neat and tidy condition: And whereas it is expedient that the said headstones, monuments, and grave surrounds should be removed and the land levelled and laid out in lawns with ornamental trees, shrubs, and gardens: And whereas it is desirable that a suitable memorial should be erected on the land: And whereas the Council has no power without legislation to give effect to its wishes in respect of the land:

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

**1. Short Title**—This Act may be cited as the Featherston County Council Empowering Act 1964.

**2. Interpretation**—In this Act, unless the context otherwise requires,—

“Council” means the Featherston County Council:

“The said land” means the land described in the Schedule to this Act.

**3. Power to remove headstones, etc.**—The Council may and it is hereby empowered to remove all headstones, monuments, and grave surrounds at present erected on any part of the said land, but shall to the extent that it is practicable to do so re-erect all such headstones or monuments on some other part of the said land.

**4. Council to keep a record of burials**—The Council shall cause to be kept as complete a record as possible of the names of all persons known to be buried in the said land and the position in the same of the graves of such persons, and such records shall be available at the office of the Council at all reasonable times.

**5. Power to plant trees**—The Council shall, as soon as conveniently may be after the removal of the said headstones, monuments, and grave surrounds, cause the said land to be cleared of trees and levelled and planted in grass, trees, ornamental shrubs, and gardens and at all times thereafter kept in a tidy condition, and also shall cause to be erected on the said land a suitable memorial inscribed with the names of the persons known to be interred therein.

**6. Restrictions on powers of Council**—Nothing in this Act shall empower or be deemed to empower the Council to remove or disturb the remains of any persons buried in the said land, or to sell or lease the said land, or to divert it to any other purpose not specified in this Act.

**7. No further burials on land**—Notwithstanding anything contained in section 74 of the Cemeteries Act 1908, after the passing of this Act no further interments of human remains shall take place within the said land.

**SCHEDULE**

ALL that area in the Wellington Land District, situated in the Borough of Martinborough, containing 2 roods 1 perch and  $\frac{51}{100}$  of a perch, more or less, being part Section 3, Wharekaka District, and being also Lot 1 on Deposited Plan 12414, and being all the land comprised in certificate of title, Volume 552, folio 240 (Wellington Registry).

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