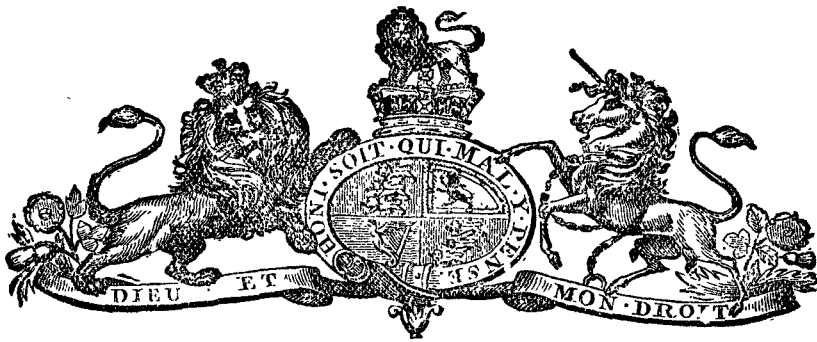


NEW ZEALAND.



TRICESIMO SEXTO

VICTORIÆ REGINÆ.

[Local and Personal.]

No. III.

ANALYSIS.

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| <p>Title. Preamble. 1. Short Title. 2. Particulars as to what land is included in the Bill. 3. City Council to manage the Cemetery. 4. Council to set apart portions of the Cemetery for separate religious denominations. 5. Separate denominations may erect mortuary chapels in the Cemetery. 6. Monuments may be erected.</p> | <p>7. Council to submit the scale of Cemetery fees for Superintendent's approval. 8. Fees to be spent in maintaining the Cemetery. 9. Council may bury paupers free of charge. 10. Ministers of religious denominations may severally exercise their spiritual functions without hindrance. 11. Council to make Cemetery regulations. 12. Penalty for damaging any tombstone, &c. Schedule.</p> |
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AN ACT to appropriate a certain portion of the Town Belt of Dunedin to and for the purpose of a Public Cemetery, and to empower the Council of the City of Dunedin to manage the same. Title.

[5th October, 1872.]

WHEREAS by a certain Crown grant bearing date on or about the sixth day of November, one thousand eight hundred and sixty-five, certain lands adjoining the City of Dunedin, in the Province of Otago, and called or known as the Town Belt of Dunedin, and therein particularly described, were granted to the Superintendent of the Province of Otago and his successors in fee-simple, in trust for purposes of public recreation for the Town of Dunedin and its inhabitants: And whereas by a certain deed-poll bearing date on or about the sixth day of March, one thousand eight hundred and sixty-seven, made in pursuance of "The Dunedin Reserves Management Ordinance, 1865," the Superintendent of the Province of Otago did Preamble.

North Dunedin Cemetery.

vest the management of the said Town Belt of Dunedin in the Corporation of the City of Dunedin and its successors, in trust for purposes of public recreation for the Town of Dunedin and its inhabitants: And whereas it is expedient to appropriate and set apart for the purposes of a Public Cemetery the portion of the said Town Belt of Dunedin which is described in the Schedule to this Act:

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

Short Title.

1. The Short Title of this Act shall be "The North Dunedin Cemetery Act, 1872."

Particulars as to what land is included in the Bill.

2. All that part of the said Town Belt which is described in the said Schedule hereto is hereby appropriated and set apart, and shall henceforth be exclusively used, for the purpose of a Public Cemetery for the interment of the dead.

City Council to manage the Cemetery.

3. The Council of the City of Dunedin (hereinafter called "the said Council") shall have the entire management control and regulation in all things of the said Cemetery, and shall have power to enclose or cause to be enclosed the whole or any part of the same with such walls or fences, and to erect or cause to be erected such gates and entrances, and to lay out and ornament or cause to be laid out and ornamented the said Cemetery with such walls avenues roads shrubs and plants as the said Council shall deem suitable or expedient: And the said Council shall also have power to preserve maintain and keep in a cleanly and orderly state, or cause to be so maintained and kept, the whole of the said Cemetery and its walls and fences, and all monuments tombstones enclosures buildings erections walks paths shrubs and plants therein and belonging thereto.

Council to set apart portions of the Cemetery for separate religious denominations.

4. It shall be lawful for the said Council, on the application of fifty members of any religious denomination, to set apart a portion of the said Cemetery for the burial of the dead according to the rites of such denomination, and the said Council shall permit such portion so set apart to be consecrated according to the rites of the particular denomination for which such portion shall be so set apart, and the part which is so consecrated shall be used only for burials according to the rites of that particular denomination, and the said Council shall define or cause to be defined by suitable marks, not being a dividing fence, the portion so set apart or consecrated: Provided that if the said Council shall be of opinion that the members of any particular religious denomination are inconsiderable in number, it shall be lawful for the said Council to refuse such application as aforesaid; and the members so applying as aforesaid may thereupon appeal to the Superintendent of the said Province against the decision of the said Council, and the said Superintendent, with the advice of his Executive Council, shall consider the appeal, and make such order thereupon as shall seem to meet the justice of the case.

Separate denominations may erect mortuary chapels in the Cemetery.

5. The said Council shall allow the members of any religious denomination, at their own expense, to erect and build, within such part of the said Cemetery as shall be specially set apart for that denomination, a suitable mortuary chapel for the performance of the rites and ceremonies used by such denomination in the burial of the dead: Provided that the plans specifications elevations and models thereof, and of all appurtenances thereof, shall be first submitted for the approval of the said Council, and such approval shall be a condition precedent to the erection of any such mortuary chapel as aforesaid.

Monuments may be erected.

6. It shall be lawful for the said Council to permit any grave or vault to be dug and made in the said Cemetery, and any monument or tombstone to be erected or placed in any parts of such Cemetery as

North Dunedin Cemetery.

they may think proper, upon payment to the said Council or their officer or servant, by the person desiring to dig and make such grave or vault or to erect or place such monument or tombstone, of such fees as shall from time to time be established by the said Council: And any person so digging making erecting or placing such grave vault monument or tombstone, by and with such permission and upon payment of such fees as aforesaid, shall be entitled to have such grave vault monument or tombstone reserved maintained and kept up according to the terms of such permission to and for the sole and separate use of such person and his or her representatives for ever: Provided that a plan or model of every monument proposed to be erected and placed shall be exhibited to the said Council or their officer or servant appointed to act in that behalf before such permission shall be given, and that the said Council or their said officer or servant shall be at liberty to withhold such permission, and to prevent the erection of any monument or tombstone which, or the inscription upon which, shall appear to them or him to be improper or unbecoming. A register of such permissions as aforesaid, and of the terms and conditions thereof, shall be kept by the said Council or by their officer or servant appointed to act in that behalf; and within fourteen days after any such permission has been given, an entry of the date thereof and of the parties thereto, and a proper description of the ground set apart for such grave or vault, shall be made or caused to be made in the said register by the said Council, for making which entry such fee shall be charged to the person receiving such a permission as the said Council shall from time to time fix and determine; and the said register shall be open to the inspection and perusal of any person at all reasonable times, on payment of such fee as the said Council shall from time to time fix and determine.

7. The said Council are hereby required to make out a proper scale of all such fees as aforesaid, and to submit the same for the approval of the said Superintendent and his Executive Council; and after such approval shall have been obtained, the said Council shall cause the scale of fees so approved as aforesaid to be published in the *Provincial Government Gazette*, and also in one newspaper published in Dunedin aforesaid, and shall also cause the same scale to be legibly written or printed, and to be fixed in some conspicuous place at the principal entrance of the said Cemetery: Provided that the said Council shall have power from time to time to alter or amend the said scale by increasing or decreasing the said fees or any of them, subject to such approval of the said Superintendent and his Executive Council and such publication as aforesaid.

Council to submit the scale of Cemetery fees for Superintendent's approval.

8. That all such fees as aforesaid shall be received by the said Council, and shall be applied by the said Council in or towards the enclosing with walls or fences, and the laying out ornamentation maintaining and management of the said Cemetery, and the payment of the salaries and wages of all officers and servants to be employed by the said Council in or about the said Cemetery, and of all other incidental expenses.

Fees to be spent in maintaining the Cemetery.

9. It shall be lawful for the said Council from time to time at their discretion to allow the bodies of persons who have died in destitute circumstances to be buried in the said Cemetery without payment of the said fees.

Council may bury paupers free of charge.

10. That the said Council shall not directly or indirectly interfere with the performance of any religious rite or ceremony in the burial of the dead according to the usage of the communion to which the deceased may have belonged, or with any such division or distribution of the said Cemetery among separate religious denominations as aforesaid, when once the same shall have been made as aforesaid; and it shall be lawful

Ministers of religious denominations may severally exercise their spiritual functions without hindrance.

North Dunedin Cemetery.

for any minister of any denomination for which any portion of the said Cemetery shall be specially set apart to have free access to such portion at all reasonable times, and freely to exercise his spiritual functions therein, without any hindrance or disturbance from the said Council or any person whomsoever.

Council to make
Cemetery regulations

11. The said Council shall have power and authority from time to time to make such rules and regulations, and to do and perform all such acts matters and things, as may in the opinion of the said Council be necessary and proper for managing the said Cemetery, and for duly regulating the burial of the dead therein, for prescribing or directing the positions of all graves vaults monuments and tombstones to be made erected and placed in the said Cemetery, the depths and other dimensions of all graves and vaults and the construction of coffins to be admitted into vaults, and the covering of vaults so as to prevent the escape of any noxious exhalation or evaporation in the said Cemetery, and for protecting the buildings monuments shrubberies plantations and enclosures therein and thereof from destruction or damage, and for every other purpose connected with the said Cemetery and the use and management thereof not hereinbefore expressly provided for, and generally to make such rules and regulations as in the opinion of the said Council of the City of Dunedin shall tend to secure the proper decent and orderly conduct and management of the said Cemetery, and for the prevention of fraudulent imposition or concealment in or about the burial or supposed burial of deceased persons: And the said Council of the City of Dunedin shall have power to fix or impose any fine or penalty not exceeding twenty pounds in each case for the breach of any of the said rules or regulations, such fine or penalty to be sued for and to be recoverable by and in the name of the Mayor or Town Clerk for the time being of the said City of Dunedin before any Resident Magistrate or any two Justices of the Peace; and the said Council shall have power from time to time, as often as they shall think fit, to rescind alter or amend any such rules or regulations as aforesaid, and to substitute new rules or regulations in place of such as shall be rescinded as aforesaid, and with such fine or penalty as aforesaid for breach of such new altered or amended rules or regulations as aforesaid: Provided that no such rules or regulations as aforesaid, whether original altered amended or substituted, shall be in force until the same shall respectively have been approved of by the Superintendent and his Executive Council, and published in the Provincial Government *Gazette*.

Penalty for damaging
any tombstone, &c.

12. If any person shall wantonly or wilfully destroy or disfigure, or do or cause to be done any damage to any monument vault tombstone building erection railing fence shrubbery tree plant or thing in the said Cemetery, or put up any written or printed bill or placard therein or thereon, or on any vault tombstone wall or fence therein thereon or thereof, he shall, upon complaint made by the Mayor or Town Clerk for the time being of the City of Dunedin, or by any officer or servant employed by the said Council in or concerning the said Cemetery, or by any person having any interest in the monument vault tombstone building erection railing fence shrubbery tree plant or thing so damaged or injured as aforesaid, and upon conviction before any Resident Magistrate or two or more Justices of the Peace, be liable for every such offence to a penalty not exceeding twenty pounds; and any person who shall do or cause to be done any injury to any such monument vault tombstone building erection railing shrubbery tree plant or thing, whether the same shall have been done wantonly or wilfully or otherwise howsoever, shall be liable to pay a reasonable sum of money by way of damages and compensation therefor, which said sum of money

North Dunedin Cemetery.

shall be recoverable in any Court of competent jurisdiction by the said Mayor or Town Clerk for the time being, or by any person injured by such damage; and every person who shall play at any game or sport, or discharge any firearms save at a military or naval funeral, in the said Cemetery, or shall wilfully and unlawfully disturb or annoy any persons assembled in the Cemetery for the purpose of burying any dead body therein, or who shall commit any nuisance or indecency or use any foul or obscene language within the said Cemetery, or within hearing of any person being therein, shall forfeit and pay for every such offence a sum not exceeding five pounds.

SCHEDULE.

Schedule.

ALL that area of land in the Province of Otago, Colony of New Zealand, containing by admeasurement twenty (20) acres one (1) rood more or less, situated in the north-east angle of the Town Belt of Dunedin, and bounded towards the North-north-east by other part of the said Town Belt, nine hundred and ninety-six (996) links; on the East-south-east by other part of the said Town Belt, seven hundred (700) links; on the North-north-east again by other parts of the said Town Belt, seven hundred and nineteen (719) links; on the East-south-east again by section numbered fifty-one, block nine, North Harbour and Blue-skin District, three hundred and twenty-one (321) links; on the South-east by Pelichet Bay, eight hundred (800) links; on the South-south-west by other parts of the said Town Belt, twelve hundred and forty (1240) links—the said south-south-west boundary being five hundred and fifty (550) links distant from the boundary line of block thirty-seven, Town of Dunedin; and on the West-north-west by other part of the said Town Belt, one thousand five hundred and fifty (1550) links.

WELLINGTON, NEW ZEALAND:

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