



ANALYSIS

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1956, No. 9—*Local*

An Act to close the Roman Catholic cemetery at the corner of McKenzie Street and Korokoro Road in the Borough of Petone; to vest part of the land in the Petone Borough Council for street purposes; and to authorise the laying of a drain through the said cemetery, the removal and reinterment of certain human remains therein, the removal of all headstones, monuments, and grave surrounds therein, the levelling and planting of the ground so affected, and the erection of a monument common to all persons interred in the said cemetery
 [25 October 1956]

WHEREAS all that piece of land situate in the Borough of Petone containing three roods thirty-nine perches and seven-tenths of a perch, more or less, being part Section 3, Hutt District, situated in Block XIII, Belmont Survey District, and being the land described in Special Crown Grant Number 82 recorded in the Special Grant Book in the office of the Chief Surveyor at Wellington, at page 181, is vested in the Roman Catholic Archbishop of Wellington

in trust to permit the said land to be forever used and appropriated as a cemetery for the burial of members of the Roman Catholic religion exclusively: And whereas no interment of human remains has taken place in the said cemetery for several years: And whereas no further interments are likely to take place therein: And whereas the said cemetery has not been closed pursuant to the provisions of the Cemeteries Act 1908: And whereas the said cemetery is overgrown and the owner thereof has had difficulty in keeping the said piece of land and the headstones, monuments, and grave surrounds therein in a neat and tidy condition: And whereas it is expedient that the said cemetery should be closed and no further interment of human remains be permitted therein: And whereas the Petone Borough Council is desirous of laying a drain through the said cemetery and of taking part thereof for street purposes as a widening of McKenzie Street: And whereas the Petone Borough Council has offered as compensation for such works to take over responsibility for the future upkeep of the said cemetery: And whereas the Roman Catholic Archbishop of Wellington is willing to accept such offer of compensation: And whereas it is expedient that the said headstones, monuments, and grave surrounds should be removed and that the said piece of land, other than that part to be taken for street purposes, be levelled and laid out in lawns with ornamental trees, shrubs, and gardens: And whereas the Petone Borough Council and the Roman Catholic Archbishop of Wellington have no power without legislation to give effect to all their wishes:

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 Petone Borough Council Empowering Act 1956.

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

“Archbishop” means the Roman Catholic Archbishop of Wellington:

“Corporation” means the Corporation of the Mayor, Councillors, and Citizens of the Borough of Petone:

“Council” means the Petone Borough Council:

“The said piece of land” means the above-described land comprised in Special Crown Grant Number 82:

“The balance of the said piece of land” means the said piece of land excluding therefrom the part described in the Schedule to this Act.

3. Cemetery deemed closed—The cemetery on the said piece of land shall, as from the passing of this Act, be deemed to have been closed in accordance with the provisions of the Cemeteries Act 1908, and thenceforth, notwithstanding the provisions of the said Act, no further interments of human remains shall take place therein.

4. Part vested in Corporation for street purposes—That portion of the said piece of land described in the Schedule to this Act is hereby vested in the Corporation for the purposes of a street, freed and discharged from all rights or easements of burial, and freed and discharged from any further obligation on the part of the Archbishop to comply with the trust upon which the said piece of land has hitherto been vested in him.

5. Power to lay drain through cemetery—The Council is hereby empowered to lay a drain through the balance of the said piece of land.

6. Land to be maintained as cemetery—The Council shall, subject to the provisions of this Act, maintain and keep in a proper state of repair and condition as a Roman Catholic cemetery the said piece of land or such part or parts thereof as is or are not for the time being actually being utilised by the Council for street purposes as authorised by this Act.

7. Reinterment of human remains disturbed—Wherever the operations of the Council necessary to construct a street or street works or to lay the said drain on the said piece of land shall interfere with or disturb any human remains on the said piece of land such remains shall be reinterred in a respectful and fitting manner in another portion of the said piece of land in a place approved by the Minister of Health and the Archbishop, and subject to such directions as the Minister of Health in his absolute discretion shall think fit to give to the Council in the matter.

8. 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 the said piece of land.

9. Council to keep 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 piece of land and the position in the same of the graves of such persons, and such records shall be available for inspection at the office of the Council at all reasonable times.

10. Power to plant trees, etc.—The powers conferred on the Council by sections five, seven, and eight of this Act shall be exercised within a period of twelve months from the passing of this Act, and the Council shall within a like period cause the balance of the said piece of land to be cleared of trees and levelled and planted in grass, trees, ornamental shrubs, and gardens and suitably fenced, and shall at all times thereafter keep the same in a neat, tidy, and befitting condition, and also shall cause to be erected thereon a memorial in accordance with the design agreed upon between the Archbishop and the Council and shall inscribe such memorial with the names of the persons known to be interred therein.

11. 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 piece of land other than as provided by this Act, or to sell, lease, or divert the said piece of land to any purpose other than as provided by this Act, but the Council shall maintain the balance of the said piece of land at all times hereafter as a Roman Catholic cemetery as hereinbefore provided.

SCHEDULE

LAND VESTED FOR PURPOSES OF PUBLIC STREET

ALL that part of the land comprised in Special Crown Grant No. 82, being part Section 3, Hutt District, situated in Block XIII, Belmont Survey District, and containing 19·47 perches, more or less, bounded to the south 250 links by McKenzie Street, to the east 51·58 links by Korokoro Road, to the north 250 links by other part of the land comprised in the said Special Crown Grant, and to the west 51·58 links by Lot 3 on Deposited Plan Number 1365.
