

*Mr Gerard*

## ASHBURTON BOROUGH CEMETERY

[LOCAL BILL]

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### A BILL INTITULED

AN ACT to empower the Ashburton Borough Council to remove all headstones, monuments, and grave surrounds erected in the cemetery at the corner of William and Kermode Streets in the Borough of Ashburton, to level and plant the ground so affected, and to erect a monument common to all persons interred in the said cemetery.

WHEREAS Reserve 298 consisting of three acres in the Borough of Ashburton is a reserve for a cemetery pursuant to the Cemeteries Act 1908: And whereas no interment of human remains has ever taken place in part of the said reserve: And whereas the balance of the said reserve has been used as a cemetery but no interment of human remains has taken place therein for over fifty years and

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 with trees and the Ashburton Borough Council has experienced 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 permitted therein and that that portion of Reserve 298 on which the said cemetery is situated should be vested in the Council as a public reserve: And whereas it is expedient that the said headstones, monuments, and grave surrounds should be removed and the said piece of land levelled and laid out in lawns with ornamental trees, shrubs, and gardens: And whereas the Council has no power without legislation to give effect to its wishes:

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. This Act may be cited as the Ashburton Borough Cemetery Act 1955.

Interpretation.

2. In this Act, unless the context otherwise requires,—  
 “Council” means the Ashburton Borough Council:  
 “The said piece of land” means the cemetery situated at the corner of Kermode and William Streets in the Borough of Ashburton comprising one acre two roods and twenty-four perches or thereabouts, being part Reserve 298.

Cemetery deemed closed.

3. 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.

Land vested in Council as public reserve.

4. The said piece of land is hereby vested in the Council as a public reserve for the purposes hereinafter appearing.

Power to remove headstones, etc.

5. 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.

6. 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  
5 be available for inspection at the office of the Council at all reasonable times.

Council to keep a record of burials.

7. The Council shall, as soon as conveniently may be after the removal of the said headstones, monuments, and grave surrounds, cause the said piece of land to be cleared  
10 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 piece of land a suitable memorial inscribed with the names of the persons known to be interred  
15 therein.

Power to plant trees, etc.

8. Nothing herein 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, or to sell, lease, or divert the said piece of land to any purpose other  
20 than hereby provided.

Restrictions on powers of Council.