

[AS READ THE SECOND TIME]

House of Representatives, 4 August 1955

Mr Gerard

ASHBURTON BOROUGH CEMETERY

[LOCAL BILL]

ANALYSIS

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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. Title.

WHEREAS part of Reserve 298, in the Borough of Ashburton, is vested in the Corporation of the Borough of Ashburton in trust for a public cemetery: And whereas 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 land and the Preamble.

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 the land should be vested in the Corporation as a public reserve: 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:

- 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 land” means that portion of Reserve 298 described in the Schedule to this Act.
- Cemetery deemed closed. 3. The cemetery on the said 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 land is hereby vested in the Corporation of the Borough of Ashburton 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 land.
- Council to keep a record of burials. 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 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.
- Power to plant trees, etc. 7. 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.

5 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 land, or to sell or lease the said land, or to divert it to any purpose not specified in this Act.

Restrictions
on powers
of Council.

SCHEDULE

Schedule

LAND VESTED AS A PUBLIC RESERVE

Section 2

ALL that area in the Canterbury Land District, situated in the Borough of Ashburton, containing 1 acre 2 roods 24 perches, more or less, being Part Reserve 298, and bounded towards the north-west by William Street, 501·65 links; towards the north-east by Kermod Street, 457·79 links; towards the south-east by other part of Reserve 298, 251·09 links; and towards the south-west by Reserve 298X, 50·40 links and 475·44 links: as the same is delineated on the plan marked L. and S. 2/625, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged green.