

Onehunga Borough Council Enabling Act 1914

Local Act 1914 No 3
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An Act to authorize the Onehunga Borough Council to acquire a Cemetery and to expend certain Moneys now in the Hands of the said Council for that Purpose, and to vest Band Instruments in the Onehunga Municipal Brass Band (Incorporated).

Preamble.

WHEREAS by the Special Powers and Contracts Act, 1881, the Governor was empowered to issue a Crown grant, on or after the first day of June, eighteen hundred and eighty-two, to the Mayor, Councillors, and Burgesses of the Borough of Onehunga, in trust for the inhabitants of the Borough of Onehunga and the County of Eden, for all that piece of land containing forty-seven acres, and comprising Lots 61, 44, 45, 46, 47, and 48, adjacent to the Town of Onehunga, for a rifle range, cemetery, and place of recreation, in such proportions as he might think fit, unless Parliament should otherwise determine: And whereas the Governor, pursuant to the said Act, on the second day of October, eighteen hundred and eighty-three, granted to the Mayor, Councillors, and Burgesses of the Borough of Onehunga an area of ten acres or thereabouts, being part of the land mentioned in the said Act, in trust for the

inhabitants of the Borough of Onehunga and the County of Eden for a cemetery: And whereas the said area of ten acres was comprised within the Borough of Onehunga: And whereas by the Onehunga Cemetery Act, 1898, it was provided that section forty-nine of the Cemeteries Act, 1882, should not apply to the said area of ten acres, and that it should be lawful for the Council of the Borough of Onehunga to open and establish a public cemetery on the said area, and that the Council of the said borough should be the Trustees of the said cemetery, and should manage the same subject to the other provisions of the Cemeteries Act, 1882, and the trusts contained in the Crown grant of the said area of ten acres: And whereas for a great many years past the Council of the said borough have acted as Trustees of the said cemetery and managed the same: And whereas the interments in the said cemetery have now become so numerous that it is expedient for the said Borough Council to provide another cemetery: And whereas there is now in the hands of the Onehunga Borough Council as Trustees of the said cemetery a large sum of money, representing the proceeds arising from the sale of the right of interment in the said cemetery: And whereas it is expedient to authorize the said Borough Council to apply the said sum, so far as the same will extend, in the acquisition of a site for another cemetery:

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 Onehunga Borough Council Enabling Act, 1914.

2 Power to purchase further land with accrued moneys.

It shall be lawful for the Onehunga Borough Council to apply the proceeds which are now and which may at any time after the passing of this Act be held by the said Council, and which represent moneys received from the sale of grave-sites or of the right of interment in the said area of ten acres, in the purchase or acquisition of land for the purpose of a cemetery; and any land so purchased or acquired shall be vested beneficially in the Mayor, Councillors, and Burgesses of the Borough of Onehunga.

3 Onehunga Borough Council to have control.

The Onehunga Borough Council shall be the Trustees of any cemetery so acquired, and shall have the control and management thereof, and the Cemeteries Act, 1908, and the Cemeteries Amendment Act, 1912, shall apply to any such cemetery.

4 Band instruments vested in Onehunga Municipal Brass Band.

All band instruments now held by the Onehunga Borough Council or the Corporation of the Borough of Onehunga upon any trust shall be and the same are hereby vested in the Onehunga Municipal Brass Band (Incorporated) upon and subject to the same trusts.