

SOUTH HEAD CEMETERY ACT.

Act No. 2, 1939.

George VI.
No. 2, 1939.

An Act to remove from office the trustees of the South Head General Cemetery; to authorise the Minister for Lands to appoint a single trustee in their place; for this purpose to amend the Crown Lands Consolidation Act, 1913, and certain other Acts in certain respects; and for purposes connected therewith. [Assented to, 29th March, 1939.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

Short title
and com-
mencement.

1. (1) This Act may be cited as the "South Head Cemetery Act, 1939."

(2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation in the Gazette.

Definitions.

2. In this Act "the cemetery" means the general cemetery at South Head in the Municipality of Waverley, comprising one acre appropriated under Half Monthly Return No. 21 of 1845, three roods thirty-five perches dedicated 29th August, 1890, and two acres two roods seven perches, dedicated 13th September, 1902.

Removal of
trustees and
matters
consequent
thereon.

3. (1) The persons who, immediately before the commencement of this Act, held office as trustees of the cemetery are hereby removed from such office.

(2) (a) The provisions of subsection one of section twenty-six of the Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, relating to the appointment of trustees to fill any vacancies which may occur by reason of the removal of trustees shall extend to authorise the Minister to appoint a single trustee to fill all the vacancies created by the removal from office referred to in subsection one of this section.

(b)

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(b) Subsection one of section twenty-six of the Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, shall in its application to and in respect of the cemetery be read as if the words "not being in any case less than three in number" were omitted therefrom. No. 2, 1939.

(3) (a) All property which, immediately before the commencement of this Act was vested in or belonged to the trustees removed from office by subsection one of this section (in this subsection referred to as the "old trustees") and which was held by them as trustees of the cemetery and for purposes of or relating to the care and management of the cemetery, including any investment lawfully made of any funds of the cemetery (all of which property is in this subsection referred to as the "trust property") shall, as from such commencement vest in and belong to the single trustee appointed pursuant to subsection two of this section, as trustee of the cemetery and shall be held by him for the like purposes.

(b) All moneys liquidated and unliquidated claims which, immediately before the commencement of this Act, were payable to or recoverable by the old trustees in relation to the trust property shall be moneys liquidated and unliquidated claims payable to and recoverable by the said single trustee.

The said single trustee may pursue the same remedies for the recovery of such moneys and claims as the old trustees might have done but for this Act.

(c) All debts due and moneys payable by the old trustees solely relating to the trust property shall be debts due and moneys payable by the said single trustee as trustee of the cemetery.

4. (1) Every person who at the commencement of this Act has in his possession any official books, documents, correspondence, accounts, or records relating to the administration of the cemetery or to the proceedings of the trustees of the cemetery shall, on demand made in writing by the single trustee appointed pursuant to subsection two of section three of this Act, transfer the same to such single trustee within the period specified in the demand. Transfer of records.
cf. Act No. 19, 1930, s. 9.

Any

Coomealla Irrigation Area Deep Drainage Act.

No. 2, 1939.

Any person who without lawful excuse fails to comply with the provisions of this subsection shall be liable, on summary conviction, to a penalty not exceeding twenty pounds.

Information as to previous working of scheme.
cf. Act No. 19, 1930, s. 10.

(2) Any person who at any time before the commencement of this Act held office as a trustee of the cemetery and who without lawful excuse refuses to comply with a request in writing by the said single trustee to furnish information relating to the administration of the cemetery or to the proceedings or accounts of the trustees of the cemetery shall be liable, on summary conviction, to a penalty not exceeding twenty pounds.
