

BELLINGEN CEMETERY ACT.

Act No. 32, 1952.

An Act to provide for the vesting of part of certain land at Bellingen in the Bellinger River District Hospital, and for the disposal of the residue of such land under the Crown Lands Consolidation Act, 1913, as amended by subsequent Acts ; to authorise the removal of human remains, headstones, grave enclosures, and other surface structures from such land ; to provide for the reinterment of such remains and the reerection of such headstones, grave enclosures and other surface structures ; and for purposes connected therewith. [Assented to, 29th October, 1952.]

Elizabeth II
No. 32, 1952.

BE it enacted by the Queen'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:—

1. (1) This Act may be cited as the "Bellingen Cemetery Act, 1952".

Short title
and
commencement.

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

2. (1) Any estate or interest in the land described in the Schedule to this Act which, immediately before the commencement of this Act, was vested in or held by the Council of the Shire of Bellingen or by any persons or bodies of persons is hereby divested, and the said Council and all such persons and bodies are hereby discharged from any duties, liabilities or obligations existing immediately before the commencement of this Act in respect of or in relation to the said land.

Divesting of
land and
revocation
of trusts.

(2)

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(2) Any trusts, conditions, encumbrances or reservations affecting the said land immediately before the commencement of this Act are hereby revoked and annulled.

Dedication, vesting and other dealing with land.

3. (1) The Minister may in pursuance of the provisions of section twenty-four of the Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, dedicate such land or any part thereof for the purpose of hospital, and at any time thereafter the Governor in pursuance of the provisions of the Public Trusts Act, 1897-1944, may appoint the Bellinger River District Hospital as trustees of the land so dedicated and may grant to or vest such land in such trustees for such estate, and with such powers and subject to such limitations and conditions as he may think fit.

(2) Any of the land described in the Schedule to this Act which is not dedicated in accordance with subsection one of this section may be dealt with as Crown lands within the meaning of the Crown Lands Consolidation Act, 1913, as amended by subsequent Acts.

Removal of human remains, headstones, etc.

4. (1) Upon the appointment of the Bellinger River District Hospital as trustees of any land pursuant to subsection one of section three of this Act, such trustees may, subject to the provisions of this section, cause the remains of any person buried in such land (so far as such remains can by reasonable diligence be discovered and identified), together with all headstones, grave enclosures, and other surface structures on such land, to be collected with due care and removed to the general cemetery which at the commencement of this Act is being used at Bellingen, and shall cause any such remains so removed to be reverently reinterred and such headstones, grave enclosures, and other surface structures to be re-erected in such general cemetery.

(2) In respect of any of the land described in the Schedule to this Act which is not dedicated in accordance with subsection one of section three of this Act (hereinafter referred to as "the residue") the Minister or any person authorised in writing by the Minister may, subject to the provisions of this section, cause the remains of any person buried in the residue (so far as such remains

can

can by reasonable diligence be discovered and identified), **No. 32, 1952.** together with all headstones, grave enclosures, and other surface structures on the residue, to be collected with due care and removed to the general cemetery which at the commencement of this Act is being used at Bellingen, and shall cause any such remains so removed to be reverently reinterred and such headstones, grave enclosures, and other surface structures to be re-erected in such general cemetery.

(3) At least three months before the remains of any person or any headstones, grave enclosures, or other surface structures are removed under subsection one or subsection two of this section, an advertisement of the intention to remove the same shall be inserted by the person proposing to effect the removal four times at intervals of not less than two weeks in newspapers circulating in the locality.

(4) The representatives of any person buried in the land dedicated in accordance with subsection one of section three of this Act or in the residue may, at any time after the appearance of the first advertisement referred to in subsection three of this section relating to such land or residue, as the case may be, and before the expiration of three months from the appearance of the last of such advertisements relating to such land or residue, as the case may be, at their own expense, remove the headstone, grave enclosure or other surface structure erected over the grave of such person and may, at their own expense and with the permission of the Director-General of Public Health, remove the remains of such person to such cemetery as they desire:

Provided that in the case of any proposed removal as aforesaid not less than twenty-eight days' notice of intention to effect the removal shall be given by such representatives to the Bellinger River District Hospital where the proposed removal is from land dedicated in accordance with subsection one of section three of this Act or to the Minister where the proposed removal is from the residue.

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Dedication
of closed
public road
for hospital
purposes.

5. Upon the closing under the Public Roads Act, 1902, as amended by subsequent Acts, of any portion of Northcote-street separating the land described in the Schedule to this Act and the site of the Bellinger River District Hospital as existing at the commencement of this Act the Minister may in pursuance of the provisions of section twenty-four of the Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, dedicate the land comprised within the portion of Northcote-street closed as aforesaid for the purpose of hospital, and at any time thereafter the Governor in pursuance of the provisions of the Public Trusts Act, 1897-1944, may appoint the Bellinger River District Hospital as trustees of the land so dedicated and may grant to or vest such land in such trustees for such estate, and with such powers and subject to such limitations and conditions as he may think fit.

**No com-
pensation
payable.**

6. No compensation shall be payable to—

- (a) the Council of the Shire of Bellingen or any person or body of persons in respect of the divesting of any estate or interest by this Act or in respect of the performance of any act authorised by this Act; or
- (b) any person in respect of the closing of any portion of Northcote-street as aforesaid.

SCHEDEULE.

ALL THAT piece or parcel of land containing an area of about 8 acres situate in the Village of Bellingen, Parish of South Bellingen, County of Raleigh, Shire of Bellingen, bounded by Bowra-street, by portion 570, again by Bowra-street, by a lane dividing the subject land from portion 381, end of lane, portions 384 and 385, end of Watson-street and portions 386 and 387, by Northcote-street and by portion 35.
