

JINDABYNE CEMETERY ACT.

Act No. 42, 1961.

An Act to make provisions relating to Jindabyne Cemetery which will be inundated by the stored waters of Jindabyne Dam; and for purposes connected therewith. [Assented to, 29th November, 1961.] Elizabeth II,
No. 42, 1961

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. This Act may be cited as the "Jindabyne Cemetery Act, Short title. 1961".

2. (1) The lands described in the First Schedule to this Act are hereby vested in the Snowy Mountains Hydro-electric Authority (hereinafter referred to as "the Authority") for an estate in fee simple. Vesting of
cemetery in
Snowy
Mountains
Hydro-
electric
Authority.

(2) Any estate or interest in the lands described in the First Schedule to this Act which, immediately before the commencement of this Act, was vested in or held by any persons or body of persons is hereby divested 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 lands.

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

3. (1) Subject to the provisions hereinafter contained the Authority may cause the remains of all persons buried in the lands described in the First Schedule to this Act (so far as such remains can by reasonable diligence be discovered or identified) Removal of
human
remains,
headstones,
etc.

No. 42, 1961 identified) together with all headstones, grave enclosures and other surface structures on such lands to be collected with due care and removed from such lands and shall cause any such remains so removed to be reverently reinterred in and such headstones, grave enclosures and other surface structures to be re-erected on the land described in the Second Schedule to this Act.

(2) The cost of such removal, reinterment and re-erection shall be borne by the Authority.

(3) At least three months before the remains of any person or any headstones, grave enclosures, or other surface structures are collected and removed under subsection one of this section, an advertisement of the intention to remove the same shall be published twice at an interval of not less than two weeks in a newspaper or newspapers published and circulating in the locality, and twice at an interval of not less than two weeks in a newspaper or newspapers published in Sydney and circulating widely throughout New South Wales.

(4) At any time after the publication of the first advertisement referred to in subsection three of this section and before the expiration of three months from the publication of the last of such advertisements the representatives or any persons claiming to be the representatives of any person buried in any of the lands described in the First Schedule to this Act may, 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, collect and remove the remains of such person to such cemetery as they may desire :

Provided that any such representatives or persons claiming to be such representatives shall give to the Authority not less than fourteen days' notice of their intention.

Register to
be compiled.

4. The Authority shall as soon as practicable after the commencement of this Act and before the removal of the remains of any person from any of the lands described in the First Schedule to this Act compile a register of the names of and other relevant information in respect of persons buried in the said lands, so far as such names and information can
by

by reasonable diligence be obtained, and shall deposit a copy No. 42, 1961 of such register with the trustees appointed or to be appointed for each portion of land into which the land described in the Second Schedule to this Act may be divided.

5. The Authority may do all such other things as it may consider necessary to carry fully into effect the purposes of this Act. ^{Power of Authority.}

6. No compensation or damages shall be payable to 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. ^{No compensation payable.}

FIRST SCHEDULE.

Sec. 2.

FIRST PART.

All that piece or parcel of land containing by admeasurement 2 acres $14\frac{3}{4}$ perches be the same more or less situate in the County of Wallace Parish of Jinderboine being part of portion 13 dedicated 9th November, 1904 for General Cemetery at Jindabyne and shewn on plans catalogued Ms. 305 Ca. and Ms. 1490 Gbn. at the Department of Lands, Sydney. Commencing at a point on the south-eastern side of a road one chain wide within the aforesaid portion 13 bearing 218 degrees 15 minutes 6 chains 45.2 links from the point of intersection of that road with the northern boundary of the aforesaid portion 13 and bounded thence on the north-west by that road bearing 218 degrees 15 minutes 69 links on the south-east by a line bearing 84 degrees 43 minutes 2 chains 8.5 links on the south-west by a line bearing 174 degrees 43 minutes 3 chains 50 links again on the south-east by a line bearing 84 degrees 43 minutes 5 chains on the north-east by a line bearing 354 degrees 43 minutes 4 chains and again on the north-west by a line bearing 264 degrees 43 minutes 6 chains 61 links to the point of commencement.

SECOND PART.

All that piece or parcel of land containing by admeasurement 1 acre 1 rood $9\frac{3}{4}$ perches be the same more or less situate in the County of Wallace Parish of Jinderboine being part of portion 13 purchased for an extension to Jindabyne Cemetery and shewn on plan catalogued Ms. 1296 Gbn. at the Department of Lands, Sydney. Commencing on a south-eastern side of a road 1 chain wide within the aforesaid portion 13 at the westernmost south-western corner of

- No. 42, 1961** 2 acres $14\frac{1}{4}$ perches dedicated 9th November, 1904 for General Cemetery and bounded thence on the north-west by that road bearing 218 degrees 15 minutes 4 chains 82.8 links on the south-east by a line bearing 84 degrees 43 minutes 5 chains 41 links on the north-east by the south-western boundary of that 2 acres $14\frac{1}{4}$ perches bearing 354 degrees 43 seconds 3 chains 50 links and on the north-west by the northernmost south-eastern boundary of that 2 acres $14\frac{1}{4}$ perches bearing 264 degrees 43 minutes 2 chains 8.5 links to the point of commencement.

SECOND SCHEDULE.

- Sec. 3.** All that piece or parcel of land containing by admeasurement 8 acres 19 perches be the same more or less situate in the County of Wallace Parish of Clyde being part of portion 42 shewn as Lot A on plan of subdivision and catalogued Ms. 4648 Gbn. at the Department of Lands, Sydney and being part of the land comprised within Certificate of Title Volume 7044 Folio 18. Commencing at the south-western extremity of the northernmost south-eastern boundary of portion 42 and bounded thence on the north-east by a road one chain wide dividing this land from portion 20 of 213 acres bearing 165 degrees 26 minutes 30 seconds 30.5 links on the north-east by a line bearing 177 degrees 49 minutes 4 chains 0.3 link on the south-east by a line bearing 235 degrees 5 minutes 9 chains 31.9 links on the south-west by a line bearing 325 degrees 5 minutes 6 chains 18.5 links on the north-west by a line bearing 48 degrees 6 minutes 14 chains 16.5 links again on the north-east by a line bearing 172 degrees 22 minutes 3 chains 1 link again on the north-east by a line bearing 177 degrees 49 minutes 1 chain 85.9 links and on the south-east by part of the aforesaid northernmost south-eastern boundary of portion 42 bearing 226 degrees 19 minutes 8.7 links to the point of commencement.
-