

OLD BALMAIN (LEICHHARDT) CEMETERY ACT.

Act No. 12, 1941.

An Act to dedicate certain land at Leichhardt as a public park; to make provision for the appointment of trustees thereof; to confer and impose certain powers, authorities, duties and functions on such trustees; to repeal the Balmain Cemetery Act of 1881; and for purposes connected therewith. [Assented to, 29th March, 1941.]

George VI.
No. 12, 1941.

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 :—

1. This Act may be cited as the “ Old Balmain (Leichhardt) Cemetery Act, 1941.” Short title.

2. The Balmain Cemetery Act of 1881 is hereby repealed. Repeal.

3. (1) The land described in the Schedule to this Act is hereby dedicated as a public park and the said land shall be deemed to be a public park within the meaning of the Public Parks Act, 1912, and the council of the Municipality of Leichhardt shall be trustees of the said land for all purposes of that Act and shall be deemed to have been appointed pursuant to that Act to be the trustees of the said land. Dedication.

(2) The said park shall be maintained by the said council as a rest park and garden area and, notwithstanding anything in any other Act, the said council shall not use the said park or permit the same to be used for any other purpose.

(3)

Old Balmain (Leichhardt) Cemetery Act.No. 12, 1941.

(3) 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 any person other than the said council is hereby divested.

The said council and all such persons 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.

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

(5) The said council shall, as soon as practicable after the commencement of this Act,—

- (a) compile an index plan and register of the names of and other relevant information in respect of persons buried in the said land, so far as such names and information can be obtained, and deposit and maintain such plan and register at the Leichhardt Town Hall so as to be available for inspection by any interested person from time to time;
- (b) furnish a certified copy of such plan and register to the Minister;
- (c) remove all headstones, grave enclosures, and other surface structures on the said land and dispose of the same at the discretion of the council;
- (d) plant the said land with trees, lawns and flowers, and otherwise improve it for park purposes;
- (e) erect a substantial memorial, of a design to be approved by the Minister, in a suitable position on the said land indicating the sacred nature of the area and that particulars of the interments therein may be inspected at the Leichhardt Town Hall.

(6) At least three months before any headstones, grave enclosures, or other surface structures are removed by the said council an advertisement of the intention to remove the same shall be inserted four times at intervals of not less than two weeks in newspapers circulating in the locality.

(7)

(7) At any time after the appearance of the first advertisement referred to in subsection six of this section and before the expiration of three months from the appearance of the last of such advertisements the representatives of any person buried in the said land may, at their own expense, remove the headstone, grave enclosure or other structure erected over the grave of such person or may, at their own expense, and with the permission of the Director-General of Public Health, remove to such cemetery as they desire, the remains of such person:

Provided that any such representatives shall give to the said council not less than fourteen days' notice of their intention.

(8) The said council may do such other things as it considers necessary to effect the conversion of the said land into a rest park and garden area.

(9) No compensation shall be payable to any person 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.

SCHEDULE.

Sec. 3 (1).

ALL that piece or parcel of land containing an area of 10 acres 3 roods 22 $\frac{3}{4}$ perches be the said area a little more or less situate in the Municipality of Leichhardt, Parish of Petersham, County of Cumberland, being part of lot 4, section 3, deposited plan 36, and being the land comprised in Certificate of Title registered volume 917, folio 88, commencing at the intersection of the south-eastern side of William Street with the south-western side of Derbyshire Road, and bounded thence on the north-east by that side of Derbyshire Road bearing 164 degrees 11 minutes for 844 feet 1 $\frac{3}{4}$ inches; on the south-east by a north-western side of Derbyshire Road and the north-western boundaries of lots 23 and 24, section 1, and lot 23, section 2, of deposited plan 183 in all bearing 254 degrees 20 minutes for 438 feet 5 $\frac{3}{4}$ inches; on the south-west and again on the south-east by part of the north-eastern boundary and by the north-western boundary of Certificate of Title registered volume 2,963, folio 94, bearing 344 degrees 20 minutes for 60 feet and 254 degrees 20 minutes for 124 feet 6 inches; again on the south-west by the north-eastern building line of Norton Street bearing 344 degrees 20 minutes for 807 feet 10 $\frac{3}{4}$ inches to its intersection with the south-eastern side of William Street, and thence by that side of that street bearing 78 degrees 30 minutes for 576 feet 2 inches to the point of commencement and being the land shown by red edge on plan catalogued Ms. 10,640 Sy. in the Department of Lands.

BORDER