

MUDGEE CEMETERIES ACT.

Act No. 2, 1963.

Elizabeth II, An Act to dedicate certain lands at Mudgee as public
No. 2, 1963 parks ; to make provision for the appointment of trustees thereof ; to confer and impose certain powers, authorities, duties and functions on such trustees ; and for purposes connected therewith. [Assented to, 8th March, 1963.]

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 :—

Short title. 1. This Act may be cited as the "Mudgee Cemeteries Act, 1963".

Dedication of lands in Schedule as public parks. 2. (1) The lands described in Parts I, II and III of the Schedule to this Act are hereby dedicated as public parks and the said lands shall be deemed to be public parks within the meaning of the Public Parks Act, 1912, as amended by subsequent Acts, and the Council of the Municipality of Mudgee (hereinafter referred to as "the Council") shall be trustees of the said lands for all purposes of that Act, as so amended, and shall be deemed to have been appointed pursuant to that Act, as so amended, to be the trustees of the said lands.

(2) The said parks shall be maintained by the Council for any one or more of the following purposes :—

- (a) rest park ;
- (b) garden area ;
- (c) children's playground,

and

and notwithstanding anything in any other Act, the Council shall not use the said parks or permit the same to be used for any other purpose. No. 2, 1963

(3) (a) Any estate or interest in the lands described in Parts I, II and III of the Schedule to this Act which, immediately before the commencement of this Act, was vested in or held by any person or body of persons is hereby divested.

(b) 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.

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

(d) Any Crown grants issued in respect of any part of or including any part of the said lands and subsisting immediately before the commencement of this Act are hereby cancelled in so far as they relate to the said lands.

3. (1) The Council shall, as soon as practicable after the commencement of this Act,—

- (a) 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 reasonable diligence be obtained, and deposit and maintain such register at the offices of the Council at Mudgee so as to be available for inspection by any interested person from time to time;
- (b) furnish a certified copy of such register to the Minister;
- (c) furnish a certified copy of such register to the Mitchell Library, Sydney, where it shall be maintained so as to be available for inspection by any interested person from time to time;
- (d) remove all headstones, grave enclosures and other surface structures on the said lands and re-arrange or dispose of the same at the discretion of the Council;

Removal of human remains, headstones, etc.

(e)

Mudgee Cemeteries Act.**No. 2, 1963**

- (e) plant the said lands with trees, lawns and flowers and otherwise improve the said lands for any of the purposes referred to in subsection two of section two of this Act;
- (f) erect substantial memorials, of a design and in positions to be approved by the Minister indicating the sacred nature of the areas and that particulars of the interments therein may be inspected at the offices of the Council at Mudgee and at the Mitchell Library, Sydney.

(2) At least three months before any headstones, grave enclosures or other surface structures are removed by the Council an advertisement of the intention to remove the same shall be inserted 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.

(3) At any time after the publication of the first advertisement referred to in subsection two 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 said lands may, at their own expense, and with the permission of the Council, 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 to such cemetery as they desire the remains of such person.

(4) The Council may do all such other things as it may consider necessary to effect the conversion of the said lands for use for any of the purposes referred to in subsection two of section two of this Act.

No compensation payable.

(5) 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.

SCHEDULE.

Mudgee Cemeteries Act.

7

SCHEDULE.

No. 2, 1963

Sec. 2.

PART I.

All that piece or parcel of land containing by admeasurement 1 acre 1 rood 23 perches be the same more or less situate at Mudgee in the County of Wellington Parish of Mudgee being part of portion 181 Commencing at the intersection of a south-western side of Mortimer Street with the eastern boundary line of the aforesaid portion 181 of 995 acres and bounded thence on the north-east by that street bearing 305 degrees 35 minutes 30 seconds 129 feet $1\frac{1}{2}$ inches on the north the west and the south by lines bearing 267 degrees 8 minutes 150 feet $6\frac{1}{4}$ inches 179 degrees 17 minutes 255 feet $4\frac{3}{4}$ inches and thence 87 degrees 26 minutes 30 seconds 251 feet $5\frac{1}{2}$ inches and on the east by part of the aforesaid eastern boundary line of portion 181 bearing 22 minutes 40 seconds 176 feet $9\frac{1}{4}$ inches to the point of commencement.

PART II.

All that piece or parcel of land containing by admeasurement 1 acre 2 roods 7 perches be the same more or less situate at Mudgee in the County of Wellington Parish of Mudgee being part of portion 181 Commencing at the intersection of a north-eastern side of Gladstone Street with the eastern boundary line of the aforesaid portion 181 of 995 acres and bounded thence on the south-west by that street bearing 304 degrees 59 minutes 50 seconds 262 feet 3 inches on the west the north and the north-east by lines bearing 358 degrees 3 minutes 241 feet $7\frac{1}{4}$ inches 90 degrees 2 minutes 123 feet 1 inch and thence 121 degrees 33 minutes 127 feet $\frac{1}{4}$ inch and on the east by part of the aforesaid eastern boundary line of portion 181 bearing 181 degrees 28 minutes 325 feet $4\frac{1}{2}$ inches to the point of commencement.

PART III.

All that piece or parcel of land containing by admeasurement 1 acre be the same more or less situate in the County of Wellington Parish of Mudgee being allotments 19 and 20 section 8 in the Town of Mudgee Commencing on the northern side of Mortimer Street at the south-eastern corner of allotment 18 of 2 roods and bounded thence on the south by that street bearing east 2 chains to the intersection of the northern side of Mortimer Street with the western side of Douro Street on the east by Douro Street bearing north 5 chains on the north by the southern boundary of allotments 1 and 2 each of 2 roods bearing west 2 chains and on the west by the eastern boundary of allotment 18 of 2 roods bearing south 5 chains to the point of commencement.

SUPERANNUATION