

*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

W. R. McCOURT,

*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,*

*Sydney, 3 March, 1939.*

## New South Wales.



ANNO TERTIO

# GEORGII VI REGIS.

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Act No. , 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.

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

Short title  
and com-  
mencement.

*South Head Cemetery.*

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

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. Definitions.

10 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. Removal of trustees and matters consequent thereon.

15 (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.

20 (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.

30 (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)

*South Head Cemetery.*

(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  
5 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.

10 (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  
15 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 sub-  
20 section 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 person who without lawful excuse fails to comply with the provisions of this subsection shall be liable, on  
25 summary conviction, to a penalty not exceeding twenty pounds.

(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 com-  
30 ply 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.

Information as to previous working of scheme.  
cf. *Ibid.* s. 10.

South West Coast

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of the deposit or withdrawal.

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New South Wales.



ANNO TERTIO

GEORGII VI REGIS.

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Act 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 :—

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

Short title and commencement.

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*South Head Cemetery.*

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(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) 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.

(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)

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*South Head Cemetery.*

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(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 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.

(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.

Information as to previous working of scheme.  
cf. *Ibid.* s. 10.

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By Authority:

THOMAS HENRY TENNANT, Acting Government Printer, Sydney, 1939.

South West

(1) The general condition of the country is such that it is not possible to estimate the value of the property at the present time. The value of the property is such that it is not possible to estimate the value of the property at the present time.

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*I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.*

W. R. McCOURT,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber.*  
*Sydney, 22 March, 1939.*

## New South Wales.



ANNO TERTIO

# GEORGII VI REGIS.

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## Act 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:—

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

(2)

*I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.*

W. W. HEDGES,  
*Chairman of Committees of the Legislative Assembly.*

*South Head Cemetery.*

(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.**

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(b)

THE HOUSE OF REPRESENTATIVES  
OF THE STATE OF NEW YORK

IN SENATE  
JANUARY 15, 1902

REPORT  
OF THE  
COMMISSIONERS OF THE LAND OFFICE  
IN ANSWER TO A RESOLUTION PASSED BY THE SENATE  
MAY 15, 1899

ALBANY:  
PUBLISHED BY THE STATE PRINTING OFFICE,  
1899.

THE LAND OFFICE  
ALBANY, N. Y.

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