

New South Wales



ANNO SECUNDO

ELIZABETHÆ II REGINÆ

Act. No. 5, 1953.

An Act to dedicate certain land at Wallsend 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; and for purposes connected therewith. [Assented to, 25th September, 1953.]

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 "Old Wallsend Short title. Cemetery Act, 1953."

Act No. 5, 1953.

Old Wallsend Cemetery.

Dedication.

2. (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, as amended by subsequent Acts, and the Council of the City of Newcastle (hereinafter referred to as the Council) shall be trustees of the said land for all purposes of that Act, as so amended, and shall be deemed to have been appointed pursuant to that Act to be the trustees of the said land.

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

(3) Subject to section three of this Act—

- (a) 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 persons other than the Council is hereby divested;
- (b) the 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;
- (c) any trusts, conditions, encumbrances, or dedications affecting the said land immediately before the commencement of this Act are hereby revoked and annulled.

(4) The 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 Newcastle Town Hall so as to be available for inspection by any interested person from time to time;
- (b)

Old Wallsend Cemetery.

- (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 a rest park and garden area;
- (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 Newcastle Town Hall.

(5) 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 four times at intervals of not less than two weeks in newspapers circulating in the locality.

(6) At any time after the appearance of the first advertisement referred to in subsection five of this section and before the expiration of three months from the appearance of the last of such advertisements, the representatives or any persons claiming to be the representatives of any person buried in the said land may, at their own expense, remove the headstone, grave enclosure or other surface 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 such representatives or persons claiming to be such representatives shall give to the Council not less than fourteen days notice of their intention.

(7) The 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.

(8)

Old Wallsend Cemetery.

(8) 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.

Reserva-
tions etc.
in favour
of The
Newcastle
Wallsend
Coal
Company.

3. (1) Nothing in this Act contained shall affect any right title or interest which immediately before the commencement of this Act was reserved to The Newcastle Wallsend Coal Company and its sequels in title and assigns in respect of all coal and other minerals, not including any minerals reserved to the Crown, lying in and under the land described in the Schedule to this Act, nor any necessary and proper rights powers and easements reserved as aforesaid to enable it or them to get win work and convey all coal, minerals and other materials belonging to it or them from and to the workings of its or their mines.

(2) The Newcastle Wallsend Coal Company its sequels in title or assigns or other the registered proprietor for the time being of the land adjoining the land described in the Schedule to this Act shall not be liable to the Council its sequels in title or assigns or other the registered proprietor or proprietors for the time being of the land described in the Schedule to this Act for any pit fall or subsidences which may have already or which may hereafter take place on or under such lastmentioned land or on any other land adjacent thereto or for any damage or nuisance occasioned thereby.

(3) The Council its sequels in title and assigns or other the registered proprietor or proprietors for the time being of the land described in the Schedule to this Act shall for the benefit of the adjoining land of The Newcastle Wallsend Coal Company abstain from erecting any fence dividing the land described in the Schedule to this Act from such adjoining land without first obtaining the consent of The Newcastle Wallsend Coal Company in writing: Provided that such consent shall not be necessary whenever any such fence shall be erected without expense to the said Company.

SCHEDULE.

Old Wallsend Cemetery.

SCHEDULE.

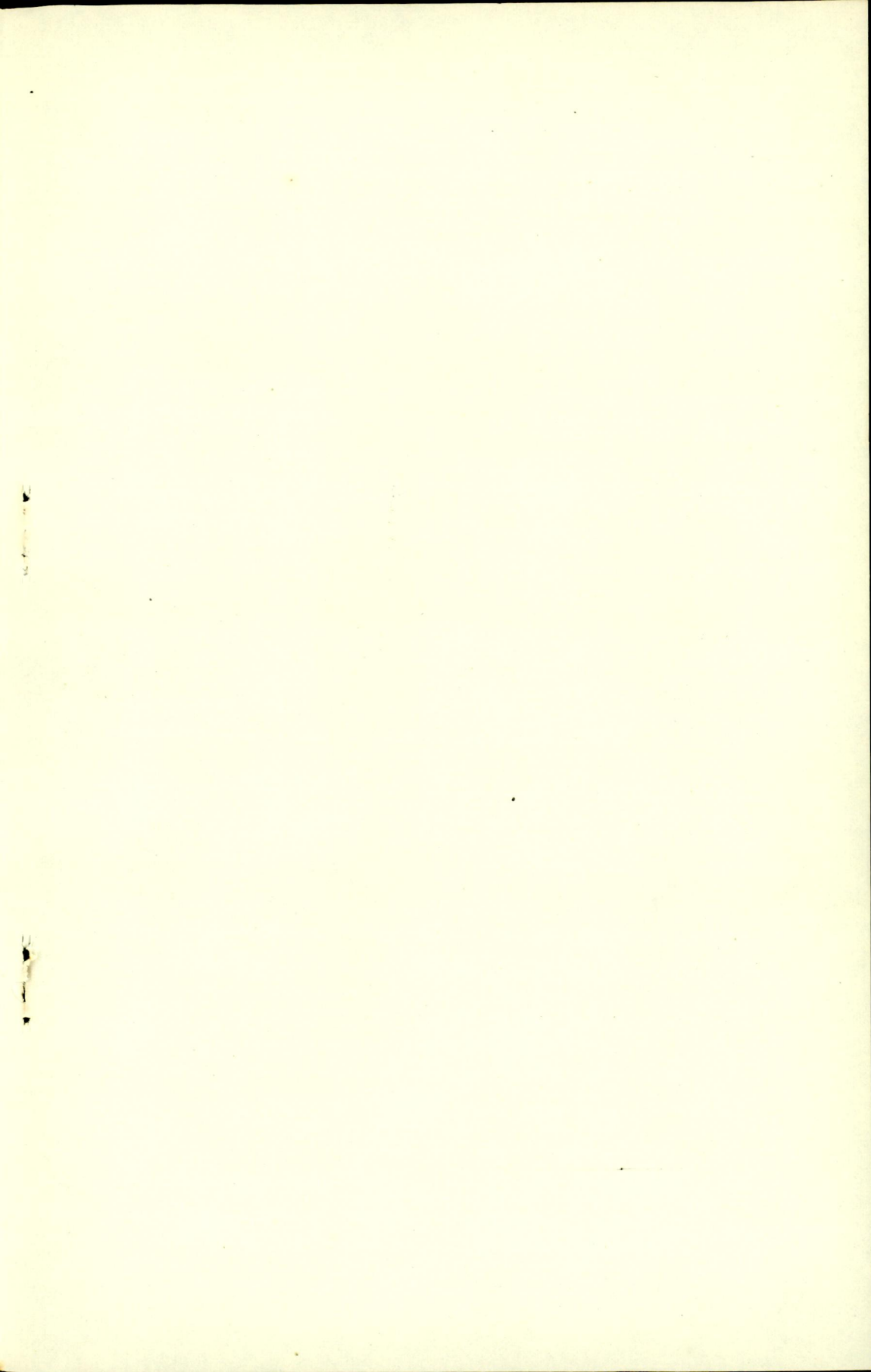
Sec. 2 (1).

ALL THAT piece or parcel of land containing by admeasurement 3 acres 21 $\frac{1}{4}$ perches be the same more or less situate in the Parish of Kahibah County of Northumberland City of Newcastle being part of portion 48 of Parish and being also the whole of the land in Certificate of Title Volume 3106 Folio 99; Commencing on the southern side of Newcastle Road at the north-eastern corner of lot 4 of section B in Deposited Plan No. 2029 and bounded thence on the north by part of the southern side of that Road bearing 93 degrees 27 minutes 5 chains 66 links thence on the east by part of the western boundary of the reserve for foot traffic 10 feet wide and variable in Deposited Plan No. 11683 bearing 179 degrees 38 minutes 98 $\frac{7}{10}$ links and thence 182 degrees 29 minutes 4 chains 49 $\frac{9}{10}$ links thence on the south by the northern boundaries of lots 8, 7, 3 and 2 of section D in Deposited Plan No. 2029 bearing in all 273 degrees 24 minutes 5 chains 72 $\frac{8}{10}$ links and thence on the west by part of the eastern boundary of lot 1 of section D in Deposited Plan No. 2029 the eastern end of Binney Street and the eastern boundaries of lots 5 and 4 of section B in Deposited Plan No. 2029 aforesaid in all bearing 2 degrees 42 minutes 5 chains 48 $\frac{6}{10}$ links to the point of commencement.

By Authority:

A. H. PETTIFER, Government Printer, Sydney, 1953.

[4d.]



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.

H. ROBBINS,
Clerk of the Legislative Assembly.
Legislative Assembly Chamber,
Sydney, 22 September, 1953.

New South Wales



ANNO SECUNDO

ELIZABETHÆ II REGINÆ

Act. No. 5, 1953.

An Act to dedicate certain land at Wallsend 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; and for purposes connected therewith. [Assented to, 25th September, 1953.]

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 "Old Wallsend Short title. Cemetery Act, 1953."

2.

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

G. BOOTH,
Chairman of Committees of the Legislative Assembly.

Old Wallsend Cemetery.

Dedication.

2. (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, as amended by subsequent Acts, and the Council of the City of Newcastle (hereinafter referred to as the Council) shall be trustees of the said land for all purposes of that Act, as so amended, and shall be deemed to have been appointed pursuant to that Act to be the trustees of the said land.

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

(3) Subject to section three of this Act—

- (a) 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 persons other than the Council is hereby divested;
- (b) the 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;
- (c) any trusts, conditions, encumbrances, or dedications affecting the said land immediately before the commencement of this Act are hereby revoked and annulled.

(4) The 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 Newcastle Town Hall so as to be available for inspection by any interested person from time to time;
- (b)

Old Wallsend Cemetery.

- (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 a rest park and garden area;
- (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 Newcastle Town Hall.

(5) 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 four times at intervals of not less than two weeks in newspapers circulating in the locality.

(6) At any time after the appearance of the first advertisement referred to in subsection five of this section and before the expiration of three months from the appearance of the last of such advertisements, the representatives or any persons claiming to be the representatives of any person buried in the said land may, at their own expense, remove the headstone, grave enclosure or other surface 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 such representatives or persons claiming to be such representatives shall give to the Council not less than fourteen days notice of their intention.

(7) The 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.

(8)

Old Wallsend Cemetery.

(8) 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.

Reserva-
tions etc.
in favour
of The
Newcastle
Wallsend
Coal
Company.

3. (1) Nothing in this Act contained shall affect any right title or interest which immediately before the commencement of this Act was reserved to The Newcastle Wallsend Coal Company and its sequels in title and assigns in respect of all coal and other minerals, not including any minerals reserved to the Crown, lying in and under the land described in the Schedule to this Act, nor any necessary and proper rights powers and easements reserved as aforesaid to enable it or them to get win work and convey all coal, minerals and other materials belonging to it or them from and to the workings of its or their mines.

(2) The Newcastle Wallsend Coal Company its sequels in title or assigns or other the registered proprietor for the time being of the land adjoining the land described in the Schedule to this Act shall not be liable to the Council its sequels in title or assigns or other the registered proprietor or proprietors for the time being of the land described in the Schedule to this Act for any pit fall or subsidences which may have already or which may hereafter take place on or under such lastmentioned land or on any other land adjacent thereto or for any damage or nuisance occasioned thereby.

(3) The Council its sequels in title and assigns or other the registered proprietor or proprietors for the time being of the land described in the Schedule to this Act shall for the benefit of the adjoining land of The Newcastle Wallsend Coal Company abstain from erecting any fence dividing the land described in the Schedule to this Act from such adjoining land without first obtaining the consent of The Newcastle Wallsend Coal Company in writing: Provided that such consent shall not be necessary whenever any such fence shall be erected without expense to the said Company.

SCHEDULE.

Old Wallsend Cemetery.

SCHEDULE.

Sec. 2 (1).

ALL THAT piece or parcel of land containing by admeasurement 3 acres 21 $\frac{1}{4}$ perches be the same more or less situate in the Parish of Kahibah County of Northumberland City of Newcastle being part of portion 48 of Parish and being also the whole of the land in Certificate of Title Volume 3106 Folio 99; Commencing on the southern side of Newcastle Road at the north-eastern corner of lot 4 of section B in Deposited Plan No. 2029 and bounded thence on the north by part of the southern side of that Road bearing 93 degrees 27 minutes 5 chains 66 links thence on the east by part of the western boundary of the reserve for foot traffic 10 feet wide and variable in Deposited Plan No. 11683 bearing 179 degrees 38 minutes 98 $\frac{7}{10}$ links and thence 182 degrees 29 minutes 4 chains 49 $\frac{9}{10}$ links thence on the south by the northern boundaries of lots 8, 7, 3 and 2 of section D in Deposited Plan No. 2029 bearing in all 273 degrees 24 minutes 5 chains 72 $\frac{8}{10}$ links and thence on the west by part of the eastern boundary of lot 1 of section D in Deposited Plan No. 2029 the eastern end of Binney Street and the eastern boundaries of lots 5 and 4 of section B in Deposited Plan No. 2029 aforesaid in all bearing 2 degrees 42 minutes 5 chains 48 $\frac{6}{10}$ links to the point of commencement.

*In the name and on behalf of Her Majesty I assent to
this Act.*

J. NORTHCOTT,
Governor.

*Government House,
Sydney, 25th September, 1953.*

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.

H. ROBBINS,
Clerk of the Legislative Assembly.
Legislative Assembly Chamber,
Sydney, 16 September, 1953.

New South Wales



ANNO SECUNDO

ELIZABETHÆ II REGINÆ

Act No. , 1953.

An Act to dedicate certain land at Wallsend 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; and for purposes connected therewith.

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
5 the same, as follows:—

1. This Act may be cited as the "Old Wallsend Cemetery Act, 1953." **Short title.**

Old Wallsend Cemetery.

2. (1) The land described in the Schedule to this Act ^{Dedication.} 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, as amended by subsequent Acts, and the Council of the City of Newcastle (hereinafter referred to as the Council) shall be trustees of the said land for all purposes of that Act, as so amended, and shall be deemed to have been appointed pursuant to that Act to be the trustees of the said land.
- 10 (2) The said park shall be maintained by the Council as a rest park and garden area and, notwithstanding anything in any other Act, the Council shall not use the said park or permit the same to be used for any other purpose.
- 15 (3) Subject to section three of this Act—
- (a) 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 persons other than the Council is hereby divested;
- 20 (b) the 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;
- 25 (c) any trusts, conditions, encumbrances, or dedications affecting the said land immediately before the commencement of this Act are hereby revoked and annulled.
- 30 (4) The 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
- 35 deposit and maintain such plan and register at the Newcastle Town Hall so as to be available for inspection by any interested person from time to time;
- (b)

Old Wallsend Cemetery.

- (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 a rest park and garden area;
- (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 Newcastle Town Hall.

(5) 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 four times at intervals of not less than two weeks in newspapers circulating in the locality.

(6) At any time after the appearance of the first advertisement referred to in subsection five of this section and before the expiration of three months from the appearance of the last of such advertisements, the representatives or any persons claiming to be the representatives of any person buried in the said land may, at their own expense, remove the headstone, grave enclosure or other surface 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 such representatives or persons claiming to be such representatives shall give to the Council not less than fourteen days notice of their intention.

(7) The 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.

(8)

Old Wallsend Cemetery.

(8) 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.

5 3. (1) Nothing in this Act contained shall affect any right title or interest which immediately before the com-
 10 mencement of this Act was reserved to The Newcastle Wallsend Coal Company and its sequels in title and assigns in respect of all coal and other minerals, not
 15 including any minerals reserved to the Crown, lying in and under the land described in the Schedule to this Act, nor any necessary and proper rights powers and easements reserved as aforesaid to enable it or them to get win work and convey all coal, minerals and other
 materials belonging to it or them from and to the work-
 ings of its or their mines.

Reserva-
 tions etc.
 in favour
 of The
 Newcastle
 Wallsend
 Coal
 Company.

(2) The Newcastle Wallsend Coal Company its sequels in title or assigns or other the registered proprietor for the time being of the land adjoining the land
 20 described in the Schedule to this Act shall not be liable to the Council its sequels in title or assigns or other the registered proprietor or proprietors for the time being of the land described in the Schedule to this Act for any pit fall or subsidences which may have already or which
 25 may hereafter take place on or under such lastmentioned land or on any other land adjacent thereto or for any damage or nuisance occasioned thereby.

(3) The Council its sequels in title and assigns or other the registered proprietor or proprietors for the
 30 time being of the land described in the Schedule to this Act shall for the benefit of the adjoining land of The Newcastle Wallsend Coal Company abstain from erecting any fence dividing the land described in the Schedule to this Act from such adjoining land without first obtaining
 35 the consent of The Newcastle Wallsend Coal Company in writing: Provided that such consent shall not be necessary whenever any such fence shall be erected without expense to the said Company.

SCHEDULE.

Old Wallsend Cemetery.

SCHEDULE.

Sec. 2 (1).

ALL THAT piece or parcel of land containing by admeasurement 3 acres 21 $\frac{1}{4}$ perches be the same more or less situate in the Parish of Kahibah County of Northumberland City of Newcastle being part
5 of portion 48 of Parish and being also the whole of the land in Certificate of Title Volume 3106 Folio 99; Commencing on the southern side of Newcastle Road at the north-eastern corner of lot 4 of section B in Deposited Plan No. 2029 and bounded thence on the north by part of the southern side of that Road bearing 93 degrees
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15 thence on the south by the northern boundaries of lots 8, 7, 3 and 2 of section D in Deposited Plan No. 2029 bearing in all 273 degrees 24 minutes 5 chains 72 $\frac{8}{10}$ links and thence on the west by part of the eastern boundary of lot 1 of section D in Deposited Plan No. 2029 the eastern end of Binney Street and the eastern boundaries of lots 5 and 4 of section B in Deposited Plan
20 No. 2029 aforesaid in all bearing 2 degrees 42 minutes 5 chains 48 $\frac{6}{10}$ links to the point of commencement.

[9d.]

Sydney: A. H. Pettifer, Government Printer—1953.

(11) 8 (11)

The first of these is the fact that the system is not a simple one. It is a complex system, and the complexity is not only in the number of components, but also in the way they are connected. The second is the fact that the system is not a static one. It is a dynamic system, and the dynamics are not only in the way the components interact, but also in the way the system evolves over time. The third is the fact that the system is not a linear one. It is a non-linear system, and the non-linearity is not only in the way the components interact, but also in the way the system evolves over time. The fourth is the fact that the system is not a deterministic one. It is a stochastic system, and the stochasticity is not only in the way the components interact, but also in the way the system evolves over time. The fifth is the fact that the system is not a simple one. It is a complex system, and the complexity is not only in the number of components, but also in the way they are connected. The sixth is the fact that the system is not a static one. It is a dynamic system, and the dynamics are not only in the way the components interact, but also in the way the system evolves over time. The seventh is the fact that the system is not a linear one. It is a non-linear system, and the non-linearity is not only in the way the components interact, but also in the way the system evolves over time. The eighth is the fact that the system is not a deterministic one. It is a stochastic system, and the stochasticity is not only in the way the components interact, but also in the way the system evolves over time.

No. , 1953.

A BILL

To dedicate certain land at Wallsend 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; and for purposes connected therewith.

[MR. HAWKINS;—2 *September*, 1953.]

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
5 the same, as follows:—

1. This Act may be cited as the "Old Wallsend Short title.
Cemetery Act, 1953."

Old Wallsend Cemetery.

2. (1) The land described in the Schedule to this Act ^{Dedication.} 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, as amended by subsequent Acts, and the Council of the City of Newcastle (hereinafter referred to as the Council) shall be trustees of the said land for all purposes of that Act, as so amended, and shall be deemed to have been appointed pursuant to that Act to be the trustees of the said land.

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

15 (3) Subject to section three of this Act—

(a) 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 persons other than the Council is hereby divested;

20 (b) the 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;

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

30 (4) The 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 Newcastle Town Hall so as to be available for inspection by any interested person from time to time;

(b)

Old Wallsend Cemetery.

- (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 a rest park and garden area;
- (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 Newcastle Town Hall.

(5) 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 four times at intervals of not less than two weeks in newspapers circulating in the locality.

(6) At any time after the appearance of the first advertisement referred to in subsection five of this section and before the expiration of three months from the appearance of the last of such advertisements, the representatives or any persons claiming to be the representatives of any person buried in the said land may, at their own expense, remove the headstone, grave enclosure or other surface 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 such representatives or persons claiming to be such representatives shall give to the Council not less than fourteen days notice of their intention.

(7) The 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.

(8)

Old Wallsend Cemetery.

(8) 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.

- 5 **3.** (1) Nothing in this Act contained shall affect any right title or interest which immediately before the commencement of this Act was reserved to The Newcastle Wallsend Coal Company and its sequels in title and assigns in respect of all coal and other minerals, not including any minerals reserved to the Crown, lying in and under the land described in the Schedule to this Act, nor any necessary and proper rights powers and easements reserved as aforesaid to enable it or them to get win work and convey all coal, minerals and other materials belonging to it or them from and to the workings of its or their mines.

- 20 (2) The Newcastle Wallsend Coal Company its sequels in title or assigns or other the registered proprietor for the time being of the land adjoining the land described in the Schedule to this Act shall not be liable to the Council its sequels in title or assigns or other the registered proprietor or proprietors for the time being of the land described in the Schedule to this Act for any pit fall or subsidences which may have already or which may hereafter take place on or under such lastmentioned land or on any other land adjacent thereto or for any damage or nuisance occasioned thereby.

- 30 (3) The Council its sequels in title and assigns or other the registered proprietor or proprietors for the time being of the land described in the Schedule to this Act shall for the benefit of the adjoining land of The Newcastle Wallsend Coal Company abstain from erecting any fence dividing the land described in the Schedule to this Act from such adjoining land without first obtaining the consent of The Newcastle Wallsend Coal Company in writing: Provided that such consent shall not be necessary whenever any such fence shall be erected without expense to the said Company.

SCHEDULE.

Old Wallsend Cemetery.

SCHEDULE.

Sec. 2 (1).

ALL THAT piece or parcel of land containing by admeasurement 3 acres 21 $\frac{1}{4}$ perches be the same more or less situate in the Parish of Kahibah County of Northumberland City of Newcastle being part
5 of portion 48 of Parish and being also the whole of the land in Certificate of Title Volume 3106 Folio 99; Commencing on the southern side of Newcastle Road at the north-eastern corner of lot 4 of section B in Deposited Plan No. 2029 and bounded thence on the north by part of the southern side of that Road bearing 93 degrees
10 27 minutes 5 chains 66 links thence on the east by part of the western boundary of the reserve for foot traffic 10 feet wide and variable in Deposited Plan No. 11683 bearing 179 degrees 38 minutes 98 $\frac{7}{10}$ links and thence 182 degrees 29 minutes 4 chains 49 $\frac{9}{10}$ links thence on the south by the northern boundaries of lots 8, 7, 3
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20 No. 2029 aforesaid in all bearing 2 degrees 42 minutes 5 chains 48 $\frac{6}{10}$ links to the point of commencement.

[9d.]

Sydney: A. H. Pettifer, Government Printer—1953.

OLD WALLSEND CEMETERY BILL, 1953.

EXPLANATORY NOTE.

THE objects of this Bill are—

- (a) to dedicate certain land at Wallsend as a rest park and garden area;
- (b) to appoint the Council of the City of Newcastle as trustees of the said land;
- (c) to make provision for the removal of headstones, grave enclosures and surface structures from the said land;
- (d) to continue certain reservations and covenants relating to the said land in favour of the Newcastle Wallsend Coal Company;
- (e) to make other provisions of an ancillary or machinery character.

PROOF

No. , 1953.

A BILL

To dedicate certain land at Wallsend 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; and for purposes connected therewith.

[MR. HAWKINS;—2 September, 1953.]

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
5 the same, as follows:—

1. This Act may be cited as the "Old Wallsend Cemetery Act, 1953." Short title.

Old Wallsend Cemetery.

2. (1) The land described in the Schedule to this Act ^{Dedication.} 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, as amended by subsequent
5 Acts, and the Council of the City of Newcastle (hereinafter referred to as the Council) shall be trustees of the said land for all purposes of that Act, as so amended, and shall be deemed to have been appointed pursuant to that Act to be the trustees of the said land.

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

15 (3) Subject to section three of this Act—

(a) 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 persons other than the
20 Council is hereby divested;

(b) the 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
25 the said land;

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

30 (4) The 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
35 names and information can be obtained, and deposit and maintain such plan and register at the Newcastle Town Hall so as to be available for inspection by any interested person from time to time;

(b)

Old Wallsend Cemetery.

- (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 a rest park and garden area;
- (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 Newcastle Town Hall.

(5) 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 four times at intervals of not less than two weeks in newspapers circulating in the locality.

(6) At any time after the appearance of the first advertisement referred to in subsection five of this section and before the expiration of three months from the appearance of the last of such advertisements, the representatives or any persons claiming to be the representatives of any person buried in the said land may, at their own expense, remove the headstone, grave enclosure or other surface 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 such representatives or persons claiming to be such representatives shall give to the Council not less than fourteen days notice of their intention.

(7) The 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.

(8)

Old Wallsend Cemetery.

(8) 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.

5 **3.** (1) Nothing in this Act contained shall affect any right title or interest which immediately before the com-
 10 mencement of this Act was reserved to The Newcastle Wallsend Coal Company and its sequels in title and assigns in respect of all coal and other minerals, not
 15 including any minerals reserved to the Crown, lying in and under the land described in the Schedule to this Act, nor any necessary and proper rights powers and easements reserved as aforesaid to enable it or them to get win work and convey all coal, minerals and other
 20 materials belonging to it or them from and to the workings of its or their mines.

Reserva-
 tions etc.
 in favour
 of The
 Newcastle
 Wallsend
 Coal
 Company.

(2) The Newcastle Wallsend Coal Company its sequels in title or assigns or other the registered proprietor for the time being of the land adjoining the land
 20 described in the Schedule to this Act shall not be liable to the Council its sequels in title or assigns or other the registered proprietor or proprietors for the time being of the land described in the Schedule to this Act for any pit fall or subsidences which may have already or which
 25 may hereafter take place on or under such lastmentioned land or on any other land adjacent thereto or for any damage or nuisance occasioned thereby.

(3) The Council its sequels in title and assigns or other the registered proprietor or proprietors for the
 30 time being of the land described in the Schedule to this Act shall for the benefit of the adjoining land of The Newcastle Wallsend Coal Company abstain from erecting any fence dividing the land described in the Schedule to this Act from such adjoining land without first obtaining
 35 the consent of The Newcastle Wallsend Coal Company in writing: Provided that such consent shall not be necessary whenever any such fence shall be erected without expense to the said Company.

SCHEDULE.

Old Wallsend Cemetery.

SCHEDULE.

Sec. 2 (1).

ALL THAT piece or parcel of land containing by admeasurement 3 acres 21 $\frac{1}{4}$ perches be the same more or less situate in the Parish of Kahibah County of Northumberland City of Newcastle being part
5 of portion 48 of Parish and being also the whole of the land in Certificate of Title Volume 3106 Folio 99; Commencing on the southern side of Newcastle Road at the north-eastern corner of lot 4 of section B in Deposited Plan No. 2029 and bounded thence on the north by part of the southern side of that Road bearing 93 degrees
10 27 minutes 5 chains 66 links thence on the east by part of the western boundary of the reserve for foot traffic 10 feet wide and variable in Deposited Plan No. 11683 bearing 179 degrees 38 minutes 98 $\frac{7}{10}$ links and thence 182 degrees 29 minutes 4 chains 49 $\frac{9}{10}$ links
15 thence on the south by the northern boundaries of lots 8, 7, 3 and 2 of section D in Deposited Plan No. 2029 bearing in all 273 degrees 24 minutes 5 chains 72 $\frac{8}{10}$ links and thence on the west by part of the eastern boundary of lot 1 of section D in Deposited Plan No. 2029 the eastern end of Binney Street and the eastern boundaries of lots 5 and 4 of section B in Deposited Plan
20 No. 2029 aforesaid in all bearing 2 degrees 42 minutes 5 chains 48 $\frac{6}{10}$ links to the point of commencement.

