

*Cemeteries*

WESTERN AUSTRALIA

ANNO DECIMO

VICTORIÆ REGINÆ

No. 12

An Ordinance to provide for the establishment of proper places for the Burial of the Dead.

[Assented to 12th August, 1847.]

WHEREAS it is expedient that proper places should be set apart for the purpose of interring the dead; Be it therefore enacted by His Excellency the Governor of Western Australia and its Dependencies, by and with the advice and consent of the Legislative Council thereof, that it shall be lawful for His Excellency the Governor in Executive Council from time to time to appoint by proclamation such place or places in each district as shall be deemed expedient to be reserved for the burial of the dead.

Governor may appoint burial places

2. And be it enacted, that any person who shall assist at the burial of any dead body in any place in or within one mile of a town site in which any burial place shall have been appointed as aforesaid other than in such burial place shall forfeit and pay for every such offence any sum not exceeding fifty pounds.

No body to be buried within one mile of a town site unless in such burial place if appointed. Penalty not exceeding £50

3. And be it enacted, that every person who shall bear or otherwise convey any dead body, or who shall dig a grave for the purpose of burial contrary to this Ordinance, or who shall direct or procure any such burial, or shall officiate at any such burial as clergyman or minister of any persuasion or as clerk shall be deemed to 'assist' at such burial within the meaning of this Ordinance, and to be subject to the penalties thereof.

Definition of person assisting at burial

4. And be it enacted, that it shall be lawful for any Justice of the Peace to cause the disinterment of any body buried contrary to the provisions of this Ordinance, and its burial in such place as he may deem expedient consistently with this Ordinance.

Any Justice may order disinterment of body buried contrary to law

5. Provided nevertheless that it shall be lawful for His Excellency the Governor to give order or permission by writing under his hand for the burial of bodies in other places within the said limits whensoever a special occasion shall arise which shall be deemed by him to justify the same.

Governor may permit burial elsewhere

6. And be it enacted, that all informations and proceedings for offences against this Ordinance shall be commenced within three calendar months after the offences thereby respectively charged shall have been committed, and shall be heard and determined, and the forfeitures and penalties in respect of the same shall be awarded, enforced and appropriated in a summary manner before any two Justices of the Peace, according to the provisions of an Act passed in the seventh year of the reign of Her present Majesty, entitled 'An Act to regulate summary proceedings before Justices of the Peace.'

Limitation of proceedings three months

Mode of proceeding

FREDERICK CHIDLEY IRWIN,

GOVERNOR AND COMMANDER-IN-CHIEF.