



Western Australia.

ANNO SECUNDO

EDWARDI VII. REGIS.

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No. XLII.

AN ACT to further amend the Cemeteries Act, 1897.

[Assented to, 20th December, 1902.]

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 Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. THIS Act may be cited as the Cemeteries Act Amendment Act, 1902, and shall be read as one with the Cemeteries Act, 1897, hereinafter referred to as the principal Act. Short title.

2. THE trustees of any cemetery may, and at the request of the trustees or recognised head of any religious denomination shall, by an instrument in writing, set apart a portion of the cemetery for the burial of persons of the same religious denomination exclusively. Portions of cemetery may be set apart for any religious denomination.

## 2° EDWARDI VII., No. 42.

### *Cemeteries Act—Amendment.*

Form of instrument. The instrument shall be in the form in the Schedule, or to the effect thereof, and may contain such other covenants and provisions as the parties thereto may agree upon and the Minister approve.

Appeal. Either party may, in case of disagreement, appeal to the Minister, whose decision shall be binding upon the parties, and final.

Amendment of 61 Vict., No. 23, sec. 14. **3.** SECTION fourteen of the principal Act is amended by inserting, after line sixteen,—

“ For undertaking funerals, and prescribing the charges to be made ;

For the annual licensing of undertakers ;

Prescribing the license fee to be paid ;

Prohibiting any unlicensed undertaker from undertaking or conducting any funeral in the cemetery ;

Regulating the charges of licensed undertakers for undertaking and conducting funerals ;

Enabling the trustees to cancel an undertaker's license for breach of any by-law.”

Amendment of sec. 29. **4.** SECTION twenty-nine of the principal Act is amended by omitting subsection one, and inserting in place thereof—

“(1.) The Governor may direct that, out of any moneys appropriated by Parliament for the purpose, such sums of money as he may think fit shall be paid to the trustees of any cemetery for the establishment, maintenance, and management thereof.”

Amendment of sec. 32. **5.** SECTION thirty-two of the principal Act is amended by omitting the words “ and the amount to be allowed as salary to the trustees.”

Trustees to receive fees. **6.** EVERY trustee may receive a fee of ten shillings and sixpence, or of such other amount, not exceeding one guinea, as the trustees may prescribe, for his attendance at every ordinary meeting of trustees.

Such fees may be paid out of any moneys at the disposal of the trustees.

The yearly abstract of accounts rendered pursuant to section thirty of the principal Act shall state the fees paid to each trustee.

Trustees may order exhumation and re-burial of bodies. **7.** THE trustees may, by order in writing, permit the exhumation of any body buried in the cemetery, for the purpose of burial in another part of the cemetery.

2° EDWARDI VII., No. 42.

*Cemeteries Act—Amendment.*

8. ANY Justice of the Peace may, in the case of any sudden, violent, or apparently unnatural death, by warrant under his hand in the form prescribed by an Ordinance to facilitate inquiries in the nature of Coroner's Inquests, passed in the nineteenth year of Her late Majesty and numbered ten, order the disinterment of any body.

Warrant for disinterment under 19 Vict., No. 10.

9. NOTWITHSTANDING anything contained in the principal Act to the contrary, the Governor may, with the consent of the trustees, if any, of any disused burial ground appointed under an Act passed in the fourth year of Her late Majesty and numbered six, by Order in Council vest any such disused burial ground in the trustees of any public cemetery appointed under the principal Act.

Disused burial grounds may be vested in trustees under principal Act.

10. EVERY disused burial ground vested in trustees under this Act shall be deemed a cemetery within the meaning of the principal Act, but no burial shall be permitted therein without the order of the Governor in each case.

Disused burial ground so vested to be deemed a cemetery.

11. THE Governor may direct that out of any moneys appropriated by Parliament for the purpose, such sum as to the Governor may seem fit may be paid to the trustees for the upkeep and repair of any disused burial ground vested in them under this Act.

Moneys may be appropriated and applied for upkeep of disused cemeteries

In the name and on behalf of the King I hereby assent to this Act.

E. A. STONE, Administrator.

THE SCHEDULE.

Section 2.

THIS INDENTURE, made the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, between [e.g., the Trustees of the Karrakatta Cemetery], incorporated under the Cemeteries Acts of 1897 and 1899 (hereinafter called "The Trustees"), of the one part, and [e.g., the Diocesan Trustees of the Church of England in Western Australia, incorporated by the statute 52 Victoria, No. 2], hereinafter called \_\_\_\_\_, of the other part.

WHEREAS the Trustees are trustees of the Public Cemetery at \_\_\_\_\_ and as such have vested in them \_\_\_\_\_ Location \_\_\_\_\_

AND WHEREAS [the parties of the second part] have applied to the Trustees to specially set apart a portion of the said Cemetery for the burial of persons belonging to and members of [e.g., the Church of England in Western Australia], which the Trustees have agreed to do on the conditions hereinafter mentioned.

NOW THIS INDENTURE WITNESSETH that the Trustees do hereby irrevocably set apart for the burial of persons belonging to and members of [e.g., the Church of England in Western Australia], ALL THAT piece of land coloured \_\_\_\_\_ in the diagram indorsed on these presents, being a portion of the Public Cemetery at \_\_\_\_\_, Location \_\_\_\_\_, together with full right of way for all purposes to and from such land.

AND THE TRUSTEES, so far as they lawfully can and may, covenant with the said \_\_\_\_\_ [the parties of the second part] not to permit any person to perform or take part in any religious ceremony in the burial of the dead on the said portion of land set apart by these presents unless such person is at such time a member of \_\_\_\_\_ and duly authorised by [the Trustees or recognised head of the religious denomination] to officiate at such a ceremony.

AND the said \_\_\_\_\_ [the parties of the second part] covenant with the Trustees not to use the portion of land so set apart except for the purposes and in the manner authorised by the said Acts.

AND IT IS HEREBY DECLARED that nothing herein contained shall prejudice or affect the right of the said \_\_\_\_\_ [the parties of the second part] to build on the said portion of land a suitable mortuary, church or chapel, subject to the conditions and permission prescribed by the said Acts.

IN WITNESS WHEREOF the parties hereto have hereunto set their common seals the day and year first before written.

The common seal of, etc., }  
was affixed, etc. }