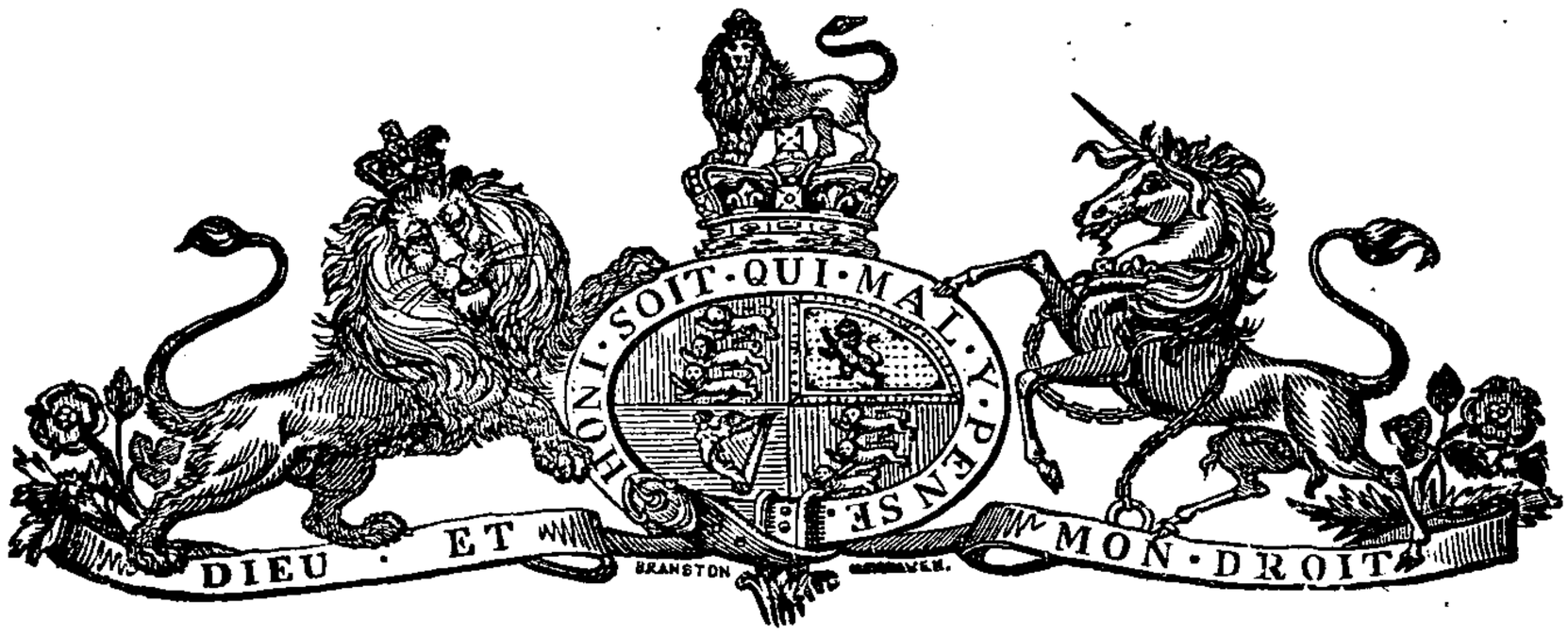


ANNO SEXTO

VICTORIÆ REGINÆ.

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of the said Township: And whereas it would be of great Advantage if additional Burial Grounds were provided for the Interment of the Dead in the Townships of *Birkenhead* and *Claughton-cum-Grange* in the said County of *Chester*, and if the Commissioners acting under the said recited Acts were enabled to provide the same: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Commissioners for the Time being acting under the said recited Acts shall be Commissioners for putting this Act into execution, and all the Powers and Provisions contained in the said recited Acts, so far as the same are now unrepealed and in force, and except such of them, or such Parts thereof, as are or may be by this Act, or by any other Act to be passed in the present Session of Parliament, repealed, altered, or otherwise provided for, shall, so far as the same are applicable, extend to this Act, and to the Acquisition of the Lands requisite for the Purposes thereof, and to other the Purposes and Things hereby authorized to be done, as fully and effectually as if the same Powers and Provisions were repeated and re-enacted in this Act in reference to the Purchase of such Lands, and to such other Purposes and Things.

Extending Powers of former Acts to this Act.

Power to buy Land.

II. And be it enacted, That it shall be lawful for the said Commissioners (subject to the Provisions in the said recited Acts and this Act contained) to purchase the Lands described in the Schedule (A.) to this Act annexed, or any Part thereof, and all subsisting Leases therein, and all Rent-charges, Annuities, Mortgages, or Incumbrances affecting any such Lands, and all Commonable or other Rights to which such Lands may be subject, and all other Estates or Interests in such Lands, of what Kind soever, for the Purpose of providing a Burial Ground or Burial Grounds for the Interment of the Dead within the said Townships of *Birkenhead* and *Claughton-cum-Grange*, or either of them, in manner and subject as herein-after mentioned.

Parties under Disability enabled to sell and convey.

III. And be it enacted, That it shall be lawful for all Persons, being seised, possessed of, or entitled to any such Lands, or any such Estate or Interest therein as aforesaid, and who are by the first-recited Act capacitated to sell Lands, to sell and dispose of, and convey or release the same to the Commissioners, and to enter into all necessary Agreements for that Purpose; and such Conveyance or Release may be according to the Form in the Schedule (B.) to this Act annexed, and the same, when duly executed, shall have the same Effect of vesting the Estate thereby conveyed or released in the Commissioners, as fully and effectually as though the same were according to the Form prescribed by the said recited Acts, or any of them.

Land attached to Parsonage House of Bidston to be

IV. And whereas it is proposed that the said Cemetery shall abut on Three Sides of the Land attached to the Residence House belonging to the Benefice of *Bidston* in the County of *Chester*, and whereon the same is built; and it is therefore expedient that a new

Residence House and Premises should be provided for the Incumbent thereof; be it therefore enacted, That in the event of Difference between the Parties interested as to the Value of the said Land the said Commissioners shall and they are hereby required, at their own Costs and Charges, within Six Calendar Months after Request in Writing of the Ordinary and Patron of the said Benefice, to cause the Site of the said House and Premises, and the said Land attached thereto (exclusive of the Buildings thereon), to be valued by Two able practical Surveyors, one to be nominated by the Ordinary for the Time being, and the other by the said Commissioners, or on their Neglect or Refusal by the Chairman of the Quarter Sessions for the County of *Chester*, and if such Two Surveyors cannot agree in the Valuation then by such Third Surveyor as such Two Surveyors shall for that Purpose nominate before proceeding in their Reference, and which they are hereby required to do; and the Amount at which the same shall be valued shall, within One Calendar Month after such Value shall have been so determined, be paid by the said Commissioners to the said Ordinary, and invested by him in Exchequer Bills, which shall be renewed by him from Time to Time until a convenient Site for the Residence herein-after mentioned shall be provided, when such Exchequer Bills shall be sold, and the Produce thereof, or so much thereof as shall be necessary, shall be applied in or towards providing such Site for a new Residence House and Premises for the Use of the Incumbent for the Time being of the said Benefice; and the Surplus, if any, of the Produce of the said Exchequer Bills shall be applied for the Benefit of the said Benefice in such Manner as the said Ordinary shall think fit: Provided always, that until a convenient Site for the Residence herein-after mentioned shall be provided the Interest accruing on the said Exchequer Bills shall be paid to the said Commissioners.

valued, and the Amount paid to the Ordinary, to be expended in providing a new Site.

V. And be it enacted, That the said Commissioners shall at their own Cost and Charges, within Twelve Calendar Months after receiving Notice from the said Ordinary that a Piece of Land has been so provided for the Purposes aforesaid, build thereon a Residence House and Premises, with suitable Fixtures, equally good in all respects as the Residence House and Premises now occupied by the said Incumbent, and the same shall be made and completed within the Period aforesaid suitable in every respect for the Purpose of Habitation, and such House shall from thenceforth be deemed and taken to be the House of Residence of such Benefice for all Purposes whatsoever.

When Land provided by Ordinary, Commissioners to build new Parsonage House thereon.

VI. And be it enacted, That the said Residence House and Premises so to be erected shall be completed in a State fit for Occupation before the said Incumbent shall be required to vacate the Residence House now occupied by him; and the said Commissioners, before requiring the said Incumbent to remove from the said Residence House now occupied by him, shall pay to such Incumbent the Sum of One hundred Pounds as and for Compensation for all Loss, Damage, Expence, or Inconvenience to which he may be put by reason of such Removal: Provided always, that previously to the Erection of the said Residence House and Premises by the said Commis-

Incumbent not to vacate Residence until new House fit for Occupation, &c.

Commissioners, and within One Month after being required so to do by the said Ordinary, (if the Land for the Purpose of the said intended Residence House and Premises shall have been then obtained,) they shall submit to the said Ordinary the Plan and Specification according to which they propose to erect and finish the same; and if any Difference shall arise as to whether the said intended House be equally good in all respects as compared with the House and Premises now occupied by the said Incumbent, or otherwise in relation to the said Plan and Specification, or the Mode in which the same shall have been carried into effect, or as to the Fitness of the said House for the Occupation of the said Incumbent, the same shall be referred to Arbitration in like Manner as the Value of the Land to be paid for by the said Commissioners as herein-before mentioned.

When Residence House completed the present Residence House, &c. to be assured to Commissioners.

VII. And be it enacted, That upon the said Residence House and Premises being completed and finished by the said Commissioners as aforesaid it shall be lawful for the said Incumbent, and for the said Ordinary and Patron, and they are hereby respectively authorized and required, to convey and assure the present Residence House, Gardens, Land, and Appurtenances belonging to the said Benefice unto and to the Use of the said Commissioners, in whom the same shall thenceforth vest for the Purposes of the said recited Acts and this Act.

Land Tax to be made good.

VIII. And for the Purpose of providing against Deficiencies in the Assessment for the Land Tax, occasioned by the Execution of the Powers of this Act, be it enacted, That if the Commissioners become possessed by virtue of this Act of any Lands charged with the Land Tax they shall from Time to Time be liable to make good any Deficiency in the Assessment for Land Tax which may arise from the taking of such Lands for the Purposes of this Act, and such Deficiency shall be computed according to the Rental at which such Lands, with any Buildings thereon, were valued or rated at the Time of the passing of this Act, and on Demand of the Sum which would have been payable in respect thereof the Treasurer under this Act shall pay the same to the Collector of the said Assessment; nevertheless, if at any Time the Commissioners think fit to redeem such Land Tax they may do so in accordance with the Powers in that Behalf given for the Redemption of the Land Tax.

Commissioners empowered to construct a Cemetery.

IX. And be it enacted, That it shall be lawful for the Commissioners to make and maintain a Cemetery or Burial Ground on the Lands comprised in the Schedule (A.) to this Act annexed, or so much of the same as shall be purchased by them, and to lay out and embellish the same in such Manner as they shall think proper.

Cemetery not to be within Three hundred Yards of certain Property;

X. Provided always, and be it enacted, That no Part of such Cemetery shall be within Three hundred Yards of any House of the annual Value of Fifty Pounds, or having a Plantation or ornamental Garden or Pleasure Ground occupied therewith, except with the Consent in Writing of the Owner, Lessee, and Occupier of such House.

XI. And

XI. And be it enacted, That every Part of the Cemetery shall be inclosed with Walls or other sufficient Fences. to be inclosed;

XII. And be it enacted, That the Commissioners shall keep the Cemetery, and the Buildings and Fences thereof, in complete Repair, out of the Monies to be received by them by virtue of this Act. to be kept in repair.

XIII. And be it enacted, That it shall be lawful for the Commissioners to make all necessary and proper Sewers, Drains, Wells, and other Conveniences in and about the Cemetery, for the Purpose of conveying the Water from the same, and keeping the same dry, and from Time to Time, as Occasion may require, to make Communications with any Branch or Main Sewer already made or hereafter to be made, with the Consent of the Commissioners or Persons having the Management of such Sewers, and of the Owners and Occupiers of the Lands through which such Communications may be made, doing as little Damage as possible to the Ground or the Streets or Places wherein such Sewer or Drain may be made, and replacing and closing the same, and otherwise making the same in the same State and Condition as before the Disturbance thereof, or as near thereto as possible. Power to make Sewers from the Cemetery.

XIV. And be it enacted, That if the Commissioners shall at any Time cause or suffer to be conveyed or to flow into any Stream, Reservoir, Aqueduct, Pond, or Place for Water any Washing or offensive Matter from the Cemetery, whereby the Water therein shall be fouled or corrupted, the Commissioners shall forfeit for every such Offence the Sum of Twenty Pounds. Penalty for corrupting Water.

XV. And be it enacted, That the said Penalty shall be recovered with full Costs of Suit in any of the Superior Courts, by Action of Debt or on the Case, by the Person whose Water shall be corrupted by such Washing or offensive Matter: Provided always, that the said Penalty shall not be recoverable unless the same be sued for within Twelve Months after the Commission of the Offence in respect of which such Penalty shall have been incurred. Penalty to be sued for in the Superior Courts within Twelve Months.

XVI. And be it enacted, That in addition to the said Penalty of Twenty Pounds (and whether such Penalty shall have been recovered or not) the Commissioners shall forfeit the Sum of Five Pounds (to be recovered in like Manner) for each Day such Washing or offensive Matter shall be conveyed or shall flow as aforesaid, after the Expiration of Twenty-four Hours from the Time at which Notice of the Offence shall have been served on the Commissioners by the Person whose Water shall be fouled or corrupted by such Washing or offensive Matter, and such Penalty shall be paid to such last-mentioned Person. Daily Penalty during the Continuance of the Offence.

XVII. And be it enacted, That it shall be lawful for the Bishop of the Diocese of *Chester* for the Time being to consecrate any Part of the Cemetery, and the Part so consecrated shall be used only for the Burial of the Dead according to the Rites of the Established Church. Consecration.

Title to be approved before Consecration.

XVIII. Provided always, and be it enacted, That it shall not be lawful for the said Bishop to consecrate any Land unless the Commissioners shall show to his Satisfaction a good Title to the same.

Consecrated Ground not to be sold, except for Interments.

XIX. And be it enacted, That it shall not be lawful for the Commissioners to sell or dispose of (except for the Purposes of Interment of the Dead, pursuant to the Provisions of this Act,) any Land which shall have been consecrated or used for the Burial of the Dead.

Consecrated Ground to be separated from the unconsecrated.

XX. And be it enacted, That in order to prevent any Doubt or Difficulty hereafter as to Boundaries, such Distinction, Mark, or Separation shall be made between the consecrated and unconsecrated Portions of the Cemetery as may be required by the Bishop of the Diocese for the Time being.

A Chapel for performing Burial Service according to the Rites of the Established Church, &c. may be erected.

XXI. And be it enacted, That it shall be lawful for the Commissioners to construct, within such Part of the Cemetery as shall be consecrated, a Chapel for the Reception of the Dead immediately previous to Interment, and for performing therein the Burial Service according to the Rites of the Established Church, and also such covered Porches or Colonnades, Catacombs, and Vaults for private or public Burial Places, and such other Buildings, as the Commissioners shall think proper.

Restriction against Removal of Bodies.

XXII. And be it enacted, That no Corpse interred in the consecrated Ground of the Cemetery shall be removed without the like Authority as by Law required for the Removal of any Corpse interred in the Churchyard belonging to a Parish Church.

Part of the Cemetery for Dissenters.

XXIII. And be it enacted, That it shall be lawful for the Commissioners to set apart a Portion of the Cemetery as a Place of Burial for Persons not being Members of the Established Church, and to permit the Bodies of their Dead to be interred therein: Provided always, that every such Burial shall be conducted in a decent and solemn Manner, and under such Regulations and Restrictions as the Commissioners shall impose.

Chapels for Dissenters.

XXIV. And be it enacted, That it shall be lawful for the Commissioners to construct within the unconsecrated Part of the Cemetery such Chapels as they may think necessary for the Reception of the Dead immediately previous to Interment, and for performing therein the Burial Service according the Rites of any Church or Congregation, other than the Established Church, by any Minister of such other Church or Congregation duly authorized by Law to officiate in such Church or Congregation, or recognized as such by the religious Community or Society to which he may belong, and also such covered Porches or Colonnades, and Catacombs and Vaults, for private or public Burial Places, and such other Buildings, as the Commissioners shall think proper.

Portion of Ground to be

XXV. And be it enacted, That Part of the consecrated Ground and Part of the unconsecrated Ground of the Cemetery shall be set

apart for the Burial of the Poor to be buried at the Expence of any Poor Law Union, Parish, or Ecclesiastical District. set apart for the Poor.

XXVI. And be it enacted, That a Plan of the Cemetery shall be made at the Expence of the Commissioners upon a Scale sufficiently large to show the Situation of every Vault and Place of Burial made therein, and all such Vaults and Places of Burial shall be numbered, and such Numbers shall be entered in Books to be kept for that Purpose, and such Books shall contain the Names and Descriptions of the several Persons interred in such Vaults and Places of Burial; and no Vault or Place of Burial shall be made in the Cemetery without the same being marked out in such Plan, and a corresponding Entry made in the said Book. Plan and Book of Reference to be kept.

XXVII. And be it enacted, That it shall be lawful for the Commissioners, under such Regulations and Restrictions and subject to such Conditions as they shall think proper, to sell the exclusive Right of Burial, either in perpetuity or for a limited Period, in any Vault, Catacomb, or Place of Burial constructed by the Commissioners within the Cemetery, and also the Right of constructing any Vault, Catacomb, or Place of Burial within the Cemetery, with the exclusive Right of Burial therein, in perpetuity or for a limited Period, and also the Right of single Interment in any Vault, Catacomb, or other Place of Burial constructed by the Commissioners, or in the open Ground of the Cemetery, and also the Right of erecting and placing any Monument or Gravestone in the Cemetery, or any Monument or monumental Inscription on the Walls of the Chapel or other Place within the Cemetery. Sale of Vaults, Rights of Burial, &c.

XXVIII. And be it enacted, That all the Monies which shall arise by any such Sale shall be applied, in the first place, in paying the Fees, Salaries, Stipends, and other Charges and Expences which by virtue of this Act shall from Time to Time be due or payable or otherwise incurred in carrying the same into execution; and the Surplus of such Monies (if any) shall from Time to Time be applied in aid of the Rate or Fund out of which, or on the Credit of which, the Burial Grounds hereby authorized to be made shall have been purchased and completed. Application of Monies arising from Sale of Vaults, &c.

XXIX. And be it enacted, That the Grant of the exclusive Right of Burial in any Vault, Catacomb, or Place of Burial, and of the Right of making any Vault, Catacomb, or Place of Burial, with the exclusive Right of Burial therein, either in perpetuity or for a limited Period, and of the Right and Privilege of erecting any Monument or Gravestone, shall be under the Hands of Five of the Commissioners, and may be made in the Form in Schedule (C.) to this Act annexed, or to the like Effect. Form of Grant.

XXX. And be it enacted, That a Register of all such Grants shall be kept by the Clerk to the Commissioners, and within Fourteen Days after the Date of any such Grant an Entry or Memorial of the Date thereof, and of the Parties thereto, and also of the Consideration for such Grant, and also a proper Description of the Vault, Catacomb, Register of Grants to be kept.

comb, or Burial Place, or of the Piece of Ground described in such Grant, so as the Situation thereof may be ascertained, shall be made by the said Clerk in such Register; and such Clerk shall receive such Sum as the Commissioners shall think fit, not exceeding Two Shillings and Sixpence, for every such Entry or Memorial; and the said Register may be perused at all reasonable Times by any Grantee of the Commissioners, or any Purchaser or intended Purchaser of any Right conveyed in any such Grant, upon Payment of the Sum of One Shilling to the said Clerk of the Commissioners.

Rights of Burial, &c. to be assignable.

XXXI. And be it enacted, That the exclusive Right of Burial or Interment in any such Vault, Catacomb, or Burial Place shall, whether granted in perpetuity or for a limited Period, be considered as the Personal Estate of the Grantee, and may be assigned in his Lifetime, or bequeathed by his Will.

Form of Assignment.

XXXII. And be it enacted, That every such Assignment shall be by Deed duly stamped, in which the Consideration shall be duly set forth, and may be in the Form in Schedule (D.) to this Act annexed, or to the like Effect.

Assignment to be registered.

XXXIII. And be it enacted, That an Entry or Memorial of every such Assignment shall, within Six Months after the Execution thereof, if executed in *England*, or within Six Months after the Arrival thereof in *England* if executed elsewhere, be made in the Register by the Clerk of the Commissioners, in the same Manner as that of the original Grant; and for every such Entry or Memorial the said Clerk shall receive such Sum, not exceeding Two Shillings and Sixpence, as the Commissioners shall direct.

Probates of Wills to be registered.

XXXIV. And be it enacted, That an Entry or Memorial of the Probate of every Will by which the exclusive Right of Burial in any Vault, Catacomb, or Burial Place within the Cemetery shall be bequeathed, and, in case there shall be any specific Disposition of such exclusive Right of Burial in the said Will, an Entry of such Disposition, shall, within Six Months after the Probate of such Will, be made in the said Register, in the same Manner as that of the original Grant; and for every such Entry or Memorial the Clerk of the Commissioners shall be entitled to receive any Sum not exceeding Two Shillings and Sixpence, as the Commissioners shall direct.

Vaults to be kept exclusively for the Parties entitled.

XXXV. And be it enacted, That no Person shall be interred in any Vault, Catacomb, or Burial Place, the exclusive Right of Burial wherein shall have been granted by the said Commissioners, other than the Owner for the Time being of such exclusive Right of Burial, and any other Person to whose Burial therein satisfactory Evidence shall be produced to the Commissioners that such Owner has consented.

Interments, Vaults, &c. to be subject to Regulations of Commissioners.

XXXVI. And be it enacted, That all Interments, Vaults, Catacombs, Burial Places, Monuments, Tombstones, and Gravestones in any Part of any such Burial Grounds shall be subject to such Regulations, Restrictions, and Conditions as the Commissioners shall from

from Time to Time make; nevertheless, all monumental Inscriptions within the consecrated Part of every such Burial Ground, or any Chapel of the Church of *England* connected therewith, shall have the Sanction of the Chaplain to be appointed by the Commissioners as herein-after mentioned, or of the Incumbent of *Birkenhead* for the Time being.

Restriction on Burial in Vaults under the Chapels.

XXXVII. And be it enacted, That it shall not be lawful to bury any Corpse within any Vault under any of the said Chapels unless the same shall be inclosed in a Coffin of Lead, or in Pitch of Half an Inch Thickness, between an interior and exterior Coffin of Wood.

Commissioners empowered to remove Monuments improperly erected.

XXXVIII. And be it enacted, That it shall be lawful for the Commissioners to take down and remove any Monument, Cenotaph, Gravestone, or other Erection which shall have been erected contrary to the Terms upon which Permission to erect the same was granted, or to obliterate any monumental Inscription made contrary to such Terms, or without Permission of the Commissioners.

Commissioners to resume Possession of Vault on Expiration of the Grant.

XXXIX. And be it enacted, That it shall be lawful for the Commissioners to resume the Possession of any Vault, Catacomb, or other Burial Place on the Determination of the Interest of the Grantee of the exclusive Right of Burial therein: Provided always, that in case of such Resumption of Possession by the Commissioners the Bodies which may have been interred in any such Vault, Catacomb, or Burial Place shall not be disturbed.

Burials in the consecrated Portion to be registered by the Chaplain.

XL. And be it enacted, That all Burials in the consecrated Part of the Cemetery shall be registered in Register Books, to be provided by the Commissioners, and kept for that Purpose by the Chaplain of the Commissioners, according to the Laws in force for keeping Registers in *England* by the Rectors, Vicars, or Curates of Parishes in Ecclesiastical Districts; and such Register Books, or Copies or Extracts therefrom, shall be received in all Courts as Evidence of such Burials, and Copies or Transcripts thereof shall be from Time to Time transmitted to the Registrar of the Ecclesiastical Court of the Bishop of *Chester*, to be kept with the Copies of the other Register Books of the Parishes within his Diocese.

Registers to be subject to the Regulations of 6 & 7 W. 4. c. 86. as to Searches, &c.

XLI. Provided always, and be it enacted, That the said Register Books, so far as respects Searches to be made therein, and Copies and Extracts to be taken therefrom, shall be subject to the same Regulations as are provided by an Act passed in the Session of the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for registering Births, Deaths, and Marriages in* England, so far as such Regulations relate to Register Books of Burials kept by any Rector, Vicar, or Curate.

Chaplain to be appointed by Commissioners, with Consent of the Bishop.

XLII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time, with the Consent of the Bishop of *Chester*, to appoint a Clergyman of the Established Church to officiate as Chaplain in the consecrated Part of the Cemetery, and such Chaplain shall be licensed by and be subject to the Jurisdiction of

the said Bishop; and the said Bishop shall have Power to revoke any such Licence, and to remove such Chaplain, for any Cause which shall appear to the said Bishop to be reasonable.

Chaplain to perform the Burial Service when required.

XLIII. And be it enacted, That the Chaplain shall, unless prevented by Sickness or any other reasonable Cause, perform, when required, the Burial Service within the consecrated Part of the Cemetery according to the Usage of the Established Church.

Other Clergymen to be allowed to officiate.

XLIV. And be it enacted, That it shall be lawful for any Clergyman of the Established Church, at the Request of the Executor of any deceased Person, or any other Person having the Charge of the Interment of any deceased Person, to perform the said Burial Service in the consecrated Part of the Cemetery.

Commissioners to pay the Chaplain a Stipend approved by the Bishop.

XLV. And be it enacted, That the Commissioners shall, out of the Monies to be received by virtue of this Act, allow to the Chaplain of the Cemetery for the Time being such a Stipend as shall be approved of by the Bishop of *Chester*; and such Salary or Stipend shall be payable on the Twenty-fifth Day of *March* and the Twenty-ninth Day of *September* in each Year, by equal Portions; and if any Chaplain shall resign or be removed in the Interval between the half-yearly Days of Payment, the Commissioners shall pay to him or his personal Representatives a Part of the half-yearly Payment of the Stipend, proportioned to the Time during which he shall have continued to be the Chaplain after the last Day of the Payment of the said Stipend, and the Remainder only of such half-yearly Payment shall be paid to the succeeding Chaplain.

Stipend to be recovered by Action at Law.

XLVI. And be it enacted, That if the Stipend of the said Chaplain, or any Part thereof, or any Apportionment thereof, shall not be paid to the Chaplain entitled to receive the same, or to the Executors or Administrators of a deceased Chaplain, for the Space of Thirty Days next after any of the Days of Payment, whenever the same ought to be paid, it shall be lawful for such Chaplain, or his Executors or Administrators, to recover the same, with full Costs of Suit, against the Commissioners, by Action of Debt or upon the Case, in any of the Superior Courts.

Appointment of Clerk and Sexton for the consecrated Portions.

XLVII. And be it enacted, That it shall be lawful for the Commissioners, with the Consent of the Chaplain for the Time being, from Time to Time to appoint a Clerk and Sexton to act in the consecrated Part of the Cemetery, and to remove such Clerk or Sexton at their Pleasure.

For the unconsecrated Portion.

XLVIII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to nominate and appoint a Clerk and Sexton in such Part of the Cemetery as shall not be consecrated, and to remove such last-mentioned Clerk or Sexton at their Pleasure.

Wages of Clerks and Sextons.

XLIX. And be it enacted, That the Wages or Stipends of all such Clerks and Sextons shall from Time to Time be fixed by the Commissioners.

L. And

Fees to be paid to the Incumbents of the Parishes from which Bodies are brought.

L. And be it enacted, That the Commissioners shall, on the Interment of every Corpse within the consecrated Part of the Cemetery, pay to the Incumbent of the Parish or Ecclesiastical District from which such Person shall have been removed for Interment, for the Time being, the Sums following; (that is to say,)

For every Corpse buried in the open Ground, Five Shillings:

For every Corpse interred in a Vault, Catacomb, or Brick Grave, the Sum of Ten Shillings:

For every Corpse interred at the Expence of any Union established for the Relief of the Poor in the several Parishes or Ecclesiastical Districts aforesaid, or at the Expence of any such Parish or Ecclesiastical District, such Sum, not exceeding Five Shillings, as may be agreed upon between the Bishop of the Diocese and the Commissioners.

Account of Interments to be kept.

LI. And be it enacted, That for the Purpose of ascertaining the Amount of Fees payable to the Incumbents of the several Parishes or Districts aforesaid the Commissioners shall cause Books to be kept, and Entries to be made therein of the Names of all Persons interred within the consecrated Part of the Cemetery, and the Names of the Parishes or Districts from which such Persons respectively shall have been removed, and the Mode of their Interment within the said Cemetery, (distinguishing whether in a Vault, Catacomb, or Brick Grave, or in the open Ground,) together with the Date of such Interment; and such Books shall be at all seasonable Times open to the Inspection of the Incumbents for the Time being of the said several Parishes or Districts, or any Person employed by them, without Fee or Reward.

Account of Fees to be rendered half-yearly by the Commissioners.

LII. And be it enacted, That the Commissioners shall on the Twenty-fifth Day of *March* in each Year, or within One Month afterwards, deliver to the Person who shall have been the Incumbent of any Parish or Ecclesiastical District on that Day, or to his Executors or Administrators, on Demand, an Account of the Fees which shall be payable in respect of Persons removed for Burial from such Parish or Ecclesiastical District between the said Twenty-fifth Day of *March* and the Twenty-ninth Day of *September* preceding; and the Commissioners shall on the Twenty-ninth Day of *September* in each Year, or within One Month afterwards, deliver to the Person who shall have been the Incumbent of any such Parish or Ecclesiastical District on that Day, or to his Executors or Administrators, on Demand, an Account of the Fees which shall be payable in respect of the Persons removed for Burial from such Parish or Ecclesiastical District between such Twenty-ninth Day of *September* and the Twenty-fifth Day of *March* preceding.

Fees to be paid half-yearly.

LIII. And be it enacted, That the Fees payable by virtue of this Act shall be paid half-yearly, on the Twenty-fifth Day of *March* and the Twenty-ninth Day of *September*, or within One Month afterwards, to the Persons who shall be the Incumbents of the Parishes or Ecclesiastical Districts in respect of which the same are payable on such Twenty-fifth Day of *March* and Twenty-ninth Day of *September*,

or

or to the Executors or Administrators of such Incumbents; (that is to say,) such Fees as shall accrue between the Twenty-ninth Day of *September* and the Twenty-fifth Day of *March* following shall be paid to the Person who shall be the Incumbent on the Twenty-fifth Day of *March*, and such Fees as shall accrue between the Twenty-fifth Day of *March* and the Twenty-ninth Day of *September* following to the Person who shall be the Incumbent on the Twenty-ninth of *September*; and if any such Fees shall not be paid to the Party entitled to receive the same within the Period herein-before limited for the Payment thereof, it shall be lawful for such Party to recover the same, by Action of Debt or on the Case, in any of the Superior Courts.

Payment to be made to Incumbent for the Time being, who is to account with his Predecessor.

LIV. And be it enacted, That if any Incumbent of any Parish or District in respect of which Fees are payable by the Commissioners by virtue of this Act shall cease to be Incumbent by Cession, Death, or otherwise, between the said Two half-yearly Days, such Incumbent shall be entitled to receive so much of the same, payable at the half-yearly Day which shall happen next after he shall cease to be Incumbent, as shall have accrued from the last preceding half-yearly Day, or from the Time when such Incumbent became first entitled to receive the Fruits of his Living, as the Case may require, up to the Day at which he ceased to be Incumbent; and the Incumbent of any Parish or District who shall receive from the Commissioners any Sum, to a Part of which any preceding Incumbent shall be entitled under the Provisions herein contained, shall pay such Part to him, his Executors or Administrators, accordingly; and the Commissioners shall not be answerable to any Person other than the actual Incumbent for the Time being for the Payment of any Fees or Arrears of Fees by virtue of this Act.

Penalty for damaging the Cemetery.

LV. And be it enacted, That if any Person shall wilfully destroy, deface, or injure any Building, Wall, or Fence of or belonging to the Cemetery, or any Part of the same, or any Bank, Tree, or Plant therein, or shall daub or disfigure any Wall thereof, or play at Ball or Fives against, or affix any Bill to the same, or wilfully destroy, injure, or deface any Monument, Tablet, Inscription, or Gravestone within the Cemetery, he shall forfeit for every such Offence a Sum not exceeding Ten Pounds.

Penalty for Nuisances in the Cemetery.

LVI. And be it enacted, That if any Person shall play at any Game, or discharge Fire-arms, other than at a Military Funeral, in the said Cemetery, or shall make any Noise therein to the Disturbance of any Persons assembled in the Cemetery for the Purpose of interring any Corpse therein, or commit any Nuisance within the Cemetery, he shall forfeit for every such Offence any Sum not exceeding Five Pounds.

Expences of providing Cemetery.

LVII. And be it enacted, That the said Commissioners shall defray all the Expences of and incident to the purchasing, completing, maintaining, and upholding the Cemetery hereby authorized, and otherwise in carrying this Act into execution, by and out of the Fees which they are hereby authorized to demand and receive,

and out of the Monies which they are by the recited Acts authorized to raise, or which by any Act or Acts to be passed in the present Session of Parliament they may be entitled to raise, upon the Credit of the Rates and Tolls thereby authorized to be levied, and on the Credit of the Property of the Commissioners, and it shall be lawful for the said Commissioners to appropriate any Part of the said Monies to such Purpose.

Costs of Act.

LVIII. And be it enacted, That the Costs, Charges, and Expences of and incident to the passing of this Act shall be paid out of the first Monies which shall come to the Hands of the said Commissioners by virtue of the said recited Acts, or either of them.

Interpretation Clause.

LIX. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number:

Words importing the Masculine Gender shall include Females:

The Word "Month" shall mean Calendar Month:

The Word "Person" shall include Corporation, whether Aggregate or Sole:

The Word "Lands" shall include Messuages, Lands, Tenements, and Hereditaments of any Tenure:

The Word "Commissioners" shall mean the Commissioners acting under and by virtue of this Act, and of the Acts recited in the Preamble of this Act:

The Expression "Superior Courts" shall mean Her Majesty's Superior Courts of Record at *Westminster*:

The Expression "the Established Church" shall mean the United Church of *England* and *Ireland* as by Law established:

The Expressions "the Cemetery" shall mean the Cemetery constituted by virtue of this Act.

Public Act.

LX. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

The SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

Schedule of Land.

ALL those Pieces of Land situate in Birkenhead and Claughton-cum-Grange in the County of Chester, included within the following Boundaries; that is to say, a Line commencing at a Boundary Stone situate at the Junction of the Townships of Claughton-cum-Grange, Oxton, and Bidston, and running thence due East Two hundred and seventy-three Yards or thereabouts along a Fence to an Occupation Road; thence running North along the said Occupation Road until it reaches the Turnpike Road leading from Birkenhead to Upton, Two hundred and ninety Yards or thereabouts; thence running West along the said Turnpike Road to its Junction with the old Road from Birkenhead to Bidston, One hundred and six Yards or thereabouts; thence in a Westerly Direction along the said old Road to its Junction with the Lane called White's Lane, One hundred and thirty Yards or thereabouts; thence in a Northerly Direction along the said Lane to the South Corner of a Field now in the Occupation of Mary White, Widow, Two hundred and five Yards or thereabouts; thence continuing in a Northerly Direction across the said Field and another Field, also in the Occupation of the said Mary White, to the House and Buildings in the Occupation of the said Mary White, One hundred and five Yards or thereabouts; and thence continuing in a Northerly Direction along the West Side of the said House and Buildings to a House now in the Occupation of William Wilcock, One hundred Yards or thereabouts; and thence continuing in a Northerly Direction along the West Side of the said last-mentioned House to and along the Line of an old Railway, to the Boundary Stone at the South-west Corner of the Land belonging to the Corporation of Liverpool, Two hundred and sixty-five Yards or thereabouts; thence in a North-westerly Direction in a straight Line One hundred and eighty Yards or thereabouts; thence turning in a curve Line, and running in a West and South-west Direction along the Base of Flaybrick Hill Two hundred and thirty Yards or thereabouts; thence turning at a Right Angle, and running in a Westerly Direction to a Ditch separating the Township of Birkenhead from the Township and Parish of Bidston, One hundred and sixty Yards or thereabouts; and thence in a Southerly Direction along a Fence forming the said Boundary to a Junction with the old Bidston Road, Two hundred and ten Yards or thereabouts; thence continuing in a Southerly Direction along the said last-mentioned

Road

Road Four hundred and thirty Yards or thereabouts; thence continuing in a Southerly Direction along a Cart Track passing on the Westerly Side of a House now in the Occupation of the Reverend Mr. Gate to the Upton Turnpike Road, Two hundred Yards or thereabouts; and thence continuing in a Southerly Direction along the Boundary separating the Township of Claughton-cum-Grange from the Township of Bidston to the first-mentioned Boundary Stone, Two hundred and fifty Yards or thereabouts (excepting out of the said Boundary the House, Outbuildings, Yard, and Garden situate in Claughton-cum-Grange, belonging to the Lord Bishop of Chester as paramount Patron of Bidston, and the Reverend Joseph Gate, Incumbent, and occupied by the said Reverend Joseph Gate; and also excepting out of the said Boundary the Turnpike Road leading from Birkenhead to Upton in the said County of Chester).

SCHEDULE (B.)

Form of Conveyance.

I *A.B.* of in consideration of the Sum of paid to me [*or, as the Case may be,*] into the Bank of England in the Name and with the Privity of the Accountant General of the Court of Chancery ex parte the Commissioners of the Township of Birkenhead, [*or* to *A.B.* and *C.D.*, Two Trustees appointed to receive the same,] pursuant to an Act passed, *&c.*, intituled, *&c.* [*here insert Title of this Act*], do hereby convey to the said Commissioners, their Successors and Assigns, all [*describing the Premises*], together with all Ways, Rights, and Appurtenants thereto belonging, and all such Estate, Right, Title, and Interest in and to the same as I am or shall become seised or possessed of, or am by the said Act, or any Act therein recited, empowered to convey, to hold the Premises to the said Commissioners, their Successors and Assigns for ever, according to the true Intent and Meaning of the said Act.

In witness, *&c.*

SCHEDULE (C.)

Form of Grant of Right of Burial, &c.

THE BIRKENHEAD CEMETERY.

By virtue of an Act passed, *&c.*, intituled, *&c.*, we, "The Commissioners of the Township of Birkenhead," in consideration of the Sum of to us paid by *A.B.* of do hereby grant and convey unto the said *A.B.* the exclusive Right of Burial and Interment [*or, as the Case may be,* the Right and Privilege

lege of erecting and making, and the exclusive Right of Burial when made,] in [*here describe the Vault, Catacomb, or Place of Burial, or the Ground intended for the Construction of a Vault, Catacomb, or Place of Burial, or for the Erection of a Monument or Gravestone* (*as the Case may be*), *so as to identify the same*], to hold the same to the said *A.B.* in perpetuity [*or for the Period agreed upon*] for the Purpose of Burial [*or as the Case may be*].

Given under the Hands of Five of the said Commissioners this Day of in the Year of our Lord .

SCHEDULE (D).

Form of Assignment of Right of Burial, &c.

THE BIRKENHEAD CEMETERY.

I *A.B.* of in consideration of the Sum of paid to me by *C.D.* of do hereby assign unto the said *C.D.* the exclusive Right of Burial or Interment in all [*here describe the Vault, Catacomb, or Burial Place,*] which was granted to me [*or* unto *A.B.* of] in perpetuity [*or as the Case may be*] by "The Commissioners of the Township of Birkenhead," by a Deed bearing Date the Day of and all my Estate, Title, and Interest therein, to hold the same unto the said *C.D.*, his Executors, Administrators, and Assigns, in perpetuity [*or as the Case may be*] for the Remainder of the Period for which the same was granted by the said Commissioners, subject to the same Conditions as I held the same immediately before the Execution hereof.

Witness my Hand and Seal this Day of .

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