CHAPTER xi.

An Act to enable the Bristol General Cemetery Company to enlarge their Cemetery and for other purposes. A.D. 1891.

[11th May 1891.]

WHEREAS by the Bristol Cemetery Act 1837 (which Act is herein-after referred to as "the Act of 1837") the Bristol General Cemetery Company (herein-after called "the Company") were incorporated and under the powers of that Act purchased lands at Arno's Vale near to the city of Bristol and constructed a cemetery: 1 Vict. c. cxxxi.

And whereas by the Bristol Cemetery Act 1880 (which Act is herein-after referred to as "the Act of 1880") the Company were authorised to acquire additional lands and to enlarge their said cemetery and to raise additional capital by shares or stock and by borrowing on mortgage: 43 & 44 Vict. c. lxxix.

And whereas by reason of the increase of the population in and in the neighbourhood of the said city it has become necessary that additional space should be provided for the interment of the dead and it is expedient that the said cemetery should be further extended and enlarged and that the Company should be authorised to purchase for that purpose certain lands and property adjoining the said cemetery and described in the schedule to this Act:

And whereas by section 28 of the Act of 1837 it is provided that upon the interment within any part of the consecrated portion of the said cemetery of every person who should appear by the books of the Company to have been removed for the purpose of interment from any parish or ecclesiastical district or division of a parish within the distance of ten miles of the said cemetery the Company should pay to the incumbent for the time being of such parish district or division of a parish from which such person should have been so removed the sum of ten shillings and also to the person at the time of the passing of the Act of 1837 holding the office of clerk of such parish district or division of a parish so long as he should hold that office the sum of one shilling and in sections

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29 to 33 inclusive of the Act of 1837 consequential provisions are contained with respect to the keeping and making up of accounts of such fees and the time and mode of their payment:

And whereas at the date of the passing of the Act of 1837 there were within ten miles of the said cemetery parishes ecclesiastical districts or divisions of parishes having churches and churchyards in which interments might lawfully take place but now many of those churches and churchyards are wholly or partially closed for interments and it is expedient that the provisions herein-after contained should be made for the cesser of the payment of such fees:

And whereas the purposes aforesaid cannot be effected without the authority of Parliament:

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 as follows (that is to say):—

Short titles.

1. This Act may be cited for all purposes as the Bristol Cemetery Act 1891 and this Act and the Acts of 1837 and 1880 may be cited together as the Bristol Cemetery Acts 1837 to 1891.

Incorporation of general Acts.

2. The Lands Clauses Acts are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction And for the purposes of this Act in the Acts incorporated herewith the expression "the promoters of the undertaking" means the Company and the expression "court of competent jurisdiction" "superior courts" or any other like expression shall have effect as if the debt or demand with respect to which the expression is used was a common simple contract debt and not a debt or demand created by statute.

Power to purchase additional land for cemetery.

4. Subject to the provisions of this Act the Company may purchase all or any part of the lands described in the schedule to this Act and all the powers and provisions of the Act of 1837 as amended by this Act (except those as to the acquisition of lands the limitation of the quantity of lands to be held by the Company and the situation of the cemetery with respect to certain houses) shall extend and be applicable to the said lands.

Restriction on taking houses of

5. The Company shall not under the powers of this Act without the consent of the Local Government Board take ten or more houses

which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers. labouring class.

For the purposes of this section the expression "labouring class" includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

6. Before the Company use for burial purposes any portion of the land to be acquired under the powers of this Act they shall effectually drain the subsoil of the said land into the drainage system of the existing cemetery. New land to be drained.

7. No part of the enlargement or extension of the cemetery by this Act authorised shall be made within three hundred yards of any house of the annual value of fifty pounds existing at the passing of this Act or of any garden or pleasure ground occupied therewith except with the consent in writing of the owner lessee and occupier of such house. Enlargement of cemetery not to be within three hundred yards of certain property without consent.

8. In construing section 127 of the Lands Clauses Consolidation Act 1845 for the purposes of this Act the prescribed period for the sale of superfluous lands shall be ten years from the passing of this Act. Time for sale of superfluous lands.

9. Subject to the provisions of the Lands Clauses Acts with respect to the sale of superfluous lands the Company may sell lease exchange or otherwise dispose of in such manner for such consideration and on such terms and conditions as they think fit and in case of sale either in consideration of a gross sum or sums or of an annual rent or rents or of any payment in any other form the whole or any part of the land described in the schedule to this Act which they may not require or which they may from any cause be unable to use for the purposes of their cemetery and which shall not have been consecrated or used for the burial of the dead and may sell or otherwise dispose of any rents reserved on any sale lease or disposition of such land and may make execute and do any deed act or thing proper for effectuating any such sale lease exchange or other disposition. Power to sell &c. land not used for cemetery.

10. The Company may contribute any sum of money and appropriate any land for the time being belonging to them (other than consecrated land or land in which any person has been interred) Company may contribute &c. towards road improvements.

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towards the widening or improving by any road authority or any persons or person of any roads lanes or ways to the cemetery.

Company may enter into agreements for improving roads.

11. The Company may enter into agreements with the authority owner or persons having the management of any such road lane or way as aforesaid for enabling the Company to widen or improve any such road lane or way and for maintaining the same.

Provision as to fees payable to incumbents by the Company.

12. From and after the first avoidance which shall occur after the passing of this Act in the church of any parish ecclesiastical district or division of a parish within ten miles of the cemetery all liability of the Company to pay to the incumbent of that parish ecclesiastical district or division of a parish any fee upon the interment within the consecrated part of the cemetery of a person removed for the purpose of interment from that parish ecclesiastical district or division of a parish shall cease unless at the time of such removal such person might have been lawfully interred in the said church or in the churchyard thereof.

Power to apply corporate funds to purposes of Act.

13. The Company may apply to the purposes of this Act any of the moneys which they have now in their hands or which they have power to raise under the Acts of 1837 and 1880 and which may not be required for the purposes of those Acts.

Costs of Act.

14. All the costs charges and expenses of and preparatory and incidental to the application for and passing of this Act shall be paid by the Company.

The SCHEDULE referred to in the foregoing Act.

LANDS AND PROPERTY IN THE PARISH OF BEDMINSTER IN THE COUNTY OF SOMERSET TO BE TAKEN UNDER THE POWERS OF THIS ACT.

1. Certain lands containing seven acres two roods and one perch or thereabouts and belonging or reputed to belong to Admiral Maxse and bounded on the northern side by the existing cemetery of the Company on the east by land belonging or reputed to belong to the Arno's Vale Convent and on the south and western sides by land belonging or reputed to belong to the said Admiral Maxse.

2. Certain lands containing two acres and twenty-nine perches or thereabouts and belonging or reputed to belong to the said Admiral Maxse and bounded on the northern side by the existing cemetery of the Company on the east and south by land belonging or reputed to belong to the said Admiral Maxse and on the west by land belonging or reputed to belong to the Company.

3. Certain lands containing thirty-three and a half perches or thereabouts and belonging or reputed to belong to Thomas Clark and bounded on the northern side by the said existing cemetery of the Company on the east and south-east by a road leading to the said existing cemetery and on the west by the gardens in the front of Highgrove House.

4. Certain lands containing three perches or thereabouts and belonging or reputed to belong to the said Thomas Clark and bounded on the north and north-eastern sides by the gardens of Highgrove House aforesaid and on the east and south by the said road leading to the said existing cemetery.

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