CAP. CXXXIV.

An Act to amend the Laws concerning the Burial of the Dead in *England* beyond the Limits of the Metropolis, and to amend the Act concerning the Burial of the Dead in the Metropolis. [20th *August* 1853.]

15 & 16 Vict. c. 85.

'WHEREAS an Act was passed in the last Session of Parliament "to amend the Laws "concerning the Burial of the Dead in the Metropolis," and it is expedient to make 'better Provision for and in relation to Burials beyond the Limits of the said Act:' Be it therefore 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:

On Representation of Secretary of State, Her Majesty in Council may restrain the opening of new Burial Grounds, and order Discontinuance of Burials in specified Places.

I. In case it appear to Her Majesty in Council, upon the Representation of One of Her Majesty's Principal Secretaries of State, that for the Protection of the Public Health the opening of any new Burial Ground in any City or Town, or within any other Limits, save with the previous Approval of One of such Secretaries of State, should be prohibited, or that Burials in any City or Town, or within any other Limits, or in any Burial Grounds or Places of Burial, should be wholly discontinued, or should be discontinued subject to any Exception or Qualification, it shall be lawful for Her Majesty, by and with the Advice of Her Privy Council, to order that no new Burial Ground shall be opened in such City or Town, or within such Limits, without such previous Approval, or (as the Case may require) that after a Time mentioned in the Order Burials in such City or Town, or within such Limits, or in such Burial Grounds or Places of Burial, shall be discontinued wholly, or subject to any Exceptions or Qualifications mentioned in such Order, and so from Time to Time as Circumstances may require: Provided always, that Notice of such Representation, and of the Time when it shall please Her Majesty to order the same to be taken into consideration by the Privy Council, shall be published in the *London Gazette*, and shall be affixed on the Doors of the Churches or Chapels of, or on some other conspicuous Places within, the Parishes affected by such Representation, One Month before such Representation is so considered: Provided also, that no such Representation shall be made in relation to the Burial Ground of any Parish until Ten Days previous Notice of the Intention to make such Representation shall have been given to the Incumbent and the Vestry Clerk or Churchwardens of such Parish.

Order not to extend to Burial Grounds of Quakers or Jews, unless expressly included.

II. No such Order in Council as aforesaid shall be deemed to extend to any Burial Ground of the People called Quakers, or of the Persons of the Jewish Persuasion, used solely for the Burial of the Bodies of such People and Persons respectively, unless the same be expressly mentioned in such Order; and nothing in this Act shall prevent the Burial in any such Burial Ground in which for the Time being Interment is not required to be discontinued of the Bodies of such People and Persons respectively; and no such Order in Council as aforesaid shall be deemed to extend to any non-parochial Burial Ground being the Property of any private Person, unless the same be expressly mentioned in such Order.

Burial not to take place after Order in Council for Discontinuance.

III. It shall not be lawful, after the Time mentioned in any such Order in Council for the Discontinuance of Burials, to bury the Dead in any Church, Chapel, Churchyard, or Burial Place, or elsewhere, within the Parts to which such Order extends, or in the Burial Grounds or Places of Burial (as the Case may be) in which Burials have by any such Order been ordered to be discontinued, except as in this Act or in such Order excepted; and every Person who shall, after such Time as aforesaid, bury any Body, or in anywise act or assist in the Burial of any Body, contrary to this Enactment, shall be guilty of a Misdemeanor.

Saving of certain Rights to bury in Vaults, &c.

IV. Provided always, That notwithstanding any such Order in Council, where by virtue of any Faculty legally granted, or by Usage or otherwise, there is at the Time of the passing of this Act any Right of Interment in or under any Church or Chapel affected by such Order, or in any Vault of any such Church or Chapel, or of any Churchyard or Burial Ground affected by such Order, and where any exclusive Right of Interment in any such Burial Ground has been purchased or acquired before the passing of this Act, it shall be lawful for One of Her Majesty's Principal Secretaries of State from Time to Time, on Application

Application being made to him, and on being satisfied that the Exercise of such Right will not be injurious to Health, to grant Licence for the Exercise of such Right during such Time and subject to such Conditions and Restrictions as such Secretary of State may think fit; but such Licence shall not prejudice or in anywise affect the Authority of the Ordinary, or of any other Person who, if this Act had not been passed, might have prohibited or controlled Interment under such Right, nor dispense with any Consent which would have been required, nor otherwise give to such Right any greater Force or Effect than the same would have had if this Act had not been passed.

Not to extend to certain Cemeteries or new Burial Grounds, &c.

V. The Provisions of this Act shall not extend to authorize the Discontinuance of Burials, or to prevent the Burial of the Body of any Person, in any Cemetery established under the Authority of any Act of Parliament, or in any Burial Ground or Cemetery to be hereafter provided with the Approval of One of Her Majesty's Principal Secretaries of State, as herein mentioned.

New Burial Grounds not to be opened contrary to Order in Council.

VI. Where by any such Order in Council as aforesaid it is ordered that no new Burial Ground shall be opened in any City or Town, or within any Limits therein mentioned, without the previous Approval of One of Her Majesty's Principal Secretaries of State, no new Burial Ground or Cemetery (parochial or non-parochial) shall be provided and used in such City or Town, or within such Limits, without such previous Approval.

Certain Provisions of Metropolitan Burial Act, 15 & 16 Vict. c. 85., extended to Parishes, &c. not in the Metropolis.

VII. All the Provisions contained in the said Act of the last Session of Parliament, Chapter Eighty-five "to amend the Laws concerning the Burial of the Dead in the Metro- "polis," from Section Ten to Section Forty-two (both inclusive) of the said Act, and also in Sections Forty-four, Fifty, Fifty-one, and Fifty-two of the said Act, shall extend and be applicable to and in respect of any Parish not in the Metropolis, and for the Purpose of providing a Burial Ground for any such Parish, or otherwise providing for the Interment of the Bodies of Persons who would have had Right of Interment in the Burial Ground of any such Parish, and generally in relation to every such Burial Ground to be so provided, and the Fees and Payments to be received in respect of Interment or other Rights therein and otherwise, as if such Sections were re-enacted in this Act, and the Words "in the Metropolis," wherever they occur in such Sections, or any of them, were omitted; and Section Forty-nine of the said Act shall extend to all Cemeteries already established and hereafter to be established under the Authority of Parliament in like Manner as to those mentioned in Schedule (B.) to that Act, and as respects the Cemeteries to which such Section is hereby extended, the same shall also apply in respect of Burials at the Expense of any Hospital or Infirmary in like Manner as to Burials at the Expense of a Union or Parish: Provided always, that in all Cases in which any Burial Board shall provide a new Burial Ground under the said Act of the last Session of Parliament or under this Act, that new Burial Ground shall be divided into consecrated and unconsecrated Parts in such Proportions, and the unconsecrated Part thereof shall be allotted in such Manner and in such Portions as may be sanctioned by One of Her Majesty's Principal Secretaries of State; and when any Burial Board shall by virtue of Section Thirty of the said Act build on any Burial Ground provided by such Board a Chapel for the Performance of the Burial Service according to the Rites of the United Church of *England* and *Ireland*, they shall also build, on the Portion of such Ground set apart for Burials otherwise than according to the Rites of the said Church, such Chapel Accommodation for the Performance of Burial Service by Persons not being Members of the said Church as may be approved of by One of Her Majesty's Secretaries of State.

Any Burial Board building a Chapel for Burials according to the Rites of the Church of England also to build a Chapel for Persons not being Members of the Church of England.

Register of Burials to be kept in every Ground provided under 15 & 16 Vict. c. 85. or under this Act.

Entries to be Evidence.

VIII. All Burials within any Burial Ground provided under the said Act of the last Session of Parliament or this Act shall be registered in a Register Book to be provided by the Burial Board providing such Ground (or where the same is provided by the Commissioners of Sewers of the City of *London* then by such Commissioners), and kept for that Purpose according to the Laws in force by which Registers are required to be kept by the Rectors, Vicars, or Curates of Parishes or Ecclesiastical Districts in *England*; and such Register Book shall be so kept by some Officer appointed by the said Board or Commissioners to that Duty; and in such Register Books shall be distinguished in what Parts of the Burial Ground, and where the whole of such Burial Ground is not consecrated for Interments according to the Rites of the United Church of *England* and *Ireland*, whether in the Portion

so consecrated or in the Portion not so consecrated the several Bodies (the Burials of which are entered in such Register Books) are buried; and in case such Burial Ground has been provided for more than One Parish, such Register shall be kept or indexed so as to facilitate Searches for Entries in such Books in respect of Bodies from the several Parishes; and such Register Books or Copies or Extracts therefrom shall be received in all Courts as Evidence of the Burials entered therein, and Copies or Transcripts of such Register Books, verified and signed by such Officer as aforesaid, shall be from Time to Time sent to the Registrar of the Diocese to be kept with the Copies of the other Register Books of the Parishes within such Diocese; and 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 Seventh Year of 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.

6 & 7 W. 4. c. 86.

Act, except ss. 7. and 8., not to extend to the Metropolis.

IX. Nothing in this Act, except the Provisions in Sections Seven and Eight, shall extend to any Parish in "the Metropolis," as defined by the said Act of the last Session, or otherwise affect the Provisions of that Act.

Extent of Act.

X. This Act shall not extend to *Scotland* or *Ireland*.

CAP. CXXXV.

An Act to continue certain Turnpike Acts in *Great Britain*, and to make further Provisions concerning Turnpike Roads in *England*. [20th *August* 1853.]

'WHEREAS it is expedient to continue for limited Times the Acts herein-after specified, and to make further Provisions concerning Turnpike Roads in *England*:' 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:

All Turnpike Acts expiring before End of next Session continued to 1st Oct. 1854, &c., with certain Exceptions.

I. Every Act now in force for regulating, making, amending, or repairing any Turnpike Road in *Great Britain* which will expire on or before the End of the next Session of Parliament shall be continued until the First Day of *October* One thousand eight hundred and fifty-four, and to the End of the then next Session of Parliament; except an Act of the Third Year of King *George* the Fourth, Chapter Sixty-four, "for amending and maintaining "the Road from *Whitchurch* to *Ternhill* in the County of *Salop*," and except as herein-after mentioned.

Acts in Schedule continued till 1st Nov. 1854.

II. The Acts mentioned in the Schedule to this Act annexed shall continue in force until the First Day of *November* One thousand eight hundred and fifty-four, and no longer, unless Parliament shall in the meantime continue the same respectively.

12 & 13 Vict. c. 87.

III. 'And whereas by an Act of the Session holden in the Twelfth and Thirteenth 'Years of Her Majesty, Chapter Eighty-seven, it was enacted, that in every Case in which 'the Trustees or Commissioners of any Turnpike Road should thereafter borrow, charge, or 'secure any Money on the Credit of the Tolls arising on such Road, such Trustees or 'Commissioners should, out of the Tolls of such Road, and in priority to all other Payments 'except such Interest as therein mentioned, set apart a Sum of Five Pounds *per Centum* '*per Annum* on the Amount of Money so borrowed, charged, or secured; and when and so 'often as the Sums so set apart should amount to Two hundred Pounds, the said Trustees or 'Commissioners should apply such Sum in Payment of a proportionate Part of the Monies 'borrowed, charged, or secured as aforesaid, in manner therein mentioned: And whereas

13 & 14 Vict. c. 79.

'by the Act of the Session holden in the Thirteenth and Fourteenth Years of Her Majesty, 'Chapter Seventy-nine, it was enacted, that where the Trustees or Commissioners of any 'Turnpike Road had, before the passing of the said Act of the Twelfth and Thirteenth

'Years