be lawful for them to make Sale or to dispose of such Ground, at such Time and at such Prices and in such Manner as in their Discretion shall seem fit, and to apply the Proceeds of such Sale or Sales, from Time to Time, for or towards the Purposes herein-before mentioned.

Commissioners to report.

XV. The Church Building Commissioners shall make an annual Report to Parliament respecting their Proceedings in pursuance of this Act.

Extent of Act.

XVI. This Act shall extend only to that Part of the United Kingdom called *England* and *Wales*.

Continuance of Act.

XVII. The Operation of this Act shall be limited to Five Years from the Date of the same receiving the Royal Assent.

CAP. CXXVIII.

An Act further to amend the Laws concerning the Burial of the Dead in *England*. [14th *August* 1855.]

15 & 16 Vict. c. 85.
16 & 17 Vict. c. 134.
17 & 18 Vict. c. 87.

'WHEREAS an Act was passed in the Session of Parliament holden in the Fifteenth and Sixteenth Years of Her Majesty (Chapter Eighty-five), "to amend the Laws concerning the Burial of the Dead in the Metropolis;" and an Act was passed in the Session of Parliament holden in the Sixteenth and Seventeenth Years of Her Majesty (Chapter One hundred and thirty-four), "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;" and an Act was passed in the last Session of Parliament (Chapter Eighty-seven), "to make further Provisions for the Burial of the Dead in *England* beyond the Limits of the Metropolis:" And whereas it is expedient that further Provision should be made for the Burial of the Dead, and that the said Acts should be amended:' 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:

Orders in Council under the recited Acts may be varied by like Orders.

I. It shall be lawful for Her Majesty, by and with the Advice of Her Privy Council, from Time to Time to postpone the Time appointed by any Order in Council for the Discontinuance of Burials, or otherwise to vary any Order in Council made under any of the said recited Acts or this Act, (whether the Time thereby appointed for the Discontinuance of Burials thereunder or other Operation of such Order shall or shall not have arrived,) as to Her Majesty, with such Advice as aforesaid, may seem fit; and every Order of Her Majesty in Council made before the passing of this Act for varying any Order previously made under the said Acts or any of them shall be deemed valid and effectual in Law.

Penalty on Persons burying contrary to the Provisions of Orders in Council.

II. If any Person, after the Time mentioned in any Order in Council under the said Acts or any of them, or this Act, for the Discontinuance of Burials, shall knowingly and wilfully bury any Body or in anywise act or assist in the Burial of any Body in any Church, Chapel, Churchyard, Burial Ground, or Place of Burial or (as the Case may be) within the Limits in which Burials have by such Orders been ordered to be discontinued, in violation of the Provisions of any such Order, every Person so offending shall, upon summary Conviction before Two Justices of the Peace, forfeit a Sum not exceeding Ten Pounds.

Power to Churchwardens to call Vestry Meetings for providing Burial Grounds. Where Order in Council has been made, or

III. The Churchwardens or other Persons to whom it belongs to convene Meetings of the Vestry of any Parish in which no Burial Board has been appointed may, at any Time, at their Discretion, without Requisition of Ratepayers for that Purpose, convene a Meeting of such Vestry for the Purpose of determining whether a Burial Ground shall be provided for the Parish; and where any Order in Council has been made before the passing of this Act for discontinuing Burials (wholly or subject to any Exception or Qualification) in any Burial Ground of any Parish for which no Burial Board has been appointed, or Notice

Notice has been given of the Intention of the Secretary of State to make a Representation to Her Majesty in Council that Burials should be discontinued (wholly or subject to any Exception or Qualification) in any Burial Ground of any Parish, the Churchwardens or other Persons to whom it belongs to convene Meetings of Vestry shall, with all convenient Speed after the passing of this Act, convene a Meeting of the Vestry for the Purpose aforesaid; and where at any Time hereafter Notice is given of the Intention of the Secretary of State to make a like Representation in relation to a Burial Ground of any Parish, such Churchwardens or other Persons as aforesaid shall forthwith convene a Meeting of the Vestry for the Purpose aforesaid; and all the Provisions of the said Acts as amended by this Act relating to and consequent upon Vestry Meetings convened upon such Requisition as provided by the first-recited Act shall be applicable to Vestry Meetings convened under this Enactment.

Notice given to apply to the Privy Council for closing Burial Grounds, Churchwardens shall call a Meeting of Vestry.

IV. Every Vacancy in any Burial Board shall be filled up by the Vestry appointing the same within One Month after such Vacancy shall have happened, and immediately on the Occurrence thereof the same shall be notified by the Burial Board to the Churchwardens or other Persons to whom it belongs to convene Meetings of the Vestry; and in case any such Vestry shall neglect to fill up any such Vacancy, the Vacancy may be filled up by the Burial Board at any Meeting thereof; and every Person to be appointed to supply any such Vacancy shall be a Ratepayer of the Parish for which the Burial Board is appointed; and every such Board may act for any Purpose, notwithstanding any Vacancies therein.

Vacancies in Burial Board to be filled up by Vestry within a Month.

V. So much of Section Thirteen of the said Act of the Fifteenth and Sixteenth Years of Her Majesty as requires that the Burial Board shall meet once at least in every Month shall be repealed.

Monthly Meetings of Boards repealed.

VI. If the Vestry of any Parish shall refuse or neglect to authorize the Expenditure of such Sums as the Burial Board of such Parish shall have declared to be necessary for providing and laying out a Burial Ground, and building the necessary Chapel or Chapels therein, it shall be lawful for such Burial Board to represent such Refusal or Neglect to One of Her Majesty's Principal Secretaries of State; and in case it shall appear to the Secretary of State, after Inquiry into the Circumstances of the Case, that the Burial Board are unable to provide such Burial Ground, or to proceed effectually in the Execution of their Duties, by reason of such Refusal or Neglect, it shall be lawful for such Secretary of State, by Warrant under his Hand, to authorize such Burial Board, without further Authority, Sanction, or Approval of or by such Vestry, to expend such Sums of Money for providing and laying out a Burial Ground, and building the necessary Chapel or Chapels thereon, and to borrow and charge such Money for all or any of such Purposes, and to enter into and make such Contracts and Purchases, and do such other Acts as under the Sections Nineteen, Twenty, Twenty-six, and Forty-two of the said Act of the Fifteenth and Sixteenth Years of Her Majesty might have been expended, borrowed, and charged, entered into, made, and done with the Authority, Approval, and Sanction of such Vestry, subject, nevertheless, to such Limitation of Amount or other Limitation or Restriction as such Secretary of State may by his Warrant prescribe; and all Acts done in pursuance of such Warrant shall be as valid and effectual as if the Authority, Approval, and Sanction of such Vestry had in every Case been obtained.

Sanction of Vestry not required for Expenditure and other Acts of Burial Board in certain Cases.

VII. All such Fees, Payments, and Sums as may be fixed, settled, and received by any Burial Board under Section Thirty-four of the said Act of the Fifteenth and Sixteenth Years of Her Majesty, shall be so fixed and settled subject to the Approval of One of Her Majesty's Principal Secretaries of State; and no such Fees, Payments, or Sums shall be altered or varied without such Approval.

Fees, &c. to be subject to the Approval of Secretary of State.

VIII. It shall be lawful for One of Her Majesty's Principal Secretaries of State from Time to Time to appoint and authorize any Person to inspect any Burial Ground or Cemetery, parochial or non-parochial, or Place for the Reception of Bodies, to ascertain the State and Condition thereof, and where Regulations in relation thereto have been made or may be made by the Secretary of State under the said Acts or any of them, to ascertain whether such Regulations have been observed and complied with; and if any Person having the Care of any such Burial Ground or Cemetery or other Place shall obstruct any Person

Secretary of State may direct Inspection of Burial Grounds.

Penalty for obstructing Inspector or

violating Regulations.

Person so authorized to inspect the same, or if any Person having the Care of any Burial Ground or Place for the Reception of Bodies subject to such Regulations as aforesaid shall violate or neglect or fail to observe and comply with any such Regulation, or any Regulation imposed by this Act, every Person so offending shall upon summary Conviction thereof before Two Justices forfeit and pay a Sum not exceeding Ten Pounds.

Part of Section 24. of 15 & 16 Vict. c. 85. repealed.

IX. So much of the said Act of the Fifteenth and Sixteenth Years of Her Majesty as enacts that "no Ground (not already used as or appropriated for a Cemetery) shall be "appropriated as a Burial Ground or as an Addition to a Burial Ground under that Act "nearer than Two hundred Yards to any Dwelling House, without the Consent in Writing "of the Owner, Lessee, and Occupier of such Dwelling House," shall be repealed; but no Ground not already used as or appropriated for a Cemetery shall be used for Burials under the said Act or this Act, or either of them, within the Distance of One hundred Yards from any Dwelling House, without such Consent as aforesaid.

Burial Ground not to be within 100 Yards of a Dwelling House.

If Ratepayers resolve, Land for new Burial Ground may be conveyed and settled as old Burial Ground.

X. If the Ratepayers assembled at any Vestry duly convened under the Provisions of this Act shall, in pursuance of public Notice duly given in that Behalf, resolve unanimously that any new Burial Ground to be provided for their Parish, under the Provisions of this Act, shall be held and used in like Manner and subject to the same Laws and Regulations in all respects as the existing Burial Ground or Churchyard of the said Parish, the Land for such new Burial Ground may be conveyed and settled in accordance with such Resolution, anything in this or the said recited Acts notwithstanding, and in such Case it shall not be necessary to set apart to remain unconsecrated any Portion of the Land so conveyed and settled: Provided always, that if at any Time within Ten Years thereafter the Vestry, duly convened under the Provisions of this Act in pursuance of Public Notice duly given in that Behalf, should determine that an unconsecrated Burial Ground should be also provided for such Parish, all the Powers and Provisions of the said recited Acts and this Act may be put in force and shall be applicable for providing such unconsecrated Burial Ground separately, in like Manner as they might have been put in force and been applicable for providing an ordinary Burial Ground for such Parish.

How Burial Grounds are to be provided for united Parishes.

XI. Where a Parish or Place has been united with any other Parish or Place, Parishes or Places, for all or any Ecclesiastical Purposes, or where Two or more Parishes or Places have heretofore had a Church or a Burial Ground for their joint Use, or where the Inhabitants of several Parishes or Places have been accustomed to meet in One Vestry for Purposes common to such several Parishes or Places, it shall be lawful for the Vestry or any Meeting in the Nature of a Vestry of such several Parishes or Places in any of the Cases aforesaid, and whether any One or more of such Parishes or Places do or do not separately maintain its own Poor, to appoint a Burial Board, and from Time to Time to supply Vacancies therein, and to exercise the same Powers of Authorization, Approval, and Sanction in relation to such Burial Board, and such other Powers as under the said Acts and this Act are vested in the Vestry of a Parish or Place separately maintaining its own Poor; and the Burial Board so appointed shall have all the Powers for providing a Burial Ground for the common Use of such several Parishes or Places, and for facilitating Interments, and otherwise, as if such several Parishes or Places had been a Parish separately maintaining its own Poor; and the Expenses of the Burial Board appointed under this Provision shall be borne by the several Parishes or Places for which such Board is appointed, and shall be apportioned among them by such Burial Board in proportion to the Value of the Property in such several Parishes or Places as rated to the Relief of the Poor; and the Sums required by the Burial Board in respect of the Portion of such Expenses to be borne by any such Parish or Place shall be paid out of the Rates for the Relief of the Poor in such Parish or Place, in like Manner as if such Burial Board had been appointed for such Parish or Place alone.

Burial Boards may be appointed for Township, &c. (not separately maintaining their own Poor)

XII. The Vestry or Meeting in the Nature of a Vestry of any Parish, Township, or other District not separately maintaining its own Poor, which has heretofore had a separate Burial Ground, may appoint a Burial Board, and from Time to Time supply Vacancies therein, and may exercise the same Powers of Authorization, Approval, and Sanction in relation to such Burial Board, and such other Powers as under the said Acts and this Act are

are vested in the Vestry of a Parish separately maintaining its own Poor; and the Burial Board so appointed shall have all the Powers for providing a Burial Ground and otherwise as if such Parish, Township, or other District had been a Parish separately maintaining its own Poor.

which have had separate Burial Grounds.

XIII. Where any District (whether a Parish or Township, or other Subdivision) not separately maintaining its own Poor but forming Part of a Parish maintaining its own Poor, or of an Incorporation or other Union maintaining the Poor of the Places comprised therein, by means of a common Rate, shall have a Burial Board, or shall form Part of a Place or Union of Places not co-extensive with the Area rated for the Relief of the Poor, and having One Burial Board, it shall be lawful for such respective Burial Board to issue their Certificate to the Overseers of such Parish, or the Overseers or other Persons authorized to make and collect or cause to be collected such common Rate (as the Case may be), for Payment of the Sums required for the Expenses of such Burial Board, or, where such District not separately maintaining its own Poor forms Part only of the Area of the Burial Board, of the Sums required in respect of the Portion of such Expenses to be borne by such District, in like Manner as if such District had been a Parish separately maintaining its own Poor, and such Overseers or Persons authorized as aforesaid had been the Overseers thereof; and such Overseers or Persons shall pay such Sums as shall be required by such Certificate, according to the Directions of such Burial Board, and shall levy such Sums as may be required for such Payments to the Burial Board by an Addition to the Parish Rate or common Rate, so far as the same affects the District in respect of which such Payments are required, or by separate Rates to be made from Time to Time on such District; and for levying such Additions or separate Rates as aforesaid such Overseers or other Persons shall have the Powers, Remedies, and Privileges, and proceed in the same Manner, as in the Case of the Rates for the Relief of the Poor; provided that any such Rates may (notwithstanding any Restriction in relation to the Parish Rate or common Rate) be made and levied at such Times as may be necessary to provide for the Payments aforesaid.

Provision for Expenses of Burial Boards of Places not separately maintaining their own Poor.

XIV. 'And whereas Doubts have arisen whether in all Cases in which any Burial Board 'shall build in any Burial Ground provided by such Board a Chapel for the Burial Service 'according to the Rites of the United Church of *England* and *Ireland*, such Burial Board is 'not also bound by Law to build a Chapel or Chapels upon the unconsecrated Part of such 'Burial Ground for the Performance of Burial Service for Persons not being Members of the 'said Church:' Be it enacted, That in any such Case as aforesaid, where it shall appear to One of Her Majesty's Principal Secretaries of State, upon the Representation of a Majority of the Vestry of any Parish, consisting of not less than Three Fourths of the Members of the same, that the Building of a Chapel upon the unconsecrated Part of any such Burial Ground for the Use of Persons not being Members of the said Church is undesirable and unnecessary, it shall be lawful for the said Secretary of State, if he shall think fit, to signify his Opinion to that Effect to the Burial Board of the Parish, and the said Burial Board shall thereupon be relieved from all Obligation to build the same: Provided always, that such Secretary of State shall not signify his Opinion as aforesaid unless it be shown to his Satisfaction that Notice of the Intention to propose to such Vestry to make such Representation was given in manner required by Law for Notices of Vestry Meetings, and of the special Purposes thereof.

No Obligation to build a Chapel for Persons not Members of the Church of England when Secretary of State, upon Representation of Three Fourths of Vestry, declares it unnecessary.

XV. No Land already or to be hereafter purchased or acquired, under the Provisions of any of the Acts herein-before recited, for the Purpose of a Burial Ground (with or without any Building erected or to be erected thereon), shall while used for such Purposes be assessed to any County, Parochial, or other local Rates at a higher Value or more improved Rent than the Value or Rent at which the same was assessed at the Time of such Purchase or Acquisition.

Assessment to local Rates not to be increased after Purchases for the Purposes of this or any former Act.

XVI. That in any Case where the Burial Boards appointed under the said recited Acts of the Fifteenth and Sixteenth and the Sixteenth and Seventeenth Years of Her Majesty, or either of them, for any Two Parishes, shall provide separate Burial Grounds for such Parishes respectively, and such Burial Grounds shall adjoin each other, it shall be lawful for the said Burial Boards to concur in building, either on One of the said Burial Grounds or partly on One of such Grounds and partly on the other, such Chapels as are authorized to be built by the said

Separate Burial Boards whose Burial Grounds adjoin may contract with each other for specific Purposes.

said Acts, and that such Chapels when erected shall be used in common by both of such Parishes, and be deemed and taken to be the Chapels of and belonging to each of such Burial Grounds respectively, in such Manner, consistent with the Provisions of the said Acts or either of them, as the said Burial Boards shall mutually agree upon; and that the said Burial Boards may agree as to the Proportions in which the Expenses of erecting such Chapel Accommodation shall be borne by each of the said Boards respectively; and the Proportion for each of such Parishes of such Expenses shall be chargeable upon and paid in the same Manner as the Costs of providing Burial Grounds under the said Acts; and where any Burial Board shall provide a Burial Ground, and cause Chapels to be built thereon, pursuant to the said recited Acts, it shall be lawful for such Burial Board, with the Sanction of One of Her Majesty's Principal Secretaries of State, to contract with any other Burial Board whose Burial Ground shall adjoin the One on which such Chapels shall so have been built, for the Use of such Chapels, in such Manner and on such Terms as such respective Burial Boards shall mutually agree, and that during the Existence of any such Agreement such Chapels shall be deemed and taken to be the Chapels of and belonging to each of such Burial Grounds respectively.

Burial Board may let Land not required for Burials.

XVII. It shall be lawful for any Burial Board, with the Sanction of One of Her Majesty's Principal Secretaries of State, and subject to Regulations approved of by him, to let any Land purchased by and vested in them under this Act or any of the Acts herein-before recited, and which has not been consecrated, and in which no Body has been at any Time interred, and which is not for the Time being required for the Purposes of a Burial Ground, in such Manner and on such Terms as such Board may see fit, but so nevertheless that Power shall be reserved to such Board to resume any such Land which may be required for the Purposes aforesaid, upon giving Six Months Notice.

Burial Board to keep in Order closed Burial Grounds, &c.

XVIII. In every Case in which any Order in Council has been or shall hereafter be issued for the Discontinuance of Burials in any Churchyard or Burial Ground, the Burial Board or Churchwardens, as the Case may be, shall maintain such Churchyard or Burial Ground of any Parish in decent Order, and also do the necessary Repair of the Walls and other Fences thereof, and the Costs and Expenses shall be repaid by the Overseers, upon the Certificate of the Burial Board or Churchwardens, as the Case may be, out of the Rate made for the Relief of the Poor of the Parish or Place in which such Churchyard or Burial Ground is situate, unless there shall be some other Fund legally chargeable with such Costs and Expenses.

Act not to abridge Powers of Local Boards of Health, &c.

XIX. Nothing in this Act contained shall in anywise abridge, lessen, or defeat any Power, Right, or Privilege of any Local Board of Health being the Burial Board of a Borough created or to exist under or by virtue of any Local Act of Parliament.

Local Boards of Health to exercise Powers of this Act.

XX. Any Local Board of Health acting as or created a Board under or by virtue of the Powers of any Local Act of Parliament shall and may have and exercise all the Powers, Rights, and Privileges which by this Act or by the secondly-recited Act are or can or may be had, enjoyed, or exercised by any Burial Board therein named.

Acts to be construed together.

XXI. The said Acts of the Fifteenth and Sixteenth, Sixteenth and Seventeenth, and Seventeenth and Eighteenth Years of Her Majesty and this Act shall be read and construed together as One Act.

CAP. CXXIX.

An Act to apply a Sum out of the Consolidated Fund and the Surplus of Ways and Means to the Service of the Year One thousand eight hundred and fifty-five, and to appropriate the Supplies granted in this Session of Parliament. [14th *August* 1855.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, towards making good the Supply which we have cheerfully granted to Your Majesty in this Session of Parliament,