ANNO QUADRAGESIMO OCTAVO

GEORGII III. REGIS.

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CAP. LXXV.

An Act for providing ſuitable Interment in Churchyards or Parochial Burying Grounds in *England*, for ſuch dead Human Bodies as may be caſt on Shore from the Sea, in caſes of Wreck or otherwiſe.

[18th *June* 1808.]

WHEREAS no Proviſion hath yet been made by the Laws now in force for providing ſuitable Interment in Churchyards or Parochial Burying Grounds, for ſuch dead Human Bodies as may be caſt on Shore from the Sea by Wreck or otherwiſe, in that Part of the United Kingdom called *England*: And whereas it is expedient that Proviſion ſhould be made for the decent Interment of ſuch Bodies; May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King'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, from and after the paſſing of this Act, the Churchwarden and Churchwardens, Overſeer and Overſeers of the Poor for the Time being of the reſpective Pariſhes

In Caſes where dead Human Bodies ſhall be caſt on Shore,

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Church-wardens, &c. of the Parish where the Body shall be found to cause the same to be removed and interred in a decent Manner in the Churchyard of such Parish.

Parishes throughout *England*, in which any dead Human Body or dead human Bodies shall be found thrown in or cast on Shore from the Sea by Wreck or otherwise, shall and he and they is and are hereby required, upon Notice to him or them given that any such Body or Bodies are thrown in or cast on Shore by the Sea, and is or are lying within the Bounds of the Parish for which he or they shall be Churchwarden or Churchwardens, Overseer or Overseers of the Poor, to cause the same to be forthwith removed to some convenient Place, and with all convenient Speed to cause such Body or Bodies to be decently interred in the Churchyard or Burial Ground of such Parish, so that the Expences attending on such Burial do not exceed the Sum which at that Time is allowed in such Parish for the Burial of any Person or Persons buried at the Expence of such Parish: Provided always, that in case any such Body or Bodies shall be thrown in or cast on Shore from the Sea in any Extra-parochial Place where there is no Churchwarden or Churchwardens, Overseer or Overseers of the Poor, then and in every such Case the Constable or Headborough of such Place shall, on Notice being given to him that such Body or Bodies is or are lying in such Extra-parochial Place, forthwith cause such Body or Bodies to be removed to some convenient Place, and with all convenient Speed cause the same to be buried in such and the like Manner as the Churchwardens and Overseers within *England* are hereby required to bury such Body or Bodies.

Minister of the Parish to perform the Funeral Service, &c.

II. And be it further enacted, That every Minister, Parish Clerk, and Sexton of such respective Parishes shall perform their several and respective Duties in such and the like Manner as is customary in other Funerals, and shall admit of such Body or Bodies being interred in such Churchyards or Burial Grounds without any improper Loss of Time, receiving for the same, by way of Compensation, such and the like Sums as in Cases of Burials made at the Expence of such Parishes.

Rewarding Persons finding dead Human Bodies, and giving Notice thereof to Parish Officers.

III. And be it further enacted, That in case any Person or Persons shall find any such Body or Bodies cast on Shore from the Sea by Wreck or otherwise, and shall within Six Hours thereafter give Notice thereof to some one of the Churchwardens or Overseers of the Poor of the Parish for the Time being in which such Body or Bodies shall be found, or to the Constable or Headborough for the Time being, in Case such Body or Bodies shall be found in any Extra-parochial Place, or cause such Notice to be left at his or their last or usual Place or Places of Abode, then and in every such Case such Person or Persons shall receive the Sum of Five Shillings for his, her, or their Trouble, such Sum to be forthwith paid to the Person or Persons first giving such Notice only; but nevertheless that no greater Sum than Five Shillings shall be paid for any one Notice, although there may be a greater Number of such Bodies than one.

Persons finding dead Human Bodies cast on Shore, and not giv-

IV. Provided always, and be it further enacted, That in case any Person or Persons shall find any such Body or Bodies cast on Shore from the Sea by Wreck or otherwise, and shall not within Six Hours thereafter give Notice to some one of the Churchwardens or Overseers of

Bodies

the Poor of the Parish for the Time being in which such Body or Bodies shall be found, or to the Constable or Headborough for the Time being, in case such Body or Bodies shall be found in any Extra-parochial Place, or cause such Notice to be left at his or their last or usual Place or Places of Abode, then and in every Case such Person or Persons shall for every such Offence forfeit and pay the Sum of Five Pounds.

ing Notice, subject to a Penalty.

V. And be it further enacted, That all necessary and proper Payments, Costs, Charges, and Expences which shall be made or incurred in or about the Execution of this Act, shall be made and paid by the Churchwarden or Churchwardens, Overseer or Overseers, Constable or Headborough for the Time being of such respective Parishes and Places as aforesaid.

Expences to be paid by Churchwardens, &c.

VI. And, for the Purpose of reimbursing him or them all such Payments, Costs, Charges, and Expences, be it further enacted, That it shall and may be lawful to and for any one Justice of the Peace for the County or Place within that Part of the United Kingdom called *England*, in which any such Body or Bodies shall have been so removed and buried as aforesaid, by any Writing under his Hand, to order and direct the Treasurer for such County to pay such Sum or Sums of Money to such Churchwarden and Churchwardens, Overseer and Overseers, Constable or Headborough, for his or their Costs and Expences in or about the Execution of this Act (after the same shall have been duly verified on Oath) as to the said Justice shall seem reasonable and necessary; and such Treasurer shall and he is hereby authorized and required forthwith to pay the Sum or Sums of Money so ordered and directed to be paid to the Person or Persons empowered to receive the same; and such Treasurer shall be allowed the same in his Accounts.

Who are to be reimbursed by the Treasurer of the County.

VII. Provided always, and be it enacted, That in case any such Churchwarden or Churchwardens, Overseer or Overseers, Constable or Headborough, shall refuse or neglect to remove or cause to be removed such Body or Bodies from the Sea Shore to some convenient Place prior to the Interment thereof, for the Space of Twelve Hours after such Notice given to him or them, or left in Writing at his or their last or usual Place or Places of Abode by any Person or Persons whomsoever, or shall neglect or refuse to perform the several other Duties required of him and them by this Act, then and in every such Case every such Churchwarden or Overseer, Constable or Headborough, shall for every such Offence forfeit and pay the Sum of Five Pounds.

Penalty on Parish Officers neglecting to remove and inter dead Human Bodies so found or cast on Shore.

VIII. And be it further enacted, That all Penalties and Forfeitures which shall be incurred under this Act, if not paid on Conviction, shall be levied and recovered by Distress and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hand and Seal of any Justice of the Peace for the County or Place where the Offence shall happen (which Warrant such Justice is hereby empowered to grant on the Confession of the Party, or upon the Evidence of any credible Witness upon

Recovery of Penalties under this Act.

upon Oath) and the Surplus of the Money arising by such Distress and Sale shall be returned on Demand to the Owner of such Goods and Chattels, after deducting the Costs and Charges of making, keeping, and selling the Distress; and such Penalties and Forfeitures, when recovered, shall be paid to the Informer or Informers; and in case sufficient Distress shall not be found, or such Penalties and Forfeitures shall not be paid forthwith, it shall and may be lawful to and for such Justice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause the Offender or Offenders to be committed to the Common Gaol or House of Correction of such County or Place, there to remain without Bail or Mainprize, for any Time not exceeding Two Calendar Months, nor less than Fourteen Days, unless such Penalties and Forfeitures, and all reasonable Charges attending the Recovery thereof, shall be sooner fully paid and satisfied.

IX. And be it further enacted, That in all Cases where any Conviction shall be had for any Offence or Offences committed against this Act or against any Order of Sessions, or any Matter in pursuance of this Act, the Form of Conviction shall be in the Words or to the Effect following; (that is to say),

Form of Conviction.

'BE it remembered, That on this Day of in the Year of the Reign of 'A.B. is convicted before One of His Majesty's 'Justices of the Peace for the of having '[*as the Offence shall be*] and I the said do 'adjudge him [*or*, them] to forfeit and pay for the same the Sum of 'Given under my Hand and Seal 'the Day and Year aforesaid.'

Appeal to the Quarter Sessions.

X. Provided always, and be it enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Judgment or Determination, or by any Matter or Thing done in pursuance of this Act, such Person or Persons may appeal to the Justices of the Peace at the First General or Quarter Sessions of the Peace to be holden for the County or Place (within which the Matter of Appeal shall arise) next after the Expiration of One Calendar Month from the Time such Matter of Appeal shall have arisen, the Person or Persons appealing having first given Ten Days Notice at least of his or their Intention to bring such Appeal, and of the Matter thereof, to the Person or Persons so appealed against, and forthwith after such Notice entering into a Recognizance before some Justice of the Peace for such County or Place, with sufficient Sureties conditioned to try such Appeal and abide the Order and Award of the said Court thereon; and the said Justices at such Sessions, upon due Proof of such Notice and Recognizance having been given and entered into, are hereby authorized and required to hear and determine the Matter of such Appeal in a summary Way, and to make such Determination therein, and to award such Costs to either of the Parties, or otherwise, as they shall judge proper; and the said Justices may if they see cause mitigate any Fine, Penalty, or Forfeiture, and may also order such further Satisfaction to be made to the Party injured as they shall judge

judge reasonable; and all such Determinations of the said Justices shall be final, binding, and conclusive upon all Parties, to all Intents and Purposes whatsoever.

Proceedings not to be quashed for want of Form.

XI. And be it further enacted, That where any Distress shall be made for any Sum of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on account of any Defect or Want of Form in the Information, Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto; nor shall the Party or Parties distrained be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity that shall be afterwards done by the Party or Parties so distraining, but the Person or Persons aggrieved by such Irregularity, shall and may recover full Satisfaction for the special Damage in an Action upon the Case.

Penalties to be paid by Persons incurring the same, and not by the Parish.

XII. Provided always, and be it further enacted, That all Penalties and Expences attendant thereon, which shall be incurred under the Provisions of this Act, shall be paid and borne by the Person or Persons incurring the same, and that the Parish or Place wherein such Person or Persons ought to have acted in the Duties prescribed by this Act shall be wholly exempted therefrom.

Lords of Manors, &c. to pay the same Fee as heretofore on interring dead Human Bodies, &c.

XIII. Whereas in Cases of dead Wrecks, wherein no living Person is found, or Owner known, the Lords of Manors on which any such dead Body or dead Bodies may be washed in, and who are entitled to Wreck there, have usually paid a small Fee for the placing such Body or Bodies in the Ground in the State in which the same have been found, and such Payments have been adduced and admitted as Proof on Trials at Common Law of the Right of such Lords of Manors to Wrecks in such Manors; be it therefore enacted, That in all and every such Cases it shall and may be lawful to and for all and every Lord or Lords of any Manor or Manors throughout *England* to pay or cause to be paid to the Churchwarden or Churchwardens, Overseer or Overseers, Constable or Headborough of such respective Parishes and Places as aforesaid, such and the like Sums as he or they was or were heretofore accustomed to pay for the placing any such Body or Bodies into the Ground as aforesaid; such Sums to go in Part Payment and Discharge of the Costs and Expences to be incurred in or about the Execution of this Act, and Credit to be given for the same by such Overseers, Churchwardens, Constable or Headborough, in their Accounts with the County to which such Accounts shall be submitted; any Thing in this Act to the contrary thereof in anywise notwithstanding.

How Expences of Interment shall be defrayed.

XIV. And, for defraying the Expences of the Removal and Burial of such Body or Bodies as aforesaid, and all other Expences necessary for the Execution of this Act, be it further enacted, That the Justices of the Peace at the General or Quarter Sessions may cause such Sums of Money as shall be necessary for all or any of the Purposes aforesaid, to be raised in the same Manner as Rates are directed to be raised by an Act, made in

the Twelfth Year of the Reign of His late Majesty King *George* the Second, intituled, *An Act for the more easy assessing, collecting, and levying of County Rates.*

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