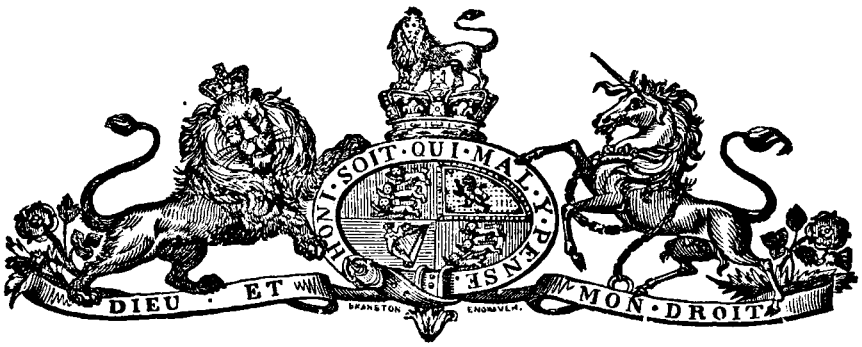


ANNO NONO & DECIMO

VICTORIÆ REGINÆ.

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CAP. LXVIII.

An Act for better enabling the Burial Service to be performed in One Chapel where contiguous Burial Grounds shall have been provided for Two or more Parishes or Places.

[26th *August* 1846.]

WHEREAS an Act was passed in the Session of Parliament holden in the Eighth and Ninth Years of the Reign of Her present Majesty, intituled *An Act for the further Amendment of the Church Building Acts*, whereby it was amongst other things enacted, that where any Land should have been purchased or obtained for any new or additional Burial Ground not within the Bounds of the Parish or Parishes for the Use of which the same should have been so purchased or obtained, it should be lawful for Her Majesty's Commissioners for building new Churches, if they should think fit, in accepting a Conveyance of such Land for the Purposes aforesaid, under the Provisions of the therein-before recited Acts or any of them, to declare in such Conveyance, or by any other Instrument under their Common Seal, that such Land should, after the Consecration thereof for the Purposes aforesaid, be and be deemed to be Part of the Parish or Parishes for the Use of which such Land should have been so purchased or obtained, and after Consecration 8 & 9 Vict. c. 70.

such Land should be Part of such Parish or Parishes accordingly for the Purposes aforesaid: And whereas it is expedient that the said Provision of the herein-before recited Act 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, That such Provision shall extend to any distinct and separate Parish, District Parish, District Chapelry, or Consolidated District already or to be hereafter formed under the Church Building Acts, and to any new Parish already or to be hereafter constituted by or under the Proceedings of the Ecclesiastical Commissioners for *England*, and that where any Land, wherever situated, shall have been purchased or obtained for the Purpose herein-before recited, for the Use of Two or more Parishes or Places, it shall be lawful for the said Commissioners, in accepting a Conveyance of such Land for the Purposes aforesaid, to order and direct in such Conveyance, or by any other Instrument under their Common Seal, that any Chapel which at the Time of such Order and Direction shall have been or shall be thereafter erected on any Portion of such Land as aforesaid for the Performance of the Burial Service therein, and any Lodge or other Building which shall at the Time of such Order and Direction have been erected or shall thereafter be erected on any Part of such Land, and also any and every Access or Approach to and from such Chapel, Lodge, or other Building, shall be for the Use of all and every of the Parishes or Places for which such Land shall have been purchased or obtained and conveyed as aforesaid, and such Order and Direction shall be valid and binding; and it shall be lawful for the Officiating Minister of each Parish respectively to use (subject to the Regulations herein-after mentioned) the said Chapel for the Purpose of the Burial Service therein; and the like Fees for the Performance of such Burials, and for the making, opening, or using any Catacombs, Vaults, or Ground for Burials within each such Burial Ground, shall be due and payable as are accustomed to be taken in the Parish for which such Burial Ground shall have been purchased, obtained, and conveyed as aforesaid; and the Use of such Chapel, Lodge, or other Building by such Officiating Minister for the Purpose aforesaid shall be subject to such Regulations as the Bishop of the Diocese shall at any Time under his Hand and Seal make or ordain.

Church Building Commissioners may direct that One Chapel shall be used by the different Parishes or Places for which Burial Grounds contiguous to each other shall have been provided.

Ministers of each Parish may use the Chapel.

Same Fees payable as are due in Parishes for which Ground has been purchased.

II. And be it enacted, That it shall be lawful for the said Bishop, in consecrating such Chapel as aforesaid for the Purposes aforesaid, to declare in the Sentence of Consecration that such Chapel is intended for the Use of the respective Parishes or Places, for the Performance of the Burial Service therein, for which such Land shall have been purchased or obtained and conveyed as aforesaid; and if any additional Land shall after the Consecration of such Chapel be purchased or obtained, and conveyed as aforesaid to the said Commissioners, as a Burial Ground, for the Use of such Parish or Parishes, Place or Places, or for the Use of any other Parish or Parishes, Place or Places, (such Land adjoining or being near to such former Land so purchased or obtained and conveyed,) such Chapel, subject to the Regulations as aforesaid by the Bishop of the Diocese, may be used for the Performance of the Burial Service in such additional Ground, and such

Bishop of the Diocese may declare in the Sentence of Consecration that such Chapel is intended for the Use of such respective Parishes or Places.

Lodge or other Building, and every Access and Approach to and from such Chapel, Lodge, or Building, may be in like Manner used for the Purposes aforesaid.

One Boundary Fence sufficient, unless Bishop direct Bound Stones to be put down for marking Boundaries of each Parish.

III. And be it enacted, That for the Enclosure of such Land One Boundary Fence around the whole may be declared by such Bishop (if he think fit) sufficient, without any Sub-division Fences enclosing the Portions conveyed to the said Commissioners for the Use of the several Parishes or Places respectively; but if the said Bishop shall think fit he may require such Bound Stones to be put down as may appear to him necessary for marking the Boundaries of the Land so conveyed as aforesaid to the said Commissioners for the Use of the respective Parishes.

This Act not to authorize any Church Rate for the Repair of the Chapel, &c.

A sufficient Fund for such Repair or Sustentation shall be set apart, and invested in the Names of Trustees.

Vacancies amongst Trustees to be filled up.

IV. Provided always, and be it enacted, That nothing in this Act contained shall be construed to authorize any Church Rate to be made on the said Parishes or any of them for the Repair or Sustentation of such Chapel, Lodge, or other Building, or Fence as aforesaid, but such Repair or Sustentation shall be provided for by such a Sum of Money as the said Commissioners shall consider sufficient; and such Sum shall be set apart, and invested in Government Securities in the Names of Trustees to be appointed by the said Commissioners, and shall be held by such Trustees in trust for the Purposes aforesaid, and the Dividends or annual Proceeds arising therefrom shall be applied in and about such Repair and Sustentation, as and when the Trustees or Trustee for the Time being, with the Consent of the Bishop of the Diocese, shall deem fit from Time to Time to direct; and in case of a Vacancy or Vacancies amongst such Trustees, the remaining Trustees or Trustee, and if there shall be no remaining Trustee, or no Trustee that is capacitated or willing to act, the Bishop of the Diocese, shall supply such Vacancy or Vacancies, by the Appointment of a fresh Trustee or Trustees, who shall hold such Trust Fund, and apply the annual Dividends and Proceeds arising therefrom jointly with the remaining Trustees or Trustee, if any, in like Manner as the former Trustees or Trustee in whose Room he or they shall be appointed.

Interpretation of Act.

V. And be it enacted, That in the Interpretation of this Act, where the Words "Parish" or "Parishes" occur therein, such Words, or either of them, shall include any distinct and separate Parish, District Parish, District Chapelry, or Consolidated District already or to be hereafter formed under the Provisions of the Church Building Acts, and also any new Parish already or to be hereafter constituted by or under the Proceedings of the Ecclesiastical Commissioners for *England*.

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