ANNO NONO & DECIMO

VICTORIÆ REGINÆ.

***

cine, *Stephen Coppinger* Barrister at Law, *Patrick Costello* Esquire, *Henry Grattan Curran* Barrister at Law, *Terence Thomas Dolan* Gentleman, *James Fagan* Merchant, *Fergus Farrell* Merchant, *William Ford* Gentleman, *Charles P. Gavin* Alderman, *John Keshan* Alderman, *Joseph Denis Mullen* Esquire, *Denis Moylan* Merchant, *Timothy O'Brien* Alderman and Member of Parliament, *Patrick M'Owen* Merchant, *Richard O'Gorman* Merchant, *John Reynolds* and *Michael Walsh*, Esquires, and *James Egan* Merchant: 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, That the Most Reverend *Daniel Murray* Archbishop, the Right Reverend *Michael Blake* Bishop, the Very Reverend *William Yore* Clerk, *Daniel O'Connell* Esquire, Member of Parliament, and *Christopher Fitzsimon* Esquire, Trustees, and *George Atkinson* Doctor of Medicine, *Stephen Coppinger* Barrister at Law, *Patrick Costello* Esquire, *Henry Grattan Curran* Barrister at Law, *Terence Thomas Dolan* Gentleman, *James Fagan* Merchant, *Fergus Farrell* Merchant, *William Ford* Gentleman, *Charles P. Gavin* Alderman, *John Keshan* Alderman, *Joseph Denis Mullen* Esquire, *Denis Moylan* Merchant, *Timothy O'Brien* Alderman and Member of Parliament, *Patrick M'Owen* Merchant, *Richard O'Gorman* Merchant, *John Reynolds* and *Michael Walsh*, Esquires, *James Egan* Merchant, and all other Persons who shall be nominated and elected to fill up such Vacancies as may occur either by the Death, Resignation, or Removal of any of the said Persons, and their several and respective Successors, shall be and the same are hereby constituted a Committee or governing Body for the Maintenance of the said Cemeteries, and for the Purchase of Land for other Cemeteries by this Act authorized to be maintained, according to the Provisions and Restrictions herein-after mentioned, by the Name and Style of the "*Dublin* Cemeteries Committee;" and shall have Power to hold the said Burial Grounds or Cemeteries, Lands, Buildings, and Hereditaments, at *Golden Bridge* and *Prospect* aforesaid, to them and their Successors and Assigns, without incurring any Penalties or Forfeitures, and shall have and exercise all other Powers which are herein-after given and mentioned, subject to the several head Rents payable out of the same, and other the Clauses and Covenants in any Deeds under which the same are now holden, and to the Provisions of this Act.

Appointment of Committee.

II. And be it enacted, That in the event of the Death, Removal, or Resignation of any Member of the present or any future governing Body or Committee under this Act constituted and empowered, that the Secretary of the said governing Body or Committee shall, at the first Meeting of a Committee of the said governing Body after the Death, Resignation, or Removal of any such Person shall have been certified to him in Writing, bring the same under the Notice of such Meeting, who shall thereupon direct a Summons to be issued, signed by the said Secretary or acting Secretary for the Time being, calling upon each remaining Member of the said governing Body or Committee to meet at the Board Room of the said governing Body or Committee on a Day to be named in the said Summons for the Purpose of electing a Person in the Room and Stead of such Person

Election of new Members in the event of Death, Resignation, or Removal.

so dying, resigning, or removed: Provided always, that not less than Ten Days shall intervene between the Day on which such Summons shall be ordered to be issued, or more than Twenty-one Days, and the Day to be named for such Meeting, and that the Object of such Meeting and the Hour for holding the same shall be expressly stated in such Summons: Provided also, that a Copy of such Summons shall be left at the known Place of Residence of each of the remaining Members of such governing Body Seven Days at the least previous to the Day therein named for holding such Meeting.

Chairman to be appointed.

III. And be it enacted, That the Members of the said governing Body or Committee shall, as well on such Day and at the Hour named in such Summons as at all other the Meetings of the said governing Body, appoint a Chairman to preside at such Meeting, and shall proceed by Ballot to elect a fit and proper Person in the Place and Stead of the Person who shall have so died, resigned, or been removed, provided always that the Person so to be elected shall be a Person resident within the Borough of *Dublin*, or within Seven Miles of the Boundary of the said Borough, and that the Record of such Election shall be entered on the Minute Book of the Proceedings of the said governing Body, and thereupon such Person shall be to all Intents and Purposes a Member of the said governing Body or Committee, and have all the Rights appertaining thereto, and the said Lands and Property of the said Cemeteries shall vest in him as such Member, in like Manner by virtue of this Act as if he had been named herein a Member of the said governing Body or Committee: Provided always, that it shall and may be lawful for any Person named as a Member of the said governing Body or Committee in this Act, or to be hereafter elected a Member thereof as herein recited, to resign; provided always, that such Resignation shall be signified in Writing, and signed by such Person, and shall be entered on the said Book of the Minutes of such governing Body or Committee at some stated Meeting thereof, and the same when so entered shall be final, and such Entry thereof shall be conclusive Evidence of such Resignation.

Members of Committee absenting themselves for a certain Time to be removed.

IV. And be it enacted, That if any Member of the said governing Body or Committee shall absent himself from the Meetings of the said governing Body, or of the Sub-Committees by them appointed, without being excused, for the Term of Nine Calendar Months, it shall be lawful for the remaining Members at a Meeting to be called for that Purpose in manner herein-before provided for the Election of Members to fill up Vacancies to resolve that such absent Member shall be removed from such governing Body or Committee, and such Resolution shall be entered on the Book of Minutes of the said Body, and shall be to all Intents final and conclusive.

Members may be removed upon the Vote of Four Fifths of the Members.

V. And be it enacted, That it shall be lawful at any Time for the said governing Body or Committee to remove any Member at a special Meeting to be summoned for that Purpose in like Manner as herein-before provided for the Election of Members to fill up Vacancies: Provided always, that no such Removal shall be valid unless Four Fifths of the entire Members of the said governing Body or Committee

Committee shall attend at such special Meeting and vote for such Removal, and that such Vote shall be taken by Ballot.

Bye Laws may be made and Sub-Committees may be appointed.

VI. And be it enacted, That it shall and may be lawful for the Members of the said governing Body or Committee to make Bye Laws for the better Order of their Proceedings, and the Management and Maintenance of the said Burial Grounds or Cemeteries, and to appoint Sub-Committees, and to make Rules and Regulations for the Times of meeting of such Sub-Committees, and the Nature of the Business to be transacted by such Sub-Committees and to allot and pay to each Member of such Sub-Committees for his Attendance at such Meetings a Sum not exceeding Ten Shillings and Sixpence for each such Meeting: Provided always, that no such Sub-Committee shall consist of more than Five Members to be paid, nor less than Three, and that there shall not be more than Three Meetings paid for in any One Week: Provided also, that every such Meeting of a Sub-Committee shall be an open Meeting, at which the other Members of the governing Body or Committee shall have a Right to attend, and vote upon the Decision of any Matter that may be brought under Consideration: Provided also, that it shall and may be lawful for the said governing Body or Committee to impose a Fine for Nonattendance, or in default of punctual Attendance, upon the Members of every such Sub-Committee, not exceeding Ten Shillings and Sixpence, at any Meeting to which such Member shall have been summoned in Writing, and to order the Application of such Fine: Provided always, that the Bye Laws of the said governing Body or Committee, and all the Rules and Regulations made in relation to the said Sub-Committees, or in relation to any Matter or Thing connected with the said Cemeteries, shall be entered on the Books of the Minutes of the said governing Body, and signed by the Chairman for the Time being, and after having been so entered then and in that Case such Rules and Regulations shall be binding on the Members of the said governing Body, and upon all Persons in their Service or Employment.

Governing Body may sue in the Name of the Secretary or one of their Members.

VII. And be it further enacted, That all Actions, Suits, and also all Petitions against any Person or Persons who may be at any Time indebted to the governing Body, and all Proceedings at Law or in Equity to be commenced or instituted, of any Kind whatsoever, and made or done for or on behalf of the said governing Body, against or in respect of any Person or Persons, Bodies Politic or Corporate, or others, whether Members of the said governing Body or otherwise, for recovering any Debt or Debts, or enforcing any Claim or Claims, Demand or Demands, due to the said governing Body, or for enforcing any Contracts, Bonds, or other Instruments made or to be made with any Person or Persons, whether as Trustees, Committee-men, or otherwise, to or for the Use or Benefit or on behalf of the said governing Body, for any Cause of Action of any Nature or Kind soever accruing to the said governing Body, or for any other Matter, Cause, or Thing in anywise relating to the Concerns of the said Cemeteries, shall and lawfully may from and after the passing of this Act be commenced or instituted and prosecuted in the Name of the Secretary for the Time being of the said governing Body, or any one of the

the said governing Body, as the nominal Plaintiff, Petitioner, or Creditor for and on behalf of the said governing Body, and that it shall be sufficient in all such Proceedings to state or allege that any Debt or Debts due to, or any Contract, Bond, or Instrument made with, or Damage or Damages sustained by the said governing Body are due to, or have been made with, or sustained by such Secretary or Member of the said governing Body.

Governing Body may be sued in the Name of their Secretary or one of their Members.

VIII. And be it further enacted, That all Actions or Suits and Proceedings at Law or in Equity to be commenced or instituted by any Person or Persons, Bodies Politic or Corporate, or others, whether One of the said governing Body of the said Cemeteries or otherwise, against the said Body for or on account of any Debt or Debts due by virtue of any Contract or Contracts, Bond or Bonds, or other Instrument made with, or Damage or Damages done by, the said governing Body, or any Trustee, Governor, or other Person or Persons on behalf of the said governing Body, shall and lawfully may be commenced, instituted, and prosecuted against the Secretary for the Time being of the said governing Body, or against any one of the said governing Body of the said Cemeteries, as the nominal Defendant for and on behalf of the said governing Body; and all Indictments, Informations, and Prosecutions by or on behalf of the said governing Body for any stealing or Embezzlement of any Money, Goods, Effects, Bills, Notes, Securities, or other Property of or belonging to the said governing Body, or for any Fraud, Forgery, Crime, or Offence committed against, or with Intent to injure or defraud, the said governing Body, shall and lawfully may be had, preferred, and carried on by the Secretary for the Time being of the said governing Body, or one of them; and that in all Indictments and Informations to be had or preferred by or on behalf the said governing Body against any Person or Persons whomsoever, notwithstanding such Person or Persons may happen to be a Member or Members of the said governing Body, it shall be lawful and sufficient to state the Money, Goods, Effects, Bills, Notes, Securities, or other Property of the said governing Body to be the Money, Goods, Effects, Bills, Notes, Securities, or other Property of the Secretary for the Time being of the said governing Body, or one of the said governing Body; and any Forgery, Fraud, Crime, or other Offence committed or Act done against, or with Intent to injure or defraud, the said governing Body, shall and lawfully may in any such Indictment or Indictments, or other Proceedings relating thereto, notwithstanding as aforesaid, be laid or stated to have been committed or done against, or with Intent to injure or defraud, the Secretary for the Time being of the said governing Body, or one of the governing Body thereof, and any Offender or Offenders, or Defendant or Defendants, Traverser or Traversers, may thereupon be lawfully convicted and adjudged for any such Forgery, Fraud, Crime, or other Offence; and that in any such and all other Allegations, Judgments, Informations, or other Proceedings of any Kind whatsoever, Civil or Criminal, in which it otherwise might or would have been necessary to state the Names of the Persons composing the said governing Body, or acting as Trustees or otherwise on behalf of the same, it shall be lawful and sufficient to state the Name of the Secretary for the Time being, or one of

the governing Body; and the Death, Resignation, Removal, or any Act of such Secretary or Member of the said governing Body shall not abate or prejudice any such Action, Suit, Indictment, Information, Prosecution, or other Proceeding as aforesaid commenced against or by or on behalf of the said governing Body, but the same may be continued, prosecuted, and carried on in the Name of or against any other Secretary or Member of the said governing Body, or of the said governing Body for the Time being.

Not more than One Action to be brought for One Demand.

IX. And be it further enacted, That no Person or Persons, or Body or Bodies Politic or Corporate, having or claiming to have any Demand upon or against the said governing Body, shall bring more than One Action or Suit in respect of any such Demand; and the Proceedings in any such Action or Suit by or against the Secretary or Member of the said governing Body as aforesaid for the Time being may be pleaded in bar of any other Action or Actions, Suit or Suits, for the same Demand.

Decrees in Equity against the Secretary or any one of the Members to take effect against the governing Body.

X. And be it further enacted, That all and every Decree or Decrees, Order or Orders, made or pronounced in any Suit or Proceeding in any Court of Equity against the Secretary or one of the said governing Body, shall have the like Effect and Operation upon and against the Property and the Funds of the said governing Body as if all the Members of the said governing Body were Parties before the Court to and in any such Suit or Proceedings; and it shall be lawful for any Court in which such Order or Decree shall have been made to cause such Order and Decree to be enforced against the Funds, Property, and Effects of the said governing Body in like Manner as if every Member of the said governing Body were Parties before such Court to and in such Suit or Proceeding.

Judgments against Secretary in Actions shall operate against the governing Body.

XI. And be it further enacted, That all and every Judgments and Judgment which shall at any Time after the passing of this Act be had or recovered in any Action, Suit, or Proceeding in Law or in Equity against the said Secretary or Member of the said governing Body of the said Cemeteries shall have the like Effect and Operation upon and against the Property and Funds of every Kind whatsoever of the said governing Body as if such Judgment or Judgments had been recovered or obtained against the said governing Body and every Member thereof; and that the Bankruptcy, Insolvency, or stopping Payment of any Secretary or Member of the said governing Body for the Time being in his, her, or their individual Capacity or Character shall not be nor be construed to be the Bankruptcy Insolvency, or stopping Payment of the said governing Body; and the Capital, Stock, and Effects of the said governing Body shall in all Cases, notwithstanding the Bankruptcy, Insolvency, or stopping Payment of any such Secretary or Member of the said governing Body as aforesaid, be attached and attachable, and be in all respects liable to the lawful Claims and Demands of the Creditor and Creditors of the said governing Body, as if no such Bankruptcy, Insolvency, or stopping Payment of such Secretary or Member of the said governing Body of the said Cemeteries had happened to take place.

XII. And

Execution upon Judgment in any such Action may be issued against the Property and Effects of the governing Body.

XII. And be it further enacted, That Execution upon any Judgment in any Action obtained against any Secretary or Member of the said governing Body for the Time being of the said Cemeteries, whether as Plaintiff or Defendant, may be issued against all or any and every the Goods, Chattels, Property, and Effects of every Nature and Kind soever for the Time being of the said governing Body: Provided always, that it shall not be lawful for the Party or Parties so having obtained Judgment against such Secretary for the Time being, or any Member of the said governing Body, to issue Execution against any Person or Persons who may be a Member of the said governing Body for the Time being, or against his Goods or Chattels, or to take any Proceeding whatsoever against him or his Estate.

Secretary or Member of governing Body in such Cases to be indemnified.

XIII. Provided always, and be it enacted, That every such Secretary or Member of the said governing Body in whose Name any such Suit or Action or other Proceeding at Law or Equity, Civil or Criminal, shall have been commenced, prosecuted, or defended, and every other Person or Persons against whom Execution or Decree upon any Judgment obtained or entered up as aforesaid in any such Action or Proceeding at Law or in Equity shall be issued as aforesaid, shall always be reimbursed and fully indemnified for all Loss, Damage, Costs, and Charges of every Kind as between Attorney and Client which any such Secretary or Member of the said governing Body, Person or Persons, may have incurred by reason of such Suit, Action, Execution, Decree, or other Proceeding at Law or in Equity, out of the Funds of the said governing Body, after allowing full Credit to the said governing Body for every Sum or Sums of Money he, she, or they shall or may owe or be indebted to the said governing Body on any account whatever at the Time of the issuing of such Execution against him, her, or them.

Governing Body to keep Cemeteries in repair.

XIV. And be it further enacted, That the said governing Body shall, by and out of the Monies to be received by virtue of this Act, keep all and singular the Burial Grounds and Cemeteries, Chapel and Chapels, and the several Buildings thereon and therein, and the external Walls and Fences thereof, and all other Parts of the same which by this Act they are authorized to erect and maintain, in thorough and complete Repair.

Governing Body may appoint and remove Trustees.

XV. And be it enacted, That it shall and may be lawful for a Majority of the governing Body, and they are hereby authorized and empowered, within One Month from the passing of this Act, and from Time to Time, at any of their Meetings to elect and appoint Three Persons to be Trustees for the said governing Body for the Receipt of all Fees, Rents, Fines, and Monies of or accruing due to the said governing Body, and of all Stock in the Government Funds or other public Securities held or to be held by and for the said governing Body, and to sign all Receipts for Money, and all Drafts, Cheques, or Orders for the Payment of Money as the said governing Body shall at their Meetings from Time to Time direct to be paid; and such Trustees so elected and appointed shall continue to act in the Execution of the Powers vested in such Trustees by this Act until they shall be removed or others elected in their Stead as herein-after mentioned,

mentioned, and no longer; and such Election and Appointment of the said Trustees shall be made by a Deed or Instrument in Writing under the Hands of a Majority in Number of the said governing Body, and such Deed or Instrument shall be conclusive Evidence of such Election or Appointment; and it shall be lawful for the said governing Body from Time to Time and at all Times to remove any of the said Trustees, and thereupon to execute a new Deed or Instrument electing or appointing any other Person or Persons to be such Trustee or Trustees, and all Monies, Stock, and other Securities held and purchased by the said governing Body shall vest in and be holden by such Trustees for the Time being; and upon the Removal, Death, or Resignation of any Person or Persons who may be so appointed or elected such Trustee or Trustees as aforesaid, all Right, Title, Estate, and Interest of such Person or Persons, his and their Heirs, Executors, and Administrators, in and to such Monies, Stock, and Securities, shall cease and determine, and shall pass to and be held by and become vested in his or their Successor or Successors for the Time being appointed as aforesaid, without any Conveyance or Assignment whatsoever.

No Corpse to be removed without Authority.

XVI. And be it enacted, That no Corpse interred in the said Cemeteries or any such Burial Ground shall be removed without the Authority of the said governing Body.

Plan and Books of Reference to be kept.

XVII. And be it enacted, That a Plan of each such Burial Ground or Cemetery shall be made out of the Funds at the Disposal of the said governing Body upon a Scale sufficiently large to show the Place and Situation of every Vault and Place of Burial made therein; and all such Vaults and Places of Burial shall be numbered, and such Numbers shall be entered in Books to be kept for that Purpose, and such Books shall contain the Names and Descriptions of the several Persons interred in such Vaults and Places of Burial; and no Vault or Place of Burial shall be made in any such Burial Ground without the same being marked out in such Plan, and a corresponding Entry made in the said Book.

Sale of Vaults, Rights of Burial, &c.

XVIII. And be it enacted, That it shall be lawful for the said governing Body, under such Regulations and Restrictions and subject to such Conditions as they shall think proper, to sell the exclusive Right of Burial, either in perpetuity or for a limited Period, in any Vault, Catacomb, or Place of Burial constructed by them within any such Burial Ground or Cemetery, and also the Right of constructing any Vault, Catacomb, or Place of Burial within any such Cemetery, with the exclusive Right of Burial therein in perpetuity or for a limited Period, and also the Right of single Interment in any Vault, Catacomb, or other Place of Burial constructed within any such Burial Ground, Cemetery, or in the open Ground of any Burial Ground, and also the Right of erecting and placing any Monument, Tombstone, or Gravestone in any Burial Ground, or any Monument or monumental Inscription on the Walls of the Chapels or other Place within such Burial Ground.

Interments, Vaults, &c. to be subject

XIX. And be it enacted, That all Interments, Vaults, Catacombs, Burial Places, Monuments, Tombstones, and Gravestones in any Part

of any such Burial Grounds or Cemeteries shall be subject to such Regulations, Restrictions, and Conditions as the said governing Body shall from Time to Time make: Provided always, that all monumental Inscriptions within any such Burial Ground shall be approved of by the said governing Body before the same shall be inscribed on or affixed to any Monument or Tombstone; and a Copy of such monumental Inscription shall be inserted in a Book to be kept for that Purpose by the said governing Body, and the Certificate of the Secretary of the said governing Body shall be the Authority for having the same inscribed; and it shall and may be lawful for the said governing Body to order any Inscription not authorized by them, should such be inscribed on or affixed to any Monument or Tombstone, to be erased or removed, and on such Authority it shall be lawful for any Servant in the Employment of the said governing Body to erase or remove the same.

to Regulations of governing Body.

XX. And be it enacted, That all the Monies which shall arise by any such Sale of any Right or Place of Burial, or any Vault, Catacomb, or Monument, shall be applied in the first place in paying the head Rents, Fees, Salaries, Stipends, and other Charges and Expences which by virtue of this Act shall from Time to Time be due or payable, or otherwise incurred in carrying the same into execution; and the Surplus of such Monies (if any) shall from Time to Time be applied in such Manner as to the Majority of the said governing Body shall seem fit.

Application of Monies arising from Sale of Vaults, &c.

XXI. And be it enacted, That the Grant of the exclusive Right of Burial in any Vault, Catacomb, or Place of Burial, and of the Right of making any Vault, Catacomb, or Place of Burial, with the exclusive Right of Burial therein, either in perpetuity or for a limited Period, and of the Right and Privilege of erecting any Monument, Tombstone, or Gravestone, shall be under a Common Seal of the said governing Body, and may be made in the Form in the Schedule (A.) to this Act annexed, or to the like Effect.

Form of Grant of exclusive Right of Burial.

XXII. And be it enacted, That a Registry of all such Grants shall be kept by the Secretary of the said governing Body, and within Fourteen Days after the Date of any such Grant an Entry or Memorial of the Date thereof, and of the Parties thereto, and also of the Consideration for such Grant, and also a proper Description of the Vault, Catacomb, or Burial Place, or of the Piece of Ground described in such Grant, so as the Situation thereof may be ascertained, shall be made by the said Secretary in such Registry; and the Persons to whom such Grant shall be made shall pay a Sum not exceeding Two Shillings and Sixpence for every such Entry or Memorial; and the said Registry may be perused at all reasonable Times by any Grantee of the said governing Body, or any Purchaser or intended Purchaser of any Right conveyed in such Grant, upon Payment of the Fee of One Shilling to the Secretary of the said governing Body, such Fee to form Part of the Revenue of the said governing Body.

Registry of Grants to be kept.

XXIII. And be it enacted, That no Person shall be interred in any of the Vaults, Catacombs, or Burial Places of the said governing Body,

Vaults to be kept exclusively for

the Parties entitled.

Body, the exclusive Right of Burial wherein shall have been granted by the said governing Body, other than the Owner for the Time being of such exclusive Right of Burial, and any other Person to whose Burial therein satisfactory Evidence shall be produced to the governing Body, or any Officer to be appointed by the said governing Body for that Purpose, that such Owner has consented.

Interments not to be within Three Feet of the Surface of the Ground.

XXIV. And be it enacted, That from and after the passing of this Act no Corpse shall be interred in any of the said Burial Grounds or Cemeteries unless the upper Surface of the Coffin containing such Corpse shall be at least Three Feet below the Surface of the Ground within which such Interment shall take place; and if any Person shall inter or cause to be interred any Corpse contrary to the Provisions of this Act he shall forfeit a Sum not exceeding Twenty Pounds for every such Offence.

Governing Body empowered to remove certain Monuments.

XXV. And be it enacted, That it shall be lawful for the said governing Body to take down and remove any Monument, Cenotaph, Tombstone, Gravestone, and other Erection which shall have been erected contrary to the Rules and Regulations of the said governing Body, or the Terms upon which Permission to erect the same was granted.

Burials to be registered.

XXVI. And be it enacted, That all Burials in any such Burial Ground shall be registered by the Sexton of such Burying Ground in Register Books to be provided by the said governing Body and kept for that Purpose.

Any Clergyman may officiate.

XXVII. And be it enacted, That it shall be lawful for any Clergyman, duly licensed or appointed according to the Rules or Form of the Religion to which such Clergyman may belong, at the Request in Writing of the Executor of any deceased Person, or of any other Person having the Charge of the Interment of any deceased Person, to perform the Burial Service of the said Religion in any such Burial Ground.

Roman Catholic Chaplains may be appointed.

XXVIII. And be it enacted, That his Grace *Daniel Murray* Archbishop, and his Successors exercising the same Spiritual Jurisdiction as he now exercises in the Diocese of *Dublin* as an Archbishop, may from Time to Time appoint, at the Desire of the said governing Body, a Clergyman of the Roman Catholic Church to officiate as a Chaplain in any such Burial Grounds, and such Chaplain shall be licensed by and be subject to the Jurisdiction of the said Archbishop, and the said Archbishop shall have Power to revoke any such Licence, and to remove such Chaplain, for any Cause which shall appear to the said Archbishop to be canonical.

Governing Body to pay Chaplains.

XXIX. And be it enacted, That the said governing Body shall, out of the Monies to be received by virtue of this Act, allow to the Chaplains for the Time being of each such Burial Ground such a Stipend as shall be agreed upon at the Time of every such Appointment, and such Stipend shall be payable on the Twenty-fifth Day of *March* and the Twenty-ninth Day of *September* in each Year in equal Portions;

Portions; and if any Chaplain shall resign or be removed in the Interval between the said half-yearly Days of Payment, the said governing Body shall pay to him or to his personal Representatives such Part of the said half-yearly Stipend as shall be proportioned to the Time during which he shall have continued to be Chaplain after the last Day of the Payment of the said Stipend, and the Remainder only of such half-yearly Payments shall be paid to the succeeding Chaplain; and it shall be lawful for the said governing Body to increase such Stipend from Time to Time, but not to decrease the same, save and except when there shall be a Vacancy, or by Permission of such Archbishop or Bishop: Provided always, that it shall not be lawful for any Chaplain or Clergyman whatsoever to demand or receive any Fee for Interments in any of the said Burial Grounds.

Stipend to be recovered by Action at Law.

XXX. And be it enacted, That if the Stipend of any of the said Chaplains, or any Part thereof, or any Apportionment thereof, shall not be paid to the Chaplain entitled to receive the same, or to the Executors or Administrators of a deceased Chaplain, for the Space of Thirty Days next after any of the Days of Payment whereon the same ought to have been paid, it shall be lawful for such Chaplain, or his Executors or Administrators, to recover the same, with full Costs of Suit, against the said governing Body, by Action of Debt or upon the Case in any of the Courts of Record in *Dublin*.

Governing Body to appoint Secretary and other Officers.

XXXI. And be it enacted, That it shall be lawful for the said governing Body from Time to Time to appoint a Secretary, Sextons, Clerks, Gravediggers, Labourers, Gardeners, and all other Officers and Persons necessary to be employed in or upon the Business of the said Burial Grounds or in or about the said Cemeteries, and the said governing Body shall have Power to revoke any such Appointment, and to remove the Person so appointed, or any of them, as they shall see fit; and the said governing Body shall, out of the Monies to be received by virtue of this Act, allow every such Person for the Performance of the Duties of his Office such Sum or Sums as the said governing Body shall think reasonable, and the same shall be payable at such Times as the said governing Body shall direct, and when so due and payable shall be recoverable according to its Amount by Action of Debt or on the Case in the Civil Bill Court of the City of *Dublin* when the Amount shall not exceed the Jurisdiction of such Court, or in any of the Superior Courts of Record in *Dublin*.

Orders and Proceedings to be entered in a Book.

XXXII. And be it further enacted, That the Orders and Proceedings of every Meeting, as well general as special, of the said governing Body, and of every Sub-committee thereof, shall be entered in distinct and proper Books to be provided and kept for that Purpose, and shall be signed by the Chairman of each respective Meeting; and such Orders and Proceedings, when so entered and signed, shall be deemed original Orders and Proceedings, and shall be allowed to be read in Evidence in all Courts, and before all Judges, Justices, and others, and that without Proof of such Meeting having been duly convened, or of the Persons making or entering such Orders or Proceedings being Members of the said governing Body or of a Sub-Committee thereof, as the Case may be.

XXXIII. And

Books of Accounts to be kept and to be open to Inspection of governing Body, &c.

XXXIII. And be it further enacted, That the said governing Body shall cause proper Books to be kept by a Book-keeper, or by some other fit and proper Person who shall be appointed by the said governing Body for that Purpose, and such Book-keeper or Person shall enter in the said Books true and regular Accounts of all Sums of Money which shall have been disbursed and paid; and such Books shall at all reasonable Times be open to the Inspection of every Member of the said governing Body, and of every Grantee of or under the said governing Body, without Fee or Reward; and every such Member and Grantee shall and may take Copies of or Extracts from the said Books, or any of them, or of any Part thereof respectively, without paying any thing for the same; and in case the said Book-keeper or other Person shall refuse to permit or shall not permit the said Proprietors to inspect any such Book or Books, or to take Copies or Extracts as aforesaid, such Book-keeper or other Person shall forfeit and pay any Sum not exceeding Twenty Pounds.

Officers to account.

XXXIV. And be it further enacted, That every Officer or Person who shall be employed by virtue of this Act shall from Time to Time, when thereunto required by the said governing Body, make out and deliver to the said governing Body, or to such Persons as they shall respectively for that Purpose appoint, a true and perfect Account in Writing under his Hand, of all Monies which shall have been by him received by virtue of this Act, stating how, and to whom and for what Purpose the same shall have been disposed of, together with the Vouchers and Receipts for such Payments; and every such Officer or Person shall pay all such Monies as upon the Balance of such Account shall appear to be owing from him to the Trustees of the said governing Body, or to such Persons as the said governing Body shall appoint to receive the same; and if any such Officer or Person shall refuse or neglect to render such Account, or to produce and deliver up such Vouchers and Receipts as are in his Possession or Power relating to the same, or to pay the Balance thereof, when required in manner aforesaid, or shall refuse or neglect to deliver up to the said governing Body, or to such Person as they respectively shall appoint, within Three Days after being thereunto required by the said governing Body, or by such other Persons as last aforesaid, all Books, Papers, Vouchers, and Writings in his Custody or Power relating to the Execution of this Act, then and in every such Case, Complaint being made thereof by the said governing Body, or by any other Person by their Authority and on their Behalf, to any Justice of the Peace for the County or Place in which such Officer or Person shall be or reside, such Justice may and he is hereby required, by Warrant under his Hand and Seal, to cause such Person or Officer to be brought before him, and upon his appearing, or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and settle the said Account, if produced, in such Manner as the said governing Body might have done; and if upon the Confession of the Officer or Person against whom such Complaint shall be made, or by the Oath of any credible Witness, it shall appear to such Justice that any of the Monies which shall have been collected or received shall be in the Hands of or be owing by such Officer or Person, such Justice may and he is hereby empowered, upon

Penalty on Persons refusing or failing to account.

Penalties may be levied by Distress.

upon Nonpayment thereof, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods of such Officer or Person; and if no Goods or Chattels shall be found sufficient to answer and satisfy the said Money, and the Charges of taking and making such Distress, and of selling the same, or if such Officer or Person shall not appear before such Justice at the Time and Place appointed for that Purpose, or appearing shall not make out and deliver to such Justice such Accounts in Writing as aforesaid, or produce and deliver to the said Justice the several Vouchers and Receipts in his Possession or Power relating to such Accounts, or deliver up such Books, Papers, and Writings aforesaid, then and in any of the Cases aforesaid the said Justice may and he is hereby required, by Warrant under his Hand and Seal, to commit such Officer or Person to some Common Gaol or House of Correction of or for the County, City, or Place in which such Officer or Person shall live or reside, there to remain without Bail or Mainprize until he shall have made and delivered such Accounts, and have delivered up the Vouchers and Receipts (if any) in his Possession or Power relating thereto, and have delivered up such Books, Papers, and Writings (if any) as aforesaid, and shall have paid all the Money which shall appear to be in the Hands of or owing from him, and the reasonable Charges of such Distress and Sale as shall in that respect have been made, or until he shall have compounded with the said governing Body for such Money and Charges, and have paid the Composition Money to the said governing Body (and which Composition the said governing Body are hereby respectively empowered to make), or shall have given Satisfaction in respect of such Vouchers, Receipts, Books, Papers, and Writings to the said governing Body: Provided always, that no Person who shall be committed for Want of sufficient Distress only shall be detained in Prison for any longer Space of Time than Three Calendar Months.

If no sufficient Distress Offender may be imprisoned.

XXXV. And be it further enacted, That the said governing Body shall cause to be prepared in the Month of *January* in every Year, and to be open to all Grantees of any Portion of Burial Ground, Catacomb, or Cemetery of, from, or under the said governing Body, an Account, audited, with the proper Vouchers annexed, and balanced by at least Two able and qualified Auditors, of the Receipts and Disbursements of the said governing Body for the preceding Year, and of the Particulars and Amount of the Funds or Property of the said governing Body and of the Sources from which the same shall respectively have been derived, and also a Report under the Hand of the Chairman of the said governing Body of the State and Condition of the said Cemeteries or Burial Grounds, and the Funds derived therefrom, and shall also, as far as the same may be practicable, cause to be prepared an Account of such of the Receipts and Disbursements of the said governing Body up to that Time as shall not have been included in any preceding Account, and of the Application or Payment of any net or surplus Income or Revenue of the said governing Body, and shall also cause an Abstract of such Receipts, Disbursements, and Payments to be signed by the said Chairman, and to be published in at least Two Newspapers printed in the Borough of the City of *Dublin*.

Account of the Receipts and Disbursements to be annually audited and published.

Governing Body may prohibit Interments in Burial Grounds if too full.

XXXVI. And be it enacted, That if the said governing Body shall at any Time be of opinion that either of the said Burial Grounds is or shall be so full of Corpses as to be dangerous or injurious to the public Health if any further Interments should take place in any such Burial Ground, or in any Part thereof, it shall be lawful for the said governing Body at any Special Meeting to be convened for that Purpose to order and direct that no further Interment shall take place in any such Burial Ground or Burial Place, or in any Part thereof, after such a Time as shall be specified in such Order; and if any Person shall, after the Time so specified, inter or cause to be interred in any such Burial Ground or Burial Place any Corpse contrary to such Order, he shall for every such Offence forfeit a Sum not exceeding Twenty Pounds: Provided always, that if the said governing Body shall at any Time see fit to revoke such Order, it shall be lawful for the governing Body at any Special Meeting to be convened for that Purpose from Time to Time to revoke the same, and to make such other Order in relation thereto as they shall think fit: Provided also, that nothing herein contained shall be held to affect or interfere with the Right of Burial in any Vault separately built in and set apart from the rest of any such Burial Ground for the Use of any Family.

Penalty for damaging any Part of Burial Ground, &c.

XXXVII. And be it enacted, That if any Person shall wilfully destroy, deface, or injure any Building, Wall, or Fence on or belonging to any such Burial Ground, or any Part of the same, or any Bank, Tree, or Plant therein, or shall daub or disfigure any Wall thereof, or play at Ball or Fives or other Game against or affix any Bill to the same, or wilfully destroy, injure, or deface any Monument, Tablet, Inscription, Tombstone, or Gravestone within any such Burial Ground, he shall forfeit for every such Offence a Sum not exceeding Ten Pounds.

Penalty for committing Nuisances in any Burial Ground.

XXXVIII. And be it enacted, That if any Person shall play at any Game, or discharge Fire-arms, other than at a Military Funeral, in any such Burial Ground, or shall make any Noise therein to the Disturbance of any Persons assembled in such Burial Ground for the Purpose of Interment or Prayer, or commit any Nuisance within such Burial Ground, he shall forfeit for every such Offence any Sum not exceeding Five Pounds.

Penalties to be summarily recovered before Justices.

XXXIX. And be it enacted, That every such Penalty or Forfeiture, and every Penalty or Forfeiture by this Act imposed and not otherwise provided for, may be recovered by summary Proceeding upon Complaint made before the Lord Mayor of the Borough of the City of *Dublin*, or any Two Magistrates or Justices of the Peace for the District in which the Offence shall have been committed for which such Penalty shall have been imposed, such Mayor, Magistrates, or Justices not being a Member of the said governing Body; and on the Complaint by the Secretary or other Officer of the said governing Body being made to any such Mayor, Magistrates, or Justices he shall issue a Summons requiring the Party complained against to appear before any Two Justices on a Day and at a Time to be named in such Summons; and every such Summons shall be

served on the Party offending, either in Person or by leaving the same with some Inmate at his usual Place of Abode; and either upon the Appearance or upon the Default to appear of the Party so offending and complained against it shall be lawful for any such Justices to proceed to the hearing of the Complaint, and upon Proof of the Offence, either by the Confession of the Party complained against, or upon the Oath of One credible Witness or more, it shall be lawful for any such Justices to convict the Offender, and upon such a Conviction to adjudge the Offender to pay the Penalty or Forfeiture incurred, as well as such Costs attending such Conviction as such Justices shall think fit.

Penalties to be levied by Distress.

XL. And be it enacted, That if forthwith, upon any such Adjudication as aforesaid, the Amount of the Penalty or Forfeiture incurred, and of such Costs as aforesaid, be not paid, the Amount of such Penalty and Costs, together with the Costs of the Distress, shall be levied by Distress, and the said Justices shall issue their Warrant of Distress accordingly.

Imprisonment in default of Distress.

XLI. And be it enacted, That it shall be lawful for the said Justices to order any Offender so convicted as aforesaid to be detained and kept in safe Custody until Return can be conveniently made to the Warrant of Distress to be issued for levying such Penalty or Forfeiture, and Costs, unless the Offender shall give sufficient Security, by way of Recognizance or otherwise, to the Satisfaction of the said Justices, for his Appearance before them, or before any other Two Justices having the same Jurisdiction, on the Day appointed for such Return, such Day not being more than Eight Days from the Time of taking such Security; but if before issuing such Warrant of Distress it shall appear to the said Justices, by the Admission of the Offender or otherwise, that no sufficient Distress can be had whereon to levy such Penalty or Forfeiture, and Costs, they may, if they shall think fit, refrain from issuing such Warrant of Distress; and in such Case, or if such Warrant shall have been issued, and upon the Return thereof such Insufficiency as aforesaid shall be made to appear to any Justices, then such Justices shall by Warrant cause such Offender to be committed to some Gaol or House of Correction, there to remain without Bail for any Term not exceeding Three Months, unless such Penalty or Forfeiture, and Costs, be sooner paid and satisfied.

Application of Penalties.

XLII. And with respect to the Application of any Penalties or Forfeitures to be recovered by virtue of this Act, the Application whereof is not herein or by any Act relating to the *Dublin* Police otherwise provided for, be it enacted, That the Justices by whom any such Penalty or Forfeiture shall be imposed shall award one Half thereof to the Informer and the other Half to the governing Body of the said Cemeteries, to go in aid of the Funds of the said Cemeteries: Provided always, that nothing herein contained shall extend to alter or vary in any respect the Application of any Penalties adjudged at any of the divisional Offices of the Police District of *Dublin*.

XLIII. And

Penalties to be sued for within Six Months.

XLIII. And be it enacted, That no Person shall be liable to the Payment of any Penalty or Forfeiture incurred by virtue of this Act for any Offence herein-before made cognizable before the Lord Mayor of *Dublin* or any Justices unless the Complaint respecting such Offence shall have been made within Six Months next after the Commission of such Offence.

Penalty on Witnesses making default.

XLIV. And be it enacted, That it shall be lawful for the Lord Mayor of *Dublin* or any Two Justices as aforesaid to summon any Person to appear before him or them as a Witness in any Matter in which such Mayor or Justices shall have Jurisdiction under the Provisions of this Act at a Time and Place to be mentioned in such Summons, and to administer to him an Oath to testify the Truth in such Matter; and if any Person who shall be summoned as a Witness before any Lord Mayor or Justices touching any Offence committed against this Act, or any Matter in which such Mayor or Justices shall have Jurisdiction by the Provisions of this Act, shall without reasonable Excuse refuse or neglect to appear at the Time and Place appointed for that Purpose, having been paid or tendered a reasonable Sum for his Expences, or if any Person appearing shall refuse to be examined upon Oath, or to give Evidence before such Mayor or Justices, every such Person shall forfeit a Sum not exceeding Five Pounds for every such Offence.

Transient Offenders.

XLV. And with respect to Offenders whose Names and Residences are unknown, be it enacted, That any Officer of the said governing Body, and all Persons called by him to his Assistance, and any Constable, may seize and detain any Person who shall have committed any Offence against the Provisions of this Act, and whose Name and Residence shall be unknown to such Officer or Constable, and shall convey him with all convenient Despatch before some Justice, without any Warrant or other Authority than this Act, and such Justice shall proceed with all convenient Despatch to the hearing and determining of the Complaint against such Offender.

Form of Conviction.

XLVI. And be it enacted, That the Justice before whom any Person shall be convicted of any Offence against this Act may cause the Conviction to be drawn up according to the Form in the Schedule (B.) to this Act annexed.

Informalities.

XLVII. And be it enacted, That no Proceeding in pursuance of this Act shall be quashed or vacated for Want of Form nor shall the same be removed by Certiorari or otherwise into any of the Superior Courts.

Distress how to be levied.

XLVIII. And be it enacted, That where in this Act any Sum of Money, whether in the Nature of a Penalty or otherwise, is directed to be levied by Distress, such Sum of Money shall be levied by Distress and Sale of the Goods and Chattels of the Party liable to pay the same; and the Overplus arising from the Sale of such Goods and Chattels, after satisfying such Sum of Money, and the Expences of the Distress and Sale, shall be returned, on demand, to the Party whose Goods shall have been distrained.

XLIX. And

Distress not unlawful for Want of Form.

XLIX. And be it enacted, That no Distress levied by virtue of this Act shall be deemed unlawful, nor shall any Party making the same be deemed a Trespasser on account of any Defect or Want of Form in the Information, Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall such Party be deemed a Trespasser *ab initio* on account of any Irregularity afterwards committed by him, but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction for the special Damages in an Action upon the Case.

Parties may appeal to Quarter Sessions on giving Security.

L. And be it enacted, That if any Person shall think himself aggrieved by any Order, Determination, or Adjudication of any Lord Mayor, Magistrate, or Justice aforesaid, or of the governing Body, under the Provisions of this Act, he may appeal to the General Quarter Sessions for the County within which the Offence shall have been committed or alleged to have been committed; but no such Appeal shall be entertained unless it shall be made within Four Months next after the making of such Order, Determination, or Adjudication, nor unless Ten Days Notice in Writing of such Appeal, stating the Nature and Grounds thereof, be given to the Party against whom the Appeal shall be brought, nor unless the Appellant forthwith after such Notice enter into a Recognizance, with Two sufficient Sureties, before a Justice, conditioned duly to prosecute such Appeal, and to abide the Order of the Court thereon.

Court to make such Order as they think reasonable.

LI. And be it enacted, That at the Quarter Sessions for which such Notice shall be given the Court shall proceed to hear and determine the Appeal in a summary Way, or the Court may, if it think fit, adjourn it to the following Sessions; and upon the hearing of such Appeal the Court may, if it think fit, mitigate any Penalty or Forfeiture, or may confirm or quash the Order, Determination, or Adjudication, and order any Money paid by the Appellant, or levied by Distress upon his Goods, to be returned to him, and may also order such further Satisfaction to be made to the Party injured as the Court may judge reasonable; and the Court may make such Order concerning the Costs, both of the Order or Determination and the Adjudication of the Appeal therefrom, as it may think reasonable.

Interpretation of Act.

LII. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number:

Words importing the Masculine Gender shall include Females:

The Word "Month" shall mean Calendar Month:

The Word "Lands" shall extend to Messuages, Lands, Tenements, and Hereditaments of any Tenure:

The Word "Person" shall include Corporation, whether aggregate or sole:

The Word "Secretary" shall mean the Person appointed by the governing Body a Secretary for the Purposes of this Act:

The Words "governing Body" shall mean the Members of the Committee of Management for the Time being:

The Word "Justice" shall mean any Justice of the Peace acting within his Jurisdiction in respect to any Offence committed therein:

The Expression "Superior Courts" shall mean Her Majesty's Superior Courts of Record at *Dublin*.

Public Act.

LIII. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such; and in citing this Act in other Acts, or in legal Instruments, it shall suffice to use the Expression "The *Dublin* Cemeteries Act (1846)."

Short Title.

Act may be amended, &c.

LIV. And be it further enacted, That this Act may be altered or amended during the present Session of Parliament.

SCHE-

SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

Form of Grant of Right of Burial.

By virtue of an Act passed, *&c.*, we (the governing Body of the Dublin Cemeteries) in consideration of the Sum of to us paid by *A. B.* of do hereby grant and convey unto the said *A. B.* the exclusive Right of Burial and Interment [*or, as the Case may be,* the Rights and Privileges of erecting and making, and the exclusive Right of Burial when made,] in all [*here describe the Vault, Catacomb, or Place of Burial, or the Ground intended for the Construction of a Vault, Catacomb, or Place of Burial, or for the Erection of a Monument or Gravestones, as the Case may be, so as to identify the same*], to hold the same to the said *A. B.* in perpetuity [*or* for the Period agreed upon] for the Purposes of Burial, *or, as the Case may be.* Given under our Common Seal this Day of in the Year of our Lord One thousand eight hundred and .

SCHEDULE (B.)

Form of Conviction.

County of Dublin } Be it remembered, That on the Day
to wit. } of in the Year of our Lord One thousand eight hundred and *A. B.* is convicted before me, *C.D.*, One of Her Majesty's Justices of the Peace for [*here describe the Offence generally, and the Time and Place when and where committed*], contrary to the Provisions of an Act of Parliament passed in the Year of the Reign of Her Majesty Queen Victoria, intituled An Act, *&c.* [*here set forth the Title of this Act.*] Given under my Hand and Seal the Day and Year first above written.

C.D.

London: Printed by George E. Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1846.