IV. The Property so vested in and annexed to the Imperial Crown of the Realm by the said Act passed in the Eighth Year of His late Majesty King *George* the Third, and also the Property comprised in the said Indentures of Release respectively, dated the Twenty-second Day of *December* One thousand seven hundred and ninety-six, and the Ninth Day of *November* One thousand eight hundred and twenty-two, shall be and the same are hereby vested in the Secretary for the Time being of the Commissioners of Inland Revenue and his Successors.

Property vested in the Crown by 8 G. 3. c. 32. to be vested in the Secretary of Inland Revenue.

V. All the Property hereby vested in the Secretary of the said Commissioners of Inland Revenue shall be vested in and held by him and his Successors in such and the same Manner and for the same Purposes, and shall and may be managed, dealt with, let, set, demised, sold, and disposed of as if the same had been vested in the Secretary of Excise for the Time being and his Successors, under and by virtue of the Act passed in the Session of Parliament holden in the Seventh and Eighth Years of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to consolidate and amend the Laws relating to the Collection and Management of the Revenue of Excise throughout* Great Britain *and* Ireland: Provided always, that the said Lease, dated the said Second Day of *July* One thousand eight hundred and thirty-five, shall not be prejudiced or affected, and the same shall be as valid and effectual to all Intents, and shall take effect, as if the Property thereby demised had then been duly vested in the said *John Clayton Freeling* (as the then Secretary of Excise), under and by virtue of the said last-mentioned Act.

For the Purposes mentioned in 7 & 8 G. 4. c. 53.

CAP. XLI.

An Act to provide a Burial Ground for the Township of *Huddersfield* in the County of *York*. [30th *June* 1852.]

'WHEREAS the General Board of Health appointed under and by virtue of the Public Health Act, 1848, have, in pursuance of the Provisions of the Nuisances Removal and Diseases Prevention Amendment Act, 1849, caused Inquiry to be made by *William Lee*, One of their Superintending Inspectors appointed under and by virtue of the said Public Health Act, into the State of the Burial Grounds in the Township of *Huddersfield* in the Parish of *Huddersfield* in the County of *York*, being a populous Place in *England* to which the Public Health Act, 1848, has not been applied: And whereas, upon such Inquiry, it having appeared to the said General Board that the State of the Burial Grounds in the said Township of *Huddersfield* is dangerous, and the Circumstances of that Township render it expedient that Interments should be prohibited in the said Township, except as herein-after mentioned, and that a Burial Ground should be provided for the said Township, the said General Board directed the said *William Lee*, as such Superintending Inspector as aforesaid, to make Inquiry, in the Manner directed by the said Public Health Act, or as near thereto as Circumstances would permit, into all the Circumstances connected with the parochial and other Burial Grounds of that Township, and as to the Place or Places in which any Burial Ground or Burial Grounds might be provided, either within or beyond the Limits of that Township, and as to the Means which might be provided for the Conveyance of Bodies for Interment, and any other Arrangements which might be practicable for facilitating the convenient Interment of Bodies in the Burial Ground or Burial Grounds to be so provided, and as to the Rights in any Burial Ground in such Township, not being a Parochial Burial Ground, which might be affected by the Prohibition of Interment in such Township: And whereas the said Superintending Inspector, having previously given the Notices directed by the Public Health Act, 1848, proceeded upon the said Inquiry in the Manner directed by the said Act, and hath reported in Writing, as directed by the said General Board of Health, the Result of his Inquiries in relation to the Premises: And whereas the said General Board of Health hath caused a Copy of such Report to be transmitted to the Bishop of the Diocese of *Ripon*, in which the said Township is situated, and hath caused Copies thereof to be published in the Township to which it relates, and to be deposited with the Minister and with the Church-

'wardens of such Township, such Copies being accompanied by a Notice, stating that 'written Statements might be forwarded to the said Board with respect to any Matter con- 'tained in or omitted from the said Report, or any Amendment to be made therein, within 'a Time therein limited, not being less than One Month from the Publication of such 'Report; and all such Statements as have been delivered to the said Board within the 'Time so limited in such Notice have been duly received by the said Board: And whereas, 'after such Inquiry and Report, the said General Board have framed a Scheme, under the 'Powers of the said Nuisances Removal and Diseases Prevention Amendment Act, 1849, 'for providing a Burial Ground for the said Township, and for and in respect of the other 'Matters relating to Burials in the said Township as to which the said General Board are 'empowered by the said Act to frame a Scheme: And whereas all the Provisions set forth 'in such Scheme concerning the Consecration of the Burial Ground to be provided under 'the Power of the same, and concerning the Burial of Members of the United Church of '*England* and *Ireland*, and the Compensation to be provided for Rights in respect to 'Burials and other Rights of Ministers of the said United Church which may be affected 'by the Prohibition of Interment in parochial and other Grounds, have been approved by 'the Bishop of the Diocese of *Ripon*, in which the said Township is situated: And whereas the 'said Scheme was forthwith after the framing thereof presented to both Houses of Parlia- 'ment with the Reports of the Superintending Inspectors in relation to the Matters thereof: 'And whereas it is expedient that the Authority of Parliament should be given to the 'Establishment of the said Burial Ground, and the Regulation thereof:' 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,—

Huddersfield Improvement Commissioners to execute the Act.

I. That the Commissioners for the Time being acting in execution of the "*Huddersfield* Improvement Act, 1848," shall act in execution of this Act; and all Powers vested in the Commissioners under this Act may be exercised by Seven or more of the Commissioners present at any Meeting holden in pursuance of this Act; and no Business shall be transacted at any of the said Meetings unless the said Number of Commissioners be present.

Boundaries of the Township to be Limits of Scheme.

II. That the Boundaries of the Township of *Huddersfield* shall be the Limits within which this Act shall be in force.

Commissioners may provide Offices.

III. That the said Commissioners shall provide such Offices as they may think necessary for the Purposes of this Act, and for providing such Offices may purchase by Agreement, or take on Lease, any Lands which may appear to them convenient for the same, and for that Purpose and the other Purposes of the Act may enter into all necessary Contracts; and all Conveyances and Leases of Lands to be purchased or hired by the Commissioners may be made to any Five of the Commissioners, on behalf of all the Commissioners; and the Execution of the Duplicate or Counterpart of any Lease by such Five Commissioners shall be binding on all the Commissioners.

Commissioners may appoint Officers, &c.

IV. That the said Commissioners may from Time to Time appoint or employ, for the Purposes of this Act, a Registrar, a Treasurer, and an Auditor, with such Clerks and Officers, and on any Burial Ground to be provided by the said Commissioners under this Act such Superintendent, Gravediggers, and other Servants, as they deem necessary, and may remove such Registrar, Treasurer, Auditor, Clerks, Officers, Superintendent, Gravediggers, and Servants, or any of them, and may pay to all Persons so appointed or employed, out of any Monies to be received under this Act, such Salary or Stipend as may appear to such Commissioners sufficient, and may remove such Officers at their Pleasure, and may take sufficient Securities for their duly accounting for all Monies to be received by reason of such Employment from all such Officers as will or may, in consequence of their Offices, be intrusted with the Custody or Control of Money.

Commissioners may provide Burial Grounds, One Half of which shall be consecrated.

V. That the said Commissioners may purchase, enclose, plant, embellish, and lay out for the Purposes of a Burial Ground the Piece or Parcel of Ground particularly described and set forth in the Schedule to this Act annexed, and may erect and make therein such Buildings and other Works as may appear to them fitting and proper, and may build in such Burial

Burial Ground a suitable Chapel for the Performance of Burial Service according to the Rites of the United Church of *England* and *Ireland;* and such Chapel and One Half of such Burial Ground shall be consecrated by the Lord Bishop of the Diocese within which the said Chapel is situated; and such Chapel, and the Part of such Burial Ground so consecrated, shall be subject to the Jurisdiction of the said Bishop, and no Service shall be performed on the Burial of the Dead in the Part of such Burial Ground so consecrated as aforesaid otherwise than according to the Rites of the said Church: Provided always, that it shall not be lawful for the said Commissioners to make or erect such Burial Ground, Buildings, Chapel, and Works as aforesaid, or any Part thereof within Three hundred Yards of any House of the annual Value of Fifty Pounds, or having a Plantation or ornamental Garden or Pleasure Ground occupied therewith, except with the Consent of the Owner, Lessee, and Occupier thereof, in Writing first had and obtained; provided also, that the rateable Value according to the present Assessment to the Rate for the Relief of the Poor in and for the said Township of *Huddersfield*, of any such House as aforesaid, shall be deemed and taken to represent the true annual Value thereof for the Purposes of this Act.

Vicar of Huddersfield for Time being to appoint Clerk.

VI. That the Vicar of *Huddersfield* for the Time being shall from Time to Time appoint a fit and competent Person to perform the Duties usually performed by Parish Clerks in the Burial of the Dead in the Part of the said Burial Ground so consecrated as aforesaid.

One Half of such Burial Ground to be unconsecrated.

VII. That the said Commissioners may build on the unconsecrated Portion of such Burial Ground a suitable Chapel for the Performance of Funeral Service, and that such unconsecrated Portion shall, subject to the Provisions herein contained, and any Regulations made by the said Commissioners by virtue of this Act, be used for the Interment of Bodies, when the Relatives or other Persons having the Care and Direction of the Funerals desire to have such Bodies so interred, and such Bodies may be there interred in such Manner, and with such Religious Service, Rites, or Ceremonies, as such Relatives or Persons having the Care and Direction of the Funerals may think fit; and the said Commissioners may, upon the Request of Members of separate Religious Denominations, and upon such Terms and Conditions, not inconsistent with the known Tenets or Usages of such Religious Denominations, as the said Commissioners may think fit, permanently appropriate and set apart or cause to be enclosed separate Parts of the Portion of the said Burial Ground not consecrated as aforesaid, to be used for the exclusive Interment of the Bodies of Persons of such separate Religious Denomination.

Commissioners may give Notice when Interments may be made in such Ground.

VIII. That when the said Commissioners have provided the said Burial Ground, and have made all such Arrangements as they may think necessary for the Interment of the Bodies of the Dead in such Ground, and after the Consecration of the One Half thereof as aforesaid, they shall give Notice for Two successive Weeks in some One or more Newspaper circulating in the Township of *Huddersfield*, and by Notices affixed for the same Time on the Doors of all the Churches and Chapels within the Township, that they have provided such Burial Ground, and that Interment may be made therein, and after the Expiration of such Time Interments may be made in the said Burial Ground.

Burials to cease wholly or in part in certain Grounds after such Notice.

IX. That from and after the Expiration of the Time of such Notices as aforesaid Interments shall wholly cease and be discontinued in the Ground attached there to the Roman Catholic Chapel situate in the *New North Road* in the said Township, and in the Vault now used for Burials under the Wesleyan Chapel situate in *Queen Street* in the said Township; and that from and after the same Time Interments shall, subject to such Exceptions as hereinafter mentioned, also cease and be discontinued in the Burial Grounds respectively attached to or connected with the Church of *St. Peter*, being the Parish Church of the said Township, the District Churches called the Churches of the *Holy Trinity* in the *Trinity* District, and *All Saints* Church in the *All Saints* or *Paddock* District of the said Township, and in the Chapel of Ease called *St. Paul's*, situate in *Ramsden Street* in the said Township, and also in the Vaults of such Churches or Chapels; and whosoever, after the Expiration of such Time, buries, or causes, permits, or suffers to be buried, in or under any such Burial Ground, Church, or Chapel respectively, any Corpse or Coffin, contrary to this Provision, shall for every such Offence be liable to a Penalty of Fifty Pounds, to be recovered in a summary Manner.

X. That

Burials may be prohibited in other Grounds in the said Township.

X. That when the said Commissioners shall be of opinion that Interment (otherwise than in the said Burial Ground) should be discontinued wholly, or with any Exception or Exceptions, in the said Township, they shall make and publish an Order directing that after a Time mentioned therein Interment in such of the Churches, Chapels, Churchyards, and other Places used for Burial within the said Township as shall be set forth in such Order shall be discontinued, either wholly or subject to any Exception mentioned in such Order, and to be previously approved by the General Board of Health; and such Order shall be published for Two successive Weeks in some One or more Newspapers circulating within the said Township, and shall during the same Time be affixed on the Doors of the Churches and Chapels in the said Township; and from and after the Date mentioned in such Order Interments in the Churches, Chapels, Churchyards, and other Places used for Burial mentioned therein shall be discontinued, either wholly or subject to any Exception contained in such Order, and approved as aforesaid; and every Person who shall after such Date bury any Body, or in anywise act or assist in the Burial of any Body, in any Church, Chapel, Church yard, or other Place used for Burial within such Township, except as in such Order excepted, and except in the Burial Ground provided under the Powers of this Act, and except as authorized by this Act, shall be liable to such Penalty as aforesaid.

Licence may be granted for Exercise of exclusive Rights already acquired.

XI. Provided always, That where by virtue of any Faculty legally granted, or by Usage, or otherwise, there is at the Date of the passing of this Act any Right of Interment in or under any Church or Chapel, or in any Vault of any Church, Chapel, Churchyard, or Place used for Burial in the said Township, and where any exclusive Right of Interment in any Burial Ground within the said Township has been purchased or acquired before the said Date, the said Commissioners may from Time to Time, on Application being made to them, and on their being satisfied that the Exercise of such Right will not be injurious to Health, grant a Licence for the Exercise of such Rights during such Time and subject to such Conditions and Restrictions as the said Commissioners may think fit; but such Licence shall not prejudice or in anywise affect the Authority of the Ordinary, or of any other Person who, if this Act had not been passed, might have prohibited or controlled Interment under such Right, nor dispense with any Consent which would have been required, nor otherwise give to such Right any greater Force or Effect than the same would have had if this Act had not been passed.

Inhabitants to have same Rights in new Ground as in Grounds where Interments are discontinued.

XII. That, subject to the Provisions of this Act, the Inhabitants of the said Township shall have the same or equivalent Rights of Sepulture in the Burial Ground to be provided under this Act as they respectively would have had in or under any of the Churches, Chapels, Churchyards, or Places of Burial in which Interment shall be discontinued under the Powers of this Act; and the Incumbent of any District Church within the said Township shall, on the Request of the Relatives of the Deceased, by himself or his Curate, on giving such Notice as the said Commissioners by their Regulations may require, have the same Rights and Authorities for the Performance of Religious Service in the Burial of Bodies of Inhabitants of such District in the consecrated Portion of the Burial Ground to be provided under this Act, as if the same were the Burial Ground of such District; and for the Purposes of the Enactments of the Laws relating to the Poor which concern the Burial of the Bodies of poor Persons, and of all other Enactments under which Burials are authorized or directed to take place in the Burial Ground of a Parish, the consecrated Part of the Burial Ground to be provided under this Act shall, for the Burial of the Bodies of Persons dying within the said Township of *Huddersfield*, be deemed to be the Burial Ground belonging to the said Parish.

Bodies may be removed by Permission.

XIII. That the Relatives of any deceased Person, with the Consent of the Incumbent or other Person having the Care and Control of any Church, Chapel, Churchyard, or other Place of Burial within the said Township in which the Body of such deceased Person has been interred, and with the Consent of and subject to the Regulations of the said Commissioners, and upon Payment of such Fees as may be fixed by the said Commissioners, may cause such Body to be removed to and interred in the Burial Ground to be provided under this Act, without any Faculty for that Purpose.

XIV. That

Officer of Commissioners to select Site of Grave, and keep Plan and Register, &c.

XIV. That the Registrar or other Officer appointed by the said Commissioners for such Purpose shall select the Site of Graves within the Burial Ground to be provided under this Act; and the said Commissioners shall, for the Purpose of such Selection, prepare or cause to be prepared a Plan of such Burial Ground, in which shall be marked from Time to Time every Site so selected, and a Copy of such Plan shall be kept by the said Commissioners, and every such Site shall be numbered on such Plan, and registered by the same Number in a Register to be kept by the said Registrar, and under such Number in such Register shall be entered the Name, Sex, and Age of the Person interred therein, the Date of the Interment, and the Depth of the Grave, and the Date and Place of Burial of every still-born Child shall be entered in such Register, with the Name of the Parent or Parents of the same; and such Register shall be kept by the said Registrar according to the Laws in force by which Registers are required to be kept by the Rectors, Vicars, or Curates of Parishes or Ecclesiastical Districts in *England*; and such Registers shall be kept or indexed so as to facilitate Searches for Entries in such Books; and such Registers, or Copies or Extracts therefrom, shall be received in all legal Proceedings as Evidence of the Burials entered therein; and such Registers, so far as respects Searches to be made therein, and Copies and Extracts to be taken therefrom, shall be subject to the same Regulations as are provided by an Act passed in the Seventh Year of King *William* the Fourth, intituled *An Act for registering Births, Deaths, and Marriages in* England, so far as such Regulations relate to Register Books of Burials kept by any Rector, Vicar, or Curate; and no Vicar, Incumbent, or Curate for the Time being of any Church or Chapel within the said Township in which, or in the Burial Ground attached to which, Interments shall be discontinued in whole or in part under this Act, shall, in respect of any Body interred in the Burial Ground to be provided under this Act, be liable to any Penalty in respect of Registration under the herein-before recited Act. 6 & 7 W. 4. c. 86.

Certificate of Registry of Death, or Coroner's Certificate, to be delivered to Officer appointed to keep Burial Registers.

XV. That where the Body of any Person is buried in the Burial Ground to be provided under this Act the Certificate of the Death of such Person having been duly registered, or the Coroner's Certificate of his Order for the Burial of the Body of such Person, (as the Case may be,) by the said Act of the Seventh Year of King *William* the Fourth required to be delivered to such Minister or officiating Person as therein mentioned, shall be delivered to the Registrar appointed to keep the Register Books of Burials in such Burial Ground; and if any Body is buried in such Burial Ground for which no such Certificate has been delivered to such Registrar, he shall, within Seven Days next after the Burial of such Body, give Notice of such Burial to the Registrar of the District in which the Person whose Body was so buried died; and every such Notice shall contain the Name and Surname, Sex, Age, Rank, Profession, or Occupation, and the Residence at the Time of Death of the said Person, or as many of such Particulars as may be known to the Registrar of such Burial Ground; and upon Failure to give such Notice within the Time aforesaid the Person so offending shall be subject to the Forfeiture imposed by the said Act on a Person burying or performing any Funeral or any Religious Service for the Burial of any dead Body for which no such Certificate has been duly made and delivered, and not giving Notice thereof as thereby required; and the Provisions of the said Act for and with respect to the Recovery and Application of Forfeitures thereby imposed shall be applicable to such Forfeiture; and no Person, save the Registrar of such Burial Ground, shall, in the Case of any Burial in such Burial Ground, be subject to such Forfeiture for not giving Notice of such Burial to the Registrar.

Depth of Graves, &c.

XVI. That no Grave shall be dug in the Burial Ground to be provided under this Act of more than Nine or less than Seven Feet in Depth; and no more than One Body shall be interred in any One such Grave, except where more than One Member of the same Family is to be buried at One and the same Time, in which Case such Grave shall be dug so wide that the Coffins containing the Bodies of the deceased Members of the same Family may be placed Side by Side, but no such Coffins shall be placed One above the other; and no Grave in the said Burial Ground shall be re-opened until Twenty Years shall have elapsed from the original opening of the same, and from and after such Time the said Ground may be re-opened for Burials as herein provided.

XVII. That

Commissioners may provide a House for Reception and Care of Bodies previously to Interment.

XVII. That the said Commissioners may, if they shall think fit, at any Time after the Date of the passing of this Act, build or otherwise provide, in such Place as they think fit, a House for the Reception and Care of the Bodies of the Dead previously to and until Interment, and make Arrangements for the Reception and Care of such Bodies therein, and appoint a fit Officer for such House of Reception; and to carry into effect such Arrangements, and for providing such Houses of Reception, the said Commissioners may purchase by Agreement or take on Lease such Lands or Buildings as they may think fit.

Commissioners may make Provision for Funerals being conducted at fixed Charges.

XVIII. That for securing, in the Cases of Interments in the Burial Ground provided under this Act, to Persons having the Care and Conduct of Funerals, the Means of having the same conducted according to a just and regulated Scale of Charges, the said Commissioners may, if they shall think fit, provide a public Hearse or Hearses for the Conveyance of Bodies to Burial, and may provide and keep or hire and contract for the Use of Horses for drawing the same, and may from Time to Time invite and receive Tenders for Contracts for the undertaking of such Funerals, according to Classes arranged with reference to the Nature and Amount of the Matters and Services to be furnished and rendered, but so that in respect of the lowest of such Classes the Funeral may be conducted with Decency and Solemnity; and every such Tender shall specify the Class or Classes and Number of Funerals the Person proposing to become a Contractor is willing to undertake; and the said Commissioners may enter into such Contracts with any Persons as they may think necessary, binding such Contractors with the said Commissioners to undertake during specified Terms or Periods Funerals of Persons, or any Class or Number of such Funerals, according to a fixed Scale of Payments, and with such Stipulations as may appear to the said Commissioners necessary for ensuring the decent Performance of such Funerals; and the said Commissioners may, if they so think fit, enter into distinct Contracts for the furnishing and rendering by different Contractors of the various Matters and Services requisite for the Funerals in relation to which the said Commissioners are herein-before authorized to enter into Contracts; and the said Commissioners shall publish Notices of the Scale of Payments to be made for Funerals undertaken, or Matters or Services to be furnished or rendered, by such Contractors, and such other Notices as the said Commissioners may think fit, for the Information and Convenience of Persons desirous of having Funerals conducted by such Contractors; and upon Notice by or on behalf of the Persons having the Care and Direction of any such Funeral of their Desire to have the same conducted, or any Matters or Services requisite for the same furnished or rendered as aforesaid, and of the Class according to which they are desirous the same should be so conducted, furnished, or rendered, being given to any Contractor who, according to the Terms of his Contract with the said Commissioners, may be liable to undertake such Funeral, or to furnish or render such Matters or Services, such Contractor, and the Party by or on behalf of whom such Notice may be given, shall respectively have the like Rights and be subject to the like Liabilities in respect to the Performance of such Funeral, or the furnishing or rendering of such Matters or Services, (as the Case may be,) and the Payment for the same, as if such Contractor had agreed with such Party to undertake the Funeral referred to in such Notice, and to furnish and render all such Matters and Services, and of such Nature and Description, as by the Scale fixed by his Contract with the said Commissioners shall be prescribed in his Behalf in respect of the Class mentioned or referred to in such Notice, or (as the Case may be) to furnish or render the Matters or Services required by such Notice according to such Scale, in consideration of Payment according to such Scale.

Hearses, &c. to be Toll-free.

XIX. That Hearses, Carriages, and Horses employed in conveying the Dead or Mourners from any Part of the Township of *Huddersfield* to the Burial Ground to be provided under this Act shall be free from Toll on any Turnpike Road within the said Township.

Commissioners may fix Scale of Charges.

XX. That the said Commissioners may fix a Scale of Charges for the Purchase of Vaults and Graves in the Burial Ground to be purchased under this Act, and of Fees for Tombs, Tombstones, Grave-digging, and the opening of Vaults and Graves, Registration, the Performance of Burial Rites, and for the Use of all Matters and Things pertaining to the Conduct of Funerals; and a Table of such Scale of Charges and Fees shall be published

lished, and hung up in a conspicuous Place in the Office of such Commissioners and in some Part of such Burial Ground; but no such Table shall be so published or shall have any Force or Effect until the same shall have been approved by the General Board of Health; and in every such Scale of Charges the total Amount of Payments regularly charged in respect of Burials in the consecrated and unconsecrated Parts of such Burial Ground shall be the same, and such Charges shall be recoverable in a summary Manner.

Sections of Cemeteries Clauses Act incorporated herewith.

XXI. That the Sections of the Cemeteries Clauses Act, 1849, numbered respectively in the Copies of that Act printed by Her Majesty's Printers 9 with respect to the Disposal of consecrated Land, 12 to 22 inclusive with respect to Roads, Fences, and Repairs, and with respect to making Sewers and Drains, and the preventing of Nuisances, 38 to 56 inclusive with respect to Regulations for Burials, and with respect to exclusive Rights of Burial and monumental Inscriptions, and with respect to Payments to Incumbents, shall be incorporated with this Act and the Act of Parliament sanctioning the same; and the Expression "the Special Act," used in such Sections, shall be construed to mean this Act; and the Expression "the Company," used in the said Sections, shall mean the said Commissioners.

If Parties become entitled to Compensation, the Amount to be ascertained and recovered summarily.

XXII. That if, in the Exercise of the Powers conferred upon the said Commissioners by this Act, any Party shall become entitled to Compensation for any Damage sustained through the Exercise of such Powers, other than Compensation to Persons interested in Burial Grounds that may be partially or wholly closed by or under the Powers of this Act, then the Amount of Compensation shall be ascertained and recovered in a summary Manner.

Regulations of Burials to be approved by General Board of Health.

XXIII. Provided always, That no Regulations made under and by virtue of the said Thirty-eighth Clause of the said Cemeteries Clauses Act shall be of Force and Effect until they have been approved by the said General Board of Health, under their Hands and Official Seal.

Fees for Performance of Burial Service in consecrated Part of Ground.

XXIV. That the Vicar of *Huddersfield* for the Time being shall be entitled to a Fee of One Shilling and Ninepence for each Interment in the consecrated Part of the Burial Ground to be provided under this Act; and that in consideration of such Fee he shall be responsible for the Performance of the Service for the Burial of the Dead as aforesaid, either by himself or his Curate, or some Clerk in Holy Orders to be provided by him, and shall and may, as heretofore, fix the Hour for such Interment; and in every Case where such Service, by Default of the said Vicar, shall not be so performed by the said Vicar or his Curate, or some Clerk in Holy Orders so provided by him, but shall be performed by any Clergyman of the United Church of *England* and *Ireland* provided by such Commissioners, the said Sum of One Shilling and Ninepence shall be paid to the said Clergyman so provided by the said Commissioners, and shall be deducted from the Sum Total of Payments to be made to the said Vicar by the said Commissioners: Provided always, that no such Deduction shall be made where the said Burial Service shall be performed by any Clergyman of the United Church of *England* and *Ireland*, other than the said Vicar, at the Request of the Relatives or other Persons having the Direction of any Funeral, or in respect of any Body removed for Interment from any Ecclesiastical District within the said Township over which the said Service shall, at such Request as aforesaid, have been performed by the Incumbent of such District for the Time being, or his Curate, or any Clerk in Holy Orders provided by him, on giving such Notice as may be required by the Regulations of the said Commissioners; and whenever such Service shall be performed by such Incumbent or his Curate, or any Clerk in Holy Orders so provided by him, a Fee of One Shilling and Ninepence shall be payable to such Incumbent, in addition to the Fee payable as herein provided to the Vicar of the said Township.

Fees for Interments in unconsecrated Ground.

XXV. That on every Interment in the unconsecrated Part of the said Ground the Sum of One Shilling and Ninepence shall be paid as a Minister's Fee, and shall be paid to the Fees Account of the said Commissioners, who shall appoint a Minister or other fit and proper Person for the Performance of such Burial Service as shall be required for any such Interment; and that it shall be lawful for the said Commissioners, on the Request of the Relatives or other Persons having the Care and Direction of the Funeral, to pay to any

Fee may, at the Request of Relatives, be paid

to Minister performing Service in unconsecrated Ground.

Minister or Person not appointed by such Commissioners performing Religious Rites or Service, on the Interment of any Body in the unconsecrated Portion of any Burial Ground provided under this Act, an additional Fee of One Shilling and Ninepence.

Extra Fees for Interment of Bodies from without the Township.

XXVI. When the Body of any Person shall be brought from any other Township or Hamlet within the Parish of *Huddersfield* for Interment in the Burial Ground to be provided under this Act, the Sum of Two Shillings and Sixpence shall be taken as an extra Fee for such Interment; and when the Body of any Person shall be brought for Interment from any other Parish than the said Parish of *Huddersfield*, then the Sum of Ten Shillings shall be taken as an extra Fee for the Interment of such Body; but in either of such Cases the Commissioners shall be empowered, at their Discretion, to reduce or remit such extra Fees.

Clerk to receive same Fee as Parish Clerk.

XXVII. That the Clerk to be appointed for Burials in the Burial Ground to be provided under this Act shall be entitled to require for each Burial in the consecrated Part of such Burial Ground the same Fee as is now payable to the Parish Clerk of the said Township in respect of Burials therein.

Money received by Officers to be paid to the Treasurer.

XXVIII. That all Fees and Sums which shall be received under this Act by the Officers or Servants of the said Board, on account of the said Board, shall be by such Wardens or Officers receiving the same forthwith paid to the Treasurer of the said Board.

Compensation in respect of Burial Grounds affected by Order for Discontinuance of Burial.

XXIX. That where this Act, or any Order for the Discontinuance of Interment as aforesaid, shall affect any Burial Ground in the said Township, Compensation shall be made by the said Commissioners to all Persons interested in such Burial Ground for the Loss or Damage which may be sustained by them by reason of the Discontinuance of such Interments as might lawfully have been made in such Ground in case Interment therein had not been discontinued under this Act; provided such Persons shall, within Three Calendar Months after the Time from which Interment is under such Order as aforesaid to be discontinued in such Ground, state in Writing to the said Commissioners the Particulars of their Claim for such Loss or Damage; and such Loss or Damage shall be examined into, and the Amount of Compensation payable in respect of the same shall be decided by Arbitration in manner provided by the Lands Clauses Consolidation Act, 1845; and the Expense which may be occasioned to any Body or Religious Denomination by the Necessity of making other Provision for such Interments as might lawfully have been made in such Ground shall be deemed Loss or Damage within this Enactment, and may be claimed by the Trustee or Trustees or a Majority of the Trustees of such Ground, though no Profit or Income would have been derived from such Interments.

Compensation to be made for Damage, after Inquiry.

Expenses under this Act to be defrayed out of Monies received thereunder, or in case of Deficiency out of Poor Rates.

XXX. That the Expenses of providing Burial Grounds, and the Salaries and Wages of all Officers and Servants of the said Commissioners appointed under this Act, the Payments to Incumbents and other Clerks in Holy Orders, Ministers, or other Persons performing Religious Rites under this Act, and all other Expenses of the said Commissioners under this Act, inclusive of the Compensations to be paid by them thereunder, and Interest, and all Sums borrowed under the Powers of this Act, shall be defrayed out of the Fees and Sums to be received by them under this Act; and in case the Fees and Sums to be received under this Act shall be at any Time insufficient to defray the Expenses chargeable thereupon under this Act, the Deficiency shall be made up out of a Rate to be made and levied by the Commissioners named in this Act on all Property assessable to the Rates for the Relief of the Poor within the Township of *Huddersfield*, to be called the Burial Ground Rate, and to be assessed and levied in the same Manner as a General District Rate under the Public Health Act, 1848; and the said Rate shall be subject to the same Provisions as to Notice and Estimate, and with respect to Recovery, Amendment, and Appeal, as Rates leviable under the *Huddersfield* Improvement Act, 1848; but nothing in the said Public Health Act, 1848, or in this Act, contained, shall in any Manner be construed or extend to limit the Right of making any such Rates retrospectively; provided that the Amount so to be levied by any such retrospective Rating shall not at any One Time exceed the Sum of Fivepence in the Pound upon the full net annual rateable Value of the Property liable to be assessed to such Rate.

XXXI. That

Fees and Payments may be mortgaged.

XXXI. That it shall be lawful for the said Commissioners, for the Purposes of defraying any Expenses incurred or to be incurred by them in the Execution of this Act, including all Sums of Money and Compensations to be paid by them thereunder, and with the Approbation of the General Board of Health, to borrow and take up at Interest any Sums of Money necessary for defraying any such Charges, Payments, and Expenses; and for the Purpose of securing the Repayment of any Sums so borrowed, together with such Interest as aforesaid, the said Commissioners may mortgage and assign over to the Persons by or on behalf of whom such Sums are advanced all or any of the Fees and Payments to be received under this Act; and the respective Mortgagees shall be entitled to a Proportion of such Fees and Payments as are comprised in their respective Mortgages according to the Sums in such Mortgages mentioned to have been advanced; and each Mortgagee shall be entitled to be repaid the Sum so advanced, with Interest, without any Preference over any other Mortgagee or Mortgagees by reason of any Priority of Advance or the Date of his Mortgage: Provided always, that the Sum Total to be so borrowed shall not exceed Ten thousand Pounds.

No Priority amongst Mortgagees.

Sinking Fund to be set apart for paying off Sums borrowed on Mortgage.

XXXII. That the said Commissioners may pay off any Monies borrowed or secured by any such Mortgage, by Thirty equal annual Instalments of Principal and Interest, or shall in every Year, until the same be paid off, appropriate and set apart as a Sinking Fund such Sum as, together with the Interest from Time to Time to accrue thereon, will in the Period of Thirty Years amount to a Sum sufficient to repay the Monies borrowed and secured by any such Mortgage, and shall from Time to Time cause such Sinking Fund, and the Interest thereon, to be invested in the Purchase of Exchequer Bills or other Government Securities, and to be increased by Accumulation in the Way of Compound Interest or otherwise; and whenever the said Commissioners are enabled to pay off One or more of such Mortgages, but not the whole thereof, they shall, in default of Arrangement between the Commissioners and the Mortgagees, decide by Lot the Order in which the same shall be paid off.

Provisions of Commissioners Clauses Act incorporated.

XXXIII. That the Clauses of "The Commissioners Clauses Act, 1847," "with respect "to the Meetings and other Proceedings of the Commissioners, and their Liabilities," excepting the 36th, 37th, 38th, 39th, 40th, 46th, and 53d Sections of the said Class of Clauses, and "with respect to the Contracts to be entered into and the Deeds to be executed "by the Commissioners," and "with respect to the Liabilities of the Commissioners, and to "legal Proceedings by or against the Commissioners," and "with respect to the Appoint-"ment and Accountability of the Officers of the Commissioners," excepting the 65th and 69th Sections of the said last-mentioned Class of Clauses, and "with respect to the Mort-"gages to be executed by the Commissioners," except the 84th Section of the said last-mentioned Class of Clauses, and "with respect to giving Notices and Orders," be incorporated with this Act; and that the Expression "the Special Act," used in the said Clauses, be construed to mean this Act; and the Expression "the Commissioners," in the said Clauses, be construed to mean the Commissioners under the aforesaid *Huddersfield* Improvement Act, or any Committee of the same appointed as herein-before directed to act in execution of this Act.

Parts of Lands Clauses Act incorporated.

XXXIV. That the Clauses of the "Lands Clauses Consolidation Act, 1845," "with "respect to the Purchase of Lands by Agreement," and "with respect to the Purchase "Money or Compensation coming to Parties having limited Interests, or prevented "from treating, or not making Title," and "with respect to the Conveyances of "Lands," and "with respect to Lands acquired by the Promoters of the Undertaking "under the Provisions of this Act, or any Act incorporated therewith, but which shall "not be required for the Purposes hereof," shall be incorporated with and form Part of this Act; and that the Expression the "Special Act," used in the said Clauses, be construed to mean this Act; and the Expression "the Works" or "the Undertaking" shall mean the Works or Undertaking of whatsoever Nature which shall by this Act be authorized to be executed; and the Expression "the Promoters of the Undertaking" in the said Clauses be construed to mean the Commissioners under the aforesaid *Huddersfield* Improvement Act, or any Committee of the same appointed as herein-before directed to act in execution of this Act.

XXXV. That

Parts of Public Health Act incorporated.

XXXV. That for the Purpose of ascertaining and recovering any Penalties, Damages, Costs, Sums of Money, Expenses, Fees, or Charges imposed, sustained, incurred, or which may become payable under the Provisions of this Act, and herein-before directed to be ascertained and recovered in a summary Manner, the Sections of the "Public Health Act, 1848," numbered respectively in the Copies of the Act printed by the Queen's Printers 129, 130, 131, 132, 134, 135, 136, and 137, shall be incorporated with this Act; and the Expression "Local Board of Health" used in such Sections shall be construed to mean the Commissioners under "The *Huddersfield* Improvement Act, 1848."

Accounts to be kept of Receipts and Disbursements, and such Accounts to be audited.

XXXVI. The said Commissioners shall cause Books to be provided and kept, and true and regular Accounts to be entered therein of all Sums of Money received and paid for and on account of this Act, and of the several Purposes for which such Sums of Money shall have been received and paid, which Books shall at all reasonable Times be open to the Inspection of any of the Commissioners, and any Mortgagee, Assignee in Security, or other Creditor of the Commissioners, without Fee or Reward; and the Commissioners and Persons aforesaid, or any of them, may take Copies of or Extracts from the said Books, without paying anything for the same; and any Clerk or other Person having the Custody of the said Books who shall not, on any reasonable Demand of any Commissioner, Mortgagee, or Creditor as aforesaid, permit him to inspect the said Books, or to take such Copies or Extracts as aforesaid, shall be liable to a Penalty of Five Pounds for every such Offence, which said Penalty shall be recoverable in a summary Manner; and any Auditors which may be appointed yearly under "The *Huddersfield* Improvement Act, 1848," for the auditing of the Accounts of the Commissioners under the said "*Huddersfield* Improvement Act," shall have the same Powers, Duties, and Privileges with respect to the Accounts of the said Commissioners under this Act as they have with respect to the Accounts of the Commissioners under the herein-before recited Act, which said Accounts shall be by the said Commissioners made up and balanced yearly for the Purposes of such Audit.

Expenses of Act, &c. defrayable out of Fees.

XXXVII. That the Expenses of obtaining this Act, and all other Expenses incidental thereto, shall be charged upon and defrayed out of the Fees and Sums of Money which shall be raised, charged, levied, or received under and by virtue of this Act.

Short Title of Act.

XXXVIII. That in citing this Act in any other Act of Parliament, or in any Proceeding, Instrument, or Document whatsoever, it shall be sufficient to use the Words and Figures "The *Huddersfield* Burial Ground Act, 1852."

The SCHEDULE referred to in the foregoing Act.

THE following is the Description of the Site of the Burial Ground authorized by the foregoing Act to be made; namely, all that Piece or Parcel of Ground containing Twelve Acres, more or less, situate in the Township and Parish of Huddersfield in the County of York, now the Property of the Trustees of Sir John Ramsden, Baronet, and called or known by the Name of the Edgerton Site, and which said Piece or Parcel of Ground is bounded on the East by the Footpath leading from Huddersfield to Birkby in the said Township of Huddersfield, on the West and South by other Property of the said Trustees, and on the North by the Highway leading from Edgerton in the said Township to Birkby aforesaid.

CAP. XLII.

An Act to confirm certain Provisional Orders of the General Board of Health, and to amend the Public Health Act, 1848. [30th *June* 1852.]

'WHEREAS the General Board of Health have, in pursuance of the Public Health Act, 1848, made, published, and deposited, according to the Provisions of that Act, certain Provisional Orders mentioned in the Schedule to this Act annexed, and it is expedient that the said Orders should be confirmed:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and