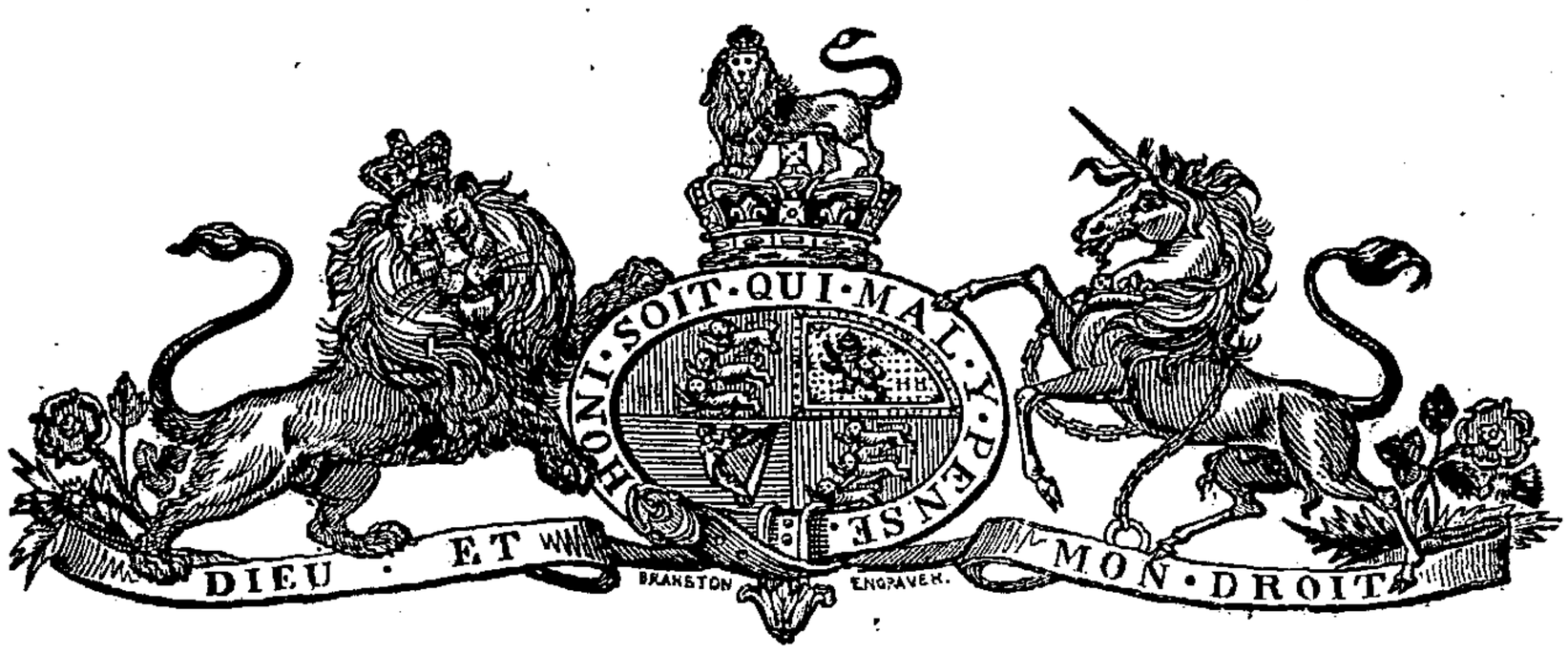


ANNO QUINTO & SEXTO

VICTORIÆ REGINÆ.

Cap. ciii.

An Act for providing additional Burial Grounds in the Parish of *Leeds* in the West Riding of the County of *York*. [16th *July* 1842.]

WHEREAS it would be of great Advantage if additional Burial Grounds were provided for the Interment of the Dead in the Parish of *Leeds* in the West Riding of the County of *York*, and if Provisions were made for regulating the existing Burial Grounds therein: 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 it shall be lawful for the Mayor, Aldermen, and Burgesses of the Borough of *Leeds*, by the Council of the said Borough, (subject to the Provisions in this Act contained,) from Time to Time to agree, with any Parties who shall be willing to sell the same, for the absolute Purchase, for a Consideration in Money, of any Plots or Parcels of Land which they shall think proper, and of all subsisting Leases therein, and of all Rent-charges, Annuities, Mortgages, or Incumbrances affecting any such Lands, and all Commonable or other Rights to which such Lands may be subject, and all other Estates or Interests in such Lands, of what Kind soever, for the Purpose of providing additional Burial Grounds for the Interment of the Dead within the said Parish of *Leeds*, in manner and subject as herein-after mentioned.

Power to buy Land for additional Burial Grounds.

Parties under Disability enabled to sell and convey.

II. And be it enacted, That it shall be lawful for all or any of the following Parties, being seised, possessed of, or entitled to any such Lands, or any such Estate or Interest therein as aforesaid, to sell and dispose and convey or release the same to the Mayor, Aldermen, and Burgesses, and to enter into all necessary Agreements for that Purpose; (that is to say,) all Corporations, Tenants for Life or in Tail, or for any other partial or qualified Estate or Interest, Married Women seised in their own Right or entitled to Dower, Guardians, Committees of Lunatics and Idiots, Trustees or Feoffees in Trust for charitable or other Purposes, Executors and Administrators; and the Power so to sell and convey as aforesaid may lawfully be exercised by all such Parties, not only on behalf of themselves, and their respective Heirs, Executors, Administrators, and Successors, but also for and on behalf of every Person entitled in Reversion, Remainder, or Expectancy after them, if incapacitated, unborn, or not to be found, and as to such Married Women as if they were sole, and as to such Guardians on behalf of their Wards, and as to such Committees on behalf of the Lunatics and Idiots of whom they are the Committees respectively, and that to the same Extent as such Wives, Wards, Lunatics, and Idiots respectively could have exercised the same Power under the Authority of this Act if they had respectively been under no Disability, and as to such Trustees, Executors, and Administrators, on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Femes Covert, or other Persons, and that to the same Extent as such Cestuisque Trusts respectively could have exercised the same Powers under the Authority of this Act if they had respectively been under no Disability.

Acceptance of Compensation for Price of or Damage to Lands.

III. And be it enacted, That the Owners of any such Lands, or of any such Estate or Interest therein as aforesaid, and all Parties by this Act enabled to convey any such Lands, may agree to accept, and, subject to the Restrictions in this Act contained as to the Payment thereof, may accept, Satisfaction for the Value of such Lands, or any Interest therein to which such Party shall be entitled; and in addition to Compensation for the Value of such Lands, or of the Interest therein to be so conveyed, such Parties shall be entitled to and may in like Manner accept Compensation for any Damage by them sustained owing to the Exercise of the Powers of this Act.

Amount of Compensation to be ascertained by Valuation in case of Parties under Disability.

IV. And with respect to the Consideration Money to be paid for any Lands to be purchased from any Party under any Disability or Incapacity, and not having Power to sell or convey except under the Provisions in this Act contained, and the Compensation Money to be paid for any Damage or Injury to any such Lands, be it enacted, That such Consideration Money or Compensation shall not be less than shall be determined by the Valuation of Two able practical Surveyors, one of whom shall be nominated by the Council, and the other by the other Party, and if such Two Surveyors cannot agree in the Valuation, then by such Third Surveyor as any Two Justices, not being Members of the Council, shall for that Purpose nominate; and each of such Two Surveyors, if they agree, or if not, then the Surveyor nominated by the said Justices, shall annex to the Valuation a Declaration of the Correctness thereof.

Form of Conveyance.

V. And be it enacted, That all Conveyances of Lands so to be purchased as aforesaid may be according to the Form in the Schedule (A.) to this Act annexed, or as near thereto as the Circumstances of the Case will admit; and all such Conveyances shall be effectual to vest the Lands thereby conveyed in the Mayor, Aldermen, and Burgesses, and shall operate to merge all Terms of Years attendant by express Declaration or by Construction of Law on the Estate or Interest so thereby conveyed, and to bar and to destroy all such Estates Tail, and all other Estates, Rights, Titles, Remainders, Reversions, Limitations, Trusts, and Interests whatsoever, of and in the Lands comprised in such Conveyances as shall have been purchased or compensated for by the Consideration therein mentioned; but although Terms of Years be thereby merged they shall in Equity afford the same Protection as if they had been kept on foot and assigned to a Trustee for the Mayor, Aldermen, and Burgesses, to attend the Reversion and Inheritance.

Costs of Conveyance.

VI. And with respect to the Costs of the Conveyance of such Lands purchased or taken by the Mayor, Aldermen, and Burgesses, be it enacted, That all such Costs shall be borne by the Mayor, Aldermen, and Burgesses, and such Costs shall include all Charges and Expences, incurred on the Part as well of the Seller as of the Purchaser, of all Conveyances and Assurances of any such Lands, and of any outstanding Terms or Interests therein, and of deducing, evidencing, and verifying the Title to such Lands, Terms, or Interests, and of making out and furnishing such Abstracts and attested Copies as the Council may require, and all other Expences incident to the Investigation, Deduction, and Verification of such Title; and before the Mayor, Aldermen, and Burgesses enter into possession of the Lands so purchased or taken they shall pay the Amount of such Costs, and if there be any Dispute about the same they shall obtain an Order for the Taxation thereof as herein-after provided; nevertheless, if within Seven Days after Notice in Writing from the Council the Parties from whom such Lands shall have been purchased do not deliver a Bill of their Costs to the Council, then the Mayor, Aldermen, and Burgesses shall not be prevented from entering into the Possession of such Lands by reason of the Non-payment of such Costs, or by reason of such Order for Taxation thereof not having been obtained.

Taxation of Costs.

VII. And be it enacted, That if the Council and the Party entitled to any such Costs shall not agree as to the Amount thereof, such Costs shall be ascertained by the Court of Chancery, and for that Purpose either Party may apply to the Court by Petition, and thereupon the Court shall order such Costs to be referred to one of the Masters to be taxed in the usual Manner, and upon Proof of such Service the Master shall proceed to tax such Costs accordingly, Notice of such Taxation being given to the other Party, and after the Taxation thereof it shall be lawful to the Court to order the Amount at which the same shall be so taxed, together with the Costs of Taxation, or so much of the same as shall be payable by the Mayor, Aldermen, and Burgesses, to be paid to the Party entitled thereto, and the same shall be paid accordingly; and the Expence

of

of taxing such Costs, and of obtaining the Order referring the same to be taxed, shall be borne by the Mayor, Aldermen, and Burgesses, unless on the Taxation One Sixth Part of the Costs be disallowed, in which Case the Expence shall be borne by the Party from whom the Lands shall have been purchased or taken.

Purchase Money payable to Parties under Disability amounting to 200*l.* to be deposited in Bank of England.

VIII. And for the Purpose of providing for the Deposit and Application of the Purchase Money or Compensation to be paid in respect of any such Lands which may belong to Parties under Disability, be it enacted, That if any such Purchase Money or Compensation shall be payable in respect of any such Lands, or any Interest therein, which any Corporation, Tenant for Life, or for any other partial or qualified Interest, Married Woman seised in her own Right or entitled to Dower, Guardian, Committee of Lunatic or Idiot, Trustee, Executor, or Administrator, or Person under any Disability, shall be entitled to, and shall under the Powers of this Act be enabled to convey or dispose of, the same shall, if it amount to or exceed the Sum of Two hundred Pounds, be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account there *ex parte* "The Mayor, Aldermen, and Burgesses of the Borough of *Leeds*," pursuant to the Method prescribed by an Act of the Twelfth Year of the Reign of His late Majesty King *George* the First, intituled *An Act for the better securing the Monies and Effects of the Suitors of the Court of Chancery, and to prevent the counterfeiting of* East India *Bonds, and Indorsements thereon, as likewise Indorsements on* South Sea *Bonds*, and pursuant to the General Rules and Orders of the said Court, and without Fee or Reward, according to the Act of the Twelfth Year of the Reign of His late Majesty King *George* the Second, intituled *An Act to empower the High Court of Chancery to lay out on proper Securities any Monies, not exceeding a Sum therein limited, out of the common and general Cash in the Bank of* England, *belonging to the Suitors of the said Court, for the Ease of the said Suitors, by applying the Interest therefrom for answering the Charges of the Office of the Accountant General of the said Court;* and such Monies shall remain so deposited until the same be applied to some One or more of the following Purposes; (that is to say,)

12 G. 1. c. 32.

12 G. 2. c. 24.

Application of Monies deposited.

In the Purchase or Redemption of the Land Tax, or the Discharge of any Debt or Incumbrance affecting the Lands in respect of which such Money shall have been paid, or affecting other Lands settled therewith to the same or the like Uses, Trusts, or Purposes; or

In the Purchase of other Lands, to be conveyed, limited, and settled upon the like Uses, Trusts, and Purposes, and in the same Manner, as the Lands in respect of which such Money shall have been paid stood settled; or,

If such Monies shall be paid in respect of any Buildings taken under the Authority of this Act, in replacing such Buildings, or substituting others in their Stead, in such Manner as the Court of Chancery shall direct; or

In Payment to any Party becoming absolutely entitled to such Money.

IX. And

Order for Application.

IX. And be it enacted, That such Money may be so applied as aforesaid upon an Order of the Court of Chancery made on the Petition of the Party who would have been entitled to the Rents and Profits of the Lands in respect of which such Money shall have been deposited; and until the Money can be so applied it may, upon the like Order, be invested by the said Accountant General in the Purchase of Three *per Centum* Consolidated or Three *per Centum* Reduced Bank Annuities, or in Government or Real Securities; and until such Annuities or Securities shall be ordered to be sold, or converted into Money, for the Purposes aforesaid, the Interest, Dividends, and annual Proceeds thereof shall from Time to Time be paid to the Party who would for the Time being have been entitled to the Rents and Profits of the Lands; and the Order for such Investment and Application of the Interest, Dividends, and annual Proceeds thereof may be made on the like Petition.

Sums from 20*l.* to 200*l.* to be deposited, or invested in Trustees.

X. And with respect to any such Purchase Money or Compensation which shall not amount to the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, be it enacted, That the same shall either be paid into the Bank of *England*, and applied in the Manner herein-before directed with respect to Sums amounting to or exceeding Two hundred Pounds, or the same may be lawfully paid to Two Trustees, to be nominated by the Parties entitled to the Rents and Profits of the Lands in respect whereof the same shall be payable, such Nomination to be signified by Writing under the Hands of the Parties so entitled; and in case of the Coverture, Infancy, Lunacy, or other Incapacity of the Parties entitled to such Monies, such Nomination may lawfully be made by their respective Husbands, Guardians, Committees, or Trustees; but such last-mentioned Application of the Monies shall not be made unless the Council approve thereof, and of the Trustees named for the Purpose, such Approval to be signified in Writing under the Common Seal of the Mayor, Aldermen, and Burgesses; and the Money so paid to such Trustees, and the Produce arising therefrom, shall be by such Trustees applied in the Manner herein-before directed with respect to Money paid into the Bank of *England*, but it shall not be necessary to obtain any Order of the Court for that Purpose.

Sums not exceeding 20*l.* to be paid to Parties.

XI. And with respect to any such Money which shall not exceed the Sum of Twenty Pounds, be it enacted, That the same shall be paid to the Parties who would for the Time being have been entitled to the Rents and Profits of the Lands in respect whereof the same shall be payable, for their own Use and Benefit; or in case of the Coverture, Infancy, Idiotcy, Lunacy, or other Incapacity of any such Parties, then such Money shall be paid, for their Use, to the respective Husbands, Guardians, Committees, or Trustees of such Persons.

Party in possession deemed to be the Owner.

XII. And be it enacted, That if any Question arise respecting the Title of the Lands in respect whereof such Monies shall have been so paid or deposited as aforesaid, the Parties respectively in possession or receipt of the Rents of such Lands at the Time of such Lands being purchased or taken shall be deemed to have been lawfully entitled to such Lands until the contrary be shown to the Satisfaction

faction of the Court; and unless the contrary be shown as aforesaid the Parties so in possession, and all Parties claiming under them or consistently with their Possession, shall be deemed entitled to the Money so deposited, and to the Dividends or Interest of the Annuities or Securities purchased therewith, and the same shall be paid and applied accordingly.

Land Tax to be made good.

XIII. And for the Purposes of providing against Deficiencies in the Assessment for the Land Tax, occasioned by the Execution of the Powers of this Act, within any Township, be it enacted, That if the Mayor, Aldermen, and Burgesses become possessed by virtue of this Act of any Lands charged with the Land Tax they shall from Time to Time be liable to make good the Deficiency in the Assessment for Land Tax arising within any such Township by reason of such Lands having been taken or used for the Purposes of this Act, and such Deficiency shall be computed according to the Rental at which such Lands, with any Building thereon, were valued or rated at the Time of the passing of this Act, and on Demand of such Deficiency the Treasurer under this Act shall pay all such Deficiencies to the Collector of the said Assessment; nevertheless, if at any Time the Council think fit to redeem such Land Tax, they may do so in accordance with the Powers in that Behalf given for the Redemption of the Land Tax.

Lands not wanted to be sold.

XIV. And for the Purpose of making Provision respecting the Sale of Lands acquired by the Mayor, Aldermen, and Burgesses under the Provisions of this Act, but which will not be required for the Purposes thereof, be it enacted, That the Council shall sell all such superfluous Lands in such Manner and to such Persons as they may deem most advantageous, and the Mayor, Aldermen, and Burgesses shall convey the same to the Purchasers thereof by Deed under their Common Seal, and the Receipt of the Treasurer of the Council shall be a sufficient Discharge to the Purchaser of any such Lands for the Purchase Money in such Receipt expressed to be received.

Effect of the Word "grant" in Conveyances.

XV. And be it enacted, That in every Conveyance of Lands to be made by the Mayor, Aldermen, and Burgesses under this Act the Word "grant" shall operate as express Covenants by the Mayor, Aldermen, and Burgesses, with the respective Grantees therein mentioned, and the Successors, Heirs, Executors, Administrators, and Assigns of such Grantees, according to the Quality or Nature of such Grants, and of the Estate or Interest therein expressed to be thereby conveyed, as follows, except so far as the same shall be restrained or limited by express Words contained in any such Conveyance; (that is to say,)

A Covenant that, notwithstanding any Act or Default done by the Mayor, Aldermen, and Burgesses, they were, at the Time of the Execution of such Conveyance, seised or possessed of the Lands or Premises thereby granted, for an indefeasible Estate of Inheritance in Fee Simple, free from all Incumbrances done or occasioned by them, or otherwise for such Estate or Interest as therein expressed to be thereby granted, free from Incumbrances done or occasioned by them:

A Cove-

A Covenant that the Grantee of such Lands, his Heirs, Successors, Executors, Administrators, and Assigns, (as the Case may be,) shall quietly enjoy the same against the Mayor, Aldermen, and Burgesses, and all other Persons claiming under them, and be indemnified and saved harmless by the Mayor, Aldermen, and Burgesses from all Incumbrances created by the Mayor, Aldermen, and Burgesses :

A Covenant for further Assurance of such Lands, at the Expence of such Grantee, his Heirs, Successors, Executors, Administrators, or Assigns, (as the Case may be,) by the Mayor, Aldermen, and Burgesses, and all other Persons claiming under them :

And all such Grantees, and their several Successors, Heirs, Executors, Administrators, and Assigns respectively, according to their respective Quality or Nature, and the Estate or Interest in such Conveyance expressed to be conveyed, may in all Actions brought by them assign Breaches of Covenants as they might do if such Covenants were expressly inserted in such Conveyances.

Burial Grounds not to be sold.

XVI. Provided always, and be it enacted, That it shall not be lawful for the Council to sell or dispose of (except for the Purposes of Interment of the Dead pursuant to the Provisions of this Act) any Land which shall have been consecrated or used for the Burial of the Dead.

Council empowered to make and maintain Burial Grounds.

XVII. And be it enacted, That it shall be lawful for the Council from Time to Time to make and maintain Burial Grounds on the Land so to be purchased by them under the Powers of this Act, and to lay out and embellish the same in such Manner as they shall think proper, and to appropriate the same respectively to and for such of the Townships within the said Parish of *Leeds* as shall contribute, in manner herein-after mentioned, towards the Expence of providing, making, completing, and maintaining the same.

Council to declare for what Townships Burial Grounds are provided.

XVIII. And be it enacted, That when any Burial Ground shall have been purchased and provided by the Council under the Powers of this Act, the Council shall order and declare for and to which of the said Townships the same shall have been provided and appropriated.

Council to distinguish Portions of Ground provided for respective Townships, and apportionExpences of providing same.

XIX. And be it enacted, That if the Council shall provide any Burial Ground, to be consecrated for the Interment of the Dead therein, according to the Rites of the Established Church, or not to be consecrated, with the Intention of appropriating and setting the same apart to and for the Use of any Two or more of the Townships within the said Parish, the Council shall, before the Consecration or Use thereof for the Purposes of this Act, declare what Portion of such Ground shall have been provided and set apart for each of such Townships respectively, and shall by some distinctive Mark of Separation distinguish the same accordingly ; and the Council shall also ascertain and determine the Proportion of the Costs and Expences of providing and completing the same which shall be charged upon and borne by the said respective Townships.

XX. And

Situation of Burial Grounds;

XX. And be it enacted, That it shall not be necessary that any Burial Ground to be provided in pursuance of this Act shall be situated within the Township for and to which the same may be provided and appropriated, nor within the said Parish of *Leeds*, but the same may be situate within such reasonable Distance of the same as the Council shall determine.

not to be within 300 Yards of any House without Consent;

XXI. Provided always, and be it enacted, That no Part of any such Burial Ground shall be made in Land which, at the Time of the Purchase thereof by the Council, shall be within Three hundred Yards of any House, except with the Consent in Writing of the Owner, Lessee, and Occupier of such House.

to be inclosed;

XXII. And be it enacted, That every Part of each such Burial Ground shall be inclosed with Walls or other sufficient Fences.

to be kept in order and repair.

XXIII. And be it enacted, That the Council shall from Time to Time keep the Burial Grounds, and the Buildings and Fences thereof, in complete Order and Repair, out of the Monies to be raised and appropriated for that Purpose as herein-after mentioned.

Power to make Sewers from the Burial Grounds.

XXIV. And be it enacted, That it shall be lawful for the Council to make all necessary and proper Sewers, Drains, Wells, and other Conveniences in and about such respective Burial Grounds, for the Purpose of conveying the Water from the same, and keeping the same drained and dry, and from Time to Time, as Occasion may require, to make Communications with any Branch or Main Sewer already made or hereafter to be made, with the Consent of the Surveyors or Persons having the Management of such Sewers, and of the Owners and Occupiers of the Lands through which such Communications may be made, doing as little Damage as possible to the Ground or the Streets or Places wherein such Sewer or Drain may be made, and replacing and closing the same, and otherwise putting the same in the like State and Condition as it was previously to its being disturbed, or as near thereto as possible.

Penalty for corrupting Water in any Stream.

XXV. And be it enacted, That if the Council shall at any Time cause or suffer to be conveyed or to flow into any Stream, Reservoir, Aqueduct, Pond, or Place for Water, any Washing or offensive Matter from any such Burial Ground, whereby the Water therein shall be fouled or corrupted, the Council shall forfeit for every such Offence the Sum of One hundred Pounds.

Penalty to be sued for in Superior Courts within Twelve Months.

XXVI. And be it enacted, That the said Penalty shall be recovered, with full Costs of Suit, in any of the Superior Courts, by Action of Debt or on the Case, by the Person whose Water shall be corrupted by such Washing or offensive Matter: Provided always, that the said Penalty shall not be recoverable unless the same be sued for within Twelve Months after the Offence in respect of which such Penalty shall have been incurred shall have ceased.

Daily Penalty during the Continuance

XXVII. And be it enacted, That in addition to the said Penalty of One hundred Pounds, and whether such Penalty shall have been

recovered or not, the Council shall forfeit the Sum of Twenty Pounds, to be recovered in like Manner, for each Day such Washing or offensive Matter shall be conveyed or shall flow as aforesaid after the Expiration of Twenty-four Hours from the Time at which Notice of the Offence shall have been served on them by the Person whose Water shall be fouled or corrupted by such Washing or offensive Matter, and such Penalty shall be paid to such last-mentioned Person. Penalty on Council for Continuance of the Offence.

XXVIII. And be it enacted, That the Council shall divide the Lands which they shall purchase or provide for the Formation of the First Burial Grounds to be made under the Authority of this Act for each of the Townships within the said Parish into Two equal Divisions or Quantities, as near as Circumstances will conveniently admit of, and that one of such Divisions or Quantities shall be set apart to be consecrated for the Burial of the Dead therein according to the Rites of the Established Church, and the other of the said Divisions or Quantities shall be set apart for the Burial of Persons not being Members of the Established Church, as herein-after mentioned. Lands to be divided into Two equal Portions.

XXIX. And be it enacted, That all Burial Grounds which may be purchased and provided under this Act, within or for the Township of *Leeds*, within the Space of Three Years next after the passing of this Act, shall be deemed and taken to be First Burial Grounds under this Act, and divided into Two equal Divisions or Quantities as aforesaid. First Burial Grounds.

XXX. And be it enacted, That it shall be lawful for the Bishop of *Ripon* for the Time being to consecrate such Portion of every such Burial Ground as the Council shall determine and set apart for that Purpose, and the Ground so consecrated shall be used only for the Burial of the Dead according to the Rites of the Established Church. Consecration.

XXXI. Provided always, and be it enacted, That it shall not be lawful for the said Bishop of *Ripon* to consecrate any Land unless the Council shall show a good Title to the same. Title to be approved before Consecration.

XXXII. And be it enacted, That in order to prevent any Doubt or Difficulty hereafter as to Boundaries of Burial Grounds, where the same may be contiguous, such distinctive Mark or Separation shall be made between the consecrated and unconsecrated Portions of every such Burial Ground as may be required by the Bishop of of *Ripon* for the Time being. Consecrated Ground to be separated from the unconsecrated.

XXXIII. And be it enacted, That the Council shall, if required by the Bishop of *Ripon* for the Time being, to erect, within such Part of every such Burial Ground as shall be consecrated, such Chapel or Chapels as may be necessary for the Reception of the Dead immediately previous to Interment, and for performing therein the Burial Service according to the Rites of the Established Church, and also such covered Porches or Colonnades, Catacombs and Vaults, for private Chapel in connexion with the established Church.

or public Burial Places, and such other Buildings, as the Council shall think proper; provided that no Interment shall take place under any such Chapel.

Restriction against Removal of Bodies.

XXXIV. And be it enacted, That no Corpse interred in the consecrated Portion of any such Burial Ground shall be removed without the like Authority as by Law required for the Removal of any Corpse interred in the Churchyard belonging to a Parish Church.

A Part of the Burial Ground for Dissenters.

XXXV. And be it enacted, That the Council shall set apart the other Portion of every such Burial Ground as a Place of Burial for Persons not being Members of the Established Church, and permit the Bodies of their Dead to be interred therein: Provided always, that every such Burial shall be conducted in a decent and solemn Manner, and under such Regulations and Restrictions as the Council shall impose.

Chapel for Dissenters.

XXXVI. And be it enacted, That the Council shall erect, within the unconsecrated Part of every such Burial Ground, such Chapel or Chapels as may be necessary for the Reception of the Dead immediately previous to Interment, and for performing therein the Burial Service according to the Rites of any Church or Congregation, other than the Established Church, by any Minister of such other Church or Congregation, or recognized as such by the religious Community or Society to which he may belong, and also such covered Porches or Colonnades, Catacombs, and Vaults, for private or public burying Places, and such other Buildings, as the Council shall think proper; provided that no Interment shall take place under any such Chapel.

Plan and Books of Reference to be kept.

XXXVII. And be it enacted, That a Plan of each such Burial Ground shall be made at the Expence of the Mayor, Aldermen, and Burgesses, 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.

XXXVIII. And be it enacted, That it shall be lawful for the Mayor, Aldermen, and Burgesses, under such Regulations and Restrictions, and subject to such Conditions, as the Council 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 the Council within any such Burial Ground, and also the Right of constructing any Vault, Catacomb, or Place of Burial within such Burial Ground, with the exclusive Right of Burial therein, in perpetuity or for a limited Period, and also the Right of

single

single Interment in any Vault, Catacomb, or other Place of Burial constructed by the Council, 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 Chapel or other Place within such Burial Ground,

Interments, Vaults, &c. to be subject to Regulations of Council.

XXXIX. And be it enacted, That all Interments, Vaults, Catacombs, Burial Places, Monuments, Tombstones, and Gravestones in any Part of any such Burial Grounds shall be subject to such Regulations, Restrictions, and Conditions as the Council shall from Time to Time make; nevertheless, all monumental Inscriptions within the consecrated Part of every such Burial Ground or Chapel shall have the Sanction of the Vicar, Chaplain, or Incumbent.

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

XL. And be it enacted, That all the Monies which shall arise by any such Sale shall be applied, in the first Place, in paying the 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 be applied in aid of the Rate or Fund out of which such respective Burial Grounds shall have been purchased and completed.

Form of Grant.

XLI. 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 the Common Seal of the Mayor, Aldermen, and Burgesses, and may be made in the Form in Schedule (B.) to this Act annexed, or to the like Effect.

Register of Grants to be kept.

XLII. And be it enacted, That a Register of all such Grants shall be kept by the Clerk of the Council, 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 Clerk in such Register; and such Clerk shall receive such Sum as the Council shall think fit, not exceeding Two Shillings and Sixpence, for every such Entry or Memorial; and the said Register may be perused at all reasonable Times by any Grantee of the Council, or any Purchaser or intended Purchaser of any Right conveyed in any such Grant, upon Payment of the Sum of One Shilling to the Clerk of the Council.

Rights of Burial, &c. to be assignable.

XLIII. And be it enacted, That the exclusive Right of Burial or Interment in any such Vault, Catacomb, or Burial Place shall, whether granted in perpetuity or for a limited Period, be considered as

as the Personal Estate of the Grantee, and may be assigned in his Lifetime or bequeathed by his Will.

Form of Assignment.

XLIV. And be it enacted, That every such Assignment shall be by Deed duly stamped, in which the Consideration shall be duly set forth, and may be in the Form in Schedule (C.) to this Act annexed, or to the like Effect.

Assignment to be registered.

XLV. And be it enacted, That an Entry or Memorial of every such Assignment shall, within Six Months after the Execution thereof if executed in *England*, or within Six Months after the Arrival thereof in *England* if executed elsewhere, be made in the Register by the Clerk of the Council, in the same Manner as that of the original Grant; and for every such Entry or Memorial the Clerk shall receive such Sum, not exceeding Two Shillings and Sixpence, as the Council shall direct.

Probates of Wills to be registered.

XLVI. And be it enacted, That an Entry or Memorial of the Probate of every Will by which the exclusive Right of Burial in any Vault, Catacomb, or Burial Place within any such Burial Ground shall be bequeathed, and in case there shall be any specific Disposition of such exclusive Right of Burial in the said Will an Entry of such Disposition, shall, within Six Months after the Probate of such Will, be made in the said Register, in the same Manner as that of the original Grant; and for every such Entry or Memorial the Clerk of the Council shall be entitled to receive any Sum, not exceeding Two Shillings and Sixpence, as the Council shall direct.

Vaults to be kept exclusively for the Parties entitled.

XLVII. And be it enacted, That no Person shall be interred in any Vault, Catacomb, or Burial Place, the exclusive Right of Burial wherein shall have been granted by the Mayor, Aldermen, and Burgesses, 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 Council, or any Officer to be appointed by the Council for that Purpose, that such Owner has consented.

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

XLVIII. And be it enacted, That from and after the passing of this Act no Corpse shall be interred in any of the present or future respective Burial Grounds within any Part of the Parish of *Leeds*, nor in any Burial Ground to be provided in pursuance of this Act, 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 this Act he shall forfeit a Sum not exceeding Twenty Pounds for every such Offence.

Council may remove Monuments improperly erected.

XLIX. And be it enacted, That it shall be lawful for the Council to take down and remove any Monument, Cenotaph, Tombstone, Gravestone, and other Erection which shall have been erected contrary to the Terms upon which Permission to erect the same was granted.

Mayor, &c. to resume Possession of Vaults on Expiration of the Grant.

L. And be it enacted, That it shall be lawful for the Mayor, Aldermen, and Burgesses to resume the Possession of any Vault, Catacomb, or other Burial Place, on the Determination of the Interest of the Grantee of the exclusive Right of Burial therein: Provided always, that in case of such Resumption or Possession by the Mayor, Aldermen, and Burgesses, the Bodies which may have been interred in any such Vault, Catacomb, or Burial Place shall not be disturbed without the like Authority as by Law required for the Removal of any Corpse interred in a Churchyard belong to a Parish Church.

Burials in the consecrated Portion to be registered.

LI. And be it enacted, That all Burials in the consecrated Part of any such Burial Ground shall be registered by the Chaplain of such Burying Ground, if a Chaplain shall be appointed thereto, and if not, then by the Officiating Minister, in Register Books to be provided by the Council, and kept for that Purpose, according to the Laws in force for keeping Registers in *England* by the Rectors, Vicars, or Curates of Parishes in Ecclesiastical Districts; and such Register Books, or Copies or Extracts therefrom, shall be received in all Courts as Evidence of such Burials, and Copies or Transcripts thereof shall be from Time to Time transmitted to the Register of the Ecclesiastical Court for the Bishop of *Ripon*, to be kept with the Copies of the other Register Books of the Parishes within his Diocese.

Burials in unconsecrated Portion also to be registered.

LII. And be it enacted, That all Burials in the unconsecrated Part of any such Burial Ground shall be registered by a Registrar, or other Person to be appointed by the Council, in Register Books to be provided by the Council for that Purpose, according to the Laws for keeping such Registers in *England*.

Registers to be subject to the Regulations of 6 & 7 W. 4. c. 86. as to Searches, &c.

LIII. Provided always, and be it enacted, That the said Register Books, 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 Session of the Sixth and Seventh Years of His late Majesty King *William* the Fourth, intituled *An Act for registering Births, Deaths, and Marriages in* England.

Chaplain may be appointed.

LIV. And be it enacted, That it shall be lawful for the Vicar for the Time being of the said Parish, if required by the Council, from Time to Time, and with the Consent of the Bishop of *Ripon*, to appoint a Clergyman of the Established Church to officiate as Chaplain in the consecrated Part of any such Burial Ground; and such Chaplain shall be licensed by and be subject to the Jurisdiction of the said Bishop, and the said Bishop shall have Power to revoke any such Licence, and to remove such Chaplain for any Cause which shall appear to the said Bishop to be reasonable.

Chaplain to perform the Burial Service when required.

LV. And be it enacted, That the Chaplain shall, unless prevented by Sickness or other reasonable Cause, perform, when required, the Burial Service within the consecrated Part of any such Burial Ground, according to the Rites of the Established Church.

Other Clergymen to be allowed to officiate.

LVI. And be it enacted, That it shall be lawful for any Clergyman of the Established Church, at the Request of the Executor of any deceased Person, or any other Person having the Charge of the Interment of any deceased Person, to perform the said Burial Service in the consecrated Part of any such Burial Ground.

Council to pay the Chaplain a Stipend approved by the Bishop.

LVII. And be it enacted, That the Council shall, out of the Monies to be received by virtue of this Act, allow to the Chaplain for the Time being of each such Burial Ground such a Stipend as shall be approved of by the Bishop of *Ripon*, and such Stipend shall be payable on the Twenty-fifth Day of *March* and the Twenty-ninth Day of *September* in each Year, by equal Portions; and if any Chaplain shall resign or be removed in the Interval between the half-yearly Days of Payment, the Council shall pay to him or his personal Representatives a Part of the half-yearly Stipend proportioned to the Time during which he shall have continued to be the Chaplain after the last Day of the Payment of the said Stipend, and the Remainder only of such half-yearly Payment shall be paid to the succeeding Chaplain.

Stipend may be recovered by Action at Law.

LVIII. And be it enacted, That if the Stipend of the said Chaplain, 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 be paid, it shall be lawful for the Chaplain, or his Executors or Administrators, to recover the same, with full Costs of Suit, against the Mayor, Aldermen, and Burgesses, by Action of Debt or upon the Case, in any of the Superior Courts.

Registrar may be appointed for unconsecrated Portion.

LIX. And be it enacted, That it shall be lawful for the Council, from Time to Time, to appoint a Registrar to officiate in the unconsecrated Part of any such Burial Ground; and the Council shall have Power to revoke any such Appointment, and to remove such Registrar at pleasure; and the Council shall, out of the Monies to be received by virtue of this Act, allow to such Registrar, for the Performance of the Duties of his Office, such Stipend as the Council shall think reasonable, and which Stipend shall be payable and recoverable at the same Time and in like Manner as are herein-before provided for the Payment and Recovery of the Stipend of any Chaplain to be appointed under this Act.

Appointment of Clerk and Grave-digger for the consecrated Portion;

LX. And be it enacted, That it shall be lawful for the Council from Time to Time, with the Approbation of the Bishop of *Ripon* for the Time being, to appoint a Clerk and Grave-digger to act in the consecrated Part of any such Burial Ground, and it shall be lawful for the Bishop to remove such Clerk or Grave-digger at his Pleasure.

for the unconsecrated Portion.

LXI. And be it enacted, That it shall be lawful for the Council from Time to Time to appoint a Clerk and Grave-digger in such Part of any such Burial Ground as shall not be consecrated, and to remove such last-mentioned Clerk or Grave-digger at their Pleasure.

LXII. And

Wages of Clerks and Grave-diggers.

LXII. And be it enacted, That the Wages or Stipends of all such Clerks and Grave-diggers shall from Time to Time be fixed by the Council, and shall be paid and recovered in such and the same Manner as the Stipend of the Chaplain is payable and recoverable under this Act.

Grave digger for the Parish of Leeds may be appointed to perform the Duties of the Burial Grounds.

LXIII. Provided always, and be it enacted, That the Council shall, with the Approbation of the Vicar of the Parish of *Leeds* for the Time being, appoint the Person who at the Time of the passing of this Act shall be filling the Office of Sexton and Grave-digger at the Parish Church of *Leeds* aforesaid to be the Grave-digger to perform the same Duties in making and preparing the Graves for the Interment of the Dead within all or any of the Burial Grounds which may be purchased, consecrated, and appropriated for and to the said Township of *Leeds*, in such and the same Manner as such Sexton, by himself and his Assistants, before the passing of this Act, may of Right have been accustomed; and so long as such Grave-digger so appointed as aforesaid shall, by himself and his Assistants, duly perform such Duties, he shall in respect thereof be entitled to the same Fees and Emoluments as by Law he may be entitled unto previous to and at the Time of passing this Act: Provided that it shall be lawful for the said Vicar to remove such Person from the said Office of Grave-digger at pleasure.

Fees to be paid to the Vicar, Incumbents, &c.

LXIV. And be it enacted, That the Council shall, on the Interment of every Corpse within the consecrated Part of any such Burial Ground, pay to the Vicar of the Parish of *Leeds*, to the Clerk in Orders of the said Parish, and to the respective Incumbents of the respective Chapelries or other Ecclesiastical Districts situate within the Township for and to which such Burial Ground shall be provided and assigned or shall belong, the same Surplice Fees or Dues for each Interment to which such Vicar, Clerk in Orders, and Incumbents respectively would have been by Law entitled if such Person had been interred in the Burial Grounds now belonging to such Parish, Chapelries, or Ecclesiastical Districts respectively: Provided that no Fees or Dues shall be payable to the Vicar, Clerk in Orders, or Incumbent, or any of them, for or in respect of any Vault, Catacomb, Gravestone, Tombstone, Monument, or monumental Inscription to be made, constructed, or placed within any Burial Ground or Chapel to be provided or purchased under this Act.

Accounts of the Interments to be kept.

LXV. And be it enacted, That for the Purpose of ascertaining the Amount of such Fees or Dues payable to the said Vicar, Clerk in Orders, and Incumbents respectively, the Council shall cause Books to be kept, and Entries to be made therein of the Names of all Persons interred within the consecrated Part of any such Burial Ground, together with the Date of such Interment; and such Books shall be at all seasonable Times open to the Inspection of the Vicar, Clerk in Orders, and Incumbents respectively for the Time being of the said Parish and the said several Chapelries or Districts, or any Person employed by them, without Fee or Reward.

LXVI. And

Account of Fees to be rendered half-yearly by the Council.

LXVI. And be it enacted, That the Council shall on the Twenty-fifth Day of *March* in each Year, or within One Month afterwards, deliver to the Person who shall have been the Vicar or Clerk in Orders of the said Parish, or the Incumbent of any such Chapelry or Ecclesiastical District, on that Day, or to his Executors or Administrators, on Demand, an Account of Persons interred in any such consecrated Burial Ground between the said Twenty-fifth Day of *March* and the Twenty-ninth Day of *September* preceding; and the Council shall on the Twenty-ninth Day of *September* in each Year, or within One Month afterwards, deliver to the Person who shall have been the Vicar or Clerk in Orders of the said Parish, or the Incumbent of any such Chapelry or Ecclesiastical District, on that Day, or to his Executors or Administrators, on Demand, an Account of the Fees or Dues which shall be payable in respect of Persons interred in such Burial Ground between such Twenty-ninth Day of *September* and the Twenty-fifth Day of *March* following.

Fees to be paid half-yearly.

LXVII. And be it enacted, That the Fees or Dues payable by virtue of this Act shall be paid half-yearly, on the Twenty-fifth Day of *March* and the Twenty-ninth Day of *September*, or within One Month afterwards, to the respective Persons who shall be the Vicar or Clerk in Orders of the said Parish, and the Incumbents of the said Chapelries or Ecclesiastical Districts, in respect of which the same are payable on such Twenty-fifth Day of *March* and Twenty-ninth Day of *September*, or to the Executors or Administrators of such Vicar, Clerk in Orders, and Incumbents respectively; (that is to say,) such Fees or Dues as shall accrue between the Twenty-ninth Day of *September* and the Twenty-fifth Day of *March* following shall be paid to the Person who shall be the Vicar, Clerk in Orders, or Incumbent on the Twenty-fifth Day of *March*, and such Fees or Dues as shall accrue between the Twenty-fifth Day of *March* and the Twenty-ninth Day of *September* following to the Person who shall be the Vicar, Clerk in Orders, or Incumbent on the Twenty-ninth Day of *September*; and if any such Fees or Dues shall not be paid to the Party entitled to receive the same within the Period herein-before limited for the Payment thereof, it shall be lawful for such Party to recover the same, by Action of Debt or on the Case, in any of the Superior Courts.

Payment to be made to the Incumbent for the Time being, who is to account with his Predecessor.

LXVIII. And be it enacted, That if any such Vicar, Clerk in Orders, or Incumbent shall cease to be Vicar, Clerk in Orders, or Incumbent, by Cession, Death, or otherwise, between the said Two half-yearly Days, such Vicar, Clerk in Orders, or Incumbent shall be entitled to receive so much of the Sum payable at the half-yearly Day which shall happen next after he shall cease to be Vicar, Clerk in Orders, or Incumbent, as shall have accrued from the last preceding half-yearly Day, or from the Time when such Vicar, Clerk in Orders, or Incumbent became first entitled to receive the Fruits of his Living, as the Case may require, up to the Day at which he ceased to be Vicar, Clerk in Orders, or Incumbent; and any Vicar, Clerk in Orders, or Incumbent who shall receive from the Council any Sum to a Part of which any preceding Vicar, Clerk in Orders,

or Incumbent shall be entitled under the Provisions herein contained, shall pay such Part to him, his Executors or Administrators, accordingly; and the Council shall not be answerable to any Person other than the actual Vicar, Clerk in Orders, or Incumbent for the Time being for the Payment of any Fees or Dues, or Arrears thereof, by virtue of this Act.

Council may agree with Vicar, &c. for Commutation of Fees.

LXIX. And be it enacted, That it shall be lawful for the Council from Time to Time to agree with the Vicar of the said Parish of *Leeds* for the Time being, the Clerk in Orders of the said Parish for the Time being, and the respective Incumbents for the Time being of the several Chapelries and Ecclesiastical Districts within the said Parish, for an annual Payment to them respectively, in lieu and satisfaction of all the Surplice Fees or Dues to which they respectively may be entitled for any of the Interments in the several Burial Grounds to be provided by virtue of this Act, and to pay the same accordingly out of the Monies to be raised and received by virtue thereof, at such and the same Times, and subject to such and the same Powers for the Recovery thereof, as the said Fees or Dues are by this Act directed to be paid to such Vicar, Clerk in Orders, and Incumbents respectively.

Penalty for damaging the Burial Ground.

LXX. And be it enacted, That if any Person shall wilfully destroy, deface, or injure any Building, Wall, or Fence of 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 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 Nuisances in the Burial Ground.

LXXI. And be it enacted, That if any Person shall play at any Game, or discharge Firearms 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 interring any Corpse therein, or commit any Nuisance within such Burial Ground, he shall forfeit for every such Offence any Sum not exceeding Five Pounds.

Expences of providing Burial Grounds. 5 & 6 Vict. c. 104.

LXXII. And whereas a Bill is now in progress in Parliament, intituled *A Bill for better lighting, cleansing, sewering, and improving the Borough of* Leeds *in the County of* York, by which it is intended to give Powers to the Mayor, Aldermen, and Burgesses of the Borough of *Leeds*, by the Council of the said Borough, to carry into effect the several Objects and Purposes of the said Bill, and for that Purpose to levy Improvement Rates on the Occupiers of Tenements and Lands within the several Townships in the Parish and Borough of *Leeds* as therein is mentioned; be it therefore enacted, That if the said Bill shall pass into a Law the Council shall from Time to Time defray all the Expences of and incident to the purchasing, completing, maintaining, and upholding the said respective Burial Grounds, and otherwise in carrying this Act into execution, by and out of the Monies which they may by the said intended Act be authorized to

raise by and from or upon the Credit of the respective Improvement Rates in the said Bill mentioned; provided that all such Expences shall be charged upon and defrayed out of the Improvement Rates to be levied and collected in such of the said respective Townships only for and to which such Burial Grounds shall be severally provided and appropriated, and not otherwise.

Expence may be defrayed out of the Borough Fund in a certain Event.

LXXIII. And be it enacted, That if the said Bill shall not pass into an Act it shall be lawful for the Council and Borough of *Leeds* from Time to Time to defray all the Expences of and incident to the purchasing, completing, maintaining, and upholding the said respective Burial Grounds, and otherwise in carrying this Act into execution, by and out of the Monies to be raised and levied in the respective separate Townships for and to which such Burial Ground shall be provided and appropriated, and the same shall be estimated for, raised, and levied accordingly by the Council as Part of the Borough Rate, in such and the same Manner as they are required and authorized by an Act passed in the Session of the Fifth and Sixth Years of His late Majesty King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales, and of any Acts passed to amend the same, to levy, raise, and recover any Rate or Monies in case the Borough Fund shall not be sufficient for the Purposes of the said last-mentioned Acts.

5 & 6 W. 4. c. 76.

Plans of existing Burial Grounds to be furnished to the Council.

LXXIV. And be it enacted, That the Churchwardens of the Parish of *Leeds*, the Churchwardens and Chapelwardens of the respective Townships and Chapels of Ease in the said Parish, the Churchwardens of all other Churches in the said Parish, the Trustees of every Chapel and Place of Worship having a Place of Burial attached or belonging to the same, and the Trustees and all other Persons in whom any Ground is or shall be vested, which is or may be appropriated for the Burial of the Dead within any Part of such Parish, shall from Time to Time, (whether such Burial Ground or Burial Place shall have been provided and in existence before or after the passing of this Act, and whether under or in pursuance of this Act or otherwise,) when thereunto required by the Council, make and deliver to the Council a Plan of every such Burial Ground and Burial Place upon such a Scale as the Council shall require, stating the Situation thereof, and the Number and Situation of the Graves, Vaults, and Catacombs therein respectively, together with a Statement of the Number of Persons interred in each such Grave, Vault, and Catacomb, and the Times when such Interments were respectively made, so far as the same may be conveniently practicable, and shall also afterwards, from Time to Time, when the Council shall require the same, make and deliver to the Council a Statement of the additional Number of Graves, Vaults, and Catacombs, and the Situation thereof respectively, and of the Number of Interments, during the Year or any other Period preceding, in each of such Graves, Vaults, and Catacombs; and if any such Party or Person shall, for the Space of Two Calendar Months next after Notice from the Council, neglect to make or deliver any such Plan and Statement, or either of them, he shall for every such Neglect forfeit any Sum not exceeding Fifty Pounds; provided that each of

such Plans and Statements shall be prepared at the Expence of the Mayor, Aldermen, and Burgesses, and in case of any Dispute touching the same the Amount of such Expence shall be ascertained and settled by any Justice not being a Member of the Council; provided that no Order for the Purposes aforesaid shall be made by the Council, except at some Special Meeting of the Council to be convened for that Purpose.

Council may prohibit Interments in Burial Grounds.

LXXV. And be it enacted, That if the Council shall at any Time be of opinion that any Burial Ground or other Burial Place already existing, purchased, or provided, or hereafter to be purchased or provided, within or for any Part of the Parish of *Leeds*, whether under this Act or otherwise, is or shall be so full of Corpses that it would be dangerous or injurious to the public Health that any further Interments should take place in any such Burial Ground or Burial Place, or in any Part thereof, it shall be lawful for the Council, at any Special Meeting of the Council 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 that if the said Council shall at any Time see fit to revoke such Order, it shall be lawful for the Council, 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 that nothing in this and the last preceding Clause contained shall extend to any consecrated Burial Ground within the said Parish without the Consent of the Bishop of *Ripon* for the Time being first obtained for that Purpose; and the said Bishop may make such Regulations in reference thereto as he shall from Time to Time think proper.

Penalties to be summarily recovered before Justices.

LXXVI. And for the Purpose of providing for the Recovery of Penalties or Forfeitures by this Act, the Recovery of which is not otherwise provided for, be it enacted, That every such Penalty or Forfeiture may be recovered by summary Proceeding upon Complaint made before any Justice, not being a Member of the Council; and on the Complaint being made to any such Justice he shall issue a Summons requiring the Party complained against to appear before any Two Justices on a Day and at a Time and Place 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 offending, 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

pay the Penalty or Forfeiture incurred, as well as such Costs attending the Conviction as such Justices shall think fit.

Penalties may be levied by Distress.

LXXVII. And be it enacted, That if forthwith upon any such Adjudication as aforesaid the Amount of the Penalty or Forfeiture, 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 any Justice shall issue his Warrant of Distress accordingly.

Imprisonment in default of Distress.

LXXVIII. And be it enacted, That it shall be lawful for the Justice 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 give sufficient Security, by way of Recognizance or otherwise, to the Satisfaction of the Justice, for his Appearance before him 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 Justice, by the Admission of the Offender or otherwise, that no sufficient Distress can be had whereon to levy such Penalty or Forfeiture and Costs, he may, if he 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 Justice, then such Justice 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.

LXXIX. And with respect to the Application of any Penalties or Forfeitures recovered by virtue of this Act, the Application whereof is not herein 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 Treasurer of the Borough of *Leeds*, in aid of the Funds of the said Borough.

Penalties to be sued for within Six Months.

LXXX. And be it enacted, That no Person shall be liable to the Payment of any Penalty or Forfeiture imposed by virtue of this Act for any Offence herein-before made cognizable before a Justice, unless the Complaint respecting such Offence shall have been made before such Justice within Six Months next after the Commission of such Offence.

Penalty on Witnesses making default.

LXXXI. And be it enacted, That it shall be lawful for any Justice to summon any Person to appear before him as a Witness in any Matter in which such Justice shall have Jurisdiction under the Provisions of this Act, at a Time and Place 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 Justice touching any Offence committed against this Act, or

any

any Matter in which such Justice 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 Justice, every such Person shall forfeit a Sum not exceeding Five Pounds for every such Offence.

Transient Offenders.

LXXXII. And with respect to Offenders whose Names and Residences are not known, be it enacted, That any Officer of the Council, 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.

LXXXIII. 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 (D.) to this Act annexed.

Informalities.

LXXXIV. 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 to be levied on the Goods of the Party liable.

LXXXV. And be it enacted, That where in this Act any Sum of Money, whether in the Nature of 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.

Distress not unlawful for Want of Form.

LXXXVI. 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 Damage in an Action upon the Case.

Parties may appeal to Quarter Sessions, on giving Security.

LXXXVII. And be it enacted, That if any Person shall think himself aggrieved by any Order, Determination, or Adjudication of any Justice, or of the Council, under the Provisions of this Act, he may appeal to the General Quarter Sessions for the Borough of *Leeds*, or for the West Riding of the County of *York*, as the Case may be; but

but no such Appeal shall be entertained unless it 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 Recognizances, 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.

LXXXVIII. 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, Determination, Adjudication, and of the Appeal, as it may think reasonable.

Interpretation of Act.

LXXXIX. 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 "Land" shall extend to Messuages, Lands, Tenements, and Hereditaments of any Tenure:

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

The Words "Mayor, Aldermen, and Burgesses" shall mean the Mayor, Aldermen, and Burgesses of the Borough of *Leeds*:

The Words "the Clerk of the Council" shall mean the Person appointed by the Council Clerk for the Purposes of this Act:

The Words "the Council" shall mean the Council of the Borough of *Leeds*:

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 *Westminster*:

The Word "Oath" shall include Affirmation in case of Quakers, or other Declaration or Solemnity lawfully substituted for an Oath in case of any other Persons exempted by Law from the Necessity of taking an Oath:

The Expression "the Established Church" shall mean the United Church of *England* and *Ireland*, as by Law established.

XC. And

XC. And be it enacted, That all the Expences of obtaining and passing this Act, or preparatory or incident thereto, shall, in the first instance, be paid and defrayed out of the first Monies which shall come into the Hands of the Council by virtue of the said intended Act or of this Act, and such Expences shall afterwards be charged upon the Improvement Rates to be levied, by virtue of the said intended Act (in case the same shall be passed into a Law), in the Township of *Leeds* only; and in case the same shall not pass into a Law, then such Expences shall be paid and defrayed by and out of the Borough Rate to be levied in the Township of *Leeds* only, and shall be repaid out of the Monies to arise from this Act. Expences of Act.

XCI. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such. Public Act.

SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

FORM OF CONVEYANCE.

I of in consideration of the Sum of paid to me [*or, as the Case may be*, into the Bank of England, in the Name and with the Privity of the Accountant General of the Court of Chancery, ex parte "The Mayor, Aldermen, and Burgesses of the Borough of Leeds," *or* to *A. B.* of and *C. D.* of Two Trustees appointed to receive the same], pursuant to an Act passed, *&c.*, intituled, *&c.*, by the said Mayor, Aldermen, and Burgesses, do hereby convey to the said Mayor, Aldermen, and Burgesses, and their Assigns, all [*describing the Premises to be conveyed*], together with all Ways, Rights, and Appurtenances thereto belonging, and all such Estate, Right, Title, and Interest in and to the same as I am or shall become seised or possessed of, or am by the said Act empowered to convey, to hold the Premises to the said Mayor, Aldermen, and Burgesses, and their Assigns for ever, according to the true Intent and Meaning of the said Act. In witness whereof I have hereunto set my Hand and Seal the Day of in the Year of our Lord One thousand eight hundred and

SCHEDULE (B.)

FORM OF GRANT OF RIGHT OF BURIAL.

BY virtue of an Act passed, *&c.*, we, the Mayor, Aldermen, and Burgesses of the Borough of Leeds, 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

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

SCHEDULE (C.)

Form of Assignment of Right of Burial, &c.

I *A.B.* of in consideration of the Sum of paid to me by *C.D.* of do hereby assign unto the said *C.D.* the exclusive Right of Burial or Interment in all [*here describe the Vault, Catacomb, or Burial Place*], which was granted to me [*or* unto *A.B.* of] in perpetuity [*or as the Case may be*] by the Mayor, Aldermen, and Burgesses of the Borough of Leeds, by a Deed bearing Date the Day of and all my Estate, Title, and Interest therein; to hold the same unto the said *C.D.*, his Executors, Administrators, and Assigns, in perpetuity [*or, as the Case may be*, for the Remainder of the Period for which the same was granted by the said Mayor, Aldermen, and Burgesses], subject to the same Conditions as I held the same immediately before the Execution hereof.

Witness my Hand and Seal this Day of .

SCHEDULE (D.)

Form of Conviction.

Borough of Leeds, to wit. } Be it remembered, That on the Day of in the Year of our Lord *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.*

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