ANNO VICESIMO TERTIO

VICTORIÆ REGINÆ.

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Cap. xxii.

An Act for enabling the Mayor, Aldermen, and Burgesses of the Borough of *Leicester* to provide an additional Cemetery, with Approaches thereto, and to effect certain Arrangements with the Visitors of the *Leicestershire* and *Rutland* Lunatic Asylum; for amending the Acts relating to the Cemetery, Sewerage, and Waterworks in the said Borough; and for other Purposes.

[15th *May* 1860.]

WHEREAS an Act was passed in the Eleventh Year of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act for enabling the Mayor, Aldermen, and Burgesses of the Borough of* Leicester *to establish a general Cemetery for such Borough*, the Short Title whereof is "The *Leicester* Cemetery Act, 1848," whereby it was, amongst other things, enacted, that it should be lawful for the Mayor, Aldermen, and Burgesses of the Borough of *Leicester*, herein-after called the Corporation, acting by the Council of the said Borough, to make and maintain a Cemetery or Burial Ground on the Land belonging

11 & 12 Vict. c. ii.

to the Corporation described in the Schedule to that Act; and the said Act contained a Proviso, that no Corpses should be interred in either of the Closes in the said Schedule called No. 19 and No. 20, until after the Expiration of Twelve Years from the passing of the said Act, without the Consent of a Meeting of the Visitors for the Time being of the *Leicestershire* and *Rutland* Lunatic Asylum, herein-after called the Visitors, such Consent to be signified as in the said Act is mentioned: And whereas the said Period of Twelve Years will expire on the Fifth Day of *May* One thousand eight hundred and sixty: And whereas the said Closes called No. 19 and No. 20 are composed of a Soil unsuited for the Purpose of the Interment of Corpses therein, and the same Closes also adjoin the Grounds of the *Leicestershire* and *Rutland* Lunatic Asylum, herein-after called the Asylum: And whereas an Act was passed in the Eleventh Year of Her present Majesty, to effect an Agreement between the Visitors of the Lunatic Asylum of the County of *Leicester* and the Corporation for the Admission of Lunatic Paupers from the Borough of *Leicester*, herein-after called the Borough, into the said Asylum: And whereas in the Year One thousand eight hundred and forty-eight the Visitors for the Time being of the said *Leicester* County Lunatic Asylum duly formed a Union with the Justices of the Peace for the County of *Rutland* for the Use by the County of *Rutland* of the Asylum, and such Asylum has ever since been used and still continues to be used as an Asylum as well for the County of *Leicester* as also for the County of *Rutland* and for the Borough, and such Asylum is now called "The *Leicestershire* and *Rutland* Lunatic Asylum:" And whereas there are now between Three hundred and Four hundred Lunatic Patients in the Asylum, of whom between Seventy and Eighty are Pauper Lunatics of the Borough, and it is of very great Benefit and Importance as well to the Borough as to the Counties of *Leicester* and *Rutland* that the Asylum should be preserved and maintained in good sanitary Condition: And whereas the Visitors are desirous of purchasing the said Two Closes and certain other Lands of the Corporation for the Purposes of the said Institution, and for the Prevention of Injury to the Lunatic Inmates thereof by the Extension of the existing Cemetery to the said Closes, and it is desirable that the Corporation should be empowered to sell the said Closes and other Lands to the Visitors for the Purposes of the said Institution: And whereas the Population of the Borough hath of late Years greatly increased and is still increasing, and the Cemetery already constructed under the Authority of "The *Leicester* Cemetery Act, 1848," is the only general Burial Ground in the Borough, the Churchyards and Burial Grounds existing in the Year One thousand eight hundred and forty-eight having been closed, except for certain Interments, and the Cemetery formed under the said Act has become so occupied and filled with Graves and Vaults as to be altogether insufficient for the increased and increasing Population of the Borough, and it would be of great Benefit and Advantage to the Borough if Power were given to the Corporation

11 & 12 Vict. c. xix.

poration to establish a new Cemetery in the immediate Vicinity of the Borough, and to construct and maintain proper Roads, Bridges, Sewers, and other Works in connexion therewith, and to purchase Lands, and borrow Money, and make Rates for carrying out the Purposes aforesaid, or any of them; and it would also be for the Benefit of the Asylum if Power were also given to the Corporation to sell and convey the said Closes called No. 19 and No. 20 in the Schedule to the said "*Leicester* Cemetery Act, 1848," and certain other Lands, to the Visitors of the said Lunatic Asylum: And whereas there are certain Lands in the Parish (late the Extra-parochial Place) of *Leicester Abbey* in the County of *Leicester* which are well adapted for the Purposes of a Cemetery, and convenient Access might be obtained thereto by forming the Road herein-after more particularly described, and it is expedient that the Corporation be enabled to acquire those Lands and to form that Road, and also to construct certain other Works in connexion therewith: And whereas by "The *Leicester* Sewerage Act, 1851," and "The *Leicester* Waterworks Amendment Act, 1851," certain Powers were conferred upon the Corporation, and it is expedient that those Acts be amended as herein-after mentioned: And whereas the several Objects aforesaid cannot be effected without the Authority of Parliament: 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, as follows; (that is to say,)

Short Title.

I. This Act may for all Purposes be cited as "The *Leicester* Cemetery Amendment Act, 1860."

Corporation acting by the Council to execute Act.

II. The Corporation, acting by the Council of the Borough, may carry into effect the Objects and Purposes of this Act, so far as they relate to the Corporation; and the Expression "the Corporation" shall extend and apply to the Corporation so acting by the said Council.

8 & 9 Vict. c. 18. and 10 & 11 Vict. cc. 16. 65. incorporated.

III. "The Lands Clauses Consolidation Act, 1845," and "The Cemeteries Clauses Act, 1847," with the Exception of Section 10, and of the Clauses and Provisions "with respect to Payments to Incumbents of Parishes or Ecclesiastical Districts, and to Parish Clerks," and so much of the Clauses "with respect to Burials in the Cemetery as authorize the Mayor, Aldermen, and Burgesses, or the Council, to appoint and pay a Chaplain for the Performance of the Burial Service, and to appoint and pay a Clerk for the consecrated Part of the Cemetery," and the Clauses of "The Commissioners Clauses Act, 1847," "with respect to the Contracts to be entered into and the Deeds to be executed by the Commissioners," "with respect to the Mortgages to be executed by the Commissioners," "with respect to the Appointment and Accountability

of

of the Officers of the Commissioners," "with respect to the making of Byelaws," and "with respect to giving Notices and Orders," shall, so far as the same are not varied by the Provisions of this Act, be incorporated with this Act; and in construing such Acts and Clauses in connexion with this Act the Expression "the Special Act" shall mean this Act; and the Expressions "the Company" in "The Cemeteries Clauses Act, 1847," "the Commissioners," in "The Commissioners Clauses Act, 1847," and "the Promoters of the Undertaking," in "The Lands Clauses Consolidation Act, 1845," shall mean the Corporation.

As to Distance of Cemetery from Dwelling Houses.

IV. The Cemetery or Burial Ground authorized to be provided by this Act in the Lands delineated on the deposited Plans referred to in this Act, or in Lands adjoining thereto, shall not be within One hundred Yards of any Dwelling House erected before the First Day of *January* One thousand eight hundred and sixty, without the Consent of the Owner, Lessee, and Occupier of such Dwelling House; and any Cemetery or Burial Ground which may be formed upon any Lands purchased by Agreement under the Powers of this Act, other than the Lands so delineated on the deposited Plans, or Lands adjoining thereto, shall not, without the like Consent, be within One hundred Yards of any Dwelling House, or within Three hundred Yards of any Dwelling House of the yearly Value of Fifty Pounds or upwards, or which has a Plantation or ornamental Garden and Pleasure Ground occupied therewith.

Same Meanings to Words in Act as in incorporated Acts.

V. The several Words and Expressions to which by the Acts wholly or partially incorporated with this Act Meanings are assigned shall have in this Act the same respective Meanings, unless there be in the Subject or Context something repugnant to or inconsistent with such Construction.

Power to take Lands shown on deposited Plans.

VI. And whereas Plans showing the Situation of the Lands intended to be taken for the Cemetery or Burial Ground to be made under the Authority of this Act, and for the intended public Carriageroad, Bridges, Sewers, and Works, and showing the Line or Situation of such Road, Bridges, Sewers, and Works, and Sections showing the Levels of such Road, Bridges, and Sewers, with a Book of Reference to such Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of such Lands, have been deposited at the Office of the Clerk of the Peace for the County of *Leicester*: Therefore, subject to the Provisions of this Act, it shall be lawful for the Corporation to enter upon, take, and use the Lands described on the said Plans and in the said Book of Reference, or such of them as they shall deem necessary for the Purposes aforesaid, or any of them, and, subject to the Powers of Deviation given by this Act, to construct the Works herein-after described in the Line or Situation delineated on the said Plans, and according to the Levels defined on the said Sections, or by

Agreement

Agreement with the Parties interested to purchase or acquire, subject to the Provisions of this Act, any other Lands adjoining, which they shall think suitable for a Cemetery or Burial Ground.

Power to make Cemetery.

VII. The Corporation may provide, make, and maintain a Cemetery or Burial Ground, herein-after referred to as "the Cemetery," upon the Lands, or any of them, delineated on the said Plans, and referred to in the said Book of Reference as situate in the Parish but late Extra-parochial Place of *Leicester Abbey* in the County of *Leicester*, or by Agreement with the Parties interested therein (subject to the Provisions of this Act) in or upon any other adjoining Lands, and may erect and provide such Chapels and other Buildings and Conveniences thereon and Approaches thereto as the Corporation may think necessary either for the due Performance of the Burial Service, or the Interment of the Dead, or the Protection of the Cemetery, or any other Purpose connected therewith, and may inclose the same with such Fences as the Corporation may think fit.

Power to make a Carriage-road.

VIII. The Corporation may make and maintain a public Carriage-road or Approach to the Cemetery, commencing at or in a certain Street or Road called *Sidney Street* otherwise *Meadow Lane* in the Parish of *Saint Margaret* in the Borough, crossing the *Leicester* Navigation, the River *Soar*, and the *Abbey* Millstream or Millrace by means of Bridges, and terminating at or in the *Abbey Lane* in the Parish or late Extra-parochial Place of *Leicester Abbey* in the County of *Leicester*, and in connexion therewith may erect, improve, and maintain such Bridges over the said Navigation, River, and Stream, and such Flood Arches, Drains, Works, and Conveniences, as, subject to the Provisions of this Act, they think proper.

Existing Footway to be diverted into Carriageroad.

IX. Inasmuch as there is a public Bridle Road and Footway between *Sidney Street* and the *Abbey Lane* aforesaid in a Line or nearly so with the intended public Carriageroad, the Corporation may divert such Bridle Road and Footway into and carry the same along the public Carriageroad, and such public Bridle Road and Footway and all public Right of Way or Passage along the same shall, from and after the Completion of the public Carriageroad, absolutely cease and determine.

Power to construct Sewers and Drains.

X. The Corporation may construct and maintain a Sewer or Drain from the Lands hereby authorized to be taken and purchased for the Purposes of the Cemetery, with such Works and Conveniences connected therewith as they may consider to be necessary for effectually draining the Cemetery, commencing in or near the Portion of the said Lands adjoining the Boundary of the Parish of *Belgrave*, passing across *Abbey Lane*, and terminating at and opening into or communicating with the *Leicester* Sewage Works; and the Corporation may also construct and

maintain a Sewer, commencing at *Sidney Street* otherwise *Meadow Lane*, and proceeding under and along the public Carriageroad and under the *Leicester* Navigation, and terminating in the Main Line of Sewer now existing and being under Part of the *Abbey Meadow*.

Errors and Omissions in Plans may be corrected by Justices, who shall certify the same.

XI. If any Omission, Mis-statement, or wrong Description shall have been made of any Lands, or of the Owners, Lessees, or Occupiers of any Lands, on the said Plans or in the Book of Reference thereto, it shall be lawful for the Corporation, after giving Ten Days Notice to the Owners, Lessees, and Occupiers of the Lands affected by such proposed Correction, to apply to Two Justices of the County or Borough of *Leicester* in which such Lands may be situate for the Correction thereof, and if it appear to such Justices that such Omission, Mis-statement, or wrong Description arose from Mistake they shall certify the same accordingly, and shall in such Certificate state the Particulars of any such Omission, Mis-statement, or wrong Description; and such Certificate shall be deposited with the Clerk of the Peace of the County of *Leicester*, and shall be kept by such Clerk of the Peace along with the other Documents to which it relates, and thereupon such Plan or Book of Reference shall be deemed to be corrected according to such Certificate, and the Corporation may take the Lands according to such Certificate as if such Omission, Mis-statement, or wrong Description had not been made.

Certificate to be deposited.

Powers of Deviation.

XII. The Corporation may deviate from the Levels defined in the deposited Sections to the Extent of Five Feet only, and no more, unless with the previous Consent in Writing of the Owners and Occupiers of the Land in which such Deviation is to be made, and may also deviate from the Lines of any of the Works to the Extent delineated on the deposited Plans, but not to any greater Extent, unless with the previous Consent in Writing of the Owners and Occupiers of the Land into which such Deviation may extend.

Power to Corporation to make Sewers without purchasing the Land.

XIII. The Corporation may, if they think proper, construct any Sewers or Drains authorized by this Act in, through, and under any Lands, without purchasing the same, but making Compensation for any Damage done by them, whether temporary or permanent, in constructing and repairing any Sewers or Drains in Lands not purchased by them, such Compensation to be settled and ascertained as provided by "The Lands Clauses Consolidation Act, 1845," with respect to Lands purchased by Agreement, or otherwise than by Agreement, as the Case may be.

Powers for compulsory Purchases limited.

XIV. The Powers of the Corporation for the compulsory Purchase or Use of Lands for the Purposes of this Act shall not be exercised after Two Years from the passing of this Act.

XV. With

Compensation for Abbey Meadow.

XV. With respect to any Compensation to be paid for entering, taking, or using any Part of the Lands commonly called the *Abbey Meadow* for the Purposes of this Act, the Amount which shall be payable in respect of the Rights or Privileges over the same of the Parishioners, Inhabitants, or Householders of the Parish of *Saint Margaret* in *Leicester* shall be settled and ascertained in manner prescribed by "The Lands Clauses Consolidation Act, 1845," with respect to Common or Waste Lands, but the Amount of such Compensation shall be paid, applied, and disposed of in like Manner and for the like Purposes as the Compensation paid by the Corporation under "The *Leicester* Sewerage Act, 1851," is now applicable.

Power to Corporation to sell certain Lands to the Visitors of the Lunatic Asylum on giving Notice as directed by Sect. 94 of 5 & 6 W. 4. c. 76.

XVI. It shall be lawful for the Corporation to grant and convey the said Closes of Land called No. 19 and No. 20 in the Schedule of "The *Leicester* Cemetery Act, 1848," and also all the Right, Title, and Interest of the Corporation in the other Pieces or Parcels of Land and Hereditaments described in the Schedule to this Act annexed, unto and to the Use of Trustees to be nominated and appointed by and on behalf of the Visitors or the Committee thereof, and the Heirs and Assigns of such Trustees for ever, upon such Terms, and subject to such Conditions, and at such Price as the Corporation and the Visitors may agree upon, subject to the Approbation of any Two of the Lords Commissioners of Her Majesty's Treasury, on giving such Notice of their Intention so to do, as directed by the Ninety-fourth Section of an Act passed in the Session held in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales; and the Corporation shall apply for the Purposes of this Act all or such Part of the Money which may be paid by the Visitors as may be required for the same, or in Payment of any Moneys borrowed under the Powers of "The *Leicester* Cemetery Act, 1848," and now owing by the said Corporation.

Power to the Visitors of the Asylum to borrow Money in manner provided by 16 & 17 Vict. c. 97.

XVII. It shall be lawful for the Visitors from Time to Time to borrow at Interest any Sum or Sums of Money which may be required for the Purchase of the Pieces or Parcels of Land authorized to be sold to them by this Act, or which may be otherwise required by them for the Purposes of this Act, and in the event of all or any Part of such Moneys being repaid, to reborrow the same, and so *toties quoties*; and the Justices of the County of *Leicester* and the Justices of the County of *Rutland* respectively, in General Quarter Sessions assembled, shall have such and the like Powers of borrowing such Part of the Money so required as aforesaid as shall be agreed upon between them as their respective Proportions thereof, and of securing the Repayment of the same, with Interest, in such and the like Manner as provided by "The Lunatic Asylums Act, 1853," with respect to Moneys authorized to be borrowed under the Powers of the said Act.

XVIII. It

Power to the Visitors to resell certain Lands.

XVIII. It shall be lawful for the Visitors or the Committee thereof, with the previous Consent of One of Her Majesty's Principal Secretaries of State, under his Hand, from Time to Time to sell, either by Public Auction or Private Contract, and subject to any Conditions, the whole or any Part of the Lands to be purchased by them under the Provisions of this Act, or to give the same in exchange for other Lands, and to pay or receive through the Treasurer of the Asylum any Money by way of Equality of Exchange; and the Receipt of any Three of the Committee of Visitors shall be a sufficient Discharge for the Purchase Moneys or for any Moneys to be received for Equality of Exchange, and such Moneys, when received by the Treasurer of the said Asylum, shall be by him placed to a distinct Account, to be called "The Sale of Asylum Lands Account," and shall be applied, at the Discretion of the Committee of the Visitors, either in or towards the Repayment of the Moneys to be borrowed by Authority of this Act or the Interest due thereon, or otherwise for the general Purposes of such Asylum.

Visitors may debit Maintenance Account with Borough Share.

XIX. During the Continuance of the Agreement, effected under the herein-before mentioned Act passed in the Eleventh Year of Her present Majesty, between the Visitors and the Corporation, for the Admission of Lunatic Paupers from the Borough into the Asylum, it shall be lawful for the Visitors, in calculating the Cost of the Maintenance of such Pauper Lunatics, and fixing the weekly Rate of Maintenance to be paid by the Parties legally liable for the same, to charge the said Maintenance Account with such annual Sum by way of Rental for the Land contained in the Schedule to this Act, in case the same shall be purchased by them, as to such Visitors shall seem just and reasonable, such Rent being paid to the Treasurers of the respective Counties of *Leicester* and *Rutland* in proportion to their respective Quotas of the Purchase Money of the said Land, and in like Manner the said Maintenance Account shall be credited with all such annual or other Rents and Profits as shall from Time to Time accrue from such Lands, whether the same be let to Tenants or cultivated by the Inmates of the Asylum: Provided always, that in case of any Dispute between the Visitors and the Corporation touching the just and reasonable Amount of such annual Sum to be so charged by way of Rental, or touching such Rents or Profits as aforesaid, then the Matter shall be referred to One of Her Majesty's Principal Secretaries of State, whose Decision shall be final and conclusive, in like Manner as is provided in the Eleventh Section of the said Act touching any Disputes between the Visitors and the Council respecting additional Buildings.

Amendment of Part of the Leicester Cemetery Act, as to

XX. If the Corporation shall, either before or after the passing of this Act, contract with the Visitors, or any Person or Persons on their Behalf, for the Sale of the Closes in the Schedule to the said *Leicester* Cemetery Act, 1848, called No. 19 and No. 20, and such Sale shall have been

been or shall be approved by the Lords Commissioners of Her Majesty's Treasury, then and in such Case it shall not be lawful for the Corporation at any Time thereafter to appropriate or use either of the said Closes called No. 19 and No. 20, for the Purpose of a Cemetery or Burial Ground, and the Power for that Purpose given by the said Act shall thereupon cease and determine. Property herein named.

XXI. The Corporation may, if they think fit, from Time to Time invite and receive Tenders for Contracts for the undertaking of Funerals in any Cemetery established by them, 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. Power to Corporation to obtain Tenders for Funerals.

XXII. The Corporation, if they think fit, may from Time to Time enter into such Contracts as they think proper with any Persons, binding them to undertake, during specified Periods, Funerals of Persons, or any Class or Number of such Funerals, according to a fixed Scale of Payment, and with such Stipulations as appear to the Corporation necessary for ensuring the decent and solemn Performance of such Funerals, or may enter into distinct Contracts binding different Contractors to furnish and render different Parts of the various Matters and Services requisite for the Funerals. Power to Corporation to contract for undertaking Funerals.

XXIII. Where the Corporation fix any such Scale of Charges or enter into any such Contract, they shall give public Notice thereof, and of the Payments to be made for Hearses, and for Funeral Matters and Services to be furnished and rendered by the Contractors, and of such other Matters as the Corporation think fit, for the Information and Convenience of Persons desirous of having Funerals conducted accordingly. Corporation to give public Notice of Contracts and Charges for Funerals.

XXIV. Every such Contractor, during the Continuance of his Contract, when requested by or on behalf of any Person having the Care of any Funeral, of his Desire to have it undertaken or to have any Matter or Service for it furnished or rendered by the Contractor according to the Terms of his Contract, the Request specifying the Class according to which he is desirous to have it so undertaken, furnished, or rendered, shall undertake, furnish, or render it as if the Contract were with respect to the Funeral Matters or Services in question entered into by the Contractor with such Person; and the Contractor and such Person shall have the like Rights and Remedies as if the Contractor and such Person had agreed for the undertaking, furnishing, or rendering of such Matters or Services on the Terms expressed in the Contract and applicable thereto. Duties of Contractors for Funerals.

Contract not to give any exclusive Rights.

XXV. No such Contract shall interfere in any way with the Right of any Person having the Care of any Funeral to have any Matter or Service performed by any other Person than the Contractor.

Corporation may make Byelaws.

XXVI. The Corporation may from Time to Time make Byelaws and Regulations for ensuring the proper Conduct of all Persons providing Hearses or other Carriages for the Conveyance of any Corpse or of the Friends of the Deceased to any Cemetery established or to be established by the Corporation, and whether provided under Contract with the Corporation or otherwise, and for securing Punctuality in their Arrival at such Cemetery at the Time appointed for any Funeral.

Certain Clauses of 11 & 12 Vict. c. ii. incorporated with this Act.

XXVII. The Sections of "The *Leicester* Cemetery Act, 1848," numbered 4, 5, 6, 7, 12, 13, 16, 17, 18, 20, 21, 22, 24, 25, 26, 27, 29 to 33, and 35 to 41, both inclusive, and 47, shall be incorporated with this Act, and shall apply to the Cemetery authorized by this Act to be established, so that such Cemetery shall be in all respects under the same Regulations with respect to the Performance of the Burial Service or the Interment of Persons therein, and with respect to the preventing Nuisances and imposing Penalties and making Byelaws, and generally with respect to the Management thereof, as if it had been an Extension of the present Cemetery over the Closes called No. 19 and No. 20 in the Schedule to the said "*Leicester* Cemetery Act, 1848."

As to Division of Cemetery.

XXVIII. No other Division of any Cemetery formed under the Powers of this Act shall be made than One Half for the consecrated Part, and the other Half for the unconsecrated Part, unless with the Consent of the Majority of the Incumbents of Parishes and Ecclesiastical Districts within the Borough, if the consecrated Part be proposed to be reduced below One Half, and with the Consent of the Majority of the Committee of Management of the unconsecrated Parts of the Cemeteries, if it be proposed to reduce the unconsecrated Part below One Half.

Power to Council with Approval of the Bishop to appoint a Chaplain.

XXIX. The Corporation may from Time to Time, if they shall think fit, with the Approval of the Bishop of the Diocese in which the County of *Leicester* is situate, appoint a Clerk in Holy Orders of the Established Church to officiate as Chaplain in the consecrated Part of the present Cemetery, or of any Cemetery to be constructed under the Powers of this Act, and with the like Approval may remove any Chaplain so appointed; and such Chaplain shall be licensed by and 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 him to be reasonable.

XXX. In

Certain Provisions of 10 & 11 Vict. c. 65. to apply if Chaplain appointed.

XXX. In case the said Corporation shall at any Time appoint such Chaplain, the Twenty-eighth, Twenty-ninth, Thirty-second, Thirty-third, and Thirty-fourth Sections of the Cemeteries Clauses Act, 1847, shall be incorporated with this Act, and the Corporation may fix and determine what Fee shall be payable to such Chaplain on the Interment of every Corpse within the consecrated Part of the Cemetery, or the Corporation may, if they think fit, pay a Stipend to the said Chaplain in lieu of Fees out of the Money received for Interments within the consecrated Part of the Cemetery.

Fee to Incumbent of Parish.

XXXI. The Corporation shall, on the Burial of every Person within the consecrated Part of the Cemetery for which any Chaplain shall have been appointed, pay to the Person who shall at the Time of the first Appointment of any such Chaplain be the Incumbent of the Parish or Ecclesiastical District from which such Body shall have been removed for Burial, so long as he shall remain such Incumbent, the Sum of One Shilling and Threepence in lieu of all other Fees or Sums of Money payable to any such Incumbents in respect of such Interment; and the Twenty-fourth and Twenty-fifth Sections of the *Leicester* Cemetery Act, 1848, shall thereupon cease to be in force with respect to any Cemetery for which a Chaplain shall have been appointed.

Until Chaplain appointed, Fees to be paid to Incumbents of Parishes;

XXXII. Until a Chaplain shall have been appointed, the Incumbent of the Parish or Ecclesiastical District from which any Person shall have been removed for Interment in the consecrated Part of any Cemetery to be established on Lands to be purchased under the Powers of this Act shall be entitled to the Fee or Sum of Two Shillings and Sixpence, and to the further Fee or Sum of Five Shillings in case any such Person shall be buried in a Freehold Brick Grave or Vault.

and Conveyances to be provided by Corporation for Officiating Clergymen.

XXXIII. Until a Chaplain shall have been appointed, the Corporation shall, every Day on which any Interment (except in a Brick Grave or Vault) shall take place within the consecrated Part of any Cemetery to be established on any Lands to be purchased under the Powers of this Act, provide a proper Conveyance to and from such Cemetery for such One of the Incumbents of the said Parishes or Ecclesiastical Districts as shall be the Officiating Incumbent on such Day.

Power to Corporation to provide Conveyance.

XXXIV. The Corporation may provide a proper Conveyance for the Officiating Minister at the Interment of any Person within the unconsecrated Part of any Cemetery to be purchased under the Powers of this Act.

Power to make Regulations as to Interments.

XXXV. The Committee of Management for the consecrated Part of the Cemetery shall have Power from Time to Time, with the Approval of the Corporation, to make Orders and Regulations as to the Days and Times

Times during which Interments shall take place in the consecrated Part of the present Cemetery, or of any Cemetery to be established under the Powers of this Act, and for that Purpose to order and direct that Interments shall take place on certain Days of the Week in One of such Cemeteries only, and on certain other Days of the Week in the other of such Cemeteries only; and the Committee of Management for the unconsecrated Part of the said Cemetery shall have the like Powers, with the like Approval, to make Orders and Regulations with respect to the Days and Times of Interment in the unconsecrated Part of the present Cemetery, or of any Cemetery to be established under the Powers of this Act.

Power to Corporation to borrow Money on Mortgage of Borough Rates.

XXXVI. It shall be lawful for the Corporation for the Purposes of this Act from Time to Time to borrow at Interest, either for a Term of Years or otherwise, on Mortgage of the Borough Rates or Borough Funds of the said Borough, or on Bond, or, with the Approbation of Two of the Lords Commissioners of Her Majesty's Treasury, on Mortgage of any Lands, Tenements, or Property of the Corporation, any Sum or Sums of Money not exceeding Twenty-five thousand Pounds.

Corporation may borrow for the Purpose of repaying Loans.

XXXVII. The Corporation may from Time to Time borrow at Interest on such Mortgage or Bond as aforesaid, at such Rate of Interest as may be agreed upon, from any Person or Persons willing to lend the same, any Sum or Sums of Money which may be necessary for the Purpose of repaying any Principal Moneys borrowed under the Authority of this Act at the Expiration of the Period or Time for which the same may have been borrowed.

Sinking Fund to be provided.

XXXVIII. For the Purpose of providing a Sinking Fund for paying off the Moneys borrowed as aforesaid, the Corporation shall every Year from and after the Cemetery authorized by this Act shall have been opened and used for Interments therein pay off and discharge such Sum as they shall think proper, not being less than Two Pounds Ten Shillings *per Centum* of the Money so borrowed, or otherwise appropriate and set apart such Sum as a Sinking Fund for that Purpose in manner prescribed by "The Commissioners Clauses Act, 1847."

Power to include the Expenses of executing this Act as Part of the Borough Rate.

XXXIX. It shall be lawful for the Corporation, in estimating the Amount required to be raised for the Purposes of the Borough by means of Borough Rates, under the Provisions of an Act passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales, and in making such Rates, to include the Money required for the Purposes of this Act, and to collect the same as Part thereof, in like Manner as if the same were expressly charged upon such Rates by the aforesaid Acts respectively.

5 & 6 W. 4. c. 76.

XL. Inasmuch

Extension of Periods for Repayment of Moneys borrowed under the Authority of 14 & 15 Vict. cc. ii. and xxxiii.

XL. Inasmuch as certain Periods are prescribed by "The *Leicester* Sewerage Act, 1851," and by "The *Leicester* Waterworks Amendment Act, 1851," respectively, for the Repayment of the Principal Moneys borrowed under the Powers of those Acts respectively by the Corporation, acting as the Local Board of Health for the Borough, and it is expedient that such Provisions be amended: Therefore the Corporation, as such Local Board, shall every Year pay off and discharge such Sum as they shall think proper, not being less than Two Pounds and Ten Shillings *per Centum* of the Money so borrowed, or otherwise appropriate and set apart such Sum as a Sinking Fund for that Purpose, in manner prescribed by "The Commissioners Clauses Act, 1847," but without Prejudice to the Proviso contained in the Forty-first Section of the "*Leicester* Sewerage Act, 1851," anything contained in the said "*Leicester* Sewerage Act, 1851," and in "The *Leicester* Waterworks Amendment Act, 1851," or either of them, notwithstanding.

Cemetery Account.

XLI. All Fees or Sums of Money to be received by the Corporation or the Treasurer of the Borough under or by virtue of this Act, or of the Sections of "The *Leicester* Cemetery Act, 1848," incorporated herewith, shall be placed by the Treasurer of the Borough to the like Account; (that is to say,) the Cemetery Account mentioned in the "*Leicester* Cemetery Act, 1848," and shall form One Fund with the Fees and Sums of Money received under or by virtue of the last-mentioned Act, and shall be paid and applied in the like Manner and to the like Purposes.

Expenses of obtaining and carrying out the Act.

XLII. The Costs, Charges, and Expenses of and incident to the applying for, obtaining, and passing this Act shall be borne and paid as follows; (that is to say,) the One Half thereof shall be paid by the Visitors of the *Leicestershire* and *Rutland* Lunatic Asylum out of the Moneys coming to their Hands for the general Purposes of the Asylum, and the other Half thereof, and also all the Costs, Charges, and Expenses of or incident to the providing, constructing, and maintaining the Cemetery hereby authorized, and the making and keeping in repair the Roads, Bridges, Sewers, and Works hereby authorized to be made, and the Payment of any Principal Money borrowed under the Authority of this Act by the Corporation, and the Interest thereof, not otherwise paid or provided for, and all other Costs, Charges, and Expenses attending the Execution of this Act, shall be chargeable upon the Borough Fund of the Borough of *Leicester* in the like Manner as if the same were Expenses charged upon and payable out of that Fund under an Act passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales, and shall be advanced and paid out of such Fund accordingly.

5 & 6 W. 4. c. 76.

Saving Rights of the Corporation.

XLIII. Further or otherwise than is by this Act expressly enacted, nothing in this Act contained shall prejudice or affect any Property, Estates, Lands, Hereditaments, Rights, or Privileges of the Corporation held or enjoyed by them either as the Municipal Corporation or Local Board of Health of the Borough or otherwise, or their Powers for the Construction and Maintenance of Sewers, Drains, and other Works under the Provisions of "The *Leicester* Sewerage Act, 1851," or of the Public Health or Local Government Acts, or any other Acts, or of purchasing and using Lands for those Purposes, or of purchasing any Lands by Agreement for the Purposes of Cemeteries or Burial Grounds, or any other Rights or Powers of the Corporation, but, save as aforesaid, all such Rights and Powers shall remain in full Force and Effect.

SCHE-

SCHEDULE referred to in this Act.

ALL those Two Pieces or Parcels of Pasture Land situate in the Parish of Saint Mary in the Borough of Leicester, and on the South-westward Side of the Grounds of the Leicestershire and Rutland Lunatic Asylum, and called in the Schedule to "The Leicester Cemetery Act, 1848," No. 19 and No. 20, the said No. 19 being now commonly called No. 123, containing 5 A. 1 R. 32 P. or thereabouts, and No. 20 containing 7 A. 0 R. 12 P. or thereabouts, but now in Two Parts, and commonly called No. 124, containing 3 A. 0 R. 5 P. or thereabouts, and No. 125 containing 4 A. 0 R. 8 P. or thereabouts. And also all those Three other Pieces or Parcels of Pasture Land situate in the same Parish, and on the South-eastward Side of the said Grounds of the Asylum, now commonly called No. 126, containing 1 A. 1 R. or thereabouts; No. 127, containing 1 A. 2 R. 9 P. or thereabouts; and No. 128, containing 1 A. 0 R. 35 P. or thereabouts.

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