ANNO UNDECIMO

VICTORIÆ REGINÆ.

Cap. iii.

An Act for the Consecration of a Portion of the *Manchester* General Cemetery. [9th *June* 1848.]

Conveyance of the Site of the Manchester General Cemetery to Trustees, dated 1st and 2d May 1836.

WHEREAS by Indentures of Lease and of Release and Assignment, bearing Date respectively the First and Second Days of *May* One thousand eight hundred and thirty-six, the Indenture of Release and Assignment being made between *William Christopher Chew* of the First Part, *George Ogden* of the Second Part, *Samuel Giles*, *Thomas Molineux*, *Robert Travis*, *Joseph Leese*, *William Deakin*, *John Harrison*, *James Cash*, *John Lessey*, *John Weatherald*, *John Cooke*, *James Oldfield*, *William Kemp*, *William Krauss*, *William Gibbon Newton*, *Henry Worthington*, *John Oldfield*, *William Chantler*, *John Webster*, *Samuel Ogden*, *Edward Tootel*, and *Thomas Webb* (respectively herein-after referred to as the Cemetery Trustees) of the Third Part, *Samuel Worthington* of the Fourth Part, and *John Harrison* of the Fifth Part, the Piece of Land described in the Schedule (A.) to this Act was limited to the Use of the said Cemetery Trustees, their Heirs and Assigns, for ever, upon the Trusts and for the Intents and Purposes and subject to the Provisoes, Limitations, Declarations, and Agreements which were or should be limited, expressed, and declared of and concerning the same by an Indenture therein mentioned, being the Indenture next herein-after recited; and by an Indenture or Deed of Trust for the Regulation of the *Manchester* General Cemetery, bearing

Deed of Trust of the Manchester

General Cemetery, dated 2d May 1836.

bearing Date the Second Day of *May* One thousand eight hundred and thirty-six, and made between the said several Cemetery Trustees, being respectively Subscribers of the several Shares set opposite to their respective Names and Seals, of the First Part, and the several other Persons whose Names and Seals were thereunto subscribed and affixed, being respectively Subscribers of the several Shares of and in the said Cemetery set down opposite to their respective Names and Seals, of the Second Part, after reciting, among other things, to the Effect that the said Piece of Land had been purchased for carrying into effect the Design of an Institution or Company formed for establishing a general Burial Place for Persons of all Sects and Denominations, to be styled and denominated "The *Manchester* General Cemetery," and to be subject to the Rules and Regulations therein-after set forth and expressed, certain Rules and Regulations for the Management and Regulation of such Institution or Company and Cemetery were established, by some of which Rules and Regulations the Affairs of the said Institution and the Management of the said Cemetery were confided to a Committee of Seventeen of the Shareholders to be annually elected, and such Committee were empowered to sell Graves and Vaults and the Privilege of single Interments, and to perform certain Acts thereby specially appropriated to them to perform, and all other Acts for the Regulation and Management of the said Institution or Cemetery which should not be inconsistent with the Rules, Orders, and Prescriptions of any Annual or Extraordinary Meeting of the Proprietors for the Time being in force, and it was thereby expressed that no Mortgage, Sale, or other Disposition whatsoever of the said then intended Cemetery, or the Building to be erected thereon, or any Part thereof, should at any Time or Times thereafter be made on any Account whatsoever, except the Sale of Graves and Vaults and Privilege of Interment, according to the Regulations therein-before contained, and except the necessary Conveyances of the same on the Change or Renewal of Trustees, as therein-after mentioned; and it was thereby provided, that when and so often as the Trustees of the Society or Institution thereby appointed or to be appointed, as therein-after mentioned, should happen to die, or be desirous of being discharged from or refuse or decline or become incapable to act in the Trusts thereby in them respectively reposed as aforesaid, then and in such Case, and when and as often as the same should happen, it should and might be lawful to and for the Proprietors or Members for the Time being present at the then next Annual Meeting to be holden as therein-before mentioned to substitute and appoint any other Person or Persons to be a Trustee or Trustees in the Stead or Place of the Trustee or Trustees so dying, or desiring to be discharged, or refusing, declining, or becoming incapable to act as aforesaid, and that when and as often as any new Trustee or Trustees should be nominated and appointed as aforesaid all such Conveyances and Assurances should be executed as should be necessary and proper for vesting the said Land, Buildings, and Hereditaments, and other Trust Property belonging to the said Institution or Society, in the Person or Persons to be appointed as aforesaid, either solely, or jointly with the surviving or continuing Trustees, as Occasion should require, upon and for the Trusts, Intents, and Purposes in and by those

those Presents expressed and declared of and concerning the said Trust Estate, Hereditaments, and Premises, and that every Person or Persons so to be appointed as aforesaid should have all the Powers and Authorities of the Trustee in whose Room he should be so substituted; but it was thereby declared that it should not be imperative upon the said Proprietors or Members to nominate and appoint a new Trustee or Trustees as aforesaid until the acting Trustees should be reduced to Six, but that when they should be so reduced then the Exercise of that Power should become peremptory: And whereas no Part of the said Cemetery hath been consecrated for the Burial of the Dead according to the Rites of the Established Church, and it is expedient that such Part thereof as is described in the Schedule (B.) to this Act should be so consecrated, and that such Provisions as herein-after expressed should be made with respect to the said Cemetery, and otherwise as herein-after appearing; but the same cannot be effected without the Aid and 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, That the several Provisions of "The Cemeteries Clauses Act, 1847," with respect to preventing Nuisance from the Cemetery, and with respect to the Protection of the Cemetery, and with respect to the Tender of Amends, and with respect to the Recovery of Damages not specially provided for, and of Penalties, and to the Determination of any other Matter referred to Justices, and with respect to affording Access to the special Act, shall be respectively incorporated with and form Part of this Act.

Certain Provisions of 10 & 11 Vict. c. 65. incorporated with this Act.

II. And be it enacted, That in such of the Provisions of "The Cemeteries Clauses Act, 1847," as are incorporated with this Act, the Word "Cemetery" shall apply to the "*Manchester* General Cemetery," as if the same had been by this Act authorized to be constructed, and the Word "Company" shall apply to the Society, Institution, or Company constituted or regulated by the recited Deed of Trust, as if such Society, Institution, or Company had been Persons by this Act authorized to construct such Cemetery.

Interpretation of certain Expressions.

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

Interpretation of Act.

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

Words importing the Masculine Gender shall include Females:

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

The Expression "the Company" shall mean the Society, Institution, or Company established or regulated by the recited Deed of Trust:

The Expression "the Cemetery," shall mean the "*Manchester* General Cemetery" and the Works connected therewith.

IV. And

Short Title.

IV. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal and other Instruments, it shall be sufficient to use the Expression "The *Manchester* General Cemetery Act, 1848."

A Portion of the Cemetery, described in Schedule (B.), may be set apart for Consecration, and be conveyed to Trustees.

V. And be it enacted, That the Company may within Three Years next after the passing of this Act set apart for Consecration such Portion of the Cemetery as is described in the Schedule (B.) to this Act; and in case they shall so set apart the same, any Four or more of the Trustees in whom the same shall for the Time being be vested shall, by a Deed to which a Plan of the Cemetery, sufficiently distinguishing the Portion so set apart from the Residue of the Cemetery, shall be annexed, grant and convey, at the Expense of the Company, such Portion so set apart unto *Thomas Heath Chew*, *Ralph Derbyshire*, *John Waterhouse*, *Richard Walsh* the younger, and *William Crippin*, or the Survivors or Survivor of them, or other the Trustees or Trustee for the Time being appointed for that Purpose at any Annual or General Extraordinary Meeting of the Company, upon trust for the Purposes of this Act, and with such Provisions for the Appointment from Time to Time of new Trustees as the Company shall think fit.

In such Case Provisions of 10 & 11 Vict. c. 65. with respect to Burials, &c. to be incorporated with this Act.

VI. And be it enacted, That in case the Company shall within Three Years next after the passing of this Act set apart for Consecration such Portion of the Cemetery, the Provisions of "The Cemeteries Clauses Act, 1847," with respect to Burials in the Cemetery, and with respect to exclusive Rights of Burial and monumental Inscriptions in the Cemetery, and with respect to Payments to Incumbents of Parishes or Ecclesiastical Districts, and to Parish Clerks, shall thenceforth, except so far as the same are modified by or inconsistent with the Provisions of this Act, be respectively incorporated with and form Part of this Act.

Conveyances of the Portion set apart may be made to the Bishop of Manchester.

VII. And be it enacted, That such Trustee or Trustees in whom such Portion or any Part thereof shall for the Time being be vested may from Time to Time convey, at the Expense of the Company, such Portion or any Part thereof to the Bishop of *Manchester* and his Successors, or as he shall direct and require, for the Purposes of this Act; and such Bishop may accept any and every such Conveyance, and every such Conveyance so accepted shall be effectual to vest the Premises conveyed in such Bishop and his Successors, in right of their See, or other the Person to whom he shall direct or require the same to be so conveyed, upon trust for the Purposes of this Act, freed and discharged from all Forfeiture to Her Majesty, Her Heirs and Successors, under the Statute of Mortmain or any of them, and shall within Six Calendar Months next after the Execution thereof be deposited with the Clerk of the Peace for the County Palatine of *Lancaster*, who shall receive and retain and permit all Persons interested to inspect and make Copies and Extracts of and from the same, in like Manner and upon like Terms, and under like Penalty for Default, as provided in the Case of other Documents by an Act passed in the First Year of the Reign of Her present Majesty, intituled *An Act to compel Clerks of the Peace for Counties and other Persons to take the Custody of such*

7 W. 4. & 1 Vict. c. 83.

Documents as shall be directed to be deposited with them under the Standing Orders of either House of Parliament.

Bishop of Manchester may consecrate the Portion conveyed to him.

VIII. And be it enacted, That such Bishop may from Time to Time, on the Application and at the Expense of the Company, consecrate all or any Part of the Portion so set apart, if he be satisfied with the Title thereto, and think fit to consecrate the same, and the same be duly conveyed to him and his Successors, or as he shall so direct and require, as herein-before provided; and any Part so consecrated shall be used only for Burials according to the Rites of the Established Church.

Fees to be paid to Incumbents of Parishes from whence the Corpse shall be brought.

IX. And be it enacted, That the Company shall on the Interment within the consecrated Portion of the Cemetery of every Corpse removed for Interment from any Part of the Parish of *Manchester*, and of every Corpse removed for Interment from any other Parish or Ecclesiastical District, pay to the Incumbent of such Parish or Ecclesiastical District, or other the Person to whom if the same Corpse had been buried in any Parish or District Churchyard in *Manchester* the Burial Fee or Fees payable in respect of the same would have been payable, the Sums following, such Sums to include all Fees to Parish Clerks; (that is to say,)

For every Corpse of a Person of the Age of Seven Years or upwards, the Sum of One Shilling and Ten-pence;

For every other Corpse, the Sum of One Shilling and Four-pence.

Company to regulate other Fees and Charges.

X. And be it enacted, That the Company may from Time to Time as they think fit regulate the Amount of all other Fees and Charges to be paid on the Burial of Corpses in such consecrated Portion.

Deed of Trust not affected except by express Provisions of this Act.

XI. And be it enacted, That, save as the same are by this Act expressly repealed, taken away, altered, varied, or interfered with, the Provisions of the recited Deed of Trust, and the Rights of all Parties claiming under or by virtue of the same, shall be and remain in as full Force and as valid and effectual to all Intents and Purposes whatsoever as if this Act had not been passed.

Expenses of Act.

XII. And be it enacted, That all the Costs and Expenses of and incident to the obtaining and passing of this Act shall be borne by the Company, and shall be paid out of the first Monies at their Disposal.

Public Act.

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

SCHEDULES to which this Act refers.

SCHEDULE (A.)

All that Cemetery or Burial Ground known as "The Manchester General Cemetery," situate and being within Collyhurst in the Township and Parish of Manchester in the County Palatine of Lancaster, and bounded on the Northerly Side thereof partly by Land, Buildings, and Premises belonging to Charlotte Andrew, the Executors or Trustees of Ambrose Clayton, deceased, and the Shareholders in the said Cemetery, and partly by a Street or Road called Boardman Street, on the Westerly Side thereof by Land belonging to Messrs. John and Ralph Derbyshire, on the Southerly Side thereof by the public Ground or Park called the Queen's Park, and by Land belonging to the Executors or Trustees of John Taylor, deceased, and on the Easterly Side thereof by the public Road from Manchester to Rochdale.

SCHEDULE (B.)

All that Piece or Parcel of Land, being a Portion of the Cemetery described in Schedule (A.), containing 23,000 Square Yards, bounded on the Westerly Side thereof by Land belonging to Messrs. John and Ralph Derbyshire, on the Northerly Side thereof partly by Boardman Street and partly by other Land belonging to the Shareholders in the Cemetery, and on the Southerly and Easterly Sides thereof by other Parts of the said Cemetery, and divided therefrom by an imaginary Line, and which Line is delineated and coloured Red upon a Map or Plan of the said Cemetery, to be authenticated by the Signatures of the Right Honourable Thomas Milner Gibson, M.P., and John Bright, Esq., M.P., and intended to be deposited with the Registrar of the Bishop of Manchester.

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