

Burial
India



ANNO VICESIMO & VICESIMO PRIMO

VICTORIÆ REGINÆ.

C A P. LXXXI.

An Act to amend the Burial Acts.

[25th August 1857.]

WHEREAS an Act was passed in the Session holden in the Fifteenth and Sixteenth Years of Her Majesty (Chapter Eighty-five), "to amend the Laws concerning the Burial of the Dead in the Metropolis;" and an Act was passed in the Session holden in the Sixteenth and Seventeenth Years of Her Majesty (Chapter One hundred and thirty-four), "to amend the Laws concerning the Burial of the Dead in *England* beyond the Limits of the Metropolis, and to amend the Act concerning the Burial of the Dead in the Metropolis;" and an Act was passed in the Session holden in the Seventeenth and Eighteenth Years of Her Majesty (Chapter Eighty-seven), "to make further Provision for the Burial of the Dead in *England* beyond the Limits of the Metropolis;" and Acts were passed in the Session holden in the Eighteenth and Nineteenth Years of Her Majesty (Chapters Seventy-eight and One hundred and twenty-eight), "to amend the Laws concerning the Burial of the Dead in *England*:" And whereas it is expedient to amend the said Acts: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

15 & 16 Vict.
c. 85.
16 & 17 Vict.
c. 134.
17 & 18 Vict.
c. 87.
18 & 19 Vict.
cc. 78. 128.

I. All Acts authorized to be done by any Burial Board, with the Approval, Sanction, or Authority of the Vestry or Vestries of the Parish or Parishes for which such Board is constituted, may, where a Joint Burial Board is constituted for more than Two Parishes, be done

Approval of a Majority of Vestries of Parishes sufficient for Acts done by Burial Boards

Burial Acts Amendment.

acting for
more than
Two Pa-
rishes.

done with the Approval, Sanction, or Authority (as the Case may require) of the Vestries of the Majority of such Parishes.

Joint Burial
Boards may
be dissolved.

II. Where the Vestries of Two or more Parishes have agreed to provide One Burial Ground for the common Use of such Parishes, such Vestries may, at any Time before such Burial Ground has been provided, determine the Union between such Parishes under such Agreement, and upon such Union being so determined all the Provisions of the said Acts and this Act shall be applicable with regard to such Parishes and the respective Burial Boards thereof as if such Union had not been formed, save that any Expenses already properly incurred by the Joint Burial Board for such Parishes shall be defrayed as provided by the said Acts.

Burial
Boards
may provide
more than
One Burial
Ground.

III. Any Burial Board may, if they see fit, with the Approval of One of Her Majesty's Principal Secretaries of State, provide more than One Burial Ground, and may, if they see fit, with such Approval, instead of setting apart a Portion of any Burial Ground for the Purpose of such Portion being used as unconsecrated Ground, provide separate and distinct Grounds to be used respectively as consecrated and unconsecrated Burial Grounds: Where before the passing of this Act any Burial Board has provided more than One Burial Ground, or has (instead of setting apart a Portion of any Burial Ground for the Purpose of being used as unconsecrated Ground) provided separate and distinct Grounds as consecrated and unconsecrated Burial Grounds, such Burial Board shall be deemed to have acted lawfully and in accordance with the said Acts.

Local Board
of Health
may, by
Order in
Council, be
constituted
a Burial
Board.

IV. In case it appear to Her Majesty in Council, upon the Petition of the Local Board of Health of any District established under the Public Health Act, or upon the Petition of any Commissioners elected by the Ratepayers, and acting under or by virtue of the Powers of any Local Act of Parliament for the Improvement of any Town, Parish, or Borough, stating that the District of such Local Board of Health or of such Commissioners is co-extensive with a District for which it is proposed to provide a Burial Ground, and that no Burial Board has been appointed for such District, and that an Order in Council has been made for closing all or any of the Burial Grounds within the said District, it shall be lawful for Her Majesty, with the Advice of Her Privy Council, in case Her Majesty see fit so to do, to order that such Local Board shall be a Burial Board for the District of such Local Board, or that such Commissioners shall be a Burial Board for the District of such Commissioners, and thereupon such Local Board or such Commissioners, as the Case may be, shall be a Burial Board for such District accordingly; and the Powers and Provisions of the Acts herein-before mentioned (except the Provisions relating to the Constitution or Appointment and Resignation of Members of Burial Boards), and the Provisions herein

Burial Acts Amendment.

herein contained, shall extend to the District of such Board, and to such Board, or to the District of such Commissioners, and to such Commissioners, and to any Burial Ground and Places for the Reception of the Bodies of the Dead previously to Interment which may be provided by such Board or by such Commissioners, in like Manner as to any Parish or Parishes and the Burial Board thereof, and any Burial Ground and any such Places as aforesaid provided by such last-mentioned Board, save that no Approval, Sanction, or Authorization of any Vestry shall be requisite: Provided always, that Notice of such Petition, and of the Time when it shall please Her Majesty to order the same to be taken into consideration by the Privy Council, shall be published in the *London Gazette*, and in One of the Newspapers usually circulating in the District of such Local Board or of such Commissioners, One Month at least before such Petition is so considered: Provided also, that this Enactment shall not apply to any such District as aforesaid exclusively consisting of the whole or Part of One Corporate Borough within the Meaning of the Public Health Act, 1848.

V. The Vestry, or Meeting in the Nature of a Vestry, of any Parish, new Parish, Township, or other District not separately maintaining its own Poor, and which has had no separate Burial Ground, may appoint a Burial Board; and such Vestry or Meeting, and the Burial Board appointed by it, shall exercise and have all the Powers which they might have exercised and had under the said Acts and this Act if such Parish, new Parish, Township, or District had had a separate Burial Ground before the passing of the said Act of the Eighteenth and Nineteenth Years of Her Majesty: Provided always, that all the Powers of any other Vestry or Meeting and Burial Board, if any, shall then cease and determine, so far as relates to such Parish, new Parish, Township, or District as aforesaid; and until a Burial Ground shall be so provided as aforesaid and consecrated for any new Parish or District created or to be created pursuant to the Provisions of the Sixth and Seventh *Victoria*, Chapter Thirty-seven, the Seventh and Eighth *Victoria*, Chapter Ninety-four, and the Nineteenth and Twentieth *Victoria*, Chapter One hundred and four, or any or either of them, and to which the said Acts, or any or either of them, may apply, the Incumbent of such new Parish or District (if any Burial Ground has been or shall be provided under the herein recited Acts for the Burial of the Dead, or any or either of them, for any Parish or Parishes out of Rates to which such new Parish or District, or any Part thereof, shall have contributed or contribute or be liable,) shall, with respect to the Burial in such last-mentioned Burial Ground of the Remains of the Parishioners or Inhabitants of such new Parish or District, or of such Part thereof as shall have contributed or contribute as aforesaid, as the Case may be, perform the same Duties, and have the same Rights, Privileges, and Authorities, and be entitled

Burial Board may be established for a District not maintaining its own Poor, and which has had no separate Burial Ground.

to

Burial Acts Amendment.

to the same Fees, and also the Clerk and Sexton of such new Parish or District shall, when necessary, respectively perform the same Duties, and be entitled to the same Fees, in respect of such Burials, as if the said Burial Ground were exclusively the Burial Ground of such new Parish or District, subject nevertheless to all Provisions to which the Incumbents, Clerks, and Sextons of original Parishes are respectively subject in and by the said Burial Acts, or any or either of them: Provided also, that nothing herein contained shall affect the Rights or Privileges of any existing Incumbent, Clerk, or Sexton without the Consent of such Incumbent, Clerk, or Sexton respectively.

Ordinary of Diocese may consecrate the whole or Part of Land belonging to any Parish for the Burial of poor Persons.

VI. Where the Guardians of any Parish or Union are or shall hereafter become possessed of any Land suitable to the Purposes of a Burial Ground, and the Poor Law Board shall consent to the same being appropriated to the Reception of the dead Bodies of any poor Persons whom such Guardians shall be authorized or required by Law to bury, it shall be lawful for the Ordinary of the Diocese wherein such Land shall be situated, if he see fit, to consecrate the whole or a Part of such Land for Burial Purposes, and after Consecration the Guardians may lawfully direct any such dead Body as aforesaid to be buried therein; and the Land so consecrated shall not thenceforth be used for any other Purposes than for Burials according to the Rites of the United Church of *England* and *Ireland*, and shall be kept in decent Order; and the Fences thereof, and any Building or other Erection therein or adjoining thereto used for the Performance of the Burial Service, shall be maintained in good Repair by the Guardians, out of the Common Fund of such Parish or Union: Provided nevertheless, that the Guardians shall not be authorized to direct the Body of any poor Person to be buried in such Grounds who, or whose Husband, Wife, or Next of Kin, shall, by Letter addressed to the Master of the Workhouse or otherwise, have expressly desired Burial to take place elsewhere.

Provision for Transfer to a Burial Board of a Burial Ground provided under Church Building Acts.

VII. Where a Burial Ground has been provided for any Parish under any of the Acts commonly referred to or known as the Church Building Acts, and the same has been consecrated, and any Money expended in providing such Burial Ground has been borrowed on the Security of the Church Rates, it shall be lawful for the Incumbent of the Parish, with the Consent of the Ordinary and the Burial Board of such Parish, or of any Borough or District in which such Parish is wholly or in part comprised, by Instrument in Writing under the Hands and Seals of such Incumbent and Ordinary, and under the Seal of the said Burial Board, to declare that, in consideration of the Payment of the Debt by the said Burial Board, or of such Sum as shall be mutually agreed upon, with the Consent of the Persons, signified in Writing under their Hands, to whom Two Thirds of such Debt

Burial Acts Amendment.

Debt is due, the said Burial Ground shall be vested in and be under the Care and Management of such Burial Board, and thereupon the same shall be vested in and be under the Care and Management of such Board, and shall be subject to the Provisions of the hereinbefore recited Acts and this Act applicable to a consecrated Burial Ground or the consecrated Part of any Burial Ground provided by any Burial Board; and any Money borrowed as aforesaid, and remaining owing, and the Interest due and to become due thereon, and all Costs and Expenses occasioned by the Nonpayment thereof, or incurred in providing such Burial Ground, and then remaining unpaid, shall be charged on and paid out of such Rates or Fund as under the said last-mentioned Acts and this Act would be chargeable with the Expense of providing a Burial Ground by such Board, and such Declaration as aforesaid shall be registered in the Registry of the Diocese; and such Board may, with the Approval of the Vestry, enlarge such Burial Ground, by the Addition of Ground to be used for Burials otherwise than according to the Rites of the Church of *England*, and to be used subject to the Provisions of the Acts herein recited and of this Act in respect to the unconsecrated Portions of Burial Grounds.

VIII. It shall and may be lawful for the Vestry of any Parish in which any Burial Ground closed by Order in Council may be situate, and which does not belong to such Parish, by Resolution of the Vestry at a Meeting called for that Purpose, to purchase such Burial Ground, and from the Time of such Purchase such Burial Ground shall belong to such Parish, and be subject to all the Conditions affecting the Burial Grounds of the Parish in which the same is situate.

Vestry of Parish in which Burial Ground is closed may purchase such Burial Ground if not belonging to Parish.

IX. And whereas by the said Act of the Eighteenth and Nineteenth Years of Her Majesty, Chapter One hundred and twenty-eight, it is enacted, that where a Parish or Place has been united with any other Parish or Place, Parishes or Places, for all or any Ecclesiastical Purposes, or where Two or more Parishes or Places have heretofore had a Church or a Burial Ground for their joint Use, or where the Inhabitants of several Parishes or Places have been accustomed to meet in One Vestry for Purposes common to such several Parishes or Places, it shall be lawful for the Vestry, or any Meeting in the Nature of a Vestry, of such several Parishes or Places, in any of the Cases aforesaid, and whether any One or more of such Parishes or Places do or do not separately maintain its own Poor, to appoint a Burial Board, and from Time to Time to supply Vacancies therein, and to exercise the same Powers of Authorization, Approval, and Sanction in relation to such Burial Board, and such other Powers as, under the Acts therein recited and that Act, are vested in the Vestry of a Parish or Place separately maintaining its own Poor:

Burial Boards not to be appointed for united Parishes, &c. in Cases provided for by 18 & 19 Vict. c. 128. without Consent of Secretary of State, where One of the Places separately maintains its own Poor or has a Burial Ground.

Burial Acts Amendment.

Where any of the several Parishes or Places under the Circumstances provided for in the said Enactment separately maintains its own Poor, or has a separate Burial Ground, it shall not be lawful for the Vestry, or Meeting in the Nature of a Vestry, of such several Parishes or Places, to appoint a Burial Board under the said Enactment without the Approval of One of Her Majesty's Principal Secretaries of State; and in case it appear to the Secretary of State that any such Parish or Place has a sufficient Burial Ground, or that otherwise it would not be expedient that the Powers given by the said Enactment should be exercised in relation to such Parish or Place, the Secretary of State may direct that such Parish or Place shall be excepted from the Operation of the said Enactment, and thereupon the same shall be excepted accordingly; and the Inhabitants of the remaining Parish or Parishes, Place or Places, may assemble in Vestry, or in a Meeting in the Nature of a Vestry, from Time to Time, and in such Vestry or Meeting may proceed in like Manner under the said Acts and this Act in all respects as if the Inhabitants of such last-mentioned Parish or Parishes, Place or Places, exclusively had a Vestry for their common Purposes, and were wholly unconnected with the Parish or Place so excepted.

Orders in Council may be made for regulating Burial Grounds, &c.

X. It shall be lawful for Her Majesty, by Order made by and with the Advice of Her Privy Council, on the Representation of One of Her Majesty's Principal Secretaries of State, from Time to Time to establish such Regulations as to Her Majesty may seem proper for the Protection of the Public Health, and for the Maintenance of Public Decency, in respect of all Burials in common Graves in any Cemeteries named in Schedule (B.) to the Act Fifteenth and Sixteenth *Victoria*, Chapter Eighty-five, and in respect of the like Burials in any Cemetery established under the Authority of any Local Act of Parliament; and every such Order in Council shall be published in the *London Gazette*; and all Persons having the Care of such Cemeteries and Burial Grounds and Places shall conform to and obey such Regulations; and any such Person who shall violate or wilfully neglect to observe any of such Regulations shall, on summary Conviction thereof before Two Justices of the Peace, forfeit and pay any Sum not exceeding Ten Pounds: Provided always, that no such Representation shall be made in relation to any Cemetery or Burial Ground until Ten Days previous Notice in Writing of the Intention to make such Representation shall have been given to the Person or One of the Persons having the Control or Care of such Cemetery or Burial Ground.

No Wall or Fence required between the consecrated and unconsecrated

XI. It shall not be necessary to erect or maintain any Wall or Fence between the consecrated and the unconsecrated Portions of any Burial Ground provided under the herein-before recited Acts and this Act, or any of them: Provided always, that in the Case of any Burial Ground where there shall be no such Wall or Fence,
it

Burial Acts Amendment.

it shall be the Duty of the Burial Board having the Care of such Burial Ground to place, and from Time to Time to repair and renew, such Boundary Marks of Stone or Iron as may be sufficient to show the Boundaries of such consecrated and unconsecrated Portions respectively.

Portions of Burial Ground. Boundary Marks to be provided.

XII. If, upon the Application in Writing by any Burial Board to the Bishop of the Diocese for the Consecration of a Burial Ground, declared in such Writing to be in a fit and proper Condition for the Purpose of Interment according to the Rites of the United Church of *England* and *Ireland*, which Application the Board is required to make as soon as such Ground is in such fit and proper Condition, the said Bishop shall refuse to consecrate the same, it shall be lawful for such Burial Board to appeal from such Refusal to the Archbishop of the Province, who shall decide the Matter in dispute; and if the said Archbishop shall decide that the said Burial Ground is not in a fit and proper Condition as aforesaid, then the Board shall be bound to put the said Ground in a fit and proper Condition; and if the said Archbishop shall decide that the said Burial Ground is in a fit and proper Condition as aforesaid and ought to be consecrated, such Decision shall be communicated in Writing by the Archbishop to the Bishop aforesaid; and if after such Communication the said Bishop shall not within One Calendar Month consecrate the said Burial Ground, the said Archbishop shall, under his Hand and Seal, license the same for the Interment of Bodies according to the Rites of the United Church of *England* and *Ireland*, and the Licence of the said Archbishop so granted as aforesaid shall, until such Burial Ground be consecrated, operate to make lawful the Use of the same as if it had been consecrated.

Appeal.

XIII. In any Burial Ground provided under the Powers of the Acts herein-before recited or this Act, respecting which One of Her Majesty's Principal Secretaries of State shall have certified that the necessary Provisions have been complied with, it shall be lawful for the Incumbent or Incumbents of such Parish or Parishes for which such Burial Ground is provided, or his or their Curate or Curates, or such duly qualified Person as any such Incumbent may authorize, if such Incumbent, Curate, or such duly qualified Person respectively think fit, to bury in such Burial Ground prior to the Decision of the Bishop or Archbishop upon the Application for the Consecration thereof.

Power to Incumbent or Curate to bury in Burial Ground certified by Secretary of State prior to Consecration.

XIV. Whereas by Section Thirty-two of the Act of the Third Year of King *George* the Fourth, Chapter One hundred and twenty-six, it is enacted, that no Toll shall be demanded or taken by virtue of that or any other Act or Acts of Parliament on any Turnpike Road of or from any Inhabitant of any Parish, Township, or Place going to or returning from attending the Funeral of any Person who shall

Section 32. of 3 G. 4. c. 126., exempting Funerals from Tolls, extended to Funerals in Burial Grounds

Burial Acts Amendment.

provided for
the Parish,
although not
within its
Limits.

shall die and be buried in the Parish, Township, or Place in which any Turnpike Road shall lie, from and after the First Day of *July* One thousand eight hundred and fifty-eight, or from and after the Termination of any now existing Lease of Tolls expiring before that Date, the said Enactment shall extend to exempt from Toll every Person going to or returning from attending the Funeral of any Person who shall be buried in any Burial Ground provided for the Parish, Township, or Place in which he died, under the Acts herein-before recited and this Act, or any of them, or under any other Act of Parliament, although such Burial Ground be not within the Limits of the Parish, Township, or Place for which it may have been provided, or in which the Turnpike Road shall lie.

Persons wil-
fully de-
stroying, &c.
Register
Book of
Burials
guilty of
Felony.

XV. That every Person who shall wilfully destroy or injure, or cause to be destroyed or injured, any Register Book of Burials, kept according to the Provisions of this Act, or any Part or certified Copy of any Part of such Register, or shall falsely make or counterfeit, or cause to be falsely made or counterfeited, any Part of any such Register or certified Copy thereof, or shall wilfully insert or cause to be inserted in any Registry Book or certified Copy thereof any false Entry of any Burial, or shall wilfully give any false Certificate, or shall certify any Writing to be a Copy or Extract of any such Register Book, knowing the same to be false in any Part thereof, or shall forge or counterfeit the Seal of any Burial Board, shall be guilty of Felony.

Section 4. of
52G. 3. c. 146.
not to apply
to Burials
in Grounds
provided
under the
Burial Acts.

XVI. Whereas by the Act of the Fifty-second Year of King *George* the Third, Chapter One hundred and forty-six, Section Four, it is provided, that whenever the Ceremony of Burial shall be performed in any other Place than the Parish Church or Churchyard of any Parish (or the Chapel or Chapelyard of any Chapelry providing its own distinct Registers), and such Ceremony shall be performed by any Minister not being the Rector, Vicar, Minister, or Curate of such Parish or Chapelry, the Minister who shall perform such Ceremony of Burial shall on the same or on the next Day transmit to the Rector, Vicar, or other Minister of such Parish or Chapelry, or his Curate, a Certificate of such Burial, and the Rector, Vicar, Minister, or Curate of such Parish or Chapelry shall thereupon enter such Burial according to such Certificate in the Book kept pursuant to that Act for such Purpose: And whereas distinct Registers are by Law required to be kept in the Burial Grounds provided under the Burial Acts: The recited Enactment of the said Act of King *George* the Third shall not apply in any Case where the Ceremony of Burial is performed in a Burial Ground provided or to be provided under the Acts of Her Majesty herein-before recited and this Act, or any of them.

Burial Acts Amendment.

XVII. No Fees shall be charged or received by any Burial Board in respect of any Service done or Right granted in the unconsecrated Portion of any Burial Ground provided by such Board but such as are identical in Amount with the Fees charged and received in respect of the same Service or Right in the consecrated Portion of such Ground, less any such Portion of such corresponding Fees or Payments which may be received for or on account of any Incumbent, Churchwarden, Clerk, or Sexton, or of any Trustee for or on behalf of any Incumbent, Churchwarden, Clerk, or Sexton.

Fees for Service done in unconsecrated Portion of Burial Ground to be identical as for consecrated Portion.

XVIII. So much of Section Twenty of the firstly herein-before recited Act as requires "that there shall be paid in every Year, in addition to the Interest of the Money borrowed and unpaid, not less than One Twentieth of the Principal Sum borrowed, until the whole is discharged," shall be repealed, and the Provisions of the other Acts herein-before recited to which the said Section has been extended shall be construed accordingly.

So much of Section 20. of 15 & 16 Vict. c. 85. as to Payment of Money borrowed repealed.

XIX. The Clauses of the Commissioners Clauses Act, 1847, with respect to Mortgages to be executed by the Commissioners, shall be incorporated with this Act, and shall apply to Mortgages and other Securities to be executed by Burial Boards; and for the Purposes of this Act the Expression "the Commissioners" where used in the said Clauses shall mean the Burial Board acting in the Execution of the said Clauses and the Acts herein-before recited or this Act.

Clauses of 10 & 11 Vict. c. 16. with respect to Mortgages incorporated.

XX. Provided always, That for the Purpose of providing a Sinking Fund for paying off the Principal Money borrowed on Mortgages granted under any of the said Acts or this Act the Burial Board shall once in every Year set aside, out of the Monies charged by such Mortgages, such Sum as they think proper, being a Sum equal to or exceeding One Fiftieth Part of the Principal Money so borrowed.

Sinking Fund to be provided for paying off Mortgages.

XXI. Any Burial Board or Council of a Borough may, for the Purpose of raising Money, instead of making Mortgages under any of the said Acts, grant terminable Annuities for a Life or Lives, or for any Number of Years not exceeding Thirty Years, to be paid out of the like Monies as provided with regard to the Monies secured by such Mortgages.

Power to Burial Boards to borrow Money on terminable Annuities.

XXII. Any Money required by the Council of any Borough for the Purpose of defraying the Expense of executing the Acts herein-before recited, or any of them, or this Act, or for paying any Monies borrowed under such Act, or any Interest thereon, may be raised by such Council, if they think fit, by means of a separate Rate, to be called a Burial Rate, to be charged upon all Property within such Borough liable to be charged to the Borough Rate; and the Council of such Borough shall have all such Powers for making and levying

Power to Councils of Boroughs to make a separate Rate for Burial and Expenses.

Burial Acts Amendment.

such Rate, and all Provisions shall be applicable in respect thereof, as in the Case of a Borough Rate made under the Act passed in the Session holden in the Fifth and Sixth Years of King *William* the Fourth, Chapter Seventy-six.

Orders in Council may be issued, on Representation of Secretary of State, so as to prevent Vaults, &c. being dangerous to Health.

XXIII. It shall be lawful for Her Majesty, upon the Representation of One of Her Majesty's Principal Secretaries of State, by and with the Advice of Her Privy Council, from Time to Time to order such Acts to be done by or under the Directions of the Churchwardens or such other Persons as may have the Care of any Vaults or Places of Burial, for preventing them from becoming or continuing dangerous or injurious to the Public Health; and every such Order in Council shall be published in the *London Gazette*; and such Churchwardens or other Persons shall do or cause to be done all Acts ordered as aforesaid, and the Expenses incurred in and about the doing thereof shall be paid out of the Poor Rates of the Parish: Provided always, that no such Representation shall be made until Ten Days previous Notice of the Intention to make such Representation shall have been given to the Churchwardens or other Persons, or one of the Churchwardens or other Persons, having the Care of the Vaults or Places of Burial to which the Representation relates.

Trustees of closed Cemeteries empowered, with Sanction of Secretary of State, to let, lease, or sell Portions thereof which have not received Interments.

XXIV. In all Cases in which unconsecrated Land or Buildings is or are vested in a Trustee or Trustees, either under any Local Act or otherwise, for the Purposes of a Cemetery or Burial Ground, and Burials in such Cemetery or Burial Ground shall by Order in Council under the herein-before recited Acts or any of them have been ordered to be wholly or partially discontinued, it shall be lawful for the Trustee or Trustees for the Time being of such Cemetery or Burial Ground, from Time to Time, with the Sanction of One of Her Majesty's Principal Secretaries of State, to let, demise, or lease any Part or Parts in which no Interment shall have taken place of such Land or Buildings, and to renew or accept Surrenders of any Leases or Tenancies thereof, and to sell and absolutely dispose thereof for Money in gross, or for any perpetual or other Rent or Rents to be made payable thereout, and by Public Auction or Private Contract, and to sell all or any such perpetual or other Rent or Rents for Money in gross and in manner aforesaid, and for any of the Purposes aforesaid to make and execute any Contracts, Conveyances, Leases, or other Assurances, and to take any Measures and make any Arrangements which may be deemed expedient; and upon any such Lease or Sale as aforesaid a Grant or Conveyance by such Trustee or Trustees alone shall be a sufficient Assurance of the Property thereby purported to be leased or sold, and the Receipts of such Trustee or Trustees shall be effectual Discharges for the Monies therein expressed to have been received, and shall absolve any Lessee or Purchaser from having to see to or being answerable for the Application

Burial Acts Amendment.

Application of such Monies; and the net Monies to be received by such Trustee or Trustees under any of the preceding Powers shall be applied by them in discharge of any Incumbrances affecting such Cemetery or Burial Ground, and any Debts which such Trustee or Trustees may have properly incurred in their fiduciary Capacity; and any Residue of such Monies shall, where such Land or Buildings shall have been held in trust for any Parish, be applied in such Manner, for the Benefit of such Parish, as the Vestry of such Parish shall direct; but where such Land or Buildings shall have been held in trust for the Benefit of private Persons, such Residue shall be divided by such Trustee or Trustees rateably among the Cestuique Trusts; and it shall be lawful for such Trustee or Trustees so to apply any reserved Fund in his or their Hands.

XXV. Except in the Cases where a Body is removed from one consecrated Place of Burial to another by Faculty granted by the Ordinary for that Purpose, it shall not be lawful to remove any Body, or the Remains of any Body, which may have been interred in any Place of Burial, without Licence under the Hand of One of Her Majesty's Principal Secretaries of State, and with such Precautions as such Secretary of State may prescribe as the Condition of such Licence; and any Person who shall remove any such Body or Remains, contrary to this Enactment, or who shall neglect to observe the Precautions prescribed as the Condition of the Licence for Removal, shall, on summary Conviction before any Two Justices of the Peace, forfeit and pay for every such Offence a Sum not exceeding Ten Pounds.

Bodies not to be removed from Burial Grounds, save under Faculty, without Licence of Secretary of State.

XXVI. Where any Cemetery in which Burials have, by Order in Council, under the herein-before recited Acts or any of them, been ordered to be discontinued, is adjoining or near to any Land appropriated or about to be appropriated by any Burial Board for the Purposes of a Burial Ground, and appears to such Board eligible for the Purpose of appropriating or erecting Buildings for or making Approaches to such Burial Ground, it shall be lawful for such Board, with the Approval of the Vestry or respective Vestries, to purchase such Cemetery; and where in the like Case any Cemetery has been so purchased before the passing of this Act, the Purchase thereof shall be deemed to have been lawful: Provided always, that, notwithstanding such Purchase, such Order in Council shall remain in full Force and Effect in relation to such Cemetery.

Burial Boards may in certain Cases purchase Cemeteries which have been closed.

Orders in Council to remain in force.

XXVII. No Resolution or Proceeding of any Vestry, or Meeting in the Nature of a Vestry, for the Purposes of the said recited Acts and this Act, or any of them, shall be void or voidable by reason of any Defect or Irregularity of or in Notice of such Vestry or Meeting,

Resolutions, &c. of Vestries not to be void by reason of Irregularity of Notices, &c.

Burial Acts Amendment.

or any other Error in Form in the calling of such Vestry or Meeting, or in the Proceedings thereat, unless Notice in Writing of such Defect or Irregularity or Error shall have been given at such Vestry or Meeting, or within Seven Days after the Day of the holding thereof, to the Churchwardens or other Persons to whom it belongs to call Meetings of such Vestry, or such Meeting in the Nature of a Vestry, who shall thereupon call another Meeting for the Purpose of considering the previous Resolution or Proceeding or the Matter thereof; and no such Resolution and Proceeding made or taken at any such Vestry, or Meeting in the Nature of a Vestry, before the passing of this Act, which shall not have been objected to by Notice in Writing to such Churchwardens or Persons as aforesaid, shall be deemed invalid by reason of any such Defect, Irregularity, or Error.

“Burial Board.”

XXVIII. In the Construction of this Act the Expression “Burial Board” shall mean a Burial Board constituted under the herein-before recited Acts or any of them, or under this Act.

Construction of certain Expressions used in 17 & 18 Vict. c. 87.

XXIX. That the Expression “Borough” whenever used in the said Act of the Seventeenth and Eighteenth Years of Her said Majesty shall be construed to include any City, Borough, Port, Cinque Port, or Town Corporate named in the Schedules annexed to an Act passed in the Sixth Year of the Reign of King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in England and Wales*, and to any City, Borough, Port, Cinque Port, or Town Corporate incorporated by Charter granted or to be granted in pursuance of that or any subsequent Act; and the Words “Town Council of any Borough,” or “Council of any Borough,” wherever used in the said Act of the Seventeenth and Eighteenth Years of Her said Majesty, shall (as well with respect to all past as to future Proceedings under the same Act, and for the Purpose of confirming and making valid all such past Proceedings,) be construed to mean Town Council or Council of any City, Borough, Port, Cinque Port, or Town Corporate.

Recited Acts and this to be as One.

XXX. The herein-before recited Acts and this Act shall be construed together as One Act.

LONDON :

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1860.