



CHAPTER v.

An Act to provide for the Sale of a Burial Ground of the parish of Aston-juxta-Birmingham, situate in Liverpool Street, in the borough of Birmingham; and for other purposes. A.D. 1880.
[29th June 1880.]

WHEREAS by indentures of bargain and sale and release, the release bearing date on or about the 28th day of July 1789, a plot of land situate in the parish of Aston-juxta-Birmingham, in the county of Warwick, (then forming part of the diocese of Lichfield and Coventry,) and purchased by public subscription, was conveyed to the Lord Bishop of the said diocese, and other persons therein named, upon trust and to the intent that the same should be consecrated and thenceforward used as a burial ground by and for the inhabitants of the said parish : Conveyance
28th July
1789.

And whereas the said plot of ground was on the 27th day of September 1791 consecrated by the said Lord Bishop as an additional cemetery for the said parish : Consecration
27th Septem-
ber 1791.

And whereas by an Order in Council made the 22nd day of December 1836 the parish of Aston-juxta-Birmingham was transferred from the diocese of Lichfield and Coventry to the diocese of Worcester : Order in
Council 22nd
December
1836.

And whereas the said burial ground is situate in that part of the said parish which is now within the borough of Birmingham, and by reason of the growth thereof is entirely surrounded by streets, one of such streets being Liverpool Street :

And whereas the church of the said parish is a vicarage in the gift or reputed gift of the Right Honourable Arthur Baron Kinnaird, the Reverend Edmund Hollond, clerk in holy orders, the Reverend Edward Auriol, clerk in holy orders, the Reverend George Lea, clerk in holy orders, and Sampson Samuel Lloyd, Esquire :

And whereas there have been only forty-six burials in the said burial ground, of which thirty-seven were prior to the year 1805 and

A.D. 1880. the last was in the year 1834, and there are no gravestones or other memorials of the dead therein :

And whereas the said burial ground was closed for burials on the 6th day of October 1855 :

And whereas it is expedient that that portion of Liverpool Street on which the said burial ground abuts should be widened, and that a narrow strip thereof should be appropriated for such widening, and that the remainder of the said burial ground should be sold, and that the purchase money obtained therefrom should be expended in manner directed by this Act :

And whereas the objects aforesaid cannot be attained without the authority of Parliament :

And whereas the Lord Bishop of Worcester and the vicar, patrons, and churchwardens of the said parish have consented to the Bill for this Act :

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.

1. This Act may be cited as Aston (Liverpool Street) Burial Ground Sale Act, 1880.

Interpretation.

2. In this Act—

“ The parish ” means the said parish of Aston-juxta-Birmingham ;

“ The bishop ” means the Lord Bishop for the time being of the diocese of Worcester ;

“ The vicar ” means the vicar for the time being of the parish ;

“ The patrons ” means the persons for the time being having the right of presentation to the vicarage ;

“ The churchwardens ” means the churchwardens for the time being of the parish ;

“ The Ecclesiastical Commissioners ” means the Ecclesiastical Commissioners for England ;

“ The burial ground ” means the said burial ground situate in Liverpool Street, in the borough of Birmingham, and the buildings thereon and the appurtenances thereof.

A strip of the burial ground vested in the Corporation to widen Liverpool Street.

3. Upon the passing of this Act a narrow strip of the burial ground along that side thereof which adjoins Liverpool Street, and containing about one hundred and twenty square yards, shall vest in the mayor, aldermen, and burgesses of the borough of Birmingham, and shall be by them forthwith thrown into and thenceforward form

part of that street. The strip is shown coloured red on a plan signed in duplicate by the Right Honourable the Earl of Redesdale, the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred. A.D. 1880.

4. One copy of the said plan shall, within one month after the passing of this Act, be deposited in the Parliament Office, and the other copy shall within the same period be deposited with the town clerk of the borough of Birmingham. When plan
to be de-
posited.

5. Subject to the provisions of this Act, the vicar and churchwardens may at any time after the passing of this Act, with the privity and consent of the bishop and patrons, sell the remainder of the burial ground, either as a whole or in lots, and either by public auction or by private contract, for such price or prices, subject to such special or other conditions, with power to buy in or rescind or vary any contract for sale, and to re-sell without being responsible for any loss upon the re-sale, and generally in such manner in all respects as the vicar and churchwardens, with such privity and consent as aforesaid, shall think fit, freed and discharged from all ecclesiastical or other uses, trusts, purposes, obligations, and rights whatsoever affecting the same created by the said indentures dated on or about the 28th day of July 1789, or in any way resulting therefrom, and may execute and do all assurances, acts, and things necessary for the several purposes aforesaid; and every conveyance of land so sold which shall, with such privity and consent as aforesaid, be signed, sealed, and delivered by the vicar and the churchwardens, shall vest such land in the purchaser thereof for all the estate created by or consequent upon the execution of the said indentures or the sentence of consecration, freed and discharged as aforesaid, without the concurrence or consent of any other person whatsoever, and every such conveyance may be in the form in the schedule to this Act, or to the like effect; provided that if any human remains be re-interred in any part of the burial ground, that part shall not be sold. How burial
ground to be
sold.

6. The churchwardens shall cause the remains of any person interred in such portion of the burial ground as shall be sold or as shall be thrown into and become part of Liverpool Street to be removed, under the superintendence of the medical officer of health for the time being of the said borough, and re-interred in some other part of the burial ground or in any consecrated burial ground wherein burials may legally take place; and every such removal of remains may be made without any faculty from the Bishop's Court or the payment of any fees to the vicar, and the certificate of the Human re-
mains to be
removed and
re-interred.

A.D. 1880.

churchwardens in that behalf shall be sufficient evidence that the foregoing provisions have been complied with; provided that if any further human remains should at any time be discovered in any portion of the burial ground sold or thrown into Liverpool Street, as the case may be, the owner of such portion, or the Corporation, as the case may be, shall remove such remains under the like superintendence, and re-inter the same in consecrated ground to the satisfaction of the churchwardens.

Receipt of
vicar and
church-
wardens.

7. Every receipt signed by the vicar and the churchwardens shall effectually discharge the purchaser of any hereditaments under the powers of this Act from the amount of purchase money expressed in such receipt to have been received, and from being bound to see to the application, or from being answerable for the loss, misapplication, or non-application thereof.

Application
of purchase
money.

8. All moneys which shall be received for the sale of any hereditaments under the foregoing powers shall be applied in paying the costs, charges, and expenses of and incidental to the preparing, applying for, and passing of this Act, and the costs, charges, and expenses payable by the vendors of and incidental to any sale and conveyance made thereunder, and generally of and incidental to the carrying of this Act into effect; and the surplus shall be paid to the Ecclesiastical Commissioners, and shall be applied wholly or in part in or towards the restoration and enlargement of the parish church, or to such other ecclesiastical purposes in connexion with that parish as the Ecclesiastical Commissioners, with the consent of the bishop, patrons, and vicar, may from time to time direct.

The SCHEDULE referred to in the foregoing Act.

We _____, in consideration of the
sum of £ _____ to us paid, pursuant to the
Aston (Liverpool Street) Burial Ground Sale Act, 1880, do hereby, with the
privity and consent of the Lord Bishop of Worcester and [patrons], convey to
_____, his heirs and assigns,
all [*describing the premises to be conveyed*], together with all ways, rights, and
appurtenances thereto belonging: To hold the premises unto and to the use of
the said _____, his heirs and assigns
for ever, according to the true intent and meaning of the said Act. In witness
whereof we have hereunto set our hands and seals the
day of _____ in the year of our Lord 188 .