



# Burial Ground Act 1816

## 1816 CHAPTER 141

An Act for enabling Ecclesiastical Corporate Bodies, under certain Circumstances, to alienate Lands for enlarging Cemeteries or Churchyards. [2nd July 1816]

WHEREAS Cemeteries, Churchyards, or Burying Grounds, are in various Places found to be too small, and the same cannot be conveniently enlarged, without appropriating for Consecration some Part of the Lands belonging to Corporations or Spiritual Persons, not authorized by Law to alienate such Land for any Purpose whatsoever ;

be it enacted by the King'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,

### **Bodies Corporate may sell Portions of Land adjoining Cenetries for enlarging thereof :**

That from and after the passing of this Act it shall and may be lawful for any Spiritual or Ecclesiastical Body Corporate or Spiritual Person, being a Corporation Sole, possessing any Land adjacent to any Cemetery, Churchyard or Burying Ground, to sell, by Indenture of Bargain and Sale, inrolled in the High Court of Chancery within Six Calendar Months, for the Purpose of Consecration, such Portion thereof as may be deemed necessary for enlarging any such Cemetery, Churchyard, or Burying Ground, not exceeding One Acre.

### **II With certain Consents. Value of the Land to be ascertained. If above 100l. other Lands to be conveyed. Application of the Money if under that Value.**

Provided always. That in case of any Spiritual Person, being a Corporation Sole, the Consent of the Lord Bishop of the Diocese or Ordinary, and of the Patron of the Living held by such Corporation Sole, shall be testified by their being Parties to the Alienation of the said Land; and that previously thereto the Value of such Land shall be ascertained, and, together with a Description thereof, be committed to Writing by some competent Person, to be named and appointed by the Ordinary; which Person so appointed shall verify the same on Oath, before some One of His Majesty's Justices" of. the Peace for the County, Town or District in which such Land is situated; which Oath the said Justice is hereby empowered to administer; and in case the Value shall

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*Status: This is the original version (as it was originally enacted).*

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appear to exceed One hundred Pounds, that other Lands, of at least an equal Value, estimated and verified in Manner aforesaid, shall be well and legally conveyed to and for the same Uses as the Lands conveyed by the said Spiritual Persons or Corporations Sole, and as the Consideration thereof; and in case the Value shall appear not to amount to One hundred Pounds but shall exceed Twenty Pounds, such Value shall be paid to the Governors of the Bounty of Queen *Anne*, for the Augmentation of the Maintenance of the Poor Clergy, to be by them used and applied for the Benefit of such Spiritual Person or Corporation Sole, in the same Manner as they are now empowered by Law to use and apply other Sums of Money coming into their Hands; and in case the Value shall not amount to Twenty Pounds, the said Value shall be paid in Money to such Spiritual Person or Corporation Sole, to be by him applied at his own Discretion.

### **III Limiting the Time within which Alienations may be questioned.**

Provided always, That no Alienation made by virtue of this Act shall be questioned after the Expiration of Twenty Years from the Time of such Alienation, on account of any Want of Compliance with the Forms prescribed by this Act.

### **IV Burial Ground to be discharged of adverse Titles, &c. after 20 Years from the Consecration thereof.**

And be it further enacted, That all Ground which has been or shall be consecrated as Burial Ground shall after Twenty Years from the Time of such Consecration, be considered as discharged from all adverse Titles, Claims, and Demands whatsoever, and as absolutely veiled in the Trustee or Trustees, if any, thereof; and if there should not be any such Trustee or Trustees, then in the Vicar or Perpetual Curate, if any, for the Time being; and if there mould not be any Vicar or Perpetual Curate, then in the Rector for the Time being of each Parish in which such Burial Ground is or shall be situate.