



ANNO DECIMO & UNDECIMO

# VICTORIÆ REGINÆ.

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## *Cap. cclxxxv.*

An Act for establishing a general Cemetery at *Wolverhampton* in the County of *Stafford*, and for making certain direct Roads and Approaches to the said Cemetery from the Town of *Wolverhampton* and the Neighbourhood thereof.

[22d July 1847.]

**W**HEREAS it would be of great public Advantage to the Town of *Wolverhampton* and the Mining Districts immediately adjoining thereto if a general Cemetery for the Interment of the Dead were established in an open Situation at a convenient Distance from the said Town, and within the Township of *Wolverhampton*, under and subject to certain Regulations for the Management thereof: And whereas the several Persons herein-after mentioned, together with divers other Persons, are willing to execute such Undertaking at their own Expence, but the same 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 Parlia-

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

ment assembled, and by the Authority of the same, That the Three several Acts following, (that is to say,) "The Companies Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," and "The Cemeteries Clauses Act, 1847," save as may be herein-after excepted, and save as to such Provisions thereof as may be inconsistent with or modified by the Provisions of this Act, shall be and the same are declared to be incorporated with and to form Part of this Act, and shall be applicable to the Undertaking hereby authorized, and shall with this Act be construed as One Act.

Short Title.

II. And be it enacted, That in citing and referring to this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression "The *Wolverhampton* General Cemetery Act, 1847."

Subscribers  
incorporated.

III. And be it enacted, That *George Briscoe, Peter Bell, Henry Crane, George Edwardes, George Holyoake, William Mannix* Doctor of Medicine, *John Perks, John Shaw, George Benjamin Thorneycroft, Alexander Walton, William Dent, Sidney Cartwright, Richard Hope Price, John Bickerton Deakin, Alfred Hall Browne, William Fleming*, and all Persons and Corporations who have already subscribed or who shall hereafter subscribe to the Undertaking hereby authorized, and also all other Persons and Corporations to whom any Shares in the said Undertaking shall and may be allotted under the Provisions herein-after contained, and their Executors, Administrators, Successors, and Assigns respectively, shall be and they are hereby united into a Company for the Purpose of making, establishing, and maintaining a public Cemetery or Burial Ground, Cemeteries or Burial Grounds, for the Town of *Wolverhampton* and its Neighbourhood, as herein mentioned, according to the Provisions of the said recited Acts and of this Act, and for other Purposes herein and in the said recited Acts contained and declared, and for the Purposes aforesaid shall be and are hereby incorporated by the Name of "The *Wolverhampton* General Cemetery Company," and by that Name shall be a Body Corporate with perpetual Succession, and shall have a Common Seal, and by the Name aforesaid shall and may sue and be sued, and also shall have Power to purchase, take, and hold to them and their Successors and Assigns Lands and Hereditaments for the Purposes of the said Undertaking, and within the Restrictions herein and in the said recited Acts contained.

Capital.

IV. And whereas the estimated Expence of making the said Cemetery and Works is Seven thousand five hundred Pounds; be it enacted, That the Capital of the Company shall be Seven thousand five hundred Pounds.

Number and  
Amount of  
Shares.

V. And be it enacted, That the Number of Shares into which the Capital of the Company shall be divided shall be Fifteen hundred, and the Amount of each Share shall be Five Pounds.

Calls.

VI. And be it enacted, That One Pound *per* Share shall be the greatest Amount of any One Call which the Company may make on the Shareholders upon any single Share, and that Four Calls, if necessary,

necessary, but no more, shall be made in any One Year, and Three Months at the least shall be the Interval between successive Calls.

VII. And be it enacted, That it shall be lawful for the Company to borrow or take up on Mortgage or Bond any Sum or Sums of Money not exceeding in the whole the Sum of Two thousand five hundred Pounds; provided that no Monies shall be borrowed or taken up by the Company under the Authority last aforesaid until Three Fourth Parts of the said Sum of Seven thousand five hundred Pounds shall have been subscribed for, and One Half of such Three Fourth Parts shall have actually been paid up.

Power to borrow Money on Mortgage.

VIII. And in order to provide for the Recovery of the Arrears of Interest and Costs, or of the Principal and Interest and Costs of any Mortgage to be made by the Company, pursuant to the said Companies Clauses Consolidation Act, 1845, at the respective Times at which such Interest, or such Principal and Interest and Costs become due, be it enacted, That if such Interest, or any Part thereof, shall for Thirty Days after the same shall have become due, and Demand thereof shall have been made in Writing, remain unpaid, the Mortgagee may either sue for the Interest so in arrear by Action of Debt in any of the Superior Courts, or he may require the Appointment of a Receiver by an Application to be made as provided in the last-mentioned Act.

For enforcing Payment of Arrears of Interest, &c. on Mortgage and Bond.

IX. And with respect to such Principal Money, Interest, and Costs, be it enacted, That if such Principal Money and Interest be not paid within Six Months after the same has become payable, and after Demand thereof in Writing, the Mortgagee may sue for the same in any of the Superior Courts of Law or Equity; or if his Debt amount to the Sum of One thousand Pounds he may alone, or if his Debt does not amount to the Sum of One thousand Pounds he may in conjunction with other Mortgagees, whose Debts being so in arrear after Demand as aforesaid shall together with his amount to the Sum of Two thousand Pounds, require the Appointment of a Receiver, by an Application to be made as provided in the said last-mentioned Act.

Recovery of Principal, Interest, &c., and of Money lent on Mortgage or Bond.

X. And be it enacted, That the Number of Directors shall be Twelve, and the Qualification of a Director shall be the Possession, in his own Right, of Ten Shares in the said Undertaking.

Number and Qualification of Directors.

XI. And be it enacted, That it shall be lawful for the Company to increase or reduce the Number of Directors, provided that the increased Number does not exceed Sixteen, and that the reduced Number be not less than Ten.

Power to vary the Number of Directors.

XII. And be it enacted, That *George Briscoe, Peter Bell, Henry Crane, George Edwardes, George Holyoake, William Mannix* Doctor of Medicine, *John Perks, John Shaw, George Benjamin Thorneycroft, Alexander Walton, William Dent, and Sidney Cartwright* shall be the first Directors of the Company.

First Directors.

XIII. And

Quorum of  
Directors.

XIII. And be it enacted, That the Quorum of a Meeting of the Directors shall be Three.

Committees  
of Directors.

XIV. And be it enacted, That the Number of Directors of which Committees appointed by the Directors shall consist shall not be more than Five nor less than Three, and the Quorum of such Committees shall be Three.

Newspaper  
for Adver-  
tisements.

XV. And be it enacted, That the Newspaper in which Advertisements relating to the Affairs of the Company are to be inserted shall be some Newspaper published in the Town of *Wolverhampton* in the County of *Stafford*; and that in case there shall be no such Newspaper, then such Advertisements shall be inserted in any Newspaper published in or at any other Town in the said County of *Stafford*.

Remune-  
ration to  
Auditor.

XVI. And be it enacted, That the Auditor to be appointed shall have such Remuneration for his Services as shall be fixed by any Ordinary Meeting of the said Company, and that such Remuneration, together with the Expences to which such Auditor shall be put in auditing such Account, shall be paid out of the Monies to be levied under this Act.

No Monies  
to be paid  
without the  
Order of the  
Directors.

XVII. And be it enacted, That no Sum of Money shall be issued or paid by the Treasurer or other Officer to be appointed by the Company on account of the Company except in such Manner as shall be fixed for that Purpose at a Meeting of the Directors, and that in the meantime no such Sum of Money as aforesaid shall be issued or paid without an Order in Writing signed by Two at least of the Directors.

Votes of  
Shareholders  
at Meetings.

XVIII. And be it enacted, That at all Ordinary and Extraordinary Meetings of the Company all Persons who shall have subscribed for or become the Holders of any Number of Shares less than Ten Shares in the Capital of the Company shall have One Vote; and all Persons who shall have subscribed for or become the Holders of Ten Shares and less than Fifteen Shares in the said Undertaking shall have Two Votes, and shall have One additional Vote for each Five Shares beyond the first Ten Shares held by such Shareholders respectively in the Capital of the Company.

No Share-  
holders to  
vote unless  
they have  
held Shares  
for Six  
Months pre-  
ceding the  
Meeting, and  
paid up Calls.

XIX. And be it enacted, That no Shareholder shall be entitled to vote at any such Meeting as aforesaid, either in Person or by Proxy, in respect of any Shares held by him in the Capital of the said Company unless he shall have been possessed of such Shares for at least Six Calendar Months next preceding the Time at which such Meeting shall be held, and shall have paid up all Instalments which may have been called for in respect of such Shares, although the Time limited for the Payment of any such Instalments may not have expired: Provided always, that all Persons who shall be the original Shareholders of the Company, and all Persons who shall acquire Shares in the Capital thereof by Marriage, or as the Executors, Administrators, Legatees, or next of Kin of any deceased Shareholder, may at all Times exercise the Right of voting in respect of such Shares,  
any

any thing herein-before contained to the contrary notwithstanding; provided further, that all previous Calls in respect of such Shares shall have been duly paid before the Time of such voting.

XX. And be it enacted, That, subject to the Provisions in this Act, and the said Companies Clauses Consolidation Act and the said Cemeteries Clauses Act, and to such of the Provisions in the said Lands Clauses Consolidation Act as relate to the Purchase of Lands by Agreement, or any or either of them, contained, it shall be lawful for the Company to make and maintain the said Cemetery in and upon the Pieces or Parcels of Land specified in the Schedule to this Act annexed, or so much and such Part of the same as shall be purchased by them under the Powers of this Act, and also to lay out, construct, and establish, erect, plant, uphold, and maintain therein all such Chapels, Offices, and Buildings, and also all such Paths, Walks, Avenues, Roads, Trees, Shrubs, and Plantations, as may be fitting and proper or necessary for the Use or Embellishment of the said Cemetery, and also to cause the said Cemetery to be inclosed with proper and sufficient Walls, Rails, Fences, and Palisades, and to make, erect, and construct all needful and convenient Gates, Approaches, and Entrances to the said Cemetery, and to erect Lodges at the said Gates, and to make and do all other Works suitable and convenient for the Use, Occupation, Improvement, and Preservation of the said Cemetery.

Company empowered to construct and maintain a Cemetery.

XXI. And be it enacted, That the Distance from any Dwelling House near to which no Part of the Cemetery shall be constructed shall be not less than One hundred and twenty Yards.

As to Distance of Houses from Cemetery.

XXII. And be it enacted, That in order to facilitate and improve the Access to the said Cemetery from the Town of *Wolverhampton* aforesaid it shall be lawful for the said Company, either alone or conjointly with any Person or Persons, or Corporation or Corporations, ready and willing to aid the said Company in that Behalf, to make and construct or join in making and constructing the several Roads herein-after mentioned; (that is to say,)

Power to make Approaches to Cemetery from certain Streets, &c.

1st. A Road commencing at the Western End of *Meredale Street* in the Town of *Wolverhampton* aforesaid, and thence extending Westward to the Eastern Side of the said Piece or Parcel of Land called *Buckford Leasow* :

2d. A Road commencing at the Western End of *Brick-kiln Street* in the Town of *Wolverhampton* aforesaid, and thence extending Westward to and along the Northern Side of the said Piece or Parcel of Land called *Pigstye Lane Field* :

3d. A Road commencing at the Northernmost Point of the said Piece or Parcel of Land called *Buckford Leasow*, and thence extending Northward until such Road strikes the public Road leading from *Meredale* to *Wolverhampton* aforesaid :

Provided always, that it shall not be lawful for the said Company to commence the Construction of any of the said Three Roads until in each such Case the previous Consent shall have been obtained of all Persons having any Estate or Interest in the Lands to be used or required for the same respectively: Provided also, that it shall be

Company not to construct Roads till Consent of Owners, &c. obtained.

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lawful

lawful for the said Company to construct the aforesaid Roads with such Curves, Angles, and Deflections therein as shall appear expedient for the Accommodation of the Owners or Occupiers of the Lands adjoining or intended to be used for the same, or for the Convenience and Advantage of the said Company.

Company not to sell Land except for Purposes of Sepulture.

XXIII. And be it enacted, That it shall not be lawful for the said Company to sell, except for the Purposes of Sepulture, as herein-after mentioned, the whole or any Part of the Lands by this Act authorized to be taken for the Purposes of the said Cemetery as aforesaid, but the same Lands when so purchased by the said Company as aforesaid shall, subject as herein-after mentioned, be set apart and appropriated for ever to and for the Interment or Burial of the Dead, and to or for no other Purpose whatsoever.

Company to set apart and inclose a sufficient Portion for Burial Purposes, and empowered to let the Remainder as Pasture Ground.

XXIV. And whereas it may not be deemed expedient by the said Company that the whole of the Lands hereby authorized to be taken for the Purposes of the said Cemetery should at once be absolutely set apart and appropriated solely for the Interment of the Dead, and for the Uses of a Cemetery; be it therefore enacted, That it shall be lawful for the said Company from Time to Time to set apart and inclose a Portion or Portions of the said Lands, of such Extent and Area as the said Company shall from Time to Time deem sufficient to be appropriated for the Purposes of the Cemetery, including nevertheless within such appropriated Portions from Time to Time a convenient and adequate Space or Extent to be set apart and consecrated for the Burial of Persons according to the Rites of the United Church of *England* and *Ireland*, and for the Erection of such Chapel as herein mentioned for the Performance of the Burial Service of the said United Church, and also a Site of convenient and adequate Space or Extent to be set apart for the Burial of Persons not being Members of the said United Church: Provided always, that no such Portion or Portions, so far as the same is or are to be set apart for the Burial of Persons according to the Rites of the said United Church, shall be used or applied for that Purpose until the same shall have been duly consecrated as aforesaid; and further, that it shall be lawful for the Company to let such Portions of the said Lands as shall from Time to Time remain unappropriated for the Interment of the Dead, on Lease or by Parol, for any Term not exceeding Three Years, to any Person or Persons as or for Pasture Land, (but not for any other Purpose,) at such Rent and on such Terms as to the Company shall seem proper.

No Interment to take place except in Portion of Land specially appropriated for that Purpose.

XXV. Provided always, and be it enacted, That nothing herein contained shall authorize or empower the said Company to bury or inter any Person, or to permit or suffer any Burial or Interment to take place, in any Part of the Cemetery hereby authorized to be formed, excepting such Parts as shall have been so specially appropriated as aforesaid for the Interment of the Dead; and in case the Company shall bury or inter any Person, or permit any Burial or Interment to take place, in any Part of such Cemetery not so specially appropriated as aforesaid, the said Company shall not be entitled to any Fee for such Burial or Interment, and any Agreement for any

Payment

Payment to be made to the Company in respect of such Burial shall be absolutely void.

XXVI. Provided further, and be it enacted, That nothing in this Act or in the said Cemeteries Clauses Act, 1847, contained shall make it incumbent on the said Company to inclose such Portion of the said Lands as shall or may from Time to Time remain unappropriated for the Interment of the Dead in any other Manner than to the said Company shall seem fit, provided that such Part or Side thereof as shall immediately adjoin the Portion or Portions to be appropriated for the Burial of the Dead shall be inclosed by a good and sufficient Fence, to be approved by Two Justices.

Lands set apart for Burial Purposes to be inclosed in such Manner as Company may think fit.

XXVII. And be it enacted, That it shall be lawful for the said Company and they are hereby empowered to make, erect, and build, in such Manner as they shall think proper, within the Limits of the said Cemetery, and within the Portion so to be consecrated as aforesaid of the said Cemetery, One suitable and convenient Chapel for the Reception of the Dead immediately previous to Interment, and for the Purpose of performing therein the Burial Service according to the Rites and Usages of the United Church of *England* and *Ireland*, and also to make, erect, and build within the Portion to be left unconsecrated as aforesaid of the said Cemetery One or more suitable and convenient Chapel or Chapels for the Reception of the Dead immediately previous to Interment, and for the Purpose of performing Funeral Rites and Services in such last-mentioned Chapel or Chapels according to the Usages of any other Church, Congregation, or Religious Community or Society: Provided always, that the Burial Service according to the Rites of the said United Church shall not be performed in any such Chapel or Chapels as last aforesaid: Provided also, that all and every the Chapels hereby authorized to be erected as aforesaid may be contained in One Building or Edifice to be for that Purpose constructed with convenient internal Divisions, yet so that only such Portion or Division of the said Building or Edifice as shall be appropriated for the Purpose of the Burial Service according to the Rites of the said United Church shall be within the consecrated Part of the said Cemetery.

Power to erect a Chapel in connexion with the Established Church in the consecrated Portion, and another Chapel in the other Portion, but Burial Service of the Established Church not to be performed in it.

XXVIII. And be it enacted, That it shall not be lawful for the Company to build, erect, or make any Vault or Vaults for the Reception of dead Bodies, or to permit any such Vault or Vaults to be built, erected, or made, nor to bury or inter or permit the Burial or Interment of any dead Body within the Walls or Limits of any Chapel, Building, or Erection standing or being within or upon the said intended Cemetery, or any Part thereof, and used or employed for the Performance therein of any Burial Service, or for the Reception of dead Bodies previous to Interment, or within the Walls or Limits of any Building or Erection standing or being in or at the said Cemetery, and used or employed for the Purpose of conducting or managing the Business or Affairs of the Company.

Vaults not to be constructed, nor Bodies interred within Walls of Chapels, &c.

XXIX. And be it enacted, That the Cemetery hereby authorized to be formed as aforesaid shall be completed within Four Years from the

Cemetery to be completed in the Four Years.

the passing of this Act, and on the Expiration of such Period, in case the said Cemetery be not then completed, the Powers by this Act or by the said Companies Clauses Consolidation Act, Lands Clauses Consolidation Act, and Cemeteries Clauses Act, or any or either of them, granted to the said Company for the making or Formation of the said Cemetery, or in relation thereto, shall cease and be no longer exercisable.

When Cemetery deemed to be completed.

XXX. Provided always, and be it enacted, That the said Cemetery shall, for the Purposes of this Act, be and be deemed and taken to be completed when and so soon as such Part as shall at first be appropriated for the Burial or Interment of the Dead as herein-before mentioned shall have been fenced in such Manner as herein-before provided, and the Site to be at first set apart for the Burial of the Dead according to the Rites and Usages of the United Church of *England* and *Ireland*, together with such suitable and convenient Chapel for that Purpose as aforesaid, shall have been consecrated, and a Chapel or Chapels for the Performance of Funeral Rites and Services in the Portion to be left unconsecrated of the said Cemetery shall have been erected, and shall be in fit and proper Order for the Performance of such Rites and Usages therein, and the Matters above required to be done shall have been certified under the Hands and Seals of any Two Justices for the Division in which the said Cemetery or Burial Ground is situated, in Petty Sessions assembled, who are hereby required to make such Certificate when thereunto requested, upon an Affidavit of Completion to be made before them by the Secretary or other Officer of the said Company; and such Certificate purporting to be under the Hands and Seals of Two Justices of the Division in which the said Cemetery or Burial Ground is or shall be situate, and to be made upon such Affidavit as aforesaid, and certifying the Matters herein-before specified, shall be Evidence in all Courts of Justice and elsewhere that the said Cemetery has been completed according to the Provisions of this Act, unless the Person or Persons objecting to such Certificate shall, within Six Months after he or they shall come to the Knowledge that such Certificate has been granted, indict for Perjury the Party making such Affidavit, and unless and until such Indictment shall have been prosecuted to Conviction.

The Company not to be prohibited from erecting other Chapels, if deemed necessary.

XXXI. Provided always, and be it enacted, That nothing herein contained shall prevent the Company hereby incorporated from erecting and making such further or other Chapel or Chapels, Buildings, Fences, and Works as the said Company shall deem necessary or expedient within the said Cemetery either before or after such Completion as aforesaid, or before or after such Period so as aforesaid fixed for such Completion as aforesaid.

Opening of Cemetery restricted till after Time of Completion.

XXXII. And be it enacted, That the Cemetery hereby authorized to be formed as aforesaid shall not be opened for the Interment or Burial of the Dead until the same shall be completed as herein-before provided.

Regulating Manner of Interment in

XXXIII. And whereas it is expedient that some Regulations should be made as to the Burials to take place in the Cemetery by this



this Act authorized to be formed as aforesaid; be it enacted, That in the said Cemetery it shall not be lawful for the said Company to bury or deposit more than One dead Body in any One Grave (not being a Vault or Brick Grave), unless between each dead Body so buried or deposited and the dead Body buried or deposited next thereunder in the same Grave there be kept, left, or placed by the said Company a Stratum or Layer of Ground or Soil of a Depth of not less than One Foot, computed from the Surface of the lower Coffin to the Bottom of the upper Coffin, interred or to be interred in one and the same Grave; and further, that within the said Cemetery it shall not be lawful for the said Company to bury or deposit any dead Body, or to suffer any such Bodies to be interred or placed in any Grave, not being a Vault or Brick Grave, unless at the Depth of Three Feet at the least, computed downwards from the Level of the Soil of the said Cemetery to the Surface of the Coffin wherein such Body shall be buried; and further, that, subject to the Regulations last aforesaid, nothing in this Act contained shall be construed to restrain or prevent the Company from burying or depositing any Number of dead Bodies in any One Grave.

Graves, not being Vaults or Brick Graves.

XXXIV. And be it enacted, That the Directors of the said Company shall, from Time to Time as they in their Discretion shall deem fit, fix and order the Fees to be paid on the Interment of any Corpse in the said Cemetery, save and except the Fees herein-after appointed to be paid to the Incumbent of the Parish or Ecclesiastical District from which such Corpse shall have been removed for Interment: Provided always, that the said Directors are hereby required in all Cases to charge and receive the like Scale of Fees on an Interment, whether the Corpse be buried in the consecrated or in the unconsecrated Portion of the said Cemetery: Provided also, that the said Company shall not in any Case demand or receive more than Seven Shillings for the Interment in a common Grave in the open Ground of the Corpse of any poor Person who at the Time of his Death occupied or resided in a House of a Rental of less than Three Shillings a-Week.

Provisions relating to Fees.

Burial Fees to be the same in consecrated and unconsecrated Ground.

XXXV. And whereas certain Graveyards or Burial Grounds are now attached or annexed respectively to the Parish or Collegiate Church of *Saint Peter* and also to the Chapels of *Saint John* and *Saint George*, situated in the said Township of *Wolverhampton* aforesaid: And whereas the Reverend *John Osmond Dakeyne* Incumbent of *Saint Peter's*, the Reverend *Humphrey Pountney* Incumbent of *Saint John's*, and the Reverend *George Boodle Clare* Incumbent of *Saint George's*, have consented to receive the Fees or Sums of Money next herein-after mentioned, by way of Compensation for any Diminution which may take place in the Amount of their respective Incomes at present derived from Funerals performed in their respective Churchyards; be it therefore further enacted, That whensoever the Corpse of any Person dying within any of the Ecclesiastical Districts of the said Churches, as such Districts existed previously to the First Day of *October* One thousand eight hundred and forty-two, shall be brought for Interment within the consecrated Portion or Ground of the said Cemetery, the said Company shall pay in respect of every such Interment

Fees to be paid to Incumbents of Parishes from which Bodies are brought.

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ment to the Incumbent or officiating Minister for the Time being of the Church belonging to the District from which such Corpse shall be so brought the following Fees or Sums of Money, (that is to say,) the Sum of One Shilling and Sixpence for every Interment in a common Grave, and the Sum of Five Shillings for every Interment in Vault or Brick Grave, provided that such Interment shall take place within the Time or Hours which shall be from Time to Time fixed and appointed as and for the usual Hours by the said Company for the Performance of Funerals in the said Cemetery, the same Hours not being less than Three consecutive Hours between the Hours of Ten of the Clock in the Forenoon and Six of the Clock in the Afternoon of any Day; and also that in case any such Interments shall take place within any other than such usual Time or Hours to be appointed as aforesaid, then that the additional Sum of Six Shillings and Eight-pence shall be paid for every such Interment in the said consecrated Portion of the said Cemetery, whether in a common Grave or in a Vault or Brick Grave.

Fees to be paid to Parish Clerks of certain Parishes.

XXXVI. And be it enacted, That whensoever the Corpse of any Person dying within either of the Ecclesiastical Districts of the said Church of *Saint Peter* and the said Chapels of *Saint John* and *Saint George* shall be brought for Interment within the consecrated Portion of the said Cemetery, the said Company shall pay in respect of every such Interment to the Clerk now being of the Church or Chapel belonging to the District from which such Corpse shall be brought, so long as he shall continue to be and officiate as such Clerk, (except where such Corpse is interred at the Expence of the Parish or District, or Union of Parishes or Districts for the Relief of the Poor,) the Sum of Three-pence: Provided always, that nothing herein contained shall compel or be construed to compel the said Company to pay any Sum of Money upon any Burial or Interment to any other or any future Clerk or Clerks of the aforesaid Church and Chapels.

Incumbents of certain Parishes to officiate as Chaplains.

XXXVII. And be it enacted, That the Incumbents or officiating Ministers for the Time being of each of the following Churches or Chapels, (that is to say,) the said Collegiate Church of *Saint Peter* and the said Chapels of *Saint John* and *Saint George* in *Wolverhampton* aforesaid, shall and they are hereby required to officiate as Ministers or Chaplains in the Performance of the Burial Service at the said Cemetery over the dead Bodies of Persons dying within the respective Ecclesiastical Districts of the said Churches or Chapels, and brought thence for Interment within the consecrated Portion of the said Cemetery, and that for the Performance of such Burial Service each of the Incumbents or officiating Ministers for the Time being of the said Churches or Chapels shall receive and the said Company shall pay to the said Incumbent or officiating Minister a yearly Salary or Stipend of not less than the Sum of Twenty Pounds over and above all Fees or Sums of Money payable to each such Incumbent or officiating Minister under the Provisions of this Act as aforesaid: Provided always, that no such Incumbent or officiating Minister shall be required to officiate in the Performance of the Burial Service on the Interment of any Person upon or over whom such

Salary to be paid them.

Service

Service could not be lawfully performed in the Burial Ground of any Parochial Church.

XXXVIII. And be it enacted, That upon every Interment in the unconsecrated Portion of the said Cemetery it shall be lawful for the said Company to pay or allow to the Minister or other Person performing the Religious Service or Ceremonies upon such Occasion a Fee or Reward of such Amount as to the said Company shall from Time to Time seem just or expedient.

Fees to Minister performing Service in unconsecrated Portion of Cemetery.

XXXIX. And whereas the Two Graveyards attached or belonging to the said Collegiate Church of *Saint Peter* in the Town of *Wolverhampton* aforesaid, (one of them adjoining the said Church, and commonly called the "Old Burial Ground," and the other at a short Distance therefrom, and commonly called the "New Burial Ground,") and also the Graveyard or Burial Ground attached or belonging to the Church or Chapel of *Saint John* in the Town of *Wolverhampton* aforesaid, are surrounded by Dwelling Houses inhabited by a dense and increasing Population, and are filled with dead Bodies to an injurious and inconvenient Extent, and are likely by continued Use to become dangerous to the public Health; be it therefore enacted, That from and after the Completion and opening of the Cemetery by this Act authorized to be made for the Interment of the Dead according to the Provisions of this Act no further Burials or Interments shall take place either in the said "Old Burial Ground" attached and adjoining to the said Collegiate Church of *Saint Peter*, or within the Walls of the said Church of *Saint Peter*, save and except in the private Vaults and Brick Graves actually constructed, erected, and made within the said "Old Burial Ground," or within or under the said Collegiate Church, at the Time of the Completion and opening of the said Cemetery; and further, that from and after the Completion and opening of the said Cemetery as aforesaid, no Burials or Interments shall take place within the said Graveyard attached or belonging to the said Collegiate Church of *Saint Peter*, and called the "New Burial Ground" as aforesaid, or within the said Graveyard or Burial Ground attached or belonging to the said Church of *Saint John*, in any common or open Grave or Ground in which a Corpse shall have been previously interred, nor shall any Vault, whether private or otherwise, or any Brick Grave or other Grave be, from and after the aforesaid Period, made or constructed in any Part of the Soil or Ground of either of the said Two several last-mentioned Graveyards or Burial Grounds wherein any Burial or Interment shall previously have been made or taken place; and also, that from and after the Completion and opening of the said Cemetery as aforesaid, no Burials or Interments shall take place in the open Ground of either of the said Two last-mentioned Graveyards or Burial Grounds, unless the Coffin be so placed as that the upper Surface thereof shall be at least Five Feet below the Surface of the Ground wherein such Burial or Interment shall be made, and so that no dead Body, or the Remains thereof, which shall have been buried in any Grave (not being a Vault or Brick Grave) shall be removed or disturbed for the Purpose of effecting any other Interment above or below the same, or for any other Purpose whatsoever, save and except under the Authority

Further Burials prohibited in the Old Burial Ground attached to St. Peter's Church.

Vaults and Brick Graves excepted.

Further Burials prohibited in the New Burial Ground attached to St. Peter's Church, or in the Graveyard of St. John's Church.

Proviso as  
to private  
Vaults.

rity of some Ecclesiastical Court possessing competent Jurisdiction in that Behalf: Provided always, that nothing herein contained shall prevent the Interment or Burial of any Corpse or Corpses in the private Vaults, or any of them, now erected and made or hereafter to be lawfully erected or made within the Two several Graveyards or Burial Grounds last aforesaid, or either of them.

Burials in  
the Grave-  
yards of  
St. George's  
Church, and  
the Roman  
Catholic  
Chapel in  
North Street,  
restricted.

XL. And whereas it is expedient that the Graveyard or Burial Ground attached or belonging to the Church or Chapel of *Saint George* in *Wolverhampton* aforesaid, and also that a certain Graveyard or Burial Ground attached or belonging to the Roman Catholic Chapel situate near *North Street* in *Wolverhampton* aforesaid, should be prevented from being unduly filled with dead Bodies, and from becoming dangerous to the public Health, and that Regulations should accordingly be made as to the Number of Burials to be permitted to take place in the Two said several last-mentioned Graveyards or Burial Grounds, and that Provision should be made for the closing of the same, and that no further Burials or Interments should be made therein after the Time when the same shall, according to such Regulations, be deemed to be full; be it therefore further enacted, That from and after the Completion and opening of the said Cemetery as aforesaid no Interment shall take place in any Grave heretofore made within either of the said Two last-mentioned Graveyards or Burial Grounds unless there be left or placed between the Bottom of each additional Coffin buried therein and the Top of the Coffin next thereunder in the same Grave a Stratum or Layer of Ground or Soil of the Depth of not less than Eighteen Inches; and that all Graves thereafter to be made within either of the same Graveyards or Burial Grounds shall be Six Feet deep at least, and no dead Body shall be laid or placed in any Grave of a less Depth within either of the same Graveyards or Burial Grounds; and every such Grave within each of the same Graveyards or Burial Grounds shall be made at a Distance on every Side from every other Grave of not less than One Foot; and no more than One dead Body shall be buried in one and the same Grave, not being a Vault or Brick Grave, unless between each dead Body so buried or deposited and the dead Body buried or deposited next thereunder in the same Grave there be kept, left, or placed a Stratum or Layer of Ground or Soil of the Depth of not less than Two Feet, computed from the Surface of the lower Coffin to the Bottom of the upper Coffin interred or to be interred in such Grave, and then and in that Case it shall be lawful to bury more than One dead Body in one and the same Grave: Provided always, that no Coffin shall be buried in any Grave within either of the said Graveyards or Burial Grounds unless the upper Surface thereof shall be at least Five Feet below the Surface of the Ground wherein such Grave shall have been made; and that whensoever within either of the Two last-mentioned Graveyards or Burial Grounds any dead Body shall have been buried in any Grave not being a Vault or Brick Grave, it shall not be lawful to remove or disturb such dead Body, or the Remains thereof, for the Purpose of effecting any other Interment, either above or below the same, or for any other Purpose whatsoever, save and except under the Authority of some Ecclesiastical Court possessing competent Jurisdiction in that Behalf.

XLI. And whereas it is expedient that all Graveyards and Burial Grounds which may be at any Time hereafter added to or made and attached or belonging to any of the aforesaid Churches or Chapels, or to any other Church or Chapel now being erected and built or hereafter to be erected and built in *Wolverhampton* aforesaid, should be prevented from being unduly filled with dead Bodies, and from becoming dangerous to the public Health, and that Regulations should accordingly be made as to the Number of Burials to be permitted to take place therein; be it therefore further enacted, That all Graves to be made within any Graveyard or Burial Ground which shall at any Time hereafter be constructed and made, or attached or belong to any Church or Chapel now or hereafter to be built in *Wolverhampton* aforesaid, shall be Six Feet deep at the least, and no dead Body shall be laid or placed in any such Grave of a less Depth, and every such Grave shall be made at a Distance on every Side from every other Grave of not less than One Foot; and no more than One dead Body shall be buried in one and the same Grave, not being a Vault or Brick Grave, unless between each dead Body so buried or deposited next thereunder in the same Grave there be kept, left, or placed a Stratum or Layer of Ground or Soil of the Depth of not less than Two Feet, computed from the Surface of the lower Coffin to the Bottom of the upper Coffin interred or to be interred in such Grave, and then and in that Case it shall be lawful to bury more than One dead Body in one and the same Grave; provided that no Coffin shall be buried in any of such last-mentioned Graveyards or Burial Grounds unless the upper Surface thereof shall be at least Five Feet below the Surface of the Ground wherein such Grave shall have been made: Provided also, that whensoever within any of such last-mentioned Graveyards or Burial Grounds any dead Body shall have been buried in any Grave not being a Vault or Brick Grave, it shall not be lawful to remove or disturb such dead Body, or the Remains thereof, for the Purpose of effecting any other Interment, either above or below the same, or for any other Purpose whatsoever, save and except under the Authority of some Ecclesiastical Court possessing competent Jurisdiction in that Behalf.

Regulating  
Graves in  
Graveyards  
hereafter to  
be con-  
structed in  
*Wolver-*  
*hampton.*

XLII. And be it enacted, That upon Proof before Two of Her Majesty's Justices of the Peace in Petty Sessions assembled in and for the County of *Stafford*, in such a Manner as they shall think proper, that any of the said herein-before mentioned Graveyards or Burial Grounds, according to the Provisions or Regulations above set forth, hath the full Number of Graves and of Interments therein, then and in such Case or Cases the said Justices shall make an Order under their Hands that the said Burial Ground so having the full Number of Graves shall be closed, and that no further Burial or Interment shall take place in any of such Graves therein, and thereupon and from the Date of such Order such Graveyard or Burial Ground shall be perpetually closed against all further Burials or Interments in such Graves or any of them; and the said Order shall, from the Date thereof, have the same Force and Effect, and every or any Person disobeying the same shall be subject to such and the like Pains and Penalties, as if the Day of the Date of such Order had been named herein, and this Act had expressly enacted that from and after such

Power to  
Justices to  
order the  
Two last-  
mentioned  
Graveyards  
to be closed.

[*Local.*]

46 Z

Day

Day the said Graveyard or Burial Ground named in such Order should be closed against all further Burials in the said Graves or any of them.

Regulations  
not to affect  
private  
Vaults or  
Brick  
Graves.

XLIII. Provided always, and be it enacted, That nothing herein contained shall prevent Interments or Burials taking place either before or after the Date of the said Order, at a Depth of not less than Six Feet below the Surface of the Soil, in any of the private Vaults or Brick Graves now erected and made, or hereafter to be lawfully erected and made, within either of the said Two last-mentioned Burial Grounds.

Power to  
close alto-  
gether the  
Graveyards  
of certain  
Parishes,  
and of the  
Roman  
Catholic  
Chapel.

XLIV. Provided always, and be it enacted, That, from and after the Completion and opening of the said Cemetery as aforesaid, it shall be lawful for the Incumbent for the Time being of any or either of the said Churches or Chapels of *Saint Peter*, *Saint John*, or *Saint George*, with the Concurrence of the Lord Bishop for the Time being of the Diocese wherein the same Churches or Chapels shall for the Time being be respectively comprised, and also for the resident Minister for the Time being of the said Roman Catholic Chapel, with the Concurrence of the Roman Catholic Bishop for the Time being under whose Charge the same Chapel shall then be, from Time to Time, and at any Time or Times, to make an Order or Orders prohibiting altogether and entirely any further Burials or Interments from being made in the Graveyards or Burial Grounds, or any Part thereof, to be specified in such Order, attached or belonging to the Church or Chapel of such Incumbent or Minister, as the Case may be, either in perpetuity or for a Term of Years to be specified in such Order; and a Copy of every such Order shall, within Fourteen Days after the making and signing thereof, be affixed to the outer Doors of the Church or Chapel to which, or to the Graveyard or Burial Ground of which such Order shall relate; and if any Person shall dig or attempt to dig a Grave in the Graveyards or Burial Ground to which any such Order shall relate, contrary to the Provisions of such Order or of this Act, he shall for every such Offence forfeit the Sum of Ten Pounds, to be recovered by any Person who may sue for the same, with full Costs of Suit, in any of Her Majesty's Courts of Record at *Westminster* by Action of Debt or on the Case.

Penalty.

After Com-  
pletion of  
Cemetery  
no further  
Vaults or  
Brick Graves  
to be made  
within or un-  
der certain  
Churches,  
&c.

XLV. And be it enacted, That, from and after the Completion and opening of the Cemetery as aforesaid, it shall not be lawful to make any further or other Vault, whether private or otherwise, or any Brick Grave or other Grave within or under the said Chapel of *Saint John*, or the said Chapel of *Saint George*, or the said Roman Catholic Chapel; and also that from and after the said Period it shall not be lawful to make or construct any Vault, whether private or otherwise, or any Brick Grave or other Grave within or under such Portion of the said Graveyard attached or belonging to the said Chapel of *Saint George* and the said Roman Catholic Chapel in which any Burial or Interment shall previously have been made or taken place.

Burial  
Ground of  
Dissenting

XLVI. And whereas within the said Township of *Wolverhampton* and in *Temple Street* in the said Town of *Wolverhampton* there are  
Two

Two Chapels belonging to or used by certain Denominations of Dissenters known as Baptists and Independents respectively, and a Graveyard or Burial Place is attached to each of the said Chapels: And whereas the same Graveyards or Burial Places are full, and it is expedient that the same should be closed, and that not any further Burials should take place therein; be it enacted, That from and after the Completion and opening of the Cemetery or Burial Ground hereby authorized to be made according to the Provisions in this Act contained the said Graveyard or Burial Ground attached to each of the said Chapels shall be closed, and not any further Burials shall take place in either of such Graveyards or Burial Grounds.

Chapels to be closed after Completion of Cemetery.

XLVII. And be it enacted, That it shall be lawful for the said Company to purchase, take, and use for the extraordinary Purposes of the Company, for the Construction of Approaches to the said Cemetery, and for the Enlargement of the said Cemetery, or for any of such Purposes, any Lands immediately adjoining and contiguous to the Cemetery, not exceeding in the whole Five Acres: Provided always, that it shall not be lawful for the said Company to take or use any Lands under the Authority last aforesaid until the previous Consent shall have been obtained of all Persons having any Estate or Interest in such Lands; provided also, that no Part of such enlarged Cemetery shall be established within Three hundred Yards of any House of the annual Value of Fifty Pounds, having a Plantation or ornamental Garden or Pleasure Ground occupied therewith, except with the Consent in Writing of the Owner, Lessee, and Occupier of such House; provided also, that all additional Lands so to be taken for the extraordinary Purposes of the said Company, or for the Enlargement of the said Cemetery, or for making Approaches thereto, as last aforesaid, shall in all respects be subject, as nearly as may be, to all and every the Provisions of this Act touching and concerning the Lands hereby authorized to be originally taken for the Purposes of the said Cemetery.

Power to purchase adjoining Lands.

XLVIII. And be it enacted, That the Expences of and attending the Formation of the said Company, and the soliciting and passing of this Act, shall be paid out of the first Monies at the Disposal of the said Company.

Expences of Act.

XLIX. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such in all Courts whatsoever.

Public Act.

The SCHEDULE referred to in the foregoing Act.

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CERTAIN Pieces of Land in the Township of Wolverhampton in the Parish of Wolverhampton in the County of Stafford called Buckford Leasow otherwise Birches Piece, containing Nine Acres Three Roods and Thirty-one Perches, or thereabouts, and belonging to His Grace George Granville Duke and Earl of Sutherland, and certain other Pieces of Land called Pigstye Lane Field, situate in the same Township and Parish, containing Nine Acres One Rood and Fourteen Perches and Half a Perch, or thereabouts, and belonging to the Reverend John Louis Petit, Clerk, and both which said Closes, Pieces, or Parcels of Land and Premises adjoin together, and contain in the whole Nineteen Acres One Rood and Five Perches and Half a Perch, or thereabouts, and are now or late were in the Occupation of Joseph Ash, and are bounded on the North and North-west by Lands belonging to the said Duke and to the said John Louis Petit, now or late in the Occupation of the said Joseph Ash, on the South by Land belonging to Thomas Perry, Esquire, late in the Occupation of William Ash deceased, on the East by Lands belonging to Louis Hayes Petit, Esquire, in the Occupation of Joseph Croshaw, on the West by a Road or Way leading from Meredale otherwise Merridale in the aforesaid Township to the said Town of Wolverhampton, and on the South-west by a Road or Lane called Pigstye Lane leading from the last-mentioned Road into a Road or Way called Birches Barn Lane, One Moiety whereof is in the said Township of Wolverhampton.

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