



ANNO UNDECIMO

VICTORIÆ REGINÆ.

Cap. ii.

An Act for enabling the Mayor, Aldermen, and Burgesses of the Borough of *Leicester* to establish a general Cemetery for such Borough.

[5th *May* 1848.]

WHEREAS the Burial Grounds within the Borough of *Leicester* are some of them of very limited Extent, and situated in the midst of closely-built Neighbourhoods, and others of them having been so long in use are so occupied and filled with Graves and Vaults as to be altogether insufficient for the increased and increasing Population of the said Borough: And whereas it would be of great Benefit and Advantage to the Borough of *Leicester* and the Inhabitants thereof if Powers were given to the Mayor, Aldermen, and Burgesses of the said Borough, by the Council thereof, for establishing a Cemetery in the said Borough or in the immediate Vicinity thereof, for the Interment of the Dead, subject to proper Regulations for the Government thereof; but the Object aforesaid cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Mayor, Aldermen, and Burgesses of

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carry this Act into execution.

the Borough of *Leicester* shall, by the Council of the said Borough be and they are hereby empowered to carry this Act and the several Powers thereof into execution.

Short Title.

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

Certain Provisions of 10 & 11 Vict. c. 16. incorporated with this Act.

III. And be it enacted, That all the Clauses and Provisions of "The Commissioners Clauses Act, 1847," with respect to the following Matters, (that is to say,)

With respect to the Contracts to be entered into and the Deeds to be executed by the Commissioners,

With respect to the Appointment and Accountability of the Officers of the Commissioners,

With respect to Mortgages to be executed by the Commissioners, and,

With respect to the giving of Notices and Orders,

Shall, so far as the same are not varied by the Provisions of this Act, be incorporated with this Act; and such Clauses shall apply to the Cemetery, and to the said Mayor, Aldermen, and Burgesses, or the Council on their Behalf, and shall be construed as if the Expression, "The Mayor, Aldermen, and Burgesses of the Borough of *Leicester*," had been inserted therein instead of the Word "Commissioners," or where any Act is required or authorized to be done by or to a certain Number of Commissioners, as if the Word "Council" had been inserted therein instead of the Word "Commissioners."

Council may appoint Committees.

IV. And be it enacted, That the said Council may appoint out of their own Body from Time to Time such and so many Committees, consisting of such Number of Persons as they shall think fit, for all or any of the Purposes of this Act, which, in the Discretion of such Council, would be better regulated and managed by means of such Committees, and may fix the Quorum of such Committees; but no Quorum to be so fixed shall consist of less than Three Members: Provided always, that the Acts of every such Committee shall be submitted to the Council for their Approval.

Meetings of Committee.

V. And be it enacted, That every Committee so appointed may meet from Time to Time, and may adjourn from Place to Place, as they may think proper, for carrying into effect the Purposes of their Appointment; but no Business shall be transacted at any Meeting of the Committee unless the Quorum of Members, if any, fixed by the Council, and if no Quorum be fixed, Three Members, be present; and at all Meetings of the Committee one of the Members present shall be appointed Chairman, and all Questions shall be determined by a Majority of the Votes of the Members present, and in case of an equal Division of Votes the Chairman shall have a casting Vote in addition to his Vote as a Member of the Committee.

Appointment of Treasurer and Clerk.

VI. And be it enacted, That the Treasurer and Town Clerk of such Borough shall be the Treasurer and Clerk for the Purposes of this Act.

VII. And

VII. And be it enacted, That the said Treasurer shall, in Books to be kept for that Purpose, enter true Accounts of all Sums of Money by him received and paid, and of the several Matters for which such Sums shall have been received and paid; and the Books of Account shall at all reasonable Times be open to the Inspection of any of the Aldermen or Councillors of the said Borough; and all the Accounts, with all Vouchers and Papers relating thereto, shall in the Months of *March* and *September* in every Year be submitted by the Treasurer of the Borough to the Auditors provided to be elected in pursuance of an Act passed in the Session holden in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in England and Wales*, and to such Member of the Council as the Mayor shall name in pursuance of the said last-mentioned Act, on the First Day of *March* in every Year, or in case of extraordinary Vacancy within Ten Days next after such Vacancy, for the Purpose of being examined and audited, from the First Day of *September* in the Year preceding to the First Day of *March*, and from the First Day of *March* to the First Day of *September* in the Year in which the said Auditors were elected and named; and if the said Accounts shall be found to be correct the Auditors shall sign the same; and after such Accounts shall have been so examined and audited in the Month of *September* in every Year the Treasurer shall make out in Writing, and shall cause the same to be printed, a full Abstract of the Account for the Year; and a Copy thereof shall be open to the Inspection of every Mortgagee and other Creditor of the said Mayor, Aldermen, and Burgesses, by virtue of this Act, and to all the Rate-payers of such Borough, and Copies thereof shall be delivered to all such Persons applying for the same on Payment of a reasonable Price for each Copy.

Accounts of Receipts and Disbursements to be kept, audited, and published.

5 & 6 W. 4. c. 76.

VIII. And be it enacted, That it shall be lawful for the Mayor, Aldermen, and Burgesses to borrow at Interest on Mortgage of the said Cemetery, and the Profits arising or to arise from the Sale or Disposal of Graves, Vaults, and the Privilege of Interment, or of any other Lands, Tenements, or Property of the said Mayor, Aldermen, and Burgesses, or on Bond, any Sum or Sums of Money not exceeding in the whole the Sum of Ten thousand Pounds.

Power to borrow Money on Mortgage.

IX. And be it enacted, That nothing in this Act contained shall enable the said Mayor, Aldermen, and Burgesses to sell, alienate, incumber, or demise, for the Purposes of this Act, without the Approbation of the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, or any Three of them, any Houses, Lands, Tenements, or Hereditaments which they could not have sold, aliened, incumbered, or demised without such Approbation before the passing of this Act, any thing in this Act to the contrary notwithstanding.

Town Council not to sell, &c. without the Approbation of the Treasury.

X. And be it enacted, That "The Cemeteries Clauses Act, 1847," shall be incorporated with and form Part of this Act, with the Exception of the Clauses and Provisions following; (that is to say,) the Clauses with respect to Payments to Incumbents of Parishes or Ecclesiastical

10 & 11 Vict. c. 65. incorporated with this Act.

siastical Districts, and to Parish Clerks, and so much of the Clauses with respect to Burials in the Cemetery as authorize the Mayor, Aldermen, and Burgesses or the Council to appoint and pay a Chaplain for the Performance of the Burial Service, and to appoint and pay a Clerk for the consecrated Part of the Cemetery, and to appoint and pay Grave-diggers and other Servants.

Council empowered to construct a Cemetery;

but no Corpses to be buried in Part of the Closes for Twelve Years without Consent.

Cemetery may be enlarged from Time to Time.

Cemetery to be inclosed.

One Half of Cemetery appropriated for Established Church;

the other Half for Dissenters.

Ground appropriated for Burial not to be sold.

XI. And be it enacted, That it shall be lawful for the Council to make and maintain a Cemetery or Burial Ground on the Land belonging to the said Mayor, Aldermen, and Burgesses, described in the Schedule to this Act annexed; and also to provide or contract for Hearses, Carriages, Horses, and such other Matters and Things as shall be found desirable for the Convenience of the said Cemetery, and the Interment of the Dead therein, or for the Removal and Conveyance of the Corpses thereto: Provided always, that no Corpses shall be interred in either of the Closes in the said Schedule called Number 19 and Number 20 until after the Expiration of Twelve Years from the passing of this Act, without the Consent of a Meeting of the Visitors for the Time being of the Lunatic Asylum for the County of *Leicester*, such Consent to be signified in Writing by the Clerk for the Time being of the said Visitors.

XII. And be it enacted, That it shall be lawful for the said Council, on the passing of this Act, to form such Portion only of the said Cemetery or Burial Ground as the said Council may deem expedient, or as shall be considered necessary for the immediate Use of the said Borough of *Leicester*; and that it shall be lawful for the said Council from Time to Time to enlarge the said Cemetery or Burial Ground by further inclosing and appropriating such Portion of the Land described in the said Schedule as shall not then form a Part of the said Cemetery; and in the meantime and until such Land shall be so appropriated it shall be lawful for the said Council to lease from Year to Year all or any Portion of the same, and to apply the Rent or Rents which may arise therefrom in the same Way and for the same Purposes as the Rents thereof were applicable unto before the passing of this Act.

XIII. And be it enacted, That every Cemetery to be established under the Powers of this Act shall be inclosed with Walls or other sufficient Fences, of such Materials and Dimensions as the Council may determine.

XIV. And be it enacted, That One Half Part of the Land to be from Time to Time appropriated for a Cemetery as aforesaid shall be set apart for the Interment of the Dead according to the Rites and Usages of the Established Church.

XV. And be it enacted, That One Half Part of the Land which shall from Time to Time be appropriated for a Cemetery as aforesaid shall be set apart for the Interment of the Dead otherwise than according to the Rites and Usages of the Established Church.

XVI. And be it enacted, That it shall not be lawful for the said Council to sell or dispose of any Land which shall have been consecrated or used for the Burial of the Dead.

XVII. And

XVII. And be it enacted, That no Corpse interred in the unconsecrated Part of any Cemetery established under this Act shall be removed without the Authority of the Committee of Management for the Time being for such Part, appointed as herein-after mentioned.

No Corpse in unconsecrated Part to be removed without Consent.

XVIII. And be it enacted, That all Burials, as well in the consecrated as unconsecrated Parts of the Cemetery, shall be registered in Register Books to be provided by the said Council, and kept for that Purpose by a Registrar or other Officer to be appointed by the said Council, according to the Laws in force for keeping Registers in *England*.

Burials to be registered.

XIX. And be it enacted, That it shall not be lawful to toll any Bell within any Cemetery established under this Act, or for the said Council to make any Entrance for the Admission or Ingress of any Corpse or Funeral Procession from the Occupation Road adjoining the Clôses mentioned in the Schedule hereto into the said intended Cemetery, or to suffer any Entrance from the said Road into the said Cemetery to be used otherwise than for the Convenience of Ministers, Friends, and other Persons on Foot, not forming Part of any Funeral Procession, without the Consent of a Meeting of the Visitors for the Time being of the Lunatic Asylum for the County of *Leicester*, such Consent to be signified in Writing by the Clerk for the Time being of the said Visitors; and in case the said Council shall suffer any Entrance from the said Road into the said Cemetery to be used for the Admission, Ingress, or Egress of any Corpse or Funeral Procession, or otherwise than for the Convenience of Ministers, Friends, and other Persons on Foot not forming Part of any Funeral Procession, without such Consent as aforesaid, then and in every such Case the said Mayor, Aldermen, and Burgesses of the said Borough shall forfeit and pay for each and every such Offence the Sum of Five Pounds, to be recovered in the Manner prescribed by the "Railway Clauses Consolidation Act, 1845," one Moiety of which Penalty shall be paid to the Informer, and the other Moiety thereof to the Treasurer for the Time being of the said Asylum, for the Benefit of such Asylum.

Restrictions on tolling of Bells, and private Entrances.

XX. And be it enacted, That, in addition to the Powers of Sale of exclusive Rights of Burial conferred by the said Cemeteries Clauses Act, it shall be lawful for the said Mayor, Aldermen, and Burgesses to demand and take such Sum of Money as the Council shall from Time to Time think reasonable, for the Right, Privilege, or Permission of single Interment in any Vault, Catacomb, Grave, or other Place of Burial constructed by the Council, or in the open Ground of such Cemetery; and such Sum of Money shall be recoverable by the said Mayor, Aldermen, and Burgesses by Action of Debt in any Court of Law: Provided always, that the Rate or Scale of Charge shall be the same in the consecrated and unconsecrated Parts of the said Cemetery and Chapels.

Sale of Rights of Burial.

XXI. And be it enacted, That it shall be lawful for the respective Committees of Management for the Time being to take down and remove any Gravestone, Monument, Tablet, or Monumental Inscription

Power to remove Monuments improperly erected;

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tion which shall have been placed within the Cemetery without their Authority.

and Monu-
ments out of
Repair.

XXII. And be it enacted, That in case any Monument, Cenotaph, Gravestone, or other Erection within the Cemetery shall at any Time be in such Want of Repair as to be ruinous and unsafe, it shall be lawful for the Committee of Management for the Time being to cause Notices in Writing, signed by the Town Clerk or other Officer, to be given to the Person who shall for the Time being appear by the Register to be kept as aforesaid entitled to the exclusive Right of Burial in the Vault, Catacomb, or Burial Place with or to which such Monument, Cenotaph, Gravestone, or other Erection shall be connected or refer, requiring him to repair the same, in order to prevent the Removal thereof; and in case such Person shall be dead, or out of *England*, or his Place of Abode in *England* shall be unknown, then to cause such Notice to be published once in the *London Gazette*, and also Twice in Two of the *London* daily Newspapers and Twice in every Newspaper which shall for the Time being be published in the Borough of *Leicester*; and in case such Monument, Cenotaph, Gravestone, or other Erection shall not be duly repaired within Three Months next after the Delivery or last Publication as aforesaid of such Notice, then it shall be lawful for the Committee, at any Time after the Expiration of such Three Months, to take down and remove the same.

Council not
to appoint a
Chaplain.

XXIII. And be it enacted, That it shall not be lawful for the said Mayor, Aldermen, and Burgesses, or the Council of the said Borough, to appoint any Person to officiate as Chaplain in the said Cemetery.

Burial Ser-
vice in the
consecrated
Part of
Cemetery to
be performed
by Incum-
bent of cer-
tain Parishes.

XXIV. And be it enacted, That each of the several Incumbents of Parishes within the said Borough which now have or shall hereafter have duly consecrated Burial Grounds attached to them wherein such Incumbents now are or hereafter shall be liable to be required to perform the Burial Service, and entitled to the Fees for Interment therein, shall and he is hereby required, on convenient Notice being given to him, to perform, or cause to be performed by some Clergyman of the Established Church whom he may appoint, the Burial Service according to the Rites and Usage of the said Church over every deceased Person removed for Interment within the consecrated Part of any Cemetery established under the Powers of this Act from the Parish of such Incumbent, or from any Ecclesiastical District taken out of such Parish, and not having any consecrated Burial Ground attached thereto, and over whose Corpse the said Service could have been lawfully required to be performed if the same had been interred in the Burial Ground of a Parish Church; and for every such Interment the Incumbent shall be entitled to the Fee or Sum of Two Shillings and Sixpence.

Incumbents
of Parishes
to register
Burials.

XXV. And be it enacted, That the Incumbents of the said several Parishes shall register all Burials from their respective Parishes in the consecrated Part of the Cemetery, in the same Manner as the Chaplain is by the Clauses contained in the said Cemetery Clauses Act, 1847, with respect to Burials in the Cemetery, required to keep the Register of Burials.

XXVI. And

XXVI. And be it enacted, That it shall be lawful for any Clergyman of the Established Church, at the Request of the Executor of any deceased Person, or any other Person having the Charge of the Interment of any deceased Person, and if such deceased Person shall have died within the Limits of any Parish within the said Borough, with the previous Consent in Writing of the Incumbent on whom, according to the Provisions of this Act, the Duty of performing the Burial Service on the Interment of such deceased Person may devolve, to perform the Burial Service according to the Rites of the Established Church on such Interment in the consecrated Part of the Cemetery.

Other Clergymen to be allowed to officiate.

XXVII. And be it enacted, That it shall be lawful for the Committee of Management for the Time being of the consecrated Part of the Cemetery from Time to Time to appoint a Clerk and Sexton or Gravedigger, or Clerks, Sextons, and Gravediggers, to act in the consecrated Parts of the Cemetery, and for the Committee of Management for the Time being of the unconsecrated Part to appoint a Sexton or Gravedigger, or Sextons or Gravediggers, to act in the unconsecrated Part thereof, and from Time to Time to remove the Persons so appointed as such respective Committees shall see fit, the Fees, Salary, or Remuneration to be paid to the said Persons so appointed to be fixed and settled by the respective Committees of Management for the Time being, subject to the Approbation of the Council: Provided always, that no such Appointment or Removal shall be made except at a Meeting of the Committee by which such Appointment or Removal is intended to be made, of which Meeting Six Days previous Notice shall be given to each Member of such Committee, stating therein the Intention of proposing or considering such Appointment or Removal.

Appointment of Clerks, Sextons, and Gravediggers.

XXVIII. And be it enacted, That, in addition to the Fees, Salary, or Remuneration so to be fixed and settled for the Officers of the consecrated Part of the said Cemetery, such Fee shall be paid to the Committee of Management of the consecrated Part thereof, or to the Person to be appointed by such Committee to demand and collect the same, on the Interment of every Corpse within the said consecrated Part, as shall from Time to Time be fixed by the Committee of Management thereof as and for a Compensation to the Persons now holding the Offices of Clerk and Sexton, or either of those Offices, for the several Parishes or Ecclesiastical Districts within the said Borough now having consecrated Burial Grounds attached to them, and who shall not be appointed to and accept any Office under the Provisions of this Act; and the said Fee so to be fixed shall form a Fund for the Purpose of paying such Compensation to the several Persons now holding the said Offices of Clerk and Sexton, or either of them, as shall be settled and determined by the Committee of Management of the consecrated Part of the said Cemetery within One Year after an Order shall be made under the Powers of this Act for suspending the Interment of the Dead within the consecrated Burial Grounds of the said Borough; and the said Committee of Management shall have Power to award such annual Sum to the said several

Compensation to Clerks and Sextons.

several Persons now holding the said Offices of Clerk or Sexton, and who shall not be appointed to and accept any Office under the Provisions of this Act, by way of Compensation for the Loss they will sustain in their said Office by reason of this Act, and for such Term and payable in such Manner as the said Committee shall think fair and reasonable, having regard to all the Circumstances of the Case; and the said Sum so awarded shall be a Charge upon the said Compensation Fund, and shall be paid thereout from Time to Time, by Order of the said Committee of Management of the consecrated Part of the said Cemetery for the Time being; and the Surplus of such Fund, if any, shall be applicable towards Payment of the Fees, Salaries, or Remuneration of the Clerks, Sextons, or Gravediggers of the consecrated Part of the said Cemetery: Provided always, that the Fees so to be paid for the Purpose of forming the said Compensation Fund shall cease to be payable when and so soon as all the Persons to whom Compensation may be awarded under the Provision herein-before contained shall have ceased to be entitled to receive any Sum of Money therefrom.

Appoint-
ment of Col-
lector for the
consecrated
Part.

Accounts to
be kept.

XXIX. And be it enacted, That it shall be lawful for the Committee of Management for the Time being of the consecrated Part of the said Cemetery from Time to Time to authorize or appoint any Person to demand and collect the Fees or Sums of Money payable under the Authority of this Act to the Incumbents of the several Parishes or Districts within the said Borough on the Burial of every Body within the said consecrated Part thereof, and to take such Security from any such Persons for the due and faithful Execution of his Office as the said Committee shall think fit, and to remove such Person at their Pleasure; and, for the Purpose of ascertaining the Amount of the Payments to be made to the said Incumbents, to cause Books to be kept, and Entries to be made therein of the Names of all Persons whose Bodies are buried within the consecrated Part of the said Cemetery, and the Names of the Parishes or Districts from which such Bodies have been removed, with the Date of such Burial, and which Books shall at all Times be open to the Inspection of the Incumbents for the Time being of the said several Parishes or Districts, or any Person employed by them, without Fee or Reward.

Accounts to
be rendered
to Incum-
bents half-
yearly.

XXX. And be it enacted, That if the said Committee of Management for the Time being shall authorize or appoint any Person to demand and collect the Fees or Sums of Money payable to the said Incumbents, the said Person so appointed shall on the Twenty-fifth Day of *March* and Twenty-ninth Day of *September* in each Year, or within One Month after each of the said Days, deliver to the Person who shall be the Incumbent of any Parish or District on that Day, or to his Executors or Administrators, on Demand made within the said Month, an Account of the Sums, if any, payable in respect of Bodies removed for Burial within the consecrated Part of the Cemetery from such Parish or District during the Half Year next preceding the said Twenty-fifth Day of *March* or Twenty-ninth Day of *September*, as the Case may be,

XXXI. And

XXXI. And be it enacted, That the Sums payable by virtue of this Act shall be paid half-yearly on the Twenty-fifth Day of *March* and the Twenty-ninth Day of *September*, or within One Month afterwards, to the Persons who shall be Incumbents of the Parishes or Ecclesiastical Districts in respect of which the same shall be payable on such Twenty-fifth Day of *March* and Twenty-ninth Day of *September* respectively, or the Executors or Administrators of such Incumbents; (that is to say,) such Sums as accrue between the Twenty-ninth Day of *September* and the Twenty-fifth Day of *March* following shall be paid to the Person who shall be the Incumbent on the Twenty-fifth Day of *March*, and such Sums as accrue between the Twenty-fifth Day of *March* and the Twenty-ninth Day of *September* following shall be paid to the Person who shall be the Incumbent on the Twenty-ninth Day of *September*; and if any such Sums be not paid to the Party entitled to receive the same within the Period herein-before limited for the Payment thereof, such Party may recover from the Collector so appointed by the Committee of Management of the consecrated Part of the said Cemetery the Amount which shall have been so received by such Collector, with full Costs, by Action of Debt or on the Case in any Court of Law.

Payments to be made by Collector half-yearly.

XXXII. And be it enacted, That if any Incumbent of any Parish or District in respect of which Sums are payable by virtue of this Act shall cease to be Incumbent, by Cession, Death, or otherwise, between the said Two half-yearly Days of Payment, such Incumbent shall be entitled to receive so much of the Sum payable at the half-yearly Day which shall happen next after he shall cease to be Incumbent as shall have accrued from the last preceding half-yearly Day, or from the Time when such Incumbent became first entitled to receive the Fruits of his Living, as the Case may require, up to the Day at which he ceased to be Incumbent; and the Incumbent of any Parish or District who shall receive any Sum to a Part of which any preceding Incumbent shall be entitled under the Provisions herein contained shall pay such Part to him, his Executors or Administrators, accordingly; and the said Collector shall not be answerable to any Person other than the actual Incumbent for the Time being for the Payment of any Sums by virtue of this Act.

Incumbents to account to their Predecessors.

XXXIII. And be it enacted, That all Fees and Sums of Money payable to any Person or on any Account, under the Authority of this Act, on the Interment of any Corpse within the consecrated or unconsecrated Parts of the said Cemetery, shall be recoverable by the Person hereby authorized or entitled to demand, collect, or receive the same, either for his own Use or for the Use and on behalf of any other Person, by Action of Debt in any Court of Law, from the Executor of the Deceased, or other the Person having Charge of his Burial.

Recovery of Fees.

XXXIV. And be it enacted, That from and after any Cemetery established under the Powers of this Act shall be fit for Use, and the Part which shall have been appropriated for the Interment of the Dead according to the Rites of the Established Church of *England* shall have been consecrated, it shall be lawful for the Council of the

Power to close Burial Grounds.

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said Borough from Time to Time, with the Concurrence of One of Her Majesty's Principal Secretaries of State for the Time being, until a public Board of Health shall have been appointed by Authority of any Act of Parliament, and then with the Approval of such Board of Health, to make Orders for suspending, for a Period not exceeding Twenty Years, the Interment of the Dead within all or any of the Burial Grounds within the said Borough, except in Vaults or Brick Graves, and subject to such other Exceptions and Regulations, if any, as shall be expressed and contained in any Order so to be made as aforesaid; and a Copy of every such Order shall within Fourteen Days from the making thereof be affixed to the principal outer Door of the Church or Place of Worship (if any) connected with such Burial Ground, or if there be no such Church or Place of Worship, then once at least in all of the Newspapers circulating in the Town of *Leicester*; and if any Person shall dig or attempt to dig a Grave in such Burial Ground during any such Period as aforesaid he shall for every such Offence forfeit the Sum of Twenty Pounds: Provided always, that in no Case Interments shall take place in any such Vaults or Brick Graves unless the Coffin containing the Corpse interred be so placed as that the upper Surface of such Coffin shall be at least Four Feet Six Inches below the Surface of the Ground wherein the Interment is made.

Appointment
of Committee
of Manage-
ment for the
consecrated
Part.

XXXV. And whereas it is desirable to appoint a Committee of Management for the consecrated Part of the said Cemetery; be it therefore enacted, That the Committee of Management for the consecrated Part of the Cemetery shall consist of the Mayor for the Time being, and of other Nine Members chosen as follows; (that is to say,) Three Members of the said Council, being Members of the Established Church, to be appointed at a Meeting of the Council to be held on the First Day of *January* in every Year, or within Twenty-one Days thereafter, and the remaining Six Members to be Inhabitants or Burgesses of *Leicester* appointed by the Majority present at a Meeting of the Incumbents of the several Parishes in *Leicester* to be held on the First Day of *January* in every Year, or within Twenty-one Days thereafter, and of which Meeting, and the Time and Place thereof, Notice shall be given to the said Incumbents by the Town Clerk of the said Borough, or the Secretary of the Cemetery for the Time being, such Notice to be left at the respective usual Places of Abode of such Incumbents Three clear Days at least before such Meeting, unless such Abode shall be out of *Leicester*, and then Notice by Letter addressed to such Incumbents, and put into the *Leicester* Post Office Three clear Days at least before such Meeting, shall be deemed sufficient Notice thereof; and the Persons so to be appointed annually shall continue in Office until their Successors shall be appointed in the Year following.

Appoint-
ment of
Members of
Committee
in case of
Death, &c.

XXXVI. And be it enacted, That in case any Person appointed a Member of the said Committee shall die, or decline or become incapable of acting on such Committee, the Vacancy thereby occasioned shall be filled up at any Meeting of the Council, if the Member so dying, declining, or becoming incapable shall have been appointed by the Council, or of the said Incumbents, if the Member so dying,
declining,

declining, or becoming incapable shall be one of the Six appointed by them, as the Case may require, to be convened in like Manner as herein-before mentioned in regard to the Meeting herein-before appointed to be held annually within Six Weeks after any such Vacancy shall happen; and the Persons so appointed to supply any Vacancy shall continue in Office so long as the Person in whose Room he shall have been so appointed would have continued in Office if he had not died, or declined or become incapable of acting.

XXXVII. And whereas it is desirable to appoint a Committee of Management for the unconsecrated Part of the said Cemetery; be it therefore enacted, That the Committee of Management for the unconsecrated Part of the Cemetery shall consist of the Mayor for the Time being, and Nine other Members chosen as follows; (that is to say,) Three Members of the said Council, being Dissenters from the Established Church, to be appointed at a Meeting of the Council to be held on the First Day of *January* in every Year, or within Twenty-one Days thereafter, and the remaining Six Members to be Inhabitants or Burgesses of *Leicester* appointed by the Majority present at a Meeting of the officiating Ministers of every registered Place of Worship for the Time being for Persons dissenting from the Established Church in the Borough of *Leicester*, and of the Person for the Time being holding the Situation of Clerk of the Meeting for the Society of Friends in *Leicester*, to be held on the First Day of *January* in every Year, or within Twenty-one Days thereafter, and of which Meeting, and the Time and Place thereof, Notice shall be given to the said several Ministers and Clerk of the Meeting by the Town Clerk of the said Borough, or the Secretary of the Cemetery for the Time being, such Notice to be left at their respective usual Places of Abode Three clear Days at least before such Meeting, unless such Abode shall be out of *Leicester*, and then Notice by Letter addressed to such Persons, and put into the *Leicester* Post Office Three clear Days at least before such Meeting, shall be deemed sufficient Notice thereof; and the Persons so to be appointed annually shall continue in Office until their Successors shall be appointed in the Year following: Provided always, that in case there shall in any Year be Two or more officiating Ministers of any registered Place of Worship, it shall be sufficient to give such Notice as aforesaid to any One of such Ministers, but One only shall be allowed to be present and to vote at any such Meeting as aforesaid.

Appoint-
ment of
Committee
of Manage-
ment for the
unconse-
crated Part.

XXXVIII. And be it enacted, That in case any Person appointed a Member of the said Committee shall die, or decline or become incapable of acting on such Committee, the Vacancy thereby occasioned may be filled up at any Meeting of the Council, if the Member so dying, declining, or becoming incapable shall have been appointed by the Council, or Ministers, if the Member so dying, declining, or becoming incapable shall have been appointed by them, as the Case may require, to be convened in like Manner as herein-before mentioned in regard to the Meeting herein-before appointed to be held annually; and the Person so appointed to supply any Vacancy shall continue in Office so long as the Person in whose Room he shall have been

Appoint-
ment of
Members of
Committee
in case of
Death, &c.

been so appointed would have continued in Office if he had not died, or declined or become incapable of acting.

Three to be a Quorum, and the Majority to decide all Questions.

XXXIX. And be it enacted, That at all Meetings of the Committee of Management, either for the consecrated or unconsecrated Part of the Cemetery, Three shall constitute a Quorum; and that all Questions shall be determined by the Majority of the Votes of the Persons present, the Chairman, in case of an Equality of Votes, having a second or casting Vote; and Minutes of the Proceedings of such respective Committees shall be entered in separate Books to be kept for that Purpose.

Meetings of the Committee of Management.

XL. And be it enacted, That all Meetings of the Committee of Management, either for the consecrated or unconsecrated Part of the Cemetery, shall be convened in such Manner as shall be determined by a Bye Law in that Behalf, and until any such Bye Law shall be made by Notice from the Mayor or the Town Clerk of the said Borough, or Secretary of the Cemetery, or any Three or more Members of such Committee, appointing the Time and Place for such Meeting, and left at their respective usual Places of Abode or Business Twenty-four Hours at least before such Meeting.

Powers of the Committee of Management.

XLI. And be it enacted, That the respective Committees of Management shall have full Power and Authority to manage and superintend all Matters relating to the Part of the said Cemetery under their Jurisdiction, in conformity to the Bye Laws, Rules, Orders, and Regulations then in force, and to appoint any Officer for the same, and from Time to Time to remove any Officer so appointed at any Meeting of such Committee, of which such previous Notice shall be given as herein-before provided with respect to the Appointment or Removal of a Clerk or Sexton, and to exercise the several other Powers vested in them by this Act, and when no Bye Law, Rule, Order, or Regulation shall be in force in reference to any particular Question, to make such Orders therein as they shall from Time to Time think fit: Provided always, that no Order by the Committee of Management, either for the consecrated or unconsecrated Part, which shall require the Payment or Expenditure of Money out of the Borough Fund, shall be paid by the Treasurer until confirmed at a subsequent Meeting of the Council.

Expenses of carrying this Act into execution to be a Charge on the Borough Fund.

XLII. And be it enacted, That the Costs, Charges, and Expenses of obtaining this Act, and also the Expenses incurred by the *Leicester* General Cemetery Company in reference to the Establishment of a Cemetery for the said Borough, as taxed and ascertained by some competent legal Person appointed by the said Council for that Purpose, in consideration of their having agreed to relinquish that Undertaking, and to release a certain Contract for the Purchase of certain Lands belonging to the said Mayor, Aldermen, and Burgesses, such last-mentioned Expenses not exceeding One hundred and fifty Pounds, and also the Costs and Expenses of providing and establishing any Cemetery or Cemeteries under the Provisions of this Act, and of keeping the same in repair, and the Payment of any Principal Money

Money borrowed under the Authority of this Act, and the Interest thereof, and all other Expenses attending the Execution of this Act, shall be chargeable upon the Borough Fund of the said Borough, in like Manner as if the same were Expenses charged upon and payable out of that Fund under an Act passed in a Session of Parliament held in the Fifth and Sixth Years of the Reign of His late Majesty King *William the Fourth*, intituled *An Act to provide for the Regulation of Municipal Corporations in England and Wales*, and may be lawfully advanced out of the said Borough Fund to the "Cemetery Account" herein-after mentioned, or be paid and discharged out of that Fund. 5 & 6 W. 4. c. 76.

XLIII. And be it enacted, That all Monies advanced or paid by the said Council for the Purposes or under the Authority of this Act shall be placed by the Treasurer of the said Borough to a distinct Account, to be called "The Cemetery Account." Cemetery Account to be kept distinct.

XLIV. And be it enacted, That all Monies which shall arise from Penalties and other Sums of Money by this Act directed to be applied in aid of or carried to the "Cemetery Account," and all Monies advanced out of the Borough Fund, or borrowed or to be received by the Council or the Treasurer of the Borough under this Act, unless herein otherwise directed, shall be placed by the Treasurer of the said Borough to the Credit of "The Cemetery Account," and be applied in manner following; (that is to say,) in the first place, in providing, establishing, keeping up, and maintaining the Cemetery or Cemeteries established under this Act; and in Payment of the Expenses of the Council, and their Officers, and Proceedings in carrying this Act into execution, and also in paying and keeping down the Interest of Monies borrowed on any Mortgages of the Cemetery, or on any Mortgage of Lands, Tenements, or Hereditaments under the Authority of this Act; and in the next place, in setting aside and appropriating such Sum as the Council shall think fit for the Purpose of paying off and discharging any of the Principal Monies borrowed by virtue of this Act, and any Mortgages granted in pursuance thereof, or any Money advanced out of the Borough Fund, and in Payment of any other Costs, Charges, and Expenses of and attending the carrying the several Objects and Purposes of this Act into execution; and if after making the several Payments and Appropriations aforesaid there shall in any Year be any Surplus of the said Monies, then such Surplus shall, in the Discretion of the Council, be paid or transferred to the Borough Fund of the said Borough, and form Part of the said Fund, or be applied for the Purposes of any Cemetery or Cemeteries established under this Act, or the Improvement or Enlargement thereof, or to the Reduction of the Charges for the Rights of Burial. Application of Cemetery Account.

XLV. And be it enacted, That the Council shall cause true and regular Accounts to be entered in Books to be provided by them for that Purpose of all Monies received by and expended for or on account of the Cemetery Account, and shall cause such Accounts to be balanced half-yearly up to the First Day of *March* and the First Day of *September* in each and every Year. Accounts of Receipts and Expenditure to be kept.

[Local.]

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XLVI. And

Commence-
ment of Act. XLVI. And be it enacted, That this Act shall commence and come into operation on or after the Second *Monday* after the passing thereof.

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

The Word "Borough" shall mean the Borough of *Leicester* as enlarged and extended by the Act for the Regulation of Municipal Corporations, and the Act for making temporary Provisions for the Boundaries of certain Boroughs :

The Word "Parish" or "Parishes" shall extend to Townships, District Parishes, and other Ecclesiastical Districts for the Time being ; and for the Purposes of this Act the Parish of *Saint Nicholas* shall include the Extra-parochial Place called the *Black Friars*, and the Parish of *Saint Mary* shall include the Extra-parochial Place called the *White Friars*, and the Township of the *Newarke* and the Township of the *Castle View* :

The Word "Incumbents" shall mean the respective Rectors and Vicars for the Time being of the several Parishes and Parish Churches within the Borough of *Leicester*, and the respective Incumbents for the Time being of any District, Parish, District Church, or District Chapel or Chapels, or any other Ecclesiastical Districts which now are or may hereafter be lawfully established within the said Borough, or such and so many of the said Parishes, Chapelries, or Districts as now have or shall hereafter have duly consecrated Burial Grounds attached to them, or the Incumbents whereof are or shall be lawfully entitled to Burial Fees arising within the same.

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

SCHEDULE referred to in this Act:

Parish.	Description of Property.	Owners or reputed Owners.	Occupiers.
Saint Mary, Leicester	Close of Pasture Ground called N ^o . 19.	The Mayor, Aldermen, and Burgesses of Leicester.	Thomas Smith.
Ditto - -	Close of Pasture Ground called N ^o . 20.	The same - -	John Hardy.
Ditto - -	Close of Pasture Ground called N ^o . 21.	The same - -	The Mayor, Aldermen, and Burgesses of Leicester.
Ditto - -	Close of Pasture Ground called N ^o . 22.	The same - -	The same.
Ditto - -	Close of Pasture Ground called N ^o . 22 a.	The same - -	The same.
Ditto - -	Close of Pasture Ground called N ^o . 23.	The same - -	James Kirby.
Ditto - -	Close of Pasture Ground called N ^o . 24.	The same - -	James Townsend.

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