



ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

Cap. xcvi.

An Act for the Consecration of a Portion of the
Brighton Extramural Cemetery.

[24th July 1851.]

WHEREAS by an Indenture bearing Date the Third Day of *June* One thousand eight hundred and fifty, and made between the several Persons whose Names are thereunto subscribed and whose Seals are thereunto affixed (except the several Persons Parties thereto of the Second and Third Parts) of the First Part, *John Churcher Hewlitt* Esquire and others of the Second Part, and *Vincent George Dowling* Esquire (being a Trustee on the Part of the Company thereby constituted) of the Third Part, after reciting that the several Parties thereto had agreed to form a Company for the Purposes therein-after expressed, it was witnessed that the said Parties thereto of the First and Second Parts covenanted with the said *Vincent George Dowling* that the several Persons Parties thereto, and the several other Persons who should become Shareholders as therein-after mentioned, should, as therein is mentioned, be a Company, by the Name of the *Brighton Extramural Cemetery Company*, for the establishing and maintaining a Cemetery or Burial Ground at a convenient Distance from the Town of *Brighton* in the County of *Sussex*, together with all proper Approaches, Roads, Chapels, Buildings, Erec-

[*Local.*]

17 Z

tions,

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tions, and Conveniences thereunto appertaining, and to provide for the Interment of the Dead in such Cemetery; and that the Directors of the said Company should, as soon as they might be able so to do, set apart such Part or Parts of the Land to be purchased by them and held for the Purposes of the said Cemetery as to them should seem proper for the Burial of the Dead according to the Rites of the Established Church, and should take such Steps as might be necessary to have such Part or Parts of the said Cemetery consecrated by the Bishop of the Diocese for the Time being, and should construct and maintain within such Part of the said Cemetery as should be so consecrated, or intended to be consecrated, a Chapel for the Reception of the Dead immediately previous to Interment, and for performing therein the Burial Service according to the Rites of the Established Church; and that the Chaplain of the said Company, being a Clergyman of the Established Church, should be appointed as in the said Indenture is mentioned, and should, when required, perform the Burial Service according to the Rites of the Established Church on the Interment within the consecrated Part of the Cemetery of any deceased Person as therein is mentioned; and that the said Chaplain should be paid such Fees as in the said Indenture is mentioned; and that the Vicar or Incumbent for the Time being of the said Parish of *Brighton* should be paid, by way of Compensation, out of the Funds of the Company, the several Sum or Sums of Money therein mentioned: And whereas the said Company hath obtained complete Registration under the Act passed for the Registration, Incorporation, and Regulation of Joint Stock Companies: And whereas the said Company, in pursuance of the Provisions of the said Deed, have purchased the Piece of Land described in the Schedule to this Act, and have formed the same into a Cemetery within the Parish but out of the Town of *Brighton*, and such Piece of Ground is conveniently situated for the Purpose of such Cemetery: And whereas it is expedient that a Portion of the said Cemetery should be consecrated for the Burial of the Dead according to the Rites of the Established Church; and it is expedient that such Provisions as are herein-after expressed should be made with respect to the said Cemetery; but the same 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, as follows; (that is to say,)

Provisions of
10 & 11 Vict.
c. 65. incor-
porated with
this Act.

I. That the "Cemetery Clauses Act, 1847," shall be incorporated with and form Part of this Act, subject nevertheless to the Provisions herein-after contained, whereby the same may be varied.

II. That

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II. That the Word "Cemetery" in the "Cemetery Clauses Act, 1847," shall apply to the *Brighton Extramural Cemetery* by the said Deed agreed to be established, as if the same had been by this Act authorized to be constructed; and the Word "Company" shall apply to the said *Brighton Extramural Cemetery Company* constituted by the said recited Deed, as if the said Company had been by this Act constituted and authorized to construct such Cemetery as aforesaid.

Interpreta-
tion of
Terms.

III. That the Expression "Company" used in this Act shall mean the Company established by the said Deed; and the Term "Cemetery," the Cemetery established by the said Deed.

Interpreta-
tion of
other Terms.

IV. That it shall be lawful for the Bishop of *Chichester*, from Time to Time, at the Request and Costs of the said Company, if he shall think fit, and on being satisfied of the Title to the said Land, to consecrate any Part of the said Land or Ground mentioned in the said Schedule, or which from Time to Time shall belong to the said Company; and such Part or Parts so consecrated shall for ever thereafter be used only for Burials according to the Rites of the Established Church, except as regards any Chapel which may be erected on any Part thereof for the Performance therein of Divine Service according to the Rites of the Established Church.

The Bishop
of Chichester
may conse-
crate Part
of Cemetery.

V. That it shall be lawful for the said Bishop, either before or after any such Consecration, to require that the said Ground so to be consecrated shall, at the Costs of the said Company, be conveyed by or by the Direction of the said Company to the said Bishop and his Successors, upon Trusts for ever thereafter, for the Purposes of this Act, but without in anywise prejudicing the Right and Interest of the said Company in and to the same, so, nevertheless, that such Ground so consecrated shall always remain for the Purpose of a Burial Ground; and such Conveyance may be freed and discharged from all Forfeitures under the Statutes of Mortmain, and shall, within Six Calendar Months next after the Execution of such Conveyance, be deposited with the Clerk of the Peace for the said County of *Sussex*, who shall receive and retain the same, and permit all Persons interested to inspect and make Copies and Extracts of and from the same, in like Manner and upon like Penalties for Default as is provided in the Case of other Documents by an Act passed in the Seventh Year of the Reign of His late Majesty King *William* the Fourth and in the First Year of the Reign of Her Majesty, Cap. Eighty-three.

The Bishop
may require
Conveyance
to be exe-
cuted.

VI. That, notwithstanding anything in this or the said incorporated Act contained, the Chaplain of the said Company shall be appointed

How Chap-
lain to be
appointed.

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appointed by the said Vicar of *Brighton* for the Time being, subject to the Approbation of the said Company.

Allowance
to Chaplain.

VII. That, notwithstanding anything in the said Deed or the said Act herein incorporated contained, the Company shall, out of the Monies to be received by them by virtue of the said Deed or this Act and the said incorporated Act, pay and allow to the Chaplain for the Time being of the said Cemetery, on the Burial of every Corpse within the consecrated Part of the Cemetery, such Sum of Money as the Directors may think fit, not being less than Five Shillings, so as such Fees shall not exceed in any One Year the Sum of One hundred Pounds; and such Fees shall be payable half-yearly, and shall be recoverable by the said Chaplain in the same Manner as is by the Act herein incorporated provided with regard to Payments to be made to Incumbents of Parishes.

Compensa-
tion to Vicar
of Brighton.

VIII. That, notwithstanding anything in the said Deed or the said Act herein incorporated contained, the said Company, out of the Monies as aforesaid, shall pay to the Vicar or Incumbent for the Time being of the said Parish of *Brighton*, as a Compensation for Loss of Burial Fees, and also of all Fees payable in respect of Monuments or Gravestones, or of any Tablets or monumental Inscriptions or otherwise, as regards the said Parish of *Brighton*, the Sum of Fifty Pounds for the First Year next after the First Interment in the consecrated Part of the said Cemetery, the Sum of Seventy-five Pounds for the Second Year next after such Interment, and the Sum of One hundred Pounds for the Third and every succeeding Year, during which the said Company shall continue and shall use the consecrated Part of the said Cemetery for the Purposes of Burial; and that such yearly Payments shall be made and shall be recoverable in such Manner as is by the said incorporated Act provided with regard to the Stipend to be payable to the Chaplains of the said Company.

Compensa-
tion to In-
cumbents
of other
Parishes.

IX. That, as regards every Corpse buried in the consecrated Part of the Cemetery, and which shall be brought from any other Parish than the Parish of *Brighton*, the said Company shall pay to the Incumbent for the Time being of the Parish or Ecclesiastical District from which such Corpse shall have been removed for Burial the Sum of Two Shillings and Sixpence for or in respect of every such Corpse.

Compensa-
tion to Pa-
rish Clerks.

X. That the Company shall, on the Burial of every Corpse within the consecrated Part of the said Cemetery, as in the said incorporated Act is specified, pay to the Person holding at the passing of this Act the Office of Clerk of the Parish or Ecclesiastical District, including the Parish of *Brighton*, from which such Corpse

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has been removed for Burial, the Sum of Sixpence for each such Corpse so buried, the Amount whereof shall be ascertained and recoverable in such Manner as is by the said incorporated Act provided with regard to the Payment to the Incumbent therein mentioned.

XI. That, subject as aforesaid, the Company may, from Time to Time as they think fit, regulate the Amount of all other Fees and Charges to be paid for the Burial of Corpses in the consecrated Portion of the said Cemetery. Company may regulate other Fees.

XII. That, save as the same are by this Act or by the said incorporated Act expressly repealed, taken away, altered, or varied, the Provisions of the said recited Deed shall be and remain in as full Force, and as valid and effectual, to all Intents and Purposes whatsoever, as if this Act had not been passed; and nothing in this Act contained shall prevent the said Company from purchasing and holding other Lands, if the same shall, for the Purposes of the said Cemetery, be necessary, and which they are hereby authorized to purchase and hold; but yet nothing herein or in the said incorporated Act contained shall authorize the said Company to take or use any Lands, except with the Consent of the Owners or Occupiers thereof. Confirmation of Deed of Settlement.

XIII. That all the Costs of and incident to the obtaining and passing this Act shall be borne by the said Company. Expenses of Act.

XIV. That in citing this Act for any Purpose it shall be sufficient to use the Expression "*Brighton Extramural Cemetery Company's Act, 1851.*" Short Title.

The SCHEDULE to which this Bill refers.

All that Piece or Parcel of Land known as the Brighton Extramural Cemetery, situate and being within the Parish of Brighton in the County of Sussex, containing by Estimation 13A. 1R. 14P. more or less, (a Portion of which said Piece or Parcel of Land, called the "Avenue Road," leading into the said Cemetery, and containing by Admeasurement in Length from the East to the West End thereof 900 Feet or thereabouts, and in Width from North to South 60 Feet or thereabouts, is not intended to be used for the Purposes of Sepulture, but merely as an Entrance Road,) and bounded on the North partly by the Preston Boundary Road and partly by Land belonging to the Right Honourable the Marquess of Bristol, on the South by Land belonging to the said Marquess of Bristol, on the East by Land belonging to the said Marquess of Bristol, and on the West partly by Land belonging to the said Marquess of Bristol and partly by the Turnpike Road leading from Brighton to Lewes.

LONDON:

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1851.