



ANNO DECIMO QUINTO & DECIMO SEXTO

VICTORIÆ REGINÆ.

Cap. cl.

An Act for constructing a Cemetery near to
Torquay in the County of *Devon*.

[30th June 1852.]

WHEREAS the Establishment of a Cemetery at a short Distance from *Torquay* in the County of *Devon* would be beneficial, not only to the said Town but also to the adjacent Districts: And whereas the Persons herein-after named, with others, are willing to undertake the Construction of such a Cemetery, and with that View they have contracted for the Purchase of certain Lands in the Parish and Manor of *Saint Mary Church* in the said County: 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:

I. That the several Acts of Parliament following, (that is to say,) "The Companies Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," and "The Cemeteries Clauses Act, 1847," shall be incorporated with and form Part of this Act.

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

[Local.]

28 I

II. Pro-

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As to compulsory Purchase of Lands.

II. Provided always, That nothing in this Act, or in the said Lands Clauses Consolidation Act, shall authorize the Company to purchase, take, or use any Lands, unless with the Consent of and by Agreement with the Owners, Lessees, and Occupiers thereof.

Short Title.

III. That in citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression "The *Torquay Extramural Cemetery Act, 1852.*"

Subscribers incorporated.

IV. That *John Hutchinson Lee, Thomas Steel, Charles Paget Blake, Edward Selley, John Stabb, Philip Michelmore*, and all other Persons and Corporations who have already subscribed or shall hereafter subscribe to the Undertaking, and their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the Purpose of making and maintaining the Cemetery herein-before mentioned, together with all proper Works and Conveniences connected therewith, according to the Provisions of the said incorporated Acts and of this Act, and for other the Purposes herein and in the said recited Acts contained; and for the Purposes aforesaid such Company shall be incorporated by the Name of "*The Torquay Extramural Cemetery Company,*" and by that Name shall be a Body Corporate, with perpetual Succession, and shall have Power to purchase and hold Lands for the Purposes of the said Undertaking, subject to the Restrictions and Provisions herein and in the said incorporated Acts contained.

Capital.

V. That the Capital of the Company shall be Eight thousand Pounds.

Shares.

VI. That the Number of Shares into which the said Capital shall be divided shall be Eight hundred, and the Amount of each Share shall be Ten Pounds.

Calls.

VII. That Three Pounds *per* Share shall be the greatest Amount of any One Call which the Company shall make upon the Shareholders, and that Five Pounds of the Amount of a Share shall be the utmost aggregate Amount of the Calls to be made in any One Year upon any Share, and that Two Months at the least shall intervene between successive Calls.

Application of Capital, &c.

VIII. That the Monies by this Act authorized to be raised shall be applied only in carrying into execution the Objects and Purposes of this Act.

First and other Meetings.

IX. That the First General Meeting of the Company shall be held in *November* next, and their future General Meetings shall be held each Year in *May* and *November*.

X. That

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- X. That the Quorum for any General Meeting of the Company shall be not less than Ten Shareholders holding in the aggregate not less than Fifty Shares in the Capital of the Company. Quorum for General Meetings.
- XI. That the Number of Shareholders on whose Requisition an Extraordinary Meeting may be required to be convened shall be Five or more Shareholders, holding in the aggregate not less than One hundred Shares in the Capital of the Company. Number of Shareholders to convene Extraordinary Meetings.
- XII. That (subject to the Provisions herein contained for reducing the Number of Directors) the Number of Directors shall be Ten, and the Qualification of a Director shall be the Possession in his own Right of Five Shares in the Undertaking. Number and Qualification of Directors.
- XIII. That it shall be lawful for the Company from Time to Time to reduce the Number of Directors of the Company, but the whole Number of Directors, after such Reduction, shall not be less than Seven. Power to vary the Number of Directors.
- XIV. That *John Hutchinson Lee, Arthur Hyde Dendy, Wilbraham Francis Tollemache, Frederick Rawlins, Philip Michelmore, Thomas Steel, Charles Paget Blake, Edward Selley, Yarde Eastley, and Matthew Churchward*, shall be the First Directors of the Company. First Directors.
- XV. That a Quorum of a Meeting of Directors shall be Three. Quorum.
- XVI. That the Number of Directors to go out of Office annually shall be Three. Three to go out annually.
- XVII. That, subject to the Provisions in this and the incorporated Acts contained, it shall be lawful for the Company to make and maintain a Cemetery in the said Parish and Manor of *Saint Mary Church*, in and upon the Land there which *Robert Shedden Sulgarde Cary* Esquire has agreed to sell to them, and which they have agreed to purchase, and which Lands are more particularly specified in the Schedule (A.) to this Act annexed. Power to construct Cemetery on Lands in Schedule.
- XVIII. That no Part of the Cemetery shall be made within Three hundred Yards of any House of the annual Value of Fifty Pounds, or within Three hundred Yards of any Plantation, Pleasure Ground, or Garden occupied therewith, except with the Consent of the Owner, Lessee, and Occupier thereof in Writing. Cemetery not to be made within 300 Yards of certain Houses.
- XIX. That the Cemetery shall be enclosed by Walls or other sufficient Fences of the Height of Seven Feet at the least. As to Height of Cemetery Wall or Fences.
- XX. That

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Period for
Completion
of Works.

XX. That the Cemetery shall be completed within Two Years from the passing of this Act, and on the Expiration of such Period the Powers by this and the incorporated Acts granted to the Company for constructing the Cemetery, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the Cemetery as shall be then completed.

Part of Ce-
metery to be
set apart for
Established
Church.

XXI. That not less than Six Acres of the Cemetery shall be set apart for Burials according to the Rites of the Established Church.

The Bishop
of Exeter
may con-
secrate Part
of Cemetery.

XXII. That it shall be lawful for the Bishop of *Exeter* 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 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
may require
Conveyance
to be exe-
cuted.

XXIII. 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 trust 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 *Devon*, 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 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, Chapter Eighty-three.

Regulating
Burials in
common
Graves.

XXIV. And with respect to Burials in common Graves, be it enacted, That there shall be at least Three Feet of Earth over every Coffin which may from Time to Time be deposited in any such Grave, and no Coffin shall be at a less Depth from the Surface of the Ground than Four Feet, and no Grave shall be re-opened
within.

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within the Period of Ten Years from the last Interment except for Members of the same Family, or other the Person or Persons for the Time being entitled to the Benefit of the Grant of exclusive Right of Burial therein.

XXV. That the Company shall, on the Burial within the consecrated Part of the Cemetery of every Person who shall die in the Parishes or Ecclesiastical Districts of *Tormoham* or *Upton*, pay to the Incumbent or Perpetual Curate for the Time being of the said Parishes or Ecclesiastical Districts respectively, for and in respect of every such Person, the Sums following; (that is to say,)

Compensation to Incumbent of Tormoham, and Perpetual Curate of Upton.

Where the Corpse is interred at the Expense of the said Parishes or Ecclesiastical Districts, such Sum, not exceeding One Shilling, as may be agreed upon between the Bishop of the Diocese and the Company:

Where the Corpse is not interred at any such Expense as last aforesaid:—

For every Interment in every common Grave, Two Shillings and Sixpence:

For the First Interment in every Vault, or Brick or Stone Grave, Twenty-one Shillings:

For every subsequent Interment in every such Vault, or Brick or Stone Grave, Ten Shillings:

For every Head Stone placed at the Head of any Grave, Five Shillings:

For a Tomb or flat Stone placed over any Brick or Stone Grave, or Vault, Twenty-one Shillings:

For the Erection of Iron Railings on or around any Tomb, Ten Shillings.

XXVI. That the Company shall, on the Burial of every Body within the consecrated Part of the Cemetery, pay to the Incumbent of any other Parish or Ecclesiastical District from which any such Body shall have been removed for Interment in the Cemetery, the Sums following; (that is to say,)

Sums to be paid to Incumbents of Parishes from which Corpses are brought.

For every Corpse interred in a Vault, Catacomb, or Brick Grave, the Sum of Five Shillings:

For every Corpse interred at the Expense of any such Parish or Ecclesiastical District, such Sum, not exceeding One Shilling, as may be agreed upon between the Bishop of the Diocese and the Company:

For every other Corpse, the Sum of Two Shillings and Sixpence.

XXVII. That the Company shall pay the Sum of Sixpence to any such Parish Clerk, as in the said Cemeteries Clauses Act mentioned,

Sums to be paid to Parish Clerk.

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tioned, of any Parish or Ecclesiastical District from which a Corpse shall have been removed for Interment in the said Cemetery.

Fees for
Performance
of Burial
Service in
respect of
Burials of
the Poor.

XXVIII. That the Fees to be demanded and taken by the Company in respect of the Interment in the Cemetery of any Parishioner of the Parishes or Ecclesiastical Districts of *Tormoham* or *Upton* in a common Grave, in such Site as shall be selected by the said Company, shall not, except in case of any special Agreement, exceed the Sum of Seven Shillings and Sixpence.

Nothing to
confer Right
of Com-
pensation
if another
Cemetery
is formed.

XXIX. Provided always, That nothing herein contained shall be construed to confer on the Company any Claim or Right to Compensation in case of the Formation or Establishment hereafter of any other Cemetery or Burial Ground within the Parishes of *Tormoham* and *Upton*, or either of them.

Expenses of
Act.

XXX. That the Expenses of obtaining this Act, and all other Expenses incidental thereto, shall be charged upon and defrayed out of the Fees and Sums of Money which shall be raised, charged, levied, or received under or by virtue of this Act.

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SCHEDULE (A.) referred to in the foregoing Act.

SCHEDULE (A.)

Lands belonging or reputed to belong to Robert Shedden Sulyarde Cary, Esquire, in the Parish and Manor of St. Mary Church, containing together, by Estimation, 14A. 1R. 26P., and bounded on the North and North-west by the Road leading from the Newton and Torquay Turnpike Road towards St. Mary Church and Barton in the County of Devon; on the South by Land belonging or claimed to belong to Sir Lawrence Vaughan Palk, Bart.; on the East by the Turnpike Road known as the Barton Road; on the West by Land belonging or claimed to belong to Mr. William Bartlett, and by an Orchard belonging or claimed to belong to the said Robert Shedden Sulyarde Cary, Esquire, and which said Land is known as the Upper or Lower Hilly Fields.

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