



CHAPTER lxxii.

An Act to provide for the maintaining as an open space by the Vestry of the Parish of Saint Pancras of the disused Burial Grounds of the Parishes of Saint Pancras and Saint Giles in the Fields, and other Lands and Hereditaments near thereto, in the said Parish of Saint Pancras ; and for other purposes. A.D. 1875.
[14th June 1875.]

WHEREAS by an Act passed in the forty-third year of the reign of King George the Third, intituled “ An Act to provide a new Burial Ground and erect a Chapel thereon for the Parish of Saint Giles in the Fields, in the County of Middlesex ” (in this Act referred to as the Act of 1803), the rector and churchwardens of that parish, together with other persons, were appointed trustees for putting that Act into execution, and were authorised to purchase land, not exceeding five acres in the whole, in any parish in the county of Middlesex adjacent to the parish of Saint Giles, for the purpose of a burial ground for that parish, and to enclose the same land or such part thereof as they thought fit, and to erect thereon a chapel ; and it was by that Act (section twelve) provided that the ground, hereditaments, and premises to be vested in the trustees under the powers of that Act, and all buildings erected or to be erected thereon, should from the vesting thereof form part of the said parish of Saint Giles in the Fields, free from all rates, taxes, and assessments to any other parish, and from all tithes, funeral rates, and other dues and duties payable to the rector or vicar of such other parish, but subject to certain annual payments to the senior churchwarden and to the rector or vicar of such other parish :

And whereas under the powers of the Act of 1803 the trustees purchased certain land and hereditaments in the parish of Saint Pancras, in the county of Middlesex, part of which was enclosed and consecrated for the purposes of a burial ground for the said

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And whereas the said burial ground was, by an Order in Council, long since closed as a burial ground, and the said chapel then ceased to be used for ecclesiastical purposes :

25 & 26 Vict.
c. lxx.

And whereas by "The Saint Giles in the Fields Glebe Act, 1862," (in this Act referred to as the Act of 1862,) it is recited to the following effect :

That all annuities and principal moneys and interest chargeable, in accordance with the Act of 1803, for any of the purposes thereof on any of the rates by that Act authorised, had long since been fully paid off or satisfied and discharged, and that the trustees had no debentures or other debts whatsoever ;

That the several provisions of the Act of 1803 with respect to the trustees were either suspended or had become unnecessary, and that it was expedient that that Act should be repealed, and some of the provisions thereof re-enacted ;

and it is enacted to the following effect :

That the Act of 1803 should be repealed (section two) ;

That, notwithstanding such repeal, the provisions of section twelve of the Act of 1803 should, subject to the provisions of the Act of 1862, remain in full force, and that the said section twelve should thenceforward be read and have effect as part of the Act of 1862, and that the words and expressions in that section relating to the trustees should apply to and mean the rector for the time being of the parish of Saint Giles in the Fields (in this Act referred to as the rector) (section three) ;

That, in lieu of the annual payments by the Act of 1803 required to be paid to the churchwardens and rector or vicar of the parish from which the lands so to be purchased should be severed, the rector should pay to the vicar for the time being of the said parish of Saint Pancras (in this Act called the vicar) the yearly sum of five pounds and five shillings, and to the senior churchwarden of that parish the yearly sum of sixteen pounds (section four) ;

That all the lands and hereditaments immediately before the repeal of the Act of 1803 vested in the trustees for the purposes of that Act should, at the passing of the Act of 1862, be annexed to and become glebe of the parish of Saint Giles in the Fields, and be held and enjoyed by the rector accordingly, subject to any right, privilege, or easement which any person

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before the passing of the Act of 1862 had, or his heirs or personal representatives thereafter might have, in respect of any vault, grave, tomb, or tombstone, or the maintenance thereof, or the access thereto, and that for the purpose of such access the keys of the said burial ground should be kept on some part thereof, and notice of the place of deposit should be affixed upon or near the gates thereof (section five);

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That the rector should be subject to and perform and conform to all the duties, obligations, debts, and liabilities to which the trustees were, immediately before the passing of the Act of 1862, subject with respect to such lands and hereditaments (section eleven);

That the rector should at his own cost maintain the Saint Giles' disused burial ground in decent order as an open space for ever, subject to the same rights and liabilities in all respects as if it were a churchyard, and repair the walls and fences thereof (section twelve):

And whereas the old burial ground of the parish of Saint Pancras, surrounding the old parish church of Saint Pancras or parish chapel (now the church of the ecclesiastical district or parish of Old Saint Pancras, and in this Act called Old Saint Pancras Church), and adjoining to the said disused burial ground of Saint Giles in the Fields, has long since been disused, and is vested in the vicar:

And whereas an additional burial ground, adjoining the said Old Saint Pancras Burial Ground, was, under the powers of an Act passed in the thirty-second year of the reign of King George the Third, chapter sixty-six, provided for the parish of Saint Pancras, and is vested, under the provisions of that Act and of section one of an Act (local and personal) passed in the first and second years of the reign of King George the Fourth, chapter twenty-four, in the vicar and churchwardens of that parish for the use of the said parish, and has long since been disused as a burial ground:

32 Geo. 3.
c. 66.

1 & 2 Geo.
4. c. xxiv.

And whereas by "The Midland Railway (Extension to London) Act, 1863," (in this Act referred to as the Act of 1863,) the Midland Railway Company were empowered (section eighty-four), for the purposes of the railway thereby authorised, to cross the said Saint Pancras additional burial ground by, and to take such portions thereof only as might be necessary for the construction of the piers of a girder bridge, and were required (section eighty-six) to re-inter in consecrated ground the remains of every deceased person which might be disturbed by the construction of that railway, and which should not be removed by the representatives or relatives of such deceased person, under the powers in that behalf in the Act of 1863 contained (section eighty-five):

26 & 27 Vict.
c. lxxiv.

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27 & 28 Vict.
c. ccxxxi.

And whereas by "The Midland Railway (Saint Pancras Branch) Act, 1864," the Midland Railway Company were authorised (section twenty-three) to take an easement under the said Saint Pancras additional burial ground for the purpose of constructing in tunnel the railway thereby authorised, and were required (section twenty-four) to re-inter the remains of any person which might be disturbed by the construction of that railway; and it is by that Act provided (section twenty-five) that the compensation to be paid by the company in respect of such burial ground should be paid by them into the Court of Chancery to an account "Ex parte the Burial Ground of Saint Pancras," as and subject to the same provisions as are prescribed by "The Lands Clauses Consolidation Act, 1845," in cases where owners of lands fail to make out a title to lands to the satisfaction of the promoters of undertakings:

And whereas by an order of the High Court of Chancery, made on the twelfth day of March one thousand eight hundred and sixty-six, on a petition in the matter of the Saint Pancras Burial Ground, the account "Ex parte the Burial Ground of Saint Pancras" was altered to "The Account of the Church Trustees of Saint Pancras as Trustees of the additional Burial Ground of Saint Pancras" (in this Act referred to as the Burial Ground Account):

31 & 32 Vict.
c. xliii.

And whereas by "The Midland Railway (Additional Powers) Act, 1868," the Midland Railway Company were authorised (section twenty) to take an easement in the said disused Saint Pancras burial ground over and in the line of the said tunnel for the purpose of constructing a girder bridge, but not so as to interfere with or disturb any grave or vault:

And whereas a piece of additional ground adjoining the disused burial ground of Saint Giles was provided and conveyed to the Ecclesiastical Commissioners for England, and, such ground having been consecrated, the human remains disturbed by the Midland Railway Company were re-interred therein, and it is now a disused burial ground:

And whereas it is expedient that the said several disused burial grounds should be converted into and maintained as a public enclosure by the Vestry of the parish of Saint Pancras (in this Act referred to as the Vestry), subject to the existing rights, privileges, and easements of any person in respect of any vault, grave, tomb, or tombstone therein, or the maintenance of or the access to the same, and also subject to the existing rights of the Midland Railway Company, and that such easement, powers, and rights in and over the said burial grounds be granted to the Vestry as may be necessary for the purpose of such conversion and maintenance:

And whereas it is expedient that the Vestry be authorised to

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acquire the lands, buildings, and hereditaments in the parish of Saint Pancras, and herein-after described, and to pull down and remove the same, and throw the sites thereof into the said public enclosure so as to form a part thereof : A.D. 1875.

And whereas there is now standing to the credit of the Burial Ground Account the sum of three thousand seven hundred pounds or thereabouts, and it is expedient that the sum of one thousand pounds, part of such sum, be transferred to the Vestry :

And whereas plans showing, among other lands, the lands to be taken for the purposes of this Act, and books of reference to those plans, containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of those lands, have been deposited with the clerk of the peace for the county of Middlesex, and those plans and books of reference are herein referred to as the deposited plans and deposited books of reference :

And whereas the objects of this Act cannot be attained 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 Parliament assembled, and by the authority of the same, as follows ; (that is to say,)

1. This Act may be cited as "The Saint Pancras and Saint Giles in the Fields Disused Burial Grounds Act, 1875." Short title.

2. "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," and Provisions of certain general Acts incorporated.

The provisions of "The Commissioners Clauses Act, 1847," with respect to mortgages to be executed by the Commissioners, so far as they are applicable for the purposes of and not varied by or inconsistent with this Act, are hereby incorporated with this Act.

3. Terms to which meanings are assigned in enactments wholly or partially incorporated herewith, or which have therein special meanings, have in this Act the same respective meanings, unless there be something in the subject or context repugnant to such construction ; and for the purposes of this Act, in the provisions of "The Commissioners Clauses Act, 1847," incorporated with this Act— Interpretation of terms.

"The Commissioners" means the Vestry of Saint Pancras ;

"The clerk to the Commissioners" means the clerk to the Vestry of Saint Pancras.

In this Act—

"The Vestry" means the Vestry of Saint Pancras ;

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“The Saint Giles’ Burial Ground” means the disused burial ground of the parish of Saint Giles in the Fields, situate on the north side of Saint Pancras Road (exclusive of Saint Giles’ Chapel), and the approaches thereto ;

“The old burial ground” means the disused burial ground of the parish of Saint Pancras adjoining Old Saint Pancras Church (exclusive of the said church and the site thereof), and the approaches thereto ;

“The additional burial ground” means the additional burial ground of the parish of Saint Pancras provided under the powers of the said Act of the thirty-second year of George the Third, chapter sixty-six ;

“The new burial ground” means the newly consecrated burial ground of the parish of Saint Pancras provided for the interment of the remains disturbed by the Midland Railway Company ;

“The burial grounds” means the several disused burial grounds herein-before defined.

Freehold of burial grounds to be vested as at passing of Act.

4. The freehold of and in the burial grounds shall remain vested in the same corporations, bodies, and persons respectively in whom the same is vested at the passing of this Act, but this enactment shall not prejudice or interfere with the easement, powers, and rights by this Act conferred on the Vestry.

Saving rights of heirs, &c. of persons interred in burial grounds and of Midland Railway Company.

5. Nothing in this Act shall prejudice or interfere with the rights, privileges, or easements which any person immediately before the passing of this Act had, or his heirs or personal representatives may hereafter have, in respect of any vault, grave, tomb, tombstone, or monument, or the maintenance thereof, or the access thereto respectively, in any or either of the burial grounds, or with the rights and easements acquired by the Midland Railway Company under their said Acts of 1863, 1865, and 1868, or any or either of them.

Saving rights of Saint Pancras Church trustees.

6. Except as by this Act otherwise expressly enacted, nothing in this Act contained shall be held or construed to take away, prejudice, or affect the rights or interests (if any) of the church trustees of the parish of Saint Pancras in the burial ground of such parish.

Burial grounds to become a public enclosure, and Vestry to have easement there-over.

7. Subject to the provisions of this Act, the burial grounds shall henceforth at all times be kept, used, and enjoyed as an open space accessible to the public, and under the control of the Vestry, and shall be enclosed with such walls, rails, and fences, and laid out with such roads, approaches, ornamental and other walks, as the Vestry think fit ; and the Vestry shall have, for themselves and

their successors, their officers, servants, and workmen, a perpetual easement therein and thereover, and such powers and rights of entry, access, and otherwise in and over the burial grounds, and with respect to everything in and on the same, as are conferred by this Act, or as may be necessary for effectually carrying out the provisions thereof, but not otherwise; provided that nothing in this Act shall take away or diminish the right of access to Old Saint Pancras Church. A.D. 1875.

8. The Vestry may from time to time, in their own name, bring any action of ejectment or trespass, or other action at law or suit in equity, for recovering or defending the possession for the purposes of this Act or for obtaining the payment of damages, or any mandamus or injunction in respect of or against any actual or contemplated injury or damage to the burial grounds, or any part or parts thereof, or the fences, walks, graves, tombstones, and property in or about the same, and in every such action, suit, or other proceeding all the parties thereto shall be bound to assume and shall be absolutely estopped from denying the title of the Vestry to such possession as aforesaid of the burial grounds and the fences, walks, graves, tombstones, and property in or about the same. Power to Vestry to bring actions in respect of injury to burial ground.

9. Subject to the provisions of this Act, the Vestry may enter upon, take, and use, and appropriate for the purposes of this Act all or any of the lands, buildings, and hereditaments following delineated on the deposited plans and described in the deposited books of reference relating thereto; namely, Power to acquire lands in Saint Pancras parish.

Certain lands, houses, and buildings situate in Saint Pancras Road, in the parish of Saint Pancras, abutting on the Saint Giles' Burial Ground, and numbered in that road with the even numbers from fifty-six to eighty-eight, both inclusive, and formerly known as Cook's Terrace.

10. If there be any omission, mis-statement, or wrong description of any lands, or of the owners, lessees, or occupiers of any lands, shown on the deposited plan or specified in the deposited book of reference, the Vestry, after giving ten days notice to the owners, lessees, and occupiers of the lands in question, may apply to two justices acting for the county of Middlesex for the correction thereof, and if it appear to the justices that the omission, mis-statement, or wrong description arose from mistake they shall certify the same accordingly, and they shall in their certificate state the particulars of the omission, and in what respect any such matter is mis-stated or wrongly described, and such certificate shall be Correction of errors in deposited plan and book of reference.

A.D. 1875. deposited with the clerk of the peace for the county of Middlesex, and a duplicate thereof shall also be deposited with the vestry clerk of the parish of Saint Pancras, and such certificate and duplicate respectively shall be kept by such clerk with the other documents to which the same relate, and thereupon the deposited plan and book of reference shall be deemed to be corrected according to such certificate, and it shall be lawful for the Vestry to take the lands and execute the works in accordance with such certificate.

Houses of labouring classes.

11. The Vestry shall, not less than eight weeks before they take in any parish fifteen houses or more occupied wholly or partially by persons belonging to the labouring classes as tenants or lodgers, make known their intention to take the same by placards, handbills, or other general notice placed in public view upon or within a reasonable distance from such houses, and the Vestry shall not take any such houses until they have obtained the certificate of a justice that it has been proved to his satisfaction that they have so made known their intention to take the same.

Vestry to procure accommodation for persons of the labouring class to be displaced.

12. Before taking fifteen houses or more occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers, who may for the time being be the occupier or occupiers of any house or part of any house which the Vestry are by this Act authorised to acquire, the Vestry shall (unless the Vestry and such person or persons otherwise agree) procure sufficient accommodation elsewhere for such person or persons: Provided always, that if any question shall arise as to the sufficiency of such accommodation, the same shall be determined by a justice, and the Vestry may, for the purpose of procuring such accommodation, appropriate any of the houses which they may acquire under the powers of this Act, and may purchase by agreement or take on lease such further houses or such lands as may be necessary for such purpose, and may pull down all or any of such houses, and re-erect on the site thereof and erect on such lands labouring-class dwellings, and may let and dispose of such houses and dwellings and lands, and may apply for the purposes of this section, or any of them, any moneys they may have already raised or are authorised to raise, and not required for the purposes for which they were raised, and may, in addition to any other moneys authorised to be raised by them by the subsequent powers of this Act or otherwise, borrow at interest on the trust estates, hereditaments, and property vested in them, and the rates authorised to be levied by them, any sum or sums of money not exceeding in the whole the sum of five thousand pounds.

13. All buildings from time to time taken by the Vestry under the powers of this Act shall be pulled down and removed, and the materials thereof sold, and the sites thereof, together with all other lands from time to time taken by the Vestry under those powers, shall, subject to the provisions of this Act, be thrown into and form part of the said public enclosure.

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Lands and buildings taken by Vestry to form part of public enclosure.

14. The Vestry shall at their own costs and charges repair, maintain, and keep in a good and decent state of preservation, and regulate and control the said public enclosure, and the fences, rails, walls, roads, and walks thereof, including the present and such other walks and proper approaches to Old Saint Pancras Church as may be necessary, and (subject to the rights, privileges, and easements by this Act reserved in respect thereof) the vaults, graves, tombs, tombstones, and monuments for the time being in or upon the burial grounds, and may drain, level, lay out, turf, plant, ornament, light, seat, and otherwise improve the same, and do all such works and things, and employ such officers and servants, as may be requisite for the purposes aforesaid, or any of them.

Vestry to lay out and maintain public enclosure.

15. The Vestry may, upon any part of the lands to be purchased by them under the powers of this Act, erect and maintain such house for the keeper of the said public enclosure, and his wife and family, and such public conveniences, as the Vestry may from time to time think fit to provide.

Vestry may erect house for keeper of public enclosure.

16. The Vestry shall cause the keys of the said public enclosure to be kept on some part thereof, and notice of the place of deposit shall be affixed to, upon, or near to the principal entrance to the said enclosure, and every person who immediately before the passing of this Act had, or whose personal representatives hereafter shall have, any right, privilege, or easement in respect of any vault, grave, tomb, tombstone, or monument therein, shall have access thereto at all reasonable times.

Keys of enclosure to be kept thereat.

17. In order that the Vestry may the better level, lay out, turf, plant, ornament, and otherwise improve the burial grounds, they may, with the consent of the heirs or personal representatives of any person whose remains are interred therein, remove any tombstone or monument, and they may, without such consent, remove any such tombstone or monument if the inscription thereon shall have become illegible, and if upon diligent inquiry the Vestry shall be unable to find such heirs or personal representatives: Provided, that any such stone or monument so removed shall be placed in some other part of the burial grounds, and that a register be kept of the situation from which such stone or monument shall have

Power to remove tombstones in certain cases.

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A.D. 1875. — been removed, and of all such marks and signs as may aid in the future identification of the same.

Rector relieved from maintenance of Saint Giles' Burial Ground.

18. From and after the passing of this Act the rector shall not maintain or repair, nor be liable for any costs or expenses incident to the maintenance or repair of the Saint Giles' disused burial ground, and section twelve (rector to keep in order disused burial ground) of the Act of 1862 is hereby repealed.

Burial grounds to be maintained by Vestry only.

19. From and after the passing of this Act the Vestry alone shall control, maintain, and repair the burial grounds, and no other body or person shall be liable for any costs or expenses incident to the maintenance or repair of the burial grounds, or any or either of them.

Payments by rector to vicar and churchwardens of Saint Pancras abolished.

20. From and after the passing of this Act the annual sums of five pounds and five shillings and of sixteen pounds payable by the rector to the vicar and to the senior churchwarden of the parish of Saint Pancras respectively, shall cease to be payable, and section four (provisions of repealed Act granting compensations to vicar and parishioners of Saint Pancras re-enacted) of the Act of 1862 is hereby repealed.

Power to make byelaws.

21. The Vestry may from time to time make byelaws for all or any of the following purposes with respect to the public enclosure; (namely,)

For appointing and regulating keepers or servants employed therein or thereabout;

For the prevention of the posting of bills or placards, and the writing, stamping, cutting, printing, drawing, or marking in any manner of any word or character, or of any representation of any object on any building, erection, monument, tombstone, wall, railing, fence, tree, lamp, post, walk, pavement, or seat, or elsewhere in the said enclosure;

For the preservation of order and good conduct among persons frequenting the said enclosure;

For regulating the days and times of admission thereto;

For the prevention or restraint of acts or things tending to the injury or disfigurement of the said enclosure, or anything in or on the same, or to interference with the use thereof by the public for purposes of exercise and recreation;

For preventing or regulating the admission of dogs.

Regulations as to byelaws.

22. With respect to byelaws to be made by the Vestry under this Act, the following provisions shall take effect; (namely,)

(1.) The Vestry may from time to time repeal, alter, or amend any such byelaw:

- (2.) Nothing in this Act shall authorise the Vestry to make any byelaw repugnant to law or to this Act: A.D. 1875.
- (3.) All byelaws shall be reduced into writing, and be under the common seal of the Vestry:
- (4.) The Vestry may by any byelaw impose penalties for offences against the same, not exceeding in respect of any offence five pounds, and in the case of a continuing offence a further daily penalty not exceeding the sum of forty shillings for each day after written notice of the offence from the Vestry:
- (5.) All byelaws shall be so framed as to allow of part only of the maximum penalty being inflicted:
- (6.) Penalties under byelaws shall be recoverable as penalties are recoverable under "The Lands Clauses Consolidation Act, 1845:"
- (7.) Any byelaw shall not take effect until it is allowed by one of Her Majesty's Principal Secretaries of State (who may allow or disallow the same, as he thinks proper), and any such byelaw shall not be allowed unless notice of intention to apply for allowance of the same is given by placards, posted outside the Vestry Hall, not less than one month before the making of such application; and for one month at least before such application a copy of the proposed byelaw shall be kept at the office of the vestry clerk, and be open during office hours thereat to the inspection of the ratepayers of the parish and persons affected by the same, without payment; and the vestry clerk shall furnish a copy thereof, or of any part thereof, to every ratepayer or person affected by and applying for the same, on payment of sixpence for every one hundred words in such copy, or if the proposed byelaw has been printed by the Vestry, then at such reasonable price, not exceeding two-pence for each copy, as the Vestry direct:
- (8.) All byelaws, when allowed, shall be printed, with the date at which they are made, and the vestry clerk shall keep a printed copy thereof at his office, and all persons may, at all reasonable times, inspect such copy without payment, and the Vestry shall cause a printed copy, signed or purporting to be signed by the vestry clerk, of all byelaws for the time being in force, to be supplied to every person applying for the same on payment by him of any sum not exceeding sixpence for every such copy:

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(9.) Proper extracts from the byelaws, painted, printed, or placed on boards, may be set up and kept exhibited in places to which such extracts relate, or in such conspicuous or suitable places as the Vestry think fit :

(10.) A printed copy of byelaws, dated and purporting to be allowed as aforesaid and to be signed by the vestry clerk, shall be primâ facie evidence of the existence and of the due making and allowance of such byelaws, without proof of the signature of the vestry clerk or of such making and allowance.

Damage to public enclosure, &c. to be paid for.

23. The Vestry may, notwithstanding the infliction of a penalty, and in addition thereto, recover (in like manner as penalties may be recovered under the provisions of this Act) from any person who shall do or cause to be done any injury to the said public enclosure, or the walls, rails, or fences thereof, or anything contained therein or thereon, the amount of the damage sustained by the Vestry by reason of such injury.

Application of penalties.

24. All penalties recovered under this Act, or any byelaw made thereunder, shall be paid to the Vestry and be carried by them to the credit of the Saint Pancras Public Enclosure Account.

Revenue expenses of public enclosure to be paid out of general rate.

25. The Vestry shall make, out of the rate or rates from time to time made by them for defraying the general expenses of the Vestry in the execution of "The Metropolis Management Act, 1855," the following payments ; namely,

The interest on any principal moneys borrowed under the powers of this Act, and for the time being owing ;

The moneys to be set apart for the sinking fund herein-after mentioned ;

The expenses of and incident to the maintenance and preservation in good and ornamental repair and condition of the said public enclosure, and the walls, rails, fences, seats, trees, shrubs, flowers, roads, paths, turf, vaults, graves, tombs, monuments, and tombstones, and other things therein and thereon ; and

All other the expenses of carrying into execution the purposes of this Act which are properly payable out of revenue ;

and shall from time to time make such rate and rates of such an amount as will provide for the foregoing payments, as though such payments were expenses necessarily incurred in executing that Act.

Power to borrow money.

26. Subject to the provisions of this Act, the Vestry may from time to time, in addition to any other moneys authorised to be raised by them, borrow at interest on the trust estates, hereditaments, and

property vested in and the rates authorised to be levied by them, any sum or sums of money not exceeding in the whole the sum of ten thousand pounds. A.D. 1875.
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27. The prescribed sum to be annually set apart out of the rates to form a sinking fund for the repayment of principal moneys borrowed on the security thereof shall be one fiftieth part of the sums so borrowed. Sinking fund.

28. Whenever any of the said principal moneys have been paid off by means of the said sinking fund, the Vestry shall thenceforward, until the whole of such principal moneys whereof the moneys so paid off form part have been paid off, pay into such sinking fund every year, in addition to the other sums herein-before required to be set apart and appropriated to such sinking fund, a sum equal to the annual interest of the principal moneys so paid off: Provided, that whenever and so long as the yearly income arising from such sinking fund shall be equal to the annual interest of the principal moneys then due and outstanding and to be paid off by means of such fund, the Vestry may, in lieu of investing the said yearly income, apply the same in payment of such interest, and may during such periods discontinue the payment to such sinking fund of the yearly sums herein-before required to be paid thereto. Application of sinking fund.

29. The vestry clerk shall, within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund under this Act, transmit to the Local Government Board a return in such form as may be prescribed by that Board, and verified by statutory declaration if so required by them, showing the amount which has been invested for the purpose of such sinking fund during the year preceding the making of such return, and the description of the securities upon which the same has been invested, and also showing the purposes to which any portion of the moneys invested for the sinking fund have been applied during the same period, and the total amount remaining invested at the end of the year, and in the event of any wilful default in making such return such clerk shall be liable to a penalty of not exceeding twenty pounds. If it appear to the Local Government Board by such return or otherwise that the Vestry have failed to set apart the sum required by this Act for the sinking fund, or have applied any portion of the moneys set apart for that fund to any purposes other than those authorised by this Act, the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund, Annual return to Local Government Board with respect to sinking fund.

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Protection of lenders from inquiry.

30. A person lending money to the Vestry shall not be bound or entitled to inquire as to the observance by them of any provision of this Act, or be bound to see to the application or be answerable for any loss, misapplication, or non-application of such money or of any part thereof.

Power to re-borrow.

31. If the Vestry pay off any part of any money borrowed by them under the powers of this Act otherwise than by means of a sinking fund, they may re-borrow the same, and so from time to time.

No priority amongst mortgagees.

32. The mortgagees under this Act shall be entitled to a proportion of the moneys or rates comprised in their respective mortgages, according to the sums in such mortgages mentioned to have been advanced, and each mortgagee shall be entitled to be repaid the sums so advanced without any preference over any other mortgagee or mortgagees by reason of priority of advance or the date of the mortgage.

Vestry may borrow from Metropolitan Board of Works, who may lend accordingly.

33. Any money from time to time borrowed by the Vestry for the purposes of this Act may, with the consent of the Commissioners of Her Majesty's Treasury, and upon such terms and conditions as they may prescribe, be borrowed from and lent by the Metropolitan Board of Works, as though such purposes were among the purposes mentioned in section thirty-six of "The Metropolitan Board of Works (Loans) Act, 1869," and that Board may create (in addition to the consolidated stock they are for the time being authorised to create) such additional consolidated stock as may be necessary for such purpose.

Transfer to Vestry of portion of funds in Court of Chancery.

34. The sum of one thousand pounds, being part of the moneys paid into the Court of Chancery by the Midland Railway Company as compensation in respect of the burial ground of Saint Pancras, and standing to "The Burial Ground Account," shall, on the passing of this Act, be transferred to the Vestry, and shall be applied by them in carrying into execution the powers of this Act.

Subscriptions for purposes of Act to be paid to Vestry.

35. All moneys already or hereafter to be received by any person by way of subscription for the purposes of this Act shall be transferred to the Vestry, and they shall apply the same, and all moneys already or hereafter to be received by them by way of such subscription, for the purposes of this Act.

[38 VICT.] *The Saint Pancras and Saint Giles in* [Ch. lxxii.]
the Fields Disused Burial Grounds Act, 1875.

36. The Vestry shall keep a separate account of all moneys received and paid by them under the powers and for the purposes of this Act, and such account shall be entitled "The Saint Pancras Public Enclosure Account." A.D. 1875.
Separate
accounts.

37. The costs, charges, and expenses incurred by the rector of the parish of Saint Giles in the Fields preliminary and incident to the passing of this Act shall be paid by the said rector out of any moneys now raiseable under the provisions of the herein-before recited "Saint Giles in the Fields Glebe Act, 1862" (section 13). Costs of the
Rector of
Saint Giles
in the Fields.

38. The costs, charges, and expenses preliminary and of and incident to the preparing for, obtaining, and passing of this Act shall be paid by the Vestry. Expenses
of Act.

