Definition of "beyond Seas," within 4 & 5 Anne, c. 16. and this Act.

XII. No Part of the United Kingdom of *Great Britain* and *Ireland*, nor the Islands of *Man*, *Guernsey*, *Jersey*, *Alderney*, and *Sark*, nor any Islands adjacent to any of them, being Part of the Dominions of Her Majesty, shall be deemed to be beyond Seas within the Meaning of the Act of the Fourth and Fifth Years of the Reign of Queen *Anne*, Chapter Sixteen, or of this Act.

Provisions of 9 G. 4. c. 14. ss. 1. & 8. and 19 & 17 Vict. c. 113. ss. 24 & 27. extended to Acknowledgments by Agents.

XIII. In reference to the Provisions of the Acts of the Ninth Year of the Reign of King *George* the Fourth, Chapter Fourteen, Sections One and Eight, and the Sixteenth and Seventeenth Years of the Reign of Her present Majesty, Chapter One hundred and thirteen, Sections Twenty-four and Twenty-seven, an Acknowledgment or Promise made or contained by or in a Writing signed by an Agent of the Party chargeable thereby, duly authorized to make such Acknowledgment or Promise, shall have the same Effect as if such Writing had been signed by such Party himself.

Part Payment by one Contractor, &c. not to prevent Bar by certain Statutes of Limitations in favour of another Contractor, &c.

XIV. In reference to the Provisions of the Acts of the Twenty-first Year of the Reign of King *James* the First, Chapter Sixteen, Section Three, and of the Act of the Third and Fourth Years of the Reign of King *William* the Fourth, Chapter Forty-two, Section Three, and of the Act of the Sixteenth and Seventeenth Years of the Reign of Her present Majesty, Chapter One hundred and thirteen, Section Twenty, when there shall be Two or more Co-Contractors or Co-Debtors, whether bound or liable jointly only or jointly and severally, or Executors or Administrators of any Contractor, no such Co-Contractor or Co-Debtor, Executor, or Administrator shall lose the Benefit of the said Enactments or any of them, so as to be chargeable in respect or by reason only of Payment of any Principal, Interest, or other Money, by any other or others of such Co-Contractors or Co-Debtors, Executors, or Administrators.

Rules and Regulations may be made and Writs and Proceedings framed for the Purposes of this Act.

XV. In order to enable the Superior Courts of Common Law at *Westminster* and *Dublin*, and the Judges thereof respectively, to make Rules and Regulations, and to frame Writs and Proceedings, for the Purpose of giving effect to this Act, the Two hundred and twenty-third and Two hundred and twenty-fourth Sections of "The Common Law Procedure Act, 1852," shall, so far as this Act is to take effect in *England*, and the Two hundred and thirty-third and Two hundred and fortieth Sections of "The Common Law Procedure Amendment Act (*Ireland*), 1853," shall, so far as this Act is to take effect in *Ireland*, be incorporated with this Act, as if those Provisions had been severally herein repeated and made to apply to this Act.

Short Title.

XVI. In citing this Act it shall be sufficient to use the Expression "The Mercantile Law Amendment Act, 1856."

Extent of Act.

XVII. Nothing in this Act shall extend to *Scotland*.

CAP. XCVIII.

An Act to amend the Laws relating to the Burial of the Dead in *Ireland*.

[29th *July* 1856.]

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:

Short Title.

I. This Act may be cited as "The Burial Grounds (*Ireland*) Act, 1856."

Interpretation of Terms.

II. 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, "Lord Lieutenant" shall mean the Lord Lieutenant of *Ireland* or other Chief Governor or Governors thereof; "Council" shall mean Her Majesty's Privy Council in *Ireland*; "Borough" shall mean any Borough or Town Corporate in *Ireland*,

Ireland, or any Town in which a Board of Municipal Commissioners shall have been elected, under the Provisions of an Act of the Third and Fourth Years of Her present Majesty, Chapter One hundred and eight, or in which Town Commissioners shall have been appointed, under the Provisions of an Act of the Ninth Year of King *George* the Fourth, Chapter Eighty-two, or an Act of the Seventeenth and Eighteenth Years of Her present Majesty, Chapter One hundred and three, or any Act amending the same; "Town Council" shall mean the Town Council of the Borough, or, where there is no Town Council, the Board of Municipal Commissioners, or the Town Commissioners acting for the Borough or Town; "the Borough Fund" shall be held to include "the Town Fund;" "Parish" shall extend to any Extra-parochial Precinct or Place; "Ratepayers" shall mean the Persons for the Time being assessed to and paying Rates, or liable to be rated under the Provisions of this Act; "Town Clerk" shall mean the Town Clerk of the Borough, or, where there is no Town Clerk, the Clerk of the Board of Municipal Commissioners, or of the Town Commissioners acting for the Borough or Town.

Burial Boards to carry this Act into execution.

III. In the Execution of this Act in Poor Law Unions, or any Portion thereof not within the Limits or Boundaries of any Borough as defined by this Act, "Burial Board" shall be held to signify the Board of Guardians for the Relief of the Poor within any such Poor Law Union or Portion thereof, and the Manner of holding and transacting Business at Meetings of such Burial Boards shall be similar to the Manner in use in respect of the Relief of the Poor, and within the Limits or Boundaries of any Borough "the Town Council of the Borough" shall be held to be the "Burial Board" of such Borough.

Guardians to be subject to Poor Law Commissioners.

IV. The Board of Guardians for the Relief of the Poor shall, in carrying into execution the Provisions of this Act, be subject to the Direction and Control of the Commissioners appointed for administering the Law for the Relief of the Poor in *Ireland*.

On Representation duly made to him, Lord Lieutenant in Council may restrain the opening of new Burial Grounds, and order Discontinuance of Burials in specified Places.

V. In case it shall appear to the Lord Lieutenant in Council, upon Representation duly made to him, that for the Protection of the Public Health the opening of any new Burial Ground in any City or Town or within any other Limits in *Ireland*, save with the Approval of the Lord Lieutenant, should be prohibited, or that Burials in any City or Town or within any other Limits, or in any Burial Grounds or Places of Burial, should be wholly discontinued, or should be discontinued subject to any Exception or Qualification, it shall be lawful for the Lord Lieutenant, by and with the Advice of Her Majesty's Privy Council in *Ireland*, to order that no new Burial Ground shall be opened in any City or Town or within such Limits without such previous Approval, or (as the Case may require) that after a Time mentioned in the Order Burials in such City or Town or within such Limits, or in such Burial Grounds or Places of Burial, shall be discontinued, wholly, or subject to any Exceptions or Qualifications mentioned in such Orders, and so from Time to Time as Circumstances may require: Provided always, that Notice of such Representation, and of the Time when it shall please the Lord Lieutenant to order the same to be taken into consideration by the Privy Council, shall be published in the *Dublin Gazette*, and shall be affixed on the Doors of the Churches or Chapels of or on some other conspicuous Places within the Parishes affected by such Representation, One Month before such Representation is so considered.

Lord Lieutenant in Council may postpone Order for Discontinuance of Burials, &c.

VI. It shall be lawful for the Lord Lieutenant, by and with the Advice of the Privy Council, to postpone the Time appointed by any Order in Council for the Discontinuance of Burials, or otherwise to vary any Order in Council made under this Act, (whether the Time thereby appointed for the Discontinuance of Burials thereunder or other Operation of such Order shall or shall not have arrived,) as to the Lord Lieutenant in Council shall seem fit; and every Order of the Lord Lieutenant in Council made for varying any Order previously made under this Act shall be deemed valid and effectual in Law.

Order not to extend to Burial Grounds of Quakers unless expressly included.

VII. No such Order in Council as aforesaid shall be deemed to extend to any Burial Ground of the People called Quakers, used solely for the Burial of the Bodies of such People, unless the same shall be expressly mentioned in such Order; and nothing in this Act shall prevent the Burial in any such Burial Ground in which for the Time being Interment is not required to be discontinued of the Bodies of such People.

Order not to extend to Burial Grounds of French Protestants, unless expressly included.

VIII. Provided, That no such Order in Council as aforesaid shall be deemed to extend to the Burial Grounds or Cemeteries situate respectively in *Merrion Row* and *Peter Street* in the City of *Dublin*, the Property of the *French* Protestants, and used solely for the Burial of the Bodies of the Descendants of the *French* Protestant Refugees, unless the same be expressly mentioned in such Order; and nothing in this Act shall prevent the Burial as heretofore in such Burial Grounds or Cemeteries respectively, so situate in *Merrion Row* and *Peter Street* aforesaid, of the Bodies of such Descendants of French Protestant Refugees.

Penalty on Persons burying contrary to the Provisions of Orders in Council.

IX. If any Person, after the Time mentioned in any Order in Council under this Act for the Discontinuance of Burials, shall knowingly and wilfully bury any Body, or in anywise act or assist in the Burial of any Body, in or under any Church, Chapel, Churchyard, Burial Ground, or Place of Burial, or elsewhere, as the Case may be, within the Limits in which Burials have by such Order been ordered to be discontinued, in violation of the Provisions of any such Order, every Person so offending shall, upon summary Conviction thereof, forfeit a Sum not exceeding Ten Pounds.

Saving of certain Rights to bury in Vaults.

X. Provided always, That, notwithstanding any such Order in Council, where, by virtue of any Faculty legally granted, or by Usage or otherwise, there is at the Time of the passing of this Act any Usage or Right of Interment in or under any Church or Chapel affected by such Order, or in any Vault of any such Church or Chapel, or of any Churchyard or Burial Ground affected by such Order, and where any exclusive Right of Interment in any such Burial Ground has been purchased or acquired before the passing of this Act, it shall be lawful for the Lord Lieutenant, from Time to Time, on Application being made to him, and on being satisfied that the Exercise of such Right shall not be injurious to Health, to grant a Licence for the Exercise of such Right during such Time and subject to such Conditions and Restrictions as the Lord Lieutenant may think fit; but such Licence shall not prejudice or in anywise affect the Authority of the Ordinary, or of any other Person who if this Act had not been passed might have prohibited or controlled Interment under such Right, nor dispense with any Consent which would have been required under such Right, nor otherwise give to such Right any greater Force or Effect than the same would have had if this Act had not been passed.

New Burial Grounds not to be opened contrary to Order in Council.

XI. Where by any such Order in Council it is ordered that no new Burial Ground shall be opened in any City or Town or within any Limits in such Order mentioned, without the previous Approval of the Lord Lieutenant, no new Burial Ground or Cemetery (parochial or non-parochial) shall be provided and used in such City or Town or within such Limits without such previous Approval.

No Corpse to be buried in private Grave without Consent.

XII. Where by Usage or otherwise any Grave, Vault, or Place of Interment in any Burial Ground or Cemetery has been the burying Place of and used as such by any Family, no Corpse of any Person not having been a Member of such Family shall be buried in such Grave, Vault, or Place of Interment without the Consent in Writing of some immediate Relative of the Member of such Family last interred therein; and if any Person shall knowingly act or assist in any Burial contrary to the Provisions of this Clause, every such Person shall be liable, on summary Conviction before any Two Justices of the Peace at Petty Sessions, to a Penalty not exceeding Ten Pounds; and upon any Complaint made under this Clause it shall be lawful for the Justices at Petty Sessions to make such Order for the Exhumation and Re-interment of such Corpse so buried as to such Justices shall seem fit.

No Animal to be allowed to graze in Burial Places.

XIII. No Animal of any Description shall be allowed to graze or to be within the Limits of any Burial Ground having a sufficient Fence; and it shall be lawful to any Two Justices of the Peace at Petty Sessions to order the Owners of any Animal or Animals so found within such Burial Ground to pay as a Fine a Sum not exceeding Two Shillings and not less than One Shilling for each Animal so found as aforesaid, and to levy and dispose of said Fine in the same Manner as Fines for Trespass of Cattle are now levied and disposed of under the Provisions of the Law at present in force in *Ireland*.

Upon Requisition of Ratepayers or

XIV. Although no Burial Ground has been closed by Order in Council, the Clerk of the Union in which any City, Town, or Place is situate, not being within the Limits of a Borough,

Borough, and the Town Clerk of any Borough, shall, upon the Requisition in Writing of Ten or more Persons assessed for the Relief of the Poor in such City, Town, or Place, or liable to the Payment of Borough Rate in such Borough respectively, or upon the Requisition in Writing of any Two or more Members of the Burial Board of such Union or Borough respectively, convene a Special Meeting of the Burial Board of such Union or Borough, for determining whether a Burial Ground shall be provided under this Act for such City, Town, or Place, or for such Borough respectively; and if a Majority of such Meeting shall resolve that a Burial Ground shall be provided under this Act for such City, Town, or Place, or Borough respectively, such new Burial Ground shall be provided, in the same Manner as if an old Burial Ground had been closed by Order in Council.

Members of Burial Board, Meeting of Board to be convened to determine whether Burial Ground shall be provided.

XV. Whenever any Burial Ground shall have been closed in any City, Town, or Place, or in any Borough respectively, by Order in Council, the Burial Board may, if it shall seem necessary or expedient, forthwith proceed to provide a suitable and convenient Burial Ground for such City, Town, or Place, or Borough respectively, and to make Arrangements for facilitating Interments therein, under the Provisions of this Act.

When Burial Grounds are closed by Order in Council, Board to provide suitable Burial Grounds, &c.

XVI. Any Burial Ground may be provided under this Act, either within or without the Limits of the City or Town or Borough for which the same is provided, and in case any Burial Ground to be so provided for any City, Town, or Borough shall be situate without the Limits of such City, Town, or Borough, the same shall, for the Purposes of this Act, be considered as if the same was within such Limits; but no Ground not already used as or appropriated for a Cemetery shall be appropriated as a Burial Ground, or as an Addition to a Burial Ground, under this Act, nearer than One hundred Yards to any Dwelling House, without the Consent in Writing of the Owner, Lessee, and Occupier of such Dwelling House.

Consent of Owners of Houses to new Burial Grounds, where necessary.

XVII. For the providing such Burial Ground, it shall be lawful for the Burial Board to contract for and purchase or take any Lands, and Buildings thereon, for the Purpose of forming a Burial Ground, or for making Additions to any Burial Ground to be formed or purchased under this Act, as such Board may think fit, or to purchase from any Company or Persons entitled thereto any Cemetery or Cemeteries or Part or Parts thereof, subject to the Rights in Vaults and Graves and other subsisting Rights which may have been previously granted therein: Provided always, that it shall be lawful for such Board, in lieu of providing any such Burial Ground, to contract with any such Company or Persons entitled as aforesaid for the Interment in such Cemetery or Cemeteries, and either in any allotted Part of such Cemetery or Cemeteries or otherwise, and upon such Terms as the Burial Board may think fit, of the Bodies of Persons who would have had Rights of Interment in the Burial Grounds of such Parish or Place.

Board may purchase Land for Cemeteries, or contract with Cemetery Companies.

XVIII. The Lands Clauses Consolidation Act, 1845, except the Provisions of that Act "with respect to the Provisions to be made for affording Access to the Special Act by all "Parties interested," and "with respect to the Purchase and taking of Lands otherwise "than by Agreement," shall be incorporated with this Act; and for the Purposes of this Act the Expression "the Promoters of the Undertaking," wherever used in the said Act, shall mean any Burial Board under this Act: Provided always, that the Provisions in the said Act "with respect to Lands acquired by the Promoters of the Undertaking under the "Provisions of this or the Special Act, or any Act incorporated therewith, but which shall "not be required for the Purposes thereof," shall be held to apply only to such Lands in which no Burial shall have taken place, and such Provisions shall not be restricted in Operation to any fixed Period after the Purchase of such Lands.

Certain Provisions of 8 & 9 Vict. c. 18. incorporated with this Act.

XIX. Where any Burial Ground shall be closed under the Provisions of this Act, and a new Burial Ground provided in place thereof, the whole Burthen upon and Liabilities attaching to the Burial Ground so closed shall be transferred to and become Burthens upon the Burial Ground provided in place thereof, and the Revenues of the new Burial Ground shall be liable for the same in like Manner as the Revenues of the Burial Ground so closed were liable.

Liabilities of old Burial Grounds transferred to new Burial Grounds.

Management to be vested in Burial Boards.

XX. The general Management, Regulation, and Control of the Burial Grounds provided under this Act shall, subject to the Provisions of this Act and the Regulations to be made thereunder, be vested in and exercised by the respective Burial Boards providing the same: Provided always, that any Question which shall arise touching the Fitness of any Monumental Inscription placed or proposed to be placed in any Part or Portion of such Grounds shall be determined by the proper Ministers of the Religious Denomination to which such Part or Portion shall have been allotted: Provided also, that at the Burials of the Bodies of Members of the United Church of *England* and *Ireland*, or of the Roman Catholic Church, or of any other Religious Denomination, Burial Service according to the respective Rites of such Church or Denomination may be performed or celebrated by the proper Ministers of such Church or Denomination.

Boards may sell exclusive Rights of Burial, and Rights to erect Monuments, &c.

XXI. Any Burial Board, under such Restrictions and Conditions as they think proper, may sell the exclusive Right of Burial, either in perpetuity or for a limited Period, in such Parts of any Burial Ground provided by such Board as may be appropriated to that Purpose, and also the Right of constructing any Chapel, Vault, or Place of Burial, with the exclusive Right of Burial therein, in perpetuity or for a limited Period, and also the Right of erecting and placing any Monument, Gravestone, Tablet, or Monumental Inscription in such Burial Ground, subject to the Provisions herein-before contained: Provided always, that such exclusive Rights shall not extend in all to a Space of One Half of such Burial Ground.

Boards may make Arrangements for facilitating the Conveyance of Bodies to Burial Grounds.

XXII. Any Burial Board may make such Arrangements as they may from Time to Time think fit for regulating and facilitating the Conveyance of the Bodies of the Dead from the Place of Death to any Burial Ground which shall be provided under this Act, subject to the Provisions of this Act and the Regulations to be made thereunder; and it shall be lawful for any of the aforesaid Cemetery Companies from whom the Burial Board shall have made any such Purchase, or with whom the Burial Board shall have made any such Contract as herein-before provided, to undertake any such Arrangement, and to carry the same into effect, subject to the Provisions and Regulations aforesaid.

Places may be provided for Reception of Bodies until Interment.

XXIII. It shall be lawful for any Burial Board, subject to the Provisions of this Act and the Regulations to be made thereunder, to hire, take, or lease, or otherwise to provide, fit and proper Places in which Bodies may be received and taken care of previously to Interment, and to make Arrangements for the Reception and Care of the Bodies to be deposited therein; and for providing such Places such Boards may exercise all the Powers vested in them under this Act for providing Burial Grounds.

Lord Lieutenant in Council may make Regulations as to Burial Grounds, &c.

XXIV. It shall be lawful for the Lord Lieutenant in Council from Time to Time to make such Rules and Regulations in relation to the Burial Grounds and Places of Reception of Bodies previous to Interment which may be provided under this Act as may seem proper for the Protection of the Public Health and the Maintenance of Public Decency, and for the proper Registry of Interments, and to provide for the Imposition and Recovery of Penalties not exceeding Ten Pounds for each Offence for the Breach or Nonobservance of such Regulations; and the Burial Boards, and all other Persons having the Care of such Burial Grounds and Places for the Reception of Bodies, shall conform to and obey such Regulations.

Exemption of Burials from Toll.

XXV. No Funeral Procession, or Carriage in such Procession, and no Foot Passenger, shall, while going to or returning from the Place of Interment on the Occasion of any Interment, be liable to any Toll or Pontage.

Board may lay out and embellish Burial Ground.

XXVI. It shall be lawful for any Burial Board to enclose, lay out, and embellish any Burial Ground provided by such Board, in such Manner as may be fitting or proper: Provided always, that in all Cases in which a Burial Board shall provide a new Burial Ground under this Act, it shall be lawful for such Burial Board, with the Sanction of the Lord Lieutenant, to divide such new Burial Ground or some Part thereof into certain Parts and Proportions, to be allotted in such Manner as to the Lord Lieutenant shall seem fit, for the Burial of the Members of any particular Religious Denomination; and each such Allotment shall,

shall, as the Case may require, be consecrated according to the Rites and by the proper Ministers of the respective Religious Denominations for which each such Allotment is so set apart.

Board to fix Payments for Interments in Burial Grounds.

XXVII. Every Burial Board under this Act shall, subject to the Approval of the Lord Lieutenant, fix and receive such Fees and Payments in respect of Interments in any Burial Ground provided by such Board as they shall think fit, and from Time to Time revise and alter such Fees and Payments; and a Table showing such Fees and Payments shall be printed and published, and shall be affixed and at all Times continued on some conspicuous Part of such Burial Ground.

Minutes of Proceedings of Board to be entered in a Book.

Board to keep Accounts, which shall be open to Inspection.

XXVIII. Minutes of all Proceedings of the Burial Board under this Act, with the Names of the Members who attend each Meeting, shall be kept; and the Burial Board shall provide and keep Books in which shall be entered true and regular Accounts of all Sums of Money received and paid for or on account of the Purposes of this Act, and of all Liabilities incurred by them for such Purposes, and of the several Purposes for which such Sums of Money are paid and such Liabilities incurred; and all such Books shall at all reasonable Times be open to the Examination of every Member of the Burial Board and Ratepayer, without Fee, and they may take Copies of or Extracts from such Books or any Part thereof, without paying for the same.

Board may appoint and remove Officers, &c.

XXIX. The Burial Board may appoint and may remove at Pleasure a Clerk and such other Officers and Servants as shall be necessary for the Business of the Board in respect of or for the Purposes of their Burial Ground, and may appoint reasonable Salaries, Wages, and Allowances for such Clerk, Officers, and Servants, and, when necessary, may hire a sufficient Office for transacting the Business of such Burial Board; and the Provisions and Clauses of "The Commissioners Clauses Act 1847," with respect to the "Appointment and Accountability of the Officers of the Commissioners," shall, so far as the same are not varied by or inconsistent with the Provisions of this Act, be incorporated therewith; and the Commissioners in the said Act shall signify the "Burial Board" under this Act.

Register of Burials to be kept in every Ground provided under this Act.

XXX. All Burials within any Burial Ground provided under this Act shall be registered in a Register Book to be provided by the Burial Board providing such Ground, and kept for that Purpose; and such Register Book shall be so kept by some Officer appointed by the said Board to do that Duty; and in such Register Book shall be distinguished in what Parts of the Burial Ground the several Bodies (the Burials of which are entered in such Register Book) are buried; and such Register Book, or Copies or Extracts thereof, or purporting to be Copies or Extracts thereof, shall be received in all Courts as Evidence of the Burials entered therein.

Public Works Loan Commissioners may advance Money for the Purposes of this Act.

XXXI. The Commissioners for carrying into execution an Act of the Fourteenth and Fifteenth Year of Her present Majesty, Chapter Twenty-three, intituled *An Act to authorize for a further Period the Advance of Money out of the Consolidated Fund to a limited Amount for carrying on Public Works and Fisheries and Employment of the Poor*, and any Act or Acts amending the same, may from Time to Time, if they shall so think fit, make to the Burial Board of any Borough or Place for the Purposes of this Act any Loan, under the Provisions of the recited Act or the several Acts therein recited or referred to, upon Security of the Assessments for the Relief of the Poor of the Union, or the Borough Fund, or Rates in this Act mentioned.

Expenses of Act to be defrayed by a separate Rate.

XXXII. For the Purpose of defraying the Expenses incurred in the Execution of this Act, or paying any Money borrowed for such Purpose, or any Interest thereon, the Guardians of every Union who shall be appointed the Burial Board of such Union or any Part thereof, under the Provisions of this Act, shall from Time to Time make and levy such Rates as may be necessary on every Occupier of rateable Hereditaments in or arising within such Union or any Part thereof, not being within the Boundaries or Limits of any Borough as defined by this Act; and all Rates so made under this Act by the Guardians of such Union shall be applotted, assessed, and levied on such Union, or on such Electoral Division situate

situate in such Union, and wholly or partly on the Parishes for which any new Burial Ground shall have been provided under this Act, as the Poor Law Commissioners for *Ireland* shall by any Order in that Behalf direct, and shall be applotted, assessed, and levied as if the Sums so payable were Sums to be applotted, assessed, and levied for the Purpose of carrying into execution the Laws for the Relief of the destitute Poor in *Ireland;* and all Monies borrowed by the Guardians of such Unions for the Purposes of this Act, or any Interest thereon, shall be secured upon the Rates authorized to be made by the Guardians of such Union by this Act; and any Money required to be raised in any Borough or Town in which a Board of Municipal Commissioners shall have been elected, as hereinbefore mentioned, for defraying such Expense, or paying any Money borrowed under this Act by the Council of such Borough, or the Municipal Commissioners or Town Commissioners of such Town, or any Interest thereon, by means of a Rate levied in such Borough or Town, shall be raised by a separate Rate to be levied within such Borough or Town; and the Council of such Borough and the Municipal Commissioners of such Town shall have all such Powers for making and levying such Rate respectively, and all Provisions shall be applicable in respect thereof, as in the Case of any Borough Rate or Improvement Rate authorized to be made therein under the Provisions of the respective Acts of Parliament under which the Council of such Borough or the Municipal Commissioners of such Town are constituted: Provided always, that such Rates shall be levied wholly or partly in the Parishes within such Borough or Town for which any new Burial Ground shall have been provided under this Act, as the Lord Lieutenant in Council shall by any Order in that Behalf direct; and provided also, that when the Amount of the Rates to be assessed by the Council of such Borough or the Municipal Commissioners or Town Commissioners of such Town are limited by Law to a certain rateable Amount, such Limitation shall not apply or extend to Expenses incurred for carrying this Act into execution; and it shall be lawful for the Council of such Borough or the Municipal Commissioners or Town Commissioners of such Town to charge the Expenses under this Act in addition to the other Borough or Town Rates respectively; and all Monies borowed by the said Council or the said Commissioners under this Act, or any Interest thereon, shall be charged upon the Rates authorized to be levied by the said Council or Commissioners respectively by this Act.

Guardians or Council may appropriate Lands for Purposes of Act.

XXXIII. It shall be lawful for the Guardians of any Union or the Council of any Borough to appropriate for the Purposes of this Act any Land belonging to the Board of Guardians of such Union or to the Body Corporate of such Borough respectively, or vested in any Feoffees, Trustees, or others for the General Benefit of the Union or Borough respectively, or any specific Charity: Provided always, that when any Land so appropriated shall be subject to any Charitable Use such Land shall be taken on such Conditions only as the Court of Chancery, in the Exercise of its Jurisdiction over Charitable Trusts, shall appoint and direct.

Burial Ground already provided by the County and City of Waterford to vest in Poor Law Guardians of Waterford Union.

XXXIV. 'Whereas the Grand Juries of the County and City of *Waterford*, acting 'under the Act of the Fortieth Year of King *George* the Third, Chapter Ninety-three, 'purchased a Piece of Ground situate in the Townland of *Ballynasheagh* in the Barony 'of *Gaultier* in the County of *Waterford*, for the Purpose of a Cemetery, in lieu of the 'ancient Burial Places of the Six several Parishes of *Trinity Within*, *Saint Michael*, '*Saint Stephen Within*, *Saint Olave*, *Saint John Within*, and *Saint Patrick*, in the Borough 'of *Waterford*, and of the Three Parishes of *Trinity Without*, *Saint John Without*, 'and *Saint Stephen Without*, partly in the Borough and partly in the County of *Waterford*, 'and of the Two Parishes of *Kilbarry* and *Kil Saint Laurence* in the County of '*Waterford:* And whereas the said Eleven Parishes are all situate within the Poor 'Law Union of *Waterford*, and it is advisable that the said Piece of Ground should 'be used as a Burial Ground for all the said Parishes as if all the said Parishes 'were situate without the Limits of the said Borough of *Waterford*, and as if the said 'Piece of Ground had been provided as the Burial Ground under this Act for the 'said several Parishes:' Be it enacted, That from and after the passing of this Act the said Piece of Ground shall, without further Conveyance, be vested in the Guardians of the Poor of the *Waterford* Union as the Burial Board, and for the Use of all the District at present comprised in the said Eleven Parishes, subject to all the Powers and

and Regulations in this Act contained relative to Burial Grounds, and as if the same had been purchased and acquired under this Act; and unless the said Piece of Ground shall be discontinued as a Burial Ground by the Lord Lieutenant and Council under the Provisions of the Fifth Section of this Act, all the said Parishes and Portions of Parishes situate in the Borough of *Waterford* shall, for the Purposes of this Act, be considered as if the same were without the Limits of the said Borough of *Waterford*.

Certain Provisions of 10 & 11 Vict. c. 65. incorporated with this Act.

XXXV. The Provisions of "The Cemeteries Clauses Act, 1847," with respect to the Protection of the Cemetery, shall be incorporated with this Act, and be applicable to any Burial Ground provided under this Act; and the Words "The Company" in "The Cemeteries Clauses Act, 1847," shall signify the "Burial Board" under this Act: Provided always, that every Penalty imposed under and by virtue of this Act shall be enforced, recovered, and appropriated under the Provisions of the "Petty Sessions (*Ireland*) Act, 1851," except when the Act or Offence in respect of which such Penalty shall have been incurred shall have been committed within the Jurisdiction of the Justices of the Police District of *Dublin* Metropolis, in which Case such Penalty shall be enforced and recovered under the Provisions of the Acts relating to such Police Districts.

Burial Boards may borrow Money for laying out Burial Ground, &c., and charge same on Rates to be levied under this Act.

XXXVI. Every Burial Board under this Act may, with the Consent of the Lord Lieutenant, borrow any Sum of Money not exceeding such Sum as the Lord Lieutenant may sanction and appoint, required for providing, laying out, and embellishing any Burial Ground under this Act, or any such Purposes, and may charge the future Assessments or Rates respectively under this Act with the Payment of such Money, and Interest thereon not exceeding Six *per Cent.*; provided that there shall be paid in every Year, in addition to the Interest of the Money borrowed and unpaid, not less than One Twentieth of the Principal Sum borrowed, until the whole is discharged.

Money may be borrowed to pay off Securities.

XXXVII. Any Burial Board acting under this Act, may, if they think fit, borrow Money in order to pay off and discharge any Security or Securities, and secure the Repayment of the Money so borrowed, and the Interest to be paid thereon, in like Manner as other Monies authorized to be borrowed by such Burial Board under this Act.

Assessment to local Rates not to be increased after Purchase for the Purposes of this or any former Act.

XXXVIII. No Land already or hereafter to be purchased or acquired under the Provisions of this Act, for the Purpose of a Burial Ground (with or without any Building erected or to be erected thereon), shall, while used for such Purposes, be assessed to any County, Parochial, or other local Rates at a higher Value or more improved Rent than the Value or Rent at which the same was assessed at the Time of such Purchase or Acquisition.

Burial Board may let Land not required for Burials.

XXXIX. It shall be lawful for any Burial Board, with the Sanction of the Lord Lieutenant, and subject to Regulations approved of by him, to let any Land purchased by and vested in them under this Act, and which has not been consecrated, and in which no Body has been at any Time interred, and which is not for the Time being required for the Purposes of a Burial Ground, in such Manner and on such Terms as such Board may see fit, but, so, nevertheless, that Power shall be reserved to such Board to resume any such Land which may be required for the Purposes aforesaid, upon giving Six Months Notice.

Burial Board to keep in order closed Burial Grounds, &c.

XL. In every Case in which any Order in Council has been or shall hereafter be issued for the Discontinuance of Burials in any Churchyard or Burial Ground, the Burial Board shall maintain such Churchyard or Burial Ground in decent Order, and also do the necessary Repair of the Walls and other Fences thereof; and the Costs and Expenses shall be repaid out of the Rates by this Act authorized, unless there shall be some other Fund legally chargeable with Costs and Expenses.

Certain Plot of Ground to be deemed to be within the Limits of the Borough of Limerick.

XLI. 'And whereas the Mayor, Aldermen, and Burgesses of the Borough of *Limerick* 'have, with the Consent and Approbation of the Commissioners of Her Majesty's Treasury, 'executed a Lease of a certain Plot of Ground situate at *Gortuemanagh* in the Barony of '*Clanwillians* and County of *Limerick* (which Plot of Ground is Part of the Property of the 'said Corporation of *Limerick*, but is not situate within the Limits or Boundaries of the 'Borough of *Limerick*,) unto certain Parties for the Term of Two thousand Years, at a 'certain yearly Rent, for the Purpose of the same being used as a Cemetery or Burial Ground:

'Ground:' Be it further enacted, That for the Purposes of this Act the said Plot of Ground shall be deemed and taken to be within the Limits or Boundaries of the said Borough of *Limerick*.

ot to apply to private Mausoleums.

XLII. The Provisions of this Act shall not apply to any private and exclusive Family Mausoleum or Burial Place not being within the Limits of any public Burial Ground.

Extent of Act.

XLIII. This Act shall extend to *Ireland* only.

CAP. XCIX.

An Act to amend the Acts relating to Lunatic Asylums in *Ireland*, so far as relates to Superannuations. [29th *July* 1856.]

'WHEREAS an Act was passed in the Session of Parliament holden in the First and Second Years of His Majesty King *George* the Fourth, intituled *An Act to make more effectual Provision for the Establishment of Asylums for the Lunatic Poor and for the Custody of Insane Persons charged with Offences in* Ireland; and the said Act was amended by the following Acts; that is to say, an Act of the Session holden in the Sixth Year of His Majesty King *George* the Fourth, Chapter Fifty-four; an Act of the Session holden in the Seventh Year of His Majesty King *George* the Fourth, Chapter Fourteen; an Act of the Session holden in the Eleventh Year of His Majesty King *George* the Fourth, Chapter Twenty-Two; an Act of the Session holden in the Eighth and Ninth Years of Her Majesty, Chapter One hundred and seven; an Act of the Session holden in the Ninth and Tenth Years of Her Majesty, Chapter One hundred and fifteen; and an Act of the Session holden in the Eighteenth and Nineteenth Years of Her Majesty, Chapter One hundred and nine; and it is expedient to amend the said Act so far as to enable the Governors of Asylums to grant Superannuations in certain Cases:' 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:

1 & 2 G. 4. c. 33.
6 G. 4. c. 54.
7 G. 4. c. 14.
11 G. 4. & 1 W. 4. c. 22.
8 & 9 Vict. c. 107.
9 & 10 Vict. c. 115.
18 & 19 Vict. c. 109.

Short Title.

I. In citing this Act for any Purpose whatever it shall be sufficient to use the Expression "The Lunatic Asylums, Superannuations, *Ireland*, Act, 1856."

Interpretation of Terms.

II. In the Interpretation of this Act, save where there is anything in the Subject or Context repugnant to such Construction, the Word "Asylums" shall mean "Asylums for the Lunatic Poor" established under the said recited Acts; and the Word "Officer" shall mean and include Managers, Chaplains, Physicians, Surgeons, Apothecaries, Matrons, Attendants, and Servants.

Superannuation of Officers.

III. It shall be lawful for the Governors of Asylums, with the Approval of the Inspectors of Lunatics, or One of them, to direct that any Officer who is incapable, from Age, Infirmity of Mind or Body, or otherwise, to discharge the Duties of his Office, shall be superannuated, and shall receive such yearly Superannuation Pension as upon Consideration of all the Circumstances of each Case shall appear to be just, not exceeding the Proportions, with reference to the Amount of the Salary of such Officer and the Period of his Service, which by an Act passed in the Fourth and Fifth Years of the Reign of His Majesty King *William* the Fourth, intituled *An Act to alter, amend, and consolidate the Laws for regulating the Pensions, Compensations, and Allowances to be made to Persons in respect of their having held Civil Offices in His Majesty's Service*, or by any Act amending the same, are directed to be observed.

4 & 5 W. 4. c. 24.

Superannuation Pensions, how to be raised, &c.

IV. The several Superannuation Pensions hereafter to become payable shall respectively be advanced, paid, presented for, and raised in like Manner as any other Monies advanced or raised for supporting and maintaining such Asylums respectively under the said recited Acts or any of them.

Construction of Acts.

V. This Act and the said recited Acts shall be construed together as if One Act.