

ANNO TRICESIMO & TRICESIMO PRIMO

VICTORIÆ REGINÆ.

****

CAP. XXXVIII.

An Act for the Preservation of *Bunhill Fields* Burial Ground in the County of *Middlesex* as an open Space; and for other Purposes relating thereto. [15th *July* 1867.]

WHEREAS the Piece or Parcel of Land or Ground and Hereditaments, commonly called *Bunhill Fields* Burial Ground, situate in *Bunhill Fields* in the Parish of *Saint Luke*'s in the County of *Middlesex*, more particularly described in the Schedule hereto, and herein-after referred to as "the said Burial Ground," is situate within and Parcel of the Manor of *Halliwell* and *Finsbury*, with the Rights, Members, and Appurtenances thereof, heretofore belonging to the Prebend of *Halliwell* and *Finsbury* within the Cathedral Church of *St. Paul, London*, or otherwise formed Part of the Lands and Hereditaments of the said Prebend, and the same, together with the other Lands and Hereditaments of the said Prebend, under or by virtue of the Acts of Parliament constituting or relating to the Ecclesiastical Commissioners for *England*, or some or One of them, and by reason of the Decease in or about the Year One thousand eight hundred and fifty-six of the last Prebendary of the said Prebend of *Halliwell* and *Finsbury*, is now absolutely vested in the

 said

said Ecclesiastical Commissioners for *England* for an Estate of Freehold and Inheritance in Fee Simple expectant on the Determination of the Term of Ninety-nine Years granted by the Indenture of Lease of the Thirtieth Day of *May* One thousand seven hundred and sixty-nine, herein-after more particularly recited or referred to:

And whereas the said Manor of *Halliwell* and *Finsbury*, with other Lands and Hereditaments of the said Prebend, including the said Burial Ground, has been for many hundred Years now last past in the actual Possession and Occupation of the Mayor, Commonalty, and Citizens of the City of *London* or their Under-tenants, under successive Leases thereof from Time to Time granted by the Prebendary for the Time being of the said Prebend of *Halliwell* and *Finsbury*, and the same Burial Ground is now in the actual Possession or Occupation of the said Mayor, Commonalty, and Citizens for the unexpired Residue of the Term of Ninety-nine Years computed from the Feast of the Birth of our Lord *Christ* One thousand seven hundred and sixty-eight, by an Indenture of Lease bearing Date the Thirtieth Day of *May* One thousand seven hundred and sixty-nine, made between the Reverend *Christopher Wilson*, Doctor in Divinity, the then Prebendary of the said Prebend of *Halliwell* and *Finsbury* of the one Part, and the said Mayor, Commonalty, and Citizens of the said City of *London* of the other Part, and granted in pursuance of an Act of Parliament passed in the Eighth and Ninth Years of the Reign of His late Majesty King *George* the Third, intituled *An Act to enable the Reverend* Christopher Wilson, *Doctor in Divinity, Prebendary of the Cathedral Church of* St. Paul, London, *to make and grant unto the Mayor and Commonalty and Citizens of the City of* London *a Lease of the Prebendal Estate of* Halliwell *and* Finsbury *in the Suburbs of the said City for a Term of Ninety-nine Years:*

And whereas the said Burial Ground has been for the Period of upwards of Two hundred Years now last past, with the Knowledge and express or implied Sanction of the successive Prebendaries of the said Prebend, appropriated by the said Mayor, Commonalty, and Citizens as a Churchyard or Burial Ground or Place of public Interment, and many Funerals have been publicly performed there since the Year One thousand six hundred and sixty-five by Clerks in Holy Orders, according to the Rites and Usages of the Church of *England* by Law established, with the Knowledge and Assent of the Prebendaries of the said Prebend and of the Bishops of *London* for the Time being:

And whereas it is expedient that Provision should be made, in manner herein-after appearing, for effectually protecting the said Burial Ground from Desecration, and for the perpetual Preservation thereof from Damage or Injury as an open Space, free to the Public under

under the Care and Regulation herein-after specified, and the said Mayor, Commonalty, and Citizens are willing to continue such Care and Regulation at their own Costs and Charges until the Ecclesiastical Commissioners for *England* shall take the same upon themselves in manner herein-after mentioned, but the aforesaid Purpose cannot be effectually accomplished without the Aid and Authority of Parliament:

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; that is to say:

Interpretation of Words:

"the Burial Ground:"

"the Fences, Walks, Graves, Tombstones, and Premises:"

"the Corporation:"

"the Ecclesiastical Commissioners."

1. Unless there be something in the Subject or Context requiring a different Construction the following Words and Expressions shall be interpreted as follows; viz.: "the Burial Ground" shall mean the Piece or Parcel of Land or Ground more particularly described or referred to in the Schedule hereto; the Expression "the Fences, Walks, Graves, Tombstones, and Premises" shall include as well the House of the Keeper of the Ground and the Appurtenances as also all and singular the Walls, Rails, Fences, paved and Gravel Walks, Gardens, Trees, Shrubs, Plants, and all the Graves, Vaults, Tombs, Tombstones, Monuments, Gravestones, Inscriptions, and all other Matters and Things whatsoever for the Time being in, upon, or about, or in anywise belonging or appertaining to the said Burial Ground; the Expression "the Corporation" shall signify the said Mayor, Commonalty, and Citizens of the said City of *London*, and their Successors for the Time being; and the Expression "the Ecclesiastical Commissioners" shall signify the Ecclesiastical Commissioners for *England* and their Successors for the Time being.

The Burial Ground to be preserved as an open Space.

2. The Burial Ground shall, from Time to Time and at all Times from and after the Determination of the said recited Lease of the Thirtieth Day of *May* One thousand seven hundred and sixty-nine, be held, used, and enjoyed as an open Space accessible to the Public at such Times and under such Regulations in all respects, and shall be inclosed with such Wall or Fence, and be laid out with such ornamental and other Walks, and otherwise in such Manner as the Corporation shall from Time to Time think proper and expedient, subject and without Prejudice to the Provisions herein-after contained; and no House or other Building, whether for the Purposes of Residence or of Trade, or for any other Purpose, shall from henceforth and for ever hereafter be built or erected upon the Burial Ground or any Part thereof other than and except such House

House (if any) as may from Time to Time be provided by the Corporation for the Residence of a Keeper or Custodian of the Burial Ground and his Family, and such Walks, or Fences, or other Erections as the Corporation shall from Time to Time think proper, with a view to the Protection and Preservation of the Burial Ground under the Provisions of this Act.

Corporation to maintain such Ground in good Order.

3. The Corporation shall from Time to Time, at their own Costs and Charges, repair, maintain, and keep in repair and in a good and decent State of Preservation, all and singular the Fences, Walks, Graves, Tombstones, and Premises for the Time being in or about the Burial Ground, and shall from Time to Time, so far and to such an Extent as to the Corporation may seem necessary or proper, renew and replace such of them as shall be worn out or decayed, and shall also cover with Turf or Gravel, or lay out in ornamental Beds or Gardens, or plant with Trees or Shrubs, such Portions of the Burial Ground as shall not be for the Time being used or occupied either as Walks or as the Site of Graves, Vaults, or Tombs, and shall from Time to Time permit and suffer all Persons desiring the same to have Access to the Burial Ground or any Part thereof at all reasonable Times, without Fee or Reward, under such Regulations as the Corporation shall think fit.

Power to Corporation to bring Actions in respect of Injury to Burial Ground.

4. The Corporation 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, 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 Ground, or any Part or Parts thereof, or the Fences, Walks, Graves, Tombstones, and Premises 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 Corporation to the Possession of the Burial Ground and the Fences, Walks, Graves, Tombstones, and Premises in or about the same.

Power to Ecclesiastical Commissioners to assume Management of Burial Ground.

5. Provided always, That in case the Ecclesiastical Commissioners shall at any Time hereafter desire to take upon themselves the Charge, Management, and keeping up of the Burial Ground and the Fences, Walks, Graves, Tombstones, and Premises, and of such their Desire shall give a written Notification, under their Common Seal, to the Town Clerk for the Time being of the said City of *London*, then and in such Case, from and after the Expiration of Six Calendar Months after the Delivery of such Notice, the Clauses herein-before contained shall be thenceforth read and construed as

if

if the Words "the Ecclesiastical Commissioners" were throughout the same Clauses substituted for the Words "the Corporation," and the Corporation shall thenceforth be wholly relieved and discharged from the Care, Preservation, and Regulation of the Burial Ground, and from all Obligation and Responsibility in relation thereto.

Saving the Rights of the Crown.

6. Saving always to the Queen's most Excellent Majesty, Her Heirs and Successors, and to all and every other Person and Persons, Bodies Politic and Corporate, his, her, and their Successors, Executors, and Administrators, (other than and except the said Mayor, Commonalty, and Citizens of the said City of *London*, and the Ecclesiastical Commissioners for *England* and their respective Successors,) all such Estate, Right, Title, Interest, Benefit, Profit, Claim, and Demand whatsoever of, in, to, or out of the Burial Ground, and the Fences, Walks, Graves, Tombstones, and Premises respectively, as they, every, or any of them had before the passing of this Act, or could or might have had, held, and enjoyed in case this Act had not been made.

Saving the Rights of the Ecclesiastical Commissioners.

7. Provided always, That nothing herein contained shall affect any Right, Claim, or Interest of the Ecclesiastical Commissioners for *England* upon or against the said Mayor, Commonalty, and Citizens for or on account of any Portion or Portions of the Rents or other Payments either already or to be hereafter received by the said Mayor, Commonalty, and Citizens in their Character of Lessees under the said Lease of the Thirtieth Day of *May* One thousand seven hundred and sixty-nine for or in respect of the said Burial Ground or any of the Graves, Tombs, or Vaults in or about the same.

The SCHEDULE.

All that Piece or Parcel of Land or Ground and Hereditaments commonly called Bunhill Fields Burial Ground, situate in Bunhill Fields in the Parish of Saint Luke in the County of Middlesex, abutting on the West on the Backs of Houses in Bunhill Row, on the South partly on the Ground of the Honorable Artillery Company and partly on the City of London Militia Barracks, on the East partly on a Road called City Road and partly on the Backs of Houses in the said Road, and on the North partly on the Sides of Houses in the City Road and partly on the Backs of Houses in Featherstone Street, and containing the several Dimensions following; that is to say, on the West Side thereof from North to South 415 Feet or thereabouts; on the South Side thereof, from West to East, 520 Feet or thereabouts; on the East Side thereof as the same abuts on City Road aforesaid 240 Feet or thereabouts; then running Westward as the same abuts on the Sides of Houses in City Road 145 Feet or thereabouts; then running Northwards as the same abuts on the Backs of Houses in City Road 170 Feet or thereabouts; and then running Westward as the same abuts on the Backs of Houses in Featherstone Street aforesaid 395 Feet or thereabouts.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1867.