

R E P O R T

FROM THE

SELECT COMMITTEE

ON

BURIAL GROUNDS;

WITH THE

PROCEEDINGS OF THE COMMITTEE.

*Ordered, by The House of Commons, to be Printed,
27 July 1898.*

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PRINTED FOR HER MAJESTY'S STATIONERY OFFICE,
BY WYMAN AND SONS, LIMITED, FETTER LANE, E.C.

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1897.

BURIAL GROUNDS.

Ordered.—[Monday, 14th March 1898].—THAT a Select Committee be appointed to inquire into the subject of Burial Grounds provided by Local Authorities, under The Public Health (Interments) Act, 1879, and other Acts; to inquire whether any alterations in the existing Law are necessary, especially in regard to the consecration of the ground, the provision of chapels, the allocation of fees, and the appointment of chaplain, and to report thereon.

Committee nominated of—

Mr. Griffith-Boscawen.
Mr. Robert Cameron.
Viscount Cranborne.
Mr. Bromley-Davenport.
Mr. Goddard.
Mr. Gretton.
Mr. Laurence Hardy.
Mr. Jebb.

Mr. William Jones.
Mr. Perks.
Mr. Pym.
Mr. H. C. Richards.
Mr. J. W. Sidebotham.
Mr. Caryell Williams.
Mr. Woodall.

THAT the Committee have power to send for persons, papers, and records.

THAT Five be the Quorum.

Ordered.—[Tuesday, 26th April 1898].—THAT the Evidence taken before the Select Committee on Burial Grounds in Session 1897 be referred to the Select Committee on Burial Grounds.

Ordered.—[Monday, 2nd May 1898]: THAT Mr. Pym be discharged from the Select Committee on Burial Grounds.

THAT Mr. Lucas-Shadwell be added to the Committee.

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REPORT.

THE SELECT COMMITTEE appointed to inquire into the subject of BURIAL GROUNDS provided by Local Authorities under the Public Health (Interments) Act, 1879, and other Acts, to inquire whether any alterations in the existing Law are necessary, especially in regard to the Consecration of the Ground, the provision of Chapels, the allocation of Fees, and the appointment of Chaplain, and to report thereon:—HAVE agreed to the following REPORT:—

YOUR Committee have taken evidence from 28 witnesses, including official representatives of the Local Government Board and the Home Office, ministers of religion, members (present or past) of local authorities, and other persons qualified by their special knowledge and experience to supply valuable information with regard to the actual working of the laws relating to the provision of burial grounds by public authorities.

Your Committee are of opinion that those laws are unduly complex; that some of their provisions are unjust; that the machinery by which they are administered is cumbrous and defective; and that their operation has been, and still is, a frequent cause of controversy, sometimes fraught with deplorable consequences to the peace of the localities concerned. Your Committee have unanimously arrived at the conclusion, based on all the information obtained from the evidence of witnesses or from other sources, that these Acts ought to be consolidated, simplified, and amended.

Before indicating the lines on which, in their opinion, such a reform should proceed, it will be convenient to state in outline the principal provisions of the existing law, so far as they relate to the subject of this inquiry.

THE EXISTING LAW.

For the purpose of providing burial grounds, Local Authorities can proceed either (1) under what are known as the Burial Acts, or (2) under the Public Health (Interments) Act of 1879, commonly known as Marten's Act.

The administration of the Burial Acts is vested in the Home Office; except that, in cases where the parish council is the authority for the execution of the Burial Acts in a rural district, the Local Government Board is concerned with the exercise of borrowing powers by the parish council, and with the acquisition of, or other dealing with, land for burial grounds. The administration of Marten's Act belongs wholly to the province of the Local Government Board.

THE BURIAL ACTS.

Under the Local Government Act of 1894, in every rural district, the parish meeting, exclusively, has the power of adopting the Burial Acts for that parish. When the Acts have been adopted by the parish meeting, the parish council, if any, becomes the authority for the execution of the Acts. In a parish having no parish council, the parish meeting can act as the authority only if specially authorised by the County Council; and, if not so authorised, must appoint a Burial Board under the Acts. In urban districts, a vestry, or meeting of the nature of a vestry, of a parish, whether

whether poor law or ecclesiastical, or of a district for which such meetings have customarily been held, can, with the consent of the Urban District Council, appoint a Burial Board, and provide a burial ground.

Consecration of Ground under the Burial Acts.

The Act of 1853 (16 & 17 Vict., c. 134, s. 7) prescribes that a cemetery established by a burial board shall be divided into consecrated and unconsecrated parts in such proportions as may be sanctioned by one of Her Majesty's Principal Secretaries of State. Instead, however, of thus dividing a single cemetery, a burial board may, under the Act of 1857 (20 & 21 Vict., c. 81, s. 3), provide two separate cemeteries, one consecrated and the other unconsecrated.

Under the Act of 1855 (18 & 19 Vict., c. 128, s. 10), the whole of a cemetery may be consecrated if the vestry unanimously so resolve; provided that, at any time within ten years thereafter, the vestry may determine that an unconsecrated burial ground shall also be provided.

Chapels.

In a ground provided under the Burial Acts, the burial authority may build a chapel for the performance of the burial service according to the rites of the Church of England, the plans of such chapel being subject to the approval of the Bishop. But, if such a chapel be built, the burial authority is bound also to build a chapel on the unconsecrated part of the ground for the use of Nonconformists, the plans of such unconsecrated chapel being subject to the approval of the Secretary of State.

This general rule is, however, subject to two provisos. (a) If the parish council, or, in a parish not having a parish council, the parish meeting, resolve, by a majority of not less than three-fourths of its members, that a chapel on the unconsecrated ground is not required, then, on receiving a representation to that effect, and on being satisfied that every legal notice of the meeting of such authority was duly given, the Secretary of State may relieve the burial authority from the obligation to provide such second chapel. (b) If the burial authority determine that it is unnecessary to build a chapel on the consecrated part of the ground, they may nevertheless build a chapel on the unconsecrated part. In such a case the plans of the chapel do not require the approval of the Secretary of State. And, under Section 12 of the Act of 1880, a clergyman of the Church of England may officiate in such an unconsecrated chapel.

Chaplain.

Under the Burial Acts, the burial authority is not empowered to appoint or pay a chaplain; though by section 39 of the Act of 1852 the incumbents of several parishes for which a single burial ground is provided may, with the sanction of the Bishop, appoint and remunerate out of the fees a chaplain to carry out their duties.

Fees.

By Section 32 of the Act of 1852, the incumbent, clerk, and sexton of a parish are entitled to receive, in respect of interments in the consecrated part of a burial ground provided under the Burial Acts, the same fees which were previously payable for the same services in the parish churchyard. By Section 33 of the Act of 1852, the incumbent is also to receive in respect of every exclusive grant of a vault or place of interment, or the erection of any monument, gravestone, tablet, or monumental inscription, such fees as may be agreed upon between the vestry of the parish and the Bishop of the diocese; or, where there is no such settlement, such fees as he would have had by law or custom in respect of similar privileges granted in the parish churchyard.

Allotments.

Section 7 of the Burial Act of 1853 provides that the unconsecrated part of a new burial ground shall be "allotted in such manner and in such portions as may be sanctioned by one of Her Majesty's Principal Secretaries of State." Under this Section, portions of the unconsecrated ground of cemeteries provided under the Burial Acts have frequently been allotted to a particular religious body.

From

From the year 1854 to 1896 (inclusive), the total number of such allotments sanctioned by the Home Office has been 89, of which by far the greater portion (more than nine-tenths of the whole) have been granted to Roman Catholics, and the remainder, according to a return furnished by the Home Office, to "Quakers," "Dissenters," or "Jews." The application for an allotment must be made by the burial authority to the Home Office on behalf of the religious body which desires it. The form of allotment sanctioned by the Home Office has sometimes stated that the portion of ground is assigned "for the exclusive use" of Roman Catholics; sometimes "for interments according to the rites and ceremonies of the Roman Catholic Church." The Home Office holds that an allotment, by its very nature, confers an exclusive right on the religious body to which it is granted: the members of that religious body are the only persons entitled to burial in it, and the burial service used in it must be such as that religious body approves. This exclusive right in an allotment has however, been disputed, and has been the subject of local controversies. An allotment, once granted by the Home Office, it is stated on the authority of the Law Officers of the Crown, cannot be taken away or varied. The privilege thus conferred on denominations to which allotments have been made consequently exceeds any privilege enjoyed by the Church of England in respect to the consecrated part of a cemetery provided under the Burial Acts; since Nonconformists can be interred in such consecrated part, with their own rites, on notice being given in accordance with the Act of 1880.

Difficulties which have arisen in connection with the Burial Acts.

Burial Boards have in some instances refused to fulfil their statutory obligation of applying to the Bishop to consecrate a part of the burial ground. On such a refusal being brought to the notice of the Home Office, it becomes the duty of the Secretary of State to take such steps as are in his power to secure the observance of the law. In the last resort, the High Court can, on application made on behalf of the Secretary of State, issue a *mandamus* to the Burial Board for the purpose of enforcing consecration. In more than one instance this extreme measure has become necessary. The total number of cases in which Burial Boards have refused to apply for consecration has not been large. But in some of these cases the resistance has been obstinate, and the correspondence with the Home Office has extended over a long period. With regard to the causes of such resistance, there has been a general agreement among the witnesses whose evidence we have taken. To consecration itself, regarded merely as a religious rite, there would be little opposition on the part of Nonconformists. Many of them may regard such a rite with indifference, or even with disapproval, but they would not on that account refuse it to Church-people who wished for it. The objection of Nonconformists is to certain legal consequences which consecration carries with it. If a Nonconformist is buried by a Nonconformist minister in the consecrated part of a cemetery (under the Burial Acts), his friends must pay the fees to the incumbent, although the latter is not present, and renders no service of any kind. Before a Nonconformist burial can take place in the consecrated part, forty-eight hours' notice must be given to the incumbent. These seem to be, in practice, the matters which cause most complaint. Other objections which have been raised are the following;—that the cost of consecration is defrayed by the ratepayers, and that they also pay for the chapel (if any) built on the consecrated side. In general terms, the Nonconformist objection to consecration is that its legal and financial results place the Church of England in a position of privilege as compared with other religious bodies, although the burial ground is acquired at the cost of all the ratepayers alike. On the other hand, it is pointed out that Church-people, as ratepayers, are entitled (even where they may be in a minority) to some portion of consecrated ground, since consecration is, for most Church-people, an indispensable condition of their using the burial ground which they help to purchase.

We now turn from the Burial Acts to consider the other mode of procedure which is open to a Local Authority desirous of providing a new burial ground.

THE PUBLIC HEALTH (INTERMENTS) ACT OF 1879 (MARTEN'S ACT).

This Act (statute of 42 and 43 Vict., c. 31) is commonly known as Marten's Act, from the name of the Member of Parliament for the Borough of Cambridge,

Mr.

See Return from Home Office, Paper in Appendix No. 14.

Mr. Byrne, 623.

Mr. Cooper, 126; Mr. Scott, 347; Mr. Shephard, 457.

Mr. Byrne, 766.

See Memo. furnished by Home Office, Appendix B, (Appendix No. 4). Also Mr. Shephard, 457.

Mr. Richards, 349; Mr. Cairns, 655; Mr. Lindsell, 1108; Mr. Woodacre, 2755; Mr. Fisher, 2945; Mr. Swan, 3299; Rev. J. M. Murphy, 427, 428; Mr. Shephard, 459.

Mr. (now Sir) A. G. Marten, by whom it was introduced. By its contents, as by its title, it is essentially a sanitary measure. It extends to the case of a cemetery certain provisions of the Public Health Act of 1875 (cited in it as "the principal Act") with respect to a mortuary. The effect of that extension is as follows:—A County Borough Council, an Urban District Council, or a Rural District Council, may provide a cemetery; and, if required by the Local Government Board, must provide it. The Council may provide the cemetery by acquiring one already in existence, or by constructing it on land to be acquired under the Public Health Act, 1875, or on land accepted as a donation for the purpose.

Marten's Act is, in itself, a very short Act, consisting of only three sections. The third section is in these words:—"The Cemeteries Clauses Act, 1847, shall be incorporated with this Act." The Cemeteries Clauses Act, 1847, consists of 69 sections and a schedule. Its original purpose was altogether different from that of the Burial Acts. The Burial Acts were passed for the purpose of enabling a public authority to provide burial grounds. The Cemeteries Clauses Act was intended to supply general rules applicable to all public companies, which (as a matter of private enterprise and profit) might establish large cemeteries; while special matters, affecting each particular cemetery company, were left to be determined by special Acts. It is thus analogous to the Railway Clauses Acts, applicable to railways generally, which leave special matters to be determined by the special Act affecting a particular railway company. This origin explains the distinctive features of the Cemeteries Clauses Act, as contrasted with the Burial Acts. The Burial Acts specially refer to locality; they give the parishioners of places to be served by the new burial grounds the same rights of interment in the new cemetery as they had before in the parish graveyard. The Cemeteries Clauses Act has nothing to do with locality, and gives no such rights. The ideas expressed by "parish" and "parishioners" were foreign to the aims of companies which sought to provide, at a profit, a large burial place for all comers. Again, the Burial Acts naturally required the provision of some consecrated ground. But the Cemeteries Clauses Act, not less naturally, meant to leave that matter to the option of each particular cemetery company (apart, of course, from anything that might be laid down in the company's special Act). Hence, when the Cemeteries Clauses Act was incorporated with the Public Health (Interments) Act (Marten's Act) of 1879, a singular result followed. In the intention of those who framed the Cemeteries Clauses Act, the "special Act" (where referred to in it) was to have been the special Act concerning some cemetery company. But that "special Act" is now Marten's Act, with which the Public Health Act of 1875 has been incorporated. And the public local authority, which may (or must) provide the cemetery under Marten's Act, occupies the place which was to have been held, relatively to the Cemeteries Clauses Act, by a commercial company.

Optional Consecration under Marten's Act.

By Section 23 of the Cemeteries Clauses Act, the local authority may set apart a portion of the cemetery for burials according to the rites of the Church of England; and the Bishop, on the application of the local authority, may, if he thinks fit, consecrate it. But the local authority is free, on the other hand, to leave the whole of the cemetery unconsecrated.

Consequences of Consecration under Marten's Act.

If any part of the ground is consecrated, then, under the Cemeteries Clauses Act, the following consequences (among others) ensue:—

(1) The local authority is bound to build a chapel for the service of the Church of England, and the plans of such chapel must be approved by the Bishop.

(2) A chaplain must be appointed, with a stipend to be approved by the Bishop. The chaplain must hold a licence from the Bishop, and is subject to his jurisdiction.

Even when part of the cemetery is consecrated, no fees are payable under Marten's Act to incumbent or clerk. Section 52 of the Cemeteries Clauses Act contains, indeed, the following provision:—"The Company shall, on the burial of every

every body within the consecrated part of the cemetery, pay to the incumbent, for the time being, of the parish or ecclesiastical district from which such body shall have been removed for burial, such sums, if any, as shall be prescribed for that purpose in the special Act." It was intended that each cemetery company should have defined, in its special Act, the amount of the fees (if any) to be so paid. But the "special Act" in relation to the Cemeteries Clauses Act is now Marten's Act (with the incorporated Public Health Act of 1875), and no sums are therein prescribed. Hence Section 52 of the Cemeteries Clauses Act, and the subsequent Sections (53-57), which concern fees to the incumbent or clerk, are inoperative.

The Working of Marten's Act.

Local authorities have often elected to proceed under Marten's Act, rather than under the Burial Acts, because Marten's Act does not compel the local authority to apply for consecration of any part of the ground. And, even when Marten's Act has been adopted without any definite purpose of avoiding consecration, the financial burdens which that Act connects with consecration frequently tend to strengthen such local feeling as may exist in favour of leaving the whole cemetery unconsecrated. The result may be, and sometimes has been, that Church-people, who, as ratepayers, have contributed to pay for a cemetery under Marten's Act, have been placed under a serious disability with regard to the use of such cemetery by the refusal to consecrate any part of the ground. In too many instances the question whether part of the cemetery should or should not be consecrated has led to local controversies of a bitter character and of long duration. The Local Government Board has no power to bring about compliance with the wishes of even a large local minority who may desire consecration, except by refusing or delaying to sanction a loan. There has been no instance of final refusal on the part of the Board; but in several cases they have long delayed the sanction, in order to give an opportunity for conference and compromise.

Objection has also been taken to other points in Marten's Act. (1) When part of the cemetery is consecrated, clergymen, other than the chaplain, are, indeed, permitted to officiate in the consecrated part (Cemeteries Clauses Act, Sections 28 and 29); but the parochial clergy are under no obligation to officiate there. This is another consequence of the fact above noticed—that the Cemeteries Clauses Act was intended to apply to grounds provided by commercial companies. (2) The control of a cemetery under Marten's Act rests with the District Council; but the persons interested may be confined to a much smaller area. It has also been urged that the responsibilities of a District Councillor are so extensive that in many cases it would be practically impossible for any parochial clergyman to be a member of the body which controls the cemetery. (3) It has also been complained that, under Marten's Act, the power of the local authority to make bye-laws is insufficient.

The Burial Laws Amendment Act of 1880 (commonly known as Osborne Morgan's Act) legalises the interment of Nonconformists, with their own religious rites, in a churchyard, or the consecrated part of a cemetery under the Burial Acts, on forty-eight hours' notice of such interment being given to the incumbent. Interments of Nonconformists, with their own religious rites, have often taken place in the consecrated parts of cemeteries under Marten's Act; but a doubt exists as to whether the Act of 1880 applies to such cemeteries. The following opinion has been given by counsel:—"The Burial Laws Amendment Act, 1880, does not apply to cemeteries created under the Public Health (Interments) Act, 1879, and Nonconformists have no right of burial given to them in the consecrated part, if any, of such cemetery, except in cases where the local authority which acquires, constructs, or maintains the cemetery, either acquires it from a burial board, or otherwise acquires it in such a manner that the parishioners or inhabitants of a parish or ecclesiastical district have rights of burial therein." Counsel base this opinion on the fact that Section 1 of the Act of 1880 limits the operation of that Act to cemeteries in which parishioners have right of burial; whereas cemeteries provided under Marten's Act are provided for sanitary districts, without any reference to parishes or other ecclesiastical districts. The Cemeteries Clauses Act contemplated only cemeteries provided by commercial companies for the use of all comers, and confers no right of burial therein on parishioners, or inhabitants of any ecclesiastical district or districts. On the other hand, it has been argued that most (if not all) cemeteries formed under

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Marten's

Rev. E. M. Young, 797; Rev. W. A. Spooner, 5157.

Mr. Buckell, 5207 &c.

Mr. Stevens, 155 &c.; Mr. Richards, 325; Mr. Cairns, 638. Rev. E. M. Young, 561; Mr. Hanson, 1648; Rev. R. S. Gregory, 2102.

Mr. Adrian, C.P., 275, 304-309.

Mr. Lock, 3221.

Mr. Cooper, 1363.

Opinion of Mr. Halsane, Q.C., M.P., and Mr. G. E. Jones, laid before the Committee by Mr. Tilley, 4565.

Mr. Dillin, 5676.

Marten's Act are "for the burial of persons living in some civil parish, and probably in several ecclesiastical districts"; that such inhabitants, as local ratepayers, have a right to the use of such cemeteries; and that the Act of 1880 therefore applies to them. Your Committee do not consider that it falls within their province to express an opinion as to a question of law on which legal experts are not agreed. The point to which we desire to direct attention is that, as the official correspondence of the Local Government Board shows, this doubt concerning the relation of Marten's Act to the Act of 1880 has been raised, and exists. Uncertainty on a matter which involves so grave an issue must be numbered among the serious inconveniences to which the Public Health (Interments) Act has given rise.

Mr. Adrian,
C.B., 570.

LOCAL COMPROMISES.

The desire to obtain consecrated ground, and, on the other hand, to avoid or modify the legal results of consecration, has led to compromises, which have taken different forms in different localities. Such arrangements may be considered, in the first instance, under two heads, according as the procedure of the local authority has been under the Burial Acts or under Marten's Act.

Compromises under the Burial Acts.

When a cemetery has been provided under the Burial Acts, and when, therefore, the consecration of part of the ground is obligatory, a compromise has sometimes been effected in regard to the fees which shall be paid to the incumbent. Under the Burial Acts, fees are due to the incumbent both in respect to interments (whether he officiates or not), and in respect to vaults or monuments. But an agreement has sometimes been made between the local authority on the one part, and the incumbents concerned and the Bishop of the diocese on the other, that fees shall be paid to the incumbent only for services actually rendered at interments; and the amount of such fees has been fixed by a schedule agreed upon by both parties.* In one case, at least, where such an arrangement was made, a private individual also undertook to pay the fees for the consecration of the ground.† Another form of compromise under the Burial Acts has consisted in the incumbent voluntarily resigning the legal rights conferred upon him by the consecration of part of the ground, so that all fees should be paid to the burial board, and none to the incumbent; and these fees were to be the same both in the consecrated and the unconsecrated parts of the cemetery.‡ The instability, however, of such arrangements, which depend on agreements outside of the existing law, was illustrated by the fact that, in one such case, the incumbent's successor asserted his statutory right to fees, and his claim was confirmed by the High Court of Justice.§ In another instance under the Burial Acts, where a large addition was made to an existing and partly consecrated cemetery, the local authority wished that the whole of this addition should remain unconsecrated; the clergy requested that a certain portion of it might be consecrated; a long correspondence with the Home Office ensued; and the matter was finally settled by the consecration of a portion smaller than that for which the clergy had asked, on condition that a further portion of the ground should remain unappropriated, for future consideration.¶

*Case of Barrow-on-Soar (Mr. Goodacre, 2744) of the Bowling Cemetery at Bradford (Mr. Stead, 3733 seq.) of Kirkheaton (Mr. Shephard, 4560).

†Mr. Shephard, 4561.

‡The Headingley case (Mr. Cockburn, 4965 seq.)

§Mr. Cockburn 4970-4979

¶The case of Hull; Mr. Adrian, C.B., 574; Rev. J. M. Murphy, 4191 seq.; Rev. J. M. Lambert, 5527 seq.

Compromises under Marten's Act.

In the case of a cemetery provided under Marten's Act, the position of those who wish for consecrated ground is, of course, much less favourable than it is under the Burial Acts. Under Marten's Act, the local authority is not bound to apply for the consecration of any part; and, if any part be consecrated, the financial consequences are somewhat onerous,—viz., the compulsory erection of a chapel for the service of the Church of England, and the appointment of a chaplain with a stipend. The forms of local compromise under Marten's Act have been principally two: viz. (1) an arrangement that part of the cemetery shall be consecrated, but that some of the consequences of consecration shall be avoided; or (2) an arrangement that instead of part of the cemetery being consecrated, the whole shall be dedicated. Consecration, in the full and legal sense of that term, consists of two acts: (a) the performance, on the ground, of a religious service by the Bishop; and (b) the signing by him of a deed called "the sentence of consecration." For the religious service certain traditional forms are in use, but no single form is prescribed by Act of Parliament; each Bishop can use his own discretion as to the form. The legal consequences

consequences of consecration would not follow, although the religious service were held, unless the Bishop also signed the "sentence." In one instance,* where a cemetery had been acquired under Marten's Act, the burials committee agreed to the consecration of part of the ground, on condition of the following provisos (among others) being inserted in the sentence of consecration:—(1) That no chapel should be built on the consecrated part; and (2) that the stipend of the chaplain should be nominal (£1 a year). In the case of another cemetery† under Marten's Act, on which three unconsecrated chapels already existed, it was agreed to apply for consecration of part of the ground on condition of the "sentence" providing that the chaplain's stipend should be nominal (£1 a year); and it was afterwards arranged that one of the chapels (standing in the consecrated part) should be consecrated. With regard to this form of compromise, it is to be observed that it has no legal validity, since it does not fulfil those conditions which Marten's Act attaches to consecration.

Bishop of Newcastle, 2492. *The case of Sutton (Surrey); Mr. Morgan, 2559.

†The case of Hyde (Cheshire); Mr. Stevens, 143 seq.

Mr. Adrian, C.B., 330.

A more frequent arrangement has been that by which the whole of the cemetery has been dedicated. The religious service used in dedicating a ground may be identical with that used in consecrating it. The legal difference is that, in dedication, no deed such as the "sentence of consecration" is signed by the Bishop. The legal consequences of consecration do not follow on dedication. When, therefore, under Marten's Act, part of a cemetery is merely dedicated, there is no obligation to build a chapel or appoint a chaplain with a stipend. As regards security against desecration, a dedicated burial ground is only on the same footing as an unconsecrated burial-ground. It is protected by the Disused Burial Grounds Acts from being built upon; but there the protection ends. Several cemeteries provided under Marten's Act have been dedicated. In some instances, the dedication service has been performed by the Bishop of the diocese.* But in recent years Bishops have, as a rule, declined to accept dedication in place of consecration, though we are informed that one Prelate (the Bishop of Ripon) has signified his willingness to dedicate in a case where there is general local consent.† In places where the Bishop has declined to dedicate, the service of dedication has sometimes been performed by a clergyman of the Established Church, sometimes by one or more Nonconformist ministers, with or without the co-operation of the clergy. In one instance reported to us, no minister of religion officiated; a layman, a member of the local board, "went through a form of dedication."‡ There have, doubtless, been some instances in which the compromise represented by dedication has been received with general acquiescence. It has sometimes been welcomed as a refuge from controversy of a painful kind, and, in such cases, has worked with practical smoothness. But, from Churchmen's point of view, dedication is not an equivalent for consecration; and there are places where, notwithstanding the existence of such dedicated ground, large numbers of Church-people still feel the absence of consecration as a grievance.¶

*The case of St. Albans, Mr. Fiske, 2593 seq.; other instances of dedication by Bishops, 246.

†Bishop of Newcastle, 2552.

‡Mr. Stead, 3714 seq.

¶The Orford case (Rev. W. A. Spooner, 5156 seq.; Mr. Buckell, 5267 seq.)

A general survey of the compromises described above cannot fail to suggest two reflections. It shows how wide-spread is the commendable desire to avoid strife and bitterness by some measure of mutual concession. And it also shows, in a forcible manner, how unsatisfactory is the present state of the burial laws.

PRINCIPLES ON WHICH A REFORM OF THE BURIAL LAWS SHOULD PROCEED.

Instead of the two sets of laws between which local authorities can at present choose in providing a cemetery,—the Burial Acts, administered by the Home Office, and Marten's Act, administered by the Local Government Board,—there should be only one law, administered by one Government Department. Whether that Department should be the Home Office or the Local Government Board is a question which will necessarily depend on the nature of the proposed law. We shall return to that question when we have first considered the main principles on which the law of burial should be founded.

Conditions of Consecration.

The provision in the Burial Acts, that part of any cemetery established under them shall be consecrated, is open to the objection that, in a given locality, the supply of consecrated ground may already be sufficient. The provision of Marten's Act, which leaves it to the final decision of the local authority whether the

cemetery shall, or shall not, remain wholly unconsecrated, is open to the objection that a wrong may thus be inflicted on a minority of ratepayers who desire consecrated ground.

We do not desire, in any case, to compel an unwilling local authority itself to make application to the Bishop for consecration, but we think that parishioners who wish for consecrated ground, unless their number is insignificant, should have the right to obtain it.

We accordingly recommend that the local authority should have discretionary power to apply for the consecration of part of a cemetery. But, if the local authority should decline so to apply, and if a demand for consecrated ground should be made by a reasonable number of parishioners, then the Government Department should intervene, and apply for consecration. It would rest with the Government Department to decide what was "a reasonable number" of parishioners, in view of all the circumstances of the particular case. There should also be a right of appeal to the Government Department as to the extent and situation of the ground to be consecrated. In every such case the fees for consecration should be paid by those who have demanded it. The Burial Laws Amendment Act of 1880 should apply to all consecrated ground; that is, it should be lawful to perform in the consecrated ground such Christian and orderly services, other than the service of the Church of England, as may be desired by the relatives of the deceased.

Having regard to the proposals which we have made in the interests of those who desire consecrated ground, we recommend, on the other hand, that in the unconsecrated ground the system of allotments under the Burial Acts which we have described (page iv.) should be continued.

As to the boundary-fences, we consider that the nature of the fence may well be left to the local authority, and that the rule under the Cemeteries Clauses Act, that it should be eight feet high, is unnecessary. The limits between the consecrated and unconsecrated ground should, we think, be clearly defined.

Provision of Chapels.

Without prejudice to the rights of the Church of England in respect to any consecrated chapel which now exists in a cemetery provided by a local authority, we recommend that in every such cemetery the chapel, or chapels, which may hereafter be erected at the cost of the ratepayers should be unconsecrated, and should be open to the use of all. There are cemeteries in which a single chapel (unconsecrated) has been used both by Church-people and by Nonconformists. This arrangement, to which Bishops have given their sanction, has been found to work smoothly,* and will probably continue to be adopted in some cemeteries, especially in those of the smaller kind.† At the same time, we recommend that a religious body should have power, with the consent of the local authority, to erect, at its own cost, a chapel for services conducted according to the rites of that body; and that, if the local authority should refuse consent, there should be an appeal to the Government Department.

Fees.

The fees at present payable to incumbents under the Burial Acts are of two kinds, viz.: (1) fees for interments, whether the incumbent does or does not officiate; and (2) fees for vaults, monuments, gravestones, tablets, and monumental inscriptions, and all similar customary fees. These fees, of both kinds, are payable in the consecrated ground only. Some burial boards, however, have charged them in unconsecrated ground also, but that practice has been prohibited by the Home Secretary as illegal, whenever his attention has been called to it.*

The above-mentioned fees are not new fees established by the Burial Acts, but are those which were previously payable to the incumbent in the churchyard. When the old churchyards were closed, Parliament decided that these fees should continue to be paid in the consecrated portions of the new parochial cemeteries, in order to maintain the stipend of the incumbent and the income of the benefice.† The fees are such as were formerly payable in the parish churchyard, and vary considerably in different places.‡ The emolument which they yield is sometimes small, sometimes very large.§ In one instance which came under our notice, these fees form, on an average, nearly one fourth of the incumbent's gross income.||

It is naturally felt by Nonconformists to be unjust that, when a Nonconformist is interred with his own rites and by his own minister in the consecrated part of a cemetery, the friends of the deceased should have to pay the above-mentioned ecclesiastical

ecclesiastical fees to a clergyman of the Church of England (who has rendered no service), in addition to the fees which they pay to the burial authority. But the objection is not confined to Nonconformists. It has been represented to us that such fees in certain cases involve a hardship to Church-people, especially of the poorer class, and lead to the result that, from motives of economy, such persons are sometimes buried in unconsecrated ground.¶

The principle that fees should be paid to incumbents only on account of services rendered is, we believe, one which would be generally approved. It is in accordance with the recommendations of the Select Committee on Ecclesiastical and Mortuary Fees, appointed in 1882. In the event, however, of a change in the law regarding fees, the interests of existing incumbents should be safeguarded.

We recommend that all ecclesiastical fees, other than fees for services rendered, should be abolished in cemeteries which may hereafter be provided by local authorities. With regard to existing cemeteries, we recommend that the present fees should be continued until the next vacancy, or for fifteen years, whichever period should be the longer: but, if there should be a desire sooner to commute such fees by local agreement under proper safeguards, facilities to effect that object should be afforded. The fees chargeable should be of the same amount in the consecrated and the unconsecrated parts of a cemetery. The scale of fees to be paid for services rendered should be fixed by the local authority, subject to an appeal to the Government Department, and such fees should be paid to the ministers of all religious bodies alike.

Fees to clerks and other ecclesiastical officers should be abolished, but equitable compensation should be given to existing holders of those offices.

Duty of the Parochial Clergy.

The parochial clergy should be bound to officiate in consecrated ground where the service of the Church of England is required, subject to their statutory right of appointing a duly qualified substitute. It is one of the anomalies of the existing law that the parochial clergy are under no obligation to officiate in the consecrated part of a cemetery provided under Marten's Act.

The local authority should have no power to appoint a chaplain.

The Forty-eight Hours' Notice.

We recommend that the forty-eight hours' notice to incumbents, at present required in the case of Nonconformist services in consecrated ground, should be abolished, and that the local authority should have power to determine what notice shall be given in respect both to consecrated and to unconsecrated ground. The present law on this point is a frequent cause of irritation, while, on the other hand, it does not appear to serve any useful purpose which could not be equally well attained by the arrangement which we suggest.

Power of the Bishop in Consecrated Ground.

Subject to the foregoing provisions, the power of the Bishop in consecrated ground should be retained. It is clearly desirable that there should be some control over the inscriptions placed in the consecrated part of a cemetery, with a view to securing that they shall in no case be such as to offend Christian feeling. On the other hand, it is desirable that the friends of the deceased should have, in respect to inscriptions, the largest possible liberty consistent with the observance of that elementary condition.

It cannot be doubted that a local authority would usually, or always, wish to enforce that condition. But experience seems to show that, when the control is vested in such an authority, there is a possibility that interference with inscriptions may sometimes be carried beyond the limit just indicated. Thus, in an instance which was brought under our notice, a burial board prohibited an inscription, not because it contained anything repugnant to the Christian or moral sense, but because it did not, in their opinion, possess adequate poetical merit.

As the object of control over inscriptions on consecrated ground is simply to secure that they shall not be unsuitable to such a place, it appears fitting that the control should reside in a minister of religion; and as consecrated ground is provided primarily (though not exclusively) for the use of the Church of England, the Bishop seems the most natural person to entrust with such control. In cases of local dissension regarding an inscription, the issue which would come before him would not concern points of doctrinal variance between different religious bodies, but would be

*Bishop of Newcastle, 2487; Mr. Fiske, 2887; 2931; Mr. Cooper, 1518; Mr. Cairns, 727.

*Mr. Byrne, 695, seq.; Mr. Sheplear, 4603-7.

†Mr. Byrne, 727; 809, seq.; 864.

‡Mr. Byrne, 902; Mr. King, 4005 (fees at Hampstead); Rev. J. Hannah (Vicar of Brighton), 4780.

¶Rev. R. S. Gregory, 2904.

§Bishop of Newcastle, 2502-4.

||Mr. Diblin, 5794.

Bishop of Newcastle, 2595. simply the question whether a given inscription was or was not consonant with those beliefs which all Christians hold in common. Experience has shown that Bishops are, in fact, very rarely called upon to intervene in such a matter.

Protection of Burial Grounds.

Mr. Dibdin, 5759. Consecrated ground is protected by law against being converted to profane uses; an Act of Parliament would be required before it could be so converted. But the protection enjoyed by an unconsecrated burial ground is less complete. The Disused Burial Grounds Acts (which form part of the Open Spaces Acts) prohibit building on a closed burial ground. After the passing of the Disused Burial Grounds Act of 1884 (which is the main statute), it was illegal to build on a closed burial ground even a tool-cupboard for the use of a gardener; and the difficulty was overcome by placing such a cupboard on wheels. Then the Open Spaces Act of 1887 met this evasion by enlarging the definition of "building," so that it should include any temporary or movable building. But the protection given by the Disused Burial Grounds Acts is limited to this prohibition of building. They do not preclude such a case as was described to us by a witness, in which "a sort of fair, with merry-go-rounds" was held on a closed burial ground. We recommend that any new burial law should afford equal protection to unconsecrated as to consecrated ground in cemeteries.

Local Authorities.

The control of a cemetery should be vested in the local authority the jurisdiction of which most nearly corresponds with the district for which the cemetery is provided. We accordingly recommend that in boroughs the local authority for the provision and control of cemeteries should be the town council; in urban districts, the urban district council.

In rural districts, the local authority for a cemetery which serves one parish only should be the parish council, or, in a parish which has no parish council, a committee of the parish meeting. Provision should be made for the combination of parishes or authorities in suitable areas where it may be desired. The local authority for a cemetery which serves more than one parish should be representative of the parish councils or parish meetings concerned. The case of a parish situated partly in a rural and partly in an urban district would require special adjustment.

Central Authority.

We are now in a position to discuss a question to which we have already adverted, viz., whether the Government Department to be entrusted with the administration of the consolidated and simplified Burial Law should be the Home Office or the Local Government Board.

There are considerations which point to the Home Office as the most suitable Department for that purpose. The Home Office has had a long and varied experience in supervising the administration of cemeteries by local bodies. In particular, where local controversies have arisen, the Home Office has frequently been called upon to exercise a mediating influence, to interpret the law, and, in the last resort, to take steps for securing its observance. It is largely due to the efficiency and prudence with which, under successive Secretaries of State, these functions have been performed, that the existing Burial Acts have worked without more friction than has actually occurred. The province of the Local Government Board, on the other hand, in relation to the law of burial, has hitherto been of a more limited character. The Local Government Board, as the central sanitary authority, has been concerned chiefly with the Public Health (Interments) Act of 1879 (Marten's Act), and has been officially concerned with the Burial Acts only in cases where, in a rural parish, the parish council is the authority for the execution of those Acts. Such measure of control as the Local Government Board has been able to exercise in local disputes arising in connection with Marten's Act has depended chiefly on the power of the Board to refuse or delay its sanction to a loan for the purpose of acquiring a cemetery.

It is to be remembered, however, that if effect should be given to the principal recommendations contained in this Report, the existing situation in regard to the laws of burial will be fundamentally changed. The causes from which local disputes have chiefly sprung in the past will be removed. Consecration of a part of a cemetery will no longer carry with it those consequences from which, far more than from objection to the religious rite, the opposition to consecration has proceeded. The

The cost of consecration will be defrayed by those who have asked for it. No fees, except for services rendered, will be payable to the clergy. No chapel for the services of the Church of England will have to be built at the cost of the ratepayers. No chaplain with a stipend can be appointed. The forty-eight hours' notice will be abolished. Under such circumstances, it is reasonable to anticipate that local disputes in reference to cemeteries will become far rarer than they have been in former times; that mutual good feeling and good sense will, as a rule, avail to compose such differences as may arise; and that the duties of the Central Authority, as a court of appeal, will be proportionately lighter. We have proposed that appeals to the Government Department should exist for the following purposes:—

- (1) To decide, when the local authority has refused to apply for consecration and a certain number of parishioners have demanded consecrated ground, whether that number is (in view of all the circumstances) "a reasonable number."
- (2) To decide the extent and situation of the ground to be consecrated.
- (3) To decide whether a religious body shall be allowed, notwithstanding the refusal of the local authority, to build a chapel for its own services at its own cost.
- (4) To decide whether the fees for services rendered have been fixed by the local authority at an adequate amount.

Unless we have formed too sanguine an estimate of the results which are likely to follow such changes in the law as we recommend, it is improbable that the right of appeal on any one of these issues will very frequently be used; and, when it is used, it may be expected that, as a rule, the Government Department will not experience any serious difficulty in arriving at a decision.

Another element of the question as to the choice of a Central Authority is the nature of the proposed Local Authority. In rural districts it appears to us (as we have already indicated) that the parish council is the administrative unit best suited to have charge of a parochial cemetery,—due provision being made for a union, in certain cases, of several parish councils or their equivalents. And the choice of the parish council for this purpose is a reason in favour of choosing that central authority which is correlative to the parish council, viz., the Local Government Board. The proposal to concentrate the administration of the burial laws in that Board is not a new one. It was the most important feature of the Burial Acts Consolidation Bill introduced, but not passed, by Lord Beaconsfield's Government in 1877. Marten's Act, it will be remembered, did not come into existence till two years later. The reasons in favour of entrusting the Local Government Board with the central supervision of the burial laws are accordingly somewhat stronger now than they were in 1877; since, during the last twenty years, the Board has had larger direct experience in this province than it had acquired at the earlier date. After giving our careful consideration to this question, we are prepared to recommend that the central authority for the administration of the burial laws should be the Local Government Board.

We are of opinion that the existing inequalities in parochial rating for the provision of parochial cemeteries should be considered.

We also recommend that further provision should be made for the compulsory acquisition, when necessary, of land for parochial cemeteries, and that the existing law should be simplified.

YOUR COMMITTEE append the following Summary of their Recommendations:—

I. That it is desirable to consolidate, simplify, and amend the existing laws which relate to burial, and to concentrate the administration of these laws in a single Government Department.

II. That the Department should be the Local Government Board.

III. That the local authorities over cemeteries should be, in boroughs, the town council; in urban districts, the urban district council. In rural districts, the local authority for a cemetery which serves one parish only should be the parish council, or in a parish which has no parish council, the parish meeting. Provision should be made for the combination of parishes or authorities in suitable areas where it may be desired. The local authority for a cemetery which serves more than one parish should be representative of the parish councils or parish meetings concerned. The

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Vict. 56 & 57, ch. 73, Local Government Act, 1894, sec. 57, sub-sec. 31.

See Memo. on the Burial Acts Consolidation Bill (Appendix No. 2).

case of a parish situated partly in a rural and partly in an urban district would require special adjustment.

IV. That the local authority should have discretionary power to apply for the consecration of part of a cemetery.

V. That if the local authority should decline to apply for the consecration of any part of a cemetery, and if a demand for consecrated ground should be made by a reasonable number of parishioners, then the Local Government Board should intervene, and apply for consecration. There should also be a right of appeal to the Local Government Board as to the extent and situation of the ground to be consecrated. In such cases the legal fees for consecration should be paid by those who have demanded it.

Consecration should not prevent the performance in the consecrated ground of such Christian and orderly services, other than the service of the Church of England, as may be desired by the relatives of the deceased, in accordance with the Burial Laws Amendment Act of 1880.

Having regard to the proposals which we have made in the interests of those who desire consecrated ground, we recommend, on the other hand, that in the unconsecrated ground the system of allotments under the Burial Acts which we have described (page iv.) should be continued.

As to the boundary-fences, we consider that the nature of the fence may well be left to the local authority, and that the rule under the Cemeteries Clauses Act, that it should be eight feet high, is unnecessary. The limits between the consecrated and unconsecrated ground should, we think, be clearly defined.

VI. That in every cemetery the chapel or chapels which may hereafter be erected at the cost of the ratepayers should be unconsecrated, and be open to all.

VII. That a religious body should have power, with the consent of the local authority, to erect at its own cost a chapel for services according to the rites of that body; and, if the local authority should refuse consent, there should be an appeal to the Local Government Board.

VIII. That all ecclesiastical fees, other than fees for services rendered, should be abolished in cemeteries which may hereafter be provided by local authorities. With regard to existing cemeteries, we recommend that the present fees should be continued until the next vacancy, or for fifteen years, whichever period should be the longer: but, if there should be a desire sooner to commute such fees by local agreement under proper safeguards, facilities to effect that object should be afforded. The fees chargeable should be of the same amount in the consecrated and the unconsecrated parts of a cemetery. The scale of fees to be paid for services rendered should be fixed by the local authority, subject to an appeal to the Government Department, and such fees should be paid to the ministers of all religious bodies alike.

That fees to clerks and other ecclesiastical officers should be abolished, but equitable compensation should be given to existing holders of those offices.

IX. That the parochial clergy should be bound to officiate in consecrated ground where the service of the Church of England is required, subject to their statutory right to appoint a duly qualified substitute. The local authority should have no power to appoint a chaplain.

X. That the forty-eight hours' notice to incumbents, at present required under the Burial Laws (Amendment) Act, 1880, should be abolished, and the local authority should have power to determine what notice shall be given in respect both to consecrated and to unconsecrated ground.

XI. That, subject to the foregoing provisions, the existing power of the Bishop in consecrated ground should be retained.

XII. That the existing law, which secures consecrated ground against being converted to profane uses, should be retained; and that equal protection should be given to unconsecrated as to consecrated ground.

XIII. That the existing inequalities in parochial rating for the provision of parochial cemeteries should be considered.

XIV. That further provision should be made for the compulsory acquisition, when necessary, of land for parochial cemeteries, and that the existing law should be simplified.

PROCEEDINGS OF THE COMMITTEE.

Tuesday, 26th April 1898.

MEMBERS PRESENT:

Mr. Griffith-Boscawen.	Mr. Jebb.
Mr. Goddard.	Mr. William Jones.
Mr. Gretton.	Mr. J. W. Sidebotham.
Mr. Laurence Hardy.	Mr. Carvell Williams.

Mr. JEBB was called to the Chair.

The Committee deliberated.

[Adjourned to Tuesday next, at Twelve o'clock.]

Tuesday, 3rd May 1898.

MEMBERS PRESENT:

Mr. JEBB in the Chair.

Viscount Cranborne.	Mr. J. W. Sidebotham.
Mr. Bromley-Davenport.	Mr. Carvell Williams.
Mr. Lucas-Shadwell.	Mr. William Jones.
Mr. H. C. Richards.	

Mr. George Stevens was examined.

[Adjourned to Friday next, at Twelve o'clock.]

Friday, 6th May 1898.

MEMBERS PRESENT:

Mr. JEBB in the Chair.

Mr. Griffith-Boscawen.	Mr. Lucas-Shadwell.
Mr. Robert Cameron.	Mr. H. C. Richards.
Mr. Gretton.	Mr. J. W. Sidebotham.
Viscount Cranborne.	Mr. Carvell Williams.

Mr. John Richards and Mr. Robert Cairns were examined.

[Adjourned to Tuesday next, at Twelve o'clock.]

Tuesday, 10th May 1898.

MEMBERS PRESENT:

Mr. JEBB in the Chair.

Mr. Griffith-Boscawen.	Mr. Perks.
Mr. Robert Cameron.	Mr. H. C. Richards.
Viscount Cranborne.	Mr. J. W. Sidebotham.
Mr. Gretton.	Mr. Lucas-Shadwell.
Mr. Laurence Hardy.	Mr. Carvell Williams.

The Rev. E. M. Young was examined.

[Adjourned to Friday next, at Twelve o'clock.]

Friday, 13th May 1898.

MEMBERS PRESENT:

Mr. JEBB in the Chair.

Mr. Griffith-Boscawen.
Mr. Robert Cameron.
Mr. Bromley-Davenport.
Mr. Goddard.
Mr. Gretton.

Mr. Laurence Hardy.
Mr. William Jones.
Mr. Lucas-Shadwell.
Mr. J. W. Sidebotham.
Mr. Carvell Williams.

Mr. F. R. B. Lindsell and Mr. J. R. Cooper were examined.

[Adjourned to Tuesday next, at Twelve o'clock.]

Tuesday, 17th May 1897.

MEMBERS PRESENT:

Mr. JEBB in the Chair.

Mr. Robert Cameron.
Viscount Cranborne.
Mr. Goddard.
Mr. Gretton.
Mr. H. C. Richards.

Mr. Lucas-Shadwell.
Mr. J. W. Sidebotham.
Mr. Carvell Williams.
Mr. Perks.

Mr. D. S. Ransom was examined.

[Adjourned to Friday next, at Twelve o'clock.]

Friday, 20th May 1898.

MEMBERS PRESENT:

Mr. JEBB in the Chair.

Mr. Robert Cameron.
Viscount Cranborne.
Mr. Goddard.
Mr. Gretton.

Mr. William Jones.
Mr. Lucas-Shadwell.
Mr. J. W. Sidebotham.
Mr. Carvell Williams.

The Rev. R. S. Gregory and Mr. John Morgan were examined.

[Adjourned to Tuesday next, at Half-past Eleven o'clock.]

Tuesday, 24th May 1898.

MEMBERS PRESENT:

Mr. JEBB in the Chair.

Mr. Griffith-Boscawen.
Mr. Robert Cameron.
Viscount Cranborne.
Mr. Goddard.
Mr. Gretton.
Mr. Laurence Hardy.

Mr. William Jones.
Mr. Perks.
Mr. J. W. Sidebotham.
Mr. Carvell Williams.
Mr. Woodall.
Mr. Lucas Shadwell.

The Right Reverend the Lord Bishop of Newcastle and Mr. Charles Goodacre were examined.

[Adjourned to Tuesday, 7th June, at Twelve o'clock.]

Tuesday, 7th June 1898.

MEMBERS PRESENT:

Mr. JEBB in the Chair.

Viscount Cranborne.
Mr. Laurence Hardy.
Mr. William Jones.

Mr. J. W. Sidebotham.
Mr. Carvell Williams.
Mr. Woodall.

Mr. James Fiske and Mr. H. J. Smith were examined.

[Adjourned to Friday next, at Twelve o'clock.]

Friday, 10th June 1898.

MEMBERS PRESENT:

Mr. JEBB in the Chair.

Viscount Cranborne.
Mr. Goddard.
Mr. Laurence Hardy.

Mr. Carvell Williams.
Mr. Lucas-Shadwell.
Mr. William Jones.

Mr. E. W. Lock and Mr. A. J. S. Scott were examined.

[Adjourned to Tuesday next, at Twelve o'clock.]

Tuesday, 14th June 1898.

MEMBERS PRESENT:

Mr. JEBB in the Chair.

Mr. Robert Cameron.
Viscount Cranborne.
Mr. Goddard.
Mr. Gretton.
Mr. William Jones.

Mr. Laurence Hardy.
Mr. Lucas-Shadwell.
Mr. H. C. Richards.
Mr. Carvell Williams.
Mr. Woodall.

Mr. Charles Stead and Mr. Joseph King were examined.

[Adjourned till Friday next, at Twelve o'clock.]

Friday, 17th June 1898.

MEMBERS PRESENT:

Mr. JEBB in the Chair.

Mr. Robert Cameron.
Viscount Cranborne.
Mr. Goddard.
Mr. H. C. Richards.
Mr. J. W. Sidebotham.

Mr. Carvell Williams.
Mr. Woodall.
Mr. Gretton.
Mr. Lucas-Shadwell.
Mr. William Jones.

The Rev. John Michael Murphy and Mr. T. Martin Tilby were examined.

[Adjourned till Tuesday next, at Quarter-past Twelve o'clock.]

Tuesday, 21st June 1898.

MEMBERS PRESENT:

Mr. JEBB in the Chair.

Mr. Robert Cameron,
Viscount Cranborne.
Mr. Gretton.
Mr. Laurence Hardy.

Mr. Lucas-Shadwell.
Mr. J. W. Sidebotham.
Mr. Carvell Williams.
Mr. Woodall.

Mr. Alfred J. Shephard and the Rev. Prebendary Hannah were examined.

[Adjourned to Friday next, at Twelve o'clock.]

Friday, 24th June 1898.

MEMBERS PRESENT:

Mr. JEBB in the Chair.

Mr. Robert Cameron.
Mr. Carvell Williams.
Mr. Woodall.
Mr. Gretton.

Mr. J. W. Sidebotham.
Mr. Goddard.
Mr. Lucas-Shadwell.

Mr. George J. Cockburn and the Rev. William Archibald Spooner were examined.

[Adjourned till Tuesday next, at Twelve o'clock.]

Thursday, 28th June 1898.

MEMBERS PRESENT:

Mr. JEBB in the Chair.

Mr. Robert Cameron.
Mr. Goddard.
Mr. Laurence Hardy.
Mr. William Jones.
Mr. Lucas-Shadwell.

Mr. H. C. Richards.
Mr. J. W. Sidebotham.
Mr. Carvell Williams.
Viscount Cranborne.
Mr. Gretton.

Mr. Robert Buckell and the Rev. J. M. Lambert were examined.

[Adjourned till Friday next, at Twelve o'clock.]

Friday, 1st July 1897.

MEMBERS PRESENT:

Mr. JEBB in the Chair.

Mr. Carvell Williams.
Mr. Robert Cameron.
Viscount Cranborne.
Mr. J. W. Sidebotham.

Mr. Lucas-Shadwell.
Mr. Griffith-Boscawen.
Mr. Laurence Hardy.
Mr. William Jones.

Mr. Lewis Tonna Dibdin, was examined.

[Adjourned till Tuesday next, at Twelve o'clock.]

Tuesday, 5th July 1898.

MEMBERS PRESENT:

Mr. JEBB in the Chair.

Mr. Griffith-Boscawen.
Viscount Cranborne.
Mr. Goddard.
Mr. Gretton.
Mr. Laurence Hardy.

Mr. Perks.
Mr. Lucas-Shadwell.
Mr. H. C. Richards.
Mr. J. W. Sidebotham.
Mr. Carvell Williams.

The Committee deliberated.

[Adjourned to Tuesday, 12th July, at Twelve o'clock.]

Tuesday, 12th July 1898.

MEMBERS PRESENT:

Mr. JEBB in the Chair.

Mr. Griffith-Boscawen.
Mr. Robert Cameron.
Viscount Cranborne.
Mr. Goddard.
Mr. Gretton.
Mr. Laurence Hardy.

Mr. William Jones.
Mr. Lucas-Shadwell.
Mr. Perks.
Mr. H. C. Richards.
Mr. J. W. Sidebotham.
Mr. Carvell Williams.

The Committee deliberated.

[Adjourned to Monday, 25th July, at Twelve o'clock.]

Monday, 25th July 1898.

MEMBERS PRESENT:

Mr. JEBB in the Chair.

Mr. Griffith-Boscawen.
Mr. Robert Cameron.
Viscount Cranborne.
Mr. Goddard.
Mr. Gretton.
Mr. Laurence Hardy.

Mr. H. C. Richards.
Mr. Lucas-Shadwell.
Mr. J. W. Sidebotham.
Mr. Carvell Williams.
Mr. Woodall.

DRAFT REPORT, proposed by the Chairman, read the first time, as follows:—

"1. YOUR Committee have inquired into the subject of Burial Grounds provided by Local Authorities under the Public Health (Interments) Act, 1879, and other Acts, and have considered whether any alterations in the existing law are necessary, especially in regard to the consecration of the ground, the provision of chapels, the allocation of fees, and the appointment of chaplain.

"Your Committee have taken evidence from 28 witnesses, including official representatives of the Local Government Board and the Home Office, ministers of religion, members (present or past) of local authorities, and other persons qualified by their special knowledge and experience to supply valuable information with regard to the actual working of the laws relating to the provision of burial grounds by public authorities.

"2. Your Committee are of opinion that those laws are unduly complex; that some of their provisions are unjust; that the machinery by which they are administered is cumbrous and defective; and that their operation has been, and still is, a frequent cause of controversy, sometimes fraught with deplorable consequences to the peace of the localities concerned. Your Committee have unanimously arrived at the conclusion, based on all the information obtained from the evidence of witnesses or from other sources, that these Acts ought to be consolidated, simplified, and amended.

"Before indicating the lines on which, in our opinion, such a reform should proceed, it will be convenient to state in outline the principal provisions of the existing law, so far as they relate to the subject of our inquiry.

" THE EXISTING LAW.

" 3. For the purpose of providing burial grounds, Local Authorities can proceed either (1) under the Burial Acts, or (2) under the Public Health Interments Act of 1879, commonly known as Marten's Act.

The administration of the Burial Acts is vested in the Home Office; except that, in cases where the parish council is the authority for the execution of the Burial Acts in a rural district, the Local Government Board is concerned with the exercise of borrowing powers by the parish council, and with the acquisition of, or other dealing with, land for burial grounds. The administration of Marten's Act belongs wholly to the province of the Local Government Board.

" THE BURIAL ACTS.

" 4. In every rural district, the parish meeting, exclusively, has the power of adopting the Burial Acts for that parish. When the Acts have been adopted by the parish meeting, the parish council, if any, becomes the authority for the execution of the Acts. In a parish having no parish council, the parish meeting can act as the authority only if specially authorised by the County Council; and, if not so authorised, must appoint a Burial Board under the Acts. In urban districts, a vestry, or meeting of the nature of a vestry of a parish, whether poor law or ecclesiastical, or of a district for which such meetings have customarily been held, can, with the consent of the Urban District Council, appoint a Burial Board, and provide a burial ground.

" Consecration of Ground under the Burial Acts.

" 5. When a burial ground is provided under the Burial Acts, Section 30 of the Act of 1852 and Section 7 of the Act of 1853 provide that a part of such ground shall be consecrated, and that a part shall remain unconsecrated. A later enactment gives the burial authority the option of providing two separate grounds, one consecrated and the other unconsecrated.

" Chapels.

" 6. In a ground provided under the Burial Acts, the burial authority may build a chapel for the performance of the burial service according to the rites of the Church of England, the plans of such chapel being subject to the approval of the Bishop. But, if such a chapel be built, the burial authority is bound also to build a chapel on the unconsecrated part of the ground for the use of Nonconformists, the plans of such unconsecrated chapel being subject to the approval of the Secretary of State.

" This general rule is, however, subject to two provisos. (a) If the parish council, or in a parish not having a parish council, the parish meeting, resolve, by a majority of not less than three-fourths of its members, that a chapel on the unconsecrated ground is not required, then, on receiving a representation to that effect, and on being satisfied that every legal notice of the meeting of such authority was duly given, the Secretary of State may relieve the burial authority from the obligation to provide such chapel. (b) If the burial authority determine that it is unnecessary to build a chapel on the consecrated part of the ground, they may nevertheless build a chapel on the unconsecrated part. In such a case the plans of the chapel do not require the approval of the Secretary of State. And, under Section 2 of the Act of 1880, a clergyman of the Church of England may officiate in such an unconsecrated chapel.

" Under the Burial Acts, the burial authority cannot appoint or pay a chaplain.

" Fees.

" 7. By Section 32 of the Act of 1852, the incumbent, clerk, and sexton of a parish are entitled to receive, in respect of interments in the consecrated part of a burial ground provided under the Burial Acts, the same fees which were previously due for the same services in the parish churchyard. By Section 33 of the Act of 1852, the incumbent is to receive in respect of every exclusive grant of a vault or place of interment, or the erection of any monument, such fees as may be agreed upon between the vestry of the parish and the Bishop of the diocese; or, where there is no such settlement, such fees as he would have had by law or custom in respect of similar privileges granted in his own churchyard.

" Allotments.

" 8. Section 7 of the Burial Act of 1853 provides that the unconsecrated part of a new burial ground shall be 'allotted in such manner and in such portions as may be sanctioned by one of Her Majesty's Principal Secretaries of State.' Under this Section, portions of the unconsecrated ground of cemeteries provided under the Burial Acts have frequently been allotted to a particular religious denomination. From the year 1854 to 1896 (inclusive), the total number of such allotments sanctioned by the Home Office has been 89, of which by far the greater portion (more than nine-tenths of the whole) have been granted to Roman Catholics, and the remainder to Quakers, Dissenters, or Jews. The application for an allotment must be made to the Home Office, on behalf of the denomination which desires it, by the burial authority. The form of allotment sanctioned by the Home Office has sometimes stated that the portion of ground is assigned 'for the exclusive use' of Roman Catholics; sometimes 'for interments according to the rites and ceremonies of the Roman Catholic Church.' The Home Office holds that an allotment, by its very nature, confers an exclusive right on the denomination to which it is granted: the members of the denomination are the only persons entitled

See Return from Home Office, Paper in Appendix No. 10.

Mr. Byrne, 623.

entitled to burial in it, and the burial service used in it must be such as that denomination approves. This exclusive right in an allotment has, however, been disputed, and has been the subject of local controversies. An allotment, once granted by the Home Office, cannot be taken away. The privilege thus conferred on denominations to which allotments have been made consequently exceeds any privilege enjoyed by the Church of England in respect to the consecrated part of a cemetery provided under the Burial Acts; since Nonconformists can be interred in such consecrated part, with their own rites, on notice being given in accordance with the Act of 1880.

" Difficulties which have arisen in connection with the Burial Acts.

" 9. Burial authorities have in some instances refused to fulfil their statutory obligation by applying to the Bishop to consecrate a part of the burial ground. On such a refusal being brought to the notice of the Home Office, it becomes the duty of the Secretary of State to take such steps as are in his power to secure the observance of the law. In the last resort, the High Court can, on application made on behalf of the Secretary of State, issue a *mandamus* to the burial authority for the purpose of enforcing the law of consecration. In more than one instance this extreme measure has become necessary. The total number of cases in which burial authorities have refused to apply for consecration has not been large. But in some of these cases the resistance has been obstinate, and the correspondence with the Home Office has extended over a long period. With regard to the causes of such resistance, there has been a general agreement among the witnesses whose evidence we have taken. To consecration itself, regarded merely as a religious rite, there would be little opposition on the part of Nonconformists. Many of them may regard such a rite with indifference, or even with disapproval, but they would not on that account refuse it to church people who wished for it. The objection of Nonconformists is to certain legal consequences which consecration carries with it. If a Nonconformist is buried by a Nonconformist minister in the consecrated part of a cemetery (under the Burial Acts), his friends must pay the fees to the incumbent, although the latter is not present, and renders no service of any kind. Before the burial of a Nonconformist can take place in the consecrated part, forty-eight hours' notice must be given to the incumbent. These seem to be, in practice, the matters which cause most complaint. Other objections which have been raised are the following:—that the cost of consecration is defrayed by the ratepayers, and that they also pay for the chapel (if any) built on the consecrated side. In general terms, the Nonconformist objection to consecration is that its legal and financial results place the Church of England in a position of privilege as compared with other religious bodies, although the burial ground is acquired at the cost of all the ratepayers alike. On the other hand, it is pointed out that church people, as ratepayers, are entitled (even where they may be in a minority) to some portion of consecrated ground, since consecration is, for most church people, an indispensable condition of their using the burial ground which they help to purchase.

" We now turn from the Burial Acts to consider the other mode of procedure which is open to a local authority desirous of providing a new burial ground.

" THE PUBLIC HEALTH INTERMENTS ACT OF 1879 (MARTEN'S ACT).

" 10. This Act (statute of 42 and 43 Vict., c. 31) is commonly known as Marten's Act, from the name of the Member of Parliament for the Borough of Cambridge, Mr. (now Sir) A. G. Marten, by whom it was introduced. By its contents, as by its title, it is essentially a sanitary measure. It extends to the case of a cemetery certain provisions of the Public Health Act of 1875 (cited in it as 'the principal Act') with respect to a mortuary. The effect of that extension is as follows:—A County Borough Council, an Urban District Council, or a Rural District Council, may provide a cemetery; and, if required by the Local Government Board, must provide it. The Council may provide the cemetery by acquiring one already in existence, or by constructing it on land to be acquired under the Public Health Act, 1875, or on land accepted as a donation for the purpose.

" Marten's Act is, in itself, a very short Act, consisting of only three sections. The third section is in these words:—'The Cemeteries Clauses Act, 1847, shall be incorporated with this Act.' The Cemeteries Clauses Act, 1847, consists of 69 sections and a schedule. Its original purpose was altogether different from that of the Burial Acts. The Burial Acts were passed for the purpose of enabling a public authority to provide burial grounds. The Cemeteries Clauses Act was intended to supply general rules applicable to all commercial companies, who (as a matter of private enterprise and profit) might establish large cemeteries; while special matters, affecting each particular cemetery company, were left to be determined by special Acts. It is thus analogous to the Railway Clauses Acts, applicable to railways generally, which leave special matters to be determined by the special Act affecting a particular railway company. This origin explains the distinctive features of the Cemeteries Clauses Act, as contrasted with the Burial Acts. The Burial Acts specially refer to locality; they give the parishioners of places to be served by the new burial grounds the same rights of interment in the new cemetery as they had before in the parish graveyard. The Cemeteries Clauses Act has nothing to do with locality, and gives no such rights. The ideas expressed by 'parish' and 'parishioners' were foreign to the aims of commercial companies which sought to provide, at a profit, a large burial place for all comers. Again, the Burial Acts naturally required the provision of some consecrated ground. But the Cemeteries Clauses Act, not less naturally, meant to leave that matter to the option of each particular cemetery company (apart, of course, from anything that might be laid down in the company's special Act). Hence, when the Cemeteries Clauses Act was incorporated with the Public Health Interments Act (Marten's Act) of 1879, a singular result followed. In the intention of those who framed the Cemeteries Clauses Act, the 'special Act' (where referred to in it) was to have been the special Act concerning some cemetery company.

Mr. Cooper, 1268;
Mr. Scott, 3478;
Mr. Shephard,
4587.
Mr. Byrne, 766.

See Memo. furnished by Home Office, Appendix B. (Appendix No. 4). Also Mr. Shephard, 4572.
Mr. Richards, 340;
Mr. Cairns, 655;
Mr. Lindsell, 1103;
Mr. Goodacre, 275;
Mr. Fiske, 2945;
Mr. Scott, 3009;
Rev. J. M. Murphy, 4277, 4281;
Mr. Shephard, 4570.

company. But that 'special Act' is now Marten's Act, with which the Public Health Act of 1875 has been incorporated. And the public local authority, which may (or must) provide the cemetery under Marten's Act, occupies the place which was to have been held, relatively to the Cemeteries Clauses Act, by a commercial company.

" Optional Consecration under Marten's Act.

" 11. By Section 23 of the Cemeteries Clauses Act, the local authority may set apart a portion of the cemetery for burials according to the rites of the Established Church; and the Bishop, on the application of the local authority, may, if he thinks fit, consecrate it. But the local authority is free, on the other hand, to leave the whole of the cemetery unconsecrated.

" Consequences of Consecration under Marten's Act.

" If any part of the ground is consecrated, then, under the Cemeteries Clauses Act, the following consequences (among others) ensue:—

" (1) The local authority is bound to build a chapel for the service of the Church of England, and the plans of such chapel must be approved by the Bishop.

" (2) A chaplain must be appointed, with a stipend to be approved by the Bishop. The chaplain must hold a licence from the Bishop, and is subject to his jurisdiction.

" Even when part of the cemetery is consecrated, no fees are payable under Marten's Act to incumbent or clerk. Section 52 of the Cemeteries Clauses Act contains, indeed, the following provision:—'The Company shall, on the burial of everybody within the consecrated part of the cemetery, pay to the incumbent, for the time being, of the parish or ecclesiastical district from which such body shall have been removed for burial, such sums, if any, as shall be prescribed for that purpose in the special Act.' It was intended that each cemetery company should have defined, in its special Act, the amount of the fees (if any) to be so paid. But the 'special Act' in relation to the Cemeteries Clauses Act is now Marten's Act (with the incorporated Public Health Act of 1875), and no sums are therein prescribed. Hence Section 52 of the Cemeteries Clauses Act, and the subsequent Sections (53-57), which concern fees to the incumbent or clerk, are inoperative.

" The Working of Marten's Act.

" 12. Local authorities have often elected to proceed under Marten's Act, rather than under the Burial Acts, because Marten's Act does not compel the local authority to apply for consecration of any part of the ground. And, even when Marten's Act has been adopted without any definite purpose of avoiding consecration, the financial burdens which that Act connects with consecration frequently tend to strengthen such local feeling as may exist in favour of leaving the whole cemetery unconsecrated. The result may be, and sometimes has been, that Church-people, who, as ratepayers, have contributed to pay for a cemetery under Marten's Act, have been placed under a serious disability with regard to the use of such cemetery by the refusal to consecrate any part of the ground. In too many instances the question whether part of the cemetery should or should not be consecrated has led to local controversies of a bitter character and of long duration. The Local Government Board has no power to bring about compliance with the wishes of a large local minority who may desire consecration, except by delaying or refusing to sanction a loan. There has been no instance of final refusal on the part of the Board; but in several cases they have delayed the sanction, in order to give an opportunity for conference and compromise.

" 13. Other points in that Act are also open to objection. (1) When part of the cemetery is consecrated, clergymen, other than the chaplain, are, indeed, permitted to officiate in the consecrated part (Cemeteries Clauses Act, Sections 28 and 29); but the parochial clergy are under no obligation to officiate there. This is another consequence of the fact above noticed—that the Cemeteries Clauses Act was intended to apply to grounds provided by commercial companies. (2) The control of a cemetery under Marten's Act rests with the District Council; but the persons interested may be confined to a much smaller area. It may be added that the responsibilities of a District Councillor are so extensive that in many cases it would be practically impossible for any clergyman to be a member of the body which controls the cemetery. (3) It has also been complained that, under Marten's Act, the power of the local authority to make bye-laws is insufficient.

" 14. The Burial Laws Amendment Act of 1880 (often known as Osborne Morgan's Act) legalises the interment of Nonconformists, with their own rites, in a churchyard, or the consecrated part of a cemetery under the Burial Acts, on forty-eight hours' notice of such interment being given to the incumbent. Interments of Nonconformists, with their own rites, have often taken place in the consecrated parts of cemeteries under Marten's Act; but a doubt exists as to whether the Act of 1880 applies to such cemeteries. The following opinion has been given by eminent counsel:—'The Burial Laws Amendment Act, 1880, does not apply to cemeteries created under the Public Health Interments Act, 1879, and Nonconformists have no right of burial given to them in the consecrated part, if any, of such cemetery, except in cases where the local authority which acquires, constructs, or maintains the cemetery, either acquires it from a burial board, or otherwise acquires it in such a manner that the parishioners or inhabitants of a parish or ecclesiastical district have rights of burial therein.' This opinion rests on the fact that Section 1 of the Act of 1880 limits the operation of that Act to cemeteries in which parishioners have right of burial; whereas cemeteries provided under Marten's Act are provided for sanitary districts

Rev. E. M. Young, 797;
Rev. W. A. Spooner, 5157.
Mr. Stevens, 155 seq.; Mr. Richards, 325; Mr. Cairns, 638;
Rev. E. M. Young, 861; Mr. Ransom, 1608;
Rev. R. S. Gregory, 2102.
Mr. Adrian, C.B., 275, 394-399.

Mr. Cooper, 1363.

Opinion of Mr. Haldane, Q.C., M.P., and Mr. G. E. Jones, laid before the Committee by Mr. Tilly, 4505.

districts, without any reference to parishes or other ecclesiastical districts. The Cemeteries Clauses Act contemplated only cemeteries provided by commercial companies for the use of all comers, and confers no right of burial therein on parishioners or inhabitants of any ecclesiastical district or districts. On the other hand, it has been argued that most (if not all) cemeteries formed under Marten's Act are 'for the burial of persons living in some civil parish, and probably in several ecclesiastical districts'; that such inhabitants, as local ratepayers, have a right to the use of such cemeteries; and that the Act of 1880 therefore applies to them. Your Committee do not consider that it falls within their province to express an opinion as to a question of law, on which legal experts are not agreed. The point to which we desire to direct attention is that, as the official correspondence of the Local Government Board shows, this doubt concerning the relation of Marten's Act to the Act of 1880 has been repeatedly raised, and still exists. Uncertainty on a matter which involves so grave an issue must certainly be numbered among the serious inconveniences to which the Public Health Interments Act has given rise.

" LOCAL COMPROMISES.

" 15. The desire to obtain consecrated ground, and, on the other hand, to avoid or modify the legal results of consecration, has led to compromises, which have taken different forms in different localities. Such arrangements may be considered, in the first instance, under two heads, according as the procedure of the local authority has been under the Burial Acts or under Marten's Act.

" Compromises under the Burial Acts.

" When a cemetery has been provided under the Burial Acts, and when, therefore, the consecration of part of the ground is obligatory, a compromise has sometimes been effected in regard to the fees which shall be paid to the incumbent. Under the Burial Acts, fees are due to the incumbent both in respect to interments (whether he officiates or not), and in respect to vaults or monuments. But an agreement has sometimes been made between the local authority on the one part, and the Bishop of the diocese on the other, that fees shall be paid to the incumbent only for services actually rendered at interments; and the amount of such fees has been fixed by a schedule agreed upon by both parties.* In one case, at least, where such an arrangement was made, a private individual also undertook to pay the fees for the consecration of the ground.† Another form of compromise under the Burial Acts has consisted in the incumbent voluntarily resigning the legal rights conferred upon him by the consecration of part of the ground, so that all fees should be paid to the burial board, and none to the incumbent; and these fees were to be the same both in the consecrated and the unconsecrated parts of the cemetery.‡ The instability, however, of such arrangements, which depend on agreements outside of the existing law, was illustrated by the fact that, in one such case, the incumbent's successor asserted his statutory right to fees, and his claim was confirmed by the High Court of Justice.§ In another instance under the Burial Acts, where a large addition was made to an existing and partly consecrated cemetery, the local authority wished that the whole of this addition should remain unconsecrated; the clergy requested that a certain portion of it might be consecrated; a long correspondence with the Home Office ensued; and the matter was finally settled by the consecration of a portion smaller than that for which the clergy had asked, on condition that a further portion of the ground should remain unappropriated, for future consideration.¶

" Compromises under Marten's Act.

" 16. In the case of a cemetery provided under Marten's Act, the position of those who wish for consecrated ground is, of course, much less favourable than it is under the Burial Acts. Under Marten's Act, the local authority is not bound to apply for the consecration of any part; and, if any part be consecrated, the financial consequences are somewhat onerous,—viz., the compulsory erection of a chapel for the service of the Church of England, and the appointment of a chaplain with a stipend. The forms of local compromise under Marten's Act have been principally two: viz. (1) an arrangement that part of the cemetery shall be consecrated, but that some of the consequences of consecration shall be avoided; or (2) an arrangement that instead of part of the cemetery being consecrated, the whole shall be dedicated. Consecration, in the full and legal sense of that term, consists of two acts: (a) the celebration, on the ground of a religious service; and (b) the signing by the Bishop of a deed, called 'the sentence of consecration.' For the religious service certain traditional forms are in use, but no single form is prescribed by Act of Parliament; each Bishop can use his own discretion. The legal consequences of consecration would not follow, although the religious service were held, unless the Bishop also signed the 'sentence.' In one instance,* where a cemetery had been acquired under Marten's Act, the burials committee agreed to the consecration of part of the ground, on condition of the following provisos (among others) being inserted in the sentence of consecration:—(1) That no chapel should be built on the consecrated part; and (2) that the stipend of the chaplain should be nominal (£1 a year). In the case of another cemetery† under Marten's Act, on which three unconsecrated chapels already existed, it was agreed to apply for consecration of part of the ground on condition of the 'sentence' providing that the chaplain's stipend should be nominal (£1 a year); and it was afterwards arranged that one of the chapels (standing in the consecrated part) should be consecrated. With regard to this form of compromise, it is to be observed that it has no legal validity, since it does not fulfil those conditions which Marten's Act attaches to consecration.

17. A more

Mr. Dibdin, 5675.

Mr. Adrian, C.B., 370.

*Case of Barrow-on-Soar (Mr. Goodacre, 2744) of the Bowling Cemetery at Bradford (Mr. Stead, 3733 seq.) of Kirkheaton (Mr. Shephard, 4550).

†Mr. Shephard, 4501.

‡The Heddingley case (Mr. Cockburn, 4965 seq.).

§Mr. Cockburn, 4970-4992.

¶The case of Hull; Mr. Adrian, C.B., 574; Rev. J. M. Murphy, 4191 seq.; Rev. J. M. Lambert, 5527 seq.

Bishop of Newcastle, 2488.

*The case of Sutton (Surre) Mr. Morgan, 2359.

†The case of Hyde (Cheshire); Mr. Stevens, 143 seq.

Mr. Adrian, C.B., 339.

"17. A more frequent arrangement has been that by which the whole of the cemetery has been dedicated. The religious service used in dedicating a ground may be identical with that used in consecrating it. The difference is that, in dedication, no deed such as the 'sentence of consecration' is signed by the Bishop. The legal consequences of consecration do not follow on dedication. When, therefore, under Marten's Act, part of a cemetery is merely dedicated, there is no obligation to build a chapel or appoint a chaplain with a stipend. As regards security against desecration, a dedicated burial ground is only on the same footing as an unconsecrated burial ground. It is protected by the Disused Burial Grounds Acts from being built upon; but there the protection ends. Several cemeteries provided under Marten's Act have been dedicated. In some instances, the dedication service has been performed by the Bishop of the diocese.* But in recent years Bishops have, as a rule, declined to accept dedication in place of consecration, though we are informed that one Prelate (the Bishop of Ripon) has signified his willingness to dedicate in a case where there is general local consent.† In places where the Bishop has declined to dedicate the service of dedication has sometimes been performed by a clergyman of the Established Church, sometimes by one or more Nonconformist ministers, with or without the co-operation of the clergy. In one instance reported to us, no minister of religion officiated; a layman, a member of the local board, 'went through a form of dedication.‡ There have, doubtless, been some instances in which the compromise represented by dedication has been received with general acquiescence. It has sometimes been welcomed as a refuge from controversy of a painful kind, and, in such cases, has worked with practical smoothness. But, from Churchmen's point of view, dedication is not an equivalent for consecration; there are places where the clergy have declined to officiate in a merely dedicated burial ground,§ and where, notwithstanding the existence of such dedicated ground, large numbers of Church-people still feel the refusal of consecration as a grievance.¶

"18. A general survey of the compromises described above cannot fail to suggest two reflections. It shows how widespread is the commendable desire to avoid strife and bitterness by some measure of mutual concession. And it also shows, in a forcible manner, how unsatisfactory is the present state of the burial laws.

"PRINCIPLES ON WHICH A REFORM OF THE BURIAL LAWS SHOULD PROCEED.

"19. Instead of the two sets of laws between which local authorities can at present choose in providing a cemetery,—the Burial Acts, administered by the Home Office, and Marten's Act, administered by the Local Government Board,—there should be only one law, administered by one Government Department. Whether that Department should be the Home Office or the Local Government Board is a question which will necessarily depend on the nature of the proposed law. We shall return to that question when we have first considered the main principles on which the law of burial should be founded.

"Conditions of Consecration.

"20. The provision in the existing burial laws, that part of any cemetery established under them shall be consecrated, is open to the objection that, in a given locality, the supply of consecrated ground may already be sufficient. The provision of Marten's Act, which leaves it to the final decision of the local authority whether the cemetery shall or shall not remain wholly unconsecrated, is open to the objection that a wrong may thus be inflicted on a minority of ratepayers who desire consecrated ground.

"We recommend that the local authority should have discretionary power to apply for the consecration of part of the cemetery. But, if the local authority should decline so to apply, and if a demand for consecrated ground should be made by a reasonable number of parishioners, then the Government Department should intervene, and apply for consecration. It would rest with the Government Department to decide what was 'a reasonable number' of parishioners, in view of all the circumstances of the particular case. There should also be a right of appeal to the Government Department as to the extent and situation of the ground to be consecrated. In every such case the fees for consecration should be paid by those who have demanded it. The Burial Laws Amendment Act of 1880 should apply to all consecrated ground; that is, it should be lawful to perform in the consecrated ground such Christian and orderly services, other than the service of the Church of England, as may be desired by the relatives of the deceased.

"Provision of Chapels.

"21. Without prejudice to the rights of the Church of England in respect to any consecrated chapel which now exists in a cemetery provided by a local authority, we recommend that in every such cemetery the chapel or chapels which may hereafter be erected at the cost of the ratepayers should be unconsecrated, and should be open to the use of all. There are cemeteries in which a single chapel (unconsecrated) has been used both by Church-people and by Nonconformists. This arrangement, to which Bishops have given their sanction, has been found to work smoothly,* and will probably continue to be used in some cemeteries, especially in those of the smaller kind.† At the same time, we recommend that a religious body should have power, with the consent of the local authority, to erect, at its own cost, a chapel for services conducted according to the rites of that body; and that, if the local authority should refuse consent, there should be an appeal to the Government Department.

"Fees.

"22. The fees at present payable to incumbents under the Burial Acts are of two kinds, viz.: (1) fees for interments, whether the incumbent does or does not officiate; and (2) fees for vaults and monuments.

monuments. These fees, of both kinds, are payable in the consecrated ground only. Some burial boards, indeed, have charged them in unconsecrated ground also, but that practice has been prohibited by the Home Secretary whenever his attention has been called to it.*

"The above-mentioned fees are not new fees established by the Burial Acts, but merely those which were previously payable to the incumbent in the churchyard. When the old churchyards were closed, Parliament decided that these fees should continue to be paid in the consecrated portions of the new parochial cemeteries, in order to maintain the stipend of the incumbent and the income of the benefice.† The amount of the fees is that which was formerly payable in the parish churchyard, and varies considerably in different places.‡ The emolument which they yield is sometimes small, sometimes very large.§ In one instance which came under our notice, these fees form, on an average, nearly one half of the incumbent's net income.¶

"It is naturally felt by Nonconformists to be unjust that, when a Nonconformist is interred with his own rites and by his own minister in the consecrated part of a cemetery, the friends of the deceased should have to pay the above-mentioned ecclesiastical fees to a clergyman of the Church of England (who has rendered no service), in addition to the fees which they pay to the burial authority. But the objection is not confined to Nonconformists. It has been represented to us that such fees involve a hardship for the poorer class of Church-people, and lead to the result that, from motives of economy, such persons are sometimes buried in unconsecrated ground.¶¶

"The principle that fees should be paid to incumbents only on account of services rendered is, we believe, one which would be generally approved. It is in accordance with the recommendations of the Select Committee on Ecclesiastical and Mortuary Fees, appointed in 1882. In the event, however, of a change in the law regarding fees, the interests of existing incumbents should be safeguarded.

"23. (a.) We recommend that all ecclesiastical fees, other than fees for services rendered, should be abolished in public cemeteries. The fees chargeable should be of the same amount in the consecrated and the unconsecrated parts of such a cemetery. The scale of fees to be paid for services rendered should be fixed by the local authority, subject to an appeal to the Government Department, and such fees should be paid to the ministers of all religious bodies alike.

"24. (b.) When the burial authority abolishes the ecclesiastical fees, other than those paid for services rendered, it should commute the incumbent's fees which are abolished, on the basis of years' purchase of annual value, such value to be the average annual amount of the fees during the five years 1894-98, less the amount of fees for services rendered, which may thereupon be arranged by the burial authority with the sanction of the Government Department.

"(c.) The burial authority should be empowered, subject to the approval of the Government Department, to raise a loan, for purposes of commutation, on the security of the burial fees in the cemetery concerned, such loan to be repaid by a sinking fund.

"(d.) The commutation money should be paid to the Ecclesiastical Commissioners.

"(e.) Equitable compensation should be paid by them to the existing incumbents.

"(f.) The residue of the commutation money (if any) should be invested for the benefit of the living.

"(g.) Where the commutation money does not suffice for the equitable compensation above mentioned, the Commissioners should have power, if they think fit, to make the sum up to the required amount out of their other resources.

"(h.) Fees to clerks and other ecclesiastical officers should be abolished, but compensation should be given to existing holders of these offices.

"Duty of the Parochial Clergy.

"24. The parochial clergy should be bound to officiate in consecrated ground where the service of the Church of England is required, subject to their statutory right of appointing a duly qualified substitute. It is one of the anomalies of the existing law that the parochial clergy are under no obligation to officiate in the consecrated part of a cemetery provided under Marten's Act. Bishop of Newcastle, 2502-4.

"The local authority should have no power to appoint a chaplain with a stipend.

"The Forty-eight Hours' Notice.

"25. We recommend that the forty-eight hours' notice to incumbents, at present required in the case of consecrated ground, should be abolished, and the local authority should have power to determine what notice shall be given in respect both to consecrated and to unconsecrated ground. The present law on this point is a frequent cause of irritation, while on the other hand it does not appear to serve any useful purpose which could not be equally well attained by the arrangement which we suggest.

"Power of the Bishop in Consecrated Ground.

"26. Subject to the foregoing provisions, the power of the Bishop in consecrated ground should be retained. It is clearly desirable that there should be some control over the inscriptions placed in the consecrated part of a cemetery, with a view to securing that they shall in no case be such as to offend Christian feeling. On the other hand, it is desirable that the friends of the deceased should have, in respect to inscriptions, the largest possible liberty consistent with the observance of that elementary condition. It cannot be doubted that a local authority would usually or always wish to enforce that condition. But experience seems to show that, when the control is vested in such an authority,

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authority,

*The case of St. Albans. Mr. Fiske, 2593 seq.; other instances of dedication by Bishops, 246. Mr. Stead, 3772.

†Mr. Stead, 3714 seq.

‡The Shipley case (Mr. Stead, 3712). §The Oxford case (Rev. W. A. Spooner, 5156 seq.; Mr. Buckell, 5207 seq.)

* Mr. Byrne, 905, seq. Mr. Shephard, 5003-7. † Mr. Byrne, 737 seq.; 809 seq.; 864. ‡ Mr. Byrne, 902 seq. § Mr. King, 4005 (fees at Hampstead).

¶ Rev. J. Hannah (Vicar of Brighton), 4761.

¶¶ Rev. R. S. Gregory, 2062.

* Bishop of Newcastle, 2457. Mr. Fiske, 2587, 2591; Mr. Cooper, 1518. † Mr. Cairns, 727.

authority, there is a possibility that interference with inscriptions may sometimes be carried beyond the limit just indicated. Thus, in an instance which was brought under our notice, a burial board prohibited an inscription, not because it contained anything repugnant to the Christian or moral sense, but because it did not, in their opinion, possess adequate poetical merit. As the object of control over inscriptions on consecrated ground is simply to secure that they shall not be unsuitable to such a place, it appears fitting that the control should reside in a minister of religion; and as consecrated ground is provided primarily (though not exclusively) for the use of the Church of England, the Bishop seems the most natural person to entrust with such control. In cases of local dissension regarding an inscription, the issue which would come before him would not concern points of doctrinal variance between different religious bodies, but would be simply the question whether a given inscription was or was not consonant with those beliefs which all Christians hold in common. Experience has shown that Bishops are, in fact, very rarely called upon to intervene in such a matter. Indeed, one of the strongest practical considerations in favour of giving the ultimate authority over inscriptions to the Bishop is precisely this, that his position affords a reasonable guarantee against any unnecessary or capricious interference with that free-discretion which should be preserved to the friends of the deceased, to whatever religious body they may belong.

"Protection of Burial Grounds."

"27. Consecrated ground is protected by law against being converted to profane uses; an Act of Parliament would be required before it could be so converted. But the protection enjoyed by an unconsecrated burial ground is less complete. The Disused Burial Grounds Acts (which form part of the Open Spaces Acts) prohibit building on a closed burial ground. After the passing of the Disused Burial Grounds Act of 1884 (which is the main statute), it was illegal to build on a closed burial ground even a tool-cupboard for the use of a gardener; and the difficulty was overcome by placing such a cupboard on wheels. Then the Open Spaces Act of 1887 met this evasion by enlarging the definition of 'building,' so that it should include any temporary or movable building. But the protection given by the Disused Burial Grounds Acts is limited to this prohibition of building. They do not preclude such a case as was described to us by a witness, in which 'a sort of fair, with merry-go-rounds' was held on a closed burial ground. We recommend that the Disused Burial Grounds Acts should be strengthened, so as to afford more complete protection to unconsecrated graveyards and cemeteries, or parts of cemeteries.

"Local Authorities."

"28. We recommend that in boroughs, the local authority for the provision and control of cemeteries should be the town council; in urban districts, the urban district council.

"In rural districts, the local authority for a cemetery which serves one parish only should be the parish council, or, in a parish which has no parish council, a committee of the parish meeting. Provision should be made for the combination of parishes or authorities in suitable areas where it may be desired. The local authority for a cemetery which serves more than one parish should be representative of the parish councils or parish meetings concerned. The case of a parish situated partly in a rural and partly in an urban district would require special adjustment.

"Central Authority."

"29. We are now in a position to discuss a question to which we have already adverted, viz. whether the Government Department to be entrusted with the administration of the consolidated and simplified Burial Law, should be the Home Office or the Local Government Board.

"There are considerations which point to the Home Office as the most suitable Department for that purpose. The Home Office has had a long and varied experience in supervising the administration of cemeteries by local bodies. In particular, where local controversies have arisen, the Home Office has frequently been called upon to exercise a mediating influence, to interpret the law, and, in the last resort, to take steps for securing its observance. It is largely due to the efficiency, prudence, and moderation with which, under successive Secretaries of State, these functions have been performed, that the existing Burial Acts have worked without more friction than has actually occurred. The province of the Local Government Board, on the other hand, in relation to the law of burial, has hitherto been of a more limited character. The Local Government Board, as the central sanitary authority, has been concerned chiefly with the Public Health Interments Act of 1879 (Marten's Act), and has been officially concerned with the Burial Acts only in cases where, in a rural parish, the parish council is the authority for the execution of those Acts. Such measure of control as the Local Government Board has been able to exercise in local disputes arising in connection with Marten's Act has depended chiefly on the power of the Board to refuse its sanction to a loan for the purpose of acquiring a cemetery.

"It is to be remembered, however, that if effect should be given to the principal recommendations contained in this report, the existing situation in regard to the laws of burial will be fundamentally changed. The causes from which local disputes have chiefly sprung in the past will be removed. Consecration of a part of a cemetery will no longer carry with it the consequences from which, far more than from objection to the religious rite, the antagonism to consecration has proceeded. The cost of consecration will be defrayed by those who have asked for it. No fees, except for services rendered, will be payable to the clergy. No chapel for the services of the Church of England will have to be built at the cost of the ratepayers. No chaplain with a stipend can be appointed. The forty-eight hours' notice will be abolished. Under such circumstances, it is reasonable to anticipate that local disputes in reference to cemeteries will become far rarer than they

they have in former times; that mutual good feeling and good sense will, as a rule, avail to compose such differences as may arise; and that the duties of the Central Authority, as a court of appeal, will be proportionately lighter. We have proposed that appeals to the Government Department should exist for the following purposes:—

"(1) To decide, when the local authority has refused to apply for consecration and a certain number of parishioners have demanded consecrated ground, whether that number is (in view of the local circumstances) 'a reasonable number.'

"(2) To decide the extent and situation of the ground to be consecrated.

"(3) To decide whether a religious body shall be allowed, notwithstanding the refusal of the local authority, to build a chapel for its own services at its own cost.

"(4) To decide whether the fees to the incumbent for services rendered have been fixed by the local authority at an adequate amount.

"Unless we have formed too sanguine an estimate of the results which are likely to follow such changes in the law as we recommend, it is improbable that the right of appeal on any one of these issues will very frequently be used; and when it is used, it may be expected that, as a rule, the Government Department will not experience any serious difficulty in arriving at a decision.

"30. Another element of the question as to the choice of a Central Authority is the nature of the proposed Local Authority. In rural districts it appears to us (as we have already indicated) that the parish council is the administrative unit best suited to have charge of a parochial cemetery,—due provision being made for a union, in certain cases, of several parish councils or their equivalents. And the choice of the parish council for this purpose is a reason in favour of choosing that Central Authority which is correlative to the parish council, viz., the Local Government Board. The proposal to concentrate the administration of the burial laws in that Board is not a new one. It was the most important feature of the Burial Acts Consolidation Bill introduced, but not passed, by Lord Beaconsfield's Government in 1877. Marten's Act, it will be remembered, did not come into existence till two years later. The reasons in favour of entrusting the Local Government Board with the central supervision of the burial laws are accordingly somewhat stronger now than they were in 1877; since, during the last twenty years, the Board has had larger direct experience in this province than it had acquired at the earlier date. After giving our careful consideration to this question, we are prepared to recommend that the central authority for the administration of the burial laws should be the Local Government Board.

See Memo. on the Burial Acts Consolidation Bill (Appendix No. 2).

"31. YOUR COMMITTEE append the following summary of their recommendations:—

"I. That it is desirable to consolidate, simplify, and amend the existing laws which relate to burial, and to concentrate the administration of these laws in a single Government Department.

"II. That the Department should be the Local Government Board.

"III. That the local authorities over cemeteries should be, in boroughs, the town council; in urban districts, the urban district council. In rural districts, the local authority for a cemetery which serves one parish only should be the parish council, or in a parish which has no parish council, the parish meeting. Provision should be made for the combination of parishes or authorities in suitable areas where it may be desired. The local authority for a cemetery which serves more than one parish should be representative of the parish councils or parish meetings concerned. The case of a parish situated partly in a rural and partly in an urban district would require special adjustment.

"IV. That the local authority should have discretionary power to apply for the consecration of part of the cemetery.

"V. That if the local authority should decline to apply for the consecration of any part of a cemetery, and if a demand for consecrated ground should be made by a reasonable number of parishioners, then the Local Government Board should intervene, and apply for consecration. There should also be a right of appeal to the Local Government Board as to the extent and situation of the ground to be consecrated. In such cases the fees for consecration should be paid by those who have demanded it.

"Consecration should not prevent the performance in the consecrated ground of such Christian and orderly services, other than the service of the Church of England, as may be desired by the relatives of the deceased, in accordance with the Burial Laws Amendment Act of 1880.

"VI. That in every cemetery the chapel or chapels which may hereafter be erected at the cost of the ratepayers should be unconsecrated, and be open to all.

"VII. That a religious body should have power, with the consent of the local authority, to erect at its own cost a chapel for services according to the rites of that body; and, if the local authority should refuse consent, there should be an appeal to the Local Government Board.

"VIII. That ecclesiastical fees, other than fees for services rendered, should be abolished in public cemeteries. The fees should be of the same amount in the consecrated as in the unconsecrated part of a cemetery. The scale of fees for services rendered should be fixed by the local authority, subject to an appeal to the Local Government Board.

"The interests of existing incumbents should be safeguarded by the arrangements for commutation and compensation which have been suggested in detail above (pages and).

"IX. That the parochial clergy should be bound to officiate in consecrated ground where the service of the Church of England is required, subject to their statutory right to appoint a duly qualified

Mr. D'Almeida,
5791.

Bishop of
Newcastle, 2595.

Mr. D'Almeida,
5792.

Mr. D'Almeida,
5793.

qualified substitute. The local authority should have no power to appoint a chaplain with a stipend.

"X. That the forty-eight hours' notice to incumbents, at present required in the case of consecrated ground, should be abolished, and the local authority should have power to determine what notice shall be given in respect both to consecrated and to unconsecrated ground.

"XI. That, subject to the foregoing provisions, the existing power of the Bishop in consecrated ground should be retained.

"XII. That the existing law, which secures consecrated ground against being converted to profane uses, should be retained; and that the Disused Burial Grounds Acts should be strengthened, so as to afford more complete protection to unconsecrated graveyards and cemeteries or parts of cemeteries.

Motion made and question, That the Draft Report be read a second time, paragraph by paragraph,—put, and *agreed to*.

Paragraphs 1 and 2, *agreed to*.

Paragraphs 3 and 4, amended, and *agreed to*.

Paragraph 5, *postponed*.

Paragraph 6, amended, and *agreed to*.

Amendment proposed, That the following new paragraph be inserted in the proposed Report:—

"Under the Burial Acts the burial authority is not empowered to appoint or pay a chaplain. By Section 39 the incumbents of several parishes for which a single burial ground is provided may, with the sanction of the Bishop, appoint and remunerate out of the fees a chaplain to carry out their duties"—(Mr. J. W. Sidebotham).—Question, That this paragraph be inserted in the proposed Report,—put, and *agreed to*.

Paragraphs 7—17, amended, and *agreed to*.

Paragraph 18, *agreed to*.

[Adjourned till to-morrow, at Twelve o'clock.

Tuesday, 26th July 1898.

MEMBERS PRESENT:

Mr. JEBB in the Chair.

Mr. Griffith-Boscawen.
Mr. Robert Cameron.
Viscount Cranborne.
Mr. Goddard.
Mr. Gretton.
Mr. Hardy.

Mr. H. C. Richards.
Mr. Lucas-Shadwell.
Mr. J. W. Sidebotham.
Mr. Carvell Williams.
Mr. Woodall.

Postponed Paragraph 5, amended, and *agreed to*.

Paragraph 19, *agreed to*.

Paragraph 20.

Amendment proposed, after the word "ground" in line 7, to insert the following words: "We do not desire in any case to compel an unwilling local authority itself to make application to the Bishop for consecration, but we think that parishioners who wish for consecrated ground, unless their number is insignificant, should have the right to obtain it"—(Viscount Cranborne).—Question, That those words be there inserted,—put, and *agreed to*.

Other Amendments made.

Paragraph, as amended, *agreed to*.

Paragraphs 21 and 22, amended, and *agreed to*.

Paragraph 23, *postponed*.

Paragraphs 24—26, amended, and *agreed to*.

Another Amendment proposed, That the following new paragraph be inserted in the proposed Report:—

Having regard to the proposals which we have made in the interests of those who desire consecrated ground, we recommend, on the other hand, that in the unconsecrated ground the system of allotments under the Burial Acts which we have described should be continued. As to the boundary fences we consider that the nature of the fence may well be left to the local authority, and that the rule under the Cemeteries Clauses Act that it should be eight feet high is unnecessary. The limits between the consecrated and unconsecrated ground should, we think, be clearly defined.—(Viscount Cranborne.)

Question proposed, That those words be there inserted.

Amendment proposed to proposed paragraph, after the words "be continued," to insert the words "with possible modifications"—(Mr. Carvell Williams).—Question put, That those words be there inserted.—The Committee divided:

Ayes, 3.

Mr. Robert Cameron.
Mr. Goddard.
Mr. Carvell Williams.

Noes, 7.

Mr. Griffith-Boscawen.
Viscount Cranborne.
Mr. Gretton.
Mr. Laurence Hardy.
Mr. H. C. Richards.
Mr. Lucas-Shadwell.
Mr. J. W. Sidebotham.

Question put, That this paragraph be inserted in the proposed Report—

The Committee divided:

Ayes, 7.

Mr. Griffith-Boscawen.
Viscount Cranborne.
Mr. Gretton.
Mr. Laurence Hardy.
Mr. H. C. Richards.
Mr. Lucas-Shadwell.
Mr. J. W. Sidebotham.

Noes, 3.

Mr. Robert Cameron.
Mr. Goddard.
Mr. Carvell Williams.

Paragraph 27, *postponed*.

Paragraph 28.

An Amendment made.

Another Amendment proposed, after the word "council" in line 2, to insert the following words, "or in cases where a cemetery is to be provided for a part only of the area comprised in the municipality or urban district, a committee of the town or urban council representative of that particular part."—(Mr. Griffith-Boscawen.)

Question proposed, That those words be there inserted.

Amendment, by leave, withdrawn.

Paragraph, as amended, *agreed to*.

Postponed paragraph 27, amended, and *agreed to*.

Paragraph 29, amended, and *agreed to*.

Paragraph 30, *agreed to*.

Paragraph 31.

Several Amendments made; Further consideration of the paragraph *postponed*.

Postponed paragraph 23, considered.

[Adjourned to to-morrow, at Eleven o'clock.

Wednesday, 27th April 1898.

MEMBERS PRESENT:

Mr. JEBB in the Chair.

Mr. Griffith-Boscawen.
Mr. Cameron.
Viscount Cranborne.
Mr. Goddard.
Mr. Gretton.

Mr. William Jones.
Mr. Lucas-Shadwell.
Mr. J. W. Sidebotham.
Mr. Carvell Williams.

Postponed paragraph 23 further considered.

Amendment proposed to leave out from the words "when the burial authority," in line 7, to the end of the paragraph, in order to insert the following words: "We are of opinion that the interests of existing incumbents and other officials who will be affected by the proposed abolition of other fees than those paid for services rendered, will be sufficiently safeguarded by the continued payment for a term of years, or until resignation, of the fees they have hitherto received."—(Mr. *Carvell Williams*.)

Question proposed, That the words proposed to be left out stand part of the paragraph.

Amendment, by leave, withdrawn.

An Amendment made.

Another Amendment proposed, in line 2, after the words "local authorities," to insert the words "with regard to existing cemeteries we recommend, that the present fees should be continued until the next vacancy or for fifteen years, whichever period should be the longer, but if there should be a desire sooner to commute such fees by local agreement under proper safeguards, facilities to effect such object should be afforded."—(Viscount *Cranborne*.)

Question proposed, That those words be there inserted.

Amendment proposed to proposed Amendment, in line 3, to leave out the words "or for fifteen years, whichever period shall be longer"—(Mr. *Carvell Williams*).—Question put, That the words proposed to be left out stand part of the proposed Amendment.—The Committee divided:

Ayes, 5.
Mr. Griffith-Boscawen.
Viscount Cranborne.
Mr. Gretton.
Mr. Lucas-Shadwell.
Mr. J. W. Sidebotham.

Noes, 4.
Mr. Robert Cameron.
Mr. Goddard.
Mr. William Jones.
Mr. Carvell Williams.

Question, That those words be there inserted,—put, and *agreed to*.

Another Amendment proposed, to leave out, from the words "when the burial authority," in line 7, to the words "other resources," in line 23, both inclusive—(Viscount *Cranborne*).—Question, That those words stand part of the paragraph,—put, and *negatived*.

Another Amendment made.

Paragraph, as amended, *agreed to*.

Another Amendment proposed that the following new paragraph be inserted in the proposed Report:—We are of opinion that the existing inequalities in parochial rating for the provision of parochial cemeteries should be considered. We also recommend that further provision should be made for the compulsory acquisition, when necessary, of land for parochial cemeteries, and that the existing law should be simplified.—(Mr. *Carvell Williams*).—Question, That this paragraph be inserted in the proposed Report,—put, and *agreed to*.

Postponed paragraph 31.

Several Amendments made.

Paragraph, as amended, *agreed to*.

Question, That this REPORT, as amended, be the Report of the Committee to the House,—put, and *agreed to*.

Ordered, to Report.

EXPENSES OF WITNESSES.

NAME OF WITNESS.	Profession or Condition.	From whence Summoned.	Number of Days Absent from Home, under Orders of Committee.	Allowance	Expenses	TOTAL
				during Absence from Home.	of Journey to London and back.	Expenses allowed to Witness.
				£. s. d.	£. s. d.	£. s. d.
George Stevens	Town Clerk	Hyde	2	2 2 -	2 11 2	4 13 2
John Richards	Solicitor	Denton	2	4 4 -	2 15 4	6 19 4
George Cairns	Schoolmaster	Hurst	2	2 2 -	2 13 10	4 15 10
Rev. E. M. Young	Clergyman	Rothbury	2	2 2 -	2 8 -	4 10 -
F. R. B. Lindsell	Gentleman	Altrincham	1	1 1 -	1 4 6	2 5 6
John R. Cooper	Town Clerk	Walsall	1	1 1 -	1 18 3	2 19 3
D'Oyley Ransom	Gentleman	Nottingham	1	1 1 -	1 12 8	2 13 8
John Morgan	Gentleman	St. Leonards	2	2 2 -	1 - 4	3 2 4
Charles Goodacre	Gentleman	Barrow-on-Soar	2	2 2 -	1 14 -	3 16 -
Edward W. Lock	Gentleman	Hoddeston	—	—	3 -	3 -
Arthur J. Scott	Gentleman	King's Lynn	1	1 1 -	1 11 2	2 12 2
Charles Stead	Gentleman	Freshfield	2	2 2 -	3 1 -	5 3 -
Joseph King	Gentleman	Witley	1	7 -	10 6	17 6
Rev. J. Murphy	Clergyman	Hull	2	2 2 -	2 13 4	4 15 4
Rev. Prebendary Hannah	Clergyman	Brighton	—	—	15 -	15 -
George J. Cockburn	Gentleman	Headingley	2	2 2 -	3 - 6	5 2 6
Rev. William A. Spooner	Clergyman	Oxford	—	—	13 10	13 10
Rev. Joseph Lambert	Clergyman	Hull	1	1 1 -	2 17 10	3 18 10
				TOTAL	£. 59 16 3	

REPORT

FROM THE

SELECT COMMITTEE

ON

BURIAL GROUNDS;

WITH THE

PROCEEDINGS OF THE COMMITTEE.

*Ordered, by The House of Commons, to be Printed,
27 July 1898.*

[Price 3d.]

Under 4 cc.

322.