

STANLEY CEMETERY.

Ordinance No. 6 of 1888.

As amended by No. 9 of 1892.

[17th September, 1888.]

Preamble.

WHEREAS at the time of the settlement of the town of Stanley a certain lot of Crown land, having an area of three acres, was reserved and set apart as a place for a church and cemetery, and the same is delineated in the original plan of survey made by Murrell Robinson Robinson, then chief Government Surveyor, and inscribed with the words "Trinity Church Square":

And whereas a portion of the said land, being half an acre or thereabouts, was then enclosed by a wooden fence as a general burying ground for the use of the Settlement:

And whereas on the 3rd day of February, 1872, one acre or thereabouts of the aforesaid reserved land, including that part of it which had been enclosed and used as a burial ground as aforesaid, was granted to the Right Reverend Waite Hockin Stirling, Doctor of Divinity, Bishop of the Church of England in the Falkland Islands, and the Reverend Charles Bull, Master of Arts, Colonial Chaplain, and their successors, for the purposes of a cemetery or burial ground of the dead of all religious denominations:

And whereas the land so granted was then consecrated by the Bishop and has been enclosed by a stone wall:

And whereas the increasing population of the Settlement renders it necessary and expedient to increase the size of the Cemetery, and to make provision for the due protection and management thereof, and for the allotment of graves, and for other purposes.

Be it enacted by the Governor of the Falkland Islands and their Dependencies, with the advice and consent of the Legislative Council thereof, as follows :—

Enacting clause.

1. That portion of the Cemetery which by Deed of Grant, dated the 3rd day of February, 1872, was vested in the Right Reverend Waite Hockin Stirling, Doctor of Divinity, Bishop of the Church of England in the Falkland Islands, and the Reverend Charles Bull, Master of Arts, and their successors, for the purposes of a cemetery or burial ground of the dead of all religious denominations, shall cease to be so vested, and the whole of the said Cemetery as hereinafter described shall be vested in the Governor of the Falkland Islands, and his successors in office, for the purposes of a cemetery for the use of the Colony.

From date of this Ordinance the entire Cemetery vested in Governor and his successors in office for the purposes of a cemetery for use of the Colony.

2. The boundaries of the Cemetery shall be as follows :—From east to west the space between the line dividing lots Nos. 41 and 42 and the western wall of the Cemetery. From north to south the space between the northern wall of the Cemetery and the Fitzroy Road, being six chains and eighty links from east to west and six chains and fifty links from north to south, enclosing an area of four acres, one rood and twenty-seven perches, and including lots Nos. 40, 41 and 96.

Boundaries of Cemetery.

3. No burial shall take place in the new part of the Cemetery until it shall have been enclosed by a substantial fence or wall at least seven feet in height.

Cemetery to be enclosed and fenced.

4. The Cemetery shall be surrounded on all sides by an open space or road, not less than one chain in width, and no dwelling-house shall be erected within one hundred feet of the outer wall or fence of the Cemetery.

Space to be left round the Cemetery.

No dwelling-house to be within 100 feet of Cemetery.

5. There shall be a Burial Board composed of the following members, that is to say :—The Incumbent of Christ Church Cathedral for the time being, the Priest, if any, for the time being in charge

Burial Board.

of the Roman Catholic Chapel in Stanley, and the Minister, if any, for the time being attached to the Baptist Chapel in Stanley, two unofficial members of the Legislative Council and two persons residing in the town of Stanley, or within one mile thereof, to be appointed by the Governor :

Provided always, that the two persons appointed by the Governor shall not continue in office longer than two years without being reappointed.

Meetings of the Board.

6. The Board shall meet at least once in every month at some convenient place previously publicly notified, and the said Board may meet at such other time as at any previous meeting shall be determined upon; and it shall be at all times competent for any two members of the Board by writing under their hands to summon, with at least forty-eight hours' notice, the Board for any special purpose mentioned in such writing, and to meet at such time as shall be appointed therein.

7. At all meetings of the Board any number not less than three of members of such Board shall be a sufficient number for transacting business and for exercising all the powers of the Board.

Board to keep accounts.

8. Entries of all proceedings of the Board, with the names of the members who attend each meeting, shall be made in books to be provided and kept for that purpose, under the direction of the Board, and shall be signed by the members present or any two of them; and all entries purporting to be so signed shall be received as evidence, without proof of any meeting of the Board having been duly convened or held, or of the presence at any such meeting of the persons named in any such entry as being present thereat, or of such persons being members of the Board, or of the signature of any person by whom any such entry purports to be signed, all which matters shall be presumed until the contrary is proved; and the Board shall provide and keep books in which shall be entered true and regular accounts of all sums of money received and paid for or on account of the purposes of this Ordinance, and of all liabilities incurred by them for such purposes

and of the several purposes for which such sums of money are paid and such liabilities incurred.

9. The accounts of the Board shall be made up and balanced to the 30th day of September in each year, and some time in the month of December in every year, not later than the 15th day thereof, the Board shall cause to be forwarded to the Colonial Secretary, for the information of the Governor in Council, an account of all sums of money received and expended by the Board under the provisions of this Ordinance, and a statement of the purposes of all expenditure and of the balance of money, if any, remaining in hand, and all or any of the books which shall be kept by the Board as hereinbefore provided shall at all times be placed before the Governor in Council for inspection when so required on due notice to the Board from the Colonial Secretary.

Accounts to be made up and balanced annually on 30th September.

Board to forward accounts annually for information of Governor in Council.

Books to be at all times, when required, placed before Governor in Council for inspection.

10. The Board shall have the management and control of all matters connected with the Cemetery, and may permit the building of such chapel or chapels for the performance of the Burial Service, either in the consecrated or unconsecrated parts thereof in such situations as they think fit, and may lay out and embellish the grounds of the Cemetery as they think fit.

Board to have control of Cemetery.

11. The Board shall, as soon as practicable, with such funds as may be at their disposal, enclose the Cemetery by a wall or other sufficient fence as hereinbefore directed, and shall keep the Cemetery and the buildings, if any, and the fences thereof in good order and condition out of such moneys as shall be received by them by virtue of this Ordinance or by public or private contributions or from any other funds made applicable to such purpose.

Board to enclose Cemetery.

Moneys received and income arising from Cemetery to be applied towards defraying expenses.

12. The Board shall set apart one acre of land on the eastern side of the Cemetery in a single block, of the entire length from north to south, to be used exclusively for the burial of Roman Catholics, and the Board shall also set apart one acre of the southern part of the Cemetery to remain unconsecrated for the burial of such other persons, not

One acre of unconsecrated part of Cemetery to be set apart for Roman Catholics.

One acre in southern part of Cemetery to remain unconsecrated.

Residue to be added to consecrated part of Cemetery, and be also consecrated.

Consecrated ground to be defined.

No wall or fence required between the consecrated and unconsecrated portions of the Cemetery.

Boundary marks to be provided.

Regulations for ensuring decency and solemnity.

Sexton to be clerk of Board if so required.

Power to appoint grave-diggers.

Board to regulate depth of graves.

Parts of Cemetery may be set apart for exclusive burial.

being members of the Church of England, whose friends may object to their burial in that part of the Cemetery which is consecrated according to the rites of the Church of England, and the residue of the extension after the deduction of the two acres aforesaid shall be added to the consecrated portion of the Cemetery and be duly consecrated as soon as the necessary conditions for that purpose shall have been fulfilled.

13. The Board shall define by suitable marks the consecrated and unconsecrated portions of the Cemetery and the portion set apart for the burial of Roman Catholics.

14. It shall not be necessary to erect or maintain any wall or fence between the consecrated and unconsecrated portions of the Cemetery :

Provided always that it shall be the duty of the Board to place and from time to time to renew such boundary marks of stone or iron as may be sufficient to show the boundaries of such consecrated and unconsecrated portions respectively.

15. The Board shall make regulations for ensuring that all burials within the Cemetery are conducted in a decent and solemn manner.

16. The sexton shall be under the authority of the Board, and shall, if so required, be the clerk of the Board.

17. The Board shall appoint such persons as they may think fit from time to time to be grave-diggers, and shall fix the rate of charges for digging graves.

18. The Board shall make such regulations respecting the depth of graves as they shall think fit.

19. The Board may set apart such parts of the Cemetery as they think fit for the purpose of granting exclusive rights of burial therein, and they may sell, either in perpetuity or for a limited time and

subject to such conditions as shall be hereafter determined, the exclusive right of burial in any parts of the Cemetery so set apart or the right of one or more burials therein, and they may sell the right of placing any monument or gravestone in the Cemetery or of any railing or other enclosure or any tablet or monumental inscription on the walls of any chapel or other building within the Cemetery.

Monumental
inscriptions.

20. The Board shall cause a plan of the Cemetery to be made on a scale sufficiently large to show the situation of every burial place in all parts of the Cemetery so set apart and in which an exclusive right of burial has been granted, and all such burial places shall be numbered and such numbers shall be entered in a book to be kept for that purpose, and such book shall contain the names and descriptions of the several persons to whom the exclusive right of burial in any such place of burial has been granted by the Board, and no place of burial, with exclusive right of burial therein, shall be made in the Cemetery without the same being marked out in such plan and a corresponding entry made in the said book, and the said plan and book shall be kept by the clerk of the Board.

Plan and book
of reference to
be kept.

21. The grant of the exclusive right of burial in any part of the Cemetery, either in perpetuity or for a limited time, and of the right of one or more burials therein or of placing therein any monument, tablet or gravestone or any railings or other enclosures round the same may be made in the form in the Schedule to this Ordinance or to the like effect, and it may be executed by the Board or any two of them.

Form of grant
of burial, etc.,
to be according
to Schedule.

22. A register of all such grants shall be kept by the clerk of the Board, and within fourteen days after the date of any such grant an entry or memorial of the date thereof and of the parties thereto, and also the consideration for such grant and also a proper description of the ground described in such grant, so as the situation thereof may be ascertained, shall be made by the said clerk in such register; and such clerk shall be entitled to demand such sum as

Register of
grants to be
kept.

the Board think fit, not exceeding two shillings and sixpence, for every such entry or memorial, and the said register may be perused at all reasonable times by any grantee or assignee of such right on payment of one shilling to the clerk of the Board.

Exclusive right of burial place to be personal estate of grantee, to be assignable, or may be bequeathed by will.

23. The exclusive right of burial in any such place of burial shall, whether granted in perpetuity or for a limited time, be considered as the personal estate of the grantee and may be assigned in his lifetime or bequeathed in his will.

Form of assignment.

24. Every such assignment made in the lifetime of the assignor shall be by deed, in which the consideration shall be duly set forth, and may be in the form in the Schedule to this Ordinance or to the like effect.

Assignment to be registered.

25. Every such assignment shall, within six months after the execution thereof, if executed in the Falkland Islands, or within six months after the arrival thereof in the Falkland Islands, if executed elsewhere, be produced to the clerk of the Board, and an entry or memorial of such assignment shall be made in the register by the clerk of the Board in the same manner as that of the original grant, and until such entry or memorial no right of burial shall be acquired under any such assignment, and for every such entry or memorial the clerk shall be entitled to demand such sum as the Board think fit, not exceeding two shillings and sixpence.

Probates of wills to be registered.

26. An entry or memorial of the probate of every will by which the exclusive right of burial within the Cemetery is bequeathed and, in case there be any specific disposition of such exclusive right of burial in the said will, an entry of such disposition shall, within six months after the probate of such will, be made in the said register in the same manner as that of the original grant, and until such entry no right of exclusive burial shall be acquired under such will; and for every such entry or memorial the clerk of the Board shall be entitled to demand such sum as the Board think fit, not exceeding two shillings and sixpence.

27. No body shall be buried in any place wherein the exclusive right of burial shall have been granted by the Board, except with the consent of the owner for the time being of such exclusive right of burial.

Burial place to be kept exclusively for purchasers of exclusive right.

28. No such grant as aforesaid shall give the right to bury within the consecrated part of the Cemetery the body of any person not entitled to be buried in consecrated ground according to the rights and usage of the Church of England, or to place any monument, gravestone, tablet or monumental inscription respecting any such body within the consecrated part of the Cemetery.

No such grant to give the right of burial in consecrated ground to certain persons.

29. The Board may take down and remove any gravestone, monument, tablet or monumental inscription and any railings or other enclosures which shall after the coming into operation of this Ordinance have been placed within the Cemetery without their authority.

Power to remove monuments improperly erected.

30. The Board shall set apart, both in the consecrated and unconsecrated portions of the Cemetery, a sufficient space for the burial of the bodies of paupers or of those persons whose friends may not be desirous of purchasing the exclusive rights of burial.

Space to be reserved for bodies of paupers and others.

31. With respect to interments made in the Cemetery previous to the operation of this Ordinance, the Board shall have the same power and authority to grant exclusive rights to such burial places, and to the right of any monuments, tablets, gravestones, railings or other enclosures which shall have already been placed thereon, in like manner as hereinbefore provided for the purchase of such rights, and all such burial places shall be measured and defined by boundary marks and by numbers in regular order, and shall be duly marked upon the plan of the Cemetery and entered in the register book, and the rate of payment for the same shall be at the rate fixed for all such exclusive burial places, according to the space of ground occupied.

Board may grant exclusive rights to burial places already occupied, and to gravestones and monuments, etc., already placed thereon.

Such burial places to be defined and marked on plan and entered in register book, and paid for at same rate as fixed by the Board for all exclusive burial places.

Power of Board
to make by-
laws.

32. The Board may make rules and by-laws with respect to the following matters, that is to say :—

(1) With respect to the minimum and maximum size of all graves and of all spaces in which exclusive rights of burial are granted, as hereinbefore provided.

(2) The conditions on which exclusive rights of burial may be granted and the price to be paid for the minimum size of such spaces, and the price per superficial foot at a largely increased rate of any additional space between the minimum and maximum size of spaces so granted.

(3) The price and conditions of the sale of a right to place monuments, gravestones or any railing or other enclosure in the Cemetery, or of placing any tablet or monumental inscription on the walls of any chapel or other building within the Cemetery.

(4) The rate and amount of all fees to be paid to the clerk or other officer of the Board for attending at funerals, allotting graves or any other duties for which he ought properly to receive fees.

By-laws to be
approved by
Governor.

33. All rules and by-laws shall be approved by the Governor in Council before they shall have the force of law.

Ordinance not
to affect powers
of Board of
Health.

34. Nothing in this Ordinance contained shall be held to affect the powers of the Board of Health with respect to burial grounds and the burial of the dead under the provisions of the Public Health Ordinance, 1894.

Penalty for
damaging the
Cemetery.

35. Every person who shall wilfully destroy or injure any building, wall or fence belonging to the Cemetery, or destroy or injure any plant therein, or who shall daub or disfigure any wall thereof, or put up any bill therein or on any wall thereof, or wilfully destroy, injure or deface any monument, tablet, inscription or gravestone, railing or other

enclosure within the Cemetery, or do any wilful damage therein, shall for every such offence forfeit and pay to the Board over and above the amount of injury done a sum not exceeding five pounds.

36. Every person who shall play at any game or sport or discharge fire-arms, save at a military funeral, in the Cemetery, or shall wilfully and unlawfully disturb any persons assembled in the Cemetery for the purpose of burying any body therein, or who shall commit any nuisance within the Cemetery, shall forfeit and pay to the Board a sum not exceeding five pounds.

Penalty on persons committing nuisances in the Cemetery.

37. All penalties and forfeitures incurred under this Ordinance may be recovered in a summary manner before the Police Magistrate, with costs, on the complaint of any member or officer of the Board.

Recovery of penalties.

38. This Ordinance may be cited as "The Stanley Cemetery Ordinance, 1888."

Short title.

SCHEDULE.

Form of Grant of Right of Burial.

By virtue of Stanley Cemetery Ordinance, 1888, we, in consideration of the sum of _____ to us paid by _____ of _____ do hereby grant unto the said _____ the exclusive right of burial [or the right of placing a monument, tablet or gravestone, railing or enclosure], [*here describe the ground intended for the exclusive burial, or for placing a monument, tablet or gravestone, railing or enclosure, as the case may be, so as to identify the same, and if a place of exclusive burial add "numbered _____ on the plan of the Cemetery, made in pursuance of the said Ordinance"*], to hold the same to the said _____ in perpetuity [*or the period agreed upon*] for the purpose of burial [*or as the case may be*].

Given under our hands and seals this _____ day of _____ in the year of our Lord _____

Form of Assignment of Right of Burial.

I, *A. B.*, of _____, in consideration of the sum of _____ paid to me by *C. D.* of _____ do hereby assign unto the said *C. D.* the exclusive right of burial in Stanley Cemetery, and numbered _____ on the plan of the Cemetery, made in pursuance of the Stanley Cemetery Ordinance, 1888, which was granted to me [*or unto A. C. of _____ in perpetuity*] [*or as the case may be*] by a Deed of Grant bearing date the _____ day of _____ and all my estate, title and interest therein, to hold the same unto the said *C. D.* in perpetuity [*or as the case may be* for the remainder of the period for which the same was granted], subject to the conditions on which I held the same immediately before the execution hereof.

Witness my hand and seal this _____ day of _____ in the year of our Lord _____

MERCHANDISE MARKS.

Ordinance No. 1 of 1889.

As amended by No. 14 of 1889.

[18th February, 1889.]

Be it enacted by the Governor of the Falkland Islands and their Dependencies, with the advice and consent of the Legislative Council thereof, as follows :—

Short title.

1. This Ordinance may be cited as "The Merchandise Marks Ordinance, 1889."