

# The Impact of Legislative Reform on Baptisms, Marriages and Burials 1836–52, with particular reference to London

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London

*This article considers, with particular reference to London, the impact of legislation during the second quarter of the nineteenth century on the churches' practice of rites of passage in relation to births, marriages and deaths. It investigates the religious, political and social reasons for legislation relating to these rites which many contemporaries and subsequent historians considered an attack on the Church of England and evidence of advancing secularization. It shows that despite significant constitutional, social and religious changes during these years, religiously motivated politicians, sympathetic to the established church, achieved legislation introducing general registration of births, marriages and deaths, and providing for more satisfactory burial of London's rapidly growing population in the context of a high death rate. While satisfying some grievances of religious Dissenters, this protected the established church's interests, and evidence suggests that a high proportion of London's population continued to access its rites of passage for baptism, marriage and burial.*

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In the mid-nineteenth century, legislation was passed that had the most significant impact on rites of passage of births, marriages and burials in England and Wales since parish registers had been introduced for recording baptisms, marriages and burials in 1538.<sup>1</sup> The Registration and Marriage Acts 1836 introduced a national registration system apart from the Church of England's parish registers and

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<sup>1</sup> Lord Hardwicke's Marriage Act of 1753 and Sir George Rose's Act of 1812 had made modifications to requirements for registration and introduced printed registers. For a detailed discussion of the 1753 Marriage Act, see R. B. Outhwaite, *Clandestine Marriage in England 1500–1850* (London, 1995), 75–167; Keith A. Francis, "An Absurd, a Cruel, a Scandalous and a Wicked [Bill]": The Church of England and the (Clandestine) Marriage Act of 1753', in David J. B. Trim and Peter J. Balderstone, eds, *Cross, Crown and Community: Religion, Government and Culture in Early Modern Britain 1400–1800* (Bern, 2004), 277–307.

provided for marriages elsewhere than in churches, and a series of acts from the 1830s onwards provided for burials in other than parish burial grounds. Many contemporaries – like subsequent historians – considered this a successful attack by Dissenters and secularists on the Church of England’s monopoly on providing these rites of passage and a first step towards disestablishment.<sup>2</sup> This article, referring particularly to London, will show that, although the legislation marked further adjustments in the relationship between church and state, it did much to safeguard the interests of the established church, which subsequently continued to provide a high proportion of these rites of passage for a rapidly growing urban population.

In order to demonstrate this, the article will explore the complex interaction of religious, political, legal, economic and social factors involved in securing legislation affecting rites of passage in a changing world. It will show that, despite Anglican fears and Dissenters hopes that the steps taken to remedy the Dissenting community’s grievances about the provision of rites of passage would lead to the disestablishment of the Church of England, this did not happen. While partially relieving Dissenters’ grievances, a still very largely Anglican parliament and government ministers took into account Anglican anxieties and achieved Registration Acts and burial legislation that largely protected the established church’s interests.

The issues involved in achieving this legislation and its impact on the provision of rites of passage have not previously been considered synoptically by historians of nineteenth-century English religion. Owen Chadwick and G. I. T. Machin in their major studies briefly discussed the significance of the 1836 Registration Acts, and Robert Rodes Jr considered legislation in relation to burials, also briefly.<sup>3</sup> M. J. Cullen offered a more extensive discussion of the background to the Registration Acts and the emergence of the statistical

<sup>2</sup> See, for example, Julie Rugg, ‘The Rise of the Cemetery Company in Britain 1820–53’ (PhD thesis, University of Stirling, 1992), 260; Peter C. Jupp, *From Dust to Ashes: Cremation and the British Way of Death* (Basingstoke, 2006), 9–10.

<sup>3</sup> Owen Chadwick, *The Victorian Church*, Part One: 1829–1859 (London, 1966), 143–6; G. I. T. Machin, *Politics and the Churches in Great Britain 1832–68* (Oxford, 1977), 43–56; Robert E. Rodes Jr, *Law and Modernization in the Church of England: Charles II to the Welfare State* (Notre Dame, IN, 1991), 142–8. For the wider context of religion in London during this period, compare also W. M. Jacob, *Religious Vitality in Victorian London* (Oxford, 2021), 33–58.

movement,<sup>4</sup> and Olive Anderson discussed the impact of provision for civil marriage following the Marriage Registration Act 1836.<sup>5</sup> In an article on Bethnal Green, Arthur Burns noted the impact of the creation of new parishes on rites of passage.<sup>6</sup> Studies of religion in poor districts in late-nineteenth and early twentieth-century London have also noted the continuing high rates of baptisms and marriages in Anglican churches at the end of the nineteenth century.<sup>7</sup> As will be seen, civil registration was comparatively easily achieved, contrasting with the complexity of issues around burial legislation, which will occupy the greater part of this article. Discussion of these has chiefly focused on joint-stock cemeteries and their design. James Stevens Curl's *The Victorian Celebration of Death*<sup>8</sup> was a pioneer study, discussing funerals and burial in London, and F. H. W. Sheppard considered the origins of London's first joint-stock cemetery at Kensal Green in the *Survey of London* volume on North Kensington.<sup>9</sup> Since the 1980s there has been considerable interest in the origins and developments of London's cemeteries.<sup>10</sup> The

<sup>4</sup> M. J. Cullen, 'The Making of the Civil Registration Act of 1836', *JEH* 25 (1974), 39–59; idem, *The Statistical Movement in Early Victorian Britain: The Foundations of early Empirical Research* (Hassocks, 1975).

<sup>5</sup> Olive Anderson, 'The Incidence of Civil Marriage in Victorian England and Wales', *P&P* 69 (1975), 50–87; eadem, 'The Incidence of Civil Marriage in Victorian England and Wales: A Rejoinder', *P&P* 84 (1979), 156–61.

<sup>6</sup> Arthur Burns, 'My Unfortunate Parish': Anglican Urban Ministry in Bethnal Green 1809–c.1850', in Melanie Barber and Stephen Taylor with Gabriel Sewell, eds, *From the Reformation to the Permissive Society: A Miscellany in Celebration of the 400th Anniversary of Lambeth Palace Library*, CERS 18 (Woodbridge, 2010), 269–393, at 281, 292–3, 328, 365–88.

<sup>7</sup> S. C. Williams, *Religious Belief and Popular Culture in Southwark, c.1880–1939* (Oxford, 1999), 87–104; Jeffrey Cox, *The English Churches in a Secular Society: Lambeth 1870–1930* (New York, 1982), 98.

<sup>8</sup> James Stevens Curl, *The Victorian Celebration of Death* (Newton Abbot, 1972).

<sup>9</sup> F. H. W. Sheppard, ed., *Survey of London*, 37: *North Kensington* (London, 1973), 333–9.

<sup>10</sup> Chris Brookes and Elliot Brent, *Mortal Remains: The History and Present State of the Victorian and Edwardian Cemetery* (Exeter, 1989); Ralph Houlbrooke, ed., *Death, Ritual and Bereavement* (London, 1989); Deborah Elaine Wiggins, 'The Burial Acts and Cemetery Reform in Great Britain 1815–1914' (PhD thesis, Texas Technical University, 1991); Julie Rugg, 'Rise of the Cemetery Company'; John Pinfold, 'The Green Ground'; Peter C. Jupp, 'Enon Chapel: No Way for the Dead'; Julie Rugg, 'The Origin and Progress of Cemetery Establishment in Britain', all in Peter C. Jupp and Glennys Howarth, eds, *The Changing Face of Death: Historical Accounts of Death and Disposal* (Basingstoke, 1997), 76–89, 90–104, 105–19; Mary Elizabeth Hotz, 'Down among the Dead: Edwin Chadwick's Burial Reform Discourse in Mid-Nineteenth-Century England', *Victorian Literature and Culture* 29 (2001), 21–38;

major study of burial practices is Thomas W. Laqueur's *The Work of the Dead: A Cultural History of Mortal Remains*.<sup>11</sup> However, none of these has considered the religious dimension of this legislation in its political and social context.

#### THE REGISTRATION AND MARRIAGE ACTS 1836

Until the late 1820s England and Wales remained essentially a confessional state. The legislation introducing the registration of baptisms, marriages and burials by the parish priest in 1538 had imposed a financial penalty for failure to register them. In 1653, under the Commonwealth, responsibility for registering baptisms and burials was transferred to elected 'Parish Registers', and that for conducting and registering marriage to justices of the peace. The previous arrangement was restored in 1660, all citizens being assumed to be Anglicans. After 1689 Trinitarian 'Dissenters' from the established church were permitted to register their meeting houses for the purpose of public worship, but not for the conduct and registration of legally valid marriages. The Clandestine Marriages Act 1753 required that to be valid marriages must take place in a church before an Anglican clergyman, after banns had been published or a licence obtained. Quakers and Jews, however, were exempted from its provisions.<sup>12</sup> Between 1800 and 1830 numbers of Methodist and Dissenting congregations increased significantly, especially in rapidly growing provincial towns. Dissenters' and Roman Catholics' growing numbers and increasing political influence led to repeal of legislation imposing Anglican tests for holding public office in 1828, and Irish unrest led to emancipation for Roman Catholics in 1829.<sup>13</sup> The 1832 Reform Act increased numbers of non-Anglican voters, making

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Jupp, *Dust to Ashes*; James Stevens Curl, ed., *Kensal Green Cemetery: The Origins and Development of the General Cemetery of All Souls' Kensal Green, London 1824–2001* (Chichester, 2001); John M. Clarke, *London's Necropolis: A Guide to Brookwood Cemetery* (Stroud, 2004); Catherine Arnold, *Necropolis: London and its Dead* (London, 2006); Darren Beach, *London's Cemeteries* (London, 2006).

<sup>11</sup> Thomas W. Laqueur, *The Work of the Dead: A Cultural History of Mortal Remains* (Princeton, NJ, 2015).

<sup>12</sup> See W. E. Tate, *The Parish Chest: A Study of the Records of Parochial Administration in England* (Cambridge, 1960), 44–50.

<sup>13</sup> Machin, *Politics and the Churches*, 8, 21–2.

governments susceptible to their interests. Dissenters, most of whom believed that the state's role should be restricted to maintaining order, protecting property, promoting prosperity and resisting enemies, objected to state-enforced rates payable by all occupiers of land in a parish to fund parish churches and burial grounds, and tithes to fund clergy. They wanted the Church of England to be financed by members' voluntary contributions, as their chapels were. They were irked by the Church of England's role in registering baptisms and deaths, and by the fact that the 1753 Marriage Act recognized only marriage in church as legal marriage. Parish registers were usually also the only evidence courts accepted as evidence in inheritance and property disputes, and a number of court cases in the 1820s held Dissenting chapel registers to be inadmissible as evidence. Dissenters also objected to the parish clergy's monopoly on officiating in parish burial grounds, and to the fact that, under canon 68 of the Church of England's canons of 1604, clergy might decline to bury unbaptized Baptist children or Unitarians baptized without a Trinitarian formula.<sup>14</sup>

After 1829 the Protestant Dissenting Deputies, who represented Baptists, Independents, Presbyterians and Unitarians, the major denominations of Old Dissent, began pressing for 'General Registration' of births, marriages and deaths. When nothing happened following the 1832 Reform Act, in 1833 they formed a United Committee on Dissenting Grievances which began pressing for general registration of births and legislation to permit marriages in their chapels. Lord John Russell as home secretary, while friendly, was not particularly responsive.<sup>15</sup>

In addition, interest in demography, aroused by Thomas Malthus, and concerns about population growth led the British Association for the Advancement of Science to establish a Statistical Section, also in 1833. They and the London Statistical Society began campaigning for more accurate registration of births, marriages and deaths.<sup>16</sup>

<sup>14</sup> See: <<https://www.anglican.net/doctrines:1604-canon-law>>, last accessed 7 December 2022. Canon 68 forbade clergy to refuse burial to any except suicides, excommunicates and the unbaptized, as in the rubric of the Book of Common Prayer Order for the Burial of the Dead.

<sup>15</sup> See Bernard Lord Manning, *The Protestant Dissenting Deputies* (Cambridge, 1952), 261–75.

<sup>16</sup> The British Association was founded in 1831 by William Vernon Harcourt, a canon residentiary of York and a distinguished geologist: see Jack Morrell, 'Harcourt, William

Complaints about inadequacies of church registers for reliable statistical evidence were made to a House of Commons select committee. Following the 1831–2 cholera epidemic, there was also pressure, largely from newly emerging medical journalists, for causes of death to be recorded in the registration of deaths.<sup>17</sup>

Episcopal opposition in the House of Lords in 1831 to the first and second Reform Bills and to the eventual 1832 Reform Act had provoked much anti-clericalism. This was fuelled by the republication of John Wade's *Black Book*, identifying the established church with 'Old Corruption'. Many bishops, clergy and lay Anglicans feared that the minority government following the first general election after the Reform Act (based on the new franchise), dependent on votes of Anglican members of the House of Commons feared to be sympathetic towards Dissenters, would place the established church in danger of radical political intervention. The Irish Church Temporalities Act passed in 1833 and the Ecclesiastical Commission established in 1835 to investigate the church's property fuelled these anxieties about the survival of the church's establishment and endowments.<sup>18</sup>

Dissenters, however, differed in their attitudes and strategy towards the established church. Wesleyan Methodists generally accepted establishment. While Independent and Baptist leaders favoured an immediate campaign to disestablish and disendow the church, Unitarians advocated a gradualist approach to dismantling establishment. Petitions were presented in parliament from numerous Dissenting congregations airing their grievances but although politicians were receptive to some reform, achieving a bill about registration acceptable to all parties that might achieve a majority in both houses proved difficult.<sup>19</sup>

Although minority post-reform ministries needed to be sensitive to Dissenting voters, the great majority of government ministers and members of both houses were thoughtful Anglicans who recognized

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Venables Vernon (1789–1873)', *ODNB*, online edn (2004), at: <<https://doi-org.lonlib.idm.oclc.org/10.1093/ref:odnb/12249>>.

<sup>17</sup> Cullen, 'Making of the Civil Registration Act', 46–9.

<sup>18</sup> For the Ecclesiastical Commissions see G. F. A. Best, *Temporal Pillars: Queen Anne's Bounty, the Ecclesiastical Commissioners, and the Church of England* (Cambridge, 1964), 296–347.

<sup>19</sup> Cullen, 'Making of the Civil Registration Act', 50–6; Richard Brent, *Liberal Anglican Politics: Whiggery, Religion and Reform 1830–1841* (Oxford, 1987), 252–62.

the need to respond to some of the Dissenters' grievances by adjusting the church's establishment without endangering it.<sup>20</sup> Lord John Russell as Whig home secretary was strongly criticized by Dissenters when he introduced a bill which made no provision for general registration of births, marriages and deaths apart from church or meeting house registers.<sup>21</sup> When the Whig ministry fell, the devout Tory churchman Sir Robert Peel introduced a bill proposing a form of civil marriage preceding a religious rite.<sup>22</sup> After his government fell, Russell took it up. These early proposals exposed the complexities of the issues. In the general context of suspicion of governmental power and patronage, increased government expenditure and higher taxes, there was opposition to a central national registration system. There were also criticisms of the proposals for requiring civil marriage prior to a religious rite of the parties' choice. Much anxiety was expressed that if bans of marriage were not read in parish churches, which remained a major focus of communal life and information, the lack of community publicity would increase the risk of clandestine marriages. There were also concerns that poor people, having registered a child's name with a registrar, would forgo baptism, thus endangering a child's immortal soul (and eligibility for Christian burial).<sup>23</sup> Anglican clergy petitioned against the proposals. The bishops in the House of Lords sought to defend the Anglican ideal of marriage, and with it the 1753 Marriage Act, although Archbishop Howley and six other bishops, while opposing provision for civil marriages, did not object to marriages in registered non-Anglican places of worship.<sup>24</sup>

The Registration Act in 1836 established national registration of births and deaths. No penalty was imposed for not giving information

<sup>20</sup> See Brent, *Liberal Anglican Politics*, 65–103.

<sup>21</sup> For Russell's religious sympathies see John Prest, 'Russell, John [formerly Lord John Russell], first Earl Russell (1792–1878)', *ODNB*, online edn (2004), at: <<https://doi.org/lonlib.idm.oclc.org/10.1093/refodnb/21764>>; Brent, *Liberal Anglican Politics*, 56–63, 137.

<sup>22</sup> For Peel's strong Anglican sympathies, see Machin, *Politics and the Churches*, 48–9.

<sup>23</sup> For reports of the numerous parliamentary debates about registration bills, see *Parl. Deb.* (3rd series), 25 February 1834 (vol. 21, cols 776–89); 3 March 1834 (vol. 21, cols 994–9); 17 March 1835 (vol. 26, cols 1073–1180); 15 April 1836 (vol. 32, cols 1087–92, 1093–1101); 13 June 1836 (vol. 34, cols 130–45, 490–4); 11 July 1836 (vol. 35, cols 79–89); 21 July 1836 (vol. 35, cols 375–6); 28 July 1836 (vol. 35, cols 604–6); 1 August 1836 (vol. 35, cols 689–92).

<sup>24</sup> Nicholas Dixon, 'The Activity and Influence of the Established Church in England, c.1800–1837' (PhD thesis, University of Cambridge, 2019), 83–5.

to a registrar about a birth within forty-two days, a concession to the Church of England which was reversed in 1874; in contrast, registration of death, including recording the cause, was compulsory. This largely satisfied Dissenters but disappointed statisticians. Registration was achieved economically and locally, with registrars based in the new Poor Law unions, and most people continued to seek baptism for their children and funerals for their dead in parish churches or Dissenting places of worship. The accompanying Marriage Act retained parish clergy as registrars for marriages in churches, and permitted marriages in registered non-Anglican places of worship in the presence of a registrar, as well as marriage before a registrar without a religious rite. Politicians thus preserved the role of the clergy of the established church as registrars for marriages and partially resolved Dissenters' grievances by permitting marriages in their meeting houses in the presence of a registrar, and providing a civil form of marriage for those who desired no religious rite. This model of adapting existing practice to new circumstances without significantly infringing on the established church's role was subsequently followed in adapting arrangements for the burial of the dead.

Forebodings among church people that civil registration would lead to a falling away (especially of poor people) from faith to infidelity and secularism, and bring divine judgement on the nation, were not fulfilled. There are, however, at least two reasons why it is not possible to provide accurate estimates of the impact of the legislation on numbers of baptisms and marriages in central and east London's densely populated poor parishes. First, rapid population growth in such parishes renders comparisons difficult. Second, the subdivision during the 1830s and 1840s of most populous central and east London parishes makes comparisons impossible. However, limited evidence from one of the most populous central London parishes and comments from incumbents of newly subdivided parishes suggest that parish churches continued to be very busy with baptisms and marriages. At St Giles-in-the-Fields in Holborn, with a population of around forty thousand, curates conducted 617 baptisms and 212 weddings in 1840.<sup>25</sup> In Bethnal Green, which was subdivided during

<sup>25</sup> London, LMA, P82/GIS/A/02/012–013, St Giles-in-the-Fields, Baptism Registers, February 1837 – March 1840, March 1840 – May 1841; P82/GIS/A/03/012–013, St Giles-in-the-Fields, Marriage Registers, July 1837 – May 1840, May 1840 – April 1842.



the 1820s, 1830s and 1840s into eleven new parishes,<sup>26</sup> it was claimed that numbers of baptisms increased from 768 in 1840 to 2,030 in 1850.<sup>27</sup> In 1858, a leading Anglican philanthropist, William Cotton, in evidence to a House of Lords select committee, noted that in one district of Bethnal Green when a new church had been opened, eight hundred men, women and children were baptized in the course of a year.<sup>28</sup> The incumbent of St Peter's, Stepney, in evidence reported 538 baptisms in the previous year.<sup>29</sup> The rector of St Matthew's, Bethnal Green, reported thirty or forty baptisms every Sunday.<sup>30</sup> In 1859, he also alleged that his neighbour at St Philip's had reduced his fee for conducting weddings to 2s. 6d., attracting people from all over London and frequently marrying fifty couples a day.<sup>31</sup> Thomas Dale, vicar of St Pancras parish, where marriages were reserved to the parish church, reported 1,522 marriages in 1857, including forty-two on Christmas Day.<sup>32</sup> The evidence does not suggest that in London during the decades after the passage of the Registration Act there was a significant falling away in poor districts from seeking rites of passage in parish churches.

#### BURIAL LEGISLATION 1832–53

The achievement of civil registration of births, marriages and deaths in the context of the tensions between Anglicans and Dissenters was relatively simple compared with the complexities of solving the problem of providing for the burial of the dead in London, in this context and that of London's rapid population growth and high death rate,

<sup>26</sup> See M. H. Port, *Six Hundred New Churches: The Church Building Commission 1818–1856* (London, 1961), 25–6, 37.

<sup>27</sup> London, Tower Hamlets Local History Library, LC2203, *Bethnal Green Churches and Schools Fund Report, 1854* (n.pl., 1854), 94.

<sup>28</sup> *Report of the Select Committee of the House of Lords appointed to inquire into the Deficiency of Means of Spiritual Instruction and Places of Worship in the Metropolis and in other Populous Districts in England and Wales, especially in the Mining and Manufacturing Districts and to consider the fittest means of meeting the Difficulties of the case, 18 June 1858* (London, 1858), 4.

<sup>29</sup> *Ibid.* 67.

<sup>30</sup> *Ibid.* 34.

<sup>31</sup> *Bethnal Green Churches and Schools Fund Report 1854*, photocopy of an unpaginated letter of 25 April 1859 from the rector of St Matthew's, Bethnal Green, to Henry Mackenzie, vicar of St Martin-in-the-Fields, pasted into the back cover.

<sup>32</sup> *Report of the Select Committee of the House of Lords*, 200.

changing attitudes to burial customs, anxieties about public health, and suspicions of successive governments' centralizing tendencies. Another seventeen years was required to achieve a solution, with which neither Anglicans nor Dissenters were entirely happy.

### *The Situation in the 1830s*

In the rapidly growing metropolis, most people were buried near the communities in which they had lived, in their parish burial ground and amongst their neighbours, by their parish clergy. Incumbents received customary fees for conducting burials which, especially in London, formed a significant proportion of their incomes, enabling them to employ curates to undertake the very large number of funerals. For example, at St Giles-in-the-Fields there were 1,856 funerals in 1840, with funerals taking place most days, some days fifteen to eighteen, and occasionally more: on 20 December 1840 there were forty funerals, and on 27 December thirty-nine. Seven curates were employed, one of whom seems only to have taken funerals, sometimes burying seven or eight people a day but occasionally fifteen, eighteen or twenty.<sup>33</sup> Some Dissenting meeting houses, especially Quakers and Baptists, had their own burial grounds, and there was a large Dissenting burial ground at Bunhill Fields.<sup>34</sup> Otherwise Dissenters were buried in their parish burial grounds by parish clergy using the Prayer Book rite.<sup>35</sup> There were also some private commercial burial grounds, for example Samuel Sheen's New Burial Ground in Whitechapel.

In the late eighteenth and early nineteenth centuries, with rapid population growth, the churchyards of most central London parishes, and the vaults under churches for the better off, had been filled. Most parish vestries had acquired detached burial grounds beyond the built-up area, for example St James, Piccadilly, on Hampstead Road; St Giles-in-the-Fields adjoining St Pancras churchyard and St Marylebone at St John's Wood.<sup>36</sup> These burial grounds were

<sup>33</sup> LMA, P82/GIS/A/04/014–015, St Giles-in-the-Fields Burial Register, March 1838 – May 1840, May 1840 – August 1841.

<sup>34</sup> Bridget Cherry and Nikolaus Pevsner, *Buildings of England. London 4: North* (London, 1998), 607.

<sup>35</sup> Rugg, 'Origin and Progress of Cemetery Establishment', 111.

<sup>36</sup> St Marylebone's burial ground chapel survives as St John's Wood parish church.

provided with substantial chapels in which to conduct funeral services prior to burials, which also included burial vaults. The burial grounds were funded by parishes' church rates, payable by all property occupiers, including Dissenters. Only Anglican clergy were permitted by canon law to conduct funerals in these burial grounds, which had been episcopally consecrated, and only of baptized people. In the later 1830s some Anglican clergy, influenced by Tractarianism, became rigorous in their baptismal requirements for burials, resulting in a number of successful legal challenges by Dissenters to this interpretation of canon 68 and the Prayer Book rubric.

By the 1830s, most detached parochial burial grounds were surrounded by suburban residential developments. Customarily churchyards were buried over many times, with bones found when new graves were dug being deposited in a 'bone house'. London churchyards were usually reburied about every ten years. While urban churchyards had always been crowded, with continuing rapidly growing populations, high death rates and the arrival of cholera, the new burial grounds were becoming very full, and some were probably buried over too quickly, before the completion of the natural process of decay. Concerns were raised about the seamliness of too frequent reburying.<sup>37</sup>

Attitudes to death were also changing. The increase of the middle sort, able to afford doctors' fees, had led to a considerable growth in medical training and an increased need for bodies for dissection. The only legal source of such cadavers was executed criminals, which were in short supply. In consequence, an illegal trade in recently dead bodies stolen from burial grounds developed.<sup>38</sup> 'Body-snatching' and dissection, it was feared, threatened the hope of physical resurrection on the Day of Judgment, and there was also horror about desecration of bodies of loved ones. In the 1820s, therefore, urban burial grounds began to be defended with high walls and watch towers. Although the 1832 Anatomy Act rendered 'body snatching' redundant, anxiety about the security and integrity of interred bodies continued, and the practice of reburying over parochial burial grounds and depositing excavated bones in 'bone houses' became distasteful. People also seem to have become more conscious

<sup>37</sup> See Pinfold, 'Green Ground', 80–4.

<sup>38</sup> For 'body snatching', see Ruth Richardson, *Death, Dissection and the Destitute* (London, 1988).

of smells, and in the 1830s some doctors began associating decaying bodies with ‘miasma’, spread through the air, which was claimed to spread fevers and especially cholera.<sup>39</sup>

Since the late seventeenth century, the rich had sought burial in vaults in churches and burial grounds, and the growing London middle class also began seeking security of tenure in their graves. The expanding Dissenting population increasingly sought burial in their own grounds, unsullied by what they saw as superstitious and Romish episcopal consecration. From the 1820s, Dissenting elites in provincial towns and cities, such as Manchester, Liverpool, Leeds and Norwich began replacing their crowded burial grounds and vaults, and offering an alternative to parish burial grounds in the form of unconsecrated cemeteries, well defended from ‘body snatchers’ and established as joint-stock companies, on the outskirts of these centres.<sup>40</sup> Here their own ministers might conduct funerals, with no risk of Anglican clergy refusing to bury Baptist children and Unitarians. Dissenters considered the provision of new cemeteries an aspect of reforming ‘old corruption’ and promoting civic respectability in expanding towns, illustrating voluntarism in action. Reflecting the demography of Dissenting congregations, these new cemeteries tended to attract mostly middle-class burials.<sup>41</sup>

### *The Provision of Cemeteries in London*

In London, where Dissenters were proportionately fewer than in major provincial cities, a proposal in the 1820s by George Frederick Carden for a joint-stock company landscaped cemetery failed.<sup>42</sup> However, in the 1830s a number of joint-stock cemeteries were established. Unlike in provincial towns, as Julie Rugg has pointed out, they were considered as investment opportunities, paying dividends to shareholders, who during the then financial boom were eagerly seeking investment opportunities. The major new

<sup>39</sup> Laqueur, *Work of the Dead*, 217–27.

<sup>40</sup> See Rugg, ‘Rise of the Cemetery Company’, 25–187; see also, for the establishment of a cemetery in a provincial town, Jim Morgan, ‘The Burial Question in Leeds in the Eighteenth and Nineteenth Centuries’, in Houlbrooke, ed., *Death, Ritual and Bereavement*, 95–104, at 96–9.

<sup>41</sup> See Rugg, ‘Rise of the Cemetery Company’, 158–87.

<sup>42</sup> Robert J. Moulder, ‘Carden, George Frederick (1798–1874)’, *ODNB*, online edn (2004), at: <<https://doi-org.lonlib.idm.oclc.org/10.1093/ref.odnb/59472>>.

suburban London joint-stock cemeteries at Kensal Green (1834), West Norwood (1836), Brompton (1837), Highgate (1839) and Nunhead (1840) were expensive projects with fashionable designs, intended to attract investors and pay dividends, and providing a luxury commodity permitting elite memorialization.<sup>43</sup>

These initiatives aroused anxieties among clergy and parish vestries, for, apart from losing their spiritual and pastoral role as ministers of the established church, clergy feared the loss of burial fee income which funded curates. At Christ Church, Spitalfields, fees provided nearly half the rector's income, from which he paid his curates' stipends.<sup>44</sup> It was also an issue for Dissenting ministers, who may have been even more reliant on income from burials in vaults under chapels.<sup>45</sup> These new London cemetery companies sought incorporation by Act of Parliament, securing which required mollifying the church interest, for Bishop Blomfield of London had successfully opposed an early cemetery bill in the Lords. However, a solution was achieved that partially remedied the growing Dissenting community's grievances about the provision of burial grounds while protecting the established church's interests. Although some leading London incumbents threatened opposition, Blomfield's support for the Kensal Green cemetery bill in 1832 was secured by establishing a precedent that cemetery companies should pay fees to incumbents, depending on the type of grave, for burying bodies from their parishes. Blomfield's concern for public health made him generally sympathetic to establishing cemeteries, providing land was consecrated, chapels provided and clergy recompensed for losing fees from their parochial burial grounds. He agreed to consecrate part of Kensal Green's land, stipulating only that an Anglican chapel should be built, thus making burial there acceptable for Anglicans. A chapel was also provided for Dissenters. An Anglican chaplain, licensed by the bishop, was appointed, paid £200 a year by the cemetery company. The investment for acquiring the land, landscaping it and

<sup>43</sup> For London joint-stock cemetery companies, see Brookes, *Mortal Remains*, 11–29; Rugg, 'Rise of the Cemetery Company', 204–37. Rugg has pointed out that although London cemeteries have received the most attention from historians, they were exceptional in having a profit motive.

<sup>44</sup> See James Stevens Curl, 'The General Cemetery Company 1833–1842', in *idem*, ed., *Kensal Green Cemetery*, 80–106; Rugg, 'Rise of the Cemetery Company', 185.

<sup>45</sup> Jupp, 'Enon Chapel', 92–7; *idem*, *Dust to Ashes*, 26.

building classical-style chapels and vaults was very significant.<sup>46</sup> An alternative to the communal parochial burial ground was now available for London's better off, providing peace, security and seclusion in death, matching the conditions they were obtaining in life in the growing suburbs. However, business was initially slow. There were 84 interments in 1833, 197 in 1834, 360 in 1835, 427 in 1836, 677 in 1837, 787 in 1838, and thereafter about nine hundred a year.<sup>47</sup> By comparison, as we have seen, St Giles-in-the-Fields burial ground alone had 1,856 funerals in 1840.<sup>48</sup> Subsequently other London joint-stock cemeteries sought parliamentary incorporation and consecration of part of their sites to attract Anglican burials.

The exception was Abney Park, in the Dissenting stronghold of Stoke Newington, where all the trustees were Congregationalists. They did not seek parliamentary incorporation in order to avoid episcopal pressure for consecration of part of the land and fees payable to incumbents of parishes where the deceased lived. Abney Park Cemetery offered 'common' graves for paupers against the boundary wall,<sup>49</sup> and the City of London's Tower Hamlets Cemetery Company (1841) and the Victoria Park Cemetery Company (1845) also achieved financial success by aiming for the cheap end of the market, including the provision of common graves packed as densely as possible for pauper burials paid for by Poor Law guardians. However, the new cemeteries did not meet the need for burial grounds for the rapidly growing numbers of poor people amid a high death rate.<sup>50</sup>

### *Public Health Concerns about Burials*

As we have noted, in the 1830s concerns began to arise about burial grounds as sources of infection arising from 'miasma' following London's first cholera outbreak in 1831–2. London burial grounds were extensively and melodramatically denounced by George Alfred

<sup>46</sup> Rugg, 'Rise of the Cemetery Company', 250–79.

<sup>47</sup> See Ruth Richardson and James Stevens Curl, 'George Frederick Carden and the Genesis of the General Cemetery Company'; Curl, 'The Architectural Competition of 1831–2 and its Aftermath'; and idem, 'General Cemetery Company', all in idem, ed., *Kensal Green Cemetery*, 22–46, 50–77, 80–106.

<sup>48</sup> LMA, P82/GIS/A/04/014–015, St Giles-in-the-Fields, Burial Registers, March 1838 – May 1840, May 1840 – August 1841.

<sup>49</sup> For Abney Park, see Cherry and Pevsner, *Buildings of London 4*, 536–7.

<sup>50</sup> Rugg, 'Rise of the Cemetery Company', 228.

Walker, a Quaker doctor living in Drury Lane, close to densely packed inner-city burial grounds at St Clement Danes and the Dissenting Enon Chapel. His lurid and sensationalist allegations in *Gatherings from Graveyards* (1839) and subsequent publications claimed that miasma arising from central London's forty-three burial grounds was a public health hazard. These claims were supported by some ambitious members of the as-yet unregulated medical profession in the newly launched *Lancet*.<sup>51</sup> How objective Walker's observations were is difficult to ascertain. Robert Bentley Todd, an Anglican and leading reforming surgeon at King's College Hospital in the Strand, which adjoined a burial ground denounced by Walker as particularly offensive and evil-smelling and an unhealthy place to live, in evidence to a select committee denied that offensive smells came from the burial ground and that it was an unhealthy place to live.<sup>52</sup> Also *The Builder*, in an article in 1846, noted St Giles-in-the-Fields' burial ground, along with other parish burial grounds denounced by Walker, as 'well kept'.<sup>53</sup>

Walker's widely read exposés of parish burial grounds, and a steep rise in poor rates, led to a select committee on the health of the poorer classes in large towns, chaired by Robert Slaney MP, who was much concerned with the condition of the poor. Walker testified to the committee twice, alleging a coincidence of sickness among grave diggers working with decaying bodies. This influenced Edwin Chadwick, the driving force behind public health reform in the 1840s,<sup>54</sup> to regard cemetery provision as a major public health issue. Chadwick's *Report on the Sanitary Condition of the Labouring Population of Great Britain* (1843), revealing the filth and appalling health conditions in poor districts, led to a royal commission on the health of towns, which he assisted while completing a supplementary

<sup>51</sup> John Pinfold, 'Walker, George Alfred (1807–1884)', *ODNB*, online edn (2004), at: <<https://doi-org.lonlib.idm.oclc.org/10.1093/ref:odnb/28484>>. Only in 1858 was registration of medical practitioners established, but unqualified practice was not prohibited: see Christopher Lawrence, *Medicine in the Making of Modern Britain* (London, 1994), 16–25, 32–42.

<sup>52</sup> Pinfold, 'Green Ground', 84, quoting *House of Commons Select Committee Report*, Parliamentary Papers 1842, QQ. 1109–18, 2412–13, 2437–41.

<sup>53</sup> *The Builder* 4 (1846), 281, quoted in Curl, *Victorian Celebration of Death*, 135.

<sup>54</sup> For Chadwick, see Peter Mandler, 'Chadwick, Sir Edwin (1800–1890)', *ODNB*, online edn (2004), at: <<https://doi-org.lonlib.idm.oclc.org/10.1093/ref:odnb/5013>>.

report on metropolitan interments.<sup>55</sup> He recommended closing London's burial grounds, establishing new extra-urban, municipally controlled cemeteries and providing public mortuaries to avoid the health risk of poor people living alongside decaying relatives' bodies retained in their single-room dwellings, for fear of burying someone who was merely unconscious or while raising funds for a funeral. If a death occurred on a Wednesday or Thursday, the next Sunday (Sunday being the preferred day for poor people's funerals) was considered too soon for the funeral, and the body remained in the room with the family until the following Sunday. Sir John Simon, the City of London's medical officer of health, reckoned that at any moment there were probably thirty or forty bodies in single-room dwellings in the City awaiting burial.<sup>56</sup> Chadwick criticized joint-stock cemetery companies for commercializing burials and profiting from death, although this seems only to have been the case in London.<sup>57</sup> His recommendations, requiring extensive central government intervention, aroused much hostility at a time when state intervention in local matters was viewed with deep suspicion.

### *Legislation for Burials in London*

Meanwhile the liberal conservative MP, William Mackinnon, a champion of the church,<sup>58</sup> achieved another select committee, to inquire into the evils arising from the interment of bodies in London and other large towns. Members included the leading Anglican evangelicals, Lord Ashley<sup>59</sup> and Sir Robert Inglis.<sup>60</sup> The

<sup>55</sup> *A Report on the Results of a Special Enquiry into the Practice of Interment in Towns, made at the Request of Her Majesty's Principal Secretary of State for the Home Department*, Parliamentary Papers 1843, vol. 12, col. 509.

<sup>56</sup> Sir John Simon, *City of London Medical Reports: Special Report on Intramural Interments* (1852), in E. Royston Pike, ed., *Human Documents of the Victorian Golden Age (1850–1875)* (London, 1967), 286–7.

<sup>57</sup> See Rugg, 'Rise of the Cemetery Company', 204–37.

<sup>58</sup> H. C. G. Matthew, 'Mackinnon, Sir William, baronet (1784–1870)', *ODNB*, online edn (2021), at: <<https://doi-org.lonlib.idm.oclc.org/10.1093/ref:odnb/17619>>.

<sup>59</sup> John Wolffe, 'Cooper, Anthony Ashley, seventh earl of Shaftesbury (1801–1885)', *ODNB*, online edn (2004), at: <<https://doi-org.lonlib.idm.oclc.org/10.1093/ref:odnb/6210>>.

<sup>60</sup> John Wolffe, 'Inglis, Sir Robert Harry, second baronet (1786–1855)', *ODNB*, online edn (2004), at: <<https://doi-org.lonlib.idm.oclc.org/10.1093/ref:odnb/14406>>; E. M. Forster, *Marianne Thornton, 1797–1887: A Domestic Biography* (London, 1956).



evidence confirmed that parish burial grounds were very overcrowded, although Blomfield claimed the evils were considerably exaggerated. Mackinnon focused on fees payable for burials, which revealed claims that many Dissenting ministers made more from the burial of the dead in chapel vaults than from their living congregations. Blomfield also claimed that clergy generally would be willing to ‘make some sacrifice for the sake of effecting so great an improvement as is contemplated’, although he recognized that they could not be expected willingly to surrender, in some cases, the greater part of their income ‘arising from a practice that has hitherto not been complained of, without some compensation’. He complained that clergy experienced difficulties obtaining the statutory fees due to them from cemetery companies, themselves having to check cemetery companies’ registers to identify such fees, and asserted that in twenty-three parishes clergy had experienced a six per cent decline in fee income between 1838 and 1840. He recommended that the government should take control of London’s cemeteries and provide new cemeteries, while protecting clergy fees. The committee, however, recommended closing urban burial grounds, with vestries being permitted to establish new burial grounds funded from the rates, leaving some ground unconsecrated to provide for Dissenters.

The government failed to respond, so Mackinnon himself introduced a bill in the Commons in 1842 to close urban burial grounds and empower vestries to establish boards of health to provide cemeteries funded by church rates. Dissenters strongly objected to extending the powers of what they considered Anglican-controlled vestries, and also to the division of cemeteries into consecrated and unconsecrated ground and the fixing of fees for services conducted in cemeteries. They regarded these provisions as protecting Church of England interests. John Campbell, minister of Whitefield’s Tabernacle, claimed that Mackinnon’s bill endangered the future of Dissenting chapels by depriving ministers of income from fees for burials. The bill failed. Despite the publication of Chadwick’s report, in the next parliamentary session Sir James Graham, the home secretary, indicated that he did not think a case had been made for legislation.<sup>61</sup>

Amidst Walker’s continuing campaign against parish burial grounds, and increasing public health anxieties, in which Blomfield

<sup>61</sup> Jupp, *Dust to Ashes*, 26.

played a prominent part, new evidence emerged from statistical information in the registrar general's annual reports about London's very high death rate, especially among the young.<sup>62</sup> Lord John Russell, as home secretary, in 1847 secured the Cemetery Clauses Act which merely standardized provisions for private acts for cemeteries, generally following the outlines of Mackinnon's bill in protecting the church's interests. Private acts were required to provide for episcopal consecration of part of such cemeteries for Anglican use and an Anglican chapel, as well as a chapel 'for rites of any church or congregation other than the Church of England', and to appoint a chaplain licensed by the bishop, whose stipend was approved by the bishop. The bishop might object to any monumental inscription and procure its removal from any part of the cemetery. The act also provided for incumbents of parishes from which bodies came to be compensated for the loss of burial fees. It caused great offence to Dissenters and did nothing towards the continuing pressure on overcrowded metropolitan parochial burial grounds.<sup>63</sup>

In 1847, some London incumbents intervened, establishing a committee to consider the problem of burial grounds. They recommended legislation establishing unions of metropolitan parishes with boards of management with equal numbers of incumbents and laymen, empowered to raise funds for purchasing land for new extramural burial grounds, financed from fees. Parishioners would retain rights of burial as in existing burial grounds, with clergy conducting burials and approving inscriptions on gravestones. They also recommended providing mortuaries at cemeteries for bodies removed from 'small habitations', to be conveyed to burial grounds at fixed charges.<sup>64</sup>

Meanwhile the notorious fraudster Sir Richard Broun promoted the London Necropolis and National Mausoleum Company, proposing a National Mausoleum Church with a very large site for a burial ground on land acquired cheaply at Woking Common, sufficiently far from the metropolis to avoid infection from miasma arising

<sup>62</sup> See Cullen, *Statistical Movement*, 39–41.

<sup>63</sup> 'An Act for consolidating in One Act certain Provisions usually contained in Acts authorizing the making of Cemeteries', 1847 (10 & 11 Vict., c. 65).

<sup>64</sup> *Extramural Burial. The Three Schemes: I The London Clergy Plan. II The Board of Health or Erith Plan. III The Woking Necropolis Plan, with some General Remarks on the same* (London, 1850), 3–9.

from decaying bodies.<sup>65</sup> This Brookwood cemetery was to be connected by the London and South Western Railway to Waterloo Station, with mortuaries at Waterloo and two stations, one for Anglicans and one for Dissenters. It was proposed to serve all London.<sup>66</sup>

Against the background of the resurgence of Chartism in 1848, a severe cholera outbreak precipitated the Public Health Act 1848, steered by the devout Anglican Viscount Morpeth, responsible for public health as chief commissioner for woods and forests.<sup>67</sup> It established a General Board of Health, with Chadwick and Lord Ashley, with their long-standing interests in public health and the burial problem, as commissioners, and Thomas Southwood Smith, a Unitarian minister, physician, Benthamite and close associate of Chadwick in public health reform, as medical commissioner. It was empowered to create local boards of health, which might provide mortuaries and arrange burials, and inspect and close burial grounds. City of London parishes were excluded, despite their burial grounds being overwhelmed by cholera, increasing threefold the weekly rate of burial.<sup>68</sup>

Subsequently, to tackle the continuing problem of London's burial grounds, in April 1850 Sir George Grey, the devout evangelical Anglican and Whig home secretary,<sup>69</sup> noting that there had been meetings to consult clergy, successfully introduced the Metropolitan Interments Act to protect public health and 'the decency and solemnity of burial'.<sup>70</sup> It largely implemented Blomfield's recommendations to Mackinnon's select committee

<sup>65</sup> Anita McConnell, 'Broun, Sir Richard (1801–1858)', *ODNB*, online edn (2004), at: <<https://doi-org.lonlib.idm.oclc.org/10.1093/ref:odnb/3595>>.

<sup>66</sup> Clarke, *London's Necropolis*, 1–22. Clarke appears unaware of Broun's notoriety and his financial sharp practices.

<sup>67</sup> See Boyd Hilton, 'Whiggery, Religion and Social Reform: The Case of Lord Morpeth', *HistJ* 37 (1994), 829–59; R. K. Webb, 'Smith, (Thomas) Southwood (1788–1861)', *ODNB*, online edn (2004), at: <<https://doi-org.lonlib.idm.oclc.org/10.1093/ref:odnb/25917>>.

<sup>68</sup> Brookes, *Mortal Remains*, 43.

<sup>69</sup> David Frederick Smith, 'Grey, Sir George, second baronet (1799–1882)', *ODNB*, online edn (2004), at: <<https://doi-org.lonlib.idm.oclc.org/10.1093/ref:odnb/11533>>. When in London, Grey spent Sunday afternoons visiting the poor of St Giles-in-the-Fields.

<sup>70</sup> 'An Act to Make Better Provision for the Interment of the Dead in or near the Metropolis', 1850 (13 & 14 Vict., c. 52).

and Chadwick's 1843 recommendations, establishing a Metropolitan Interment Commission empowered to close all urban burial grounds, take over existing joint-stock cemeteries and extend Kensal Green to serve West London, with a new cemetery for East London. The act protected Anglican interests, permitting the commission to provide mortuaries and consecrated ground for Anglicans, unconsecrated ground for non-Anglicans, and chapels, funded from the poor rate. Anglican chaplains were to be appointed, and incumbents retained the right to bury their parishioners and be compensated for loss of fees from new burial grounds. Noting that some form of fee formed nearly the whole of some incumbents' incomes, compensation would be continued beyond existing incumbencies, based on their average receipts from parish burial fees for the five years preceding the act. The bishop was authorized to oversee inscriptions on monuments. Parish clerks and sextons would be redeployed to the new cemeteries. To contain funeral costs and prevent exploitation by undertakers, the commission might seek tenders for contracts to undertake funerals in the cemeteries, and contract with railway and steamer companies for transporting bodies and mourners to cemeteries. Incumbents and non-Anglican ministers were to be paid the same fee for burials. It was envisaged that cemeteries would become self-financing from fees.<sup>71</sup> Many Dissenters objected strongly to having to pay rates to fund consecrated burial grounds and to compensate clergy for loss of fees, as well as paying fees for burials both to their own ministers and to Anglican clergy for what they considered should be a voluntary activity.<sup>72</sup>

During debates in the Commons, a leading critic of the established church, Sir Benjamin Hall, MP for Marylebone, fiercely criticized London clergy for making 'a traffic of their burial grounds', alleging abuses at the St Pancras burial ground of St Giles-in-the-Fields and claiming profiteering by the rector and malpractice by the sexton, who was allegedly ordained, acted as undertaker for funerals and solicited burials.<sup>73</sup> Lord Ashley, while defending the rector, admitted that inspection had shown that 'the system of pauper funerals was not

<sup>71</sup> See William Cunningham Glen, *The Metropolitan Interments Act 1850: With Introduction, Notes, and Appendix* (London, 1850); *Extramural Burial*, 27–34.

<sup>72</sup> Manning, *Protestant Dissenting Deputies*, 307.

<sup>73</sup> H. C. G. Matthew, 'Hall, Sir Benjamin (1802–1867)', *ODNB*, online edn (2004), at: <<https://doi-org.lonlib.idm.oclc.org/10.1093/ref:odnb/11945>>.

such as anyone could wish', but noted the rector was only one among many trustees managing the burial ground.<sup>74</sup> The act's centralizing principle was deeply disliked and Dissenters criticized it fiercely as a compromise with the established church. Moreover, the financial model for raising loans secured on income from rates proved unworkable; the Treasury successfully blocked finance for taking over cemeteries; and Chadwick was removed as a commissioner. Only Brompton Cemetery, where the trustees were in financial difficulties, was purchased by the Board of Health. The Metropolitan Interments Act proved a dead letter.<sup>75</sup>

The closure of inner London burial grounds enacted on health grounds placed the government under pressure to ensure that space was available for the burial of London's immense poor population, largely uncatered for by the joint-stock cemeteries. The Metropolitan Burial Act 1852, introduced by the devout Anglican Tory Lord John Manners as first commissioner of works,<sup>76</sup> in conjunction with other bills to reform London's sanitary arrangements, incorporated some elements from Mackinnon's bill and from the metropolitan clergy's recommendations. In contrast to the earlier act, localism prevailed, vestries being empowered to establish burial boards funded from the poor rate, to provide cemeteries or arrange for burials in existing cemeteries. The established church's interests were largely protected, for incumbents continued to chair vestries which elected burial boards. In new cemeteries ground might be consecrated for Anglican use and Anglican and Dissenting chapels provided, and parishioners continued to have a right of burial there with parish clergy officiating, who were entitled to receive fees. Bishops were authorized to approve inscriptions on monuments, for the erection of which clergy retained the right to receive fees. Boards might pay fees to clerks, sextons and churchwardens.<sup>77</sup> In the House of Lords, Lord Hardwicke explained that normally it was expected that a parish's own clergy would conduct funerals of

<sup>74</sup> See Parl. Deb. (3rd series), 15 April 1850 (vol. 110, cols 354–60), 3 June 1850 (vol. 111, cols 677–710), 11 June 1850 (vol. 111, cols 1068–79), 14 June 1850 (vol. 111, cols 1283–92).

<sup>75</sup> Brooks, *Mortal Remains*, 45–7.

<sup>76</sup> Jonathan Parry, 'Manners, John James Robert, seventh duke of Rutland (1818–1906)', *ODNB*, online edn (2004), at: <<https://doi-org.lonlib.idm.oclc.org/10.1093/ref:odnb/17951>>.

<sup>77</sup> 'Burial Act', 1852 (15 & 16 Vict., c. 85).

parishioners, while Dissenting ministers would conduct funerals in unconsecrated sections.<sup>78</sup> Government ministers resisted attempted amendments to permit Dissenting ministers to officiate in parish churchyards. Following amendment, the act was extended in 1853 to the rest of England and Wales.

Meanwhile the London Necropolis and National Mausoleum Company secured incorporation by Act of Parliament. Bishop Blomfield supported the bill in the Lords, although Lord Ashley, now seventh earl of Shaftesbury, objected that its distance from London would inconvenience the poor, and, if it were as successful as the promoters claimed, crowds of funerals would converge at Waterloo. He also claimed it would result in speculation in burial of the dead.<sup>79</sup> The cemetery company provided an ‘all-in service’ including mortuaries, transport to Brookwood in three different classes and refreshments after funerals. Space was allocated for parishes and community groups. An Anglican chaplain was appointed to conduct funerals and parish clergy were paid a fee of 6s. 2d. for burials from their parishes. Bishop Sumner of Winchester consecrated the Anglican section in 1854. However, although five parishes south of the river and six north of the river, including St Giles-in-the-Fields, St Anne’s, Soho, and St Margaret’s, Westminster, acquired sections, it had a slow start. The anticipated 10,000 burials a year, producing a ten per cent return for shareholders, was never achieved, the annual average for the first twenty years being 3,200.<sup>80</sup>

In 1853, Lord Palmerston as home secretary ordered 163 consecrated and 50 unconsecrated burial grounds to be closed, despite twenty-seven clergy petitioning against the closure of their parish’s burial grounds.<sup>81</sup> Within three years, seven central London vestries, chaired by incumbents, established burial boards with cemeteries well outside built-up areas. The first was St Pancras where, although strong Dissenting representation on the vestry had resisted church rates for many years, the vicar laid the chapel foundation stone in 1853. Some parishes, as noted above, acquired sections at

<sup>78</sup> Parl. Deb. (3rd series), 28 June 1852 (vol. 122, cols 1348–51).

<sup>79</sup> ‘London Necropolis and National Mausoleum Bill’, Parl. Deb. (3rd series), 8 June 1852 (vol. 122, cols 190–2). Lord Ashley succeeded to the earldom on his father’s death in 1851.

<sup>80</sup> For a detailed account of Brookwood’s establishment, see Clarke, *London’s Necropolis*, 1–15.

<sup>81</sup> Wiggins, *Burial Acts*, 125–8.

Brookwood. Burial board cemeteries rendered new joint-stock companies financially unattractive investments. However, existing London joint-stock companies restored their finances by tendering to poor law guardians for burying paupers, usually in unmarked graves each taking ten coffins. Brookwood, exceptionally, buried paupers in private (although unmarked) graves, each reserved for one family. However, there, as elsewhere, paupers' funerals were, because of pressure of numbers, conducted en masse at the appropriate chapel prior to burial.<sup>82</sup>

### *The Impact of the Burial Legislation*

Despite provision for incumbents to receive fees for burials from their parishes in new cemeteries, they complained of loss of income, and hence their capacity to pay curates, especially those largely employed in taking funerals. It was claimed the rector of St Clement Danes lost £150–200 from an income of £350–400 a year; the vicar of St Leonard's, Shoreditch, lost £300 a year and gave up a curate; and the rector of St Giles-in-the-Fields lost £700 from an income of £1,200.<sup>83</sup> The vicar of St Pancras noted that he had lost half his funeral fee income: the vestry having bought, jointly with Islington vestry, a cemetery in Finchley, he had retained half the fees, but had reduced his fee to compensate poor people for the expense of transporting bodies a much greater distance.<sup>84</sup> Overall about £30,000 a year was reckoned to have been lost to London clergy as a result of the Burial Acts.<sup>85</sup>

## CONCLUSION

The evidence noted above given to the 1858 House of Lords select committee, and that gathered by Olive Anderson, Hugh McLeod and Sarah Williams for the late nineteenth century, suggests that the Church of England's rites of passage of baptism and marriage remained popular amongst poor Londoners at the end of the century. While the burial legislation had a much greater impact, in that it

<sup>82</sup> Clarke, *London's Necropolis*, 16–22.

<sup>83</sup> *Report of the Select Committee of the House of Lords*, vii.

<sup>84</sup> *Ibid.* 200.

<sup>85</sup> *Ibid.* 49.

separated the place of burial from the locality in which people lived, reducing the personal and communal aspect of funeral rites and burial, the religious element in burials, and especially that of the Church of England, was protected and preserved. Burial grounds, whether provided by incorporated joint-stock companies or vestry burial boards, continued to be required to secure episcopal consecration of a major part of their ground for Anglican burials, to provide an Anglican and a Dissenting chapel, and to appoint an Anglican chaplain licensed by the bishop. These pieces of legislation were achieved by ministers who themselves were Anglicans and sympathetic to the church, and sought solutions that protected church and clergy interests while seeking to ameliorate discrimination against Dissenters. These pieces of legislation did not lead to the Church of England's disestablishment, nor contribute to increasing secularization of English society.