



ANNO TERTIO

VICTORIÆ REGINÆ.

Cap. viii.

An Act for establishing a General Cemetery for the Interment of the Dead in the City and Borough of *Winchester* in the County of *Southampton*.

[23d March 1840.]

WHEREAS it would be of great public Advantage if a General Cemetery were established in an open Situation within or in the Neighbourhood of the City and Borough of *Winchester* in the County of *Southampton*, under certain Regulations and Restrictions: And whereas the several Persons herein-after named, together with others, are willing to establish such Cemetery; but the same cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *David Williams* Clerk, *Robert Speckott* *Barter* Clerk, *William Simonds*, *Charles Wittman Benny*, *Thomas Godwin*, *James Robbins*, *John Parmiter*, *Thomas Penny White* Clerk, *Harry Lee* Clerk, *William Whitear Bulpett*, *James Buller East* Esquire, *Paulet Saint John Mildmay* Esquire, *James Willis*, *Robert Moody*, *Frederick Bowker*, and all other Persons who have subscribed or who shall hereafter subscribe to the said Undertaking, and their several

Company incorporated.

[Local.]

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and respective Executors, Administrators, and Assigns, shall be and they are hereby united into a Company for establishing and maintaining the Cemetery and other Works by this Act authorized to be made, and for that Purpose shall be One Body Corporate by the Name and Style of "The *Winchester* Cemetery Company," and by that Name shall have perpetual Succession, and shall have a Common Seal, and by that Name shall and may sue and be sued, and also shall have Power and Authority to purchase and hold Lands and other Hereditaments, to them and their Successors and Assigns, for the Use of the said Undertaking, without incurring any Penalties or Forfeitures, and shall have and exercise all other Powers and Authorities which are herein-after given or mentioned.

Meaning of certain Words in this Act.

II. And be it further enacted, That in the Interpretation or legal Construction of this Act, where any Word is used importing the Singular Number or the Masculine Gender only, such Word shall be understood and held to include several Matters and Things as well as One Matter and Thing, several Persons as well as One Person, and Females as well as Males; and where the Word "Corporation" shall be used, the same shall be understood and held to mean any Body Politic, Corporate, or Collegiate, Municipal, Civil, or Ecclesiastical, Aggregate or Sole; unless in any of the Cases aforesaid it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction.

Company empowered to purchase Lands for the Purposes of the Act.

III. And be it further enacted, That it shall be lawful for the said Company and they are hereby authorized and empowered from Time to Time to treat, contract, and agree, and to employ any Person to treat, contract, and agree, with the Owner of, or with any Corporation or Person who may be seised, possessed of, or interested in, certain Plots or Parcels of Ground situate in the Parish of *Saint Faith* in the said City and Borough of *Winchester*, now or late belonging to the Dean and Chapter of *Winchester*, and their Lessee *William Simonds* Esquire, and the *London* and South-western Railway Company, bounded on the North by *Saint James's Lane*, on the East by Land belonging to the said *London* and South-western Railway Company, and on the South and West by Land belonging to the said *William Simonds*, held by Lease of the said Dean and Chapter of *Winchester*, and who shall be willing to part with the same, or his or their Right or Interest in the same, for the Purchase or Grant or Gift thereof, or of any Part thereof not exceeding in the whole Twelve Statute Acres, for the Purposes of this Act, and to pay such Purchase Money or other Consideration for the same as shall be agreed upon between such Owner, Corporation, or Person as aforesaid and the said Company; and upon Payment of such Purchase Money or other Consideration to the Corporation or Person entitled thereto, or upon Payment thereof into the Bank of *England* in manner by this Act directed, as the Case may be, it shall be lawful for the said Company, their Surveyors, Workmen, or Agents, at any Time thereafter to enter upon and take possession of the said Lands for the Purposes of this Act.

Company empowered to purchase

IV. And be it further enacted, That it shall be lawful for the said Company and they are hereby empowered to contract with any Person

or

or Corporation for the Purchase of any Lands (not exceeding in the whole Two Acres) in addition to the Lands herein-before authorized to be taken, in such Places as the said Company shall deem eligible, for the Purpose of widening existing Roads leading to the said Cemetery, as the said Company shall judge requisite, and it shall be lawful for all Corporations and other Persons whomsoever to sell, give, and convey to the said Company any Lands whatsoever for the Purpose herein-before mentioned, and to do, execute, or consent to all Acts, Deeds, and Things for the Purpose of vesting such Lands in the said Company, in the same Manner respectively as is herein directed concerning the Lands used for the Purposes of making the said Cemetery.

Two Acres
of Land for
Approaches,
&c.

V. And be it further enacted, That after any Land necessary or convenient for the Purposes of this Act shall have been set out and ascertained, it shall be lawful for all Corporations, Tenants for Life or in Tail, or for any other partial or qualified Estate or Interest, Husbands, Guardians, Trustees, and Feoffees in Trust for charitable and other Purposes, Committees, Executors, and Administrators, and all Trustees and Persons whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of all Persons entitled in Reversion, Remainder, or Expectancy after them (if incapacitated or not to be found), and for and on behalf of their Wives, Wards, Idiots, and Lunatics respectively, and in the same Manner and to the same Extent as such Wives, Wards, Idiots, and Lunatics respectively could have done by Law under the Powers of this Act in case they had been sole, of full Age, and of sound Mind, and for and on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Idiots, Femmes Covert, or other Persons, and for all Femmes Covert seised, possessed of, or interested in their own Right or entitled to Dower or other Interest, and for all other Persons whomsoever who are or shall be seised or possessed of or interested in any such Land, to contract for the Sale, Surrender, Gift, or other Disposition thereof, or of any Part thereof, and to convey the same or any Part thereof to the said Company; and every Conveyance which shall be made thereof under or by virtue of this Act shall be good, valid, and effectual to all Intents and Purposes, not only to convey the Estate and Interest of the Corporation or Person conveying, but also to convey all the Right, Estate, Interest, Use, Property, Claim, and Demand whatsoever of the Persons entitled in Remainder, Reversion, or Expectancy after them, and of all such Wives, Infants, Issue unborn, Idiots, Lunatics, Femmes Covert, Cestuique Trusts, and other Persons as aforesaid; and the same shall be deemed and considered to bar all Estates in and Rights and Titles to Dower, and all Estates Tail and other Estates in Possession, Reversion, Remainder, or Expectancy, and the Issue of such Person and Persons claiming under them, as effectually as the same might be barred and extinguished by a Conveyance for that Purpose made under or by virtue of the Statute passed for the Abolition of Fines and Recoveries, and for the Substitution of more simple Modes of Assurance, any Law, Statute, or Usage, or any other Matter or Thing whatsoever, to the contrary thereof in anywise notwithstanding; and every such Corporation, Tenant for Life or in Tail, or Person having a qualified or partial Estate or Interest, and all such Husbands, Guardians,

All Persons
enabled to
sell and
convey Lands
to the Com-
pany.

dians, Feoffees, Trustees, Committees, and all other Persons is and are and shall be hereby indemnified for what he, she, or they shall do by virtue and in pursuance of this Act.

Conveyances to be made at the Expence of the Company.

VI. And be it further enacted, That every Conveyance which shall be made to the said Company under the Authority of this Act shall be made at the Expence of the said Company, and may be in the Form or to the Effect following, or as near thereto as the Number of the Parties and the Circumstances of the Case will admit; (that is to say,)

Form of Conveyance.

‘ I of in consideration of the Sum of
 ‘ to me [or, as the Case may be, into the Bank of
 ‘ England in the Name and with the Privity of the Accountant
 ‘ General of the Court of Exchequer, *ex parte* “The Winchester Ceme-
 ‘ tery Company,” or to A.B. of and C.D. of Trustees
 ‘ appointed to receive the same pursuant to the Act after mentioned]
 ‘ paid by “The Winchester Cemetery Company,” established and
 ‘ incorporated by an Act passed in the Year of the Reign
 ‘ of Her Majesty Queen Victoria, intituled [here insert the Title of
 ‘ this Act], do hereby convey [or assign, as the Case may be] to the
 ‘ said Company and their Successors all [describing the Premises to be
 ‘ conveyed], together with all Ways, Rights, and Appurtenances thereto
 ‘ belonging, and all such Estate, Right, Title, and Interest in and to
 ‘ the same and every Part thereof as I am or shall become seised of
 ‘ or entitled to, or am by the said Act capacitated or empowered to
 ‘ convey, to hold the Premises to the said Company and their Suc-
 ‘ cessors and Assigns for ever [as the Case may be], during all the
 ‘ Remainder of my Term, Estate, or Interest in the said Premises.
 ‘ In witness whereof I have hereunto set my Hand and Seal this
 ‘ Day of in the Year of our Lord .’

And every such Conveyance shall be valid and effectual at Law to all Intents and Purposes, and shall operate to merge all Terms of Years attendant by express Declaration or by Construction of Law on the Estate or Interest thereby conveyed; but although Terms shall be merged they shall in Equity afford the same or the like Protection and Priority as if they were assigned and kept on foot in Trust for the said Company, and to attend the Reversion and Inheritance.

Lands bought of any Corporation or Person under Disability to be first valued by Two Surveyors or their Umpire.

t VII. Provided always, and be it further enacted, That the Consideration Money agreed to be paid for any Land to be purchased from or conveyed by any Corporation or any Person under any Disability or Incapacity as aforesaid, or not having Power to sell, except under the Provisions herein-before contained, shall in no case be less than such Sum as the same shall be valued at by any Two able practical Surveyors, one of whom shall be nominated by the said Company, and the other by the Person or Corporation contracting or agreeing to sell the same, and if such Two Surveyors shall not agree in the Valuation thereof, or if such Person or Corporation shall be absent from the United Kingdom, or cannot be found, then by such Surveyor as any Two Justices acting for the County of *Southampton* or City of *Winchester* shall for that Purpose nominate, and each of the said Two Surveyors, if they shall agree in and make their Valuation,

Valuation, or if not the Surveyor so to be nominated by the Justices as aforesaid, shall annex to his or their Survey, Estimate, or Valuation, when completed, a Declaration of the Correctness thereof in the Form prescribed by an Act passed in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to repeal an Act of the present Session of Parliament, intituled* 5 & 6 W.c. 62.
 ‘ *An Act for the more effectual Abolition of Oaths and Affirmations taken*
 ‘ *and made in various Departments of the State, and to substitute Decla-*
 ‘ *rations in lieu thereof, and for the more entire Suppression of volun-*
 ‘ *tary and extra-judicial Oaths and Affirmations ;” and to make other*
 ‘ *Provisions for the Abolition of unnecessary Oaths.*

VIII. And be it further enacted, That if any Money shall be con- Application
 tracted or agreed to be paid for the Purchase of any Land for the of Purchase
 Purposes of this Act which shall belong to any Corporation, Tenant Money when
 for Life or in Tail, or Feoffee in Trust, Executor, Administrator, amounting
 Husband, Guardian, Committee, or other Trustee for or on behalf of to 200*l.*
 any Feme Covert, Infant, Idiot, Lunatic, or other Cestuique Trust
 not absolutely entitled in his own Right, or to any Person whose
 Lands are limited in strict Settlement, or to any Person under any
 other Disability or Incapacity, or which any Corporation or Person
 is hereby capacitated to convey, such Money shall, in case the
 same shall amount to or exceed the Sum of Two hundred Pounds,
 with all convenient Speed be paid into the Bank of *England* in
 the Name and with the Privity of the Accountant General of
 Her Majesty’s Court of Exchequer at *Westminster*, to be placed to
 his Account there *ex parte* “*The Winchester Cemetery Company,*”
 pursuant to the Directions of an Act passed in the First Year of the 1 G. 4. c. 35.
 Reign of His Majesty King *George* the Fourth, intituled *An Act for*
the better securing Monies and Effects paid into the Court of Exchequer
at Westminster on account of the Suitors of the said Court, and for the
Appointment of an Accountant General and Two Masters of the said
Court, and for other Purposes, and the General Orders of the said
 Court, and without Fee or Reward; and shall when so paid in there
 remain until the same shall, by Order of the said Court, made in a
 summary Way upon Petition to be presented to the said Court by
 the Party who would have been entitled to the Rents and Profits of
 the said Lands, be paid to such Party, or be applied either in the
 Purchase or Redemption of the Land Tax, or in or towards the Dis-
 charge of any Debt or other Incumbrance affecting the same Lands,
 or affecting other Lands standing settled therewith to the same or the
 like Uses, Trusts, Intents, or Purposes, as the said Court of Exchequer
 shall authorize to be purchased or paid, or such Part thereof as shall
 be necessary; or until the same shall, upon the like Application, be
 laid out, by Order of the said Court, made in a summary Way, in the
 Purchase of other Land, which shall be conveyed and settled to, for,
 and upon such and the like Uses, Trusts, Intents, and Purposes, and
 in the same Manner, as the Lands which shall be so purchased, taken,
 or used as aforesaid stood settled or limited, or such of them as at the
 Time of making the Conveyance and Settlement shall be existing
 undetermined and capable of taking effect; and in the meantime
 and until such Purchase can be made the said Money shall, by Order
 of the said Court of Exchequer, upon Application thereto, be invested
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by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities, or in Government or Real Securities; and in the meantime, and until such Annuities or Securities shall be ordered by the said Court to be sold for the Purposes aforesaid, or shall be called in or cancelled, the Dividends or Interest and annual Produce thereof shall from Time to Time, by Order of the said Court, be paid to the Person who would for the Time being have been entitled to the Rents and Profits of the Lands so to be purchased and settled.

When less than 200*l.* and exceeding 20*l.*

IX. Provided always, and be it further enacted, That if any Money so contracted or agreed to be paid for any Lands to be purchased for the Purposes of this Act, and belonging to any Corporation, or to any Person under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then the same shall, at the Option of the Persons for the Time being entitled to the Rents and Profits of the Lands so purchased, taken, or used, or of their respective Husbands, Guardians, or Committees, in case of Coverture, Infancy, Idiocy, Lunacy, or other Incapacity, with the Approbation of the said Company, to be signified in Writing under their Common Seal, or under the Hands of at least Three of the Directors of the said Company, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the said Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same may be paid, at the like Option and with the like Approbation, to Two Trustees, to be nominated by the respective Parties exercising such Option, and approved of by the said Company, such Nomination and Approbation to be signified in Writing under the Hands of the nominating Parties, and under such Common Seal or the Hands of Three at least of the Directors of the said Company; and the Money so paid to such Trustees, and the Dividends and Produce so arising thereon and therefrom, shall be by such Trustees applied in like Manner as is herein-before directed with respect to the Money so to be paid into the Bank of *England* in the Name of the Accountant General of the Court of Exchequer, but without being required to obtain any Order of the said Court touching the Application thereof.

When not exceeding 20*l.*

X. Provided also, and be it further enacted, That when any Money so contracted and agreed to be paid as aforesaid shall not exceed the Sum of Twenty Pounds, then the same shall be paid to the respective Parties who would for the Time being have been entitled to the Rents and Profits of the Lands so to be purchased for the Purposes of this Act, for their own Use and Benefit, or in case of Coverture, Infancy, Idiocy, Lunacy, or other Incapacity, then such Money shall be paid to their respective Husbands, Guardians, Committees, or Trustees, to and for the Use and Benefit of the Parties respectively entitled thereto.

On Payment of Purchase Money, Premises to vest

XI. And be it further enacted, That upon Payment of the Money agreed to be paid for the Purchase of such Lands by the said Company to the Corporation or Person respectively entitled to such Money,

Money, or upon Payment thereof into the Bank of *England* for the Purpose of being disposed of in manner herein directed, (as the Case may be,) all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand at Law or in Equity of the Corporation or Person respectively to whom or for whose Use the same shall be paid, in, to, or out of such Lands, and of all Persons in whose Behalf they are authorized by this Act to sell the same, shall vest in the said Company and their Successors for ever, for the Purposes of this Act.

in the Company.

XII. And be it further enacted, That where any Question shall arise touching the Title of any Corporation or Person to any Money to be paid into the Bank of *England* in the Name and with the Privy of the Accountant General of the Court of Exchequer, in pursuance of this Act, for the Purchase of any Land to be purchased in pursuance of this Act, or to any Bank Annuities or Government or Real Securities, the Corporation or Person who shall have been in possession of such Land or Share at the Time of such Purchase, and all Persons claiming under such Corporation or Person, or under the Possession of such Corporation or Person, shall be deemed and taken to have been lawfully entitled to such Land or Share according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court; and the Dividends or Interest of the Bank Annuities, or Government or Real Securities, to be purchased with such Money, and also the Capital of such Bank Annuities or Government or Real Securities, shall be paid, applied, and disposed of accordingly, unless it shall be made to appear to the said Court that such Possession was a wrongful Possession, and that some other Corporation or Person was lawfully entitled to such Land or Share, or to some Estate or Interest therein.

Where Questions shall arise touching the Title to any Money so paid into the Bank.

XIII. And whereas the said Company may happen to be seised or possessed of more Land or Ground than will be necessary for effecting the Purposes of this Act; be it therefore enacted, That it shall be lawful for the said Company, and they are hereby required, to sell and dispose of any such Land or Ground, or any Estate or Interest therein, either together or in Parcels, by public Auction or private Contract, as they shall find most convenient and advantageous, to such Person as shall be willing to contract for and purchase the same, and convey the same accordingly; and such Conveyances from the said Company shall be valid and effectual, any thing in this Act contained, or any other Law, Statute, or Custom, to the contrary notwithstanding: Provided always, that the said Company, before they shall sell and dispose of any such Land or Ground, shall first offer to resell the same to the Person from whom such Land or Ground was purchased by the said Company, or his Heirs, Assigns, or Successors, in case he or they shall be Owners of any Land or Ground adjoining thereto, and in case such Person cannot be found, or shall refuse or neglect or fail to agree with the said Company to purchase such Land or Ground, then the Offer to sell the same shall be made to the Owners of any adjoining Land or Ground, and a Declaration pursuant to the Act of the Fifth and Sixth Year of the Reign of His late Majesty King *William* the Fourth for the Abolition of unnecessary Oaths, made before a Master or Master Extraordinary in the High Court of Chancery, or before

Company to sell Lands not wanted for the Purposes of the Act.

before a Justice of the Peace for the said County of *Southampton* or City of *Winchester*, by some Person not interested in the said Land or Ground, stating that at the Time such Land shall have been sold the Person entitled to such Right of Pre-emption was not to be found, or that such Offer was made by or on behalf of the said Company, and that such Offer was then and thereupon not agreed to or was refused by the Person to whom the same was offered, as the Case may be, shall in all Courts whatever be sufficient Evidence and Proof of the Facts therein stated; and the Money produced by the Sale which may be made by the said Company of such Land as aforesaid shall be applied to the Purposes of this Act, but the Purchaser thereof shall not be answerable or accountable for any Misapplication or Nonapplication of such Money or of any Part thereof; provided always, that every such Sale as aforesaid shall be made within the Period of Ten Years from the Time that such Land shall cease to be so wanted; and in case such Sale shall not be made within the said Period of Ten Years, such Land shall go and belong to the Owners of the next adjoining Land, not being the said Company, in proportion to the Extent of their Lands respectively adjoining the same.

Company not to sell Land which may have been set apart for Burial.

XIV. Provided always, and be it further enacted, That it shall not be lawful for the said Company, under the Authority of the Provision herein-before contained, to sell or dispose of any Land which shall have been consecrated, set apart, or used for the Burial of the Dead.

Treasurer upon Payment of Money to give Receipts.

XV. And be it further enacted, That upon Payment of the Money which shall arise from the Sale of any Land authorized by this Act to be sold by the said Company, or upon Payment of any other Money to the said Company under this Act, it shall be lawful for the Treasurer or Secretary for the Time being to the said Company to sign and give Receipts for the Money so paid, which Receipts shall be sufficient Discharges to all Persons for such Sums of Money as in such Receipts respectively shall be expressed to be received, and such Persons shall not afterwards be answerable or accountable for any Loss, Misapplication, or Nonapplication of such Money or any Part thereof.

The Word "grant" in Conveyances from the Company to amount to certain Covenants.

XVI. And be it further enacted, That in all Conveyances to be made by the said Company under or in pursuance of this Act the Word "grant" shall operate as and be construed and adjudged in all Courts of Judicature to be express Covenants to or with the respective Grantees therein named, and the Successors, Heirs, Executors, Administrators, and Assigns of such Grantees, according to the Quality or Nature of the Estate or Interest comprised in such Conveyances by or from the said Company, that they the said Company, notwithstanding any Act or Default done by them, were, at the Time of the Execution of such Conveyance, seised or possessed of the Lands or Premises thereby granted for an indefeasible Estate of Inheritance in Fee Simple, free from all Incumbrances done or occasioned by them, or otherwise for such Estate or Interest as therein is expressed to be thereby granted, free from Incumbrances done or occasioned by them,

that the Purchaser thereof, his Heirs and Assigns, Successors and Assigns, or Executors, Administrators, and Assigns, (as the Case may be,) shall quietly enjoy the same against the said Company and their Successors, and all claiming under them, and be indemnified and saved harmless by the said Company and their Successors from all Incumbrances committed by the said Company, and also for further Assurance, at the Expence of such Grantees respectively, their Heirs, Successors, Executors, Administrators, or Assigns, of such Lands and Premises, by the said Company or their Successors, and all claiming under them, unless except and so far as the same shall be restrained and limited by express particular Words contained in such Conveyances; and such Grantees, and their several Successors, Heirs, Executors, Administrators, and Assigns respectively, according to their respective Quality or Nature, and the Estate or Interest expressed to be conveyed, shall and may, in all Actions to be brought, assign Breach or Breaches of Covenants, as they might do in case such Covenants were expressly inserted in such Conveyances.

XVII. And be it further enacted, That it shall be lawful for the said Company and they are hereby empowered to make and maintain a Cemetery or Burial Ground for the Interment of the Dead in the Situation herein-before mentioned, and to lay out and establish the same in and with such Paths, Walks, Avenues, Roads, Trees, Shrubs, and Plantations as may be fitting and proper, and to cause the said intended Cemetery or Burial Ground to be inclosed with proper and sufficient Walls, Rails, Fences, Palisades, Gates, and Entrances: Provided always, that such Cemetery or Burial Ground or any Part thereof shall not be erected or made within Three hundred Yards of any House of the annual Value of Fifty Pounds, or having a Plantation or ornamental Garden or Pleasure Ground occupied therewith, except with the Consent in Writing of the Owner, Lessee, and Occupier thereof.

Company empowered to make a Cemetery, with Paths, Roads, &c.

XVIII. And be it further enacted, That it shall be lawful for the said Company and they are hereby empowered to make, erect, and build, within or adjoining to such Part of the said Cemetery as shall be consecrated, in such Manner as they shall think proper, a convenient and suitable Chapel for the Reception of the Dead immediately previous to Interment, and for the Purpose of performing therein the Burial Service only, according to the established Form of the United Church of *England* and *Ireland* only, and also such and so many covered Porches or Colonnades, and Catacombs and Vaults for private or public Burial Places, and such other Buildings, Matters, and Things, and for such Purposes, as the said Company shall think proper.

Company empowered to build a Chapel for performing therein the Burial Service of the Church of England.

XIX. And be it further enacted, That it shall be lawful for the said Company to set apart a Portion of the intended Cemetery, not exceeding One Fourth of the Ground, for the Time being, as a Place of Burial or Interment for Persons not being Members of the United Church of *England* and *Ireland* as by Law established, and such Portion shall be for ever set apart and appropriated, and exclusively used for the Interment of the Dead, and it shall be lawful to inter the Bodies of

Part of Cemetery may be set apart for the Interment of Persons not Members of the Church of England.

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the Dead in such unconsecrated Part of the said Cemetery in such Manner in all respects as the Friends and Relatives of the Person so to be interred shall think fit, and in default of any Direction by the Friends or Relatives of the Person so to be interred, then in such Manner as the said Company shall think fit and appoint : Provided always, that every such Burial shall be conducted in a decent and solemn Manner, and under such Regulations and Restrictions as the said Company shall think fit to impose.

Company empowered to build a Chapel for performing therein the Burial Service of Dissenters.

XX. And be it further enacted, That it shall be lawful for the said Company to make, erect, and build such and so many convenient and suitable Chapels as they may think necessary for the Reception of the Dead immediately previous to Interment, and for the Purpose of performing therein the Burial Service only, according to the Rites of any Church or Congregation not being of the Established Church of *England*, by any Clergyman or Minister of such Church or Congregation duly authorized by Law to officiate in such Church or Congregation, or recognized as such by the religious Community or Society to which he may belong, and also such and so many covered Porches or Colonnades, and Catacombs and Vaults for private or public Burial Places, and such other Building or Buildings, Matters and Things, and for such Purposes, as the said Company shall think proper.

Company may contract for making the necessary Works.

XXI. And be it further enacted, That it shall and may be lawful for the said Company, or for such Person as they shall appoint for that Purpose in the Name of the said Company, to contract and agree with any Person for making and completing the said intended Cemetery or any Part thereof, and for building, planting, levelling, and laying out the same, and for inclosing the same with Walls, Fences, Poles, and Palisades, and for providing proper Materials for all or any of the Purposes aforesaid, or for doing all or any of the Works hereby authorized or any Part thereof respectively ; and the said Company may take such Security for the Performance of such Contracts as to them shall seem necessary.

Company may compound for Breach of Contract.

XXII. And be it further enacted, That it shall be lawful for the said Company, or such Person as they shall have appointed to enter into such Contracts as aforesaid, to compound and agree with any Person on account of any Breach or Nonperformance of any Contract for such Sum of Money as they shall think fit.

Power to make Sewers from Cemetery.

XXIII. And be it further enacted, That it shall be lawful for the said Company to make and sink all necessary and proper Sewers, Soughs, Ditches, and Drains in and about the said Cemetery for the Purposes of conveying the Water from the same and keeping the same dry, and from Time to Time, as Occasion may require, to make Communications with any Branch or Main Sewer already made or hereafter to be made under the Directions of the Commissioners or Persons having the Management of such Sewers, and of the Owners and Occupiers of the Land through which such Communications may be made, doing as little Damage as possible to the Ground or the Streets or Places wherein such Sewer or Drain may be made, and replacing and closing the same, and otherwise making the same in the same State

and Condition as it was previously to its being disturbed, or as near thereto as possible, and making full Compensation to any Person or Party injured by means of such Works: Provided always, that if the said Company shall empty, conduct, or convey, or cause to be emptied, conducted, or conveyed, any such Sewer or Drain, into any River, Brook, or running Stream, Reservoir, Canal, Aqueduct, Waterway, Feeder, Pond, Springhead, or Well, whereby the Water thereof may be soiled or contaminated, then and in every such Case the said Company shall forfeit and pay for such Offence the Sum of Two hundred Pounds, and a further Sum of Twenty Pounds for every Day during which the Water may continue soiled or contaminated by reason thereof, to be recovered by any Person who may sue for the same, with full Costs of Suit, in any of Her Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case.

XXIV. And be it further enacted, That so much and such Part of the said Land so to be purchased as aforesaid as shall be set apart for the Interment of the Dead according to the Rites and Usages of the United Church of *England* and *Ireland* may be consecrated by the Bishop of the Diocese for the Time being, and when such Part shall have been so consecrated as a Cemetery or Burial Ground the same shall for ever thereafter be set apart and be used and applied exclusively for the Purpose of Burial according to the Rites and Usages of the said United Church.

Part of Cemetery to be consecrated.

XXV. And be it further enacted, That the Rector or Incumbent for the Time being of the following respective Parishes, *videlicet, Week, Saint Thomas, Saint Lawrence, Saint Maurice, Saint Mary Calendar, Saint Peter Colebrook, Saint John, Winnall, Saint Peter Cheeshill, Saint Swithin, Saint Michael, Saint Bartholomew Hyde, and Saint Faith*, or the Chaplain of the Hospital of *Saint Cross*, in the said City and Borough of *Winchester*, shall and they are hereby required to officiate as Ministers in the Performance of the Burial Service on any Person removed from his said Parish or Place, and interred within the consecrated Part of the said Cemetery; and the Rector or Incumbent for the Time being of the said Parish of *Saint Thomas* shall and is hereby required to officiate as Minister in the Performance of the Burial Service on the Interment of any Person removed from any other than the before-mentioned Parishes, or from any other Extra-parochial Place, and interred within the consecrated Part of the said Cemetery: Provided always, that no such Rector or Incumbent shall be required to officiate in the Performance of the Burial Service on the Interment of any Person upon whom such Service could not be lawfully performed in the Burial Ground of any Parochial Church.

Appoint-ment of Ministers.

XXVI. And be it further enacted, That it shall be lawful for any Clergyman of the Established Church, at the Request of the Executor of any deceased Person or any other Person having the Charge of the Interment of any deceased Person, and with the Consent of the Incumbent of either of the said several Parishes, to perform the said Burial Service in the said Chapel or consecrated Part of the said Cemetery: Provided always, that no Burial Service shall be performed

Any Clergyman may officiate.

in

in the consecrated Part of the said Cemetery except according to the Established Rites and Usages of the United Church of *England* and *Ireland*.

Funerals in the consecrated and unconsecrated Parts of the Cemetery not to take place at the same Time.

XXVII. Provided always, and be it further enacted, That it shall not be lawful for any Dissenting Minister or other Person to perform any Burial Service in the unconsecrated Part of the said Cemetery at and during the Time the Funeral Service is being performed in the consecrated Portion of the said Cemetery, or for any Clergyman of the Church of *England* to perform the Burial Service in the consecrated Portion of the said Ground during the Time any Funeral Service is being performed in the said unconsecrated Ground; and in case any Clergyman, Dissenting Minister, or other Person shall act contrary to this Provision, he shall for each and every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

Fees to Incumbents for Burials.

XXVIII. And be it further enacted, That upon the Interment of every Person within the consecrated Ground of the said Cemetery the said Company shall pay to the said Rector or Incumbent who is hereinbefore required to perform the said Burial Service in respect of such Person, and upon the Interment of every Person in the unconsecrated Ground unto the Dissenting Minister or other Person who shall perform the said Burial Service, the Sums following; that is to say, for every Person buried in the open Ground Three Shillings and Four-pence, and for every Person buried in a Vault, Catacomb, or Brick Grave One Pound and Six Shillings.

Book to be kept for ascertaining Amount of Fees payable to such Incumbents.

XXIX. And be it further enacted, That for the Purposes of ascertaining the Amount of Fees which shall be so payable to Rectors or Incumbents for the Time being of the several Parishes aforesaid, the said Company shall and they are hereby required to cause a Book to be kept by the Secretary, and clear, regular, and distinct Entries to be made therein of the Names of all Persons interred within the consecrated Part of the said Cemetery, and the Names of the Parishes from which such Persons respectively shall have been removed, and the Mode of their Interment within the said Cemetery, (distinguishing whether in a Vault, Catacomb, or Brick Grave or in the open Ground,) together with the Date of such Interment, and such Book or Books shall be at all seasonable Times open to the Inspection of the Rectors or Incumbents for the Time being of the said several Parishes respectively, or to any Person employed by them, without Fee or Reward.

Account of Fees payable by Company to Incumbents to be made up, and the Amount paid half-yearly.

XXX. And be it further enacted, That the said Company shall and they are hereby required twice in every Year, (that is to say,) on the Twenty-fifth Day of *March* and the Twenty-ninth Day of *September*, to cause an Account to be made up of all Fees (if any) payable by the said Company to the Rector or Incumbents of the several Parishes aforesaid, and of the Sum payable in respect of each such Parish, and the said Company shall at the Expiration, of One Calendar Month next thereafter, deliver, upon Demand, to the said Rector or Incumbents of each such Parishes, or to such Person as he shall appoint, a Statement in Writing of the Sum payable to such Rector
or

or Incumbent, with the Names of the several Persons in respect of whose Interment the Fees are paid, and the Mode of their Interment, whether in a Vault, Catacomb, or Brick Grave, or in the open Ground, and shall, at the Time of the Delivery of such Account or at any Time thereafter, upon Demand, pay to the said Rector or Incumbent, or to such Person as he shall appoint, the full Amount of the Sum which upon the Statement of such Account shall appear to be due by the said Company; and in default of such Payments being made the Amounts may be recovered, with full Costs of Suit, against the Company, by Action of Debt or upon the Case in any of Her Majesty's Courts of Record at *Westminster*.

XXXI. And be it further enacted, That all Fees payable by the said Company by virtue of this Act shall be paid to the Rector or Incumbent for the Time being of the Parish in respect of which the same are payable, notwithstanding he may not have been the Rector or Incumbent thereof at the Time the Interment took place for which such Fee is paid, or at the Time when the half-yearly Settlement of Accounts was made, and the Receipt of the Rector or Incumbent for the Time being shall be an effectual Discharge to the said Company for the Fees payable by them by virtue of this Act.

Fees to be paid to the Incumbent for the Time being.

XXXII. Provided always, and be it further enacted, That upon the Cession, Resignation, Removal, or Death of the Rector or Incumbent of any of the Parishes in respect of which Fees are payable by the said Company by virtue of this Act, such Rector or Incumbent, his Executors, Administrators, or Assigns, shall be entitled to receive so much of the Sum payable at the half-yearly Day of Settlement of Accounts which shall happen next after such Cession, Resignation, Removal, or Death, as shall have accrued for such Fees from the last preceding Day of Settlement of Accounts, or from the Time when such Rector or Incumbent became first entitled, in fact or by relation of Law, to receive the Fruits of his Living, (as the Case may require,) up to the Day of such Cession, Resignation, Removal, or Death; and the Rector or Incumbent who shall be appointed in his Place shall and may have, receive, and retain the Residue of the said Sum; and the Rector or Incumbent of any Parish who shall receive from the said Company any Sum which, in pursuance of the Directions herein-before contained, is to be divided as aforesaid, shall account for the same with the preceding Rector or Incumbent, his Executors, Administrators, or Assigns, and pay over the same to him or them accordingly, and the said Company shall not be liable to see to the Application thereof; and in like Manner the Incumbent for the Time being of any Parish of which any Arrears of Fees are payable by the said Company shall, upon the Receipt thereof, duly account for and pay over the same unto the preceding Rector or Incumbent, his Executors, Administrators, and Assigns, or other the Person entitled thereto; and the said Company shall not be answerable or accountable to any Person other than the actual Rector or Incumbent for the Time being for the Payment of any Fees or Arrears of Fees under or by virtue of this Act.

Incumbent for the Time being to receive Fees, and account with preceding Incumbent.

[*Local.*]

D d

XXXIII. And

Directors to appoint Clerk and Sexton.

XXXIII. And be it further enacted, That the Directors for the Time being of the said Company shall from Time to Time nominate and appoint a fit and proper Person, being a Member of the Established Church, to act as Clerk and Sexton in the consecrated Part of the said Cemetery, and also from Time to Time to displace and remove such Clerk and Sexton at their Will and Pleasure, and to fix the Services and Duties of such Clerk and Sexton; and every such Clerk and Sexton is hereby required to reside and live at the Lodge of the said Cemetery, and shall, unless prevented by Sickness or other sufficient Cause, regularly attend and perform his Duty at the said Cemetery, or in default thereof lose and forfeit all Right and Claim to his said Office.

Fees payable on Interments.

XXXIV. And be it further enacted, That the Directors of the said Company shall from Time to Time, as they in their Discretion shall deem fit, fix and order the Fees or Sums to be paid on the Interment of every Person in the said Cemetery, whether the same be in the consecrated or unconsecrated Portion of the Ground, so that the same shall not in any Case exceed the following Sums; that is to say,

	£	s.	d.
On every Person buried in the open Ground (common Grave) the Sum of	0	12	0
On every Person buried in the open Ground (purchased or private Grave) the Sum of	2	2	0
On every Person buried in a Vault, Catacomb, or Brick Grave, the Sum of	4	4	0

Provided always, that the said Directors are hereby required in all Cases to charge and receive the like Scale of Fees on an Interment, whether the Corpse be buried in the consecrated or unconsecrated Portion of the Ground, and which said Fees shall and they are hereby required to include the respective Sums herein-before directed to be paid to the said Rectors or Incumbents, Dissenting Ministers, or other Persons who shall perform the said Burial Service.

Company may sell exclusive Right of Burial in Vaults in Perpetuity, or for a limited Period.

XXXV. And be it further enacted, That it shall be lawful for the said Company and they are hereby authorized and empowered, from Time to Time and at all Times from and after the passing of this Act, to sell and dispose of, to any Person who may be willing or desire to purchase or acquire the same, and at or for such Price or Sum of Money, and under such Regulations and Restrictions, and subject to such Conditions, as the said Company shall think proper to require, the exclusive Right of Burial or Interment, either in Perpetuity or for a limited Period, as may be agreed upon, in all or every or any of the Vaults, Catacombs, Arches, Brick Graves, Graves, and Places of Burial which may be from Time to Time or at any Time erected, made, or built by the said Company within the said Cemetery or any Part thereof, and also the Right and Privilege of erecting and making of any Family or other Vault, Catacomb, Brick Grave, or Place of Burial within the said Cemetery, with the exclusive Right of Burial or Interment therein, either in Perpetuity or for a limited Period, and also

also the Right or Privilege of single Interment in any of the Vaults, Catacombs, Arches, Brick Graves, Graves, or other Places of Burial made or constructed by the said Company, or in the open Ground of the said Cemetery, and also the Right and Privilege of erecting and placing any Monument or Cenotaph in the said Cemetery, or any Monument, Tablet, or monumental Inscription on or against the Walls of the said Chapel or other Place appropriated by the said Company for the Reception of Monuments, Tablets, or monumental Inscriptions, and also the Right and Privilege of placing any Gravestone, or Slab of Stone or Marble or other Material, or Foot Stones or Head Stones, upon or to any Grave in the said Cemetery.

XXXVI. And be it further enacted, That the said Company shall, by and out of the Monies to be received by virtue of this Act, keep the said Cemetery, and the said Chapel or Chapels, and the several Buildings belonging to the said Company thereon and therein, and the external Walls and Fences thereof, and all other Parts of the same, in thorough and complete Repair.

Company to keep Cemetery in Repair.

XXXVII. And be it further enacted, That the Conveyance of the exclusive Right of Burial or Interment in all such Vaults, Catacombs, Brick Graves, Graves, and Places of Burial, and of the Right and Privilege of erecting and making of any Family Vaults, Catacombs, Brick Graves, Graves, or Places of Burial, with the exclusive Right of Burial or Interment therein, either in Perpetuity or for a limited Period, and of the Right and Privilege of erecting of any Monuments or Cenotaphs, shall be under the Common Seal of the said Company, and countersigned by the Secretary of the said Company for the Time being, and may be made in the Words or to the Effect following, with such Variations therein as the Circumstances of the Case may render necessary; (that is to say,)

Grant of exclusive Right of Burials in Vaults.

‘ The *Winchester* Cemetery Company.

Form of Conveyance of Right of Burial.

‘ **BY** virtue of an Act passed in the Year of the
 ‘ Reign of Her Majesty Queen *Victoria*, intituled [*here insert*
 ‘ *the Title of this Act*], we, “The *Winchester* Cemetery Company,”
 ‘ incorporated by and under the said Act, in consideration of the
 ‘ Sum of _____ to us in hand paid by *A. B.* of
 ‘ _____ do hereby grant and convey unto the
 ‘ said *A. B.* the exclusive Right of Burial and Interment [*or, as the*
 ‘ *Case may be*, the Right and Privileges of erecting and making, and
 ‘ the exclusive Right of Burial or Interment when made,] in all [*here*
 ‘ *describe the Vault, Catacomb, or Place of Burial, or the Ground*
 ‘ *intended for the Construction of a Vault, Catacomb, or Place of Burial,*
 ‘ *or for the Erection of a Monument or Cenotaph (as the Case may be),*
 ‘ *so as to identify the same*]; to hold the same to the said *A. B.* in
 ‘ Perpetuity [*or for the Period agreed upon*] for the Purpose of
 ‘ Burial [*or as the Case may be*], subject to such Rules, Orders, and
 ‘ Regulations as have been or shall from Time to Time hereafter be
 ‘ made by the said Company for the Management and Regulation of
 ‘ the said Cemetery and the Catacombs or Vaults therein. Given
 ‘ under our Common Seal this _____ Day of
 ‘ in the Year of our Lord _____

And

Memorial of every Grant to be entered in a Book by the Clerk.

And every such Conveyance so made shall be good, valid, and effectual, both at Law and in Equity, without Words of Inheritance, Limitation, or Representation, to vest the exclusive Right of Burial or Interment in the Catacomb, Grave, or Vault described therein, or to be erected or made in pursuance thereof, in the Person purchasing the same, and his personal Representatives, Legatees, and Assigns, in Perpetuity, or for the Period agreed upon, without any Faculty whatever, subject to the Payment of such Fees as may be by the Rules and Regulations of the said Company from Time to Time payable on the Interment of any Corpse in such Vault or Cemetery, and subject also to such Rules, Orders, and Regulations as shall from Time to Time be made by the said Company for the better Regulation of the said Cemetery, and the Vaults and Catacombs thereof; and an Entry or Memorial of every such Grant or Assignment, containing the Date thereof, and the Names of the Parties, with their proper Additions, to whom the same shall have been made, with a sufficient Description of the Vault or Catacomb, or of the Piece of Ground for the Erection of a Vault or Catacomb comprised therein, so as to identify the same, and the Amount of the Sum paid for the Purchase thereof, shall, within Fourteen Days after the Date thereof, be entered in some Book to be kept by the Secretary of the Company, for which the said Secretary shall be paid by the Purchaser thereof the Sum of Two Shillings and Sixpence; and which Book may be perused at all seasonable Times by any of the Proprietors of the said Undertaking, without Fee or Reward, and by any Purchaser or intended Purchaser from the original or any intermediate Purchaser thereof, upon Payment of the Sum of One Shilling to the Secretary of the said Company.

Exclusive Right of Burial in Vaults may be disposed of by the Persons purchasing the same.

XXXVIII. And be it further enacted, That the exclusive Right of Burial or Interment in any Vault, Catacomb, and Burial Place which shall be so purchased as aforesaid, and which shall have been conveyed to the Purchaser thereof in the Manner herein-before directed, shall, if in Perpetuity, be considered as personal Inheritance, and shall and may, whether granted in Perpetuity or for a limited Period, be sold and disposed of and assigned in his Lifetime, or bequeathed by his last Will and Testament; and every such Assignment or Disposition, except by Will, shall be by Deed duly stamped, in which the Consideration shall be duly set forth, and may be made in the Form or to the Effect following; that is to say,

‘ The *Winchester* Cemetery Company.

Form of Assignment.

‘ I *A. B.* of _____ in consideration of the Sum of _____
 ‘ paid to me by *C. D.* of _____ do hereby
 ‘ bargain, sell, and assign unto the said *C. D.* the exclusive Right of
 ‘ Burial or Interment in all [*here describe the Vault, Catacomb, or*
 ‘ *Burial Place*], which was granted to me [*or unto A. B. of* _____]
 ‘ in Perpetuity [*or, as the Case may be*], by the *Winchester* Ceme-
 ‘ tery Company, by a Deed bearing Date the _____ Day of _____
 ‘ and all my Estate, Title, and Interest therein; to
 ‘ hold the same unto the said *C. D.*, his personal Representatives,
 ‘ Legatees, and Assigns, in Perpetuity [*or, as the Case may be, for*
 ‘ the _____

‘ the Remainder of the Period for which the same was granted by the
 ‘ said Company,] subject to the same Conditions as I held the same
 ‘ immediately before the Execution hereof. Witness my Hand and
 ‘ Seal this Day of .’

And every such Assignment shall be valid and effectual in the Law, without Enrolment, and without Words of Inheritance, Limitation, or Presentation, to vest the exclusive Right of Burial or Interment in the said Vault or Catacomb in the Purchaser thereof, his personal Representatives, Legatees, and Assigns, either in Perpetuity or for the Remainder of the Period for which the same was originally granted, free from all Claims whatever by or from the Person making or executing the same, or any Person claiming through, under, or in Trust for him.

XXXIX. And be it further enacted, That every derivative Assignment of the exclusive Right of Burial or Interment in any Vault, Catacomb, or Grave in the said Cemetery, and also every Will by which the exclusive Right of Burial or Interment in any Vault or Grave in the said Cemetery shall be devised, shall, if a Deed, within Six Calendar Months after the Execution thereof, if executed in *England*, or within Six Calendar Months after the Arrival thereof in *England*, if executed elsewhere, the Time of such Arrival to be verified by a Declaration made by some respectable Person before One of Her Majesty’s Justices of the Peace, or before any Master Extraordinary in Chancery, which Declaration shall be delivered to and left with the Secretary of the said Company, and if a Will then within Six Calendar Months after the Probate thereof, be produced to the Secretary of the said Company, who shall cause an Entry or Memorial to be made thereof, in the same Manner as of the original Grant, for which the said Secretary shall be paid the Sum of Two Shillings and Sixpence; and after such Entry or Memorial made every such Assignment shall entitle the Person to whom the same shall be made, his personal Representatives, Legatees, and Assigns, to the full Benefit thereof; and it shall not be in the Power of the Person who shall have made such Assignment to make void or vacate the same.

Derivative Assignments to be registered.

XL. Provided always, and be it further enacted, That before any Corpse, other than that of the Person for the Time being entitled as Owner to the exclusive Right of Burial therein, shall be permitted to be interred in any Vault, Catacomb, or Brick Grave, or in any Place of Burial the exclusive Right of Burial or Interment wherein shall have been sold or granted by the said Company as a Family or Private Burial Place, it shall be lawful for the said Company to require, and they shall be entitled to have produced to them, satisfactory Evidence that the Person for the Time being entitled as Owner to the exclusive Right of Burial or Interment in such Vault, Grave, or Burial Place has consented to such Interment taking place therein.

No Interment to be made in any Private Vault without the Consent of the Owner.

XLI. And be it further enacted, That it shall be lawful for the said Company to take down and remove any Monument, Cenotaph, Tablet, monumental Inscription, Gravestone, or other Erection which shall have been erected or built contrary to the Terms and Conditions
 [Local.] E e upon

Company may take down Monuments, &c. which have

been erected
contrary to
Conditions.

upon which Permission to erect and construct the same was granted, or in case such Terms and Conditions shall not have been complied with, and also to enter upon and resume the Possession of any Grave or Vault or other Burial Place in which the Interest of the Purchaser of the exclusive Right of Sepulchre therein shall have ceased or determined: Provided always, that in case of such Resumption of Possession or Re-entry by the said Company the Bodies which may have been interred in any such Vault or Burial Place shall not be disturbed.

Plan of the
Ground to
be kept by
the Clerk.

XLII. And be it further enacted, That a Plan or Ground Plot of the said Cemetery shall be made by and at the Expence of the said Company, upon a Scale sufficiently large to show the Place and Situation of each and every Vault, Grave, and Place of Burial which shall or may be made therein; and all such Vaults, Graves, and Places of Burial shall be numbered, and such Numbers shall be entered in a Book to be kept for that Purpose, which shall contain the Names and Description of the several Persons interred in such Vaults, Graves, and Places of Burial, and no Vault or Grave or Place of Burial shall be made in the said Cemetery without the same being marked out or otherwise designated in such Plan, and a corresponding Entry made in the said Book; and the said Plan and Book shall be kept by the Secretary of the said Company, and shall be open to the Inspection of every Proprietor of the said Company without Fee or Reward.

No Burials in
Vaults under
the Chapels,
except in
Lead Coffins.

XLIII. And be it further enacted, That it shall not be lawful to bury any Corpse within any Vault under the said Chapel or Chapels, unless the same shall be inclosed in a Coffin of Lead, or otherwise inclosed in Pitch of Half an Inch in Thickness between one interior and exterior Coffin of Wood.

Burials to be
registered in
Register
Books, to
be kept by
the Secretary
of the Com-
pany.

XLIV. And be it further enacted, That all Burials within the said Cemetery, in the consecrated Part thereof, shall be registered in Register Books, to be provided by the said Company, and kept for that Purpose by the Rector or Incumbent of the said Parish of *Saint Thomas*, according to the Laws in force for keeping Registers in that Part of the United Kingdom of *Great Britain* and *Ireland* called *England*; and all Burials within the unconsecrated Part thereof shall be registered in Register Books, to be provided by the said Company, and kept for that Purpose by the Secretary of the said Company; and the said Register Books, kept by the Rector or Incumbent of the said Parish of *Saint Thomas*, or Copies or Extracts therefrom signed by such Rector or Incumbent, shall be received in all Courts of Law and Equity as Evidence of such Burials; and Copies or Transcripts thereof, signed by the said Rector or Incumbent, shall be from Time to Time transmitted and sent to the Registrar of the Ecclesiastical Court of the Bishop of the Diocese in which the said Cemetery shall be locally situated, to be kept and preserved with the Copies of the other Register Books of the Parishes within his Diocese: Provided always, that the said Register Books, so far as respects Searches to be made therein, and Copies and Extracts to be taken therefrom, shall be subject to such and the same Rules and Regulations as are provided in and by an Act made and passed in the Sixth and Seventh

Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for registering Births, Deaths, and Marriages in England*, so far as the same relate to Register Books of Burials kept by any Rector, Vicar, or Curate; and that the said Rector or Incumbent or Secretary, as the Case may be, shall be entitled to charge any Sum not exceeding One Shilling for every such Search, and any Sum not exceeding Two Shillings and Sixpence for every such Copy or Extract, 6 & 7 W. 4. c. 86.

XLV. And be it further enacted, That it shall be lawful for the said Company to raise amongst themselves, for making and maintaining the said Cemetery and other Works by this Act authorized, any Sum or Sums of Money not exceeding in the whole the Sum of Five thousand Pounds, the whole to be divided into Five hundred Shares of Ten Pounds each; and such Five hundred Shares shall be numbered, beginning with Number One and ending with Number Five hundred, in Arithmetical Progression, and every such Share shall be distinguished by the Number to be applied to the same; and the said Shares shall be and are hereby vested in the several Persons so raising and paying the same, and their several and respective Executors, Administrators, and Assigns, to their proper Use and Benefit, proportionably to the Sums they shall severally contribute; and all Corporations and Persons, and their several and respective Successors, Executors, Administrators, and Assigns, who have subscribed or shall severally subscribe for One or more Share or Shares, or such Sum or Sums as shall be demanded in lieu thereof, towards the said Undertaking, not exceeding the Sum of Ten Pounds upon each Share, shall be entitled to and shall receive, at such Time or Times as shall in manner herein-after provided be directed or appointed, in proportionable Parts, according to the respective Sums so by them respectively paid, the net Profits and Advantages which shall arise or accrue by the Sale or Disposal of Graves, Vaults, and Privilege of Interment, and other Sums of Money to be received by the said Company, as and when the same shall be divided; and all Corporations and Persons having such Property in the said Undertaking as aforesaid shall bear and pay a proportionable Sum towards carrying on the same to the full Amount of their respective Shares in the said Undertaking; and every Corporation and Person who shall hold One or more Share or Shares in the Capital of the said Company, their and his Successors, Executors, or Administrators, shall be deemed to be Proprietors or a Proprietor of the said Company: Provided always, that no Proprietor shall be entitled to hold or be possessed of in his own Right at any one Time more than Fifty Shares in the said Undertaking. Proprietors to raise Money amongst themselves for the Undertaking, not exceeding 5,000*l.*, to be divided into Shares of 10*l.* each.

XLVI. And be it further enacted, That all Shares and Proportions of and in the said Undertaking, or the Joint Stock or Fund of the said Company, shall to all Intents and Purposes be deemed Personal Estate, and be transmissible as such, and shall not be deemed to be of the Nature of Real Property. Shares to be Personal Property.

XLVII. And be it further enacted, That the said Company shall from Time to Time cause a Certificate, with the Common Seal of the said Certificate of Shares to be delivered.

said Company affixed thereto, to be delivered to every Proprietor, on Demand, specifying the Share or Shares to which he may be entitled in the said Undertaking, such Proprietor paying to the said Secretary of the said Company the Sum of Two Shillings for every such Certificate; and in case such Certificate shall be worn out, damaged, defaced, burnt, or totally destroyed or lost, then, upon due Proof thereof, a similar Certificate shall be given to the Party who was the Proprietor of or entitled to the Certificate so worn out, damaged, or defaced, burnt, destroyed, or lost; and a due Entry of the Substitute or Duplicate of such Certificate shall be made by the Secretary of the said Company in manner herein directed, the said Secretary to the said Company receiving for every such Certificate which shall be so substituted or given the Sum of Two Shillings and Sixpence, and no more; and such Certificate, whether original or substituted, shall be admitted in all Courts whatsoever as *primâ facie* Evidence of the Title of such respective Subscribers, their Successors, Executors, Administrators, or Assigns, to the Share or Shares therein specified; but the Want of such Certificate shall not hinder or prevent the Proprietor of any of the said Shares from selling or disposing of the same; and such Certificate may be in the Words or to the Effect following; (that is to say,)

Form of
Certificate.

‘The *Winchester* Cemetery Company.

‘ Number

‘ THESE are to certify, That *A. B.* of is the Pro-
 ‘ prietor of the Share Number in the *Winchester*
 ‘ Cemetery Company, subject to the Rules, Regulations, and
 ‘ Orders of the said Company, and that the said *A. B.*, his Execu-
 ‘ tors, Administrators, and Assigns, is and are entitled to the Profits
 ‘ and Advantages of such Share. Given under the Common Seal of
 ‘ the said Company the Day of in the Year
 ‘ of our Lord

Proprietors
of Shares may
sell the same.

XLVIII. And be it further enacted, That it shall be lawful for the several Proprietors of Shares in the said Undertaking, and their respective Executors and Administrators and Assigns, to sell and dispose of any Shares to which they shall be entitled therein, subject to the Rules and Conditions herein mentioned; and the Conveyance of such Shares shall be by Writing duly stamped, in which the Consideration of such Transfer shall be truly specified and set forth, and the Form thereof may be in the following Words or to the like Effect, varying the Names and Descriptions of the contracting Parties as the Case may require; (that is to say,)

‘The *Winchester* Cemetery Company.’

Form of
Conveyance
of Shares.

‘ I *A. B.* of in consideration of paid to me
 ‘ by *C. D.* of do hereby assign and transfer to the said
 ‘ *C. D.* Share numbered [or Shares numbered
 ‘ respectively], of and in the Undertaking called the
 ‘ *Winchester* Cemetery Company, upon which Share [or upon each
 ‘ of which Shares] the Sum of hath been paid; to hold the
 ‘ same unto the said *C. D.*, his Executors, Administrators, and Assigns,
 ‘ subject to the same Conditions as I held the same immediately
 ‘ before

‘ before the Execution hereof; and I the said *C.D.* do hereby agree
 ‘ to accept and take the said Share [*or Shares*] subject to the same
 ‘ Conditions. As witness our Hands and Seals the Day
 ‘ of .’

And on every such Sale the Deed or Conveyance (being executed by the Seller and Purchaser) shall be kept by the said Secretary of the said Company, who shall enter in some Book to be kept for that Purpose a Memorial of such Transfer and Sale, and indorse the Entry of such Memorial on the said Deed of Sale or Transfer, for which Entry and Indorsement the Sum of Two Shillings and Sixpence, and no more, shall be paid to the said Secretary; and the said Secretary as aforesaid is hereby required to make such Entry or Memorial accordingly, and, on Demand, to make an Indorsement of such Transfer on the Back of the Certificate of each Share so sold, and deliver the same to the Purchaser for his Security, for which Indorsement no more than Two Shillings and Sixpence shall be paid; and such Indorsement being signed by such Secretary shall be considered in every respect the same as a new Certificate; and until such Memorial shall have been made and entered as before directed, the Seller thereof shall remain and be liable for all future Calls, and the Purchaser shall have no Part or Share of the Profit of the said Undertaking, nor any Interest in respect of such Share paid to him, nor any Vote in respect thereof as a Proprietor of the said Undertaking.

A Memorial
of Transfers
to be kept by
the Clerk.

XLIX. And be it further enacted and declared, That any Clerk, Clergyman, or Ecclesiastical Person shall be legally competent to hold or enjoy and dispose of any Share or Shares in the said Company, or the Capital or Stock and Profits thereof, in like Manner and subject to the same Conditions as any other Person is by this Act authorized, and without being liable to any Penalty or Forfeiture or other Consequence by reason thereof; and the said Company may sue and be sued and enjoy the same Privileges and Immunities as they are or would be entitled to if no such Clerk, Clergyman, or Ecclesiastical Person was a Shareholder; any Law, Statute, Usage, or Custom to the contrary thereof notwithstanding.

Authorizing
Ecclesiastical
Persons to
hold Shares.

L. And be it further enacted, That all the Money to be raised by the said Company by virtue of this Act shall be laid out and applied, in the first place, in paying and discharging all Costs and Expences incurred in applying for, obtaining, and passing this Act, and all other Expences preparatory or relating thereto; and the Remainder of such Money shall be applied in and towards the purchasing Lands, and making and maintaining the said Cemetery and other Works by this Act authorized to be made, and in otherwise carrying this Act into Execution.

Application
of Money to
be raised.

LI. And be it further enacted, That after One Half of the said Sum of Five thousand Pounds herein-before authorized to be raised by Subscription shall have been actually paid up it shall be lawful for the said Company to borrow and take up at Interest any further Sum of Money, in addition to their said Capital of Five thousand Pounds, not exceeding in the whole the Sum of One thousand six

Power to
raise Money
by Mortgage.

[*Local.*]

F f

hundred

hundred Pounds, on the Credit of the said Undertaking ; and the said Company are hereby empowered to mortgage, assign, and charge the Property of the said Undertaking, and the Profits arising or to arise from the Sale or Disposal of Graves, Vaults, and Privilege of Interment, or any other Sums of Money arising by virtue of this Act, or any Part thereof, (the Costs and Charges of assigning the same to be paid out of such Profits or Monies,) as a Security for any such further Sum of Money to be borrowed as aforesaid, with Interest to or for the Benefit of the Party or to his Trustee who shall advance the same ; and such Mortgages, Assignments, and Charges shall be by Deed in Writing duly stamped, in which the Consideration shall be truly stated and set forth, and shall be made under the Common Seal of the said Company, and may be in the Words or to the Effect following, with such Variations therein as the Circumstances of the Case may render necessary ; (that is to say,)

Form of
Mortgage.

‘ Number
‘ **BY** virtue of an Act passed in the Year of the Reign of
‘ Her Majesty Queen *Victoria*, intituled [*here set forth the Title*
‘ *of this Act*], we, “The *Winchester* Cemetery Company,” incorporated
‘ by and under the said Act, in consideration of the Sum of
‘ to us in hand paid by *A.B.* of do assign unto
‘ the said *A.B.*, his Executors, Administrators, and Assigns, the said
‘ Undertaking, and all and singular the Profits arising from the Sale
‘ or Disposal of Graves, Vaults, and Privilege of Interment, and
‘ other the Sums of Money arising by virtue of the said Act, and all
‘ the Estate, Right, Title, and Interest of the said Company of, in,
‘ and to the same ; to hold unto the said *A.B.*, his Executors, Admi-
‘ nistrators, and Assigns, until the said Sum of , together
‘ with Interest for the same after the Rate of for every
‘ One hundred Pounds for a Year, shall be fully paid and satisfied.
‘ Given under our Common Seal this Day of in the
‘ Year of our Lord .’

Mortgagees
not entitled
to Preference
by Reason of
Priority in
Date of the
Mortgage.

And the respective Parties to whom such Mortgages or Assignments shall be made shall be entitled one with the other to their Proportions of the said Profits, Monies, and Premises, according to the respective Sums in such Mortgages or Assignments mentioned to be advanced, without any Preference by reason of Priority in the Date of any such Mortgage or Assignment, or on any other Account whatsoever ; and an Entry or Memorial of every such Mortgage or Assignment, containing the Number and Date thereof, and the Names of the Parties (with their proper Additions) to whom the same shall have been made, and of the Sums borrowed, together with the Rate of Interest to be paid thereon, shall, within Fourteen Days next after the Date thereof, be entered in some Book to be kept by the Secretary of the said Company, which said Book may be perused at all reasonable Times by any of the Proprietors or Creditors of the said Undertaking, or other Persons interested therein, without Fee or Reward ; and all Parties to whom any such Mortgages or Assignments shall have been made as aforesaid, or who shall be entitled to the Money due thereon, may from Time to Time transfer their respective Rights or Interests therein to any other Persons ; and every Transfer thereof shall be by Writing duly stamped, in which the Consideration for the same shall

be truly stated, and may be in the Words or to the Effect following ;
(that is to say,)

‘ I *A.B.* of _____ in consideration of the Sum of _____
 ‘ paid to me by *C.D.* of _____ do hereby transfer a Mort-
 ‘ gage or Assignment, Number _____ made by “ The *Winches-*
 ‘ *ter Cemetery Company*” to _____ bearing Date the
 ‘ Day of _____ for securing the Sum of _____
 ‘ and Interest, and all my Right, Estate, and Interest in and to the
 ‘ Money thereby secured, and in and to the Profits, Monies, and
 ‘ Property thereby assigned, to the said *C.D.*, his Executors, Admi-
 ‘ nistrators, and Assigns. Dated the _____ Day of _____ in
 ‘ the Year of our Lord _____ ’

Form of
Transfer of
Mortgage.

And every such Transfer shall, within Twenty Days next after the Date thereof if executed in *England*, or otherwise within Twenty-eight Days next after the Arrival thereof in *England* if executed elsewhere, (the Time of such Arrival to be verified by a Declaration made by some respectable Person before any of Her Majesty’s Justices of the Peace, or before any Master or Master Extraordinary of the High Court of Chancery, which Declaration shall be delivered to and left with the Secretary of the said Company,) be produced to the Secretary of the said Company, who shall cause any Entry or Memorial to be made thereof in the same Manner as of the original Mortgage or Assignment, for which the said Secretary shall be paid the Sum of Two Shillings and Sixpence, and no more ; and after such Entry or Memorial made every such Transfer shall entitle such Assignee, or his or her Executors, Administrators, and Assigns, to the full Benefit thereof and Payment thereof ; and it shall not be in the Power of any Person who shall have made such Transfer to make void, release, or discharge the same, or any Sum of Money thereon due or thereby secured, or any Part thereof.

Transfers to
be registered.

LII. And be it further enacted, That the Interest of the Money which shall be raised by Mortgage, Assignment, or Charge as aforesaid shall be paid half-yearly to the several Parties entitled thereto, and in preference to any Dividends payable by virtue of this Act to the Proprietors of the said Company or any of them ; and in case such Interest or any Part thereof shall be unpaid for the Space of Twenty-one Days next after the same shall have become due and payable as aforesaid, and the same shall not be paid within Twenty Days after Demand thereof in Writing shall have been made to the said Company, or left at the Office of the Secretary of the said Company, such Demand being made upon or at any Time after the Expiration of such Twenty-one Days, it shall be lawful for any Two or more Justices of the Peace acting for the City or County in which the Cemetery is situate, not being interested in the Matter in the Question, and they are hereby required, on Request made to them by or on behalf of any Mortgagee whose Interest shall be so in arrear, by an Order under their Hands to appoint some Person to receive the Whole or such Parts of the said Profits or Proceeds or other Monies as are liable to pay such Interest so due and unpaid as aforesaid ; and the Money so to be received by such Receiver is hereby declared to be so much Money received by or to the Use of the Person or Persons to whom such

Interest of
Money bor-
rowed to be
paid in pre-
ference to
Dividends.

such Interest shall be then due, until the same, together with the Costs and Charges of recovering and receiving the said Profits or Proceeds or other Monies, shall be fully paid and satisfied; and after such Interest and Costs shall have been paid and satisfied the Power or Authority of such Receiver for the Purposes aforesaid shall cease and determine, or otherwise the Interest so due and unpaid as aforesaid may be sued for and recovered, with Costs, by Action of Debt in any of Her Majesty's Courts of Record at *Westminster*.

Creditors not to be deemed Proprietors.

LIII. Provided always, and be it further enacted, That no Person to whom any such Mortgage or Assignment shall be made or transferred as aforesaid shall be deemed a Proprietor of the said Company by reason or on account of his or her having advanced any Money on such Mortgage or Assignment.

In case Mortgages are paid off, the Company may raise the Amount again.

LIV. And be it further enacted, That in case the said Company shall raise the Whole or any Part of the additional Sum of One thousand six hundred Pounds by Mortgage, Assignment, or Charge as aforesaid, and shall afterwards be required or shall be desirous to pay off or shall have paid off all or any Part of the Principal Sum so raised or borrowed upon Mortgage, Assignment, or Charge as aforesaid, then and in every such Case it shall be lawful for the said Company, immediately or at any Time or Times thereafter, again to raise, in lieu of the Principal Money so paid off or to be paid off by them, such Sum or Sums of Money as they shall from Time to Time have paid off or be required or be desirous to pay off to the Holders of such Mortgages or Assignments or any of them, or any Part thereof, and so from Time to Time as often as the same shall happen, but so nevertheless that the said Company shall not in any Event borrow upon Mortgage or Assignment in such Manner or to such Extent as that more than the Sum of One thousand six hundred Pounds in the whole shall be owing at any One Time on Mortgage or Assignment of or as a Charge upon the said Undertaking.

Power to increase Capital Stock by raising additional Shares.

LV. And be it further enacted, That in case (after One Half of the said Sum of Five thousand Pounds herein-before authorized to be raised by Subscription shall have been paid up) the said Company, at a General or Special General Meeting to be called as in this Act is directed, instead of borrowing such further or additional Sum as aforesaid by way of Mortgage, or continuing the same on Mortgage, shall think it advisable to raise such further or additional Sum or any Part thereof by way of Augmentation of their Capital Stock, or shall deem it expedient to borrow or continue at Interest only a Part of the said further or additional Sum by way of Mortgage, and to raise the Remainder thereof, or Part of the Remainder thereof, by way of Augmentation of their Capital Stock, then and in either of the said Cases it shall be lawful for the said Company to raise by Contribution among themselves, or by the Admission of other Persons as Subscribers to the said Undertaking, or in part by each of those Means, by the issuing of new Shares at such Price or Prices as the said Company at such Meeting shall think fit, to augment the Capital Stock of the said Company by any further Sum or Sums of Money so as the same,

same, together with any Sum of Money that may be borrowed and continuing at Interest by way of Mortgage as aforesaid, shall not exceed such further and additional Sum of One thousand six hundred Pounds hereby authorized to be raised as aforesaid; and all such further and additional Capital Stock, not exceeding such additional or further Sum as aforesaid, as shall be so raised, shall be considered as Part of the general Capital Stock of the said Company, and be under and subject to the same Provisions, Regulations, Directions, and Management in all respects and to all Intents and Purposes as if the same had been Part of the original Capital Stock of the said Company, except as to the Times of making Calls for the said additional Capital Stock and the Amount of such Calls, which Times and the Amount of such Calls respectively shall from Time to Time be appointed by the said Company: Provided always, that all the Regulations, Provisions, and Authorities herein contained in relation to the Calls of the Capital Stock of the said Company and to the Recovery thereof, or of any Arrears thereof, and to the Forfeiture of any Sums advanced by reason of any Neglect or Refusal to comply with such Calls, shall be applicable to the said Calls for the said further and additional Sum hereby authorized to be raised or subscribed as aforesaid, or such Part thereof as shall be required to be raised by way of additional Capital Stock as aforesaid, and to the Refusal or Neglect to comply with such last-mentioned Calls.

LVI. And be it further enacted, That *David Williams* Clerk, *James Buller East* Esquire, *Paulet Saint John Mildmay* Esquire, *Robert Speckott Barter* Clerk, *William Simonds*, *Charles Wittman Benny*, *Thomas Godwin*, *Thomas Penny White* Clerk, *Harry Lee* Clerk, *William Biggs Norton*, *William Whitear Bulpett*, and *John Parmiter* shall be and they are hereby appointed the First Directors to manage the Affairs of the said Company, and shall, except such of them as shall sooner die, resign, or become disqualified as herein-after mentioned, continue in Office until the General Meeting of the said Company to be held in the Month of *June* One thousand eight hundred and forty-two, and thenceforth until others shall be elected in their Place.

First Directors of the Company.

LVII. And be it further enacted, That the First General Meeting of the said Company shall be held at the Guildhall of the said City and Borough of *Winchester*, or some other convenient Place in the said Borough, on the Second *Monday* after the passing of this Act; and after such First General Meeting there shall be a General Annual Meeting of the said Company held at the Lodge of the said Cemetery, or some other convenient Place in the said Borough, on the First *Monday* in *June* in each and every Year, or within the Space of Twenty Days thereafter; and also such and so many Special General Meetings of the said Company as shall be convened in manner herein-after provided, of which said General Meetings and Special General Meetings Six Days Notice at the least shall be given by Advertisement, to be inserted in One of the Newspapers usually printed and circulated in the said City of *Winchester*, or by Letters from the Secretary of the Company sent by the Post, or left at the usual Place of Abode of the Proprietors respectively, as entered in the Books of the said Company; and every such Notice of a Special General

First and other General Meetings of the Company.

[Local.]

G g

Meeting

Meeting shall specify the Purpose for which such Special General Meeting is called ; and such First General Meeting of the said Company, and all other General Meetings and Special General Meetings of the said Company, may be adjourned from Time to Time and from Place to Place as shall be found expedient ; and at every General and Special General Meeting of the said Company some One of the Directors present, and if no Director shall be present then some One of the Proprietors present, to be elected at the Meeting, shall preside as Chairman.

General Meeting to consist of at least Twelve Persons possessed of Fifty Shares in the Aggregate.

LVIII. Provided always, and be it further enacted, That if at any General Meeting or at any Special General Meeting there shall not be Twelve Persons present who shall be possessed of at least Fifty Shares in the aggregate, within One Hour from the Time appointed for such Meeting, no Business shall be done, but in such case there shall be another Meeting of the said Company at the Expiration of Seven Days then next, and if at such adjourned Meeting there shall not be Twelve Persons present who shall be possessed of at least Fifty Shares in the aggregate within One Hour from the Time appointed for such adjourned Meeting, such adjourned Meeting shall stand further adjourned to the Seventh Day next following, and so from Time to Time as often as the Case shall happen until at some Adjournment of such Meeting there shall be a sufficient Number of Proprietors present as last aforesaid, when the Meeting shall proceed to Business.

Meetings of Proprietors may be specially convened.

LIX. And be it further enacted, That any Fifteen or more Proprietors of the said Company, holding in the aggregate One hundred Shares or upwards in the said Undertaking, upon which all Calls actually previously made shall have been paid and satisfied, may at any Time, by Writing under their Hands, left at the Office of the Secretary of the said Company, require the Secretary to call a Special General Meeting of Proprietors of the said Company, so as such Requisition fully express the Object for which such Special General Meeting is required to be called ; and in case of Neglect or Refusal of the said Secretary to call such Meeting for the Space of Twenty-one Days next after such Notice in Writing shall have been so given as aforesaid, the same may be called by such Fifteen or more Proprietors by giving Twenty-one Days Notice thereof in some One or more of the Newspapers usually printed or circulated in the City and Borough of *Winchester* ; and the said Company are hereby authorized to meet in pursuance of such Notice, and such of the Proprietors thereof as shall be present (in case they shall be possessed of the requisite Number of Shares as herein-before provided) shall proceed to the Execution of the Powers by this Act given to the said Company with respect to the Matters so specified in such Notice ; and all Acts of the Majority in Votes of the Proprietors of the said Company met together at any such Special General Meeting shall be as valid with respect to the Matters specified in such Notice as if the same had been done at a General Meeting held at the Time herein-before appointed for holding the same.

Business at Special and adjourned

LX. And be it further enacted, That no Business shall be transacted at any Special General Meeting other than the Business for

for which it shall have been called, and no Business shall be transacted at any adjourned General or adjourned Special General Meeting other than the Business left unfinished at the Meeting from which such Adjournment took place.

General Meetings.

LXI. Provided always, and be it further enacted, That all Notices herein directed to be given of any General or Special General Meeting of the Proprietors of the said Company, or of any Adjournment thereof respectively, or to any of the said Proprietors, and not herein otherwise provided for, shall be signed by the Secretary of the said Company, and shall be given by Advertisement, to be inserted in some One or more of the Newspapers usually printed or circulated in the said City and Borough of *Winchester*, or by Letters from the Secretary of the Company sent by Post to or left at the usual Place of Abode of the Proprietors respectively as entered in the Books of the Company; and such Notices, when so published or given, shall be deemed and considered the same as if personally served.

Notice of Meetings how to be given.

LXII. And be it further enacted, That at all General and Special General Meetings held by virtue of this Act all Persons who shall have subscribed for or become the Proprietors of Two Shares and less than Five Shares in the said Undertaking shall have One Vote, and all Persons who shall have subscribed for or become the Proprietors of Five Shares and less than Ten Shares in the said Undertaking shall have Two Votes, and all Persons who shall have subscribed for or become the Proprietors of Ten Shares and upwards in the said Undertaking shall have Three Votes; and such Vote or Votes may be given by such respective Persons, or by their respective Proxies constituted under the Hands of the other Proprietors appointing such Proxies (all such Proxies being Proprietors of Shares in the said Undertaking); and every such Vote by Proxy shall be as good and sufficient to all Intents and Purposes as if the Principal had voted in Person; and every such Proxy may be given either for a specific Purpose, or for a definite or indefinite Number of General Meetings, and shall continue in force for so long a Time as it shall be expressed to be given, unless it shall be revoked by Writing under the Hand of the Proprietor signing the same, or by his subsequently appointing any other Person to act as Proxy, or unless such Proprietor shall be present in Person at any General or Special General Meeting, or at any adjourned Meeting; and every Question, Matter, or Thing which shall be proposed in any such Meeting shall be determined by the Majority of Votes of the Proprietors of the said Company then present, personally or by Proxy; and at every such Meeting the Chairman thereof shall and may not only vote as a Principal and also as a Proxy, but in case of an Equality of Votes shall and may also have a further or the decisive or casting Vote; and the Determination of every such Meeting upon any Question, Matter, or Thing shall be and be deemed and taken to be the Decision of the said Company, notwithstanding any Irregularity which may have occurred in the giving or taking of any Votes at such Meeting; and the Appointment of every such Proxy may be made according to the Form or to the Effect following, or as near thereto as the Quality, Nature, and Number of the

Directing how Subscribers shall vote.

the Appointers of the Proxy thereby constituted, and other Circumstances will admit; (that is to say,)

Form of Appointment of Proxy.

‘ *A. B.* of One of the Proprietors of the *Winchester*
 ‘ Cemetery Company, doth hereby appoint *C. D.* of
 ‘ to be the Proxy of the said *A. B.*, in his Name or otherwise, and in
 ‘ his Absence, to vote or give his Assent to or Dissent from any Busi-
 ‘ ness, Matter, or Thing relating to the said Undertaking which shall
 ‘ be proposed at any General or Special General Meeting of the said
 ‘ Company to be holden within Months from the Date hereof,
 ‘ [or, as the Case may be, at the General or Special General Meeting
 ‘ holden on the Day of next,] and at any
 ‘ Adjournment thereof, in such Manner as he the said *C. D.* shall
 ‘ think proper. In witness whereof the said *A. B.* hath hereunto set
 ‘ his Hand the Day of ’

The Person whose Name stands first as a Joint Proprietor with others to be deemed the Owner.

LXIII. And be it further enacted, That whenever several Persons shall be jointly possessed of or entitled to any Share in the said Undertaking, the Person whose Name shall stand first on the Books of the said Company as Proprietor of such Share shall, for the Purpose of voting at every General or Special General or adjourned Meeting of the said Company, be deemed the Proprietor of such Share; and all Notices by this Act directed to be given to the Proprietors of Shares in the said Undertaking shall and may, for or in respect of such Share so jointly held, be given to the Person whose Name shall so stand first in the Books of the said Company, or be left at the last or usual Place of Abode of such Person as entered in the Books of the Company, and such Notice to such Person shall be deemed sufficient Notice to all the Proprietors of the Share so jointly held, for all the Purposes for which such Notice is intended to be given; and as between several Proprietors all such Proprietors shall be entitled to give their Vote in respect of such Share by the Person whose Name shall so stand first in the Books of the said Company as Proprietor of such Share, and whose Vote, either in Person or by Proxy, shall on all Occasions be deemed and allowed to be the Vote for or in respect of the Property in such Share, without Proof of the Concurrence of any other Proprietor or Proprietors of such Share.

Lunatics and Minors to vote by Committee and Guardians.

LXIV. And be it further enacted, That in case any Proprietor entitled to vote at any such Meeting as aforesaid shall be a Lunatic or an Idiot, or a Minor, such Lunatic or Idiot shall or may vote at such Meeting by his Committee or by any One of his Committees, and such Minor shall or may vote by his Guardians or by any One of such Guardians, and such respective Committees and Guardians may vote in respect of the Interest of such Lunatic, Idiot, or Minor, either in Person or by Proxy; provided that every such Committee or Member of Committee, or Guardian, or each of several Guardians, may also vote in right of his own Share, if he have any, as well as in the Character of Committee or Guardian.

Proprietors to be possessed of

LXV. And be it further enacted, That no Proprietor shall be entitled to vote at any such Meeting as aforesaid, either in Person or by

by Proxy, in respect of any Shares held by him in the Capital of the said Company, unless he shall have been possessed of such Shares for at least Three Calendar Months next preceding the Time at which such Meeting shall be held, and shall have paid up all Instalments which may have been called for in respect of such Shares, although the Time limited for the Payment of any such Instalments may not have expired: Provided always, that original Proprietors, and Persons who may become Proprietors or acquire Shares by Marriage, or as the Executors, Administrators, Legatees, or next of Kin of deceased Proprietors, may at all Times vote in respect of such Shares, (provided the Calls in respect thereof have been duly paid up,) however short a Time they may have possessed the same.

Shares Three
Calendar
Months
before they
can vote.

LXVI. And be it further enacted, That no Proprietor shall be entitled to vote at any such Meeting as aforesaid, either in Person or by Proxy, in respect of any Shares held by him in the Capital of the said Company, unless he shall have paid up all Instalments which may have become due in respect of such Shares at the Time of such Meeting.

No Proprie-
tor to vote
unless he has
paid up all
Instalments.

LXVII. And be it further enacted, That no Sum of Money shall be issued by the Treasurer or other Officer to be appointed by the said Company, on account of the said Company, without an Order or Orders in Writing signed by Three at least of the Directors.

Treasurer,
&c. not to
issue Money
without an
Order signed
by Three
Directors.

LXVIII. And be it further enacted, That at the General Meeting to be held in the Month of *June* One thousand eight hundred and forty-two Four of the Directors hereby appointed (to be determined by Ballot amongst themselves) shall go out of Office and cease to be Directors of the said Company, and Four Persons, who shall be Proprietors and respectively possessed in their own Right of Ten Shares at the least in the said Undertaking, shall be elected by the said Company to be Directors in their Place and Stead; and at the General Meeting to be held in the Month of *June* which will be in the Year One thousand eight hundred and forty-three Four of the remaining Directors hereby appointed (to be determined as aforesaid) shall go out of Office and cease to be Directors of the said Company, and an equal Number of Persons, who shall be Proprietors and respectively possessed in their own Right of Ten Shares at the least in the said Company, shall be elected by the said Company to be Directors in their Place and Stead; and at the General Meeting to be held in the Month of *June* which will be in the Year One thousand eight hundred and forty-four, the Four remaining Directors hereby appointed shall go out of Office and cease to be Directors of the said Company, and their Places be supplied by an equal Number of Persons so qualified as aforesaid; and at the General Meeting to be held in the Month of *June* in every subsequent Year One Third of the Directors who shall have been longest in Office shall go out of Office and cease to be Directors of the said Company, and their Places be supplied in like Manner: Provided always, that every Director who shall go out of Office on any annual Day of Election may be immediately or at any future Time re-elected by the said Company a Director of the said

For electing
future Direc-
tors.

Directors
going out of
Office re-
eligible.

[*Local.*]

H h

Company,

Company, and after such Re-election he shall, with reference to the going out by Rotation, be considered as a new Director.

For supply-
ing Vacancies
in Directors.

LXIX. And be it further enacted, That when and so often as any Director shall die, or shall resign, or shall become disqualified or incompetent to act as Director, or shall cease to be a Director from any other Cause than that of going out of Office by Ballot or Rotation as aforesaid, it shall be lawful for the remaining Directors, if they shall think proper so to do, to elect some other Proprietor, duly qualified, to be a Director; and every such Proprietor, so elected to fill up any such Vacancy shall continue in Office as a Director so long only as the Person in whose Place or Stead he may be elected would have been entitled to continue had he lived and remained in Office.

For supply-
ing occasional
Vacancies in
Secretary and
Treasurer.

LXX. And be it enacted, That in case any Secretary or Treasurer of the said Company shall die, or be removed from or quit the Service of the said Company, the Directors of the said Company shall appoint some fit or proper Person to execute such Office in the Place of the Person who shall so die or be removed from or quit the Service of the said Company; and whenever any such new Appointment shall be made by the said Directors, the same shall only continue until the next annual Meeting of the said Company, when the Appointment of such Person to such Office shall either be confirmed or such other fit Person be appointed to succeed to such Office as the Proprietors present at such Meeting shall think fit.

Powers and
Duties of
Directors.

LXXI. And be it further enacted, That the Business and Concerns of the said Company shall be carried on under the Management of Twelve Directors, subject to the Control, Orders, and Directions of the said Company to be made at any General or Special General Meeting of the said Company; and the Directors for the Time being shall have the Custody of the Common Seal of the said Company, with Power to use the same on the Behalf of the said Company, and shall have full Authority to meet and adjourn from Time to Time and from Place to Place, and also at any Time to call General and Special General Meetings of the said Company for any Purpose they may think proper, and also (subject to the Provisions of this Act) to appoint the Times and Places of holding General and Special General Meetings; and at all Meetings of the Directors one of the Directors present shall preside as Chairman; and all Questions, Matters, and Things which shall be discussed or considered at any Meeting of Directors shall be determined by the Majority of Votes of the Directors then present (the whole Number present not being less than Five); and no Director, although possessed of many Shares in the said Undertaking, shall have more than One Vote at any such Meeting, except the Chairman of such Meeting, who in case of an equal Division shall always have a second or casting Vote as such Chairman; and such Directors shall have full Power and Authority to do all Acts whatever which the said Company are by this Act authorized to do (except as herein-after mentioned) for the Management and Direction of the Affairs of the said Company, and for that Purpose to purchase Lands, Tenements, and Hereditaments for the
Purposes

Purposes of this Act, and to sell Lands, Tenements, and Hereditaments hereby authorized to be sold, and to appoint and displace all Officers and Servants of the said Company, (except the Secretary and Treasurer of the said Company,) and to allow to such Officers and Servants such Salaries, Gratuities, or Recompences as to the said Directors shall seem proper, and to fix the Duties of all such Officers and Servants, and upon the Death, Resignation, or Removal of any of the said Officers or Servants from Time to Time to appoint others in their respective Places, and to make all Contracts and Bargains touching the said Undertaking, and to regulate the Mode of Interment in the said Cemetery, and the Disposition of Vaults, Catacombs, and Graves, and of the Sums to be paid for the Purchase of the exclusive Right of Burial or Interment therein, or for the Right or Privilege of making or erecting Vaults and Graves, and of the Sums to be paid for single Interments, subject to the Provision herein-before contained, and for the Privilege of placing Monuments or Tablets in the said Chapel or Chapels, or in any other Part of the said Cemetery; and shall have full Power to frame Rules and Regulations, and to prescribe the Orders and Directions for carrying on the Business and Concerns of the said Company, and alter and vary the same from Time to Time as they in their Discretion shall think fit; and that no individual Proprietor not being a Director shall have a Right to any Interference, Management, Direction, or Control in or over the Business or Concerns of the Company or the Capital Stocks or Effects thereof, and to do and transact all other Matters and Things which shall be requisite to be done and transacted for the Direction and Management of the Affairs of the said Company and the said Directors.

LXXII. And be it further enacted, That none of the Directors of the said Company shall, by reason or means or on account of his being Party to, or making, signing, or executing, in his Capacity of Director of the said Company, pursuant to this Act, any Contract or other Instrument for or on behalf of the said Company, or otherwise lawfully executing any of the Powers and Authorities given to the said Directors by this Act, be subject or liable to be sued, prosecuted, or impleaded, either collectively or individually, by any Person whomsoever, in any Court of Law or Equity or elsewhere; and that the Bodies, Goods, Chattels, Lands, or Tenements of the said Directors, or any of them, shall not, by reason, on account, or in consequence of any such Contract or other Instrument so entered into, or made, signed, or executed by them or any of them as aforesaid, or any other lawful Act which shall be done by them or any of them in the Execution of any of the Powers and Authorities given to them or any of them by this Act, be liable to be arrested, seized, detained, or taken in Execution; but that in every such Case any Person making any Claim or Demand upon the said Company, or upon any Directors thereof, under or by virtue of any such Contract or Instrument or other lawful Act, may sue and implead the said Company in like Manner as if such Contract, Instrument, or other Act had been entered into and executed and done under the Common Seal of the said Company.

Directors not personally answerable for Acts legally done as Directors.

LXXIII. And

General Meeting to appoint Treasurer and Clerk, and to take Security.

LXXIII. And be it further enacted, That the said Company shall, at the First General Meeting after the passing of this Act, or at some Adjournment thereof, elect a Secretary and Treasurer for transacting the Business of the said Company; and it shall be lawful for the said Company, at any subsequent General Meeting or Special General Meeting, from Time to Time to remove and displace any such Secretary and Treasurer, or any Person who shall be thereafter elected to their respective Offices, and to elect in manner aforesaid any other Person to act as Treasurer, or other Person to act as Secretary of the said Company, in the Room of such of the said Officers as shall die, or resign, or be removed from their respective Offices; and it shall be lawful for the said Company to allow such Salaries or other Emoluments to the said Secretary only as they shall from Time to Time think proper and appoint: Provided always, that the said Company shall and they are hereby required to take sufficient Security from every Person who shall be appointed Treasurer of the said Company, and from every Receiver, Collector, and other Officer appointed by them or by the said Directors, having the Custody and Control of any Monies received by virtue of this Act, for the faithful Execution of his Office, before he shall enter thereupon.

Clerk not to be Treasurer, and vice versa.

LXXIV. Provided always, and be it further enacted, That it shall not be lawful for the said Company to appoint any Person who may be appointed their Secretary in the Execution of this Act, or the Partner of such Secretary, or any Clerk or other Person in the Service or Employment of such Secretary or of his Partner, to be Treasurer for the Purposes of this Act, or to appoint any Person who may be appointed Treasurer, or the Partner of such Treasurer, or any Clerk or other Person in the Service or Employment of such Treasurer or his Partner, to be the Secretary to the said Company for the Purposes of the Act; and if any Person shall accept both the Offices of Secretary and Treasurer for the Purposes of this Act, or if any Person being the Partner of such Secretary, or the Clerk or other Person in the Service or Employ of such Secretary or of his Partner, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any manner officiate for the Treasurer, or being the Treasurer or Partner of such Treasurer, or the Clerk or other Person in the Service or Employ of such Treasurer or of his Partner, shall accept the Office of Secretary in the Execution of this Act, or shall act as Deputy of such Secretary, or in any manner officiate for such Secretary, or if any such Treasurer shall hold any Place of Profit or Trust under the said Company other than that of Treasurer, every Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered, with full Costs of Suit, in any of Her Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case.

Power to appoint Committees.

LXXV. And be it further enacted, That it shall be lawful for the said Directors to nominate and appoint out of their own Body a Committee or Committees, consisting of not less than Five of such Directors, who shall have full Power and Authority to enter into and make any Agreement or Contract on behalf of the said Company, and

and to hire and employ any Servants, and to do, execute, and perform all such Matters and Things whatsoever as the said Directors shall think proper to intrust to the Care and Management of such Committee; and it shall be lawful for the Directors, by an Order or Resolution to that Effect, to break up and dissolve any such Committee, or to remove or displace any Member thereof, and to appoint some other in his Place, and every such Committee shall in all Things be under and subject to the Direction of the said Directors.

LXXVI. Provided always, and be it further enacted, That no Person holding any Office, Place, or Employment, or being concerned or interested in any Contract under the said Company, shall be capable of being chosen or of continuing a Director of the said Company, nor shall any Director be capable of accepting any Office, Place, or Employment, or of taking or being concerned or interested in any Contract under the said Company, during the Time he shall be a Director.

No Person holding Office to be a Director.

LXXVII. Provided also, and be it further enacted, That if any Director shall, after his Election, cease to hold Ten Shares at the least in his own Right in the Capital of the Company, his Office shall thereupon become vacant.

Disqualification of Directors.

LXXVIII. Provided also, and be it further enacted, That if any Person who shall be elected a Director of the said Company shall, at any Time subsequent to his Election or Appointment, accept or continue to hold any Office or any Place of Trust or Profit under the said Company, or shall, either directly or indirectly, be concerned in any Contract for any Article to be used or consumed by the said Company, or shall offer to take and succeed in taking, or shall participate in any manner in any Work to be done for the said Company, every such Person shall thereby become disqualified from acting as Director, and his Office shall thereupon become vacant.

Directors contracting for Works, &c. after Election disqualified.

LXXIX. And be it further enacted, That the Orders and Proceedings of every Meeting, as well General as Special, of the said Company and of the said Directors, shall be entered in distinct and proper Books to be provided and kept for that Purpose, and shall be signed by the Chairman of each respective Meeting; and such Orders and Proceedings, when so entered and signed, shall be deemed original Orders and Proceedings, and shall be allowed to be read in Evidence in all Courts, and before all Judges, Justices, and others, and that without Proof of such Meeting having been duly convened, or of the Persons making or entering such Orders or Proceedings being Proprietors or being Directors, as the Case may be.

Orders and Proceedings to be entered in a Book.

LXXX. And be it further enacted, That the said Directors shall cause proper Books to be kept by the said Secretary of the said Company, and such Secretary shall enter in the said Books true and regular Accounts of all Sums of Money which shall have been disbursed and paid; and such Books shall at all reasonable Times be open to the Inspection of any of the Proprietors of the said Company, or of any Creditor for any Monies to be borrowed under the Authority

Directors to cause Accounts to be kept.

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of this Act, without Fee or Reward; and the said Secretary shall furnish the said Proprietors or any Creditor with Copies of or Extracts from the said Books, or any of them, or of any Part thereof respectively, on Payment of Sixpence for every Folio of Seventy-two Words; and in case the said Secretary shall refuse to permit or shall not permit the said Proprietors to inspect any such Book or Books, or furnish such Copies or Extracts as aforesaid, such Secretary shall forfeit and pay any Sum not exceeding Twenty Pounds, to be levied and applied in the same Manner as other Penalties are by this Act directed to be levied and applied.

Officers to
account.

LXXXI. And be it further enacted, That every Officer or Person who shall be employed by virtue of this Act shall from Time to Time, when thereunto required by the said Company or by the said Directors, make out and deliver to the said Company or to the said Directors, or to such Persons as they shall respectively for that Purpose appoint, a true and perfect Account in Writing under his Hand of all Monies which shall have been by him received by virtue of this Act, stating how, and to whom, and for what Purpose the same shall have been disposed of, together with Vouchers and Receipts for such Payments; and every such Officer or Person shall pay all such Monies as upon the Balance of such Account shall appear to be owing from him to the Treasurer of the said Company, or to such Persons as the said Company or Directors shall appoint to receive the same; and if any such Officer or Person shall refuse or neglect to render such Account, or to produce and deliver up such Vouchers and Receipts as are in his Possession or Power relating to the same, or to pay the Balance thereof, when required in manner aforesaid, or shall refuse or neglect to deliver up to the said Company or to the said Directors, or to such Person as they respectively shall appoint, within Three Days after being thereunto required by the said Company or by the said Directors, or by such other Persons as last aforesaid, all Books, Papers, Vouchers, and Writings in his Custody or Power relating to the Execution of this Act, then and in every such Case, Complaint being made thereof by the said Company or by the said Directors, or by any other Person by their Authority and on their Behalf, to any Justice of the Peace for the County or Place in which such Officer or Person shall be or reside, such Justice may and he is hereby required, by Warrant under his Hand and Seal, to cause such Person or Officer to be brought before him, and, upon his appearing or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and settle the said Account, if produced, in such Manner as the said Company or the said Directors might have done; and if upon the Confession of the Officer or Person against whom such Complaint shall be made, or by the Oath of any credible Witness, it shall appear to the Justice that any of the Monies which shall have been collected or received shall be in the Hands of or be owing by such Officer or Person, such Justice may and he is hereby empowered, upon Nonpayment thereof, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods or Chattels of such Officer or Person; and if no Goods or Chattels shall be found sufficient to answer and satisfy the said Money, and the Charges of taking and making such Distress and
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of selling the same, or if such Officer or Person shall not appear before such Justice at the Time and Place appointed for that Purpose, or appearing shall not make out and deliver to such Justice such Accounts in Writing as aforesaid, or produce and deliver to the said Justice the several Vouchers and Receipts in his Possession or Power relating to such Accounts, or deliver up such Books, Papers, and Writings aforesaid, then and in any of the Cases aforesaid the said Justice may and he is hereby required, by Warrant under his Hand and Seal, to commit such Officer or Person to some Common Gaol or House of Correction of or for the County, City, or Place in which such Officer or Person shall live or reside, there to remain without Bail or Mainprize until he shall have made and delivered such Accounts, and have delivered up the Vouchers and Receipts (if any) in his Possession or Power relating thereto, and have delivered up such Books, Papers, and Writings (if any) as aforesaid, and shall have paid all the Money which shall appear to be due in the Hands of or owing from him, and the reasonable Charges of such Distress and Sale as shall in that respect have been made, or until he shall have compounded with the said Company or with the said Directors for such Money and Charges, and have paid the Composition Money to the said Company or to the said Directors (and which Composition the said Directors are hereby respectively empowered to make), or have given Satisfaction in respect of such Vouchers, Receipts, Books, Papers, and Writings to the said Company or to the said Directors: Provided always, that no Person who shall be committed for Want of sufficient Distress only shall be detained in Prison for any longer Space of Time than Three Calendar Months.

LXXXII. And be it further enacted, That the Directors of the said Company shall and they are hereby required to cause a true and particular Account to be kept by the Secretary of the said Company, and annually made up and balanced to the First Day of *May* in each Year, of the Money received by the said Company, or by the Directors or Treasurer of the said Company or otherwise, for the Use of the said Company, by virtue of this Act, and of the Charges and Expences attending the making, maintaining, and carrying on of the said Undertaking, and of all other the Receipts and Expenditure of the said Company or of the said Directors up to the Period at which such Accounts shall be made up.

Directors to cause Accounts to be kept, and annually made up.

LXXXIII. And be it further enacted, That the said Directors shall also, so far as the same may be practicable, cause to be prepared, previously to and to be produced at the Annual General Meeting to be held in the Month of *June* in the Year One thousand eight hundred and forty-one, a Report, signed by Two at least of the Directors of the said Company, of the Receipts and Disbursements of the said Company from the Commencement thereof up to the First Day of *May* then previous, and of the Particulars and Amount of the Funds or Property of the Company, and also a Report, under the Hands of Two at least of the Directors of the said Company, of the State and Condition of the Company, and shall also, so far as the same may be practicable, cause to be prepared, previously to and to be produced at every Annual General Meeting to be held after the Annual General Meeting

Directors to cause a Report of the Receipts and Disbursements to be annually laid before the Proprietors.

Meeting in the Month of *June* in the Year One thousand eight hundred and forty-one, a Report, signed by Two at least of the Directors of the said Company, of such of the Receipts and Disbursements of the Company up to the First Day of *May* then previous as shall not have been included in any preceding Report, and the Particulars and Amount of the Funds or Property of the Company, and also a Report, under the Hands of Two at least of the Directors of the said Company of the State and Condition of the Company.

Annual Report, when confirmed by a General Meeting, shall be binding, unless Error discovered within Two Months.

LXXXIV. And be it further enacted, That the Report, which in pursuance of the Directions herein-before contained is to be produced by the Directors at every Annual Meeting, after the same shall have been approved of, either by the Meeting at which it shall have been produced or at any subsequent General Meeting, and signed by the Chairman of the Meeting in testimony of such Approval, shall be binding and conclusive on all the Proprietors of the said Company, unless some manifest Error shall be discovered therein within Two Calendar Months after such Approval; and such Report, when such Error shall have been rectified by the said Directors, (which they are hereby required to do without Delay,) shall be binding and conclusive on all the Proprietors.

Secretary of the Company to enter and keep Lists of the Proprietors.

LXXXV. And be it further enacted, That the said Secretary of the said Company shall, in some proper Book to be provided by the said Company for that Purpose, enter and keep a true Account of the Locality or Places of Abode of the several Proprietors of the said Undertaking, whether Corporations or Individuals, and of the several Persons who shall from Time to Time become Proprietors thereof or be entitled to any Share therein; and every Proprietor of the said Undertaking, or, in the Case of a Corporation, their Clerk or Agent, being duly appointed, may at all convenient Times have recourse to and peruse the same *gratis*, and demand and have Copies thereof or any Part thereof, paying at and after the Rate of Sixpence for every One hundred Words so to be copied; and if any such Secretary of the Company hereby incorporated shall refuse to permit any such Proprietor or Agent as aforesaid to peruse such Book at all convenient Times, or refuse to make such Copy within a reasonable Period at the Rate aforesaid, he shall for every such Offence forfeit and pay the Sum of Five Pounds for the Benefit of the said Undertaking.

To compel Payment of Subscriptions.

LXXXVI. And be it further enacted, That the several Persons who have subscribed or who shall hereafter subscribe for or towards the said Undertaking, and every Proprietor of any Share in the said Undertaking, shall pay and they are hereby required to pay the respective Sums of Money by them respectively subscribed for, or such Parts or Proportions thereof as shall from Time to Time be called for by the Directors of the said Company by virtue of and pursuant to the Powers and Directions of this Act, to such Persons and at such Times and Places as the Directors of the said Company shall from Time to Time direct and appoint; and if any Proprietor of any Share shall refuse or neglect to pay his rateable Proportion of the Money so to be called for at the Time and in the Manner required for that Purpose, then and in such Case, and so often as the same shall

shall happen, it shall be lawful for the said Company or for the said Directors to sue for and recover the same in any Court of Law or Equity, together with Interest on such unpaid Sum or Sums of Money at the Rate of Five Pounds *per Centum per Annum* from the Time when the same shall be directed to be paid as aforesaid.

LXXXVII. And be it further enacted, That the said Directors shall have Power from Time to Time to make such Calls of Money from the Subscribers to and Proprietors of the said Undertaking, to defray the Expences of or to carry on the same, as they from Time to Time shall find necessary for those Purposes, so that the aggregate Amount of such Calls made in respect of any Share shall not in any Case exceed the Sum of Ten Pounds, and so that no such Call shall exceed the Sum of Two Pounds upon each Share which any Person shall or may be possessed of or entitled to in the said Undertaking, and such Calls shall not be made payable but at the Distance of Twenty-eight Days at least from each other, and Fourteen Days Notice at the least shall be given of all such Calls by Advertisement once in some One or more of the Newspapers usually printed and circulated in the said City and Borough of *Winchester*, or by Letters from the Secretary of the Company sent by Post to or left at the usual Place of Abode of the Proprietors respectively as entered in the Books of the Company, which Money so called for shall be paid to such Persons and in such Manner as the said Directors shall from Time to Time order and appoint; and every Owner or Proprietor of any Share in the said Undertaking shall pay his rateable Proportion of the Money to be called for as aforesaid to such Person and at such Times and Places as the said Directors shall from Time to Time direct and appoint; and if any Owner or Proprietor of any such Share shall not so pay such his rateable Proportion, then and in every such Case, and so often as the same shall happen, such Owner or Proprietor shall pay Interest for the same after the Rate of Five Pounds *per Centum per Annum* from the Day appointed for the Payment thereof up to the Time when the same shall be actually paid; and if any Owner or Proprietor of any such Share shall neglect or refuse so to pay his rateable Proportion, together with Interest (if any) accruing from the same, for the Space of Two Calendar Months after the Day appointed for the Payment thereof as aforesaid, then it shall be lawful for the said Company or for the said Directors to sue for and recover the same in any of Her Majesty's Courts of Record, by Action of Debt or on the Case, or by Bill, Suit, or Information; or the said Company or the said Directors may and they are hereby authorized to declare the Shares belonging to any Person so refusing or neglecting to pay any such Call, together with Interest in manner last aforesaid, to be forfeited, and to direct the same to be sold subject to the Provisions of this Act: Provided nevertheless, that no Advantage shall be taken of any Forfeiture of any Share in the said Undertaking, until Notice in Writing under the Hand of the Secretary or Treasurer of the said Company of such Share having been declared by the Directors forfeited shall have been given or sent by Post to, or left at the Place of Abode, as entered in the Books of the Company, of the Proprietor of such Share, or of the Clerk of such Corporation, as the Case may require, nor until the Declaration of Forfeiture thereof by the said

Power of the
Directors to
make Calls.

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Directors

Directors shall have been confirmed either at an Annual General Meeting of the said Company, or at a Special General Meeting of the said Company to be called for that Purpose, and to be respectively held after the Expiration of Three Calendar Months at the least from the Day on which such Notice of Forfeiture shall have been given or sent as aforesaid; and after such Forfeiture shall have been given by such Annual or Special General Meeting the said Company, by the same or any other Annual or Special General Meeting, shall have Power to direct the said Directors to dispose of the Shares so forfeited, and the said Directors may and they are hereby authorized in that Case to sell and dispose of such Shares, at public Auction or by private Treaty, and together or in Lots, or in such other Manner and for such Price as they may think fit; and a Declaration, made by some credible Person not interested, before any Justice of the Peace, or Master or Master Extraordinary in the High Court of Chancery, stating that such Call had been made by the said Directors, and such Notice thereof as aforesaid given, and that such Default as aforesaid had been made in Payment thereof in respect of the Shares so sold, and that the same Shares had been declared to be forfeited, and such Declaration had been confirmed in manner aforesaid, shall be sufficient Evidence of the Facts therein stated, and the Purchaser of such Shares shall not be bound to see to the Application of his Purchase Money, nor shall his Title to such Shares be affected by any Irregularity in Proceeding.

Power to pay
Subscriptions
in advance;

LXXXVIII. And be it further enacted, That it shall be lawful for the several Proprietors for the Time being of the said Undertaking, and they are hereby required, whether before or after any Call shall have been paid in respect of any Shares held by them respectively, to pay in advance, in case the Directors shall think proper to accept the same, which they are hereby authorized to do, to such Person as the said Directors shall appoint, the respective Sums of Money by them respectively subscribed for, or such Part or Proportion thereof as shall be wanting (over and above the Amount, if any, actually paid in respect of such Shares,) to make up the full Sum of Ten Pounds in respect of each such Share; and the said Company shall and they are hereby required to pay Interest, at such Rate not exceeding the Rate of Four Pounds for every One hundred Pounds by the Year, upon the Principal Monies which have been so paid in advance, or for so much thereof as shall from Time to Time exceed the Amount of the Calls which shall have been made upon the Shares in respect of which such Money shall have been paid in advance as aforesaid, as the Subscriber paying such Sum in advance and the Directors for the Time being of the said Company shall agree upon.

Interest to
be paid on
the Amount
in advance.

If Money
produced by
Sale of for-
feited Shares
be more than
sufficient the
Surplus to be
paid to the
Party to
whom the

LXXXIX. Provided always, and be it further enacted, That in case the Money produced by the Sale of any such Shares as shall be forfeited by reason of the Nonpayment of any Call or the Interest thereon, as herein authorized, shall be more than sufficient to pay all such Arrears of Calls as aforesaid, and the Interest thereon as aforesaid, and the Expences attending the Sale thereof, the Surplus of such Purchase Money shall be paid, on Demand, to the Party to whom such forfeited Share shall have belonged; provided also, that the said Com-
pany

pany or the said Directors shall not, by virtue of this Act, sell or transfer more of the Shares of such Defaulter in Payment of Calls than shall be sufficient, or as near thereto as may be, at the Time of such Sale, to pay the Arrears due from such Defaulter for or on account of such Call, and the Interest and Expence attending the same, and from and after the Payment of such Call and the Interest and Expences aforesaid, any Shares vested in the said Company as aforesaid which shall remain in their Hands unsold shall revert to and again become the Property of the Party to whom such Shares shall have belonged immediately before such Forfeiture as aforesaid, in such Manner as if such Call had been duly paid.

Shares
belonged.

XC. And be it further enacted, That in any Action to be brought by the said Company or by the said Directors against any Proprietor of any Share in the said Undertaking, to recover any Money due and payable to the said Company or to the said Directors for or by reason of any Call made by virtue of this Act, it shall be sufficient for the said Company or the said Directors to declare and allege that the Defendant, being a Proprietor of Shares in the said Undertaking, is indebted to the said Company or the said Directors in such Sums of Money as the Calls in arrear shall amount to, for so many Calls of such Sums of Money upon Shares belonging to the said Defendant, whereby an Action hath accrued to the said Company or to the said Directors by virtue of this Act, without setting forth the special Matter; and on the Trial of such Action it shall only be necessary to prove that the Defendant at the Time of making such Calls was a Proprietor of some Shares in the said Undertaking, and that such Calls were in fact made, and that Notice thereof was given as is directed by this Act, without proving the Appointment of the Directors who made such Calls or any other Matter whatsoever; and the said Company or the said Directors, Plaintiffs therein, shall thereupon be entitled to recover what shall appear due (including Interest computed as aforesaid) in respect of such Calls, unless it shall appear that any such Call exceeded Two Pounds for every Share of Ten Pounds, or was made within the Space of Twenty-eight Days from the last preceding Call, or without Notice given in some One or more of the Newspapers usually printed and circulated as aforesaid, or by such Letter as aforesaid; and in order to prove that such Defendant was a Proprietor of some Share in the said Undertaking, as alleged, the Production of the Book in which the Secretary of the said Company is by this Act directed to enter and keep the Names and Additions of the several Proprietors of the Shares in the said Undertaking, with the Number of Shares they are respectively entitled to hold, and of the Locality or Places of Abode of the several Proprietors of Shares in the said Undertaking, and of the several Persons and Bodies who shall from Time to Time become Proprietors thereof or be entitled to any Share therein, shall be *prima facie* Evidence that such Defendant is a Proprietor, and of the Number or Amount of his Shares therein.

Proceedings
in Actions
for Calls.

XCI. And whereas in Cases in which any Proprietor of any Share in the said Undertaking shall die, become insolvent or bankrupt, or go out of the Kingdom, or shall transfer his Right and Interest therein to some other Person, and no Register shall have been made of the Transfer thereof

For ascer-
taining the
Proprietor-
ship of Shares
in order to
make Calls.

thereof with the Secretary of the said Company, it may not be in the Power of any Officer acting for the said Company to ascertain who is the Proprietor of such Share in order to give him Notice of Calls to be made on such Share, or to maintain any Action, Suit, or other Proceeding against him, or his Executors, or Administrators, for the Recovery of the same; be it therefore further enacted, That in all Cases where the Right of Property in any Share in the said Undertaking shall pass from the original Subscriber or any Proprietor thereof to any other Person, or to any Body Corporate, by any other legal Means than by a Transfer or Conveyance thereof in the Form and Manner herein specified or herein otherwise provided, a Declaration shall be made by some credible Person before any One of Her Majesty's Justices of the Peace, or before any Master or Master Extraordinary in the High Court of Chancery, stating the Manner in which such Share hath passed or been transferred to such other Person or to such Body Corporate, and such Declaration shall be delivered to and be left with the Secretary of the said Company, to the Intent that he may preserve the same, and enter and register the Name of every such Proprietor, or a Description of every such Body Corporate, in the Register Book or List of Proprietors of the said Undertaking to be kept by the Secretary of the said Company; and in all or any of the said Cases, after Twenty-one Days Notice in Writing shall have been given by the said Directors, under the Hand of the Secretary or Treasurer of the said Company, to the Person or Corporation stated or claiming in such Declaration to be the Owner of such Share, or left at the last or usual Place of Abode of such Person, or of the Clerk of such Corporation (as the Case may require), to pay his Proportion of Money to be called for, and such Person or Corporation shall not have paid such his Proportion as aforesaid, it shall be lawful for the said Company, at any General Meeting or Special General Meeting after the Expiration of such Notice, to declare such Share to be forfeited, and in such Case the same shall become forfeited, and shall and may be disposed of in such Manner, on such Evidence of Title, *mutatis mutandis*, and with such Powers, and with such Indemnity to Purchasers, as in other Cases of Sales of Shares forfeited for the Nonpayment of Calls, or such Share shall otherwise become consolidated in the general Fund of the said Company; and in case there shall be no such Declaration made as aforesaid, then such Notice as is herein-before directed to be given shall be served upon or left at the last known Place of Abode of the Executors or Administrators of such Proprietor so dying, or of the Assignees or Trustees of such Proprietor so becoming bankrupt or insolvent, or, in the event of the Share being disposed of as aforesaid, of the last Proprietor appearing in the Books of the said Company to have been possessed of the same; and in case the last or usual Place of Abode of such Proprietor cannot be ascertained upon Inquiry, such Notice shall be inserted once in the *London Gazette*, and in case any Proprietor shall go out of the Kingdom such Notice shall be inserted in the *London Gazette* as aforesaid; and in all such Case, and after such Notices and Default being made, the said Share shall be forfeited, and shall and may be sold, or otherwise become consolidated in the general Fund of the said Company in manner aforesaid; and the like Evidence of Title, *mutatis mutandis*, shall be sufficient in any Sale, and the like Indemnity to the Purchaser shall exist, as in
other

other Cases of Sales for Nonpayment of Calls ; provided that in case of Proprietors being abroad the Share shall not be forfeited until the Expiration of Six Calendar Months after the Day on which Notice shall have been left at their last usual Place of Abode in *England*, and inserted in the *London Gazette* as aforesaid.

XCII. And whereas by the Death of or by other after-mentioned Events happening to Proprietors, or by the Marriage of Female Proprietors of Shares in the said Undertaking, it may be difficult to ascertain to whom Dividends arising or becoming due upon such Shares ought to be paid ; be it therefore enacted, That before any Person who shall claim any Part of the Profits of the said Undertaking in right of Marriage with any Female Proprietor shall be entitled to receive the same, or be entitled to vote in respect of any Share, a Declaration in Writing containing a Copy of the Register of such Marriage or other Particulars of the Celebration thereof, and identifying the Wife as the Proprietor of the Share in respect whereof any such Claim may be made, shall be made by some credible Person before some Master or Master Extraordinary in Chancery or any One of Her Majesty's Justices of the Peace, and shall be transmitted to the Secretary of the said Company, who shall file the same, and make an Entry thereof in the Book which shall be kept for the Entry of Transfers or Sales of Shares in the said Undertaking ; and before any Person who shall claim any Part or Share of the Profits of the said Undertaking by virtue of any Bequest or Will, or in the Course of Administration, shall be entitled to receive the same, or be entitled to vote in respect of any Share, the said Will or the Probate thereof, or the Letters of Administration, shall be produced and shown to the said Secretary, or a Copy of so much of such Will or of such Letters of Administration as shall relate to the Share of the Testator or Intestate, as the Case may require, shall be made and declared to by the Executors of the said Will or the Administrators of the Intestate before some Master or Master Extraordinary in Chancery, or any One of Her Majesty's Justices of the Peace as aforesaid, and together with an official Extract of the Act of Court or the Grant of Probate of such Will, or (in case of Intestacy) of the Letters of Administration, shall be transmitted to the said Secretary, who shall file and enter the same as herein-before mentioned, and in all Cases other than as herein-before mentioned where the Right and Property of any Share in the said Undertaking shall pass from any Proprietor thereof to any other Person by any other legal Means than by a Transfer and Conveyance thereof, duly made and executed as herein-before directed, a Declaration in Writing shall be made by some credible Person before some Master or Master Extraordinary in Chancery, or any One of Her Majesty's Justices of the Peace as aforesaid, stating the Manner in which such Share hath passed or been transferred to such other Person ; and such Declaration shall be transmitted to the Secretary of the said Company, who shall thereupon enter and register the Name of every such new Proprietor in the Register Book or List of Proprietors of the said Company ; and the said Secretary shall be entitled to receive for each such Entry as herein-before directed the Sum of Two Shillings and Sixpence, and no more ; and the said Company shall not be bound to see to the Execution of any Trust, whether

For ascertaining the Proprietorship of Shares in order to the Payment of Dividends.

[Local.]

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expressed

expressed or constructive, to which any such Share as aforesaid shall be subject or liable.

Receipt of
One Proprie-
tor of a Share
sufficient.

XCIII. And be it further enacted, That the Receipt of the Person or any One of the Persons in whose Name or Names any Share in the said Undertaking shall stand in the Books of the said Company shall from Time to Time be a sufficient Discharge to the said Company, and to the Directors and Treasurer for the Time being of the said Company, for any Dividend or other Sum of Money which shall become payable and be paid for or in respect of such Share, notwithstanding any Uses or Trusts upon or to which such Share shall be then settled, conveyed, or assigned.

After a Call,
no Share to
be sold till
Call is paid.

XCIV. And be it further enacted, That no Person or Corporation shall sell or transfer any Share which he or they shall possess in the said Undertaking, upon which any Call shall have been made after the Day appointed for the Payment of the same, unless at the Time of such Sale or Transfer he or they shall have paid the full Sum of Money which shall have been called for in respect of each Share, with all Interest due thereon.

General
Meeting to
declare Divi-
dend.

XCV. And be it further enacted, That at every Annual General Meeting, or some Adjournment thereof, a Dividend shall be declared and made out of the clear Profits of the said Undertaking, unless such General Meeting shall declare otherwise, and such Dividend shall be after the Rate of so much *per* Share upon the several Shares held by the Members thereof in the Capital of the said Company, as such Meeting shall think fit: Provided also, that no Dividend shall be paid in respect of any Share after a Day appointed for Payment of any Call of Money in respect thereof until such Call shall have been paid.

Declaring
what shall be
good Service
of Notice on
the Com-
pany.

XCVI. And be it further enacted, That in all Cases in which it may be necessary for any Person or Corporation to serve any Summons or Demand, or any Notice, or any Writ or other Proceeding, at Law or in Equity, upon the said Company, Service thereof respectively upon any Two of the Directors of the said Company, or delivering the same to some Inmate of the last or usual Places of Abode of such Directors, or upon the Secretary or Treasurer of the said Company, or leaving the same at the Office of such Secretary or Treasurer, or delivering the same to some Inmate of the last or usual Place of Abode of such Secretary or Treasurer, or in case the same respectively shall not be found or known, then Service upon any other Agent of or Officer employed by or upon any One Director of the said Company, or delivering the same to some Inmate of the last or usual Place of Abode of such Agent, Officer, or Director, shall be deemed good and sufficient Service of the same respectively on the said Company.

Declaring
what shall be
good Service
of Notice by
the said
Company.

XCVII. And be it further enacted, That in all Cases in which it may be necessary for the said Company to give any Notice to any Corporation or to any Person whomsoever under the Provisions or Directions contained in this Act, such Notice shall or may be in
Writing

Writing or in Print, or partly in Writing and partly in Print, and be signed by the Secretary for the Time being of the said Company, or by any Director of the said Company, without being required to be under the Common Seal of the said Company; and such Notice shall be delivered to such Person, or to some Inmate of the last or usual Place of Abode of such Person, or be delivered to some Clerk or other Officer of such Corporation, or be left at the Office of such Clerk or Officer, or be delivered to some Inmate of the last or usual Place of Abode of such Clerk or Officer, or in case there shall be no such Clerk or other Officer, or his last or usual Place of Abode or Office shall not be found or known, then the same shall be delivered to some Member of such Corporation, or to some Inmate of the last or usual Place of Abode of such Member, except in Cases in which any other Mode of giving such respective Notices is by this Act particularly directed.

XCVIII. And be it further enacted, That if any Person who shall be summoned as a Witness to attend and give Evidence before any Justice of the Peace touching any Matter or Fact contained or involved in or affecting any Information or Complaint for any Offence committed against this Act, either on the Part of the Prosecutor or on the Part of the Party summoned or accused, shall refuse or neglect to appear at the Time and Place to be for that Purpose appointed, having been paid or tendered a reasonable Sum for his Costs and Expences, without a reasonable Excuse for his Refusal or Neglect, or appearing shall refuse to be examined upon Oath, (or, in case of a Quaker, on solemn Affirmation,) to give Evidence before such Justice, then and in either of the said Cases every such Person shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

For compelling Witnesses to attend.

XCIX. And be it further enacted, That in all Actions, Suits at Law or in Equity, and in all Proceedings under this Act or otherwise, against, or for or on behalf of the said Company, and also in all Proceedings commenced or instituted by or on behalf of the said Company, and in all Arbitrations, References, or other Proceedings in, or consequent upon or arising out of any such Actions, Suits, or Proceedings, it shall be lawful for any Two or more of the Directors of the said Company, or for the Secretary or Treasurer of the said Company, for and on behalf of the said Company, to make, sign, seal, execute, and deliver such general or other Release as may be or may be deemed necessary for the Purpose of exonerating, releasing, and discharging any Person who shall or may be produced as a Witness in any such Action, Suit, Prosecution, Arbitration, Reference, or other Proceeding as aforesaid, from any Claim or Demand which may be necessary to be released by the said Company, so as to qualify such Person to give Evidence as a Witness in any such Action, Suit, Prosecution, Arbitration, Reference, or other Proceeding aforesaid, and also to do any other Act, Matter, or Thing in any such Action, Suit, Prosecution, Arbitration, Reference, or other Proceeding which any Plaintiff or Defendant may do in any Action, Suit, or Prosecution, Arbitration, Reference, or other Proceeding; and every such Release, Act, Matter, and Thing shall be as valid and effectual in all respects and to all Intents and Purposes whatsoever, as if the same were made under the Common Seal of the said Company.

Directors empowered to grant Releases to Witnesses.

C. And

Persons injuring the Cemetery, subject to a Penalty.

C. And be it further enacted, That if any Person shall wilfully or maliciously injure, cut, pull down, or break any Tree, Shrub, Plant, or Bank within the said Cemetery, or pull down, injure, or break any Railing, Palisado, Fence, or Wall of the said Company, or of any Chapel or Building within the said Cemetery, or any Window, Pillar, Door, Gate, or other external Part thereof, or any Part thereof, or shall daub, paint, or disfigure the external Walls of the said Cemetery or any Part thereof, or shall paste or affix any Bill or other Papers thereto, or shall write with Chalk or any other Matter thereupon, or shall play at Ball or at Fives upon or against the same, or shall wilfully or maliciously break or disfigure, or maim, injure, or deface, any Monument, Cenotaph, Tablet, Monumental Inscription, Gravestone, Head or Foot Stone, or any other Erection which shall be therein erected or placed, or obliterate or deface any Inscription thereon, without the Consent of the said Company or of the Directors first had and obtained, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, and shall also make Satisfaction for the Injury by him done as aforesaid.

Preventing Nuisances in the Cemetery.

CI. And be it further enacted, That if any Person shall play at any Game or Sport, or discharge Fire-arms, other than at a Military Funeral in the said Cemetery, or shall blow any Horn, or shall make any other Noise to the Disturbance of any Persons assembled in the said Cemetery for the Purpose of interring any Corpse therein, or commit any Nuisance within or against the Walls of the said Cemetery or any Part thereof, or in any Colonnade, Vault, or Building therein, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Recovery and Application of Penalties.

CII. And be it further enacted, That all Penalties and Forfeitures inflicted and imposed by this Act, (the Manner of levying and recovering whereof is not otherwise herein particularly mentioned,) may, in case of Nonpayment thereof, be recovered in a summary Way by the Order and Adjudication of some Two or more Justices of the Peace for the Place in which such Offence shall be committed, on Complaint to them for that Purpose made, and afterwards be levied (as well as the Costs, if any, of such Proceeding or Nonpayment,) by Distress and Sale of the Goods and Chattels of the respective Offenders or Persons liable to pay the same, by Warrant under the Hands and Seals of such Justices, and the Overplus (if any) of the Money so raised or recovered, after discharging such Penalty or Forfeiture, and the Costs and Expences as aforesaid, shall be returned, on Demand, to the Party or Parties whose Goods and Chattels shall be so distrained; all which Penalties and Forfeitures, not herein-before directed to be otherwise applied, shall be paid, One Moiety to the Informer, and the Remainder to the Treasurer of the said Company, unless such Penalties or Forfeitures shall be incurred by the said Company, in which Case the same shall be paid, One Moiety to the Informer, and the Remainder to the Overseers of the Poor of the Parish or Place in which such Offence shall be committed, to be applied by such Overseers for the Benefit of the Poor of such Parish or Place; and in case such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for such Justices and they are hereby required to order the Offender so convicted to be

be detained in safe Custody until Return can conveniently be made to such Warrant of Distress, unless such Offender shall give sufficient Security, to the Satisfaction of such Justices, for his Appearance before such Justices, or before some other Justices of the Peace having Jurisdiction, at such Time as shall be appointed for the Return of such Warrant of Distress (such Time not being more than Eight Days from the taking of such Security, and which Security any of the said Justices are hereby empowered to take by way of Recognizance or otherwise); but if upon the Return of such Warrant it shall appear that no sufficient Distress could be had whereupon to levy the said Penalties or Forfeitures, and such Costs as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of such Justices, upon the Confession of the Offender or otherwise, that he hath not sufficient Goods and Chattels whereupon such Penalties, Forfeitures, Costs, and Expences could be levied if a Warrant of Distress should be issued, such Justices shall not be required to issue such Warrant of Distress, but in such Case it shall be lawful for such Justices and they are hereby required, by Warrant under their Hands and Seals, to commit such Offender to some Common Gaol or House of Correction for the County, City, or Place within their Jurisdiction, there to remain for any Time not exceeding Three Calendar Months, or until such Penalty or Forfeiture shall be sooner paid and satisfied, together with all the Costs and Charges attending such Proceedings as aforesaid, to be ascertained by such Justices, or until such Offender shall be otherwise discharged by due Course of Law.

CIII. And be it further enacted, That in all Cases wherein Damages or Charges are by this Act directed or authorized to be paid, and the Manner of ascertaining the Amount thereof is not specified or provided for, such Amount, in case of Nonpayment thereof, or of any Dispute respecting the same, shall be ascertained and determined by some Two or more Justices of the Peace; and where by this Act any Damages or Charges are directed to be paid, in addition to any Penalty for any Offence, the Amount of such Damages and Charges, in case of Nonpayment thereof, or of any Dispute respecting the same, shall be settled and determined by the Justices by or before whom any Offender shall be convicted of such Offence, and such Justices respectively are hereby authorized and required, on Nonpayment of the Damages in any of the Cases aforesaid, to levy such Damages and Charges by Distress and Sale of the Offender's Goods and Chattels, in manner by this Act directed for the levying of any Penalties or Forfeitures.

Damages and Charges, in case of Dispute, to be settled by Two Justices of the Peace.

CIV. And be it further enacted, That, in all Cases in which by this Act any Penalty or Forfeiture is made recoverable by Information before a Justice of the Peace, it shall be lawful for the Justice before whom a Complaint shall be made for any Offence committed against this Act to summon before him the Party complained against, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed in the Recovery of the same, although no Information in Writing shall have

Justices may proceed by Summons for Recovery of Penalties.

[Local.]

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been

been exhibited before such Justice; and all such Proceedings by Summons, without Information in Writing, shall be as good, valid, and effectual, to all Intents and Purposes, as if an Information in Writing had been exhibited.

For securing Offenders whose Names and Places of Abode are unknown.

CV. And be it further enacted, That it shall be lawful for any Officer or Agent of the said Company, and all such Persons as he shall call to his Assistance, to seize and detain any Person whose Name and Place of Abode shall be unknown to such Officer or Agent, who shall commit any Offence against this Act, and to convey him before some Justice of the Peace for the County or Place within which such Offence shall be committed, without any other Warrant or Authority than this Act, and such Justice is hereby empowered and required to proceed immediately to the hearing and determining of the Complaint.

Distress not unlawful for Want of Form.

CVI. And be it further enacted, That where any Distress shall be made for any Money to be levied by virtue of this Act the Distress itself shall not be deemed unlawful, nor any Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall such Party be deemed a Trespasser *ab initio* on account of any Irregularity which shall afterwards be committed by him, but all Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage in an Action upon the Case.

Persons aggrieved may appeal to the Quarter Sessions.

CVII. And be it further enacted, That all Bodies Corporate and Persons who may think themselves aggrieved by any Order or Judgment or Determination of any Justice of the Peace, relating to any Matter or Thing done or to be done by virtue or in pursuance of this Act, and for which no Power of Appeal is by this Act specifically given, may, within Four Calendar Months next after such Order, Judgment, or Determination shall have been made or given, appeal to any Court of General or Quarter Sessions to be held for the County, City, or Place where the alleged Cause of Appeal shall arise, first giving Ten Days Notice in Writing of such Intention to appeal, and of the Ground and Nature thereof, to the Party against whom such Complaint is intended to be made, or to the said Company, (as the Case may be,) and forthwith after such Notice entering into Recognizance before some Justice of the Peace, conditioned to try such Appeal, and abide the Order and Award of the said Court thereon; and the said Court shall in a summary Way either hear or determine the said Complaint at such General or Quarter Sessions, or, if such Court think proper, may adjourn the Hearing thereof to the following General or Quarter Sessions of the Peace to be held for such County, City, or Place; and the said Court of Sessions may, if such Court see Cause, mitigate any Penalty or Forfeiture, and may order any Money to be returned which shall have been levied in pursuance of such Determination, and may also order any such further Satisfaction to be made to the Party injured as such Court shall judge reasonable, and may also order such Costs to be paid to the Party aggrieved by the Party aggressing as the said Court shall think reasonable.

CVIII. And

CVIII. And be it further enacted, That in all Cases in which any Penalties, Damages, Costs, or Expences shall be payable by the said Company, and such Costs or Expences shall not be paid to the Party entitled to receive the same within Thirty Days after the same shall have been demanded, the same shall and may be recovered by Distress and Sale of any Goods or Chattels of the said Company or of their Treasurer, under a Warrant to be issued for that Purpose by any Justice of the Peace acting within his Jurisdiction, and not interested in the Matter in dispute, which Warrant such Justice is hereby authorized and required to issue under his Hand and Seal, on Application made to him for that Purpose by any Party entitled to receive such Costs and Expences: Provided always, that such Treasurer shall and may, by and out of any Monies which shall come to his Hands by virtue of this Act, retain to and reimburse himself all such Costs, Charges, and Expences as he may be personally put to, by Distress and Sale of the Goods and Chattels of such Treasurer, or otherwise, under any Warrant to be issued by any such Justice as aforesaid.

Costs may be recovered by Distress on Goods of the Company.

CIX. And be it further enacted, That all Justices of the Peace before whom any Person shall be informed against or convicted of or in respect of any Offence against this Act may cause the Information (whenever any Information shall be taken in Writing or in Print) and the Conviction and Warrant of Distress respectively to be drawn up in the Forms following, or in any other Form to the same Effect, as the Case may require; (that is to say,)

Form of Information, Conviction, and Warrant of Distress:

‘ to wit. } **BE** it remembered, That on the Day of Form of In-
 ‘ me *C. D.* [*or us, C. D. and E. F., Two*] of Her Majesty’s Justices informeth formation.
 ‘ of the Peace for that of
 ‘ [*here describe the Offence, and the Time and Place*
 ‘ *when and where committed*], contrary to an Act passed in the
 ‘ Year of the Reign of Her Majesty Queen *Victoria*, intituled [*insert*
 ‘ *the Title of this Act*], which hath imposed a Forfeiture of
 ‘ for the said Offence. Taken the Day of
 ‘ before me *C. D.* [*or us C. D. and E. F.*]’

‘ to wit. } **BE** it remembered, That on the Day of Form of
 ‘ *A. B.* is convicted before me *C. D.* [*or us, C. D. and E. F., Two*] Conviction.
 ‘ of Her Majesty’s Justices of the Peace for the County of
 ‘ for that the said *A. B.*, after the passing of a certain Act of Par-
 ‘ liament made and passed in the Year of the Reign of Her
 ‘ Majesty Queen *Victoria*, intituled [*here insert the Title of this Act*],
 ‘ on the Day of in the Year
 ‘ at the Parish of [*here state the Offence*], for which
 ‘ Offence I [*or we*] do adjudge the said *A. B.* to have forfeited [*if*
 ‘ *the Offence be subject to a Fine*] the Sum of [*insert the Penalty*],
 ‘ together with the Sum of for Costs [*if any given,*
 ‘ *or if to be imprisoned, then,* do adjudge the said *A. B.* to be com-
 ‘ mitted to the [*naming the Gaol*] for the Space of [*insert the Time*],
 ‘ and if the Commitment be for Nonpayment of a Penalty, then add,
 ‘ unless the said Sum of shall be sooner paid]. Given
 ‘ under my Hand and Seal [*or our Hands and Seals*] the Day and
 ‘ Year first above written. *C. D.* [*or C. D. and E. F.*]’
 To

Form of
Warrant of
Distress for
Penalty or
Forfeiture.

‘ to wit. } To the Constables, Beadles, and other Peace Officers
of the Parish of in the County of

‘ WHEREAS *A. B.* of in the County of
‘ was this Day convicted before me *C. D.*, One
‘ [*or us, C. D. and E. F., Two*] of Her Majesty’s Justices of the
‘ Peace for the said County, by virtue of an Act passed in the
‘ Year of the Reign of Her Majesty Queen *Victoria*, intituled
‘ [*here insert the Title of this Act*], for that he the said *A. B.* did
‘ [*here state the Offence, with the Time and Place*], and I [*or we*]
‘ have therefore adjudged the said *A. B.* to have forfeited the Sum
‘ of [*insert Forfeiture*], together with the Sum of
‘ for Costs [*if any given*], which said Sum of the
‘ said *A. B.* hath not paid: These are therefore, in Her Majesty’s
‘ Name, to command you, or any or either of you, forthwith to levy
‘ the said Sum of by Distress and Sale of the Goods
‘ and Chattels of the said *A. B.*, such Goods and Chattels being kept
‘ before the same are sold until the Seventh Day after such Distress
‘ shall be made, including the Day on which it shall be made and
‘ the Day of such Distress, (and if such Seventh Day shall happen
‘ to be *Sunday, Christmas Day, or Good Friday*, then such Sale shall
‘ be on the next or following Day,) and out of the Money arising by
‘ such Sale that you do pay [*here state the Manner in which the For-*
‘ *feiture is to be applied*], returning the Overplus (if any), on Demand,
‘ to the said *A. B.*, the reasonable Charges of such Distress, and of
‘ any Removal, keeping Possession, Appraisement, and Sale, being
‘ first deducted; and if sufficient Distress cannot be found or had or
‘ taken, then that you certify the same to me [*or us*] to the end that
‘ such further Proceedings may be had therein as to the Law doth
‘ appertain; and I [*or we*] do hereby strictly charge and command
‘ all and singular the Constables and other Her Majesty’s Peace
‘ Officers within their respective Jurisdictions and Liberties to be
‘ aiding and assisting in all things relating to the Premises. Given
‘ under my Hand and Seal [*or our Hands and Seals*] this
‘ Day of in the Year of our Lord

‘ *C. D. or [C. D. and E. F.]*’

Execution
may be issued
against any
Holder of a
Share.

CX. And be it further enacted, That, in case any Question
upon any Judgment or Decree in any Action, Suit, or other Proceed-
ing obtained against the said Company, whether as Plaintiff or De-
fendant, shall be ineffectual for obtaining Payment of or Satisfaction
for the Sum sought to be recovered thereby, it shall be lawful for
the Court in which such Action, Suit, or other Proceeding may
have been brought or instituted, upon the Application of the Party
who shall have obtained such Judgment or Decree against the said
Company, previous Notice of such Application being given to the
Person or Persons sought to be charged, to issue Execution against
the Goods or Chattels of any Person who shall be a Proprietor of any
Share in the said Undertaking; and in case any such last-mentioned
Execution against such Proprietor shall also be ineffectual for obtain-
ing Payment of or Satisfaction for the Sum sought to be recovered
thereby, it shall be lawful for the said Court, upon Motion, to be
made in open Court, on Notice to the Person sought to be charged,
to issue Execution against any other Person who shall be a Proprietor

of any Share in the said Undertaking: Provided always, that the Sum which shall be so recovered from any Proprietor of a Share in the said Undertaking shall not in any Case exceed the Sum then due and owing from him upon the Share or Shares of which he shall be then possessed, and for Payment of which he may then be liable if called for by the Directors of the said Company; provided also, that all Sums recovered from any such Proprietor shall be considered as so much Money paid to the said Company, and in exoneration and discharge of the like Amount due from him to the said Company in respect of such Shares; provided also, that for the Purpose of ascertaining the Proprietors of the said Company it shall be lawful for any Judgment Creditor or Creditor by Decree, at all reasonable Times, to inspect the Book containing the List of Proprietors of the said Undertaking, without Fee or Reward.

CXI. And be it further enacted, That no Proceeding to be had and taken in pursuance of this Act shall be quashed or vacated for Want of Form, or be removed by Certiorari, or by any other Writ or Process whatsoever, into any of Her Majesty's Courts of Record at *Westminster* or elsewhere.

Proceedings not to be quashed for Want of Form.

CXII. Provided always, and be it further enacted, That no Plaintiff shall recover in any Action for any Irregularity, Trespass, or other wrongful Proceeding made or committed in the Execution of this Act, if Tender of sufficient Amends shall have been made by or on behalf of the Party who shall have committed such Irregularity, Trespass, or other wrongful Proceeding before such Action brought; and in case no Tender shall have been made, it shall be lawful for the Defendant in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he shall think fit, whereupon such Proceeding, Order, and Adjudication shall be had and made in and by such Court as in other Actions where Defendants are allowed to pay Money into Court.

Plaintiff not to recover after Tender of Amends.

CXIII. And be it further enacted, That in all Cases where any Justice of the Peace is authorized by this Act to examine any Person, or to take cognizance of or to hear or determine any Matter or Complaint, it shall be lawful for such Justice and he is hereby required to administer an Oath or to receive the Affirmation of any Person before he shall be examined by or before such Justice.

General Power to Justices to administer Oaths.

CXIV. And be it further enacted, That if any Witness who shall be examined by or before any Justice of the Peace, or otherwise, under the Authority of this Act, shall wilfully and corruptly give false Evidence, and shall be thereof convicted, such Person so giving false Evidence shall be subject to the same Punishment as Persons convicted of wilful and corrupt Perjury are by Law subject or liable to.

Persons giving false Evidence to be prosecuted.

CXV. And be it further enacted, That where in this Act a Declaration is directed to be used for the Purpose of Confirmation of written Instruments or Allegations, or of the Execution of Deeds

Persons making false Declaration to be guilty or

[*Local.*]

[*N n*]

or

of a Misdemeanor.

5&6W4.c.62.

or other Matters, the same shall be made in the Form prescribed in the Schedule to an Act passed in the Fifth and Sixth Years of the Reign of His late Majesty, intituled *An Act to repeal an Act of the present Session of Parliament, intituled 'An Act for the more effectual Abolition of Oaths and Affirmations taken and made in various Departments of the State, and to substitute Declarations in lieu thereof, and for the more entire Suppression of voluntary and-extra-judicial Oaths and Affidavits, and to make other Provisions for the Abolition of unnecessary Oaths,'* or as near thereto as the Circumstances of the Case will admit, and shall be of the like Force and Effect as if an Affidavit or Affirmation in Writing had been made; and if any Declaration so made shall be false or untrue in any material Particular, the Person wilfully making such false Declaration shall be guilty of a Misdemeanor.

Land forming Site of the Cemetery to be subject to Rent-charge.

CXVI. And whereas the Tithes for the said Parish of *Saint Faith* will be shortly commuted, and a Rent-charge be paid in lieu thereof, under the Provisions of certain Acts passed for the Commutation of Tithes for *England* and *Wales*; be it therefore enacted, That the Lands hereby authorized to be taken for the Site of the said intended Cemetery shall be apportioned in the same Manner, and the Rent-charge to be paid in lieu of such Tithes be paid and payable for and in respect of such Land in like Manner, as if the said Lands had remained in cultivation, and not taken for the Purpose of the said Cemetery; and until such Commutation shall take place the said Lands shall be subject to the Payment of the like Composition in lieu of Tithes as heretofore paid for the same.

Public Act.

CXVII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

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