



ANNO SEPTIMO & OCTAVO

VICTORIÆ REGINÆ.

Cap. lxxvi.

An Act for enabling the Mayor, Aldermen, and Burgesses of the City of *Coventry* to make certain Improvements, to provide a Residence for the Judges during Assizes in the said City, and to establish a Cemetery for the Dead near the said City. [19th July 1844.]

WHEREAS there are in the Parishes of the *Holy Trinity* and *Saint Michael* in the City of *Coventry* several Mills abutting on the River *Sherborne*, which said Mills greatly impede the free Flow of Water of the said River, and obstruct the Drainage, and are on that account very detrimental to the Health of the Inhabitants of the said City, and it is therefore expedient that the said Mills, together with their several Weirs, Dams, and Flood Gates, should be removed: And whereas the Assizes for one of the Divisions of the County of *Warwick* are now held in the said City of *Coventry*, and it is expedient to provide a suitable Residence for the Judges during the holding of the said Assizes: And whereas the Population of the City of *Coventry* hath of late Years considerably increased, and the several Churchyards and Places of Burial therein are wholly insufficient for the Wants of the said City, and it is

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The Council
of the City
to execute
this Act.

desirable that an additional Burial Ground or Cemetery for the Interment of Dead should be provided near the said City, subject to proper Regulations for the Government thereof: 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 the Corporation of the Mayor, Aldermen, and Burgesses of the City of *Coventry* in the County of *Warwick* shall, by the Council of the said City, be and they are hereby empowered to carry this Act into execution.

Council may
appoint
Committees.

II. And be it enacted, That the said Council for and in the carrying this Act and the several Powers thereof into execution shall be and they are hereby empowered to appoint out of their Body from Time to Time such and so many Committees, consisting of such Number of Persons as they may think fit, for the Execution of all or any of the Purposes of this Act, and the several Powers thereof, which, in the Discretion of such Council, would be better regulated and managed by means of such Committees; provided that the Acts of every such Committee shall be submitted to the Council for their Approval.

The Council
or the Com-
mittee may
make Con-
tracts in the
Name of the
Corporation;

III. And be it enacted, That the said Council or the Committee so to be appointed are hereby empowered from Time to Time, in the Name of the said Corporation, to contract and agree with any Person for performing any of the Works by this Act authorized to be made or executed; and all Contracts so to be entered into shall be reduced into Writing, and may be sealed with the Common Seal of the Mayor, Aldermen, and Burgesses, or such Contracts or any of them may be signed by the Mayor, or the Chairman of the said Committee, or by the Town Clerk, under the Order of the said Committee, and the same shall be signed by the Person or Parties contracting to perform such Works, and shall specify the several Works to be done, and the Prices to be paid for the same, and the Time when such Works shall be done and completed, and the Penalties to be suffered in case of Nonperformance thereof, and a Copy thereof shall be entered into a Book to be kept by the Town Clerk for that Purpose; and the said Corporation or the Committee of the said Council shall and they are hereby required to take such Bond or other Security from every Contractor for the due Performance of his Contract as they shall think sufficient; and the said Corporation or Committee shall cause the Works to be done in pursuance of such Contracts to be inspected by such Persons as they shall from Time to Time appoint; and in case the same shall not be well and sufficiently performed, according to the true Intent and Meaning of such Contract, or shall not be finished and completed at or within the Time to be by any such Contract limited for completing the same, the said Corporation or their said Committee shall and may cause any Action at Law or Suit in Equity to be brought by the said Corporation against any Party so contracting and neglecting to perform such Contract, or for any Injury suffered or sustained on account of the Nonperformance thereof; and upon proving the signing

signing of the Contract, and Nonperformance thereof, the said Corporation shall be entitled to and shall recover such Penalty or Damage as may be awarded, with full Costs of Suit.

IV. Provided always, and be it enacted, That it shall be lawful for the said Corporation, by its Council or Committee, to compound and agree with any Person or Party who shall have entered into any such Contract in pursuance or under the Authority of this Act, or against whom any such Action or Suit shall be brought, for any Penalty contained in any such Contract, or in any Bond or other Security for the Performance thereof, or for or on account of any Breach or Nonperformance of any such Contract, Bond or Security, for such Sums of Money or other Recompense as the said Council or Committee shall think proper.

and may compound for Breach of Contract.

V. And be it enacted, That the Treasurer for the Time being of the said City of Coventry shall be the Treasurer for the Purposes of this Act; and the said Council shall from Time to Time appoint a Secretary, Collector, and such other Officer as they shall think fit, and may pay or allow such Secretary and other Officers, out of the Monies to be received by virtue of this Act, such Salary or Salaries as they may think proper, and shall have Power to remove such Officers at their Discretion.

Appointment of Officers.

VI. And be it enacted, That, except as herein otherwise provided for, it shall not be lawful for any Person, being the Mayor or an Alderman or Councilman or other Officer of the Municipal Corporation of the said City, to be interested or concerned or employed, directly or indirectly, as an Architect, Builder, Artist, Mechanic, Workman, Merchant, Trader, or otherwise howsoever, in any Part of the Work to be done or Materials to be supplied for the Purposes of this Act for the doing or supplying whereof the Council are hereby authorized to enter into Contracts, or in any Contract which shall be entered into by them in that Behalf; and if any one holding such Office shall be so interested, concerned, or employed in such Work, Materials, or Contract as aforesaid, he shall thenceforward be disqualified from continuing to hold such Office, and also from being thereafter elected or appointed to hold any Corporate Office within the said Borough.

Corporate Officers not to be interested in Contracts under this Act.

VII. And be it enacted, That, except as herein otherwise provided for, the several Provisions of the Laws for the Time being in force affecting Municipal Corporations in England relating to the Duties, Removal, and Appointment of, and to the Security, Accounts, Entries, Duties, Salaries, Allowances, Rights, and Remedies to be respectively taken, made, rendered, performed, paid, and had, from, by, to, and against, and in any other Manner concerning, the Officers of such Corporations and their Sureties shall, so far as Circumstances may for the Time being permit, extend to the several Officers appointed by and under this Act and to their Sureties.

Regulation of Officers.

VIII. And be it enacted, That for the Purpose of carrying the first-named Purpose of this Act into execution it shall be lawful for the said Corporation from Time to Time by their Council to borrow,

Power to borrow Money.

on

on Bond or on Mortgage, such Sums of Money not exceeding the Sum which shall be required for the Purchase and Removal of the said Mills with their Appurtenances, and One Moiety of the Expences of obtaining and passing this Act, as may be necessary for carrying such Purpose into execution, and for securing the Repayment of the Money so borrowed, with Interest, to mortgage the Rates authorized to be levied by the Warrant of the Mayor of the said Corporation in the Manner herein-after provided, and any Property belonging to the said Corporation; and for the second-named Purpose of this Act it shall be lawful for the said Corporation from Time to Time to apply any Monies belonging to or which may hereafter form Part of the Borough Fund, or by their Council to borrow, on Bond or on Mortgage, such Sum or Sums of Money as may be necessary for carrying such Purpose into execution; and for the third-named Purpose it shall also be lawful for the said Corporation from Time to Time to borrow at Interest, for the Purpose of the said Cemetery, any such Sum of Money, not exceeding the Sum of Five thousand Pounds, and for securing the Repayment of the Monies so borrowed, with Interest, the Corporation may mortgage the said Cemeteries, and the Profits arising or to arise from the Sale or Disposal of Graves, Vaults, and Privilege of Interment, or any Rates which may be made by the said Corporation, other than the Rates authorized to be levied for the first-named Purpose of this Act, and any other Property of the said Corporation, to the Person who shall advance or lend such Money, or his Trustee, as a Security for the Payment of the Money so borrowed, together with Interest for the same: Provided always, that if any Money shall be borrowed under or by virtue of this Act the same shall be applied and expended for the respective Purposes in manner and form and subject as by this Act is provided.

Corporation not to sell, &c. without the Approbation of the Treasury.

IX. And be it enacted, That nothing in this Act contained shall enable the said Mayor, Aldermen, and Burgesses to alienate, incumber, or demise, for the Purposes of this Act, without the Approbation of the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, or any Three of them, any Lands, Tenements, or Hereditaments which they could not have sold, alienated, incumbered, or demised without such Approbation before the passing of this Act, any thing in this Act to the contrary notwithstanding.

Reborrowing.

X. And be it enacted, That if, after having borrowed any Part of the Money so authorized to be borrowed on Bond or Mortgage, the said Corporation pay off the same, it shall be lawful for them again to borrow on Mortgage or on Bond the Amount so paid off, and so from Time to Time.

Mortgages.

XI. And be it enacted, That every Mortgage for securing Money borrowed by the said Corporation for the Purpose of making the said Improvements, and procuring a suitable Residence for the Judges, shall be by Deed under the Common Seal of the Mayor, Aldermen, and Burgesses, duly stamped, and wherein the Consideration shall be truly stated; and every such Mortgage may be according to the Form in the Schedule (A.) to this Act annexed, so far as the same shall

shall be applicable thereto, or to the like Effect; and that every such Mortgage relating to the said Cemetery shall be by Deed duly stamped, in which the Consideration shall be duly stated, and every such Deed shall be under the Common Seal of the said Corporation, and may be according to the Form of the Schedule (A.) to this Act annexed, or to the like Effect.

XII. And be it enacted, That all Persons to whom any Mortgages shall be made, or who shall be entitled to the Monies thereby received, shall, in proportion to the Sums thereby mentioned, be Creditors equally one with another, without any Preference in respect of the Priority of advancing such Monies, or of the Dates of such Mortgages, respectively.

Mortgagees to be paid in equal Proportions.

XIII. And be it enacted, That it shall be lawful for the said Corporation to raise all or any Part of the Money to be borrowed for the first-named Purpose of this Act by granting Annuities for any Time, not exceeding Thirty Years from the passing of this Act instead of Mortgages as aforesaid, and for that Purpose the Council may charge any Property vested in the Mayor, Aldermen, and Burgesses with an Annuity to determine as aforesaid in favour of any Person who shall advance to the said Corporation any Sum of Money for the Purchase of the same; and that it shall be lawful for the Council to raise all or any Part of the Money to be borrowed for the Purposes of the said Cemetery by granting Annuities for Lives instead of Mortgages as aforesaid, and for that Purpose for the said Council to charge the said Cemetery with an Annuity to determine on a Life or Lives in being in favour of any Person who shall advance to the Council any Sum of Money for the Purchase of the same.

Council may raise Money by Annuity.

XIV. And be it enacted, That every such Grant of Annuity shall be by Deed duly stamped, in which the Consideration shall be truly stated, and shall be made under the Common Seal of the Mayor, Aldermen, and Burgesses; and for the first-named Purpose of this Act such Grant may be in the Form in Schedule (B.) to this Act annexed, or to the like Effect, and for the last-named Purpose of this Act such Grant may be in the Form of Schedule (H.) to this Act annexed, or to the like Effect.

Form of Grant of Annuity.

XV. And be it enacted, That every Annuity so granted shall be paid out of the Rates and other Property vested in the Mayor, Aldermen, and Burgesses, according to the Grant of such Annuity, and shall have Priority after any Mortgages or Assignments granted under this Act.

Annuities to rank after Mortgages.

XVI. And be it enacted, That the Expences of every Mortgage or Bond, or Assignment of Mortgage and Grant of Annuity, shall from Time to Time be defrayed by the said Corporation out of the Monies raised by the same or out of the Borough Fund.

Expences of Mortgages and Annuities.

XVII. And be it enacted, That a Register of all such Bonds, Mortgages, Assignments, and Annuities shall be kept by the Town Clerk of the said City, and within Fourteen Days after the Date of any

Register of Mortgages and Annuities to be

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kept, and to
be open to
Inspection.

any such Bond, Mortgage, Assignment, or Annuity an Entry or Memorial of the Number and Date thereof, and of the Names of the Parties thereto, with their proper Additions, shall be made in such Register; and such Register may be perused at all seasonable Times by any Person interested therein, without Fee or Reward.

Assignment
of Mort-
gages and
Annuities.

XVIII. And be it enacted, That from Time to Time any Party entitled to any such Mortgage, Assignment, or Annuity may transfer his Right and Interest therein to any other Person, by a Deed duly stamped, wherein the Consideration shall be truly stated; and any such Transfer may be according to the Form in the Schedule (C.) to this Act annexed, or to the like Effect.

Transfers to
be regis-
tered.

XIX. And be it enacted, That within Thirty Days after the Date of every such Transfer it shall be produced to the Town Clerk of the said City, and thereupon such Town Clerk shall cause an Entry or Memorial thereof to be made in the same Manner as in the Case of the original Mortgage, Assignment, or Annuity, and for such Entry the Town Clerk may demand a Sum not exceeding Five Shillings; and after such Entry every such Transfer shall entitle the Transferee, his Executors, Administrators, or Assigns, to the full Benefit of the original Mortgage, Assignment, or Annuity in all respects; and no Party, having made such Transfer, shall have Power to make void, release, or discharge the Mortgage, Assignment, or Annuity so transferred, or any Sum thereby secured.

Interest on
Mortgages
to be paid
half-yearly.

XX. And be it enacted, That, unless otherwise provided by any Mortgage or Assignment, the Interest of the Money borrowed upon every such Mortgage or Assignment shall be paid half-yearly to the several Parties entitled thereto.

Power to
take up
Money at a
less Rate of
Interest.

XXI. And be it enacted, That if the Council or Committee can at any Time borrow or take up any Sum of Money for any of the Purposes of this Act at a lower Rate of Interest than any Securities given by them and which shall be in force shall bear, then from Time to Time it shall be lawful for them to borrow such Sums of Money as they shall think proper at such a lower Rate as aforesaid, in order to pay off and discharge the Securities bearing such higher Rate of Interest, and to charge the Rates, Rents, or other Property vested in the Mayor, Aldermen, and Burgesses, or any Part thereof, with Payment of such Sum and such lower Rate of Interest, in such Manner and subject to such Regulations as are herein contained with respect to any Monies borrowed on Mortgage.

Mode of
paying off
Mortgages.

XXII. And in order that no undue Preference may be given in paying off any Mortgages or Assignments, be it enacted, That when and as often as the Council shall, under the Provisions of this Act, be enabled and think it expedient to pay off One or more out of the Number of such Mortgages upon which the same Rate of Interest shall be payable, or a Part of the Money secured on any such Mortgage, they shall cause the several Numbers of such Mortgages to be written upon distinct Slips of Paper of an equal Size, and all such Slips shall be rolled or folded up in similar Form, and put into a Box, and

and the Town Clerk of the said Corporation shall, in the Presence of Twelve or more of the Members of the Town Council, draw separately out of the said Box One of the said Slips, and thereupon the Mortgage corresponding with the Number so drawn, or the Part of the Money due thereon so proposed to be paid off, shall accordingly be paid off by the Council; and after every such Ballot the Council shall cause a Notice, signed by the Town Clerk, to be given to the Person entitled to the Money to be paid off pursuant to such Ballot, and such Notice shall express the Principal Sum proposed to be paid off, and that the same will be paid, together with the Interest due thereon, at a Place to be specified in such Notice, at the Expiration of Six Months from the Date of giving such Notice; and at the Expiration of such Period the Interest of the Principal Money to be paid off shall cease, unless such Principal Money and Interest be not paid on Demand, pursuant to such Notice, but such Principal Money, and the Interest thereof to the End of the said Six Months, shall nevertheless be payable on Demand.

XXIII. And be it enacted, That all the Money which shall be raised on the Credit of the said Cemetery shall be received by the Treasurer on behalf of the Council, and shall be carried to the Credit of the "Cemetery Account," and shall be applied by them in making and maintaining the said Cemetery and the Works connected therewith.

Application
of Monies to
be bor-
rowed.

XXIV. And be it enacted, That any Summons or Notice, or any Writ or other Proceeding at Law or in Equity requiring to be served upon the Council under the Provisions of this Act, may be served by delivering the same personally to the Town Clerk, or in case, by reason of his Absence from *Coventry* or otherwise, personal Service on him shall be impracticable, then by delivering the same personally to the Mayor of the said City for the Time being, or in case, by reason of his Absence from *Coventry* or otherwise, personal Service on him shall be impracticable, then by delivering the same personally to One of the Council for the Time being of the said City.

Service of
Notice upon
the Corpo-
ration.

XXV. And with respect to Actions brought in respect of any Proceedings under the Provisions of this Act, be it enacted, That if before any Action brought any Party, having committed any Irregularity, Trespass, or other wrongful Proceeding in the Execution of this Act, or by virtue of any Power or Authority thereby given, make Tender of sufficient Amends to the Party injured, such Party shall not recover in any Action brought on account of such Irregularity, Trespass, or other wrongful Proceeding; and if no such Tender shall have been made it shall be lawful for the Defendant, by Leave of the Court where such Action shall be pending, at any Time before Issue joined, to pay into Court such Sum of Money as he shall think fit, and thereupon such Proceedings shall be had as in other Cases where Defendants are allowed to pay Money into Court.

Tender of
Amends.

XXVI. And be it enacted, That, subject to the Provisions of this Act, it shall be lawful for the said Corporation, by their Council or their Committee or Agent, to agree with the Owners of any Mills, Weirs,

Power to
purchase
Lands.

Weirs, Dams, and other Works, Messuages, Lands, Tenements, and Hereditaments, which may be required for the first-named Purpose of this Act, or for the more effectually making the said Improvements, and for removing Obstructions in the said River *Sherborne*, for the absolute Purchase, for a Consideration in Money, for the same or such Parts thereof as they shall think proper, and of all subsisting Leases therein, and of all Rent charges, Annuities, Mortgages, or Incumbrances affecting the same, and all commonable and other Rights to which they may be subject, and all other Estates and Interests in or affecting the same, of what Kind soever, and to take Conveyances of and hold them accordingly: Provided always, that it shall not be lawful for the said Corporation to purchase or take any Mills, Weirs, Dams, and other Works, Messuages, Lands, Tenements, and Hereditaments, except such as are contained in the Schedule (D.) to this Act annexed, without the Consent in Writing of the Owners and Occupiers thereof respectively.

Parties under Disability enabled to sell and convey.

XXVII. And be it enacted, That it shall be lawful for all or any of the following Parties, being seised, possessed of, or entitled to any such Lands, or any such Estate or Interest therein as aforesaid, to sell and dispose and convey or release the same to the Mayor, Aldermen, and Burgesses, and to enter into all necessary Agreements for that Purpose; (that is to say,) all Corporations, Tenants for Life or in Tail, or for any other partial or qualified Estate or Interest, married Women seised in their own Right or entitled to Dower, Guardians, Committees of Lunatics and Idiots, Trustees or Feoffees in trust for charitable or other Purposes, Executors and Administrators; and the Power so to sell and convey as aforesaid may lawfully be exercised by all such Parties, not only on behalf of themselves, and their respective Heirs, Executors, Administrators, and Successors, but also for and on behalf of every Person entitled in reversion, remainder, or expectancy after them, if incapacitated, unborn, or not to be found, and as to such married Women as if they were sole, and as to such Guardians on behalf of their Wards, and as to such Committees on behalf of the Lunatics and Idiots of whom they are the Committees respectively, and that to the same Extent as such Wives, Wards, Lunatics, and Idiots respectively could have exercised the same Power under the Authority of this Act if they had respectively been under no Disability; and as to such Trustees, Executors, and Administrators, on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Femes Covert, or other Persons, and that to the same Extent as such Cestuique Trusts respectively could have exercised the same Powers under the Authority of this Act if they respectively had been under no Disability.

Parties under Disability to exercise other Powers.

XXVIII. And be it enacted, That the Power required to be exercised by the Lord of any Manor pursuant to the Provisions of this Act, and the Power to release Lands from any Rent, Payment, Charge, or Incumbrance, and to agree for the Apportionment of any such Rent, Charge, or Incumbrance, shall extend to and may lawfully be exercised by every Party herein before enabled to sell and dispose of or convey and release Land to the Mayor, Aldermen, and Burgesses.

XXIX. And

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XXIX. And be it enacted, That, except as is herein-after mentioned, the Consideration to be paid for the Purchase of any such Lands, or for any Damage done thereto, shall be in a gross Sum.

Consideration to be a gross Sum.

XXX. And be it enacted, That the Owners of any such Lands, or of any such Estate or Interest therein as aforesaid, and all Parties by this Act enabled to convey the same, may agree to accept, and, subject to the Restrictions in this Act contained, as to the Payment thereof, may accept, Satisfaction for the Value thereof, or any Interest therein to which such Party shall be entitled; and in addition to Compensation for the Value, or of the Interest therein to be so conveyed, such Parties, and also any Lessees, Tenants for a Year or from Year to Year, or at Will, or other Occupiers of the same, shall be entitled to Compensation for such Goodwill or Improvements as shall be lost, and for any Injury or Damage sustained on account of the Execution of this Act, or in anywise relating thereto, and also shall be entitled to and may in like Manner accept Compensation for any Damage by them sustained by reason of the severing or dividing of such Lands, or otherwise owing to the Exercise of the Powers of this Act.

Acceptance of Compensation for Price of or Damage to Lands.

XXXI. And with respect to the Consideration Money to be paid for any Lands to be purchased from any Party under any Disability or Incapacity, and not having Power to sell or convey, except under the Provisions in this Act contained, and the Compensation Money to be paid for any Damage or Injury to the same, be it enacted, That such Consideration Money or Compensation shall not, except where it shall have been determined by the Verdict of a Jury under the Provisions herein-after contained, be less than shall be determined by the Valuation of Two able practical Surveyors, one of whom shall be nominated by the Council or their Committee, and the other by the other Party, and if such Two Surveyors cannot agree in the Valuation, then by such Third Surveyor as any Two Justices, not being Members of the Council, shall for that Purpose nominate; and each of such Two Surveyors, if they agree, or if not then the Surveyor nominated by the said Justices, shall annex to the Valuation a Declaration of the Correctness thereof.

Amount of Compensation to be ascertained by Valuation in case of Parties under Disability.

XXXII. And with respect to the Compensation Money to be paid for any Lands to be purchased from any Party who by reason of Absence or from any other Incapacity or Accident is prevented from treating, or cannot be found, and the Compensation Money to be paid for any Injury to the same, be it enacted, That such Consideration or Compensation shall not be less than shall be determined by the Valuation of such able practical Surveyor as Two Justices shall nominate for that Purpose; and such Surveyor shall annex to the Valuation a Declaration of the Correctness thereof.

Compensation to absent Parties to be ascertained by Valuation.

XXXIII. And be it enacted, That if any Person seised in Fee of or entitled to dispose of absolutely for his own Benefit any Lands authorized to be purchased for the Purposes of this Act, shall be willing to sell the same for a perpetual annual Rent-charge in lieu of a Sum in gross, such Person may lawfully sell and convey the same,

Purchase of Lands on Chief Rents.

or any Part thereof, unto the said Mayor, Aldermen, and Burgesses, in consideration of an annual Rent-charge payable by the said Mayor, Aldermen, and Burgesses to the Person so selling and conveying, and to his Heirs and Assigns.

Payment of Rents to be charged on Rates or Rents.

XXXIV. And be it enacted, That the yearly Rents reserved by any such Conveyance shall be charged on the Rates or Rents payable under this Act, and the Covenant of the said Mayor, Aldermen, and Burgesses, and shall be paid by the said Corporation as such Rents become payable; and if at any Time any such Rents be not paid within Thirty Days after they so become payable, and after Demand thereof in Writing, the Person to whom any such Rents shall be payable may either recover the same from the said Mayor, Aldermen, and Burgesses, with Costs of Suit, by Action of Debt in any of the Superior Courts, or it shall be lawful for him to levy the same by Distress of the Goods and Chattels of the said Mayor, Aldermen, and Burgesses.

Form of Conveyance.

XXXV. And be it enacted, That all Conveyances of Land so to be purchased as aforesaid may be according to the Form in the Schedules (E.) and (F.) respectively to this Act annexed, or as near thereto as the Circumstances of the Case will admit; and all such Conveyances shall be effectual to vest the same in the said Mayor, Aldermen, and Burgesses, and shall operate to merge all Terms of Years attendant by express Declaration or by Construction of Law on the Estate or Interest so thereby conveyed, and to bar and destroy all such Estates Tail, and all other Estates, Rights, Titles, Remainders, Reversions, Limitations, Trusts, and Interests whatsoever, of and in the Lands comprised in such Conveyances as shall have been purchased or compensated for by the Consideration therein mentioned; but although Terms of Years be thereby merged they shall in Equity afford the same Protection as if they had been kept on foot and assigned to a Trustee for the said Mayor, Aldermen, and Burgesses, to attend the Reversion and Inheritance.

Costs of Conveyance.

XXXVI. And with respect to the Costs of the Conveyance of any such Lands purchased or taken by the Council, be it enacted, That all such Costs shall be borne by the Mayor, Aldermen, and Burgesses, and such Costs shall include all Charges and Expences incurred on the Part as well of the Seller as of the Purchaser of all Conveyances and Assurances of any such Lands, and of any outstanding Terms or Interests therein, and of deducing, evidencing, and verifying the Title to such Lands, Terms, or Interests, and of making out and furnishing such Abstracts and attested Copies as the Council or their Committee by the Town Clerk may require, and all other Expences incident to the Investigation, Deduction, and Verification of such Title; and before the Mayor, Aldermen, and Burgesses enter into possession of the Lands so purchased or taken they shall pay the Amount of such Costs, and if there be any Dispute about the same they shall obtain an Order for the Taxation thereof as herein-after provided; nevertheless, within Seven Days after Notice in Writing from the Town Clerk, if the Parties from whom such Lands shall have been purchased do not deliver a Bill of their Costs to the said Town Clerk, then the Mayor, Aldermen, and Burgesses shall not be prevented from

from entering into the Possession of such Lands by reason of the Nonpayment of such Costs, or by reason of such Order for Taxation thereof not having been obtained.

XXXVII. And be it enacted, That if the said Corporation and the Party entitled to any such Costs shall not agree as to the Amount thereof such Costs shall be ascertained by the Court of Chancery, and for that Purpose either Party may apply to the Court by Petition, and thereupon the Court shall order such Costs to be referred to One of its Masters or Taxing Officers, to be taxed in the usual Manner; and upon Proof of such Service the Master or Taxing Officer shall proceed to tax such Costs accordingly, Notice of such Taxation being given to the other Party; and after the Taxation thereof it shall be lawful for the Court to order the Amount at which the same shall be so taxed, together with the Costs of Taxation, or so much of the same as shall be payable by the Mayor, Aldermen, and Burgesses, to be paid to the Party entitled thereto, and the same shall be paid accordingly; and the Expences of taxing such Costs, and of obtaining the Order referring the same to be taxed, shall be borne by the Mayor, Aldermen, and Burgesses, unless on the Taxation One Sixth Part of the Costs (exclusive of Disbursements) be disallowed, in which Case the Expence shall be borne by the Party from whom the Lands shall have been purchased or taken.

Taxation of Costs.

XXXVIII. And for the Purposes of providing for the Deposit and Application of the Purchase Money or Compensation to be paid in respect of any such Lands which may belong to Parties under Disability, be it enacted, That if any such Purchase Money or Compensation shall be payable in respect of any such Lands; or any Interest therein, which any Corporation, Tenant for Life or for any other partial or qualified Interest, married Woman seised in her own Right or entitled to Dower, Guardian, Committee of Lunatic or Idiot, Trustee, Executor, or Administrator, or Person under any Disability, shall be entitled to, and shall, under the Powers of this Act, be enabled to convey or dispose of the same, shall, if it amount to or exceed the Sum of Two hundred Pounds, be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account there *ex parte* the Mayor, Aldermen, and Burgesses of the City of *Coventry*, pursuant to the Method prescribed by an Act of the Twelfth Year of the Reign of His late Majesty King *George* the First, intituled *An Act for the better securing the Monies and Effects of the Suitors of the Court of Chancery, and to prevent the counterfeiting of East India Bonds and Endorsements thereon, as likewise Endorsements on South Sea Bonds;* and pursuant to the general Rules and Orders of the said Court, and without Fee or Reward, according to the Act of the Twelfth Year of the Reign of His late Majesty King *George* the Second, intituled *An Act to empower the High Court of Chancery to lay out on proper Securities any Monies, not exceeding a Sum therein limited, out of the common and general Cash in the Bank of England belonging to the Suitors of the said Court, for the Ease of the said Suitors, by applying the Interest therefrom for answering the Charges of the Office of the Accountant General of the said Court;* and such

Purchase-Money payable to Parties under Disability amounting to 200*l.* to be deposited in the Bank of England.

12G.1.c.32.

12G.2.c.24.

Monies

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Application of Monies so deposited.

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Monies shall remain so deposited until the same be applied to some One or more of the following Purposes; (that is to say)

In the Purchase or Redemption of the Land Tax, or the Discharge of any Debt or Incumbrance affecting the Lands in respect of which such Money shall have been paid, or affecting other Lands settled therewith to the same or the like Uses, Trusts, or Purposes; or

In the Purchase of other Lands, to be conveyed, limited, and settled upon the like Uses, Trusts, and Purposes, and in the same Manner as the Lands in respect of which such Money shall have been paid stood settled; or, if such Monies shall be paid in respect of any Buildings taken under the Authority of this Act, in replacing such Buildings, or substituting others in their Stead, in such Manner as the Court of Chancery shall direct; or in Payment to any Party becoming absolutely entitled to such Money.

Order for Application.

XXXIX. And be it enacted, That such Money may be so applied as aforesaid upon an Order of the Court of Chancery made on the Petition of the Party who would have been entitled to the Rents and Profits of the Lands in respect of which such Money shall have been deposited; and until the Money can be so applied it may, upon the like Order, be invested by the said Accountant General in the Purchase of Three per Centum Consolidated or Three per Centum Reduced Bank Annuities, or in Government or Real Securities; and until such Annuities or Securities shall be ordered to be sold or converted into Money for the Purposes aforesaid, the Interest, Dividends, and annual Proceeds thereof shall from Time to Time be paid to the Party who would for the Time being have been entitled to the Rents and Profits of the same; and the Order for such Investment and Application of the Interest, Dividends, and annual Proceeds thereof may be made on the like Petition.

Sums from 20l. to 200l. to be deposited, or invested in Trustees.

XL. And with respect to any such Purchase Money or Compensation which shall not amount to the Sum of Two hundred Pounds and shall exceed the Sum of Twenty Pounds, be it enacted, That the same shall either be paid into the Bank of England, and applied in the Manner herein-before directed with respect to Sums amounting to or exceeding Two hundred Pounds, or the same may be lawfully paid to Two Trustees, to be nominated by the Parties entitled to the Rents or Profits of the Lands in respect whereof the same shall be payable, such Nomination to be signified by Writing under the Hands of the Parties so entitled; and in case of the Coverture, Infancy, Lunacy, or other Incapacity of the Parties entitled to such Monies, such Nomination may lawfully be made by their respective Husbands, Guardians, Committees, or Trustees; but such last-mentioned Application of the Monies shall not be made unless the Council approve thereof, and of the Trustees named for the Purpose, such Approval to be signified in Writing under the Common Seal of the Mayor, Aldermen, and Burgesses; and the Money so paid to such Trustees, and the Produce arising therefrom, shall be by such Trustees applied in the Manner herein-before directed with respect to Money paid into the Bank of England, but it shall not be necessary to obtain any Order of the Court for that Purpose.

XLI. And

XLI. And with respect to any such Money which shall not exceed the Sum of Twenty Pounds, be it enacted, That the same shall be paid to the Parties who would for the Time being have been entitled to the Rents and Profits of the Lands in respect whereof the same shall be payable, for their own Use and Benefit; or in case of the Coverture, Infancy, Idiocy, Lunacy, or other Incapacity of any such Parties, then such Money shall be paid, for their own Use, to the respective Husbands, Guardians, Committees, or Trustees of such Persons.

Sums not exceeding 20l. to be paid to Parties.

XLII. And for the Purpose of providing for the Payment and Application in certain Cases of the Purchase Money or Compensation to be paid in respect of any such Lands not belonging to Parties under Disability, be it enacted, That in the following Cases, (that is to say,) if the Owner of any such Lands; or of any Interest therein, on Tender of the Purchase Money or Compensation either agreed or awarded to be paid, refuse to accept the same, or if any such Person fail to make out a Title to the Lands in respect whereof such Purchase Money or Compensation shall be payable, or to the Interest therein claimed by him, to the Satisfaction of the Council or their Committee, or if such Owner be gone out of the Kingdom, or cannot be found, or be not known, or refuse to convey or release such Lands as directed by the Council or their Committee, it shall be lawful for the said Corporation to deposit the Purchase Money or Compensation payable in respect thereof, or any Interest therein, in the Bank of England, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account there to the Credit of the Parties interested therein, (describing them, as far as the Council or their Committee can do), subject to the Control and Disposition of the said Court; and upon Receipt of such Money the Cashier of such Bank shall give to the Party paying in such Money a Receipt for such Money, specifying therein for what and for whose Use (described as aforesaid) the same shall have been received, and in respect of what Purchase the same shall have been paid in; and thereupon all the Interest in such Lands in respect whereof such Purchase Money or Compensation shall have been deposited shall vest absolutely in the said Mayor, Aldermen, and Burgesses.

Where Parties fail to convey, or do not show Title, the Purchase Money to be deposited.

Order for Application

XLIII. And be it enacted, That upon the Application by Petition of any Party making claim to the Money so deposited, as last aforesaid, or any Part thereof, or to the Property purchased or taken by the said Corporation, or any Part thereof, or any Interest in the same, the said Court of Chancery may in a summary Way, as to such Court shall seem fit, order such Money to be laid out or invested in the Public Funds, or may order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estates, Titles, or Interests of the Parties making claim to such Money or Lands, or any Part thereof, and may make such other Order in the Premises as to such Court shall seem fit.

Application of Money so deposited.

XLIV. Provided always, and be it enacted, That where any Purchase Money or Compensation paid into the Court of Chancery under the Provisions of this Act shall have been paid in respect of any

Court of Chancery may direct Investment

[Local.]

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Lease

of the Court for that Purpose

or Payment
of Money in
respect of
Leases for
Lives, Years,
&c., or Re-
versions.

Lease for Lives or Years, or any Estate in Lands less than the whole Fee Simple thereof, or of any Reversion dependent on any such Lease or Estate, it shall be lawful for the Court of Chancery, on the Petition of any Party interested in such Money, to order that the same shall be laid out, invested, accumulated, and paid in such Manner as the said Court may consider will give to the Parties interested in such Money the same Benefit therefrom as they might have legally had from the Lease, Estate, or Reversion in respect of which such Money shall have been paid, or as near thereto as may be.

Party in
possession
deemed to
be the
Owner.

XLV. And be it enacted, That if any Question arise respecting the Title to the Lands in respect whereof such Monies shall have been so paid or deposited as aforesaid, the Parties respectively in possession or receipt of the Rents thereof at the Time of the same being purchased or taken shall, for the Purposes of this Act, be deemed to have been lawfully entitled thereto until the contrary be shown to the Satisfaction of the Court; and unless the contrary be shown as aforesaid the Parties so in possession, and all Parties claiming under them, or consistently with their Possession, shall be deemed entitled to the Money so deposited, and to the Dividends or Interest of the Annuities or Securities purchased therewith, and the same shall be paid and applied accordingly.

Costs in
Cases of
Money de-
posited.

XLVI. And with respect to Costs in Cases of Monies deposited in the Bank of *England*, be it enacted, That the Court of Chancery may in all such Cases, except where Monies shall have been so deposited by reason of the wilful Refusal of any Party entitled thereto to receive the same, or to convey or release the Lands in respect whereof the same shall be payable, order the Costs of the following Matters, including therein all reasonable Charges and Expences incident thereto, to be paid by the said Mayor, Aldermen, and Burgesses; (that is to say,) the Costs of the Purchase or of the taking or using of the Lands, or which shall have been incurred in consequence thereof, other than such Costs as are herein otherwise provided for, and the Costs of the Investment of such Monies in Government or Real Securities, and of the Reinvestment thereof, or of the Government or Real Securities purchased therewith, in the Purchase of other Lands, and also the Costs of obtaining the proper Orders for any of the Purposes aforesaid, and of the Orders for the Payment of the Dividends and Interest of the Government or Real Securities upon which such Monies shall be invested, and for the Payment out of Court of the Principal of such Monies, or of the Government or Real Securities whereon the same shall be invested, and of all other Proceedings relating thereto, except such as are occasioned by Litigation between adverse Claimants.

Payment of
Price to be
made pre-
vious to En-
try, except
to survey,
&c.

XLVII. And be it enacted, That the Mayor, Aldermen, and Burgesses shall not, except by Consent of the Owner and Occupier, enter upon any Lands which shall be required to be purchased or permanently used for the Purposes of this Act until they shall either have paid to every Party having any Interest in such Lands, or deposited in the Bank of *England*, in the Manner herein mentioned, the Purchase Money or Compensation agreed or awarded to be paid
to

to such Parties respectively for their respective Interests therein : Provided always, that for the Purpose merely of surveying and taking Levels of such Lands it shall be lawful for the Mayor, Aldermen, and Burgesses to enter upon the same without the previous Consent of the Owners, making Compensation for any Damage thereby occasioned to the Owners or Occupiers thereof.

XLVIII. And be it enacted, That if the Mayor, Aldermen, and Burgesses, or any of their Contractors, shall, except as aforesaid, wilfully enter upon and take possession of any Lands which shall be required to be purchased or permanently used for the Purposes of this Act, without such Consent as aforesaid, or without having made such Payment or Deposit as aforesaid, the Mayor, Aldermen, and Burgesses shall forfeit to the Parties in possession thereof the Sum of Ten Pounds, over and above the Amount of any Damage done thereto by reason of such Entry and taking possession as aforesaid, such Penalty and Damage respectively to be recovered before Two Justices not being Members of the Council; and if the Mayor, Aldermen, and Burgesses, or their Contractors, shall, after Conviction in such Penalty, as aforesaid, or after Notice from the Party in possession of the same, wilfully continue in unlawful Possession thereof, the Mayor, Aldermen, and Burgesses shall be liable to forfeit the Sum of Twenty-five Pounds for every Day they or their Contractors shall so remain in possession as aforesaid, such Penalty to be recoverable by the Party in possession thereof, with full Costs of Suit, in any of the Superior Courts: Provided always, that nothing herein contained shall be held to subject the Mayor, Aldermen, and Burgesses to the Payment of any such Penalties as aforesaid if they shall *bond fide* and without Collusion have paid or deposited the Compensation agreed or awarded to be paid in respect of the said Lands to any Person whom the Council or their Committee may have reasonably believed to be entitled thereto, although such Person may not have been legally entitled thereto.

Penalty on Mayor, &c. entering upon Lands without Consent, before Payment of the Purchase Money.

XLIX. And be it enacted, That on the Trial of any Action for any such Penalty as aforesaid the Decision of the Justices under the Provision herein-before contained shall not be held conclusive as to the Right of Entry on any such Lands by the Mayor, Aldermen, and Burgesses.

Decision of Justices not conclusive as to Right of Mayor, &c.

L. And be it enacted, That when the Council or their Committee shall require to purchase any of the Lands which by this Act the said Corporation is authorized to purchase or take, they shall, under the Hand of their Town Clerk, give Notice thereof to all the Parties interested in such Lands, or enabled by this Act to sell and convey or release the same, or such of them as shall be known, and by such Notice shall demand from such Parties the Particulars of their Estate and Interest in such Lands, and of the Claims made by them in respect thereof; and every such Notice shall be in Writing, or partly in Writing and partly in Print, and shall state the Particulars of the Lands so required, and shall state that the Council or their Committee are willing to treat for the Purchase of the Interest of such Party in such Lands, and as to the Compensation to be made for the

Notice of Intention to take Lands.

Damage

Damage that may be sustained by him by reason of the Execution of this Act...

Parties interested in Lands to state their Claims.

LI. And be it enacted, That if for One Month after the Receipt of such Notice any such Party shall fail to state the Particulars of his Claim in respect of any such Lands...

Proceedings in case of Refusal to deliver Possession of Lands.

LII. And be it enacted, That where, according to the Provisions of this Act, the Mayor, Aldermen, and Burgesses are authorized to enter upon and take possession of any Lands required for the Purposes of this Act...

Disputes as to Compensation to be settled by a Jury.

LIII. And for the Purpose of making Provision for settling Cases of disputed Compensation arising under this Act, be it enacted, That if any Difference shall arise, or if no Agreement can be come to between the Council or their Committee and the Owners and Occupiers of any Lands...

shall be settled by the Verdict of a Jury in manner herein after mentioned.

LIV. Provided always, and be it enacted, That if the Compensation or Damages claimed in any of the Cases mentioned in this Act shall not exceed Fifty Pounds, the same shall be settled by Two Justices not being Members of the Council.

Claims not exceeding 50^l. to be settled by 2 Justices.

LIV. And be it enacted, That where in the Opinion of the Council or their Committee it shall be necessary to refer any such Question to the Determination of a Jury, by reason of any such Difference as aforesaid, then, One Month at the least before issuing any Warrant for summoning a Jury as herein provided, the Town Clerk shall give Notice in Writing to the Party with whom such Difference shall have arisen of the Intention of the Council or their Committee to cause such Jury to be summoned, and such Notice shall state what Sum of Money they are willing to give such Party for his Interest in such Lands required to be taken, and for the Damage to be sustained by him by the Execution of this Act.

Notice by Council of Intention to have a Jury, summoned.

LVI. And be it enacted, That if any Party who shall be entitled to any Compensation in respect of any Lands, or of any Interest therein, taken for or injuriously affected by the Execution of this Act, or in respect of Goodwill, Improvements, or any Injury or Damage whatsoever, to the Amount or supposed Amount of Fifty Pounds, shall desire the Amount of such Compensation to be determined by a Jury, it shall be lawful for such Party to give Notice in Writing to the Town Clerk of such his Desire, and he shall in such Notice state the Nature of the Interest claimed by him in such Lands, and the Amount of the Compensation claimed by him in respect thereof; and unless the Council or their Committee shall be willing to pay the Amount of the Compensation or Damage so claimed, and shall by their Town Clerk signify the same in Writing to such Party within Twenty one Days after the Receipt of such Notice, then the Mayor, on Request, shall issue his Warrant to the Sheriff to summon a Jury accordingly in the Manner herein mentioned.

Requisition by Party claiming Compensation to have a Jury summoned.

LVII. And be it enacted, That in every Question of disputed Compensation which shall be required to be determined by the Verdict of a Jury the Mayor shall issue his Warrant to the Sheriff of the County of Warwick, under the Seal of the said Mayor, requiring him to summon a Jury for that Purpose; and if such Sheriff be interested in the Matter in dispute, such Application shall be made to some Coroner of the said County; and if all the Coroners of such County be so interested, such Application may be made to some Person having filled the Office of Sheriff or Coroner in such County, and who shall be then living there, and who shall not be interested in the Matter in dispute; and with respect to the Persons last mentioned Preference shall be given to one who shall have most recently served either of the said Offices.

Warrant for summoning a Jury to be addressed to the Sheriff of the County of Warwick.

LVIII. And be it enacted, That throughout the Enactments contained in this Act relating to the Reference to a Jury, where the

Provisions applicable to Sheriff to

apply to
Coroner.

Term "Sheriff" is used, the Provisions applicable thereto shall be held to apply to every Coroner or other Person lawfully acting in his Place; and in every Case in which any such Warrant shall have been directed to any other Person than the Sheriff such Sheriff shall, immediately on receiving Notice of the Delivery of the Warrant, deliver over, on Application for that Purpose, to the Person to whom the same shall have been directed, or to any Person appointed by him to receive the same, the Jurors Book and Special Jurors List belonging to the said County.

Summoning
of Jurymen.

LIX. And be it enacted, That upon the Receipt of such Warrant the Sheriff shall summon a Jury of Twenty-four indifferent Persons, duly qualified to act as Common Jurymen in the Superior Courts, to meet at the Time and Place named in the Warrant for that Purpose, not being less than Twenty-one Days from the issuing of such his Summons: Provided always, that no Burgess or rated Inhabitant of the City of *Coventry* shall be qualified to act as such Jurymen.

Impannell-
ing of Jury.

LX. And be it enacted, That out of the Jurors appearing to such Summons a Jury of Twelve Persons shall be drawn in such Manner as Juries for Trials of Issues joined in the Superior Courts are by Law required to be drawn; and if a sufficient Number of Jurymen do not appear in obedience to such Summons the Sheriff shall return other indifferent Men, duly qualified as aforesaid, of the By-standers, or others that can be speedily procured, to make up the Jury to the Number aforesaid; and all Parties concerned may have their lawful Challenges against any of the Jurymen, but no such Party shall challenge the Array.

Notice of
Inquiry.

LXI. And be it enacted, That Fourteen Days Notice of the Time and Place of the Inquiry shall be given in Writing by the Party requiring the Jury to the other Party.

Sheriff to
preside;

LXII. And be it enacted, That the Sheriff shall preside on the said Inquiry, and the Party on whose Requisition such Jury shall have been summoned shall be deemed the Plaintiff, and shall have all such Rights and Privileges as the Plaintiff is entitled to in the Trial of Actions at Law; and if either Party so request, in Writing, the Sheriff shall summon before him any Person considered necessary to be examined as a Witness touching the Matters in question; and on the like Request the Sheriff shall order the Jury, or any Six or more of them, to view the Place or Matter in controversy, in like Manner as Views may be had in the Trial of Actions in the Superior Courts.

Witnesses to
be sum-
moned.

Jurymen to
make Oath.

LXIII. And be it enacted, That before the Jury proceed to inquire of and assess the Compensation or Damage in respect of which their Verdict is to be given they shall make Oath that they will truly and faithfully inquire of and assess such Compensation or Damage; and the Sheriff shall administer such Oath, as well as the Oaths of all Persons called upon to give Evidence.

Verdict of
Jury to be
for Purchase

LXIV. And be it enacted, That such Jury shall deliver their Verdict for the Sum of Money to be paid for the Purchase of the Lands

Lands required for the Purposes of this Act, or of any Interest therein, belonging to the Party with whom such Questions of disputed Compensation shall so have arisen, and also the Sum of Money to be paid for the Injury done to the Lands of any such Party by the Severance from such Lands of the Lands required by the Council, and also the Sum of Money to be paid by way of Compensation for the Damage occasioned to any such Lands by the Execution of the Works, whether it be for Damage sustained before the Time of the Inquiry, or for future Damage, either temporary or permanent, or for any recurring Damage of which the Cause is then only in part obviated, and which cannot or will not be further obviated by the said Corporation; and the Sums of Money to be paid for the Injury done by any such Severance as aforesaid, or by way of Compensation for any such Damage as aforesaid, shall in every Case be assessed separately from the Value of the Lands, or the Sum to be paid for the Purchase thereof or of any Interest therein.

of Lands and for Damage, assessed separate.

LXV. And be it enacted, That in assessing the Sum of Money to be paid for the Purchase of any such Lands the Value of any Interest in such Lands as shall have been heretofore rightfully purchased by the said Corporation as shall belong to them shall be first deducted.

Value of Interests previously purchased to be deducted.

LXVI. And be it enacted, That the Sheriff before whom such Inquiry shall be held shall give Judgment for the Purchase Money or Compensation assessed by such Jury; and the said Verdict and Judgment shall be signed by the Sheriff, and being so signed shall be kept by the Clerk of the Peace among the Records of the Quarter Sessions of the County of Warwick; and such Verdicts and Judgments shall be deemed Records, and the same, or true Copies thereof, shall be good Evidence in all Courts and elsewhere; and all Persons may inspect the said Verdicts and Judgments, and may have Copies thereof or Extracts therefrom, on paying for each Inspection thereof One Shilling; and for every One hundred Words copied or extracted therefrom Sixpence.

Verdict and Judgment to be recorded.

LXVII. And be it enacted, That on every such Inquiry before a Jury, where the Verdict of the Jury shall be given for the same or a greater Sum than the Sum previously offered by the Council, all the Costs of such Inquiry shall be borne by the Mayor, Aldermen, and Burgesses; but if the Verdict of the Jury be given for a less Sum than the Sum previously offered by the Council, one Half of the Costs shall be defrayed by the Owner, and the other Half by the Mayor, Aldermen, and Burgesses: Provided always, that in every Case where by reason of Absence in Foreign Parts or of any Disability the Owner shall have been prevented from treating with the Council, all the Costs shall be borne by the Mayor, Aldermen, and Burgesses.

Costs of the Inquiry.

LXVIII. And be it enacted, That such Costs shall be settled by the Sheriff, and such Costs shall include all reasonable Costs, Charges, and Expences incurred in summoning, impannelling, and returning the Jury, taking the Inquiry, the Attendance of Witnesses, the Employment of Counsel, recording the Verdict and Judgment thereon,

Particulars of the Costs.

thereon; and otherwise incident to such Inquiry; and also the Expences of the Bond (if any) given by the Party at whose Instance the Inquiry shall have been taken, for prosecuting his Claim and securing the Costs of such Inquiry; and with respect to any such Costs payable by the Mayor, Aldermen, and Burgesses, if within Seven Days after Demand such Costs be not paid to the Party entitled to receive the same the same shall be recoverable by Distress, and on Application to any Justice he shall give his Warrant accordingly; and with respect to any such Costs payable by the Owner of the Lands; or of any Interest therein, the same may be deducted out of any Money awarded by the Jury to be paid to such Owner as so much Money advanced for his Use, and the Payment of the Remainder of such Money shall be a good Payment and Satisfaction of the whole thereof.

Penalty on Sheriff and Jury for Default.

LXIX. And be it enacted, That if the Sheriff make default in any of the Matters herein before required to be done by him in relation to any such Trial or Inquiry, he shall forfeit Fifty Pounds for every such Offence; and if any Person summoned and returned upon any Jury under this Act, whether common or special, do not appear, or appear but refuse to make Oath, or in any other Manner unlawfully neglect his Duty, he shall, unless he show reasonable Excuse to the Satisfaction of the Sheriff, forfeit a Sum not exceeding Ten Pounds; and every such Penalty payable by a Sheriff or Jurymen shall be applied in satisfaction of the Costs of the Inquiry, so far as the same shall extend; and in addition to the Penalty hereby imposed every such Jurymen shall be subject to the same Regulations, Pains, and Penalties as if such Jury had been returned for the Trial of any Issue joined in any of the Superior Courts.

Penalty on Witnesses making default.

LXXI. And be it enacted, That if any Person duly summoned to give Evidence upon any such Inquiry, and to whom a Tender of his reasonable Expences shall have been made, fail to appear at the Time and Place specified in the Summons, without sufficient Cause, or if any Person, whether summoned or not, who shall appear as a Witness, refuse to be examined on Oath touching the Subject Matter in question, every Person so offending shall forfeit a Sum not exceeding Ten Pounds.

Special Jury to be summoned at the Request of either Party.

LXXI. And be it enacted, That if either Party desire any such Question of disputed Compensation or Damage as aforesaid, amounting or supposed to amount to more than Fifty Pounds, to be tried before a Special Jury, and before the Mayor has issued his Warrant as aforesaid to the Sheriff give Notice in Writing to the Mayor of such Desire, such Question shall be so tried; and for that Purpose the Mayor shall, by his Warrant under his Seal to the Sheriff, require him to nominate a Special Jury, and thereupon the Sheriff shall, as soon as conveniently may be, after the Receipt by him of such Warrant, summon both the Parties to appear before him, by themselves or their Attornies, at some convenient Time and Place (not being less than Five Days from the Service of such Summons) appointed by him, for the Purpose of nominating a Special Jury; and at the Time and Place so appointed the Sheriff shall proceed to nominate

nominate and strike a Special Jury in the Manner in which such Juries shall be required by the Laws for the Time being in force to be nominated or struck by the proper Officers of the Superior Courts; and the Sheriff shall appoint a Day for the Parties or their Agents to appear before him to reduce the Number of such Jury; and thereof shall give Four Days Notice to the Parties; and on the Day so appointed the Sheriff shall proceed to reduce the said Special Jury to the Number of Twenty, in the Manner used and accustomed by the proper Officers of the Superior Courts.

LXXII. And be it enacted, That the Special Jury on such Inquiry shall consist of Twelve of the said Twenty who shall first appear on the Names being called over, the Parties having their lawful Challenges against any of the said Jurymen; and if a full Jury do not appear, or if after such Challenges a full Jury do not remain, then upon the Application of either Party, the Sheriff shall add to the List of such Jury the Names of any other disinterested Persons qualified to act as Special or Common Jurymen who shall not have been previously struck off the aforesaid List, and who may then be attending the Court, or can speedily be procured, so as to complete such Jury; all Parties having their lawful Challenges against such Persons; and the Sheriff shall proceed to the Trial and Adjudication of the Matters in question by such Jury; and such Trial shall be attended in all respects with the like Incidents and Consequences as therein before provided in the Case of a Trial by Common Jury.

In a Deficiency of Jurymen.

no person
has been
so struck
off

LXXIII. And be it enacted, That any other Inquiry than that for the Trial of which such Special Jury may have been struck and reduced as aforesaid may be tried by such Jury, provided the Parties thereto respectively shall give their Consent to such Trial.

Other Inquiries before same Jury by Consent.

LXXIV. And be it enacted, That no Special Jurymen shall, without his Consents be summoned or required to attend any such Proceedings as aforesaid more than once in any Year.

Jurymen not to attend more than once.

LXXV. And with respect to any such Question of disputed Compensation or other Matter of Difference by this Act authorized to be referred to the Determination of Two Justices, not being Members of the Council, be it enacted, That either Party may apply to such Justices in respect to any such Matter; and thereupon such Justices, in the Presence of the Parties, or such of them as shall appear, being duly summoned for that Purpose, shall examine into the Matter in dispute, and shall award such an Amount of Compensation, or shall make such Determination in respect of the Matter so referred to them, as to them shall seem fit; and the Costs of every such Inquiry shall be in the Discretion of such Justices, and they shall settle the Amount thereof; and in default of Payment of such Costs as directed by such Justices the same shall be levied by Distress, and the said Justices shall issue their Warrant accordingly.

Proceedings on Disputes as to Compensation before Justices.

Special Jury to be summoned both Parties to appear

LXXVII. And be it enacted, That if at any Time after the Mayor, Aldermen, and Burgesses shall have entered upon any Lands which under the Provisions of this Act they were authorized to purchase, the Council empowered to purchase the Interest in

Local

Lands the Purchase whereof may have been omitted by Mistake.

and which shall be permanently required for the Purposes of this Act, any Party shall appear to be entitled to any Estate, Right, or Interest in or Charge affecting such Lands which the Council shall have failed or omitted duly to purchase or pay Compensation for, then, whether the Period granted for the Purchase of the Lands shall have expired or not, the Mayor, Aldermen, and Burgesses shall remain in the undisturbed Possession of such Lands, provided, within Six Calendar Months after Notice of such Estate, Right, Interest, or Charge, in case the same shall not be disputed by the Council, or in case the same shall be disputed, then within Six Calendar Months after the Right thereto shall have been finally established by Law in favour of the Party claiming the same, the Council shall purchase or pay Compensation for the same, and shall also pay to such Party, or to any other Party who may establish a Right thereto, full Compensation for the mesne Profits or Interests which would have accrued to such Parties respectively in respect thereof during the Interval between the Entry of the Mayor, Aldermen, and Burgesses thereon and the Time of the Payment of such Purchase Money or Compensation by the Council, so far as such mesne Profits or Interest may be recoverable in Law or Equity; and such Purchase Money or Compensation shall be agreed on or awarded and paid in like Manner as according to the Provisions of this Act the same respectively would have been agreed on or awarded and paid in case the Council had purchased such Estate, Right, Interest, or Charge before the Mayor, Aldermen, and Burgesses entering upon such Lands, or as near thereto as Circumstances will admit.

How Value of such Premises to be estimated.

LXXVII. And be it enacted, That in estimating any Compensation to be given for any such last-mentioned Lands, or any Estate or Interest in the same, or for any mesne Profits thereon, the Jury shall assess the same at such Price as they shall find to be the Value of such Lands, Estate, or Interest and Profits, without regard to any Improvements or Works made in the said Lands by the Council.

Mayor, Aldermen, and Burgesses to pay the Costs of Litigation as to such Lands.

LXXVIII. And be it enacted, That in addition to the said Purchase Money, Compensation, or Satisfaction, and before the Mayor, Aldermen, and Burgesses shall become absolutely entitled to any such Estate, Interest, or Charge last herein-before mentioned, or to have the same merged or extinguished for their Benefit, they shall, when the Right to any such Estate, Interest, or Charge shall be disputed, pay the full Costs and Expences of any Proceedings at Law or in Equity for the Recovery of the same to the Parties with whom any Litigation by the said Corporation in respect thereof shall have taken place; and such Costs and Expences shall, in case the same shall be disputed, be settled by the proper Officer of the Court in which such Litigation took place.

Parties not to be required to sell Part of a House.

LXXIX. And be it enacted, That no Party shall at any Time be required to sell or convey to the Mayor, Aldermen, and Burgesses a Part only of any House, if such Party be willing to sell and convey the whole thereof.

LXXX. And

LXXX. And with respect to any such Lands which shall be subject to any Mortgage, be it enacted, That the Council may purchase or redeem the Interest of the Mortgagee of such Lands, and that whether they shall have previously purchased the Equity of Redemption of such Lands or not, and whether the Mortgagee thereof be entitled thereto in his own Right, or in trust for any other Party, and whether he be in possession of such Lands by virtue of such Mortgage or not, and whether such Mortgage affect such Lands solely, or jointly with any other Lands not required for the Purposes of this Act; and in order thereto the Council may pay or tender to such Mortgagee the Principal and Interest due on such Mortgage, together with his Costs and Charges (if any), and also Six Months additional Interest, thereupon such Mortgagee shall immediately convey his Interest in the Lands comprised in such Mortgage to the Mayor, Aldermen, and Burgesses, or as the Council or their Committee shall direct, or the Council or their Committee may give Notice in Writing to such Mortgagee that they will pay off the Principal and Interest due on such Mortgage at the End of Six Months, computed from the Day of giving such Notice; and if they shall have given any such Notice, or if the Party entitled to the Equity of Redemption of any such Lands shall have given Six Months Notice of his Intention to redeem the same, then at the Expiration of either of such Notices, or at any intermediate Period, upon Payment or Tender by the Council to the Mortgagee of the Principal Money due on such Mortgage, and the Interest which would become due at the End of Six Months from the Time of giving either of such Notices, together with his Costs and Expences (if any), such Mortgagee shall convey or release his Interest in the Lands comprised in such Mortgage to the Mayor, Aldermen, and Burgesses, or as the Council shall direct.

Power to
redeem
Mortgages.

LXXXI. And be it enacted, That if in either of the Cases aforesaid, upon such Payment or Tender, any Mortgagee shall fail to convey or release his Interest in such Mortgage as directed by the Council or their Committee, or if he fail to adduce a good Title thereto to their Satisfaction, then it shall be lawful for the Council, at any Time after such Failure, to pay into the Bank of *England*, in the Manner provided by this Act in Cases of Money directed to be deposited in such Bank, the Principal and Interest, together with the Costs (if any) due on such Mortgage, and also, if such Payment be made before the Expiration of Six Months Notice as aforesaid, such further Interest as would at that Time become due; and thereupon, as well as upon such Conveyance by the Mortgagee, (if any such be made,) all the Estate and Interest of such Mortgagee, and of all Persons in trust for him, or for whom he may be a Trustee, in such Lands, shall vest in the Mayor, Aldermen, and Burgesses, and they shall be deemed to be in the actual Possession thereof in case such Mortgagee were himself entitled to such Possession.

Deposit of
Mortgage-
Money on
Refusal to
accept Re-
demption.

LXXXII. And with respect to any such mortgaged Lands which shall be of less Value than the Principal, Interest, and Costs secured thereon, be it enacted, That the Value of such Lands, or the Compensation to be made by the Council in respect of the same, shall be settled by Agreement between the Mortgagee of such Lands and the

Sum to be
paid when
Mortgage
exceeds
Value of
Lands.

Party

Party entitled to the Equity of Redemption on the one Part, and the Council or their Committee on the other Part; and if the Parties aforesaid fail to agree respecting the Amount of such Value or Compensation, the same shall be determined as in other Cases of disputed Compensation; and the Amount of such Value or Compensation, being so agreed upon or determined, shall be paid by the Mayor, Aldermen, and Burgesses to the Mortgagee in satisfaction of his Mortgage Debt, as far as the same will extend, and upon Payment or Tender thereof the Mortgagee shall convey or release all his Interest in such mortgaged Lands to the Mayor, Aldermen, and Burgesses, or as the Council or their Committee shall direct.

Deposit of such Money when refused on Tender.

LXXXIII. And be it enacted, That if upon such Payment or Tender as aforesaid being made any such Mortgagee fail so to convey his Interest in such Mortgage, or to adduce a Title thereto to the Satisfaction of the Council, then they may pay the Amount of such Value or Compensation into the Bank of England, in the Manner provided by this Act in the Case of Money required to be deposited in such Bank; and every such Payment or Deposit shall be accepted by the Mortgagee in satisfaction of his Mortgage Debt, so far as the same will extend, and shall be a full Discharge of such mortgaged Lands from all Monies due thereon; and thereupon such Lands, as to all such Estate and Interest as were then vested in the Mortgagee, or any Person in trust for him, shall become absolutely vested in the Mayor, Aldermen, and Burgesses, and they shall be deemed to be in the actual Possession thereof in case such Mortgagee were himself entitled to the Possession thereof; nevertheless all Rights and Remedies possessed by the Mortgagee against the Mortgagor, by virtue of any Bond or Covenant or other Obligation other than the Right to such Lands, shall remain in force in respect of so much of the Mortgage Debt as shall not have been satisfied by such Payment or Deposit.

Sum to be paid where Part only of mortgaged Lands taken.

LXXXIV. And with respect to any such mortgaged Lands of which only a Part shall be required for the Purposes of this Act, be it enacted, That if the Part so required be of less Value than the Principal Money, Interest, and Costs secured on such Lands, and the Mortgagee shall not consider the remaining Part of such Lands a sufficient Security for the Money charged thereon, or be not willing to release the Part so required, then the Value of such Part, and also the Compensation (if any) to be paid in respect of the Severance thereof, or otherwise, shall be settled by Agreement between the Mortgagee and the Party entitled to the Equity of Redemption of such Lands on the one Part, and the Council or their Committee on the other; and if the Parties aforesaid fail to agree respecting the Amount of such Value or Compensation, the same shall be determined as in other Cases of disputed Compensation; and the Amount of such Value or Compensation, being so agreed upon or determined, shall be paid by the Mayor, Aldermen, and Burgesses to such Mortgagee in satisfaction of his Mortgage Debt, so far as the same will extend, and thereupon such Mortgagee shall convey or release to them, or as they shall direct, all his Interest in such mortgaged Lands the Value whereof shall have been so paid; and a Memorandum of

of what shall have been so paid shall be endorsed on the Deed creating such Mortgage, and shall be signed by the Mortgagee, and a Copy of such Memorandum shall at the same Time (if required) be furnished by the said Corporation, at the Expence of the Mayor, Aldermen, and Burgesses, to the Party entitled to the Equity of Redemption of the Lands comprised in such Mortgage Deed.

LXXXV. And be it enacted, That if upon Payment or Tender to any such Mortgagee of the Amount of the Value or Compensation so agreed upon or determined such Mortgagee shall fail to convey or release to the Mayor, Aldermen, and Burgesses, or as the Council or their Committee shall direct, his Interest in the Lands in respect of which such Compensation shall so have been paid or tendered, or if he shall fail to adduce a good Title thereto to the Satisfaction of the Council or their Committee, it shall be lawful for the Council to pay the Amount of such Value or Compensation into the Bank of England in the Manner provided by this Act in the Case of Monies required to be deposited in such Bank; and such Payment or Deposit shall be accepted by such Mortgagee in satisfaction of his Mortgage Debt, so far as the same will extend, and shall be a full Discharge of the Portion of the mortgaged Lands so required from all Money due thereon; and thereupon such Lands shall become absolutely vested in the Mayor, Aldermen, and Burgesses as to all such Estate and Interest as were then vested in the Mortgagee or any Person in trust for him, and in case such Mortgagee were himself entitled to such Possession they shall be deemed to be in the actual Possession thereof; nevertheless every such Mortgagee shall have the same Powers and Remedies for recovering or compelling Payment of the Mortgage Money, or the Residue thereof, (as the Case may be,) and the Interest thereof respectively, upon and out of the Residue of such mortgaged Lands, or the Portion thereof not required for the Purposes of this Act, as he would otherwise have had or been entitled to for recovering or compelling Payment thereof upon or out of the whole of the Lands originally comprised in such Mortgage.

Deposit of such Money when refused on Tender.

To the effect of the above Act

LXXXVI. And with respect to any Lands which shall be charged with any Rent Service, Rent-charge, or chief or other Rent, or other Payment or Incumbrance, be it enacted, That if any Difference shall arise between the Council or their Committee and the Party entitled to any such Charge respecting the Consideration to be paid for the Release of such Lands therefrom, or from the Portion thereof affecting the Lands required for the Purposes of this Act, the same shall be determined as in other Cases of disputed Compensation.

Release of Lands from Rent-charges.

LXXXVII. And be it enacted, That if Part only of the Lands charged with any such Rent Service, Rent-charge, chief or other Rent, Payment, or Incumbrance, be required to be taken for the Purposes of this Act, the Apportionment of any such Charge may be settled by Agreement between the Party entitled to such Charge and the Owner of the Lands on the one Part, and the Council on the other Part; and if such Apportionment be not so settled by Agreement, the same shall be settled by Two Justices, not being Members of the Council; but if the remaining Part of the Lands so jointly

Release of Part of Lands from Charge.

[Local.]

subject

subject be a sufficient Security for such Charge, then, with Consent of the Owner of the Lands so jointly subject, such Owner not being under legal Disability or Incapacity, the Party entitled to such Charge may release therefrom the Lands required, on condition or in consideration of such other Lands remaining exclusively subject to the whole thereof.

Deposit in
case of Re-
fusal to
release.

LXXXVIII. And be it enacted, That upon Payment or Tender of the Compensation so agreed upon or determined to the Party entitled to any such Charge as aforesaid such Party shall execute to the Mayor, Aldermen, and Burgesses a Release of such Charge; and if he fail so to do, or if he fail to adduce a good Title to such Charge to the Satisfaction of the Council or their Committee, they shall pay the Amount of such Compensation into the Bank of *England* in the Manner provided by this Act in the like Cases of Monies required to be deposited in such Bank, and thereupon the Rent Service, Rent-charge, chief or other Rent, Payment, or Incumbrance, or the Portion thereof in respect whereof such Compensation shall so have been paid, shall cease and be extinguished.

Charge to
continue on
Lands not
taken.

LXXXIX. And be it enacted, That if any such Lands be so released from any such Charge or Incumbrance, or Portion thereof, to which they were subject jointly with other Lands, such last-mentioned Lands shall alone be charged with the whole of such Charge, or with the Remainder thereof, as the Case may be, and the Party entitled to the Charge shall have all the same Rights and Remedies over such last-mentioned Lands, for the whole or for the Remainder of the Charge (as the Case may be), as he had previously over the whole of the Lands subject to such Charge; and if upon any such Charge or Portion of Charge being so released the Deed or Instrument creating or transferring such Charge be tendered to the Council for that Purpose, the Council shall cause a Memorandum of such Release, under the Common Seal of the Mayor, Aldermen, and Burgesses, to be endorsed on such Deed or Instrument, declaring what Part of the Lands originally subject to such Charge shall have been purchased by virtue of this Act, and if the Lands be released from Part of such Charge, what Proportion of such Charge shall have been released, and how much thereof continues payable, or if the Lands so required shall have been released from the whole of such Charge, then that the remaining Lands are thenceforward to remain exclusively charged therewith; and such Memorandum shall be made and executed at the Expence of the Mayor, Aldermen, and Burgesses, and shall be Evidence in all Courts and elsewhere of the Facts therein stated, but not so as to exclude any other Evidence of the same Facts.

When Part
only of
Land under
Lease taken,
the Rent to
be appor-
tioned.

XC. And with respect to any such Lands which shall be comprised in a Lease for a Term of Years unexpired, Part only of which Lands shall be required for the Purposes of this Act, be it enacted, That the Rent payable in respect of the Lands comprised in such Lease shall be apportioned between the Lands so required and the Residue of such Lands; and such Apportionment may be settled by Agreement between the Lessor and Lessee of such Lands on the one Part, and the Council or their Committee on the other Part; and if such

such Apportionment be not so settled by Agreement between the Parties, such Apportionment shall be settled by Two Justices, not being Members of the Council; and after such Apportionment the Lessee of such Lands, as to all future accruing Rent, shall be liable only to so much of the Rent as shall be so apportioned in respect of the Lands not required for the Purposes of this Act; and the Lessor shall have all the same Rights and Remedies for the Recovery of such Rent as previously to such Apportionment he had for the Recovery of the whole Rent reserved by such Lease; and all the Covenants, Conditions, and Agreements of such Lease, except as to the Amount of Rent to be paid, shall remain in force with regard to that Part of the Lands which shall not be required for the Purposes of this Act, in the same Manner as they would have done in case such Part of the Lands had been included in the Lease.

XCI. And be it enacted, That every such Lessee as last aforesaid shall be entitled to receive from the Mayor, Aldermen, and Burgesses Compensation for the Damage done to him in his Tenancy by reason of the Severance of the Lands required from those not required, or otherwise by reason of the Execution of any such Works.

Lessees to be compensated where Lands are severed.

XCII. And with respect to any such Lands which shall be in the Possession of any Person having no greater Interest therein than as Tenant at Will, or Lessee for a Year, or from Year to Year, be it enacted, That at the Expiration of Six Months after receiving Notice to that Effect from the Council or their Committee, or Town Clerk, or at any other Time when required, after the Expiration of such Period, all such Persons shall respectively deliver up to the Council or their Committee, or to the Person appointed by them or either of them to take possession thereof, any such Lands in their Possession required for the Purposes of this Act; and any such Notice shall be effectual, whether it be given with reference to the Time of the Commencement of such Tenant's holding or not, and whether such Notice be given before or after the Purchase of such Lands by the Council.

Tenants at Will or from Year to Year to cede Possession on Six Months Notice.

XCIII. Provided always, and be it enacted, That if any such Person as last aforesaid be required to give up Possession of any Lands so occupied by him before the Expiration of his Term or Interest therein, he shall be entitled to Compensation for the Value of his unexpired Term or Interest in such Lands, or if a Part only of such Lands be required, Compensation for the Damage done to him in his Tenancy by the Severance of the Lands required from those not required; and the Amount of such Compensation shall be determined by Two Justices, not being Members of the Town Council, in case the Parties differ about the same.

Compensation to such Tenants.

XCIV. And be it enacted, That if any such Person refuse to give up such Possession it shall be lawful for the Council, after making Payment or Tender of such Compensation as herein-before mentioned, but not otherwise, to issue their Precept, in the Name and under the Common Seal of the Mayor, Aldermen, and Burgesses, to the Sheriff of the County of *Warwick*, to deliver up Possession of such Lands to the Person in such Precept nominated to receive the same; and upon the

On Refusal, Sheriff to give Possession.

the Receipt of such Precept the Sheriff shall deliver Possession of such Lands in obedience thereto; and the Party so refusing to give up Possession shall pay the Costs incurred in the issuing or Execution of such Precept, to be settled by the Sheriff, and if, on Demand, he fail to pay the same, they shall be levied by Distress, and the Sheriff shall issue his Warrant accordingly.

Production of Leases. XCV. And be it enacted, That if any Party claim Compensation in respect of any unexpired Term or Interest under any Lease or Grant of any such Lands the Council may require such Party to produce the Lease or Grant in respect of which such Claim shall be made, or the best Evidence thereof in his Power, to the Town Clerk, and if, after Demand made in Writing by the Town Clerk, such Lease or Grant, or the best Evidence thereof, be not produced within a reasonable Time, the Party so claiming Compensation shall be considered as a Tenant holding only from Year to Year, and be entitled to Compensation accordingly.

Compulsory Purchase limited to Five Years. XCVI. And be it enacted, That the Powers of the Council for the compulsory Purchase or taking of Lands for the Purposes of this Act shall not be exercised after the Space of Five Years from the passing thereof.

Land Tax to be made good. XCVII. And for the Purpose of providing against Deficiencies in the Assessment for the Land Tax occasioned by the Execution of the Powers of this Act within the said respective Parishes, be it enacted, That if the Mayor, Aldermen, and Burgesses become possessed by virtue of this Act of any Lands charged with the Land Tax, they shall from Time to Time be liable to make good the Deficiency in the Assessment for Land Tax arising within the said Parishes respectively by reason of such Lands having been taken or used for the Purposes of this Act, and such Deficiencies shall be computed according to the Rental at which such Lands, with any Building thereon, were valued or rated at the Time of the passing of this Act, and on Demand of such Deficiency the Treasurer under this Act shall pay all such Deficiencies to the Collector of the said Assessment; nevertheless if at any Time the Council think fit to redeem such Land Tax they may do so in accordance with the Powers in that Behalf given for the Redemption of the Land Tax.

Lands not wanted to be sold. XCVIII. And for the Purpose of making Provision respecting the Sale of any Lands acquired by the Mayor, Aldermen, and Burgesses for carrying out the first-named Purpose of this Act, but which shall not be required for the Purpose thereof, be it enacted, That the Council shall sell all such superfluous Lands in such Manner as they may deem most advantageous, and convey the same to the Purchasers thereof by Deed under a Common Seal of the Mayor, Aldermen, and Burgesses, and a Receipt of the Treasurer under this Act shall be a sufficient Discharge to the Purchaser of any such Lands for the Purchase Money in any such Receipt expressed to be received; and such Sales and Conveyances shall take place within Ten Years after the passing of this Act.

XCIX. And

XCIX. And be it enacted, That if the Corporation do not sell such superfluous Lands within the Period aforesaid, then such Lands remaining unsold at the Expiration of such Period shall thereupon vest in and become the Property of the Owners of the Lands adjoining thereto, in proportion to the Extent of their Lands respectively adjoining the same.

Lands not so sold to vest in Owners of adjoining Lands.

C. Provided always, and be it enacted, That before the Council dispose of any such superfluous Lands they shall first offer to sell the same to the Person then entitled to the Lands (if any) from which the same were originally severed; or if such Person refuse to purchase the same, or cannot be found, then the like Offer shall be made to the Person or to the several Persons whose Lands shall immediately adjoin the Lands so proposed to be sold, such Persons being capable of entering into a Contract for the Purchase of such Lands; and where more than One such Person shall be entitled to such Right of Pre-emption such Offer shall be made to such Persons in succession one after another in such Order as the Council shall think fit.

Lands to be offered to original or adjoining Owners.

CI. And be it enacted, That if such respective Persons be desirous of purchasing such Lands, then within Sixty Days after such Offer of Sale they shall signify their Desire in that Behalf to the Council, or if they decline such Offer, or if for Sixty Days, they neglect to signify their Desire to purchase such Lands, the Right of Pre-emption of every such Person so declining or neglecting in respect of the Lands included in such Offer shall cease; and thereupon a Declaration in Writing, made before a Justice by some Person not interested in the Matter in question, stating that the Person or all the Persons entitled to the Right of Pre-emption were out of the Country, or could not be found, or were not capable of entering into a Contract for the Purchase of such Lands, or that such Offer was made and was refused or not accepted within Sixty Days from the Time of making the same, shall in all Courts whatsoever, be sufficient Evidence of the Facts therein stated.

Right of Pre-emption to be claimed within Sixty Days.

CII. Provided always, and be it enacted, That in any Case in which the Council shall have purchased or acquired any Land under this Act within the said Borough it shall be lawful for the Council absolutely to sell and dispose of all or any Part of such Land to such Person and in such Manner as the Council shall think proper, without being required previously to offer to sell the same to the Persons whose Lands adjoin thereto.

Proviso as to Sale of Lands within the Borough.

CIII. And be it enacted, That if any Person entitled to such Pre-emption be desirous of purchasing any such Lands, and such Person and the Council do not agree as to the Price thereof, then such Price shall be ascertained as in other Cases of disputed Compensation; and upon Payment or Tender to the Council of the Purchase Money so agreed upon or determined they shall convey such Lands to the Party so entitled to purchase the same; and every such Conveyance shall be effectual for vesting the Lands comprised therein in the Purchaser thereof for the Estate which shall so have been purchased by

Differences as to Price to be settled as in other Cases.

[Local.]

him;

him; and the Money produced by the Sale of such Lands shall be applied by the Council for the Purposes of this Act.

Effect of the Word "grant" in Conveyances.

CIV. And be it enacted, That in every Conveyance of Lands to be made by the said Corporation under this Act the Word "grant" shall operate as express Covenants by the Mayor, Aldermen, and Burgesses, for themselves and their Successors, with the respective Grantees therein named, and the Successors, Heirs, Executors, Administrators, and Assigns of such Grantees, according to the Quality or Nature of such Grants, and of the Estate or Interest therein expressed to be thereby conveyed, as follows, except so far as the same shall be restrained or limited by express Words contained in any such Conveyance; (that is to say,)

A Covenant that, notwithstanding any Act or Default done by the Mayor, Aldermen, and Burgesses, they 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 expressed to be thereby granted, free from Incumbrances done or occasioned by them:

A Covenant that the Grantee of such Lands, his Heirs, Successors, Executors, Administrators, and Assigns, (as the Case may be,) shall quietly enjoy the same against the Mayor, Aldermen, and Burgesses, and their Successors, and all other Persons claiming under them, and be indemnified and saved harmless by the Mayor, Aldermen, and Burgesses, and their Successors, from all Incumbrances created by the Mayor, Aldermen, and Burgesses:

A Covenant for further Assurance of such Lands, at the Expence of such Grantee, his Heirs, Successors, Executors, Administrators, or Assigns, (as the Case may be,) by the Mayor, Aldermen, and Burgesses, or their Successors, and all other Persons claiming under them:

And all such Grantees, and their several Successors, Heirs, Executors, Administrators, and Assigns respectively, according to their respective Quality or Nature of such Lands, and the Estate or Interest therein in such Conveyance expressed to be conveyed, may in all Actions brought by them assign Breaches of Covenants as they might do if such Covenants were expressly inserted in such Conveyances.

Council empowered to provide a Residence for the Judges of Assize.

CV. And be it enacted, That for the second-named Purpose of this Act, that is to say, for the Purpose of providing a suitable Residence for the Judges of Assize, or under any Special Commission of Oyer and Terminer and Gaol Delivery, it shall be lawful for the Council of the said Corporation to contract for the absolute Purchase, for a Consideration in Money, with any Party willing to sell any Freehold Messuages or Tenements, with their Appurtenances, to be taken and used for the Purpose of a Residence for the said Judges, and to hold such Messuages or Tenements, with their Appurtenances, accordingly, or to take a Lease of the same, or to occupy the same as yearly Tenant, as the said Council shall deem expedient; or to contract for the absolute Purchase, for a Consideration in Money, with

with any Party willing to sell any Freehold Land calculated for the Purpose of building a House for the occasional Residence of the said Judges, and to build such House, and to complete and furnish the same in a Manner suitable to the Accommodation of the said Judges, and to repair and reinstate the same as they shall from Time to Time see fit, and to appoint such Person or Persons as they may think proper for the Care, Custody, and Conservation thereof; and it shall be lawful for all Parties who, under the Provisions herein-before contained, would be enabled to sell and convey Lands and Tenements required for the other Purposes of the said Act to sell and convey Lands and Tenements for such additional Purpose as aforesaid.

CVI. Provided always, and be it enacted, That in any Case in which the Council shall have acquired any Messuage or Tenement for the Residence of the said Judges of Assize under this Act, or shall have acquired any Land for the Purpose of erecting, or shall have erected, any House for the Residence of the said Judges, it shall be lawful for the said Council absolutely to sell and dispose of such Messuage or Tenement, or of any Land or House erected thereon by the said Council as aforesaid, in such Manner as the said Council shall think proper, and to apply the Monies to arise from such Sale in the Purchase of any other Land, Messuage, or Tenement which may be considered by the said Council more suitable for the Residence of the said Judges, or for erecting any House thereon for that Purpose, or to pay the Money arising from such Sale to the Account of the Borough Fund of the said Corporation, as the said Council shall deem expedient.

Power to sell Judges Residence, and to purchase any other Residence.

CVII. And be it enacted, That for the Purpose of carrying into effect the said intended Improvement of purchasing the said Mills, and removing the same, with their Appurtenances, or for repaying any Money advanced by the said Corporation out of the Borough Fund, or borrowed by the said Corporation, for the Purposes of the said Improvement, and the Interest thereon respectively, or for defraying all and every Expence incurred in relation thereto, it shall be lawful for the said Corporation, once or oftener in every Year, by the Warrant, Precept, or Order of the Mayor of the said Corporation addressed to the Churchwardens and Overseers of the Poor of the several Parishes of *Saint Michael* and the *Holy Trinity* in the said City, to levy and collect, within a Time to be limited in the Warrant, Precept, or Order, such Sum or Sums of Money named in such Warrant, Precept, or Order; and the said Churchwardens and Overseers shall and may and are hereby empowered to levy and raise, by an equal Rate and Assessment upon all and every the several Estates and Property situate and being in those Parts of the said Parishes which are within the said City of *Coventry* rateable to the Relief of the Poor, with and as Part of the Poor Rate, and in addition to the Poor Rate, such Sum and Sums of Money as shall be required and necessary in order to raise the several Sums directed by such Warrant, Precept, or Order, to be levied and raised in such Parts of the said several Parishes, together with all the Expences of collecting and levying the same, or to reimburse such Churchwardens and Overseers any Sum or Sums of Money they shall respectively have paid on account

Council empowered to levy a Rate to defray the Expences of Improvement.

account of the same, such Rate or Assessment to be paid by the Occupier or Occupiers for the Time being of such Estates and rateable Property as aforesaid; and the said Churchwardens and Overseers, by themselves or their Deputies, shall have all such Powers and Remedies for levying the said Assessment, as they have for enforcing the Payment of Rates made for the Relief of the Poor; and the said Churchwardens and Overseers shall pay the several Amounts specified in the said Warrant, Precept, or Order to the Treasurer of the said Corporation, as soon as they shall have respectively levied the same; and in case any Churchwardens or Overseers of the Poor in any of the said several Parishes shall neglect, make default, or refuse to levy and pay the same within the Time to be specified and limited for that Purpose in the said Warrant, Precept, or Order, it shall and may be lawful for any Justice of the Peace of the said City of *Coventry*, upon Complaint thereof, by Warrant under the Hand and Seal of any such Justice, to levy the same by Distress and Sale of the Goods of such Churchwardens or Churchwarden, or Overseers or Overseer, so neglecting or making such Default or Refusal as aforesaid.

Appeal to
Special Ses-
sions on the
Ground of
Inequality of
Rates, &c.

CVIII. And be it enacted, That if any Person shall think himself aggrieved by any Rate, on the Ground of Inequality, Unfairness, or Incorrectness of the Valuation of any rateable Property included therein, he may appeal to the Justices acting in and for the City of *Coventry* at any Special Sessions which may be holden for the Purpose of determining any Appeals against the Poor Rates; but no such Appeal shall be entertained, unless Notice of the Objection, in Writing, shall have been given to the Party appealed against Seven Days at least before the Day appointed for such Special Sessions.

Determina-
tion of
Special Ses-
sions to be
final, unless
appealed
from.

CIX. And be it enacted, That the Justices assembled at any Special Sessions, for which any such Notice of Appeal shall have been given, or at any Adjournment thereof, shall hear and determine all such Appeals, and the Determination of such Justices shall be final, unless the same be appealed from in manner herein-after mentioned: Provided always, that it shall not be lawful for the Justices in such Special Sessions assembled to inquire into the Liability of any Property to be rated, but only into the true Value thereof, and the Fairness of the Amount at which the same may be rated, nor shall any Order of such Justices be of any Force pending an Appeal concerning the same Matter to the Court of General or Quarter Sessions, or in opposition to the Order of such Court upon any such Appeal.

Appeal.

CX. And be it enacted, That if any Person shall think himself aggrieved by any Rate or Rates, Assessment or Assessments, to be made in pursuance of this Act, such Person may appeal to Her Majesty's Justices of the Peace assembled at a Quarter Sessions of the Peace for the *Coventry* Division of the County of *Warwick*; and it shall be lawful for the said Justices of the Peace, on such Appeal, to mitigate or reduce such Rate or Rates, Assessment or Assessments, and to give such Relief in the Premises as to the said Justices shall seem reasonable; provided that the Person so appealing

appealing shall give or cause to be given Fourteen Days Notice in Writing of his or their Intention of appealing as aforesaid, and of the Matter or Cause thereof, to the Town Clerk for the Time being, or other the Respondent or Respondents, and within Five Days after such Notice shall enter into a Recognizance before some Justice of the Peace for the said County of Warwick, with sufficient Sureties, conditioned to try such Appeal at the then next Quarter Sessions of the Peace for the Coventry Division of the said County of Warwick which shall next happen, and to abide the Order of and to pay such Costs as shall be awarded by the said Justices at such Quarter Sessions or any Adjournment thereof; and such Justices, upon hearing and finally determining the Matter of such Appeal, shall and may award such Costs to the Party appealing or appealed against as they shall think proper, and their Determination in or concerning the Premises shall be conclusive and binding to all Intents and Purposes whatsoever.

CXI. Provided always, and be it enacted, That on Appeal from the said Rates or any of them for the Purposes of this Act the Justices of the Peace at such Quarter Sessions shall, and may amend the same, in such Manner as may be necessary for giving Relief, without quashing or altering such Rates, with respect to other Persons mentioned in the same, but if upon Appeal from the whole of any such Rate it shall be found necessary to set aside the same, then and in such Case the said Justices of the Peace shall and may order a new Rate to be made.

Rates may be amended without quashing

CXII. Provided always, and be it further enacted, That no Rate shall be vacated or quashed for Want of Form, or be removed or removable by Certiorari, or any other Writ or Process whatsoever, into any of Her Majesty's Courts of Record at Westminster.

Rate not to be quashed for Want of Form.

CXIII. And be it enacted, That the Monies to be produced by the Sale of the Lands purchased by the said Mayor, Aldermen, and Burgesses, for the Purpose of carrying into effect the said Improvement of taking down the said Mills and removing Obstructions on the River Sherborne, herein-before authorized to be sold, shall be applied, in the first place, in paying and discharging from Time to Time the Principal Monies to be borrowed for the Purpose of making the said Improvement, and the said Council shall and are hereby required to pay off and discharge the Principal Monies and Interest which shall remain due, after the Monies which shall arise from the Sale of such Lands shall have been duly applied as aforesaid, out of the said Rates, to be raised and levied by the said Churchwardens and Overseers, in the Manner herein-before mentioned; and the said Council shall and are hereby required to pay off and discharge the whole of such Principal Monies which shall be borrowed under the Authority of this Act, for the Purpose of making the said Improvements, in the Period of Thirty Years, to be computed from the Time of the passing of this Act.

Application of Money arising from Sale of Lands.

CXIV. And be it enacted, That the said Council shall and they are hereby required from Time to Time to order and direct a Book

Account of Rates to be kept.

[Local.]

or

or Books to be provided and kept by some one or more of their Officers for the Time being, in which Book or Books such Officer shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, and expended for or on account of the Purposes of this Act in relation to the said Improvements, and of the several Articles, Matters, and Things for which Sums of Money, and the said Rates and Assessments, shall have been disbursed and paid; and such Book or Books shall at all seasonable Times be open to the Inspection of every Creditor of the said Corporation in respect of Monies advanced for effecting the said Improvements, and of every Person paying any Rate or Assessment hereby authorized to be made, or otherwise affected thereby, without Fee or Reward; and the said Creditors or other Persons aforesaid, or any of them, shall and may take Copies or Extracts from the said Books or Book, or any Part thereof, without paying any thing for the same; and in case the said Officer shall refuse to permit or shall not permit the said Creditor or Persons aforesaid to inspect the same, or to take Copies or Extracts as aforesaid, such Officer shall forfeit and pay any Sum of Money not exceeding Five Pounds for each Default: Provided always, that the Account of the Monies received, disbursed, and paid on account of the said Improvements shall be kept separate and distinct from the other Accounts of the said Corporation.

Bye Laws
may be made
by the Cor-
poration.

CXV. And be it enacted, That for the last-named Purpose of this Act it shall be lawful for the Council of the said Corporation from Time to Time to make such Bye Laws for the Regulation of the Cemetery as to them shall seem meet, and that, except as herein otherwise provided for, the several Provisions of the Laws for the Time being in force affecting Municipal Corporations in *England* relating to the making, promulgating, enforcing, and evidencing of such Bye Laws as may be made thereunder shall, so far as Circumstances may for the Time being permit, extend to the several Bye Laws to be from Time to Time made in pursuance of this Act.

Accounts of
the Receipts
and Expen-
diture for the
Cemetery
to be kept.

CXVI. And be it enacted, That the said Council shall cause true and regular Accounts to be entered in Books, to be provided by them for that Purpose, of all Monies received and expended for the last-named Purpose of this Act, and shall cause such Accounts to be balanced up to and inclusive of the Thirty-first Day of *December* in every Year.

Distinct
Books to be
kept of
Minutes, &c.

CXVII. And be it enacted, That all Minutes and Entries to be kept and made shall be kept distinct from the Minutes and Entries of the Council, and in separate Books to be appropriated for that Purpose; and the Accounts of the Monies received and expended by the Council by virtue of this Act shall be kept under the distinct Head of "The Cemetery Account."

Council em-
powered to
purchase
Lands for a
Cemetery.

CXVIII. And be it enacted, That it shall be lawful for the said Corporation, by their Council, or their Committee or Agent, to agree with the Owners of any Lands which may be required for the Purpose

Purpose of forming the said Cemetery for the absolute Purchase, for a Consideration in Money, of any such Lands, and of all subsisting Leases therein, and of all Timber Trees thereon, and of all Rent-charges, Annuities, Mortgages, or Incumbrances affecting any such Lands, and all commonable and other Rights to which such Lands may be subject, and all other Estates and Interests in or affecting such Lands and commonable and other Rights, of what Kind soever, and to take a Conveyance of and to extinguish all such Rights accordingly: Provided always, that it shall not be lawful for the said Corporation to purchase or take any Lands except such as are contained in the Schedule (I.) to this Act annexed; and it shall be lawful for all such Parties who, under the Provisions herein-before contained, would be enabled to sell and convey Lands and Tenements for the Purpose of effecting the said Improvements, to sell and convey Lands for the Purpose of forming the Cemetery hereby authorized to be made, and the same Directions for ascertaining and paying the Amount of Compensation Money, the several Forms of Conveyance, Mode of Taxation of Costs, and Deposit and Investment of Purchase Monies, Powers of Sale of superfluous Lands, Penalties and Provisions, shall be held to apply as well to the Lands required for the said Cemetery as to the said Lands required for the said Improvements; provided nevertheless, that in case at the Expiration of Ten Years from the passing of this Act the whole of the Land purchased for the Cemetery shall not have been appropriated to that Purpose, it shall be lawful for the said Mayor, Bailiffs, and Burgesses, if they shall think fit, to hold the unappropriated Land for the further Term of Ten Years, any thing in this Act herein-before contained to the contrary notwithstanding.

CXIX. And whereas the Freemen of the said City of *Coventry*, and a small Number of other Persons, have a Right of Pasturage from *Old Lammas Day* until *Old Candlemas Day* over the Lands required for the Purposes of the said Cemetery, called *Lammas Lands*; and whereas the Number of the said Freemen entitled to such Right of Pasturage exceeds Three thousand, and it is expedient that some Provision should be made for the Application of the Money to be paid as a Compensation for the Loss of such Right over the Lands taken for the Purposes of this Act; be it therefore enacted, That the following Persons, namely, *William Rotherham*, Printer, *Thomas Bromfield*, Watch Jeweller, *Francis Skidmore* the younger, Silversmith, *William Bagshaw*, Silk Dyer, *Joseph Douglas*, Iron Founder, *William Henry Gardner*, Provision Dealer, and *John Ward*, Grocer, all of the said City, shall be and they are hereby appointed Trustees for the Purposes of this Act.

CXX. And be it enacted, That the said Trustees, appointed as last aforesaid, shall have full Power and Authority to treat and agree with the Council of the said City of *Coventry* with reference to the Amount of the Sums to be paid by the Council as a Compensation to the said Freemen for the Extinguishment of their Right of Pasturage over the Lands taken for the Purposes of this Act; and in case the said Trustees shall not be able to agree with the said Council as to the Amount of such Compensation, the same shall be settled by a Jury

Jury in the Manner directed by this Act in the same Manner as in other Cases of disputed Compensation;

Compensation Money for Freemen's Interest in Lammas Lands to be paid to the Seven Trustees.

CXXI. And be it enacted, That, subject only to such Deductions thereout for Costs as herein-after mentioned, such Portion of the Value of the said *Lammas* Lands (except Timber thereon) taken for the Purposes of this Act, as shall be agreed by the said Council, or shall be awarded by a Jury to be paid to the Freemen as Compensation for the Extinguishment of their Right of Pasturage over the said Lands, shall be paid into the Hands of the said Trustees for the Time being; and the Receipt of such last-mentioned Trustees, or of any Four of them, for any Sum of Money paid to them by virtue of this Act, shall be a sufficient Discharge for the same, and the Council or Persons taking such Receipt shall not be answerable for or liable to see to the Application of the Money therein acknowledged to be received; and after such Receipt shall have been given the said Lands shall be discharged from all Rights of Pasturage possessed by the said Freemen.

Purchase Monies to be invested in Consols and Dividends paid to the Trustees; and no other Investment to be made without the Order of the Lord Chancellor, or by Act of Parliament.

CXXII. And be it enacted, That the Money so to be paid by the said Council to the said Trustees shall, immediately after the Receipt thereof, be laid out and invested by such Trustees in their Names, or in the Names of any Four of them, in the Purchase of *Three per Centum* Consolidated Bank Annuities; and the Dividends arising from or payable in respect of the said Bank Annuities shall from Time to Time be paid by the Persons in whose Names the said Bank Annuities shall stand in the Books of the Governor and Company of the Bank of *England* to such Purposes and in such Manner as the said Freemen, or the major Part of them, present at a public Meeting, to be called by the said Trustees by Advertisement, to be inserted in the *Coventry* Newspapers Fourteen Days at least before the Day appointed for the Meeting, such Meeting to be held at some convenient Place within the said City, and at which Meeting, or at any subsequent Meeting called in like Manner and for the same Purpose, one of the said Trustees shall be Chairman, shall from Time to Time order and direct; and the Receipt of such last-mentioned Trustees for such Dividends shall be an effectual Discharge for the same, and shall exonerate the Persons paying the same from seeing to the Application thereof: Provided always, that no other Investment of the said Principal Money than is herein-before provided shall be made without the Order of the Lord High Chancellor of *England*, on the Petition of all Parties interested therein, unless it should be otherwise provided for by Act of Parliament.

Present Expences to be paid out of Purchase Money.

CXXIII. And be it enacted, That the Expences of the said Trustees in discharging their Trust, and the legal and necessary Expences of the Freemen, and their Solicitor appointed for that Purpose, incurred in protecting the Interests of the said Freemen in reference to this Act during the Progress thereof through Parliament, and also in reference to a certain Bill pending in Parliament at the Time of the passing of this Act, intituled *A Bill for extinguishing Rights of Common and Pasturage upon and over certain Lands called Lammas and Michaelmas Lands in the Parish of Saint Michael, the Holy Trinity,*

Trinity, and Saint John Baptist, in the City of Coventry and County of Warwick, and in the Parishes of Eoleshill, Exhall, Sowe, Stoke, and Wyken, in the County of Warwick, and granting Compensation in lieu thereof, and of fencing and improving certain Commons or Waste Lands called Whitley Common, Hearsall Common, and Gosford Green within the said Parishes, or some of them, and also all the legal and necessary Expences of the Freemen incidental thereto since the Introduction of the said Bill into Parliament, all such Costs and Expences as aforesaid to be taxed by some competent legal Person, to be appointed by the Chairman for the Time being of the Court of Quarter Sessions for the County of Warwick, which Person shall also have Power to determine how far such Expences may have been legally and properly incurred, and to allow or disallow any Part thereof accordingly, shall be paid out of the Monies which may be so agreed or adjudged to be the Value of the Interest of the said Freemen in the said *Lanmas* Lands; and the said Mayor, Aldermen, and Burgesses shall, within Seven Days after they shall have received an Order signed by the said Chairman of the Court of Quarter Sessions for the County of Warwick, stating the Amount at which the said Costs shall have been taxed, pay to the several Persons entitled thereto their respective Proportions of the said Costs, and the Remainder of the Purchase Money for the Freemen's Interest in the said *Lanmas* Lands, after deducting thereout the Amount of the said Costs, Charges, and Expences, when so taxed as aforesaid, shall be the Sum to be invested by the said Trustees, or any Four of them, as herein before directed.

CXXIV. And be it enacted, That after the said Compensation Money shall have been invested in the Purchase of Bank Annuities the Costs and Expences attendant upon or incidental to the Election and Appointment of new Trustees shall be paid out of the said Dividends before any other Distribution or Application shall be made thereof.

CXXV. And be it enacted, That when and so often as the Number of the said Trustees shall be reduced to less than Five, by Deaths, Resignations, Refusals, or becoming incapable to act, or in any other Case in which it shall be deemed expedient to appoint new or other Trustees, it shall and may be lawful to and for the said Freemen, at a General Meeting to be called for that Purpose by the surviving or continuing Trustees, by Advertisement, to be inserted in the *Coventry* Newspapers at least Fourteen Days before the Day appointed for the Meeting, to elect proper Persons to be Trustees in the Stead or Place of the Trustees so dying, resigning, refusing or becoming incapable to act; and all the Trust Property which may be vested in the old Trustees at the Time of such Election shall, by proper and sufficient Deeds duly stamped, be vested in the new Trustees, either solely, or, as the Case may be, jointly with the surviving or continuing Trustees; and such new Trustees so from Time to Time elected shall have all the same Powers, Authorities, and Privileges as the Trustees in whose Places they shall be substituted would have had if they had continued to be Trustees.

[Local.] 42 M CXXVI. And

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Future Expenses to be paid out of Dividends

Appointment of new Trustees,

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Corporation empowered to construct a Cemetery.

CXXVI. And be it enacted, That it shall be lawful for the Council to make and maintain a Cemetery or Burial Ground on the Land described in the said Schedule (I.); and also to make and maintain such Roads and other Approaches thereto as they shall from Time to Time think necessary, and to lay out and embellish as well such Parts of the said Piece of Land as shall be so appropriated, or the Residue thereof, in such Manner as they shall think proper.

Cemetery may be enlarged from Time to Time.

CXXVII. And be it enacted, That it shall be lawful for the said Council on the passing of this Act to form such Portion only of the said Cemetery or Burial Ground as the said Council may deem expedient, or as shall be considered necessary for the immediate Use of the said City of *Coventry*, and that it shall be lawful for the said Council from Time to Time to enlarge the said Cemetery or Burial Ground, by further enclosing and appropriating such Portion of the Land described in the said Schedule (I.) as shall not then form a Part of the said Cemetery; and in the meantime and until such Land shall be so appropriated it shall be lawful for the said Council to lease from Year to Year all or any Portion of the same, and to apply the Rent or Rents which may arise therefrom towards the Payment of the Interest of any Sum or Sums of Money which may be borrowed, or any Annuity or Annuities which may be granted, on the Security of the said Cemetery, or towards any of the other Purposes of the said Cemetery.

Cemetery not to be within Three hundred Yards of certain Property.

CXXVIII. Provided always, and be it enacted, That no Part of such Cemetery shall be within Three hundred Yards of any House now standing and either 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 of such House.

Cemetery to be inclosed.

CXXIX. And be it enacted, That so much of the Lands herein described in the said Schedule (I.) as shall for the Time being be appropriated as aforesaid shall be enclosed with Walls or other sufficient Fences.

Cemetery to be kept in repair.

CXXX. And be it enacted, That the Council shall keep the Cemetery, and the Buildings and Fences thereof and such Roads and Approaches thereto as shall be made under the Authority of this Act, and shall drain and keep the same in good Repair and Condition.

Power to make Sewers from the Cemetery.

CXXXI. And be it enacted, That it shall be lawful for the said Council to make all necessary and proper Sewers, Drains, Wells, and other Conveniences in and about the Cemetery, for the Purpose 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, with the Consent of the Commissioners or Persons having the Management of such Sewers, and of the Owners and Occupiers of the Lands through which such Communications may be made, doing as little Damage as possible to the Ground or the Streets or Places wherein

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.

CXXXII. And be it enacted, That if the said Council shall at any Time cause or suffer to be conveyed or to flow into any Stream, Reservoir, Aqueduct, Pond, or Place for Water, any Washing or offensive Matter from the Cemetery, whereby the Water therein shall be contaminated or corrupted, they shall forfeit for every such Offence the Sum of Two hundred Pounds.

Penalty for corrupting Water.

CXXXIII. And be it enacted, That the said Penalty shall be recovered, with full Costs of Suit, in any of the Superior Courts, by Action of Debt or on the Case, by the Person whose Water shall be corrupted by such Washing or offensive Matter; provided always, that the said Penalty shall not be recoverable unless the same be sued for within Six Months after the Offence in respect of which such Penalty shall have been incurred shall have ceased.

Penalty to be sued for in Superior Courts within Six Months.

CXXXIV. And be it enacted, That in addition to the said Penalty of Two hundred Pounds (and whether such Penalty shall have been recovered or not) the said Corporation shall forfeit the Sum of Twenty Pounds (to be recovered in like Manner) for each Day such Washing or offensive Matter shall be conveyed or shall flow as aforesaid, after the Expiration of Twenty-four Hours from the Time at which Notice of the Offence shall have been served on such Person by the Person whose Water shall be fouled or corrupted by such Washing or offensive Matter, and such Penalty shall be paid to such last-mentioned Person.

Daily Penalty during the Continuance of the Offence.

CXXXV. And be it enacted, That it shall be lawful for the Bishop of *Worcester* for the Time being to consecrate such Part of the Cemetery as shall be set apart for the Burial of the Dead according to the Rites of the Established Church, and the Part so consecrated shall be used only for the Burial of the Dead according to those Rites.

Consecration.

CXXXVI. Provided always and be it enacted, That it shall not be lawful for the said Bishop to consecrate any Land, unless the Council shall show to his Satisfaction a good Title to the same.

Title to be approved before Consecration.

CXXXVII. And be it enacted, That in order to prevent any Doubt or Difficulty hereafter as to Boundaries such distinctive Mark or Separation shall be made prior to Consecration between the consecrated and unconsecrated Portions of the Cemetery as may be required by the Bishop of the Diocese for the Time being.

Consecrated Ground to be separated from the unconsecrated.

CXXXVIII. Provided always and be it enacted, That it shall not be lawful for the said Council to sell or dispose of any Land which shall have been consecrated or used for the Burial of the Dead.

Consecrated Ground and Ground appropriated for Burial not to be sold.

CXXXIX. And

A Chapel, &c., to be constructed for performing therein the Burial Service according to the Rites of the Established Church.

Restriction against Removal of Bodies.

A Portion of the Cemetery to be set apart for Dissenters.

Chapels for Dissenters.

Part of consecrated Ground to be set apart for the Burial of the Poor.

Plan and Book of Reference to be kept.

CXXXIX. And be it enacted, That it shall be lawful for the said Council to construct, within such Part of the Cemetery as shall be consecrated, a Chapel for the Reception of the Dead immediately previous to Interment, and for performing therein the Burial Service according to the Rites of the Established Church, and also such covered Porches or Colonnades, Catacombs and Vaults, for private or public Burial Places, together with Lodges at the Entrance to the said Cemetery, and such other Buildings as the said Council shall think proper.

CXL. And be it enacted, That no Corpse interred in the consecrated Part of the Cemetery shall be removed without the like Authority as by Law required for the Removal of any Corpse interred in the Churchyard belonging to a Parish Church, and that no Corpse interred in the unconsecrated Part thereof shall be removed without the Authority of the Council.

CXLI. And be it enacted, That it shall be lawful for the Council to set apart a Portion of the Cemetery as a Place of Burial for Persons not being Members of the Established Church, and to permit the Bodies of their Dead to be interred therein, in such Manner as the Ministers or the Friends and Relations of the deceased Persons to be interred therein shall deem proper: Provided always, that every such Burial shall be conducted in a decent and solemn Manner, and under such Regulations as the Council shall from Time to Time think fit to impose.

CXLII. And be it enacted, That it shall be lawful for the said Council to construct within the unconsecrated Part of the Cemetery such Chapels as they may think necessary for the Reception of the Dead immediately previous to Interment, and for performing therein the Burial Service by any Minister or other Person not of the Established Church, duly authorized by Law or recognized as such by the religious Community or Society to which he may belong, and also such covered Porches or Colonnades, and Catacombs and Vaults, for private and public Burial Places, together with Lodges at the Entrance to the said Cemetery, and such other Buildings as the said Council shall think proper.

CXLIII. And be it enacted, That Part of the consecrated Ground of the Cemetery shall be set apart for the Burial of the Poor, to be buried at the Expence of any Poor Law Union, Parish, or Ecclesiastical District, as herein-after provided.

CXLIV. And be it enacted, That a Plan of the Cemetery shall be made at the Expence of the said Council, upon a Scale sufficiently large to show the Place and Situation of every Vault and Place of Burial made therein, and all such Vaults and Places of Burial shall be numbered, and such Numbers shall be entered in Books to be kept for that Purpose, and such Books shall contain the Names and Descriptions of the several Persons interred in such Vaults and Places of Burial, and no Vault or Place of Burial shall be made in the Cemetery without the same being marked out in such Plan, and a corresponding

Entry

Entry made in the said Book; and the said Plan and Book shall be kept by the Secretary or other Officer to be appointed under the Powers of this Act, and all Persons shall be at liberty to inspect such Plan and Book, on Payment of One Shilling for every such Inspection.

CXLV. And be it enacted, That it shall be lawful for the said Council, under such Regulations and Restrictions, and subject to such Conditions as they shall from Time to Time think proper, to sell the exclusive Right of Burial, either in perpetuity or for a limited Period, in any Vault, Catacomb, or Place of Burial constructed within the Cemetery; and also the Right of constructing any Vault, Catacomb, or Place of Burial within the Cemetery, with the exclusive Right of Burial therein, in perpetuity or for a limited Period, and also the Right of single Interment in any Vault, Catacomb, Grave, or other Place of Burial constructed by the Council, or in the open Ground of the Cemetery, and also the Right of erecting and placing any Monument or Grave Stone in the Cemetery, or any Monument or monumental Inscription on the Walls of the Chapel or other Place within the Cemetery.

CXLVI. And be it enacted, That the Grant of the exclusive Right of Burial in any Vault, Catacomb, or Place of Burial, and of the Right of making any Vault, Catacomb, or Place of Burial, with the exclusive Right of Burial therein, either in perpetuity or for a limited Period, and of the Right and Privilege of erecting any Monument or Grave Stone, shall be under the Common Seal of the Council, and may be made in the Form in Schedule (K.) to this Act annexed, or to the like Effect.

CXLVII. And be it enacted, That a Register of all such Grants shall be kept by the Secretary, Town Clerk, or other Officer, and within Fourteen Days after the Date of any such Grant an Entry or Memorial of the Date thereof, and of the Parties thereto, and also of the Consideration for such Grant, and also a proper Description of the Vault, Catacomb, or Burial Place, or of the Piece of Ground described in such Grant, so as the Situation thereof may be ascertained, shall be made by the said Secretary, Town Clerk, or other Officer in such Register, and such Secretary shall receive such Sum as the Council shall think fit, not exceeding Two Shillings and Sixpence for every such Entry or Memorial; and the said Register may be perused at all reasonable Times by any Grantee of the said Council, and any Purchaser or intended Purchaser of any Right conveyed in any such Grant, upon Payment of the Sum of One Shilling to the Secretary, Town Clerk, or other Officer.

CXLVIII. And be it enacted, That the exclusive Right of Burial or Interment in any such Vault, Catacomb, or Burial Place shall, whether granted in perpetuity or for a limited Period, be considered as the Personal Estate of the Grantee, and may be assigned in his Lifetime, or bequeathed by his Will.

CXLIX. And be it enacted, That every such Assignment shall be by Deed duly stamped, in which the Consideration shall be duly

[Local.]

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set

... of ...

Sale of
Vaults,
Rights of
Burial, &c.

...

Form of
Grant.

Register of
Grants to be
kept.

...

Rights of
Burial, &c.,
to be assign-
able.

Form of
Assignment.

set forth, and may be in the Form in Schedule (L.) to this Act annexed, or to the like Effect.

Assignments
to be regis-
tered.

CL. And be it enacted, That an Entry or Memorial of every such Assignment shall within Six Months after the Execution thereof, if executed in *England*, or within Six Months after the Arrival thereof in *England*, if executed elsewhere, be made in the Register by the Secretary in the same Manner as that of the original Grant; and for every such Entry or Memorial the Secretary shall receive such Sum, not exceeding Six Shillings and Eight-pence, as the said Council shall direct.

Probates of
Wills to be
registered.

CLII. And be it enacted, That an Entry or Memorial of the Probate of every Will, and of all Letters of Administration and Assurances whatsoever, by which the exclusive Right of Burial in any Vault, Catacomb, or Burial Place within the Cemetery shall be affected, and in case there shall be any specific Disposition of such exclusive Right of Burial in the said Will, an Entry of such Disposition shall, within Six Months after the Probate of such Will or Grant of such Letters of Administration, and within Six Months after the Execution of such Assurances, if executed in *England*, or within Six Months after the Arrival thereof in *England*, if executed elsewhere, be made in the said Register in the same Manner as that of the original Grant; and for every such Entry or Memorial the Secretary, Town Clerk, or other Officer shall receive any Sum, not exceeding Six Shillings and Eight-pence, as the said Council shall direct.

Vaults to be
kept exclu-
sively for the
Parties en-
titled.

CLII. And be it enacted, That no Person shall be interred in any Vault, Catacomb, or Burial Place the exclusive Right of Burial wherein shall have been granted by the said Council, other than the Owner for the Time being of such exclusive Right of Burial and any other Person to whose Burial therein satisfactory Evidence shall be produced to the Corporation that such Owner has consented.

No Burial in
Vaults under
the Chapels.

CLIII. And be it enacted, That it shall not be lawful to bury any Corpse within any Vault, Grave, or Catacomb under any of the said Chapels.

Corporation
empowered
to remove
Monuments
improperly
erected;

CLIV. And be it enacted, That it shall be lawful for the said Council to take down and remove any Monument, Cenotaph, monumental Inscription, Grave Stone, and other Erection which shall have been erected contrary to the Terms upon which Permission to erect the same was granted.

and Monu-
ments out of
repair.

CLV. And be it enacted, That in case any Monument, Cenotaph, Grave Stone, or other Erection within the Cemetery shall at any Time be in such Want of Repair as to be ruinous and unsafe, it shall be lawful for the Council to cause Notices in Writing, signed by the Secretary, Town Clerk, or other Office, to be given to the Person who shall for the Time being appear by the Register to be kept as aforesaid entitled to the exclusive Right of Burial in the Vault, Catacomb, or Burial Place with or to which such Monument, Cenotaph, Grave Stone, or other Erection shall be connected
or

or refer, requiring him to repair the same, in order to prevent the Removal thereof, and in case such Person shall be dead, or out of *England*, or his Place of Abode in *England* shall be unknown, then to cause such Notice to be published once in the *London Gazette*, and also twice in Two of the *London* daily Newspapers, and twice in every Newspaper which shall for the Time being be published in the City of *Coventry*, or in case there shall be no such Newspaper, then twice in Two of the Newspapers which shall for the Time being be published in the County of *Warwick*, and circulated in the said Town; and in case such Monument, Cenotaph, Grave Stone, or other Erection shall not be duly repaired within Three Months next after the Delivery or last Publication as aforesaid of such Notice, then it shall be lawful for the Council, at any Time after the Expiration of such Three Months, at their Option, either to repair or to take down and remove the same, and in case they shall repair the same, the Expence of such Repair, with full Costs of Suit, may at any Time thereafter be recovered by them from any Person entitled to such last-mentioned exclusive Right of Burial, by Action of Debt or on the Case, in any of the Superior Courts.

CLVI. And be it enacted, That it shall be lawful for the Council to resume the Possession of any Vault, Catacomb, or other Place on the Determination of the Interest of the Grantee of the exclusive Right of Burial therein; provided always, that in case of any Resumption of Possession by the said Council the Bodies which may have been interred in any such Vault, Catacomb, or Burial Place shall not be disturbed.

Corporation to resume Possession of Vault on Expiration of the Grant.

CLVII. And be it enacted, That the Parish Clerks to the respective Incumbents of the Parishes of *Saint Michael*, the *Holy Trinity*, and *Saint John Baptist* in the said City shall be the Clerks to officiate at the Burial Service of the Dead, with their respective Incumbents, Curates, or Deputies, in the consecrated Part of the said Cemetery.

Appointment of Clerks for the consecrated Portion;

CLVIII. And be it enacted, That the Clerks of the Ministers for the Time being of the several Congregations of Protestant Dissenters in *Coventry*, duly authorized by Law to officiate in such Congregations, or recognized as being such Ministers by the several Congregations to which they may respectively belong, shall, when required, be the Clerks to officiate at the Burial Service of the Dead, with their respective Ministers or Deputies, in such Part of the Cemetery as shall not be consecrated.

for the unconsecrated Portion.

CLIX. And be it enacted, That, except as herein otherwise provided, each of the several Incumbents of the Parishes within the said City shall and he is hereby required to perform, or cause to be performed by some Clergyman of the Established Church whom he may from Time to Time appoint, the Burial Service according to the Rites of the Established Church over every deceased Person removed from the Parish of such Incumbent for Interment within the consecrated Part of the Cemetery, convenient Warning being given him thereof before: Provided always, that he shall not be required to perform or cause to

Burial Service in the consecrated Ground to be performed by the Clergyman of the Parish from which the deceased shall be re-

be

moved for
Interment in
the Ceme-
tery.

Provision
for Cases of
Persons not
dying in
such Pa-
rishes.

be performed such Service on the Interment of any deceased Person over whose Corpse such Service could not lawfully be performed on its Interment in the Burial Ground of a Parish Church.

CLX. And in order to provide for the Cases of any deceased Persons so removed for Interment as aforesaid, not having died within the Parishes from which such deceased Persons respectively shall be so removed as aforesaid, be it enacted, That the Duty of performing or causing to be performed such Burial Service as aforesaid on the Interment of such deceased Persons shall devolve on the said Incumbents in monthly Rotation, such Rotation to be from Time to Time settled as they or the Majority of them shall appoint, by Writing under their Hands, to be delivered to the Secretary, and a Copy whereof shall be hung up or affixed on some conspicuous Part of the Chapel in the consecrated Part of the Cemetery: Provided always, that whenever such Rotation shall not be so appointed as aforesaid, such Duty shall devolve on the several Incumbents of the Parishes of *Saint Michael*, the *Holy Trinity*, and *Saint John Baptist*, within the City of *Coventry* respectively, in the Rotation in which their respective Parishes are herein named, and shall commence accordingly from the Time of the Consecration of the consecrated Part of the Cemetery.

Other Cler-
gymen to be
allowed to
officiate.

CLXI. And be it 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 previous Consent in Writing of the Incumbent on whom, according to the Provisions of this Act, the Duty of performing the Burial Service on the Interment of such Deceased may devolve, to perform the Burial Service according to the Rites of the Established Church on such Interment in the consecrated Part of the Cemetery.

Burial Ser-
vices not to
be performed
in the conse-
crated and
unconsecrated
Parts
at the same
Time.

CLXII. And be it 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 Cemetery during any Part of the Time when the Burial Service is being performed in the consecrated Part thereof, or for any Clergyman of the Established Church to perform the Burial Service in the consecrated Part of the Cemetery during any Part of the Time when any Burial Service is being performed in the unconsecrated Part thereof; and in case any Clergyman, Dissenting Minister, or other Person shall act contrary to this Provision he shall for every such Offence forfeit a Sum not exceeding Ten Pounds: Provided always, that nothing herein contained shall prevent Burial Services being performed at one and the same Time in the consecrated and unconsecrated Parts of the Cemetery with the mutual Consent of the Clergyman and of the Dissenting Minister, or other Person there and then officiating; and in case the Clergyman of the Established Church and the Dissenting Ministers or other Persons to perform any Burial Service in the unconsecrated Part of the Cemetery shall not consent as aforesaid, then the Party who first gave the Notice to the Secretary or other Officer of the Cemetery, of the Hour of Interment shall be entitled to the Priority.

CLXIII. And

CLXIII. And be it enacted, That the Council shall, on the Interment of every Corpse within the consecrated Part of the Cemetery, pay to the Incumbent by whom or by whose Deputy or with whose Consent the Burial Service at such Interment shall, according to the Provisions of this Act, have been performed, and to his Clerk, such Sum as shall not be less than the highest Sum now demanded by and payable to the respective Incumbents and their Clerks for the Performance of such Burial Service in Graves at any of the respective Parishes of *Saint Michael*, the *Holy Trinity*, and *Saint John Baptist* in the said City; and the Council shall, on the Interment of every Corpse within the unconsecrated Part thereof, pay, if required, to the Dissenting Minister and his Clerk, or other Person and his Clerk, who shall, according to the Provisions of this Act, have performed the Burial Service at such Interment, such Sum of Money as the said Council in their Discretion may think right for the Performance of such Service; and the Council shall also pay for every Corpse interred at the Expence of any Union established for the Relief of the Poor in the several Parishes or Ecclesiastical Districts aforesaid, or at the Expence of any such Parish or Ecclesiastical Districts, such Sum for every Corpse as may be agreed upon between the Bishop of the Diocese and the Council.

Fees to be paid to the Incumbent of the Parishes from which Bodies are brought.

CLXIV. And for the Purpose of ascertaining the Amount of Fees payable to the several Incumbents, and Dissenting Ministers, and their Clerks, be it enacted, That the Council shall cause Books to be kept and Entries to be made therein of the Names of all deceased Persons interred within the consecrated and unconsecrated Parts of the Cemetery, and the Names of the Parishes from which such deceased Persons respectively shall have been removed, together with the Dates of such Interments, and the Names of such of the said several Incumbents as, according to the Provisions of this Act, ought to have officiated thereat, and the Name of the Clergyman who actually officiated thereat, and shall twice in every Year, that is to say, on the Twenty-fifth Day of *March* and the Twenty-ninth Day of *September*, unless such Day shall fall on a *Sunday*, and then on the Day next following, cause an Account to be made up in such Books of all Fees, if any, payable to the said several Incumbents as aforesaid in respect of Interments during the then preceding Half Year ending on the Twenty-fifth Day of *March* or the Twenty-ninth Day of *September*, as the Case may be, distinguishing the Amount payable to each of them, and the Interments in respect whereof the same became payable; and such Books shall be at all reasonable Times open to the Inspection of the said several Incumbents, or any Persons claiming under or employed by them, without Fee or Reward.

Accounts of Interments, and Accounts of Fees to be made up half-yearly.

CLXV. And be it enacted, That the said Council shall, on the Twenty-fifth Day of *March* in each Year, or within One Month afterwards, deliver to each of the Persons who shall have been the several Incumbents on that Day, or to his Executors or Administrators, on Demand, a Copy or Extract of the said Account, showing the Fees which shall be payable to him as aforesaid between the said Twenty-fifth Day of *March* inclusive and the Twenty-ninth Day of *September*, preceding exclusive; and the Council shall, on the Twenty-ninth Day of

Accounts of Fees to be rendered half-yearly by the Corporation.

September in each Year, or within One Month afterwards; deliver to each of the Persons who shall have been the said several Incumbents on that Day, or to his Executors or Administrators, on Demand, a Copy or Abstract of the said Account, showing the Fees which shall be payable to him as aforesaid between such Twenty-ninth Day of *September* inclusive and the Twenty-fifth Day of *March* preceding exclusive.

Fees to be paid half-yearly.

CLXVI. And be it enacted, That the Fees payable to each of the said several Incumbents by virtue of this Act shall be paid half-yearly at the Time of the Delivery of such half-yearly Account as aforesaid, or at any Time thereafter on Demand, to the Person who shall be such Incumbent on the Twenty-fifth Day of *March* and Twenty-ninth Day of *September*, or to the Executors or Administrators of such Person; (that is to say,) such Fees as shall accrue between the Twenty-ninth Day of *September* exclusive and the Twenty-fifth Day of *March* following inclusive shall be paid to the Person who shall be such Incumbent on the Twenty-fifth Day of *March*, and such Fees as shall accrue between the Twenty-fifth Day of *March* exclusive and the Twenty-ninth Day of *September* following inclusive shall be paid to the Person who shall be such Incumbent on the Twenty-ninth Day of *September*, and if any such Fees shall not be paid to the Party entitled to receive the same within the Period herein-before limited for the Payment thereof, it shall be lawful for such Party to recover the same by Action of Debt or on the Case in any of the Superior Courts.

Payment to be made to the Incumbent for the Time being, who is to account with his Predecessor.

CLXVII. And be it enacted, That if either of the said several Incumbents shall cease to be Incumbent by Cession, Death, or otherwise between the said Two half-yearly Days, such Person shall be entitled to receive so much of the Sum payable to the Incumbent for the Time being of the Parish of which such Person shall have ceased to be Incumbent, at the half-yearly Day which shall happen next after such Person shall cease to be Incumbent, as shall have accrued from the last preceding half-yearly Day, or from the Time when such Person became first entitled to receive the Fruits of his Living, as the Case may require, up to and inclusive of the Day at which he ceased to be Incumbent; and each of the said several Incumbents who shall receive from the Council any Sum to a Part of which any preceding Incumbent shall be entitled under the Provisions herein contained shall pay such Part to him, his Executors or Administrators, and the Council shall not be answerable to any Person other than the actual Incumbent for the Time being for the Payment of any Fees or Arrears of Fees by virtue of this Act.

Application of Monies.

CLXVIII. And be it enacted, That the Monies arising by Sale of Rights of Burial and otherwise in respect of the said Cemetery shall be received by the said Council, and shall be carried to the Credit of the said Cemetery Account, and shall be applied by them, in the first place, in Payment of the Expences of keeping up and maintaining the said Cemetery, and of the Fees, Salaries, and Wages of the Officers and Servants connected therewith, and of the Fees payable to the Incumbents of the several Parishes as herein-before mentioned, and to the Dissenting Ministers, also in keeping down the Interest of any Principal Monies which may be borrowed, and in paying any Annuities which

which may be granted, by virtue of this Act, and in paying off such Principal Monies, and in paying any other Expences which may be incurred in carrying this Act into execution; and in case any Surplus shall remain after making due Provision for the several Purposes herein-before mentioned or referred to, and after Repayment of any Sums of Money which shall theretofore have been taken from the Corporation Fund, together with the Interest thereon, under the Provisions herein-after contained, and after paying off and discharging the Mortgages on the Security of the said Rates, the same shall from Time to Time be applied to the Purposes of the said Cemetery, and to the Improvement and Enlargement thereof, or to the Reduction of the Charges for Burials.

CLXIX. And whereas the Mayor, Aldermen, and Burgesses are willing, in consequence of the unhealthy and crowded State of the Churchyards of the said City, to form the said Cemetery at their own Expence, and without deriving any pecuniary Profit or Advantage for conferring so great a Benefit upon the said City, beyond the Repayment of any Money advanced by them out of the Borough Fund for the Formation of the same; be it therefore enacted, That the Cemetery hereby authorized to be established, and the several Chapels and other Buildings erected and to be erected thereon, and the Vaults, Graves, Catacombs, and Places of Burial made or to be made therein, shall be freed, exempted, and discharged of and from the Payment of all and all Manner of parochial Taxes, Rates, and Assessments to any Parish or Place whatsoever.

The Chapels and other Buildings exempted from all parochial and other Taxes.

CLXX. And be it enacted, That if any Person shall in any Manner wilfully daub or paint, write or draw upon, or otherwise disfigure or deface, or paste or affix any Bill or other Thing, or play at Ball or Fives upon or against, or obstruct or pull down, cut, break, or dig into, or otherwise injure, the Cemetery or any Part thereof, or any Chapel, Building, Monument, Cenotaph, Tablet, Grave Stone, Head Stone, Foot Stone, or other Erection, or Vault, Catacomb, or Grave, within the Cemetery, or any Part of the same respectively, or any monumental or other Inscription upon or within the Cemetery or any Part thereof, or any Plan, Book, Notice, Vestment, Implement, Utensil, Article, or Thing within or belonging to or connected with the Cemetery or any Part of the same respectively, or any Tree, Shrub, Plant, Embellishment, Bank, Railing, Fence, Door, Gate, Post, Pillar, Wall, Sewer, Drain, Road, or Approach of or belonging to or connected with the Cemetery, or any other Part of the said Piece of Land herein-before described, or any Part of the same respectively, or the Soil of the Cemetery, or any other Part of the same Piece of Land, or any Part thereof, without the Consent of the Council first had and obtained, every such Person shall for every such Offence forfeit any Sum not exceeding Five Pounds, and shall also make Satisfaction for the Injury done by him as aforesaid.

Penalty for damaging the Cemetery.

CLXXI. And be it enacted, That if any Person shall play at any Game, or discharge Fire-arms other than at a Military Funeral, in the said Cemetery, or shall make any Noise to the Disturbance of any Persons assembled in the said Cemetery for the Purpose of interring

Penalty for Nuisance in the Cemetery.

interring any Corpse therein, or commit any Nuisance within the said Cemetery or any Part thereof, he shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Provision for Damages not otherwise provided for.

CLXXII. And be it enacted, That in all Cases where any Damages or Charges are by this Act directed or authorized to be paid, and the Method of ascertaining the Amount thereof is not provided for, such Amount, in case of Nonpayment thereof, or of any Dispute respecting the same, shall be ascertained and determined by Two or more Justices; and when by this Act any Damage or Charges are directed to be paid in addition to the Penalty for any Offence, the Amount of such Damages and Charges, in case of Nonpayment thereof, or of any Dispute concerning the same, shall be determined by the Justices by whom the Offender shall be convicted of such Offence, and on Nonpayment of the Damages or Charges in any of the Cases aforesaid, on Demand, the same shall be levied by Distress, and such Justices shall issue their Warrant accordingly.

Justices to examine Parties and Witnesses.

CLXXIII. And be it enacted, That where in this Act any Question of Compensation or Damages is referred to the Determination of any Justice it shall be lawful for such Justice to examine the Parties to such Question, and their Witnesses, on Oath, and to administer the Oaths necessary for that Purpose; and the Costs of every such Inquiry shall be in the Discretion of such Justice; and if either Party to any such Question fail to appear at the Time and Place appointed by the Justice for going into any such Question, without reasonable Excuse to the Satisfaction of such Justice, due Notice of such Appointment having been given to such defaulting Party, it shall be lawful for such Justice to proceed *ex parte*.

Distress against the Corporation,

CLXXIV. And with respect to any Sum of Money under the Provisions of this Act adjudged by any Justice to be paid by the Corporation, for which no other Mode of Proceeding is provided by this Act, be it enacted, That if such Money be not paid by the said Council to the Party entitled to receive the same within Thirty Days after Demand thereof in Writing, stating the Order of the Justice for the Payment of such Money, the Amount may be recovered by Distress, and the Justice by whom such Sum of Money shall have been ordered to be paid, or any other Justice, on Application, shall issue his Warrant accordingly; and if sufficient Goods or Effects of the Corporation cannot be found whereon to levy such Sum of Money the same may be recovered by Distress of the Goods of the Treasurer of the Corporation, and the Justice aforesaid, or any other Justice, on Application, shall issue his Warrant accordingly; but no such Distress shall issue against the Goods of such Treasurer, unless Seven Days previous Notice in Writing, stating the Amount so due, and demanding Payment thereof, have been given to such Treasurer, or left at his Residence.

or against the Treasurer.

Reimbursement of the Treasurer.

CLXXV. And be it enacted, That if such Treasurer pay any Money under any such Distress as aforesaid he may retain the Amount so paid by him, and all Costs and Expences occasioned thereby, out of any Money belonging to the Corporation coming into

his Custody and Control, or he may sue for the same against the Council by Process at Law.

CLXXVI. And for the Purpose of providing for the due Publication of all Penalties and Forfeitures exigible under this Act, be it enacted, That from Time to Time the Council shall publish the short Particulars of the several Offences for which any such Penalty is imposed by this Act, and of the Amount of every such Penalty, and shall cause such Particulars to be painted on a Board, or printed upon Paper and pasted thereon, and shall cause such Board to be hung up or affixed on some conspicuous Part of the Cemetery, and where any such Penalties are of local Application, shall cause such Boards to be affixed in some conspicuous Place in the immediate Neighbourhood to which such Penalties are applicable or have reference; and such Particulars shall be renewed as often as the same or any Part thereof is obliterated or destroyed; and no such Penalty shall be recoverable unless it shall have been published and kept published in the Manner herein-before required: Provided nevertheless, that in all Cases of Prosecution it shall be sufficient to prove that a printed Paper or painted Board containing such Particulars hath been affixed and published in manner aforesaid, and in case of its being afterwards displaced or damaged hath been replaced by another as soon as conveniently might be.

Publication of Penalties.

CLXXVII. And be it enacted, That if any Person pull down or break or deface any such Board put up or affixed as required by this Act for the Purpose of publishing any Bye Law or Penalty, or shall obliterate any of the Letters or Figures thereon, he shall forfeit for every such Offence a Sum not exceeding Five Pounds, and he shall also defray the Expences attending the Restoration of such Board, with a Notice thereon; and such Expences shall be recoverable as any Penalty by this Act imposed may be recovered.

Defacing Boards used for such Publication.

CLXXVIII. And for the Purpose of providing for the Recovery of Penalties or Forfeitures imposed by this Act the Recovery of which is not otherwise provided for, be it enacted, That every such Penalty or Forfeiture may be recovered by summary Proceeding upon Complaint made before One or more Justices; and on the Complaint being made to any such Justice he shall issue a Summons requiring the Party complained against to appear on a Day and at a Time and Place to be named in such Summons, and every such Summons shall be served on the Party offending either in Person or by leaving the same with some Inmate at his usual Place of Abode; and either upon the Appearance or upon the Default to appear of the Party offending it shall be lawful for any Two or more Justices to proceed to the hearing of the Complaint, and that although no Information in Writing or in Print shall have been exhibited before them; and upon Proof of the Offence, either by the Confession of the Party complained against, or upon the Oath of One credible Witness or more, it shall be lawful for any Two or more Justices to convict the Offender, and upon such Conviction to adjudge the Offender to pay the Penalty or Forfeiture incurred, as well as such Costs attending the Conviction as such Justices shall think fit.

Penalties to be summarily recovered before Two or more Justices.

Penalties
may be levied
by Distress.

CLXXIX. And be it enacted, That if forthwith upon any Adjudication as aforesaid the Amount of the Penalty or Forfeiture, and of such Costs as aforesaid, be not paid, the Amount of such Penalty and Costs, together with the Costs of the Distress, shall be levied by Distress, and any Two Justices shall issue their Warrant of Distress accordingly.

Imprison-
ment in de-
fault of Dis-
tress.

CLXXX. And be it enacted, That it shall be lawful for the Justices to order any Offender so convicted as aforesaid to be detained and kept in safe Custody until Return can be conveniently made to the Warrant of Distress to be issued for levying such Penalty or Forfeiture and Costs, unless the Offender give sufficient Security, by way of Recognizance or otherwise, to the Satisfaction of the Justices, for his Appearance before them on the Day appointed for such Return, such Day not being more than Eight Days from the Time of taking such Security; but if before issuing such Warrant of Distress it shall appear to the Justices, by the Admission of the Offender or otherwise, that no sufficient Distress can be had within the Jurisdiction of the said Justices whereon to levy such Penalty or Forfeiture and Costs, they may, if they think fit, refrain from issuing such Warrant of Distress; and in such Case, or if such Warrant shall have been issued, and upon the Return thereof such Insufficiency as aforesaid shall be made to appear to the Justices, then such Justices shall by Warrant cause such Offender to be committed to Gaol, there to remain without Bail for any Term not exceeding Three Months, unless such Penalty or Forfeiture and Costs be sooner paid and satisfied.

Application
of Penalties.

CLXXXI. And with respect to the Application of any Penalties or Forfeitures recovered by virtue of this Act the Application whereof is not herein otherwise provided for, be it enacted, That the Justices by whom any such Penalty or Forfeiture shall be imposed shall award one Half thereof to the Informer, and the other Half to be applied for the Benefit of the Borough Fund of the City of *Coventry*.

Penalties to
be sued for
within Six
Months.

CLXXXII. And be it enacted, That no Person shall be liable to the Payment of any Penalty or Forfeiture imposed by virtue of this Act for any Offence herein-before made cognizable before a Justice, unless the Complaint respecting such Offence shall have been made before such Justice within Six Months next after the Commission of such Offence.

Penalty on
Witnesses
making de-
fault.

CLXXXIII. And be it enacted, That it shall be lawful for any Justice to summon any Person to appear before him as a Witness in any Matter in which such Justice shall have Jurisdiction under the Provisions of this Act, at a Time and Place mentioned in such Summons, and to administer to him an Oath to testify the Truth in such Matter; and if any Person who shall be summoned as a Witness before any Justice touching any Offence committed against this Act, or any Matter in which such Justice shall have Jurisdiction by the Provisions of this Act, shall without reasonable Excuse refuse or neglect to appear at the Time and Place appointed for that Purpose, having been paid or tendered a reasonable Sum for his Expences, or if any Person appearing shall refuse to be examined upon Oath or to give

give Evidence before such Justice, every such Person shall forfeit a Sum not exceeding Five Pounds for every such Offence.

CLXXXIV. And with respect to Offenders whose Names and Residence are not known, be it enacted, That any Sexton, Officer, or Agent of the said Council, and all Persons called by him to his Assistance, may seize and detain any Person who shall have committed any Offence against the Provisions of this Act, and whose Name and Residence shall be unknown to such Officer or Agent, and may convey him with all convenient Despatch before some Justice without any Warrant or other Authority than this Act; and such Justice shall proceed with all convenient Despatch to the hearing and determining of the Complaint against such Offender.

Transient Offenders.

CLXXXV. And be it enacted, That the Justices before whom any Person shall be convicted of any Offence against this Act may cause the Conviction to be drawn up according to the Form in the Schedule (M.) to this Act annexed.

Form of Conviction.

CLXXXVI. And be it enacted, That no Proceeding in pursuance of this Act shall be quashed or vacated for Want of Form, nor shall the same be removed by Certiorari or otherwise into any of the Superior Courts.

Informalities.

CLXXXVII. And be it enacted, That where in this Act any Sum of Money, whether in the Nature of Penalty or otherwise, is directed to be levied by Distress, such Sum of Money shall be levied by Distress and Sale of the Goods and Chattels of the Party liable to pay the same; and the Overplus arising from the Sale of such Goods and Chattels, after satisfying such Sum of Money and the Expences of the Distress and Sale, shall be returned, on Demand, to the Party whose Goods shall have been distrained.

Distress, how to be levied.

CLXXXVIII. And be it enacted, That no Distress levied by virtue of this Act shall be deemed unlawful, nor shall the 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 afterwards committed by him, but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction for the special Damage in an Action upon the Case.

Distress not unlawful for Want of Form.

CLXXXIX. And be it enacted, That if any Person shall think himself aggrieved by any Determination or Adjudication of any Justice under the Provisions of this Act, he may appeal to the General Quarter Sessions for the *Coventry* Division of the County of *Warwick*; but no such Appeal shall be entertained unless Notice of the Intention of Appeal be given within Twenty-one Days after Conviction, nor unless such Appeal be made within Four Months after the making of such Determination or Adjudication, and unless Ten Days Notice in Writing of such Appeal, stating the Nature and Grounds thereof, be given to the Party against whom the Appeal shall be brought,

Parties may appeal to Quarter Sessions on giving Security.

brought, and unless the Appellant forthwith after such Notice enter into Recognizances, with Two sufficient Sureties, before a Justice, conditioned duly to prosecute such Appeal, and to abide the Order of the Court thereon.

Court to make such Order as they think reasonable.

CXC. And be it enacted, That at the Quarter Sessions for which such Notice shall be given the Court shall proceed to hear and determine the Appeal in a summary Way, or they may, if they think fit, adjourn it to the following Sessions; and upon the hearing of such Appeal the Court may, if they think fit, mitigate any Penalty or Forfeiture, or they may confirm or quash the Adjudication, and order any Money paid by the Appellant or levied by Distress upon his Goods to be returned to him, and may also order such further Satisfaction to be made to the Party injured as they may judge reasonable; and they may make such Order concerning the Costs both of the Adjudication and of the Appeal as they may think reasonable.

Rights of Timber preserved to the Corporation.

CXCI. And be it enacted, That the Council shall have the Property in and Right of Disposal of the Trees, Shrubs, and Plants now standing and growing in and upon the Land taken for the Purpose of the said Cemetery, or any Part thereof, and also in and of all such Trees, Shrubs, and Plants as shall at any Time hereafter be planted or grow in or upon the said Piece of Land or any Part thereof: Provided always, that it shall not be lawful for the Council to remove, fell, or cut, except so far as may be necessary for the proper Embellishment or laying out of the Cemetery, or in the Way of reasonable Pruning or Culture, any Tree, Plant, or Shrub which may have been planted or set within the Cemetery, with the Consent of the Council, by and at the Expence of any Person entitled to any exclusive Right of Burial in the Cemetery, or by and at the Expence of any Relative or Friend of such Person; and in case the Council shall act contrary to this Provision they shall make good the Injury done, and also for every such Offence forfeit any Sum not exceeding Five Pounds.

Empowering the Vestries of Saint Michael, the Holy Trinity, and Saint John Baptist to close the Churchyards of their respective Parishes for any Period not exceeding Fourteen Years.

CXCII. And whereas the Churchyards of the several Parishes of *Saint Michael*, the *Holy Trinity*, and *Saint John Baptist* in the City of *Coventry* are so filled as to render it impossible to find adequate Room for the decent Interment of Corpses therein; be it therefore enacted, That from and after the Consecration of the said Cemetery it shall be lawful for the respective Vestries for the Time being of the said several Parishes of *Saint Michael*, the *Holy Trinity*, and *Saint John Baptist* within the said City, from Time to Time to make, with the Concurrence of the Lord Bishop of the Diocese, such Orders for suspending for a Period not exceeding Fourteen Years, or for any more limited Period they may think advisable, the Interment of the Dead within the said Churchyards of *Saint Michael*, the *Holy Trinity*, and *Saint John Baptist*, except in Vaults or Brick Graves; and a Copy of every such Order shall, within Fourteen Days from the making thereof, be affixed to the principal outer Doors of the Churches of the said Parishes; and if any Person shall dig or attempt to dig a Grave in the said Churchyards during any such Period as aforesaid he shall for every such Offence forfeit the Sum of Fifty Pounds: Provided always, that in no Case shall Interments take place in

in any such Vaults or Brick Graves unless the Coffin containing the Corpse interred be so placed as that the upper Surface of such Coffin shall be at least Four Feet Six Inches below the Surface of the Ground wherein the Interment is made.

CXCIII. And whereas the Mayor, Aldermen, and Burgesses of the said City of Coventry claim to be the Lords of the Manor of the said City of Coventry, and as such Lords of the said Manor claim to be entitled to certain Rights and Privileges over the Lands to be taken by this Act; be it therefore enacted, That nothing in this Act contained shall extend to take away, alter, lessen, infringe, or affect any Rights, Privileges, or Property of the said Mayor, Aldermen, and Burgesses in respect of the said Lands, and that in case the Interest of the said Mayor, Aldermen, and Burgesses shall in any way be prejudicially affected full Compensation shall be made for the same to the said Mayor, Aldermen, and Burgesses.

Saving the Rights of the Mayor, Aldermen, and Burgesses of Coventry as Lords of the Manor.

CXCIV. And be it enacted, That the Costs, Charges, and Expences attending or incident to the obtaining and passing of this Act shall be paid by the Council out of the Borough Fund of the said City, and that the said Council shall be repaid one Half of the said Costs out of the Rates levied for the Purposes of the said Improvement, and the other Half from the Monies received by them for, and on account of the said Cemetery.

Expences of Act, to be repaid to the Council.

CXCV. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say.)

Interpretation of Act.

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number:

Words importing the Masculine Gender only shall include Females: The Word "Month" shall mean Calendar Month:

The Word "Person" or "Persons" shall include Corporations, whether aggregate or sole:

The Word "Oath" shall include Affirmation in case of Quakers, or other Declaration or Solemnity lawfully substituted for an Oath in case of any other Persons, exempted by Law from the Necessity of taking an Oath:

The Words "Justice" or "Justices" shall mean any Justice or Justices of the Peace for the City of Coventry:

The Words "General or Quarter Sessions" shall mean the General or Quarter Sessions of the Peace for the Coventry Division of the County of Warwick.

The Word "Lands" shall respectively extend to Mills, Weirs, Dams, Springs, Streams, Rivulets, Water, Messuages, Lands, Tenements, and Hereditaments of any Tenure or Description:

The Expression "the Council" shall mean the Council for the Time being of the Mayor, Aldermen, and Burgesses of the City of Coventry:

The Words "the Clerk," "the Town Clerk," and "the Clerk of the Council" shall mean the Town Clerk of the City of Coventry:

[Local.]

The Words "the Mayor" shall mean the Mayor of the City of Coventry for the Time being :

The Word "Sheriff" shall mean the Sheriff of the County of Warwick :

The Words "the said Corporation" and "the Corporation" shall mean the Corporation of the Mayor, Aldermen, and Burgesses of the City of Coventry :

The Expression "the Established Church" shall mean the United Church of England and Ireland as by Law established :

The Expression "the Cemetery" shall mean the Cemetery constituted by virtue of this Act :

The Expression "the Secretary" shall mean the Secretary for the Time being appointed by virtue of this Act :

The Expression "the Treasurer" shall mean the Treasurer for the Time being of the Corporation of the City of Coventry :

The Expression "several Incumbents" shall mean the respective Rectors, Vicars, and Perpetual Curates for the Time being of the several Parishes of the City of Coventry, and the respective Incumbents for the Time being of any Ecclesiastical Districts which may hereafter be lawfully established within the said Borough :

The Word "Incumbent" shall mean the Rector, Vicar, Perpetual Curate, or other Incumbent for the Time being of any Parish, Tithing, or Ecclesiastical District whatsoever for the Time being within the City of Coventry :

The Word "Parish" shall include Tithings and Ecclesiastical Districts for the Time being, and the Words "Parish of Saint Michael" shall include the Parish of John Baptist.

Public Act. CXCVI. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

(B) ENACTED

At the City of London

in the fifth year of the said Majesty Queen Victoria, in the first year of the said Majesty King Edward the Seventh, the following Act of Parliament was passed, to wit: That this Act shall be a Public Act, and shall be judicially taken notice of as such.

SCHE.

SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

Form of Mortgage Deed.

By virtue of an Act passed, &c., intituled "An Act," &c., we, the Corporation of the Mayor, Aldermen, and Burgesses of the City of Coventry, in consideration of the Sum of _____ paid by A. B. of _____ for the Purposes of the said Act, do grant and assign unto the said A. B., his Executors, Administrators, and Assigns, such Proportion of the Rates authorized to be levied under the said Act as the said Sum of _____ doth and shall bear to the whole Sum of _____ which is or shall be borrowed for the first-named Purpose of the said Act, or the Judges Lodgings authorized to be purchased under the said Act, as the Case may be, together with, [here insert any other Corporation Property intended to be included], to hold to the said A. B., his Executors, Administrators, and Assigns, from this Day until the said Sum of _____ with Interest at _____ per Centum per Annum for the same, shall be fully paid and satisfied. In witness whereof we have hereunto set the Common Seal of the said City, this Day of _____ One thousand eight hundred and _____.

SCHEDULE (B.)

Form of Grant of Annuity.

By virtue of an Act passed, &c., intituled "An Act," &c., we, the Corporation of the Mayor, Aldermen, and Burgesses of the City of Coventry, in consideration of the Sum of _____ paid by A. B., do grant unto A. B. an Annuity or yearly Sum of _____ to be issuing out of the Improvement Rates authorized to be levied under the said Act, to be paid to the said A. B. for any Term of Years not exceeding Thirty Years from the passing of the said Act, [or, as the Case may be, to the said A. B., his Executors, Administrators, or Assigns, during so much of the natural Life of _____ or during so much of the natural Lives of _____ and _____ and of the Life of the Survivor, as the said Annuity shall be granted for,] upon the _____ Day of _____ and the _____ Day of _____ in every Year, for any Term of Years not exceeding Thirty Years from the passing of the said Act [or, as the Case may

may be, during the Term aforesaid,] the first Pay-
 ment thereof to be made upon the Day of
 next ensuing the Date hereof. In witness whereof we have hereunto
 set the Common Seal of the said City, the
 Day of in the Year One thousand eight hundred
 and

to maintenance in _____
of your said city as of one of the _____
of the said city as of one of the _____
 SCHEDULE (C.)
to the Bank of England to the said _____
to the said Bank of England to the said _____
 Form of Transfer of Mortgage or Grant of Annuity.
 I, A. B. of _____ in consideration of the Sum of _____
 paid to me by C. D. of _____ do hereby transfer to the
 said C. D., his Executors, Administrators, and Assigns, a certain
 Mortgage, Number _____ [or, a certain Grant of Annuity,
 Number _____ as the Case may be], made by the Mayor, Al-
 dermen, and Burgesses of the City of Coventry to
 bearing Date the _____ Day of _____ for securing the
 Sum of _____ and _____ Interest [or for
 granting an Annuity of _____ as the Case may be, or if
 such Transfer be by Endorsement, the within Security], and all my
 Right, Estate, and Interest in and to the Money thereby secured [or
 the Annuity thereby granted], and in and to the Rates or Rents,
 Money and Property, thereby assigned. In witness whereof I have
 hereunto set my Hand and Seal, this _____ Day of
 One thousand eight hundred and _____

SCHEDULE (D.)

Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
<i>Parishes of Saint Michael and the Holy Trinity in the City of Coventry in the County of Warwick.</i>			
FOR THE IMPROVEMENT.			
House and Water Corn- mill.	The Trustees of the Free Grammar School Estates in Coventry	Charles Rother- ham Francis Hart and James Hart	Charles Rotherham. Francis Hart and James Hart.
Water Corn-mill.	Annie Padock	Thomas Downsend	Thomas Odell
House and Water Corn- mill.	The Trustees of the Ram, the Windmill, the Castle, the Cranes, the Spread Eagle, the Red Horse, the Holly- bush, and the Green Dragon Benefit Societies -	Thomas Wale and William Wale	Thomas Wale and William Wale.

SCHEDULE (E) Form of Conveyance.

I of in consideration of the Sum of paid 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 Chancery, ex parte "The Mayor, Aldermen, and Burgesses of the City of Coventry," or to A. B. of and C. D. of Two Trustees appointed to receive the same], pursuant to an Act passed, &c., intituled, &c., by the said Mayor, Aldermen, and Burgesses, do hereby convey to the said Mayor, Aldermen, and Burgesses, and their Assigns, 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 as I am or shall become seised or possessed of, or am by the said Act empowered to convey, to hold the Premises to the said Mayor, Aldermen, and Burgesses, and their Assigns for ever, according to the true Intent and Meaning of the said Act. In witness whereof I have hereunto set my Hand and Seal, the Day of in the Year of our Lord One thousand eight hundred and

SCHEDULE (F)

Form of Conveyance on Chief Rent.

I of in consideration of the Rent-charge to be paid to me, my Heirs and Assigns, as herein-after mentioned, by the Mayor, Aldermen, and Burgesses of the City of Coventry, acting in the Execution of an Act passed, &c., intituled, &c., do hereby convey to the said Mayor, Aldermen, and Burgesses, and their Assigns, all [describing the Premises to be conveyed], together with all Ways, Rights, and Appurtenances thereunto belonging, and all my Estate, Right, Title, and Interest in and to the same and every Part thereof, to hold the said Premises to the said Mayor, Aldermen, and Burgesses, and their Assigns for ever, according to the true Intent and Meaning of the said Act, they the said Mayor, Aldermen, and Burgesses, and their Assigns, yielding and paying unto me, my Heirs and Assigns, One clear yearly Rent of by equal quarterly [or half-yearly, as agreed upon,] Portions henceforth on the [stating the Days] clear of all Taxes and Deductions. In witness whereof I have hereunto set my Hand and Seal, this Day of in the Year of our Lord

SCHEDULE (G.)

Form of Mortgage Deed.

By virtue of an Act passed, &c., intituled, &c., we, the Mayor, Aldermen, and Burgesses of the City of Coventry, in consideration of the Sum of _____ paid to us by *A. B.* of _____ for the Purposes of the said Act, do grant and assign unto the said *A. B.*, his Executors, Administrators, and Assigns, such Proportion of the Property of the said Cemetery, and the Profits arising or to arise from the Sale or Disposal of Graves, Vaults, and Privilege of Interment, as the said Sum of _____ doth or shall bear to the whole Sum which is or shall be borrowed upon the Credit of the said Cemetery, and also [*describe any other Property of the Corporation which is to form Part of the Security*], to hold to the said *A. B.*, his Executors, Administrators, and Assigns, from this Day until the said Sum of _____ with Interest at _____ per Centum per Annum for the same, shall be fully paid and satisfied. In witness whereof we have hereunto affixed our Corporate Seal, this Day of _____ One thousand eight hundred and _____

SCHEDULE (H.)

Form of Grant of Annuity.

By virtue of an Act passed, &c., intituled, &c., we, the Mayor, Aldermen, and Burgesses of the City of Coventry, in consideration of the Sum of _____ paid by *A. B.* do grant unto the said *A. B.* an Annuity or yearly Sum of _____ to be issuing out of the Property of the said Cemetery, and the Profits arising or to arise from the Sale or Disposal of Graves, Vaults, and Privilege of Interment, or [*describe any other Property of the Corporation which is to form Part of the Security*], to be paid to the said _____ during the Term of his natural Life [or, as the Case may be, to the said _____ his Executors, Administrators or Assigns, during the natural Life of _____ or during the natural Life of _____ and _____ and the Life of the Survivor], upon the _____ Day of _____ and the _____ Day of _____ in every Year during his natural Life [or, as the Case may be, during the natural Life of the said _____ or of the said _____ and _____ and the Survivor of them], the first _____ Payment thereof to be made upon the _____ Day of _____ next ensuing the Date hereof. In witness whereof we have hereunto affixed our Corporate Seal, the _____ Day of _____ in the Year One thousand eight hundred and _____

SCHE-

SCHEDULE (I.)

Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
Parish of Saint Michael in the City of Coventry in the County of Warwick A Close of Pasture Lammas Land called Barns otherwise Baron's Field.	Stephen Freeman	Charles Shettle.	
A Close of Pasture Lammas Land called the Quarry Field.	Henry Lea	Henry Brown.	

SCHEDULE (K.)

Form of Grant of Right of Burial, &c.

THE COVENTRY CEMETERY.

By virtue of an Act, passed, &c., intituled, &c., we, the Mayor, Aldermen, and Burgesses of the City of Coventry, in consideration of the Sum of _____ to us 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 the exclusive Right of Burial when made,] in all [here describe the Vault, Catacomb, or Place of Burial, or for the Erection of a Monument or Grave Stone, (as the Case may be,) so as to identify the same], to hold the same unto the said A. B., his Executors, Administrators, and Assigns, in perpetuity [or, for the Period agreed upon,] for the Purpose of Burial, or as the Case may be. Given under our Corporate Seal, this _____ Day of _____ in the Year of our Lord _____

SCHEDULE (L.)

Form of Assignment of Right of Burial, &c.

THE COVENTRY CEMETERY.

I A. B. of _____ in consideration of the Sum of _____ paid to me by C. D. of _____ do hereby assign unto the said C. D. the exclusive Right of Burial 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 _____

by "The Mayor, Aldermen, and Burgesses of the City of Coventry,"
 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 Executors, Administrators, and Assigns, in per-
 petuity, [*or, as the Case may be, for the Remainder of the Period for
 which the same was granted by the said Mayor, Aldermen, and
 Burgesses,*] subject to the same Conditions as I held the same imme-
 diately before the Execution hereof. Witness my Hand and Seal,
 this _____ Day of _____

SCHEDULE (M.)

Form of Conviction.

to-wit. } BE it remembered, That on the _____ Day of _____
 hundred and _____ in the Year of our Lord One thousand eight
 [or us, C. D. and E. F., Two] of Her Majesty's Justices of the Peace
 for the County of Warwick, for that the said A. B., after the passing
 of a certain Act of Parliament 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
 [*here 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 committed to the [*naming the Gaol,*] for the
 Space of [*insert the Time,*] and if the Commitment be for Non-
 payment 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.*]