CHAPTER xxviii.

An Act to enable the General Cemetery Company of Dublin to enlarge their Cemetery, to raise a further sum of money; and for other purposes. [30th June 1874.] A.D. 1874.

WHEREAS by an Act passed in the session of Parliament held in the 4th and 5th years of King William the Fourth, chapter 65, intituled "An Act for establishing a general cemetery "in the neighbourhood of the city of Dublin" (which Act is hereinafter referred to as "the Act of 1834"), certain persons were united into a company under the name of "The General Cemetery Company of Dublin," (herein-after called "the Company,") and were authorised to raise a sum of £12,000 by means of shares, and to borrow on mortgage £9,000, and to purchase and hold lands not exceeding twenty-five acres for the purpose of the said undertaking, which lands are by the 13th section of the said Act vested in trustees to be nominated by the directors: 4 & 5 W. 4. c. lxv.

And whereas the Company in pursuance of the said powers have constructed near Harold's Cross, in the county of Dublin, a cemetery which occupies a space of about twenty-five acres, three roods, and seven perches, and the Company have found it expedient to acquire on lease for lives a small piece of land containing about five acres, which piece of land is now held on behalf of the Company and is described in the first schedule to this Act:

And whereas by reason of the closing of graveyards within the city of Dublin it has become necessary that additional space should be provided for the interment of the dead, and it is expedient that the said cemetery should be extended and enlarged, and that the Company should be authorised to purchase for that purpose certain lands and property adjoining the said cemetery and described in the second schedule to this Act:

And whereas it has been found difficult to constitute a general meeting of the Company with the quorum prescribed in the 71st section of the Act of 1834, and it is expedient that the number of

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members constituting a quorum of meetings of the Company should be reduced:

And whereas the Company have raised the said capital of £12,000 in shares, and do not owe any money upon mortgage, and it is expedient that the powers of the Company for borrowing upon mortgage should be in some respects modified, and that the Company should be enabled to raise additional capital by means of shares and by borrowing:

And whereas plans showing the lands required or which may be taken for the purposes or under the powers of this Act, and a book of reference containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of such lands, were duly deposited with the clerk of the peace for the county of Dublin, and are herein-after referred to as the deposited plans and book of reference respectively:

And whereas the purposes aforesaid cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; (that is to say,)

Short title.

1. This Act may be cited for all purposes as "The Dublin General Cemetery Company's Act, 1874."

Provisions of certain general Acts incorporated.

2. "The Lands Clauses Consolidation Act, 1845," as amended by "The Railways Act (Ireland), 1851," "The Railways Act (Ireland), 1860," "The Railways Act (Ireland), 1864," "The Railways Traverse Act," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," are (except where expressly varied by this Act) incorporated with and form part of this Act.

Extending certain provisions of 8 & 9 Vict. c. 16. to this Act.

3. The clauses and provisions of "The Companies Clauses Consolidation Act, 1845," with respect to—

The distribution of the capital of the Company into shares (except the provision that the common seal of the Company shall be affixed to the certificate of a share);

The transfer or transmission of shares;

The payment of subscriptions and means of enforcing the payment of calls;

The forfeiture of shares for nonpayment of calls;

The remedies of the creditors of the Company against shareholders;

The borrowing of money by the Company on mortgage or bond (except section forty-one of the said Act);

The conversion of the borrowed money into capital;
The consolidation of shares into stock;
The giving of notices; and
The provision to be made for affording access to the special Act by all parties interested;
Parts I. and II. of "The Companies Clauses Act, 1863," relating respectively to the cancellation and surrender of shares and to additional capital, and "The Companies Clauses Act, 1869:"
shall extend and apply to the capital by this Act authorised to be raised by the Company by means of shares and borrowing respectively.

Interpretation of terms.

4. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partly incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction; and the expression "the promoters of the undertaking" means the Company.

Errors and omissions in plans to be corrected by justices, who shall certify the same.

5. If any omission, mis-statement, or erroneous description shall have been made of any lands required for the purposes of this Act, or of the owners, lessees, or occupiers of any such lands in the deposited plans or book of reference, it shall be lawful for the Company, after giving ten days notice to the owners, lessees, and occupiers of the lands affected by such proposed correction, to apply to two justices for the correction thereof, and if it shall appear to such justices that such omission, mis-statement, or erroneous description arose from mistake they shall certify the same accordingly, and they shall in such certificate state the particulars of any such omission, and in what respect any such matter shall have been mis-stated or erroneously described; and such certificate shall be deposited with the clerk of the peace for the county of Dublin, and such certificate shall be kept by such clerk of the peace along with the other documents to which it relates, and thereupon the deposited plan or book of reference shall be deemed to be corrected according to such certificate, and the Company may take any lands or property required by them in accordance with such certificate.

Certificate to be deposited.

Purchase of lands confirmed.

6. Notwithstanding anything in the Act of 1834 contained, the lands in which the cemetery of the Company is now constructed, amounting in the aggregate to twenty-five acres, three roods, and seven perches, shall be deemed to have been acquired and held within and not in excess of the powers of the Act of 1834, and none of the directors of the Company, or any trustees appointed on behalf of the Company, or the heirs, executors, administrators, or assigns of any such directors or trustees, shall be subject to any liability by reason

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the directors being the trustees of the Company, and such deeds shall be duly stamped and the consideration shall be truly stated therein, and every such mortgage may be according to the form contained in the third schedule to this Act, or to the like effect.

Arrears may be enforced by appointment of receiver.

21. The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than two thousand pounds in the whole.

Application of moneys.

22. All moneys raised under this Act, whether by shares or borrowing, shall be applied for the purposes of this Act, or for the general purposes of the Company.

Company may consolidate shares into stock.

23. Subject to the provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the consolidation of shares into stock, the Company may convert into stock all or any part of the shares which they are authorised to create by the Act of 1834 or by this Act.

Quorum at meetings of the Company.

24. Notwithstanding anything contained in the Act of 1834, the quorum of a meeting of the Company shall be at least six persons present in person or by proxy, possessed of at least one hundred and fifty shares in the aggregate in the capital of the Company.

Saving for Act of 1834.

25. Nothing in this Act contained shall interfere with the constitution, operation, internal government, and powers of the Company under the Act of 1834, or alter the provisions of the Act of 1834, further or otherwise than as by this Act is expressly provided.

Act to be read as one with Act of 1834.

26. This Act and the Act of 1834 as amended by this Act shall be read and have effect as one Act, and may be cited for all purposes as "The Dublin General Cemetery Acts, 1834 and 1874."

Expenses of Act.

27. All the costs, charges, and expenses of and preparatory and incidental to the application for and passing of this Act shall be paid by the Company.

SCHEDULE I.

Lands and Property held by or on behalf of the Company on Lease for Lives.

Dwelling-houses and premises, with the gardens thereunto belonging, known as Nos. 15 and 16, Harold's Cross, in the county of Dublin, formerly in the possession of Thomas O'Regan, deceased, and afterwards in the possession of Charles Bolton Johnston; and also part of the field formerly known as the Quarry Field or the Chapel Field, bounded on the north in part by the garden wall of the said premises No. 16, Harold's Cross, and partly by the adjoining field now called the Quarry Field, on the south by the wall at the north side of the avenue leading to Mount Jerome Cemetery, on the east partly by the said wall and the chapel abutting into the said field, and partly by the reres of the houses fronting the high road from Dublin to Kimmage, and on the west by the Earl of Meath's watercourse; and also the yard, lane, or passage leading from the said high road into the said Chapel Field, with the cabins and cottages standing thereon, bounded on the north partly by the house and garden known as No. 19, Harold's Cross, and partly by the garden of the said premises No. 16, Harold's Cross, on the south by the dwelling-house and premises known as No. 20, Harold's Cross, on the west by a portion of the said Chapel Field, and on the east by the said high road leading from Dublin to Kimmage, all which said premises are in the manor of Thomas Court and Donore barony of Donore and county of Dublin.

SCHEDULE II.

Lands and Property in the parish of Saint Catherine in the county of Dublin to be taken under the powers of this Act.

Description of the Property.	Owner or reputed Owner in Fee.	Sub-Owner or reputed Owner.	Lessees.	Occupiers.
Certain fields or closes of land and labourers cottages, in the whole 21a. 1r. 20p. statute measure or thereabouts, situate in the liberties of Thomas Court and Donore, parish of Saint Catherine and county of Dublin, and now in the township of Rathmines and Rathgar - -	The Right Hon. William Brabazon, Earl of Meath.	Luke Eiffe, Esq.	Charles Kavanagh and Mrs. Charlotte Jane Johnston, widow of Charles Bolton Johnston, Esq.	Charles Kavanagh and Mrs. Charlotte Jane Johnston and their under tenants, workmen, and labourers.

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The lands herein-before described are bounded on the north-east by land in the occupation of Charles O'Hara, on the south and south-east by the northern boundary of the existing cemetery of the Company, on the south-west by other lands in the occupation of Charles Kavanagh, and on the west by land in the occupation of Lawrence Byrne, and on the north-west by land in the occupation of Michael Flanagan and Charles O'Hara respectively.

SCHEDULE III.

No. MORTGAGE. £

By virtue of the Dublin General Cemetery Acts, 1834 and 1874, we, being three directors and the trustees of the General Cemetery Company constituted by and under the said Acts, in consideration of the sum of paid to us by *A.B.* of , do assign unto the said *A.B.*, his executors, administrators, and assigns, all and singular the profits arising from the sale or disposal of graves, vaults, and privilege of interment, and other the sums of money arising and issuing out of the undertaking of the said Company by virtue of the said Acts, and all the estate, right, title, and interest of the said Company in the same, to hold unto the said *A.B.*, his executors, administrators, and assigns, until the said sum of , together with interest for the same after the rate of for every one hundred pounds for a year, shall be fully paid and satisfied, the principal sum to be repaid at the end of years from the day of 18 .

Given under our hands and seals this day of in the year of our Lord 18 .

A.B., *C.D.*, *E.F.* } Directors and Trustees.

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