ANNO PRIMO

VICTORIÆ REGINÆ.

Cap. XXXV.

An Act for establishing a general Cemetery in the Parish of *Gravesend* in the County of *Kent*.

[11th *June* 1838.]

WHEREAS the Burial Grounds within the Parishes of *Gravesend* and *Milton* in the County of *Kent* are of very limited Extent, and the same having been long in use are so occupied and filled with Graves and Vaults as to be insufficient for the increased and increasing Population within the said Parishes: And whereas it would be of great public Advantage if a general Cemetery for the Interment of the Dead were established in an open Situation within one of the said Parishes: And whereas the several Persons herein-after named, together with others, are willing at their own Expence to establish such Cemetery; but the same cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *Frederick Chinnock*, *Frederick Clarke*, *William Elliott*, *Samuel Graffley*, *George Hodgkinson*, *Edward Layton*, *William Parkes*, *Robert Rainey*, and all other Persons and Corporations who have subscribed or who shall hereafter subscribe to the said Undertaking, and their several and respective Successors, Executors, Administrators, and Assigns, shall be and they are hereby united into a Company for establishing and maintaining the Cemetery and other Works by this

Company incorporated

Act authorized to be made, and for that Purpose shall be One Body Corporate by the Name and Style of "The *Gravesend* and *Milton* Cemetery Company," and by that Name shall have perpetual Succession and a Common Seal, and by that Name shall and may sue and be sued, and also shall have Power and Authority to purchase and hold Lands to them and their Successors for the Use of the said Undertaking, without incurring any Penalties or Forfeitures.

Meaning of certain Words in this Act.

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

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

III. And be it further enacted, That it shall be lawful for the said Company and they are hereby authorized and empowered to treat, contract, and agree with the Owner of or with any Person who may be seised, possessed of, or interested in certain Lands, with the Buildings thereon, called or known by the Name of the *Victoria* Gardens, in the said Parish of *Gravesend* (containing by Estimation Six Acres or thereabouts), which the said Company shall deem necessary or convenient for the Purposes of this Act, and who shall be willing to sell the same, or his or their Right or Interest in the same, for the Purchase thereof or of any Part thereof, not exceeding in the whole Six Acres, and to pay such Sum of Money for the Purchase thereof and at such Time as shall be agreed upon between such Owner, Corporation, or Person as aforesaid and the said Company.

Conveyances to be made at the Expence of the Company.

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

Form of Conveyance.

'I of in consideration of the Sum
'I of to me paid by "The *Gravesend* and *Milton*
'Cemetery Company" established and incorporated by an Act passed in
'the Year of the Reign of Her Majesty Queen *Victoria*, intituled
'[*here insert the Title of this Act*], do hereby convey [*or* assign, *as*
'*the Case may be*] to the said Company and their Successors all
'[*describing the Premises to be conveyed*], together with all Ways,
'Rights, and Appurtenances thereto belonging, and all such Estate,
'Right, Title, and Interest in and to the same, and every Part
'thereof, as I am or shall become seised of or entitled to; to hold

'the Premises to the said Company, and their Successors and Assigns, 'for ever [*or, as the Case may be*, during all the Remainder of my 'Term, Estate, or Interest in the said Premises.] In witness whereof 'I have hereunto set my Hand and Seal this Day of 'in the Year of our Lord .'

On Payment of Purchase Money Premises to vest in the Company.

V. And be it further enacted, That upon the Payment of the Money agreed to be paid for the Purchase of such Lands to the Person respectively entitled to such Money, or his Agents, all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand at Law or in Equity of the Person to whom or for whose Use the same shall be paid in, to, or out of such Land shall vest in the said Company and their Successors for ever.

Company empowered to build a Cemetery.

VI. And be it further enacted, That after the said Land hereinbefore mentioned shall have been purchased or agreed to be purchased by the said Company in pursuance of this Act it shall be lawful for the said Company and they are hereby empowered to make and maintain a Cemetery for the Interment of the Dead therein, and to establish the same in such a Way as may be fitting and proper, and to cause the said Cemetery to be inclosed with proper Walls and Fences, and to erect so many covered Porches or Colonnades, Catacombs and Vaults, for public and private Burial Places, as the said Company shall think proper: Provided always, that such Cemetery shall not be situate within Three hundred Yards of any House having a Plantation or Ornamental Garden or Pleasure Ground occupied therewith, except with the Consent of the Owner thereof.

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

VII. And be it further enacted, That it shall be lawful for the said Company to erect within or adjoining to such Part of the said Cemetery as shall be consecrated, or to convert any Building which may be erected on the said Land into a convenient and suitable Chapel for the Reception of the Dead immediately previous to Interment, and for the Purpose of performing therein the Burial Service according to the established Form of the United Church of *England* and *Ireland*.

Company empowered to build a Chapel for Burial Service of Dissenters

VIII. And be it further enacted, That it shall be lawful for the said Company in like Manner to erect or to convert any Building which may be erected on the said Land into so many convenient and suitable Chapels as they may think necessary for the Reception of the Dead immediately previous to Interment, and for the Purpose of performing therein the Burial Service according to the Rites of any Church or Congregation not being of the Established Church of *England*, by any Clergyman or Minister of such Church or Congregation duly authorized by Law to officiate in such Church or Congregation, or recognized as such by the Religious Community or Society to which he may belong.

Part of Cemetery to be consecrated.

IX. And be it further enacted, That such Part of the said Land as shall be set apart for the Interment of the Dead according to the established Form of the United Church of *England* and *Ireland* may be consecrated by the Bishop of the Diocese for the Time being;

being; and when such Part shall have been so consecrated as a Cemetery the same shall be set apart by the said Company and be used for the Purpose of Burial according to the Rites and Usages of the Established Church of *England* and *Ireland*, and that no Person shall perform the Burial Service therein except according to such Rites and Usages.

Chaplain appointed, and his Duties.

X. And be it further enacted, That the Rector or Incumbent of the said Parish of *Gravesend* for the Time being shall, for the Purposes of this Act, be the Chaplain of the said Company, with such Power of Resignation as is herein-after contained; and shall, so long as he shall continue to be such Chaplain, perform in Person or by his Curate, when required, unless prevented by Sickness or other reasonable Cause, the Burial Service within the consecrated Part of the said Cemetery according to the established Usage of the United Church of *England* and *Ireland* and that no Person shall celebrate the Burial Service according to such Usage except in the consecrated Part of the said Cemetery.

Any Clergyman may officiate.

XI. And be it further enacted, That it shall be lawful for any Clergyman of the Established Church, at the Request of the Executor of any deceased Person, or any other Person having the Charge of the Interment of any deceased Person, to perform the said Burial Service in the consecrated Part of the said Cemetery, due Notice in Writing being first given to the proper Officer of the said Company that the Services of the Chaplain will not be required at such Burial.

Fees to be paid to the Chaplain.

XII. And be it further enacted, That the said Company shall and may, by and out of the Monies to be received by virtue of this Act, allow to the Rector or Incumbent of the said Parish of *Gravesend*, so long as he shall continue to be the Chaplain of the said Cemetery for the Time being, for every Interment which shall take place within the consecrated Part of the said Cemetery, the Sum of Three Shillings and Sixpence.

Compensation to Incumbents for Loss of Fees.

XIII. And be it further enacted, That upon the Interment of every Person within the consecrated Part of the said Cemetery who shall appear by the Books of the said Company to have been removed for the Purpose of Interment from either of the Parishes of *Milton* next *Gravesend* or *Northfleet* the said Company shall pay unto the Incumbent for the Time being of such of the said Parishes from which such Person shall be removed the Sum of Two Shillings.

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

XIV. And be it further enacted, That for the Purposes of ascertaining the Amount of Fees which shall be so payable to the Chaplain of the said Cemetery, and to the Incumbents of the said Parishes of *Milton* next *Gravesend* and *Northfleet* as aforesaid, the said Company shall and they are hereby required to cause a Book to be kept, and clear, regular, and distinct Entries to be made therein of the Names of all Persons interred within the consecrated Part of the said Cemetery, and the Names of the Parishes from which such Persons respectively shall have been removed, together with the Date of such Interment; and such Book shall be at all seasonable Times open to the

the Inspection of the said Chaplain and of the Incumbents for the Time being of the said Parishes of *Milton* next *Gravesend* and *Northfleet*, or to any Person employed by them, without Fee or Reward.

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

XV. And be it further enacted, That the said Company shall and they are hereby required, twice in every Year, (that is to say,) on the Twenty-fifth Day of *March* and the Twenty-ninth Day of *September*, to cause an Account to be made up of all Fees payable by the said Company to the said Chaplain and to the said Incumbents of the Parishes of *Milton* next *Gravesend* and *Northfleet*, and of the Sum payable in respect of each of the said Parishes; and the said Company shall, at the Expiration of One Calendar Month next thereafter, deliver, upon Demand, to the said Chaplain and to the Incumbent of each of the said Parishes, or to such Person as he shall appoint, a Statement in Writing of the Sum payable to such Chaplain and Incumbent, with the Names of the several Persons in respect of whose Interment the Fees are so payable, and shall at the Time of the Delivery of such Account, or at any Time thereafter, upon Demand, pay to the said Chaplain and to each of such Incumbents, or to such Person as he shall appoint, the full Amount of the Sum which upon the Statement of such Account shall appear to be due by the said Company.

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

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

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

XVII. Provided always, and be it further enacted, That upon the Cession, Resignation, Removal, or Death of the said Chaplain, being the Rector or Incumbent of the said Parish of *Gravesend*, or of the Incumbent of either of the Parishes in respect of which Fees are payable by the said Company by virtue of this Act, such Chaplain or Incumbent, his Executors, Administrators, or Assigns, shall be entitled to receive so much of the Sum payable at the half-yearly Day of Settlement of Accounts which shall happen next after such Cession, Resignation, Removal, or Death as shall have accrued for such Fees from the last preceding Day of Settlement of Accounts, or from the Time when such Chaplain or Incumbent became first entitled in fact or by relation of Law to receive the Fruits of his Living (as the Case may require), up to the Day of such Cession, Resignation, Removal, or Death; and the Chaplain being the Rector or Incumbent of the said Parish of *Gravesend*, or the Incumbent who shall succeed him, shall and may have, receive, and retain the Residue of the said Sum; and the said Chaplain, or the Incumbent of either Parish, who shall receive from the said Company any Sum which,

in pursuance of the Directions herein-before contained, is to be divided as aforesaid, shall account for the same with the preceding Chaplain or Incumbent, his Executors, Administrators, or Assigns, and pay over the same to him or them accordingly, and the said Company shall not be liable to see to the Application thereof; and in like Manner the said Chaplain and the Incumbent for the Time being of either Parish in respect of which any Arrears of Fees are payable by the said Company shall, upon the Receipt thereof, duly account for and pay over the same unto the preceding Chaplain or Incumbent, his Executors, Administrators, or Assigns, or other the Person entitled thereto, and the said Company shall not be answerable or accountable to any Person other than the actual Chaplain or Incumbent for the Time being for the Payment of any Fees or Arrears of Fees under or by virtue of this Act.

Power to Rector of Gravesend to resign the Office of Chaplain and for the Company to appoint another in his Stead.

XVIII. Provided always, and be it further enacted, That nothing herein contained shall prevent the Rector or Incumbent of the said Parish of *Gravesend* for the Time being from resigning his Office of Chaplain to the said Company, if he shall think fit, upon giving Six Calendar Months previous Notice of his Intention so to do to the said Company; and upon such Resignation, or upon the Death, Resignation, or Removal of any Chaplain to be appointed as hereinafter mentioned, it shall be lawful for the Directors of the said Company to appoint any other Clergyman of the United Church of *England* and *Ireland* to officiate as Chaplain in the consecrated Part of the said Cemetery until the Cession, Resignation, Removal, or Death of the said Rector or Incumbent of the said Parish of *Gravesend;* and such Chaplain shall, if approved of by the said Bishop, be licensed by and be subject to the Jurisdiction of the said Bishop, and the said Bishop shall have Power to revoke, summarily and without Process, any such Licence, and to remove such Clergyman or Chaplain for any Cause which shall appear to the said Bishop to be good and reasonable; and the said Directors shall and may, by and out of the Monies to be raised by virtue of this Act, allow to such Chaplain (not being the Rector or Incumbent of the said Parish of *Gravesend*) such Fees, Stipend, or Salary as the said Directors shall think fit; and such last-mentioned Chaplain shall, so long as he shall continue to be the Chaplain of the said Cemetery, perform when required, unless prevented by Sickness or other reasonable Cause, the Burial Service within the consecrated Part of the said Cemetery according to the established Usage of the United Church of *England* and *Ireland*.

For Recovery of Chaplain's and Incumbents Fees.

XIX. And be it further enacted, That if Default shall be made in payment of any Fees, Stipend, or Salary payable by this Act to any Chaplain or to either of the said Incumbents of *Milton* next *Gravesend* and *Northfleet*, or any Part thereof respectively, for the Space of Two Calendar Months next after the Twenty-fifth Day of *March* and the Twenty-ninth Day of *September* in every Year, and Demand made thereof in Writing, it shall be lawful for such Chaplain and Incumbents, and his and their Executors and Administrators, to sue for and recover the same, with full Costs of Suit, against the said Company, by Action of Debt or upon the Case in any of Her Majesty's Courts of Record at *Westminster*.

XX. And

Directors to appoint Clerk and Sexton.

XX. And be it further enacted, That it shall be lawful for the said Directors from Time to Time to nominate and appoint such Person or Persons as they shall think fit to act as Clerk and Sexton in the said Cemetery, and also from Time to Time to displace and remove such Clerk and Sexton, or either of them, at their Will and Pleasure; and the Fees, Wages, or Stipends of such Clerk and Sexton shall from Time to Time be fixed and settled by the said Directors; and such Clerk and Sexton shall and may from Time to Time use the like Methods for the Recovery of their respective Fees, Wages, or Stipends as are by this Act given to the Chaplain of the said Cemetery for the Recovery of his Fees; and every such Clerk and Sexton shall, unless prevented by Sickness or other sufficient Cause, regularly attend and perform his Duty at the said Cemetery whenever required for that Purpose, or in default thereof lose and forfeit all Right and Claim to his said Fees, Wages, or Stipend.

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

XXI. And be it further enacted, That it shall be lawful for the said Company to set apart a Portion of the said Cemetery for the Interment of Persons not being Members of the United Church of *England* and *Ireland* as by Law established, and such Portion shall be for ever set apart and used for the Interment of the Dead; and it shall be lawful to inter the Bodies of the Dead in such unconsecrated Part of the said Cemetery in such Manner as the Friends and Relatives of the Person so to be interred shall think fit; and in default of any Direction by the Friends or Relatives of the Person so to be interred then in such Manner as the said Company shall think fit and appoint: Provided always, that every such Burial shall be conducted in a decent and solemn Manner, and under such Regulations and Restrictions as the said Company shall think fit to impose.

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

XXII. And be it further enacted, That it shall be lawful for the said Company to sell and dispose of to any Person who may desire to purchase or acquire the same, and at or for such Price or Sum of Money, and under such Regulations and Restrictions, and subject to such Conditions, as the said Company shall think proper to require, the exclusive Right of Interment, either in Perpetuity or for a limited Period, as may be agreed upon, in any of the Colonnades, Catacombs, Vaults, or Graves which may be erected, formed, or dug by the said Company; and also the Right and Privilege of erecting and forming any Family or other Vault, Catacomb, Grave, or Place of Burial within the said Cemetery, with the exclusive Right of Interment therein, either in Perpetuity or for a limited Period; and also the Right or Privilege of single Interment in any of the Catacombs, Vaults, or Graves erected, formed, or dug by the said Company; and also the Right and Privilege of erecting and placing any Monument or Cenotaph in the said Cemetery, or any Monument, Tablet, or Monumental Inscription on or against the Walls of the said Chapels or other Place appropriated by the said Company for the Reception of Monuments, Tablets, or Monumental Inscriptions; and also the Right and Privilege of placing any Gravestone or Slab of Stone or Marble or other Material, or Foot-stones or Head-stones, upon or to any Grave in the said Cemetery.

XXIII. And

Grant of exclusive Right of Burials in Vaults.

XXIII. And be it further enacted, That the Conveyance of the exclusive Right of Interment in all such Catacombs, Vaults, or Graves, and of the Right and Privilege of erecting and forming any Family Vaults, Catacombs, Graves, or Places of Burial, with the exclusive Right of Interment therein, either in Perpetuity or for a limited Period, and of the Right and Privilege of erecting any Monuments or Cenotaphs, shall be under the Common Seal of the said Company, and may be in the Words or to the Effect following; (that is to say,)

Form of Conveyance of Right of Burial.

'The *Gravesend* and *Milton* Cemetery Company.

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

And every such Conveyance so made shall be good, valid, and effectual, both at Law and in Equity, without Enrolment, and without Words of Inheritance, Limitation, or Representation, to vest the exclusive Right of Interment in the Catacomb, Vault, or Grave described therein, or to be erected or made in pursuance thereof, in the Person purchasing the same, and his personal Representatives, Legatees, and Assigns, in Perpetuity or for the Period agreed upon, without any Faculty whatever, subject to the Payment of such Fees as may be by the Rules and Regulations of the said Company from Time to Time payable on the Interment of any Corpse in such Catacomb, Vault, or Grave, and subject also to such Rules, Orders, and Regulations as shall from Time to Time be made by the said Company for the better Regulation of the said Cemetery, and the Catacombs, Vaults, and Graves; and an Entry or Memorial of every such Grant or Assignment, containing the Date thereof, and the Names of the Parties, with their proper Additions, to whom the same shall have been made, with a sufficient Description of the Catacomb or Vault, or of the Piece of Ground for the Erection of a Catacomb or Vault comprised therein, so as to identify the same, and the Amount of the Sum paid for the Purchase thereof, shall within Twenty-eight Days after the Date thereof be entered in some Book to be kept by the Clerk of the Company, for which the said Clerk shall receive such Sum as the said Company shall think fit, not exceeding the Sum of

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

Two

Two Shillings and Sixpence, and which Book may be perused at all seasonable Times by any of the Proprietors of the said Undertaking, without Fee or Reward, and by any Purchaser or intended Purchaser from the original or any intermediate Purchaser thereof upon Payment of the Sum of One Shilling to the Clerk of the said Company.

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

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

Form of Assignment.

'The *Gravesend* and *Milton* Cemetery Company.

'I *A. B.* of in consideration of the Sum of
'paid to me by *C. D.* of do hereby bargain, sell, and
'assign unto the said *C. D.* the exclusive Right of Burial or Interment in all [*here describe the Vault, Catacomb, or Burial Place,*]
'which was granted to me [*or* unto *A. B.* of] in Perpetuity [*or as the Case may be*] by the *Gravesend* and *Milton*
'Cemetery Company by a Deed bearing Date the Day of
' and all my Estate, Title, and Interest therein, to
'hold the same unto the said *C. D.*, his personal Representatives,
'Legatees, and Assigns, in Perpetuity, [*or, as the Case may be,* for
'the Remainder of the Period for which the same was granted by
'the said Company,] subject to the same Conditions as I held the
'same immediately before the Execution hereof. Witness my Hand
'and Seal this Day of .'

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

Derivative Assignments to be registered.

XXV. And be it further enacted, That every derivative Assignment of the exclusive Right of Interment in any Catacomb, Vault, or Grave in the said Cemetery, and also every Will by which the exclusive Right of Interment in any Catacomb, Vault, or Grave in the said Cemetery shall be devised, shall, if a Deed, within Six Calendar Months after the Execution thereof, if executed in *England*, or within Six Calendar Months after the Arrival thereof in *England* if executed elsewhere, the Time of such Arrival to be verified by a Declaration made by some respectable Person before One of Her Majesty's Justices of the Peace, or before any Master Extraordinary in Chancery, which Declaration shall be delivered to and left with

the Clerk of the said Company, and if a Will, then within Six Calendar Months after the Probate thereof, be produced to the Clerk of the said Company, who shall cause an Entry or Memorial to be made thereof in the same Manner as of the original Grant, for which the said Clerk shall be paid such Sum as the said Company shall think fit, not exceeding the Sum of Two Shillings and Sixpence; and after such Entry or Memorial made every such Assignment shall entitle the Person to whom the same shall be made, his personal Representatives, Legatees, and Assigns, to the full Benefit thereof, and it shall not be in the Power of the Person who shall have made such Assignment to make void or vacate the same.

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

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

Plan of the Ground to be kept by the Clerk.

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

Register of Burials.

Register Book to be kept by the Chaplain of the Company.

XXVIII. And be it further enacted, That all Burials within the said Cemetery in the consecrated Part thereof shall be registered in Register Books to be provided by the said Company, and kept for that Purpose by the Chaplain of the said Company according to the Laws in force for keeping Registers in that Part of the United Kingdom of *Great Britain* and *Ireland* called *England*; and such Register Books, or Copies or Extracts therefrom, duly authenticated, shall be received in all Courts of Law and Equity as Evidence of such Burials; and Copies or Transcripts thereof, signed by the Chaplain to the said Company or his Deputy, shall be from Time to Time transmitted and sent to the Registrar of the Ecclesiastical Court of the Bishop of the Diocese in which the said Cemetery shall

be locally situated, to be kept and preserved with the Copies of the other Register Books of the Parishes within his Diocese: Provided always, that the said Register Books, so far as respects Searches to be made therein and Copies and Extracts to be taken therefrom, shall be subject to such and the same Rules and Regulations as are provided in and by an Act passed in the Seventh Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for registering Births, Deaths, and Marriages in* England, so far as the same relate to Register Books of Burials kept by any Rector, Vicar, or Curate. 6 & 7 W. 4. c. 86.

Proprietors to raise Money amongst themselves for the Undertaking, not exceeding 8,000*l.*, to be divided into Shares of 5*l.* each.

XXIX. And be it further enacted, That it shall be lawful for the said Company to raise amongst themselves, for making and maintaining the said Cemetery and other Works, any Sum or Sums of Money not exceeding in the whole the Sum of Ten thousand Pounds, the whole to be divided into Two thousand Shares of Five Pounds each; and such Shares shall be numbered, beginning with Number One, and proceed in Arithmetical Progression, and every such Share shall be distinguished by the Number to be applied to the same; and the said Shares shall be and are hereby vested in the several Persons so raising and paying the same, and their several and respective Successors, Executors, Administrators, and Assigns, to their proper Use and Benefit, proportionably to the Sums they shall severally contribute; and all Corporations and Persons, and their several and respective Successors, Executors, Administrators, and Assigns, who have subscribed or shall severally subscribe for One or more Share or Shares or such Sum or Sums as shall be demanded in lieu thereof towards the said Undertaking, not exceeding the Sum of Five Pounds upon each Share, shall be entitled to and shall receive, at such Time or Times as shall in manner herein-after provided be directed or appointed, in proportionable Parts according to the respective Sums so by them respectively paid, the net Profits and Advantages which shall arise or accrue by the Sale or Disposal of Graves, Vaults, and Privilege of Interment, and other Sums of Money to be received by the said Company, as and when the same shall be divided; and all Corporations and Persons having such Property in the said Undertaking as aforesaid shall bear and pay a proportionable Sum towards carrying on the same to the full Amount of their respective Shares in the said Undertaking.

Shares to be personal Property.

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

Certificate of Shares to be delivered.

XXXI. And be it further enacted, That the said Company shall from Time to Time cause a Certificate, with the Common Seal of the said Company affixed thereto, to be delivered to every Proprietor on Demand, specifying the Share or Shares to which he may be entitled in the said Undertaking, such Proprietor paying to the said Company such Fee, if any, as the Directors for the Time being shall appoint, not exceeding the Sum of Two Shillings and Sixpence for every such Certi-

For granting new Certificates when old ones are destroyed or worn out.

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

Form of Certificate.

'The *Gravesend* and *Milton* Cemetery Company.

'Number

'THESE are to certify, That *A. B.* of is the Proprietor 'of the Share [*or* Shares] Number in the *Gravesend* 'and *Milton* Cemetery Company, subject to the Rules, Regulations, 'and Orders of the said Company, and that the said *A. B.*, his Executors, Administrators, and Assigns, is and are entitled to the 'Profits and Advantages of such Share [*or* Shares]. Given under 'the Common Seal of the said Company the Day of 'in the Year of our Lord .'

Proprietors of Shares may sell the same.

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

Form of Transfer.

'The *Gravesend* and *Milton* Cemetery Company.

'I *A. B.* of in consideration of paid to me 'by *C. D.* of do hereby assign and transfer to the 'said *C. D.* Share numbered [*or* Shares numbered 'respectively], of and in the Undertaking called "The '*Gravesend* and *Milton* Cemetery Company," upon which Share [*or* 'upon each of which Shares] the Sum of hath been paid, 'to hold the same unto the said *C. D.*, his Executors, Administrators, 'and Assigns, subject to the same Conditions as I held the same 'immediately before the Execution hereof; and I the said *C. D.* do 'hereby agree to accept and take the said Share [*or* Shares], subject 'to the same Conditions. As witness our Hands and Seals the 'Day of .'

And

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

Application of Money to be raised.

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

Power to raise Money by Mortgage.

XXXIV. And be it further enacted, That after One Half of the said Sum of Ten thousand Pounds shall have been actually paid up it shall be lawful for the said Company to borrow and take up at Interest any Sum of Money, not exceeding in the whole the Sum of Three thousand three hundred Pounds, on the Credit of the said Undertaking; and the said Company are hereby empowered to mortgage, assign, and charge the Property of the said Undertaking, and the Profits arising or to arise from the Sale or Disposal of Vaults, Graves, and Privilege of Interment, or any other Sums of Money arising by virtue of this Act, or any Part thereof, (the Costs and Charges of assigning the same to be paid out of such Profits or Monies,) as a Security for any such Sum of Money to be borrowed as aforesaid, with Interest, to or for the Benefit of the Party, or to his Trustee, who shall advance the same; and such Mortgages, Assignments, and Charges shall be by Deed in Writing duly stamped, in which the Consideration for the same shall be truly stated, and shall be made under the Common Seal of the said Company, and may be made in the Words or to the Effect following, with such Variations therein as the Circumstances of the Case may render necessary; (that is to say,)

Form of Mortgage.

‘ Number

‘ BY virtue of an Act passed in the Year of the Reign of
‘ Her Majesty Queen *Victoria*, intituled [*here set forth the Title*
‘ *of this Act*], we, “ The *Gravesend* and *Milton* Cemetery Company,”

'incorporated by and under the said Act, in consideration of the 'Sum of to us in hand paid by *A. B.* of 'do assign unto the said *A. B.*, his Executors, Administrators, and 'Assigns, the said Undertaking, and all and singular the Profits 'arising from the Sale or Disposal of Vaults, Graves, and Privilege 'of Interment, and other the Sums of Money arising by virtue of 'the said Act, and all the Estate, Right, Title, and Interest of the 'said Company of, in, and to the same, to hold unto the said *A. B.*, 'his Executors, 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. Given under our Common Seal this 'Day of in the Year of our Lord .'

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

And the respective Parties to whom such Mortgages shall be made shall be entitled, one with the other, to their Proportions of the said Profits, Monies, and Premises according to the respective Sums in such Mortgages mentioned to be advanced, without any Preference by reason of Priority in the Date of any such Mortgage or on any other Account whatsoever; and all Parties to whom any such Mortgages shall have been made as aforesaid, or who shall be entitled to the Money due thereon, may from Time to Time transfer their respective Rights or Interests therein to any other Persons; and every Transfer thereof shall be by Writing duly stamped, in which the Consideration for the same shall be truly stated, and may be in the Words or to the Effect following; (that is to say,)

Form of Transfer of Mortgage.

'I *A. B.* of in consideration of the Sum of 'paid to me by *C. D.* of do hereby transfer a Mortgage 'Number made by "The *Gravesend* and *Milton* Cemetery 'Company" to bearing Date the 'Day of for securing the Sum of and Interest, 'and all my Right, Estate, and Interest in and to the Money 'thereby secured, and in and to the Profits, Monies, and Property 'thereby assigned, to the said *C. D.*, his Executors, Administrators, 'and Assigns. Dated the Day of in the Year 'of our Lord .'

Transfers to be registered.

And all such Mortgages and Transfers thereof shall be entered in a Book to be kept by the Clerk of the said Company in such Manner and within such Period as the Directors of the said Company shall think proper; and for the Entry of each Transfer thereof the said Clerk shall be paid the Sum of Two Shillings and Sixpence, and no more; and after an Entry of such Mortgage or Transfer shall have been made every such Mortgage or Transfer shall entitle the Mortgagee or Assignee thereof, his Executors, Administrators, or Assigns, to the full Benefit thereof and Payment thereon; and it shall not be in the Power of any Person who shall have made such Transfer to make void, release, or discharge the same, or any Sum of Money thereon due or thereby secured, or any Part thereof: Provided always, that if at any Time the Whole or any Part of the said Sum of Three thousand three hundred Pounds shall be paid off, it shall be lawful for the said Company again to raise the same Amount or any Part thereof immediately or at any Time thereafter, so that no more than the

the said Sum of Three thousand three hundred Pounds shall be owing at any one Time.

Interest of Money borrowed to be paid in preference to Dividends.

XXXV. And be it further enacted, That the Interest of the Money which shall be raised by Mortgage as aforesaid shall be paid half-yearly to the several Parties entitled thereto, and in preference to any Dividends payable by virtue of this Act; and in case such Interest or any Part thereof shall be unpaid by the Space of Twenty-one Days next after the same shall have become due, and the same shall not be paid within Twenty Days after Demand thereof in Writing, such Demand being made upon or at any Time after the Expiration of such Twenty-one Days, it shall be lawful for any Two or more Justices of the Peace acting for the said County of *Kent*, not being interested in the Matter in question, and they are hereby required, on Request to them made by or on behalf of any Mortgagee whose Interest shall be so in arrear, by an Order under their Hands, to appoint some Person to receive the Whole or such Parts of the said Profits or Proceeds or other Monies as are liable to pay such Interest so due as aforesaid; and the Money so to be received by such Receiver is hereby declared to be so much Money received by or to the Use of the Person to whom such Interest shall be then due, until the same, together with the Costs and Charges of recovering and receiving the said Profits or Proceeds or other Monies, shall be fully paid; and after such Interest and Cost shall have been paid the Power of such Receiver for the Purposes aforesaid shall cease, or otherwise the Interest so due may be sued for and recovered, with Costs, by Action of Debt in any of Her Majesty's Courts of Record at *Westminster*.

Creditors not to be deemed Proprietors.

XXXVI. Provided always, and be it further enacted, That no Person to whom any such Mortgage shall be made or transferred as aforesaid shall on that Account be deemed a Proprietor of the said Company.

Power to increase Capital Stock by raising additional Shares.

XXXVII. And be it further enacted, That in case (after One Half of the said Sum of Ten thousand Pounds herein-before authorized to be raised by Subscription shall have been paid up) the said Company, at a General or Special General Meeting to be called as in this Act is directed, instead of borrowing such additional Sum as aforesaid by way of Mortgage, or continuing the same on Mortgage, shall think it advisable to raise such additional Sum, or any Part thereof, by way of Augmentation of their Capital Stock, or shall deem it expedient to borrow or continue at Interest only a Part of the said additional Sum by way of Mortgage, and to raise the Remainder thereof or Part of the Remainder thereof by way of Augmentation of their Capital Stock, then and in either of the said Cases it shall be lawful for the said Company, by the issuing of new Shares at such Price or Prices as the said Company at such Meeting shall think fit, to augment the Capital Stock of the said Company by any further Sum or Sums of Money, so as the same, together with any Sum of Money that may be borrowed and continuing at Interest by Way of Mortgage as aforesaid, shall not exceed such further and additional Sum of Three thousand three hundred Pounds hereby

hereby authorized to be raised as aforesaid; and all such further and additional Capital Stock, not exceeding such additional or further Sum as aforesaid as shall be so raised, shall be considered as Part of the general Capital Stock of the said Company, and be under and subject to the same Provisions, Regulations, Forfeitures, Directions, and Management in all respects and to all Intents and Purposes as if the same had been Part of the original Capital Stock of the said Company, and the Calls made thereon shall be paid at such Times and in such Sums as the said Company shall direct.

First and other Meetings of the Company.

XXXVIII. And be it further enacted, That the First Meeting of the said Company shall be held in the Month of *June* in the Year One thousand eight hundred and thirty-nine, and after such First General Meeting there shall be a General Annual Meeting of the said Company in the Month of *June* in each and every Year, or within the Space of Twenty Days thereafter, and also such and so many Special General Meetings as may be convened by the Directors of the said Company, or by any Five or more Proprietors holding in the aggregate at least One hundred Shares in the said Undertaking, of which said General Meetings and Special General Meetings Ten Days Notice at the least shall be given by Advertisement to be inserted in some One or more of the Newspapers usually printed and circulated in the said County of *Kent*, or by Letters from the Clerk of the Company sent by the Post or left at the usual Place of Abode of the Proprietors respectively as entered in the Books of the said Company; and every such Notice of a Special General Meeting shall specify the Purpose for which such Special General Meeting is called; and such First General Meeting of the said Company, and all other General Meetings and Special General Meetings of the said Company, may be adjourned from Time to Time and from Place to Place as shall be found expedient; and at every General and Special General Meeting of the said Company some one of the Directors present, and if no Director shall be present, then some one of the Proprietors present, to be elected at the Meeting, shall preside as Chairman: Provided always, that if at any General Meeting or at any Special General Meeting there shall not be Ten Persons present who shall be possessed of at least Two hundred Shares in the aggregate within One Hour from the Time appointed for such Meeting, no Business shall be done, but in such Case there shall be another Meeting of the said Company, at the Expiration of Seven Days then next; and if at such adjourned Meeting there shall not be Ten Persons present who shall be possessed of at least Two hundred Shares in the aggregate within One Hour from the Time appointed for such adjourned Meeting, such adjourned Meeting shall stand adjourned to the Seventh Day next following, and so from Time to Time as often as the Case shall happen, until at some Adjournment of such Meeting there shall be a sufficient Number of Proprietors present as last aforesaid, when the Meeting shall proceed to Business.

Meeting to consist of Ten Persons possessed of 200 Shares.

Directing how Subscribers should vote.

XXXIX. And be it further enacted, That at all General and Special General Meetings held by virtue of this Act all Corporations and Persons who shall have subscribed for or become the Proprietors of One

One Share and less than Ten Shares in the said Undertaking shall have One Vote, and all Corporations and Persons who shall have subscribed for or become the Proprietors of Ten Shares and less than Twenty Shares in the said Undertaking shall have Two Votes; and all Corporations and Persons who shall have subscribed for or become the Proprietors of Twenty Shares and upwards in the said Undertaking shall have Three Votes; and such Vote or Votes may be given by such respective Corporations or Persons, or by their respective Proxies constituted under the Common Seals of such Corporations, or under the Hands of the other Proprietors appointing such Proxies, (all such Proxies being Proprietors of Shares in the said Undertaking,) and every such Vote by Proxy shall be as good and sufficient, to all Intents and Purposes, as if the Principal had voted in Person; and every Question, Matter, or Thing which shall be proposed in any General or Special General Meeting of the said Company shall be determined by the Majority of Votes of the Proprietors of the said Company then present personally or by Proxy; and at every such Meeting the Chairman thereof shall and may not only vote as a Principal and also as a Proxy, but in case of an Equality of Votes shall and may also have a further or the decisive or casting Vote; and the Determination of every such Meeting upon any Question, Matter, or Thing shall be and be deemed and taken to be the Decision of the said Company, notwithstanding any Irregularity which may have occurred in the giving or taking of any Votes at such Meeting; and the Appointment of every such Proxy may be made according to the Form or to the Effect following; (that is to say,)

Form of Appointment of Proxy.

'*A. B.* of One of the Proprietors of "The *Gravesend* and *Milton* Cemetery Company," doth hereby appoint *C. D.* of to be the Proxy of the said *A. B.*, in his Name or otherwise and in his Absence to vote or give his Assent to or Dissent from any Business, Matter, or Thing relating to the said Undertaking which shall be proposed at the General or Special General Meeting holden on the Day of next, and at any Adjournment thereof, in such Manner as he the said *C. D.* shall think proper. In witness whereof the said *A. B.* hath hereunto set his Hand the Day of .'

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

XL. And be it further enacted, That whenever several Persons shall be jointly possessed of any Share in the said Undertaking the Person whose Name shall stand first on the Books of the said Company as Proprietor of such Share shall, for the Purpose of voting at every General or Special General Meeting of the said Company, be deemed the Proprietor of such Share, and all Notices by this Act directed to be given to the Proprietors of Shares in the said Undertaking shall and may, for or in respect of such Share so jointly held, be given only to the Person whose Name shall so stand first in the Books of the said Company, or be left at the last or usual Place of Abode of such Person as entered in the Books of the Company; and as between several Proprietors all such Proprietors shall be entitled to give their Vote in respect of such Share by the Person whose Name shall so stand first in the Books of the said Company as Pro-

prietor of such Share, and whose Vote, either in Person or by Proxy, shall on all Occasions be deemed and allowed to be the Vote for or in respect of the Property in such Share, without Proof of the Concurrence of any other Proprietor or Proprietors of such Share.

Lunatics and Minors to vote by Committee and Guardians.

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

Proprietors to pay Calls before they can vote.

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

First Directors of the Company.

XLIII. And be it further enacted, That *William Elliott*, *Samuel Grafftey*, *George Hodgkinson*, *Edward Layton*, and *Robert Rainey*, Esquires, shall be and they are hereby appointed the first Directors to manage the Affairs of the said Company, and shall, except such of them as shall sooner die, resign, or become disqualified as hereinafter mentioned, continue in Office until the First General Meeting of the said Company to be held in the Month of *June* in the Year One thousand eight hundred and thirty-nine, and thenceforth until others shall be elected in their Place.

For electing future Directors.

XLIV. And be it further enacted, That at such First General Meeting Two of the Directors hereby appointed (to be determined by Ballot amongst themselves) shall go out of Office and cease to be Directors of the said Company, and an equal Number of Persons, who shall be Proprietors and respectively possessed in their own Right of Forty Shares at the least in the said Undertaking, shall be elected by the said Company to be Directors in their Place and Stead; and at the General Meeting to be held in the Month of *June* which will be in the Year One thousand eight hundred and forty Two other of the Directors hereby appointed (to be determined as aforesaid) shall go out of Office and cease to be Directors of the said Company, and their Places be supplied in like Manner; and at the General Meeting to be held in the Month of *June* which will be in the Year One thousand eight hundred and forty-one the remaining Director hereby appointed shall go out of Office and cease to be a Director of the said Company, and his Place be supplied in like Manner; and at the General Meeting to be held in the Month of *June* in every subsequent Year Two of the Directors who shall have been longest in Office shall go out of Office and cease to be Directors of

the said Company; or in case it shall arise that the Selection of a Director or Directors to go out of Office is to be made from Two or more Directors who were elected at the same Time, the Selection of such Director or Directors shall be determined by Ballot amongst themselves, and their Places be supplied in like Manner: Provided always, that every Director who shall go out of Office on any annual Day of Election may be immediately or at any future Time re-elected by the said Company a Director of the said Company, and after such Re-election he shall, with reference to the going out by Rotation, be considered as a new Director.

Directors going out of Office re-eligible.

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

For supplying Vacancies in Directors.

XLVI. And be it further enacted, That the Directors for the Time being shall have the Custody of the Common Seal of the said Company, with Power to use the same on the Behalf of the said Company, and shall have full Authority to meet and adjourn from Time to Time and from Place to Place, and also at any Time to call General and Special General Meetings of the said Company for any Purpose they may think proper, and also (subject to the Provisions of this Act) to appoint the Times and Places of holding General and Special General Meetings; and at all Meetings of the Directors one of the Directors present shall preside as Chairman; and all Questions, Matters, and Things which shall be discussed or considered at any Meeting of Directors shall be determined by the Majority of Votes of the Directors then present (the whole Number present not being less than Three); and no Director, although possessed of many Shares in the said Undertaking shall have more than One Vote at any such Meeting, except the Chairman of such Meeting, who, in case of an equal Division, shall always have a second or casting Vote as such Chairman; and such Directors shall have full Power and Authority to do all Acts whatever which the said Company are by this Act authorized to do (except as are herein-after mentioned,) for the Management and Direction of the Affairs of the said Company, and for that Pnrpose to purchase Lands, Tenements, and Hereditaments for the Purposes of this Act, and to appoint and displace all Officers and Servants of the said Company (except the Clerk and Treasurer,) and to allow to such Officers and Servants such Salaries, Gratuities, or Recompences as to the said Directors shall seem proper, and upon the Death, Resignation, or Removal of any of such Officers or Servants from Time to Time to appoint others in their respective Places; and also to make Contracts and Bargains touching the said Undertaking, and to regulate the Mode of Interment in the said Cemetery, and

Powers and Duties of Directors.

and the Disposition of Catacombs, Vaults, and Graves, and of the Sums to be paid for the Purchase of the exclusive Right of Interment therein, or for the Right or Privilege of making or erecting Vaults and Graves, and of being interred therein, and of the Sums to be paid for single Interments, and for the Privilege of placing Monuments or Tablets in the said Chapel or Chapels, or in any other Part of the said Cemetery, and to do and transact all other Matters and Things which shall be requisite to be done and transacted for the Direction and Management of the Affairs of the said Company and the said Directors: Provided always, that the said Company shall and they are hereby required to take such sufficient Security from every Person who shall be appointed Treasurer, Receiver, or Collector of the said Company, for the faithful Execution of his Duty, as they may think proper.

Directors not personally answerable for Acts legally done as Directors.

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

Execution may be issued against any Holder of a Share.

XLVIII. Provided always, and be it further enacted, That in case any Execution upon any Judgment or Decree in any Action, Suit, or other Proceeding obtained against the said Company, whether as Plaintiff or as Defendant, shall be ineffectual for obtaining Payment of or Satisfaction for the Sum or Sums sought to be recovered thereby, it shall be lawful for the Court in which such Action, Suit, or other Proceeding may have been brought or instituted, upon the Application of the Party or Parties who shall have obtained such Judgment or Decree against the said Company, to issue Execution against any Person or Persons who shall be a Proprietor or Proprietors of any Share or Shares in the said Undertaking: Provided always, that in case such last-mentioned Execution against such Proprietor or Proprietors shall also be ineffectual for obtaining Payment of or Satisfaction for the Sum or Sums sought to be recovered thereby, it shall

shall be lawful for the said Court, upon Motion to be made in open Court, on Notice to the Person or Persons sought to be charged, to issue Execution against any other Person or Persons who shall be a Proprietor or Proprietors of any Share or Shares in the said Undertaking: Provided also, that the Sum which shall be recovered from the Proprietor of a Share or Shares in the said Undertaking shall not in any Case exceed the Sum or Sums remaining unpaid upon the Share or Shares of which such Proprietor shall be possessed, and for the Payment of which Sum or Sums such Proprietor would have been liable if called for by the Directors of the said Company: Provided also, that the Sum recovered from any such Proprietor shall be considered as so much Money advanced to and for the Use of the said Company; and it shall be lawful for the Directors of the said Company to make Calls in respect of any Share belonging to such Proprietor for such Sum of Money only as, together with the Sums already paid thereon and the Sum recovered from such Proprietor in respect thereof, shall amount to the Sum of Five Pounds for each such Share: Provided also, that for the Purpose of ascertaining the Proprietors of the said Company it shall be lawful for any Judgment Creditor at all reasonable Times to inspect the Book containing the List of Proprietors of the said Undertaking without Fee or Reward.

No larger Sum to be recovered than the Amount remaining unpaid upon any Share.

XLIX. And be it further enacted, That the said Company shall at some of their General Meetings elect a Treasurer and Secretary or Clerk for transacting the Business of the said Company, and it shall be lawful for the said Company, at any subsequent General Meeting or Special General Meeting, from Time to Time to remove and displace any such Treasurer or Secretary or Clerk, or any Person who shall be thereafter elected to their respective Offices, and to elect in manner aforesaid any other Person to act as Treasurer or Secretary or Clerk of the said Company in the Place of such of the said Officers as shall die or resign, or be removed from their respective Offices; and it shall be lawful for the said Company to allow such Salaries or other Emoluments to the said Officers respectively as they shall from Time to Time think proper; and until such General Meeting, or in the Event of the Death or Resignation of any such Treasurer, Secretary, or Clerk, it shall be lawful for the Directors of the said Company to appoint some fit and proper Person to execute the Duties of Treasurer or Secretary or Clerk, as the Case may be, until a Treasurer, Secretary, or Clerk shall be appointed by some General or Special General Meeting as aforesaid.

General Meeting to appoint Treasurer and Clerk.

L. Provided always, and be it further enacted, That it shall not be lawful for the said Company to appoint any Person who may be appointed their Clerk in the Execution of this Act, or the Partner of such Clerk, or any Clerk or other Person in the Service or Employment of such Clerk or of his Partner, to be Treasurer for the Purposes of this Act, or to appoint any Person who may be appointed Treasurer, or the Partner of such Treasurer, or any Clerk or other Person in the Service or Employment of such Treasurer or of his Partner, to be the Clerk to the said Company for the Purposes of this Act; and if any Person shall accept both the Offices of Clerk and

Clerk not to be Treasurer, and vice versâ.

Treasurer for the Purposes of this Act, or if any Person being the Partner of such Clerk, or the Clerk or other Person in the Service or Employ of such Clerk or of his Partner, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Treasurer or Partner of such Treasurer, or the Clerk or other Person in the Service or Employ of such Treasurer or of his Partner, shall accept the Office of Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any such Treasurer shall hold any Place of Profit or Trust under the said Company other than that of Treasurer, every Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered, with full Costs of Suit, in any of Her Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case.

General Meetings may make Bye Laws.

LI. And be it further enacted, That the said Company shall have full Power and Authority from Time to Time to make such Rules and Regulations as to the said Company shall seem right and proper as to the Interment of the Bodies within the said Cemetery, and the decent and orderly Conduct of Persons attending Funerals or employed in ordering and conducting the same, and for the good Government of the Officers and Servants of the said Company, and for regulating the Proceedings and reimbursing the Expences of the said Directors, and for the general Management of the said Undertaking in all respects whatsoever; and from Time to Time to alter and repeal such Rules and Regulations, or any of them, and to make others, and to impose and inflict such reasonable Fines and Forfeitures upon all Persons offending against the same, as to the said Company shall seem meet, not exceeding the Sum of Five Pounds for any Offence, such Fines and Forfeitures to be levied and recovered as other Penalties and Forfeitures may by this Act be levied and recovered; which said Rules and Regulations shall be reduced into Writing under the Common Seal of the said Company, and so many and such Part thereof as shall impose any Fine or Penalty on any Person not being a Proprietor of the said Undertaking shall be fairly printed on Paper or painted upon a Board, and shall be hung up and fixed and continued in some conspicuous Part of the said Cemetery, or in the Chapel thereof, and shall from Time to Time be renewed as often as the same or any Part thereof shall be obliterated or destroyed; and such Rules and Regulations so made, and reduced into Writing under the Common Seal of the said Company, shall be binding upon and be observed by all Parties, as well Proprietors as others, and shall be sufficient in all Courts of Law or Equity to justify all Persons who shall act under the same; provided that such Rules or Regulations be not repugnant to the Laws of that Part of the United Kingdom of *Great Britain* and *Ireland* called *England*, or to any Provisions in this Act contained; and all such Rules and Regulations shall be subject to Appeal in manner herein-after mentioned.

Directors contracting for Works, &c.

LII. Provided also, and be it further enacted, That if any Person who shall be elected a Director of the said Company shall at any Time

Time subsequently to his Election or Appointment accept or continue to hold any other Office or any Place of Trust or Profit under the said Company, or shall either directly or indirectly be concerned in any Contract for any Article to be used or consumed by the said Company, or shall offer to take and succeed in taking or shall participate in any Manner in any Work to be done for the said Company, every such Person shall thereby become disqualified from acting as Director, and his Office shall thereupon become vacant. after Election disqualified.

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

LIV. And be it further enacted, That the said Directors shall cause proper Books to be kept, wherein shall be entered true and regular Accounts of all Sums of Money which shall have been disbursed and paid, and also the Names, Descriptions, and Places of Residence of the several Proprietors of Shares in the said Undertaking for the Time being; and such Books shall at reasonable Times be open to the Inspection of any of the Proprietors of the said Company, or of any Creditor for any Monies to be borrowed under the Authority of this Act, without Fee or Reward; and the said Proprietors or any Creditor shall and may take Copies of or Extracts from the said Books or any of them, or of any Part thereof respectively, without paying any thing for the same; and the said Directors shall also cause an Abstract of the Receipts and Disbursements and of the Funds and Property of the said Company, audited by some Person or Persons to be appointed by the said Company, (or by the said Directors, in case the said Company shall not have appointed any such Person or Persons,) to be laid before each Annual General Meeting of the said Company. Directors to cause Accounts to be kept.

LV. And be it further enacted, That every Officer or Person who shall be employed by virtue of this Act shall, from Time to Time, when thereunto required by the said Company or by the said Directors, make out and deliver to the said Company or to the said Directors, or to such Persons as they shall respectively for that Purpose appoint, a true and perfect Account in Writing under his Hand of all Monies which shall have been by him received by virtue of this Act, stating how and to whom and for what Purpose the same shall have been disposed of, together with Vouchers and Receipts for such Payments; and every such Officer or Person shall pay all such Monies as upon the Balance of such Account shall Officers to account.

appear

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

powered to make), or have given Satisfaction in respect of such Vouchers, Receipts, Books, Papers, and Writings to the said Company or to the said Directors: Provided always, that no Person who shall be committed for Want of sufficient Distress only shall be detained in Prison for any longer Space of Time than Three Calendar Months.

To compel Payment of Subscriptions.

LVI. And be it further enacted, That the several Persons who have subscribed or who shall hereafter subscribe for or towards the said Undertaking, and every Proprietor of any Share in the said Undertaking, shall pay and they are hereby required to pay the Sums of Money by them respectively subscribed for, or such Parts or Proportions thereof as shall from Time to Time be called for by the Directors of the said Company by virtue of and pursuant to the Powers and Directions of this Act, to such Persons and at such Times and Places as the Directors of the said Company shall from Time to Time direct and appoint; and if any Proprietor of any Share shall refuse or neglect to pay his rateable Proportion of the Money so to be called for at the Time and in the Manner required for that Purpose, then and in such Case, and so often as the same shall happen, it shall be lawful for the said Company, or for the said Directors, to sue for and recover the same in any Court of Law or Equity, together with Interest on such unpaid Sum or Sums of Money at the Rate of Five Pounds *per Centum per Annum* from the Time when the same shall be directed to be paid as aforesaid.

Power of the Directors to make Calls.

LVII. And be it further enacted, That the said Directors shall have Power from Time to Time to make such Calls of Money from the Subscribers to and Proprietors of the said Undertaking, to defray the Expences of or to carry on the same, as they from Time to Time shall find necessary for those Purposes, so that the aggregate Amount of such Calls made in respect of any Share shall not exceed the Sum of Five Pounds, and so that no such Call shall exceed the Sum of Two Pounds upon each Share; and such Calls shall not be made but at the Distance of Two Calendar Months at least from each other; and Twenty-one Days Notice at the least shall be given of all such Calls by Advertisement in some One or more of the Newspapers usually printed and circulated in the said County of *Kent*, or by Letters from the Clerk of the Company sent by Post to or left at the usual Place of Abode of the Proprietors respectively as entered in the Books of the Company, which Money so called for shall be paid to such Persons and in such Manner as the said Directors shall from Time to Time order and appoint; and every Owner or Proprietor of any Share in the said Undertaking shall pay his rateable Proportion of the Money to be called for as aforesaid to such Person and at such Times and Places as the said Directors shall from Time to Time direct and appoint; and if any Owner or Proprietor of any such Share shall not so pay such his rateable Proportion, then and in every such Case, and so often as the same shall happen, such Owner or Proprietor shall pay Interest for the same after the Rate of Five Pounds *per Centum per Annum* from the Day appointed for the Payment thereof up to the Time when the same shall be actually paid; and if any Owner or Proprietor of any such Share shall neglect or refuse

If Calls are not paid Interest to be charged thereon.

If Calls and Interest are not paid within Two Months, the same may be sued for or the Shares may be declared forfeited and sold.

refuse so to pay his rateable Proportion, together with Interest (if any) accruing from the same, for the Space of Two Calendar Months after the Day appointed for the Payment thereof as aforesaid, then it shall be lawful for the said Company or for the said Directors to sue for and recover the same in any of Her Majesty's Courts of Record by Action of Debt or on the Case, or by Bill, Suit, or Information; or the said Company or the said Directors may and they are hereby authorized to declare the Shares belonging to any Person so refusing or neglecting to pay any such Call, together with Interest in manner last aforesaid, to be forfeited, and to direct the same to be sold, subject to the Provisions of this Act: Provided nevertheless, that no Advantage shall be taken of any Forfeiture of any Share in the said Undertaking until Notice in Writing under the Hand of the Clerk or Treasurer of the said Company, of such Share having been declared by the Directors forfeited, shall have been given or sent by the Post to or left at the Place of Abode, as entered in the Books of the Company, of the Proprietor of such Share, or of the Clerk of such Corporation, as the Case may require, nor until the Declaration of Forfeiture thereof by the said Directors shall have been confirmed either at an Annual General Meeting of the said Company, or at a Special General Meeting of the said Company, to be called for that Purpose, and to be respectively held, after the Expiration of Three Calendar Months at the least from the Day on which such Notice of Forfeiture shall have been given or sent as aforesaid; and after such Forfeiture shall have been confirmed by such Annual or Special General Meeting the said Company, by the same or any other Annual or Special General Meeting, shall have Power to direct the said Directors to dispose of the Shares so forfeited; and the said Directors may and they are hereby authorized in that Case to sell and dispose of such Shares at public Auction or by private Treaty, and together or in Lots, or in such other Manner and for such Price as they may think fit; and the Purchaser of such Shares shall not be bound to see to the Application of his Purchase Money, nor shall his Title to such Share be affected by any Irregularity in Proceeding.

If Money arising from Sale of Shares is more than sufficient the Surplus to be paid to the Party to whom they belonged.

LVIII. Provided always, and be it further enacted, That in case the Money produced by the Sale of any such Shares as shall be forfeited by reason of the Nonpayment of any Call, or the Interest thereon, as herein authorized, shall be more than sufficient to pay all such Arrears of Calls as aforesaid, and the Interest thereon as aforesaid, and the Expences attending the Sale thereof, the Surplus of such Purchase Money shall be paid, on Demand, to the Party to whom such forfeited Share shall have belonged: Provided also, that the said Company or the said Directors shall not by virtue of this Act sell or transfer more of the Shares of such Defaulter in Payment of Calls than shall be sufficient, or as near thereto as may be, at the Time of such Sale, to pay the Arrears due from such Defaulter for or on account of such Call, and the Interest and Expences attending the same; and from and after the Payment of such Call, and the Interest and Expences aforesaid, any Shares vested in the said Company as aforesaid which shall remain in their Hands unsold shall revert to and again become the Property of the Party to whom such

Shares shall have belonged immediately before such Forfeiture as aforesaid, in such Manner as if such Call had been duly paid.

Proceedings in Actions for Calls.

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

For ascertaining the Proprietorship of Shares in order to make Calls.

LX. And be it further enacted, That in all Cases where the Right of Property in any Share in the said Undertaking shall pass from the original Subscriber or any Proprietor thereof to any other Person, or to any Body Corporate, by any other legal Means than by a Transfer or Conveyance thereof in the Form and Manner herein provided, a Declaration shall be made by some credible Person before any one of Her Majesty's Justices of the Peace, or before any Master or Master Extraordinary in the High Court of Chancery, stating the Manner in which such Share hath passed or been transferred to such other Person, or to such Body Corporate; and such Declaration shall be delivered to and be left with the Clerk of the said Company, to the Intent that he may preserve the same, and register the Name of every such Proprietor in the Register Book or List of Proprietors of the said Undertaking to be kept in the Office of the said Company; and in all or any of the said Cases, after Twenty-one Days Notice in Writing shall have been given by the said Directors, under the Hand of the Clerk or Treasurer of the said Company, to the Person stated

stated or claiming in such Declaration to be the Owner of such Share, or left at the last or usual Place of Abode of such Person, to pay his Proportion of Money to be called for, and such Person shall not have paid such his Proportion as aforesaid, it shall be lawful for the said Company, at any General Meeting or Special General Meeting after the Expiration of such Notice, to declare such Share to be forfeited; and in case there shall be no such Declaration made as aforesaid then such Notice as is herein-before directed to be given shall be served upon or left at the last known Place of Abode of the Executors or Administrators of any Proprietor who shall have died, or of the Assignees or Trustees of such Proprietor becoming bankrupt or insolvent, or, in the event of the Share being disposed of, the last Proprietor appearing in the Books of the said Company to have been possessed of the same; and in case the last or usual Place of Abode of such Proprietor cannot be ascertained upon Inquiry, or in case any Proprietor shall go out of the Kingdom, such Notice shall be inserted once in the *London Gazette;* and in all such Cases, and after such Notices, and Default being made, the said Share shall be forfeited; and in any of the aforesaid Cases of Forfeiture the same Share shall and may be sold, or otherwise become consolidated in the general Fund of the said Company, in manner aforesaid; and the like Evidence of Title, *mutatis mutandis*, shall be sufficient in any Sale, and the like Indemnity to the Purchaser shall exist, as in other Cases of Sales for Nonpayment of Calls; provided that in case of Proprietors being abroad the Share shall not be forfeited until the Expiration of Six Calendar Months after the Day on which Notice shall have been left at their last usual Place of Abode in *England*, and inserted in the *London Gazette* as aforesaid.

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

LXI. And be it further enacted, That before any Person who shall claim any Part of the Profits of the said Undertaking by virtue of a Marriage with any Female Proprietor, or by virtue of any Will or Letters of Administration, and in all other Cases where the Right and Property of any Share in the said Undertaking shall pass from any Proprietor thereof to any other Person by any other legal Means than by a Transfer and Conveyance thereof duly made and executed as herein-before directed, a Declaration in Writing shall be made by some credible Person before some Master or Master Extraordinary in Chancery, or any one of Her Majesty's Justices of the Peace as aforesaid, stating the Manner in which such Share hath passed or been transferred to such other Person; and such Declaration, together with the Copy of any Will, Letters of Administration, or so much thereof as shall relate thereto, or of any Register of Marriage under which such Share shall be claimed, shall be transmitted to the Clerk of the said Company, who shall thereupon enter and register the Name of every such new Proprietor in the Register Book or List of Proprietors of the said Company; and the said Clerk shall be entitled to receive for each such Entry as herein-before directed the Sum of Two Shillings and Sixpence, and no more; and the said Company shall not be bound to see to the Execution of any Trust, whether expressed or constructive, to which any such Share as aforesaid shall be subject or liable.

LXII. And

Receipt of One Proprietor of a Share sufficient.

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

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

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

Accounts to be made up annually and Dividend declared.

LXIV. And be it further enacted, That the said Company or the Directors of the said Company shall and they are hereby required to cause a true and particular Account to be kept and annually made up and balanced of the Money received by the said Company, or by the Directors or Treasurer of the said Company, or otherwise, for the Use of the said Company, by virtue of this Act, and of the Charges and Expences attending the making, maintaining, and carrying on the said Undertaking, and of all other the Receipts and Expenditure of the said Company or of the said Directors, up to the Period at which such Account shall be made up and balanced; and a Dividend shall be made out of the clear Profits of the said Undertaking, unless any General Meeting shall declare otherwise; and such Dividend shall be at and after the Rate of so much *per* Share upon the several Shares held by the Members thereof in the Joint Stock of the said Company as such Meeting shall think fit: Provided always, that no Dividend shall be paid in respect of any Share after a Day appointed for Payment of any Call of Money in respect thereof until such Call shall have been paid.

Declaring what shall be good Service of Notice on the Company.

LXV. And be it further enacted, That in all Cases in which it may be necessary for any Person or Corporation to serve any Summons or Demand, or any Notice, or any Writ or other Proceeding at Law or in Equity, upon the said Company, Service thereof respectively upon any Director of the said Company, or upon the Clerk or Treasurer of the said Company, or leaving the same at the Office of such Clerk or Treasurer, or delivering the same to some Inmate of the last or usual Place of Abode of such Clerk or Treasurer, or in case there shall be no Clerk or Treasurer, then Service on any One Director, or left at his last or usual Place of Abode, shall be deemed good and sufficient Service of the same respectively on the said Company.

What shall be good Service of Notice by the Company.

LXVI. And be it further enacted, That in all Cases in which it may be necessary for the said Company to give any Notice to any Corporation or to any Person whomsoever under the Provisions or Directions

Directions contained in this Act such Notice may be signed by the Clerk for the Time being of the said Company, or by the Treasurer, or by any Director of the said Company, without being required to be under the Common Seal of the said Company; and such Notice shall be delivered to such Person, or be delivered to some Clerk or other Officer of such Corporation, or be left at the Office of such Clerk or Officer, or at the last or usual Place of Abode of such Person, Clerk, or Officer, except in Cases in which any other Mode of giving such respective Notices is by this Act particularly directed.

For compelling Witnesses to attend.

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

Directors empowered to grant Releases to Witnesses.

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

Penalty on Persons injuring the Cemetery.

LXIX. And be it further enacted, That if any Person shall wilfully or maliciously injure, cut, pull down, or break any Tree, Shrub, Plant, or Bank within the said Cemetery; or pull down, injure,

injure, or break any Railing, Palisade, Fence, or Wall of the said Company, or of any Chapel or Building within the said Cemetery, or any Window, Pillar, Door, Gate, or other external Part thereof, or any Part thereof; or shall daub, paint, or disfigure the external Walls of the said Cemetery or any Part thereof; or shall paste or affix any Bill or other Papers thereto; or shall write with Chalk or any other Matter thereupon; or shall play at Ball or at Fives upon or against the same; or shall wilfully or maliciously break or disfigure, or maim, injure, or deface any Monument, Cenotaph, Tablet, Monumental Inscription, Gravestone, Head or Foot Stone which shall be therein erected or placed, or obliterate or deface any Inscription thereon, without the Consent of the said Company or of the Directors first had and obtained, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, and shall also make Satisfaction for the Injury by him done as aforesaid: Provided always, that no Person shall be liable to any such Penalty as aforesaid except during such Time as Notice of the Effect of this Provision shall be fairly printed on Paper, or painted on Boards, and be affixed on some conspicuous Part of the said Cemetery.

For preventing Nuisances in the Cemetery.

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

Recovery and Application of Penalties.

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

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

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

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

Justices may proceed by Summons for Recovery of Penalties.

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

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

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

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

Distress not unlawful for Want of Form.

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

Plaintiff not to recover after Tender of Amends.

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

Persons aggrieved may appeal to the Quarter Sessions.

LXXVII. And be it further enacted, That all Bodies Corporate and Persons who may think themselves aggrieved by any Rule or Regulation made in pursuance of this Act, or of any Order or Judgment or Determination of any Justice of the Peace relating to any Matter or Thing in this Act mentioned or contained, and for which no Power of Appeal is by this Act specially given, may, within Four Calendar Months next after such Rule, Regulation, Order, Judgment, or Determination shall have been made or given, appeal to any Court of General or Quarter Sessions to be held for the County of *Kent*, first giving Ten Days Notice in Writing of such Intention to appeal, and of the Ground and Nature thereof, to the Party against whom such Complaint is intended to be made, or to the said Company (as the Case may be), and forthwith after such Notice entering into Recognizance before some Justice of the Peace, conditioned to try such

Appeal, and abide the Order and Award of the said Court thereon; and the said Court shall in a summary Way either hear or determine the said Complaint at such General or Quarter Sessions, or, if such Court think proper, may adjourn the Hearing thereof to the following General or Quarter Sessions of the Peace to be held for such County; and the said Court of Sessions may, if such Court see Cause, quash or vacate any such Rule or Regulation, or mitigate any Penalty or Forfeiture, and may order any Money to be returned which shall have been levied in pursuance of such Determination, and may also order any such further Satisfaction to be made to the Party injured as such Court shall judge reasonable, and may also order such Costs to be paid to the Party aggrieved by the Party aggressing as the said Court shall think reasonable.

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

LXXVIII. And be it further enacted, That in all Cases in which any Costs or Expences, Damages or Penalties shall be payable by the said Company, and such Costs or Expences shall not be paid to the Party entitled to receive the same within Thirty Days after the same shall have been demanded, the same shall and may be recovered by Distress and Sale of any Goods or Chattels of the said Company or of their Treasurer, under a Warrant to be issued for that Purpose by any Justice of the Peace not interested in the Matter in dispute, which Warrant such Justice is hereby authorized to issue under his Hand and Seal on Application made to him for that Purpose by any Party entitled to receive such Costs or Expences.

Form of Conviction.

LXXIX. And be it further enacted, That all Justices of the Peace before whom any Person shall be convicted of any Offence against this Act may cause the Conviction to be drawn up in the Form following, or in any other Form to the same Effect, as the Case may require; (that is to say,)

‘ } BE it remembered, That on the Day of
‘ to wit. } in the Year of our Lord
‘ *A.B.* is convicted before me *C.D.* [*or* us, *C.D.* and *E.F.*, Two]
‘ of Her Majesty's Justices of the Peace for the County of
‘ for that the said *A.B.*, after the passing of a certain Act of Parliament made and passed in the Year of the Reign of Her
‘ Majesty Queen *Victoria*, intituled [*here insert the Title of this Act*],
‘ on the Day of in the Year
‘ at the Parish of [*here state the Offence*]; for which
‘ Offence I [*or* we] do adjudge the said *A.B.* to have forfeited [*if*
‘ *the Offence be subject to a Fine*] the Sum of [*insert the Penalty*],
‘ together with the Sum of for Costs [*if any given, or*
‘ *if to be imprisoned, then* do adjudge the said *A.B.* to be committed
‘ to the [*naming the Gaol*] for the Space of [*insert the Time*], *and if*
‘ *the Commitment be for Nonpayment of a Penalty, then and* 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.*]’

Proceedings not to be quashed for

LXXX. And be it further enacted, That no Proceeding to be had and taken in pursuance of this Act shall be quashed or vacated for

Want of Form, or be removed by Certiorari, or by any other Writ or Process whatsoever, into any of Her Majesty's Courts of Record at *Westminster* or elsewhere. Want of Form.

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

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

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

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

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