CHAP. iii.

An Act to amend the Acts relating to the London Necropolis and National Mausoleum Company; and for other purposes. A.D. 1869.

[13th May 1869.]

WHEREAS by an indenture dated the third day of October one thousand eight hundred and fifty-one, and made between the parties whose names were or might thereafter be thereunto subscribed and seals affixed (except William James Voules, John Gardiner, Charles Robert Thompson, and Sir James Caleb Anderson, Baronet, provisional trustees and covenantees on behalf of the company and four of the shareholders) of the first part, the said William James Voules and John Gardiner of the second part, and the said Charles Robert Thompson and Sir James Caleb Anderson of the third part, it was covenanted (amongst other things) that the several persons parties thereto and the several other persons who should become shareholders as therein-after mentioned should be and constitute a joint stock company, to be called "the London Necropolis and National Mausoleum Company" (herein-after called the company), for the general interment of the dead of the metropolis and the suburbs thereof beyond the boundaries of the district mentioned and described in the Act of the thirteenth and fourteenth Victoria, chapter fifty-two, intituled "An Act to make "better provision for the interment of the dead in and near the "metropolis;" and by the said indenture it was provided that it should be lawful for the directors to sell and dispose of, either by public auction or private contract, and by indenture or indentures under their common seal to grant and convey in fee simple for a consideration in money, or to demise and lease at a suitable rent, and for such term or terms as they should think proper, all or any part or parts of any lands or hereditaments purchased by the company which might not be required for the purposes of the company: 13 & 14 Vict. c. 52.

And whereas by "The London Necropolis and National Mausoleum Act, 1852," (in this Act called the "Act of 1852,") the 15 & 16 Vict. c. cxlix.

A.D. 1869.

company was incorporated, and it was, amongst other things, enacted that it should be lawful for the company to purchase compulsorily or by agreement the lands and property therein mentioned, and to make, establish, and maintain thereon or on any part thereof a cemetery; and by section sixteen of the Act of 1852 it was enacted, that the company should not without the sanction and authority of Parliament sell any lands which they might acquire under the authority of the said Act, and should not erect, or cause or permit or suffer to be erected, on such lands any buildings other than such as might be required for the purposes of the said Act, or the residence of the officers and servants of the company:

18 & 19 Vict. c. clxiii.

And whereas by "The London Necropolis and National Mausoleum Amendment Act, 1855," (in this Act called "the Act of 1855,") it was enacted, that when and so soon as certain land specified in the first section of that Act should have been purchased by the company, and when and so soon as land should have been allotted and approved by the bishop for a church, churchyard, parsonage house, and schools as therein-after provided, section sixteen of the Act of 1852 should be repealed so far as related to the lands mentioned and described in the schedule to the Act of 1855, and it should thereupon be lawful for the company for such consideration and in such manner as they should think fit to sell absolutely and convey the lands mentioned and described in the last-mentioned schedule, or any part thereof; provided always, that no such sale should be made after the expiration of ten years from such purchase, and after the expiration of that period the said section sixteen of the Act of 1852 should be revived as to the lands comprised in the last-mentioned schedule which should not then have been sold; and by section two of the Act of 1855 it was provided that the certificate of the Board of Trade that such lands had been purchased by the company, and that such allotment had been made, should be conclusive evidence of the fact of such purchase:

And whereas the company purchased the lands specified in section one of the Act of 1855, and in accordance with the same section land has been allotted by the company and approved by the bishop for a church, churchyard, parsonage house, and schools, and the completion of such purchase and allotment was on the ninth day of August one thousand eight hundred and fifty-six certified by the Board of Trade:

And whereas the company have expended large sums of money in performing the obligations imposed on them by the several hereinbefore mentioned Acts and in carrying the powers thereof into effect:

And whereas the company have laid out and enclosed for burial

purposes a sufficient space to meet the estimated requirements of their undertaking for the next hundred years, but they have received no adequate return for their outlay, and it is only just that the company should be permitted to deal with their surplus lands without any restriction: A.D. 1869.

And whereas the company are required to sell their surplus lands within a limited period, and although they have from time to time sold portions of their surplus lands, they have not been able to dispose of the whole of the same, and a forced sale of the unsold lands within a limited time would entail great loss upon the company: 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 the present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may for all purposes be cited as "The London Necropolis and National Mausoleum Act, 1869."

Section 16 of 15 & 16 Vict. c. cxlix. repealed.

2. Section sixteen of the Act of 1852 shall be and the same is hereby repealed, but the company shall not sell, lease, or exchange any of the lands described in the schedule to this Act, and shall not erect, or cause or permit or suffer to be erected, on such lands any buildings other than such as may be required for the purposes of the Act of 1852, or the residence of the officers and servants of the company, the whole of which are specially retained for present and future cemetery purposes.

Power to sell surplus lands.

3. Notwithstanding anything in any of the Acts relating to or affecting the company, it shall be lawful for them from time to time and without any restriction to sell, lease, or exchange any of the lands belonging to them other than the lands described in the said schedule, and to apply the purchase money or other consideration for the general purposes and benefit of the company.

Expenses of Act.

4. All the costs, charges, and expenses of and attending the obtaining and passing of this Act shall be paid by the company.

SCHEDULE referred to in the foregoing Act.

A piece or parcel of land in the parish of Woking in the county of Surrey comprising the existing cemetery of the company and other lands lying to the east thereof, which piece or parcel of land contains five hundred acres and upwards, and is bounded on the northern side thereof by the London and South-western Railway, on the east by the public highway leading from Guildford by the Hermitage to Knaphill, on the southern side thereof by lands reputed to belong to Murray Marshall and John Heather, and on the western side thereof by the parish boundary between the parishes of Woking and Pirbright and by certain lands reputed to belong to Henry Hawsey and Henry Collins, in the said parish of Pirbright.

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