ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

****

Cap. ccxciii.

An Act for establishing a general Cemetery for the Interment of the Dead in the Parish of *Newbury* near the Town of *Newbury* in the County of *Berks*. [22d *July* 1847.]

WHEREAS it would be of great public Advantage if a general Cemetery for the Interment of the Dead were established in an open Situation in the Parish of *Newbury* in the Neighbourhood of the Town of *Newbury* in the County of *Berks*, under certain Regulations and Restrictions: And whereas the several Persons herein-after named, together with others, are willing and desirous, at their own Expence, to establish such Cemetery; but the same cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Acts of Parliament following, (that is to say,) "The Companies Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," and "The Cemeteries Clauses Act, 1847," shall be and the same are declared incorporated with this Act, save as to such Parts thereof as are modified by or are inconsistent with the Provisions of this Act.

8 & 9 Vict. cc. 16. & 18. and 10 & 11 Vict. c. 65. incorporated with this Act.

Short Title.

II. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression "The *Newbury* Cemetery Act, 1847."

7 & 8 Vict. c. 110. not to apply to this Act.

III. And be it enacted, That the Statute passed in the Eighth Year of the Reign of Her present Majesty, intituled *An Act for the Registration, Incorporation, and Regulation of Joint Stock Companies*, shall after the passing of this Act be wholly inapplicable to the Company hereby incorporated, and the Members, Officers, and Property thereof, and the Purposes of this Act.

Subscribers incorporated.

IV. And be it enacted, That *Edward Brice Bunny*, *Charles Slocock*, *Edward William Gray*, *John Alexander*, *William Mills*, *Joseph Bunny*, *George Dibley*, *Broome Pinneger*, *John Satchell*, *Thomas Wooldridge Fielder*, *James Blacket*, *Henry Taylor*, *John Witherington*, *Job Hanson*, *John Brown*, *John Mason*, *Henry March*, *William Butt*, *Samuel Bentall*, *John Flint*, and all other Persons and Corporations who have already subscribed or shall hereafter subscribe to the Undertaking, and their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the Purpose of establishing and maintaining a public Cemetery or Cemeteries for the Borough of *Newbury* and its Neighbourhood, according to the Provisions of the said recited Acts and of this Act, and for other the Purposes herein and in the said recited Acts contained; and for the Purposes aforesaid such Company shall be incorporated by the Name of "The *Newbury* Cemetery Company," and by that Name shall be a Body Corporate, with perpetual Succession, and shall have Power to purchase and hold Lands for the Purposes of the Undertaking, within the Restriction herein and in the recited Acts contained.

Capital.

V. And whereas the estimated Expence of making the said Cemetery is Three thousand eight hundred Pounds; be it enacted, That the Capital of the Company shall be Four thousand Pounds.

Number and Amount of Shares.

VI. And be it enacted, That the Number of Shares into which the Capital shall be divided shall be Eight hundred, and the Amount of each Share shall be Five Pounds.

Calls.

VII. And be it enacted, That Two Pounds *per* Share shall be the greatest Amount of any One Call which the Company may make on the Shareholders upon any Share, and Three Months at least shall be the Interval between successive Calls.

Power to borrow Money on Mortgage.

VIII. And be it enacted, That it shall be lawful for the Company to borrow from Time to Time, on Mortgage or Bond, or by way of Annuity, as herein-after mentioned, any Sum not exceeding in the whole One-third Part of the Amount of the original Capital; but no Part of such Sum shall be borrowed until the whole of the said Capital or Sum of Four thousand Pounds shall have been subscribed for, and One Half thereof shall have been actually paid up.

IX. And

Payment of Arrears of Interest, &c. may be enforced by Appointment of a Receiver.

IX. And in order to provide for the Recovery of Arrears of Interest and Costs, or of the Principal and Interest and Costs, of any Mortgage to be made by the Company pursuant to the Companies Clauses Consolidation Act, 1845, at the respective Times at which such Interest, or such Principal and Interest and Costs, become due, be it enacted, That if such Interest or any Part thereof shall, for Thirty Days after the same shall have become due, and Demand thereof shall have been made in Writing, remain unpaid, the Mortgagee may either sue for the Interest so in arrear by Action of Debt in any of the Superior Courts, or he may require the Appointment of a Receiver by an Application to be made as provided in the last-mentioned Act.

Recovery of Money lent on Mortgage or Bond.

X. And with respect to such Principal Money, Interest, and Costs, be it enacted, That if such Principal Money and Interest be not paid within Six Months after the same has become payable, and after Demand thereof in Writing, the Mortgagee may sue for the same in any of the Superior Courts of Law or Equity, or if his Debt amount to the Sum of Five thousand Pounds he may alone, or if his Debt does not amount to the Sum of Five hundred Pounds he may in conjunction with other Mortgagees whose Debts, being so in arrear, after Demand as aforesaid, shall together with his amount to the Sum of Six hundred Pounds, require the Appointment of a Receiver by an Application to be made as provided in the last-mentioned Act.

Ordinary Meetings to be held half-yearly.

XI. And with respect to General Meetings of the Company, be it enacted, That the first General Meeting of the Shareholders of the Company shall be held in the Month of *July* One thousand eight hundred and forty-seven, and the subsequent Ordinary Meeting shall be held in the Month of *January* and *July* in each Year, or at such other stated Periods as shall be appointed for that Purpose by an Order of a General Meeting; and all Meetings, whether Ordinary or Extraordinary, shall be held within the Borough of *Newbury*, the first of such Ordinary Meetings to be held in the Month of *January* One thousand eight hundred and forty-eight.

Votes of Shareholders.

XII. And be it enacted, That at the General Meetings of the Company every Shareholder of the said Company shall be entitled to have One Vote for every Share held by him not exceeding Five, and to have an additional Vote for every Five Shares beyond the first Five Shares.

Extraordinary Meetings may be called by Requisition of Shareholders.

XIII. And be it enacted, That any Requisition to the Directors to call an Extraordinary Meeting of the Company shall be made by not less than Five Shareholders holding in the aggregate Shares to the Amount of not less than Three hundred Pounds.

Quorum of General Meetings.

XIV. And be it enacted, That the Quorum of any General Meeting of the Company shall be Ten Shareholders holding in the aggregate Shares to the Amount of not less than Six hundred Pounds.

Number and Qualification of Directors.

XV. And be it enacted, That the Number of Directors, until the Ordinary Meeting of the Company in the Month of *January* One thousand eight hundred and forty-eight, shall be Fifteen, and thereafter

after shall be Ten; and the Qualifications of a Director shall be the Possession in his own Right of Ten Shares in the Undertaking.

Retirement of Directors.

XVI. And be it enacted, That the Directors appointed by this Act shall continue in Office until the Ordinary Meeting in the Month of *January* One thousand eight hundred and forty-eight, and Ten of them shall thenceforth continue in Office until their respective Retirements as herein-after provided.

First Directors.

XVII. And be it enacted, That the said *Edward Brice Bunny*, *Charles Slocock*, *Edward William Gray*, *John Alexander*, *William Mills*, *Joseph Bunny*, *George Dibley*, *Broome Pinneger*, *John Satchell*, *Thomas Wooldridge Fielder*, *James Blacket*, *Joseph Taylor*, *Joseph Witherington*, *Job Hanson*, and *John Brown*, shall be the first Directors.

Rotation of Directors.

XVIII. And be it enacted, That of the Directors appointed by this Act Five shall retire from Office by Ballot at the Ordinary Meeting to be held in the Month of *January* One thousand eight hundred and forty-eight, and thereafter the Directors shall retire from Office at the Times and in the Proportions following; (that is to say,)

At the Ordinary Meeting to be held in the Month of *July* One thousand eight hundred and forty-eight Five of the Directors appointed by this Act;

At the Ordinary Meeting to be held in the Month of *January* One thousand eight hundred and forty-nine Five other of the Directors appointed by this Act;

And at the Ordinary Meeting to be held in the Month of *January* in every Year the Five Directors who shall have been longest in Office;

Provided nevertheless, that such retiring Directors shall be eligible for Re-election immediately or at any future Period.

Quorum of Directors.

XIX. And be it enacted, That the Quorum of a Meeting of Directors shall be Three.

Committees of Directors.

XX. And be it enacted, That the Number of Directors of which Committees appointed by the Directors shall consist shall be not less than Three, and that Three shall be a Quorum; but such Committee shall not have Power to make Calls.

Dividend to be declared half-yearly.

XXI. And be it enacted, That it shall be lawful for the Directors, without the Direction or Sanction of a General Meeting, from Time to Time to declare and pay in the Interval between any Two Ordinary annual Meetings, a Half Year's Dividend out of the Profits of the Company to the Shareholders; but the Directors shall not make any Dividend whereby the Capital of the Company will be reduced.

Qualification of Auditors.

XXII. And be it enacted, That the Number of Shares necessary to qualify any Person for being an Auditor shall be Five Shares held by him in his own Right.

XXIII. And

Periods for balancing of Books.

XXIII. And be it enacted, That the Books of the Company shall be balanced the Thirtieth Day of *June* and the Thirtieth Day of *December* in every Year.

As to Suspension of Secretary or Treasurer.

XXIV. And be it enacted, That the Directors may at any Time suspend either the Treasurer or the Secretary from his Office, and may appoint some Person temporarily to fill the Office of Treasurer or Secretary so suspended, or when vacant from any other Cause, with such Salary as they think fit; but in any such Case they shall forthwith call an Extraordinary Meeting of the Company for the Purpose of taking into consideration the Propriety of removing from his Office any Treasurer or Secretary so suspended, and of electing a new Treasurer or Secretary, as the Case may require.

Proof of Debts in some Cases of Insolvency.

XXV. And be it enacted, That it shall be lawful for the Secretary or Treasurer of the Company to represent the Company and act in their Behalf in all Cases in which any Person against whom the Company shall have any Claim or Demand on the Estate or Effects of any such Person shall be brought under the Operation of any Act relating to Insolvent Debtors, in like Manner as if such Person had taken the Benefit of such Act.

Power to raise Money on Annuity.

XXVI. And be it enacted, That it shall be lawful for the Company to raise all or any Part of the Money hereby authorized to be borrowed by granting Annuities for Lives, and for that Purpose to charge the Undertaking with an Annuity to determine on a Life or Lives in being in favour of any Person who shall advance to the Company any Sum of Money for the Purchase of the same; and that every Grant of such an Annuity shall be by Deed duly stamped, in which the Consideration shall be truly stated, and shall be under the Common Seal of the Company, and may be in the Form in the Schedule (B.) in this Act annexed, or to the like Effect.

Form of Grant of Annuity.

Annuities to have Priority after Mortgages and Bonds.

XXVII. And be it enacted, That every Annuity so granted shall be paid out of the Funds arising by virtue of this Act according to the Grant of such Annuity, and shall have Priority after any Mortgages granted under this Act; and that the Expence of every such Grant shall be defrayed by the Company out of the Money arising by the same.

Register of Annuities.

XXVIII. And be it enacted, That a Register of such Annuities shall be kept in like Manner as is by the Companies Clauses Consolidation Act provided with respect to the Register of Mortgages, and may in like Manner be perused at all reasonable Times.

Transfer of Annuities.

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

Register of such Transfers.

XXX. And be it enacted, That within Thirty Days after the Date of every such Transfer, if executed within the United Kingdom, or otherwise within Thirty Days after the Arrival thereof in the United Kingdom, it shall be produced to the Secretary, and thereupon he shall cause an Entry thereof to be made in the same Manner as in the Case of the Grant of an Annuity, and for such Entry the Company may demand a Sum not exceeding the Sum of Two Shillings and Sixpence; and after such Entry every such Transfer shall entitle the Transferee, his Executors, Administrators, and Assigns, to the full Benefit of the original Grant of the Annuity in all respects; and no Party, having made such Transfer, shall have Power to make void, release, or discharge the Annuity so transferred, or any Money secured by the Grant thereof or by such Transfer; and until such Entry the Company shall not be in any Manner responsible to the Transferee in respect of such Annuity.

Annuitants may enforce Payment, if Annuity is 20*l.*, by Appointment of a Receiver.

XXXI. And be it enacted, That the Annuity Creditors of the Company shall be empowered to enforce the Payment of the Arrears of their Annuities respectively by the Appointment of a Receiver, in like Manner as is by the Companies Clauses Consolidation Act provided with respect to the Arrears of Money due on Mortgage, provided that the Amount of the Annuity payable to such Creditor be not less than Twenty Pounds.

Five Days Notice to be given to Shareholders.

XXXII. And be it enacted, That all Notices to be served by the Company on Shareholders shall be so served as to allow the Party served at least Five clear Days for observing and performing the Act, Matter, or Thing therein required or mentioned.

Company empowered to construct a Cemetery.

XXXIII. And be it enacted, That it shall be lawful for the Company to make and maintain a Cemetery or Burial Ground on the Pieces or Parcels of Land specified in Schedule (A.) to this Act annexed, or so much of the same as shall be purchased by them under the Powers of this Act, and to lay out and embellish the same in such Manner as they shall think proper.

Company to resume Possession of Vaults on Expiration of the Grant, but Bodies not to be disturbed.

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

Burials in the consecrated Portion to be registered by the Clerk.

XXXV. And be it enacted, That all Burials in the unconsecrated Part of the Cemetery shall be registered in a Register Book to be provided by the Company, and kept for that Purpose by the Clerk of the Company, according to the Laws in force for keeping Registers in *England;* and such Register Books, or Copies or Extracts therefrom, shall be received in all Courts as Evidence of such Burial.

Service in Chapel and consecrated

XXXVI. And be it enacted, That in the Chapel and consecrated Part of the Cemetery, with the Appurtenances, the Services for the

Part to be according to Rites of Established Church, &c.

Burial of the Dead shall be according to the Rites and Customs of the Established Church, which the Rector of *Newbury* for the Time being is hereby authorized and required to perform or cause to be performed in like Manner as is now done in the Parish Church or Churchyard; and the Rector of *Newbury* for the Time being shall in all respects for the Purposes of this Act be regarded as the Chaplain of the said Cemetery.

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

XXXVII. And be it enacted, That the Company shall on the Interment of every Corpse within the consecrated Portion of the Cemetery pay to the Incumbent of the Parish or Ecclesiastical District from which such Corpse shall have been removed for Interment, other than the Rector of *Newbury*, the Sums following; (that is to say,)

For every Corpse interred in a Vault, Catacomb, or Brick Grave, the Sum of Five Shillings:

For every other Corpse, the Sum of One Shilling and Sixpence:

And to the Rector of *Newbury*, as full Compensation for all Ecclesiastical Fees, Dues, Rights, Charges, and Claims whatsoever, whether for Performance of the Funeral Service or otherwise, the Sums following; (that is to say,)

For every Corpse interred in a Vault, Catacomb, or Brick Grave, the Sum of Two Pounds and Two Shillings:

For every Corpse of a Non-Parishioner, when the Service shall be performed by the Clergyman of the Parish from whence it is brought, the Sum of One Pound One Shilling:

For every Corpse interred otherwise than in a Vault, Catacomb, or Brick Grave, the Sum of Five Shillings:

For every Corpse of a Non-Parishioner, when the Service shall be performed by the Clergyman of the Parish from which it is brought, on such Interment as last aforesaid, the Sum of Three Shillings and Sixpence.

Company may make Regulations respecting Fees.

XXXVIII. And be it enacted, That the Company shall from Time to Time as they shall think fit regulate the Amount of the Fees, save and except the Fees last above named, to be paid on the Burial of every Corpse in the Cemetery, such Fees respectively to include the respective Parish Fees.

Books of the Company for ascertaining Fees to be received in Evidence.

XXXIX. And be it enacted, That the Book herein-before directed to be kept by the Company for the ascertaining the Parish Fees shall be received as Evidence in all Courts, and before all Judges, Justices, and others, of the Facts therein stated, all which shall be presumed until the contrary be proved; and the Company shall not be liable to give, nor shall any Incumbent be entitled to require, any other Evidence respecting the Parish Fees than the Entries in such Books: Provided always, that for every Case of a false Entry being knowingly and wilfully made in any such Book the Company shall forfeit and pay any Sum not exceeding Five Pounds.

Power to close present Churchyard.

XL. And whereas the Graveyard of the Parish Church of *Newbury*, and the greater Part of the Ground in or under the Church, are so filled

filled as to render it impossible to find adequate Room for the decent Interment of Corpses therein; be it therefore enacted, That from and after the Consecration of the Cemetery it shall be lawful for the Incumbent for the Time being of the said Church, with the Sanction of the Bishop of the Diocese, from Time to Time to make an Order prohibiting any further Burials in the said Graveyard to the said Church, or in or under the said Church, or any Part of the said Graveyard or Church specified in such Order, except only in Brick Graves in the said Yard, or in Vaults already made or constructed in or under the said Church, either in perpetuity or for a Period of Years, according to the Terms of such Order; and a Copy of every such Order shall, within Fourteen Days after the making or signing thereof, be affixed to the outer Doors of the Church of *Newbury*; and it shall also be lawful for the said Incumbent, with the Concurrence of the Churchwardens and Sanction of the Bishop, so soon after the issuing of such Prohibition and from Time to Time as the State of the said Graveyard or the Corpses therein buried will admit, and by sinking them deeper, if necessary, to cause the Earth to be cut down and removed from the said Churchyard till the whole is reduced to a Level with the Streets or the Top of the Foundations of the said Church, now suffering daily Injury from the redundant Earth and consequent Damp; and if any Person shall dig or attempt to dig a Grave in the Churchyard, or open or attempt to open a Vault in or under the Church, contrary to the Provisions of any such Order as aforesaid or of this Act, he shall for every such Offence forfeit any Sum not exceeding Ten Pounds.

Period for recovering Penalties limited.

XLI. And be it enacted, That no Penalty imposed by this Act exceeding the Sum of Twenty Pounds shall be recoverable unless the same be sued for within Twelve Months after the Offence in respect of which such Penalty shall have been incurred shall have ceased; and no Penalty imposed by this Act not exceeding Twenty Pounds shall be recoverable unless the same be sued for within Six Months after the Offence in respect of which such last-named Penalty shall have been incurred shall have ceased.

Expences of Act.

XLII. And be it enacted, That the Expences of and attending the Formation and Registration of the Company, and the soliciting and passing of this Act, shall be paid out of the first Monies at the Disposal of the Company.

Public Act.

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

SCHE-

SCHEDULES referred to by the foregoing Act.

SCHEDULE (A.)

CERTAIN Pieces or Parcels of Land in the Borough and Parish of Newbury in the County of Berks belonging respectively to the Trustees of a certain Charity called Saint Bartholomew's Charity and to the Trustees of a certain other Charity called Coxedd's Charity, and which said Pieces or Parcels of Land together contain Four Acres One Rood and Thirty-three Perches or thereabouts, and are both in the Occupation of John Shaw, Seedsman, and are bounded on the several Sides thereof as herein-after mentioned; that is to say, the said Piece or Parcel of Land belonging to the said Trustees of Saint Bartholomew's Charity is bounded on the East by the new public Road leading from Newbury to Newtown in the County of Southampton, and on the West by the said other Piece or Parcel of Land belonging to the Trustees of Coxedd's Charity, and the last-mentioned Piece or Parcel of Land belonging to the Trustees of Coxedd's Charity is contiguous to and bounded on the East by the first Piece or Parcel of Land belonging to the said Trustees of Saint Bartholomew's Charity, and on the West by the old public Road leading from Newbury to Newtown aforesaid, both of which said Pieces or Parcels of Land are bounded on the North by Land of Charles Lemon Greaves, and on the South by a Bridle Road connecting the old and new Roads leading from Newbury to Newtown aforesaid.

SCHEDULE (B.)

Form of Grant of Annuity.

BY virtue of the Newbury Cemetery Act, One thousand eight hundred and we, the Newbury Cemetery Company, in consideration of the Sum of paid by *A.B.*, do grant unto the said *A.B.* One Annuity of to be issuing out of the Property of the Company and the Monies arising by virtue of the said Act, to be paid to the said *A.B.* during the Term of his natural Life, *or*, *as the Case may be*, to the said *A.B.*, his Executors, Administrators, or Assigns, during the natural Life of *C.D.*, *or* during the natural Lives and Life of *C.D.* and *E.F.*, and the Survivor of them, *or otherwise*, upon the Day of in every Year and the Day of during

during his natural Life, *or, as the Case may be*, during the natural Life of the said *C.D.*, *or* during the natural Lives and Life of the said *C.D.* and *E.F.*, and the Survivor of them, *or otherwise*, the first Payment to be made upon the Day of One thousand eight hundred and . Given under our Common Hand, this Day of in the Year of our Lord .

SCHEDULE (C.)

Form of Transfer of Annuity.

I *G.H.* of in consideration of the Sum of paid to me by *I.K.* of do hereby transfer unto the said *I.K.*, his Executors, Administrators, and Assigns, One Annuity, Number granted by the Newbury Cemetery Company, in pursuance of the Newbury Cemetery Act, One thousand eight hundred and by Deed bearing Date the Day of to *A.B.*, for his natural Life, *or, as the Case may be*, to *A.B.*, his Executors, Administrators, and Assigns, during the natural Life of *C.D.*, *or* during the natural Lives and Life of *C.D.* and *E.F.*, and the Survivor of them, *or otherwise, or if such Transfer be made by Endorsement*, the Annuity granted by the within Deed, and all my Right, Interest, Claim, and Demand in and to the same Annuity, and the Security and Remedies for the same. In witness whereof I have hereunto set my Hand Seal, this Day of in the Year of our Lord .

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