ANNO SEXTO

GULIELMI IV. REGIS.

****

Cap. xlv.

An Act for establishing a General Cemetery in the Town and County of the Town of *Nottingham*.

[19th *May* 1836.]

WHEREAS the Burial Grounds within the Town and County of the Town of *Nottingham* are some of them of very limited Extent, and situated in the midst of closely-built Neighbourhoods, and others of them having been long in use are so occupied and filled with Graves and Vaults as to be altogether insufficient for the increased and increasing Population of the said Town and its Neighbourhood: And whereas it would be of great public Advantage if a General Cemetery were established in an open Situation adjacent to the said Town, for the Interment of the Dead, under certain Regulations and Restrictions: And whereas the several Persons herein-after named 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 King'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 *Richard Alliot*, *Absalom Barnett*, *John Bakewell*, *Nathaniel Barnsdall*, *Samuel Bean*, *Benjamin Boothby* the Company incorporated.

younger, *George Bradley*, *Benjamin Carpenter*, *George Carey*, *Joseph Churchill*, *Charles Harrison Clarke*, *Booth Eddison*, *James Edwards*, *William Enfield*, *Alfred Thomas Fellows*, *Samuel Fox*, *Joseph Frearson*, *Joseph Gilbert*, *George Gill*, *Francis Hart*, *John Heard*, *Thomas Herbert*, *Jonathan Hine*, *Samuel Hollins*, *Hugh Hunter*, *Henry Leaver*, *Charles Leavers*, *Matthew Needham*, *John Newton*, *Thomas Roberts*, *William Roworth*, *William Vickers*, *Thomas Wakefield*, *Henry Wells*, *John Wells*, *Robert William Wilson*, and *Henry Moses Wood*, 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 said Cemetery and other Works by this Act authorized according to the Provisions and Restrictions hereinafter mentioned, and for other the Purposes herein declared, and for that Purpose shall be One Body Corporate by the Name and Style of "The *Nottingham* General Cemetery Company," and by that Name shall have perpetual Succession and shall have 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 and other Hereditaments to them and their Successors and Assigns for the Use of the said Undertaking, without incurring any Penalties or Forfeitures, and shall have and exercise all other Powers and Authorities which are herein-after given or mentioned.

Meaning of certain Words in this Act.

II. And be it further enacted, That in the Construction of this Act every Word importing the Singular Number only shall extend and be applied to several Persons, Matters, or Things, as well as one Person, Matter, or Thing; and every Word importing the Plural Number shall extend and be applied to one Person, Matter, or Thing, as well as several Persons, Matters, or Things; and every Word importing the Masculine Gender only shall extend and be applied to a Female as well as a Male; and the Word "Person" shall extend to any Body Politic, Corporate, or Collegiate, Municipal, Civil, or Ecclesiastical, Aggregate or Sole, as well as an Individual; and the Word "Corporation" shall extend to any Body Politic, Corporate, or Collegiate, Municipal, Civil, or Ecclesiastical, Aggregate or Sole; and the Word "Lands" shall extend to 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 premises 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, from Time to Time to treat, contract, and agree, and to employ any Person to treat, contract, and agree, with the Owner of or with any Corporation or Person who may be seised, possessed of, or interested in any Land situate within the Parish of *St. Mary* in the Town and County of the Town of *Nottingham*, 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 Twelve Acres, for the Purposes of this Act, and to pay such Sum of Money for the Purchase thereof as shall be agreed upon between such Owner, Corporation, or Person as aforesaid and the said Company; and upon Payment of such Purchase Money to the Corporation or Per-

son entitled thereto, or upon Payment thereof into the Bank of *England*, in manner by this Act directed, as the Case may be, it shall be lawful for the said Company, their Surveyors, Workmen, or Agents, at any Time thereafter to enter upon and take possession of the said Lands for the Purposes of this Act, and from thenceforth all Parties and Persons whosoever shall be divested of all Right and Title, Claim and Reversion, to such Lands.

All Persons enabled to sell, and Indemnification to Persons conveying.

IV. And be it further enacted, That after any Land suitable for the Purposes of this Act shall have been set out and ascertained it shall be lawful for all Corporations, Tenants for Life or in Tail, or for any other partial or qualified Estate or Interest, Husbands, Guardians, Trustees, and Feoffees in Trust for charitable and other Purposes, Committees, Executors, and Administrators, and all Trustees and Persons whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of all Persons entitled in Reversion, Remainder, or Expectancy after them (if incapacitated or not to be found), and for and on behalf of their Wives, Wards, Idiots and Lunatics respectively, and in the same Manner and to the same Extent as such Wives, Wards, Idiots and Lunatics respectively could have done by Law under the Powers of this Act in case they had been sole, of full Age, and of sound Mind, and for and on behalf of their Cestuique Trust, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or other Persons, and to and for all Femes Covert seised, possessed of, or interested in their own Right, or entitled to Dower or other Interest, and for all other Persons whomsoever who are or shall be seised or possessed of or interested in any such Land, to contract for the Sale thereof or of any Part thereof, and to convey the same or any Part thereof to the said Company; and every Conveyance which shall be made thereof under or by virtue of this Act shall, without Enrolment, be good, valid, and effectual, to all Intents and Purposes, not only to convey the Estate and Interest of the Corporation or Person conveying, but also to convey all the Right, Estate, Interest, Use, Property, Claim, and Demand whatsoever of the Persons entitled in Remainder, Reversion, or Expectancy after them, and of all such Wives, Infants, Issue unborn, Idiots, Lunatics, Femes Covert, Cestuique Trusts, and other Persons as aforesaid, and the same shall be deemed and considered to bar all Estates in and Rights and Titles to Dower, and all Estates Tail, and other Estates in Possession, Reversion, Remainder, or Expectancy, and the Issue of such Person, and Persons claiming under them, as effectually as the same might be barred and extinguished by a Conveyance for that Purpose made under or by virtue of the Statute passed for the Abolition of Fines and Recoveries, and for the Substitution of more simple Modes of Assurance, any Law, Statute, or Usage, or any other Matter or Thing whatsoever, to the contrary thereof in anywise notwithstanding; and every such Corporation, Tenant for Life or in Tail, or Person having a qualified or partial Estate or Interest, and all such Husbands, Guardians, Feoffees, Trustees, Committees, and all other Persons, is and are and shall be hereby indemnified for what he, she, or they shall do by virtue and in pursuance of this Act.

Conveyances to be made at the Expence of the Company.

V. 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 in the Form or to the Effect following,

lowing, or as near thereto as the Number of the Parties and the Circumstances of the Case will admit:

Form of Conveyance to the Company.

'I of in consideration of
'the Sum of to me [*or, as the Case may be,*
'into the Bank of *England* in the Name and with the Privity of the
'Accountant General of the Court of Exchequer *ex parte* the *Nottingham* General Cemetery Company, *or* to *A. B.* of
'and *C. D.* of Trustees appointed to receive the same,
'pursuant to the Act after mentioned,] paid by the *Nottingham* General
'Cemetery Company established and incorporated by an Act passed in
'the Year of the Reign of King *William* the Fourth, intituled
'[*here insert the Title of this Act*], do hereby convey to the said Company
'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, or am by the said Act capacitated or empowered to convey, to hold the Premises to the said
'Company for ever, according to the true Intent and Meaning of the
'said Act. In witness whereof I have hereunto set my Hand and Seal
'this Day of in the Year of
'our Lord .'

And every such Conveyance shall be valid and effectual at Law to all Intents and Purposes, and shall operate to merge all Terms of Years attendant by express Declaration or by Construction of Law on the Estate or Interest thereby conveyed; but although Terms shall be merged they shall in Equity afford the same or the like Protection and Priority as if they were assigned and kept on foot in Trust for the said Company, and to attend the Reversion and Inheritance.

Waste and Common Lands, and Lands subject to a Right of Common, by whom to be conveyed.

VI. And be it further enacted, That in all Cases in which there shall be Occasion to take or use for the Purposes of this Act any Common or Waste Land, or any Land which shall be charged with or shall be subject or liable to the Exercise of any Right or Privilege of Common, or other commonable Rights thereupon, of what Nature or Kind soever the same may be, the Conveyance of such Common or Waste Land or other Land as aforesaid by the Lord for the Time being of the Manor wherein such Common or Waste Land or other Land shall be situate, whether such Lord shall have an absolute or a partial Interest only in such Manor, or shall be an Individual or a Corporation, or if the Land which shall be so subject to such Rights or Privileges of Common, or other commonable Rights as aforesaid, shall not be the Waste of or be within any Manor, then the Conveyance thereof by the Owner of such Land, or other Person having such Estate or Interest in the Soil thereof as the Corporations and Persons who are by this Act enabled to sell other Lands have in such Lands (and which Conveyance may be of the like Form as by this Act is directed to be used in the Case of Conveyances of other Lands), shall be a good and sufficient Conveyance to the said Company for the Purpose of vesting in them the Fee Simple and Inheritance of such Common or Waste Land or other Land as aforesaid, discharged of all Rights and Privileges of Common and other commonable Rights therein, as fully and effectually as if every Person having Right of Common upon such Common or Waste Land or other Lands were seised thereof in

in Fee Simple in Possession, and had joined in and executed such Conveyance; and the Compensation to be paid for the Extinguishment of any Right of Common or commonable or other Right upon any such Common or Waste Land or other Land as aforesaid shall be such Sum as shall be agreed upon between the said Company and the Lord of the Manor in which such Land shall be situate, and in case such Land shall not be the Waste of or be within any Manor, then such Sum as shall be agreed upon between the said Company and the Churchwardens for the Time being of the Parish wherein such Land shall be situated; and such Compensation Money shall be paid by the said Company to the Churchwardens for the Time being of the Parish wherein such Common or Waste Land or other Land shall be situate, and shall be by such Churchwardens applied for such general or public Purposes within the said Parish as a Vestry thereof to be convened by such Churchwardens for that Purpose shall direct.

Application of Purchase Money.

VII. Provided always, and be it further enacted, That the Consideration Money to be paid for any Land to be purchased from or conveyed by any Person or Corporation under any Disability or Incapacity as aforesaid, or not having Power to sell except under the Provision herein-before contained, shall in no Case be less than such Sum as the same shall be valued at by Two able practical Surveyors, one of whom shall be nominated by the said Company, and the other by the Person or Corporation contracting or agreeing to sell the same; and if such Two Surveyors shall not agree in the Valuation thereof, then by such Third Surveyor as any Two Justices acting for the Town and County of the Town of *Nottingham* shall for that Purpose nominate; and each of the said Two Surveyors, if they shall agree in and make their Valuation, or if not, then the Surveyor so to be nominated by the Justices as aforesaid, shall annex to their or his Survey, Estimate, or Valuation, when completed, a Declaration of the Correctness thereof.

Lands bought of any Corporation or Person under any Disability to be valued by Surveyors.

VIII. And be it further enacted, That if any Money shall be contracted or agreed to be paid for the Purchase of any Land for the Purposes of this Act which shall belong to any Corporation, Tenant for Life or in Tail, or Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of any Feme Covert, Infant, Idiot, Lunatic, or other Cestuique Trust not absolutely entitled in his own Right, or to any Person whose Lands are limited in strict Settlement, or to any Person under any other Disability or Incapacity, or having no Power to give a valid Receipt for the same, or to convey the Premises in respect of which the same may be payable otherwise than by virtue of this Act, or which any Corporation or Person is hereby capacitated to convey, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of His Majesty's Court of Exchequer at *Westminster*, to be placed to his Account there *ex parte* "The *Nottingham* General Cemetery Company," pursuant to the Directions of an Act passed in the First Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at* Westminster *on account of the Suitors of the said Court, and for the Appointment of an Accountant*

Application of Purchase Money when amounting to 200*l.*

1 G. 4. c. 35.

countant General and Two Masters of the said Court, and for other Purposes; and the General Orders of the said Court, and without Fee or Reward, and shall when so paid in there remain until the same shall, by Order of the said Court made in a summary Way upon Petition to be presented to the said Court by the Party who would have been entitled to the Rents and Profits of the said Lands, be paid to such Party, or be applied either in the Purchase or Redemption of the Land Tax, or in or towards the Discharge of any Debt or other Incumbrance affecting the same Land, or affecting other Land standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes, as the said Court of Exchequer shall authorize to be purchased or paid, or such Part thereof as shall be necessary; or until the same shall, upon the like Application, be laid out, by Order of the said Court made in a summary Way, in the Purchase of other Land, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making the Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime and until such Purchase can be made the said Money shall, by Order of the said Court of Exchequer upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities, or on Government or Real Securities; and in the meantime, and until such Annuities or Securities shall be ordered by the said Court to be sold for the Purposes aforesaid, or shall be called in or cancelled, the Dividends or Interest and annual Produce thereof shall from Time to Time, by Order of the said Court, be paid to the Person who would for the Time being have been entitled to the Rents and Profits of the Lands so to be purchased and settled.

When less than 200*l.* and not less than 20*l.*

IX. Provided always, and be it further enacted, That if any Money so contracted or agreed to be paid for any Lands to be purchased for the Purposes of this Act, and belonging to any Corporation, or to any Person under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds and shall exceed the Sum of Twenty Pounds, then the same shall, at the Option of the Persons for the Time being entitled to the Rents and Profits of the Lands so purchased, taken, or used, or of their respective Husbands, Guardians, or Committees, in case of Coverture, Infancy, Idiotcy, Lunacy, or other Incapacity, with the Approbation of the said Company to be signified in Writing under their Common Seal or under the Hands of at least Three of the Directors of the said Company, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the said Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same may be paid, at the like Option and with the like Approbation, to Two Trustees, to be nominated by the respective Parties exercising such Option, and approved of by the said Company, such Nomination and Approbation to be signified in Writing under the Hands of the nominating Parties, and under such Common Seal, or the Hands of Three at least of the Directors of the said Company; and the Money so paid to such Trustees, and the Dividends and Produce so arising thereon

thereon and therefrom, shall be by such Trustees applied in like Manner as is herein-before directed with respect to the Money so to be paid into the Bank of *England* in the Name of the Accountant General of the Court of Exchequer, but without being required to obtain any Order of the said Court touching the Application thereof.

When less than 20*l.*

X. Provided also, and be it further enacted, That when any Money so contracted or agreed to be paid as aforesaid shall not exceed the Sum of Twenty Pounds, then the same shall be paid to the respective Parties who would for the Time being have been entitled to the Rents and Profits of the Lands so to be purchased for the Purposes of this Act, for their own Use and Benefit; or in case of Coverture, Infancy, Idiotcy, Lunacy, or other Incapacity, then such Money shall be paid to their respective Husbands, Guardians, Committees, or Trustees, to and for the Use and Benefit of the Parties respectively entitled thereto.

Enabling Company to sell Lands not wanted.

XI. And whereas by means of the Purchases which the said Company are empowered to make by virtue of this Act they may happen to be seised of more Lands than will be necessary for the Purposes of this Act, or of Lands not wanted or not applicable to the Purposes hereof; be it therefore enacted, That it shall be lawful for the said Company and they are hereby required, within Ten Years after the passing of this Act, to sell such Lands or any Part thereof, either together or in Parcels, by public Auction or private Contract, as they shall deem most advantageous, to such Persons as shall be willing to purchase the same, and by any Deed under their Common Seal to convey the same or any Part thereof to the Purchaser thereof, and such Conveyances from the said Company shall be valid and effectual; any thing in this Act contained, or any other Law, Statute, or Custom, to the contrary notwithstanding.

Not to sell Land which has been set apart for Burial.

XII. Provided always, and be it further enacted, That it shall not be lawful for the said Company, under the Authority of the Provision herein-before contained, to sell or dispose of any Land which shall have been consecrated, set apart, or used for the Burial of the Dead.

Treasurer, upon Payment of Money, to give Receipts.

XIII. And be it further enacted, That upon Payment of the Money which shall arise from the Sale of any Land authorized by this Act to be sold by the said Company, or upon Payment of any other Money to the said Company under this Act, it shall be lawful for the Treasurer for the Time being to the said Company to sign and give Receipts for the Money so paid, which Receipts shall be sufficient Discharges to all Persons for such Sums of Money as in such Receipts respectively shall be expressed to be received, and such Persons shall not afterwards be answerable or accountable for any Loss, Misapplication, or Nonapplication of such Money or any Part thereof.

The Word "grant" in Conveyances from the Company to amount to certain Covenants.

XIV. And be it further enacted, That in all Conveyances to be made by the said Company under or in pursuance of this Act the Word "grant" shall operate as and be construed and adjudged in all Courts of Judicature to be express Covenants to or with the respective Grantees therein named, and the Successors, Heirs, Executors, Administrators, and Assigns of such Grantees, according to the Quality or Nature of the Estate

Estate or Interest comprised in such Conveyances by or from the said Company, that they the said Company, notwithstanding any Act or Default done by them, were at the Time of the Execution of such Conveyances seised or possessed of the Lands or Premises thereby granted for an indefeasible Estate of Inheritance in Fee Simple, free from all Incumbrances done or occasioned by them, or otherwise for such Estate or Interest as therein is expressed to be thereby granted, free from Incumbrances done or occasioned by them, that the Purchaser thereof, his Heirs and Assigns, Successors and Assigns, or Executors, Administrators, and Assigns as the Case may be, shall quietly enjoy the same against the said Company and their Successors and all claiming under them, and be indemnified and saved harmless by the said Company and their Successors from all Incumbrances committed by the said Company, and also for further Assurance, at the Expence of such Grantees respectively, their Heirs, Successors, Executors, Administrators, or Assigns, of such Lands and Premises by the said Company or their Successors and all claiming under them, unless except and so far as the same shall be restrained and limited by express particular Words contained in such Conveyances; and such Grantees, and their several Successors, Heirs, Executors, Administrators, and Assigns respectively, according to their respective Quality or Nature, and the Estate or Interest expressed to be conveyed, shall and may in all Actions to be brought assign Breach or Breaches of Covenants, as they might do in case such Covenants were expressly inserted in such Conveyances.

Company empowered to build a Cemetery.

XV. And be it further enacted, That it shall be lawful for the said Company and they are hereby empowered to make and maintain a Cemetery or Burial Ground for the Interment of the Dead in such open Situation adjacent to the Town of *Nottingham* as they shall think fit, and to lay out and to establish the same in and with such Paths, Walks, Avenues, Roads, Trees, Shrubs, and Plantations as may be fitting and proper, and to cause the said intended Cemetery or Burial Ground to be inclosed with proper and sufficient Walls, Rails, Fences, Palisades, Gates, and Entrances.

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

XVI. And be it further enacted, That it shall be lawful for the said Company and they are hereby empowered to make, erect, and build on such Part of the Land so to be purchased as they shall think proper 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*, and also such and so many covered Porches or Colonnades, and Catacombs and Vaults, for private or public Burial Places, and such other Building or Buildings, Matters and Things, and for such Purposes, as the said Company shall think proper.

Company empowered to build a Chapel for Burial Service of Dissenters.

XVII. And be it further enacted, That it shall be lawful for the said Company in like Manner to make, erect, and build such and 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

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.

Company may contract.

XVIII. And be it further enacted, That it shall and may be lawful for the said Company, in the Name of the said Company or of such Person as they shall for that Purpose appoint, to contract and agree with any Person for making and completing the said intended Cemetery or any Part thereof, and for planting, levelling, and laying out the same, and for inclosing the same with Walls, Fences, Poles, and Palisades, and for providing proper Materials for all or any of the Purposes aforesaid, and for doing all or any of the Works hereby authorized, or any Part thereof respectively; and the said Company may take such Security for the Performance of such Contracts as to them shall seem necessary.

Company may compound for Breach of Contract.

XIX. And be it further enacted, That it shall be lawful for the said Company, or such Person as they shall have appointed to enter into such Contracts as aforesaid, to compound and agree with any Person on account of any Breach or Nonperformance of any Contract, for such Sum of Money as they shall think fit.

Power to make Sewers from Cemetery.

XX. And be it further enacted, That it shall be lawful for the said Company to make and sink all necessary and proper Sewers, Soughs, Ditches, and Drains in and about the said Cemetery for the Purposes of conveying the Water from the same and keeping the same dry, and from Time to Time as Occasion may require to make Communications with any Branch or Main Sewer already made or hereafter to be made, doing as little Damage as possible to the Ground or the Streets or Places wherein such Sewer or Drain may be made, and replacing and closing the same, and otherwise making the same in the same State and Condition as it was previously to its being disturbed, or as near thereto as possible.

Part of Cemetery to be consecrated.

XXI. And be it further enacted, That so much and such Part of the said Land so to be purchased as aforesaid as shall be set apart for the Interment of the Dead according to the Rites and Usages of the United Church of *England* and *Ireland* may be consecrated by the Archbishop of *York* for the Time being, and when such Part shall have been so consecrated as a Cemetery or Burial Ground, the same shall for ever thereafter be set apart and be used and applied exclusively for the Purpose of Christian Burial.

Chaplain appointed.

XXII. And be it further enacted, That there shall be (with the Consent of the Archbishop of *York* for the Time being) a Clergyman of the United Church of *England* and *Ireland* to officiate as Minister or Chaplain at the said Cemetery, who shall be from Time to Time nominated and appointed by the Directors of the said Company, and shall, if approved of by the said Archbishop, be licensed by and be subject to the Jurisdiction of the said Archbishop; and the said Archbishop shall have Power to revoke summarily and without Process any such Licence, and to remove such Minister or Chaplain, for any Cause which shall appear to the said Archbishop to be good and reasonable.

Duties of Chaplain.

XXIII. And be it further enacted, That the Chaplain so licensed to officiate at the said Cemetery shall perform in Person, when required, (unless prevented by Sickness or other reasonable Cause, to be approved of by the Directors of the said Company,) the Burial Service within the consecrated Part of the said Cemetery, according to the established Usage of the United Church of *England* and *Ireland*.

Any Clergyman may officiate.

XXIV. And be it further enacted, That it shall and may 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 said Chapel or consecrated Part of the said Cemetery, due Notice in Writing being first given to the Clerk of the said Company that the Services of the Chaplain so to be licensed as aforesaid will not be required at such Burial.

Stipend to be paid to the Chaplain.

XXV. 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 Chaplain of the said Cemetery for the Time being such a Stipend or Salary as they shall think fit, the said Salary to be payable on the Twenty-fifth Day of *March* and the Twenty-ninth Day of *September* in each and every Year by equal Portions; and a due Apportionment of the said Stipend or Salary shall from Time to Time be made between any Chaplain resigning or being removed, or the Executors or Administrators of any Chaplain of the said Cemetery dying in the Interval between the Half-yearly Days of Payment, and the Successors of the Chaplain so resigning, being removed, or dying, for and in respect of the Half Year wherein such Resignation, Removal, or Death shall happen.

Mode of recovering Chaplain's Salary.

XXVI. And be it further enacted, That if Default shall be made in the Payment of the Stipend or Salary of the said Chaplain, or any Part thereof, or any Apportionment thereof, to the Chaplain for the Time being, or to the Executors or Administrators of a deceased Chaplain, or to any Chaplain who may have resigned, for the Space of Thirty Days next after any of the Days of Payment whereon the same ought to be paid, it shall be lawful for such Chaplain, and his Executors and Administrators, or for the Chaplain so resigning, 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 His Majesty's Courts of Record at *Westminster*.

Compensation to Incumbents for Loss of Fees.

XXVII. 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 Company to have been removed for the Purpose of Interment from any of the Parishes of *Saint Mary*, *Saint Peter*, and *Saint Nicholas* in the Town and County of the Town of *Nottingham*, *Radford*, *Lenton*, *Basford*, and *Snienton* in the County of *Nottingham*, the said Company shall pay unto the Incumbent for the Time being of the Parish from which such Person shall be so removed the Fees following; (that is to say,) in case such Person shall be interred within any Vault, Catacomb, or Brick Grave, the Fee of Five Shillings; and in case such Person shall be interred in the open Ground, the Fee of One Shilling and Sixpence.

XXVIII. And

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

XXVIII. And be it further enacted, That for the Purposes of ascertaining the Amount of Fees which shall be so payable to the Incumbents of the several Parishes 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 who shall have been removed for the Purpose of Interment from any of the Parishes of *Saint Mary*, *Saint Peter*, and *Saint Nicholas* in the Town and County of the Town of *Nottingham*, *Radford*, *Lenton*, *Basford*, and *Snienton* in the County of *Nottingham*, and the Names of the Parishes from which such Persons respectively shall have been so removed, and the Mode of their Interment within the said Cemetery, (distinguishing whether in a Vault, Catacomb, or Brick Grave, or in the open Ground,) together with the Date of such Interment; and such Book or Books shall be at all seasonable Times open to the Inspection of the Incumbents for the Time being of the said several Parishes respectively, or to any Person employed by them.

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

XXIX. 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 (if any) payable by the said Company to the Incumbents of the several Parishes aforesaid, and of the Sum payable in respect of each such Parish; and the said Company shall, at the Expiration of One Calendar Month next thereafter, deliver, upon Demand, to the Incumbent of each of such Parishes, or to such Person as he shall appoint, a Statement in Writing of the Sum payable to such Incumbent, with the Names of the several Persons in respect of whose Interment the Fees are paid, and the Mode of their Interment, whether in a Vault, Catacomb, or Brick Grave, or in the open Ground, and shall, at the Time of the Delivery of such Account or any Time thereafter, upon Demand, pay to every such Incumbent, 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.

Evidence of proper Claim to Fees may be required and received.

XXX. And be it further enacted, That before the Incumbent of any of such Parishes as aforesaid shall be entitled to receive the Fees payable to him by the said Company by virtue of this Act, it shall be lawful for the said Company to require and they shall be entitled to receive satisfactory Evidence that the Person claiming such Fee is actually the Incumbent of the Parish in respect of which the Fees are claimed.

Fees to be paid to Incumbent for the Time being.

XXXI. And be it further enacted, That all Fees payable by the said Company by virtue of this Act shall be paid to the Incumbent for the Time being of the Parish in respect of which the same are payable, notwithstanding he may not have been the Incumbent thereof 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 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.

Incumbent for the Time being to re-

XXXII. Provided always, and be it further enacted, That upon the Cession, Resignation, Removal, or Death of the Incumbent of any of the

ceive Fees, and account with preceding Incumbent.

the Parishes in respect of which Fees are payable by the said Company by virtue of this Act, such 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 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 Incumbent who shall be appointed in his Place shall and may have, receive, and retain the Residue of the said Sum; and the Incumbent of any 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 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 Incumbent for the Time being of any 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 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 Incumbent for the Time being for the Payment of any Fees or Arrears of Fees under or by virtue of this Act.

Directors to appoint Clerk and Sexton.

XXXIII. 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 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 Stipends or Wages as are by this Act given to the Chaplain of the said Cemetery for the Recovery of his Stipend or Salary; 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 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.

XXXIV. And be it further enacted, That it shall be lawful for the said Company to set apart a Portion of the intended Cemetery as a Place of Burial or Interment for 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 appropriated and exclusively 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 in all respects 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 in Perpetuity, or for a limited Period.

XXXV. And be it further enacted, That it shall be lawful for the said Company and they are hereby authorized and empowered, from Time to Time and at all Times from and after the passing of this Act, to sell and dispose of to any Person who may be willing or 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 Burial or Interment, either in Perpetuity or for a limited Period, as may be agreed upon, in all and every or any of the Vaults, Catacombs, Arches, Brick Graves, Graves, and Places of Burial which may be from Time to Time or at any Time erected, made, or built by the said Company within the said Cemetery or any Part thereof; and also the Right and Privilege of erecting and making of any Family or other Vault, Catacomb, Brick Grave, or Place of Burial within the said Cemetery, with the exclusive Right of Burial or Interment therein either in Perpetuity or for a limited Period; and also the Right or Privilege of single Interment in any of the Vaults, Catacombs, Arches, Brick Graves, Graves, or other Places of Burial made or constructed by the said Company, or in the open Ground of the said Cemetery; 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 Chapel 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.

Company to keep Cemetery in repair.

XXXVI. And be it further enacted, That the said Company shall, by and out of the Monies to be received by virtue of this Act, keep the said Cemetery, and the said Chapel or Chapels, and the several Buildings thereon and therein, and the external Walls and Fences thereof, and all other Parts of the same, in thorough and complete Repair.

Form of Grant of exclusive Right of Burials in Vaults.

XXXVII. And be it further enacted, That the Conveyance of the exclusive Right of Burial or Interment in all such Vaults, Catacombs, Brick Graves, Graves, and Places of Burial, and of the Right and Privilege of erecting and making of any Family Vaults, Catacombs, Brick Graves, Graves, or Places of Burial, with the exclusive Right of Burial or Interment therein, either in Perpetuity or for a limited Period, and of the Right and Privilege of erecting of any Monuments or Cenotaphs, shall be under the Common Seal of the said Company, and shall 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 Conveyance of Right of Burial.

‘ The *Nottingham* General Cemetery Company.

‘ BY virtue of an Act passed in the Year of the Reign of
‘ His Majesty King *William* the Fourth, intituled [*here insert the*
‘ *Title of this Act*], we, the *Nottingham* General Cemetery Company, in-
‘ corporated by and under the said Act, in consideration of the Sum
‘ of to us in hand paid by *A. B.* of do
‘ hereby

'hereby grant and convey unto the said *A.B.* the exclusive Right of 'Burial and Interment [*or, as the Case may be,* the Right and Privilege of 'erecting and making, and the exclusive Right of Burial or Interment '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 Per-'petuity [*or for the Period agreed upon*], for the Purpose of Burial [*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 Com-'pany 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 Words of Inheritance, Limitation, or Representation, to vest the exclusive Right of Burial or Interment in the Catacomb or Vault 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 Vault or Cemetery, 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 Vaults and Catacombs thereof; 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 Vault or Catacomb, or of the Piece of Ground for the Erection of a Vault or Catacomb 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 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.

XXXVIII. And be it further enacted, That the exclusive Right of Burial or Interment in any Vault, Catacomb, and Burial Place which shall be so purchased as aforesaid, and after such Purchase 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 *Nottingham* General Cemetery Company.

'I *A.B.* of in consideration of the Sum of paid to me by '*C.D.* of do hereby 'bargain,

'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 Per- 'petuity [*or as the Case may be*], by the *Nottingham* General 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 Per- 'petuity [*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 Con- 'ditions 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 the Law, without Enrolment, and without Words of Inheritance, Limitation, or Representation, to vest the exclusive Right of Burial or Interment in the said Vault or Catacomb 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.

XXXIX. And be it further enacted, That every derivative Assignment of the exclusive Right of Burial or Interment in any Vault, Catacomb, or Grave in the said Cemetery, and also every Will by which the exclusive Right of Burial or Interment in any Vault or Grave in the said Cemetery shall be devised, shall, if a Deed, within Twenty-eight Days after the Execution thereof if executed in *England*, or within Twenty-eight Days 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 His 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 Twenty-eight Days 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

XL. Provided always, and be it further enacted, That before any Corpse, other than that of the Person for the Time being entitled as Owner to the exclusive Right of Burial therein, shall be permitted to be interred in any Vault, Catacomb, or Brick Grave, or in any Place of Burial, the exclusive Right of Burial or Interment therein 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 Burial or Interment in such

Vault,

Vault, Grave, or Burial Place has consented to such Interment taking place therein.

Company may take down Monuments, &c. which have been erected contrary to Conditions.

XLI. And be it further enacted, That it shall be lawful for the said Company to take down and remove any Monument, Cenotaph, Tablet, Monumental Inscription, Grave-stone, and other Erection which shall have been erected or built contrary to the Terms and Conditions upon which Permission to erect or construct the same was granted, or in case such Terms and Conditions shall not have been complied with, and also to enter upon and resume the Possession of any Grave or Vault or other Burial Place in which the Interest of the Purchaser of the exclusive Right of Sepulture therein shall have ceased or determined: Provided always, that in case of such Resumption of Possession or Re-entry by the said Company the Bodies which may have been interred in any such Vault or Burial Place shall not be disturbed.

Plan of the Ground to be kept by the Clerk.

XLII. 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.

No Burials in Vaults under the Chapels except in Lead Coffins.

XLIII. And be it further enacted, That it shall not be lawful to bury any Corpse within any Vault under the said Chapel or Chapels unless the same shall be inclosed in a Coffin of Lead, or otherwise inclosed in Pitch of Half an Inch in Thickness, between one interior and exterior Coffin of Wood.

Register of Burials.

XLIV. And be it further enacted, That all Burials within the said Cemetery, as well in the consecrated as unconsecrated Part thereof, shall be registered in Register Books to be provided by the said Company and kept for that Purpose, according to the Laws in force for keeping Registers in that Part of the United Kingdom of *Great Britain* and *Ireland* called *England*, by the Registrar of the said Cemetery or other Officer appointed to that Duty by the Directors; and such Register Books, or Copies or Extracts therefrom, shall be received in all Courts of Law and Equity as Evidence of such Burials; and Copies or Transcripts thereof, signed by the Registrar or other Person appointed to keep such Registers, and also by the Clerk of the said Company (if the Office of Registrar and Clerk shall not be held by the same Person), shall be from Time to Time transmitted and sent to the Registrar of the Ecclesiastical Court of the Archbishop of *York*, to be kept and preserved with the Copies of the other Register Books of the Parishes within his Diocese: Provided always, that in case any Act shall be hereafter passed for the general Registry of Deaths or Burials, the

Operation of which Act shall extend to the said Town and County of the Town of *Nottingham*, all Burials within the said Cemetery shall be registered according to the Provisions of such General Registry Act.

Proprietors to raise Money amongst themselves for the Undertaking, not exceeding 6,000*l.*, to be divided into Shares of 10*l.* each.

XLV. 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 by this Act authorized, any Sum or Sums of Money not exceeding in the whole the Sum of Six thousand Pounds, the whole to be divided into Six hundred Shares of Ten Pounds each; and such Six hundred Shares shall be numbered, beginning with Number One, and ending with Number Six hundred, 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, 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.

XLVI. 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.

XLVII. 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 Clerk of the said Company the Sum of Two Shillings and Sixpence, and no more, for every such 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

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

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 *Nottingham* General Cemetery Company.

'Number } THESE are to certify, That *A.B.* of is the Proprietor of the Share Number in the '*Nottingham* General 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. 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.

XLVIII. 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 Form of Conveyance of such Shares 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 *Nottingham* General 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 num- 'bered [*or* Shares numbered respectively] 'of and in the Undertaking called "The *Nottingham* General 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 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 Secretary or 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 said Company; and the said Company, or the Secretary or 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 Secretary or 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

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.

XLIX. 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 by this Act authorized to be made, and in otherwise carrying this Act into execution.

First and other General Meetings of the Company.

L. And be it further enacted, That the said Company shall meet together at the Guildhall of the Town and County of the Town of *Nottingham*, or at some other convenient Place within the said Town, on the Fourth *Monday* next after the passing of this Act, between the Hours of Ten of the Clock in the Forenoon and Two of the Clock in the Afternoon, and shall then and there proceed in the Execution of this Act; and from and after such First General Meeting of the said Company there shall be a General Annual Meeting of the said Company on the First *Monday* in the Month of *June* in each and every Year, or within the Space of Twenty-eight Days thereafter, and also such and so many Special General Meetings of the said Company as shall be convened in manner herein-after provided; 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 Town and County of the Town of *Nottingham*, 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.

General Meeting to consist of Ten Persons possessed of at least 100 Shares.

LI. Provided always, and be it further enacted, That if at any General Meeting except the First, or if at any Special General Meeting, there shall not be Ten Persons present who shall be possessed of at least One hundred Shares in the Aggregate within One Hour from the Time appointed for such Meeting, no Choice of Directors shall be made, nor shall any Business be done, but in such Case there shall be another Meeting of the said Company at the same Place 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 One hundred Shares in the Aggregate within One Hour from the Time appointed for such adjourned Meeting such adjourned Meeting shall stand adjourned

journed 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 General Meeting there shall be a sufficient Number of Proprietors present as last aforesaid, when the Meeting shall proceed to Business; and the Directors for the Time being shall continue to act, and have the same Powers as they had and were possessed of, until new Directors shall be appointed as aforesaid.

Meetings of Proprietors may be specially convened.

LII. And be it further enacted, That any Five or more Proprietors of the said Company, holding in the Aggregate Twenty-five Shares or upwards in the said Undertaking, upon which all Calls actually previously made shall have been paid and satisfied, may at any Time, by Writing under their Hands left at the Office of the said Company, require the Directors to call a Special General Meeting of Proprietors of the said Company, so as such Requisition fully express the Object for which such Special General Meeting is required to be called; and in case of Neglect or Refusal of the said Directors to call such Meeting for the Space of Twenty-one Days next after such Notice in Writing shall have been so given as aforesaid, the same may be called by such Five or more Proprietors by giving Twenty-one Days Notice thereof in some One or more of the Newspapers usually printed and circulated in the Town and County of the Town of *Nottingham*; and the said Company are hereby authorized to meet in pursuance of such Notice, and such of the Proprietors thereof as shall be present shall proceed to the Execution of the Powers by this Act given to the said Company with respect to the Matters so specified in such Notice; and all Acts of the Majority in Votes of the Proprietors of the said Company met together at any such Special General Meeting shall be as valid, with respect to the Matters specified in such Notice, as if the same had been done at a General Meeting held at the Time herein-before appointed for holding the same.

Notices of adjourned Meetings to be published.

LIII. Provided also, and be it further enacted, That Notice of every adjourned Meeting shall be given by Advertisement in some One or more of the Newspapers usually printed and circulated in the Town and County of the Town of *Nottingham*, or by Letters from the Clerk of the Company sent by the Post to or left at the usual Place of Abode of the Proprietors respectively, as entered in the Books of the said Company.

Business at Special and adjourned General Meetings.

LIV. And be it further enacted, That no Business shall be transacted at any Special General Meeting other than the Business for which it shall have been called, and no Business shall be transacted at any adjourned General or adjourned Special General Meeting other than the Business left unfinished at the Meeting from which such Adjournment took place.

Notice of Meeting how to be given.

LV. Provided always, and be it further enacted, That all Notices herein directed to be given of any General or Special General Meeting of the Proprietors of the said Company, or of any Adjournment thereof respectively, or to any of the said Proprietors, and not herein otherwise provided for, shall be signed by the Clerk of the said Company, and shall be given by Advertisement to be inserted in some One or more of the Newspapers usually printed and circulated in the Town and County of the Town of *Nottingham*, 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; and such Notices, when so published or given, shall be deemed and considered the same as if personally served.

Directing how Subscribers shall vote.

LVI. 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 Share and less than Five Shares in the said Undertaking shall have One Vote, and all Corporations and Persons who shall have subscribed for or become the Proprietors of Five Shares and less than Ten Shares in the said Undertaking shall have Two Votes, and all Corporations and Persons who shall have subscribed for or become the Proprietors of Ten 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 such Proxy may be given either for a specific Purpose, or for a definite or indefinite Number of General Meetings, and shall continue in force for so long a Time as it shall be expressed to be given, unless it shall be revoked by Writing under the Hand of the Proprietor signing the same, or by his subsequently appointing any other Person to act as Proxy, or unless such Proprietor shall be present in Person at any General or Special General Meeting, or at any adjourned Meeting; 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, or as near thereto as the Quality, Nature, and Number of the Appointer or Appointers of the Proxy thereby constituted and other Circumstances will admit; (that is to say,)

Form of Appointment of Proxy.

'*A. B.* of one of the Proprietors
'of the *Nottingham* General 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 Un-
'dertaking which shall be proposed at any General or Special General
'Meeting of the said Company, [*or, as the Case may be*, 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 here-
'unto set his Hand the Day of .'

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

LVII. And be it further enacted, That whenever several Persons shall be jointly possessed of or entitled to 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 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 such Notice to such Person shall be deemed sufficient Notice to all the Proprietors of the Share so jointly held for all the Purposes for which such Notice is intended to be given; 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 Proprietor 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 whole 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.

LVIII. 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 by 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 be possessed of Shares Two Calendar Months before they can vote.

LIX. 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 been possessed of such Shares for at least Two Calendar Months next preceding the Time at which such Meeting shall be held, and shall have paid up all Instalments which may have been called for in respect of such Shares, although the Time limited for the Payment of any such Instalments may not have expired: Provided always, that original Proprietors, and Persons who may become Proprietors or acquire Shares by Marriage, or as the Executors, Administrators, Legatees, or next of Kin of deceased Proprietors, may at all Times vote in respect of such Shares (provided the Calls in respect thereof have been duly paid up), however short a Time they may have possessed the same.

General Meeting to appoint Treasurer and Clerk.

LX. And be it further enacted, That the said Company shall at some General Meeting elect a Treasurer and 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 Clerk, or any Persons who shall be thereafter elected to their respective Offices, and to elect in manner

manner aforesaid any other Person to act as Treasurer or other Person to act as Clerk of the said Company in the Room 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 or either of them as they shall from Time to Time think proper and appoint: Provided always, that the said Company shall and they are hereby required to take sufficient Security from every Person who shall be appointed Treasurer of the said Company, and from every Receiver, Collector, and other Officer appointed by them or by the said Directors, having the Custody or Control of any Monies received by virtue of this Act, for the faithful Execution of his Office, before he shall enter thereupon.

Clerk not to be Treasurer, and vice versa.

LXI. 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 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 His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case.

Treasurer, &c. not to issue Money without Order.

LXII. And be it further enacted, That no Sum of Money shall be issued by the Treasurer or other Officer to be appointed by the said Company on account of the said Company without an Order or Orders in Writing signed by Three at least of the Directors.

General Meetings may make Bye Laws.

LXIII. And be it further enacted, That the said Company shall have full Power and Authority, by the Resolution of any General or Special General Meeting of the Proprietors of the said Company, from Time to Time to make such Bye Laws, Rules, and Orders as to the said Company shall seem right and proper as to the Interment of 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

respects whatsoever, and from Time to Time to alter or repeal such Bye Laws, Rules, and Orders, 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 Ten Pounds for any One 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 Bye Laws, Rules, and Orders 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 Bye Laws, Rules, and Orders 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 Bye Laws or Orders be not repugnant to the Laws of that Part of the United Kingdom of *Great Britain* and *Ireland* called *England*, or to any of the Provisions in this Act contained; and all such Bye Laws, Rules, and Orders shall be subject to Appeal in manner herein-after mentioned.

The First General Meeting to choose Twenty-four Directors.

LXIV. And be it further enacted, That at such First General Meeting to be held as herein-before is mentioned, or at some Meeting to be held by Adjournment from such General Meeting, Twenty-four Persons, who shall be Proprietors and respectively possessed in their own Right of Two Shares at least in the said Undertaking, shall be elected Directors to manage the Affairs of the said Company by the Proprietors present at such Meeting either personally or by Proxy; and the several Persons so to be elected, being neither removed nor disqualified nor resigning, shall continue in Office and be respectively Directors until the Annual General Meeting of the said Company which shall be held in the Month of *June* in the Year One thousand eight hundred and thirty-seven, and until others shall be elected in pursuance of this Act; and the said Company at any General Meeting shall have Power to fix what Remuneration (if any) shall from Time to Time be allowed to the Directors of the said Company.

Service of Directors.

LXV. And be it further enacted, That at the General Meeting to be held in the Month of *June* which will be in the Year One thousand eight hundred and thirty-seven, and also at every succeeding General Meeting to be held in the Month of *June* in each Year, or at some Adjournment thereof respectively, the Directors for the Time being shall go out of Office and cease to be Directors of the said Company, and Twenty-four Persons shall be elected by the said Company to be Directors in their Place and Stead, who shall continue in their Offices until the next annual Day of Election, and until others shall be elected in their Place and Stead.

For supplying Vacancies among the Directors.

LXVI. And be it further enacted, That when and so often as any Director shall die, or shall resign, or shall become disqualified or incompetent to act as Director, or shall cease to be a Director from any other Cause than

that of going out of Office on the annual Day of Election as aforesaid, it shall be lawful for the remaining Directors at any of their Meetings 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 until the next annual Day of Election, or until a new Election of Directors shall take place.

Powers and Duties of Directors.

LXVII. 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 Special and 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 or 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 herein-after mentioned) for the Management and Direction of the Affairs of the said Company, and for that Purpose to purchase Lands, Tenements, and Hereditaments for the Purposes of this Act, and to sell Lands, Tenements, and Hereditaments hereby authorized to be sold, and to appoint and displace all Officers and Servants of the said Company, (except the Treasurer and Clerk herein-before directed to be appointed by a General Meeting of the said Company,) 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 the said 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 the Disposition of Vaults, Catacombs, and Graves, and of the Sums to be paid for the Purchase of the exclusive Right of Burial or Interment therein, or for the Right or Privilege of making or erecting Vaults and Graves, 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 may require and take such Security to the said Company from any Officer or other Person for the faithful Execution of his Duty as they may think proper; and the said Directors shall in all Things obey the Orders and Directions of the General and Special General Meetings of the said Company.

Power to appoint Committee.

LXVIII. And be it further enacted, That it shall be lawful for the said Directors to nominate and appoint out of their own Body a Committee or

Committees, who shall have full Power and Authority to enter into and make any Agreement or Contract on behalf of the said Company, and to hire and employ any Servants, and to do, execute, and perform all such Matters and Things whatsoever as the said Directors shall think proper to entrust to the Care and Management of such Committee; and it shall be lawful for the Directors, by an Order or Resolution to that Effect, to break up and dissolve any such Committee, or to remove or displace any Member thereof, and to appoint some other in his Place; and every such Committee shall in all Things be under and subject to the Direction of the said Directors.

Auditors may be appointed.

LXIX. And be it further enacted, That at such First General Meeting of the said Company to be held as herein-before mentioned, or at some Meeting to be held by Adjournment from such General Meeting, Three Persons who shall be Proprietors, and respectively possessed in their own Right of Two Shares at the least in the said Undertaking, shall be elected and chosen Auditors of the said Company, by whom the Report of the Receipts and Disbursements of the Company, to be prepared by the Directors of the said Company previously to the holding of the Annual General Meetings of the said Company, as herein-before is provided, shall be examined; and the Accounts from which such Report shall or ought to have been drawn shall be audited by the said Auditors or any Two of them, and in order thereto the said Auditors or any Two of them shall, with the Assistance of the Treasurer and Clerk and other Officers of the said Company, inspect and examine all the Books, Papers, and Vouchers of the said Company which they shall think necessary, and after a careful Examination of such Report, with such Books, Papers, and Vouchers, and correcting or altering the same if necessary, such Auditors or any Two of them shall, previously to the Day on which such Annual General Meeting is to be held at which such Report must be produced, sign their Names at the Foot thereof in Testimony of their Approbation of the same: Provided always, that in case the said Auditors or any Two of them shall, in the Exercise of their Discretion, think it necessary to make any Observations upon any Part of the Accounts of the said Company produced to them, or shall disapprove of the Manner in which such Accounts are kept, they shall subjoin such Observations or Disapprobation to the said Report, and shall sign the same.

Service of Auditors.

LXX. And be it further enacted, That at the General Meeting of the said Company to be held in the Month of *June* in the Year One thousand eight hundred and thirty-seven, and at every succeeding General Meeting to be held in the Month of *June* in each Year, or at some Adjournment thereof, the Auditors for the Time being shall go out of Office, and Three Persons qualified as aforesaid shall be elected Auditors in their Place, who shall continue in their Offices until the next annual Day of Election, and until others shall be elected in their Stead.

For supplying Vacancies amongst the Auditors.

LXXI. And be it further enacted, That when and as often as any Auditor shall die, or shall resign, or shall become disqualified or incompetent to act as an Auditor, or shall cease to be an Auditor by any other Cause than that of going out of Office on the annual Day of Election as aforesaid, it shall be lawful for the Directors to appoint some other Proprietor duly qualified to be an Auditor, and every such Proprietor so appointed

appointed to fill up any such Vacancy shall continue in Office only until the next Annual General Meeting of the said Company.

Directors and Auditors to be re-eligible.

LXXII. Provided always, and be it further enacted, That every Director and Auditor who shall go out of Office as aforesaid may be immediately or at any future Time re-elected a Director or Auditor.

No Person holding Office to be a Director or Auditor.

LXXIII. Provided also, and be it further enacted, That no Person holding any Office, Place, or Employment, or being concerned or interested in any Contract under the said Company, shall be capable of being chosen or of continuing a Director or Auditor of the said Company; nor shall any Director or Auditor be capable of accepting any Office, Place, or Employment, or of taking or being concerned or interested in any Contract under the said Company, during the Time he shall be a Director or Auditor.

If any Director or Auditor shall cease to hold Two Shares, his Office to become vacant.

LXXIV. Provided also, and be it further enacted, That if any Director shall, after his Election, cease to hold Two Shares at the least in his own Right in the Capital of the Company, or if any Auditor, after his Election or Appointment, shall cease to hold Two Shares in his own Right in the Capital of the Company, his Office shall thereupon become vacant.

Proprietors may remove Directors and Auditors for Misconduct.

LXXV. Provided also, and be it further enacted, That it shall be lawful for the Proprietors of the said Company, at any Special General Meeting summoned for the Purpose, to remove from his Office any Director or Auditor for Misconduct in Office or other reasonable Cause.

Directors or Auditors contracting for Works, &c. after Election, disqualified.

LXXVI. Provided also, and be it further enacted, That if any Person who shall be elected a Director or be elected or appointed an Auditor of the said Company shall, at any 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 or Auditor, and his Office shall thereupon become vacant.

Orders and Proceedings to be entered in a Book.

LXXVII. Aud 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.

Directors to cause Accounts to be kept.

LXXVIII. And be it further enacted, That the said Directors shall cause proper Books to be kept by a Book-keeper, or by some other fit and proper Person, who shall be expressly appointed by the said Directors for that

that Purpose, and such Book-keeper or Person shall enter in the said Books true and regular Accounts of all Sums of Money which shall have been disbursed and paid; and such Books shall at reasonable Times be open to the Inspection of any of the Proprietors of the said Company without Fee or Reward, and the said Proprietors 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 in case the said Book-keeper or other Person shall refuse to permit or shall not permit the said Proprietors to inspect any such Book or Books, or to take Copies or Extracts as aforesaid, such Book-keeper or other Person shall forfeit and pay any Sum not exceeding Twenty Pounds, to be levied and applied in the same Manner as other Penalties are by this Act directed to be levied and applied.

Officers to account.

LXXIX. 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 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 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 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 Officer or Person 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 Vouchèrs and Receipts 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 and he is hereby required, by Warrant under his Hand and Seal, to commit such Officer or Person to some Common Gaol or House of Correction of or for the County 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) 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 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 Six Calendar Months.

Directors to cause an Account of the Receipts and Disbursements to be annually laid before the Proprietors.

LXXX. And be it further enacted, That the said Directors shall, so far as the same may be practicable, cause to be prepared previously to and to be produced at the Annual Meeting to be held in the Month of *June* in the Year One thousand eight hundred and thirty-seven, an Account, signed by Two at least of the Auditors of the Company, of the Receipts and Disbursements of the Company from the Commencement thereof up to that Time, and of the Particulars and Amount of the Funds or Property of the Company, and also a Report under the Hand of some One of the Directors of the said Company of the State and Condition of the Company; and shall also, as far as the same may be practicable, cause to be prepared previously to and be produced at every Annual General Meeting to be held after the Annual General Meeting in the Month of *June* in the Year One thousand eight hundred and thirty-seven an Account, signed by Two at least of the Auditors of the Company, of such of the Receipts and Disbursements of the Company up to that Time as shall not have been included in any preceding Account, and the Particulars and Amount of the Funds or Property of the Company, and also a Report under the Hand of some One of the Directors of the Company of the State and Condition of the Company.

Such Accounts when confirmed shall be binding, unless some Errors be discovered within Six Months.

LXXXI. And be it further enacted, That the Account which, in pursuance of the Directions herein-before contained, is to be produced by the Directors at every Annual General Meeting, after the same shall have been approved of either by the Meeting at which it shall have been produced or at any subsequent General Meeting, and signed by the Chairman of the Meeting in Testimony of such Approval, shall be binding and conclusive on all the Proprietors of the said Company, unless some manifest Error, and to the Amount of Fifty Pounds, shall be discovered therein by any One or more of the Proprietors of the Company within Six Calendar

Months after such Approval; and such Account, when such Error shall have been rectified by the Directors (which they are hereby required to do without Delay), shall be binding and conclusive on all the Proprietors.

Annual Meeting may examine Accounts.

LXXXII. Provided always, and be it further enacted, That, notwithstanding the Examination of the Accounts of the Company by the Auditors, it shall be competent to any Annual General Meeting to examine the Accounts of the said Company and of the Directors, and of the Treasurer, Receiver, or Collectors and other Officers of the said Company, and deal therewith as they shall think fit.

Directors may appoint temporary Treasurer or Clerk.

LXXXIII. And be it further enacted, That in case any Treasurer or Clerk of the said Company shall die, or be removed from or quit the Service of the said Company, the said Company shall at their next Annual General Meeting fill up such Vacancy, and in the meantime it shall be lawful for the Directors of the said Company to appoint some other fit and proper Person to execute such Office in the Place of the Person who shall so die, or be removed from or quit the Service of the said Company; and whenever any such new Appointment shall be made by the said Directors the same shall only continue until the next Annual General Meeting of the said Company, when the Appointment of such Person to such Office shall either be confirmed, or such other fit Person be appointed to succeed to such Office, as the Proprietors present at such Meeting shall think proper.

Clerk of the Company to enter and keep Lists of the Proprietors.

LXXXIV. And be it further enacted, That the said Clerk of the said Company shall, in some proper Book to be provided by the said Company for that Purpose, enter and keep a true Account of the Locality or Places of Abode of the several Proprietors of the said Undertaking, whether Corporations or Individuals, and of the several Corporations and Persons who shall from Time to Time become Proprietors thereof or be entitled to any Share therein; and every Proprietor of the said Undertaking, or in the Case of a Corporation by their Clerk or Agent being duly appointed, may at all convenient Times have recourse to and peruse the same *gratis*, and may demand and have Copies thereof or any Part thereof, paying at and after the Rate of Sixpence for every One hundred Words so to be copied; and if any such Clerk of the Company hereby incorporated shall refuse to permit any such Proprietor or Agent as aforesaid to peruse such Book at all convenient Times, or refuse to make such Copy within a reasonable Period at the Rate aforesaid, he shall for every such Offence forfeit and pay the Sum of Five Pounds for the Benefit of the said Undertaking.

To compel Payment of Subscriptions.

LXXXV. And be it further enacted, That the several Parties 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 respective 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

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.

LXXXVI. 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 no such Call shall exceed the Sum of Five Pounds upon each Share which any Person shall or may be possessed of or entitled to in the said Undertaking; and such Calls shall not be made but at the Distance of Three 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 Town and County of the Town of *Nottingham*, 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 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 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 His 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

If Calls are not paid in Two Months the Company may sue for them; or may declare the Shares forfeited, and sell them.

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 a Declaration made by some credible Person not interested before any Justice of the Peace or Master or Master Extraordinary in the High Court of Chancery, stating that such Call had been made by the said Directors, and such Notice thereof as aforesaid given, and that such Default as aforesaid had been made in payment thereof in respect of the Shares so sold, and that the same Shares had been declared to be forfeited, and such Declaration had been confirmed in manner aforesaid, shall be sufficient Evidence of the Facts therein stated, 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 Purchase Money of such Shares shall be more than sufficient to pay the Arrears of Calls, the Surplus to be paid to the Owners.

LXXXVII. 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.

LXXXVIII. 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 Five Pounds for every Share of Ten Pounds, or was made within the Space of Three 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 Town and County of the Town of *Nottingham*, 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 Clerk of the said Company is by this Act directed to enter and keep the Names and Additions of the several Proprietors of the Shares in the said Undertaking, with the Number of Shares they are respectively entitled to hold, and of the Locality or Places of Abode of the several Proprietors of Shares in the said Undertaking, and of the several Persons and Bodies who shall from Time to Time become Proprietors thereof or be entitled to any Share therein, shall be *prima 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 certain Cases.

LXXXIX. And whereas in Cases in which any Proprietor of any Share in the said Undertaking shall die, become insolvent or bankrupt, or go out of the Kingdom, or shall transfer his Right and Interest therein to some other Person, and no Register shall have been made of the Transfer thereof with the Clerk of the said Company, it may not be in the Power of any Officer acting for the said Company to ascertain who is the Proprietor of such Share, in order to give him Notice of Calls to be made on such Share, or to maintain any Action, Suit, or other Proceeding against him, or his Executors or Administrators, for the Recovery of the same; be it therefore 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 specified or herein otherwise provided, a Declaration shall be made by some credible Person before any One of His 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 enter and register the Name of every such Proprietor, or a Description of every such Body Corporate, 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 or Corporation 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 or of the Clerk of such Corpo-

ration (as the Case may require), to pay his Proportion of Money to be called for, and such Person or Corporation 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 such Case the same shall become forfeited, and shall and may be disposed of in such Manner, on such Evidence of Title, *mutatis mutandis*, and with such Powers and with such Indemnity to Purchasers, as in other Cases of Sales of Shares forfeited for the Nonpayment of Calls, or such Share shall otherwise become consolidated in the general Fund of the said Company; 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 such Proprietor so dying, or of the Assignees or Trustees of such Proprietor so becoming bankrupt or insolvent, or, in the Event of the Share being disposed of as aforesaid, 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, such Notice shall be inserted once in the *London Gazette*, and in case any Proprietor shall go out of the Kingdom such Notice shall be inserted in the *London Gazette* as aforesaid; and in all such Cases, and after such Notices and Default being made, the said Share shall be forfeited, and 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 Cases 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.

Proprietors in arrear not to vote.

XC. Provided always, and be it further enacted, That no Proprietor of any Share on which any Call made shall remain unpaid shall at any Meeting of the Proprietors of the said Company be allowed to vote, either personally or by Proxy, until the Money payable in respect of such Share, pursuant to such Call, shall have been fully paid, although the Time limited for Payment thereof may not have expired.

No Shares to be sold till Calls are paid.

XCI. And be it further enacted, That no Person shall sell or transfer any Share which he shall possess in the said Undertaking after any Call shall have been made by the said Directors for any Sum of Money in respect of such Share, unless he at the Time of such Sale or Transfer shall have paid or discharged to the Treasurer of the said Company, or to such Person as the said Directors shall appoint to receive the same, the whole and entire Sum of Money which shall have been called for in respect of each Share so sold and transferred, with all Interest due thereon.

Accounts to be made up annually, and Dividend declared.

XCII. 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

balanced to some Day in the Month of *May* or *June* in each Year, (and also half-yearly to some Day in the Months of *June* and *December* in each Year, if any General or Special General Meeting of the said Company shall from Time to Time so direct,) 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 at the subsequent yearly Meeting of the Proprietors of the said Undertaking next after such Day in the Month of *May* or *June*, or at the subsequent General or Special General Meeting of the said Proprietors next after such Day in the Month of *June* or *December*, (if the said Account shall be so directed to be made up and balanced at any Day in either of the said last-mentioned Months,) to be from Time to Time held as aforesaid, or at some Adjournment thereof respectively, a Dividend shall be made out of the clear Profits of the said Undertaking, unless such yearly Meeting or such Special 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 also, that no Dividend shall be declared or paid until the Yearly General Meeting which shall be held next after the Expiration of Two Years from the passing of this Act: Provided also, 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.

Directors empowered to make Dividends at intermediate Times.

XCIII. Provided always, and be it further enacted, That notwithstanding any thing herein contained it shall be lawful for the said Directors and they are hereby empowered to declare a Dividend at such intermediate Times between the said annual Meetings as the said Directors shall think fit, so as the other Regulations herein-before contained respecting the declaring and Payment of Dividends be not infringed.

For ascertaining the Proprietorship of Shares in case of the Marriage or Death of Proprietors.

XCIV. And whereas by the Death of or by other after-mentioned Events happening to Proprietors, or by the Marriage of Female Proprietors of Shares in the said Undertaking, it may be difficult to ascertain to whom the Dividends arising or becoming due upon such Shares ought to be paid; be it therefore enacted, That before any Person who shall claim any Part of the Profits of the said Undertaking in right of Marriage with any Female Proprietor shall be entitled to receive the same, or be entitled to vote in respect of any Share, a Declaration in Writing, containing a Copy of the Register of such Marriage or other Particulars of the Celebration thereof, and identifying the Wife as the Proprietor of the Share in respect whereof any such Claim may be made, shall be made by some credible Person before some Master or Master Extraordinary in Chancery, or any One of His Majesty's Justices of the Peace, and shall be transmitted to the Clerk of the said Company, who shall file the same and make an Entry thereof in the Book which shall be kept for the Entry of Transfers or Sales of Shares in the said Undertaking; and before any Person who shall claim any Part or Share of the Profits of the said Undertaking by virtue of any Bequest or Will, or in the Course of Adminis-

Administration, shall be entitled to receive the same, or be entitled to vote in respect of any Share, the said Will, or the Probate thereof, or the Letters of Administration, shall be produced and shown to the said Clerk, or a Copy of so much of such Will or of such Letters of Administration as shall relate to the Share of the Testator or Intestate (as the Case may require) shall be made and declared to by the Executors of the said Will or the Administrators of the Intestate before some Master or Master Extraordinary in Chancery, or any One of His Majesty's Justices of the Peace as aforesaid, and together with an official Extract of the Act of Court or the Grant of Probate of such Will, or (in case of Intestacy) of the Letters of Administration, shall be transmitted to the said Clerk, who shall file and enter the same as herein-before mentioned; and in all Cases, other than is herein-before mentioned, 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 His 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 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.

Receipt of One Proprietor of Shares sufficient.

XCV. 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.

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

XCVI. 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 Two of the Directors of the said Company, or delivering the same to some Inmate of the last or usual Places of Abode of such Directors, or upon the Clerk or Treasurer of the said Company, or left 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 leaving a Copy thereof at the principal Office of the said Company, or in case the same respectively shall not be found or known, the Service upon any other Agent of or Officer employed by the said Company or Director of the said Company, or delivering the same to some Inmate of the last or usual Place of Abode of such Agent or Officer or Director, shall be

deemed good and sufficient Service of the same respectively on the said Company.

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

XCVII. 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 contained in this Act, such Notice shall or may be in Writing or in Print, or partly in Writing and partly in Print, and 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 to some Inmate of the last or usual Place of Abode of such Person, or be delivered to some Member of such Corporation, or to some Inmate of the last or usual Place of Abode of such Member, or to some Clerk or other Officer of such Corporation, or be left at the Office of such Clerk or Officer, or be delivered to some Inmate of the last or usual Place of Abode of such 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.

XCVIII. And be it further enacted, That if any Person who shall be summoned as a Witness to attend and 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.

XCIX. 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 Witnets 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.

Persons injuring the Cemetery subject to a Penalty.

C. 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, or break any Railing, Palisado, 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, Grave-stone, 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 nor less than Five Shillings, and shall also make Satisfaction for the Injury by him done as aforesaid.

Preventing Nuisances in the Cemetery.

CI. 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 Colonade, Vault, or Building therein, any such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds nor less than Five Shillings.

Proprietors may be Witnesses.

CII. And be it further enacted, That no Person shall, in any Action, Prosecution, or other Proceeding whatsoever relating to or concerning the Execution of this Act, be deemed an incompetent Witness on account of his being a Proprietor of the said Company, or a Director, Auditor, Treasurer, Clerk, or other Officer thereof.

Recovery and Application of Penalties.

CIII. And be it further enacted, That all Penalties and Forfeitures inflicted and imposed by this Act, or by virtue of any Bye Law, Rule, or Order made in pursuance thereof (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 for the County or Place in which such Offence shall be committed, 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

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 Poor of the Parish or Place in which such Offence shall be committed, to be applied by such Overseers for the Benefit of the Poor of such Parish or Place; 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 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 such Case it shall be lawful for such Justices and they are hereby required 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.

CIV. 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

CV. 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

Recovery of Penalties.

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.

CVI. 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 such Justice of the Peace for the County or Place within which such Offence shall be committed, 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.

CVII. 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 an Action upon the Case.

Persons aggrieved may appeal to the Quarter Sessions.

CVIII. And be it further enacted, That all Corporations and Persons who may think themselves aggrieved by any Order or Judgment made or given in pursuance of any Bye Law, Rule, or Order of the said Company or of the said Directors, and the said Company and all other Bodies Corporate and Persons who may think themselves aggrieved by any Order or Judgment or Determination of any Justice of the Peace relating to any Matter or Thing in this Act mentioned or contained, or for which no Power of Appeal is by this Act specifically given, may, within Four Calendar Months next after such 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 and Place where the alleged Cause of Appeal shall arise, 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, with Two sufficient Sureties, 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 or Place; and the said Court of Session may, if such

Court see Cause, mitigate any Penalty or Forfeiture, and may order any Money to be returned which shall have been levied in pursuance of such Bye Law, Rule, Order, or 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.

CIX. And be it further enacted, That in all Cases in which any Costs or Expences 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 under a Warrant to be issued for that Purpose by any Justice of the Peace acting within his Jurisdiction and not interested in the Matter in dispute, which Warrant such Justice is hereby authorized and required 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.

Forms of Information and Conviction:

CX. And be it further enacted, That all Justices of the Peace before whom any Person shall be informed against or convicted of or in respect of any Offence against this Act may cause the Information (whenever an Information shall be taken in Writing or in Print) and the Conviction respectively to be drawn up in the Forms following, or any other Form to the same Effect, as the Case may require; (that is to say,)

Form of Information.

'to wit. } BE it remembered, That on the Day of
'*A. B.* of informeth me, *C. D.*, One [*or* us,
'*C. D.* and *E. F.*, Two] of His Majesty's Justices of the Peace for
'that of
'[*here describe the Offence, and the Time and Place when and where*
'*committed,*] contrary to an Act passed in the Year of the Reign
'of His Majesty King *William* the Fourth, intituled [*insert the Title of*
'*this Act*], which hath imposed a Forfeiture of for
'the said Offence. Taken the Day of before me
'*C. D.* [*or* us, *C. D.* and *E. F.*]'

Form of Conviction.

'to wit. } BE it remembered, That on the Day of
'in the Year of our Lord *A. B.* is convicted
'before me *C. D.*, One [*or* us, *C. D.* and *E. F.*, Two] of His 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 His Majesty King
'*William* the Fourth, 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 is to*
'*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 add,* unless the said Sum of

' shall be sooner paid]. Given under my Hand and Seal [*or* our Hands and ' Seals] the Day and Year first above written. *C. D.* [*or C. D.* and *E. F.*]'

Warrant of Distraint for Penalty or Forfeiture.

' to wit. } To the Constables, Beadles, and other Peace Officers of the ' Parish of in the County of .

' WHEREAS *A. B.* of in the County of was this ' Day convicted before me, *C. D.*, One [*or* us, *C. D.* and *E. F.*, Two] ' of His Majesty's Justices of the Peace for the said County, by virtue of ' an Act passed in the Year of the Reign of His Majesty King ' *William* the Fourth, intituled [*here insert the Title of this Act*], for that ' he the said *A. B.* did [*here state the Offence, with the Time and Place,*] ' and I [*or* we] have therefore adjudged the said *A. B.* to have forfeited ' the Sum of [*insert the Forfeiture*], together with the Sum of ' for Costs [*if any given*], which said Sum of the said *A. B.* ' hath refused to pay: These are therefore in His Majesty's Name to ' command you, or any or either of you, forthwith to levy the said Sum ' of by Distress and Sale of the Goods and Chattels of the ' said *A. B.*, such Goods and Chattels being kept before the same are ' sold until the Seventh Day after such Distress shall be made, including ' the Day on which it shall be made and the Day of such Distress, (and ' if such Seventh Day shall happen to be *Sunday*, then such Sale shall be ' on the next or following Day,) and out of the Money arising by such ' Sale that you do pay [*here state the Manner in which the Forfeiture is ' to be applied*], returning the Overplus (if any), on Demand, to the said ' *A. B.*, the reasonable Charges of such Distress, and of any Removal, ' keeping Possession, Appraisement, and Sale, being first deducted; and ' if sufficient Distress cannot be found or had or taken, then that you ' certify the same to me [*or* us], to the end that such further Proceed- ' ings may be had therein as to the Law doth appertain; and I [*or* we] ' do hereby strictly charge and command all and singular the Constables ' and other His Majesty's Peace Officers within their respective Jurisdic- ' tions and Liberties to be aiding and assisting in all Things relating to ' the Premises. Given under my Hand and Seal [*or* our Hands and Seals] ' this Day of in the Year of our Lord

' *C. D.* [*or C. D.* and *E. F.*]'

Authenticated Bye Laws to be Evidence.

CXI. And be it further enacted, That in all Cases of Prosecution for Offences against the Bye Laws, Rules, or Orders of the said Company, the Production of a written or printed Paper purporting to be the Bye Laws, Rules, or Orders of the said Company, and authenticated by having the Common Seal of the said Company affixed thereto, shall be Evidence of the Existence of such Bye Laws, Rules, or Orders; and it shall be sufficient to prove that a printed Paper or painted Board, containing a Copy of such or so many of the Bye Laws, Rules, or Orders as shall impose any Fine or Penalty on any Person not being a Proprietor of the said Undertaking, hath been affixed and published in manner by this Act directed, and in case of its being afterwards displaced or damaged hath been replaced by another such Board as soon as conveniently might be, unless Proof shall be adduced by the Defendant that such printed Paper or Board is not a Copy of such Bye Law, Rule, or Orders as aforesaid, or hath not been duly affixed and generally continued in manner by this Act directed.

CXII. And

Proceedings not to be quashed for Want of Form.

CXII. 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 His Majesty's Courts of Record at *Westminster* or elsewhere.

Limitation of Actions.

CXIII. And be it further enacted, That no Action, Suit, or Information, nor any other Proceedings of what Nature soever, shall be brought, commenced, or prosecuted against any Person for any thing done or omitted to be done in pursuance of this Act, or in execution of the Powers or Authorities or any of the Orders made, given, or directed in, by, or under this Act, unless Ten Days previous Notice in Writing shall be given by the Party intending to commence and prosecute such Action, Suit, or other Proceeding to the intended Defendant, nor unless such Action, Suit, or Information or Proceeding shall be brought or commenced within Six Calendar Months next after the Act committed, or in case there shall be a Continuation of Damage, then within Six Calendar Months next after the doing or committing such Damage shall have ceased, nor unless such Action, Suit, Information, or Proceeding shall be laid and brought in the County or Place within which the Matter or Dispute or Cause of Action shall have arisen; and the Defendant in such Action, Suit, Information, or Proceeding may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the Acts were done or omitted to be done (as the Case may be) in pursuance and by the Authority of this Act; and if they shall appear to have been so done or to have been so omitted to be done, or that such Action, Suit, Information, or Proceeding shall have been brought otherwise than as herein-before directed, then and in every such Case the Jury shall find for the Defendant; and upon such Verdict, or if the Plaintiff shall become nonsuited, or shall suffer a Discontinuance of his Action, Suit, Information, or Proceeding after the Defendant shall have appeared thereto, or if a Verdict shall pass against the Plaintiff therein, or if, upon Demurrer or otherwise, Judgment shall be given against the Plaintiff, the Defendant shall have his Costs, and shall have such Remedy for recovering the same as Defendants have for recovering Costs of Suit by Law in any other Cases.

Plaintiff not to recover after Tender of Amends.

CXIV. Provided always, 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 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 Proceeding, 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.

General Power to Justices to administer Oaths.

CXV. 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.

Power to Justice to mitigate Penalties.

CXVI. And be it further enacted, That in all Cases where any Justice is empowered by this Act to impose any Penalty or Forfeiture it shall be lawful for such Justice to mitigate the same at his Discretion.

Persons giving false Evidence subject to be prosecuted.

CXVII. 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 making false Declaration to be guilty of a Misdemeanor.

5 & 6 W. 4. c. 62.

CXVIII. 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 present 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 Affidavits,' 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 or 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 deemed guilty of a Misdemeanor.

Public Act.

CXIX. 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.

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