CHAPTER lv.

An Act to empower the Plymouth, Devonport, and Stonehouse Cemetery Company to enlarge their Cemetery, and to confer further powers upon them in relation to their undertaking; and for other purposes. [14th June 1875.] A.D. 1875.

WHEREAS by the local and personal Act, ninth Victoria, chapter twenty-seven, intituled "An Act for establishing a "general cemetery for the interment of the dead in the neighbour-"hood of the towns of Plymouth, Devonport, and Stonehouse in "the county of Devon" (in this Act called the Act of 1846), a company was incorporated under the name of the Plymouth, Devonport, and Stonehouse Cemetery Company (in this Act called the Company), with power to purchase and hold lands, and, on the lands therein more particularly mentioned or referred to, to make and maintain a cemetery or burial ground, and for the purposes of their undertaking to raise, by the creation of six hundred shares of twenty-five pounds each, the sum of fifteen thousand pounds, and by means of borrowing the further sum of ten thousand pounds, with power to the board of directors of the Company to purchase any shares which the holders thereof should be desirous to sell; but the said Act does not contain any provision as to the re-issue of the shares so purchased: 9 & 10 Vict. c. xxvii.

And whereas the Company have constructed a cemetery in pursuance of the Act of 1846, but the progressive increase of the population in the Company's district has made it necessary that the same should be enlarged, and that the Company should be empowered for the purposes of such enlargement to purchase and hold the lands and buildings in this Act mentioned and described:

And whereas plans showing the lands which may be taken under the authority of this Act, and a book of reference containing the names of the owners and lessees, or reputed owners and lessees, and

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of the occupiers of those lands, were duly deposited with the clerk of the peace for the county of Devon, which plans and book of reference are herein-after respectively referred to as the deposited plans and book of reference:

And whereas by an Act passed in the thirty-fifth year of the reign of Queen Elizabeth, chapter ten, entitled "An Act for the "bringing of fresh water to the towne of Stonehouse in the countie "of Devon," the inhabitants of that town were empowered to dig and mine a ditch or trench between the said town of Stonehouse and the head or first spring of the stream or brook of fresh water known by the name of Millbrooke Lake: And whereas the said ditch or trench passed through a portion of the lands which the Company were by the Act of 1846 empowered to acquire, and in pursuance of provisions in that behalf contained in the said Act, iron pipes of the internal diameter of twelve inches were provided, laid down, and fixed by the Company in substitution for the said ditch or trench, for the purpose of conveying the water of the said stream or brook without interruption, pollution, or waste through the said lands:

And whereas the said ditch or trench also passes through a portion of the lands which the Company are by this Act authorised to acquire, and it is expedient that the said provisions of the Act of 1846 should be extended to such last-mentioned lands, subject only as herein-after mentioned:

And whereas the whole of the shares in the capital of the Company have been issued and fully paid up, and twenty-nine of the said shares have, under the authority of the Act of 1846, been bought by the directors from the holders thereof, and the Company have an unexercised power of raising by borrowing the sum of ten thousand pounds; and it is expedient that the Company should have power to apply the said last-mentioned sum to the purposes of this Act, and should be empowered, for the same purposes, to re-issue any shares so bought or to be hereafter bought by the directors:

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

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

Short title.

1. This Act may be cited for all purposes as the Plymouth, Devonport, and Stonehouse Cemetery (Extension) Act, 1875.

Provisions of certain general Acts incorporated.

2. The Lands Clauses Consolidation Acts, 1845, 1860, and 1869, are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partly incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction; and the expression "the promoters of the undertaking" means the Company, and, for the purposes of this Act, the expression "superior courts," or "court of competent jurisdiction," or any other like expression in this Act or any Act incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt, and not a debt or demand created by statute.

Power to purchase additional land for cemetery.

4. Subject to the provisions of this Act, the Company may enter upon, purchase, and take all or any part of the lands and property shown on the deposited plans and described in the deposited book of reference and in the schedule (A.) to this Act, and upon the said lands the Company may enlarge their cemetery within the limits set forth in the said schedule.

Errors and omissions in plans to be corrected.

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

Copies of such plans to be evidence.

6. Copies of the deposited plans and book of reference, or of any correction thereof or extracts therefrom, certified by such clerk of the peace, shall be received in all courts of justice or elsewhere as primâ facie evidence of the contents thereof.

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Period for compulsory purchase of lands.

7. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of one year from the passing of this Act.

Power to stop up roads.

8. The Company may stop up all roads, lanes, or paths within the limits of the lands by this Act authorised to be acquired, and may extinguish all rights of way in or over any such roads, ways, or paths, and may appropriate the soil and site thereof to the purposes of the Company.

Sections of Act of 1846 incorporated with this Act.

9. The under-mentioned sections of the Act of 1846 are incorporated with and form part of this Act as fully and effectually as if they were re-enacted herein with respect to the enlargement of the cemetery authorised by this Act, and, for the purposes of such incorporation, the expression "the cemetery" in the Act of 1846 shall be deemed and construed to include such enlargement; that is to say, sections thirty and thirty-one; sections thirty-nine to fifty-four, both inclusive; and sections fifty-six to ninety, both inclusive: Provided always, that as regards any line of pipes to be provided, laid down, and fixed by the Company in substitution for the original channel, ditch, or trench for the purpose of conveying the water of the said stream or brook known by the name of Millbrooke Lake through the lands which the Company are by this Act empowered to acquire, the same may be laid down and fixed by the Company in such direction and over or along such portion of the same lands as the Company may think fit; but so, nevertheless, that such new line of pipes shall be in direct connexion with the line of pipes already provided, laid down, and fixed by the Company in the lands acquired by them under the authority of the Act of 1846, and so as that the outfall of the water of the said stream or brook shall be the same as now exists at the southern boundary of the present cemetery, and reasonable compensation shall be paid by the Company to the owners for the time being of the existing ditch or trench for any part thereof which shall be used by the Company for the purposes of this Act, and which shall be in excess of the quantity of land over, through, or along which the new line of pipes shall be laid or fixed.

Limiting amount of fees, &c. to be charged by the Company.

10. The Company shall and may from time to time (without prejudice to the fees and payments in the Act of 1846 specially provided for), subject to the approval of one of Her Majesty's Principal Secretaries of State, fix and settle a table of fees and payments to be demanded and received in respect of the matters mentioned in the 57th section of the Act of 1846; and no alteration shall be made in any such table without such approval as aforesaid: Pro-

vided always, that until a new or altered table of fees and payments shall have been fixed, settled, and approved as hereby provided, it shall not be lawful for the Company to demand or receive any fees or payments in respect of the matters aforesaid exceeding those specified in the schedule (B.) to this Act: Provided also, that in all cases in which the Company shall intend to apply for the approval of one of Her Majesty's Principal Secretaries of State to any new or altered table of fees or payments, a copy of such intended application shall be kept at the Company's office, open to the inspection of all persons within reasonable hours, without payment, for one month previous to such application being made, and notice of such intended application, and of the time and place at which such copy may be inspected, shall be advertised once in each of two consecutive weeks in some newspaper published in the county of Devon.

The table of fees and payments in force for the time being shall be printed and published, and shall be affixed and at all times continued on some conspicuous part of the cemetery.

Enlargement of cemetery not to be within 300 yards of certain property without consent.

11. No part of the extension and enlargement of the cemetery by this Act authorised shall be erected or made within three hundred yards of any house of the annual value of fifty pounds, or having a plantation or ornamental garden or pleasure ground occupied therewith, except with the consent of the owner, lessee, and occupier thereof in writing.

Land that has been consecrated not to be sold.

12. The Company shall not sell or dispose of any land forming part of the enlargement of the cemetery by this Act authorised which shall have been consecrated or used for the burial of the dead.

Power to lease land not required for purposes of burial.

13. The Company may from time to time demise and lease all such portions of the said lands as are not then required for the enlargement of the cemetery, at such rent, and upon such conditions, and for such term of years, not exceeding in each case seven, as they think proper: Provided that nothing herein contained shall be deemed to limit the powers of the Company of selling any lands, tenements, or hereditaments not wanted or not applicable to the purposes of this Act, whether purchased and held under the powers of this Act or of the Act of 1846.

Power to re-issue shares.

14. The Company may from time to time re-issue to such persons, on such terms and conditions, and in such manner as the directors think advantageous to the Company, any shares which the directors may have purchased or may hereafter purchase under the authority of the Act of 1846; and the shares so re-issued, and the holders thereof, shall, except as otherwise provided by this Act,

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respectively have and be subject to the same rights, privileges, liabilities, and obligations as they would have had and been subject to if such shares had not been bought by the directors under the authority of the Act of 1846.

Application of funds.

15. The Company may apply to the purposes of this Act any moneys which they are by the Act of 1846 authorised to raise for the purposes of that Act (including such moneys as they may raise by the re-issue of shares under the authority of this Act) and which have not been and are not required for the purposes of the Act of 1846.

Powers of two justices may in certain cases be exercised by one.

16. All things by this Act or any Act incorporated herewith authorised or required to be done by two justices may and shall be done by any one magistrate having by law authority to act alone for any purpose with the powers of two or more justices.

Act not to exempt cemetery from general Acts.

17. Nothing in this Act contained shall exempt or be construed to exempt the cemetery, or the enlargement of the cemetery authorised by this Act, or the Company, from section 10 of the Act of the twentieth and twenty-first years of the reign of Her present Majesty, chapter 81, entitled An Act to amend the Burial Acts, or from the provisions of any general Act relating to cemeteries which may be passed in the present or any future session of Parliament.

Expenses of Act.

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

The SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

All those fields or closes of land in the tything or parish of Weston Peverell, otherwise Pennycross, and in the parish of Saint Andrew, or one of them, in the county of Devon, called respectively Wall Park, otherwise Rat Park, Bramble Park, Furze Park, Lower South Park, Upper Park, otherwise Upper South Park, South Park, Rat Park, and Rat Park Garden, and so much of the field or close of land called Hill as lies to the south of an imaginary straight line drawn from west to east at the distance of 100 feet from the southern boundary thereof, and also so much of the field or close of land in the parish of Stoke Damerel, in the same county, called Wood Field, as lies to the eastward of the new wall now in course of erection for the purpose of separating the same from

the said fields or closes called Furze Park and Bramble Park; which said first-mentioned fields or closes of land are respectively numbered 325, 326, 327, 328, 329, 330, 331, 332, and 332*, on the tithe map of the said tything or parish of Weston Peverell, otherwise Pennycross, and which said last-mentioned field or close of land is numbered 486 on the tithe map of the said parish of Stoke Damerel, and which intended enlargement of the cemetery will be situate within the following limits, that is to say, as regards part thereof, between the northern boundary of the present cemetery on the south, Mud Lane on the north, the said wall now in course of erection on the west, and other lands belonging or reputed to belong to Harry Pym, Esq., or his trustees, and in the occupation of James Lake, and numbered 333 on the tithe map of the said tything or parish of Weston Peverell, otherwise Pennycross, on the east, and as regards a further part thereof, between Mud Lane and Bramble Park aforesaid on the south, and other lands belonging or reputed to belong to the said Harry Pym, or his trustees, and in the occupation of the said James Lake, on the north, west, and east, and including the site of so much of Mud Lane aforesaid as adjoins on both sides the lands herein-before described.

SCHEDULE (B.)

Table of Fees and Payments.

	£	s.	d.
Interment in ground selected by the Company - - -	0	12	0
„ „ „ for children under six years of age	0	9	0
„ „ selected by parties in unreserved section -	1	5	0
„ „ for children under six years, after first interment	0	15	0
Freehold grave, including first interment fee - from £6 to	10	0	0

The fee of 3*s.* 6*d.* payable to the incumbents and clerks of parishes is to be added to the above charges on each interment in the Church of England ground.

	£	s.	d.
Interment in public vault - - - - - -	4	0	0
„ „ „ for children under six years of age - -	2	0	0
Walled graves complete, with slate covering slab - from £12 to	16	0	0
Brick „ „ „ „ - from £14 to	18	0	0
Vaults arched with brick - - - - from £18 to	36	0	0

Wall and brick graves specially ordered, as per agreement.

The fee of 6*s.* payable to the incumbents and clerks of parishes is to be added to the above charges on each interment in the Church of England ground.

	£	s.	d.
Re-opening and closing freehold graves, including labour - -	0	15	0
„ „ walled „ „ „ - -	1	10	0
„ „ vaults, „ „ - -	3	0	0
„ „ „ for children under six years of age	2	0	0

These charges do not include the removal of kerbs, railings, or ornamental monuments, which is to be done by the parties, or the exra charge paid, if done by the Company.

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Extra Payments at the Option of Parties.

	£	s.	d.
For interment at any hour other than the time prescribed by the regulations of the Company for the time being - - -	0	10	6
For use of chapel on interment in vaults and walled graves - -	0	7	6
" " " freehold graves - - -	0	5	0
" " " at £1 5*s.* - - - -	0	2	6
" " all interments below £1 5*s.* - - -	0	1	6
Use of pall - - - - - - -	0	2	6
Bier and chapel bell - - - - - each	0	1	0
Certificates of burial in general ground on all interments at a charge of not exceeding 12*s.* - - - - - -	0	1	3
Certificates of burial on all other interments - - -	0	2	7
Charge for intombing in vaults and walled graves - - -	1	0	0
" " freeholds - - - - - -	1	12	0
Charge for permission to place headstones to graves not freehold -	0	5	0
" " " kerbs without railings around common graves - - - - - - - -	0	5	0
Removal of headstones for the purpose of adding inscriptions -	0	2	6
Foot stones - - - - - - -	0	1	0
Extra ground for railing, &c. around freehold graves of the dimensions prescribed by the regulations of the Company for the time being - - - - - - per square foot	0	5	0
Charge for extension beyond vault fronts for any erection not exceeding two inches	0	10	0
four "	0	15	0
six "	1	0	0
Space for tablet against boundary wall - - per square foot	0	5	0
" on interior of chapels, as per agreement.			
Searching register, first year 1*s.*, every year after, 6*d.*			
Banking graves, per annum, which must be paid within one month from the date of burial - - - - - -	0	2	0

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