ANNO SEXTO & SEPTIMO

GULIELMI IV. REGIS.

****

Cap. cxxix.

An Act for establishing a Cemetery for the Interment of the Dead Southward of the Metropolis, to be called "The South Metropolitan Cemetery."

[28th *July* 1836.]

WHEREAS the Cemeteries or Burial Grounds within the Cities of *London* and *Westminster* and the Suburbs thereof are of limited Extent, and many 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 in the Neighbourhood thereof: And whereas it would be of public Advantage if a General Cemetery on an extensive Scale were established in an open Situation in the Southern Vicinity of the Metropolis: And whereas the several Persons herein-after named, together with other Persons, are willing at their own Costs and Charges to establish such a Cemetery upon being empowered for that Purpose by the 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 *William Borradaile*, *Charles Barron*, *Richard Baggallay*, *Stephen Nicholson Barber*, *William Curling*, *Daniel Curling*, *Alexander Curling*, *Joseph* (Proprietors incorporated.)

Curling, *William Cook*, *Robert Currey*, *George Carroll*, *Thomas Farncomb*, *John Castle Gant*, *Joseph Hartnell*, *John Locke*, *Charles Marten*, *John Pirie*, *John Procter*, *Henry Pigeon*, *John Paynter*, *John Wolley*, and all other Persons and Corporations who shall from Time to Time, in such Manner as herein-after is mentioned, become a Proprietor or Proprietors of a Share or Shares in the Undertaking hereby established, and their respective Successors, Executors, Administrators, and Assigns, shall be and they are hereby united into a Company for establishing and maintaining the Cemetery and other Works by this Act authorized to be made, and for that Purpose shall be One Body Corporate, by the Name of "The South Metropolitan 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 for the Use of the said Undertaking without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain, and shall have and exercise all other Powers and Authorities herein-after given or contained.

Company empowered to build a Cemetery.

II. 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 in such open Situation in the County of *Surrey*, within the Distance of Ten Miles from the Metropolis, as they shall think fit, and to lay out and to embellish the same in and with such Paths, Walks, Avenues, Roads, Trees, Shrubs, and Plantations as may be fitting and proper, and to cause such Cemetery or Burial Ground to be enclosed with proper and sufficient Walls, Rails, Fences, Palisades, Gates, and Entrances.

Part of Cemetery to be consecrated for Interment according to the Rites of Established Church.

III. And be it further enacted, That Part of the said intended Cemetery shall be set apart for the Interment of the Dead according to the Rites and Usages of the United Church of *England* and *Ireland*, and may be consecrated for that Purpose by the Bishop of the Diocese for the Time being; and when so consecrated the same shall for ever thereafter be set apart and be used and applied exclusively for the Purpose of Christian Burial.

Other Part of the Cemetery may be set apart for the Interment of Persons not being Members of the Established Church.

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

V. And

Company may build a Chapel for Burial Service according to the Rites of the Established Church;

V. And be it further enacted, That it shall be lawful for the said Company, and they are hereby empowered, to make, erect, and build, within or adjoining to such Part of the said Cemetery as shall be consecrated, in such Manner 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 a Chapel for Burial Service of other Churches.

VI. And be it further enacted, That it shall be lawful for the said Company to make, erect, and build, within or adjoining to the said Cemetery or any Part thereof, 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 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 empowered to build Catacombs, &c.

VII. And be it further enacted, That it shall be lawful for the said Company, and they are hereby empowered, to make, erect, and build within the said Cemetery or any Part or Parts thereof 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 may sell exclusive Right of Burial in Vaults in Perpetuity or for a limited Period.

VIII. 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 or Persons who may be willing or desire to purchase or acquire the same, and at or for such Price or Prices or Sum or Sums 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 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, or Graves or other Places of Burial made or constructed by the said Company, or in the open Ground of any Part 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 any Chapel or other Place appropriated by the said Company for the Reception of Monuments,

ments, Tablets, or Monumental Inscriptions, and also the Right and Privilege of placing any Grave Stone or Slab of Stone or Marble or other Material, or Foot Stones or Head Stones, upon or to any Grave in the said Cemetery; and every such Purchaser of the exclusive Right of Interment or Burial, whether in Perpetuity or for a limited Period, in any such Catacomb, Vault, or Burial Place, his Heirs, Executors, Administrators, or Assigns, shall and he is hereby required immediately upon the Completion of such Purchase to close the Entrance of each such Catacomb, Vault, or Place of Burial with good and substantial Doors to the Satisfaction of the said Company, under the Penalty of Ten Pounds.

Form of Grant of exclusive Right of Burial in Vaults, &c. to be under the Seal of the Company, and in the following Form.

IX. 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 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 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 Variations therein as the Circumstances of the Case may render necessary; (that is to say,)

'BY virtue of an Act passed in the Sixth and Seventh Year of the Reign of His Majesty King *William* the Fourth, intituled [*here insert the Title of this Act*], we, the South Metropolitan Cemetery Company, incorporated by and under the said Act, in consideration of the Sum of to us in hand paid by do hereby grant and convey unto the said 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 in Perpetuity [*or for the Period agreed upon*] for the Purpose of Burial [*as the Case may be*], subject to such Rules, Orders, and Regulations as have been or shall from Time to Time hereafter be made by the said Company for the Management and Regulation of the said Cemetery, and the Catacombs or Vaults therein.'

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 Fourteen Days after the Date thereof be entered in some Book to be kept by the Clerk of the said 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 Two Shillings and Sixpence to the Clerk of the said Company.

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

X. 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:

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

Form of derivative Assignment.

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

And every such Assignment, if made in the Form or to the Effect aforesaid, shall be valid and effectual in 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 Heirs and Assigns, in Perpetuity, or in the Purchaser thereof, his Executors, Administrators, or Assigns, for the Remainder of the Period for which the same was originally granted (as the Case may be), free from all Claims whatever by or from

from the Person making or executing the same, or any Person claiming through, under, or in Trust for him.

Derivative Assignments to be registered.

XI. 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 any of His Majesty's Justices of the Peace, or before any Master or 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 a private Vault without the Consent of the Owner.

XII. 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 wherein shall have been sold or granted by the said Company as a Family or private Burial Place, it shall be lawful for the said Company to require, and they shall be entitled to have produced to them, satisfactory Evidence that the Person for the Time being entitled as Owner to the exclusive Right of Burial or Interment in such Vault, Grave, or Burial Place has consented to such Interment taking place therein.

No Burials in Vaults except in certain Coffins.

XIII. And be it further enacted, That it shall not be lawful to bury any Corpse within any Vault under any Chapel, or within any Vault or Catacomb which may be erected within the said Cemetery, unless the same shall be enclosed in a Coffin of Lead, or otherwise enclosed in Pitch of Half an Inch in Thickness between an interior and exterior Coffin of Wood.

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

XIV. And be it further enacted, That it shall be lawful for the said Company to take down and remove any Monuments, Cenotaphs, Tablets, Monumental Inscriptions, Grave Stones, and other Erections 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 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, or become forfeited for Non-compliance with the Rules, Orders, and Regulations of the said Company: 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.

Company to keep the Cemetery in repair.

XV. 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 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.

Plan of the Ground to be kept by the Clerk.

XVI. And be it further enacted, That a Plan or Ground Plot of the 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 Descriptions of the several Persons interred in such Vaults, Graves, and Places of Burial; and no Vault or Grave or Place of Burial shall be made in the said Cemetery without the same being marked out or otherwise designated in such Plan and a corresponding Entry made in the said Book; and the said Plan and Book shall be kept by the Clerk of the said Company, and shall be open to the Inspection of every Proprietor of the said Company without Fee or Reward.

Register of Burials.

XVII. 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 or other Officer of the said Company appointed to that Duty; 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, shall be from Time to Time transmitted and sent to the Registrar of the Consistory Court of the Bishop of the Diocese in which the said Cemetery shall be situate, to be kept and preserved with the Copies of the other Register Books of the Parishes within his Diocese.

Company to pay a Fee on Interment of persons removed from certain Parishes.

XVIII. 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 the Parish in which the Cemetery shall be situated, or from any Parish in the County of *Surrey* adjoining thereto, or from any of the Parishes of *Lambeth*, *Battersea*, and *Wandsworth* in the said County of *Surrey*, or from any Parish within the Cities of *London* or *Westminster*, or the Borough of *Southwark*, according to the Limits thereof settled and described in an Act passed in

2 & 3 W. 4. c. 64.

in the Second and Third Year of the Reign of His present Majesty, intituled *An Act to settle and describe the Divisions of Counties, and the Limits of Cities and Boroughs, in* England *and* Wales, *so far as respects the Election of Members to serve in Parliament,* the said Company shall pay unto the Incumbent for the Time being of the Church or Chapel of the Parish or other Ecclesiastical District or Division 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 Twenty Shillings, and in case such Person shall be interred in the open Ground, the Fee of Seven Shillings and Sixpence.

Company to keep Account of such Fees and allow Inspection thereof.

XIX. And be it further enacted, That, for the Purpose of ascertaining the Amount of Fees which shall be so payable to the Incumbents of such Churches or Chapels as aforesaid, the said Company shall and they are hereby required to cause a separate Book or Books 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 herein-before mentioned, and the Names of the Parishes and of the Ecclesiastical Districts or Divisions of 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 any of the Incumbents for the Time being of the Churches or Chapels of the said several Parishes, or of the Ecclesiastical Districts or Divisions of the said Parishes, or of any Person or Persons employed by them or him, upon Payment to the said Company of the Sum of One Shilling for every such Inspection.

Company to account for Fees half-yearly.

XX. 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 Thirtieth Day of *June* and the Thirty-first Day of *December*, to cause an Account to be made up of all Fees, if any, payable by the said Company to the Incumbents for the Time being of the Churches or Chapels of the several Parishes aforesaid, or of the Ecclesiastical Districts or Divisions of the said Parishes, and of the Sum payable in respect of each such Parish or Ecclesiastical District or Division, and the said Company shall at the Expiration of One Calendar Month next thereafter deliver, upon Demand, to the Incumbent of each of the Churches or Chapels of such Parishes or Ecclesiastical Districts or Divisions, 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 at 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.

XXI. And

Company may require Evidence of Identity of Incumbent.

XXI. And be it further enacted, That before any such Incumbent 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 Church or Chapel in respect of which the Fees are claimed.

Incumbent to pay to Churchwardens Part of Fees received in respect of Interments in Cemetery.

XXII. And be it further enacted, That every such Incumbent shall pay to the Churchwardens or Chapelwardens for the Time being of his Church or Chapel out of every Sum of Twenty Shillings that he shall receive by virtue of this Act in respect of Interments in any Vault, Catacomb, or Brick Grave in the said Cemetery the Sum of Twelve Shillings, and out of every Sum of Seven Shillings and Sixpence in respect of Interments in the open Ground of the said Cemetery the Sum of Three Shillings and Sixpence, to be respectively paid and applied by them in the same Manner, and amongst the same Persons (including the Incumbents of such Churches and Chapels), and in the same Proportions as the Fees on Interments which the said Churchwardens and Chapelwardens are entitled to receive in their respective Parishes, Districts, or Divisions of Parishes are and ought by Law or Custom to be paid and applied.

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

XXIII. 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 Church or Chapel 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 account with his Predecessor.

XXIV. Provided always, and be it further enacted, That upon the Cession, Resignation, Removal, or Death of the Incumbent of any Church or Chapel to whom 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 Church or Chapel 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 Church or Chapel in respect of which any Arrears of Fees are payable by the said Company shall upon the Receipt 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 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.

Minister to be appointed.

XXV. And be it further enacted, That there shall be 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 said Company, and shall, if approved by the Bishop for the Time being of the Diocese within which the said Cemetery shall be situate, be licensed by and be subject to the Jurisdiction of the Bishop of the Diocese for the Time being, and the said Bishop 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 Bishop to be good and reasonable, subject nevertheless to an Appeal to the Archbishop of the Province of *Canterbury*, to be determined in a summary Manner.

Duties of Minister.

XXVI. And be it further enacted, That the Minister or Chaplain so licensed to officiate at the said Cemetery shall and he is hereby required to reside in such Dwelling House as the said Company shall from Time to Time appoint, and to perform in Person when required, unless prevented by Sickness or other reasonable Cause to be approved of by the Bishop of the Diocese for the Time being, 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 at Request of Relatives.

XXVII. And be it further enacted, That it shall and may be lawful for any Clergyman of the Established Church, at the Request of any Party being the Executor or the Relative or other Person having the Charge of the Interment of any deceased Person who shall be interred in the consecrated Part of the Cemetery, 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 Minister or Chaplain to be licensed as aforesaid will not be required at such Time.

A Stipend to be paid to the Minister.

XXVIII. 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 Minister or 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 Thirtieth Day of *June* and the Thirty-first Day of *December* 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 Minister or Chaplain resigning or being removed, or the Executors or Administrators of any Minister or Chaplain of the said Cemetery dying in the Interval between the half-

yearly

yearly Days of Payment, and the Successors of the Minister or Chaplain so resigning, being removed or dying, for and in respect of the Half Year wherein such Resignation or Death shall happen.

Mode of recovering Minister's Stipend.

XXIX. And be it further enacted, That if Default shall be made in the Payment of the said Stipend or Salary of any such Minister or Chaplain, or any Part thereof, or any Apportionment thereof, to the Minister or Chaplain for the Time being, or to the Executors or Administrators of a deceased Minister or Chaplain, or to any Minister or Chaplain who may have resigned, for the Space of Twenty Days next after any of the Days of Payment whereon the same ought to be paid, it shall be lawful for such Minister or Chaplain, and his Executors and Administrators, or for the Minister or 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*.

Directors to appoint a Clerk and Sexton.

XXX. And be it further enacted, That the said Company shall from Time to Time appoint a proper Person or Persons 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 pleasure, and the Wages or Stipends of such Clerk and Sexton shall from Time to Time be fixed and settled by the said Company, 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 Minister or 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.

Power to contract for Purchase of Land.

Limiting the Quantity of Land.

XXXI. And in order to enable the said Company to carry the Purposes of this Act into execution, be it further enacted, That it shall be lawful for the said Company and they are hereby empowered from Time to Time to treat, contract, and agree for the absolute Purchase of any Lands and Hereditaments in the County of *Surrey*, within the Distance of Ten Miles from the City of *London*, which the said Company shall deem necessary or convenient for the Purposes of this Act, and to hold to them and their Successors and Assigns such Lands and Hereditaments, and any Term, Right, and Interest therein, without incurring or being subject or liable to any of the Penalties or Forfeitures of the Statutes of Mortmain, or of any other Law or Statute whatsoever: Provided always, that it shall not be lawful for the said Company to purchase or hold at any one Time a larger Quantity of Land than Eighty Statute Acres.

Bodies Politic empowered to sell.

XXXII. And be it further enacted, That it shall be lawful for all Corporations Ecclesiastical or Lay, Aggregate or Sole, and for all Feoffees and Trustees for charitable or other Purposes, and for all Tenants for Life, or for any Term of Years absolute or determinable on any Life, or for any other partial or qualified Estate or Interest, Husbands, Guardians, Committees for Lunatics and Idiots

Executor

Executors, Administrators, and other Trustees whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of their Cestuique Trusts respectively, whether Infants or Issue unborn, Lunatics, Idiots, or Femes Covert, or any other Persons, and also for and on behalf of all Persons entitled in Reversion, Remainder, or Expectancy, or for any future Interest after them, if such Persons or any of them be incapacitated, and for and on behalf of their Wives, Wards, Lunatics, and Idiots respectively, and to and for all other Persons whomsoever who are or shall be seised, possessed of, or interested in any Lands or Hereditaments of what Nature or Tenure soever, or any Part thereof, which shall be thought necessary by the said Company to be purchased for the Purposes of this Act, to contract and agree with the said Company for the Sale thereof or of any Part thereof, or to sell and convey the same or any Part thereof to the said Company for the Purposes of this Act; and all Conveyances which shall be made by virtue of this Act shall be good, valid, and effectual to all Intents and Purposes.

Form of Conveyance.

XXXIII. And be it further enacted, That all Sales, Conveyances, or Assurances of any Lands, Tenements, or Hereditaments to be made to the said Company and their Successors shall be made in the Form or to the Effect following, or as near thereto as the Number of Parties and other Circumstances of the Case will admit; (that is to say,)

'I [*or* We, *as the Case may be*] of in consideration
'of the Sum of paid to me [*or* us, *or* into the Bank of
'*England*, *as the Case may be*,] by the South Metropolitan Cemetery
'Company, established under or by virtue of an Act passed in the
'Sixth and Seventh Year of the Reign of King *William* the Fourth,
'intituled [*here insert the Title of this Act*], do hereby grant and
'release [*or* assign, *as the Case may be*,] to the said Company and
'their Successors all [*here describe the Premises to be conveyed*] and
'all my [*or* our] Right, Title, and Interest in and to the same, any
'and every Part thereof, to hold to the said Company and their
'Successors and Assigns for ever, [*or as the Case may be*], during
'all the Remainder of my [*or* our] Term, Estate, or Interest in
'the said Premises. In witness whereof I [*or* we] have hereunto
'set my Hand and Seal [*or* our Hands and Seals, *or* our Common
'Seal, *as the Case may be*,] this Day of
'in the Year of our Lord .'

And every such Sale, Conveyance, and Assurance so made shall be good, valid, and effectual to all Intents and Purposes whatsoever, and shall operate to merge all Terms of Years attendant by express Declaration or by Construction of Law, or any Estate or Interest thereby conveyed, and to bar all Right and Title of Dower, and all Estates Tail, and all other Estates in Possession, Reversion, Remainder, or Expectancy, and all Rights, Titles, Limitations, Conditions, Trusts, and Interests whatsoever of and in the same.

Lands bought of any Corporation or Person under

XXXIV. Provided always, and be it further enacted, That the Consideration Money to be paid for any Lands or Hereditaments to be purchased from or conveyed by any Corporation, or any Person under

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 County in which the Lands or Hereditaments shall be situated 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.

any Disability to be valued by Two Surveyors or their Umpire.

XXXV. And be it further enacted, That if any Money agreed to be paid for any Lands or Hereditaments, or any Estate or Interest therein, purchased by virtue of the Powers of this Act, shall be payable to any Corporation or Person who could not convey the same Lands or Hereditaments, Estate or Interest, without the Authority of this Act, 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 and Approbation of the Accountant General of the Court of Exchequer, to be placed to his Account *ex parte* "The South Metropolitan 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 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, to the Intent that such Money shall be applied under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Corporation or Person who would have been entitled to the Rents and Profits of the said Lands and Hereditaments, in the Purchase or Redemption of the Land Tax, or in or towards the Payment or Discharge of any Debt or Debts or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid affecting the same Lands or Hereditaments, or Part or Parts thereof, or affecting other Lands or Hereditaments standing settled therewith to the same or the like Uses, Intents, and Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested under and with the like Direction and Approbation of the said Court in the Purchase of other Lands and Hereditaments, 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 and Hereditaments which shall be purchased for the Purposes of this Act stood and were settled and limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime and until such Purchase shall be made the said Money shall, by Order of the said Court upon Application being made thereto as aforesaid,

Application of Compensation Money when amounting to 200*l.* or upwards.

1 G. 4. c. 35.

aforesaid, 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 in Government or Real Securities; and in the meantime and until the said Bank Annuities or Government or Real Securities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities or Government or Real Securities shall from Time to Time be paid, by Order of the said Court, to the Corporation or Person who would for the Time being have been entitled to the Rents and Profits of the said Lands and Hereditaments so hereby directed to be purchased in case such Purchase or Settlement were then actually made.

When under 200*l.* and exceeding 20*l.*

XXXVI. Provided always, and be it further enacted, That if any Money agreed to be paid for any Lands or Hereditaments, or any Estate or Interest therein, purchased by virtue of the Powers of this Act, shall be payable to any Corporation or Person who could not convey the same Lands or Hereditaments, Estate or Interest without the Authority of this Act, shall be less than the Sum of Two hundred Pounds, and shall exceed or be equal to the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Corporation or Person for the Time being entitled to the Rents and Profits of the Lands and Hereditaments, or Parts, Estates, or Interests so purchased, or of his, her, or their Guardian or Guardians, Committee or Committees in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the Court of Exchequer, and be paid to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid at the like Option to Two Trustees, to be named by the Corporation or Person making such Option, and approved by Three or more of the Directors of the said Company, such Nomination and Approval to be signified by Writing under the Hands of the nominating and approving Parties, in order that such Principal Money and the Dividends to arise thereon may be applied in manner herein-before directed, so far as the Case shall be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court.

When not exceeding 20*l.*

XXXVII. Provided always, and be it further enacted, That where such Money so agreed to be paid as last before mentioned shall not exceed or amount to the Sum of Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Corporation or Person who would for the Time being have been entitled to the Rents and Profits of the Lands or Hereditaments, Parts, Estates, and Interests so to be purchased for the Purposes of this Act, in such Manner as the Directors of the said Company or any Three or more of them shall think fit, or in case of Infancy, Idiotcy, or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

XXXVIII. And

Where Questions shall arise touching the Title to any Money so paid into the Bank.

XXXVIII. And be it further enacted, That where any Question shall arise touching the Title of any Corporation or Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, in pursuance of this Act, for the Purchase of any Lands or Hereditaments to be purchased in pursuance of this Act, or to any Bank Annuities or Government or Real Securities, the Corporation or Person who shall have been in Possession of such Lands or Hereditaments, Share or Shares, at the Time of such Purchase, and all Persons claiming under such Corporation or Person, or under the Possession of such Corporation or Person, shall be deemed and taken to have been lawfully entitled to such Lands or Hereditaments, Share or Shares according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court; and the Dividends or Interest of the Bank Annuities or Government or Real Securities to be purchased with such Money, and also the Capital of such Bank Annuities or Government or Real Securities, shall be paid, applied, and disposed of accordingly, unless it shall be made to appear to the said Court that such Possession was a wrongful Possession, and that some other Corporation or Person was lawfully entitled to such Lands or Hereditaments, Share or Shares, or to some Estate or Interest therein.

Expences of Purchases may be allowed by the Court in certain Cases.

XXXIX. And be it further enacted, That where by reason of any Disability or Incapacity of any Corporation or Person entitled to any Lands or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court of Exchequer, or be applied in the Purchase of other Lands or Hereditaments to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the reasonable Expences of all Purchases to be made from Time to Time in pursuance of this Act, and also the Re-investment of the Purchase Money thereof in Land, or other Disposition of the same, to be paid by the said Company, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct, and shall also pay all Costs of and concerning the Payment of the said Purchase Monies into the said Court of Exchequer, and the Purchase of Bank Annuities therewith, and obtaining an Order of the said Court to pay the Dividends of the said Bank Annuities to the Person or Persons entitled to receive the same.

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

XL. And be it further enacted, That upon the Payment of the Money agreed to be paid for the Purchase of such Lands, Buildings, Tenements, or Hereditaments by the said Company to the Corporation or Person respectively entitled to such Money, or his or their Agents, or upon Payment thereof into the Bank of *England* for the Purpose of being disposed of in manner herein directed (as the Case may be), all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand, at Law or in Equity, of the Corporation or Person respectively to whom or for whose Use the same shall be paid in, to, or out of such Lands and Hereditaments, and of all Persons in whose Behalf they are authorized by this Act to sell the same, shall

shall vest in the said Company and their Successors for ever for the Purposes of this Act.

Power to sell Land not wanted.

XLI. And be it further enacted, That it shall be lawful for the said Company to sell and dispose of, either by public Auction or private Contract, and by Indenture or Indentures under their Common Seal to grant and convey in Fee Simple, for a Consideration in Money, all or any Part or Parts of any Lands or Hereditaments purchased by the said Company which shall not be wanted for the Purposes of this Act.

Not to sell Lands which may have been consecrated.

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

Treasurer upon Payment of Money to give Receipts which shall be sufficient Indemnity.

XLIII. And be it further enacted, That upon Payment of the Money which shall arise from the Sale of any Lands or Hereditaments 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 the Purchase Money for such Lands or Hereditaments or Interests as shall be sold, or for so much thereof and 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 Purchase Money or other Monies or any Part thereof.

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

XLIV. 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 with the Grantees in such Conveyances, and the Successors, Heirs, Executors, Administrators, and Assigns of such Grantees, according to the Quality or Nature of the Estate or Interest comprised in such Conveyances by or from the said Company, for themselves and their Successors, 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, Tenements, and Hereditaments 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 may be thereby granted free from Incumbrances done or occasioned by them, that the Purchasers thereof, their 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, 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 of

such Hereditaments and Premises by the said Company, 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 the Quality or Nature of the Estate or Interest expressed to be conveyed, shall and may in all Actions to be brought assign Breach or Breaches thereupon, as they might do in case such Covenants were expressly inserted in such Conveyances.

Power to make Sewers from the Cemetery.

XLV. 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 to make and sink all necessary and proper Sewers, Soughs, Ditches, and Drains in and about the said Cemetery for the Purposes of carrying Water from the same and keeping the same dry, from Time to Time as Occasion may require, and under the Direction of the Commissioners of Sewers for the Parish or Place or Parishes or Places in which the Land to be purchased for the Purposes of the said Cemetery shall be situate, to make, lay, and communicate with any Branch or Main Sewer already made or hereafter to be made, doing as little Damage as possible to the Ground, or to the Streets or Places whereon such Sewers or Drains may be made, and replacing and closing the same, and otherwise restoring the same to the same State and Condition in which it or they was or were previously to its being disturbed, or as near thereto as possible.

Power to contract for Works.

XLVI. And be it further enacted, That it shall 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, and for planting, levelling, and laying out the same, and for inclosing the same with Walls, Fences, Pales, 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 or Parts thereof respectively, and the said Company may take such Security for the Performance of such Contract as to them shall seem necessary.

Company may compound for Breach of Contract.

XLVII. And be it further enacted, That it shall be lawful for the said Company or such Person as they shall appoint to enter into such Contracts for the Time being, and from Time to Time, as they shall think fit, to compound and agree with any Person on account of any Breach or Nonperformance of any Contract or Contracts, for such Sum or Sums of Money as they shall think fit.

Power to raise Capital not exceeding 75,000*l.*

XLVIII. And be it further enacted, That for the establishing and maintaining the said Cemetery it shall be lawful for the said Company to raise amongst themselves any Sum or Sums of Money by way of Capital or Joint Stock not exceeding in the whole the Sum of Seventy-five thousand Pounds.

Capital to be divided into Shares of 25*l.* each.

XLIX. And be it further enacted, That the said Capital or Joint Stock shall be divided into Three thousand Shares of Twenty-five Pounds each, and such Three thousand Shares shall be numbered, beginning with Number One, 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 Corporations and Persons contributing and raising the same, their respective Successors, Executors, Administrators, and Assigns, proportionably to the Sum 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 and in such Manner as herein-after is provided, 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 ordered to be paid by the Authority of this Act; and every Corporation and Person having or holding any such Share or Shares as aforesaid shall bear and pay a proportionable Sum towards the Purposes of this Act in manner hereby directed, to the full Amount of their respective Shares; and every Corporation and Person who shall have or hold One or more Share or Shares in the Capital of the said Company, their and his Successors, Executors, or Administrators, shall be deemed to be Proprietors or a Proprietor of the said Company.

Subscribers to be deemed Proprietors.

No Proprietor to be called upon for more than the Amount of his Share.

L. And be it further enacted, That no Proprietor of the said Company shall in any Case be called upon to advance any Sum or Sums of Money beyond the Amount of the Share or Shares he may have in the Capital of the said Company.

Shares to be Personal Estate.

LI. And be it further enacted, That all Shares in the said Undertaking and in the Profits and Advantages thereof shall be deemed Personal Estate, and not of the Nature of Real Property, and shall be transferable accordingly.

Power to raise Money by Mortgage.

LII. And be it further enacted, That if the Money hereby authorized to be raised shall be found insufficient for the Purposes of this Act, then and in such Case it shall be lawful for the said Company to borrow and take up at Interest any further or additional Sums of Money, not exceeding in the whole the Sum of Twenty-five thousand Pounds, on the Credit of the said Undertaking, as to them shall seem proper, and the said Company are hereby empowered to mortgage, assign, and charge the Property of the said Undertaking, and the Profits arising or to arise from the Sale or Disposal of Graves, Vaults, and Privilege of Interment, or any other Sums of Money arising by virtue of this Act, or any Part thereof, (the Costs and Charges of assigning the same to be paid out of such Profits or Monies,) as a Security for any such further Sum of Money to be borrowed as aforesaid, with Interest, to or for the Benefit of the

Party, or to his Trustee, who shall advance the same; and such Mortgages, Assignments, and Charges shall be made under the Common Seal of the said Company in the Words or to the Effect following, with such Variations therein as the Circumstances of the Case may render necessary; (that is to say,)

Form of Mortgage.

'Number

'BY virtue of an Act passed in the Sixth and Seventh Year of the Reign of His Majesty King *William* the Fourth, intituled [*here set forth the Title of this Act*], we "The South Metropolitan Cemetery Company," incorporated by and under the said Act, in consideration of the Sum of to us in hand paid by *A. B.* of do assign unto the said *A. B.*, his Executors, Administrators, and Assigns, the said Undertaking, and all and singular the Profits arising from the Sale or Disposal of Graves, Vaults, and Privilege of Interment, and other the Sums of Money arising by virtue of the said Act, and all the Estate, Right, Title, and Interest of the said Company of, in, and to the same, to hold unto the said *A. B.*, his Executors, Administrators, and Assigns, until the said Sum of together with Interest for the same after the Rate of for every One hundred Pounds for a Year, shall be fully paid and satisfied. Given under our Common Seal this Day of in the Year of our Lord.'

Mortgages not to have Priority.

And the respective Parties to whom such Mortgages or Assignments shall be made shall be entitled, one with the other, to their Proportions of the said Profits, Monies, and Premises according to the respective Sums in such Mortgages or Assignments mentioned to be advanced, without any Preference by reason of Priority in the Date of any such Order of Meeting, or Priority in Date of any such Mortgage or Assignment, or on any other account whatsoever; and an Entry or Memorial of every such Mortgage or Assignment, containing the Number and Date thereof, and the Names of the Parties (with their proper Additions) to whom the same shall have been made, and of the Sums borrowed, together with the Rate of Interest to be paid thereon, shall within Fourteen Days next after the Date thereof be entered in some Book to be kept by the Clerk of the said Company, which said Book may be perused at all reasonable Times by any of the Proprietors or Creditors of the said Undertaking or other Persons interested therein, without Fee or Reward; and all Parties to whom any such Mortgages or Assignments shall have been made as aforesaid, or who shall be entitled to the Money due thereon, may from Time to Time transfer their respective Rights or Interests therein to any other Persons, and every Transfer thereof may be in the Words or to the Effect following; (that is to say,)

Memorial of Mortgages to be made by the Clerk.

Form of Transfer of Mortgage.

'I *A. B.* of of in consideration of the Sum of paid to me by *C. D.* of , do hereby transfer a Mortgage or Assignment Number made by "The South Metropolitan Cemetery Company" to bearing Date

'Date the Day of for securing the
'Sum of and Interest, and all my Right, Estate,
'and Interest in and to the Money thereby secured, and in and
'to the Profits, Monies, and Property thereby assigned to the
'said *C. D.*, his Executors, Administrators, and Assigns. Dated
'the Day of in the Year of
'our Lord .'

Memorial of Transfers to be made by the Clerk.

And every such Transfer shall within Twenty-eight Days next after the Date thereof, if executed in *England*, or otherwise within Twenty-eight Days next 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 any of His Majesty's Justices of the Peace, or before any Master or Master Extraordinary in the High Court of Chancery, which Declaration shall be delivered in and left with the Clerk of the said Company,) 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 Mortgage or Assignment, for which the said Clerk shall be paid the Sum of Two Shillings and Sixpence, and no more; and after such Entry or Memorial made every such Transfer shall entitle such Assignee, or his or her Executors, Administrators, and Assigns, to the full Benefit thereof and Payment thereon; and it shall not be in the Power of any Person who shall have made such Transfer to make void, release, or discharge the same or any Sum of Money thereon due or thereby secured, or any Part thereof.

Securities not to be assigned except by an Instrument in Writing duly stamped.

LIII. Provided always, and be it further enacted, That no Mortgage or other Security made or issued or to be made or issued by the said Company under the Authority of this Act shall be assigned or transferred except by Deed or Instrument in Writing duly stamped according to the Laws in force, in which Deed or Instrument the Consideration for the Assignment or Transfer shall be truly specified and set forth.

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

LIV. And be it further enacted, That the Interest of the Money which shall be raised by Mortgage, Assignment, or Charge as aforesaid shall be paid half-yearly to the several Parties entitled thereto, and in preference to any Dividends payable by virtue of this Act to the Proprietors of the said Company, or any of them; and in case such Interest or any Part thereof shall be unpaid by the Space of Twenty-one Days next after the same shall have become due and payable as aforesaid, and the same shall not be paid within Twenty Days after Demand thereof in Writing shall have been made to the said Company, or left at the Office of the said Company, such Demand being made upon or at any Time after the Expiration of such Twenty-one Days, it shall be lawful for any Two or more Justices of the Peace acting for the County in which the Cemetery is situated, not being interested in the Matter in question, and they are hereby required, on Request to them made by or on behalf of any Mortgagee whose Interest shall be so in arrear, by an Order under their Hands to appoint some Person to receive the Whole or such Parts of the said Profits or Proceeds or other Monies as are liable to pay such

Interest

Interest so due and unpaid as aforesaid, and the Money so to be received by such Receiver is hereby declared to be so much Money received by or to the Use of the Person or Persons to whom such Interest shall be then due, until the same, together with the Costs and Charges of recovering and receiving the said Profits or Proceeds or other Monies, shall be fully paid and satisfied; and after such Interest and Costs shall have been paid and satisfied, the Power or Authority of such Receiver for the Purposes aforesaid shall cease and determine, or otherwise the Interest so due and unpaid as aforesaid may be sued for and recovered, with Costs, by Action of Debt in any of His Majesty's Courts of Record at *Westminster*.

Creditors not to be deemed Proprietors.

LV. Provided always, and be it further enacted, That no Person to whom any such Mortgage or Assignment shall be made or transferred as aforesaid shall be deemed a Proprietor of the said Company by reason or on account of his or her having advanced any Money on such Mortgage or Assignment.

In case Mortgages are paid off the Company may raise the Amount again.

LVI. And be it further enacted, That in case the said Company shall raise the Whole or any Part of the additional Sum of Twenty-five thousand Pounds by Mortgage, Assignment, or Charge as aforesaid, and shall afterwards be required or shall be desirous to pay off or shall have paid off all or any Part of the Principal Sum so raised or borrowed upon Mortgage, Assignment, or Charge as aforesaid, then and in every such Case it shall be lawful for the said Company immediately, or at any Time or Times thereafter, again to raise, in lieu of the Principal Money so paid off or to be paid off by them, such Sum or Sums of Money as they shall from Time to Time have paid off, or be required or be desirous to pay off, to the Holders of such Mortgages or Assignments or any of them, or any Part thereof, and so from Time to Time as often as the same shall happen; but so nevertheless that the said Company shall not in any Event borrow upon Mortgage or Assignment in such Manner or to such Extent as that more than the Sum of Twenty-five thousand Pounds in the whole shall be owing at any one Time on Mortgage or Assignment of or as a Charge upon the said Undertaking.

Application of Money to be raised.

LVII. 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 and obtaining the passing this Act, and all other Expences preparatory or relating thereto, and the Remainder of such Money shall be applied in and towards purchasing Lands and Hereditaments, 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.

Regulations of the Company:

General Meetings.

LVIII. And be it further enacted, That the Affairs and Concerns of the said Company shall be conducted and managed under and subject to the Rules, Regulations, and Restrictions herein-after contained; (that is to say,) the Proprietors of the said Company shall assemble together at the *Bridge House Hotel* in the Borough of *Southwark*, or some other convenient Place in the County of *Surrey*, on

on the Fourth *Monday* next after the passing of this Act, between the Hours of Eleven of the Clock in the Forenoon and Two of the Clock in the Afternoon, and shall assemble at such other Times and Places as shall be duly convened in manner herein-after mentioned; and every such Meeting shall be styled a General Meeting, and One such Meeting shall be held on the Fourth *Monday* in the Month of *July* in every Year, which shall be styled the Annual General Meeting, and that a Special General Meeting may be called at any Time by the Directors of the said Company, and that every such General Meeting may be adjourned from Time to Time and from Place to Place as shall be found expedient, and that at least Ten Days previous Notice shall be given of every General Meeting and Special General Meeting.

Special General Meetings.

Special General Meetings by Requisition of Proprietors.

LIX. And be it further enacted, That any Twenty or more Proprietors of the said Company holding in the Aggregate Three hundred 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 of the said Company 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 Fourteen Days next after such Notice in Writing shall have been so given as aforesaid, the same may be called by such Twenty or more Proprietors by giving Ten Days Notice thereof at the least, 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.

Regulations as to General Meetings.

LX. 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 Fifteen Persons present who shall be possessed of at least Two hundred Shares in the Aggregate, within One Hour from the Time appointed for such Meeting, no Business shall be done, but in such Case there shall be another Meeting of the said Company at the same Place at the Expiration of Fourteen Days then next; and if at such adjourned Meeting there shall not be Fifteen Persons present who shall be possessed of at least Two hundred Shares in the Aggregate, within One Hour from the Time appointed for such adjourned Meeting, such adjourned Meeting shall stand adjourned to the Fourteenth Day then 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.

Business at Special and adjourned General Meetings.

LXI. 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

other than the Business left unfinished at the Meeting from which such Adjournment took place.

Notice of Meetings how to be given.

LXII. 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 repectively, (except of the First General Meeting or of any Adjournment thereof,) 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 Advertisements inserted in some Three or more of the *London* Newspapers, and such Notices, when so published and given, shall be deemed and considered the same as if personally served.

Proceedings at General Meetings.

LXIII. And be it further enacted, That at the Meeting to be held on the Fourth *Monday* next after the passing of this Act, and at every General and Special General Meeting, the Chair shall be taken by a Proprietor to be elected by a Majority of the Members present, and at every such General Meeting all Questions shall be decided by a Majority of Votes of the Proprietors and Proxies present, and not declining to vote, according to their respective Number of Votes; and upon any Difference of Opinion any Member or Members may require such Votes to be taken by Ballot, unless some other Mode of Decision shall then be determined or resolved upon by a Majority of the Proprietors present at the Expiration of an Hour, but no Ballot shall be kept open more than Two Hours; and such Proprietor as shall be in the Chair shall be entitled to vote, and shall also have a casting Vote in case the Number of Votes shall be equal.

Proprietors to vote according to the Number of their Shares.

LXIV. And be it further enacted, That every Corporation and Person who shall have duly subscribed for or become the Proprietor of or become entitled to Shares in the said Undertaking, and their respective Successors, Executors, Administrators, and Assigns, shall have a Vote or Votes for and in respect of such Shares in the General and Special General Meetings of the said Company in proportion to the Number of his Shares as herein-after is mentioned; (that is to say,) every Corporation and Person who shall have become the Proprietor of Four Shares and less than Twelve Shares in the said Undertaking shall have One Vote, and every Corporation and Person who shall have become the Proprietor of Twelve Shares and less than Twenty Shares in the said Undertaking shall have Two Votes, and every Corporation and Person who shall have become the Proprietor of Twenty Shares and less than Thirty Shares in the said Undertaking shall have Three Votes, and every Corporation and Person who shall have become the Proprietor of or entitled to Thirty Shares and upwards in the said Undertaking shall have Four Votes; and such Vote or Votes may be given by such respective Corporation or Person, or by their respective Proxies constituted under the Common Seals of such Bodies Corporate 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

Votes may be given by Proxy.

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 the Appointment of every such Proxy may be made according to the Form 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 Proxy.

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

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

LXV. And be it further enacted, That whenever several Persons shall be jointly possessed of or entitled to any Share or Shares in the said Undertaking, the Person whose Name shall stand first in the Books of the said Company as Proprietor of such Share or Shares shall, for the Purposes of this Act, be deemed the Proprietor of such Share or Shares, and all Notices by this Act directed to be given to the Proprietors of the Shares in the said Undertaking shall and may, for or in respect of such Share or Shares 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, or be inserted in the *London Gazette* (as the Case may require); and such Notice to such Person shall be deemed sufficient Notice to all the Proprietors of such Shares so jointly held for all the Purposes for which such Notice is intended to be given; and all such Proprietors shall be entitled to give their Votes in respect of such Share or Shares so jointly held by the Person whose Name shall so stand first in the Books of the said Company as Proprietor of such Share or Shares, 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 or Shares, without Proof of the Concurrence of any other Proprietor or Proprietors of such Share or Shares.

Lunatics and Minors to vote by Committees and Guardians.

LXVI. And be it further enacted, That in case any Proprietor entitled to vote at such Meeting as aforesaid shall be a Lunatic or a Minor, such Lunatic shall or may vote at such Meeting by his Committee, or by any One of such Committees, and such Minor shall or may

may vote by his Guardians, or by any One of such Guardians, if such Committee or Guardian shall be a Proprietor of Shares in the said Undertaking and if not, then by a Proxy to be appointed by such Committee or any One of such Committees, or by such Guardian or any One of such Guardians; provided that every such Committee or Guardian may, if a Proprietor, also vote in right of his or her own Share or Shares as well as in the Character of the Committee of any Lunatic or of Guardian of any Minor on the same Occasion.

Proprietors to be possessed of Shares Six Calendar Months before they can vote.

LXVII. 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 Six 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, however short a Time they may have possessed the same.

Proprietors not to vote unless Calls are paid up.

LXVIII. 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 shall not have expired.

First Directors of the Company.

LXIX. And be it further enacted, That *Richard Baggallay*, *Charles Barron*, *William Borradaile*, *William Curling*, *Joseph Curling*, *Robert Currey*, *Thomas Farncomb*, *John Castle Gant*, *Joseph Hartnell*, *Robert Hudson*, *James Hunt*, *Henry Garrett Key*, *John Locke*, *John Paynter*, *Henry Pigeon*, *John Pirie*, *Thomas Walker*, and *John Bazley White* shall be and they are hereby appointed the first or present Directors of the said Company under this Act, and they shall, unless they or any of them shall sooner die, resign, or become disqualified as herein-after mentioned, continue in Office until the Annual General Meeting of the said Company to be held in the Month of *July* in the Year One thousand eight hundred and thirty-eight, and thenceforth until others shall be elected in their Place in pursuance of this Act.

The General Meeting to be held in July 1838 to choose Directors.

LXX. And be it further enacted, That at such General Meeting to be held in the Month of *July* One thousand eight hundred and thirty-eight, or at some Meeting to be held by Adjournment from such last-mentioned General Meeting, Twelve Persons who shall be Proprietors, and respectively possessed in their own Right of Twenty 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 *July* One thousand eight hundred and thirty-nine, and thenceforth until others shall be elected in their Place 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.

LXXI. And be it further enacted, That at the General Meeting to be held in the Month of *July* which will be in the Year One thousand eight hundred and thirty-nine Four of the then Directors (to be determined by Lot or otherwise among themselves) shall go out of Office and cease to be Directors of the said Company, and Four Persons shall be elected by the said Company to be Directors in their Place and Stead; and at the General Meeting to be held in the Month of *July* in the Year of our Lord One thousand eight hundred and forty Four others of the Directors who shall have been so primarily elected as aforesaid, or of the Directors who shall have been elected in their Place or Stead in pursuance of the Authority for that Purpose herein-after contained, (to be determined by Lot or otherwise among themselves, and not being any Director who may have gone out of Office and have been re-elected,) shall go out of Office and cease to be Directors of the said Company, and their Places shall be supplied in like Manner; and at the General Meeting to be held in the Month of *July* which will be in the Year of our Lord One thousand eight hundred and forty-one the remaining Four of the Directors who shall have been so primarily elected as aforesaid, or of the Directors who shall have been elected in their Place or Stead, (and not being any Director who shall have gone out of Office and been re-elected,) shall go out of Office and cease to be Directors of the said Company, and their Places shall be supplied in like Manner; and at the General Meeting to be held in the Month of *July* in every subsequent Year Four of the Directors who shall have been longest in Office shall go out of Office and cease to be Directors of the said Company, and their Places shall be supplied in like Manner.

Auditors to be appointed.

LXXII. 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 of Twenty Shares at the least in the said Undertaking, shall be elected and chosen Auditors of the said Company.

Service of Auditors.

LXXIII. And be it further enacted, That at the General Meeting of the said Company to be held in the Month of *July* in the Year One thousand eight hundred and thirty-seven One of the Auditors who shall be so elected as aforesaid (to be determined by Lot or otherwise among themselves) shall go out of Office and cease to be an Auditor of the said Company, and another Person qualified as aforesaid shall be elected an Auditor of the said Company in his Place and Stead; and at the General Meeting to be held in the Month of *July* in the Year One thousand eight hundred and thirty-eight One

of the Two remaining Auditors who shall have been so primarily elected as aforesaid, or of the Auditors to be appointed in their Place or Stead (to be determined by Lot or otherwise between them), and not being an Auditor who shall have gone out of Office and been re-elected, shall in like Manner go out of Office and cease to be an Auditor of the said Company, and his Place shall be supplied in like Manner; and at the General Meeting to be held in the Month of *July* in the Year One thousand eight hundred and thirty-nine the remaining Auditor who shall have been so primarily elected, or the Auditor who shall have been elected in his Place or Stead, shall go out of Office and cease to be an Auditor of the said Company, and his Place shall be supplied in like Manner; and at the General Meeting to be held in every subsequent Year the Auditor who shall have been longest in Office shall of Office and cease to be an Auditor of the said Company, and his Place be supplied in like Manner.

Annual General Meeting to confirm or appoint an Auditor to supply any such Vacancy.

LXXIV. And be it further enacted, That when and so often as any Person shall have been appointed by the Directors of the said Company as herein-after is mentioned to be an Auditor of the said Company, the Proprietor so appointed shall continue in Office only until the next Annual General Meeting of the said Company, or until some other Person shall be appointed an Auditor in his Place, and at the next Annual General Meeting of the said Company the Appointment of such Person to such Office shall either be confirmed, or some other fit Person be appointed to succeed to such Office, as the Proprietors present at such Meeting shall think proper.

Directors and Auditors to be re-eligible.

LXXV. Provided always, and be it further enacted, That every Director hereby appointed, and every Director and Auditor who shall by any of the Means aforesaid go out of Office as aforesaid, may be immediately or at any future Time re-elected by the said Company a Director or Auditor of the said Company.

No Person holding Office to be a Director or an Auditor.

LXXVI. 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 being chosen 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 of the said Company.

If any Director or Auditor become disqualified, his Office to be vacant.

LXXVII. Provided also, and be it further enacted, That if any Director hereby appointed or so to be elected as aforesaid shall, after the passing of this Act or after his Election cease to hold Twenty 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 Twenty Shares in his own Right in the Capital of the Company, his Office shall thereupon become vacant.

LXXVIII. Pro-

Proprietors may remove Directors and Auditors for Misconduct.

LXXVIII. 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.

General Meeting to appoint a Treasurer and a Clerk.

LXXIX. And be it further enacted, That the said Company shall at some General Meeting elect a Treasurer or Treasurers and One or more Person or Persons as Clerk or Clerks 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 aforesaid any other Person to act as Treasurer or any other Person or Persons to act as Clerk or Clerks 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 versâ.

LXXX. 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 of 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 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.

LXXXI. And

Annual Report, when confirmed by a General Meeting, shall be binding, unless some Error discovered within Two Months.

LXXXI. And be it further enacted, That the Report which in pursuance of the Directions herein-after 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 to the Amount of One hundred Pounds shall be discovered therein by any One or more of the Proprietors of the Company within Two Calendar Months after such Approval, and such Report, when such Error shall have been rectified by the said Directors (which they are hereby required to do without Delay), shall be binding and conclusive on all the Proprietors.

General Meeting to declare Dividends.

LXXXII. And be it further enacted, That at every Annual General Meeting, or some Adjournment thereof, a Dividend shall be declared and made out of the clear Profits of the said Undertaking, unless such General Meeting shall declare otherwise, and such Dividend shall be at and after the Rate of so much *per* Share upon the several Shares held by the Members thereof in the Joint Stock of the said Company as such Meeting shall think fit: Provided always, that no Dividend shall be declared or paid until the Annual 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.

Other Powers of General Meetings.

LXXXIII. And be it further enacted, That it shall be competent to any General or Special General Meeting to call for, inspect, and examine the Accounts of the said Company, and of the Directors thereof, and of the Collectors of the Rents and other Sums of Money and other Officers of the said Company, and also in like Manner to call for, inspect, and examine all Rules, Regulations, Accounts, Books, Vouchers, Memorandums, and Documents relating to the said Company or to the Business thereof, and to call for any Information or Explanation from the Clerk and other Officers of the said Company in respect of the said Matters or any of them, and generally to consider and decide upon any Business, Matter, or Thing relating to the said Company, and regulate and control all the Affairs and Concerns thereof.

General Meetings may make Bye Laws.

LXXXIV. And be it further enacted, That the said Company shall have full Power and Authority 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 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 Five Pounds for any Offence, such Fines and Forfeitures to be levied and recovered as other Penalties and Forfeitures may by this Act be levied and recovered; which said 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 or Persons not being a Proprietor or Proprietors 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-before mentioned.

Powers of Directors.

LXXXV. And be it further enacted, That the Business and Concerns of the said Company shall be carried on under the Management of the Directors, subject to the Control, Orders, and Directions of the said Company to be made at any General or Special General Meeting as aforesaid, and 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 also the Custody of the Books, Deeds, and Papers belonging to the said Company, and also to call Special General Meetings of the said Company for any Purpose they may think proper, and (subject to the Provisions of this Act) to appoint the Times and Places of holding General or Special General Meetings, and 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 Ministers, Chaplains, Clerks, Sextons, 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 Stipends, Salaries, Gratuities, or Recompences, and take such Security from them or any of them, 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 Dispositions 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 in any other Part of the said Cemetery, and shall have Power to direct the issuing, receiving, and laying out, Sale and Disposal of the Monies of the said Company, and all the other Dealings of the Company, and to superintend, direct, and control the Correspondence and Mode of keeping the Accounts, and to do all other Things necessary or deemed by them proper or expedient for carrying on the Business and Concerns of the said Company, and the bringing and maintaining any Action or Actions at Law or Suit or Suits in Equity in the Name of the Company for the Recovery of any Debt or Debts to become due to the said Company in respect of any such Sale or Sales or otherwise, and in making, enforcing, and rescinding, compounding and compromising, all Contracts and Bargains touching or in anywise concerning the same, and to enforce, perform, and execute all the Powers, Authorities, Privileges, Acts, and Things in relation to the said Company and to bind the said Company, except such as are hereby required to be done at some General or Special Meeting of the said Company; and the Directors for the Time being shall have Power to frame Rules and Regulations, and to prescribe the Orders and Directions for carrying on the Business and Concerns of the said Company, and alter and vary the same from Time to Time as they in their Discretion shall think fit; and all such Rules and Regulations shall have the Force of Bye Laws, provided the same be not repugnant to any of the Provisions of this Act, nor to any Bye Laws which may have been duly passed at any General or Special Meeting of the Proprietors of the said Company; and that no individual Proprietor not being a Director (except as herein-after provided) shall have a Right to any Interference, Management, Direction, or Control in or over the Business or Concerns of the Company, or the Capital Stock or Effects thereof.

Directors not personally answerable for Acts legally done as Directors.

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

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any Claim or Demand upon the said Company or upon any Directors thereof under or by virtue of any such Contract or Instrument or other lawful Act may sue and implead the said Company in like Manner as if such Contract, Instrument, or other Act had been entered and executed and done under the Common Seal of the said Company.

First and other Meetings of the Directors.

LXXXVII. And be it further enacted, That the said Directors shall hold their First Meeting at the *London Commercial Sale Rooms, Mincing Lane,* in the City of *London,* on the first *Monday* next after the passing of this Act; and the said Directors shall meet once at least in every Three Calendar Months, and at such other Times as they shall be convened as herein-after is mentioned, and every such Meeting shall be styled a Meeting of Directors; and at the said First Meeting of Directors, and so at the First Meeting of Directors which shall be held next after the General Meeting in the Month of *July* in each and every Year, or at the First Meeting held next after the Election of the Four new Directors in the Place of the like Number of Directors hereby required to go out of Office by Lot or Rotation as aforesaid, the Directors present shall choose out of the Directors of the said Company a Chairman and Deputy Chairman of the said Company for the Year ensuing: Provided always, that when and so often as the Chairman or Deputy Chairman to be chosen by virtue of this Act shall die, or resign, or become disqualified, or otherwise cease to be a Director, it shall be lawful for the Directors in like Manner, at the Meeting to be held next after such Vacancy shall occur, to choose some other of the said Directors to be Chairman or Deputy Chairman; and every such Chairman or Deputy Chairman so to be chosen as last aforesaid to fill such Vacancy shall continue in his Office so long only as the Person in whose Place or Stead he may be so elected would have been entitled under the Provisions of this Act to continue if such Death, Resignation, Disqualification, or Cesser had not happened; and at every Meeting of the Directors the Chairman, or in his Absence the Deputy Chairman, or in the Absence of both of them a Director to be chosen by the Directors present shall preside, and all Questions, Matters, and Things which shall be proposed, discussed, or considered by the said Meeting of Directors at any of their Meetings shall be decided and determined by a Majority in Number of Members present (the Number present not being less than Five); and in case of an equal Number of Votes upon any Question, including the Vote of the Chairman for the Time being, such Chairman shall have the decisive and casting Vote, but no Meeting of Directors shall be competent to enter upon or determine any Business unless at least Five Directors be present at the Commencement of such Business, and when a Decision takes place upon the Whole or any Part of it; and if on the Day appointed for any Meeting of Directors Five Directors shall not attend, then and in every such Case the Meeting of the Directors shall be adjourned to the same Day in the following Week, or until such Time as the Director or Directors then present shall appoint; and any Three or more Directors may at any Time, when they shall think fit, call a Meeting of the Directors upon such Notice and in such Manner as shall from Time to Time be provided by the Bye Laws of the said Company or the Orders of the Directors.

LXXXVIII. And

Directors may ppoint Committees.

LXXXVIII. 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.

Directors to elect Directors upon casual Vacancies.

LXXXIX. And be it further enacted, That when and so often as any Director appointed or elected by virtue of this Act shall die, or shall resign, or shall become disqualified or incompetent to act as a Director, or shall cease to be a Director from any other Cause than that of going out of Office by the Means aforesaid, or any of them, it shall be lawful for the remaining Directors 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 so long only as the Person in whose Place or Stead he may be elected would have been entitled to continue had he lived and remained in Office.

Directors to supply casual Vacancies among the Auditors.

XC. And be it further enacted, That when and so often as any Auditor elected by virtue of this Act 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 by Ballot or Rotation as aforesaid, it shall be lawful for the Directors to appoint some other Proprietor duly qualified to be an Auditor, who shall continue in Office only until the next Annual General Meeting of the Company or until some other Person shall be elected an Auditor in his Place.

Directors may appoint temporary Treasurer or Clerk.

XCI. 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 Directors of the said Company shall appoint some 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.

Directors to cause Certificates of Shares to be delivered to Proprietors.

XCII. And be it further enacted, That the Directors of the said Company shall from Time to Time cause a Certificate, with the Common Seal of the 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,

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

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 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 South Metropolitan Cemetery Company.
'Number } THESE are to certify That *A. B.* of
'is the Proprietor of the Share Number in
'the South Metropolitan 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 .'

Orders and Proceedings to be entered in a Book.

XCIII. And be it further enacted, That the said Directors shall cause the Orders and Proceedings of every Meeting, as well General as Special of the said Company, and of the said Directors, to be entered in distinct and proper Books to be provided and kept for that Purpose, and the same 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 such Orders or Proceedings being Proprietors, or being Directors, as the Case may be.

Directors may make Calls on Proprietors.

XCIV. 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 of the Shares 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 Two Calendar Months at the least from each other, and Fourteen Days Notice at the least shall be given of all such Calls by Advertisement in some Three or more of the *London* Newspapers, which Money so called for shall be paid to the Treasurer of the said Company at such Time and Place and in such Manner as the said Directors shall from Time to Time order and appoint.

XCV. And

Directors to cause Accounts to be kept.

XCV. And be it further enacted, That the said Directors shall cause proper Books to be kept by some fit and sufficient Person, who shall be expressly appointed by the said Directors for that Purpose, and such Person shall enter or cause to be entered 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 all reasonable Times be open to the Inspection of any of the Proprietors of the said Company, or of any Creditor for any Money to be borrowed under this Act, without Fee or Reward; and the said Proprietors or any Creditor shall and may take Copies of or Extracts from the said Books or any of them, or of any Part thereof respectively, without paying any thing for the same; and in case the said Person shall refuse to permit or shall not permit the said Proprietors or any such Creditor to inspect any such Book or Books or to take such Copies or Extracts as aforesaid, such Person shall forfeit and pay any Sum not exceeding Five Pounds, to be levied and applied in the same Manner as other Penalties are by this Act directed to be levied and applied.

Directors to cause Accounts to be made up annually.

XCVI. And be it further enacted, That 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 to some Day in the Month of *June* in each Year, 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 of 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.

Directors to cause a Report of the Receipts and Disbursements to be annually laid before the Proprietors.

XCVII. And be it further enacted, That the said Directors shall also, so far as the same may be practicable, cause to be prepared previously to and to be produced at the Annual General Meeting to be held in the Month of *July* in the Year One thousand eight hundred and thirty-seven a Report, 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 Hands of the Chairman or Deputy Chairman, or some one of the Directors of the said Company, of the State and Condition of the Company; and shall also, so far as the same may be practicable, cause to be prepared previously to and to be produced at every Annual General Meeting to be held after the Annual General Meeting in the Month of *July* in the Year One thousand eight hundred and thirty-seven a Report, 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 Report, and the Particulars and Amount of the Funds or Property of the Company, and also a Report, under the Hand of the Chairman or Deputy Chairman, or some one of the Directors of the Company, of the State and Condition of the Company.

XCVIII. And

Duties of Auditors.

XCVIII. And be it further enacted, That the Auditors of the said Company, or any Two of them, shall examine 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, and audit the Accounts from which such Report shall or ought to have been drawn, and in order thereto the said Auditors or any Two of them shall, with the Assistance of the Treasurer and Clerks 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 fitting or 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 and Disapprobation to the said Report, and shall sign the same.

Clerk of the Company to keep Lists of the Proprietors.

XCIX. And be it further enacted, That the 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.

Treasurer not to pay any Money without an Order.

C. And be it further enacted, That no Sum or Sums of Money shall be issued by the Treasurer or Treasurers or other Officer or Officers 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.

Officers to account.

CI. And be it further enacted, That every Officer and 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 Person or 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 shall respectively 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 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 or Witnesses, 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 is hereby empowered, upon Nonpayment thereof, by Warrant under his Hand and Seal to cause such Money to be levied by a Distress and Sale of the Goods of such Officer or Person, and if no Goods or Chattels shall be found sufficient to answer and satisfy the said Money and the Charges of taking and making such Distress and of selling the same, or if such Officer or Person shall not appear before such Justice at the Time and Place appointed for that Purpose, or appearing shall not make out and deliver to such Justice such Accounts in Writing as aforesaid, or produce and deliver to the said Justice the several Vouchers and Receipts 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 or she

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 the said Directors: Provided always, that no Person who shall be committed for Want of sufficient Distress only shall by virtue of this Act be detained in Prison for any longer Space of Time than Three Calendar Months.

Payment of Calls.

CII. And be it further enacted, That the several Corporations and Persons who have subscribed or who shall hereafter subscribe for or towards the said Undertaking shall 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, at such Times and Places as shall be directed by the said Directors.

If Calls are not paid Interest to be charged thereon.

CIII. And be it further enacted, That if any Proprietor of any Share in the said Undertaking shall not pay his rateable Proportion of any Money to be called for by the Directors as aforesaid, at such Times and Places as the said Directors shall from Time to Time direct and appoint, 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 for 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 last known Place of Abode of the Proprietor of such Share, or of the Clerk of such Corporation, as the Case may require, nor until the Declaration of Forfeiture thereof by the said Directors shall have been confirmed either at an Annual General Meeting of the said Company, or at a Special General Meeting of the said Company to be called for that Purpose, and to be respectively held after the Expiration of Three Calendar Months at least from the Day on which such Notice of Forfeiture shall have been given or sent as aforesaid; and after such Forfeiture shall have

If Interest and Principal are not paid within Two Months the Directors may sue for the same, or may declare the Shares forfeited and direct them to be sold.

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 Shares be affected by any Irregularity in proceeding to such Sale.

If Purchase Money of such Shares shall be more than sufficient to pay the Arrears of Calls, Surplus to be paid to the Defaulter.

CIV. 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 Expence 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 as near 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 Share or 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 Share or 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.

CV. 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 or Shares 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 a Share or so many 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 Share or so many 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

at the Time of making such Calls was a Proprietor of some Share or 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 Call or 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 Twenty-five Pounds, or was made within the Space of Two Calendar Months from the last preceding Call, or without Notice given in some Three or more *London* Newspapers as aforesaid; and in order to prove that such Defendant was a Proprietor of some Share or Shares 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 *primâ facie* Evidence that such Defendant is a Proprietor, and of the Number and Amount of his Shares therein.

Receipt of any One of several Proprietors of Shares to be a sufficient Discharge.

CVI. And be it further enacted, That the Receipt of the Person, or any One of the Persons, in whose Name or Names any Share or Shares 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 Treasurers for the Time being of the said Company, for any Dividend or Dividends or other Sum or Sums of Money which shall become payable and be paid for or in respect of such Share or Shares, notwithstanding any Uses or Trusts upon or to which such Share or Shares shall be then settled, conveyed, or assigned.

Shares may be sold.

CVII. And be it further enacted, That it shall be lawful for the several Proprietors of any Share or Shares in the said Undertaking, and his or their respective Executors or Administrators, from and after Payment of the Sum of Five Pounds *per* Share by him or them on any Share or Shares holden by him or them in the said Undertaking, but not before, to sell and dispose of any such Share or Shares in respect of which he or they shall have so paid the Sum of Five Pounds, subject to the Rules and Conditions herein mentioned and provided; and the Form of the Conveyance of 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 of Shares.

'I of in consideration of
'paid to me by of , do hereby
'assign and transfer to the said Share [*or*
'Shares, *as the Case may be*,] numbered of and in the
'Undertaking called "The South Metropolitan Cemetery," upon
'which

'which Share [*or* upon each of which Shares] the Sum of
'hath been paid, to hold the same unto the said
'his *or* her Executors, Administrators, and Assigns, subject to the
'same Conditions as I held the same immediately before the Execution
'hereof; and I the said 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 .'

Memorial of Transfer of Shares to be made by the Clerk.

And on every such Sale the said Deed or Conveyance, being executed by the Seller or Sellers and the Purchaser or Purchasers of such Share or Shares, shall be kept by the Clerk of the said Company, who shall enter in some Book to be kept for that Purpose a Memorial of such Transfer and Sale, and indorse the Entry of such Memorial on the said Deed of Sale or Transfer, for which Entry and Indorsement the Sum of Two Shillings and Sixpence, and no more, shall be paid by the Purchaser or Purchasers to the said Clerk; and the said Clerk is hereby required to make such Entry or Memorial accordingly, and upon Request to indorse on the Certificate of each Share so sold a Certificate of such Transfer, and of the Entry of a Memorial thereof, and deliver the same to the Purchaser for his or her Security, for which Indorsement the Sum of Two Shillings and Sixpence, and no more, shall be paid; and until such Memorial shall have been entered as herein declared such Purchaser or Purchasers shall have no Part or Share of the Profits of the said Undertaking, nor any Interest for such Share or Shares paid to him or them, nor any Vote or Votes in respect thereof as a Proprietor or Proprietors of the said Undertaking.

No Shares to be sold after a Call made until the same is paid.

CVIII. 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 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 or Persons 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 or transferred, with all Interest due thereon.

For ascertaining the Proprietorship of Shares in order to the Recovery of Calls, &c.

CIX. And whereas in Cases in which any Proprietor of any Share or Shares 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 or Shares in order to give him, or his Executors, Administrators, Successors, or Assigns, Notice of Calls to be made on such Share or Shares, or to maintain any Action, Suit, or other Proceeding against him or them, or his Executors, Administrators, Successors, or Assigns, for the Recovery of the same; be it therefore further enacted, That in all Cases where the Right of Property in any Share or Shares 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 Form and Manner herein

specified or herein otherwise provided, a Declaration shall be made by some credible Person before any 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 withthe 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 the 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 or Owners of such Share, or left at the last or usual Place of Abode of such Person, or of the Clerk of such Corporation, (as the Case may require,) to pay his or their Proportion of Money to be called for, and such Person or Corporation shall not have paid such his or their 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 Shares 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 Shares 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 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 or Shares 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 Notice, on Default being made, the said Shares 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 or Purchasers shall exist, as in other Cases of Sale for Nonpayment of Calls; provided that in Cases of Proprietors being Abroad the Shares shall not be forfeited until the Expiration of Three Calendar Months after the Day on which Notice shall have been left at their last usual Place of Abode in *England* and inserted in the *London Gazette* as aforesaid.

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

CX. And whereas by the Deaths 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

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 or Shares, 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 any Share or Shares in respect of which any such Claim may be made, shall be made by some credible Person before some Master or Master Extraordinary in Chancery, or any 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 that Purpose; 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 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 verified by a Declaration made by the Executors of the said Will, or the Administrators of the Intestate, before some Master or Master Extraordinary in Chancery, or any of His Majesty's Justices of the Peace as aforesaid, and together with an official Extract of the Act of Court or the Grant or 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 as 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 of His Majesty's Justices of the Peace as aforesaid, stating the Manner in which such Share or Shares shall have 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 Share aforesaid shall be subject or liable.

Penalty on Persons injuring the Cemetery.

CXI. 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 Cemetery, or of the Chapel or any 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 Bills, or other Papers thereto, or shall write with Chalk or any other Matter

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 Twenty Pounds nor less than Forty Shillings, and shall also make Satisfaction for the Injury done by him or her as aforesaid.

Preventing Nuisances in the Cemetery.

CXII. And be it further enacted, That if any Person shall play at Football or any other Game or Sport, or discharge Fire Arms, other than at a Military Funeral, in the said Cemetery, or shall blow any Horn or make any other Noise to the Disturbance of any Persons assembled in the said Cemetery for the Purpose of interring any Corpse therein, or commit any Nuisance within the said Cemetery or any Part thereof, or in any Colonnade, Vault, or Building therein, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds nor less than Five Shillings.

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

CXIII. 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 Three of the Directors of the said Company, or the Delivery of 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 or Copies thereof at the principal Office of the said Company, or in case the same respectively shall not be found or known, then Service upon any other Agent of or Officer employed by the said Company, or delivering the same to some Inmate of the last or usual Place of Abode of such Agent or Officer, 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.

CXIV. 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 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.

CXV. And

For compelling Witnesses to attend.

CXV. 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 or her Costs and Expences, without a reasonable Excuse for his or her 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 Ten Pounds for every such Offence.

Directors, &c., empowered to grant Releases to Witnesses.

CXVI. 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 Three or more of the Directors of the said Company, for and on behalf of the said Company, to make, sign, seal, execute, and deliver such general or other Release or Releases as may be or may be deemed necessary for the Purpose of exonerating, releasing, and discharging any Person who shall or may be produced as a Witness in any such Action, Suit, Prosecution, Arbitration, Reference, or other Proceeding as aforesaid from any Claim or Demand which may be necessary to be released by the said Company so as to qualify such Person to give Evidence as a Witness in any such Action, Suit, Prosecution, Arbitration, Reference, or other Proceeding aforesaid, and also to do any other Act, Matter, or Thing in any such Action, Suit, Prosecution, Arbitration, Reference, or other Proceeding which any Plaintiff or Defendant may do in any Action, Suit, or Prosecution, Arbitration, Reference, or other Proceeding; and every such Release, Act, Matter, and Thing shall be as valid and effectual in all respects, and to all Intents and Purposes whatsoever, as if the same were made under the Seal of the said Company.

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

CXVII. 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 Ten Days after the same shall have been demanded, the same shall and may be levied and recovered by Distress and Sale of any Goods or Chattels of the said Company (unless the Treasurer of the said Company shall pay such Costs and Expences out of any Monies received by him by virtue of this Act, and which he is hereby authorized to do,) under a Warrant to be issued for that Purpose by any Justice of the Peace acting within his Jurisdiction, 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

tion made to him for that Purpose by any Party entitled to receive such Costs and Expences.

Proprietors may be Witnesses.

CXVIII. 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 or her being a Proprietor of the said Company, or a Director, Auditor, Treasurer, Clerk, or other Officer thereof.

Recovery and Application of Penalties.

CXIX. 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 herein otherwise 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 Chattels shall be so distrained; all which Penalties and Forfeitures not herein-before directed to be otherwise applied shall be paid, One Moiety to the Informer and the Remainder to the Treasurer of the said Company, unless such Penalties or Forfeitures shall be incurred by the said Company, in which Case the same shall be paid, One Moiety to the Informer and the Remainder to the Overseers of the Poor of the Parish 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 or Offenders so convicted to be detained in safe Custody until Return can conveniently be made to such Warrant of Distress, unless such Offender or Offenders shall give sufficient Security to the Satisfaction of such Justices for his, her, or their 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 Ten 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 Offenders or otherwise, that he, she, or they hath not or have not sufficient Goods and Chattels whereupon such Penalties, Forfeitures, Costs, and Expences could be levied if a Warrant of

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 or Offenders to some Common Gaol or House of Correction for the County or Place within their Jurisdiction, therein 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 or Offenders shall be otherwise discharged by due Course of Law.

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

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

Justices may proceed by Summons for Recovery of Penalties.

CXXI. And be it further enacted, That in all Cases in which by this Act any Penalty or Forfeiture is made recoverable by Information before a Justice of the Peace, it shall be lawful for the Justice of the Peace before whom 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 or her 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.

CXXII. 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 or her before some Justice of the Peace for the County or Place within which such Offence shall be committed, without any other Warrant or Authority than this Act; and such Justice is hereby empowered and required to proceed immediately to the hearing and determining of the Complaint.

CXXIII. And

Forms of Information and Conviction:

CXXIII. 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 according to the following Forms, or any other Forms to the same Effect, as the Case may require; (that is to say,)

Information.

'} to wit. } BE it remembered, That on the Day of 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 Sixth and Seventh Year of the Reign of King *William* the Fourth, intituled [*here insert the Title of this Act*], which hath imposed a Forfeiture of for the said Offence Taken the Day of before me *C. D.*'

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 passed in the Sixth and Seventh Year of the Reign of 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 Distress 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 Sixth and Seventh Year of the Reign of 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 [*here 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

'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 insert the Manner in which the Forfeiture is to be ap-'plied*], returning the Overplus [*if any*], on Demand, to the said *A. B.*, 'the reasonable Charges of such Distress, and of any Removal, Keep-'ing, 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 Pro-'ceedings 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 Jurisdictions 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.*]'

Distress not unlawful for Want of Form.

CXXIV. 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 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.

CXXV. And be it further enacted, That all Bodies Corporate 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 Three Calendar Months next after such Order, Judgment, or Determination shall have been made or given, appeal to the Justices of the Peace at any General or Quarter Sessions to be held for the County or Place where the alleged Cause of Appeal shall arise, first giving Fourteen 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 Justices shall in a summary Way either hear and determine the said Complaint at such General or Quarter Sessions, or, if they 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

said Justices may, if they 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 they shall judge reasonable, and may also order such Costs to be paid to the Party aggrieved by the Party aggressing as they shall think reasonable.

Authenticated Bye Laws to be Evidence.

CXXVI. 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 or Persons not being a Proprietor or Proprietors 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 painted Board is not a Copy of such Bye Laws, Rules, or Orders as aforesaid, or hath not been duly affixed and generally continued in manner by this Act directed.

Proceedings not to be quashed for Want of Form.

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

CXXVIII. And be it further enacted, That no Action, Suit, or Information, nor any other Proceeding, of what Nature soever, shall be brought, commenced, or prosecuted against any Person for anything 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 Twenty-one 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 or Defendants, nor unless such Action, Suit, or Information or Proceeding shall be brought or commenced within Three Calendar Months next after the Act committed, or in case there shall be a Continuation of Damage then within Three 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 or Defendants 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 or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall become nonsuited, or shall suffer a Discontinuance of his, her, or their Action, Suit, Information, or Proceeding after the Defendant or Defendants shall have appeared thereto, or if a Verdict shall pass against the Plaintiff or Plaintiffs therein, or if upon Demurrer or otherwise Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have his, her, or their 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.

CXXIX. Provided also, 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 or she 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.

CXXX. 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 or she shall be examined by or before such Justice.

Power to Justice to mitigate Penalties.

CXXXI. 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 Discretion.

Punishment of Persons giving false Evidence.

CXXXII. And be it further enacted, That if any Witness who shall be examined by or before any Justices 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 Misdemeanor are by Law subject or liable to.

Persons making false Declaration to be guilty of a Misdemeanor. 5 & 6 W. 4. c. 62.

CXXXIII. 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 Year 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*

'*Abolition of Oaths and Affirmations taken and made in various De-*
'*partments 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.

Rules for Construction of certain Words in this Act.

CXXXIV. And be it further enacted, That wherever in this Act any Word or Words is or are used or employed importing the Singular Number or Masculine Gender only, such Word or Words shall extend to and shall be construed to include several Persons as well as one Person and Females as well as Males, and the Word Corporation shall extend to any Body or Bodies Politic, Corporate, or Collegiate, Ecclesiastical or Lay, Aggregate or Sole, unless it be otherwise specially directed or provided for, or there be something in the Context repugnant to such Construction.

Saving the Rights and Powers of Commissioners of Sewers.

CXXXV. Provided always, and be it further declared and enacted, That nothing in this Act contained shall extend or be construed to extend to prejudice, diminish, alter, or take away any of the Rights, Powers, or Authorities vested in the Commissioners of Sewers for the Limits extending from *East Moulsey* in *Surrey* to *Ravensbourne* in *Kent*, but all the Rights, Powers, and Authorities vested in them shall be as good, valid, and effectual as if this Act had not been passed.

Public Act.

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

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