



CHAPTER lxxix.

An Act to enable the Bristol General Cemetery Company to
enlarge their Cemetery, to raise additional Capital; and
for other purposes. A.D. 1880.
[19th July 1880.]

WHEREAS by the Local and Personal Act, first Victoria, chapter one hundred and thirty-one, intituled "An Act for establishing a general cemetery in or near the city of Bristol" (which Act is herein-after referred to as "the Act of 1837"), certain persons were united into a company under the name of "The Bristol General Cemetery Company" (herein-after called "the Company"), and were authorised to construct a cemetery near to the city of Bristol, and for that purpose to raise a sum of fifteen thousand pounds by means of shares and to borrow on mortgage five thousand pounds, and to purchase and hold lands not exceeding thirty-five acres at Arno's Vale, in the county of Somerset, for the purpose of the said undertaking:

And whereas the Company in pursuance of the said powers have constructed the said cemetery, but by reason of the increase of the population in and in the neighbourhood of the city of Bristol it has become necessary that additional space should be provided for the interment of the dead, and it is expedient that the said cemetery should be extended and enlarged, and that the Company should be authorised to purchase for that purpose certain lands and property adjoining the said cemetery and described in the schedule to this Act:

And whereas the Company have raised the said capital of fifteen thousand pounds in shares, and have borrowed upon mortgage and now owe the sum of five thousand pounds, and it is expedient that the Company should be enabled to raise additional capital by means of shares and by borrowing:

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

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and

A.D. 1880. with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; (that is to say)

Short title. 1. This Act may be cited for all purposes as the Bristol Cemetery Act, 1880.

Incorporation of general Acts. 8 & 9 Vict. c. 18. 23 & 24 Vict. c. 106. 32 & 33 Vict. c. 18. 2. The Lands Clauses Consolidation Acts, 1845, 1860, and 1869, except the provisions of the first-mentioned Act with respect to the purchase of lands otherwise than by agreement, are (except where expressly varied by this Act) incorporated with and form part of this Act.

Extension of certain provisions of 8 & 9 Vict. c. 16., 26 & 27 Vict. c. 118., & 32 & 33 Vict. c. 48. 3. The clauses and provisions of the Companies Clauses Consolidation Act, 1845, with respect to—
 The distribution of the capital of the Company into shares;
 The transfer or transmission of shares;
 The payment of subscriptions and means of enforcing the payment of calls;
 The forfeiture of shares for nonpayment of calls;
 The remedies of creditors of the Company against shareholders;
 The borrowing of money by the Company on mortgage or bond (except section forty-one of the said Act);
 The conversion of the borrowed money into capital;
 The consolidation of shares into stock;
 The making of dividends;
 The giving of notices; and
 The provision to be made for affording access to the special Act by all parties interested;
 Parts I. and II. of the Companies Clauses Act, 1863, relating respectively to the cancellation and surrender of shares and to additional capital; and

The Companies Clauses Act, 1869, shall extend and apply to the capital by this Act authorised to be raised by the Company by means of shares and borrowing respectively.

Construction of Act. 4. This Act and the Act of 1837, as amended by this Act, shall be construed and have effect together as one Act, and may be cited as Bristol Cemetery Acts, 1837 and 1880, and the Act of 1837 may be cited as Bristol Cemetery Act, 1837.

Interpretation of terms. 5. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partly incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction; and for the purposes of this Act in the Acts wholly or partially incorporated herewith the expression "the promoters of the undertaking" means the Company, and the expressions "court of competent jurisdiction,"

“superior courts,” or any other like expression, shall have effect as if the debt or demand with respect to which the expression is used was a common simple contract debt, and not a debt or demand created by statute. A.D. 1880.

6. Subject to the provisions of this Act, the Company may purchase by agreement all or any part of the lands and property described in the Schedule to this Act, and all the powers and provisions of the Act of 1837 (except those as to the acquisition of lands, the limitation of the quantity of lands to be held by the Company, and the situation of the cemetery with respect to certain houses) shall extend and be applicable to the said lands. Power to purchase additional land for cemetery.

7. No part of the enlargement or extension of the cemetery by this Act authorised shall be made within three hundred yards of any existing house of the annual value of fifty pounds at the passing of this Act, or of any garden or pleasure ground occupied therewith, except with the consent in writing of the owner, lessee, and occupier of such house. Enlargement of cemetery not authorised except under certain conditions.

8. The Company may sell, lease, or otherwise dispose of, in such manner, for such consideration, and on such terms and conditions as they think fit, and in case of sale either in consideration of a gross sum or sums or of an annual rent or rents, or of any payment in any other form, the whole or any part of the land described in the schedule to this Act which they may not require or which they may from any cause be unable to use for the purposes of their cemetery, and which shall not have been consecrated or used for the burial of the dead, and may sell or otherwise dispose of any rents reserved on any sale, lease, or disposition of such land, and may make, execute, and do any deed, act, or thing proper for effectuating any such sale, lease, exchange, or other disposition. Power to sell, &c. land not used for cemetery.

9. The Company may contribute any sum of money which they think fit towards the widening or improving by any road authority of any existing roads or lanes to the cemetery. Company may widen roads to cemetery.

10. The Company and the owner or persons having the management of any such road or lane as aforesaid may enter into such agreements as they think fit for enabling the Company to widen or improve any such road or lane, and for maintaining the same. Owners may enter into agreements for improving roads.

11. The Company may apply to the purposes of this Act any of the moneys which they have now in their hands, or which they have power to raise under the Act of 1837, and which may not be required for the purposes of that Act. Power to apply corporate funds to purposes of Act.

12. The Company may, subject to the provisions of Part II. of the Companies Clauses Act, 1863, raise any additional capital, not Power to raise additional capital.

A.D. 1880. — exceeding in the whole ten thousand pounds, by the issue, at their option, of new ordinary shares or stock, or new preference shares or stock, in their capital, or wholly or partly by any one or more of those modes respectively; but the Company shall not issue any share of less nominal value than ten pounds, nor shall any such share vest in the person or corporation accepting the same unless and until a sum not being less than one-fifth part of the amount of such share shall have been paid in respect thereof.

Calls. **13.** One fifth of the amount of a share shall be the greatest amount of a call, and three months at least shall be the interval between successive calls, and three fifths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Limitation of dividend on preference capital. **14.** The dividend on any preference shares or stock issued under the powers of this Act shall not exceed six pounds in respect of every one hundred pounds of such shares or stock actually paid up.

Power to borrow on mortgage. **15.** The Company may, in respect of the additional capital of ten thousand pounds which they are by this Act authorised to raise, from time to time borrow on mortgage any sum not exceeding in the whole three thousand three hundred and thirty pounds, provided that in respect of each sum of five thousand pounds of such additional capital issued and accepted, and one half whereof shall have been paid up, the Company may borrow a sum or sums not exceeding sixteen hundred and fifteen pounds; but no part of either of such sums of sixteen hundred and fifteen pounds shall be borrowed until shares for so much of the said portion of the additional capital as is to be raised by means of shares are issued and accepted, and one half of such portion is paid up, and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act, 1845, before he so certifies, that the whole of such portion of the additional capital has been issued and accepted, and that one half of such portion has been paid up, and that not less than one-fifth part of the amount of each separate share in such portion has been paid on account thereof before or at the time of the issue or acceptance thereof, and until stock for one half of so much of the said additional capital as is to be raised by means of stock is fully paid up, and the Company have proved to such justice as aforesaid, before he so certifies, that such shares or stock, as the case may be, were issued and accepted bonâ fide, and are held by the persons or corporations to whom the same were issued, or their executors, administrators, successors, or assigns, and also, if the said capital is

raised by shares, that such persons or corporations, or their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which certificate shall be sufficient evidence thereof.

A.D. 1880.

16. The Company may create and issue debenture stock, subject to the provisions of Part III. of the Companies Clauses Act, 1863; but, notwithstanding anything therein contained, the interest of all debenture stock at any time after the passing of this Act created and issued by the Company shall rank *pari passu* with the interest of all mortgages at any time after the passing of this Act granted by the Company, and shall have priority over all principal moneys secured by such mortgages.

Debenture stock.

17. All mortgages granted under the authority of the Act of 1837, and before the passing of this Act, and subsisting at the passing thereof, shall, during the continuance of such mortgages, and subject to the provisions of the Act of 1837, have priority over any mortgages granted by virtue of this Act; but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

Existing mortgages to have priority.

18. All money raised or to be raised by the Company on mortgage or debenture stock under the provisions of this Act shall have priority against the Company, and the property from time to time of the Company, over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act: Provided always, that this priority shall not affect any claim against the Company or their property in respect of any rent-charge granted or to be granted by them in pursuance of the Lands Clauses Consolidation Act, 1845, or the Lands Clauses Consolidation Acts Amendment Act, 1860, which is entitled to rank in priority to or *pari passu* with the interest on their mortgages or debenture stock, nor shall anything in this section contained affect any claim for land taken, used, or occupied by the Company for the purposes of the Company's undertaking and works, or injuriously affected by the construction thereof, or by the exercise of any powers conferred on the Company.

Priority of mortgages over other debts.

19. Every person who becomes entitled to new shares or stock shall in respect of the same be a holder of shares or stock in the Company, and shall be entitled to a dividend with the other holders of shares or stock of the same class or description proportioned to the whole amount from time to time called and paid on such new shares, or to the whole amount of such stock, as the case may be.

Dividend on new shares or stock.

A.D. 1880.
As to votes
of proprie-
tors of shares.

20. The proprietors of any shares to be issued under the authority of this Act shall be entitled to such number of votes in respect thereof as the nominal amount represented by such shares would have entitled them to if the same had been shares of the Company authorised by the Act of 1837.

Votes in
respect of
preferential
shares or
stock.

21. Except as expressly provided by the resolution creating the same, no person shall be entitled to vote in respect of any new shares or stock to which a preferential dividend shall be assigned.

Receipt
clause
in case of
persons not
sui juris.

22. If any money is payable to a shareholder being a minor, idiot, or lunatic, the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Appoint-
ment of
receiver.

23. The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than two thousand pounds in the whole.

Application
of moneys.

24. All moneys raised under this Act, whether by shares, debenture stock, or borrowing, shall be applied for the purposes of this Act, or for the general purposes of the Company.

Company
may consoli-
date shares
into stock.

25. Subject to the provisions of the Companies Clauses Consolidation Act, 1845, with respect to the consolidation of shares into stock, the Company may convert into stock all or any part of the shares which they are authorised to create by the Act of 1837 or by this Act.

Expenses of
Act.

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

[43 & 44 VICT.]

Bristol Cemetery Act, 1880.

[Ch. lxxix.]

The SCHEDULE referred to in the foregoing Act.

A.D. 1880.

LANDS and PROPERTY in the PARISH of BEDMINSTER, in the COUNTY of SOMERSET, to be taken under the Powers of this Act.

A close of land (containing five acres one rood and nineteen perches or thereabouts), numbered 329 on the tithe commutation map for the said parish, and belonging or reputed to belong to William Vowles, and in the respective occupations of Henry Stevens and his under-tenants, which said close is bounded on the northern side by the existing cemetery of the Company, on the eastern side by land belonging or reputed to belong to Lady Caroline Fitzhardinge Maxse and in the occupation of Thomas Foxwell, on the south and south-western sides by land belonging or reputed to belong to Lady Caroline Fitzhardinge Maxse and in the occupation of Thomas Foxwell, and on the western side partly by void land belonging or reputed to belong to the said William Vowles, partly by the end of Sydenham Road, and partly by void ground belonging or reputed to belong to the said William Vowles, and adjoining Number 28 in that road.

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1880.

