

may be adopted for the benefit and improvement of the Harbor, by the construction of a Canal across the said Peninsula, or by such other means as may be found necessary: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intitled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, as follows:

I. It shall and may be lawful for the Government of this Province, by an Order in Council or otherwise, to grant to the said Mayor, Aldermen and Commonalty of the City of Toronto, the said Peninsula, and the marsh to the eastward of the said Bay (commonly known as Ashbridge's Bay), upon such terms and conditions as the Governor of this Province in Council may think fit: Provided always, that in any Order in Council, Letters Patent, or other Instrument granting to the said Corporation the said Peninsula, or marsh, or any part thereof, or any other lands now vested in the Crown, it shall be lawful to insert any conditions or restrictions as to the manner in which the same shall be used, or the purposes to which they shall be applied, or the buildings and works which shall or shall not be erected thereon, or any other conditions or restrictions whatever which the Governor shall think it for the public interest to cause to be inserted; and such conditions and restrictions shall have full force and effect, any rule of law as to the conditions or restrictions which may be inserted in grants and enforced at law to the contrary notwithstanding.

Governor in Council may grant the said Peninsula, &c, to the Corporation.

Proviso: conditions may be inserted in the grant and enforced.

II. This Act shall be deemed a Public Act.

Public Act.

## C A P . C X L V I .

An Act to enable the Trustees of the Toronto General Burying Ground, to close the same, to sell a portion thereof, and to acquire other ground for the purposes of the Trust.

[Assented to 19th May, 1855.]

**W**HEREAS the Trustees of the Toronto General Burying Ground, the Municipal Council of the Village of Yorkville, and many of the inhabitants of the said Village and of the City of Toronto, have, by their Petition to the Legislature, represented that by reason of the great increase in the extent and population of the said City, and of the rapid growth of the said Village within which the said Burying Ground is situate, it hath become highly desirable that the same be closed, and that the portion thereof in which there may be no graves, be disposed

Preamble.

disposed

disposed of and the proceeds applied to the purchase of another and more eligible site for a Public Cemetery: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-write the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, as follows:

No further interment to take place in the said ground.

Act 12 V. c. 104.

Act of U. C. 7 G. 4, c. 21.

Trustees may sell part of the said ground in which there are no graves.

Portion where there are graves not to be sold until the bodies are removed to new Cemetery, &c.

Power to Trustees to sell land containing no graves.

The part in which there are graves to

I. The Trustees for the time being, in whom the Toronto General Burying Ground is vested, under the authority of the Act of the Parliament of this Province, passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to amend the Act therein mentioned, and to vest the Toronto General Burying Ground in certain Trustees and their Successors*, and the Act of the Parliament of Upper Canada, passed in the seventh year of the Reign of King George the Fourth, and intituled, *An Act to authorize certain persons therein named and their successors, to hold certain lands for the purpose therein mentioned*, shall not, after the expiration of three months from the passing of this Act, permit any interment to take place in the land now used as the said Burying Ground and described in the Act last aforesaid; And it shall be lawful for the said Trustees for the time being or for any four or more of them, to demise or to sell and convey to any person or persons who may agree to lease or to purchase the same, all that portion of the land vested in the said Trustees as aforesaid, in which there shall then be no graves containing bodies; and that portion thereof in which there are such graves shall not be sold or occupied until the bodies buried therein shall have been removed by the relations or friends of the dead, to the Public Cemetery to be purchased by the said Trustees, as aforesaid, in which Cemetery there shall be allotted to such parties burial places corresponding in size with those in the Toronto General Burying Ground, in case such Bodies shall be removed to such Public Cemetery by the said Trustees, with the consent of the relatives and friends of the dead, or by such friends and relatives of their own accord; And the said Trustees or any four of them, shall have power to sell such land containing no graves or from which the bodies buried therein shall have been removed, for such prices and upon such terms and conditions as may be agreed upon, and to receive the purchase money and discharge the purchaser, who shall not be bound to see to the execution of the trust on which the land is held, or to the application of the purchase money.

II. The said Trustees and their Successors shall keep that part of the land aforesaid in which there shall be graves containing bodies, properly fenced and in decent and becoming order

order as a Cemetery, until the remains of the dead shall have been removed therefrom, as provided in the first section of this Act, and shall allow free access thereto at seasonable times, to those having relations or friends buried there, but without allowing any further burials therein, and may apply to such purpose any part of the proceeds of the land to be sold by them as aforesaid:

be properly kept.

III. It shall be the duty of the said Trustees or their successors, to select and contract for the purchase of a piece of ground well adapted for the purposes of a Public Cemetery, in the Township of York, and not more than two miles beyond the boundaries of the City of Toronto and the liberties thereof, and such piece of ground shall and may be conveyed to and vested in the said Trustees and their successors for ever, and shall be by them held and used as a Public Cemetery, and in trust for the purposes of the Acts hereinabove cited, and of the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, and intitled, *An Act to authorize the Trustees of the Toronto General Burying Ground to acquire an additional lot of land*, and subject to the provisions thereof; And it shall be lawful for the said Trustees or their successors to apply such part of the proceeds of the land they are hereby empowered to sell, as may not be required for the purpose mentioned in the next preceding section, to the payment of the purchase money of the land to be acquired by them under this section, and the land so to be acquired by them may be in addition to the twenty-five acres they are empowered to acquire by the Act last aforesaid: Provided always that the said Trustees shall not be capable of acquiring or holding, and they are not hereby authorized to acquire or hold, any such piece of ground for the purposes aforesaid, nor shall the same be vested in them until after the Municipal Council of the Municipality within the limits of which the same may be situate shall have passed a By-law consenting to and authorizing in express terms the establishment of a Cemetery on such piece of ground; and provided also that it shall not be lawful for the said Trustees at any time after such piece of ground shall become vested in them for the purposes aforesaid, to make or suffer to be made any other use of the same than for the purposes of such Cemetery.

Trustees to purchase another piece of land for a Cemetery.

14 & 15 V. c. 167.

Out of what Funds such lands shall be paid for.

Proviso. Consent of Municipality must be obtained for new Cemetery.

Proviso.

IV. This Act shall be deemed a Public Act.

Public Act.

C A P . C X L V I I .

An Act to authorize the City of Hamilton to negotiate a Loan of Fifty Thousand Pounds.

[Assented to 19th May, 1855.]

WHEREAS by an Act of Parliament of this Province, passed in the sixteenth year of the Reign of Her Majesty Queen Victoria, chapter ninety-five, it was enacted that it should

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16 V. c. 95.

should