

Laws of Her Majesty's Province of Upper Canada, passed in the year 1849. Montreal: Stewart Derbshire & George Desbarats, 1849.

12 Victoria – Chapter 104

An Act to amend an Act therein mentioned, and to vest the Toronto General Burying Ground in certain Trustees, and their Successors. 30th May, 1849.

Whereas it hath been represented that of the Trustees named in a certain Act of the Parliament of Upper Canada, passed in the seventh year of the Reign of His late Majesty, King George the Fourth, intituled, *An Act to authorize certain persons therein named, and their successors, to hold certain Lands for the purpose therein mentioned*, two have departed this life, and one is no longer willing to take an active part in the execution of the trust; And whereas the provision made by the said Act for perpetuating the Trust thereby created is inconvenient and ineffectual, and it is therefore expedient to name new Trustees for the purposes of the said Act, and to make better provision for perpetuating the succession of such Trustees than is made by the said Act: 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, intituled, *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, That the second section of the said Act, and so much of the first section thereof as limits or may be construed to limit the number of such Trustees to five, be, and the same are hereby repealed; and that James Leslie, David Paterson, Peter Freeland, and William McMaster, and their successors, be, and they are hereby declared to be, to all intents and purposes, Trustees under the said Act, in succession to, and in lieu and stead of the late Peter Patterson and Thomas Carfrae, the younger, deceased; and jointly with John Ewart, Thomas David Morrison, and Thomas Helliwell, the surviving Trustees and their successors; and that the land now held under the said Act be, and the same is hereby legally vested in the said John Ewart, Thomas David Morrison, Thomas Helliwell, James Leslie, David Paterson, Peter Freeland and William McMaster, and their successors, not being more than seven in number at any one time, and in the surviving or remaining Trustees for the time being during any vacancy among them.

II. And be it enacted, That it shall be lawful for any of the said Trustees, or their successors, to resign the trust held by him in virtue of the said Act, or of this Act, at any time or times hereafter by letter addressed to any other of the Trustees for the time being.

III. And be it enacted, That it shall be the duty of each and every of the Trustees for the time being, who shall become aware of the death or resignation of any other Trustee, forthwith to call a meeting of the surviving or remaining Trustees, for some lawful day, not being less than eight nor more than twelve days thereafter, (unless such meeting have been already called by some other Trustee,) for the purpose of proceeding to fill the vacancy by election from among the inhabitant householders of the City of Toronto; and the person so elected by the surviving or remaining Trustees, or the majority of them, shall be a Trustee to all the intents and purposes of the said Act,

and of this Act in succession to and in lieu and stead of the Trustee who shall have died or resigned as aforesaid, until or unless a different successor be appointed in the manner hereinafter mentioned.

IV. Provided always, and be it enacted, That no such election of a Trustee as aforesaid shall be valid until nor unless a notice of his election shall have been inserted in the Canada Gazette; and that if at any time within one month from the insertion of such notice, the majority of the inhabitant householders of the City of Toronto, present at a public meeting called for that purpose by notice, inserted at least twice, in two or more newspapers published in Toronto, shall agree to elect any inhabitant householder of the said City, other than the one elected by the surviving or remaining Trustees, or a majority of them as aforesaid, to fill such vacancy as aforesaid, then such person so elected at such public meeting shall supersede the person elected by such surviving or remaining Trustees as aforesaid, and shall from thenceforth be in his lieu and stead a Trustee to all the intents and purposes of the said Act, and of this Act, in direct succession to and in lieu and stead of the Trustee who shall have died or resigned as aforesaid; but all acts done or concurred in by any Trustee so superseded, in the interval between the notification of his election in the Canada Gazette as aforesaid, and his being superseded as aforesaid, shall be and continue as valid and effectual to all intents and purposes as they would be if such Trustee were not superseded.

V. And be it enacted, That the parcel or tract of land now held by the Trustees named in the said Act, shall, from henceforth, be called "The Toronto General Burying Ground."

VI. And be it enacted, That words in this Act importing the singular number only shall be construed to include more than one person, thing, or act of the same kind, unless there be something in the context inconsistent with or repugnant to such construction.

VII. And be it enacted, That this Act shall be a Public Act, and shall be judicially noticed as such.