

Laws of Her Majesty's Province of United Canada, passed in the year 1851. York: Stewart Derbyshire and George Desbarts, 1851.

14 & 15 Victoria – Chapter 167

An Act to authorize the Trustees of the Toronto General Burying Ground, to acquire an additional lot of land. 30th August, 1851.

Whereas the Trustees of The Toronto General Burying Ground, have by their petition prayed that the powers hereinafter mentioned may be granted to them, and it is expedient to grant their prayer: 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-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 for and notwithstanding any thing in the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to amend an Act therein mentioned, and to vest the Toronto General Burying Ground in certain Trustees, and their successors*, or in the Act of the Parliament of Upper Canada thereby amended, or in any other Act or Law, it shall be lawful for the Trustees of the Toronto General Burying Ground, and their Successors in Office, to purchase and hold all additional piece or pieces of ground in the Township of York, not exceeding in the whole Twenty-five Acres in extent, and to pay for the same out of any Funds at their disposal as such Trustees, and also if they shall deem it advisable for the purpose of aiding the said Funds in defraying the expenses aforesaid, to lease out in lots, for such term or terms not exceeding ninety-nine years from the passing hereof in any case, the whole or any portion of the front of the land forming the said Toronto General Burying Ground; and any land purchased by the said Trustees under the authority of this Act shall form part of the said Toronto General Burying Ground; and when the said Trustees shall have acquired an indefeasible Title in Fee to the Premises free and clear of all Incumbrances, and shall have filed a Map in the Office of the Register of the County shewing the Survey and Division thereof, the said Trustees may sell, convey or otherwise dispose of the said lots to any person or persons on such terms and conditions, and at such prices as shall be agreed on, to be used and appropriated exclusively to the burial of the dead.

II. And be it enacted, That the said Trustees shall make Regulations for ensuring that all Burials within the said Burying-Ground are conducted in a decent and solemn manner.

III. And be it enacted, That no body shall be buried in any Vault under any Chapel or other Buildings in the said Burying Ground, or within fifteen feet of the outer wall of any such Chapel or Building.

IV. And be it enacted, That every part of the said Burying Ground shall be enclosed by Walls or other sufficient Fences or Railings, of the height of eight feet at least.

V. And be it enacted, That the said Trustees shall keep the said Burying Ground and the Buildings and Fences thereof in complete repair and in good order and condition, out of the moneys to be received by them in virtue of the said Acts and of this Act.

VI. And be it enacted, That the said Trustees shall make all proper and necessary Sewers and Drains in and about the said Burying Ground for draining it and keeping it dry, and they may, from time to time, as occasion requires, cause any such Sewer or Drain to open into any existing Sewer, with the consent, in writing, of the persons having the management of the Street or Road, and of the Owners and Occupiers of the Lands through which such opening is made, doing as little damage as possible to the Road or Ground wherein such Sewer or Drain may be made, and restoring it to the same or as good condition as it was in before being disturbed.

VII. And be it enacted, That if the said Trustees at any time cause or suffer to be brought or to flow into any River, Spring, Well, Stream, Canal, Reservoir, Acqueduct, Pond or Watering Place, any offensive matter from the said Burying Ground whereby the water therein shall be fouled, they shall forfeit, for every such offence, the sum of Twelve Pounds Ten Shillings currency.

VIII. And be it enacted, That the said penalty, with full costs of suit, may be recovered by any person having a right to use the water fouled by such offensive matter, by a Civil Action against the said Trustees for the time being, or any one or more of them, in any Court of Competent Jurisdiction; Provided always, that the said penalty shall not be recoverable unless the same be sued for during the continuance of the offence, or within six months after it has ceased.

IX. And be it enacted, That in addition to the said penalty of Twelve Pounds Ten Shillings, (and whether the same be recovered or not,) any person having the right to use the water fouled by such offensive matter, may sue the said Trustees for the time being, or any one or more of them, in a Civil Action in any Court of Competent Jurisdiction, for any damage specially sustained by him by reason of the water being so fouled; or, if no special damages be alleged, for the sum of Two Pounds Ten Shillings, for each day during which such offensive matter is brought or flows as aforesaid, after the expiration of twenty-four hours from the time when notice of the offence is served on the said Trustees, or any one or more of them, by such person.