

Penalties how recoverable.

Proviso.

Damages may be recovered of Act from any penalty.

Corporation may take property by devise, &c.

Public Act.

XVIII. 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 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.

XIX. 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 right to use the water fouled by such offensive matter, may sue the said Corporation 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 damage 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 Corporation by such person.

XX. And be it enacted, That it shall be lawful for the said Corporation to take and hold by donation, grant or devise, or bequest of property upon trust, not exceeding in value the sum of five thousand pounds currency, and to sell, exchange, convey or otherwise dispose of the same, and to apply the same or the proceeds or income thereof to the improvement or embellishment of the Cemetery, or of any lot or lots therein.

XXI. And be it enacted, That this Act shall be a Public Act.

SCHEDULE A.

Form of Deed of Lot in the Cataragui Cemetery.

Know all men by these presents, that the Cataragui Cemetery Company, in consideration of the sum of pounds to them paid by of in the receipt whereof is hereby acknowledged, do hereby grant, bargain and sell to the said his heirs and assigns that lot of land in the Cemetery of the said Corporation called "The Cataragui Cemetery" situate in the Township of Kingston, in the County of Frontenac, in Canada West, delineated and laid down on the registered map or plan of the said Cemetery, as lot No. and containing superficial feet, more or less, to have and to hold the above granted premises to the said his heirs and assigns for ever, subject however, to the limitations and conditions, and with the privileges specified in the rules of the said Cemetery, on the back hereof indorsed, and the said the *Cataragui Cemetery Company* hereby covenant with the said his heirs and assigns, that they are actually and lawfully seized of the land hereby granted, that they have a right to sell the same for the purposes expressed in the rules hereon indorsed; that the said premises are free from incumbrances, and that they will warrant and defend the same to the said his heirs and assigns for ever.

In testimony whereof, the said Corporation have caused this deed to be signed by the Chairman of their Trustees for the time being, and sealed with their corporate Seal, the day of A. D. 185

Rules to be Indorsed on Deed.

1. All lots shall be held in pursuance of the Act of Incorporation, and shall not be held or used for any other purpose than as a place of burial for the dead.
2. The proprietor of each lot shall have a right to enclose the same by any railing not composed of wood, or by a wall not thicker than one foot, nor more than two feet in height above the surface.