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Cover title page is bound in as last page in book but filmed as first page on fiche.

No. 113.

3d Session, 3d Parliament, 13 & 14 Victoria, 1850.

BILL.

An Act to Incorporate the *Toronto
Necropolis.*

Received and Read the First time Thursday,
27th June, 1850.

Second Reading, Monday, 8th July, 1850.

MR. MORRISON.

BILL.

An Act to incorporate the Toronto *Necropolis*.

WHEREAS John McMurrich, Alexander McGlasher Preamble.
and John Shaw, inhabitants of the City of Toronto,
have, by petition set forth that owing to the increase of
the inhabitants of the said City, and the small portions of
5 land at present allotted for burying grounds free from
sectarian control, it is desirable that a Cemetery be esta-
blished in the vicinity of the City, as well for strangers as
inhabitants of the City, of whatsoever sect or denomina-
tion they may be—and that the said Petitioners may be
10 incorporated for that purpose: Be it therefore enacted;

And it is hereby enacted by the authority of the same, Certain per-
sons incorpo-
rated.
That the said John McMurrich, Alexander McGlasher and
John Shaw, their heirs, devisees, and assigns, are hereby
constituted a body corporate by the name of the "*Toronto*
15 *Necropolis*."

II. And be it enacted, That the said Corporation may Corporation
may acquire,
&c. a tract of
land for a
Cemetery.
acquire, take and hold a parcel or tract of land, within the
said City or in its vicinity, not exceeding acres,
which land when acquired by the said Corporation or
20 their grantees, shall be used exclusively as a Ceme-
tery, or place for burial of the dead, and for this purpose
it shall be surveyed and subdivided into lots of a conve-
nient size, respectively designated and numbered, and
with such walks, paths and avenues as may be deemed
25 advisable, and a map of such survey shall be fyled in the
office of the Registrar of the County of York; and when
the said Corporation shall have acquired an indefeasible
title in fee to the premises, free and clear of all incum-
brances, and shall have fyled the said map in the office
30 aforesaid, the said Corporation may sell, convey or other-
wise dispose of the said lots (reserving a section which
shall forever be devoted free of expense for the benefit of
the stranger and those who may be unable to purchase,)
to any person or persons on such terms and conditions, and
35 at such prices as shall be agreed on, to be used and ap-
propriated exclusively for the burial of the dead; which
conveyances shall be under the Seal of the Corporation
and signed by the Secretary thereof.

III. And be it enacted, That the said Corporation And may lay
out the same
as they think
proper.
40 may enclose, lay out, improve and embellish such land,
in such manner, and may erect such buildings thereon, as

the nature of the establishment may require, and may also further take and hold such personal property as may be necessary and proper for attaining the objects, and carrying into effect the purposes of the said Corporation.

Nothing must be done by which the Cemetery can be encumbered.

IV. And be it enacted, That it shall not be lawful for the said Corporation at any time to make, do, commit, or cause any act, matter or thing whatsoever, whereby the said Cemetery and the land and premises appertaining thereto, or any part thereof, can or may be in any wise impeached or encumbered in title, charge, 10 estate or otherwise.

Lots in Cemetery to be indivisible.

V. And be it enacted, That all lots of ground when conveyed and designated, and numbered as lots by the said Corporation, shall be indivisible, but may be held and owned in undivided shares. 15

Penalty on persons destroying monuments, &c.

VI. And be it enacted, That any person who shall wilfully destroy, mutilate, deface, injure or remove any tomb, monument, grave stone or other structure placed in the Cemetery aforesaid, or any fence, railway or other wall for the protection or ornament of the said Cemetery 20 or of any tomb, monument or grave stone or other structure aforesaid, or shall wilfully destroy, cut, break or injure any tree, shrub or plant or flower within the limits of the said Cemetery, or commit any other kind of trespass, shall be deemed guilty of a misdemeanour and, shall upon conviction thereof, before a Justice of the said City of Toronto or County of York, or other Court of competent jurisdiction within the said City or County, be punished by a fine not less than *ten shillings*, nor more than *ten pounds* currency, according to the nature and aggravation 30 of the offence, and such offender shall also be liable in an action of trespass to be brought against him in any Court of competent jurisdiction, in the name of such Corporation, to pay all such damages as shall have been occasioned by his unlawful act or acts, which money when 35 received shall be applied by the said Corporation to the reparation and restoration of the property destroyed or injured as above, and the members of the said Corporation shall be competent witnesses in such suits.

The above section to be posted up.

VII. And be it enacted, That it shall be the duty of 40 the said Corporation to put up and maintain in at least *three* conspicuous places within the limits of the said Cemetery, a printed notice containing the words of the preceding section.

Corporation may receive donations of property for improvement of Cemetery.

VIII. And be it enacted, That the said Corporation 45 may take and hold any grant, donation or bequest of property upon trust, to apply the same or the income thereof for the improvement or embellishment of the said Cemetery, or for the erection of any tomb, monument or grave

stone, fence, railing or other erection, or for the planting and cultivation of trees, shrubs, flowers or plants in or around any cemetery lot, or for improving the said premises in any other manner or form consistent with the design and purposes of this Act, according to the terms of such grant, donation or bequest.

IX. And be it enacted, That the said Cemetery shall be and is hereby declared exempt from all public taxes, rates or assessments, and shall not be liable to be sold on execution, or be applied in payment of debts due from any individual proprietor or proprietors, but they and their heirs or devisees or assigns may forever hold the same entirely and totally exempt therefrom as long as the same shall remain dedicated to the purposes of a Cemetery, and during which time no public street, road or avenue shall be laid through the Cemetery or any part of the lands held by the said Corporation for the purposes aforesaid, except by special permission of the legislature.

X. And be it enacted, That the said Corporation shall appoint a Secretary to the same, with power to dismiss and re-appoint or appoint another at pleasure, and are hereby authorised to make By-laws not inconsistent with any existing law, for the management of its property, the regulation of its affairs and the transfer of the shares of its stock.

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