
5th Session, 8th Parliament, -9-30 Vict., 1866

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BILL.

An Act to vest certain lands in the Rector
and Churchwardens of St. James' Church
Toronto.

Received and read, first time, Monday, 25th
June, 1866.

Second reading, Wednesday, 27th June,
1866.

Hon. Mr. McMASTER.

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BILL.

An Act to vest certain lands in the Rector and Churchwardens of St. James' Church, Toronto.

WHEREAS the Rector and Churchwardens of St. James' Church, Toronto, have by their petition prayed that certain lands purchased by the congregation of St. James' Church, Toronto, may be vested in the Rector and Churchwardens of the said church, and their successors, for the purposes hereinafter mentioned, and it is expedient to grant the prayer of the petitioners; Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:—

1. The lands mentioned and described in Schedules A and B to this Act annexed, and which shall be taken and read as part of this Act shall be, and the same are hereby declared to be vested in the Rector and Churchwardens of St. James' Church, Toronto, and their successors forever, to be held by them for the purposes of a Cemetery. And it is hereby declared that it shall and may be lawful for the said Rector and Churchwardens to grant and convey parcels of the said lands to such persons as have already purchased the same, and to all persons desirous of purchasing the same, to be used for burial grounds, under such terms and conditions as to such Rector and Churchwardens for the time being may seem necessary and proper the conveyances of such parcels as have been already purchased to be prepared, under the directions of the Rector and Churchwardens and to be delivered to the grantees thereof, requiring the same upon payment of the sum of five shillings for each deed. And it is hereby declared that it shall not be necessary for the grantees of such parcels to register the conveyance of the same. And further that all burials in the said Cemetery shall be according to the rites and ceremonies of the United Church of England and Ireland.

Presbiterian.

Lands described in Schedules A & B vested in Rector and Churchwardens for a cemetery.

2. The lands mentioned and described in Schedule C to this Act annexed, and which shall be taken and read as part of this Act, shall be and the same are hereby declared to be vested in the Rector and Churchwardens of St. James' Church Toronto, and their successors, forever, subject nevertheless, to all incumbrances now existing thereon with power from time to time to lease the same at such rents and upon such conditions as to the said Rector and Churchwardens and their successors may seem proper. Provided always, that no lease shall be granted for a longer time than twenty-one years, from the commencement thereof; but it shall and may be lawful for the said Rector and Churchwardens and their successors to agree in any such lease that upon the expiration of the term first created by any such lease, a further term, not exceeding twenty-one years, shall be granted to the lessee, his executors, administrators and assigns, upon such terms as to the said Rector and Churchwardens may seem proper. All rents reserved by such leases and received from any lessees shall be applied by the Rector and Churchwardens and their successors, in payment of any incumbrance, now existing on the said lands, and after the payment thereof, such rents shall be applied in the maintenance and improvement of the said Cemetery and the chapel and buildings erected thereon, or appurtenants thereto, and any surplus thereof in such manner as may be directed by the Vestry of the said Church of St. James.

Lands described in Schedule C vested in same for the maintenance and improvement of the cemetery.

Proviso.

SCHEDULE A.

All and singular that certain parcel or tract of land and premises, situate, lying and being in the city of Toronto, and township of York, containing by admeasurement sixty-five acres of land, be the same 5 more or less, being composed of parts of Park lots Nos. 1 and 2, lying and being on the west side of the river Don, and butted and bounded as follows:—Commencing where a post has been planted on the limit between lots Nos. 2 and 3 at the distance of seventy-five chains, ninety-three links, more or less, from the front of the first concession on a 10 course north sixteen degrees west, thence north seventy-four degrees east, thirty chains and fifteen links, more or less into the mill dam, thence north sixteen degrees east, two chains more or less, to where a post has been planted, thence north seventy-four degrees east, eight chains thirty-eight links more or less to the river Don, thence in a 15 northerly direction following the windings of the river to within eleven chains of the south side of the allowance for road on the front of the second concession, and to the eastern boundary of land belonging to Francis Melville Cayley, Esq., thence south seventy-four degrees west, thirty chains more or less, to where a post has been planted, marked 20 e. 1, No. ; thence south sixteen degrees east, thirteen chains, thirty-one links more or less, to the place of commencement, being the premises conveyed or intended to be conveyed by one John Richard Nash and his wife, to the Churchwardens of St. James' Church, Toronto, by indenture bearing date the first day of August, A. D., 1844, and regis- 25 tered in the Registry Office of the county of York, on the twenty-ninth day of March, A. D., 1847, and surveyed and laid out as a Cemetery, and thenceforth used for that purpose.

SCHEDULE B.

All and singular that certain parcel or tract of land and premises, 30 situate and being in the city of Toronto, containing by admeasurement eight-tenths of an acre, be the same more or less, being composed of part of Park lot No. 2, in the first concession from the Bay, in the township of York, and butted and bounded as follows, that is to say, 35 commencing on the limit between Park lots Nos. 2 and 3, at the distance of forty-six chains more or less, (on a course north sixteen degrees west) from Lot street; thence north sixteen degrees west, four chains more or less, to where a post has been planted, thence north seventy-four degrees east, two chains more or less, to where a post 40 has been planted; thence south sixteen degrees east, four chains, more or less, to Frank street, thence south seventy-four degrees west, two chains, more or less, along Frank street to the place of beginning, being the premises conveyed or intended to be conveyed by one 45 William Henry Boulton, to the Churchwardens of St. James' Church, Toronto, by indenture bearing date the twenty second day of March, A.D., 1847, and registered in the Registry office of the county of York, on the twenty-ninth day of March, A. D., 1847, whereon the offices appurtenant to the Cemetery, are erected.

SCHEDULE C.

All and singular that certain piece or parcel of land, being composed of part of the Government Park Reserve, east of the said city of Toronto, and butted and bounded as follows:—Commencing on the eastern limit of the reservation for road between lot number three and 55 said Government Park now called Parliament Street, at the distance of seven chains and sixty-six links from Lot Street on the northern limit of the reservation for road in front of the said parcel of land on

a course north sixteen degrees west, and at the south west angle of the said parcel of land; then north sixteen degrees west, thirteen chains thirty-two links, more or less, to the allowance for road in rear of the said parcel of land; then north seventy-four degrees east, eleven chains
5 fifty links, to Pine Street; then south sixteen degrees east, thirteen chains thirty-two links, more or less, to the allowance for road in the front of the said parcel or tract of land, then south seventy-four degrees west, eleven chains, fifty links more or less, to the place of beginning, containing fifteen acres more or less, being the premises conveyed or
10 intended to be conveyed by the Trustees of the Park Reserve, near the city of Toronto, to the Incumbent and Churchwardens of St James' Church, Toronto, for the purposes of a burial ground, by indenture bearing date, the 18th day of July, A. D., 1832, and registered on the twenty-second day of January, A. D., 1859, and being found unfit for
15 that purpose, surveyed and laid off in town lots and leased under the direction of the Vestry of the said Church of St. James.