RETURN

To an Address of the Legislative Assembly, praying that the Trust Deed, Deed of Confirmation, and Letters Patent constituting the Cemetery Board, and on file in the Land Registry Office, be printed and sent down to this House.

By Command.

A. C. ELLIOTT,

Provincial Secretary's Office, *Provincial Secretary.*
1*st May*, 1876.

[L. S.] *JOSEPH W. TRUTCH.*

PROVINCE OF BRITISH COLUMBIA.

VICTORIA, *by the Grace of God, of the United Kingdom of Great Britain and Ireland, and of the Colonies and Dependencies thereof in Europe, Asia, Africa, America and Australasia,* QUEEN, *Defender of the Faith, and so forth.*

To all to whom these Presents shall come—GREETING:

WHEREAS by Section 49 of the "Land Ordinance, 1870," it is declared that it shall be lawful for the Governor in Council to make such special free or partially free grants of the unoccupied and unappropriated Crown Lands of the Colony for the purposes therein mentioned, or other purposes of public advantage, with and under such provisions, restrictions, and privileges as to the Governor in Council might seem most advisable for the purposes therein mentioned, for such public purposes as aforesaid.

And, whereas, by Section 1 of the "Cemetery Ordinance, 1870," it is declared that it shall be lawful for the Governor, from time to time, to appoint so many Trustees as he may think fit for any public cemetery in British Columbia, and every such appointment to be published in the Government Gazette, and that the Trustees so appointed and their successors to be appointed, as thereinafter mentioned, shall have power to hold any lands or hereditaments that may be conveyed to them by deed or grant from the Crown, or by any other sufficient deed of conveyance, on trust for the establishment or purpose of a Public Cemetery.

And, whereas, by a Resolution of the Legislative Assembly, passed on the 8th day of April, 1872, it was Resolved:—

"That forty-seven acres of the Crown Lands at Ogden Point should be set apart for "the purpose of providing for a Public Cemetery, and for other public purposes, on be-"half of the City of Victoria, as Trustees on that behalf should think fit."

And, whereas, the persons hereinafter mentioned have been appointed Trustees under the said Ordinance, and have agreed to act as such Trustees thereunder:

And, whereas, the piece of ground at present used as a Cemetery in Victoria is become, on account of the increase in the population of Victoria, insufficient as a burying place, and, in pursuance of the above recited Resolution of the Legislative Assembly, and other the premises, We have agreed to give and grant the hereditaments and premises hereinafter more particularly described, unto the persons and upon and for the trusts, intents and purposes herein mentioned.

NOW KNOW YE that We do by these Presents for Us, Our heirs and successors, in consideration of the premises and for effectuating the intent and purpose herein mentioned, give and grant unto Robert Paterson Rithet, John Herbert Turner, James Elephlet McMillan, Patrick McTiernan, and Benjamin William Pearse, their heirs and assigns (hereinafter called "the said Trustees") all those pieces or parcels of land, situate, lying, and being in the District of Victoria, Vancouver Island, British Columbia, forming part of Section XVIII (eighteen) on the official map of the said District, and being sub-sections thereof, numbered (18) eighteen, (19) nineteen, (21) twenty-one, (22) twenty-two, (27) twenty-seven, (28) twenty-eight, (29) twenty-nine, (31) thirty-one, (32) thirty-two, and (33) thirty-three, and containing in the whole forty-eight acres and fifty-four hundredths (48.54) of an acre, as the same is more particularly shown on the

map or plan hereunto annexed and thereon coloured red. To have and to hold the said parcels or lots of land, and all and singular the premises hereby granted with their appurtenances unto the said Trustees and their heirs, to and for the several uses, intents and purposes, upon the several trusts and with, under, and subject to the several powers, provisoes, agreements and declarations expressed and declared of and concerning the same, that is to say: Upon trust in the first place to the express use, intent and purpose that the said hereditaments and premises, or any part thereof hereby granted, shall, in the discretion of the said Trustees, subject to the proviso hereinafter contained, be taken, used, held and enjoyed for the purpose of a Cemetery or Burial Ground, under the provisions of the "Cemetery Ordinance, 1870," and of any Rules and Regulations made or to be made thereunder.

Provided always, and it is hereby declared, that it shall be lawful for the said Trustees, and any new Trustees hereafter to be appointed at any time or times hereafter, with the consent in writing of the Lieutenant-Governor of British Columbia, by Indenture, to lease all or any of the said hereditaments and premises hereby granted, or any hereditaments that may be hereafter purchased or received in exchange as hereinafter mentioned, to any person or persons for any term or number of years not exceeding twenty-one years in possession, so as upon every such lease there be reserved and made payable during the continuance thereof, the best rent and rents that can be reasonably had and obtained for the same, and so as in every such lease there be contained a clause of re-entry, in case the rent or rents thereupon to be reserved be unpaid for the space of twenty-one days next after the same shall have become due.

Provided always that it shall be lawful for the said Trustees and any new Trustee or Trustees to be hereafter appointed at any time or times, with the consent in writing of the Lieutenant-Governor of British Columbia, to sell or to convey in exchange for or in lieu of other lands, tenements, or hereditaments of equal or better value, all or any of the said hereditaments and premises hereinbefore granted or any part thereof to any person or persons whomsoever, either together or in parcels, for such price or prices or for such other equivalent in lands or tenements as shall seem reasonable, and that upon such exchange as aforesaid it shall be lawful for the said Trustees and any new Trustees hereafter to be appointed, to give or receive any sum or sums of money for equality of exchange. And it is hereby declared that upon payment of the money arising by the sale of any part or parts of the said premises, or to be received by way of equality of exchange, or in any way arising from the investment of such moneys as herein mentioned, it shall be lawful for the said Trustees to sign and give proper receipts and discharges for the same, which receipts shall be sufficient discharges to any person or persons for so much of the money as shall be therein acknowledged or expressed to be received, and such person or persons shall not afterwards be answerable for any loss, misapplication or non-application of such money or any part thereof. And it is hereby declared that the said Trustees and any new Trustees hereafter to be appointed shall receive all moneys which may become payable upon any such sale or exchange as aforesaid, and shall with all convenient speed lay out the same or any part thereof in the purchase of other hereditaments, such purchase to be made and the premises to be conveyed to the said Trustees with the consent in writing of the said Lieutenant-Governor of British Columbia, for the time being; and it is hereby declared that the said Trustees and their heirs and assigns shall hold the said hereditaments and premises so purchased or taken in exchange as aforesaid, upon and for such trusts, intents and purposes, and with, under and subject to such powers, provisoes, agreements and declarations as are herein expressed and declared of and concerning the said hereditaments and premises hereby granted as aforesaid.

Provided also, and it is hereby declared, that until the money arising by such sale or sales as aforesaid, shall be invested in a purchase or purchases in the manner hereinbefore directed, or any money arising by way of equality of exchange as aforesaid, it shall and may be lawful for the said Trustees, and any new Trustees hereafter to be appointed, their or his assigns, with such consent as aforesaid, to place out such money or any part thereof at interest, either in Government or real securities; and also, with such consent as aforesaid, to alter, vary, and transpose such stocks, funds, and securities into and for other stocks, funds, and securities of the same, or a like nature, and the dividends, interest, annual profits, and proceeds which shall from time to time arise in respect of such moneys so to be invested as aforesaid, shall be applied to and for the purposes and in the manner herein provided respecting the same.

Provided also, and it is hereby declared, that it shall and may be lawful for the said Trustees, and any Trustees hereafter to be appointed, their or his assigns, with the consent in writing of the said Lieutenant-Governor as aforesaid first had and obtained, to mortgage all or any of the said hereditaments and premises, or any hereditaments that may hereafter be held in trust by them hereunder, upon such terms as to the said Trustees may seem fit; and the money so raised by any such mortgage or mortgages, and the interest thereon, if any, shall be applied to and for the purposes herein mentioned.

Provided always, and it is hereby declared, that the said Trustees shall hold all the moneys coming into their hands by way of rents, and all principal moneys coming into their hands by the sale or sales of all or any portion or portions of the said hereditaments and premises, or any hereditaments that may hereafter be held in trust by them, and the moneys coming into their hands for equality of exchange, and the moneys coming into their hands by way of dividends, annual profits, sums raised on mortgage and the interest thereon (if any), interest on investments on mortgages and interest on moneys in hand, upon trust; in the first place to expend the same in and about and for the purposes of a Cemetery or Burial Ground, under the provisions of the "Cemetery Ordinance, 1870," and of any Rules and Regulations made or to be made thereunder; and in the next place shall pay over all surplus moneys coming into their hands by way of rents, dividends, annual profits, interest on mortgages, interest of moneys in hand, (whether produced by sums paid for equality of exchange by sale, mortgage, or investment on mortgage,) but not any principal sum over and above what is required for Cemetery purposes and payment of debts, to the Mayor and Council of the City of Victoria, to be by them treated as General Revenue, and to be expended lawfully by them as other Revenue derivable under the "Victoria Municipal Ordinance, 1867," and the "Victoria Municipal Amendment Ordinance 1869," and it is hereby declared that the receipts in writing of the Mayor and Council, or of such person as they shall in that behalf direct, shall effectually discharge the said Trustees paying the same therefrom and from being concerned to see to the application thereof. And it is hereby declared that if the said Trustees or any of them, or any Trustees or Trustee to be appointed as hereinafter is mentioned, shall die, or desire to be discharged, or refuse or become incapable to act, or reside out of British Columbia for the space of three months, then and so often as the same shall happen, it shall be lawful for the said Lieutenant-Governor of British Columbia for the time being to appoint a new Trustee or new Trustees in the place and stead of the Trustee or Trustees so dying, or desiring to be discharged, or refusing or becoming incapable to act, or residing out of the Province of British Columbia; and upon every such appointment the said trust premises shall be so transferred that the same may become vested in the new Trustee jointly with the surviving or continuing Trustees, and every such new Trustee shall have the same powers and authorities as if he had been originally appointed a Trustee.

Provided always that nothing herein contained shall be construed as purporting to derogate from the powers of the Lieutenant-Governor under the "Cemetery Ordinance, 1870," or any provision thereof. Provided further that nothing herein contained shall be taken as purporting to interfere with the operation of the Eleventh Section of the Terms of Union with Canada.

IN TESTIMONY WHEREOF, We have caused these Our Letters to be made Patent, and the Great Seal of Our Province of British Columbia to be hereunto affixed: WITNESS, the Honourable JOSEPH WILLIAM TRUTCH, Lieutenant-Governor of Our Province of British Columbia and its Dependencies, at Our Government House in Our City of Victoria, this Seventh day of June, in the year of Our Lord One thousand eight hundred and seventy-two, and in the thirty-fifth year of Our Reign.

By Command,

Recorded, 21st June, 1872, (Signed) A. ROCKE ROBERTSON,
(Signed) CHARLES GOOD, *Provincial Secretary.*
Assistant Provincial Secretary.

No. 567A. Registered the 4th day of July, A.D. 1872, in Absolute Fees Book, Vol. 4; fol. III. (Signed) H. B. W. AIKMAN, *Registrar-General.*

Received for Record this 8th day of June, 1874, at the hour of 10.40 a.m.
(Signed) H. B. W. AIKMAN, *Registrar-General.*

Recorded this 16th day of June, A.D. 1874, in Record of Conveyances, Vol 1, folios 375, 376, 377, 378, 379, 380, 381.
(Signed) H. B. W. AIKMAN, *Registrar-General.*

[L. S.] *JOSEPH W. TRUTCH.*

PROVINCE OF BRITISH COLUMBIA.

VICTORIA, *by the Grace of God of the United Kingdom of Great Britain and Ireland, and of the Colonies and Dependencies thereof in Europe, Asia, Africa, America and Australasia,* QUEEN, *Defender of the Faith, and so forth.*

To all to whom these presents shall come—GREETING:

GEO. A. WALKEM, *Attorney-General.* } WHEREAS by the within written Letters Patent under the Great Seal of the Province, bearing date the seventh day of June in the year of Our Lord one thousand eight hundred and seventy-two, certain lands and hereditaments therein described were granted unto the within named Robert Paterson Rithet, John Herbert Turner, James Elephlet McMillan, Patrick McTiernan, and Benjamin William Pearse, their heirs and assigns, to and for the uses, intents and purposes, upon the trusts, and with, under and subject to the powers, provisoes, agreements and declarations expressed and declared of and concerning the same in the within written Letters Patent. And in the within written Letters Patent is contained a proviso that nothing therein contained shall be taken as purporting to interfere with the operation of the eleventh Section of the Terms of Union with Canada.

And whereas such section doth not now apply to the lands and hereditaments hereinbefore referred to, and is of no force or effect.

And whereas by reason of the existence of such last-mentioned proviso in the within written Letters Patent, doubts have arisen as to the validity of the title to the lands and hereditaments thereby granted or intended so to be.

And whereas in order to remove such doubts it hath been deemed desirable to ratify and confirm the within written Letters Patent, as if no such proviso or condition had been inserted therein.

NOW KNOW YE that We do by these presents confirm the within written Letters Patent, and also all and whatsoever has been lawfully done under and by virtue of the same and in execution of the trusts therein contained, and that we do also by these presents, for Us, Our heirs and successors, give and grant and confirm unto the within named Robert Paterson Rithet, John Herbert Turner, James Elephlet McMillan, Patrick McTiernan, and Benjamin William Pearse, their heirs and assigns, hereinafter called the said Trustees, all the lands, hereditaments and premises described or comprised in the within written Letters Patent, to have and to hold the same, with the appurtenances, unto the said Trustees and their heirs, to and for the several uses, intents and purposes, upon the several trusts, and with, under and subject to the several powers, provisoes, agreements and declarations expressed and declared of and concerning the same in the within written Letters Patent, or such of the same as are now subsisting, undetermined and capable of taking effect. With full power for the said Trustees, their heirs and assigns, to grant and confirm any part or parts of the same hereditaments and premises which may have been sold unto and to the use of the person or persons for the time being entitled thereto.

IN TESTIMONY WHEREOF, We have caused these Our Letters to be made Patent, and the Great Seal of Our Province of British Columbia to be hereunto affixed: WITNESS, the Honourable JOSEPH WILLIAM TRUTCH, Lieutenant-Governor of Our Province of British Columbia and its dependencies, at Our Government House in Our City of Victoria, this Twenty-eighth day of January, in the year of Our Lord One thousand eight hundred and seventy four, and in the thirty-seventh year of Our Reign.

By Command.

(Signed) JOHN ASH.

Recorded this 12th day of March, A.D. 1874.

(Signed) CHARLES GOOD,

Deputy Provincial Secretary.

No. 567 A. Registered the 2nd day of April, 1874, in Absolute Fees Book, vol. 4, fol. 111. (Signed) H. B. W. AIKMAN, *Registrar-General.*

Received for record the 8th day of June, 1874, at 10:40 A. M.

(Signed) H. B. W. AIKMAN, *Registrar-General.*

Recorded this 16th day of June, A.D. 1874, in Record of Conveyances, vol. 1, fols. 381, 382, and 383.

(Signed) H. B. W. AIKMAN, *Registrar-General.*