



CHAPTER 129

An Act to authorize Last Post Fund to own and operate a cemetery and to grant it rights, privileges and concessions in connection therewith

[Assented to, the 4th of April, 1930]

WHEREAS Last Post Fund, a body politic and corporate, having its chief office at the city of Montreal, has, by its petition, represented:

That it has been incorporated and organized under the (Dominion) Companies Act for the following purposes and with the following powers set out in the letters patent and supplementary letters patent granted to it, under the said Companies Act, respectively on the 22nd of June, 1921, and 11th of February, 1925:

"a. To give honourable sepulchre to any ex-service members of the Empire's naval, military and air forces, who might at death be in destitute circumstances, friendless, indigent, or liable to become a public charge, thus treating their remains with dignity and gratitude;

b. To act on behalf of the deceased in cases of abandonment, through friendlessness, destitution or indigency at death;

c. To claim the mortal remains of such as aforementioned in conformity with the laws, federal, provincial or municipal, existing in that behalf;

d. To acquire by gift, or purchase, hold, mortgage, sell and convey, any real estate or other property requisite for the carrying on of the undertaking of the corporation;

e. To take over by purchase or other agreement and to own, hold and enjoy the rights, privileges, concessions, property and assets, and assume the obligations and liabilities of The Last Post Imperial Naval and Military Contingency Fund, a corporation having its chief office in the city of Montreal, Province of Quebec, and, further, to

take over by purchase or any agreement, and own, hold and enjoy any rights, privileges, concessions, property and assets owned, held and enjoyed by, and assume the obligations and liabilities of the trustees appointed by and acting for said The Last Post Imperial Naval and Military Contingency Fund;

f. To interest itself in the restitution, marking, and care of neglected and forgotten graves of deceased naval and military persons and generally interest itself in all matters affecting naval and military obsequies throughout the Dominion of Canada;”

That pursuant to the said Companies Act and, in particular, sub-paragraph (n) of section 32 thereof, it possesses, as incidental and ancillary to the powers set out in its said letters patent and supplementary letters patent, power to apply for, secure, acquire by assignment, transfer, purchase or otherwise, and to exercise, carry out and enjoy any charter, license, power, authority, franchise, concession, right or privilege, which any government or authority or any corporation or other public body may be empowered to grant, and to pay for, aid in and contribute towards carrying the same into effect, and to appropriate any of the company's shares, (no share capital, however, existing in this case), bonds and assets to defray the necessary costs, charges and expenses thereof; that it carries out its undertaking in all provinces of Canada; that it is the owner of certain cemetery property in the parish of Pointe Claire and that it is advisable that it should be authorized to own and operate the said property as a cemetery and be granted rights, privileges and concessions such as ordinarily granted to cemetery companies; that the said cemetery property is a portion of lot cadastral No. 34 of the parish of Pointe Claire, which lot has already been organized as a cemetery by The Lakeview Cemetery Company pursuant to the act 4 George V (1914), chapter 149; that its said cemetery property or portion of said Lakeview Cemetery is hereinbelow more fully described and was acquired by purchase from said The Lakeview Cemetery Company on the 18th of February, 1929; that the burial reservations purchased by it since its incorporation in 1921 and by its predecessor, namely, The Last Post Imperial Naval and Military Contingency Fund, in and since 1909, in corporate cemeteries, such as the Côte-des-Neiges Cemetery and the Mount Royal Cemetery, are now completely filled; that it has functioned and is functioning as a naval and military burial organization of a philanthropic character to prevent the abandonment to pauper burial

of any active or retired naval or military person of the British Empire's forces, including members of the forces of Great Britain's Allies in the Great War of 1914-1919, who at death might be friendless and indigent and to give honourable sepulchre to such persons and members as were or may be, at death, friendless and indigent; that in connection with its said cemetery property and burials to be made therein, the laying out and managing of the ground, the erection or removal of tombs, monuments, gravestones, vaults, copings, fences, hedges or other permanent improvements therein, planting, placing and removal of trees, shrubs and plants in the ground and otherwise generally respecting the use of its said cemetery property, it should have the right to make regulations not inconsistent with this act or the laws of this Province; that it should be authorized to keep registers of civil status in relation to the burials of such persons and members and to issue burial certificates; that its said cemetery property for purposes of burials of such persons and members will be divided and apportioned for Roman Catholics, Protestants, Non-Christians and others with the concurrence of the ecclesiastical authorities; that its said cemetery property being as aforesaid a portion of lot cadastral No. 34 of the parish of Pointe Claire, said lot having already been organized as a cemetery by The Lakeview Cemetery Company, as aforesaid, is known and designated as follows:

"The northwestern portion of lot No. 34 of the official plan and book of reference of the parish of Pointe Claire having a total superficial area of six acres, bounded to the north by lot No. 137 of the said official plan and book of reference, to the west by lot No. 33 of the said official plan and book of reference, and to the south and east by the residue of said lot No. 34;";

That it will set aside each year out of its receipts a sum of money which shall form an endowment fund for the maintenance of its said cemetery; that it will transmit to the Lieutenant-Governor in Council, annually in the month of January and whenever thereunto required by the Provincial Secretary, a detailed statement of its moveables and immoveables relating to its said cemetery, the names of its officers and a copy of its regulations; and whereas it has asked accordingly for rights, privileges and concessions;

Whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

Authoriza-
tion to use
certain land
as a ceme-
tery.

1. The Last Post Fund is authorized to own, as a cemetery, the northwestern portion of lot No. 34 of the official plan and book of reference of the parish of Pointe Claire, having a total superficial area of six acres, bounded to the north by lot No. 137 of the said official plan and book of reference, to the west by lot No. 33 of the said official plan and book of reference, and to the south and east by the residue of said lot No. 34; which said cemetery may be called Last Post Fund's Field of Honour.

Provisions
applicable.

2. The said corporation, in respect of the said cemetery, in the parish of Pointe Claire, shall be subject to all the laws of the Province relating to the establishment and maintenance of cemeteries, interments and disinterments, except insofar as they may be inconsistent with this act.

Idem.

3. The use of said tract of land for a cemetery, in the parish of Pointe Claire, shall be subject to the laws respecting cemeteries.

Power to
establish,
etc., ceme-
tery.

4. The corporation is hereby empowered to establish, operate and maintain a cemetery on the said tract of land, in the parish of Pointe Claire; to lay out, improve, plant and embellish the same; to erect and maintain gardens and green-houses for that purpose, and to provide convenient roads thereon.

Power to
make regu-
lations.

5. The corporation shall have the right to make regulations not inconsistent with this act or the laws of the Province in connection with burials in its said cemetery, for the regulating of burials to be made therein, for the laying out and managing of the ground, the erection or removal of tombs, monuments, gravestones, vaults, copings, fences, hedges or other permanent improvements therein, the planting, placing and removal of trees, shrubs and plants in the grounds, and otherwise generally respecting the use of the said cemetery and of plots therein.

Endow-
ment fund.

6. The corporation shall be bound to set aside each year out of its receipts a sum of money which shall form an endowment fund for the maintenance of its said cemetery.

Annual
statement to
Lt.-Gov.
in C.

7. The corporation shall transmit to the Lieutenant-Governor in Council, annually in the month of January, and whenever thereunto required by the Provincial Secretary, a detailed statement of its moveables and immoveables in relation to the said cemetery, the names of its officers and a copy of its regulations.

8. Those eligible for burial in the said cemetery shall ^{Burials.} be officers, nursing sisters, naval ratings and military rank and file, active or retired, of the British Empire's forces and any who, by custom or precedent or in virtue of the King's Rules and Regulations, may be accorded the privilege of burial in a naval and military burial reservation, including members of the forces of Great Britain's Allies in the Great War of 1914-1919, and such as those herein mentioned only shall be buried in the said cemetery.

9. Nothing in this act shall have the effect of withdraw- ^{Provisions} ing the corporation from being governed by the provisions ^{safe-} of the charter, by-laws and regulations of any municipality ^{guarded.} where the said corporation may exercise its powers, nor by the provisions of the Quebec Public Health Act.

10. This act shall come into force on the day of its ^{Coming into} sanction. ^{force.}