



CHAPTER 65

An Act to replace the Cemetery Companies' Act

[Assented to, the 4th of April, 1929]

HIS MAJESTY, with the advice and consent of the
Legislative Council and of the Legislative Assembly
of Quebec, enacts as follows:

1. Chapter 206 of the Revised Statutes, 1925, (*Cemetery Companies Act*) is replaced by the following: R. S., c. 206,
replaced.

“CHAPTER 206

“AN ACT RESPECTING CEMETERY COMPANIES

“**1.** This act may be cited as *Cemetery Companies' Act*. Short title.

“DIVISION I

“FORMATION OF THE COMPANY

“**2.** The Lieutenant-Governor may, by letters patent under the Great Seal, grant a charter to any number of persons, not less than three, not being trustees for a religious congregation or society, nor Roman Catholics, nor already by law incorporated, who petition to be incorporated for the purpose of establishing, maintaining and managing a cemetery. Incorporation of cemetery by letters patent.

Such letters patent shall constitute the applicants who signed the petition and the memorandum of agreement, and those who afterwards become members of the corporation created by the letters patent, a corporation without capital stock, for the objects above set forth and for no other purpose. Idem.

Formalities.

“3. To obtain such letters patent the petitioners therefor must follow the same formalities, *mutatis mutandis*, as if they were applying to be incorporated under Part III of the Quebec Companies’ Act (Chap. 223).

Truth and sufficiency of allegations, etc.

“4. Before the granting of the letters patent, the petitioners must establish, to the satisfaction of the Provincial Secretary, the truth and sufficiency of the allegations of their petition and of their memorandum of agreement, their good faith and the absence of any objection on the ground of public interest; and the Provincial Secretary shall, for the above purposes, receive and preserve on file all necessary depositions in writing and on oath.

Notice and publication thereof.

“5. Notice of the granting of the letters patent shall be forthwith given by the Provincial Secretary, by one insertion in the *Quebec Official Gazette*, in the form 18 of the Quebec Companies’ Act (Chap. 223), *mutatis mutandis*; and, subject to such publication, but counting from the date of the letters patent, the persons therein named, and such persons as thereafter become members of the corporation, shall be a corporation, by the name mentioned in the letters patent.

“DIVISION II

“GENERAL POWERS OF THE COMPANY

Provisions applicable.

“6. Subject to the special provisions of this act, the corporation shall in all respects be governed by the laws governing corporations created under Part III of the Quebec Companies Act (Chap. 223). However, apart from the sections mentioned in section 204 of the said Quebec Companies Act, the following sections and parts of sections of Part I of the said Quebec Companies Act shall not apply to corporations constituted under this act, namely: the third paragraph of section 8; sections 18, 24 and 25; section 27 (insofar as the general power of selling, alienating and hypothecating the immoveable property, upon which the cemetery is established, is concerned); paragraph 1 of section 30; sub-paragraphs *c* and *d* of subsection 1 of section 67; sections 76 and 93, and section 103 (the whole).

Establishment of cemetery, etc.

“7. The corporation shall have the right to establish a cemetery, but the construction, maintenance and use of such cemetery shall be effected in accordance with the general laws concerning like matters. It may also, subject to the same general laws, change the site of the whole or part of such cemetery and enlarge it, provided that the total area shall never exceed thirty-five arpents.

Area.

"8. The land upon which a cemetery is established Land not
under the provisions of this act shall not be seizable. It seizable, etc.
shall also not be alienable save as provided by this act.

"9. The Lieutenant-Governor in Council may, upon a Transfer.
petition being made to him, authorize the corporation to
make to or receive from the *œuvre et fabrique* of a parish,
any other duly constituted authority of any religious de-
nomination, or any other cemetery company or associa-
tion, the transfer of the whole or part of its cemetery.

"10. Cemetery companies constituted under the Ceme- Applica-
tery Companies' Act before the coming into force of the tion.
present act shall be governed by the provisions of the latter.

"DIVISION III

"INCORPORATION OF A COMPANY TO ASSUME CONTROL OF AN ALREADY- EXISTING CEMETERY

"11. Whenever it appears to the Provincial Secretary Incorporation of
that any cemetery, already existing and not belonging to a already-
religious congregation or society, or to the Church of existing
England, or to Roman Catholics, and not already by law cemetery.
incorporated, has, through lack of control, maintenance
and management, fallen into a dilapidated and discredit-
able condition, the Lieutenant-Governor may grant letters
patent under the Great Seal, to constitute such persons, not
less than three in number, who apply therefor, a corpora-
tion for the purpose of assuming the control, maintenance
and management, and the raising of the necessary funds
so to do, provided that, saving the rights of control, main- Proviso.
tenance and management, nothing in this division con-
tained shall be construed as interfering with any right of
ownership of the whole or of any part or parts of the said
cemetery.

To obtain their incorporation the applicants shall follow, Formalities.
mutatis mutandis, the formalities of sections 3, 4 and 5 of
this act.

The corporation shall thereafter have all the powers and Powers, etc.
be subject to all the other provisions mentioned in this act
regarding cemeteries.

"DIVISION IV

"TARIFF OF FEES

"12. The Lieutenant-Governor in Council may, at any Fees
time and from time to time, establish, change and regulate
the fees payable for the issuing of the letters patent under
the provisions of this act."