

C H A P . 8 8

An Act to incorporate "*Le Cimetière de l'Est de Montréal*"

[Assented to 16th March, 1916]

Preamble.

WHEREAS the *curé* and churchwardens of *L'Oeuvre et Fabrique* of the parish of St. François-d'Assise de la Longue Pointe, in the district of Montreal, have, by their petition, prayed to be incorporated as a joint stock company, for the purpose of establishing and utilizing a cemetery destined for the use of the eastern part of the Island of Montreal;

Whereas they have prayed that the *fabriques* of the Catholic parishes already existing or which may be created on the Island of Montreal, the religious communities, the Roman Catholic Episcopal Corporation of the diocese of Montreal and all other civilly incorporated Catholic institutions be authorized to form part of such joint stock company and to acquire shares in the capital of the said company;

Whereas it is represented by the petitioners that the establishment of a cemetery for part of the Island of Montreal would be of great public utility, and that the acquisition of the property bearing the number 42 of the cadastre of Longue Pointe bequeathed to the *fabrique* of the parish of St. François d'Assises de la Longue Pointe by the late Nicholas Désautels, by his last will, dated 15th March, 1841, on certain conditions, would be advantageous for the establishment of such a cemetery;

Whereas such petition has been unanimously approved by the freeholders of the parish of St. François-d'Assise de la Longue Pointe;

Whereas His Grace the Archbishop of the diocese of Montreal has also given his approval to such petition for incorporation;

Whereas it is expedient to grant the petition of the said *curé* and church-wardens of *L'Oeuvre et Fabrique* of the parish of St. François-d'Assise de la Longue Pointe;

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

Corporation
created.

1. *L'Oeuvre et fabrique* of the parish of St. François-d'Assise de la Longue Pointe, of Montreal, and all other *fabriques* of Catholic parishes already existing or to be created in the island of Montreal, the religious communities already incorporated, or to be incorporated in

the island of Montreal, the Roman Catholic Episcopal Corporation of the diocese of Montreal, and all other Catholic associations civilly incorporated which may hereafter become shareholders of the said company, are hereby incorporated under the name of "*Le Cimetière de l'Est de Montréal.*"

2. The corporate seat of the company shall be in the city of Montreal, in the district of Montreal. Corporate seat.

3. The capital stock of the company shall be three hundred thousand dollars, divided into shares of five hundred dollars each, which only the *fabriques* of Catholic parishes, created or to be created in the Island of Montreal, religious communities incorporated or to be incorporated in the Island of Montreal, the Roman Catholic Episcopal Corporation of the diocese of Montreal and Catholic associations, civilly incorporated, may also acquire and hold; the said *fabriques*, religious communities, Catholic associations, civilly incorporated, and the Roman Catholic Episcopal Corporation of the Diocese of Montreal are hereby specially authorized to acquire and hold shares in the capital stock of the said company. Capital stock.

4. The company is authorized to acquire, hold, lease, manage, administer, sell, exchange or hypothecate lands and immoveables and moveables, borrow on notes, bonds or debentures, for the purpose of the establishment and maintenance of a cemetery destined for the use of the eastern part of the Island of Montreal, which cemetery must be established and maintained on that part of lot No. 42 of the cadastre of Longue Pointe, north of Sherbrooke street as projected, namely, not less than nine arpents to the north of the said Sherbrooke street in Mercier ward in the city of Montreal, as well as upon certain parts of lots adjacent and contiguous to the said lot No. 42, the width of the said cemetery not being greater than six arpents throughout its total depth, including the said lot No. 42. Corporate powers.

The company shall enjoy all the powers granted to joint stock companies, under articles 5961 and the following of the Revised Statutes, 1909, except such as may be expressly derogated from by this act.

5. Articles 5963 and 5964 of the Revised Statutes, 1909, are replaced, for the company, by the following: R. S., 5963 and 5964, replaced for the co.

"**5963.** The affairs of the company shall be managed by the *curé* and three churchwardens of *l'Oeuvre et Fabrique* Board of directors.

of the parish of St. François-d'Assise de la Longue Pointe, who shall be directors of the company, and to such board of directors shall be added a representative of each *fabrique*, religious community, Roman Catholic Episcopal Corporation of the diocese of Montreal, and incorporated Catholic association, holding at least ten shares of the capital stock of the company."

6 Ed. VII,
c. 95, s. 1,
replaced.

Authoriza-
tion to sell
immove-
ables.

6. Section 1 of the act 6 Edward VII, chapter 95, is replaced by the following:

"**1.** The *curé* and churchwardens of *l'Oeuvre et fabrique* of the parish of St. François-d'Assise de la Longue Pointe are authorized to sell and dispose of that part of the immoveable bearing the No. 42 as described in section 4 of this act to the company incorporated by this act, and to accept in payment of the price of sale, shares of the capital stock of the said company, and to use such shares for the purpose of paying, or guaranteeing the payment of the debts legally contracted by it, and this notwithstanding the provisions of section 3 of this act, provided the creditors accept such kind of payment or security."

Referees
appointed
to decide *re*
certain
notes.

Names of
referees.

How they
shall be
replaced.

Duties and
powers of
referees.

7. The promissory notes held as the property of third parties, and which appear to be signed, either personally or in the name of *l'Oeuvre et fabrique* of the parish of St. François-d'Assise de la Longue Pointe, by the late Reverend J. H. Lecours, in his lifetime parish priest of the said parish, shall be submitted to the decision of three referees, namely: His Lordship George Gauthier, Auxiliary Bishop to the Lord Archbishop of Montreal, Sir Alexander Lacoste, ex-Chief Justice of the Court of King's Bench, and Honourable Charles Beaubien, member of the Senate of Canada.

In case of decease or inability to act of any one of them, his successor shall be chosen by the two others, and, if they fail to do so, by the Chief Justice of the Province of Quebec, upon petition to that effect.

8. The said referees shall take cognizance of all the above notes, to the exclusion of any other court, and this notwithstanding any other recourse already had, which shall be of none effect; they shall hear the parties and the witnesses under oath, shall have the same powers as a judge of the Superior Court to compel witnesses to attend before them, and to produce all books, documents or writ-

ings that they consider necessary or useful for the purposes of the inquiry.

9. The said referees shall not be obliged to proceed or to decide according to rules of law, but they shall take into account the equity; nevertheless, they, or the majority of them, shall render a judgment in writing upon each promissory note and the costs thereupon already incurred or to be incurred. Their judgment shall be final and without appeal, and, for the purposes of execution it shall be considered as a judgment rendered by the Superior Court of the district of Montreal and entered in the register of the said court.

Decision to be according to equity.
Judgment to be final and executory.

10. The corporation shall be subject to the Quebec Public Health Act and to the regulations adopted under its provisions, and to the municipal by-laws.

Provisions applicable to corporation.

11. The corporation shall transmit to the Lieutenant-Governor in Council, whenever thereunto required by the Provincial Secretary, a detailed statement of its moveables and immoveables, the names of its officers, and a certified copy of its rules and by-laws.

Report to Lt-Gov. in C.

12. This act shall come into force on the day of its sanction.

Coming into force.

C H A P . 8 9

An Act to incorporate the "Danville Protestant Cemetery Company".

[Assented to 16th March, 1916]

WHEREAS Alexander MacLeay, merchant, and Murdoch McDonald, farmer, both of the township of Shipton in the county of Richmond; Charles Boutelle, furniture dealer; Chester H. Cleveland, manufacturer; James Riddle, merchant; George MacCracken, merchant; Byron H. Barnard, jobber; George W. Adams, dentist; M. Henry Richey, bank manager, and Charles C. Brown, postmaster, of the village of Danville in the county of Richmond, professing the Protestant faith, have by their petition represented that the Protestant burying ground lying partly in the said village of Danville and partly in the said township of Shipton, commonly known as the Danville Protestant cemetery, has, by reason of

Preamble.