

Whereas the public interest and that of several families requires that the said register be validated,

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

Certain re-  
gister  
validated.

1. The register of acts of civil status, for the year 1911, in the parish of Notre-Dame de Pierreville, in the district of Richelieu, as paraphed by the deputy prothonotary of the district of Arthabaska, is hereby declared valid.

Coming into  
force.

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

## CHAP. 109

An Act to incorporate "*La Compagnie du Cimetière Saint Charles.*"

[Assented to 21st December, 1912]

Preamble.

**W**HEREAS the persons hereinafter mentioned have by their petition represented that the Saint Charles cemetery, situated in the north-east part of Quebec on a lot described as the No. 2348 of the official cadastre of the parish of Saint Sauveur, *banlieue* of Quebec, which has been used as a cemetery for the parishes of Saint Roch de Quebec, of Notre Dame de Jacques Cartier, of Saint Charles de Limoilou, of Sainte Angèle de Saint Malo and of Saint Zéphirin de Stadacona, is now full and it has become unfit for all future burials; whereas the same applies to the neighboring cemetery of the parish of Saint Sauveur de Quebec, which moreover was condemned by the Board of Health of the Province of Quebec as being unfit for such use on or about the 21st September, 1911, and that consequently the said parishes are obliged to purchase lots of land for a cemetery; whereas it is in the interest of the said parishes or others which may hereafter be specially formed in that part of the city of Quebec, to have a cemetery common to all, situated in a suitable spot and under a single administration, which would be that of the company whose incorporation is hereby applied for;

Whereas the said parishes, recognizing the expediency of establishing such a cemetery, applied to the ecclesiastical authorities in the month of May, 1911, and that their project was at once approved in the said month of May, 1911;

Whereas it is expedient to grant the petitioner's prayer;

Therefore, His Majesty, with the advice and consent of the

Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

**1.** The following persons are incorporated under the name **Name.** of "*La Compagnie du Cimetière Saint Charles*":

a. Abbé Robert Lagueux, pastor of the parish of Saint Roch **Persons** of Quebec; Reverend Father Hormisdas Legault, O. M. I., pastor **incorporated.** of the parish of Saint Sauveur of Quebec; abbé Isidore Omer Prosper Cloutier, pastor of the parish of Notre Dame de Jacques Cartier; Reverend Father Maurice, O. M. C., pastor of the parish of Saint Charles de Limoilou; abbé Herménégilde Bouffard, pastor of the parish of Sainte Angèle de Saint Malo; abbé Joseph Mercier, pastor of the parish of Saint Zéphirin de Stadacona, and their successors in office as parish priests or persons having spiritual charge of such parishes;

b. Messrs. Napoléon Drouin, mayor of Quebec, residing in the parish of St. Roch de Quebec; Télesphore Verret, alderman, residing in the parish of Saint Sauveur of Quebec; Joseph Gauthier, merchant and assignee, residing in the parish or Notre Dame de Jacques Cartier; J. E. Chapleau, advocate, residing in the parish of Saint Charles de Limoilou; Eugène Julien, merchant, residing in the parish of Sainte Angèle de Saint Malo, and François Cliche, merchant, residing in the parish of Saint Zéphirin de Stadacona, and all others who may hereafter be appointed in their stead in accordance with this act;

c. The parish priest or person having the spiritual charge of any parish which may in future be erected, either within or without the territory of the parishes above mentioned and which may acquire the right to use the said common cemetery after coming to an agreement with the company according to the by-laws;

d. A representative chosen from among the lay parishioners of the said parishes.

**2.** The company's head office shall be in the city of Quebec **Head office.** at the place indicated by the by-laws.

**3.** The parish priests or persons having the spiritual charge **Members.** of the parishes interested shall be members of the corporation so long as they remain in office. The lay members shall be elected every three years at a general meeting by the majority of the persons present, one lay member to be elected and taken from each parish. The lay members shall have the right to act as such until the election of their successors by the general meeting.

**4.** The company shall have:

**Powers.**

a. All the powers, rights and privileges generally conferred

on corporations by the Civil Code or by any other Provincial law and especially the right to expropriate land if necessary for the purpose for establishing and making such cemetery;

b. The power to acquire under any title whatsoever, and to hold, manage and administer, moveable property as well as all immoveables the value whereof does not exceed five hundred thousand dollars currency;

c. The right to borrow all sums of money, and for that purpose, to give legal security by means of said property for the payment of such loan or of any other debt and to issue, consent, sign, endorse, accept or negotiate notes to order, bills of exchange, bonds or debentures or other commercial securities as well as the right to become party thereto under any title whatsoever;

d. The right especially to be substituted to the *fabrique* of Saint Roch de Quebec, with the latter's consent, in the possession, usufruct, use and administration, for the future, of the former Saint Charles cemetery described in the preamble to this act, with all moveables and immoveables that may belong to it, on the conditions agreed upon between the parties;

e. The right to make agreements allowing their parishes to use the said common cemetery with all the trustees and administrators of churches or *fabriques*;

f. The right to sell or grant lands, lots or graves in the said cemetery and, if necessary, to resume possession thereof in accordance with the by-laws;

g. The right to take or cause proceedings to be taken according to law, for the exhumation of bodies, buried in the cemetery, and, in the event of it being found necessary to repair a tombstone or a coffin, the power to order or cause the exhumation to be made without previous authority, the whole according to the by-laws.

**Who to use  
cemetery.**

**5.** The cemetery shall be considered as the cemetery of the Roman Catholic parishes of Saint Roch de Quebec, Saint Sauveur de Quebec, Notre Dame de Jacques Cartier, Saint Charles de Limoilou, Sainte Angèle de Saint Malo, Saint Zéphirin de Stadacona and of any other parish which may hereafter, as stated in this act, acquire the right to use and enjoy the said cemetery in common with others possessing the same right.

**Tax  
exemption.**

**6.** The cemetery is declared to be not liable to taxation.

**Payment of  
debts out of  
revenue, &c.**

**7.** The company shall pay out of its revenues, all debts contracted by it for the cemetery, and it may, in the event of its revenues being insufficient, levy by special assessment the amount to be paid on each parish interested in the cemetery,

in proportion to its Catholic population as ascertained by the last census made by the parish priest or person having spiritual charge in accordance with the by-laws. The amount of such assessment shall be paid to the company by the trustees administrators or *fabriques* of the parishes interested within fifteen days after a written demand has been made upon them by the company, in accordance with the by-laws.

8. If a judgment be rendered against the company the court rendering it may, on a petition to that effect presented in term or in vacation, grant the company any delay it may deem necessary, to give it time to levy, in the manner aforesaid, the amount required to pay the principal, interest and costs. Delay to  
levy money  
to pay  
judgment.

9. If the said judgment be not satisfied within two months after the service of it on the company, the person who has obtained the same may, by producing the return of the service on the company, cause a writ of execution to be issued by the court against it, returnable before the same court after levying the amount of the judgment in principal, interest and costs. Execution of  
judgment  
against com-  
pany.

10. Such writ, attested and signed by the clerk or the prothonotary, shall be addressed to the sheriff, whom it shall order: Writ of  
execution.

1. To levy upon the company with all due diligence the amount of the debt, interest and costs, both of the judgment and of the seizure;

2. In default of immediate payment by the company:

a. To apportion the amount of the moneys recoverable on the property of each *fabrique*, administrators and trustees interested in the cemetery in the same manner as the company might have done;

b. To draw up at once, a special act of assessment and apportionment;

c. To execute and collect the amounts entered therein within the delays prescribed for collection when made by the company;

d. In default of payment of such sums by the *fabriques*, administrators and trustees bound thereto, to levy the same with costs on their moveables and immoveables in the manner prescribed for executions on moveables and immoveables;

3. To report to the court as to the moneys levied and his proceedings as soon as the amount of the debt, interest and costs is collected.

11. It shall be the sheriff's duty to execute without delay, Execution of  
writ.

by himself or by his officers, the orders given by such writ or any subsequent order of the court.

Certain  
provisions  
applicable  
to execution.

**12.** The provisions of the Revised Statutes, 1909, articles 4374 to article 4380 inclusive, respecting the sheriff's access to the archives and other documents, the aid he has the right to exact for the preparation of the act of assessment and apportionment, the powers he exercises, the costs of making the assessment and apportionment roll in force, the taxation of judicial costs, the delivery to the persons entitled thereto of the documents after collection, the right to arrears under a special act of assessment and apportionment, and the surplus if there be any, and the orders that the court may give to the sheriff, shall apply *mutatis mutandis* to the provisions of this act.

Directors.

**13.** The company shall exercise its rights and powers through the directors, to the number of seven, elected by the members for the term, in the manner and at the period determined by the by-laws.

President,  
&c.

**14.** There shall be a president, a vice-president, a secretary-treasurer and all other employees required for the purposes of the company. The president and the vice-president shall be elected at the general meeting for a term fixed by the by-laws. The president shall be taken from the ecclesiastical members of the company, the vice-president from among the ecclesiastical or lay members. The secretary-treasurer need not necessarily be chosen among the members of the company.

Filling of  
vacancies.

**15.** Any vacancies among the members may be filled by the directors in regular meeting assembled, and the person appointed to fill a vacancy shall remain in office until the appointment of his successor at the ordinary date by the general meeting. Every vacancy in the office of president or of vice-president may also be filled by the directors.

By-laws of  
directors.

**16.** The directors may make by-laws to regulate:

a. The appointment, duties, powers and attributes of the directors, president, vice-president, secretary-treasurer and all other employees of the company, the method of their election and the duration of their office;

b. The date, place and method of convening general or special meetings of the members, of directors' meetings, and the quorum required for such meetings;

c. The preparation of the plans, specifications and estimates of the work to be done for the establishing of the cemetery,

its maintenance, division into lots, grounds, private or common graves;

d. The right of various persons who may be buried in the cemetery and on what conditions;

e. The sale or grant of the said grounds, lots or reserved graves; the price of such sale or concession; the conditions of payment; the causes and conditions under which the company may resume possession of the grounds or graves whereof it has disposed; the conditions of the erection on the said grounds or lots or in any other part of the cemetery, of chapels, vaults, crosses, monuments or other funeral structures and the inscriptions to be placed thereon; the rights of the buyer or grantee of such lands or grounds and those of his heirs or legatees; the persons considered as members of the family of the grantee having the right to be buried in such ground, lots or graves; and the method of informing the company of any transfers by deed to the heirs and legatees of the purchaser or grantee of lots aforesaid;

f. The procedure to be followed to decide all contestations as regards the right to burial of a person in the cemetery, as well as the method provided for his burial until the settlement of the difficulty;

g. The making of tariffs of the charges for the use of the cemetery;

h. The rendering of the accounts to be made by the company every year, the date for such rendering, the forwarding to the *fabrique* or administrators or to the trustees of each parish interested the statement of the annual accounts ;

i. The yearly census of the Catholic population to be made every year in each parish interested in the cemetery, and the information respecting such census to be communicated to the company every year;

j. The method of recovering any sum of money charged to each parish interested in the cemetery, in the event of the company being unable to pay its debts out of its revenues; the delay for paying assessments or impositions; the statement of account to be furnished and the notices to be given to the *fabriques*, administrators or trustees, as the case may be, for the recovery of such assessments or impositions ;

k. The seal of the company and the manner of issuing it.

**17.** The directors may, from time to time, repeal, amend <sup>Repeal, &c.</sup> or re-enact all by-laws. No by-law or amendment shall <sup>of by-laws.</sup> come into force until approved by the general meeting and by the ordinary of the diocese.

**18.** The directors may also make by-laws for the internal <sup>By-laws for</sup>

government of board. government of the board, which shall come into force without any other authorization on the day they are adopted, unless another date be fixed to that effect.

Authenticity of by-laws. **19.** A copy of every by-law and of every resolution adopted by the company and the directors, certified by an officer of the company, shall be *prima facie* evidence of its contents before the courts of this Province.

Alienation of immoveables. **20.** The company cannot alienate its immoveables or incur extraordinary expenditure exceeding its revenues without the authorization of the ordinary.

General meeting to elect directors, &c. **21.** After the coming into force of the present act, a general meeting shall be called by the priest or person having the spiritual charge of the parish of Saint Roch de Québec, by a written notice sent by registered letter to each of the members, at least eight days beforehand. At such meeting the election of directors and officers shall take place by the majority of votes of the members present. As soon as the directors have drawn up the by-laws the president shall convene a new general meeting in the same manner, for the approval of the by-laws.

Statement to Prov. Secretary. **22.** The company shall, whenever thereunto requested by the Provincial Secretary, transmit him a statement of its immoveables and a copy of its by-laws.

Coming into force. **23.** This act shall come into force on the day of its sanction.

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## CHAP. 110

An Act to authorize the Incumbent and Wardens of St. George's Church, Montreal, to sell the property thereof.

[Assented to 21st December, 1912]

Preamble. **W**HEREAS the incumbent and the church wardens of St. George's Church of the parish of St. George in the diocese of Montreal have by petition represented:

That the said church and church buildings are situate upon a certain tract of land known and designated on the official plan and in the book of reference for St. Antoine ward in the city of Montreal as lot official number 611;

That it is in the interest of the said church to sell the said property;