

2. The governors of the hospital shall not exceed eight in number, of whom six shall be life governors and two shall be elected annually in the manner and by the persons herein-after provided ;

Number of life governors and annual governors.

3. Every year two governors shall be elected by the persons who, during the twelve months previous to such election, shall have contributed, in the manner and to the amount hereinafter mentioned, to the support and maintenance of the hospital, and such governors shall act as governors of the hospital for a period of one year. During their term of office, the elected governors shall possess all the powers, privileges and rights of life governors, except that no elected governor will be entitled to vote for the choice of a life governor. No person not qualified to be appointed a life governor shall be chosen an elected governor ;

Election of two governors annually and their qualification.

Powers of such governors.

4. Each person who contributes to the support and maintenance of the hospital a sum of \$10.00 or upwards, shall be entitled to one vote for the election of the two elected governors ;

Qualification of voters for annual governors.

5. Any person who has contributed or shall hereafter contribute to the endowment fund of the hospital a sum of \$500.00 or more, shall be entitled to vote each year during his life-time at the election of governors ;

Subscription entitling to vote for governors during life-time of subscriber.

6. The governors may make and, from time to time, amend and repeal by-laws regulating the time and manner of holding the election, the notices to be given therefor and all other matters relating to such election not provided for by this act."

Power of governors to make, &c., by-laws, &c.

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

Coming into force.

CHAP. 92

An Act to amend the act 19-20 Victoria, chapter 128, intituled : " An act to amend and consolidate the several acts incorporating the Mount Royal Cemetery Company."

[Assented to 28th March, 1901]

WHEREAS the corporation of The Mount Royal Cemetery Company has, by its petition, represented that it is advisable that additional powers and privileges should be conferred upon it to enable the said company to erect and operate a crematory, and has also by its

Preamble.

petition prayed that its act of incorporation, being an act of the late Province of Canada, intituled : " An act to amend and consolidate the several acts incorporating the Mount Royal Cemetery Company," should be so amended as to determine the qualifications now required for proprietors or stockholders of the said company, to change the manner and mode of voting at the meetings of the trustees of the company, to impose penalties upon any persons injuring or creating any unseemly disturbance upon the property of the company, and for certain other purposes, and whereas it is expedient to grant the prayer of the said petition ;

Therefore, His Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

19-20 V., c. 128, s. 2, replaced.

The present corporation continued.

Corporate name and general powers.

Immoveable property.

Immoveable property to be held for certain purposes only.

19-20 V., c. 128, s. 3, replaced.

Shareholders to be proprietors of lots. Application for lots.

1. Section II of the act 19-20 Victoria, chapter 128, is replaced by the following :

" II. The present stockholders, being severally the proprietors of a lot or lots in the said cemetery, and such others as may hereafter become shareholders, having paid the said company for a lot or lots in the said cemetery, and their successors for ever, shall continue to be and are hereby constituted a body politic and corporate in fact and in name by the name of " The Mount Royal Cemetery Company " ; and by that name they and their successors shall have perpetual succession, and a common seal, with power to alter and make new the same at pleasure, and may by that name contract and be contracted with, sue and be sued, plead and be impleaded in all courts and places whatsoever, and shall have full power and authority to take, purchase, and acquire, by any title whatsoever, and to hold, possess, and enjoy without letters of mortmain, (saving always the *droit d'indemnité* of the seignior) any lands or immoveable property within the island of Montreal, but without the present limits of the city, and may also take and hold moveable property for the purposes hereinafter mentioned : provided always that such immoveable property shall be held and used solely for the purpose of a public cemetery and garden and the necessary and convenient roads and access to the same."

2. Section III of the said act is replaced by the following :

" III. The shareholders of the said company shall be the proprietors of a lot or lots, and each lot shall represent one share. Application for a lot shall be made in writing, upon a form to be supplied by the company, in which the applicant may state that one of the several religious denominations hereafter mentioned to which the applicant chooses to be deemed to belong, that is to say, members of the Church of

England, Presbyterians, Methodists, Congregationalists, Baptists, or Unitarians, and in such a case at the time of the execution of the deed for such lot and before the delivery of the same, the secretary shall cause the name of the purchaser to be entered as a shareholder in the book or books of the company to be kept for that purpose, together with the religious denomination to which the shareholder has chosen to be deemed to belong. Each shareholder, except those who have already entered their names in the books of subscription heretofore opened by the company, shall, before he shall be entitled to vote, cause his name to be entered by the secretary in the aforesaid book or books of the company, together with that one of the said several religious denominations with the members of which the shareholder chooses to vote."

Shareholders to state denomination with which they choose to vote.

3. Section V of the said act is replaced by the following :

19 20 V., c. 128, s. 5, replaced.

"V. Twenty-one trustees shall be annually elected to manage the affairs of the said company in the following manner: A public meeting of all the shareholders shall be called once a year by advertisement in one of the newspapers published in the city of Montreal, announcing the time and place when and where such public meeting will be held, or in such other manner as may be provided for by the by-laws of the company; and at the said meeting the chairman and secretary who shall then be appointed for that purpose shall ascertain the number of shares held by persons of each of the religious denominations aforesaid, and the shareholders of each such denomination shall be entitled to elect the number of trustees bearing such proportion to twenty-one as the shareholders who have elected to vote with such denomination shall bear to the total number of shareholders; and the chairman and secretary shall declare such proportion; provided that each one of the said denominations shall be entitled to elect at least one trustee, and that if by such proportion there be a fractional number equal to more than half the number which would entitle any denomination to elect another trustee, such denomination shall be entitled to elect such other trustee, but if the fractional number be less than this, it shall not be reckoned; and if any question shall arise as to the number of trustees to be elected by any of the said religious denominations, the same shall be decided by the chairman and secretary, or if they differ, then by the majority of the persons present at the meeting, voting according to the scale hereinafter provided.

Annual election of trustees.

Number to be elected by each denomination how determined.

Provided that each has at least one trustee.

Proviso, &c., in case of difference as to the number to which each entitled.

None of the religious denominations mentioned in section III shall be entitled to representation on the board of trustees unless and until at least twenty shareholders are registered as choosing to vote with such denomination."

When denomination is entitled to elect a trustee.

19-20 V., c.
128, s. 6,
amended.

Vacancies
among
trustees.

4. The following subsection is added to section VI of the said act :

“ If, at any time between the annual meetings of the company, a vacancy shall occur in the number of trustees by reason of death or otherwise, the remaining trustees may, at their next or any other ordinary meeting, or at a special meeting called for that purpose, elect a shareholder of the company to fill the vacant office for the unexpired term of the deceased trustee : provided always that the shareholder thus elected shall be a member of the same religious denomination as the trustee whose place he is elected to fill.”

19-20 V., c.
128, s. 8, re-
placed.

Trustees to
manage busi-
ness of cor-
poration.
Quorum.

Election of
president,
vice-presi-
dent, treas-
urer and
secretary.

5. Section VIII of the said act is replaced by the following :

“ VIII. The whole management of the affairs and property of the company shall be vested in the trustees for the time then being, elected as aforesaid, and any seven of the said trustees shall be a quorum for the transaction of business, and any majority of such quorum may exercise all the powers hereby or by the by-laws of the company vested or to be vested in the trustees ; and the trustees shall, as soon as may be convenient after the election in each year, elect one of their number to be the president of the company, and another to be the vice-president thereof, and shall also elect a treasurer and secretary, but the trustees shall not be obliged to elect as treasurer and secretary either one of their own number or any other shareholder of the company, but may employ any other person to act as treasurer and secretary, and may pay the person so employed such salary as they may consider proper, and the president, if present (or if he be not present, then some trustee to be chosen for the occasion,) shall preside at all meetings of the trustees, and shall in case of equality of votes have a double or casting vote, unless it be otherwise provided by the by-laws of the company ; and the said trustees may empower the president or any other trustee to sign and seal with the common seal of the company, and any officer of the company to countersign any acte, instrument or document in the name and on behalf of the company, and any acte, instrument or document so signed and sealed shall be deemed to be the acte of the company ; and the said trustees shall have power to treat for and acquire immoveable and moveable property for the company, and to lay out and manage the same, subject always to such by-laws as may be made touching such management, and shall have such other powers, not inconsistent with this act, as being hereby vested in the said company, shall by the by-laws thereof be assigned to and vested in the trustees.”

Casting vote.

Execution of
deeds, &c., by
the corpora-
tion.

Further
powers of
trustees.

6. Section X of the said act is replaced by the following: 19-20 V., c. 128, s. 10, replaced.

“X. At all meetings of the trustees the votes shall be given per capita ; but at all meetings of the shareholders of the company they must be given by the shareholders present thereat and not by proxy, according to the following proportion ; that is to say, each shareholder shall be entitled to one vote for each lot he may own up to ten, but no shareholder shall have more than ten votes.” Votes of trustees.
Votes of shareholders.

7. The following paragraph is added to section XII of the said act : 19-20 V., c. 128, sec. 12, amended.

“(a). The trustees shall have the power to lay out lots and also single graves for adults and children’s graves for children in such parts of the cemetery as they may decide, to undertake the care and maintenance in perpetuity or otherwise of all property in this cemetery, and to establish prices and charges for the same according to such tariff as may from time to time be fixed by the said trustees.” Power to lay out lots and single graves and to undertake care of property, &c.

8. Section XIX of the said act is repealed. 19-20 V., c. 128, s. 19, repealed.

9. The said act is further amended by adding thereto the following sections :

“XXX. The company may dispose of the bodies of deceased persons by burial, incineration, or cremation on its grounds in the judicial district of Montreal, and is hereby empowered to erect for the latter purpose a suitable building or buildings, and to provide the same with such fixtures, appliances and facilities as may be deemed necessary, in order that such incineration or cremation may be carried on in accordance with accepted scientific principles. Sections added to 19-20 V., c. 128.
Disposal of bodies.
Erection of buildings, &c., for purposes of cremation authorized.

“XXXI. The trustees of the company, in pursuance of the general power to frame by-laws conferred upon them by section IX of the aforesaid act of incorporation, may make by-laws and regulations for the reception, burial or cremation of the bodies of deceased persons, for the depositing of the ashes remaining therefrom in a suitable columbarium or otherwise disposing of the same in accordance with the wishes of the deceased or the person from whom the body is received, and for the fees and rates to be charged : provided always that no body shall be buried within twenty-four hours or cremated within forty-eight hours after decease, unless under an order from a duly constituted Board of Health, or unless death has been occasioned by an infectious or contagious disease, and a certificate or permit to that effect as required by law is presented to the superintendent of the cemetery ; and further provided that no Power of trustees to make by-laws respecting cremation, &c., subject to certain conditions.

body shall at any time be cremated unless and until the following facts have been established by statutory declaration furnished to the trustees :

1. That the deceased at the time of his death is entitled to be buried in Mount Royal Cemetery and has expressed a desire, either in his will or codicil, that his body be cremated.

2. That a medical certificate similar to that now required for burial has been produced.

And provided also that, in addition to the above conditions, the company shall not by cremation or incineration dispose of the bodies of persons who have died a sudden or violent death, without permission from the coroner of the district in which such persons died.

The trustees shall have the right to refuse to cremate in any case without assigning reasons.

Penalty for infringing preceding section.

“ XXXII. Any infringement of the terms of the preceding section shall subject every person committing or taking part in the commission of the same to the penalty of twenty dollars imposed by article 3459 of the Revised Statutes of the Province of Quebec upon every person in any way concerned or assisting in or being knowingly present at the interment of the body of a deceased person before the expiration of the time after decease fixed by-law.

Provisions respecting special precautions in times of epidemic, &c., enacted by Revised Statutes not interfered with.

“ XXXIII. Nothing in the preceding sections contained shall be deemed to interfere with the observance or operation of any provisions of the Revised Statutes of Quebec respecting special precautions to be taken in times of epidemic or in cases of infectious or contagious diseases, or of any regulations made in similar circumstances by any board of health in pursuance of section two of chapter three of the seventh title of the said Revised Statutes, or of the by-laws of the Provincial Board of Health respecting the preservation of the public health.

Power to acquire lands, outside city but in the judicial district of Montreal.

“ XXXIV. The said corporation is hereby authorized to purchase and acquire, by any title whatsoever, and to hold, possess and enjoy, without letters of mortmain, lands or immoveable property, outside the present limits of the city of Montreal, but in the judicial district of Montreal, not exceeding three hundred acres in extent, in addition to any land or immoveable property which the said corporation has heretofore been authorized to purchase or acquire by any prior enactment of the late Province of Canada or of the Province of Quebec ; provided that the said three hundred acres shall be held and used solely for the purpose of the said cemetery, and of any garden, and necessary and convenient roads, and other access to the same.

Proviso.

“ XXXV. The said corporation is hereby authorized to sell, when the trustees may deem it expedient, such portion or portions of the land or immoveable property of the corporation as they deem unfit for burial purposes, and which has not been sold or disposed of for burial purposes. Power to sell property not needed for burial purposes.

No purchase or sale by the trustees under the provisions of this and the preceding sections shall be valid, unless and until the resolution authorizing the same has been adopted by a vote of two thirds of the trustees, present at a meeting of the trustees of the company specially called to consider the said purchase or sale. Authorization required for certain purchases and sales.

“ XXXVI. The said corporation is hereby endowed with full powers to frame by-laws giving the trustees such control over the management of the property of the corporation as will enable them to direct where, and in what manner, enclosures, posts or other erections shall be placed, and to order the change or removal of any already erected when the same have become dilapidated or in bad repair and the owners neglect or refuse to repair the same ; to refuse to allow the erection of any monument or tablet which for any reason they deem to be unsuitable or undesirable to have upon the property of the corporation ; to repair or remove at the expense of the owners thereof, who have failed to do so, after due notice given by the trustees, or who, for any reason, cannot be communicated with, any railing, enclosure or other property on the cemetery grounds which has been neglected or has been in any way injured ; to make new roads or avenues and to change the course of existing ones ; and generally to do all such acts as they may deem expedient for the proper preservation and care of the property of the corporation.” Power given to trustees to pass certain by-laws for management of property, &c.

10. For sanitary matters the cemetery of the said company is under the control of the municipal health officers of the city of Montreal. Sanitary control of cemetery.

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