

## C A P. L X X V I.

An act to provide for the transfer of the ownership of the Roman Catholic cemetery of the parish of St. Hyacinthe le Confesseur, from the hands of the Trustees of the said parish into those of the Roman Catholic Episcopal Corporation of St. Hyacinthe, and for the management, administration and maintenance of the said cemetery.

[Assented to 31st October, 1879.]

Preamble.

WHEREAS by the act 35 Vict., chap. 34 of the province of Quebec, assented to on the twenty-third day of December, eighteen hundred and seventy-one, an exceptional and particular case was established in favor of the parish of St. Hyacinthe le Confesseur, including the city of St. Hyacinthe, as to the ownership, and administration of the temporalities of the church thereof, and whereas the same state of things has since existed, under the authority of the said statute, to the satisfaction of all parties interested; and whereas, by the said statute, it was enacted that there should not exist thereafter any *Fabrique* or churchwardens in and for the said parish; and whereas no provision was therein made for the administration, management and maintenance of a cemetery for the said parish; and whereas moreover, towards the end of the year eighteen hundred and seventy-seven, at the request of the roman catholic freeholders of the said parish, the mode of proceedings prescribed by the law of the country, for the establishment of a cemetery, were taken, and trustees regularly appointed for that purpose, accepted the said office; and whereas the said cemetery is now fully opened; and available in every respect; and whereas the authority of the said trustees cannot extend to the said cemetery, and consequently and by reason of the absence of a board of directors or *Fabrique*, the said cemetery does not and cannot possess any managing body invested with the necessary powers, on account of which the freeholders and inhabitants of the said parish suffer considerable damage; and whereas, by the said statute, the ownership of the said church, appertains to the said corporation, and the administration of the temporalities thereof appertains to the council therein mentioned, to wit: "The council of administration of the cathedral of St Hyacinthe; and whereas it is but right and expedient to place the said cemetery under the same control, in the same hands and under the same management as the said

cathedral, and seeing the petition of the great majority of the roman catholic freehold inhabitants of the said parish, dated the 6th December, 1878, addressed to His Lordship the Bishop of St. Hyacinthe, praying for and setting forth what is above shewn, and whereas it is right and expedient to grant the prayer of the said petition; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. Immediately after the passing of the present act, the Roman Catholic Episcopal Corporation of St. Hyacinthe, shall be and become possessed of the said cemetery, and the churchwardens of the parish of St. Hyacinthe le Confesseur, shall immediately hand over the ownership thereof to the said corporation, as if the latter were the *Fabrique* of the said parish. Property of the cemetery of St. Hyacinthe.

2. The said corporation shall have the exclusive possession and administration of the said cemetery, in all concerning its ordering, management and maintenance, as the burying ground of the said parish. Management thereof

3. So soon as the council of administration of the cathedral of St. Hyacinthe shall be created and have legal existence under the said statute, the said cemetery shall, *mâtais mutandis*, form part of the property and effects under its control, in the manner set forth in the said statute. It forms part of the property of the cathedral.

4. Until the taking possession of the said cemetery by the said council, the said corporation shall take its place, replace it for all purposes whatsoever, with the same rights and duties. Provisional management.

5. Each year, after public notice to that effect, published both in the local newspapers, and from the pulpit of the said church, the public sale to the last highest bidder of lots in the said cemetery shall take place, for the sole use and benefit of the roman catholic freeholders and inhabitants of the said parish and of the roman catholic proprietors of lands which have been taxed for the purchase and laying out of the said cemetery, even though they no longer reside within the limits of the said parish, and on such conditions as the said corporation and council may establish, respecting the payment of the purchase, price, the maintenance and the enjoyment of the said lots by the purchasers thereof. Sale of lots, to be to the last highest bidder.

**Private sales.** **6.** It shall nevertheless be lawful, in the interval, between the dates so to be fixed for the sale by public auction of the said lots, for the said council to sell, by private sale, in cases of obvious necessity, any lots in the said cemetery to any of the roman catholic freehold inhabitants of the said parish, and proprietors of lands, provided that the price agreed upon, be not less than the highest price reached at auction for any lot disposed of by public sale, up to that date.

**Revenues derived therefrom.** **7.** The revenue derived either from the sale of the said lots or from any other source, connected with the said cemetery, shall be held by the said corporation and the said council, and shall be by them applied solely to the maintenance, ordering and embellishment of the said cemetery.

**Surplus receipts.** **8.** After the rendering and settlement of the yearly accounts, which the said corporation and the said council are obliged to prepare, respecting the said cemetery, in the last fortnight of the month of December in each year, from and after the passing of the present act, any excess or surplus receipts arising from the said cemetery, over and above the expenses legally incurred for the ordering, maintenance and embellishment thereof, shall constitute a special fund applicable solely, both capital and interest, to that purpose and to no other.

**Cost for interment.** **9.** The said corporation, or the said council shall never, have the right to charge for interments, in the said cemetery, a higher price than that charged by the adjoining *Fabriques*, except however in cases of interment of persons who are strangers to the said parish.

**Act in force.** **10.** The present act shall come into force on the day of its sanction,

## C A P . L X X V I I .

An act to incorporate the "Société de secours mutuel des français, à Montréal."

[Assented to 31st October, 1879.]

**Preamble.**

**W**HEREAS an association known under the name of the "*Société de secours mutuels des français, à Montréal*," has been organized and actually exists in the city of Montreal, for the purpose of assisting the sick or infirm members thereof, and of giving certain allowances