

This act to
form one with
previous acts.

2. The foregoing provisions shall be considered as forming one and the same act, with the act cited in the preamble to this act, and with former amendment or amendments thereto, and any provisions in any other act or acts relating to the said house of industry and refuge, inconsistent with this act, are hereby repealed.

CAP. LXVII.

An Act to vest in the Mount Royal Cemetery Company, the Old Protestant Burial Grounds, in the City of Montreal.

[Assented to 24th December, 1872.]

Preamble.

19, 20 V., c.
128.

WHEREAS the trustees of the Old Protestant burial grounds, in the city of Montreal, and the Mount Royal cemetery company, a body politic and corporate, incorporated by the act of the province of Canada, passed in the session held in the nineteenth and twentieth years of Her Majesty's reign, intituled : "An Act to amend and consolidate the several acts incorporating the Mount Royal cemetery company," have, by their joint petition represented, that in the year one thousand seven hundred and ninety-seven, the Protestant inhabitants of Montreal, of various religious denominations, met and resolved to acquire some suitable ground, within or near the city of Montreal, for the burial of their dead, and appointed a committee, composed of James McGill and others, to purchase for that purpose, a piece of land at a place near the then city limits, called "à Prés-de-Ville" of one hundred and sixty-one and three-quarter feet in front, by two hundred and sixty-two feet in depth ; and which the committee accordingly purchased as appears by a deed or acknowledgment of sale executed by one Louis Porlier Lamare to them, before Chaboillez and his colleague, notaries, at Montreal, the twenty-sixth of July, one thousand seven hundred and ninety-seven, and that afterwards, namely, in June, one thousand seven hundred and ninety-nine, Edward W. Gray and others were appointed trustees to hold the land so acquired, for burial purposes, to manage and administer it during their lives : and as vacancies in the trust, by death or otherwise, should occur, the surviving trustees were to appoint their successors : three trustees at all times, to suffice for a quorum : and that the trustees so appointed, afterwards purchased, from one St. Jean, for a passage to the said burial ground, a piece of land extending therefrom, on the north-west side thirty feet wide to the street (now Dorchester street) ; that rules and regulations were made

for the management of the ground, and the laying out and disposal of lots in it for burial purposes ; and in July, one thousand eight hundred and one, a chapel was erected in it for burial services ; and that the vacancies in the trust, which occurred from time to time, were filled up as provided ; and in the year one thousand eight hundred and fifteen the then trustees purchased a piece of ground in the Quebec suburbs for like burial purposes, having a front on the Papineau road of about four hundred and twenty-five feet, and about one hundred and fifty-eight feet in depth, as appears by the deed of sale from Frederick A. Quesnel to them, executed before Henry Griffin and his colleague, notaries, at Montreal, the twenty-seventh of September, one thousand eight hundred and fifteen ; and in one thousand eight hundred and twenty-four, to enlarge their first purchase in one thousand seven hundred and ninety-seven, another lot of ground in the Saint Lawrence Suburbs, of two hundred and seventy-two feet in front by one hundred and fifty feet in depth, fronting on Dorchester street, and adjoining their first purchase in the rear, as appears by the deed of sale from Samuel Gerrard to them, executed before the said Henry Griffin and his colleague, notaries, at Montreal, the twenty-fifth of March, one thousand eight hundred and twenty-four ; and in one thousand eight hundred and forty-two, to enlarge their purchase on the Papineau road, another lot of land in the Quebec suburbs of about half an acre in front on Victoria road (formerly Papineau road,) by half an acre more or less in depth, and bounded on the south-east by the ground purchased by the trustees in one thousand eight hundred and fifteen, as already mentioned, and which appears by the deed of sale from Francis Forbes to them, executed before Thomas J. Pelton and his colleague, notaries, at Montreal, the twenty-eighth of September, one thousand eight hundred and forty-two ; all which lots and pieces of ground, were so purchased and used by the said trustees and their constituents, the said Protestant inhabitants, solely for burial purposes, until the year one thousand eight hundred and fifty-four, when by an ordinance or by-law of the corporation of the city of Montreal, all intramural interments were, for the future prohibited : and that in anticipation of such prohibition, the Protestant inhabitants of Montreal and the then surviving trustees of the said Old Protestant burial grounds acquired other ground without the limits of the city for the interment of their dead in future ; and their action in that respect, was followed by their obtaining from the legislature, an act incorporating them, first as the " Montreal Cemetery Company " and afterwards as " The

Mount Royal Cemetery Company ” ; and that the then surviving trustees were chosen with others, trustees of the Mount Royal cemetery company, and the interests of the Protestant inhabitants in the old grounds became identical with, and merged in the trust of the new ground ; and the old grounds have been in a measure, since managed by the trustees of Mount Royal cemetery company ; that since the closing of the old grounds a large proportion of the Protestant inhabitants, who had interred in the old grounds in Dorchester street, have had the remains of their dead removed to the new cemetery, and have ceded their interests in the old grounds to the Mount Royal cemetery company ; that the civic authorities have lately expropriated the old burial ground on Dorchester street for a public square, and have deposited with the prothonotary of the superior court at Montreal, the moneys awarded by the commissioners as the price thereof, as well as for the estimated cost of removing the remaining bodies, which have to be removed and decently re-interred in the new ground by the Mount Royal cemetery company ; and that of the trustees of the said old Protestant burial grounds chosen and elected from time to time by the surviving trustees, there now exist only three, namely : William Murray, John J. Day and Matthew Hamilton Gault, esquires, who are now petitioners with, and also trustees of the said Mount Royal cemetery company ; and that in the absence of a full trust of five persons, and for want of a corporate character, in the trust of the said old grounds, doubts are entertained as to the capacity of those three surviving trustees to hold and retain possession, and protect the interests of all persons concerned in the old ground on the Victoria or Papineau road, unexpropriated, as well as to claim before the said superior court, the moneys so deposited as representing the price of the said old ground on Dorchester street, and that it is therefore deemed essential to the preservation of the rights and interests of all parties concerned, that the said Mount Royal cemetery company, being a body politic and corporate, should be substituted as trustees of the said old Protestant grounds, and that the property yet unexpropriated should vest in the said Mount Royal cemetery company, to be managed by that company, in trust, in accordance with the original intentions of the trust ; and that the moneys so deposited, should be taken by the said Mount Royal cemetery company, to be disposed of in accordance with the rights of all parties concerned under the original trust and the purposes for which they have been so deposited before the said superior court : and the pieces of grounds expropriated on Dorchester street, are

known and described on the official plan and book of reference of the west registration division of the city of Montreal, Saint Lawrence ward, by the number five hundred and sixty-five, and those still held by the said trustees, situate on the Papineau or Victoria road, in the Quebec suburbs are known and described on the official plan and book of reference of the east registration division of the city of Montreal, Saint Mary's ward, by the number six hundred and thirty-four ; and whereas, it is expedient to grant the prayer of their said petition : Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. The said Mount Royal cemetery company shall be, and the said Mount Royal cemetery company is hereby substituted and declared to be, henceforth, trustee of the said old Protestant burial grounds, and of all moneys representing the same on expropriation thereof, or of any pieces or parts thereof, in the place and stead of the trustees appointed and surviving under the said old trust : that is to say, of the said old ground on Dorchester street, designated on the said official plan and book of reference of the said Saint Lawrence ward, in the west registration division of the said city of Montreal, by the number five hundred and sixty-five ; and of the moneys so deposited by the said corporation of the said city of Montreal, as well those representing the price thereof as for the removal of the remaining bodies interred there ; and also, of the said old ground on the Papineau or Victoria road, designated on the said official plan and book of reference of the said Saint Mary's ward, in the east registration division of the said city of Montreal, by the number six hundred and thirty-four ; and that from henceforth, the property yet unexpropriated and all moneys representing the same, or any part thereof, to wit : the said old ground on the Papineau or Victoria road so designated by the number six hundred and thirty-four in the said St. Mary's ward, and acquired and held as aforesaid under the said deeds of the twenty-seventh of September, one thousand eight hundred and fifteen, and the twenty-eighth of September, one thousand eight hundred and forty-two, and all moneys representing the said old ground on Dorchester street, so designated by the number five hundred and sixty-five in the said Saint Lawrence ward deposited on expropriation thereof as aforesaid, shall henceforth vest in and be under the exclusive control and management of the said Mount Royal cemetery company, to be by that company henceforth, held and managed in trust and if need be, sold and disposed of, in accordance with the original intentions of

Mount Royal
Cemetery com-
pany declared
trustee of the
old Protestant
burial
grounds.

the trust for the benefit of whomsoever it may concern ; and the said Mount Royal cemetery company, shall have the right and be entitled as such trustee, to claim, take, have and receive all moneys so deposited, or to be deposited, with the prothonotary of the said superior court as well those representing the value thereof as those awarded, or to be awarded, for the removal of the bodies remaining in the said old ground, to be, by the said Mount Royal cemetery company, as such trustee, used, applied and disposed of, in accordance with the just rights and interests of all who may have any claims thereon or thereto, under the original trust, and in accordance with the purposes for which the said moneys or any part thereof were so deposited before the superior court, and to do and perform all and whatsoever may be requisite and necessary to be done to attain those objects.

Old burial grounds to be free from taxation until all the bodies therein have been removed.

2. And whereas, the said old Protestant burial grounds, have by reason of the said ordinance or by-law of the corporation of the said city of Montreal, so prohibiting intramural interments ceased to be of any use, or available in any respect to the said trustees or their constituents for the purposes for which they were acquired, namely as burial grounds, the said grounds are hereby declared to have thereby become and to be exempt from liability for assessments or taxes of every nature or kind from and since the passing of the said by-law prohibiting intramural interments, until the bodies therein interred shall have been all removed therefrom, and the ground shall have become useful and available for building or other purposes.

C A P . L X V I I I .

An Act to amend the Act to incorporate "The Trafalgar Institute."

[Assented to 24th December, 1872.]

Preamble.

35 V., c. 43.

WHEREAS "The Trafalgar Institute" has, by its petition, prayed to obtain certain amendments to the act of incorporation, thirty-fifth Victoria, chapter forty-three; and whereas it is expedient to legislate in the premises; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Additional members may be elected.

1. Additional members of the corporation under the act may be elected in the manner following: Every subscriber

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