

## CAP. XXXI.

## The Cemetery Companies' incorporation Act of 1870.

[Assented to 1st February, 1870.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Lieut.-Gov. by order in Council may confirm certain deeds of sale or grants of land to be used as a cemetery.

1. The lieutenant-governor may, at any time, by order in council, confirm any deed of sale or grant, executed as hereinafter is set forth, of any one piece of land not exceeding five arpents in extent, to or in favor of any persons not less than five in number therein named, not being trustees for a religious congregation or society nor Roman catholics, nor already by law incorporated, to be held and used as a cemetery forever.

Contents of the said deed.

2. Such deed, besides naming the persons to whom the sale or grant is made, must also designate them collectively as a cemetery company, by an unobjectionable name, which, as such, they can use distinctively; and must provide sufficiently, subject only to amendment by by-law duly passed and confirmed as hereinafter is provided, for the associating of other persons with themselves, so as to perpetuate the succession of the members of such company, and for the administration of its affairs by trustees or other officers thereof.

What the parties applicant for the order in council must prove.

3. The persons applicant for such order in council must show, to the satisfaction of the lieutenant-governor in council, that at least two months' sufficient notice in French and English, of their intention to apply therefor, has been given in the Quebec Official Gazette, and in some newspaper or newspapers published in or as near as may be to the district wherein the land is situate,—that such deed has been *bonâ fide* executed by the party lawfully proprietor and in possession of the land,—that there is no known or apparent adverse claim to or on the land,—and that the using of the same as a cemetery in terms of the deed in question under this act, is not objectionable on any public ground.

Registration of the order in council and notice thereof.

4. Every such order in council shall be registered at length, together with the deed thereby confirmed in the registry office of the county within which the land is situate; and notice of the same and of such registration thereof shall be given under the hand of the secretary of the province in the Quebec Official Gazette.

Persons acquiring under said deed shall form a corporation.

5. The persons so acquiring under such deed shall thereupon become a body corporate and politic to all intents, as though specially incorporated under the name in ques-

tion by a public act of this legislature, for the holding and using of such land as such cemetery company forever, and by that name they and their associates and successors forever, shall have all powers, privileges and immunities requisite to that end,—and may hold, or by any further or other legal title may acquire and hold, for use as a cemetery, such land, and any other land adjacent thereto not exceeding in the aggregate a total of five arpents, and by contributions or otherwise, as by their by-laws shall be provided, may, form a fund or funds for the due maintenance and embellishment thereof, and from time to time may make by-laws for the admission and for the expulsion of members of the corporation, and for the formation, maintenance, management and application of such fund or funds, and for defining and regulating all manner of rights of the corporation and of the members thereof respectively, and for imposing and enforcing any penalty or forfeiture, and generally for the government of all business connected with the corporation,—and may from time to time, in like manner, amend or repeal such by-laws; and all such rights, penalties and forfeitures, shall be such and such only, and may be enforced in such mode and in such mode only, as by such by-laws may be defined and limited; but no such further or other title to land, and no such by-law shall have any force or effect until after it shall have been confirmed by order of the lieutenant-governor in council, and registered at length, together with such order, in the registry office of the county within which the cemetery is situate.

Their powers,  
privileges, &c.

**6.** Any such company may hold and possess such land, or any part or parts thereof, subject to any lawful trust, express or implied, touching the same, in favor of any person or class of persons, whether members thereof or not; and all such trusts created or indicated, whether by deed or grant, or by by-law of the company, shall be held validly to affect the same, and have due effect given thereto accordingly,—subject only to such further reasonable provision in the premises as may thereafter be made by by-law duly passed and confirmed as herein before is provided.

The company  
may hold the  
land or part  
thereof in trust,  
&c.

**7.** The land so held and possessed by each such company shall be held to be to all intents a cemetery, and as such shall not be alienable to any other use, save only as hereinafter provided; and any and every claim thereto or thereon, shall avail only as a claim against such party or parties as may be equitably liable in the premises for the fair money value thereof, and shall in no wise avail for eviction of the company therefrom, or to restrain or affect its right to hold such land for cemetery use forever.

The land so  
possessed shall  
be held to be a  
cemetery and  
shall not be  
alienable.

How, when, and under what conditions, exchange of such land may be authorize*d*.

**8.** But whenever on application of any such company, after two months' notice first duly given in French and English, in the Quebec Official Gazette, and in some newspaper or newspapers published in or as near as may be to the district wherein its cemetery is situate, it shall be made to appear to the satisfaction of the lieutenant-governor in council, that an exchange of other land therefor, or for any part thereof, is on any public ground desirable, the lieutenant-governor in council may authorize such exchange, subject to all conditions and restrictions which may be deemed advisable whether as to removal of bodies interred or otherwise; and the company may thereupon make the exchange so authorized, and do all other acts thereto requisite or pertinent, whether for removal of bodies interred or otherwise, subject always to such conditions and restrictions, and to all charges and liabilities thence resulting.

How the incorporation of the company shall be alleged in all actions.

**9.** In any action or legal proceeding it shall not be necessary to set forth the mode of incorporation of the company, otherwise than by mention of it under its corporate name, as incorporated by order in council under this act; and the notice of such order in council in the Quebec Official Gazette, shall be *prima facie* proof of all things thereby declared; and a copy of any document requiring to be registered under this act in the registry office of the county, duly certified by the registrar thereof, shall be *prima facie* proof of the tenor thereof; and no person shall be disqualified as a witness, by reason of his being or having been an officer or member of the company.

Proof of documents, &c.

Lieut-Gov. in council to regulate fees.

**10.** The lieutenant-governor in council may from time to time establish, alter and regulate the fees to be paid on orders in council and for registration of documents under this act.

Companies to be subject to future legislation.

**11.** Every company incorporated under this act shall be subject to such further and other provisions as the legislature may hereafter deem expedient.

Name of the act.

**12.** This Act may be cited as "the Cemetery Companies' incorporation Act of 1870."

## C A P. X X X I I .

An Act to provide for the formation of joint stock companies for Stoning Roads.

[Assented to 1st February, 1870.]

Preamble.

**W**HEREAS the construction of macadamized roads would contribute to the welfare of the inhabitants of this province, and the improvement of the country, and it

