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No. 169.

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3d Session, 3d Parliament, 13 & 14 Victoria, 1850.

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## **BILL.**

**An Act to authorize the formation of  
Companies for the establishment and  
management of Cemeteries in Upper  
Canada.**

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Received and Read a first time, Thursday, 11th  
July, 1850.

Second Reading, Monday, 15th July, 1850.

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**MR. HALL.**

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**TORONTO: PRINTED BY LOVELL AND GIBSON.**

## BILL.

An Act to authorize the formation of Companies for the establishment and management of Cemeteries in Upper Canada.

**W**HEREAS it hath become necessary to the health of Preamble.  
many Towns in Upper Canada that Public Cemeteries should be established near to, but without the limits of the said Towns, upon the plan now adopted by the  
5 Inhabitants of many of the Cities in Europe and America: And whereas, the delay and expense incident upon obtaining a special Act for each Company operate as a great discouragement to persons desirous of founding such Cemeteries: Be it therefore enacted, &c.

10 That any number of persons not less than twenty respectively, may, in Upper Canada, form themselves into a Company under the provisions of this Act for the purposes aforesaid. Twenty persons may form a Cemetery Company.

15 **II.** And be it enacted, That when any number of persons not less than twenty shall have subscribed, and paid in a sufficient quantity of stock to amount to a sum adequate in their judgment to the purchase of the ground required for a Cemetery, and shall have executed an instrument according to the form in the Schedule A, to this  
20 Act contained, and shall have paid to the Treasurer of such intended Cemetery twenty-five per cent upon the capital stock intended by such Company to be raised for the purpose aforesaid, which sum shall not be less than that required for the purchase of the grounds necessary  
25 for such Cemetery, and shall have registered such instrument, together with a receipt from the Treasurer of such Company, for such first instalment of twenty-five per cent as aforesaid, with the Registrar of the County in which the grounds to be purchased shall be situate, such Company  
30 shall thenceforth become and be a body corporate by such name as shall be designated in the instrument so to be registered as aforesaid; and by such name they and their successors shall and may have perpetual succession, and shall be capable, both at law and in equity, of suing and  
35 being sued, of impleading and being impleaded, answering and being answered unto, defending and being defended in all Courts of law and equity, and places whatsoever, in all manner of actions, suits, complaints and causes whatsoever; and they and their successors may  
40 have a common seal, and the same may make, alter and

After certain formalities they shall be a body corporate, &c.

change at their will and pleasure, and they and their successors by their corporate name, shall be capable of taking, purchasing, having, holding, conveying, selling and departing with, any piece or parcel of land in Upper Canada to be used exclusively as a Cemetery, or a place 5 for the burial of the dead.

Property of  
Company to be  
managed by  
nine Directors.

III. And be it enacted, That the affairs, property and concerns of every such Company which shall or may be formed under the provisions of this Act, shall be managed by nine Directors, a majority of whom shall form a 10 quorum capable of doing business, which said Directors shall be chosen by ballot from among the subscribers to the said instrument so to be registered as aforesaid, and thereafter to be annually elected by the said stockholders on the Monday in January in each and every year; 15 and that upon the first and every such election of Directors, each shareholder shall be entitled to *one* vote for every share he may hold or be possessed of up to ten, and *one* vote for every *five* shares above ten—but no stockholder shall be allowed to vote at any election unless he 20 shall have paid at least *twenty-five shillings* upon each lot or share he may hold.

Lots to be not  
less than one  
hundred super-  
ficial feet.

IV. And be it enacted, That every lot or share in the said Cemetery shall contain not less than one hundred superficial feet, and every person holding such lot or share, and 25 having paid as before provided, shall be deemed and taken to be a shareholder, and every shareholder who shall have paid in a sum not less than *five pounds*, shall be eligible for a Director.

Election of  
President.

V. And be it enacted, That the Directors, or a major- 30 ity of them, shall, at their first meeting, elect one of their number to be President of the said Company, and the President, if present; (or if he be not present, then some Director chosen for the occasion) shall preside at all meetings, and in cases of equality shall have the casting 35 vote: And the said Directors may pass By-laws for the laying out, selling, and management of the grounds acquired for the Cemetery,—for regulating the erection of tombs, monuments, or grave-stones therein, and for empowering the President to execute deeds or conveyances 40 of plots of ground in the Cemetery to shareholders.

Real estate of  
Company  
under this  
Act, exempt  
from taxation,  
&c.

VI. And be it enacted, That the real estate of any Company formed under the provisions of this Act, and the lots or plots when conveyed by the Company to individual proprietors shall be exempt from taxation or as- 45 sessment of any kind, and not liable to be seized or sold on execution, or attached or applied to the payment of debts by assignment under any bankrupt or insolvent law: that all lots or plots of ground when conveyed and numbered as lots by any Company formed under the pro- 50

visions of this Act, shall be indivisible, but may afterwards be held and owned in undivided shares: and one half of the proceeds of all sales made by any such Company shall be first applied to the payment of the purchase money of the land acquired by such Company and the residue thereof to preserving, improving and embellishing the land as a Cemetery, or burial ground, and to the incidental expenses of the Cemetery Establishment:— and after payment of such purchase money the proceeds of all future sales shall be applied to the preservation, improvement and embellishment of the Cemetery, and the incidental expenses thereof and to no other purpose whatever: And no dividend or profit of any kind shall be paid by any such Company to any member or members thereof.

VII. And be it enacted, That any Company formed as aforesaid shall furnish graves for strangers and the poor of all denominations free of charge, on the certificate of a Minister or Clergyman of the denomination to which such person may have belonged, that the relatives of the deceased are poor and cannot afford to purchase a lot in the Cemetery; and the Directors of any such Company may sell any lot of any size whatever, but no party being proprietor of a lot containing a less quantity than one hundred superficial feet, shall thereby become a Member of the said Company, or have any vote in the management of the affairs thereof.

VIII. And be it enacted, That the lots sold by any Company formed as aforesaid, shall be conveyed by a Deed, in the form in the Schedule to this Act marked B, which conveyance shall not require to be registered for any purpose whatever, nor shall it be affected by any Registry Act now in force in Upper Canada, nor shall any judgment, mortgage or incumbrance in anywise subsist on any lot so conveyed.

IX. And be it enacted, That any person who shall wilfully destroy, mutilate, deface, injure or remove any tomb, monument, grave-stone or other structure placed in any Cemetery, or any fence, railing or other work for the protection or ornament of any Cemetery, or of any tomb, monument, grave-stone or other structure aforesaid, or of any Cemetery lot within any Cemetery, or shall wilfully destroy, cut, break or injure any tree, shrub or plant, within the limits of any Cemetery, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof before any Justice of the Peace or other Court of competent jurisdiction, be punished by a fine of not less than *one pound* nor more than *ten pounds*, according to the nature of the offence; and such offender shall also be liable to an action of trespass, to be brought against him in any Court of competent jurisdiction, in the name of any

Graves to be furnished gratis for strangers and poor.

Lots to be conveyed in form of Schedule B.

Penalty on persons defacing tombstones, &c.

such Corporations aforesaid, to pay all damages as shall have been occasioned by his unlawful act or acts ; which money, when recovered, shall be applied under the direction of the Directors for the reparation and reconstruction of the property destroyed, and members of any such Company may be competent witnesses in such suits. 5

Directors may call for instalments.

X. And be it enacted, That the Directors of any Company formed under the provisions of this Act shall have full power to call for instalments on the sums which shall be subscribed for, and to appoint a time for the payment 10 thereof, and if the same shall not then be paid, the right of any subscriber, and every instalment he may have formerly paid, shall be forfeited, and he shall be held not to have subscribed, unless the Directors shall think expedient to remit such forfeiture, which they may do in their 15 discretion, if the instalments be paid with interest within one year after the day when it ought to have been paid.

Public Act.

XI. And be it enacted, That this Act shall be a Public Act.

## SCHEDULE A.

Be it remembered, that on this                    day of  
in the year of Our Lord one thousand eight hundred and  
We, the undersigned, Stockholders, met at                    in the  
County of                    in the Province of Canada, and resolved to  
form ourselves into a Cemetery Company, to be called                    ,  
according to the provisions of an Act of Parliament, intituled,  
"An Act &c.," (insert the title of this Act) and we do hereby  
agree that the Capital Stock of the said Company shall be  
pounds, to be divided into shares of one  
hundred superficial feet each; and we, the undersigned Stock-  
holders, do hereby agree to accept and take the number of Shares  
set by us opposite to our respective signatures, and we do hereby  
agree to pay the calls thereon, according to the provisions of the  
said Act and of the Rules, Regulations and By-Laws of the said  
Company, to be made in that behalf.

Name.	No. of Share.	Amount.

## B.

Know all men by these presents: That the Cemetery, in consideration of pounds, paid to them by , of , the receipt whereof is hereby acknowledged, do grant unto the said his heirs and assigns, Lot of Land in the Cemetery of the said Company, called , and situate in the County of , which Lot is delineated and laid down on the map of the said Cemetery, and which said Lot is therein designated by the name of , containing by admeasurement superficial feet; To have and to hold the herein above named premises, &c.

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