

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1856. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1856.

19 Victoria – Chapter 67

An Act to incorporate the Moncton Rural Cemetery Company. Passed 1st May 1856.

Section.

1. Company incorporated.
2. Capital stock and division into shares.
3. Public notice to be given of assessments on shares; proceedings on default in payment.
4. Described tract of land exempted from taxes while a Cemetery.
5. Who shall be members of Corporation.
6. Annual meeting for choice of Directors: quorum for business.
7. Directors to appoint officers and fix their compensation.

Section.

8. Who shall be members of Corporation.
9. Shares to be assignable.
10. Directors to fill vacancies in Directorships.
11. When shareholders shall cease to have an interest in the Cemetery.
12. Funds to be applied in improving the Cemetery after paying shareholders.
13. Penalty for wilful damage to structures, or disturbance by games, &c.
14. Lots exempted from executions.

Whereas a suitable place of Burial is much required by the inhabitants of the Town of Moncton and its vicinity;—

Be it therefore enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. That James Steadman, John Humphrey, Michael S. Harris, E. B. Chandler, Junior, and William Fleming, their associates, successors, and assigns, be and they are hereby declared to be a body politic and corporate, by the name of "The Moncton Rural Cemetery Company," and by that name shall have all the general powers and privileges made incident to a Corporation by Act of Assembly of this Province.
2. The capital stock of the said Company shall consist of the sum of five hundred pounds, and shall be divided into two hundred and fifty shares of two pounds each, and be paid in such sums and at such times as the Directors of the said Company shall from time to time appoint; and every shareholder in the said Company shall have and be entitled to have a certificate under the seal of the said Company, and signed by the President and Secretary thereof, certifying his property in such shares as shall be expressed in the certificate.
3. Whenever any assessment shall be made, it shall be the duty of the Treasurer to give notice thereof in some Newspaper published in the County of Westmorland, or in two or more Newspapers published in the City of Saint John, requiring payment of the same within thirty days; and if any shareholder shall neglect or refuse to pay to the Treasurer the amount of such

assessment upon his share or shares at the time prescribed, it shall be the duty of the Treasurer to advertise such delinquent share or shares for sale at public auction, giving at least ten days notice of the time and place of such sale; and such share or shares upon which the assessment or assessments, or instalments thereof, shall then remain unpaid, shall be sold to the highest bidder, and such sale shall be a legal transfer of the share or shares so sold to the purchaser or purchasers thereof, and shall be recorded accordingly in the book so to be kept by the Directors for that purpose as aforesaid, and such purchaser or purchasers shall be entitled to receive a certificate in the form prescribed in the second Section of this Act.

4. And whereas a piece of land containing thirteen and a half acres, and belonging to Warden Beckwith and the Honorable E. B. Chandler, situate in the Parish of Moncton, in the County of Westmorland, has been secured for the purpose of a Burial Ground, and, with the exception of a portion which has been laid aside for the Church of England, shall be for ever free to all denominations of Christians, to be divided into lots, and sold to such individuals as may be willing to purchase the same, and which said land is described as follows, to: —Beginning at the point where the Irishtown and M'Lauchlan Roads meet; thence along the said M'Lauchlan Road twenty five chains; thence east eighteen degrees south by the magnet to the Irishtown Road, a distance of thirteen and a half chains; thence southerly along the Irishtown Road to the place of beginning;— Be it therefore enacted, that the said land above described, be and hereby is declared to be exempt from all rates, assessments, and taxes, so long as the same shall remain dedicated to the purposes of a Cemetery.

5. All persons who are now proprietors, or who shall hereafter become proprietors of Lots in the said Cemetery, of a size not less than one hundred and fifty square feet, shall thereby become members of the said Company, and shall have and be entitled to have a certificate under the Seal of the Company, signed by the Secretary, in the form following:—

“Moncton Rural Cemetery Company, No. ____.

“This is to certify that A. B. is the proprietor of Lot No. ____, containing ____ square feet, in the Moncton Rural Cemetery, situate in the Parish of Moncton, in the County of Westmorland, subject to the rules, regulations, and bye laws of the said Corporation, and for which he has paid the sum of _____.

“In testimony whereof, the Seal of the said Corporation is hereunto affixed, the ____ day of _____, A. D. 18____.

[L. S.]

C. D., Secretary.”

And such certificate shall constitute a valid instrument of transfer of such Lot or Lots as may be expressed therein, and shall be held by the purchaser or purchasers thereof, for the use of burial only, subject nevertheless to all the bye laws of the said Corporation.

6. A general meeting of the stockholders and proprietors of the said Corporation shall be held at the Town of Moncton on the second Monday in May in each and every year, for the purpose of choosing eight Directors for the management of the said Corporation; which Directors so chosen, shall remain in office for one year, or until others are chosen in their stead, and shall at their first meeting after the election, choose one of their number President of the said Corporation; provided always, that not less than five Directors do form a quorum for the transaction of business; and in case of the absence of the President, the Directors shall have power to appoint one of their number Chairman for the occasion.

7. The Directors for the time being shall and may appoint a Secretary and Treasurer, and such other officers, clerks, and servants, as they or the major part of them shall think necessary for executing the business of the said Corporation, and shall allow them, out of the funds of the said Corporation, such compensation for their respective services, as to them shall appear reasonable and proper; and the Directors shall likewise exercise such other powers and authorities for the well regulating the affairs and managing the business of the said Corporation, as shall be prescribed by the bye laws.

8. Every person owning a share in the capital stock of the said Corporation, and every proprietor of a lot of net less each than one hundred and fifty square feet, shall be a member of the said Corporation, and entitled to vote at all meetings of the said Corporation, and members may give as many votes as they may own shares, and absent members may vote by proxy, such proxy being a shareholder and producing sufficient authority in writing from his constituent; provided nevertheless, that no shareholder by himself or proxies shall have more than ten votes.

9. The shares of the said Corporation shall be assignable and transferable, according to such rules and regulations as may be established in that behalf; but no assignment or transfer shall be valid and effectual, unless the same shall be entered and registered in a book to be kept by the Directors for that purpose.

10. In case of any vacancy among the Directors by death, resignation, or disqualification, or otherwise, then and in either of such cases, the said Directors shall and may fill up such vacancy, by choosing one of the shareholders or proprietors of lots of not less each than one hundred and fifty square feet, and the person so chosen by the Directors shall serve until another be chosen in his room.

11. The several shareholders in the said Corporation shall be members of the same until they shall be repaid out of the funds of the said Corporation the amounts by them respectively invested, together with interest on the same at the rate of eight per centum per annum, when they shall cease to have any interest in the said Cemetery, and the property shall from thence be vested in the proprietors of lots of not less each than one hundred and fifty square feet.

12. From and after the payment to the several shareholders of the amount so invested by them respectively, together with interest, as is in and by the eleventh Section provided, the proceeds of all sales of lots, after deducting the annual expenses of the Cemetery, shall be for ever devoted

and applied to the preservation, improvement, embellishment, and enlargement of the said Cemetery, and for no other purpose whatsoever.

13. If any person or persons shall wilfully destroy, mutilate, injure, or remove any tomb, monument, vault, grave stone, or other structure placed in the said Cemetery, or any fence, railing, or other work for the protection or ornament of any tomb, monument, vault, grave stone, or other structure aforesaid, or shall wilfully destroy, remove, cut, break, or injure any tree, shrub, or plant within the limits of the said Cemetery, or shall play at any game or sport, or discharge any gun or other fire-arm, save at a military funeral, within the said Cemetery, or who shall wilfully and unlawfully disturb any persons assembled in the Cemetery for the purpose of burying any body therein, or who shall commit any nuisance within the said Cemetery, shall be deemed guilty of a misdemeanor, and shall upon conviction thereof before a Justice of the Peace, be punished by a fine of not less than one pound, nor more than five pounds, or be committed to the common gaol of the said County of Westmorland for the space of not more than ten days, according to the nature and aggravation of the offence, and such offender shall also be liable in an action of trespass, to be brought against him in any Court of competent jurisdiction, in the name of "The Moncton Rural Cemetery Company," to pay all such damages as shall have been occasioned by his or their unlawful act or acts, which money when recovered shall be applied by the said Corporation to the reparation of the property destroyed or injured as above; and members of the said Corporation shall be competent witnesses in such suit.

14. The lots in the said Cemetery shall not be levied upon or taken in execution, but shall be altogether free from seizure at the suit of any person or persons whomsoever; and the property in any of such burial lots, or parts thereof, shall not prevent any confined debtor from receiving support under the law in force for the relief and support of insolvent confined debtors.