

*Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1864.* Fredericton, NB: G. E. Fenety, Printer to the Queen's Most Excellent Majesty, 1864.

27 Victoria – Chapter 36

**An Act to incorporate the Bay Side Cemetery Company. Passed 11th April, 1864.**

Section.	Section.
1. Company incorporated.	5. Wilful destruction of injury to property, &c.; penalty.
2. Capital.	6. Lots in Cemetery free frp, seizure or
3. When first meeting to be held.	7. General Meeting.
4. Cemetery to be exempt from all rates and taxes.	8. Shares transferable.

Whereas the want of a suitable place for the burial of the dead is much required at Bay Side, in the Parish of Saint Andrews, in the County of Charlotte;—

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

1. That James Russell, O. B. Rideout, Luther Lawrence, John Curry, and James M'Farlane, their associates, successors, and assigns, be and they are hereby declared to be a body corporate and politic, by the name of "The Bay Side Cemetery Company;" and by that name shall have all the general powers and privileges made incident to a Corporation by any Act or Acts of the General Assembly now or hereafter to be in force in this Province, for the purpose of procuring and maintaining a Cemetery or burial ground at Bay Side aforesaid.
2. The capital stock of the said Corporation shall consist of the sum of four hundred dollars, and shall be divided into one hundred and sixty shares, to be paid in such sums and at such times as the Directors of such Corporation shall from time to time appoint.
3. The first meeting of the said Corporation shall be called by James Russell, or in case of his death, neglect, or refusal, by any two of the said Company, by giving six days notice of the time and place of such meeting.
4. The land obtained and held by the said Corporation, for the purpose of a Cemetery or burial ground, shall be and the same is hereby declared to be exempt from all rates, assessments and taxes of whatever nature or kind soever, so long as the same shall remain dedicated to the purpose of a Cemetery.
5. If any person or persons shall wilfully destroy, mutilate, injure, or remove any tomb, monument, grave stone, or other structure placed in the Cemetery aforesaid, or any fence, railing, or other work for the protection or ornament of any tomb, monument, grave stone, or other structure aforesaid, or shall wilfully destroy, cut, break, remove or injure any tree, shrub or plant

within the limits of the said Cemetery, or shall play at any game or sport, or shall discharge any gun or firearm, save at a military funeral, within the said Cemetery, or who shall wilfully and unlawfully disturb any persons assembled at the said 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 upon conviction thereof before any Justice of the Peace, (not being a member of the said Corporation,) shall be liable to a fine of not less than four dollars nor more than twenty dollars, together with costs, to be recovered under the provisions of the 138th Chapter of the Revised Statutes, Title xxxvii, "Of Summary Convictions," or be committed to the common gaol for the space of not exceeding thirty days; and such offender or offenders shall also be liable to an action of trespass to be instituted against him in any competent Court in the name of the Corporation, for the recovery of such damages as shall have been occasioned by his or their unlawful act or acts, to be recovered with costs, and applied by the Corporation in repairing the property destroyed or injured; and the members of the Corporation shall be competent witnesses on such complaints and actions.

6. The lots and erections in the said Cemetery shall not be levied upon or taken in execution, but shall be free from seizure; and property in the same or any part thereof shall not prevent any confined debtor from receiving support under any law for the relief and support of confined debtors.

7. A general meeting of the stockholders of the said Corporation shall be held at Bay Side on the second Monday in June, A. D. 1864, for the purpose of choosing Directors and other officers for the management of the Corporation, which Directors so chosen shall remain in office one year, or until others shall be chosen in their stead; provided always, that not less than three Directors shall at any meeting form a quorum for the transaction of business.

8. 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 or their officer for that purpose.