

*Laws of Her Majesty's Province of United Canada*, passed in the year 1851. Quebec: Stewart Derbyshire and George Desbarts, 1852.

16 Victoria – Chapter 56

**An Act to amend the Act to incorporate *The Montreal Cemetery Company*, and for other purposes therein mentioned. 10th November, 1852.**

Whereas it is expedient to amend the Act passed in the Session held in the tenth and eleventh years of Her Majesty's Reign, and intituled, *An Act to incorporate The Montreal Cemetery Company*, and to change the name thereof: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the corporate name of the said Company, be changed to *The Mount Royal Cemetery Company*.

II. And be it enacted, That the Trustees of the said Company shall have power to make broken or irregular lots of less or more than one hundred superficial feet, and to charge for the same in proportion to the superficies thereof.

III. And be it enacted, That the fourteenth section, and the proviso of the fifteenth section of the said Act, shall be and are hereby repealed, and instead thereof, Be it enacted, That in the event of the consecration of the said Cemetery or any part thereof, by any Religious denomination holding property therein, such act of consecration shall not be held to invest the said Religious body with any exclusive powers of jurisdiction either spiritual or temporal within the said Cemetery, saving the powers invested in such Religious bodies under the provisions contained in the twentieth section of said Act.

IV. And be it enacted, That from and after the next general Election of Trustees, no Religious denomination shall be entitled to elect one Trustee, unless the members of such Religious denomination are subscribers of twenty shares of the Capital Stock of the said Company.

V. And be it enacted, That the real estate of the said Company, and the lots or plots, when conveyed by the Company to individual proprietors, shall be exempt from taxation or assessment 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 the lots or plots of ground, when conveyed or numbered as lots, shall be indivisible, but may afterwards be held and owned in undivided shares.

VI. 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 the Cemetery aforesaid, or any fence, railing or other work for the protection of the said Cemetery, or of any tomb,

monument, grave stone or other structure aforesaid, or of any lot within the Cemetery aforesaid, or shall wilfully destroy, cut, break or injure any tree, shrub or plant within the limits of the said Cemetery, or play at any game or sport, or discharge fire arms (save at a military funeral) in the Cemetery aforesaid, or who shall wilfully or unlawfully disturb any persons assembled, for the purpose of burying any body therein, or who shall commit any nuisance in such Cemetery, shall be deemed guilty of 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 in default of payment of the said fine shall be liable to imprisonment in the common Gaol of the District of Montreal, for a period of not less than fifteen days nor more than thirty days; 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 the said Company, to pay all damages which shall be occasioned by his unlawful act or acts; which money, when recovered, shall be applied under the direction of the Trustees, to the reparation and reconstruction of the property destroyed or injured, and Members and Officers of the Company may be competent witnesses in such suits.

VII. And be it enacted, That the said Corporation shall make Regulations for ensuring that all Burials within the said Cemetery are conducted in a decent and solemn manner.

VIII. And be it enacted, That no body shall be buried in any Vault under any Chapel or other Building in the said Cemetery, or within fifteen feet of the outer wall of any such Chapel or Building.

IX. And be it enacted, That, every part of the said Cemetery shall be enclosed by walls or other sufficient fences or railings of the height of eight, feet at least.

X. And be it enacted, That the said Corporation shall keep the said Cemetery and the buildings and fences thereof in complete repair and in good order and condition, out of the moneys to be received by them in virtue of this Act.

XI. And be it enacted, That the said Corporation shall make all proper and necessary Sewers and Drains in and about the said Cemetery, for draining it and keeping it dry; and they may from time to time, as occasion requires, cause any such Sewer or Drain to open into any existing Sewer, with the consent in writing of the persons having the management of the street or road, and of the owners and occupiers of the lands through which such opening is made, doing as little damage as possible to the road or ground wherein such Sewer or Drain may be made, and restoring it to the same or as good condition as it was in before being disturbed.

XII. And be it enacted, That if the said Corporation at any time cause, or suffer to be brought or to flow into any river, spring, well, stream, canal, reservoir, aqueduct, pond or watering place, any offensive matter from the said Cemetery, whereby the water therein shall be fouled, they shall forfeit for every such offence the sum of twelve pounds ten shillings currency.

XIII. And be it enacted, That the said penalty, with full costs of suit, may be recovered by any person having a right to use the water fouled by such offensive matter, by a civil action in any Court of competent jurisdiction: Provided always, that the said penalty shall not be recoverable unless the same be sued for during the continuance of the offence, or within six months after it has ceased.

XIV. And be it enacted, That in addition to the said penalty of twelve pounds ten shillings (and whether the same be recovered or not), any person having right to use the water fouled by such offensive matter, may sue the said Corporation in a civil action in any Court of competent jurisdiction, for any damage specially sustained by him by reason of the water being so fouled; or if no special damage be alleged, for the sum of two pounds ten shillings for each day during which such offensive matter is brought or flows as aforesaid after the expiration of twenty-four hours from the time when notice of the offence is served on the said Corporation by such person.

XV. And be it enacted, That the said Company shall be and are hereby empowered to assign a certain portion of the Cemetery for the exclusive use of the Members of the Jewish persuasion, subject to such conditions as the Trustees may prescribe.

XVI. And be it enacted, That the Sixteenth Section of the said Act shall be and is hereby repealed.

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