

A BILL TO AMEND THE CEMETERY ACT

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NOTE

This Bill amends *The Cemetery Act*, being chapter 256 of the Revised Statutes of Alberta, 1942.

Sections 2, 3 and 4 are replaced by new sections 2, 3, 4, 4a and 4b for the purpose of simplifying the formation of a company under this Act in accordance with present day procedure.

Section 2 is a definition section.

Section 3, subsection (1) provides that any seven or more persons who have complied with certain requirements may form themselves into a company under this Act. Subsection (2) requires persons desiring to form a company under this Act to make and subscribe an application in Form A in the Schedule and to file the application together with a registration fee of five dollars with the Registrar. Subsection (3) requires that in the application there be set out the intended corporate name and the purpose of incorporation. Subsection (4) provides that the Registrar may refuse incorporation for any reason that appears to him to be sufficient. Subsection (5) provides an appeal to the Lieutenant Governor in Council from any decision given by the Registrar.

Section 4, subsection (1) provides for the issue of the certificate of incorporation by the Registrar and the publication of the certificate of incorporation in *The Alberta Gazette*. Subsection (2) provides that the certificate of incorporation is conclusive evidence of incorporation. Subsection (3) provides for the powers and rights of the company from the date of the certificate of incorporation.

Section 4a requires a company so formed to file with the Registrar a list of directors and managers within fifteen days of their appointment and to file a notice of a change of directors or managers within fifteen days after the change is made.

Section 4b empowers the Provincial Board of Health with the approval of the Lieutenant Governor in Council to make regulations with respect to location, construction, maintenance and operation of cemeteries and with respect to the burial and cost of the burial of bodies of destitute or indigent persons.

Section 21 is replaced by a new section 21. Subsection (1) requires the company to furnish graves free of charge

for the bodies of destitute or indigent persons of all denominations and for unclaimed bodies of persons of all denominations. Subsection (2) makes it an offence and provides the penalty where a company refuses or neglects to furnish a grave for the body of a destitute or indigent person or an unclaimed body of a person.

A Schedule is added. Form A sets forth the application required under section 3, subsection (2).

This Bill comes into force upon assent.

J. W. RYAN,  
*Acting Legislative Counsel.*

*(This note does not form any part of the Bill but is offered in explanation of its provisions.)*

# BILL

No. 105 of 1954

An Act to amend The Cemetery Act

(Assented to , 1954)

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows;

1. *The Cemetery Act*, being chapter 256 of the Revised Statutes of Alberta, 1942, is hereby amended.

2. The heading "Incorporation of Companies" and sections 2, 3 and 4 are struck out and the following are substituted:

Sections 2, 3 and 4 amended and new sections 4a and 4b

## "Interpretation"

"2. In this Act, unless the context otherwise requires, Interpretation

"(a) 'director' includes a trustee, officer, member of an executive committee and any person occupying an equivalent position in the company; "director"

"(b) 'Registrar' means the Registrar of Joint Stock Companies or other duly authorized person performing his duties. "Registrar"

## "Incorporation of Companies"

"3. (1) Subject to subsection (2), any seven or more persons Persons entitled to form company for establishment of cemetery

"(a) who have subscribed stock to an amount adequate to the purchase of the ground required for a cemetery,

"(b) who have executed an application as required by subsection (2) and who have filed the application or a duplicate thereof in the office of the Registrar,

"(c) who have paid to the treasurer of the proposed company twenty-five per cent of the capital stock intended to be raised, and

"(d) who have deposited in the office of the Registrar a certificate of the treasurer that there has been paid to the treasurer twenty-five per cent of the capital stock intended to be raised,

may form a company for the purpose of establishing one or more public cemeteries outside the limits of any town or village or within the limits of a town or village if permission is given by by-law of the town or village for the establishment of one or more public cemeteries within its limits.

"(2) Persons desiring to become incorporated under this Act shall make and subscribe an application according to Application for incorporation

Form A in the Schedule and shall transmit the application in duplicate together with a registration fee of five dollars to the Registrar.

Corporate name	"(3) The application shall set forth the intended corporate name and the purpose or purposes for which incorporation is desired.
Refusal of incorporation	"(4) The Registrar may refuse incorporation for any reason that appears to him to be sufficient.
Appeal	"(5) An appeal may be taken to the Lieutenant Governor in Council from any decision given by the Registrar under this section within one month of the date of the decision.
Certificate of Registrar	<p>"4. (1) Upon receipt of the application and compliance with this Act or the regulations hereunder or with the directions, if any, given by the Registrar, the Registrar</p> <p>"(a) may issue under his seal of office a certificate that it is a company, and</p> <p>"(b) shall at the expense of the applicants publish the certificate with a statement of the objects of the company in <i>The Alberta Gazette</i>.</p>
Conclusive evidence of incorporation	"(2) Any certificate of incorporation issued by the Registrar in respect of a company under this Act is conclusive evidence that the requirements of this Act in respect of incorporation have been complied with and that the company is duly incorporated in accordance with the provisions of this Act.
Powers, etc., of company	"(3) From the date of the certificate of incorporation the subscribers to the application and such other persons as from time to time become members are a company and have all the powers, rights and immunities vested by law therein.
List of directors and managers	<p>"4a. A company formed under this Act</p> <p>"(a) shall file in the office of the Registrar a list of its directors and managers within fifteen days of their appointment, with their addresses and occupations, and</p> <p>"(b) shall upon request of the office of the Registrar furnish him with particulars of the directors and managers and shall file a notice of any change of directors or managers within fifteen days after the change is made.</p>
Regulations of Provincial Board of Health	<p>"4b. The Provincial Board of Health, with the approval of the Lieutenant Governor in Council</p> <p>"(a) may make regulations with respect to the location, construction, maintenance and operation of cemeteries, and</p> <p>"(b) without restricting the generality of the provisions of clause (a), may make regulations with respect to the burial and cost of the burial of the bodies of destitute or indigent persons."</p>

3. Section 21 is struck out and the following is substituted: Section 21 amended

"21. (1) The company shall furnish graves free of charge Graves for destitute or indigent persons and unclaimed bodies of persons

"(a) for the bodies of destitute or indigent persons of all denominations, and

"(b) for unclaimed bodies of persons of all denominations.

"(2) Any cemetery company that refuses or neglects to furnish a grave for the body of destitute or indigent persons or for an unclaimed body of a person as required by subsection (1) is guilty of an offence and liable on summary conviction to a fine of not more than fifty dollars." Offence and penalty

4. The following Schedule is added immediately after section 35: Schedule added

"SCHEDULE

"Form A

(Section 3 (2))

"APPLICATION

"We, the undersigned, hereby declare

"1. That we desire to form a company under *The Cemetery Act* and that

"(a) the name of the company is .....

"(b) the object of the company is .....

"(c) the operations of the company are to be carried on in .....

"2. That we subscribe to stock to an amount adequate to the purchase of the ground required for the cemetery;

"3. That we paid to the treasurer of the proposed company twenty-five per cent of the capital stock intended to be raised;

"4. That we deposited in the office of the Registrar a certificate of the treasurer that there has been paid to the treasurer twenty-five per cent of the capital stock intended to be raised.

"Dated this.....day of.....19.....

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.....  
(Full names, addresses and occupations of witnesses).

.....  
.....  
(Full names, addresses and occupations of applicants)."

5. Nothing contained in section 2 of this Act shall be deemed to affect companies incorporated before the coming into force of this Act.

6. This Act comes into force on the day upon which it is assented to. Coming into force

No. 105

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SECOND SESSION  
TWELFTH LEGISLATURE  
3 ELIZABETH II  
1954

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**BILL**

An Act to amend The Cemetery Act

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Received and read the

First time .....

Second time.....

Third time.....

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HON. MR. GERHART

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