

Bill No. 25 of 1941.

A BILL TO AMEND THE CEMETERY ACT.

NOTE.

This Bill amends *The Cemetery Act* by adding to it a new section which enables the directors of any cemetery company to convey or dispose of it to a city, town, village or municipal district.

Many cemetery companies find their finances in such a condition that they are unable to properly care for their cemeteries. In most cases, adjacent municipal authorities would be quite willing to take over the cemetery and maintain it in a proper state.

Under the existing Act, the winding up of a cemetery company is conducted pursuant to the provisions of *The Companies Act*. In most cases these provisions cannot be applied to a cemetery company. There should be a special or an extraordinary resolution of the company, and the company itself should present the winding up petition.

In most cases it would be impossible to hold a valid meeting of the company to pass the necessary resolutions, due to the fact that many of the shareholders are dead, their share certificates have never been transmitted, and many other shareholders have left the locality, their whereabouts being unknown.

According to the existing Cemetery Act, no one can make a profit and no shareholder can be paid back in money unless he has paid in money without receiving an allotment of land for the same.

As any agreement transferring the assets of a cemetery company to a municipal authority would provide that the rights of shareholders in respect of their plots would be secured to them, no shareholder could be prejudiced by such an agreement. On the other hand, great benefits would be obtained by them in respect of the better care which would be given the cemetery.

The purpose of this amendment is to enable the directors of a cemetery company to transfer its cemetery to some municipal authority, such transfer being subject to the approval of the Provincial Secretary.

W. S. GRAY,
Acting Legislative Counsel.

(This note does not form any part of the Bill and is offered merely as a partial explanation of some of its provisions.)

BILL

No. 25 of 1941.

An Act to amend The Cemetery Act.

(Assented to _____, 1941.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. This Act may be cited as "*The Cemetery Act Amendment Act, 1941.*"

2. *The Cemetery Act*, being chapter 166 of the Revised Statutes of Alberta, 1922, is hereby amended by inserting therein immediately after section 21 the following new section:

21a.—(1) With the approval of the Provincial Secretary and not otherwise, the directors of any company incorporated under this Act may dispose of and convey its cemetery and any other property and assets to any other company incorporated under this Act or to any city, town, village or municipal district which is empowered to own and operate a cemetery, and the company, city, town, village or municipal district acquiring the same is hereby empowered to do all acts and things which are requisite or necessary for affecting any such disposition or acquisition.

"(2) No instrument whereby a cemetery is disposed of shall have any force or effect unless and until the same has been approved by the Provincial Secretary in writing.

"(3) Upon it being made to appear to the Provincial Secretary that the company has disposed of its cemetery the Provincial Secretary may so certify in writing and upon the publication of such certificate in *The Alberta Gazette* the incorporation of the company shall be cancelled and the company shall as and from the date of such publication be dissolved."

3. This Act shall come into force on the day upon which it is assented to.

FIRST SESSION
NINTH LEGISLATURE
5 GEORGE VI
1941

BILL

An Act to amend The Cemetery Act.

Received and read the

First time

Second time

Third time

HON. MR. MANNING.

EDMONTON:
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