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# NATIONAL ASSEMBLY

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FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 210

(Private)

## **An Act respecting Compagnie de cimetières catholiques des Bois-Francs**

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**Passage in principle 16 December 2004**

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**Assented to 17 December 2004**

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## **Bill 210**

(Private)

### **AN ACT RESPECTING COMPAGNIE DE CIMETIÈRES CATHOLIQUES DES BOIS-FRANCS**

AS le Cimetière de Saint-Joseph de Victoriaville is a legal person duly constituted under the Act to incorporate le Cimetière de Saint-Joseph de Victoriaville (1955-56, chapter 148), and as that legal person requests that its incorporating act be replaced by this Act;

As that legal person was constituted to allow the Sainte-Victoire, Saint-Gabriel Lalemant and Sainte-Famille parishes, all situated in Victoriaville, to erect and own a cemetery for their common use and for the use of any other parish in the region of Ville de Victoriaville that could be admitted as a member of the legal person;

As the Act to incorporate le Cimetière de Saint-Joseph de Victoriaville is no longer adapted to the social and economic situation of the Catholic parishes;

As the corporation, at the request of Monseigneur Raymond St-Gelais, Bishop of Nicolet, intends to change its structure and objects in order to acquire and administer the cemeteries currently owned by fabriques, within the meaning of the Act respecting fabriques (R.S.Q., chapter F-1), or by any other body under the authority of the Bishop of Nicolet, to administer, on behalf of certain fabriques, the cemeteries owned by those fabriques, and to provide other services related to the disposal of the body or ashes of a deceased person;

As the Act respecting Roman Catholic cemetery corporations (R.S.Q., chapter C-40.1) does not contain all the provisions required to meet the needs of the fabriques under the authority of the Bishop of Nicolet that are or may become members of the legal person;

As the general meeting of members of le Cimetière de Saint-Joseph de Victoriaville has approved the request to replace its incorporating act;

As Monseigneur Raymond St-Gelais, Bishop of Nicolet, has approved the request;

As it is appropriate and in the public interest to grant the request;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

**1.** The Act to incorporate le Cimetière de Saint-Joseph de Victoriaville (1955-56, chapter 148) is replaced by this Act.

**2.** With the approval of its visitor, the company may change its name by a by-law adopted by its board of directors and approved by the general meeting of members. The new name must respect section 9.1 of the Companies Act (R.S.Q., chapter C-38). The by-law is sent to the enterprise registrar for approval. If applicable, the enterprise registrar files a notice of approval in the registry established under the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (R.S.Q., chapter P-45).

**3.** The head office of the company is situated in the diocese of Nicolet, at the address determined by a resolution adopted by the board of directors and approved by the general meeting of members.

**4.** The Fabrique de la paroisse de Sainte-Victoire, the Fabrique de la paroisse de Saint-Gabriel Lalemant, the Fabrique de la paroisse de Sainte-Famille and the Fabrique de la paroisse de Notre-Dame de l'Assomption are members of the company, as well as any other fabrique under the authority of the Bishop of Nicolet accepted as a member in accordance with the company's by-laws, inasmuch as they comply with those by-laws.

**5.** The general meeting of members is composed of the rectors, chairs and wardens of the member fabriques.

**6.** The general meeting of members has the powers granted to it by company by-law.

**7.** The affairs of the company are administered by a board of directors composed of

(a) a president appointed by the Bishop of Nicolet;

(b) a delegate from each fabrique that is a member of the company, proposed by the fabrique and appointed as an administrator by the Bishop of Nicolet.

The delegate of a fabrique need not be the rector, the chair or a warden of the fabrique.

In the deeds of appointment, the Bishop of Nicolet must determine the term of office of the company president and the delegates appointed as administrators.

**8.** The mandate of the board of directors is to exercise the powers granted to it by company by-law.

**9.** The company's purpose and object is to own and administer cemeteries and to provide funeral services of all kinds, including interment, disinterment, cremation, transportation, embalming, viewing of the deceased, burial or placement in a mausoleum crypt, deposit of ashes in the ground or in a niche and any other mode of disposal of human remains that is recognized by the rites and customs of the Roman Catholic Church.

**10.** The company may, gratuitously or by onerous title, acquire cemeteries owned by bodies under the authority of the Bishop of Nicolet, as well as all the structures on the premises.

**11.** The Act respecting Roman Catholic cemetery corporations (R.S.Q., chapter C-40.1) applies to the company, subject to the provisions of this Act and with the necessary modifications.

**12.** All the acts performed by le Cimetière de Saint-Joseph de Victoriaville before the coming into force of this Act are confirmed, approved and ratified and may not be invalidated by the fact that

(a) certain official acts were issued before 2 July 1986 under the name of the corporation of le Cimetière St-Joseph rather than under the name "le Cimetière de Saint-Joseph de Victoriaville"; or

(b) the president of the corporation was the chair of the Fabrique de la paroisse de Sainte-Victoire and not the rector of Sainte-Victoire parish.

**13.** This Act comes into force on 17 December 2004.