

refuse burial to Guibord in Poulin's lot.

I resume thus :

The original writ is faulty, it ought to have contained a command, so that if peremptory writ ordered, it might follow the language of the original.

The Plaintiff's conclusions are faulty, vague and in part unfounded and unwarranted. Two things are asked :
1o. Order to bury in the Roman Catholic Cemetery Joseph Guibord conformably to the usages and the law.

2o. To insert on the Register of the Etat Civil the certificate of such burial, conformably to the usages and the law.

As to the 1st. under such vague conclusion, the point really meant to be tried is hidden. That the Defendants are bound to bury Guibord in the Roman Catholic cemetery according to the usages and the law, is indisputable and not disputed. Peremptory *mandamus* to do this would nevertheless, leave things just as unsettled between Plaintiff and Defendants, as they were the day before the Plaintiff presented her *Requête*.

There are two kinds of burials and places accordingly, in that Cemetery according to the usages and the law. We see, at the end of the case, that one kind and place would be of no interest to, and would not be acceptable by the Plaintiff who wants to get burial for her husband, in another particular part of the cemetery, where only ecclesiastical burial is performed.

Whatever may be meant by the vague conclusion referred to, no *peremptory mandamus* ought to be, or need be ; for ecclesiastical burial the Defendants cannot give, under the circumstances of this case, in the part of the cemetery where usually ecclesiastical interment is ; and as to civil burial or mere interment, and place for this, in the cemetery Defendants offered it, before the *Requête* for *mandamus* was presented.

As to the second conclusion, it

prays for a thing to be done by Defendants, that they have not office, or duty to do.

The parish priests are the persons appointed to keep the registers of the *état civil* of Roman Catholics. Suppose these Defendants if they could get access to the Registers, to give a certificate, purporting to be from them. It would have no weight at all.

Proceeding to the Judgment complained of it is bad for several reasons, for instance for vagueness.

The Peremptory *mandamus* ordered by it would be useless, & could lead to nothing but trouble. "The command (says Wilcock) must be to perform some definite, and specific act or acts ; so that a certain and conclusive return may be made that the act is done." There is not such command here.

Execution of this peremptory *mandamus* might be by burying Guibord in the smaller part of the Cemetery, reserved for mere interment, or so called, *sépulture civile* & returning : "buried conformément aux usages & à la loi."

This would be quite unsatisfactory to Plaintiff.

Whether we take the Judgment as ordering ecclesiastical, or mere civil burial, without ecclesiastical ceremony, it is bad, for like reasons as I have stated against the *Requete's* conclusions for burial.

The Judgment is bad also for having granted the second or last conclusion of Plaintiff, that is, for Defendants to be ordered to insert in the Registers of the *état civil*, the certificate of Guibord's burial. What I have said against the conclusion itself, is equally applicable to this latter part of the Judgment under Review.

In fact, *mandamus* ought not to have been allowed to issue at all, towards compelling Defendants to such a work, which (as I have said before) they have not office or duty to do.

The Judgment is bad too for dismissing defendants third exception as it has done.

It is bad also, for ordering the *Curé*