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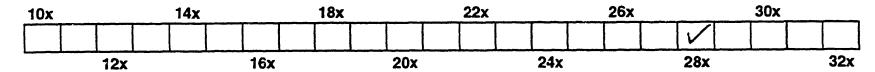
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1st Session, 4th Parliament, 16 Victoria, 1853.

J. 301,

BILL.

An Act to permit of disinterments in certain cases, and for other purposes therein mentioned.

Received and read First time, Thursday 24th February, 1853. Second reading, Monday 28th February, 1853.

[250 Copies.]

Hon. Mr. Belleau.

125

BILL.

An Act to permit of disinterments in certain cases, and for other purposes therein mentioned.

7HEREAS there is no provision of law for the permis- Preambule. sion of the disinterment in certain cases of bodies burried in churches, chapels or burial-grounds, in that part of the Province of Canada, known as Lower Canada, and it 5 is proper to make provision in that respect;

Be it enacted, &c., That it shall be lawful for any Judge of Judge of S. the Superior Court or of the Circuit Court for Lower Canada, may make or-

on a petition being presented to him, either in term or in der for disinterment of vacation, by the Curé, Rector, Minister or ecclesiastical perdead bodies in certain cases. 10 son performing the duties of Cure, or by the Marguilliers, of a parish or mission, or by any other person, praying for leave to disinter a body or bodies buried in any Church, Chapel, or burial-ground, with a view to the erection, repair or alienation of a Church, Chapel or burial-ground, or with a view to 15 re-interment in another Church, Chapel or burial-ground or to the reconstruction or repair of the tomb or coffin in which a body has already been buried, and indicating, in the case of a proposed removal of any body or bodies the burial-ground or the Church, or Chapel to which it is proposed to effect the 20 removal, and on proof being made on oath to his satisfaction of the truth of the allegations contained in such petition, to ordain that the body or bodies shall be disinterred as prayed for, any law usage or custom to the contrary notwithstanding; and such order sealed with the Seal of the Superior Court 25 or of the Circuit Court as the case may be and signed by the Prothonotary or Clerk of the said Court being duly served npon or presented to the Curé or acting Marguilliers or to the person performing the duties of Cure in any parish shall be a sufficient authority for the disinterment prayed for and 30 shall save harmless every person concerned or taking part in any such disinterment.

It shall not be lawful to disinter the body of any per- Cases of death son who died of a contagious disease until after the expiration by contagious disease proof a year and a day from the interment of such body.

vided for.

death and burial.

And whereas it is expedient to make provision on the 35 Delay between subject of the interment of dead bodies, be it enacted that no Curé or person performing the duty of Curé in a parish or mission shall inter the body of a deceased person until after the expiration of twenty-four hours at the least from the death of such person; provided always that nothing in this section 40 contained shall be construed to interfere with the observance of any regulation that may be made in this behalf by any Board of Health in pursuance of a certain act of the Parliament of this Province passed in the twelfth year of Her Majesty's Reign intituled, "An Act to make provision for the 45. " preservation of the Public Health, in certain emergencies," nor to apply to the case of any person having died a violent or sudden death.

Lower Canada.

IV. This Act shall apply to Lower Canada only.