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

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BILL.

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

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HON. MR. BELLEAU.

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BILL.

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

WHEREAS there is no provision of law for the permis- Preamble.
sion of the disinterment in certain cases of bodies
buried 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
the Superior Court or of the Circuit Court for Lower Canada,
on a petition being presented to him, either in term or in
vacation, by the *Curé*, Rector, Minister or ecclesiastical per-
10 son performing the duties of *Curé*, 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 aliena-
tion 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
upon or presented to the *Curé* or acting *Marguilliers* or to
the person performing the duties of *Curé* 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.

Judge of S.
C. or C. C.
may make or-
der for disin-
terment of
dead bodies in
certain cases.

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

III. And whereas it is expedient to make provision on the 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 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 preservation of the Public Health, in certain emergencies," nor to apply to the case of any person having died a violent or sudden death.

Delay between death and burial.
Lower Canada.

IV. This Act shall apply to Lower Canada only.