

## CAP. CLXXIV.

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

[Assented to 14th June, 1853.]

Preamble.

A Judge of the Superior Court or Circuit Court in L. C. may authorize disinterments in certain cases.

WHEREAS there is no provision of law for the permission 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 is proper to make provision in that respect : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, 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 any 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 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 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 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 person owning or having the legal charge or custody of such Church, Chapel or burial-ground, shall be a sufficient authority for the disinterment prayed for, and shall save harmless every person concerned or taking part in any such disinterment. Provided always that before proceeding to any such disinterment in any Church, Chapel or burial-ground, used for the interment of Roman Catholics, permission to that effect shall be obtained from the Superior Ecclesiastical Authority of the Roman Catholic Diocese in which the same is situate.

Proviso.

Exception as to contagious diseases.

II. It shall not be lawful to disinter the body of any person who died of a contagious disease until after the expiration of three years from the interment of such body.

III.

III. And whereas it is expedient to make provision on the subject of the interment of dead bodies—Be it enacted, That no deceased person shall be interred until after the expiration of twenty-four hours at the least from the death of such person, under a penalty of Five Pounds currency, upon every person in any way concerned or assisting, or taking part in, or being knowingly present at such interment; 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.*

No person to be buried until at least 24 hours after decease.

Proviso: Act not to affect regulations under 12 V. c. 3.

IV. This Act shall apply to Lower Canada only.

Extent of Act.

## C A P . C L X X V .

An Act to provide for the more equal distribution of business in and to improve the practice of the Superior Courts of Common Law in Upper Canada, and for other purposes therein mentioned.

[Assented to 14th June, 1853.]

**W**HEREAS it is desirable that the offices for issuing Writs of Summons and Capias, and other Writs of mesne or first process in the Courts of Queen's Bench and Common Pleas in Upper Canada, in the County of York, be united: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That from and after the commencement of this Act, the Clerk of the Crown and Pleas in the said Court of Queen's Bench, and the Clerk of the Crown and Pleas in the said Court of Common Pleas, shall, subject to the approval of the Judges of the said Courts, from time to time, select one of their Clerks, whose duty it shall be to issue all Writs of Summons, Capias, and other Writs of mesne or first process in the said Courts, that may be required to be issued at the City of Toronto, and which Clerk shall be called the Clerk of the Summonses, and he shall be the Clerk of the said Clerks of the Crown and Pleas in the Courts of Queen's Bench and Common Pleas, and act under their direction, not only in issuing such Writs but in discharging such other duties in connection with their offices, as they or either of them may require of him.

Preamble.  
Clerks of Q. B. and C. P. at Toronto to appoint a Special Clerk to issue Writs of mesne process.