

said informal By-laws; And whereas certain provisions were made in and by the said first mentioned Act, and certain proceedings were required to be taken, for the purpose of remedying the difficulties which had arisen and might arise from the said informalities, and doubts have arisen whether the said provisions were applicable to any other than Counties the former District Councils representing which had passed informal By-laws, and it is expedient to remove the same: 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 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, as follows:

Failure to advertise, &c., under sect. 7, not to invalidate claim of Counties.

I. The failure to advertise lands in arrear for taxes, in the year one thousand eight hundred and fifty-three, as provided by the seventh section of the hereinbefore first recited Act, shall not invalidate the claim of such Counties for taxes which were then lawfully due.

C A P . C X L I .

An Act to prohibit Interments in certain Burial Grounds in the City of Quebec.

[Assented to 19th May, 1855.]

Preamble.

WHEREAS it is essential to the salubrity of the City of Quebec and the health of the Inhabitants of the said City, that the interment of dead bodies in the burial grounds hereinafter mentioned, situated in populous wards of the said City, should be prohibited for the future: 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 passing of this Act, it shall not be lawful to inter any dead body in the Roman Catholic burial ground known by the name of *Cimetière des Picotés*, situate in Palace Ward in the said City, nor in the burial ground which surrounds the Parochial Church of the Parish of *Notre-Dame de Québec*, nor otherwise than in tombs or vaults now owned and possessed by individuals or families in the burial ground known by the name of the English Burial Ground, situate in Saint John Street, in Saint John's Ward in the said City.

Burials not to take place in certain Cemeteries and places.

II. Each and every transgression of the prohibitions of the preceding section of this Act shall be punished by a fine of Fifty Pounds currency, recoverable with costs by an action of debt in a Court of competent jurisdiction from the *Marguilliers* of the *Ceuvre* and *Fabrique* of the Parish of *Notre-Dame de Québec*, in the case of an interment in the said *Cimetière des Picotés*, or in the burial ground surrounding the Parochial Church of the said Parish, and in the case of an interment in the said English Burial Ground, from the Trustees of the said burial ground.

Penalty for
contravening
the preceding
section.

III. After the lapse of one year from the passing of this Act, it shall be lawful for the Corporation of the City of Quebec, to prohibit the interment of any dead body in either of the following burial grounds in the City of Quebec, that is to say : the burial ground known by the name of the Wesleyan Methodist Cemetery, situate in D'Artigny Street, Saint Lewis Suburbs, Saint John's Ward in the said City, the burial ground in the Saint Roch's Ward in the said City, bounded in front by Dorchester Street, in rear by Caron Street, to the south by Saint Joseph Street, and to the north by Saint François Street, and the several burial grounds situate in Panet, Smith, Stuart and Dorchester Streets, in the vicinity of the Marine Hospital in Saint Roch's Ward in the said City ; Provided always, that before the said interments shall cease within the Wesleyan Cemetery, in D'Artigny Street, and the English Burial Ground, in St John Street, aforesaid, the Corporation of the City of Quebec shall be bound to indemnify the Owners, Trustees, or other Representatives of the ground so prohibited, in a reasonable sum to compensate for their loss of property, the same to be ascertained by Experts to be chosen, one by each party; the said Experts having the right to appoint an Umpire, and in case the said Experts do not agree in the appointment of such Umpire, the same shall be named by one of the Judges of the Superior Court for Lower Canada.

After one year
Corporation
may prohibit
Burials in cer-
tain other
places.

Proviso :
Corporation
must indemni-
fy the Owners
before prohib-
iting Burials
in certain
places.

How the
amount of in-
demnity shall
be ascertained.

IV. Each and every transgression of the prohibitions of the next preceding section of this Act shall be punished by a fine of Fifty Pounds currency, recoverable with costs by an action of debt in a Court of competent jurisdiction, from the party or person or body corporate or politic, having the legal control and custody of the burial ground in which such transgression shall be committed.

Penalty for
contravening
next preceding
section.

V. Every action for the recovery of fines under this Act shall be brought in the name of the Mayor and Councillors of the City of Quebec ; and proof of the offence shall be made by the oath of one or more credible witness or witnesses ; and the Officers and Servants of the said Mayor and Councillors shall be competent witnesses in every such action.

Recovery of
penalties.
Evidence.

Application of penalties.

VI. All fines recovered under this Act shall belong to the City of Quebec, and shall be paid to the Treasurer of the said City.

How disinterments shall be conducted.

VII. In each case in which it shall be necessary to disinter a body buried in either of the said burial grounds, the disinterment shall take place by the direction and under the superintendence of the person or persons appointed for that purpose, by the Police Committee of the City Council of the said City, and according to the regulations in that respect made by the said Council.

Public Act.

VIII. This Act shall be a Public Act.

CAP. CXLII.

An Act to transfer to the City of Montreal, all the property, rights and privileges heretofore enjoyed by the Wardens of the House of Industry, in the City of Montreal, and for other purposes.

[Assented to 19th May, 1855.] -

Preamble.

Act of L. C.,
58 G. 3, c. 15.

WHEREAS by an Act of the Legislature of Lower Canada passed in the fifty-eighth year of the Reign of King George the Third, intituled, *An Act to establish a House of Industry in the City of Montreal*, a Corporation and body politic and Corporate by the name of *The Wardens of the House of Industry in the City of Montreal*, was erected and established for carrying into effect the last will and testament of the late John Conrad Marsteller, who died on the seventeenth day of May, one thousand eight hundred and eight, having by his said will bequeathed certain real and immoveable estates, and the rest, residue and remainder of all and every his Estate, property and effects, after payment of his debts and legacies, for the purpose of establishing in the said City of Montreal, a House of Industry; And whereas the said Corporation so established hath been found ineffectual for the proper establishment and management of the said House of Industry, and the benevolent intentions of the said John Conrad Marsteller in bequeathing the aforesaid estate and property are thereby likely to be defeated, unless the control and direction of the affairs of the said House of Industry be transferred to and vested in other management; And whereas by the joint petition of the said Wardens of the said House of Industry and of the Corporation known as *The Mayor, Aldermen and Citizens of the City of Montreal*, it is prayed that the powers, rights and privileges conferred on the said Wardens by the aforesaid Act, as well as the property, estate, chattels and effects of the said House of Industry so incorporated, may be transferred to and made to vest in the said Corporation known as *The Mayor, Aldermen and Citizens of the City of Montreal*, and the entire management