

Laws of Her Majesty's Province of United Canada, passed in the year 1854. Quebec: Stewart Derbshire and George Desbarts, 1854.

18 Victoria – Chapter 141

An Act to prohibit Interments in certain Burial Grounds in the City of Quebec. Aseented to 19th May, 1855.

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 he 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 Quebec*, 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.

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 *Œuvre* and *Fabrique* of the Parish of *Notre-Dame de Quebec*, in the ease 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.

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 flic south by Saint Joseph Street, and to the north by Saint Francois 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 Judge's of the Superior Court for Lower Canada.

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.

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.

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.

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.

VIII. This Act shall be a Public Act.