

the Provincial Board of Health as now constituted, which shall continue to exist under the name given to it by this act, neither shall it affect the appointments, rules and regulations made and every thing done up to present time in virtue thereof, all which shall continue to exist and remain in force until otherwise determined under this act.

CAP. XLVIII.

An act for the better regulation of Interments and Disinterments.

[Assented to 12th July, 1888.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

SECTION FIRST.

INTERMENTS.

§ 1.—*General provisions.*

**1.** Under a penalty of twenty dollars, upon every person in any way concerned or assisting, or taking part in, or being knowingly present at such interment, no deceased person shall be interred until after the expiration of twenty-four hours, at the least, from the death of such person.

No burial to take place before twenty-four hours after death, under penalty of a fine.

This article shall not interfere with the observance of any regulation made in this behalf, by any Board of Health, in pursuance of chapter 38 of the Consolidated Statutes of Canada and the by-laws of the Provincial Board of Health, concerning the preservation of the public health.

C. S. C., c. 38, and by-laws respecting preservation of health not to be interfered with.

**2.** It belongs solely to the Roman Catholic ecclesiastical authority, to designate the place in the cemetery, in which each individual of such faith shall be buried; and if the deceased, according to the canon rules and laws in the judgment of the ordinary, cannot be interred in ground consecrated by the liturgical prayers of such religion, he shall receive civil burial in ground reserved for that purpose and adjacent to the cemetery.

Roman Catholic Ecclesiastical authority to designate place for burial of persons of that faith.

§ 2.—*Regulations for interments.*

**3.** In every interment in a church, the coffin shall be covered by at least four feet of earth, or encased in masonry of at least eighteen inches in thickness if in stone, or

How coffin shall be covered if interred in a church.

at least twenty inches in thickness if in brick, both brick and stone having been well covered with cement.

Disinfectants to be used in interments in church.

**4.** In every interment in a church, the use of disinfectants in the coffin is required.

Disinfectants to be also used in cases of death from certain diseases.

**5.** In all cases of death from small pox, asiatic cholera, typhus, typhoid fever, scarlet fever, diphtheria, glanders, measles, the use of disinfectants in the coffin is also required.

Transfer of bodies of persons dying of certain diseases.

**6.** The body of no person, who has died from any of the diseases mentioned in the preceding article, shall be conveyed from one parish to another, unless it be enclosed in a metallic coffin hermetically sealed, and filled with disinfectants.

Bodies of persons dying of certain diseases to be laid in separate graves, &c.

**7.** The bodies of all persons, who have died of any of the diseases specified in article 5 of this act, shall be laid in separate graves, and covered with at least four feet of earth, and shall not be deposited in any vault, or buried in any church.

Burials in private vaults, under what conditions allowed.

**8.** No interment is allowed in private vaults, unless the coffin be deposited in a grave and covered with four feet of earth or encased in masonry of at least eighteen inches in thickness, if in stone or at least twenty inches in thickness, if in brick, both brick and stone having been well covered with cement, whatever the disease may have been.

Proclamation in certain cases of epidemic prohibiting bringing of bodies into churches.

**9.** When typhus, asiatic cholera, small pox, typhoid fever, scarlet fever, diphtheria or measles are epidemic, it shall be lawful for the Provincial Board of Health or the local Board of Health by their president or secretary, the mayor of any municipality, being thereto authorized by the Provincial Board of Health, after having obtained for such purpose the written consent of the local or diocesan ecclesiastical authority, to prohibit by proclamation, during a fixed period specified in the proclamation, the bodies of persons who have died from any of such diseases, from being brought into churches under the control of such ecclesiastical authority, and situated within the municipality.

Conveyance of bodies in such case.

While such prohibition is in force, the bodies of persons who have died of such diseases shall be conveyed directly from the house to the place of interment.

Ecclesiastical authorities may also in

**10.** In the absence of such proclamation, the local or diocesan ecclesiastical authority may, at any time, forbid

the bringing of corpses into the churches under the control of such ecclesiastical authority, when it deems that the bringing of such corpses into the churches may be prejudicial to the public health.

certain cases forbid the bringing of bodies into churches.

**11.** Any person having in his possession or custody, any clothes or linen, used by any one attacked by epidemic typhus, asiatic cholera, small pox, typhoid fever, scarlet fever, diphtheria, or measles, shall, without delay, burn the same or disinfect them according to the direction of the Provincial Board of Health.

Clothing, &c., of person attacked by certain diseases to be burned or disinfected.

**12.** Any person committing any infraction, or contributing to the commission of any infraction of any of the provisions of the preceding articles shall incur a penalty not exceeding three hundred dollars, which shall be recoverable with costs, within the ensuing six months, by suit before the Circuit Court of the district, or before any other competent court of civil jurisdiction.

Penalty for infringing preceding articles.

How recoverable.

Whosoever shall take the proceedings, the penalty shall belong to the government.

Application of fine.

**13.** The Lieutenant-Governor may, by proclamation, declare that articles 5, 6, 7, 9, 10 and 11 shall apply throughout the whole Province or in certain localities only, to any other disease, which he shall mention in such proclamation, and which, according to the report of competent persons, he shall deem to possess a dangerous and epidemic character.

Lieutenant-Governor may by proclamation declare act to apply throughout the Province, &c.

**14.** In any new parish the site for the cemetery shall be chosen, as much as possible, beyond the probable limits of the town or village, on elevated land inclining in a direction opposite to the site of the dwellings, so that drinking water shall not be contaminated by its drainage.

Cemeteries in new parishes where to be situated.

The same rule shall also be applied in parishes already established where a removal of the cemetery is to be made.

In case of removal of old cemetery rule applicable.

**15.** When any disease is epidemic in any local municipality, the council of such municipality may appoint one or more physicians as medical inspectors, to establish the cause of death of any person who shall have died of such disease.

Power of local council in cases of epidemic to appoint inspectors.

Notice shall be given of the appointment of such medical inspectors in the municipality in the same manner as notices respecting the ordinary affairs of the municipality.

Notice to be given.

After such notice, the burial of any person, who has died of such disease in the municipality, shall not be performed before the expiration of the usual delay of twenty four hours, without the order of the medical inspector, or of

Burials after such notice.

Penalty for burial without order.

one of them, if there be more than one, under pain of the penalty imposed by article 1 of this act.

In absence of health officer or inspector who may give burial orders.

**16.** In the absence of a health officer or inspector appointed by the council, when a disease is epidemic, the orders for the burial of persons who have died of such diseases, before the expiration of the delay of twenty four hours, may be given by the *curé* or officiating minister of such persons and one municipal councillor, or by two municipal councillors in the absence of the *curé* or minister.

Burials may be prohibited in any cemetery or church in certain interests.

**17.** The superior or diocesan ecclesiastical authority may, whenever it may deem the same desirable, in the interests of decency or of the public health, prohibit interments in any cemetery or church under its control, under the penalty imposed by article 12 of this act.

### § 3.—*Interpretative.*

“Local municipality” defined.

**18.** The term “local municipality” employed in this section means, in addition to the local municipalities existing under the authority of the Municipal Code, the municipality of any city or town incorporated by special act.

## SECTION SECOND.

### DISINTERMENTS.

#### § 1.—*Proceedings for disinterments.*

On petition to judge of Superior Court, leave to disinter any body or bodies may be granted for certain purposes.

**19.** On a petition being presented to any judge of the Superior Court either in term or in vacation, by any person praying for leave to disinter a body or bodies buried in any church, chapel or cemetery, with a view to the erection, repair or alteration of a church, chapel or cemetery, or with a view of re-interment of the said bodies in another part of the same church, chapel or cemetery, or with a view of 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 part of the same church, chapel or cemetery 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, such judge may order or permit that the body or bodies shall be disinterred as prayed for.

Order to be sufficient authority for disinterment.

Such order, sealed with the seal of the Superior Court, and signed by the prothonotary, being duly served upon, or presented to, the person owning or having the legal charge

or custody of such church, chapel or cemetery, shall be a sufficient authority for the disinterment prayed for, and shall hold harmless every person concerned or taking part in such disinterment.

**20.** Before proceeding to any disinterment in any Roman Catholic church, chapel or cemetery under this section, permission to that effect shall also be obtained from the superior ecclesiastical authority of the diocese in which the same is situate.

Disinterments in Roman Catholic church require previous authority of ecclesiastical authorities.

**21.** The body of any person who has died of a contagious disease shall not be disinterred until after the expiration of five years from the interment of such body or of such period as may be fixed by the Provincial Board of Health.

Bodies of persons dying of contagious diseases not to be disinterred before certain time.

**22.** Whenever it is determined by competent ecclesiastical authority to remove an old cemetery, or to open a new cemetery within any parish or mission, any judge of the Superior Court may, on a petition being presented by the parish priest or missionary and by the majority of the church-wardens of the church or congregation, to which such old cemetery belongs, or to whose use it is applied, grant them permission to cause or to allow all or any of the bodies buried in such old cemetery to be removed to such new cemetery.

Judge of Superior Court may grant permission to disinter bodies and remove them to new cemetery when so determined by competent Ecclesiastical authority.

**23.** Such parish priest, minister, missionary, or church-wardens, as the case may be, shall cause a register to be kept of all bodies removed from such old cemetery, showing, as far as may be possible, the names and surnames of the deceased whose bodies are so removed, as well as the names and surnames of those who applied for such removal or showing that they were removed by order of such priest, minister or missionary and of the church-wardens of such church or congregation.

Register to be kept of such disinterments. What to contain.

**24.** Such register shall be certified by such priest, minister, or missionary ministering to the church or congregation to which such old cemetery belongs.

Register to be certified.

**25.** No application made to any such priest, minister, or missionary or to any such church-wardens for the removal of any particular body, shall be granted, unless accompanied by an affidavit as required by article 19 of this act.

Affidavit to be required with application for removal of any particular body.

**26.** Such affidavit may be sworn to before a judge or commissioner for receiving affidavits, or before the priest, minister or missionary or before any of the said church-wardens, all of whom are hereby empowered to administer the requisite oath.

Affidavit, before whom to be sworn.

§ 2.—*Interpretative.*

“Cemetery,”  
“Church-  
warden,” ex-  
plained.

**27.** The expression “cemetery” shall apply to any portion of a cemetery to be removed; the words “churchwardens” shall include any officers of a church, or congregation having the management of its cemetery by whatever name they be known.

§ 3.—*Miscellaneous.*

C. S. L. C., c.  
21, 38 V., c. 18  
and 48 V., c.  
27, repealed.

**28.** The following acts are repealed: chapter 21 of the Consolidated Statutes for Lower Canada; the acts 38 Victoria, chapter 34; 39 Victoria, chapter 18 and 48 Victoria, chapter 27.

Coming into  
force.

**29.** This act shall come into force on the day of its sanction.

## CAP. XLIX.

An Act to amend the act 48 Victoria, chapter 32, respecting the protection of the life and health of persons employed in factories.

[Assented to 12th July, 1888.]

HER Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

48 V., c. 32, s.  
2, amended.

**1.** Section 2 of the act 48 Victoria, chapter 32, is amended by striking out, in the proviso of the first paragraph of the said section, the words after “provided that” in the first line to the words “and that” in the third line thereof.

Id. s. 7,  
amended.

**2.** Section 7 of the said act is amended by adding after paragraph 4 thereof the following:

Boilers to be  
kept in good  
order and cer-  
tificate of in-  
spector to be  
shown.

“4a. The boilers must be kept in good order, and the employer must furnish yearly to the inspector a certificate of their inspection by a competent person.”

Coming into  
force.

**3.** This act shall come into force on the day of its sanction.

## CAP. L.

An Act to amend the act 49-50 Victoria, chapter 74, respecting the employment of combustible gases in this Province.

[Assented to 12th July, 1888.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows: