

**CONCERNING REMOVAL OF DEAD BODIES FROM BURIAL GROUNDS**

**Act of Jun. 16, 1891, P.L. 310, No. 238**

**Cl. 09**

**A SUPPLEMENT**

To an act, entitled "An act supplementary to an act relative to burial grounds and cemeteries situated in incorporated boroughs, approved the nineteenth day of May, one thousand eight hundred and seventy-four, changing the title of said act and authorizing the court to make orders and decrees required by the act, and to enforce the same by process," approved the thirteenth day of May, one thousand eight hundred and seventy-six, further empowering courts to direct removal of remains in boroughs and cities, from burial grounds where interments have ceased and such remains interfere with religious buildings or trusts," approved the eighteenth day of April, Anno Domini one thousand eight hundred and seventy-seven, further empowering courts to authorize removal of remains in cities or boroughs, from burial grounds held or owned by gift or grant from the Commonwealth in all cases where interments therein have ceased, to such suitable place as may be provided: And provided, That such real estate may be held, leased, sold, let on ground rent or mortgaged and the same and the proceeds thereof be held for other religious or charitable purposes.

Section 1. Court of quarter sessions may, upon petition of majority of managers of burial grounds, in certain cases, authorize removal of the dead bodies

Wherever, by virtue of any gift or grant from the Commonwealth, any real estate in cities or boroughs is owned by any church or religious society, or is vested in trustees of, for or representing any church or religious society, for the purpose of a burial ground, or in trust for such purpose, the courts of quarter sessions of the several counties of this Commonwealth, upon petition of a majority of the managers, officers or trustees of such church or society, or of the trustees in whom the legal title of such burial ground shall be vested, setting forth that any such burial ground has ceased to be used for interments, shall have and exercise the jurisdiction conferred upon them by the act approved April 18th, 1877, which is hereinafter published at length, and, upon proceedings duly instituted and prosecuted in accordance with the provisions of said act, but without requiring any averment or proof other than that such burial ground has ceased to be used for interments, may, after a full hearing of the parties, their proofs and allegations, authorize and direct the removal of the remains of the dead from any such burial ground in such manner and to such suitable place as said church, society or trustees shall provide. 1891, June 16, P.L. 310, Sec. 1.

Section 2. Disposition of land and of the proceeds thereof after court authorizes removal of remains

In any and every case where the proper court of quarter sessions shall authorize the removal of the remains of the dead

from any burial ground or burial grounds, under the provisions of the first section of this act, it shall be lawful for any church or religious society or trustees of, for or representing any church or religious society, or the trustees in whom the legal title to such burying ground is vested, to hold, lease, sell, let on ground rent or to mortgage such real estate, and the same and the proceeds thereof to hold for any religious or charitable purposes, objects, works or trusts of such church or religious society. And full power and authority is hereby conferred upon and granted to any such church, religious society or trustees, their successors or successor and survivors and survivor, and the heirs and assigns of such successor or survivor, to sell any and all such real estate and any and all parts or parcels thereof in fee simple and free, clear and discharged of and from all trusts and restrictions, and of and from all reversionary rights now subsisting in the Commonwealth, either at public or private sale, the trusts hereby limited and declared for the other religious or charitable purposes, objects or trusts of such church or religious society to attach to and only to the proceeds of such sale or sales: Provided, however, That out of the proceeds of any such sale or sales any sum which may be necessary for the purpose shall be reserved and applied to meet and make all lawful requirements and disbursements for the costs and expenses of the proceedings, and for the removal of the remains of the dead and the provision of a suitable place for their reinterment. 1891, June 16, P.L. 310, Sec. 2.