

town or township, to arrest on view persons violating any ordinance [of the city] thereof.

*All persons arrested on view under the provisions of this section shall be taken before the nearest available justice of the peace, alderman, mayor or burgess, regardless of the city, borough, town or township lines, but within the county where the arrest was made.*

APPROVED—The 14th day of September, A. D. 1961.

DAVID L. LAWRENCE

No. 566

AN ACT

Amending the act of May 12, 1887 (P. L. 96), entitled "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, eighteen hundred and seventy-six, further empowering courts to direct removal of remains in boroughs, cities, and towns from burial grounds where interments have ceased or have become so neglected as to become a public nuisance, or such remains interfere with the improvements, extensions, and interests of such cities, boroughs, or towns," extending the act to counties of the second class.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Burial grounds  
and cemeteries.

Section 1. Section 1, act of May 12, 1887 (P. L. 96), entitled "A supplement to an act entitled 'An act supplementary to an act relative to burial grounds and cemeteries situated in corporated 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, eighteen hundred and seventy-six, further empowering courts to direct removal of remains in boroughs, cities, and towns from burial grounds where interments have ceased or have become so neglected as to become a public nuisance, or such remains interfere with the improvements, extensions, and interests of such cities, boroughs, or towns," amended May 21, 1931 (P. L. 187), is amended to read:

Section 1, act  
of May 12, 1887,  
P. L. 96,  
amended May  
21, 1931, P. L.  
187, further  
amended.

Section 1. Be it enacted, &c., That when by the growth of cities, towns, and [boroughs] *counties of the second class*, and the opening of incorporated or unin-

Courts of quarter  
sessions author-  
ized to direct  
removals.

corporated cemeteries in cities, [and boroughs] or in the vicinity thereof, *and in counties of the second class*, or from other causes, any burial-ground privately owned and in charge of no person or persons, or any burial-ground belonging to or in charge of any religious society or church directly, or through trustees thereof, or in charge of no person, persons, church or society, or belonging to or in charge of any municipality *or county of the second class*, has ceased to be used for interments, or has become so neglected, as in the opinion of the court, to become a public nuisance, or that the remains of bodies interred in any such neglected or disused cemetery in any city or [borough] *county of the second class* interfere with and hinder the improvements, extensions, and general progressive interests of any city or [borough] *county of the second class*; or when the said land shall be desired by the said municipality, or in the school district thereof, *or by the county of the second class*, for the erection thereon of any municipal *or county* school, or free public library building, or for use as recreation centres or municipal *or county* playgrounds, or the opening, laying out, or extension through said land of any street or highway, or for any other public purposes; the court of quarter sessions of the several counties of this Commonwealth, upon petition of the managers, officers, *county of the second class* or municipality, or, on the petition of fifty or more citizens or residents in the vicinity, in case where such cemetery or graveyard is not in charge of any person, persons, church or society, or trustees of such society or church, setting forth that the erection, extension, improvements, and general progressive interests of such city or [borough] *county of the second class* are hampered and interfered with, and the welfare of such city or [borough] *county* is injured to the detriment thereof and of the public good, or, upon the petition of said *county or* municipality, or school district thereof, that the said land shall be desired by said municipality or the school district thereof *or by the county of the second class* for the erection \*thereon of any municipal, school, or free public library building, or for use as recreation centres or municipal *or county* playgrounds, or the opening, laying out, or extension through said land of any street or highway, or for any other public purposes, and after three weeks of advertisement or hearing in open court for the purpose, may, after a full hearing of the parties, their proofs and allegations, authorize and direct the removal of the remains of the dead from such burial grounds: Provided, That no such application shall be made by the managers, officers, or trustees of such society or church, except in pursuance of the wishes

Petition.

Advertising and hearing.

Proviso.

\* "thereof" in original.

of a majority of the members of such society or church, expressed at a meeting held for that purpose after two weeks' public notice. After the removal of all dead bodies from such burial grounds, the said land shall cease to be a cemetery or burial ground for all and any purpose whatsoever, and may be acquired by the *county of the second class*, municipality or school district thereof as other lands are acquired for *county*, municipal or school purposes.

Section 2. Section 2 of the act, amended April 29, 1909 (P. L. 291), is amended to read:

Section 2. Such removal to be made by such managers, officers, or by the authorities of such city, [borough] *county* or any of the school districts thereof, when such burial-ground is not in the charge of any person, persons, church or society, trustees of such society or church, or under their direction, in a careful manner, at their own expense, to such other burial-ground or grounds they may select for said purpose; or, if desired by the relatives or friends of such dead, to some \*properly regulated burial-ground or cemetery in the immediate vicinity; and said courts may enforce, by proper process, orders and decrees made under this act: Provided, however, That before removing any of the said bodies, said managers, trustees, city or [borough] *county* authorities, or the authorities of said school district, shall publish, for two successive weeks in two daily or weekly newspapers of such city [, borough,] or county wherein such burial ground is located, a notice declaring their intention to remove said remains in pursuance of this act: And provided further, That relatives and friends of such dead shall have the right to so remove said remains, at any time during said proceedings, at their own expense, before actual removal by such managers, officers or trustees: And it is further provided, That all bodies, when so removed, shall be placed in separate caskets and graves, and the headstones, monuments, or other marks placed by the remains of said bodies, shall be taken, by the persons authorized to make such removal, and placed as near as can be in the same relative position as before removal.

Section 2 of the act, amended April 29, 1909. P. L. 291, further amended.

Removals regulated.

Courts may enforce.

Public notice.

Rights of relatives.

Disposal of bodies.

Section 3. This act shall take effect immediately.

Act effective immediately.

APPROVED—The 14th day of September, A. D. 1961.

DAVID L. LAWRENCE

\* "property" in original.