

BURIAL GROUNDS, CONVEYANCE
Act of Jun. 25, 1913, P.L. 551, No. 354
AN ACT

CL. 09

To authorize incorporated or unincorporated churches, cemeteries, or burial associations, owning burial-grounds located wholly or in part in any city, township, or borough of this Commonwealth, to purchase other grounds, and to sell and convey in fee simple such portions of their land, not used or conveyed by them for burial purposes, or which may have been reconveyed to them or shall have reverted or become acquired by them, under the terms hereof, or otherwise; and providing for and authorizing the several courts of quarter sessions of the several counties of this Commonwealth, upon petition of the managers, officers, and other persons vested with the management of said burial-ground, to make orders and decrees for the removal of all bodies interred in such burial-grounds or cemeteries belonging to any incorporated or unincorporated church, cemetery, or burial association; and to provide for the purchase of new lots, the cost of the removal of such bodies, and compensation to the owners of the lot or lots therein, the sale of the ground, and disposition of the proceeds derived from such sale.

Section 1. Be it enacted, &c., That whenever any incorporated or unincorporated church, cemetery, or burial association own burial grounds, wholly or in part in any city, township, or borough in this Commonwealth, and by reason of the growth thereof, as well as for sanitary purposes, it is deemed necessary or desirable, in the opinion of the said church, cemetery, or burial association, to change the location thereof; or if, by reason of the opening of streets, roads, or public passages around or through the same, a portion of the property has become angular and partly surrounded by improvements; or if, by reason of the proximity of adjacent property, the interment of the dead may, in the interest of public health, be prohibited in any part or parts of the ground belonging to any incorporated or unincorporated church, cemetery, or burial association aforesaid; or, from other causes, any burial-ground, belonging to or in charge of any incorporated or unincorporated church, cemetery, or burial association, has ceased to be used for interments, and has become so neglected as to become a public nuisance; or that the remains of bodies interred in any such neglected or disused cemetery, in any city, township, or borough, interfere with and hinder the improvements, extensions, and general progressive interest of any city, township, or borough,--it shall be lawful for such incorporated or unincorporated church, cemetery, or burial association, and they are hereby authorized and empowered, to purchase new and more suitable grounds in the vicinity of such city, township, or borough, of such extent and area as they shall deem expedient; or to purchase lots or sections in other properly regulated burial-ground or cemetery in the vicinity of such city, township, or borough, for the burial of the dead; and to purchase from the holders of lots in their own grounds the said lots, whether interments have been made in them or not, and provide for the reinterment of bodies that may be buried in any of the lots so purchased by them. And the board of managers, trustees, or other officials in whom is vested the management of

the affairs of such incorporated or unincorporated church, cemetery, or burial association, are also hereby authorized and empowered to contract and agree with the owners of the lots in which interments have been made to remove from said lots the dead, to such new locations, upon such terms as may or can be mutually agreed upon. And in case any bodies have been interred in lots in such cemetery or cemeteries, and the owners of the lots in which the interments are made cannot, after diligent search by the board of managers, trustees, or other officials, be found, such bodies may be removed by the aforesaid managing officials to lots in such grounds, so purchased by said incorporated or unincorporated church, cemetery, or burial association, or to lots or sections in other properly regulated burial-ground or cemetery in the vicinity of such city, township, or borough, and interred therein; the expense of such removal and interment, enclosures and improvements to be borne by such incorporated or unincorporated church, cemetery, or burial association; and, upon such removal being made, the ground from which the bodies are so removed shall be deemed and considered vacated for burial purposes, and revert to and become the property of such incorporated or unincorporated church, cemetery, or burial association making such removal, and be taken and considered the same as if said lot or lots had never been sold by the said church, cemetery, or burial association, for the purpose of interment or any other purpose whatsoever. And in case the holders of lots in which no interments have been made cannot, after diligent search by the managing officials above mentioned, be found, then the managing officials may, in their discretion, assign to said owner parts of the ground so purchased, equal in value to the said lots the owners of which cannot be found; or assign to such owners lots of equal value in other properly regulated burial-ground or cemetery in the vicinity of such city, township, or borough; or the said managing officials may set apart or hold in trust, for the owners of said lots who cannot be found, a sum of not less than the original price paid for said lots by the owner, and shall hold and securely keep the said sum so set apart, for the benefit of the said owners, and pay to them whenever they may call for the same; and thereupon, whenever lots of equal value shall have been set apart, on the books of said incorporated or unincorporated church, cemetery, or burial association, as having been assigned to said owners who cannot be found, in the new and more suitable ground so purchased, or in a properly regulated burial-ground or cemetery in the vicinity of such city, township, or borough; or as soon as the said managing officials shall set apart a sum equal to the price paid for said lots, the owners of which cannot be found, for the benefit of said owners,--then, and in that case, the lots heretofore held by said owners shall revert to and become the property of said incorporated or unincorporated church, cemetery, or burial association, in whose ground the same are located, as if the same had never been sold for the purpose of interment or any other purpose whatsoever; and such incorporated or unincorporated church, cemetery, or burial association is hereby further authorized and empowered to sell and convey in fee simple, and unrestricted as to use, all such portions of their land not used or conveyed by them for burial purposes, or which shall have been reconveyed to them, or which have reverted to or become acquired by them as hereinbefore authorized, and from

which all bodies shall have been removed; and to make, grant, and deliver in the customary form a deed or deeds for the same to the purchaser or purchasers, free, clear, and discharged of any use, trust, or limitation whatsoever.

Section 2. (2 repealed Aug. 11, 1959, P.L.676, No.223)

Section 2.1. The courts of quarter sessions of the several counties of this Commonwealth, upon petition of the proper officials in whom is vested the management of the affairs of any incorporated or unincorporated church, cemetery or burial association, setting forth any one or more of the following reasons:

(1) That due to the opening of streets, roads or public passages around or through the same, a portion of the property has become angular and partly surrounded by improvements; or

(2) That due to the proximity of adjacent property, the interment of the dead may, in the interest of public health, be prohibited in the ground belonging to any such church, cemetery or burial association aforesaid; or

(3) That from other causes, any burial ground belonging to or in charge of any such incorporated or unincorporated church, cemetery or burial association, has ceased to be used for interments and has become so neglected as to become a public nuisance; or

(4) That the remains of such bodies interred in any such neglected or disused cemetery in any city, township or borough interfere with and hinder the improvements, extension and general progressive interest of the Commonwealth or any city, borough, town or township; and after three weeks of advertisement of hearing in open court, for the purpose, are hereby vested and empowered with full power and authority, after full hearing of the parties therein, proofs and allegations, for any one or more of the above reasons, to authorize and direct the removal of the remains of all of the dead from the whole or any part of such cemetery or burial ground to another portion of the said cemetery or burial ground or to such other suitable ground as said officials may have procured in the vicinity for the reinterment of the bodies, or to such lots or sections in a properly regulated burial ground in the vicinity, and to order and decree that the ground from which the bodies have been removed shall be forever vacated for burial purposes.

(2.1 added Aug. 11, 1959, P.L.676, No.223)

Section 3. After the removal of the bodies, as provided for in section 2.1, the said court of quarter sessions may, upon petition of the said managers, trustees, or other officers referred to in said section, and upon being satisfied that the order of the court has been duly complied with, authorize and empower the said managers, trustees or other officers, in whom is vested the management of such incorporated or unincorporated church, cemetery, or burial association, to sell said burial ground at public or private sale, either as a whole or divided into lots, as they may deem most advisable and most likely to realize the most money, and to make, execute, and deliver to the purchasers a deed or deeds therefor, which deed or deeds shall vest in said purchaser or purchasers a perfect and indefeasible fee simple title, free and clear from all claims or interest of said incorporated or unincorporated church, cemetery, or burial association, and of all owner or owners of lot or lots in said burial-ground, the proceeds thereof being substituted in all respects for said ground.

(3 amended Aug. 11, 1959, P.L.676, No.223)

Section 4. The proceeds of such sale or sales shall be applied and distributed by said managers, trustees, or other officers, in whom is vested the management of such incorporated or unincorporated church, cemetery, or burial association, as follows: (1) to the payment of the expenses of removing said bodies and the monuments or tombstones erected or maintained in such cemetery, including the purchase of new grounds or new lots in a properly regulated burial-ground or cemetery, in the vicinity of such city, township, or borough; (2) to the compensation or payment to lot owners in said burial-ground, in which no bodies have been interred; and (3) the residue, after defraying all necessary expenses incident to the removal of said bodies and interring the same in a careful manner, to be held in trust for lot owners who cannot be found after diligent search, and for such other uses, objects, and purposes as said incorporated or unincorporated church, cemetery, or burial association may order, direct, and appoint.