

No. 296.

AN ACT

To prevent the opening of streets or public roads through burial grounds, and for the protection of cemeteries and grave yards.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That hereafter it shall not be lawful to open any street, lane, alley or public road through any burial ground or cemetery within this commonwealth, any laws heretofore passed to the contrary notwithstanding: *Provided,* That this section shall not extend to the city and county of Philadelphia. No street, lane, alley or public road to be opened hereafter through any burial ground or cemetery. Proviso.

SECTION 2. That any person who shall wilfully destroy, mutilate, deface, injure or remove any tomb, monument, grave stone or other structure, placed in any cemetery or grave yard appropriated to, and used for the interment of human beings, within this state, or shall wilfully injure, destroy or remove any fence, railing or other work for the protection or ornament of such places of interment, or shall wilfully destroy, cut, break or remove any tree, shrub or plant within the limits of said places of interment, or shall within the same shoot or discharge any gun or other fire arms, or shall open any tomb or grave within the same, and clandestinely remove or attempt to remove any body or remains therefrom, shall be guilty of a misdemeanor, and shall, upon conviction thereof, before any justice of the peace of the county where the said offence is committed, be punished by a fine, at the discretion of the justice, according to the aggravation of the offence, of not less than one or more than fifty dollars, for the use of the said county, and to be enforced and collected in the same manner as forfeitures under the act of assembly of twenty-second day of April, one thousand seven hundred and ninety-four, for the prevention of vice and immorality, or shall on conviction thereof in the court of quarter sessions of said county, be punished by a fine as aforesaid, and by imprisonment, according to the aggravation of the offence, at the discretion of the court, for a term not exceeding one year. Penalty for injuries to tomb, monument, grave stone, and ornaments, fence, railing, &c. Fine. Imprisonment.

WILLIAM F. PACKER,
Speaker of the House of Representatives,
GEORGE DARSIE,
Speaker of the Senate.

APPROVED—The fifth day of April, one thousand eight hundred and forty-nine.

WM. F. JOHNSTON.