

**VACATING CEMETERY IN CITY OR VILLAGE (EXCERPT)**  
**Act 164 of 1871**

**128.41 Vacation of cemetery; jurisdiction of chancery court.**

Sec. 1. That whenever the trustees of any incorporated village, or the common council of any city, shall by resolution adopted by them, determine that the dead bodies buried in any public or private cemetery located in such city or village should be removed therefrom, for the reason that such cemetery shall have become commons, or has become neglected or abandoned by its owner or owners, or has become a public nuisance, or shall impede the growth of any such city or village, or shall endanger the health of the people living in the immediate vicinity thereof, the circuit court in chancery of the county in which such cemetery is located is hereby authorized to vacate the same, or any part thereof, on petition made to such court as hereinafter provided.

**History:** 1871, Act 164, Eff. July 18, 1871;—CL 1871, 3423;—How. 4790;—CL 1897, 3485;—CL 1915, 3481;—CL 1929, 2663;—Am. 1941, Act 149, Eff. Jan. 10, 1942;—CL 1948, 128.41.