DISINTERMENT OF REMAINS OF WAR VETERANS

Act 248 of 1929

AN ACT to authorize disinterment and removal of remains of war veterans in certain cases, and to prescribe the proceedings to be taken.

History: 1929, Act 248, Eff. Aug. 28, 1929

The People of the State of Michigan enact:

35.841 Disinterment of bodies; jurisdiction of circuit court in chancery.

Sec. 1.

Whenever it shall be desired to disinter and remove the remains of any United States soldier, sailor or marine for the purpose of re-interring such remains in any cemetery or burial place or section of any cemetery or burial place set aside exclusively for the graves of such United States soldiers, sailors or marines, or whenever it is desired to disinter and remove the remains of any such United States soldier, sailor or marine from one grave to another in the same cemetery or burial place, when the purpose of such removal is to collect in 1 common section or plot the graves of United States soldiers, sailors or marines exclusively, the circuit court in chancery for the county in which such soldier, sailor or marine is buried shall have authority to enter a decree directing such disinterment and removal.

History: 1929, Act 248, Eff. Aug. 28, 1929 ;-- CL 1929, 932 ;-- CL 1948, 35.841

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35.842 Petition for disinterment; contents, filing; order to show cause; hearing, decree; consent of next of kin.

Sec. 2.

No such decree shall be entered until a petition shall be filed in such court by or on behalf of the "Grand Army of the Republic", and the "United Spanish War Veterans", the "American Legion", or the "Veterans of Foreign Wars", or any encampment, post or chapter thereof, duly verified by its officers thereunto duly designated, which petition shall set forth all the facts, together with the name, rank and command to which such deceased soldier, sailor or marine belonged, the date of death, the place where buried, the names of surviving parents and surviving children, if any, and if no such parents or children survive, then the names of any other next of kin, the reasons for which the disinterment and removal of the remains of such deceased are desired, and a description of the place to which such remains are to be removed. Upon the filing of such petition the court shall enter an order directed to the surviving parents and children, if any, and if none, to the other next of kin, directing them to show cause, if they have any, on a day and date in such order to be specified, why the petition should not be granted. In the event that any such persons are minors, the court shall, upon petition of any of the parties in interest, appoint a suitable guardian ad litem, in accordance with the rules and practice of the court. At the hearing on such order to show cause the court shall proceed to hear and determine the merits of such petition and shall make such other or further investigation as it may deem necessary or advisable in the interests of justice and equity, and may thereupon render such decree in the premises as it shall deem appropriate: Provided,

however, That no such decree or decrees shall be made in the case where such body is buried in a private lot or crypt unless the written consent of next of kin shall be filed with the court prior to making such decree.

History: 1929, Act 248, Eff. Aug. 28, 1929 ;-- CL 1929, 933 ;-- CL 1948, 35.842

35.843 Order to show cause for disinterment; service by publication to next of kin; court orders.

Sec. 3.

In all proceedings brought under the provisions of this act, if it shall appear by affidavit that any parent, child or other next of kin of such deceased resides without the jurisdiction of the court, or if it is not known whether any such person is living or dead or where he may reside, substituted service by publication may be made as authorized by law, and the rules of the court. In all cases the court shall make such order or orders as may be necessary to preserve and protect the rights of all surviving kin of such deceased soldier, sailor or marine.

History: 1929, Act 248, Eff. Aug. 28, 1929 ;-- CL 1929, 934 ;-- CL 1948, 35.843

35.844 Decree authorizing disinterment; provisions, filing of certified copy; burial records, correction.

Sec. 4.

Every decree authorizing the disinterment and removal of any such remains shall provide that the same shall be done under the supervision of the proper health officers or other local officers, who may be charged with such duty by law. It shall be the duty of the organization petitioning for such removal to cause to be changed and corrected forthwith all burial records of such deceased, of which it may have or be reasonably charged with knowledge, and any decree of removal shall so provide. A certified copy of such decree shall be filed with the sexton or person in charge of any such cemetery to which and from which any such body is removed, and it is hereby made the duty of such sexton or person in charge of any such cemetery to correct all records in his control in accordance therewith.

History: 1929, Act 248, Eff. Aug. 28, 1929 ;-- CL 1929, 935 ;-- CL 1948, 35.844

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