

in said borough, or otherwise, and filed among the records of the corporation.

SECT. 56. *And be it further enacted by the authority aforesaid,* That if any person or persons shall think him, her or themselves aggrieved by any thing done in pursuance of this act, or of any by-law or ordinance made under the authority of the same, he, she or they may appeal to the next court of Common Pleas, to be held for the same county, upon giving security according to law to prosecute his, her or their appeal with effect, and the said court having taken such order therein as shall seem to them just and reasonable, the same shall bind all parties.

SECT. 57. *And be it further enacted by the authority aforesaid,* That the inhabitants of said borough and persons holding any property therein, shall be competent witnesses in all actions arising under this act, or the by-laws and ordinances of this corporation.

Right of ap-  
peal to court  
of Common  
Pleas.  
Citizens de-  
clared compe-  
tent witness-  
es in borough  
suits.

SAM'L. ANDERSON,  
*Speaker of the House of Representatives.*

THO'S. RINGLAND,  
*Speaker of the Senate.*

APPROVED—The eighth day of April, A. D. one thousand eight hundred and thirty-three.

GEO. WOLF.

No. 135.

## AN ACT

To incorporate the Philadelphia Cemetery, in the township of Moyamensing.

WHEREAS James Ronaldson, of the township of Moyamensing, in the county of Philadelphia, being seized in his demesne as of fee of and in a large lot or piece of ground, situate on the south side of Shippen street and on the north side of Fitzwater street, between Ninth and Tenth streets, continued in the township of Moyamensing, in the county of Philadelphia aforesaid, now called the "Philadelphia Cemetery," beginning at the south-west corner of Shippen and Ninth streets aforesaid; thence extending westerly along the south line of Shippen street three hundred and six feet four inches and a quarter to a corner; thence southerly parallel with Tenth street, partly by other ground of the said James Ronaldson and partly by grounds of Isaac Harvey, three

hundred and seven feet more or less to Fitzwater street; thence easterly along the north line of Fitzwater street two hundred and twenty feet four inches and a quarter to a corner; thence by ground late of James R. Greaves north thirty-one degrees, east two hundred and sixty feet to Ninth street, and thence northerly along said Ninth street fifty-eight feet five inches to the place of beginning; which said lot of ground has been enclosed with a wall, iron railing and other fencing, and otherwise improved and ornamented and laid out and subdivided into walks and small lots, extending each ten feet north and south, and eight feet east and west, and which said lot with its improvements the said James Ronaldson has set apart for the purpose of establishing a decent and respectable cemetery or burial place, and in order to secure its application at all future times to that purpose only, the said James Ronaldson, by indenture under his hand and seal duly executed, bearing date the second day of April, one thousand eight hundred and twenty-seven, granted and conveyed unto Joseph Parker Norris, Roberts Vaux, Robert M. Patterson and Joseph Watson, Esquires, all of the city of Philadelphia, the lot of ground above mentioned and described in trust, nevertheless to permit the said James Ronaldson, his heirs and assigns, to use and occupy the said several small lots or subdivisions only as burial places, for the interment of deceased human beings, other than people of color, with the use and privilege of the several walks and passages thereto, and also to permit the said James Ronaldson, his heirs and assigns, to erect and build on both sides of the gate or carriage way on Shippen street, suitable houses for the keeper, and other accommodations suitable for the establishment, and to and for no other use, intent or purpose whatever, which said indenture is recorded in the office for recording of deeds, &c. in and for the city and county of Philadelphia, in deed book G W R, number fourteen, page seven hundred and thirty-eight, &c.: *And whereas*, the said James Ronaldson afterwards by indenture under his hand and seal, duly executed, dated the seventh day of September, one thousand eight hundred and thirty-one, and recorded in the office for recording of deeds, &c. aforesaid, in deed book A M, number nineteen, page two hundred and twenty. &c. granted and conveyed unto the said Joseph Parker Norris, Roberts Vaux, Joseph Watson, and Robert M. Patterson, their heirs and assigns, all that certain triangular lot or piece of ground, situate on the west side of Ninth street aforesaid, beginning on the said Ninth street at about fifty-nine feet four inches south from Shippen street; thence south thirty-one degrees, west fifteen perches and nine tenths of a perch (two hundred and sixty-two feet four inches) to Fitzwater street; thence eastward on the north line of Fitzwater street eighty-six feet to Ninth street, and thence by Ninth street, northerly

two hundred and forty-eight feet seven inches, to the place of beginning, in trust nevertheless for the same purposes as are set forth hereinbefore: *And whereas*, the said James Ronaldson and his associates, the managers of the said cemetery, are desirous of having the same incorporated for the several purposes in the indentures aforesaid mentioned, and particularly set forth: Therefore,

SECT. 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 the managers, owners and proprietors of the lots or subdivisions of the ground described in the preamble to this act, are hereby constituted a corporation and body politic, by the name and style of "The Philadelphia Cemetery Company," and by the same name shall have perpetual succession, and they and their successors, by such name shall at all times forever be able to purchase, receive, possess and enjoy lots of land and tenements, hereditaments, liberties, franchises and jurisdictions, goods, chattels and effects to them and their successors forever, or for any other or less estate, and by the same name shall be liable and capable in law to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in all courts of record and elsewhere, in all manner of suits, actions, complaints, pleas, causes, matters and things that to them as a body politic and corporate, in law and in fact, shall and may appertain, and shall have and use one common seal, and the same may alter and make anew at their pleasure; and the powers of the said corporation shall be vested in and conducted by a board of managers, to be elected as hereinafter directed: *Provided*, That the said corporation shall at no time hold any real estate other than the lands described in the preamble to this act, and the two houses intended to be erected thereon: *And provided further*, That within one year from the passing of this act the said Joseph Parker Norris, Roberts Vaux, Robert M. Patterson, and Joseph Watson, trustees as aforesaid, shall in pursuance of the proviso contained in the indenture first recited in the preamble to this act, in the ninth article in the said indenture, execute and convey unto the managers of the Philadelphia Cemetery and their successors forever all their legal estate and interest whatever in the same premises.

Owners of  
burial places  
in said lot  
incorporated.

Privileges  
& liabilities.

Proviso.  
Corporation  
not to hold  
other real  
estate.  
2d proviso.  
Trustees under  
Ronaldson's deed to  
convey to  
managers of  
corporation.

SECT. 2. *And be it further enacted by the authority aforesaid*, That on the first Monday of May next, and on the first Monday in May annually thereafter, an election shall be held at the said cemetery, of which ten days previous notice shall be given in one or more daily newspaper published in the city or county of Philadelphia, by the managers for

Annual election  
of managers.

the time being or any five of the lot holders, at which said election there shall be elected by ballot, by the owners or proprietors aforesaid, five managers, who at the time of their election shall be lot holders in the said cemetery, who shall continue in office for one year, and until others are regularly chosen, and in case of any vacancy taking place in the said board of managers by death, resignation or otherwise, the same shall be supplied by an election by the remaining managers: *Provided*, That no owner shall at any such election give more than one vote, although the owner of more than one lot; and in case one lot be held by more than one owner, there shall be but one vote for such lot, which shall be given by the owner oldest, in respect to personal age.

SECT. 3. *And be it further enacted by the authority aforesaid*, That the managers shall have the exclusive superintendence of the said cemetery, and the property and appurtenances thereunto belonging, with power to appoint a treasurer and such other officers, and employ workmen and fix their salaries and compensation respectively, and cause the ground, graves, fences, walks and improvements to be kept in good order and condition, and shall have full power to assess on each of the small lots, and collect from the owners thereof any sum not exceeding fifty cents in any one year, to be applied to defray the necessary expenses of the establishment, and generally to do all such other matters and things as may to them seem reasonable and proper in the premises: *Provided*, That the same be not inconsistent with any thing herein contained, or contrary to the laws of the Commonwealth of Pennsylvania.

SECT. 4. *And be it further enacted by the authority aforesaid*, That the managers for the time being shall annually on the first Monday of May submit to a meeting of the lot holders, by them called for the purpose, a full report or statement of the concerns of the company; and a majority of lot holders present, shall have full power to direct the improvements and assess and levy on each lot any sum not exceeding fifty cents, which shall be paid to the managers for the purpose of defraying the expenses of such improvements; and the managers shall cause to be kept, under their direction, in some convenient place, a register or journal of interments, and such other books as they may deem proper for such records, as may be material to the history of the cemetery, and in which books all interments shall be entered, stating the name of the deceased, the lot where buried, and such other matter relative thereto as may be deemed expedient to record, which said books may be examined at all reasonable times by any lot holder.

SECT. 5. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the owners of lots

Vacancies,  
how filled

Proviso.  
Each lot en-  
titled to one  
vote.

General du-  
ties of the  
managers:

Proviso.

Annual state-  
ment to lot  
holders.

Register of  
interments,  
&c.

who may wish to build vaults, to extend the walls of the vaults six inches into the adjoining lots, any thing contained in the first article of indenture first referred to in the preamble to this act, and dated seventh April, one thousand eight hundred and twenty-seven, to the contrary notwithstanding: *Provided*, That the walls of the said vaults shall be not less than thirteen inches in thickness, and that the vaults shall be built under the direction of the managers, who shall protect the interests of the owners of the adjoining lots.

Party walls  
of vaults.

Proviso.

SECT. 6. *And be it further enacted by the authority aforesaid*, That all the regulations and conditions contained in the two indentures recited, and referred to in the preamble to this act, which are not expressly altered or superceded by this act, shall be, and the same are hereby continued and constituted part of this charter of incorporation, the objects of which are to secure to the lot holders the protection of their property in the cemetery, and the good management of the same, and its proper application to the purposes intended by the founder, and the purchasers of lots therein.

Regulations  
and condi-  
tions of in-  
dentures  
made part of  
charter.

SECT. 7. *And be it further enacted by the authority aforesaid*, That James Ronaldson, James Peale, John Darragh, John Struthers, and Frederick Augustus Raybold, the present managers, elected in pursuance of the provisions of the indentures above recited be, and they are hereby created managers under this act, and shall continue in office until others are elected, agreeably to the provisions of the second section of this act.

Provisional  
managers ap-  
pointed.

SECT. 8. *And be it further enacted by the authority aforesaid*, That upon the payment by the managers of the said cemetery of the sum of one hundred dollars to the commissioners of the county of Philadelphia, and the sum of two hundred dollars to the commissioners of the township of Moyamensing aforesaid, then and from thenceforth the corporation created by this act, and the improvements now made on the premises aforesaid, and the improvements hereafter made by the said corporation thereupon shall be free from all county and township taxes, and assessments forever: *Provided*, That the commissioners of the county of Philadelphia, and the commissioners of the township of Moyamensing aforesaid, shall and do accept the said sums of money respectively in lieu of, and in full consideration of the taxes and assessments aforesaid: *And provided further*, That there shall be no other buildings erected (sepulchral monuments excepted) upon the premises aforesaid, than are specified and provided for by the indentures referred to in the preamble to this act; and the buildings erected in pursuance of said indentures shall be used for no other purposes whatever than those expressed

Upon pay't of  
certain sums  
to county and  
township  
comm'rs prop-  
erty to be  
free from  
taxation.

Proviso.  
Acceptance  
of comm'rs.

2d proviso.  
Erection of  
other build-  
ings prohibi-  
ed.

in the said indentures referred to as aforesaid, and made part of this act of incorporation.

SAM'L. ANDERSON,

*Speaker of the House of Representatives.*

THO'S. RINGLAND,

*Speaker of the Senate.*

APPROVED—The eighth day of April, Anno Domini, eighteen hundred and thirty-three.

GEO. WOLF.



## No. 136.

### AN ACT

To incorporate the Second Presbyterian Church, in the borough of Carlisle, in the county of Cumberland, and Commonwealth of Pennsylvania.

SECT. 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 the members of the Second Presbyterian Church in the borough of Carlisle, be and the same are hereby created and erected into one body politic and corporate, in deed and in law, by the name, style and title, of "The Second Presbyterian Church in the borough of Carlisle and county of Cumberland," and by the same name shall have perpetual succession, and be able to sue and be sued, implead and be impleaded, and shall be able and capable to take and hold lands and tenements, goods and chattels, real, personal and mixed, which are now or may hereafter become the property of said congregation or body corporate, by gift, grant, devise, bequest or otherwise, and the same to convey, lay out, apply or dispose of, in such manner as a majority of the trustees of the said congregation shall direct and appoint, and according to the true intent of donors, grantors, and devisors, and the yearly value or income of the real, personal or mixed estate of said congregation, shall not at any time exceed the sum of three thousand dollars, exclusive of annual stated contribution.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the affairs of said congregation shall be managed and superintended by fifteen trustees, to be chosen and elected from the members of said congregation, that the said trustees shall choose by ballot, from among their numbers, a president and secretary, and shall also choose a treasurer who is a member of the congregation, and who shall, if

Members of church incorporated.  
Corporate style.

Privileges & liabilities.

Annual income limited.