

SECTION 2. That all the laws of this commonwealth now in force, relative to the borough of Martinsburg, and all the laws and ordinances of the said borough shall have full force and effect throughout the same, as reduced by the first section of this act.

JAMES ROSS SNOWDEN,
Speaker of the House of Representatives.

WILLIAM BIGLER,
Speaker of the Senate.

APPROVED—The twenty-fourth day of April, one thousand eight hundred and forty-four.

DAVID R. PORTER.

No. 253.

A N A C T

To incorporate the Allegheny cemetery, in Allegheny county.

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 Thomas Bakewell, Doctor James R. Speer, W. Robison, junior, John Freeman, E. W. Stephens, T. M. Howe, J. Chislett, T. J. Bigham, W. J. Totten, Doctor H. D. Sellers, F. Lorentz, Charles Avery, George Hogg, J. H. Shoenberger, H. Childs, James Painter, J. Bissell, H. Sterling, Rev. A. M. Bryan, W. Lippencott, Doctor W. Kerr, E. D. Gazzam, R. S. Cassatt, W. Eichbaum, F. G. Bailly, H. Denny, R. C. Grier, G. W. Jackson, Joseph King, Charles Brewer, Wilson M'Candleless, J. S. Craft, G. Ogden, N. Holmes, P. M'Cormick, J. Laughlin, R. Biddle, J. D. M'Cord, R. Been, Thomas Irwin, be and they and their successors are hereby created a body politic in law, under the name and title of the Allegheny Cemetery, and by that name shall have perpetual succession, and be able and capable in law to have and use a common seal, to sue and be sued, implead and be impleaded in all courts of law and equity, and to do all such other things as are incident to a corporation. Corporators.

SECTION 2. That the said corporators shall, at least once in every year hereafter fill, by election by ballot, all vacancies which may occur among them, and may at the same time, or at other times, increase and add to their number from those who may be lot holders in the cemetery, so that the said company shall never be reduced to less than ten, nor exceed forty members; and they shall have full power to ordain, establish and put in execution, all such by-laws, rules and regulations, contrary to the constitution and laws of the United States or of this state, which may be necessary for the proper government of this corporation, its officers and affairs, and until the election of managers, shall exercise all the powers thereof. Elections.
Vacancies.
Members.
By-laws.

Managers. SECTION 3. That the said corporators shall, at least once in every year, elect from their number, seven managers, one of whom shall be designated as president, and a secretary and treasurer, who shall make a report of their proceedings, and a statement of the finances at the annual meetings of the corporators, and as much oftener as may be required by a majority of them, the said corporators.

Officers. SECTION 4. That the said corporators or managers, shall have power to contract for and purchase from the owner or owners thereof, a tract of land in Allegheny county, not exceeding in the whole, one hundred acres, and the same to lay out and ornament, and to divide and arrange into suitable plots and burial lots, remove or alter old, and erect new buildings, and to do all other things proper and necessary to be done, to adapt the said ground for the purpose of a cemetery, and to sell and dispose of said plots and burial lots, in fee simple or otherwise, for the purpose of sepulture to individuals, societies or congregations, without distinction or regard to sect, under such conditions, rules and regulations, as the said corporators or managers may establish, for the government of lot-holders, visitors to the cemetery, and burial of the dead: *Provided*, That the lots granted by the said association, for burial lots, shall not be used for any other purpose, and they shall be free from seizure, levy or sale, under or by virtue of any execution against any grantee or grantees of said association for such purpose.

Power to purchase lands, erect buildings, &c. SECTION 5. That the said corporators or the said managers, after their election, shall have power to appoint all other officers, agents and workmen, which may be needful, and fix their compensation or wages, and the same to discharge at pleasure, to take from the treasurer security for the faithful performance of his trusts, and to discharge him from his office, upon occasion therefor; and they, the said managers, shall keep fair minutes of all their acts and doings.

Officers, agents, &c. SECTION 6. That the said company shall be capable of holding so much personal property as may be necessary for the purposes of this incorporation, and it shall be the duty of the managers, out of the proceeds of sale of burial lots, to create a fund, to be invested in ground rents or mortgages, the income whereof shall be of adequate amount, and applied as may be necessary for the improvement and perpetual maintenance of the cemetery in proper order and security, and at least ten per cent. of the purchase money of all burial lots shall be set aside for said improvements, and the creation of said perpetual fund; and any failure in the duties aforesaid, shall subject said managers or corporation, to the control of the competent judicial authority for correction.

Personal property SECTION 7. That no street, lane or road, shall ever be laid out through the lands so occupied as a cemetery, except under the authority of the corporation, and that the same shall be exempt from taxation.

Roads, streets, &c. JAMES ROSS SNOWDEN,
Speaker of the House of Representatives.

WILLIAM BIGLER,
Speaker of the Senate.

APPROVED—The twenty-fourth day of April, one thousand eight hundred and forty-four.

DAVID R. PORTER.