

No. 196.

A N A C T

To incorporate the St. Mark's church cemetery, in the borough of Lewistown, Mifflin county.

Preamble.

WHEREAS, Several of the members of St. Mark's church, in the borough of Lewistown, have subscribed money for the purpose of purchasing suitable ground for a cemetery or burying ground, to be placed under the control and management of the wardens and vestry of said church:

And whereas, It seems reasonable and necessary to provide for the permanence of the establishment, so that the graves may not be violated, the shrubbery and improvements injured, or the burial lots containing the bodies of deceased friends and relatives, levied upon and sold for the debts of the living; therefore,

Corporators.

Name.

Powers, &c.

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 Reuben C. Hale, Joseph M. Cogley, R. F. Ellis, F. W. Rawle, James K. Kelly, David W. M'Cormick, R. Rush Franks, E. E. Locke, and Samuel Kelly, wardens and vestry of St. Mark's church, in the borough of Lewistown, Mifflin county, and their successors in office, shall be able and capable in law, to purchase and hold any quantity of land, not exceeding ten acres, in Derry township, Mifflin county, for the use and purpose of a burying ground, to be called "St. Mark's Cemetery;" to make such rules and regulations in relation to the management of said cemetery, and the government of the lot-holders and visitors of the same, as they from time to time may deem necessary; to lay out, sell and convey, by deed, under the hands and seals of the wardens of said church, burial lots, with the restriction that the same shall not be used for any other purpose than for the burial of the dead, and shall not be liable to be levied upon and sold for debt, taxes, or otherwise, howsoever; and to have and hold so much personal estate as may be necessary for the right, use and enjoyment of said property, so that neither the said land or personal property shall or may be the subject of levy or sale, while used for the purposes of said cemetery.

Penalty for violating tombs or graves.

SECTION 2. If any person shall open any tomb or grave in said cemetery, and clandestinely remove, or attempt to remove, any body or remains therefrom, such person upon conviction thereof, shall be sentenced to undergo an imprisonment in one of the penitentiaries, as the case may be, for a period not less than one year, and pay a fine not less than five hundred dollars.

Penalty for trespass.

SECTION 3. If any person shall trespass on the grounds of said cemetery, or shall injure or deface the fences, shrubbery, trees, walks, burial lots, tomb-stones, railing, fixtures, personal, or other property, attached or belonging to said cemetery, or shall commit any nuisance in or about the same, every such person shall make good the damage, and pay a fine of not less than five dollars, for the use of the poor of the borough of Lewistown, to be enforced and collected in the same manner as for-

feitures under the act of twenty-second April, seventeen hundred and ninety-four, for the prevention of vice and immorality.

SECTION 4. No street, road, canal, slack-water, or railroad shall hereafter be opened through the lands of said cemetery, nor shall the same be liable to be used or taken for any purpose whatever not connected with or appertaining to burial purposes.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The first day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 197.

AN ACT

For the relief of John C. Kurtz.

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* John C. Kurtz, late county treasurer of Somerset county, who was charged by the auditors of said county, at the time of the settlement of his account, with a note for one hundred and fifty dollars, drawn by a certain Joshua F. Cox and John Wilt, be and he is hereby authorized to enter an appeal to such settlement in the court of common pleas of Somerset county, at any time within six months from the passage of this act; the said appeal so to be entered to be proceeded in, in all respects, as if it had been entered immediately upon the settlement of the account of the said treasurer by the said auditors.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The first day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.