

hundred and ninety-seven, and acknowledged on that day, or in the entry of the acknowledgment thereof, to be seen in the prothonotary's office of said Berks county, in sheriff's deed book, number two, page sixty-two, is described as follows, to wit: as "a certain tract of woodland, situate in the township of Pinegrove, in the county aforesaid, (county of Berks meaning,) containing two thousand four hundred acres, more or less, adjoining lands of John Snell and company, William Witman, John Kapp, Jacob Stone, George Felty, George Stone, John Nicholson, Esq., Robert Martin, Esq., Daniel Williams, John Lesher and others, late the estate of James Wilson, esquire, seized and taken in execution at the suit of John Lewis Barde and others, and is embraced and contained, or was intended to be embraced and contained within the said description, be the same more or less, with all and singular the appurtenances; and the deed or deeds of conveyance therefor executed, acknowledged and delivered by the said guardian to the said Charlemange Tower, his heirs and assigns, shall be deemed and taken to pass and convey all the estate, right, title and interest of the said minors, and of each of them of, in and to the same, and to have the same force and effect as if the said minors were of full age, and the same was or were duly executed, acknowledged and delivered by them: *Provided*, 'That before making any such conveyance, the sale or sales hereby authorized shall have been reported to and approved by the orphans' court of Berks county: *And provided also*, 'That before making any such conveyance, the said guardian shall give bond to the commonwealth in such sum and with such sufficient surety as shall be directed and approved by the said orphans' court, conditioned that he will faithfully apply the moneys arising from such sale or sales, to and for the equal benefit of the said two minor children.

SECTION 14. That the qualified electors of Brady's Bend township, Armstrong county, shall hereafter hold their general and township elections at the public school house, in school district, number four, in said township, near the public house now kept by James Morrison.

Brady's Bend township, Armstrong county, place of holding elections in.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The eleventh day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 310.

AN ACT

To incorporate the Erie cemetery, in the county of Erie.

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*

Corporators.	Charles M. Reed, James C. Marshall, John Galbraith, Smith Jackson, William Kelley, Milton Courtright, B. B. Vincent, William Himrod, Joseph M. Sterrett, George A. Elliot, Thomas G. Colt, William A. Brown, Judah C. Spencer, Priscott Metcalf, Elijah Babbitt, Joseph H. Williams, Henry Cadwell, Charles M. Tibballs, Frederick Schmieder, Walter Chester, George A. Lyon, Peter E. Burton, Alexander W. Brewster, William Nicholson, Irvin Camp, William W. Reed, Presley Arbuckle, John A. Tracy, James Skinner, John Hughes and Miles W. Caughey be and they and their successors are hereby created a body politic in law, under the name and title of "The Erie cemetery," and by that name and title 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.
Style.	
Privileges.	
Annual meeting.	SECTION 2. The annual meeting of the corporation shall be held on the second Monday of January in every year, at such time and place and on such notice as shall be provided for in the by-laws, at which annual meeting it shall be the duty of the corporators to fill all vacancies that may occur in their number, from among the lot-holders in the cemetery, the same being citizens of the county of Erie; and at such annual meetings said corporation shall have full power and authority, by a vote of the majority of the corporators present, to pass, ordain and establish all such by-laws, rules and regulations not contrary to the constitution and laws of the United States and of this state, which may be necessary for the proper government of the corporation, its officers and affairs, the protection of the cemetery and grounds from visitors and intrusion, for the regulation of burial, the improvement of burial lots, the erection of grave stones, monuments and sepulchral structures, and the inscriptions on the same.
Power of corporators.	
Board of managers.	SECTION 3. The business of the corporation shall be conducted by a board of seven managers chosen from the body of the corporators, as is hereinafter provided; said board of managers (five of whom shall constitute a quorum necessary for the transaction of business,) shall choose a president out of their own number, and shall have power to appoint a secretary and treasurer, and such other officers and agents as may be needful; to fix their compensation and wages and discharge the same at pleasure; to take security from the treasurer for the faithful performance of his trust; to enforce and carry into execution all the by-laws, rules and regulations of the corporation, and to do all other acts necessary within the power conferred upon the corporation by this or any other act; the first election of managers may be held at any time that a majority of the corporators shall appoint, on their giving at least ten days' previous notice, in at least two newspapers printed in Erie, which election and all subsequent elections of managers shall be by ballot; the managers thus chosen shall serve until the next annual meeting of the corporation, when and annually thereafter, the corporators present shall elect a board of managers to serve for one year, and until their places are supplied in case of failure to elect; said board of managers shall cause a record of their proceedings to be kept, and shall make report of the same and the state of the finances at each annual meeting of the corporation, and as much oftener as may be required by a majority of the corporators.
Quorum.	
Powers.	
Purchase lands, &c.	SECTION 4. The said corporation shall have power to contract for, purchase, pay for, receive title and hold any tract or tracts, or other quantity of land within the county of Erie, not exceeding in the whole one hundred acres, for the purposes of a cemetery; and the same to lay out, fence and ornament, to divide and arrange it into suitable plots and

burial lots, establish carriage-ways and foot-ways, and other avenues, erect buildings, and to do all other things necessary and proper to be done to adapt the ground and premises to the uses aforesaid, and to sell and dispose of said lots and plots, making title in fee simple or otherwise, for the purpose of sepulture, to individuals, societies or congregations or other public bodies, without distinction of person, party or sect, under such conditions, rules and regulations as the said corporation may establish for the government of lot owners in the occupancy of the same, not inconsistent with the provisions of this act: *Provided*, That all the land thus purchased and held by the corporation, or so much as shall be laid out and appropriated to cemetery purposes, shall not be converted to any other use, either by the corporation or its grantees; and all the land thus purchased and held by the corporation or by its grantees, for burial purposes, shall be free from all taxes except for state purposes, and from seizure, levy and sale, under or by virtue of any execution or other legal process against the said corporation or its grantees: *Provided*, That said exemption from seizure, levy and sale, shall not extend to more than four lots held by any one individual.

SECTION 5. That the corporators thus created shall derive no personal pecuniary advantage or profit thereby; they shall make no dividends of the corporate property among themselves, and shall not receive any pay or compensation for the performance of any duties that shall devolve upon them as such; the board of managers shall not be entitled to receive any pay or compensation for services as such; the whole proceeds of the sale of lots and other income, are hereby declared and directed to be devoted and appropriated to cemetery purposes alone, and to such outlays and expenditures as are incident thereto, unless in case of a surplus not needed, in which contingency it shall be in the power of the corporators, at their annual meeting, to direct such surplus or any part thereof to be appropriated to charitable purposes under the direction and supervision of the board of managers.

SECTION 6. The corporation shall be capable of holding personal property to such an amount as may be necessary for the purposes of its creation; and it shall be the duty of the corporation, at the end of five years from the passage of this act, and forever thereafter, to set apart ten per cent. of the purchase money received from the sale of lots, and to invest the same in ground rents or mortgages, as a permanent and perpetual fund, the income of which is to be devoted to the perpetual maintenance of the cemetery; any failure in the duties enjoined by this act shall subject the corporators and managers to the control of competent judicial authority for correction.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The twenty-ninth day of January, one thousand eight hundred and fifty.

WM. F. JOHNSTON.