

from time to time, at a meeting of the stockholders called for that purpose, increase the capital stock to such amount as in their opinion shall be requisite to complete said road, according to the true intent and meaning of this act.

SECTION 6. That said company shall be subject to all the provisions and restrictions of an act regulating turnpike and plank road companies, approved the twenty-sixth day of January, one thousand eight hundred and forty-nine, except sections twelve and thirteen of said act, so far as the same is not inconsistent with the provisions of said act. Subject to provisions of certain act.

SECTION 7. That if the said company shall not commence the construction of said road within one year from the passage of this act, and complete the same within three years thereafter, this act shall become null and void, except so far as to wind up the affairs of said company, and pay the debts of the same. Commencement and completion of road.

SECTION 8. That the directors of said road shall be at liberty to impose such rates of toll for the use of said road, as may be deemed necessary for the maintenance of the same, and expedient for the public good: *Provided*, That such rates of toll shall, before they shall be collected, be submitted to, and approved of by the court of quarter sessions, who are hereby authorized to modify and adjust the same, as to them shall appear equitable and just. Rates of toll.

SECTION 9. That from and after the passage of this act, it shall be lawful for any farmer who is or may be a renter of a stall in any market in the city of Philadelphia, which is or may be appointed to the use of farmers, to authorize any other person, (being a farmer,) to occupy such stall for the sale of farmers' produce, as fully as he the said lessee is authorized to do: *Provided*, Such lessee shall, when required, make return to the city clerk of all persons who may be renters under him. Lawful for farmers who are renters of stalls in Philadelphia, to authorize others to occupy the same, &c.

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

V. BEST,
Speaker of the Senate.

APPROVED—The twenty-sixth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 365.

A N A C T

To incorporate the Lancaster cemetery; relative to a tavern license in Lancaster 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*

- Corporators.** John H. Duchman, Benjamin C. Bachman, William Gleim, William Hubert, C. M. Howell, Dr. Charles Herbst, James B. Lane, David Longenecker and A. G. Helfenstine, and all such other persons as are now or may hereafter become purchasers of lots in the Lancaster cemetery, be and they are hereby made a body politic and corporate in law, under the name, style and title of "The Lancaster cemetery;" and by that name shall have perpetual succession, and be able and capable in law to have and use a common seal, and to sue and be sued, plead and be impleaded, and to do all such other act and acts, thing and things as are incident to a corporation.
- Style.**
- Privileges.**
- Managers.** SECTION 2. That John H. Duchman, Benj'n C. Bachman, William Gleim, Wm. Hubert, C. M. Howell, Dr. Charles Herbst, James B. Lane, David Longenecker and A. G. Helfenstine shall be and they are hereby constituted the managers of the said Lancaster cemetery, and until their successors shall be elected in the manner hereinafter provided for; and they and their successors shall have full power and authority to purchase, and from time to time to take, by gift, devise or bequest for the purpose of a cemetery as aforesaid, the nine acres and one hundred and ten perches of land, and any other land or lands now held and owned, or authorized to be held and owned under an act of assembly of this commonwealth, by the German Reformed church of the city of Lancaster, or any other land or lands, so that the whole quantity of land to be held by them shall not exceed forty acres; and they shall have full power and authority, under resolution, to borrow money on bond or note; and further, under the hand of the president and the corporate seal, attested by the secretary, to mortgage the whole or any portion of such land, for the payment of money borrowed in purchasing such land or making improvements: *Provided however*, That the lien of any mortgage, and the proceedings thereon had, shall not affect the rights of any lot-holder who shall have purchased any lot prior to the recording of such mortgage.
- Powers.**
- Purchase and hold lands, &c.**
- Borrow money.**
- Proviso.**
- Trustees of the German Reformed church of Lancaster city authorized to sell certain real estate to said cemetery company.** SECTION 3. That Peter Long, David Longenecker and Philip K. Brennenman, trustees of the German Reformed church of the city of Lancaster, or a majority of them, are hereby fully authorized, empowered and directed to sell and convey, under their hands and seals, or the hands and seals of a majority of them, the aforesaid nine acres and one hundred and ten perches of land, and any other lands thereunto belonging, which they may hold under any deed or deeds of conveyance to them, in trust for the use of the German Reformed church of the city of Lancaster, or by whatever other name the said congregation may be incorporated or known, unto the said John H. Duchman, Benj'n C. Bachman, William Gleim, William Hubert, C. M. Howell, Charles Herbst, James B. Lane, David Longenecker and A. G. Helfenstine, managers of the Lancaster cemetery hereby incorporated, and their successors, for such consideration, and upon such terms and conditions as may be agreed on by the said parties, in fee simple, forever in trust for a place of burial for the dead.
- Election of trustees.** SECTION 4. It shall be the duty of the said John H. Duchman, Benj'n C. Bachman, William Gleim, Wm. Hubert, C. M. Howell, Dr. Charles Herbst, James B. Lane, David Longenecker and A. G. Helfenstine, managers hereinbefore named, by notice given in at least two English and one German newspaper published in the city of Lancaster, for not less than three weeks, to call and order an election, at such place as may be most convenient, in the city of Lancaster, on the first Tuesday of February next, for the lot holders in said cemetery to elect, by ballot, nine trustees from amongst themselves, who shall at their first meeting after their election, select from among themselves a

president, secretary and treasurer, which said last named officer shall be required to give bond, with sufficient security, to be approved of by the managers, for the faithful accounting and disbursing of the moneys which may come to his hands; and they shall further divide themselves by lot into three classes, one-third of whom shall serve for three years, one-third for two years, one-third for one year; and annually thereafter on the first Tuesday of February, the lot-holders shall elect, by ballot, three managers to serve for the term of three years: *Provided* however, That the lot-holders may and shall have full power and authority, at any general meeting called for said purpose, to change and alter the mode and manner of electing managers.

SECTION 5. Whenever any vacancy shall happen or occur in said board of managers, by death, resignation, removal or otherwise, the remaining managers shall have full power and authority to supply the same; but such appointment shall not extend beyond the unexpired term of service of the person whose vacancy is supplied; and the said managers and their successors shall have full power and authority to take, have and hold so much personal property and estate as may be necessary for the right use, improvement and enjoyment of the said property; and to take, have and hold any grant, donation or bequest, upon trust, to apply the same for the improvement of the said cemetery, the building of a chapel, and such houses and out buildings as may be found necessary to accommodate the person or persons employed to attend to the same, and also to the building and erecting of any fences around and about the same.

SECTION 6. It shall be the duty of the said managers and their successors in office from time to time, as the funds shall permit, to arrange, lay out and ornament the said cemetery, as a place of burial, into lots or sub-divisions, as they shall deem to be expedient; and to plant and embellish the same with trees, shrubbery, flowers, walks, avenues and other ornaments; and a majority of them shall have power, at any time, to make, alter and amend all such by-laws, rules and regulations as they may deem necessary and proper in relation thereto; and they and their successors are hereby authorized and empowered to sell and convey any such lot or lots, by deed under the hand of the president, and the seal of the corporation, attested by the secretary, to the purchaser or purchasers of the same, with this restriction, that the same shall not be used for any other purpose than for the burial of the dead, and which shall not be transferable, except with the consent of three of the managers for the time being; and the said lots shall not be liable to be levied upon or sold for debt, or be subject to taxes: *Provided however*, That such exemption from levy and sale for debt shall not extend to more than four lots as held by any one individual.

SECTION 7. It shall be the duty of the said managers and their successors, and they are hereby authorized and empowered upon any person or persons having or holding any deed or deeds, for any lot or lots purchased from the minister, trustees, elders and deacons of the German Reformed congregation, and executed to him, her or them by the trustees of the said German Reformed congregation, in conformity with the provisions of the act, entitled "An Act to incorporate the Lancaster cemetery in the city of Lancaster," passed the eighth day of March, one thousand eight hundred and forty-eight, upon the surrender of the same to the managers named in this act, or their successors, to receive the same, and thereupon to make, sign, seal and execute at the cost of such person or persons, a new deed or deeds for the same lot or lots in the same manner as is hereinbefore provided for, and as held by him, her or them: *Provided always*, That such person or persons as may not

Vacancies, how supplied.

Duty of said managers.

Lay out and ornament said cemetery.

By-laws.

Further duties.

Make new deeds.

LAWS OF PENNSYLVANIA,

choose so to surrender his, her or their deed or deeds as aforesaid, given, signed, sealed and executed by the trustees of the said German Reformed congregation of the city of Lancaster, and receive in lieu thereof such new deed or deeds, shall nevertheless preserve and retain all his and her and their rights, as fully and effectually, and be to all intents and purposes members of the said corporation hereby created, as if such deed or deeds had been duly surrendered and new ones had been issued therefor.

Penalty for opening graves, &c.

SECTION 8. If any person or persons shall open any grave or tomb in the lands of the said cemetery, and clandestinely remove or attempt to remove any body or remains therefrom, such person or persons upon conviction thereof in the court of quarter sessions of Lancaster county, shall be sentenced to undergo an imprisonment in the county prison, for any period not less than one nor more than five years, and pay a fine of not less than five hundred dollars; and any person who shall wilfully destroy, mutilate, deface, injure or remove any tomb, monument, grave stone, or other structure placed in the cemetery aforesaid, or shall wilfully destroy, cut, break or remove any tree, shrub or plant within the limits of said cemetery, or shall commit any nuisance in or about the same, shall be deemed guilty of a misdemeanor, and shall upon conviction thereof before any alderman of the city of Lancaster, or before any justice of the peace of the county of Lancaster, be punished by a fine at the discretion of the alderman or justice, of not less than ten nor more than one hundred dollars, the one-half of such fine to go to the Lancaster cemetery, and the other half to the informer.

Court of quarter sessions of Lancaster county authorized to grant Henry Shaffner license to keep a public inn.

SECTION 9. That the court of quarter sessions or common pleas of Lancaster county, is empowered to grant to Henry Shaffner, of Mount Joy township, in said county, license to keep an inn or tavern in said township, under the regulations prescribed in the act of March eleventh, one thousand eight hundred and thirty-four, and the said license may be granted by the said court at such time as they may deem proper: *Provided*, That said license shall not be granted except on the certificate required by the fourth section of the act of March eleventh, one thousand eight hundred and thirty-four, entitled "An Act relating to inns," &c.

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

V. BEST,
Speaker of the Senate.

APPROVED—The twenty-sixth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.