

CHAPTER 756.

AN ACT to incorporate the Greenville Cemetery Association.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Corporators.

General powers and privileges.

§ 1. That Edward Rumsey, Joseph Ricketts, Charles F. Wing, Edward R. Weir, Ellington W. Martin, B. E. Pittman, Jonathan Short, F. B. Hancock, Jesse H. Reno, and Charles Eaves, be and they hereby are made a body politic and corporate in law, under the style and firm of the "Greenville Cemetery Company;" and by that name shall be able and capable in law, to have and use a common seal, to sue and be sued, to plead and be impleaded, and do all such other things as are incident to a corporation. The said company shall have power to purchase any quantity of land in the county of Muhlenburg, not exceeding fifty acres, and receive a conveyance for the same, with such covenants of warranty as they may think proper. The land and appurtenances, when conveyed to said corporation, shall be held solely and exclusively for a Cemetery and ornamental grounds connected therewith, and shall never be alienated, sold, or used by said corporation, for any other purpose than burial lots, as hereinafter prescribed. But the said corporation may permit the Superintendent or other officers, to use that portion of the grounds and buildings not sold for burial lots, for horticultural purposes, provided the same is used in a manner not inconsistent with the reverence and respect due the Cemetery of the dead. The said grounds, fixtures, shrubbery, and every thing growing therein, shall never be subject to State revenue, nor, after the ground has been fully paid for, be subject to be levied on or sold, by judgment, execution, or decree, for any debt or cause whatsoever. No road or passway shall be opened through said grounds, unless by the consent of the company. The said company may receive and take, by devise, bequest, or gift, any legacies or gifts that may be devised or given to them, to be appropriated solely and exclusively to the ornament and improvement of said Cemetery and grounds, and may vest in State or Bank stocks, or loan out any spare funds

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that, from time to time, they may have, but they shall never exercise or attempt to exercise any banking powers.

§ 2. A majority of the above named persons, or of the survivors of them, shall have power and authority to appoint a Board of seven Trustees, who shall elect one of their own number as Chairman; said Trustees shall remain in office until their successors are qualified, and have power to fill any vacancies that may occur in their body, by death, resignation, or removal. The term for which the first Board of Trustees shall serve, shall be designated and limited by those who appoint them as above. After the first Board of Trustees have been appointed as above, and have qualified, they and their successors in office shall exercise all the corporate powers of the corporation. The seven Trustees shall afterwards be elected by a majority of the shareholders who vote, once in every five years, due notice of the time and place of voting being first given at the court house door and at the several churches in Greenville, and the election shall be conducted by judges appointed by the board then in office. The Trustees, thus elected, shall remain in office five years and until their successors are qualified. If any thing should prevent an election within the prescribed time, a majority of the Trustees in office shall have the power, and it shall be their duty, to call a meeting for, and cause an election of their successors, as soon afterwards as convenient. The Trustees shall at all times, have the power to fill any vacancy that may occur in the board by death, resignation, or removal. Death, removal from the county of Muhlenburg or resignation, shall vacate the seat of a Trustee. Four Trustees shall constitute a quorum for the transaction of business. Each person owning burial lots to the value of twenty-five dollars, shall be regarded as holding a share, and each share shall entitle the holder to one vote in the election of Trustees, but no person, or body corporate, shall be entitled to cast more than ten votes. When a share is vested in several persons, a majority of those present at the time of voting, in whom the legal title is to such share, shall be entitled to cast such vote. The Trustees shall keep a regular record of their proceedings, and of all sales, transfers, and disbursements, and shall always preserve an accurate map and survey of the grounds and lots, and have the same recorded in the Clerk's Office of the Muhlenburg County Court. Each Trustee shall, before he enters on the duties of his office, make oath before some officer competent to administer the same, that he will faithfully and impartially discharge the duties of a Trustee according to the best of his abilities, and will not be influenced in his conduct as Trustee, by sectarian or political partialities.

Board of Trustees to be appointed.

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Duties of Trustees.

§ 3. As soon as the ground is purchased and the Trustees have qualified, they shall have power to lay out and ornament the same, and from time to time, alter, repair, and add such buildings and fixtures as may be necessary for the use or ornament of the Cemetery or grounds; and for this purpose, and for the purpose of defraying the incidental expenses of the corporation, shall apply the funds belonging to the same. They shall have power to lay off, sell, and convey burial lots, either at public or private sale; to make from time to time, by-laws and regulations for the control, management, and care of the Cemetery grounds and graves, and the mode of ornamenting the same, and regulate the mode in which bodies shall be interred, and make such other by-laws and regulations as may be necessary for the purposes of the corporation; they shall have full power to enter upon and remove any ornaments, fixtures, or shrubbery that may be placed on or around the graves against the by-laws or regulations of the corporation; they shall have power to appoint, from time to time, such Superintendent and other officers as they may think necessary, and take from them such bond as may be required. The proceeds of the sale of lots, and all money that may come to the corporation from any other source, shall be applied, first to reimburse those who may make advancements for the original outlay and purchase of the establishment, and shall afterwards, in all time to come, be applied to ornament and improve the ground and defray incidental expenses.

§ 4. When a burial lot is purchased, the Trustees shall give a certificate thereof, under the seal of the corporation, which shall vest the purchaser with title. This title may be transferred according to such rules and regulations as may be prescribed by the by-laws of the corporation, but in no other manner. If not transferred by the grantee, it shall descend or pass by devise, as other real estate. Such lots shall never be used for any other purpose than burial lots, and if applied to any other use, the title shall revert to the corporation.

Penalty for desecrating graves.

§ 5. If any person shall forcibly and without lawful authority, violate any of the graves of the dead, or deface any of the tomb-stones, monuments, or enclosures, shrubbery, fixtures, or buildings, or in any manner damage the grounds of the corporation, such person or persons so offending, besides being liable to an indictment for a misdemeanor, and punishable according to the discretion of a jury, shall be liable to the corporation in an action, and the damages, when recovered, shall be applied by the corporation to restore, as far as possible, any injury that has been done.

§ 6. This act to take effect from its passage.

Approved February 17, 1858.