June 13, 1860.

CHAP. CXXII.—*An Act to incorporate the Proprietors of Prospect Hill Cemetery.*

Prospect Hill Cemetery incorporated.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Augustus E. L. Keese John G. Stork, Fred Heider, John Walter, John Guttensohn, B. Ostermeyer, Christopher Friess, and George Shultz, the present members of the German Evangelical Society, and their successors in said society, be and they are hereby, created a body politic and corporate, by the name and title of the Prospect Hill Cemetery, in the District of Columbia, and by that name shall have perpetual succession, and shall be able and liable to sue and be sued in any court of law and equity, may have and use a common seal, and shall have power to purchase and hold not exceeding one hundred acres of land in the District of Columbia, north of the limits of the city of Washington, [and] to sell and dispose of such parts of said land as may not be wanted for the purpose of a cemetery: *Provided*, That at least seventeen contiguous acres shall be forever appropriated and set apart as a cemetery, with authority to said corporation to receive gifts and bequests for the purpose of ornamenting and improving said cemetery, and to hold such personal property as may be requisite to carry out this act.

Powers and duties of corporation.

Land set apart as a cemetery, and corporation may receive bequests, &c., therefor.

Officers of corporation, their powers and duties.

SEC. 2. *And be it further enacted*, That the affairs of said corporation shall be conducted by a president, secretary, and six directors, who shall be elected annually by a majority of the votes of said society; the said president, secretary and directors, to fill all vacancies in their own body, and shall have power to lay out and ornament the grounds; remove and alter old buildings, and erect new ones, to lay out and sell, or dispose of burial lots; to appoint all necessary officers and agents, and fix their several duties and compensation; and to make such by-laws, rules and regulations, as they may deem proper for conducting the affairs of the corporation, for the government of lot holders and visitors to the cemetery, and for the transfer of stock, and the evidence thereof. In all elections held under this act, each proprietor shall be entitled to one vote.

Streets, &c., not to be opened through cemetery, &c.

Proviso.

SEC. 3. *And be it further enacted*, That no streets, lanes, alleys, roads, or canals, of any sort, shall be opened through the property of said corporation exclusively used and appropriated to the purpose of a cemetery: *Provided*, That nothing herein contained shall authorize said corporation to obstruct any public road, or street, or lane, or alley, now actually opened and used as such.

Wilfully destroying or mutilating tomb, monument, fence, shrub, &c., how punished.

SEC. 4. *And be it further enacted*, That any person who shall wilfully destroy, mutilate, deface, injure, or remove any tomb, monument, gravestone or other structure placed in said cemetery, or any fence, railing or work for protection or ornament of said cemetery, or any tomb, monument, gravestone or other structure thereon, or shall wilfully destroy, cut, break, or remove any tree, shrub or plant within the limits of said cemetery, shall be considered guilty of a misdemeanor, and on conviction thereof before any justice of the peace of the county of Washington, shall be punished by fine, at the discretion of the justice, according to the aggravation of the offence, of not less than five nor more than fifty dollars.

Officers to hold office until successors are elected.

SEC. 5. *And be it further enacted*, That until an election be held under the provisions of this act, the eight last named persons in section first shall be the managers of said corporation, and that all officers shall hold their respective offices until their successors shall be elected or appointed.

Burial lots not subject to debts and stockholders not subject to taxation.

SEC. 6. *And be it further enacted*, That burial lots in said cemetery shall not be subject to the debts of the stockholders thereof, and the land of the company dedicated to the purpose of a cemetery shall not be subject to taxation of any kind.

Return of interments to be made.

SEC. 7. *And be it further enacted*, That the said corporation shall provide for the return, from time to time, to the corporation of Washington, reports of all interments made in said cemetery of persons who may have died within the limits of the said corporation of Washington in such

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manners and according to such forms as may be prescribed, from time to time, by the corporation of Washington.

Certificate of lot to have same effect as deed.

SEC. 8. *And be it further enacted*, That a certificate under seal of the corporation, of the ownership of any lot aforesaid, shall, in all respects, have the same effect as any conveyance from said corporation of said lot would have if executed, acknowledged, and recorded, as conveyances of real estate are required to be.

Corporation not to issue notes, &c., as currency.

SEC. 9. *And be it further enacted*, That nothing in this act shall be so construed as to authorize the said corporation to issue any note, token, device, or scrip, or other evidence of debt, to be used as currency.

When act takes effect.

SEC. 10. *And be it further enacted*, That this act shall take effect from the passage thereof.

Congress may amend, &c., this act.

SEC. 11. *And be it further enacted*, That it may be lawful for Congress hereafter to alter, modify, or repeal the foregoing act.

Stockholders individually liable for debts.

SEC. 12. *And be it further enacted*, That each of the stockholders in the said company shall be held liable in his or her individual capacity, for all the debts and liabilities of the said company, however contracted or incurred, to be recovered by suit, as other debts or liabilities, before the court or tribunal having jurisdiction of the case.

APPROVED, June 13, 1860.

CHAP. CXXVIII.—*An Act to amend an Act entitled an Act to define and regulate the Jurisdiction of the District Courts of the United States in California in Regard to the Survey and Location of confirmed Private Land Claims.*

June 14, 1860.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever the surveyor-general of California shall, in compliance with the thirteenth section of an act entitled "An act to ascertain and settle [the] private land claims in the State of California," approved March three, eighteen hundred and fifty-one, have caused any private land claim to be surveyed, and a plat to be made thereof, he shall give notice that the same has been done, and the survey and plat approved by him, by a publication once a week for four weeks in two newspapers, one published in the city of San Francisco, and one of which the place of publication is nearest the land, if the land is situated in the northern district of California; and once a week for four weeks in two newspapers, one published in Los Angeles, and one of which the place of publication is nearest the land, if the land is situated in the southern district of California; and until the expiration of such time, the survey and plat shall be retained in his office, subject to inspection.

Notice of survey of private land claim and approval of plat thereof by the surveyor-general to be published. 1851, ch. 41. Vol. ix. p. 631.

District court may order survey of private land claim to be returned into court, &c.

SEC. 2. *And be it further enacted*, That the district courts of the United States for the northern and southern districts of California are hereby authorized, upon the application of any party interested, to make an order requiring any survey of a private land claim within their respective districts to be returned into the district court for examination and adjudication, and on the receipt of said order, duly certified by the clerk of either of said courts, it shall be the duty of the surveyor-general to transmit said survey and plat forthwith to the said court.

Order to be granted in discretion of court, and on whose application.

SEC. 3. *And be it further enacted*, That said order shall be granted by said courts on the application of any party whom the district courts, or the judge thereof, in vacation, shall deem to have such an interest in the survey and location of a land claim, as to make it just and proper, that he should be allowed to take testimony and to intervene for his interest therein; and if objections to the survey and location shall be made on the part of the United States, the order to return the survey into court shall be made on the motion of the district attorney founded on sufficient affidavits; and if the application for such order is made by other parties claiming to be interested in, or that their rights are affected by, such survey and location, the court, or the judge in vacation, shall proceed summarily, on affidavits or otherwise, to inquire into the fact of such