

CHAP. CXXVIII.—*An Act to incorporate the Oak Hill Cemetery, in the District of Columbia.*

March 3, 1849.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That* Lorenzo Thomas, John Marbury, Senior, Edward M. Linthicum, and George Poe, Jr., together with such other persons as may become proprietors of lots in the hereinafter mentioned cemetery, of a size not less each than three hundred square feet, and their successors and assigns, be, and they are made hereby, a body politic and corporate in law, under the name, style, and title of "The Oak Hill 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 to do all such other things as are incident to a corporation.

Oak Hill Cemetery Company, D. C., incorporated.

SEC. 2. *And be it further enacted, That* the said Lorenzo Thomas, John Marbury, Senior, Edward M. Linthicum, and George Poe, Jr., shall be managers of the said corporation, and shall continue so to be until the first Monday in June, in the year eighteen hundred and fifty-two, on which day, and on the same day in every succeeding year thereafter, there shall be a general meeting of the proprietors of lots in the said cemetery, who are members of the said corporation, of whom twenty, appearing in person or by proxy, shall form a quorum to transact all business; and at such meeting on that day, in each and every year, the said proprietors of lots, each being entitled to one vote, and no more, shall elect four persons from among their own number to be managers of the said corporation for one year from the day of their election, and until other managers shall be duly elected in their place; and if there shall, from any cause whatsoever, be a failure on the part of the proprietors of lots to make such election on any of the days aforesaid, the managers holding over shall appoint some other time for proprietors of lots to meet and make such election, and shall give at least six days' previous notice of the time and place so appointed, by an advertisement in some convenient newspaper, and the managers then elected shall serve until the recurrence of the regular election, and until others have been elected in their place; and in the event of any vacancy in the board of managers by death, resignation, removal from the county, or otherwise, the continuing members of the said board shall have power to choose from among the proprietors of lots in the said cemetery a manager to fill such vacancy, and the person so chosen shall have power to act in the premises, in connection with the continuing managers, in every respect as if he had been originally appointed to said office by this act, or elected to the same by the proprietors of lots at a general meeting; and a majority of the said board of managers shall form a quorum to do all business.

Managers: when and how to be chosen.

SEC. 3. *And be it further enacted, That* the said corporation may acquire, take, and hold, in fee simple, by gift or grant, all that portion of a lot of ground in Washington county, in the District of Columbia, commonly called the Rock of Dunbarton, which is bounded on the south by the northern boundary line of Georgetown, on the west by lands of Captain William M. Boyce, on the north by Rock Creek, and on the east by land of the heirs of Lewis Grant Davidson, deceased, containing about fifteen acres, and any other lands adjacent thereto, not exceeding in the whole fifty acres; and may take and hold any personal estate, not exceeding ten thousand dollars in value, which said land and personal estate shall be devoted and applied to purposes connected with, and appropriate to, the objects of a cemetery or burial-place, the establishing, maintaining, and improving of which is hereby declared to be the only object for which said corporation is created.

Said corporation may acquire and hold in fee simple certain lands.

SEC. 4. *And be it further enacted, That* the said board of man-

President and other officers: how to be chosen.

Powers and duties of board of managers.

Special meetings of said corporation provided for.

How lots in said cemetery shall be held.

Penalties for injuries or trespasses committed against said cemetery and its appurtenances.

agers shall choose one of their own body to be president thereof, who shall be also president of the said corporation. They shall have power to appoint all officers and agents necessary for the due and regular transaction of the business of said institution, to assign to them, severally, their duties, to fix their compensation, and to require, if deemed expedient, of any of their said officers, a bond with approved security for the faithful performance of their duties. They shall have power to lay out and ornament the cemetery grounds; to erect all necessary enclosures and buildings; to lay out, sell, and dispose of burial lots; to make such by-laws, rules, and regulations as they may deem proper for conducting the affairs of said company, for the government of lot-holders and visitors to the cemetery; and for the sale and conveyance of lots in the said cemetery by individual proprietors; and in general they shall have the management, superintendence, and care of the property, expenditures, business, and prudential concerns of the said corporation, and they shall make a report of their doings to the said corporation at each annual meeting of the said proprietors of lots.

SEC. 5. *And be it further enacted*, That special meetings of the members of the said corporation for the transaction of business may be called by the board of managers, or by any five of such members, by advertisement to be inserted in some convenient newspaper, two weeks before the day appointed for such meeting, in which shall be set forth the time, and place, and object of such meeting.

SEC. 6. *And be it further enacted*, That every lot conveyed in said cemetery shall be held by the proprietor thereof, for the purpose of sepulture only, and for no other purpose, and shall be deemed real estate, and shall not be subject to the payment of any assessment or tax whatsoever, nor subject to execution or attachment for any debt; and the proceeds of the sale of burial lots in the said cemetery shall, after deducting the annual expenses of cemetery establishment, be applied solely to the improvement, extension, ornament, and preservation of the said cemetery, and shall not be made a source of profit to the proprietors of lots, or members of said corporation.

SEC. 7. *And be it further enacted*, That any person who shall unlawfully destroy, mutilate, deface, injure, or remove any tomb, monument, grave-stone, or other structure, placed in the said cemetery, or any fence, railing, or other work, for the protection or ornament of any tomb, monument, grave-stone, or other structure aforesaid, or of any cemetery lot within the limits of the ground belonging to the said corporation, or of the ground set apart for the cemetery; or shall unlawfully destroy, break, or remove, cut, or injure, any tree, shrub, or plant, within the limits of said cemetery; or shall shoot or discharge any gun, or other firearm, within the said limits, or at any object within the same, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof before any justice of the peace, or other court of competent jurisdiction within Washington county aforesaid, be punished by a fine of not less than five dollars, or more than fifty, according to the nature and aggravation of the offence; and such offender shall also be liable, in an action of trespass, to be brought against him in any court of competent jurisdiction in the name of the said corporation, to pay all such damages as shall have been occasioned by his unlawful act or acts; which money, when recovered, shall be applied by the said corporation, under the direction of the board of managers, to the reparation and restoration of the property destroyed or injured as above, and members of the said corporation shall be witnesses in such suit; and if any person shall unlawfully open any tomb or grave in the lands of the said Oak Hill Cemetery Company, or shall clandestinely remove, or attempt to remove, any body or remains therefrom, such person, on conviction thereof in any court of competent

jurisdiction within the county where the said cemetery is situated, shall be sentenced to undergo imprisonment in the penitentiary of the District of Columbia, at hard labor, for a term not less than one year, or more than five, and pay a fine of not less than one hundred dollars, at the discretion of the said court.

SEC. 8. *And be it further enacted*, That lots in the said cemetery shall be indivisible, and upon the death of any proprietor of any lot in the said cemetery, he or she being a member of said corporation, the devisee of such lot, or the heir at law, as the case may be, shall be entitled to all the privileges of membership as aforesaid; and if there be more than one devisee, or heir at law, of each lot, the board of managers for the time being shall designate which of the said devisees or heirs at law shall represent the said lot, and vote in the meetings of the corporation; which designation shall continue in force until by death, removal, or other sufficient cause, another designation shall become necessary; and in making such designation the managers shall, as far as they conveniently may, give the preference to males over females, and to proximity of blood, and priority of age, having due regard, however, to proximity of residence.

SEC. 9. *And be it further enacted*, That it shall be lawful for the said corporation to take and hold any grant, donation, or bequest, upon trust, to apply the income thereof, under the direction of the board of managers, for the embellishment, preservation, renewal, or repair of any tomb, monument, grave-stone, or other structure, fence, railing, or other enclosure, in or around any cemetery lot, or for the planting and cultivation of any trees, shrubs, flowers, or plants, in or around any cemetery lot, according to the terms of such grant, donation, or bequest; and any court having equity jurisdiction within the county in which said cemetery is situated shall have full power and jurisdiction to compel the due performance of such trust, or any of them, upon a bill filed by the proprietor of any lot in said cemetery for that purpose.

SEC. 10. *And be it further enacted*, That the said cemetery property shall be, and the same is hereby, declared to be forever inalienable by the said corporation, and to be exempted from all public assessments and taxes, so long as the same shall remain dedicated to the purposes of a cemetery.

APPROVED, March 3, 1849.

How lots in said cemetery shall descend on the death of proprietors thereof.

Grants, donations, bequests, &c., how to be held and applied.

Said cemetery property to be inalienable, and to be exempt from taxes, &c.

CHAP. CXXX.—*An Act for the Relief of James Hotchkiss.*

March 3, 1849.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That James Hotchkiss be, and he is hereby, authorized to enter at the Chicago Land Office, in the State of Illinois, at the minimum price, the north-east quarter of section thirty-one, in township thirty-nine north, and range eight east, of the third principal meridian: *Provided*, That said Hotchkiss, at the time of said entry and purchase, shall satisfy the register and receiver of said land district that there are no adverse or other claimants to said tract of land, or to any part thereof.

APPROVED, March 3, 1849.

James Hotchkiss authorized to enter a quarter section of land.

Proviso.

CHAP. CXXXI.—*An Act for the Relief of Mary Mac Rea, Widow of Lieutenant Colonel William Mac Rea, late of the United States Army, deceased.*

March 3, 1849.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That in considera-

Pension to Mary Mac Rea for