

No. 108.—AN ACT TO INCORPORATE THE ST. ALBANS CEMETERY ASSOCIATION.

SECTION

1. Members and name of corporation.
2. Power to hold property regulated.
3. Officers. Treasurer to give bond.
4. First meeting to elect trustees and adopt by-laws.
5. Cemetery to be divided into lots; lots may be sold.
7. Ownership of one lot to entitle to one vote. Election of trustees.
8. Association may assess taxes on the lots.

SECTION

9. Appropriation of funds regulated.
10. Trustees to make an annual report.
11. Rights of proprietors of lots.
12. Trustees may adopt rules regulating use of cemetery.
13. Cemetery lands to be exempt from attachment for debts. No highway to be laid through same except by consent.

*It is hereby enacted by the General Assembly of the State of Vermont, as follows :*

SEC. 1. Asa Owen Aldis, Lawrence Brainerd and William Henry Hoit; their associates and successors, are hereby constituted a corporation by the name of the St. Albans Cemetery Association, and by that name may sue and be sued, may have a common seal, and enjoy all the privileges incident to corporations.

SEC. 2. Such corporation may take by purchase or gift, and hold within the town of St Albans, not exceeding forty acres of land, to be held and occupied for a cemetery for the burial of the dead and for no other use or purpose. Such association may also purchase or take by gift, and hold personal property to an amount not exceeding two thousand dollars, and may use or sell the same and apply the proceeds to promote the objects of the association.

SEC. 3. The affairs and property of the said association shall be managed by trustees, in number not less than three nor more than seven, a majority of whom shall form a board for the transaction of business. The trustees shall appoint from among their number a president, a secretary, and a treasurer, who shall hold their places during the pleasure of the board. The trustees may require the treasurer to give security for the faithful performance of the duties of his office.

SEC. 4. The first meeting of the corporation shall be held on or prior to the first day of January, A. D. 1853, at such time and place as the persons named in the first section of this act shall appoint. At such meeting they shall appoint three or more trustees to manage

the business of the corporation, and at such meeting, or at any subsequent meeting duly called by the trustees, they may adopt all such by-laws, rules and regulations as may be thought necessary to promote the objects of the association, not inconsistent with the laws of this State.

SEC. 5. The land which may be held for a cemetery, or such portion thereof as may from time to time be, in the opinion of the trustees, required for that purpose, shall be surveyed and laid out into lots, avenues, walks, alleys and open areas, of such size and form as the trustees may direct ; and a map or maps thereof shall be made from time to time by the direction of the trustees, and filed in the town clerk's office in St. Albans. After such map shall have been so filed, the trustees may sell and convey the lots so designated on such map upon such terms, and subject to such conditions, restrictions and regulations as the trustees may prescribe ; and every conveyance of any such lot shall be expressly for burial purposes, and no other, and shall be in the corporate name of the association, and signed by the president thereof.

SEC. 6. There shall be an annual meeting of the corporation at such time and place as the by-laws may prescribe, at which the trustees shall be elected, the by-laws of the corporation made, altered or amended, and all assessments upon the lots of the members of the corporation shall be voted. The trustees may hold their offices till new ones shall be elected, but no by-laws of the corporation shall be made, altered or amended, and no assessments upon the lots of members shall be voted, except at an annual meeting, unless a notice for the meeting containing a statement of the proposed by-laws or of the alterations and amendments therein, or of the proposed assessments, shall be published two weeks successively in some newspaper published in St. Albans.

SEC. 7. Every person who shall be the proprietor of a lot in the cemetery of the corporation, or if there be more than one proprietor of any such lot, then such one of such proprietors as the majority of the joint proprietors shall designate to represent such lot, may vote at the meetings of the corporation. Every person shall be entitled to one vote for each lot he may own, so that a person owning two lots shall have two votes and so on. The persons receiving the highest number of votes shall be declared elected trustees. In all elections after the first the trustees shall be chosen from among the proprietors of lots in such cemetery. The trustees shall have power to fill any vacancy in their number occurring during their term of office.

SEC. 8. The corporation may by vote assess a tax, not exceeding two dollars in any one year upon each lot, upon the proprietors of lots in the cemetery of such corporation. If any proprietor or proprietors refuse to pay the tax so assessed, the corporation may sue for and collect the same. If there be more than one proprietor of a lot, the corporation may sue either or all of the proprietors of such lot for the tax assessed upon such lot.

SEC. 9. The proceeds arising from the sale of lots in such cemetery, and from the assessments of taxes voted upon such lots, shall be applied to the payment of any debts incurred by the corporation in the purchase of cemetery grounds and property, in fencing, draining, improving, planting and embellishing such grounds and the avenues

leading thereto, in providing suitable conveniences for the burial of the dead, and in defraying the necessary expenses in the care and management of the same, and for no other purpose.

SEC. 10. The trustees at each annual meeting shall make a report in writing, containing a statement of their doings and of the affairs of the association, and a minute account of the receipts and expenses of the year preceding.

SEC. 11. Each proprietor of a lot shall be deemed to own and hold such lot in fee simple to him and his heirs forever, to use such lot for the burial of the dead and for no other use or purpose whatever, and subject to such conditions, restrictions and regulations as the corporation or the trustees may from time to time see fit to adopt. Each member of the corporation may also have access to and may use the grounds, paths, walks and roads of the cemetery at all reasonable times, subject to such restrictions and regulations as the corporation or the trustees may prescribe.

SEC. 12. The corporation or the trustees may adopt from time to time such rules and regulations as they may deem necessary to preserve propriety, solemnity and good order in the use of the cemetery to promote good taste, neatness and beauty in the embellishment of the grounds, and to exclude or remove all improper structures, sights, ornaments, inscriptions and works of any kind. But no rule or regulation shall be adopted to restrain any proprietor of a lot in the free exercise or enjoyment of his religious sentiments as to the burial of the dead.

SEC. 13. The cemetery lands and property of the corporation shall be exempt from all public taxes, as also the lots of proprietors, nor shall the lots be liable to be sold or levied upon by execution or to be applied in payment of debts of individual proprietors; but the proprietors of lots in such cemetery, their heirs or legal representatives, may hold the same, and all structures and monuments therein, exempt therefrom, so long as the same shall remain appropriated to the use of a cemetery; and during that time, no street or highway shall be laid out through such cemetery, or any part thereof, without the consent of such corporation.

Approved, November 15, 1852.