

L A W S

OF THE

STATE OF MISSOURI,

PASSED AT THE FIRST SESSION OF

THE ELEVENTH GENERAL ASSEMBLY,

BEGUN AND HELD AT THE CITY OF JEFFERSON,

ON MONDAY, THE SIXTEENTH DAY OF NOVEMBER, IN THE YEAR OF OUR LORD, ONE
THOUSAND EIGHT HUNDRED AND FORTY.

CITY OF JEFFERSON.

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1841.

RURAL CEMETERY ASSOCIATION.

AN ACT to incorporate the Rural Cemetery Association.

	SECTION		SECTION
Corporation created: its name and general powers.	1	Penalty for a wilful injury to tombstones, &c.	7
The association may purchase and hold real estate for a burying ground, only, which may be laid out in lots, to be subject to the regulations of the association.	2	On death of proprietor, the lot to descend to the devisee or heir at law; in case no devisee is mentioned, the association shall determine which of the heirs at law shall represent said lot.	8
Books of subscription to be opened: privileges of subscribers.	3	Donations to be received on trust, and to be appropriated for the embellishment of the cemetery. Such trusts how enforced.	9
One-fiftieth part of the land is to be reserved for the burial of strangers.	4	Meetings may be called upon notice: elections when and how held.	10
Officers of said association defined, and their various duties prescribed.	5	Cemetery exempted from taxation.	11
Meetings of the association when and how held: notice thereof to be given. Seven members may constitute a quorum to do business.	6-10	Date of effect: Legislature may repeal or amend this act.	12

Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. The following persons, to wit: John F. Darby, William Carr Lane, John Smith, John O'Fallon, John Kerr, Joseph B. Crockett, Edward Tracy, William Milburn, William Glasgow, James B. Bowlin, A. G. Farwell, John H. Gay, Truett Polk, Asa Wilgus, Hamilton R. Gamble, Benj. W. Ayres, G. R. Budd, J. P. Doane, P. Chouteau, Jr., Christopher Rhodes, Nathan Ranney, E. H. McCabe, S. S. Rayburn, J. W. Farrel, N. E. Janney, Geo. Morton, Beverley Allen, Lewis V. Bogy, William A. Lynch, Logan Hunton and Wayman Crow, of the county of Saint Louis, be and they are hereby created a body politic and corporate, by the name and style of the Rural Cemetery Association, and, by that name, shall have perpetual succession, and shall be competent, by the name and style aforesaid, to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in all courts and places, and in all matters whatsoever; and shall, in like manner, have authority to have and use a common seal, and the same, at their pleasure, to change and alter; and may, also, make, ordain, establish and put in execution such by-laws, ordinances, rules and regulations as shall be proper and necessary for the good government of said company and the prudent and efficient management of its affairs: *Provided*, that said by-laws, ordinances, rules or regulations shall not be contrary to any provision of this charter, nor to the laws and constitution of this State or of the United States.

§ 2. The said association shall have power and authority to contract for, purchase and hold any real estate in the county of Saint Louis, not exceeding one hundred acres, to be dedicated and appropriated for a rural cemetery or burying ground, and for the erection of tombs, cenotaphs or other monuments for, or in memory of the dead, and for no other purpose whatever; and, for this purpose, may lay out the same in suitable lots or other sub-divisions, for family and other burying places, and may plant and embellish the same with shrubbery, flowers, trees, walks and other rural ornaments, and may enclose and divide the same with proper walls and enclosures. The said grounds, when thus laid out and dedicated, shall be forever held by the said association for the purposes aforesaid and for none other; and the said association shall have the right and authority to grant and convey to any person or persons the sole and exclusive right of burial, and of erecting tombs, cenotaphs and other monuments in memory of the dead, in any such designated lots and sub-divisions, upon such terms

and conditions, and subject to such regulations as the said association shall, by their by-laws and regulations, prescribe, and every right so granted and conveyed, shall be held for the purposes aforesaid, and for no other, by the proprietor or proprietors thereof, and shall not be subject to attachment or execution.

§ 3. To enable the said corporation more effectually to carry said plan into effect, and to provide funds for the same, the said corporation shall be and they are hereby authorised to open books of subscription, upon such terms, conditions and regulations as the said corporation shall prescribe, which shall be deemed fundamental and perpetual articles between the said corporation and the subscribers; and every person who shall become a subscriber thereto, shall be deemed a member, for life, of the said corporation, without the payment of any other assessment whatsoever, and shall, moreover, be entitled, in fee simple, to the sole and exclusive right of using, as a place of burial, and of erecting tombs, cenotaphs and other monuments in memory of the dead, in such lot or sub-division of said cemetery or burying ground as shall, in conformity to such fundamental articles, be assigned to him.

§ 4. The said association shall lay out and set apart not less than one-fiftieth of the whole quantity of land belonging to said association, and shall ornament the same for the sole and exclusive purpose of a burial ground for the interment of strangers, and shall admit the same without charge, fee or reward.

§ 5. The officers of said corporation shall consist of not less than seven, nor more than twelve trustees, a treasurer, secretary and such other officers as they may direct. The trustees shall be elected, annually, at the annual meetings, and shall hold their offices until others are chosen; and they shall choose one of their number to be president, who shall also be president of the corporation; and they shall also choose the Secretary and treasurer, either from their own body or at large, and the said trustees shall have the general management, superintendence and care of the property, expenditures, business and prudential concerns of the corporation, and of the sales of lots in the said cemetery, and they shall make a report of their doings to the corporation, at their annual meeting. The treasurer shall give bonds for the faithful discharge of the duties of his office, and shall have the superintendence and management of the fiscal concerns of the corporation, subject to the revision and control of the trustees, to whom he shall make an annual report, which shall be laid before the corporation, at their annual meeting; and the secretary shall be under oath for the faithful performance of the duties of his office, and shall record the doings at all meetings of the corporation and of the trustees.

§ 6. The annual meetings of said corporation shall be holden at such time and place as the by-laws shall direct, and the secretary shall give notice thereof, in one or more newspapers printed in St. Louis, seven days, at least, before the time of meeting; and special meetings may be called by the trustees in the same manner, unless otherwise directed by the by-laws, or by the secretary in the same manner, upon the written request of twenty members of the corporation. At all meetings, a quorum shall consist of not less than seven members, and any business may be transacted of which notice shall be given in the advertisement for the meeting, and all questions shall be decided by a majority of the members present, and voting either by person or by proxy.

§ 7. 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 any fence, railing or other work for the protection or ornament of any tomb, monument or grave-stone, or other structure aforesaid, or of any cemetery lot within the limits of the cemetery aforesaid, or shall wilfully remove, destroy, cut, break or injure any tree, shrub or plant within the limits

of said cemetery, or shall shoot or discharge any gun or other fire arms within the said limits, 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 the county of St. Louis, be punished by a fine of not less than five dollars, nor more than fifty dollars, 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 Rural Cemetery Association, to pay all such damages as 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 trustees, to the reparation and restoration of the property destroyed or injured as above, and members of the said corporation shall be competent witnesses in such suits.

§ 8. The lots in said cemetery shall be indivisible, and, upon the death of any proprietor of any lot in the said cemetery, containing not less than three hundred square feet, 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 trustees, 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 trustees shall, as far as they conveniently may, give preference to males over females, and to proximity of blood and priority of age, having due regard, however, to proximity of residence.

§ 9. It shall be lawful for the said corporation to take and hold any grant, donation or bequest of property, upon trust, to apply the income thereof, under the direction of the board of trustees, for the improvement or embellishment of said cemetery, or of any buildings, structures or fences erected or to be erected upon the lands of the said corporation, or of any individual proprietor of a lot in the cemetery, or for the repair, preservation or renewal of any tomb, monument, grave-stone, fence or railing or other erection in or around any cemetery lot, or for the planting or cultivation of trees, shrubs, flowers or plants in or around any cemetery lot, according to the terms of such grant, donation or bequest; and the supreme judicial court in this State, or any other court therein having equity jurisdiction, shall have full power and jurisdiction to compel the full performance of said trusts, or any of them, upon a bill filed by a proprietor of any lot in the said cemetery for that purpose.

§ 10. Any three or more of the persons named in this act shall have authority to call the first meeting of the said corporation, by an advertisement in one or more newspapers printed in the city of Saint Louis, seven days, at least, before the time of holding such meeting, and specifying the time and place thereof; and all proprietors of lots who shall, before, at or during the time of holding such meeting, by writing, assent to this act, shall be entitled to vote, in person or by proxy, at the said first meeting; and at such meeting, or any adjournment thereof, any elections may be had and any business done which are herein authorised to be had and done at an annual meeting, although the same may not be specified in the notice for the said meeting; and the first board of trustees chosen at the said meeting shall continue in office until the annual meeting of the said corporation next ensuing their choice, and until another board are chosen in their stead, in pursuance of this act.

§ 11. The said cemetery shall be and hereby is declared exempted from all public taxes, so long as the same shall remain dedicated to the purposes of a cemetery.