

L A W S

OF THE

STATE OF MISSOURI,

PASSED AT THE

REGULAR SESSION OF THE 21ST GENERAL ASSEMBLY,

BEGUN AND HELD AT THE CITY OF JEFFERSON, ON
MONDAY, DECEMBER 31, 1860.

[BY AUTHORITY.]

JEFFERSON CITY :
W. G. CHENEY, PUBLIC PRINTER.

1861.

AN ACT to incorporate the Fulton Cemetery Association.

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| <p>§ 1. Certain persons incorporated by the name of the "Fulton Cemetery Association," to have perpetual succession; general corporate powers; may make by-laws necessary for the good government of the company.</p> <p>2. Authorized to purchase and hold lot of land for cemetery, and may improve and embellish same; may dispose of lots in cemetery; said lots not subject to sale for debts; cemetery not subject to taxation, but lot holders may be taxed to the association to keep cemetery in order.</p> <p>3. Names of corporators; corporators to act as directors; directors to elect secretary and other officers; when, and for what term directors to be elected; as to right of voting by lot holders.</p> | <p>§ 4. Of the duties of officers of the corporation; no sale of lots until plat made and recorded; Secretary to keep copy of the plot, also to keep a record of the proceedings of directors.</p> <p>5. Deeds of conveyance, by whom, and how executed.</p> <p>6. Certain acts done in, or upon said cemetery or improvements, declared a misdemeanor; how trial for such offense; if convicted the penalty, how recovered.</p> <p>7. Removing corpse from said cemetery, deemed a felony; if convicted thereof, penalty.</p> <p>8. Unsold lots may be sold to the city of Fulton.</p> <p>9. Trustees authorized to determine as to the character of masonry vaults, tombs, &c., and style of enclosures; also, kind of trees and shrubbery to be planted in the cemetery.</p> |
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Be it enacted by the General Assembly of the State of Missouri, as follows:

§ 1. That James S Henderson, Wm. D. Kerr, Daniel Nolley, Edward Curd, George A. Nicholson, Charles H. Hardin, and Daniel M. Tucker, and their associates and successors, be, and they are hereby created a body politic and corporate, by the name and style of the "Fulton 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, 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 may alter and change the same at pleasure; and may also make, ordain and establish such by-laws, rules and regulations as may be deemed necessary for the good government of said corporation, and the efficient management of its affairs: *Provided*, That the same shall not be contrary to any provisions of this charter, or the constitution of this State or of the United States.

§ 2. The said corporation shall have power to purchase and hold a tract of land, not exceeding one hundred acres, and not further than one mile from the city of Fulton, in Callaway county, to be appropriated and used for a cemetery or burying ground; and for that purpose may be laid off into lots and subdivisions suitable for graves, vaults and monuments, and may embellish the same with trees, shrubs and flowers, and lay off roads, avenues and walks; and when thus laid off shall be forever held by said corporation for the purposes aforesaid, and none other. Said corporation may sell and convey any of the lots or subdivisions in said cemetery, for the purposes aforesaid, subject to such conditions as may be prescribed by its by laws; and every right sold and conveyed shall be held and used by the proprietors thereof for the purposes aforesaid, and shall be indivisible, and shall not be subject to attachment or sale under execution, nor by order of any court, or to be conveyed by the owner out of his family, after any interments shall have been made in such lot; neither shall said cemetery be subject to and tax whatever, further than that necessary to keep the grounds in order any

a state of preservation, which amount shall be fixed by the Board of Corporators; and any lot-holder having failed to pay such tax shall be refused a permit to make an interment in said cemetery while said tax remains unpaid.

§ 3. The officers of said corporation shall consist of the seven named corporators, and their successors, who shall also act in the capacity of directors, a Secretary and Treasurer, and such other officers as the corporators may consider necessary to regulate and sustain said cemetery, whom they shall elect out of their own number, or outside of it, as they may choose. Said corporators or directors shall be elected by the lot-holders, annually, on the first Monday of July, and the old directors shall serve until their successors are elected. The lots shall be classed and numbered from one to five, and the number on each lot shall indicate the number of votes the owner thereof is entitled to cast. A majority of the corporators or directors shall be considered a quorum, necessary to transact business.

§ 4. The duties of all officers of said corporation shall be defined by the by-laws adopted by the corporators, who shall adopt a code of such as they may deem necessary to govern said corporation. There shall no sale of any lot be made until a plat of said cemetery be made and recorded in the Recorder's office of the county of Callaway. The Secretary shall also keep a copy of said plat, and exhibit it to such as may desire to see the same; he shall also keep a record of the proceedings of each meeting.

§ 5. All deeds for the conveyance of lots in said cemetery, shall be signed by the President of said corporation (who shall be elected by and from the other corporators) and attested by the Secretary, with the seal of the corporation attached, which shall be deemed a sufficient and indisputable title to said lots, in all courts and places whatsoever.

§ 6. Any person who shall willfully destroy, injure or remove any tomb, monument or stone in said cemetery, or shall willfully remove, destroy, cut, break or injure any fence around, or railing, shrub or plant within the limits of said cemetery, or shall shoot off any gun or pistol within the limits of said cemetery, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, before any court having jurisdiction of such cases, within the county of Callaway, be fined not less than five dollars nor more than fifty dollars, besides paying all damages caused by such trespass, to be sued for by such corporation before any justice of the peace or court having jurisdiction; which amounts, when collected, shall be appropriated to the repairing of said damages to said cemetery, by the directors thereof.

§ 7. Any person who shall willfully open any grave, vault or tomb in said cemetery, for the purpose of robbing the same of anything therein, or who shall remove any corpse therefrom for the purpose of dissection, or who shall knowingly receive any such corpse, together with all aiders and abettors, shall be deemed guilty of felony, and, upon conviction thereof, shall be punished by imprisonment in the State Penitentiary.

§ 8. Said corporators shall have the power to convey all the unsold lots, as well as all other things pertaining to said cemetery, previously undisposed of, to the city of Fulton: *Provided*, They can agree upon terms, and believe that the public and lot-holders desire the same.

§ 9. The directors shall have the power to determine the character of the masonry about all vaults, tombs and walls, as well as that of the style of all enclosures around all graves or lots; also the kind of trees and shrubbery