

no defendant against whom an execution shall be or remain unsatisfied after being taken into custody shall be entitled to any of the benefits or privileges of any of the insolvent laws or acts of this state.

Repealer.

47. SEC. 10. That all acts and parts of acts inconsistent with this act be and the same are hereby repealed.

## Candles.

- |  |   |
|--|---|
| 1. Weight of candles to be marked on box.                              | 4. Act not to apply to candles manufactured previous to July 4th, 1855. |
| 2. When not to be sold by pound, &c.                                   |   |
| 3. Penalty for selling candles in violation of provisions of this act. |   |

### An act to regulate the sale of candles.

Approved February 26, 1855.

P. L. 1855, p. 121.

Weight of candles to be marked on box.

1. That from and after the fourth day of July next, it shall not be lawful for any person or persons, in the state of New Jersey, to sell any description of candles in a box or boxes, or other package or packages, unless the actual weight of the candles therein contained be plainly and conspicuously marked or branded, on the end of said box or package, with the initial letter or letters of the christian name, and the surname at full length, of the manufacturer, together with the name of the place where said candles were made; and each and every box or package of candles shall be numbered according to its contents, as follows: number four, number six, number eight, number ten, and four candles of number four, six candles of number six, eight candles of number eight, and ten candles of number ten, shall be made, respectively, to weigh not less than fifteen and three-quarter ounces; but it shall be lawful for any person or persons to sell candles in a box or boxes, or other package, of other numbers; *provided*, the actual weight of the candles sold shall bear the same relative proportion to their number as in the cases above specified.

When not to be sold by pound, &c.

2. That it shall not be lawful for any person or persons to sell candles, by the pound or otherwise, which shall not bear the same weight in proportion to their number as is described in the foregoing section.

Penalty for selling candles in violation of provisions of this act.

3. That any person or persons who shall sell candles within the state of New Jersey in violation of any of the provisions of this act, shall forfeit and pay, for every such offense, a sum not less than ten dollars, and not exceeding one hundred dollars, one-half to go to the prosecutor, and the other half to the poor of the city or township in which such offense may be committed, to be recovered by action of debt, in any court having cognizance of the same.

Act not to apply to candles made previous to July 4th, 1855.

4. That the provisions of this act shall not apply to the sale of candles manufactured previous to the fourth day of July next.

## Cemeteries.

- |   |  |
|---|--|
| 1. Amended by section 16.   | 15. Renewal of bonds heretofore issued.                          |
| 2. Certificate to be made, acknowledged and recorded in county clerk's office.                  | 16. Mode of forming associations. Trustees, &c.                  |
| 3. Upon recording certificate, deemed incorporated.   | 17. Annual election of trustees. Term of office.                 |
| 4. Amended by sections 21 and 40.   | 18. Sequestration of assets, &c., for payment of judgments.      |
| 5. Amended by section 17.   | 19. Lots numbered as separate lots to be indivisible.            |
| 6. Annual report and election of trustees.  | 20. Repealer.  |
| 7. Association may hold property bequeathed or given upon trust.                                | 21. Amended by section 40.                                       |
| 8. Lands and property exempt from taxes and assessments and not liable to be sold on execution. | 22. Lands held by association to adjoin each other.              |
| 9. Burying-grounds not liable to be sold on execution.  | 23. Amended by section 50.                                       |
| 10. Amended by section 19.  | 24. Power of municipalities to regulate by ordinance interments. |
| 11. After an interment a lot inalienable.   | 25. Process against persons violating ordinance.                 |
| 12. Penalty for defacement of tombs, fences, &c.  | 26. Certificate of election of trustees to be filed.             |
| 13. Associations may sell or purchase land to straighten lines.                                 | 27. Repealer.  |
| 14. Income of trust property, how applied.  | 28. Depth for burial of bodies.                                  |
|   | 29. Amended by section 45.                                       |
|   | 30. Amended by section 41.                                       |

- 31. How long body may remain in vault.
- 32. Municipal authorities may examine cemeteries.
- 33. Municipal authorities may approve of location of cemeteries.
- 34. Penalties for violation of act.
- 35. Proceedings when cemetery dangerous to public health.
- 36. Costs, when awarded.
- 37. Repealer.
- 38. Trustees authorized to lay out portions of grounds into lots.
- 39. Repealer.
- 40. Association may hold land not exceeding one hundred and twenty-five acres.
- 41. Disinterment of bodies of persons dying of contagious disease.
- 42. Repealer.
- 43. Association may change name.
- 44. Proceedings for change of name.
- 45. Disinterments to be made within certain periods.
- 46. Number and manner of electing trustees.
- 47. Time and place of holding elections.
- 48. Trustees not personally liable for debts.
- 49. Repealer.
- 50. Not more than three cemeteries to be in one city or township. Proviso.
- 51. Power to acquire additional lands.
- 52. When lands may be condemned. Proceedings.
- 53. Payment or tender shall be made before taking possession.
- 54. Appeal from assessment and award.
- 55. Reasonable compensation to be made.
- 56. Exemption from tax.
- 57. Penalty for injury to graveyards.
- 58. Penalty for bringing dog or goat into graveyard, &c.
- 59. Proceedings in case of omission or failure to elect trustees on day appointed.
- 60. Annual election of trustees to be by ballot.
- 61. Sale of land, if lands not suitable for burial purposes, authorized.
- 62. Notice of sale. What to contain and how published.
- 63. Majority of votes cast requisite to sale.
- 64. Confirmation of sale.
- 65. Proceeds of sale, how applied.
- 66. Voting, how regulated and controlled.
- 67. Surplus money or funds, how invested.
- 68. Repealer.
- 69. Corporations incorporated under special acts may acquire additional land.
- 70. Owners of private burying-grounds may convey to cemetery associations.
- 71. Owners of lots may transfer and convey same.
- 72. Managers may pass by-laws.

**An act to authorize the incorporation of rural cemetery associations and regulate cemeteries.**

Revision—Approved April 9, 1875.

P. L. 1848, p. 9.  
 " 1851, p. 254.  
 " 1853, p. 399.  
 " 1868, p. 832.  
 " 1873, p. 143.

349-1  
 S01-399  
 S02-254

1. [Amended by Sec. 16, *post.*]

2. That the chairman and secretary of the meeting shall within three days after such meeting make a written certificate, and sign their names thereto, and acknowledge the same before an officer authorized to take the proof and acknowledgment of conveyances in the county where such meeting shall have been held, which certificate shall state the names of the associates who attended such meeting, the corporate name of the association determined upon by the majority of the persons who met, the number of trustees fixed on to manage the concerns of the association, the names of the trustees chosen at the meeting, and their classification, and the day fixed on for the annual election of trustees; which certificate it shall be the duty of the chairman and secretary of such meeting to cause to be recorded in the clerk's office in the county in which the meeting was held, in a book to be appropriated to the recording of certificates of incorporation.

Certificate to be made, acknowledged and recorded in county clerk's office.

3. That upon such certificate, duly acknowledged as aforesaid, being recorded, the association mentioned therein shall be deemed legally incorporated, and shall have and possess the general powers and privileges of a corporation; the affairs and property of such association shall be managed by the trustees, who shall annually appoint from among their number a president and a vice president, and shall also appoint a secretary and a treasurer, who shall hold their places during the pleasure of the board of trustees; and the trustees may require the treasurer to give security for the faithful performance of the duties of his office.

Upon recording certificate association deemed incorporated.

4. [Amended by Secs. 21 and 40, *post.*]

5. [Amended by Sec. 17, *post.*]

6. That the trustees, at each annual election, shall make reports to the lot proprietors of their doings, and of the management and condition of the property and concerns of the association; if the annual election shall not be held on the day fixed in the certificate of incorporation, or if, from any cause, trustees should not be then elected, the trustees shall have power to appoint another day, not more than sixty days thereafter, and shall give public notice of the time and place at which time the election may be held, with like effect as if holden on the day fixed on in the certificate; the office of the trustees chosen at such time to expire at the same time as if they had been chosen at the day fixed by the certificate of incorporation.

Trustees to make report annually. Proceedings when no election of trustees at regular time.

Association may hold property bequeathed or given upon trust.

7. That any association, incorporated pursuant to this act, may take and hold any property, real or personal, bequeathed or given upon trust to apply the income thereof, under the direction of the trustees of such association, for the improvement or embellishment of such cemetery, or the erection or preservation of any buildings, structures, fences, or walks erected or to be erected, upon the lands of such cemetery association, or upon the lots and plats of any of the proprietors, or for the repair, preservation, erection or renewal of any tomb, monument, gravestone, fence, railing or other erection in or around any cemetery lot or plat, or for planting and cultivating trees, shrubs, flowers or plants in or around any such lot or plat, or for improving or embellishing such cemetery, or any of the lots or plats, in any other manner or form consistent with the design and purposes of the association, according to the terms of such grant, devise or bequest.

Lands and property of association exempt from taxes and assessments, and not liable to be sold on execution. P. L. 1868, p. 832.

8. That the cemetery lands and property of any association formed pursuant to this act, or otherwise incorporated, as well as bonds and mortgages given to secure the purchase-money of such cemetery lands, shall be exempt from all public taxes, rates or assessments, and shall not be liable to be sold on execution, or be applied in payment of debts due from any individual proprietors; but the proprietors of lots or plats in such cemeteries, their heirs or devisees, may hold the same exempt therefrom, so long as the same shall remain dedicated to the purpose of a cemetery, and during that time, no street, road, avenue, or thoroughfare shall be laid through such cemetery, or any part of the lands held by such association for the purpose aforesaid, without the consent of the trustees of such association, except by special permission of the legislature of the state. [See Sec. 55, *post.*]

Burying-grounds not liable to be sold on execution. P. L. 1848, p. 9.

9. That all lands lying within the bounds of any cemetery or burying-ground belonging to or used by any religious society in this state, shall be reserved, for the use of the owners thereof, against all causes in action heretofore or hereafter arising, except upon mortgage thereof, and shall not be liable to be seized, taken or sold by virtue of any judgment, decree, order, execution or other process made or rendered by or issued out of any court in this state; *provided*, that all liens existing upon land, before the same is converted into burying-grounds, shall be exempt from the operation of this act.

Amended.

Proviso.

10. [Amended by Sec. 19, *post.*]

After an interment, a lot inalienable.

11. That whenever the said land shall be laid off into lots or plats, and such lots or plats, or any of them, shall be transferred to individual holders, and after there shall have been an interment in a lot or plat so transferred, such lot or plat, from the time of such interment, shall be forever thereafter inalienable, and shall, upon the death of the holder or proprietor thereof, descend or go to the heirs-at-law or devisee of such holder or proprietor; *provided, nevertheless*, that any one or more of such heirs-at-law may release and convey to any other of the said heirs-at-law, or unto the widower, widow or next of kin of any deceased person interred in such lot or plat, his or their interest in the same, on such conditions as shall be agreed on and specified, a copy of which conveyance shall be recorded in the clerk's office of the county within which the said cemetery shall be situated; *and provided further*, that the body of any deceased person shall not be interred in any such lot or plat, unless it be the body of a person having at the time of such decease an interest in such lot or plat, or the relative of some person having such interest, or the wife of such person, or her relative, except by the consent of all persons having an interest in such lot or plat. [See Sec. 70, *post.*]

Proviso.

P. L. 1878, p. 143.

Interments.

Penalty for willful destruction or defacement of tombs, fences, trees, &c. P. L. 1851, p. 254.

12. That any person who shall willfully destroy, mutilate, deface, injure, or remove any tomb, monument, gravestone, building, or other structure, placed in any cemetery of any association incorporated under this act or otherwise, or any fence, railing, or other work for the protection or ornament thereof, or of any tomb, monument, or gravestone, or other structure aforesaid, or of any lot or plat within such cemetery, or shall willfully destroy, cut, break, or injure any tree, shrub, or plant within the limits of

such cemetery, shall be deemed guilty of a misdemeanor; and such offender shall also be liable in an action of trespass, to be brought in all such cases in the name of such association, to pay all such damages as shall have been occasioned by his unlawful act or acts; such money, when recovered, shall be applied by the trustees to the reparation or restoration of the property so destroyed or injured.

Supplement.

Approved March 29, 1878.

P. L. 1878, p. 209.

**13. SEC. 1.** That any cemetery association within this state existing under special statute or by virtue of an incorporation under the general statutes of which this is a supplement, is hereby empowered to sell, purchase and exchange its lands and any lands adjoining its premises, for the purpose of straightening its lines, and to sell and dispose of such parts of its land as have not been laid out into burying-lots, and appropriate the proceeds received therefrom in paying the debts and liabilities of the said association and improving the cemetery.

Empowered to sell, purchase and exchange lands for the purpose of straightening lines, &c.

**14. SEC. 2.** That any association incorporated as aforesaid may take and hold any property, real and personal, bequeathed or given upon trust, to apply the income thereof under the direction of the trustees or managers of such association for the improvement or embellishment of such cemetery, or the erection or preservation of any buildings, structures, fences or walks erected or to be erected upon the lands of such cemetery association or upon the lots or plots of any of the proprietors, or for the repair, preservation, erection or renewal of any tomb, monument, gravestone, fence, railing or other erection in or around any cemetery lot or plot, or for planting and cultivating trees, shrubs, flowers or plants in or around any such lot or plot, or for improving or embellishing such cemetery or any of the lots or plots in any other manner or form consistent with the design and purposes of the association, according to the terms of such grant, devise or bequest.

Income of trust property, how applied.

351-14  
16D-409

**15. SEC. 3.** That whenever any bonds heretofore legally issued by any association incorporated as aforesaid under the authority of law, are now due and unpaid, or shall hereafter become due, the managers or trustees of any such association may renew ninety-five per centum of said indebtedness, or any less part thereof, by the issuing of the bonds of said association for that purpose, which said bonds shall be made payable at periods of time not exceeding twenty years from the date of issuing the same, and shall draw such rate of interest not exceeding seven per centum per annum, and be issued in such sums as the managers or trustees shall by resolution determine; which bonds shall be of the denomination of not less than fifty dollars nor more than one thousand dollars, and shall be executed under the corporate seal of said association and the signature of the president thereof, and shall have coupons attached for every half-year's interest until due, payable at the office of the treasurer thereof; which coupons shall be signed by said treasurer and numbered to correspond with the bond to which they shall be respectively attached, and which said bonds shall be exempt from taxes as burial-grounds or cemeteries are now by law exempt.

Bonds heretofore legally issued may be renewed.

When payable.

Denomination.

Exempt from tax.

Supplement.

Approved March 14, 1879.

P. L. 1879, p. 260.

**16. SEC. 1.** That the first section of the act to which this is a supplement, and which reads as follows [see Rev. p. 100], be and the same is hereby amended so as to read as follows:

[That any number of persons residing in this state, not less than seven, who shall desire to form an association for the purpose of procuring and holding lands to be used exclusively for a cemetery or a place for the burial of the dead, may meet at such time and place as they or a majority of them may agree, and appoint a chairman and secretary by the vote of a majority of the persons present at the meeting, and proceed to form an

Mode of forming an association.

## CEMETERIES.

association by determining on a corporate name by which the association shall be called and known, and the number of trustees to manage the concerns of the association, which number shall not be less than three nor more than twelve, and thereupon may proceed to elect by ballot the number of trustees so determined on; and the chairman and secretary shall immediately after such election divide the trustees by lot into three classes; those of the first class to hold their office one year; those of the second class two years, and those of the third class three years; but the trustees of each class may be re-elected if they shall possess the qualifications hereinafter mentioned; the meeting shall also determine on what day in each year the future annual elections of trustees shall be held; and that any association now existing or that shall hereafter exist, under and by virtue of this act, may by ballot change its present number of trustees to any number not exceeding twelve or less than three, at any annual meeting, and that the chairman and secretary shall then make out a reclassification according to the requirements of this section of this act, and at the next subsequent election those trustees in the first class of the reclassification shall be elected, and subsequent elections shall conform to such reclassification, but no trustee shall be deemed out of his office till the term for which he was elected shall have expired, except by death, resignation or removal out of the state, in which last event his trusteeship shall be deemed terminated; and for the purpose of electing trustees at any meeting after organization of the association, every creditor of such association, in addition to his right to vote by virtue of his owning plats or lots according to section five of this act, shall be entitled to one vote for every four hundred dollars' worth at par value of bonds, stock or other duly-authorized evidences of debt he or she may own and hold against such association.]

Election of trustees.

Term of office.

Number of trustees may be changed.

Who may vote.

## Supplement.

P. L. 1880, p. 265.

Approved March 12, 1880.

17. SEC. 1. That section five of said act be amended so that the same shall read as follows :

Annual election of trustees, when held and term of office.

[That the annual election for trustees to supply the place of those whose term of office expires shall be holden on the day mentioned in the certificate of incorporation, or at such time and at such hour and place as the trustees shall direct, at which election shall be chosen such number of trustees as will supply the places of those whose term expires; the trustees chosen at any election subsequent to the first, shall hold their places for three years and until others shall be chosen to succeed them; the election shall be by ballot, and every person of full age, who shall be proprietor of a lot or plat in the cemetery of the association, or if there be more than one proprietor of any such lot or plat, then such one of the proprietors as the majority of joint proprietors shall designate to represent such lot or plat, may, either in person or by proxy, give one vote for each plat or lot; *provided*, that no one person shall vote for more than one hundred plats or lots; and the persons receiving the largest number of the votes given at such election shall be trustees to succeed those whose term of office expires; but in all the elections after the first, the trustees shall be chosen from among the proprietors of lots or plats; and the trustees shall have power to fill any vacancy in their number occurring during the period for which they hold their office; public notice of the annual elections shall be given in such manner as the by-laws of the corporation shall prescribe.] (1)  
[See Sec. 47, *post*.]

Who entitled to vote.

Proviso.

(1) *Query*—This act was amended by an act entitled "An act to amend an act entitled 'An act to authorize the incorporation of rural cemetery associations and regulate cemeteries,' approved April ninth, one thousand eight hundred and seventy-five," approved April 21st, 1890 (P. L. 1890, p. 268), which said amendatory act was repealed by chapter LXX. of the acts of 1891. P. L. 1891, p. 115.

## Supplement.

Approved March 21, 1881.

P. L. 1881, p. 158.

18. SEC. 1. That the rents, issues, profits, income and revenues derived from any and all lands lying within the bounds of any cemetery or burying-ground belonging to, or used by, or held in trust for, any incorporated cemetery company in this state, may be taken and sequestered under and by virtue of the orders and decrees of the court of chancery of this state, according to the rules and practice of that court, and applied by said court of chancery to the payment of any judgment recovered in any of the courts of this state against such cemetery company owning or using said lands; and that for that purpose the said court of chancery may, if necessary, appoint a receiver or receivers of the said rents, issues, profits, income and revenues (and take such order regarding the same as may be just and equitable), but nothing in this act contained shall make the said lands liable to be seized, taken or sold, by virtue of any judgment, decree, order, execution or other process made or rendered by, or issued out of, any court in this state.

Rents, issues, &c., of cemetery companies may be taken and sequestered and applied to payment of judgments.

Court of chancery may appoint receiver.

## Supplement.

Approved February 24, 1882.

P. L. 1882, p. 25.

19. SEC. 1. That section ten of an act entitled "An act to authorize the incorporation of rural cemetery associations and regulate cemeteries," be amended to read as follows:

[That all lots or plats of ground designated on the maps filed as aforesaid, and numbered as separate lots by the corporation, shall be indivisible, but may be held and owned in undivided shares; *provided*, that the boundaries of the unsold lots or plats of ground belonging to the corporation may be altered or amended, by and with the consent of a majority of the legal voters of said association present at any regular meeting of the corporation; *and provided further*, that a supplemental map or maps of said cemetery lands, with such alteration of boundaries shown thereon, be filed in the clerk's office of the county in which the lands be situated; one-half at least of the proceeds of all sales of lots or plots shall be first appropriated to the payment of the purchase-money of the lands acquired by the association until the whole purchase-money shall be paid, and the residue thereof to preserving, improving and embellishing the said cemetery grounds, and the avenues and roads leading thereto, and to defray the incidental expenses of the cemetery establishment; and after the payment of the purchase-money, and the debts contracted therefor, and for surveying and laying out the land, the proceeds of all future sales shall be applied to the improvement, embellishment and preservation of such cemetery and for incidental expenses, and to no other purpose or object, so long as such embellishment is incomplete.]

Lots or plats of ground on maps to be held indivisible.

Proviso.

Proviso.

20. SEC. 2. That all acts and parts of acts inconsistent with this act be and the same are hereby repealed.

Repealer.

## Supplement.

Approved March, 22, 1883.

P. L. 1883, p. 123.

21. SEC. 1. [This section, amending Sec. 4, *ante*, is amended by Sec. 40, *post*.]

## Supplement.

Approved March 23, 1883.

P. L. 1883, p. 174.

22. SEC. 1. That the lands which any association incorporated under the act to which this is a supplement, shall take and hold in any county of this state, under and by virtue of said act, shall adjoin and be contiguous to each other, and shall not consist of separate tracts in different places in the same county; *provided*, that this shall not be taken to apply to cemetery grounds which lie immediately opposite each other on different sides of any public road or roads.

Lands held by association shall adjoin each other.

Proviso.

Powers of municipal authorities to regulate by ordinance interments, &c.

Penalties.

Civil officers empowered to issue process against persons violating ordinances.

Proviso.

Proviso.

Certificate of election of trustees and officers to be filed in office of county clerk.

Repealer.

**23. SEC. 2.** [Amended by Sec. 50, *post.*]

**24. SEC. 3.** That the municipal authorities of the city, town and township in which any cemetery is or shall be located, shall have the power and authority to pass, alter and repeal ordinances to regulate interments, disinterments and the manner thereof, in any cemetery in said city, town or township, and to prescribe the penalty by fine not exceeding fifty dollars in each case, or by imprisonment in the county jail not exceeding ten days in each case, or both, for any violation of any ordinance authorized by this act; and said municipal authorities or any authorized agent thereof shall have the power and authority, at all times, to enter into and upon any cemetery within the limits of said municipality, and examine into the condition of said cemetery, and whether the ordinances regulating the same are duly enforced.

**25. SEC. 4.** That any recorder, police justice or justice of the peace in any city, town or township of this state, be and he is hereby empowered on oath, affirmation or affidavit, made according to law, that any person or persons has or have been guilty of a violation of any such ordinance as aforesaid, to issue a process either in the nature of a summons or of a warrant, as to him may seem most advisable, against the person or persons so violating such ordinances, which process shall, when in the nature of a warrant, be returnable forthwith, and when in the nature of a summons be returnable in five entire days, and such process shall state what ordinance the defendant or defendants named therein has or have violated, and in what manner; and on the return of such process, or at the time to which the same shall be adjourned, the said recorder, police justice or justice of the peace, as the case may be, shall proceed to hear the matter, and to determine and give judgment in the same, and if judgment be given for the plaintiff, execution shall forthwith issue against the goods, chattels and persons of the defendant or defendants, and all sums collected or recovered under this act shall be forthwith paid to the treasurer or collector of the city, town or township in which the same are collected, for the benefit of such municipality; *provided*, that in all cases where the fine or penalty shall exceed ten dollars, or where the punishment may be imprisonment, there may be a trial by jury, to be conducted as in cases triable by jury in the courts for the trial of small causes; *provided, however*, that said municipal authorities shall have the power to remit any penalty that may be inflicted or adjudged, upon application made to them.

**26. SEC. 5.** That every cemetery association shall annually, within ten days after its annual election, file in the clerk's office of the county wherein it is located, a certificate setting forth the names of the trustees and officers of said association.

**27. SEC. 6.** That all acts or parts of acts, inconsistent with this act, be and the same are hereby repealed, and this act shall be deemed to be a public act, and shall take effect immediately.

#### Supplement.

Approved March 25, 1885.

**28. SEC. 1.** That every dead human body interred in any burying-ground or cemetery within the limits of the state of New Jersey shall be buried so that the top of the outside coffin shall be at least four feet below the natural surface of the ground and shall be immediately covered with at least four feet of earth, soil or sand; excepting only the bodies of infants in boxes not more than four feet in length, which shall be so interred that the top of the outside box enclosing them shall be at least three feet and six inches below the natural surface of the ground, and they shall be immediately covered with at least three feet and six inches of earth, soil or sand; *provided*, this shall not apply where bodies are placed or buried in properly-constructed private vaults, so as to prevent the escape of noxious or unhealthy gases therefrom.

**29. SEC. 2.** [Amended by Sec. 45, *post.*]

**30. SEC. 3.** [Amended by Sec. 41, *post.*]

P. L. 1885, p. 165.

Bodies to be buried certain depth.

354-28  
39v-491

Proviso.

**31. SEC. 4.** That no dead human body shall be permitted to remain longer than forty-eight hours in any receiving vault in this state, the depth of which is less than five feet below the natural surface of the ground, between the first day of May and the first of November; *provided*, this shall not apply to properly-constructed receiving vaults which prevent the escape of noxious and unhealthy gases.

How long body may remain in vault, &c.

Proviso.

**32. SEC. 5.** That the municipal authorities or board of health of any city, town, township or borough in this state, or their properly-authorized agent or agents, shall have the power and authority at all times to enter into and upon any cemetery or burying-ground within the limits of said municipality and examine into the condition of the same, and ascertain whether the laws regulating it are duly observed.

Municipal authorities or board of health may enter and examine cemetery.

**33. SEC. 6.** That it shall not be lawful to locate any new cemetery or burying-ground, or to enlarge any cemetery or burying-ground in this state without the consent and approval of the municipal authorities and board of health of the city, township, town or borough in which it is proposed to locate or enlarge said cemetery or burying-ground, upon application in writing for that purpose made; and in case of the refusal of the municipal authorities and local board of health to grant the same, then the person or persons making application as aforesaid may apply to the state board of health, which shall have power to reverse the decision of the local authorities and grant the application; and in case the local authorities grant the permit to locate or enlarge any cemetery or burial-ground and the same shall be deemed objectionable by the inhabitants of the city, town, township or borough where it is proposed to locate, then ten citizen freeholders thereof may apply to the state board of health, which shall have power to reverse the decision of the local authorities and prohibit said location or enlargement; *and it is herein specially provided*, that all persons making application as aforesaid, for the location or enlargement of any cemetery, shall accompany the same with a descriptive map of the premises they propose to occupy, a copy of which shall be also filed in the office of the state board of health; *and provided further*, that nothing in this section contained shall apply to lands already purchased by any duly-organized cemetery company for burial purposes.

Unlawful to locate or enlarge cemetery without consent of authorities or board of health, &c.

355-83  
37V-524

355-83  
A04-498

May apply to state board of health.

Proviso.

Proviso.

**34. SEC. 7.** That any person violating any of the foregoing provisions of this act, and any person in charge of or exercising control over any cemetery or burial-ground in this state, who shall knowingly permit or suffer such violation to be done, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punishable by a fine of not exceeding three hundred dollars, or imprisonment for six months, or both, in the discretion of the court.

Penalty, for violation of act.

**35. SEC. 8.** That whenever any cemetery or burial-ground or part thereof, by reason of its location or the too great number of bodies interred therein, or for any other cause, is dangerous to the public health, and it is inadvisable that any further interments be made therein, any municipal authority within whose limits any such cemetery or burial-ground is situated, or any state or local board of health, may file a bill in the court of chancery, either in the name of the state on the relation of said complainant or otherwise, asking relief in the premises, and the procedure shall be according to the rules and practice of said court; and if it shall thereupon be determined by said court that any cemetery, burial-ground, or any part thereof, for any of the reasons aforesaid is dangerous to public health or that further interments therein would be inadvisable, then said court shall have the power and authority, by injunction or otherwise, according to the practice of said court, to grant such relief as to said court shall seem proper and necessary for the protection of the public health.

Proceedings when cemetery dangerous to public health.

**36. SEC. 9.** That in case said court shall determine that the complainant or complainants are not entitled to any relief in any proceeding that may be taken under section eight of this act, costs shall not be awarded as of course against said complainant, but only in case it shall appear to the chancellor that no probable cause existed for bringing such suit.

When costs awarded.

## CEMETERIES.

Repealer.

**37. SEC. 10.** That all acts or parts of acts inconsistent herewith be and the same are hereby repealed, and that this act shall be deemed a public act and take effect immediately.

## Supplement.

Passed March 30, 1886.

P. L. 1886, p. 148.

Certain grounds authorized to be laid out into lots and sold for burial purposes.

**38. SEC. 1.** That in all cases where the grounds of any cemetery association have been laid out on a map or maps, on which there are portions of ground not marked out into lots, and which have not been laid out as a park and the same dedicated as such in the deeds given for burial lots in said cemeteries, or which have not been heretofore reserved and set apart for building purposes, and not laid out as avenues, it shall be lawful for the trustees of such associations to cause such portions of the grounds to be laid out into lots and sold for burial purposes; *provided, however,* that paths or other roadways shall be maintained to the lots already sold.

Proviso.

Repealer.

**39. SEC. 2.** That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and this act shall take effect immediately.

## Amendatory act.

Approved May 9, 1889.

P. L. 1889, p. 413.

Associations may hold land not exceeding 125 acres.

**40. SEC. 1.** That section numbered four [see Secs. 4 and 21, *ante*] of said act be and the same is hereby amended to read as follows:

[That any association incorporated under this act, or under any special act, may take, by purchase or devise, and hold within the county in which the certificate of their incorporation is recorded, or in a county adjoining thereto, lands not exceeding one hundred and twenty-five acres in extent, such lands to be adjoining each other and not exceeding in taxable value seventy-five thousand dollars, to be held and occupied exclusively for a cemetery for the burial of the dead; such land, or such parts thereof as may, from time to time, be required for that purpose, shall be surveyed and subdivided into lots or plots of such size as the trustees may direct, with such avenues, paths, alleys and walks as the trustees deem proper, and a map or maps of such surveys shall be filed and kept in the office of the association, open to the inspection of the lot-owners; the trustees may sell and convey the lots or plots, and parts of lots or plots, designated on such maps, upon such terms as shall be agreed, and subject to such conditions and restrictions as may be imposed upon the use of such lots or plots by rules or regulations now adopted, or hereafter to be adopted, by the trustees of such association, the conveyances to be executed under the common seal of the association and signed by the president, or the vice president, and the treasurer of the association; any association incorporated under this act may hold personal property to an amount not exceeding five thousand dollars, besides what may arise from the sale of lots or plots; *provided,* that any portion of the property of any such company, not actually set apart and used for burial purposes, shall be subject to taxation until the same has been so set apart and used for actual purposes of burial, excepting roads and walks actually graded and in use.]

Trustees may sell.

Proviso.

## Amendatory act.

Approved May 9, 1889.

P. L. 1889, p. 419.

**41. SEC. 1.** That section three of said supplement, approved March twenty-fifth, one thousand eight hundred and eighty-five [see Sec. 30, *ante*], be and the same is hereby amended so that the same shall read as follows:

Disinterment of bodies of persons dying of epidemic and contagious disease.

**3.** [That no dead human body of any person who has died of small-pox, cholera, yellow fever, ship or typhus, spotted, relapsing, or scarlet fevers, or from any new disease, publicly declared by the state board of health or by any county board of health to be epidemic or endemic and contagious, shall be disinterred or removed from any grave, tomb, vault or place of

burial within the limits of this state at any time, unless the said body was originally interred in a metallic case, hermetically sealed, and then only by the order of and under the direction of the board of health within whose jurisdiction such body was buried; *provided, however*, that the provisions as to said metallic case shall not apply where said body shall have been buried or interred three years or more, and shall have died from other disease than small-pox, cholera or yellow fever; *and provided further*, that it may be lawful to remove, for re-interment, between the first day of November and the first day of April in each year, within the limits of the same cemetery, the dead body of any person that may have died from other disease than small-pox, cholera or yellow fever; *provided*, that special permit therefor is first obtained from the board of health within whose jurisdiction such body shall be buried.]

Proviso.

Proviso.

Proviso.

**42. SEC. 2.** That all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed, and that this act shall take effect immediately.

Repealer.

**Supplement.**

Approved March 24, 1890. P. L. 1890, p. 100.

**43. SEC. 1.** That it shall be lawful for any cemetery association incorporated under the act to which this is a supplement, to change the name of such association and adopt a new name.

May change name.

**44. SEC. 2.** That any such change shall be adopted only by a two-thirds vote of the lot-owners of such association present at any regular meeting, ten days' notice of such proposed change having been duly published in a newspaper printed and published in the city or county in which such cemetery is situate, or by notice duly served on each lot-owner at least five days before such proposed change, and when so adopted, a certified statement of such change of name, signed by the president and attested by the secretary, under the seal of the association, shall be filed in the office of the clerk of the county wherein such cemetery is situated; and upon such filing, the name of such association shall be changed as stated in said certificate, and the said change shall have the same force and effect as if the altered provision had been contained in the original certificate of incorporation; but no change in the name of such association shall in anywise affect or alter its rights and privileges or liabilities, but such association shall be entitled to have, receive and hold, under its new name, any property which it formerly held or which may be hereafter given or bequeathed to it under its original name.

Proceedings for change of name.

Certificate, when to be filed.

**Amendatory act.**

Approved March 24, 1890. P. L. 1890, p. 110.

**45. SEC. 1.** That the second section of the act of which this is amendatory [see Sec. 29, *ante*] be and the same is hereby amended to read as follows:

[That no dead human body shall be disinterred or removed from any grave, tomb or burial-place within the limits of this state between the first day of May and the first day of November, except by the direction of a competent court of this state for the purpose of criminal investigation; *provided, however*, that such disinterment or removal may be made at any time upon a permit being given for the purpose by the local board of health existing in the locality where such body is interred or entombed.]

Dead human bodies not to be disinterred within certain times.

Proviso.

**Supplement.**

Approved March 17, 1893. P. L. 1893, p. 387.

**46. SEC. 1.** That the care and management of all cemetery associations incorporated under the provisions of the act to which this act is a supplement, or by virtue of any special charter, may be confided in a board of managers or trustees, which board shall consist of not less than three nor more than twelve managers or trustees, who shall be lot-holders, and shall

Number composing and manner of electing managers and trustees.

## CEMETERIES.

Divided into classes.	be elected at the annual meeting of the association, at which time the number of the said board of managers or trustees shall be determined; and the president and secretary shall, immediately after such election, divide the managers and trustees, by lot, into three classes; those of the first class to hold their office one year, those of the second class two years, and those of the third class three years, but the managers or trustees of each class may be re-elected if they shall possess the requisite qualification at the time of their re-election; they shall also determine on what day in each future year the annual election of managers or trustees shall be held; the said board to have the exclusive superintendence of such association, with full power to appoint, employ, and discharge any or all of the officers or agents of said association, as they may deem expedient, and to fix the compensation of such officers or agents.
Term of office.	
May be re-elected.	
Duties of board.	
Time and place of holding elections.	<b>47. SEC. 2.</b> That the annual election for managers or trustees to supply the place of those whose term of office expires shall be holden on the day selected, or at such time and at such hour and place as the managers or trustees shall direct, at which election shall be chosen such number of managers or trustees as will supply the places of those whose term expires; the managers or trustees chosen at any election subsequent to the first shall hold their places for three years, and until others shall be chosen to succeed them; the election shall be by ballot, and every person of full age, who shall be proprietor of a lot or plat in the cemetery of the association, or if there be more than one proprietor of any such lot or plat, then such one of the proprietors as the majority of the joint proprietors shall designate to represent such lot or plat, may either in person or by proxy give one vote for each lot or plat; <i>provided</i> , that no one person shall vote for more than one hundred plats or lots; and the person or persons receiving the largest number of the votes given at such election shall be managers or trustees to succeed those whose term of office expires; and the managers or trustees shall have power to fill any vacancy in their number occurring during the period for which they hold their office; public notice of the annual election shall be given in such manner as the by-laws of the association shall prescribe.
Election by ballot.	
Persons entitled to vote.	
Proviso.	
Not personally liable for debts contracted.	<b>48. SEC. 3.</b> That no such manager or trustee shall be personally liable or responsible for the debts or obligations of any such association contracted after the passage of this act.
Repealer.	<b>49. SEC. 4.</b> That all acts or parts of acts inconsistent with this act be and the same are hereby repealed.

## Amendatory act.

Approved April 25, 1894.

P. L. 1894, p. 135.

**50. SEC. 1.** That section two of the act of which this is amendatory, [see Sec. 23, *ante*], and which reads as follows:

"That no more than three cemeteries shall be located or placed under and by virtue of said act to which this is a supplement, in any one city, township or town in any county of this state," be and the same is hereby amended to read as follows:

[That no more than three cemeteries shall be located or placed under and by virtue of said act to which this is a supplement, in any one city, township or town in any county of this state; *provided, however*, that nothing in this section shall prevent any cemetery association now incorporated from continuing, maintaining, enlarging and conducting any cemetery in any township of this state, where such cemetery has been located and used for the past ten years successively; subject, however, to all laws or provisions thereof governing and regulating cemeteries in this state and the maintaining, enlarging and conducting the same.]

358-50  
A99-182

Not more than three shall be located in any one city, &c.  
Proviso.

Not to apply to existing cemeteries.

Subject to all existing laws.

## Supplement.

Approved March 28, 1895.

P. L. 1895, p. 757.

**51. SEC. 1.** That associations incorporated under the said act or that may hereafter be incorporated thereunder shall have the power to acquire lands, additional to those already used for the purpose of sepulture, or lands required for such purpose in case none have hitherto been acquired, for the purpose of enlarging the burial-ground or cemetery belonging to such association, to an extent not exceeding ten acres, and that such lands may be acquired either by purchase or gift or by condemnation.

Power to acquire additional lands.

**52. SEC. 2.** That in case the trustees of such association cannot agree with the owner or owners, or other person or persons interested in any lands which the said trustees may desire to take, as to the amount of the compensation to be paid for the said lands, or in case any of said owners or other persons interested shall be under any incapacity or disability to contract for the same, then, and in every such case, it shall be lawful for any justice of the supreme court of this state, upon application by said trustees, and upon twenty days' notice to the owners and other persons interested in said lands, to appoint three disinterested commissioners, residents of the county in which the lands are situated, to assess and ascertain in value of the lands proposed to be taken, and the damage which said owners and persons interested may sustain by such taking; if any of the said commissioners neglect or refuse to perform their duties the said justice may appoint others in their stead; the said commissioners shall appoint a time and place at which they shall meet to execute the duties of their appointment, and shall give twenty days' notice thereof to be given to the parties interested therein, at which time the said commissioners shall meet and view the premises and hear the parties interested and take evidence (if any be offered), for which purpose they shall have power to administer oaths and affirmations, and they may adjourn from day to day; the said trustees shall exhibit to the said commissioners, at their said meeting, a statement and description, in writing or by maps, of the lands sought to be taken; and the said commissioners, upon being satisfied that it is necessary for the said cemetery association to acquire the said lands for burial purposes as aforesaid, shall ascertain and assess the value and damages aforesaid, and shall execute, under their hands and seals, or the hands and seals of the majority of them, an award to said association of the lands sought to be taken, which award shall contain a description of the said lands, and shall state the amount of damages and compensation therefor by them assessed in favor of such owner or owners, which award shall by them be acknowledged before an officer authorized to take the acknowledgment and proof of deeds for said county, and shall be recorded in the clerk's office of the said county by the clerk of said county; the notices required to be served by this section shall be in writing, and may be served either personally or by leaving at the dwelling-house or usual place of abode of the person required to be served therewith, with a member of his or her family above the age of fourteen years; in case it shall be impossible to make such service, then a publication of the said notice in a newspaper circulating nearest said lands for the full period of twenty days shall be sufficient; in case any of the owners are minors, the notice shall be served upon the parent or guardian of such minors; in case of other disability, publication in a newspaper as aforesaid shall be sufficient.

When lands may be condemned.

Proceedings in condemnation.

Notice shall be given of meeting of commissioners.

Statement and description of lands shall be made.

Value and damages shall be assessed.

Notice shall be served personally.

When publication in a newspaper shall be deemed sufficient notice.

**53. SEC. 3.** That before taking possession of said lands, the said association shall pay or tender to the owner or owners the amount of such compensation so awarded by the commissioners; or in case the said owner or owners cannot be found or shall refuse to accept the same, or shall be under any legal disability, then the said money shall be deposited with the clerk of the circuit court of said county; and the award of said commissioners and the payment or tender or deposit as aforesaid of the same shall vest in the said association the lands described in the said award, in

Payment or tender shall be made before taking possession.

## CEMETERIES.

all respects the same as if the said lands had been conveyed to said corporation by said owner or owners under their hands and seals.

Appeal from assessment and award.

Proceedings in cases of appeal.

**54. SEC. 4.** That if either party feels aggrieved by said assessment and award, such party may appeal to the next or second term of the circuit court of said county, by petition and notice thereof served upon the opposite party in the same manner as hereinbefore directed, which petition and notice shall vest in said courts full power to hear and determine said appeal; and, if required, they shall award a venire for a jury to come before them, who shall hear and finally determine the issue under the direction of the court as in other trials by jury; and it shall be the duty of the said jury to assess the value of the lands absolutely taken and the damages; and the said court shall have power to order a struck jury, or a jury of view, or both, to try any such appeal, and also to order any jury that may be impaneled and sworn to try any such appeal, to view the premises in question during such trial; but the right of the corporation to appeal from and dispute the correctness of any award shall not be waived or taken away by the paying or tendering the amount of the award and taking possession of the lands or exercising the rights covered by such award; and the right of any owner of any such lands in like manner shall not be waived or lost by the acceptance of the amount so awarded when tendered; upon the final determination of such appeal, the said court shall render judgment in favor of the one party and against the other, as the right and justice of the case shall require, and shall award to the party substantially succeeding and prevailing in said appeal his, her or their costs of said appeal against the opposite party, and shall have power to enforce the judgment so rendered by execution as other judgments are enforced, and also by summary proceedings and attachment for non-payment thereof.

Court may enforce final judgment.

Reasonable compensation shall be made.

**55. SEC. 5.** That the said commissioners, in making their award, shall award such sum as in their judgment will be a reasonable compensation to the owners of any estate in the lands sought to be taken, designating the compensation awarded to each person owning an estate in said land; and the award and payment or tender or deposit shall vest in the said association all estates in said lands, whether present or future, vested or contingent.

**A supplement to the act authorizing the incorporation of rural cemetery associations, approved March fourteenth, one thousand eight hundred and fifty-one.**

P. L. 1879, p. 318.

Approved March 14, 1879.

**56. SEC. 1.** That the tenth section of the act to which this is a supplement and which section reads as follows:

"That the cemetery lands and property of any association (and bonds and mortgages given to secure the purchase-money by act of one thousand eight hundred and sixty-eight) formed pursuant to this act shall be exempt from all public taxes, rates and assessment, and shall not be liable to be sold on execution or be applied in payment of debts due from any individual proprietors; but the proprietors of lots or plats in such cemeteries, their heirs or devisees, may hold the same exempt therefrom so long as the same shall remain dedicated to the purpose of a cemetery, and during that time no street, road, avenue or thoroughfare, shall be laid through such cemetery, or any part of the lands held by such association for the purpose aforesaid, without the consent of the trustees of such association, except by special permission of the legislature of the state" [see Nix. Dig., 4th ed., p. 100; and Rev. p. 102, Sec. 8], be and the same is hereby amended so that the said section shall read:

Exemption from tax.

[That the cemetery lands and property of any association (and bonds and mortgages given to secure the purchase-money by act of 1868) formed pursuant to this act and actually used for cemetery purposes, shall be exempt from all public taxes, rates and assessments, and shall not be liable to be sold on execution or be applied in payment of debts due from any individual proprietors; but the proprietors of lots or plats in such cemeteries, their heirs or devisees, may hold the same exempt therefrom so

long as the same shall remain dedicated to the purpose of a cemetery, and during that time no street, road, avenue or thoroughfare shall be laid through such cemetery or any part of the lands held by such association for the purpose aforesaid, without the consent of the trustees of such association, except by special permission of the legislature of the state.]

**An act to protect graveyards and burial-plats owned by individuals and unincorporated associations.**

Approved April 13, 1876. P. L. 1876, p. 135.

**57. SEC. 1.** That any person who shall unlawfully and willfully destroy, mutilate, deface, injure or remove any tomb, monument, gravestone, building or other structure placed in or upon any graveyard or burial-plat in this state, or shall unlawfully and willfully cut, bark, break, injure, remove or destroy any tree, shrub or plant therein, or shall willfully break, injure, deface, remove or destroy the fence, hedge or railing inclosing such graveyard or burial-plats, shall be deemed guilty of a misdemeanor, and such offender shall also be liable in an action of trespass, to be brought by the owner or owners, to pay all such damages as have been occasioned by his or her said unlawful acts.

Penalty for injury to graveyards, &c.

**58. SEC. 2.** That any person who shall bring any dog or dogs, goat or goats within the limits of any graveyard or burying-plat in this state, shall for every such offense, upon conviction thereof before a justice of the peace of the county wherein said offense shall be committed, forfeit and pay the sum of two dollars for the use of the poor of the township or ward, and shall also be liable in an action of trespass at the suit of the owner or owners for all damages committed by said dog or dogs, goat or goats.

Penalty for bringing dog or goat within limits of any graveyard or burying-plat.

**An act concerning cemetery associations, and regulating the election of trustees.**

Approved April 3, 1878. P. L. 1878, p. 256.

**59. SEC. 1.** That if at any time any cemetery company or association of this state, whether organized under any general or special act or acts of this state, is discovered to be without trustees lawfully elected to manage its affairs, or if any cemetery association of this state has omitted and failed to hold an election for trustees or to elect trustees on the day designated and appointed in and by the provisions of law incorporating such cemetery company, it shall be lawful for every such cemetery association to proceed to hold an election for trustees of such association, three or more of the persons owning lots in the cemetery of such association first giving at least ten days' notice of the time and place of holding such election, which notice shall be published in one or more newspapers circulating in the county in which such cemetery is located, which election shall be by ballot and shall be held at the principal office or place of business of the said company in this state, at which election every person of full age, owning a lot in said cemetery, and in case of a joint or several ownership in any lot, then such one of the parties in interest as the majority of ownership in such lot shall designate to represent such lot, may, either in person or by proxy in writing, give one vote for each lot so owned; *provided*, no person shall give, as owner or by proxy, more than one hundred votes at such election for trustees, and the persons receiving the largest number of the votes given at such election shall be and remain the lawful trustees of such company until their successors are lawfully appointed; and said trustees shall be chosen from the lot-owners, and shall not exceed the number of trustees provided by law for such company.

Proceedings in case of omission or failure to elect trustees on day designated or appointed.

Notice of time and place to be given.

Who may vote.

Proviso.

## Supplement.

P. L. 1881, p. 273.

Annual election of trustees to be by ballot.

Proviso.

Approved March 25, 1881.

**60. SEC. 1.** That the annual elections of trustees, held after the election for trustees provided for in the first section of the act to which this is a supplement, shall be by ballot, and shall be held at the principal office or place of business in this state of such cemetery company or association in the said act provided for; at which annual elections every person of full age owning a lot in said cemetery, and in case of a joint or several ownership in any lot, then such one of the parties in interest as the majority of ownership in such lot shall designate to represent such lot, may, either in person or by proxy in writing, give one vote for each lot so owned; *provided*, no person shall give, as owner or by proxy, more than twenty-five votes at any one election for trustees; and the persons receiving the largest number of the votes given at such election shall be and remain the lawful trustees of such company until their successors are lawfully appointed; and said trustees appointed at such annual elections shall be chosen from the lot-owners, and shall not exceed the number of trustees provided by law for such company.

**An act to authorize cemetery associations to sell and convey certain portions of their lands for other than burial purposes, and to provide for the disposition of the proceeds of such sale.**

P. L. 1886, p. 409.

When governing body of cemetery association determine that the interest of the association would be promoted by the sale of certain lands, public notice to be given, &amp;c.

What notice to contain and how published.

Majority of votes cast requisite to sale.

When lands sold, secretary of association to call meeting of association to confirm sale, &amp;c.

Approved June 22, 1886.

**61. SEC. 1.** That whenever the board of directors, managers or trustees of any cemetery association, company or corporation of this state, organized either under general or special law or laws, or the body having the management of any cemetery in this state, by whatever name such body may be known, shall determine by resolution that, in their opinion, the interests of such cemetery association, company or corporation would be promoted by the sale of any portion of its lands not suitable for burial purposes, upon which no burials shall have been made, except such lands as have been dedicated for a park and so expressed in the deeds given for lots sold, or have been set aside for building purposes, for other than burial purposes, and shall in such resolution particularly describe the portion of such lands which they propose to sell, such board or body shall, within one week after the passage of such resolution, give public notice, signed by the secretary of such board or body, of the time and place when and where a meeting of the members of such association, company or corporation will be held to determine by vote whether such board or body shall be authorized to sell the lands described in such resolution.

**62. SEC. 2.** That the public notice aforesaid shall contain the description of the lands proposed to be sold, and shall be published in two newspapers printed and published in the county wherein such cemetery may be situate, and shall be continued therein at least four weeks successively, once a week, next preceding the time for said meeting.

**63. SEC. 3.** That if a majority of the votes cast at such meeting shall be in favor of such sale as aforesaid, then the board or body having the management of such cemetery shall be authorized and empowered to offer at public sale the lands so authorized to be sold.

**64. SEC. 4.** That after such land as aforesaid shall have been offered at public sale and struck off to a bidder or bidders, the secretary of such cemetery association, company or corporation shall call a meeting of the members thereof, by public notice, published in two newspapers printed and published in the county wherein such cemetery may be situate, for two weeks successively, once a week, next preceding the time for said meeting, at which meeting the members shall vote "to confirm" or "not to confirm" such sale or sales; and if a majority of the votes cast at such meeting shall be "to confirm" such sale or sales, the board or body having the management of such cemetery shall cause to be executed and delivered

to the bidder or bidders good and valid deed or deeds of conveyance for the lands so sold as aforesaid.

**65. SEC. 5.** That the proceeds of such sale or sales shall be appropriated to the payment of the legal debts and liabilities of such cemetery association, company or corporation, and that the balance remaining after payment of such legal debts and liabilities shall be held by the board or body having the management of such cemetery as a permanent fund, and shall be safely invested, by such board or body and the annual interest thereof expended by them upon said cemetery in repairs, improvements, ornamentation and other necessary expenses; *provided*, that no part of said interest shall be paid as fees or salary to any member of such board or body; *and provided further*, that in the case of any cemetery association, company or corporation, which is or may be composed in part of the holders of shares of capital stock and in part of the owners of burial lots, the proceeds of such sale or sales, after payment of legal debts and liabilities, shall be divided into two equal parts or shares, one of which parts or shares may be paid as a dividend to the holders of capital stock, and the other of which shall be held by the board or body having the management of such cemetery as a permanent fund, and shall be safely invested by such board or body and the annual interest thereof expended as aforesaid for repairs, improvements, ornamentation and other necessary expenses.

Proceeds of sale, how applied.

Proviso.

Proviso.

**66. SEC. 6.** That the voting at any meeting of any cemetery association, company or corporation, called under the provisions of this act, shall, as to the rights and qualifications of voters and the manner of conducting the election, be regulated and controlled by the laws, rules and by-laws which regulate the election of officers in any such cemetery association, company or corporation.

Voting, how regulated and controlled.

**An act to authorize any cemetery or burial-ground governed by a board of directors, trustees or managers to invest any surplus funds received from the sale of lots or graves.**

Approved April 1, 1887.

P. L. 1887, p. 111.

**67. SEC. 1.** That it shall be lawful for the board of directors, trustees or managers of any cemetery or burial-grounds in this state under the management and control of such a board, to invest any surplus moneys or funds of said cemetery or burial-grounds accruing from the sale of lots, graves or any other sources, in first-class mortgages or state, county or city bonds bearing interest, and any and all interest accrued thereon shall be for the benefit of said cemetery or burial-ground funds for maintaining and improving said cemetery or burial-ground.

Directors, trustees, &c., to invest surplus moneys or funds in mortgages or bonds.

**68. SEC. 2.** That all acts and parts of acts inconsistent with this act be and the same are hereby repealed.

Repealer.

**An act concerning cemetery corporations incorporated by special acts.**

Approved April 1, 1887.

P. L. 1887, p. 112.

**69. SEC. 1.** That it shall be lawful for any cemetery corporation incorporated under any special act of incorporation, whenever all of the lots into which the cemetery land is divided are disposed of, to acquire additional real estate for the purposes of such corporation, and to borrow money to pay for the same, and make and execute its bonds therefor; *provided, however*, that no such corporation shall borrow more than twenty thousand dollars under the provisions of this act.

Corporations under special acts may acquire additional real estate.

Proviso.

**An act to enable the owners of land used for private burying-grounds in any of the townships of this state to provide for the improvement, protection and preservation of the same.**

Approved March 12, 1890.

P. L. 1890, p. 56.

WHEREAS, There exist in the rural districts of the state of New Jersey many private burying-grounds which from neglect have become unsightly and offensive to a wholesome public sentiment, or are owned and con-

Preamble.

trolled without proper organization for the improvement, maintenance and preservation of said grounds; therefore,

Owners of private burying-grounds may convey to cemetery associations.

**70. SEC. 1.** That it shall be lawful for the owners of any lot or parcel of land used as a burying-ground located in any of the townships of this state, or a majority of such owners, to convey to any cemetery association organized under the laws of New Jersey their title to the unoccupied portion of said burying-ground, together with the control and management of all of said ground in conformity with the laws regulating cemetery associations, on such terms as may be agreed upon between said parties; *provided*, that no assessment shall be made upon non-consenting owners for the care of graves and maintenance and improvements of the grounds therewith connected.

Proviso.

**An act to regulate the transfer and conveyance of burial lots and plots in incorporated cemeteries.**

P. L. 1890, p. 237.

Passed April 7, 1890.

Owners may transfer and convey lots.

**71. SEC. 1.** That in any cemetery in said state, belonging to any incorporated company or association having a board of managers or directors, and whether such corporation shall have been or shall be incorporated under a special act of this state or by the general laws thereof, it shall be lawful for the owner and owners of any lot or lots therein to transfer and convey any such lot or lots to any person or persons, or to the cemetery association having charge of the cemetery in which such lot or lots are situate, notwithstanding any restriction or prohibition of the sale of lots contained in the general laws of said state concerning cemeteries, or in the charter of any cemetery company; *provided, however*, that before any such transfer and conveyance shall be made, the board of managers or directors of such cemetery association shall authorize such transfer and conveyance by a vote of at least three-fifths of the members of such board at a regular meeting of such board.

Proviso.

**An act to authorize the boards of managers of cemetery associations to pass by-laws.**

P. L. 1893, p. 20.

Approved February 14, 1893.

Board of managers may pass necessary by-laws, and may amend or repeal existing by-laws.

**72. SEC. 1.** That the board of managers, directors or trustees of any cemetery association, company or corporation of this state organized under any general or special law or laws, or the body having the management of any such cemetery, by whatever name such body may be known, may ordain, pass and put into execution such by-laws as they may judge to be necessary and convenient for carrying into effect the objects of the association and for regulating such association; and may amend or repeal any by-laws already in existence; *provided, however*, that no such change shall be made except by a vote of three-fourths of the total number of such managers, directors or trustees at a meeting thereof specially called to consider changes in the by-laws.

Proviso.

## Census.

1. When enumeration of inhabitants to be taken.
2. Blanks, &c., to be printed by secretary of state.
3. When blanks to be transmitted to county clerk.
4. County clerk to transmit to township clerks, &c.
5. When and how enumeration to be made.
6. What assessor shall enter in blank return.
7. What persons to be returned as residents.
8. Returns to be certified by assessor.
9. Assessor to transmit return to secretary of state.
10. Secretary of state to report to legislature.
11. Appointment of enumerators in cities, &c.
12. Appointment of enumerators in case of death.
13. Assessors and enumerators, by whom paid.
14. Fees for services.
15. Cost of printing, &c.
16. Repealer.