

HOUSE....No. 308.

Commonwealth of Massachusetts.

EXECUTIVE DEPARTMENT, BOSTON, }
April 17, 1865. }

To the Honorable, the House of Representatives :

I have the honor to transmit to the General Court a Communication received by me from His Excellency, the Governor of Maryland, inclosing a copy of an Act of the General Assembly of that State to provide for a national cemetery for our soldiers who fell on the battle-field of Antietam, and inviting the coöperation of this Commonwealth.

JOHN A. ANDREW.

State of Maryland.

EXECUTIVE DEPARTMENT, ANNAPOLIS, }
April 10, 1865. }

His Excellency, the Governor of Massachusetts :

Dear Sir:—The inclosed copy of an Act of the late legislature of this State is forwarded to your excellency for information of the measures taken by it to provide a cemetery for the soldiers who fell upon the battle-field of Antietam, and that your State may unite, if so disposed, in that proceeding.

Very respectfully, your obedient servant,

A. W. BRADFORD.

MARYLAND, SCT.

At a session of the General Assembly of Maryland begun and held at the city of Annapolis, on the first Wednesday of January, being the fourth day of the said month, in the year of our Lord one thousand eight hundred and sixty-five, and ended on the twenty-fourth day of March, in the same year, His Excellency, AUGUSTUS W. BRADFORD, Governor, among other, the following law was enacted, to wit :

NUMBER 203. An Act to repeal an Act passed, March the tenth, eighteen hundred and sixty-four, entitled, an Act to purchase and inclose a part of the battle-field at Antietam, for the purpose of a State and National Cemetery, chapter two hundred and thirty-seven, Acts of eighteen hundred and sixty-four, and to incorporate the Antietam National Cemetery, in Washington County.

WHEREAS, Pursuant to an Act of the General Assembly of Maryland, passed March 10th, 1864, the Governor, on the part of the State, made purchase of a suitable lot of ground, situated on or near the battle-field of Antietam, in Washington County, for the burial and last resting-place of the remains of the soldiers who fell in that action.

And whereas, said Act of 1864 does not effectually provide for the successful completion of the object had in view, therefore,

SECT. 1. *Be it enacted by the General Assembly of Maryland*, That chapter two hundred and thirty-seven, Acts of eighteen hundred and sixty-four, entitled, an Act to purchase and inclose a part of the battle-field at Antietam, for the purposes of a State and National Cemetery, be and the same is hereby repealed.

SECT. 2. *Be it enacted*, That said lot of ground, purchased by the Governor, as set forth in the foregoing preamble, rest and remain in the State of Maryland in fee simple, in trust for all the States that shall participate as hereinafter provided, and said lot of ground shall be devoted in perpetuity for the pur-

pose of the burial and final resting-place of the remains of the soldiers who fell at the battle of Antietam, and at other points north of the Potomac River, during the invasion of Lee in the summer and fall of 1862, or died thereafter in consequence of wounds received in said battle, or during said invasion.

SECT. 3. *Be it enacted*, That Thomas A. Boult, Augustus A. Biggs, Edward Shriver and Charles C. Fulton, Trustees of the State of Maryland, and one Trustee from each of the other States to be appointed by the Governor of their respective States, be and they are hereby created a body politic in law under the name, style and title of the Antietam National Cemetery, and by that name, style and title, shall have perpetual succession, and be able and capable in law to have and use a common seal, to sue and be sued, plead and be impleaded in all courts of law and equity, and to whom shall be conveyed in trust for the purpose above recited, the lot of ground so purchased as aforesaid; said Trustees shall have all the incidental authority necessary to carry into effect the object of their incorporation.

SECT. 4. *Be it enacted*, That the care and management of the grounds referred to in the preamble and second section of this Act, are hereby intrusted solely to the Trustees mentioned in the third section of the same, together with other Trustees that may be appointed by the other States and their successors; and it shall be their duty, out of funds that may come into their hands by State appropriations or otherwise, to remove the remains of all the soldiers referred to in the second section of this Act, and to have them properly interred in the aforementioned grounds, the remains of the soldiers of the Confederate army to be buried in a part of the grounds separate from those of the Union army; also, to lay out and inclose said grounds with a good and substantial stone wall, not less than four feet high, or with an iron fence, as said Trustees may think best, and to ornament, divide and arrange into suitable plots and burial lots, establish carriage ways, avenues and foot ways, erect buildings, and a monument or monuments, and suitable marks to designate the graves, and generally to do all things in their judgment necessary and proper to be done to adapt the grounds to the use for which it has been purchased and set apart.

SECT. 5. *Be it enacted*, That the aforesaid Trustees, with any others that may in the meantime be appointed by other States, shall hold their first meetings in the town of Hagerstown, in Washington County, on the first Monday in May next, or as soon thereafter as practicable, and organize by electing one of their number President; they shall also appoint a Secretary and Treasurer, and shall have power to employ such officers and agents as may be needful. They shall require the Treasurer to bond to the Corporation in double the probable amount of money that may be in his hands at any time during his term of office, with two or more sufficient sureties, conditioned for the faithful discharge of his duties, and the correct accounting for and paying over of the money; said bond or bonds to be approved by the Circuit Court of Washington County, and recorded in the Clerk's office of said county; the term of office of the officers of the Board of Trustees aforesaid shall expire on the first day of January of each and every year, or as soon thereafter as their successors may be duly chosen and qualified to act.

SECT. 6. *Be it enacted*, That at the first meeting of said Trustees, they shall be divided by lot into three classes, and the term of office of the first class shall expire on the first day of January, 1866; the second class on the first day of January, 1867; and the third class on the first day of January, 1868; the vacancies thus occurring shall be filled by the Governors of the States which the said Trustees represented, and the persons thus appointed to fill such vacancies shall hold their office as Trustees for the term of three years; in case of the neglect or failure of the Governor of any State to fill such vacancy, or to fill any vacancy caused by death, resignation or otherwise, the Board of Trustees may supply the place by appointing a citizen of the particular State which is not represented in the Board by reason of such vacancy.

SECT. 7. *Be it enacted*, That the Board of Trustees shall make a report at the end of said fiscal year of the condition and management of the Cemetery, which report shall contain a detailed statement of the receipts and expenditures of the Corporation, and a copy thereof shall be forwarded to the Governor of each State represented in the Corporation.

SECT. 8. *Be it enacted*, That the expenses incident to the removal of the dead, inclosing and ornamenting the Cemetery, and all the work connected therewith, and its future maintenance shall be apportioned among the States connecting themselves with the Corporation, according to their population, as indicated by their representation in the House of Representatives of the United States.

SECT. 9. *Be it enacted*, That the Board of Trustees shall adopt such by-laws, rules and regulations as they may deem necessary for their meeting and government, and for the government of their officers, agents and employees, and for the care and protection of the Cemetery grounds, and the property of the Corporation; said by-laws, rules and regulations to be consistent with Act of incorporation and with the laws.

SECT. 10. *Be it enacted*, That the grounds and property of said Cemetery shall be forever free from the levy of any State, county or municipal taxes, and the State of Maryland hereby releases and exempts the Corporation created by this Act of Assembly from the payment of any tax or taxes whatever that might be imposed by existing laws; all the laws of this State now in force, or which may hereafter be enacted for the protection of cemeteries, burial grounds and places of sepulchre, shall apply with full force and effect to the Antietam National Cemetery hereby incorporated, immediately from and after the passage of this Act.

SECT. 11. *Be it enacted*, That the Corporation shall have power to receive appropriations from the United States, and from the State legislatures, and also devises and bequests, gifts, annuities and all other kinds of property, real or personal, for the purposes of the burial of the dead, inclosing and ornamenting the grounds and maintaining the same, and erecting a monument or monuments therein.

SECT. 12. *Be it enacted*, That said Board of Trustees shall appoint a Keeper of the Cemetery, whose duty it shall be to protect the property thereof, to make all needful and necessary repairs, to plant, cultivate and preserve the trees and shrubbery from injury, to prevent the defacement or mutilation of the tombstones and monuments, and to hold the keys, and have the general superintendence of the grounds, admission of visitors, and all the interior arrangement of said Cemetery; said keeper

shall receive such compensation for his services as the Board of Trustees shall determine, and any person who shall injure or destroy any of the trees or shrubbery, or mutilate or destroy or remove any ornament, tombstone or monument in said Cemetery or the inclosure thereof, shall on conviction thereof, before any Justice of the Peace, be fined not less than five dollars, nor more than fifty dollars, to be recovered as small debts are recoverable.

SECT. 13. *And be it enacted*, That the sum of seven thousand dollars is hereby appropriated for the purpose of the purchase of the lot of ground selected for said Cemetery, and towards inclosing and ornamenting the same in the manner herein before indicated, which appropriation is subject to the order of the Governor, and after so much thereof as is necessary to pay for the lot so purchased, and the cost of examining and conveying its title to said Trustees is used for that purpose, the residue of said appropriation shall from time to time be paid over upon the warrant of the Governor to the Trustees aforesaid, upon their requisition to him, stating the amount required, and the particular purpose for which it is to be used.

SECT. 14. *And be it enacted*, That should the title to the lot already purchased as aforesaid, in the judgment of the Governor and the Trustees above named, appear to be defective, the said Trustees are hereby authorized to purchase another lot of about the same dimensions, situated on or near the battle-field aforesaid, to which all the provisions of this Act shall be held to apply, as though it were the one originally purchased.

SECT. 15. *And be it enacted*, That this Act shall take effect from the date of its passage.

BY THE HOUSE OF DELEGATES.

This Engrossed Bill, the original of which passed the House of Delegates, by yeas and nays, March 21st, 1865, was this day read and assented to. By order,
W. R. COLE, *Chief Clerk.*

[THE
GREAT SEAL.]

BY THE SENATE.

This Engrossed Bill, the original of which passed the Senate, by yeas and nays, March 23d, 1865, was this day read and assented to. By order,
C. HARWOOD, *Secretary.*

A. W. BRADFORD, *Governor.*

MARYLAND, Sec.

I, GEORGE EARLE, Clerk of the Court of Appeals of Maryland, do hereby certify that the foregoing is a full and true copy of which it purports to be a copy, as taken from the original Law deposited in, and belonging to the office of the Court of Appeals of Maryland.

IN TESTIMONY WHEREOF, I hereunto set my hand as
[SEAL.] Clerk, and affix the seal of the said Court of Appeals,
this 5th day of April, A. D. 1865.

GEORGE EARLE, *Clerk*
Court of Appeals of Maryland.