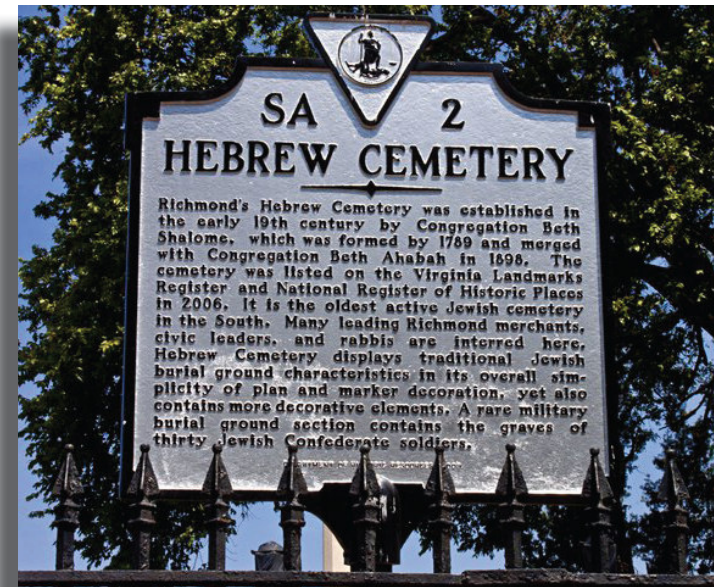


By-Laws

Rules and Regulations
of the
Hebrew Cemetery Company
of Richmond



Under the Auspices of
Congregation Beth Ahabah
Richmond, Virginia

REVISED OCTOBER 31, 2012

Latitude and Longitude of Hebrew Cemetery:

Latitude: 37.551604

Longitude: -77.429849

*“...give me a possession of a burying place with you,
that I may bury my dead...”* — Genesis 23:4

In 1866 the Hebrew Ladies Memorial Association raised funds to erect individual grave markers, commissioned an elaborate ornamental iron fence to surround the plot and began to sponsor commemorative ceremonies for the soldiers. The HLMA cared for the plot until the 1930's when the responsibility was turned over to the Hebrew Cemetery Company.

The design of the fence, created by Richmond artist Major William Barksdale Myers prior to 1873, is emblematic of the three branches of the Confederate forces; muskets for the infantry and swords and sabers for the artillery and cavalry. The individual grave markers were removed during the 1950's and a central granite marker was erected in their place.

By-Laws
Rules and Regulations
of the
Hebrew Cemetery Company
of Richmond

400 Hospital Street
Richmond, Virginia

Under the Auspices of
Congregation Beth Ahabah
Richmond, Virginia

REVISED OCTOBER 31, 2012

Congregation Beth Ahabah
1111 West Franklin Street
Richmond, Virginia 23220

**HEBREW CEMETERY COMPANY
BOARD OF MANAGERS
2012 – 2013**

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The Sophia and Nathan Gemenick Senior Rabbi

Jesse M. Gallop
Associate Rabbi

THE SOLDIERS' SECTION

The Soldiers' Section of Hebrew Cemetery contains the graves of 30 Jewish Confederate soldiers who died in or near Richmond.



Meyer Aaron, <i>North Carolina</i>	Abraham Lehman, <i>South Carolina</i>
Henry Adler, <i>Virginia</i>	Moses Levy, <i>Mississippi</i>
Myer Bachrach, <i>Virginia</i>	Lewis S. Lipman, <i>Louisiana</i>
S. Bachrach, <i>Virginia</i>	E.B. Miller, <i>North or South Carolina or Virginia</i>
Samuel Baer, <i>Georgia</i>	Solomon Oury, <i>Mississippi</i>
Henry Cohen, <i>South Carolina</i>	A. N. Robinson, <i>Georgia</i>
I.Cohen, <i>South Carolina</i>	J. or Raphael Rosenberg, <i>Georgia</i>
Jacob A. Cohen, <i>Louisiana</i>	Edwin J. Sampson, <i>Texas</i>
Gerson Eiseman, <i>Mississippi</i>	Isaac Seldner, <i>Virginia</i>
Theobold (Henry) Foltz, <i>Mississippi</i>	Jonathan Scheuer, <i>Louisiana</i>
Joseph Frank, <i>Georgia</i>	S. or T.M. Weiss, <i>Georgia</i>
Henry Gintzberger, <i>Virginia</i>	William Meyer Wolf, <i>South Carolina</i>
Matthew Isaac or J. Hessberg, <i>Virginia</i>	G. Wolfe, <i>North Carolina</i>
A.Isaac Heyman, <i>Georgia</i>	Julius Zork, <i>Louisiana</i>
H. Jacobs, <i>South Carolina</i>	Unknown

The Hebrew Cemetery Company of Richmond is a tax-exempt, 501(c)3 organization, and all contributions to it are tax deductible.

Contributions may be made payable and sent to:
Hebrew Cemetery Company of Richmond
1111 West Franklin Street
Richmond, VA 23220

Major credit cards may be used if the donor prefers. Please call the Beth Ahabah office at 804-358-6757 to arrange this form of payment.

ORIGINAL CHARTER

(for historical reference only)

AN ACT

To Incorporate the Hebrew Cemetery Company of Richmond
Approved, March 5, 1888

1. Be it enacted by the General Assembly of Virginia, That Moses Millhiser, H. H. Levy, William Lovenstein, E. J. Levy, N. W. Nelson, John Proskauer, M. Rosenbaum, Alfred Moses, and Abraham Levy, be, and they are, hereby constituted a body politic and corporate, by the name and style of the Hebrew Cemetery Company of Richmond; they shall have perpetual succession and a common seal, may sue and be sued, plead and be impleaded, contract and be contracted with at all times.
2. The said Cemetery Company shall have the power, right, and authority to buy and hold real estate in, or near, the city of Richmond, not exceeding ten acres of land, to be used for a burying ground and cemetery, and for that purpose may lay off the same in lots and sub divisions suitable for graves, and may improve and ornament the same. The Board of Managers of said Company shall have authority to sell any lots or sections in their cemetery grounds to private persons, and give to the purchasers certificates of title therefor, upon such terms and conditions as may be prescribed by the bylaws of the company. No such lot shall be subject in any way to the payment of the debts of the owner, nor shall it pass to his personal representative, or be liable for taxes of any description, but such lots, or sections, shall remain in the families of the owners according to the course of descents, so long as they shall comply with the regulations of said cemetery company.
3. The cemetery shall be managed by a Board of Managers, consisting of ten members; five to be appointed by each of the congregations, Beth Shalome and Beth Ahabah, of the city of Richmond, as long as said congregations shall exist, and in case of the dissolution of either congregation, then by the managers of the surviving congregation. They shall select from their members, a President, Vice President, Treasurer, and Secretary, and shall have authority to enact bylaws for their government, not inconsistent with the laws of this State or the United States.
4. This cemetery company is hereby authorized to receive donations and bequests for its general purposes; such bequests not to exceed ten thousand dollars in amount.

5. It shall be lawful for the said cemetery company to receive and hold donations and bequests for the temporary or perpetual improvement, care, and preservation of any private section or lot in said cemetery; the principal, or income only, of such donations and bequests to be applied to the proper care and preservation of such sections or lots, or the monuments, tombstones, and improvements thereon, according to the terms of such donation, gift, or bequest: provided, however, the amount of any bequest for the exclusive care and improvement of a single private section shall not exceed the sum of five thousand dollars.
6. This act shall be in force from its passage.

readings and rituals. The Rabbi of the Congregation may, at his or her discretion, preside at such services, as may any other official clergy who agrees to abide by these guidelines and who has the permission of the Rabbi of the Congregation.

to be under the supervision of the Administrator. Any current planting may be removed, at any time, by action of the Cemetery Board.

Section 10. Every lot shall be graded and seeded and marked only at corners by markers flush with the ground, such markers to be furnished and set by the Cemetery Company, and no holder shall have the right to change such corner posts or markers without the consent of the Cemetery Board.

Section 11. Only one monument shall be allowed on a lot. Such monument shall be erected equidistant between the side lines of the lot and not exceed four feet in height. Any exceptions must be approved by the Cemetery Board or its delegates. Individual grave markers (head stones or foot stones) may also be erected with the approval of the Cemetery Board or its delegates. This provision, however, limiting the number of monuments to a lot shall not be construed to prevent grave markers, head stones or foot stones, provided the same be not over eighteen inches above the surface of the ground.

Section 12. Chairs, settees and seats are not allowed to be placed on lots save and except by permission of the Cemetery Board.

Section 13. Cremation markers must be flush to the ground. In the case of burial of cremation remains in a lot licensed to a holder of a lot (a "Licensed Lot"), the following guidelines shall apply:

- A. If a casket is buried in a Licensed Plot, no more than two (2) cremation remains may be buried in the same Licensed Plot;
- B. If no casket is buried in a Licensed Plot, then up to four (4) cremation remains may be buried in the same Licensed Plot;
- C. If more than two (2) cremation remains are buried in a Licensed Plot, then no casket may be buried in the same plot;

The cremation remains container shall be made of granite or other material approved by the Chair of the Hebrew Cemetery Company or his/her designee; and the Hebrew Cemetery Company may adopt other rules consistent with these Bylaws, from time to time, governing the burial of cremation remains.

Section 14. Burials of individuals who do not belong to the Jewish faith are allowed at the Hebrew Cemetery provided that the individual is eligible for interment under the provisions of these bylaws.

Section 15. The interment service of members and relatives of members who identify with another or no religious tradition, and who are otherwise entitled to be buried in the Hebrew Cemetery, as well as all memorial services and ceremonies, may include only Jewish or universal religious prayers, symbols,

HISTORICAL BACKGROUND

The Franklin Street Burying Ground
By Claire Millhiser Rosenbaum, 1992

Shadows of darkness and the past mingle in many historic areas of Richmond, converging inevitably at the oldest Jewish cemetery in the Commonwealth of Virginia, the Burying Ground on the south side of Franklin Street between 20th and 21st streets. Unnoticed by most visitors to Shockoe Slip, watched over solely by a single gnarled tree, this almost empty plot of grass surrounded by stone walls and iron gates conjures up images of long-ago Richmond, and those who once occupied this fated site on Richmond Hill.

The Franklin Street Burying Ground was the final resting place for members of the nation's sixth oldest Jewish congregation, K.K. Beth Shalome (The Holy Congregation, House of Peace), established in 1789. Among the founders of Beth Shalome were Jacob I. Cohen and Isaiah Isaacs. Cohen was a veteran of the Revolutionary War; Isaacs a political figure. They were also business partners, licensed in 1789 "to retail Goods, Wares and Merchandize within the City of Richmond."

On October 21, 1791, Isaiah Isaacs deeded a plot of land, known in William Byrd's plan of the City of Richmond as number 48, to a group of trustees to carry out his promise to give the Jews of Richmond a burying ground. This plot, according to the record filed in Deed Book 1 of Richmond's Chancery Court, was never to be sold, rented or used for any other purpose.

Measuring 40 feet one way, and one hundred and two feet the other, the plot began at a corner stone on Middle Street, which later became Franklin Street. Part of the land, an oblong square eight feet by forty feet, was designated by deed as a burial site for Isaiah Isaacs and his "kindred" and for Jacob I. Cohen and his wife.

The cemetery was easily accessible to the Richmond Jewish population, most of whom lived near the synagogue, on 19th street between Franklin and Grace, the Old Richmond Market house at Main and 17th Streets, and the oldest Public House in Richmond, the "Bird in Hand" tavern. Interestingly that inn, owned by Cohen and Isaacs, was next door to their offices on Main Street at the foot of Church Hill.

By 1816 the Franklin Street Burying Ground was full. Land for a new cemetery was secured on Shockoe Hill on 4th Street across from Shockoe Cemetery. This site, opened in 1816 and in use today, is known as Hebrew Cemetery.

With the closing of Franklin Street Cemetery, little attention was paid to the grounds until 1840, when the City of Richmond changed the grade of Franklin Street, raising it four feet between 20th and 21st Streets. Existing gravestones were laid flat, and the cemetery was covered with at least four feet of dirt, deeply shrouding all of the grave sites except for the one portion originally reserved for the Isaacs and Cohen families.

To protect their family plot, descendants of Jacob I. Cohen enclosed it with large rectangular granite blocks. Visitors looking through the iron gates can see those large yellowed blocks in the rear southwest corner.

The cemetery on Franklin Street remained abandoned, neglected and forgotten. Filled with debris, it was used as a coalyard and a blacksmith shop. Finally, in the latter part of the 19th century, efforts were begun to return the burying ground to its original purpose and sacred state. After decades of litigation all occupants moved from the property and the area was legally and officially returned to the Jewish community.

Funds were raised to erect concrete walls with an iron railing on top and an iron fence on the street front to enclose and protect the grounds. A curved iron sign bearing two stars of David and the words "First Jewish Cemetery in Virginia – 1791" was placed over the swinging iron gates. In September, 1909 Dr. Edward N. Calisch, Rabbi of Congregation Beth Ahabah, officiated as, with prominent Richmonders in attendance, the cemetery was rededicated. To prevent any further desecration of the grounds, Hebrew Cemetery Corporation agreed and continues to assume responsibility for maintenance and upkeep of both burial sites.

As part of the American Jewish Tercentenary commemorating the 300th anniversary of the first Jewish settlement in the United States, a reconsecration service was held on April 24th, 1955 and a memorial tablet unveiled at the Burying Ground. This stone marker is visible behind the iron gates at the Franklin Street entrance.

On October 15, 1969, the City of Richmond by agreement with the Cemetery Corporation declared it to be a Site of Historic Interest. A small plaque on the concrete posts at the entrance bears the seal of the City of Richmond and the inscription "Historic Site, Franklin Street Burying Ground. Established in 1791 by Isaiah Isaacs as a Cemetery for the Richmond Jewish Community."

In an effort to discover who and how many remained buried on Franklin Street, on March 6, 1976, the cemetery committees of Congregation Beth Ahabah and Temple Beth El, under the auspices of the Virginia Historic Landmark Commission, watched as cemetery work crews raised the smallest of the large

to erect tombstones or monuments on such lot or group of lots upon receipt of a permit from the Chair or his/her designee of the Cemetery Company. A permit to erect a tombstone or monument shall not be issued until full plans and specifications of such monument or tombstone shall have been submitted to and approved by the Chair or his/her designee. Such officers shall have full discretion in all matters relating to size, character, design, material, location and number of proposed monuments or tombstones.

Section 2. If any tombstone, monument or effigy whatsoever, or any inscription or sign be placed in or upon any lot which shall be determined by the Cemetery Board to be offensive or improper, the Cemetery Board shall have the right to order the removal of the said offensive or improper object or objects, such removal to be at the expense of the holder of the lot.

Section 3. No tree within any lot or on border thereof shall be cut down or destroyed without the approval of the Grounds Committee of the Cemetery Company.

Section 4. The Cemetery Board shall have the right from time to time to lay out, alter or vacate such avenues or walks or driveways and to make such rules and regulations for the government of the grounds as they may deem requisite and proper. The entire property in such avenues, walks and driveways, as well as in the lots remaining in the Hebrew Cemetery, and all lots, the right to use of which have been sold, nevertheless continue under the control of the Cemetery Board and shall be subject to such rules and regulations as they may from time to time adopt or establish.

Section 5. Tombstones, monuments and markers shall be of granite except that in case a monument of other material was, prior to January 1, 1938, erected in a lot in the North Cemetery, other monuments of like material and design will be permitted in such lot.

Section 6. All interments in the Hebrew Cemetery shall be in a concrete vault.

Section 7. No work shall at any time be done upon or around such lot by persons other than employees of the Cemetery Company, save and except a permit be secured from the Executive Director and the work be done under the appropriate supervision and control.

Section 8. All graves shall be level with the lot surface and shall not be mounded.

Section 9. No holder of any lot shall have a right to enclose such lot with a hedge, wall, curbing, fence or other structure, or to mark or define the lines of graves by boxwood hedge or planting of any description, except dwarf plants not over 18 inches in height may be planted one at each corner of said lot; said planting

If it is later determined that an error has occurred and the family of the lot purchaser wishes to reclaim their lot usage, the Cemetery Company will compensate the family by giving them usage of another lot or comparable lots in the Hebrew Cemetery but shall have no other liability or responsibility whatsoever.

Section 12. Nothing in these bylaws shall confer any authority upon the Cemetery Board or upon the officers of the Cemetery Company to sell or indirectly contract for the sale or construction of vaults or lawn, garden or mausoleum crypts.

ARTICLE XII
SPECIAL INTERMENT NON-MEMBER FEES

Section 1. A non-member fee special permit fee shall be paid for the interment of any person (including a lot holder) not at the time of his or her death a member of the Congregation but otherwise eligible for interment under the provisions of these bylaws.

ARTICLE XIII
PERPETUAL CARE

Section 1. All lots in the Hebrew Cemetery are assumed to be held in Perpetual Care unless otherwise specified. Perpetual Care is included in the purchase of the right to burial in the Hebrew Cemetery.

Section 2. Lots, graves and groups of graves under Perpetual Care Rights, shall be kept at all times in good order at the expense of the Cemetery Company. The Perpetual Care obligations of the Cemetery Company shall not apply to monuments and tombstones.

ARTICLE XIV
AMENDMENTS, ETC.

Section 1. These bylaws may be altered, amended, or repealed by a majority vote of the entire Cemetery Board at any regular meeting of the Cemetery Board, or at any special meeting called for that purpose.

Section 2. These bylaws are effective as of the date of their adoption by the Cemetery Board and supercede all earlier bylaws of the Cemetery Company.

ARTICLE XV
RULES AND REGULATIONS

Section 1. The holder of a lot or group of lots or a member or members of such holder's family (in the event such holder is unable to act) shall have the right

granite slabs covering the Cohen section. The cemetery superintendent entered the crypt and found two table graves, rectangular brick mounds some 4 feet tall, topped with an engraved marble slab. Here were the final resting places of Israel I. Cohen d. 1803, brother of Jacob I. Cohen, and Esther Cohen d. 1804, wife of Jacob I. Cohen.

At this time attempts were made to locate other buried tombstones; none were discovered. Later the Landmark Commission returned with a work crew, dug a short trench and made several excavations. Although no graves were unearthed, the cemetery was found to be covered with from 5 to 9 feet of earth instead of the 4 feet previously recorded.

Ghost tales haunt every cemetery, even (or especially) buried ones. Back in 1936 wild rumors persisted that strange occurrences had been noticed late at night on Franklin Street. According to news stories of that time, a resident saw two men, dressed in long, black robes, walk through the locked gates. The men, trailing their long black robes, came out of the cemetery and "sort of sneaked off down the street". Residents claimed "The Isaacs and the Cohens are on the loose again!"

Today the Franklin Street Burying Ground lies in the shadow of Monte Maria Convent, St. John's Episcopal Church, and radio station WRVA; Dixie Constructors is across the street. The Bird in Hand has been reconstructed on Main Street; the Farmer's Market continues to thrive in a revitalized Shockoe area.

And at the Ozone, a New York style dance club on Franklin Street between 20th and 21st, spirited crowds party the night away, oblivious to the ghost stories, buried tombstones, the incorporeal Cohens and Isaacs, or the adjacent Franklin Street Burying Ground.

2012 Update

The grassy, walled rectangle of the old Burying Ground is now enclosed on three sides by a modern apartment building. The Franklin Street side remains as described in Claire Rosenbaum's narrative. There have been no further sightings of men in long, black robes reported by the residents of the apartments overlooking the site or by revelers on Franklin Street.

A BRIEF HISTORY OF THE HEBREW CEMETERY COMPANY OF RICHMOND

Be it ordained by the president and the Common Council of the City of Richmond...that one acre of land belonging to the City of Richmond, lying upon Shockoe Hill...is hereby vested in the congregation called in Hebrew the Kahal Kadosh Beth Shalome, in English, the Congregation of the House of Peace, to be by them held and exclusively used as a burying-ground, subject to their rites and laws, for that purpose and for that alone.

This motion, passed on May 20, 1816 created the Hebrew Cemetery, the second burial ground for K.K. Beth Shalome. That same year, a committee raised \$1,322 to lay off the ground, build a chapel, and erect a wall. The first burial in the cemetery took place in 1817. Congregation Beth Ahabah was given equal burial privileges in 1843 and shared those privileges until 1898. At that time, Beth Shalome merged with Beth Ahabah and the latter acquired the complete ownership of the cemetery.

In 1866 the two congregations created a joint committee, with an equal number from each congregation, to oversee the regulation and maintenance of the cemetery. By an act of the Virginia legislature in 1888, the Hebrew Cemetery Company was given a charter to manage the grounds. This volunteer organization operated as an independent corporation under the auspices of Congregation Beth Ahabah and ran the cemetery for over a century. On July 1, 1996 an agreement was signed whereby Congregation Beth Ahabah would assume the complete oversight, maintenance and administration of Hebrew Cemetery; and on May 16, 1997 the Hebrew Cemetery Company completed its governance transition into the Congregation's Board of Managers. While retaining its distinct identity, management of the Cemetery was incorporated into the management of the congregation.

The original acre of land has been added to over the years. A second acre of land was granted to the Hebrew burying-ground by the City of Richmond in 1871. The North Cemetery ultimately grew to be over 4.7 acres in size. A second chapel, designed by Richmond architect M. J. Dimmock, was completed in place of the original in 1898. The cemetery was further enlarged in 1911 with the purchase of three and two-thirds acres of land across the street to the south of the original grounds. Half of this new land was immediately put into use, while the second half was not plotted until 1999. The Hebrew Cemetery today is 8.4 acres in size and will continue to serve Congregation Beth Ahabah for many years to come.

The original charter and historical background are included for the purpose of providing context for the Cemetery and in deference to those esteemed individuals who blazed the path for all of us who follow.

Should a lot holder in Hebrew Cemetery (in which lot no interments have been made) move out of the general metropolitan Richmond area and have no anticipated use for such lot and desire to dispose of his or her rights of burial in said lot, the Cemetery Company may permit the sale of the rights of burial in the lot to a member of the Congregation, provided:

1. such sale of burial rights shall be made at the price which the Cemetery Company is then receiving for lots of similar size and
2. that the Cemetery Company shall receive two thirds of the proceeds from the sale of such lot, and
3. that upon receipt of the aforesaid proceeds of said sale and the receipt and cancellation of old certificate by the Cemetery Company, the proper officers shall issue to the new lot holder a certificate as provided in Article XI, Section 5 of these bylaws.

Section 7. The Cemetery Board expressly reserves the right to refuse or rescind permission for any interment in any lot.

Section 8. Upon the death of the holder of a lot, in the absence of agreement among the members of such holder's surviving family, interment rights in such lot as among members of the surviving family shall be determined by the Cemetery Chair or his/her designee in his/her sole discretion.

Section 9. Notwithstanding the foregoing provisions of this Article whenever it shall be made to appear to the President or Chair of the Cemetery Company by the certificate of the Jewish Family Services Inc. of the City of Richmond and its successor organization, the Jewish Family Welfare Agency of said city, that an individual has died without sufficient means with which an interment right may be purchased and that there is not a member of his or her immediate family willing or able to pay for such right, the President or Chair of the Cemetery Board may grant such right without charge or at such reduced charge and in such location as he or she may determine at his or her sole discretion.

Section 10. No disinterment shall be made without the prior approval of the Chair of the Cemetery Board or by court order.

Section 11. The Cemetery Board reserves the right to revoke any right or license sold or granted to an individual or family if no activity occurs within the plot after one hundred years from the purchase date. The right to use a lot for the purpose of interment shall revert back to the Cemetery Company under the following conditions:

1. No surviving family members are members of the Congregation.
2. The Cemetery Board has reasonably determined that the purchaser of the lot and direct descendants, if any, have passed away, left Richmond, or no longer intend to use their lot.

Section 5. By “Lot”, as used herein, is meant a defined area containing two or more grave locations, or plots.

Section 6. By “Plot” as used herein, is meant a single grave location, which may or may not be located in a lot with other single grave locations.

Section 7. By “Marker” as used herein, is meant a smaller stone, not over 18 inches in height, used to mark the head or foot of an individual grave.

Section 8. By “Effigy” as used herein, is meant a representation or image of a person, especially sculptured, as on a monument.

ARTICLE XI

LOTS

Section 1. The Cemetery Company shall sell only the license or right to the use of a lot for the purpose of interments and for such planting and monuments, and markers as shall from time to time be permitted by these bylaws, and no other right or interest shall be transferred to any purchaser.

Section 2. The right to the use of a lot may be purchased only by or for a member or members in good standing of the Congregation.

Section 3. Interments in a lot shall be confined to the member or members of the Congregation by or for whom the right to the use of such lot shall have been purchased and to their immediate families, and former members by or for whom such right was purchased during membership and to their immediate families. The term “immediate family” shall include spouses, lineal ascendants and descendants and their spouses, and brothers and sisters, and their spouses, but may include more remote degrees of relationship if, in a particular case, the President, Chair or his/her designee shall so determine.

Section 4. The price to be paid for the right to the use of lots shall be determined by the Cemetery Board.

Section 5. When payment shall have been made for the right to the use of a lot, the President, Chair and Secretary shall execute a certificate setting forth the right of the holder to such use, which certificate, however, shall expressly provide that such use is subject to the bylaws, rules and regulations of the Cemetery Company then in force or which may from time to time thereafter be enacted.

Section 6. No right to the use of any lot or any part of a lot shall be disposed of by the holder without the consent of the Cemetery Board and subject to such terms and conditions as the Cemetery Board may prescribe.

BYLAWS OF THE HEBREW CEMETERY COMPANY OF RICHMOND

ARTICLE I

BOARD OF MANAGERS

The governance of the cemetery (the “Hebrew Cemetery”) of the Hebrew Cemetery Company of Richmond (the “Cemetery Company”) is vested in the Board of Managers of the Cemetery Company. The Board of Managers of the Cemetery Company (the “Cemetery Board”) shall consist of ten members. The President, First Vice President, Second Vice President and Treasurer of Congregation Beth Ahabah (the “Congregation”) shall also serve, by virtue of their offices, as members of the Cemetery Board. Two additional members of the Cemetery Board shall be appointed, with the approval of the Congregation Board as defined below, by the President of the Congregation from the Congregation’s Board of Managers (the “Congregation Board”). The President of the Congregation shall appoint, with the approval of the Congregation Board, four members to the Cemetery Board from the general membership of the Congregation. In case a vacancy occurs in the members of the Cemetery Board because of death or resignation of any such member, the unexpired term of such member shall be filled through appointment by the President of the Congregation Board. No member of the Cemetery Board shall be entitled to receive any compensation for the performance of his or her duties.

ARTICLE II

MEETINGS

Section 1. The annual meeting of the Cemetery Board shall be held concurrently with the Annual Meeting of the Congregation.

Section 2. Special meetings may be called by order of the President or called at the request of three members of the Cemetery Board.

Section 3. Half of the membership of the Cemetery Board shall constitute a quorum for the transaction of business.

ARTICLE III

OFFICERS

Section 1. The officers of the Cemetery Company shall be the same as the officers of the Congregation. If a Chair of the Cemetery Board is elected by the Cemetery Board, that person shall also be an officer of the Hebrew Cemetery.

Section 2. The election of officers shall take place at the annual meeting of the Congregation.

Section 3. No officer of the Cemetery Company shall be entitled to receive any compensation for the performance of his or her duties on behalf of the Cemetery Company.

ARTICLE IV PRESIDENT

Section 1. The President shall be the chief executive officer of the Cemetery Company, presiding at all meetings of the Cemetery Board, and appointing all special committees, except when otherwise directed by the Cemetery Board.

Section 2. The President shall grant the right of interment, as provided in these bylaws, and shall sign all permits for same and for the erection of tombstones, but may delegate this authority to the Cemetery Chair, the Executive Director of the Congregation, or to any other individual or committee designated by the Cemetery Board.

ARTICLE V CHAIR

In the absence, inability, or direction of the President, the powers and duties of this office shall devolve upon the Chair. The Chair shall be nominated by Nominating Committee of the Congregation and shall be elected by the Cemetery Board. The Chair shall serve a three year term and may serve an indefinite number of consecutive terms.

ARTICLE VI TREASURER

The Treasurer shall receive all moneys and securities, and deposit same in such depositories as shall from time to time be designated by the Cemetery Board. The Treasurer shall keep a record of all receipts and disbursements, making a report thereof to the Cemetery Board when directed.

ARTICLE VII SECRETARY

The Secretary shall record all the proceedings of the Cemetery Board, file all documents and papers, and perform such other duties as are incident to the office.

ARTICLE VIII COMMITTEES

Section 1. The President shall appoint the following standing or special committees:

- a. A Grounds Committee which shall supervise the maintenance and care of the buildings and property of the Cemetery Company, including the old historic Franklin Street Burying Ground on the south side of Franklin Street, between 20th and 21st Streets, and Hebrew Cemetery at 4th and Hospital Streets.
- b. Such other committees as may be warranted from time to time in furtherance of the affairs of the Cemetery Company.

ARTICLE IX EXECUTIVE DIRECTOR

Section 1. The Executive Director of the Congregation shall perform such duties on behalf of the Cemetery Company and receive therefor such salary and fees as the Cemetery Board from time to time may determine.

Section 2. The Executive Director shall keep a record of all interments and shall, when written authority to do has been delegated by the President, sign permits for interment and for the erection of tombstones.

ARTICLE X DEFINITIONS

Section 1. By "holder of a lot" or "lot holder," as used herein, is meant the person or persons entitled to the privilege or license of interment in such lot as a result of a certificate of purchase of right having been duly delivered to him or her.

Section 2. By "Tombstone," as used herein, is meant a stone or monument with an engraved inscription marking the grave of an individual. Tombstones may also be referred to as headstones or footstones.

Section 3. By "Monument," as used herein, is meant a stone or monument, not over four feet in height, with an engraved inscription marking or designating a family lot holding multiple graves.

Section 4. By "Immediate Family" as used herein, is meant spouses (including a spouse of the same sex), lineal ascendants and descendants and their spouses, and brothers and sisters, and their spouses, but may include other more remote degrees of relationships if, in a particular case, the Chair or his/her designee shall so determine.