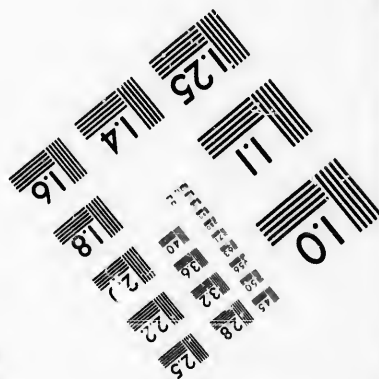
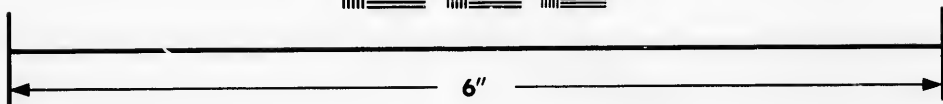
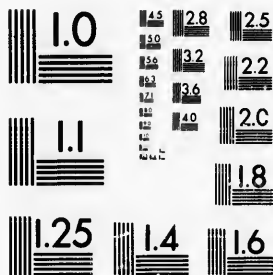


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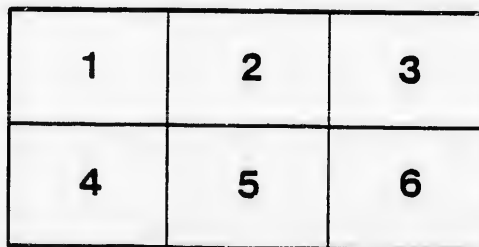
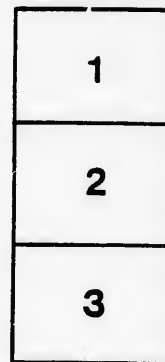
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ACT OF INCORPORATION,

New Brunswick Historical Society
Issued 26th March, 1857.

A. D. 1874

AND

ST. JOHN'S
BYE-LAWS, RULES AND REGULATIONS

OF THE

SAINT ANDREW'S

Rural Cemetery Company,

ADOPTED AS REVISED

18th MARCH, A. D. 1879.

SAINT JOHN, N. B.
PRINTED BY BARNES & COMPANY,
PRINCE WILLIAM STREET,
1879.

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ACT OF INCORPORATION,

Passed 26th March, 1837,

AND

BYE-LAWS, RULES and REGULATIONS

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PRINTED BY BARNES & COMPANY,
PRINCE WILLIAM STREET,
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AN ACT

TO INCORPORATE THE

SAINT ANDREW'S RURAL CEMETERY COMPANY.

CHAPTER XXVI.

Section.	Section.
1. Company incorporated.	5. Penalties for injuries, sporting and disturbances; recovery and application.
2. Capital, amount of,	
3. First meeting of Corporation, call of	6. Cemeterylots exempt from execution.
4. Cemeteryexempted from Taxes.	7. Setting apart of portions of Cemetery for exclusive uses.

Passed 26th March, 1857.

WHEREAS, a suitable place for the burial of the dead is much required in the Parish of Saint Andrews :

BE it therefore enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:

1. That G. F. Campbell, D. W. Jack, James Boyd, Thos. Jones, S. S. Odell, John Lochary, Robert Stevenson, G. F, Stickney, Hugh Morrison, Chas. Bradley, and S. T. Gove, their associates, successors, and assigns, be, and they are hereby declared to be, a body politic and corporate by the name of "THE SAINT ANDREW'S RURAL CEMETERY COMPANY," and by that name shall have all the general powers and privileges made incident to a Corporation by an Act or Acts of the General Assembly now or hereafter to be in force in the Province, for the purpose of procuring and maintaining a Cemetery or Burial Ground in the Parish of Saint Andrews in the County of Charlotte.

2. The Capital Stock of the said Corporation shall consist of the sum of two thousand five hundred pounds, and shall be divided into one thousand shares, to be paid in such sums and at such times as the Directors of such Corporation shall from time to time appoint.

3. The first meeting of the said Corporation shall be called by the Town Clerk of the Parish of Saint Andrews, or in case of his death, neglect, or refusal, by any two of the said Company, by giving ten days' notice of the time and place of such meeting.

4. The land purchased and held by the said Corporation for the purposes herein expressed, is hereby declared to be exempted from all rates, assessments, and taxes, so long as the same shall remain dedicated to the purposes of a Cemetery.

5. If any person or persons shall wilfully destroy, mutilate, injure, or remove any tomb, monument, grave-stone, or other structure, placed in the Cemetery aforesaid, or any fence, railing, or other work for the protection or ornament of any tomb, monument, grave-stone, or other structure aforesaid, or shall wilfully destroy, remove, cut, break, or injure any tree, shrub, or plant, within the limits of the said Cemetery, or shall play at any game or sport, or shall discharge any gun or fire-arm, save at a military funeral, within the said Cemetery, or shall wilfully or unlawfully disturb any persons assembled in the said Cemetery for the purpose of burying any body therein, or who shall commit any nuisance within the said Cemetery, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, before any Justice of the Peace, be punished by a fine of not less than one pound, or more than five pounds, or be committed to the common gaol for

the space of not more than thirty days, according to the nature and aggravation of the offence; and such offender shall be liable to an action of trespass, to be brought against him in any Court of competent jurisdiction in the name of the Corporation, to pay all such damages as shall be occasioned by his or their unlawful act or acts; which money when recovered, shall be applied by the Corporation to the reparation of the property destroyed or injured as above, and members of the Corporation shall be competent witnesses to such suits.

6. The lots in the said Cemetery, and the land enclosed but not laid out in lots, shall not be levied upon or taken in execution, but shall be altogether free from seizure; and the property in the same, or any part thereof, shall not prevent any confined debtor from receiving support under the law for the relief and support of confined debtors.

7. The Corporation may set apart for the special and exclusive use of any denomination of Christians a portion of the ground within the said Cemetery, on such terms and conditions, and subject to such regulations, as may be mutually agreed on.

BYE-LAWS,
RULES AND REGULATIONS

OF THE

SAINT ANDREW'S RURAL CEMETERY COMPANY.

CHAPTER I.

SEC. 1.—Every shareholder in the said Corporation shall have, and be entitled to have, a certificate under the seal of the said Corporation, and signed by the President and Secretary thereof, certifying his property in the said Corporation in the form following, that is to say:

No. Shares. . . .

SAINT ANDREW'S RURAL CEMETERY COMPANY.

Incorporated by Act of Assembly.

Capital, \$10,000. 1,000 Shares of \$10.00 each.

This is to certify, that A — B — is proprietor of — Share, No. — to —, inclusive, of Ten Dollars each, of the Capital Stock of the Saint Andrew's Rural Cemetery Company, on which share there has been paid per cent., subject to the Bye-Laws, Rules and Regulations of the said Company, the laws of the Province of New Brunswick, and those in force within the same, and that the whole or any number of such shares are transferable by assignment of this certificate, endorsed thereon, record thereof being made by the

Secretary in the Registry Book of the Corporation,
and on surrender of this certificate.

In Testimony Whereof, the President
and Secretary have hereunto signed
[L. S.] their names and affixed the Seal of
the Corporation this day of

A. D. 18

Secretary.

President.

SEC. 2.—That whenever any assessment shall be made, it shall be the duty of the Treasurer to give notice thereof in one newspaper, published in Saint Andrews, requiring payment of the same in 30 days, and if any shareholder shall neglect or refuse to pay to the Treasurer the amount of such assessment upon his share or shares at the time prescribed, it shall be the duty of the Treasurer to advertise such delinquent's share or shares for sale at public auction, giving at least ten days' notice of time and place of such sale, and such share or shares upon which the assessment or assessments, or instalments thereof, shall then remain unpaid, shall be sold to the highest bidder, and such sale shall be a legal transfer of the share or shares so sold to the purchaser or purchasers thereof, and shall be recorded accordingly in the book to be kept by the Directors for that purpose, as aforesaid, and such purchaser or purchasers shall be entitled to receive a certificate in the form prescribed in the first section of these Bye-Laws.

SEC. 3.—And whereas the said Corporation has purchased a piece of land in the Parish of Saint Andrews, as a burying ground, which lands shall be forever free to all denominations of Christians, to be divided into lots, and sold to such individuals as may be willing to purchase the same, and the Directors have set off a part or parcel of said lots for

the Church of England, which said part or parcel so set off the said Church has consecrated, and within which, interments must be made, subject to the rules of said Church, and any denomination of Christians shall have the right to consecrate their lots individually or collectively.

SEC. 4.—That any person who has, or shall hereafter, become a proprietor of a lot or lots in the Cemetery aforesaid, of a size not less each than 240 square feet, shall thereby become a member of the said Corporation, and shall have, and be entitled to have, a certificate under the seal of the Corporation, signed by the Secretary, in the form following:

SAINT ANDREW'S RURAL CEMETERY COMPANY.

No.

This is to certify that A—— B—— is the proprietor of Lot No. —, containing — square feet, on (avenue or path) situate in the Parish of Saint Andrews, in the County of Charlotte, subject to the Rules, Regulations and Bye-Laws of the said Corporation, and for which he has this day paid the sum of

In testimony whereof, the Seal of the said Corporation is hereto affixed this day of
A. D., 18

C—— D—— ,

[L. S.]

Secretary.

And such certificate shall constitute a valid instrument of transfer of such lot or lots as may be expressed therein, and shall be held by the purchaser thereof for the use of burial only, subject nevertheless, to all the Bye-Laws of the said Corporation.

SEC. 5.—That a general meeting of the stockholders and proprietors of the said Corporation shall be held at Saint Andrews on the first Monday in May in each

and every year, for the purpose of choosing seven Directors for the management of the said Corporation, which Directors so chosen shall remain in office for one year, or until others are chosen in their stead, and shall, at their first meeting after the election, choose one of their number President of the said Corporation: *Provided always*, that not less than five Directors shall form a quorum for the transaction of business, and in the absence of the President the Directors shall have power to appoint one of their number Chairman for the occasion, and such Chairman shall have a casting vote.

SEC. 6.—That the Directors for the time being shall and may appoint a Secretary and Treasurer, and such other officers and servants as they, or the major part of them, shall think necessary for executing the business of the said Corporation, and shall allow them (out of the funds of the said Corporation) such compensation for their respective services as to them shall appear reasonable and proper, and the Directors shall likewise exercise such other powers and authorities for the well regulating the affairs and managing the business of the said Corporation as shall be prescribed by these Bye-Laws.

SEC. 7.—That every person owning a share in the capital stock of the said Corporation, and every proprietor of a lot of not less each than 240 square feet, shall be a member of said Corporation, and entitled to vote at all the meetings of the said Corporation, or to be elected as a Director, and members may give as many votes as they own shares, and absent members may vote by proxies; each proxy being a shareholder or proprietor, and producing sufficient authority in writing from his constituents: *Provided*, nevertheless, that no stockholder or proprietor shall

have by himself more than twenty-five votes, or by himself and proxies more than forty votes, and joint owners of a lot of 240 square feet shall have one vote only in right of such ownership.

SEC. 8.—That the shares of the said Corporation shall be assignable and transferable, as provided in the certificate contained in the first section of these Bye-Laws, the form of which assignment shall be as follows, endorsed on the said certificate:

SAINT ANDREW'S RURAL CEMETERY COMPANY.

For value received, I, A ——— B ———, do hereby assign and transfer unto C ——— D ———, and assigns, shares of the Capital Stock of the Saint Andrew's Rural Cemetery Company, within mentioned, No. — to No. —. inclusive.

WITNESS my hand this

day of _____, in the year of our
Lord one thousand eight hundred
and _____

A ——— B ———.

Witness, E ——— F ———.

Provided, that no such assignment or transfer shall be valid and effectual, unless the same shall be registered in a book to be kept by the Directors for that purpose.

SEC. 9.—That in case of any vacancy among the Directors by death, resignation, or disqualification, or otherwise, then and in either of such cases the said Directors shall and may fill up such vacancy by choosing one of the shareholders or proprietors of lots, of not less each than 240 square feet, and the person so chosen by the Directors shall serve until another is chosen in his room.

SEC. 10.—That the several shareholders in the said Corporation shall be members of the same until they

shall be repaid, out of the funds of the said Corporation, the amounts by them respectively invested, together with interest on the same, at the rate of six per centum per annum, when they shall cease to have any interest in the said Cemetery, and the property shall from thence be vested in the proprietors of lots in the said Cemetery, and all future proprietors of lots of not less each than 240 square feet.

SEC. 11.—The proceeds of all sales of lots, after deducting the annual expenses of the said Cemetery, shall be forever devoted and applied to the preservation, improvement, embellishment, and enlargement of the said Cemetery, and for no other purpose whatsoever.

CHAPTER II. CEMETERY.

SEC. 1.—The present upset price of lots of 240 square feet, or 12x20 feet, shall be \$10.00, and in proportion for more or less.

SEC. 2.—A choice of lots shall be offered at auction from time to time, but private sales may be made of lots when required for actual use, at such prices as the Directors may fix.

SEC. 3.—A portion of ground shall be set apart for the poor, in which bodies may be deposited at one dollar each.

SEC. 4.—A portion of ground shall be set apart for public use, in which bodies may be deposited at two dollars each.

SEC. 5.—All religious bodies shall have the privilege of making interments, subject to the rules of their several denominations.

SEC. 6.—A portion of ground shall be selected and reserved for the erection of a chapel and a keeper and gardener's residence.

SEC. 7.—The servants of the Cemetery Company shall dig graves at the following rates, viz.:

From the 1st of November until the 1st of May,.....\$3.00
 " 1st of May until the 1st of November,..... 2.50

If they are cut or dug through rock the actual expense will be charged.

CHAPTER III.

PROPRIETORS.

SEC. 1.—The proprietor of a lot of 240 square feet or upward shall have a right to enclose the same with a wall or fence, the form to be approved of by the Directors; also to build vaults, erect monuments, and cultivate plants and shrubs within the same.

SEC. 2.—If any tree or shrub shall be deemed by the Superintendent detrimental to the grounds, he shall, upon order from the Board of Directors, have the right to enter upon such lots, and remove such tree or shrub, or such part thereof as they may deem detrimental.

SEC. 3.—If any monument, structure, or inscription be placed in or upon any lot, which shall be determined by the Directors to be offensive or improper, the Directors shall have a right, and are hereby empowered, to enter upon such lot and remove such offensive or improper object: *Provided*, that such has not previously been sanctioned by the Directors.

CHAPTER IV.

STOCKHOLDERS.

SEC. 1.—The stockholders and proprietors shall meet annually on the first Monday in May for the enactment of Bye-Laws and the election of Directors; in default of such meeting, the Directors to

continue in office and the laws in force until the next meeting.

CHAPTER V.

DIRECTORS.

SEC. 1.—The Directors shall meet as often as necessary. Meetings to be called by the Secretary at the order of the President or three Directors.

SEC. 2.—The Directors shall confine their annual expenditure to their annual income.

SEC. 3.—The Treasurer's accounts and books shall be audited by three persons, not being Directors, whose certificate must accompany the Directors' Report to the annual meeting.

SEC. 4.—The Directors shall order sales of lots, and by order of the Board only, give directions to the officers as to the management of the affairs of the Company.

CHAPTER VI.

SECRETARY AND TREASURER

SEC. 1.—The Secretary shall keep a book in which he shall enter minutely all the proceedings of the meetings, which book shall always be open to the inspection of stockholders and proprietors.

SEC. 2.—He shall keep a book, in which he shall enter, when paid or received, all moneys belonging to the Company, balancing the same annually, and furnishing a balance sheet at the Annual Meeting.

SEC. 3.—He shall, when sales of lots are made, give a certificate to the purchaser, under the Seal of the Company, for each of which he shall receive 50 cents; keeping a register book and numbering the lots from one upwards.

SEC. 4.—He shall keep a book in which he shall enter the weekly returns of interments made by the Superintendent.

SEC. 5.—He shall deposit in such Bank as the Directors may order, to the credit of the Company, and to be drawn upon by the President and himself, all moneys received by him over and above forty dollars, to be retained to meet contingencies.

SUPERINTENDENT.

SEC. 1.—The Superintendent shall have the general management within the Cemetery, subject to the Bye-Laws of the Company, and to orders from the Board.

SEC. 2.—He shall, in laying off the ground, take directions from the Landscape Gardener, should one be appointed, otherwise from the Directors.

SEC. 3.—He shall employ as many laborers as the Board may direct, paying them in full every Saturday by an order on the Treasurer, stating the wages in detail, as fixed by the Board of Directors.

SEC. 4.—He shall make sale of such produce as the ground may yield, paying over to the Treasurer the amount of such sales when made.

SEC. 5.—He shall not by himself, nor any under his control, receive money from visitors.

SEC. 6.—He shall collect burial fees and fees of interment in the public and poor ground, paying over the same to the Treasurer, but shall not sell or receive the price of lots.

SEC. 7.—He shall receive applications from persons wishing lots, and lay the same before the Board.

SEC. 8.—He shall make a weekly return to the Secretary of all interments made.

SEC. 9.—All work in the Cemetery shall be done by the Superintendent, or under his direction, at such prices as may be fixed by the Directors, in case of disagreement, excepting work by proprietors of lots personally, or members of their families.

VISITORS

SEC. 1.—Visitors on horseback must dismount and lead their horses.

SEC. 2.—No vehicle shall be driven in the Cemetery at a rate faster than a walk.

SEC. 3.—No visitor shall gather any flowers, nor break or injure any tree, shrub, or plant in the Cemetery.

SEC. 4.—No visitor shall take fire-arms into the Cemetery.

SEC. 5.—None shall be admitted on Sunday but proprietors or shareholders with their families and friends.

SEC. 6.—Visitors are requested not to offer money to any person connected with the Cemetery.

SEC. 7.—Visitors are requested to keep on the walks and avenues, and not to trespass on the borders or through the woods.

SEC. 8.—Visitors are prohibited from bringing in or using any refreshments within the Cemetery.

SEC. 9.—It shall be the duty of the Superintendent to see these rules enforced.

