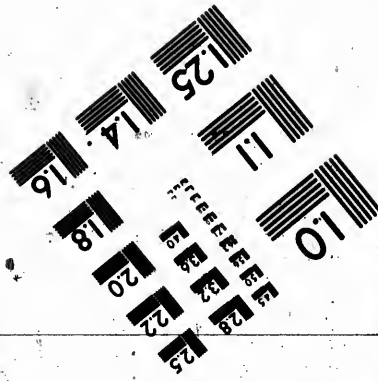
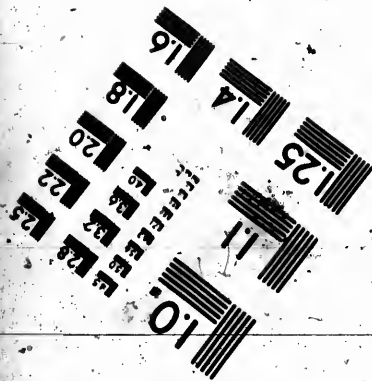
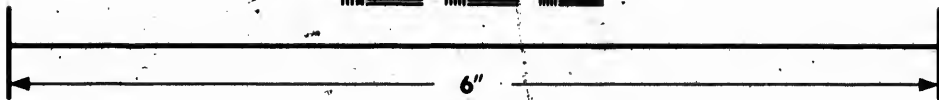
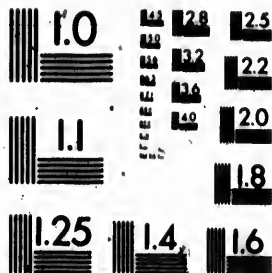


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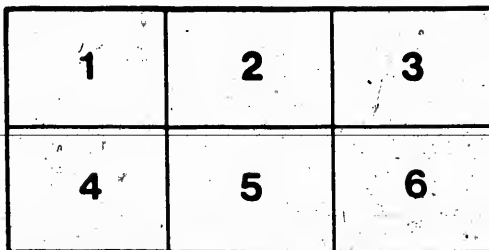
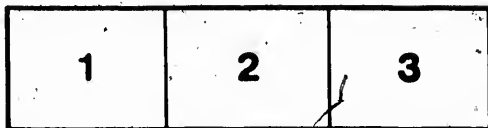
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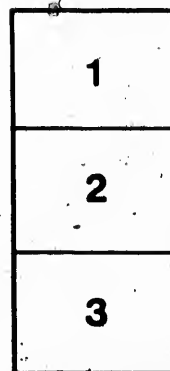
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22/1750

# ACT OF INCORPORATION

AND **Harry H. Fradsham**  
535 Aberdeen St.  
Fredericton, N. B., Canada

## BYE LAWS METROPOLITAN TORONTO

OF THE

# FOREST HILL CEMETERY COMPANY

**FREDERICTON, N. B.**

**ESTABLISHED 1876.**

**PUBLISHED FOR THE COMPANY—1878.**

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**Municipal Reference**

**Officers of the Company.**

**PRESIDENT.**

**GEORGE E. FENETY.**

**DIRECTORS.**

**THOMAS HARRISON,  
Hon. JOHN J. FRASER,  
WILLIAM CARMAN,**

**GEORGE E. FOSTER,  
Hon. DAVID WARK,  
Judge STEADMAN.**

**SECRETARY.**

**JAMES S. BEEK.**

**TREASURER.**

**GEORGE N. BABBITT.**

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## DIRECTORS' REPORT

For the Year ending 3rd Sept. 1877.

On the 10th July, 1876, a meeting was held at the Office of J. L. Inches, Esq., for the purpose of taking preliminary steps towards the organization of a Cemetery Company for the City of Fredericton, under an Act of Assembly passed 13th April of the same year. The meeting was largely attended. Wm. Carman, Esq., was called to the Chair. After several addresses were delivered, all of which were warmly in favour of the project, and the great necessity for something being done without further delay, a Stock Book was opened, and upwards of one third of the capital was there and then subscribed (the capital stock of the Company being \$6,000). A Committee was also appointed to solicit subscriptions, and in due course of time the funds of the Society were considerably augmented through the exertions of the gentlemen composing the Committee. (The whole amount of the subscribed stock at the present time is \$3,850.)

At a subsequent meeting of the Company a Board of Directors was elected, and a President appointed from their number; and at the same meeting the following resolution was passed:—“*Resolved, That the Directors be authorized to select and purchase, at as early a day as possible, such ground as they may deem most suitable for the purpose of a Cemetery, and the most convenient and acceptable to the citizens of Fredericton generally.*”

In pursuance of this resolution the Directors lost no time in endeavoring to procure a suitable place. And it may be remarked that here the first great difficulty of the

undertaking was to be encountered. A superficial view of the City and its suburbs no doubt presents a number of favourable sites for a Cemetery. The large open fields on the hills—the level plains below and above the City—would naturally suggest all the conditions required. But it is far otherwise, an investigation cannot fail to satisfy any one who will take the trouble to make it. Almost every day in the week, and week after week, several of the Directors gave their time and energies to the selection of a suitable place—nor could they have been more zealous had their private interests been concerned. They felt that for the purposes of a Cemetery at least six conditions were absolutely requisite—viz: 1st, a suitable distance from the centre of the City; 2nd, a dry soil; 3rd, a soil easily worked; 4th, land enough, as regards area; 5th, general surroundings and approach; 6th, expense of land. This combination of tests had to be applied to every locality visited, and it failed in every case except one, to satisfy the Directors that the discretion given to them by the Stockholders would be judiciously exercised by trusting their judgment to the adoption of any of the numerous localities pointed out to them. Indeed, with a desire of meeting the views of parties, who strongly recommended sites, the Directors took every pains to examine the respective localities pointed out, and obtain all the information they possibly could, of persons acquainted with and residing in the neighborhood. And all this was done in order to prevent the possibility of fault-finding afterwards.

The site chosen was the "Monahan Farm," so called, adjoining the residence of George Botsford, Esq., known as "Hawthorne Hill;" and the Directors, before purchasing, fully satisfied themselves of all the conditions requisite for a Cemetery, as before named.

1st.—Suitable distance. A walk from the Court House to the Cemetery gate may be made in twenty minutes, which is about the same time as it would occupy a person

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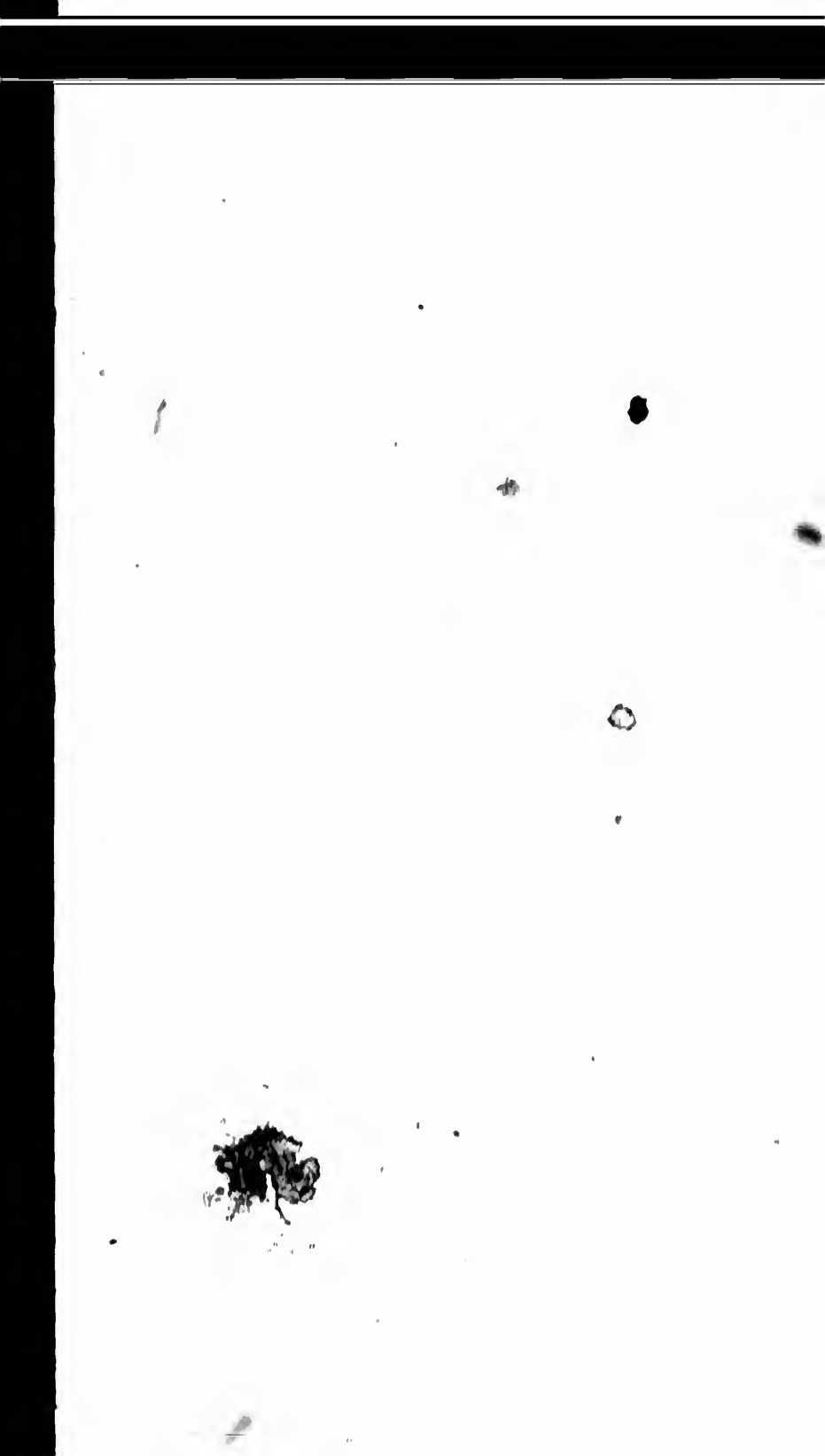
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to walk from the Post Office to Baillie's Bridge, which is near the Catholic Cemetery.

2nd.—Dry soil. The piece of land set apart for present burial purposes is situate on the southerly side of the Cemetery, embracing about twelve acres, which is enough, it is believed, to last for thirty years, with roads and walks laid out and most of them completed. The soil in that part selected for present use is perfectly dry. Notwithstanding the heavy rains of August, the pits dug (as tests) were free from water the days after each storm, and persons so disposed had, and may still have, ample opportunities of judging for themselves. A cross-drain was made last fall the whole breadth of the Cemetery, on the top of the hill, for the purpose of intercepting and carrying off the water from the rear, as well as several smaller drains; and when the system of drainage contemplated is completed during the next season, every part of the land in front—say forty acres—will be as dry and favourable for burial purposes, as it is possible to render any soil.

3rd.—Soil easily worked. That the ground is free from stone, of a character not difficult to operate upon, the Directors fully satisfied themselves before purchasing, by having a number of pits made in the most suspicious looking parts of the ground, and by an experienced grave-digger; and since then several graves have been opened, so that the Directors have had ample proof to satisfy themselves, and all others who are capable of being convinced, that the soil is easily worked, and even preferable to sand, which is liable to fall in, while a grave is being made, causing much inconvenience and extra labour to the grave-digger.

4th.—As regards size of Cemetery. Some objection was made to the purchase of so much land as one hundred acres. The Directors were of the same opinion; but, as they found that the owners of the farm were not disposed to cut off the front of the land, and thus shut out the remainder from the highway and render it completely valueless, they very natu-



rally decided upon selling all or none. But, when it is taken into consideration that the Company are in possession of a property (containing a house and barn) of one hundred acres, within a short distance of the centre of the City, for \$1,700, a far less sum than twenty acres of a suitable kind could have been purchased for elsewhere within the limits of the City, it will be allowed that no error has been committed in this transaction.

5th.—Approach and general surroundings. All who have visited the place have expressed themselves in favour of the road leading towards it. The hill has been put in order, all the large stones having been removed; and when little more work is done, the ascent will be rendered still easier. Instead of being a noisy thoroughfare, the road is retired and sequestered, and in harmony with the solemnity of the object; while in the winter time it is well protected from snow-drifts, by means of the hills and trees on the right side leading to the Cemetery. The prospect from the Cemetery grounds is unsurpassed by that afforded by any other spot in the Province. The view embraces a distance of seventeen miles down the river, while opposite and on the left hand side, a vast expanse of country is unfolded. The Church and Town of Marysville are clearly discernible, as are the forks of the Nashwaak, winding their way through lofty elms and banks of verdure, for many miles distant.

6th.—The price of the land. As remarked before, the Directors could not obtain a situation so suitable in all respects, for the same amount of money. And it would seem as if this place had been specially reserved for the purposes to which it has been devoted. The next suitable situation thought of, or had in view, was a portion of the "Simonds Farm," which probably would have been chosen, had not the attention of the Directors been directed to the present spot. The chief objection, however, to the "Simonds Property," was its great distance from town, and the road leading to it, which is continually encumbered

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with cart loads of wood, as well as the noise and turmoil incident to a great business thoroughfare.

"Forest Hill Cemetery" is the name chosen by the Directors as the most appropriate, as it is not only situated upon the margin of the forest, but in whatsoever direction the eyes turn, glimpses of forest scenery are to be had.

Before commencing work last Spring, a Map or Plan of the grounds was prepared by A. G. Beckwith, Esq., C. E., upon which every road, path and lot, is defined with mathematical precision. A view of this Map will convey to the owner of a lot, or any one desirous of purchasing, the exact situation, without going upon the ground. The arrangements of the Cemetery are modelled upon the most modern plans, and when the details come to be worked out in a few years, as burials are made and money is expended in dedication, or honour of the dead, the Directors are of the opinion that "Forest Hill Cemetery" will be regarded by residents and strangers as a place of interest, and well deserving a visit for meditation and comparison with older and more costly institutions of the kind.

As will be shown in the Accounts, now to be submitted to the stockholders, a large amount of work has been done during the past summer. One hundred rods of main avenue, 18 feet broad, have been opened up and turnpiked; also, one hundred rods of 12 feet road, and one hundred and fifty rods of paths, 4 feet broad, winding off the main roads, have been completed. A picket fence the whole breadth of the Cemetery was put up last fall, which completely shuts in for present use upwards of thirty acres of land. Other fences are contemplated, and will probably be built this fall, as they are much needed.

\$500 have been paid in cash for the Cemetery, and the balance, or \$1200, has been secured to the former owners by a Bond signed by all the Directors, bearing interest at six per cent. As the Directors are therefore personally liable for this amount, it will be their aim to have the debt cancelled at as early a day as possible.

The dwelling house and barn have been removed from the central place they occupied, down to the northwest corner of the Cemetery, and have been put in good repair, and are now considered to be a most suitable residence for the Superintendent of the grounds. The situation from which the house was removed, was thought by the Directors to be too important and conspicuous to be used in that way,—besides, the sacredness of the place was opposed to a dwelling house being situated in the midst of it. A new entrance or gateway has been made, leading from the main road into the Cemetery. The gates are to be considered as only temporary. As soon as the funds of the Company will warrant it, a more suitable entrance will be made, to be in harmony with the dignity as well as solemnity of the object for which the grounds have been set apart.

A code of Bye-Laws was settled upon by the Stockholders, which will be found in another part of this book. The Shareholders number seventy six, belonging to all the Protestant denominations, and the amount of shares taken by this number amounts to 385, which at \$10 per share gives a total money value of \$3,850 subscribed stock. The Directors expect to have the round number of \$4,000 completed in a short time. Upon the Stock subscribed two calls have been made, the first for ten per cent., and in a few months afterward 20 per cent. With very few exceptions these calls were cheerfully responded to, which fact betokened a good disposition on the part of the subscribers, and served as a great encouragement to the Directors; for so long as they feel that they have the sympathy and support of the subscribers, they are disposed cheerfully to give their time and labour to the services for which they were elected.

Before closing this Report the Directors feel called upon to make a few remarks in reference to the Old Burial Ground. During the last winter's Session of the Legislature, a Bill passed the House of Assembly for closing the ground to all except the owners of lots not yet filled

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up—to take effect, it was proposed, in August, 1877. It was late in the Session before the Bill reached the Legislative Council, and there not being time for a full discussion of the measure, failed to pass into Law. It is to be hoped that next Session, this question of closing the Old Ground will be set at rest for ever. Until this is done there can be no concentration of effort upon any one particular burial place, and the consequence will be that the improvements in "Forest Hill Cemetery" will not be as rapid as they should be; indeed it is a misfortune that the whole community cannot see alike with regard to this, as to what is due to the remains of their friends as well as what is due to the opinions of their survivors. The closing of the Old Burial Ground in St. John, some twenty years ago, was made coincident with the opening of the new Cemetery. When it was proclaimed that the gates of the old ground should be locked on a certain day, to take effect a few months after the passing of the Act, the mandate was accepted willingly as a necessity of the times. The ground was over-crowded, and pronounced by the Faculty to be no longer fit for human burial, or the neighborhood for human habitation. There was no resistance or loud complaining on the part of lot owners. Nor should there be any opposition here—for it must be evident to every body that as our ground is literally filled, like that of St. John, and the danger of pestilence in consequence, no less great, private feelings and private interests, especially among the intelligent of our community, should be induced to yield to the requirements of the public safety. The same remarks in reference to the closing of the old St. John Burial Ground are applicable to similar cases in other Towns of the Province—such as St. Stephen, Dorchester, and elsewhere. The process of closing up was equally summary. There should be no halting between adverse opinions—no keeping of lots open for the accommodation of those who have their hearts fixed upon what they regard as a sacred spot. A day must come when a sudden stop must be put to this state of things; and the



sooner the better—for the longer the ground is kept open and new interments made, the harder will it be for the survivors to learn when the time does come that they themselves will have to be buried elsewhere.

About three years since, a Bill was introduced into the House of Assembly for closing our Burial Ground, and the time was even fixed for the law to take effect. It was objected, however, that inasmuch as no other place of burial had been provided, the Bill should be deferred until another year. In accordance with this warning, a few patriotic individuals of different denominations set to work with a will, to make provision for this necessity. Hence the new Methodist Cemetery, and the one of which this is a Report. So that all persons in the community have had ample time to make their calculations and provide for what was coming. And now that all preparations have been made, and large expenses incurred, it is to be hoped that the Legislature at its next Session will take such action as will remove all doubt and embarrassment in the matter, whether as concern the stockholders of this Company, or the community at large.

Respectfully submitted.

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### List of Subscribers.

NAMES.	No. of Shares.
A. F. Randolph,.....	20
John Jas. Fraser,.....	20
George E. Fenety,.....	20
James Steadman,.....	10
Wm. Carman,.....	10
H. A. Cropley,.....	5
James S. Beck,.....	5
John Richards,.....	5
G. T. Whelpley,.....	5
E. C. Freeze,.....	5
Julius L. Inches,.....	5
Robert A. Payne,.....	1
George N. Babbitt,.....	8
Thomas W. Smith,.....	2
T. Clowes Brown,.....	5
George J. Bliss,.....	5
A. F. Street,.....	5
S. A. Akerley,.....	10
E. L. Wetmore,.....	5
Harry Beckwith,.....	5
J. A. Vanwart,.....	5
C. Brannen,.....	5
Z. R. Everitt,.....	5
Geo. C. Hunt, Jr.,.....	5
L. W. Sherman,.....	5
Alex. Burchill,.....	5
S. F. Shute,.....	5
John Babbitt,.....	8
V. W. Tippot,.....	5
S. W. Babbitt,.....	8

NAMES.	No. of Shares.
J. W. Spurden,.....	2
George Y. Dibblee,.....	3
H. B. Rainsford, Jr.....	5
S. A. Purdie,.....	3
W. P. Flewelling,.....	3
A. A. Sterling,.....	5
James S. Neill,.....	3
Joseph Myshrall,.....	5
A. G. Beckwith,.....	2
J. Henry Phair,.....	2
E. Byron Winslow,.....	5
T. B. Winslow,.....	2
Thomas Harrison,.....	5
George E. Foster,.....	5
T. H. Rand,.....	5
Charles Fisher,.....	10
H. G. C. Ketchum,.....	10
David Wark,.....	5
John A. Beckwith,.....	5
John C. Allen,.....	10
Wm. M'Beath,.....	3
Arthur Limerick,.....	3
Benjamin Evans,.....	2
James L. Beverly,.....	2
Thomas Stanger,.....	2
R. H. Rainsford,.....	1
E. H. Wilmot,.....	20
M'Donald & Kedey,.....	5
J. G. M'Nally,.....	3
J. H. F. Randolph,.....	5
James R. Howie,.....	10
H. C. Creed,.....	1
James Hodge,.....	2
John Edwards,.....	1
John M'Innis,.....	2
Wm. Crockett,.....	2

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NAMES.

No. of Shares.

Wm. Cameron,.....	2
Wm. Wheeler,.....	5
Dykeman & VanWart,.....	5
John M'Pherson,.....	1
A. R. Wetmore,.....	5
M. M'Nally,.....	2
Wm. W. Street,.....	2
Charles W. Beckwith,.....	2
E. Estabrooks,.....	1
Geo. R. Parkin,.....	4

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CHAPTER 55.

AN ACT TO INCORPORATE THE  
FREDERICTON CEMETERY COMPANY.

Sec.

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|--|--|
| 1 Company incorporated.                                  | Qualification of Members of Company.                             |
| 2 Capital stock.   | When property of Company shall be vested in proprietors of lots. |
| 3 Proprietor of lot to receive Certificate from Company. | 7 Lots not liable for debts of proprietors or Company.           |
| 4 First general meeting, where held.                     |  |

*Passed 13th April, 1876.*

WHEREAS a larger and more suitable place for the burial of the dead in the City of Fredericton is much required;—

Be it therefore enacted by the Lieutenant Governor, Legislative Council, and Assembly,—

1. That William Carman, Theodore H. Rand, William Brydone Jack, George E. Foster, Thomas Harrison, George E. Fenety, A. F. Randolph, John Edwards, James S. Beck, George Atherton, A. B. Atherton, M. D., and Julius L. Inches, their associates, successors, and assigns, be and they are hereby made a body politic and corporate, by the name of "The Fredericton Cemetery Company," and by that name shall have all the general powers and privileges incident to a Corporation.

2. The capital stock of the said Company shall be six thousand dollars, and divided into six hundred shares of ten dollars each, and be paid in such sums and at such times as the Directors of the said Company shall from time to time appoint.

3. That any person becoming the proprietor of a Lot in the said Cemetery shall be entitled to a Certificate under the seal of the Corporation, signed by the Secretary in the form following :—

FREDERICTON CEMETERY COMPANY.

This is to certify that A. B. is the proprietor of Lot No. \_\_\_\_\_, containing \_\_\_\_\_ square feet, on \_\_\_\_\_ (Path) in the Fredericton Cemetery, situate in the County of York, subject to the rules, regulations and bye laws of the said Corporation.

In testimony whereof, the Seal of the said Corporation is hereunto affixed, the \_\_\_\_\_ day of \_\_\_\_\_ A. D.

C. D., *Secretary.*

And such certificate shall constitute a valid instrument of transfer of such Lot, and shall be held by the purchaser thereof for the use of burial only, and subject as therein stated.

4. That the first general meeting of the stockholders of the said Corporation shall be held in the City of Fredericton for the election of seven Directors for the management of the affairs of the said Corporation, at such time as may be appointed by a majority of the corporators herein named : The Directors chosen at such meeting shall remain in office until others are chosen in their stead ; the Directors at their first meeting after their election shall choose one of their number to be President ; provided always, that not less than four Directors shall be necessary to constitute a quorum for the transaction of business.

5. Every person who shall become a proprietor of a lot in the said Cemetery of not less than one hundred square feet, shall be a member of the said Corporation, and entitled to vote at all meetings thereof.

6. The several shareholders in the said Corporation, so soon as they shall be repaid out of the funds thereof the

amounts by them respectively invested, together with interest at the rate of seven per centum per annum, shall as such cease to have any interest in the said Cemetery, and the property shall from thence be vested in the proprietors of lots of not less than one hundred square feet each; and thereafter the proceeds of the sales of all lots, after deducting the annual expenses of the Cemetery, shall be for ever devoted and applied to the preservation, improvement, embellishment and enlargement of the said Cemetery, and for no other purpose whatsoever.

7. That the lots in the said Cemetery shall not be liable for the payment of any debt, or to be levied upon or taken in execution at the suit of any person whomsoever.

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**BYE LAWS**  
OF THE  
**FREDERICTON CEMETERY COMPANY.**

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AT a Meeting of the Stockholders of the FREDERICTON CEMETERY COMPANY held on the twelfth day of August 1876, the following Bye Laws were adopted :—

**Cemetery.**

**I.**

The size of the Lots shall be ten (10) feet by twenty (20) feet, and the price of each Lot shall be not less than twelve dollars.

**II.**

A choice of Lots shall be offered at auction from time to time in the discretion of the Directors, after which private sales of Lots may be made by the Directors, at such prices as they may agree upon with the parties purchasing, but not less than the sum named in the preceding Section.

**III.**

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

**IV.**

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



## V.

All Lots sold or bargained for, shall be paid for at the time of sale.

## VI.

All graves shall be dug and prepared by the servants of the Cemetery Company, at such rate as the Directors may from time to time fix.

**Proprietors.**

## VII.

The Proprietor of a Lot shall have the right to enclose the same with a wall or fence, to build vaults, erect monuments, and to cultivate plants within the same. All to be subject to the approval of the Superintendent.

## VIII.

All inscriptions on monuments or structures may be submitted for approval to the Directors; if not so submitted and approved, the Directors shall have the right to enter upon such Lot and remove the same, if they deem it to be unbecoming or improper.

**Stockholders.**

## IX.

The Stockholders and Proprietors shall after the present year meet annually, on the first Monday in September, for the election of Directors, and for the transaction of any other business connected with the affairs of the Company.

## X.

Each Stockholder shall be entitled to one vote for every share held by him, not exceeding fifty, and shall have the right to vote by proxy, the authority to be in writing.

## XI.

Special meetings of the Stockholders may be called at any time; such meetings shall be called by the Secretary, or the President, or any five Stockholders. Notice of such meetings shall be inserted for one week in a newspaper published in the City of Fredericton; and such notice, so published, shall be deemed to be sufficient notice to all the Stockholders.

**Directors.**

## XII.

The Directors shall meet as often as necessary,—meetings to be called by the Secretary, on the order of the President, or three Directors.

## XIII.

The Directors shall appoint a Secretary, Treasurer, Superintendent, and such other officers as they may deem necessary.

## XIV.

The Treasurer's Accounts and Books shall be audited by a person not a Director, whose Certificate must accompany the Directors' Report to the Annual Meeting.

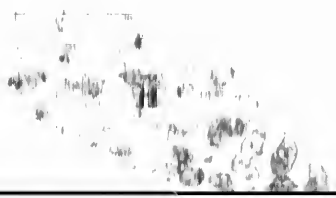
**Secretary and Treasurer.**

## XV.

The Secretary shall keep a Book in which he shall enter all proceedings of the Meetings of Directors or Stockholders, which Book shall at all times be open to the inspection of Stockholders and Proprietors.

## XVI.

The Treasurer shall keep a Book in which he shall enter, when received, all moneys belonging to the Company, balancing the same annually, and furnish a balance sheet at the Annual Meeting.



## XVII.

He shall deposit all moneys in such Bank as the Directors may order, to the credit of the Company, to be drawn upon by the President and countersigned by the Treasurer.

## XVIII.

The Secretary shall, when sales of lots are made, give a Certificate to the purchaser under the Seal of the Company, keeping a Register Book, and numbering the lots from one upwards.

## XIX.

He shall keep a Book in which he shall enter the weekly returns of all interments made by the Superintendent.

**Superintendent.**

## XX.

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

## XXI.

He shall, in laying off the ground, take directions from the Board of Directors.

## XXII.

He shall collect burial fees, and fees of interment in the Public and Poor grounds, paying over the same to the Treasurer, but he shall not sell or receive the price of lots.

## XXIII.

He may receive applications from persons wishing to purchase lots, and submit the same to the Board of Directors.

## XXIV.

He shall make a weekly return to the Secretary of all interments made during the preceding week.

## Visitors.

## XXV.

No Vehicle or Carriage shall be driven, nor shall any one ride a horse, at a faster rate than a walk, within the Cemetery.

## XXVI.

No Visitor shall gather any flowers, nor break nor injure any tree, shrubs, or plants, in the Cemetery.

## XXVII.

No one shall take fire-arms into the Cemetery.

## XXVIII.

Visitors are requested to keep on the walks and avenues, and not trespass on the Borders.

## XXIX.

It shall be the duty of the Superintendent to see these Rules enforced.

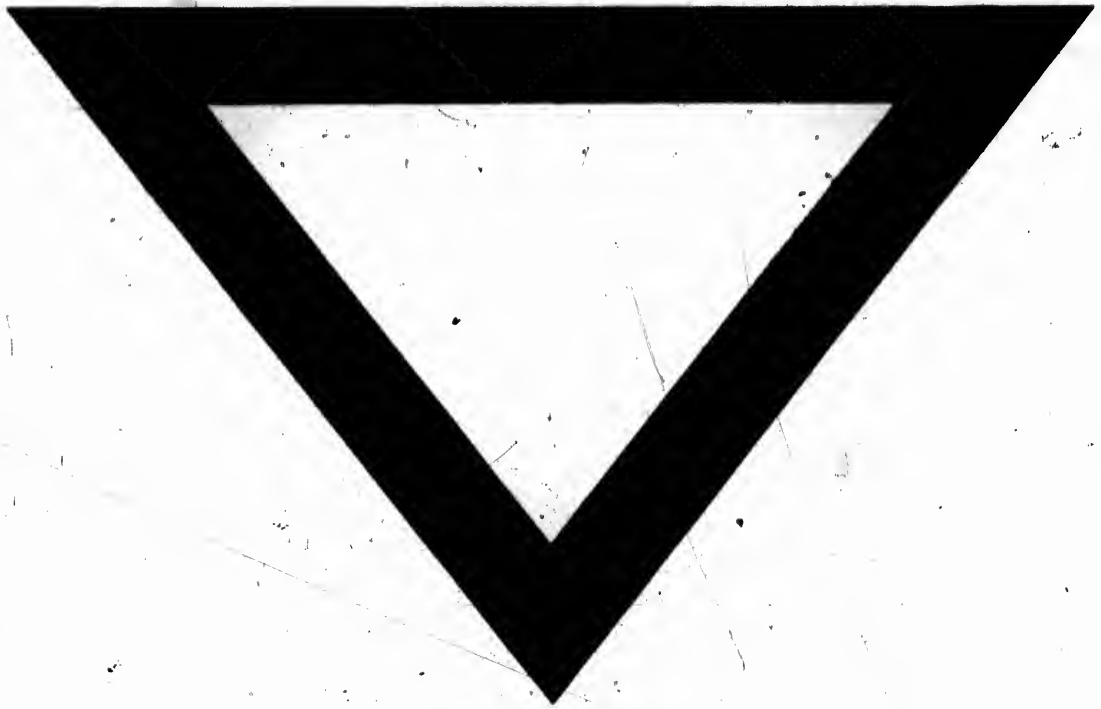
**Stock Certificate.**

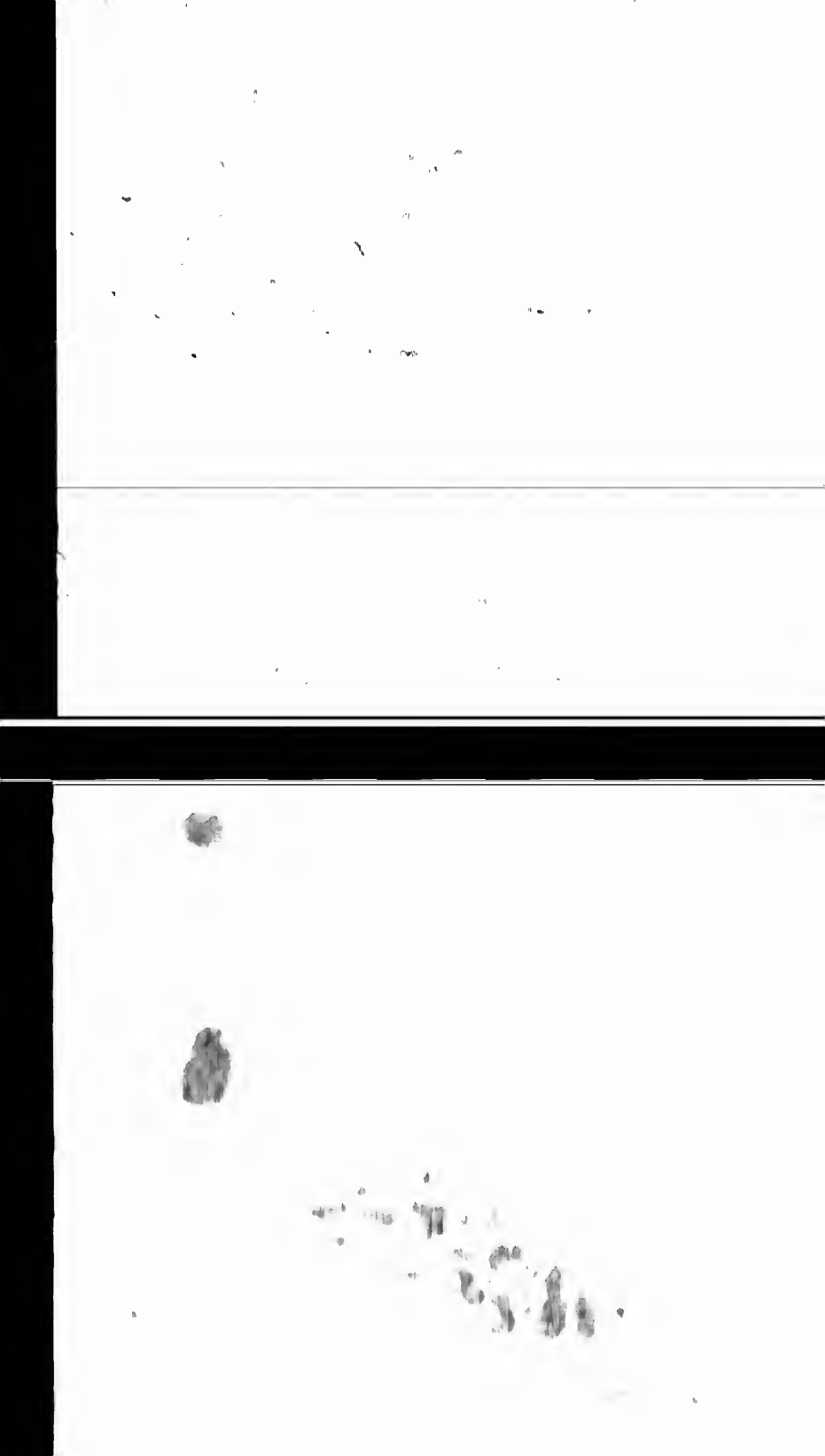
This is to certify that .....  
is the proprietor of ..... shares of the Capital  
Stock of the Fredericton Cemetery Company, of Ten Dollars  
each, subject to such calls as may from time to time be  
made thereon, until the whole is paid up, and to the Rules  
and Regulations of the Company.

Dated at the City of Fredericton this ..... day of  
..... A. D. 18 ..

.....  
*President.*

.....  
*Secretary.*









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