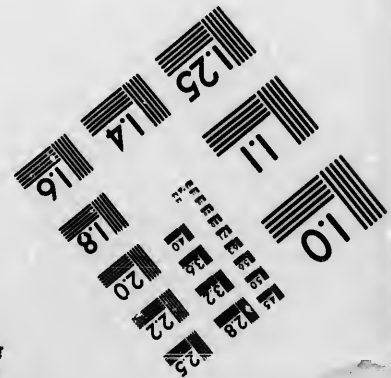
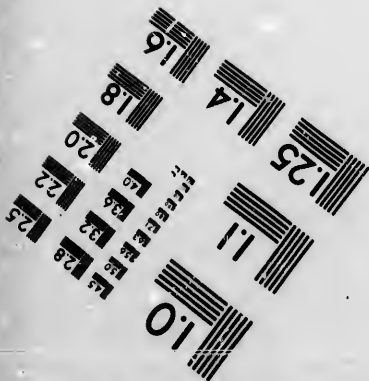
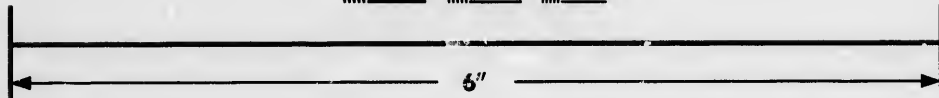
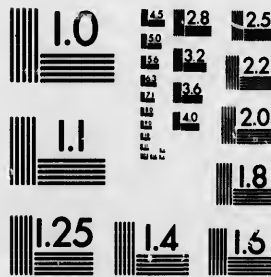


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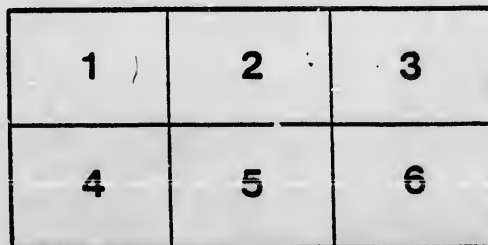
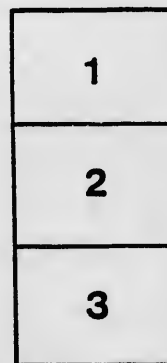
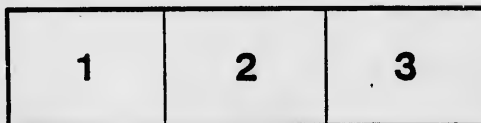
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1854

THE  
ACT OF INCORPORATION  
OF THE  
Cataraugui Cemetery Company,  
ITS RULES, ETC.,  
AND  
A LIST OF LOTHOLDERS.

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KINGSTON:  
PRINTED AT THE DAILY NEWS OFFICE.  
1854.

1854

ACT OF INCORPORATION

OF THE

London & Lancashire Cotton

ITS RULES, ETC.

AND

A LIST OF FOLDERS



KINGSTON

PRINTED AT THE DAILY NEWS PRESS

1854

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VILLAGE OF WATERLOO

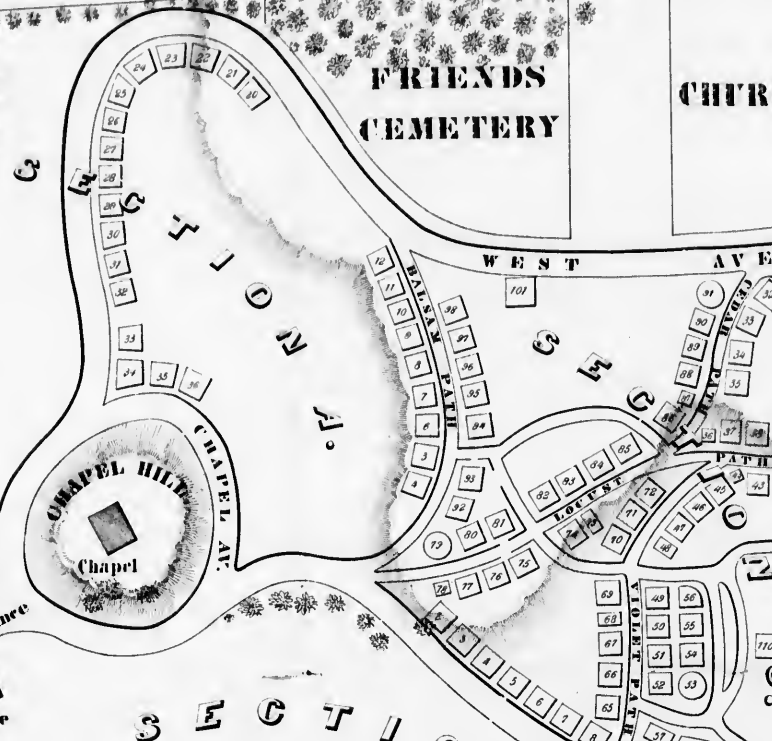
Town Hall

Methodist Chapel

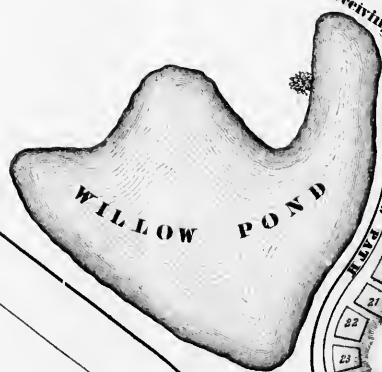
School House

FRIENDS CEMETERY

CHURCH



SECTION



**MEARS**  
*OF*  
**CATARAUGUS CEMETERY**  
**KINGSTON C.W.**

SURVEYED & DRAWN BY  
**FREDERIC J. M. CORNELL**  
 CIVIL ENGINEER  
 1853

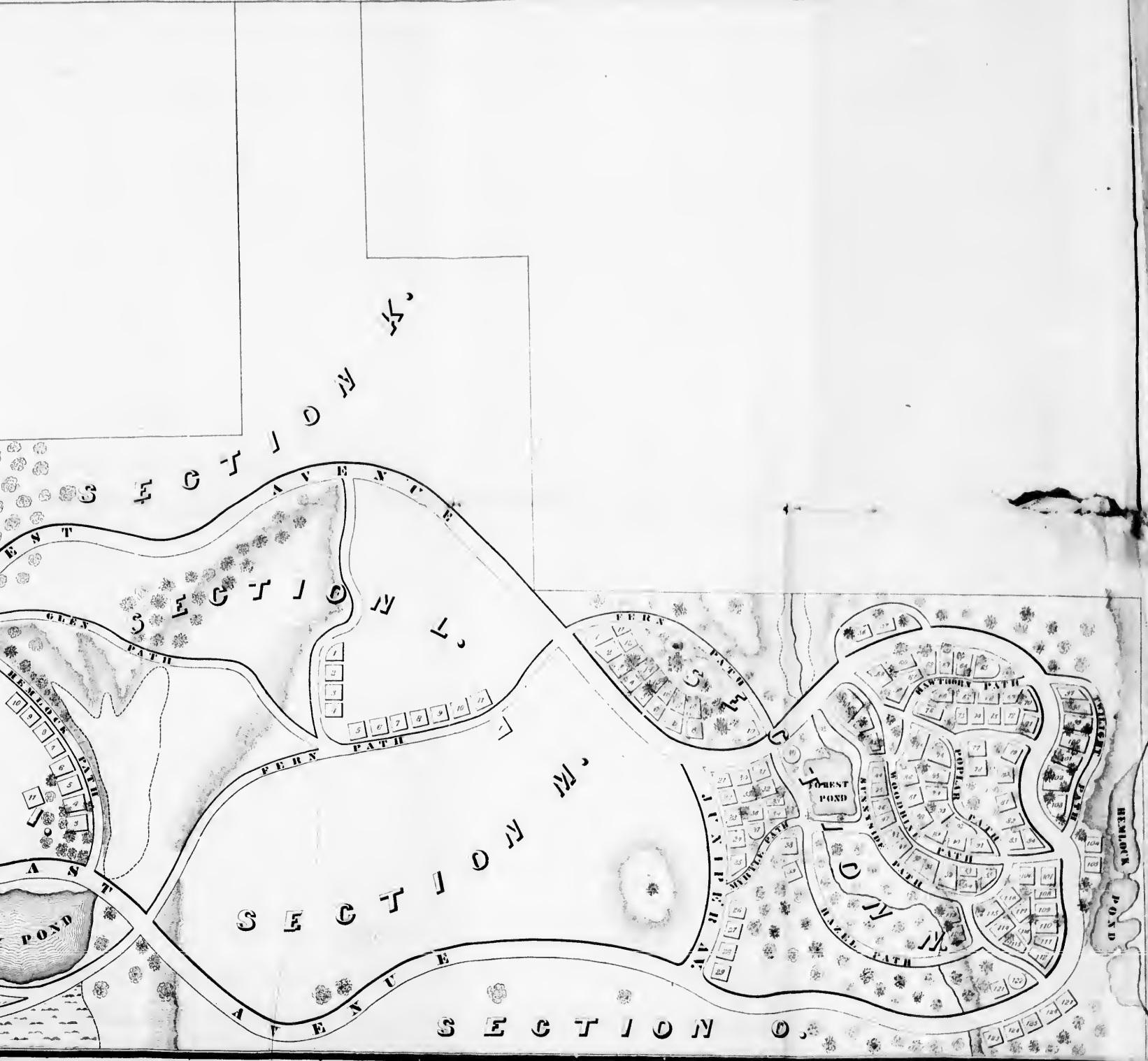
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ITS RULES, ETC.,  
AND  
A LIST OF LOTHOLDERS.

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KINGSTON :  
PRINTED AT THE DAILY NEWS OFFICE.  
1854.

**CATARAQUI CEMETERY COMPANY,**

INCORPORATED 1852.

---

**DIRECTORS :**

**1854.**

ALEXANDER CAMPBELL, CHAIRMAN.  
THOMAS KIRKPATRICK.  
WILLIAM G. HINDS.  
THOMAS DEYKES.  
COLIN MILLER, ESQUIRES.

GRANVILLE MOYLE, Esq.,

*Secretary & Treasurer.*

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## The Act of Incorporation.

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WHEREAS it hath become necessary to the health of the city of Kingston that a Public Cemetery should be established near to, but without, the limits thereof, and the persons hereinafter named have associated themselves together for the purpose of establishing such Cemetery, and have prayed that they and their successors be incorporated and divers powers conferred on them for the purpose aforesaid, and it is expedient to grant the prayer of the said Petition: Be it therefore enacted, &c., and it is hereby enacted by the authority of the same, That Thomas Kirkpatrick, Alexander Campbell, Samuel Rowlands, J. J. Burrowes, M. W. Strange, Neil McLeod, Thomas A. Corbett, W. G. Hinds, W. A. Geddes, and such others as are now and may hereafter become subscribers in the undertaking hereinafter mentioned, and their successors, forever, shall be and are hereby constituted a body politic and corporate in fact and in name, by the name of THE CATARAQUI CEMETERY COMPANY.

II. And be it enacted, That the capital of the Company shall be £2,000, which shall be divided into shares of £25 each, and shall be transferable on the books of the Corporation, in such manner as the Corporation shall by its By-laws direct.

III. And be it enacted, That it shall be lawful for the said Corporation to acquire, take, and hold, a lot or tract of land within the township of Kingston, not exceeding two hundred acres, and to sell or otherwise dispose of such land or lots to be used exclusively as a Cemetery or place of burial for the dead: Provided always, that the deed of sale of any lot in the said Cemetery or place of burial shall be in the form of the Schedule A to this Act annexed: And provided also, that the real

estate of the said Corporation, and the said lots when conveyed by the Corporation to individual proprietors, shall be exempt from assessment and taxation, and shall not be liable to be sold under execution, or to be subject to be applied to the payment of debts by any bankrupt, insolvent, or other law.

IV. And be it enacted, That all moneys received for or on account of the said capital stock, shall be first applied by the said Corporation to the payment of the purchase-money of the land which may be acquired by the Corporation; and any residue thereof, together with at least one-half of the money obtained for sales of lots, shall be applied to improving or embellishing such land as a Cemetery or burial ground.

V. And be it enacted, That the said Thomas Kirkpatrick and Alexander Campbell shall be Commissioners to receive subscriptions to the said capital stock; they shall open books at such places, and after having given such notice as they deem expedient, they shall, when the sum of one thousand pounds currency shall have been subscribed, call a meeting of the subscribers to elect from amongst the stockholders five directors, and such election shall be made by such stockholders at such time and place as such Commissioners may have appointed, each share, represented personally or by proxy, entitling the stockholder owning it to one vote: the Commissioners shall certify under their hands the names of the parties elected directors, and shall hand over to them the books, papers, moneys, and other effects of the said Corporation which may be in their hands: the directors then chosen shall fix the time and place of their first meeting, and a new election of five directors shall afterwards be made annually on the same day of the week in the same month as such first election may be made, on the directors in office fixing the day and calling the meeting accordingly.

VI. And be it enacted, That the directors, or a majority of them, shall call in the capital stock by such instalments and at

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such times as they or a majority of them shall deem fit, giving fifteen days' public notice in a public newspaper of such times of payment and the amount of instalment required, and shall manage and control all the affairs of the said Corporation until the capital stock be extinguished and a Board of Trustees appointed as hereinafter provided.

VII. And be it enacted, That whenever the original stockholders in the said Corporation shall have been reimbursed, either by sale to them of lots in the said Cemetery, or otherwise, in the amount of stock originally taken and paid for by them, or earlier, the said stockholders may, if they shall see fit, surrender and extinguish their stock in such manner as the Board of Directors shall prescribe; and all persons who then or thereafter shall be or become proprietors of lots or parcels of ground conveyed to them or their predecessors in title by the said Corporation, shall become and be members of the said body corporate.

VIII. And be it enacted, That the estate, property, and affairs of the said Corporation shall, after the said capital stock is extinguished, be managed by five trustees, a majority of whom shall constitute a quorum capable of doing business; the persons constituting the Board of Directors at the time of the extinguishment of the said capital stock shall constitute the first Board of Trustees, and shall remain in office until the election of a new Board: the proprietors of lots shall elect from amongst themselves five trustees on the first Monday in January in every year, to hold office until their successors shall in like manner be elected: notice of the election shall be given in three several newspapers published in Kingston, and shall be by ballot: Provided always, that each lot shall entitle the proprietor thereof to one vote, and such vote may be given in person or by proxy: the trustees may fill any vacancy from amongst the proprietors of lots, should any occur during the year of office. The annual meeting of the proprietors of lots

shall be held on the first Monday in January in every year, when the trustees going out of office shall make a full report of the management, condition, and fiscal concerns of the Corporation.

IX. And be it enacted, That it shall be lawful for the said Corporation to appoint such officers and servants of the Corporation as they shall think expedient, to make and frame By-laws for the government and control of the said officers, and also to make and frame all other by-laws, rules and regulations for the management of the business of the Corporation in all its particulars and details, whether herein specially enumerated or not, and the same at any time to alter, modify and repeal: Provided that no such By-laws shall interfere with the rules in the Schedule A to this Act annexed, nor be inconsistent with any other of the provisions of this Act; and any copy of the said By-laws purporting to be under the hand of the Clerk or Secretary of the said Corporation shall be received as *prima facie* evidence of such By-laws in all Courts in this Province.

X. And be it enacted, That all lots when conveyed and designated as lots by the said Corporation shall be indivisible, but may be owned and held in undivided shares. One-half of the proceeds of all sales shall be applied towards the payment of the purchase-money of the land acquired by the said Corporation, and the residue shall be applied to preserving, improving, and embellishing the said land as a Cemetery, and to the incidental expenses of a Cemetery establishment; and after payment of such purchase-money, the proceeds of all future sales shall be applied to the preservation and improvement of the said Cemetery and incidental expenses thereof, and to no other purpose whatever.

XI. And be it enacted, That any person who shall wilfully destroy, deface, 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 the said Cemetery, or of any tomb, monument, grave stone, or other structure aforesaid, or any plot or parcel of ground within the Cemetery, or shall wilfully destroy, cut, break, or injure any tree, shrub, or plant, within the said Cemetery, or play at any game or sport, or discharge firearms (save at a military funeral) in the said Cemetery, or shall wilfully and unlawfully disturb any persons assembled there for the purpose of burying any body therein; or who shall commit any nuisance in the aforesaid Cemetery; shall be guilty of a misdemeanor, and may, upon conviction before a Justice of the Peace, or other competent authority, be fined any sum not less than twenty shillings, nor more than twenty pounds; and in default of payment of such fine, such person may be committed to jail for any period not less than eight days, nor more than one month; and may also be sued by the said Corporation for any such trespass, whether committed in a private lot or otherwise; and in any case in which the Corporation is a party the members of the said Corporation shall be competent witnesses.

XII. And be it enacted, That the said Corporation shall make regulations for insuring that all burials within the said Cemetery are conducted in a decent and solemn manner.

XIII. And be it enacted, That no body shall be buried in any vault under any chapel or other building in the said Cemetery, or within fifteen feet of the outer wall of any such chapel or other building.

XIV. And be it enacted, That every part of the said Cemetery shall be enclosed by walls or other sufficient fences or railings, of the height of eight feet at least.

XV. And be it enacted, That the said Corporation shall keep the said Cemetery, and the buildings and fences thereof, in complete repair, and in good order and condition, out of the moneys to be received by them in virtue of this Act.

XVI. And be it enacted, That the said Corporation shall make all proper and necessary sewers and drains in and about the said Cemetery, for draining it and keeping it dry; and they may from time to time, as occasion requires, cause any such sewer or drain to open into any existing sewer, with the consent in writing of the persons having the management of the street or road, and of the owners and occupiers of the land through which such opening is made, doing as little damage as possible to the road or ground wherein such sewer or drain may be made, and restoring it to the same or as good condition as it was in before being disturbed.

XVII. And be it enacted, That if the said Corporation at any time cause or suffer to be brought, or to flow into any river, spring, well, stream, canal, reservoir, aqueduct, pond, or watering place, any offensive matter from the said Cemetery, whereby the water shall be fouled, they shall forfeit for every such offence the sum of £12 : 10s. currency.

XVIII. And be it enacted, That the said penalty, with full costs of suit, may be recovered by any person having a right to use the water fouled by such offensive matter, by a civil action in any Court of competent jurisdiction : Provided always that the said penalty shall not be recoverable unless the same be sued for during the continuance of the offence, or within six months after it has ceased.

XIX. And be it enacted, That in addition to the said penalty of £12 : 10s. (and whether the same be recovered or not), any person having right to use the water fouled by such offensive matter may sue the said Corporation in a civil action in any Court of competent jurisdiction for any damage specially sustained by him by reason of the water being so fouled; or if no special damage be alleged, for the sum of £2 : 10s. for each day during which such offensive matter is brought or flows as aforesaid, after the expiration of twenty-four hours from the time when notice of the offence is served on the said Corporation by such person.

XX. And be it enacted, That it shall be lawful for the said Corporation to take and hold by donation, grant, or devise, or bequest of property upon trust, not exceeding in value the sum of £5000 currency, and to sell, exchange, or dispose of the same, and to apply the same or the proceeds or income thereof to the improvement or embellishment of the Cemetery, or of any lot or lots therein.

XXI. And be it enacted, That this Act shall be a Public Act.

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## Rules and Regulations.

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### ENCLOSURE OF LOTS.

The Directors require that all stone, iron, bricks, cement, and other materials employed for the enclosure of lots, or other purposes, shall be brought into the Cemetery either on a broad wheeled cart or truck waggon, or by hand; to be first laid on the side of the road most convenient to the lot or lots to be enclosed, and from thence to the place required, either on wheelbarrow or by hand. Boards will be furnished to lay on the ground to prevent injury to the grass or walks; and the Superintendent will give the necessary directions from time to time, as the case may require.

Any wall erected on lots must be within the lines, and cannot exceed two feet in height. When surrounded by a railing, the same shall not exceed four feet six inches in height above the surrounding ground. No trees to be planted in the lots, nor any removed therefrom, without the consent of the Directors. Shrubbery may be planted there, but never to be allowed to exceed four feet six inches in height. The graves dug therein must be at least six inches within the entire line thereof and of sufficient and proper depth. The earth in enclosed lots cannot be elevated above the level of the surrounding ground without consent of the Directors.

Wooden enclosures are not allowed.

#### VAULTS.

In building Vaults, the same rules must be observed in conveying materials to the place required as is pointed out for the enclosure. Every attention must be observed to prevent, as much as possible, inconvenience to the adjoining lots throughout the time the vaults are building. All of these details must be under the direction of the Superintendent, who will be constantly on the spot. The walls of vaults shall be confined within the limits of the lot, and they shall be at least nine inches thick; the inside crown of the arch shall be at least four feet below the surface of the ground, and not less than one foot in thickness; and the entrance to the same shall be covered with a stone or an iron plate, and these covered with earth, so that the stone or iron plate and earth shall be at least three feet in depth, and on a level with the surrounding ground.

Lime should not be used for work under ground, nor is it well to use it in any way for monumental purposes.

#### MONUMENTS.

The Directors have no wish to interfere with individual taste in the construction of monuments, etc.; but to protect the interest of each separate purchaser, they reserve to themselves explicitly the right to prevent the erection of large improve-

ments which might interfere with the general effect, or obstruct any principal view.

Foundations for monuments must be built of solid masonry, and be not less than six feet deep.

LOTS NOT TRANSFERABLE.

The Directors inform persons who may wish to obtain lots in this Cemetery, that they will have the ground they purchase secured to them and their families and heirs for a burial-place *for ever*, and for the burial of such other persons as they may choose to admit, provided such admission is without compensation; but owners cannot re-sell or transfer their lots without the consent in writing of the Directors or Trustees.

SINGLE INTERMENTS.

A suitable spot has been appropriated for single interments, either for strangers or others.

A SUGGESTION FOR LOTHOLDERS.

The Directors very respectfully suggest to the proprietors of grounds in the Cemetery that as time rolls on, and the Superintendent is changed, by death or otherwise, cases may occur of the following character—Deaths may and will take place in families which have previously been obliged to use the lot or lots for interment on former occasions, and it may be desirable that either an infant or a grown person should be interred in a grave already previously opened, and a message may be sent to the grounds to inter in such or such a grave, or adjoining such a relative: now, if no head or foot stone, or any designation whatever, is apparent on the surface, it may be impossible for the Superintendent to comply, with certainty, with the wishes of the relatives.

To remedy this is in the power of each lot holder: by making a drawing of the lot or lots on the back of the Deed, and being careful to record on it every interment, with name and date,

this difficulty may be entirely avoided, and an interesting record in each family will be preserved, obviating a possible great disappointment.

REMARKS ON IRON RAILINGS, CHAINS, &c.

Lot holders, in preparing for enclosure, will do well to remember that iron railing and chains are subject to become rusty when exposed, as they must necessarily be at the Cemetery. Every precaution that can be taken, where iron is decided on as the material to be used, should be observed. Railings which expose the smallest number of joints, or points of union, should be selected; their connection by means of screws, etc., where these are exposed so as to admit the moisture, cannot of course be expected to endure any great length of time; every portion of the iron should be completely coated as soon as erected with lead paint, which should extend over and into every crevice; after this has stood some time another coat will be required, and the railing will then probably be preserved for several years without care or retouching. Where white lead has not been used in the first instance, the surface is apt to become cracked and the varnish to peel off. Where any union occurs between marble or stone and metal, the latter should, if practicable, be of brass. The corrosion of iron, if it is not regularly painted, soon discolors marble and stone, and renders it very unsightly.

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*Rules concerning Visitors.*

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- 1.—Visitors are requested to bear in mind that the grounds are sacredly devoted to the interment of the dead, and



that a strict observance of the decorum which should characterize such a place will be required of all. The gates are opened at sunrise, and are closed (except for egress) at sunset.

- 2.—Children will not be admitted unless with their parents, or with persons having them specially in charge; nor will schools or other large assemblages of persons be admitted.
- 3.—No person or persons in vehicles will be allowed to pass through the grounds at a rate faster than a walk.
- 4.—No refreshments, or persons having refreshments of any kind, will be permitted to come within the grounds, nor will any smoking be allowed.
- 5.—No vehicle may be left in the grounds unfastened, and no horse is to be fastened except at the posts provided for that purpose.
- 6.—Visitors having dogs are requested to leave them outside the gates.
- 7.—All persons are prohibited from picking any flowers, either wild or cultivated, or breaking or otherwise injuring any tree, shrub, or plant.
- 8.—All persons are prohibited from writing upon, defacing, or injuring any tomb, monument, grave-stone, fence, or other structure in or belonging to the Cemetery.
- 9.—No money may be paid to the Porter or any other person in the employ of the Institution, in reward for any personal services or attentions.
- 10.—Fire-arms are not allowed to be taken into the Cemetery except in cases of military funerals.
- 11.—No person shall catch, wound, or kill a bird, nor remove a bird's nest or eggs, in the Cemetery.
- 12.—Any person disturbing the quiet and good order of the place by noise, or other improper conduct, or who shall violate any of the foregoing rules, will be compelled instantly to leave the grounds, and will subject themselves to prosecution.

BY ORDER OF THE DIRECTORS.

## List of Latholders.

Names.	Section.	No. of Lot.	Square ft.
Thomas Kirkpatrick.			
A. Campbell.	C	64	
W. G. Hinds.	H	7	
Hugh Fraser.	N	53 54 55	
John A. Macdonald.			
Wm. Ford, jr.	N	102 103	
Thomas A. Corbett.			
Francis M. Hill.	C	26	
M. W. Strange.			
John Counter.	N	68 69 70 71	
James Morton.	N	3 13	
John Macaulay.			
Rev. W. Herchmer.			
John Duff.			
John Watkins.	N	50 51	

Square ft.

Names.	Section.	No. of Lot.	Square ft.
John R. Forsyth.			
John Carruthers.			
F. A. Harper.			
M. E. Cassidy.	C	18	
T. W. Robison.			
Andrew Drummond.	N	89 90 92 93 94 95	
William Wilson.	N	5 6 7 8 48 49	
Colin Miller.	C	25	
William Grant.			
Thomas Deykes.	N	44 45	
John Mowat.			
Robert Deacon.	N	106 107	
James A. Henderson.	N	46 47	
E. M. Yarwood.	C N	63 52	
James Gray.	C N	61 111	
John Macpherson.	C	27	
William McCracken.	E	12	
George L. Mowat.			

Names.	Section.	No. of Lot.	Square ft.
Abraham Foster.	E I	1 67	
James Hopkirk.			
William Ferguson.	C N	12 112	
G. H. Markland.			
D. McIntosh.	N	41 42 43	
Richard Scobell.	D	19 20 21	
Thomas Perkins.			
William Rudston.	N	108 109	
Ven. G. O. Stuart.	C	24	
John Fraser.	N	85 86 87 88	
Samuel Rowlands.			
O. S. Gildersleeve.	B	15 16	
Robert McCormick.	N	38 39	
John B. Rogers.	N	31	
Horace Yeoman.			
F. C. Muttlebury.			
Noble Palmer.	N	104 105	
Mary Atkinson.			

Square ft.

Names.	Section.	No. of Lot.	Square ft.
John Flanigan.			
H. J. Martin.			
A. Thibodo.			
Thomas Briggs.	C	43	
H. N. Garratt.	D	3 4 5 6	
Samuel Muckleston.	C N	62 110	
James J. Whitehead.	B D	29 7	
Wm. Ferguson (merchant)	N	34 112	
Joseph Northmore.	N	114 116	
James J. Burrowes.			
J. B. Fourre.			
Alfred Ayerst.	C	32	
Robert Erash.	D	1	
Edwin A. Burrowes.	I	11	
Jacob Bajus.	N	115	
John Creighton.	B	4 5 6	
Henry Dumble.	N	32	
David Fraser.	I	4	

Names.	Section.	No. of Lot.	Square ft.
Robert Fisher.	D	10	
Alpine Grant.	C	53	
James Gardiner.	C	73	
Hon. John Hamilton.	C	39 40	
Edward Horsey.	C	79	
R. S. Henderson.	C	128	
— Holmes.	H	3	
George Hale.	N	119 120	
William Johnson.	D	13	
Charles Hugh Linter.	D	9 14	
John Moore.	C	31	
Thomas Mostyn.	C	80	
John Midcalf.	D	18	
Francis Milo.	N	20	
Charles McFarland.	D	2	
Allan Macpherson.	N	76	
A. McMillan.	C	96	
John Ovens.	D	17	

are ft.

Names.	Section.	No. of Lot.	Square ft.
John Patterson.	N	91	
— Stewart.	C	14	
W. H. P. Smyth.	C	28	
John Smith.	C	87	
Archibald Urquhart.	D	15	
Mary Wilson.	C	44	
Philip Wenz.	N	115	

