

NJ  
1. Elmwood  
W.C. =

35-

ACT OF INCORPORATION

map  
defecting

AND

RULES AND REGULATIONS

OF THE

ELMWOOD

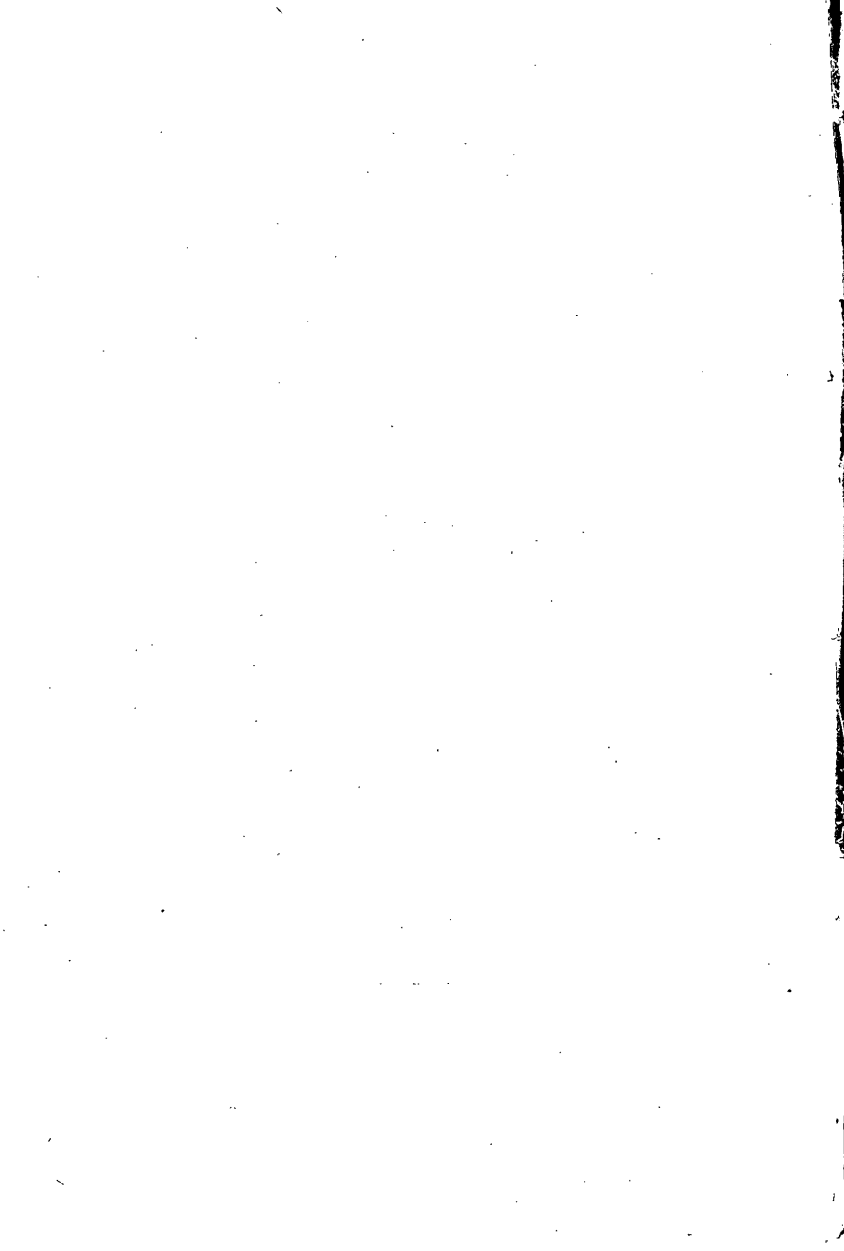
CEMETERY - ASSOCIATION

OF

*NEW BRUNSWICK, N. J.*

---

J. HEIDINGSFELD, PRINTER, NEW BRUNSWICK, N. J.



# ACT OF INCORPORATION.

## STATE OF NEW JERSEY.

AN ACT to incorporate the Cedar Lawn Cemetery Association of the City of New Brunswick.\*

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Lucius P. Porter, John W. Newell, Henry R. Baldwin, M. D., Levi D. Jarrard, Henry L. Janeway, Johnson Letson, A. D. Newell, M. D., Simon Van Wickle, and such other persons as are now or shall hereafter become stockholders, their successors or assigns, be and are hereby made and constituted a corporation and body politic by the name of the Cedar Lawn Cemetery Association of the City of New Brunswick.

2 *And be it enacted*, That the said Association shall have power to purchase, to take and hold in fee a tract or tracts of land not exceeding one hundred acres, in the vicinity of New Brunswick, for the use and purposes of a Cemetery, and erect thereon such buildings and other accommodations as the Directors may deem suitable and necessary, and may sell or otherwise dispose of the sub-lots or plots in the said Cemetery to the several purchasers or owners thereof by a good and sufficient deed or deeds of conveyance, under the corporate seal of said Association, and signed by the President and Secretary thereof, to be used only as a Cemetery, with the privilege of the several avenues, walks, passages and other accommodations therein and thereunto belonging;

\*See page 7, for act changing the name of the Association to "ELM-WOOD."

J974.942  
A182  
VAULT

subject, however, to such regulations and restrictions as have been or may be established in relation thereto by any by-law or ordinance of said corporation. Transfers of sub-lots or rights thereunto may be made by the owner or owners thereof by assignment annexed to said deed, but shall not be valid until the assignment is recorded on the books of said Association.

3. *And be it enacted*, That if any part of the lands conveyed to said Corporation for the purpose aforesaid shall be unsuited for the purpose of a Cemetery, or if in the title made to such Corporation there should be any restriction prohibiting them from using such part for such purposes, then it shall be lawful for said Corporation to sell or dispose of such parts thereof as are unsuited for, or which they are prohibited from using for said purpose.

4. *And be it enacted*, That the business and concerns of said Corporation shall be conducted and managed by a Board of Directors consisting of seven persons, who shall be residents of this State, and who shall be elected annually at such time and place as the by-laws may direct, upon notice given at least ten days previous thereto by advertisement in two newspapers published in the City of New Brunswick, at which election each share of stock shall entitle the holder thereof to one vote; and the said Directors shall elect one of their number President, and shall appoint such other officers and agents as they deem expedient, and fix the compensation to be paid them; they shall have power to fill all vacancies in their number until the annual meeting next ensuing, and the said Board of Directors shall have power to make and establish all needful rules, regulations, ordinances, and by-laws, and affix from time to time to the several plots and lots such price as they shall deem reasonable and proper; and shall have the sole charge, superintendence and control of said Cemetery; and until the first election of Directors the persons named in the first section of this act shall be the Directors, and may act as such until others are

chosen in their stead, and in case it should happen that an election of Directors should not be made during the day fixed by the by-laws, the said Corporation shall not for that cause be deemed to be dissolved, but such election may be held at any other time upon due notice given by the Directors; and the Directors, for the time being, shall continue to hold their office until others are chosen.

5. *And be it enacted*, That the sum which the said Corporation may agree to pay for the tract or tracts of lands hereinbefore mentioned, and the sums which shall be expended in embellishing, improving, beautifying, erecting fences, buildings and other necessary accommodations, shall be the capital stock of said Association, and shall be divided into shares of one hundred dollars each, and that not less than twenty-five per cent. of the net proceeds of all sales of lots, parcels and plots shall be appropriated or funded for the further embellishment and maintaining the improvements, fences and other accommodations of said Cemetery grounds, and the balance received shall belong to and be divided among the stockholders according to their several interests; and whatever sum shall be funded as aforesaid, the same shall be free from all taxes or assessments, and no taxes or assessments shall be imposed on lot owners therefor.

6. *And be it enacted*, That it shall be lawful for the Directors, or a majority of them, to call in the subscriptions to the capital stock at such times and in such sums, and upon such notice, as they may deem reasonable; and a failure to comply with such notice on the part of any stockholder, shall, at the option of the Directors, or a majority of them, because of forfeiture of all moneys thereon, and all rights by virtue of his subscription to such stock

7. *And be it enacted*, That the said Corporation shall have, use and exercise all the rights and privileges incident to a corporation herein stated, and shall be exempt from all taxes, assessments and charges upon their capital stock and the property which they may acquire, hold or possess; and

the real estate of said Corporation and the said lots and parcels, when conveyed by the said Corporation, or when sold to individual proprietors, or held by any person, shall be exempt from all taxation or assessment whatsoever, and shall not be liable to be sold in execution, or subject to attachment or applied to the payment of debts by assignment under any insolvent or bankrupt laws, but may be conveyed under such regulations as the said Directors may adopt.

8. *And be it enacted*, That no public street or road shall hereafter be opened through the Cemetery grounds without the consent of the said Corporation.

9. *And be it enacted*, That any association of persons for benevolent purposes, and also any religious society, may purchase and hold lots in said Cemetery, adjacent to each other, in which they may bury agreeable to any peculiar rites or ceremonies of their own, subject only to the rules and regulations prescribed by said Board of Directors.

10. *And be it enacted*, That the said Corporation may take and hold any grant, donation or bequest of property upon trust, to apply the same or the income thereof under the direction of the Board of Directors for the improvement or embellishment of the said Cemetery; or for the erection, repair, preservation, or renewal of any tomb, monument or grave-stone, fence, railing or other erection; and for the planting and cultivation of trees, shrubs, flowers, or plants in or around any Cemetery lot, or for improving the said premises in any other manner or form consistent with the design and purposes of this act, according to the term of such grant, donation or bequest.

11. *And be it enacted*, That the provisions of the eighth section of the act entitled "An act authorizing the incorporation of Rural Cemetery Associations," approved March 14, 1851, be and the same is hereby made part of this act.

12. *And be it enacted*, That this act shall take effect immediately.

APPROVED March 18, 1868.

## STATE OF NEW JERSEY :

## DEPARTMENT OF STATE.

I, HORACE N. CONGAR, Secretary of State of the State of New Jersey, do hereby certify that the foregoing is a true copy of an Act passed by the Legislature of this State, and approved by the Governor the Eighteenth day of March, A. D., 1868, as taken from and compared with the original now on file in my office.

[L.S.] *In testimony whereof*, I have hereunto set my hand, and affixed my official seal, this Nineteenth day of May, Eighteen Hundred and Sixty-eight.  
(Signed,) HORACE N. CONGAR,  
Secretary of State.

## STATE OF NEW JERSEY.

A SUPPLEMENT to an act entitled, "An act to incorporate the Cedar Lawn Cemetery Association, of the City of New Brunswick," approved March eighteenth, one thousand eight hundred and sixty-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of the "Cedar Lawn Cemetery Association of the City of New Brunswick" be changed to the "Elmwood Cemetery Association of the City of New Brunswick," and by such name shall be invested with all the powers, rights, and duties which belonged to said Cedar Lawn Cemetery.

2. *And be it enacted*, That the first section of the act to which this is a supplement is hereby amended by striking out the names of the corporators individually named therein, and inserting in lieu thereof as such individual corporators, the following persons, viz: Henry H. Booraem, Daniel

G. Stubblebine, Garret Van Liew Booraem, Levi D. Jarrard, Henry Arbogast, Cornelius Farley, and Davis Carel.

3. *And be it enacted*, That all acts and parts of acts inconsistent with this act be and the same are hereby repealed, and this act shall take effect immediately.

APPROVED March 26, 1873.

---

STATE OF NEW JERSEY:

DEPARTMENT OF STATE.

I, HENRY C. KELSEY, Secretary of State of the State of New Jersey, do hereby certify, that the foregoing is a true copy of an Act passed by the Legislature of this State, and approved by the Governor the Twenty-sixth day of March, A. D. 1873, as taken from and compared with the original now on file in my office.

[L.S.] *In testimony whereof*, I have hereunto set my hand and affixed my official seal, at Trenton, this Twenty-fifth day of April, One Thousand Eight Hundred and Seventy-three.

(Signed)

HENRY C. KELSEY,  
Secretary of State.

# RULES AND REGULATIONS.

---

## MEETINGS OF THE BOARD OF DIRECTORS.

The regular meetings of the Board of Directors shall be held on the second Tuesday in every month; and special meetings may be called by the President of the Association.

## SECRETARY AND TREASURER.

There shall be appointed by the Board of Directors immediately after their election, a Secretary and Treasurer, who may or may not be one person, and shall continue in office until his successor or successors are appointed; the duties of the Secretary shall be to keep the records and proceedings of the Corporation; and the duties of the Treasurer shall be to keep the books and accounts of the Corporation, which he shall present for inspection whenever required to do so by the Board of Directors, and he shall make a full account of the receipts and expenditures at the end of every year, and present the same to the Board at their annual meeting, provided for by the charter; he shall give bond in such sum or sums as the Board may from time to time require for the honest and faithful discharge of his duties as Treasurer, and the accounting for all moneys of the Corporation that may come into his hands.

## DISBURSEMENTS.

The President shall certify all bills before payment is made by the Treasurer.

## FUNDS OF THE CORPORATION.

The funds of the Corporation shall be deposited in its name in bank, and shall be drawn only on the check of the Treasurer.

## CERTIFICATES OF OWNERSHIP OF LOTS.

Deeds for the ownership of lots will be given at the charge of one dollar to the owner of the lot or lots.

## SUPERINTENDENT AND HIS DUTIES.

There shall be a Superintendent of the Cemetery, who shall have the general control thereof under the instructions of the Board of Directors, and the details of whose duties shall be regulated by them from time to time.

He shall have the general direction and control, under the supervision of the Board, of the improvement of the premises.

He shall lay out all lots in the Cemetery and shall preserve a record thereof, so that the same may be known and easily found should the boundaries become obliterated.

He shall see that the regulations of the Board of Trustees, with respect to the improvements on lots by the holders thereof, be properly observed.

He shall have charge and keep an account of the property, tools and implements of the Corporation, which may be on the premises or given him in charge.

He shall keep in a book provided by the Corporation, an

account of the persons employed and their time of service the amount due and the amount paid for work and labor and materials, and shall furnish to the Board of Trustees, at each monthly meeting, a statement of the monthly expenses and of the amount paid, the number of hands employed and the work employed in, and shall furnish when required, estimates of the probable expenditures of the coming week or month.

He shall keep the record of all interments made in the Cemetery as directed by the Board; no interment to be made in the Cemetery without a permit from the Treasurer or Superintendent. The latter is required to cause the graves to be prepared, but will not be responsible for their preparation by the time appointed unless he shall have eight hours of daylight previous notice thereof.

The compensation of the Superintendent shall be fixed from time to time by the Board.

He shall take charge of the receiving tomb under such directions as to the use of it as shall hereafter be made.

He shall properly enforce the rules adopted for the government and police of the Cemetery and for admissions therein, and generally attend to the instructions of the Board in reference to the affairs of the Cemetery.

As it is desirable that lot holders have every facility afforded them, in the care, improvement and ornament of their lots, it is enjoined on the Superintendent in his intercourse with them to consult their wishes in this respect, as far as he can do so consistently with his other duties.

In his record of interments he shall state the name and

age of the deceased, whether married or unmarried, and the date and place of burial.

He is to prohibit the entrance of improper persons, and also those who may have at any time willfully transgressed the rules of the Corporation, though presenting tickets.

No person in the employment of the Corporation shall be permitted to receive any perquisites for any matter connected with the Cemetery, or his duties therein, except such as are allowed by the Board of Directors, his salary being considered in full payment thereof.

No money to be given to the gate-keeper.

No horse may be left by the driver unfastened, and none must be fastened to the trees or enclosures.

No vehicle to be drawn in the Cemetery at a faster gait than a walk.

All persons are prohibited from cutting, breaking or pulling any tree, shrub or flower therein, and from writing upon any monument, enclosure or other structure, in or belonging to the Cemetery.

Children will not be admitted without their parents or guardians, or a person in charge of them, who will be held responsible for their good conduct.

Any person disturbing the quiet and good order of the place, by noise or other improper conduct, and who shall violate any of the rules and regulations of the Corporation, will be compelled instantly to leave the grounds.

The Superintendent is charged with seeing these regulations enforced.

## INTERMENTS, MONUMENTS AND IMPROVEMENTS.

All interments, except those in public lots, shall be subject to the charge for opening the grave, which in all cases must be paid at the office of the Association before interment, or to the Superintendent, at the time of interment.

Graves for persons over ten years of age must be at least six feet deep, and for persons under that age five feet in depth.

Proprietors shall not allow interments to be made in their lots for a remuneration.

No interment shall be allowed without permission being obtained at the office of the Corporation.

Proprietors shall have the right to inclose their lots with stone or iron posts, or with a railing (except of wood), with or without a wall, not exceeding eight inches in height above the surface, nor over one foot in thickness. And all posts whether fence designation or index, to be set at least three feet in the ground, and the Trustees require that all railing shall be light and symmetrical.

Proprietors of lots shall have the right to erect any proper stones, monuments or sepulchre structures thereon, but the foundation for all monuments shall be at least six feet, and for all head-stones, at least four feet in the ground, and to cultivate such trees, shrubs and plants in the same as the Superintendent shall approve. But no tree or shrub growing in the Cemetery shall be cut down, destroyed or removed without the consent of the Superintendent. The Association will be prepared at all times, with the finest material, to put in *all foundations* at the lowest possible charge.

If any tree or shrub in any lot shall, by its roots, branches or otherwise, become detrimental to adjacent lots, avenue or path, or dangerous or inconvenient to passengers, the Corporation shall have the right to enter the said lot and move the same, or such parts thereof as they deem proper.

If any monument, enclosure or structure whatever, or any inscription to be placed in or upon any lot, which shall be determined by a majority of the Trustees, for the time being, to be offensive, or improper, or injurious to the appearance of the surrounding lots, they shall have the right and it shall be their duty to remove the said offensive or improper object.

No monument or exterior of any vault shall be erected of brick or wood; all grave stones shall be of marble; enclosures of lots shall be of stone, marble, iron or shrubbery.

The Association will remove all rubbish and surplus dirt from any lot immediately after the workmen conclude the setting of any fence, gate or designation-post or posts. The charge for doing which will be one dollar for each lot.

All employed in making vaults, enclosing lots, erecting monuments, &c., must be subject to the control and direction of the Superintendent of the Association, and any failing to comply with this regulation, will not be permitted to work within the grounds.

The Superintendent to be paid \$3.00 for opening a grave for a person over the age of ten years, and \$2.00 for any one under that age, to be paid by the proprietor of the lot or the individual procuring such grave to be opened. The Association reserve to themselves the right to dig all graves, excavations for monuments, vaults, &c., at a reasonable charge.

Graves will be furnished by the Trustees for the interment of single persons over the age of ten for \$6.00, and under that age for \$4.00, besides the charge for opening such graves.

The Superintendent to be paid \$2.00 for opening a subterranean vault, and \$1.00 for those above ground, to be paid by the proprietors thereof or by the persons desiring the same to be done.

Proprietors of lots to have the use of the receiving vault 30 days without charge, except that of opening the same; and no person to have the use of it for more than 30 days without making a special arrangement with the Superintendent.

Those who are not, but intend to become proprietors of lots, may have the use of the receiving vault by paying the opening fee, and also depositing \$10.00 with the Board of Directors, which shall be credited upon the purchase of a lot when made, if made within thirty days, otherwise to be forfeited to the Board of Directors, to defray the expenses of removing the body and interring the same.

The base of all head-stones on single graves of persons of ten years of age shall not exceed two feet in length, and under that age, one foot and a half.

No person putting up monuments, fences, head-stones, &c., will be allowed to commence work before 7 A. M., or to continue after 6 P. M., without permission of the Superintendent.

All bills will be presented monthly for payment.

## OFFICERS OF THE ASSOCIATION.

---

DANIEL G. STUBBLEBINE, PRESIDENT.

CORNELIUS FARLEY, SECRETARY.

DAVIS CAREL, TREASURER.

D. G. STUBBLEBINE, SUPERINTENDENT.

---

## BOARD OF DIRECTORS.

---

D. G. STUBBLEBINE,

JAMES M. PARSONS.

DAVIS CAREL,

PHILIP KUELTHAU,

JOHN C. MEYER,

HENRY L. STUBBLEBINE,

HENRY ARBOGAST.