

Nov. 30 1884
Amos A. Kimball

Organized, 1858. Incorporated, 1875.

ORIGIN AND BY-LAWS
—OF—
EAST HARWICH
CEMETERY.



HARWICH, MASS. :
INDEPENDENT STEAM PRINTING ESTABLISHMENT.
1884.

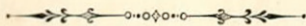
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ORIGIN OF East Harwich Cemetery.



In the spring of 1858, Jonathan Buck and D. S. Steel, of East Harwich, feeling that the place for the burial of the dead was not sufficiently large to supply the demands made upon it, enlisted with them Capt. Samuel Ryder, of Chatham, John Kenney and Oliver Eldridge, of East Harwich, who took the matter in charge and made immediate application for land adjoining East Harwich grave yard, for that purpose; and as said land could not be procured "by them" AT ANY PRICE, concluded to purchase a piece of land a short distance north of the church, on Chatham and Brewster County road. This lot of land purchased of Jacob Smith and Isaac B. Kendrick, contained two acres. On the first of November, 1858, this beautiful level spot of land was fenced, and divided into eighty-eight lots, each lot being 18x26 feet, with carriage pass to each lot.

On the 14th of November, twelve lots were sold for choice at public auction. On the 9th of December, 1858, the remains of Mr. Jonathan Buck and Lovel S., grandson of Jonathan Buck, were removed from East Harwich grave yard to the cemetery, and on the 16th of the same month, the remains of Eliza J., daughter of Danforth S. Steel, were removed there, and the monument now at the head of her grave was the first monument erected in the new cemetery.

At a meeting of the proprietors, Dec. 15, 1874, it was thought advisable to call a meeting for the purpose of enlarging our borders, and having the cemetery incorporated, sixty-four of the most available lots being sold; and on the 18th of January, 1875, the proprietors voted to incorporate, and chose a committee to purchase an additional two acres of land of David Kendrick and Charles M. Holmes; the land is now secured, trees set, avenues marked, park built, and a commodious house for tools, brick, lime, etc., with a cistern of water in the same—the whole containing one hundred and eighty lots. The original committee (all of whom are alive, with the exception of Capt. Samuel Ryder, of blessed memory), congratulate themselves in doing a good deed and at the right time.

And now we cordially invite all our friends, more especially young men, to secure in this well governed corporation, a lot which will give them the most ample guarantee that it will in future be well cared for, after the originators of this most successful enterprise are buried beneath its sacred clods.

1875.

JONATHAN BUCK,
DANFORTH S. STEEL, } TRUSTEES.
JOHN KENNEY,

BY-LAWS
—OF THE—
East Harwich Cemetery Corporation.

Organized Nov. 1, 1858. Incorporated Jan. 18, 1875

By-Laws revised, 1883. Adopted, Jan. 12, 1884.

NAME.

ART. I. This organization shall be known as the East Harwich Cemetery Corporation.

OFFICERS.

ART. II. This Corporation shall be managed by the following officers, viz.: Superintendent, Clerk, Treasurer and Sexton; all of whom shall act, EX-OFFICIO, with three others to constitute a Board of Directors, to be elected annually by ballot, and to serve until others are elected and qualified.

ART. III. The Superintendent, Clerk, Treasurer, Sexton, and Chairman of the Board of Directors shall constitute a Board of Trustees, unless chosen at the annual meeting.

PRIVILEGES OF PROPRIETORS.

ART. IV. Each proprietor may enclose his lot by erecting a suitable fence within its limits. Said lot shall not be used for any purpose other than as a place for the burial of the dead, the erection of suitable stones, cenotaphs and sepulchres, and setting of trees, plants and shrubs, &c.

SUPERINTENDENT'S DUTIES.

ART. V. It shall be the duty of the Superintendent to have the fences kept in good repair; the front fence painted once in two years, and the other fence whitewashed once in two years, and the iron gate painted each year, unless otherwise ordered by the Directors.

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ART. VI. All persons owning lots shall have them worked, and kept in order satisfactory to the Superintendent.

ART. VII. No person shall take from any road, avenue, or other part of the Cemetery except his own lot, any earth or anything growing thereon, without permission from the Superintendent.

DIRECTORS' DUTIES.

ART. VIII. If any tree or shrub shall, by their roots, branches or otherwise, become detrimental to the adjacent lots or avenues, or inconvenient to passengers, it shall be the duty of the Directors to remove such trees or shrubs, or such parts thereof as are detrimental or inconvenient.

ART. IX. The Directors may cause all lots to be worked, at the expense of the owner of said lot, after six months notice, should the conditions of the 6th Article not be complied with.

ART. X. If any monument, structure, inscription, or any unsightly object is found upon any lot, which shall be deemed offensive or improper by the Directors, it shall be their duty to remove such offensive, improper or unsightly object.

ART. XI. When a vacancy exists in any office from resignation, death, or any other cause, it shall be the duty of the Directors to fill the vacancy AD INTERIM.

CLERK'S DUTIES.

ART. XII. It shall be the duty of the Clerk to keep a just and impartial record of proceedings at meetings of the Corporation and Directors, in a book kept for that purpose. He shall receive all money from whatever source, pay the same over to the Treasurer and take his receipt therefor.

ART. XIII. He shall also record all burials, and removals to or from this Cemetery as reported to him by the Sexton, stating name of the person, age, date and place of death, date of burial, number of lot, and such other remarks as may be pertinent to the case. The Clerk shall also keep on hand blanks for use of Sexton, in conformity with Art. 22.

ART. XIV. All meetings shall be called by the Clerk's posting a notice in East Harwich M. E. Church and East Harwich Post Office, at least fourteen days previous to the holding of such meeting; and he shall also give notice in some newspaper published in the County, as the Directors may order. The meetings shall be held annually, in the month of December, in East Harwich M. E. Church, unless some other suitable place is provided by the Clerk, and seven proprietors shall constitute a quorum. In case of absence or refusal of the Clerk, then such meeting shall be called by the Chairman of the Board of Directors, in the same manner.

ART. XV. When three or more proprietors present to the Clerk, in writing, an article to be inserted in the call for a meeting, it shall be his duty to insert the same.

TREASURER'S DUTIES.

ART. XVI. The Treasurer shall receive all money from the hands of the Clerk, giving his receipt therefor; keep a true record of the same in a book kept for that purpose, and shall report his doings at the December meeting in each year.

ART. XVII. All bills against this corporation, paid by the Treasurer, must be approved by the Superintendent, and one or more of the Directors.

ART. XVIII. All surplus money in hands of Treasurer, exceeding fifteen dollars, shall be deposited in Cape Cod Five Cents Savings Bank, in the name of the East Harwich Cemetery Corporation.

ART. XIX. All surplus money arising from the sale of lots shall be held at interest as a reserve fund, to be expended only for the improvement of this Cemetery.

ART. XX. All demands for money from any deposit shall be in writing by the Treasurer and shall be approved by the Trustees and bear the seal of the corporation.

ART. XXI. Notes taken in payment for lots shall be with interest, and with good and sufficient security.

SEXTON'S DUTIES.

ART. XXII. It shall be the duty of the Sexton to keep a record of all burials in this Cemetery, stating the name of the person, age, date and place of death, date of burial and number of lot; also all removals to or from the same, and hand the same to the Clerk.

ART. XXIII. The Sexton shall receive for opening and filling a grave, for persons under 12 years, one dollar, 12 years or over, one dollar and fifty cents. He shall remove all surplus earth after covering graves.

ART. XXIV. The Sexton shall also keep in good order and repair all the tools; shall replace them when broken or unfit for use, at the expense of the Corporation, and make a report of his doings at the annual meeting in each year.

ART. XXV. A lot for the use of those who are unable to purchase shall be reserved for their use, and place assigned them by the Sexton. Each applicant shall place a slab at the head of such grave, bearing name, and date of burial, and leave a record of the same with the Sexton, to be recorded in a book kept for that purpose by the Clerk.

ART. XXVI. In funeral processions no carriage except the hearse, will be allowed inside the gate without permission from the Sexton, or other person having charge of the Cemetery at the time.

CERTIFICATES.

ART. XXVII. Certificates for lots shall be signed by the Superintendent, countersigned by the Clerk, and bear the seal of the Corporation. No Certificate for lot will be given until the lot is paid for.

RECORDS.

ART. XXVIII. Prior to the adjournment of any meeting of this Corporation, the records of such meeting shall be read and approved.

AMENDMENTS OF BY-LAWS.

ART. XXIX. These By-Laws may be altered or amend-

ed at any annual meeting by a vote of two-thirds of the proprietors present, notice of such alteration or amendment having been given in the call for the meeting.

ART. XXX. Lots in this Cemetery shall be held subject to the provisions contained in the General Statutes of Massachusetts concerning cemeteries.

CHAPTER 82, SECTION 3, OF THE PUBLIC STATUTES OF MASSACHUSETTS :

Lots in such cemeteries shall be held indivisible, and upon the decease of a proprietor, his heir at law, or the devisees of such lot if devised, shall succeed to his privileges. If there is more than one heir or devisee, they shall within nine months from such decease designate in writing to the clerk of the corporation which of their number shall represent the lot ; and on their failure so to designate, the Board of Trustees or Directors of the corporation shall enter of record which of said heirs or devisee shall represent the lot while such failure continues.

CHAPTER 207, SECTION 49 :

Whoever wilfully destroys, mutilates, defaces, injures, or removes a tomb, monument, gravestone, or other structure or thing placed or designed for a memorial of the dead, or a fence, railing, curb, or other thing intended for the protection or ornament of a tomb, monument, gravestone, or other structure before mentioned, or of an enclosure for the burial of the dead, or wilfully destroys, mutilates, removes, cuts, breaks or injures a tree, shrub, or plant placed or being within such enclosure, or wantonly or maliciously disturbs the contents of a tomb or grave, shall be punished by fine not exceeding one thousand dollars, or by imprisonment in the jail or house of correction not exceeding three years.

CHAPTER 207, SECTION 50.

Whoever wrongfully, and by any act not included in the provisions of the preceding section, destroys injures or removes a building, fence, railing, or other thing lawfully erected in or around a place of burial or cemetery, or a tree, shrub, or plant, situated within its limits, or wrongfully injures a walk or path, or places rubbish or offensive matter,

or commits a nuisance therein, or in any way desecrates or disfigures the same, shall forfeit for every such offence not less than five nor more than one hundred dollars.

Upon the trial of a prosecution for the recovery of such penalty, use and occupation for the purpose of burial shall be deemed sufficient evidence of the title.

These By-Laws are to take effect at the December meeting, 1884.

FINANCIAL.

At the present (Nov. 1884) the Corporation is entirely free from debt, the fence is in good repair, the grounds in good order, with trees set, and avenues and walks neat and clean. Of the one hundred and eighty lots, sixty remain unsold, valued at Eleven Hundred Dollars; in hands of Treasurer, and due from other sources, Sixty Dollars.

WARREN J. NICKERSON,
ENSIGN L. JERARD,
THOMAS D. KENNEY.

{ ORDERED TO BE PRINTED }
Nov. 4, 1884.