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Greenwood
EXPOSITION

OF THE

PLAN AND OBJECTS

OF THE

GREEN-WOOD CEMETERY,

AN INCORPORATED TRUST

CHARTERED BY THE LEGISLATURE

OF THE

STATE OF NEW YORK.

NEW YORK:
PRINTED BY NARINE & CO.,
No. 11 Wall street, corner of Broad.

1839.

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C. 2. H.*

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THE Trustees of the GREEN-WOOD CEMETERY, commissioned by the Legislature of the State to manage the concerns of an important public institution, and naturally desirous that the character of that institution, and the plans contemplated by them, for its developement, should be correctly understood by the community in whose behalf they consider themselves as acting, respectfully ask attention to the following explanatory statements.

“THE GREEN-WOOD CEMETERY” is the style and title of a body corporate, chartered originally by an act of the Legislature, bearing date the 18th of April, 1838, but which was essentially modified by a subsequent act, passed on the 11th of April, 1839.

Under the first mentioned of these charters, the association took the form and character of a joint-stock company, for it was not supposed, at that time, that sufficient funds to carry out the views and purposes of its projectors, could be raised in any other way, and the company was accordingly organized upon this principle, and commenced its preparatory operations in the latter part of the year 1838. Appendix A and B.

After locating the site of the Cemetery however, and while engaged in negotiating the purchase of the lands, it was discovered that the immediate demand for Cash capital could be reduced to a very small amount, (compared with that which had been previously apprehended,) by giving bonds, pledging the proceeds of the undertaking, *to a certain amount*, in lieu of Cash, in payment for the land; and it was therefore agreed,

unanimously, to petition the legislature for such a modification of the charter, as would place the institution at once on the footing of an incorporated Public Trust.

This was accordingly done at the next following session of the Legislature, and the required alteration, with some additional powers for the preservation and police of the grounds, was enacted as an amendment to the charter, by the law passed on the 11th of April, 1839. Appendix F, G and H.

The Green-wood Cemetery, therefore, as it now exists, is, in the fullest sense, as above expressed, a Public Institution, unconnected with any purposes of profit or gain to any individual whatever. Its powers as a corporation, are "to hold a tract of two hundred acres of land"—[which has been purchased upon an equitable appraisal]—and "to sell or otherwise dispose of said land, to be used, exclusively as a Cemetery, or place for the burial of the dead."* But "after applying" (at least) "one half the proceeds of all sales to the payment of the purchase money of the land" [till that is paid for,] "the residue" is to be "applied, exclusively, to preserving, improving, and embellishing said land, as a Cemetery, or Burying ground, and the incidental expenses of the Cemetery establishment;" and whenever the whole purchase money shall have been paid off, then "*the proceeds of ALL future sales, shall be applied to the preservation, improvement, and embellishment of the said Cemetery, and the incidental expenses thereof, AND TO NO OTHER PURPOSE WHATEVER.*"†

The Corporators of the concern are the purchasers of Cemetery lots, and their successors in ownership, exclusively and forever. No person, however he may have been interested in the premises previously, can acquire any interest in the corporation on that account. The language of the law is, "all persons who are, or hereafter shall become proprietors

* See 3d section of the original act.

† Section 4th of the amendment.

of lots or parcels of ground, conveyed to them by the said corporation, shall become members of the said body corporate;" and when the lot so conveyed, is not less in area, than three hundred square feet, the holder is entitled to vote in the election of Trustees.

The estate, property and affairs of the corporation are managed by a board of Trustees, fifteen in number, to be chosen from the Lot-holders. These are divided into three equal classes, one of which, in rotation, is to be elected every two years, making the entire term of office of the Trustees six years, with the privilege of re-election indefinitely. The first election, under this system is to take place in Dec., 1840; and in the mean time, the Trustees under the charter are as follows, viz:

DAVID B. DOUGLASS,	PETER SCHERMERHORN,
JONATHAN GOODHUE,	CHARLES KING,
THOMAS L. OGDEN,	RUSSELL STEBBINS,
ROBERT RAY,	HENRY E. PIERREPONT,
JACOB R. LE ROY,	JOSEPH A. PERRY,
ZEBEDEE COOK, JR.,*	PLINY FREEMAN,
STEPHEN WHITNEY,	A. G. HAMMOND,
	GEO. S. HOWLAND.

All necessary powers are given to the Trustees, for the maintenance of a proper police, and for the care and preservation of the grounds in every respect; to injure the enclosure or railings in any way, to deface or mutilate the monuments or tombs, or to cut or injure the trees and shrubbery on the grounds is a misdemeanor, punishable with fine, besides the appropriate remedies at law in cases of trespass, and for recovery of damages.

By the 6th section of the charter as amended, the corporation are also empowered to "take and hold any donation or bequest of property upon trust, to apply the same, or the in-

* Elected in place of D. Embury, Esq., resigned.

come thereof, under the direction of the board of Trustees, for the improvement or embellishment of the said Cemetery, or for the erection, repair, preservation, or removal of any tomb, monument, or grave stone, fence, railing, or other erection, or for planting or cultivating 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 purpose of this act, according to the terms of such grant, donation or bequest."

Finally, all lands within the Cemetery precinct, whether held by the corporation at large, or conveyed in Cemetery lots to individuals, are "exempt from assessment," and "from all public taxes,"—"not liable to be sold on execution," nor "applied to the payment of debts by assignment under any insolvent law." They may be alienated by the voluntary act of the owner, but in no other way.

Such are the principal permanent provisions of the two acts of incorporation. A few words in addition will show more fully the views with which the undertaking has been thus far matured, as well as the plans contemplated for its further developement.

Of course, it is not assumed that the idea of a picturesque rural Cemetery in the vicinity of New York, is new. It is known that even before the establishment at Mount Auburn, the design of an institution somewhat similar had been suggested in more than one instance by public spirited individuals in this city, and something of the kind would doubtless have been carried into effect long before this, but for the difficulty of finding a suitable location, available, within a reasonable distance, on the Island of Manhattan.

In the years 1833 and 34, the writer being then alternately engaged in locating the Brooklyn and Jamaica Rail Road, and in making the preliminary surveys for the Croton Water Works, it became his duty, professionally, to examine the

physical character and topography of the grounds around the city, on both Islands. These surveys, although they had no reference originally to the object now contemplated, were incidentally applied to it, in a public lecture delivered about the same time, in which the subject was embraced; and the opinion was then expressed, that whenever it should be acted upon, with a proper estimate of its magnitude and importance, the hills back of Brooklyn would furnish, not only the best locality in this vicinity, but probably one of the finest in the world.

No particular action was had, or expected in consequence of this suggestion, at the time; but early in 1836 the attention of the commissioners for laying out the city of Brooklyn, was favourably drawn to the subject, and in the following year a number of philanthropic individuals of both cities—entertaining similar views, began to unite their efforts in its behalf, and it was on the wave of this movement, that the first act of incorporation was applied for and obtained.

The particular location of the Cemetery precinct was the result of a minute professional *reconnaissance* instituted soon after the passage of the first law. It embraced the entire range of hills from near Bedford, to near Yellow Hook—a distance of about four miles—was conducted with great quietness, without reference to any local or ex-parte interests, and had no object (the writer may affirm with confidence) but to ascertain the best possible location for the purpose, within these limits.*

The site of the Cemetery as now located, was the first chosen in conformity with this principle, and the better to

* Judge Hammond, one of the commissioners for laying out the city, and Mr. Henry E. Pierrepont of Brooklyn were the only persons associated with, or consulted by the writer while prosecuting these inquiries. These gentlemen were commissioners under the law, and among the most active and disinterested, in promoting its object, and to the latter particularly, the writer and the public are much indebted for his zealous and effective co-operation in the subsequent negotiations with the land proprietors.

secure the independence of the enterprise in relation to the interests alluded to, two other situations were chosen, *as alternative*, in case any obstacles should arise in the progress of the land negotiation. This expedient, generally important in the location of all public works, was the more so here as the prices of land had become unsettled since 1836, and if left to the option of the proprietors,—*without alternative*,—might have been graduated by the standard of that period, at twelve or thirteen hundred dollars per acre.

These preliminaries being settled, negotiations were commenced with the owners of land,—beginning with those on the site first mentioned—of whom about thirty were assembled in a public meeting at Brooklyn, for that purpose. To these, the nature and objects of the undertaking were explained at large, and after a free discussion of the subject in its various relations, two specific propositions were submitted for their adoption: *first*, that they should consent to sell, at a fair price, such portions of their respective premises as might fall within the Cemetery precinct;—and *secondly*, that they should concur in some equitable and impartial mode of determining what that price should be.

To the first of these propositions, a majority of those present, after some little hesitation, gave their assent, and eventually, the greater part also agreed to refer the question of price to the decision of a disinterested board of appraisers. Four persons wholly unconnected with property in that part of the city, where chosen to act under this arrangement*, and here the business of the meeting ended.

The appraisers immediately entered upon the discharge of their duties, and spent some weeks in investigating the evidences of value: a graduated schedule of all the property likely

* Cyrus P. Smith, (the present mayor of Brooklyn,) Major D. B. Douglass, Judge Hammond, (one of the commissioners for laying out the city) and Henry E. Pierrepont, Esq.

to be embraced, was then reported by them, and the average of the whole, according to the boundaries *now* defined, was seven hundred and six dollars per acre. It is true the agreements were not closed with the individual proprietors upon this estimate, nor without further and (in some instances,) very protracted negotiations; but the result of the whole was, that the average, at the time of concluding the negotiations, had been reduced, from the amount just named, to six hundred and sixty-eight dollars per acre—being thirty-eight dollars *less* than the appraisal. It should be remarked further, that this price at the time it was agreed to, was considered a cash valuation, and was to be received as such in payment for stock; after the change in the charter, however, by which the stock was extinguished, and with a view to meet the liberal footing upon which the institution was then placed, in a spirit equally liberal, a large proportion of the owners consented to take the bonds of the corporation, conditioned for payment, out of the half-proceeds of sales, (under the provisions of the new charter,) without any additional consideration on that account, and have actually completed their conveyances upon this principle.

Generally the bonds given, except for small amounts, are without any limitation of *time*, and in either case without lien upon the property itself; in a few instances only it was found impossible to purchase certain parcels, except under the incumbrance of existing mortgages, the amount of these mortgages, however, is not so great as to give any embarrassment to the enterprise: responsible parties are held under ample security to remove most of them within a short period, and the Cemetery corporation guarantee their removal, *at all events*, before Cemetery lots are conveyed on the premises alluded to.

By the 3d section of the original charter, it is provided that the purchase shall be made “with the consent of the

common council of Brooklyn, first had and obtained ;” and it is proper to state for the information of the public, that the condition of this proviso has been fully complied with. As soon as the locality of the purchase was definitively agreed upon, a memorial was addressed to the common council on this subject, and by them acted upon affirmatively, without delay and without dissent. Appendix C and D.

In the same spirit, on a subsequent occasion their concurrence was also given to an application to the Legislature, to exempt the property of the Cemetery from taxes : these and other like evidences, of a kind, fostering, and liberal spirit on the part of the municipal authorities of Brooklyn, it is pleasing to the Trustees to be able to record. Appendix G.

By the 4th section of the same charter, it is also required that the location and boundaries of the tract should be referred to the commissioners for laying out the city, under a certain act passed on the 23d of April 1835 ; to be incorporated by them, in the official city plan, and the streets and avenues terminated on the outer margin thereof ; all which has been done accordingly, and the report of the commissioners on the subject ratified and confirmed by a subsequent act of the State Legislature, passed on the 18th of February last. Appendix E.

The legal appropriation of the ground to the object and purposes for which it is designed, is now therefore complete, under all the sanctions which Legislative and Municipal enactment can give ; and the *Green-wood Cemetery* is henceforth, exclusively, and we trust inviolably set apart as a place of sepulture, sacred forever to the repose and memory of the dead.

The domain of the Cemetery, as at present defined, embraces an area of two hundred acres, situated on the undulating high ground, back of Gowanus church, at the distance of two and a half miles from the South Ferry ;

and about as far, in a right line from the southern extremity of the Battery, as from the latter to the square of Union Place.

The surface of the ground is beautifully diversified with hill and valley—descending in some places to less than twenty feet above tide-water, and in others, rising to more than two hundred. One position in particular—called by way of pre-eminence, *Mount Washington*,—is two hundred and sixteen feet high, being the most elevated ground in Kings’ county, and one of the highest points on Long Island.

With such variety of surface, the ground possesses, as may be supposed, a high degree of adaptation, as a place of sepulture either in tombs or in graves, and a variety and beauty of picturesque scenery withal, seldom to be met with in so small a compass. The views from *Mount Washington*, for example, and from other eminences of nearly equal height, embrace the entire bay and harbour of New York with its islands and forts—the cities of New York and Brooklyn, the shores of the North and East rivers, New Jersey, Staten Island, the Quarantine, an unnumbered multitude of towns and villages sprinkled over the wide expanse in every direction ; and lastly, the margin of the broad Atlantic, from Sandy Hook to a long distance beyond the Rockaway Pavilion ; nor is the picturesque interest of the interior ground in any degree less impressive, than the beauty of the external scenery.

A considerable portion of the ground is now covered with a fine old forest of native growth—the verdure and shade of which originally suggested the name of *THE GREENWOOD* :* this will of course be preserved and cultivated

* Among the various other names suggested, that of the “*Necropolis*”—(*city of the dead*)—has been recommended so strongly in a variety of friendly quarters, as to demand, in common courtesy, a statement of the reasons for not adopting it. The visible associations of the *Green-wood Cemetery* are intended to be exactly what its

with care, and in due time those parts which have been cleared off for purposes of agriculture, will also be covered with appropriate plantations of shrubbery and trees, till the whole shall have acquired a character of sylvan *still life* in harmony with the quietness and repose of the grave.

The distance from the South Ferry to the gate of the Cemetery has been stated to be $2\frac{1}{2}$ miles; should a boat be run, however, (as at no distant period, doubtless, there will be) from White Hall to the foot of Hamilton avenue, the distance from the ferry, in that case, will be less than two miles: or a ferry of $3\frac{1}{2}$ miles may be run directly from the city, to within a few hundred yards of the Cemetery, and this conveyance, probably in a few years, as funerals multiply, will be found the most convenient and least expensive of any.

It should be remarked that a large portion of the ground is in plain sight from the city, and that, consequently, telegraphic communications may be interchanged at all times, with perfect convenience and without delay.

Under all circumstances, the Trustees are not aware of any grounds, of sufficient extent, and in other respects suitable for this purpose, which could be reached from the city with equal convenience and in so little time. Probably at no season of the year, would a funeral be impeded in its movement to this Cemetery under any circumstances which

name implies,—verdure, shade, ruralness, natural beauty; every thing, in short, in contrast with the glare, set form, fixed rule and fashion of the city: but the name of the *Necropolis*,—classic as it is—is associated chiefly with ideas of the latter sort; it savours of art and classic refinement, rather than of feeling, and herein is our objection.—A *Necropolis* should be an architectural establishment, not a shady forest. Besides, a *Necropolis* is a mere depository for dead bodies—ours is a Cemetery (*Кладбище*) a place of repose;—and we cannot doubt that when its appropriate character is fully developed, the sentiment of the community will concur with us in preferring the descriptive, though less pretending name of THE GREEN-WOOD.

would not equally interrupt its passage from the central part of the city to the distance of the House of Refuge. In either case it would be necessary, in bad or inclement weather, to dismiss the funeral procession at the church, or the ferry, and convey the body to its final resting place, attended only by the immediate relatives and friends; or as the practice now is in Boston and Philadelphia, to have small Receiving Vaults, connected with some of the churches, in which coffins may be deposited under proper regulations for a limited time. These are free from any objection on the score of health, as there is little occasion to use them except in winter, and no difficulty is experienced, therefore, in keeping them always pure and wholesome. Finally, as the distance of Mount Auburn and Laurel Hill from their respective cities* is much greater than that of the Green-wood from New York, and as the distance is not felt in those cases, to be any inconvenience—it is not probable that it will ever be so regarded here.

The design for the interior arrangement of the Cemetery precinct is to intersect every part of it with convenient winding avenues and walks, and in connection with them, to lay out Cemetery lots of the proper size for family burying places. These as in Mount Auburn will contain about *three hundred* square feet—say twelve feet wide by twenty-five feet long—*within the enclosure*—which is sufficient for the erection of a family vault, or for the burial of at least three generations of an ordinary sized family, in graves. Generally, the lots will be grouped so as to admit of four lots being taken together, with some advantage to the purchaser, whenever that is preferred. And regarding the expansion of families by the formation of new branches, in a long course of years, requiring, of course, a corresponding increase of Cemetery accommodation—it is believed, that in a great majority of in-

* Mount Auburn is about four miles from Boston, and Laurel Hill about the same distance from Philadelphia.

stances, this will be deemed the true policy. To each single lot will be allowed a margin of one foot all around, for the erection of its enclosure, by which two feet will be added to each dimension of a quadruple lot, when four are taken together; making those dimensions twenty-six feet in width, by fifty-two feet in length, in the clear.

It will be seen that this plan of laying out and distributing the ground into family burying lots, is without regard, so far as the Cemetery corporation is concerned, to the interior relations of congregations and churches. It is presumed that in most cases, the pew-holders and parishioners of churches would prefer a general right of selection over the whole ground, to a more limited arrangement by parishes; but if in any instance the latter should be preferred, a right of pre-emption may be equitably secured within certain limits, without varying the general system. In this way, the members of a particular church or parish, while as lot holders they would stand in the same relation to the Cemetery corporation as others, might be locally grouped together in the choice of their lots, and make arrangements in common, for the embellishment of their particular precinct, without separating it by any party enclosure from the rest of the grounds, or holding it exempt in any respect, from the general regulations of the place.

For the internal arrangement of the grounds according to these views, and making the necessary improvements thereon, of course, no funds are available from the institution itself, in its present form, till the sale of lots is commenced; through the kind favor of some of the friends of the institution however, relying upon its ultimate success, a small amount has been advanced for these purposes in anticipation of the sales; and by this means, the grounds have been partially opened for the inspection of the public.

The professional work of surveying and laying out, was commenced during the last winter,—that of actual construc-

tion only as early as the latter part of May—since when, a small corps of laborers and gardeners have been engaged, under proper directions, in opening roads and avenues through the premises, clearing off the grounds, and trimming the shrubbery and woods. Already, about four miles of avenue have been completed in a general circuit round the grounds, and visitors begin to be attracted from the city in considerable numbers daily.

It is the desire of the Trustees to encourage these visits; at a future time, when the ground is in actual use for interment, it may be necessary to regulate them with regard to those who are not owners of lots, but in the mean time, the premises are open (except to sportsmen) without reservation, and the public are respectfully invited to visit and view them at their pleasure. The institution is fairly before the community, to be judged of in all respects according to its merits, and the fullest information on all subjects connected with it, will be frankly and cheerfully given at all times.

Simultaneously with the issuing of this pamphlet, notice is given in the city papers of the opening of books of subscription to Cemetery lots. In the early stage of proceeding, it was intended to solicit the public spirited friends and patrons of the institution, to subscribe for large numbers of lots with a view to sustain and promote its pecuniary interest; but such has been the encouragement received since the opening of the grounds, that no fears are now entertained on this point, and no one is expected to subscribe for more than he may choose to hold for *bona-fide* use. A due regard for the wants of future generations, and the golden rule of doing for *them*, as we should desire under like circumstances, our ancestors to have done for *us*, will doubtless prompt many, as above suggested, to take at least *four*, in some instances perhaps *eight* or *ten* lots each; but more than this, or such number as may be determined upon this principle, the Trustees, on their part do not urge any one to subscribe for.

The price of lots, embracing the right of selection, will be in the first instance, one hundred dollars each,* of which a fair proportion will be payable at the time of subscribing. At this rate the books will be kept open till about the 1st of November next, and then closed until all the parties then having subscribed, shall have made their selections; and the Trustees reserve to themselves the right of increasing, reasonably, the price of the lots whenever the books shall be re-opened for further subscriptions.

The proceeds of the first sales will be appropriated as far as possible (probably *more than half*) to the extinguishment of the land debt, and it is believed that the whole of this debt may be paid off without interfering with the ordinary care and improvement of the ground, in less than five years. A surplus may then be accumulated,—as ALL the proceeds are thenceforth to be expended in the preservation and embellishment of the premises,—for the erection of substantial and permanent improvements, such as inclosure and terrace-walls of masonry round the entire precinct; a porter's lodge, gate-way, and flag tower; a Chapel; one or more distinctive monuments; and eventually, without doubt, a succession of monuments commemorative of the distinguished characters and events of national history. It will be recollected that the Trustees in addition to their own resources, for these objects, are empowered under their charter, to hold and apply any endowments which may be committed to them for the erection of monuments, &c., and may become, therefore, not only a Cemetery corporation, but virtually a National Monument Association.

* This is *the same* as the present price of lots—including right of choice—in the Mount Auburn Cemetery, notwithstanding the difference in the first cost of the land; and the same also as in the Green-mount Cemetery at Baltimore. In the Laurel Hill Cemetery at Philadelphia, the lots are sold at 50 cents per square foot, or 150 dollars per lot of 300 hundred square feet.

In presenting these remarks, explanatory of the character, constitution, and objects of the Green-wood Cemetery, the Trustees have not thought it necessary, thus far, to touch upon the previous question of the necessity and importance of such an institution in the neighbourhood of these cities. It is probable that to most of our citizens, this necessity is in some degree apparent; but that it may be viewed in its true and proper light, and as it will be seen by the annexed memorials to the Legislature of the State and to the Common Council of Brooklyn, that it was *the* chief consideration in the minds of the projectors of the present enterprise, a brief notice of it will not be out of place in concluding these remarks.

The older grave yards of the city were in most instances mere parish burying grounds of very moderate extent, laid off around the different churches, at a time when the whole population of the city did not exceed a few thousand; and when no one could have anticipated the increase which has since been realized. These, of course, as the population increased, were soon found insufficient, and would long since have been filled to overflowing, and abandoned from the necessity of the case, if they had not been closed in consideration of the *health* of the city, by the Municipal authorities. At a later period, *other* grounds of somewhat greater extent, were laid out beyond the limits of the (then existing) dense population; but in an interval of time scarcely appreciable, *these* in their turn are overtaken by the increment of the city, and already surrounded and hemmed in with compact masses of buildings, so that at no distant period a further change, from the like considerations, will be equally necessary. In the mean time the whole island—generally believed to be unfavourable for such a purpose in point of soil,—has been laid out and is rapidly improving without reference to any thing of the kind, and there seems now no reason to expect that a proper area for a permanent arrange-

ment on the plan of Mount Auburn could be obtained in any part of it.

Many of the grave yards referred to,—already teeming with dead bodies,—are at the same time exposed to violation in the opening of streets, and other city improvements, having no vested security against such invasions; and the disgusting spectacles to which they give rise—not to speak of the incidental and almost necessary exhumation and exposure of the dead, in the daily use of these crowded cemeteries,—are things of common occurrence.

The population of the city has now increased to about three hundred thousand inhabitants, and the burials to nearly nine thousand per annum. Many thousand families are wholly unprovided with proper places of burial in or near the city, and are obliged at great cost and inconvenience to convey the remains of their deceased friends to their original places of residence in the neighbouring states, and some have even taken lots in Mount Auburn.

No one who duly regards the subject can fail to perceive that such a state of things, independently of all its intrinsic evils, is diametrically opposed to the formation of local attachments and local interests. One of the most sacred and enduring of human ties, is that by which the hearts of men are bound to the burial places of their departed friends; and no residence can be permanently regarded as HOME, which is not also identified, prospectively or actually, with the memory of those we love. It is the part of patriotism, therefore, as well as of humanity, to apply an effectual and speedy remedy to the evils of which we have spoken, and it is for the public to decide whether the projectors of the GREEN-WOOD CEMETERY are, or are not entitled to the merit of this consideration.

All which is respectfully submitted.
By order of the Trustees.

D. B. DOUGLASS, President.

New York, Sept. 14th, 1839.

APPENDIX

A.

FIRST MEMORIAL TO THE LEGISLATURE,

SUBMITTED JANUARY, 1838.

*To the Honorable, the Legislature of the State of New York:
The MEMORIAL of the undersigned, Inhabitants of New York
and Brooklyn, respectfully sheweth,*

THAT in the rapid extension of these cities, and among all the various improvements which of late years have been introduced therein, both as to matters of taste, and with a view to the more substantial considerations of health and comfort, no adequate provision has yet been made for an object of paramount importance in both respects—THE BURIAL OF THE DEAD.

Boston, Philadelphia, and some other cities of our country, emulating the taste of the celebrated *Pere la Chaise*, have had for some time, one or more spacious precincts set apart and properly arranged for this purpose; Mount Auburn at the former place, and Laurel Hill and the Monument Cemetery at the latter, are already flourishing Institutions, which, while they set forth the memory of the departed dead, are equally honourable to the pious benevolence and philanthropy of the living.

New York and Brooklyn, with a population of more than *three hundred thousand* inhabitants, singular as it may appear, have no corresponding arrangement, nor indeed any provision of any kind, adapted to the wants of this great and rapidly increasing community.

In an early state of these Cities, while the population was yet small, and no expectation entertained of such an increase as has since been realized, the grave yards attached to the different Churches were deemed abundantly sufficient; many of these, however, had become crowded to an inconvenient degree, when they were closed by the Municipal authority of the city, from considerations of health, and other situations chosen in lieu of them, beyond the (then exerting) limits of the dense population. But in process of time, and after the lapse of a very few years, these also have been overtaken by the increment of population, and are now in their turn surrounded and hemmed in by the encroachment of buildings, so that at no distant time a new change will become necessary, and the desecration of the present grounds follows almost as a matter of course. In the mean time the whole Island has been laid out, and is every where rapidly improving without reference to this object, and there seems now no reason to expect that a situation suitable in point of soil, and of sufficient extent for a permanent arrangement, could be obtained in any part of it, and such is the apprehension on this subject, that many of our citizens send the bodies of their deceased friends to remote country places in New York

and New England, for sepulture; and several have taken lots in the Cemetery at Mount Auburn.

Your memorialists have therefore been induced to look to the vicinity of Brooklyn as the only place within a moderate distance of both cities, where such a design could be carried out, upon a scale commensurate with its importance, and with the assurance of its being preserved for any length of time, inviolate.

They urge the subject the more especially upon the attention of your honorable bodies, as it is understood that the city of Brooklyn is now also in the hands of Commissioners, about to be laid out under a law of the State; that this laying out is already nearly completed, and will be entirely matured and recorded in the course of the ensuing season, and if so completed without reference to the objects which your memorialists have in view, it will be very difficult if not impossible ever to accomplish them hereafter.

With these sentiments, your memorialists respectfully offer for the consideration of your honorable body, the annexed bill, containing the smallest amount of Corporate power, with the other provisions necessary for carrying out the objects contemplated.

And as in duty bound will ever pray, &c.

B.

AN ACT TO INCORPORATE THE GREEN-WOOD CEMETERY.

PASSED APRIL 18, 1838.

[Repealed so far as regards the joint Stock principle—by Act of Ap. 11, 1839.]
The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All persons who shall become Stockholders pursuant to this Act, are hereby constituted a body Corporate, by the name of "The Greenwood Cemetery," for the purpose of establishing a Public Burial Ground in the City of Brooklyn.

SEC. 2. The Capital Stock of the said Corporation shall be three hundred thousand dollars, which shall be divided into shares of one hundred dollars each, and shall be deemed personal property, and be transferable on the books of the Corporation in such manner as the said Corporation shall by its by-laws direct.

SEC. 3. The said Corporation may, by and with the consent of the Mayor and Common Council of the City of Brooklyn, first had and obtained, acquire, take and hold a lot or tract of land within the City of Brooklyn, not exceeding two hundred acres, and may sell or otherwise dispose of such land, to be used exclusively as a Cemetery, or place for the burial of the dead; but all monies 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 acquired by the said Corporation, and the residue thereof, together with at least one half of the monies obtained for such sales of the

said lots or plats, shall be applied to improving or embellishing such land as a Cemetery or Burial Ground.

SEC. 4. The Commissioners appointed under and by virtue of an Act, entitled "An Act authorizing the appointment of Commissioners to lay out streets, avenues and squares in the City of Brooklyn," passed April 23, 1835, are hereby authorized to designate on the map of the said City in and by the said Act directed to be made and filed by said Commissioners, the lot or tract of land so acquired by the said Corporation, and to terminate any or all of the streets or avenues, at the outer boundaries thereof.

SEC. 5. The real estate of the said Corporation, and the said lots or plats, when conveyed by said Corporation to individual proprietors, shall be exempt from assessment, and not liable to be sold on Execution, or to be applied to the payment of debts by assignment under any insolvent law.

SEC. 6. Samuel Ward, John P. Stagg, Charles King, D. B. Douglass, Russell Stebbins, Joseph A. Perry, Henry E. Pierrepont, and Pliny Freeman, shall be Commissioners to receive subscriptions for the said Capital Stock. They shall appoint a day and place in the Cities of New York and Brooklyn, or either, to receive the same. They shall prescribe the form and rules of said subscriptions, and cause at least fifteen days notice thereof, to be given in one or more of the newspapers printed in the said cities respectively, and at such time and place receive subscriptions therefor. And also, in case more than the whole amount is subscribed, they shall have power to apportion the stock as they shall think proper, among the said subscribers. And also, in case the whole stock is not then subscribed, to receive subscriptions therefor, until the whole is taken; and when thirty thousand dollars of said Capital Stock shall have been paid in, said Commissioners shall give a like notice for a meeting of the Stockholders at such time and place as the said Commissioners shall appoint, to choose from among the said Stockholders, fifteen Directors. And such election shall be then and there made by such of the Stockholders as shall attend for that purpose, either in person or by lawful proxy, each share of the Capital Stock entitling a Stockholder to one vote. And the said Commissioners, or any three of them, shall be Inspectors of the first Election of Directors of the said Corporation, and shall certify under their hands the names of those duly elected, and deliver over the subscription books, monies and property of said Corporation to the said Directors. The Directors first chosen, shall fix upon the time and place of holding the first meeting of the Directors. A new election of Directors, being Stockholders, shall be made annually, at such time and place as the Board of Directors shall appoint.

SEC. 7. It shall be lawful for the Directors, or a majority of them, to require payments of the sums to be subscribed to the Capital Stock, at such times, and in such payments, and on such conditions, as they, or a majority of them shall deem fit, under the penalty of the forfeiture of all previous payments thereon, and shall give notice of the payments thus required, and of the place and time when the same are to be paid, at least thirty days previous to the payment of the same, in at least two public newspapers, one published in the said city of New York, and one in the said city of Brooklyn.

SEC. 8. The said Corporation shall possess the powers, and be subject to the provisions contained in Chapter Eighteenth of the first part of the Revised Statutes.

SEC. 9. This Act shall take effect immediately.

STATE OF NEW YORK,
SECRETARY'S OFFICE.

I have compared the preceding with on original Act of the Legislature of this State, on file in this office, and do certify that the same is a correct transcript therefrom, and of the whole of said original.

ARCH'D CAMPBELL, *Dep. Secretary.*

Albany, April 25, 1838.

C.

MEMORIAL TO THE COMMON COUNCIL OF BROOKLYN.

To the Honorable, the Mayor and Common Council of the City of Brooklyn: The MEMORIAL of the undersigned, citizens of New York and Brooklyn, respectfully sheweth,

THAT at the late session of the Legislature of this State, an Act was passed incorporating a certain Company by the name of "The Greenwood Cemetery," with power to purchase, "with the consent of the Common Council of Brooklyn, first had and obtained," a tract of two hundred acres of land in said city, and to lay out, improve and embellish the same in a permanent and tasteful manner, as a Rural Burying Ground.

And your Memorialists further represent, that Samuel Ward, Russell Stebbins, Jno. P. Stagg, Charles King, A. G. Hammond, and others, with the undersigned, are Commissioners for organizing said Company, and that since the passage of the Act, certain of their number, unconnected with any local interests, have been engaged in exploring the outer wards of the city, with a view to determine the most fit and proper location for the said Cemetery. That after the most mature and careful examination, it is reported—and in this report the undersigned fully concur—that a location of extraordinary beauty and capability, and in their opinion superior to any other within the city bounds, may be found on the summits of the Gowanus Hills, in the 8th Ward of the city, within a district bordering upon the city line, and limited on other sides as follows, that is to say, northerly by 18th street, southerly by 34th street, and westerly by a line mid-way between the 5th and 6th Avenues.

The views by which your Memorialists have been induced to act in this matter, and which they respectfully beg leave to urge upon the attention of your honorable bodies, may be stated as follows, viz: In the two great communities of New York and Brooklyn, comprising at this time a population of at least three hundred thousand inhabitants, no adequate provision has yet been made in the local arrangements of either place, for the burial of the dead. The whole island of New York has been laid out without reference to it, and the ancient burial places of that city, however appropriate they may have

been at the time of their location, would now be wholly inadequate, even if they had not been closed as a measure of health police, by the authority of the city; while those more recently chosen in situations comparatively remote are already overtaken and hemmed in by the dense population, and must soon become in like manner, either insufficient or unavailable.

The remarks will undoubtedly apply to the older burying grounds in the city of Brooklyn, and such is the uncertainty in the minds of a large portion of our community, that the remains of deceased friends are constantly being sent at great cost and inconvenience to remote places in the country, and several of our citizens have even purchased lots in the Cemetery of Mount Auburn.

The evil has become one of great and urgent solicitude, inasmuch as there are estimated to be not less than eight or ten thousand families in New York and Brooklyn, who are either unprovided, or very imperfectly provided with any safe and appropriate place for the disposal of their dead, and this number is said to be daily increasing.

Your honors will not fail to perceive that this circumstance must greatly impede the formation of local attachments and local interests. No tie is more strong than that by which the hearts of men are bound to the burial places of their departed friends, and it is the part of patriotism therefore as well as of humanity, to make liberal provision for this imperative want in a place where nearly nine thousand burials take place per annum.

Other cities have been more attentive to this consideration: Boston is justly proud of its Mount Auburn; Philadelphia not less so of its Laurel Hill; Baltimore has recently laid out a princely domain for the same purpose, and who has not heard of the celebrated Cemetery of *Pere la Chaise*?

Your Memorialists believe that the location to which they have referred, in the variety and beauty of its picturesque scenery, and in its capabilities for picturesque improvement, is at least equal, if not superior to any spot similarly appropriated, in the world; and they doubt not if it should be set apart and properly improved for this purpose, it will soon become one of the most interesting objects of taste and feeling in this vicinity.

With these sentiments, they respectfully move your honors to give the consent of the Common Council, as required by the Act.

And as in duty bound, &c., &c.

D. B. DOUGLASS,
H. E. PIERREPONT,
R. STEBBINS.

Brooklyn, 6th of August, 1838.

D.

Extract from the minutes of the Common Council of Brooklyn, meeting August 6th, 1838—certified by Theodore Eames, Clerk.

"The petition of D. B. Douglass and others, Commissioners of the Greenwood Cemetery, for the consent of the Common Council

to locate their Cemetery, was presented and read by Alderman Perry. After some deliberation on the subject, the following resolution was offered by Alderman Perry, viz: Resolved, That the prayer of the Memorialists be granted; and that the Commissioners of the Green-wood Cemetery be hereby authorized to purchase and lay out for the purposes of a Cemetery, the ground required for such purposes, not exceeding two hundred acres, within the limits designated in the memorial. On motion, it was voted, that the above resolution be adopted, and that the memorial and the resolution appended, be printed at the expense of the Common Council."

E.

Extract from the Official Report of the Commissioners for laying out the City of Brooklyn, under an Act passed 23d of April, 1835.

"Green-wood Cemetery is laid out in compliance with a law passed at the last session of the Legislature of this State, incorporating the Green-wood Cemetery Company, and is bounded as follows: beginning at the intersection of 21st street and the 10th Avenue, at the south-westerly corner of the same; thence running westerly, along the south side of 21st street to a point 100 feet west of the 7th Avenue; thence southerly, in a line parallel to the 7th Avenue, to a point 100 feet southerly of 23d street; thence westerly, in a line parallel to 23d street, to a point 300 feet westerly of the 7th Avenue; thence southerly, in a line parallel to the 7th Avenue, to the westerly side of 25th street; thence westerly, along the southerly side of 25th street, to a point mid-way between the 5th and 6th Avenues; thence southerly, in a line parallel to those Avenues, to a point 100 feet southerly of 33d street; thence parallel to 33d street, easterly to 7th Avenue; thence northerly, along the westerly side of the 7th Avenue 260 feet, to a point mid-way between 32d and 33d streets; thence easterly, on a line parallel to those streets, to the boundary of the city; thence along said city boundary northerly, to the 10th Avenue; and thence along the westerly side of the 10th Avenue, to the place of beginning. And all streets and Avenues which have been described as running through the above ground, are to terminate at its line with the exception of Hammond Avenue.

Signed,

A. G. HAMMOND, }
S. CHEEVER, } State
J. TIFFANY, } Commissioners.

F.

To the Honourable, the Senate and House of Representatives of the State of New York: The MEMORIAL of the undersigned, a Committee of the Directors of the Green-wood Cemetery Company, and in behalf of said Company, respectfully sheweth,

THAT in pursuance of a Law passed at the last session of the Legislature, to wit: On the 18th day of April 1838, a Joint Stock

Company has been formed, and organized, under the above title, for the purpose of laying out and constructing, on the most approved plan, a Rural Cemetery in the city of Brooklyn.—That after mature deliberation, and with the consent of the Common Council duly obtained, its location has been fixed, and a tract of *two hundred* acres of land secured in a very eligible situation in the 8th ward of said city, the boundaries of which have been designated on the city map, under the authority of the commissioners: and measures are already in progress for improving and embellishing it, in conformity with the design and purpose for which the company was incorporated.

In the progress of these incipient steps, however, and with a view to the complete success of an undertaking in which one of the highest interests of humanity is intended to be subserved, the undersigned have become aware of the importance of certain legal provisions which were not contemplated in the original act of incorporation, and which they now beg leave most respectfully to submit to the consideration of the Honorable, the Legislature.

In the first place, the principle of a *Joint Stock Company*, involving, as it necessarily does, the idea of private and individual profit, and in the present instance, the conflicting interests of lot-holders and stock-holders in the premises, appears *not* in harmony with an undertaking which, in its nature and aim is eminently and essentially philanthropic. Your memorialists were not *wholly unaware* of this consideration in drawing up their original act, but they were also under an impression that their object could *not* be accomplished in any other way. This they have since discovered to be an error, and as the stockholders are willing to relinquish their stock upon equitable principles, the undersigned, in behalf of the Board of Directors, respectfully ask leave to receive and cancel it, and to manage the concern thenceforth as an Incorporated Trust. The conflicting interests alluded to will thus be done away—the undertaking in all respects placed upon a more proper footing, and the unqualified confidence of the community insured to an institution, from which even the *appearance* of individual profit is entirely excluded.

In moving this amendment, your memorialists are also instructed to request that your Honorable Bodies will be pleased to confer such additional powers for the preservation of the grounds, and for the protection of the tombs, monuments, graves, and shrubbery therein, as have been found necessary in other similar undertakings elsewhere. And finally as the Cemetery under these several provisions, will become purely and exclusively a *benevolent* institution, and as it is of the utmost importance that the public mind should be assured of the inviolability of the premises in every possible event, even against legal process, we trust your Honors will perceive the reasonableness of exempting them from taxation.

In presenting these several points to the attention of an enlightened Legislature, your memorialists cannot feel it necessary to accompany them with any new arguments of a general nature, on the subject to which they relate. In all ages, and in every country, even barbarous tribes acknowledge, by elaborate funeral rites, and in many other ways, the duty of the living to honor and protect the remains and memory of the dead. In the city of New York, the

performance of this duty has been attended with peculiar difficulties; extraordinary means are necessary—Legislative aid, therefore, indispensable,—and in seeking that aid, respectfully, at the hands of your Honorable Bodies, the undersigned entertain no fear that their application will be unheeded.

And as in duty bound, &c., &c.

D. B. DOUGLASS,
HENRY E. PIERREPONT,
And others, Committee.

G.

*Extract from the Minutes of the Common Council of Brooklyn,—
meeting March 11th, 1839.*

The subject of the Green-wood Cemetery was brought forward by his honor the Mayor, who stated that the bill now before the Legislature of this State, for the incorporation of that association, contained a provision exempting the Cemetery from taxation, and that our representatives in the Legislature wished for an expression of the views and wishes of the Common Council, on that subject.

After full consideration, alderman Underhill offered the following resolution, which on motion, was adopted by a vote of the Board, viz: "Resolved, that the tract of land known by the name of the Green-wood Cemetery, in the opinion of this Common Council, should be exempted from taxation so long as it is used as a place of burial."

I hereby certify, that the foregoing extract included within the marks of quotation, is copied from the minutes of the Common Council of the city of Brooklyn.

THEODORE EAMES, Clerk.

Dated the 10th day of Sept., 1839.

II.

AN ACT TO ALTER AND AMEND "AN ACT TO INCORPORATE THE GREEN-WOOD CEMETERY."

PASSED APRIL 11, 1839.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be lawful for the stockholders of the said "The Green-wood Cemetery," to surrender and extinguish their stock in such manner as the board of directors shall prescribe; and all persons who are and hereafter shall become proprietors of lots or parcels of ground conveyed to them by the said corporation, shall become members of the said body corporate.

SEC. 2. The estate, property and affairs of the said corporation shall be managed by fifteen trustees, a majority of whom shall constitute a quorum capable of doing business. The persons now constituting the board of directors, shall be the first trustees, and shall, as soon as may be after the passage of this act, organize themselves into three equal classes. The first class, so organized, shall go out of office, and successors, being lot proprietors, be chosen on the first Monday of December, one thousand, eight hundred and forty; the second, in like manner, on the first Monday of December, one thousand eight hundred and forty-two; and the third, in like manner, on the first Monday of December, one thousand eight hundred and forty-four; and thenceforward, biennially, one class, in order, shall go out of office, and successors, being lot proprietors, be chosen; provided, that the members of the several classes shall be re-eligible and retain their stations until their successors are chosen. Notice of such elections shall be given in one or more newspapers published in the cities of New York or Brooklyn, at least fourteen days previous to the time of holding the same. The election shall be by ballot, and every proprietor of a lot or parcel of ground of a size not less than three hundred square feet, or if there be more than one proprietor of any such lot or parcel, then such one as the proprietors of such original lot for the time being, or a majority of them, shall designate to represent such lot or parcel at such election, shall have, either in person or by proxy, one vote for each such lot or parcel; and the five persons, being lot proprietors, having a majority of all the votes given at such election, shall be declared duly elected trustees. The trustees of the said corporation shall hereafter, in all cases, be chosen from among the lot proprietors, and shall have power to fill any vacancy in their number that may occur during the period for which they hold their office.

SEC. 3. An annual meeting of the said corporation shall be held at such time and place as the by-laws shall direct; notice whereof shall be given in like manner above mentioned, seven days at least before the time of meeting. The trustees shall make report to the corporation at such annual meeting, of their doings, and of the management and condition and fiscal concerns of the corporation.

SEC. 4. All lots or parcels of ground when conveyed and designated and numbered as lots by the said corporation, shall be indivisible, but may afterwards be held and owned in undivided shares; one half at least of the proceeds of all sales made by the said corporation, shall be first applied to the payment of the purchase money of the land acquired by the said corporation, and the residue thereof shall be applied to preserving, improving and embellishing the said land as a cemetery or burial ground, and to the incidental expenses of the cemetery establishment; and after payment of such purchase money, the proceeds of all future sales shall be applied to the preservation, improvement and embellishment of the said cemetery and incidental expenses thereof, and to no other purpose whatsoever.

SEC. 5. Any person who shall wilfully destroy, mutilate, deface, injure or remove, any tomb, monument, or 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 or grave stone, or other structure aforesaid, or of any

cemetery lot within the cemetery aforesaid; or shall wilfully destroy, cut, break, or injure any tree, shrub, or plant, within the limits of the said cemetery, shall be deemed guilty of a misdemeanor, and shall upon conviction thereof before any justice of the peace, or other court of competent jurisdiction within the county of Kings, be punished by a fine not less than five dollars, nor more than fifty dollars, according to the nature and aggravation of the offence; and such offender shall also be liable, in an action of trespass to be brought against him in any court of competent jurisdiction, in the name of the said corporation, to pay all such damages as shall have been occasioned by his unlawful act or acts; which money, when recovered, shall be applied by the said corporation, under the direction of the board of trustees, to the reparation and restoration of the property destroyed or injured as above; and members of the said corporation shall be competent witnesses in such suits.

SEC. 6. 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 trustees, 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, or 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 terms of such grant, donation, or bequest.

SEC. 7. The said cemetery shall be and hereby is declared exempted from all public taxes, so long as the same shall remain dedicated to the purposes of a cemetery.

SEC. 8. Every provision in the charter hereby altered and amended, which is inconsistent with the provisions of this act, is hereby repealed.

STATE OF NEW YORK, }
SECRETARY'S OFFICE.

I have compared the preceding printed copy with an original law of this State deposited in this office, and do certify that the same is a correct transcript therefrom, and of the whole of said originals (Sec. 2, line 2, the words "a majority"—line 19, the words "proprietors of such original lot for the time being, or a majority of them" being interlined and the words "Board of Trustees for the time being," obliterated, and at line 2 "five" obliterated—Section 5, line 6, the word "remove" obliterated.)

JOHN C. SPENCER,

Secretary of State.

Albany, April 12th, 1839.

TERMS OF SUBSCRIPTION

TO CEMETERY LOTS IN THE GREEN-WOOD CEMETERY,

AT THE

First opening of the Books, commencing Sept. 23, 1839.

1. Each single Lot having a clear area of 300 square feet, with a margin of one foot, additional, all round, for the erection of its enclosure, shall be valued at one hundred dollars, which is to cover the privilege of selection, according to the rule hereinafter laid down, and all incidental expenses anterior to the delivery of the deed, and Lots of fractional dimensions greater than 300 feet, shall be charged at the same rate in proportion.

2. Quadruple Lots shall consist of four single Lots laid out in a regular quadrangle, with their margins included, or of an equivalent area in some other way—the contiguous margins of the Lots being always considered as part in common with the Lots to which they belong, and so included in the enclosure. Every person subscribing for four Lots, may at his option, take a quadruple Lot so laid out.

3. The premises shall be opened and prepared for the selection of Lots on the first of November, or as soon thereafter as circumstances permit, of which public notice shall be given, and thereafter the Books of Subscription shall be closed until all the parties then having subscribed shall have selected their Lots on the ground.

4. The precedence of choice shall be regulated among the subscribers by Lot (Lottery), in the drawing of which

each individual Burial Lot subscribed for, whether singly or in a group, shall have one chance. But subscribers to more than one Lot, intended for *bona-fide* use, shall have the privilege of locating the whole number contiguously to that first chosen, or in such connexion with it as shall be consistent with the general plan of laying out.

5. The Trustees shall regulate the days of location, and the number of subscribers who may select their Lots on each day, and if any one shall neglect to choose in his turn on the day appointed for him, his choice shall be postponed to the next following location day.

6. Ten per cent. of the purchase money on all Lots subscribed shall be paid at the time of subscribing, and the remainder at the closing of the Books, or in such instalments thereafter as the Trustees may appoint.

7. Whenever a Lot or group of Lots shall have been selected and registered, the owner thereof, upon payment of the purchase money in full, may immediately enter upon, and occupy the same as a Family Burying Place, and within thirty days thereafter, the Trustees shall deliver to him under their charter, a good and sufficient title deed for said Lot or Lots.

8. The Burial Lots are to be held generally under the same conditions and limitations as those of the Mount Auburn Cemetery at Boston, an abstract of which is hereunto annexed, in addition to which the Trustees are empowered to make such rules, regulations and by-laws for the government of the Cemetery as from time to time may be necessary, and nothing contained in this Caption or in the Deed of Conveyance shall be held to take from them this power.

ABSTRACT OF THE CONDITIONS AND LIMITATIONS

REFERRED TO IN THE FOREGOING ARTICLE.

I. The Lots shall be held in pursuance of "An Act to incorporate the Green-wood Cemetery," passed April 18, 1838, and an Act for amending the same, passed April 11, 1839, and shall not be used for any other purpose than as a place of burial for the dead.

II. The proprietor of each Lot shall have a right to enclose the same with a wall or fence not exceeding one foot in thickness, to be placed on the margin allowed for that purpose; but the Trustees request that all such railings should be light, neat and symmetrical.

III. The proprietor of the said Lot shall also have the right to erect any proper stones, monuments, or sepulchral structures thereon (except that no slab shall be set in any other than a horizontal position.) and to cultivate trees, shrubs, and plants in the same; but no tree growing within the Lot or border shall be cut down or destroyed, without the consent of the Trustees.

IV. The proprietor of the said Lot shall keep in repair at his, or her own expense, the land marks of the same, which shall be erected by the Cemetery Corporation.

V. If any trees or shrubs situated in said Lot, shall by means of their roots, branches or otherwise, become detrimental to the adjacent lots or avenues, or dangerous or inconvenient to passengers, it shall be the duty of the said Trustees for the time being, and they shall have the right, to enter the said lot and remove the said trees and shrubs or parts thereof, as are thus detrimental, dangerous or inconvenient.

VI. If any monument or effigy or any structure whatever, or any inscription be placed in or upon the said Lot, which shall be determined by the major part of the Trustees for the time being to be offensive or improper, the said Trustees or a major part of them, shall have the right, and it shall be their duty to enter upon such Lot and remove the said offensive or improper object or objects.

VII. The proprietors of Lots and their families shall be allowed access to the grounds at all times, observing the rules which may be adopted and published for the regulation of visitors.

We, the subscribers, do hereby severally agree to take in the Green-wood Cemetery, the number of Cemetery Lots written opposite our names respectively, in conformity with the foregoing terms and conditions.

Witness our hands, New York, September 23, 1839.



