

HISTORY

—OF—

MT. HOPE CEMETERY,

BANGOR, MAINE,

BY

ALBERT W. PAINE,

COUNSELOR AT LAW,

BANGOR, ME.

1907.

BANGOR, MAINE.
O. F. KNOWLES & CO., PRINTERS,
1907

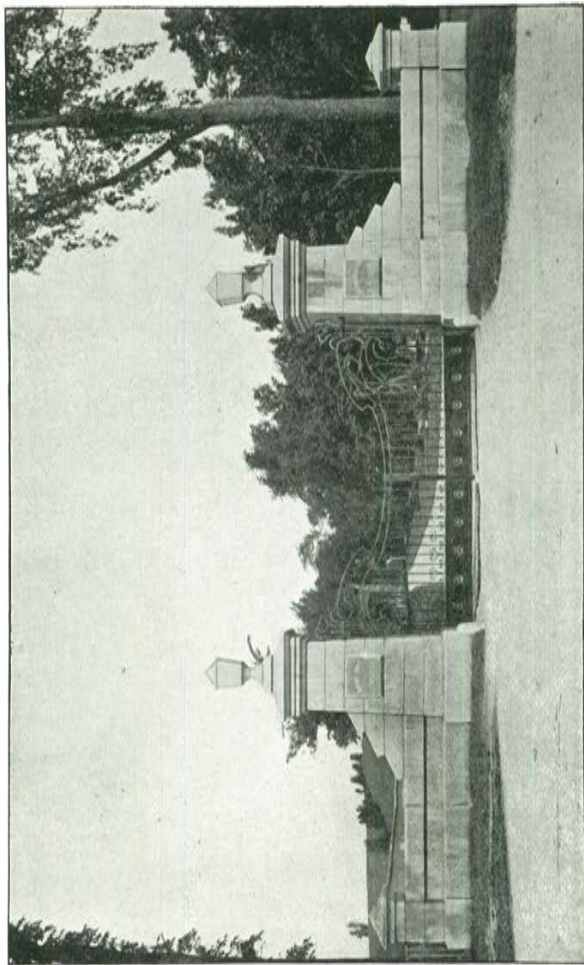
PREFACE.

Coeval with the existence of Bangor as a City in 1834, or about that time, the prevailing sentiment of its citizens strongly favored the selection of new cemetery grounds for the burial of its dead. This sentiment having been successful in the establishment of Mt. Hope Cemetery as the result, many thousands of its citizens have since found there a resting place for their bodies, including the largest portion of those then alive, besides thousands of others since born or otherwise become inhabitants of the city. The history of the Cemetery has thus become one of great interest to the people generally, and the duty would seem to be imposed upon some one to see that the work of compiling such history should be performed, not only for the present inhabitants, but for

those who may succeed the present during the long ages of the future.

The undersigned having been one of the very few, now alive, who were present at the dedication of the Cemetery, and for a half century since having been continuously entrusted, as Treasurer, with the collection and disbursement of its funds, and having had a prominent part to perform in the purchase of its premises and in the sale and conveyances of its very numerous lots, which have, during all such half century, been disposed of to citizens and others, the work thus alluded to would seem to be very appropriately chargeable to him. Freely accepting the call, he respectfully submits the following report.

ALBERT W. PAINE.



WEST GATEWAY.

CHAPTER I

ORIGINAL HISTORY OF CEMETERY

Mt. Hope Cemetery (as the term is familiarly known) embraces two distinct organizations and premises, the one including the territory belonging to the City and devoted to the use of the City or public generally, while the other is limited to that of members of the Cemetery corporation. The two however are so intimately connected by adjoining lots, and in many respects subject to the same general supervision and relationship, their respective histories may very naturally be regarded as one, although in the following compend, the two will necessarily be respectively distinguished from each other.

The grounds are located on the west bank of Penobscot river, about two miles north-

easterly from Kenduskeag stream and Post Office and collectively embrace or include the almost entirely three lots of one hundred acres, each known as lots number twenty-seven, twenty-eight and twenty-nine and a small part of twenty-six, of Park Holland survey, the survey being the original allotment of a part of the township, made under the direction of the Government of Massachusetts, for the convenience of its early inhabitants. The plan of the survey, as afterward extended, so as to embrace the subsequent purchase made by Benjamin Bussey, may be found recorded in Penobscot County Registry of Deeds, Plan Book 2, page 4.

The grounds thus dedicated to the use of the Cemeteries respectively are well accommodated in the matter of travel or communication by two public streets known respectively as State street and Mt. Hope avenue, as also by the Maine Central Railroad and by the trolley or electric cars, both of which have tracks across the premises on the bank of the river, a depot building being especially constructed

near the gateway for the accommodation of such as propose to pass to or from the grounds. Telephone conveniences also exist, in connection with the "Lodge" or resting place, for visitors and other uses.

HISTORY OF PREVIOUS BURIAL LOTS.

With these preliminary remarks the following history of the several Burial Lots, for which the present Cemetery serves as a substitute, is respectfully submitted as gathered from various sources, including county, city and corporation records and personal information, experiences and recollection.

Early in the history of Bangor, as the writer was long ago informed by one of its old citizens, a burial lot existed on Thomas' Hill near the present junction of Highland avenue and Highland street. It was soon afterwards abandoned and two other burial lots substituted in its place, one on each side of Kenduskeag stream, across which there was then no bridge. One of the lots thus selected was that

now occupied by the Y. M. C. A. building and the southerly end of Court street on the north side of Hammond street, being the same purchased by the town from Joseph Leavitt, by deed bearing date Oct. 2, 1817, and recorded in Book 3, page 422. The other lot was that afterwards partly occupied by the Hinckley and Egery Iron Foundry and now by the Union Iron Works, on Oak street.

With reference to said lot on Hammond street, as once a burial lot, few of our citizens are probably aware of the fact, so well remembered by the writer, that when, about seventy years ago, Court street was finished by its extension to Hammond street, the premises consisted of a high hill, being an extension of the present hill, west of the Y. M. C. A. building, almost to the Court House, and that adjacent to said hill on the north was a deep valley, on a part of which now stands the Armory or old City Hall building ; that in order to complete the work of finishing the street, as it now exists, it became necessary to dump the hill into the valley adjoining, on which oc-

casion many human remains were also carelessly dumped with the soil, until the fact became known to the public, one evening, by the exhibit of a coffin protruding from the premises. It is needless to add the fact that no further carelessness of this kind took place, but that all human remains afterward presented, were properly disposed of.

Both of these lots aforesaid, were early abandoned and in place thereof the lot on Main street, recently conveyed to Maine Central Railroad Co. as a part of its depot ground, extending from the street to the river, was substituted in their place, the same having been purchased by the town from William Emerson, and Wiggins Hill, by deeds dated Dec. 11, 1823, and recorded in Book 9, pages 531 and 532 of Penobscot Registry of Deeds. That portion of the premises adjoining the river was early sold to the Railroad Co. as its depot grounds, and the remainder, after the selection of Mt. Hope premises, and the removal and reburial of the numerous bodies principally there, was also thus disposed of.

A very general dissatisfaction existing among the citizens respecting the subject, followed by a corresponding general discussion, the result was soon arrived at, that a new selection should be made and the present locality of Mt. Hope Cemetery was very generally favored.

The premises thus favored were then owned by Gen. Joseph Treat, a prominent citizen of Bangor, he being the owner of the whole lot No. 27, containing one hundred acres, extending from the river northerly one mile. The premises were too expensive for the town to purchase and the grave question was presented for discussion and decision, how the desired object should be effected. The particular locality, or portion of the whole lot thus favored, was limited to the hill, embracing all that part of the lot from the foot of the hill on the south or front side, over the hill to the brook on the north side, containing about twelve acres, as serious doubts were generally entertained whether the "Garden Lot," between the hill and the road, would be found suitable for burial purposes.

After a very general discussion of the subject and careful consideration among the leading citizens of the city, an agreement was finally concluded upon, of which the following is a copy, bearing date the twenty-third day of April, A. D. 1834, it being understood that Mr. Treat should receive \$3500, for the conveyance. A subscription paper having been circulated to ascertain the real sentiment of the people on the subject, only \$3050 was subscribed. Thereupon Mr. Treat assented to become a subscriber for the balance remaining, he becoming then and afterwards the holder of seven shares or \$700, with right to dividends and vote accordingly.

COPY OF AGREEMENT.

“Whereas John Barstow, of Bangor, proposes to purchase of Gen. Joseph Treat a part of lot No. 27, to wit, fifty acres of the same, and proposes to appropriate a portion of same to the purposes of Horticulture, and another portion thereof to that of a Cemetery, according to a plan of the same drawn by Charles G. Bryant, of said Bangor.

Therefore we, the undersigned, in order to enable the said Barstow to make the purchase, generally agree to take the number of shares affixed to our respective names at one hundred dollars a share, on the following conditions, viz: Said Cemetery grounds, as laid out by said plan to the brook, (where it comes to it) to be divided into thirty-five shares and to be the property of the owners of shares as a corporate body, under the act of incorporation passed last winter, entitled "An act to incorporate the Bangor Horticultural Society," and to be regulated and controlled by the vote of said Society, and according to such By-Laws as said Society may establish. The remainder of said fifty acres to be the property of said Barstow. And the part designated on said plan for the Garden is to be forever used as such by said Barstow, his executors, administrators, heirs and assigns, reserving to said Barstow the right to erect on the same what buildings he may want for his private accommodation, as a place of residence for himself and family, and said Barstow is to throw out

for a public street forever, a street fifty feet wide on the west side of said lot from the county road to the brook, according to the plan, and fence the same with a good fence, and set out a good thorn hedge on each side of said street, and maintain said fence and hedge on the side next to the garden and Cemetery forever.

The deed of said Cemetery and Garden lot to be taken direct from said Treat to the said Corporation, and the Corporation then to give a deed of the Garden lot to said Barstow, to be used by him, his heirs and assigns for the purpose of Horticulture as above expressed, provided no subscriber shall be holden till the thirty-five shares are filled. It is also further understood and agreed that said Barstow, his heirs and assigns, are to set out and forever maintain and support a thorn hedge fence around the whole exterior of said Cemetery so far as it adjoins the premises herein described, and that the front or bank and shore of the river are to be occupied so as not obstruct a passage covering the whole width of the lot,

conveyed by said Treat, to the water. Said Treat to have the benefit of the shore below the bank during his life if he wishes it."

Bangor, 23 April, 1834.

GEORGE W. PICKERING,	JAMES B. FISKE,
AMOS PATTEN,	J. R. LUMBERT,
THOMAS F. HATCH,	NORCROSS & MASON,
A. G. JEWETT,	NATHANIEL HARLOW,
JOSEPH TREAT,	JOHN A. FRENCH,
EDWARD KENT,	ABNER TAYLOR,
JOHN WILKINS,	JOHN C. DEXTER,
W. T. & H. PIERCE,	THOMAS DREW,
PHILIP COOMBS,	MARK TRAFTON,
SAMUEL P. DUTTON,	CHARLES H. HAMMOND,
SAMUEL SMITH,	L. & C. DWINEL,
WARREN PRESTON,	CHARLES HAYES,
WARREN & BROWN,	ASA DAVIS,
JAMES CROSBY,	SAMUEL THATCHER, JR.,
SAMUEL J. FOSTER,	AMOS DAVIS.
THOMAS A. HILL,	

Each signing for one share for one hundred dollars, except Asa Davis, who subscribed for fifty dollars.

Calvin Dwinel was the last survivor of the list, he having died August 1, 1887.

CHAPTER II

ORIGINAL INCORPORATION.

Soon after the foregoing agreement was executed, in July, 1834, the following petition for incorporation was presented :

To Jonas Cutting, Esq., a Justice of the Peace within and for the County of Penobscot.

The undersigned represent that they are desirous of incorporating themselves as a Body Politic for the purpose of purchasing land for a burying ground and making and repairing the fences enclosing the same, and they hereby apply to you to issue your warrant to one of us directing him to notify the subscribers personally to meet at some suitable place for the purpose of incorporating themselves as a Body

Politie as aforesaid, and choosing officers at some time, at least seven days after such notice shall be given. July, 1834.

J. MASON,	AMOS PATTEN,
JOHN A. FRENCH,	SAMUEL THATCHER, JR.
S. J. FOSTER,	THOMAS JENNESS,
JAMES CROSBY,	NORCROSS & MASON,
CHARLES HAYES,	AMOS DAVIS,
NATHANIEL HARLOW,	EDWARD KENT,
HENRY DUTTON,	JOHN BARSTOW,
CALVIN D'VINEL,	SAMUEL SMITH,
WARREN & BROWN,	THOMAS F. HATCH,
LUMBERT & FISHER,	W. T. & H. PIERCE,
ABNER TAYLOR,	JOSEPH TREAT,
THOMAS A. HILL,	WARREN PRESTON,
GEORGE W. PICKERING,	MARK TRAFTON,
JOHN C. DEXTER,	CHARLES H. HAMMOND,
JAMES B. FISKE,	JOHN WILKINS,
PHILIP COOMBS,	ASA DAVIS.

The proposed incorporation thus petitioned for was in place of the Horticultural Society already described, that society never having been organized and many of the members or signers of the agreement being the same as those who petitioned as aforesaid for incorporation.

Notice having been given, a meeting of the petitioners took place on Sept. 24, 1834, and an organization at once effected, Edward Kent being moderator and John Barstow clerk, he being also appointed as a committee to report a system of By-Laws at the adjourned meeting to be held on Sept. 26, 1834.

At the adjourned meeting, a code of By-Laws was adopted providing for the Corporation the name of "Mount Hope Cemetery Corporation," and other provisions such as are usual in such cases, the following being also adopted :

"The duty of the Executive Committee to make the necessary arrangements to carry into effect the intentions of the Proprietors in the purchase of a tract of land of Joseph Treat, Esq., for a Cemetery, as heretofore agreed by the individual proprietors, lay out the grounds for a cemetery into lots, make a lease of the land not intended for a cemetery, and expend such sums as may accrue from the sale of lots and income of the cemetery grounds in fencing

and ornamenting the grounds, as may be directed by the proprietors."

OFFICERS ELECTED.

After the adoption of the By-Laws the following officers were elected to hold office until the then next annual meeting, at which the same were re-elected.

AMOS PATTEN, President.
THOMAS A. HILL, Treasurer.
JOHN BARSTOW, Clerk.

AMOS PATTEN,
THOMAS A. HILL, } Executive Committee.
JOSEPH TREAT, }

CORPORATION SEAL.

The following vote was thereupon adopted :

Voted—That the common seal of the Corporation shall be an impression from an engraved plate, bearing the Emblem of Hope and the words, "Mt. Hope Cemetery Corporation, 1834."

An anchor, surrounded by the words ordered was accordingly adopted, and still remains as the seal of the Corporation.

DEDICATION SERVICES.

The Corporation having thus secured a legal organization or existence, the officers proceeded to perfect their plans by carrying into effect the agreement made as already reported, as will be more particularly described in the following pages.

All things being thus ready for use of the grounds, for the burial of the dead and a proper title secured as hereinafter described, it was regarded as a fitting act to have a public dedication of the premises, of a religious character, to take place. Such a dedication accordingly took place in the presence of a large concourse of citizens, of both sexes, on the twenty-first day of July, A. D. 1836, collected together at the place afterwards devoted to the erection of the Lodge building, near the brook where the building now stands, in the immediate neighborhood of the Receiving Tomb.

At the services Rev. Frederick H. Hedge, Pastor of the Unitarian church, Rev. Swan L. Pomroy and Rev. John Maltby, of the Congregational churches respectively, officiated, and

hymns were sung to the tunes of Old Hundred and Bethlehem. Hon. Edward Kent, then Mayor of the City and afterwards Governor of the State, presided, and delivered an oration eminently fitted and appropriate to the occasion.

His remarks as reported were pronounced "as elegant and affecting and as especially appropriate to the consecration of a spot to the memory of departed worth, that a spot situated like this, with the beauties of nature scattered on every hand, was calculated to give a chastened and holy calm to the mind and to lead the thought to study nature in her works and to God as her great author. Every heart must have joined the speaker when he set aside that hill, the extended field and leafy woods, the calm retreat and the complaining brook, to the service and as the resting place of the dead forever."



HON. EDWARD KENT.

CHAPTER III

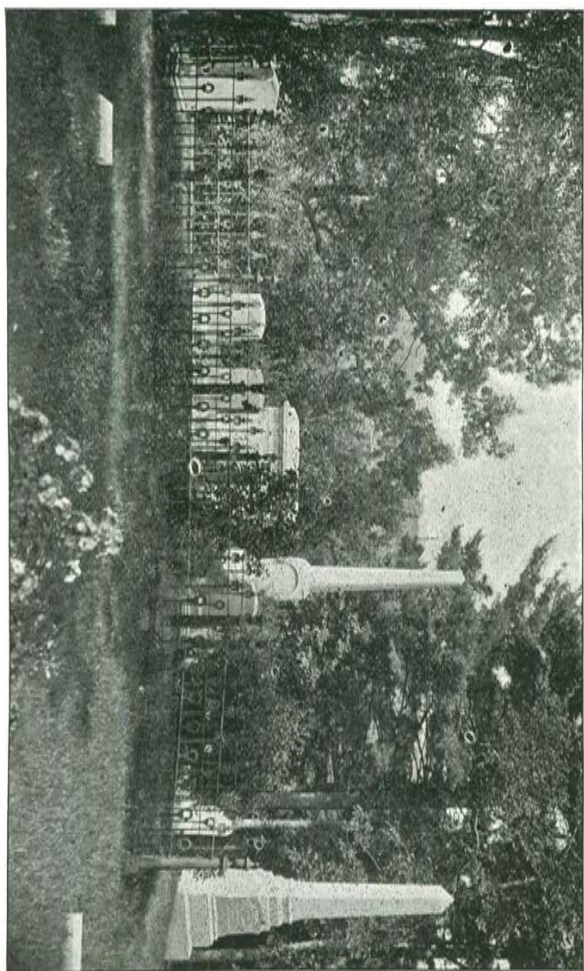
HISTORY OF ORIGINAL TITLE.

The Corporation, being thus duly organized and ready for work, proceeded at once to carry into effect the agreement already reported, bearing date the twenty-third day of April, 1834. In order to do this, a deed bearing date the fourteenth day of July, 1834, but not recorded and probably not delivered until several months afterwards, was executed by Joseph Treat to Thomas A. Hill, treasurer, in trust for the Corporation, in consideration of \$3500, of all that part of lot No. 27 lying south of a line across the lot two hundred rods from the river and forty rods in width from the east line of the lot, excluding the path from the public road to the brook, a right to the use of

which in common with others being afterwards conveyed to the Corporation, by deed dated Dec. 25, 1845.

In the early practice of the Corporation all deeds to and from the Corporation were executed in the name of Thomas A. Hill, treasurer, as trustee. Afterwards a conveyance was made by Mr. Hill to the Corporation, the deed being dated Jan. 21, 1858, and recorded in Book 286, page 99, of Penobscot Registry.

By lease bearing date Dec. 20, 1834, conveyance was made by Thomas A. Hill, as treasurer, in behalf of the Corporation to John Barstow, of all the premises conveyed by Joseph Treat as aforesaid, except the portion described by the plan of C. G. Bryant, which portion was reserved for the Cemetery, being all that part of the premises lying between the path at the foot of the hill on the south or front side, thence over the hill to the brook on the north, the premises thus excepted containing about twelve acres. The lease thus made was for one thousand years and conditioned for the faithful performance of the agreement made



PINNACLE.

as aforesaid, respecting the hedges and fences and general care of the premises. No rent was payable.

Immediately after this lease was thus made to Barstow, he transferred the same to Philip Coombs by deed bearing date Dec. 22, 1834, the Corporation assenting to the transfer by vote authorizing and directing Mr. Hill, as treasurer, to make the proper conveyance in consideration of one cent, which he did.

Mr. Coombs, afterwards, by consent of the Corporation, conveyed to the City of Bangor all that part of the premises lying north of a line twelve feet north of the brook from the west line of the lot to the angle in the brook, thence across the brook to the east line of the lot. All the premises lying north of such line and south of the line two hundred rods from the river thus became the property of the city. The premises thus described gave the city a small triangle of land east of the brook which the city afterwards conveyed to the Corporation by deed bearing date Dec. 3, 1862.

Still later by deed bearing date July 7, 1880,

the city conveyed to the Corporation all the premises belonging to it, situate north of the brook and south of the path leading over the bridge past the Receiving Tomb, to the east side of the lot, which path is now the dividing line between the city and Corporation grounds, the premises aforesaid embracing the "Pond lots" so called, being the premises situate between the stream and said path, all of which became the property of the Corporation.

THE GARDEN LOT AND POND.

The Garden Lot, as it was called, embracing all the territory between the front of the hill and the road or highway, though nominally the property of Philip Coombs, was actually occupied by John Barstow, as a garden or horticultural lot, under and according to the terms set forth in the agreement of April 23, 1834, to which his lease was made subject. His neglect to perform the conditions of the lease became a matter of much complaint, and several votes were passed by the Corporation in the effort to reconcile the dispute, all which

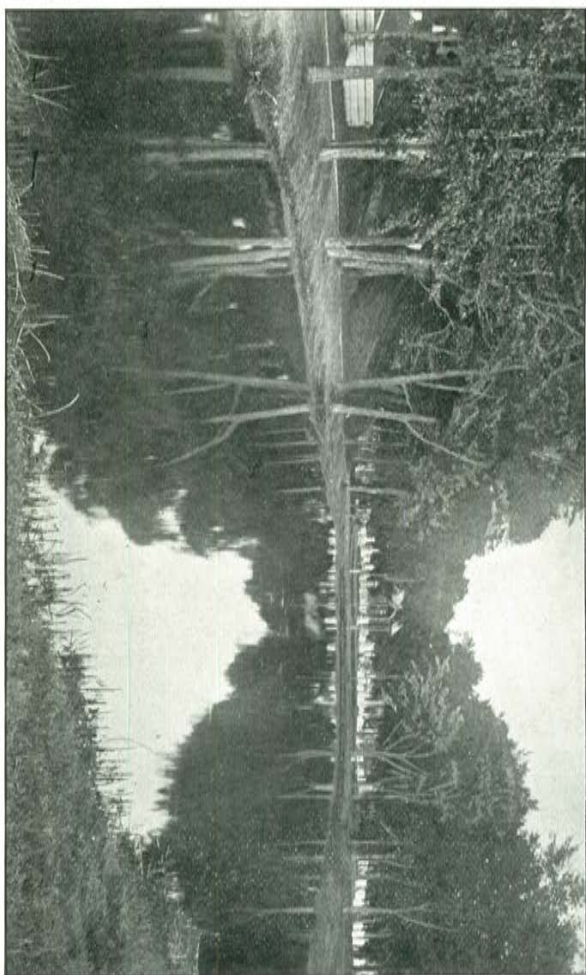
proved unavailing, when the Corporation by vote at a meeting held on the thirteenth day of April, 1844, ordered the Executive Committee to eject the tenant by legal process. A suit at last was accordingly brought against Mr. Barstow, Kent and Cutting acting as attorneys for the Corporation, and Hobbs for defendant. After several terms delay in Court, judgment was finally rendered in favor of the Corporation at the October term, 1845, and execution having duly issued, the officer ejected the tenant and delivered possession to the Corporation. The record of the suit may be found in the Supreme Judicial Court records, Vol. 11, page 381. All of said Coombs' interests in the premises were thereby legally barred or extinguished.

The Corporation, being thus repossessed of the legal title to the Garden Lot, conveyed the same at once to John H. White, by deed dated Dec. 27, 1845, for the consideration of five hundred dollars. Mr. White thereupon for several years occupied the premises as a garden until Oct. 21, 1852, when he conveyed

the same to the Corporation for the consideration of twelve hundred dollars.

At a subsequent meeting, held June 13, 1854, it was voted by the Corporation that the Garden Lot be lotted "if found suitable for burial purposes." Other proceedings at previous meetings of similar import as to the use of the premises, were based on the fact that the condition of the pond and its surroundings was such as made it doubtful, in the minds of many, whether the grounds were suitable for cemetery purposes. As a remedy the effort was made to drain the pond and surrounding swamp into the river, which proved entirely ineffectual, and thereupon proper improvements being successful to make the premises desirable for graves were adopted, followed by a lotting of the grounds accordingly, as required by the vote, almost every lot of which has since been disposed of and accepted, the failure to drain the pond proving to be a blessing for which the public have reason to thank Providence.

The Corporation thus became the owner of



VIEW FROM WESTERN AVENUE.

all of lot No. 27, lying between the river and the path north of the brook, which title still remains in the Corporation, except so far as has been sold or conveyed to lot holders, the whole of said premises being subject to the Corporation jurisdiction, except that the path from the road is subject to the use of all parties interested.

By a recent conveyance, certain small portions of the lot No. 26, adjoining the premises and path on the westerly side of the premises thus far described, has been purchased by the Corporation. Further description of the same will be given in the following pages where the Corporation titles are described.

Such in brief is the history of the title which the Corporation and city respectively acquired to all the premises within lot No. 27, the easterly line of which was described as commencing at a large rock on the shore of the river, and thence passing north along the path in front of what is now the River Side Lawn, or grave of General Hersey, to a point two hundred rods from the river.

CHAPTER IV

SALE OF LOTS.

Immediately after the dedication services, a meeting of the Corporation was called to be held on the second day of September, 1836, at which meeting it was voted to make sale of two hundred lots for the purpose of discharging existing indebtedness and expenses and for such improvements as the Executive Committee might think proper to order for the interests of the Corporation, and to refund a part of the original purchase money to the owners of shares in the Cemetery. In accordance with the vote a sale was immediately concluded upon, and there being a large number of citizens desirous of purchasing, it was

concluded to have a public auction for choice. A general uniform price for lots was fixed at twenty-five dollars, the sum bid for choice to be added thereto. The bids thus offered, in many cases, exceeded that sum by a large comparative amount, some eighty lots being sold for the aggregate sum of \$3688.50.

FIRST BURIAL.

Among the lots thus sold was that conveyed to Henry Call, being lot No. 101, on which were interred the remains of his brother Samuel Call, who died July 9, 1836, which burial was the first that took place in the Cemetery, the lot being near the present water tank at the top of the hill, the fact being noted on the head stone.

PRICE OF LOTS.

Soon afterward, the uniform price of lots was fixed at thirty dollars per lot and so continued for several years, until other lands were purchased, as will be related in subsequent parts of this history. None of the money,

however, thus received for the sale of lots, was used to refund any part of the original purchase money advanced by the individual subscribers to the vendor as already described.

DIVIDENDS OF LOTS.

By a subsequent vote of June 11, 1844, a dividend was voted of one lot to each shareholder for the purpose of partly refunding the one hundred dollars which each subscribed and advanced for the purchase of the original premises as hereinbefore explained. At subsequent meetings, five additional dividends, of one lot each, were made, making six lots in all that each shareholder received in payment for the one hundred dollars subscribed and advanced for the purchase of the original premises. Besides this, an additional dividend was voted for \$14.28 cash, in distribution of the \$500 received from Mr. White for the sale of the Garden Lot as already detailed.

NO FURTHER DIVIDENDS.

At a meeting of the Corporation held July

9, 1853, on motion of the treasurer, it was voted "that the lands of the Corporation be sacredly devoted to the sole and exclusive purposes of the Corporation, and no dividends shall be hereafter declared, but the proceeds be exclusively appropriated to the purchase of new lands and improvements and other purposes connected therewith."

CHAPTER V

THE NEW LEGISLATIVE CORPORATION.

At a meeting of the Corporation held June 23, 1857, on motion of the treasurer, it was voted that it is expedient and desirable that the present members of this Corporation should take measures to surrender their title and the powers held by them, or take such course as will constitute the several and respective lot owners to be members of the Corporation and equally interested in the management of the Cemetery.

The motion was referred to a committee consisting of Albert W. Paine, Moses L. Appleton, James B. Fiske and Albert Emerson, to take such course as they may deem necessary, with power to petition the Legislature

for such an enactment as will, in their opinion be thought requisite, and that the committee report at the adjourned meeting.

At such adjournment held on the thirtieth of the same month the committee made their report which was accepted as follows, viz :

“Every person owning one or more lots in the Cemetery of this Corporation shall, by virtue of such holding, be a member of the Corporation, entitled to all the rights, privileges and powers equally with the shareholders and every such person shall be entitled to one vote”

“That all the lands belonging to this Corporation, and all which may be hereafter purchased, are and shall be ever sacredly appropriated to the sole and exclusive uses of the Corporation, and no dividends or division shall ever be made of any such lands, or of the money or other value received therefor among the stockholders or members of the Corporation, but the whole proceeds shall be exclusively appropriated for the purposes of the Cemetery.”

On motion of the treasurer, it was thereupon voted "that the Executive Committee be directed to procure from the Legislature of our State at its next session, an Act of Incorporation for this Company, if possible, and that to this end they procure an act to be drawn and submitted for enactment such as will most completely answer the great objects of the Cemetery."

Ordered that the vote, upon this motion and report aforesaid, be taken by yeas and nays and altogether. The vote being thus taken resulted as follows, yeas 45, nays none.

In accordance with the foregoing votes, an Act of Incorporation was drawn and presented to the Legislature, and the same was enacted without any opposition and was approved by the Governor, February 27, 1858, Chapter 167.

LEGISLATIVE ACT OF INCORPORATION.

The act provides that Moses L. Appleton, Albert W. Paine, John E. Godfrey, James B. Fiske, Arad Thompson, John Bright, George W. Pickering, Messenger Fisher, Thomas A. Taylor

Albert Emerson, Philip H. Coombs, Henry A. Head, John Wyman, Thomas Jenness, Amos M. Roberts, Waldo T. Pierce, together with such other persons as are owners of shares or proprietors of lots in the Cemetery of Mt. Hope, in Bangor, in the County of Penobscot, are hereby created a Corporation by the name of Mt. Hope Cemetery Corporation.

The act consists of thirteen sections, making very particular provision to meet all the conditions of the vote authorizing the act, empowering the old Corporation to make conveyance of its means to the new Corporation, authorizing the new Corporation to take and hold in fee any and all lands that may be convenient for cemetery purposes, and all personal estate not exceeding \$25,000 for purposes connected with and appropriate to the objects of said Corporation. The limitation of \$25,000 was afterwards stricken out by an amendment approved March 31, 1901, Chapter 437.

Provision is also made for all owners of lots to be members of the Corporation and entitled to vote. Special provision is made for the

protection of all ornaments, tombs, monuments, gravestones, and other structures, as also all plants, trees and flowers, under severe penalties for any violation of the act.

Provision is also made for the succession of ownership of lots, in case of the death of the owner, as also for the acceptance of gifts of all kinds, and especially for all deposits by lot owners for the perpetual care of same, which provision is made to include lots on the public grounds by the said subsequent act of 1901.

Provision is also made that all property of the Corporation shall be exclusively devoted to the uses of the Cemetery, and that no division or dividend of its effects shall ever be made outside of its own expenses and use as a Cemetery.

Thereupon at a subsequent meeting of the Corporation held April 17, 1858, on motion of the treasurer, it was voted "that the treasurer be and is hereby authorized and directed to make, execute and deliver to the Mt. Hope Cemetery Corporation, incorporated by the Legislature of Maine, by act approved Febru-

ary 27, 1858, Chapter 167, a sufficient deed of quitclaim of all real estate and personal property, and also all moneys, demands and rights of action of whatever kind, belonging to this Corporation, or in which this Corporation is interested, subject to all deeds and contracts heretofore made by this Corporation, whether the same be recorded or not. Said Corporation conveyance to be also subject to the payment by said grantee of all debts, dues, demands, and the performance of all obligations and covenants now binding on this Corporation, all which said grantees shall perform to the full extent that this Corporation is holden, so that this Corporation shall be forever held harmless therefrom. All said property to be held, devoted and applied to the purposes and uses set forth and provided in and by said Act of Incorporation. This vote being passed and the deed authorized hereby being in pursuance of the authority conferred by the act aforesaid."

In accordance with this vote a deed was at once executed by the old to the new Corpora-

tion, by its treasurer, reciting all the same conditions as specified in the vote, the deed bearing date June 10, 1858, and recorded in Penobscot Registry, Book 287, page 356.

CHAPTER VI

THE NEW CORPORATION PROCEEDINGS.

A new Corporation being thus formed a meeting of the members was held on the fifth of April, 1858, at which a new code of By-Laws was adopted, a copy of which will be found in later pages of this history.

NEW LOTS PURCHASED.

Thus far this history of the Cemetery is limited to its original organization as a private Corporation and its territorial jurisdiction or ownership confined to that part of Lot No. 27, lying between the river and the path north of the brook. The new Corporation, however, soon found it necessary to extend its limits to

the east and finally succeeded in the purchase of the whole of the adjoining lot No. 28, extending from the river north one mile of the width of fifty rods, thus containing one hundred acres (a small part of which had been previously necessarily purchased, as will be related further on.) The lot thus purchased, being the whole of lot No. 28, consisted of a farm early occupied by one of the original settlers of Bangor, having upon it an old wooden double tenement house and adjoining barn, occupying the space now partly devoted to the "River Side Lawn" and grave of Rufus Dwinel, the house being one of the first erected in the town. Many different purchases of different portions of the whole lot were made until the whole was secured, a very great amount of labor and investigation having been found necessary by the treasurer to ascertain the true ownership of the different portions. The lot of course adjoins the premises already so fully described in this history, the westerly line being that extending from the large rock on the bank of the river, thence running

northerly by the grave of Gen. Hersey, as hereinbefore mentioned.

Two deeds of small parcels of the lot had been necessarily made to the Corporation, on the side hill near the long flight of stairs up the hill, the same having been executed by Jesse Clark at different times in 1846 and 1847.

Salathiel Nickerson conveyed to the Corporation by deed dated May 12, 1862, that part of the lot adjoining lot No. 27, eight rods in width and extending north to the distance of one hundred twenty-one rods, including the westerly tenement of the house together with the barn, excepting, however, the Jesse Clark premises aforesaid.

John Pratt, by deed dated June 5, 1862, conveyed the adjoining four and a half rods in width, including the easterly half of the house, and extending north to the northerly line of the lot one mile, including also that part of the lot north of the Nickerson purchase.

Both of said purchases were bounded on the south by the public street or highway.

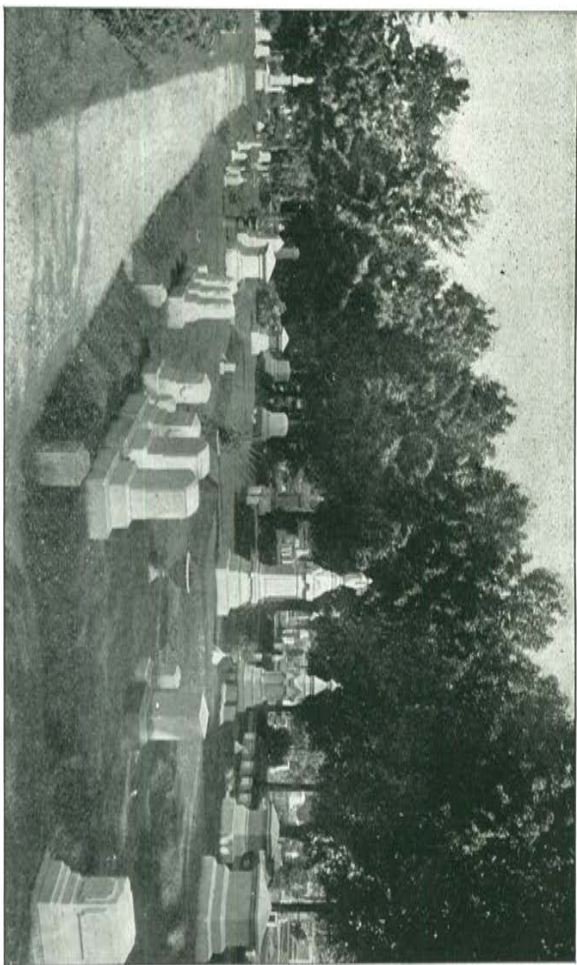
Francis Hathorn, 2nd, by deed dated March

29, 1870, conveyed the adjacent twelve and one-half rods in width extending from the river to the north line of the lot one mile, thus making a complete title of the west half of the whole lot, except the space between the road and the river in front of the Nickerson and Pratt lots, which space was afterwards conveyed to the Corporation by Francis Hathorn, by deed dated May 30, 1896.

The deed from said Francis Hathorn, 2nd, also included the adjoining triangle lot, formed by the public highway and the road or path leading from the upper gateway entrance to the top of the hill.

The remaining or easterly half of said lot north of the highway was, for many years, owned by Hon. Samuel H. Blake, and was conveyed to the Corporation by his executor, Edward H. Blake, by deed bearing date Feb. 5, 1891, excepting, however, the triangle conveyed as aforesaid, by Francis Hathorn, 2nd.

After all the foregoing premises had been purchased by the Corporation, previous to the Blake purchase, a complete plan of the Ceme-



VIEW FROM CENTRAL AVENUE.

tery grounds had been made and recorded in the Penobscot Registry of Deeds, Plan Book 6, pages 2 and 3. Subsequently, the northerly part of the premises thus lotted was very elaborately graded, thus very materially changing its surface, so as to make necessary a new and different lotting, a plan of which, known as the "Amended Plan," is recorded as aforesaid in the same Plan Book, page 35. Portions of the Blake purchase have been since lotted and sold at high prices as of the highest popularity.

LOT NO. 29.

Lot No. 29, of Park Holland survey, was very early occupied by William Lowder, one of the original settlers of Bangor, who purchased the lot of John P. Boyd, by deed June 20, 1823, and lived upon it until his death about fifty years afterwards. Upon his death, by order of Court, the property was sold by his executor, at public auction, and purchased by his daughter, Mrs. Almira L. Spier, the deed to her bearing date June 20, 1873, just fifty years

from the date of the deed to him. No immediate necessity for the purchase of the premises by the Corporation existed, but as there would, in all probability, in the future, be an existing want, and the owner entertaining a very favorable opinion in behalf of the Corporation, and a wish for it to be devoted to that purpose, accompanied by a corresponding favorable proposition for its sale to the Corporation, at the suggestion of the treasurer, her terms were accepted, and a deed at once executed for the consideration of \$3000, bearing date Oct. 26, 1888. The lot is one very favorably fitted for the purpose of a Cemetery, both for its character and locality, being located on both sides of the highway and extending from the river north one mile, thus containing one hundred acres. Since its purchase the brick dwelling house has been demolished and a commodious barn erected for the use of depositing the hay and other products of the farm, which are sufficient to render the purchase a good investment of the consideration paid therefor.

At the time of the purchase of the lot it constituted a part of the town of Veazie, adjacent to the town line, but on petition, the Legislature, by Act approved January 29, 1889, the lot was made a part of Bangor, the town making no objection.

Thus far no part of Lot No. 28 belonging to the Corporation located north of the brook and pond has ever been lotted and no burial thereon has ever taken place, although constituting the largest portion of the lot. The same is true of the whole of Lot No. 29 with its one hundred acres, all said vacant premises awaiting their distant future calls among the ages and centuries yet to come, the present Corporation having thus wisely provided for the endless future yet to take place.

The premises, thus far described, include all that the Corporation is possessed of except as follows :

LOT NO. 26.

By deed bearing date Oct. 17, 1881, George W. Herring and wife conveyed to the Corpora-

tion a small lot north of the brook near the Lodge, part of No. 26, being a parcel five rods in length, four rods in width, which the Corporation still owns. More recently it has also purchased an additional part of this lot contiguous to the western line of lot No. 27, extending due north from a point forty rods from the highway to an iron bolt about twenty-five rods, thence northeasterly about four rods by the Herring line to the line of lot No. 27, thence southerly by the line of lot No. 27 to the point begun at, said purchase being made of R. W. Parker and sister, by deed bearing date Oct. 8, 1901, said last described premises being principally used as a part of the passage way from the street to the Lodge or brook.

Neither of said purchases were made for burial purposes, but for the convenience of workmen and the public and as a place of deposit of materials and debris.

SUMMARY OF TITLE.

Such in brief is the territorial history of the Mount Hope Cemetery, public and private,

the whole consisting of parts of lots Nos. 26 and 27, and all of lots Nos. 28 and 29 of Park Holland's survey.

As a matter of history, a part of the premises is reported to have been, before the Revolutionary War, a famous Indian camping ground; that battles were fought there and finally the Indian was crowded out; that Silas Hathorn, from Worcester, Mass., settled there on Lot No. 28, in 1772, but did not live there long as he moved up on to the plain a mile or so above. He sold out his possessory right to Maj. Robert Treat. Such is the statement as published by "Wayfarer" the well known distinguished Bangor correspondent of the newspaper press many years ago.

The following items of interest form an important part of the history of the Cemetery.

THE JEWISH LOT.

A lot of ample size, a part of Lot No. 27, at the northwest corner of the City's portion, is specially set apart and appropriated for the Jewish burial lot, such appropriation having been executed by the City.

THE CITY LOT.

The lot, part of No. 27, as described in the previous part of this history, constitutes one of the several burial lots of the city, subject to the City Government's control and under the supervision of the City Cemetery Board, the assignment of the lots being entrusted to the City Treasurer.

THE RECEIVING TOMB.

The Receiving Tomb belongs to the City and is subject to the free use of all persons having occasion therefor, the supervision and care of the tomb being in the superintendent of the Corporation.

SUPERINTENDENT.

The general care and supervision of all the premises is committed to and exercised by a Superintendent who is appointed by Executive Committee.

CHAPTER VII

PUBLIC GIFTS AND APPROPRIATIONS.

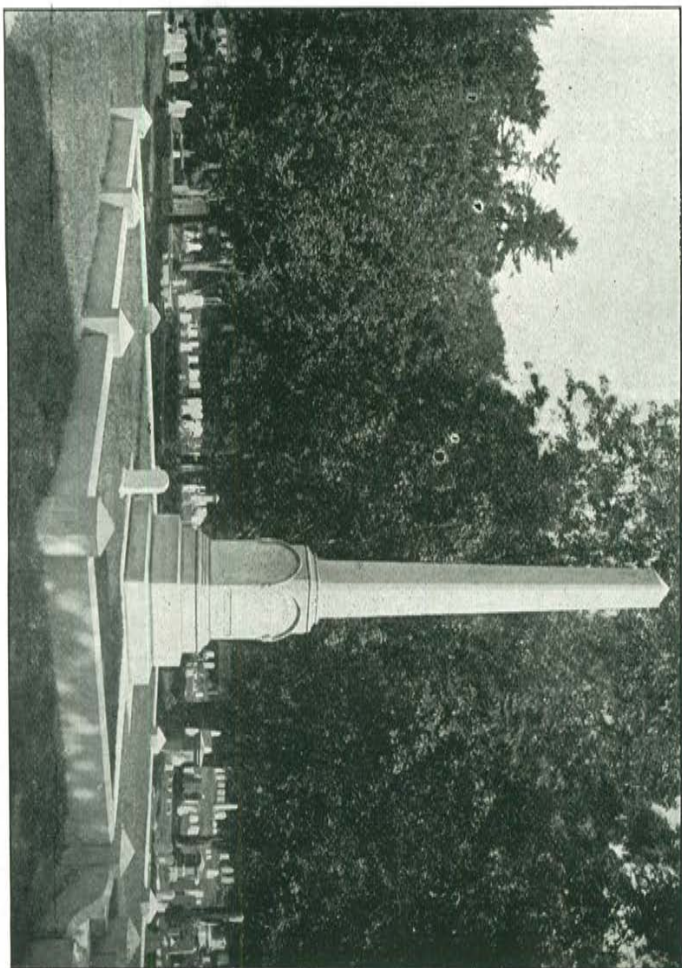
At different times, during the existence of the Corporation, it has generously given more or less of its lots to different societies or public uses as follows :

To Bangor Female Orphan Asylum, on Sept. 23, 1863, the Corporation gave lot No. 608 and afterwards to the Children's Home, lots Nos. 609, 616, 617, 618.

To the Home for Aged Women at different times it has given several lots.

All of said lots being a part of the Garden Lot so called, located near the pond in front of the hill.

In the early part of February, A. D. 1863, the body of Col. Stephen Decatur Carpenter arrived in Bangor from Kentucky, where he was killed on Dec. 31, 1862, in battle with the Confederates. A very general feeling there-upon existing, throughout the city, in favor of some honorable distinction being manifested respecting the remains of one of its early citizens that had thus sacrificed his life in defence of his country, a corresponding general discussion was indulged in as to the proper course to be pursued. At the suggestion of the treasurer of the Cemetery it was concluded to set apart a lot in the newly purchased premises for the burial of such citizens as might, during the war fall in battle, and that a suitable monument should be erected to their memory, and that the remains of Col. Carpenter should be interred therein. The proposition was immediately adopted and the lot duly appropriated. A very general demand existing for the immediate execution of the plan, a subscription was at once circulated with success



SOLDIERS' MONUMENT.

and measures adopted to effect the work. A committee having been accordingly appointed, the whole was so quickly completed, that on August 29, 1864, the parties interested were invited to be present to hear the committee's report, which was to the effect that the gross expense of the erection was \$3489.94, which exceeded the amount subscribed by about \$150. The question being raised as to the means of supplying the deficiency, the chairman, Hon. Charles P. Stetson, who had already subscribed very generously, remarked that he had paid the bills and no further discussion need to take place.

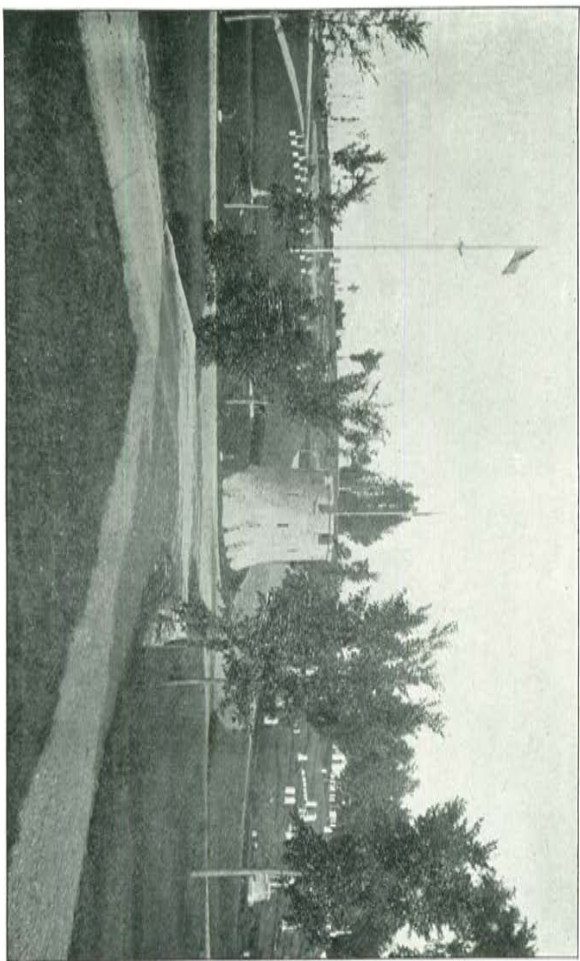
In the mean time, it being regarded as necessary for measures to be provided for the future care of the premises, a corporation was formed known as the "Soldiers' Cemetery Corporation," consisting of ten members besides the Mayor of the city, who was to be ex-officio president. The ten citizens were then decided upon, the survivors in case of the death of any one to supply the vacancy by a new appointment. Eight of the original mem-

bers having since died their places have been duly filled accordingly. A complete record of proceedings have thus far been kept, the same being on deposit in the City Clerk's safe, he being since, by vote of the company, appointed secretary ex-officio.

The grounds thus appropriated were religiously consecrated by appropriate exercises on June 17, 1864, and for several years afterwards were selected for the annual memorial exercises until they were necessarily omitted by reason of the damage done by the multitudes of attendants by their treading on the graves in the immediate neighborhood.

The body of Col. Carpenter was accordingly interred on the premises and there remained until 1881, when his family friends requested their removal to their family burial lot, which was granted. The deed of the lot was duly executed to the City of Bangor as trustee, bearing date August 29, 1864, and recorded in the County Registry Book 340, page 514.

The lot thus conveyed is located in what is known as the Garden Lot, between the hill



GRAND ARMY LOT.

and the highway, and contains twenty-three hundred square feet of surface.

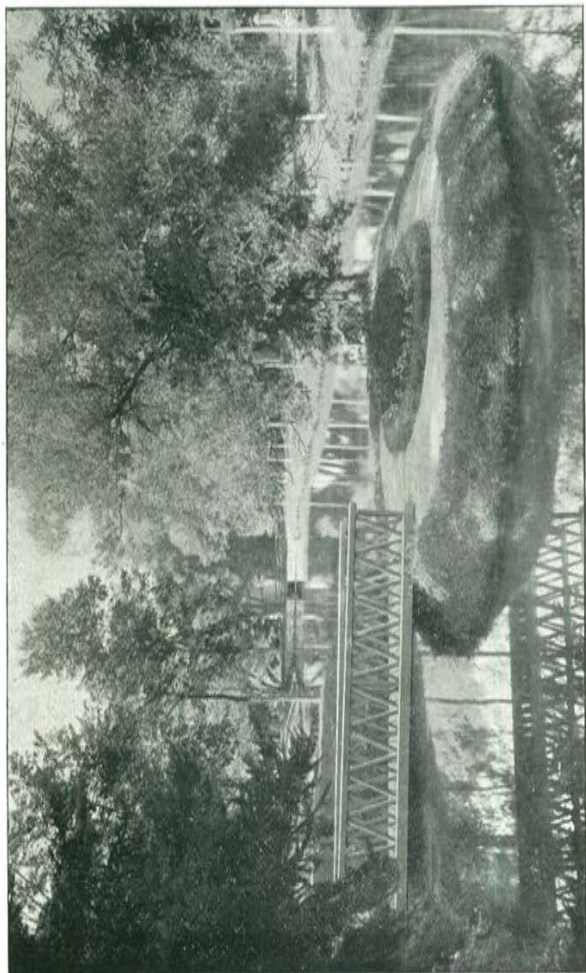
HANNIBAL HAMLIN AND B. H. BEAL POSTS.

The large number of deaths of soldiers having made necessary a larger lot, the demand was met by an additional gift of a lot to the Hannibal Hamlin and B. H. Beal Posts, which lot as now held, in exchange for the one originally selected, is now very elaborately finished and decorated in a suitable manner, worthy of the cause to which it is dedicated for the burial of those who fought for their country in the war of the rebellion, an imitation fort and several cannons and other appropriate ornaments being used to decorate the premises.

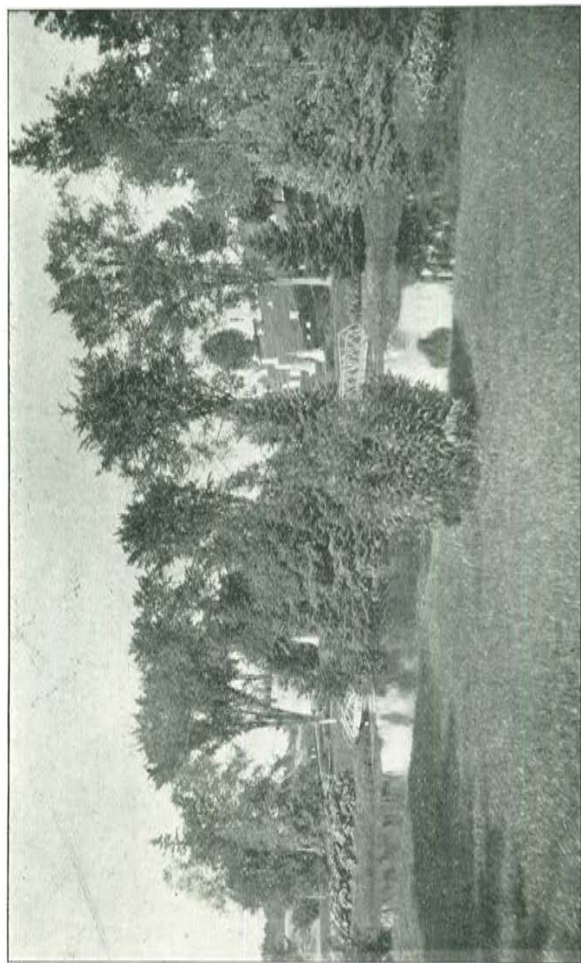
CHAPTER VIII

IMPROVEMENTS AND OTHER CHARACTERISTICS.

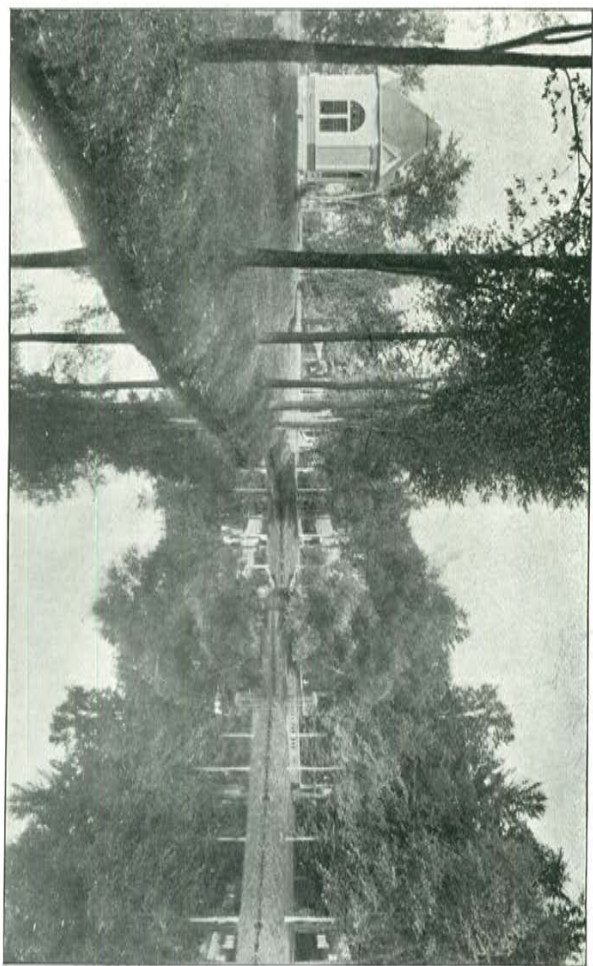
Ever since the new Corporation has been adopted it has made it an especial object of attention to improve the condition and general appearance of its premises. The surface of the grounds has undergone a great change by grading of different kinds, and much attention has been exercised to keep the same handsomely fenced with appropriate gateways at the different street entrances. The planting and care of trees, so as to give a forest appearance to much of the utilized grounds, is another of the good work performed.



POND AND ISLANDS.



LAWN.



POND.

THE TANK OR RESERVOIR.

The erection of the tank or reservoir on the top of the hill, with its equipment to keep it filled with water from the river, with the necessary pipes to distribute it to all of the lots of the occupied premises, is another of the important noticeable improvements perfected. The original expenses of the work thus adopted during the year 1896 was \$2230.88.

THE BROOK OR SWAMP AND PONDS.

The brook, which naturally was the outflow of the marsh or swail existing on the premises, has gradually given place to ponds or lakes of human construction, three in number, with islands therein and bridges to make all visits thereto safe and convenient, the ponds being continually well filled, surrounded by hard banks of earth, and in every other respect having a natural, but highly artificial appearance and in the highest degree ingenious.

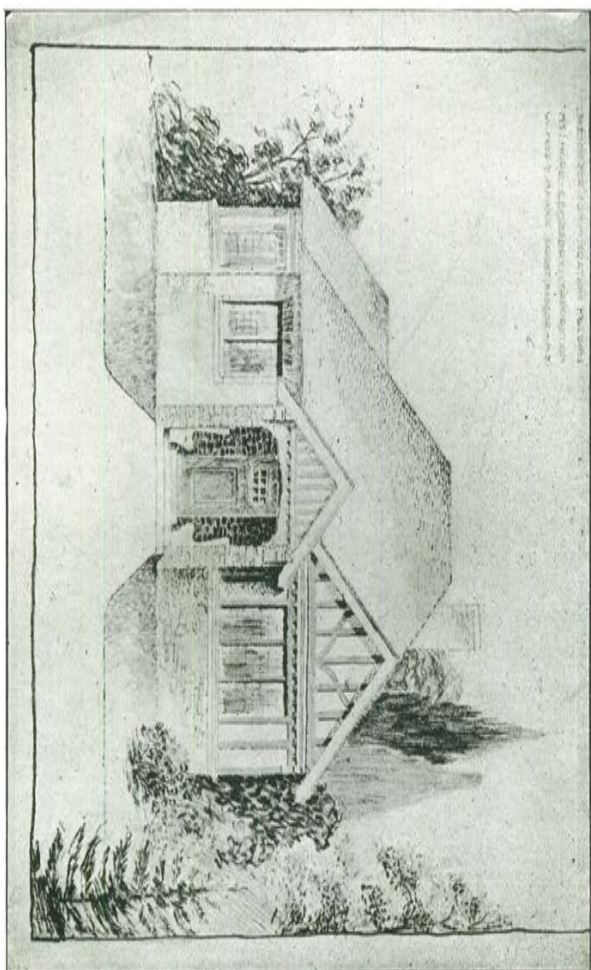
The pond in front of the hill to which allusion has already been made, being at first re-

garded as objectionable, surrounded as it was naturally by swampy land, has been so reformed by artificial means as to add largely to the pleasant character of its surroundings. Reference is here made to previous remarks already expressed in the history of the Garden Lot premises.

STRUCTURES.

The Lodge building, erected and used for the convenience of corporation work and as a resting place for visitors, the summer house with its seats, and the pavillion or chapel located near the lower pond, and occasionally used for funeral exercises, and the various clusters of trees surrounded by seats for the weary in different parts of the premises, all serve to give the Cemetery a peculiar characteristic for its beauty and use.

But what is peculiarly noticeable and worthy of praise is the recent erection of a very useful and appropriate structure at each of the two entrances from the public highway for the convenience of visitors and others, while



THE LODGE

awaiting conveyance from the premises or otherwise, including also their use for funeral exercises.

INDIVIDUAL GRAVE LOTS.

And right here, attention to the work of lot owners on their respective grounds, their various and manifold monuments and other improvements, cannot be overlooked or passed without special notice. The great number and variety of these, of exceeding beauty and expressiveness, are especially to be noted. They are to be found in all parts of the ground where the dead lie and are of peculiar and lovely form, most attractive and graceful, adding largely to the manifold other beauties and virtues of this sleeping place for the departed.

And when, in addition to all these improvements, the visitor views the many pleasant characteristics which the respective lot owners have imprinted, as it were, on their separate lots, by flowers and other decorations, he can hardly feel otherwise than that death is shorn of its victory.

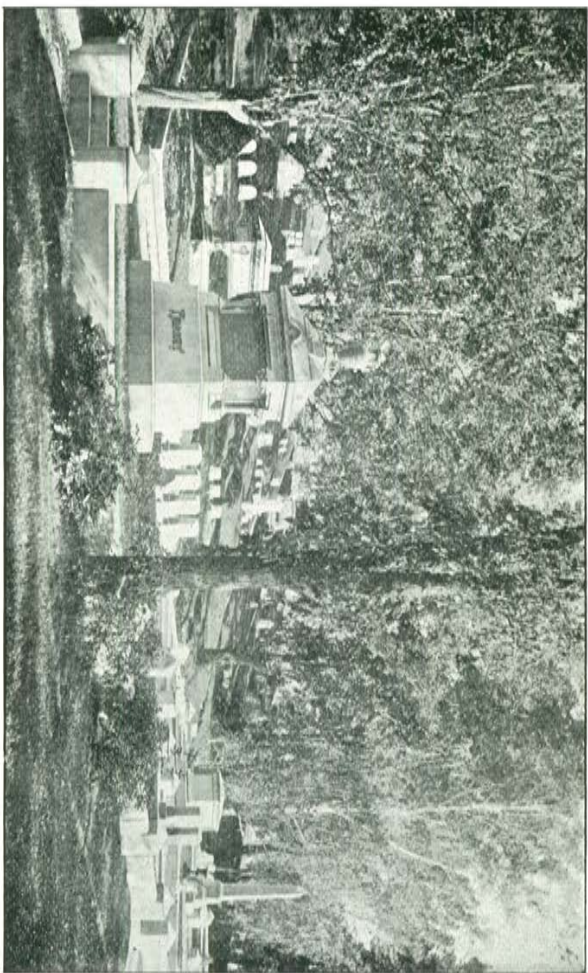
So numerous are all these various improvements and ornamental items in number, a particular description of any particular ones is necessarily omitted.

RIVER SIDE LAWN.

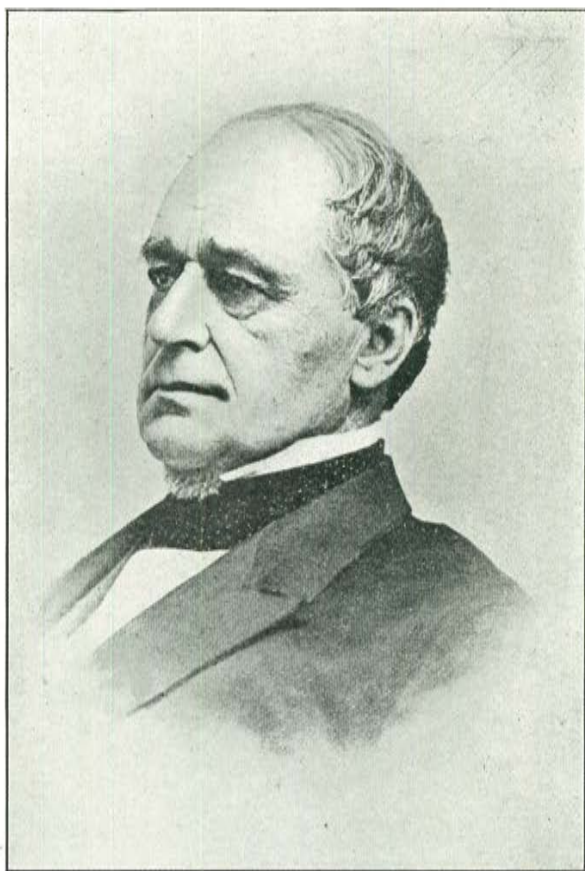
The River Side Lawn, as a part of the surface delineation of the grounds, cannot properly be omitted or overlooked as one of the pleasant features of the territory now being described. It is an inclosure surrounded by a solid stone wall, about one hundred and fifty feet in length, divided into six lots belonging to the like number of separate owners, each with separate ornamental monuments, one of which lots is devoted to the remains of our late distinguished citizen, Hon. Hannibal Hamlin. The lawn is of course a private property, belonging to owners at whose expense the same was constructed and is now cared for.

TOMBS.

There are only two tombs on the premises, one being that of Gen. Samuel Veazie, erected



RIVERSIDE LAWN.



HON. HANNIBAL HAMLIN

by him soon after the grounds were exposed to sale, and the other that of the late Samuel H. Blake.

By vote passed by the Corporation June 10, 1851, the erection of tombs was prohibited, but afterwards by vote passed June 12, 1855, their erection was permitted on the front of the hill, west of the garden steps, by permission of the Executive Committee. Under this permission the Blake tomb was erected by him.

SALE OF LOTS.

As to the size and price of separate lots originally, as already stated, the uniform price was twenty-five dollars per lot, which was soon afterwards increased to thirty dollars. Still later, as is now the case, the lots were separately priced by the Executive Committee, varying of course to accord with the locality and other favorable or unfavorable conditions, many of the lots recently sold having been priced at \$225 each.

The lots are generally twenty feet square in size but necessarily varying occasionally according to existing circumstances.

The deeds are executed by the treasurer and are made subject to the following conditions, viz :

“That the lot shall not be used for any other purpose than as a place of burial for the dead and that no trees within the lot or border shall be cut down or destroyed without the consent of the Executive Committee of the Corporation.”

“That the proprietor of the lot shall have the right to erect stones, monuments or sepulchral structures, and cultivate trees, shrubs and plants on same.”

“That the proprietor shall keep in repair, at his or her own expense, the landmarks of the same which are at the date of the deed erected by the Corporation.”

“That if the landmarks and boundaries of the lot shall be effaced, so that the lot cannot with reasonable diligence be found and identified, the Executive Committee shall set off to the grantee, or his heirs or assigns, a lot in lieu thereof in such part of the Cemetery as they

see fit, and the lot granted by the deed shall in such case revert to the Corporation."

"That if any trees or shrubs on any lot shall become detrimental to adjacent lots or avenues, or dangerous generally, the Executive Committee shall have the right to remove the same, so far as they are detrimental, dangerous or inconvenient."

Covenants of warranty with right to convey the premises in usual form are also added on the part of grantor.

The deeds, as already stated, are executed in the name of the Corporation by the treasurer, who of course receives the payment therefor and keeps a record of same.

The whole number of lots sold or otherwise disposed of as aforesaid, previous to the last annual meeting in April last, is 1315.

GENERAL CARE OF THE PREMISES.

The general care of all the premises belonging to the Corporation is entrusted to the Superintendent, who is elected or appointed

by the Executive Committee, and as such officer he has the duty imposed of taking especial care of all corporation grounds, including that of attending the burial of the dead, by the digging of the graves and filling the same, unless the persons interested in the burial choose otherwise. The general appearance and care of the premises is thus very much dependent upon the services and oversight of the person thus appointed, the Corporation and the public generally having good reason to be thankful for the services thus so well performed during the years of the past by the present superintendent.

CHAPTER IX

CARE OF LOTS.

By the Legislative Incorporation Act of 1858, as hereinbefore reported, the Corporation was empowered with the right to accept money for the perpetual care of lots in the Cemetery, but none such was offered until July 14, 1869, and then only by one person. For the few following years such deposits were very rarely offered, but more lately they have been frequent and numerous. By rules adopted by the Corporation, any sum offered for such perpetual care is readily accepted and passed to the credit of the lot owner and thereupon deposited in Bangor Savings Bank, as trustee, with the same right to dividends as all de-

positors enjoy, the account being kept separate from all other deposits made by the Corporation. A separate account is kept by the treasurer of the Corporation with each depositor, he being annually credited with the income received and charged with the amount expended. No sum is paid exceeding the amount thus earned, the principal of the deposit to be forever undiminished. The usual amount thus deposited is one hundred dollars, though sometimes more, but seldom, if ever, any less.

The total amount of such deposit in the Bangor Savings Bank on the first of April, A. D. 1907, according to the report of the treasurer, was \$46,626.18, the income from the deposit for the year previous being \$1540.83, and the expenditure \$1364.12, leaving a balance in favor of the Corporation, for that purpose, to the amount of \$176.71, which sum constitutes a part of the aforesaid total.

By a later act of the Legislature, amendatory of the Incorporation Act, the right of the Corporation was granted to receive deposits for

the care of lots in the public or city Cemetery of Mt. Hope.

The Superintendent is charged with the duty of a supervisory care of the lots thus provided for, although the depositor has the right to do so at the expense of the Corporation if he so elects. For several years past only one such case has occurred, the Superintendent having the duty imposed of caring for all the others.

CHAPTER X

FINANCIAL CONDITION.

The finances of the Corporation, as at present existing, are very favorable, the last annual report of the treasurer as rendered on the second day of April, 1907, exhibiting its cash assets to the amount of \$30,479.57, including bonds at their par value, many of which are in excess of that, the same being invested or deposited as follows, viz :

ASSETS.

Penobscot Savings Bank	\$2,514.65
Bangor “ “	1,545.48
2 Bucksport, Me. bonds.....	2,000.00
2 City of Ironton “	2,000.00
6 Stillwater, Minn. “	6,000.00

5 City of Anderson bonds.....	2,000.00
2 City of Duluth “	2,000.00
1 City of Austin “	1,000.00
1 City of Galveston “	1,000.00
2 Cleveland Electric R. R. bonds	2,000.00
3 Western Union Tel. “	3,000.00
3 Bal. and Ohio R. R. “	3,000.00
Kenduskeag Trust Co., deposit	2,369.44
	\$30,479.57

This amount is in addition to the sum held by the Bangor Savings Bank in trust for the perpetual care of lots as hereinbefore stated.

INCOME AND EXPENDITURES.

The income from the various sources, during the past year, tends to show what may be regarded as the financial condition of the Corporation. The amount thus received, according to the account of the treasurer, rendered at the annual meeting on the second day of April, 1907, is as follows :

Cash received from sale of lots during the year.....	\$2,720.00
Cash received from interest of assets and deposits.....	1,317.95
Cash received from rents of shore and house.....	80.00
Cash received from hay, grass and sand sales.....	754.39
	\$4,872.34

Of this sum about \$2,600 was expended in payment for the ordinary care of the premises, including the salary of the Superintendent and the expense of labor and materials rendered necessary for the proper supervision and care of the property. The remainder was appropriated to help pay for the unusual extent of the important improvements made upon the premises, including the erection of two new gateways and the reform of the third at the respective entrances, also the painting of the fences and various other important repairs, the total expenditure being \$7,389.53.

GENERAL STATEMENT OF THE CORPORATION
PROPERTY.

The Corporation is thus at present free from debt and possessed of the assets now described, and in addition thereto of unsold real estate, favorably located, consisting of the whole of lot No. 29, containing one hundred acres of rich soil fronting on the river, with rentable shore, also of all of No. 28 north of the brook, besides the largest portion of that between the brook and the highway, being of a character eminently fitted for cemetery use, and saleable at high prices. Full confidence can be entertained in the future prosperity of the Corporation in every respect.

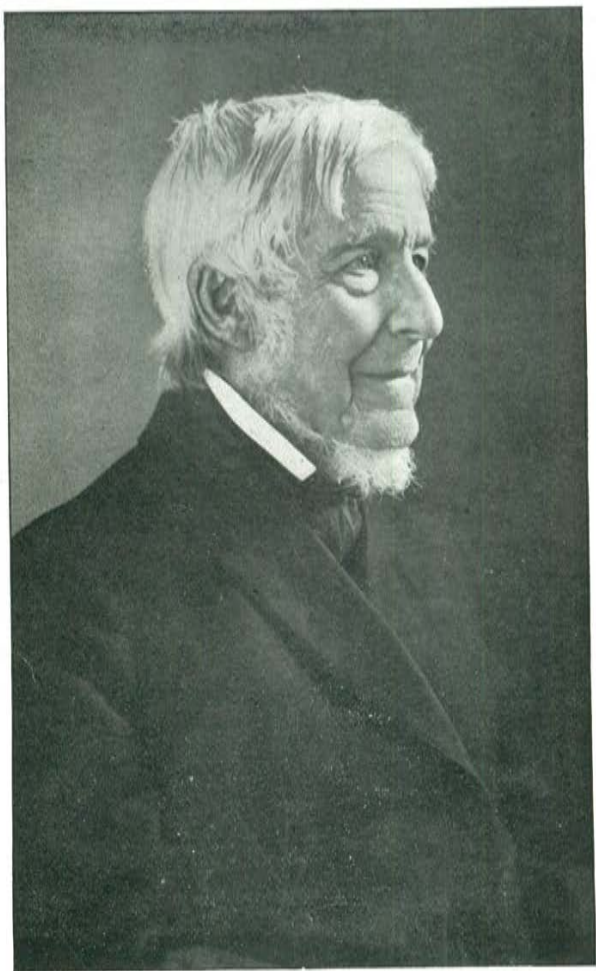
CHAPTER XI

LIST OF OFFICERS OF THE CORPORATION.

The following list of officers of the Corporation, since its origin in 1834, may be of interest to the present and future citizens of our city.

PRESIDENTS.

Amos Patten,	1834	1839
Thomas A. Hill,	1839	1842
James Crosby,	1842	1851
Amos M. Roberts,	1851	1853
James Fiske,	1853	1855
Moses L. Appleton,	1855	1859
John E. Godfrey,	1859	1865
Charles Stetson,	1865	1873
Simon P. Bradbury,	1873	1875
George Stetson,	1875	1891
Joseph S. Wheelwright,	1891	1895
James Adams,	1895	1906
Manly G. Trask	1906	



ALBERT W. PAINE,
Treasurer for fifty years.

TREASURERS.

Thomas A. Hill,	1834	1842
Asa Davis,	1842	1843
Abner Taylor,	1843	1851
John Wilkins,	1851	1852
Albert W. Paine,	1852	1902
Henry O. Pierce,	1902	

SECRETARIES.

John Barstow,	1834	1842
Samuel Thatcher, Jr.	1842	1845
John Bright,	1845	1886
Joseph M. Bright,	1886	

AUDITORS.

Lysander Strickland,	1894	1895
Henry O. Pierce,	1895	1902
Horatio W. Blood,	1902	

The Executive Committee originally consisted of three members until 1858, when the number was increased to five, the president ex-officio to be chairman. The frequent changes made in the membership during the two-thirds of a century which have since elapsed hardly

justify the labor and space of reporting the names of the very numerous parties that have been thus annually elected.

SUPERINTENDENT.

Thomas J. Cole, who has been such for about thirty years. To his great skill, good judgment and faithful performance of official duties, the public and all parties interested are largely indebted for the present perfect condition and appearance of the premises.

CHAPTER XII

ABSTRACT OF TITLES.

The following is an abstract of the titles of the Corporation lands, so far as it embraces the deeds to it, and such other conveyances as relates to the general Cemetery after it became interested in the title. No previous conveyance to the Cemetery grantors are to be found in the following abstract, although in making the purchases the treasurer was very careful to make such further examination as to satisfy him that the title proposed to be conveyed was reliable.

LOT NO. 27.

Joseph Treat to Thomas A. Hill, treasurer, part of lot No. 27, Park Holland survey, being

40 rods in width off of the east side of the lot from the river north 200 rods, (excepting the avenue from the road to the brook.) Deed dated July 14, 1834, and recorded Book 50, page 320.

SAME TO SAME.

The use of the avenue aforesaid in common with others. Deed dated Dec. 25, 1845, Book 163, page 479.

Mt. Hope Cemetery Corporation, by Thomas A. Hill, treasurer, to John Barstow. Lease for 1000 years of all the foregoing premises except about twelve acres, designated for burial purposes, according to C. G. Bryant's plan, including the premises between the path in front of the hill, on the south side, thence over the hill to the brook, subject to certain conditions as to the use of the premises and the care thereof and maintenance of hedges and fences particularly described. No rent payable. Lease dated Dec. 20, 1834, recorded Book 50, page 299.

John Barstow to Philip Coombs. Assign-

ment of said lease dated Dec. 22, 1834, and recorded Book 50, page 302.

Philip Coombs to town of Bangor. All of said premises north of a line twelve feet north of the brook to the angle in the brook, thence across the brook to the east line of the lot. Deed dated Feb. 9, 1836, recorded Book 75, page 96.

Thomas A. Hill, treasurer, to Philip Coombs. Release of same premises as last described in consideration of one dollar. Deed dated Feb. 5, 1836, and recorded Book 72, page 563.

City of Bangor to Mt. Hope Cemetery Corporation, all of the small triangle on the east side of the brook, north of the premises belonging to the Corporation, and south of the point where the brook crosses the east line of the lot. Dated Dec. 3, 1862, recorded Book 323, page 565.

City of Bangor to Mt. Hope Cemetery Corporation, all of the lot north of the brook and south of the path leading across the bridge in front of the receiving tomb, to the east line

of the lot. Deed dated July 7, 1880, recorded Book 515, page 47.

Suit at Law in S. J. C. October term, 1845. Judgment in favor of Mt. Hope Cemetery Corporation against John Barstow, to recover the title of the garden lot, being all that part of the lot leased to Barstow by Thomas A. Hill, treasurer, lying between the path at the foot of the hill on the south side and the public highway. Judgment for plaintiff. Execution issued and possession given by the officer to the Corporation, Dec. 31, 1845. Judgment recorded in S. J. C. Records, Vol. 11, page 381.

Mt. Hope Cemetery Corporation to John H. White, garden lot thus recovered by the suit aforesaid. Deed dated Dec. 27, 1845, recorded Book 161, page 413.

John H. White to Mt. Hope Cemetery Corporation. Same premises as next above. Deed dated October 21, 1858, recorded Book 228, page 106.

Thomas A. Hill to Mt. Hope Cemetery Corporation, all lands held by him in trust for the

grantee. Deed dated Jan. 1, 1858, recorded Book 286, page 99.

Mt. Hope Cemetery Corporation (original) to Mt. Hope Cemetery Corporation (legislative.) All interest in the property, real and personal. Deed dated June 10, 1858, and recorded Book 287, page 356.

LOT NO. 28.

Jesse Clark to Mt. Hope Cemetery Corporation, lot six rods in width from a point 18 rods north of highway, thence north by the lot line 46 rods and 21 links. Deed dated Sept. 25, 1846, recorded in Book 168, page 537.

Small lot adjoining the previous conveyance on the north side thereof, thence north 27 feet to the northeast corner of the Corporation lot. Deed dated October 30, 1847, recorded Book 178, page 440.

Salathiel Nickerson to same.

Lot adjoining No. 27, extending $121\frac{1}{2}$ rods from the highway eight rods in width, excepting the two Clark lots aforesaid, including the

land on which the barn and west tenement of the house were erected. Deed dated May 12, 1862, and recorded Book 318, page 356.

John Pratt to same.

Lot four and a half rods wide, adjoining the Nickerson lot and extending north to the north line of the lot, embracing also all north of the Nickerson lot, including the easterly tenement of the house. Deed dated June 5, 1862, and recorded Book 319, page 255.

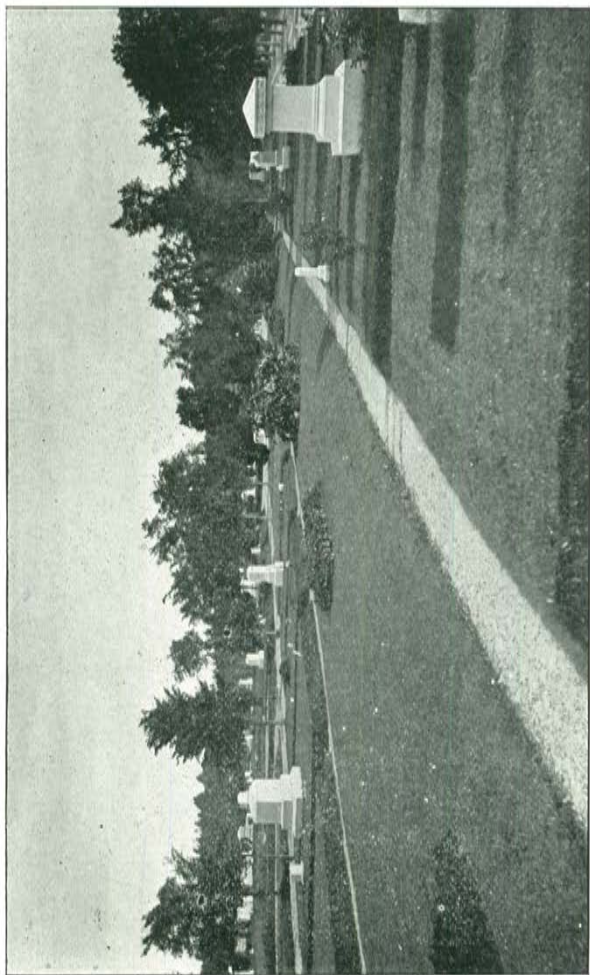
Francis Hathorn, 2nd., to same.

Lot adjoining the Pratt lot on the east side thereof, being $12\frac{1}{2}$ rods in width and extending from the river to the north line of the lot one mile.

Also the triangle lot adjoining the foregoing on the east side, bounded by the highway on the one side and the road or path leading from the upper entrance westerly to the top of the hill on the other side. Deed dated March 29, 1870, and recorded Book 397, page 307.

Francis Hathorn (same grantor) to same.

All the premises between the highway and the river in front of the aforesaid Nickerson



EASTERN DIVISION.

and Pratt lots. Deed dated May 30, 1896, and recorded Book 663, page 204.

Edward H. Blake, executor of Samuel H. Blake, to same.

All of the east half of the lot north of the road extending to the north line of the lot, except the triangle conveyed as aforesaid, by Hathorn. Deed dated February 5, 1891, and recorded Book 610, page 303.

LOT NO. 29.

John P. Boyd to William Lowder.

Deed dated June 20, 1823, and recorded Book 9, page 267.

Jonathan Pitcher, executor, to Almira L. Spier, daughter of said Lowder. Deed dated June 20, 1873, and recorded Book 434, page 93.

Almira L. Spier to Corporation.

Deed dated October 26, 1888, and recorded Book 588, page 146.

LOT NO. 26.

George W. Herring and wife to Corporation.

Lot north of brook near the lodge, 4 by 5

rods in size. Deed dated October 17, 1881, and recorded Book 525, page 239.

Robert W. Parker and Esther A. Crombie to same.

Triangle lot adjoining lot No. 27 on the west side. Deed dated October 8, 1901, and recorded Book 709, page 416.

CHAPTER XIII

ACTS OF INCORPORATION

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND
EIGHT HUNDRED AND FIFTY-EIGHT.

AN ACT
TO INCORPORATE

MT. HOPE CEMETERY CORPORATION.

BE IT ENACTED, BY THE SENATE AND HOUSE
OF REPRESENTATIVES IN LEGISLATURE
ASSEMBLED, AS FOLLOWS:—

SECTION 1.

Moses L. Appleton, Albert W. Paine, John
E. Godfrey, James B. Fiske, Arad Thompson,
John Bright, George W. Pickering, Messenger

Fisher, Thomas A. Taylor, Albert Emerson, Phillip H. Coombs, Henry A. Head, John Wyman, Thomas Jenness, Amos M. Roberts, and Waldo T. Pierce ; together with such other persons as are owners of shares, or proprietors of lots in the Cemetery of Mount Hope, in Bangor, in the County of Penobscot, are hereby created a corporation, by the name of the Mount Hope Cemetery Corporation.

SECTION 2.

Said Corporation may take and hold in fee simple, the grounds of the Cemetery of Mount Hope, aforesaid, and any other lands that may be convenient for Cemetery purposes in the neighborhood thereof, and may also take and hold any personal estate not exceeding twenty-five thousand dollars, to be applied to purposes connected with and appropriate to the objects of said Corporation.

SECTION 3.

The Corporation heretofore known as Mount Hope Cemetery Corporation, at its annual

meeting, or at any special meeting called for the purpose, shall have authority and are hereby empowered to authorize their treasurer, for such consideration as they shall think proper, to convey to the Corporation hereby created, all the rights, title and interest that said Mount Hope Cemetery Corporation has in and to any real and personal estate, wherever situated or however described, and all moneys, demands and securities by them held; and such conveyance shall be effectual to pass the title to said Corporation hereby created.

SECTION 4.

All persons who are or shall hereafter become proprietors of lots in said Cemetery shall become members of the Corporation, and each member shall be entitled to one vote and no more so long as he shall continue to own such lot.

SECTION 5.

The officers of this Corporation shall be a President, Secretary, Treasurer and an Exec-

utive Committee of not less than three nor more than five persons, who shall be elected annually by ballot at the annual meeting, and shall hold their offices until others are chosen.

SECTION 6.

The annual and special meetings of this Corporation shall be holden at such time and place, and such notice thereof shall be given as the by-laws shall direct.

SECTION 7.

Any person who shall wilfully destroy, mutilate, deface, injure or remove any tomb, monument, gravestone or other structure placed in the Cemetery aforesaid, or any fence railing or other works for the protection or ornament of any tomb, monument, gravestone or other structure aforesaid, or of any cemetery lot within the Cemetery aforesaid, or shall wilfully destroy, remove, cut, break, or injure any tree, shrub, plant or flowers, not their own, within the limits of the said Cemetery, or discharge any gun or other fire-arms with-

in said limits, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof before any court of competent jurisdiction within the County of Penobscot, be punished by a fine not exceeding five hundred dollars, and such offender shall also be liable in an action of trespass to be brought against him in the name of the Corporation or lot owner, as the case may be, to treble damages for any injury which shall have been occasioned by his unlawful acts.

SECTION 8.

Upon the death of any proprietor of any lot in the said Cemetery, the devisee of such lot, or the heir at law as the case may be, shall be entitled to all the privileges of membership as aforesaid, and if there be more than one devisee or heir, the executive committee for the time being, shall designate which of the devisees or heirs at law, shall represent the said lot and vote in the meetings of the Corporation; which designation shall continue in force until by death, removal, or other cause,

another designation shall become necessary; and in making such designation the executive committee shall, as far as they conveniently may, give the preference to proximity of blood and priority of age, having due regard however to sex and proximity of residence.

SECTION 9.

Said Corporation may take and hold any grant, donation, or bequest of property, upon trust, to apply the income thereof, under the direction of the executive committee, for the improvement of said Cemetery or any lots therein, or of any buildings, structures or fences erected or being erected upon the lands of said Corporation, or of any individual proprietor of a lot in the Cemetery, or for the repair, preservation, or removal of any tomb, monument, gravestone, fence or railing, or other erection in or around any cemetery lot, or for the planting and cultivation of trees, shrubs, flowers, or plants in or about any cemetery lot, according to the terms of such grant, donation or bequest; and the Supreme

Judicial Court shall have full power and jurisdiction to compel the due performance of said trusts, or any of them upon a bill filed by a proprietor of any lot in the said Cemetery for that purpose.

SECTION 10.

Any three or more of the persons named in this act shall have authority to call the first meeting of this Corporation, by an advertisement in one or more newspapers printed in the City of Bangor, seven days at least before the time of holding such meeting, and specifying the time and place thereof, and at any such meeting, or any adjournment thereof, any elections may be had, or any business done which are herein authorized to be had and done at an annual meeting, although the same may not be specified in the notice for said meeting; and the officers chosen at said meeting shall continue in office until the annual meeting of said Corporation next ensuing their choice, and until others shall be chosen in their stead.

SECTION 11.

Said Corporation shall be exempt from all taxes on all property held by them as aforesaid, and the lots and all improvements and erections thereon, shall be exempt from attachment and execution against the respective owners.

SECTION 12.

All property held by this Corporation at any time, and all money resulting from sales thereof, or of which said Corporation may be otherwise possessed, shall be exclusively devoted and applied to the preservation, improvement, embellishment and enlargement of the said Cemetery and the incidental expenses thereof, forever, and for no other purpose whatever, and no distribution, division or dividend thereof, or of any part thereof, shall ever be made among the members or stockholders.

SECTION 13.

Said Corporation shall have power to make all needful by-laws for the protection and reg-

ulation of their property and affairs not inconsistent with the laws of this State.

In the House of Representatives, February 26, 1858.—This bill having had three several readings, passed to be enacted.

JOSIAH H. DRUMMOND, Speaker.

In Senate, February 27, 1858.—This bill having had two several readings, passed to be enacted.

SETH SCAMMON, President.

February 27, 1858, Approved.

LOT M. MORRILL.

AMENDATORY ACT

CHAPTER 437.

AN ACT TO AMEND CHAPTER 167 OF THE LAWS
OF 1858 INCORPORATING MT. HOPE CEME-
TERY CORPORATION.

BE IT ENACTED BY THE SENATE AND HOUSE
OF REPRESENTATIVES IN LEGISLATURE
ASSEMBLED AS FOLLOWS.

SECTION 1. Section two of chapter one hundred sixty-seven of the laws of 1858, incorporating Mt. Hope Cemetery Corporation, is hereby amended by striking out the words "not exceeding twenty-five thousand dollars," so that said section as amended shall read as follows:

"SECTION 2. Said Corporation may take and hold in fee simple the grounds of the Cemetery of Mt. Hope aforesaid, and any other lands that may be convenient for cemetery purposes in the neighborhood thereof, and may take and hold any personal estate to be

applied to purposes connected with and appropriate to the objects of said Corporation."

SECTION 2. Section nine of said chapter is hereby amended by adding at the end of said section the following words: "Any and all lots on the public grounds of said Cemetery are included in said provision, the said Corporation being hereby authorized to receive moneys in trust for the said lots in all respects the same as aforesaid provided, so that said section as amended, shall read as follows :

SECTION 9. Said Corporation may take and hold any grant, donation or bequest of property upon trust, to apply the income thereof under the direction of the Executive Committee for the improvement of said Cemetery, or any lots therein, or of any buildings, structures or fences erected or being erected upon the lands of said Corporation, or of any individual proprietor of a lot in the Cemetery, or for the repair, preservation or removal of any tomb, monument, gravestone, fence or railing, or other erection in or around any cemetery lot, or for the planting and cultivation of trees,

shrubs, flowers or plants in or about any cemetery lot, according to the terms of such grant, donation or bequest ; and the Supreme Judicial Court shall have full power and jurisdiction to compel the performance of said trusts or any of them upon a bill filed by any proprietor of any lot in the said Cemetery for that purpose.

Any and all lots on the public grounds of said Cemetery are embraced in said provision, the said Corporation being hereby authorized to receive moneys in trust for the said lots in all respects the same as aforesaid provided."

Approved March 21, 1901.

CHAPTER XIV

BY-LAWS.

ARTICLE 1.

ANNUAL MEETING.

The annual meeting of this Corporation shall be holden on the first Monday of April annually, at which meeting the officers shall be chosen ; vacancies may be filled at a special.

ARTICLE 2.

SPECIAL MEETINGS.

Special meetings may be called at any time by the President, or in his absence or inability, by the Executive Committee, and such meeting shall be called whenever any ten members shall request the same in writing.

ARTICLE 3.

NOTICE OF MEETINGS.

Notice of the regular and any special meetings shall be given by the Secretary, or in his absence, or inability, by the President or by any other two of the Executive Committee, by advertising in one of the daily newspapers published in the City of Bangor, at least seven days before the day of meeting, but the notice need not specify the cause or the business to be transacted except as hereafter provided.

ARTICLE 4.

OFFICERS.

The officers of the Corporation shall be a President, Secretary, Treasurer, Auditor and an Executive Committee of five members.

ARTICLE 5.

PRESIDENT.

The President shall preside at all meetings of the Corporation if present; in his absence the members of the Executive Committee shall preside in the order of their appointment;

he shall also be EX-OFFICIO a member of the Executive Committee and preside at their meetings.

ARTICLE 6.

SECRETARY.

The Secretary shall keep the records of all meetings and shall be duly sworn to the faithful performance of his duty before entering thereon.

ARTICLE 7.

TREASURER.

The Treasurer shall collect and keep the moneys of the Corporation and disburse the same according to the order of the Executive Committee. He shall give bond in such sum as said committee may direct for the faithful execution of his trust, to the approval of the committee. He shall, at the annual meeting, make a report of the finances of the Corporation, all sums received and all sums expended during the year, with the number of lots sold and price for which sold.

ARTICLE 8.

EXECUTIVE COMMITTEE.

The Executive Committee shall have the general superintendence, direction and control of all matters and things relating to the Corporation and its property, except as in and by these by-laws and their charter, the same are devolved on the other officers. A majority of the committee may act provided that not less than a majority of the whole shall assent to any measure before it shall be regarded as passed and binding. At the annual meeting the committee shall make report of the condition of the Corporation, property, and other matters connected with its affairs.

ARTICLE 9.

PURCHASE OF LANDS.

No new lands shall at any time be purchased by the Corporation or its officers until previously authorized, or sanctioned by a vote of the Corporation at an annual or special meeting.

ARTICLE 10.

CONVEYANCE OF LOTS.

Burial lots may be conveyed by the treasurer to purchasers by Corporation deed, but he shall not make conveyance of any other property except by previous direction and authority in writing from the Executive Committee. The price of lots shall be under the direction of the committee.

ARTICLE 11.

FORM OF DEEDS.

All deeds of such burial lots shall contain the following conditions, embraced within the deed as a part thereof, viz.:

FIRST—That the proprietor of said lot shall have right to enclose the same with a suitable wall or fence.

SECOND—That the said lot of land shall not be used for any other purpose than as a place of burial for the dead; and no trees within the lot or border shall be cut down or destroyed without the consent of the Executive Committee of the said Corporation.

THIRD—That the proprietor of said lot shall have the right to erect stones, monuments, or sepulchral structure, and to cultivate trees, shrubs and plants in the same.

FOURTH—That the proprietor of said land shall keep in repair at his or her own expense the landmarks of the same which are now erected by the Corporation.

FIFTH—That if the landmarks and boundaries of the said lot shall be effaced, so that the said lot cannot, with reasonable diligence, be found and identified, the said committee for the time being shall set off to the said grantee, heirs or assigns, a lot in lieu thereof in such part of the Cemetery as they see fit, and the lot hereby granted shall in such case revert to the Corporation.

SIXTH—That if any trees or shrubs situated in said lot of land shall by means of their roots, branches, or otherwise become detrimental to the adjacent lots or avenues, or dangerous or inconvenient to passengers, the said committee, for the time being, shall have the right to enter into the said lot and remove

the said trees and shrubs, or such parts thereof as are thus detrimental, dangerous or inconvenient.

ARTICLE 12.

SEAL.

The seal of this Corporation, and which shall be used in the execution of all deeds, shall be the impression of an anchor encircled by the words, "Mount Hope Cemetery Corporation 1834."

ARTICLE 13.

TOMBS.

Tombs may be erected under the direction of the Executive Committee, on the front slope of Mount Hope, west of the garden steps, but on no other part of the Cemetery grounds.

ARTICLE 14.

DONATIONS AND TRUST FUNDS.

All moneys paid into the treasury by any person in trust, as provided in the ninth section of the Act of Incorporation, shall be invested by the Executive Committee in the stocks of the United States, or some state or city script, or by deposit in some Savings

Bank of undoubted security, and the annual income shall be received by the treasurer to be applied especially to the trust indicated by the donor or testator. And this Corporation is responsible for all moneys so received, and will guarantee a credit of such annual interest not exceeding ³four per cent. as shall be earned by the general fund, the same to be expended so far as necessary for the purposes for which it is deposited, the principal to remain intact until otherwise voted by the Corporation.

ARTICLE 15.

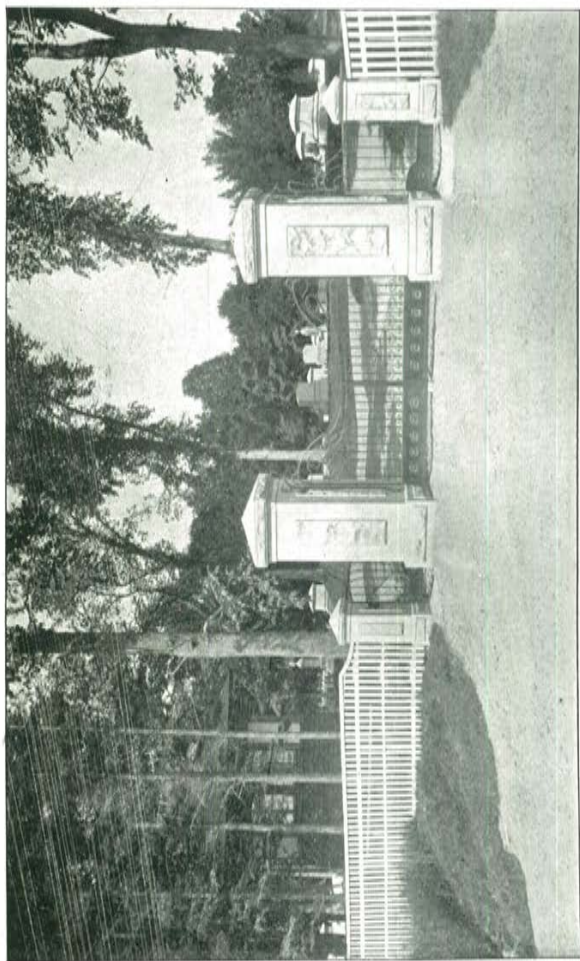
AMENDMENTS.

These by-laws may be altered, amended or annulled and new ones adopted at any meeting of the Corporation by a vote of two-thirds of the members present, and provided notice of such amendment be given in the call for such meeting.

ARTICLE 16.

QUORUM.

In order to form a quorum for the transaction of business, at any meeting of the Corporation, fifteen (15) members at least must be present.



EAST GATEWAY.

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