

COPY

# OLD CEMETERY CONSERVATION FUND

## PERPETUA.

WHEREAS, the burial grounds known as the Old Cemetery, with such grounds as have been added thereto, and as now (January 18, 1890), enclosed by the fence surrounding the same, and known as the Old Cemetery, situate easterly of the common in Rochester (Village), in the County of Strafford, and State of New Hampshire, and bounded by land of the late Albert H. Wentworth, the Rochester Cemetery Association, Mary S. Sanborn, and others, are, to a large extent, in a neglected condition, and it is necessary that a permanent fund be established for the future care and preservation of said cemetery, forever;

Therefore, agreeable to amended Section seven (7), of Chapter forty-nine (49), of the General Laws of the State of New Hampshire, in relation to public cemeteries and parks, approved August seventh (7th), A. D. eighteen hundred and eighty-nine (1889),

Resolved, that the citizens of the town of Rochester, in the County of Strafford and State of New Hampshire, in town meeting assembled, do, by vote, hereby agree that said town of Rochester, in said county, and said state, and the citizens of such succeeding governments as may succeed the present town government, do accept as a sacred trust from

*Donn Tebbets, and Others,*

for the perpetual proper, care, improvement and preservation, of the said Old Cemetery, Monied Contributions; aggregating,

*Four Thousand, Three Hundred and Sixty-six Dollars, (\$4366 00.)*

the same to constitute a fund to be known as the Old Cemetery Conservation Fund, Perpetua, and to hold the same in trust forever; and to well and safely invest and be accountable for, and do hereby agree to absolutely make good all losses of the same and of the income therefrom, forever, and do hereby agree to receive any and all future contributions to said fund, as herein provided, from whomsoever tendered, and incorporate them into the same, and do hereby agree to become accountable for and to absolutely make good all losses of the same and of the income therefrom, forever; and that said fund shall never be disturbed or used—and that—The income only can and shall be used as herein provided.

First: That one-half ( $\frac{1}{2}$ ) of each fifty-dollar and upward designated contribution to said Old Cemetery Conservation Fund, Perpetua, shall have the annual income accruing from said one-half ( $\frac{1}{2}$ ) devoted by said authorities (agreeable to the wishes of surviving relatives, as far as justifiable and consistent with the amount of money to be expended) to such lot or grave as said contributor or contributors agree upon and designate, forever, in the following manner: That three-fourths ( $\frac{3}{4}$ ) of this said income, or so much only of the three-fourths ( $\frac{3}{4}$ ) as may be necessary, shall be devoted annually when necessary, for all necessary and proper, care, preservation and beautifying of said lot or grave, and everything thereon, or that may hereafter be placed or erected on the same forever, and for all reasonable compensation to said authorities for services employed in carrying out the same forever—and—that the remainder (if any) of this said three-fourths ( $\frac{3}{4}$ ) and the remaining one-fourth ( $\frac{1}{4}$ ) shall be set aside and to be well and safely invested by, and accounted for by, said authorities, the same to constitute an Emergency Fund, the income therefrom to be added to the same annually, and do hereby agree to absolutely make good all losses of the same, and that said Emergency Fund, or so much of it as may be required, shall be used, when needed, for all necessary and proper, restoration and reproduction of all existing stones, tablets, monuments, inscriptions, stone edging and fence on, or that may hereafter be placed or erected on, said designated lot or grave, and for said purposes only, forever, and—that—

Second: The remaining one-half ( $\frac{1}{2}$ ) of this said class of fifty-dollar and upward designated contributions—and all general contributions to said Old Cemetery Conservation Fund, Perpetua, shall constitute a general part of said Old Cemetery Conservation Fund, Perpetua, the annual income therefrom to be devoted by said authorities, annually, when necessary, for all necessary and proper, care, restoration, improvement and preservation of the entire Old Cemetery at large, aforesaid, in common, and all existing and future lots and graves therein (including all lots and graves that have no one to care for them, regardless of contribution to this fund) forever, and for everything on, or erected on, or that may hereafter be placed or erected on the same, (agreeable to the wishes of surviving relatives as far as justifiable and consistent with the amount of money to be expended), and for all reasonable compensation to said authorities for services employed in carrying out the same, forever—and—

Third: That all unused income of this part of said fund shall be set aside and to be well and safely invested by said authorities, they, the said authorities, being accountable for and to absolutely make good all losses of the same, and that said unused income shall constitute an Emergency Fund to be used for aforesaid general purposes, in common, on entire cemetery when needed, forever,—and—

Fourth: That all of the existing and future lots and graves and all thereon, gate or gates, and fence or wall surrounding said cemetery grounds to have precedence in this expenditure over the grounds at large, building or buildings. Said Old Cemetery to always remain for the purpose now used, only, distinct and separate from any other cemetery or burial ground forever. That the approach to said cemetery from the highway shall be kept in a passable condition for foot or team by said authorities independent of this fund. And that said fund shall be exempt from any and all taxation forever, and that said authorities do hereby agree to preserve, care for and perpetuate said Old Cemetery forever, and to faithfully carry out all the measures, provisions and conditions of this instrument forever, without compensation, and cause the same to be placed upon said town and said county records in full, and to be responsible for all money received, invested and disbursed, and to absolutely make good all losses whatever of the same forever, and to acknowledge in one or more of the regular, reliable, established local newspapers of said Rochester, the receipt of any and all contributions to said fund at time of receiving same, stating contributor, object and amount, and to present their annual account and statement of the said fund in their report to the public, annually, forever.



WHEREAS, the town of Rochester at its annual town meeting, holden in March, A. D., 1890, voted to accept the Old Cemetery Conservation Fund, Perpetua, Paper and Fund, and to carry out all of the terms, measures, provisions and conditions of said paper forever, (of which the above is a true copy). Therefore each contribution or addition to said fund should be made by way of money order, check or draft payable only to said Rochester, N. H., and sent to same by registered letter, as the transaction is now between the contributor and said Rochester, and acknowledge by receipt from same.

Rochester, N. H., March 18, 1891.

CHARLES A. C. HANSON.

COPY

# Abstract of Instrument Creating Old Cemetery Conservation Fund Perpetua.

(For careful study see original instrument.)

## OBJECT:

The Old Cemetery grounds (enclosed by fence in January 18, 1890) situate easterly of the Common in Rochester (Village), bounded by land of the late Albert H. Wentworth, the Rochester Cemetery Association, Mary S. Sanborn and others in 1890.

## PURPOSE:

The perpetual care, improvement and preservation of the Old Cemetery and endowed lots.

## OBLIGATION OF CITY:

### I. GENERAL.

1. To hold the same in trust forever.
2. To receive any and all future contributions to said fund.
3. To never distribute or use the fund for other purposes.
4. To preserve the Old Cemetery for the purpose now (Jan. 18, 1890) used and keep the same distinct and separate from any other cemetery or burial ground.
5. To keep, independent of the fund, the approach to the cemetery from the highway in a passable condition for foot or team.
6. To exempt the fund from taxation.
7. To acknowledge in one or more of the regular reliable established local newspapers of Rochester the receipt of any and all contributions to said fund at the time of receiving the same, stating contributor, object and amount.
8. To present an annual account and statement of the fund in the City's Annual Report.

### II. ADMINISTRATIVE.

1. To well and safely invest and be accountable for all moneys.
2. To absolutely make good all losses of the same and the income therefrom.
3. To spend only the income as provided.

### III. EXPENDITURE.

1. The annual income to be used thus:

#### A. Specific. (half)

$\frac{3}{4}(\frac{1}{2})$

- (a)  $\frac{3}{8}$  of each fund, if needed, in care, preservation and beautifying of designated lots.
- (b)  $\frac{1}{4}$  and all unspent balance of  $\frac{3}{8}$  to be invested in an emergency fund (specific) out of which when needed all necessary and proper restoration and reproduction of existing stones, tablets, monuments, inscriptions, stone edging and fences on designated lots are to be made.

$$\frac{1}{4}(\frac{1}{2}) = \frac{1}{8}$$

#### B. General. (half)

- (a)  $\frac{1}{2}$  of each fund, if needed, for all necessary and proper care, restorations, improvement and preservation of entire Old Cemetery at large and of existing and future lots and graves therein with all things erected thereon and the balance, if any, invested in an emergency fund (general) to be used when needed for general purposes in common on entire cemetery.
2. To give precedence in expenditure over grounds at large, building or buildings, to existing and future lots and graves and all thereon, to gate or gates and fence or wall surrounding said cemetery.

Special Fund - Old Town Farm Cemetery Fund

		Dr.	
		This fund is made up of monies received from the sale of lots, and both principal and interest can be used.	
		Invested in Rochester Trust Company Book #5589	
1945			
Jan 1	Balance		
June 4	Rochester Trust Co. (dividend)		
Dec 3	" " "		
Dec 31	Balance		45.53
1946			45.53
Jan 1	Balance		
Dec 2	Rochester Trust Company		
Dec 31	Balance		46.33
1947			46.33
Jan 1	Balance		
Dec 1	Rochester Trust Company		
Dec 31	Balance		47.25
1948			47.25
Jan 1	Balance		
Dec 6	Rochester Trust Company		
Dec 31	Balance		48.19
1949			48.19
Jan 1	Balance		
Dec 5	Rochester Trust Company		
Dec 31	Balance		49.15
1950			49.15
Jan 1	Balance		
Dec 4	Rochester Trust Company		
Dec 31	Balance		50.13
1951			50.13
Jan 1	Balance		
Dec 3	Rochester Trust Company		

# Old Cemetery Conservation Fund Perpetua

		Dr.	Cr.
1933 Jan.	1	Principal of Funds (As per donors) (For detailed list of this, see Annual Report of the City of Rochester at close of 1932) Invested in Rochester Trust Company, Savings Department, Book # 22705	6439 37
			6439 37
1938 Dec.	30	Received legacy under the will of J. Henry Willey to be forever used in "the income caring for the lot of Moses Willey". Accepted by the City Council Jan. 3, 1939  Invested the above legacy in Rochester Trust Company, Book #22705	200 00
			200 00
1945 June 11		Invested in Series B-2 1/2 % United States Savings Bonds Invested in Rochester Trust Company, Book # 22705	6,600 00
1952 June		Invested in U.S. Treasury Bonds Invested in Rochester Trust Co. Book #67948 Invested in Rochester Trust Co. Book #22705	39 37 5278 04 1221 96 39 37

Special Fund - Old Cemetery Specific Emergency Fund

Dr.

This fund is created by crediting to it each year 1/8 of the annual income of the Old Cemetery Conservation Fund Perpetua and is to be used when needed as specified in the Old Cemetery Conservation Legacy.

Invested in Rochester Trust Company, book #3002.

1945			
Jan	1	Balance	
Dec	4	Rochester Trust Company	
Dec	2	"	
Dec	15	1/8 of income for 1945	
Dec	31	Balance	
1946			441.94
Jan	1	Balance	
Dec	2	Rochester Trust Company	
Dec	5	1/8 of income for 1946	
Dec	31	Balance	429.49
1947			479.49
Jan	1	Balance	
Dec	1	Rochester Trust Co	
Dec	6	1/8 of income for 1947	
Dec	31	Balance	458.57
1948			458.57
Jan	1	Balance	
Dec	6	Rochester Trust Company	
Dec	31	1/8 of income for 1948	
1949			488.28
Jan	1	Balance	
Dec	5	Rochester Trust Company	
Dec	6	1/8 of income for 1949	
Dec	31	Balance	488.28
1950			518.57
Jan	1	Balance	
Dec	5	Rochester Trust Company	
Dec	6	1/8 of income for 1950	
Dec	31	Balance	518.57
1951			518.57
Jan	1	Balance	
		Rochester Trust Company	

Special Fund - Old Cemetery General Emergency Fund

See abstract of instrument creating Old Cemetery Conservation Fund Perpetua for details.			Dr.
Invested in Rochester Trust Company, book 7000, 50000			See, III Para 1
1945			
Jan 1	Balance		
Dec 31	Balance		
1946			493
Jan 1	Balance		
Dec 31	Balance		
1947			493
Jan 1	Balance		
Dec 31	Balance		
1948			493
Jan 1	Balance		
Dec 31	Balance		
1949			493
Jan 1	Balance		
Dec 31	Balance		
1950			493
Jan 1	Balance		
Dec 31	Balance		
1951			493
Jan 1	Balance		
Dec 31	Balance		
1952			493
Jan 1	Balance		
Dec 31	Balance		
1953			493
Jan 1	Balance		
Dec 31 1953	Balance		
1954			493
Jan 1	Balance		
Sept 18	Donated by W. Buckford		
Nov 10	Rochester Trust Dividend		
Dec 31	Balance		
1955			501
Jan 1	Balance		
June 10	Rochester Trust Div.		
Nov 16	Rochester Trust Div.		
Dec 31	Balance		
1956			517
Jan 1	Balance		
June 10	Rochester Trust Div.		
Nov 16	Rochester Trust Div.		
Dec 31	Balance		