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AN
 ADDRESS,
 DELIVERED ON THE
DEDICATION
 OF THE
CAVE HILL CEMETERY;
 NEAR LOUISVILLE:
 JULY 25, 1848.

BY EDWARD P. HUMPHREY

WITH AN APPENDIX.

LOUISVILLE, KY.:
 PRINTED AT THE COURIER JOB-ROOM.
 1848.

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*"I give these Books
for the founding of a College in this Colony"*

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W. FAIRBANKS, D.D.

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ADDRESS.

I CANNOT hope to enhance the impressiveness of this occasion. I shall attempt no more, than to give utterance to a few of the sentiments suggested by the time, the place, and the purpose of our assembly.

The time is in the last hours of the day. These falling shadows, admonishing us of the close of life, harmonise with the spirit of the scene.

The place has been devoted to the burial of the dead. Here the seed planted in the up-turned earth has, in its decay, developed the germ of a new and fruitful life. To this spot, where we have been thus significantly taught that to die is to live again, we are to entrust the remains of the departed in the hope of their resurrection.

It is our purpose now, while engaged in the worship of God, to set these grounds apart to the last offices of affection.

We have, moreover, an assembly here profoundly interested in these proceedings. Within these enclosures many of us will hereafter bury our dead, and here, many of us will ourselves, be buried. On these sunny knolls, and in these shady dells the earth will receive back to her embraces many of us her children, and here we, and those endeared to us, will await the morning of the resurrection.

There are some, it is true, who are, or who affect to be, indifferent to the disposal of their mortal remains. Perhaps they sympathise with the ancient sage who directed that his body, after death, should be burned and the ashes scattered to the winds; or, perhaps, they are agreed with another celebrated scholar of antiquity, in thinking it a weakness, peculiar to man, to feel any interest in the subject: or possibly, a few, in bitter derision of every natural and proper senti-

ment, may admire the spirit of the Cynic who desired his remains to be exposed to the birds and beasts of prey.

Yet even they, who cherish this unconcern respecting themselves, will confess to a sentiment of reverence and affection towards the dust of a departed friend. They require that the mortal relics be bathed and composed for the sepulture. They require a reverent burial, attended by the rites of religion and the signs of human sympathy, and then, they mark the grave by the willow or the rose, the rude head stone, or the grand and polished marble.

This sentiment of reverence towards the dead is, except among barbarous tribes, a universal sentiment. Yet with what diversity, and often how unsuitably, it expresses itself, may be known from the conflicting customs of mankind. In disposing of the dead, the Egyptians resorted to the art of embalming their remains; the Greeks laid them on the funeral pile, and we commit them to the earth. Different colors, moreover, have been adopted as badges of mourning; some families of the race having chosen the black, and others the white, the grey, the yellow or the violet to express their grief. In Egypt the dead were subjected to the solemn trial; in Rome they were lauded in the extravagant eulogy. Some nations have buried their dead by day, and others by night; some have celebrated the funeral rites in solitary grief, and others, in the pomp of processions and gladiatorial shows and armies.

This inconsistency of practice and opinion still prevails. We bury our dead both amid the din and dust of the city and in the sequestered wood. Some prefer the public graveyard and others seek the retirement of private grounds. One would make the grave a flower garden, and another is contented with the bleak hill-side, or the unprotected common. Some find repose after death in a vault beneath the altar and others, in an earthen grave under the broad light of day.

Now, amid this conflict of opinion and custom, it is the persuasion of many, that the Rural Cemetery gives the hap-

piest expression to what is approved in reason and religion, and to what is becoming in sentiment and taste, in respect of this important subject. This persuasion has led to the establishment of the place of burial, within the precincts of which we are now assembled. The occasion therefore, seems to require some statement of the principles involved in the idea of the Rural Cemetery.

One of these principles is, that the remains of the dead should be laid in the earth. The practice which prevailed, anciently, among the Egyptians, of preserving the bodies of the dead, rested on their theory of transmigration and of the possible return of the soul, after the lapse of ages, to the occupancy of the body. The Peruvians were no less skilful than the Egyptians in this singular art. The bodies of their monarchs were embalmed, clothed in royal attire and placed in chairs of gold, the kings on the right and their queens on the left, within the great temple of the Sun. Their palaces and treasures, and furniture were carefully preserved awaiting their return to earth. Great festivals were also held, from time to time, when their bodies were brought forth in pomp, and a feast served up in their presence with all the forms of courtly etiquette. But the true religion and philosophy have taught us to discard both the dogma of transmigration and the practice of embalming resting upon it.

Some attempts, it is true, have been made, in modern times to imitate the Egyptian art. In an old chapel, near the city of Bonn, in Germany, the public curiosity is disgusted by the exhibition of nearly twenty blackened and hideous corpses, the remains of persons preserved by the action of the atmosphere of the vault. It is said that near the city of Palermo, about two thousand bodies of deceased ecclesiastics are to be seen in one cadavery, clothed in the habiliments of their order, but presenting a spectacle of unmitigated ghastliness. The irresistible laws of nature, no less than the decrees of the God of nature, teach us that when the spirit returns to Him who gave it, "then shall the dust return to

the earth as it was." Even if we could succeed in holding together the crumbling relics, their changed and unsightly appearance would prompt us to conceal them from the sight of the living.

The ancient Greeks, and after them the Romans, gave their dead to the flames and gathered their ashes in funeral urns. This practice was designed, both to anticipate the process of natural decay, and to enable the survivors to offer, on the funeral pile, sacrifices to the *manes* of the departed. But in the judgment of the early christians, religion and humanity discountenanced the practice. They deemed it a cruelty to the survivors, and indeed a species of cruelty to the body itself. By the influence of the christian religion, the burial, very early superseded the burning of the dead throughout the Roman Empire.

It were not difficult to show that the practice of interment is, alone, in harmony with the spirit of christianity. For, in the first place, the burial of the dead is a touching recognition of the sentence "thou shalt return unto the ground; for out of it wast thou taken; for dust thou art, and unto dust shall thou return." Next, the sacred word, bringing life and immortality to light, has, in compassion to our fears, softened even the term by which death is described. It is a sleep. "Our friend Lazarus sleepeth and I go that I may awake him out of sleep," were the words of Jesus on a memorable occasion. If death be described as a sleep, then a place of retirement, in the peaceful bosom of the earth is most appropriate to the conception; and the word Cemetery by which we describe the place of burial, becomes significant and beautiful, since its precise meaning is a resting or sleeping place.

Then, again, the word of God, revealing the sublime doctrine of the resurrection, teaches that the sleep of death is not eternal. It teaches also, that the return of the dust to the earth as it was, is a preparatory step to its re-creation into a spiritual body. This mortal and corruptible must be dissolved, or changed, before it can put on immortality and incor-

ruption. Inspiration itself suggests the analogy between the sowing, the decay, and springing of the seed, and the burial, the dissolution and the resurrection of the body. "That which thou sowest is not quickened except it die. * * * So also is the resurrection of the dead. It is sown in corruption, it is raised in incorruption; it is sown in dishonor, it is raised in glory; it is sown in weakness, it is raised in power; it is sown a natural body, it is raised a spiritual body." This is a great mystery; yet the act of laying our dead in the bosom of the earth, is in harmony with our faith, touching their resurrection.

Of the various repositories for the relics of the departed, in use among us, the earthen grave is the most appropriate. The practice of depositing the dead within the precincts of churches has extensively prevailed. This practice has commended itself sometimes to the sentiment of reverence for the house of God, and sometimes, perhaps, to the sentiment of aristocratic pride. In the old world, the walls and pillars of the cathedrals and churches are crowded with inscriptions and with masses of monumental sculpture, in honor of those whose remains are beneath their pavements. We can easily believe that Westminster Abbey, in London, and the church of Santa Croce, in Florence, inspire with the deepest awe, him who gazes upon the memorials of the mighty dead gathered within their walls. In the dim light and earthy dampness of these cathedrals for the dead, their very spirits seem to gather around us and we can almost hear their voices faintly echoing along the far-off arches. Yet we can hardly suppress the sentiment, that the kings and heroes, and philosophers, and poets of England, whose relics lie crowded together in the gloomy and festering vaults of the Abbey, were less fortunate in death than the peasantry of England, who are permitted to repose in her country church-yards,

"Beneath those rugged elms, that yew-tree's shade,
Where sleeps the turf in many a mouldering heap."

The remains of Galileo, were at his death buried in the earth, and afterwards transferred to a marble couch in Santa Croce. Yet we could almost wish to restore them again to the grave under the open sky of his native Italy, where the stars, the great astronomer loved so well, might resume their perpetual and grateful vigils over his dust.

I would even venture the suggestion that the practice of depositing the dead in capacious tombs is an unhappy expedient. If the design be to hold the mortal relics accessible either to the solicitude of friends, or the curiosity of strangers, the practice is most objectionable. Neither the eye of the living whether stranger or kindred, nor even the light of day should be suffered to profane the mortal dust, as it hastens to dissolution. Why should we desire to gaze on the debased and broken fragments of what was once so beautiful? Why should we not minister to them the charity of an undisturbed retirement?

It should be borne in mind moreover that accident and the wasting hand of time may lay in ruins the enclosures and walls of the tomb. The inevitable result is too obvious and painful to admit of a single remark.

The bosom of the earth is the proper place for the mortal dust. Not in the myrrh and swathings of Egypt, not in the funeral pyre of Greece, not in the damp and loathsome vaults of the cathedral, not even in the grassy tomb, but in the fresh earth, under the open sky, amid the beauties of sunlight and shadow, of running streams, and verdure and flowers, there let the weary be at rest. We cannot if we would, prevent the dust from crumbling away; we would not if we could. We respond to the sentiment of Laertes in the poet, respecting his sister Ophelia,

“Lay her i' the earth;
And from her fair and unpolluted flesh
May violets spring.”

We feel our spirits stirred by the sublime mystery of the promised resurrection, which teaches us to entrust to the

earth, that which shall be raised from its bosom in glory, by the power of God.

Another principle of the Rural Cemetery is the inviolable tenure, by which it is held for the purpose of burial. A conclusive objection may be urged against the establishment of family cemeteries in private grounds, suggested by the possibility of their desecration. The plantations, in this region, have been cultivated less than three quarters of a century; and yet in passing from the possession of one proprietor to that of another, the family burial place has, in some instances, gone into neglect and become covered with rank vegetation; or perhaps, the fences have been removed, and the place burned over and "turned out," as the expression is, into the common field. Soon even the fact, that the dead are buried there, will be forgotten forever, unless the spade shall accidentally reveal their crumbling relics.

The same objection lies against the establishment of the cemetery within the precincts of a populous city. In the course of a few years, it is filled with graves, and then abandoned for another enclosure. A few of the survivors remove the remains of their friends to the new burial grounds, until there are none to care for the "old grave-yard." The monuments are dilapidated or broken down, the walls are prostrated, and it becomes an object not only of neglect but of aversion. The most that can now be expected is, that trees may be planted on its surface, and the place converted into a public square. Otherwise, it becomes a common pasture or play ground, or it is chosen for the site of a rail-way station, or, very possibly, it is divided into building lots and sold under the hammer. This is not an exaggerated statement. Is there a city in the country, which has attained the antiquity of half a century, that is not obnoxious to the reproach of a neglected or desecrated grave-yard? If the buried, in some of our cities, were suddenly re-animated, would they not start up from the foundations of the ware-houses and dwellings, or

even from beneath the stones of the streets? The 'mummy become merchandise,' the shame of Egypt, has its counterpart of shame among a people who sell and buy the graves—aye, the bones—of the dead.

Now it is one of the indispensable conditions of the Rural Cemetery that its possession as a burial place be made perpetual and inviolable. The authority of the law, and the public sentiment and conscience, must be successfully invoked to guard our graves from the cupidity of our survivors. In the oldest records of the race it is related that a venerable patriarch, on the death of his wife, applied to the people of the neighborhood for a burial place. One of them offered to give him a field for the purpose. He declined the generous offer and urged them to sell him the enclosure and to accept its value. They consented to his request, and he purchased the place for "four hundred shekels of silver, current money with the merchant;" and as we read in the narrative, "the field and the cave which was therein, and all the trees that were in the field, that were in all the borders round about, were made sure unto Abraham for a possession of a burying place."

We shall do well to profit by this example of patriarchal sagacity. It becomes us to see to it, that this spot be made sure for the uses of the burial place. It must be guarded from the rapacity of the buyers and sellers of another generation. If this complete security cannot be gained, nothing is accomplished, and we must abide, as best we may, the mockery and dishonor attached to a spot which is the cemetery to-day, and which may be the shambles to-morrow.

The maxim, that the earth belongs not to the dead but to the living, is relied on to furnish an apology for devoting to other purposes, the place which has been used for the burial of the dead. But on this very maxim, do we rest our argument for its perpetual consecration. It becomes to the living, an object of increasing interest as successive generations are brought within its gates. Its ancient monuments, its pious inscriptions, its moss-covered head-stones, its venerable shades,

the memory of the great and good of olden time, constitute a legacy of imperishable moral wealth to those who come after. Themistocles could not sleep, so much was his spirit fired by visiting the graves of the illustrious dead. The Romans buried their most honored citizens along the Appian Way, that the youth, as they entered the city, might be moved to emulate their virtues and share their renown. To this day, the tomb of the Scipios remains to perpetuate the memory, at least, of old Roman valor. The early christians worshipped God at the graves of the martyrs, to re-assure their faith and to catch the spirit of those "of whom the world was not worthy." The patriot leads his sons to the tomb of Washington, to engage them to imitate his great and brave example. None, scarcely, can be so dead to virtue as to visit the graves of the great and the good without some aspirations after a better life. There is a beautiful significancy in the miracle recorded in the sacred word. The dead man cast into the sepulchre of Elisha, when he touched the bones of the holy prophet, revived and stood on his feet.

We adhere then to the maxim, that the earth belongs to the living. That spot especially, to which we entrust the remains of our dead, belongs to us and to our children. It must not be given away; it must not be sold; it must not be taken from us. Religion, conscience, reverence towards the dead, and humanity towards the living, all, with one consent, plead for the sacredness of the spot,—for its sacredness forever.

Next, we observe that the Rural Cemetery provides a place where families and friends may rest together. We have adverted to the arrangement made by Abraham for a burial-place. Not only did he hold the enclosure for a sure possession but he established there a family cemetery. His wife was its first tenant, afterwards the patriarch was placed by her side. More than a hundred and fifty years afterwards, when Jacob, his grandson, was dying, he charged his sons to bury him with his fathers in the cave which Abraham bought with the field for a possession of a burying-place. "There" said the dying

Jacob, "they buried Abraham, and Sarah his wife; there they buried Isaac, and Rebecca his wife; and there I buried Leah." This patriarchal conception of the family burying-place has the capital merit of gathering about the spot the associations of home and kindred. The family cemetery is as dear to the heart as the family home; or rather, as one by one of our kindred is removed from the home of the living to the house of the dead, we come to regard that spot as itself the home. Our domestic associations are transferred to the spot where they repose, around whose memory these associations forever linger.

In all our wanderings, our hearts acknowledge the attractions of the holy spot, where sleep our parents and our children. If that place be theirs and ours forever, little do we care who may occupy our patrimonial acres, or whose head may repose under our native roof. Even our Indian tribes, as they retire from advancing civilization, cast their last look behind, not on their corn-fields and hunting-grounds, but on the graves of their fathers.

Now the Rural Cemetery meets this lofty sentiment of our nature. It offers the advantages of family cemeteries on private grounds, while it obviates the insecurity attending them. It does not open long ranges of graves, here a dismal range for adults, and there a range more dismal for children, but it invites us to a place, where we and those who love us, may lie down together; where our families, divided by death, may be gathered again in the grave. It is not forgetful of the stranger who may die among us; for it offers to his dust a quiet resting place. But it is, in the main, a grouping together of family burial-places, giving to each household a spot sacred to the repose of its dead.

We further observe that the Rural Cemetery should be established beyond the limits, present and prospective, of the city. This is important, in the first place, that the marketable value of the grounds may not tempt the cupidity of our survivors. Next, the rural character essential to the idea of a Ru-

ral Cemetery cannot, otherwise, be secured. We should seek for our dead a place of retirement. They have worn life away amidst the tumultuous din and corroding cares of the city; let us afford them, in death, a refuge amidst the tranquillity and verdure and sweet influences of nature. Considering the cemetery, moreover, as a resort for the living, as well as a refuge for the dead, we should select a spot which may be secure from intrusion, and afford us quiet communion with memory and hope and love. It should not be accessible to holiday crowds, nor disturbed by the heel of pleasure or the laugh of boisterous gaiety, but should be sacred to the repose of the dead and to the tears of affection, and the breathings of devotion.

The Rural Cemetery, moreover, should be appropriately decorated. I am not aware that any prejudice exists against the embellishment of the cemetery. The burial-place of Abraham's family was adorned with trees, and the sepulchre of our Savior was in a garden. The most appropriate adornments of such a place are the trees and shrubs and flowers, which are by common consent, emblematical of the life, and death and hopes of man. "He cometh forth as a flower and is cut down," is one of the plaintive strains of inspiration itself. "We adorn," says an old writer, "the graves with flowers and redolent plants, just emblems of the life of man, which has been compared in the Holy Scriptures, to those fading beauties, whose roots being buried in dishonor rise again, in glory."

"I would have a dry death," says Jeremy Taylor, "but am not very desirous to have a dry funeral; some flowers sprinkled on my grave will be well and comely, and a soft shower to turn the flowers into a springing memory and a fair rehearsal."

A proper taste will regulate the character of the trees and flowers, and their distribution and arrangement. It will tolerate nothing in the style of the flower garden or the pleasure grounds, nothing, in short, that is inconsistent with the proprieties of the place. But reason and taste suggest that it should

be decorated appropriately, by the beautiful productions of our great creator.

The cypress, the oak, the elm, the weeping willow,

“Trailing low its boughs to hide
The gleaming marble,”

the magnolia, the silver-leaved maple, the larch, the mountain and the weeping ash, should adorn the ground with their pale or deeper verdure, and their refreshing shade. As in the frosts of autumn they cast their leaves, they will admonish us that “we all do fade as a leaf.” The white pine, the juniper, the hemlock-spruce, the arbor vitæ, the yew, and if possible, the cedar of Lebanon,

“With fair branches and a shadowy shroud,”

should lift up their perpetual verdure here, the emblem of a life that passes not away.

The English ivy, the Virginia creeper, the glycine and the eglantine should be planted here to bind together turf and tree and marble.

The green and flowering shrub, the rhododendron, the mountain laurel, and the azalea should be here; the white jessamine also, the daisy, and first in beauty and appropriateness, the rose,

“And every flower that sad embroidery wears,”

should in the morning shed their fragrance, and in the evening scatter their withered blossoms over the graves of those we love:

“Bid amaranthus all his beauty shed,
And daffadillies fill their cups with tears.”

And then let the humbler vines

“That on the green turf suck the honied showers
And purple all the ground with vernal flowers,”

the violet, the periwinkle and ‘forget-me-nots,’ creep from grave to grave.

How beautiful the language, in our great poet, of him who mourned Fidele,

“With fairest flowers,
While summer lasts, and I live here Fidele,
I'll sweeten thy sad grave. Thou shalt not
Lack the flower that's like thy face, pale primrose, nor
The azured hare-bell, like thy veins: no, nor
The leaf of eglantine, whom not to slander.
Out-sweetened not thy breath: the ruddock would,
With charitable bill, (O bill sore shaming
Those rich left heirs, that let their fathers lie
Without a monument!) bring thee all this;
Yea and furred moss besides, when flowers are none,
To winter ground thy corse.”

Such is the Rural Cemetery. It is a place for the burial of the dead. Its possession is inviolable. It is a family burial-place; remote from the city, and decorated with what is beautiful in nature.

Religion and taste and sentiment vindicate these principles. The bleak hill-side, or the unprotected and barren field, is not suitable either for the living or the dead. Let the place of graves be rural and beautiful. Let it be under the free air and cheerful light of heaven. Let trees be planted there. Let the opening year invite to their branches the springing leaf and birds of song, and when the leaves and birds are gone, let the winds summon from their boughs sweet and melancholy strains. Let the tokens of fond remembrance, in the shrub and flower, be there. Let the murmuring of the gentle rill be there. There let the rising sun cast westward the shadows, admonishing us of life's decline, and then let the evening shadows point to the eastern sky, in promise of another and brighter day. Amidst ever-changing beauty and harmony, where the decay and renovation of nature may perpetually remind us that we must die, and that to die is to live again, there, let the dust return to the earth as it was.

I have now submitted a brief view of the elements which enter into the conception of the Rural Cemetery. But the further inquiry arises whether the burial-place, to be establish-

ed within these enclosures, fulfils the conditions which have been mentioned. Let us consider this inquiry.

This cemetery owes its establishment to the liberal policy of our municipal authorities. The estate has been purchased by the Mayor and Council, and by them conveyed to a board of trustees. This board acts under a perpetual charter, granted by the Legislature of the Commonwealth. It is required, by the terms, both of the charter and the deed of conveyance, that the grounds "shall be perpetually held and used for the purposes of a Rural Cemetery." The lots are to be made sure to the purchasers by every appropriate form of law. It is to be a burial-place forever. A superintendent, skilled in his profession is to be employed, whose care it will be to cultivate the shrubbery and foliage which may be planted here by the hand of affection. The proceeds of the sale of lots are to be devoted, in the first place, to the arrangement and decoration of the grounds. The further proceeds are to form a permanent fund, the income of which is to be used for the protection and care of the premises. It is understood, even if interments should at any time cease to be made here, that the trustees and their successors are required to expend, from the income of the fund, whatever may be needful to preserve the place from neglect and desecration.

The grounds themselves are admirably adapted to the purpose. The soil is firm and dry. The place is sufficiently near the city for convenience of access, and sufficiently remote to protect its tranquillity. The surface is flowing and diversified. The gentle slope, the swelling hill-side, the shady glen, the lawn and copse are here. One of the peculiar features of the grounds may be seen in a series of wide grassy bowls, occurring separately, or joined together at their rims in groups: another feature, susceptible of the highest embellishment, is a perennial rivulet, flowing from the mouth of the cave, and clothing its margin with verdure. Some persons, it may be, will regret the absence of the aboriginal forest. But they may, perhaps, be convinced on re-

lection, that the loftiness of our forest trees exposes them to the violence of the winds, while those planted in the open field take firmer root, and afford a broader shade. The exercise of taste, in the choice of trees and shrubs and their distribution over the grounds, will soon supply any seeming deficiency in this respect, and a few years will furnish the foliage, and display the arches and columns of a new forest temple.

After you have examined the grounds, then ascend the eminence and enjoy the landscape which spreads itself abroad. If it be wanting in the elements of grandeur, it is rich in those of rural beauty. The green meadow, the fields of waving grain, the cultivated garden, the homes of our friends half revealed amid the foliage, the sunny lawn, the deep old wood, the shadowy cave, the weary highway, and the gushing and redundant fountain, all are here. Here also is the stream meandering at our feet, and moving, with reluctant flow, from these sequestered shades to the glare and din of the city. Yonder is the majestic river, refreshing every shore it visits, and bearing on its flood our argosies of wealth and our palaces of pleasure. Yonder, also, is the city, with its roof, and spire, and dome. Beyond the city are the wooded hills. Beyond the hills are the setting sun and gorgeous western sky. Beyond the sky, and beyond the sun, over field, forest and flood, over the homes of the living and the graves of the dead, over all, and embracing all, is Heaven.

And now let us complete the duty which has brought us here to-day. We are to devote these grounds, first, to the repose of the dead. How soon, and how rapidly, will they begin to gather here. From the saloon of gaiety and from the abode of hopeless sorrow, from the bed of down and from the bed of straw, from the clasping arms of affection and from the tearless funeral, hither do they hasten. Youth and beauty, the strong man and the feeble, the rich and the poor, the loved one and the stranger, gather here. Old age brings

hither its silvery hairs, childhood its ringlets, and infancy its earliest smile. They come! They come! Procession follows procession, until the city of the dead is more populous than the city of the living.

We are to devote these grounds, not only to the repose of the dead, but to the highest purposes of the living. They also, will frequent these solemn shades. This will be a place, not for weeping only, but for the lifting up of the eye of faith, and the voice of prayer. It shall be called a Bethel as well as a Bokim. Hither the timid will come to re-assure their faltering resolution. The good man will here renew his strength, and the prodigal will return from his wanderings and his guilt, to seal his repentance at a mother's grave. To the living then, as well as to the dead, do we devote this guarded enclosure.

We have spoken much of death and the grave; let us not forget Jesus and the resurrection. It is our faith in him, who is "the resurrection and the life," that has brought us here today. If no Savior and no resurrection were revealed, we should not have a word to say; we could only fall upon our faces and weep and shudder together over the frightful gloom and corruption of the sepulchre. If there be no hope of the resurrection of the body, and the salvation of the soul, far be it from us to embellish the place of graves. The marble and the epitaph, the shrub, flower and tree, vernal beauty and fragrant bloom, the 'notes of happy birds,' the insect's glowing wing, the running stream, the murmuring breeze, the cheerful light of day, every rural sight and sound would but mock our catastrophe. I do not wonder that the heathen philosopher, in his ignorance of the christian's hope, designated the most unsightly and barren ground as suitable for sepulture, nor that the pagan emperors were confounded as they saw the early christians bury their dead with psalmody in the procession, and thanksgivings at the tomb.

Jesus and the resurrection! Let me repeat the joyful words. They speak to us of an atonement for sin, redeeming

the soul from death and the body from the grave. Death is no longer death, but a sleep. The grave-yard is not now a dungeon but a cemetery—a resting place. Nor is the grave a Golgotha, but an outer chamber, where the soul, unclothed of the mortal and clothed upon with the immortal, may robe itself for the presence of God.

Behold, the stone is rolled away from the door of the sepulchre and angels, in raiment white as snow, are sitting within. They bid us believe on Him who hath taken away from death its defilement, and from the grave its gloom. When we go thither to bury our dead, they bid us not to sorrow 'even as others which have no hope. For if we believe that Jesus died and rose again, even so them also that sleep in Jesus will God bring with him.' The eye of faith, piercing the clouds which rise from earth to obscure the heavens, shoots

“Far glances into glittering worlds beyond
The twilight of the grave, where all is light,
Golden and glorious light, too full and high
For mortal eye to gaze on, stretching out
Brighter and ever brighter, till it spread,
Like a wide radiant ocean without bounds,
One infinite sea of glory.”

And now in a blended recognition of the decree that the living must die, and of the promise that the dead shall live, let us devote these grounds to the uses of christian sepulture. May all, who shall be buried here, sleep in Jesus. May this be the scene of their rest, and the scene of their resurrection. And when they shall come forth from the dust, amidst the splendors of Christ's appearing, and the ruins of dissolving nature, may they all, with one consent, through the grace and power of God, raise the triumphant song, “O DEATH, WHERE IS THY STING? O GRAVE, WHERE IS THY VICTORY?”

APPENDIX.

DEDICATION SERVICES
AT
CAVE HILL CEMETERY.

THE MAYOR AND COUNCIL OF LOUISVILLE, with a commendable desire to be in unison with the advancing civilization of the age, have set apart a large portion of Cave Hill Farm as a Rural Cemetery, and have made a deed to the land, to six trustees, with ample powers to build up a Cemetery, where affection may deposit the objects of its love, and where piety may rear its monuments to those who sleep in the hope of a glorious resurrection.

The deed was originally given to *L. L. Shreve, G. W. Bayless, Jedediah Cobb, William B. Belknap, James C. Johnson, and James Rudd*, and the Legislature of Kentucky granted a charter to these gentlemen, and to their successors in office, for the purpose of carrying out the wishes of the Mayor and Council for the erection of a Rural Cemetery. In June, 1848, the four first named gentlemen resigned their seats in the board, and the Mayor and Council elected *John P. Morton, Joshua B. Flint, Thomas E. Wilson, and Theodore S. Bell*, to fill the vacancies thus made. At a meeting of the new board on the 16th of June, it organised itself by the election of the following officers: JAMES C. JOHNSON, *President*; T. S. BELL, *Secretary*; and THOMAS E. WILSON, *Treasurer*; accepted the deed from the Council, and commenced the labors assigned in the deed. DAVID ROSS, of Ohio, was highly commended as a landscape gardener, and he was at once selected for taking charge of the grounds, decorating them with shrubbery, trees, &c., and for all other objects within the purview of the duties of a landscape gardener.

In accordance with a general, and a most appropriate usage, the trustees determined to dedicate the grounds with religious and didactic services. On the 25th of July, at 5 o'clock P. M. these interesting services were performed in the presence of a large number of ladies and gentlemen, in a beautiful grove, on the side of a hill, near Beargrass Creek.

To the kind attentions of Mr. E. W. GUNTER, the trustees were indebted for the selection of an excellent choir of ladies and gentlemen, whose taste and abilities added greatly to the solemnity of the services of this occasion. The choir commenced the services by singing the following hymn:

The angels that watched round the tomb,
Where lo! the Redeemer was laid;
When deep in mortality's gloom
He hid for a season his head.

That veil'd their fair face while he slept,
And ceas'd their sweet harps to employ,
Have witness'd his rising and swept
The chords with the triumphs of joy.

You saints, who once languish'd below,
But long since have enter'd your rest,
I pant to be glorify'd too,
To lean on Immanuel's breast!

The grave in which Jesus was laid
Has bury'd my guilt and my fears;
And while I contemplate its shade,
The light of his presence appears.

O, sweet is the season of rest;
When life's weary journey is done!
The blush that spreads over its West,
The last ling'ring ray of its sun!

Though dreary the empire of night,
I soon shall emerge from its gloom,
And see immortality's light
Arise on the shades of the tomb.

Then welcome the last rending sighs,
When these aching heart strings shall break;
When death shall extinguish these eyes,
And moisten with dew the pale cheek.

No terror the prospect begets,
I am not mortality's slave,
The sunbeam of life as it sets
Leaves a halo of peace on the grave.

The singing of this hymn was followed by a most appropriate and impressive prayer by the Rev. MR. SEBON, of the Methodist Episcopal Church.

The Choir then sang the following Ode, prepared for this occasion by FORTUNATUS COSBY, Esq.:

Not in the crowded mart
 On sordid thoughts intent;
 Not where the groveling heart
 On low desire is bent;
 Not where Ambition stalks
 And spurns the patient earth,
 Nor yet where folly walks
 Mid scenes of idle mirth;

Not where the busy hum
 Of ceaseless toil is heard;
 Not where the thoughtless come
 With light and careless word;—
 Not there—not there—should rest,
 Forgotten evermore—
 The weary, the opprest,
 Their tedious life-ache o'er.

Not there the hallowed form,
 That pillowed all our woes
 On her pure bosom warm—
 Not there should she repose;
 Not there—not there—should sleep
 Or child's, or parent's head;
 Nor there the living keep
 Remembrance of the dead.

But where the forest weaves
 Its ceaseless undersong,
 And voices mid the leaves
 The symphony prolong;
 Where breeze and brook and bird
 Their sweetest music wake,
 And only nature's heard,
 Their resting-place we'll make.

There, where the crocus springs
 Amid the lingering snow,
 And where the violet brings
 Its first awakening glow;
 Where summer flowers unfold
 Their wealth of fragrant bloom—
 There, for the young—the old—
 We'll rear affection's tomb.

There, where the water's sheen
 Reveals the world above,
 And where the heavens serene
 Look down with watchful love;
 The loved ones there to earth,
 We'll render 'dust to dust'—
 To Him who gave them birth—
 The Merciful—the Just.

The Rev. E. P. HUMPHREY, then delivered the dedication discourse. The profound attention given to this discourse evinced the greatness of the interest felt by the audience in the subject. The address will speak for itself.

The address was followed by the following hymn, sung by the choir:

I would not live always; I ask not to stay
Where storm after storm rises dark o'er the way,
The few cloudy mornings that dawn on us here
Are enough for life's woes—full enough for its cheer.

I would not live always: no—welcome the tomb,
Since Jesus has lain there, I'll enter its gloom;
There sweet be my rest till he bid me arise,
To hail him in triumph descending the skies.

Who, who would live always away from his God—
Away from yon heaven, that blissful abode;
Where the rivers of pleasure flow o'er the bright plains,
And the noontide of glory eternally reigns?

Where the saints of all ages in harmony meet,
Their Savior and brethren transported to greet;
While the anthems of rapture unceasingly roll,
And the smile of the Lord is the feast of the soul?

These solemn and interesting services were closed with a prayer and benediction by the Rev. MR. GALLAGHER, Rector of St. Paul's Church.

OFFICERS OF CAVE HILL CEMETERY.

JAMES C. JOHNSTON,	-	-	<i>-President.</i>
THEODORE S. BELL,	-	-	<i>-Secretary.</i>
THOMAS E. WILSON,	-	-	<i>-Treasurer.</i>
DAVID ROSS,	-	-	<i>-Landscape Gardener.</i>

TRUSTEES.

JAMES C. JOHNSON,		JAMES RUDD,
JOHN P. MORTON,		T. S. BELL,
THOS. E. WILSON,		JOSHUA B. FLINT.

THIS INDENTURE, made between THE CITY OF LOUISVILLE, of the first part; and L. L. SHREVE, GEO. BAYLESS, JEDEDIAH COBB, JAMES C. JOHNSON, WILLIAM B. BELKNAP and JAMES RUDD, Managers of the Cave Hill Cemetery Company, of Louisville, of the second part: *Witnesseth* that the said City of Louisville in consideration of the sum of One Dollar, and of the trusts hereinafter created and recited, by these presents, does set apart, donate and convey a certain parcel of land, with the appurtenances, lying within the City aforesaid on Beargrass Creek, and bounded as follows: Beginning at a beech tree in the lane which leads from the Bardstown Turnpike road, to the Cave Hill tract, thence N. 53, E. 616 feet—thence S. $84\frac{1}{2}$, E. 240 feet—thence N. $76\frac{1}{2}$, E. 264 feet—thence S. $68\frac{1}{2}$, E. 260 feet—thence N. 80, E. 208 feet—thence N. 43. E. 164 feet—thence N. $18\frac{1}{2}$, E. 188 feet—thence N. $5\frac{1}{2}$, D. 100 feet—thence N. 6, W. 204 feet—thence N. $5\frac{1}{2}$, E. 800 feet—thence N. $84\frac{1}{2}$, W. 400 feet—thence S. $81\frac{3}{4}$, W. 309 feet—thence S. $24\frac{1}{2}$, W. 134 feet—thence S. 72, W. 170 feet—thence N. $84\frac{1}{2}$, W. 600 feet—thence S. $5\frac{1}{2}$, W. 1630 feet, to the beginning—containing forty-seven 6-10 acres—unto the said second party and their successors in office:

TO HAVE AND TO HOLD the said parcel of land with the appurtenances, unto the said second party, and to their successors in office, in trust, for the following purposes: that the said managers and their successors in office, shall perpetually hold and use the same for the purpose of a *Rural Cemetery*, and according to the terms and provisions of an act of the General Assembly of the Commonwealth of Kentucky, entitled, "An Act to incorporate the Cave Hill Cemetery Co. of Louisville," approved, 5th Feb'y., 1848—and also upon the following trusts and conditions, viz:—that the City of Louisville, shall have, and doth now hereby reserve, the quarries upon that part of said tract, which lies eastwardly of the spring branch, extending to a point, distant Northwardly, from the Cave Spring about sixty feet, together with the free and unrestrained right of way, and access to said quarries, whenever they shall be opened, and whenever they may be used; and also the free and unrestrained right of way and access to the Pest House, and Work House, and such other buildings as may hereafter be erected by the city of Louisville upon that part of the Cave Hill tract, not herein donated, from the present gate on said Turnpike road, and along the said lane, through the tract hereby donated, along the avenue running with Southard's line, and the avenue running with Pettitt's & Payne's lines, as laid down on the map or plan of said Cemetery—and also the free use of the Cave Spring and the right of way or access thereto by a stile or gate over or through the fence or wall enclosing the ground hereby donated, from the said Pest House or other buildings, and upon the further trust and condition that said managers and their successors in office shall not take, or use, or permit to be taken or used, from the quarries hereinbefore reserved to the city, any stone; and shall not use, or permit to be used, the ground containing said quarries, for burying purposes—and that they shall not use, or permit to be used, the stone which may be upon the tract hereby donated, except for the uses and purposes of said Cemetery. And the City of Louisville does hereby donate and convey to said managers and their successors, the right of way, at all times, from the Turnpike and along the lane aforesaid, to the tract hereby donated. For greater certainty as to the reservations made in this deed, reference is made to a plan, whereon the ground containing the quarries, is marked a, b, c, d, e, f, g.

In testimony whereof, I, WM. R. VANCE, Mayor of said City of Louisville, have hereto set my hand and caused the seal of the Corporation to be affixed, this the first day of June, one thousand eight hundred and forty eight.

WM. R. VANCE, Mayor.

I, CURRAN POPE, Clerk of the County Court of Jefferson County, in the State of Kentucky, do certify that on this day, the foregoing deed was produced to me in my office, and acknowledged and delivered by WILLIAM R. VANCE, as Mayor of the City of Louisville, to be his act and deed, and that I have recorded it in my said office.

WITNESS my hand, this first day of June, 1848.

CURRAN POPE.

BY-LAWS
OF THE
BOARD OF TRUSTEES
OF THE
CAVE HILL CEMETERY.

MEETINGS OF THE BOARD OF TRUSTEES.

The regular meetings of the Board of Trustees shall be held on the first Friday in every month—and a meeting of the Board shall be held whenever desired by the President, or requested by a member of the Board in writing.

SECRETARY AND TREASURER.

There shall be appointed by the Board of Trustees, immediately after its election, a Secretary and Treasurer, who shall continue in office until their successors are appointed. The duties of the Secretary shall be to keep the records and proceedings of the corporation. The duties of the Treasurer shall be to keep the books and accounts of the corporation, which he shall present for inspection at least once in every three months, and he shall make a full account of receipts and expenditures at the end of every year, at least twenty days before the annual meeting provided by the charter. He shall give bond in the penal sum of ten thousand dollars, conditioned for the honest and faithful discharge of his duties as Treasurer, and the accounting for all moneys of the corporation that may come into his hands.

COMMITTEE OF ACCOUNTS.

There shall be appointed by the Board of Managers, immediately after its election, a Committee of Accounts, consisting of two members of the Board, of which the President shall be ex-officio a member, a majority of whom shall certify all accounts or claims before they shall be paid.

FUNDS OF THE CORPORATION.

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

CERTIFICATES OF OWNERSHIP OF LOTS.

Certificates for the ownership of lots will be issued, in the first instance, without charge to the owner of the lot or lots. For every subsequent transfer or sub-division, the sum of one dollar will be charged for each new certificate issued in consequence thereof.

SUPERINTENDENT.

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

THE DUTIES OF THE SUPERINTENDENT.

1. The Superintendent shall reside on the premises.
2. He shall have the general direction and control, under the Board of Trustees, of the improvement of the premises.
3. He shall lay out all lots in the Cemetery, and shall preserve a record thereof, so that the same may be known and easily found should the boundaries become obliterated.
4. He shall see that the regulations of the Board of Managers with respect to the improvement on lots by the holders thereof be properly observed.
5. He shall have charge, and keep an account of the property, tools and implements of the corporation which may be on the premises.
6. He shall furnish, when required, estimates of the probable expenditures of the coming week or month, and shall at the end of every week, certify to the President, the number of hands employed, the amount due, and the work in which they have been engaged, and its condition.
7. He shall keep the record, which shall contain an account of all the interments that take place in the Cemetery in the form determined on by the Board.
8. No interment shall take place in the Cemetery without a permit from the Treasurer. This permit shall be handed to the Superintendent, who is required to cause the grave to be prepared, but who will not be responsible for its preparation by the time appointed, unless he shall have six hours of daylight previous notice thereof.
9. It shall be the duty of the Superintendent to take charge of the keys of the receiving tomb under such directions as to the use of it as shall be hereafter made.
10. The Board of Trustees have adopted rules for the government and police of the Cemetery, and may from time to time adopt more. These it will be the duty of the Superintendent to see properly enforced, and to attend generally to the instructions of the Board in reference to the affairs of the Cemetery.
11. Inasmuch as it is desired that the lot-holder shall have every facility afforded them in the care of their lots, it is enjoined on the Superintendent in his intercourse with them,

to consult their wishes in this respect, as far as he can do so consistently with his other duties.

12. No person in the employment of the corporation shall be permitted to receive any perquisite for any matter connected with the Cemetery, or his duties therein, his salary being considered in full payment therefor.

RULES AND REGULATIONS,

Of the CAVE HILL CEMETERY, published for the benefit of lot-holders, and for the information of the public.

1. There shall be a Superintendent of the Cemetery, who shall reside on the premises, so soon as a lodge can be erected, and have the care and control thereof, under the instructions of the Trustees; and the details of his duties shall be prescribed by them from time to time.

2. A portion of the ground is already laid off into lots and is ready for sale. As soon as possible, the Trustees will have this preparatory work extended over the whole surface, and all the lots marked and numbered, on the ground, to correspond with the diagram of the engineer, so that the choice of any purchaser can be indicated to the Treasurer by the number, and the negotiation for its purchase effected without mistake or difficulty.

3. Certificates for the ownership of lots will be issued, in the first instance, without charge to the owner of the lot or lots. For every subsequent transfer or sub-division, the sum of one dollar will be charged for each new certificate issued.

4. All the lots sold are to be graded and prepared for enclosure by the corporation, at the expense of the owner, and at moderate charges, the necessary soil being furnished without charge, except for cartage.

☞ The propriety of this rule will be apparent, by considering the effect which might be produced, were each lot to be graded according to the fancy of the owner, without respect to the adjoining lots, or to the preservation, as far as practicable, of the natural features of the ground.

5. The proprietor of each lot shall have a right to enclose the same with a wall of stone or brick, not exceeding one foot in thickness, nor two feet in height, above the surface, or

with a railing of any material (except wood.) But the Trustees request that all such railings shall be light, neat and symmetrical.

6. The proprietor of each lot shall have a right to erect any proper stones, monuments, or sepulchral statuary thereon, and to cultivate flowers, shrubs and plants in the same, but no tree growing within the lot, or border, shall be cut down, or destroyed without the consent of the Trustees.

7. Persons having baskets or any like articles, or guns, and those having dogs, must leave them in charge of the Porter.

8. No carriage may be left by the driver in the Grounds, without fastening the horses.

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

10. The Trustees desire to leave the improvement of the lots, as far as possible, to the individual choice and taste of the respective proprietors, but, in order to protect the interest of each purchaser, and to maintain the proprieties of the place, they explicitly reserve to themselves the right to forbid any enclosure, structure or inscription, or any such improvement of the grounds, as in their judgment, may be injurious to any other Cemetery lot, or interfere with the general design and good appearance of the grounds.

11. All earth, or rubbish accumulated by proprietors of lots or their workmen, must be carefully removed as soon as possible, and deposited wherever the Superintendent may direct.

12. Tombs erected wholly, or in part, above ground, must be furnished with divisions, admitting of interments being separately made and perpetually sealed up, so as to prevent effectually, any inconvenience that would otherwise arise from the escape of effluvia.

13. A receiving tomb will be provided at the Cemetery in which interments may be made by the proprietors of lots, or those intending to become such, until the completion of such improvement as they contemplate, can be effected.

14. *Public lots* will be prepared in which single graves may be procured, under the regulations of the Trustees—the price varying according to the position, improvement, &c. of the lot.

15. Lots when graded and in grass, will be mowed and ordinary care taken of them free of expense.

16. The Superintendent or his assistant, must be present at every interment, and to him will belong the duty of opening, closing, and sodding the grave—his charges for these services to be fixed by the Trustees, and paid by the party for whom they were rendered before the interment. Whenever interments are to be made, at least six hours previous notice thereof must be given to the Superintendent, together with directions as to the lot, and the particular spot in the lot, where the grave is to be opened.

17. All interments, except those in the Public Lots, will be subject to the following charges, which, *in all cases*, must be paid before the interment to the Treasurer.

Opening, closing, and sodding each adult Grave, three dollars.

Opening, closing, and sodding each child's Grave, two dollars.

Opening each Tomb, each time, one dollar.

Opening each vault (under Ground), and closing and sodding, each time, two dollars.

The usual depth of graves is six feet—when required to be made deeper, a proportionate increase of charge will be made.

18. After interments have begun to be made in the Cemetery, the following rules, respecting visitors, will be strictly enforced by the Superintendent, and other officers of the Trustees.

Each proprietor will be furnished with a ticket which will admit him or her, or any member of the family, either on foot or in a carriage: but this ticket is not transferable.

No vehicle will be admitted unless accompanied by a proprietor, or a member of his, or her family, or provided with a special corporation permit. All persons are admitted in fact, except on Sundays and holidays, when the gates will

NOTE.—A suggestion to lot owners respecting interments in their plots, may here be of use. It is a matter of frequent occurrence that messages are sent desiring that graves should be opened adjoining or near the graves of persons previously interred. Where graves are not designated by stones or otherwise, it will be exceedingly difficult, if not impossible, in process of time, to comply with the directions thus given, unless some system designating every grave, be adopted. It is recommended, therefore, that each lot owner *make a drawing of his lot or lots on a blank page of his Deed*, and record on it every interment, with name and date—upon the occurrence of future interments let a transcript of this map, with the place marked where the grave is desired to be opened, be duly sent. In this way every difficulty will be obviated, and an interesting family record will be made and preserved for future generations.

be closed, and none but proprietors of lots and their families can be admitted, and they only on foot.

No vehicle will be allowed to pass through the grounds with more rapid pace than a walk.

No persons on horseback, unaccompanied by ladies will be allowed to enter the premises.

No smoking of segars will be allowed within the enclosure.

All persons are strictly prohibited from picking any flowers, either wild or cultivated; from breaking any tree, shrub or plant, and from writing upon, defacing, or injuring any monument, fence or other structure in or belonging to the Cemetery; and the Trustees assure all concerned, that in every instance of disregard of this prohibition, as well as in any thing relating to the preservation and police of the Cemetery, they will take care that all the corrections and penalties, prescribed in the charter, or in the municipal law, shall be faithfully applied.

These By-Laws and Regulations may be altered, amended, or added to, according to the pleasure of the Trustees.

A N A C T

TO INCORPORATE THE "CAVE HILL CEMETERY COMPANY."

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That L. L. Shreve, G. W. Bayless, Jedediah Cobb, James C. Johnson, William B. Belknap and James Rudd, and their successors in office, be and they are hereby created a body politic and corporate, in law, under the name and style of the "Cave Hill Cemetery Company," and by that name shall be able and capable, in law, to have and use a common seal, to sue and be sued, plead and be impleaded, to answer and defend, in all Courts and elsewhere, as natural persons; and may ordain and put in execution such by-laws, rules and regulations for the government of said company, and the management of its affairs as they may deem proper, not contrary to the constitution or laws of this State or of the United States.

SEC. 2. That the City of Louisville shall have the right and power, nine Councilmen concurring, to set apart, donate and convey to the Cave Hill Cemetery Company, any part of the Cave Hill farm, not more than fifty acres, to be perpetually held and used for the purpose of a Rural Cemetery; and said Cave Hill Cemetery Company may take, and hold, any other land, by devise or purchase, not exceeding one hundred acres, and may take and hold, by gift or devise, money and personal estate, not exceeding one hundred thousand dollars in value.

SEC. 3. That said corporators may hold the office of managers until the first day of June, 1850, and until their successors are appointed as provided for in this act; during which period they shall divide themselves into three equal classes; the first class shall go out of office on the first day of June, 1850; the second on the first day of June 1851; and the third class on the first day of June,

1852; and, thereafter, one-third of the entire Board shall go out of office every year, subject to re-election; and the Mayor and Council of Louisville, a majority of all the Councilmen elect concurring, shall fill all vacancies which may occur, from lapse of time, death, resignation, removal from the city, or from other cause; and all vacancies shall be certified to the Mayor and Council by the remaining managers: a removal from the city or refusal to act shall be deemed a resignation of said office.

SEC. 4. That it shall be the duty of said managers to elect a President from their own body, who shall, as such, execute all contracts and obligations in the name of the Cave Hill Cemetery Company, according to the order of the Board of Managers; and said Board of Managers, and their successors in office, shall have power and authority to lay out and improve the grounds held by said corporation, to erect all necessary buildings, to employ agents and laborers, to lay off and dispose of burial lots, by sale and conveyance, upon such terms as they shall consider proper. It shall be the duty of said Board of Managers to elect a Treasurer and Secretary, who shall execute bond for the performance of the duties required of them, with such security and penalty as the Board of Managers shall require by their by-laws; and they shall cause a record of their proceedings to be kept, also an account of the receipts and expenditures of said corporation, and shall, on the first Monday in June, in each year, report a general statement of said accounts to the Mayor and Council of the City of Louisville, with a list of lots sold, to whom, and at what price; and they shall have power and authority to make such by-laws, rules and regulations in relation to the duties, management and appointment of officers and agents, and their pay, and to make all other necessary rules and regulations from time to time, for the government of lot holders and visitors of said Cemetery.

SEC. 5. That the proceeds of the sales of lots in the Cave Hill Cemetery shall be applied to pay the costs and expenses of improving and decorating said Cemetery; to the payment of officers and services rendered, and to refund to the City of Louisville moneys advanced for the improvement of the grounds; and the surplus arising from the sale of lots shall, from time to time, when not appropriated as above, be paid into the City Treasury, and the Treasurer's receipt taken therefor; which fund, thus paid into the City Treasury, shall be a permanent fund on which the city shall pay to the Cave Hill Cemetery Company an interest semi-annually, not exceeding six per cent. per annum, to be applied alone to the repairs, preservation and protection of the Cave Hill Cemetery and its appurtenances; and if the keeping in repair, preservation and protection of said Cemetery and works and buildings and improvements shall not require a sum equal to said six per cent. interest, the city shall be bound to pay only such a per cent. as will be sufficient to meet the cost of the same.

SEC. 6. That, after laying out said lots, and adopting a plan of said Cemetery, no road or street shall be opened or extended through the same or any part thereof.

SEC. 7. That the Mayor and Council are hereby vested with full power, and are required to pass all necessary ordinances, with adequate penalties, to protect said Cemetery, and everything pertaining thereto, from injury or damage; and said Cave Hill Cemetery Company shall have the right of action and recovery against any person or persons who shall, in anywise, injure any of the improvements, grounds, buildings, shrubbery, trees and walks within the boundary of said lands, laid out and conveyed to said Cave Hill Cemetery Company; and the recovery, in the name of the city, under any ordinance, shall not be a bar to the recovery by said corporation.

Approved, February 5, 1848.

* * * Messrs. L. L. Shreve, J. Cobb, G. W. Bayless and Wm. B. Belknap, having resigned their situations as Trustees, their places were filled by the election of the following gentlemen: John P. Morton, T. E. Wilson, J. B. Flint, and T. S. Bell.

