

NEW YORK MARBLE CEMETERY, INC.



SECOND AVENUE ABOVE SECOND STREET
ESTABLISHED 1830

EARLY RECORDS

APRIL 2002

How lucky can you be? Escaping the Fire of 1835, the Flour Riots of 1837 and the Civil War Draft Riots - through years of constant use followed by even more years of disuse - the Cemetery's records have survived. They have been forgotten for long periods of time and been mislaid more than once, but have still been carefully preserved in their entirety. Thanks to their current safekeeping at the New-York Historical Society, this good fortune could continue indefinitely.

Starting on the day of the Cemetery's inception, there is a complete record of land transactions, surveys, specifications for construction, finances, court judgments, vault transfers, trustees' minutes, and, of course, burials. Included here are excerpts of some of the more important portions. Please bear in mind that one need not feel any personal responsibility for either the deeds or the misdeeds of one's ancestors.

Basic Black



MOURNING COSTUME

La Mode, 1830

The prevalence of communicable diseases among children and young adults meant that a 19th-century New York City family had a great many funerals. It made the investment in a Marble Cemetery vault worthwhile, and perhaps made the investment in these fashionable widow's weeds more worthwhile, as well.



For those who live so far outside the New York metropolitan area that visiting the Cemetery in person is not possible, the office would be glad to send a short videotape.

Legal Underpinnings

In the 1820s, the Common Council of New York City passed the legislation that prompted the development of the Marble Cemeteries. Among the aldermen voting were two original vault purchasers: Anthony Lamb and Stuart Fitz Randolph. For health reasons, the Council extended northward the ban on burials excepting those in underground family vaults. Enter Perkins Nichols, who saw an opportunity and received enough commitments from vault purchasers, or subscribers, to move swiftly ahead. Though Mr. Nichols was the prime mover and sole developer, he did not personally purchase the land. That was done on July 13, 1830, by Anthony Dey and George W. Strong, as trustees. They paid \$7,000 for the half-acre of land.

Deed of Trust

Memorandum of an agreement had, made, indented and concluded upon ... Between Perkins Nichols of the City of New York of the first part; Anthony Dey and George W. Strong of the same City of the second part; and the subscribers respectively whose names are hereunto set of the third part. Whereas Henry Eckford of the City of New York Ship Builder and Marion his wife by Indenture bearing date this thirteenth day of July instant Have, granted, bargained and sold unto the said Anthony Dey and George W. Strong, parties hereto of the second part, and to their Heirs and Assigns as joint tenants and not as Tenants in common, all that piece or parcel of land ...

-- Abstract of Title

Finances were discussed at a meeting held April 19, 1832, one week after the death of the President of the Cemetery's Board, John Hone. George Griswold was named to fill the vacancy. Henry Beeckman, James Boyd, and Samuel Howland were appointed Inspectors for the upcoming owners' meeting of Monday, May 7. Expenses were growing:

Upon further consultation it was found expedient to raise a further sum for expenses on the Cemetery than was formerly thought necessary. Whereupon it was on motion Resolved, That Three Dollars in addition to the five dollars ordered on the 16th February last shall be assessed on each vault ...

Resolved. That Benjamin Robinson is appointed Keeper and Sexton of the New York Marble Cemetery. And that his fees for services shall be as follows, viz.

- 1. For opening, interment and closing the Vault for an adult \$5.—*
- 2. For opening, interment and closing Vault for a child under 12 years \$3.—*
- 3. Attendance at the house whenever required \$1.25*
- 4. Serving notices on invitations when required \$1.25 ...*

Resolved, That the Sexton is authorized to procure a portable Hearse for the use of the Cemetery, and that a wire window be placed over each window of the dead house, and that he direct a wooden door to be placed to the dead house inside of the stone door at present there.



Do you have any 19th-century family portraits or artifacts? The Cemetery would like to learn more about its early owners.

The Man Who Built the Cemetery

All of the following comes from the Trustees' point of view. Without question, there was a great deal of friction. In March, 1831, before the mortar was dry, Mr. Nichols had to surrender control of the finances:

... the said Perkins Nichols in consideration of the premises and of the sum of one dollar to him in hand paid by the said Anthony Dey and George W. Strong, Does hereby order and direct that the monies ... shall be disposed of and paid over in the order following, namely ...

First. All the expenses of finishing the Vaults, ornamenting the grounds with Shrubbery and Trees as contemplated ... for the establishment of the Cemetery.

Second. The said Anthony Dey and George W. Strong to reserve and retain to themselves for their services ... Five hundred dollars ...

Third. Asaph Stone having recovered a judgment against me and having agreed to take a vault, the Trustees will give him a Certificate for Vault No. 21 on his releasing and satisfying the said Judgment on record against me. [Likewise] Ezra Weeks ... William W. Chester ... Thomas S. Chester ... David B. Ogden ... David Johnson ... Elihu White ... Abisha Smith.

Fourth. There having been several judgments obtained against the said Perkins Nichols ... the said Trustees are to pay the same to the plaintiffs respectively ... [36 names and amounts follow, totaling \$12,400.]
--- Perkins Nichols, March 25, 1831



Whereas Perkins Nichols, Esq., contracted to build and finish the New York Marble Cemetery in a good & substantial manner – also to ornament the ground with Trees and Shrubbery and furnish the necessary machinery - and in completing the said contract would be entitled to the Deed for Vault No. 51 (Fifty-one) – and whereas the said contract has not been fully completed ... Resolved, ... to deliver to said Perkins Nichols the Deed for the said Vault No. 51 ... rather than to have any litigation with Mr. Nichols. -- 1836

Messrs. H. F. Tallmadge & A. Averill, ... reported ... the work of excavation preparatory to building Vaults on the North Side of the Cemetery, commenced by Perkins Nichols, had been stopped by authority of the Hon^l. Corporation of the City, after having been dug nearly as low as the bottom of the Cemetery wall and the ground so excavated still remains without being filled up. --1839

Much of it has still not been filled in, and serves as an areaway for the abutting building. The 1838 excavation was likely the major cause of the collapse of the North Wall 150 years later.

Very little is known about Perkins Nichols, a Bostonian who became a New York broker. Mr. Nichols's vault was directly beneath the Dead House and therefore had easier access than any other vault. The Trustees admonished him at least twice for taking undue advantage of this. Vaults were intended only for family use, not as commercial ventures. Mr. Nichols sold his vault to Josiah Leverett in 1842, but was nonetheless buried there in 1855. Ralph Wells, his grandson, soon repurchased it.



*Perkins Nichols's daughter,
Mary Ann Nichols Wells
(Delgado Museum, New Orleans)*

While New York Marble Cemetery construction was still under way, Mr. Nichols started development of the New York City Marble Cemetery around the corner. When that was completed, he tried unsuccessfully to expand the first project.



A late 19th-century hearse. The coachman's long hat streamers were called "weepers." One of the New York Marble Cemetery's sextons advertised "careful and respectful drivers furnished at the shortest notice."

AN ACT TO INCORPORATE THE NEW YORK MARBLE CEMETERY, PASSED FEBRUARY 4, 1831

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

§1. All such persons as now are, or hereafter shall become, Owners and Proprietors of Vaults in the cemetery recently constructed in the interior of the block formed by the Bowery, the Second Avenue, and Second and Third Streets, in the Eleventh Ward of the City of New York, shall be, and hereby are, created a body corporate and politic, in fact and in name, by the name and style of "The New York Marble Cemetery," and by that name they and their successors shall and may be known, and have perpetual succession.

§2. The said Cemetery and the several Vaults therein shall, and may at all times hereafter, be used and appropriated for the interment of the dead, and for no other use or purpose whatever. The said Vaults shall be deemed personal property, and shall not, in case where not more than one of them is owned by the same person or persons, be liable to taxation, or sale on execution, or to be inventoried as Assets applicable to the payments of debts. But every of the said Vaults may be bequeathed by Last Will and Testament; and in case of intestacy, shall belong to the next of kin of the deceased; and no dead body shall be interred in any of the said Vaults, except with the previous permission of the Owner or Owners thereof. But nothing in this Act contained, shall prevent the Corporation of the City of New York from enacting Laws and Ordinances for regulating or preventing the interment of the dead within said City, including the above-described Cemetery.

§3. The affairs and concerns of the said Corporation shall be managed, regulated, and conducted by five Trustees; each of whom shall be an owner of one of the said Vaults, and shall be chosen by ballot, on the first Monday of May in each year, by the owners of the said Vaults; and that at every such election, each of the said Vaults shall entitle the owner or owners thereof to one vote; and the five persons having the highest number of

votes at any such Election, shall be declared duly elected Trustees for the next ensuing year, and until others shall be duly chosen in their places. And the five first Trustees shall be John Hone, Benjamin Strong, Robert Center, Benjamin L. Swan, and Nathaniel Richards, who shall hold their offices until the first Monday of May in the year one thousand eight hundred and thirty-two, and until others shall be duly chosen in their places.

§4. The said trustees shall have power, and are hereby authorized, to raise by Assessment upon the owners of the said Vaults respectively, such sums of money as shall be deemed necessary or proper to defray any and all expenses in and about the said Cemetery; but the repairs of the said Vaults respectively shall be made at the proper costs and charges of the Owners thereof respectively, and pursuant to the order therefor, and according to the regulations of the said Trustees.

§5. Nothing in this Act contained shall be construed to impair or affect any previously vested right, lien, or incumbrance by mortgage, judgment, or otherwise, in favor of any third person or persons to, in, or upon the Lands, or Real Estates, or any part thereof, whereon the said Cemetery is constructed, but every such right, lien, and incumbrance shall remain unimpaired, and be of the same validity and effect as if this Act had not been passed.

§6. The said Corporation shall possess the general powers, and be subject to the liabilities and provisions contained in Title Third of Chapter Eighteenth of the First Part of the Revised Statutes.

§7. The Act shall take effect from and immediately after the passage thereof.

--- Laws of New York, 1831, Ch. 38, page 34

"THE FIRST MONDAY OF MAY NEXT AND EVERY YEAR THEREAFTER"



The minutes don't mention the number of owners who gathered 170 years ago on the first Monday in May, but they would undoubtedly be happy to know that their descendants are carrying on. Please mark your calendar for Monday, May 6th. The grounds will be open at noon, with a business meeting to follow at 2 p.m.