

# THE MALVERN CEMETERY COMPANY

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**Text and Transcriptions by Daniel Bromby**

*Archives Department, Eastern Townships Research Centre*

**Research by Angus McElrea**

*President of the Malvern Cemetery Company*

**Ron Husk**

*Secretary Treasurer of the Malvern Cemetery Company.*

In 2001, Dr. Brian Young of McGill University was the guest speaker at the annual Robin Burns Lecture. In his lecture entitled “Protestant death in Urban Quebec” Professor Young examined the particularities of death in Quebec’s Protestant communities. Dr. Young presented how the history of a cemetery mirrors the evolving social makeup, changing mores and tragic events in the community. Professor Young further suggested that Protestant cemeteries – in their architecture, their epitaphs, their landscaping, and their constitutions – have not merely buried the dead but have acted as powerful way stations of Protestant culture.<sup>1</sup>

It is therefore interesting to note that in 2002, the administrative records of the Malvern Cemetery Company of Lennoxville was donated to the Eastern Townships Research Centre (ETRC). It is with great pride that the ETRC take over the preservation and dissemination of the archival records of this Cemetery, which includes: minute book, accounting records, grave owner registers, lists of



*Photo of Malvern Cemetery Monument. Source: ETRC, Malvern Cemetery Company fonds.*

internments, correspondence and a map of the cemetery. In the following, a brief administrative history of the founding of the Malvern Cemetery Company will be presented through an examination of its archives.

### **Administrative History:**

Officially incorporated in 1871, the Malvern Cemetery Company has seen to the care and management of the Malvern Cemetery. For over one hundred and thirty years, the Malvern Cemetery has been a celebrated and permanent feature of the Lennoxville landscape. As one visits the Malvern Cemetery; many families who figure prominently in the town's history can be seen. Without a doubt, Malvern Cemetery was, and in many ways still is, the final resting place of some of the town's most distinguished and prominent citizens. Family names such as Brooks, Speid, Mitchell, Henry, Stephens, Paddon, Lane, Bown, Atto, Chapman, Abbott, (and the list goes on) attests to the importance of the Cemetery.

The Malvern Cemetery is located along the Moulton Hill Road, just across the street from Bishop's College School. At the time of the establishment of the Malvern Cemetery there were two protestant congregations in Lennoxville: St. George's Anglican Church and Lennoxville Methodist Church (later becoming the Lennoxville United Church). As each of these congregations grew, there was more and more need for a new public Cemetery.

### **The Establishment of the Malvern Cemetery Company**

On 3 November 1869, a public meeting was held at the Lennoxville Town Hall with the purpose of discussing the prospects of establishing a public Cemetery.

*Those present at public meeting November 3, 1869*

*A. Stephens, J.B. Paddon, C. Henry, R. Oughtred,  
Wm McCurdy, D. McCurdy, E. Chapman, C. Mears,  
C. Andrews, Wm. Hall, CJ Andrews, Wm Mitchell,  
I. McFadden, Rev. AC Scarth.<sup>2</sup>*

Artimus Stevens was elected to chair the meeting and John B. Paddon was elected as secretary. Those present at the meeting agreed to the need of establishing a public protestant cemetery for the area's protestant community, by the proposing and carrying of a motion that the lot on Moulton Hill be acquired for the purpose of a public cemetery. This motion was followed by the adoption of the following resolution:

[November 3, 1869]

Moved by Mr. Oughtred, seconded by Wm McCurdy that a committee of six be appointed to take such steps as may be necessary to acquire eight acres on the Moulton Hill. Such Land having been considered suitable for the purposes [of a public Cemetery] and so reported by Mr. Oughtred after said examination, that they endeavour to obtain purchasers for at least thirty lots large enough to contain eight graves at twenty dollars a lot. That on obtaining that number, they be empowered to purchase the land at fifty dollars per acre and to take the necessary steps to obtain an act of incorporation.”<sup>3</sup>

John B. Paddon, Charles Brooks, Edward Chapman, William Hall, Charles Henry, and Robinson Oughtred were elected to the committee.

### **Land for a Cemetery**

Over the course of the next two years this committee worked toward following out their duties as outlined by the resolution, meeting on occasion with fellow “shareholders”<sup>4</sup> to deal with minor details of the committee’s work. At a meeting on 30 November 1871, the following announcement was made:

[November 30, 1871]

The Chairman informed the meeting that the necessary steps for the incorporation of the Malvern Cemetery Company had been taken in accordance with the Cemetery Companies incorporation act of 1870 and that the deed of sale for six and a half acres of land on the Dudswell Road<sup>5</sup> to be used as a Cemetery had been confirmed by the Lieutenant Governor of the Province by Order in Council (See figure 1)<sup>6</sup>

Following this announcement, it was decided that a meeting of all shareholders be held on 5 December 1871 at the Lennoxville Town Hall for the purpose of electing directors, choosing plots and transacting other necessary business. On 5 December 1871, the Malvern Cemetery Company met to draft the company’s Bylaws, and begin its activities as a Cemetery Company.

The deed of sale for 6½ acres of land along the Dudswell Road occupied the North East portion of the lot Belonging to Mrs. Cynthia Edgell. The portion of land purchased from Mrs. Edgell, is highlighted in figure 2.

The preamble to the Bylaws includes a transcription of the essential points of the Order-in-council (see figure 1) by which the

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Sur la confirmation d'une vente  
à la Malvern Cemetery Company.

Honorable Secrétaire de la Province, avec un  
mémoire en date du deux Décembre courant, (1871) relatif  
à l'Honorable Comité Exécutif, la requête de M. John  
Paddon et autres, du canton d'Orléans district de St.  
François pour confirmation de l'acte de vente consentie  
par Madame Cynthia E. Edgell et autres à la com-  
pagnie " Malvern Cemetery Company " constituée sous  
l'acte 33 Victoria, Chap. 31 tel qu'amendé par l'acte  
34 Vict. Ch. 17, et sur le rapport de l'Honorable Secrétaire  
Général et l'observance des formalités de la loi, il l'Hon.  
Secrétaire recommande que le dit acte de vente soit  
confirmé, sous l'autorité des Statuts à deux cotes.

Le Comité consent dans cette recommandation  
et la soumet à l'approbation du Lieutenant Gouverneur.

Figure 1: Copie Conforme: Le greffier adjoint du conseil Exécutif

Signed by Jean Pierre Vaillancourt. Source: ETRC, Malvern Cemetery Company fonds.

Malvern Cemetery Company was officially incorporated.

[December 5, 1871]

Preamble:

"[...]His Excellency The Lieutenant Governor under the author-  
ity of 33 Vié.CUP 31, Approved the sixth instant confirmed the  
deed of sale dates the first day of May [1871], consented to by  
Cynthia E. Edgell and others in favour of John B. Paddon,  
Charles Brooks, William McCurdy, Charles T. Henry, Robinson  
Oughtred. Esquires under the title of Malvern Cemetery Com-  
pany. Which deed of sale together with said order in council  
have been registered in the registration division of Sherbrooke.  
Public notice of which has been given to the Quebec Official  
Gazette".<sup>7</sup>



Figure 2: Map of the Township of Ascot, Sherbrooke: A.S. Witcher, 1864  
(Source: ETRC, P996/096/031/001)

### The Bye Laws:<sup>8</sup>

- #1 The members of the Corporation shall consist of all persons who shall have purchased not less than one quarter lot in the Cemetery
- #2 Each member shall have one vote for each quarter of a lot but no one member shall have more than four votes
- #3 The officers of the Corporation shall consist of six trustees, to be elected at the annual general meeting of the shareholders, which meeting shall (after this year) be held in the Town hall of Lennoxville, on the second Monday in December, in each year of which eight days notice be given by the secretary.<sup>9</sup>
- #4 Special meetings may be called by order of the chairman of trustees or shall be called at the request of five members. Of such meetings, eight days notice be given by the secretary.
- #5 It shall be the duty of the trustees – three of whom shall form a quorum at the first meeting to appoint a chairman from among themselves. They shall also appoint a secretary treasurer. They shall take charge of the maintenance and embellishment of the cemetery and shall meet from time to time as may

be agreed upon among themselves. And shall frame such rules and regulations as may be needful for their guidance provided they do not conflict with any of the bylaws of the corporation.

- #6 The secretary treasurer appointed by the trustees – who shall also be secretary treasurer of the Corporation shall accuse and disburse all monies accruing from the sale of lots or from other sources and shall keep an account of the source. He shall also keep regular accounts of all proceedings of meetings of the corporation, and also of meetings of the trustees and shall record them in a book provided for the purpose. He shall also dispose of lots and keep a list of lot holders and shall delivery over all records and documents and monies to his successor, and in all things act under the direction of the Trustees. All documents and accounts shall be open to inspection of lot holders.
- #7 Whenever the holder of any lot or part of a lot wishes to dispose of the same he shall give the Company the option of purchasing at the original price.
- #8 The price of a full lot shall be fixed at twenty dollars and in the same proportion for fractional part of a lot. Not less than one quarter of a lot shall be sold. The plan submitted by Mr. Oughtred is the plan of the Cemetery (Copy of plan Figure

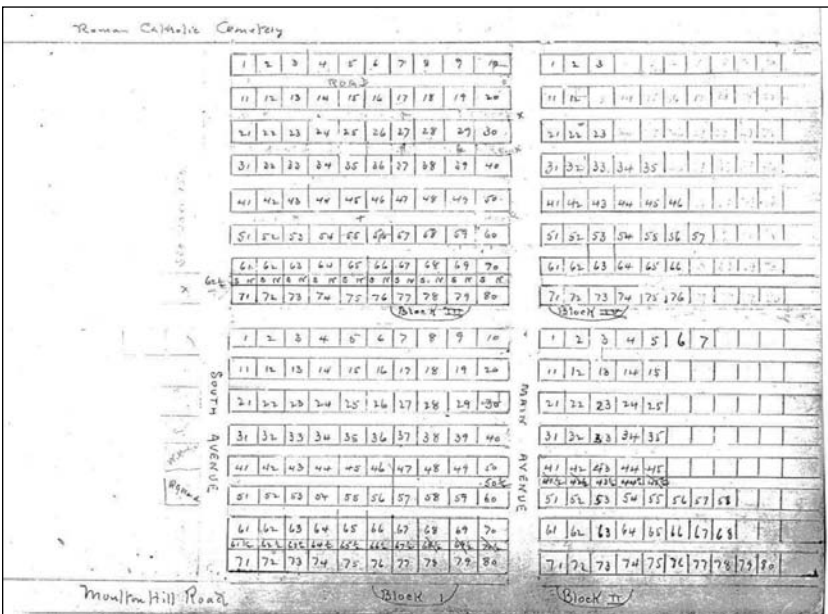


Figure 3<sup>11</sup>

Source: ETRC, Malvern Cemetery Company funds.

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- #9 The revenues of the Company shall be devoted exclusively to the maintenance and embellishment of the Cemetery and in paying the necessary expenses incurred in the management of the same.
- #10 Any party or parties owning contiguous lots in the same range shall have the right of doing away with the cross sheet between them and of making use of the same.<sup>12</sup>
- #11 The south half of block no. 3 and the North half of block no. 4 as exhibited in the plan may be reserved for free graves.<sup>13</sup>
- #12 Parties wishing to purchase half or quarter lots only, shall be restricted to the south half of block no.1 and the north half of block no.2 and the south half of block no. 4. The rights of parties having already purchased half lots being reserved to choose lots where they please.<sup>14</sup>
- #13 All plots purchased shall be paid for in advance and upon such payment the entry of the purchaser's name with the number of the lot in the secretary's book shall be considered as sufficient (..) to the ownership of the same and it shall be the duty of the secretary to furnish the purchaser with a certificate according to a form to be drawn up by the Trustees.
- #14 No alterations of the byelaws shall be made except at the annual meeting of the shareholders, or at a special meeting called for the purpose. The object of which meeting shall be specified in the notice. And a majority of two thirds of the voters present shall be necessary to change any bye laws.

The first trustees elected at the December 5 meeting were Charles Brooks, Robinson Oughtred, Edward Chapman, William Hall, William McCurdy, and the Reverend A.C. Scarth as chairman.

The other reason for the meeting on December 5 was for the "shareholders" to choose their lots.

[December 5, 1971]

[..] The choice of lots were made as follows:

Rev. A Scarth: for Miss Cummins, Miss Fuller, Mrs. Edgell and himself, chose lots no. 63, 64, 65 + 66 in Block 2.

Mr. Paddon chose lot no. 54 in Block 2.

Messrs Stevens and & Oughtred lots 11 + 12 in Block 2

Messrs Wm & John Hall lots 21 + 22 in Block 2

Messrs Wm & George McCurdy lots 31 + 32 in Block 2

Mr. Chas. Henry lot 41 in Block 2

Mr. Chapman for Mr. Jackson + himself, lots 51 + 52 in Block 2

Lot no.1 in Block 2 was confirmed for Mr. John Johnston

Lot no.2 in Block 2 was confirmed for Mr. McFadden

Lot no. 73 in Block 4 was confirmed for Mr. Eccles

It was understood that parties might change any of the above lots for others provided they were unoccupied and such changes did not interfere with the rights of others.<sup>15</sup>

With this, the Cemetery was now officially ready to begin its work. The Cemetery was officially consecrated by the Rt. Rev. J.W. Williams.<sup>16</sup>

The Malvern Cemetery is now in its one hundred and thirty second year of existence and continues to stand as a permanent reminder of the presence of a vibrant and very significant English-speaking Community in the town of Lennoxville. Thus, it is no wonder that the Malvern Cemetery stands as one of Lennoxville's most highly treasured landmarks. The Cemetery remains a well maintained and highly respected protestant burial ground, and will continue in this, as long as the Malvern Cemetery Company continues to exist. The success of the Malvern Cemetery Company can be attributed to the hard work and dedication of those people (past and present) who have devoted their time and efforts to see to the management of the Cemetery through the Malvern Cemetery Company.

#### Chairpersons of the Trustees of the Malvern Cemetery Company <sup>17</sup>

Rev. A.C. Scarth	1871-1888
A.F. Simpson	1889 (Rev. Scarth was ill)
Rev. A.C. Scarth	1890-1892
William Morris	1893 (Rev. Scarth was ill)
Rev. A.C. Scarth	1894-1904
W.H. Abbott	1904 (Rev. Scarth died in April 1904)
Rev. E.W. Wright	1905-1923
W.H. Abbott	1923-1924
C.J. Lane	1924-1929
A. Speid	1929-1937
D. Harrison	1937-1942
R.G. Ward	1942-1950
W.A. Bown	1950-1955
W.R. Baker	1955-1956
K.G. Herring	1956-1964
W.R. Baker	1964-1966
E.W. Gilbey	1966-1974



D.M. Bennett	1974–1985
R.M. Lane	1986–1993
R. Reed	1993–1997
Barbara Ward	1997–1999
Angus McElrea	1999–2000
Ron Husk	2000–2001
Angus McElrea	2001–

For more information on Protestant death in urban Quebec we suggest Brian Young's forthcoming book *Respectable Burial: Montreal's Mount Royal Cemetery*, Montreal: McGill-Queen's University Press, which should be available in June 2003 and will present the results of his research on cemeteries. "*Respectable Burial* is a social history of death, burial, and a cherished public space [...] This history of a model rural cemetery [...] illustrates changing attitudes to burial and commemoration — including the relationships between Protestantism, Romanticism, and death [...] Incorporating a rich collection of archival illustrations, walking maps, and a colour photo essay by photographer Geoffrey James, *Respectable Burial* will appeal to anyone interested in Canadian history, parks, and cities." <sup>18</sup>

## NOTES

1. This exert is taken from aspects of Dr. Brian Young's lecture which took place on 8 November 2001 in the Old Library, McGreer Hall, at Bishop's University.
2. ETRC Archives, Malvern Cemetery Company fonds, Minutes, P130/001/001.
3. ETRC Archives, Malvern Cemetery Company fonds, Minutes, P130/001/001.
4. All persons who had purchased lots were referred to as "shareholders."
5. The Moulton Hill Road was also often referred to as the Dudswell Road.
6. ETRC Archives, Malvern Cemetery Company fonds, Minutes, P130/001/001.
7. ETRC Archives, Malvern Cemetery Company fonds, Minutes, P130/001/001.
8. It is important to note that what is presented here are the Company's original bylaws as they were drafted on the fifth of December. Source: ETRC Archives, Malvern Cemetery Company fonds, Minutes, P130/001/001. As expected, some of these bylaws have been amended on many occasions, some have been repealed

and new bylaws have been added. Amendments and repealed laws that are eluded in notes 8, 9, 11, 12 and 13, are the amendments and repeals that were entered directly into the Company's minute book.

9. Amended to the third Tuesday in April.
10. Amended in 1887: The prices of a full lot shall be 25\$,  $\frac{1}{2}$  lots be 15\$ and  $\frac{1}{4}$  lots be 8\$. The payment of the amount due for a full lot or the fractional part of a lot shall entitle the holder to have the same kept in order without any extra charge it being understood that the same be moved at least 4 times a year.
11. ETRC Archives, Malvern Cemetery Company fonds, Map, P130/004/001.
12. Repealed in 1877
13. Amended December 1884 by striking out " the south half of block no. 3"
14. Amended December 1875 by adding after "block no.2" the words "and the north half of block no. 3". Further amended 1887 by striking out the last clause and inserting "Nevertheless no  $\frac{1}{2}$  or  $\frac{1}{4}$  lot shall be taken in an unoccupied lot until these lots partly occupied shall be taken up.
15. ETRC Archives, Malvern Cemetery Company fonds, Minutes, P130/001/001.
16. *Lennoxville*, Vol.2 [ Lennoxville, Quebec ] : Lennoxville-Ascot Historical and Museum Society, 1975.
17. This chart was inspired by Robert Smith's chart "Officers of Malvern Cemetery Company", appearing in *Lennoxville*, Vol.2 [ Lennoxville, Quebec ] : Lennoxville-Ascot Historical and Museum Society, 1975.
18. Taken from an abstract of the book as written by McGill-Queen's University Press and presented on their Website. For a complete abstract of the book please visit the McGill-Queens Press website: [www.mqup.mcgill.ca /book.php?bookid=1612](http://www.mqup.mcgill.ca/book.php?bookid=1612)