

HOUSE No. 140

The Commonwealth of Massachusetts

MEMORANDUM OF COMMISSIONER OF CORPORATIONS AND TAXATION PURSUANT TO GENERAL LAWS, CHAPTER 3, SECTION 7, AS AMENDED, WITH RESPECT TO PETITION OF OSCAR J. CAHOON THAT THE TOWN OF YARMOUTH BE AUTHORIZED TO RECEIVE AND ADMINISTER THE PROPERTY OF THE SOUTH YARMOUTH BAPTIST CEMETERY ASSOCIATION, INC., IN SAID TOWN.

DECEMBER 15, 1947.

To the Honorable Senate and House of Representatives.

The above-named petition was transmitted to me by the Clerk of the House December 8, 1947.

South Yarmouth Baptist Cemetery Association was created a corporation by chapter 231 of the Special Acts of 1916.

The petition seeks the enactment of legislation under which the Cemetery Association would be authorized to convey its property to the town of Yarmouth. The object sought cannot be accomplished under the General Laws, but requires an act of the Legislature if it is to be accomplished. For an act of a similar nature, reference may be had to Acts of 1939, chapter 25. No fee is required by General Laws, chapter 3, section 7.

It is to be noted that the bill refers to "South Yarmouth Baptist Cemetery Association, Inc." The act of incorporation does not include the term "Inc." and the records of this office indicate no change of name.

No opinion upon the merits of the bill is herein expressed.

Respectfully yours,

HENRY F. LONG,

Commissioner of Corporations and Taxation.

By Mr. Cahoon of Harwich, petition that the town of Yarmouth be authorized to receive and administer the property of the South Yarmouth Baptist Cemetery Association, Inc., in said town. Mercantile Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Forty-Eight.

AN ACT AUTHORIZING THE TOWN OF YARMOUTH TO RECEIVE AND ADMINISTER THE PROPERTY OF THE SOUTH YARMOUTH BAPTIST CEMETERY ASSOCIATION, INC. IN SAID TOWN.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. The South Yarmouth Baptist Ceme-
2 tery Association, Inc., a corporation duly incorporated
3 by law and situated in the town of Yarmouth, herein-
4 after called the corporation, may, by deed duly execu-
5 ted, convey and transfer to said town, and said town
6 is hereby authorized and empowered to receive, and
7 thereafter to hold and maintain, but for cemetery
8 purposes only, and subject to all rights heretofore
9 existing in any burial lots, the real and personal prop-
10 erty of the corporation not subject to any trust, and
11 thereupon, and upon the transfer of the trust funds
12 as hereinafter provided, the corporation shall be dis-
13 solved; and the cemetery of the corporation shall be
14 and become a public burial place, ground or cemetery.

1 SECTION 2. In so far as authorized by a decree of a
2 court of competent jurisdiction, and in compliance
3 with the terms and conditions of such decree, said
4 town may receive from the corporation a conveyance
5 and transfer of, and administer, all funds or other
6 property held by the corporation in trust for the per-
7 petual care of the lots in its cemetery and for other
8 purposes, and also any property devised or bequeathed
9 to the corporation under the will of any person living
10 at the time of said transfer or conveyance or under the
11 will of any deceased person not then probated. Inter-
12 est and dividends accruing on funds deposited in
13 trust with any savings bank under authority of section
14 thirty-seven or section thirty-eight of chapter one
15 hundred and sixty-eight of the General Laws, or with
16 any other banking institution, for the benefit of the
17 corporation, or of any lots in its cemetery, may, after
18 such conveyance, be paid by such bank or institution
19 to the treasurer of said town; and upon such payment
20 said treasurer shall use the same for the purposes of
21 said trusts.

1 SECTION 3. All real and personal property and
2 property rights, acquired by said town from the cor-
3 poration under authority of this act, shall be held and
4 managed by said town in the same manner in which
5 cities and towns are authorized by law to hold and
6 manage property for cemetery purposes; provided,
7 that all rights which any persons have acquired in the
8 cemetery of the corporation or any lots therein shall
9 remain in force to the same extent as if this act had
10 not been passed and such transfer had not occurred.
11 The records of the corporation shall be delivered to
12 the clerk of said town and such clerk may certify
13 copies thereof.

1 SECTION 4. This act shall take full effect upon its
2 acceptance by a majority of the registered voters
3 of the town of Yarmouth voting thereon at a regular
4 or special town meeting held in the current year, but
5 not otherwise.

