

HOUSE No. 2069

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, April 15, 1948.

The committee on Mercantile Affairs, to whom was referred the petition (accompanied by bill, House, No. 1804) of Oscar J. Cahoon that the town of Harwich be authorized to receive and administer the property of certain cemeteries in said town, report the accompanying bill (House, No. 2069).

For the committee,

EARLE S. BAGLEY.

The Commonwealth of Massachusetts

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

AN ACT AUTHORIZING THE TOWN OF HARWICH TO RECEIVE AND ADMINISTER THE PROPERTY OF CERTAIN CEMETERIES 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. Each of the following-named cemetery
2 associations, situated in the town of Harwich, to wit:
3 Baptist Cemetery, Smith Cemetery, Chase Cemetery,
4 North Harwich Cemetery, Kelley Cemetery, Centre
5 Cemetery, Harding Cemetery, Seth Eldridge
6 Cemetery, Old Methodist Cemetery, End of the
7 Pond Cemetery and South Harwich Cemetery, or
8 any of them, hereinafter called Associations, may,
9 by deed duly executed, convey and transfer to said
10 town, and said town is hereby authorized and em-
11 powered to receive, and thereafter to hold and main-
12 tain, but for cemetery purposes only, and subject to
13 all rights heretofore existing in any burial lots, the
14 real and personal property of the Associations not
15 subject to any trust, and thereupon, and upon the
16 transfer of the trust funds as hereinafter provided,
17 the Associations shall be dissolved; and the cemeteries
18 of the Associations shall be and become public burial
19 places, grounds or cemeteries.

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 Associations a conveyance
5 and transfer of, and administer, all funds or other
6 property held by the Associations in trust for the
7 perpetual care of the lots in the cemeteries and for
8 other purposes, and also any property devised or
9 bequeathed to the Associations under the will of any
10 person living at the time of said transfer or conveyance
11 or under the will of any deceased person not then pro-
12 bated. Interest and dividends accruing on funds
13 deposited in trust with any savings bank under au-
14 thority of section thirty-seven or section thirty-eight
15 of chapter one hundred and sixty-eight of the General
16 Laws, or with any other banking institution, for the
17 benefit of the Associations, or of any lots in the ceme-
18 teries, may, after such conveyance, be paid by such
19 bank or institution to the treasurer of said town; and
20 upon such payment said treasurer shall use the same
21 for the purposes of said trusts.

1 SECTION 3. All real and personal property and
2 property rights, acquired by said town from the Asso-
3 ciations 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 cemeteries of the Associations 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 Associations shall be delivered to
12 the clerk of said town and such clerk may certify copies
13 thereof.

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