

The Commonwealth of Massachusetts

MEMORANDUM OF COMMISSIONER OF CORPORATIONS AND TAXATION PURSUANT TO GENERAL LAWS, CHAPTER 3, SECTION 7, WITH RESPECT TO PETITION OF ARTHUR H. DONNELL AND OTHERS (SELECTMEN) AUTHORIZING THE TOWN OF PEMBROKE TO RECEIVE AND ADMINISTER THE PROPERTY OF THE PINE GROVE CEMETERY COMPANY IN SAID TOWN.

DECEMBER 18, 1952.

To the Honorable Senate and House of Representatives.

The above-named petition was transmitted to me by the Clerk of the House on December 9, 1952, with the request for a memorandum.

Pursuant to notification by me dated December 10, 1952, the petitioner filed an amendment to the petition which is returned herewith, showing why the object sought cannot be accomplished under the General Laws.

There is no record of the corporate existence of Pine Grove Cemetery Company in this office. This does not necessarily mean, however, that such a corporation does not exist as prior to chapter 496 of the acts of 1897 filing with the secretary of state in the case of these organizations was not required.

The object of the petition cannot be accomplished under the General Laws.

No fee is required by chapter 3, section 7, in the case of a corporation of this kind.

Respectfully submitted,

HENRY F. LONG,
Commissioner of Corporations and Taxation.

By Mr. Tilden of Scituate, petition of Arthur H. Donnell and others (selectmen) that the town of Pembroke be authorized to receive and administer the property of the Pine Grove Cemetery Company in said town. Mercantile Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Fifty-Three.

AN ACT AUTHORIZING THE TOWN OF PEMBROKE TO RECEIVE AND ADMINISTER THE PROPERTY OF THE PINE GROVE CEMETERY COMPANY 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 Pine Grove Cemetery Company,
2 organized in eighteen hundred and fifty-nine in the
3 town of Pembroke, hereinafter called the company,
4 may, by deed duly executed, convey and transfer to
5 said town, and said town, upon its acceptance of an
6 offer of such conveyance and transfer by vote of the
7 board of selectmen within six months of the effective
8 date of this act, is hereby authorized and empowered
9 to receive, and thereafter to hold and maintain, but
10 for cemetery purposes only, and subject to all rights
11 heretofore existing in any burial lots, the real and
12 personal property of the company not subject to any
13 trust, and thereupon, and upon the transfer of the
14 trust funds as hereinafter provided, the company shall

15 be dissolved; and the cemetery of the company shall
16 be and become a public burial place, ground or ceme-
17 tery, and shall be under the jurisdiction and control of
18 the said town under all applicable provisions of gen-
19 eral law.

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

1 SECTION 3. All real and personal property and
2 property rights, acquired by said town from the com-
3 pany 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 company or any lots therein shall re-
9 main in force to the same extent as if this act had not
10 been passed and such transfer had not occurred. The
11 records of the company shall be delivered to the clerk
12 of said town and such clerk may certify copies thereof.

1 SECTION 4. The action of the town of Pembroke
2 in the year nineteen hundred and fifty-two in voting
3 to accept a transfer of the Pine Grove Cemetery Com-
4 pany and any funds invested for the care of the same
5 is hereby ratified and confirmed and shall have the
6 same effect and validity as if section one had been in
7 effect prior to the posting of the warrant for said town
8 meeting.