

The Commonwealth of Massachusetts

MEMORANDUM OF THE SECRETARY OF THE COMMONWEALTH PURSUANT TO GENERAL LAWS, CHAPTER 3, SECTION 7 WITH RESPECT TO PETITION OF CARL HILER FOR LEGISLATION TO AUTHORIZE THE TOWN OF SANDWICH TO RECEIVE AND ADMINISTER THE PROPERTY OF THE MOUNT HOPE CEMETERY ASSOCIATION.

January 8, 1964.

To the Honorable Senate and House of Representatives:

The above named petition was transmitted to me by the Clerk of the Senate on December 9, 1963 with a request for a memorandum.

Proprietors of Mount Hope Cemetery was organized as a corporation under the provisions of chapter 265 of the Acts of 1889.

Section 1. The bill before your Honorable bodies seeks authority to convey and transfer to the town of Sandwich, and said town is hereby authorized and empowered to receive, and thereafter to hold and maintain, but for cemetery purposes only, and subject to all rights heretofore existing in any burial lots, the real and personal property of the association not subject to any trust, and thereupon, and upon the transfer of the trust funds as hereinafter provided, the association shall be dissolved; and the cemetery of the association shall be and become a public burial place, ground or cemetery.

Section 2. In so far as authorized by a decree of a court of competent jurisdiction and in compliance with the terms and conditions of such decree, said town may receive from the association a conveyance and transfer of, and administer, all funds or other property held by the association in trust for the perpetual care of

the lots in the cemetery and for other purposes, and also any property devised or bequeathed to the association under the will of any person living at the time of said transfer or conveyance or under the will of any deceased person not then probated. Interest and dividends accruing on funds deposited in trust with any savings bank under authority of section twenty-five of chapter one hundred and sixty-eight of the General Laws, or with any other banking institution, for the benefit of the association, or of any lots in the cemetery may, after such conveyance, be paid by such bank or institution to the treasurer of said town; and upon such payment said treasurer shall use the same for the purposes of said trusts.

Section 3. All real and personal property and property rights, acquired by said town from the association under authority of this act, shall be held and managed by said town in the same manner in which cities and towns are authorized by law to hold and manage property for cemetery purposes; provided, that all rights which any persons have acquired in the cemetery of the association or any lots therein shall remain in force to the same extent as if this act had not been passed and such transfer had not occurred. The records of the association shall be delivered to the clerk of said town and such clerk may certify copies thereof.

Special legislation is required to effect the desired result.

No fee is required to be paid by the type of corporation described in the petition and the bill accompanying the same.

Respectfully submitted,

KEVIN H. WHITE,

Secretary of the Commonwealth.

By Mr. Jones, a petition of Carl Hiler for legislation to authorize the town of Sandwich to receive and administer the property of the Mount Hope Cemetery Association. Mercantile Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty-Four.

AN ACT AUTHORIZING THE TOWN OF SANDWICH TO RECEIVE AND ADMINISTER THE PROPERTY OF THE MOUNT HOPE CEMETERY ASSOCIATION.

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 Mount Hope Cemetery Association, here-
2 inafter called the association, may, by deed duly executed,
3 convey and transfer to the town of Sandwich, and said town
4 is hereby authorized and empowered to receive, and there-
5 after to hold and maintain, but for cemetery purposes only,
6 and subject to all rights heretofore existing in any burial
7 lots, the real and personal property of the association not
8 subject to any trust, and thereupon, and upon the transfer of
9 the trust funds as hereinafter provided, the association shall
10 be dissolved; and the cemetery of the association shall be and
11 become a public burial place, ground or cemetery.

1 SECTION 2. In so far as authorized by a decree of a court
2 of competent jurisdiction and in compliance with the terms
3 and conditions of such decree, said town may receive from
4 the association a conveyance and transfer of, and administer,
5 all funds or other property held by the association in trust
6 for the perpetual care of the lots in the cemetery and for
7 other purposes, and also any property devised or bequeathed
8 to the association under the will of any person living at the
9 time of said transfer or conveyance or under the will of any

10 deceased person not then probated. Interest and dividends
11 accruing on funds deposited in trust with any savings bank un-
12 der authority of section twenty-five of chapter one hundred
13 and sixty-eight of the General Laws, or with any other bank-
14 ing institution, for the benefit of the association, or of any
15 lots in the cemetery may, after such conveyance, be paid by
16 such bank or institution to the treasurer of said town; and
17 upon such payment said treasurer shall use the same for the
18 purposes of said trusts.

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