

SENATE No. 38

To accompany the petition of the trustees of the cemetery of Mount Auburn, by Prentiss Cummings, president, for legislation relative to the protection of family cemetery lots. Legal Affairs.

The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Fourteen.

AN ACT

To provide for the Better Protection of Family Cemetery Lots.

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. If in a will no express disposition or other
2 mention is made of a cemetery lot owned by the testator
3 at the time of his decease, and wherein he or any member
4 of his family is buried, the ownership of such lot shall
5 not pass from his lawful heirs by any residuary or other
6 general clause of such will, but shall descend to such
7 heirs the same as if he had died intestate.

1 SECTION 2. The body or remains of a person, or of
2 any member of the family of such person, who is buried

3 in a cemetery lot of which he was the legal or equitable
 4 owner at the time of his decease, shall not be removed
 5 from such lot without the written consent of the judge
 6 of the probate court for the county wherein such ceme-
 7 tery lot is situated; and the desire of pecuniary profit to
 8 be made by the sale of such lot shall not be deemed a rea-
 9 son for giving such consent.

1 SECTION 3. This act shall take effect upon its passage.