

# HOUSE . . . . No. 666

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Bill accompanying the petition of David S. McIntosh and another to provide for liens on monuments and cemetery structures in favor of the persons furnishing the same. Joint Judiciary. January 12.

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## The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Seventeen.

### AN ACT

To provide for Liens on Monuments and Cemetery Structures in favor of the Persons furnishing the same.

*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. A person, firm or corporation furnishing  
2 or placing in a cemetery or burial ground a monument,  
3 gravestone, or other structure, shall have a lien thereon  
4 for the agreed price thereof, or the part remaining un-  
5 paid, with interest from the time when the amount  
6 became due, upon filing with the superintendent or  
7 person in charge of such cemetery or burial ground,  
8 notice of a lien as provided in this act.

1 SECTION 2. The notice aforesaid may be filed at any  
2 time after the completion of the work, but not later  
3 than one year after the agreed price for furnishing or

4 placing such monument, gravestone, or other structure  
5 becomes due, and shall state that the lienor has a lien  
6 on such monument, gravestone, or structure for the pur-  
7 chase price thereof, or some unpaid part thereof, with  
8 interest, specifying the amount agreed to be paid, and  
9 the amount unpaid, with a description of the monu-  
10 ment, gravestone, or other structure, and the location of  
11 the plot upon which it stands, and the names of the  
12 persons with whom the agreement for the purchase and  
13 erection of the structure, or for the performance of the  
14 labor was made. The notice shall be signed and sworn  
15 to by the lienor. The lienor shall, within ten days after  
16 the filing of the notice, serve a copy personally, or by  
17 mail, upon the person with whom the agreement for the  
18 purchase and erection of such monument, gravestone, or  
19 other structure, or for the performance of labor thereon  
20 was made, and upon the owner of the lot upon which  
21 the monument, gravestone or other structure is erected,  
22 if the name and residence of such owner can, with  
23 reasonable diligence, be ascertained.

1 SECTION 3. After the service of notice as aforesaid,  
2 an action to recover the amount of the debt and to en-  
3 force a lien therefor may be maintained by the lienor  
4 against the person with whom the agreement was made,  
5 for the purchase and erection of such monument, grave-  
6 stone, or other structure or for the performance of labor  
7 thereon. If the lienor succeeds in establishing his lien,  
8 the judgment recovered may authorize him to remove  
9 the monument, gravestone, or other structure from the  
10 burial ground or cemetery and to sell the same at public  
11 auction to satisfy the amount of the judgment. Notice  
12 of the sale shall be published at least ten days before  
13 the time thereof, in a newspaper published in the city

14 or town where the sale is to take place, and if no news-  
15 paper is published therein, in the newspaper nearest  
16 thereto. The notice shall state the time and place of  
17 the sale, and shall describe the property to be sold. A  
18 copy of the notice shall be served personally or by mail  
19 at least ten days before the sale upon the persons to be  
20 served with the notice of lien as prescribed in the pre-  
21 ceding section. Before publishing the notice of sale as  
22 aforesaid, the lienor shall cause any and all names, let-  
23 ters, or inscriptions to be removed from the monument,  
24 gravestone, or other structure.

1 SECTION 4. The lienor shall, out of the proceeds of  
2 the sale, pay the expenses thereof, the expense of remov-  
3 ing any names, letters or inscriptions from the monu-  
4 ment, gravestone or other structure, and the expenses  
5 of the removal of the monument, gravestone or other  
6 structure from the cemetery or burial ground, not ex-  
7 ceeding ten dollars in the case of a gravestone and fifty  
8 dollars in the case of a monument, or other structure, and  
9 retain out of such proceeds the amount due upon the  
10 judgment recovered in the action to enforce the lien,  
11 and the residue, if any, shall be paid forthwith to the  
12 judgment debtor.

1 SECTION 5. This act shall take effect upon its passage.

