

HOUSE No. 2048

The Commonwealth of Massachusetts

MEMORANDUM OF COMMISSIONER OF CORPORATIONS AND TAXATION PURSUANT TO GENERAL LAWS, CHAPTER 3, SECTION 7, AS AMENDED, WITH RESPECT TO PETITION OF HAROLD L. ABBOTT AND ANOTHER THAT THE FRANKLIN CEMETERY ASSOCIATION IN THE TOWN OF FRANKLIN BE AUTHORIZED TO RECEIVE AND ADMINISTER THE PROPERTY OF THE RAY CEMETERY ASSOCIATION IN SAID TOWN.

JANUARY 9, 1951.

To the Honorable Senate and House of Representatives:

The above-named petition was transmitted to me by the Clerk of the House, December 20, 1950.

Pursuant to notice sent by me under General Laws, chapter 3, section 7, an amendment of the petition was received for the purpose of indicating why a special act is required. The petitioners also submitted a bill which they desired substituted for the one now on file. The letter of transmittal as well as the amendment of the petition and the proposed substitute bill are returned herewith.

Ray Cemetery Association was created a corporation by chapter 195 of the acts of 1909. The Franklin Cemetery Association was created a corporation by chapter 211 of the acts of 1898 and succeeded Franklin Cemetery

Association, a former corporation created by chapter 92 of the acts of 1864.

It appears clear that the object sought by the petition cannot be accomplished under the General Laws. No fee is required by General Laws, chapter 3, section 7.

No opinion upon the merits of the proposal is herein expressed.

Respectfully submitted,

HENRY F. LONG,

Commissioner of Corporations and Taxation.

By Mr. Telford of Plainville, petition of Harold C. Abbott and another that the Franklin Cemetery Association in the town of Franklin be authorized to receive and administer the property of the Ray Cemetery Association in said town. Mercantile Affairs.

The Commonwealth of Massachusetts

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

AN ACT AUTHORIZING THE FRANKLIN CEMETERY ASSOCIATION OF THE TOWN OF FRANKLIN TO RECEIVE AND ADMINISTER THE PROPERTY OF THE RAY CEMETERY ASSOCIATION 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 Ray Cemetery association, incor-
2 porated by chapter one hundred and ninety-five of
3 the acts of nineteen hundred and nine and located in
4 the town of Franklin is hereby authorized to convey
5 to the Franklin Cemetery association, incorporated
6 by chapter two hundred and eleven of the acts of
7 eighteen hundred and ninety-eight, and said Franklin
8 Cemetery association is authorized to receive from
9 said Ray Cemetery association, upon such terms as
10 may be mutually agreed upon, and thereafter to hold
11 and maintain, but for cemetery purposes only, and
12 subject to all rights heretofore existing in any burial
13 lots, the real and personal property of said Ray Ceme-

14 tery association including all moneys and trust funds
15 belonging to the said Ray Cemetery association.

1 SECTION 2. After such conveyance and transfer
2 said Franklin Cemetery association shall hold said
3 property and rights upon the same trusts and for the
4 same uses and purposes as the same were previously
5 held by said Ray Cemetery association and shall be
6 charged with the same duties and liabilities relative
7 thereto. All rights which any person has acquired
8 in the cemetery lands of the said Ray Cemetery asso-
9 ciation shall remain valid to the same extent as if this
10 act had not been passed, and, except as otherwise
11 provided herein, all pertinent provisions of said chap-
12 ter one hundred and ninety-five of the acts of nineteen
13 hundred and nine shall apply to said lands.

1 SECTION 3. The power to transfer, hold and use
2 moneys and trust funds granted by this act shall be
3 exercised only in conformity with a decree of a court of
4 competent jurisdiction entered within one year after
5 the effective date of this act.