

HOUSE No. 1769

Bill accompanying the petition of C. H. Beaman and others for legislation to incorporate the Leverett Cemetery Association. Mercantile Affairs. June 6.

The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Ten.

AN ACT

To incorporate the Leverett 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. Horace W. Field, Herbert S. Field,
2 Chas. Hall Beaman, Bradford M. Field, Mrs. Mary
3 Morton, Miss Maude Field, Chas. L. Putney, F.
4 F. Adams, Charles Thurber, Henry B. Glazier,
5 Edw. F. Ingram, their associates and successors,
6 are hereby made a corporation by the name of the
7 Leverett Cemetery Association, for the purpose of
8 acquiring, holding and improving the grounds
9 known as the East Leverett and Long Plain cem-
10 eteries and the North cemetery, so called, located
11 about one mile north from the Leverett town hall,

12 all being in the town of Leverett; and said corpora-
13 tion shall have all the powers and privileges and
14 be subject to all the duties, restrictions and liabili-
15 ties set forth in all general laws which now are or
16 hereafter may be in force relating to such corpora-
17 tions, except as hereinafter provided.

1 SECTION 2. Said corporation is hereby author-
2 ized to take possession and control of said ceme-
3 teries; and said town of Leverett is hereby
4 authorized to convey to said corporation upon such
5 terms as may be agreed upon, all its right, title
6 and interest in the lands which have been purchased
7 and set apart for said cemeteries, and in all other
8 property or rights appertaining thereto, which
9 said town now has or is entitled to have, including
10 all moneys and trust funds belonging to said cem-
11 etery: *provided*, that a majority of the legal voters
12 of said town present and voting thereon shall vote
13 so to do at a meeting duly called for that purpose.
14 Said corporation shall hold the said property and
15 rights for the same uses and purposes for which
16 the same are now held by the town of Leverett, and
17 be charged with the same duties and liabilities; and
18 all rights which any persons have acquired in said
19 cemeteries shall remain valid to the same extent
20 as if this act had not been passed.

1 SECTION 3. Said town shall continue to have the
2 right of burying in anyone of said cemeteries the
3 bodies of those for whose burial it is bound by law
4 to provide; and such interments shall be made in
5 a part of the said cemeteries set off for this pur-
6 pose by agreement between the overseers of the

7 poor of said town and the executive board of said
8 corporation. Such interments may be made by the
9 town at its own expense, or by said corporation,
10 upon such terms as shall be agreed upon between
11 said overseers and said executive board.

1 SECTION 4. Any person now owning a lot in any
2 of the said cemeteries or his representative, to-
3 gether with those persons who are now life mem-
4 bers of the unincorporated organization known as
5 the Leverett Cemetery Association, may take part
6 in the organization of this corporation, and after
7 the organization thereof any person who is now or
8 may hereafter become by deed or otherwise pro-
9 prietor of a lot in any of the said cemeteries shall
10 become a member of said corporation by applying
11 to the trustees hereinafter mentioned and receiv-
12 ing a deed or certificate of such lot from said cor-
13 poration; and when any person shall cease to be
14 the proprietor of a lot he shall cease to be the
15 member of the corporation.

1 SECTION 5. Said corporation may acquire by
2 gift, devise or purchase, and hold in fee, additional
3 land to the extent of twenty acres for the purpose
4 of enlarging said cemeteries from time to time, and
5 may hold so much personal property as may be
6 necessary for the objects of said corporation; and
7 said corporation is hereby authorized to take and
8 hold any property granted or bequeathed in trust
9 for the purpose of enlarging or improving said
10 cemeteries. Said corporation may also hold in
11 trust any money or other property given or be-
12 queathed by the proprietor of a lot or in his behalf,
13 for the care and embellishment of any lot or for the

14 repair, preservation or renewal of a monument,
15 fence or other structure thereon or for planting
16 the lot or its neighborhood with trees or shrubs,
17 and when such a gift or bequest is made said cor-
18 poration shall give to said proprietor or his repre-
19 sentative an obligation on such conditions as may
20 be agreed upon binding itself to fulfill the terms of
21 the gift or bequest. And said corporation is au-
22 thorized to take possession of the funds now held
23 by the organization known as the Leverett Cem-
24 etery Association, above mentioned, and said cor-
25 poration shall hold the said funds for the same uses
26 and purposes for which they are now held and
27 shall be charged with the same duties and liabilities.

1 SECTION 6. The net proceeds of all sales of lots
2 in said cemeteries shall be forever devoted to
3 the preservation, improvement and enlargement
4 thereof and to the payment of the incidental ex-
5 penses connected therewith, and to no other pur-
6 poses.

1 SECTION 7. The officers of the corporation shall
2 consist of seven trustees, of which at least two shall
3 be representatives of lots in the Long Plain cem-
4 etery, two in the East Leverett and two in the
5 North, a treasurer and a clerk, who shall be elected
6 at the annual meeting of the corporation, a presi-
7 dent to be elected annually by the trustees from
8 their number, and such subordinate officers as may
9 be provided for by the by-laws. The treasurer
10 and the clerk shall each be elected for one year and
11 until his successor is elected and qualified. The
12 trustees shall be elected one each year for the term

13 of seven years: *provided, however*, that at the first
14 election one trustee shall be elected for one year,
15 one for two years, one for three years and so on
16 respectively and thereafter one trustee shall be
17 chosen annually to serve seven years. Said trus-
18 tees shall have the general management of the
19 property, expenditures and affairs of said corpora-
20 tion and of the sale of lots in said cemetery, and
21 shall make a report of their doings to the corpora-
22 tion at its annual meetings. If a vacancy occurs
23 in said board of trustees, or in the office of treas-
24 urer or clerk, it may be filled for the unexpired term
25 at any annual or special meeting of the corporation.

1 SECTION 8. Said corporation shall pay all dam-
2 ages sustained by any person or corporation by the
3 taking of any land or other property or by any
4 other thing done by said corporation under the
5 authority of this act. Any person or corporation
6 so injured and failing to agree with the cemetery
7 corporation as to the amount of damages sus-
8 tained may have the damages assessed and deter-
9 mined in the manner provided by the law when
10 land is taken for the laying out of highways on
11 application at any time within the period of one
12 year from the taking of such land or other prop-
13 erty or the doing of other injury under the author-
14 ity of this act; but no such application shall be
15 entertained after the expiration of one year.

1 SECTION 9. This act shall take effect upon its
2 passage.

