

# HOUSE....No. 86.

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## Commonwealth of Massachusetts.

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HOUSE OF REPRESENTATIVES, Feb. 16, 1855.

The Committee on the Judiciary, to whom was referred Senate Bill, No. 30, relating to the Cambridge Cemetery, have considered the same, and report the same Bill in a new draft.

For the Committee,

J. C. HOWES.

## Commonwealth of Massachusetts.

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In the Year One Thousand Eight Hundred and Fifty-  
Five.

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### AN ACT

Relating to the Cambridge Cemetery.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:—*

1    SECT. 1.   The city council of Cambridge is hereby  
2 authorized to elect by joint ballot, in convention, a  
3 board of six commissioners, two members thereof to  
4 be elected each and every year, in the month of Janu-  
5 ary, to hold office for the term of three years; the  
6 mayor of the city of Cambridge for the time being, to  
7 be chairman of said board *ex officio*. Said board shall  
8 have the sole care, superintendence and management  
9 of the Cambridge cemetery established by said city  
10 council; but said board, or any member thereof, after  
11 having had an opportunity to be heard in his or their

12 defence, may be removed at any time by a concurrent  
13 vote of two-thirds of each branch of the city council ;  
14 and in case of a vacancy in said board of commis-  
15 sioners, by death, resignation, removal, or otherwise,  
16 such vacancy shall be filled by the choice of another  
17 commissioner in the manner aforesaid, who shall hold  
18 his office for the remainder of the term for which the  
19 member in whose place he shall be elected would have  
20 held the same. Said board may be organized by the  
21 choice of a secretary from their own number, and a  
22 majority of said board shall constitute a quorum for  
23 the transaction of business ; and the term for which  
24 the several members of the first board of commis-  
25 sioners to be so chosen shall hold their office shall  
26 be determined as follows:—

27 The first election to be made as soon as may be  
28 after the passage of this act, and the commissioners  
29 so chosen to be divided by lot into three classes, the  
30 first class to remain in office until January, eighteen  
31 hundred and fifty-six ; the second class to remain  
32 in office until January, eighteen hundred and fifty-  
33 seven, and the third class shall remain in office until  
34 January, eighteen hundred and fifty-eight ; after  
35 which first election two commissioners shall be elected  
36 during the month of January in every year, and to  
37 hold office for the term of three years.

1     SECT. 2. The said board of commissioners shall  
2 lay out said cemetery, or such parts thereof as are not  
3 already laid out, into such lots or subdivisions for  
4 burial-places as they shall think proper ; and the said  
5 commissioners shall set apart a portion of said ceme-  
6 tery for a public burial-place for the use of the in-

7 habitants of said city free of charge therefor. And  
8 it shall be the duty of said commissioners from time  
9 to time, as appropriations shall be made by the city  
10 council therefor, to cause all necessary paths and  
11 avenues to be constructed therein, and to cause said  
12 cemetery to be planted and embellished with trees,  
13 shrubs, flowers, and other rural ornaments, as they  
14 shall think proper. And said board may make all  
15 necessary by-laws and regulations in the execution of  
16 their trust, not inconsistent with this act and the laws  
17 of the Commonwealth, as they shall deem expedient.

1 SECT. 3. Said board of commissioners shall have  
2 authority to sell to any person or persons the sole  
3 and exclusive right of burial, and of erecting tombs,  
4 cenotaphs and monuments, in any of the designated  
5 lots or subdivisions of said cemetery, upon such terms  
6 and conditions as they shall by their rules and regu-  
7 lations prescribe; but all deeds or conveyances of  
8 any of such lots shall be made in the name of the city,  
9 and shall be executed in behalf of the city by the  
10 city clerk thereof for the time being when requested  
11 to do so by the commissioners; and the proceeds of  
12 such sales shall in all cases be paid into the city  
13 treasury.

1 SECT. 4. The said board of commissioners shall  
2 annually, in the month of January, and whenever re-  
3 quired by the city council, make and render a report  
4 of all their acts, doings and proceedings, and of the  
5 condition of the cemetery, and an account of the  
6 receipts and expenditures for the same.

1    SECT. 5. The mayor and aldermen of said city  
2 shall notify and warn the legal voters of said city to  
3 meet in their respective wards on such day as they  
4 shall direct, not exceeding thirty days from the pas-  
5 sage of this act, for the purpose of giving in their  
6 written votes upon the question whether they will  
7 accept the same; and if a majority of the votes given  
8 upon said question shall be in the negative, then this  
9 act shall be null and void.

1    SECT. 6. This act shall take effect from and after  
2 its passage.

