

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 REPRESENTATIVE ANTHONY PARENZO FOR CONSOLIDATION OF THE FIRST CONGREGATIONAL CHURCH OF WESTFIELD, MASSACHUSETTS, AND THE SECOND CONGREGATIONAL CHURCH IN WESTFIELD, MASSACHUSETTS, AND FOR OTHER PURPOSES.

FEBRUARY 26, 1952.

To the Honorable House Committee on Rules.

The above-named petition was transmitted to me by the clerk of the House Committee on Rules under date of February 20, 1952, with the request for a memorandum.

It is clear that the consolidation of churches cannot be accomplished under the General Laws. It is called to attention that the records show that a corporation was organized as First Congregational Church of Westfield, Massachusetts, on April 21, 1943. It further shows that there was a corporation organized on February 29, 1944, by the name of The Second Congregational Church in Westfield, Massachusetts. This petition would come under the provisions of section 7 of chapter 3 of the General Laws and therefore the late filing of this is in viola-

tion of the statute. It is not reorganized for business or profit so no fee is required. Specific attention is called to the necessity of making certain in the consolidation of churches that nothing shall be done which will in any way interfere with the provisions of any gifts or grants made to the churches because in a decision of quite some time ago to the Legislature it was made clear that the Supreme Judicial Court would require reference to the Probate Court. It would seem advisable, even though the bill attached attempts to do it, that section 4 of the bill be made sufficiently broad to require recourse to the Probate Court where there is a question of interpretation of the gift or grant to churches. Aside from these suggestions made it would seem as though the petition were in proper order and, aside from failure to comply with the provisions of section 7 of chapter 3, action could be taken.

Respectfully submitted,

HENRY F. LONG,

Commissioner of Corporations and Taxation.

By Mr. Parenzo of Westfield, petition of Anthony Parenzo for consolidating the First Congregational Church of Westfield, Massachusetts, and the Second Congregational Church in Westfield, Massachusetts, and for other purposes. Mercantile Affairs.

The Commonwealth of Massachusetts

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

AN ACT CONSOLIDATING THE FIRST CONGREGATIONAL CHURCH OF WESTFIELD, MASSACHUSETTS, AND THE SECOND CONGREGATIONAL CHURCH IN WESTFIELD, MASSACHUSETTS, AND FOR OTHER PURPOSES.

1 *Whereas*, Certain property rights of the churches
2 proposed by this act to be consolidated are now in
3 question and it is advisable that the consolidation
4 of the churches referred to in said act be accomplished
5 as speedily as possible in order that the matters in
6 question may be immediately and finally settled, and
7 the deferred operation of said act would in part defeat
8 its purpose to make such consolidation immediately
9 possible, therefore this act is hereby declared to be
10 an emergency law, necessary for the immediate pres-
11 ervation of the public convenience.

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 First Congregational Church of
2 Westfield, Massachusetts, and The Second Congre-
3 gational Church in Westfield, Massachusetts, both

4 religious corporations established and existing under
5 and by virtue of the general laws of the common-
6 wealth, are hereby authorized to consolidate into one
7 corporation, with all the privileges, powers and im-
8 munities to which other religious corporations in this
9 commonwealth are by law entitled, under the name
10 of The Congregational Church of Westfield, Massa-
11 chusetts, which shall in all respects be a continuance
12 of, and the lawful successor to, each and both of said
13 existing corporations.

1 SECTION 2. Upon such consolidation, all bequests,
2 devises, conveyances and gifts heretofore or here-
3 after made to either of said existing corporations, how-
4 ever described, or to the religious societies with which
5 said churches were connected before their incorpor-
6 ation, however described, and all the powers and
7 privileges thereof shall vest in said consolidated cor-
8 poration and all trusts now or hereafter vested in
9 either of said existing corporations, or in either of
10 said societies shall be preserved inviolate, and all
11 provisions relating thereto shall have full force and
12 effect in said consolidated corporation, in so far as
13 such authority and right may be granted by statute.

1 SECTION 3. Upon such consolidation, the treasurers
2 of said existing corporations and of said societies are
3 hereby respectively authorized to execute and deliver
4 all papers and documents that may be deemed neces-
5 sary or proper for the purpose of vesting in the con-
6 solidated corporation the property belonging respec-
7 tively to the existing corporations and to the said
8 societies.

1 SECTION 4. Whatever authority or right is granted
2 or conferred by this act is hereby declared to be
3 limited to such authority or right as the general court
4 may constitutionally grant or confer, without prejudice
5 to any proceeding that may be instituted in any court
6 of competent jurisdiction to effect the purposes of
7 this act.

1 SECTION 5. Upon the acceptance of this act by
2 a majority vote of the members of each of said cor-
3 porations present and voting at meetings duly called
4 for the purpose, certified copies of the respective votes
5 of acceptance, sworn to by the respective clerks or
6 recording officers of said corporations, shall be filed
7 for record in the registry of deeds for the county of
8 Hampden and in the office of the state secretary, and
9 upon such filing the consolidation of said existing
10 corporations shall be complete, and thereupon all
11 persons who are then members of the corporations so
12 consolidated shall be members of said The Congre-
13 gational Church of Westfield, Massachusetts.



