

HOUSE No. 6119

The Commonwealth of Massachusetts

MEMORANDUM OF THE SECRETARY OF THE COMMONWEALTH PURSUANT TO GENERAL LAWS, CHAPTER 3, SECTION 7, WITH RESPECT TO PETITION OF TIMOTHY E. KISH AND FRANCIS W. HATCH, JR., FOR AN AMENDMENT TO THE CHARTER OF BOWDOIN COLLEGE.

March 8, 1973.

To the Honorable Senate and House of Representatives:

The above-named petition was transmitted to me by the Clerk of the House of Representatives on January 22, 1973, with a request for a memorandum.

President and Trustees of Bowdoin College and Overseers of Bowdoin College were incorporated under the provisions of chapter 12 of the acts of 1794, which act was approved on June 24, 1794.

The bill before your honorable bodies seeks to amend the charter of Bowdoin College. The preamble of the bill recites the following: Whereas the deferred operation of this Act would tend to defeat its purpose, which is to amend the charter of Bowdoin College to provide for terms of office for the trustees and overseers which are less than lifetime tenure and to allow more flexibility in the signing of deeds, which amendments, due to the provisions in the Articles of Separation of 1819, require the enactments of the Legislature of both Maine and Massachusetts, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Sections one through three of the bill seek to amend sections three, four, and eleven of the charter of Bowdoin College.

Special legislation is required to effect the desired result.

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Whether or not this should be allowed is a matter of policy within your exclusive jurisdiction, and this office expresses no opinion on the merits of the bill. No fee is required to be paid by a corporation of this type under the provisions of chapter 3, section 7.

Respectfully submitted,

JOHN F. X. DAVOREN,
Secretary of the Commonwealth.

By Mr. Hatch of Beverly, petition of Timothy E. Kish and Francis W. Hatch, Jr., for an amendment to the charter of Bowdoin College. Education.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Three.

AN ACT TO AMEND THE CHARTER OF BOWDOIN COLLEGE.

1 *Whereas*, The deferred operation of this Act would tend to
2 defeat its purpose, which is to amend the charter of Bowdoin
3 College to provide for terms of office for the trustees and over-
4 seers which are less than lifetime tenure and to allow more flexi-
5 bility in the signing of deeds, which amendments, due to the
6 provisions of the Articles of Separation in 1819, require the
7 enactments of the Legislature of both Maine and Massachusetts,
8 it is hereby declared to be an emergency law, necessary for the
9 immediate preservation 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. Section 3 of the charter of Bowdoin College
2 adopted by an Act of the General Court of the Commonwealth
3 of Massachusetts passed on June 24, 1794, is hereby amended to
4 read as follows: —

5 *Section 3.* And be it further enacted by the authority afore-
6 said, that for the more orderly conducting the business of the
7 said corporation, the president and trustees shall have full power
8 and authority from time to time, to elect a vice president and
9 secretary of the said corporation, and to declare the tenures and
10 duties of their respective offices; and to elect trustees of said
11 corporation, for such terms and upon such conditions as they
12 may from time to time determine, and also to remove any trustee
13 from the same corporation, when, in their judgment, he shall be

14 incapable or shall neglect or refuse to perform the duties of his
15 office. Provided nevertheless, that the number of the said trus-
16 tees, including the president and treasurer of the said college, for
17 the time being, shall never be greater than 13, nor less than 7.

1 SECTION 2. Section 4 of said charter is hereby amended to
2 read as follows: —

3 *Section 4.* And be it further enacted, that the said corpora-
4 tion may have one common seal, which they may change, break
5 or renew at their pleasure; and that all deeds signed and delivered
6 by the treasurer, or by such other officer as the trustees may
7 from time to time appoint, and sealed with their seal, by order of
8 the president and trustees, shall when made in their corporate
9 name, be considered in law as the deeds of the said corporation;
10 and that the said corporation may sue and be sued in all actions,
11 real, personal or mixed; and may prosecute and defend the same
12 to final judgment and execution, by the name of the president
13 and trustees of Bowdoin College; and that the said corporation
14 shall be capable of having, holding and taking, in fee simple or
15 any less estate, by gift, grant, devise, or otherwise any lands,
16 tenements, or other estate, real or personal.

1 SECTION 3. Section 11 of said charter is hereby amended to
2 read as follows: —

3 *Section 11.* And be it further enacted by the authority afore-
4 said, that for the orderly conducting the business of the said last
5 mentioned corporation, the members thereof shall have full
6 power, from time to time, as they shall determine, to elect a
7 president, vice president and secretary, and to fix the tenures and
8 duties of their respective offices; and also to determine at what
9 times and places their meetings shall be holden, and upon the
10 manner of notifying the overseers to convene at such meetings,
11 and to provide for the election of persons for overseers for such
12 terms and upon such conditions as the trustees, from time to
13 time, shall determine subject to the agreement thereof by the
14 overseers pursuant to section 7, hereof; and to remove any over-
15 seer from the said corporation when, in the judgment of the
16 overseer, he shall be rendered incapable, or shall neglect or refuse
17 to perform the duties of his office; and a majority of the mem-

18 bers present, at any legal meeting, shall decide all questions
19 which may properly come before the said overseers; provided
20 nevertheless, that the number of the said overseers, including the
21 president of the college, and the secretary of the president and
22 trustees of Bowdoin College, shall never be greater than 45, nor
23 less than 25.





