

SENATE No. 608

To accompany the petition of Minnie H. Billings and others for legislation to create The First Church of Deerfield and authorizing the transfer of certain property by the First Congregational Parish of Deerfield, the Deerfield Church, and Orthodox Congregational Church of Deerfield to said The First Church of Deerfield. Mercantile Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Forty-Seven.

AN ACT CREATING THE FIRST CHURCH OF DEERFIELD AND AUTHORIZING THE TRANSFER OF CERTAIN PROPERTY BY THE FIRST CONGREGATIONAL PARISH OF DEERFIELD, THE DEERFIELD CHURCH, AND ORTHODOX CONGREGATIONAL CHURCH OF DEERFIELD TO SAID THE FIRST CHURCH OF DEERFIELD.

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 voluntary religious association,
2 commonly known as the First Congregational Church
3 of Deerfield (or the First Congregational Parish
4 Church of Deerfield, or the Unitarian Church, or the
5 Unitarian Church of Deerfield, or the Brick Church),
6 affiliated with the First Congregational Parish of
7 Deerfield, a voluntary religious association, and situ-
8 ated in Deerfield, and secondly, The Deerfield Church,
9 a voluntary religious association, and thirdly, the
10 members of the Orthodox Congregational Church of

11 Deerfield, said Church being a corporation organized
12 under general law (including the members, if any, of
13 the Orthodox Congregational Society of Deerfield,
14 also known as the Orthodox Congregational Parish,
15 or the Orthodox Society, an unincorporated religious
16 society) upon acceptance of this act by a two thirds
17 vote of the members of each of said respective organi-
18 zations present and voting at meetings called by each
19 of said respective organizations for the purpose, and
20 by the recording with the secretary of the common-
21 wealth and in the registry of deeds for the county of
22 Franklin of certificates of said votes, duly made and
23 sworn to by the respective clerks of said meetings,
24 shall hereafter be a corporation by the name of The
25 First Church of Deerfield. Said The First Church of
26 Deerfield shall have all the powers, rights, franchises,
27 and privileges which the said voluntary religious as-
28 sociations and the members of said Orthodox Congre-
29 gational Church have heretofore acquired or enjoyed
30 by statute, vote, gift, grant, usage, prescription or
31 otherwise, and subject to all the duties and liabilities
32 to which the said voluntary religious associations and
33 said members have heretofore been subject. Said
34 The First Church of Deerfield, shall have, except as
35 may be provided otherwise in this act, all the rights,
36 powers, and privileges, and be subject to all the duties
37 and liabilities, of religious corporations instituted
38 under general law; and upon acceptance of this act
39 as aforesaid, all members of said voluntary associa-
40 tions and of said Orthodox Congregational Church
41 shall be members of said new corporation, The First
42 Church of Deerfield.

1 SECTION 2. The corporation created by section
2 one of this act is hereby authorized to receive and

3 hold, or disburse for religious, benevolent and chari-
4 table purposes, gifts, grants, bequests and devises of
5 real and personal property to an amount, exclusive
6 of all buildings and the land pertaining thereto, occu-
7 pied or used by it for said purposes, not exceeding the
8 sum of five hundred thousand dollars, with full power
9 to sell and convey, in accordance with the terms of
10 any trust upon which the same is held, any part or the
11 whole of its said property, including said land and
12 buildings, for purposes of investment and reinvest-
13 ment, for the improvement, alteration or relocation
14 of any of its said buildings, or for benevolences and
15 charities and upon any such sale the proceeds thereof
16 shall be held upon the same trusts upon which the
17 property thus sold was held; and the purchaser shall
18 not be responsible for the application of the purchase
19 money.

1 SECTION 3. At any time after the acceptance of
2 this act, as provided in section one, the said First
3 Congregational Parish of Deerfield, may by a two
4 thirds vote of its members present and voting at a
5 meeting called for the purpose, authorize one or more
6 persons in its name and on its behalf to execute, ac-
7 knowledge and deliver proper deeds and other instru-
8 ments conveying and transferring in fee simple any
9 or all of its property, real and personal, except such as
10 may be held or owned by it for or in connection with
11 specific and limited charitable uses and trusts, to the
12 corporation created by section one of this act. Upon
13 the acceptance of said conveyance by the corporation
14 created by section one of this act by a two thirds vote
15 of its members present and voting at a meeting duly
16 called for the purpose, and upon the recording in the
17 registry of deeds in the county of Franklin of said

18 deeds and other instruments of transfer, together with
19 certificates, duly made and sworn to by the clerks of
20 said meetings, respectively, of the said votes authoriz-
21 ing the said conveyance and the acceptance thereof,
22 the members of said corporation, the First Congre-
23 gational Parish of Deerfield, shall become members
24 of the corporation created by section one of this act
25 with all the rights of any members thereof.

1 SECTION 4. At any time after the acceptance of
2 this act, as provided in section one, the said First
3 Congregational Parish of Deerfield, as, if and when
4 authorized by decree of the probate court for the
5 county of Franklin, may, by a two thirds vote of its
6 members present and voting at a meeting called for
7 the purpose, convey and transfer real estate owned or
8 held by it for or in connection with any and all specific
9 and limited charitable uses and trusts to the corpora-
10 tion created by section one of this act.

1 SECTION 5. At any time after the acceptance of
2 this act, as provided in section one, the said Orthodox
3 Congregational Church of Deerfield, may by a two
4 thirds vote of its members present and voting at a
5 meeting called for the purpose, authorize one or more
6 persons in its name and on its behalf to execute, ac-
7 knowledge and deliver proper deeds and other instru-
8 ments conveying and transferring in fee simple any
9 or all of its property, real and personal, except such
10 as may be held or owned by it for or in connection
11 with specific and limited charitable uses and trusts,
12 to the corporation created by section one of this act.
13 Upon the acceptance of said conveyance by the cor-
14 poration created by section one of this act by a two

15 thirds vote of its members present and voting at a
16 meeting duly called for the purpose, and upon the
17 recording in the registry of deeds in the county of
18 Franklin of said deeds and other instruments of
19 transfer, together with certificates, duly made and
20 sworn to by the clerks of said meetings, respectively,
21 of the said votes authorizing the said conveyance and
22 the acceptance thereof, the members of said corpora-
23 tion, the Orthodox Congregational Church of Deer-
24 field, shall become members of the corporation created
25 by section one of this act with all the rights of any
26 members thereof.

1 SECTION 6. At any time after the acceptance of
2 this act, as provided in section one, the said Orthodox
3 Congregational Church of Deerfield, as, if and when
4 authorized by decree of the probate court for the
5 county of Franklin, may, by a two thirds vote of its
6 members present and voting at a meeting called for
7 the purpose, convey and transfer real estate owned or
8 held by it for or in connection with any and all specific
9 and limited charitable uses and trusts to the corpora-
10 tion created by section one of this act.

1 SECTION 7. At any time after the acceptance of
2 this act, as provided in section one, the said The
3 Deerfield Church, may by a two thirds vote of its
4 members present and voting at a meeting called for
5 the purpose, authorize one or more persons in its
6 name and on its behalf to execute, acknowledge, and
7 deliver proper deeds and other instruments convey-
8 ing and transferring in fee simple any or all of its
9 property, real and personal, to the corporation created
10 by section one of this act, and upon the acceptance of

11 said conveyance by the corporation created by section
12 one of this act by a two thirds vote of its members
13 present and voting at a meeting duly called for the
14 purpose, and upon the recording in the registry of
15 deeds in the county of Franklin of said deeds and other
16 instruments of transfer together with certificates,
17 duly made and sworn to by the clerks of said meetings,
18 respectively, of the said votes authorizing the said
19 conveyance and the acceptance thereof, the members
20 of said association, The Deerfield Church, shall be-
21 come members of the corporation created by section
22 one of this act with all the rights of any members
23 thereof and the existence of said The Deerfield Church
24 shall cease and determine.

1 SECTION 8. The property conveyed to, or vested
2 in, the corporation created by section one of this act,
3 under the provisions hereof, shall not, after such
4 conveyance and vesting, be applied or apportioned
5 with reference to the source or the religious body
6 aforesaid from which it was derived under the pro-
7 visions of this act, but shall be administered and
8 applied by the corporation created by section one of
9 this act, for its general church and charitable pur-
10 poses and as a single consolidated property and fund.

1 SECTION 9. In case of doubt as to the manner in
2 which any property, held in trust or otherwise, con-
3 veyed to or vested in the corporation created by
4 section one of this act, under the provisions of this
5 act, or the income thereof, should be held, adminis-
6 tered or applied by the said corporation, the matter
7 may be determined by the supreme judicial court
8 upon the application of any person interested or of

9 the attorney-general; and until said court shall
10 otherwise order, such property and the income thereof
11 shall be held, administered and applied by the said
12 corporation in accordance with the terms of the
13 original trusts or as nearly in accordance therewith
14 as is possible. Any person aggrieved by any provi-
15 sion of this act may, at any time within six months
16 after the recording of such of the various deeds or
17 other instruments in this act provided for, as is
18 alleged to be the cause of such injury, apply by
19 petition to the supreme judicial court to have his
20 damages determined by a jury therein, or by or
21 under the direction of said court; and damages so
22 awarded, with the costs of suit allowed by statute
23 in civil cases, attending such award, shall be paid by
24 the corporation created by section one of this act.

1 SECTION 10. The said First Congregational Parish
2 of Deerfield and the said Orthodox Congregational
3 Church of Deerfield from time to time hereafter, after
4 the acceptance of this act as provided in section one,
5 may each, by a two thirds vote of its members
6 present and voting at meetings called for the purpose,
7 authorize The First Church of Deerfield, the corpora-
8 tion formed by section one of this act, to act as its
9 or their agent for the purpose of carrying out the
10 specific and limited charitable uses and trusts for
11 which funds are held by either or both.

1 SECTION 11. The said First Congregational Church
2 of Deerfield or the said Orthodox Congregational
3 Church of Deerfield from time to time hereafter, after
4 the acceptance of this act, as provided in section one,
5 may each, by a two thirds vote of its members present

6 and voting at meetings called for the purpose, convey
7 and transfer to the corporation formed by section
8 one of this act, real and personal property hereafter
9 received by each in the same manner as is provided
10 in sections three, four, five, and six of this act.

1 SECTION 12. After the acceptance of this act as
2 provided in section one, all gifts, grants, bequests
3 and devises made to or for the benefit of said The
4 Deerfield Church however described, shall vest in
5 the corporation formed by section one of this act.

1 SECTION 13. The first meeting of the corporation
2 created by section one of this act shall be held on or
3 before November thirty, nineteen hundred and forty-
4 seven.

1 SECTION 14. This act shall take effect upon its
2 passage.