

The Commonwealth of Massachusetts

MEMORANDUM OF COMMISSIONER OF CORPORATIONS AND TAXATION PURSUANT TO GENERAL LAWS, CHAPTER 3, SECTION 7, WITH RESPECT TO PETITION OF JAMES A. McLAREN AND ANOTHER FOR LEGISLATION ESTABLISHING FIRST CONGREGATIONAL CHURCH OF NORTH ADAMS, MASSACHUSETTS, AND AUTHORIZING THE TRANSFER OF CERTAIN PROPERTY BY THE FIRST CONGREGATIONAL SOCIETY OF NORTH ADAMS, MASSACHUSETTS, TO SAID FIRST CONGREGATIONAL CHURCH.

JANUARY 27, 1955.

To the Honorable Senate and House of Representatives.

The above-named petition was transmitted to me by the Clerk of the House Committee on Rules on January 26, 1955, with the request for a memorandum.

Both religious organizations petitioning for the passage of the proposed legislation are voluntary organizations. That which they seek to accomplish cannot be effected under our General Laws but requires special legislation.

No opinion is expressed upon the merits of the bill.

Section 10 of the bill provides that the act shall take effect upon its passage but the bill contains no emergency preamble.

No fee is required to be paid by corporations of this type as provided in section 7 of chapter 3 of the General Laws.

Respectfully submitted,

WILLIAM A. SCHAN,
Commissioner of Corporations and Taxation.

By Mr. Sala of North Adams, petition of James A. McLaren and another for legislation to establish the First Congregational Church of Adams, Massachusetts and authorizing the transfer thereto of certain property by the First Congregational Society of North Adams, Massachusetts. Mercantile Affairs.

The Commonwealth of Massachusetts

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

AN ACT ESTABLISHING FIRST CONGREGATIONAL CHURCH OF NORTH ADAMS, MASSACHUSETTS AND AUTHORIZING THE TRANSFER OF CERTAIN PROPERTY BY THE FIRST CONGREGATIONAL SOCIETY OF NORTH ADAMS, MASSACHUSETTS TO SAID FIRST CONGREGATIONAL CHURCH.

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 North Adams, Massachusetts, a voluntary religious
3 association, and the First Congregational Society of
4 North Adams, Massachusetts, a religious society, both
5 situated in North Adams, upon acceptance of this act
6 by a two-thirds vote of the members of each of said
7 respective organizations present and voting at meetings
8 called by each of said respective organizations for the
9 purpose, and by the recording with the secretary of the
10 commonwealth and in the Northern District Registry
11 of Deeds for the County of Berkshire of certificates of
12 said votes, duly made and sworn to by the respective
13 clerks of said meetings, shall hereafter be a corporation
14 by the name of First Congregational Church of North
15 Adams, Massachusetts. Said corporation shall have all
16 the powers, rights, franchises and privileges which the
17 said organizations and the members thereof have here-
18 tofore acquired or enjoyed by statute, vote, gift, grant,

19 usage, prescription or otherwise, and subject to all the
20 duties and liabilities to which the said organizations and
21 said members have heretofore been subject. Said cor-
22 poration shall have, except as may be provided other-
23 wise in this act, all the rights, powers and privileges, and
24 be subject to all the duties and liabilities, of religious
25 corporations instituted under general law; and upon
26 acceptance of this act as aforesaid, all members of said
27 organizations shall be members of said corporation, and
28 all the acts, deeds and votes of the said organizations
29 are hereby ratified and confirmed.

1 SECTION 2. The said corporation is hereby authorized
2 to receive and hold, or disburse for religious, benevolent
3 and charitable purposes, gifts, grants, bequests and
4 devises of real and personal property to an amount,
5 exclusive of all buildings and the land pertaining thereto,
6 occupied or used by it for said purposes, not exceeding
7 the sum of two million dollars, with full power to sell and
8 convey, in accordance with the terms of any trust upon
9 which the same is held, any part or the whole of its said
10 property, including said land and buildings, for pur-
11 poses of investment and reinvestment, for the improve-
12 ment, alteration or relocation of any of its said build-
13 ings, or for benevolences and charities and upon any
14 such sale the proceeds thereof shall be held upon the
15 same trusts upon which the property thus sold was held;
16 and the purchaser shall not be responsible for the appli-
17 cation of the purchase money.

1 SECTION 3. At any time after the acceptance of this
2 act, as provided in section one, the said organizations,
3 by a two-thirds vote of their respective members present
4 and voting at meetings called for the purpose, authorize
5 one or more persons in their name and on their behalf to
6 execute, acknowledge and deliver proper deeds and other
7 instruments conveying and transferring in fee simple any
8 or all of their property, real and personal, except such as
9 may be held or owned by them for or in connection with

10 specific and limited charitable uses and trusts, to the
11 said corporation. Upon the acceptance of said convey-
12 ance by said corporation by a two-thirds vote of its
13 members present and voting at a meeting duly called for
14 the purpose, there shall be recorded in the Northern
15 District Registry of Deeds for the County of Berkshire
16 said deeds and other instruments of transfer relative to
17 real property together with certificates, duly made and
18 sworn to by the clerks of said meetings, respectively, of
19 the said vote authorizing the said conveyance and the
20 acceptance thereof.

1 SECTION 4. At any time after the acceptance of this
2 act, as provided in section one, the said organizations
3 may, by a two-thirds vote of the members present and
4 voting at meetings called for the purpose, convey and
5 transfer property, real and personal, owned or held by
6 them for or in connection with any and all specific and
7 limited charitable uses and trusts to the said corpora-
8 tion, and such property shall thereafter be held by said
9 corporation subject to the same uses and trusts as when
10 held by said organizations.

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

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

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

1 SECTION 7. The records and the books and papers of
2 said organizations shall be the property of the said cor-
3 poration, which shall consistently herewith have and
4 enjoy all franchises, powers and privileges of every kind
5 now or formerly belonging to said organizations and
6 shall assume and be subject to all the debts and liabili-
7 ties thereof.

1 SECTION 8. After the acceptance of this act as pro-
2 vided in section one, all gifts, grants, bequests and
3 devises made to or for the benefit of said First Congre-
4 gational Society of North Adams, Massachusetts, or the
5 Trustees thereof, and of the said First Congregational
6 Church of North Adams, Massachusetts, or the Deacons
7 thereof, however described, shall vest in the said cor-
8 poration.

1 SECTION 9. The first meeting of the corporation cre-
2 ated hereunder shall be held on or before the first day of
3 February, nineteen hundred and fifty-six.

1 SECTION 10. This act shall take effect upon its passage.

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