

The Commonwealth of Massachusetts

MEMORANDUM OF THE SECRETARY OF THE COMMONWEALTH PURSUANT TO GENERAL LAWS, CHAPTER 3, SECTION 7, WITH RESPECT TO PETITION OF CALVIN H. PLIMPTON AND OTHERS FOR LEGISLATION RELATIVE TO THE TRUSTEES OF AMHERST COLLEGE.

January 9, 1964.

To the Honorable Senate and House of Representatives:

The above named petition was transmitted to me by the Clerk of the Senate on December 9, 1963, with a request for a memorandum.

The Trustees of Amherst College was organized as a corporation by Chapter 84 of the Acts of 1824. Chapter 154 of the Acts of 1859 increased the School Fund and granted aid to the Museum of Comparative Zoology, Tufts, Williams and Amherst Colleges, and The Wesleyan Academy at Wilbraham, out of the proceeds of the sales of Back Bay lands. Chapter 155 of the Acts of 1859 established three free scholarships for the corporation, and provided for a further increase of funds. Chapter 26 of the Acts of 1867 authorized the Trustees to hold real and personal estate, provided that the net annual income of the entire property of the said college shall not exceed the sum of one hundred thousand dollars. Chapter 340 of the Acts of 1872 provided for the election of certain Trustees of Amherst College by the graduates thereof. Chapter 204 of the Acts of 1874 provided for the election of certain Trustees of Amherst College by the Graduates thereof, repealed all acts and parts of acts inconsistent with this act, and also repealed the Proviso of Section 3 of the Acts of February 21, 1825, an act to establish a college in the town of Amherst. Chapter 173 of the Acts of 1902 authorized the Trustees of Amherst College

to hold additional real and personal estate, provided that the net annual income of all of the property so held shall not exceed the sum of five hundred thousand dollars. Chapter 240 of the Acts of 1908 provided for the preparation and publication of a supplement to the Revised Laws. Chapter 133 of the Acts of 1910 provided for the President, or his representative, of Amherst College to be among the Board of Advisors of the Trustees of Massachusetts College. Chapter 484 of the Acts of 1912 authorized the town of Amherst to construct a system of sewerage through the premises of the Amherst Agricultural College. Chapter 36 of the Special Acts of 1916 provided for the composition of the Board of Trustees of Amherst College. Chapter 178 of the Acts of 1921 authorized the Trustees of Amherst College to hold additional real and personal estate, provided that the net annual income of all the property so held shall not exceed the sum of one million dollars. Chapter 55 of the Acts of 1929 increased the number of Trustees of Amherst College elected by the Graduates thereof from five to six, and extended their right to vote therefor. Chapter 90 of the Acts of 1931 authorized the Trustees of Amherst College to accept and carry out the purposes of the gift under the Will of Henry C. Folger, and to hold additional real and personal estate, provided that the net annual income of all the property so held shall not exceed the sum of two million dollars. Chapter 151 of the Acts of 1945 established that the number of members of the Trustees of Amherst College, including the President and the Treasurer of said College, who shall each, ex officio, be one of said members, shall never be greater than eighteen, and also repealed all Acts and part of Acts limiting the number of the members of the Trustees of Amherst College to less than eighteen, to the extent of such limitation. Chapter 151 of the Acts of 1957 authorized the Trustees of Amherst College to hold real and personal property without limit on the amount of income therefrom.

The present bill amends Chapter 151 of the Acts of 1945 by striking out Section 1 and inserting in place thereof the following section: — Section 1. The number of members of the Trustees of Amherst College, including the President of said College, who shall, ex-officio, be one of said members, shall never be greater than eighteen.

Whether or not this should be allowed is a matter of policy within your exclusive jurisdiction, and this department 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,

KEVIN H. WHITE

Secretary of the Commonwealth.

By Mr. Bisbee, a petition of Calvin H. Plimpton and others for legislation relative to the trustees of Amherst College. Education.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty-Four.

AN ACT RELATING TO THE TRUSTEES OF AMHERST COLLEGE.

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. Chapter one hundred and fifty-one of the acts
2 of nineteen hundred and forty-five is hereby amended by
3 striking out section one and inserting in place thereof the
4 following section: — *Section 1.* The number of members of
5 the Trustees of Amherst College, including the president of said
6 College, who shall, *ex officio*, be one of said members, shall
7 never be greater than eighteen.

1 SECTION 2. This act shall take effect on the ninetieth day
2 after it shall have become a law, or on July first, nineteen
3 hundred and sixty-four, whichever shall be later.