

SENATE No. 606

The Commonwealth of Massachusetts

MEMORANDUM OF COMMISSIONER OF CORPORATIONS AND TAXATION RELATIVE TO PETITION OF KENNETH W. THOMSON ET AL. FOR LEGISLATION TO AUTHORIZE CHILDREN'S AID ASSOCIATION, INC., THE CHURCH HOME SOCIETY FOR THE CARE OF CHILDREN OF THE PROTESTANT EPISCOPAL CHURCH AND JUDGE BAKER GUIDANCE CENTER TO FORM AN ALLIANCE.

MAY 2, 1952.

To the Honorable Senate Committee on Rules.

The above-named petition was transmitted to me by the Clerk of the Senate Committee on Rules May 1, 1952.

Children's Aid Association, Inc. was created a corporation by chapter 97 of the Acts of 1865. For an amendment of this act reference may be had to chapter 150 of the Acts of 1868. The title of the corporation under the original act was Boston Children's Aid Society. The present title was assumed May 24, 1947.

The Church Home Society for the Care of Children of the Protestant Episcopal Church was created a corporation by chapter 36 of the Acts of 1858 under the then title of Church Home for Orphans and Destitute Children. The present title was assumed January 11, 1917. For acts of amendment reference may be had to chapter 173

of the Acts of 1862, chapter 78 of the Acts of 1867, and chapter 62 of the Acts of 1910.

Judge Baker Guidance Center was incorporated April 26, 1917, under General Laws, chapter 180, under the then title of Judge Baker Foundation. The present title was assumed April 6, 1933.

These three corporations seek legislative authority to form an alliance and to hold property jointly or as tenants in common similar to the authority granted certain corporations by chapter 40 of the Acts of 1930, as amended by chapter 149 of the Acts of 1946. They also seek provisions as to taxation similar to the provisions of section 3 of said chapter 40.

In my opinion the objects sought by the petition cannot be accomplished under the General Laws. No fee is required by General Laws, chapter 3, section 7.

No opinion is herein expressed upon the merits of the proposal.

Respectfully yours,

HENRY F. LONG,

Commissioner of Corporations and Taxation.

To accompany the petition of Kenneth W. Thomson and Chandler Bigelow for legislation to authorize the Children's Aid Association, Inc., The Church Home Society of the Protestant Episcopal Church and Judge Baker Guidance Center to form an alliance for the purpose of establishing, maintaining and operating in common a child's care center. Mercantile Affairs.

The Commonwealth of Massachusetts

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

AN ACT TO AUTHORIZE CHILDREN'S AID ASSOCIATION, INC., THE CHURCH HOME SOCIETY FOR THE CARE OF CHILDREN OF THE PROTESTANT EPISCOPAL CHURCH AND JUDGE BAKER GUIDANCE CENTER TO FORM AN ALLIANCE FOR THE PURPOSE OF ESTABLISHING, MAINTAINING AND OPERATING IN COMMON A CHILD CARE CENTER.

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. Children's Aid Association, Inc., The
2 Church Home Society for the Care of Children of the
3 Protestant Episcopal Church, and Judge Baker
4 Guidance Center, three charitable corporations or-
5 ganized and existing under the laws of Massachusetts,
6 and such other charitable corporations heretofore or
7 hereafter organized under said laws as may be mutually
8 agreed upon, in furtherance of their respective corpo-
9 rate purposes, are hereby authorized and empowered
10 to form an alliance for and otherwise co-operate in

11 establishing, maintaining and operating a child care
12 center, and to render mutual services and operate one
13 or more buildings in common in connection with such
14 child care center.

1 SECTION 2. Said corporations are hereby author-
2 ized and empowered to enter into such mutual agree-
3 ment or agreements, to take such other action, and
4 to acquire and hold, either separately, jointly or as
5 tenants in common, such real and personal property
6 as they may respectively deem necessary or desirable
7 for the accomplishment of the objects set forth in
8 section one; provided, however, that none of said
9 corporations shall exceed the limits imposed by law
10 upon the amount of property which each may acquire
11 and hold, and for the purpose of computing said limits
12 each of said corporations shall, in the absence of an
13 agreement between them to the contrary, be consid-
14 ered as holding an equal part of any property owned
15 jointly or in common as aforesaid; and said cor-
16 porations respectively are hereby further authorized
17 and empowered to expend such of their funds, not
18 restricted to other purposes, as they may respectively
19 deem necessary or desirable to accomplish any of the
20 objects set forth in this act.

1 SECTION 3. Any personal property from time to
2 time held by said corporations as provided in this act,
3 and any real property so held, in so far as such real
4 property shall be occupied by any one or more of
5 said corporations or their officers for the objects set
6 forth in this act, shall be considered for the purposes
7 of taxation as property of the kind described in para-
8 graph third of section five of chapter fifty-nine of

9 the General Laws, irrespective of whether such
10 property shall be so held separately, jointly or as
11 tenants in common.

1 SECTION 4. This act shall take effect upon its
2 passage.

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