

SENATE No. 609

[Senate, No. 609. — Amendment (offered by Senator Lerche) of the engrossed bill, see Senate, No. 583.]

The Commonwealth of Massachusetts

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

AN ACT CREATING THE CONGREGATIONAL CHURCH OF WESTFIELD, MASSACHUSETTS.

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. First Congregational Church of West-
2 field, Massachusetts, and The Second Congregational
3 Church in Westfield, Massachusetts, religious corpo-
4 rations established under general law, upon acceptance
5 of this act by a two thirds vote of the members of
6 each of said respective corporations present and voting
7 at meetings called by each of said respective corpora-
8 tions for the purpose, and by the recording with the
9 secretary of the commonwealth and in the registry of
10 deeds for the county of Hampden of certificates of
11 said votes, duly made and sworn to by the respective
12 clerks of said corporations, shall hereafter be a cor-
13 poration by the name of The Congregational Church
14 of Westfield, Massachusetts. Said The Congrega-
15 tional Church of Westfield, Massachusetts shall be

16 the continuance of and the lawful successor to each
17 and both of said corporations and shall have all the
18 powers, rights, franchises and privileges which the
19 said corporations have heretofore acquired or enjoyed
20 by statute, vote, gift, grant, usage, prescription or
21 otherwise, and subject to all the duties and liabilities
22 to which the said corporations have heretofore been
23 subject. Said The Congregational Church of West-
24 field, Massachusetts shall have, except as may be
25 provided otherwise in this act, all the rights, powers
26 and privileges and be subject to all the duties and
27 liabilities, of religious corporations instituted under
28 general law; and upon acceptance of this act as afore-
29 said, all members of said corporations shall, as here-
30 inafter provided, be members of said new corporation,
31 The Congregational Church of Westfield, Massachu-
32 setts.

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

17 was held; and the purchaser shall not be responsible
18 for the application of the purchase money.

1 SECTION 3. After the votes accepting this act have
2 been passed as provided in section one, but before the
3 recording of the certificates thereof, said First Congre-
4 gational Church of Westfield, Massachusetts and said
5 The Second Congregational Church in Westfield,
6 Massachusetts shall file, in the probate court for the
7 county of Hampden and in such other courts of compe-
8 tent jurisdiction as may be necessary or proper, peti-
9 tions for instructions as to the necessity of a formal
10 transfer of such funds or other property now held in
11 trust by said corporations and as to the application
12 to be made of the income arising from or out of said
13 funds or other property or arising from or out of funds
14 or other property held in trust by other persons or
15 corporations.

1 SECTION 4. The corporation created by section one
2 shall be entitled, except as provided in section two, to
3 receive any and all bequests and devises heretofore or
4 hereafter made to either of said corporations, however
5 described, or to the religious societies with which said
6 churches were connected before their incorporation,
7 however described.

1 SECTION 5. The property vested in the corpora-
2 tion created by section one, under the provisions of
3 this act, shall not, after such vesting, be applied or
4 apportioned with reference to the source or the re-
5 ligious body aforesaid from which it was derived
6 under the provisions of this act, but shall be ad-
7 ministered and applied by the corporation created by

8 section one, for its general church and charitable
9 purposes and as a single consolidated property and
10 fund, except that it shall carry out the specific and
11 limited charitable uses and trusts for which any
12 particular monies or property, real or personal, are
13 held by it.

1 SECTION 6. 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 sec-
4 tion one, under the provisions of this act, or the income
5 thereof, should be held, administered or applied by
6 the said corporation, the matter may be determined
7 by the supreme judicial court upon the application
8 of any person interested or of the attorney general;
9 and, until said court shall otherwise order, such prop-
10 erty and the income thereof shall be held, administered
11 and applied by the said corporation in accordance
12 with the terms of the original trusts or as nearly in
13 accordance therewith as is possible. Any person
14 aggrieved by any provision of this act may, at any
15 time within six months after the recording of such
16 of the various deeds or other instruments in this act
17 provided for, as is alleged to be the cause of such
18 injury, apply by petition to the supreme judicial
19 court to have his damages determined by a jury
20 therein, or by or under the direction of said court;
21 and damages so awarded, with the costs of suit
39 allowed by statute in civil cases, attending such
23 award, shall be paid by the corporation created by
24 section one.

1 SECTION 7. Whatever authority or right is granted
2 or conferred by this act is hereby declared to be

3 limited to such authority or right as the general court
4 may constitutionally grant or confer.

1 SECTION 8. The first meeting of the corporation
2 created by section one shall be held on or before
3 September thirtieth, nineteen hundred and fifty-two.

1 SECTION 9. This act shall take effect upon its
2 passage.

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