

HOUSE . . . . . No. 356.

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[Bill accompanying the petition of William M. Gove and others.  
Parishes and Religious Societies.]

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Commonwealth of Massachusetts.

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In the Year One Thousand Eight Hundred and Ninety-nine.

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AN ACT

To authorize the Proprietors of the Independent Congregational Church in Barton Square in Salem, the East Church Society in Salem, and the Second Church in Salem, to unite.

*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 proprietors of the Indepen-  
2 dent Congregational Church in Barton square  
3 in Salem, the East Church Society in Salem, and  
4 the Second Church in Salem are hereby author-  
5 ized, whenever the members of said three corpo-  
6 rations, at meetings called for that purpose, shall  
7 so vote, to unite themselves under the terms of  
8 this act in one corporation, to be called the Second

9 Church in Salem; and when such votes shall  
10 have been passed by said corporations, they shall  
11 thereupon become one corporation, with the name  
12 aforesaid.

1 SECTION 2. Except as hereinafter provided,  
2 said united corporation shall have and enjoy all  
3 the franchises, powers, privileges, property and  
4 rights of every kind belonging to the proprietors  
5 of the Independent Congregational Church in  
6 Salem, the East Church Society in Salem and the  
7 Second Church in Salem, now so called, or either  
8 of them, and shall assume and be subject to all the  
9 duties, debts and liabilities of said corporations,  
10 and shall be subject to all general laws which  
11 now are or hereafter may be in force relating to  
12 religious corporations.

1 SECTION 3. Said proprietors of the Independ-  
2 ent Congregational Church in Barton square in  
3 Salem are hereby authorized by their prudential  
4 committee or a majority thereof to make and exe-  
5 cute a conveyance transferring all their land, with  
6 their meeting-house and pews, to three persons to  
7 be selected by said committee, upon the following  
8 trusts, to wit: Said trustees shall hold and man-  
9 age the same with power to lease or mortgage;  
10 shall allow the Second Church in Salem, now so-  
11 called, or the aforesaid united corporation of the  
12 same name, to use for its own corporate purposes  
13 such part or parts thereof as it may desire, which  
14 may not, for the time being, be sold or leased or

15 otherwise occupied for producing a revenue; they  
16 shall apply the net income therefrom, until the  
17 property held in trust shall be sold, first to the  
18 payment of the interest upon the debt of said  
19 proprietors of the Independent Congregational  
20 Church in Barton square in Salem, and pay the  
21 balance, if any, of said net income in quarterly or  
22 semi-annual payments, as they may determine, to  
23 said Second Church in Salem, to be by it paid to  
24 its minister for the time being as a part of such  
25 salary as it may vote to pay him. And whenever  
26 in the judgment of said trustees the property so  
27 held by them in trust can be sold for a fair price  
28 without material sacrifice of what might be gained  
29 by holding the same longer, and can be converted  
30 into money, they shall, with the approval in writ-  
31 ing first obtained of a majority of the executive  
32 committee for the time being of said Second  
33 Church in Salem, sell all said property, either at  
34 public auction or private sale, as they may de-  
35 termine to be best, and make, execute and deliver  
36 proper deeds of conveyance thereof free and dis-  
37 charged from any trust; and from the proceeds,  
38 or from the proceeds of any mortgage which they  
39 may make of said property, they shall pay all  
40 debts owing by said proprietors of the Independ-  
41 ent Congregational Church in Barton square in  
42 Salem, and the remainder of said proceeds they  
43 shall safely invest and hold as a distinct and per-  
44 manent fund, the income to be applied substan-  
45 tially for the purposes for which said Independent  
46 Congregational Church in Barton square in Sa-

47 lem was established, but they shall not invest said  
48 fund in any obligations of said Second Church in  
49 Salem. The precise manner of applying said in-  
50 come for said purposes may be determined upon  
51 application of any party interested, or of the at-  
52 torney-general, by the supreme judicial court, and  
53 unless or until said court shall otherwise order,  
54 said trustees shall pay all said income in quarterly  
55 or semi-annual payments, as they may determine,  
56 to said Second Church in Salem, to be by it paid,  
57 as aforesaid, to the minister for the time being of  
58 said Second Church in Salem as a part or all of  
59 his salary. In case a vacancy shall occur among  
60 said trustees it shall be filled by said court upon  
61 application as aforesaid.

1 SECTION 4. Said united society shall continue  
2 under the same organization and with the same  
3 by-laws (until amended as therein provided) as  
4 the existing society known as the Second Church  
5 in Salem; but upon the union all persons, if any,  
6 who are members of either of said other two  
7 corporations and not of said Second Church in  
8 Salem shall become members of said last named  
9 corporation, with all the rights of any members  
10 thereof; and no person shall after said union have  
11 a proprietary right in any pew in either of the  
12 meeting-houses heretofore occupied by any of said  
13 societies.

1 SECTION 5. The books of records and other  
2 books and papers of said existing corporations

3 shall be and remain the property and under the  
4 control of said united corporation; and a certified  
5 copy of the vote of each of said existing corpo-  
6 rations agreeing to the union authorized by this  
7 act, sworn to by its clerk and recorded in the  
8 registry of deeds for the southern district of  
9 Essex county, shall be evidence of the establish-  
10 ment of said united corporation.

1 SECTION 6. This act shall take effect upon its  
2 passage.





