

# SENATE . . . . No. 368

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To accompany the petition of Alexander H. Bullock, president of the Board of Trustees of Clark University, and others for legislation to further regulate the selection and election of trustees of said university. Education.

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## **The Commonwealth of Massachusetts**

MEMORANDUM OF COMMISSIONER OF CORPORATIONS AND TAXATION PURSUANT TO GENERAL LAWS, CHAPTER 3, SECTION 7, AS AMENDED, WITH RESPECT TO PETITION OF ALEXANDER H. BULLOCK, PRESIDENT OF THE BOARD OF TRUSTEES OF CLARK UNIVERSITY, AND OTHERS FOR LEGISLATION TO FURTHER REGULATE THE SELECTION AND ELECTION OF TRUSTEES OF SAID UNIVERSITY.

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(See section 7 of chapter 3 of the General Laws, as amended by chapter 364 of the Acts of 1937.)

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JANUARY 22, 1943.

*To the Honorable Senate and House of Representatives.*

The above-named petition was transmitted to me by the Clerk of the Senate January 12, 1943. Pursuant to notification by me an amendment of the petition was filed with me for the purpose of indicating why the object sought by the petition cannot be accomplished

under the General Laws. This amendment is enclosed herewith.

Trustees of Clark University became a corporation by special act of the Legislature March 31, 1887. See Acts of 1887, chapter 133. In my opinion the object sought in the petition cannot be accomplished under the General Laws, but requires a special act of the Legislature. No fee is required in the case of a corporation of this kind.

Respectfully yours,

HENRY F. LONG,

*Commissioner of Corporations and Taxation.*

## The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Forty-Three.

AN ACT INCREASING THE NUMBER OF TRUSTEES OF CLARK UNIVERSITY AND PROVIDING FOR THE ELECTION OF CERTAIN MEMBERS OF THE TRUSTEES.

*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. Section four of chapter one hundred  
2 and thirty-three of the acts of eighteen hundred and  
3 eighty-seven is herewith amended by striking out  
4 said section four and inserting in place thereof the  
5 following section four: —

6 *Section 4. (a)* The number of members of the  
7 corporation shall be thirteen, nine of whom shall be  
8 life members. Any vacancy occurring in this group  
9 shall be filled by the remaining life members at a  
10 meeting duly called for such purpose.

11 The trustees now serving under the provisions of  
12 statutes of eighteen hundred and eighty-seven, chapter  
13 one hundred and thirty-three, shall retain their  
14 respective offices. In addition four members of the  
15 corporation shall be elected by and from the alumni  
16 in the manner herein provided.

17 *(b)* For the academic year nineteen hundred and  
18 forty-three—nineteen hundred and forty-four, four  
19 trustees shall be elected by and from the members

20 of the Clark University Alumni Association, beginning  
21 July first, nineteen hundred and forty-three, one to  
22 serve one year, one two years, one three years, and  
23 one four years. Thereafter one alumni trustee shall  
24 be elected each year by and from said alumni associa-  
25 tion for the term of four years beginning on July first,  
26 following the election of such trustee. At least one  
27 of the alumni trustees shall be the holder of a degree  
28 from a graduate department of Clark university.  
29 Alumni trustees shall not be eligible for re-election  
30 within the year of the expiration of their terms of  
31 office.

32 (c) Nominations for the office of alumni trustees  
33 shall be made by the alumni council of Clark uni-  
34 versity, but no person shall be so nominated unless  
35 his nomination has received the approval of the board  
36 of trustees of said university. Three candidates  
37 shall be nominated for each office to be filled, and no  
38 person shall be nominated unless he has held a degree  
39 from some department of Clark university for ten  
40 years. A printed ballot shall be prepared by the  
41 secretary of the alumni association which shall con-  
42 tain in alphabetical order, the name, class, residence,  
43 the vocation and degrees received at Clark university,  
44 as to each candidate. The ballot shall be mailed to  
45 all members of the association entitled to vote, not  
46 later than the first day of May of each year, and every  
47 member of the alumni association shall have the  
48 right to vote for one of the three candidates. The  
49 ballot, when marked, shall be signed by the voter  
50 and shall be returned to the executive committee of  
51 the alumni association, on or before the fifteenth  
52 day of May in each year. A candidate receiving the  
53 highest number of votes shall be declared elected to

54 membership on the board of trustees of Clark  
55 university.

56 (d) No alumnus shall be eligible to vote for an  
57 alumni trustee unless he or she has held a degree from  
58 Clark university for three years. Recipients of honor-  
59 ary degrees shall be allowed to vote for alumni trustees.

60 (e) When any member of the board of trustees  
61 shall in the judgment of the remaining members  
62 become incapable of discharging the duties of his  
63 office by reason of infirmity or otherwise, or shall  
64 neglect or refuse to perform them, he may be removed  
65 by the remaining members at a meeting duly called  
66 for that purpose and another trustee shall be selected  
67 or elected to fill his place in the manner herein  
68 provided.

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

