

HOUSE No. 2317

By Mr. Doyle of Worcester, petition of John P. Phelan and others for legislation to incorporate the Roman Catholic Bishop of Worcester and his successors to hold and manage certain property for religious and charitable purposes. Mercantile Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Fifty.

AN ACT TO INCORPORATE THE ROMAN CATHOLIC BISHOP OF WORCESTER AND HIS SUCCESSORS A CORPORATION SOLE, TO HOLD AND MANAGE CERTAIN PROPERTY FOR RELIGIOUS AND CHARITABLE PURPOSES.

1 *Whereas*, The deferred operation of this act would
2 tend to defeat one of its principal purposes, which is
3 to make its provisions effective without delay, there-
4 fore it is hereby declared to be an emergency law,
5 necessary for the immediate preservation of the public
6 convenience.

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 present Roman Catholic bishop of
2 the diocese of Worcester and his successors in office
3 shall be and are hereby made a body politic and cor-
4 poration sole, under the name of the Roman Catholic
5 Bishop of Worcester, and by that name the said
6 bishop and his successors in office shall be known, and
7 shall hereafter have succession, with all the powers,

8 rights and privileges prescribed, and subject to all
9 the liabilities and limitations imposed by the General
10 Laws. In the event of a vacancy in the office of bishop,
11 owing to the decease of an incumbent, or should any
12 bishop in said office be or become incapacitated from
13 performing his duties therein, then the person regu-
14 larly appointed administrator of said diocese shall,
15 while his appointment as such administrator continues,
16 have the same powers as are by this act conferred
17 upon the Roman Catholic bishop of said diocese; but
18 no person shall succeed to, or have, enjoy or ad-
19 minister any of the rights, privileges, powers or fran-
20 chises herein granted or provided for, who is not a
21 citizen of the United States of America.

1 SECTION 2. Said corporation shall be empowered
2 to receive, take and hold, by sale, gift, lease, devise
3 or otherwise, real and personal estate of every de-
4 scription, for religious, charitable and burial pur-
5 poses, and to manage and dispose of the same for the
6 religious and charitable purposes of the Roman Cath-
7 olic Church, subject to the laws of the commonwealth
8 and to the terms of any trust set forth in any be-
9 quest, devise, deed or conveyance of any such estate,
10 or which may now exist or result by implication or
11 force of law, with such limitations as may by law
12 govern any such trust, with full power, subject to the
13 laws of the commonwealth and to the terms of such
14 trusts, to convey the said estate by deed of mortgage
15 for the payment of money as well as by deed absolute.

1 SECTION 3. The present Roman Catholic bishop
2 of Worcester shall, within six months after the pas-
3 sage of this act, make, sign and swear to a statement

4 which he shall submit to the commissioner of corpora-
5 tions and taxation, setting forth that he lawfully and
6 regularly holds the office of Roman Catholic bishop of
7 Worcester, and that he accepts the provisions of this
8 act and will duly conform to them. If it appears that
9 the statement has been duly made, signed and sworn
10 to, the commissioner shall certify that fact and his
11 approval of the statement by his endorsement thereon.
12 Such statement shall thereupon be filed by the per-
13 son making the same, in the office of the secretary of
14 the commonwealth, who shall cause the statement,
15 with the endorsement thereon, to be recorded, and
16 shall thereupon issue a certificate to the person making
17 the statement, reciting this act, the substance of the
18 statement aforesaid, and that the said Roman Cath-
19 olic bishop of Worcester and his successors are legally
20 established as and are made an existing corporation,
21 under the name of the Roman Catholic Bishop of
22 Worcester, with the powers, rights and privileges, and
23 subject to the limitations, duties and restrictions
24 which by law appertain thereto. The secretary shall
25 sign the same and cause the seal of the common-
26 wealth to be thereto affixed, and such certificate shall
27 be conclusive evidence of the existence of such cor-
28 poration. He shall also cause a record of such certifi-
29 cate to be made, and a certified copy of such record
30 may be given in evidence, with like effect as the orig-
31 inal certificate.

1 SECTION 4. Every successor in the office of bishop
2 of Worcester, and every person duly appointed to ad-
3 minister the office for any cause, shall forthwith make,
4 sign and swear to a statement, which he shall imme-
5 diately file in the office of the secretary of the com-

6 monwealth, setting forth that he is a citizen of the
7 United States, that at the time of making such state-
8 ment he lawfully and regularly held the office of
9 bishop of Worcester, or the office of administrator of
10 the diocese thereof, as the case may be, and that he
11 has accepted said office and commenced the duties
12 thereof; and, in addition thereto, he shall submit to
13 the secretary of the commonwealth his letter of ap-
14 pointment in evidence of his being bishop.

1 SECTION 5. Upon the execution and delivery by
2 the Roman Catholic Bishop of Springfield, incorpo-
3 rated by chapter three hundred and sixty-eight of the
4 acts of eighteen hundred and ninety-eight, to the
5 Roman Catholic Bishop of Worcester, incorporated
6 by this act, at any time after the issuance by the
7 secretary of the commonwealth of the certificate of
8 incorporation referred to in section three, of a general
9 conveyance, without particularization as to the prop-
10 erty or properties therein and thereby conveyed, of
11 all the property, real, personal or however otherwise
12 described, which is now vested in said Roman Catholic
13 Bishop of Springfield and which, according to the laws,
14 rules, customs and practises established and main-
15 tained by the canon law or received traditions of the
16 Roman Catholic Church, belong or appertain to the
17 bishop of the newly constituted diocese of Worcester
18 or to said diocese, all of said property shall vest in
19 said Roman Catholic Bishop of Worcester, but sub-
20 ject to the same terms, conditions and limitations
21 upon which the particular properties are now held by
22 said Roman Catholic Bishop of Springfield. The in-
23 strument making said general conveyance shall be re-
24 corded in the registry of deeds in each of the registry

25 districts in said county of Worcester. A statement
26 executed by and on behalf of the Roman Catholic
27 Bishop of Springfield to the effect that any particular
28 property now vested in the Roman Catholic Bishop
29 of Springfield has been conveyed to the Roman
30 Catholic Bishop of Worcester in accordance with the
31 provisions of this section shall be conclusive evidence
32 thereof.

1 SECTION 6. The corporation shall be subject to all
2 laws of this commonwealth regulating corporations
3 established for religious and charitable purposes, re-
4 quiring them to make annual and other returns to
5 the commissioner of corporations and taxation con-
6 cerning their condition and affairs.

