

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1959

**ENROLLED**

SENATE BILL NO. 121

(By Mr. BEAN, MR. PRESIDENT.)

PASSED FEB 24 1959

In Effect 90 days from Passage



Filed in Office of the Secretary of State  
of West Virginia MAR 5 1959

JOE F. BURDETT  
SECRETARY OF STATE

121

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**Senate Bill No. 121**

(By MR. BEAN, MR. PRESIDENT)

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[Passed February 24, 1959; in effect ninety days from passage.]

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AN ACT to amend and reenact section four, article one, chapter thirty-five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to property of religious organizations.

*Be it enacted by the Legislature of West Virginia:*

That section four, article one, chapter thirty-five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 4. *Insufficient Designations of Beneficiaries or Objects Not to Cause Failure of Trust.*—No conveyance, devise, dedication, gift or bequest if the same does not conflict with the limitations of section eight of this arti-

5 cle, and no gift or bequest hereafter made to any church,  
6 religious sect, society, denomination, or to any individual  
7 church, congregation, parish or branch within this state,  
8 or to the trustee or trustees for either, shall fail or be de-  
9 clared void for insufficient designation of the beneficiaries  
10 in, or the objects of, any trust annexed to such convey-  
11 ance, devise, dedication, gift or bequest in any case where  
12 a lawful trustee or trustees of such church, religious sect,  
13 society, denomination, or of any individual church, parish,  
14 congregation or branch, are in existence or where such  
15 church, religious sect, society, denomination, or any in-  
16 dividual church, parish, congregation or branch, is cap-  
17 able of appointing such trustee or trustees as provided  
18 in this article; but such conveyance, devise, dedication,  
19 gift or bequest shall be valid; and whenever the object  
20 of such trust shall be undefined, or so uncertain as not  
21 to admit of enforcement by a court of chancery, then  
22 such conveyance, devise, dedication, gift or bequest shall  
23 inure and pass to the trustee or trustees of the beneficiary  
24 church, religious sect, society, denomination, individual  
25 church, parish, congregation or branch, to be held, man-

26 aged, and the principal or income appropriated for the  
27 religious and benevolent uses of such church, religious  
28 sect, society, denomination, or individual church, parish,  
29 congregation, or branch, as such trustee or trustees may  
30 determine, by and with the approval of the bishop, vestry,  
31 board of deacons, board of stewards, official board, board  
32 of elders, board of consultors, or other authorities which,  
33 under the rules or usages of such church, religious sect,  
34 society, denomination, or individual church, parish, con-  
35 gregation or branch, have charge of the administration of  
36 the temporalities thereof.

37 Whenever the laws, rules or ecclesiastic polity of any  
38 church or religious sect, society or denomination commits  
39 to its duly elected or appointed bishop, minister or other  
40 ecclesiastical officer, authority to administer its affairs,  
41 such duly elected or appointed bishop, minister or other  
42 ecclesiastical officer shall have power to acquire by deed,  
43 devise, gift, purchase or otherwise, any real or personal  
44 property, for any purpose authorized and permitted by  
45 its laws, rules or ecclesiastic polity, and not prohibited  
46 by the laws of West Virginia, and the power to hold, im-

47 prove, mortgage, sell and convey the same in accordance  
48 with such laws, rules and ecclesiastic polity, and in accord-  
49 ance with the laws of West Virginia. In the event of the  
50 transfer, removal, resignation or death of any such bishop,  
51 minister or other ecclesiastical officer, the title and all  
52 rights with respect to any such property shall pass to and  
53 become vested in his duly elected or appointed successor  
54 immediately upon election or appointment, and pending  
55 election or appointment of such successor, such title and  
56 rights shall be vested in such person or persons as shall be  
57 designated by the laws, rules or ecclesiastic polity of such  
58 church or religious sect, society or denomination.

59 All deeds, deeds of trust, mortgages, wills or other in-  
60 struments heretofore made to or by a duly elected or  
61 appointed bishop, minister or other ecclesiastical officer,  
62 who, at the time of the making of any such deed, deed  
63 of trust, mortgage, will or other instrument, or there-  
64 after, had authority to administer the affairs of any church  
65 or religious sect, society or denomination under its laws,  
66 rules or ecclesiastic polity, transferring property, real or  
67 personal, of any such church, or religious sect, society or

68 denomination, are hereby ratified and declared valid.  
69 All transfers of title and rights with respect to property,  
70 prior to the effective date of the ratification of this sec-  
71 tion, from a predecessor bishop, minister or other ec-  
72 clesiastical officer who had resigned or died, or has been  
73 transferred or removed, to his duly elected or appointed  
74 successor, by the laws, rules or ecclesiastic polity of any  
75 such church or religious sect, society or denomination,  
76 either by written instruments or solely by virtue of the  
77 election or appointment of such successor, are also hereby  
78 ratified and declared valid.

79 No gift, grant, bequest or devise hereafter made to any  
80 such church or religious sect, society or denomination,  
81 or the duly elected or appointed bishop, minister or other  
82 ecclesiastical officer authorized to administer its affairs,  
83 shall fail or be declared void for insufficient designa-  
84 tion of the beneficiaries in, or the objects of, any trust  
85 annexed to such gift, grant, bequest or devise; but such  
86 gift, grant, bequest or devise shall be valid, provided that  
87 whenever the objects of any such trust shall be unde-  
88 fined, or so uncertain as not to admit of specific enforce-

89 ment by the chancery courts of the state, such gift, grant,  
90 bequest or devise shall be held, managed, and the prin-  
91 cipal or income appropriated, for the religious and benevo-  
92 lent uses of such church or religious sect, society or de-  
93 nomination by its duly elected or appointed bishop, minis-  
94 ter or other ecclesiastical officer authorized to administer  
95 its affairs.

96 This section shall not affect rights or litigation vested  
97 or pending on or before the day upon which this section  
98 becomes effective, nor shall it be so construed as to effect  
99 an implied repeal of any other provisions of this chapter.

100 The rights created and remedies provided herein shall  
101 be construed as cumulative and not exclusive.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*W. Jasper*  
Chairman Senate Committee

*Eudora Andrews*  
Chairman House Committee

Originated in the Senate.

Takes effect *90 days from* passage.

*J. Horvath*  
Clerk of the Senate

*C. Blankenship*  
Clerk of the House of Delegates

*Ralph Bean*  
President of the Senate

*H. B. Parley*  
Speaker House of Delegates

The within *approved* this the *5th* day of *March*, 1959.

*J. H. Underwood*  
Governor

