WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1959

ENROLLED

SENATE BILL NO. 121

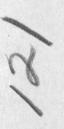
(By Mr. BEAN, MR. PRESIDENT)

PASSED 74 1959

In Effect Go days Isam Passage

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

JOE F. BURDETT SECRETARY OF STATE



Senate Bill No. 121

(By Mr. Bean, Mr. President)

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

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

- 2 Objects Not to Cause Failure of Trust.—No conveyance,
- 3 devise, dedication, gift or bequest if the same does not
- 4 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 declared void for insufficient designation of the beneficiaries 9 in, or the objects of, any trust annexed to such convey-10 ance, devise, dedication, gift or bequest in any case where 11 12 a lawful trustee or trustees of such church, religious sect. 13 society, denomination, or of any individual church, parish, 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 in this article; but such conveyance, devise, dedication, 18 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 such conveyance, devise, dedication, gift or bequest shall 22 23 inure and pass to the trustee or trustees of the beneficiary church, religious sect, society, denomination, individual 24 25 church, parish, congregation or branch, to be held, man26 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 determine, by and with the approval of the bishop, vestry, 30 board of deacons, board of stewards, official board, board 31 of elders, board of consultors, or other authorities which, 32 33 under the rules or usages of such church, religious sect, society, denomination, or individual church, parish, con-34 35 gregation or branch, have charge of the administration of the temporalities thereof. 36 Whenever the laws, rules or ecclesiastic polity of any 37 church or religious sect, society or denomination commits 38 to its duly elected or appointed bishop, minister or other 39 40 ecclesiastical officer, authority to administer its affairs, 41 such duly elected or appointed bishop, minister or other ecclesiastical officer shall have power to acquire by deed, 42 devise, gift, purchase or otherwise, any real or personal 43 property, for any purpose authorized and permitted by its laws, rules or ecclesiastic polity, and not prohibited 45 by the laws of West Virginia, and the power to hold, im-46

47 prove, mortgage, sell and convey the same in accordance with such laws, rules and ecclesiastic polity, and in accord-48 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 immediately upon election or appointment, and pending 54 55 election or appointment of such successor, such title and rights shall be vested in such person or persons as shall be 56 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 instruments heretofore made to or by a duly elected or 60 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 thereafter, had authority to administer the affairs of any church 64 65 or religious sect, society or denomination under its laws, 66 rules or ecclesiastic polity, transferring property, real or personal, of any such church, or religious sect, society or 67

68 denomination, are hereby ratified and declared valid. 69 All transfers of title and rights with respect to property, prior to the effective date of the ratification of this sec-70 71 tion, from a predecessor bishop, minister or other ecclesiastical officer who had resigned or died, or has been 72 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 ratified and declared valid. · 78

No gift, grant, bequest or devise hereafter made to any 79 80 such church or religious sect, society or denomination, or the duly elected or appointed bishop, minister or other 81 82 ecclesiastical officer authorized to administer its affairs, shall fail or be declared void for insufficient designa-83 tion of the beneficiaries in, or the objects of, any trust 84 annexed to such gift, grant, bequest or devise; but such 85 gift, grant, bequest or devise shall be valid, provided that 86 whenever the objects of any such trust shall be unde-87 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.
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Chairman Senate Committee
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Endora andrews
Chairman House Committee
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Originated in the Senate.
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Clerk of the Senate
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Clerk of the House of Delegates
Palph Hoean
President of the Senate
Al. T. Taulous
Speaker House of Delegates
7/
Paradian and American Applications
The within approved this the 5th
day of March 959.
H-1 X
Les Stranden
Governor