

Difficulties involved at present, in the Question

Without two Trustees the Board is not a Constitutional repository for real estate. Law says Two Trustees may be created according to Constitution of the Society.

The law says the word Society shall mean all of the Shaker profession resident in one county. And no Trustee shall be a Trustee of more than one such Society at the same time. The law does not say that every Trustee shall be a Trustee of the Society as a whole.

1st Since the law provides that Trustees may be created according to the constitution of our Society. 2nd Since the Constitution of our Society requires that Trustees shall give a declaration of Trust in order to render them officially constituted Trustees, as above. 3rd Are any of the deeds to real estate legally held at present, which have been received by any Trustee in the several families of the Society, who is constituted a Trustee by virtue of his appointment to office and solely according to the family Covenant (as at present constituted) in which he resides. It is believed not.

Consequences probably to be met,

by adopting Trustees in every family. Sometimes difficult to find enough suitable members to furnish Two Trustees for each separate family.

In case only one Trustee could be furnished, could this a Trustee of another family become an assistant trustee for a family in an entirely distinct capacity, whose covenant he had never signed. Of course Trustees must sign the covenants of every family. Consequently every family must be a branch of the one Society resident in a county. Consequently every Trustee of the Society, a Trustee of every family of the Society if recognized as legal.

1st Consequently, Our covenants for the whole Society must be revised, or their deeds must all be formally made over to the Trustees of the Society, as at present organized, who have been constitutionally appointed to hold the fee simple of all the real estates of the Society as one united Interest. And, except this is done there is a liability of great loss - for, if 2. no Trustee of the real estate of a family has been constitutionally created, then no real estate is held in Trust, and, if held at all it is held as individual property. If the property is deeded to an individual, as an individual, the law recognizes it as individual property. - But, if the individual has signed a covenant consecrating himself and all his possessions to the service of God and the support and benefit of this community; would not the community hold it, whether it is held him or not. This question is not now whether the property can be held by any person in Trust for the Society; but whether it could be held by the Society.

If the above quoted property can be held by the Society; and the Society has power to create Trustees in accordance with its Constitution, then it can place a Trustee over said property, who can hold and defend the same in Trust. - For, in all countries mutual agreements, and written contracts supersede the interference of civil authorities. - Mutual agreements in things lawful, is, therefore, our only recourse for the defence of our civil rights. - But the covenant says no important contract shall be considered valid without the previous approbation of the leading authorities of the Society.

Amendments of Covenants necessary, to introduce such a system. Clause Added.

The official Trustees of the Chh are generally known among us by the title of Office Leaders, of whom must be two. See Covenant p. 21.

To hold in trust the fee of all lands belonging to the family is a branch of the Chh, or united Society, See p. 21.

If each family has an independent Trusteeship, the forms of expression in Chh covenant in reference to the universal Trusteeship of the Chh Trustees, over the real estates of the different families must be altered, & the form of expression rendered referable only to an individual family. See p. 21. in pencil.

If each family has legally constituted Trustees, their several Covenants must embrace sections 5 & 6th in article III of Chh Covenant. - Moreover, would it not be necessary to frame the covenant so as to make every Trustee one of the board of Trustees constituting the Constitutional repository of the real estate of the United Society including all its branches, and to introduce a clause as follows, at the close of Art. III Sect. 6. - as follows. - Any ~~Trustee~~ ^{Trustee} officially appointed according to the Constitution of this Society, to be a Trustee of the real estate of any one of the several families or branches thereof, shall be considered and empowered as one of the board of Trustees forming, in their ~~own~~ individual and united capacity, the constitutional repositories of the legal claims to the united and consecrated inheritance & possessions of the church as a united Society, or Community, according to law!!