

# Stipulations of Chh. Covenant.

Relative to Trustees & their powers

1<sup>st</sup> Of the number of Trustees. It must be two or may be more.

2. Trustees to hold the fee of <sup>simple</sup> all lands belonging to the United Society, as a whole.

3. The several families are known <sup>in</sup> the form of the <sup>present</sup> Covenant as branches of the Church or United Society

4. Trustees to make all just and equitable defense in law of the rights and privileges of the Chh. and Society, jointly and severally, as an associated community

Trustees of Chh. at present to defend all papers for the security of real estate owned by the whole society.

5. The Covenant of Chh. requires Trustees to make a Declaration of Trusts, embracing all and singular the lands, tenements, hereditaments & all the personal property of every description belonging to the Chh and society, held in Trust. &c.

# Comparative Stipulations of family Covenants.

Relative to Trustees of families & their powers

No special requirement for more than one, as their Trusteeship is not extended over real estate

This clause omitted. <sup>Trustees in second family</sup> Simply guardians of personal interest, consisting of gifts, grants, and donations.

the words "jointly & severally" omitted, and the following words "as an associated community" improper if Trustees mean to trustees of the families of course only to defend personal estate, gifts, grants and donations. not being trustees of any other property.

Sect 5. Trustees to make a Declaration of Trust omitted.

Sec 6. Vacancies How supplied — — omitted.

# Questions relative to the propriety of Family Trustees holding the securities of real estate.

In view of the foregoing  
{ Can one Trustee constitutionally hold deeds of real estate the fee of lands & hereditaments.

{ Is a deed legal unless it have the names of all the Trustees, constituting the entire board for the United Society, over  
{ Is there any impropriety in adding this clause as under the head of amendments, on the right

{ If there is an arrangement constitutionally made in the Covenant of the Chh and several families of the society, constituting independant families in fact, having no obligations to or reliance on the center or Chh. family, either legal or pecuniary, how, and in what sense in law, can the society of such families be known as a United Society? will it not rather be United Societies? But can we not have family, instead of Society Trustees?

{ Can any difficulty attach or be enticed to the exclusive trusteeship of a family in society as at present considered, that would not equally attach to what is generally understood as a society, under our existing law, supposing more than one to exist in a County as in Massachusetts? And, if it is requisite for every family in a society (as called) as at present organized, must not several societies located in one County necessarily come under the one trusteeship??

If the family Trustees hold the deeds & fee simple of all the lands belonging to their several families in trust, as well as personal property, these articles must be in fact, and not in their several covenants, of course all the Covenants revised. See at the right

except the Covenant or Constitution of the society, makes a stipulation or proviso to the effect that the signature of any ~~two~~ one or more of the Trustees of the Society shall be sufficient guarantee of Trusteeship, in behalf of the society for <sup>the</sup> holding <sup>the</sup> in tenure of such property, and, if so, are the remaining number of trustees <sup>for the society</sup> whose names are not recorded in the aforesaid deed, also legally the Trustees of, and the guardians over, the property so deeded, so that in trust, for, and in behalf of the family or society, as really as those whose names are in the deed, so that in case of decease, or default of said Trustees holding the deed, <sup>any one or more of</sup> the balance constituting the entire board of Trustees for the society in a united capacity can hold the property, by virtue of their appointment to the office of Trustee for the society, the same as tho their names were attached to the deed. -

Or, to put the Question in a different shape. - Can Trustees be legally considered the Trustees of the United Society, who hold ~~in trust~~ <sup>or</sup> who, by the order and manner of their appointment, are known only as Trustees of one family <sup>or branch</sup> ~~part~~ of the society, or, in other words, whose delegation of Trust extends only to one family or part of the Institution, and who consequently hold only a part of the deeds belonging to the Society as known in law. - Which is, that all the Shakers resident in the same county shall be considered one society,

Difficulties involved at present, in the Question

Without two Trustees the Board is not a Constitutional repository for real estate as per Covenant 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, 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, 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 these deeds must all be formally made over to the Trustees of this 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 posterity to the service of God and the support and benefit of this community; would not the community hold it, whether it 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 Deacons, of whom must be two See Covenant p. 21.

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

If each family has an independent Trusteeship, the forms of expression in their covenants 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 & 6<sup>th</sup> 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 depositaries of the real estates of the United Society including all its branches, and to introduce a clause as follows, at the close of Art. III Sect. II. as follows. Any Trustee, specially 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 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, known in Law!!

## Section III

### Who are not admissable into Church Relation

As the unity, stability, and purity of the Church essentially depend on the character and qualifications of its members, and, as it is a matter of importance that it should not be incumbered with persons who are under any involvement or incapacity, natural or moral; Therefore, no member of any company, or association in business, or civil concerns; no corporation in trade; no person under any legal involvement or obligations of service; no minor; no slave, or bondservant; no insane person; no profane person; nor any person who lives in the wilful violation of the known and acknowledged principles of moral conduct, shall be deemed qualified for admission into the Covenant relation & communion of the Church.

## Section IIII

### Preparation for Admission into Church Relation

In order that Believers may be prepared for entering into the sacred privileges of church relation, it is of primary importance that sufficient opportunity and privilege should be afforded, under the ministry of the gospel, for them to acquire suitable instruction in the

genuine principles of righteousness, honesty, justice, and true holiness; and also that they should prove their faith and christian morality, by their practical obedience to the precepts of the gospel, according to their instructions. It is, also, indispensably necessary for them to receive the one uniting spirit of Christ; and, to become so far of one heart, and of one mind that they are willing to sacrifice all other relations, for this sacred one.

Another essential step is, to settle all just & equitable claims of creditors and filial heirs; so that whatever property they may possess, shall be justly their own. When this is done, and they feel themselves sufficiently prepared to make a deliberate and final choice to devote themselves, with all they possess, wholly to the service of God, without reserve, and it shall be deemed proper by the Leading Authority of the Church, after examination and due consideration, to allow them to associate together in the capacity of a church, or a branch thereof, in gospel order they may then consecrate themselves, and all they possess, to the service of God forever, and confirm the same by signing and sealing a written covenant, predicated upon the principles herein contained, and fulfilling, on their part, all its obligations. —

## Section. II.

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