

The Commonwealth of Massachusetts

MEMORANDUM OF COMMISSIONER OF CORPORATIONS AND TAXATION WITH RESPECT TO PETITION OF JOHN L. GALLANT FOR LEGISLATION TO AUTHORIZE THE ESTABLISHMENT WITHIN THE TOWN OF WEYMOUTH OF A HOSPITAL FOR THE INHABITANTS OF SUCH TOWN.

DECEMBER 28, 1945.

To the Honorable Senate and House of Representatives.

The above-named petition was transmitted to me by the Clerk of the House December 19, 1945.

With some modifications the bill is similar to that referred to me under date of March 10, 1943, which was enacted as chapter 404 of the Acts of 1943 and to Senate 287 of 1945, and reference may be had to the memoranda given by me in respect thereto. It is apparent from the bill accompanying the petition that legislation is sought which at least in part cannot be accomplished under the General Laws. No opinion is herein expressed as to the merits of the bill. No fee is required by General Laws, chapter 3, section 7, in the case of the establishment of a corporation of this kind.

Respectfully yours,

HENRY F. LONG,
Commissioner of Corporations and Taxation.

By Mr. Gallant of Weymouth, petition of John L. Gallant for legislation to authorize the establishment within the town of Weymouth of a hospital for the inhabitants of such town. Towns.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Forty-Six.

AN ACT AUTHORIZING THE ESTABLISHMENT WITHIN THE TOWN OF WEYMOUTH OF A HOSPITAL FOR THE INHABITANTS OF SUCH TOWN.

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. Mrs. Gertrude A. Cassese, Clement N.
2 Curtis, Preston A. DePlacido, Allan C. Emery, John
3 Gallant, Roger P. Loud, Mrs. Lucy P. Mahoney,
4 Mrs. Emily L. McGovern, Honorable Kenneth L.
5 Nash, Timothy G. Osborn, George E. Pruden, A.
6 Wesley Sampson, Mrs. Marguerite W. Shaftoe,
7 Russell A. Stiles and C. Parker Whittle, Jr., all of
8 said Weymouth, and their successors who shall be
9 residents of said town, are hereby made a corporation
10 by the name of the Laban Pratt Hospital, for the
11 sole purpose of establishing and maintaining a public
12 hospital for the use of the inhabitants of the said
13 town and others who may be admitted thereto under
14 the provisions of said will and codicil who may require
15 medical and surgical treatment.

1 SECTION 2. Said corporation shall have authority
2 for the purpose aforesaid, and no other, to hold real
3 and personal estate to the amount of one million
4 dollars.

1 SECTION 3. The chairman of the board of select-
2 men, the town accountant and the town treasurer,
3 severally for the time being, shall be trustees, ex-
4 officio during the terms of their respective offices,
5 and together with the incorporators above named shall
6 constitute the board of trustees, of whom the chair-
7 man of the board of selectmen shall be ex-officio
8 chairman, and whose terms of office except as above
9 provided shall be as follows: The trustees, in the
10 year next following the enactment of this act, shall
11 elect five of their members whose terms of office are
12 not fixed as above, who shall hold for the term of
13 one year from the first day of the following February,
14 and five of their own number who shall hold for the
15 term of two years from said first day of the following
16 February, and the remaining five shall be elected to
17 hold for the term of three years from the said first
18 day of the following February, and who shall severally
19 hold for the terms for which they are elected and
20 until their successors are chosen, and thereafter each
21 class in succession for the period of three years. Six
22 members of the board shall constitute a quorum
23 except in the election or removal of trustees, when a
24 majority of the board shall be required. Whenever
25 a vacancy shall occur in the board of trustees by
26 reason of the death, resignation or otherwise of the
27 members so elected, the remaining trustees shall fill
28 the vacancy for the unexpired term. If the board of
29 trustees shall fail for three months to elect its members

30 in accordance with the provisions of this act, the
31 board of selectmen of the town of Weymouth shall
32 forthwith proceed to an election by concurrent vote.
33 No member of the board as such shall receive com-
34 pensation for his services. And the town of Wey-
35 mouth is hereby authorized and empowered to place
36 in trust in the hands of the trustees of said corporation
37 all funds, gifts and bequests, which are or may be
38 held by it for the purpose of establishing and main-
39 taining said hospital, especially all sums it has or
40 may from time to time receive from the trustees
41 appointed under the will of the said Laban Pratt,
42 deceased. And said corporation shall, upon the
43 acceptance of this act by the town of Weymouth
44 as hereinafter provided, receive and hold all past
45 and future bequests and gifts that may be made for the
46 maintenance of said hospital, and the same shall be
47 appropriated, held and used by said corporation for
48 the sole use and purpose aforesaid as a trust in behalf
49 of and for the inhabitants of said town, and to such
50 other persons as may be permitted to enjoy the
51 benefits of said hospital in pursuance of the provisions
52 of said will. And said trustees shall render to the
53 board of selectmen annually as of the first of January
54 a report of their proceedings, with a statement of the
55 condition of the hospital, the property and funds
56 pertaining to the same, with an accurate account of
57 all receipts and expenditures, together with such
58 other information or suggestions they may deem
59 desirable, which report shall be published by the
60 board of selectmen in the annual town report. And
61 said trustees shall in behalf of said town carefully
62 and considerately carry into execution the generous
63 plan of the testator as contemplated by the said
64 will and codicil.

1 SECTION 4. And said trustees shall appoint a
2 treasurer, and shall require of him a bond with satis-
3 factory sureties in the penal sum of not less than
4 twenty-five thousand dollars for the faithful dis-
5 charge of his duties, and his books of account and
6 vouchers shall at all times be open to the trustees
7 aforesaid, or any one of them.

1 SECTION 5. The trustees shall appoint a clerk
2 whose duty it shall be to keep a full and fair record
3 of the proceedings of the board, and to discharge
4 such other duties as they shall from time to time
5 prescribe. The compensation of the treasurer and
6 clerk shall be fixed by the board of trustees.

1 SECTION 6. The trustees shall have full power to
2 elect such other officers as they may from time to
3 time think necessary or expedient, and to determine
4 and appoint the tenure of their offices, and of those
5 of the treasurer and clerk; to remove any trustee
6 who shall be incapable through age, removal from
7 the town, infirmity or otherwise for the discharge of
8 his duties as said trustee, or who by unreasonable
9 absence from the meetings of the board shall fail to
10 discharge the duties of his office, and generally to do
11 all acts and things necessary or expedient to be done
12 for the purpose of carrying into full effect the provi-
13 sions and purposes of this act.

1 SECTION 7. It shall be the duty of the trustees
2 to safely and securely invest, or to hold invested, the
3 trust funds derived under said will or otherwise, and
4 they shall have regard at all times to all the provisions
5 of said will affecting said trust and the desire of the
6 testator as expressed therein.

1 SECTION 8. Nothing in this act contained shall
2 be held to alter or impair any trust created by said
3 will. And the corporation hereby created, acting
4 through its trustees and proper officers, shall be
5 deemed the agent of said town of Weymouth for
6 the proper execution of all trusts arising under the
7 provisions of said will. And nothing in this act
8 contained shall be construed as releasing the town
9 of Weymouth from any obligation arising from the
10 acceptance of said bequest under said will or from
11 any condition made therein. And the said Allan C.
12 Emery is hereby authorized and empowered to
13 prescribe the time and place for the holding of the
14 first meeting of said trustees and to notify them
15 thereof.

1 SECTION 9. Chapter four hundred and four of
2 the acts of nineteen hundred and forty-three is hereby
3 repealed.

1 SECTION 10. This act shall take full effect upon its
2 acceptance by a majority of the town meeting mem-
3 bers of the town of Weymouth present and voting
4 thereof at a meeting legally called for this purpose
5 not later than five years after the date of the enact-
6 ment of this act, but not otherwise.

