

The Commonwealth of Massachusetts

MEMORANDUM OF COMMISSIONER OF CORPORATIONS AND TAXATION PURSUANT TO GENERAL LAWS, CHAPTER 3, SECTION 7, AS AMENDED, WITH RESPECT TO PETITION OF GEORGE W. STANTON THAT PROVISION BE MADE FOR THE APPOINTMENT BY THE MAYOR OF FITCHBURG OF THE TRUSTEES OF BURBANK HOSPITAL IN SAID CITY AND FOR THE AUDITING OF ACCOUNTS OF SAID HOSPITAL BY THE CITY AUDITOR.

JANUARY 20, 1947.

To the Honorable Senate and House of Representatives.

The above-named petition was transmitted to me by the Clerk of the Senate January 9, 1947.

Burbank Hospital was incorporated by chapter 422 of the Acts of 1890. For other acts affecting the corporation see 1890, c. 424; 1917, c. 190 (Special); 1926, c. 7; 1927, c. 158.

It seems clear that the object sought by the present petition and bill cannot be accomplished under the General Laws.

No fee is required by General Laws, chapter 3, section 7, in the case of a corporation of this kind.

No facts have been presented to me bearing upon the merits of the proposal, and no opinion as to the desirability of enacting the proposed legislation is herein expressed.

Respectfully submitted,

HENRY F. LONG,

Commissioner of Corporations and Taxation.

To accompany the petition of George W. Stanton that provision be made for the appointment by the mayor of Fitchburg of the Trustees of Burbank Hospital, in said city, and for the auditing of accounts of said hospital by the city auditor. Cities.

The Commonwealth of Massachusetts

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

AN ACT PROVIDING FOR APPOINTMENT BY THE MAYOR OF FITCHBURG OF THE TRUSTEES OF BURBANK HOSPITAL, IN SAID CITY, AND THE AUDITING OF ACCOUNTS OF SAID HOSPITAL BY THE CITY AUDITOR.

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. Chapter 422 of the acts of 1890 is
2 hereby amended by striking out section 3 and inserting
3 in place thereof the following section:—

4 *Section 3.* The mayor of the city of Fitchburg,
5 the president of the city council, and the city treasurer,
6 severally for the time being, shall be trustees, ex-
7 officio, of the Burbank Hospital, Incorporated, of
8 Fitchburg, during the terms of their respective offices,
9 and together with the trustees appointed under au-
10 thority of the will of Gardner S. Burbank, shall con-
11 stitute the board of trustees, of whom the mayor
12 shall be ex-officio chairman, and whose terms of office
13 except as above provided shall be as follows:— Upon
14 the expiration of the term of office of any trustee,
15 other than an ex-officio trustee, the mayor, with the

16 advice and consent of the city council, shall appoint
17 a trustee who shall hold office for the term of three
18 years. Six members of the board shall constitute a
19 quorum. Whenever a vacancy shall occur in the
20 board of trustees by reason of the death, resignation
21 or otherwise of the members, other than one ex-officio,
22 the mayor, with the advice and consent of the city
23 council, shall fill the vacancy for the unexpired term.
24 No member of the board shall receive compensation
25 for his services as such. The city of Fitchburg is
26 hereby authorized and empowered to place in trust
27 in the hands of the trustees of said corporation all
28 funds, gifts and bequests, which are or may be held
29 by it for the purpose of maintaining said hospital,
30 especially all sums it has received from the trustees
31 appointed under the will of the said Gardner S. Bur-
32 bank, deceased. And said corporation shall, upon the
33 acceptance of this act by the city council, as herein-
34 after provided, receive and hold all past and future
35 bequests and gifts that may be made for the main-
36 tenance of said hospital, and the same shall be appro-
37 priated, held and used by said corporation for the
38 sole use and purpose aforesaid as a trust in behalf of
39 and for the inhabitants of said city, and to such other
40 persons as may be permitted to enjoy the benefits of
41 said hospital in pursuance of the provisions of said
42 will. And said trustees shall render to the mayor
43 and city council annually as of the first of January a
44 report of their proceedings, with a statement of the
45 condition of the hospital, the property and funds
46 pertaining to the same, with an accurate account of all
47 receipts and expenditures, together with such other
48 information or suggestions they may deem desirable,
49 which report shall be published by the mayor. And

50 said trustees shall in behalf of said city carefully
51 and considerately carry into execution the generous
52 plan of the testator as contemplated by the said will.

1 SECTION 2. The city auditor of the city of Fitch-
2 burg shall annually make a careful audit of all the
3 accounts of the Burbank Hospital and shall each
4 year make to the mayor and the city council and the
5 trustees of said hospital a report of his findings to-
6 gether with any recommendations he may deem
7 necessary to make.

1 SECTION 3. This act shall not take effect until it
2 shall be accepted by the city council of the city of
3 Fitchburg.