

HOUSE No. 1623

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, February 27, 1945.

The committee on Municipal Finance, to whom was referred the Bill authorizing the establishment within the town of Weymouth of a hospital for the inhabitants of such town (Senate, No. 287), report that the same ought to pass with an amendment substituting therefor the accompanying bill (House, No. 1623).

For the committee,

MICHAEL J. McCARTHY.

The Commonwealth of Massachusetts

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

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
2 N. Curtis, Preston A. DePlacido, Allan C. Emery,
3 John 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, Rus-
7 sell A. Stiles and C. Parker Whittle, Jr., all of the
8 town of 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 said town
13 and others who may be admitted thereto under the
14 provisions of the will, and the codicil thereto, of
15 Laban Pratt, late of Boston, deceased, and may re-
16 quire 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, and their successors,
4 shall be trustees, ex-officiis during the terms of their
5 respective offices, and, together with the corporators
6 above named, shall constitute the board of trustees,
7 of whom the chairman of the board of selectmen shall
8 be ex-officio chairman, and whose terms of office,
9 except as above provided, shall be as follows:— The
10 trustees shall in the year next following the accept-
11 ance of this act as hereinafter provided, elect five of
12 their members whose terms of office are not fixed as
13 above, who shall hold for the term of one year from
14 the first day of the following February, and five of
15 their own number who shall hold for the term of two
16 years from said first day of the following February,
17 and the remaining five shall be elected to hold for the
18 term of three years from the said first day of the
19 following February, and who shall severally hold for
20 the terms for which they are elected and until their
21 successors are chosen, and thereafter, as the terms of
22 office of the members, other than the members ex-
23 officiiis, expire, the town shall annually, by ballot,
24 elect such number of trustees, for the term of three
25 years each, as are necessary to fill such vacancies.
26 Six members of the board shall constitute a quorum,
27 except in the election or removal of trustees when a
28 majority of the board shall be required. Whenever a
29 vacancy shall occur in the board of trustees by reason
30 of the death, resignation or otherwise of the members
31 so elected, the remaining trustees shall fill the vacancy

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

1 SECTION 4. The town treasurer of said town of
2 Weymouth shall be the custodian of all funds and

3 securities of the hospital, and shall, as directed by
4 the trustees, invest and reinvest them, and make
5 expenditures therefrom. The town treasurer shall
6 furnish a bond satisfactory to the trustees for the
7 faithful performance of his duties, and his books of
8 account and vouchers shall at all times be open to
9 the trustees, 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 pre-
5 scribe. The compensation of the clerk shall be fixed
6 by the 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 fix the tenure of their offices, to remove any
5 trustee who shall be incapable through age, removal
6 from the town, infirmity or otherwise for the dis-
7 charge of his duties as said trustee, or who by unrea-
8 sonable absence from the meetings of the board shall
9 fail to discharge the duties of his office, and generally
10 to do all acts and things necessary or expedient to be
11 done for the purpose of carrying into full effect the
12 provisions and purposes of this act.

1 SECTION 7. It shall be the duty of the trustees to
2 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 provi-
5 sions of said will affecting said trust and the desire
6 of the testator as expressed therein.

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

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

1 SECTION 10. This act shall be submitted for ac-
2 ceptance to the voters of said town at any town
3 meeting held within five years after its passage, in
4 the form of the following question which shall be
5 placed, in case of an annual meeting, upon the official
6 ballot to be used for the election of town officers, or,
7 in case of a special meeting, upon the ballot to be
8 used at such meeting: — "Shall an act passed by the
9 general court in the year nineteen hundred and forty-
10 five, entitled 'An Act authorizing the establishment
11 within the town of Weymouth of a hospital for the
12 inhabitants of such town', be accepted?" If a
13 majority of the votes in answer to said question is in
14 the affirmative, then this act shall thereupon take
15 full effect, but not otherwise.

