

HOUSE No. 3675

The Commonwealth of Massachusetts

MEMORANDUM OF THE SECRETARY OF THE COMMONWEALTH PURSUANT TO GENERAL LAWS, CHAPTER 3, SECTION 7, WITH RESPECT TO PETITION OF ALFRED R. SHRIGLEY AND OTHERS THAT THE HINGHAM PUBLIC LIBRARY BE AUTHORIZED TO TRANSFER CERTAIN PROPERTY TO THE TOWN OF HINGHAM.

AUGUST 16, 1963.

To the Honorable Senate and House of Representatives.

The above-named petition was transmitted to me by the Clerk of the House Committee on Rules on August 15, 1963, with a request for a memorandum.

The Hingham Public Library was organized by chapter 117 of the acts of 1872 for the purpose of maintaining a public library in Hingham. The present bill seeks authority to permit this corporation to transfer and convey to the town of Hingham all of its property, both real and personal, when authorized by a decree of the Probate Court or any other Court of competent jurisdiction. The town of Hingham is authorized to reconvey and retransfer the same in trust to said corporation for the purpose of maintaining a library in the town of Hingham. This bill designates the corporation Agent of the Town of Hingham when a reconveyance is executed. The town of Hingham is also authorized to borrow within a period of ten years of the passage of this act such sums not exceeding Five Hundred and Fifty Thousand Dollars to aid in the construction of a new library building. Any property which is owned by the corporation when the new library building is completed may be con-

veyed to the town of Hingham or may be sold by the corporation and the proceeds held in trust for the library.

Whether or not this bill should be allowed is a matter of policy within your exclusive jurisdiction, and this department expresses no opinion on the merits of the bill.

No fee is required to be paid by a corporation of this type under the provisions of chapter 3, section 7.

Respectfully submitted,

KEVIN H. WHITE,
Secretary of the Commonwealth.

By Mr. Shrigley of Hingham, petition of Alfred R. Shrigley and others that the Hingham Public Library be authorized to transfer certain property to the town of Hingham. Mercantile Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty-Three.

AN ACT RELATIVE TO THE TRANSFER OF CERTAIN PROPERTY OF THE HINGHAM PUBLIC LIBRARY FOR THE BENEFIT OF THE INHABITANTS OF THE TOWN OF HINGHAM.

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. The Hingham Public Library, a non-profit cor-
2 poration located in the town of Hingham and organized under
3 chapter one hundred and seventeen of the acts of eighteen
4 hundred and seventy-two may, by a vote of its board of trustees
5 and when authorized by decree of the probate court in and for
6 the county of Plymouth, or of any other court of competent
7 jurisdiction, convey and transfer to the town of Hingham all of
8 its property, both real and personal. Upon or at any time after
9 such conveyance and transfer, the town is authorized to reconvey
10 and retransfer the same in trust, and to convey in trust any land
11 owned by the town, to said corporation by a two-thirds vote as
12 defined in section one of chapter forty-four of the General Laws,
13 as amended; without regard to the provisions of sections fifteen
14 and fifteen A of chapter forty of the General Laws, as amended.
15 Said property, or the proceeds thereof, shall thereafter be held
16 by said corporation in trust for the purpose of operating and
17 maintaining a library in the town of Hingham to be known as
18 the Hingham Public Library for the benefit of the inhabitants
19 of the town of Hingham. The corporation shall hold all property,
20 both real and personal, and shall use all funds including funds
21 which may thereafter be acquired by it by grant, gift, devise,
22 bequest, public subscription or town appropriation for the pur-
23 poses of such library.

1 SECTION 2. Nothing in this act shall be deemed to alter or
2 impair any trust created for the benefit of said Hingham Public
3 Library and existing on the effective date of this act or any
4 devise, bequest, conveyance and gift heretofore made to said
5 Hingham Public Library except as the same may be validly
6 affected by the decree referred to in section one.

1 SECTION 3. The probate court in and for the county of Plym-
2 outh, or any other court of competent jurisdiction, in addition
3 to having jurisdiction hereby conferred to authorize the transfer
4 of the property referred to in section one shall have jurisdiction
5 to determine the effect, if any, of the transfer and retransfer
6 contemplated in section one upon any trust created for the bene-
7 fit of said Hingham Public Library or upon any devise, bequest,
8 conveyance and gift heretofore made to said Hingham Public
9 Library notwithstanding the fact that questions raised in any
10 such proceedings may be premature and involving no present
11 controversy.

1 SECTION 4. Said corporation shall be deemed agent of the
2 town of Hingham and the members, the board of trustees and
3 officers of the Hingham Public Library as constituted at the
4 time of the passage of this act by the general court and as sub-
5 sequently constituted shall be deemed public officers for the
6 proper execution of the trust provided for in section one. Sub-
7 ject always to the supervision of the general court, the affairs
8 of the corporation including the execution of the trust provided
9 for in section one shall be managed as provided in in the by-laws
10 of the corporation as the same may be amended from time to
11 time.

1 SECTION 5. After the transfer and retransfer of the property
2 provided for in section one and for the purpose of aiding the
3 Hingham Public Library to construct, originally equip and fur-
4 nish a new library building, the town of Hingham may appro-
5 priate, transfer from available funds, or by a two-thirds vote
6 as defined in section one of chapter forty-four of the General
7 Laws, as amended, may borrow from time to time within a
8 period of ten years of the passage of this act, or use any or all
9 said methods, to provide such sums as may be necessary not

10 exceeding, in the aggregate, five hundred and fifty thousand
11 dollars and may issue bonds and notes therefor which shall bear
12 on their face the words "Hingham Public Library Loan, Act
13 of 1963". Each authorized issue shall constitute a separate loan,
14 and such loans shall be paid in not more than twenty years from
15 their dates. Indebtedness incurred under this act shall be out-
16 side the statutory limit, and shall, except as herein provided,
17 be subject to the provisions of chapter forty-four of the General
18 Laws, excluding the limitation contained in the first paragraph
19 of section seven thereof.

1 SECTION 6. Any property, real or personal, which is owned
2 by the Hingham Public Library at the time when the new library
3 building is completed and which is then no longer needed by
4 the corporation in carrying out its purposes, may be conveyed
5 to the town of Hingham without consideration or may be sold
6 by said corporation, and the proceeds shall be held or used for
7 the purposes of the trust provided in section one.

1 SECTION 7. This act shall take effect upon its passage.

