

SENATE No. 422

To accompany the petition of Richard H. Lee for legislation to require the licensing by the Commissioner of Public Welfare of certain persons, partnerships and corporations soliciting donations, subscriptions and certain types of purchases. Legal Affairs.

The Commonwealth of Massachusetts

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

AN ACT REQUIRING THE LICENSING BY THE COMMISSIONER OF PUBLIC WELFARE OF CERTAIN PERSONS, PARTNERSHIPS AND CORPORATIONS SOLICITING DONATIONS, SUBSCRIPTIONS AND CERTAIN TYPES OF PURCHASES.

Be it enacted by the Senate and House of Representatives^s in General Court assembled, and by the authority of the same, as follows:

1 Chapter 180 of the General Laws is hereby amended
2 by inserting, after section 25, under the caption
3 LICENSING OF CERTAIN PERSONS, PARTNERSHIPS AND
4 CORPORATIONS SOLICITING DONATIONS, SUBSCRIPTIONS,
5 ETC., the four following sections:—
6 *Section 25A.* It shall be unlawful for any person,
7 for financial reward, to solicit and receive contribu-
8 tions or donations of money or property or to sell,
9 promote or supervise the sale of any ticket, tag,
10 emblem or thing of value, upon the representation
11 that such contribution, donation or sale, or the pro-

12 ceeds thereof, is for the benefit of a charitable, reli-
13 gious, patriotic or fraternal organization, without
14 first obtaining from the commissioner of public welfare,
15 in sections twenty-five B and twenty-five C called
16 the commissioner, a license authorizing the licensee
17 to act for the benefit of the designated organization;
18 provided, that nothing in this section and sections
19 twenty-five B and twenty-five C shall require such a
20 license for unpaid solicitors or salesagents or require
21 such a license for the regularly elected officers or
22 permanent salaried employees of a non-profit organiza-
23 tion in raising funds by solicitation or sale for the
24 organization of which they are officers or permanent
25 employees; and provided, further, that when the
26 facilities of a theatre or hall or enclosure customarily
27 used for public entertainment are engaged for the
28 benefit of a non-profit organization, no license shall
29 be required for employees of the theatre or hall to sell
30 admission tickets at the entrance thereto but a license
31 shall be required of the promoter or manager in
32 charge of the benefit performance if he otherwise
33 comes within the requirements of this section.

34 *Section 25B.* The commissioner may grant to
35 any person a license, valid for a term of not more
36 than one year, to solicit funds in the name of another
37 upon payment of a fee of fifty dollars and the receipt
38 of such information as he may find necessary or
39 convenient to establish the following facts:—

- 40 1. That the licensee is, or that its officers are, of
41 good moral character;
- 42 2. That the proposed solicitation is in the public
43 interest;
- 44 3. That the remuneration to be paid the licensee is
45 reasonable under the circumstances; and

46 4. That a proper accounting of all funds or property
47 collected will be made to the proper persons, and that
48 all books and records of the licensee will be open to
49 inspection by the commissioner's representatives.

50 The commissioner may promulgate and may,
51 thereafter, alter, amend or repeal rules governing the
52 issuance of licenses in accordance with this section
53 and sections twenty-five A and twenty-five C.

54 The information submitted in any application for
55 such a license, together with the action of the com-
56 missioner thereon, shall constitute a public record.

57 The commissioner may, for cause, suspend or
58 revoke any license issued hereunder.

59 *Section 25C.* Whoever solicits funds in the name
60 of another in violation of any provision of sections
61 twenty-five A or twenty-five B shall be punished by
62 a fine of not less than one dollar nor more than one
63 thousand dollars, and in addition shall be liable in
64 damages to the non-profit organization in whose
65 behalf funds were received for the full amount of all
66 funds received. Any civil action authorized here-
67 under may be brought by any person illegally solicited,
68 for the benefit of the non-profit organization in whose
69 alleged behalf a contribution was solicited and
70 accepted.

71 *Section 25D.* Any person aggrieved by any action
72 of the commissioner under authority of any provision
73 of sections twenty-five A to twenty-five C, inclusive,
74 may, within thirty days after receiving notice of such
75 action, appeal therefrom to the superior court in the
76 county in which he resides or has his usual place of
77 business. Said appeal shall be heard by the court
78 without a jury and its decision shall be final.

The first part of the report deals with the general situation of the country, and the progress of the war. It is a very interesting and valuable document, and one which should be read by every student of the history of the United States. The author's account of the military operations is particularly good, and his descriptions of the battles are full and vivid. The report also contains a great deal of information about the political and social conditions of the country at the time, and is a very good introduction to the study of the American Civil War.

The second part of the report deals with the military operations of the Army of the Potomac, and the campaign of 1862. It is a very interesting and valuable document, and one which should be read by every student of the history of the United States. The author's account of the military operations is particularly good, and his descriptions of the battles are full and vivid. The report also contains a great deal of information about the political and social conditions of the country at the time, and is a very good introduction to the study of the American Civil War.

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