

SENATE No. 437

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 MICHAEL LoPRESTI FOR LEGISLATION TO REVIVE PROGRESSIVE CLUB INCORPORATED.

DECEMBER 17, 1947.

To the Honorable Senate and House of Representatives.

The above-named petition was transmitted to me by the Clerk of the Senate December 5, 1947.

Pursuant to notification by me the petitioner filed an amendment of the petition to indicate why the object sought cannot be accomplished under the General Laws.

The Progressive Club, Incorporated was organized under General Laws, chapter 180, May 20, 1929, under the title The Progressive Club of East Boston, Incorporated. The title "The Progressive Club, Incorporated" was assumed December 30, 1935. The word "The" appears to be a part of the corporate name although not so appearing in the petition and bill. The charter was declared void February 21, 1944, under the provisions of General Laws, chapter 180, section 27. In my opinion I have no authority to revive the corporation under General Laws, chapter 155, section 56, and the revival of the corporation can only be effected by the Legislature. No fee is required under General Laws, chapter 3, section 7.

The Legislature having declared its general policy to void the charter of a corporation under the conditions set forth under General Laws, chapter 180, section 27, it may be questioned whether restoration of the charter by special act would not tend to defeat that basic policy. It is suggested, however, that if the corporation has title to property, the Legislature might revive the corporation for the limited purpose of transferring the property and for such limited period of time as might reasonably be necessary to accomplish that purpose.

Respectfully submitted,

HENRY F. LONG,

Commissioner of Corporations and Taxation.

To accompany the petition of Michael LoPresti for legislation to revive Progressive Club Incorporated. Mercantile Affairs.

The Commonwealth of Massachusetts

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

AN ACT REVIVING PROGRESSIVE CLUB INCORPORATED.

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

1 Progressive Club Incorporated, a corporation dis-
2 solved on February twenty-first, nineteen hundred
3 and forty-four, is hereby revived, with the same
4 powers, duties and obligations as if said corporation
5 had not been dissolved.

