

# HOUSE . . . . No. 1967

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## The Commonwealth of Massachusetts

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MEMORANDUM OF COMMISSIONER OF CORPORATIONS AND TAXATION PURSUANT TO GENERAL LAWS, CHAPTER 3, SECTION 7, AS AMENDED, WITH RESPECT TO PETITION OF ROGER WOLCOTT FOR LEGISLATION TO ENLARGE THE POWERS OF THE SOCIETY OF THE CINCINNATI WITHIN THE STATE OF MASSACHUSETTS.

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DECEMBER 14, 1951.

*To the Honorable Senate and House of Representatives.*

The above-named petition was transmitted to me by the Clerk of the House November 28, 1951.

Pursuant to notice sent by me under General Laws, chapter 3, section 7, an amendment of the petition was received. It is nevertheless not possible for me to advise that the object of the petition could not be accomplished under the General Laws. (See General Laws, chapter 180, sections 10 and 11.) This does not mean, however, that the Legislature cannot act favorably upon the petition if it deems it desirable to make an exception to the general rule.

The Massachusetts Society of the Cincinnati was created a corporation by act of the Legislature March 13, 1808. For an act amending the original charter, see Acts of 1930, chapter 7. In view of the fact that the act of incorporation antedates March 11, 1831 (*cf.* General Laws, chapter 155, section 3), it is suggested that if the

Legislature enacts the bill it add a section providing for acceptance by the corporation and for filing a certified copy of the vote of acceptance with the State Secretary. (See, for example, Acts of 1945, chapter 75.)

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

Respectfully submitted,

HENRY F. LONG.

*Commissioner of Corporations and Taxation.*

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By Mr. Babcock of Milton, petition of Roger Wolcott for legislation to enlarge the powers of The Society of the Cincinnati within the State of Massachusetts. Mercantile Affairs.

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## **The Commonwealth of Massachusetts**

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In the Year One Thousand Nine Hundred and Fifty-Two.

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AN ACT TO AMEND AN ACT TO INCORPORATE BENJAMIN LINCOLN AND OTHERS INTO A SOCIETY BY THE NAME OF THE SOCIETY OF THE CINCINNATI WITHIN THE STATE OF MASSACHUSETTS.

*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 of "An Act to Incorporate Benjamin  
2 Lincoln and Others into a Society by the Name of the  
3 Society of the Cincinnati within the State of Massa-  
4 chusetts," passed March 13, 1806, is hereby amended  
5 by adding the following sentence at the end thereof:—  
6 The objects of said charitable fund shall, in addition  
7 to the relief of such of the members of said society or  
8 their families, or of descendants of deceased members,  
9 as it shall deem worthy, be such activities as may  
10 tend to foster and preserve a form of government  
11 based on the consent of the governed.

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