

posted up on the west door of the meeting-house, ten days at least previous to said meeting.

[This act passed *February* 28, 1811.]

CHAP. CXXXI.

An Act to enforce the satisfaction and payment of executions and warrants of distress, against certain corporations.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That whenever any judgment has been, or may hereafter be recovered in any court of law, against any turnpike, bridge, canal, or other company, incorporated by law, with power to receive toll, the franchise of such corporation, with all the privileges and immunities thereof, so far as relates to the right of demanding and receiving toll, as well as all other corporate property, either real or personal, shall be liable to the satisfaction and payment of such judgment, and may be taken and sold on execution, at publick vendue; the officer first giving notice of the time and place of sale, by posting up a notification thereof in any town, district or plantation, in which the clerk, treasurer, or any of the directors of said corporation may dwell, thirty days at least before the time of sale, and also by causing an advertisement, expressing the name of the creditor, the amount of said execution, and the time and place of sale, to be inserted three weeks successively, in some publick newspaper, published in any county, in which either of the aforesaid officers of said corporation may dwell, (if any such newspaper shall be there printed) the last publication to be at least four days before the day of sale.

Incorporation made liable for debts.

SEC. 2. *Be it further enacted,* That in the sale of such franchise, any person who will pay and satisfy said execution, and all legal fees and expenses thereon, in consideration of being entitled to receive, to his own use, for the shortest period of time, all such toll as the said corporation may by law be entitled to demand and receive, shall be considered as the highest bidder, and the same shall be

Regulation of sales.

struck off to him accordingly ; and the officer's return on said execution shall transfer to the purchaser all the privileges and immunities which by law belonged and appertained to said corporation, so far as relates to the right of demanding and receiving toll ; and the said officer shall, immediately after such sale, be authorized and empowered to deliver to said purchaser, possession of all the toll-houses and gates belonging to said corporation, in whatever county the same be situated ; and the said purchaser shall thereupon be entitled to demand and receive to his own use, all the toll which may accrue, within the time limited by the term of his purchase, in the same manner, and under the same regulations as the said corporation was before authorized to demand and receive the same. *Provided* however, that the said corporation shall, in all other respects, retain the same powers, be bound to the discharge of the same duties, and liable to the same penalties and forfeitures as before belonged to and were required of them by law ; *and provided also*, that if the said corporation shall, at any time within three months from the time of such sale, pay over or tender to said purchaser such sums of money as he may have paid, in satisfaction of said execution, with twelve per cent. interest thereon, in addition to the toll which he may have received, then the said franchise, and all the rights, privileges and immunities thereof, shall revert to said corporation, and shall in all respects belong and appertain to them, as if the same had not been sold as aforesaid.

In case of purchase.

Provido.

Redemption of shares.

SEC. 3. *Be it further enacted*, That all the rights, privileges and immunities aforesaid, shall be liable to attachment on mesne process ; and when such attachment shall be made, or other service of a mesne process shall be made on any of the corporations aforesaid, the officer serving the same, shall leave an attested copy of said process, and his return thereon, with the clerk, treasurer, or some one of the directors of said corporation, thirty days at least before the day of the sitting of the court to which the same may be returnable.

Attachment.

SEC. 4. *Be it further enacted*, That whenever any damages have been, or may hereafter be assessed to any person or body politick, either by the report of a committee, or the verdict of a jury, for any injury sustained in his or their property, by the doing of any of the corporations

Assessment for damages

aforesaid, and the said damages shall remain unpaid for the space of thirty days after the final acceptance of such report or verdict, such person, or body politick, upon petition to any court, by which such report or verdict was accepted, shall be entitled to a warrant of distress against said corporation, for the damages so assessed, and the interest thereon, together with his or their reasonable costs; and the officers to whom such warrant of distress may be delivered, may proceed to execute the same, in the same manner as is herein before provided for the levying and satisfaction of executions. *Provided also*, that all such warrants of distress as may have already been granted or issued, against any of said corporations, may be levied and satisfied, in the same manner as herein directed.

Proviso.

SEC. 5. *Be it further enacted*, That the officer who may levy any execution or warrant of distress, by virtue of this act, shall be authorized to adjourn the vendue from time to time, not exceeding ten days at any one time, until the sale shall be completed.

Officers power.

SEC. 6. *Be it further enacted*, That all proceedings under the authority of this act, may be had in any county in which either the creditor or the president, either of the directors, the treasurer, or clerk of said corporation, may reside or dwell.

Place of meeting.

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