

town for their personal neglect or misconduct, whether they be officers or not, and liable to prosecution for any loss or damage resulting thereby to the fund; and the debt or damage recovered in such suit shall be to the use and addition of the said fund; and the said Trustees and Treasurer, and their successors in office, shall exhibit to the town a report of their doings, and the state of the funds, at the annual meeting in March or April.

SEC. 4. *Be it further enacted,* That any Justice of the Peace, for the county of Middlesex, is hereby authorized, upon application therefor, to issue his warrant, directed to one of the Trustees named in this act, requiring him to notify and call a meeting of the said Trustees, to be holden at such convenient time and place as may be appointed in said warrant, to organize the said corporation by the appointment of its officers.

Warrant for first meeting.

[Approved by the Governor, June 14, 1817.]

CHAP. XVIII.

An Act in addition to an act, entitled "An act to incorporate the First Baptist Society in York."

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That so much of the second section of the act, entitled "An act to incorporate the First Baptist Society in York," as requires a certificate of admission to be approved of by the settled Minister of said society, be, and the same is hereby repealed.

Act repealed in part.

[Approved by the Governor, June 14, 1817.]

CHAP. XIX.

An Act establishing the Massachusetts Steam Navigation Company.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by*

the authority of the same, That John H. Andrews, with such other persons as have already associated with him, or may hereafter associate with him, and their successors, be, and they hereby are made and constituted a body politic and corporate, by the name of the Massachusetts Steam Navigation Company, for and during the term of thirty years after the passing of this act; and by that name may sue and be sued. in all actions, real, personal and mixed, to final judgment and execution, and may do and suffer all acts, matters and things which bodies politic may or ought to do and suffer; and may have and use a common seal, and the same may break and alter at pleasure: Provided however, that any proprietor alienating his share or shares in said corporation, shall thereafter, in respect thereto, cease to be a member of said corporation; and the assignee thereof shall be, with respect thereto, thenceforward a member of said corporation, with all the rights, and subject to all the duties, penalties and payments which the assigner thereof was or might have been vested with or liable to.

Term.

Powers.

Proviso.

SEC. 2. Be it further enacted, That said corporation shall have power, and is hereby authorized to erect and build any Steam Boats in any part of this Commonwealth, where the individual proprietors in their private capacities might lawfully do the same; and also navigate any Steam Boats in any waters where the individual proprietors might lawfully do the same, as shall appear to said corporation to be for the benefit of the same.

Authorized to build steam boats.

SEC. 3. Be it further enacted, That said corporation may be lawfully seized and possessed of such real estate as may be necessary and convenient for establishing and carrying on the business of said corporation, and of as much personal estate as shall be actually employed by said corporation; provided, that such real estate shall not exceed the value of thirty thousand dollars, and the personal estate three hundred thousand dollars.

May hold estates.

Proviso.

SEC. 4. Be it further enacted, That the property of said corporation shall be, and hereby is, divided into one hundred and forty-four shares, and shall be numbered in progressive order, beginning at number one; and every original member thereof shall have a certifi-

Number of shares.

cate under the seal of the corporation, and signed by the Treasurer, certifying his property in such shares as shall be expressed in said certificate.

SEC. 5. *Be it further enacted,* That any two of the proprietors may, and they hereby are empowered to call a meeting of the proprietors, by a notification published in the Salem Gazette and Essex Register, at least seven days previous to said meeting; at which meeting a Clerk shall be chosen, whose duty it shall be, fairly and truly to enter and record in a book or books, for that purpose to be provided and kept, this act, and all the rules, by-laws, votes and proceedings of said corporation, which book or books shall at all times be subject to the inspection of any person for that purpose appointed by the Legislature; and the said Clerk shall be sworn to the faithful discharge of the duties of his office; and at the same meeting, the proprietors shall elect a Treasurer, and such number of Directors to manage the prudential business of said corporation as to them shall seem expedient; and such Directors, as well as those which at any meetings hereafter may be chosen, shall have power, from time to time, to assess such taxes on the proprietors of the shares in said corporation as they shall deem to be necessary; and on the neglect or refusal of any proprietor to pay such tax, to sell so many of his or her shares at vendue, as will pay his or her taxes, after advertising the sale of such share or shares in one of the public papers in Salem and Boston for the space of ten days at least, previous thereto, and the overplus, (if any there be) after the payment of the taxes and the charges of sale, to be paid to the owner of the share or shares, so sold; and the proprietors may at said meeting, or at any other meeting, elect any other officers, which to them may seem necessary, for carrying into effect the object of their institution; and may agree upon a mode of calling future meetings of the proprietors, and also make any reasonable rules and by-laws, not repugnant to the constitution and laws of this Commonwealth.

First meeting for choice of officers.

Officers' duties.

SEC. 6. *Be it further enacted,* That the Directors appointed, shall hold their offices for the term of one year, and until others are elected in their room: *Provided,* that if any Director ceases to be a member of this

Term of office.

corporation during the time for which he was elected, or resigns, the corporation at a legal meeting, may elect another person in his room.

SEC. 7. *Be it further enacted,* That any share may be alienated by the proprietor thereof, by a deed acknowledged before some Justice of the Peace, and recorded by the Clerk, in a book to be kept for that purpose, and not in any other way, except in the cases hereafter provided: And any person shewing to the Treasurer such deed, so recorded, and delivering up to him the former certificate, shall be entitled to a new certificate, executed in form aforesaid, certifying the property of such share to be in the purchaser.

SEC. 8. *Be it further enacted,* That any share in said corporation may be attached on original process, or levied upon by execution, at the suit of any creditor of the proprietor of such share, by the officer having the process to execute, giving to the Treasurer or leaving at his place of abode, a certificate in writing, shewing that he hath attached or taken in execution, such proprietor's share, at the suit of such creditor; and the officer may proceed to sell the same at public auction, as he might by law sell any goods or chattels of such proprietor, attached or levied upon, to satisfy the execution of the creditor: And the officer may make and execute a deed of such proprietor's share to the highest bidder; and the purchaser producing to the Treasurer a deed under the hand and seal of such officer, acknowledged and recorded as aforesaid, shall be entitled to a certificate from the Treasurer, executed as aforesaid, certifying the property of such share to be in the purchaser; and the Treasurer shall have recorded in a book to be kept for that purpose, a schedule of the names of all the members of said corporation—of the several shares of which each proprietor is owner, and the numbers annexed to such shares; and such book shall be open to the inspection of any Sheriff, Deputy Sheriff, or Coroner, having a process to execute against any proprietor, or to the inspection of any other person when demanded, upon payment of twenty-five cents for each inspection: And in any action to be brought, or in any judgment to be rendered against said corporation, the plaintiff not being able to find any property of the corporation to attach on mesne process, or whereon

May alienate shares.

Shares may be attached.

to levy his execution, shall have the right of attaching or levying his execution on any of the individual members of the corporation and their estate, real or personal, in the same manner as if the action had been brought and the judgment rendered against them in their individual capacity.

SEC. 9. *Be it further enacted,* That when any proprietor shall die possessed of any share or shares in said corporation, his Executor or Administrator, upon producing to the Treasurer such deceased proprietor's certificate or certificates, shall be entitled to receive a new certificate, executed in form aforesaid, certifying the property of such share or shares to belong to such Executor or Administrator, who shall hold such share or shares as personal estate of such deceased proprietor, and shall or may sell and dispose of the same at public auction, or otherwise, in the same manner as by law he might sell and dispose of any chattels of such deceased proprietor; and such Executor or Administrator shall and may execute and acknowledge a deed or deeds of such share or shares, and the purchaser producing to the Treasurer the certificate or certificates, executed in form aforesaid, certifying such share or shares to belong to such purchaser. And such Executor or Administrator, who shall not have sold such share or shares, shall immediately after the settling the estate of such deceased proprietor, deliver the certificate or certificates by him received, to the heir or legatee of such deceased, who shall, upon producing the same to the Treasurer, be entitled to a new certificate or certificates, executed in the form aforesaid, certifying the property of such share or shares to be in such heir or legatee.

SEC. 10. *Be it further enacted,* That the time and place of all public sales of any share or shares, shall be made known at least seven days before such sale, by publishing the same in one of the public newspapers of Salem and Boston.

SEC. 11. *Be it further enacted,* That at all meetings of the corporation, each member shall be entitled to one vote for each share owned by him; *provided,* that no person shall be entitled to more than fifteen votes.

[Approved by the Governor, June 16, 1817.]

Shares of proprietors deceased.

Advertisement of public sales.

Votes.