

accordance with his authorization, he shall file forthwith in the office of the state secretary a certificate setting forth the fact, including said effective date, and the corporate existence of such company shall cease and determine on said effective date.

The stockholders or the policyholders of any domestic company so merging or consolidating shall continue to be subject to all the liabilities, claims and demands existing against them at or before such merger or consolidation. No action or proceeding pending in any court of the commonwealth at the time of the merger or consolidation in which any such domestic company may be a party shall abate or be discontinued by reason of the merger or the consolidation, but may be prosecuted to final judgment in the same manner as if the merger or the consolidation had not taken place, or the continuing, surviving or resulting company may be substituted in place of any such domestic company by order of the court in which the action or proceeding is pending.

SECTION 3. Said chapter one hundred and seventy-five is hereby further amended by inserting after section nineteen B, as so inserted, the following new section: — *Section 19C*. If any stockholder of either of the corporations merging or consolidating under the authority of section nineteen A or nineteen B does not vote in favor of the proposed merger or consolidation, he shall have, and may exercise, the rights given to a stockholder of a business corporation under section forty-six of chapter one hundred and fifty-six.

G. L. (Ter. Ed.), 175, new section 19C, added.

Rights of stockholders.

Approved June 6, 1941.

AN ACT RELATIVE TO THE ELECTION OF DIRECTORS OF CERTAIN MUTUAL INSURANCE COMPANIES HAVING A GUARANTY CAPITAL.

Chap. 365

Be it enacted, etc., as follows:

SECTION 1. Section seventy-seven of chapter one hundred and seventy-five of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the eighth line, the word "stockholders" and inserting in place thereof the words: — shareholders and one half from the policyholders who are not shareholders, — so that the first paragraph will read as follows: — Every such company shall elect by ballot a board of directors as provided in and subject to section fifty-seven, except that it shall consist of not less than seven members and that five shall constitute a quorum. After the first election members only shall be eligible, but no director shall be disqualified from serving the term for which he was elected by reason of the termination of his policy. Such companies having a guaranty capital shall choose one half of the directors from the shareholders and one half from the policyholders who are not shareholders.

G. L. (Ter. Ed.), 175, § 77, amended.

Election of directors.

Effect of
act limited.

SECTION 2. Nothing in this act shall be construed to affect or terminate the term of office of any director of any mutual insurance company referred to in the first paragraph of section seventy-seven of chapter one hundred and seventy-five of the General Laws, as amended by section one of this act, who was chosen under authority of the first paragraph of said section seventy-seven as in force prior to the effective date of this act. *Approved June 10, 1941.*

Chap. 366 AN ACT REQUIRING MEDICAL EXAMINERS TO NOTIFY THE DEPARTMENT OF INDUSTRIAL ACCIDENTS OF DEATH IN CERTAIN CASES.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 38, § 7,
amended.

Reports to
district attor-
ney, court and
department of
industrial
accidents in
certain cases.

Section seven of chapter thirty-eight of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the seventeenth line, the words "the preceding section" and inserting in place thereof the words: — section six, — and by inserting after the word "died" in the nineteenth line the following: —, and to the department of industrial accidents in cases where death, in his opinion, was caused by or related to the occupation of the deceased, — so as to read as follows: — *Section 7.* He shall forthwith file with the district attorney for his district a report of each autopsy and view and of his personal inquiries, with a certificate that, in his judgment, the manner and cause of death could not be ascertained by view and inquiry and that an autopsy was necessary. The district attorney, if he concurs, shall so certify to the commissioners of the county where the same was held, or in Suffolk county, to the auditor of Boston. If upon such view, personal inquiry or autopsy, the medical examiner is of opinion that the death may have been caused by the act or negligence of another, he shall at once notify the district attorney and a justice of a district court or trial justice within whose jurisdiction the body was found, if the place where found and the place of the said act or negligence are within the same county, or if the latter place is unknown; otherwise, the district attorney and such a justice within whose district or jurisdiction the said act or negligence occurred. He shall also file with the district attorney thus notified, and with the justice or in his court, an attested copy of the record of the autopsy made as provided in section six. He shall in all cases certify to the town clerk or registrar in the place where the deceased died, and to the department of industrial accidents in cases where death, in his opinion, was caused by or related to the occupation of the deceased, his name and residence, if known; otherwise a description as full as may be, with the cause and manner of death. *Approved June 10, 1941.*