

cards or papers, the name of each man summoned, with his place of abode and occupation. All of said cards or papers shall be as nearly as may be of the same size, and the said clerk shall see that they are put together in a box provided for that purpose. When each case is brought on to be tried, the clerk in open court shall first shake the cards or papers thoroughly together, and shall then draw out twelve cards or papers, one after the other. If any of the men whose names are so drawn do not appear, or are excused or set aside, then the clerk shall draw out other cards or papers until the names of twelve men are drawn who do appear and who are not excused or set aside. The said twelve men having been sworn, as now required by law, and empanelled, shall be the jury to try the issue, and the foreman thereof shall be appointed by the court. The names of the men so drawn and sworn shall be kept apart by themselves until such jury have given in their verdict and the same has been recorded, or until such jury are discharged by consent of parties or by leave of the court. The names of the jurors shall then be returned to the box, there to be kept with the other names remaining at that time undrawn; and this process of empanelling of jurors shall be repeated so long as any issues remain to be tried: *provided, always*, if any issue shall be brought on to be tried in any of said courts before the jury in any other case shall have brought in their verdict or been discharged, it shall be lawful for the court to order twelve of the residue of said cards or papers, not containing the names of any of the jurors who shall not have so brought in their verdict or been discharged, to be drawn in the manner aforesaid for the trial of the issue which shall be so brought on to be tried.

Proviso.

In civil and criminal cases.

Provisions of G. S. 132, §§ 23-26 not to apply.

SECTION 2. The foregoing provisions shall apply to the empanelling of jurors in criminal as well as civil cases.

SECTION 3. Nothing contained in sections twenty-three, twenty-four, twenty-five and twenty-six of chapter one hundred and thirty-two of the General Statutes shall apply to the empanelling of juries in the county of Suffolk.

*Approved May 13, 1881.*

### Chap. 301

AN ACT TO INCORPORATE THE SESUET CRANBERRY COMPANY.

*Be it enacted, etc., as follows:*

Owners of meadow lands in Dennis incorporated.

SECTION 1. The owners of the meadow lands lying on each side of Sesuet Creek in the town of Dennis and county of Barnstable, bounded upon the east side by the public roadway, and on all other sides by the uplands, are

hereby made a corporation by the name of the Sesuet Cranberry Company, with power to erect and maintain tide gates for the purpose of excluding the tide water, and to dike, drain, flow and improve said meadows from time to time for the purpose of raising cranberries, and for other agricultural purposes, with power to sue and be sued in its corporate name, and with all other powers and privileges, and subject to the duties, restrictions and liabilities, set forth in the general laws which now are or hereafter may be in force relating to such corporations, unless otherwise especially provided by this act.

Powers and duties.

SECTION 2. Any justice of the peace, upon application in writing from five or more of said owners, shall issue his warrant to one of the owners aforesaid requiring him to notify and warn a meeting of said owners for the purposes to be expressed in said warrant, by posting copies of said warrant in at least two public places in said town of Dennis, seven days at least before the time of said meeting, and said owners when legally assembled as aforesaid may adopt by-laws for the government of said corporation, and may also choose a clerk, treasurer, assessors and collector, who shall be sworn to the faithful discharge of their duties, and shall continue in office until others are chosen and sworn in their stead, which said officers may exercise the same power and authority in performing the duties of their appointment as town officers of the like description.

Notice for call of first meeting of owners.

May adopt by-laws and choose officers.

SECTION 3. Said corporation shall provide, for the passage of the fish of the Flax Pond Fishing Company, a fishway to be constructed and regulated as the commissioners of inland fisheries may direct.

Passage of fish to be provided for.

SECTION 4. All damages sustained by individuals or other corporations, in consequence of carrying into effect the purposes of this corporation, shall be ascertained, determined and recovered in the same manner as is now provided in cases where land is taken for highways.

Damages.

SECTION 5. In addition to the powers already granted, said corporation shall have power to remove all natural and all illegal obstructions in said Sesuet Creek whereby the drainage of their said meadow lands is obstructed and prevented, and to vote and raise money for said purposes and for all other necessary expenses of said corporation; and all moneys which may be voted to be raised as aforesaid shall be assessed upon each proprietor in said meadows according to the number of acres owned by him, and the benefits likely to be received, and any owner who is aggrieved by the amount of tax levied on his land may, at

May remove obstructions in Sesuet Creek.

Assessments upon proprietors.

Proviso.

any time within thirty days after said assessment, appeal to the county commissioners of the county of Barnstable, who shall have power to reduce or increase the amount of said tax and to make the same as said corporation should have made it under the provisions of this act; and if any owner shall refuse or neglect to pay the sum or sums assessed upon him as aforesaid, for sixty days after demand thereof, so much of his said land may be sold as will be sufficient to pay the same together with the costs, in the same way and manner as non-resident owners' lands in this Commonwealth are sold to pay town taxes; but nothing herein contained shall authorize arrest of the person or the sale of any property except said meadow lands. All sums for which judgment may be recovered by any party against said corporation shall be assessed upon each proprietor and collected in the same manner as moneys voted to be raised for other purposes under this section: *provided*, that this act shall not take effect until the owners of two-thirds of all the meadow lands included herein shall have expressed in writing their acceptance of this act, which acceptance, together with the oath of at least three of said owners that in their belief the owners of two-thirds of all of said meadow lands have signed said acceptance, shall be filed in the office of the secretary of state, and the certificate of said secretary that such alleged acceptance has been so filed shall be *prima facie* evidence of such acceptance.

SECTION 6. This act shall take effect on its passage.

*Approved May 13, 1881.*

[Accepted May 27, 1881.]

*Chap. 302*

AN ACT RELATING TO THE TRANSFER OF STOCK IN CORPORATIONS.

*Be it enacted, etc., as follows:*

Transfer of stock not to affect rights of attaching creditors, or right of corporation to pay dividend.

SECTION 1. No sale, assignment, or transfer of stock in any corporation shall affect the right of any corporation to pay any dividend due upon said stock, or against the title or rights of any attaching creditor, until it is recorded upon the books of the corporation, or a new certificate is issued to the person to whom it has been transferred: *provided*, that no attachment of said stock as the property of the vendor made after such sale, assignment, or transfer shall defeat the title or affect the rights of the vendee if such record is made or a new certificate issued within ten days after such transfer is made.

SECTION 2. This act shall take effect upon its passage.

*Approved May 13, 1881.*