[No. 8.]

AN ACT

To incorporate the Independent Mutual Fire Insurance company of Bucks, Montgomery and Philadelphia counties.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That John S. Vansant, Esq., Franklin Comly, Esq., Thomas Tomlinson, John R. Hallowell, William Rankin, Watson Comly, William B. Comly, Jonathan Wilson, William Lukens, William L. Paxon, Richard Hodgeland, James Tomlinson and John Tomlinson, (farmer,) and such other persons as are or may be associated with them, under the authority of this act, being citizens of parts of Philadelphia, Bucks and Montgomery counties, including the townships of Byberry, Moreland and Lower Dublin, in Philadelphia county; Southampton, Middletown and Bensalem, in Bucks county; and Abington and Mooreland, in Montgomery county; their successors or assigns are hereby made a corporation, by the name of the "Independent Mutual Fire Insurance company," and they and their successors are hereby made a body politic and corporate in law, with all the legal incidents of a corporation aggregate. And said corporation shall not hold any property, except what may be absolutely necessary for the transaction of their corporate business; and all real estate purchased by said company for the purpose of collecting or securing debts, shall escheat to this commonwealth, unless the same shall have been sold and disposed of, and passed bona fide from the possession and ownership of said corporation, within three years next succeeding such purchase; nor shall any by-laws be repugnant to this instrument, to the constitution of the United States, or this commonwealth.

Corporators

Name

Property limited

SECTION 2. The power of this association shall be vested in thirteen managers, to be chosen by ballot, annually, on the first Monday of September, at an annual meeting of the company to be held, and each member to be entitled to one vote only, and that no proxy votes shall be given.

Managers

SECTION 3. Each insurer in or with said company shall be a member thereof during the term of his or her policy, and no longer.

Members

Meetings

SECTION 4. That general meetings of this company shall be held annually on the first Monday of September, at some convenient place, and also whenever called by the board of managers, or whenever requested by twenty members; and the members shall, at such general meeting, pass all by-laws, rules and regulations, necessary for the well government of the affairs of the corporation, or vest the power so to do in the board of managers; and all elections shall be by ballot, each member entitled to one vote: the said election to be conducted by three judges, chosen by the members present for that purpose, who shall certify under their hands, the result of said election, and the same shall be filed with the papers of the corporation. The managers, for the time being, shall choose from among their own members, one to be president, and shall, from time to time, as it may be necessary, choose a treasurer, also appoint a secretary and such other agents and officers as may be necessary, and fix their respective fees and salaries, and require such bonds for the faithful discharge of the duties assigned, as may be deemed necessary, or the interest of the company may require; and shall have full power to suspend, remove or displace, any such officer or agent of the company, and supply any such vacancy which may happen by death, removal or resignation, from among their own members, until the next election. And shall procure a book or books, wherein shall be fairly and legibly entered all the transactions of said board of managers, which books shall at all times be open for the inspection of the members of said corporation; and a copy or copies thereof, signed by the president, and attested by the secretary, for the time being, shall be deemed and taken as legal evidence against the said corporation, as the transactions of said board of managers—a copy of which shall be furnished at the request of any member: and said officers shall, at the annual meetings of the members, present to the company a general and detailed statement of its affairs.

By-laws

Elections

Salaries &c

Transactions

Insurance

SECTION 5. The president and managers shall have full power, on behalf of said corporation, to make insurance against losses by fire, on any house, tenement, manufactory, barn or other buildings, and on goods, wares, merchandize and effects, and household furniture therein; and on hay, grain and other agricultural products, in barns, stacks, or otherwise; and generally, on all kinds of goods, wares and merchandize, and effects; (except books of accounts, bills, bonds, ready money, jewels, plate, paintings, engravings, powder and powder mills, distilleries, print works, cotton, woollen and varnish manufactories;) to make, execute and perfect such and so many contracts, bargains, agreements, policies, and other instruments, as shall or may be necessary, and as the nature of the

Policies

case shall or may require: and every such contract, agreement and policy to be made by the said corporation, signed by the president, and attested and signed by the secretary; and also shall be signed by the party insured. And the president and managers are hereby empowered to have made, and to procure a seal, with such device as they may deem proper, to be used by them as the common official seal of the company. Seal

SECTION 6. It shall be lawful for said company to employ and improve all moneys received by them, and the profits thereof, in purchase of any ground rents or mortgages, or in any loans or stocks of the United States or of this commonwealth; and no money shall be drawn from the funds of the said company for the purpose of making dividends or dividing profits; nor for other purposes, than first, to defray the current or incidental charges of the corporation, and then for the purpose of paying such damages as any member of said company or insurer may be justly entitled to. And when the just demand of any insurer in said company or member thereof, shall exceed the amount of its available funds on hand, such sums as shall be necessary to pay the same, shall, without unnecessary delay, be assessed by any three of the managers, appointed by the president, on the insurances; each member to pay in proportion to the amount he has insured, and publish the same; and all and every of the members of the company, shall pay into the hands of the treasurer, his, her or their proportionable parts of such rates, within sixty days after such publication, as aforesaid, and in default thereof, shall be proceeded against according to the provisions of this act. Improve moneys Expenses Damages

SECTION 7. Every person who shall become a member of said corporation, by effecting insurance therein, shall, before he receives his, her or their policy, deposite for such insurance, his, her or their promissory note for such a sum of money as shall be determined by the directors, a part not exceeding ten per centum of said note to be immediately paid, and annually an interest as may be fixed upon by the board of managers of said corporation, not exceeding five per centum on the balance, and the remainder of said deposite note shall be payable in part or the whole, at any time when the directors shall deem the same requisite for the payment of losses by fire, and such incidental expenses as shall be necessary for the transacting the business of said corporation; and at the expiration of the time of insurance, the said note, or such part of the same as shall remain unpaid, after deducting all losses and expenses during said term, shall be relinquished and given up to the maker thereof; and said company shall have a lien, in the nature of a judgment, waiving the Promissory note of insured How and when paid Lien right of inquisition upon all property so insured, to the amount of the deposite note of the assured, or so much thereof as may be unpaid, which shall continue till the amount of such note, with interest and costs of execution, if any, shall have been paid or satisfied, according to the provisions of this act: *Provided*, Said company shall file in the office of the prothonotary of the county wherein such real estate shall be, a memorandum of the name of the individual insured, a description of the property, the amount of the deposite note unpaid, and the term for which the insurance shall continue; and the same, when so entered, shall be deemed and taken to be, in all respects, as a judgment entered upon confession, by virtue of a warrant of attorney—and execution may at any time be had thereon for so much, as by virtue of the provisions of this act may be due and demandable; but the lien thereof shall commence with the filing of the memorandum in the office of the prothonotary: *Provided*, That such lien shall not be construed to take from such person insured, as aforesaid, the privilege of a freeholder.

Proviso

Proviso

Lien not to destroy privilege of a freeholder

SECTION 8. All and every of the members of this company who shall sustain any loss by fire, shall give notice in writing, within thirty days, to the president or secretary of said company, who shall appoint a committee of three from the board of managers, that shall examine and assess said damages, and report the same to the board of managers within two weeks from the time of their receiving information of their appointment; and the said managers shall, with all convenient expedition, immediately after receiving said report, and ascertaining the sum which said parties shall be lawfully entitled to, make provision and payment as herein is specified.

Notice of loss

How assessed and paid

SECTION 9. The members shall, at their general meetings, fix such rates of insurance and incidental charges and fees as may be deemed equitable and proper, or vest the power so to do in the board of managers; and any person who shall become a member of this corporation, by effecting insurance therein, shall the first time he effects insurance, and before he or she receives his or her policy, pay the rates that shall be fixed and determined upon, and no premium so paid, shall ever be withdrawn from said company during the continuance of its charter.

Rates of insurance

SECTION 10. That in case any insured named in any policy or contract of insurance made by the said corporation, shall sell, convey, or assign the subject insured, it shall be lawful for such assured to assign and deliver to the purchaser such policy or contract of insurance, and such assignee shall have all the benefits of such policy or contract of insurance, and may bring and maintain a suit in his or her own name: *Pro-*

Proceedings in case of sale of insured property

Proviso

vided, That before any loss happens, he or she shall obtain the consent of the president or secretary to such assignment, and have the same endorsed on or annexed to such policy or contract of insurance, to be according to the aforesaid directions for that purpose, and not otherwise.

Section 11. That the nett profits arising from interest or otherwise, shall be ascertained yearly to every member, in proportion to his, her or their deposite, for which each member shall have a credit in the company, after deducting the necessary expense; nothing in this charter to be construed as to allow any of the funds of the association to be used for banking or manufacturing purposes. Profits Banking prohibited

Section 12. If at any time it shall appear that the chartered privileges hereby granted are injurious to the public welfare, the power thereof to repeal shall not affect any engagement to which the said company may have become a party previously thereto; and that the said company shall have a reasonable time to bring their accounts to a final settlement. Reservation

Section 13. The first thirteen named persons in this bill shall constitute the first board of managers, with power to organize the corporation, and appoint a president and other officers and agents, agreeable to the spirit of this act; and to hold their power and authority until the next election, as is herein provided, with all the powers contemplated to be vested in the board of managers elected by the company under the authority of this act. Organization

Section 14. No policy shall be issued by the corporation until application be made for insurance to the amount of one hundred thousand dollars. When first policy may issue

Section 15. Suits of law may be prosecuted and maintained by any member against the corporation for losses or damage insured by them, if payment is withheld more than ninety days after the company is duly notified of such losses. Suits

Section 16. This corporation shall confine its business within the counties of Bucks, Montgomery and Philadelphia. This act shall continue in force for the term of twenty years, and no longer. Limitation of business and charter

HENDRICK B. WRIGHT,
Speaker of the House of Representatives.

B. CRISPIN,
Speaker of the Senate.

Approved—The tenth day of February, one thousand eight hundred and forty-three.

DAVID R. PORTER.