

have the power to borrow money on loan, to enable them to finish their works, and to give mortgages, certificates, or other evidences and securities for the payment thereof, the same to be convertible or not convertible into stock, as shall be agreed on between said company and the lender or lenders.

SECTION 23. If the said company shall at any time misuse or abuse any of the privileges hereby granted, the legislature may resume all and singular, the rights and privileges hereby granted to the said corporation; the legislature also reserves the right to purchase the right of said company and the railroad, with its appurtenances, at any time after thirty years from the passage of this act, by paying to said company a sum of money which, together with the tolls received, shall equal the cost and expenses of said railroad, with an interest of eight per centum per annum thereon, and the said company shall pay annually into the treasury of the commonwealth, a tax of eight per centum on all dividends which may exceed six per centum on the capital stock actually paid in.

Reservation of right to resume privileges, and to purchase the right of the company and railroad.

LEWIS DEWART,

Speaker of the House of Representatives.

J. R. BURDEN,

Speaker of the Senate.

APPROVED—The first day of April, one thousand eight hundred and thirty-seven.

JOS: RITNER

No. 69.

An Act Supplementary

To the act entitled "An act authorizing the Governor to incorporate the Wallenpaupack Improvement company," and for other purposes.

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 the act entitled "An act authorizing the Governor to incorporate the Wallenpaupack Improvement company," passed the seventh day of April, Anno Domini,

Act of April 7th, 1830, revived.

eighteen hundred and thirty, be, and the same is hereby 5 y'rs allow-
 revived and re-enacted, and the said company is hereby al- ed for com-
 lowed the further period of five years from the passing of mencing and
 this act, for commencing, and ten years for completing the 10 years for
 said work, and that they be authorized, if it be deemed ad- completing
 visable, to extend the said improvement to the Susquehanna the work.
 river, at or near the mouth of the Lackawannock.

SECTION 2. The said company be, and they are hereby Tolls.
 authorized to charge tolls on said improvement, for the pas-
 sage of articles and persons along the same, in the manner
 provided by the act to which this is supplementary, and to
 regulate, grade and increase or reduce the said tolls, from
 time to time, as shall be deemed advisable: *Provided*, That *Proviso.*
 if the nett amount of tolls, after deducting the current and
 contingent expenses, shall at any time exceed twelve per
 cent. per annum on the capital invested, then the said tolls
 shall be so reduced as to keep the nett revenue within that
 limit, and the legislature reserves the right to reduce and
 regulate the tolls hereby authorized.

SECTION 3. The said company shall be authorized to hold *Company*
 any quantity of coal lands not exceeding two thousand acres, may hold
 within the counties through which the said improvement 2000 acres of
 shall pass, in lieu of the quantity mentioned in the act to land in cer-
 which this is supplementary, and any other lands which tain counties.
 they may receive, by donation, or in the adjustment of
 questions of damages, or otherwise, to prevent litigation for
 claims of damages: *Provided*, That the quantity so to be *Proviso.*
 held shall not exceed two thousand acres, and the same to
 sell, lease, or transfer, as shall be deemed advisable, and
 also to purchase, take and hold, any lands on and near the
 route of such improvement, that shall be necessary for the
 enjoyment of any water privileges on the streams upon the
 said route, and to vend, lease, or otherwise dispose of such *Respecting*
 water privileges, in the same manner as the Schuylkill water privi-
 Navigation company is by law authorized to hold and dis- leges.
 pose of the same: If said company shall at any time misuse *Right of le-*
 or abuse any of the privileges hereby granted, the legisla- gislature to
 ture may resume all and singular, the rights and privileges resume and
 hereby granted to said company; the legislature also re- to purchase
 serves the right to purchase the right of said company to any company's
 slack water canals, or railroads, with its appurtenances, at rights and
 any time after thirty years from the passage of this act, by property.
 paying to said company a sum of money which, together
 with the tolls received, shall equal the costs and expenses
 of said slack water canal, or railroad, with an interest of
 eight per centum per annum thereon.

Thos. Biddle and H'y King appointed commiss'rs. SECTION 4. Thomas Biddle and Henry King, Esquires, be, and they are hereby appointed two of the commissioners to carry the said act into effect, in place of David Noble and Evan Reese, who are deceased.

Statement of affairs to be made annually to Aud'r. General. SECTION 5. The president and managers of the aforesaid company shall, on the first Monday of December in each year, transmit to the Auditor General, under oath, a full statement of their affairs, and shall pay annually into the treasury of this commonwealth, a tax of eight per cent. on all dividends which may exceed ten per cent. on the capital stock paid in.

Tax on dividends. SECTION 6. That it shall and may be lawful for the said company, relative to their main line of improvement, to construct any lateral or branch railroad or roads, from their main railroad, to any part of the coal region in the Lackawannock valley, or its vicinity, that they may deem expedient: *Provided*, That no one of the said lateral or branch railroads, shall exceed the length of ten miles.

Lateral railroads. SECTION 7. The Mill creek and Minehill Navigation and Railroad company, may receive tolls not exceeding four cents per ton per mile, on the branch roads of the said company, and that the third section of the supplementary act to the act authorizing the incorporation of the said company, passed the eleventh day of April, eighteen hundred and thirty-five, and so much of the fourth section of the act of incorporation, as requires notice of the annual election for officers of said company, to be given in two papers in Berks county, and two papers in the city of Philadelphia, be, and the same are hereby repealed, and the legislature reserves the right to regulate and reduce the tolls hereby authorized.

Proviso. SECTION 8. That so much of the fourth section of the act incorporating the Schuylkill Valley Navigation and Railroad company, as requires notice of the annual election for officers of said company to be given in two papers in Berks county, one or more papers in Montgomery county, and one or more papers in the city of Philadelphia, is hereby repealed.

Mill creek and Minehill Navigation and Railroad, co. tolls fixed. SECTION 9. That the supplement passed the seventh day of May, Anno Domini, eighteen hundred and thirty-two, to the act entitled "An act authorizing the Governor to incorporate the Mahanoy Navigation company," is hereby revived and re-enacted, with these alterations, to wit: that the books for receiving subscriptions of stock may be re-opened at any time before the first day of July, Anno Domini, eighteen hundred and thirty-nine, and the time for commencing the work under said act, is hereby extended to three years

Repeal of parts of certain acts. SECTION 10. That so much of the act of incorporation of the Schuylkill Valley Navigation and Railroad company, as requires notice of the annual election for officers of said company to be given in two papers in Berks county, one or more papers in Montgomery county, and one or more papers in the city of Philadelphia, is hereby repealed.

Legislature reserves the right to regulate and reduce tolls. SECTION 11. That so much of the act of incorporation of the Schuylkill Valley Navigation and Railroad company, as requires notice of the annual election for officers of said company to be given in two papers in Berks county, one or more papers in Montgomery county, and one or more papers in the city of Philadelphia, is hereby repealed.

The Schuylkill valley Navigation and Railroad co. SECTION 12. That so much of the act of incorporation of the Schuylkill Valley Navigation and Railroad company, as requires notice of the annual election for officers of said company to be given in two papers in Berks county, one or more papers in Montgomery county, and one or more papers in the city of Philadelphia, is hereby repealed.

Notice of election. SECTION 13. That so much of the act of incorporation of the Schuylkill Valley Navigation and Railroad company, as requires notice of the annual election for officers of said company to be given in two papers in Berks county, one or more papers in Montgomery county, and one or more papers in the city of Philadelphia, is hereby repealed.

Relative to Mahanoy navigation company. SECTION 14. That so much of the act of incorporation of the Mahanoy Navigation company, as requires notice of the annual election for officers of said company to be given in two papers in Berks county, one or more papers in Montgomery county, and one or more papers in the city of Philadelphia, is hereby repealed.

Subscription books may be re-opened. SECTION 15. That so much of the act of incorporation of the Mahanoy Navigation company, as requires notice of the annual election for officers of said company to be given in two papers in Berks county, one or more papers in Montgomery county, and one or more papers in the city of Philadelphia, is hereby repealed.

from said day, and the time for completing the same for the transportation of coal, to seven years from said day.

WHEREAS, by a joint resolution of both branches of the legislature, passed the fourteenth day of April, Anno Domini, eighteen hundred and thirty-five, James Peacock, Ovid F. Johnson, and William Ayres, were directed to survey and lay out a street from the public grounds to the state canal, on a line with State street, from the Capitol to the Susquehanna; *And whereas*, by the thirteenth section of the act of assembly passed the first day of April, Anno Domini, eighteen hundred and thirty-six, incorporating the Cattawissa and Towanda Railroad company, and for other purposes, directs that the charges, expenses and damages which shall accrue from the opening of a street from the State Capitol to the canal, as authorized by the aforementioned resolution, shall, and the same are hereby directed to be paid out of any moneys not otherwise appropriated, in the treasury of the state; *And whereas*, the said James Peacock, Ovid F. Johnson, and William Ayres, commissioners on the part of the commonwealth, have surveyed, laid out, excavated, embanked, and nearly completed the said street, and have drawn from the Treasury several sums of money for the opening of said street, and making a sewer to draw off the water from the low grounds, but neither the original resolution, passed April eighteen hundred and thirty-five, nor the section passed April eighteen hundred and thirty-six, authorized the settlement of their accounts; Therefore,

SECTION 10. The Auditor General be directed from time to time to audit and settle the accounts of the said James Peacock, Ovid F. Johnson and William Ayres, commissioners as aforesaid, on part of the commonwealth, for the laying out, opening and completing State street, from the public grounds to the state canal, agreeably to their several contracts, by them entered into on part of the commonwealth, and that the State Treasurer, upon such settlement, pay for the same, as directed by the thirteenth section of the act as aforesaid, passed April eighteen hundred and thirty-six.

SECTION 11. The time limited and appointed in the act entitled "An act authorizing the Governor to incorporate the Williamsburg, Martinsburg and Bedford Turnpike road company," passed the seventh day of February, Anno Domini, one thousand eight hundred and thirty-two, for commencing and completing the said road, be, and the same is hereby extended to the first day of January, in the year of our Lord, one thousand eight hundred and forty-five, and no longer.

Preamble relative to street from public grounds to state canal, at or near Harrisburg,

Commissioners.

Aud. Gen. to settle the accounts of the commis'srs.

State Treas'r. to pay according to act of April, 1836.

The Williamsburg, Martinsburg and Bedford Turnpike R. Co., time commencing and completing, extended to Jan. 1, 1845.

Survey relative to avoiding inclined plane at Philadelphia.

§1000 appropriated.

Preamble relative to the incorporation of the Lancaster & Susquehanna Slack-water Navigation company.

SECTION 12. The Canal Commissioners are hereby required to cause a survey to be made by the state engineers, from a point on the Pennsylvania Railroad, at Downingtown, in the county of Chester, to a point on the Philadelphia, Wilmington and Baltimore Railroad, at Chester, in the county of Delaware, on the route heretofore surveyed by the Chester and Delaware county Railroad company, and to report the distance and grade of the said route, and an estimate of the expense of constructing a railroad thereon, together with the distance to Philadelphia by such route, and generally, such other information as will enable the legislature to judge of the propriety of adopting said route as a means of avoiding the inclined plane at Philadelphia, for which a sum not exceeding one thousand dollars, is hereby appropriated.

WHEREAS, under the authority of an act of assembly, passed on the third day of March, Anno Domini, one thousand eight hundred and twenty-five, the Conestoga Navigation company was duly incorporated, and made and completed their works, as required by the provisions of the said act; *And whereas*, by an act of assembly passed on the ninth day of April, one thousand eight hundred and twenty-seven, and another passed the twentieth day of December, Anno Domini, one thousand eight hundred and twenty-seven, the said company was authorized to purchase and hold mill and other property along the said Conestoga, and the tributary streams thereof, and the dams belonging to the said mills, to repair, raise, and keep up, and in the said mills to erect such machinery as they might think proper, and also to mortgage as a security for such sum or sums of money as they might find it necessary to borrow, all lands, tenements, hereditaments, works, and other property of the said company, and also all the tolls, profits, and emoluments of the navigation; *And whereas*, in pursuance of the said authority, the said company did afterwards execute and deliver a mortgage of all the lands, tenements, hereditaments, works, and other property of the said company, and also of all the tolls, profits and emoluments of the said navigation, as a security for a sum of money lent to the said company; *And whereas*, the said mortgage was afterwards sued out, and judgment duly obtained thereon, against the said company, and thereupon, such proceedings were lawfully had, that the mortgaged premises were sold at public sale, by the sheriff of Lancaster county, (by virtue of a writ of *levari facias*, to him directed,) unto William Coleman and Edward Coleman, to whom the said sheriff afterwards made, executed and delivered a deed for the premises, and acknowledged

the same in open court, according to law; *And whereas*, the said Edward Coleman, (to whom the said William Coleman granted and conveyed all his right and interest in the premises,) is now lawfully seized, in fee simple, and possessed of all the lands, tenements, hereditaments, works, and other property which belonged to the said Conestoga Navigation company, and of the right to collect and receive all the tolls, profits and emoluments of the Conestoga Navigation, and of all the franchises and privileges whatsoever, which the said company at any time had, and which may be necessary or convenient to enable the said Edward Coleman, his heirs and assigns, to manage, control, preserve, repair and improve the works of the said Conestoga Navigation, and to collect and receive the tolls, profits and emoluments thereof; *And whereas*, the sum of one hundred and twenty thousand dollars has been already expended on these works, by the said company and their successors, and a further expenditure of fifty thousand dollars, or thereabouts, will be required to put them in complete repair; *And whereas*, a petition has been presented, signed by many citizens of Lancaster county, representing that the present owner is willing to transfer his interest, on reasonable terms, and praying that a company may be incorporated for the purpose of accepting such transfer, and undertaking the management of the said navigation; Therefore,

SECTION 13. That Edward Coleman of the city of Philadelphia, George Louis Mayer, Peter Long, Abraham Peters, and Jacob Huber of Lancaster county, and their associates, and such persons as shall hereafter become stockholders in the manner hereafter provided for, be, and they are hereby erected and created a body politic and corporate, by the name and style of "The Lancaster and Susquehanna Slack-water Navigation company," and by the same name shall have perpetual succession, may have a common seal, and the same break and renew at pleasure, purchase, take, hold and convey, all such lands, tenements and hereditaments, as the Conestoga Navigation company are or were at any time authorized to purchase, take, hold and convey, sue and be sued, and enjoy all the franchises and privileges incident to a corporation, and shall have power to appoint a treasurer of the said company, until another treasurer shall be elected, in the manner hereinafter provided for.

Names of the
corporators.

Name and
style.

Seal.

Powers and
liabilities.

SECTION 14. That it shall be lawful for the company hereby created, to purchase from Edward Coleman, on such terms as shall be agreed upon by him and the said company, all the premises and the appurtenances which were formerly of the Conestoga Navigation company, and which were

The comp'y.
may purchase the
premises of
the Con. Nav.
company.

granted and conveyed to him and William Coleman, by Adam Bare, Esq. then high sheriff of Lancaster county, by deed poll, dated the tenth day of June, Anno Domini, eight hundred and thirty-three, and acknowledged in open court, on the fourteenth day of June, eighteen hundred and thirty-three.

Capital
\$100,000, in
shares of 50
dollars, with
power to in-
crease the
said capital,
etc.

SECTION 15. For the purpose of carrying into full effect the objects of this act, it shall be lawful for the said company to create a capital stock, of not less than one hundred thousand dollars, to consist of shares of fifty dollars each, with power to increase the said capital to such sum as shall be deemed sufficient to purchase the premises mentioned in the thirteenth section of this act, and to put and keep the same in complete repair, and in such condition as to admit of the easy ascent and descent of canal boats, and other craft, to and from the city of Lancaster, and to fix the time and manner in which the said persons purchasing or subscribing to the said capital stock shall pay for the same.

First election
of 5 manag-
ers.

SECTION 16. The stockholders of the said company shall, at a meeting to be called by the treasurer of the company, on one month's notice, proceed to choose by ballot, in person or by proxy, five stockholders, to be managers of the said company, to serve until the first Monday of May then next ensuing, and until other managers shall be elected.

Appointment
of judges of
first election.

SECTION 17. The persons named in the thirteenth section of this act, shall appoint two disinterested persons to act as judges of the first election of managers of the said company, and at subsequent elections, the managers for the time being shall appoint two disinterested persons to act as judges thereof, and at all elections to be held by the stockholders of the said company, the number of votes to which each stockholder shall be entitled shall be according to the number of shares he or she shall have, in the following proportions, that is to say: for each share not exceeding two shares one vote, for every two shares above two and not exceeding ten shares one vote, for every four shares above ten and not exceeding thirty one vote, and for every ten shares above thirty one vote, but no share shall confer a right of suffrage, which shall not have been holden three calendar months prior to the day of election, nor unless it be holden by the person in whose name it appears, absolutely and bona fide in his own right, or that of his wife, or for his or her sole use and benefit, or as executor or administrator, trustee or guardian, or in right to and for the use and benefit of some copartnership, corporation or society, of which he or she may be a member, and not in trust for and to the use and benefit of any other person.

Ratio of
votes.

SECTION 18. The managers of the said company shall, at their first meeting after each election, choose from their own body a president, and a secretary and treasurer of the company, not specifically confined to their body, and the managers shall have authority to make, alter, and repeal the by-laws of the company, to appoint all collectors of tolls, superintendents, engineers, and other agents, and fix their compensation, to make all contracts in behalf of the company, and pay all sums which shall become due under the same, and generally to manage and conduct all the affairs and business of the company, and for all purposes, three managers shall form a quorum, and in case of the absence of the president, or other officer of the company, at any meeting, the managers present may appoint a president or other officer of the company, pro tem.

SECTION 19. That certificates of stock, sealed with the common seal of the company, signed by the president, and countersigned by the secretary and treasurer thereof, shall be made and issued to the respective holders of stock, for the number of shares to which they shall be entitled, and the stock of the company shall be transferable on the books of the same, in the presence of the president, or of the secretary and treasurer thereof, and the said stock shall always be deemed and taken to be personal estate, for all intents and purposes, and semi annual dividends of the clear profits of the company shall be declared by the managers, and paid to the stockholders.

SECTION 20. That from and after the first election of managers, annual meetings of the stockholders shall be held on the first Monday of May in each year, at such hour and place as shall be prescribed by the by-laws, at which a statement of the affairs of the company for the past year shall be submitted by the managers, and an election shall be held for five managers, to continue in office for one year, and until others shall be elected.

SECTION 21. That Edward Coleman, his heirs and assigns, until he or they shall make a conveyance thereof to the company hereby created, and from and after the making of such conveyance, the said company shall hold, possess and enjoy, all the lands, tenements, hereditaments, works and other property, and all the tolls, profits, emoluments, premises and appurtenances mentioned and described in the sheriff's deed referred to in the thirteenth section of this act, and all the rights, privileges and franchises, of whatsoever nature and kind, and all the waters and streams which the Conestoga Navigation company had, or to which they were in any way entitled, under and by virtue of the

act passed the third day of March, 'Anno Domini, eighteen hundred and twenty-five, entitled "An act authorizing the Governor to incorporate the Conestoga Navigation company," and the several supplements thereto.

Connection of the Susq. C. co., with the Con. Nav. company.

SECTION 22. That nothing in this act shall be taken to impair or affect the obligation of the Susquehanna canal company to connect their canal with the Conestoga Navigation, so as to secure a safe and easy passage from one to the other, and to keep the same in good repair.

Washington Co. Mutual Insurance company, incorporated.

SECTION 23. Daniel Moore, Alexander Reed, William Hunter, Robert Officer, Samuel Murdock, John K. Wilson, Samuel Hazlett, James Stevens, William Smith, John Dagg, Thomas M. T. McKennon, Thomas McGiffen and Jacob Slagle, and all other persons who may hereafter associate with them, in the manner herein prescribed, shall be a corporation, by the name of the "Washington county Mutual Insurance company," for the purpose of insuring their respective dwelling houses, stores, shops, and other buildings, household furniture, merchandise, and other property, against loss or damage by fire.

Persons insured to be members.

SECTION 24. All persons who shall hereafter insure with the said corporation, and also their heirs and executors, administrators and assigns, continuing to be insured with said corporation, as hereinafter provided, shall thereby become members thereof during the period they shall remain insured by said company, and no longer.

Board of directors. Vacancies in board how filled.

SECTION 25. The affairs of said company shall be managed by a board of directors, consisting of thirteen members, chosen or appointed as hereinafter provided; all vacancies happening in said board, shall be filled by the remaining directors, for the remainder of the year for which they were elected, or until a new election, and a majority of the whole shall constitute a quorum for the transaction of business; the persons named in the first section of this act shall be the first directors, and the business of said corporation shall be done and transacted at such place in the borough of Washington, in the county of Washington, as shall be designated by a majority of the directors present at any regular meeting of the board, and said board shall continue in office for one year after the passage of this act, and until others are chosen in their place, which board of directors shall thereafter be elected yearly, at such time and place in the borough of Washington, aforesaid, as the corporation in their by-laws shall appoint, of which election public notice shall be given in at least one of the public newspapers printed in said county, at least thirty days immediately preceding such election: such election shall be holden under the inspection of three

Quorum.

First directors.

Election.

members, not being directors, to be appointed by the directors previous to every election, and such election shall be made by ballot, and by a plurality of the members or their proxies, then present, allowing to each member one vote for every hundred dollars insured for him with said corporation.

SECTION 26. The directors shall determine as nearly as practicable, by their by-laws, the rates of insurance on the different classes of property, and the sum to be deposited for any insurance; they shall also fix the sum to be insured. Rates of insurance to be determined.

SECTION 27. Every person who shall become a member of said corporation, by effecting insurance therein, shall, before he receives his policy, deposit his promissory note, for such a sum of money as shall be determined by the directors; a part, not exceeding ten per cent. of said note, shall be immediately paid, and the remainder of said deposit 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 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 it shall be lawful for said company to loan such portion of their money on hand, as shall not be wanted immediately for the purposes of said corporation, to be secured by bond and mortgage on real estate, of double the value of the sum loaned, above all incumbrances, for a term of time not exceeding two years, the interest to be paid half yearly, and in default of such payment, the principal, as well as interest, to become immediately due and collected. Payment of insurance by deposit notes. Money on hand may be put to interest.

SECTION 28. And said company shall have a lien, in the nature of a judgment, waiving the right of inquisition, upon all the said property of the insured, to the amount of his deposit note, 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 lie, a memorandum of the name of the individual insured, a description of the property, the amount of the deposit note unpaid, and the term for which the insurance shall continue, and the prothonotary with whom the same shall be filed, is hereby required forthwith to enter the same, without tax or fee, at large upon his judgment docket, and the same when so entered, shall be deemed and taken to be in all respects as a judgment entered Lien of the company. Proviso.

upon confession, by virtue of a warrant of attorney, and execution may at any time be had thereof, 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 such memorandum in the office of the prothonotary.

Sale of the property insured to make the policy of insurance void. SECTION 29. When property insured by this corporation, shall be alienated, by sale or otherwise, the policy shall therefore be void, and be surrendered to the directors of said company, and upon such surrender, the assured shall be entitled to receive his deposite notes, with an order signed by the president and secretary of the board of managers, directing the prothonotary in whose office a memorandum of said notes may have been entered, as herein before provided, to enter satisfaction thereon: *Provided*, That the assured shall first pay his proportion of the balance of losses and expenses, if any, which have accrued prior to such surrender, but the grantee or alienee having the policy assigned to him, may have the same ratified and confirmed to him, for his own proper use and benefit, upon application to the directors, and with their consent, within thirty days next after such alienations, on giving proper security, to the satisfaction of said directors, for such portion of the deposite or premium note as shall remain unpaid, and by such ratification and confirmation, the party causing such security to be given, shall be entitled to all the rights and privileges, and be subject to all the liabilities to which the original party was liable and subjected to under this act.

Proviso.

Suits for collection of the deposite notes, etc. may be maintained. SECTION 30. Suits at law may be maintained by said corporation against any of its members, for the collection of said deposite notes, or for any cause relating to the business of said corporation, or against any person for moneys due said corporation, or for injury done to their corporate property, books or papers, or for causing the destruction by fire of any property by them insured, and for no other cause, but 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 or disposed of, and passed bona fide from the possession and ownership of said corporation, within six years next succeeding such purchase; also, suits at law may be maintained against said corporation, by any member thereof, for losses or damage by fire, if payment is withheld more than three months after the company are duly notified of such loss, and no member not being in his individual capacity interested, shall be incompetent as a witness in any

Of escheat.

such cause as the aforesaid, on account of his being a mem- ^{Witnesses.}
ber of said corporation.

SECTION 31. The directors shall, after receiving notice of ^{Loss or dam}
any loss or damage by fire, sustained on property insured by ^{age by fire,}
said corporation, and ascertaining the same, or after the ^{how to be as-}
rendition of any judgment, as aforesaid, against said com- ^{certained}
pany, for loss or damage, settle and determine the sums to ^{and paid, etc.}
be paid by the several members thereof, as their respective
proportion of such loss, and publish the same, as they may
see fit, or in such manner as their by-laws shall have pre-
scribed, and the sum to be paid by each member, shall al-
ways be in proportion to the original amount of his deposite
note or notes, and shall be paid to the treasurer within thirty
days next after the publication of said notice, and if any
member shall, for the space of thirty days after the publica-
tion of said notice, neglect or refuse to pay the sum assessed
on him as his proportion of the loss aforesaid, in such case
the directors may sue for and recover the whole amount of
his deposite note or notes, with costs of suit, or may have
execution for the whole amount, as provided for in the twen-
ty eighth section of this act, and the amount thus collected,
shall remain in the treasury of said corporation, subject to
the payment of such delinquent's proportion of prior or fu-
ture losses and expenses, and the balance, if any remain,
shall be returned to the party from whom it was collected,
on demand, after thirty days from the expiration of the
term for which insurance was made.

SECTION 32. If the available funds on hand, and the ^{If the availa-}
amount of deposite notes, should be insufficient to pay the ^{ble funds be}
loss occasioned by any fire or fires, in such case the suffer- ^{insufficient}
ers insured by said company, shall receive towards making ^{to pay the}
good their respective losses, a proportionate dividend of the ^{losses by fire}
whole amount of said deposite, according to the sums to them ^{other sums to}
respectively insured, and in addition thereto, a sum to be ^{be raised, and}
assessed on all the members of said company, on the same ^{how.}
principles as regulated the amounts of their respective de-
posite notes, but not exceeding one dollar on every hundred
dollars to them respectively insured, and no member shall
be required to pay for any loss occasioned by fire, at any one
time, more than one dollar on every hundred dollars insu-
red in said company, in addition to his deposite note, nor
more than that amount for any such loss, after his said note
shall have been paid in and expended, but any member, upon
payment of the whole of his deposite note, and surrendering ^{Members}
his policy before any subsequent expense or loss has occurred, ^{may be dis-}
may be discharged from said company. ^{charged from}
^{the Co.}

SECTION 33. No policy shall be issued by said company,

till application be made for insurance for twenty-five thousand dollars, at least.

Time of insurance. SECTION 34. No insurance shall be made by said company for a longer period than seven years.

This act to take effect immediately and continue 20 years. SECTION 35. This act shall take effect immediately after its passage, and shall continue in force twenty years, but the legislature of this commonwealth may at any time alter, modify, or annul its provisions.

Cumberland Co. Mutual Insurance company. SECTION 36. That John J. Meyers, John Harper, James H. Graham, William M. Biddle, Frederick Watts, Lewis Harlen, William Irwin, Samuel S. Smith, Robert Snodgrass, John Irwin, Samuel Woodburn, George W. Crabb, Isaac B. Parker, Benjamin Stiles, and David Mahon, and all other persons who may hereafter associate with them, in the manner herein prescribed, shall be a corporation, by the name of the "Cumberland county Mutual Insurance company," for the purpose of insuring their respective dwelling houses, stores, shops, and other buildings, household furniture, merchandise, and other property, against loss or damage by fire.

Persons insured to be members. SECTION 37. All persons who shall hereafter insure with the said corporation, and also their heirs and executors, administrators and assigns, continuing to be insured with said corporation, as hereinafter provided, shall thereby become members thereof during the period they shall remain insured by said company, and no longer.

Board of directors. Vacancies—how filled. SECTION 38. The affairs of said company shall be managed by a board of directors, consisting of thirteen members, chosen or appointed as hereinafter provided; all vacancies happening in said board, shall be filled by the remaining directors, for the remainder of the year for which they were elected, or until a new election, and a majority of the whole

Quorum. shall constitute a quorum for the transaction of business; the persons named in the thirty-sixth section of this act, shall be the first directors, and the business of said corporation shall be done and transacted at such place in the borough of Carlisle, in the county of Cumberland, as shall be designated by a majority of the directors present at any regular meeting of the board, and said board shall continue in office for one year after the passage of this act, and until others are chosen in their place, which board of directors shall thereafter be elected yearly, at such time and place in the

First directors.

Election.

borough of Carlise, aforesaid, as the corporation in their by-laws shall appoint, of which election public notice shall be given in at least one of the public newspapers printed in said county, at least thirty days immediately preceding such election; such election shall be holden under the inspection

of three members, not being directors, to be appointed by the directors previous to every election, and such election shall be made by ballot, and by a plurality of the members, or their proxies, then present, allowing to each member one vote for every hundred dollars insured for him with said corporation.

SECTION 39. The directors shall determine as ^{Rates of in-}practicable, by their by-laws, the rates of insurance on the ^{insurance to be} different classes of property, and the sum to be deposited ^{determined.} for any insurance; they shall also fix the sum to be insured.

SECTION 40. Every person who shall become a member of ^{Payment of}said corporation, by effecting insurance therein, shall, be-^{insurance by}fore he receives his policy, ^{deposite}deposit his promissory note for ^{notes.}such a sum of money as shall be determined by the directors; a part, not exceeding ten per cent. of said note, shall be immediately paid, 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 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 it shall be lawful for said company to loan such portion of their money on hand, as shall not be wanted immediately for the

purposes of said corporation, to be secured by bond and ^{Money on}mortgage on real estate, of double the value of the sum loa-^{hand may be}ned, above all incumbrances, for a term of time not exceed-^{put to inter-}ing two years, the interest to be paid half yearly, and in ^{est.}default of such payment, the principal, as well as interest, to become immediately due and collected.

SECTION 41. And said company shall have a lien, in the ^{Lien of th}nature of a judgment, waiving the right of inquisition, upon ^{company.}all the said property of the insured, to the amount of his deposite note, 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 ^{Proviso.}company shall file in the office of the prothonotary of the county wherein such real estate shall lie, 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 prothonotary with whom the same shall be filed, is hereby required forthwith to enter the same at large upon his judgment docket, 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 thereof; 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 such memorandum in the office of the prothonotary.

SECTION 42. When property insured by this corporation, shall be alienated, by sale or otherwise, the policy shall therefore be void, and be surrendered to the directors of said company, to be cancelled, and upon such surrender, the assured shall be entitled to receive his deposite notes, with an order signed by the president and secretary of the board of managers, directing the prothonotary in whose office a memorandum of said notes may have been entered, as herein before provided, to enter satisfaction thereon: *Provided*; That the assured shall first pay his proportion of the balance of losses and expenses, if any, which have accrued prior to such surrender, but the grantee or alienee having the policy assigned to him, may have the same ratified and confirmed to him, for his own proper use and benefit, upon application to the directors, and with their consent, within thirty days next after such alienations, on giving proper security, to the satisfaction of said directors, for such portion of the deposite or premium note as shall remain unpaid, and by such ratification and confirmation, the party causing such security to be given, shall be entitled to all the rights and privileges, and be subject to all the liabilities to which the original party was liable and subjected to, under this act.

SECTION 43. Suits at law may be maintained by said corporation, against any of its members, for the collection of said deposite notes, or for any cause relating to the business of said corporation, or against any person, for moneys due said corporation, or for injury done to their corporate property, books, or papers, or for causing the destruction by fire, of any property by them insured, and for no other cause, but 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 six years next succeeding such purpose; also suits at law may be maintained against said corporation, by any member thereof, for losses or damage by fire, if payment is withheld more than three months after the company are duly notified of such loss, and no member not being in his individual

Sale of the property insured to make the policy of insurance void.

Proviso.

Suits for the collection of the deposite notes, etc. may be maintained.

Of escheats.

capacity interested, shall be incompetent as a witness in any such cause as the aforesaid, on account of his being a member of said corporation. Witnesses.

SECTION 44. The directors shall, after receiving notice of any loss or damage by fire, sustained on property insured by said corporation, and ascertaining the same, or after the rendition of any judgment, as aforesaid, against said company, for loss or damage, settle and determine the sums to be paid by the several members thereof, as their respective proportion of such loss, and publish the same, as they may see fit, or in such manner as their by-laws shall have prescribed, and the sum to be paid by each member, shall always be in proportion to the original amount of his deposit note or notes, and shall be paid to the treasurer within thirty days next after the publication of said notice, and if any member shall, for the space of thirty days after the publication of said notice, neglect or refuse to pay the sum assessed on him as his proportion of the loss aforesaid, in such case, the directors may sue for and recover the whole amount of his deposit note or notes, with costs of suit, or may have execution for the whole amount, as provided for in the forty-first section of this act, and the amount thus collected shall remain in the treasury of said corporation, subject to the payment of such delinquent's proportion of prior or future losses and expenses, and the balance, if any remain, shall be returned to the party from whom it was collected, on demand, after thirty days from the expiration of the term for which insurance was made.

SECTION 45. If the available funds on hand, and the amount of deposit notes, should be insufficient to pay the loss occasioned by any fire or fires, in such case the sufferers insured by said company, shall receive, towards making good their respective losses, a proportionate dividend of the whole amount of said deposit, according to them respectively insured, and in addition thereto, a sum to be assessed on all the members of said company, on the same principles as regulated the amounts of their respective deposit notes, but not exceeding one dollar on every hundred dollars to them respectively insured, and no member shall be required to pay for any loss occasioned by fire, at any one time, more than one dollar on every hundred dollars insured in said company, in addition to his deposit note, nor more than that amount for any such loss, after his said note shall have been paid in and expended, but any member, upon payment of the whole of his deposit note, and surrendering his policy before any subsequent expense or loss has occurred, may be discharged from said company: *Provided*, If the available funds be insufficient to pay the losses by fire, other sums to be raised, and how. Members may be discharged from the company *Provided*.

nothing in this shall be construed as in any manner granting banking or manufacturing privileges, nor shall either of the companies incorporated by this act, be authorized or permitted to establish branches or agencies, out of the county for which they were incorporated.

When policies shall be issued.

SECTION 46. No policy shall be issued by said company, till application be made for insurance for twenty-five thousand dollars at least.

Time of insurance.

SECTION 47. No insurance shall be made by said company for a longer period than seven years.

Act to take effect immediately. Continue 20 yrs.

SECTION 48. This act shall take effect immediately after its passage, and shall continue in force twenty years, but the legislature of this commonwealth may at any time alter, modify or annul its provisions.

Penns' creek Navigation co.

SECTION 49. The time for opening the books to receive subscriptions under the act of the twenty-third February, eighteen hundred and thirty, entitled "An act to incorporate the Penns' Creek Navigation company," be, and the same is hereby extended three years, and the time for commencing the work five years, from the passage of this act, and it shall be the duty of the Canal Commissioners to cause the survey and estimate directed to be made by the twenty-fifth section of the aforesaid act, as well as a survey and estimate of the probable cost of constructing a railroad between the same points, to be made as soon as practicable after the passage of this act.

Canal Commissioners, to cause survey and estimate to be made.

LEWIS DEWART,
Speaker of the House of Representatives.
THOMAS S. CUNNINGHAM,
Speaker of the Senate.

APPROVED—The first day of April, Anno Domini, one thousand eight hundred and thirty-seven.

JOS : RITNER.

No. 70.

An Act

For the relief of John Glentzer and others, soldiers and widows of soldiers of the Revolutionary and Indian wars.

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*