

[No. 178.]

A N A C T

To incorporate the Mutual Fire Insurance Company of Chester county

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 persons now desirous of forming themselves into a Mutual Fire Insurance Company, being citizens of Chester county and parts adjacent, together with such other persons as may from time to time be admitted as members thereof, in the manner hereinafter provided, shall be and they hereby are created and made a body politic and corporate, by the name, style and title of "The Mutual Fire Insurance Company of Chester county, and they and their successors are hereby ordained and declared a body politic and corporate, in fact and in law, with all the legal incidents to a corporation aggregate: *Provided,* That the real estate by them to be held, shall be only such as shall accommodate the corporation in the transaction of the business thereof, or shall be taken and held in security for the payment of debts due to the said corporation, and that no by-law to be made by the said corporation, shall be repugnant to the constitution of this State or of the United States, and the clear yearly income of the real estate hereby authorized to be held shall not exceed three thousand dollars.

SECTION 2. That on the first Monday in January next, and on the same day of each year thereafter, the members of the said corporation shall convene for the election of managers of the said company, who shall continue in office for one year and until successors are chosen, and in the event of a failure to elect on the day herein appointed, the election shall be held as soon thereafter as practicable, giving at least ten days notice of the time and place of election, and until the first election hereby authorized, and until successors shall be chosen as herein directed, Richard Barnard, Thomas W. Boyd, Enoch Harlan, John P. Phipps, John A. Love, Hays Clark, Sen. Andrew Mitchell, George Fleming, John D. Steel, Amos Fredd, Joseph M. Thompson, Henry Long, and Joshua Jackson, shall be managers of said company, with power to transact all business hereafter enjoined on the managers of the said corporation.

Company
created.
Name.

Proviso.

Security for
debts.

Annual elec-
tion.

Managers.

SECTION 3. That general meetings of the company shall be ^{General meet-} held whenever called by the board of managers, or whenever re-^{ings.} requested by twenty members, and the members shall at such general meeting pass all ^{By-laws.} by-laws, rules and regulations necessary for the well government of the affairs of the said corporation or vest the power so to do in the board of managers, whenever it shall be deemed advisable to do so, and all elections shall be by ballot, each member being entitled to one vote, to be conducted by three judges, chosen by the existing board of managers for that purpose, who shall certify under their hands the result of such election, to be filed with the papers of the corporation. ^{Officers.} The managers for the time being, shall choose one of their members for president, and they shall also from time to time, as it shall be found necessary, choose a secretary and treasurer, one or more surveyors and other agents and officers, and fix their respective fees and salaries as shall be deemed necessary for the transaction of the business of the corporation, and shall have power to suspend, remove or displace all or any of the agents or officers of the company, by them to be appointed, and to supply any vacancy which may happen by death, resignation or removal, either in the board of managers, (until the next election) or in the other officers of the company, and they shall, at the annual meeting to be held for the election of managers present to the company a general statement of its affairs.

SECTION 4. That the president and managers shall have full power, on behalf of the said corporation, to make insurance against losses by fire on any house, tenement, manufac-^{Insurance} tory, or other buildings; and on goods, wares, merchandize,^{powers.} and effects therein; and on hay, grain, and other agricultural products, in barns, stacks, or otherwise, and generally on all kinds of buildings; and of goods, wares, merchandize, and effects upon the land; and 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 case shall or may require; and every such contract, bargain, agreement, and policy, to be made by the said corporation, shall be in writing or in print, and shall be under the seal of the said corporation, signed by the president, and attested and signed by the secretary, or other officer who may be appointed by the president and managers for that purpose, and also by the party insured.

SECTION 5. That it shall be lawful for the said corporation ^{Invest} to employ and improve all moneys received for premiums, and ^{moneys.} moneys, the profits thereof in the funded debt of the United States, or of any city or incorporated borough of this State, or in the stock of any chartered or incorporated bank, or in the stock or loan of any chartered or incorporated canal navigation, bridge or road company, or of any company that now is, or hereafter

may be incorporated by this State or the United States, or in the purchase of any ground rents or mortgages, or in any loans, on good and sufficient security, for answering the contingent charges of the corporation, and satisfying such losses and damages as shall happen in and to the same: *Provided*, That nothing herein contained shall in any way be construed to authorize the said company to use the funds of this institution for banking purposes.

Proviso.

Premiums.

SECTION 6. That the premiums paid by each and every person, shall be and remain as a pledge for the performance of his, her, or their covenants; which deposite money shall be returned to the depositor, who may withdraw from the company, his executors, administrators, or assigns, at the expiration of the policy in which it has been deposited, together with a proportionable dividend of the profits, in the meantime, after deducting losses and incidental charges; but if the deposite money shall not be demanded within three years after the expiration of a policy, the deposite money shall be forfeited for the benefit of the company.

Assured.

Assigns.

Proviso.

SECTION 7. That in case any assured, 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 to deliver to the purchaser such policy or contract of insurance, and such assignee shall have all the benefit of such policy or contract of insurance, and may bring and maintain a suit in his own name: *Provided*, That before any loss happens he 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.

Insuring.

SECTION 8. That each and every person or persons insuring in said company, shall stand bound, and be obliged to pay his, her, or their proportion, according to his, her, or their deposits, of all losses happening and incurring in and to the same, during the limit for which he, she, or they had had insured.

Nett profits.

SECTION 9. That the nett profits arising by 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 books, payable only at the cancelling of their policies, to such members as withdraw from the company, after deducting the proportionable share of losses and incidental charges.

Loss.

SECTION 10. That all and every of the members of this company who shall sustain any loss or damage by fire, shall give immediate notice to the president and managers of the company, at their office, to the end, that the managers, their officers and agents, may examine and inquire into the same.

SECTION 11. That the managers for the time being shall, ^{Contribution} with all convenient expedition, after any loss sustained, settle a rate of contribution in proportion to the amount deposited, and publish the same in such manner as they shall think fit; and that when such rate or rates shall exceed the dividend or dividends of interests or profits on the amount of money deposited, all and every of the members of the company shall pay into the hands of the treasurer, his, her, or their proportionable part of such rate or rates, within sixty days after such publication, as aforesaid; and in default of such payment he, she, or they, and every of them making such default therein, shall forfeit and pay double the said rates; and neglecting to pay the said forfeiture for thirty days more, shall or may by the managers, for the time being, be excluded and debarred from any benefit or advantage from his, her, or their insurances respectively, and all right to the stock of this company, and shall, notwithstanding, be liable to the said rates, pursuant to his, her, or their covenants and agreements.

SECTION 12. That the managers shall have power to reward, ^{Rewards.} out of the company's stock, such as are voluntarily and use- fully active in dangerous cases to extinguish fire.

SECTION 13. That if at any time it shall appear to the legis- ^{Repealing} lature that the chartered privileges hereby granted are inju- ^{clause.} rious to the public welfare, the power thereof to repeal this act shall not, on any conditions, be denied or impaired; but such repeal shall not affect any engagements to which 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 and termination.

WM. HOPKINS,

Speaker of the House of Representatives.

EBEN'R. KINGSBURY, JR.

Speaker of the Senate.

APPROVED—The twenty-first day of April, one thousand eight hundred and forty.

DAVID R. PORTER.