

or practice any other fraudulent means or device, with the intent that the payment of any such toll or duty may be evaded or lessened, all and every person or persons, in all or every and any of the ways or manners offending, shall for every such offence respectively forfeit and pay to the president and managers of the Union turnpike road, any sum not exceeding ten dollars, to be sued for and recovered with costs of suit, before any justice of the peace, in like manner and subject to the same rules and regulations as debts of a similar amount are by law sued for and recovered. Penalty

SECTION 16. If the said company shall not proceed to carry on the said work within three years after the passage of this act, or shall not within six years afterwards complete the same according to the true intent and meaning of this act, then and in either of those cases, all and singular, the rights, liberties, privileges and franchises hereby granted shall revert to the Commonwealth. Time for com-
mencement &
completion
limited

WM. A. CRABB,

Speaker of the House of Representatives.

JN. H. EWING,

Speaker of the Senate.

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

DAVID R. PORTER.

[No. 95.]

A N A C T

To Incorporate the Western Mutual 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 James Hodgson, Mark A. Hodgson, Esquire, Allen Gawthrop, William Jackson, Esquire, James Miller, William H. Gibson, Amos Pugh, Joseph Kent, George Palmer, Isaac Stubbs, Ezra Gray, Thomas Wood, Benjamin Kent, Joseph Jefferis, Esquire, Joseph Ramsey and Gideon Pierce, together with such other persons as may from time to time be associated with them 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 Western Mutual Insurance Company, of Chester county, and they and Corporators

- 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, for the sole purpose of mutually insuring each others property, from loss or damage by fire: *Provided*, That no by-law to be made by the said corporation, shall be repugnant to the constitution or laws of this State, or of the United States.
- Purpose** **SECTION 2.** That each insurer in or with said company, shall be a member thereof, during the term of his or her policy, and no longer.
- Proviso** **SECTION 3.** That on the second Saturday in May next, and on the same day of each year thereafter, the members of the said corporation shall convene for the election of officers of 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, the above named persons shall be directors of the said company, with power to transact all the business hereinafter enjoined on the directors of the said corporation.
- Annual election** **SECTION 4.** That the officers of the company shall be a president, secretary, treasurer, and thirteen directors; the president and secretary shall be ex-officio president and secretary of the board of directors, who shall severally perform the duties appertaining to their offices, and such other services as the company may direct. The board of directors shall have power to fill all vacancies which may occur in office, by death, resignation, or otherwise.
- Officers** **SECTION 5.** That any person wishing to insure property, shall call on one or more of the directors most convenient, whose duty it shall be to proceed to take a correct survey or description of the property, its relative situation with regard to other buildings, and decide the real value of said property, all of which shall be signed by the said director or directors, and also by the person applying for insurance, and reported immediately to the secretary, before any policy of insurance shall be issued. The said applicant shall also pay to the treasurer, such sum as the managers shall judge to be necessary to enable them to pay all necessary expenses of the institution, except the payment of damages and the charges incident thereto.
- Vacancies** **SECTION 6.** That the president and secretary shall have full power, on behalf of said corporation, to make insurance against losses by fire, on any house, tenements, manufactory or other buildings, and on goods, wares, merchandize 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,
- Insurance—how effected** **SECTION 6.** That the president and secretary shall have full power, on behalf of said corporation, to make insurance against losses by fire, on any house, tenements, manufactory or other buildings, and on goods, wares, merchandize 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,
- What may be insured** **SECTION 6.** That the president and secretary shall have full power, on behalf of said corporation, to make insurance against losses by fire, on any house, tenements, manufactory or other buildings, and on goods, wares, merchandize 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 **Contracts, &c** 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, and also by the party insured; the secretary shall enter the names of the members, with a specification of their property, designating such property, together with the several values and rates at which they are insured, in the books of the company.

SECTION 7. That a majority of the directors shall form a **Quorum** quorum; they shall, after receiving notice of any loss or damage by fire sustained on property insured by this company, **Loss—how** and within twenty days of the time when such fire occurred, **ascertained** ascertain the amount of said loss or damage as nearly as may **and paid** be, and proceed to settle, assess and determine the amount to be paid by each member respectively, which shall be in proportion to the amount insured for him, and also in proportion to the risk or danger of his property thus insured, and publish the same as they shall see proper or in such manner as the by-laws shall prescribe, which amount so assessed and determined shall, within thirty days of such publication, be paid by each member, respectively, into the treasury, and if any member shall, during the said thirty days, refuse or neglect to pay the sum assessed on him, the directors shall have power and shall collect the same either by a suit in law, or in such other manner as they may deem expedient, and shall pay the amount so collected into the treasury; they shall draw an order or orders on the treasury in favor of the sufferer for the amount of damage sustained within sixty days of the time when the fire occurred, if the amount within that time has been collected and paid into the treasury, and if it has not been collected within that time, then as soon afterwards as the said amount can conveniently be collected and paid into the treasury. *Provided, always,* That no person be paid more than **Proviso** the amount insured, as stated in his policy.

SECTION 8. That general meetings of the company shall be **General meet-** held, whenever called by the board of directors, or whenever **ings** requested by twenty members, and the members shall, at such general meetings, pass all by-laws, rules and regulations ne- **By-laws** cessary for the well government of the affairs of the company, or vest the power so to do in the board of directors, whenever it shall be deemed advisable to do so, and all elections shall be **Elections** by ballot, each member to be entitled to one vote, to be conducted by three judges, chosen by the existing board of directors for that purpose, who shall certify under their hands the result of such election to be filed with the papers of the corporation.

Treasurer's
duties

SECTION 9. That it shall be the duty of the treasurer to receive all moneys directed by the company or the board of directors to be paid into the treasury, and pay to the order of the board of directors, or a majority of its members. He shall keep a fair and correct account of all the money received and paid, give bond or satisfactory security for the faithful performance of his trust to the board of directors, report to the annual meetings of the company, and at the expirations of his term of office, render up to his successor all the funds, books, papers, and so forth, belonging to the company.

Insurance
perpetual

SECTION 10. That the insurance shall be considered perpetual, but subject to an adjustment when either the directors or owners shall consider it requisite; but any member may withdraw from membership and give up his policy at any time within twenty days next preceding the first of April. *Provided*, Such member has paid his quota of all losses or expenses which may have occurred previous to the time of his withdrawal.

Proviso

Property sold
or transferred

SECTION 11. That any person selling or transferring his insured property shall give notice to the secretary within ten days; otherwise such person shall be considered liable until notice thereof is given, and the said property shall not be considered insured by this company until application in proper form be made to the secretary for the transfer of his policy.

When to go
into operation

SECTION 12. That this company is authorized and empowered to commence operation when property amounting in the aggregate to two hundred thousand dollars, has been returned to be insured.

WM. A. CRABB,

Speaker of the House of Representatives.

JN. H. EWING,

Speaker of the Senate.

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

DAVID R. PORTER.