

rary to the constitution and laws of the United States, and of this commonwealth, or to this act, and generally to do all acts necessary for the improvement and ornament of the grounds, the disposal of burial plots, and the due management and regulation of the affairs thereof.

SECTION 7. The business of the said corporation shall be conducted by nine directors, who shall choose a president out of their own number, and such other officers as they shall deem necessary; the corporators above named shall give ten days' notice of the first election, and the directors shall by the by-laws to be by them adopted, regulate the time and manner of all future elections; the first elected directors shall be divided by lot into three classes, one-third of whom shall serve for one year, one-third for two years, and one-third for three years, so that thereafter three shall be chosen each year, to serve for three years.

Officers.

First elected directors to divide themselves into three classes.

SECTION 8. That the burial plots which shall be sold by the said corporation to any individual, shall be exempt from levy or sale by execution, and shall forever remain devoted to purposes of burial; and if any person shall trespass upon the grounds of the said cemetery, or injure or deface the fences, shrubbery, trees, walks, burial lots, tombs, railings, fixtures, personal or other property attached to or belonging to said cemetery, or the individual members thereof, or shall commit any nuisance in or about the same, every such person shall make good the damages, and pay a fine not less than five dollars to the said corporation, to be enforced and collected in the manner provided by the act of twenty-second April, seventeen hundred and ninety-four, for the prevention of vice and immorality.

Burial plots to be exempt from levy or sale by execution.

Penalty for trespasses, &c.

WILLIAM F. PACKER,

*Speaker of the House of Representatives.*

GEORGE DARSIE,

*Speaker of the Senate.*

APPROVED—The fifth day of April, Anno Domini, one thousand eight hundred and forty-nine.

WM. F. JOHNSTON.

No. 359.

## AN ACT

To extend the boundary line of the borough of Newton Hamilton, in the county of Mifflin; and relative to the supervisors of Fairfield and Summerhill townships, in the county of Crawford; and the Mount Joy Fencibles and Jackson Infantry, in the county of Lancaster; to incorporate the Mercantile mutual insurance company of Philadelphia; relative to the claim of Gillespie and Wenger; certain election district in Cambria county; relative to fees of mercantile appraiser taxes; authorizing the purchase of Penn's Treaty grounds; and relative to the Equitable life insurance company.

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*

Boundary line of the borough of Newton Hamilton extended.

from and after the passage of this act the boundary line of the borough of Newton Hamilton, in the county of Mifflin, shall be as follows: commencing at a walnut stump at the Juniata river, adjoining lands of the heirs of George Van Zandt, in Wayne township, Mifflin county; thence along lands of the said George Van Zandt's heirs, thirty-seven and one-half degrees west seventy-seven and one-half perches, to the Pennsylvania railroad; thence along said railroad in an easterly direction, to lands owned by Jefferson Decker; thence south twenty-one and one-half degrees east forty perches, running between lands owned by Jacob Smith and Samuel Drake, to the Juniata river; thence up said river following the different courses, to the place of beginning.

Official acts of the late supervisors of the townships of Fairfield and Summerhill, in Crawford county, made valid.

SECTION 2. That the official acts of the late supervisors of the townships of Fairfield and Summerhill, in the county of Crawford, are hereby made as valid and effectual in law, as if the act relating to roads and bridges in the counties of Crawford, Clearfield and Greene, approved the seventh day of May, one thousand eight hundred and forty-four, and its supplements, had not been repealed so far as relates to the townships of Fairfield and Summerhill, in the aforesaid county of Crawford, except the additional tax assessed by them, the said road commissioners, about August last.

Proviso of seventh section of a certain act repealed, so far as the same affects the Mount Joy Fencibles and the Jackson Infantry, of Lancaster county. Commissioners.

SECTION 3. That the proviso in the seventh section of an act, entitled "An Act to provide for the ordinary expenses of government, repair of the canals and railroads of the state, and other claims upon the commonwealth," approved the sixteenth day of April, one thousand eight hundred and forty-five, be and the same is hereby repealed, so far as the same affects the members of the Mount Joy Fencibles and the Jackson Infantry, two volunteer companies in Lancaster county.

Duties.

SECTION 4. That Edward Harris, Miles George M'Henry, Benjamin M. Bunker, William M. Godwin, Franklin C. Jones and Samuel Pleasants, of the city of Philadelphia, be and they are hereby appointed commissioners, whose duty it shall be at any time or times to be by them appointed, to open books in the city of Philadelphia, to receive applications for insurance by the Mercantile mutual insurance company of Philadelphia, and as soon as applications amounting to one hundred thousand dollars shall be received, such commissioners shall give at least ten days' notice by at least one advertisement in two of the daily newspapers published in the said city, of the time and place for the election by the said subscribers, each one being entitled to one vote, for twelve directors of the said company, to serve until the first Monday in May then next ensuing, or until their successors shall be legally chosen; whereupon the governor shall issue letters patent to the said applicants, for insurance under the name of the Mercantile mutual insurance company of Philadelphia.

Organization.

Letters patent.

Name.

Corporate powers to be exercised by the board of directors.

Directors.

Quorum.

SECTION 5. That all the corporate powers of the said company shall be exercised by the board of directors and such officers and agents as they may appoint; the said board of directors shall consist of twelve persons, all of whom must be residents within the United States of America, any four of whom shall constitute a quorum; the board of directors shall annually elect one of their number president, and they shall have power to fill any vacancies or vacancy in the board by death, resignation, or otherwise.

To have all the powers conferred on or exercised by the insurance company of North America.

SECTION 6. That the said company shall have all the powers conferred on or exercised by the insurance company of North America, and in addition to make insurances on lives, and to grant annuities, and to make all and every insurance appertaining to the duration of lives; and they may cause themselves, at any time or times, to be wholly or

partially re-insured as to any risk, and to invest their funds in loans, stocks, bills, notes or otherwise.

**SECTION 7.** That every person having taken a policy during the preceding year, directly in his own name or in the name of his firm, and every person holding in his own name, or in the name of his firm, a certificate of the profits of the company as hereinafter mentioned, not discharged by payments of losses, shall be deemed a member of said company, and entitled to vote in person or by proxy at all elections, as follows: and under this restriction every person being the holder of any such policy, shall be entitled to one vote; and every person being the holder of any such certificate or certificates of profits, to the amount of one hundred dollars and upwards, shall, if such a policy-holder as aforesaid, be entitled to an additional vote for each one hundred dollars of such certificate or certificates, which shall not have been discharged by payments, or cancelled by losses and expenses; every person who shall become a member of this corporation by effecting insurance therein, shall the first time he effects insurance, and before he receives his policy, pay in cash the rates that shall be fixed upon and determined by the directors; and no premiums shall ever be withdrawn from said company, but shall be liable to all the losses and expenses incurred by this company during the continuance of its charter.

Person having taken a policy during the preceding year in his name or in the name of his firm, to be deemed a member and entitled to vote.

Votes.

**SECTION 8.** After the first election as aforesaid of directors, one director shall be elected annually, by the members of the corporation, on the first Monday in May in every year; and the director elected on any such elections, together with their substitutes, if any elected as aforesaid by the board of directors to supply vacancies, shall continue in office until the ensuing first Monday in May, or until their successors shall be legally chosen.

After the first election one director to be chosen annually.

**SECTION 9.** The directors of said company, at the expiration of one year from the time that the first policy shall have been issued and bear date, and within one month thereafter, and during the first month of every subsequent year, shall cause an estimate to be made of the profits and true state of the affairs of said company, as near as may be for the preceding year, and so on for each successive year, which estimates shall be conclusive upon all persons entitled to receive certificates of profits, transferable on the books of the said company as hereafter provided for, and shall thereupon cause a balance to be struck of the affairs of the company, in which they shall charge each member with a proportionate share of the losses of said company, according to the original amount of premium paid by him; but in no case shall such share exceed the amount of note or notes advanced by him, hereinafter provided for; each member shall be credited with the amount of said premiums, and also with an equal share of the profits of said company, derived from investments in proportion to the said amount, and each member shall thereupon be entitled to a certificate on the books of said company of the amount remaining to his credit in the said company; such certificate to contain a proviso that the amount named therein is liable for any future loss by said company; no certificates shall be issued for the fractional parts of sums between even tens of dollars, nor for any sums less than ten dollars, but all such fractional parts of sums and sums less than ten dollars are to be passed to the contingent accounts of the company, and applied to the expenses and other charges of the year to which they appertain.

Annual elections. Yearly estimates to be made of the profits and true state of affairs of company, &c.

Certificates.

**SECTION 10.** Whenever the accumulated net profits of the said company shall exceed five hundred thousand dollars, the excess may be applied, from year to year thereafter, towards the redemption of each year's certificates, successively, in whole or in part; but the certificates

When profits may be applied to redemption of certificates.

of a subsequent year shall not be redeemed until all those of preceding years are provided for.

May receive notes for premiums in advance.

SECTION 11. The company, for the better security of its dealers, may receive notes for premiums in advance, of persons intending to receive its policies, and may negotiate such notes for the purpose of paying claims or otherwise, in the course of its business, and on such portions of said notes as may exceed the amount of premiums paid by the respective signers thereof, at the successive periods when the company shall make up its annual statements, and on new notes taken in advance thereafter a compensation to the signers thereof at the rate to be determined by the directors, but not exceeding five per cent. per annum may be allowed and paid from time to time.

Canal commissioners to examine the damages sustained by Gillespie and Wenger.

SECTION 12. That the canal commissioners be authorized to examine and appraise the damage sustained by Gillespie and Wenger, for injury done to their cars at the inclined plane on the Pennsylvania railroad, on or about the twenty-third of December last, in consequence of the breaking of the rope upon the said plane, and to award damages, if any, in any sum not exceeding twenty-two dollars and forty cents, and report to the legislature.

Summerhill, township, Cambria county, place of holding elections in.

SECTION 13. That hereafter the qualified voters of Summerhill township, Cambria county, shall hold their general and township elections at the school house, number one, in said township.

White township, Cambria county, place of holding elections in. Appraisers of mercantile taxes, fees of.

SECTION 14. That hereafter the qualified voters of White township, Cambria county, shall hold their general and township elections at the school house, number one, in said township.

Commissioners of Philadelphia county, authorized to purchase and hold for public use, Penn's treaty ground. Proviso.

SECTION 15. The fees of the appraisers of mercantile taxes of Philadelphia city and county, for each certificate of license, shall be fifty cents instead of thirty-seven and a half cents, as now provided by law.

Board of trustees of Equitable life insurance company to consist of seventeen.

SECTION 16. That the county commissioners of Philadelphia county, are hereby vested with power and authority to purchase and hold for public use, the lot or piece of ground known as the site of Penn's treaty with the Indians, as authorized and requested by the Philadelphia county board, in the year eighteen hundred and forty-eight: *Provided*, The cost of said lot or piece of ground shall not exceed the amount appropriated by said county board, for the purchase thereof.

SECTION 17. That the board of trustees mentioned in the fifth section of the act, entitled "An Act to incorporate the Equitable life insurance company," passed the twenty-eighth day of March, one thousand eight hundred and forty-eight, shall hereafter consist of seventeen persons, who shall be elected on the first Monday in May, in every year, in the manner provided for in the said act; the first election to take place on the first Monday in May next; and so much of the supplement to the said act, passed on the eighteenth day of January, one thousand eight hundred and forty-nine, as provides for the election of a secretary, by the stockholders of said company, is hereby repealed.

WILLIAM F. PACKER,

*Speaker of the House of Representatives.*

GEORGE DARSIE,

*Speaker of the Senate.*

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

WM. F. JOHNSTON.