

Provided always, That the said lottery be erected and drawn within two years from the publication hereof.

[Section XIX.] And be it further enacted by the authority aforesaid, That the several managers shall and may severally from time to time as occasion may happen bring actions in their or either of their respective names against any person or persons indebted to the managers aforesaid or either of them for the sale of tickets, or against any other person or persons concerned in the execution of this act for any breach of trust therein.

Passed February 20, 1768. Considered by the King in Council, March 6, 1769, and allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix XXVI, Section III, and the Acts of Assembly passed March 6, 1793, Chapter 1658; April 4, 1796, Chapter 1909; April 12, 1828, P. L. 356; April 6, 1833, P. L. 186.

CHAPTER DLXXVI.

AN ACT FOR INCORPORATING THE SOCIETY KNOWN BY THE NAME AND STYLE OF THE PHILADELPHIA CONTRIBUTIONSHIP FOR THE INSURING OF HOUSES FROM LOSS BY FIRE, TO RATIFY AND CONFIRM THE ARTICLES OF AGREEMENT OF THE CONTRIBUTORS AND TO ENABLE THEM TO MAKE SUITABLE BY-LAWS FOR THE BETTER MANAGEMENT AND PROSECUTION OF THEIR SAID DESIGN.

Whereas a number of persons, for their own mutual security and for the common security and advantage of their fellow citizens and others, have by certain articles of agreement bearing date the twenty-fifth day of March, in the year of our Lord one thousand seven hundred and fifty-two, formed and entered into a society for the insurance of houses from loss by fire upon the most equal terms and apart from all views of private or separate gain or interest:

And whereas it has been found by experience that the said design, so far as it hath been already carried into execution, has proved very useful and advantageous to the adventurers therein:

And whereas the members of the said society, in order to enable them to prosecute the said design in a manner more extensively beneficial to the public and more effectually to secure the interest of all persons concerned, are desirous that the contributors forming the said society may be incorporated and made a body politic in law, and that the covenants and agreements mutually made and entered into between them may be ratified and confirmed by an act of the legislature:

[Section I.] Be it therefore enacted by the Honorable John Penn, Esquire, Lieutenant-Governor under the Honorable Thomas Penn and Richard Penn, Esquires, true and absolute Proprietaries of the Province of Pennsylvania and counties of Newcastle, Kent and Sussex upon Delaware, by and with the advice and consent of the representatives of the freemen of the said Province in General Assembly met, and by the authority of the same, That all and every person and persons who have heretofore subscribed the said recited articles of agreement by him, her or themselves, or by his, her or their attorney or agent, and each and every one who shall hereafter in like manner subscribe the same, or shall at any time or times hereafter insure in or with the said Society, their respective heirs, devisees and assigns, shall be and they and every of them are hereby declared to be members of the said society and are hereby made a body politic and corporate in law to all intents and purposes, and shall have perpetual succession and may sue and be sued, plead and be impleaded, by the name of "The Philadelphia Contributionship for the Insurance of Houses from Loss by Fire" in all courts of judicature within this province, and by that name shall and may lend any sum or sums of money belonging to the said contributors to such person or persons, bodies politic or corporate, as may be willing to borrow the same on such securities and in the manner hereinafter directed; and the said corporation are hereby empowered to have and use one common seal in all their affairs.

[Section II.] And be it further enacted by the authority aforesaid, That all and every mortgage, bond, bill and other securities for moneys lent which have been heretofore taken in the names of the directors of the said contributionship or in the

name of the treasurer thereof shall and may be sued for and recovered in the name of "The Philadelphia Contributionship for the Insurance of Houses from Loss by Fire" in as full, ample and effectual manner as if the said mortgages, bonds, bills and other securities had been and were taken in that name, anything in the said securities to the contrary in any wise notwithstanding.

And whereas the said contributors did on the second Monday in April last in pursuance of the said articles of agreement elect Isaac Jones, Luke Morris, Jonathan Evans, Alexander Huston, Jacob Shoemaker, junior, Samuel Shoemaker, Joseph Fox, Joshua Howell, David Deshlor, Peter Reeve, Gunning Bedford and Samuel Weatherell, junior, to be directors for the ensuing year:

[Section III.] Be it therefore enacted by the authority aforesaid, That the said Isaac Jones, Luke Morris, Jonathan Evans, Alexander Huston, Jacob Shoemaker, junior, Samuel Shoemaker, Joseph Fox, Joshua Howell, David Deshlor, Peter Reeve, Gunning Bedford and Samuel Weatherell, junior, shall be and continue directors of the said society until the second Monday in April next after the publication of this act and until others shall be duly chosen in their room, which said directors and all directors hereafter to be chosen by virtue of this act or a majority of them are hereby empowered to provide a seal for the said society and to change and alter the same if they shall see occasion, and also to appoint one or more clerks, surveyors, messengers and other servants and their respective fees and salaries as they shall think proper, and to take such securities from them as they shall think sufficient for the due discharge of their respective trusts; and they the said directors shall and may also from time to time direct and order the making and giving out policies and dispose of, place out, take in, secure and improve the stock of the said society and the interest, profit and produce thereof for defraying the contingent charges of the said society and satisfying all such losses and damages as shall or may happen in or to the same; and shall and may also provide books of accounts and all other things needful and requisite for the affairs thereof; and the said directors shall

and may and are hereby empowered to suspend and remove all and any of the officers and servants aforesaid as they shall see cause and from time to time to supply any vacancy which shall happen on the death or removal of them or any of them; and the said directors are hereby empowered to do, perform and execute all other acts, matters and things, needful, incident or relative to the premises or any of them which they shall think fit and reasonable according to the tenor and true intent and meaning of this act.

[Section IV.] And be it further enacted by the authority aforesaid, That there shall be a general meeting of the contributors aforesaid on the second Monday in April in every year or oftener if the directors for the time being or a majority of them shall think fit, or if any twenty contributors insuring to the value of ten thousand pounds or upwards shall require the same, of which general meetings and of the matters there intended to be moved, proposed and transacted public notice shall be given by the said directors at least fifteen days before the times of such meetings in some public newspaper or papers in the city of Philadelphia, when and where all the said contributors shall have full right and liberty to be present and be capable of acting and managing the affairs of the said society that shall then come before them, and they shall begin an hour at least after the time appointed for meeting and shall choose a chairman by a majority of votes by tickets in writing, and after such choice shall continue on the business proposed one hour or longer before any determination shall be had thereon; and if any chairman shall refuse or neglect to put or offer to the consideration and determination of the said contributors so met any question or matter which shall then and there be proposed, seconded and insisted on, then the said contributors shall and they are hereby empowered in like manner to choose another chairman in the room of him so refusing or neglecting; and the said contributors at every such general meeting shall and may and they are hereby empowered to consider, treat and determine of and concerning all or every the matters and things relating to the prudent and just management and good order of the said society, and to establish and confirm all such articles

and rules as have been heretofore agreed to and not ratified and confirmed by this act, to alter and amend the same and to make and establish any other additional rules and articles for the better and more perfect prosecution of the true intent and design of the said society; at all which meetings the determination of a majority of the contributors present shall be conclusive and binding on the whole society.

Provided always, That the said rules and articles be not inconsistent with or contrary to the regulations and establishments made and declared by this act.

[Section V.] And be it enacted by the authority aforesaid, That at the said general meeting in the month of April yearly and every year the said contributors who shall be present shall choose by tickets in writing twelve persons out of their own body to be the directors and one other person to be treasurer for the ensuing year, and that the said election shall begin on the said second Monday in April and be continued by adjournment if necessary from day to day until the contributors who shall attend shall have voted, and that the directors of the preceding year shall appoint two of their own body with three other contributors who are not directors to be judges of the election, who shall under their hands or the hands of the major part of them report the names of the persons duly elected directors and treasurer respectively for the ensuing year to the general meeting, and when the said election is over and the report aforesaid so made the contributors present may proceed to business and not before.

[Section VI.] And be it further enacted by the authority aforesaid, That Isaac Greenleaf shall be the treasurer to the said society for the present year, and shall continue in his said office until the second Monday in April next ensuing the publication of this act and until another shall be chosen in his stead, which treasurer and all other treasurers to be elected by virtue of this act shall have the custody of the cash, securities and deeds belonging to the said society, and shall from time to time pay and deliver the same and every of them to such person or persons as the directors for the time being or a majority of them shall by their orders direct and appoint, which said orders shall

be good vouchers to indemnify him, and shall have power and he is hereby enjoined and required to give sufficient releases and discharges of any sum or sums of money which shall be paid on any mortgage, bond, bill or other security, and within one month after request to acknowledge the same on record, if such payment shall be on a mortgage, under the penalty of forfeiting and paying any sum of money not exceeding the mortgage money, to be recovered in a court of justice by bill, plaint or information; and shall also keep regular and fair books of accounts of all cash, securities, deeds, writings and other things by him received or committed to his care and custody, and of all cash, securities, deeds, writings and other things and effects by him paid or delivered as aforesaid; and that such treasurer before he enters on the duties of his office shall give such security to the said corporation in the name aforesaid for the due and faithful discharge of his trust and for accounting for and delivering up to his successor in said office all such moneys, securities, deeds, writings and effects as shall have come to his hands or custody and which shall not have been paid or delivered upon discharge of any mortgage as aforesaid or by order of the directors as aforesaid as the said directors or a majority of them shall direct and require, which security the said directors are hereby enjoined and required to see duly given and executed and recorded in the office for recording of deeds for the county of Philadelphia before any such treasurer so elected shall enter upon his said office and before he shall receive any of the cash, securities, deeds, writings or other effects aforesaid; and if through the default or neglect of the said directors security shall not be given by such treasurer as aforesaid, the said directors shall be accountable for his conduct and demeanor in said office and make good to and indemnify all and every of the said contributors who shall sustain any damage for want thereof.

[Section VII.] And be it further enacted by the authority aforesaid, That the said directors shall meet when and where and as often as they shall think proper, but at least once in every month on the first Tuesday in each month, and being a majority at least, they shall and may enter upon, order, direct

and dispatch all such matters and things relating to the office of insurance as shall properly come before them, and such their proceedings shall be good and valid in all the affairs and business of the said society that shall be committed to their management by the contributors aforesaid from time to time at their general meeting; and in case any of the directors or treasurer hereafter to be elected shall happen to die, remove out of the province, or shall refuse or neglect to act as director or directors or treasurer, or shall for two calendar months wholly omit and neglect to attend the affairs and business of the said society, then and in such case the directors for the time being or a majority of them may choose another director or directors or treasurer in the room and stead of such who shall die, remove, refuse, or neglect to act as aforesaid.

Provided nevertheless, That all the directors acting and in office shall have due and previous notice of such intended election, and such choice being confirmed by a second meeting of the said directors, the person or persons so elected shall be the director or directors or treasurer respectively until the next annual meeting and election.

[Section VIII.] And be it further enacted by the authority aforesaid, That the directors aforesaid for the time being or the majority of them shall and may, and they are hereby empowered to lend, advance and lay out on mortgage of houses and lands and other real estate such sum and sums of money as from time to time they shall think fit, so always and provided that upon all such loans the resolutions and orders of the directors thereupon be had and made at two several monthly meetings or boards of a major part at least of all the directors, and so that the titles and conveyances relating to such loans be first approved by counsel learned in the law.

[Section IX.] And be it further enacted by the authority aforesaid, That the said directors shall always stand and be indemnified and saved harmless by the said contributors in and for their giving out and signing policies of insurance and all their other lawful acts, deeds and transactions done and performed in pursuance of this act, and the stock, securities and joint effects of the said contributors shall in the first place

be appropriated to exonerate and discharge, indemnify and save harmless the said directors and every of them of and from all such costs, charges, damages and expenses which shall or may happen or arise, or which they or any of them shall reasonably expend or sustain for or concerning the trust aforesaid, nor shall any of the said directors be answerable for or charged with the defaults, neglects or misdeeds of the others of them.

Passed February 20, 1768. Confirmed by the King in Council, March 6, 1769. See Appendix XXVI, Section III, and the Acts of Assembly passed March 20, 1810, P. L. 225; January 21, 1834 P. L. 13.

CHAPTER DLXXVII.

AN ACT TO ENABLE THE OWNERS AND POSSESSORS OF A CERTAIN TRACT OF MARSH AND MEADOW LAND THEREIN DESCRIBED, SITUATE IN THE COUNTY OF CHESTER, TO KEEP THE BANKS, DAMS, SLUICES AND FLOODGATES IN REPAIR, AND TO RAISE A FUND TO DEFRAY THE EXPENSE THEREOF.

Whereas there is a certain parcel of marsh and meadow land situate in the township of Ridley in the county of Chester, beginning at the fast land near the house of William Smith at Freeman's Creek, thence extending by the ditch bank along the said creek and Delaware river to Plumb creek and crossing over the dam to be made on the east side thereof, thence by the east side of the said creek and Grun creek to the dam to be made over Grun creek at Darby creek, thence extending over said dam down the said Darby creek and the mouth of Longhook creek, then up the same to the dam to be made, and over the said dam fifteen perches to the fast land near Joseph Taylor's house, and from thence along the said land to the place of beginning, including all the marsh and meadow within the said bounds, which said tract or parcel of marsh and meadow land hath been and now is embanked; but inasmuch as [there are several creeks which yet remain to be stopped which ought in justice to be done at the general expense of the owners of the meadows within the bounds aforesaid, and] the banks,