

Proviso.
Damages.

John Cordeck, and Jameson Cook, in the county of Washington: *Provided*, That any damages which may be done to private property shall be assessed in the manner provided under the general road laws of this commonwealth.

WM. HOPKINS,

Speaker of the House of Representatives.

EBEN'R. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The twenty-seventh day of May, Anno Domini, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 209.]

AN ACT

To incorporate the Luzerne county Mutual Insurance 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 George M. Hollenback, Hendrick B. Wright, S. D. Lewis, John Bennett, Elias Hoyt, W. C. Reynolds, John L. Butler, S. T. Nicholson, Henry F. Lamb, Geo. P. Steele, Ziba Bennett, E. W. Sturdevant, and John W. Robinson, and all other persons, who may hereafter associate with them in the manner herein prescribed, shall be a corporation, by the name of the Luzerne county Mutual Insurance Company, for the purpose of insuring dwelling houses, stores, shops and other buildings, household furniture, merchandize and other property, against loss or damage by fire.
- SECTION 2.** 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.
- SECTION 3.** 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
- Corporators.
- Name.
- Persons insured to be members.
- Directors.
- Vacancies.

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 Wilkesbarre, in the county of Luzerne, 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 Wilkesbarre, 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 shall be made by ballot, and by a plurality of the members then present, allowing to each member one vote, for every hundred dollars insured for him with said corporation; and said directors shall have the power to appoint, annually, a president, a secretary and treasurer, and to fill all vacancies occurring between elections, and to make and have a common seal, and the same alter; destroy or renew at pleasure, and to make and ordain all by-laws, proper for the regulation of the business and affairs of said corporation, not being inconsistent with the constitution or laws of the United States or of this commonwealth, and the same to modify or repeal when necessary.

SECTION 4. 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.

SECTION 5. 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 centum 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

Located in
Wilkesbarre.

Annual elec-
tion.

How held.

Ratio of votes.

Seal.

By-laws.

Rates of insu-
rance.

Promissory
note how paid.

Loss by fire
how paid.

Deposits
when return-

Loans of deposits.

wanted immediately for the purpose of said corporation, to be secured by bond (or mortgage) on real estate of double the value of the sum loaned above all incumbrances, for a term of time not exceeding two year, the interest to be paid half yearly, and in default of such payment, the principal, as well as the interest, to become immediately due and collectabl.

Liens on insured property

SECTION 6. And said company shall have a lien in the nature of a judgment, waiving the right of inquisition upon all the real 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 cost 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 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 provision of this act, may be due and demandable; but the lien thereof shall commence with the filing of the memorandum in the office of the prothonotary: *And provided further*, That such a lien shall not be construed to deprive any person or persons insured, with or by said company, from the rights and privileges of a freeholder.

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How filed.

2d Proviso.

Of sale of insurance property.
Policy to be surrendered.

SECTION 7. 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 insured shall be entitled to receive his deposit 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 hereinbefore 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 alienation, and giving security to the satisfaction of said directors, for such portion of the deposit 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

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Insured to pay proportion of losses.

all the rights and privileges, and be subject to all the liabilities to which the original party was liable and subjected under this act.

SECTION 8. 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, exceeding in value ten thousand dollars, 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 five 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 such cause as the aforesaid, on account of his being a member of said corporation.

SECTION 9. 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 proportions 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 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 next 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 deposite note or notes, with costs of suit, or may have execution for the whole amount, as provided for in the sixth 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 or demanded, after thirty days from the expiration of the term for which insurance was made.

SECTION 10. If the available funds on hand and the amount

When available funds are insufficient. 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 the sums 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.

Policy how issued.

SECTION 11. No policy shall be issued by said company till application be made for insurance for twenty-five thousand dollars at least.

Limit of insurance.

SECTION 12. No insurance shall be made by said company for a longer period than seven years.

When to take effect &c.

SECTION 13. 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, repeal or modify its provisions.

Dog tax in the townships of Coventry east and west Vincent Chester county repealed.

SECTION 14. That from and after the tenth day of March, one thousand eight hundred and forty-one, the several acts of assembly of this commonwealth that relate to the imposing of a tax on dogs in the county of Chester, be and the same is hereby repealed, so far as regards the townships of Coventry, East Vincent, and West Vincent, in the said county.

Dog tax how collected in the township of Coventry east and west Vincent Chester county.

SECTION 15. That all taxes that now are or may be levied or assessed on dogs, and returned to the commissioners of the said county by the assessors of the townships of Coventry, East Vincent, and West Vincent, before the issuing and distribution of the duplicates of the present year to the collectors of county rates and levies, the said commissioners shall enter all taxes returned upon dogs from the said township of Coventry, East Vincent, and West Vincent, in the same manner that they have heretofore done; and that the collectors of county rates and levies, in the aforesaid townships, shall collect the said tax on dogs, assessed and returned during the present year within their respective townships, with all amount of taxes of like character of former that may be on their duplicates, and pay the same over to the supervisors of their respective townships on or before the first day of February, one thousand eight hundred and forty-one; and the said supervisors are

hereby vested with all the power and authority, given by the laws of this commonwealth to the commissioners and treasurer of Chester, to enforce the payment of all such moneys, as aforesaid, over to them, from the collectors of the county rates and levies, within the said townships.

SECTION 16. That the township auditors of the several townships aforesaid, shall meet on the first Monday in March, one thousand eight hundred and forty-one, at the usual places of holding township elections in their respective townships, on fifteen days notice thereof, to be given by the said supervisors by six or more advertisements put up at the most public places in their respective townships; at which meeting, the said supervisors shall exhibit and render unto the auditors of their proper townships a full and true account of all moneys they may have received from the collectors of county rates and levies, under the provisions of this act. All persons residing within said townships having claims for sheep killed by dogs, before the passage of this act, at the same time shall present their certificates of appraisement to the auditors of their respective townships; and the said township auditors, after ascertaining the amount of moneys collected and paid over to the proper supervisors, shall examine and compute the amount of said certificates, rejecting such as they may believe to be illegal and improper; and if the funds shall be sufficient to pay and discharge all the claims within their proper townships, then any two of the said auditors shall, within ten days thereafter, draw their orders in favor of the several claimants, for the amount of their respective claims, upon the supervisors of their proper townships; but in case there be a deficiency of funds to meet all the said claims, then, and in such case, the auditors aforesaid shall make a pro rata division among the several claimants, and draw their order upon the proper supervisors, who shall pay the same. In case of a surplus in all or any one of the aforesaid townships, after the payment of the claims provided for by this act, such surplus shall be applied by the supervisors of such township or townships, in repairing the public highways.

SECTION 17. That the township auditors aforesaid be and they are hereby vested with the same power and authority to exonerate the collectors from any tax on dogs that have been improperly returned, or cannot be collected within the said townships, as are now enjoyed by the commissioners of the county of Chester, under the existing laws of this commonwealth.

WM. HOPKINS,

Speaker of the House of Representatives.

EB. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The twenty-seventh day of May, Anno Domini, eighteen hundred and forty.

DAVID R. PORTER.