as shall be approved by the judges of the court of common pleas of the county aforesaid, that the proceeds arising from said sale shall be applied so far as may be necessary, to the payment of the debts of the said Methodist Episcopal church, and the balance in such manner as may be directed by the quarterly conference with which said church is connected.

JAMES ROSS SNOWDEN,
Speaker of the House of Representatives.

WILLIAM BIGLER,
Speaker of the Senate.

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

DAVID R. PORTER.

No. 131.

AN ACT

To incorporate the Allegheny county mutual 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 William Robinson, jr., John Morrison, Sylvanus Lothrop, James Wood, William Bagaley, Robert Stewart, G. E. Warner, and all other persons who may hereafter associate with them in the manner prescribed, shall be a corporation by the name of "the Allegheny county mutual insurance company," for the purpose of insuring their respective dwelling houses, stores, shops, and other buildings, household furniture, merchandize and other property, against loss or damage by fire.

Name.

Members.

SECTION 2. All persons who shall hereafter insure with the said corporation, and also their heirs, executors, administrators and their assigns, continuing to be insured in said corporation as is hereinafter provided, shall thereby become members thereof during the period they shall remain insured by said corporation, and no longer.

Board of directors

SECTION 3. The affairs of said company shall be managed by a board of directors consisting of thirteen members as hereinafter provided; all vacancies happening in said board may be filled by the remaining directors for the remainder of the year for which they were elected, and a majority of the whole shall constitute a quorum for the transaction of business; and no person herein named as a director, or who shall hereafter be elected as a director, shall be disqualified from being a director in any bank or saving institution in the county of Allegheny.

Quorum.

First directors.

SECTION 4. William Robinson, jr., John Sampson, James Wood, William Bagaley, Sylvanus Lothrop, John Morrison, Lot O. Reynolds, Thomas H. Steward, Lyman Wilmarth, Griswold E. Warner, E. W. Stephens, S. R. Johnson and Harvey Childs, shall be the first directors of said corporation, and shall continue in office one year after the passage of this act, and until others shall be chosen in their place, which board of directors shall hereafter be elected in each year, at such time and place in the county of Allegheny, as the corporation in their by-laws shall appoint, of which election, public notice shall be given in at least two of the public newspapers printed in the said county of Allegheny, 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 previous to every election by the board of directors, and such election shall be made by ballot and by a plurality of the votes of the members or their proxies then present, allowing to each member one vote for every hundred dollars insured in the said company. Annual election.

SECTION 5. The directors may determine the rates of insurance, the sum to be insured, and the sum to be deposited for any insurance. Rates of insurance.

SECTION 6. Every person who shall become a member of said corporation, by effecting insurance therein, shall, before he receives his policy, deposite his promisory note, for such a sum of money as shall be determined by the directors; a part, not exceeding five per cent. of said note, shall be immediately paid, and the remainder of said deposite 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 company; and at the expiration of the term of insurance, the said note or such part of the same, as shall remain unpaid, after deducting all losses and expenses incurred during said term, shall be relinquished and given up to the maker thereof; and it shall be lawful for said corporation to loan such portion of their money on hand as may not be immediately wanted for the purposes of said corporation, to be secured by mortgage on unincumbered real estate, of double the value of the sum loaned. Deposite note. Loan.

SECTION 7. When any property insured with the said corporation, shall be alienated by sale or otherwise, the policy shall thereupon be void, and be surrendered to the directors of said company to be cancelled; and upon such surrender, the assured shall be entitled to receive his deposite notes, upon the payment of his proportion of all losses and expenses that have accrued prior to such surrender; but the grantor 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, or giving proper security, to the satisfaction of said directors, for such portion of the deposite 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 all the rights and privileges, and be subject to all the liabilities to which the original party, to whom the policy issued, was entitled, and subjected, under this act. Sale of insured property to void policy.

SECTION 8. Every member of said company shall be bound to pay for losses, and such necessary expenses as aforesaid, accruing in and to said company, in proportion to his deposite note; and said company shall have a lien, in the nature of a judgment, waiving the rights of inquisition upon the real property of the insured, to the amount of his deposite 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 according to the provisions of this act: *Provided*, Said company shall file, in the office of 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 Losses. Lien. Proviso.

deposite 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 name at large upon his judgment docket, for which he shall receive as a fee twelve and a half cents; 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 provisions 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.

Proviso.

Suits.

SECTION 9. Suits at law may be maintained by said corporation, against any of its members, for the collection of said deposite notes, or any assessment thereon, or for any other cause relating to the business of said corporation; also suits at law may be prosecuted and maintained by any member, against said corporation, for losses or damage by fire, if payment is withheld more than three months after the company are duly notified of such losses; and no member of the corporation, not being in his official capacity a party to such suit, shall be incompetent as a witness in any such cause, on account of his being a member of said company.

Losses and damages, how paid.

SECTION 10. The directors shall, after receiving notice of any loss or damage by fire sustained by any member, 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 proportion of such loss, and publish the same in such manner as they shall see fit, or as the bylaws 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 after the publication of said notice, neglect or refuse to pay the sum assessed upon him, as his proportion for any loss as aforesaid, in such case the directors may sue for and recover the whole amount of his deposite note or notes, with costs of suit; and the amount thus collected shall remain in the treasury of the said company, subject to the payment of such losses and expenses as have, or may hereafter accrue; and the balance, if any remain, shall be returned to the party from whom it was collected, on demand, after thirty days from the expiration of the term for which insurance was made.

Proceedings when deposite notes do not pay losses.

SECTION 11. If the whole amount of the deposite 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 notes, according to the sums by 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 deposite notes, but not exceeding one dollar on every hundred dollars by them respectively insured; and no member shall ever 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 the amount of his deposite 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 deposite note, and surrendering his policy, before any subsequent loss or expense has occurred, may be discharged from said company.

SECTION 12. No policy shall be issued by said company, until application shall be made for insurance for fifty thousand dollars, at least. Policy.

SECTION 13. The operations and business of the corporation shall be carried on and conducted at such place in the county of Allegheny, as shall be designated by a majority of the directors present, at any regular meeting. Location.

SECTION 14. This act shall take effect immediately after its passage, and continue in force twenty years; but the legislature may at any time alter, modify or annul its provisions, in such manner, however, as shall do no injustice to the corporators. Legislative reservation.

JAMES ROSS SNOWDEN,
Speaker of the House of Representatives.

WILLIAM BIGLER,
Speaker of the Senate.

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

DAVID R. PORTER.

No. 132.

AN ACT

To authorize the trustees of the Methodist Episcopal church of Edenburg, Mercer county, to sell and convey certain real estate, 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 David Sankey, Thomas Covert, William Lamm, William Covert and Martin Shaffer, trustees of the Methodist Episcopal church, in and near the town of Edenburg, Mercer county, or their successors in office, be, and they are hereby authorized to sell and convey, in fee simple, the following piece of ground, with the appurtenances thereunto belonging, to wit: beginning at the north-east corner of lot number sixty-one, in said town, thence west, along the line of said lot, forty feet to a stone; thence south, parallel with the east line, forty feet to a stone; thence east, parallel with the north line, forty feet to a stone; thence north, by land of James Park, forty feet to the place of beginning, and to grant such passage from the street on the west end of said lot, sixty-one, to the piece of ground described in this act to persons interested, as they may think proper: *Provided*, That a sale under the provisions of this act, shall not be deemed valid in law, unless a majority of the trustees aforesaid consent to said sale: *And provided further*, That the proceeds arising from the sale thereof, shall be applied to such purpose for the use of said church in Edenburg, as may be directed by the quarterly meeting conference of the circuit or station to which said church may be attached.