Proviso.

aforesaid: *Provided*, That the consent of the owners of the ground lying east of Broad street, to the easternmost termination of said township, and the execution by them of a release and quit claim as aforesaid, shall only be necessary to cause that portion of said avenue to be opened: *And provided also*, That the said commissioners shall pay a just and reasonable sum for any building or buildings which may be destroyed or removed, by the opening of said avenue as aforesaid.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
JNO. B. STERIGERE,
Speaker of the Senate.

Approved—The sixteenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 334.

AN ACT

To incorporate the Mutual fire insurance company of Hummelstown, Dauphin county, Pennsylvania.

Corporators.

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 Joseph Hershey, Jacob Hummel, (farmer,) John Hoerner, (Hanover,) John Ebersole, Simon Duey, Conrad Smith, Samuel Gsell, George Landis, Samuel Klopp, David Cassell, Christian Landis, (miller,) James Clark, Doctor Jacob Shope, their successors or assigns, are hereby made a corporation by the name of the Mutual fire insurance company of Hummelstown, Dauphin county, Pennsylvania, and they and their successors are hereby made a body politic and corporate in law, with all the legal incidents of a corporation aggregate: *Provided*, That they shall not have power to hold a greater amount of real estate than is necessary for the use of the corporation in the transaction of the business thereof, or such as shall be taken in security for or in payment of debts, nor shall the yearly income thereof exceed two thousand dollars; nor shall any by-laws be repugnant to this instrument, the constitution of the United States, or this commonwealth.

Proviso.

Powers.
Annual meeting.

Section 2. The powers of this association shall be vested in thirteen managers, to be chosen by ballot annually on the first Monday of November, at an annual meeting of the company to be held, and each member being entitled to one vote.

Membership.

Section 3. Each insurer in or with said company shall be a member thereof during the term of his or her policy, and no longer.

Meetings.

Section 4. The general meetings of this company shall be held annually on the first Monday of November, at some convenient place in the township of Derry, and county of Dauphin, and also whenever called by the board of managers, or whenever requested by twenty members; and they shall, at such general meeting, pass all by-laws, rules and regulations, necessary for the well government of the affairs of the corporation, or vest the power so to do in the board of managers; and all elections shall be by ballot, each member entitled to one vote; said elections to be conducted by three judges, chosen by the members present for that purpose, who shall certify, under their hands, the result of said election, and the same to be filed with the papers of the corporation; the managers for the time being shall choose from among their own members, one to be president, and shall also from time to time, as it may be necessary, choose a treasurer, also appoint a secretary, and such other agents and officers as may be necessary, and fix their respective fees and salaries, and require such bonds for the faithful discharge of the duties assigned, as may be deemed necessary or the interests of the company may require; and shall have full power to suspend, remove, or displace any such officer or agent of the company, and supply such vacancy which may happen by death, removal or resignation of and among their own members, until the next election, and they shall, at the annual meeting of the members, present to the company a general statement of its affairs.

By-laws.

Votes.

Elections.

Officers.

SECTION 5. The president and managers shall have full power, on behalf of said corporation, to make insurance against losses by fire on any house, tenement, manufactory, barn or other buildings, and goods, wares, merchandize, and effects, and household furniture therein, and on hay, grain, and other agricultural products in barns, stacks or otherwise, and generally on all kinds of goods, wares, and merchandize and effects, except books of accounts, bills, bonds, ready money, jewels, plate, paintings, engravings, and large manufactories; to make, execute, and perfect such and so many contracts, bargains, agreements, policies, and other instruments as shall or may be necessary, and as the nature of the case shall or may require; and every such contract, agreement and policy, to be made by the said corporation, signed by the president and attested and signed by the secretary, and also shall be signed by the party insured; and the president and managers are hereby empowered to have made and to procure a seal, with such device as they may deem proper, to be used by them as the common official seal of the company.

Insurance.

SECTION 6. It shall be lawful for said company to employ and improve all moneys received by them, and the profits thereof, in the purchase of any ground rents, or mortgages, or in any loans on good and sufficient security; and no money shall be drawn from the funds of the said company, for the purpose of making dividends or dividing profits, nor for other purposes than, first, to defray the current or incidental expenses of the corporation, and then for the purpose of such damages as any member of said company, or insurer, may be justly entitled to; and when the just demand of any insurer in said company, or member thereof, shall exceed the amount of its available funds on hand, such sums as shall be necessary to pay the same shall, without unnecessary delay, be assessed by any three of the board of managers appointed by the president, on the insurances, each member to pay in proportion to the amount he has insured, and publish the same; and all and every of the members of the company shall pay into the hands of the treasurer, his, her, or their proportionable part of such rates within forty days after such publication as aforesaid, and in default of such payment, he, she, or they, and every of them making such default therein, shall forfeit and pay double the said rates; and neglecting to pay the said forfeiture for fifty days more, may by the managers for the time being be excluded and debarred from any benefit or advantage from his, her, or their assurances respectively, and all right to the stock

Improve moneys.

Expenses.

of this company, and shall notwithstanding be liable to said rates, pursuant to his or their covenants and agreements.

Notice of loss.

SECTION 7. All and every of the members of this company, who shall sustain any loss by fire, shall give immediate notice to the president of the company, who shall appoint a committee of three from the board of managers, that shall examine and inquire into the same; and the said managers, with all convenient expedition, shall inquire into the same, and after ascertaining the sum which said parties shall be lawfully entitled to, make provision and payment as herein is specified.

Rates of insurance.

SECTION 8. The members shall, at their general meetings, fix such rates of insurance and incidental charges and fees, as may be deemed equitable and proper, or vest the power so to do in the board of managers; and any person who shall become a member of this corporation by effecting insurance therein, shall the first time he effects insurance, and before he or she receives his or her policy, pay the rates that shall be fixed and determined upon, and no premium so paid shall ever be withdrawn from said company during the continuance of its charter.

Transfer of policy

SECTION 9. That in case any assured, named in any policy or contract of insurance made by the said corporation, shall sell, convey, or assign the subject insured, it shall be lawful for such assured to assign and deliver to the purchaser, such policy or contract of insurance; and such assignee shall have all the benefits of such policy or contract of insurance, and may bring and maintain a suit in his or her own name: *Provided*, That before any loss happens he or she shall obtain the consent of the president or secretary to such assignment, and have the same endorsed on or annexed to such policy or contract of insurance, to be according to the aforesaid directions for that purpose, and not otherwise.

Profits.

SECTION 10. That the net profits arising from interest or otherwise, shall be ascertained yearly to every member, in proportion to his, her or their deposite, for which each member shall have a credit in the company's books—nothing in this charter to be construed as to allow any of the funds of the association to be used for banking and manufacturing purposes.

Repeal.

SECTION 11. If at any time it shall appear that the chartered privileges hereby granted, are injurious to the public welfare, the power thereof to repeal shall not effect any engagement to which the said company may have become a party previously thereto, and that the said company shall have a reasonable time to bring their accounts to final settlement.

Managers.

SECTION 12. The first thirteen named persons in this bill to constitute the first boards of managers, with power to organize the corporation, and appoint a president, and other officers and agents, agreeable to the spirit of this act, and to hold their power and authority until the next election as is herein provided, with all the powers contemplated to be vested in the board of managers elected by the company under the authority of this act.

Policy.

SECTION 13. No policy shall be issued by the corporation, until application be made for insurance to the amount of two hundred thousand dollars.

Suits at law.

SECTION 14. Suits of law may be prosecuted and maintained by any member against said corporation, for losses or damage insured against by them, if payment is withheld more than sixty days after the company is duly notified of such losses, and no member of the corporation, not being in his own individual capacity a party to such suit, shall be incompetent as a witness: *Provided*, The managers do not agree to rebuild or replace the property lost or damaged, in which case a reasonable time shall be allowed them. Proviso.

SECTION 15. Any amendment or alteration may be made to the constitution at any general meeting, by a majority of the whole association: *Provided*, The same is not repugnant to the constitution of this commonwealth, or of the United States. Amendments.

SECTION 16. That the privileges hereby granted shall expire at the end of twenty years. Duration of charter.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
JNO. B. STERIGERE,
Speaker of the Senate.

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

FRS. R. SHUNK.

No. 335.

AN ACT

To authorize the appropriation of certain road taxes in Schuylkill county, to the opening of a road in Pinegrove township, in said 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 the road taxes assessed upon the unseated lands, within the townships of Pinegrove and Porter, in the county of Schuylkill, now held and owned by George Richards, Thomas Baird and Thomas M. O'Brien, are hereby appropriated to the opening and making of the road laid out for a public road, leading from the old Sunbury road, at Harvey's tavern, through the valley between the Sharp and Second mountains, and intersecting the public road leading from Port Mifflin, on the Union canal, to Lykens' valley, in the Fishing creek gap, in the Second mountain, for and during the term of four years. Appropriation. Route.

SECTION 2. That George Richards, Thomas Baird, and Thomas M. O'Brien, be and they are hereby authorized and directed to open said road, on being allowed a credit for the making said road, for their road taxes, as they yearly become due on the lands referred to in the first section of this act, for the term therein mentioned, the said Richards, Baird and O'Brien opening the said road, at as early a day as possible; and that Samuel B. Fisher, and Samuel Lewis, of the borough of Pottsville, be and they are hereby appointed commissioners to examine the route laid down by the jury, and if in their opinion the same can be altered to advantage in any part, they shall make a survey and draft of the same, and make a return of the same to the office of the clerk of the court of quarter sessions of the said county, which shall be a record thereof, and from thenceforth the said road shall be to all intents Power to open road. Examiners. Draft.