

office of the county where said court is located, and the surrogate for recording the same shall receive the same fees as for the recording of a will; *provided, however*, if the said proceedings shall have been begun in the circuit court, and the decree made by said circuit court, then and in that case the petition, decree, testimony and proceedings shall be recorded at length and in manner and form as aforesaid, in the clerk's office of the county wherein said circuit court is located; and upon the entry of such decree of adoption the parents of the child, if living, shall be divested of all legal rights and obligations due from them to the child or children, or from the child or children to them; and the child or children shall be free from all legal obligations of obedience or otherwise to the parents; and the adopting parent or parents of the child or children shall be invested with every legal right in respect to obedience and maintenance on the part of the child or children as if said child or children had been born to them in lawful wedlock; and the child or children shall be invested with every legal right, privilege, obligation and relation in respect to education, maintenance and the rights of inheritance to real estate, or to the distribution in personal estate on the death of such adopting parent or parents as if born to them in lawful wedlock; *provided always*, and said child or children shall not be capable of taking property expressly limited to the heirs of the body of the adopting parent or parents, nor property coming from the collateral kindred of such adopting parent or parents by right of representation; *and provided also*, that on the death of the adopting parent or parents and the subsequent death of the child or children so adopted, without issue, the property of such adopting deceased parent or parents shall descend to and be distributed among the next of kin of said parent or parents and not to the next of kin of adopted child or children; *and provided also*, that if such adopting parent or parents shall have other child or children, theirs by birth, then and in that case the adopted child or children shall share the inheritance with the child or children born to the adopting parent or parents, in which case, he, she or they shall respectively inherit from and through each other as if all had been children of the same parents born in lawful wedlock.

Proviso.

Insurance Companies.

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| 1. When companies may be restrained by injunction from transacting business. | 4. Receiver of life company may re-insure. |
| 2. When mutual companies of other states admitted to this. | 5. Receiver to file annual statement. |
| 3. Contracts for re-insurance prohibited without consent of secretary of state. | 6. Foreign companies to transact no business in this state until authorized. |
| | 7. Penalty for violation. |

A supplement to an act entitled "An act to provide for the incorporation and regulation of insurance companies," approved April ninth, eighteen hundred and seventy-five.

Approved March 8, 1877. P. L. 1877, p. 100.

1. That whenever the secretary of state, as the result of examination as authorized by the act to which this is a supplement, shall ascertain that the assets of any fire insurance company organized under the laws of this state, after charging it with an amount requisite for the re-insurance of all its outstanding risks and with its other proper liabilities, excepting capital stock paid in, amount to less than three-fourths of such capital, if it be a joint stock capital company, or in the case of mutual companies, if the assets, less unsettled claims and other actual liabilities, amount to less than three-fourths of the sum requisite for re-insurance, or in the case of any life, or other than fire insurance company, that the assets are not sufficient to re-insure its outstanding risks and discharge its total actual liabilities, or is of opinion that any such fire, life or other insurance company is insolvent by the standard hereby fixed, or that its condition is such as to render its continuance of business hazardous to the public or

Proceedings may be had in chancery for injunction restraining company from transacting further business or transferring its assets.

those holding its policies, or that the officers of any such corporation have violated or failed or neglected to comply with the provisions of its charter, or, if organized under general laws, the requirements thereof, or the by-laws, adopted in accordance with such charter or laws by the board of directors of such corporation, or that the assets, or any portion thereof, of any such corporation are not kept continually within this state, or are about being removed from the state, it shall be his duty to apply by petition or bill of complaint or information to the chancellor for an injunction restraining such corporation from the transaction of any further business, or the transfer of its assets, or any portion thereof, in any manner whatsoever, and for such other relief and assistance as may be appropriate to the case; and the chancellor being satisfied of the sufficiency of such application, or that the interests of the people so require, may order an injunction and make other appropriate orders in a summary way, and thereafter proceed in said cause according to law and the practice of the court of chancery.

Chancellor may order an injunction.

Mutual companies of other states admitted to this state.

2. That any fire insurance company not organized under the laws of this state doing business on the mutual plan, may be admitted to transact business in this state if it shall appear to the secretary of state that such company is possessed of cash assets, well invested, of one hundred and fifty thousand dollars and a like amount of premium or deposit notes liable to assessment to pay losses, and if it shall in all other respects comply with the laws of this state and the requirements of the secretary of state in pursuance thereof.

Contracts for re-insurance prohibited unless assent is obtained.

Contract not to be valid unless approved by the secretary of state.

3. That it shall not be lawful for any life insurance company organized or to be organized under the laws of this state to contract for the re-insurance of any of its outstanding risks or policy obligations in any other company, nor itself to re-insure such risks or obligations of another company unless two-thirds in number of the holders of the policies proposed to be re-insured shall assent thereto in writing; and the contract for such re-insurance shall be utterly invalid and of no force until it shall have been submitted to the secretary of state of this state and by him approved, which he shall only do after due inquiry and upon satisfactory evidence that the interests of the policy holders are fully protected, and that the consent of two-thirds of them has been had in writing as aforesaid.

Receiver of life insurance company may re-insure policy obligations.

Proviso.

4. That it shall be lawful for the receiver of any life insurance company organized under the laws of this state, whenever the assets of such company shall be sufficient for that purpose, and the consent of two-thirds of the policy holders thereof shall have been had in writing, to re-insure all the policy obligations of such company in some other solvent life insurance company, or whenever the assets are insufficient to secure the re-insurance of all the policies in full, he may re-insure such a percentage of each and every policy outstanding as the assets will secure; *provided*, that there shall be no preference or discrimination as against any policy holder, and that the contract for such re-insurance by the receiver shall be approved by the secretary of state before it shall have effect.

Receiver shall file annual statement.

5. That the receiver of every insurance company, of whatever kind, organized under the laws of this state, shall file a statement of the affairs of such company and his transactions as receiver thereof, in the department of state of this state during the month of January, annually, or on closing up the business of such company, in such form as the secretary of state may prescribe, and a summary of every such statement shall be included by the secretary of state in his annual insurance report.

Insurance companies of other states not to transact any insurance business in this state until duly authorized by this state.

6. That it shall not be lawful for any insurance company of any kind whatsoever, not incorporated under or by virtue of the laws of this state, itself, or by its agents, surveyors, canvassers or other representative of whatever designation, nor for any such agent, canvasser or representative, nor for any person, whether on behalf of any such insurance company, or not, to open or maintain any office or in any manner, directly or indirectly, transact any business of insurance within this state, notwithstanding such business may be transacted wholly with citizens of other states; nor for any person within this state to solicit or negotiate any contract of insurance or deliver or transmit any policy or certificate of renewal thereof or receive

any premium thereon, on any property or thing, or on the life of any person, for or on behalf of, or in any such company, unless it shall have previously complied with the provisions of the act to which this is a supplement and the supplements thereto.

7. That the penalty for each and every violation of this act, and the act to which it is a supplement and the supplements thereto, shall be five hundred dollars, and all costs of suit, to be sued for and collected, on complaint, in the name of the state, by the prosecutor of the pleas for the county where the offence shall have been committed; the first process against any person complained of may be a *capias ad respondendum*, and the person or persons against whom a judgment shall be obtained shall be committed to the county jail until such penalty and costs are paid; one-half of such penalty, when recovered, shall be paid to the charitable fund of any fire department in said county, and the other half to the complainant; and the necessary expenses of enforcing the provisions of this act, and the act to which it is a supplement, when not otherwise provided for, shall be paid out of the taxes paid by insurance companies of other states or nations authorized to transact business in this state.

Penalty for violation.

Penalty, when recovered, how disposed of.

Justices' Courts.

1. All parties liable may be included in one action on bill or note.
2. Copy of note to be annexed to state of demand.
3. Judgment may be against one or more.
4. Verdict to certify amount of set-off allowed.
5. Rights of parties between each other, to remain as heretofore.
6. Money to be made out of party principally liable, &c.

A supplement to an act entitled "An act constituting the court for the trial of small causes," approved March twenty-seventh, one thousand eight hundred and seventy-four.

Approved March 8, 1877. P. L. 1877, p. 140.

1. That the holder of any bill of exchange or promissory note, instead of bringing separate actions against the parties separately liable thereon, may include all or any of them in one action, and proceed to judgment and execution in the same manner as though all the defendants were joint contractors, subject, however, to the qualifications hereinafter provided.

Holder of note or bill of exchange may include all parties in one action.

2. That in every such action the plaintiff shall annex to the state of demand a notice containing a copy of the bill or note with the endorsements, and stating that the action is brought to recover the amount due thereon; but he shall not recover judgment against any several drawer, maker, endorser or acceptor not served with process, and any joint drawer, maker, endorser or acceptor may prove in abatement the non-joinder of any other joint drawer, maker, endorser or acceptor; but judgment may be obtained against joint contractors, some only of whom have been served with process, and such judgment shall have the same effect against the joint contractors as heretofore.

Copy of bill or note to be annexed to the state of demand.

3. That in any such action judgment may be rendered for the plaintiff against some one or more of the defendants, and also in favor of some one or more of the defendants, against the plaintiff, according as the rights and liabilities of the respective parties shall appear, either upon confession, default or on trial; and any person sued shall be entitled to set off his demands against the plaintiff in the same manner as though such defendant had been sued in the form heretofore used; and when judgment shall be rendered in favor of any defendant, he shall recover his costs against the plaintiff in the same manner as though judgment had been rendered for all the defendants.

Judgment may be rendered against one or more of the defendants.

Costs to be allowed in case of set-off.

4. That if upon the trial of any such action, the whole amount of the set-off allowed shall equal or exceed the amount allowed to the plaintiff, then in the first case the verdict shall be in favor of the defendants generally, and in the last case for the excess; and in all cases the verdict shall certify the amount allowed to each defendant as a set-off.

Verdict shall certify amount of set-off allowed.