

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.

Rights, &c., of the several parties, as between each other, shall remain as heretofore.

5. That the rights and responsibilities of the several parties to any such bill or note, as between each other, shall remain as heretofore, saving only the rights of the plaintiff so far as they may have been determined by the judgment; and any one or more of the defendants shall be entitled to the testimony of any co-defendant as a witness in all cases where he or they would be entitled to his testimony had the suit been brought in the form heretofore used; and the plaintiff shall be entitled to the testimony of any defendant as a witness in all cases where he would be entitled to his testimony against the other parties to the bill or note, had the suit been brought in the form heretofore used.

Constable after levy to make the money out of the property of the person or persons principally liable.

6. That whenever an execution against goods and chattels shall issue in any such action upon a bill or note, as is hereinbefore provided, it shall be the duty of the constable, after making a levy upon the property liable to the execution, to make the money out of the property of the person or persons principally liable, as between themselves, for its payment, if it can be done before selling the property of the person or persons secondarily liable; and for the information of such officer it shall be the duty of the justice to endorse on the execution the order in which the defendants, according to the terms of the bill or note, are liable, as between themselves for its payment, and if the judgment be paid by a defendant or defendants secondarily liable, as between themselves, it shall not be considered satisfied as against the defendant or defendants liable over on the bill or note to the defendant making such payment, but he shall have (on application to the said justice, giving two days' notice thereof to the other parties to the judgment, and subject to such regulations as may be imposed) the full benefit and control of such judgment for the purpose of compelling repayment from the defendant or defendants liable to him for such repayment, and on this application the said justice may order an issue to try the question in controversy.

Land, Improvement of.

1. How surplus may be invested.
2. Companies under special laws may hold other land than authorized by charter.
3. May borrow money, &c.

A further supplement to the act entitled "An act to encourage the improvement of real property in this state," (revision), approved March twenty-seventh, eighteen hundred and seventy-four.

P. L. 1876, p. 138.

Approved April 13, 1876.

How surplus may be invested.

1. That all land improvement companies of this state now existing under any act of the legislature, or that are now or may hereafter be organized under the act to which this is a supplement, shall have and possess the power, when three-fourths of all the directors of such company shall vote therefor, to temporarily invest the proceeds of the sale of the real and personal property of said company and its accumulated surplus, in any public stock or bonds of the United States, or of any state or municipal corporation therein, and in any stock or bonds of any corporation created by or under the laws of the states of New Jersey, New York or Pennsylvania; and said land improvement companies, to enable them to make such investments as aforesaid, may, by a three-fourths vote of their directors, purchase, hold and sell any of said stocks or bonds, public or private, whenever they deem it for the best interests of the corporation so to do.

Purchase and sale of stocks, bonds, &c.

An act to encourage land improvement companies organized under special laws of this state.

P. L. 1877, p. 216.

Approved March 9, 1877.

May take and hold other lands than those authorized by charter.

2. SEC. 1. That any land improvement company organized under special charter of this state, shall be and is hereby authorized and empowered, from time to time, to purchase, take and hold, any other lands in this