

- Shall keep to the right. 38. SEC. 4. That every person passing with horses, mules, cattle or wagons over any of said bridges, shall keep to the right hand side of the roadway thereof, under forfeiture and penalty of five dollars, with costs of suit, for each and every violation of this section, to be recovered as aforesaid.
- Notices to be kept up. 39. SEC. 5. That the several toll bridge companies over the river Delaware, shall cause to be placed, and kept up, upon each end of said several bridges, a painted notice, specifying the offences, in this act mentioned, and the penalties therefor, excepting those stated in the first section hereof.
- When act shall take effect. 40. SEC. 6. That this act shall go into effect so soon as the same shall be ratified by the legislature of the state of Pennsylvania.

Building and Loan Associations.

1. Association for incorporation authorized.
2. Formation by certificate filed with county clerk.
3. Clerk to file and record. Fee of clerk.
4. Parents and guardians may hold shares.
5. Right of membership.
6. Investment of funds.
7. Married women and minors may hold shares.
8. Constitution and articles of government.
9. Annual statement, if required.
10. Lands may be sold to any one whether members or not.
11. Original associates and assigns the only members.
12. Deeds valid with restrictions against nuisances.
13. By-laws, &c., to regulate.
14. Powers reserved to repeal.
15. Partition by lot authorized.
16. Association for formation of building companies. Certificate where recorded and filed.
17. Supplemental certificate may be executed, recorded and filed.
18. Real and personal estate liable to taxation.

- P. L. 1849, p. 227.
 " 1852, p. 83.
 " 1855, p. 423.
 " 1869, p. 40.

An act to encourage the establishment of mutual loan, homestead and building associations.

Revision—Approved April 9, 1875.

Association for incorporation authorized.

1. That any number of persons, not less than five, may associate and form an incorporated company for the purpose of assisting each other, and all who may afterwards become associated with them in acquiring real estate, making improvements thereon, and removing incumbrances therefrom, by the payment of periodical instalments; and for the further purpose of accumulating a fund to be returned to its members who do not obtain advances, for purposes above mentioned, when the funds of such association shall amount to a certain sum per share, to be specified in the articles of association.(a)

Formation by certificate filed with county clerk.

2. Any such persons who shall sign a certificate, setting forth that they have formed such an association under the provisions of this act, and the name adopted for such association, and the city, borough or township where it is to be located and its business transacted, and who shall cause the same to be delivered to the clerk of the county which embraces the place of its location, thereupon, together with all who may afterwards become members, their successors and assigns, shall be a body corporate and politic in law, with all the powers mentioned in the first section of the act entitled "An act concerning corporations."

Clerk to file and record. Fee of clerk.

3. The said clerk shall immediately file said certificate, and record the same in a book to be kept for that purpose, for which he shall be entitled to receive the sum of twenty-five cents.

(a) If a shareholder, by the purchase of a loan at a discount, pays more than legal interest for the money he borrows, it is not usurious. *Franklin Building Association v. Marsh*, 5 *Dutch*, 225. *Hoboken Building Association v. Martin*, 2 *Beas*, 428. Where the penalty of the obligation was "to pay three dollars per month during the existence of the association, and all fines incurred during said time, and to comply with all covenants, promises and agreements entered into according to the articles of association," the payments were held to be on account of the principal of the bond, *Savings Association v. Vanderveere*, 3 *Stock*, 382. Nor can any deductions be made for any monthly instalments paid on the stock, where the mortgagor was a shareholder, nor for the premium on the loan, nor for fines paid by him. *Mechanics Building Association v. Conover*, 1 *McCart* 219. Where the mortgagor also transferred to the associa-

tion some of its shares as additional security, and afterwards executed a second mortgage on the same lot, such second mortgagee can require the amount realized from a sale of such shares to be applied to the payment of the first mortgage, nor can this equity be affected by subsequent judgment creditors, *Ibid.* See S. C. on appeal, 2 *C. E. Gr.* 497. It is no defence to such a mortgage that the other shareholders have failed to pay their dues. An agreement to wind up the association by paying the owners of the unredeemed shares the sums they had advanced, with interest, and that the owners of the redeemed shares who had given mortgages for the price of redemption should be discharged upon paying the amount of their mortgages with interest, is valid, and will be enforced, *Hoboken Building Association v. Martin*, 2 *Beas*, 428.

4. Parents or guardians may take and hold shares in such associations in behalf of their minor children or wards, and trustees in behalf of married women, and may act in such association in behalf of those they represent. Parents and guardians may hold shares.
5. The right of membership in all associations formed under this act shall consist in the periodical payment of such sum of money, at such times, and subject to such penalties as shall be determined by the constitution adopted and filed as aforesaid, or in the payment of a principal sum specified in such constitution to be repaid by the company, in such way and manner as shall therein be designated, with interest, not exceeding seven per centum per annum. Right of membership.
6. The funds of every association formed under this act shall be invested in the purchase of lands or building lots, and erecting buildings and improvements thereon, or in the purchase of lots and houses already built; which lands, dwellings and improvements shall be sold to the members of such associations, payable in the shares of the company, or in periodical instalments for a period such as shall be agreed upon and designated in their constitution, and which shall not exceed the term of twenty years; at the expiration of which term the lands, dwellings and improvements so sold and conveyed to the members of such associations, shall become the property of the grantees, discharged from all further payment, and clear of all encumbrance; or in loans to members on mortgage of real or personal estate, payable in shares of said company, or by such periodical instalments; or in the redemption of shares, or in all or any of these modes. Investments of funds in buying lots and improving.

Or in loans on mortgage.
7. It shall be lawful for married women and minors to hold shares in any associations formed under this act; *provided*, said shares are paid for out of the earnings of said married women and minor children, or with money given to them by others than the husbands of said married women, or the male parents of minor children. Married women and minors may hold shares.
8. Every company formed under this act shall adopt a constitution, which shall be signed by its members, and filed as aforesaid, which shall embrace all the provisions of the foregoing sections, and such articles for their government and the management of their business as they shall deem proper; *provided*, the same shall not be inconsistent with this act or with the act concerning corporations aforesaid, and shall not contravene the laws or constitution of this state, or the United States. Constitution and articles of government.
9. Every company formed under this act shall furnish to the secretary of state, if required, an annual statement of the business and condition of the company, which shall be duly attested, under oath or affirmation, by the proper officers of said company. Annual statement if required.
10. Any company formed in pursuance of this act shall have power to dispose of or sell any lands and tenements to others than those constituting the said company, on terms according to or not inconsistent with the constitution of such company; and the purchasers of said tenements so sold or disposed of shall not thereby be constituted members of any such company formed as aforesaid. Lands may be sold to any one whether members or not.
11. The original associates, or those formed into companies under this act, or their assigns, and who shall have actually created a fund, and expended the same in acquiring lands and tenements, shall be alone deemed to have and to exercise the right of members in said companies. Original associates and assigns the only members.
12. All deeds of conveyance of lands or tenements, granted by any company formed in pursuance of said act, shall be held to be valid and binding, with all the restrictive clauses as against nuisances, or what may be deemed nuisances by the constitutions of any companies so formed, as aforesaid, unless the same are in violation of the constitution of this state or the laws thereof, or of the United States. Deeds valid with restrictions against nuisances.
13. All matters not herein provided for shall be regulated by the constitution and by-laws of said associations, respectively. By-laws, &c., to regulate.
14. The legislature may at any time alter, amend or repeal the charter of any association created under this act. Power reserved of repeal, &c.
15. That companies organized under this act may divide or partition the lands by them owned among their members by lot in such way as to them may seem most advantageous, and all conveyances made in pursuance of such allotment, shall, for all purposes, be valid and effectual. Partition by lot authorized.

Act Feb. 10, 1869, P. L. 1869, p. 40.

An act to incorporate building companies.

P. L. 1875, p. 85.

Approved April 9, 1875.

Certificate of incorporation to be recorded in the office of the clerk of the county where the buildings are to be erected, and filed in the office of secretary of state before any corporate act is done.

16. SEC. 1. That any number of persons not less than three, may associate themselves together for the erection of any building or buildings in this state, to be used for any lawful purpose whatever, and for that purpose they shall be deemed a corporation, with all the rights, powers and privileges, and subject to all the restrictions and liabilities contained in an act entitled "An Act concerning corporations," and the several supplements thereto, upon making a certificate under their respective hands, duly proved or acknowledged, setting forth their corporate name, the places where and the purposes for which the buildings are to be erected, the capital stock and the shares into which the same is divided, any lawful provision restricting the powers of the corporation and its officers, and the name, residence and number of shares of each stockholder; the said certificate to be recorded in the office of the county clerk where the buildings are to be erected, and filed in the office of the secretary of state before any corporate act is done by said corporation.

Supplemental certificate may be executed, recorded and filed.

17. SEC. 2. That said corporation, with the assent of two-thirds of its stockholders, at any time may, by its president, execute, record and file as aforesaid, a supplemental certificate, changing its name, increasing or decreasing its capital stock, changing or adding to the places where and the purposes for which the buildings are to be erected, and adding to or modifying any existing provision restricting the powers of said corporation and its officers.

Real and personal estate liable to taxation.

18. SEC. 3. That the real and personal estate of all such corporations shall be liable to taxation the same as if owned by an individual resident in the place where the real estate of said corporation is situate.

Butter and Cheese.

1. Name of manufacturer and weight of vessel to be branded.
2. Penalty for neglect or defacing brand.
3. Penalty for sale of diluted or adulterated milk to any cheese or butter manufactory.

An act to regulate the tare of butter and cheese firkins, tubs and vessels.

P. L. 1864, p. 653.

Approved April 7, 1864.

Name of manufacturer and weight of vessel to be branded.

1. Every cooper or manufacturer of firkins, tubs or other vessels for the package of butter or cheese, shall brand in legible letters and characters, upon every such firkin, tub or vessel by him manufactured, his name, together with the actual and true weight of such firkin, tub or vessel, and if any cooper or manufacturer shall dispose of any such firkin, tub or vessel without such brand, or shall falsely brand the same, he shall forfeit and pay to such person as shall prosecute for the same, the sum of twenty-five dollars; to be recovered by action of debt in any court of competent jurisdiction.

Penalty for neglect or defacing brand.

2. It shall not be lawful for any person to sell and dispose of any butter or cheese packed or placed in any firkin, tub or vessel manufactured or made for such purpose in this state, unless such firkin, tub or vessel shall be branded in the manner provided in the first section of this act, and if any person shall disregard this provision or shall alter or purposely deface the brand which may be made under the direction of this act, every such person shall forfeit and pay the sum of twenty-five dollars to such person as shall sue for the same, to be recovered in an action of debt, in any court of competent jurisdiction.

An act to protect butter and cheese manufacturers.

P. L. 1865, p. 478.

Approved March 23, 1865.

Penalty for sale of diluted or adulterated milk, &c.

3. SEC. 1. Whoever shall knowingly sell, supply or bring to be manufactured, to any cheese or butter manufactory in this state, any milk diluted with water or in any way adulterated, or milk from which any