

No. 13.

AN ACT

For erecting Christ Church and Saint Peter's Church, in the City of Philadelphia into separate corporations.

WHEREAS, the rector, church wardens and vestrymen, of Preamble.
 "the United Episcopal churches of Christ church and Saint Peter's church in the city of Philadelphia," have represented that the members of the said churches being persuaded that their interests will be promoted by being erected into separate corporations, have agreed that such separation shall take place upon the following terms, that is to say:

ARTICLE I.

Division of the property—First Christ church corporation to have Arrange-
ments and
plan of sep-
aration.

I. The church and ground on Second street and on Arch and Fifth streets. II. The parsonage ground rent, so called, amounting to three hundred and sixty-two dollars, and the reversion of the estate out of which it issues. III. Three-fifths of the rector's ground rent, so called, amounting to two-hundred and sixty-six dollars, sixty-seven cents.

Second Saint Peter's church corporation to have:

I. The church and ground on Third, Pine and Fourth streets. II. Two-fifths of the rector's ground rent. III. All other ground rents, the private property of the United Churches, that is to say,

Tucker and Vail	\$ 11 75
Comarque	12
Freeland	14 50
Cooper	140
Stevenson	25
Durney	18 06

\$221 51

ARTICLE II.

Debt of the Churches:—Each of the churches to pay one moiety of the debt due by the United churches.

ARTICLE III.

Christ Church Hospital:—The legal property of this charity to be in Christ church, but the charity to be managed by six persons, three to be chosen by each church, at the first meeting after Easter, as heretofore.

ARTICLE IV.

Other charity funds:—I. All charity funds given to the respective churches by name or for the use of their members

particularly, to be the property of the respective churches, in trust. II. In all cases in which the charity has been vested in the churches or in trustees for the use of members of the churches generally, the legal property shall remain in the trustees, or go to the churches as joint tenants, the income of the trust estates and funds to be divided equally between the churches for distribution by them, separately, among the objects designated by the donors.

ARTICLE V.

Library, and Church Records:—I. The church records to remain with Christ church, who is to have the power of certifying copies, but Saint Peter's church to have free access for examining them and making extracts and copies. II. The library to be the property of Christ church, subject to the same right of access by the officers and members of Saint Peter's church as they now have.

ARTICLE VI.

Rights of burial:—The members of the churches, at the time of the separation, their widows and children, to have the same right of burial in the respective burial grounds, and so also the owners of vaults, and the members of their families, as is provided in the act of Assembly in regard to Saint James's church.

ARTICLE VII.

Rector and Assistant Ministers:—I. The present rector shall continue to be the rector of each church with the same effect as if duly chosen by each, after the separation, and his salary shall be paid in moieties by the respective churches. II. The respective churches shall have the right of electing an assistant minister, who shall, if it be so agreed, be rector upon the demise of the present rector, subject to the rules and practice of the Episcopal church in the United States, in this behalf. III. If the present assistant minister shall not be chosen an assistant minister of either church, he shall continue to be assistant minister of both the churches, with the same effect as if duly chosen by each after the separation, and shall divide his time equally between them; his salary shall be paid in equal proportions by the churches respectively: *And whereas* the said rector, church wardens and vestrymen of the said united churches have presented a petition to this General Assembly, praying that an act might be passed for carrying the said plan of separation into effect, and it is just and reasonable that the prayer of the said petition should be granted: Therefore,

SECT. 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 from and after the passing of this act, Christ church, in the city of Philadelphia, shall be and the same

Separate incorporation of Christ church.

is hereby separated from the corporation of the rector, church wardens and vestrymen of the United Episcopal churches of Christ church and Saint Peter's church in the city of Philadelphia, and that the Right Reverend William White, rector, Horace Binney and Henry J. Hutchins, church wardens, and Caleb P. Wayne, Henry Pratt, Thomas H. White, George Tryon, Philip H. Nicklin, John White, Thomas Cooper and Charles Wheeler, vestrymen, be and they are hereby erected into a separate body politic or corporate, by the name, style and title of "the rector, church-wardens and vestrymen of Christ church in the city of Philadelphia," and by the same name shall have perpetual succession, and shall be able to sue and be sued, to plead and be impleaded in all courts of law and elsewhere, and shall be able and capable in law and equity to take and hold to them and their successors, for the use of the said church, lands, tenements, goods and chattels of whatsoever nature or quality, real or personal, which now are or shall hereafter become the property of the said corporation, or be held for their use by any manner of conveyance, devise, bequest or otherwise: *Provided*, That the clear yearly value or income of the estate, real, personal and mixed, of the said corporation of Christ Church, exclusive of the moneys arising from the pews of the said church, and opening any ground thereto belonging for burials, shall not exceed the sum of five thousand dollars.

Style.

Immunities.

Proviso.

Limit to income.

SECT. 2. *And be it further enacted by the authority aforesaid*, That the said rector, church wardens and vestrymen of Christ church, may have and use one common seal, with such device and inscription as they may think proper, and the same may change, alter, break and renew at their pleasure, and that they and their successors, or a majority of them met, from time to time, shall have power and authority to make rules, by-laws and ordinances, and to do every thing needful for the good government and support of the said church: *Provided*, That the said rules, by-laws and ordinances, be not repugnant to the constitution and laws of the commonwealth of Pennsylvania, or of the United States.

Of the seal.

By-laws, &c.

Proviso.

SECT. 3. *And be it further enacted by the authority aforesaid*, That on Easter Monday, in every year hereafter, the members of the said Christ church, who have for one year previous, held a sitting therein, shall elect twelve of their number to be vestrymen of the said church, and shall have full power to choose their own officers, and to choose annually one of their own number to be one church warden of the said church, and the rector for the time being shall choose another of the said vestrymen to be the other church warden of the said church: *Provided*, That on and after Easter Monday, which shall be in the year of our Lord one thousand eight hundred and thirty-

Election of vestrymen and church wardens.

Proviso.

Benjamin Franklin

Qualifications of voters.
2d Proviso.
Provision for vacancy in the rectorship.

five, no member of said church shall be entitled to vote at any election of vestrymen but such as shall appear by the vestry books to have paid three successive years immediately preceding such election for a pew, or sitting in the said church: *And provided,* That in case of a vacancy happening in the office of rector of the said church, by death or otherwise, and until another rector shall be duly appointed, the church wardens for the time being, with the consent of the major part of the whole vestrymen, in vestry met, shall have the same power and authority to manage the affairs of the said church, as if there were a rector of the said church consenting thereto.

Of the estates and property of Christ church.

SECT. 4. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, of the estates and property now belonging to the corporation of the said united churches of Christ church and Saint Peter's church, the lands, tenements, hereditaments, rights and privileges mentioned and described in the first article of the plan of separation in the preamble of this act recited, as allotted for Christ church corporation, together with all deeds and muniments of title relating thereto, and with all and singular the appurtenances, shall be and remain to the said corporation of Christ church, and their successors for ever, for the sole and exclusive use of the said church, subject nevertheless to the payment of the debt, according to the second article of said plan, and the said corporation of Christ church and their successors for ever, are hereby confirmed in the title, seizin, possession and enjoyment of the said lands, tenements, hereditaments, rights, privileges, deeds and muniments of title, with the appurtenances, for the sole and exclusive use of the said Christ church, subject as aforesaid, in the same full, free and ample manner as if the same had in due and legal form been conveyed to the said corporation of Christ church and their successors, for ever, by the said corporation of the rector, church wardens and vestrymen of the United Episcopal churches of Christ church and Saint Peter's church, in the city of Philadelphia.

Incorporation of St. Peter's church.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the Right Reverend William White, rector William Meredith, and John Miller, junior, church wardens Daniel Smith, Joseph Sims, William Phillips, Joshua Percival, Joseph R. Ingersol, Lawrence Lewis, James S. Smith and Isaac Roach, vestrymen, be and they are hereby erected into a separate body politic or corporate, by the name, style and title of "the rector, church wardens and vestrymen of St. Peter's church in the city of Philadelphia," and by the same name shall have perpetual succession, and shall be able to sue and be sued, to plead and be impleaded, in all courts of law and elsewhere, and shall be able and capable in law and equity, to take and hold to them and their suc-

Stylc.

Privileges, &c.

cessors, for the use of the said church, lands, tenements, goods and chattels, of whatsoever nature or quality, real or personal, which now are or shall hereafter become the property of the said corporation, or be held for their use, by any manner of conveyance, devise, bequest or otherwise: *Pro-* ^{Proviso.}
vided, That the clear yearly value or income of the estate, ^{Income limit-}
 real, personal and mixed, of the said corporation of St. ed.
 Peter's church, exclusive of the moneys arising from the pews of the said church, and opening any ground thereto belonging, for burials, shall not exceed the sum of five thousand dollars.

SECT. 6. *And be it further enacted by the authority aforesaid,*
 That the said rector, church wardens and vestrymen of St. Seal.
 Peter's church may have and use one common seal, with such device and inscription as they may think proper, and the same may change, alter, break and renew, at their pleasure, and that they and their successors, or a majority of them met, from time to time, shall have power and authority to make rules by-laws and ordinances, and to do every ^{By-laws.}
 thing needful for the good government and support of the said church: *Provided*, That the said rules, by-laws and ^{Proviso.}
 ordinances, be not repugnant to the constitution and laws of the commonwealth of Pennsylvania, or of the United States.

SECT. 7. *And be it further enacted by the authority aforesaid,*
 That on Easter Monday in every year hereafter, the mem- ^{Annual elec-}
 bers of the said St. Peter's church, who have for one year tion of vestry-
 preceding held a sitting therein, shall elect twelve of their men and
 number to be vestry men of the said church, who shall have church war-
 full power to choose their own officers, and to choose annual- dens.
 ly one of their own number to be one church warden of the said church, and the rector for the time being shall choose another of the said vestrymen to be the other church warden of the said church: *Provided*, That on and after Easter ^{Proviso.}
 Monday, which shall be in the year of our Lord one thou-
 sand eight hundred and thirty-five, no member of said ^{Restrictions of}
 church shall be entitled to vote at any election of vestrymen voting privi-
 but such as shall appear by the vestry books to have paid, lege.
 three successive years immediately preceding such election, ^{2d proviso.}
 for a pew, or sitting in the said church: *And provided*, That
 in the case of a vacancy happening in the office of rector of the said church, by death or otherwise, and until another rector shall be duly appointed, the church wardens for the time being, with the consent of the major part of the whole vestrymen, in vestry met, shall have the same power and authority to manage the affairs of the said church as if there were a rector of the said church consenting thereto. ^{For vacancies in rectorship.}

SECT. 8. *And be it further enacted by the authority aforesaid,*
 That from and after the passing of this act, of the estates and property now belonging to the corporation of the said

Of the estates and property allotted to Saint Peter's church.

united churches of Christ church and Saint Peter's church, the lands, tenements, hereditaments, rights and privileges mentioned and described in the first article of the plan of separation in the preamble of this act recited, as allotted for St. Peter's church corporation, together with all deeds and muniments of title relative thereto, and with all and singular the appurtenances, shall be and remain to the said corporation of Saint Peter's church, and their successors for ever, for the sole and exclusive use of the said church, subject nevertheless to the payment of the debt according to the second article of the said plan, and the said corporation of Saint Peter's church, and their successors for ever, are hereby confirmed in the title, seizin, possession and enjoyment of the said lands, tenements, hereditaments, rights, privileges, deeds and muniments of title, with the appurtenances, for the sole and exclusive use of the said Saint Peter's church, subject as aforesaid in the same full, free and ample manner as if the same had, in due and legal form, been conveyed to the said corporation of Saint Peter's church, and their successors for ever, by the said corporation of the rector, church wardens and vestrymen of the United Episcopal churches of Christ church and Saint Peter's church, in the city of Philadelphia.

Of Christ church hospital, and the charity funds.

SECT. 9. *And be it further enacted by the authority aforesaid,* That the legal property of Christ church hospital, shall be in the rector, church wardens and vestrymen of Christ church, but the charity is to be managed by six persons, three to be chosen by Christ church corporation, and the other three to be chosen by Saint Peter's church corporation annually, at the first meeting after Easter; and that as to other charity funds, the charity funds given to the respective churches by name, or for the use of their members particularly, shall be the property of the respective churches in trust; and that in all cases in which the charity has been vested in the churches, or in trustees, for the use of the members of the churches generally, the legal property shall remain in the trustees, or go to the churches as joint tenants, the income of the trust estate and funds to be equally divided between the churches, for distribution by them separately among the objects designated by the donors.

Of the church records and library.

SECT. 10. *And be it further enacted by the authority aforesaid,* That the church records of the present united churches of Christ church and Saint Peter's church shall at all times be and remain in the possession of the corporation of Christ church, who shall have the same power to certify copies thereof with the like effect as the same can now be certified by the corporation of the said united churches, and free access to the same, for the purpose of examining and making extracts and copies, shall always be permitted to the corporation of Saint

Peter's church, or their authorised agent. The library to be the property of Christ church, subject to the same right of access by the officers and members of Saint Peter's church as they now have.

SECT. 11. *And be it further enacted by the authority aforesaid,* That the members of Christ church and Saint Peter's church, at the time of this separation, and their widows, and all the children of such members shall have the same rights of burial in either of the burial grounds now belonging to the united churches, as agreeably to the existing statutes and by-laws of the united churches, at the time of this separation, they would have had respectively had this separation not taken place, their rector or other minister shall have the right of officiating at the interment. The owners of vaults in either of the said burial grounds, and the members of their respective families, shall at all times have the right of burial therein, upon the same terms as if they were at their decease, members of the church to which the ground may appertain.

Of the rights of burial.

SECT. 12. *And be it further enacted by the authority aforesaid,* That the present rector shall continue to be the rector of each church with the same effect as if duly chosen by each after the separation, and his salary shall be paid in equal portions by the respective churches. The respective churches shall have the right of electing an assistant minister, who shall, if it be so agreed, be rector upon the demise of the present rector, subject to the rules and practice of the Episcopal church in the United States in this behalf. If the present assistant minister shall not be chosen an assistant minister of either church, he shall continue to be assistant minister of both the churches, with the same effect as if duly chosen by each after the separation, and shall divide his time equally between them; his salary shall be paid in equal proportions by the churches respectively.

Of the rector and assistant minister.

SECT. 13. *And be it further enacted by the authority aforesaid,* That if, on any of the days or times appointed for the election of vestrymen or church wardens of either of the corporations created by this act, no such election shall take place, in every such case the vestrymen or church wardens, for the time being, shall continue in office until the Easter Monday next following, and until others shall be duly chosen.

Provision for cases of non-election.

SECT. 14. *And be it further enacted by the authority aforesaid,* That the rules, by-laws and ordinances of the present corporation, as the same now are, shall be, so far as the same are applicable, the rules, by-laws and ordinances of the corporation of Christ church and of Saint Peter's church, respectively, until the same shall be duly altered, *Provided,* That in all cases where the existing by-laws, or any of them,

Of the by-laws, &c.

Provided.

Number of vestrymen to form a quorum.

require the presence or concurrence of a certain number of the vestrymen to render valid acts done by them, such number, until fixed by a future by-law, shall be in the proportion which the number of vestrymen fixed by this act bears to the number of the vestrymen at the period the by-law so requiring a specific number was passed.

JOHN LAPORTE,
Speaker of the House of Representatives.

WM. G. HAWKINS,
Speaker of the Senate.

APPROVED—The thirteenth day of January, Anno Domini, one thousand eight hundred and thirty-two.

GEO. WOLF.



No. 14.

AN ACT

Relating to the minister, trustees, elders and deacons, of the German Reformed congregation in the city of Philadelphia "in the province of Pennsylvania."

Preamble.

WHEREAS Thomas Penn and Richard Penn, proprietors of the province of Pennsylvania, by letters patent, signed by John Penn, lieutenant governor of said province, under the great seal thereof, on the twenty-fifth day of September, Anno Domini, one thousand seven hundred and sixty-five, incorporated or granted chartered rights to the German Reformed congregation in the city of Philadelphia, under the name, style and title of "the minister, trustees, elders and deacons of the German Reformed congregation in the city of Philadelphia, in the province of Pennsylvania;" *And whereas*, the minister, by said charter, is unnecessarily connected with the management of the temporal concerns of said church: Therefore,

SECT. 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 minister of the church, for the time being, shall not be a member of the corporation, nor entitled to a seat or vote therein, and the said corporation shall hereafter consist of fifteen members, to be elected in the manner and at the time specified in the original charter, but no person shall be elected to any of the said offices in said corporation,

Exclusion of minister from corporation

Election of members