

No. 86.

An Act

To incorporate the Lancaster City and County Fire Insurance company, and for other purposes.

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 Emanuel C. Reigart, F. A. Muhlenburg, William Cooper, Benjamin Champneys, C. Hager, Emanuel Schaffer, Henry G. Long, John Brown, Henry Keffer, David Longenecker, John F. Steinman, George W. Hamersly, John F. Long, Christian Kieffer, Jacob Hoover, John Lintner, James Porter, Henry M. Reigart, Alexander Patterson, and James Humes, George Mayer, Thomas E. Franklin, George Ford, Jr., Philip K. Breneman, John Ehler, Zephaniah M'Lenagan, James Boon, Andrew Mehaffey, Richard Frazer, Samuel Humes, James Patterson, Little Bulen, John Steele, George W. Barton, Henry S. Weigand, Washington L. Atlee, Peter Reed, Jr., John Bear, John Shaffner, George Cooper, Henry P. Carson, Amos Ellmaker, Oristus Collins, Anthony E. Roberts, Adam K. Witmer, Robert B. Wright, Abraham Kauffman, Thomas Neel, be, and they are appointed commissioners for receiving subscriptions to the stock of a company to be called "The Lancaster City and County Fire Insurance company," and shall open a book for that purpose in the city of Lancaster, at a time and place by them to be appointed, of which they shall give not less than ten days notice in two papers printed in the city of Lancaster, and the said books shall be kept for two days, between the hours of ten and three o'clock on each day, until the number of four thousand shares, at fifty dollars per share, shall be subscribed, after which the books shall be closed, and all persons of lawful age, being citizens of the United States, shall be permitted to subscribe to the said stock, by paying five dollars on each share at the time of subscribing, and on the first day on which the said books shall be opened no person shall be permitted to subscribe for more than five shares, but if the whole of the said stock shall not then have been subscribed, the commissioners shall, on the second day thereafter, permit any person or persons aforesaid to subscribe for any number of the shares remaining: *Provided*, That if the subscriptions on the first and second days should exceed the

Commission'rs.

To open books for subscription.

Number of shares.

Who may subscribe.

Proviso.

number of four thousand shares, the shares of each subscriber shall be reduced in proportion, so however, that no individual shall, without his consent, have his subscription reduced below two shares.

SECTION 2. That when the whole number of shares in the capital stock as aforesaid shall have been subscribed, and at least five dollars on each share paid in, the said commissioners shall certify to the Governor, under their hands and seal the names of the subscribers, and the number of shares by them subscribed, respectively, and the Governor shall thereupon, by letters patent, under his hand and the seal of the state, erect and create the subscribers into one body politic and corporate, in deed and in law, by the name, style and title of the Lancaster City and County Fire Insurance company, by which name the said subscribers shall have perpetual succession, and shall be able to sue and be sued, plead and be impleaded in all courts of record and elsewhere, and to purchase, receive, hold, have and enjoy, to them and their successors, lands, tenements and hereditaments, goods and chattels of what nature, quality or kind soever, real, personal or mixed, or choses in action, and the same from time to time to sell, demise, grant, alien or dispose of : *Provided*, That the real estate shall be only such as shall be necessary to accommodate the said corporation in the transaction of the business thereof, or shall be taken and held in security for the payment of debts due the corporation, and that the yearly income of said real estate shall not at any time exceed the sum of ten thousand dollars: *And provided also*, That the said company shall have authority to make and have a common seal, and the same to break, alter and renew at pleasure, and also to ordain, establish and put in execution such by-laws, ordinances and regulations as shall appear necessary and convenient for the government of the said corporation, not being contrary to the constitution or laws of the United States or of this state, and generally to do all and singular the matters which to them shall lawfully appertain to do for the well being of the said corporation, and the management and ordering of the affairs thereof.

Letters patent.

Name, style and title.

Proviso.

2d. Proviso.

Seal.

Capital stock may be increased.

SECTION 3. That the capital stock of the Lancaster city and county Fire Insurance company may be hereafter increased to any sum not exceeding six thousand shares, of fifty dollars each, if the holders of two thirds of the stock shall at any of their meetings regularly convened so order, and the increase shall be subscribed for in such manner and on such terms as they shall direct; the capital stock of the company, by this act incorporated, as well as the stock which may be created in addition to it by the

increase aforesaid, shall be held by the proprietors thereof, and be transferable by them or their assigns, respectively, on the terms and in the manner hereinafter specified, that is to say : each and every subscriber shall, within ten days after public notice given by the president and directors in any two papers printed in the city of Lancaster, pay, or cause to be paid to the said president and directors, for the use of the said corporation, the amount of the shares so subscribed, in such sum or sums, and at such time or times as they the said president and directors shall in their discretion direct and appoint, and if any subscriber, his or her assignee or transferee, shall refuse or neglect to pay the first or any subsequent instalment called for and demanded by the president and directors aforesaid, such subscriber, his or her assignee or transferee, shall forfeit each and every share on which the payment shall not be duly made on account of the share or shares so forfeited, and new subscriptions may be opened and received for the share or shares so forfeited, at the discretion of the stockholders of the said corporation.

Forfeiture.

Penalty for neglecting to pay instalments.

SECTION 4. That for the well ordering of the affairs of the said corporation there shall be ten directors, who shall be citizens of this commonwealth and stockholders of the said corporation, holding at least two shares each in their own right, elected annually, on the first Monday in October, by the stockholders, at their general meeting for that purpose assembled, public notice of the time and place of holding such election having been given in at least two newspapers published in the city of Lancaster, not less than five days previous to holding the same, and the directors at their first meeting after each election shall choose one of their number as president; but in case it should happen at any time that an election of directors should not be made upon any day when pursuant to this act it ought to have been made, the corporation shall not for that cause be deemed to be dissolved, and it shall be lawful, on any day within thirty days thereafter, to hold and make an election of directors, in such manner as shall be regulated by the by-laws and ordinances of the said corporation, and in case of any director's death or resignation his place shall be filled for the remainder of the year in such manner as the ordinances of the said corporation shall for that purpose direct : *Provided*, That the first election of directors shall be held at a time and place to be appointed by the commissioners before mentioned, they giving notice thereof in manner aforesaid, and directors so chosen shall hold their offices until the first Monday of October, one thousand eight hundred and thirty-eight, and until new directors shall be chosen.

Organizat'n and annual election.

Provisc.

Ratio of
votes.

SECTION 5. That the votes of the stockholders for directors shall be by ballot, and for the election of directors, and for the deciding of all questions in the general meeting of the stockholders, the ratio of votes shall be as follows, to wit : a stockholder having five shares or less, one vote ; six shares and not more than nine, two votes ; ten shares and not more than fourteen, four votes ; fifteen shares and not more than nineteen, six votes ; twenty shares and not more than twenty-four, eight votes ; twenty-five shares and not more than twenty-nine, ten votes ; thirty shares and not more than thirty-four, twelve votes ; thirty-five shares and not more than thirty-nine, fourteen votes ; forty shares and not more than forty-five, sixteen votes ; forty-five shares and not more than forty-nine, eighteen votes ; fifty shares and upwards, twenty votes ; but no stockholder shall be entitled in his own right or as a proxy, to a greater number than twenty-five votes, nor shall any stockholder vote at any election for directors, unless the share or shares on which he or she may claim to vote shall have been standing in his or her name on the books of the said corporation for at least three months previous to such election.

Powers.

SECTION 6. That the president and directors of the said corporation for the time being shall have power to appoint such officers, clerks, agents and other persons, as shall be necessary for conducting and executing the business of the said corporation, as well in the said city and county of Lancaster as elsewhere, and to allow the said persons so appointed such compensation for their services, respectively, as they shall deem reasonable, and generally to exercise all other powers and authorities for the well governing and ordering of the affairs and funds of the said corporation as this act confers or allows, or as may be hereafter conferred or allowed by the laws, regulations and ordinances of the said corporation.

Employment
and improve-
ment of the
capital stock.

SECTION 7. That it may be lawful for the said corporation to employ and improve the capital stock thereof, and all monies received for premiums, which by the tenth section of this act the president and directors are directed to retain until the risks upon which such premiums have been received are fully determined, in the stock of the United States, or of this or any one of the United States, or of any bank authorized by the United States, or of this state, or any of the United States, or to lend the same or any part thereof, upon good and sufficient security ; and also to sell and dispose of, and transfer all or any of the said stock and securities, and invest the proceeds thereof in like and other such stock and securities : *Provided*, That nothing herein

Proviso.

contained shall in any way be construed to authorize the said Banking company to use the funds of the institution for banking purposes.

SECTION 8. That the president and directors shall have full power on behalf of said corporation, to make insurance against losses by fire, on any house, tenement, manufactory or other building, and on goods, wares, merchandise and effects therein, and on hay, grain and other agricultural products in barns, stacks or otherwise, and generally on all kinds of buildings, and of goods, wares, merchandise and effects, and 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, bargain, agreement and policy to be made by the said corporation, shall be in writing or in print, and shall be under the seal of the said corporation, signed by the president and attested and signed by the secretary, or other officer who may be appointed by the president and directors for that purpose.

SECTION 9. That in case any assured named in any policy or contract of insurance made by said corporation, shall convey or assign the subject insured, it shall be lawful for such assured to assign and to deliver to the purchaser such policy or contract of insurance, and such assignee shall have all the benefit of such policy, or contract of insurance, and may bring and maintain a suit in his own name : *Provided*, That before any loss happens, he shall obtain the consent of the insurer 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.

SECTION 10. That the president and directors shall, on the first Monday of October, in the year one thousand eight hundred and thirty-eight, and on the first Mondays in April and October of every year thereafter, declare and divide so much of the profits of said corporation as to them shall appear advisable ; and the dividend so declared shall be paid to the respective stockholders, agreeably to such rules as the president and directors shall make for the purpose, but the monies received as premiums upon risks, which remain undetermined, and are outstanding at the time of the declaring such dividend, shall not then be considered as part of the profits of the said corporation, or divided as such, and if any loss or losses shall happen whereby the capital stock of the company shall be lessened, no subsequent dividend shall be made, until a sum equal to such diminution shall have been added to the capital stock of said company, and if the president

and directors shall knowingly make a dividend or dividends contrary to the true intent and meaning of the prohibitions herein contained, the president, if he consents thereto, and such of the directors as shall consent thereto, shall, in their individual capacity, be accountable for, and pay over to the said corporation for the use thereof, as much money as they may so divide and pay more than by this act they are authorized to do, and the president and each director of the said corporation in office at the time of making such dividend hereby prohibited to be made, shall be deemed as consenting to such dividend, unless he or they shall at the time of making such dividend be absent from the board of directors, or if present, shall immediately enter his or their protest on the minutes of the board of directors, and also give notice thereof in two or more newspapers printed in the city of Lancaster.

Mode of transfer.

SECTION 11. That the shares of stock of said corporation shall be assignable and transferable, according to such rules and regulations, as the president and directors thereof shall for that purpose ordain and establish, and not otherwise :

Proviso.

Provided, That no person or persons shall hold or be owners of any of said stock who are not citizens of or resident in the United States, and if any transfer be made to any such person or persons the same shall be, to all intents and purposes, null and void.

Liability of stockholders.

SECTION 12. Each and every stockholder in the said corporation who shall not have paid the full amount on the shares of stock by him held, shall be liable in his individual capacity, for the balance unpaid by him on the said stock in payment of the debts of the said corporation, to be recovered in such manner as now is, or may hereafter in such cases be directed by law.

Power to repeal.

SECTION 13. That if at any time it shall appear to the legislature that the privileges hereby granted are injurious to the public welfare, the power to repeal this act shall not on any condition be denied or impaired, but such repeal shall not effect any engagements to which the said company may have become a party previously thereto, and the said company shall have a reasonable time to bring their accounts to a final settlement and termination : *Provided*, That the said company shall be subject to such provisions and regulations as the legislature may at any time enact.

Proviso.

West Phila. Institute incorporated.

SECTION 14. That the persons who constitute the West Philadelphia Institute, or who shall hereafter be admitted as members of the same, shall, and are hereby declared to be a body politic and corporate, by the name and style of the West Philadelphia Institute, to have perpetual succession,

to plead and be impleaded, to sue and be sued in all courts of record or elsewhere, and be capable to take, hold and enjoy property, the clear yearly income of which shall not exceed one thousand dollars, to use a common seal, and to alter or renew the same at pleasure.

SECTION 15. The said corporation shall have sufficient power to make such rules and by-laws for the ordering of Powers. the affairs of the said corporation, as they may deem necessary and proper: *Provided*, That no rule or by-law, as Proviso. aforesaid, shall be valid if inconsistent with the constitution and laws of this state, or of the United States.

SECTION 16. The legislature reserves the right of altering, Right of repealing or revoking the privileges hereby granted. repeal.

SECTION 17. That the persons who constitute the South- Southwark Institute in-stitute, or who shall hereafter be admitted as members of the same, shall, and are hereby declared to be a body politic and corporate, by the name and style of the South- wark Institute, to have perpetual succession, to plead and be impleaded, to sue and be sued in all courts of record or elsewhere, and be capable to take, hold and enjoy property, the clear yearly income of which shall not exceed three thousand dollars, to use a common seal, and to alter or re- Powers. new the same at pleasure, to make such by-laws and ordinances for the government of said Institute, as they may deem necessary and proper: *Provided*, That no rule, by-law or Proviso. ordinance as aforesaid, shall be valid, if inconsistent with the constitution and laws of this state and the United States.

SECTION 18. The legislature reserves the right of altering, Right to repealing or revoking the privileges hereby granted. repeal.

SECTION 19. That the members of the Associate Reformed Associate church and congregation of Tarentum, in Allegheny county, Reformed church of be, and they are hereby created into one body politic and Tarentum in- corporate, in deed and in law, by the name, style and title Allegheny county incor- of the Associate Reformed church of Tarentum, and by the porated. same name shall have perpetual succession, and be able to sue and be sued, plead and be impleaded in all courts of law and elsewhere, and the trustees of the said corporation shall be able and capable in law and equity to take and hold, to them and their successors, for the use of said church and congregation, lands, tenements, goods and chattels, of what- ever kind, nature or quality, real, personal or mixed, which is now or shall hereafter become the property of said church and congregation, by gift, grant, bargain, sale, conveyance, assurance, will, devise or bequest, from any person or persons whomsoever, capable of making the same, and the same to grant, bargain, sell, mortgage or dispose of, for the use

of the said church and congregation, and to erect any building for the purpose of worship, in such manner as may be directed by a majority of the congregation that may be present at a meeting to be held for that purpose, of which said meeting at least two weeks notice shall be given from the pulpit or clerk's desk, or in any other way a majority of the trustees may direct, and shall indemnify and save harmless all persons who have become responsible for debts incurred on account of the erection or incidental expenses of maintaining said church, and be liable to make good to such persons all monies actually expended by them on account of said church as aforesaid, and generally to do all and singular the matters and things which shall be lawful for them to do for the well being and due management of the affairs thereof: *Provided*, That the clear yearly value or income of said estate shall not for any time exceed two thousand dollars: *And provided also*, That the seal of the corporation shall not be affixed to any conveyance of its real estate, unless such sale or transfer be approved of at a meeting of the congregation, held after two weeks notice of the same shall have been given as aforesaid, and upon two-thirds of the members present at such meeting approving of the sale and conveyance as aforesaid, the said trustees shall affix the corporate seal of said church to a conveyance of the said real estate, and the same shall be valid in law.

Proviso.

2d Proviso.

Trustees.

Annual election.

Vacancies.

Powers.

SECTION 20. The trustees of said church and congregation shall be five in number, and until others shall be elected shall consist of the following named persons, viz: James E. Karns, James Robertson, James Miller, James Dickey and Francis Karns, to continue in office until the first Monday in April, eighteen hundred and thirty-nine, and the same day annually thereafter, the members of said congregation may, at any general meeting thereof, elect by ballot, five persons to serve as trustees for the ensuing year; if vacancies by death or otherwise shall happen in the office of trustee, the remaining trustee or trustees may appoint others to supply such vacancy or vacancies, of the person or persons through whom such vacancy happens, to serve until the next annual election.

SECTION 21. The said trustees and their successors shall have full power to enact and enforce such by-laws and ordinances as they shall think proper for the regulation and transaction of the business of the congregation, and to make, have and use a common seal, and the same to break, alter and renew at their pleasure; and if said congregation neglect, on the day of the annual meeting to hold their election, the corporation shall not be dissolved, but a majority of the trustees

may appoint any subsequent time on which the election may be held, provided that notice thereof be given from the pulpit or clerk's desk, or in such other manner as a majority of the trustees may think proper to direct, at least two weeks before said election: *And provided also*, That the said by-laws and ordinances shall not be inconsistent with the constitution and laws of this state or of the United States. Proviso.

SECTION 22. That the trustees of the Associate Reformed Presbyterian congregation of Erie, in the county of Erie, shall be, and are hereby created into one body politic, by the name of the Associate Reformed Presbyterian congregation of Erie, and by the same name shall have perpetual succession, and shall be able to sue and be sued, 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 said congregation, lands and tenements, goods and chattels of whatsoever kind, nature or quality, real, personal or mixed, which is now or shall hereafter become the property of said congregation, by gift, grant, bargain, sale, conveyance, assurance, will, devise or bequest, from any person or persons whomsoever capable of making the same, and the same to grant, bargain or sell, or dispose of for the use of said congregation, and to erect any building for the purpose of worship, and to enlarge the same as may be directed by a majority of the congregation that may be present, at a meeting to be held for that purpose, of which said meeting at least two weeks notice shall be given from the pulpit or clerk's desk, or in any other way the majority of the trustees may direct, and to finish and complete any building as aforesaid, that may have been commenced, or for the erection of which any contract or contracts may have been made, and generally to do all and singular the matters and things which may be lawful for them to do for the well being and management of the affairs thereof: *Provided*, The clear yearly value or income of said estates shall not for any time exceed three thousand dollars. Proviso.

SECTION 23. The trustees of said congregation shall be six in number, and until others shall be appointed shall consist of the following named persons, viz: David Kennedy, Robert Kendal, John K. Caldwell, John Cosper, Oliver Dunn, and James Dumars, to continue in office until the second Monday in June, one thousand eight hundred and thirty-eight, and on the same day, annually thereafter, the members of said congregation may, at any general meeting thereof, elect by ballot, five persons to serve as trustees for the ensuing year; if vacancies by death or otherwise shall Trustees,
Annual elections.
Vacancies.

happen in the office of trustee, the remaining trustee or trustees may appoint others to supply such vacancies until the next general meeting of the congregation, at which meeting the congregation may elect another trustee or trustees to fill the vacancies of person or persons through whom such vacancies happen, to serve until the next annual election.

Powers.

SECTION 24. The said trustees, and their successors, shall have full power to enact and enforce such by-laws and ordinances as they shall think proper for the regulation and transaction of the business of the congregation, and to make, have and use a common seal, and the same to break, alter and renew at their pleasure; if the congregation neglect on the day of annual meeting to hold their election, the congregation shall not be dissolved, but a majority of the trustees may appoint any subsequent time on which the election may be held: *Provided*, That notice thereof be given from the pulpit or clerk's desk, or in such other manner as a majority of the trustees may think proper to direct, at least two weeks before said election: *And provided also*, That the said by-laws and ordinances shall not be inconsistent with the constitution of this State or of the United States.

Proviso.

2d Proviso.

Methodist
congregation
in Towanda,
Bradford co.,
incorporated

SECTION 25. That the Methodist congregation in the borough of Towanda, in the county of Bradford and state of Pennsylvania, be, and the same is hereby erected into a body politic and corporate, in deed and in law, by the name, style and title of the Trustees of the Methodist Episcopal Church in the borough of Towanda, and by the same name shall have perpetual succession, and 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 to hold, to them and their successors, for the use of the said church, lands, tenements, goods and chattels of whatsoever kind, nature or quality, real, personal or mixed, which now is or shall hereafter become the property of the said congregation, or be held for their use by gift, grant, bargain, sale, conveyance, devise, bequest or otherwise, from any person whosoever capable of making the same, and the same to grant, bargain, sell, mortgage, improve or dispose of for the use and benefit of the said church: *Provided*, That the yearly value or income of the said estates shall not at any one time exceed two thousand dollars, and shall not be appropriated to any other than benevolent or religious purposes.

Proviso.

Trustees &
other officers

SECTION 26. That the business of the said congregation shall be conducted by nine trustees, who shall choose from their number a president and secretary, and may appoint a treasurer and any other officers they may deem necessary and

until others shall be appointed as hereinafter prescribed, the following named persons shall be the trustees, viz: William Watkins, E. R. Utter, William Elwell, John E. Geiger, Nelson P. Brown, James P. Bull, Silas Noble, Berton Kingsbery, and George H. Bull, to continue in office until the first Monday in January, one thousand eight hundred and thirty-nine, on which day the members of the said congregation shall elect nine persons to serve as trustees in manner hereinafter directed, three of whom shall serve three years, three two years, and three one year, the term of service to be designated by the electors on their ballots, and their places respectively shall be supplied by the annual election, on the first Monday of January, of three persons to serve for three years: *Provided*, That in case of vacancy by death or otherwise, the remaining trustees shall appoint a person to supply the same until the next election, when the vacancy shall be supplied by election, and all elections which shall be held by said corporation shall be conducted by three inspectors, who shall be chosen by the electors present at the time and place of election, and any person contributing yearly to the support of said church, shall be entitled to vote at the elections of said incorporation.

Term of service.

Annual election.

Proviso.

SECTION 27. That the said trustees and their successors shall have full power to enact and enforce such by laws and ordinances as they shall think proper for the regulation and transaction of the business of the congregation, and to make, have and use a common seal, and the same to break, alter and renew at their pleasure, to change the time and place of holding their annual election as the same may be found convenient, and if the congregation neglect, on the day of the annual meeting to hold their election, the trustees may appoint any subsequent time on which the election shall be held: *Provided*, That notice of such time and place shall be publicly given on the Lord's day, immediately after divine service, at least one week before the time of holding such election: *And provided also*, That the said by-laws and ordinances be framed, enacted and promulgated, and all the acts of said incorporation be in conformity with the rules and principles of the general Methodist Episcopal Church of the United States, existing and established at the time of the enactment thereof, and not inconsistent with the constitution or laws of this state or of the United States, and the legislature reserve the right to repeal, alter or amend this act or any part thereof, at any time hereafter.

Powers.

Seal.

Time of election may be changed. Proviso.

2d Proviso.

Right to repeal.

SECTION 28. That the Methodist congregation in the township of Monroe, in Bradford county, and state of Pennsylvania, be, and the same is hereby erected into a body

Methodist congregati'n in Monroe, t—p., Bradford county, incorporated politic and corporate, in deed and in law, by the name, style and title of the Trustees of the Methodist Episcopal Church, in the township of Monroe, and by the same name shall have perpetual succession, and shall have all the powers, privileges, rights and immunities granted to and be subject to all the restrictions imposed by this act upon the trustees of the Methodist Episcopal Church in the borough of Towanda, and until others shall be elected agreeable to the provisions of this act, the following named persons shall be trustees, viz: Burr Ridgway, Elisha Cole, James C. Ridgway, Sylvester W. Alden, Ashbel L. Cranmer, Enoch Cranmer, William Goff and Nicholas Wenck.

Trustees.

Presbyterian church and congregati'n in Mercer county, incorporated. SECTION 29. That the members of the Presbyterian Church and congregation of the borough of Mercer, in the county of Mercer, shall be, and they are hereby created into one body politic and corporate, in deed and in law, by the name style and title of the Presbyterian Church of Mercer, and by the same name shall have perpetual succession, and be able to sue and be sued, plead and be impleaded in all courts of law and elsewhere, and the trustees of the said corporation shall be able and capable in law and equity to take and hold to them and their successors, for the use of said church and congregation, lands, tenements, goods and chattels of whatever kind, nature or quality, real, personal or mixed, which is now or shall hereafter become the property of said church and congregation, by gift, grant, bargain, sale, conveyance, assurance, will, devise or bequest, from any person or persons whomsoever capable of making the same, and the same to grant, bargain, sell, mortgage or dispose of for the use of the said church and congregation, and to erect any building for the purpose of worship in such manner as may be directed by a majority of the congregation that may be present at a meeting to be held for that purpose, of which said meeting at least two weeks notice shall be given from the pulpit or clerk's desk, or in any other way a majority of the trustees may direct, and shall indemnify and save harmless all persons who have become responsible for debts incurred on account of the erection or incidental expenses of maintaining said church, and be liable to make good to such persons all monies actually expended by them on account of said church as aforesaid, and generally to do all and singular the matters and things which shall be lawful for them to do for the well being and due management of the affairs thereof: *Provided*, That the clear yearly value or income of said estates shall not for any time exceed two thousand dollars: *And provided also*, That the seal of the corporation shall not be affixed to any conveyance of its real

Proviso.

2d Proviso.

estate, unless such sale or transfer be approved of at a meeting of the congregation held after two weeks notice of the same shall have been given as aforesaid, and upon two thirds of the members present at such meeting approving of the sale and conveyance as aforesaid the said trustees shall affix the corporate seal of said church to a conveyance of the said real estate, and the same shall be valid in law.

SECTION 30. The trustees of said church and congregation Trustees. shall be five in number, and until others shall be elected shall consist of the following named persons, viz: William Smith, E. W. Glozen, James Kilgore, James K. Caldwell and James D. Moore, to continue in office until the first Monday in April, eighteen hundred and thirty-nine, and the same day Annual elec- annually thereafter, the members of said congregation may, tion. at any general meeting thereof, elect by ballot five persons to serve as trustees for the ensuing year; if vacancies by Vacancies. death or otherwise shall happen in the office of trustee, the remaining trustee or trustees may appoint others to supply such vacancy or vacancies of the person or persons through whom such vacancy happens, to serve until the next annual election.

SECTION 31. The said trustees and their successors shall have full power to enact and enforce such by-laws and Powers. ordinances as they shall think proper for the regulation and transaction of the business of the congregation, and to make, have and use a common seal, and the same to break, alter Seal. and renew at their pleasure, and if said congregation neglect on the day of the annual meeting to hold their election, Neglect to the corporation shall not be dissolved, but a majority of the trust- hold election hold election may appoint any subsequent time on which the election not to dis- may be held, provided that notice thereof be given from the solve the corporation. pulpit or clerk's desk, or in such other manner as a majority of the trustees may think proper to direct, at least two weeks before said election; *And provided also,* That the said by-laws and ordinances shall not be inconsistent with Proviso. the constitution and laws of this State or of the United States.

SECTION 32. That Horace Rathvon, Jacob Brenneman, H. B. Egle, Frederick Beidlinger, George Ferree, C. M. Marshall Be- Brown, Jacob Gilman, Daniel M. Lain, John Bombaugh, neficial As- John S. Pedon, Jacob Bletz, G. A. Haines, George Shrei- sociation of ners, Christian Bucher, Jacob Pentz, Joseph Bucher, Thomas Lancaster county, in- J. Haines, James Poist, William Morton, Samuel Pence, corporated. John Gibb, John Kings, Christian Lentz, F. S. Albright, and their successors, and all such other persons being citizens of the commonwealth of Pennsylvania, as shall hereafter be admitted or become members of the association, are hereby incorporated and made a body politic, in law and in deed,

by the name, style and title of the "Marshall Beneficial Association of Lancaster county," and by the same name they and their successors shall forever hereafter be able and capable in law, to have, hold, receive and enjoy, lands, tenements, rents, franchises, gifts and bequests of what nature soever, in fee simple or for term of life, years and otherwise, and also to give, grant, let, sell, alien or assign the same according to the nature of the respective gifts, grants or bequests made to them the said association, and of their estates therein, to be employed and disposed of according to the objects, articles and conditions hereafter to be adopted by the association hereby incorporated: *Provided*, That the amount of the clear yearly value or income of such real estate, and the interest of money by them lent, do not exceed the sum of fifteen hundred dollars.

Proviso.

Corporate powers.

SECTION 33. That the said association shall be forever hereafter able and capable in law to sue and be sued, plead and be impleaded in all law causes and things, and to obtain and sustain all legal judgments, executions and decrees incidental to the same, and enjoy all such privileges, rights, powers and franchises as other corporations of the like kind in this commonwealth enjoy.

Seal

SECTION 34. That the said association shall have power to use a common seal, and the same to change, alter or amend at pleasure.

Organization

SECTION 35. For the well governing of the said association, and ordering and managing their affairs, they shall choose from among themselves, in such manner as shall be determined upon in their fundamental articles and regulations, a president, vice president, treasurer and door keeper, and such other officers and committees as they may deem necessary or useful, and shall have power and authority to order stated and special meetings of the said association, to do and transact all business and matters appertaining thereto, agreeably to such rules, ordinances, regulations and by-laws as a majority of the association shall judge necessary or convenient, and shall from time to time establish and make, and put into execution such by-laws, rules and regulations as may be passed from time to time by the association aforesaid, or the same to revoke, annul, alter or amend at pleasure: *Provided*, That the said rules, regulations, ordinances and by-laws relate only to the charitable purposes before mentioned, and be not repugnant to the constitution and laws of the United States or of the commonwealth of Pennsylvania, nor repugnant to any of the provisions of this act.

Proviso.

SECTION 36. All and singular the estate whatsoever now Property belonging to the said association, and held by any person vested in the whatsoever for the use of said association; shall be, and the association. same is hereby transferred and vested in the said association, and their successors, for the purpose before mentioned: *Provided always*, That the clear yearly value or income of *Provido.* the messuages, houses, lands, tenements, rents, annuities or other hereditaments and real estate of the corporation, and the interest and money lent, shall not exceed fifteen hundred dollars as aforesaid.

SECTION 37. That the society known by the name of the Baptist Church of Reading, Pennsylvania, in the county of Berks, is hereby erected into one body politic and corporate, in deed and in law, by the name, style and title of the Baptist Church of Reading, Pennsylvania, and by the same name shall have perpetual succession, and be able to sue and be sued in all courts of law and elsewhere, and shall be able and capable in law and equity, to take and hold lands and tenements, goods and chattels of whatever kind, nature and quality, real, personal or mixed, which is now or hereafter shall become the property of the said congregation by gift, grant, bargain, sale, conveyance, assurance, will, devise, bequest, or otherwise, by any person or persons capable of making the same, and the same to grant, bargain, sell, mortgage or dispose of; and the yearly value or income of the real and personal estate of said corporation, shall not at any time exceed two thousand dollars, nor shall more than one hundred and fifty acres of land be at any time held or enjoyed by said association, incorporated by this act, nor shall it be lawful for said corporation to appropriate any of its surplus funds to any other than a charitable or religious purpose.

SECTION 38. That the affairs of said corporation shall be managed and superintended by five trustees, three of whom shall be a quorum to transact business, to be chosen from the members of said congregation, who shall choose, by ballot, from among their number a president and secretary, and shall also choose a treasurer from among the members of the congregation who is not a trustee, and who shall, if required by the trustees of said corporation, give sufficient security for the trust reposed in him, and shall account to such trustees for all sums of money received by him, or remaining in his hands at any time, and in case of the removal of the president, or any of the trustees, by death, resignation or otherwise, the vacancy or vacancies shall be supplied by the board of trustees till the next annual election, and the following named persons shall be trustees until others shall be

Baptist Ch'h
of Reading,
Penn'a in-
corporated.

Trustees &
other officers
Quorum.

Treasurer.

Vacancies.

Annual elec- tion. Proviso. Manner of conducting elections.

ected in the manner hereafter prescribed, viz: Henry Rankin, Christian Swartz, Adam Johnson, Nathaniel Kerby and Samuel Hill, to continue in office until the first Saturday in May, one thousand eight hundred and thirty-nine, on which day the members of said congregation shall elect five trustees to continue in office for one year, or until others shall be elected to fill their places, and the annual election of trustees shall be on the first Saturday in May, in each year: *Provided always*, That the same trustees or any of them may be re-elected.

SECTION 39. That all elections to be held in pursuance of this act, shall be conducted by three members of the corporation, who shall be appointed inspectors at the same place where the trustees are to be elected as aforesaid, by the electors then assembled in such manner as may be agreed on by said electors, and the inspectors so chosen shall appoint one or more persons as their clerk or clerks, to perform such duties as the nature of the case may require, and any person not a member of said corporation contributing yearly a sum not less than two dollars to the support of the church, shall be entitled to vote at the elections of said corporation, and shall be eligible as a trustee, and when each election so had as aforesaid shall be closed, and the number of votes for each person shall be ascertained, the inspectors of said election, or a majority of them, shall thereupon make out under their respective hands, a return thereof, with the names of the trustees elect, and shall deliver the said return to the secretary of the corporation, who shall within three days thereafter give notice in writing to each of the trustees elect of their respective elections.

Notice.

SECTION 40. That any person who shall hereafter be a member of said congregation, shall be entitled to all the privileges of members, and subject to the same regulations as other members, and every member shall be at liberty, at any time, to withdraw from said corporation.

Privileges of members.

SECTION 41. That the said corporation shall have a right to make and use a common seal, with such device and inscription as to them shall seem meet, and to alter and revise the same at pleasure.

Seal.

SECTION 42. That the said trustees, and their successors, shall have power to enact and enforce such by-laws and ordinances as may be proper and necessary for the regulation and transaction of the business of the said corporation, to establish and change the time and place of the annual election of trustees from time to time as the same may be found convenient, or if said congregation neglect to elect on the day of the annual meeting, may appoint any subsequent

Powers.

Time and place of holding annual election may be changed.

time on which said election may be held: *Provided*, That public notice shall be given on the Lord's day, immediately before or after divine service, and in such other manner as a majority of the trustees may direct, at least one week previous of the time and place of holding such elections: *And provided* also, That said by-laws and ordinances shall not be inconsistent with the constitution and laws of this state or of the United States, and that the same be approved of by a majority of the members of the congregation, qualified as aforesaid, to vote at any special meeting called by the trustees for that purpose, on notice given as aforesaid, and the by-laws and ordinances of the said corporation shall be fairly entered and registered by the secretary, which book and other records of the corporation shall be open to the inspection of any member of the corporation, at all reasonable hours, on application to the secretary, and in case an election of trustees shall not be held at the time or times appointed, the corporation shall not thereby be dissolved; and moreover, the legislature reserve the right to repeal, alter or amend this act or any part thereof, at any time hereafter.

Proviso.
2d. Proviso.
Notice.
Neglect to hold election not to dissolve the corporation.
Right to repeal.

SECTION 45. That there shall be, and hereby is established in the town of Port Carbon, in the county of Schuylkill, an institution for the promotion and advancement of arts, sciences and literature, by the name, style and title of "The Port Carbon Lyceum," under the care, direction and government of the trustees, viz: Robert M'Cartee, Lebbeus Whitney, Lebbeus Chapman, William Bosbyshell, Joseph F. Carrol, Henry Porter, Jesse Turner, E. Swaine, Aquilla Botton, John G. Hews, Joseph S. Ruckel, Charles A. Whitney, Edward Hughes, Samuel Heilner, Charles Baber, Doct. William Housel, D. B. M'Cartee, Ross Bull, Abraham Pott, D. B. Haas, Henry Barnes, Henry Schisler, Winfield S. Chapman, Tobias H. Winterstein, Joseph Robinson, Benjamin Haywood, Edwin Stratton, Geo. M. Chapman, Emanuel Bracewell, William L. Whitney, Edwd. C. Bosbyshell and John Pott, which said trustees and their successors shall be, and are hereby declared to be a body corporate and politic, by the name and style of the "Port Carbon Lyceum," and by the same name shall have perpetual succession, and shall be able to sue and to be sued, plead and to be impleaded in all courts of record and elsewhere, and shall be competent and capable in law and equity, to take and to hold to them and their successors, for the use of the said Lyceum, lands, tenements, hereditaments, goods and chattels of what kind, nature and quality whatsoever, real, personal or mixed, by gift or grant, bargain, sale, conveyance, insurance, will, device or bequest, from any person or persons whomsoever capable of making the same, and the same

Port Carbon Lyceum established.
Trustees.
Incorporated

from time to time to grant, bargain, sell, demise, alien, dispose of for the use of said Lyceum, and generally to do all and singular the matters and things which shall be lawful for them to do for the well being of the said Lyceum, and the due management and ordering the affairs thereof: *Provided*, That the yearly value or income of the said real or personal estate shall not at any time exceed the sum of five thousand dollars.

Proviso. SECTION 44. That the said trustees shall hold their meeting in the hall of the Lyceum, in the town of Port Carbon, on the first Monday of December next after the passing of this act, any nine of them shall constitute a quorum to transact any of the business of the said Lyceum, particularly in making and enacting ordinances and by-laws for the government thereof, of electing trustees in the room of those who may be removed by death, resignation or otherwise, of electing and appointing officers for the said Lyceum, such as presidents, secretaries, treasurers, librarians and editorial committees, for taking care of the funds and managing the concerns of the Lyceum, and determining all matters and things necessary to be determined and transacted by the said trustees: *Provided always*, That no ordinance or by-laws shall have any force which shall be contrary to the constitution or laws of this commonwealth or of the United States.

Time and place of meeting. Quorum.

Powers

Officers.

Proviso.

Ordinance & by-laws entered in book not to defeat bequests. SECTION 45. All ordinances, by-laws and proceedings of the corporation shall be fairly and regularly entered into a book, to be kept for that purpose, and no misnomer of the said corporation shall defeat or annul any gift, grant, devise or bequest to the same: *Provided*, The intention of the parties shall sufficiently appear on the face of the gift, grant, will or other writing, whereby any estate or other interest was intended to pass to the said corporation, nor shall any non-user of the rights, liberties, privileges, jurisdiction and authority hereby granted to the said corporation create, or in any wise cause forfeiture thereof.

Non-user.

LEWIS DEWART,

Speaker of the House of Representatives.

CHARLES B. PENROSE,

Speaker of the Senate.

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

JOS. RITNER.