

[No. 146.]

A N A C T

Incorporating the Ebenezer Methodist Episcopal Congregation of the Borough of Reading, 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 the Methodist Episcopal congregation Church established in the borough of Reading, county of Berks, and state of Pennsylvania, 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 Ebenezer Methodist Episcopal Church, in the borough of Reading, 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 whatsoever kind, nature and quality, real, personal or mixed, which are 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 or dispose of, and the yearly value or income of the real or personal estate of the said congregation, shall not, at any time, exceed three thousand dollars.

SECTION 2. The officers of this corporation, shall consist of a president and nine trustees, of whom shall be chosen a treasurer and secretary, from among the male members of the society, as shall hereinafter be directed, and not less than five or more than seven stewards, citizens of this commonwealth, to be chosen according to the recognized discipline of the Methodist Episcopal Church in the United States of America.

SECTION 3. The present trustees, viz: Daniel Rhein, Christian Miller, Henry Goodhart, Jacob Gossler, Andrew S. Gossler, George Moore and John Souders, shall continue in office until an election shall take place.

SECTION 4. On the first Monday in January next, there shall be elected, by ballot, at the said Ebenezer Church, nine trustees, three of whom shall serve for the term of three years, three others for the term of two years, and the remaining three for the term of one year, which shall be determined by lot, by the trustees at their first meeting after the election, and on the

Annual elec- first Monday in January in each and every year thereafter, there shall be elected by ballot, at the said church, three trustees who shall serve three years in the places of those whose term shall then have expired, to the end that there shall at all times be nine trustees: *Provided*, That no person shall be eligible, as a trustee, who shall not be a member of said church, of at least eighteen months standing in the said church, and twenty-five years of age.

Proviso.

Who may vote.

SECTION 5. Every person shall be permitted to vote at an election for trustees, who is a regular male member of said church, and at least twenty-one years of age.

Proceedings when election shall be prevented at time appointed.

SECTION 6. That whenever any circumstances shall prevent an election for trustees, at the time hereinbefore appointed for that purpose, from taking place then, and in every such case an election shall be held therefor as soon as conveniently may be, of which notice shall be given after divine service on a Sabbath day, at least one week previous to said election.

Vacancy how supplied.

SECTION 7. When any vacancy shall occur by death, resignation, ceasing to be a member of said church or refusal to serve when elected of any of the said trustees, in every such case an election by the qualified voters of said church to fill the vacancy shall take place, as soon as convenient, one week's notice at least of such election having been given, on a Sabbath day, after divine service, and the person or persons so chosen, shall serve for the same time as the trustee or trustees, whose place or places he or they were chosen to fill, would have been entitled to serve.

President.

SECTION 8. The preacher having pastoral charge of the congregation from time to time, shall by virtue of his office, be president of the board of trustees.

Estate how vested.

SECTION 9. All the estate of said church, whether real, personal or mixed, shall be vested in the said trustees and their successors forever, in trust for the Ebenezer Methodist Episcopal Church, but the said trustees or their successors shall not, at any time, grant, bargain, sell, convey, dispose of any of the real estate of the said church, now belonging to the said corporation, or which may hereafter be acquired, or in any manner or way charge or encumber the same without first calling a meeting of the male members of said church, duly qualified to vote for trustees according to this act, of which meeting due notice shall be given at least one week previous, on a Sabbath day, and obtaining the consent and approbation of at least two-thirds of the same, who shall be convened together by virtue of such call or invitation: *Provided nevertheless*, That nothing in this section shall authorize the said trustees at any time to sell, dispose of, or alienate from the Methodist Episcopal Church, the building now occupied as a place for divine worship, situated in south Fourth street, be-

How estate may be conveyed or encumbered.

Proviso.

tween Penn and Franklin street, east side, in the borough of Reading, and state of Pennsylvania.

SECTION 10. The rents, issues, profits and interests of the said real personal estate of and belonging to the said church and corporation, as shall from time to time be applied and laid out for repairing and maintaining said church and place of worship, lot or lots of land, burial ground, parsonage house or houses, and buildings which now do or may hereafter at any time belong to the said church and corporation, as shall from time to time be thought proper and expedient by the said trustees or a majority of them: *Provided always*, That nothing contained in this or any other section of this act, shall be so construed as to prevent the stewards from discharging the duties required of them, by the discipline of the Methodist Episcopal Church, so far as these duties are not repugnant to the constitution or laws of this commonwealth.

SECTION 11. The trustees shall make, ordain, establish and put into execution, all such by-laws, ordinances and regulations, as to them shall appear necessary and convenient for the transacting the business of said corporation, not repugnant to the constitution of the United States, or to the constitution of the commonwealth of Pennsylvania.

WHEREAS John Latour, of the city of Philadelphia, executor of the last will of Maria Anne Pizean Duval, deceased, has presented his petition to the Legislature, setting forth, that the said will of the said decedent is dated the twenty-fifth of May, Anno Domini, one thousand eight hundred and thirty, and was duly proved at Philadelphia on the nineteenth day of March, Anno Domini, one thousand eight hundred and thirty-eight, and letters testamentary granted to your petitioner as the sole executor therein named; That the said testatrix has directed your petitioner to sell her real estate, and bequeathed the proceeds to her sister in France; That the testatrix was in possession of and claimed no other real estate than a two story brick house and lot of ground, situate on the south side of Christian street, between Front and Second streets, in the District of Southwark, which she occupied at the time of her death, fully believing that it was wholly her property, and that her title thereto was perfect; That the said property was purchased with her funds, to wit, the sum of one thousand dollars, on the eleventh day of December, Anno Domini, one thousand eight hundred and eighteen, and the conveyance therefor made to one Arno Ballott, her agent; That after this the Arno Ballott died, leaving a will dated the twenty-seventh day of February, Anno Domini, one thousand seven hundred and ninety-eight, which was duly proved at Philadelphia the thirtieth day of April, Anno Domini, one thousand eight hundred and thirty, devising and bequeathing the whole of his

estate to the said testatrix; That all the property to which he had or could claim any title was the house and lot in question at the time of his decease; That the said testatrix was in the possession of the said property both before and after the death of the said Arno Ballott, until the period of her own decease, and since then the petitioner has been in the undisturbed possession of it, and has regularly received the rents and profits of it; That he has never heard of any heirs or kin of the said Arno Ballott, and he does not believe that any exist. And your petitioner further says, that he knows of his own knowledge that the facts stated in this petition as to the purchase of the said property by the said Arno Ballott with the testatrix's funds, and he firmly believes that if either had supposed that his will by reason of being anterior to the purchase would not have passed the title to her, the error would have been corrected, either by a new deed or will; *And whereas*, the said petitioner has supported his said petition by the deposition under oath of two competent witnesses. Now therefore,

John Latour
authorized to
make title to
certain real
estate and
distribute the
proceeds.

SECTION 12. That the said John Latour shall have power to make a title to the said real estate, to any purchaser or purchasers thereof, and to distribute the proceeds of the same in the manner pointed out by the will of the said Maria Anne Pizean Duval, his testatrix; *Provided, however*, That nothing herein contained shall be construed to mean or declare other than that the will of said Arno Ballott shall be taken and considered to be posterior in date to the conveyance to him of the said real estate.

Preamble.

SECTION 13. Whereas it has been represented to the Senate and House of Representatives of the Commonwealth of Pennsylvania, that Benjamin H. Price, son of John and Jane Price, of Lower Merion township, in Montgomery county, deceased, was born before the marriage of his said parents; Therefore all the property and interest of the said commonwealth in any estate, real or personal, or in the proceeds of sale of any estate, real or personal, of which said Benjamin was seized or possessed, at the time of his death, in possession, remainder or reversion, shall be and the same is hereby vested in such person or persons, and for such estate and estates, respectively, as would now be entitled to the same, if the said Benjamin had been born of his said parents in lawful wedlock; *Provided*, That nothing herein contained shall in any wise affect or impair any estates, rights, titles, interests, claims or demands therein, or thereto, at law or in equity, of any other person or persons whomsoever.

Surveyor General to grant order of re-survey to Jos. S. Sparks.

SECTION 14. That the Surveyor General be and he is hereby authorized and directed to grant an order of re-survey to Joseph S. Sparks, of Providence township, Bedford county, upon a warrant granted to the said Joseph S. Sparks, dated the sixth of May, one thousand eight hundred and thirty-three,

for eighty-four acres, and numbered eight hundred and fifty-nine, authorizing a re-survey and location of the said warrant upon any vacant and unappropriated land belonging to the commonwealth, within the township and county aforesaid, and within a reasonable distance of the other land of the warrantee, and accept the survey so made; *Provided*, That the rights of third persons are not to be affected thereby.

SECTION 15. That any and every grant, bargain and sale, release, or other deed of conveyance or assurance of any lands, tenements, or hereditaments in this commonwealth, heretofore *bona fide* made, executed and delivered by husband and wife within any other of the United States, where the acknowledgment of the execution thereof has been taken, and certified by any officer or officers in any of the states where made and executed, who was, or were authorized by the laws of such state to take and certify the acknowledgment of deeds of conveyance of lands therein, shall be deemed and adjudged to be as good, valid and effectual in law for transferring, passing and conveying the estate, right, title and interest of such husband and wife of, in and to the lands, tenements and hereditaments therein mentioned, and be in like manner entitled to be recorded, as if the acknowledgment of the execution of the same deed had been in the same and like way, manner and form taken and certified by any judge, alderman, or justice of the peace, of and within this commonwealth.

Acknowledgments of deeds &c. in any of the U. States declared good and valid in this state.

SECTION 16. That no grant, bargain and sale, feoffment, deed of conveyance, lease, release, assignment, or other assurance of any lands, tenements and hereditaments whatsoever, heretofore *bona fide* made and executed by husband and wife, and acknowledged by them before some judge, justice of the peace, alderman, or other officer authorized by law, within this state, or an officer in one of the United States, to take such acknowledgment, or which may be so made, executed and acknowledged as aforesaid, before the first day of January next, shall be deemed, held or adjudged, invalid or defective, or insufficient in law, or avoided or prejudiced, by reason of any informality or omission in setting forth the particulars of the acknowledgment made before such officer, as aforesaid, in the certificate thereof, but all and every such grant, bargain and sale, feoffment, deed of conveyance, lease, release, assignment or other assurance so made, executed and acknowledged as aforesaid, shall be as good, valid and effectual in law for transferring, passing and conveying the estate, right, title and interest of such husband and wife of, in, and to the lands, tenements and hereditaments mentioned in the same, as if all the requisites and particulars of such acknowledgment mentioned in the act, entitled an act for the better confirmation of the estates of persons holding or claiming under *feme covert*, and for establishing a mode by which husband and wife may

Certain omissions in acknowledgment not to avoid or prejudice instrument of writing.

hereafter convey their estates, passed the twenty-fourth day of February, one thousand seven hundred and seventy, were particularly set forth in the certificate thereof, or appeared upon the face of the same.

SECTION 17. That John Heiseley, of the borough of Williamsport, in Lycoming county, is hereby authorized to construct a berm bank of the West Branch division of the Pennsylvania canal, along the premises, now in the occupancy of said Heiseley, in the borough aforesaid, and shall have the privilege of loading and unloading goods, wares and merchandise on or from said wharf; *Provided*, the same shall not in any manner interfere with the free navigation of said canal, and that the Canal Commissioners assent thereto, previous to the construction of the said wharf.

SECTION 18. That the administrators of the estate of Walter Oliver, late of Mercer county, deceased, be and they hereby authorized to make and execute deeds for all lands which the said decedent in his life time contracted to convey, where said contract was of such a nature as to be binding on the estate, if proven in court, under the laws of this commonwealth, and the deeds so to be made shall vest the same title in the party holding such contract, his or their heirs, assigns, as would or could be if said contracts had been proven in court according to law.

WM. HOPKINS,

Speaker of the House of Representatives,

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and forty,

DAVID R. PORTER.

[No. 147.]

A N A C T

To incorporate the Western Hose Company of the City of Philadelphia.

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 all and every the persons who shall, at the time of passing this act, be members of the association called the "The Western Hose Company, of the city of Philadel-

Hose compa-
ny established