

ture reserves the right to revoke and annul the rights and privileges hereby granted, whenever the legislature shall think they are injurious to the public interest: *Provided however*, That no injury shall be done to the corporators.

WM. A. CRABB,

*Speaker of the House of Representatives.*

JN. H. EWING,

*Speaker of the Senate.*

APPROVED—The third day of May, eighteen hundred and forty-one.

DAVID R. PORTER,

[No. 115.]

## AN ACT

Relative to the trial of certain actions for lands, in Schuylkill county, 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 a certain action of ejectment now pending in the court of common pleas of Schuylkill county, of March term, one thousand eight hundred and forty, number ———, wherein John H. Cresson and others are plaintiffs, and Anthony F. Miller is defendant, be and the same is hereby transferred to the court of common pleas of the county of Montgomery, to be there tried at one of the regular terms of said court, in the same manner as it might have been if originally instituted in said last named court; and the record in said action shall be certified by the said court of common pleas of Schuylkill county, to the said court of common pleas of Montgomery county for trial as aforesaid; and, on final judgment, such writs of execution shall be issued as may be necessary to carry the same into full effect. *Provided*, That if on the trial of the said cause it shall appear that either party has been surprised by unexpected evidence, it shall be the duty of the said court either to adjourn or continue the said trial as they may deem best, on such terms as the court may deem equitable.

**SECTION 2.** That all other actions of ejectment or trespass for mesue profits, relating to the lands embraced in the suit

Schuylkill co  
Cresson vs.  
Miller transferred to Mont-  
gomery co

Proviso.

that is hereby removed, which shall be brought by or against the said parties to said suit, or by or against any person or persons claiming title through or under them, may be removed by either party in the manner hereinbefore provided. *Provided*, That the costs which the said county shall be legally subjected to in consequence of the removal of said cause, shall be refunded by the county of Schuylkill; and the party requesting the removal of the causes provided for in this act, shall, before removing the same, give security in such sum as the court of Schuylkill county may direct, conditioned for the payment of all costs of suit, in case of his failure.

Other cases under same title—how removed, &c

SECTION 3. WHEREAS, The rector, church wardens and vestrymen of the United Swedish Lutheran Churches, of Wicaco, Kingessing and Upper Merion, called Gloria Dei, St. James', and Christ's Church, have presented a memorial setting forth that the members of the said churches are well persuaded that the interests and harmony of the said churches will be promoted by the dissolution of the present corporation, and by the erection in the place thereof, of the said three churches into separate independent corporations; and that the said rector, church wardens and vestrymen of the said united churches, as a just and equitable partition of the estate and apportionment of the debt of the present corporation among the said churches when they shall have been incorporated, have agreed upon the terms set forth in this act. That it shall and may be lawful for the members of the congregation of said church of Wicaco, called Gloria Dei, the members of the congregation of said church of Kingessing, called St. James' church, and the members of the congregation of said church of Upper Merion, called Christ's church, to meet at their respective churches at a day and time to be appointed by the church wardens or vestrymen of the said churches, respectively, of which time of meeting they shall give at least twenty days public notice, which notice shall state that the object of the said meeting is to consider the propriety of making application, in the manner directed by law, for the erection of the members of the said several congregations into distinct corporations, and shall be posted up on the church doors of the respective churches, and in at least five other public places in the vicinity thereof. And the said members of the said several congregations, or the members of either of them, being so met pursuant to notice, shall and may, at such meeting, or any other held by adjournment therefrom by a majority of those present, agree to make application in the manner directed by law for their erection, respectively, into corporations, and may respectively agree and determine upon an instrument of writing specifying the objects, articles, conditions, name, style and title under which they mean to associate and be incorporated.

United Swedish Lutheran churches of Wicaco, Kingessing and Upper Merion

Preamble

Authorized to incorporate into separate bodies

**SECTION 4.** When the members of the said several congregations shall have agreed upon such instrument of writing, it shall and may be lawful for them to make application and to be incorporated into three separate and distinct bodies corporate, in the manner prescribed in the thirteenth section of an act entitled "An act relating to orphan's courts, and for other purposes," passed the fifteenth day of October, one thousand eight hundred and forty.

Former charter annulled

**SECTION 5.** That whenever the members of the said several congregations have been so incorporated, as provided in the second section of this act, immediately thereupon the present corporation of "the rector, church wardens and vestrymen of the United Swedish Lutheran Churches of Wicaco, Kingessing and Upper Merion shall be dissolved and destroyed, and the charter thereof shall be annulled and become void and of no effect.

Estate—how to vest in new corporations

**SECTION 6.** That all and singular the lands, tenements, hereditaments, rights and credits, estate and property, real and personal, now belonging to the said corporation of the rector, church wardens and vestrymen of the United Swedish Lutheran churches, of Wicaco, Kingessing and Upper Merion, or of, in and to which it shall be at and immediately before its dissolution, seized, possessed or entitled shall go to and be vested in the following manner, to wit :

Estate—to vest in Wicaco Congregation called Gloria Dei church

*Article 1.* The church and burial ground thereunto adjoining, and the parsonage house and lot whereupon it is erected, situate on Swanson street, in the district of Southwark, in the county of Philadelphia, with all the rights, privileges, deeds and muniments of title appurtenant or belonging thereto, shall be vested in the corporation, which shall be erected or created from the members of the congregation of the church of Wicaco, called Gloria Dei church.

Estate—vested in Kingessing congregation called St. James church

*Article 2.* The church and the burial ground wherein it is built, situate in the township of Kingessing, in the said county of Philadelphia, with all the rights, privileges, deeds and muniments of title appurtenant or belonging thereto, shall be vested in the corporation, which shall be erected or created from the members of the congregation of the church of Kingessing, called St. James' church.

Estate—vested in Upper Merion congregation called Christ's church

*Article 3.* The church and the burial ground whereon it is built, situate in the township of Upper Merion, in the county of Montgomery, and all the rights, privileges, deeds and muniments of title appurtenant or belonging thereto, shall be vested in the corporation which shall be erected or created from the members of the congregation of the church of Upper Merion, called Christ's church.

*Article 4.* All the rest, residue and remainder of lands, tenements, hereditaments, rights and credits, estate and property, real and personal, of the said corporation of the rector,

church wardens and vestrymen of the United-Swedish Lutheran churches, of Wecaco, Kingsessing, and Upper Merion, (excepting the furniture of each of the said churches, which shall belong to the corporation erected or created from the members of the congregation thereof,) shall be vested in the said several corporations which shall be erected or created from the members of the several congregations of the churches of Wicaco, Kingsessing and Upper Merion, as tenants in common, in following proportions or shares, viz :

Eight undivided eighteenth parts of the said rest, residue or remainder, shall go to and be vested in the corporation which shall be erected or created from the members of the congregation of the church of Wicaco, called Gloria Dei church : five undivided eighteenth parts of the said rest, residue, or remainder, shall go to and be vested in the corporation, which shall be erected or created from the members of the organization of the church of Kingsessing, called St. James' church : and the remaining five undivided eighteenth parts of the said rest, residue or remainder, shall go to and be vested in the corporation, which shall be erected or created from the members of the congregation of the church of Upper Merion, called Chrit's church.

SECTION 7. That the said corporations, by this act authorized to be erected or created from the members of the several congregations of the churches of Wicaco, Kingsessing, and Upper Merion, or the vestrymen of the said churches or congregations, hereby appointed trustees for the same, shall hold their respective share, purpart, proportion, or interest in the said lands, tenements, hereditaments, rights and credits, and estate, real and personal, now belonging to the corporation, of the rector, church wardens, and vestrymen of the United Swedish Lutheran churches of Wicaco, Kingsessing, and Upper Merion, subject to the debts and obligations of the present corporation, in the following proportions :

1. The corporation which shall be erected or created from the members of the congregation of the church of Wicaco, called Gloria Dei church, or the vestrymen who may become trustees for the same shall hold the share, purparts, proportion or interest of, and in said lands, tenements, hereditaments, rights, and credits, and estate real and personal, to them allotted and assigned by this act, subject to the payment of eight eighteenth parts of the debts and obligations of the present corporation.

2. The corporation which shall be erected or created from the members of the congregation of the church of Kingsessing, called St. James' church, or the vestrymen who may become trustees for the same, shall hold the share, purparts, proportion, or interest of and in said land, tenements, hereditaments, rights, and credits, and estate real and personal, to them allot-

Residue and remainder—how disposed of

Except furniture

8-18 to Wicaco congregation

5-18 to Kingsessing congregation

5-18 to Upper Merion congregation

Property held subject to the debts of the old church

Wicaco or Gloria Dei Church liable for 8-18 debts &c

Kingsessing or St James Church liable for 5-18 debts &c

ted and assigned by this act, subject to the payment of five eighteenth parts of the debts and obligations of the present corporation.

3. The corporation which shall be erected or created from the members of the congregation of the church of Upper Merion or Christ's Merion, called Christ's church, or the vestrymen who may become trustees for the same, shall hold the share, purparts, proportion, or interest of, and in the said lands, tenements, hereditaments, rights and credits, and estate, real and personal, to them allotted or assigned by this act, subject to the payment of five eighteenth parts of the debts or obligations of the present corporation.

Upper Merion  
or Christ's  
Church liable  
for 5-18 debts  
&c

WM. A. CRABB,  
*Speaker of the House of Representatives.*

JN. H. EWING.

*Speaker of the Senate.*

APPROVED—The fourth day of May, one thousand eight hundred and forty-one.

DAVID R. PORTER.

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[No. 116.]

## A FURTHER SUPPLEMENT

To an act entitled "An act to consolidate and amend the several acts relative to a General System of Education by Common Schools," passed the thirteenth day of June, one thousand eight hundred and thirty-six, 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 any college in this Commonwealth incorporated by the legislature, and maintaining at least four professors, shall be entitled to the benefit of the fourth section of the act of twelfth April, one thousand eight hundred and thirty-eight, although they may not have instructed constantly one hundred students, but that every such college, upon furnishing the state treasurer with a certificate verified by the oath or affirmation of the president of the board of trustees, or one of the professors, shewing the number of students under instruction, shall be entitled to draw such proportion of the sum of one thousand dollars per annum given by that act, as the number of students constantly instructed during each term shall bear to the number of one hundred: *Provided,* That no college having less than seventy-five students constantly under

College ap-  
propriation

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