

CHAPTER DLXXXII.

AN ACT FOR THE SALE OF A CHURCH IN THE CITY OF PHILADELPHIA, TO PAY THE DEBTS NOW DUE FOR BUILDING THE SAME AND DISTRIBUTING THE RESIDUE OF THE PURCHASE MONEYS ARISING FROM SUCH SALE AMONG THE SEVERAL PERSONS WHO HAVE BEEN OBLIGED TO ADVANCE MONEYS ON ACCOUNT OF THE SAID CHURCH.

Whereas in the year of our Lord one thousand seven hundred and sixty-three divers persons of the Calvinist or Reformed church associated together and agreed to erect a house of worship, situate on the east side of Fourth street to the northward of Sassafras street, in the city of Philadelphia, for which purpose it was concluded that a few of their number should take up moneys at interest and become bound for the same, which moneys were to be paid and discharged by the members of the proposed congregation of the said house of worship in general:

And whereas sundry persons, the intended members of the congregation of the church so proposed to be built, relying upon the promise of the said intended congregation for repayment, have borrowed and became bound for large sums of money which were expended by the consent of the said intended congregation in building the said church; and although a considerable part of the said moneys have been paid, yet a large balance still remains unsatisfied, and the congregation of the said church having deserted the same (a few excepted who are unable to assist in the payment of the said balance) and most of the obligors in the bonds given for the moneys aforesaid being poor and insolvent, a small number of the said obligors are now compelled to pay the said balance although unassisted by the said congregation:

And whereas all persons concerned are willing and desirous that the said church should be sold for the payment of the moneys aforesaid, but the legal estate in the lot of ground whereupon the same is erected, having been vested in certain trustees, some whereof are insolvent, others gone out of the province

and not to be found, and others dead, it is impracticable to obtain a sale for the purposes aforesaid without the aid of [the] legislature:

[Section I.] Be it therefore enacted by the Honorable John Penn, Esquire, Lieutenant-Governor under the Honorable Thomas Penn and Richard Penn, Esquires, true and absolute Proprietaries of the Province of Pennsylvania and counties of Newcastle, Kent and Sussex upon Delaware, by and with the advice and consent of the representatives of the freemen of the said Province in General Assembly met, and by the authority of the same, That the legal estate of and in the said church and the lot whereupon the same is erected so as aforesaid vested in the said trustees shall henceforth cease, determine and become void, and that the said legal estate and title of, in and to the said church and lot shall be and is hereby vested in Andrew Bankson, Moore Furman, Francis Hopkinson, Peter Knight and John Ord, gentlemen, their heirs and assigns forever, in trust nevertheless and to and for the uses, intents and purposes hereafter mentioned and expressed, viz.: That the said Andrew Bankson, Moore Furman, Francis Hopkinson, Peter Knight and John Ord, or the survivors or survivor of them, shall and may contract and agree with any person or persons, bodies politic or corporate, whatsoever, for the sale of the said church and lot of ground on such terms and for such uses as they the said trustees shall think proper, always preferring those who would purchase the said church and lot for religious worship, provided they offer and agree to purchase the same on equal terms with others; and shall and may grant and convey in fee simple or otherwise the said church and lot to such person or persons, bodies politic or corporate, with whom they shall so contract and agree as aforesaid; and shall and may in their own names bring or cause to be brought any action or actions, suit or suits, in any court of common pleas in this province and recover judgment against any person or persons, bodies politic or corporate, whatsoever, for any debt or sum of money which shall or may be due and owing from, or for the recovery of damages on any contract or agreement entered into by such person or persons, bodies politic or corporate, who shall so contract or

agree for the purchase of the said church and lot, and if it be needful, for the recovery of possession of the said church and lot against any person or persons who shall unlawfully withhold the same.

[Section II.] And be it further enacted by the authority aforesaid, That after such sale and disposition of the said church and lot shall be made and the moneys arising therefrom shall be had and received by the said trustees and their reasonable costs and expenses paid and discharged, they shall pay and apply the residue or remainder thereof as far as the same will go towards discharging and satisfying the ground rent due for the said lot and towards paying and reimbursing all such person and persons who have already paid or who, by any bond or contract, stand bound or engaged to pay any sum or sums of money for or on account of the said building in such sort and manner that each and every of the said persons shall have and receive an equal benefit in the distribution of the said moneys in proportion to the sum or sums which they have so paid or stand bound or engaged to pay (their several voluntary subscriptions for the said church excepted); and if after such payments and distribution a balance shall remain in the hands of the said trustees and the said church and lot shall be purchased for religious worship, then and in such case the said balance shall be applied towards finishing the said church; but if the said church and lot shall not be purchased for religious purposes, the said balance if any there be, shall be paid to the contributors to the Pennsylvania Hospital for the use of the said hospital.

[Section III.] And be it further enacted by the authority aforesaid, That all persons who shall neglect or refuse to claim and demand their proportion of the moneys so as aforesaid to be distributed within six months after public notice given that such distribution is ready to be made shall be excluded from any dividend of the said moneys, which notice the said trustees are hereby enjoined and required to give in some of the public newspapers to be published in the city of Philadelphia immediately after the sale of the said church.

[Section IV.] And be it also enacted by the authority afore-

said, That the said trustees before their entering upon the execution of their trust shall and are hereby directed to give bond to the King in the sum of two thousand pounds conditioned for their faithful performance of their trust and compliance with the several matters and things hereby directed to be done and performed; and the said bond is hereby declared to be for the use of any person or persons who shall be aggrieved by the said trustees, either by their refusal of their distributary share or otherwise; and in case the said trustees or the survivors or survivor or any of them shall, within a reasonable time, neglect or refuse to pay all or any part of the said moneys as directed by this act, the penalty of the said bond (or as much thereof as will amount to the price at which the said church and lot shall sell or be sufficient to pay and satisfy all or any part of such price which shall be unpaid and not distributed by the said trustees according to the directions of this act) shall be levied upon the goods and chattels, lands and tenements of them, the said trustees or the survivors or survivor of them, or such of them who shall so refuse and neglect to pay and distribute the moneys aforesaid; the proceedings upon such bond, if the same be used, to be in the same manner as those directed to be had on sheriff's bonds by the act of assembly of this province passed in the fourth year of Her late Majesty Queen Anne, entitled "An act for regulating elections of sheriffs and coroners."¹

Saving always, and reserving to the honorable proprietaries of this province, their heirs and assigns, and to all and every other person or persons whatsoever, bodies politic and corporate, their heirs, successors and assigns (other than the said several trustees or grantees mentioned and named in the deeds or conveyances executed and given for the said lot, their and every of their heirs and assigns) all his, her and their right, title, interest, claim and demand whatsoever of, in or to the said premises and every of them or any part or parcel thereof, anything herein contained to the contrary thereof in any wise notwithstanding.

¹ Passed January 12, 1705-6, Chapter 161.

Passed February 18, 1769. Referred for consideration by the King in Council, February 26, 1770, and allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix XXVII, Section I.

CHAPTER DLXXXIII.

AN ACT FOR RAISING BY WAY OF LOTTERY THE SUM OF THREE THOUSAND AND NINETY-NINE POUNDS TWELVE SHILLINGS FOR THE USE OF THE FIRST AND THIRD PRESBYTERIAN CHURCHES, AND OF THE SECOND PRESBYTERIAN CHURCH IN THE CITY OF PHILADELPHIA, AND OF THE GERMAN REFORMED CHURCH IN THE TOWNSHIP OF WORCESTER.

Whereas it hath been represented to the assembly of this province that the First Presbyterian Congregation in the city of Philadelphia, after rebuilding and enlarging the galleries of their church in Market street at a considerable expense found that the said church was insufficient to accommodate their congregation, and therefore they have at a great expense attempted to erect a large but plain house for public worship in Pine street, whence the society is greatly involved in debt; that, though large sums have been already subscribed and paid towards building said house in Pine street, it remains unfinished and hardly fit for the celebration of public worship, and that the people who, from their residence in the district and lower part of the city, form the congregation which worship in that church, being in general poor, are altogether unable either to finish the same or to pay off the large debt already contracted, and that a considerable sum of money will be necessary to enable them to perfect their commendable and pious undertaking:

And whereas it has also been represented to the said assembly that the Second Presbyterian Congregation find themselves under a necessity of purchasing a piece of ground for a burying place and putting a new roof immediately on their church in Arch street and of completing the unfinished part of their galleries in said church, which they are unable to do, having