

CHAPTER DCLXXIX.

AN ACT FOR VESTING A CERTAIN TRACT OF LAND IN THE TOWNSHIP OF MIDDLETON AND COUNTY OF CUMBERLAND, AND A LOT IN THE TOWN OF CARLISLE IN THE SAID COUNTY, IN TRUSTEES TO BE SOLD FOR THE PURPOSE THEREIN MENTIONED.

Whereas the honorable proprietaries of this province by their patent bearing date the first day of June in the year of our Lord one thousand seven hundred and forty-nine granted unto Samuel Thompson, John McClure, Robert Dunning, John Davies, John Mitchell and Alexander Saunderson and their heirs a certain tract of land in West Penns borough (now Middleton) township bounded and described as follows, to wit: Beginning at a marked hickory standing on the south side of Connedogwinet Creek, and from thence extending by land of Robert Gilkeson and vacant land south one hundred and seventy-four perches to a marked hickory, thence by vacant land west one hundred and forty-eight perches to a post, thence by John Davies' land north by east one hundred and forty-nine perches, to a marked walnut tree standing on the same Connedogwinet Creek, thence down the same creek on the several courses thereof one hundred and twenty perches to the place of beginning, containing one hundred and twenty acres with the usual allowance of six acres per cent. for roads and highways, in trust that they the said trustees and their heirs should stand seized thereof for the sole and only use, benefit and behoof of the minister and society of Presbyterians for the time being residing and to reside in the said township, to and for such uses, intents and purposes as the majority of the minister and elders for the time being, to be nominated and chosen from time to time by the said Presbyterian society, should from time to time order, direct and appoint:

And whereas the same proprietaries by their other patent bearing date the sixteenth day of April in the year of our Lord

one thousand seven hundred and sixty-one granted unto Thomas Wilson, John Davies, John Byers, William Speer, John Montgomery and Ezekiel Smith and their heirs a certain lot of ground in the town of Carlisle, containing in breadth sixty feet and in length two hundred and forty feet, bounded southward by Lowther street and westward by Hanover street, northward by lot numbered one hundred and seventy-eight and eastward by lot numbered one hundred and ninety-one, for erecting and continuing thereon a church or house of religious worship for the use of the same society under the description of the congregation of Presbyterians in the said town of Carlisle and its neighborhood then under the ministry of the Reverend Mr. John Steel in such manner as the minister, elders and majority of such congregation for the time being should from time to time order, direct and appoint:

And whereas the church formerly erected on the said lot is now decayed and become unfit for the use of the said congregation:

And whereas the said congregation have since agreed to build another church in another part of the said town and have expended very considerable sums that arose from a lottery formerly erected and from voluntary contributions in building the same, but those sums have been found insufficient for finishing thereof:

And whereas a majority of the said congregation and society are willing and desirous that the aforesaid tract of land and lot of ground should be sold, and that the money arising from the sale thereof should be applied to the finishing of the church last aforesaid, but some of the aforesaid trustees in whom the legal estate of the said tract of land and lot of ground were vested being dead and others gone out of the province, it is impracticable to obtain a sale for the purpose aforesaid without the aid of the legislature:

[Section I.] Be it therefore enacted by the Honorable Richard Penn, Esquire, Lieutenant-Governor under the Honorable Thomas Penn and John Penn, Esquires, true and absolute Proprietaries of the Province of Pennsylvania, 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 estates of and in the said tract of land and lot so as aforesaid vested in the aforesaid trustees shall henceforth cease and determine and become void, and that the legal estate and title of, in and to the said tract and lot shall be and is hereby vested in John Byers, John Montgomery, Robert Miller, John Agnew, James Wilson, Robert McGaw, James Pollock, William Miller, Samuel Laird, James Young, John Davies, Jonathan Holms, William Moor, James Smith, George Saunderson and James Irvine, their heirs and assigns forever, in trust nevertheless and to and for the uses, intents and purposes hereafter mentioned and expressed, viz.: That the trustees last aforesaid or the survivors or [the] 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 tract and lot on such terms as they the trustees last aforesaid or the majority of them shall think proper; and shall and may grant and convey in fee simple or otherwise the said tract 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 or judgments against any person or persons, bodies politic or corporate whatsoever, for any damages assessed on any breach of 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 tract or lot, and if it be needful for the recovery of possession of the said tract and lot against any person who shall unlawfully withhold the same.

[Section II.] And be it further enacted by the authority aforesaid, That after such sale of the aforesaid tract and lot shall be made and the money to arise therefrom shall be had and received by the trustees last aforesaid, they shall pay and apply the same toward finishing the church last aforesaid and toward paying and reimbursing all such person and persons who have already paid or who are bound to pay any sum or sums of money

for or on account of the said church (their several voluntary subscriptions for the said church excepted).

[Section III.] And be it further enacted by the authority aforesaid, That the trustees last aforesaid before their entering on the execution of their trust shall and are hereby directed to give bond to the King in the sum of one thousand pounds, conditioned for the faithful performance of their trust, 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, and the proceedings upon such bond if the same be sued shall be in the same manner as those directed to be had on the 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 the elections of sheriffs and coroners,"¹ saving nevertheless and reserving to the Reverend Mr. John Steel, present minister of said congregation and who is in possession of said tract of land or glebe, the use and benefits of said tract of land as formerly enjoyed by him for the space of four years from April next if the said John Steel shall live so long, and at the expiration of said term of four years a proper allowance for the improvements he has made or shall make thereon, and also saving and reserving to all and every other person or persons, bodies politic and corporate, their heirs, successors, executors, administrators and assigns (other than those whose estates are hereby declared to cease), all his, her and their right, title, interest, claim and demand whatsoever of, in or to the said tract and lot and every of them or any part or parcel thereof, anything herein contained to the contrary in any wise notwithstanding.

Passed February 26, 1773. Referred for consideration by the King in Council, February 2, 1774, and allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix XXXI.

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