

by the authority aforesaid, That so much of an act of assembly, entitled "An act to restrain people from labor on the first day of the week,¹ and of one other act of assembly, entitled "An act for the more effectual preventing accidents that may happen by fire and for suppressing idleness, drunkenness and other debaucheries;"² and of one other act of assembly, entitled "An act for the more effectual suppressing profane cursing and swearing;"³ and one other act of assembly, entitled "An act to prevent all duelling and fighting of duels within this province and territories,"⁴ as is altered or supplied by, or is repugnant to the provisions of this act shall be and is hereby repealed and declared to be null and void to all intents and purposes whatsoever.

Passed March 30, 1779. See the note to the Act of Assembly passed May 31, 1718, Chapter 236; and the Act of Assembly passed March 8, 1780, Chapter 888. The act in the text was repealed by the Act of Assembly passed September 25, 1786, Chapter 1248.

CHAPTER DCCCXXXIV.

AN ACT FOR INCORPORATING THE SCOTS PRESBYTERIAN CHURCH IN THE CITY OF PHILADELPHIA.

(Section I, P. L.) Whereas the minister, elders and deacons of the Scots Presbyterian church in Spruce street near Third street, in the city of Philadelphia, by their petition have prayed, That their said church may be incorporated and by law enabled as a body corporate and politic, to receive and hold such charitable donations and bequests as may from time to time be made to their society and vested with such powers and privileges as are enjoyed by the other religious societies who are incorporated in the said city:

(Section II, P. L.) And whereas it is just and right and also

¹ Passed January 12, 1705-6, Chapter 119.

² Passed February 9, 1750-1, Chapter 388.

³ Passed March 7, 1745-6, Chapter 369.

⁴ Passed November 27, 1700, Chapter 45.

agreeable to the true spirit of the constitution that the prayer of their said petition be granted:

[Section I.] (Section III, P. L.) Be it therefore enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That George Kennedy, Peter January, John Purdon, Robert Aitken, William Richards, Frazer Kinsley, John Davison, James Conchy and the reverend William Marshall, pastor of the church aforesaid and their successors duly elected and appointed in such manner and form as herein after is directed, be and they are hereby made and constituted a corporation and body politic in law and in fact to have continuance forever by the name, style and title of the Trustees of the Scots Presbyterian church of the city of Philadelphia.

[Section II.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the said corporation and their successors by the name, style and title aforesaid shall forever hereafter be person[s] able and capable in law as well to take, receive and hold all and all manner of lands, tenements, rents, annuities, franchises and other hereditaments which at any time or times heretofore have been granted, bargained, sold, enfeoffed, released, devised or otherwise conveyed to the said Scots Presbyterian church in Spruce street near Third street in the city aforesaid, or to the religious congregation worshipping therein now under the pastoral charge and care of the said reverend William Marshall, or to any other person or persons to their use, or in trust for them, and the same lands, tenements, rents, annuities, liberties, franchises and other hereditaments are hereby vested and established in the said corporation and their successors forever according to their original use and intention. And the said corporation and their successors are hereby declared to be seized and possessed of such estate and estates therein as in and by the respective grants, bargains, sales, enfeoffments, releases, devises or other conveyances thereof is or are declared limited or expressed as also that the said corporation and their successors aforesaid at all times hereafter shall be capable and

able to purchase, have, receive, take, hold and enjoy in fee simple or of any other lessor estate or estates any lands, tenements, rents, annuities, liberties, franchises, and other hereditaments by the gift, grant, bargain, sale, alienation, enfeoffment, release, confirmation or devise of any person or persons, bodies politic or corporate capable and able to make the same, and further that the said corporation may take and receive any sum or sums of money and any manner or portion of goods and chattels that shall be given [or] bequeathed to them by any person or persons, bodies politic or corporate capable to make a gift or bequest thereof; such money, goods and chattels to be laid out by them in a purchase or purchases of lands, tenements, messuages, houses, rents, annuities or hereditaments to them and their successors forever, or the moneys lent on interest or otherwise disposed of according to the intention of the donors.

[Section III.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That the rents, profits and interest of the said real and personal estate of the said church and corporation shall by the said trustees and their successors from time to time be applied for the maintenance and support of the pastor or pastors of the said church for salaries to their clerk and sexton, in the maintenance and support of a school and in repairing and maintaining their lot and house of public worship, burial ground, parsonage house or houses, school house or houses and other tenements which now do or hereafter shall belong to the said church and corporation.

[Section IV.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That if hereafter the building for public worship or any other tenement belonging to the said church and corporation shall be burnt, endamaged or otherwise rendered unfit for use or if hereafter the said house of public worship shall appear to be too small to accommodate the congregation whereby it shall become necessary to rebuild or repair the same that then and in such case it may be lawful for the said corporation and their successors to make sale or otherwise dispose of any part or parcel of the said real or personal estate other than the site of the house of public worship, burial ground or burial

grounds, parsonage house or houses, school house or houses for the purposes aforesaid and not otherwise.

[Section V.] (Section VII, P. L.) Provided always, and be it further enacted by the authority aforesaid, That in the disposal and application of the public moneys of the said corporation or in the making [sale] or disposition of any part or parcel of the real or personal estate of the said corporation for any of the purposes aforesaid the consent and concurrence of the major part of the regular members of the said church qualified as herein after directed shall be had and obtained and the votes herein after directed to be taken shall be by ballot and also that the said trustees in like manner qualified shall be admitted to vote therein as members of the said church.

[Section VI.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That the said trustees and their successors shall not by deed, fine or recovery or by any other ways and means grant, alien or otherwise dispose of any manors, messuages, lands, tenements or hereditaments in them or their successors vested or hereafter to be vested nor charge nor encumber the same to any person or persons whatsoever except as hereinbefore is excepted.

[Section VII.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That the said trustees and their successors or the majority of any five of them met from time to time after public intimation given the preceding Lord's day, commonly called Sunday, from the desk or pulpit of the said church immediately after divine service before the congregation are dismissed, or after regular notice in writing left at the house of each trustee and the particular business having been mentioned at least one meeting before be authorized and empowered and they are hereby authorized and empowered to make rules, by-laws and ordinances and to do everything needful for the good government and support of the secular affairs of the said church.

(Section X, P. L.) Provided always, That the said by-laws, rules and ordinances or any of them be not repugnant to the laws of this commonwealth and that all their proceedings be fairly and regularly entered in a church book to be kept for that

purpose and also that the said trustees and their successors by plurality of votes of any five or more of them meet as aforesaid after such intimation or notice as aforesaid be authorized and empowered, and they are hereby authorized and empowered to elect and appoint from among themselves a president and also to elect and appoint from among themselves or others a treasurer and secretary and the same president, treasurer and secretary or any of them at their pleasure to remove, change, alter or continue as to them or a majority of any five of them so met as aforesaid, from time to time shall seem to be most for the benefit of the said church and corporation.

[Section VIII.] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That the said corporation and their successors shall have full power and authority to make, have and use one common seal with such device and inscription as they shall think proper and the same to break, alter and renew at their pleasure.

[Section IX.] (Section XII, P. L.) And be it further enacted by the authority aforesaid, That the said corporation and their successors by the name of the trustees of the Scots Presbyterian church in the city of Philadelphia shall be able and capable in law to sue or be sued, plead and be impleaded in any court or courts before any judge or judges, justice or justices in all and all manner of suits, complaints, pleas, causes, matters and demands of whatsoever kind, nature or form they may be and all and every matter and thing therein to do in as full and effectual a manner as any other person or persons, bodies politic or corporate within this commonwealth may or can do.

[Section X.] (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That the said corporation shall always consist of nine members called and known by the name of the trustees of the Scots Presbyterian church in the city of Philadelphia and the said members shall at all times hereafter be chosen by way of ballot by a majority of such members met together of the said church or congregation as shall have been enrolled in the aforesaid book as stated worshippers with the said church for not less than the space of one year and shall have paid one year's pew rent or other annual sum of money not less

than ten shillings for the support of the pastor or pastors and other officers of the said church their lot and house of public worship and other lots and tenements belonging to the said church and corporation and towards the other necessary expenses of the said church and shall not at the time of voting be more than one half year behind or in arrears for the same.

(Section XIV, P. L.) Provided always, That the pastor or pastors of the said church for the time being shall be entitled to vote equally with any member of the said church or congregation.

(Section XV, P. L.) And provided also, That all and every person or persons qualified as aforesaid to vote and elect shall and may be capable and able to be elected a trustee aforesaid except in case of the said church having two pastors one of them only to be eligible at the same time.

[Section XI.] (Section XVI, P. L.) And be it further enacted by the authority aforesaid, That the said George Kennedy, Peter January, John Purdon, Robert Aitken, William Richards, Frazer Kinsley, John Davison, James Conchy, and the reverend William Marshall the first and present trustees hereby incorporated shall be and continue trustees aforesaid until they shall be removed in manner following, That is to say, one-third part in number of the trustees aforesaid being the third part herein first named and appointed shall cease and discontinue and their appointment determine on the Monday next after the first Lord's day commonly called Sunday in May, which will be in the year of our Lord one thousand seven hundred and eighty upon which day a new election shall be had and held of so many others in their stead and place by a majority of the persons met and qualified agreeably to the purport, true intent and meaning of this act to vote and elect as aforesaid and on the Monday next after the first Lord's day, commonly called Sunday in May in the year following the second third part in number of the trustees herein named shall in like manner cease and discontinue and their appointment determine, and a new election be had and held of so many in their place and stead in like manner, and on the Monday next after the first Lord's day commonly called Sunday in May in the year then next following the last third part in num-

ber of the said trustees shall in like manner cease and discontinue and their appointment determine and a new election be had and held in like manner as herein before is directed and that in the same manner and by the like mode of rotation one third part in number of the said trustees shall cease, discontinue and their appointment determine and a new election of the said third part be had and held in manner aforesaid on the Monday next after the first Lord's day commonly called Sunday in the month of May in every year forever so that no person or persons be or continue a trustee or trustees of the said church for any longer time than three years together without being re-elected.

(Section XVII, P. L.) Provided always, That the persons belonging to the said church who are in and by this act authorized and empowered to elect, shall and may be at liberty to re-elect any one or more of the trustees whose times shall have expired on the day of the said annual election whenever and so often as they shall think fit.

(Section XVIII, P. L.) Provided also, That whenever any vacancy shall happen by the death, refusal to serve or removal of any one or more of the trustees aforesaid pursuant to the directions of this act, an election shall be had of some fit person or persons in his or their place and stead so dying, refusing or removing as soon as conveniently can be done and that the person or persons so elected shall be, remain and continue as a trustee or trustees aforesaid so long without a new election as the person or persons in whose place and stead he or they shall have been so elected as aforesaid would or might have remained and continued and no longer. And that in all cases of a vacancy happening by the means in this act last-mentioned the remaining trustees shall be empowered to call a meeting of the electors for supplying the said vacancy, such meeting to be notified and published in like manner as herein before is directed and appointed for notifying and publishing the meeting of the trustees.

[Section XII.] (Section XIX, P. L.) Provided always, and it is hereby enacted by the authority aforesaid, That the clear yearly value or income of the messuages, houses, lands, tenements, rents, annuities or other hereditaments and real estate of the said corporation shall not exceed the sum of one thousand

pounds lawful money of the state of Pennsylvania to be taken and esteemed exclusive of the moneys arising from the letting of the pews and the contributions belonging to the said church and also exclusive of the moneys arising from the opening the ground for burials, which said money shall be received by the said trustees and disposed of by them in the manner herein before described pursuant to the vote or votes of the members of the said church duly qualified to vote and elect as aforesaid.

Passed March 31, 1779. See the Act of Assembly passed September 6, 1786, Chapter 1235.

On the original roll of this act the dates of passage and record are not given.

CHAPTER DCCCXXXV.

A FURTHER SUPPLEMENT TO THE ACT, ENTITLED "AN ACT FOR SETTTLING THE ACCOUNTS OF THE LATE COMMITTEE AND COUNCIL OF SAFETY,"¹

(Section I, P. L.) Whereas it is of the utmost importance that the public accounts be settled with all possible expedition:

(Section II, P. L.) And whereas from the representation of the auditors appointed by the said supplement for that purpose to this house it appears necessary to extend the powers of the said auditors so as to give them authority to settle the accounts of the navy board and board of war of this state, and such other accounts as may be intimately connected with them:

[Section I.] (Section III, P. L.) Be it therefore enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That the said auditors be and they hereby are nominated and appointed auditors for the purpose of settling the accounts of the state, navy board and board of war, and such other accounts as may be intimately connected with them; and they are hereby invested with the same power and

¹ Passed September 2, 1778, Chapter 806.