

Passed April 1, 1784. Recorded L. B. No. 2, p. 335, etc. See the Acts of Assembly passed February 26, 1773, Chapter 671; April 1, 1784, Chapter 1095.

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CHAPTER MCII.

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AN ACT INCORPORATING THE UNITED PRESBYTERIAN CHURCH IN LOWER PAXTON, LANCASTER COUNTY.

(Section I, P. L.) Whereas the minister, elders and others, members of the United Presbyterian Church in Lower Paxton, in the county of Lancaster, 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 this state:

(Section II, P. L.) And whereas it is just and right and also 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 Jacob Awl, John Cavet, Samuel Cochran, Joshua Elder, John Foster, John Gilcrist, John Harris, William Kerr, Thomas McArthur, Junior, Alexander McClure, John Wiggins, John Wilson and the Reverend John Elder, 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 "The Trustees of the United Presbyterian church in Lower Paxton, in the county of Lancaster."

[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 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 United Presbyterian Church in Lower Paxton in the county aforesaid, or to the religious congregation worshipping therein, now under the pastoral charge and care of the Reverend John Elder, 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 less 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 postor 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 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 hereinafter is directed, shall be had and obtained; and the votes hereinafter 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 VIII, P. L.) Provided nevertheless, That no deed or other conveyance made by the said trustees or their successors, bona fide and for valuable consideration, for any part of the

real estate of the said corporation, in case the possession thereof immediately pass to the purchaser, and continue in him, his heirs and assigns, shall be invalidated or called in question for want of the consent and concurrence aforesaid, or for want of conformity to this act, unless the same be done within seven years from and after the sale and delivery of the possession of such real estate to the purchaser and purchasers thereof.

[Section VI.] (Section IX, 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 or 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 herein before is excepted.

[Section VII.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That the said trustees and their successors, or a majority of any five of them met, from time to time, after public notice 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 XI, 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 into 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 met as aforesaid, after such 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, 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 or more 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 XII, 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 XIII, 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 Presbyterian church, in Lower Paxton, in the county of Lancaster, 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 XIV, P. L.) And be it further enacted by the authority aforesaid, That the said corporation shall always consist of twelve members called and known by the name of "The Trustees of the Presbyterian Church in Lower Paxton," 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 said pastor or pastors, or 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 year behind or in arrears for the same.

(Section XV, 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 corporation.

(Section XVI, 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 XVII, P. L.) And be it further enacted by the authority aforesaid, That the said Jacob Awl, John Cavet, Samuel Cochran, Joshua Elder, John Forster, John Gilchrist, John Harris, William Kerr, Thomas McArthur, Junior, Alexander McClure, John Wiggins, John Wilson and the Reverend John Elder 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-four; 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 agreeable, 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 to 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 number 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 or rotation one third part in num-

ber of the said trustees shall cease, discontinue and their appointment determine, and a new election of the said third part he 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, shall be or continue a trustee or trustees of the said church for any longer time than three years together unless he be re-elected.

(Section XVIII, 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 XIX, 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 XX, 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 five hundred 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 of the ground or burials which said money shall be received by the said trustees and disposed of by them in the manner hereinbefore described, pursuant to the vote or votes of the members of the said church, duly qualified to vote and elect as aforesaid.

Passed April 1, 1784. Recorded L. B. No. 2, p. 340, etc.

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### CHAPTER MCIII.

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AN ACT TO VEST IN ISAAC AUSTIN A CERTAIN MESSUAGE, WHARF, FERRY AND FERRY LANDING, SITUATED ON THE NORTHEASTERN SIDE OF MULBERRY STREET, AT THE EASTERNMOST EXTREMITY THEREOF, IN THE CITY OF PHILADELPHIA, LATE THE PROPERTY OF WILLIAM AUSTIN, ATTAINTED OF HIGH TREASON.

(Section I, P. L.) Whereas Isaac Austin of the city of Philadelphia, gentleman, hath by his petition to the last house of assembly stated, that his brother William Austin, late of the same city was attainted of high treason in consequence of an act of assembly of this commonwealth, that the estate of the said William Austin was forfeited by such his attainder, that his said estate was sold by the agents for forfeited estates on the twenty-eighth day of August, one thousand seven hundred and eighty, for eighty thousand pounds, that the said Isaac Austin was the highest bidder thereat, that he had exhibited a claim in the supreme court against the said William Austin, and that the same court allowed the same to the amount of four hundred and twenty-six pounds thirteen shillings and ten pence half penny specie, that the committee of grievances in their report in a former assembly, "Resolved that they had examined the accounts of Isaac Austin and had heard all the evidence he had relating thereto, and were of opinion that his accounts ought to be allowed, and on his paying to the honorable the supreme executive council the balance of purchase money, that they be requested to confirm the estate prayed for, in the said Isaac Austin, that the said Isaac Austin had petitioned the su-