
 CHAPTER MCCCVII.

AN ACT TO REPEAL PART OF THE ACT, ENTITLED "AN ACT TO REGULATE THE GENERAL ELECTIONS OF THIS COMMONWEALTH AND TO PREVENT FRAUDS THEREIN"¹ AND TO AMEND AND ALTER THE "ACT FOR THE BETTER REGULATION OF JURIES."²

(Section I.-P. L.) Whereas by the thirty-fifth section of the act entitled, "An act to regulate the general elections of this commonwealth and to prevent frauds therein," the sum of eight shillings and four pence per diem is directed to be paid by the county treasurer to the judges, inspectors and clerks respectively while employed in the duties required of them by the said act, which allowance is thought to be altogether an unnecessary expense:

[Section I.] (Section II. 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Pennsylvania, in General Assembly met and by the authority of the same, That the said section be and the same hereby is repealed, annulled and made void.

(Section III. P. L.) And whereas the daily allowance made by the sixteenth section of the act, entitled "An act for the better regulation of juries," is though unnecessary:

[Section II.] Be it therefore enacted by the authority aforesaid, That the sixteenth section of the said act be and the same is hereby repealed, annulled and made void.

Passed September 13, 1787. Recorded L. B. No. 3, p. 311, etc.

 CHAPTER MCCCVIII.

AN ACT TO INCORPORATE THE UPPER PRESBYTERIAN CONGREGATION OF MARSH CREEK IN THE COUNTY OF YORK.

(Section I. P. L.) Whereas the members of the Upper Presbyterian Church of Marsh Creek in the county of York have

¹ Chapter 1175.

² Chapter 1139.

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 religious societies who are incorporated in the state of Pennsylvania:

And whereas it is just and right, and also agreeable to the true spirit of the constitution, that the prayer of the said petition be granted:

[Section I.] (Section II. 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 David McClellan, John Hosac, James Johnston, Quintain Armstrong, Michael Kincaid, William McPherson, Joshua Russell, William McClellan and John Ross and their successors duly elected and appointed in such manner and form as hereinafter 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 Upper Presbyterian Church of Marsh Creek in the county of York."

[Section II.] (Section III. 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 persons 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 Upper Presbyterian Church of Marsh Creek in the County of York, or to the religious congregation worshipping therein now under the pastoral charge and care of the Reverend John Black, 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 any 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 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 and 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 have or shall be given or bequeathed to them by any person or persons, bodies politic and corporate capable to make a bequest or gift 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 money lent on interest or otherwise disposed of according to the true intention of the donors.

[Section III.] (Section IV. P. L.) And be it further enacted by the authority aforesaid, That the rents, profits and interests of the said real and personal estate of the aforesaid church and corporation and so much of the capital as shall be found necessary shall by the said trustees and their successors from time to time be applied and laid out for the maintenance and support of the pastor of said church, for maintaining and repairing their house of public worship, lots of ground, parsonage house and other buildings which now do or hereafter shall belong to the said church and corporation and such pious and charitable uses as shall be agreed on and determined by a majority of the members of said church met together on due notice to give their free vote and consent in such case.

[Section IV.] (Section V. P. L.) And be it further enacted by the authority aforesaid, That when and as often as it may become necessary to rebuild, enlarge or otherwise alter or repair the house of public worship or any other building be-

longing to the said church and corporation or to erect any new buildings or to make any new purchases for the use of the said congregation, then and in such case it may be lawful for the aforesaid trustees and their successors to make sale of or otherwise dispose of such part or parcel of the said estate real or personal as a majority of the regular members of said congregation duly called and met together shall by their votes direct, the money arising from such sale or disposal to be laid out and applied agreeably to the vote of the aforesaid majority.

[Section V.] (Section VI. P. L.) And be it further enacted by the authority aforesaid, That the said trustees and their successors shall not by any 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 of their successors vested or hereafter to be vested, nor charge nor encumber the same to any person or persons whatsoever without the consent and approbation of a majority of the members of the said congregation, who shall have met together on due notice having been previously and publicly given for that purpose.

[Section VI.] (Section VII. P. L.) And be it further enacted by the authority aforesaid, That the said trustees and their successors or a majority of them met from time to time, after public intimation given the preceeding 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 inserted therein at least one week before, be authorized and empowered and they are hereby authorized and empowered to make by-laws and ordinances, to manage the collection and payment of the minister's stipend and to do everything needful for the good government and support of the secular affairs of the said church.

(Section VIII. 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 a majority of votes of any five or more of them when met as aforesaid after such intimation or notice as aforesaid be 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 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 VII.] (Section IX. 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 VIII.] (Section X. 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 Upper Presbyterian Church of Marsh Creek in the County of York," shall be able and capable in law to sue and be sued, plead and be impleaded in any court or courts, before any judge or judges, justice of justices in all and all manner of suits, complaints, pleas, causes, matters and demands of whatsoever nature, kind, or form they be and all and every matter and thing therein to do in as full and effectual a manner as any other person or persons, body politic or corporate within this commonwealth may or can do.

[Section IX.] (Section XI. 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 Upper Presbyterian Church of Marsh Creek, in the County of York," and the said members shall at all times hereafter be chosen by ballot by a majority of such members met together of the said congregation as are stated worshippers with the said church for not less than the space of one year and have paid the sum of seven shillings

and sixpence yearly towards the support of the said church and shall not at any time of voting be more than one year in arrears for the same.

[Section X.] (Section XII. P. L.) And be it further enacted by the authority aforesaid, That the said David McClellan, John Hosac, James Johnston, Quintain Armstrong, Michael Kincaid, William McPherson, Joshua Russell, William McClellan, and John Ross the first and present trustees hereby incorporated, shall be and continue trustees until removed in manner following (*viz.*) one third part in [the] number of said trustees being the third part therein first mentioned shall cease and discontinue and their appointment determine on the first Monday of April which will be in the year of our Lord one thousand seven hundred and eighty-eight; and the second part herein mentioned shall cease and discontinue and their appointment determine on the first Monday in April which will be in the year of our Lord one thousand seven hundred and eighty-nine and in like manner the appointment of the last third part shall cease and determine and on the first Monday in April which will be in the year of our Lord one thousand seven hundred and ninety, on which days in each of the aforementioned years respectively new elections shall be held of other trustees instead of those whose appointments shall have ceased and terminated, which manner of discontinuance, determination, new appointment or election shall be continued on the first Monday of April in every year hereafter forever, so that no person shall be or continue a trustee longer than three years together without being re-elected, which may be done whenever and as often as the members of said congregation qualified to vote as afore described shall think fit.

(Section XIII. P. L.) Provided always, That whenever any vacancy shall happen by the death, refusal to serve or removal of any one or more of the said trustees, or in case the members of the said church shall neglect to meet on the first Monday of April in any year, an election shall be held within the space of one month thereafter and some fit person or persons chosen and appointed as before directed to supply such vacancy and 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 continued and remained, and no longer, and that in all cases of a vacancy happening by the means in this act last mentioned, the remaining trustees or trustee shall be empowered to call a meeting of the electors of said congregation for supplying the said vacancy in like manner as hereinbefore directed. Provided also, That the pastor of the church for the time being shall be entitled to vote equally with any member of the said church or congregation. 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 trustees as aforesaid.

[Section XI.] (Section XIV. P. L.) And be it further enacted by the authority aforesaid, That the trustees when admitted to their office shall receive into their hands all the deeds, vouchers, papers or accounts relative to any lands, moneys, rents or effects belonging and due to said congregation and shall be accountable for the same during their continuance in office.

[Section XII.] (Section XV. P. L.) And be it further enacted by the authority aforesaid, That upon the day of the annual election of trustees or within one month thereafter, three men, members of said congregation, shall be chosen by a majority of votes of the electors present as a committee of accounts to examine the conduct, papers and accounts of the trustees for the former year, and if this committee shall find that through the neglect or wilfull mismanagement of the said trustees the estate of the corporation hath been damaged, the said trustees shall indemnify the congregation for the loss thereby sustained and if the said trustees shall neglect or refuse to give a just and full account of their proceedings in every necessary article required by this committee within the space of one month after the day of annual election, of said committee, they shall be subject to the penalty of one hundred pounds of lawful money of Pennsylvania for the use of said corporation.

Section XIII. (Section XVI. 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 money arising from the annual state contributions belonging to the said church, which said money shall be received by the trustees and disposed of by them in the manner hereinbefore directed.

Passed September 13, 1787. Recorded L. B. No. 3, p. 313, etc.

CHAPTER MCCCIX.

AN ACT FOR RELIEF OF PAUL HAUSMAN AN INSOLVENT DEBTOR CONFINED IN THE GAOL OF THE COUNTY OF LANCASTER.

(Section I. P. L.) Whereas Paul Hausman late collector of taxes in Manor township in the county of Lancaster hath by his petition set forth that he is now confined in the gaol of the county of Lancaster for non-payment of the sum of two hundred and ninety-four pounds two shillings and two pence half penny, being a balance due on settlement with the treasurer for the county aforesaid for moneys by him received in the collection of public taxes, and which by reason of divers misfortunes he is rendered wholly unable to pay, and hath prayed that he may be discharged from further confinement:

And whereas, it appears to this house that the prayer of the said petition [er] ought to be granted.

[Section I.] (Section II. 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 county court of common pleas in and for the county of Lancaster be and the said court is hereby authorized and required upon the petition of the said Paul Hausman to grant him relief, with equal and like effect and upon like terms as to imprisonment