

No. 391.

A N A C T

For the relief of Andrew M'Kim, of Butler county, a soldier under general Arthur Saint Clair.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the state treasurer be and is hereby authorized and required to pay to Andrew M'Kim, (of Butler county, a soldier under general Arthur Saint Clair,) or his order, an annuity of forty dollars to commence on the first of January, one thousand eight hundred and fifty, to be paid semi-annually during his life.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

APPROVED—The third day of May, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 392.

A N A C T

Relative to the erection of dams in Red Bank creek and its tributaries; to incorporate the institution of Protestant Deaconesses of the county of Allegheny; and to erect Youghiogheny school district, in Westmoreland county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* all persons having heretofore erected, or who shall hereafter erect any dam or dams, or who shall continue the same in Red Bank creek or its navigable tributaries for any purposes whatever, and which dam or dams prevent and obstruct the free descending navigation of said stream and tributaries, shall be guilty of a public nuisance; and that in addition to the remedies provided by the act of twenty-third day of March, Anno Domini, one thousand eight hundred and three, entitled "An Act to authorize any person or persons owning lands adjoining navigable streams of water declared highways, to erect dams upon such streams for mills and other works," any person aggrieved thereby shall have

Penalty for obstructing the navigation of the Red Bank creek and its tributaries.

the common law remedies for the abatement of the said nuisances; neither shall said act be so construed as to affect the remedies provided by the common law, and that the said dam or dams in said streams shall be kept at all times in good repair for the free passage of a descending navigation: *Provided*, That this act shall not prevent any person or persons from bringing suit or suits at law for any injury they may sustain in consequence of any such dam or dams.

Corporators.	SECTION 2. That Elizabeth Hupperts, Paulene Ludewig, Elizabeth Hess, Louisa Hinrichsen, Louisa Marthens and their associates, who shall become members of the community, according to the by-laws, together with the Rev. W. A. Passavant, director, and G. Bossler, J. Voglebach and E. Rahm, officers, and their successors, be and they are hereby made and constituted a body corporate and politic in law and in fact, under the name, style and title of "The institution of Protestant Deaconesses;" to have perpetual succession; to use a common seal; to plead and be impleaded in all courts of record and elsewhere; to purchase, acquire, receive, hold and enjoy real, personal and mixed estate of any kind whatsoever, and sell, convey, lease and encumber the same, for the use, objects and benefit of the association: <i>Provided</i> , That the annual income of real estate owned by the corporation, exclusive of the houses occupied by the community, and ground thereto attached, shall not exceed the yearly revenue of five thousand dollars; they shall have power also to make such regulations and by-laws for their government, the admission of additional members into the society, their election duties, and time of service, as they may deem necessary and advisable: <i>Provided</i> , That said by-laws and regulations be not inconsistent with the constitution of the United States or of this state: <i>And provided also</i> , That no person shall be or remain a member of the corporation, except members of the community in good and regular standing, and such officers as are now, or shall hereafter be elected in the manner hereinafter provided.
Style.	
Privileges.	
Proviso.	
By-laws.	
Proviso.	
Object.	SECTION 3. That the objects of this institution shall be the relief of the sick and insane, the care of orphans, the education of youth, and the exercise of mercy to the unfortunate and destitute; and the property of said institution occupied for these purposes, and the income used in their support, shall be exempted from taxation; nor shall the grounds of said institution be subject or liable to have any public road, street, lane or alley laid out or opened through them, as long as the same shall be used and employed for the purposes aforesaid.
Board of managers.	SECTION 4. The government and management of the institution shall be under the direction of a board consisting of a director, who is chairman, a vice director, a directing sister, a secretary and treasurer, two of whom, with the director, and in case of his absence, the vice director and the directing sister, shall constitute a quorum for the transaction of business; of these, the director, vice director and directing sister shall be chosen, by ballot, jointly by the board and the other members of the aforementioned institution of Protestant Deaconesses, a notice having been given of such election at least two months before, to the board and all the members of the aforementioned institution, wherever they may be laboring; the secretary and treasurer shall be annually chosen by the board alone, at the regular annual meeting, on the first Monday of January in each year; and in case of any vacancy in the board, by death, resignation, removal or otherwise, the remainder of the board shall have power to fill such vacancy, by the election of another person, until the next annual election, or until an election can be held: <i>Provided</i> , That a failure to elect on the days and time mentioned shall not work a forfeiture of the charter; they shall have power to establish, control,
Quorum.	
Secretary and treasurer.	
Vacancies.	
Failure to elect on the day mentioned, not to work a forfeiture of charter.	

govern and manage any hospital, infirmary, asylum or other institution necessary and proper for carrying out and fulfilling the general objects and purposes of the association as herein declared and set forth; also, to contract for and erect all necessary buildings, provide all the accommodations, arrangements and conveniences requisite for the reception and proper care of the patients and inmates; they shall prescribe the kind and character of the patients and inmates, and the terms and conditions upon which they may be admitted, discharged and removed; and make such regulations for their government, and that of the officers and other persons employed in and about the institutions under their care, as they may deem necessary and proper from time to time.

SECTION 5. That as the persons composing the aforementioned society are members of the Evangelical Lutheran church, and desire to remain unmolested in the free exercise of their religious faith and worship, it is hereby provided that no one shall be elected director or vice director of the institution who is not a clergyman in good and regular standing in some one of the synods of said church in the United States.

Director or vice-director to be a clergyman of the Lutheran church.

SECTION 6. That no misnomer of the said corporation shall defeat or annul any gift, grant, conveyance, assurance, devise or bequest to the said corporation: *Provided*, That the intent of the party or parties shall sufficiently appear upon the face thereof, whereby any estate or interest was intended to pass to said corporation, or to any infirmary, hospital, asylum, or other institution under the management and control of the corporation hereby created.

Misnomer not to defeat gifts, grants, &c. *Provido*.

SECTION 7. *And whereas*, The Rev. W. A. Passavant above named, by the aid of sundry charitable persons, has established a hospital, known as the Pittsburg infirmary, in the city of Pittsburg, Pennsylvania, in order that the suffering and sick might be cared for and relieved in a becoming and christian manner, without distinction of color, creed or country, and has placed the same under the immediate supervision and control of the aforesaid institution of Protestant Deaconesses; the said W. A. Passavant is hereby authorized and empowered to assign, convey and transfer to the corporation hereby created, all property, real, personal and mixed, held by him in trust for the purposes of the said infirmary, subject to the same trusts and considerations upon which he holds the same; and that any other person or persons now holding, or who may hereafter hold any goods, chattels or property, real, personal or mixed, in trust or for the use of said association, or of any infirmary, hospital, asylum, or other institution connected therewith, are hereby authorized to convey, transfer, grant and make over the same to the corporation hereby created, subject to the trusts and conditions under which the same is or may be held by such person or persons.

Rev. W. A. Passavant authorized to convey certain property to the corporation hereby created.

SECTION 8. That Thomas M. Hane, William Holmes, George Weyman, James Park, Henry Graff, Allen Kramer, Robert Beer, George Black, Christopher Zug, William Larimer, Jr., John H. Shoenberger, James K. Moorhead and George W. Jackson, and their successors, appointed as hereinafter provided, shall constitute a "*board of visitors*," who shall meet annually on the second Monday in January, to examine and report for publication, the condition and management of the Pittsburg infirmary aforesaid; for which purpose they shall have free access to all the buildings and apartments belonging thereto, and the inspection of all books, papers and accounts relating to the management thereof; and it shall be their special duty to investigate, and in their report set forth any discrimination which may at time hereafter be made in favor of one creed, color or country over another, in the granting of permits or the care of the sick, to the end that any such abuse may be speedily corrected; all vacancies in said board of visitors shall be filled by the

Board of visitors.

Annual meeting.

Duties.

votes of a majority of the patrons of the infirmary hereinafter mentioned, at a meeting convened for the purpose, on the call of the surviving members of the board, or in default of such election, by the court of common pleas of Allegheny county, on the petition of any three of said board.

Patrons for life.
Rights.

SECTION 9. That any contributor who has already, or shall hereafter subscribe the sum of one thousand dollars at a single benefaction, or who has already subscribed a less sum, and shall increase the same to one thousand dollars, or who shall hereafter subscribe a less sum, and subsequently increase the same to one thousand dollars, on payment of the same into the treasury, shall be entitled to become a patron for life, and shall have the right to nominate and send in one patient to the infirmary: *Provided*, That the person so nominated shall be of the condition, and fall within and comply with the rules that may be established for the government of the institution; and the same privileges and rights shall be conferred on any person or corporation who shall subscribe and secure the payment of one hundred dollars per annum for the period of fifteen years; and the same privileges and rights shall be conferred on any church or religious society who shall take an annual collection for the benefit of the infirmary, amounting to the sum of seventy-five dollars per annum.

Reservation.

SECTION 10. That the legislature hereby reserves the right to repeal this act, if the said corporation shall at any time misuse or abuse the privileges hereby granted.

Boundaries.

Youghiogheny
school district
erected.

SECTION 11. That after the passage of this act, all that part of Sewickly township, Westmoreland county, beginning at lock, No. two, on the Youghiogheny river, including the farm of William S. Colwell and Prestly Wilson, Geo. Gilbert, Wm. Pearce, Asa Lash, to the Little Sewickly creek, and down said creek to the Youghiogheny river, thence down said river to the place of beginning, shall be erected into a separate school district, to be called the Youghiogheny school district, with all the privileges of any other school district in this commonwealth; and that David Fritchman, John Sterner, Benjamin Guffey, John M. Martin, Wm. S. Colwell, Robert Campbell, shall be the school directors of said district, to serve from the passage of this act until the second Tuesday in April, one thousand eight hundred and fifty-one, at which time the school directors shall be chosen at the school house in said district, between the hours of twelve o'clock, M., and six o'clock, P. M., and every successive year hereafter; and that said school directors shall be vested with the same powers and privileges of school directors in said county.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The third day of May, one thousand eight hundred and fifty.

WM. F. JOHNSTON.