

[Section II.] (Section III, P. L.) Provided always and be it further enacted by the authority aforesaid, That before the auctioneer of the city of Philadelphia shall proceed to sell by public auction or vendue any goods or merchandise by virtue of this act, he shall be furnished with the license of the president or vice-president in council authorizing such sale in which the goods and merchandize thereby permitted to be sold as aforesaid shall be specified and particularized, such license to be grounded on the report on oath or affirmation of three judicious and indifferent men who, being appointed by the said president or vice-president in council for that purpose, shall have carefully enquired of and viewed the said goods and merchandise and found them to come within the intent and benefit of this act.

Passed March 2, 1780. See the note to the Act of Assembly passed November 26, 1779, Chapter 870. Recorded L. B. No. 1, p. 346, &c.

CHAPTER DCCCLXXXIV.

AN ACT FOR CONFIRMING AND AMENDING THE CHARTER OF THE GERMAN LUTHERAN CONGREGATION IN AND NEAR THE CITY OF PHILADELPHIA IN THE STATE OF PENNSYLVANIA.

(Section I, P. L.) Whereas the members of the corporation called and known by the name of "The Rector, Vestrymen and Church-Wardens of the German Lutheran Congregation in and near the city of Philadelphia, in the Province of Pennsylvania," by their petition have shown that in the year of our Lord one thousand seven hundred and sixty-five, by the charter of the then proprietaries, Thomas Penn and Richard Penn, they were incorporated by the name, style and title aforesaid. That the first Monday in the year of our Lord one thousand seven hundred and seventy-eight was the day on which an election should have been held of the officers of the said corporation, at which time the enemy were in possession of this city and most of the petitioners dispersed in the country so that no election

could be had. That, by reason thereof and for other causes therein set forth, doubts and uneasiness have arisen respecting their charter rights, for removing whereof they have prayed for a law to incorporate and secure to them their rights and privileges:

(Section II, P. L.) And whereas it is manifested to be the desire of the said congregation that sundry amendments and alterations should be made in their former constitution, which being just and reasonable are hereinafter set forth and contained:

[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 corporation be confirmed and established as a body corporate and politic in law and in fact, to have continuance forever by the name, style and title of "The Ministers, Vestrymen and Church-Wardens of the German Lutheran Congregation in and near the city of Philadelphia, in the State of Pennsylvania," and the said corporation is hereby vested, confirmed and established in all and singular the estates, rights, privileges and immunities which to them in and by the said charter were given and granted, or in consequence thereof to them of right belong and appertain or ought so to do, subject only to the alterations and amendments herein specified and contained.

[Section II.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That such and so many of the fundamental articles of the said congregation mentioned and referred to in the said charter as are not altered or repealed in and by this act and are not repugnant to the laws of this commonwealth shall be, remain and continue forever valid and effectual unless the same be altered by the consent of two-third parts in number of the members of the said congregation qualified to vote at elections according to the purport and meaning of the said charter and this act.

[Section III.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That the proviso or clause in the said charter which requires that the by-laws, rules and ordi-

nances of the said corporation be not repugnant to the laws of Great Britain or the laws then in force in the province of Pennsylvania be and is hereby annulled, repealed and made void.

[Section IV.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the Reverend Henry Melchior Muhlenberg, the Reverend John Christopher Kuntze and the Reverend Justus Henry Christian Helmuth, the present ministers; Henry Keppele, Adam Weber, Adam Krebs, David Schaffer, Andrew Boshardt, Daniel Grub, Philip Alberti, Andrew Burkhardt, Michael Shubart, Frederick Hagner, George Godfrey Woelper and Balthaser Fleischer, the present vestrymen; George Seitz, Frederick Hailer, George Heidel, Jacob Eckfeld, Michael Fuchs, Michael Immel, George Forbach, Daniel Draiss and George Daum, the present church-wardens and their successors duly elected and appointed in such manner and form as hereinafter is directed and required, be and they are hereby confirmed, constituted and appointed to be and forever remain the members of the said corporation; that the name and office of rector be discontinued and abolished and that every of the ministers of the said congregation for the time being have a seat and vote in the vestry.

[Section V.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the said corporation shall at all times hereafter consist of the ministers of the said congregation, duly chosen from time to time (the number of whom may be either increased or diminished according to the circumstances or desire of the said congregation), and of twelve vestrymen and nine church-wardens; and that the first named six persons of the present vestrymen, That is to say, Henry Keppele, Adam Weber, Adam Krebs, David Schaffer, Andrew Boshardt and Daniel Grub, shall be, remain and continue during their respective lives or so long as they shall continue to behave themselves conformably to the said fundamental articles of the congregation, and that one-third part in number of the remaining six vestrymen, being the two first named of the said remaining six vestrymen and one-third part in number of the church-wardens, being the three first named of the said church-wardens, shall cease and discontinue and their appoint-

ment determine on the sixth day of January, which will be in the year of our Lord one thousand seven hundred and eighty-one, at which time a new election shall be had and held of an equal number in their stead and place, by a majority of the members qualified to vote and elect according to the purport, true intent and meaning of the said charter and of this act, and on the sixth day of January, which will be in the year of our Lord one thousand and seven hundred and eighty-two, the second third part in number of the said remaining six vestrymen and of the church-wardens shall in like manner cease and discontinue and their appointment determine, and a new election be had and held in like manner of an equal number in their place and stead and on the sixth day of January, which will be in the year of our Lord one thousand seven hundred and eighty-three the last third part in number of the said remaining six vestrymen and of the church-wardens aforesaid shall cease and discontinue and their appointment determine and a new election be had and held of an equal number in their place and stead in like manner, and that in the same manner and by the like mode of rotation one-third part in number of the vestrymen other than the six first named aforesaid and of the church wardens shall cease and discontinue, and their appointments determine and a new election of the said third part be had and held in manner aforesaid on the sixth day of January in every year forever (unless when the sixth day of January in any year shall happen to be on a Sunday, in which case the election shall be held on the day next following), so that no person or persons other than the six first named vestrymen appointed for life as aforesaid shall continue to be a vestryman or church-warden for any longer time than three years without being re-elected, but that the members of the said congregation qualified to vote as aforesaid shall and may be at liberty to re-elect any one or more of the vestrymen and church-wardens whose times shall expire on the day of the said annual election whenever and so often as they shall think fit.

[Section VI.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That whenever any vacancy shall

happen by the death, refusal to serve or removal from office of any one or more of the vestrymen or church-wardens, the said corporation shall have power at their discretion to appoint the time and place for electing others in their stead, whereof they shall give public notice to the congregation on the preceding Sunday and that at the time and place so appointed, some fit person or persons shall be elected in the place and stead of him or them so dying, refusing or being removed as aforesaid, and that the person or persons so elected shall be, remain and continue in office so long as the person or persons in whose place or stead he or they shall have been so elected would or might have continued; excepting the person or persons who may happen to be elected as immediate successors of the said six first named vestrymen, who shall continue in office for three years from the next preceding annual election; yet so that if in any year there shall happen to be more than four vestrymen chosen by reason of the death or the removal from office of any one or more of the said first named six vestrymen, that then and in that case the person or persons over and above the number of four who shall be so elected to succeed any one or more of the vestrymen aforesaid, shall be, remain and continue in office so long and no longer as may be necessary in order that not more than four (being the third part of the whole number of vestrymen) may go out of office at any one annual election, and that after the deaths of the present six first named vestrymen one-third part in number of the vestrymen and of the church-wardens may go out in rotation in every year.

[Section VII.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That no person or persons shall be entitled to vote at elections who is not of the age of eighteen years and otherwise qualified agreeably to the fundamental articles aforesaid, and that all elections shall be held by ballot and that fairly and freely, without confining or restraining the electors in their choice, so that no person or persons shall be entitled to a right of nominating or appointing any person or persons to be chosen, but that every one of the electors shall be entitled equally with another to nominate or elect whom-

soever he will, any rule, by-law, ordinance or article of the said congregation in anywise notwithstanding.

[Section VIII.] (Section X, P. L.) Provided always and be it enacted by the authority aforesaid, That no person or persons shall or may be eligible as a member of the said corporation or to be an officer of the said congregation, who is not a member of the same, qualified to vote as aforesaid, excepting the ministers who may from time to time be chosen to officiate in the said congregation.

[Section IX.] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That the members of the said corporation, at their first meeting after each annual election, shall and may elect by ballot from among their own number a president and a secretary, and that the senior minister or any one of the vestrymen or church-wardens shall be eligible to the office of president, and in case the senior minister shall at any time happen to be chosen to the said office, that in his absence the next eldest minister present shall, for the time, be president in his stead; and that the said corporation shall and may, at the said first meeting after each annual election, choose also a treasurer, who shall be elected from among such members of the said congregation as are not members of the said corporation; that the president shall be empowered and required to call a meeting of the said corporation when and so often as he shall find it to be necessary or shall be requested so to do by any three members thereof, and that the said corporation and their successors, or a majority of two-third parts in number of them met and convened upon due notice given (which two-thirds shall be a quorum) from time to time be authorized and empowered to make by-laws, rules and ordinances and to do everything needful for the support and government of the said congregation: Provided always, That the said by-laws, rules and ordinances be not repugnant to the laws of this commonwealth and that the same be duly entered and registered in the books of record of the said congregation.

[Section X.] (Section XII, P. L.) And be it further enacted by the authority aforesaid, That the said corporation shall and may be empowered at any time hereafter to build one more

church or place of public worship in addition to the two already built and that the clear yearly value of the messuages, houses, lands, tenements, rents, annuities and other hereditaments and real estate of the said corporation shall and may be of any amount not exceeding the value of one thousand bushels of good merchantable wheat for each and every of the said churches or places of public worship; the said yearly value or amount to be taken and computed exclusive of the moneys arising from the letting of the pews of the said churches or for opening the ground for burials in the church yards belonging to them and also exclusive of the voluntary contributions of the members for the support of the ministers duly officiating to the said congregation; which yearly income of the said real estate ascertained and limited as aforesaid, shall be disposed of by the said corporation for the purposes mentioned in and by the said charter of incorporation.

Passed March 3, 1780. See the Act of Assembly passed February 14, 1789, Chapter 1390. Recorded L. B. No. 1, p. 346, &c.

CHAPTER DCCCLXXXV.

AN ACT FOR RE-ESTABLISHING THE CHARTER OF THE SECOND PRESBYTERIAN CHURCH IN THE CITY OF PHILADELPHIA AND FOR OTHER PURPOSES THEREIN MENTIONED.

(Section I, P. L.) Whereas the second Presbyterian congregation in the city of Philadelphia, by their petition, have shown that by their charter of incorporation bearing date the twenty-fourth day of August, in the year of our Lord one thousand seven hundred and seventy-two, granted by the honorable Richard Penn, Esquire, then being lieutenant-governor of Pennsylvania, twenty-four persons therein named, members of the said congregation, and their successors were nominated, ordained and appointed to be the trustees of the Second Presbyterian church, in the city of Philadelphia, one-third whereof in number were to be displaced annually on the first day of Janu-