

gage, who shall have taken such subsequent mortgage, or made such subsequent purchase, before such prior mortgage, or defeasible deed in nature of a mortgage, was or shall be acknowledged or proved and recorded agreeable to the directions of this act.

Passed September 23, 1783. Recorded L. B. No. 2, p. 165, etc.
See the note to the Act of Assembly passed May 28, 1715, Chapter 208.

CHAPTER MXLI.

AN ACT FOR INCORPORATING ST. PAUL'S CHURCH, IN THE CITY OF PHILADELPHIA.

(Section I, P. L.) Whereas divers members of the Episcopal church formerly in communion with the church of England, did many years ago at a very considerable expense, erect and build an house for the public worship of God in the city of Philadelphia, which they nominated and styled St. Paul's Church, by certain constitutions and a special agreement vesting the same church, together with the lot of ground on which it is constructed in certain persons in trust. And whereas the survivors of the said trustees, together with the present vestrymen of the above named church have set forth and represented the disadvantages which they have sustained and yet experience from the want of legal power and consideration as a politic and corporate body; and also have petitioned that they the said survivors together with the other members of the religious society who assemble in the said church may be incorporated and furnished with the due and customary privileges in this behalf and that they may have perpetual succession. And whereas it is just and proper and perfectly consistent with the true [intention] and spirit of the constitution that the prayer of their 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 the Reverend Samuel Magau, Doctor of Divinity, rector or minister of the said church, John Wood and Lambert Wilmer, the present wardens, and Plunket Fleeson, John Young, Andrew Doz, George Goodwin, John Campbell, George Ord, Blair McClenachan, William Graham, George Glentworth, Joseph Bullock, Samuel Penrose, George Nelson, Richard Renshaw, Joseph Turner, John Keble, John Bates, James Doughty and Benjamin Towne, grocer, present vestrymen of the said church, and their successors duly elected and nominated in their place and stead 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 and title of "The Minister Church Wardens and Vestrymen of the Episcopal Church of St. Paul's, in the city of Philadelphia in the commonwealth of Pennsylvania."

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the said minister, church wardens and vestrymen and their successors by the name and title aforesaid shall forever hereafter be persons able and capable in law to purchase, have, receive, take, hold and enjoy in fee simple, or of any lesser 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 to make the same; and further that the said corporation may take and receive any sum or sums of money and any kind, manner or portion of goods and chattels that shall be given or bequeathed to the said minister, church wardens and vestrymen, and their successors, by any person or persons, bodies politic and 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.

[Section III.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the rents and revenues, profits and interest of the said church and corporation shall by the said

minister, church wardens and vestrymen and their successors from time to time be appointed for the maintenance and support of the minister or ministers and officers of the said church and for the necessary repairs of the said church, burial ground, church yard, parsonage house or houses and other tenements which do now or hereafter may or shall belong to the said church and corporation; and to no other use or purpose whatsoever.

[Section IV.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That the said minister, church wardens and vestrymen, and their successors, shall and may grant, alien or otherwise dispose of any messuages, houses, lands, tenements or hereditaments other than the site of the house of public worship or church aforesaid and the burial ground or grounds which they do now or may hereafter possess as to them may seem meet and proper.

[Section V.] (Section VI, P. L.) Provided always and be it further enacted by the authority aforesaid, That in the disposition, sale or alienation of such messuages, houses, lands, tenements and hereditaments, the consent and concurrence of two-thirds of the vestry shall be had and obtained and also the moneys arising from the said disposition or sale shall be appropriated to the purchasing and procuring other more convenient messuages, houses, lands or tenements as the aforesaid majority of the vestry may deem proper and expedient and to no other purpose or purposes whatsoever.

[Section VI.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the said minister, church wardens and vestrymen and their successors or a majority of them shall and may convene from time to time to make rules, by-laws and ordinances, and to transact everything requisite for the good government and support of the said church. Provided always, That the said rules, by-laws and ordinances be not repugnant to the laws and statutes in force within this commonwealth, and that they be consonant to the usages and customs of the said church.

[Section VII.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That the said minister, church war-

dens and vestrymen shall have full power and authority to make, have and use one common seal with such device or devices and inscription as they shall think proper and the same to change, break, alter and renew at their pleasure.

[Section VIII.] (Section IX.) And be it further enacted by the authority aforesaid, That the said minister, church wardens and vestrymen, and their successors, by the name before mentioned 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 or justices, in all and all manner of suits, complaints, causes, matters and demands of whatsoever kind, nature or form they be, and all and every other matter and thing therein to do in as full and effectual a manner as any other person or persons, bodies politic or corporate in this commonwealth in the like cases may or can do.

[Section IX.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That the vestry of the said church shall always consist of twenty persons, members of the said church, of which number the church wardens are always to be two; and that the election of such vestry shall be made every year on Easter Monday or some day in the same week, of which the said congregation shall have notice, by a majority of such members of the said church as shall appear by the vestry books to be contributors to the support and maintenance of the said church, having and paying for a pew, or part of a pew, sufficient for one person at the least, and to be of full age, who only shall have a right to vote for the vestrymen of the said church.

[Section X.] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That the said vestry so elected shall have full power to elect and choose annually and every year two of their number to be church wardens of the said church. Provided always, nevertheless, That in case of the death or removal of the rectors or principal minister of the said church from the death or removal of such minister and until another minister shall be duly appointed and approved for the said church agreeably to former method and usage the church wardens for the time being with the consent of the major part of the vestrymen in vestry met shall have the same powers and au-

thorities relating to the disposition of the rents and revenues of the said corporation as is herein before vested in the minister, church wardens and vestrymen.

[Section XI.] (Section XII, P. L.) And be it further enacted by the authority aforesaid, That certain "agreements, concessions and constitutions made, concluded and agreed on by and between the subscribers and contributors" to the church above named, which agreements and constitutions bear date on the twenty-fourth day of June, in the year of our Lord one thousand seven hundred and sixty, are and shall be of full force and operation except so far as there is provision otherwise appointed and made specially by this act; and except the restricting clause relative to the ordination of the minister or assistant minister or ministers by a bishop of the church of England in Great Britain or Ireland.

[Section XII.] (Section XIII.) And it is hereby enacted by the authority aforesaid, That the clear yearly value 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, exclusive of the moneys arising from the letting of the pews belonging to the said church; and also exclusive of the moneys arising from the opening of the ground for burials in the church yard belonging to the said church; which said moneys shall, as they are now, be received and disposed of by the church wardens and vestrymen for the time being, for the purposes herein before mentioned and directed.

Passed September 23, 1783. Recorded L. B. No. 2, p. 167, etc. See the Acts of Assembly passed March 4, 1786, Chapter 1207; October 3, 1788, Chapter 1368.