

wealth of Pennsylvania in General Assembly met and by the authority of the same, That the act entitled "An act to prevent the erecting a new and independent state within the limits of this commonwealth,"¹ so far as it directs, enables or countenances the trial of any person or persons charged with offence or offences in another county than the county wherein such offence was done or committed or alleged to be done or committed, shall be and the same is hereby repealed and made null and void.

Passed August, 1785. Recorded L. B. No. 2, p. 542.

CHAPTER MCLXIX

AN ACT FOR INCORPORATING THE GERMAN LUTHERAN CONGREGATION OF GERMANTOWN TOWNSHIP IN THE COUNTY OF PHILADELPHIA IN THE STATE OF PENNSYLVANIA.

(Section 1. P. L.) Whereas the congregation of the German Lutheran Church of Germantown township in the county of Philadelphia have prayed that their said congregation may be incorporated and by law enabled as a body politic and corporate to receive and hold such charitable donations and bequests as have been or that hereafter may be made to their said society, and vested with such powers and privileges as are enjoyed by other religious societies who are incorporated in this state.

And whereas this house is disposed to exercise the powers vested in the legislature of the commonwealth for the encouragement of pious and charitable purposes:

[Section 1.] (Section 11. 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 John Frederick Schmidt, the present minister of said congregation, Wichard Miller, Christian Schneider, Charles Hay, Samuel Machlin, John Frey and George Hacker, the present trustees; John George

Graefly, Henry Beck, Bernard Bisbing, John Altemus, Jacob Nees and Sebastian Rieber, the present elders; William Sommerlat, John Egersdorf, Philip Kiesy and John Dowman, the present deacons, and their successors duly elected and appointed in such manner as hereinafter is directed, be and they are hereby made, declared and constituted to be a corporation and body politic and corporate in law and in fact to have continuance forever, by the name style and title of "The Minister, Trustees, Elders and Deacons of the German Lutheran Congregation of the township of Germantown in the county of Philadelphia in the State of Pennsylvania."

[Section 11.] (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 congregation and church of the township and county aforesaid, now under the pastoral care of the aforesaid Reverend John Frederick Schmidt, 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 the original use and intent for which such devises, gifts and grants were respectively made, 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 at all times hereafter shall be capable and able to purchase, have, receive, take, hold and enjoy in fee simple or of 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

and corporate capable and able to make the same, and further that the said corporation and their successors may take and receive any sum or sums of money and any portion of goods and chattels that have been or hereafter shall be given or bequeathed to them or to said church by any person or persons, bodies politic or corporate, able and capable to make bequest or gift thereof, such money, goods or chattels to be laid out and disposed of for the use and benefit of the aforesaid congregation agreeable to the intention of the donors.

[Section III.] (Section IV. P. L.) And be it further enacted by the authority aforesaid, That no misnomer of the said corporation and their successors shall defeat or annul any gift, grant, devise or bequest to or from the said corporation, provided the intent of the party or parties shall sufficiently appear, upon the face of the gift, grant, will or other writing, whereby any estate or interest was intended to pass to or from the said corporation, nor shall any mis-user or non-user of the rights, liberties and privileges, jurisdictions and authorities hereby granted to the said corporation and their successors or any of them, create or cause a forfeiture thereof.

[Section IV.] (Section V. 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 said church and corporation shall by the said corporation and their successors from time to time be applied and laid out for the maintenance and support of the gospel ministry in said congregation, for repairing and maintaining their church or place of public worship, lots of land, burial ground, parsonage house or other houses and buildings which now do or hereafter shall belong to the said church and corporation and such pious and charitable uses as shall be thought proper by the said corporation and their successors or by a quorum of them.

[Section V.] (Section VI. P. L.) Be it further enacted by the authority aforesaid, That the said corporation and their successors shall not by deed or any otherwise grant, alien, convey or otherwise dispose of any part or parcel of the estate real or personal in the said corporation vested or to be vested, or charged or encumber the same, to any person or persons what-

soever, except by and with the consent of two-thirds of the regular members of the said congregation.

Section VI. (Section VII. P. L.) 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 fit and proper and the same to break, alter and renew at their pleasure.

[Section VII.] (Section VIII. P. L.) Be it further enacted by the authority aforesaid, That the said corporation and their successors, by the name of "The Minister, Trustees, Elders and Deacons of the German Lutheran Congregation of the township of Germantown in the county of Philadelphia in the State of Pennsylvania," shall be able and capable in law to sue and be sued, plead and be impleaded, in any court or before any judge or justice in all and all manner of suits, complaints, pleas, matters and demands of whatever kind, nature and 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, bodies politic or corporate within this commonwealth may or can do.

[Section VIII.] (Section IX. P. L.) Be it further enacted by the authority aforesaid, That the said corporation shall at all times hereafter consist of the minister of the said congregation duly chosen from time to time and of six trustees, six elders and four deacons, and that the above mentioned trustees, elders and deacons shall be and continue members of the said corporation until they be removed in manner following, that is to say, one-third part in number of the trustees and elders aforesaid, being the third part herein first named, shall cease and discontinue and their appointment determine on the Thursday called Ascension Day, which will be in the year of our Lord one thousand seven hundred and eighty-six, upon which day a new election shall be had and held of so many others in their place and stead by a majority of the members of the corporation and congregation met and qualified to vote and elect, according to the true intent and meaning of this act, and that such election shall be held in such a manner, and at such a place as the said corporation and their successors shall from time to time direct. And

on the Thursday called Ascension Day which will be in the year of our Lord one thousand seven hundred and eighty-seven, the second third part in number of the trustees and elders shall in like manner cease and discontinue and their appointment determine and a new election to be had and held in like manner of an equal number in their place and stead. And on the Thursday called Ascension Day which will be in the year of our Lord one thousand seven hundred and eighty-eight the last third part in number of the said trustees and elders shall cease and discontinue and their appointment determine, and a new election to be had and held in like manner of an equal number in their place and stead. And that in the same manner and by the like mode of rotation one-third part in number of the trustees and elders shall cease and discontinue and their appointment determine and a new election of the said third part be had and held in manner aforesaid on Thursday called Ascension Day in every year forever so that no person or persons shall continue to be a trustee or elder for any longer time than three years without being re-elected, but that the electors qualified to vote as aforesaid shall and may be at liberty to re-elect the same trustees and elders or any one or more of them whose times shall expire on the day of the said annual election whenever and so often as they shall think fit, and that the deacons of the said corporation shall be elected from time to time in such manner and at such time and place as the said corporation and their successors shall think fit and shall direct.

(Section X. P. L.) Provided always nevertheless, That whenever any circumstance or concurrence of circumstances shall happen to prevent the holding an election at the periods aforementioned for trustees and elders in stead and place of those whose appointment shall have ceased and determined, an election shall be held as soon as conveniently can be done in the manner before directed and that the remaining members of the said corporation, have power to call a meeting of the electors of the said congregation for such purposes.

[Section IX.] (Section XI. P. L.) Be it further enacted by the authority aforesaid, That whenever any vacancy shall happen by death, refusal to serve or removal from office, of any one

or more of the trustees, elders and deacons the said corporation shall have full power at their discretion to appoint the time and place for electing others in their stead, 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 and stead he or they shall have been so elected would or might have continued; but before any of the aforesaid elections is held, public notice shall be given to the congregation on the preceding Sunday after divine service and before the congregation is dismissed, or in any other convenient manner as the said corporation and their successors shall think fit.

[Section X.] (Section XII. P. L.) Be it further enacted by the authority aforesaid, That no person or persons shall be entitled to vote at elections who is not a regular member of the said congregation, and that no person or persons shall and may be eligible as a member of the said corporation who is not a regular member of the said congregation qualified to vote as aforesaid, excepting the minister who may from time to time be chosen or elected by a majority of the trustees, elders, deacons and regular members of the said congregation to officiate in the said congregation.

[Section XI.] (Section XIII. P. L.) Be it further enacted by the authority aforesaid, That the members of the said corporation shall and may elect by vote or ballot from among their own number a president who is to continue in said office for one year and that then another may be elected or the former re-elected and that in the absence of the president any other member of the said corporation may be elected president during the absence of the president, that they may elect by vote or ballot a treasurer and secretary and may remove them at their pleasure, that the minister or the president for the time being or any three members of the said corporation shall be empowered to call a meeting of the corporation when and so often as he or they shall find it to be necessary, or shall be requested so to do by any six regular members of the said congregation, that the said corporation and their successors or a majority of seven in number of them met and convened upon due notice given either in the church on the preceding Sunday after divine ser-

vice and before the congregation is dismissed, or in any other convenient manner (which seven shall be a quorum) shall be authorized and empowered and they are hereby 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, or any of them be not repugnant to the laws of this commonwealth, and also that all their laws and proceedings be fairly and regularly entered in the books of records of the said congregation.

[Section XII.] (Section XIV. P. L.) And be it further enacted by the authority aforesaid, That the clear yearly value, interest or income of the lands, tenements, rents, annuities or other hereditaments and real estate of the said corporation, shall not exceed the sum of six hundred and fifty pounds gold or silver money at the present current value thereof in the commonwealth of Pennsylvania, exclusive of the moneys arising from the letting of the pews of said church or for opening the ground for burials in the church yard belonging to the said congregation, and also exclusive of the voluntary contributions of the members for the support of the minister duly officiating in the said congregation; and also exclusive of other free contributions belonging to the aforesaid congregation, which said money shall be received by the said corporation and disposed of by them for the purposes hereinbefore described and directed.

Passed August 31, 1785. Recorded L. B. No. 2, p. 543.

CHAPTER MCLXX.

A SUPPLEMENT TO THE ACT ENTITLED "AN ACT FOR BUILDING MARKET HOUSES AND KEEPING A PUBLIC MARKET ON BOTH SIDES OF CALLOWHILL STREET AND NEW MARKET STREET IN THE NORTHERN LIBERTIES OF THE CITY OF PHILADELPHIA." (1)

(Section I. P. L.) Whereas by an act of the General Assembly of Pennsylvania, entitled "An act for building market houses and keeping a public market on both sides of Callowhill

¹ Chapter 1026.