

CHAPTER MCCXXXV.

AN ACT TO DISCHARGE AND ANNUL THE DECLARATION OF TRUST RELATING TO THE SCOTS PRESBYTERIAN CHURCH IN THE CITY OF PHILADELPHIA, SO FAR AS THE SAID INSTRUMENT ENCUMBERS THE SAID CHURCH WITH SUBJECTION TO FOREIGN JURISDICTION.

(Section I. P. L.) Whereas by an act of the general assembly of this commonwealth, entitled "An act for incorporating the Scots Presbyterian Church in the city of Philadelphia,"¹ it was enacted, and in substance declared that the corporation of the trustees of the Scots Presbyterian Church in the city of Philadelphia and their successors, erected, made and constituted by the same act, was, and should be seized and possessed of all the real estate of the same church, and of the religious congregation worshipping therein, and that the same trustees and their successors should have 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:

And whereas in and by a certain instrument bearing date the thirteenth day of October in the year of our Lord one thousand seven hundred and seventy-one, recorded in the office for recording of deeds in the county of Philadelphia, in deed book number twelve, page eighty-five, &c., executed by William Marshall, John Purdon, Frazer Kinsley, Robert Aitken, James Fulton, James Cochran, Samuel McClure, John Davidson, Robert Hunter and Peter Steel, trustees, in whom the legal estate of the house of public worship and the three lots of ground appurtenant to the same, belonging to the same congregation had been vested, which instrument was made with the express intent and purpose of declaring the use and trust upon which they the said William Marshall, John Purdon, Frazer Kinsley, Robert Aitken, James Fulton, James Cochran, Samuel McClure, John Davison, Robert Hunter and Peter Steel held the same building and the said lots of ground, it is, inter alia, set forth in substance that the said congregation is subordinate to the asso-

¹ Passed March 31, 1779. Chapter 834.

ciate Presbytery of Pennsylvania (or another Presbytery of the same denomination) as the same Presbytery is subordinated to the associate Synod of Edinburgh in Scotland, whereof the Reverend William Moncrieff, minister of the Gospel in Alloa, James Alice, minister of the Gospel at Paisley, and John Wilson, minister of the Gospel at Methben, are at present members, or to a synod constituted upon the same plan in the American colonies, and that the said William Marshall, John Purdon, Frazer Kinsley, Robert Aitken, James Fulton, James Cochran, Samuel McClure, John Davison, Robert Hunter and Peter Steel, should stand seized of the said estate for the use of such of the said congregation as shall abide by its declared principles, and continue in subordination as aforesaid:

And whereas a majority of the regular [and legal] members of the aforesaid congregation have by their petition to this general assembly in effect set forth that although they are very well agreed with the associate synod of Edinburg in doctrine and discipline, and mean not to vary from the same as provided and stipulated in and by the before recited declaration of trust, yet they apprehended that the same declaration made whilst this state was dependant upon the kingdom of Great Britain bindeth them to the government and determination of the same synod, existing in Scotland, in matters of mere economy and church government and that the subordination in the same declaration mentioned is now highly improper in as much as this state is become free and sovereign, and that they ought not to be under the control of a foreign jurisdiction, and at the will of persons beyond seas, who may, in subtile expositions of faith or for supposed errors in conduct excommunicate and so divest them of their property in the said house of worship.

And whereas it appears to this general assembly to be highly derogatory from the rightful sovereignty of Pennsylvania that the legal estate, use or benefit of any real property within this state should depend or should be supposed to depend upon or be under the control of any person or persons, or body of men without this state, whether they pretend to civil or ecclesiastical authority.

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 recited declaration of trust which was made and executed before the late revolution, whereby the United States of America became free, sovereign and independent, so far as the same subordinates or pretends to subordinate the church and congregation aforesaid to the hereinbefore described associate synod of Edinburgh, and so far as the same declares the rights of the members of the same church and congregation unto the house of worship or other estate of the corporation of the trustees of the Scots Presbyterian Church of the city of Philadelphia to depend on the same synod and so far as it subjects them either directly or indirectly to any foreign jurisdiction whatever, but no further, is null, void and utterly frustrate, and the same encumbrance on the aforesaid congregation is hereby to all intents and purposes discharged, set aside and annulled.

Passed September 6, 1786. Recorded L. B. No. 3, p. 120, etc.

CHAPTER MCCXXXVI.

A SUPPLEMENT TO AN ACT, ENTITLED "AN ACT TO ESTABLISH AND INCORPORATE A PUBLIC SCHOOL AT GERMANTOWN IN THE COUNTY OF PHILADELPHIA."¹

(Section I. P. L.) Whereas in and by said act a public-school was established and incorporated by the name, style and title of "The trustees of the public school at Germantown in the county of Philadelphia," and the constitution of the said school was in and by the said act fixed and defined, and it was thereby provided and declared that the said constitution of the said school thereby established should never be altered or alterable by any by-law or ordinance of the said trustees or in any other manner than by an act of the legislature of this state:

¹ Passed Sept. 15, 1784. Chap. 1109.