

sale of certain islands in the river Susquehanna, passed the sixth day of March, one thousand seven hundred and ninety-three,"<sup>(2)</sup> be, and the same is hereby repealed and made void.

Approved March 23, 1802. Recorded L. B. No. 8, p. 72.

Note (\*). Chapter 1784. 15 Statutes at Large, p. 205.

Note (\*) Chapter 1660. 14 Statutes at Large, p. 350.

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### CHAPTER MMCLXIII.

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AN ACT TO EMPOWER THE TRUSTEES OF THE ENGLISH PRESBYTERIAN CHURCH IN ALLEN TOWNSHIP, IN THE COUNTY OF NORTHAMPTON, TO MAKE CONVEYANCE AND ASSURANCE OF THE TRACT OR PIECE OF LAND THEREIN MENTIONED.

Whereas, the trustees of the English Presbyterian church, in Allen township, in the county of Northampton, by their petition to the general assembly, have represented that Samuel Wilson and Sarah his wife, by indenture, bearing date the second day of March, in the year of our Lord one thousand seven hundred and sixty-one, did grant, bargain, sell and convey unto Thomas Armstrong, late of Allen township aforesaid, esquire, and James Ralston, of the said township, yeoman, and their heirs, for the consideration therein mentioned, a certain tract or piece of land, situate in Allen township aforesaid, in the said indenture described as follows, to wit: Beginning at a stone, a corner of James Horner's land, and thence extending by the same, south one hundred and sixty perches, and the same course by Hugh Wilson's land, six perches, to a post; and thence continuing by the said Hugh Wilson's land, one hundred and sixteen perches, to a hickory tree; thence by the said Samuel Wilson's other land, the four courses and distances next following, viz. North eighty perches, to a post; east fifty-three perches; and north sixty-nine perches, to a chestnut sapling in a line of the said James Horner's land; thence by the same east forty-four perches to the place of beginning; containing by computation, eighty-two acres and sixty perches of land, or thereabouts, be the same more or less, with the appurtenances: And that the said

Thomas Armstrong and James Ralston, by deed, bearing date the sixteenth day of February, in the year of our Lord one thousand seven hundred and sixty-seven, recorded in the office for recording deeds, in and for the county of Northampton, in book F. vol. I, page 355, did declare that they held the said tract or piece of land in trust for certain contributors to the purchase thereof, specially named in the said deed, and to the intent and purpose that they the said Thomas Armstrong and James Ralston, among other trusts therein declared, should sell and make a deed of conveyance of the same, as soon as, and not until a majority of the said contributors, or their representatives, according to a rule of representation therein mentioned and prescribed, should by an instrument or instruments of writing, signed by their hands, signify that they choose so to dispose thereof: And that a majority of the said contributors in the said declaration of trust mentioned, or of the representatives of such contributors, according to the rule of representation in the said declaration of trust established and appointed by an instrument of writing, signed by their hands, bearing date in the month of February, in the year of our Lord one thousand seven hundred and ninety-seven, and recorded in the office for recording of deeds, in and for the county of Northampton, in book F. vol. 2, page 636, did testify and declare that the contribution aforesaid, and purchase of the said tract of land, was made solely for the use, benefit and behoof of the English Presbyterian church in Allen township aforesaid: And inasmuch as the said church and congregation had, at the date of the said instrument of writing, been duly incorporated and made a body politic they the subscribers to the said instrument of writing, did thereby signify and declare their full and free consent unto the trustees of the said incorporated English Presbyterian church, and their successors, if they should judge it necessary and beneficial for the said church, to sell and dispose of the said premises, to such person, and for such consideration as can be obtained, and to give good and lawful conveyances to the purchaser or purchasers, in fee: Provided always, that the monies arising from such sale, and the interests thereof, by the said trustees and

their successors, be applied solely to and for the use and benefit of the said incorporated English Presbyterian church in Allen township aforesaid, and the divine service therein to be performed, so long as the aforesaid congregation shall remain in being, and in case of a dissolution of the said congregation, the remainder of the principal arising from the sale of the said land, which shall not have been applied to such uses as aforesaid, shall be divided proportionably among the said contributors or their respective heirs: And whereas the said trustees of the English Presbyterian church in Allen township, in the county of Northampton, have, by their petition, further represented, that conformably to the trusts and intention aforesaid, and the assent aforesaid of the said contributors, or their representatives, and deeming it to be beneficial for the said church, they have sold the said described tract or piece of land to Jacob Bear, of Allen township aforesaid, for a full and valuable consideration, and are desirous to convey the same to the said Jacob Bear and his heirs, in fee-simple, by a good and valid conveyance, as by their agreement with him they are bound to do; but that the said James Ralston, one of the trustees in the said first recited indenture named, having died in the lifetime of the said Thomas Armstrong, whereby the legal estate in the premises, by operation of law, survived to the said Thomas Armstrong and his heirs; and the said Thomas Armstrong having since died in distant parts, and his heirs being so numerous and so widely dispersed as that they can not be found without great and inadequate labor and expense, it has become impracticable to convey and assure the legal estate in the said described tract of land to the said Jacob Bear and his heirs, without the aid of the legislature: And whereas the facts stated in the petition of the said trustees of the English Presbyterian church in Allen township, in the county of Northampton, appear to be true, and it is reasonable and proper to apply a remedy in this behalf.

Section I. (Section I, P. L.) 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 it shall and may be lawful for the

trustees of the English presbyterian church in Allen township, in the county of Northampton, by deed in due form of law, under their corporate seal, or if they have no corporate seal, then under the hands and seals of the trustees of the said church, for the time being, respectively to grant, convey and assure unto the said Jacob Bear and his heirs and assigns, the said herein before described tract or piece of land, with the appurtenances thereunto belonging, which deed shall be good and available, to grant and assure to the said Jacob Bear, his heirs and assigns, the said tract or piece of land, in fee simple, free and discharged of the trust aforesaid, and all the right and title therein, which lawfully passed from the said Samuel Wilson and Sarah his wife, by virtue of the indenture first before recited.

Approved March 23rd, 1802. Recorded in L. B. No. 8, p. 76.

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#### CHAPTER MMCLXIV.

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AN ACT TO REVIVE AND CONTINUE AN ACT, ENTITLED "AN ACT TO ENABLE THE GOVERNOR OF THIS COMMONWEALTH TO INCORPORATE A COMPANY FOR OPENING A CANAL AND WATER COMMUNICATION BETWEEN THE RIVERS DELAWARE AND SCHUYLKILL, AND FOR OTHER PURPOSES THEREIN MENTIONED;" (1), AND ALSO "AN ACT TO ENABLE THE GOVERNOR OF THIS COMMONWEALTH TO INCORPORATE A COMPANY FOR OPENING A CANAL AND LOCK NAVIGATION BETWEEN THE RIVERS SCHUYLKILL AND SUSQUEHANNA, BY THE WATERS OF TULPEHOCCON, QUITTAPAHILLA AND SWATARA, IN THE COUNTIES OF BERKS AND DAUPHIN." (2).

Whereas, unforeseen occurrences have hitherto prevented the president and managers of the Delaware and Schuylkill canal company, and the president and managers of the company for opening a canal and lock navigation between the rivers Schuylkill and Susquehanna, from completing the said canals within the time limited by law. And in order that such valuable improvements may be prosecuted to full effect in future,

Section I. (Section I, P. L.) 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