

MARYLAND GAZETTE.

T H U R S D A Y, J A N U A R Y 1, 1789.

By the SENATE, December 22, 1788.

RESOLVED, That the bill, entitled, An act to incorporate certain persons in every Christian church, society or congregation, throughout this state, be published two weeks in the Annapolis Gazette and Baltimore news-papers, for the consideration of the people of this state, and the same be printed with the votes and proceedings of both houses of the general assembly.

By order, J. DORSEY, clk.

By the HOUSE of DELEGATES, December 22, 1788: Read and assented to.

By order, W. HARWOOD, clk.

A bill, entitled, An ACT to incorporate certain persons in every Christian church or congregation throughout this state.



HEREAS it is reasonable and proper, that all denominations of Christians within this state, whose members conduct themselves in a peaceable and orderly manner, should receive and enjoy equal rights and privileges, without partiality, preference or distinction, in all things concerning the temporalities and government of their respective churches, congregations and societies; and whereas also it is necessary to their welfare, that they should be empowered to hold and acquire certain portions of property in a corporate or congregational capacity, and enter into various engagements of a civil or temporal nature, which can only be done by the assistance of the general assembly, which assistance may nevertheless be rightfully granted without disturbing private opinions, or affecting the rights of judgment, in matters of religion, or imposing an involuntary burden on any person whatsoever; and whereas it is most convenient to make provision for their respective situations, by a general law, which shall reach their several exigencies in affairs of a temporal or civil nature, as far as a difference of circumstances will admit; the general assembly, having therefore taken the premises into serious consideration, and conceiving themselves indispensably bound to secure and preserve the same equality of rights, privileges and advantages, to all quiet and inoffensive Christian societies in this state, without any exception, whereby religion may be encouraged and diffused, and peace, order and universal tranquillity, prevail, have agreed to enact,

And be it enacted, by the General Assembly of Maryland, That in every Christian church, society or congregation, of whatsoever sect, order or denomination, now known, or which shall at any time hereafter be known and acknowledged in this state, and protected in the free and full exercise of their religion, by the constitution and laws of the same, there shall be and remain sufficient power and authority in all the male persons above twenty-one years of age belonging to any such church, society or congregation, to elect, at their discretion, certain sober and discreet persons, not less than five nor more than thirteen, which persons so elected shall be and are hereby constituted a body politic or corporate, upon being registered as herein after directed, to act as trustees in the name and behalf of the particular church, society or congregation, for which they are respectively chosen, and to manage the estate, property, interest and inheritance, of the same, in the most upright and careful manner, and shall moreover have perpetual succession in law, fact and name, as herein after prescribed, and shall, by their name of incorporation, have full power and lawful authority to sue and to be sued, to implead and to be impleaded, to answer and to be answered unto, in any court or courts of law or equity within this state, before any judge or judges, justice or justices, in all manner of suits and pleas whatever, and of what nature or kind soever such suits, pleas or actions, may be, in as full and effectual manner, as any other person or persons, bodies politic or corporate, may or can do.

And be it enacted, That every such body politic or corporate shall be chosen, and the succession kept up, at such times and places as are ordinarily used for public meetings of the said church, society or congregation, and by such persons as are allowed to have a voice in the management and direction of congregational or temporal concerns, according to the known custom and usage of their respective denominations, or the said body politic or corporate shall be chosen, and the succession kept up, according to the rules, regulations and practice, that may have been heretofore adopted and used, or that shall be at the first time of electing adopted and agreed upon by any particular church, society or congregation, for ordering, directing or managing, their congregational or temporal concerns; provided always, that every trustee or member of any corporation aforesaid, shall be of the same religious sect or denomination with the church, society or congregation, by which he is chosen to this trust; and provided also, that the minister, or senior minister where there are more than one settled in any church, society or con-

gregation, shall always, in virtue of his ministry, be a member of the body politic or corporate belonging to the same, exclusive of the number heretofore prescribed.

And be it enacted, That in case any debate shall arise in any church, society or congregation, about the right of voting, or whether the election aforesaid hath been fairly conducted, agreeably to the true intent and meaning of this act, the parties contending shall each of them choose one discreet and reputable person from among the members or trustees of some neighbouring church, society or congregation, of the same religious persuasion, if any such there be, and if none such, then of any other Christian society, which two persons shall choose a third qualified in like manner, and the said three persons shall meet at the place where the difference has arisen, and hear and determine upon the matter, and their judgment or award, or the judgment or award of a majority of them, certified under their hands and seals to the contending parties, shall be final.

And be it enacted, That at the first election or appointment of every body politic or corporate aforesaid, every church, society or congregation, assembled as already directed, shall determine and fix on their plan, agreement or regulation, mentioning and specifying distinctly the time and manner of electing trustees, and the manner in which the succession shall be perpetuated, and containing an exact description of the qualifications of the persons severally electing and elected, and to elect and to be elected thereafter, and also the name, style or title, of the corporation, by which it shall be thereafter called, distinguished and known, and the name of the church, society or congregation, choosing the same, which said plan, agreement or regulation, shall be entered in the book hereinafter directed to be kept by every the said body politic or corporate, and the same shall be acknowledged by the said trustees, or a majority of them, before, and certified by, any two justices of the peace for the county in which the said church, society or congregation, or the greatest number of them, shall reside, or the same shall be acknowledged before, and certified by, one of the judges of the general court, after being well assured by the said trustees, or a majority of them, that the proceedings have been legally and duly conducted; and the said plan or agreement, so acknowledged and certified, shall be filed by the said trustees with the clerk of the county court where the said church, society or congregation, or the greater part of them, shall reside, within six months after such acknowledgment shall be made, and the same shall be recorded in a book to be provided for these special purposes at the expence of the several corporations in that county whose proceedings shall be so recorded, and a copy of the said proceedings, from the records thereof, under the hand of the clerk, and the public seal of his office, shall be of the same force and effect in every court of law and equity within this state, as the original proceedings would be if the same were produced in court, and the said clerk shall be entitled to such fees for his services as are allowed by law for services of the like nature in matters belonging to his office.

And be it enacted, That every corporation, or body politic aforesaid, respectively, and their successors, or the majority of them, by their name of incorporation aforesaid, shall have full power and authority to hold and use one common seal, to appoint the times and places of their meetings, and the number necessary to constitute a quorum, and shall moreover provide and keep a good and sufficient record book, and cause to be therein registered a fair account of all their proceedings, subject, at all times, to the inspection of the several members of the church, society or congregation, in whose behalf the same are respectively entered, and the same shall be laid before a public meeting, when thereunto required by any five or more of the same; and the said trustees, or a majority of them, shall have full power and authority to frame such rules and ordinances for conducting their concerns, as may be necessary and convenient for accomplishing the end of their institution; provided always, that nothing therein contained shall be repugnant to, but perfectly consistent with, the constitution and laws of this state.

And be it enacted, That all and every of the said corporations or trustees, and their successors, by their respective names or titles, shall be vested with an estate, in fee-simple, in all glebe-lands, and other lands and tenements, and also in every parsonage church, chapel, meeting-house, or other house of worship and burying-ground, belonging to, and in the use of, the particular church, society or congregation, for which they are respectively chosen as a body politic or corporate, and shall also, by their respective names or titles, have absolute property in all books, plate or other ornaments, and all goods and chattels, belonging to the said church, society or congregation, whether the said lands and tenements, parsonage church, chapel, meeting-house, or other house of wor-

ship, and also whether the said books, plate and other ornaments, and the said goods and chattels, have been given, granted or devised, directly to the said church, society or congregation, or to any person or persons in trust, to and for their use.

Provided nevertheless, That if there be any person or persons whatsoever, who may have a legal right to, and be in the actual possession of, any such lands and tenements, it shall and may be lawful for any such person or persons to declare, by an instrument in writing, transmitted to the trustees or corporation of the particular church, society or congregation, of which he, she or they, may be respectively members, the use or trust for which he, she or they, will possess or enjoy the same; and if any such person or persons will declare that he, she or they, have held and enjoyed the same lands and tenements for the use of, or in trust for, the particular church, society or congregation, of which he, she or they, may be respectively members, and shall be willing that the same be applied to, and for the use and benefit of, such particular church, society or congregation, then, and in such case, the person or persons, so holding and enjoying the same lands and tenements, shall, by a deed of indenture proper for such purpose, convey and make over to the trustees or body politic or corporate of such particular church, society or congregation, the said lands and tenements to, and for the use and benefit of, such church, society or congregation; but if any person or persons shall refuse to make the declaration aforesaid, or be unwilling to make any such conveyance of the said lands and tenements, then and in such case he, she or they, shall not be affected by the operation of this act; and the said corporations or trustees shall also, by their said respective names or titles, receive all debts due, or that shall become due, to the said church or congregation, and sue for and recover the same in any court of law or equity in this state, in the name, and for the use, of the said church, society or congregation, to which they respectively belong, as trustees or a body politic or corporate.

And, whereas the declaration of rights prohibits every religious sect, order or denomination of christians, as such, from receiving any sale, gift or devise of lands, goods or chattels, except not more than two acres of land for a church, meeting-house or other house of worship, and for a burying-ground, without the leave of the legislature; *Be it enacted,* That every body politic or corporate aforesaid, and their successors, or the major part of them, by their respective names or titles, shall be able and capable in law to purchase, hold, possess and enjoy, in fee simple, or for any other less estate or estates, any lands, tenements, rents, annuities, or other hereditaments, within this state, by the gift, grant, bargain, sale, alienation, encroachment, or confirmation of any person or persons, bodies politic or corporate, capable in law to make the same, provided the same be made by indenture duly acknowledged and recorded according to law, and such lands, tenements, rents, annuities, or other hereditaments, or any less estates, rights or interests, of or in the same, to grant, alien, sell or transfer, and also that every the said corporation, or body politic, and their successors, or the major part of them, severally by their said respective names or titles, may take and receive any sum or sums of money, any kind, manner or portion of goods and chattels, that shall be sold, given or bequeathed to them as aforesaid, by any person or persons, bodies politic or corporate, capable in law to make a gift, sale or bequest thereof, and employ the same for the benefit and use of the particular church, society or congregation, whereunto they respectively belong as a body politic or corporate; provided always, that the said bequests be not made in the last sickness of the testator, and provided also, that the clear yearly value of the messuages, houses, lands, tenements, rents, annuities and other hereditaments, interests, property and estate, real and personal, of what nature or kind soever, of any particular corporation whatever, or their successors, shall not exceed the sum of one thousand pounds current money, and all gifts, grants and bequests, made to any body politic or corporate aforesaid, or their successors, after the clear yearly value of their estates, real and personal, of what nature or kind soever, shall amount to the said sum of one thousand pounds current money, and all bargains and purchases to be made by any trustees or corporation aforesaid, or their successors, which may increase the yearly value of the said estate above or beyond the standard aforesaid, shall be absolutely void and of none effect; and provided also, that no corporation or body politic aforesaid, or their successors, shall grant, alien, sell or transfer, such lands, tenements, annuities or transfer such lands, tenements, annuities or other hereditaments, or any less estates, rights or interests in the same, or dispose of any kind, manner or portion, of goods or chattels, or any sum or sums of money above twenty pounds current money, or sell, alien or transfer, any church, chapel, meeting-house, or other house of worship, or burying-ground, or apply to the legislature for leave