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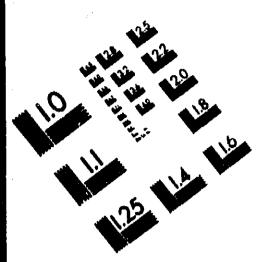
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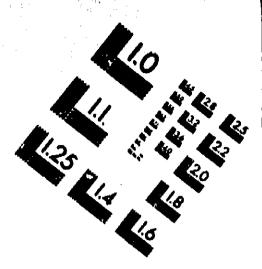
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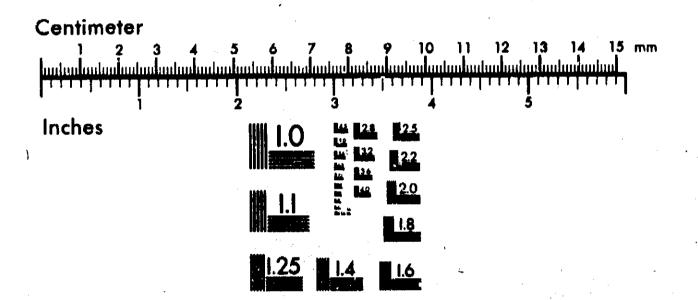




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#### THE STATE EDUCATION DEPARTMENT/THE UNIVERSITY OF THE STATE OF NEW , ORK / ALBANY, NY 12234

COUNSEL AND DEPUTY COM: AISSIONER FOR LEGAL AFFAIRS

February 3, 1999

Ms. Marilyn Decker, President Board of Trustees Port Jervis Free Library 138 Pike Street Port Jervis NY 12771-1879

Dear Ms. Decker:

I am pleased to advise you that the Board of Regents, at its meeting today, formally voted to amend the absolute charter of the **Port Jervis Free Library**.

The formal charter document will be prepared and forwarded to you by the Secretary to the Board of Regents. It will, however, be one to two weeks before it is ready for mailing.

Yours truly,

Kauly A. Ahean

Enclosure

PORT JERVIS FREE LIBRARY. An application having been made by and on behalf of the trustees of the Port Jervis Free Library, for an amendment of its charter, it was

<u>Voted</u>, that the absolute charter in the first instance of the Port Jervis Free Library, located in the city of Port Jervis, county of Orange, state of New York, which was granted by action of the Board of Regents on September 29, 1892 be, and the same hereby is, amended to change the library's service area to reflect that it serves the Port Jervis City School District, pursuant to the results of a vote held in that school district on June 2, 1998 and to add the following language:

Notwithstanding any other provision of these articles, the corporation shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code of 1986 (or the corresponding provision of any future United States Internal Revenue Law), or (b) by a corporation, contributions to which are deductible under section 170(c)(2) of the Internal Revenue Code of 1986 (or the corresponding provision of any future United States Internal Revenue Law).

No part of the net earnings of the corporation shall inure to the benefit of any member, trustee, director or officer of the corporation, or any private individual (except that reasonable compensation may be paid for services rendered to or for the corporation), and no member, trustee, director or officer of the corporation, or any private individual, shall be entitled to share in the distribution of any of the corporate assets upon dissolution of the corporation.

No substantial part of the activities of the corporation shall be carrying on propaganda, or otherwise attempting to influence legislation (except as otherwise provided by Internal Revenue Code section 501[h]), or participating in, or intervening in (including the publication or distribution of statements) any political campaign on behalf of any candidate for public office.

Upon dissolution of the Port Jervis Free Library, assets shall be distributed for one or more exempt purposes within the meaning of section 501(c)(3) of the Internal Revenue Code of 1986, or the corresponding section of any future Federal tax code, or shall be distributed to the Federal government, or to a state or local government, for a public purpose.

The Commissioner of Education is designated as the representative of the corporation upon whom process in any action or proceeding against it may be served. MEMORANDUM RELATIVE TO

AMENDMENT OF CHARTER

OF

PORT JERVIS FREE LIBRARY

I recommend that the charter of the Port Jervis Free Library be amended to clarify the expansion of the area served by the library. The Port Jervis Free Library was chartered in 1892. It was a union free school district public library serving School District Number One of the town of Deerpark. In 1953, there was a massive school district consolidation and a large number of school district's were combined into the Port Jervis extended city school district. There was not a parallel vote changing the library's service area. For close to 45 years, the library has served, in practice, a much larger geographic area than that legally defined in its charter. This spring the residents of the Port Jervis school district voted to rectify that situation. This amendment to the charter would formalize that action. The Port Jervis Free Library will now be a school district public library serving the Port Jervis City School District. In addition, the library Board is adding the dissolution clauses required by the Internal Revenue Service.

Janet M. Welch, State Librarian and Assistant

State Librarian and Assistan Commissioner for Libraries

December 10, 1998

ORIGINAL SIGNATURES

# BEFORE THE UNIVERSITY OF THE STATE OF NEW YORK IN THE MATTER OF THE APPLICATION OF THE PORT JERVIS FREE LIBRARY TO AMEND ITS CHARTER

### TO THE BOARD OF REGENTS OF THE UNIVERSITY OF THE STATE OF NEW YORK

We, the undersigned, being all the Trustees of the Port Jervis Free Library, Marilyn Decker, J. Shirley VonIgnatius, Daniel Aumick, and Daniel Marra, and Helen Cuddeback, do respectfully petition as follows:

- 1. That on September 29, 1892, the Port Jervis Free Library was granted an absolute charter.
- 2. That on October 17, 1907, the Port Jervis Free Library was registered.
- 3. That the 1892 charter granted to the Port Jervis Free Library does not contain any reference to an area of service which the library was constituted to serve. However, the Port Jervis Free Library was formed pursuant to a resolution duly adopted by the voters of the former Union Free School District # 1 in Deerpark.
- 4. That in 1954 the former Union Free School District # I in Deerpark became the Port Jervis City School District.
- 5. That the 1892 charter granted to the Port Jervis Free Library has never been amended to reflect that the service area served by the Library is the Port Jervis City School District.
- 6. That at a special meeting held on June 2, 1998 at the Port Jervis Free Library Building, Port Jervis, New York, between the hours of 12:00 P.M. and 9:00 P.M., prevailing time, the voters of the Fort Jervis City School District approved, by a vote of 186 in favor and 28 opposed, a proposition authorizing the Board of Trustees of the Port Jervis Free Library to seek a technical amendment to the 1892 charter to accurately reflect that the service area served by the Port Jervis Free Library is the Port Jervis City School District.
- 7. That pursuant to the authority granted by the aforementioned proposition approved by the voters of the Port Jervis City School District on June 2, 1998, the Port Jervis Free Library Board of Trustees voted at a regular meeting held on July 1998 to petition the Board of Regents for an amendment to the Library's charter to accurately reflect that the service area served by the Library is the Port Jervis City School District.
- 8. That at the regular meeting held on JULY 1975, the Port Jervis Free Library Board of Trustees further voted to petition the Board of Regents for an additional amendment to the Library's charter to add tax exemption and dissolution clauses as required by the Internal Revenue Service.

WHEREFORE, your Petitioners respectfully request that the absolute charter granted on September 29, 1892 to the Port Jervis Free Library be amended to reflect that the service area served by the Port Jervis Free Library is the Port Jervis City School District; and also to add the following tax exemption and dissolution clauses as required by the Internal Revenue Service:

"Notwithstanding any other provision of these articles, the corporation shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from Federal Income Tax under section 501(c)(3) of the Internal Revenue Code of 1986 (or the corresponding provision of any future United States Internal Revenue Law) or (b) by a corporation, contributions to which are deductible under section 170(c)(2) of the Internal Revenue Code of 1986 (or the corresponding provision of any future United States Internal Revenue Law).

"No part of the net earnings of the corporation shall inure to the benefit of any member, trustee, director, officer of the corporation, or any private individual (except that reasonable compensation may be paid for services rendered to or for the corporation), and no member, trustee, officer of the corporation or any private individual shall be entitled to share in the distribution of any of the corporate assets upon dissolution of the corporation.

"No substantial part of the activities of the corporation shall be carrying on propaganda, or otherwise attempting to influence legislation (except as otherwise provided by Internal Revenue Code section 501(b), or participating in, or intervening in (including the publication or distribution of statements), any political campaign on behalf of any candidate for public office.

"Upon the dissolution of the Port Jervis Free Library, assets shall be distributed for one or more exempt purposes within the meaning of section 501(c)(3) of the Internal Revenue Code, or corresponding section of any future Federal tax code, or shall be distributed to the Federal government, or to a state or local government, for a public ршроse.

"The Commissioner of Education is designated as the representative of the corporation upon whom process in any action or proceeding against it may be served."

Dated: Port Jervis, New York JULY 14, 1998

BOARD OF TRUSTEES OF THE PORT JEILVIS FREE LIBRARY

MARILYN DECKER, PRESIDENT

#### STATE OF NFW YORK

SS.: COUNTY OF ORANGE

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THIS IS TO CERTIFY, that the undersigned being duly sworn, says:

- 1. That the undersigned is the Secretary for the Board of Trustees of the Port Jervis Free Library.
- 2. That on June 2, 1998 a special meeting of the voters of the Port Jervis City School District was held at the Port Jervis Free Library Building, Port Jervis, New York, between the hours of 12:00 P.M. and 9:00 P.M., prevailing time, and at that meeting the voters of the Port Jervis City School District approved, by a vote of 186 in favor and 28 opposed, a resolution authorizing the Board of Trustees of the Port Jervis Free Library to seek a technical amendment to the Library's charter to accurately reflect that the service area served by the Port Jervis Free Library is the Port Jervis City School District.
- 3. That at a duly called meeting of the Board of Trustees of the Port Jervis Free Library held at the Port Jervis Free Library Building in Port Jervis, New York, on July 1998 at Simple Amat which all of the members of the Board of Trustees were present, the following Resolution was duly and unanimously adopted.

RESOLVED, that the Board of Trustees of the Port Jervis Free Library petition the Board of Regents of the University of the State of New York to amend the Library's charter granted on September 29, 1892 to accurately reflect that the area of service served by the Library is the Port Jervis City School District, pursuant to the authority granted to the Library's Board of Trustees by the voters of the Port Jervis City School District at a special meeting held on June 2, 1998 at the Port Jervis Free Library Building, Port Jervis, New York, between the hours of 12:00 P.M. and 9:00 P.M., prevailing time, by a vote of 186 in favor and 28 opposed, to seek such an amendment, and that a copy of this resolution and the proposition approved by the voters at the aforementioned June 2, 1998 meeting be forwarded to the Board of Regents along with the petition. The amendment is required because the Port Jervis Free Library was formed pursuant to a resolution duly adopted by the voters of the former Union Free School District #1 in Deerpark. The Union Free School District #1 in Deerpark became the Port Jervis City School District in 1954. However, the Library's charter was never amended to accurately reflect its area of service.

AND BE IT FURTHER RESOLVED, that the Board of Trustees of the Port Jervis Free Library also petition the Board of Regents to additionally amend the Port Jervis Free Library charter by adding the following tax exemption and dissolution clauses as required by the Internal Revenue Service, and that a copy of this resolution be forwarded to the Board of Regents along with the petition.

'Notwithstanding any other provision of these articles, the corporation shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from Federal

"No part of the not earnings of the corporation shall inure to the benefit of any member, trustee, director, officer of the corporation, or any private individual (except that reasonable compensation may be paid for services rendered to or for the corporation), and no member, trustee, officer of the corporation or any private individual shall be entitled to share in the distribution of any of the corporate assets upon dissolution of the corporation.

"No substantial part of the activities of the corporation shall be carrying on propaganda, or otherwise attempting to influence legislation (except as otherwise provided by Internal Revenue Code section 501(b), or participating in, or intervening in (including the publication or distribution of statements), any political campaign on behalf of any candidate for public office.

"Upon the dissolution of the Port Jervis Free Library, assets shall be distributed for one or more exempt purposes within the meaning of section 501(c)(3) of the Internal Revenue Code, or corresponding section of any future Federal tax code, or shall be distributed to the Federal government, or to a state or local government, for a public purpose.

"The Commissioner of Education is designated as the representative of the corporation upon whom process in any action or proceeding against it may be served."

4. That the names and addresses of all members of the Board of Trustees of the Port Jervis Free Library are as follows:

Name Marilyn Decker
Address 20 Reservoir Avenue Port Jervis, New York 12771
Name J. Shirley VonIgnatius
Address 8 Maiden Lane Port Jervis, New York 12771
Name_Daniel Aumick
Address 40 Franklin Street Port Jervis, New York 12771

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Name Daniel Marra	
Address P.O. Box 249 Sparrowbush, New York 12780	
Name_Helen Cuddeback	
Address 104 Jersey Avenue Port Jervis, New York 12771	

5. That all the above named members attended the meeting of the Board of Trustees of the Port Jervis Free Library referred to above and all of the said members present at such meeting voted in favor of the said Resolution.

Secretary for the Board of Trustees of The Port Jervis Free Library

Sworn to before me this 64 dev of 705.4

NOTARY PUBLIC

DANIEL J. AUMICK
Notary Public for the State of New York
Appeinted in Orange County
Registration Ne. 01AU6004531
My Commission Expires March 23, 2000

## RESOLUTION FOR CHARTER AMENDMENT PETITION

RESOLVED, that the Board of Trustees of the Port Jervis Free Library petition the Board of Regents of the University of the State of New York to amend the Library's charter granted on September 29, 1892 to accurately reflect that the area of service served by the Library is the Port Jervis City School District, pursuant to the authority granted to the Library's Board of Trustees by the voters of the Port Jervis City School District at a special meeting held on June 2, 1998 at the Port Jervis Free Library Building, Port Jervis, New York, between the hours of 12:00 P.M. and 9:00 P.M., prevailing time, by a vote of 186 in favor and 28 opposer, to seek such an amendment, and that a copy of this resolution and the proposition approved by the voters at the aforementioned June 2, 1998 meeting be forwarded to the Board of Regents along with the petition. The amendment is required because the Port Jervis Free Library was formed pursuant to a resolution duly adopted by the voters of the former Union Free School District #1 in Deerpark. The Union Free School District #1 in Deerpark became the Port Jervis City School District in 1954. However, the Library's charter was never amended to accurately reflect its area of service.

AND BE IT FURTHER RESOLVED, that the Board of Trustees of the Port Jervis Free Library also petition the Board of Regents to additionally amend the Port Jervis Free Library charter by adding the following tax exemption and dissolution clauses as required by the Internal Revenue Service, and that a copy of this resolution be forwarded to the Board of Regents along with the petition.

"Notwithstanding any other provision of these articles, the corporation shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from Federal Income Tax under section 501(c)(3) of the Internal Revenue Code of 1986 (or the corresponding provision of any future United States Internal Revenue Law) or (b) by a corporation, contributions to which are deductible under section 170(c)(2) of the Internal Revenue Code of 1986 (or the corresponding provision of any future United States Internal Revenue Law).

"No part of the net earnings of the corporation shall inure to the benefit of any member, trustee, director, officer of the corporation, or any private individual (except that reasonable compensation may be paid for services rendered to or for the corporation), and no member, trustee, officer of the corporation or any private individual shall be entitled to share in the distribution of any of the corporate assets upon dissolution of the corporation.

'No substantial part of the activities of the corporation shall be carrying on propaganda, or otherwise attempting to influence legislation (except as otherwise provided by Internal Revenue Code section 501(b), or participating in, or intervening in (including the publication or distribution of statements), any political campaign on behalf of any candidate for public office.

"Upon the dissolution of the Port Jervis Free Library, assets shall be distributed for one or more exempt purposes within the meaning of section 501(c)(3) of the Internal Revenue Code, or corresponding section of any future Federal tax code, or shall be distributed to the Federal government, or to a state or local government, for a public purpose.

"The Commissioner of Education is designated as the representative of the corporation upon whom process in any action or proceeding against it may be served."

#### PORT JERVIS FREE LIBRARY BOARD OF TRUSTEES

April 8, 1998 Meeting

The regular meeting of the Board of Trustees was held on April 8, 1998 at 9:00 A.M. Present were Marilyn Decker, J. Shirley Von Ignatius, Dan Marra, Dan Aumick, Helen Cuddeback, Jane Λcoveno, Dan Dwyer, and Phyllis Vail.

Minutes of March 10 approved. Statistics, finances, bills - move to approve by Shirley, seconded by Helen. Vote was unanimous.

Discussion of cleaning of the library. PV to ask Michulski for his bond and insurance. Board may consider other cleaners - Barbara Cassidy, etc.

Discussion of employees Health Plan. Current monthly payments are: \$478.48 - Family; \$182.42 - Retired; \$202.69 - Single. Linda to find out if retirees should have Medicare as their primary supplier.

Dan Dwyer presented a Safety Plan & Procedures Review for the Board to consider.

Discussion of upcoming budget vote. Resolution passed to have a Proposition on the ballot to seek a technical amendment to the Charter. (See signed copy attached to these minutes).

Adult programs. A committee was formed consisting of Marilyn, Jane, Dan Aumick, and Dan Dwyer - plus any volunteers from the staff.

Discussion of Dan Aumick to be Board Liaison to the Children's Room. Vote 3-2 in favor. Vote later rescinded unanimously.

Meeting adjourned at 10:30 A.M.

Next meeting will be Tuesday, May 12, at 3:30 P.M.

Respectfully submitted,

Phyllis Vail, Director

## PORT JERVIS FREE LIBRARY



#### RESOLUTION

BE IT RESOLVED that the following proposition be placed on the ballot at a Special District Meeting of the qualified voters of the Port Jervis Free Library, to be conducted on June 2, 1998, when the polls will be open at the Library for the purpose of voting by voting machine on the following proposition:

#### PROPOSITION

"Shall the Board of Trustees of the Port Jervis Free Library be authorized to seek a technical amendment to the absolute charter (No. 678) granted to the Port Jervis Free Library, Port Jervis, New York on September 29, 1892 to have the charter accurately reflect that the service area served by the Port Jervis Free Library is the Port Jervis City School District."

AND BE IT FURTHER RESOLVED, that this proposition be published in the designated newspapers four (4) times prior to the Special District Meeting in accordance with Section 2004 of the Education Law.

Marilyn Decker

John Condition San Marra

April 8, 1998

#### THE UNIVERSITY OF THE STATE OF NEW YORK THE STATE EDUCATION DEPARTMENT

To:

Janet M. Welch

Date: December 10, 1998

From:

Patricia Mallon

Subject:

Charter Amendment-Port Jervis Free Library

The Port Jervis Free Library is, despite its name, a school district public library that was first chartered by the Board of Regents in 1892 to serve Union Free School District Number. One of the town of Deerpark. In 1954 there was a massive school district consolidation in the area which combined a number. (I think it was close to 15!) of tiny school districts in the area into the city of Port Jervis school district. Unfortunately, when this action was taken, there was no parallel action taken for the library, so, officially the library served a defunct school district and only a portion of the modern school district. However, in practice, the library has served the entire city school district for over 40 years!

In 1976, working with the Ramapo Catskill Library System, I tried to get the library to amend its charter to reflect its true service area. My efforts got nowhere. So, in 1993, I started my effort over again. Since city school districts were given the right to vote on their budgets a couple years later, we thought the time might have come! The library had a successful vote on its budget in 1997 and this year they put the matter of amending the service area on the ballot. All went smoothly and now they have submitted the paperwork for the amendment.

To say I support this amendment is an understatement! It's a wonderful action that has taken almost 25 years to happen.

I concur with Ms. Mallon's recommendation.

Carol A Desch

\_\_\_\_ |2/10/90

#### Port Jervis Free Library

Orange County ss: -

I, R. Ed. Schofield, Clark of the Board of Education of Union Free School District No. One of the Town of Deerpark, in the County of Orange, dod hereby certify, that at the Annual School District Meeting, held pursuant to due notice, on the second day of August 1892, in and for said Union Free School District, resolutions of which the following are copies, were duly offered and adopted by a majority vote of the voters present:

Resolution No. 1. "Resolved that this District established a Free Public Library, and that trustees be elected at the election for members of the Board of Education tomorrow, whose duty it shall be to obtain a charter for "The Port Jervis Free Library and who shall have the powers, duties and responsibilities of Library Trustees, as provided in Chapter 378 of the Laws of the State of New York, 1892."

Resolution No. 2. "That the above resolution, in substance, as to whether a free public library, shall be established in the District, be submitted to the voters at the election for members of the Board of Education to be held tomorrow."

And I do further certify that at such annual District Meeting, the following sums were regularly voted to be raised by tax on the District for the Support and maintenance of the Port Jervis Free Library:

For Salary of Librarian For purchase of books For rent of Library Rooms 250.00 350.00 180.00

\$ 780.00

And I do further certify that at the Annual Election for officers of said District, held therein on Wednesday August 3, 1892, in accordance with resolution No. 2, above set forth, a ballot, of which a copy is hereto annexed, and upon which this certificate is partly presented, was voted at such election.

That the whole number of votes cast at such election was forty-two (42) of which forty-one(41) were cast for the establishment and maintenance of such Free Public Library and none against.

Dated Port Jervis, New York August 24th 1892, and witness the official seal of the Board of Education of Union Free School District No. One of the town of Deerpark

R. Ed. Schofield Clerk, of the Board of Education State of New York ) : ss-County of Orange )

I, R. Ed. Schofield, clerk of the Board of Education of Union Free School District No. One of the town of Deerpark in the County of Orange do hereby certify that at the election for District Officers held in and fpr said School District on Wednesday, August 3rd, 1892, the following persons were duly elected Trustees of the Port Jervis Free Library.

William L. Cuddebach, William H. Nearpass, Edgar M. Gordon, Maria B. Van Etten, Minnis Brox Witness my hand and the seal of the Board of Education of Union Free School District No. One of the town of Deerpark August 24th, 1892

R. E. Schofield Clerk Port Jervis Free Library No. 678 (Absolute) Charter (engraved form) dated September 29, 1892. Trustees as named in above application. Charter issued same form as on page 598

Sent to School October 17, '92

#### UNIVERSITY OF THE STATE OF NEW YORK

Charter	οï	
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Whereas a petition for incorporation as an institution of the University has been duly received, and

Whereas official inspection shows that suitable provision has been made for buildings, furniture, equipment and for proper maintenance, and that all other prescribed requirements have been fully met

Therefore, being satisfied that public interests will be promoted by such incorporation, the Regents by virtue of the authority conferred onthem by law hereby incorporate and their successors in office under the corporate name of \_\_\_\_\_\_, with all powers, privileges and duties, and subject to all limitations and restrictions prescribed for such corporations by law or by the ordinances of the University of the State of New York. The first trustees of said corporation shall be

In Witness Whereof the Regents grant this charter No. under seal of the University of the capitol in Albany

Chancellor

Secretary

To the Regents of the University of the State of New York

The undersigned, William L. Cuddeback, William H. Nearpass, Edgar M. Gordon, Maria B. Van Etten and Minnie Brox, duly elected Trustees of the Port Jervis Free Library, a free public library established by Union Free School District No. One of the town of Deerpark, at an election held August 3rd, 1892, hereby apply to have said library incorporated, as required by laws of 1892, chap. 378

Dated Port Jervis, N.Y. August 27th, 1892

William L. Cuddeback Maria B. Can Etten Edgar M. Gordon Minnie Brox The Regents of the University have received official notice from Moses Depuy, President, and William H. Crane, clerkprotem, as follows:

"Resolution for transfer of library books, October 14, 1892"

Resolved, that the printed books belonging to this district, known and marked as the Academy Library", being about 4425 bound volumes and 1115 pamphlets, valued at about \$5000 and kept in moom No. 14, Farnum building, with the leave of said room, and all furniture and other appurtenances of the said library together with all the rights of this district to apportionment for books from the academic fund of the State of New York, are hereby given to the Port Jervis Public Library in accordance with section 5. Chap. 573 and section 45, chap. 378 of the laws of 1892; except that the superintendent of public schools of this district shall first select and reserve such books, not to exceed 200 in number, as he may wish for the school library, provided that this transfer shall be approved, under seal, by the rights of the University of the State of New York, and shall take effect when the trustees of the said public library shall receive a charter from the said regents.

Port Jervis N.Y. October 10, 1892

Moses Depuy President

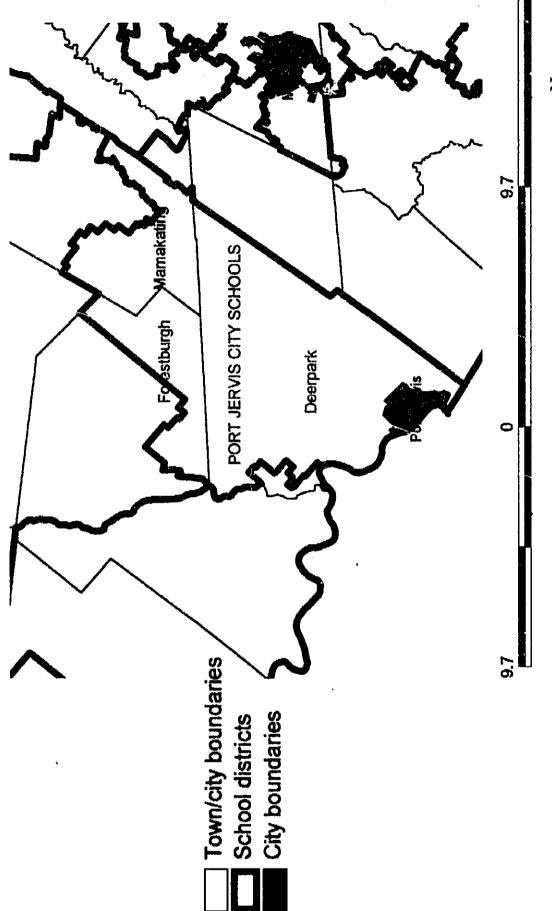
William H. Crane Clerk protem

The above transfer is hereby approved and duly recorded.

Melvil Dewey Secretary

A true copy

Henry I. Knickerbocker



Prepared by the NYS Library Map image courtesy ESRI, Inc. Map data courtesy Wessex, Inc. Source: US Bureau of the Census, 1990



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	Minnie Brox
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<i>-</i>	District No One of the town of Devreorte,  Ougust 24th 1832  R. Ed. Schofield
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	Port Jerris Dree Sibrary To. 678 (absolute)
	Charter (engraved form) dated Sept 29,1892
	drutes as named in above application