

CHAPTER LXVII.

An ACT to enable Jonathan Bowen and Thomas Blackburn, executors of Thomas Bowen, deceased, to sell and convey certain tracts of land therein mentioned.

SECT. I. 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 Jonathan Bowen and Thomas Blackburn, executors of the last will and testament of Thomas Bowen, deceased, be and they are hereby authorized to sell at public auction, for the highest and best price or prices that can be obtained, and to convey to the purchaser or purchasers thereof, in fee simple, the following tracts of land late of the said testator, *to wit*, one tract containing one hundred and forty-two acres and eighteen perches, bounded by lands of Thomas Penrose, Thomas Griffith, Andrew Allison, and John Griffith, and situate in St. Clair township, Bedford county; also, another tract containing forty-four acres, and another tract containing eleven acres, situate in the township aforesaid, which two last mentioned tracts were purchased by the testator of Abraham Moore; *provided*, that the said executors shall first enter into recognizance, in such sum or sums, and with such security as shall be satisfactory to the orphans' court of Bedford county, for the faithful execution of the powers hereby entrusted, and for the payment of the money to the devisees entitled as aforesaid; *provided also*, that the sale so as aforesaid made, shall not affect the right of any other individual or individuals.

Executors of Thomas Bowen authorized to sell certain real estate.

Proviso, that executors enter into recognizance, &c.

JOHN TOD, *Speaker*
of the House of Representatives.

P. C. LANE, *Speaker of the Senate.*

APPROVED—the twenty-fifth day of February, one thousand eight hundred and thirteen.

SIMON SNYDER.

CHAPTER LXVIII.

An ACT establishing an academy in the borough of Beaver, in the county of Beaver.

SECT. I. 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 there shall be, and hereby is established in the borough of Beaver, in the county of Beaver, an academy or public school, for the education of youth in the useful arts, sciences and literature, by the name and style of, "The Beaver Academy."

Beaver academy established.

Trustees named. SECT. II. *And be it further enacted by the authority aforesaid,* That the first trustees of the Beaver academy, shall consist of the following persons. to wit, James Allison, junior, Robert Moore, Samuel Lawrence, Samuel Power, James Lyon, and James Dennis, in addition to Jonathan Coulter, Joseph Hemphill, James Alexander, Guion Greer, and John Lawrence, who were appointed trustees over a certain tract of land granted by an act of assembly for said institution, which said trustees, and their successors to be elected as hereinafter directed, shall be, and hereby are declared to be one body, corporate and politic, by the name, style, and title of, "The Trustees of Beaver Academy;" and by the same name shall have perpetual succession, and shall be able to sue and be sued, plead and be impleaded, in all courts of record and elsewhere; and shall be competent and capable in law and equity, to take and to hold, to them and their successors, for the use of said academy, lands, tenements, hereditaments, goods and chattels, of what kind, nature, or quality soever, by gift, grant, bargain, sale, conveyance, assurance, will, devise or bequest, from any person or persons whomsoever, capable of making the same; *provided*, the same do not exceed the yearly value of five thousand dollars, and the same, together with the remaining moiety of land, heretofore granted for the use of said institution, to grant, bargain, sell, demise, alien, lease or dispose of, as to* the said trustees may seem necessary, for the use of said academy, and to erect such buildings as may be necessary, and generally to do all and singular the matters and things which shall be lawful for them to do for the well being of the said academy, and the due management and ordering the affairs thereof.

Style of corporation.
Powers and privileges.

Proviso.
Yearly value of property not to exceed 5000 dollars.

Erect buildings, &c.

Seal.

Six trustees a quorum.

To make by-laws, appoint teachers, &c.

Proviso.

SECT. III. *And be it further enacted by the authority aforesaid,* That the said trustees and their successors, shall have full power and authority to use one common seal, and the same to alter at their pleasure.

SECT. IV. *And be it further enacted by the authority aforesaid,* That the said trustees, any six of whom shall constitute a quorum, shall have the power of transacting the business of the said academy, particularly in making and enacting ordinances and by-laws for the government thereof; of electing trustees in the room of those who may be removed by death, resignation or otherwise; of appointing masters and tutors for said academy, of agreeing with them for, and paying their salaries, and at their pleasure removing the same; of appointing a secretary and other necessary officers; of taking care of the funds and managing the concerns of the corporation, and determining all matters and things necessary to be determined and transacted by said trustees; *provided always*, that no ordinance or by-law shall have any force

* The word "to" is omitted in the original.

which shall be repugnant to the constitution or laws of the United States, or of this state.

SECT. V. *And be it further enacted by the authority aforesaid,* That all by-laws, ordinances and proceedings of the corporation, shall be fairly and regularly entered in a book to be kept for that purpose, and no misnomer of the said corporation shall defeat or annul any gift, grant, devise or bequest to the said corporation; *provided,* the intent of the parties shall sufficiently appear on the face of the gift, grant, will or other writing, whereby any estate or other interest was intended to pass to the said corporation, nor shall any nonuser of the rights, liberties, privileges, jurisdictions and authorities, hereby granted to the said corporation, create, or in any wise cause a forfeiture thereof.

By-laws to be recorded, &c.

Proviso.

SECT. VI. *And be it further enacted by the authority aforesaid,* That no sale or alienation of the real estate of the said corporation which may be made by the said trustees or their successors, bona fide, for a valuable consideration, in case the possession thereof pass immediately to the purchaser or purchasers, and continue in him, her or them, his, her, or their heirs or assigns, shall be invalidated for want of proving that six of the said trustees of said incorporation consented to such alienation, unless the same be controverted within the space of seven years from and after the sale and delivery of such real estate, to the purchaser or purchasers thereof.

Less number than six of the trustees may alienate property, unless the same be controverted within seven years.

SECT. VII. *And be it further enacted by the authority aforesaid,* That the trustees shall annually appoint a treasurer, who shall receive and hold all monies belonging to the institution, and pay the same on orders signed by the board; he shall keep fair accounts thereof, to be open at all times to the inspection of the trustees; and before he enter upon the duties of his office, give bond in any sum at their discretion, with two or more sufficient sureties, conditioned for the faithful performance of the duties enjoined, and the repayment of all monies received by him, which bond shall be deposited with the prothonotary of the county.

Treasurer to be appointed annually.

His duties.

Bond to be given.

SECT. VIII. *And be it further enacted by the authority aforesaid,* That the trustees are hereby authorized to appropriate one thousand dollars of the money which was raised by the sale of one moiety of the land granted for the use of an academy or public school, in the town of Beaver, in addition to the thousand dollars heretofore appropriated for the purpose of completing the building already commenced, and the procuring of books and other necessary apparatus; and they shall have full power and authority to loan, or vest in some safe and productive stock, all the residue of the money which has arisen, or hereafter shall arise from the sale of the land aforesaid, and apply the proceeds thereof, with the rents, issues, and profits of that moiety of said tract which yet remains unsold, until the same shall be disposed of, to the payment of a teacher, and other necessary expendi-

1000 dollars may be appropriated to complete the buildings; and procuring books, apparatus, &c.

Residue of money to be vested in productive stocks, &c.

How the proceeds to be appropriated.

tures in and about the institution, saving always the said residue or principal, after deducting the two thousand dollars as aforesaid, for a fund to the support of the said institution.

Treasurer's receipt, and certificate of the board of trustees, to be a sufficient voucher for the prothonotary to cancel bonds of former trustees.

SECT. IX. *And be it further enacted by the authority aforesaid,* That on the late trustees severally settling and paying over to the treasurer, all the monies which may have come into their hands by reason of their trusteeship, the treasurer's receipt, with a certificate of the approbation of a board of the trustees shall be a sufficient voucher for the prothonotary to cancel such trustees' bonds, from which time such trustees, with their sureties, which were entered agreeably to an act of assembly, entitled, "An act appointing four 'Trustees,'" in addition to those heretofore appointed for the county of Beaver, and for other purposes, and a subsequent act, entitled, "An act directing the sale of certain lands, granted for the use of an academy or public school, in Beaver town," shall be exonerated and discharged therefrom.

Contracts of former trustees to be performed by the present ones.

SECT. X. *And be it further enacted by the authority aforesaid,* That all the contracts and agreements which the late trustees have entered into, and all things which by former laws they were authorized to do in and about the premises, shall and may be performed by the trustees herein created.

Part of former act repealed.

SECT. XI. *And be it further enacted by the authority aforesaid,* That so much of any act or acts as is hereby altered or supplied, be and the same is hereby repealed.

JOHN TOD, *Speaker*
of the House of Representatives.

P. C. LANE, *Speaker of the Senate.*

APPROVED—the twenty-fifth day of February, one thousand eight hundred and thirteen.

SIMON SNYDER.

CHAPTER LXIX.

An ACT to authorize the guardians of Phebe Wadhams and Lydia Wadhams, minors, and heirs of Moses Wadhams, late of Luzerne county, deceased, to convey certain land.

Guardians of Phebe and Lydia Wadhams to convey certain lands.

SECT. I. *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 as soon as Freeman Thomas shall convey by sufficient deed, to Ellen Wright and Noah Wadhams, guardians of Phebe Wadhams and Lydia Wadhams, minors, and heirs of Moses Wadhams, late of Luzerne county, deceased, in trust for the said Phebe Wadhams and Lydia Wadhams, and their heirs, fifteen acres of land more or less out of the north-west corner of lot