

CHAPTER CXV.

AN ACT

Establishing an academy in the town of Ebensburg in Cambria county, and granting a sum of money thereto, and for other purposes.

SECT. 1. *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 town of Ebensburg, in the county of Cambria, an academy or public school for the education of youth in the useful arts, sciences and literature, by the name and style of the Ebensburg Academy, under the care, direction and government of fourteen trustees, viz. Demetrius Augustin Gallitzen, George Roberts, Abraham Hildebran, James C. Maguire, John Murray, Moses Cannan, James Meloy, Charles B. Seely, John Agnew, William O'Keefe, Cornelius M'Donald, Richard M'Guire and Samuel M'Anulty, which said trustees and their successors to be elected as is hereinafter mentioned, shall be and hereby are declared to be one body politic and corporate in deed and in law, by the name, style and title of "The Trustees of the Ebensburg Academy," and by the same name shall have perpetual succession, and may sue and be sued, plead and be impleaded in all courts of record and elsewhere, and shall be competent and capable in law or equity to take and to hold to them and their successors, for the use of the said academy, lands, tenements, hereditaments, goods and chattels of what kind, nature or quality whatsoever the same may be, 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 from time to time to grant, bargain, sell, demise, alien, lease or dispose of for the use of the 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 said academy, and the due management and ordering the affairs thereof.

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Trustees named. Trustees, viz. Demetrius Augustin Gallitzen, George Roberts, Abraham Hildebran, James C. Maguire, John Murray, Moses Cannan, James Meloy, Charles B. Seely, John Agnew, William O'Keefe, Cornelius M'Donald, Richard M'Guire and Samuel M'Anulty, which said trustees and their successors to be elected as is hereinafter mentioned, shall be and hereby are declared to be one body politic and corporate in deed and in law, by the name, style and title of "The Trustees of the Ebensburg Academy," and by the same name shall have perpetual succession, and may sue and be sued, plead and be impleaded in all courts of record and elsewhere, and shall be competent and capable in law or equity to take and to hold to them and their successors, for the use of the said academy, lands, tenements, hereditaments, goods and chattels of what kind, nature or quality whatsoever the same may be, 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 from time to time to grant, bargain, sell, demise, alien, lease or dispose of for the use of the 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 said academy, and the due management and ordering the affairs thereof.

And incorporated. shall be and hereby are declared to be one body politic and corporate in deed and in law, by the name, style and title of "The Trustees of the Ebensburg Academy," and by the same name shall have perpetual succession, and may sue and be sued, plead and be impleaded in all courts of record and elsewhere, and shall be competent and capable in law or equity to take and to hold to them and their successors, for the use of the said academy, lands, tenements, hereditaments, goods and chattels of what kind, nature or quality whatsoever the same may be, 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 from time to time to grant, bargain, sell, demise, alien, lease or dispose of for the use of the 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 said academy, and the due management and ordering the affairs thereof.

Name. "The Trustees of the Ebensburg Academy," and by the same name shall have perpetual succession, and may sue and be sued, plead and be impleaded in all courts of record and elsewhere, and shall be competent and capable in law or equity to take and to hold to them and their successors, for the use of the said academy, lands, tenements, hereditaments, goods and chattels of what kind, nature or quality whatsoever the same may be, 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 from time to time to grant, bargain, sell, demise, alien, lease or dispose of for the use of the 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 said academy, and the due management and ordering the affairs thereof.

Powers and privileges. shall be and hereby are declared to be one body politic and corporate in deed and in law, by the name, style and title of "The Trustees of the Ebensburg Academy," and by the same name shall have perpetual succession, and may sue and be sued, plead and be impleaded in all courts of record and elsewhere, and shall be competent and capable in law or equity to take and to hold to them and their successors, for the use of the said academy, lands, tenements, hereditaments, goods and chattels of what kind, nature or quality whatsoever the same may be, 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 from time to time to grant, bargain, sell, demise, alien, lease or dispose of for the use of the 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 said academy, and the due management and ordering the affairs thereof.

Proviso. The same do not exceed the yearly value of five thousand dollars, and the same from time to time to grant, bargain, sell, demise, alien, lease or dispose of for the use of the 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 said academy, and the due management and ordering the affairs thereof.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the said trustees of the said academy and their successors, shall have full power and authority to use one common seal, and the same to alter at their pleasure, and shall hold their first meeting in the town of Ebensburg on the first Monday in May next, and shall meet on the first Monday in May in each succeeding year, any five of whom shall constitute a quorum who shall have the power of transacting

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Meetings of the trustees. shall have full power and authority to use one common seal, and the same to alter at their pleasure, and shall hold their first meeting in the town of Ebensburg on the first Monday in May next, and shall meet on the first Monday in May in each succeeding year, any five of whom shall constitute a quorum who shall have the power of transacting

the business of the said academy, particularly in making and Their pow-  
 enacting by-laws, ordinances for the government thereof, of ers & duties.  
 electing trustees in the room of those who may be removed  
 by death, resignation or otherwise, electing and 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 offi-  
 cers, 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*, That no ordinance or by-law shall have any force  
 which shall be contrary to the constitution or laws of the  
 United States, or of this state ; the first election for trustees  
 shall be holden on the first Monday in April in the year of  
 our Lord one thousand eight hundred and twenty, and on  
 the first Monday in April annually thereafter, and no person  
 or persons shall be entitled to vote at said election unless he  
 or they shall have previously become a subscriber to the stock  
 or fund of the said academy : *Provided*, That if the annual  
 election shall not be made on the stated day it shall and may  
 be lawful on any other day as soon as may be, to hold and  
 make an election of said trustees in such manner as shall be  
 regulated by the by-laws and ordinances of the said cor-  
 poration.

Proviso.

Elections when held.

Voting.

Proviso.

Sect. 3. *And be it further enacted by the authority afore-  
 said*, That all by-laws, ordinances and proceedings of the  
 said 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 same, 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 non-  
 user of the rights, liberties, privileges, jurisdictions and au-  
 thorities hereby granted to the said corporation, create or in  
 any wise cause the forfeiture thereof.

By-laws to be entered in a book.

Misnomer not to defeat gifts, &c.

Nor non-user create forfeiture.

Sect. 4. *And be it further enacted by the authority afore-  
 said*, That the sum of two thousand dollars be, and the same  
 is hereby granted to be paid by warrant to be drawn by the  
 Governor on the state treasurer to the trustees of the Ebens-  
 burg academy or a majority thereof, which sum they shall in-  
 vest in some safe and productive fund, the interest whereof  
 shall be applied under their direction, in such manner as they  
 shall believe to be most advantageous for promoting the ob-  
 ject of said institution, and the money hereby granted shall  
 not be paid until satisfactory evidence is exhibited to the  
 Governor that the sum of one thousand dollars shall have  
 been secured to be paid by private subscription for erecting  
 a building and for the benefit of the said institution, and there  
 shall be admitted into the said academy any number of poor  
 children who may at any time be offered to be taught gratis,

\$ 2,000 granted.

How to be vested.

When payable.

Poor children taught gratis.

but the number so admitted and taught gratis shall at no time be greater than five, and none of the said children shall continue to be taught gratis in the said academy any longer than two years.

Quorum of the Susquehanna academy.

SECT. 5. *And be it further enacted by the authority aforesaid,* That any five of the trustees of the Susquehanna Academy shall constitute a quorum to do business, any thing in the act, entitled "An act establishing an academy in the borough of Huntingdon, in the county of Huntingdon; and one in the town of Montrose, in the county of Susquehanna," to the contrary notwithstanding.

Revival of a former act.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the act establishing an academy in the borough of Northampton, in Lehigh county, and granting a sum of moneey thereto, be, and the same is hereby revived, except so much thereof as is hereinafter altered or supplied.

Trustees named.

SECT. 7. *And be it further enacted by the authority aforesaid,* That James Wilson, Doctor Jacob Martin, John J. Krause, John Romig, John Fogle, John Seiger, Philip Kleckner, be, and they are hereby appointed trustees for the purpose in the said act contained, and that they or a majority of them shall have power to do and perform the several duties, and shall be under the same restrictions as are mentioned in the said revived act.

Their powers & duties.

Election and first meeting regulated.

SECT. 8. *And be it further enacted by the authority aforesaid,* That the election mentioned in the second section of the act hereby revived, shall be held on the second Tuesday of October next, and the first meeting of the trustees mentioned in the third section of said act shall be on the first Monday of May next.

Trustees reduced.

SECT. 9. *And be it further enacted by the authority aforesaid,* That from and after the expiration of the time for which the present board of trustees of the Wellsborough Academy in the county of Tioga were elected, the number of said trustees shall be reduced to nine, any five of whom shall constitute a quorum.

REES HILL, *Speaker of the House of Representatives.*

ISAAC WEAVER,  
*Speaker of the Senate.*

APPROVED—the twenty-seventh day of March, one thousand eight hundred and nineteen.

WILLIAM FINDLAY.