

gers of the said company, from time to time, and at all times, To borrow to borrow such sums of money, and on such terms as they may deem expedient for the use of said company, and completion of said road, and to issue certificates of loan therefor, and pledge and mortgage all, or any part of the estates, tolls, railroad improvements, privileges, effects, and assets, whatsoever, of the said company, for the re-payment of said sums of money so borrowed, at such times as may be agreed on, for the punctual payment of interest for the same.

WM. HOPKINS,

*Speaker of the House of Representatives.*

CHARLES B. PENROSE,

*Speaker of the Senate*

APPROVED—This twentieth day of June, A. D. eighteen hundred and thirty-nine.

DAVID R. PORTER.

No. 140.

## AN ACT

Relative to the estate of George Frey, deceased.

SECTION 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 the trustees under the will of George Frey, late of Middletown, in the county of Dauphin, deceased, and the principal of the Orphan House, established by said will, and their successors in office, are hereby constituted and appointed a body politic and corporate, by the style and title of "The Principal and Trustees of the Emaus Orphan House," and by such name, style, and title, shall have perpetual succession, and shall sue and be sued in the courts of this commonwealth, or elsewhere; and shall do all such acts, as a corporate body may do, not inconsistent with the spirit and meaning of this act, nor contrary to the laws of this commonwealth.

Trustees, &c.  
under the will  
incorporated,

Name and  
style

Privileges and  
liabilities

SECTION 2. That it shall be lawful for the principal and trustees of the institution, created by this act, and the will of George Frey, late of Middletown, in the county of Dauphin, deceased, to compromise and compound with the plaintiffs therein, or their heirs, executors, administrators, or assigns, a certain ejectment depending in the court of common pleas of Dauphin county, to August term, one thousand eight hundred and twenty-seven, number seven, for a portion

May com-  
pound with  
plaintiffs in a  
suit in Dau-  
phin county

of the estate, late of the said George Frey, so as to have the said ejectment discontinued, and all claims of the said plaintiffs, or their heirs, assigns, executors, or administrators, to any portion of the estate of said George Frey, deceased, released and surrendered to the said principal and trustees, for the uses provided by the said will, or as they may be modified by law; and the said principal and trustees, or their successors in office, on receiving such satisfactory release or releases, extinguishing their interest in the said estate forever, are hereby authorized to pay to the said plaintiffs, their heirs, assigns, administrators, or executors, as a consideration for the said release or releases, a sum not exceeding four thousand five hundred dollars.

**SECTION 3.** On or before the third Monday in August next, the present board of trustees shall determine by lot or agreement, which one of their number shall go out of said board, and on such determination, one of said board shall be dismissed from the trust; and said board shall, in like manner, every two years thereafter, determine which members of the present board shall cease to be a trustee, until all the present board be discharged.

**SECTION 4.** It shall be lawful for the court of common pleas of Dauphin county, on the third Monday in August next, to appoint one respectable freeholder, of the county of Dauphin, of good and religious character, member of some protestant church, as trustee of said "Emaus Orphan House," who shall have all the powers, and perform all the duties enjoined by the will of George Frey, deceased, except where the same is altered by the provisions of this law. Said trustee shall be appointed for eight years, from the time last aforesaid, and until another is appointed in his stead, and at the same term of the court, every two years thereafter, make new appointments, for a term of eight years, to fill the vacancy so occasioned. The said court shall also, in their discretion, have power to remove said trustees for any violation or neglect of duty, and to appoint others in their stead, for the balance of their term; and also to fill all vacancies occasioned by death, resignation, or otherwise, for like period.

**SECTION 5.** It shall be the duty of said trustees, or a majority of them, to appoint a principal in the manner directed in the will, and to make report thereof to the court of Dauphin county, as is therein directed; and also to comply with all the matters and things, as is therein required and provided; but neither of said trustees shall be appointed principal.

**SECTION 6.** It shall be lawful for the principal and trustees to fix the salaries of the tutor, and assistant tutors, or tutoresses: *Provided*, That the salary of the tutor shall not exceed four hundred, nor that of either of the assistants two

Mode of determining succession of trustees, &c.

Trustee to be appointed by the court and his duties

Time of service

Court may remove

Duty of trustees

Salaries

Proviso

hundred dollars, in addition to the free table rent and fuel allowed by the will.

SECTION 7. It shall be lawful for the principal and trustees to borrow any sum of money, not exceeding six thousand dollars, for a term of time not exceeding fifteen years, and to mortgage any portion of the estate of said George Frey, deceased, not exceeding two hundred acres, to secure the payment of the same, and pay the interest thereof half yearly, out of any funds of the estate arising from the rents thereof; and with the money so borrowed, pay said sum of four thousand five hundred dollars, as before provided, and all other debts due by said estate.

Power to borrow money on security

SECTION 8. It shall be lawful for said principal and trustees to lay out in lots, of such convenient size as they may think proper, any portion of the real estate of said George Frey, deceased, near to, or adjoining Middletown, not exceeding in all seventy-five acres, with such streets, lanes, and alleys, as may be convenient for its enjoyment, and submit a plan thereof to the court of common pleas of Dauphin county; and if the same shall be approved by said court, they shall direct it to be recorded, and said principal and trustees shall, after giving such public notice in the newspapers, as said court shall direct, cause said lots, or so many of them as can be leased to advantage, to be leased out to the highest bidder, on ground rent, payable half yearly, for any term not exceeding one hundred years, and leases for the term of time agreed on to execute, under the hand of the principal, and seal of the corporation; and the rents arising therefrom shall be paid to the principal, to be by him applied to pay the interest on the money to be borrowed on the mortgage, as aforesaid; and the balance, if any, to the use of the institution, and settled for in the manner prescribed in said will: *Provided*, That before receiving any of said money, either by the loan aforesaid, or from rents accruing, he shall give bond in such sum, and with such security as the court of Dauphin county shall approve, conditioned for its faithful application, according to the true intent of this act, and the will of said George Frey. And the court shall allow such reasonable sum to said principal and trustees in the settlement of their accounts for their trouble and expense in laying out and leasing said company, as to it shall seem just.

To lay out lots

Plan to be approved by court

To be leased on ground rent

Proviso

Bond to be given by principal

SECTION 9. That provided Christian Spayd, of Middletown, late principal under the will of George Frey, deceased, will, within thirty days after the passage of this act, convey to the present trustees in office, or their successors, by such deed or deeds of conveyance as they, or their counsel, may advise or require, all that stone mansion house, and five lots of ground connected therewith, situated on the Main street,

C. Spayd discharged from liabilities, on certain conditions

in Middletown, formerly the mansion property of the said George Frey, free of all incumbrances, and of any adverse claims for the use of the orphan institution aforesaid, then in such event, the balance of twelve thousand five hundred and thirty-seven dollars and eight cents, decreed against him by the supreme court, in November, one thousand eight hundred and thirty-four, on the settlement of his account, as principal under said will, shall be, and is hereby released to him, and he and his heirs, executors, administrators, shall be for ever discharged from all liability on account thereof: *Provided, however,* That in the event of such conveyance, the said Christian Spayd and his wife shall be, and are hereby permitted to reside in such house, free of rent, during the term of their joint lives, or of that of the survivor. The taxes of the said property to be paid by them; and they, or the survivor of them, during their occupancy, shall, at their expense, keep the said premises, with the said appurtenances, in good repair.

SECTION 10. That the English language may be taught in the said institution, as well as the German; and it shall also be lawful for the trustees of the said institution, or a majority of them, to authorize the principal and tutor to dispense with such of the ceremonies and observances mentioned in the will of George Frey, in respect to the school, and the management of the children, and of the estate, as in their estimation are unessential to the interests of the children, and the grand design of the will, and not calculated to advance the usefulness of the institution, continuing the religious exercises in the manner approved by the synods of the Lutheran church in Pennsylvania.

SECTION 11. That the said principal shall have power, with the approbation of the trustees, or a majority of them, to lease the grist and saw-mills, and the farms belonging to the institution, for any term not exceeding six years; and shall also be authorized to lease any portion of ground, not exceeding in all ten acres, along the canal or rail-road, with, or without the additional privilege of water power, for any term not exceeding twenty years: *And be further provided,* That all the provisions of the will of George Frey, not altered by, or inconsistent with this act, shall remain in full force and virtue.

WM. HOPKINS,

*Speaker of the House of Representatives.*

CHARLES B. PENROSE,

*Speaker of the Senate.*

APPROVED—This twentieth day of June, A. D., eighteen hundred and thirty-nine.

DAVID R. PORTER.