

No. 2008-95

AN ACT

SB 1376

Repealing the act of March 1, 1799 (6 Sm.L.181, No.221), entitled "An act to incorporate and endow an academy or public school in the town of York, and for other purposes therein mentioned."

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The act of March 1, 1799 (6 Sm.L.181, No.221), entitled "An act to incorporate and endow an academy or public school in the town of York, and for other purposes therein mentioned," is repealed:

[An act to incorporate and endow an academy or public school in the town of York, and for other purposes therein mentioned.

Whereas a tender is made to the legislature by the rector, church-wardens and vestrymen of the Protestant Episcopal Church of St. John, at Yorktown, of a large, convenient two story brick building in the said town, situate in Beaver street, forty-eight feet front and sixty feet in depth, together with the lot of ground whereon the same is erected, which hath been occupied for several years as an academy or school house, in order that the same may be appropriated for a public school for the county of York, and endowed in such manner as the legislature intentions of the rector, church-wardens and vestrymen of the Protestant Episcopal Church of St. John, at Yorktown, should be carried into effect. Therefore:

(Section I.) (Section I, P.L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and is hereby enacted by the authority of the same, That the tender made by the rector, church-wardens and vestrymen of the Protestant Episcopal Church, of St. John, at Yorktown, to the legislature, of a large two story brick building, in the town of York, situate in Beaver street, forty-eight feet front and sixty feet in depth, together with the lot of ground whereon the same is erected, be accepted and the same is hereby accepted, anything in the act, entitled, "An act to incorporate the Protestant Episcopal Church of St. John at Yorktown," which prevents the said corporation from alienating their estate, to the contrary notwithstanding.

(Section II.) (Section II, P.L.) And be it further enacted by the authority aforesaid, That all right and title in and to the said building and lot above described is hereby transferred, conveyed to, and vested in the trustees of the York county academy, hereinafter named and established, for the use and benefit of the said academy.

(Section III.) (Section III, P.L.) And be it further enacted by the authority aforesaid, That there be erected, and hereby is erected and established, in the town of York, in the county of York, a county school or academy, for the education of youth in the learned and foreign languages, the useful arts, sciences and literature, the style, name and title of which said school or academy, and the constitution thereof, shall be, and are hereby declared to be, as is hereinafter mentioned and defined, that is to say: First, The said academy shall be hereafter called and known by the name of "The York county Academy;" Second, That the said academy shall be under the management, direction and government of twenty-one trustees, or a quorum or board thereof, as hereinafter mentioned; Third, That the first trustees of the said academy shall consist of the following persons, viz: John Campbell, Jacob Goring, Daniel Waggoner, John Black, Robert Kithcart, William Paxton, Thomas Hartley, James Smith, John Edie, John Clark, Jacob Hay, Jacob Rudicil, Elihu Underwood, William Ross, of Chanceford, Jacob Barnitz, Michael Snyder, Conrad Laub, William M'Lean, William Scott, Philip Goslar and George Bard, which said trustees, and their successors to be elected in the manner hereinafter mentioned, shall forever hereafter be, and they are hereby, erected, established and declared to be one body politic and corporate, with perpetual succession, in deed and in law, to all intents and purposes whatsoever, by the name, style and title of "The trustees of the York county academy," by which name and title they, the said trustees and successors, shall be competent and capable in law and equity to take to themselves and their successors, for the use of the academy, any estate in any messuages, lands, tenements, goods, chattels, moneys, or other effects, by the gift, grant, bargain, sale, conveyance, assurance, will, devise, or bequest, of any person or persons whatsoever, provided the same do not exceed in the whole the yearly value of ten thousand dollars; the same messuages, lands, tenements, hereditaments and estate real and personal to grant, bargain sell, convey, assure, demise, and to farm, let and place out on interest, or otherwise dispose of, for the use of the said academy, in such manner as to them, or at least nine of them, shall seem most beneficial to the institution, and to receive the rents, issues, profits, income and interest of the same, and to apply the same to the proper use and support of the said academy; and by the same name, to sue, commence, prosecute and defend, implead and be impleaded, in any courts of law or equity, and in all manner of suits or actions whatsoever, and, generally, by and in the same name, to do and transact all and every the business touching or concerning the premises, or which shall be incidentally necessary thereto, as fully and effectually as any natural person or body politic or corporate, within this commonwealth, have power to manage their own concerns, and to hold, enjoy and exercise all such powers, authorities and jurisdictions, as are customary in other seminaries of learning.

Fourth, The said trustees shall cause to be made for their use one common seal, with such devices and inscriptions thereon as they shall think proper, under and by which all deeds, diplomas, certificates and acts of the said corporation shall pass and be authenticated and the same seal, at their pleasure, may break and devise a new one. Fifth, That the said trustees of the said academy, or seven of them at least, shall meet at the borough of York, on the first Monday in May next, for the purpose of concerting and agreeing to such business as in consequence of this act shall be proper to be laid before them at the commencement of the institution, and shall have power to adjourn from time to time, as they shall see cause, for the purpose of perfecting the same. Sixth, That there shall be a meeting of the said trustees held once in every year at least, at the borough of York, at such times as the said trustees, or a quorum thereof, shall appoint, of which notice shall be given after the first meeting, either by public advertisement in two of the nearest public newspapers three weeks before the time, or by notice in writing, signed by the clerk or other officer of the trustees, for that purpose to be appointed, and sent to each trustee, at least ten days before the time of such intended meeting; and if, at such meeting, seven of the trustees shall not be present, those of them who shall be present shall have power to adjourn the meeting to any other day, as fully and effectually, to all intents and purposes, as if the whole number of trustees, for the time being, were present, but if seven or more of the said trustees shall meet at the said appointed times, or at any other time of adjournment, then such seven or more of the said trustees shall be a board or quorum, and a majority of them shall be capable of doing and transacting all the business and concerns of the said academy, not otherwise provided for by this act, and particularly of making and enacting ordinances for the government of the said academy, of electing trustees to supply any vacancies that may happen, by death, resignation or otherwise, of electing and appointing the principal and masters of the said academy, of agreeing with them for their salaries and stipends, ascertaining their several duties and powers, and removing them for misconduct or breach of the laws of the institution, of appointing committees of their own body to carry into execution all and every the resolutions of the board, of appointing a treasurer, secretary, stewards, managers and other necessary and customary officers for the taking care of the estate and managing the concerns of the corporation, and, generally, a majority of the board, or quorum of the said trustees, consisting of seven persons at the least, at any annual or adjourned meeting, after notice given as aforesaid, shall determine all the matters and things (although the same be not herein particularly mentioned) which shall occasionally arise, and be incidentally necessary to be determined and transacted by the said trustees. Provided always, That no ordinances shall be of force, which shall be repugnant to the laws of this state. Seventh, Persons of every

religious denomination shall be capable of being elected trustees, nor shall any person, either as principal, master or pupil, be refused admittance for his conscientious persuasion in matters of religion, provided he shall demean himself in a sober, orderly manner, and conform to the rules and regulations of the academy. No misnomer of the said corporation shall defeat or annual any gift, grant, devise, or bequest, to or from the said corporation, Provided the intent of the parties shall sufficiently appear upon the face of the gift, grant, will, or other writing, whereby any estate or interest was intended to pass to or from the said corporation, nor shall any disuser or non-user of the rights, liberties, privileges, jurisdictions and authorities, hereby granted to the said corporation, or any of them, create or cause a forfeiture thereof.

(Section IV.) (Section IV, P.L.) And be it further enacted by the authority aforesaid, That the constitution of the said academy, herein and hereby declared and established, shall be and remain inviolable forever, and the same shall not be altered by any ordinance or law of the said trustees, nor in any other manner than by an act of the legislature of this state.

(Section V.) (Section V, P.L.) And be it further enacted by the authority aforesaid, That the said trustees hereinbefore appointed, and their successors, and the principal and master, and every of them hereafter to be appointed, in such manner and form as herein is directed and required before he or they enter upon the duties of their trust or office, shall, before a justice of the peace or alderman of this state, take and subscribe the oaths or affirmations, prescribed by the constitution of this state to be taken by the officers of this state, and shall also take an oath or affirmation for the faithful discharge of their respective trust or office aforesaid.

(Section VI.) (Section VI, P.L.) And be it further enacted by the authority aforesaid, That the governor is hereby authorized and required to issue a warrant in favor of the trustees aforesaid, or their order, on the county treasurer, for the sum of two thousand dollars, payable out of the arrearages of taxes due from the said county to the commonwealth, for which sum the county of York shall be credited on the books of the comptroller-general, in the settlement of their accounts for arrearages of taxes, as an endowment to the said academy, and the said trustees shall vest and dispose of the said grant of money in such manner, as to them shall seem most beneficial to the said academy.

(Section VII.) (Section VII, P.L.) And be it further enacted by the authority aforesaid, That as soon as the two thousand dollars mentioned in the preceding section shall be paid to the trustees, there shall be admitted into the said academy any number of poor students, who may at any time be offered, in order to be taught gratis, Provided the number

so admitted shall at no time be greater than seven, and that none of the said students shall continue longer than two years, if others should offer.

(Section VIII.) (Section VIII, P.L.) And be it further enacted by the authority aforesaid, That so much of the act, entitled, "An act to incorporate the Protestant Episcopal church of St. John at Yorktown," passed the twentieth day of September, one thousand seven hundred and eighty-seven, as prevents the rector, church wardens and vestrymen, and their successors, from alienating the school-house and lot of ground on which the same is erected, as is therein mentioned, be and the same is hereby repealed.]

Section 2. This act shall take effect in 60 days.

APPROVED—The 8th day of October, A.D. 2008.

EDWARD G. RENDELL