

CHAPTER MMDCCCLXXXIX.

AN ACT GRANTING TO THE TRUSTEES OF THE UNIVERSITY OF PENNSYLVANIA, A SUM OF MONEY FOR THE PURPOSE OF ENABLING THEM TO ESTABLISH A BOTANICAL GARDEN.

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 it is hereby enacted by the authority of the same, That the sum of three thousand dollars be, and the same is hereby granted to the trustees of the University of Pennsylvania out of the monies they owe the state; for the purpose of enabling them to establish a garden for the improvement of the science of botany, and for instituting a series of experiments to ascertain the cheapest and best food for plants, and their medical properties and virtues.

Approved March 19, 1807. Recorded in L. B. No. 10, p. 478.

CHAPTER MMDCCXC.

AN ACT ESTABLISHING AN ACADEMY IN THE BOROUGH OF WILKESBARRE IN THE COUNTY OF LUZERNE, AND GRANTING A SUM OF MONEY THERETO.

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 it is hereby enacted by the authority of the same, That there shall be, and hereafter is established in the borough of Wilkesbarre in the county of Luzerne, an academy or public school for the education of youth in the useful arts, sciences, and literature, by the name and style of "The Wilkesbarre Academy."

Section II. (Section II, P. L.) And be it further enacted by the authority aforesaid, That the first trustees of the Wilkesbarre academy shall consist of the following persons: to wit, Reverend Andrew Hoyt, Lord Butler, Jesse Fell, Matthias Hollerback, William Ross, Rosewell Welles, Ebenezer Bowman, Samuel Bowman, John P. Arndt, Arnold Colt, Peleg

Tracy, Matthew Covell, Joseph Slocum, Benjamin Perry, Thomas Graham, Charles Miner and Thomas Dyer, 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 Wilkesbarre 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, land, tenements, hereditaments, goods and chattels, of what kind, nature or quality soever, real or mixed, by gift, grant, bargain, sale, conveyance, assurance, will, devise or bequest, from any person or persons whomsoever, capable of making the same; and the same from time to time to grant, bargain, sell, demise, alien or dispose of 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.

Section III. (Section III, P. L.) 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 break, alter and renew at their pleasure.

Section IV. (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the said trustees shall hold their first meeting in the academy in the borough of Wilkesbarre, on the first Monday in June after the passing of this act; any nine of whom shall constitute a quorum to transact any of the business of the said academy; particularly in making and enacting ordinances and bylaws for the government of the said academy; of electing trustees in the room of those who may be removed by death, resignation, or otherwise; of electing and appointing masters and tutors for said academy, of agreeing with them for their salaries, and at their pleasure

removing the same; of appointing a secretary, managers and other necessary officers for 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 bylaws shall have any force which shall be contrary to the constitution or laws of this commonwealth, or of the United States.

Section V. (Section V, P. L.) 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 misuser or nonuser of the rights, liberties, privileges, jurisdictions and authorities hereby granted to the said corporation, create or in anywise cause a forfeiture thereof.

Section VI. (Section VI, P. L.) And be it further enacted by the authority aforesaid, That no sale or alienation of the real estate of the said corporation, which shall have been 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 thereof, and continue in him, her or them, his, her or their heirs or assigns, shall be invalidated for want of proving that nine of said trustees of said corporation consented to such sale and 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.

Section VII. (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the commissioners of the county of Luzerne are hereby required and enjoined to

pay into the treasury of this commonwealth the sum of two thousand three hundred and twenty-five dollars, being a part of the money paid to them by Samuel Bryan late comptroller through mistake; and on the payment of the sum aforesaid into the treasury of this commonwealth within two years and not otherwise, there is hereby appropriated the sum of two thousand dollars to the trustees of the academy of Wilkesbarre; to be paid by the commissioners of the county of Luzerne, in full of the sum of four thousand three hundred and twenty-five dollars, paid through mistake by the said Samuel Bryan to the aforesaid county commissioners.

Approved March 19, 1807. Recorded in L. B. No. 10, p. 479.

CHAPTER MMDCCXCI.

AN ACT TO ENABLE SARAH MORGAN, ADMINISTRATRIX, AND JONATHAN MORGAN, ADMINISTRATOR TO THE ESTATE OF ISAAC MORGAN, DECEASED, TO CONVEY A TRACT OF LAND IN CHARLESTOWN TOWNSHIP, CHESTER COUNTY.

Whereas it hath been represented to the legislature, that Samuel Custer purchased of Isaac Morgan, a tract of land containing fifty acres and three quarters of an acre, be the same more or less, situate in Charlestown township, Chester county; and that he hath made payment for the same according to the terms of an agreement made with the said Isaac Morgan, who is since dead; and as the written contract respecting the premises has been lost, by reason whereof he is deprived of the means of obtaining a title thereto, he therefore prays the legislature to pass a law authorizing Sarah Morgan, administratrix, and Jonathan Morgan, administrator to the estate of the said Isaac Morgan, to execute a deed to him the said Samuel Custer, his heirs and assigns: 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 it is hereby enacted