

said township shall obtain and preserve printed copies of the laws in force, respecting officers of said township, and deliver to each of them, on being sworn into office, one copy of said laws, to be delivered, with all property of the township, to their successor, under the same penalty as enacted against notaries refusing to deliver up their records: *Provided*, That the provisions of this act shall not be so construed, as to interfere in any way with the duties of any of the officers of said Pitt township, until the expiration of the term for which the present officers were elected.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WM. S. ROSS,
Speaker of the Senate.

APPROVED—The twenty-first day of April, one thousand eight hundred and forty-six.

FRS. R. SHUNK.

No. 379.

A N A C T

Relative to the estate of George Frey, deceased.

WHEREAS, George Frey, of Middletown, in the county of Dauphin, in this commonwealth, who died in the year eighteen hundred and six, left a large estate, for the purpose of establishing and conducting an institution for the gratuitous support and education of destitute orphans, and other poor children in Pennsylvania, which institution, by the express provisions of the will, is to be connected with the Lutheran church; its mode of tuition to be modified and conformed to the orthodox belief of said church; its principal and tutors, forever, to be members in good standing in the said church, and its pupils, in addition to their general education, to be instructed in the Evangelical Lutheran religion: *And whereas*, Experience has proved that the repairs and improvements of the farms, mills and houses, together with the salary of the principal, consume nearly all the proceeds of the estate under existing arrangements, and the estate is still in debt upwards of nine thousand dollars; therefore,

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 court of common pleas of Dauphin county, are hereby authorized to appoint two reputable citizens of said county, as trustees, under the will of George Frey, late of Middletown, of said county, deceased, to serve for two years, and two such citizens as trustees under said will, to serve for four years, on the nomination of the respective synods of the Lutheran church, lying east and west of the Susquehanna, in this

Preamble.

Court of common pleas of Dauphin county to appoint trustees.

commonwealth; and that said synods shall nominate to said court not less than three candidates, in case of a vacancy in said board of trustees, one of whom shall be chosen by the court as aforesaid; and at the expiration of the said term of any such trustees, or of any trustees hereafter appointed, and in the case of a vacancy by the death, resignation, refusal to serve, or removal from the county of Dauphin, of any trustee appointed by said court, said court shall appoint another or other trustees in his or their place, to serve for four years; and the trustees so appointed, shall possess all the powers now vested in the trustees at present in possession, by the will of said Frey, and the acts of legislation relating thereto; that the said trustees, at their first meeting, shall divide themselves by lot into four equal classes; the said trustees shall have authority to appoint the principal of the Orphan house, mentioned in the will of said decedent, to serve for one year, and at the expiration of any term of one year, and in case of a vacancy from any cause, shall appoint a successor for the term of one year; and said principal shall receive such salary or compensation as said trustees shall fix for his services; said principal shall be always re-eligible, and the trustees may also be re-appointed at the expiration of every term: *Provided*, That if for any reason no appointment is made at the regular time, the incumbents shall continue in office till such appointment is made; and that at any time for cause shewn, any or all the trustees may be removed from office by the said court, and others be appointed in their stead, on nomination as aforesaid; and the principal may, at any time, be removed from office by the trustees for unfaithfulness, neglect of duty, or any other cause specified in the will; that no part of the estate of the said George Frey, or any of the profits thereof, shall, at any time, be appropriated to any other use or purpose than to the education and maintenance of poor orphan children, except as is provided for in this act, between five and fifteen years of age, if girls, at a school and orphan house, upon the estate of the said George Frey, at Middletown, and at no other place; and that the principal now, or hereafter to be appointed by the trustees, under the will of the said George Frey, shall give bond, in the sum of five thousand dollars, with security, to be approved of by the court of common pleas of Dauphin county, in the name of the commonwealth of Pennsylvania, conditioned for his faithful performance of duty, as trustee under said will, and the faithful application of all moneys which he shall receive from the estate, in the character of principal.

Proviso.

Appropriation of proceeds of estate.

Principal to give security.

Trustees authorized to sell real estate.

Sureties.

Application of proceeds of sale.

SECTION 2. It shall be the duty of the said trustees, hereby authorized to be appointed, or a majority of them, within one year from the passage of this act, after due public notice, to sell on the best terms, at public sale, to the highest and best bidder or bidders, any portion of the real estate of said George Frey, directed by said court, not exceeding seventy acres, not including the Orphan house, and grist mill, and saw mill, and the lands adjacent thereto and necessary for their convenience; and on the approval of such sale by the court of common pleas of Dauphin county, and of a bond to be given by said trustees to the commonwealth, in such sum, and with such sureties as said court shall direct, conditioned for the faithful application of the proceeds of such sale, the said trustees shall, on the payment of the purchase money, make and execute a deed or deeds, to the purchaser or purchasers, which shall be good and valid in law, to transfer all the estate of the said George Frey, in the premises, at the time of his decease.

SECTION 3. All moneys received by said trustees, shall forthwith be applied to the liquidation of the just debts now due by the estate, until they are all paid; after which said trustees shall invest all the balance,

after the necessary costs of said sales and other current expenses have been defrayed, under the direction of said court, on loan, on mortgage, or in stock of this commonwealth, or of the United States.

SECTION 4. That as soon as the debts now due, by the said estate, *Investment.* have been liquidated, and the balance of the purchase money has been invested as herein directed, the trustees shall forthwith proceed to the *Duties of trustees.* election of a suitable and well qualified tutor, who shall, with his family, reside in the Orphan house, and receive such and as many orphans and other poor children as the trustees shall direct. In the instruction, boarding, and the entire management of the said beneficiaries, the tutor shall faithfully follow the system of rules laid down by the trustees; and for all his services, shall receive such sum for every pupil as may, from time to time, be agreed on between him and said trustees.

SECTION 5. That the said trustees shall hold their first meeting on *Meetings of trustees, when held.* the second Wednesday in September, one thousand eight hundred and forty-six, and thereafter, at least two meetings, annually, at Middletown, at such time in the months of May and November, in every year, as they may agree on, and oftner, when they deem it necessary, for the purpose of settling their accounts, attending to their other duties, instructing the principal, and examining his reports and accounts of any duties previously assigned him; and in addition to the allowance of one dollar per day, fixed in the will, the trustees shall receive five cents per mile, for the distance traveled in attending said meetings: *Provided,* That the mileage shall in no case exceed ten dollars, for any one of the trustees, for any one year. Written notice shall be given to each trustee, by the principal, three weeks before each regular meeting, and two weeks before each special meeting. He shall have charge of the collection of the interest and other income of the estate, subject to the direction of the trustees, and shall attend to such other duties as they may from time to time prescribe. In case of any unforeseen and important emergency, the principal shall have power, with the consent of three trustees, to call a special meeting, of which two weeks' written notice shall be given. The board of trustees shall elect, of their own number, a chairman and secretary, and shall keep full and detailed minutes of all their proceedings.

SECTION 6. The said trustees shall annually, on the first day of May, *Annual settlement to be filed in prothonotary's office.* file a statement and settlement of their accounts, for the year ending on the first day of April, preceding, in the prothonotary's office of said court, which shall be referred to an auditor for examination, whose report shall be examined by the judges of the court, who are authorized to make such alterations therein as they may deem proper, or confirm such report as justice may require. If, upon examination of the accounts of the present, or any former trustees or principal, the judges of said court shall be of opinion that the same should be investigated, the said court shall appoint a suitable person to examine and re-settle and adjust such accounts, and make report thereon; which report shall be examined by said court, and approved or altered as justice may require. *Appointment of auditor.*

SECTION 7. That all the provisions of the will of George Frey, and of former acts of legislation relating thereto, not altered by this act, or inconsistent with it, shall remain in full force and virtue. *Effect of this act.*

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WM. S. ROSS,
Speaker of the Senate.

APPROVED—The twenty-first day of April, one thousand eight hundred and forty-six.

FRS. R. SHUNK.