

CHAPTER MCIX.

AN ACT TO ESTABLISH AND INCORPORATE A PUBLIC SCHOOL AT GERMANTOWN, IN THE COUNTY OF PHILADELPHIA.

(Section I, P. L.) Whereas divers well disposed persons in and about the neighborhood of Germantown in the county of Philadelphia, impressed with the advantages that would result to the rising generation by establishing seminaries for the propagation of useful learning and rendering the attainment thereof cheap, easy and convenient, did many years past by subscription raise a sum of money wherewith they purchased a convenient lot of ground and thereon erected a large and commodious school-house, and for a considerable time have maintained a school therein; but their funds have not been sufficient to extend the utility thereof so far as their wishes and expectations had pointed out, the reason whereof they apprehend to be that they have not been incorporated and thereby enabled to take, receive and collect the donations and subscriptions of persons who have contributed and would have contributed to the same:

And whereas, by the forty-fourth section of the frame of government of this commonwealth it is ordained "That a school or schools shall be established in each county by the legislature for the convenient instruction of youth with such salaries to the masters paid by the public as shall enable them to instruct youth at low prices."

"And whereas divers of the inhabitants of Germantown have by petition to this house represented that the situation of the place, the large and commodious buildings already erected and divers other circumstances render it a proper place to establish a school agreeable to the said provision in the frame of government, and have prayed that such a school may be established there and such assistance granted to it as to the wisdom of this House shall seem meet:

(Section II, P. L.) And whereas the finances of this state so soon after a long and expensive war, are not in a condition (without an increase of taxes already heavy) to carry into erection immediately the design of the said section by establishing schools at the public expense in all the counties of this state, but it is nevertheless highly proper to promote the laudable attempt of the petitioners by every reasonable encouragement until something further can be done by the legislature in a more extensive way.

[Section I.] (Section III, P. L.) Be it therefore enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met and by the authority of the same, That there be erected and hereby is erected and established at Germantown in the county of Philadelphia, a public school for the instruction of youth in the learned and foreign languages, reading and writing English, the mathematics, and other useful branches of literature, the name, style and title whereof and the constitution thereof shall be as they are hereinafter mentioned and defined, That is to say,

(Section IV, P. L.) I. The said school shall forever hereafter be called and known by the name of "The Public School of Germantown in the county of Philadelphia," and shall be under the management, direction and government of a number of trustees not exceeding twenty-one or a quorum or board thereof as herein after mentioned.

(Section V, P. L.) II. That the first trustees of the said school shall consist of the following persons, viz.: Henry Hill, Samuel Ashmead and Jacob Rust, Esquires, the Reverend Albert Helfenstein and Frederick Smith, John Vanderen, John Bringhurst, Joseph Ferree, Christian Snider, James Haslet, Samuel Mechlin, Noah Townsend, Samuel Bringhurst, George Bringhurst, Justus Fox, William Ashmead, David Deshler, Doctor Jacob Frelich, Paul Engle, John Fry and Abraham Rittenhouse, which said trustees and their successors to be elected as herein after mentioned shall forever hereafter be, and they are hereby erected, established and declared to be one body politic in deed and in law to all intents and purposes with per-

petual succession by the name and title of "The Trustees of the Public School of Germantown, in the county of Philadelphia," by which name and title they and their successors shall be competent and capable at law and in equity to take and hold to themselves and their successors for the use of the said school, any estate in any messuages, lands, tenements, rents, hereditaments, goods, chattels, moneys or other personal estate, by the gift, grant, bargain, sale, conveyance, assurance, will, devise or bequest of any persons or body politic whatsoever, Provided the same do not exceed in the whole the yearly value of one thousand pounds, and the same to grant, bargain, sell, convey, assure, demise and to farm, let, place out at interest or otherwise dispose of, for the use of the said school, in such manner as to them or at least seven 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 school, and by the same name to sue, commence, prosecute, defend, implead and be impleaded in any courts of law or equity and in all manner of suits and actions whatsoever; and to make, devise, have and use one common seal to authenticate all the acts and deeds of the corporation, and the same to break, alter and renew at their pleasure, and generally by and in the same name to do and transact all and every the business touching and 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.

(Section VI, P. L.) III. The said trustees or a quorum or board of them shall meet at the school-house in Germantown on the first Monday in November next, to enter upon their business and at least once in every year afterwards, at such times as the said trustees shall appoint, of which notice shall be given after the first meeting by public advertisement in two of the public newspapers of the city or county of Philadelphia, at least two weeks before the time of such intended meeting, and if at such or any future meeting seven of the said trustees shall not be present, those of them who shall be present shall

have power to adjourn to any future day, whereof notice shall be given as aforesaid: but if at such or any future meeting by adjournment or otherwise, whereof notice shall have been given as aforesaid, seven of the said trustees shall be met, then such seven of them shall be a board or quorum, and a majority of their votes shall be sufficient and capable of doing and transacting all the business and concerns of the said corporation; and particularly of making and enacting ordinances and by-laws for the government of the said school, of electing trustees in the place of those who shall resign their offices or die, of choosing and employing the masters and tutors of the school, of agreeing with them for their salaries and stipends, 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 their board; of appointing a treasurer, secretary, stewards, managers, and other necessary officers, for the taking care of the estate and managing the concerns of the corporation, and generally of determining all 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 or by-laws shall be of force which shall be repugnant to the laws of this state.

(Section VII, P. L.) IV. Persons of every religious denomination among Christians shall be capable of being elected trustees, nor shall any person either as master, tutor, officer 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 school.

(Section VIII, P. L.) V. No misnomer of the said corporation shall defeat or annul 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; now shall any disuser or nonuser of the rights, liberties and privileges, jurisdictions and

authorities hereby granted to the said corporation or any of them. create or cause a forfeiture thereof, nor shall the constitution of the said school hereby established be ever altered or alterable by any by-law or ordinance of the said trustees or in any other manner than by an act of the legislature of this state; but the same constitution shall always be construed most beneficially for the said corporation.

[Section II.] (Section IX, P. L.) And it is further enacted by the authority aforesaid, That all and singular the estate real and personal whatsoever now belonging to and held by any person or persons whatsoever for the use of the said school of Germantown shall be and the same is by force of this act transferred to and vested in the trustees of the public school of Germantown in the county of Philadelphia, and their successors forever, for the use of the last mentioned school, and that it shall and may be lawful for the said trustees to enter into and take possession thereof, and to sue, commence and prosecute all such suits and actions at law for the recovery of all debts and sums of money due, owing and payable to the former trustees of the Germantown school for the use of the said school whether the same be due on bonds, notes or other securities, or by the gift, donation, bequest or promissory subscription of any person or persons whatsoever.

Passed September 15, 1784. Recorded L. B. No. 2, p. 372, etc.
See the Act of Assembly passed September 6, 1786, Chapter 1236.

CHAPTER MCX.

AN ACT TO ENABLE MARCUS HULINGS AND HIS HEIRS AND ASSIGNS TO ERECT, BUILD AND MAINTAIN A DAM OVER SHEERMAN'S CREEK. IN THE COUNTY OF CUMBERLAND, NEAR THE MOUTH OF THE SAME CREEK.

(Section I, P. L.) Whereas divers inhabitants of Lancaster and Cumberland counties have petitioned the house of assembly of this commonwealth that Marcus Hulings of said county