

Comm'rs. to receive jurors fees. SECTION 2. That the commissioners of the county of Westmoreland, are hereby authorized and required to pay to the commissioners named in the act, to which this is a supplement, the same fees to which jurors are now entitled by law.

W. T. ROGERS,
Speaker of the Senate.

WM. HOPKINS,
Speaker of the House of Representatives.

APPROVED—The seventh day of February, A. D. 1840.

DAVID R. PORTER.

[No. 9.]

A N A C T

To incorporate an Academy, in Byberry township, Philadelphia county.

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 there shall be, and hereby is established, in the township of Byberry, in the county of Philadelphia, an Academy or public school, for the education of youth, in the English and other languages, and in the useful arts, sciences and literature, by the name, style and title of "the Byberry Academy," under the care and direction of six trustees, who, and their successors in office, shall be and are hereby declared to be, one body politic and corporate, in deed and in law, by the name and style of "the Trustees of the Byberry 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 law and elsewhere; and shall be capable in law and equity, to take and hold to them and their successors, for the use of said academy, lands, goods, chattels and moneys of every kind whatsoever, by gift, grant, conveyance, devise or bequest, from any person or persons whomsoever, capable of making the same; and the same from time to time, to sell, convey or dispose of, for the use of said academy; and to erect such buildings as may be necessary, and to make, have and use, a common seal, and the same to break or alter, at pleasure; and generally, to do all and singular, the matters

Academy established.

Name and style.

Privileges and franchises.

and things which shall be lawful for them to do, for the well being of the said academy, and due management and ordering of the affairs thereof.

SECTION 2. And the first election of trustees shall take place on the first Friday, in August, in the year one thousand eight hundred and forty, and on the same Friday thereafter, annually, at the school house, in the township of Byberry, in Philadelphia county, and the said election shall commence at the hour of one o'clock, P. M. and continue until five o'clock, P. M. and shall be conducted by two managers, who shall be appointed by a majority of the citizens qualified to vote, who may be present at the time of commencing said election; and every election thereafter, shall be held at the academy hereby incorporated. No person shall be allowed to be a trustee, or vote, unless he be a stockholder. The vote shall be given by ballot, and each ticket shall be labelled on the outside, "Trustees of Byberry Academy;" and at the first election, shall contain the names of six persons, and the six having the greatest number of votes, and being qualified according to the provisions of this act, shall be the trustees for the ensuing year, and until their successors are elected. The managers shall certify the result of the election, to each person so elected.—As soon as convenient after the election, the said trustees shall, by lot, divide themselves into three classes, of two each. The term of office of the first class, shall expire in one year after their election; that of the second, in two years; and that of the third, in three years: and after the first election, but two trustees shall be elected annually, to serve for a period of three years. The board of trustees shall have power to fill vacancies; to appoint their president yearly, who shall be one of the elected trustees, and they shall have power to enact such by-laws, as may be necessary, not being inconsistent with the constitution and laws of the United States, or the constitution and laws of this commonwealth; and four of the said trustees shall constitute a quorum, and a quorum may, in the absence of the president, appoint a president, pro tempore. The said board of trustees shall appoint a secretary and treasurer, yearly; but they shall have power to remove either, whenever a majority of the board shall think it proper. The treasurer shall, before he commences the duties of his office, give a bond to said corporation, with one or more good sureties, to be approved of by a majority of the managers, for a penal sum double the estimated amount for the time being of the funds of the corporation, conditioned for the performance of his duties enjoined, and the re-payment of moneys received, by him.

SECTION 3. The treasurer shall receive and hold all moneys belonging to the institution, and pay the same only to the order of the board, signed by the president and secretary, or by a majority of the trustees; and he shall keep fair accounts

Trustee's duties. thereof, to be open at all seasonable hours, for the inspection of all persons who may have contributed to the funds of said institution; and the said trustees and treasurer shall annually, in the month of January, exhibit all their books, vouchers and accounts of every kind, before the said board of trustees, to be settled and adjusted; and any balance found due the institution, shall be entered of record, in the court of common pleas of said county, and become a lien, and be collected in the same manner and under the same regulations, as other judgments are collected; saving to the accountant and the corporation, the right to appeal to the next court of common pleas, after said report: Every trustee or treasurer, who shall neglect or refuse to exhibit his books, accounts and vouchers, as aforesaid shall forfeit the sum of forty dollars, to be recovered as debts of a similar amount are now by law recoverable, in any action (brought by a person qualified to vote for trustees,) in the name of said corporation; one-half to be recovered for the use of the academy, and the other half, for the use of the prosecutor.

Books, &c. to be exhibited.

Liens, how obtained.

Penalty for neglect or refusal to exhibit books, &c.

Misnomer. SECTION 4. No misnomer of said corporation, shall defeat or annul, any gift, grant, devise or bequest, to or from, said corporation: *Provided*, That 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, said corporation.

Not to receive annual appropriation. SECTION 5. Nothing in this act, or any other law of this commonwealth, shall entitle the said academy to receive the appropriation, granted to female seminaries, by the fourth section of the act of the twelfth of April, one thousand eight hundred and thirty-eight, entitled a supplement to an act to consolidate and amend the several acts, relative to a general system of education by common schools, passed the thirteenth of June, eighteen hundred and thirty-six.

Repealing clause. SECTION 6. The legislature reserves the right to revoke, alter or annul, the charter hereby granted, at any time they may think proper.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The seventh day of February eighteen hundred and forty.

DAVID R. PORTER.