

tions of their burial ground, situate in the open ground at the southeast corner of Fifth and Mulberry streets, in the city of Philadelphia, as they may deem advisable for the interest of said corporation, the purchaser or purchasers not to be responsible for the application of the purchase money. *Provided; however,* That the same shall be applied by the said rector, church wardens and vestrymen to the use of said Saint James' church.

SECTION 13. So much of any act as is altered or supplied by this act, is hereby repealed.

WM. A. CRABB,

Speaker of the House of Representatives.

JN. H. EWING,

Speaker of the Senate.

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

DAVID R. PORTER.

[No. 110.]

A N A C T

To Incorporate the Muhlenburg Academy, at Union Centre, in the county of Luzerne.

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, at Union Centre, in the county of Luzerne, 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 Muhlenburg Academy, under the care and direction of nine trustees, who and their successors in office, shall be and are hereby declared to be, one body politic and corporate indeed and in law, by the name and style of the trustees of the Muhlenburg Academy, and by the same 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

Established

Trustees

Name

Powers and privileges

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 of the affairs thereof.

SECTION 2. And the first election of trustees shall take place on the last Saturday in February, in the year one thousand eight hundred and forty-two, and on the same Saturday annually thereafter, in the academy at said Union Centre, and 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. No person shall be allowed to vote unless he be a citizen of said county, and shall have subscribed and paid to the funds of said academy, the sum of five dollars, and no person shall be allowed to be a trustee unless he shall have subscribed and paid ten dollars to the use of said academy. The votes shall be given by ballot, and at the first election each ticket shall be labelled on the outside, "trustees of the Muhlenburg Academy," and shall contain the names of nine persons, and the nine 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 three 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 three trustees shall be elected annually. The board of trustees shall have power to fill vacancies, to appoint their president, 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 five of the said trustees shall constitute a quorum, and a quorum may, in the absence of the president, appoint a president pro tempore; the president shall be appointed yearly; 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 securities, 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 the duties enjoined, and the repayment of moneys received by him.

Treasurer's duties 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 trustees, and he shall keep fair accounts thereof to be open at all seasonable hours for the inspection of all persons who may have contributed to the funds of said institution.

Property vested SECTION 4. Any and all property or money which may have heretofore been granted, or in any wise directed by the owner thereof, to be appropriated to the use of the institution hereby established, is hereby vested in said corporation.

Trustees SECTION 5. John Moss, Richard Dodson, Levi Arnold, John R. Dean, Jacob Benscoter, Henry Colt, Andrew Cortright, George W. Woodward, and Henderson Gaylord, are hereby appointed trustees of said corporation, until their successors be elected, with the same powers as are hereinbefore vested in the board of trustees hereafter to be elected.

Not to receive appropriation of Act of 12th April, 1838 SECTION 6. Nothing in this act or any other law of this Commonwealth, shall enable the said academy to receive the appropriation granted to colleges, academies, and female seminaries, by the fourth section of the act of the twelfth day 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.

WM. A. CRABB,

Speaker of the House of Representatives.

JN. H. EWING,

Speaker of the Senate.

APPROVED—This twenty-eighth day of April, A. D. eighteen hundred and forty-one.

DAVID R. PORTER.