

No. 298.

AN ACT

To incorporate the Lackawanna institute, in the village of Carbondale, Luzerne 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 town of Carbondale, county of Luzerne, and commonwealth of Pennsylvania, an academy or public school, for the education of youth in the English and other languages, and in the useful arts and sciences and literature, by the name of the Lackawanna institute, under the care, direction and government of the trustees, viz: Lewis Jones, Joseph Benjamin, S. S. Benedict, Horatio S. Pierce, Cyrus Abbott, H. P. Ensign, William Wurtz, which said trustees and their successors, to be elected as hereinafter directed, shall be and are hereby declared to be one body corporate and politic, by the name and style of "The trustees of the Lackawanna institute;" 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 hold to them and their successors, for the use of the said institute, lands, tenements, hereditaments, goods and chattels of what kind or quality soever, real, personal 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 and dispose of for the use of the said institute, 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 institute, and the due management and ordering the affairs thereof.

Object.

Trustees.

Style.

Privileges.

SECTION 2. The first election of trustees shall take place on the first Monday of May, in the year one thousand eight hundred and forty-nine, and on the first Monday of April annually; the said elections shall be held in the institute building, and commence at the hour of one o'clock in the afternoon, and continue till four o'clock in the afternoon, 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 a trustee, or be allowed to vote at said election, unless he be a citizen of this state, and shall have subscribed and paid to the funds of the said institute the sum of ten dollars; the votes shall be given by ballot, and at the first election each ticket shall be labelled on the outside, "trustees of the Lackawanna institute," and it 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 to each person 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

Annual election of trustees.

Who entitled to vote.

Trustees to be divided into three classes.

three years, and after the first election but two 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 shall 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 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 annually; 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 trustees, for a penal sum double the estimated amount for the time being, of the funds of the corporation to come to his hands, conditioned for the faithful performance of the duties enjoined, and the repayment of the 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 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 a committee of the contributors to the institution, (if such committee shall be appointed for that purpose,) for their inspection and examination, and any balance found due the institution shall be collected as similar sums are collected by the laws of this commonwealth; every trustee or treasurer who shall refuse to exhibit his books, accounts and vouchers as aforesaid, shall forfeit the sum of forty dollars, to be recovered as similar amounts 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 institution, and the other half for the use of the prosecutor.

SECTION 4. Persons religious, of every denomination, shall be capable of being elected trustees, nor shall any person as principal teacher or pupil, be refused admittance into said institute, or denied any of the privileges, immunities or advantages thereof, for or on account of his sentiments in matters of religion.

SECTION 5. No misnomer of the said corporation shall defeat or annul any gift, grant, devise or bequest to or from 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 said corporation.

SECTION 6. The legislature reserves the right to revoke, alter or annul the charter hereby granted at any time they may think proper, for causes justly requiring the same.

WILLIAM F. PACKER,

Speaker of the House of Representatives.

GEORGE DARSIE,

Speaker of the Senate.

APPROVED—The fifth day of April, one thousand eight hundred and forty-nine.

WM. F. JOHNSTON.