

to public view in some conspicuous and open part of the banking room, on the first Monday of every month, and so to remain for six months thereafter, and so much of the thirtieth section of said act as requires a duplicate copy of each monthly register to be filed in the office of the Register of stockholders. prothonotary of the court of common pleas of Cumberland county, on or before the second Monday in each month, and the proviso to the fourteenth section of said act, be and the same are hereby repealed.

SECTION 2. In place of the provisions of the foregoing sections which are repealed, the register of the stockholders mentioned in the fifteenth section of said act shall be set up and exposed to public view in some conspicuous and open part of the banking room, on the first Mondays of January, April, July and October in every year, and shall so remain for three months, and until the succeeding register shall be set up agreeably to the provisions of this act; and a duplicate copy of each register shall be filed in the office of the prothonotary of Cumberland county, on or before the second Monday of the aforesaid months of January, April, July and October. Said register of stockholders to be exposed to view, &c.

SECTION 3. That the real estate which said bank may at any time acquire, by purchase or otherwise, shall not be subject to redemption said bank not to be subject to redemption, &c. by the party from whom it last passed to said bank, agreeably to the provisions of the twenty-eighth section of the act to which this is a supplement, until such party shall pay the amount of his or their indebtedness to said bank, when the sale of the real estate which may have been purchased by the bank is insufficient to pay the same, or shall pay such balance of said indebtedness as may remain after the appropriation of the proceeds of such sale.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The thirtieth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 375.

A SUPPLEMENT

To the act relative to voters at elections in the counties of Adams, Dauphin, York, Lancaster, Franklin, Cumberland, Bradford, Centre, Greene and Erie, approved the twenty-ninth day of February, one thousand eight hundred and forty-nine; and relative to the incorporation of the Edinboro' academy, in the county of Erie.

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*

Provisions of
certain act ex-
tended to Mercer
county.

Object.

Government.

Trustees.

Style.

Privileges.

Seal.

Annual election
of trustees.

Votes.

all the provisions of the act to which this is a supplement, be and the same are hereby extended to the county of Mercer.

SECTION 2. That there shall be and is hereby established in the borough of Edenboro', in the county of Erie, an academy for the education of youth in the learned languages, useful arts and sciences, and general literature, by the name, style and title of "The Edinboro' academy."

SECTION 3. That the said institution shall be under the management, direction and government of a number of trustees not exceeding nine, and until others shall be elected as hereinafter provided, the trustees of the said academy shall consist of the following persons, to wit: James H. Campbell, E. M'Williams, Jacob Kinter, Wm. Marshall, Uriale Hawkins, James Reeder, Isaac R. Taylor, E. W. Gerrish, Cyrus A. Culbertson, William Proud, Prentice Burlington, Hudson Giles, Robert S. M'Lenahan, John W. Campbell, Peter Wellman, Daniel Sherrius, J. Culbertson, Marcus Saley, E. W. Twitchell, N. C. Austin, or any nine of them, who shall, on or before the 1st day of June next, have subscribed the greater number of shares for the purpose of building said academy in said borough; which said nine trustees, and their successors to be elected as hereinafter provided, shall forever be *and* they are hereby created, established and declared to be one body politic and corporate, with perpetual succession, in deed and in law, by the name, style and title of the "Edinboro' academy;" and by the same name shall be able to sue and be sued, plead and be impleaded in all courts of record and elsewhere, and shall be capable in law and equity to take and to hold, to them and to their successors, for the use of said academy, any estate, in lands, tenements or hereditaments, goods, chattels, stock, moneys or other effects, of what kind, nature or quality soever, by gift, grant, bargain, sale, conveyance, assurance, will, devise or bequest, from any person or persons whomsoever, capable of making the same, free of taxation: *Provided*, The same do not exceed the yearly value of three thousand dollars; and the same from time to time to grant, bargain, sell, demise, alien, lease, place out at interest or otherwise dispose of for the use and benefit of said academy; and to receive the rents, profits, income and interest thereof, and to apply the same to the proper use of the said academy, and to erect such buildings as may be necessary; and generally to do all and singular acts, deeds, matters and things which shall be lawful for them to do for the well-being of the said academy, and the due management thereof.

SECTION 4. The said trustees shall cause to be made for their use one common seal, with such devices and inscriptions thereon as they shall think proper, and by and with which all deeds, certificates and acts of said corporation shall pass and be authenticated; and the same seal at their pleasure may break, alter and renew.

SECTION 5. The first election of trustees shall take place on the first Monday in January, one thousand eight hundred and fifty-one, at the school house in said borough, and on the same day annually thereafter, at such place as may be appointed by the board of trustees: the election shall commence at the hour of one o'clock in the afternoon, and shall continue until five o'clock, and shall be conducted by two managers to be chosen by a majority of the stockholders present at the time of commencing said election; and the stockholders shall be allowed to vote in person or by proxy, and in the ratio of one vote for each share of stock held by him, her or them, or standing in his, her or their names, in the books of the corporation: the votes shall be given by ballot, and each ticket shall be labelled on the outside "trustees of the Edinboro' academy," and shall contain the names of nine persons, stockholders

in said corporation, and those having the highest number of votes shall be the trustees of said academy for the ensuing year, and shall continue in office until their successors are elected: if two or more persons should have an equal number of votes, the managers shall forthwith decide by lot which of said persons are elected.

SECTION 6. The board of trustees, five of whom shall constitute a quorum, shall annually at their first meeting after the election, appoint a president and secretary of their own number, and elect a treasurer, who shall be a stockholder; and in case of the death, resignation or refusal to serve of any trustee or other officer, the trustees in office shall have power to appoint others in their stead until the next election; and they shall also have power to enact such ordinances and by-laws as may be necessary for the well being and government of said corporation: *Provided*, That no by-law or ordinance shall have any force and effect which shall be repugnant to the constitution and laws of the United States or of this state, nor shall any person, either as principal, master, tutor or pupil, be refused admission into said academy on account of his or her belief or persuasion in matters of religion: *Provided*, He demean himself in a sober, orderly manner, and conform to the rules and regulations of the academy.

Board of trustees.
Quorum.
Officers.

By-laws.

Proviso.

SECTION 7. The capital stock of said corporation shall be five thousand dollars, divided into shares of ten dollars each, a certificate of which shall be issued to such person or persons who have heretofore subscribed, or may hereafter subscribe, and pay money for the purpose of building an academy in said borough, or to the heirs and legal representatives of such person or persons for every share which he, she or they may have, or shall subscribe for and hold in said corporation, which shall be transferable on the books of the corporation either in person or by attorney, subject to the payment of any balance due thereon; and the capital stock of said corporation may be increased to ten thousand dollars by a vote of the majority of the stockholders at any annual election.

Capital stock.

Transferable.

SECTION 8. The treasurer shall receive and hold all moneys belonging to the corporation, and pay out the same to the order of the board, signed by the president and secretary, or a majority of the trustees; and he shall keep fair accounts thereof, which shall be audited and settled by the trustees in the same manner as the accounts of the treasurer of common school districts are now by law audited and settled, and subject in like manner to appeal; and before entering upon the duties of his office, shall give a bond with one or more sufficient sureties, to be approved by the board of trustees, in a sum equal to double the estimated amount of money to be received by him, conditioned for the faithful discharge of the duties of his office, and the payment of all moneys remaining in his hands at the end of the year to his successor in office; and the secretary and treasurer may receive such compensation as may be thought reasonable by the board of trustees; but no other officer shall receive any fee or reward whatever for his services; and it shall be the duty of the trustees to report annually, at the expiration of their term of office, the condition of the finances and other affairs of said corporation; which report, together with the books of the corporation, shall be open at all proper times to the examination and inspection of all persons interested, who are at such times stockholders in said corporation.

Treasurer, du-
ties.
Accounts.

SECTION 9. No misnomer of said corporation shall defeat or annul any gift, grant, devise or bequest to the said corporation: *Provided*, That the intent of the parties shall sufficiently appear in said gift, grant,

Misnomer.

will, or other writing whereby any estate or interest in any thing real or personal was intended to pass to said corporation.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The thirtieth day of April, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 376.

AN ACT

Relating to destroyed or lost dockets of justices of the peace; and to the Birmingham and Elizabethtown turnpike road company.

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 in all cases where the docket of any acting alderman or justice of the peace shall have been, or may hereafter be destroyed or lost, it shall be lawful for any person or persons interested in any action pending, or judgment had, and who may be desirous to have the same supplied, to apply to such alderman or justice by petition, setting forth the proceedings to be supplied and verified by affidavit; whereupon the said alderman or justice shall issue a precept in the nature of a writ of summons, which shall be served as in other cases, requiring the defendant in such action or judgment, or his representatives, to appear before such alderman or justice on a day certain to be named in said writ, not less than five nor more than eight days from the issuing thereof, and shew cause why the prayer of the petitioner should not be granted; and in all cases where the facts set forth in such petition shall be denied, it shall be the duty of such alderman or justice to hear the parties and receive testimony, as in other cases as well his own testimony upon affidavit, as the testimony of others, and upon the hearing thereof, if the said alderman or justice shall be of the opinion that the facts alleged in such petition are true, or in case such facts be not denied, he shall order that the said proceedings be supplied; and shall thereupon enter the same upon his docket, which said entries shall have the same force and effect as if the original record had not been lost or destroyed, and either party may have his remedy by appeal or certiorari, as in other cases.

SECTION 2. That the president and managers of the Birmingham and Elizabethtown turnpike road company, in the county of Allegheny, be and are hereby authorized and empowered to construct a plank or M'Adamized road on the bed of their present road, or on such part or parts of its present location as they may consider expedient, commence-

Proceedings in case of lost docket of justices of the peace.

Birmingham and Elizabethtown turnpike road company authorized to construct a plank or M'Adamized road.