

by the gift, bargain, sale or devise, of any person or persons, bodies politic or corporate, capable to make the same; *Provided always*, that the said trustees shall not possess at any one time, property real, personal or mixed, exceeding in net yearly value the sum of ten thousand dollars.

CHAP. 151.

Proviso.

2. AND BE IT ENACTED, That in case of the death, resignation, or removal from the parish, in which the said school is situated, of one or more of the trustees, the vacancy or vacancies thus arising shall be filled by a trustee or trustees to be elected by a majority of the votes of such persons who shall have subscribed not less than ten dollars to the funds of said school, as shall attend a meeting of the subscribers to said funds, which shall be called by any one of the existing trustees, by a notice thereof, in writing, set up at the door of the said school, and at the parish church, at least twenty days previous to the time of said meeting, so that the number of five trustees be kept up and continued for ever; and the said trustees shall have full power and authority to make by-laws, rules and regulations, for the well ordering and conducting of the business of their meetings, and the time and place thereof, and to appoint such officers as they may think necessary for said purpose, and shall appoint a teacher or teachers, fix their salary or salaries, admit and expel scholars, and do all matters and things calculated to promote the interest and design of this institution.

Vacancies, how to be supplied

3. AND BE IT ENACTED, That the said trustees, by the name aforesaid, shall be able and capable in law to sue and be sued, plead and be impleaded, answer and be answered, in all or any courts of justice whatsoever, and also to make, have and use, a common seal, and to make, alter or renew the same at their pleasure, and to do every other matter and thing which any similar corporation may or can rightfully do.

Made capable to sue and be sued, &c.

4. AND BE IT ENACTED, That the commissioners of the school fund for Charles county, living in Durham Parish, may and shall, at their discretion, upon application of said trustees, grant or have paid to the said trustees any part of said fund which may be now payable to their order; and it shall be the duty of said trustees, and they are hereby required, to dispose of the said sum of money, (if any shall be so allowed them,) according to the provisions of the act of assembly* providing for the education of poor children; and it shall be the duty of the said trustees to return a statement to the standing commissioners of the school fund, whenever so required to do in writing, by a majority of said commissioners, shewing how the said sum has been disposed of by them, the number of poor children educated in the Union School of Durham Parish, in what branch of literature they may have been taught, and what progress they have made; and whatever sum may thus be allowed by the commissioners aforesaid, shall be permanent, until two thirds of the commissioners in said parish, upon giving twenty days notice to said trustees, shall determine that it is inexpedient for them to have the management and disposition of such sum.

Commissioners in Durham parish, on application of trustees, may pay part of school fund to their order

*1816, ch. 25^c

5. AND BE IT ENACTED, That if the commissioners aforesaid shall allow any sum to the said trustees, or after allowing shall think proper to withdraw it, such order and such proceedings for the withdrawing the same according to the provisions of this act, shall be in writing, and lodged in the office of the clerk of Charles

In case any sum is allowed, &c. to trustee, proceedings to be in writing