

No. 28.

AN ACT

To establish the university at Lewisburg.

Preamble. WHEREAS, The Baptists of Pennsylvania, as a denomination, are not now engaged for the maintenance of any particular college or university in this state :

And whereas, The chartering of a university, to be placed under their patronage, supervision and direction, would be a measure well adapted to call forth, from all parts of this commonwealth, concentrate, increase, and render effective in the cultivation of sound learning, the efforts of said denomination, and thereby promote the general interests of science, literature and good morals ; therefore,

University established.

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 be and hereby is erected and established, at or near the borough of Lewisburg, in the county of Union, in this commonwealth, a university, to consist of a primary school and academy, a college, and such other departments appropriate to a university, as the patrons and managers of said institution shall find themselves able to maintain, and that the name and constitution of the said university shall be, and they are as follows :*

Name.

ART. I. SECTION 1. The said institution shall be, forever, called and known by the name of "The University at Lewisburg."

Trustees to be appointed.

ART. II. SECTION 1. The said university shall be under the management, direction, government and supervision of a number of trustees, not exceeding twenty, and a number of curators, not exceeding forty, or a quorum of each as hereinafter mentioned.

How selected.

SECTION 2. The trustees, and a majority of the curators, shall be regular members of the Baptist denomination, five or more of the trustees, shall be a quorum of the trustees, and seven or more of the curators, shall constitute a quorum of the curators.

Trustees.

ART. III. SECTION 1. The trustees of said university shall consist of the following persons, to wit :—James Moore, James Moore, Jr., Joseph Meixell, William H. Ludwig, Samuel Wolfe, Levi B. Christ, Henry Funk, Joel E. Bradley, Eugenia Kincaid, Benjamin Bear, William Keene, William T. Bucknell, Thomas Watson, James Linard, Lewis Vastine, Oliver Blackburn, Caleb Lee, Daniel L. Moore ; which said trustees and their successors, to be elected as herein subsequently mentioned, shall be forever hereafter, and they are hereby created, established and declared to be a body politic and corporate, with perpetual succession, and with all the incidents of a corporation, in deed and in law, to all intents and purposes whatsoever, by the name, style and title of "The trustees of the University at Lewisburg ;" by which name and title, said trustees and their successors, shall be able and capable in law and in equity, to take to themselves and their successors for the use of said university, any estate in any messuages, lands, tenements, hereditaments, goods, chattels, moneys or other effects, by gift, grant, bargain, sale, conveyance, assurance, will, devise or bequest, of any person or persons whatsoever, and to hold ten acres

Incorporated.

Style.

of land, and together with the improvements thereon, exempt from taxation: *Provided*, That the annual net income accruing from said estate, *Proviso.* and subject to a yearly appropriation or disposition by said trustees, *Income.* shall not exceed the sum of twenty thousand dollars, and the same messuages, lands, tenements, hereditaments and estates, real and personal, to grant, bargain, sell, convey, assure, demise, and to farm, let and *Powers.* place out on interest or otherwise dispose of, or invest, for the use of said university, in such a manner as to them, or at least a quorum of them, shall seem most beneficial to said institution; and to receive the rents, issues, profits, income and interest of the same, and to apply the same to the proper use of said university; and by the same name to sue and be sued, implead and be impleaded in any courts of law or equity, and in all manner of suits and actions whatsoever; and generally by, and in the same name, to do and transact all the business touching or concerning the premises, or which shall be incidentally necessary thereto, as fully and effectually as any natural person, or body politic or corporate, has power to manage the concerns belonging to such person or body, to hold, enjoy and exercise all such powers, authorities and jurisdictions, as are customary in other universities, or in colleges within this commonwealth.

SECTION 2. Said trustees shall cause to be made, for their use, one common seal, with such devices and inscriptions thereon, as they shall *Seal.* think proper, and by and with it, all deeds, diplomas, certificates and acts of said corporation, shall pass and be authenticated; and said trustees may, at their pleasure, alter their seal or break it, and substitute a new one.

SECTION 3. A quorum of said trustees shall meet at Lewisburg with- *Meeting of trus-* in ten days from the date of this charter, to transact any business which *tees.* the interests of the institution may then require. (More particular notice of said meeting shall be given by the trustee first named on the list.)

SECTION 4. There shall be a meeting of said trustees held as often as *Meeting of trus-* once in six months, at or near the borough of Lewisburg, and at such *tees.* particular times and place or places, as said trustees, or a quorum of them, shall appoint; of which, after the first meeting, notice shall be *Notice.* given by a written communication, signed by the chairman or secretary of the board, and addressed to said trustees severally, at least ten days before the time of such intended meeting, and if at such meeting less than a quorum shall be present, the members present shall have power to adjourn to some other day, but if a quorum of said trustees meet at the appointed time, or at any time of adjournment; then the majority of the votes of such quorum or board, shall be capable of doing and transacting all the business and concerns of said university, not otherwise provided for by this act, and particularly, of making and enacting ordinances and by-laws for the government and instruction of said univer- *To enact by-laws* sity; of adding within the limit prescribed by article two, section one, to the number of trustees whose names are inserted in this charter; of electing trustees in the place and stead of those who shall decline serving, resign or die, or whose places become vacant from any other cause; of electing or appointing the president, professors, tutors and other teachers of said university; of agreeing with them for their salaries and stipends; of removing them for misconduct, breaches of the ordinances of the institution, or other sufficient causes; of appointing committees of their own body, to carry into effect all the resolutions of the board; of appointing a chairman, secretary, treasurer and other officers necessary for managing the concerns of the corporation; of providing for the maintenance and observance of discipline in said university, and of prescribing and inflicting the penalties due to all violations of the

rules, ordinances or regulations thereof, or to other misconduct committed by students or other persons thereat; and generally the majority of the voices of the board, or quorum of said trustees, at any stated or extra meeting, shall determine all matters and things, (although not herein specified,) which shall occasionally arise and be incidentally necessary to be determined by said trustees: *Provided*, That said laws, rules and ordinances, or any of them, be not repugnant to the laws and constitution of the United States of America, or to the laws and constitution of this commonwealth.

SECTION 5. As soon as said trustees shall have obtained, in the form of subscriptions believed to be valid, the amount of one hundred thousand dollars, they shall purchase a lot or farm, and proceed to erect thereon suitable buildings for the use and benefit of said university, to procure the requisite library apparatus, and specimens in natural history; and they shall exercise their own judgment and discretion in so doing, as likewise in the general management and disposition of the funds of said university: *Provided, however*, Said trustees shall exact from their treasurer adequate security for all the moneys and other property of the institution, which he may at any time receive: *Provided also*, That if any person contributing to the funds of said institution, indicate a special appropriation of the amount so contributed, said contribution, if accepted, shall be disposed of in strict accordance with the evident intent or expressed wish of the contributor, *Provided likewise*, That a fourth part of said one hundred thousand dollars, and at least twenty-five per cent. of all moneys, and every species of property capable of producing revenue, (and not herein already specified or excepted,) which shall come into the hands of said trustees, for the use and benefit of said institution, shall be placed out on interest; the principal or stock secured by bond and mortgage on real estate, and the revenue thence accruing shall be exclusively and forever appropriated to the support of instruction in said university: *And provided, too*, That said trustees shall not for any cause, or under any pretext whatever, encumber by mortgage, or otherwise, the real estate or any other property of said institution; and that they shall not involve it in any debt which they have not the means of paying, consistently with the restrictions above mentioned.

SECTION 6. Said trustees shall annually publish an abstract of the minutes of their doings.

ART. IV. SECTION 1. The president, professors, tutors, and other teachers, or a majority of them for the time being, shall constitute the faculty of the university, and in their respective departments shall have the power of enforcing the rules and regulations adopted by the trustees for the government and instruction of the students; and the president and professors, with the counsel and consent of a quorum of the curators, shall have the power to grant and confirm unto the students of the university, or unto others deemed worthy, such degrees in the liberal arts and sciences, or in certain branches thereof, as have been usually granted in other universities; to grant likewise to said graduates diplomas, under the common seal of the corporation, in order to authenticate and to perpetuate the memory of such graduation; and to grant also certificates to such students as have duly completed the course of studies prescribed, in any subordinate department of the university.

ART. V. SECTION 1. The curators of the university shall consist of the following persons, to wit: The governor and secretary of this commonwealth, judges of the supreme court, and president of the university, (ex-officio,) together with Abbot Green, J. G. Webb, George B. Ide, William Shadrack, Lansing Burrows, A. D. Gillette, J. H.

Kennara, Wilson Jewell, David Jayne, A. A. Anderson, Charles Tucker, John O. Rockafellow, Simon Schuyler, Martin Bell, James Estep, Simon Cameron, George I. Miles, Joseph Green, James Buchanan, Jackson M'Fadden, George F. Miller, James Irwin, Morgan J. Rees, (Delaware,) George M. Keim, William R. Williams, (N. Y.,) T. O. Lincoln, (N. J.,) Jacob Wagonseller; which persons, and their successors, in perpetual succession, are hereby made and declared to be, and forever hereafter are to be known, by the title of "The curators of Style. the university at Lewisburg."

SECTION 2. Within six months from the date of this charter, (the room and hour to be designated by the curator whose proper name is first mentioned above,) said curators, or at least seven of them, shall meet at or near said Lewisburg, and appoint a chancellor, a scribe, and Officers. such committees of their own body as they may deem requisite, in order to the faithful and convenient discharge of their duties; and they shall observe the same rules in calling meetings, passing decisions, adding to the number of curators whose names are herein specified, and filling vacancies in their own body, as herein prescribed to the trustees. The meetings are all to be held at or near the borough of Lewisburg; Meeting. and after the first, they are to be notified by the chancellor or scribe.

SECTION 3. Said curators, a quorum of them, or at least a committee of three, are required and expected to attend the principal examinations, and the annual commencements of the university; they are to make themselves acquainted with the manner in which the work of study and recitation is planned for the students, and by them executed, and particularly with the scholarship, conduct and character of such students as are candidates for admission from a lower into a higher class or department of the university, or for degrees; and the consent of the majority of the curators present shall be necessary in order to a student's promotion, or receiving of a degree. Duties.

SECTION 4. Said curators are to have access to the minutes of the official doings of the faculty; and they are likewise to take care to inform themselves respecting the methods of government and instruction adopted and practised by the several teachers in the university. Duties.

SECTION 5. Said curators are to inspect the records of the business transactions of the trustees, and to audit the treasurer's accounts. Inspection.

SECTION 6. Finally, the curators shall every year publish, in at least three papers, having extensive circulation, in different parts of this commonwealth, such a statement of the result of their observations as they shall reckon due to the university and to its patrons and friends. Publish statement

ART. VI. SECTION 1. No misnomer of the said corporation shall defeat or annul any gift, grant, devise or bequest, to or from the 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. Misnomer.

ART. VII. SECTION 1. No religious sentiments are to be accounted a disability to hinder the election of an individual to any office among the teachers of the institution, or to debar persons from admittance as pupils, or in any manner to abridge their privileges or immunities as students, in any department of the university. Who may be admitted.

SECTION 2. The legislature reserves the right to alter or annul this charter, in case of any abuse of the privileges hereby granted. Repeal.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

DANIEL L. SHERWOOD,
Speaker of the Senate.

APPROVED—The fifth day of February, one thousand eight hundred and forty-six.
FRS. R. SHUNK.