

Repeal.

SECTION 4. That so much of the act to which this is a supplement as is hereby altered or supplied, be and the same is hereby repealed.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

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

WM. F. JOHNSTON.

No. 328.

AN ACT

To unite and consolidate Marshall college, now at Mercersburg, with Franklin college, now at Lancaster, under the name of "Franklin and Marshall college," as a corporation, to be located in the city of Lancaster, or its immediate vicinity.

Preamble.

WHEREAS, The trustees of Franklin college and the trustees of Marshall college are desirous of uniting their institutions, under the name of "Franklin and Marshall college," to be located in the city of Lancaster, or its immediate vicinity, and have agreed upon terms of union as hereinafter expressed, by which it is believed that a more extensive benefit will be conferred upon the citizens of this state, in the promotion of liberal and scientific learning:

And whereas, The legislature of the state, in pursuance of the constitutional injunction, "that the arts and sciences shall be promoted in one or more seminaries of learning," is willing to co-operate with these corporations in the proposed effort to enlarge their sphere of usefulness, by joining their means and labors under one organization at a place so central, healthy, moral and enlightened, so easy of access from most quarters, so able to assist in advancing the great objects in view, and so liberal in offers of substantial aid; therefore,

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 Franklin college, which was chartered by the representatives of the freemen of the said commonwealth, sitting at Philadelphia the tenth of March, one thousand seven hundred and eighty-seven, and Marshall college, at Mercersburg, chartered by act of assembly the thirty-first of March, one thousand eight hundred and thirty-six, be and are hereby united and consolidated into one institution of learning, under the corporate name, style and title of "Franklin and Marshall college;" and thus created, the same be located in the city of Lancaster, or in its immediate vicinity.

Consolidation of
Franklin and
Marshall col-
leges.

Location.

Trustees.

SECTION 2. The said Franklin and Marshall college so united, consolidated and located, shall be under the direction, management and gov-

ernment of not less than forty-five nor more than sixty trustees, of whom the governor of this state shall, ex-officio, be one, and two-thirds of which number of trustees, at least, shall be members of the German Reformed church; and a quorum of whom, competent to transact any business, shall consist of fifteen members, at least two-thirds of which quorum shall be members of the German Reformed church; and to that end and purpose, William Heyser, John Smith, Barnard Wolff, George Besore, John Caspar Bucher and John W. Nevin, of Franklin county; John Conrad Bucher, George Z. Kunkel, Daniel W. Gross, Rudolph F. Kelker, John F. Mesick and Luther Reiley, of Dauphin county; David Middlekauff, of Adams county; William A. Good and Samuel Wagner, of York county; David Krause, William Schall and John R. Kooken, of Montgomery county; Julius W. Mann, William Mayberry, Charles Bibighaus and John Alberger, of Philadelphia; John W. Gloninger, John W. Killinger and John Krause, of Lebanon county; James Buchanan, John L. Atlee, Samuel Bowman, James L. Reynolds, John Reynolds, Emanuel C. Reigert, Henry G. Long, Samuel Humes, Benjamin Champneys, B. Keenan, Christopher Hager, Daniel Heitshue, David Longenecker, Christian Gast, John Bausman, William Hiester, Philip K. Brenneeman, N. A. Keyes, Clement B. Grubb and Joseph Konigsmacher, of Lancaster county; Thomas H. Leinbach, Philip Zieber and John P. Hiester, of Berks county; Isaac Meyers, of Schuylkill; J. H. A. Bomberger and J. P. Heetrich, of Northampton county; George C. Welker, of Northumberland county; and William Darlington, of Chester county, Pennsylvania; Jacob Myer, of Virginia, Elias Heiner, John Rodenmayer, Bernard O. Wolff, David Zellers and George Shaffer, of Maryland; and the governor of the commonwealth of Pennsylvania, ex-officio, shall be and hereby are created the first trustees.

First trustees.

SECTION 3. The trustees above named and created, and their successors to be elected as hereinafter provided, are hereby established and declared to be one body politic and corporate, with perpetual succession in deed and in law, under the said name, style and title of "Franklin and Marshall college;" by which name they and their successors shall be capable in law and equity to take for the use of Franklin and Marshall college any estate, in any messuages, lands, tenements and hereditaments, goods, chattles, moneys and other effects, by gift, grant, bargain and sale, conveyance, assurance, devise or bequest, as well of the said Franklin college and the said Marshall college, at Mercersburg, both being hereby authorized and empowered to alien, transfer and convey to said Franklin and Marshall college such property as of all other persons or corporate bodies, and the same to dispose of by sale or otherwise, or to farm, let and put out on interest for the use of said Franklin and Marshall college, in such manner as they or a quorum of their board of trustees shall judge most beneficial to said institution, and receive the proceeds and income thereof for its proper support; to execute all contracts for scholarships erected by Marshall college, unless the owner or holder of any scholarship residing in Mercersburg, on which a balance may remain unpaid, shall object to paying the same; and by the same name to sue and be sued, prosecute and defend, implead and be impleaded in any court of law or equity, and generally to transact all business concerning the premises, or incidentally necessary to ensure full success to said college, and hold, enjoy and exercise all such powers, authorities and jurisdictions as are customary in other like institutions in this state.

Style.

Privileges.

SECTION 4. The said trustees shall cause a common seal to be made for the use of the said corporation and college, with such devices and in-

scriptions thereon as are suitable for the same in their judgment, by which all deeds and other instruments of writing, diplomas, certificates and other acts of said corporation and college shall pass and be authenticated; and said seal to break, alter and replace at their pleasure.

Annual meeting of trustees.

Powers.

SECTION 5. The first meeting of said trustees shall be convened in the city of Lancaster on the requisition of any seven of their members and notice of ten days to each; and thereafter their meeting shall be annual at each college commencement, on similar notice to be given by the president or secretary, to transact the business of said corporation and college; to enact by-laws not repugnant to the constitution and laws of the United States or of this state; to appoint the principal and professors of said college, and determine their number, duties and compensation; to remove said functionaries for incompetency, misconduct or other sufficient cause; to provide, in conference with its faculty, proper rewards for merits, and punishments for violations of its rules, regulations and by-laws on the part of students and subordinate officers; to elect their president, secretary and treasurer, and such other officers and agents as are usual in other colleges; to appoint committees for carrying into execution their resolutions, and generally to do all other matters and things which, though not here enumerated, may be necessary to secure the full success and well-being of said institution.

Further powers.

SECTION 6. The trustees may adjourn their meetings, and also may hold special meetings whenever the president and secretary, and on their disagreement or neglect, a majority of the faculty shall require it, for the transaction of any distinct business or ordering of any distinct matter concerning said college either at Lancaster or other convenient place; but in such case, notice of the business or matter to be done, as well as the time and place of meeting, shall be given ten days beforehand to each member of the board.

Vacancies, how supplied.

SECTION 7. In the room and instead of trustees who shall die, resign, or otherwise create vacancies, the remaining trustees shall elect others at the next annual meeting, or at a special meeting to be called for that purpose in manner aforesaid, and thus perpetual succession in the board of trustees and the corporation shall be kept up and preserved, with the powers, rights, immunities and duties provided for in this charter; and if any member of the board of trustees shall fail to attend three successive annual meetings thereof, his seat may be vacated by said board if by them deemed expedient.

Faculty.

Powers.

SECTION 8. The principal of said college and its professors, who may from time to time be multiplied to any number, for the purposes of giving instruction in any of the liberal arts and sciences and other useful learning, or a majority of them for the time being, shall constitute the faculty of the same, and shall as such have power to enforce the rules and regulations adopted by the trustees for its government, and that of its students and subordinate officers, and to grant by order and consent of the board of trustees, or a quorum thereof, such degrees in the said arts and sciences or other useful learning to students of said college and others, who by their proficiency in learning or other distinction shall be adjudged entitled to them, as have been usually granted in other colleges or universities in America or Europe, and to grant to said students entitled thereto, diplomas or certificates to perpetuate the memory of their graduation or other distinction, in all which cases the same shall be authenticated by the common seal of said corporation.

German professor

SECTION 9. There shall be in said college one or more German professorships.

Gifts, grants, &c.

SECTION 10. That whenever the intent in any gift, grant, devise or bequest to or from said corporation to make the same, shall sufficiently

appear, no misnomer shall defeat such intent, nor shall any omission or neglect of the trustees to meet at the time and place appointed for business, affect this charter or work its forfeiture, but in such case another meeting may be called by any member of the board giving ten days notice for that purpose.

SECTION 11. The charters of the Franklin college and of Marshall college aforesaid, shall be and severally remain in full force and virtue until they shall severally have collected all obligations due them, and have severally conveyed their property real, personal and mixed, subject to the subsequent provisions of this act, as far as relates to the real estate of Marshall college, to Franklin and Marshall college aforesaid, for the use, benefit and behoof of the said Franklin and Marshall college; and thenceforth the said charters of Franklin college and Marshall college shall be null and void.

When the charters of Franklin college and Marshall college to be null and void.

SECTION 12. That before the foregoing sections of this act, or any of them shall go into effect, the sum of twenty-five thousand dollars shall be paid in current funds by the citizens of Lancaster city and county to a joint committee, to be hereafter appointed by Marshall and Franklin colleges, to be expended under the direction of said committee in the purchase of grounds, and the erection of suitable buildings for the use and accommodation of the Franklin and Marshall college, and that three members of the board of Franklin college be appointed to value and appraise the real and personal estate of said Franklin college, one by the Lutheran, one by the German Reformed, and one by the remaining trustees of said college; and that one-third of the value of said funds and property so ascertained be retained by its board of trustees, until the German Reformed church pay an equal amount into its treasury, or give such legal obligations for its payment as may be deemed satisfactory; and so soon as said sum shall be so paid, it shall be paid over to the Lutheran members of said Franklin college board, who on the receipt thereof, or any portion of it, shall again pay the same to the board of trustees of Pennsylvania college, at Gettysburg, to be permanently invested by the board last mentioned for the support of a separate professorship in said institution, to be styled "The Franklin professorship," of which the first incumbent shall be professor of ancient languages, and be elected by the existing Lutheran members of the Franklin college board, and the right of nominating the subsequent incumbents shall be vested in the old Evangelical Lutheran synod of Pennsylvania, and the interest only of said fund to be used at any time for the support of the incumbent of the said professorship.

One-third of the value of the property of Franklin college to be paid over to the Lutheran members of said college, &c.

Pennsylvania college.

Franklin professorship.

SECTION 13. That so soon as the twenty-five thousand dollars shall be paid as aforesaid, for the purchase of grounds and the erection of buildings for Franklin and Marshall college, and one-third the value of the funds and property of Franklin college shall be paid to the Lutheran members of its board, or otherwise satisfied, and satisfactory evidence thereof be exhibited to the governor of this commonwealth, then the said governor shall issue letters patent under the seal of the state, incorporating the said Franklin and Marshall college, which said letters patent shall contain the first eleven sections of this act, as the provisions of its charter of incorporation, and which thenceforth shall have full force and effect as such charter.

Letters patent.

WHEREAS, The Lutheran trustees of the board of Franklin college, of whom some are also trustees of Pennsylvania college, desire it; therefore,

Preamble.

SECTION 14. *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*

Lutheran trustees of Franklin annexed to the trustees of Pennsylvania college.

the Lutheran trustees of Franklin college shall be added to the existing trustees of Pennsylvania college aforesaid, who shall together constitute the board of trustees of Pennsylvania college; and shall hereafter perpetuate their own number by a new election when any member vacates his seat by death, resignation or non-attendance for three successive years; and that so much of the charter of Pennsylvania college at Gettysburg, as is inconsistent with the twelfth and fifteenth sections this act, be and the same is hereby repealed.

Certain number of students to be taught gratis.

SECTION 15. That the trustees of Franklin and Marshall college shall cause annually to be instructed gratis, in the full course of studies adopted by the said college, any number of students not exceeding sixteen, who shall be citizens or sons of citizens of this state, eight of whom shall be nominated by the directors of the common schools of the city Lancaster, and eight by the trustees aforesaid.

Conveyance of the estate of Marshall college.

SECTION 16. Before any removal of Marshall college shall be made in pursuance of this act, it shall be the duty of the trustees of said college, and of the proper and competent authorities of the Diognothian and Goethean literary societies thereto attached, or their successors respectively, to convey unto William M'Kinstry, Thomas Creigh, William Metcalf, Adam Hoke, John H. Murphy, Robert Dick, Peter Cook, John Johnson, James O. Carson, David Zeller, Thomas Carson, Martin Newcomer and Thomas Grubb, clear of all incumbrances, all the real estate belonging to said Marshall college and to said societies respectively, situate, lying and being on the southern side of the village of Mercersburg, with all the buildings thereon erected, and all the appurtenances thereunto belonging, excepting the libraries, cabinets, philosophical apparatus and furniture of said college and societies, with full power to said William M'Kinstry and the other citizens before named, or a majority of them or their heirs, to convey the said premises or any part thereof in fee simple, to any person or persons, or to the trustees of any college or other literary institution that may be hereafter incorporated in said village of Mercersburg or its vicinity, at and for such price or prices as they or a majority of them may choose to accept, which conveyances so made and delivered, shall be a bar in all time to come; and the said William M'Kinstry, Thomas Creigh and the other citizens named in this section, shall indemnify and save harmless the trustees of Marshall college, and the synod of the German Reformed church of the United States of North America against any claim or claims that the citizens of Mercersburg and vicinity, or any of them, their heirs or legal representatives may have or may attempt to recover by reason of the removal of said college, or of any subscriptions made or moneys paid for the erection or location of the buildings or other property of said college, of said societies, or of the Theological seminary aforesaid: *Provided however*, That this section shall be obligatory upon Marshall college only, upon condition that the citizens of Mercersburg and vicinity shall pay or secure to be paid to the trustees of said college, the sum of eight thousand dollars, in the following manner, to wit: three thousand dollars at the date of the delivery of the possession of said property to the citizens aforesaid, three thousand dollars more in one year thereafter, and two thousand dollars more in two years after the date of such delivery of possession, without interest on either of said payments until the same becomes due.

J. S. M'CALMONT,

Speaker of the House of Representatives.

V. BEST,

Speaker of the Senate.

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

WM. F. JOHNSTON.