

Exclusion of public.

Rules and regulations.

improvement of such grounds as may be mutually agreed upon: Provided, however, That no such contract or agreement shall permanently exclude the public of said cities from the use and enjoyment of said parks and playgrounds: And provided further, That the said cities shall at all times be invested with the power and authority to adopt suitable rules and regulations concerning the use and occupation of said parks and playgrounds by the public generally and by such incorporated associations specially.

APPROVED—The 20th day of May, A. D. 1921.

WM. C. SPROUL.

No. 355.

AN ACT

To amend sections four and six of a supplement to an act, approved the twenty-sixth day of April, one thousand nine hundred and eleven (one thousand nine hundred and eleven, Pamphlet Laws, eighty-two), entitled "A supplement to an act, entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved April twenty-ninth, Anno Domini eighteen hundred and seventy-four; providing for the incorporation of trustees appointed or to be appointed under the terms of any will, deed, grant, or gift creating a trust or trusts for the benefit of the people of any incorporated city of this Commonwealth, for the advancement of learning, science, music, art, or of any one or more of said purposes, in which representatives of said city may have part in the management; with power to confer degrees in art, pure and applied science, philosophy, literature, painting, music, medicine, law, and theology, and for the supervision and regulation of the same"; conferring upon the State Council of Education powers and duties heretofore vested in the College and University Council.

State Council of Education.

Incorporation of trustees of gifts to cities for advancement of learning.

Section 1. Be it enacted, &c., That section four of a supplement to an act, approved the twenty-sixth day of April, one thousand nine hundred and eleven (one thousand nine hundred and eleven, Pamphlet Laws, eighty-two), entitled "A supplement to an act, entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved April twenty-ninth, Anno Domini eighteen hundred and seventy-four; providing for the incorporation of trustees appointed or to be appointed under the terms of any will, deed, grant, or gift creating a trust or trusts for the benefit of the people of any incorporated city of this Commonwealth, for the advancement of learning, science, music, art, or of any one or more of said purposes, in which representatives of said city may have part in the management; with power to confer degrees in art, pure and applied science, philosophy, literature, painting, music, medicine, law, and theology, and for the supervision and regulation of the same," which reads as follows:—

"Section 4. Upon receipt of said certified copy of said certificate of incorporation, the said Superintendent of Public Instruction shall, within sixty days thereafter, cause the *College and University Council* of Pennsylvania to be convened, at such time and place as he may designate; and said council shall thereupon hear and consider said application from an educational standpoint; and if the course of instruction and standard of admission and the composition of the faculty shall appear to said council to be sufficient, and the educational needs of the particular locality in which the proposed institution is to be located and of the Commonwealth at large are likely to be met by the granting of said application, the said council shall thereupon cause to be endorsed upon said petition or certificate its findings and its approval of the same, together with a recommendation to the law judge or court before whom the same was originally presented that the same be granted. If in the judgment of the council the said application should not be granted, it shall endorse thereon its findings and its disapproval of the same, with a recommendation that said application be refused. The said certified copy of said certificate shall, with the endorsements thereon, thereupon be returned by the said Superintendent of Public Instruction to the law judge or court, who, in finally passing upon the petition, shall be guided in his decree by the findings of said *College and University Council*. In case the law judge, after giving his consideration to the findings of said council, shall be satisfied with the propriety of the application, in view of all the facts, he shall approve the same; and order and decree that upon the recording of said certificate, with the recommendation of said council and a copy of said order of court, in the office of the recorder of deeds, et cetera, of the county in which the business of the corporation is to be transacted, the subscribers thereto, and their associates and successors, shall be a corporation, for the purpose and upon the terms therein stated; and henceforth the persons named therein and subscribing the same, and their associates and successors, shall be a corporation by the name therein given. In case of the disapproval of said application by the council aforesaid, the proposed charter shall not be granted," is hereby amended to read as follows:—

Section 4. Upon the receipt of said certified copy of said certificate of incorporation, the said Superintendent of Public Instruction shall, within sixty days thereafter, cause the *State Council of Education* of Pennsylvania to be convened at such time and place as he may designate; and said council shall thereupon hear and consider said application from an educational standpoint; and, if the course of instruction and stand-

Section 4, act of
April 26, 1911
(P. L. 82), cited
for amendment.

Action of State
Council of
Education.

Approval.

ard of admission and the composition of the faculty shall appear to said council to be sufficient, and the educational needs of the particular locality in which the proposed institution is to be located and of the Commonwealth at large are likely to be met by the granting of said application, the said council shall thereupon cause to be endorsed upon said petition or certificate its findings and its approval of the same, together with a recommendation to the law judge or court before whom the same was originally presented that the same be granted. If, in the judgment of the council, the said application should not be granted, it shall endorse thereon its findings and its disapproval of the same, with a recommendation that said application be refused. The said certified copy of said certificate shall, with the endorsements thereon, thereupon be returned by the said Superintendent of Public Instruction to the law judge or court, who, in finally passing upon the petition, shall be guided in his decree by the findings of said *State Council of Education*. In case the law judge, after giving his consideration to the findings of said council, shall be satisfied with the propriety of the application, in view of all the facts, he shall approve the same, and order and decree that, upon the recording of said certificate with the recommendation of said council and a copy of said order of court in the office of the recorder of deeds, et cetera, of the county in which the business of the corporation is to be transacted, the subscribers thereto, and their associates and successors, shall be a corporation for the purpose and upon the terms therein stated; and henceforth the persons named therein and subscribing the same, and their associates and successors, shall be a corporation by the name therein given. In case of the disapproval of said application by the council aforesaid, the proposed charter shall not be granted.

Disapproval.

ard of admission and the composition of the faculty shall appear to said council to be sufficient, and the educational needs of the particular locality in which the proposed institution is to be located and of the Commonwealth at large are likely to be met by the granting of said application, the said council shall thereupon cause to be endorsed upon said petition or certificate its findings and its approval of the same, together with a recommendation to the law judge or court before whom the same was originally presented that the same be granted. If, in the judgment of the council, the said application should not be granted, it shall endorse thereon its findings and its disapproval of the same, with a recommendation that said application be refused. The said certified copy of said certificate shall, with the endorsements thereon, thereupon be returned by the said Superintendent of Public Instruction to the law judge or court, who, in finally passing upon the petition, shall be guided in his decree by the findings of said *State Council of Education*. In case the law judge, after giving his consideration to the findings of said council, shall be satisfied with the propriety of the application, in view of all the facts, he shall approve the same, and order and decree that, upon the recording of said certificate with the recommendation of said council and a copy of said order of court in the office of the recorder of deeds, et cetera, of the county in which the business of the corporation is to be transacted, the subscribers thereto, and their associates and successors, shall be a corporation for the purpose and upon the terms therein stated; and henceforth the persons named therein and subscribing the same, and their associates and successors, shall be a corporation by the name therein given. In case of the disapproval of said application by the council aforesaid, the proposed charter shall not be granted.

Order and decree of court.

Incorporation.

Section 2. Section six of said act, which reads as follows:—

Section 6, act of April 26, 1911 (P. L. 82), cited for amendment.

“Section 6. Nothing in this act, or in any act of this Commonwealth now in force, shall be construed as fixing an arbitrary standard by which applications for charters under this act shall be measured, either with respect to value of assets, number of faculty, or course of instruction; but such matters shall be within the discretion of the law judge or court to whom petition is presented and the *College and University Council*,” is hereby amended to read as follows:—

Construction of act.

Section 6. Nothing in this act, or in any act of this Commonwealth now in force, shall be construed as fixing an arbitrary standard by which applications for charters under this act shall be measured, either with respect to value of assets, number of faculty, or course of instruction; but such matters shall be within the dis-

cretion of the law judge or court to whom petition is presented and the *State Council of Education*.

APPROVED—The 20th day of May, A. D. 1921.

WM. C. SPROUL.

No. 356.

AN ACT

Restricting the appointment of corporate fiduciaries by testators or by any court or register of wills to corporations fully subject to supervision and examination by the Banking Department.

Section 1. Be it enacted, &c., That hereafter no person shall have power by any last will and testament or codicil or other testamentary writing to appoint as executor, guardian, trustee, or other fiduciary, any corporation other than a corporation organized and doing business under the laws of the Commonwealth of Pennsylvania and subject to supervision and examination by the Banking Department of this State, or a corporation organized and existing under the laws of the United States doing business in this State and by resolution of its board of directors duly adopted, a certified copy whereof shall have been placed on file with the Commissioner of Banking of this State, agreeing to place itself under and to continue to be subject to supervision and examination by the State Banking Department in the same manner and to the same extent as corporations organized and existing under the laws of this State are or shall be subject; and any such appointment, in violation of the provisions of this section, contained in any last will and testament, codicil, or other testamentary writing, made after the date of the approval of this act, shall be null and void.

Corporate fiduciaries.
Appointed by testamentary writing.

Must be subject to supervision of Banking Department.

Section 2. Hereafter neither any court nor register of wills in this Commonwealth shall have power to appoint as administrator, trustee, guardian, receiver, committee or other fiduciary, any corporation other than a corporation organized and doing business under the laws of the Commonwealth of Pennsylvania and subject to supervision and examination by the Banking Department of this State, or a corporation organized and existing under the laws of the United States doing business in this State and by resolution of its board of directors duly adopted, a certified copy whereof shall have been placed on file with the Commissioner of Banking of this State, agreeing to place itself under and to continue to be subject to supervision and examination by the State Banking Department in the same manner and to the same extent as corporations organized and existing under the laws of this State are or shall be subject; and any such

Appointed by court or register.

Must be subject to supervision of Banking Department.