

ministration of all the laws of the Commonwealth heretofore enforced or administered by the State Board of Education.

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

WM. C. SPROUL.

No. 367.

AN ACT

To amend sections five and seven, and to repeal sections eight and ten, of an act, approved the twenty-sixth day of June, one thousand eight hundred ninety-five (Pamphlet Laws, three hundred twenty-seven), entitled "An act to provide for the incorporation of institutions of learning with power to confer degrees in art, pure and applied science, philosophy, literature, medicine, law and theology, and for the supervision and regulation of the same, and providing a method by which institutions already incorporated may obtain the power to confer degrees, and exempting from the provisions of this act colleges heretofore incorporated by the courts of common pleas with power to confer degrees, in cases where such colleges have, at the time of the passage of this act, a specified amount of capital or resources"; conferring upon the State Council of Education powers and duties heretofore vested in the College and University Council.

Section 1. Be it enacted, &c., That section five of an act, approved the twenty-sixth day of June, one thousand eight hundred ninety-five (Pamphlet Laws, three hundred twenty-seven), entitled "An act to provide for the incorporation of institutions of learning with power to confer degrees in art, pure and applied science, philosophy, literature, medicine, law and theology, and for the supervision and regulation of the same, and providing a method by which institutions already incorporated may obtain the power to confer degrees, and exempting from the provisions of this act colleges heretofore incorporated by the courts of common pleas with power to confer degrees, in cases where such colleges have, at the time of the passage of this act, a specified amount of capital or resources," which reads as follows:—

"Section 5. No charter for such incorporation, with power to confer degrees as aforesaid, shall be granted until the merits of the application, from an educational standpoint, shall be passed upon by a board to be styled the 'College and University Council,' which shall consist of twelve members, namely, the Governor, the Attorney General, and the Superintendent of Public Instruction, who shall be members ex-officio, three persons selected from the presiding officers of undenominational colleges or universities of this Commonwealth, three persons selected from the presiding officers of denominational colleges or universities of this Commonwealth, and three persons holding official relationship to common schools of the State. Those who are not

Institutions
of learning.
Incorporation.

Act of June
20, 1895
(P. L. 327),
amended.

Section 5, cited
for amendment.

ex-officio members shall be appointed by the Governor, with the advice and consent of the Senate, for a term of four years," is hereby amended to read as follows:—

Section 5. No charter for such incorporation, with power to confer degrees as aforesaid, shall be granted until the merits of the application, from an educational standpoint, shall be passed upon by *the State Council of Education.*

Approval of application by State Council of Education.

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

"Section 7. Upon the receipt of said certified copy of certificate of incorporation as directed in section four of this act, the said Superintendent of Public Instruction shall, within sixty days thereafter, cause said *'College and University Council'* to be convened at such time and place as he may designate, and said council shall thereupon hear and consider said application, and if the course of instruction and standard of admission to said institution 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 situated 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 on said application 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 to the said law judge or court, who, in finally passing upon the application, shall be guided in his decree by the finding of the *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 recorder's office aforesaid, the subscribers thereto and their associates and successors shall be a corporation for the purpose and upon the terms therein stated; and thenceforth the persons named herein 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 7, cited for amendment.

Approval or
disapproval by
council.

Recommendation
to court.

Action of court.

Incorporation.

Repeal.

Section 7. Upon the receipt of said certified copy of certificate of incorporation as directed in section four of this act, the said Superintendent of Public Instruction shall, within sixty days thereafter, cause said "*State Council of Education*" to be convened at such time and place as he may designate, and said council shall thereupon hear and consider said application, and if the course of instruction and standard of admission to said institution 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 situated 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 on said application or certificate its findings and its approval of the same, together with a recommendation to the law judge of court before whom the same was originally presented that the same be granted. If, in the judgment of the council, the said application shall 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 to the said law judge or court, who, in finally passing upon the application, shall be guided in his decree by the finding of the *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 recorder's office aforesaid, the subscribers thereto, and their associates and successors, shall be a corporation for the purpose and upon the terms therein stated; and thenceforth the persons named herein 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.

Section 3. Sections eight and ten of said act are hereby repealed.

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