

## CHAPTER DCCCLXXI.

AN ACT TO CONFIRM THE ESTATES AND INTERESTS OF THE COLLEGE, ACADEMY AND CHARITABLE SCHOOL OF THE CITY OF PHILADELPHIA, AND TO AMEND AND ALTER THE CHARTERS THEREOF CONFORMABLY TO THE REVOLUTION AND TO THE CONSTITUTION AND GOVERNMENT OF THIS COMMONWEALTH, AND TO ERECT THE SAME INTO AN UNIVERSITY.

(Section I, P. L.) Whereas the education of youth has ever been found to be of the most essential consequence as well to the good government of states and the peace and welfare of society as to the profit and ornament of individuals, insomuch that from the experience of all ages it appears that seminaries of learning, when properly conducted, have been public blessings to mankind and that on the contrary, when in the hands of dangerous and disaffected men, they have troubled the peace of society, shaken the government and often caused tumult, sedition and bloodshed:

(Section II, P. L.) And whereas the college, academy and charitable school of the city of Philadelphia, were at first founded on a plan of free and unlimited catholicism but it appears that the trustees thereof, by a vote or by-law of their board bearing date the fourteenth day of June, in the year of our Lord one thousand seven hundred and sixty-four, have departed from the plan of the original founders and narrowed the foundation of the said institution:

[Section I.] (Section III, P. L.) Be it therefore enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met and by the authority of the same, That the charter of the said seminary granted by the late proprietaries of Pennsylvania, bearing date the thirtieth day of July, in the year of our Lord one thousand seven hundred and fifty-three, whereby certain persons were incorporated by the name, style and title of The Trustees of the Academy and Charitable School in the Province

of Pennsylvania, and the additional charter granted by the same proprietaries bearing date on the fourteenth day of May, in the year of our Lord one thousand seven hundred and fifty-five, by which the trustees of the same academy and charitable school were again incorporated by the name, style and title of The Trustees of the College, Academy and Charitable School of the City of Philadelphia in the Province of Pennsylvania, together with all and singular the rights, powers and privileges, emoluments and advantages and also all the estates, claims and demands to the same corporation belonging discharged from the afore recited vote or by-law of the said trustees, confining and narrowing the true and original plan of the said institution, which vote or by-law and all others contrary to the true design and spirit of the said charter, are hereby declared to be void, be and they are in and by this act, ratified and confirmed to and for the use and benefit of the same seminary forever.

(Section IV, P. L.) And to the end that the trustees hereinafter named and appointed, may be the better enabled to effectuate the pious and praiseworthy designs of the founders, benefactors and contributors of the said college, academy and charitable school of Philadelphia:

[Section II.] (Section V, P. L.) Be it further enacted by the authority [aforesaid], That it shall and may be lawful for the supreme executive council of this state to reserve such and so many of the confiscated estates yet unsold and unappropriated as to them shall appear necessary in order to create a certain fund for the maintenance of the provost, vice-provost, masters and assistants, and to uphold and preserve the charitable school of the said university.

(Section VI, P. L.) Provided always, That the yearly income of such estates so reserved and appropriated to the use of the said university do not exceed the sum of fifteen hundred pounds, computing wheat at the rate of ten shillings per bushel.

(Section VII, P. L.) And provided also, That such reservation be from time to time laid before the general assembly of this state for their approbation and confirmation.

[Section III.] (Section VIII, P. L.) Provided always, and be it enacted by the authority aforesaid, That the ratifying and

confirming the said charter or anything herein contained shall not extend or be construed to extend to the confirming or establishing any of the said trustees in the said charter named or deriving by any election or pretended election or appointment by, from or under them or any of them, nor to any provost, vice-provost, professor or other minister or officer of the said seminary, other than such as are hereby or may hereafter be appointed, the said board and the faculty being hereby dissolved and vacated, nor shall the same extend to such parts of the charter, as in and by this act are or may be abrogated, annulled, altered or supplied.

[Section IV.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That from and after the passing of this act the superintendence and trust, together with all and singular the powers, authorities and estates, real, personal and mixed, of the said college, academy and charitable school shall pass to, devolve upon and be vested in the president of the supreme executive council of this commonwealth, the vice-president of the same council, the speaker of the general assembly, the chief justice of the supreme court of judicature, the judge of admiralty and the attorney-general for the time being, in virtue of their several offices; and the senior minister in standing of the Episcopal churches and congregations, and the senior minister in standing of the Presbyterians churches, and the senior minister in standing of the Baptist churches, and the senior minister in standing of the Lutheran churches, and the senior minister in standing in the German Calvinist churches, and the senior minister in standing in the Roman churches, whose churches or houses of public worship are or shall be in the city of Philadelphia, or within two miles of the old court-house in High street, in the said city, together with the Honorable Benjamin Franklin, doctor of laws, minister plenipotentiary from the United States of America to his most Christian Majesty, the Honorable William Shippen, Frederick Muhlenberg and James Searle, Esquires, delegates in the Congress of the said United States for Pennsylvania, the Honorable William Augustus Atlee, Esquire, and the Honorable John Evans, Esquire, justices

of the supreme court of judicature, Timothy Matlack, Esquire, secretary of the supreme executive council of this state, David Rittenhouse, Esquire, treasurer of this state, Jonathan Bayard Smith, Esquire, Samuel Morris, Senior, Esquire, George Bryan, Esquire, Thomas Bond, doctor of physic, and James Hutchinson, doctor of physic, which said civil officers, ministers of the gospel and others herein mentioned and appointed, for and during their continuance in the said office and stations, respectively, their abode in this state and lawful capacity to act, and their successors forever hereafter shall be, remain and continue the trustees aforesaid by the name, style and title of The Trustees of the University of the State of Pennsylvania, and shall from henceforth have, hold, use, exercise and enjoy all the powers, authorities and advantages of the estates, rights, claims and demands of the trustees appointed by or in pursuance of the charters of the said corporation, or either of them, instead of the said trustees appointed by or deriving under the said charter or pretending so to do in trust nevertheless for the proper use of the said university forever.

(Section X, P. L.) Provided always, That if any trustee of the said university shall take any charge or office under the said trustees, other than that of treasurer, his place shall thereby be vacated, and in the case of a minister of the gospel taking such charge or office, or neglecting to qualify according to the directions of this act within one month after personal notice given of his coming to such trust, the next minister in seniority of the same denomination shall succeed him, such seniority to be accounted from the time of settlement of such person as minister of a congregation in or near the said city.

(Section XI, P. L.) Provided also, That in case the choice of a new trustee in the room and stead of any of the persons last named, or their successors, shall be disallowed by the house of assembly within six months, the trustees shall be obliged to make choice of some other person.

[Section V.] (Section XII, P. L.) And be it further enacted by the authority aforesaid, That instead of the oath or affirmation and declaration which were enjoined and required to be taken and made by the second or additional charter herein-

before referred to of the said corporation by the trustees, provost, vice-provost and professors of the said college, academy and charitable school, which oath or affirmation and declaration being totally inconsistent with the independence and constitution of this commonwealth are hereby abrogated and repealed, the said trustees hereinbefore appointed, and their successors and the provost, vice-provost and professors and every of them hereafter to be appointed in such manner and form as herein is directed and required before he or they enter upon the duties of their trust or office shall, before two justices of the peace of the city of Philadelphia or of some county of this state, take and subscribe the oath or affirmation prescribed by the fortieth section of the constitution of this commonwealth to be taken by the officers of this state, and also the oath or affirmation of allegiance directed to be taken by the same officers in and by the seventh and eighth sections of an act of assembly made and passed the fifth day of December, in the year of our Lord one thousand seven hundred and seventy-eight, entitled "A further supplement to the act, entitled 'An act for the further security of the government,'" <sup>1</sup> and shall also take an oath or affirmation for the faithful discharge of their trust or office aforesaid.

[Section VI.] (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That all and every the clause and clauses in the said charters wherein and whereby the trustees of the said college, academy and charitable school are directed and enjoined to make their rules, ordinances and statutes not repugnant to the laws in force in the kingdom of Great Britain, nor to the laws in force in the province of Pennsylvania, be and they are hereby annulled, repealed and made void and the trustees herein and hereby appointed are required and enjoined to review the rules, ordinances and statutes heretofore made by the former trustees of the said seminary which, so far as they are repugnant to the constitution and laws of this state are hereby repealed, and to frame the same, if necessary, and all rules, ordinances and statutes hereafter to be made, consistent with the constitution and laws of this commonwealth.

---

<sup>1</sup> December 5, 1778, Chapter 822.

[Section VII.] (Section XIV, P. L.) And be it further enacted by the authority aforesaid, That the business of the said corporation shall and may be transacted, performed and determined by the major vote of a meeting of seven at least of the trustees appointed by this act and their successors duly notified and called, other than the choice of new trustees, the nominating and constituting or the dismissing of the future provost, vice-provost or professors, or any of them, or the alienation or leasing of real estates for more than seven years, or any extraordinary and new expenditure of the income or other personal estate of the said corporation or the altering any salary or the granting degrees to the scholars of the said university or to other persons or to the making any ordinances, statute or by-law, which several enumerated acts and doings may be transacted and performed by a majority of at least eleven of the said trustees duly notified and convened as aforesaid and not otherwise.

[Section VIII.] (Section XV, P. L.) And be it further enacted by the authority aforesaid, That the clause in the first charter of the said corporation whereby the trustees thereof were limited to be inhabitants of Pennsylvania, residing within five miles of the academy and school aforesaid although license was given in the said charter to set up the same at any place within the said province which the said trustees should judge to be most convenient, so far as the same clause limits the appointment of trustees to persons residing within five miles of the said academy and school, be and the same is hereby annulled, repealed and made void.

[Section IX.] (Section XVI, P. L.) And be it further enacted by the authority aforesaid, That the trustees herein before appointed and their successors shall and may ask, demand, sue for, recover and receive all evidences, mortgages, specialties, deeds and instruments, and all papers, books of account and record and the library, philisophical apparatus and seals of the said corporation, and all debts, dues and demands to the same owing, belonging, accruing or appertaining. And in case any person or persons having the custody of the said library, apparatus, mortgages, specialties, deeds or instruments, or other

papers, books or records of the said corporation, or having possession of the real estate of the said corporation or any part thereof shall refuse to deliver up the same, when demanded, it shall and may be lawful for the trustees of the said college to summon any person so refusing before any two justices of the peace of the city or the county where the said real estate lies, or the detainer of any of the records or other articles aforesaid resides, who are hereby authorized and empowered to enquire into the said complaint, in a summary way and give judgment therein as to them shall seem meet according to the merits and justice of the case, and if such judgment be given against the detainer of any of the said deeds, specialties, mortgages or other articles before enumerated and such detainer shall still refuse to deliver the same, it shall and may be lawful for the said justices, and they are hereby required to commit such refuser to prison, there to remain without bail or main-prise, until the said judgment be complied with. And in the case of real estate the said justices shall carry such judgment into execution by issuing a writ of possession, to the sheriff of the county, in the same manner as they are authorized to do by an act of assembly, entitled "An act for the sale of goods distrained for rent, and to secure such goods to the person distraining the same, for the better security of rents and for other purposes therein mentioned,"<sup>1</sup> in case of tenants holding over their terms: Provided always, That if either of the said parties shall demand a jury to be summoned to try the said matter in dispute, the said justice shall cause a jury forthwith to come before them thereupon in the same manner as juries are had in the case of tenants holding over their terms as aforesaid; and the said justices shall give judgment pursuant to the verdict of such jury and proceed to the execution thereof as is herein and hereby directed.

[Section X.] (Section XVII, P. L.) And be it further enacted by the authority aforesaid, That the civil officers, ministers of the gospel and other persons by this act constituted and appointed trustees of the said university, and their successors duly chosen, nominated and appointed be one community,

<sup>1</sup> Passed March 21, 1772, Chapter 645.

body politic and corporate to have perpetual succession and continuance forever by the name, style and title as aforesaid and that by the said name they shall be capable and able in law to sue and be sued, have and make a common seal and the same at their pleasure to break and alter, to make rules and statutes and to do everything necessary and needful for the good government and perfect establishment of the said university and the provost, vice-provost and professors hereafter to be appointed and constituted by the trustees aforesaid shall be named, styled and entitled the provost, vice-provost and professors of the same university and the name, style and title of the body or faculty composed of the said provost, vice-provost and professors, shall be "The Provost, Vice-provost and Professors of the University of the State of Pennsylvania."

[Section XI.] (Section XVIII, P. L.) And be it further enacted by the authority aforesaid, That the said trustees shall at all times when required submit the books, accounts and economy of the said corporation to the free examination of visitors to be appointed from time to time by the representatives of the freemen of this commonwealth in general assembly met.

[Section XII.] (Section XIX, P. L.) And be it further enacted by the authority aforesaid, That the trustees appointed by this act, or a majority of them, shall meet in the hall of the university aforesaid in the forenoon on the first Wednesday in December next, and after being duly qualified as this act prescribes proceed to the execution of their trust.

Passed November 27, 1779. See the notes to the Acts of Assembly passed March 16, 1780, Chapter 895; September 22, 1785, Chapter 1195; March 6, 1789, Chapter 1393; September 30, 1791, Chapter 1598.