

thority of the same, That so much of the fourth section of an act of assembly, passed on the eleventh day of April, one thousand seven hundred and ninety-nine,⁽¹⁾ entitled "An act to supply certain defects in the acts incorporating the city of Philadelphia and sundry towns and boroughs within this commonwealth, and to explain and amend an act, entitled 'An act to alter and amend the several acts of the general assembly of this commonwealth incorporating the city of Philadelphia and for other purposes;'" as provides that the treasurer of the corporation of the city of Philadelphia shall be appointed as heretofore, be, and the same is hereby repealed.

(Section II, P. L.) And be it further enacted by the authority aforesaid, That from and after the passing of this act, the treasurer of the said corporation shall be appointed annually by the joint votes of the members of the select and common councils of the said city, in the same manner as the constitution of this commonwealth prescribes for the appointment of the state treasurer, and not otherwise, any law to the contrary notwithstanding.

Approved January 7, 1802. Recorded L. B. No. 8, p. 17.
Note (1). Chapter 2091, 16 Statutes at Large, p. 343.

CHAPTER MMCCXVII.

AN ACT FOR THE ESTABLISHMENT OF A COLLEGE AT CANONSBURG,
IN THE COUNTY OF WASHINGTON, IN THE COMMONWEALTH OF
PENNSYLVANIA.

(Section I.) Whereas the establishment of a college at Canonsburg, in the county of Washington, for the instruction of youth in the learned languages, in the arts and sciences, and in useful literature, would tend to diffuse information and promote the public good: Therefore,

(Section II.) Section II, P. L. 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 erected, and hereby is erected and established in Canonsburg, in the county

of Washington, in this commonwealth, a college for the education of youth in the learned languages, the arts, sciences, and useful literature; the style, name and title of said college, and the constitution thereof shall be, and are hereby declared to be as is hereinafter mentioned and defined, that is to say: The said college shall be under the management, direction and government of a number of trustees, not exceeding twenty-one; and the first trustees of the said college shall consist of the following persons, to wit: Reverend John M'Millan, Joseph Patterson, Thomas Marquis, Samuel Ralston, John Black, James Powers, James Dunlap, and John M'Pharrin; James Edgar, John M'Dowell, James Allison, William Findley, Craig Ritchie, John Hamilton, Joseph Vance, Robert Mahon, James Kerr, and Aaron Lyle, esquires; Alexander Cooke, John Mercer, and William Hughes.

Section III. (Section II, P. L.) And be it further enacted by the authority aforesaid, that the said trustees and their successors, to be elected in the manner hereinafter mentioned, shall forever hereafter, be and they are hereby erected, established and declared, to be one body politic and corporate, with perpetual succession, in deed and in law, to all intents and purposes whatsoever, by the name, style and title of "The Trustees of Jefferson college, in Canonsburg, in the county of Washington," by which name and title, they the said trustees, and their successors, shall be competent and capable at law and in equity, to take to themselves and their successors, for the use of the said college, any estate in any messuages, lands, tenements, hereditaments, goods, chattels, moneys, or other effects, by the gift, grant, bargain, sale, conveyance, assurance, will, devise, or bequest of any person or persons whomsoever or wheresoever: Provided, that the same do not exceed in the whole the yearly value of six thousand dollars, and the same messuages, lands, tenements, hereditaments, and estate, real and personal, to grant, bargain, sell, convey, assure, demise and to farm let, and to place out on interest, or otherwise dispose of, for the benefit of the said college, in such manner as to them or a majority of them, shall seem most

beneficial for the institution; and to receive the rents, issues, profits, income and interest thereof, and to apply the same to the proper use and support of the said college; and by the same name, to sue, prosecute and defend, implead and be impleaded, in any court or courts of law or equity, and in all manner of suits or actions whatsoever, and generally, by and in the same name, to do and transact all and every the business touching or concerning the premises, as fully and effectually as any natural person, or body politic or corporate, within this commonwealth, may or can do; and to hold, enjoy and exercise, all such powers, authorities and jurisdictions, as are customary in other colleges in the United States of America.

Section IV. (Section III, P. L.) And be it further enacted by the authority aforesaid, That there shall be a meeting of the said trustees, at least once in every year, at the town of Canonsburg, at such time as the said trustees or a majority of them shall appoint, of which notice shall be given, either by public advertisements in one of the public newspapers of the town of Washington, in the county of Washington, four weeks before such meeting, or by notice in writing, signed by the clerk or other officer, whom the said trustees for that purpose may appoint, and to be left at the dwelling house of each trustee, at least ten days before the time of such intended meeting, and if at such meeting eleven of the said trustees shall not be present, those present shall have power to adjourn the meeting to any other day, as fully and effectually, to all intents and purposes, as if the whole number of trustees, for the time being, were present; but if eleven or more of the said trustees shall meet at the said appointed times, or at any other time of adjournment, then such number so met, shall be a board of quorum, and a majority of them shall be capable of doing and transacting all the business and concerns of the said college, not otherwise provided for by this act; and particularly of making and enacting ordinances, for the government of said college, of filling vacancies in the board of trustees occasioned by death, resignation or otherwise; of electing and appointing the principal and professors of the said college; of agreeing with them for their salaries and

stipends, and removing them for misconduct or breach of the laws of the institution; of appointing committees of their own body to carry into execution all and every the resolutions of the board; of appointing a treasurer, secretary, stewards, managers, and other necessary and customary officers for the taking care of the estate and managing the concerns of the corporation; and a majority of the board or quorum of the said trustees at any annual or adjourned meeting, after notice given as aforesaid, shall determine all matters and things, (although the same be not herein particularly mentioned) which shall occasionally arise, and be incidentally necessary to be determined and transacted by the said trustees: Provided always, that no ordinances shall be of force which shall be repugnant to the laws of the United States, or of this state.

Section V. (Section LV, P. L.) And be it further enacted by the authority aforesaid, That the head or chief master of the college shall be called and styled the principal of the college, and the masters thereof shall be called and styled professors; but neither principal nor professors, while they remain such, shall ever be capable of holding the office of trustee. The principal and professors, or a majority of them, shall be called and styled the faculty of the college, which faculty shall have the power of enforcing the rules and regulations adopted by the trustees for the government of the pupils, by rewarding or censuring them, and finally by suspending such of them, as after repeated admonitions, shall continue refractory, until the determination of a quorum of trustees can be had; and of granting and confirming, by and with the approbation and consent of a board of the trustees signified by their mandamus, such degrees in the liberal arts and sciences, to such pupils of the college, or others as by their proficiency in learning or meritorious conduct, they shall think entitled to them, as are usually granted and conferred in other colleges in the United States of America; and to grant to such graduates, diplomas or certificates, under their common seal, and signed by the faculty. All persons of every religious denomination shall be capable of being elected

trustees, nor shall any person either as principal, professor or pupil, be refused admittance, for his conscientious persuasion in matters of religion: Provided he shall demean himself in a sober, orderly manner, and conform to the rules and regulations of the college.

Section VI. (Section V, P. L.) And be it further and acted by the authority aforesaid, That whenever a vacancy shall happen, occasioned by disqualification, resignation or decease, of any clergyman, hereby appointed a trustee, such vacancy shall be filled by the choice of another clergyman of any christian denomination, and so as often as such vacancy shall happen, whereby the number of eight clergymen hereby appointed trustees, shall never be lessened nor augmented; nor shall any misnomer of the said corporation defeat or annul, any gift, grant, devise or bequest, to or for the use of 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 the said corporation; nor shall any disuser or nonuser of the rights, liberties, privileges, jurisdictions and authorities, hereby granted to the said corporation, or any of them, create or cause a forfeiture thereof; and the constitution of the said college, herein and hereby declared and established, shall be and remain the inviolable constitution of the said college forever, and the same shall not be altered, or alterable, by any ordinance or law of the said trustees, nor in any other manner than by an act of the legislature of the commonwealth.

Section VII. (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the said trustees shall cause to be made for their use, one common seal, with such devices and inscriptions thereon, as they shall think proper, under and by which all deeds, diplomas, certificates and acts of the said corporation, shall pass and be authenticated, and the same seal, at their pleasure from time to time, change and alter. The business of the said corporation shall and may be transacted and performed, by the majority of a meeting, of at least eleven of the trustees appointed by this act, and their

successors duly elected, notified, called and convened as aforesaid, and not otherwise. If any trustee shall accept, or take any charge or office under the said trustees other than that of treasurer or secretary, his place shall thereby be vacated, and the trustees at their next meeting shall proceed to supply such vacancy by election.

Section VIII. (Section VII, P. L.) And be it further enacted by the authority aforesaid, That from and after the passing of this act, all the property belonging to Canonsburg academy,⁽¹⁾ of whatsoever nature the same may be, whether real, personal or mixed, which hath been given, conveyed, devised or bequeathed to the trustees, for the benefit and use of that institution, shall be vested, and hereby is vested, in the trustees of the college aforesaid, and their successors in office: Subject, always nevertheless, to the uses, trusts, ends and purposes, for which the same property was originally given, conveyed, devised or bequeathed.

Section IX. (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That the trustees hereinbefore appointed, and their successors, the principal and professors, and every of them, now appointed or hereafter to be appointed, in the manner and form hereinbefore directed and required, before they enter upon the duties of their offices, shall before some one judge of the court of common pleas, or before some justice of the peace of the county of Washington, take and subscribe the oath or affirmation as directed by the eighth article of the constitution of this commonwealth, and the act of congress of the United States, passed the first day of June, one thousand seven hundred and eighty-nine; and the trustees are hereby enjoined and required to provide and keep a book wherein their secretary shall well and truly record the certificates of the aforesaid qualifications.

Approved January 15, 1802. Recorded L. B. No. 8, p. 19.

Note (1) See Chapter 2133; 16 Statutes at Large, p. 469; "An act to grant a sum of money to the trustees of the Academy of Canonsburg in Washington county."