

No. 88.

An Act

To incorporate the Marshall College at Mercersburg, and to incorporate the Haddington College in the county of Philadelphia.

German Reformed church erected into a college.

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 the high school of the German Reformed church, located at Mercersburg, in the county of Franklin, be and hereby is erected into a college, for the education of youth in the learned languages, the arts, sciences and useful literature.

To be called "Marshall College."

SECTION 2. In testimony of respect for the exalted character, great worth, and high mental attainments of the late John Marshall, Chief Justice of the United States, the said college shall hereafter be called and known by the name of the "Marshall College, at Mercersburg."

Direction.

SECTION 3. The said college shall be under the management, direction and government of a number of trustees, not exceeding forty-five, or a quorum or a board thereof, as hereinafter mentioned.

Names of trustees.

SECTION 4. The trustees of said college shall consist of the following persons, to wit: William M. Kinstry, Daniel Shafer, P. W. Littel, William Metcalf, Elliott T. Lane, Adam Hoke, George Chambers, Alexander Thompson, Thomas H. Crawford, Henry L. Rice, Barnard Wolff, William Heyser, Frederick Smith, Jacob Snider, Henry Snevely, Jacob Hade, George Besore, David Fullerton of Franklin, George Denig and Peter Schell of Bedford, N. P. Hacke of Westmoreland, David Middlecauf of Adams, Thomas Chambers of Franklin, William Heister and Charles F. Hoffmeyer of Lancaster, David Krause and Isaac Gehardt of Dauphin, John W. Gloninger of Lebanon, John E. Hoffman, Berks, James Potter, Centre, Theodore L. Hoffditz and Peter Snyder, Northampton, Samuel Helfenstein, sen., George Wolf, Joseph Ritner, Samuel Troutman, Pennsylvania. Gideon Bantz, Henry Schley, John J. Myers, George Decker, Daniel Huyett, William A. Good, David Schnebly, of Maryland, John Jacob Astor and Dietrich Willers, New York, which said trustees and their successors, to be elected as hereinafter mentioned, shall be, and they are hereby erected, established, and declared to be a body politic and corporate, and with all the incidents of a corporation, in deed and in law, to all intents and purposes whatsoever, by the name, style and title of "The trustees of the Marshall college, at Mercersburg,"

Incorporated.

by which name and title, the said trustees and their successors shall be able and capable at law and in equity, to take to themselves and their successors, for the use of said college, any estate in any messuages, lands, tenements, hereditaments, goods, chattels, monies or other effects, by gift, grant, bargain, sale, conveyance, assurance, will, devise or bequest, of any person or persons whatsoever: *Provided*, The same do not exceed in the whole the yearly value of five thousand dollars, and the same messuages, lands, tenements, hereditaments and estates, real and personal, to grant, bargain, sell, convey, assure, demise, and to farm, let, and place out on interest, or otherwise dispose of or invest for the use of the said college, in such manner as to them, or at least a quorum of them, shall seem most beneficial to the institution; and to receive the rents, issues and profits, income and interest of the same, and to apply the same to the proper use of the said college, and by the same name to sue, commence, prosecute and defend, implead and to be impleaded, in any courts of law or equity, and in all manner of suits and actions whatsoever, and generally, by and in the same name, to do and transact all and every the business touching or concerning the premises, or which shall be incidentally necessary thereto, as fully and effectually as any natural person, or body politic or corporate, have power to manage their own concerns, and to hold, enjoy, and exercise all such powers, authorities and jurisdictions, as are customary in other colleges within this commonwealth.

SECTION 5. 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, and by and with which all deeds, diplomas, certificates, and acts of the said corporation, shall pass and be authenticated, and the same seal at their pleasure to break and alter, and devise a new one.

SECTION 6. There shall be a meeting of said trustees held once in every year at least, at Mercersburg, at such time as the said trustees or a quorum of them shall appoint, of which meeting due and timely notice shall be given, and if less than a quorum attend at such meeting, those present shall have the power to adjourn to another day, but if twelve or more of the said trustees shall meet at the appointed time, or at any other time of adjournment, then such or more of the trustees, shall be a board or quorum, and a majority of their votes shall be sufficient for 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 the said college, of electing trustees in the place and stead of those who shall resign or die, 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, breaches of the ordinances of the institution, or other cause which shall be deemed sufficient, of appointing committees of their own body to carry into execution all and every the resolutions of the board, of appointing a president, secretary, treasurer and other officers, whom they may find necessary for managing the corporation, of providing for the punishment of all violations of the rules, regulations, or ordinances of the college, or other misconduct committed by the students or other persons thereat, and generally, at any annual, adjourned, or extra meeting, shall determine all matters and things (although the same are not herein particularly mentioned) which shall occasionally arise, and be incidentally necessary to be determined by said trustees: *Provided*, That no ordinance or regulation shall be of any force, which is repugnant to the constitution and laws of the United States or of this commonwealth.

Faculty, how composed. SECTION 7. That the principal and professors of said college, or a majority of them for the time being, shall constitute the faculty of the college, which faculty shall have the

Their powers power of enforcing the rules and regulations adopted by the trustees for the government of the students, and to grant and confirm, by the order and direction of a quorum of the board of trustees, such degrees in the liberal arts, sciences, or such branches thereof, to such students of the college, and others, who by their proficiency in learning, or other distinction, they think shall be entitled to them, as have been usually granted in other colleges or universities, or which the said trustees, or a quorum thereof, shall think right and proper, and to grant to such graduates, diplomas or certificates, under their common seal, to authenticate and perpetuate the memory of such graduation.

Degrees.

To be open to all religious denominations. SECTION 8. Persons of every religious denomination shall be capable of being elected trustees, nor shall any person, either as principal, professor, tutor or pupil, be refused admittance into said college, or denied any of the privileges, immunities or advantages thereof, for, or on account of his sentiments in matters of religion.

Misnomer not to defeat grants, etc. SECTION 9. No misnomer of the said corporation shall defeat or annul any gift, grant, devise or bequest, to or from said corporation: *Provided*, The intent of the parties shall sufficiently appear upon the face of the gift, grant, will, other writing, whereby any estate or interest was intended to pass to or from said corporation.

German professorship. SECTION 10. In addition to the customary professorships in other colleges, there shall be in this institution a German professorship.

Legislative power to revoke. SECTION 11. The legislature reserves the right to revoke, alter or annul the charter hereby granted, at any time they may think proper.

SECTION 12. That there shall be, and hereby is established in the county of Philadelphia, a college for the purpose of educating youth in the English, learned and foreign languages, the liberal arts, sciences and literature, the style and title of which shall be "The Haddington College, in the county of Philadelphia." Haddington college established.

SECTION 13. Until the Thursday after the first Tuesday of October, eighteen hundred and thirty-six, the following persons, viz: Joseph Mathias, James M. Linnard, Joseph Taylor, Horatio G. Jones, Joseph S. Walker, John B. Trevor, Israel E. James, Franklin Lee, James J. Woolsey, George M'Leod, John Jones, Samuel Huggins, Silas W. Sexton, John S. Jenkins, T. T. Smiley, Abraham D. Gillet, Joseph H. Kennard, Bethel Moore, Edward Siter, Josiah Randal, and Samuel Davis, shall be the trustees of the Haddington college, and their successors, to be elected hereinafter directed, shall be, and hereby are declared to be, one body corporate and politic, by the name, style and title of the Trustees of Haddington college; and by the same name shall have perpetual succession, and shall be able to sue and be sued, plead and be impleaded, in all courts of record and elsewhere, and shall be competent and capable in law and in equity to take and hold, to them and their successors, for the use of said college, lands, tenements, hereditaments, monies, goods and chattles, of what kind, nature or quality soever, by gift, grant, bargain, sale, assurance, will, devise or bequest, from any person or persons whomsoever, capable of making the same: *Provided*, The same do not exceed the yearly value of fifteen thousand dollars; and the same from time to time to grant, bargain, sell, devise, alter, lease, or dispose of, for the use of said college, and to erect such buildings as may be necessary, and generally to do all and singular, the matters and things which shall be lawful for them to do, for the well being of the said college, and the due management and ordering the affairs thereof.

Present trustees and their successors incorporated.

General powers.

Provido as to property.

SECTION 14. The said trustees shall have full power and authority to make and use one common seal, and the same seal to alter at their pleasure. Common seal.

SECTION 15. The said trustees shall hold their first meeting at the college, in Haddington, on the first Monday of May next after the passing of this act, at three o'clock in the afternoon; five of them shall constitute a quorum, who shall have the power of transacting the business of the college particular, of making by-laws and ordinances for the government thereof, of electing trustees in the room of those who may be removed by death, resignation or otherwise, electing and appointing the president, professors and tutors of the

Meeting of trustees,

To make by-laws, appoint officer etc.

said college, of agreeing with them for their salaries and stipends, and removing them for breach of the laws; or for incapacity of appointing committees of their own body, to carry into effect all and every the resolutions of the board, and of appointing a president, secretary, treasurer, and whatever officers may be thought necessary for managing the concerns of the corporation: *Provided always*, That no ordinance or law shall be of force, which shall be repugnant to this charter, or contrary to the laws of the United States or of this state.

Proviso.

Election of trustees. SECTION 16. The first election for trustees to said college, shall be holden on the Thursday after the first Tuesday of October next, in the year of our Lord, one thousand eight hundred and thirty-six, at eleven o'clock in the forenoon, and shall continue open two hours; the persons entitled to vote, shall be the contributors to said college; the amount of contribution, and the qualifications entitling to a vote, to be determined on by the board at their first meeting under this charter: *Provided*, That if the annual election shall not be made on the stated day, it shall and may be lawful on any other day, as soon as may be, to hold an election of said trustees, in such manner as may be directed by the by-laws of said corporation.

Right of voting.

Proviso.

Style of president, etc. SECTION 17. The head or chief master of said college, shall be styled and called the president; and the masters thereof shall be called professors and tutors, but neither president, professors or tutors, while they remain such, shall ever be capable of the office of trustee.

Proviso.

Style of faculty and their powers. SECTION 18. The president, professors and tutors, or a majority of them, shall be called the faculty of the college, which faculty shall have 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 disobedient and refractory, until a determination by the trustees can be had.

Degrees and diplomas. SECTION 19. The faculty, by and with the approbation of a board of the trustees, signified by their mandamus, shall have full power to grant such degrees in the liberal arts and sciences, to such pupils of the institution, or others, who by their proficiency in learning, or other meritorious distinction, they shall think entitled to them, as are usually granted and conferred in colleges, and to grant to such graduates diplomas, or certificates under their common seal, and signed by the faculty, to authenticate and perpetuate such graduation.

SECTION 20. The legislature reserves the right to revoke,

alter or amend the charter hereby granted, at any time they ^{Legislative} may think proper. ^{power to re-}
^{voke.}

NER MIDDLESWARTH,
 Speaker of the House of Representatives.

THOMAS S. CUNNINGHAM,
 Speaker of the Senate.

APPROVED—The thirty-first day of March, Anno Domini,
 one thousand eight hundred and thirty-six.

JOS: RITNER.

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No. 89.

An Act

Supplementary to "An act relating to county rates and levies, and township rates and levies," passed the fifteenth day of April, one thousand eight hundred and thirty-four.

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 it shall be the duty of the commissioners of the county of Philadelphia, immediately after the passage of this act, and within thirty days after the general election in each and every year thereafter, in each of the two years succeeding the triennial assessment, hereafter to issue their precept to the assessors of the respective townships, wards and districts within the said county, requiring them to make out and return, within sixty days thereafter, a just and perfect list, in such form as the commissioners shall direct, of the names of all the taxable persons residing within the said townships, wards and districts, respectively, and of all property taxable by law, together with a just valuation of the same, to be made in the manner provided for in the act to which this is supplementary: *When lists of taxables and property to be made.* *Provided also,* That if the said commissioners shall have issued their precept to the said assessors before the passage of this act, requiring them to perform the duties enjoined by the eleventh section of the act to which this is supplementary, the time required for the performance of said duties shall be extended to the first Monday in March next, and the returns ^{Time of re-} ^{turned this year.}