

CHAPTER MCCLXXIV.

AN ACT TO INCORPORATE AND ENDOW THE GERMAN COLLEGE AND CHARITY SCHOOL IN THE BOROUGH AND COUNTY OF LANCASTER IN THIS STATE.

(Section I. P. L.) Whereas the citizens of this state, of German birth or extraction have eminently contributed by their industry, economy and public virtues to raise the state to its present happiness and prosperity:

And whereas a number of citizens of the above discription in conjunction with others from a desire to increase and perpetuate the blessings derived to them from the possession of property and a free government have applied to this house for a charter of incorporation and a donation of lands for the purpose of establishing and endowing a college and charity school in the borough of Lancaster.

And whereas the preservation of the principles of the Christian religion and of our republican form of government in their purity depends under God in a great measure on the establishment and support of suitable places of education for the purpose of training up a succession of youth who by being enabled fully to understand the grounds of both may be led the more zealously to practice the one and the more strenuously to defend the other:

Therefore:

[Section I.] (Section II. P. L.) Be it 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 there shall be and hereby is erected and established in the said borough of Lancaster in the county of Lancaster in this state, a college and charity school for the instruction of youth in the German, English, Latin, Greek and other learned languages, in theology and in the useful arts sciences and literature, the style, title and constitution of which college shall be as is hereinafter set forth, that is to say:

First. From a profound respect for the talents, virtues and services to mankind in general, but more especially to this

country, of his excellency Benjamin Franklin, Esquire, president of the supreme executive council, the said college shall be and hereby is denominated "Franklin College."

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

Third. That the first trustees of the said college shall consist of the following persons, to wit: the Honorable Thomas Mifflin, Esquire, the Honorable Thomas McKean, Esquire, Doctor of Laws, the Reverend Doctor John Henry Christian Helmuth, the Reverend Caspar Weiburg, the Reverend Henry Muhlenberg, the Reverend William Handell, the Reverend Nicholas Kurtz, the Reverend George Troldenier, the Reverend John Herbst, the Reverend Joseph Hutchins, the Reverend Frederick Weyland, the Reverend Albertus Helfenstein, the Reverend William Ingold, the Reverend Jacob Van Buskirk, the Reverend Abraham Blumer, the Reverend Frederick Dalecker, the Reverend Christopher Emanuel Shultz, the Reverend John B. Cousie, Peter Muhlenberg, Esquire, the Reverend Frederick Valentine Miltzeimer, John Hubley, Esquire, Joseph Heister, Esquire, Casper Schaffner, Peter Hoofnagle, Esquire, Christopher Crawford, Paul Zantzinger, Adam Hubley, Esquire, Adam Reigart, Jasper Yeates, Esquire, Stephen Chambers, Esquire, the Honorable Robert Morris, Esquire, George Clymer, Esquire, Philip Wagner, the Honorable William Bingham, Esquire, William Hamilton, William Sheaf, Doctor Benjamin Rush, Daniel Heister, Esquire, William Rawle, Esquire, Lewis Farmer, Esquire, Christopher Kucher, Philip Groenwaldt, Michael Hahn, George Stake, senior, Esquire, John Musser:

Which said trustees and their successors to be elected in manner hereinafter mentioned 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 Franklin College in the Borough and County of Lancaster," by which name and title the said trustees, and their successors shall be competent and capable at law and in equity to take to them-

selves 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 and sale, conveyance, assurance, devise or bequest of any person or persons whatsoever, provided the same do not exceed in the whole the yearly value of ten thousand pounds, valuing one Portugal half johannes, weighing nine pennyweight at three pounds, and the same messuages, lands, tenements, hereditaments and estate, real and personal, to grant, bargain and sell, convey, assure, demise and to farm, let and place out on interest or otherwise dispose of for the use of the said college in such manner as to them or at least seven of them at an annual or adjourned meeting assembled shall seem most beneficial to the institution and to receive the rents, issues, profits, interest and income of the same, 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 courts of law or equity and generally by the same name to do and transact all and every [the] business concerning the premises or incidentally necessary thereto, as fully and effectually as any natural person or body politic or corporate within this commonwealth have power to manage their own concerns.

Fourth. 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 to break and make a new one.

Fifth. That the said trustees or any nine of them shall meet at the borough of Lancaster on the fifth day of June next for the purpose of concerting and agreeing upon such business as in consequence of this act it may be necessary to transact and shall have power to adjourn from time to time as they shall see cause to any other times and places for the purpose of completing the same.

Sixth. That there shall be a meeting of the said trustees held once in every year at least at the borough of Lancaster at such time as the said trustees or a quorum thereof shall appoint of

which notice shall be given after the first meeting either by public advertisements in two of the newspapers of this state or by notice in writing, signed by the clerk or other officer of the trustees for that purpose to be appointed and sent to each trustee at least twenty days before the time of such intended meeting, and if at such meeting nine of the said trustees shall not be present those of them who shall be 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 the trustees for the time being were present, but if nine or more of the said trustees shall meet at the said appointed times or at any other time of adjournment, then such nine trustees shall be a board or quorum and a majority of the votes of them shall be capable of making and enacting ordinances for the government of the said college, of electing trustees in the place or stead of those who shall resign or otherwise vacate their places of electing and appointing the principal, vice-principal and professors, of agreeing with them for their salaries and stipends and removing them for misconduct or a 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 secretary, treasurer, stewards, managers and other necessary and customary officers for taking care of the estate and managing the concerns of the said institution, and generally a majority of voices of the said board or quorum of trustees at any annual or adjourned meeting after notice given as aforesaid shall determine all matters and things not otherwise provided for by this act occasionally arising and 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 this state.

Seventh. That neither the principal, vice-principal nor professors of the said college while they remain such shall be capable of holding the office of trustee, and if any trustee of the said college for the time being shall accept the office or appointment of principal, vice-principal or professor of the said college, it shall be deemed and taken to be a resignation of the office of trustee and in such case a new election of a trustee in the place

of him so taken and construed to have resigned the same office shall be held in such time and manner as by the future ordinances of the said college shall be ordained and established.

Eighth. The principal, vice-principal and professors of the said college shall be styled the principal, vice-principal and professors of Franklin College in the borough and county of Lancaster, and the name, style and title of the body or faculty composed of the said principal, vice-principal and professors, shall be the faculty of Franklin College in the borough and county of Lancaster, 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 disobedient and 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 trustees, signified by their mandamus such degrees in the liberal arts and sciences to such pupils of the said college or other persons who by their proficiency in learning or other meritorious distinctions they shall think entitled to them, as are usually granted and conferred in other colleges in America or Europe, and to grant to such graduates, diplomas or certificates under their common seal, and signed by the faculty to authenticate and perpetuate the memory of such graduation.

Ninth. Fifteen of the trustees of the said college shall forever hereafter be chosen from the members of the Luthern Church and the like manner from the members of the Reformed or Calvinist Church, the remainder of the said trustees shall be chosen from any other society of Christians:

Provided always, That no person not an inhabitant of this state shall be capable of being elected one of the aforesaid trustees and if any of the said trustees now appointed or hereafter elected shall wholly remove from this state and settle elsewhere, such trustee from and after the space of one year from such removal shall be deemed to have resigned his said office and a new trustee in the place of him so removed from this state shall be elected in such time and manner as by the future or-

dinances and regulations of the said college shall be ordained and established.

Tenth. The principal of the said college shall forever hereafter be chosen alternately from the Lutheran and Reformed or Calvinist churches, unless such of the trustees as are or shall be members of those two churches at an annual or adjourned meeting assembled shall unanimously agree to elect and appoint two or more persons in succession of the same religious denomination or some suitable person of any other society of Christians.

Eleventh. In order to secure to this seminary the beneficial effects which have been generally found to result from the zealous and industrious exertions of the members of the clergy in the education of youth, whenever the seat of a clergyman hereby appointed or hereafter to be elected a trustee of the said college shall become vacant, such vacancy shall be filled by the election of another clergyman in his place, so nevertheless that the aforesaid proportion of Lutheran and Reformed or Calvinist trustees be invariably preserved.

Twelfth. That nine of the said trustees at an annual or adjourned meeting shall have power to institute and establish such officers of the said college not hereinbefore mentioned or to vest such powers in the officers already herein mentioned and allow such salaries and perquisites or additional salaries and perquisites as the future exigencies of the college may from time to time require.

Thirteenth. To facilitate the acquisition of learning to all ranks of people by means of a charity school being one of the primary and fundamental objects of this institution, one-sixth part of the capital real and personal fund of the said college, not including the moneys paid for tuition, shall be irrevocably appropriated together with such gifts and bequests as may be made hereafter to the college for that special purpose to the maintenance and support of a charity school for children of both sexes and all religious denominations on the most liberal plan consistent with the ability of the said college.

Fourteenth. No misnomer of the said corporation shall defeat or annul any gift, grant, devise or bequest to the said cor-

poration, nor shall any disuser or nonuser of the rights, liberties, privileges, jurisdictions and authorities or any of them hereby granted to the said corporation create or cause a forfeiture thereof.

(Section III. P. L.) [Section II.] And be it further enacted by the authority aforesaid, That the constitution of the said college herein declared and established shall be and remain the inviolable constitution of the said college forever, alterable only by an act of the legislature of this state.

(Section IV. P. L.) [Section III.] And be it further enacted by the authority aforesaid, That ten thousand acres of land, together with six per centum allowance for roads set out and surveyed within the unappropriated lands of this state be and they are hereby granted to the said Trustees of Franklin College in the Borough and County of Lancaster to have and to hold the same to them, their successors and assign forever.

(Section V. P. L.) [Section IV.] And be it further enacted by the authority aforesaid, That upon the application of the said trustees or of any person duly authorized by them to the secretary of the land office of this state, he shall and is hereby required to grant and issue such and so many warrants to be directed to the surveyor general requiring him to survey or cause to be surveyed for the trustees of the said college such and so many tracts of land with such number of acres in each warrant as shall be applied for at each application in such places not otherwise appropriated by acts of assembly of this commonwealth as shall in the whole amount to the said quantity of ten thousand acres, and the usual allowance, and the surveyor general shall receive and enter all such warrants in his office and issue copies thereof directed to his deputies in the different counties and districts within the state and the said deputies shall duly execute the same and make returns thereof and thereupon such proceedings shall be had and patents or grants of confirmation for the same shall be issued and granted to the said trustees of the said college in like manner and form, and having like force and effect as the like proceedings and patents have been and are conducted and granted in case of private persons making applications for and taking up lands

under the laws of this commonwealth in such cases made and provided.

(Section VI. P. L.) [Section V.] And be it further enacted by the authority aforesaid, That all and every the tract and tracts of land hereby directed to be surveyed for the use of the said college shall be so done at the charge of this state, and the supreme executive council are hereby authorized and empowered to draw orders on the treasurer of the state to pay and defray all the charges arising thereupon.

Passed March 10, 1787. Recorded L. B. No. 111, p. 184, etc.

CHAPTER MCCLXXV.

AN ACT TO AMEND AN ACT, ENTITLED "AN ACT FOR THE REGULATION OF BANKRUPTCY."¹

(Section I. P. L.) Whereas the act, entitled "An act for the regulation of bankruptcy" has upon experience been found in some respects uncertain in others defective and requires explanation and amendment.

(Section II. P. L.) [Section I.] Be it 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 word "conform" in the twenty-fourth section of the said recited act used to entitle bankrupts to receive from the commissioners a certificate thereof, and to have such certificate allowed by the president or vice-president, was and is hereby declared to mean and intend that such bankrupt or bankrupts shall conform to all and singular the matters and things in and by the said act enjoined upon him, her or them, whether the same be made penal by the said act or is or are enjoined, without any penalty annexed to non-conformity therewith, and that if after granting any certificate by the commissioners of bankruptcy the person or persons to whom the

¹ Passed September 16, 1785, Chapter 1183.