

monwealth of Pennsylvania in General Assembly met and by the authority of the same, That the supreme executive council shall be and they are hereby authorized to appoint three commissioners, one of whom shall reside in the county of Cumberland, one in the county of Bedford and one in the county of Huntingdon for the purpose of running and ascertaining the boundary lines of Huntingdon county, and the said commissioners so to be appointed or any two of them shall be and they are authorized and directed to run and ascertain the boundary lines of Huntingdon county or such parts thereof as by the commissioners of said county from time to time shall be deemed necessary.

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the county commissioners are hereby authorized and required to draw orders on the county treasurer of Huntingdon for such sums of money, to be paid out of the county levies, as will be sufficient to discharge all necessary expenses which shall or may accrue in consequence of running and ascertaining the aforesaid boundary lines.

Passed March 2, 1789. Recorded L. B. No. 3, p. 453.

CHAPTER MCCCXCIII.

AN ACT TO REPEAL PART OF AN ACT ENTITLED "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."¹

(Section I, P. L.) Whereas by the constitution of this commonwealth it is declared and provided "That all religious societies or bodies of men heretofore united or incorporated for the advancement of religion or learning or for other pious and charitable purposes shall be encouraged and protected in

¹ Passed November 27, 1779, Chapter 871.

the enjoyment of the privileges, immunities and estates which they were accustomed to enjoy or could of right have enjoyed under the laws and former constitution of this state:"

And whereas by two charters of incorporation granted by the late proprietaries of Pennsylvania there existed within this commonwealth on the twenty-seventh day of November in the year of our Lord one thousand seven hundred and seventy-nine an ancient corporation and body politic by the name, style and title of "The Trustees of the College, Academy and Charitable School of Philadelphia in the province of Pennsylvania," which corporation at the time of passing the act herein after mentioned was seized, possessed of and entitled unto many rights and franchises and divers estates, real, personal and mixed and by the constitution and laws of this state was entitled to the public protection and encouragement in the enjoyment and free use and exercise thereof in conformity to the original design, will and intention of the founders, donors and benefactors of the said seminary of learning in the same manner as it could of right have held, occupied and enjoyed the same under the former laws and constitution of this state:

And whereas by the said hereinafter mentioned act which was passed on the said twenty-seventh day of November in the year of our Lord one thousand seven hundred and seventy-nine the said trustees and corporation and also the provost, vice-provost, professors and all other masters, teachers, ministers and officers of the said college, academy and charitable school were without trial by jury, legal process or proof of misuser or forfeiture, deprived of their said charters, franchises and estates and the said board of trustees and faculty were declared to be dissolved and vacated and 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 were by the said act declared to pass to, devolve upon, and be vested in a new corporation or body politic thereby created and established by the name, style and title of "The trustees of the University of the state of Pennsylvania," to have, hold, use, exercise and en-

joy all the powers, authorities and advantages of the estates, rights, claims and demands of the trustees heretofore appointed by or in pursuance of the charters of the said (ancient) corporation or either of them: all which is repugnant to justice, a violation of the constitution of this commonwealth and dangerous in its precedent to all incorporated bodies and to the rights and franchises thereof.

[Section I.] (Section II, 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 so much and all such parts of an act of general assembly of this commonwealth passed on the said twenty-seventh day of November in the year of our Lord one thousand seven hundred and seventy-nine entitled, "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,"¹ as touch or in anywise concern or relate to the said ancient corporation which was styled and known by the said name and title of "The Trustees of the College, Academy and Charitable School of Philadelphia in the province of Pennsylvania," or the said charters thereof or either of them or as touch or in anywise concern or relate to the former rights, franchises, immunities or estates, real, personal or mixed thereof or as tend to disqualify or disable the said trustees to act as a body politic under the charters aforesaid or to disqualify, deprive or disable the body and faculty of the college and academy known and distinguished in the charter dated the fourteenth day of May one thousand seven hundred and fifty-five by the name, style and title of "The Provost, Vice-Provost and Professors of the College and Academy of Philadelphia in the Province of Pennsylvania," or any of them, from carrying on the design and purposes of the said college, academy and charitable school or to disfranchise or deprive

¹Ante.

them or any of them of any privileges, immunities or estates whatsoever or of any part or parcel thereof or as vests the same or purports and intends to vest the same or any part or parts thereof in "The Trustees of the University [of the State] of Pennsylvania," shall be and the same and every such part and parts thereof is and hereby are repealed and made null and void to all intents and purposes whatsoever.

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the trustees of the college, academy and charitable school aforesaid who were deprived and disabled or intended so to be by and in pursuance of the said act and the survivors of them and their successors by the name, style and title of "The Trustees of the College, Academy and Charitable school of Philadelphia in the Commonwealth of Pennsylvania," and the provost, vice-provost and professors, who, as a faculty, were deprived and disabled or intended so to be by and in pursuance of the said act, and the survivors of them and their successors by the name and style of "The Provost, Vice-Provost and Professors of the College and Academy of Philadelphia in the Commonwealth of Pennsylvania," shall be reinstated and restored and they and each of them are hereby reinstated and restored to all and singular the rights, franchises, emoluments, offices, trusts and estates, real, personal and mixed which they and each of them had held and enjoyed or ought or could of right have had, held and enjoyed or were entitled unto according to the said charters and the laws and constitution of this state on the said twenty-seventh day of November in the year of our Lord one thousand seven hundred and seventy-nine and they and each of them and their successors shall and may ask, demand, sue for [recover] and receive the same and each and every part and parcel thereof and shall hold and enjoy, use and exercise the same and every part and parcel thereof in the same manner and as fully and freely as if the said act had never been passed, excepting always so much of the rents, issues and profits of the said real estate and estates as were received by the said trustees of the university before the second day of March in-

stant which shall be considered and they are hereby considered as having been duly laid out and expended in the education of youth and therefore no account shall be rendered thereof and excepting also such sum or sums of money as have been paid in discharge of the just debts, contracts and engagements of them the trustees of the said college, academy and charitable school, entered into and subsisting on and before the said twenty-seventh day of November in the year of our Lord one thousand seven hundred and seventy-nine and excepting also such bonds, mortgages and other specialties of the former estate of the said last mentioned trustees as have been transferred, cancelled or discharged by them, the trustees of the university for the value of which only (without any account of the interest actually received) they shall be accountable to the trustees of the said college, academy and charitable [school] and excepting lastly certain lots of ground in the town of Norris and county of Montgomery which were given for the public use and service of the said county, and certain other lots which have been contracted for, sold and conveyed by the said trustees of the university for the purpose of building and improving in the said town, for the value of which lots only, as they were contracted for, sold and payment received by the said trustees, they shall be liable and accountable to the trustees of the said college, academy and charitable school and the said lots and every of them shall be and hereby are, confirmed to the several purchasers thereof on the payment of the purchase money and arrears thereof yet due to the trustees of the said college, academy and charitable [school] in the same manner as such purchase money and arrears thereof yet due ought to have been paid to the trustees of the said university according to the several contracts for the sale and conveyance of the said lots, duly and bona fide made by them before the third day of February last.

[Section III.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the trustees of the said college, academy and charitable school and their successors by the name, style and title of "The Trustees of the College, Acad-

emy and Charitable school of Philadelphia in the Commonwealth of Pennsylvania," and the provost, vice-provost and professors of the said college and academy and their successors by the name and style of "The Provost, Vice-Provost and Professors of the College and Academy of Philadelphia in the Commonwealth of Pennsylvania," shall respectively be entitled to and shall have and pursue the like speedy, summary and effectual means and remedies for regaining and reinstating themselves in and for having and possessing themselves of all and singular the rights, franchises, offices, trusts and immunities and estates, real, personal and mixed to which they or either or any of them are in and by this act restored or which is hereby vested in them or either or any of them, together with all books, papers and writings, touching or concerning the same or any part thereof as were given or mentioned and intended to be given in and by the said in part recited act and also in and by any other act or acts of general assembly of this commonwealth to the trustees of the university therein mentioned or which they could thereby have or pursue, for acquiring or possessing themselves of all or any part or parts of the estate or estates, real, personal or mixed, rights, franchises, offices, trusts or immunities in and by the said in part recited act transferred to or vested in them, the said trustees of the university aforesaid, or of any books, papers, or writings relating thereto; and all and every person and persons are hereby enjoined and required to govern and demean themselves accordingly under the like pains and penalties as are in and by the said acts mentioned.

Passed March 6, 1789. Recorded L. B. No. 3, p. 454.