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The First Fifty Years of School Legislation in Kentucky

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THE FIRST FIFTY YEARS OF SCHOOL LEGISLATION IN KENTUCKY

BY

BONNIE JONES COWART

PART I

A THESIS
SUBMITTED IN PARTIAL FULFILLMENT
OF THE REQUIREMENTS FOR THE DEGREE OF
MASTER OF ARTS

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Approved: -

Major Professor
and
Department of Education

Graduate Committee

[Signature]
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INTRODUCTION

In order to have a clear understanding of the principles and practices of the existing educational set-up in Kentucky, it is necessary for one to have a knowledge of the actual decisions of the courts that have established the educational policies. To gain this knowledge, one must be familiar with the beginnings of the schools and the common school system. To show this period, which might be called the "Pre-Public School Era," it has been necessary to make a chronological study of the laws pertaining to education. The laws, as they were approved and passed by the Legislature, have been transcribed verbatim.

There exists nowhere a transcript of this kind. Therefore, the need for such treatments seems well warranted. Not only will such a compilation be of value to the student interested in the history of the school system, but it also will be of value as reference for those who will formulate the school laws that will be passed in the future.

The purpose of this study has been twofold. First, it has been the purpose of the writer to make just such a compilation of the laws that have made our school system what it is today. We have the school laws, yes, as they are found in the constitutions of the State and in the Session Acts; but, nowhere, do we have a single volume dealing in its entirety with the laws pertaining only to the school. In the second place, this study should serve as an introduction to further research in this field.

The period covered in this study has been one of fifty
years. Such a length of time was decided upon for the following reasons:

1. Because of the large number of acts and laws passed by the Legislature, a longer period of time would cause an unwieldy volume. The succeeding fifty years would afford one a similar study.

2. It was necessary to cover a period of at least fifty years to show the advancement of the academies and seminaries to the public school.

This study is a purely introductory one, in that it shows the beginnings of our educational system, as found in the early academies and seminaries. It is, in the main, that era in our educational system before the public school came into existence.

The sources of data for this study were the Acts of Virginia, the first three constitutions of the State, and the Session Acts of the General Assembly of the Commonwealth of Kentucky.

Education, as such, was not mentioned in the first two constitutions of the State. A change is noted in the constitution of 1850, in which a complete article was included concerning education. Only after much discussion by the members of the convention of 1849-1850 was this article included.

The only inference to be drawn from the first two constitutions concerning education is that the Acts of Virginia are to be upheld. Since education was included in them, therefore, it must be continued as Kentucky gained her statehood.

A few studies of this kind have been made in several states, among which are Florida and Mississippi. Nothing of this type has been done in Kentucky, except for a book by Ligon, History of
Education in Kentucky, which deals mainly with the University of Kentucky and its growth as evidenced in the statutes.

In consequence of the preceeding reasons and statements, the need for such a work seems well warranted.
PREFACE

In grateful appreciation the author wishes to acknowledge here the assistance received from time to time in bringing the study to its present form. Especially is appreciation expressed to Dr. Lee Francis Jones, Head of the Department of Education, Western Kentucky State Teachers College, Bowling Green, Kentucky, under whose direction the work was begun and carried to completion, for the advice and help so generously given throughout the progress of its preparation.

The author wishes to offer thanks to the librarians of the Kentucky Library, Mrs. Mary Moore and Miss Elizabeth Coombs, for their invaluable help in the securing of materials used in this work.

To Dr. A. Gordon Wilson, Head of the English Department, Western Kentucky State Teachers College, Bowling Green, Kentucky, the author is indebted for his careful reading and correcting of the manuscript.
CHAPTER I

EDUCATIONAL PROVISIONS OF THE ACTS OF VIRGINIA

An ACT to vest certain escheated lands of the County of Kentucky in Trustees for a public School.

May 1780.

WHEREAS it is represented to the general assembly, that there are certain lands within the county of Kentucky, formerly belonging to British subjects, not yet sold under the law of escheats and forfeitures, which might at a future day be a valuable fund for the maintenance and education of youth, and it being the interest of this commonwealth always to promote and encourage every design which may tend to the improvement of the mind and the diffusion of useful knowledge, even among its most remote citizens, whose situation a barbarous neighborhood and a savage intercourse might otherwise render unfriendly to science:

Be it therefore enacted, That eight thousand acres of land, within the said county of Kentucky, late the property of Robert M'Kenzie, Henry Collins, and Alexander M'Kie, be, and the same are hereby vested in William Fleming, William Christian, John Todd, Stephen Trigg, Benjamin Logan, John Floyd, John May, Levi Todd, John Cowan, George Meriwether, John Coggs, George Thompson, and Edmund Taylor, trustees, as a free donation from this commonwealth for the purpose of a public school, or seminary of learning, to be erected within the said county as soon as the circumstances of the county and state of its funds will admit, and for no other use or purpose whatsoever: saving and reserving to the said Robert M'Kenzie, Henry Collins, and Alexander M'Kie, and every one of them, and all and every person or persons claiming under them, or either of them, all right and interest to the above mentioned lands, or any
An ACT to amend an act entitled "an act to vest certain escheated lands in the County of Kentucky in Trustees for a public School." May 1783.

Section 1. WHEREAS by an act of assembly, entitled "an act to vest certain escheated lands in the county of Kentucky in trustees for the purpose of a public school," eight thousand acres of escheated lands were vested in certain persons therein named, as a free donation from this commonwealth for the purpose of a public school or seminary of learning, to be erected within the said county, now called the district of Kentucky, as soon as the circumstances of the county and state of its funds will admit; and whereas it hath been represented to this general assembly, that voluntary contributions might be obtained from individuals in aid to the public donations, were the number of the aforesaid trustees, now alive and willing to act, increased, and such powers and privileges granted them by an act of incorporation as are requisite for carrying into effect the intentions of the legislature in the said act more fully recited:


Willis Green, are hereby constituted a body corporate and politic, to be known by the name of the trustees of the Transylvania seminary, and by that name shall have perpetual succession, and a common seal, with power to break, change and renew their said seal at pleasure, and to exercise all the other powers and privileges that are enjoyed by the visitors and governors of any college or university within this state not herein limited or otherwise directed.

Sec. 3. And be it further enacted, That the said eight thousand acres of escheated lands in the district of Kentucky, late the property of Robert M'Kenzie, Henry Collins, and Alexander M'Kee, be hereafter held, and the same is hereby vested in the before named trustees and their successors, for the purposes and under the reservation in the said act expressed.

Sec. 4. And be it further enacted, That the before named trustees and their successors, by the name of the trustees of the Transylvania seminary, shall be able and capable in law to take, hold, purchase, receive and retain to them and their successors forever, any lands, tenements, rents, goods or chattels of what kind soever, which shall be given or devised to, or purchased by them for the use of the said seminary, and the same or any part thereof to lease, sell, alien, grant or dispose of in such manner as to them may appear most for the advantage of the said seminary: Provided, that no lands given by the commonwealth shall ever be sold without special leave first obtained from the legislature; and also from time to time to establish such by-laws, rules and ordinances, not contrary to the constitution or laws of the commonwealth, as by them shall be thought necessary for the good order and government of the said seminary. The said trustees, before they enter upon the execution of the trust reposed in them, shall severally take the usual oath of fidelity to government,
and also the following oath of office, to be administered by either of the judges of the supreme court of the district of Kentucky to the trustee then present that stands first in the nomination, and by him to the other trustees, that is to say: "I, A. B. do swear (or affirm) that I will, to the best of my skill and judgment, faithfully and truly discharge the duties of a trustee, required of me by an act entitled "an act to amend an act entitled an act to vest certain escheated lands in the county of Kentucky in trustees for a public school," without favor, affection or partiality - So help me God." And the same oath of fidelity, and a similar oath of office, shall be administered by the board of trustees, to the president, professors and masters of the said seminary, and also their treasurer and clerk. And as a testimony that the general assembly are solicitous for the good education of youth in every part of the community, and at all times disposed to give every assistance to seminaries of learning that may comport with the state of the public-funds:

Sec. 5. Be it enacted, That twenty thousand acres of land, belonging to the said Transylvania seminary, if so much shall at any time be obtained for its use, shall forever be exempted from all public taxes; and any greater quantity belonging to the same, shall likewise be exempted from taxation until the first day of January which shall be in the year of our Lord one thousand seven hundred and ninety-five, any law to the contrary notwithstanding. And all the professors, masters and students enrolled in the said seminary, so long as they continue to reside therein, shall be exempted from militia duty; and all lands within the said district, the whole amount of which does not exceed twelve thousand acres, that now are or hereafter may become escheatable to the commonwealth,
shall, when escheated, be vested in the said trustees and their successors as a free donation from the commonwealth for the use of the said seminary; and upon paying the office fees, and other charges accruing thereupon, a title shall pass to the said trustees as if such lands had been purchased by them at their full value. Provided, this donation shall not be construed to extend to any lands belonging to real British subjects or others so as to contravene the treaty of peace between Great Britain and the United States of America, nor ever exceed in the whole amount the aforesaid quantity of twelve thousand acres.

Sec. 6. And be it further enacted, That the before named trustees and their successors, are empowered at any convenient place or places within the said district of Kentucky, to erect, repair, enlarge and furnish such buildings for the use of the said seminary; and to elect by ballot a president, treasurer and clerk, and so many professors and masters as may be necessary; also to transact and accomplish any lawful matter or thing whatsoever, which they shall judge most conducive to the end of the institution, and consistent with the state of its funds. The president, and other officers aforesaid, shall have fixed salaries appointed them, and continue in office during good behavior, and they shall be ineligible as trustees while they continue in office; but upon invitation or leave given by the board of trustees, the president or any of the professors may attend and deliberate upon any question under their deliberation.

Sec. 7. And be it further enacted, That the first session of the said trustees shall be held at John Crow's station, in Lincoln county, on the second Monday in November next; and thereafter they shall hold two stated sessions in every year, at any convenient
place in the said district to which they shall adjourn, to commence on the second Mondays in April and October, until these stated times are altered by the concurrence of not less than thirteen of the said trustees. The said trustees so met, or any five of them, if more do not attend, shall have power to adjourn to the next stated session, or to any shorter time; and in cases of emergency, the chairman, with the advice, or at the request of any five of the trustees, shall also have power to call a meeting of the board, to be held at the place to which their last adjournment was made. And if any one of the said trustees shall absent himself from three of their stated sessions successively, he shall be considered as having vacated his seat, and at their next stated session another trustee shall be elected to serve in his stead, unless the board shall then be well assured that the causes of such absence are removed.

Sec. 8. And be it further enacted, That not less than thirteen of the said trustees shall constitute a board to determine upon any matter relating to the said seminary, and in fixing upon the place for establishing the seminary, forming the constitution thereof, electing the president and professors, and ascertaining their salaries; as also in the disposal of any lands belonging thereto, thirteen of the members shall concur in opinion thereupon: Provided always, that no land or other property that may hereafter be vested in the said trustees, as an unalienable endowment to the said seminary, shall ever be sold or otherwise transferred from the special purpose to which it was appropriated by the donor.

Sec. 9. And be it further enacted, That the treasurer, first giving bond and security for such sum as the trustees shall direct, payable to the chairman for the time being, and conditioned for the
faithful discharge of his trust, shall receive all monies accruing to the said seminary, and other property sent to his care, and pay or deliver the same to the order of the board of trustees, signed by the clerk, and countersigned by their chairman; and when thereunto required by the board, shall render an account of all such monies, goods, and chattels, to him committed, and on failure or refusal, upon motion made to the county court in which he resides, after ten days previous notice given him by the said trustees, he shall be subject to the like proceedings as at the time may be lawfully had against sheriffs failing to account for and pay their public collections.

Sec. 10. And be it further enacted, That the said trustees shall, once at their stated session in every year, and again on any convenient time, either on or before their second stated session in the same year, in the presence of as many gentlemen of liberal education as may choose to attend, cause all the students in the said seminary to be carefully examined by the professors and masters of the same, on the several branches of learning which they have respectively studied, that the fidelity of the teachers, and the diligence of their pupils may appear; at the second stated session aforesaid, the president, in open assembly, shall, as has been accustomed in like cases, confer by diploma, signed by the president and five of the trustees, the degrees of bachelor or master of arts, upon all such students, if such there be, as the said trustees, with the concurrence of a majority of the professors shall adjudge to have merited the honors of the seminary, by their virtue and erudition; and at the same time confer any honorary degrees, which, with the like advice, shall be adjudged to other gentlemen, on account of special merit.
Sec. 11. And be it further enacted, That upon the death, resignation, or other legal disability of any of the said trustees, it shall be lawful for a majority of the remaining trustees at their next or any succeeding stated session, to supply such vacancies by ballot, and thereby keep up a succession until the mode of electing trustees shall be otherwise directed by law: Provided always, when there is not a majority of votes in favor of any one of the candidates, a ballot shall then be taken between the two that have the greatest number, which shall determine the election of one trustee; and in like manner they shall continue to proceed by ballot, until the several vacancies are supplied.

Sec. 12. Provided always, and be it further enacted, That the said trustees shall, at all times, be accountable for their transactions touching any matter or thing relating to the said seminary, in such manner as the legislature shall direct.²

An ACT appropriating one-sixth of the Surveyors' Fees in the Kentucky District, to the use of the Transylvania Seminary.

Section 1. Be it enacted by the general assembly, That the one-sixth of the surveyors' fees hereafter arising within that part of this commonwealth called and known by the name of the Kentucky District, instead of being paid to the professors of William and Mary college, shall be paid by the surveyors thereof, to the trustees of the Transylvania seminary, to be by them applied to the use of the said seminary, to be accounted for by the surveyors within the said district, and recovered by the said trustees in like manner as they were accounted for and recovered by the said professors; any law, usage or custom to the contrary notwithstanding.³

2. Ibid., pp. 571-6.
3. Ibid., p. 576.
An ACT for incorporating An Academy in the County of Nelson.

1788

Section 1. WHEREAS it is represented to this present general assembly, that many persons would make considerable donations to the seminary of learning at the place called Bairdstown, in the county of Nelson, was a law to pass for incorporating the same: Be it therefore enacted, That from and after the passing of this act, the said seminary shall obtain the name of Salem Academy, and that John Caldwell, Andrew Hynes, Isaac Morrison, Tarah Templin, Matthew Walton, John Steel, Philip Philips, Walter Beall, George Harrison, and William Taylor, gentlemen, be, and they are hereby constituted a body politic and corporate, by the name of the trustees of Salem academy, and shall have perpetual succession and a common seal, and shall have power and capacity to purchase, receive and possess lands and tenements, goods and chattels, either in fee or any lesser estate therein, and the same to grant, let, sell, or assign, and to plead and be impleaded, prosecute and defend, all causes in law or equity.

Sec. 2. The said trustees, or a majority of them, when assembled, shall have power to make such by-laws and ordinances as they shall think best for the good government of the said academy, and to perform and do any thing respecting the property vested therein: Provided, such by-laws and ordinances shall not be contrary to the laws and constitution of this commonwealth.

Sec. 3. They shall choose a president and secretary out of their own body; and in case of vacancy by death, or otherwise, of any one or more of the said trustees, the same shall be supplied by a majority of the remaining trustees.

4. Ibid., p. 576.
An ACT concerning the Trustees of the Transylvania Seminary.

WHEREAS it hath been represented to this present general assembly, by the trustees of the Transylvania seminary, that great inconveniences frequently arise from the number of members required by law to constitute a board to transact business, as they are so widely dispersed in the district of Kentucky: for remedy thereof,

Be it enacted by the general assembly, That from and after the passing of this act, seven members shall be sufficient to constitute a board to transact business at the two annual stated meetings, as fixed by law.5

An ACT to amend an act, intitled "an act appropriating one-sixth part of the Surveyors' Fees in the District of Kentucky, to the use of the Transylvania Seminary, and for other purposes."

Section 1. Be it enacted by the general assembly, That the principal surveyors of the several counties within the district of Kentucky, now in office, and the principal surveyors of the lands granted by law to the officers and soldiers on continental and state establishments, shall, in one month after requisition made by the trustees of the Transylvania seminary, give bond and sufficient security in a reasonable sum, for the annual payment to the said trustees, of one-sixth of the fees which shall become due to them after the first day of January, one thousand seven hundred and ninety-one; and in case any of the said surveyors shall fail or refuse to give such bond and security, he or they shall forfeit and pay to the said trustees, for the use of the said seminary, the sum of one hundred pounds annually, until he or they shall give such bond and security.

5. Ibid., pp. 576-7.
Sec. 2. **And be it further enacted**, That no surveyor hereafter appointed within the said district, shall be admitted to take oath of office without having first produced to the court a certificate from the trustees aforesaid, or other agent, that he has given bond and security to them for the due payment of one-sixth of all his fees, and if any court shall suffer or permit any surveyor to take such oath without such certificate, the justices composing the court, shall each forfeit and pay to the said trustees the sum of twenty pounds, and the surveyor the sum of one hundred pounds, and the surveyor shall moreover forfeit and pay the like sum of one hundred pounds annually, until he gives such bond and security.

Sec. 3. **And be it further enacted**, That the surveyors aforesaid shall account for and pay to the said trustees, in the month of September annually, the respective sums due by them for the former year.

Sec. 4. **And be it further enacted**, That it shall be lawful for the trustees aforesaid, after two months demand made of the said surveyors, and on either of their failure or neglect to pay the same, to recover of the surveyors so failing or neglecting, whatever may be due from them since the act appropriating the sixth of the surveyors' fees in the Kentucky district, to the use of the Transylvania seminary, has been in force.

Sec. 5. **And be it further enacted**, That the several surveyors aforesaid shall annually in the month of March make return on oath to the chairman, or to the treasurer of the board of trustees, of all the fees received by and due to him for the former year, or be subject to the payment of the penalty of one hundred pounds to them, for his failure or neglect.
Sec. 6. And whereas the present method of examining principal surveyors, is extremely inconvenient to those residing in the district of Kentucky: Be it therefore enacted, That hereafter it shall be lawful for the board of trustees of the Transylvania seminary, to appoint three or more of their own body, or some other fit persons to examine those recommended by the county courts of the said district as proper persons to execute the office of surveyor, and if found qualified, to certify the same to the governor, which shall be as effectual in law, as the mode heretofore practiced.

Sec. 7. All penalties incurred, or other monies directed to be paid by this act, shall and may be recovered by the said trustees for the use of the said seminary, with costs, by motion in the supreme court of the Kentucky district, or in any of the county courts: Provided, ten days previous notice of such motion hath been given.

Sec. 8. And be it further enacted, That so much of any act or acts as comes within the purview of this act, shall be, and the same is hereby repealed.

Sec. 9. And whereas the directors of the public buildings have hitherto rented out a house standing on the public ground as a school-house, and it would be an encouragement to the said school, if the said house was suffered to be held for that purpose free of rent: Be it therefore enacted, That from and after the first day of January next, the said directors may suffer the said house to be occupied for a school, free of rent, so long as the public shall have no use for the same.6

6. Ibid., pp. 577-8.
An ACT to amend an act intitled "an act to amend an act intitled an act appropriating one-sixth part of the Surveyors' Fees in the District of Kentucky, to the use of the Transylvania Seminary, and for other purposes."

1791

Section 1. WHEREAS by an act of the last session, intitled "an act to amend an act intitled an act appropriating one-sixth part of the surveyors' fees in the district of Kentucky, to the use of the Transylvania seminary, and for other purposes," the surveyors of the said district then in office, were directed and required to account for and pay one-sixth of the fees received by them annually, to the trustees of the Transylvania seminary: and whereas it is represented that several surveyors of the said district had resigned their offices before the passing of the said act, and cannot therefore be brought to account for and pay the one-sixth of the fees accruing by virtue of their office: for remedy whereof, Be it therefore enacted, That all those surveyors in the said district, who were in office at the time of passing the act intitled "an act appropriating one-sixth part of the surveyors' fees in the district of Kentucky, to the use of the Transylvania seminary, and for other purposes," which passed on the nineteenth day of December, one thousand seven hundred and eighty-seven, or came in office thereafter, and resigned before the twentieth day of December, one thousand seven hundred and ninety, when the first recited act passed, shall account for and pay the one-sixth part of the fees which became due to them whilst in office, in like manner, and subject to the same penalties and recovery, as is directed and prescribed by the first recited act.

Sec. 2. This act shall be in force from and after the passing thereof.7

7. Ibid., p. 579.
CHAPTER II

THE FIRST TWENTY-FIVE YEARS OF STATEHOOD

An ACT for establishing the Kentucky Academy, and incorporating the trustees thereof.

Approved, December 12, 1794

Section 1. Be it enacted by the general assembly, That David Rice, Caleb Wallace, Jacob Froman, Samuel Shannon, Terah Tamplin, John Miller, James Crawford, Robert Finley, Andrew M'Calla, William Ward, James Thompson, James Camper, John Caldwell, William Henry, Robert Marshall, Notly Conn, James Blythe, and Cary Allen, shall be, and they are hereby constituted a body politic and corporate, to be known by the name of trustees of the Kentucky academy, and by that name shall have perpetual succession, and a common seal, with power to change the same at pleasure, and as such, shall be authorised to exercise all powers and privileges that are enjoyed by trustees, visitors, or governors of any college or university within this state, not herein limited or otherwise directed.

Sec. 2. The said trustees, or two thirds of them, shall hold their first stated session, at Ashridge meeting-house, the third Tuesday in February, one thousand seven hundred and ninety-five, and they shall then, or as soon as they shall think most convenient, fix upon a proper place for a permanent seat of said academy and proceed to erect buildings thereon; and until suitable buildings and regulations are made at such place, they may commence and proceed in the institution, at any other place they judge proper.

Sec. 3. The said trustees and their successors by the name aforesaid, shall be capable in law to purchase, receive, and hold to them and their successors, any lands, tenements, rents, goods, and chattels, of what kind soever, which shall be given or devised
to, or purchased by them for the use of the said seminary, and also receive and demand from the collectors, or other persons appointed by the Transylvanian Presbytery such sums of money or property as may be collected or promised, pursuant to their resolutions as published to this effect, to promote a public seminary, and to sell or dispose of the same in such manner as shall seem most conducive to the advantage of the said academy.

Sec. 4. No donation given or received for the use of the seminary, shall be appropriated to the use of any grammar school whatsoever.

Sec. 5. The said trustees in the name aforesaid, may sue and be sued, plead or be impleaded, in any court of law or equity.

Sec. 6. They shall have power from time to time to establish such bye-laws, rules and ordinances, not contrary to the constitution or laws of this commonwealth, as they shall deem necessary for the government of said academy, and form general rules by which they shall be determined when any trustee shall vacate his seat.

Sec. 7. The president of the said academy, shall be a minister of the gospel, of the most approved abilities in literature, and acquaintance in mankind, that may be obtained, and zealously engaged to promote the interest of real and practical religion.

Sec. 8. The trustees shall elect a president, treasurer, clerk, and so many professors, tutors or masters, as may be necessary; and upon the death, resignation, or legal disability of any of the trustees, president, or other officer of the said academy, or any removal from office, the board of trustees shall by appointment, supply the vacancy occasioned thereby. And all trustees and officers of said academy, shall be elected by ballot.

Sec. 9. The president and other officers shall have fixed salaries, and continue in office during good behavior or for such
limited time as the said trustees shall judge proper to ascertain when the appointment is made.

Sec. 10. The said trustees shall hold two stated sessions in each year, at such time and place as they shall judge proper, and in case a sufficient number do not attend to constitute a board, those who do attend, may adjourn to any day, previous to the next stated meeting.

Sec. 11. The chairman of the trustees shall have power to call a meeting of the said trustees, and it shall be his duty upon the request of any five of them, to do the same whenever cases of emergency require it; but upon any called meeting, the chairman shall at least give ten days notice from the date of his circular letter, or publication of said meeting, and the business that required the call, shall be communicated and particularly specified.

Sec. 12. Two thirds of the whole number of trustees in service shall constitute a board to do business, and the voice of the majority of the whole number present shall decide on any question, motion, resolution, or appointment, except in the appropriation of the funds, forming the constitution, fixing and establishing the permanent seat of the seminary, electing the president and other officers, and fixing their salaries; in all which cases the same number of trustees shall concur as is required to constitute a board, and where such concurrence is wanting, the decision of the board shall be of no avail.

Sec. 13. The treasurer, clerk, and other subordinate officers, shall be subject to the direction of the board.

Sec. 14. The trustees, president, treasurer, clerk, and other officers, shall take the oath or affirmation of allegiance to this
commonwealth, to be administered by any of the judicial officers of government, or by the chairman, or secretary of the board, and to be noted by the secretary in the proceedings of the board.

Sec. 15. No endeavours shall be used by the president or other teachers, to influence the minds of any student, to change his religious tenets, or embrace those of a different denomination, any further than is consistent with the general belief of the gospel system, and the practice of vital piety.8

An ACT establishing Franklin Academy.

Approved, December 15, 1795

Section 1. Be it enacted by the general assembly, That Thomas Waring, Thomas Sloo, John Goburn, Nathaniel Wilson, David Broderick, Edward Harris, George Lewis, William Ward, Robert Rankin, John Johnson, John Machir, William Wood, Basil Duke, William Goforth, William Roe, George Stockton, Alexander Marshall, Philip Buckner, Lewis Moore, Richard Durrett, Winslow Parker, Alexander D. Orr, Thomas Marshall, and Philemon Thomas, shall be and they are hereby constituted a body politic and corporate, to be known by the name of the trustees of the Franklin academy, and by that name shall have perpetual succession, and a common seal, with a power to change the same at pleasure, and as such shall be authorised to exercise all powers and privileges that are enjoyed by trustees, visitors, and governors of any college or university within this state, not herein limited or otherwise directed.

Sec. 2. The said trustees shall hold their first stated session at the town of Washington in the county of Mason, the first Monday

in February 1796, and they, or a majority of them, shall then or as soon as they think proper, fix upon a place for a permanent seat for said academy, and proceed to erect buildings thereon, and until suitable buildings and regulations are made at such place, they may commence and proceed in the institution at any other place they shall judge proper.

Sec. 3. The said trustees or their successors, by the name aforesaid, shall be capable in law to purchase, receive, and hold to them and their successors, for the use and benefit of said seminary, and lands, tenements and rents, good and chattels, of what kind soever, which shall be given or devised to or purchased by them for the use of said seminary, and also to demand and receive from the collectors or other persons appointed by the original subscribers to this institution, such sums of money or property as may be collected from the said subscribers.

Sec. 4. No donation given or received for the use of this seminary shall be appropriated to the use of any other seminary.

Sec. 5. The said trustees by the name aforesaid, may sue, or be sued, plead, or be impleaded in any court of law or equity in this state.

Sec. 6. The said trustees shall hold two stated sessions in each year at such time and place as they shall judge proper. And in case a sufficient number of members do not attend to constitute a board, those who do attend may adjourn to any day previous to the next stated meeting, and shall give ten days previous general notice thereof.

Sec. 7. Seven members shall be sufficient to constitute a board for the transaction of all business respecting the said seminary
excepting those cases particularly excepted.

Sec. 8. The assent of a majority of the whole number of trustees shall be necessary to perform the following business: to elect and fix the salary of the president; to fix on the permanent seat of the seminary; to alienate, sell or convey any lands, tenements, or rents belonging to the seminary; to appropriate any sum exceeding one half part of the amount of the funds.

Sec. 9. The trustees shall have power from time to time to establish such bye-laws, rules, and ordinances, not contrary to the constitution or laws of this commonwealth, as they shall deem necessary for the government of the said academy.

Sec. 10. The trustees shall elect a president, treasurer and clerk to their own body, and so many professors, tutors, or masters, as may be necessary; and upon the death, resignation, or legal disability of any of the trustees, president, or other officer of the said academy, the board of trustees shall supply the vacancy by ballot.

Sec. 11. The president and other officers of the academy, shall have fixed annual salaries, be subject to the direction of the board of trustees, and continue in office during good behaviour.

Sec. 12. The president of the board of trustees shall have power to call special meetings of the said trustees, and it shall be his duty upon the request of five of them to do the same; but upon any called meeting, ten days general notice shall be given by the president previous to the meeting.

Sec. 13. If at any time a member of the board of trustees shall absent himself from three stated meetings successively, unless for good cause shewn and approved of by the said trustees, in such case
his seat shall be considered vacant, and the board may proceed to fill his seat with a new member. It shall be the duty of the trustees to preserve inviolate the following fundamental articles:

1st. As the extension of useful knowledge is the only object contemplated by this institution, no preference shall be given in the choice of trustees, president, or teachers, on account of religious sentiments.

2d. No law, regulation or ordinance shall be enforced by said trustees which is calculated to give a bias in religion to the minds of the rising youth; the purest principles of morality, unconnected with party or profession, ought to be the only impressions united with science, that a teacher should attempt to implant in the youthful mind. Provided however, that the trustees of the said academy shall at all times be accountable for their conduct in the management of the business aforesaid, in such manner as the legislature shall by law direct.9

An ACT to amend an act entitled "an act for establishing the Kentucky Academy, and incorporating the Trustees thereof."

Approved, February 7, 1798

CONFORMABLY to the petition of the trustees of the Kentucky Academy,

Section 1. Be it enacted by the General Assembly, That hereafter a majority of the trustees of the said academy, who, at the time being, have been qualified by taking the oath or affirmation of allegiance to this commonwealth, as by the said act is required, shall be a sufficient number to proceed to business; and in all cases where the concurrence of two-thirds of the trustees in service is made necessary by the said act, that hereafter the concurrence of a

majority of the said trustees, qualified as aforesaid, shall be sufficient.

Sec. 2. And be it further enacted, That the clerk or secretary to the board of trustees of the said Kentucky academy, shall take an oath or affirmation faithfully to execute, to the best of his abilities, the duties of his office, according to law; after which, the proceedings of the said board, recorded by the said clerk or secretary, and copies therefrom, attested by him, shall be legal testimony for or against the said board in any court of justice.  

An ACT for the Endowment of certain Seminaries of Learning, and for other purposes.

Approved, February 10, 1798

Section 1. Be it enacted by the General Assembly, That there shall be granted to the trustees of the Kentucky, Franklin, and Salem academies, the following quantities of lands, that is to say, to the Kentucky academy, six thousand acres; to the Franklin academy, six thousand acres; to the Salem academy, six thousand acres; and to the Bethel academy, six thousand acres.

Sec. 2. And the trustees of the said academies for the time being, are hereby authorised and empowered, by themselves or agents, with ten months from the passage of this act, to cause to be surveyed the quantity of land hereby allowed to each academy, on any vacant and unappropriated land within this state, on the south side of Green river, each quantity to be laid off in not more than twelve surveys, and no survey to be more than twice as long as wide; and shall moreover cause a platt and certificate of each survey to be returned to the surveyor's office of the county in which such survey may be, to be recorded, and the same shall be returned to the

register's office of this state, and the register, without any fee, shall issue grants as in other cases. And the lands so patented shall be vested in the trustees of each academy respectively and their successors forever; and the lands shall be free from taxes so long as they shall remain the property of the said seminaries.

Sec. 3. And be it further enacted, That six thousand acres of land be and is hereby vested in Adam Rankin, Peter January, sen. David Logan, William Robinson, David McGee, Richard Steele and James Scott, and their successors forever, in trust for the use and benefit of the Lexington seminary; also six thousand acres for the use and benefit of the Jefferson seminary, to be vested in John Thompson, William Croghan, Alexander S. Bullitt, James Meriwether, John Thruston, Henry Churchill, William Taylor and Richard Clough Anderson, or a majority of them and their successors forever, in trust for the benefit of the same; the said land to be entered, surveyed and patented by the said trustees, in the manner directed in the cases of the other academies in this act mentioned; and the said trustees and their successors forever, shall be vested with similar powers over the same.

Sec. 4. The said trustees shall have power from time to time to fill any vacancies which may happen in their own body, and shall in all respects whatsoever, so far as the cases will apply, be governed by as enlarged rules and regulations, and be invested with as ample power and authority, as the trustees of either of the aforesaid academies are by this or any other act invested.

Sec. 5. It shall be lawful for the trustees of either of the said academies or seminaries, to sell one-third of the lands hereby granted to the said academies and seminaries, and no more, without the future consent of the legislature, for the purpose of erecting
their public buildings, purchasing a library and philosophical apparatus; provided that the lands hereby granted shall not be surveyed on any lands set apart for any Indian tribe.

Provided however, That no salt lick or spring, nor any bank, bed or pit of mine or ore of any valuable metal or mineral, with one thousand acres, and including the same, as near the centre of a square as prior claims will admit of, shall be taken into any survey of land hereby granted.

And whereas it is certain that however particular forms of government are better calculated than others to protect individuals in the free exercise of their natural rights, and are at the same time themselves better guarded against degeneracy, yet experience hath shewn that even under the best forms, those entrusted with power have, in time and by slow operation, pervaded it into tyranny, and it is believed that the most effectual means of preventing this, would be to illuminate, as far as possible, the minds of the people at large, and more especially to give them knowledge of those facts which history exhibiteth, that, possessed thereby of the experience of other ages and countries, they may be enabled to know ambition under all its shapes, and prompt to exert their natural powers to defeat its purposes: And whereas it is generally true, that people will be happiest whose laws are best, and are best administered, and that laws will be wisely formed and honestly administered in proportion as those who form and administer them are wise and honest, whence it becomes expedient, for promoting the public happiness, that those persons whom nature hath endowed with genius and virtue, should be rendered by liberal education, worthy to receive and able to guard the sacred deposit of the rights and liberties of their
fellow citizens; and that to aid and accelerate this most desirable purpose, must be one of the first duties of every wise government:

Sec. 6. Be it therefore enacted by the General Assembly, That all the lands lying within the bounds of this commonwealth, on the south side of Cumberland river, below Obey's river, which is now vacant and unappropriated, or on which there shall not be, at the passage of this act, any actual settler under the laws of this state for the relief of settlers south of Green river, shall be and the same are hereby reserved by the general assembly, to be appropriated as they may hereafter from time to time think fit, to the use of the seminaries of learning throughout the different parts of this commonwealth; and no person or persons shall after one month subsequent to the passage of this act, be permitted to settle on or take up any vacant land on the south side of Cumberland river as aforesaid, until the further order of the legislature; any law or laws to the contrary notwithstanding.\textsuperscript{11}

An ACT establishing Bethel Academy, and incorporating the Trustees thereof.

Approved, February 10, 1798

Section 1. Be it enacted by the General Assembly, That the reverend Francis Paythress, John Knobler, Nathaniel Harris, John Metcalf, Barnabas M'Henry, James Crutcher, James Hord and Richard Masterson, shall be and they are hereby constituted a body politic and corporate, to be known by the name of Trustees of Bethel Academy, and by that name shall have perpetual succession, and a common seal, with power to change the same at pleasure; and as such shall be authorised to execute all powers and privileges that are enjoyed by trustees, governors or visitors of any college or university

\textsuperscript{11} Ibid., pp. 107-9.
within this state, not herein limited or otherwise directed.

Sec. 2. The said trustees, or a majority of them, shall hold
two stated, annual sessions in a year, or more, if to them it should
seem necessary, at said academy.

Sec. 3. The said trustees and their successors, by the name
aforesaid, shall be capable in law to purchase, receive and hold,
to them and their successors, any lands, tenements, goods and chattels,
of what kind soever, which shall be given or devised to, or purchased
by them for the use of the said academy, and shall sell and dispose
of the same in such manner as shall seem most conducive to the interest
of the said academy.

Sec. 4. The said trustees may sue or be sued, plead or be im-
pleaded, in any court of law or equity.

Sec. 5. They shall have power, from time to time, to establish
such by-laws, rules and ordinances, not contrary to the constitution
or laws of this commonwealth, as they shall deem necessary for the
government of the said academy, and form general rules by which it
may be determined when any trustee shall have vacated his seat.

Sec. 6. The president of said academy shall be man of the most
approved abilities in literature.

Sec. 7. The trustees shall elect their president, treasurer
and clerk, and so many professors, tutors, or masters as may be
necessary; and upon the death, resignation or legal disability of
any of the said trustees, president, or other officers of the said
academy, or any removal from office, the board of trustees shall,
by appointment, supply the vacancy occasioned thereby; and all
trustees and officers of said academy, shall be elected by ballot.

Sec. 8. The chairman of the trustees shall have power to call
a meeting of the trustees, and it shall be his duty, on the request of any three of them, to do the same, whenever cases of emergency require it; but upon any called meeting the chairman shall give at least ten days notice from the date of his circular letter or publication of said meeting, and the business that required the call shall be communicated and particularly specified.

Sec. 9. A majority of the whole number of trustees in service, shall constitute a board to do business, and a voice of the majority of the whole number present, shall decide any question, motion, resolution or appointment.

Sec. 10. The treasurer, clerk and other subordinate officers, shall be subject to the direction of the board.

This act shall commence and be in force from and after the passage thereof.12

An ACT to authorise the Trustees of the Jefferson Seminary to raise a sum of Money by Lottery.

Approved, December 17, 1798

Be it enacted by the general assembly, That the trustees of the Jefferson seminary, shall be, and are hereby authorised and empowered, to raise by one or more lotteries, any sum of money not exceeding five thousand dollars, to be applied by the said trustees to the use and benefit of the said seminary.13

An ACT for establishing the Winchester Academy.

Approved, December 19, 1798

Section 1. Be it enacted by the general assembly, That Robert Clark, sen. Hubbard Taylor, John Lyle, Robert Clark, jun. Richard Hickman, William Cavenaugh, Jacob Fishback, David Bullock, William

12. Ibid., pp. 174-5.
13. Ibid., p. 208.
Sudduth, Dillard Collins, John Irwin, Patterson Bullock and Robert Elkins, shall be, and they are hereby constituted a body politic and corporate, to be known by the name of the Trustees of the Winchester Academy, and by that name shall have perpetual succession and a common seal, with the power to change the same at pleasure, and as such shall be authorised to exercise all powers and privileges that are enjoyed by trustees, visitors, and governors of any college or university within this state, not herein limited or otherwise directed.

Sec. 2. The said trustees shall hold their first stated session at the town of Winchester, in the county of Clarke, on the third Monday in March next; and they, or two-thirds of them at least, shall then, or as soon as they think proper, fix upon a place for a permanent seat of said academy, and proceed to erect buildings thereon; and until suitable buildings and regulations are made at such place, they may commence and proceed in the institution at any other place they shall judge proper.

Sec. 3. The said trustees or their successors, by the name aforesaid, shall be capable in law to purchase, receive, and hold, to them and their successors, for the use and benefit of said academy, any lands, tenements, and rents, goods and chattels, of what kind soever, which shall be given or devised to, or purchased by them for the use of said seminary, and also to demand and receive from the collectors, or other persons appointed by the original subscribers to this institution, such sums of money or property as may be collected or subscribed for, from the said subscribers. No donation given or received for the use of this seminary, shall be appropriated to the use of any other seminary. The said trustees by the name aforesaid, may sue or be sued, plead or be impleaded, in any court of law or equity in this state.
Sec. 4. The said trustees shall hold two stated sessions in each year, at such time or place as they shall judge proper; and in case a sufficient number of members do not attend to constitute a board, those who shall attend, may adjourn to any day previous to the next stated meeting, and shall give ten days previous notice thereof.

Sec. 5. Seven members shall be sufficient to constitute a board for the transaction of all business respecting said seminary, excepting those cases particularly excepted.

Sec. 6. The assent of a majority of two-thirds of trustees shall be necessary to perform the following business: to elect and fix the salary of the president, to fix on the permanent seat of the seminary, to alienate, sell and convey, any lands, tenements or rents, belonging to the seminary, to appropriate any sum exceeding one half part the amount of the funds.

Sec. 7. The trustees shall have power from time to time, to establish such by-laws and regulations, rules and ordinances, not contrary to the constitution or laws of this state, as they shall deem necessary for the government of said academy.

Sec. 8. The trustees shall elect a president, treasurer and clerk, to their own body, and so many professors, tutors, or masters, as may be necessary; and upon the death, resignation or legal disability of any of the trustees, president or other officers of the said academy, the board of trustees shall supply the vacancy by ballot.

Sec. 9. The president and officers of the academy shall have fixed and annual salaries, be subject to the direction of the board of trustees, and continue in office during good behaviour.

Sec. 10. The president of the board of trustees shall have power to call special meetings of the said trustees, and it shall be his
duty upon the request of three of them, to do the same; but upon any
called meeting, ten days general notice shall be given by the president,
previous to the meeting.

Sec. 11. If at any time, a member of the board of trustees shall
absent himself from three stated meetings successively, unless for
good cause shewn and approved by the said trustees, in such case,
his seat shall be considered as vacant, and the board may proceed to
fill his seat with a new member.¹⁴

An ACT for the Union of the Transylvania Seminary and Kentucky
Academy.

WHEREAS a majority of the trustees of the Transylvania Seminary
and of the Kentucky Academy, have, by their joint petition, repre-
sented this general assembly, that the boards of trustees of the
said seminary and academy, have mutually agreed, that those institu-
tions and their respective funds, shall be united, on the terms
therein set forth; and requested that the said union may be confirmed
by the legislature: therefore, in conformity to the said terms, and
in compliance with the said request,

Section 1. Be it enacted by the general assembly, That from and
after the first day of January next, the Transylvania Seminary and
the Kentucky Academy, shall be united, and become one general
institution for the promotion of learning, to be stiled and known
by the name of the Transylvania University; and that James Garrard,
Samuel M'Dowell, Cornelius Beatty, Frederick Ridgeley, Robert
Marshall, George Nicholas, James Crawford, Joseph Crockett, Bartlett
Collins, Andrew M'Calla, William Morton, Robert Steel, John M'Dowell,

Alexander Parker, Caleb Wallace, James Trotter, Levi Todd, James Blythe, Thomas Lewis, John Bradford and Bucker Thruston, shall be the trustees of the said University, and shall hold their first session at the seat of the said Transylvania Seminary, in the town of Lexington, on the second Tuesday in January next.

Sec. 2. And be it further enacted, That the said twenty-one trustees, and their successors, by the name of the trustees of the Transylvania University, shall be a body politic and incorporate, and as such, possess, hold, or dispose of, for the use and benefit of the said university, all the lands, monies and property of every other kind which shall be in the occupation of, or in any wise accruing to the trustees of the said Transylvania Seminary and the Kentucky academy, or either of them, under the several laws by which those trustees shall respectively be entitled thereto, on the said first day of January next; and that all contracts made by either of the said last mentioned boards of trustees, or their respective agents prior thereto, shall be fulfilled by, or accrue to the trustees of the said university.

Sec. 3. And be it further enacted, That the said seat of the Transylvania seminary, shall be the seat of the said university, until removed by a board of the trustees thereof, two-thirds of the whole number of the trustees at the time being, concurring in the expediency of the measure; and on the concurrence of the same number, they may, from time to time, establish at the seat of the said university, or elsewhere, one or more schools, as nurseries of the said university.

Sec. 4. And be it further enacted, That the trustees of the said university may, from time to time, expend so much of the funds
thereof, as they shall think proper, to assist poor and promising youths in acquiring education therein, or in the schools belonging thereto; eleven of the trustees concurring in the election of each youth thus to be assisted, and in fixing the several sums of money to be advanced for the purpose.

Sec. 5. And be it further enacted, That the several acts of the general assembly of the state of Virginia and Kentucky, now in force, prescribing the powers and directing the proceedings of the trustees of the said Transylvania seminary, shall be the laws of the trustees of the said university, until amended or repealed by the legislature, on petitions of the trustees of the said university, signed by at least eleven of them: except that no trustee of the said university shall continue in office after having absented himself from one stated session next following, and also from the intermediate session or sessions, if any, which shall be legally appointed or called, unless on the next day thereafter on which a board shall meet, and before it enters on any other business, it shall receive satisfactory information, that the causes of such absence were sufficient, and also that they are removed; otherwise, the seat of the trustee thus absenting himself, shall be considered as vacated, and a record be made thereof. Except, also, that in all those cases wherein by the last mentioned acts, the concurrence of thirteen trustees is made requisite, only eleven of the trustees of the said university shall be requisite to constitute a quorum to do such business, and the concurrence of eleven shall be sufficient. Except, also, that any board of the trustees of the said university may appoint and empower committees to determine any business during the recesses of the trustees, which might have been done by a board, consisting only of
seven of the said trustees: and except, also, that the trustees of
the said university shall have power, as often as they shall think
proper, to make temporary appointments of a president, treasurer
and clerk, and professors and masters.\textsuperscript{15}

An ACT for establishing the Bourbon Academy.

Approved, December 22, 1798

Section 1. Be it enacted by the general assembly, That William
Garrard, David Purviance, Augustine Eastin, John Edwards, Andrew
Todd, John Allen, William Kelly, Thomas Jones, sen. Hugh Brent, John
Metcalf, Alexander Barnett, James Brown, sen. Barton W. Stone,
James Watson and James Kinney, shall be, and they are hereby consti-
tuted a body politic and corporate, to be known by the name of the
trustees of the Bourbon Academy, and by that name shall have perpetual
succession, and a common seal, with the power to change the same at
pleasure, and as such shall be authorised to exercise all powers
and privileges that are enjoyed by trustees, visitors and governors
of any college or university within this state, not herein limited
or otherwise directed.

Sec. 2. The said trustees shall hold their first stated session
at the town of Paris, in the county of Bourbon, on the first Monday
in April next, and they, or a majority of them, shall then, or as
soon as they think proper, fix upon a place for a permanent seat
for said academy, and proceed to erect buildings thereon; and until
suitable buildings and regulations are made at such place, they may
commence and proceed in the institution at any other place they shall
judge proper.

\textsuperscript{15} Ibid., pp. 234-36.
Sec. 3. The said trustees, or their successors, by the name aforesaid, shall be capable in law, to purchase, receive and hold, to them and their successors, for the use and benefit of said academy, any lands, tenements and rents, goods and chattels, of what kind soever, which shall be given or devised to, or purchased by them, for the use of said seminary; and also to demand and receive from the collectors, or other persons appointed by the original subscribers to this institution, such sums of money, or property, as may be collected or subscribed for, from the said subscribers.

Sec. 4. No donation given or received for the use of this seminary, shall be appropriated to the use of any other seminary.

Sec. 5. The said trustees, by the name aforesaid, may sue or be sued, plead or be impleaded, in any court of law or equity within this state.

Sec. 6. The said trustees shall hold two stated sessions in each year, at such time and place as they shall judge proper; and in case a sufficient number of members do not attend to constitute a board, those who shall attend may adjourn to any day previous to the next stated meeting, and shall give ten days previous notice thereof.

Sec. 7. Seven members shall be sufficient to constitute a board for the transaction of all business respecting the said seminary, excepting those cases particularly excepted.

Sec. 8. The assent of a majority of the whole number of trustees shall be necessary to perform the following business: To elect and fix the salary of the president; to fix on the permanent seat of the seminary; to alienate, sell or convey, any lands, tenements or rents belonging to the seminary; to appropriate any sum exceeding one half
part the amount of the funds.

Sec. 9. The trustees shall have power, from time to time, to establish such by-laws and regulations, rules and ordinances, not contrary to the constitution or laws of this commonwealth, as they shall deem necessary for the government of said academy.

Sec. 10. The trustees shall elect a president, treasurer and clerk, to their own body, and so many professors, tutors, or masters, as may be necessary; and upon the death, resignation, or legal disability of any of the trustees, president, or other officers of the said academy, the board of trustees shall supply the vacancy by ballot.

Sec. 11. The president and officers of the academy, shall have fixed and annual salaries, be subject to the direction of the board of trustees, and continue in office during good behaviour.

Sec. 12. The president of the board of trustees shall have power to call special meetings of the said trustees, and it shall be his duty upon the request of three of them, to do the same. But upon any called meeting, ten days general notice shall be given by the president previous to the meeting.

Sec. 13. If at any time, a member of the board of trustees shall absent himself from three stated meetings successively, unless for good cause shewn, and approved of by the said trustees, in such case, his seat shall be considered as vacant, and the board may proceed to fill his seat with a new member.

It shall be the duty of the trustees to preserve inviolate, the following fundamental articles:

1st. As the extension of useful knowledge is the only object contemplated by this institution, no preference shall be given in the choice of trustees, president, or teacher, on account of religious
2nd. No law, regulation, or ordinance, shall be enforced by said trustees, nor attempts made by the president, professors, tutors, or masters, which is, or shall be calculated to give a bias to religion, to the minds of the rising youth: the present principles of morality, unconnected with party or profession, ought to be the only impressions, united with science, that a teacher should attempt to plant in the youthful mind: provided however, that the trustees of the said academy, shall at all times, be accountable for their conduct in the management of the business aforesaid, in such manner as the legislature shall by law direct.16

An ACT to establish and endow certain Academies.

Approved, December 22, 1798

Section 1. Be it enacted by the general assembly, That William Kennedy, Washington Berry, Charles Morgan, John Grant, Thomas Kennedy, Thomas Sanford, Thomas Carneel, Richard Southgate, Daniel Mayo, John Crittenden, Robert Stubbs and James Taylor, shall be, and are hereby constituted a body politic and incorporate, and shall be known by the name of the trustees of the Newport Academy.

That Samuel Taylor, John Adair, Philip Bush, Gabriel Slaughter, George Thompson, Matthias Bush, George Bohannon, Peter Casey, Samuel P. Duval, Peter Bonta, John Thomas and Augustine Passmore, shall be, and are hereby constituted a body politic and incorporate, and shall be known by the name of the trustees of the Harrodsburg Academy.

That Nathan Huston, Hugh Logan, Richard Gains, George Davidson, Samuel Finly, William Owsley, Samuel Moore, Jonathan Forbes and John James, shall be, and are hereby constituted a body politic and

incorporate, and shall be known by the name of the trustees of the Stanford Academy.

That Robert Johnston, Bartlett Collins, John Hawkins, John Hunter, Elijah Craig, Toliver Craig, William Henry, John Payne, Samuel Shepherd, William Warren and Abraham Buford, shall be, and are hereby constituted a body politic and incorporate, and shall be known by the name of the trustees of the Rittenhouse Academy.

That Samuel Hopkins, Charles Davis, William Campbell, Robert Ewing, John Curd, Israel McGrady, Amos Balsh, Young Ewing, David Caldwell, William Prince, William Love, Finis Cox, Burwell Jackson, Aeneas M'Collister, Samuel Hardin, John Bailey, Daniel Brown, and John Caldwell, shall be, and they are hereby constituted a body politic and incorporate, and shall be called and known by the name of the trustees of the Newton Academy.

That Enoch Smith, James Pogue, Jilson Payne, Bennet Clark, Joseph Hume, William Payne, Abijah Brooks, James Ward, William Robinson, and James M'IlIany, shall be, and are hereby constituted a body politic and incorporate, and known by the name of the trustees of the Montgomery Academy.

That Benjamin Harrison, William F. Boswell, Henry Coleman, Hugh Miller, sen. John Wall, Samuel Lamb, Samuel M'Mullin, Samuel Cook, and Robert Hingson, shall be, and are hereby constituted a body politic and incorporate, and known by the name of the trustees of the Harrison Academy.

That Michael Cassidy, Robert Morrison, John Hart, Hugh Fulton, George Stockden, Andrew Kincaid, John Home, John Faris, and Richard Tilton, shall be, and are hereby constituted a body politic and incorporate, and known by the name of the trustees of the Fleming
That Joseph Hornsby, Benjamin Logan, Bland W. Ballard, Benjamin Roberts, Thomas Given, Simon Adams, James Logan, John Allen, Joseph Winlock, John Pope, Nicholas Merewether, Daniel M'Gleland, and Aquilla Whitaker, shall be, and are hereby constituted a body politic and incorporate, and known by the name of the trustees of the Shelby Academy.

That Hickerson Grubbs, Robert Caldwell, Green Clay, Christopher Irwin, Archibald Wood, James Speed, Matthew Huston, Joseph Kennedy, James Barnet, Robert Rhodes, John Millar and John Patrick, shall be, and are hereby constituted a body politic and incorporate, and known by the name of the trustees of the Madison Academy.

That William Casey, Robert Haskins, Elias Barbee, Jonathan Conard, William Buckner, Jonathan Patterson, Nathan Montgomery, John W. Sample, James Young, Daniel Trabue, John Montgomery, and David Sims, shall be, and are hereby constituted a body politic and incorporate, and known by the name of the trustees of the New Athens Academy.

That Philip Buckner, Nathaniel Patterson, Samuel Brooks, William Brook, John Blanchard, Francis Wells, Robert Davis, John Fee, John Pattie, and Joseph Logan, shall be, and are hereby constituted a body politic and incorporate, and known by the name of the trustees of the Bracken Academy.

That Felix Grundy, Matthew Walton, Benjamin Hardin, Thomas Kyle, Samuel Overton, John Helm, John Reed, Barnabas M'Henry, John Lancaster, Philip Washburn, Henry Smock, Robert Able, Charles Ewing and Charles Wickliff, shall be, and are hereby constituted a body politic and incorporate, and known by the name of the trustees of
the Washington Academy.

That Alexander Barnet, Ignatius Pigman, Joshua Crow, William Bailey Smith, Benjamin Fields, Jesse Cravens, Harrison Taylor, Stephen Clever, Aquilla Fields, and David Glenn, shall be, and are constituted a body politic and incorporate, and known by the name of the trustees of the Hartford Academy.

That William Garrard, John Allen, William Kelly, David Purviance, Augustine Eastin, John Edwards, Andrew Todd, Thomas Jones, sen. Hugh Brent, John Metcalf, Alexander Barnett, James Brown, sen. Barton W. Stone, James Matson, and James Kenny, shall be, and they are hereby constituted a body politic and incorporate, to be known by the name of the trustees of the Bourbon Academy.

That Benjamin Perkins, John Harrison, James Thompson, John Bryant, Samuel Gill, Henry Pawling, Benjamin Letcher, William Campbell, shall be, and they are hereby constituted a body politic and incorporate, and called and known by the name of the trustees of the Lancaster Academy.

That John Paul, Thomas Helm, John Vantreese, Benjamin Helm, John Canihaw, sen. Bladen Ashby, Robert Hodgins, Patrick Brown, Stephen Roling, and Jacob Larue, be, and they are hereby constituted a body politic and incorporate, and shall be called and known by the name of the trustees for the Hardin Academy; and they, or a majority thereof, shall fix upon a proper seat for the same.

That Henry Crist, Benjamin Summers, Benjamin Pope, Daniel Donaldson, Samuel Crow, Richard Summers, Joseph Saunders, John Lewis, Thomas Speed, Armstead Morehead, and Thomas Greenfield, be, and they are hereby constituted a body politic and incorporate, and shall be called and known by the name of the trustees of the Bullitt Academy;
and they, or a majority thereof, shall fix upon a seat for the same.

That Caleb Wallace, Robert Alexander, George Brooke, William Vawter, William Steele, John Watkins, Marquis Calmes, Richard Young, John Jouitte, Charles Wilkins, Tunstall Quarles, John O'Bannon, and Alexander Dunlap, be, and they are hereby constituted a body politic and incorporate, and shall be called and known by the name of the trustees of the Woodford Academy; and they, or a majority of them, shall fix upon the seat for the same.

That the trustees of the said several academies, shall each have perpetual succession, and a common seal, and are hereby severally invested with all the powers and privileges that are enjoyed by the trustees of any academy or college within this commonwealth, not herein otherwise limited or directed.

The permanent seat for the Harrodsburgh academy, shall be established on the public square, in the town of Harrodsburgh, containing fifteen acres, which is hereby vested in the trustees thereof, and their successors, who are empowered to sell any part thereof, not exceeding thirteen acres, and appropriate the money arising therefrom, towards erecting buildings for the said academy, on the remaining part.

The seat for the Stanford academy, shall be established in the county of Lincoln, at or near the town of Stanford, as the trustees, or a majority of them, may judge most eligible; which seat, when so fixed on, shall be considered as the permanent seat of the same, and shall be vested in the said trustees and their successors, for the use of said academy. The seat for the Newport academy shall be established on the open square in the town of Newport, containing six in-lots, and which is hereby vested in the trustees thereof, and
their successors, for the use of the said academy. The seat for the Hartford academy, shall be established in the town of Hartford, or in the vicinity thereof, as may be judged best by the trustees thereof. The seat for the Newton academy, shall be established at the most convenient eligible place in the opinion of the trustees thereof, within the counties of Logan, Warren or Christian, or such counties as may be formed of them; which place, when so fixed on, shall be deemed the permanent seat of the said academy. The seats for the Rittenhouse, the Montgomery, the Harrison, the Fleming, the Bracken, the Madison, the Shelby, the Washington, and the New-Athena academies, shall be fixed by the trustees of the said several academies, respectively, at such place within their respective counties as they may deem most proper and eligible; which places, when so fixed, shall be established as the permanent seats of the said several academies.

Sec. 2. There shall be granted to the said several trustees, and their successors, for the use of the said academies, and to the trustees of the Winchester academy, six thousand acres each, of vacant land, to be located on the south side of Green river, including those on the south side of Cumberland, reserved by an act of the last session (for seminaries, upon the same terms and conditions as lands were granted to other seminaries in this state, by an act of the last session) of the general assembly, entitled "an act for the endowment of certain seminaries of learning, and for other purposes." Provided, that no entry or survey made in pursuance of this act, shall interfere with, or include any actual settlement now made, with two hundred acres of land, including the improvement in the centre thereof. The lands hereby intended to be
granted to the said several academies, nor any part of them, shall ever be sold or alienated by the said trustees, or their successors; nor shall they ever be leased for a longer period, at one time, than twenty-one years; and in all leases, or other temporary dispositions of the said lands, two-thirds of the whole number of the trustees of the said academy, shall concur, in fixing the seats for the several academies, which are left to the judgment of the trustees by this act, there shall also be a concurrence of two-thirds of all the trustees for said academy.

The trustees of the said several academies are hereby authorised to raise by lottery, and also by subscription, any sum not exceeding one thousand dollars, each, for the purpose of enabling them to erect buildings, to purchase books or the necessary apparatus for an academy, or to enable them to defray the expenses necessary in securing the several donations of land hereby granted to them. It shall be left wholly in the discretion of the said several trustees what subjects shall be taught in the said several academies, whether the English language, writing, arithmetic, mathematics and geometry only, or the dead and foreign languages and the other sciences which are generally taught in other academies or colleges in this commonwealth. If the said trustees, or their successors, do not, within ten years from the passage of this act, severally establish a public school, consisting of at least twelve scholars, and in which there shall be at least taught the English language, writing, arithmetic, and the common branches of the mathematics, the lands acquired in virtue of this act, by the said trustees so failing, shall revert to this commonwealth.

A majority of the said several trustees shall be sufficient
to make a board and transact all ordinary business. They, or a
majority of them, shall, from time to time, fill up any vacancies
which may happen, and shall in all respects whatever, so far as
the cases will apply, and is not otherwise in this act directed,
be governed by the same rules and regulations as are prescribed
by the Bethel academy.

Sec. 3. And be it further enacted, That the several county
courts for the several counties within this commonwealth in which
seminaries have not been established by this or any former act,
shall be, and are hereby authorised to have located, surveyed and
patented, within the bounds herein before prescribed, six thousand
acres of any wast and unappropriated land, for the use of such
schools as may hereafter be established within either of the said
counties, under the like rules and regulations as trustees are by
this act governed.

The further time of eighteen months is hereby allowed to the
several academies which was granted six thousand acres of land each,
by an act of the general assembly, passed on the tenth day of Feb-
ruary last, and who have not obtained their lands, to survey and
register the same. Provided always, that the several grants and
appropriations of land herein made, shall be subject to any future
order of the legislature; but no act shall be passed to impair any
contract which may be made by the trustees of any of the seminaries
established by this act, by virtue of the powers herein delegated
to them. And provided always, that the donations herein made, shall
forever continue appropriated to the use of seminaries.

This act shall commence and be in force from and after the
passage thereof.17

17. Ibid., pp. 240-46.
An ACT appointing an additional number of Trustees to the Jefferson Seminary.

Approved, December 4, 1800

Be it enacted by the general assembly, That the following named persons, to wit: Abraham Hite, James F. Moore, John Speed, Samuel Oldham, Robert Breckenridge, Gabriel J. Johnston, Fortunatus Cosby, and Abner Field, shall be, and they are hereby appointed trustees of the Jefferson seminary of learning, in addition to those heretofore appointed. And the said trustees, so by this act appointed, shall in all respects, possess and exercise the like power and authority with which other trustees of seminaries in this state, are vested.

This act shall commence and be in force from and after the passage thereof.18

An ACT authorising the Register to return a Platt and Certificate of survey, to the locator and managers of the Franklin Seminary lands.

Approved, December 4, 1800

WHEREAS it is represented to the general assembly, that in pursuance to an act granting lands to certain seminaries of learning within this commonwealth, platts and certificates of surveys were returned to the register's office, for six thousand acres of land, located for the benefit of the Franklin seminary; four hundred acres of which, has been discovered to have been previously located:

Be it therefore enacted by the general assembly, That the register of the land-office be, and he is hereby directed to return to the locator and managers on the part of the said seminary, the platt and certificate for the above four hundred acres, which has

18. Ibid., p. 378.
been erroneously located.

This act shall be in force from its passage.19

An ACT to amend an act entitled "an act for the endowment of certain Seminaries of Learning, and for other purposes."

Approved, December 20, 1800

Section 1. Be it enacted by the general assembly, That the trustees of the respective academies or seminaries of learning now established, or which may hereafter be established under the act entitled "an act for the endowment of certain seminaries of learning, and for other purposes," as also the trustees of such other academies, as have heretofore been established by any former law of this commonwealth, shall be, and they are hereby authorised to sell or otherwise dispose of any part of said lands, not exceeding one-eighth part of the quantity granted by the above recited acts, for the purpose of locating and surveying the same, or to reimburse those who have heretofore expended any money or property in locating or surveying said lands.

Sec. 2. And be it further enacted, That the trustees of the several academies aforesaid be, and they are hereby further authorised to sell or otherwise dispose of one-eighth part of the remainder of the before mentioned lands, and to apply the proceeds thereof to such other purposes which they may deem most beneficial for the support and carrying into effect the above mentioned institutions.

Sec. 3. And be it further enacted, That the several county courts who may have, or shall hereafter located lands agreeably to the before recited act, shall be entitled to the said privileges, and be authorised to dispose of the same proportion of their lands

19. Ibid., p. 379.
as the trustees of the several academies are by this act.

Sec. 4. And be it further enacted, That the further time of
two years be, and it is hereby allowed the trustees aforesaid, to
locate and return the platts and certificates of surveys made on
such locations, to the register's office, for all lands granted to
the said academies by the before recited acts.

This act shall be in force from its passage. 20

An ACT to amend and explain an act entitled "an act appointing an
additional number of Trustees to the Jefferson Seminary."

Approved, December 2, 1801

Section 1. Be it enacted by the general assembly, That the
present board of trustees of the Jefferson seminary, or, a majority
of them, or their successors in office, shall be, and they are here-
by authorised and empowered to remove the seat of the said seminary,
established by the former board of trustees, if to them it shall
seem expedient; and to establish the same permanently, at such
place in the said county of Jefferson, as they shall think fit.

Sec. 2. And be it further enacted, That in no question relating
to said seminary, shall more than a majority of the trustees be
necessary to determine the same.

This act shall commence and be in force from and after the
passage thereof. 21

An ACT to amend the act, entitled "an act to vest certain Lands in
Trustees for the purpose of an Academy in the County of Franklin."

Approved, November 19, 1802

Be it enacted by the general assembly, That so much of the

20. Ibid., p. 419.
21. Ibid., p. 429.
sixth section of the said recited act as prohibits the trustees of
the said academy from alienating any part of the lands granted to
them for the purposes therein mentioned, for a longer term than
seven years, shall be, and the same is hereby repealed; so far as
the said trustees shall have power, and are hereby authorized to
sell, or otherwise dispose of any part of said lands, not exceeding
one-eighth part of the quantity granted them by the said recited
act, in the same manner, and for the same purposes as is expressed
in the first section of an act, entitled "an act to amend an act
entitled an act for the endowment of certain seminaries of learning,
and for other purposes," passed on the 20th day of December, 1800.

This act shall commence and be in force from the passage thereof.\footnote{22}

An ACT providing for the collection of Surveyors' Fees in certain
cases, an appointing Trustees to the Summerset Academy.

Approved, December 18, 1802

WHEREAS the surveyors of sundry counties in this commonwealth
have been called upon by the trustees of the seminaries of learning
to locate and survey lands granted to them by virtue of the several
acts of the general assembly for vesting lands in trustees for the
use of seminaries of learning within this state, and the said
surveyors having performed the services accordingly:

Section 1. Be it therefore enacted by the general assembly,
That if any surveyor of any county within this commonwealth hath
actually done and performed any services in the execution of his
office as surveyor, for any seminary of learning within this
commonwealth, at the request of the trustees of the said seminary,
or at the request of any person legally acting on their behalf; if

\footnote{22. William Littell, \textit{The Statute Law of Kentucky} (Frankfort, Johnston
and Pleasants, 1811), Vol. III, p. 1.}
the said trustees have not directly or indirectly paid or caused
to be paid to such surveyor the fees due for his services as afore-
said, it shall and may be, and is hereby declared to be lawful for
the said surveyor to bring suit against the said trustees for the
full amount of his fees; and the said trustees shall be liable to
answer the demand of such surveyor, to the full amount of the sales
of the one-eighth part of the lands by law allowed to such trustees
for the benefit of any seminary, or so much thereof as they have
not otherwise legally appropriated, and no further.

Sec. 2. And be it further enacted, That the further time of
three years shall be, and it hereby is given to the trustees of
the several academies, as well as the county courts in the counties
in which no trustees are appointed, to locate and survey their lands,
and return plats and certificates of survey to the register's office;
any law to the contrary notwithstanding.

Sec. 3. And be it further enacted, That William Fox, James
Hardgrove, Robert Moderel, and Jesse Richardson, shall be, and are
hereby constituted a body politic and incorporate, and shall be
known by the name of "The Trustees of the Summerset Academy;" and
the permanent seat of said academy shall be established within or
near the limits of the town of Summerset, in the county of Pulaski;
and the said trustees shall have perpetual succession, and a common
seal; and shall be invested with all the powers and privileges that
are enjoyed by the trustees of any academy or college within this
commonwealth, not otherwise limited or directed.

This act shall commence and be in force from and after the
passage thereof.23

23. Ibid., pp. 36-7.
An ACT concerning the Woodford Academy.

WHEREAS it is represented to the present general assembly, that the trustees of the Woodford academy are anxious to proceed to the erection of public buildings for the use of said academy, and have already procured a considerable sum of money by private donation, for the purpose of carrying their intentions into effect:

Be it enacted by the general assembly, That the title of the land granted to the Woodford academy, by an act of the assembly, passed in the year 1798, be and the same is hereby vested in John Jouitt, William Steele, Marquis Calmes, Richard Young, George Brooke, William Vawter, Benjamin Temple, Harman Bowmar, Reuben Twyman, Charles Railey, Nathan Dedman, Thomas Eastland, and John O'Bannon, trustees to said academy, and their successors in office; and the said trustees, or a majority of them, are hereby authorised and empowered to sell, lease, or rent the whole or any part of said land, granted to said academy, and make a deed or deeds, in fee simple, to the purchasers, and apply the money to the purpose of erecting buildings, purchasing books or philosophical apparatus, for the use of said academy, or in any other way that they may think most profitable to said academy; and the said academy shall be called and known by the name of the Woodford academy.

This act shall be in force from its passage.24

An ACT authorising the Trustees of the Rittenhouse Academy, in Georgetown, to dispose of the Lands vested in them by Law for the use of said Academy.

Approved, December 19, 1804

Be it enacted by the general assembly, That the present trustees

24. Ibid., pp. 181-182.
of the Rittenhouse academy, in Georgetown, Scott county, and their successors, are hereby authorised and invested with power to dispose of the whole or any part of the lands appropriated to the use and benefit of said academy, by an act of assembly passed 22d December, 1798, entitled "an act to establish and endow certain academies," in any manner they may think most advantageous to said academy, whether by sale, lease, or exchange, for the purpose of building houses, purchasing philosophical apparatus, of a library for the use of said academy, and for any other purpose which will tend to the prosperity of said institution.

This act shall be in force from its passage.25

An ACT to amend the act establishing the Franklin Academy.

Approved, December 19, 1805

Be it enacted by the general assembly, That Bazil Duke, John Machir, Benjamin Bayless, John Johnson, Thomas Marshall, Baldwin B. Stith, David Daviss, Francis Taylor, and William Heddleston, are hereby appointed trustees of the Franklin Academy, in the county of Mason, in the room of the trustees appointed by an act passed the fifteenth day of December, 1795, entitled "an act establishing the Franklin academy," whose powers have ceased in consequence of their failing to hold stated meetings, as the said recited act required; and the trustees hereby appointed, or a majority of them, shall have and exercise all the powers which the aforesaid trustees possessed, under the aforesaid act.

This act shall be in force from its passage.26

25. Ibid., pp. 244-245.
26. Ibid., p. 255.
An ACT concerning the New-Athens Seminary.

WHEREAS it is represented to the present general assembly, that there is now established, in the county of Green, in the town of Greensburg, under the direction of private trustees, associated for that purpose, a seminary of learning (called and known by the name of the New-Athens Seminary) which is in a state of considerable prosperity; and whereas the trustees of the said seminary have petitioned this legislature for an act of incorporation, and a donation of the vacant lands of the commonwealth, as also the power of selling lands for the use of the seminary: therefore,

Section 1. Be it enacted by the general assembly, That the Rev. David Rice, A. M. Wakefield, James Allen, Robert Allen, Samuel Brents, James H. Rice, William Barret, Daniel Brown, John Moore, Thomas K. Slaughter, and Daniel White, shall be, and they are hereby constituted a body politic and incorporate, and called and known by the name of the Trustees of the New-Athens Seminary; and that they, or a majority of them, shall fix on the permanent seat of the same, in the said town of Greensburg.

Sec. 2. Be it further enacted, That the trustees of the said seminary shall have perpetual succession, and a common seal, and are hereby invested with all powers and privileges that are enjoyed by the trustees of any seminary, academy or college in the commonwealth. A majority of said trustees shall be sufficient to make a board and transact all business. They, or a majority of them, shall from time to time fill up any vacancies which may happen by death, resignation, removal out of the county, or otherwise; and may establish such rules and regulations as they may deem necessary for the proper government of the said seminary, not inconsistent with
this act and the laws of this state.

Sec. 3. There shall be granted to the said trustees and their successors, for the use of the said seminary, six thousand acres of any vacant lands in the bounds of this state. And the trustees of the said seminary for the time being are hereby authorised and empowered, by themselves or agent, at any time within two years from the passage of this act, to cause to be entered and surveyed the quantity of land hereby allowed, and shall moreover cause a platt and certificate of each survey to be recorded, and the same shall be returned to the register's office of this state; and the register shall (without any fee) receive the platts and certificates, and issue grants as in other cases; and the lands so patented shall be vested in the trustees of the said seminary, and their successors, for ever, and the lands shall be free from taxes so long as they shall remain the property of the said seminary.

Sec. 4. That it shall be lawful for the trustees of the said seminary, or a majority of them, to sell the lands hereby granted, or so much thereof as they may deem expedient for the purpose of procuring a suitable lot or piece of ground for the seat of the said seminary, for erecting their public buildings, purchasing a library and philosophical apparatus. It shall be left wholly in the direction of the trustees, what subjects shall be taught in the said seminary. The observance of rules of morality may be enforced in the said seminary; but no particular religious principles enjoined or attempted to be impressed on the minds of the students.

Provided, however, that the said trustees shall not be permitted to locate said land in that tract of country to which the Indian title has been or may be extinguished by treaty; nor shall
they possess power to sell more than one half of the land hereby granted them.

Provided, however, that nothing in this act shall be so construed as to allow any more land to the said seminary than six thousand acres, by any law whatever.

This act shall commence and be in force from and after the passage thereof.27

An ACT to unite the Newton Academy and Logan Seminary.

Approved, December 27, 1806

WHEREAS a majority of the trustees of the Newton academy and Logan county seminary have mutually agreed that those institutions and their respective funds shall be united, and that the said union may be confirmed by the legislature: therefore, in compliance with the said request,

Section 1. Be it enacted by the general assembly, That from and after the first day of February next, the Newton academy and Logan seminary shall be united, and become one institution for the promotion of learning, to be styled and known by the name of the Newton Academy; and that Walter E. Jones, Joseph Hamilton, Armistead Morehead, Urbin Ewing, Samuel Wilson, Thomas V. Swearingen, John Curd, Samuel Caldwell, William Reading, and William Johns, shall be the trustees of the said academy, and hold their first session at Russellville, in the county of Logan, on the fourth Monday in February next.

Sec. 2. And be it further enacted, That the said trustees and their successors, by the name of the trustees of Newton academy, shall be a body politic and incorporate, and as such possess, hold,

27. Ibid., pp. 302-303.
or dispose of, for the use and benefit of the said institution, all
the lands, monies and property of every kind which shall be in the
occupation of, or in any wise accruing to the said Newton academy
and Logan seminary, or either of them, under the several laws by
which those trustees shall be respectively entitled thereto on
the said first day of February; and that all contracts made by the
trustees of either of the before mentioned boards, or their respec-
tive agents, prior thereto, shall be fulfilled by, and accrue to
the trustees of the said Newton academy.

Sec. 3. And be it further enacted, That the several acts of
the general assembly now in force, prescribing the powers and
directing the proceedings of the trustees of the said Newton
academy and Logan seminary, shall be observed by the trustees of
the said Newton academy, so far as they are not incompatible with
this law.

All acts or parts of acts coming within the purview of this
act, shall be, and the same are hereby repealed.

This act shall be in force from its passage. 28

An ACT to ratify and confirm the proceedings of the Montgomery
Academy, and for the appointment of additional Trustees, and
fixing the permanent Seat of the said Academy.

Approved, January 21, 1808

WHEREAS it has been represented to the present general assembly,
that Joseph How did act as a member of the board of trustees to the
Montgomery academy, and that the said How was not named in the
act entitled "an act to establish and endow certain academies,"
nor was the said How ever recognised by the trustees of the said
academy as a trustee thereof, and that only a majority, counting

the said How as a member, has sat at any one time in transacting the duties which the said trustees were authorised to do by the said act; and that doubts exist that the title of the donation, made by the general assembly, of lands to the said academy, will on that account be affected; and it is further represented, that by the removal of sundry trustees, there are but five qualified trustees belonging to the said academy: therefore,

Section 1. Be it enacted by the general assembly, That the proceedings of the said trustees are hereby ratified and made valid, so far as they have acted consistently with the above recited act, notwithstanding the said Joseph How acted as a trustee.

Sec. 2. Be it further enacted, That the seat of the said academy shall be permanently fixed on some spot which can be obtained by the trustees within the bounds of the town of Mountsterling.

Sec. 3. And be it further enacted, That Joseph How, Moses Bledsoe, James French, John Young and James Crawford be appointed as trustees, in addition to the present number, vesting them with the same powers as are given the other trustees by the above recited act.

This act shall commence and be in force from and after the passage thereof.29

An ACT to amend an act entitled "an act to establish and endow certain Academies."

Approved, January 27, 1808

Section 1. Be it enacted by the general assembly, That a seminary of learning shall be, and is hereby established within each county within this commonwealth, except those counties in

29. Ibid., p. 438.
which seminaries are now established by law.

Sec. 2. **Be it further enacted**, That the several county courts for the respective counties in which seminaries have not been established as aforesaid, shall be and are hereby authorized to have located, surveyed and patented within the boundaries heretofore prescribed by law, or within the county where such seminary may be established by this act, six thousand acres of waste and unappropriated land, for the use of the seminary of their said county.

Sec. 3. The county courts aforesaid shall appoint seven trustees for the seminaries of their counties, who shall fill the vacancies which may happen by death, resignation, or otherwise; and the said trustees shall be and are hereby severally invested with all the powers and privileges that are enjoyed by the trustees of any academy or college within this state, and by a concurrence of a majority of their numbers, fix on the name and the permanent seat of their seminary, within their respective counties.

Sec. 4. **And be it further enacted**, That where any county court have proceeded to enter or survey in part or the whole quantity of six thousand acres of waste land, agreeably to the rules and regulations heretofore prescribed for the government of the trustees of seminaries, such entries or surveys shall be deemed as good and as effectual in law, as if such county courts had been specially named by any particular act of assembly: **Provided, however, that** no location shall be made under the provisions of this act, on any land ceded to the United States by the treaty of Tellico, or on any entry or survey upon military warrants.

Sec. 5. **And be it further enacted**, That the justices of the
county courts of the several counties shall have power to sell and convey any part of the lands granted to them by this or any former law, not exceeding one half thereof, to enable them to clear out their donation lands; and so soon as the said county court shall have perfected their titles to the said lands, they shall deliver over to the trustees all the title papers which may be in their hands; and the said trustees shall lease the balance not sold, for the use and benefit of their respective institutions: Provided, the said justices shall be allowed the further time of two years from the passage of this act, to cause their entries and surveys to be made and registered, and no longer; but shall not be restricted to any number of surveys.

Sec. 6. Be it further enacted, That the proceedings of the trustees of the Newton seminary shall be as valid as if they had met on the day required by law.

This act shall commence and be in force from and after the passage thereof.30

An ACT authorising the sale of certain Lands for the benefit of Bourbon Academy.

Approved, February 16, 1808

WHEREAS it is represented to the general assembly, that it would promote the utility of the Bourbon academy if philosophical apparatus was obtained for the use thereof, and that the funds of said academy are insufficient for that purpose: therefore,

Section 1. Be it enacted by the general assembly, That the trustees of said academy be, and they are hereby authorised to sell and convey any quantity, not exceeding one half, of the lands

30. Ibid., pp. 440-441.
heretofore vested in said trustees, by former acts of the legislature of this state, and that a conveyance signed by the president of said board, and attested by their clerk, pursuant to an order of a majority of said board of trustees, shall be sufficient to pass the title of said lands: Provided, that said conveyance is acknowledged and recorded as other conveyances are by law; and said trustees shall have the power to receive any money or property which may be given or transferred by individuals to the said academy, which, when collected, shall be applied to the purpose of obtaining a philosophical apparatus, and the balance, if any, to be applied to the purchase of books, and such other purposes as the said trustees shall deem advantageous for the institution.

This act shall be in force from the passage thereof. 31

An ACT relative to the Jefferson Seminary.

Approved, February 20, 1808

WHEREAS it is represented to the legislature, that apprehensions are entertained that the lands or other property heretofore vested by acts of the legislature in the trustees of the academy or seminary of learning instituted for the county of Jefferson, are or may be lapsed or forfeited by reason of the said trustees not having acted in conformity with the laws heretofore in force relative to the said institution; and that the said institution requires the further aid of the legislature for its advancement: therefore,

Section 1. Be it enacted by the general assembly, That all and every lapse or forfeiture of any lands heretofore allowed, granted or allotted by acts of the legislature, for the use of the academy or seminary of learning instituted for the county of

31. Ibid., pp. 468-469.
Jefferson, which may have been incurred by or from any cause what-
soever, shall be, and the same is hereby relinquished and waved by the commonwealth; and the said lands and other property are hereby vested in full right and sovereignty in Alexander S. Bullitt, Richard C. Anderson, Robert Breckinridge, Abraham Hite, Abner Fields, Gabriel J. Johnson, Samuel Oldham, John Bates, David L. Ward, and James Ferguson, who are hereby appointed trustees of the said academy or seminary of learning, in lieu of those heretofore appointed, for the use and benefit of the said institution, any supposed lapse or forfeiture of the said lands to the contrary notwithstanding.

Sec. 2. Be it further enacted, That the said trustees and their successors are hereby constituted a body politic in law and fact, with perpetual succession, by the name and style of the trustees of the Jefferson seminary of learning; as such may sue or be sued, implead or be impleaded in any matter or thing relating to the said institution; and in general may have, occupy and possess, for the benefit of said institution, lands or other property derived from donation, purchase or devise, receive subscriptions, &c., fix on and establish a permanent seat for said academy; direct what branches of literature may be taught thereat, contract with suitable teachers, and in general to do all acts for the promotion of said institution, subject to the laws heretofore in force.

This act shall commence and be in force from and after the passage thereof. 32

32. Ibid., pp. 489-490.
An ACT establishing Academies in the Counties of Lewis and Clay.

Approved, January 31, 1809

Section 1. Be it enacted by the general assembly, That Winslow Parker, Robert Robb, Aaron Stratton, William Walker, John Radford, James Barclay and Rowland Thomas, gentlemen, shall be and are hereby constituted a body politic and corporate, to be known by the name of the trustees of the Lewis Academy, and by that name shall have perpetual succession and a common seal, with power to change or alter the same at their pleasure; and as a body corporate, shall be authorised to exercise all the powers and privileges, that are now enjoyed by the trustees of any academy or seminary of learning within this state; and on the death, resignation or other disqualification of any of the trustees aforesaid or their successors, a majority of the remaining trustees, shall fill such vacancy, and the person so appointed, shall be vested with the same power and authority, as if specially named by this act; and by the name and style of the trustees of the Lewis Academy, may sue and implead, or be sued and impleaded in any court in law or equity, or before any tribunal having cognizance of the same.

Sec. 2. The said trustees and their successors, shall have power in their corporate capacity to purchase, or receive by donation any lands, tenements, hereditaments, monies, rents, goods and chattels, and to hold the same by the name aforesaid, to them and their successors forever, for the use of said Academy, and to sell, alien, or transfer any such lands, goods and chattels, and apply the proceeds thereof to the use and benefit thereof.

Sec. 3. The said trustees, shall be entitled to locate, survey and patent, the quantity of six thousand acres of vacant land, on the terms and conditions prescribed in the act entitled "an act to
establish and endow certain academies," and the several acts amendatory thereto; and for that purpose, may contract with any person or persons, to locate and have the same surveyed, for which services they are authorised to give and convey to such person or persons, a part of the said lands not exceeding two thousand acres, and may also dispose of one thousand acres, for the purpose of erecting the necessary buildings, and providing books and other apparatus, for the use of the said Academy.

Sec. 4. The person first named herein, or in his absence, or refusal to act, the next shall notify the time and place for the first meeting of the trustees, and on the attendance of a majority thereof, they shall appoint a chairman and clerk, who shall severally take an oath "well and truly to execute the duties of their office," and thereafter the board may be called by the chairman or any two of the trustees. The said trustees shall have power to adjourn from day to day, to make and ordain such by-laws, rules and ordinances, as they may deem proper, not inconsistent with the laws of this commonwealth; and moreover, to fix on a proper place for erecting the buildings for the said Academy: Provided, that a majority of all the trustees, shall be necessary to attend on the making of any contract, by-laws, or fixing the permanent seat for the same.

Sec. 5. A majority of the said trustees, shall have power to engage and employ a competent number of masters and professors to the said academy; to fix their salaries and the salary of their clerk, as also the terms of tuition, and on the misconduct of any master, professor or student, may dismiss or expel such master, professor or student from the said Academy.
Sec. 6. And be it further enacted, That Abner Baker, Daniel Garrard, John Hebberd, James Todd and Beverly Broadis, shall be, and are hereby constituted a body politic and corporate, and known by the name and style of the trustees of the Manchester Academy; and the said trustees and their successors, shall possess the same powers, and be governed by the same rules and regulations, that are directed by this act to be observed by the trustees of the Lewis Academy.

This act shall be in force from and after the passage thereof.  

An ACT establishing an Academy in the County of Barren.

Approved, December 23, 1809

Section 1. Be it enacted by the general assembly, That Hardin Davis, John Gorin, Henry Crutcher, Richard Garnett, John McFerren, John Monroe, William Logan, Samuel Murrell and Joel Yancey, gentlemen, shall be and are hereby constituted a body politic and corporate, to be known by the name of the trustees of the Glasgow academy; and by that name shall have perpetual succession and a common seal, with power to change or alter the same at pleasure. And as a body corporate shall be authorised to exercise all the powers and privileges that are now enjoyed by the trustees of any academy or seminary of learning in this state; and on the death, resignation or other disqualification of any of the trustees aforesaid, or their successors, a majority of the remaining trustees aforesaid shall fill such vacancy; and the person so appointed shall be vested with the same power and authority as if specially named by this act; and by the name and style of the trustees of the Glasgow academy, may sue and implead, or be sued and impleaded in any court

in law or equity, or before any tribunal having cognizance of the
same.

Sec. 2. The said trustees and their successors shall have
power, in their corporate capacity, to purchase or receive by do-
nation, any lands, tenements, hereditaments, monies, rents, goods
and chattels, and to hold the same by the name aforesaid, to them
and their successors forever, for the use of said academy; and to
sell, alien or transfer any such lands, goods and chattels and
apply the proceeds to the use and benefit thereof. Also to dis-
pose of one third of the lands heretofore granted by the general
assembly of Kentucky, for the purpose of establishing an academy
in the county of Barren; the proceeds of which shall be applied
towards erecting the necessary buildings and providing books and
other apparatus for the use of the said academy.

Sec. 3. The person first named herein, or in his absence or
refusal to act, the next shall notify the time and place for the
first meeting of the trustees; and on the attendance of a majority
thereof, they shall appoint a chairman and clerk, who shall severally
take an oath, to be administered by some justice of the peace, well
and truly to execute the duties of their office; and thereafter the
board may be called by the chairman or any two of the trustees.
The said trustees shall have power to adjourn from day to day, to
make and ordain such by-laws, rules and ordinances as they may
deem proper, not inconsistent with the laws of this commonwealth;
and moreover to fix on a proper place for erecting the buildings
for the said academy: Provided, that a majority of all the trus-
tees shall be necessary to attend on the making of any contract,
by-laws, or fixing the permanent seat for the same.
Sec. 4. A majority of said trustees shall have power to engage and employ a competent number of tutors and professors to the said academy, to fix their salaries and the salary of their clerk, as also the terms of tuition; and on the misconduct of any tutor, professor or student, may dismiss or expel such tutor, professor or student from the said academy.

This act shall commence and be in force from the passage thereof.34

An ACT establishing certain Academies, and for other purposes.

Approved, January 18, 1810

Section 1. Be it enacted by the general assembly, That Charles F. Wing, Claiborne Rice, David Campbell, William Campbell, Jeremiah Langby, Jesse Reno, Alney M'Clean, John C. Russell and James Weare, gentlemen, shall be and are hereby constituted a body politic and corporate, to be known by the name of the trustees of Greenville Academy, and by that name shall have perpetual succession and a common seal, with power to change or alter the same at their pleasure; and as a body corporate, shall be authorised to exercise all the powers and privileges that are now enjoyed by the trustees of any academy or seminary of learning in this state; and on the death, resignation or other disqualification of any of the trustees aforesaid, or their successors, a majority of the remaining trustees shall fill such vacancy, and the person so appointed shall be vested with the same power and authority as if specially named by this act; and by the name and style of the trustees of the Greenville Academy, may sue or be sued, plead or be impleaded, in any court in law or equity, or before any tribunal having cognizance of the

34. Ibid., pp. 85-86.
Sec. 2. The said trustees and their successors shall have full power and authority in their corporate capacity to purchase or receive by donation any lands, tenements, hereditaments, monies, rents, goods and chattels, and to hold the same by the name aforesaid, to them and their successors forever; and to hold or dispose of the same for the use and benefit of said academy; and to sell and dispose of the lands which are now held for the benefit of said academy, or any part thereof for the purpose of building a house and purchasing books, &c. for the use and benefit of said institution.

Sec. 3. The said trustees or the first person named herein, shall notify the time and place of the first meeting of the trustees, and on the attendance of a majority thereof, they shall appoint a chairman and clerk; and thereafter a meeting of the trustees may be called by the chairman or any two of the trustees. The said trustees shall have power to adjourn from day to day, to make and ordain by-laws, rules and ordinances as they may think proper, not inconsistent with the laws of this commonwealth; and moreover, to fix on a proper place for erecting the buildings for the said academy. A majority of the said trustees shall have power to engage and employ a competent number of masters and professors to said academy, to fix their salaries and terms of tuition; and on the misconduct of any master, professor or student, may dismiss or expell such master, professor or student from the said academy.

Sec. 4. Be it further enacted, That Moses Rice, John Depau, Archibald Northcut, Job Sweney, William Scott, John Campbell and James Swegit, are hereby appointed trustees of Liberty academy, in the county of Casey, with the same powers and subject to the
same restrictions and regulations which are applicable to similar bodies under the laws of this commonwealth. And the said trustees, or a majority of them and their successors concurring, shall have power to fill any vacancy which may happen in their body. They shall cause to be entered and surveyed, six thousand acres of any vacant and unappropriated land in this state, except the lands acquired by the treaty of Tellico; and they may, if they deem it proper, give and sell one half of the land allowed to said academy, for the purpose of having the said land entered, surveyed and patented, and for building a school-house and purchasing books for the use and benefit of the said academy, a majority of the whole number concurring therein. They may meet at such time and places as they think proper, and, two thirds of the whole number concurring, they may expel a member.

Sec. 5. Be it further enacted, That James Dysert, William Carson, William Smith, Absalom Rentfro, John Burdett, Henry P. Buford and John Dysert, are hereby appointed trustees of the academy in the county of Rockcastle, with the same powers and subject to the same restrictions and regulations, in every respect, as those in the above section in the county of Casey.

This act shall be in force from and after its passage.35

An ACT for the benefit of the Woodford Academy.

Approved, January 18, 1810

Be it enacted by the general assembly, That so much of the north end of the west street in the town of Versailles as may lie between the lots of ground belonging to or are now vested in the trustees of the Woodford academy, and included by a line drawn

35. Ibid., pp. 113-114.
across the street, and to connect the two most southwardly corners, binding thereon, shall be and hereby is vested in the trustees of the said academy, for the use and benefit of the said institution; and over which the said trustees shall exercise every jurisdiction, as in the case of other lots of ground belonging to said academy, any law to the contrary notwithstanding.

This law shall be in force from its passage.36

An ACT to establish an Academy in Greenup County.

Approved, January 23, 1810

WHEREAS the justices of Greenup county court did, in pursuance of the act of the general assembly, entitled "an act to establish and endow certain academies," and the several acts amendatory thereto, engage the locating and surveying of 6000 acres of land for the use of the seminary of learning to be established in the said county, and that the quantity of four thousand six hundred acres, after satisfying the locator for his trouble and expense in securing the same, have been granted in consequence of such locations and surveys, in the name of the Greenup seminary, and "to the justices of Greenup county for the use of a seminary," and it being adjudged expedient to vest the said lands in trustees for the purpose of establishing an academy in the said county: therefore,

Section 1. Be it enacted by the general assembly, That the before recited 4600 acres of land, shall be vested in Francis Waring, sen. Jesse Boone, William Dupey, John Poage, and William Fugued, and their successors forever, in trust, who are hereby constituted a body politic and corporate, and known by the name

36. Ibid., p. 123.
of the trustees of the Greenup academy, and by that name shall have perpetual succession and a common seal, with power to change and alter their said seal at pleasure; and as a body corporate, shall be authorised to exercise all the powers and privileges that are now enjoyed by the trustees of any academy or seminary of learning within this commonwealth; and on the death, resignation or disqualification of any of the trustees aforesaid, or their successors, a majority of the remaining trustees shall fill such vacancy, and the person so appointed shall be vested with the same power and authority as if specially named by this act; and by the name of the Greenup academy may sue and implead, or be sued and impleaded in any court in law or equity, or before any tribunal having cognizance of the same in this state.

Sec. 2. The said trustees and their successors shall have power in their corporate capacity, to purchase or receive by donation any lands, tenements, hereditaments, monies, rents, goods and chattels, and to hold the same by the name aforesaid, to them and their successors forever, for the use of the said academy; and to sell, alien, or transfer any such lands, goods and chattels and apply the proceeds thereof to the use and benefit of the same; and may sell and dispose of fourteen hundred acres of land, herein before vested for the purpose of erecting the necessary buildings, and providing books and other apparatus for the use of the said academy.

Sec. 3. The person first named herein, or in his absence or refusal to act, the next who will act, shall notify the time and place for the first meeting of the trustees, and on the attendance of a majority, they shall appoint a chairman and clerk, who shall
severally take an oath well and truly to execute the duties of their office; and thereafter the board may be called by the chairman or any two of the trustees. The said trustees shall have power to adjourn from day to day, to make and ordain such by-laws, rules and ordinances as they may deem proper, not inconsistent with the laws of this commonwealth; and moreover to fix on a proper place for erecting the buildings for the said academy: Provided, that a majority of all the trustees shall be necessary to attend on making any contract, by-laws, or fixing the permanent seat for the same.

Sec. 4. A majority of the said trustees shall have power to engage and employ a competent number of masters and professors to the said academy; to fix their salaries and the salary of their clerk, as also the terms of tuition; and on the misconduct of any master, professor or student, may dismiss or expel such master, professor or student from the said academy.

This act shall be in force from and after the passage thereof.37

An ACT authorising the Trustees of the Bethel and Shelby Academies to sell their Lands, and for other purposes.

Approved, January 30, 1810

Section 1. Be it enacted by the general assembly, That the trustees of Bethel academy may dispose of all the lands granted to them by this commonwealth, or such lands and tenements they have by grant, or by other deed or deeds; and the trustees are hereby authorised and empowered to make deeds of conveyance for all or any part of the lands granted to them, by the name of the trustees of Bethel academy, either for cash in hand or on credit, or exchange them for other lands, for the only proper use and benefit

37. Ibid., pp. 127-129.
of an institution of learning, either at the present site, in the county of Jessamine, or at any other place in the said county, a majority of the said trustees may direct: Provided however, that the said trustees, or a majority of them, may make use of so much of the proceeds of the sale of said lands as will be sufficient to reimburse them the expenses they may be at for the purpose of disposing of said lands, and purchasing other lands for the use of a public school in the said county of Jessamine.

Sec. 2. And be it further enacted, That the said trustees in their names may sue and be sued; and they are hereby empowered to recover any monies now due them, or which may hereafter become due, for the sale of all or any part of the lands which in this act they are authorised to sell; and they are further empowered to purchase bank stock in the state bank to any amount not exceeding three fourths of the nett proceeds of the sales of the lands now belonging to the Bethel academy, and the interest arising from such stock shall be disposed in any manner that a majority of the said trustees or their successors may deem most to the advantage of the institution of learning, they now have or may hereafter have in the county aforesaid.

Sec. 3. And be it further enacted, That the trustees of the Shelby academy shall be and they are hereby authorised to sell the whole or such part of the land belonging to said academy as they shall think fit, for the purpose of completing the said academy and purchasing a library and globes; and the said trustees and their successors are hereby vested with full and complete power to convey to the purchaser the land by them sold for the purpose aforesaid.38

38. Ibid., pp. 151-152.
An ACT establishing the Lebanon Academy in the County of Christian.

Approved, December 17, 1810

Section 1. Be it enacted by the general assembly, That Finis Ewing, Ephraim McClean, Samuel Moore, Young Ewing, Daniel Benham, Robert Coleman and David Barty, gentlemen, shall be, and are hereby constituted a body politic and corporate, to be known by the name of the trustees of the Lebanon academy: and by that name, shall have perpetual succession and a common seal, with power to change or alter the same at pleasure: and as a body corporate, shall be authorised to exercise all the powers and privileges, that are now enjoyed by the trustees of any academy or seminary of learning in this state. And on the death, resignation, or other disqualification of any of the trustees aforesaid, or their successors, a majority of the remaining trustees, shall fill such vacancy; and the person so appointed, shall be vested with the same power and authority, as if specially named by this act: and by the name and style of the trustees of the Lebanon academy, may sue and implead, and be sued and impleaded, in any court in law or equity, or before any tribunal having cognizance of the same.

Sec. 2. The said trustees, and their successors, shall have power in their corporate capacity, to purchase, or receive by donation, any lands, tenements, hereditaments, monies, rents, goods and chattels, and to hold the same by the name aforesaid, to them and their successors forever, for the use of the said academy; and to sell, alien, or transfer, any such lands, goods and chattels, and apply the proceeds to the benefit thereof.

Sec. 3. The person first named herein, or in his absence or refusal to act, the next shall notify the time and place, for the first meeting of the trustees; and on the attendance of a majority
thereof, they shall appoint a chairman and clerk, who shall severally take an oath, to be administered by some justice of the peace, well and truly to execute the duties of their office; and thereafter, the board may be called by the chairman or any two of the trustees. The said trustees shall have power to adjourn from day to day, to make and ordain such by-laws, rules and ordinances, as they may deem proper, not inconsistent with the laws of this commonwealth; and moreover to fix on a proper place for erecting the buildings of the said academy: Provided, That a majority of all the trustees, shall be necessary to attend on the making any contract, by-laws, or fixing the permanent seat of the same.

Sec. 4. A majority of said trustees shall have power to engage and employ a competent number of tutors and professors to the said academy, to fix their salaries, and the salary of their clerk, as also the terms of tuition; and on the misconduct of any tutor, professor, or student, may dismiss or expel such tutor, professor, or student, from the said academy.39

An ACT supplementary to an act establishing an Academy in the County of Barren.

Approved, January 18, 1811

Be it enacted by the general assembly of the commonwealth of Kentucky, That the trustees of said academy are hereby authorised and empowered to dispose of the whole of the state donation lands granted to said academy, by general warranty, and apply the proceeds thereof as directed by the before recited act.40


40. Ibid., p. 219.
An ACT to authorise the Trustees of the Woodford Academy to sell
a part of their ground in or near Versailles.

Approved, January 25, 1811

WHEREAS it is represented to the general assembly by the
petition of the trustees of the Woodford academy, that they have
in the town of Versailles, or adjacent thereto, about three acres
of land, whereon they have erected a large building for the use
of the said academy; that they have no active funds for the payment
of some monies yet in arrear on account of said building and the
expenses of the institution; that said three acres are more than
sufficient for the use and accommodation of the faculty and students
of said academy; and praying that they may be authorised to sell
a part of said land: therefore,

Be it enacted by the general assembly of the commonwealth of
Kentucky, That the trustees of the Woodford academy, for the time
being, or their successors in office may, and they are hereby
invested with full authority and permission to sell a part of the
said parcel or lot of ground, so that the part to be sold shall
not exceed one half acre, and shall not include the building or
buildings as aforesaid erected, or any part thereof.41

An ACT concerning the Montgomery Academy.

Approved, January 26, 1811

Be it enacted by the general assembly of the commonwealth of
Kentucky, That the trustees of the Montgomery academy, are hereby
authorised and empowered, to sell and convey to the purchaser,
any number of acres of land not exceeding four hundred, out of the
donation of the state to the Montgomery academy, in addition to

41. Ibid., p. 232.
what they are now allowed by law to dispose of; and apply the
proceeds, or so much thereof, to the use and benefit of Justinian
Cartwright, for his services, as will be sufficient to pay the
necessary expenses in perpetuating testimony, and establishing
the said donation to the said Montgomery academy. 42

An ACT concerning the Kentucky Seminary.

Approved, January 6, 1812

WHEREAS it is represented to the present general assembly,
that the clerk to the board of trustees of the Kentucky seminary
is dead, and that the records and papers respecting the proceedings
of the said board, cannot be found among the papers of the said
deceased clerk; in consequence whereof, it is not ascertainable
who are the trustees of the said seminary: for remedy whereof,

Be it enacted by the general assembly of the commonwealth of
Kentucky, That John Brown, Daniel Weisiger, William Hunter, Achilles
Smeed, James Blair, William Trigg and Christopher Greenup, and their
successors, be appointed trustees to the said seminary; who shall
be and are hereby appointed a body politic and corporate, by the
name, style and designation of the Trustees of the Kentucky Seminary,
and shall have full power and authority to do and perform such
duties and such acts as the laws now in force respecting the said
seminary will and do warrant and authorise; and that they may also
sue and be sued, plead and be impleaded, either at law or equity;
and who shall also be subject to such rules and regulations as are
directed by the laws now in force respecting the said seminary. 43

42. Ibid., p. 243.
43. Ibid., p. 319.
An ACT concerning the Donation Lands for the use of Seminaries of Learning.

Approved, January 31, 1812

Section 1. Be it enacted by the general assembly of the commonwealth of Kentucky, That whenever the trustees of any seminary of learning shall deem it expedient to sell the whole or any part of their donation lands, the circuit court of the county shall, upon the application of a majority of the trustees, appoint two persons to go and view the lands, and report to the court appointing them, the situation, quality and value of the land; and if upon the report of the persons so appointed, the court shall be of opinion that a fund in money would be more productive, or more advantageously applied to the institution, than the probable increase of the value of land, they shall appoint three commissioners, who, or any two of whom, shall, before they act, take an oath in open court or before some justice of the peace, faithfully and truly to perform the office of commissioners, as by this act directed. And it shall be the duty of the commissioners under this act appointed, to sell the land agreeably to the order of the court appointing them: Provided however, that the commissioners shall not sell the land for less than three-fours of the value fixed by the persons appointed by the court to ascertain and report the value thereof; but said commissioners shall sell the land on a credit of three years, to be discharged in three equal annual payments; the first payment to be made at the end of the first year after such sale. And the said commissioners may sell the land in parcels, if necessary; but not in such manner as to render the residue of the tract of little or no value. And the said commissioners shall take bond or bonds, with good security, for
the payment of the money, payable to the trustees of the seminary and their successors; which may be put in suit when due, as in other cases, by the trustees or their successors; and the money, when received, applied by the trustees to the use of the seminaries in each county established by law. And it shall be the duty of the trustees, within three months after receiving the money as aforesaid, to report to the circuit court of the county the amount received by them; and the clerk of the court shall file such report in his office; which report shall be taken thereafter as evidence of the amount received by said trustees, whenever thereafter called on for an account of the appropriation of the money.

Sec. 2. And be it further enacted, That the persons appointed by the circuit court as viewers or valuers of the land, and those appointed as commissioners to sell the same, shall have an allowance made them by the circuit court, not exceeding two dollars per day for every day they may necessarily be employed in executing the duties in this act imposed; and such allowance or allowances shall be certified to the county court of the county where such order was made; and it shall be the duty of the county court to cause such allowance or allowances to be levied in the next levy for their county, and made payable to the person entitled, under the order of the circuit court.

Sec. 3. Be it further enacted, That commissioners who sell the lands under the directions of this act, shall be and they are hereby empowered to convey by deed or deeds, the lands by them sold as aforesaid; vesting all the right, title and interest of the trustees, in and to the lands so sold, to the purchaser or purchasers.
An ACT authorising the location of certain Seminary Lands, and for other purposes.

Approved, February 4, 1812

Section 1. Be it enacted by the general assembly of the commonwealth of Kentucky, That the trustees or county courts of all those counties who have not completed the location, surveying and registering their donation seminary lands, have the further term of two years to perform the same: Provided however, that nothing herein contained shall authorise the location of any such claim upon land which any person is actually settled, with two hundred acres around the same, running to the cardinal points: And provided also, that no such claim shall be located upon any of the land secured by the treaties of Tellico or Highwasses; and that all such claims be, in all things, subject to the rules, restrictions and regulations heretofore established by the laws in relation to such claims.

Sec. 2. And be it further enacted, That the justices of those counties which have been erected since the passage of the act authorising each county court in this commonwealth to locate and survey six thousand acres of land, for the use of seminaries of learning, shall be entitled to locate and survey the same quantity of vacant and unappropriated lands, under the same regulations and restrictions as provided in the said recited act.

44. Ibid., pp. 352-354.
Sec. 3. And when any entry and survey of seminary lands, made before the passage of this act, shall have included any actual settler, such actual settler, before evicted therefrom, shall be paid for their improvement. And in order to ascertain the value of such improvement, the circuit court of the county in which such improvements are made, upon the application of either party, shall appoint seven fit persons commissioners; who, or any five of them, at the request of either party, after reasonable notice given the adversary, and being first sworn before the court, or some justice of the peace, shall proceed to assess the value of such improvements and make report thereof to the court appointing them; which report shall be a record of said court. And all improvers or owners of such improvement, shall retain possession thereof until the value of such improvements are paid for. And if the county court, or trustees of any seminary, or any other person claiming such improvement by virtue of a seminary claim, shall, for the space of six months after report made, fail or refuse to pay for the value of the improvements, agreeable to the assessment of the commissioners by this act directed to be appointed, such failure or refusal shall be considered and deemed a relinquishment of their claim, and the land vacant and subject to the disposal of the commonwealth.

Sec. 4. And be it further enacted, That no entry or survey shall be made or patent issue for any less quantity of seminary lands, than one hundred acres in one survey; nor shall any grant be issued to any other person or persons, other than to the trustees.45

45. Ibid., pp. 377-379.
An ACT establishing an Academy in the County of Caldwell.

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That John M. Walker, William Mitchuson, Fidelio Sharp, Josiah Whitnell, William Birdsong, Richard Hays and Samuel Smith, gentlemen, shall be, and are hereby constituted a body politic and corporate, to be known by the name of "the Trustees of the Caledonia Academy;" and by that name shall have perpetual succession, and a common seal, with power to change or alter the same at pleasure. And as a body corporate, shall be authorised to exercise all the powers and privileges that are now enjoyed by the trustees of any academy or seminary of learning in this state; and on the death, resignation, or other disqualification of any of the trustees aforesaid, or their successors, a majority of the remaining trustees shall fill such vacancy; and the person so appointed shall be vested with the same power and authority as if specially named by this act; and by the name and style of the Trustees of the Caledonia Academy, may sue and implead, or be sued and impleaded, in any court in law or equity, or before any tribunal having cognizance of the same.

Sec. 2. The said trustees, and their successors, shall have power, in their corporate capacity, to purchase, or receive by donation, any lands, tenements, hereditaments, monies, rents, goods and chattels, and to hold the same by the name aforesaid, to them and their successors forever, for the use of said academy; and to sell, alien or transfer any such lands, goods and chattels, and apply the proceeds to the use and benefit thereof: Also to dispose of all the lands heretofore or hereafter appropriated for the benefit of seminaryes, according to existing laws.
Sec. 3. The person first named herein, or in his absence or refusal to act, the next, shall notify the time and place for the first meeting of the trustees; and on the attendance of a majority thereof, they shall appoint a chairman and clerk, who shall severally take an oath, to be administered by some justice of the peace, well and truly to execute the duties of their office; and thereafter the board may be called by the chairman, or any two of the trustees. The said trustees shall have power to adjourn from day to day, to make and ordain such by-laws, rules and ordinances, as they may deem proper, not inconsistent with the laws of this commonwealth; and moreover to fix on a proper place for erecting the buildings for the said academy: Provided, that a majority of all the trustees shall be necessary to attend on the making any contract, by-laws, or fixing the permanent seat for the same.

Sec. 4. A majority of said trustees shall have power to engage and employ a competent number of tutors and professors to the said academy, to fix their salaries, and the salary of their clerk, as also the terms of tuition; and on the misconduct of any tutor, professor or student, may dismiss or expel such tutor, professor or student from the said academy.46

An ACT to reduce the number of Trustees to the Salem and Woodford Academies.

Approved, January 6, 1813

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Walter Brashear, Burr Harrison, Thomas Speed, John Rowan and William P. Duvall, gentlemen, shall be, and the same are hereby constituted and appointed a board of

of trustees to the Salem academy; who, or three of them, shall be vested with the same powers and authorities, privileges, immunities, and advantages, as are by law now given to the present board of trustees to said academy.

Sec. 2. And so much of every act as allows the number of fifteen trustees to the academy aforesaid, shall be, and the same is hereby repealed.

Sec. 3. Be it further enacted, That whenever a sufficient number of the trustees of the Woodford academy, shall resign, so as to reduce the number to five, the places of those resigning shall not be filled; and hereafter five trustees, or a majority of them, and their successors in office, shall be vested with the same power and authority, privileges, immunities and advantages, as are now by law given to the present board of trustees to said Woodford academy; and so much of every act as allows the number of thirteen trustees to the academy aforesaid, shall be, and the same is hereby repealed. 47

An ACT to establish an Academy in the County of Gallatin.

Approved, January 13, 1813

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Carter Tarent, William Winslow, John Barner, Garland Bullock and Robert Plummer, and their successors in office, shall be, and they are hereby constituted a body politic and corporate, to be known by the name of the Trustees of the Gallatin Academy; and by that name shall have perpetual succession, and a common seal, with power to change the same at pleasure; and by the name aforesaid may sue or be sued, plead or be impleaded,

47. Ibid., pp. 7-8.
in any court of law or equity within this state.

Sec. 2. The said trustees shall hold their first meeting at the town of Port-William, in the county of Gallatin, on the first day of May next; and they, or a majority of them, shall then, or as soon thereafter as they think proper, proceed to fix upon a place for a permanent seat for said academy, and proceed to erect buildings thereon; and until suitable buildings and regulations are made at such place, they may commence and proceed in the institution at any other place they shall judge proper.

Sec. 3. The said trustees, or their successors, by the name aforesaid, shall be capable in law to purchase, receive and hold to them and their successors, for the use and benefit of said academy, any lands, tenements, rents, goods and chattels, of what kind soever, which shall be given or devised to, or purchased by them for the use of said seminary.

Sec. 4. The trustees, or a majority of them, shall have power, from time to time, to establish such by-laws and regulations, rules and ordinances, not contrary to the constitution or laws of this commonwealth, as they shall deem necessary for the government of said academy.

Sec. 5. The trustees shall elect a president, treasurer and clerk to their own body, and so many professors, tutors or masters, as may be necessary; and upon the death, resignation or legal disability of any of the trustees, president or other officers of said academy, the board of trustees shall supply such vacancy by ballot.

Sec. 6. The president and other officers or teachers of the academy, shall be subject to the direction of the board of trustees,
subject however to be removed from office for any malfeasance therein, or neglect of duty, by a majority of the whole number of trustees of said academy.

Sec. 7. Be it further enacted, That it shall be the duty of the trustees of the town of Fort-William, to convey to the trustees of said academy, a lot of ground in the town of Fort-William, designated in the plat of said town as the old public ground, to be by them appropriated to the use of said academy.

Sec. 8. Be it further enacted, That it shall be lawful for said trustees to receive subscriptions, either in money or property, and coerce by law the payment thereof, for the use of said academy.

Sec. 9. Be it further enacted, That the trustees, or a majority of them, shall be, and they are hereby vested with power to sell and convey one half of the lands granted to said academy, and to lease or rent the balance, or any part thereof, and apply the money arising therefrom to the purpose of erecting buildings, purchasing books or philosophical apparatus for the use of said academy, or in any other way they may think most profitable to said academy.

An ACT to reduce the number of Trustees to the Washington Academy.

Approved, January 16, 1813

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Matthew Walton, John Reid, Barnabas M'Henry, Elias Davidson, John Galhoon, Stephen Cocke and Paul J. Booker, gentlemen, shall be, and are hereby constituted and appointed a board of trustees to the Washington academy, who shall be vested with the same powers, authorities, privileges, immunities and advantages as are by law given to the former board of trustees to said academy; and

so much of every act or parts of acts, allowing the number of fourteen trustees to said academy, shall be, and the same are hereby repealed. 49

An ACT concerning the Seminary of Warren county, and authorising a Lottery for the benefit of said institution.

Approved, February 1, 1813

Section 1. Be it enacted by the general assembly of the commonwealth of Kentucky, That Jacob Skiles, Elijah M. Covington, Leander J. Sharpe, Samuel Barclay, and John Loving, shall be, and are hereby appointed Trustees, who shall have power and authority to locate, or cause to be located, the residue of the lands, granted by the general assembly of the commonwealth heretofore, to the county of Warren, for the purpose of erecting, and maintaining in said county a seminary or seminaries of learning, in such parcels and quantities, not less than fifty acres in each tract, on any vacant and unappropriated lands in this commonwealth, other than the lands, lying within the bounds of the Tellico and Highwassee treaties, that they can procure; and the said trustees, or a majority of them, shall have power to cause the same to be surveyed, and registered, and to obtain patents, and upon the same terms, as is given to the trustees of any other Seminary.

Sec. 2. Be it further enacted, That the said trustees, or a majority, may raise by way of lottery in one or more classes, any sum not exceeding three thousand dollars, to be applied towards procuring a site, and erecting a Seminary in the said county, adjacent to the town of Bowling Green, and the incidental expenses attending the same; and the said trustees, or such of them as may

49. Ibid., p. 15.
choose to act, are hereby bound, to pay within six months from the end of the drawing of said Lottery, to the fortunate person or persons who may be entitled to receive the same, all such prizes as may be due to them agreeably to the scheme, which may from time to time be agreed on by said trustees; and in case of failure, shall be liable to the action of the party aggrieved. The said Lottery shall be drawn in the town of Bowling Green at such place as the said trustees may appoint, (of the time and place of drawing, they shall give due notice,) and be superintended by two or more of the Trustees of said town for the time being; whose duty it shall be to see the said lottery properly and fairly conducted. Each of the said trustees, examiners and clerks, shall, before the drawing commences, take an oath before some justice of the peace for said county, to act fairly and impartially in the discharge of their several duties. And if the said lottery, or any class thereof, shall not be drawn within two years after the scheme thereof be agreed on and sale of tickets commenced, then the same shall cease, and the purchasers of tickets therein, may demand and receive from the persons selling the same, all monies they may have paid for tickets in the said lottery.

Sec. 3. Be it further enacted, That on the death, resignation, or removal out of the county of any of said trustees, a majority of those remaining, are hereby authorized to fill such vacancy. And the person so chosen, shall possess the same powers as the original trustees appointed by this act.

Sec. 4. Be it further enacted, That the said trustees shall have power to cause to be erected such building or buildings, for the purposes of a seminary of learning as they may deem proper, with
the monies arising from the said lottery.

Sec. 5. Be it further enacted, That the said trustees and their successors, shall have power and authority to acquire, hold and receive in their name, as Trustees of the Warren Seminary, any kind of property, or any donations for the use and benefit of the same; and shall have the right to sue, or be sued, in and by their corporate name aforesaid; and they are hereby further vested with the power to grant a part of said lands for locating, &c. of the balance.

Sec. 6. Be it further enacted, That the said trustees shall keep a just and true record of all their proceedings; which may be inspected by any person interested therein, or requiring the same; and may appoint a clerk to attend them, and to prescribe the duties to be performed by him in such manner as they shall judge proper.

An ACT to establish an Academy in the Town of Henderson, in Henderson County.

Approved, December 31, 1813

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an academy be established in the town of Henderson, in Henderson county, at such place in said town as shall be fixed on by the trustees hereinafter named, and be known by the name of "The Henderson Academy."

Sec. 2. Be it further enacted, That Adam Rankin, Joseph Puquay, Daniel M'Bride, William R. Bowen, James Hillyer, Richard Henderson and Wyatt H. Ingram, shall be, and are hereby constituted a body politic and corporate, to be known by the name of the "Trustees of the Henderson Academy;" and by that name shall have perpetual

50. Acts Passed at the First Session of the Twenty-First General Assembly for the Commonwealth of Kentucky (Frankfort, W. Gerard, 1813), pp. 64-66.
succession, and a common seal, with power to change or alter the same at pleasure. And as a body corporate, shall be authorised to exercise all the powers and privileges that are now enjoyed by the trustees of any academy or seminary of learning in this state; and on the death, resignation or other disqualification of any of the trustees aforesaid, or their successors, a majority of the remaining trustees shall fill such vacancy; and the person or persons so appointed, shall be vested with the same power and authority as if specially named in this act. And by the name and style of the Trustees of the Henderson Academy, may sue and be sued, implead and be impleaded, in any court of law or equity.

Sec. 3. Be it further enacted, That the said trustees and their successors, shall have power, in their corporate capacity, to purchase, or receive by donation, any lands, tenements, hereditaments, monies, rents, goods and chattels, and to hold the same by the name aforesaid, to them and their successors forever, for the use and benefit of said academy; and to sell, alien or transfer any such lands, tenements, hereditaments, goods and chattels, and apply the proceeds to the use and benefit thereof; also to dispose of all the lands heretofore or hereafter appropriated for the benefit of seminaries in said county, according to existing laws.

Sec. 4. Be it further enacted, That the person first named herein, or in his absence, neglect or refusal to act, the next, shall give notice of the time and place for the first meeting of the trustees; and on the attendance of a majority thereof, they shall appoint a chairman and clerk out of their body, and shall severally take an oath, to be administered by some justice of the
peace, well and truly to exercise the duties of their office. And thereafter the board may be called by the chairman, or any two of the trustees. And the said trustees shall have power to adjourn from day to day, to make and ordain such by-laws, rules and ordinances for the regulation of said academy, as they may deem proper, not inconsistent with the laws of this commonwealth: Provided, that a majority of all the trustees shall attend on the making any contract or by-law for the same.

Sec. 5. And be it further enacted, That a majority of the said trustees shall have power to engage and employ a competent number of tutors and professors to the said academy; to fix their salaries, and the salary of their clerk, as also the terms of their tuition; and on the misconduct of any tutor, professor, or student, may dismiss or expel such tutor, professor or student from the said academy.51

An ACT to amend an act establishing an Academy in Gallatin county.

Approved, January 8, 1814

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the trustees of the said academy, or a majority of them, shall be, and they are hereby vested with full power, to sell and convey the whole, or any part of the lands granted to the said academy, not heretofore sold by them, and apply the money arising therefrom, in any way they may think most profitable to said academy; any law to the contrary notwithstanding.52

52. Ibid., p. 75.
An ACT to establish an Academy in Boone County.

Approved, January 8, 1814

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Absolem Graves, Moses Scott, John Flournoy, Jacob Rouse, Jeremiah Kirtley, John Brown and Mr. Bosson, gentlemen, are hereby constituted a body politic and corporate, to be known by the name of "The Trustees of the Boone Academy;" and by that name shall have perpetual succession, and a common seal, with power to change or alter the same at pleasure; and as a body corporate, shall be authorised to exercise all the powers and privileges, that are now enjoyed by the trustees of any academy or seminary of learning in this state. And on the death, resignation, or disqualification of any of the trustees aforesaid, or their successors, a majority of the remaining trustees shall fill such vacancy; and the person so appointed, after taking the oath prescribed by this act, shall be vested with the same power and authority as if specially named in this act. And by the name and style of the trustees of the Boone academy, may sue and implead, or be sued and impleaded, in any court in law or equity, or any tribunal having cognizance of the same.

Sec. 2. The said trustees, and their successors, shall have power, in their corporate capacity, to purchase or receive by donation, any species of property whatever; and to hold the same, by the name aforesaid, to them and their successors forever, for the use of said academy; and to sell, alien, or transfer, any such property, and apply the proceeds to the use and benefit thereof. Also to sell and dispose, when they shall think proper, all the lands granted by the existing laws of this state for the benefit
of seminaries, or which may be hereafter granted, to which Boone county may be entitled.

Sec. 3. The person first named herein, and in case of any defect, the next, &c. shall notice the time and place for the first meeting of the trustees; and on the attendance of a majority thereof, they shall appoint a president, clerk and treasurer, out of their own body; who shall severally take an oath (to be administered by some justice of the peace) well and truly to execute the duties and trust reposed to their office; and thereafter a board may be called by the president, or any two of the trustees. The said trustees shall have power to adjourn from day to day, to make such laws, rules and regulations, as they shall deem proper and useful for the government of said academy, (not contrary to the laws of this commonwealth) and to fix on a proper place to erect a building for said academy; but it shall be necessary that a majority of all the trustees be present, at the making of any contract, fixing the permanent seat for the academy, and in making laws to rule and regulate the same.

Sec. 4. A majority of said trustees shall have power to engage and employ tutors and professors to the said academy, necessary for all its purposes; to fix their salaries, and regulate all necessary expenditures; also the terms of tuition. And on the misconduct of any tutor, professor or student, may dismiss or expel such tutor, professor or student, from said academy.

An ACT to establish an Academy in the County of Union.

Approved, January 10, 1814

Section 1. Be it enacted by the General Assembly of the

53. Ibid., pp. 76-78.
Commonwealth of Kentucky. That an academy be established in the county of Union, to be known by the name of "The Union Academy;" and that Robert Gilchrist, Jonathan Taylor, James Gray, James Townsend, Hugh W. Robb and Joseph Reives, gentlemen, are hereby constituted a body politic and corporate, to be known by the name of the "Trustees of the Union Academy;" and by that name shall have perpetual succession, and a common seal, with power to change or alter the same at pleasure. And as a body corporate, shall be authorised to exercise all the powers and privileges now enjoyed by the trustees of any academy or seminary of learning in this state; and on the death, resignation, or other disqualification of any of the trustees aforesaid, or their successors, a majority of the remaining trustees shall fill such vacancy; and the persons so appointed, shall be vested with the same power and authority, as if specially named by this act. And by the name and style of the trustees of the Union Academy, may sue, and be sued, implead, and be impleaded, in any court of law or equity having cognizance of the same.

Sec. 2. And be it further enacted, That the said trustees and their successors, shall have power to receive by donation, any real or personal property, and to hold the same by the name aforesaid, to them and their successors forever, for the use of said academy; and to sell, alien or transfer any such real or personal property, and to apply the proceeds to the use and benefit thereof; also to dispose of all the lands heretofore or hereafter appropriated for the benefit of seminaries in said county, according to existing laws.

Sec. 3. Be it further enacted, That the first person named as
trustee herein, of in his absence, or refusal to act, the next, shall notify the time and place for the first meeting of the trustees; and on the attendance of a majority thereof, they shall appoint a chairman and clerk; and shall severally take an oath, to be administered by some justice of the peace, well and truly to execute the duties of their respective offices. And thereafter, the board may be called by the chairman, or any two of the trustees. And the said trustees shall have power to adjourn from day to day, to make and ordain such by-laws, rules and ordinances, as they may deem proper, not inconsistent with the laws of this commonwealth. And they shall moreover have power to fix on a proper place for erecting the building for the said academy: Provided, that a majority of all the trustees shall be necessary to attend, on the making any contract, or by-law, or fixing on the permanent seat for the same.

Sec. 4. A majority of said trustees shall have power to engage and employ a competent number of professors and tutors to the said academy; to fix their salaries, and the salary of their clerk, as also the terms of tuition; and on the misconduct of any tutor, professor, or student, they shall possess the power to dismiss or expel such tutor, professor or student, from said academy.

An ACT to reduce the number of Trustees of the Bourbon, Winchester and Montgomery Academies.

Approved, January 28, 1814

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That where any resignation or removal of any of the trustees of the Bourbon academy hath taken place, or may hereafter take place, or where a vacancy shall happen in

54. Ibid., pp. 80-82.
any other manner, such vacancies shall not be filled by new elections until the number is reduced below nine; with number (nine) shall thereafter be the number of trustees of said academy, in lieu of the number heretofore allowed by law; five of whom shall constitute a quorum to do business.

Sec. 2. And be it further enacted, That when any vacancy may hereafter happen, either by death, resignation or otherwise, in the board of trustees of the Winchester academy, the said vacancies shall not be filled until the number of trustees is reduced to seven, which shall thereafter be the standing number of trustees for said academy; who, or a majority of them, shall have as full power to act, in all cases, as is now given by law to the existing board of trustees; any law to the contrary notwithstanding.

Sec. 3. And be it further enacted, That when any vacancy may hereafter happen, either by death, resignation or otherwise, in the board of trustees of the Montgomery academy, the said vacancy shall not be filled until the number of trustees is reduced to five, which shall thereafter be the standing number of trustees for said academy; who, or a majority of them, shall have as full power to act, in all cases, as is now given by law to the existing board of trustees; any law to the contrary notwithstanding. 55

An ACT establishing the Robertson Academy, in the town of Columbia, and County of Adair, and regulating said town.

Approved, January 31, 1814

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That William Casey, Christopher Tompkins, William Owens, William Caldwell and Nathan Gaither, gentlemen, be,

55. Ibid., p. 107.
and they are hereby constituted a body politic and corporate, to be known by the name of "The Trustees of the Robertson Academy;" and by that name, shall have perpetual succession, and a common seal, with power to change or alter the same at pleasure; and as a body corporate, shall be authorised to exercise all the powers and privileges that are now enjoyed by the trustees of any academy or seminary of learning in this state. And on the death, resignation, or other disqualification of any of the trustees aforesaid, or their successors, a majority of the remaining trustees shall fill such vacancy, and the person or persons so appointed, shall be vested with the same power and authority, as if specially named by this act; and by the name and style of "The Trustees of the Robertson Academy," may sue, and be sued, implead, and be impleaded, in any court of record, or before any justice of the peace.

Sec. 2. Be it further enacted, That the trustees aforesaid, or their successors, shall have power, in their corporate capacity, to receive a conveyance from William Caldwell, for his donation to the said institution, of lot No. 12, on which the said academy is erected; and also to purchase as much other ground around the same, as a majority of them may deem expedient, for the use and benefit of said institution.

Sec. 3. Be it further enacted, That a majority of the said trustees, or their successors, are hereby authorised and empowered to lease, or rent, or sell and convey the whole, or any part of the donation land, secured by any law, for the use and benefit of a seminary of learning in the said county of Adair, and apply the proceeds thereof, to the use and benefit of the said Robertson Academy, in any way which they may deem most beneficial to said
Sec. 4. Be it further enacted, That any three of the said trustees shall have power to fix the time and place of their first meeting, and shall notify the residue; and when a majority thereof shall have met, and taken the oath hereafter mentioned, they shall proceed to appoint a president and clerk, who shall take an oath, well and truly to discharge all the duties of their respective offices; which oath shall be administered by a justice of the peace.

Sec. 5. Be it further enacted, That the said trustees and their successors, before they proceed to discharge the duties of their office, shall, before some justice of the peace, take the following oath, viz. "I, A. B. do solemnly swear, well and truly to discharge the several duties enjoined by law, as a trustee to the Robertson Academy, to the best of my skill and judgment - So help me God." And that after the first meeting of the said trustees, the board may be called by the president, or any two of the members.

Sec. 6. Be it further enacted, That the said trustees shall have power to adjourn from day to day, and to make such rules, by-laws, and ordinances for the government of themselves, and the teachers, students and employers, as they may deem proper, not inconsistent with the laws of this commonwealth.

Sec. 7. Be it further enacted, That a majority of the said trustees, shall have full power to employ any number of tutors and professors to the said academy; to fix their salaries, and terms of tuition, and to engage any other officer that may be necessary; and for misconduct, to expel any tutor, professor or student, from said academy.

Sec. 8. Be it further enacted, That in all cases, except the
sale and conveyance, leasing or renting seminary lands, the employing, or expelling tutors or professors, and fixing the rates of tuition, expelling students, and making fixed by-laws, four trustees shall be sufficient to form a board and do business.

Sec. 9. Be it further enacted, That the said trustees and their successors, or a majority of them, shall have power to purchase, establish, and fix a library, maps and philosophical apparatus, for the use and benefit of said academy, whenever their funds will permit, and to them it may seem expedient.

Sec. 10. Be it further enacted, That an election for trustees of the said town of Columbia, shall be held at the court-house in said town, in the month of January next; and in the same month in every year thereafter, on a certain day, to be fixed by the county court of said county, at their term in the said month of January, or the month of December preceding; which elections shall be regulated and conducted in other respects, as directed by an act for the regulation of the town of Columbia, in Adair county, approved December 27th, 1808.

Sec. 11. Be it further enacted, That the present acting trustees for the said town, shall continue to perform the duties of their office until their successors be duly elected and sworn; and that any subsequent board or set of trustees for the said town, duly elected or appointed, shall possess and exercise the same power.

Sec. 12. Be it further enacted, That so much of the before recited act as directs elections for trustees for the said town, to be held on the second Saturday in January in every two years, shall be, and the same is hereby repealed.

Sec. 13. Be it further enacted, That the trustees to the said
academy, and their successors, or a majority of them, shall have
power and authority, to relinquish the title of the county court
as trustees to the said academy or seminary, to the tract of one
thousand three hundred and eighty-four acres of land, granted to
them by patent, bearing date the 17th day of February, 1809, and
re-enter, survey and carry into grant, the same number of acres,
or a less quantity, in any convenient number of surveys, of not
less than one hundred acres each, on any waste and unappropriated
land in this state; and that the said trustees shall have the same
power and authority over the lands appropriated under this section,
as set forth in the third section of this act, and that the re-
linquishment shall be entered on the county court order book, and
certified to the register of the land office.56

An ACT allowing further time for the County Courts and Trustees to
locate and carry into grant their several donations of Seminary
Lands allowed them by the laws of this Commonwealth.

Approved, February 1, 1814

Be it enacted by the General Assembly of the Commonwealth of
Kentucky, That the several county courts and trustees of seminary
institutions, be, and they are hereby allowed the further time of
two years to locate, survey, and carry into grant the several
donations of land, allowed them by the laws of this commonwealth, or
the balance thereof, where part has been patented: Provided,
however, that no location or survey for any donation of seminary
land made by virtue of this act, shall in any wise interfere with
any lands appropriated under any of the laws of this commonwealth,
by certificate, entry or survey, or any military claim, settlement
and pre-emption claim, or treasury warrant claim, or the claims of

56. Ibid., pp. 125-128.
any actual settler, not exceeding the quantity of 200 acres, including the place of actual settlement in the centre of a square, and running to the cardinal points, unless prevented by lines of contiguous or adjacent claims; such actual settler having settled himself on vacant land with a design of appropriating the same, in virtue of the laws of this commonwealth. And all locations and surveys made, and grants obtained under the provisions of this act, so far as the same may be found to interfere with any of the claims aforesaid, shall be entirely null and void: and provided also, that no survey made for seminary lands by virtue of this act, shall include less quantity than one hundred acres; nor shall any lands located by virtue of this act, interfere with the reserved lands lying within the bounds of Tellico or Hiwassee treaties, or with any land to which the Indian title has not been extinguished.

An ACT to amend the law concerning the Madison, Hardin and Henry Academies.

Approved, February 1, 1814

WHEREAS it has been represented to the general assembly, that the trustees of the Madison academy, appointed by an act of the general assembly passed in the year 1798, having failed to perform the duties imposed on them by the said act: Therefore,

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That John Patrick, Morse M. Price, Anthony W. Rollins, Archibald Woods and Curtis Fields, be, and they are hereby appointed trustees of the Madison academy, with all the powers granted to the former trustees of said academy, by the former acts. And to enable the said trustees to carry into effect

57. Ibid., pp. 128-129.
the purposes intended by the said acts, they are hereby authorised
to sell or lease the whole of the land belonging to the said academy,
at such time, and giving such credit, as they may think proper; the
price of which shall be applied to the purchase of a lot of ground
near the town of Richmond, and erecting a suitable building thereon,
for the use of said academy. And the trustees of said academy
shall procure a well bound book, in which shall be recorded all
their proceedings; and it shall be the duty of the trustees to enter
at length all the sales they may make of the land, and to whom sold,
and to what amount; which record shall be evidence of the sales
made of the land, and the amount sold for; so far at least as to
charge the trustees with the amount of the sale, and accountable
to their successors in office, of the application of the money by
them received. And it shall be lawful, when a vacancy shall happen,
for the trustees immediately to elect another or other trustees to
fill the vacancy.

Sec. 2. And be it further enacted, That the trustees of the
Hardin academy, or a majority of them, are authorised to lease or
sell the whole or any part of the lands belonging to that institu-
tion, for the purpose of erecting necessary buildings, and procuring
the apparatus for the use of that academy; and they are hereby
vested with full power to convey by deed or deeds; and are to be
governed by the same regulations as in the above recited act; any
law to the contrary notwithstanding.

Sec. 3. Be it further enacted, That Rowland Thomas, Isham
Henderson, Robert Thurston, James Bartlett, and Joseph Brinker,
are hereby constituted a body politic and corporate, to be known
by the name of "The Trustees of the Henry Academy;" and by that
name shall have perpetual succession, and a common seal, with power
to alter or change the same at pleasure; and as a body corporate
shall be authorised to exercise all the powers and privileges that
are now enjoyed by the trustees of any academy or seminary of learning
in this commonwealth. And on the death, resignation or refusal to
act, of any of the said trustees, a majority of the remaining
trustees shall fill such vacancy; and the person or persons so
appointed, shall be vested with all the power and authority they
would have, if specially named in this act. And by the name of
"The Trustees of the Henry Academy," may sue and implead, be sued
and impleaded, in any court in law or equity, or before any tri-
bunal having cognizance of the same.

Sec. 4. Be it further enacted, That the title of the seminary
lands heretofore appropriated by the county court of Henry, for the
use of the Henry academy, be, and it is hereby vested in the present
acting trustees of said academy, and their successors in office;
and they, or a majority of them, are hereby authorised to sell or
lease all or any part of said land, and appropriate the proceeds
thereof to the erection of a building; to the purchase of books
or philosophical apparatus, and to the employment of a public
teacher or teachers, for the use and benefit of said academy. And
upon any sale or sales, made under this section, the said trustees
may make a deed or deeds, in fee simple, to the purchaser or
purchasers: Provided, that the sales contemplated by this section,
shall in all cases be controlled and directed by the county court
of Henry county.58

58. Ibid., pp. 133-134.
An ACT for the relief of the Trustees of the Greenville and Greenup Seminaries.

Approved, December 19, 1814

WHEREAS it is represented to the present general assembly, by the trustees of the Greenup and Greenville Seminaries, that on account of certain embarrassments to the titles of land, vested in them as trustees, lying in the county of Christian, they have made a compromise and sale of said lands to Joshua Gaits:

Section 1. Be it therefore enacted by the General Assembly of the Commonwealth of Kentucky, That the compromise and sale of 3,700 acres of land lying in the county of Christian, contained in two several surveys, one of 3,200 acres, the other of 500 acres, vested in the trustees of the Greenup Seminary, and by them sold to the said Joshua Gaits, on the second day of November, 1814, be, and the same is hereby ratified and confirmed.

Sec. 2. And be it further enacted, That the compromise and sale of 3,650 acres, lying in the county of Christian, and vested in the trustees of the Greenville Seminary, and by them sold to said Joshua Gaits, in January, 1814, be, and the same is hereby ratified and confirmed. 59

An ACT authorising the sale of Seminary Lands, and the investiture of the proceeds in Bank Stock.

Approved, January 26, 1815

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the trustees of the seminaries in the several counties of this commonwealth may, and they are hereby authorised to sell and convey to the respective purchasers thereof, all the lands with which they have been respectively endowed by

the legislature of Kentucky.

Sec. 2. Be it further enacted, That the monies arising from the sales of the said land, shall, by the said trustees, be vested in stock in the Bank of Kentucky; which stock, when purchased, shall belong to the seminaries respectively, by whose monies it was procured; the dividend and proceeds of which stock, may, from time to time be applied by the trustees of the seminary to which it belongs, to the procurement of more stock until the annual proceeds or dividend thereof, shall amount to one thousand dollars: Provided, however, That where the majority of the trustees of any seminary, shall desire to erect the necessary buildings for the use and benefit of their seminary, it shall and may be lawful for said trustees to apply one fourth of the proceeds of the sale of their lands towards the erection of said building.

Sec. 3. Be it further enacted, That when the stock of each seminary shall produce annually a dividend amounting to the aforesaid sum of one thousand dollars, the trustees thereof, may, instead of accumulating stock by the application of the dividend thereon, apply the said dividend to the uses of the said seminary, or to the still further increase of stock, as their discretion and the state of the institution shall dictate.

Sec. 4. Be it further enacted, That the trustees of the aforesaid seminaries shall be allowed respectively, six per cent. upon the money for which they shall have sold the lands aforesaid, for their trouble in selling the said lands and purchasing the bank stock as aforesaid; which six per cent. they may respectively retain out of any dividends of said stock.

Sec. 5. Be it further enacted, That the trustees of each
seminary, when they shall have sold the lands thereof, and vested the proceeds as aforesaid, in bank stock, shall make out a report in writing of the quantity of land sold, of the price for which it was sold, of the person or persons to whom it was sold, of the county in which, and the water course upon which it laid, of the number of shares of bank stock purchased; which said report shall be lodged with the clerk of the county court, and carefully filed away and preserved by him, subject to the inspection of those whose interest or duty it may be to be informed of its contents.

Sec. 6. Be it further enacted, That the justices of the county courts of Allen and Daviess counties, be, and they are hereby authorised to appropriate six thousand acres of land for the benefit of a seminary of learning in each of their respective counties; subject, however, to the same laws and regulations now in force respecting the appropriation of seminary lands: And that they have two years allowed them from the passage of this act, for the appropriation of the same.60

An ACT to incorporate the Trustees of the Pendleton Academy.

Approved, January 26, 1815

WHEREAS it is represented to the present general assembly, that the trustees of the Pendleton seminary, by virtue of powers invested in them by the county court of Pendleton, under former acts, have proceeded to purchase a site and erect a house for the accommodation of a school in the town of Falmouth, by an application of a part of the funds raised by the sale of donation land, aided by the liberality of individual subscription: Wherefore,

60. Ibid., pp. 163-164.
Section 1. **Be it enacted by the General Assembly of the Commonwealth of Kentucky,** That James King, Alexander Monrow, Samuel Lockwood, Stephen Thrasher, James Naylor and James Wilson, acting trustees, shall be, and are hereby constituted a body politic and corporate, to be known by the name of "The Trustees of the Pendleton Academy;" and by that name shall have perpetual succession, and a common seal, with power to change and alter the same at pleasure; and as a body corporate, shall be authorised to exercise all the powers and privileges that are enjoyed by the trustees of any academy or seminary of learning in this state. And on the death or resignation, or other disqualification of any of the trustees aforesaid, or their successors, a majority of the remaining trustees shall fill such vacancy or vacancies; and the person or persons so appointed, shall be vested with the same power and authority as if specially named by this act; and by the name and style of the Trustees of the Pendleton Academy, may sue and be sued, implead and be impleaded, in any court of law or equity, or before any tribunal having cognizance of the same, or jurisdiction in like cases.

Sec. 2. **Be it further enacted,** That the said trustees and their successors shall have power, in their corporate capacity, to purchase or receive by donation, any lands, tenements or hereditaments, monies, rents, goods and chattels, and to hold the same by the name aforesaid, to them and their successors forever, for the use of said academy, and to sell, alien or transfer any such lands, goods or chattels, and apply the proceeds to the benefit of the institution.

Sec. 3. **Be it further enacted,** That the trustees shall hold two stated sessions in each year, to wit: On the first Monday
in April, and on the first Monday in November, at said academy.
And in case a sufficient number of members do not attend to consti-
tute a quorum, those who do attend may adjourn to a future day,
and shall give reasonable notice of the time and place of adjourn-
ment to, by advertising the same at the courthouse and academy door.

Sec. 4. Be it further enacted, That a majority of all the
trusteess shall be necessary to form a quorum to do business, as
is provided for in the foregoing sections of this act; and any
member failing to attend any meeting of the board, having had legal
notice of the same, or being informed thereof by any of the members,
shall be considered to have vacated his seat: Provided always,
that his absence was not unavoidable, from sickness or other in-
ability, or from his absence from the county, or attending a court
of justice in obedience to legal process, or in the military
service of this state or the United States; and in each case his
excuse shall be heard and adjudged of by the board.

Sec. 5. Be it further enacted, That the trustees shall have
power to make and ordain such by-laws, rules and ordinances as
they may deem proper for the government of said institution, not
inconsistent with the laws or constitution of this state; to elect
their president, treasurer and clerk, or other officers, and to
remove them again at pleasure; to engage and employ a competent
number of professors or teachers to said academy; to fix their
salaries, and the salary of their clerk, and purchase books and
stationery for the use of the board; to employ agents and attorneys
to manage the fiscal concerns of the institution; to fix the terms
of tuition; and on the misconduct of any professor, tutor or
student, may expel him or them from said academy.
Sec. 6. Be it further enacted, That the trustees shall have power to purchase, or take by subscriptions, (as they may deem most advantageous to the interest of the institution) any number of shares of bank stock, in any chartered bank, or in the bank of the United States, if any such shall hereafter exist, not exceeding three-fourths of the nett proceeds of the land sold, and which may be sold, belonging to the Pendleton academy.

Sec. 7. Be it further enacted, That it shall be lawful for the principal teacher or president, or any two of the members of the board, when they shall deem it necessary, to call a meeting by advertising, as is directed by the third section of this act; and any member failing to attend said meeting, may be proceeded against in the same manner as for failing to attend a stated meeting, or meeting appointed to be held by adjournment: Provided, however, that the board, when convened without such notice, shall have as full power to act and transact all necessary business, at any time and place, as if such notice had been given by advertisement.

Sec. 8. Be it further enacted, That all the lands, goods, chattels, rights and credits, heretofore belonging to the trustees appointed by the county court of Pendleton, or belonging to said court for the use of any academy in said county, shall be, and are hereby vested in the trustees constituted by this act, and their successors. And the said trustees appointed by this act, and their successors, are hereby empowered to recover by suit or otherwise, all debts and demands of every description heretofore contracted with the former trustees, or the county court of Pendleton, for the use and benefit of an academy in said county. 61

61. Ibid., pp. 174-177.
An ACT to authorise the Trustees of Henderson Academy to appoint additional Trustees.

Approved, January 31, 1815

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the trustees of Henderson academy, shall be, and they are hereby authorised to appoint such additional number of trustees to the said academy, not exceeding seven, as in their opinion shall be conducive to the interest of the said institution; which appointments of said trustees shall be concurred in by a majority of all the present trustees, and the names of the persons so appointed shall be entered on the record of said institution; and the said additional trustees, when so appointed, and their successors, shall, in common with the present trustees and their successors, possess the same powers and authorities, over and concerning said institution, in every respect, as possessed by the present trustees of said institution: Provided, nevertheless, that five trustees may constitute a board to transact the ordinary business of the institute.

An ACT appointing Trustees to the Grayson Seminary, and for other purposes.

Approved, January 29, 1816

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Jack Thomas, Robert E. Yates, William Cunningham, John Yates, John Cunningham, Isaac Thomas and William Love, gentlemen, be, and they are hereby constituted a body politic and corporate, to be known by the name and style of "The Trustees of the Grayson Seminary," and by that name shall have perpetual succession, and a common seal, with power to change or alter the

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62. Ibid., p. 195.
same at their pleasure; and as a body corporate, shall be authorised to exercise all the powers and privileges that are now enjoyed by the trustees of any seminary or academy of learning in this state; and on the death, resignation, or other disqualification of any of the trustees aforesaid, or their successors, a majority of the remaining trustees shall fill such vacancy; and the person so appointed, shall be vested with the same power and authority as if specially named by this act; and by the name and style of the Trustees of the Grayson Seminary, may sue and implead, be sued and impleaded in any court in law or equity, or before any tribunal having cognizance of the same.

Sec. 2. The said trustees and their successors, shall have power in their corporate capacity, to purchase, or receive by donation, any lands, hereditaments, money, rents, goods and chattels, and to hold the same, by the name aforesaid, to them and their successors forever, for the use of said seminary; and to sell, alien or transfer, any such lands, goods and chattels, and apply the proceeds thereof, to the use and benefit thereof.

Sec. 3. The said trustees shall be entitled to locate, survey and patent the quantity of six thousand acres of land, if the same has not been located, surveyed and patented, on any vacant and unappropriated land in this commonwealth, on the terms and conditions prescribed in the act entitled "an act to establish and endow certain academies," and the several acts amendatory thereto; and for that purpose may contract with any person or persons to locate, survey and have the same patented; for which services they are authorised to give and convey, to such person or persons, a part of said land, not exceeding one third, and may
also sell and dispose of all, or any part of the land which has been, or may hereafter be granted unto said seminary, for the purpose of erecting buildings, and providing books and other apparatus, for the use and benefit of said seminary; also, may lease the said land or any part thereof, for any term of years not exceeding ten, and apply the proceeds thereof, for the use aforesaid.

Sec. 4. The person first named herein, or in his absence or refusal to act, the next, shall notify the time and place, for the first meeting of the trustees; and on the attendance of a majority thereof, they shall appoint a chairman and clerk, who shall severally take an oath, well and truly to execute the duties of their office; and thereafter the board may be called by the chairman, or any two of the trustees. The said trustees shall have power to adjourn from day to day, to make and ordain such by-laws, rules and ordinances, as they may deem proper; not inconsistent with the laws of this state: And moreover, to fix on a proper place for erecting the buildings of said seminary. Provided, that a majority of all the trustees is necessary to attend on the making of any contract, by-laws, or fixing on the permanent seat of the same.

Sec. 5. A majority of said trustees, shall have power to engage a competent number of masters and professors to said seminary, to fix their salaries and the salary of their clerk, as also the terms of tuition; and on the misconduct of any master, professor or student, may dismiss such master, professor or student from the said seminary. 63

An ACT exempting from taxation, houses devoted to Public Worship and Seminaries of Learning, and the ground on which they are erected.

63. Ibid., pp. 325-326.
Section 1. Be it enacted by the General Assembly of the
Commonwealth of Kentucky, That the several houses which now are,
or shall hereafter be erected in this state, for the purpose of
public worship, shall be, while they continue to be exclusively
devoted to that object, exempt from taxation for state or corpora-
tion purposes.

Sec. 2. Be it further enacted, That the land permitted by the
laws of this state to be held by any denomination of Christians in
a fiducial or individual capacity, for devotional purposes, shall
be, and remain alike exempt from taxation.

Sec. 3. Be it further enacted, That the land upon which any
seminary of learning may have been, or shall hereafter be erected,
to the extent of five acres, held fiducially or individually for
purposes of learning; together with the buildings thereon, devoted
to that object, shall be alike exempt from taxation.

Sec. 4. Be it further enacted, That all libraries, &c. held
fiducially or individually for seminary or church objects, shall
be alike exempt from taxation.

An ACT for the benefit of the Breckenridge Seminary, and to allow
a further time to survey certain Seminary Lands.

Approved, February 10, 1816

WHEREAS it is represented to the present general assembly,
that no trustees have heretofore been appointed for the Breckenridge
seminary lands:

Section 1. Be it therefore enacted by the General Assembly of
the Commonwealth of Kentucky, That Joseph Allen and John P. Oldham,
of Hardinsburg, be, and they are hereby appointed trustees, with

64. Ibid., pp. 331-332.
full power and authority to sell and convey the said lands, and 
appropriate the proceeds of such sales in the manner prescribed by 
an act passed the last session of the general assembly of this 
state, authorising the trustees of seminaries to sell their seminary 
lands, with the further privilege of vesting the proceeds of such 
sales in the purchase of stock of any bank which now is, or here- 
after may be incorporated by the legislature of this state. 

Sec. 2. Be it further enacted, That the further time of two 
years be given to survey the donation lands for the several semi-
naries in this commonwealth. 65

An ACT establishing a Town on the Jefferson Seminary Lands. 

Approved, January 3, 1817

Section 1. Be it enacted by the General Assembly of the 
Commonwealth of Kentucky, That it shall and may be lawful for the 
present trustees of the Jefferson seminary of learning, and their 
successors in office, or a majority of them, and they are hereby 
authorised and empowered to establish a town on the lands be-
longing to that institution in the county of Union, on such part 
thereof as they shall deem most eligible for that purpose, and 
embracing such portion of said tract of land as they may think 
necessary for that purpose; and the said present acting trustees 
of the Jefferson seminary, and their successors in office, or a 
majority of them, are hereby authorised and empowered, by deed, 
to be recorded in the county court of Union county, to convey all 
the right, title and interest of the trustees of the said seminary, 
in and to such part of said lands as they may think proper, for 
the establishment of a town, to such persons, not exceeding five

65. Ibid., p. 401.
in number, as they may designate, convenient to the situation of
said town, subject to such trusts and regulations relative to the
formation of a plan, the surveying of the said tract into necessary
lots and streets, the sale of lots, and in general to such regu-
lations and arrangements relative to said town as the said present
acting trustees of the Jefferson seminary, or their successors, or
a majority of them, may prescribe.

Sec. 2. Be it further enacted, That the said present acting
trustees of the Jefferson seminary, or their successors in office,
or a majority of them, are authorized and empowered to form and
establish a plan of said town, direct the surveying thereof, what
parts and lots in said town shall be sold, and what parts or lots
shall be reserved for the said seminary; terms of credit to be
allowed, and the security to be required of purchasers at said
sales; and in general, to prescribe such rules and regulations
as they may deem necessary for the foregoing purposes.

Sec. 3. Be it further enacted, That the said five persons, to
be designated by the trustees of the Jefferson seminary as afore-
said, shall be the trustees of the said town, until there shall
be fifteen house-keepers, or owners of lots, living in said town;
after which, the inhabitants of said town shall have a right to
elect trustees, as prescribed by the regulations of the general
laws of this state as to towns, and thereafter to be governed by
the general regulations; and all vacancies among the said five
persons to be supplied by appointments to be made by the residue
of the said five persons; and the said five persons, or those
appointed to succeed them, (or) a majority of them, shall have
and exercise all the powers and rights invested in trustees of
other towns by the general laws of this state, as to convey lots and other subjects relative to said town, subject to the regulations herein before contained.

Sec. 4. Be it further enacted, That all bonds to be taken by the trustees of said town, for the sale of lots in said town, shall be taken by them payable to the trustees of the Jefferson seminary of learning, and their successors in office, and shall be delivered over to the said trustees of the Jefferson seminary, to be appointed to the purposes of the seminary, and in payment of the purchase money to the trustees of the Jefferson seminary, by the purchasers respectively. The said trustees of the town shall be, and are hereby authorised and empowered to convey the said lots to the purchasers respectively. 66

An ACT to incorporate the Trustees of the Allen Seminary.

Approved, January 3, 1817

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That James R. Alexander, Thomas Gatton, John Godley, Alfred Payne, Daniel M. Jones, David A. Porter, Jacob W. Walker, John Walker, John Wills and Samuel Garrison, shall be, and they are hereby constituted a body politic and corporate, to be known by the name of the Trustees of the Allen Seminary; and by that name shall have perpetual succession, and a common seal, with full power to change the same at pleasure.

Sec. 2. And be it further enacted, That the fee simple title to the lands granted to the Allen seminary, shall be vested in said trustees and their successors, who shall have full power to

66. Ibid., pp. 428-430.
sell and convey said lands, upon such terms as two-thirds of the board of trustees may think proper.

Sec. 3. Be it further enacted, That all monies received by said trustees, or their successors, on account of the sale of said lands, shall be laid out in the purchase of bank stock in some chartered bank of this state; and the interest on said stock shall likewise be laid out in the purchase of bank stock, until the stock directed to be purchased by this section, together with that directed to be purchased by the ensuing section, shall amount to the sum of $10,000.

Sec. 4. And whereas it is represented to the general assembly, that there will be a considerable sum of money left, arising from the sale of lots in the town of Scottsville, after defraying the expense of erecting public buildings in the county of Allen, as contemplated by the act of assembly establishing said county of Allen: Be it therefore enacted, that the remainder of the money arising from the sales of lots in Scottsville, after paying for the public buildings as aforesaid, shall be vested in said trustees and their successors, for the use and benefit of said seminary, to be laid out in the purchase of bank stock in some chartered bank of this state, and the interest shall likewise be laid out in the purchase of bank stock, until the stock purchased in pursuance of the third section, shall together amount to ten thousand dollars.

Sec. 5. Be it further enacted, That the county court of Allen shall direct the money left, arising from the sales of lots in Scottsville, after paying for the public buildings in the county of Allen as aforesaid, to be paid over to the treasurer of the said
board of trustees, whose receipt shall be taken for the same, and recorded and filed in the office of the clerk of the Allen county court.

Sec. 6. Be it further enacted, That when the bank stock directed to be purchased by this act, shall amount to ten thousand dollars, it shall be lawful for the board of trustees to appropriate the annual dividend or interest on said stock, in the purchase of a lot of ground, not exceeding three acres, which they may hold exempt from taxation, for the use of said seminary, in erecting suitable buildings thereon, in procuring necessary books and apparatus, and employing competent teachers.

Sec. 7. The trustees shall elect a president, treasurer and clerk to their own body, and so many professors, tutors or masters as may be necessary; and upon the death, resignation or legal disability of any of the trustees, president or other officers of said seminary, the board of trustees shall supply the vacancy by ballot.

Sec. 8. The professors, tutors or masters employed in said seminary, shall continue in office during the pleasure of the board of trustees, and shall receive such salaries as may be agreed on by them and the board of trustees.

Sec. 9. The trustees shall have power from time to time to establish such by-laws and regulations, rules and ordinances, not contrary to the constitution and laws of this commonwealth, as they shall deem necessary for the government of said seminary.

Sec. 10. The assent of a majority of the whole number of trustees shall be necessary to transact the following business: To elect and agree upon the salaries of the tutors employed; to
fix on the permanent seat of the seminary; to sell any lands, tenements or rents belonging to the seminary; and to make any contract which shall require the appropriation of a larger sum than twenty dollars; in all other cases five trustees shall constitute a board for the transaction of business.

Sec. 11. The president of the board of trustees shall have power to call special meetings of the said trustees, and it shall be his duty, upon request of three of them, to do the same; but upon any called meeting, the president of the board shall give general notice ten days previous to the meeting, stating the time and place where the meeting shall be held.

Sec. 12. The trustees of said seminary shall hold two stated meetings in each year, at such time and place as they shall judge proper; and in case sufficient number of members do not attend to constitute a board, those who shall attend may adjourn to any day previous to the next stated meeting, and shall give ten days' previous notice thereof.

Sec. 13. If at any time a member of the board of trustees shall absent himself from two stated meetings successively, unless for good cause shown and approved of by the board, in such case his seat shall be considered as vacant, and the board may proceed to fill his seat with a new member.

Sec. 14. The said trustees, by the name aforesaid, may sue or be sued, plead or be impleaded, in any court of law or equity within this state.

Sec. 15. Said trustees shall hold their first meeting on the first Monday in May next, at the court-house in the town of Scottsville, in Allen county.
Sec. 16. And whereas it is thought by this present general assembly, that the mind enlightened by the study of the arts and sciences, should be left free to form its religious opinions, unbiased by impressions made in early life, by any particular sect or denomination: Be it therefore enacted, that said trustees and their successors, in the appointment of their officer and in the election of teachers for said seminary, shall give no preference to any one on account of religious sectarian sentiments; nor shall said trustees, or their successors, make or enforce any law, regulation or ordinance, which is or shall be calculated to implant in the minds of the rising youth, a bias in favor of any particular religious sect.

Sec. 17. The trustees of said seminary shall be accountable to the legislature at all times for their conduct in the management of said seminary, and the affairs of said seminary shall at all times be controlled in such manner as the legislature by law may direct.67

An ACT further to regulate the Christian Academy, and to amend the law establishing an Academy in the County of Caldwell.

Approved, January 17, 1817

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Rezin Davidge, Peter Ferguson, Edward Bradshaw, John Clark, Ferdinand Wadlington, Benjamin H. Reeves, John Bryan, John D. Patton and Charles Caldwell, gentlemen, be, and they are hereby constituted a body politic and corporate, to be known by the name of "The Christian Academy;" and by that name shall have perpetual succession, and a common seal, with power

67. Ibid., pp. 433-435.
to alter or change at pleasure; and as a body corporate, shall be authorised to exercise all the powers and privileges that are now enjoyed by the trustees of any academy or seminary of learning in this state; and on the death, resignation or other disqualification of any of the trustees as aforesaid, or their successors, a majority of the remaining trustees shall fill such vacancy; and the person so appointed shall have the same powers and privileges as if specially named in this act; and by the name and style of the trustees of the Christian academy, may sue and be sued, plead and be impleaded, or may be sued and impleaded in any court of law or equity, or before any tribunal having cognizance of the same.

Sec. 2. The said trustees and their successors, shall have power, in their corporate capacity, to purchase or receive by donation, any lands, tenements, hereditaments, monies, rents, goods and chattels, and to hold the same by the name aforesaid, to them and their successors forever, for the use of said academy; and to sell, alien or transfer any such lands, goods and chattels, and apply the proceeds to the use and benefit thereof; also to dispose of all the lands heretofore or hereafter appropriated for the benefit of said seminary, according to existing laws.

Sec. 3. The person first named herein, or in his absence or refusal to act, the next, shall notify the time and place for the first meeting of the trustees; and on the attendance of a majority thereof, they shall severally take an oath, to be administered by some justice of the peace, well and truly to execute the duties of their office; and thereafter the board may be called by the chairman, or by any two of the trustees. The said trustees shall have power to adjourn from day to day; to make and ordain such
by-laws, rules and ordinances as they may deem proper, not in-
consistent with the laws of this commonwealth; and moreover to fix
on a proper place for erecting the buildings for the said academy:
Provided, that a majority of all the trustees shall be necessary
to attend on the making any contract, by-laws, or fixing the perma-
nent seat for the same.

Sec. 4. A majority of said trustees shall have power to engage
and employ a competent number of tutors and professors to the
said academy; to fix their salary and the salary of their clerk,
and also the terms of tuition; and on the misconduct of any tutor,
professor or student, may dismiss or expel such tutor, professor
or student from the said academy. All acts or parts of acts coming
within the purview of this act, shall be, and the same are hereby
repealed.

Sec. 5. Be it further enacted, That nothing in the second
section of the act entitled "an act establishing an academy in the
county of Caldwell," approved the 22d day of December, in the year
1812, shall be so construed as to authorise the trustees of the
Caledonia academy to dispose of any lands heretofore or hereafter
appropriated, except the lands held by and belonging to the said
Caledonia academy.68

An ACT authorising the sale of part of the Public Ground in the
Town of Danville, and incorporating the Trustees of the Danville
Academy, and for other purposes.

Approved, January 30, 1817

WHEREAS it is represented to the present general assembly of
the commonwealth of Kentucky, that since the abolition of the
district court, a large portion of the ground devoted, during its

68. Ibid., pp. 450-451.
existence, in the town of Danville, to public uses, has remained unapplied to any advantageous general purpose; and as said ground, from its situation, would command a price sufficient for the liberal establishment of an academy: Therefore,

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the trustees of the said town of Danville, are hereby authorised and directed to sell to the highest bidders, on the first day of next March, after having advertised such sale for two weeks preceding said time, in some public newspaper of the state, all that part of said public ground which fronts the street running from the corners owned by George Norton and Mrs. Strong, and passing Dr. M'Dowell's present dwelling-house, running back and including one third of the depth of said public ground.

Sec. 2. Be it further enacted, That it shall be the duty of said trustees, or a majority of them, to divide the said portion of the public ground in the town of Danville, into such number of equal lots, not less than four, as to them may seem advantageous; and that on the day of sale, they shall be sold individually, to the highest bidder, at a credit not exceeding two years, he giving bond with approved security, for the payment of the amount of the purchase money.

Sec. 3. Be it further enacted, That all sums collected on bonds taken in the manner above prescribed, shall be paid into the hands of Joshua Barbee, Jeremiah Fisher, Ephraim M'Dowell, Richard Davenport, George Bast, David Bell and Michael Hope, or a majority of them, who are hereby authorised to receive them, and required to dispose of them in such manner as is hereinafter
mentioned.

Sec. 4. Be it further enacted, That Joshua Barbee, Jeremiah Fisher, George Bast, Richard Davenport, Ephraim M'Dowell, David Bell and Michael Hope, are hereby constituted a body corporate, under the name of the Trustees of the Danville Academy, with all the general powers possessed by similar corporations.

Sec. 5. Be it further enacted, That the trustees of the Danville academy are hereby authorised to purchase, with the money paid into their hands by the trustees of the town of Danville, a lot of ground, not less than one acre, nor more remote from the public ground in said town than one half mile, for the use of the Danville academy; and they are hereby directed to build and complete, on said lot so purchased, such stone or brick house as the balance of the monies remaining in their hands will justify them in erecting, and as will be convenient for the purposes of an academy.

Sec. 6. Be it further enacted, That the trustees of the town of Danville are hereby authorised to convey titles to the purchasers of lots sold in the manner above prescribed. All acts of the trustees of the Danville academy, or a majority of them, shall be obligatory on the corporation.

Sec. 7. Be it further enacted, That the trustees of the town of Danville be authorised to raise one hundred dollars, additional to the tax raised by them at present.

Sec. 8. Be it further enacted, That the court-house in said town be, and the same is hereby vested in the present master and wardens of Franklin Lodge, No. 28, and their successors, for the use and benefit of said Lodge, under the rules, regulations and
restrictions hereinafter mentioned.

Sec. 9. Be it further enacted, That the said master and wardens, or their successors, be, and they are hereby authorised to take possession of said court-house, and to make such alterations in the upper rooms in said court-house, as the said master and wardens, or their successors, with the consent of said Lodge, may think proper; and the said master and wardens, or their successors, shall enjoy the free and entire possession of said house, for the purposes aforesaid, until the legislature shall otherwise direct, any law to the contrary notwithstanding.69

An ACT further to regulate the Robertson Academy, in Adair County.

Approved, February 1, 1817

WHEREAS it is represented to the general assembly, that a survey was made for one thousand six hundred and sixteen acres of land in Adair county, on the waters of Leatherwood fork of Little Barren river, in the name of the justices of the peace of Adair county, for the use and benefit of a seminary in said county, and that a patent issued thereon on the seventeenth day of February 1809; and subsequent to that time, it has been discovered that a considerable portion of said land is covered by an old military survey; and it further appearing, that an act passed of the thirty-first day of January 1814, vesting said land in the trustees of the Robertson academy, in Adair county: Therefore,

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the said trustees, or a majority of them, or their successors, or a majority of them, be, and they are hereby authorised to relinquish the right and title which they

69. Ibid., pp. 479-481.
have as trustees to said land, or to such part thereof as the said trustees, or a majority of them, shall think proper; which relinquishment shall be made in the Adair county court, and entered on their order book, and certified by the clerk of said court to the register of the land-office. Upon the receipt of said certificate, the register of the land-office shall enter in the margin of his record book, opposite the record of said patent, that the same is relinquished, or such part thereof as may be relinquished.

Sec. 2. Be it further enacted, That the said trustees, or their successors, or a majority of them, shall be, and they are hereby authorised to enter, survey and carry into grant, so much land as they may relinquish, on any waste and unappropriated land in this commonwealth, in one or more surveys: Provided, however, that no survey shall be made for a less quantity than one hundred acres, unless the same is bounded all round by lines of prior claims: And provided also, that no survey made by virtue of this act, shall interfere with, or affect any prior claim or any actual settler.

Sec. 3. Be it further enacted, That the said trustees, their successors, or a majority of them, shall have full power to lease, rent or sell and convey, all or any part of said land, and apply the proceeds thereof to the use and benefit of said academy, in such manner as they may think fit.

Sec. 4. Be it further enacted, That a majority of the trustees of said academy, shall in all cases be competent to transact any business relative to said academy. 70

70. Ibid., pp. 496-498.
An ACT for the relief of the Trustees of the Jefferson Seminary, and for other purposes.

Approved, February 3, 1817

WHEREAS it is represented to the present general assembly, that the trustees of the Jefferson seminary, in Estill county, in defending and prosecuting several suits about the lands of said establishment, and in quieting a certain claim belonging to the same by compromise, have become in debt, money which they are not authorised by law to pay out of the money arising from sales of the said land: For remedy whereof,

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the said trustees are hereby authorised to pay any debts due by said institution, out of any money received from the sales of said lands; and any payments that may have been made by said trustees out of the proceeds of such sales, is hereby ratified and confirmed, any law to the contrary notwithstanding.

Sec. 2. Be it further enacted, That the Jefferson seminary, in Estill county, shall be hereafter known by the name of the Estill seminary; and the trustees of the said seminary shall possess the same power in every respect, about said institutions, as they have heretofore had by the laws of this commonwealth now in force.

Sec. 3. Be it further enacted, That it shall be lawful for the trustees of the above seminary to appropriate one thousand dollars of the proceeds of the sales of said seminary lands, to the use of building a house for said seminary. 71

71. Ibid., p. 508-509.
An ACT to authorise the Trustees of the Woodford Seminary to sell part of their Lot.

Approved, February 4, 1817

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the trustees of the Woodford seminary, shall be, and they are hereby authorised to sell and convey a part of said seminary lot in the town of Versailles, to be taken off the east end thereof, not to exceed one half acre, and apply the money arising therefrom to the repairing the house.72

An ACT to regulate the Town of Falmouth, and for the benefit of the Harrison and Nicholas Academies.

Approved, February 5, 1817

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the free male inhabitants of the said town, who shall have attained the age of twenty-one years or upwards, and have been residents of said town for three months previous to the time of election, together with those who may be the fee simple owners of ground in said town, are hereby authorised and required to meet at the court-house of the county aforesaid, on the first Monday in July next, and on the same day in each succeeding year, and to elect five trustees for said town; to make any by-laws for the regulation and government of said town, which they may deem necessary, not inconsistent with the laws and constitution of this commonwealth.

Sec. 2. And be it further enacted, That the trustees, or a majority of them, shall have full power and authority to impose such a tax annually on the inhabitants of said town, and persons

72. Ibid., p. 556.
owning property within the limits thereof, not exceeding two hundred dollars per year, as to them may seem proper, for keeping in repair the public streets and other works of public utility in said town, or for any other purposes which the trustees aforesaid, or a majority of them, may think proper for the benefit of said town; which tax shall be apportioned among its inhabitants, and persons owning property within the limits thereof, by laying such a per centum on the value of all such property, both real and personal, within the limits (of) the town aforesaid, as the said trustees, or a majority of them, may think proper; or they may, at their discretion, raise the sum aforesaid, or any part thereof, by a capitation tax on the inhabitants of said town, and persons owning property therein.

Sec. 3. Be it further enacted, That the aforesaid trustees or a majority of them, shall have full power to appoint a commissioner annually, whose duty it shall be to apply to the inhabitants of the county of Pendleton as may own property within the limits of said town, for the purpose of receiving from each a list of all such property, and the value thereof, as may have been subjected to taxation in the manner above mentioned. It shall be the duty of each person so applied to, to furnish the commissioner with a list of such property, with the value annexed thereto, as he may have been the owner of on the first day of March preceding the application; and on refusal or failure, when applied to, or on giving in a false and fraudulent list, shall be subject to a fine of ten dollars and cost, to be recovered in the name of the trustees, or a majority of them, upon warrant before any justice of the peace of this commonwealth, to be applied to the same
purposes as the taxes above mentioned are directed to be applied. The application by the commissioner above mentioned, shall be made at any time in the months of April or May, annually; the commissioner shall return the list aforesaid to the clerk of the trustees, so soon as he may have it completed, alphabetically arranged in a book prepared for that purpose. Such property in said town as may be owned by persons who are not residents of the county aforesaid, shall be valued by the commissioner, and a list thereof, arranged as above directed, in a separate book, be also returned to the clerk at the same time.

Sec. 4. Be it further enacted, That no person shall be eligible as a trustee of said town, unless he shall have resided in the limits thereof for six months previous to his election, and at least twenty-five years of age.

Sec. 5. Be it further enacted, That the said trustees, or a majority of them, shall appoint their clerk annually, and any other officers they may think proper; and they, or a majority of them, shall have power to inflict a fine not exceeding ten dollars, for every breach of their by-laws, to be sued for and recovered in their name, before any justice of the peace, and applied to the uses above mentioned.

Sec. 6. Be it further enacted, That after the trustees have laid and apportioned the taxes under this act, they shall appoint annually a collector thereof; whose duty it shall be to collect and account for the same to the trustees, within two months after he shall have been furnished with a list of said taxes; and the said collector is hereby authorised to restrain and make sale of any personal property, in the same manner as the collectors of the
revenue are directed to do by the existing laws of this state on that subject, in case of failure or refusal to pay; and the said collector shall be allowed such compensation as the trustees, or a majority of them, may think reasonable, not exceeding five per centum on the sum collected, to be paid out of any money in the hands of the trustees. The collector, before entering on the duties of his office, shall enter into bond to the trustees, in the penalty of four hundred dollars, conditioned for the faithful performance of his duty; and shall take a solemn oath, administered to him by any one of the trustees before the board of trustees, faithfully to discharge the duties of his office to the best of his judgment; and if he shall fail to collect the taxes in the time aforesaid, or to account for the same to the trustees when collected, the trustees may, upon giving him and his securities ten days' written notice thereof, recover judgment against them in the county court of Pendleton, for the sum which he shall have failed to account for, together with twenty-five per centum on the sum so detained, and the cost of the motion.

Sec. 7. Be it further enacted, That in case of a vacancy in the board of the trustees aforesaid, the remaining trustees, or a majority of them, shall meet at the court-house of the county, at any time, and fill such vacancy by the nomination of a person qualified as above mentioned; which trustee or trustees so appointed, shall possess the same power as others, and remain in office until others are elected to supply their places.

Sec. 8. Be it further enacted, That the trustees, after they are elected, shall meet at the court-house of the county, in the first Saturdays in February, March, June, September, and
November, annually, and at such other times as they may think proper; they shall remain in office until others are elected in their place, and may make such compensation to their clerk and commissioners as they may think proper. The clerk shall take an oath, administered by any one of the trustees when in session, faithfully to preserve all books and papers confided to his care by the trustees, and in all respects faithfully to discharge his duty to the best of his skill.

Sec. 9. Each trustee and commissioner shall also take an oath, to be administered by some justice of the peace, faithfully and honestly to discharge their duties to the best of their judgment; which oath shall be noted by the clerk on the record book of the trustees.

Sec. 10. Be it further enacted, That a majority of said trustees, shall have power to inflict a fine not exceeding five dollars, on any trustee for failing to attend any of the above stated meetings of the board without a sufficient excuse, to be recovered by a warrant in the name of the other trustees, before any justice of the peace; the trustee intended to be so fined having ten days' previous notice in writing, to appear before the board of said trustees, and shew cause, if any he can, why he should not be fined.

Sec. 11. Be it further enacted, That when any person holding property in said town, does not reside in the county of Pendleton, it shall and may be lawful for the collector to levy upon the goods and chattels of the tenant in possession, for the amount of tax due on said property; and in case there should be no tenant, or occupier of the property, the town collector shall place the tax-bill in the hands of the sheriff of the county, where the owner of such property may reside; who shall receive and collect
the same under the same rules and regulations, fines and forfeitures, as the said collector is liable to.

Sec. 12. Be it further enacted, That elections for trustees under this act, shall be superintended and directed by justices of the peace, who shall deliver the persons elected, certificates of their elections; which shall be noticed by the clerk, and filed away by him.

Sec. 13. Be it further enacted, That the trustees after having advertised, in the most convenient newspaper, and at the courthouse door of the county, for at least two months, shall expose to public sale, all the lots which were stricken off to the highest bidders, at former sales under an act, approved December the tenth, 1793, entitled an act establishing a town in the forks of Licking, on the lands of John Cook, William M'Dowell and John Waller, where no title bonds or deeds of conveyance was executed to the purchaser or purchasers, nor the payment of the sum or sums bid, secured by writing upon such a credit as the proprietors of the town may direct; and shall take bonds from the purchasers with approved security to the aforesaid proprietors.

Sec. 14. Be it further enacted, That the said trustees, shall have full power and authority, to make any order for the removal or abatement of nuisances within the limits of said town; and each and every person offending by nuisance, who shall fail or refuse to abate or remove the same, having due notice of the order of the trustees to that effect, shall for every twenty-four hours, he suffers the same to remain after he shall receive said notice, forfeit and pay any sum not exceeding two dollars, recoverable by warrant before any justice of the peace of said county. All of
which fines and forfeitures thus recovered, shall be appropriated towards the improvement of the streets and alleys of said town, as the trustees thereof may direct.

And whereas it is represented to the present general assembly, that on account of conflicting claims, the Harrison seminary lands, have been sold by the trustees thereof, for five thousand dollars only; and under existing laws one fourth of that sum only can be applied to erecting a building for an academy, a sum entirely too small for that purpose: Therefore,

Sec. 15. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for the trustees of the Harrison academy, to appropriate so much of said five thousand dollars not already vested in bank stock, as will be sufficient to build a house in or near the town of Cynthiana for an academy, which may be suitable to the future prospects of the institution in that place, any law to the contrary notwithstanding.

Sec. 16. Be it further enacted, That the trustees of the Nicholas seminary, shall be, and they are hereby authorised by themselves or their agent, to compromise and settle all conflicting claims or other incumbrances, if any, on the lands of said seminary; and to sell and convey the same or any part thereof, giving such credits as they may think proper; and the said trustees are hereby further authorised to purchase as much ground as they may think necessary, and to erect a building thereon for an academy; and likewise to purchase books and such other school apparatus as they may think proper, for the use and benefit of said academy; and they shall allow to the agent or person authorised to transact the business aforesaid, a reasonable and just compensation, to be
approved of by the county court of Nicholas; the whole to be paid for, out of the funds arising from the sale of the seminary lands aforesaid, any law to the contrary notwithstanding.  

An ACT to amend a law entitled "an act to incorporate the trustees of the Allen Seminary."

Approved, December 15, 1817

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the third, fourth, fifth and sixth sections of an act approved the third day of January 1817, entitled "an act to incorporate the trustees of the Allen seminary," be, and the same is hereby repealed.

Sec. 2. Be it further enacted, That the money arising from the sales of said lands belonging to said seminary, may be applied by the trustees to the purchase of a lot of ground (which shall be held free from taxation) for the seat of said seminary; in erecting suitable buildings thereon; in procuring necessary books and apparatus, and employing competent teachers.

Sec. 3. Be it further enacted, That the balance of the money arising from the sale of lots in the town of Scottsville, after paying for the erecting of public buildings, shall be applied by the county courts of Allen county to the use of said county.

73. Ibid., pp. 579-584.
74. Acts Passed at the First Session of the Twenty-Sixth General Assembly of the Commonwealth of Kentucky (Frankfort, Kendall and Russell, 1818), p. 306.
CHAPTER III

THE SECOND TWENTY-FIVE YEARS OF STATEHOOD

An ACT to add additional Trustees to the Somerset Academy, and for other purposes.

Approved, January 17, 1818

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Tunstall Quarles, jun. John Tummelson, Daniel Clare and Galen R. Elliott, be added to, and incorporated with the present trustees of the Somerset academy; and as a body corporate, shall exercise all the powers and privileges that are now enjoyed by the trustees of any academy within this commonwealth; and on the death, resignation, removal or other disqualification of any of the trustees of the said academy, a majority of the remaining trustees shall fill such vacancy; and the person or persons so appointed shall be vested with the same power and authority as those appointed by this and former laws; and by the name and style of the Trustees of the Somerset Academy, may sue and be sued, plead and be impleaded, or may be sued and impleaded in any court of law or equity having jurisdiction of the same.

Sec. 2. The said trustees and their successors shall use one common seal, with power to alter or change at pleasure, and shall have power in their corporate capacity to purchase or receive by donation, any lands, tenements, hereditaments, monies, rents, goods and chattels, and to hold the same by the name aforesaid, to them and their successors forever, to the use of said academy; and may sell, alien and transfer, or rent or lease all lands and tenements that have been or may be hereafter donated, or granted, or purchased, for the benefit of said academy; and shall apply the proceeds thereof to the use and benefit of said academy.
Sec. 3. The trustees aforesaid shall severally take an oath, to be administered by some justice of the peace, well and truly to execute the duties of their office; they shall select their chairman from their own body, who shall have power to notify and call a meeting of the said trustees when necessary, and shall have power to adjourn from day to day, to make and ordain such by-laws, rules and ordinances as they may deem proper, not inconsistent with the laws of this commonwealth, a majority of all the said trustees being present; they shall fix on a proper place for erecting the buildings for the said academy; they shall have power to engage and employ a competent number of preceptors and tutors to said academy; may fix their salaries; they shall appoint their clerk, who shall keep a fair record of all their proceedings; they shall fix the terms of tuition, and on the misconduct of any preceptor, tutor or student, they may dismiss or expel such preceptor, tutor or student from said academy.75

An ACT to allow an additional number of trustees to the Montgomery Academy, and for other purposes.

Approved, January 23, 1818

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the present trustees of the Montgomery Academy shall have power to increase their number of trustees to seven, in the same manner that by law they are now authorised to fill any vacancy which may happen in said board of trustees; a majority of which seven trustees shall be sufficient to do business.

75. Ibid., pp. 346-347.
Sec. 2. Be it further enacted, That the proceedings of the former trustees, as to their time of meeting as a board, and the business transacted by them as trustees of said academy, is hereby legalized and confirmed. 76

An ACT allowing further time to survey Seminary Lands in this Commonwealth, and for other purposes.

Approved, February 3, 1818

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the several acts granting donations to the seminaries in this commonwealth, be, and they are hereby continued in force two years from and after the passage of this act.

Sec. 2. Be it further enacted, That the trustees of (the) several academies in this state shall have power to subscribe their funds due the seminary lands, to any independent bank, instead of the state bank, provided a majority shall choose to do so. 77

An ACT further to regulate the Transylvania University.

Approved, February 3, 1818

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the power and authority of the present trustees of the Transylvania University, over and concerning the said institution, the funds, estate, property, rights and demands thereof, shall forever cease and determine.

Sec. 2. Be it further enacted, That thirteen shall be the number of the trustees that shall hereafter manage the said

76. Ibid., p. 373.
77. Ibid., p. 526.
institution and the concerns thereof; and that Henry Clay, Edmund Bullock, Robert Trimble, John T. Mason, junior, Robert Wickliffe, James Prentiss, Hubbard Taylor, John Pope, Lewis Sanders, Samuel H. Woodson, John Brown, Charles Humphreys and Thomas Bodley, shall be, and they are hereby appointed trustees of the said Transylvania University, and to continue in office for and during the term of two years; during which period, they, or a majority of the trustees for the time being, shall have power to fill any vacancy or vacancies which may happen in said office of trustees, by death, resignation or otherwise.

Sec. 3. Be it further enacted, That the legislature of this commonwealth shall, by a joint vote of both houses, elect, every two years, thirteen trustees to preside over said University and its concerns; and should it at any time hereafter happen that no election of trustees is made as contemplated by this section, the trustees then in office shall so continue in office, and possess the same powers to fill vacancies as is given by the second section of this act, until such election shall be made by the legislature.

Sec. 4. Be it further enacted, That all the funds, estate, property, rights, demands, privileges and immunities, of what kind or nature soever, belonging or in anywise appertaining to said University, shall be, and the same are hereby invested in the trustees of said institution appointed by this act, and their successors in office, for the uses and purposes only of the said institution; and the said trustees and their successors in office shall have, hold, possess and exercise all the power and authority over the said institution, and the estate and concerns thereof, as the present trustees by law are entitled to.
Sec. 5. Be it further enacted, That the trustees appointed by this act shall be regulated by the existing laws and regulations of the said University, until altered, changed or amended; and that it shall be the duty of the said trustees to meet at the said University on the first Thursday in March next, if they cannot make it convenient to do so at an earlier day, or so soon thereafter as they can, and to take into consideration the affairs of said University, and to adopt such measures relative to said institution as may be necessary; and the said trustees shall hold at least one stated annual meeting, at which stated annual meeting all professors and teachers shall be elected; and such professors or teachers to hold such office one year or more; which stated meeting shall be held on the first Monday in May in each year, until changed or altered by said trustees.

Sec. 6. Be it further enacted, That this act shall commence and be in force from and after the last day of February 1819; and the trustees hereafter to be elected by the legislature, under the provisions of this act, shall go into office on the last day of February next succeeding such election, until which day the trustees in office for the time being shall continue in office.78

An ACT to incorporate the Trustees of the Centre College of Kentucky, at Danville.

Approved, January 21, 1819

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the charter of the Danville academy be, and the same is hereby repealed; and the funds of said academy, the lot of ground lately purchased for the site of a college,

78. Ibid., pp. 554-556.
near the town of Danville, and the monies lately subscribed and payable to certain persons, styled the building committee, shall be, and they are hereby vested in Isaac Shelby, John Boyle, William Owaley, Thomas Montgomery, Samuel M'Kee, William Craig, Thomas Cleland, Barnabas M'Henry, Samuel K. Nelson, Nathan H. Hall, Joshua Fry, James Birney, Joshua Barbee, James Barbour, David G. Cowan, John Bowman, Ephraim M'Dowell, Jeremiah Briscoe and Jeremiah Fisher, and their successors, who are hereby created a body corporate, to be styled the Trustees of the Centre College of Kentucky, with full power to acquire, hold and transfer property, real and personal, make contracts, sue and be sued, plead and be impleaded, in their corporate capacity; to make, have and use a common seal, and the same to break, alter or destroy at pleasure. But it is expressly declared, that the powers hereby given shall not be used in, or construed to extend to the contracting for, or acquiring any property, real, personal or mixed, or for dealing any otherwise than in such things as may be necessary and proper for the purposes of a seminary of learning, and the whole property and estate of the said corporation shall be applied exclusively and solely to that purpose; and said corporation shall not deal in exchange, discount of notes, or in (any) commercial business or pursuit.

Sec. 2. Be it further enacted, That the Centre College of Kentucky, shall be located within one half mile of the town of Danville; and all the monies, funds and estate hereby vested in the trustees thereof, or which may be hereafter acquired by them in their corporate capacity, shall be held, used and employed for corporate purposes only.

Sec. 3. Be it further enacted, That the before named trustees
shall have power to fill all vacancies in their own body, appoint a chairman of their board, and to appoint a president and professors, and such other officers and servants under them, as they may deem necessary and proper, to hold their offices under such rules and regulations as the said trustees may prescribe, and to make, allow and pay to the president, professors and other officers and servants such reasonable compensation for their services as to the said trustees may seem right and proper. And the said trustees shall have full power and authority to make by-laws, rules and regulations for the better government of said college, as they may judge expedient, and the same to annul, alter or amend at pleasure: Provided, said by-laws, rules and regulations be not repugnant to the laws of this commonwealth, nor inconsistent with the principles laid down in this act as fundamental laws for the government of said college. And the said trustees shall have full power and authority to do and perform any lawful matter and thing which they may deem conducive to the good of the institution, and consistent with the state of funds thereof.

Sec. 4. Be it further enacted, That the following principles and rules be the fundamental laws of the said corporation:

First - The said trustees and other officers, before they enter upon the duties of their offices, respectively, shall severally take the following oath or affirmation, before some court of record or justice of the peace, to wit: I, A. B., do solemnly swear (or affirm) that I will, to the best of my skill and judgment, discharge the duties of _______ _________ in the Centre College of Kentucky.

Second - A majority of the trustees shall constitute a board
competent to make pro tempore appointments, and the transaction of all business, except the permanent appointment or removal of officers, in which case the concurrence of two-thirds of the whole board shall be necessary.

Third - No religious doctrines peculiar to any one sect of Christians, shall be inculcated by any professors in said college.

Fourth - Whenever the legislature shall find it expedient to adopt the said college as a state institution, and endow it, in aid of the funds which shall have been furnished by private donation, it shall thereafter be subject to such laws and regulations as may be enacted for the government of the same.

Sec. 5. Be it further enacted, That the first meeting of the trustees hereby appointed, shall be held at the tavern of Elizabeth Davenport, in Danville, on the first day of February next, or so soon thereafter as may be convenient; and the said trustees shall have at least one stated meeting in every year. And should any trustee hereby appointed, or hereafter to be chosen, refuse to serve, or fail to qualify for the space of six months after notification of his appointment, or after qualification shall fail to attend the meeting of the board for the term of one year, the seat of such trustee or trustees may be declared by the board to be vacant, and they may proceed to fill such vacancy as herein provided.

Nothing herein contained shall be so construed as to take away the right which the legislature possess to repeal, alter or amend this charter. 79

79. Acts Passed at the First Session of the Twenty-Seventh General Assembly for the Commonwealth of Kentucky (Frankfort, Kendall and Russell, 1819), pp. 618-621.
An ACT to authorise the sale of the Donation Lands of Salem Academy.

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the trustees of Salem academy, shall be, and they are hereby authorised to sell and convey by deed with special warranty, all and any part of the donation lands belonging to said academy.

Sec. 2. Be it further enacted, That the said trustees shall have full power to appropriate the money arising from the sale of said lands, in such repairs, additional buildings and other improvements as they may deem necessary, for the benefit of said academy.

An ACT appropriating the Bonus of the Farmers and Mechanics' Bank of Lexington to the Transylvania University for two years.

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the bonus or tax imposed by the laws of this commonwealth upon the Farmers and Mechanics' Bank of Lexington, be, and the same is hereby appropriated to the use and for the benefit of the Transylvania University.

Sec. 2. Be it further enacted, That whenever the said bonus or tax shall become due and payable, the chairman of the board of trustees of said University, is hereby authorised to call on the cashier of said bank for the amount of said bonus or tax, and it shall be the duty of said cashier of said bank for the time being, to pay over the same to the said chairman for the time being, which payment shall release and discharge said bank from

80. Ibid., p. 676.
the claim of the commonwealth to such bonus or tax.

Sec. 3. Be it further enacted, That if at any time the cashier of said bank should fail or refuse to pay said bonus or tax to the said chairman when it shall become due, it shall be the duty of the said chairman to notify the auditor of public accounts of this commonwealth of such failure or refusal, whose duty it shall be immediately to proceed to recover by law the amount of said bonus or tax, with interest; and so soon as the same shall be recovered and paid into the treasury of this commonwealth, it shall be the duty of said auditor to grant to the said chairman, upon application, a warrant on the treasury of this commonwealth for the amount so recovered and paid into the treasury, and all damages and interest thereon.

This act shall be in force for and during the term of two years, and no longer. 81

An ACT for the benefit of the Bethel and Bourbon Academies.

Approved, February 6, 1819

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of the act approved the twenty-sixth day of January, 1815, as authorises the investment of the proceeds of sales of seminary lands in bank stock, be, and the same is hereby repealed, so far as it relates to the trustees of the Bethel and Bourbon academies; and the said trustees of said academies, respectively, are hereby authorised to appropriate the monies arising from the sales of any lands of said academies to the erection of the necessary buildings and improvements for the use of the respective academies. 82

81. Ibid., pp. 692-693.
82, Ibid., p. 711.
An ACT for the benefit of Union Academy.

WHEREAS it is represented to the present general assembly, by the trustees of the Union academy, that they have, by the aid of private contributions, purchased two acres of land adjoining the town of Morganfield, and the same has been conveyed in fee simple to them and their successors in office, for the use and benefit of said academy, and upon which they design to erect the necessary buildings for the use of said institution, but are unable to do so, for the want of funds (for) that purpose: For remedy whereof,

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the trustees of Union academy, and their successors in office, may, and they are hereby authorised and empowered to sell and dispose of two tracts of land, granted or donated to Union academy for a seminary of learning, the one containing one hundred acres, and the other containing seven hundred acres, and apply the proceeds of such sale to the use and benefit of said Union academy, in such manner as they may deem most expedient.

Sec. 2. Be it further enacted, That the trustees aforesaid, or their successors in office, may, and they are hereby authorised to convey by deed, the title of said land, to the purchaser or purchasers of the same; and such conveyance, when made, shall pass and vest the title in fee simple in the grantee, his heirs and assigns forever.83

An ACT to incorporate the Southern College of Kentucky, the College of Urania, and the Western College of Kentucky.

83. Ibid., pp. 727-729.
Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Elijah M. Covington, John W. Cooke, Samuel S. Brooking, Alexander Graham, John Loving, William M'Dowell, Benjamin H. Hall, Leander J. Sharp, Joseph H. Smith, Robert W. Lucas, Solomon P. Sharp, Cornelius Turner, Benjamin Vance, Francis Johnson, John Hynes and Samuel J. M'Dowell, and their successors, are hereby created a body corporate, to be styled the "Trustees of the Southern College of Kentucky," with full power to acquire, hold and transfer property, real and personal, make contracts, sue and be sued, plead and be impleaded, in their corporate capacity; to make, have and use a common seal, and the same to break, alter or destroy at pleasure.

Sec. 2. The Southern College of Kentucky shall be located within one half mile of the town of Bowling Green, and all the monies, funds and estate hereby vested in the trustees thereof, or which may be hereafter acquired by them, in their corporate capacity, shall be held, used and employed for corporate purposes only.

Sec. 3. The before named trustees shall have power to fill all vacancies in their own body, appoint a chairman of their board, and to appoint a president and professors, and such other officers and servants under them, as they may deem necessary and proper, to hold their offices under such rules and regulations as the said trustees may prescribe; and to make, allow and pay to the president, professors and other officers and servants, such reasonable compensation for their services as to the said trustees may seem right and proper. And the said trustees shall have full power and authority to make by-laws, rules and regulations for the
better government of said college, as they may judge expedient, and the same to annul, alter or amend at pleasure: Provided, said by-laws, rules and regulations be not repugnant to the laws of this commonwealth, nor inconsistent with the principles laid down in this act as fundamental laws for the government of said college. And the said trustees shall have full power and authority to do and perform any lawful matter and thing which they may deem conducive to the good of the institution, and consistent with the state of the funds thereof.

Sec. 4. The following principles and rules shall be the fundamental laws of the said corporation:

First - The said trustees, and other officers, before they enter upon the duties of their offices, respectively, shall severally take the following oath or affirmation, before some court of record, or a justice of the peace, to wit: I, A. B., do solemnly swear (or affirm) that I will, to the best of my skill and judgment, discharge the duties of _______________ in the Southern College of Kentucky.

Second - A majority of the trustees shall constitute a board competent to make pro tempore appointments, and the transaction of all business, except the permanent appointment or removal of officers, in which case the concurrence of two thirds of the whole board shall be necessary.

Third - No religious doctrines peculiar to any one sect of christians, shall be inculcated by any professor in said college.

Fourth - Whenever the legislature shall find it expedient to adopt the said college as a state institution, and endow it, the college shall thereafter be subjected to such laws and regulations
as may be enacted for the government of the institution.

Sec. 5. That the first meeting of the trustees hereby appointed shall be held at the tavern of Benjamin Vance, in Bowling Green, on the first day of March next, or so soon thereafter as may be convenient; and the said trustees shall have at least one stated meeting in every year; and should any trustee hereby appointed, or hereafter to be chosen, refuse to serve, or fail to qualify for the space of six months after notification of his appointment, or after qualification, shall fail to attend the meeting of the board for the term of one year, the seat of such trustee or trustees may be declared by the board to be vacant, and they may proceed to fill the vacancy as hereinafter provided.

Sec. 6. So soon as said college shall raise by subscription or private donation, the sum of twenty thousand dollars, the board of directors of the Southern College of Kentucky, shall be, and they are hereby authorized to contract with the trustees of the Warren seminary, and receive from them a conveyance of all the estate, shall cease and be at an end; and the Southern College of Kentucky shall have full power to use or sell and dispose of all the estate, both real and personal, so acquired from the Warren seminary, and apply the proceeds thereof to the use of said college.

Sec. 7. Be it further enacted, That a college, to be styled the College of Urania, shall be established in the town of Glasgow; and the same rules, regulations and charter as is provided above for the Southern College of Kentucky, shall apply to the College of Urania, and the trustees of the seminary of Barren county, shall be the persons hereby incorporated under the style of the College
of Urania.

Sec. 8. Be it further enacted, That a college, to be styled the Western College of Kentucky, shall be established in the town of Hopkinsville; and the same rules, regulations and charter as is provided above for the Southern College of Kentucky, shall apply to the Western College of Kentucky, and the trustees of the Christian academy shall be the persons hereby incorporated under the style of the Western College of Kentucky: Provided, the legislature reserve the power of amending or repealing the said charters. 84

An ACT establishing an Academy in the County of Livingston.

Approved, February 1, 1819

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an academy be established in or near the town of Salem, in the county of Livingston, at such place in or near said town as shall be fixed by the trustees hereinafter named, and be known by the name of the Livingston Academy.

Sec. 2. That Enoch Prince, Robert Hodges, William Thompson, William Rice, William Gray, Patrick H. Rice, James Rutter, Dickson Given and Andrew Love, shall be, and hereby constituted a body politic and corporate, to be known by the name of the Trustees of the Livingston Academy, and by that name shall have perpetual succession, and a common seal, with power to change or alter the same at pleasure; and as a body corporate shall be authorised to exercise all the powers and privileges that are now enjoyed by the trustees of any academy or seminary of learning in this state; and on the death, resignation or other disqualification of any of the trustees aforesaid, or their successors, a majority of the

84. Ibid., pp. 737-739.
remaining trustees shall fill such vacancy, and the person or persons so appointed shall be vested with the same power and authority, as if specially named in this act; and by the name and style of the Trustees of the Livingston Academy, may sue and be sued, implead and be impleaded, in any court of law or equity.

Sec. 3. The said trustees and their successors shall have power, in their corporate capacity, to purchase or receive by donation, any lands, tenements, hereditaments, monies, rents, goods and chattels, and to hold the same by the name aforesaid, to them and their successors forever, for the use and benefit of said academy; and to sell, alien or transfer any such lands, tenements, hereditaments, goods and chattels, and apply the proceeds to the use and benefit thereof; also, to dispose of all the lands heretofore or hereafter appropriated for the benefit of a seminary in said county, when they shall think proper; and the county court of said county is hereby directed to give up the title papers of any such donation lands, to the trustees above mentioned, which they have had surveyed and patented for the use and benefit of a seminary in said county.

Sec. 4. The person first named herein, or in his absence, neglect or refusal to act, the next, shall give notice of the time and place of the first meeting of the trustees; and on the attendance of a majority thereof, they shall appoint a president, treasurer and clerk, out of their body, and shall severally take an oath, to be administered by some justice of the peace, well and truly to exercise the duties of their office; and thereafter a board may be called by the president, or any two of the trustees. The said trustees shall have power to adjourn from day to day; to
make such laws, rules and regulations as they shall deem proper and useful for the government of said academy, not contrary to the laws of this commonwealth, and to fix on a proper place to erect a building for said academy, and employ workmen to erect and finish the same; but it shall be necessary that a majority of the trustees be present at the making of any contract, fixing the permanent seat for the academy, and making laws to rule and regulate the same.

Sec. 5. A majority of said trustees shall have power to engage and employ a competent number of tutors and professors to the said academy - to fix their salaries, and the salaries of their clerk, as also the terms of tuition; and on the misconduct of any tutor, professor or student, may dismiss or expel such tutor, professor or student from the said academy.

An ACT concerning the Estill Academy.

Approved, February 9, 1819

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Estill county court shall from time to time appoint five trustees of the Estill academy; and said trustees, so to be appointed by said court, and the present trustees, the said court shall remove from office, whenever to said court it shall seem proper: Provided, however, that a majority of all the members composing said court, shall concur in said choice or removal.

Sec. 2. Be it further enacted, That the persons so appointed, shall, before entering upon the duties of their said office, take

85. Ibid., pp. 740-741.
an oath, before the clerk of said court, faithfully to discharge
the duties of said office.

Sec. 3. Be it further enacted, That the trustees of said
academy shall immediately collect all the debts due to said insti-
tution, by suit, if necessary; and said trustees shall, when
called on by said court, render a just and true account of their
actings and dealings as trustees, and of the debts due to and from
said institution.86

An ACT establishing the Prestonburg Academy in the County of Floyd.

Approved, January 13, 1820

Section 1. Be it enacted by the General Assembly of the
Commonwealth of Kentucky, That William J. Mayo, Alexander Lackey,
James P. Harris, Alexander Dunbar and Peter Amyx, gentlemen, be,
and are hereby constituted a body politic and corporate, to be
known by the name of the Prestonburg Academy, and by that name
shall have perpetual succession, and a common seal, with powers
to alter or change the same at pleasure, as a body corporate, and
shall be authorised to exercise all the powers and privileges
that are now enjoyed by the trustees of any academy or seminary
of learning in this state; and on the death, resignation or other
disqualification of any of the trustees aforesaid, or their succes-
sors, a majority of the remaining trustees shall fill such vacancy;
and the person or persons, so appointed, shall be vested with the
same power and authority, as if specially appointed by this act,
and by the name and style of the Prestonburg Academy, may sue and
be sued, implead and be impleaded, in any court of law or equity,

86. Ibid., p. 770.
Sec. 2. Be it further enacted, That the said trustees and their successors in office, shall have power in their corporate capacity, to purchase or receive by donation any lands, tenements, hereditaments, rents, goods and chattels, and to hold the same by the name aforesaid, to them and their successors in office forever, for the use of said academy, and to sell, alien or transfer any such lands, tenements, hereditaments, goods or chattels, and apply the proceeds arising from the sale or transfer thereof, to the use and benefit of said academy.

Sec. 3. Be it further enacted, That the person first named herein, or in his absence or refusal to act, the next, shall notify the time and place of the first meeting of the said trustees; and on the attendance of a majority of said trustees, they shall appoint a chairman, clerk and such other officers as they may deem necessary, who shall severally before they enter on the duties of their several offices, take an oath before some justice of the peace, well and truly to execute the duties of their respective offices; and thereafter, the board may be called by the chairman, or any two of the trustees, who shall have power to adjourn from day to day, to make and ordain such by-laws, rules and ordinances, as they may deem proper, not inconsistent with the laws of this state; and moreover, to fix upon a proper place for erecting the buildings of said academy: Provided, that a majority of all the trustees, shall be present at the making (of) any contract, by-laws, or fixing the permanent seat for said buildings; and shall have power to engage and employ a competent number of professors or teachers to said academy, to fix their
salaries or terms of tuition; and on the misconduct of any pro-

fessor, teacher or student, may dismiss such professor, teacher
or student.

Sec. 4. Be it further enacted, That so much of the act ap-

proved the twenty-sixth day of January one thousand eight hundred
and fifteen, as requires the investment of the proceeds arising
from the sale of seminary lands into bank stock, be, and the same
is hereby repealed, so far as it relates to the trustees of the
seminary land in Floyd county; and the said trustees and their
successors in office, after deducting all lawful expenses in ad-
vertising and selling the seminary lands in the county of Floyd,
and collecting the money arising from said sales, are hereby
authorised, a majority of said trustees concurring therein, to
appropriate the remaining proceeds of such sales to the purchase
of a suitable piece of ground, not exceeding one acre, and to the
erection of the necessary buildings and improvements for the use
of said academy.

Sec. 5. Be it further enacted, That said trustees shall
annually at the May term of the Floyd circuit court, make a report
of their proceedings to said court; which report shall contain a
true statement of all debts due said institution, together with
all monies in the hands of said trustees, and all expenditures of
said court.

Sec. 6. Be it further enacted, That the trustees of the
seminary lands in Floyd county, shall settle with, and pay over
to the county court, all monies by them collected, and out of
the money so paid over to the court, shall deduct in favor the
said trustees all lawful costs and expenses by them expended in
collecting the same, which settlement shall be recorded in the
clerk's office of said county, and said court shall pay over to
the trustees herein named, all monies by them so received for
the use and benefit of said academy. The trustees of said seminary
lands, shall collect all monies that may be due or may become due
and uncollected, and shall pay over, settle and account for the
same as aforesaid.87

An ACT to endow a Seminary hereafter to be established in the County
of Owen, and for other purposes.

Approved, February 4, 1820

Section 1. Be it enacted by the General Assembly of the
Commonwealth of Kentucky, That John C. Bacon, Cyrus Wingate, John
Glass, James Herndon, Colby Shipp, John Scrimmaber and Samuel
Thompson, be, and they are hereby appointed trustees, and con-
stituted a body politic and corporate, who, or a majority of whom,
may fill vacancies which may happen by death, resignation or
otherwise; and the said trustees shall be, and they are hereby
invested with all the powers, rights, and privileges, which are
now by law vested in the trustees of any seminary or college
within this state; and by a majority of said trustees may fix
on the name and permanent seat of said academy.

Sec. 2. The said trustees shall be, and they are hereby
authorised to have located, surveyed and patented within this
commonwealth, or with the county of Owen, six thousand acres
of unappropriated land in one or more surveys, for the use of a
seminary of learning, hereafter to be established in the county

87. Acts Passed at the First Session of the Twenty-Eighth General
Assembly for the Commonwealth of Kentucky (Frankfort, Kendall
and Russell, 1820), pp. 823-825.
of Owen: Provided, that said trustees shall not appropriate any land under this act west of the Tennessee river, or any land acquired by the treaty of Tellico.

Sec. 3. That said trustees may sell and dispose of any portion of said land not exceeding one half thereof, for the purpose of defraying the expenses of locating, surveying and patenting the same.

Sec. 4. That each county heretofore established in which seminaries have not been provided for, and which have not six thousand acres of land appropriated for the use of seminaries in said counties, and each county which may hereafter be established, shall, through their respective county courts, case to entered, surveyed and carried into grant, any quantity of vacant and unappropriated land in this commonwealth, not exceeding six thousand acres, for the use of seminaries in such counties respectively: Provided however, that no entry or survey shall be made on the lands acquired by the treaty of Tellico, or west of the Tennessee river.

Sec. 5. That all seminaries provided for by the previous sections of this act, shall be named after the counties respectively, whose courts under the said section of this act, are authorized to appropriate said quantity of six thousand acres of land; and all entries, surveys and grants, shall be made in the name of the "Seminary of _____ county," which blank shall be filled with the name of the county for which the entry, survey or grant shall be made.

Sec. 6. That the county courts of such counties as are authorized to appropriate six thousand acres of land as aforesaid,
may make such contracts for locating and surveying said lands, as they may deem just and proper, either by contracting to give a part of the land not exceeding one half, or money to the locators and surveyors for their services: Provided, that nothing herein contained, shall authorize the trustees of Owen county to locate more than six thousand acres provided for in the second section of this act; nor shall said county of Owen or the county court thereof, be entitled hereafter to any further appropriation of land for that or any other seminary in said county.\(^{38}\)

An ACT incorporating the Trustees of the Corn Creed Academy in Gallatin county.

WHEREAS it is represented to the present general assembly that Drakeford Gray, in his lifetime, gave to the trustees of the Corn Creek school, one acre of land, whereon the said trustees have erected a brick house for the use of said school, and the said Drakeford, not having conveyed the same to the said trustees during his life, and his heirs still being willing to carry into effect the good intentions of the said Drakeford, did by deed attempt to convey the said lot to the said trustees, for the use aforesaid; but doubts are entertained as to the validity of said deed, and the said heirs being still desirous to have the title to said lot vested in the said trustees: Wherefore,

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Robert King, Presley Gray, George Strother, Smith King, Thomas Spillman, Samuel Todd, Alexander Givens, Joseph Taylor, Henry Davidge, and James O'Conathy, shall be,

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\(^{38}\) Ibid., pp. 876-877.
and they are hereby constituted a body politic and corporate, to be known by the name of the Trustees of the Corn Creek Academy, and by that name shall have perpetual succession, and a common seal, with power to change or alter the same at pleasure; and as a body corporate, shall be authorised to exercise all the powers, rights and privileges that are now enjoyed and exercised by the trustees of any academy or seminary of learning within this state; and on the death, resignation or other disqualification of any of said trustees, or their successors, a majority of the remaining trustees may fill such vacancy or vacancies, and the person or persons so appointed shall be vested with the same powers and privileges as if specially named in this act, and by the name and style of the trustees of the Corn Creek Academy, may sue and be sued, plead and be impleaded in any court of law or equity.

Sec. 2. The deed for the aforesaid lot of ground from the heirs of the said Drakeford Gray, to the former trustees of said school, shall be, and the same is hereby confirmed to the use and benefit of said school, and the title of the said lot of ground shall vest in the present trustees of said school and their successors forever, to, and for the use and benefit of the said academy; and the said trustees and their successors shall have power in their corporate capacity, to purchase or receive by donation, any other lands, tenements, hereditaments, monies, rents, goods and chattels, and to hold the same by the name aforesaid, to them and their successors forever, for the use of said academy, and to sell or transfer any such lands, tenements, hereditaments, goods and chattels, and apply the proceeds to the use of said academy; and the said trustees may, from time to time make such laws and
regulations as they may deem proper and useful for the government of said academy, not contrary to the laws of this commonwealth. 89

An ACT allowing further time to locate and survey Seminary Land.

Approved, February 11, 1820

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the further time of two years from and after the passage of this act, be allowed to locate and survey the donation lands for the several seminaries of learning in this commonwealth: Provided however, that nothing in this act contained, shall authorised the locating or surveying any land west of the Tennessee river. 90

An ACT for the benefit of the Rittenhouse Academy.

Approved, February 14, 1820

WHEREAS it is represented to the present general assembly, that it would be of considerable advantage to the citizens of Georgetown, to dispose of a part of the public ground in said town: Wherefore,

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the county court of Scott county, a majority of all its justices concurring, are hereby vested with full power to sell a part of the public ground in said town, (and to place the proceeds in the hands of the trustees of the Rittenhouse Academy, to be appropriated by them in the most beneficial way, for the promotion of said institution,) beginning on main street at the south end of James H. Mahoney's brick building;

89. Ibid., pp. 936-937.

90. Ibid., p. 937.
thence east to the eastern corner of his lot; thence north five feet; thence east to the eastern boundary of said public ground; thence north to the present north east corner, and to continue with the present metes and bounds to the beginning.

Sec. 2. That Elijah Craig, Job Stevenson and John T. Johnson, be, and they are hereby appointed commissioners, under the direction of said court, to lay off in convenient lots, and to advertise in the Georgetown Patriot, at least three weeks, and to sell at a credit of one and two years, that part of said public ground above described, taking bond with good and sufficient security from the purchaser or purchasers; and when the money is collected to pay the same over to the trustees of the Rittenhouse academy for the purpose aforesaid.

Sec. 3. The trustees of the town of Georgetown shall keep open an alley of convenient width between the lots so sold and the public ground.91

An ACT to appropriate fines and forfeitures for the purpose of promoting Education.

Approved, February 14, 1820

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That all fines and forfeitures which have accrued, or which may hereafter accrue in any court, by virtue of any law of this commonwealth, whether the same be directed to be applied towards lessening a county levy, or to be paid into the public treasury, where such fines and forfeitures shall not have been accounted for, shall be vested in, and paid over to the trustees of the several seminaries of learning established by law,

91. Ibid., pp. 971-972.
commonly known and reputed as county seminaries in each county; and
the trustees of the Transylvania University, shall be entitled to
such fines and forfeitures in the county of Fayette; and the trus-
tees of any college in any county where there shall be no such
seminary, or where the same shall have been by law erected into
a college, shall in like manner be entitled to receive all such
fines and forfeitures, which shall have accrued in the several
counties wherein such colleges shall be situated.

Sec. 2. That all officers who shall be bound by law to collect
and account for such fines and forfeitures, shall annually account
for, and pay over to the trustees of said several institutions of
learning in their respective counties, or to any person by such
trustees duly authorised to receive the same, all fines and for-
feitures aforesaid, collected, or which ought to have been collected
by them; and in case of failure, such officer or officers, may be
proceeded against in all respects, as such officers are now liable
to be proceeded against by any county court, or by the auditor of
public accounts; and any such delinquent officer, for failing to
collect, account for, and pay over any such fines and forfeitures,
on or before the times now required by law, shall be subject to
pay twenty-five per cent. on the amount so recovered against him,
unless a less per cent. shall be awarded by the court rendering
such judgment, under the peculiar circumstances of the case. Any
parts of laws contrary to the provisions of this act, so far as
respects such provisions, shall be, and are hereby repealed:
Provided however, that nothing herein contained, shall be so con-
strued as to impair the power of the governor of this commonwealth
to remit any fines or forfeitures. 92

A Resolution providing for the purchase and disposition of a certain number of Munsell's Map of Kentucky.

RESOLVED by the General Assembly of the Commonwealth of Kentucky, That the secretary of state be directed to purchase a sufficient number of copies of Munsell's Map of Kentucky, to be appropriated in the following manner: One for the government house; one for the senate chamber; one for the representative chamber; one to each of the public offices in Frankfort; and one to each county court, to be kept in the clerk's office of the county; two to the Transylvania University; and one to each public seminary of learning in the state; and that the amount of said purchase be deducted by the auditor of public accounts from the debt due by said Munsell to the state at the subscription price of said maps.

Resolved, That an indulgence of the term of one year be granted to the said Munsell to pay the balance of the debt due by him to the commonwealth. 93

An ACT to amend an act entitled an act establishing the Prestonburg Academy in the county of Floyd, approved, January 13, 1820.

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the fifth, and sixth sections of the act entitled "an act establishing the Prestonburg Academy in the county of Floyd," approved, January 13, 1820, be, and the same are hereby repealed.

92. Ibid., pp. 976-977.

93. Ibid., p. 992.
Sec. 2. That the trustees of the seminary lands in Floyd county, annually, at the May or June term of the Floyd county court, shall settle with, and pay over to the said court, all moneys by them collected from the sales of said lands, and said court shall deduct in favor of said trustees, all lawful expenses and costs in advertising and selling said lands, and collecting the money arising from such sales; and said trustees in making such settlement, shall produce the original list of sales, shewing the name or names of the purchaser or purchasers, with the amount of each sale; and shall also produce the bond or bonds (if requested,) shewing the amount collected, and the amount remaining due and uncollected, under the penalty of twenty dollars for each failure, which settlement shall be recorded in the clerk's office of said court, and when the said trustees shall fail or refuse to make such report at the time required by this act, it shall be the duty of the clerk of said court to note such failure, and issue a summons for such trustees to appear on the first day of the next court, to be held for said county, to shew cause why they shall not be fined agreeably to the provisions of this act.

Sec. 3. That the said court shall pay over to the trustees of the Prestonburg Academy, all moneys by them so received for the use of said Academy, and take their receipt for the same, which shall be filed in the clerk's office of said court; and the trustees of the seminary lands in said county, shall proceed to collect all moneys that may be due, or may become due, and uncollected, and shall pay over, settle and account for the same as aforesaid.

Sec. 4. Be it further enacted, That the trustees of the Prestonburg Academy, and their successors in office annually, at
the May or June term of the Floyd county court, shall make a report to said court of their proceedings, which report shall contain a true statement of all debts due to said institution, together with all moneys in their hands unappropriated, and such sums as may have been appropriated by them, and all sums received from fines and forfeitures, and any donations they may have received, and the amount of all bonds by them taken, with the names of the obligors and their securities, for the performance of any work in erecting the buildings for the said Academy, or otherwise, together with all the expenditures by them made in the preceding year, at the time prescribed by this act, under the penalty of twenty dollars; which report shall be filed in the clerk's office of said court.

Sec. 5. That it shall be the duty of the trustees of the said Academy, to institute any suit or suits in their corporate capacity against the trustees of the seminary lands in said county for any default or failure to comply with any of the requisitions of this act, or the act to which this is an amendment, and such suit or suits may be brought before any circuit court, or justice of the peace as the case may require.

Sec. 6. That it shall be the duty of the clerk of the said court to note any failure of the trustees of said Academy, and issue a summons for said trustees to appear on the first day of the next court to be held for said county, to shew cause, (if any they can) why they shall not be fined agreeably to the provisions of this act.94

94. Acts Passed at the First Session of the Twenty-Ninth General Assembly for the Commonwealth of Kentucky (Frankfort, Kendall and Russell, 1821), pp. 35-36.
An ACT to provide for the protection of Public Buildings.

Approved, November 27, 1820

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for the several county courts in this commonwealth, from time to time, to appoint (and enter such appointment of record) some fit person, whose duty it shall be to superintend and take charge of their public works and buildings, including the court house, jail, clerk's office and stray pen, together with the appurtenances thereof belonging on the public square; and the person so appointed, is hereby vested with full power and authority in his own name for the use of the county, to commence and prosecute any and every action of trespass vi et armis, quare clausum frigid, or any other appropriate action which may be necessary against all and every person or persons, for any injury, damage, intrusion or other trespass, which may be committed on the buildings aforesaid, or any of them or their appurtenances; and all sums which may be recovered in any such action, shall be appropriated as directed by the act, entitled "an act to appropriate fines and forfeitures for the purpose of promoting education," approved fourteenth February, one thousand eight hundred and twenty. The county court shall have power to fill any vacancy which may happen by death, resignation or otherwise, of the person appointed to take care of the buildings.

Sec. 2. It shall be lawful for the trustees of the Transylvania University, or the trustees of any public college or seminary of learning, or school-house built by subscription, which may be placed under the superintendence of trustees appointed by the subscribers to such school-house, or the successors in office of each and either of said institutions, to commence and prosecute any
action of trespass, *vi et armis, quare olausum fregit*, or any other appropriate action against any or every person or persons, who may commit any injury, trespass, damage or intrusion, without the consent of said trustees, upon the buildings or enclosures of said university, college, seminary or school-house which has or may hereafter be erected, or any of the appurtenances thereunto belonging; and all sums of money recovered by any such action or actions (after deducting the costs and necessary expenses shall be applied to the use and benefit of said institutions or school-houses respectively.

Sec. 3. Any person who may be appointed by the county courts to take care of their public buildings, collecting any money in consequence of any action of trespass or other action, and failing to pay the same over to the use and benefit of the county, or trustees entitled to the same, it shall and may be lawful for the county court by their county attorney, or the said trustees or their successors in office, to recover all such sums of money so collected, by motion in the circuit court wherein such recovery may be had, ten days' previous notice being given; on any execution for which, the clerk shall endorse, "no security of any kind shall be taken."

Sec. 4. The grand jury of any county may find an indictment for any trespass, damage or injury done to any of the county buildings, university, college, seminary of learning or school-house, as specified in this act; or for any trespass, damage or injury done to any church, meeting house or encampment, erected for religious worship, as in other cases of trespass; and all recoveries so had, shall be applied as directed by the first section of this
act; and the several sheriffs in this commonwealth collecting said money, shall account for the same as in other cases, when they collect money and fail to pay it over.

Sec. 5. It shall not be necessary for the plaintiff or plaintiffs, in any action of trespass, or other action provided for in this act, to prove actual possession, but only an occasional or general use and occupancy by those for whose (use) and benefit the action may be brought; and the death of any one or more of the trustees of the university, college, seminary or school-house, shall not abate the said action; but the same shall continue and be prosecuted as if said death had not happened.95

An ACT to add an additional number of Trustees to the Warren Seminary.

Approved, December 2, 1820

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the following persons be added as trustees to the Warren Seminary, viz. Joseph B. Lapsley, William M'Dowell, Solomon P. Sharp and Jonathan Hobson; and that hereafter there shall be nine trustees to said seminary, any law to the contrary notwithstanding; and a majority of said trustees shall from time to time fill all vacancies which may be occasioned by death, resignation, removal or refusal to act.96

An ACT for the benefit of the Seminary in Whitley County.

Approved, December 9, 1820

WHEREAS it is represented to the present general assembly of the commonwealth of Kentucky, that the justices of Whitley county

95. Ibid., pp. 48-50.
96. Ibid., p. 72.
have heretofore sold the donation lands allowed by law to said county for the use of a seminary of learning, and doubts are entertained whether they are legally authorised to convey the said land: Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the justices aforesaid, by themselves or their agent, are authorised and empowered to convey the six thousand acres of land allowed by law as aforesaid, or any part thereof. And the proceeds thereof shall be applied to the building of a house, and purchasing books for the use and benefit of the said seminary of learning. 97

An ACT to establish Seminaries of Learning in the Counties of Monroe, Grant, Todd, Trigg, Ohio and Daviess.

Approved, December 13, 1820

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That John Gorin, Jun. James M'Millin, Benjamin Monroe, Joseph G. Hardin, William Butler, Abijah I. Marrs, and Edward Massey, of the county of Monroe, shall be, and they are hereby constituted a body politic and corporate, to be known by the name of "The Trustees of the Monroe Seminary," and by that name shall have perpetual succession, and a common seal, with power to change the same at pleasure, and as such shall be authorised to exercise all powers and privileges that are enjoyed by the trustees of any seminary, college or university in this commonwealth, not herein limited or otherwise directed.

Sec. 2. That the said trustees shall hold their first stated session at the town of Tompkinsville in the county of Monroe, on

97. Ibid., p. 112.
the first Monday in March next, or so soon thereafter as may be; and they, or a majority of them, shall, as soon as they think proper, fix upon a place for a permanent seat for said seminary, and proceed to erect buildings thereon, as soon as convenient and the interests of said institution may require.

Sec. 3. The said trustees, or their successors, by the name aforesaid, shall be capable in law to purchase, receive and hold to them and their successors, for the use and benefit of said seminary, any lands, tenements, and rents, goods and chattels of what kind soever, which shall be given or devised to, or purchased by them for the use of said seminary, and also to demand and receive from the justices of the county court of Monroe county, any land, and all the papers relating thereto, which they may have or cause to be entered, surveyed or patented for the use of the seminary aforesaid: Provided, however, that the said trustees shall be compelled to carry into full and complete effect any contract or contracts made by the said county court of Monroe, with any person or persons, to locate their donation, which is not inconsistent with the laws now in force on that subject.

Sec. 4. The said trustees, by the name aforesaid, may sue or be sued, plead or be impleaded, in any court of law or equity in this state.

Sec. 5. The said trustees shall hold two stated sessions in each year, at such time and place as they shall judge proper; and in case a sufficient number of members do not attend to constitute a board, those who do attend may adjourn to any day previous to the next stated meeting, and shall give ten days' previous general notice thereof.
Sec. 6. Seven members shall be sufficient to constitute a board for the transaction of all business respecting the said seminary, excepting those cases particularly excepted.

Sec. 7. The assent of a majority of the whole number of trustees shall be necessary to perform the following business: To elect and fix the salary of the president; to fix on the permanent seat of the seminary; to alienate, sell or convey any lands, tenements or rents belonging to the seminary; to appropriate any sum exceeding one half part of the amount of funds.

Sec. 8. The trustees shall have power from time to time to establish such by-laws, rules and ordinances, not contrary to the constitution and laws of this commonwealth, as they shall deem necessary for the government of said academy.

Sec. 9. The trustees shall elect a president, treasurer and clerk to their own body, and so many professors, tutors or masters as may be necessary; and upon the death, resignation or legal disability of any of the trustees, president or other officer of the said seminary, the board of trustees shall supply the vacancy by ballot.

Sec. 10. The president and other officers of the said seminary shall have fixed annual salaries, be subject to the direction of the board of trustees and continue in office during good behaviour.

Sec. 11. The president of the board of trustees shall have full power to call special meetings of the said trustees, and it shall be his duty, upon the request of five of them, to do the same; but upon any called meeting, ten days' previous notice shall be given by the president, previous to the meeting.

Sec. 12. If at any time a member of the board of trustees
shall absent himself from three stated meetings successively, un-
less for good cause shown and approved of by the said trustees, in
such case his seat shall be considered vacant, and the board may
proceed to fill his seat with a new member.

It shall be the duty of the trustees to preserve inviolate the
following fundamental articles:

I. As the extension of useful knowledge is the only object
contemplated by this institution, no preference shall be given in
the choice of trustees, president or teachers, on account of re-
ligious sentiments.

II. No law, regulation or ordinance shall be enforced by said
trustees, which is calculated to give a bias in religion to the
minds of the rising youth; the purest principles of morality,
unconnected with party or profession, ought to be the only im-
pressions united with science, that a teacher should attempt in the
youthful mind: Provided, however, that the trustees of the said
seminary shall at all times be accountable for their conduct in
the management of the business aforesaid, in suchmanner as the
legislature shall by law direct.

Sec. 13. That William Arnold, Hubbard B. Smith, James Gouge,
Nathaniel Henderson, Thomas Wilson, John Skerwin and William
Sanders, be, and they are hereby appointed a body politic and cor-
porate, to be known by the name and style of "The Grant Seminary,"
and by that name shall have perpetual succession, and a common
seal, with power to change or alter the same at their pleasure; and
as a body corporate, shall be authorised to exercise all the powers
and privileges which are now by law vested in the trustees of any
seminary or college in this state; and by a majority of said
trustees may fix on the name and permanent seat of said seminary; and on the death, resignation or other disqualification of any of the trustees aforesaid or their successors, a majority of the remaining trustees in office shall have power to fill such vacancy.

Sec. 14. The said trustees and their successors shall have power in their corporate capacity to purchase or receive by donation, any lands, hereditaments, money, rents, goods and chattels, and to hold the same by the name aforesaid, to them and their successors forever, for the use of said seminary, and to sell, alien or transfer any such lands, goods or chattels, and apply the proceeds thereof to the use and benefit thereof.

Sec. 15. The said trustees shall be entitled to locate, survey and patent the quantity of six thousand acres of land, on any vacant and unappropriated land in this commonwealth, on the terms and conditions prescribed in an act entitled "an act to establish and endow certain academies;" and for that purpose may contract with any person or persons to locate, survey and have the same patented, for which services they are authorised to give and convey to such person or persons a part of said land, not exceeding one half, and may also sell and dispose of all or any part thereof, for the purpose of erecting buildings and providing books and other things needful for the use of said seminary; also, may lease the said lands, or any part thereof, for any term of years not exceeding eight, and apply the proceeds thereof for the use aforesaid.

Sec. 16. The person first named herein, or in his absence or refusal to act, the next named, shall notify the time and place for the first meeting of the trustees, and on the attendance of a majority thereof, shall appoint a chairman, clerk and treasurer,
who shall severally take an oath well and truly to execute the duties of their offices; and thereafter the board may be called by the chairman; or any two of the trustees shall have power to adjourn from day to day; to make and ordain such by-laws, rules and ordinances as they may deem proper, not inconsistent with the laws of this state, and moreover to fix on a proper place for erecting the building of said seminary: Provided, that a majority of all the trustees is necessary to attend and concur on the making any contract, by-laws, or fixing on the permanent seat of the same.

Sec. 17. A majority of said trustees shall have power to engage a competent number of masters and professors to said seminary, to fix their salaries, as also the terms of tuition, and on the misconduct of any master, professor or student, may dismiss such master, professor or student from the said seminary.

Sec. 18. That John Gray, Elisha B. Edwards, John S. Anderson, Nathaniel Burris, William Greenfield, John Mann and Thompson M. Ewing of Todd county, and Abraham Boyd, William Cannon, John G. Reynolds, Ferdinand Wadlington, Charles Jouitt, Samuel Orr and James Daniel of Trigg county, are hereby appointed bodies politic and corporate, in and for their respective counties, with all the powers, and under the same regulations as are provided in the five first sections of this act for the regulation of the trustees named therein for the county of Grant.

Sec. 19. Be it further enacted, That Robert Mosley, Jun. Charles McCreery, Charles Henderson, Valentine W. Peyton, Christopher Jackson, William Morton and Richard L. Walker, shall be, and they are hereby constituted a body politic and corporate, to be known by the name of "The Trustees of the Hartford Academy," and by that
name shall have perpetual succession; and as a body politic, shall
be authorized to exercise all the powers and privileges that are
now enjoyed by any academy or seminary of learning in this state;
and on the death, resignation or other disqualification of any of
the trustees aforesaid or their successors, a majority of the re-
mainning trustees shall fill such vacancy. And the said trustees,
by the name and style of the Trustees of the Hartford Academy, shall
have power to sue and be sued in any of the courts of this common-
wealth; and moreover, shall have and exercise all the rights and
privileges which are given by law to the trustees of any academy or
seminary of learning in this state.

Sec. 20. Be it further enacted, That William R. Griffith,
Philip Thompson, David Morton, John Roberts, James C. Rogers, Philip
Triplett and John Churchill, shall be, and they are hereby consti-
tuted a body politic and corporate, to be known by the name of
"The Trustees of Daviess Academy;" and by that name shall have all
the power and privileges that are vested in the trustees of the
Hartford academy, by the foregoing section of this act.

Sec. 21. Provided, That the said trustees shall not locate
any lands west of the Tennessee river.

An ACT to establish the Lindley Academy in Henry County, and incor-
porate Trustees to that institution.

Approved, December 19, 1820

WHEREAS it is represented to the present general assembly that
an association of citizens in Henry county, at a very considerable
expense, have purchased a lot of ground and erected thereon a
 commodious building, for the purpose of a seminary of learning; and

98. Ibid., pp. 125-130.
that said lot of ground, as respects the title, remains in a precarious situation, in consequence of there being no corporate body in which to vest the title from the original proprietors: Wherefore,

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Peter Banta, sen. Cornelius Bice, George Fallis, William Shuck, Tunis Vannuys, Andrew Carmine, George Bergen and Samuel Demaree, are hereby created and constituted a body politic and corporate, and to have perpetual succession by the name of "Trustees to the Lindley Academy," capable in law of suing and being sued, of pleading and of being impleaded in any court of law or equity in this commonwealth; to use a common seal, and to alter or change the same at pleasure.

Sec. 2. And be it further enacted, That on the first Saturday in March 1821, and on the first Saturday in March in every year thereafter, it shall be the duty of the original subscribers and proprietors in the said lot and building, or their proper assignees or representatives, to assemble at the said academy, and choose seven fit persons to act as trustees for the following year, and until their successors be duly appointed.

Sec. 3. And be it further enacted, That the said trustees appointed in virtue of this act, shall cause the said lot of ground to be surveyed and marked off agreeably to the contract with the original proprietor, whose duty it shall be to make or cause to be made a deed pursuant to the contract with the said original purchasers, to the said trustees; which deed, when duly recorded, shall forever vest the said lot of ground and its appurtenances in the said trustees and their successors: Provided, no better title or claim is ever exhibited against them.
Sec. 4. _And be it further enacted_, That the said trustees shall, at their first session in each year, elect one of their own body, who shall preside as chairman at the several meetings they may hold during that year; and in case of his absence or other disqualification, one shall be appointed _pro tem._; a clerk shall also be appointed at the discretion of the trustees, whose duty it shall be to make a fair record of all the proceedings of the board, in a book to be provided for that purpose; which said book shall be kept by the chairman, subject to the inspection of any person interested therein.

Sec. 5. _And be it further enacted_, That the said trustees shall have power to receive subscriptions, donations and grants of any description, either in money, property or lands, for the use of the said seminary, in the enlargement of the building or improvements which may be necessary thereon.

Sec. 6. _And be it further enacted_, That it shall be the duty of the said trustees to assemble at least once in three months, at the said academy, or oftener if they may judge it necessary, and make such examination into the progress of the students, and into the management of the institution, as they may think right and proper.

Sec. 7. _And be it further enacted_, That the said trustees shall have power to enact any by-laws, not inconsistent with the laws of this commonwealth, which may be necessary for the government of the said academy; to fix the salaries of the preceptors; to employ or dismiss any preceptor for misconduct; _Provided_, it shall always require the concurrence of a majority of the trustees to employ or dismiss, as the case may be.99

An ACT authorising the Trustees of the Hardin and Jefferson Academies to sell their donation lands, and for other purposes.

Approved, December 21, 1820

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the trustees of the Hardin academy, shall be, and they are hereby authorized to sell their seminary lands, or any of them, and to make conveyances of the same, advertising the time and place of sale at least one month before the sale, in some public newspaper.

Sec. 2. The trustees of said academy, shall lay out the proceeds of the sale of said lands in building a seminary on the lot of ground belonging to said seminary in Elizabethtown; and the overplus, if any, to be expended in any way which the trustees may think best calculated to promote the interest of the academy.

Sec. 3. No sale of said land shall be made, unless a majority of all the trustees concur therein.

Sec. 4. Be it further enacted, That the trustees of the Jefferson Seminary of learning in Jefferson county, a majority of all of them concurring, shall, and are hereby authorized, after advertising the time and place of sale one month in some newspaper before said sale, to sell the lands belonging to said institution, or any part thereof, for the best price which can be obtained for the same, and make the conveyances for said land so sold; and the proceeds of said sales shall be exclusively appropriated by the trustees to the promotion of the objects of said institution.

Sec. 5. Be it further enacted, That hereafter no public or private seal shall be necessary to give legal validity to any act, obligation or transaction, which the trustees of said institutions may lawfully do or perform; but any such act, obligation or transaction,
An ACT to amend the act appropriating fines and forfeitures for the purposes of promoting education.

Approved, December 25, 1820

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the trustees of the county seminaries, shall respectively, appoint from time to time, as the same may be necessary, and remove at pleasure, a treasurer, whose duty it shall be in the month of December annually, to demand and receive all fines and forfeitures from the clerks of the several courts held in the county in which such treasurer may reside; and the several attorneys for the commonwealth, shall prosecute to judgment, and collect all fines and forfeitures as heretofore, and pay the same over to the respective clerks of their courts; and in the event of a failure or refusal to pay on demand as aforesaid, the said treasurer may proceed by motion, giving reasonable notice, or action in the circuit court where such clerk resides, in the name of the commonwealth of Kentucky, for the use and benefit of the trustees of the seminary appointing such treasurer, to recover judgment against such clerk failing or refusing to pay any such fine or forfeiture as aforesaid, upon his bond of office.

Sec. 2. Every treasurer appointed as aforesaid, shall, at the term of the county court of the county in which he is appointed, next ensuing such appointment, enter into, and execute bond with one or more sufficient securities in a reasonable penalty, to be

100. Ibid., pp. 153-154.
prescribed by said court, payable to the commonwealth of Kentucky, conditioned truly and faithfully to execute and perform all and every of the duties of the office of treasurer for the trustees of the seminary appointing him to that office; and for any failure or failures, on the part of such treasurer to comply with the conditions of said bond or any of them, the trustees who have appointed such treasurer, or their successors in office, may, from time to time, sue and recover in the name of the commonwealth of Kentucky, in any court of competent jurisdiction upon said bond against the obligors named therein, or any of them, their or any of their heirs, executors or administrators, such damages as may be sustained by reason of the violation of the conditions of said bond or any of them.

Sec. 3. It shall be the duty of every treasurer appointed by virtue of this act, to pay to the order or orders of the trustees appointing him, or their successors in office, which order or orders, shall be certified by the clerk of the trustees without the corporate seal, any money or moneys, which he may collect as treasurer.

Sec. 4. Whenever any judgment is had and obtained by virtue of this act, the execution issued thereon, shall be endorsed by the officer issuing the same, that no security of any kind shall be taken.

Sec. 5. All fines and forfeitures assessed before justices of the peace, as well as in the several courts in this commonwealth, shall be considered as appropriated to the several seminaries of learning of the respective counties in which they may reside.

Sec. 6. Within thirty days after the termination of the
session of any court within this commonwealth, it shall be the duty of the clerk thereof, to certify to the treasurer of the seminary of the county in which such court has been held, an abstract of every judgment rendered for any fine or forfeiture during the term of such court.

Sec. 7. The trustees of each county seminary, may allow to their treasurer a commission on the amount of all moneys collected by him not exceeding ten per cent. 101

An ACT to establish a Seminary of Learning in the County of Hart.

Approved, November 5, 1821

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Dudley Roundtree, Adin Coombs, George T. Wood, Samuel Finley, Robert S. Thompson, William Ford and Wyliss H. Chapman, of the county of Hart, shall be, and they are hereby constituted a body politic and corporate, to be known by the name of the Trustees of the Hart Seminary; and by that name shall have perpetual succession, and a common seal, with power to change the same at pleasure; and as such, shall be authorised to exercise all powers and privileges that are enjoyed by the trustees of any seminary, college or university in this commonwealth, not herein limited or otherwise directed.

Sec. 2. That the said trustees shall hold their first stated session, at the town of Munfordville, in the county of Hart, on the second Monday in March next, or so soon thereafter as may be; and they, or a majority of them, shall, as soon as they think proper, fix upon a place for a permanent seat for said seminary, and proceed

101. Ibid., pp. 181-183.
to erect buildings thereon, as soon as convenient and the interest
of said institution may require.

Sec. 3. The said trustees, or their successors, by the name
aforesaid, shall be capable in law to purchase, receive and hold,
to them and their successors, for the use and benefit of said semi-
nary, any lands, tenements, or rents, goods and chattels, of what
kind soever, which shall be given or devised to, or purchased by
them for the use of said seminary; and also, to demand and receive
from the justices of the county court of Hart county, any land,
and all the papers relating thereto, which they may have, or cause
to be entered, surveyed or patented for the use of the seminary
aforesaid: Provided, however, that the said trustees shall be
compelled to carry into full and complete effect any contract or
contracts made by the said county court of Hart, with any person or
persons, to locate their donation, which is not inconsistent with
the laws now in force on that subject.

Sec. 4. The said trustees, by the name aforesaid, may sue or
be sued, plead or be impleaded, in any court of law or equity in
this state.

Sec. 5. The said trustees shall hold two stated sessions in
each year, at such time and place as they shall judge proper; and
in case a sufficient number of members do not attend to constitute
a board, those who do attend may adjourn to any day previous to
the next stated meeting, and shall give ten days' previous general
notice thereof.

Sec. 6. Five members shall be sufficient to constitute a board
for the transaction of all business respecting the said seminary,
excepting those cases particularly excepted.
Sec. 7. The assent of a majority of the whole number of trustees shall be necessary to perform the following business: To elect and fix the salary of the president; to fix on the permanent seat of the seminary; to alienate, sell or convey any lands, tenements or rents belonging to the seminary; to appropriate any sum not exceeding one half part of the amount of funds.

Sec. 8. The trustees shall have power, from time to time, to establish such by-laws, rules and ordinances, not contrary to the constitution and laws of this commonwealth, as they shall deem necessary for the said seminary.

Sec. 9. The trustees shall elect a president, treasurer, clerk to their own body, and so many professors, tutors or masters as may be necessary; and upon the death, resignation or legal disability of any of the trustees, president or other officer of the said seminary, the board of trustees shall supply the vacancy by ballot.

Sec. 10. The president and other officers of the said seminary shall be subject to the direction of the board of trustees, and continue in office during good behaviour.

Sec. 11. The president of the board of trustees shall have full power to call special meetings of the said trustees; and it shall be his duty, upon the request of three of them, to do the same; but upon any called meeting, ten days' general notice shall be given by the president, previous to the meeting.

Sec. 12. If at any time a member of the board of trustees shall absent himself from three stated meetings successively, unless for good cause shown and approved of by the said trustees, in such case his seat shall be considered vacant, and the board may proceed
to fill his seat with a new member: Provided, however, that the trustees of the said seminary shall at all times be accountable for their conduct in the management of the business aforesaid, in such manner as the legislature shall by law direct.\textsuperscript{102}

An ACT concerning the Seminaries in the Counties of Monroe, Perry, Jefferson and Simpson.

Approved, November 22, 1821

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Radford Maxey, Edward Maxey and Abijah T. Marrs, be, and they are hereby appointed trustees of the seminary of learning in the county of Monroe, in addition to those already appointed as trustees.

Sec. 2. Be it further enacted, That Jesse Bowlin, Charles Smith, Robert Brashears, Stephen Hogg and William Stamper, be, and they are hereby appointed trustees of the seminary of learning in the county of Perry. And the trustees in the said county of Perry, and their successors, shall have power to locate, survey and carry into grant, six thousand acres of any land which by law is subject to similar appropriations, in the names of the trustees of said seminary and their successors; and shall have power to sell and convey the said land, or any part or parts thereof.

Sec. 3. Be it further enacted, That a majority of the trustees for the said counties of Monroe and Perry, shall constitute a board for their respective seminaries aforesaid, to transact any business appertaining to said seminaries, and to fill any vacancy which may

\textsuperscript{102} Acts Passed at the First Session of the Thirtieth General Assembly for the Commonwealth of Kentucky (Frankfort, Kendall and Russell, 1821), pp. 249-251.
happen in their body.

Sec. 4. Be it further enacted, That when the trustees of the Jefferson seminary, in Jefferson county, shall, by death, resignation or otherwise, be reduced to the number of seven, thereafter that shall be the number of trustees for said seminary; and a majority thereof shall at all times constitute a board for the transaction of business for said institution.

Sec. 5. Be it further enacted, That Stephen Beauchamp, John Hale, Davis Hardin, Ebenezer Dickey, Jesse Millican, John M. Robinson, John D. Smith, John M'Gooden and John A. Crowders, be, and they are hereby appointed a board of trustees for the seminary of learning in the county of Simpson, and are hereby invested with equal powers and privileges, and to be governed by the same rules and regulations as the trustees of the seminary of learning for the county of Monroe.

An ACT to amend an act establishing a Seminary in Rockcastle County, and for other purposes.

Approved, December 6, 1821

WHEREAS it is represented to the present general assembly, that a majority of the trustees of the Rockcastle academy have died or removed from the county: Wherefore,

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That William Smith, John H. Slaughter, William Carson, Elisha Smith, John B. Dysart, James Terrill and Johnston Dysart are hereby appointed trustees of the academy in the county of Rockcastle, with the same powers, and subject to the same regulations, in every respect, as those in the act establishing

103. Ibid., pp. 276-277.
a seminary in the county of Casey, approved January 18, 1810.

Sec. 2. That the said trustees, or their successors, be, and they are hereby authorized by themselves or agent, to settle with the locators, and make a division of said land, agreeable to the original contract, and to assign the plats and certificates of surveys to the locators, or any other person authorized to receive the same, for the locators' part: and the register of the land-office is hereby authorized and directed to issue grants to such assignee or assignees, as in other cases. And the said trustees, or their successors, are authorized to sell and convey the balance of said land, as they may think proper, or assign the plats and certificates of surveys; and in that case, patents shall issue in the name of the assignee or assignees; and they shall apply the proceeds thereof to the use and benefit of said seminary.

Sec. 3. That the trustees of the Liberty academy, or their successors, be, and they are hereby authorized to sell and convey any or all the lands donated to said academy, and apply the proceeds thereof to the erection of buildings, furnishing books, apparatus, &c. in such manner as they may think proper.104

An ACT establishing a Seminary in Bath County, and for other purposes.

Approved, December 14, 1821

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That James M'Ilhaney, James A. Brooks, William M. Sudduth, Thomas Iles, Peter Davis, George Lansdown, Thomas D. Owings and John A. Turner, be, and they are hereby appointed trustees of the Bath seminary; and by the name and style

104. Ibid., pp. 313-314.
of the Bath Seminary, are hereby constituted a body politic and corporate, and shall have perpetual succession, and a common seal, with full power to change the same at pleasure.

Sec. 2. Be it further enacted, That the fee simple title of the six thousand acres of land granted to the seminary, shall be, and the same is hereby vested in the said trustees and their successors in office, who, or a majority thereof, shall have full power to sell and dispose of said lands in such manner, and upon such terms and conditions as they may think proper, and shall apply the proceeds of such sales to the erection of buildings, the procurement of books or philosophical apparatus for the use and benefit of said seminary.

Sec. 3. And be it further enacted, That the said trustees, or a majority of them, may, by themselves or agent authorised for that purpose, convey, by deed or by assignment, such portion of said land as may have been contracted to be given by some justices of the county court of said county, to the persons employed to locate, survey and carry into grant said lands.

Sec. 4. And be it further enacted, That the further time of two years shall be allowed the trustees, or their agent, to locate, survey and patent the balance of said six thousand acres, not heretofore located, surveyed or patented; and said balance may be located, surveyed and patented in quantities less than one hundred acres, where the same may be bound all round by other claims; and any surveys heretofore made of less quantities than one hundred acres, may be registered, and grants shall issue thereupon as in other cases.

Sec. 5. And be it further enacted, That the said trustees shall
be, by themselves or agents, vested with power to locate, survey
and patent two hundred acres, in lieu of that quantity heretofore
surveyed and patented, and which has been found to be taken by
an elder patent.

Sec. 6. The said trustees, or a majority of them, shall have
power, from time to time, to employ teachers, treasurer and clerk;
and upon the death, resignation or removal of such teachers, trus-
tees or other officers of said seminary, the board of trustees
shall supply any vacancy, so as to keep a continual succession in
office.

Sec. 7. And be it further enacted, That the said trustees
shall have power, from time to time, to make such by-laws and
ordinances as shall seem to them right, for the good order and
government of said seminary; and which by-laws and ordinances are
not to be inconsistent with the constitution and laws of this
commonwealth.

Sec. 8. And be it further enacted, That the said trustees
shall meet at such times and places as they shall appoint; and in
case a sufficient number do not attend at any appointment to consti-
tute a board, those who do attend shall have power, from time to
time, to adjourn until a sufficient number may be procured to consti-
tute a board.

Sec. 9. And be it further enacted, That the said trustees, by
the name and style aforesaid, may sue and be sued, plead and be
impleaded, in any court of law or equity in this state.

Sec. 10. And be it further enacted, That the said trustees, in
making any appointment of teachers or other officers of said seminary,
shall give no preference to any one on account of religious sectarian
sentiments; nor shall said trustees, or their successors, make or
enforce any law, regulation or ordinance which is or shall be cal-
culated to implant in the minds of the rising youth, a bias in
favor of any particular religious sect.

Sec. 11. The trustees of said seminary shall be forever ac-
countable to the legislature, at all times, for their conduct in
the management of said seminary, and the affairs of said seminary
shall at all times be controlled in such manner as the legislature
by law may direct. 105

An ACT to establish a Literary Fund, and for other purposes.

Approved, December 18, 1821

WHEREAS the well known and important influence of general
education, upon the habits, the morals, the religion, and conse-
quently the happiness of society, cannot fail to present the subject
to the present general assembly as an object of primary importance
to the state of Kentucky: Therefore, with a view to carry into
effect, as early as practicable, a system of diffusive education,
which shall be calculated to meet the just expectations of the
country, and the intentions of the legislature in the establishment
of the Bank of the Commonwealth of Kentucky,

Section 1. Be it enacted by the General Assembly of the
Commonwealth of Kentucky, That one half of the clear profits that
have arisen, and may hereafter arise to the state, from the opera-
tions of the Bank of the Commonwealth of Kentucky, be, and the same
is hereby set apart and appropriated as a fund which shall be known
by the name of the Literary Fund, and forever maintained as such.

105. Ibid., pp. 328-330.
for the establishment and support of a system of general education, to be distributed in just proportions to all the counties of this state, and applied to said purpose, under such regulations as the legislature may devise and adopt.

Sec. 2. Be it further enacted, That it shall be the duty of the president and directors of said bank to cause accounts to be kept in the books of the institution, to which shall be transferred all such dividends and profits arising to, and constituting the literary fund as aforesaid, the state of which shall be annually reported to the legislature; and all sums so arising shall remain as a deposit in the bank, to be re-loaned, upon good security, until further provided for, agreeably to the intentions of this act.

And that the foregoing provisions may, as early as possible, be realized, and that this state may be benefitted by the experience of other states, in adopting a system suited to its own peculiar circumstances and habits:

Sec. 3. Be it further enacted, That David R. Murray, John Pope, John R. Witherspoon, William T. Barry, David White, jun. and William P. Roper, are hereby appointed and requested to collect such information in relation to the subject as they may deem necessary to enable them to digest a plan of schools of common education, suited to the condition of this state, and that the same be submitted to the next legislature within the first week of its session.

Sec. 4. Be it further enacted, That for the purpose of enabling the legislature more easily to carry the foregoing provisions into effect, it shall be the duty of the county courts of the commonwealth to lay off their respective counties into any number of school districts, not less than four, or more than sixteen, on or
before the April term of said courts.

Sec. 5. Be it further enacted, That it shall be the duty of
the respective commissioners of tax in the several counties in this
state, to add one column in their book of taxable property, in
which they shall take down the number of all children within each
school district, as established by the county courts, between the
ages of four and fourteen, and the same shall be transmitted to the
auditor's office with the books aforesaid; and it shall be the duty
of the clerks of the several county courts, as soon as practicable
after the districts are established, to deliver to the commissioners
the boundaries of the school districts within the precinct allotted
to each commissioner.

And whereas in all well-regulated systems of general educa-
tion, different grades of literary institutions ought to be es-
tablished, in which the poor and most humble of our citizens can
actually participate with the wealthy; as the most splendid talents
are often drawn from obscurity and indigence, and as the genius
of our government opens the door of office to all classes of society,
it is deemed just and reasonable that there should be one common
head to all the literary institutions of the state, and which shall
combine the free schools and colleges into one central point; and
as the Transylvania University belongs to the state, it ought to
be so organized that this desirable object can be effected: There-
fore,

Sec. 6. The board of trustees of Transylvania University shall,
prior to the first day of February 1822, file with the cashier of
the Branch Bank of the Commonwealth of Kentucky located in Lexing-
ton, a correct and detailed statement of the debts due by said
institution, or contracted prior to the first day of December 1821; and the cashier of said branch bank is hereby directed to pay over to the treasurer of the board of trustees of said University, under the order of said board, one half of the clear profits which may have accrued upon the loans made by said branch bank, or which may from time to time accrue and be declared, until said debts so due and contracted shall be discharged.

Sec. 7. It shall be the duty of the chairman of the board of trustees of said University, and of the cashier of the said Branch Bank of the Commonwealth, to report to the general assembly, within ten days after the meeting of the next legislature, the amount of money paid to the treasurer of said board of trustees under the provisions of this act: Provided, the sum hereby appropriated shall not exceed (the sum of) twenty thousand dollars.

Sec. 8. Be it further enacted, That Alexander Parker, John Bradford, William Leavy and John Tilford, shall be, and are appointed trustees of the Transylvania University, in addition to those already elected at the present session; and the said trustees hereby appointed, with those already elected, shall continue in office and exercise all the powers belonging to the trustees of the said University, under or by virtue of the laws now in force, until the legislature shall deem it expedient to make another election of choice of trustees for said institution.

Sec. 9. Be it further enacted, That it shall be the duty of the trustees of the said University to manage its affairs and regulate the expenses of said institution according to its funds and revenues, without any view to farther appropriations from the legislature; and they are hereby expressly interdicted from incurring
any debts, under a hope or expectation of aid from this government, or which may endanger or impair the funds or property belonging to said institution; it being the true intent of this act, to terminate all claim on the part of said University to support from the public treasury or other funds of the government.

Sec. 10. That for the purpose of enabling the trustees of the Centre College of Kentucky to purchase a library and philosophical apparatus, the one third of the clear profits of the Branch Bank of the Commonwealth of Kentucky located at Harrodsburg, so far as the same is derived from the borrowers who reside in the county of Mercer, be, and the same is hereby appropriated, for and during the term of two years, to commence on the first day of January next; and the same shall be paid over by the cashier of said branch, semi-annually, to the order of the board of trustees of said college.

Sec. 12. For the purpose of enabling the trustees of the Southern College of Kentucky to purchase a library and philosophical apparatus, the one third of the clear profits of the Branch Bank of the Commonwealth located at Bowling Green, so far as the same is derived from the borrowers who reside in the county of Warren, be, and the same are hereby appropriated, for and during the term of two years, to commence on the first day of January next; and the same shall be paid over by the cashier of said branch, semi-annually, to the order of the board of trustees of said college.

An ACT for the benefit of the Seminary in Harlan County.

Approved, December 18, 1821

WHEREAS It is represented to the present general assembly of the commonwealth of Kentucky, that the justices of Harlan county

106. Ibid., pp. 351-355.
have heretofore sold the donation lands allowed by law to said county for the use of a seminary of learning, and doubts are entertained whether they are legally authorised to convey the said land: Therefore,

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the justices aforesaid, by themselves or their agent, are authorised and empowered to convey the six thousand acres allowed by law as aforesaid, or any part thereof; and the proceeds thereof shall be applied to building a house, and purchasing books for the use and benefit of the said seminary of learning.

Sec. 2. Be it further enacted, That the register of the land-office shall receive any plats and certificates of surveys that may have heretofore been made, by order of the county court aforesaid, register the same and issue grants thereon as in other cases: Provided, however, that no survey returned as aforesaid shall be for a less quantity than one hundred acres, except bounded all round by prior claims.

This act shall be in force for two years from and after the passage.107

An ACT authorising the Trustees of the Union Academy to sell certain Lands. Approved, December 19, 1821

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That is shall and may be lawful for the trustees of the Union academy to sell and dispose of eight hundred

107. Ibid., p. 362.
and sixty-five acres of land, that was patented to the justices of the Union county court, for the use and benefit of said academy.

Sec. 2. **Be it further enacted,** That said trustees shall give notice, by advertising, on some court day, at the court-house door, and at two other of the most public places in the county, at least thirty days before said sale, and sell on such credit as they may think most expedient, taking bond and security of the purchaser, payable to said trustees.

Sec. 3. **Be it further enacted,** That said trustees, in conjunction with the clerk of the county court of said county, are hereby authorised to convey by deed to the purchaser or purchasers, which shall vest the complete title in said purchaser or purchasers. An **ACT to alter the mode of appointing trustees to the Montgomery Academy.**

Approved, November 15, 1822

Section 1. **Be it enacted by the General Assembly of the Commonwealth of Kentucky,** That the qualified electors of the county of Montgomery, are hereby authorised, and it shall be their duty to choose five fit persons as trustees for the Montgomery Academy, who when elected, shall be vested with all the rights and powers of the trustees now in office, and to continue the same until their successors are elected; the election to commence on the first Monday in January 1823, and to be held annually, forever thereafter, to be conducted by such officers as are now authorised by law to conduct the election of said county in the general elections.

Sec. Be it further enacted, That it shall be the duty of the sheriff, to return a certified copy of those who shall be elected by a majority of voters to the clerk of the county court of said county, who shall record the same in his office, and the judges and sheriff for conducting said election, shall be allowed the same fees as are now allowed by law per day in case of a general election. 109

An ACT for the benefit of the Harrodsburg Seminary.

Approved, November 26, 1822

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall, and may be lawful for the trustees of the Harrodsburg Seminary, to sell any number not exceeding five hundred acres of the lands belonging to the said seminary. The said sale may be made by the said trustees at auction or otherwise, and upon such terms as they may deem most advantageous to said institution: The said trustees shall apply the whole of the proceeds of sale to the payment of their debts in the first place, and the balance (if any) in repairs to the house, or in the purchase of books or philosophical apparatus: Provided however, That no sale shall be made of any part of the lands belonging to said seminary, unless a majority of the whole number of trustees shall consent thereto, and enter the same of record in their books. 110

An ACT to amend an act authorising the location of certain Seminary lands, and for other purposes.


110. Ibid., p. 76.
Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the fourth section of an act authorising the location of certain seminary lands, and for other purposes, approved, February fourth, one thousand eight hundred and twelve, be, and the same is hereby repealed.

Sec. 2. And be it further enacted, That the county courts in this commonwealth may cause to be entered, surveyed and carried into grant, their seminary lands now allowed by law, in surveys to contain not a less quantity than fifty acres in each survey, unless the same shall be bounded all round by prior existing claims.

Sec. 3. Be it further enacted, That so much of the acts approved the twenty-sixth day of January, one thousand eight hundred and fifteen, as requires the investment of the proceeds arising from the sale of seminary lands into bank stock, be, and the same is hereby repealed.

An ACT authorising the trustees of the Franklin Seminary to sell and convey to Wiley Campbell 140 acres of land.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the trustees of the Kentucky Seminary, are hereby authorised and empowered to sell and convey to Wiley Campbell, one hundred and forty acres of land claimed by the trustees, as belonging to said institution, on which said Campbell now resides, any law to the contrary notwithstanding.

111. Ibid., pp. 77-78.
112. Ibid., p. 83.
An ACT to amend an act entitled "an act for the benefit of the Seminary of Harlan county."

Approved, December 2, 1822

WHEREAS, doubts have been entertained whether the register is authorised to issue grants for the lands in said act mentioned, to the assignees or the purchasers thereof, Wherefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for the register of the land office to issue grants for any of the lands in the aforesaid recited act, mentioned to the purchaser or purchasers, or to his, her or their assignee or assignees, or other person or persons who may hold the same by a regular transfer or assignment, any law to the contrary notwithstanding.  

An ACT authorising a Lottery for the purpose of erecting a House in Lexington, for the use of the Medical School.

Approved, December 7, 1822

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall, and may be lawful for Robert S. Todd, Richard H. Chinn, John G. Richardson, jr. Will A. Leavy and Robert R. Barr, to raise by way of Lottery, in one or more classes as to them may seem expedient, any sum not exceeding twenty-five thousand dollars, to be appropriated in the erection of a medical college in the town of Lexington, for the use and benefit of the Professors in the medical department of Transylvania University; and the said managers, or such of them as may think proper to act, shall before they enter upon the duties assigned them by this act, enter into bond with good and sufficient security, in the county court of

113. Ibid., p. 103.
Fayette, to be approved by said court, in the penalty of fifty thousand dollars; which bond shall be made payable to the Commonwealth of Kentucky, conditioned for a faithful discharge of the duties enjoined on them by this act, and may be sued on in the name of the Commonwealth of Kentucky, the use and benefit of any person or persons injured by a breach of the conditions of said bond — and it shall be the duty of said managers, within ninety days after the completion of the drawing of said Lottery, to pay to the fortunate person or persons, or to his, her or their order, all such prize or prizes as may be due, agreeably to the scheme which they may agree upon and publish: Provided however, That such scheme shall not reserve more than twenty per cent. Said managers shall have the right to appoint a clerk or clerks, and any other officers necessary to conduct said Lottery, all of whom shall, before they enter upon the respective duties assigned them by the managers, take an oath before some justice of the peace, faithfully and honestly to discharge the same.

Be it further enacted, That the said managers shall, within ninety days after the drawing of said lottery, or any class thereof, pay over to the Dean of the medical faculty of the Transylvania University, all sums of money which may be due in consequence of the drawing of said lottery, after all prizes have been paid.

Be it further enacted, That the said manager shall be, and are hereby authorised to sell and dispose of the scheme, or any class or classes of said lottery, to any person or persons, who shall comply with the terms and conditions of this act, at any sum not less than ten per cent. on the amount of any class or classes which may be proposed to be drawn.
Be it further enacted, That the Dean of the medical faculty, shall give bond in the county court of Fayette, with good and sufficient security, payable to the Commonwealth of Kentucky, conditioned for the faithful application of the amount by him received, to the objects and purposes intended by this act. 114

An ACT imposing a duty of sales at Auction in the county of Fayette, for the benefit of the Law department of Transylvania University.

Approved, December 7, 1822

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That no person shall hereafter exercise the business or trade of an auctioneer, for the sale of goods, wares or merchandise, whether dry goods or groceries, within the county of Fayette, unless he shall have previously obtained from the court of said county, a license therefor: and any person who shall hereafter act as such without having first obtained a license, and having given the bond hereinafter required, shall be fined the sum of five hundred dollars for every such sale at auction.

Sec. 2. That every auctioneer, licensed as aforesaid, shall on the first day of April next, and at the expiration of every three months thereafter, deliver a true and complete statement of the amount of sales made at auction or otherwise, by him as an auctioneer or under his direction, specifying particularly in such statement, the date and amount of each days sale, and the names of the persons owning said goods, to the judge of the third judicial district, which statement shall be verified by oath before the said judge, and delivered by him to the chairman of the board of trustees of Transylvania University: and the said auctioneer shall at the

114. Ibid., pp. 149-151.
same times, pay to the treasurer of the board of trustees of said University, two dollars for every hundred dollars of the purchase money arising from said sales.

Sec. 3. That at the time of obtaining the license from said court, the person applying shall enter into bond, with approved security, to the commonwealth, conditioned that he will render the statement and pay over the money according to the second section of this act, and shall also take an oath before the clerk, that he will truly and faithfully execute the business of an auctioneer, and in every respect comply with the provisions of this law, during the term of his license, and if any auctioneer shall fail or refuse to comply with the conditions of said bond, it shall be lawful for the chairman of the board of trustees of Transylvania University, to cause suit to be instituted thereon for the benefit of said University; and the said auctioneer shall moreover be fined for every such failure or refusal, the sum of five hundred dollars.

Sec. 4. That the court of Fayette county be, and is hereby authorised to grant the said licenses to such discreet person or persons as they may think proper, for the term of one year only, at the expiration of which time, the said license and bond may be renewed, at the discretion of said court: Provided moreover, that nothing in this law shall be construed to require a license in the case of decedents estates, sales under process of any court or judicial officer, or the sale of any thing the manufacture or growth of this state.

Sec. 5. That the fines hereby imposed may be recovered by action of debt, or by motion in the Fayette circuit court, in the name of the chairman and trustees of Transylvania University, and
if any person shall knowingly swear falsely; in any case, wherein by this law an oath is required to be taken, he shall be adjudged to have committed perjury and shall suffer the pains and penalties thereof, prescribed by the laws of this commonwealth.

Sec. 6. That the sums of money which may be received by virtue of this law, shall be appropriated by the said chairman and trustees to and for the law department of said University, for the purpose of procuring a library for the same, and for no other purpose whatever; and the said chairman and trustees shall at the next annual session of the legislature, and at every session thereafter, render to the general assembly, within ten days after their meeting, a true statement, shewing the sums of money received, together with the names of the auctioneer by whom, and the times at which they were paid. 115

An ACT to incorporate the Trustees of the Augusta College.

Approved, December 7, 1822

WHEREAS, it hath been represented to the present General Assembly; That the conferences held for the Methodist Episcopal Church, in the states of Kentucky and Ohio, have determined upon establishing an extensive seminary of learning in the western country; to the support of which, they are pledged to use their utmost and undivided efforts, and from which, no student is to be excluded in consequence of his religious opinions or the religious opinions of his parents, relations or guardians; and that the said seminary of learning shall be conducted upon free, liberal and enlightened principles,

115. Ibid., pp. 160-162.
And whereas, it hath been also represented; That in consequence of the trustees of the Bracken Academy having agreed to appropriate the proceeds of a fund of ten thousand dollars, belonging to said academy, specially for the support of Latin, Greek and English branches of education, to be taught in said seminary of learning: the commissioners on the part of the aforementioned conferences have located the said seminary of learning in the town of Augusta, and county of Bracken, in this state, there forever to remain.

And whereas, the establishment of an institution of this kind, within the state of Kentucky, if conducted on principles, such as are here laid down, will be of great advantage to the citizens of said state, by disseminating knowledge and useful literature, and by introducing into our state, students from Ohio and other states, thereby increasing our pecuniary advantages and intercourse with our sister states: Therefore,

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That a seminary of learning shall be, and the same is hereby established in the town of Augusta, and county of Bracken, to be known by the name and style of the Augusta College, and that the said college shall be founded and maintained forever upon a plan the most liberal, for the benefit of the youth of every class of citizens, and every religious denomination, who shall be freely admitted to equal privileges and advantages of education, and to all the literary honors of the college, according to their merit, under the direction of twenty-three trustees, to-wit: James Armstrong, George C. Light, John Todd, Zebulon Harrison, John Armstrong, John Collins, Johnston Armstrong, James Savage, Marcus Lindsey, William Armstrong, Joshua Pigman, Martin Marshall,
Richard Collins, John Reynolds, Leroy Cole, Enos Woodard, John Chambers, David Davis, John Meek, Thomas Morris, who together with such others as shall be hereafter named and their successors, shall be trustees of said college, and shall hold their first session on the first Wednesday in May next, at the seat of the said college.

Sec. 2. Be it further enacted, That the said trustees and their successors, by the name of "the trustees of the Augusta College," shall be a body politic and incorporate, and as such forever to exist, and are hereby made able and capable in law to have, possess, purchase, receive, enjoy and retain, hold or dispose of, for the use of said college, lands, tenements, rents, annuities, pensions and other hereditaments, in fee simple or for a term of years, life, lives or otherwise, and also money, bonds, bills, notes, goods, chattels, interests or effects, of whatever nature, quality or kind soever, by the gift, bargain, sale or devise of whatever nature, by any person or persons, body politic or corporation capable to make the same, and the same to grant, demise, sell, alien, and confirm in such manner as they shall judge most conducive to the interests of said institution. Provided, that the rents and profits and proceeds thereof, shall at no time exceed the amount of fifty thousand dollars per annum.

Sec. 3. And be it further enacted, That the said trustees and their successors by the name and style of "the trustees of the Augusta College," as aforesaid, shall be capable in law to sue and be sued, plead and be impleaded, in any court or courts of record, before any judge, judges or justices within this state, and elsewhere, in all manner of suits, complaints, pleas, causes, matters and demands of whatsoever kind, nature or form, they be, and all
and every other matter and thing therein to do, in as full and
effectual a manner as any person, or persons, bodies politic and
corporate of like nature within this state may or can do.

Sec. 4. And be it further enacted, That the appropriation made
by the trustees of the Bracken academy to said college, of the
proceeds of a fund in their hands, of ten thousand dollars, be
confirmed to said college, provided the same is applied with good
faith to the purposes for which it was appropriated, to-wit: to
the support of the Latin, Greek and English branches of education,
and that the trustees of the Bracken academy, may be assured of the
faithful application of this fund, and duly and early informed if
improperly applied; John Payne, George Donissham and George W.
Maxey, trustees of the said Bracken academy, shall also be, and
they hereby are appointed in conjunction with those heretofore
named, trustees of the Augusta College, and in case of the death,
resignation, removal or refusal to act of all or either of them,
as such, the trustees of the Bracken academy shall from their own
body elect others to fill the vacancy, as trustees of "The Augusta
College," but shall notwithstanding retain their seats as trustees
of the Bracken academy.

Sec. 5. And be it further enacted, That in case of the death,
resignation or refusal to act of any of the first named twenty
trustees or their successors, the trustees of said college shall
proceed at their first meeting thereafter to fill the vacancy, thus
keeping up the full number of twenty-three trustees of said college.
And whenever any trustee shall absent himself from three stated
semi-annual meetings, without good cause assigned at the fourth,
the trustees of said college shall have the power to declare his
seat vacant, and upon entering the same upon their minutes, proceed to the election of a trustee to fill such vacancy.

Sec. 6. And be it further enacted, That the said trustees, of the Augusta College, before they enter upon the trust reposed in them, shall severally take the following oath of office, to be administered to them by any justice of the peace of the state of Kentucky, that is to say "I (A. B.) do swear (or affirm) that I will to the best of my skill and judgment, faithfully and truly discharge the duties of a trustee of the Augusta college pursuant to the laws and constitution of the state of Kentucky, the constitution of the United States and the charter granted by the state of Kentucky establishing said college, without favor, affection or partiality - so help me God." And the said trustees shall thereupon have the power to appoint out of their own body a president of the board, a treasurer and a secretary, and the treasurer so appointed, shall give bond with such security and in such penalty as the trustees shall think proper, payable to the commonwealth of Kentucky, for the use of said college, which bond shall by the treasurer and his securities be acknowledged before the clerk of the Bracken county court, and by him certified and recorded in his office, a copy of which shall be evidence against said treasurer or his securities, their heirs, executors or administrators in any suit or motion made against them for a breach thereof, and shall be conditioned for the true and faithful discharge of his duty as a treasurer of said college, and for the safe keeping of all monies, bonds, notes, deeds, mortgages, trusts or other property belonging to said college, which shall be put into, or from time to time come to his hands, which bond may be renewed as often as the said trustees
may require - and it shall be the duty of said treasurer to receive
and safely keep all monies, bonds, notes, obligations or conveyances
of real, personal or mixed property belonging to the said college,
and shall not pay out any money belonging to said college, unless
upon the order of the president countersigned by the secretary - and
for any breach of said bond, the said treasurer may be proceeded
against before the circuit court of Bracken county, in the same
manner as at the time may be lawful against delinquent sheriffs -
and the said treasurer shall moreover once in every year, and as
much oftener as the trustees may require, render to said trustees
an account of all monies in his hands, and all monies by him paid
out, stating particularly from whom received and to whom paid - and
in case the said treasurer shall fail or refuse to perform any of
the duties required of him by this act, the trustees of said college
shall have the power to declare his office vacant and proceed to
the election of a treasurer to fill such vacancy, to whom the
former treasurer shall upon the order of the board, signed and
countersigned as aforesaid, pay and deliver over all monies and
other property in his hands belonging to the said college - and
it shall be the duty of the secretary to keep a fair record of all
the proceedings and orders of the board of trustees, and at the
close of every session, lay them before the president for the time
being, for his signature; and moreover, to do and perform all and
every other act or acts which by this charter may be required of
him or which may be necessary for him to do, for the purpose more
effectually, of carrying into execution the powers vested in the
trustees of said college.

Sec. 7. And be it further enacted, That it shall be the duty
of the president of the board to preside at the meetings of the trustees, to preserve order, and put the question upon all subjects which shall come before the board for their decision, and also to do and perform such other act or acts as may be required of him. And in case of his absence, by death, resignation, or refusal to act, the trustees shall proceed to appoint another of their own body, to fill the vacancy; and in case his absence is only temporary, to appoint one of their body as president pro tem. And all votes given at any meeting of said trustees, shall be viva voce.

Sec. 8. And be it further enacted, That the said trustees and their successors, shall have full power and authority to have, make and use a common seal, with such devices and inscriptions as they shall think proper, and the same to change, break, alter and renew, at their pleasure, and shall also from time to time and at all times hereafter, forever have full power and authority to constitute and appoint, in such manner as they shall think best, and most convenient, a president and necessary and proper professors, tutors, masters and assistants, for instructing the students and scholars of said college, in all the liberal arts and sciences, and in the ancient and modern tongues and languages; who shall be severally styled professors of such arts, sciences and languages as they shall be nominated and appointed to teach, according to each particular nomination and appointment, and the said president and professors so constituted and appointed from timeto time, shall be known and distinguished forever, by the name of "the president and professors of the Augusta College," and in that name shall be capable of exercising such powers and authorities, as the trustees
trustees of the said college and their successors shall by their ordinances think necessary to delegate to them for the instruction, discipline and government thereof, and of all the students, scholars and officers belonging to the same.

Sec. 9. And be it further enacted, That the said trustees and their successors, shall meet at least twice in every year, in stated semi-annual meetings to be appointed by their ordinances, and at such other times as by their said ordinances they may direct in order to examine the progress of the students and scholars in literature, and upon all matters relative to the discipline of the college, and the good and wholesome execution of their ordinances; in all which examinations, meetings and determinations, a majority of said trustees shall be a quorum, and they shall also have the power and authority at any of their stated semi-annual meetings, to make, pass and establish fundamental ordinances, rules and bye-laws, not contrary to the constitution or laws of this state, as by them shall be thought necessary for the government of said college, and the instruction of youth as aforesaid, and by them to delegate to the president and professors of said college such powers and authorities as they may think best for the standing government of said college, and of the execution of the ordinances and rules of the same; and the same when made shall, at any stated semi-annual meeting aforesaid, have power to alter, repeal or annul as they may think proper, and shall have power and authority to do all matters and things they in their judgment shall think will promote the interest of the said college, consistent with this charter and not repugnant to the constitution and laws of this state or of the United States: Provided nevertheless, that for
the sake of securing perpetual peace and harmony between the board of trustees and the board of president and professors, all laws, ordinances, rules and regulations pertaining to the interior regulations and management of the institution, shall be subject to the following provision: the president and professors may suspend any such laws or ordinances made by the board of trustees which they may find to operate injuriously, until a meeting of said board shall take place. But it shall be the duty of the president of the college, immediately to give the president or secretary of the board of trustees, notice thereof in writing, stating the law or ordinance, rule or regulation thus suspended, and the cause of such suspension, and it shall be the duty of the president or in his absence, of the secretary of the board of trustees to call a meeting of said trustees, as soon as they can be conveniently assembled, and when so assembled, said trustees shall decide whether or not the ordinance, rule or regulation thus suspended, shall be executed or shall stand suspended until the stated semi-annual meeting.

Sec. 10. And be it further enacted, That the said trustees and their successors are authorised, so far as their funds may warrant, to admit gratuitously, in whole or in part, as their respective cases may require, such person or persons as they may think proper; and that the trustees are authorised to receive subscriptions, donations and bequests, either in money, person, real or mixed property, as a fund to meet the expenditures required in support of the said college, or in effecting this benevolent object, and to take such measures as they may conceive proper to augment said fund.

Sec. 11. And be it further enacted, That, for the purpose of
animating and encouraging the students of said college, to a laudable
diligence, industry and progress in useful literature and science,
the said trustees and their successors shall have full power and
authority, once in every year, or oftener as they by an ordinance,
shall direct, to hold public commencements in the presence of the
president and professors, and in the presence of as many gentlemen
of liberal education and others as may choose to attend; prior to
which times they shall cause all the students in the said college,
to be carefully examined by the president and professors of said
college, on the several branches of learning, which they have
respectively studied, that the fidelity of the teachers and the
diligence of their pupils may appear.

Sec. 12. And be it further enacted, That the money, goods and
other property belonging to said college, in the state of Kentucky,
shall be forever free and exempt from public taxation of what kind
whatever.

Sec. 13. And be it further enacted, That this charter and act
of incorporation and every part thereof, shall be good and available
in all things in the law, according to the true intent and meaning
thereof, and shall be construed, reputed and adjudged, in all cases
most favourable on the behalf of the said trustees and their suc-
cessors, so as most effectually to answer the end of this corporation,
toward the general advancement and promotion of useful knowledge,
science and virtue.

Sec. 14. Be it further enacted, That the legislature at all
times hereafter, reserve to themselves the power to change, or re-
peal, the charter hereby granted, and to provide for the election
of the officers of said college and also make all necessary rules
and regulations for its government, and a proper and just disposition of the funds of said institution, to the objects hereby provided for, whenever it shall to them seem expedient.\textsuperscript{116}

An ACT to alter the mode of appointing trustees to the Madison Seminary.

Approved, November 28, 1823

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the county court of Madison county shall, annually, at their court of claims, a majority of all the justices in the commission of the peace in said county being present, appoint eleven trustees for the Madison Seminary, who shall continue in office until a new appointment by said court shall be made.

Sec. 2. Be it further enacted, That the first appointment under this act, shall be made by said court at their December or January term, next.

Sec. 3. Be it further enacted, That all laws contravening the provisions of this act, shall be, and the same are hereby repealed.\textsuperscript{117}

An ACT for the better regulation of the Southern College of Kentucky, and for other purposes.

Approved, December 1, 1823

WHEREAS, it is represented to the General Assembly, that inconvenience is experienced by the Southern College of Kentucky and the Harrodsburg Seminary, on account of the difficulty of convening a board for the transaction of business, Therefore,

\textsuperscript{116} Ibid., pp. 163-171.

\textsuperscript{117} Acts Passed at the First Session of the Thirty-Second General Assembly for the Commonwealth of Kentucky (Frankfort, Jacob H. Heilman, 1824), pp. 279-280.
Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That any vacancy that may take place in the board of Trustees of either of those institutions, shall not hereafter be filled until the number of Trustees shall be reduced to nine, which shall hereafter be the number of Trustees respectively. The board when thus reduced, shall possess all the powers and be governed by the same rules in the proceedings as they now are, any law to the contrary notwithstanding.

Sec. 2. The board of Trustees of the Fleming Academy shall and may be increased to the number of eleven by said board. 118

An ACT to amend an act to establish a seminary of learning in the county of Hart.

Approved, December 18, 1823

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the trustees of the seminary of learning in the county of Hart, be and they are hereby authorized to appropriate any sum not exceeding two-thirds of the amount of funds, in the same manner as is authorized by the seventh section of an act to amend an act to establish a seminary of learning in the county of Hart, approved November fifth, one thousand eight hundred and twenty-one. 119

An ACT to amend the act incorporating the Centre College of Kentucky at Danville.

Approved, January 7, 1824

WHEREAS, the present state of the Treasury of this Commonwealth, does not admit at this time, of any further appropriations for

118. Ibid., p. 301.

119. Ibid., p. 343.
Literary purposes, and it is represented to the present General Assembly, that donations and probably bequests to a considerable amount, can be obtained in aid of the fund of Centre College, by which the prosperity and usefulness of said institution will be much increased, provided the funds so obtained or procured can be secured and faithfully applied, to meet the objects and wishes of the donors, under the control and management of the board of Trustees of said College as at present organized: Therefore,

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for the Trustees of said College to receive, acquire, hold and procure from any individual or society, religious or otherwise, donations, gifts or bequests, of any sum or sums of money, Books, Charts, Maps, Philosophical apparatus, or estate of any kind, which shall be applied wholly and exclusively to the uses and purposes that may be specially designated by the donors respectively, or to the establishment and maintenance of one or more professorships of Theology or other professorships, to be separate and distinct from the internal concerns of said College: Provided, that the present fundamental law of said College, which forbids doctrines peculiar to any one sect of Christians, to be taught by any professor in said College, shall remain unchanged and inviolate, except in the Theological department of which he is professor, where he or they hold any other professorship in said College. Each and every department of Theology that may be established, shall remain, as to the internal concerns, separate and distinct from the literary department, and shall at all times regulate their own affairs without interfering in any way with the by-laws or statutes of
the College or of any department thereof, and the privilege is hereby reserved to each and every denomination of Christians, to establish a professorship of Theology in said College, they severally furnishing the necessary funds for its support.

Sec. 2. The funds or estate of any kind which may be obtained, received or procured by virtue of the first section of this act, shall be by the said Trustees, at all times, appropriated and applied to the specific objects and purposes of the donors, should such a purpose be designated at the time of such gift, grant or devise, and should the funds or any part thereof, be diverted from the objects and purposes designated as aforesaid, without the consent first had and obtained of the donor or donors, or of his, her or their heirs or successors, to be recovered by due course of law, or bill in equity. Nothing herein contained shall be construed to deprive the Trustees of the management and control of the affairs and concerns of the College, but as intended to guard against the abuse or misapplication of any funds that may be received or procured as aforesaid.

Sec. 3. Said College shall at all times, be conducted upon liberal, free and enlightened principles, and no student shall be excluded in consequence of his religious opinions, or those of his parents, guardians or relatives.

Sec. 4. Provided, That any donation made without a designation of any specific object, to which it shall be applied, it shall be devoted to the regular literary department. 120

120. Ibid., pp. 415-417.
An ACT for the benefit of certain Seminaries.

Approved, January 7, 1824

WHEREAS it is represented to this General Assembly, that on the fourth day of February, 1812, the Trustees of the Casey Academy surveyed thirty-five acres of land, in Cumberland county, on the east side of Crocus creek; and that the Trustees of the Lewis Academy, on the nineteenth day of March, 1812, caused to be surveyed twenty-eight acres of land, in the county of Cumberland, on a branch called Miller's creek; and the trustees of the Liberty Academy, on the first day of January, 1812, caused to be surveyed twenty-three acres of land, in the county of Cumberland, on the north side of Cumberland river, on Miller's creek. And whereas, on the fourth day of February, 1812, the Legislature of Kentucky passed an act, prohibiting surveys for Seminaries being made for less than one hundred acres; and that the surveys for Register has refused to receive said platts and certificates of survey:

Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Register of the Land Office be, and he is hereby directed to receive the aforesaid platts and certificates of survey, and issue grants thereon in the same manner he would have done, if the before-recited act had not passed.\[121\]

An ACT for the benefit of the Centre College.

Approved, December 27, 1824

WHEREAS the trustees of the Centre College of Kentucky, have petitioned the present General Assembly, stating that their funds are low, and that they stand in great need of pecuniary aid to

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121. Ibid., pp. 473-474.
sustain said institution, and that they have entered into a written agreement with the body of divines and elders of the presbyterian church in Kentucky, whereby they are to receive twenty thousand dollars, currency of the United States, for the use of said institution, if said agreement can be ratified, and some small change made in the acts of Assembly, incorporating said College; and it is deemed expedient to ratify said agreement:

Section 1. Be it therefore enacted by the General Assembly of the Commonwealth of Kentucky, That said arrangement or agreement be, and the same is hereby ratified; and that so soon as five thousand dollars, part of the said twenty thousand, is paid into the treasury of said board of trustees, the chairman of said board of trustees, for the time being, shall acknowledge the receipt thereof on said written agreement, and shall subscribe the same, and shall acknowledge said agreement and receipt before the clerk of the County Court of the County of Mercer, or the Court of Appeals or General Court; and the said agreement in writing and receipt, shall thereupon, by order of such Court, be recorded, and copies thereof attested by the clerk, shall be good evidence in all the Courts in this Commonwealth; and upon the acknowledgment of said agreement as aforesaid, such change and modifications shall take place in the acts of Assembly incorporating said institution, as by said written agreement is provided: Provided, however, that if there be more trustees than eleven then in office, they may still retain their seats, until their number is reduced to eleven, by death, resignation, or otherwise; and such vacancies shall not be filled until such reduction of the number is made.

Sec. 2. Be it further enacted, That so soon as the aforesaid
contract shall be carried into effect, by the payment on the part
of the Synod of five thousand dollars to the trustees of said College,
they shall pay over to the treasurer of the Kentucky Asylum for the
tuition of the Deaf and Dumb, in the notes of the Bank of the Common-
wealth of Kentucky, all such sums as the said trustees may have
drawn from the Harrodsburg branch Bank, on account of donations by
the State to said College.

Sec. 3. Be it further enacted, That nothing in this act con-
tained shall ever be construed or interpreted so as to confer
exclusive privileges or corporate powers on the said Synod or
trustees, for religious or sectarian purposes; but only as authorizing
them to control their own funds in said institution, according to
the charter heretofore granted to said College; and no religious
denomination whatever, shall be excluded from having their children
educated therein; but the same shall be conducted as heretofore,
upon the most free and liberal principles.

Sec. 4. Be it further enacted, That the Legislature hereby
reserve to themselves the right of repealing or amending this
act, in any manner or form, when they may think the public good
requires it: Provided, that no repeal or change shall take place
in said charter so as to give the Legislature a control over the
same or its funds, or divest the said trustees of any donation,
bequest or devise, which may then have been vested in said trus-
tees, until they refund to the treasurer of the trustees, the
full value of the same, to be then fairly ascertained; and the
sum thus refunded, shall thereafter be subject to the disposition
of the said Synod.122

122. Acts Passed at the First Session of the Thirty-Third General
Assembly for the Commonwealth of Kentucky (Frankfort, Amos Kendall
and Co., 1825), pp. 64-65.
An ACT to incorporate the St. Joseph's College of Bardstown.

WHEREAS it hath been represented to the General Assembly of the Commonwealth of Kentucky, that there is a Seminary of learning at Bardstown, promoted and sustained by Roman Catholic clergymen of that place, by means of their own resources, industry and intelligence; that the said Seminary hath been open and free for persons of every denomination, the managers thereof only requiring an observance of moral rectitude by the pupils, upon their entry thereof and during their continuance therein: And whereas it is not less accordant to the genius of this republic, than compatible with the sentiments of this Legislature, that the dissemination of learning and morality, are amongst the first attributes that should characterize its citizens.

Section 1. Be it therefore enacted by the General Assembly of the Commonwealth of Kentucky, That the said Seminary of learning shall be denominated and known by the name of the St. Joseph's College of Bardstown; that it shall be managed on principles that are liberal, equal and for the benefit of every class of citizens, and of any religious denomination; that they shall have all the benefits and literary honors of said College, according to their merit, under the directions and superintendence of the right reverend Benedict Joseph Flaget, Bishop of Bardstown, who shall be styled and known as the Moderator of said College, and Mr. David G. Chevantat, James Derigand, William Byrne, J. Hazeltine and N. Coëms, are hereby constituted the trustees thereof. The said trustees and their successors, by the name of the Trustees of the St. Joseph's College of Bardstown, shall be a body politic and incorporate, and as such forever to exist.
The said moderator shall be chairman of the board of said trustees, and when in meeting, his power shall be equal to one of the trustees. Being thus constituted, they, or a majority thereof, shall form a quorum, who are authorized to pass such ordinances and by-laws, by a majority present concurring therein, that are not contrary to the constitution of the United States, that of this State or the laws thereof, for the use and benefit of the said College: Provided, however, the said moderator, from any cause whatever, should not be present at a meeting of the said trustees, which shall take place at least twice a year, or oftener if they think proper, the said trustees or a majority thereof, may appoint a chairman pro tempore, who shall for the time being, substitute the said moderator. The said trustees and moderator, shall keep a book or books and enter therein their proceedings, and when required, shall expose the same to the inspection of persons who have, and those who express an intention of sending pupils to the said College. The said trustees may have a seal, on which any device or inscription may be impressed they shall think proper, (and may) alter or break the same at pleasure.

Sec. 2. Be it further enacted, That the said trustees thus constituted, shall be called and known by the name of the Trustees of the St. Joseph's College of Bardstown; by that name may sue and be sued, implead and be implanted, before any court of record, judges or justices of the peace, or body created by law, having jurisdiction of the subject matter about which the said suit or suits may be. The said trustees may receive any conveyance, gift, devise, bequest; make any contract, buy, sell, convey, &c. in this their corporate capacity, and have the same power that corporate
bodies created by law have, that are consistent with this institution: Provided, that the rents and proceeds acquired by this corporate body, shall at no time exceed the amount of fifty thousand dollars per annum. The said trustees shall hold their station in the said College one year only, at which time the said moderator shall have the power of electing others, or the same if he should think proper, and increase the number to twelve, and this power may be exercised by him every year thereafter, or his successor or successors to the Bishoprick, and in case of the removal, resignation or death of either of the said trustees, his place may be supplied by an appointment that may be made by the said bishop or successor or successors, who may also become the moderators in the institution, and act and do as the said B. J. Flaget is empowered by this act to do.

Sec. 3. Be it further enacted, That the said moderator and trustees shall have power to constitute and appoint a president and necessary and proper professors, tutors, masters and assistants, to instruct the students and scholars of said College, in all the liberal arts and sciences, and the ancient and modern languages, who shall be denominated professors of such arts, sciences or languages, as they may be nominated and appointed to teach. And the president and professors so appointed, shall be distinguished and known by the name of the President (and Professors) of the St. Joseph's College of Bardstown, and in that character shall be capable of exercising such powers and authorities, that the said trustees and their successors may delegate to them by their ordinances, for the instruction of all the students and scholars, and the wholesome government of said College: Provided, however, it
is reserved to the Legislature of this Commonwealth, to withdraw
the powers of incorporation from this institution, whenever they
conceive the trusts and confidence abused, that are herein reposed;
but as no funds have ever been given to this institution by this
Commonwealth, so none are to be taken away, in the event of the
withdrawal of the corporate capacity. 123

An ACT to authorize the Trustees of the Kentucky Seminary to dispose
of, by compromise, the interest of said Seminary in certain lands.

WHEREAS it is represented to this Legislature, that a tract
of five hundred and sixty-two acres of land, lying on the sinking
fork of Little river, in the county of Christian, being part of
certain lands donated to the county court of Franklin county, for
the use of a Seminary, and now vested in the trustees of the Ken-
tucky Seminary for the use of the same, is found to be interfered
with by adverse conflicting claims; and that the said trustees and
the holders of the conflicting claims, have agreed to compromise
their dispute, by the said trustees selling out their said claim
for a given price, which is deemed advisable for them to do: There-
fore,

Be it enacted by the General Assembly of the Commonwealth of
Kentucky, That the present trustees of said Seminary, and their
successors in office, be, and they are hereby authorized and em-
powered to enter into such compromise respecting said land, as
they may deem advisable; and in that event, to convey to the party
paying them for their said land, all the right, title and estate

123. Ibid., pp. 65-68.
which said Seminary hath in and to the same. 124

An ACT for the benefit of the Union County Seminary.

WHEREAS it is represented to the General Assembly of the
Commonwealth of Kentucky, that the buildings of the Seminary of
Union county, located at Morganfield, have, by accident, been
destroyed by fire; that nearly all the funds and property belonging
to the Trustees of said Seminary, had been converted and vested
in said building; that in the erection of the said building, a
large portion of the expenses incurred, were furnished by individual
contributions; that the Trustees are entirely unable, through the
want of means, of rebuilding the house necessary to put the Seminary
into operation, without the further aid of the government: For
remedy whereof,

Section 1. Be it enacted by the General Assembly of the
Commonwealth of Kentucky, That the Register of the land-office be,
and he is hereby directed to issue, upon the application of the
said Trustees or their successors in office, a warrant or warrants,
not exceeding two thousand acres, to be located on any unappropriated
land belonging to this Commonwealth: Provided, the same shall not
be located on the lands west of the Tennessee river.

Sec. 2. Be it further enacted, That the said Trustees are
hereby directed to make sale of the said lands, in such manner as
they may think most conducive to the interest of said institution,
and apply the money arising from said sale to therebuilding of said
Seminary at Morganfield.

124. Ibid., pp. 97-98.
Sec. 3. Be it further enacted, That the Trustees of said Seminary, in the location of the warrants herein granted, shall not be permitted to locate any tract or parcel of land which shall not contain at least one hundred acres.125

An ACT appointing additional Trustees to the Somerset Academy.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Peter W. Clark and Fountain T. Fox, be and they are hereby added to and incorporated with the present trustees, of the Somerset Academy, who shall, in common with the present trustees, possess the same powers and authorities over and concerning said institution, in every respect, as is possessed by the present trustees.126

An ACT supplementary to an act entitled "an act to incorporate the St. Joseph's College of Bardstown."

WHEREAS doubts exist whether the institution has power to confer degrees upon their pupils and graduates: For remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the said institution have power to confer such degrees and literary honors upon the pupils of the College, as the managers thereof think them entitled to, from the rectitude of their conduct and their advancement in learning.127

125. Ibid., pp. 127-128.
126. Ibid., p. 182.
127. Ibid., p. 186.
An ACT to transfer the Bank Stock of the Caledonia Academy and for other purposes.

Approved, November 24, 1825

WHEREAS by the petition of the Trustees of the Caledonia Academy, in the county of Caldwell, praying that a law might pass authorising the transferring of ten shares, they own in the Bank of Kentucky to Joseph R. Given. Therefore:

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Will S. Waller be, and he is hereby authorised to transfer said ten shares of Bank stock to Joseph R. Given, or to any person or persons the said Given may direct in writing, said writing to be filed in said bank of Kentucky, which shall as completely transfer said stock as if done by said trustees themselves, as if they had the power.

And whereas said trustees has prayed for the name of said Academy to be changed from the Caledonia Academy to the Princeton Seminary. Therefore,

Sec. 2. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That hereafter said name shall be changed from the Caledonia Academy to the Princeton Seminary, and they shall in said name have the power to sue, and be sued, plead and be impleaded in any of the Courts of Justice in this Commonwealth, and in all matters the same, and full powers given to said institution in the name of the Caledonia Academy, shall apply and be in force to the Princeton Seminary as fully and as amply as if the name had not been changed.\[128\]

\[128\] Acts Passed at the First Session of the Thirty-Fourth General Assembly for the Commonwealth of Kentucky (Frankfort, Jacob H. Holeman, 1826), pp. 15-16.
An ACT to authorize the trustees of Lewis Academy to sell the lands belonging to that institution.

WHEREAS, doubts exist as to the powers of the trustees of the Lewis Academy to sell the lands of that institution, by reason of which, those who would be otherwise disposed to purchase, are deterred from doing so: Therefore,

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the trustees of the said Academy shall be, and they are hereby authorized, by themselves or any agent or agents by them duly appointed, to proceed to sell the lands belonging to the said academy, or any part thereof, upon such credit as shall be thought advisable, taking bond and undoubted security from the purchaser or purchasers, to secure the purchase money, and retaining a lien upon the lands so sold for the same. And the said trustees, by themselves or agent, are hereby authorized to convey to the purchaser or purchasers, the title to any lands so sold by them, so soon as the purchase money for the same shall have been paid.

Sec. 2. That the said trustees shall take from any person who may be authorized by them to collect and receive the purchase money for said lands, or any part thereof, bond with approved security, payable to themselves as trustees, conditioned for the payment over to them immediately upon making any collections, all such sums of money so by him collected; which bond shall be executed previous to the execution or delivery of the power to receive the said purchase money. And should the trustees fail herein, it shall not vitiate the sales; but they shall be liable out of their own estates, for any losses that may be occasioned, on account of not
An ACT to alter the mode of appointing trustees to the Fleming Academy.

Approved, December 17, 1825

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the qualified voters of the county of Fleming, are hereby authorized, and it shall be their duty to choose seven fit persons as trustees for the Fleming Academy, who when elected, shall be vested with all the rights and powers of the trustees now in office, and to continue the same until their successors are elected; the election to commence on the first Monday in January, one thousand eight hundred and twenty-six, and to continue but one day, and to be held annually forever thereafter; to be conducted by such officers as are now authorized by law to conduct the election of said county in the general elections.

Sec. 2. That it shall be the duty of the sheriff to return a certified copy of those who are elected a majority of voters, to the clerk of the county court of said county, who shall record the same in his office; and the judges and sheriff for conducting said elections, shall be allowed the same fees as are allowed by law per day, in case of a general election.

Sec. 3. That in case any trustee or trustees shall resign, remove from the county of Fleming, or whose office shall be vacated by death, that then and in that case, the vacancy thus occasioned, shall be filled by the election of the majority of trustees remaining in office.\textsuperscript{130}

\textsuperscript{129} Ibid., p. 26.

\textsuperscript{130} Ibid., pp. 59-60.
An ACT to release lands belonging to seminaries of learning from forfeiture, and to exempt them from the payment of taxes.

Approved, December 17, 1825

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That all forfeitures to the state of the lands of any school or seminary of learning within this commonwealth, for not listing the same for taxation, or for any other cause whatever shall be and the same are hereby released to such schools or seminaries respectively; and hereafter the trustees of managers of such schools or seminaries of learning within this commonwealth, shall not be bound to list such lands for taxation, or to pay taxes on the same, nor shall any taxes be demanded by the state for any such lands, so long as the same shall absolutely and bona fide belong to a school or seminary of learning. 131

An ACT authorizing the trustees of county Academies to draw their stock from the bank of Kentucky.

Approved, December 17, 1825

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the trustees of the several county Academies, owning stock in the bank of Kentucky, be and they are hereby authorized to draw from said bank, that portion of their stock which has been heretofore distributed. And be it further enacted, That the trustees of said Academies be, and they are hereby authorized to draw from said bank, such distributions of their stock as may be hereafter successively declared. 132

131. Ibid., p. 72.
132. Ibid., p. 76.
An ACT further to regulate the Jefferson Seminary.

Approved, December 17, 1825

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That James Hughes, Samuel Churchill, Nicholas Berthoud, Coleman Rogers, Benjamin Lawrence, John J. Jacobs, David Prentise, James H. Overstreet, John P. Harrison, William S. Vernon, and Alexander Pope, be, and they are hereby added to, and incorporated with the present trustees of the Jefferson seminary, in Jefferson county, who shall, in common with the present trustees, possess the same powers and authorities over and concerning said institution, in every respect as is possessed by the present trustees.

Sec. 2. That five trustees shall be sufficient to constitute a board for the transaction of all business relating to said seminary, excepting in those cases particularly excepted.

Sec. 3. That the assent of a majority of the whole number of trustees, shall be necessary to perform the following business: To elect and fix the salaries of the officers; to appropriate monies; to alienate, sell or convey any lands, tenements, or rents, belonging to the said institution.

Sec. 4. That the said trustees shall have power, from time to time, to establish such by-laws, rules and ordinances, not contrary to the constitution and laws of this commonwealth, as they shall deem necessary for the better regulation of said Seminary.

Sec. 5. That the chairman of the board of trustees, shall have full power to call special meetings of said trustees, and it shall be his duty, upon request of three of them, to do the same; but upon any called meeting three days previous notice must be given.
Sec. 6. That if at any time a member of the board of trustees shall absent himself from three stated or called meetings successively, unless for good cause shown, and approved by the said trustees, in such case his seat shall be considered vacant, and the board may proceed to fill his seat with a new member, after the number shall be reduced as hereafter mentioned.

Sec. 7. That when, at any time, the trustees of said Jefferson seminary shall, by death, resignation or otherwise, be reduced to eleven, thereafter that shall be the number of trustees of said institution. 133

An ACT to authorize the trustees of the Franklin Academy, in the county of Mason, to sell part of the land belonging to said Academy.

Approved, December 17, 1825

WHEREAS, it is represented by the trustees of said Academy, that in rebuilding the same, a debt has been incurred, amounting to six or seven hundred dollars; that judgments have been obtained therefore; and that, not having funds to satisfy such judgments, executions will be levied upon the Academy, to satisfy said executions, unless an authority shall be given by law to sell a part of the land belonging thereto.

Section 1. Be it therefore enacted by the General Assembly of Kentucky, That the trustees of said academy, or a majority of them, be and they are hereby authorized to sell so much of the land belonging to said institution, as will raise a sufficient fund to satisfy and pay the judgments obtained as aforesaid, and the costs and accruing interest.

Sec. 2. Be it further enacted, That the said trustees shall

133. Ibid., pp. 76-77.
be, and are hereby empowered to constitute an agent, by a proper letter of attorney, to be recorded in the clerk's office in the county of Mason, and also in the county in which the land lies, upon the certificate of the clerk of Mason, for the purpose of making sale of said land, and conveying the same to the purchaser, with such warranty as the said power shall direct; and the deed of said attorney, in fact, shall be good and sufficient to pass the title as fully as if the trustees had conveyed in person. 134

An ACT for the benefit of the Simpson Seminary, and for other purposes.

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for the register of the land office, to receive plats and certificates of survey, hereafter or heretofore made in the name of the trustees of the Simpson Seminary, for any quantity of land not exceeding six thousand acres, and issue patents for the same as in other cases, although the lands included within such plats and certificates may lie south of Walker's line, and east of the Tennessee river, within the jurisdiction of the state of Tennessee; provided however, that all lands patented by virtue of this act shall be taken as part of the donation made by law to said Seminary.

Sec. 2. That surveys may be made for the benefit of any Seminaries in this commonwealth, on any of the vacant lands south of Walker's line and east of Tennessee river; and the land so surveyed may be carried into grant in the same manner, and under the same laws now in force relative to the surveying of lands for the use of Seminaries of learning, any law to the contrary notwithstanding.

134. Ibid., p. 79.
Sec. 3. That the trustees of the Southern College, at Bowling-green, and the trustees of Augusta College, shall be, and they are hereby authorized to locate, survey, and carry into grant, according to the existing laws for appropriating vacant lands in this commonwealth, six thousand acres of land each, of any waste and unappropriated land lying east of the Tennessee river, in this state, or of any vacant land south of Walker's line and east of the Tennessee river. And the register shall, upon application of said trustees, or their agent, issue a warrant or warrants for the same, without the state price being paid for the same.

Sec. 4. That the trustees of the Hardin Academy shall have power to locate a like amount of vacant and unappropriated land, under the same rules and regulations herein before provided, to be appropriated to aid in the rebuilding of their Seminary, which has been destroyed by fire.\textsuperscript{135}

An ACT to incorporate the Spring Creek Seminary, in Gallatin county.

Approved, December 21, 1825

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Ziba Holt, Michael Maddox, George Strother, Daniel King, Isaac Trout, Burdit Mayfield, and Joseph Taylor, of Gallatin county, be, and they are hereby constituted a body politic and corporate, to be known by the name of the trustees of the Spring Creek Seminary, and by that name shall have perpetual succession, and a common seal, with full power to change the same at pleasure.

Sec. 2. That the fee simple title to lands, or other property

\textsuperscript{135} Ibid., pp. 97-98.
granted, or which may be granted for the benefit of the Spring Creek Seminary, shall be vested in said trustees, and their successors, who shall appropriate the use, profits and advantages thereof, to the support of education in said Seminary.

Sec. 3. The trustees, by the name aforesaid, may sue or be sued in any court of law or equity in this commonwealth; they may elect a president or other officer, of their own body, and upon the death, resignation, removal or disability of any of the trustees, the remaining trustees shall supply the vacancy by ballot, and shall have power from time to time, to establish such by-laws and regulations, not contrary to the constitution and laws of this commonwealth, as they may deem necessary for the government of said Seminary.136

An ACT to encourage the establishment of Private Schools.

Approved, December 21, 1825

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That when any five or more persons shall associate themselves together for the purpose of forming a school in their neighbourhood, and shall acquire a right to land, not exceeding two acres, and shall build a house thereon, for the purpose of having their children educated, it shall be lawful for them to apply to the county court of the county in which the land so acquired may be situated, to receive the legal title to said land, and hold it in trust for them, and the neighbourhood in which it is situated; and the granter is hereby authorized to make a deed to the court for the land so intended to be conveyed; who shall hold it as trustees forever, for the use in said deed expressed.

136. Ibid., pp. 100-101.
And for any trespass done upon the land, or injury to the improve-
ment, an action may be brought in the name of the county court, and
a recovery had in damages; which damages shall be applied to the
use of the school.

Sec. 2. That it shall be the duty of the county court to ap-
point seven trustees, whose duty it shall be, to employ a teacher,
and do and perform all and every act that may be necessary, to
promote the interest of such school; and when a vacancy shall
happen, by death, removal, or resignation of any of the trustees,
the vacancy shall be filled by the board of trustees; who shall
keep a regular record of their proceedings, and once a year report
the situation of their school of the county court.137

An ACT authorizing the trustees of the Washington, Hardin and Clay
Academies to sell their lands.

Approved, January 6, 1827

Section 1. Be it enacted by the General Assembly of the
Commonwealth of Kentucky, That the trustees of the Washington,
Hardin and Clay academies, be, and they are hereby empowered and
authorized by themselves or their agent, to sell the whole or any
part of their seminary lands, and make conveyances of the same.

Sec. 2. Be it further enacted, That the trustees of said
academies shall lay out the proceeds of said lands in the erection
of seminaries on some one of the lots in the town of Springfield,
Elizabethtown and Manchester, belonging to the seminaries, or on
such other situation or scite, adjoining the town of Springfield,
Elizabethtown and Manchester, as the trustees may deem most ad-
visable; and the overplus, if any, shall be applied to the purchasing

137. Ibid., p. 118.
of a library, or put out at interest, in such way as, in the opinion
of the trustees, may be deemed most advisable: Provided, no sale
shall take place of said lands, or any part thereof, unless a
majority of all the trustees concur therein. 138

An ACT to incorporate the Cumberland College, at Princeton.

Approved, January 8, 1827

WHEREAS, it has been represented to the present General Assembly,
that the Synod of the Cumberland Presbyterian Church in the State
of Kentucky, has determined upon establishing an extensive seminary
of learning, near Princeton, Caldwell county, to the support of
which that body are pledged to use their undivided efforts, and
from which no student is to be excluded in consequence of his
religious opinions, or the religious opinions of his parents,
guardians or relations; and that the said seminary of learning
shall be conducted upon free, liberal and enlightened principles:
and whereas, the establishment of an institution of this kind,
within the State of Kentucky, if conducted upon the above liberal
plan, will be of great advantage to the State, by disseminating
knowledge and useful learning, and by introducing into our State,
students from Tennessee, Illinois, Indiana, and other States,
thereby increasing our pecuniary advantages and intercourse with
others. And whereas, the moderate terms presented in the consti-
tution of said institution, for education, encourages the hope of
greatly extending useful knowledge: and whereas, there are but
few seminaries of learning in that part of our own or the adjoining
States: Therefore,

138. Acts Passed at the First Session of the Thirty-Fifth General
Assembly for the Commonwealth of Kentucky (Frankfort, Jacob H.
Holeman, 1827), p. 20.
Section 1. Be it enacted by the General Assembly of the
Commonwealth of Kentucky, That a seminary of learning is hereby
established near the town of Princeton, in Caldwell county, to be
known by the name of the Cumberland College; and that said College
shall be founded and maintained forever, upon a plan the most
liberal, for the benefit of the youth of every class of citizens,
and of every denomination of Christians, who shall be freely ad-
mitted to equal privileges and advantages of education, and to all
the literary honors of the College, according to their merit, under
the direction of nine trustees, to-wit: David Laury, Henry F.
Delany, William M. Phelps, John Mercer, Asbery Harpinding, John H.
Phelps, William Lander, James A. White, and John Gray, and their
successors, to be appointed by the Cumberland Presbyterian Synod,
as often as occasion may require, who may increase or diminish the
same, so that the number shall not, at any time, be more than
thirteen, or less than seven; who shall hold their first session
at said College, on the fourth Monday in May next.

Sec. 2. That the said trustees, and their successors, by the
names of "the Trustees of the Cumberland College," shall be a body
politic, and incorporate, and as such forever to exist; and are
hereby made able and capable in law, to have, possess, purchase,
receive, enjoy and retain, hold or dispose of, for the use of said
College, lands, tenements, rents, annuities, pensions and other
hereditaments, in fee simple, or for term of years, life, lives,
or otherwise; and also money, bonds, bills, notes, goods, chattels,
interests or effects, of whatever nature, quality or kind soever,
by the gift, bargain, sale or devise of any person or persons,
body politic and corporate; capable of making the same, and the
same to grant, demise, sell, alien, and confirm, in such manner as
they shall judge most conducive to the interest of said institution.
Provided, that the rents and profits, and proceeds thereof, shall
at no time exceed the amount of twenty thousand dollars per annum.

Sec. 3. That the said trustees and their successors in office,
by the name and style of the "Trustees of the Cumberland College,"
as aforesaid, shall be capable in law to sue and be sued, plead
and be impleaded, in any court or courts of record, before any
judge, judges, or justices, within this State and elsewhere, in all
manner of suits, complaints, pleas, causes, matters and demands, of
whatsoever kind, nature or form they be; and all and every other
matter and thing therein to do, in as full and effectual a manner
as any person or persons, bodies politic and corporate, of like
nature, within this State, may or can do.

Sec. 4. That in case of the death, resignation, or refusal
to act, of any of the first named nine trustees, the remaining
trustees shall, at their first meeting, fill up such vacancy or
vacancies; who shall continue in office until otherwise directed
by the Synod aforesaid.

Sec. 5. That the said trustees of the Cumberland College,
before they enter upon the trust reposed in them, shall severally
take the following oath of office, to be administered to them by
any justice of the peace of Caldwell county, or before any justice
of the peace of Caldwell county, or before the county court of the
county in which such trustees may reside; and when the affidavit
shall be made before a justice of the peace, the same shall be
returned by the trustee making the oath, to the clerk of the
county court of Caldwell, to be by him recorded, which he shall do
without fee. That is to say - "I, (A. B.) do swear or affirm, that I will, to the best of my skill and judgment, faithfully and truly discharge the duties of a trustee of the Cumberland College, pursuant to the laws and constitution of Kentucky, the constitution of the United States, and the charter granted by this act, without favor, affection or partiality. So help me God." And the said trustees shall thereupon have power to appoint, out of their own body, a President of the board, a Treasurer, and a Secretary; and the Treasurer so appointed, shall give bond, with such security, and in such penalty as the trustees shall think proper, payable to the Commonwealth of Kentucky, for the use of said College; which bond shall, by the Treasurer and his securities, be acknowledged before the clerk of the Caldwell county court, and by him certified and recorded in his office; a copy of which shall be evidence against said Treasurer and his securities, their heirs, executors or administrators, in any suit, on motion made against them, for a breach thereof, and shall be conditioned for the true and faithful discharge of his duty, as Treasurer of said College, and for the safe keeping of all monies, bonds, notes, deeds, mortgages, trusts or other property belonging to said College, which shall be put into, or from time to time come to his hands; which bond shall be renewed as often as said trustees may require. And it shall be the duty of said Treasurer to receive and safely keep all monies, notes, bonds, obligations, or conveyances of real, personal or mixed property belonging to said College; and shall not pay out any monies belonging to said College, unless upon the order of the President, countersigned by the Secretary; and for any breach of said bond, the said Treasurer may be proceeded against before the
circuit court of Caldwell county, in the same manner as may be lawful against other delinquent officers. And the Treasurer shall, moreover, once in every year, and as much oftener as the trustees may require, render to them an account (to them,) of all monies in his hands, and all monies by him paid out, stating particularly from whom received, and to whom paid. And in case the said Treasurer shall fail or refuse to perform any of the duties required of him by this act, the trustees of said College shall have power to declare his office vacant, and proceed to the election of a Treasurer, to fill such vacancy; to whom the former Treasurer shall, upon the order of the board, signed and countersigned as aforesaid, pay and deliver over all monies and other property in his hands, belonging to said College. And it shall be the duty of the Secretary, to keep a fair record of all the proceedings and orders of the board of trustees; and at the close of every session, lay them before the President for the time being, for his signature; and moreover, to do and perform every other act or acts, which by this charter may be required of him, or which may be necessary for him to do, for the purpose more effectually of carrying into execution the powers vested in the trustees of said College.

Sec. 6. That it shall be the duty of the President of the board to preside at the meeting of the trustees, to preserve order, and put the question upon all subjects which shall come before the board for their decision; and also to do and perform such other act or acts, as may be required of him; and in case of his absence, by death, resignation, or refusal to act, the trustees shall proceed to appoint another of their own body to fill the vacancy; and in case his absence is only temporary, to appoint one of their own
body as President pro tem.; and all votes given at any meeting of said trustees shall be viva voce.

Sec. 7. That the said trustees and their successors, shall have full power and authority to have, make and use a common seal, with such devices and inscriptions as they shall think proper; and the same to change, break, alter and renew, at their pleasure; and shall also, from time to time, and at all times hereafter forever, have full power and authority to constitute and appoint, in such manner as they shall think best and most convenient, a President, and necessary and proper professors, tutors, masters and assistants, for instructing the students and scholars of said College, in all the liberal arts and sciences, and in the ancient and modern tongues and languages; who shall severally be styled professors of such arts, sciences, or languages, as they shall be nominated and appointed to teach, according to each nomination and appointment. And the said President and Professors so constituted and appointed from time to time, shall be known and distinguished forever, by the name of the President and Professors of the Cumberland College; and in that name shall be capable of exercising such powers and authority, as the trustees of the said College, and their successors, shall, by their ordinances, think proper to delegate to them, for the instruction, discipline, and government thereof, and of all the students, scholars and officers belonging to the same.

Sec. 8. That the said trustees and their successors, shall meet at least twice in every year, at stated semi-annual meetings, to be appointed by their own ordinances; and at such other times as by their said ordinances they may direct; in order to examine the progress of all the students and scholars in literature, and upon
all matters relative to the discipline of the College, and the good
and wholesome execution of their ordinances: in all which examina-
tions, meetings and determinations, a majority of said trustees
shall be a quorum. And they shall also have the power and authority,
at any of their stated semi-annual meetings, to make, pass and es-

tablish fundamental ordinances, rules and by-laws, not contrary to
the constitution and laws of this State, and by them shall be thought
necessary, for the government of said College, and the cultivation
and improvement of the farm and tract of land upon which said College
is erected, and for the instruction of the students in habits of
industry and economy; and by them to delegate to the President and
Professors of said College such powers and authorities as they may
think best, for the standing government of said College, and for
the execution of the ordinances and rules of the same; and the same,
when made, shall, at any stated semi-annual meeting aforesaid, have
power to alter, repeal or annul, as they may think proper; and shall
have power and authority to do all matters and things they in their
judgment shall think will promote the interest of said College,
consistent with this charter, and not repugnant to the constitution
and laws of this State.

Sec. 9. That the said trustees and their successors, are
authorized, so far as their funds may warrant, to admit gratuitously,
in whole, or in part, as their respective cases may require, such
person or persons as they may think proper; and that the trustees
are authorized to receive subscriptions, donations and bequests,
either in money, personal, real or mixed property, as a fund to
establish scholarships, or to meet the expenditures required in
support of said College, or in effecting this benevolent object;
and to take such measures as they may conceive proper, to augment this fund.

Sec. 10. Be it further enacted, That for the purpose of animating and encouraging the students of said College to a laudable diligence, industry and progress in useful literature and science, the said trustees and their successors, shall have full power and authority, once in every year, or oftener, as they by an ordinance shall direct, to hold public commencements; in the presence of the President and Professors, and in the presence of as many gentlemen of liberal education, and others, as may choose to attend; and grant such honorary degrees, as are usual in other Colleges; prior to which times, they shall cause all the students in said College to be carefully examined by the President and Professors of said College, on the several branches of learning which they have respectively studied, that the fidelity of the teachers and the diligence of their pupils may appear.

Sec. 11. That it shall and may be lawful for the trustees of said College to establish and endow one or more professorships of theology or other professorships, to be separate and distinct from the literary department of said College; and each and every department of theology which may be established, shall at all times regulate their own affairs without interfering in any way with the by-laws or statutes of the College, or of any other department thereof; and the privilege is hereby reserved to each and every regular denomination of Christians, to establish a professorship of theology in said College, provided they furnish the funds necessary for its support; and all grants, gifts or devises of money or property to said College, shall be applied to the use for which
they may be respectively directed by the person or persons making the same. Provided, however, that no doctrines peculiar to any one sect of christians, shall be taught in said College, except in the theological departments which may be at any time hereafter attached thereto.

Sec. 12. That in case the denomination of christians under whose auspices said College is established, shall at any time hereafter constitute "a general assembly," for their better government, all power herein granted to the synod, shall vest in said general assembly; who shall thereafter appoint and fill up all vacancies in the board of trustees, who shall be governed in all respects by the provisions of this act.

Sec. 13. And as it is the intention of said trustees to combine habits of industry and economy with their system of education, they are hereby vested with full power to require of each student, a reasonable portion of his time in the cultivation of the farm attached to the College, which shall not at any time exceed three hours in each day.

Sec. 14. Be it further enacted, That the Legislature, at all times hereafter, reserve to themselves the power to change or repeal the charter hereby granted.139

An ACT to amend an act, entitled, "an act to incorporate the trustees of the Augusta College."

Approved, January 12, 1827

WHEREAS, by the first section of the act to incorporate the trustees of Augusta College, approved December the seventh, one thousand eight hundred and twenty-two, it is provided "that the

139. Ibid., pp. 21-27.
said College shall be founded and maintained forever upon a plan for the most liberal, for the benefit of the youth of every class of citizens, and every religious denomination, who shall be freely admitted to equal privileges and advantages of education, and to all the literary honors of the College, according to merit;" and some of the trustees of said College doubting that they have the power, under said charter, to confer literary honors or academical degrees, usual in other institutions of learning; and being but just that the students in Augusta College, should receive such literary honors as are conferred in other Colleges: Therefore,

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the trustees of the Augusta College, together with the President and a majority of the Professors, shall have the power, in open assembly, as has been accustomed, in like cases, to confer by diploma, signed by the President of the faculty, and five of the trustees, the degrees of bachelor or master of arts, upon all such students, if such there be, as the said Trustees, President and Professors aforesaid shall adjudge to have merited the honors of the College, by their virtue and erudition, manifested in their conduct and upon their examination, as required in the act chartering said College; and at the same time confer any honorary degrees, which, with the like advice, shall be adjudged to other gentlemen, on account of special merit; in as full and ample a manner as in any similar institution; and the professors and pupils in said College shall, in all cases, have and be entitled to the same privileges, that are now allowed the professors and pupils of any other College in this state; except that they shall not be exempt from the performance of military duty.
AND WHEREAS, it is represented to the present General Assembly, that John Schoolfield has, for upwards of twenty years, owned and possessed a ferry from the town of Augusta, in the county of Bracken, in this State, across the Ohio river to the opposite shore; and that he at this time possesses the same exclusively, no other person owning, claiming or possessing such a right, within said town, or within one and a half miles thereof, above or below; and the said Schoolfield having offered to sell and transfer the said right, and the profit and emoluments therefrom arising, to the trustees of Augusta College; and it being considered, that an investment of a part of the capital of said College in said ferry, will be highly advantageous, and tend greatly to the security and improvement of said fund; and the trustees of said College, as well as the trustees and citizens of the said town of Augusta, as well as the Justices of the County Court of Bracken, having petitioned this Legislature in favor of said investment: Therefore,

Sec. 2. Be it further enacted, That upon the President of the Augusta College presenting to the Bracken county court, the release of the said John Schoolfield, in favor of said trustees, for said right of ferriage, it shall be the duty of said court to enter up an order, granting the right of ferriage to the trustees of the Augusta College, and their successors forever, from the said town of Augusta across the Ohio river, to the opposite shore: and shall moreover take from said President of the board of trustees of said College, a bond, with good security, in the penalty of one thousand dollars, payable to the Commonwealth of Kentucky, with the following condition, to-wit: “The condition of the above obligation is such, that whereas a ferry hath been established in the name of the
trustees of the Augusta College, from the town of Augusta across the Ohio river, to the opposite shore; now if the said trustees shall at all times keep, or cause to be kept, good and skilful ferry-men and sufficient boats, for the safe transportation of passengers, carriages and other personal property, across the said river; and shall, at all times, by their ferry-men, except when the passage of the river shall be eminently dangerous or impracticable, give immediate passage to such passengers, carriages, or property, across the said river, when thereto required; then the above obligation to be void - else in full force. Which bond shall be filed in the clerk's office of said court; and any person or persons injured by a breach or breaches of the condition thereof, may prosecute thereon, before any court having competent jurisdiction, and recover in the name of the Commonwealth, to his or their use, such damages as he or they may have sustained by such breach.

Sec. 3. Be it further enacted, That should the said County Court deem it necessary, they shall, within every fifth year, at some court, enter up an order, requiring the said trustees to appear, by their President, at their next County Court, and renew said bond, a copy of which order shall be served on the President, at least ten days before the next term. And unless the said President shall appear accordingly, and renew said bond, with good security, (unless for good cause shewn, the court shall continue the same until the next court,) the court shall enter up an order, discontinuing said ferry; whereupon the right in said trustees, shall cease to exist.

Sec. 4. Be it further enacted, That upon the said President's executing the bond above mentioned, there shall be vested in the
trustees of Augusta College, a right to take passengers, carriages, horses, or property, of any and every description, from the town of Augusta, or the river bank, on the south side of the Ohio river, anywhere within the bounds of said town, where the ground is a street, road, wharf or public ground, or highway, and transport the same across the Ohio river, to the opposite shore, to demand and receive the following hire, fare, or pay, to wit: For every man, woman or child, twelve and one half cents; for every horse, mule, jack or jenny, twelve and a half cents; for every four-wheel carriage, fifty cents; for every two-wheel carriage, twenty-five cents; for every head of meat cattle, six and a fourth cents; for every sheep, hog or goat, three cents; and for other property, except that which may be contained in any such carriage, for every hundred pounds weight, one cent. Provided however, that the Legislature reserve to themselves the right, at all times hereafter, to increase or diminish the compensation for ferriages herein stipulated and reserved.

Sec. 5. Be it further enacted, That the net profits of said ferry shall be, by said trustees, applied to the support of the professors in the literary departments of said College, pursuant to the original charter granted said trustees.

Sec. 6. Be it further enacted, That so long as the trustees of said College shall, with good faith, fulfill and perform the provisions of this act, the County Court of Bracken shall be prohibited from establishing any other ferry, under any pretext whatever, across the Ohio river, from the said town of Augusta, or within one mile and a half thereof, either above or below.

Sec. 7. Be it further enacted, That if any person or persons
shall transport any passenger or passengers, carriages or other property, across the Ohio river, to the opposite shore, from the said town of Augusta, or within one and a half miles thereof, (other than those who shall be authorized by the said trustees of the Augusta College,) or shall suffer his, her or their slave, servant, apprentice or child, under twenty-one years of age, to do so; or shall furnish any passenger with a skiff, boat, or other water craft, for the purpose of transporting himself or property across the Ohio river, within the limits before mentioned, for any reward, hope or promise thereof, either directly or indirectly, such person or persons so offending, shall be subject to pay the said trustees the sum of twenty dollars for every offence; to be recovered, with costs, in the name of said trustees, before any justice of the peace, and to be applied to the use of said College.

Sec. 8. And be it further enacted, That the said trustees shall have the power to lease said ferry out, for a term of year or years, as they shall consider most for the benefit of said College; taking from the lessee bond and security, for the faithful performance of his duty, in such penalty as the trustees may think necessary, with condition similar to that herein mentioned, payable to said trustees; and upon a breach thereof, they shall be entitled to their action before any court of competent jurisdiction. But nothing herein shall be construed to prevent the liability of the trustees to any person injured by a breach of their bond aforementioned.

This act shall commence and be in force from and after its passage. Provided however, that full power is reserved to the Legislature, to authorize the establishment of another or more
ferries, within one mile and a half of the ferry above mentioned, if the public interest or convenience may require it.140

An ACT to allow additional trustees to the seminary of New-Castle.

Approved, January 16, 1827

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Edward C. Drake, Robert Samuel, Samuel Pryor, Richard Goode and Bartholomew Dupuy, shall be added to the number of trustees now allowed by law to the seminary of New-Castle.

Sec. 2. Be it further enacted, That in the case of either of the foregoing persons dying, refusing to accept or resigning, the residue of the trustees shall fill the vacancies.141

An ACT concerning the public ground in the town of Danville, and for other purposes.

Approved, January 19, 1827

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the portion of the public square in the town of Danville, not heretofore sold to individuals, be, and the same is hereby vested in William Miller, Charles Henderson, John Tompkins, Thomas Gray and Obadiah Garnet, trustees of said town, and their successors in office; to be held, used or disposed of by sale and conveyance, in such manner, and for such purposes, as they may deem most advantageous for the citizens of said town.

And whereas, it is represented to the present General Assembly, that the trustees of the Prestonburg academy, have built a handsome brick building, and enclosed the same, and have not sufficient

140. Ibid., pp. 36-40.
141. Ibid., p. 48.
funds to pay: Therefore,

Sec. 2. Be it further enacted, That for the purpose of enabling said trustees to pay for said building, the sum of two hundred and fifty dollars in land warrants, at the state price be, and is hereby appropriated; which land warrants shall, on the application of any one of the trustees of the Prestonburg academy, be issued by the Register of the land office, in warrants of not less than fifty acres each, as may be requested by said trustees.

Sec. 3. Be it further enacted, That said trustees be and are hereby authorized to sell, assign over and transfer said land warrants to any person or persons, who may wish to purchase the same; and any land located by virtue of said land warrants, shall vest the title to said land, as fully and effectually, as any treasury warrant issued by virtue of any law now in force, to appropriate the vacant lands of this commonwealth. Provided, the aforesaid land warrants shall not be located in any county other than Floyd, and shall so express upon their face.142

An ACT to establish an academy in Russell county.

Approved, January 24, 1827

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That there shall be and is hereby established, an academy in the county of Russell, to be known by the name of the Russell Academy; and that Thomas True, Thomas I. Garrett, Hugh French, Jun. Benjamin Bowling, and William S. Patterson, be, and they are hereby appointed trustees of the aforesaid academy; who, or a majority of them, are hereby empowered to locate, survey

142. Ibid., pp. 66-67.
and carry into grant, six thousand acres of any vacant and unappropriated lands in this Commonwealth, east of the Tennessee river.

Sec. 2. Be it further enacted, That the aforesaid trustees, or a majority of them, shall employ some person or persons to locate and survey the aforesaid six thousand acres of land, for the benefit of the aforesaid academy, on any terms which to them may seem advantageous to the aforesaid academy.

Sec. 3. Be it further enacted, That the aforesaid trustees shall have full power to grant, sell and convey, by deed, in fee simple, all or any part of the aforesaid land, for the use and benefit of the said academy.

Sec. 4. Be it enacted, That the trustees aforesaid shall take an oath, severally as is required in similar cases; and then they, or a majority of them, shall proceed to appoint a clerk; and when vacancies shall occur, by death, resignation, or otherwise, in said board, the remaining trustees shall have full power to fill all such vacancies; who shall possess all the powers which are hereby given to the aforesaid trustees.

Sec. 5. And be it further enacted, That the power of the County Court of Russell, derived under the general laws on the subject of donations to seminaries of learning in this Commonwealth, shall and the same do hereby cease.143

An ACT concerning the Allen Seminary.

Approved, January 24, 1827

WHEREAS, it is represented, that some of the trustees originally appointed for the Allen Seminary, are dead, and others have removed,

143. Ibid., pp. 111-112.
and that the records of the proceedings of the trustees of said seminary, are so imperfect as not to shew who are now in office as trustees: For remedy whereof,

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Johnson J. Cockerill, Walter Thomas, Alexander Richie, Stephen T. Logan, Jacob W. Walker, Robert H. Paris, David A. Porter, Thomas Payne, Alfred Payne, Mark Garrison and Anack Dawson, and their successors, shall henceforth constitute the trustees of the Allen Seminary, and shall in all respects be, and are hereby vested with all and every corporate power conferred on the trustees appointed and incorporated by an act entitled, "an act to incorporate the trustees of the Allen Seminary," approved, January the third, one thousand eight hundred and seventeen.

Sec. 2. Said trustees and their successors, may prosecute any suits, or actions, to recover the possession of any lands, the titles for which have heretofore been vested in the trustees of the Allen Seminary, and which they have not alienated, or to recover damages for any trespass committed thereon; and they are hereby vested with full power and authority to sell and convey any part or the whole of said lands, any lay out the funds in the erection of the necessary buildings for the accommodation of tutors and pupils, or they may vest it in any active stock at their discretion.144

An ACT to authorize the trustees of the Daviess County Seminary to sell their lands.

Approved, January 25, 1827

Be it enacted by the General Assembly of the Commonwealth of

144. Ibid., pp. 112-113.
Kentucky, That the trustees of Daviess County Seminary be, and they are hereby authorized and empowered to sell the whole or any part of the land located and set apart for the benefit of a seminary of learning for the county aforesaid. 145

An ACT to incorporate the Middletown Male and Female Seminary, and Orphan's Asylum.

WHEREAS, it is represented to the present General Assembly, that certain individuals resident in Middletown, in Jefferson county, and the vicinity thereof, have heretofore, by private contribution, purchased a lot of ground in Middletown, and erected a brick building thereon, for the purposes of literary instruction; and that most of those individuals are desirous, by the obtaining of an act of incorporation, to convert said institution into a public seminary, by making a public donation of their several subscriptions:

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Benjamin Head, Leaven Lawrence, William Harden, Nathan Mardus, Abraham Ramsey, Rev. Gideon Blackburn, Lee White, Lawrence Young, John Price, James Tull, John Finley, James Pomeroy, Isaac W. Dabney, John Brengman, and James Porter, shall be, and they are hereby constituted a body politic and corporate, to be known by the name of the trustees of the Middletown Male and Female Seminary and Orphan's Asylum; and by that name shall have perpetual succession, and a common seal, with the power to change and alter the same at pleasure: and as a body corporate, shall be authorized to exercise all the powers, rights and privileges

145. Ibid., p. 145.
that are now enjoyed and exercised by the trustees of any seminary of learning or academy within this state; and on the death, resignation or disqualification of any of said trustees, or their successors, a majority of the remaining trustees may fill such vacancy or vacancies; and the person or persons so appointed, shall be vested with the same powers and privileges as if specially named in this act: and by the name and style of the trustees of the Middletown Male and Female Seminary and Orphan's Asylum, may sue and be sued, plead and be impleaded, in any court of law or equity.

Sec. 2. The said trustees shall, as also their successors, have power, in their corporate capacity, to purchase, or receive by donation, any lands, tenements, hereditaments, monies, rents, goods and chattels, and to hold the same by the name aforesaid, to them and their successors forever, for the use of said institution; and to sell or transfer any lands, tenements, hereditaments, goods and chattels so obtained, and apply the proceeds to the use aforesaid: and the said trustees, (a majority of them shall constitute a quorum to do business,) may from time to time make such laws and regulations as they may deem proper and useful for the government of said institution, not contrary to the laws of this Commonwealth. Provided however, that the Legislature may repeal this charter at any time should they think it expedient. 146

An ACT for the benefit of Nicholas Seminary, and to establish Wilson Seminary, at the Lower Blue Licks.

Approved, January 25, 1827

WHEREAS, it is represented that owing to interference with, superior, adverse claims, the trustees of the Nicholas Seminary

146. Ibid., pp. 155-156.
have lost a large portion of their seminary lands, and that a part of the building erected by the said trustees, has been consumed by fire: Therefore,

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for the trustees of the Nicholas Seminary, to file their petition in the clerk's office of the Nicholas Circuit Court, which petition shall be addressed to the judge of the Nicholas Circuit Court, shall set forth the quantity of land lost, and be verified by the oath of one or more of the said trustees, in open court; and upon satisfactory proof being made to the court of the quantity of land lost, the judge shall certify his opinion of the same, to the Register of the land office; who thereupon shall be and he is hereby authorized (without fee) to issue one or more warrants, in the name of the trustees of Nicholas Seminary, for the quantity of land which may appear to have been taken by other claims; and said warrant or warrants may be located on any of the vacant and unappropriated lands of this Commonwealth, now subject to be appropriated by warrants, and lying north of Walker's line and east of the Tennessee river.

Sec. 2. Be it further enacted, That the lands located under the provisions of this act, shall, when carried into grant, be held, used and appropriated to the use and benefit of the said seminary of learning aforesaid; and if the said trustees, or their successors in office, shall at any time sell and convey said land, or any part thereof, which they are hereby authorized to do, all the proceeds of such sale or sales shall in like manner be appropriated to the use of the seminary.
And whereas, Samuel Wilson, A. M. a gentleman of learning and extensive literary attainments, whose whole life has been devoted to the instruction of youth, the promotion of science, and the cause of education, and the advancement of useful knowledge among the people, proposes to found a seminary of learning at the Lower Blue Licks, in Nicholas county: Therefore,

Sec. 3. Be it further enacted, That a seminary of learning be and the same is hereby established at the Lower Blue Licks, in said county, to be called and known by the name of "Wilson Seminary;" and that Ariss Throckmorton, Jonathan W. Tanner, Daniel Ballingal, Sen. Thomas Throckmorton and Solomon Bedinger, be, and they are hereby appointed trustees of said seminary, and are hereby constituted a body politic and corporate, and to be known by the name and style of "the trustees of Wilson Seminary;" and by that name shall have perpetual succession, and a common seal; and they shall have and possess as high powers and privileges as are given to the trustees of other seminaries of learning in this State, and they shall be subject to the like pains and penalties: that the said trustees shall have power to purchase and receive a deed or other assurances, for the conveyance of any quantity of land, for the purpose of erecting their buildings on, that they may think proper.

Sec. 4. Be it further enacted, That the said trustees shall have power, and they are hereby authorized to receive donations of money, lands or other property, for the use and benefit of said seminary.

Sec. 5. Be it further enacted, That the said trustees shall have power, and they are hereby authorized to open books, for the
purpose of receiving subscriptions for any sum or sums of money or other property, that any individual may choose to donate and give to said institution; and that the said trustees, or a majority of them, shall have, and they are hereby vested with, full power and authority to enforce the collections of any such subscriptions, by suit, before any tribunal that may have jurisdiction of the sum of money or other thing sued for.

Sec. 6. Be it further enacted, That on the first Saturday in April next, and on the first Saturday in April in every year thereafter, it shall be the duty of the said trustees to meet at the Lower Blue Licks; and a majority of them shall have power to elect some suitable person, as president of said institution, who shall hold his office until a successor shall be duly elected; and a majority of the trustees, together with the president, shall constitute a board; who shall have power to do and transact any business that may pertain to the said seminary: in case of the temporary absence of the president, a majority of the said trustees shall have power to elect a president pro tempore; and in case of the death, refusal to act, or resignation of the president, the said trustees, in like manner, shall have power, by election, to supply any such vacancy.

Sec. 7. The said president, and a majority of said trustees, shall have power to elect a treasurer, and such other officers as they may think proper; and to take from any such officer such bond, with such security, and penalty, as they shall prescribe; which bond shall be taken and made payable to the president and trustees of said seminary; which bond may, from time to time, be put in suit, in the name of the said president and trustees, or their successors,
and a recovery may be had thereon, before any court having jurisdiction of the same, for any breach of the condition thereof.

Sec. 8. That it shall be the duty of the said president and trustees, to assemble at least once in every four months, or oftener, if they may judge it necessary, and make such examination into the progress of the students, and into the management of the institution, as they may think proper.

Sec. 9. That the said president and trustees shall have power to enact and make such rules and by-laws, for the government of said institution, as they may think proper; provided, that all such rules and by-laws shall not be inconsistent with the constitution and laws of this State, or of the United States.

Sec. 10. That the County Court of Nicholas-county shall have power, and it shall be their duty, at their January or February courts, in each year, to appoint five trustees to said seminary; and the court may, at any time, fill any vacancy that may happen in said board: provided however, that the right to elect a president shall be reserved to the trustees of said seminary.147

An ACT for the benefit of the Southern College and Lancaster Seminary.

Approved, December 31, 1827

WHEREAS, the General Assembly of this Commonwealth has created a College at Bowlinggreen, Kentucky, and endowed it with certain appropriations, for special purposes: and whereas a suitable building has been erected, which by casualty or otherwise, has been unfortunately consumed by fire: and whereas about six hundred dollars of said fund has not been disbursed or used, but is yet in

147. Ibid., pp. 165-168.
the hands of the trustees of said Southern College; and whereas the
said trustees have title to some land, which, under this Commonwealth
has been carried into grant for the benefit of said College, together
with a library and some apparatus: Therefore,

Section 1. Be it enacted by the General Assembly of the
Commonwealth of Kentucky, That the said trustees are hereby empowered
and authorized to use any money or property in their possession
as trustees, for the special purpose of erecting a portion of a
building for said College, such as will hereafter be a suitable ell
or wing to said College or building, when, in better times, said
building may be completed or extended.

Sec. 2. Be it further enacted, That if said trustees think
it advisable, they may, in consideration of sufficient contributions
that may be offered and made by the Masonic lodge or its members,
at Bowlinggreen, grant certain privileges, rights and title to
said lodge, in and pertaining to and to be confined exclusively
to the upper rooms in said ell or wing, and make said lodge such
title thereto as may secure them remuneration for their contributions.

Sec. 3. Be it further enacted, That the site or location for
said College shall not be changed from where the building for said
College originally stood, unless in the opinion of a majority of
said trustees, a better situation can be procured, and without the
expenditure of the aforesaid means, or any part thereof.

Sec. 4. Be it further enacted, That said trustees shall, if
possible, accomplish the object aforesaid, to wit, the erection of
said ell or wing, without the disposition of their books or apparatus,
first using every other resource, and trying, in addition thereto,
to procure private donations.
Sec. 5. Be it further enacted, That it shall be the duty of said trustees, in relation to the above money and property, to be thus appropriated, once in each year, by their Clerk, or some one appointed out of their board for the purpose, to give a full account of the disposition of said money or property, by written affidavit, before the County Court of Warren, to be filed and recorded in said court: and said trustees shall from time to time, settle with said court, shewing their receipts and expenditures: and said court is hereby authorized to enforce said settlement as by law they may enforce settlements with guardians, &c.

AND WHEREAS great inconvenience is experienced from the great number of trustees to the Lancaster Academy, and from the inattention and locality of said trustees to said institution: For remedy whereof,

Sec. 6. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That said trustees, and each of them, shall be and are hereby declared out of office, on the first day of June, 1828.

Sec. 7. Be it further enacted, That the County Court of Garrard county, at their May term, 1828, shall and are hereby authorized to appoint five fit and suitable persons for trustees to said institution, who shall be forthwith notified of said appointment, and who shall be in office as soon as the present trustees are out of office by this act: and said trustees so appointed by said court, shall have power to fill all vacancies and appoint their successors, when any vacancy shall occur by death or otherwise.148

148. Ibid., pp. 18-20.
An ACT to authorize the trustees of the Hart county Seminary to sell their donation lands.

WHEREAS, it is represented to the present General Assembly, that the trustees of the Hart county Seminary, have been heretofore authorized by law to sell two thirds of the land located for that Seminary, and that it would greatly promote the interest and prosperity of said institution to allow the said trustees to sell and convey the remaining third of said land for the benefit of the Seminary as aforesaid:

Be it therefore enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for the trustees of the Hart county Seminary, to sell and convey the whole or any part of the land located for said Seminary, and apply the proceeds thereof in the erection of a building for the accommodation of said institution.149

An ACT to authorize the trustees of the Trigg county Seminary to sell and convey her donation lands.

Approved, January 9, 1828

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the trustees of the Trigg Seminary, are hereby authorized to sell and convey all or any part of her donation lands, any law to the contrary notwithstanding.150

An ACT for the benefit of the Hart county Seminary.

Approved, January 28, 1828

Be it enacted by the General Assembly of the Commonwealth of

149. Acts Passed at the First Session of the Thirty-Sixth General Assembly for the Commonwealth of Kentucky (Frankfort, Jacob H. Hoke, 1828), p. 22.

150. Ibid., p. 24.
Kentucky. That all the fines and forfeitures heretofore assessed, and not otherwise appropriated, and all which may hereafter be assessed and accrued in the county of Hart, shall be vested in the Trustees of the Hart county Seminary, for the purpose of aiding in the building and completion of a Seminary of learning for said county.

An ACT for the benefit of the trustees of the Morgan Seminary, and for other purposes.

WHEREAS, it is represented to the present General Assembly, that the lands donated to the Morgan Seminary, have (or the greater part thereof,) been carried into grant, by the agent appointed for that purpose, by the County Court of said county, agreeably to the laws now in force in relation thereto; that the said lands are mostly of an inferior quality, worth but little and greatly inadequate to the purpose of erecting a suitable building as a Seminary; and that if said lands are permitted to be sold by said trustees, and the proceeds vested in the completion of the court-house of said county, the result will prove more beneficial to the inhabitants of said county, and the benevolent intentions of the law in relation thereto, more completely carried into effect: Therefore,

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the trustees of said Seminary, (or a majority of them,) may, and they are hereby authorized to proceed, (after the locator may have been assigned so much of said land as he is entitled) to sell the residue of said lands, and if they shall

151. Ibid., p. 38.
think it most expedient to place the proceeds thereof, at the option and under the control of the County Court of said county, to be applied in aid of the county levy, to the completion of the courthouse thereof.

Sec. 2. Be it further enacted, That it shall be the duty of the said trustees, at the court at which they may agree to apply the same, and the County Court to receive it to be applied in manner aforesaid, request, and the court are required to make an order setting forth the facts, the purpose to which the same is to be applied, and the real or probable amount so vested, after which the County Court shall have power to dispose of the same as they may think most advisable toward the purpose aforesaid.

Sec. 3. Be it further enacted, That the County Court, at the time of making the order aforesaid, shall make an order delegating to said trustees and their successors in office, the right to enter, use and occupy said court-house as a Seminary of learning, at all times, free from restraint, save on Circuit Court, County Court and General Election days in said county: Provided however, That if the said County Court shall thereafter deem it proper and expedient, they may, out of the county levy of said county, pay to said trustees or their successors, the amount of money so by them vested as aforesaid; at the time of which payment made as aforesaid to said trustees, the right of said trustees to the use of said court-house as aforesaid, shall cease and determine.

Sec. 4. Be it further enacted, That it shall be the duty of of the County Court of Morgan, before or at the time of making the order, returning the money so invested in the hands of said court, to require of the trustees of said Seminary, a bond with good
security, to be approved of by said court, in a penalty at least
double the amount so to be returned, conditioned for the faithful
appropriation of the same, to the purposes of erecting a County
Seminary, in pursuance of the intent of the Legislature, in granting
Seminary lands to the several counties, and of the several acts
amendatory thereto, which bond shall be made payable to the Common-
wealth of Kentucky.152

An ACT to incorporate the Clay and Jefferson Seminaries.

Approved, January 30, 1828

WHEREAS, it is represented to the present General Assembly, that
certain individuals, in and near the town of North-Middletown, in
Bourbon county, have by private contributions, procured a lot of
ground in said town, and erected thereon a brick building, a part
of which is appropriated to religious worship, a part to a Masonic
Hall, and a part to the purposes of a literary institution: And it
being also represented, that the said individuals are desirous
that the title to said lot of ground shall be vested in the trus-
tees of North-Middletown, and that as a means of increasing the
utility and permanency of said literary institution, the same shall
be incorporated: Therefore,

Section 1. Be it enacted by the General Assembly of the
Commonwealth of Kentucky, That the trustees of said town of North-
Middletown be, and they are hereby authorized and empowered to
receive a conveyance of said lot of ground, and to hold the same,
to them and their successors in office, for the purposes aforesaid.

Sec. 2. Be it further enacted, That a Seminary of learning be,

152. Ibid., pp. 47-48.
and the same is hereby established at said town, in the county afore-
said, to be called and known by the name of "The Clay Seminary;" and that James Sims, Thomas M. Parrish, William Rogers, Joel Corrington, John Harriott, James M. Cogswell and Alexander Dickey be, and they are hereby appointed trustees of said Seminary, and are hereby constituted a body politic and corporate, to be known by the name and style of "The Trustees of the Clay Seminary," and by that name shall have perpetual succession and a common seal.

Sec. 3. Be it further enacted, That upon the death, resignation or removal of any of said trustees or their successors, a majority of the remaining trustees shall have power to fill any such vacancy or vacancies, and the person or persons so appointed, shall possess the same powers and privileges as if named in this act, and by the name and style of the trustees of Clay Seminary, may sue and be sued, plead and be impleaded, in any court of law or equity.

Sec. 4. Be it further enacted, That the said trustees and their successors, shall have power and they are hereby authorized to receive donations of money, lands or other property, for the use and benefit of said Seminary.

Sec. 5. Be it further enacted, That it shall be the duty of said trustees to assemble at least once in every six months, or oftener if they should think proper, and make such examination into the progress of the students and management of the institution as they deem necessary.

Sec. 6. Be it further enacted, That a majority of said trustees shall form a quorum to do business, that they shall have power, from time to time, to select a teacher or teachers, and to enact and make such rules and by-laws, for the government of said
institution, as they may deem expedient, not contrary to the laws of this Commonwealth.

AND WHEREAS it is represented to the present General Assembly, that certain individuals in Barren county, near the Bear wallow, have, by private donations, procured a lot of ground, and have erected thereon a brick building, intended for literary purposes, and in order to increase the utility and permanency of the literary institution as aforesaid.

Sec. 7. Be it therefore further enacted, That a Seminary of learning be, and the same is hereby established in Barren county, near the Bear wallow, at the brick building erected as aforesaid, to be called and known by the name of "the Jefferson Seminary," and that Robert Ferguson, Sylvanus M. Bagby, William Douglass, William Savage, Joseph Paxton and Samuel P. Bowdery be, and they are hereby constituted a body politic and corporate, and to be known by the name and style of "the Trustees of the Jefferson Seminary," and by that name shall have perpetual succession and a common seal.

Sec. 8. Be it further enacted, That upon the death, resignation or removal of any of said trustees or their successors, a majority of the remaining trustees shall have power to fill any such vacancy or vacancies, and the person or persons so appointed, shall possess the same powers and privileges as if named in this act, and by the name and style of the trustees of the Jefferson Seminary, may sue and be sued, plead and be impleaded, in any court of law or equity.

Sec. 9. Be it further enacted, That the said trustees and their successors, shall have power and they are hereby authorized to receive the conveyance to the lot of ground on which said Seminary stands, and to receive donations of money, lands or other
property, for the use and benefit of said Seminary.

Sec. 10. Be it further enacted, That it shall be the duty of said trustees, to assemble at least once in three months, or oftener if they think proper, and make such examination into the progress of the students and management of the general concerns of the institution as they may deem necessary.

Sec. 11. And be it further enacted, That a majority of the said trustees shall form a quorum to do business, that they shall have power, from time to time, to select a teacher or teachers, and to make and enact such rules and by-laws, for the government of said institution, as they may deem expedient, not contrary to the laws of this Commonwealth. The power to repeal, alter or modify this act is reserved to the General Assembly.153

An ACT to amend an act entitled, "an act to encourage the establishment of private schools."

Approved, January 30, 1828

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the parents and guardians of children, who shall be entered or subscribed as scholars, to any private school established according to the act to which this is an amendment, shall have the same power to elect trustees thereof originally, which is now possessed by the several County Courts of this Commonwealth: Provided however, That it shall be necessary for a majority of the parents and guardians, so subscribing scholars, to be present at such elections.

Sec. 2. Be it further enacted, That the trustees so elected, may continue in office one year and until their successors shall

153. Ibid., pp. 49-51.
be duly elected, and in case of death, removal or resignation, of any of them, the vacancy shall be filled by the board of trustees for the time being.

Sec. 3. Be it further enacted, That the law, so far as County Courts are authorized to appoint trustees to such schools, is hereby repealed.

Sec. 4. Be it further enacted, That the subscribers to such schools shall adopt such a constitution, by-laws and rules, as they may deem proper, for the government of the trustees elected as aforesaid, and alter or amend the same from time to time.

Sec. 5. Be it further enacted, That the principal teachers in all such schools, shall make an annual report to the County Courts, of the course of study and books used, as well as the number of scholars taught during the preceding year in any such schools.

Sec. 6. Be it further enacted, That for the purpose of building, improving or repairing, any school house, a subscription paper may be prepared, plainly setting forth the objects to be effected by contributions or subscriptions, and all sums of money or other thing that may be subscribed by any person or persons, shall be recoverable in law, at any time within five years next after making such subscription, upon the terms or conditions stipulated in such subscription paper, (if any) having been complied with, and such subscription paper shall be assignable in the same manner as other writings now are by law, and where there is no particular person or persons named in such subscription paper to whom the money or property is made payable, then upon the conditions having been complied with, by any person or persons employed by the subscribers or a majority of them, he or they may maintain in his or their own
name or names, a suit or warrant against any such subscriber, for the amount or thing subscribed, and in all such cases, each subscriber shall be severally answerable for the amount subscribed by him.154

An ACT to amend an act further to regulate the Christian Academy, approved January 17, 1817.

WHEREAS, it is represented to the General Assembly of the Commonwealth of Kentucky, that the trustees of the Hopkinsville Female Academy, have proposed to the trustees of the Christian Academy to procure certain improvements to be made to the building erected for the use of said Christian Academy, on condition they be permitted to participate in the control of the same: And whereas, said building when finished, is suitable, sufficiently large and commodious for a female and as a male school: Therefore,

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That George Ward, James I. Dozier, John Bryan and Otway Wilkinson, be appointed additional trustees for the Christian Academy, and that a majority of the whole number of the trustees of the Christian Academy, may assign such parts of said building as they may think necessary for the purposes of female education, and shall have power to engage and employ a competent number of tutors and professors, for the female department of said Academy, to fix their salaries and terms of tuition, and for the misconduct of the tutors, professors or students, from the Academy, and may likewise make such rules and regulations for the government of the same, as they may deem advisable.

154. Ibid., pp. 57-59.
Sec. 2. *Be it further enacted*, That said trustees shall have the same powers in relation to the male department of said Academy, and that hereafter, they shall be elected annually, on the second Monday in April, by the subscribers to said institution. The election to be held at the court house in Hopkinsville, by the President and Secretary of the board of trustees.

Sec. 3. *Be it further enacted*, That the said trustees shall have power to fill all vacancies that may happen, and shall continue in office until their successors are duly elected and qualified.\(^{(155)}\)

An ACT concerning Salem Academy in Nelson county.

Approved, February 9, 1828

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the trustees of Salem Academy, shall be, and they are hereby authorized to sell and convey any number of acres of the land belonging to said Academy, which may be necessary to raise a fund sufficient to pay for repairing the buildings and fencing the lot of said Academy; and it shall be the duty of the trustees aforesaid, to sell the land for the best price which can be had, and they are required to appropriate the money in a manner best calculated to promote the permanent interests of said Academy.\(^{(156)}\)

An ACT to establish a Female Academy in the town of Harrodsburg.

Approved, February 9, 1828

Section 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Thomas Cleland, Thomas P. Moore, John B. Thompson, William Robertson, Sen. Beriah Magoffin, Benjamin


F. Pleasants, Christopher Graham, William Hord, Joel P. Williams, Madison S. Worthington and John L. Smedley, and their successors shall be, and the same are hereby constituted a body corporate, under the name and style of "The Trustees of the Harrodsburg Female Academy," with full power and authority to have perpetual succession, and a common seal, and in that name to sue and be sued, plead and be impleaded, to acquire any estate, real, personal or mixed, by gift, purchase or otherwise, and the same to hold, sell and convey to the only use and purpose of establishing, conducting and supporting an academy, in or near the town of Harrodsburg, for the instructing and education of females.

Sec. 2. Said trustees shall have power to appoint a chairman or president to their board, a treasurer, clerk, and all such officers and agents as they may deem necessary and proper for the judicious management of the property and funds of the corporation: they shall have power to appoint a principal teacher, and such under teachers and matrons as they may deem necessary and proper for the instruction and proper discipline of the pupils, and to remove any of their officers when in the opinion of the board the interests of the corporation require it. They shall have power to enact by-laws and all needful regulations for the government of the board of trustees, their officers, instructors and pupils, provided the same are not inconsistent with the constitution or any law of this Commonwealth; and they shall have the power to fill all vacancies occurring in the board of trustees. In the transaction of all business by the board of trustees, a majority shall constitute a quorum: Provided however, that no principal teacher shall receive a permanent appointment or be removed when
appointed, without the concurrence of two-thirds of all the trustees in office.

Sec. 3. It shall and may be lawful for the trustees of the Mercer County Seminary, two-thirds agreeing thereto, to transfer to the corporation hereby created, all the estate and property belonging to said Seminary, to be used, held and possessed for the use and purposes herein provided: and in the event of such transfer, the said trustees of said Seminary shall be added to and constitute a part of the board of trustees of the Harrodsburg Female Academy, and no vacancies in the board shall be filled, until the number of trustees is reduced to twelve, which shall be the permanent number of the board.

Sec. 4. The right to repeal, alter or modify this law is reserved to the legislature.  

An ACT authorizing the appointment of trustees to the Jefferson and Morgan Seminaries.

Approved, February 11, 1828

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the County Courts of Jefferson and Morgan counties, at their April term 1828, and annually thereafter, shall appoint nine trustees for the Jefferson and Morgan Seminaries, three of whom shall not have served the year last past, the trustees so appointed, shall have all the powers and privileges vested by law in the present board of trustees to said Seminaries; all acts or parts of acts coming within the purview of this act, are hereby repealed.

157. Ibid., pp. 118-119.
158. Ibid., p. 123.
An ACT authorizing the trustees of Grant Seminary to sell their donation lands.

Approved, February 11, 1828

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the trustees of the Grant Seminary to sell and convey the whole or any part of the land located for said Seminary, and apply the proceeds thereof in the erection of a building for the accommodation of said institution. 159

An ACT for the benefit of St. Joseph's and Cumberland College.

Approved, February 12, 1828

WHEREAS, it is deemed expedient, that all useful institutions for the education of youth, should receive their proper share of public patronage and support, and be placed upon one level: Therefore,

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That all the ground and buildings called and known by the name of St. Joseph's College, at Bardstown, and exclusively appropriated to the use and benefit of said College alone, shall be, and the same are hereby exempt from taxation, so long as said ground and buildings are used exclusively for the purpose of education: Provided, That this exemption from taxation, shall not extend further than to the four acre lot ground adjoining Bardstown, upon which the buildings are situated: And provided further, That the Legislature reserve the right at any time hereafter to repeal this act.

Sec. 2. Be it further enacted, That four acres of land and the buildings on which the Cumberland College stands, shall be exempt from taxation. 160

159. Ibid., p. 128.
160. Ibid., p. 167.
An ACT authorizing the Trustees of the Harrodsburg Seminary to sell all, or part of the lands belonging to said Seminary.

Approved, December 21, 1828

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the Trustees of the Harrodsburg Seminary, to sell all or such part of the lands belonging to said Seminary, as they may deem necessary, for the benefit of said institution, and the moneys arising therefrom, apply to the payment of their debts, and such other purposes as said Trustees may deem necessary, for the benefit of said institution:
Provided, however, that no sale or sales shall be made, unless two thirds of all the Trustees shall, by an order of their board, direct the sale thereof.

Sec. 2. Be it further enacted, That when any sale shall be made by virtue of this act, it shall be the duty of the said Trustees to cause a report thereof to be made out and recorded in the book or books of said Trustees, specifying therein the number of acres sold, and to whom, and at what price. 161

An ACT for the benefit of the Trustees of the Trigg Seminary, and for other purposes.

Approved, January 12, 1829

WHEREAS a patent issued from the State of Kentucky to the trustees of the Trigg Seminary for fifty acres of land, situate south of Walker's line and north of the true line, which is thirty-six degrees and thirty minutes north latitude, which fifty acres is situate in Stuart county, State of Tennessee; and whereas there was a mistake made by the register in issuing said patent, in this, that he copied the courses different from the survey, which gives

them truly, as run and marked, and to remedy that inconvenience:

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the register of the land office be, and he is hereby directed, upon the trustees' filing a copy of said survey in his office, immediately thereafter to issue to said trustees, a patent for the said fifty acres of land, according to the marked lines and corners of said survey.

And whereas a patent issued as aforesaid to Peter Shull, for two hundred acres of land, situate, lying and being in Muhlenberg county, on the waters of Pond creek; and whereas there was a mistake made by the surveyor in making out the survey, in this, that he set down the course south eighty-five east, when the true course is south eighty-five west, and the register issued the patent with the same mistake: To remedy which mistake,

Sec. 2. Be it therefore enacted, That the register of the land office, be, and he is hereby directed, to issue to said Peter Shull, a patent for the said two hundred acres of land, according to the correct course, as above stated. 162

An ACT to incorporate the Trustees of the Baptist Education Society.

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Alva Woods, Silas M. Noel, W. H. Richardson, Jeremiah Vardeman, John Bryce, David Thurman, Gabriel Slaughter, Joel Scott, Peter Mason, Thomas P. Dudley, Peter C. Buck, Jephthah Dudley, Benjamin Taylor, George W. Nuckols, Ryland T. Dillard, Benjamin Davis, William Johnson, Samuel M'Kay, Thomas

162. Ibid., pp. 49-50.
Smith, C. Van Buskirk, James Ford, George Waller, Guerdon Gates and Cyrus Wingate, shall be, and are hereby constituted a body politic and corporate, to be known and designated by the name and style of "The Trustees of the Kentucky Baptist Education Society," and by that name shall have perpetual succession, and a common seal, with power to change and alter the same at pleasure; and as a body corporate, shall be authorized to exercise all the powers, privileges and rights which are exercised by the trustees of any Academy of learning in this State; but that the property of said corporation shall be subject to taxation, except the college buildings and five acres of ground around the same; and on the death, resignation or other disqualification of any of the said trustees, or their successors in office, a majority of two thirds of the trustees remaining in office, may fill such vacancy or vacancies; and the person or persons so appointed, shall be vested with the same powers and privileges as those named in this act; and by the name, style and denomination of "The Trustees of the Kentucky Baptist Education Society," may sue and be sued, plead and be impleaded, defend and be defended, in any court of law or equity in this State.

Sec. 2. Be it further enacted, That it shall and may be lawful for the said trustees, and their successors in office, and they are hereby invested with full power and authority, in their corporate capacity, to purchase or receive by donation, demise or bequest, any lands, tenements, hereditaments, moneys, rents, goods and chattels, and to hold the same by the name aforesaid, to them and their successors forever, for the use and benefit of said institution and according to the intention of the donor or donors of any such lands, tenements, hereditaments, moneys, rents, goods
and chattels, and not otherwise, and to sell, transfer and convey
the same under the seal of said corporation, unless prohibited by
the terms of any such donation.

Sec. 3. Be it further enacted, That it shall and may be lawful
for the trustees aforesaid and their successors in office, to appoint
out of their own body a chairman or president; and the said presi-
dent and a majority of the trustees shall, at all times, constitute
a quorum to do business, and shall have power to meet at such times
and places as they may select for the transaction of business, and
may make such by-laws, rules and ordinances necessary for the
proper government of said institution, as shall not be repugnant
to the constitution and laws of the United States or laws of this
State. The said president and trustees shall also have power, at
all times, to select and appoint such officers, teachers, tutors
and professors for the management of said institution, as they may
think necessary; to fix their salaries and prescribe their duties;
to fix and prescribe the terms upon which students may be admitted
into said institution, and for any misconduct in any officer,
teacher, tutor or professor, to dismiss such person from office,
and appoint another or others in their stead.

Sec. 4. The said president and trustees shall keep a record
of their proceedings, in a book or books to be provided for that
purpose, and may, if they deem it necessary, appoint a clerk to
record their proceedings and prescribe his duties. It shall be
the duty of the said president and trustees, and their successors,
to have recorded in the office of the county court of the county
where the said institution may be located, the names of the trus-
tees thereof, hereby appointed, and the names of such as shall
hereafter be appointed in their stead.
Sec. 5. Be it further enacted, That within sixty days from the passage of this act, the trustees aforesaid shall meet at Lexington, and enter upon the duties assigned them by this act, not less than a majority of two thirds being competent thereto: Provided, however, that the real and personal estate acquired by the said corporation shall at no one time exceed the yearly rent or value of fifty thousand dollars.

Sec. 6. Be it further enacted, That full power is reserved to the General Assembly to repeal or modify the privileges hereby granted.

An ACT supplemental to an act incorporating St. Joseph's College. Approved, January 22, 1829

WHEREAS, by the act incorporating St. Joseph's College, the Bishop of Bardstown, for the time being, is constituted moderator of the board of trustees for said College, and no provision has been made in said act, who should hold said office in case of vacancy of said bishopric, until the election of his successor, or in any other case of suspension of Episcopal functions, according to the discipline of the Roman Catholic Church: Therefore,

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That in such case of vacancy or other suspension of Episcopal functions, the person duly exercising Episcopal Jurisdiction under the title of administrator, Vicar-Apostolic, or other title, according to the discipline of the Roman Catholic Church, shall be Moderator, ex officio, of the said

163. Ibid., pp. 55-57.
board of trustees.

Sec. 2. Be it further enacted, That the trustees of St. Joseph's College, who shall hereafter be elected or nominated at the annual elections or nominations of trustees, shall continue in office for one year, and until a new election or nomination of trustees shall be made for said College: Provided, however, that the Legislature reserves the right to repeal this charter at pleasure.164

An ACT to amend an act entitled, "an act to incorporate the Cumberland College at Princeton."

Approved, January 22, 1829

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the trustees of the Cumberland College, at Princeton, be, and they are hereby authorized, to sue for and collect in their corporate capacity, any sum or sums of money or property due them by subscription or otherwise. They shall have the power to sue for and collect all sums of money or property, which were subscribed for the purpose of establishing said College, previous to the obtention of the charter, and which the subscribers are by law liable and bound to pay: Provided, however, nothing in this act contained, shall be so construed as to alter or change the subscriptions from property to money; but said trustees shall receive said subscriptions in property or money, as the case may be, by the original subscription.165

An ACT for the benefit of the Burlington Academy.

Approved, January 22, 1829

164. Ibid., pp. 74-75.
165. Ibid., p. 75.
WHEREAS the late trustees of the Burlington Academy, have resigned without the appointment of any persons to fill the vacancy thereby occasioned: Therefore,

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Erastus Tousey, James M. Preston, Edward S. Armstrong, Richard Collins, Willis Calvert, Nathaniel E. Hawes and Churchill Gaines, and their successors duly appointed according to the laws in relation to said Academy, shall be trustees of the Burlington Academy, and they are hereby vested with all the powers, privileges, and subjected to all the duties which heretofore belonged to the trustees of said Academy.

Sec. 2. Be it further enacted, That this act shall take effect from its passage; and all laws coming within its purview are hereby repealed.166

An ACT to regulate the appointment of Trustees for the Jefferson Seminary.

Approved, January 24, 1829

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the county court of Jefferson county shall, at its April term, 1829, and annually thereafter, appoint seven trustees for the Jefferson Seminary, two of whom shall not have been trustees of the last board, which trustees, so appointed, shall have all the powers, rights and privileges, which by law were vested in the late board, except that they shall not have power to sell, or lease for a longer time than five years, any real estate of said Seminary, nor shall they expend for the use of said Seminary, any funds belonging thereto, other than rents, interests or money, and

166. Ibid., p. 92.
the fines and forfeitures to which said trustees may be entitled by law. All acts or parts of acts coming within the purview of this act, are hereby repealed. 167

An ACT to amend the law establishing an Academy in the County of Caldwell.

WHEREAS it is represented to this General Assembly, that all the trustees appointed by an act approved the twenty-second day of December, one thousand eight hundred and twelve, "establishing an Academy in the county of Caldwell," are not inhabitants thereof:

Therefore,

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the following gentlemen are hereby appointed trustees for the Princeton Seminary, to wit: Thomas Johnson, John O'Hara, Matthew Lyon, Arnold Jacobs, Enoch Prince, Buford T. Lewis, Logan Armstrong, George Pemberton and William Wadlington, sen. to act in conjunction with the trustees appointed by the county court; and that they be allowed the same privileges, and governed by the same rules and regulations, as are prescribed in said recited act.

Sec. 2. Be it further enacted, That said trustees, who shall act, shall have power to examine and proceed to an investigation of the financial concerns of the said Seminary, to ascertain whether there are any lands belonging to said institution, and to ascertain in what manner said lands, set apart for the use of the institution, have been disposed of; and thereupon, if it shall appear that any

167. Ibid., pp. 92-93.
illegal transfers have been made of said lands, they shall have power, in their name, to prosecute, sue for, and recover the same, in any court having common law or chancery jurisdiction in this Commonwealth.

Sec. 3. Be it further enacted, That it shall be the duty of said trustees, to apply all money or other thing that may come to their hands, by donation or otherwise, to the use of said Seminary.168

An ACT to amend an act entitled, "an act establishing a Female Academy in the town of Harrodsburg."

Approved, January 29, 1829

Section 1. Be it enacted by the General Assembly of the
Commonwealth of Kentucky, That the third section of an act en-
titled, "an act establishing a female academy in the town of Harrodsburg," approved February ninth, 1828, be, and the same is hereby repealed.

Sec. 2. Be it further enacted, That twelve trustees shall be the number belonging to said institution; and said board of trus-
tees shall possess power to fill vacancies which may occur from time to time, in said board.169

An ACT to authorize the trustees of the Liberty Seminary to sell and convey their lands.

Approved, January 29, 1829

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the trustees of the Liberty seminary, in the county of Casey, be, and they are hereby authorized (a majority concurring,) to sell and convey any part or the whole of their donation lands,

169. Ibid., pp. 136-137.
for the benefit of said seminary.\textsuperscript{170}

An ACT to provide for the appointment of trustees to the Lancaster Seminary.

\textbf{Approved, December 15, 1829}

\textbf{Section 1.} Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Rev. Samuel Findlay, John Yantis, Charles H. Talbot, Simeon H. Anderson, George Robertson, John Jennings, Joseph Hopper and Gelon Hann, be, and they are hereby appointed trustees of the Lancaster Seminary, in Garrard county, a majority of whom shall constitute a board to do business.

Sec. 2. That said trustees shall be invested with the power to sell any land which may have been appropriated for the benefit of said Seminary, and to do all other acts for the benefit of said Seminary, which might have been done by the trustees who were appointed by the act establishing said Seminary.\textsuperscript{171}

An ACT to authorize the trustees of the Rittenhouse Academy to transfer and convey the property, both real and personal, belonging to said academy to the trustees of the Kentucky Baptist Education Society at Georgetown, Scott county.

\textbf{Approved, December 21, 1829}

WHEREAS, the Kentucky Baptist Education Society has been permanently located at Georgetown, Scott county, and the trustees thereof are now rearing a college at said place: Therefore, for the purpose of aiding the trustees in the promotion of general literature.

\textbf{Be it enacted by the General Assembly of the Commonwealth of}

\textsuperscript{170} Ibid., p. 143.

\textsuperscript{171} Acts Passed at the First Session of the Thirty-Eighth General Assembly for the Commonwealth of Kentucky (Frankfort, J. G. Dana and A. S. Hodges, 1830), p. 11.
Kentucky. That the trustees of the Rittenhouse Academy, be, and they are hereby authorized and invested with power to transfer and convey, by deed of conveyance, all or any part of the property held by them, in their corporate capacity, to the said trustees of the Baptist Education Society. 172

An ACT to incorporate the Female Literary and benevolent institution of Nazareth, near Bardstown.

WHEREAS, it hath been represented to the General Assembly of the Commonwealth of Kentucky, that there is a Female Literary and benevolent institution called Nazareth, near Bardstown, promoted and sustained by an association of females, by means of their own resources, industry and intelligence, and that the said institution hath been open and free for persons of every denomination, the managers thereof only requiring of their pupils an observance of moral rectitude and of the rules of said institution upon the entrance of said pupils and during their continuance therein; and, whereas, it is according to the genius of this Commonwealth and the sentiments of this Legislature to encourage all institutions for the dissemination of learning and morality: Therefore,

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the said institution shall be denominated and known by the name of the Nazareth Literary and benevolent institution, under the superintendence of the board of trustees designated and chosen as herein specified.

Sec. 2. Be it further enacted, That the said board of trustees shall consist of six persons besides the moderator; and the office

172. Ibid., p. 19.
of moderator shall be and is hereby vested in Benedict Joseph Flaget; and the following persons shall be, and are hereby constituted trustees of said institution, namely, John Baptist David, Francis Patrick Kenrick, Benjamin Chapeze, Augustin Robertson, Catharine Spalding, and Angela Spink. The said moderator and trustees and their successors, by the name of the board of Trustees of the Nazareth literary and benevolent institution, shall be a body politic and corporate, and have succession forever; and by that name may sue and be sued, implead and be impounded, before any court of record, judges, justices of the peace or body created by law, having jurisdiction of the subject matter about which said suit or suits may be. And the said corporate body may receive any gift, conveyance, devise or bequest of all property, real and personal, and make any contract, buy, sell, and convey the same in this their corporate capacity, for the purpose of sustaining and carrying on said institution, and not otherwise; and the said corporate body and their successors forever shall continue to possess the property so bought, received or otherwise acquired by the present or future trustees in their corporate capacity, for the benefit and maintenance and support of said institution and not otherwise, and may have the same powers that corporate bodies created by law have consistent with the nature, principles and rules of the said institution: Provided however, that the rents and proceeds acquired by this corporate body shall at no time exceed the amount of ten thousand dollars annually.

Sec. 3. Be it further enacted, That the office of moderator of the said board of trustees shall remain vested in the said Benedict Joseph Flaget during his natural life, and on his death
or resignation shall pass to such person as the majority of said trustees in meeting assembled shall elect to hold such office, and said office shall remain vested in such person as may be elected, until his death or resignation. Each of the said trustees herein designated shall hold his or her office for the term of his or her natural life, unless he or she shall be removed from his or her office as trustee, by vote of the board of trustees lawfully assembled and acting as hereafter specified. And in case of the vacancy of the office of Trustee by death, resignation, removal or otherwise, the said board of trustees shall be, and is hereby empowered and authorized to fill up such vacancy by appointing a new member to act as trustee, and so perpetually to preserve the succession of said corporate body.

Sec. 4. Be it further enacted, That the said Benedict Joseph Flaget and his successors in the office of moderator as aforesaid, shall be chairman of the board of trustees, and shall have in the meetings of said board a vote equal to one of said trustees; and in case of his absence from said meetings from sickness or other impediment he shall have power, and he is hereby authorized, to nominate in writing the person who shall in his absence act as moderator or chairman in said meetings. The said moderator or chairman and the said trustees or a majority thereof, namely four persons including said moderator, shall form a quorum, and shall be, and are hereby authorized to pass such ordinances and by-laws, by a majority of those present concurring therein, as are not contrary to the constitution of the United States, that of this state, or the laws thereof, and as are consistent with the nature and rules of said institution. The said corporate body shall
meet semi-annually, namely, on the first Monday of May and the first Monday of November at the hour of eleven o'clock in the forenoon, in the house of said institution called Nazareth as aforesaid, or at such other place as the board in regular assembly shall appoint, and also at such other times as the said corporate body shall determine. Provided, that no meeting of said board shall be held at any other place or time than those herein appointed or hereafter to be determined by the said board, unless the moderator or chairman of the previous regular meeting shall call such meeting, and give due notice thereof to the said trustees by a written invitation to attend, issued and delivered to them or to a majority of them at least three days previous to the holding of such meeting, and in case the moderator shall neglect or be unable from any cause whatever, to attend the meetings thus duly appointed, and shall also neglect appointing in writing some person to substitute him as moderator or chairman in such meeting, the trustees present at such meeting, or a majority of them, shall be and are hereby authorized to choose some person, whether of their own body or otherwise, who in such meeting may fill the place and exercise the powers of said moderator. The said corporation shall likewise keep a book or books, and enter therein their proceedings, and the chairman or moderator and the secretary of the said meetings shall affix their names to the record of the proceedings of each meeting, and when required they shall expose the same to the inspection of such persons as may express an intention of sending pupils to said institution, or have other just and reasonable cause for inspecting the said records. The said corporation may also have a seal on which any device or inscription they shall think proper may be impressed,
and they may alter or break the said seal at pleasure. **Provided,**
however, that this legislature reserves to itself the power at any
time to repeal and annul or modify the charter of incorporation
granted by this act. 173

An ACT to reduce the number of trustees of the New-Castle Seminary
to five.

Approved, January 11, 1830

Section 1. **Be it enacted by the General Assembly of the**
Commonwealth of Kentucky, That the number of trustees to the New-
Castle seminary, in Henry county, be reduced to five, viz: Joseph
Brinker, Edward C. Drane, Robert O'Brien, Willis Long and William
I. Graves.

Sec. 2. **Be it further enacted**, That the said trustees shall
be governed by the same laws and regulations now in force in re-
lation to said seminary. 174

An ACT for the benefit of the Trustees of the Simpson County
seminary.

Approved, January 13, 1830

WHEREAS, it is represented to the present General Assembly,
that in consequence of the loss of a part of the record of the
proceedings of the trustees of the Simpson county seminary, the
regular succession of the trustees cannot be deduced from said
record, it is apprehended that the legality of their official
acts and their right to prosecute suits in any court of record
are thereby rendered doubtful: For remedy whereof,

Section 1. **Be it enacted by the General Assembly of the**

173. Ibid., pp. 24-27.
174. Ibid., p. 50.
Commonwealth of Kentucky. That James Harris, Durham Hail, Thomas Hail, William H. McGoodwin, Sebourn Shaw, Davis S. Hammond, John A. Crowdus, John Finn and Henry B. Montague, now acting trustees, be, and they are hereby declared to have been trustees of said seminary, duly appointed.

Sec. 2. Be it further enacted, that all their acts as trustees of said seminary, be, and the same are hereby declared as valid and legal as if no defect in said record existed. That the said James Harris, Durham Hail, Thomas Hail, William H. McGoodwin, Sebourn Shaw, Davis S. Hammond, John A. Crowdus, John Finn and Henry B. Montague and their successors in office, may sue and be sued, plead and be impleaded in any court of this Commonwealth, any defect in said record notwithstanding; and that they may do and perform any and all acts which trustees of said Seminary can lawfully do and perform. 175

An ACT for the benefit of the Christian Academy.

Approved, January 29, 1830

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the sum of five hundred dollars be, and the same is hereby appropriated to the trustees of the Christian academy, to aid in the completion of the academy building, and in the purchase of a Philosophical Apparatus; and the Auditor of public accounts is hereby directed to issue his warrant to the said trustees for that sum, upon the Treasurer, out of any money in the Treasury not otherwise appropriated. 176

175. Ibid., p. 61.

176. Ibid., p. 177.
An ACT to appropriate the fines and forfeitures of Hardin, Green and Campbell counties to the use of their respective county seminaries, and for other purposes.

Approved, January 29, 1830

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That all fines and forfeitures which accrued or which may hereafter may accrue, in the county of Hardin, whether the same be directed to be applied to the lessening the county levy or not, shall be vested in and paid over to the trustees of the Elizabethtown academy; and that all officers who shall be bound by law to collect and account for such fines and forfeitures shall annually account for and pay the same to the chairman of the trustees of said academy, for the use and benefit of said academy.

Sec. 2. Be it further enacted, That the officer or officers who may have the collecting of and accounting for said fines and forfeitures, upon his or their failure to collect and account for said fines and forfeitures as prescribed in the first section of this act, shall be liable to be proceeded against at law, in the manner and mode prescribed by the existing laws of this Commonwealth:
Provided, that the expenses of each prosecution shall be deducted and paid into the public treasury.

Sec. 3. Be it further enacted, That hereafter all the real estate within the city of Louisville, and the personal estate of all those who shall die within said city, and which shall be liable to escheat to this Commonwealth for defect of heirs or devisees, shall be, and the same is hereby vested in the Mayor and board of councilmen of the city of Louisville, for the use and benefit of the public schools of said city; and the Mayor and board of councilmen of said city shall have the right to sue in ejectment, or bring
and maintain any appropriate real action for the recovery of such real estate without office found, and may call the person representatives of such persons dying without heirs or devisees to account, and recover the personal estate in the same manner an heir or distributee could do.

Sec. 4. Be it further enacted, That all fines, and penalties inflicted before the Jefferson county court, the Mayor of the city of Louisville, or any justice of the peace, for offenses arising within the city of Louisville, after deducting the expenses of each prosecution respectively, which expenses shall be paid into the public treasury, the residue shall be, and the same are hereby vested in the Mayor and board of councilmen of said city, for the use and benefit of the public schools thereof; and the Mayor and board of councilmen of said city shall have the right to use the name of the Commonwealth of Kentucky, for the collection of the same: Provided, that nothing in this section shall be so construed as to deprive the attorney for the Commonwealth or any informer of any part of such fines and penalties as they are now entitled to by law.

Sec. 5. Be it further enacted, That the real and personal estate which the Mayor and board of councilmen may acquire, under the first section of this act, and the fines and penalties they may acquire under the second section of this act, shall be a fund for the purchase of suitable lots of ground, and for the erection of suitable buildings thereon for the use of the public schools of the city. The Mayor and board of councilmen shall constitute the estate and funds so acquired a permanent capital for the support of the public schools, and shall not (after the purchase of suitable
lots, and the erection of suitable buildings) expend any part of the principal thereof, in the ordinary support of the said schools, but shall have the right to expend the annual profits. They may sell the real estate so acquired, and vest the proceeds with the other funds in stocks, or loan the same on real security.

Sec. 6. Be it further enacted, That the jailor's fees and charges for all commitments for offenses arising within the city of Louisville, and which by existing laws, are payable out of the county levy, shall hereafter be paid by the Mayor and councilmen out of the city funds.

Sec. 7. Be it further enacted, That all escheatable lands in the county of Fayette, shall be vested in the trustees of Transylvania; and it shall be lawful for said trustees from time to time, to cause the escheator to hold his inquest upon all such estates, real or personal, and whenever the estate shall be found to be escheatable to the Commonwealth, take possession of it and to dispose of it to the use of the University as other property of the institution: Provided, however, that the said institution shall sustain all expenses in relation to such proceedings, and that nothing in this act shall prejudice the right of any other person than the Commonwealth.177

An ACT for the benefit of the High School in the City of Louisville, and the Male and Female Orphan Asylum in Middletown.

Approved, January 29, 1830

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the trustees of the Jefferson seminary shall be, and they are hereby required to convey, to the

177. Ibid., pp. 260-262.
Mayor and board of councilmen of the city of Louisville, one moiety of the real estate belonging to that institution, and one moiety of the cash and other funds belonging to the same, for the purpose of purchasing a suitable lot and erecting a suitable building for a High School in the city of Louisville; which High School shall be open for the children of the citizens of Louisville, and for the children of all those, who shall contribute to the taxes of said city, and may be supported out of the taxes of said city, or from the joint aid of the taxes and tuition fees for scholars.

Sec. 2. Be it further enacted, That the trustees of the Jefferson seminary shall and they are hereby required, to convey to the trustees of the Male and Female Orphan Asylum at Middletown, in Jefferson county, the other moiety of the real estate and other funds belonging to the Jefferson seminary; which real estate and other property, shall be and remain a fund for the education of the male and female orphans under the care of the trustees of said institution; but the said trustees shall have no power to expend more of the property to be acquired under this act, than the annual accruing profits of same.

Sec. 3. Be it further enacted, That the Mayor and board of councilmen of the city of Louisville, or the trustees of the said asylum, if they cannot agree as to the division of said property, may file a bill in the Jefferson circuit court against the trustees of said seminary and the other party entitled under this act; and the court shall have power to cause an equitable division of said property to be made, and a conveyance in accordance with such division: Provided, that in the division the Mayor and board of Councilmen shall be entitled to the real estate in Louisville.

178. Ibid., pp. 262-263.
An ACT to encourage the general diffusion of education in this
Commonwealth, by the establishment of a uniform system of public
schools.

Approved, January 29, 1830

Section 1. Be it enacted by the General Assembly of the
Commonwealth of Kentucky, That the county courts of this Commonwealth
may, if they think proper, at their next March or any subsequent
term, proceed to divide their respective counties into school dis-
tricts, naming and numbering each district: Provided, that in
laying off districts the town or city districts shall not be made
to extend beyond the limits of the town or city, for the purpose
of having established therein, public schools, having in such
divisions, a proper regard to the number and convenience of the
inhabitants resident within said districts.

Sec. 2. Be it further enacted, That the inhabitants residing
within said districts, who, by the laws of this Commonwealth are
entitled to vote for members of the General Assembly, or who are
liable to the payment of a school tax, under the provisions of
this act, may annually, if they think proper, on the first Monday
in May, meet at some convenient place within their respective
districts, to be designated by the county court, and then and
there, under the superintendence of a justice of the peace, ap-
pointed by the county court for that purpose, proceed to elect
three public school commissioners.

Sec. 3. Be it further enacted, That it shall be the duty of
the public school commissioners in each district, to apply for and
receive from the collector of their district, all moneys raised
therein for the use of public schools, as soon as such moneys
shall be collected; to employ competent teachers, at stipulated
prices, and pay them out of the moneys received by them as aforesaid; and to keep a just and true account of all school moneys received and expended by them; and to make and transmit to the clerk of the county court, between the first day of June and the first day of July in each year, a report in writing, bearing date on the first day of June in the year of its transmission, and stating the length of time the school shall have been kept in their district, the amount of moneys received in their district, the number of children taught in it, the whole amount of moneys received by the commissioners or their predecessors in office, during the year ending with the date of their report, distinguishing the amount received from the collector and from any other source, the manner in which such moneys have been expended, and for what purpose, and whether any and what part remains unexpended.

Sec. 4. Be it further enacted, In case the commissioners in any district shall not, on or before the first day of July in any year, make such report to the clerk of the county court, it shall be his duty to notify the next county court thereof; whose duty it shall be to fine the said commissioners a sum not exceeding ten dollars, for the use of the public schools within said district.

Sec. 5. Be it further enacted, That if on rendering their account, any balance shall be found remaining in the hands of the commissioners or any of them, the same shall be immediately paid by him or them, to his or their successors, or some one of them, upon demand made; and every commissioner who shall refuse or neglect to pay over to his successors in office any balance so found in his hands, upon demand made, shall pay such balance, and the interest thereon, together with the further sum of one hundred dollars, for
the use of the schools of said district, to be adjudged against him by the county court, on motion of such successors in office, ten days previous notice being given of such intended motion; and in case of the death of any commissioner, his representatives shall be subject, after the same manner, to the same liabilities.

Sec. 6. Be it further enacted, That the school commissioners appointed by this act, shall be a body corporate and politic, and by the name of the school commissioners of the school district for which they are appointed, may sue and be sued, contract and be contracted with, and may hold possession of any enjoy to them and their successors, property, real and personal, to an amount not exceeding, at any one time, fifty thousand dollars, to be held to the use of the school district and to no other whatever.

Sec. 7. Be it further enacted, That it shall be the duty of the commissioners, within twenty days after they are elected, to give ten day notice, by advertisement stuck up at, at least three public places in the district, of which one shall be the door of the school house, if they have one, appointing the time and place for a public meeting of such district.

Sec. 8. Be it further enacted, Whenever any district meeting shall be called, in the manner prescribed in the seventh section of this act, it shall be the duty of the inhabitants of the district, qualified to vote in the elections of public school commissioners, to assemble together at the time and place mentioned in the notice, who, so assembled in such district meeting, or when lawfully assembled at any other district meeting, shall have power, by a majority of the votes of those present, to appoint a chairman for the time being; to adjourn from time to time, as occasion may
secure; to designate a site for the district school house; to lay
such tax on the taxable inhabitants of the district, as the meeting
shall deem sufficient for school purposes, and power to purchase or
lease or receive by donation, a suitable site for a school house;
and to build, hire or purchase such school house; and to keep in
repair and furnish the same with necessary fuel and appendages;
to appoint a district clerk and collector; and to repeal, alter
and modify their proceedings, from time to time, as occasion may
require.

Sec. 9. Be it further enacted, That in each school district,
special meetings shall be held whenever called by the public school
commissioners, and the proceedings of no district meeting shall be
illegal, for want of a due notice to all the persons qualified to
vote thereat, unless it shall appear that the omission to give such
notice was wilful and fraudulent.

Sec. 10. Be it further enacted, That whenever a school house
shall have been built or purchased for a district, the site for
such school house shall not be changed, nor the building thereon
removed as long as the district shall remain unaltered; nor after
such alteration, without the consent in writing, of the public school
commissioners of the district.

Sec. 11. Be it further enacted, That when a new district shall
be formed from one or more districts possessed of a school house,
and in cases where any district from which such new district shall
be in whole or in part formed, shall be entitled to other property
than its school house, then the county court, at the time of forming
such new district, shall ascertain and determine the amount justly
due to such new district, from any district out of which it may have
been in whole or in part formed, as the proportion of such new
district, of the value of the school house and of her property,
belonging to the former district, at the time of such division; such
proportion shall be ascertained, according to the number of tithable
inhabitants of the respective parts of such former district at the
time of division, by the best evidence in the power of the commis-
sioners, and deduction shall be made therein for any debts due from
the former district; and such proportion when ascertained shall be
levied, raised and collected, with the fees for collection, by
the public school commissioners of the district, retaining the
school house or other property of the former district, upon the
taxable inhabitants of their district, in the same manner as if the
same had been authorized by a vote of their district, for the
raising an additional fund; and when collected, shall be paid to
the public school commissioners of the new district, to be applied
by them towards procuring a school house for their district.

Sec. 12. Be it further enacted, That the clerk, public school
commissioners and collectors shall hold their respective offices
until the annual meeting of such district next following the time
of their appointment, and until others shall be elected in their
places; and in case any such office shall be vacated by the death,
refusal to serve, removal out of the district, or any other cause,
and the vacancy shall not be supplied by a district meeting within
one month thereafter, the public school commissioners of the district
may appoint any person residing in the district, to fill such
vacancy, and any person duly chosen or appointed to any such office,
who without sufficient cause shall refuse to serve therein, shall
forfeit the sum of five dollars; and every person so chosen or
appointed, and not having refused to accept, who shall neglect to perform the duties of his office, shall forfeit the sum of ten dollars; which forfeitures shall be recovered and applied after the manner prescribed in the fifth section of this act, on the motion of any individual resident within the district; but any such officer may resign his office, if upon application made by him to the county court if the county court shall in its discretion accept his resignation; and in such case the county court shall cause notice thereof to be given to the clerk or to one of the public school commissioners of the school district to which the officer resigning may belong.

Sec. 13. Be it further enacted, That it shall be the duty of the clerk of each school district to record the proceedings of his district, in a book provided for that purpose by the district, and to enter therein true copies of all reports that purpose by the district, made by the public school commissioners of his district to the county court; to give notice of the time and place for special district meetings, when the same shall be called by the public school commissioners of the district, to each inhabitant of such district liable to pay taxes, at least five days before such meeting shall be held, in the manner prescribed in the seventh section of this act; to affix a notice in writing, of the time and place for any adjourned district meeting, when the same shall be adjourned for a longer time than one month, in at least four of the most public places of such district, at least ten days before the time appointed for such adjourned meeting; to give like notice of every annual district meeting, and to keep and preserve all records, books and papers belonging to his office, and to deliver
the same to his successors in office, in the manner and subject to the penalties provided by law, in relation to the clerk of the county court.

Sec. 14. Be it further enacted, That it shall be the duty of the public school commissioners of each district, to make out a list of every district tax, voted by any district meetings; containing the names of all the taxable inhabitants residing in the district, at the time of making out the list, and the amount of tax payable by each inhabitant, set opposite to his name; and to annex to such tax list, a warrant directed to the collector of the district, for the collection of the sums in such list mentioned; to divide the public moneys when received by them, when authorized by a vote of their district, into not exceeding four portions for each year; to assign and apply one of such portions to each quarter or term during which a school shall be kept in such district, for the payment of the teacher's wages, during such quarter or term.

Sec. 15. Be it further enacted, That in making a tax list the school commissioners shall be governed by the commissioners books, or the books of the revenue officer taking a list or assessment of the taxable property in such district; and the tax shall be assessed and laid upon the same property and no other than shall be subject to a revenue tax for the time being, nor shall any person be subject to taxation in any school district of which he is not an inhabitant.

Sec. 16. Be it further enacted, That it be the duty of the collector of each district, to collect and pay over to the public school commissioners of his district, or some of them, all moneys which he shall be required by warrant to collect, within the time
limited in such warrant, for its return, and to take the receipt of such public school commissioners for such payment; and he shall be allowed five cents on every dollar so collected and paid over by him.

Sec. 17. Be it further enacted, That every collector of a school district shall, before receiving any warrant for the collection of moneys, execute a bond to the public school commissioners of his district, when required by them, in their corporate name with one or more sureties, to be approved of by one or more of the public school commissioners, in double the amount of moneys to be collected, conditioned for the due and faithful execution of the duties of his office; and if any collector should not execute such bond in the time allowed him by the public school commissioners for that purpose, which shall not be less than ten days, his office shall be vacated; and the public school commissioners may appoint any other person residing in the district, as collector in his place.

Sec. 18. Be it further enacted, That the collectors of each district, in case any inhabitant of his district shall not pay on demand the sum he may be bound to pay, according to the rate bill of the public school commissioners, shall proceed to collect the same, in the manner as moneys are collected by constables, on executions issued by a justice of the peace, together with his fees, and to make return of such warrant within thirty days after the delivery thereof; and if, by the neglect of the collector, any moneys shall be lost to his district, which might have been collected within the time limited in the warrant delivered to him for their collection, he shall forfeit to his district the full amount of the moneys thus lost, and shall account for and pay over the
same to the public school commissioners of his district, in the same manner as if they had been collected; and for the recovery of all forfeitures and of balances in the hands of a collector, which he shall have neglected to pay over, the public school commissioners of the district, may sue in their name of office, and shall be entitled to recover the same, with thirty per cent interest and costs; and the moneys recovered shall be applied by them in the same manner as if paid without suit.

Sec. 19. Be it further enacted, That any person conceiving himself aggrieved in consequence of any decision made or any act done by any school district meeting, by the public school commissioners of any district, or the refusal of such commissioners to do any act or perform any duty required by law, may appeal to the county court of the county, whose decision thereon, after hearing of the parties, shall be final.

Sec. 20. Be it further enacted, That it shall be the duty of the clerk of the county court, between the first day of October and the first day of November, in every year, to make and transmit to the Secretary of State, a report in writing, containing the whole number of districts in his county, distinguishing the districts from which the necessary reports have been made to him by the public school commissioners, and containing a certified copy of all such reports; and every clerk who shall refuse or neglect to make such report within the period (so limited,) shall, for each offense, forfeit the sum of one hundred dollars, to the use of the literary fund of the State; and it shall be the duty of the Secretary of State, to prosecute without delay, in his name of office, for such forfeiture, and to pay the moneys received into
the Treasury of the State, to the credit of the literary fund; and further, it shall be the duty of each clerk of a county court, immediately after the first day of July in every year, in case the public school commissioners in his county have neglected to make to him their annual report, to give notice of such neglect to the clerk of the district, who shall immediately assemble such commissioners for the purpose of making their report.

Sec. 21. Be it further enacted, That the commissioners hereafter appointed to take in lists of taxable property, in addition to the present requisitions of the law in that case, also take in the number of children under the age of sixteen years and over that of five years, the same being the children or wards of the tithable inhabitants of the counties respectively, or orphans.

Sec. 22. Be it further enacted, That said commissioners shall have power to levy annually a poll tax on every white male inhabitant, over twenty-one years of age, in each district, not exceeding fifty cents.

Sec. 23. Be it further enacted, That any widow or feme sole, over twenty-one years of age, residing and owning property subject to taxation for school purposes, according to the provisions of this act, in any school district, shall have the right to vote in person or by written proxy; and any infant residing and owning property, subject to taxation for school purposes, according to the provisions of this act, in any school district, shall have the right to vote by his or her guardian.

Sec. 24. Be it further enacted, That the tax authorized by this act, shall not exceed six and a fourth cents in the hundred dollars.
Sec. 25. Be it further enacted, That the lands belonging to all banking corporations which are situated in this state, shall be subjected to the same rate of taxation as the lands belonging to individuals; and the said corporations shall have the right of voting by their agent at all elections. 179

An ACT to incorporate the Female Literary and Benevolent Institution of Loretto, in Washington county.

Approved, December 29, 1830

WHEREAS, it has been represented to the present General Assembly of the Commonwealth of Kentucky, that there is a Female Literary and Benevolent Institution called Loretto, promoted and sustained by an association of females, by means of their resources, industry and intelligence, and that the said institution hath been open and free for persons of every denomination, the managers thereof only requiring of their pupils an observance of moral rectitude and of the rules of said institution, upon the entrance of said pupils, and during their continuance therein: And whereas, it is the genius of this Commonwealth and the sentiments of the Legislature to encourage all institutions for the dissemination of learning and morality: Therefore,

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the said institution shall be denominated and known by the name of the Loretto Literary and Benevolent Institution, under the superintendence of the board of trustees designated and chosen as herein specified.

Sec. 2. Be it further enacted, That the said board of trustees shall consist of six persons besides the moderator, and the office

179. Ibid., pp. 272-280.
of moderator shall be, and is hereby vested in Benedict Joseph Flaget, and the following persons shall be, and are hereby constituted trustees of said institution, namely: John Lancaster, Esq., David Depareq, Guy Ignatius Chabrac, Sabina Bryan, Eleonora Clark and Constantia Spalding. The said moderator and trustees and their successors, by the name of the Board of trustees of the Loretto Literary and Benevolent Institution, shall be a body politic and corporate, and have succession forever, and by that name may sue and be sued, implead and be impleaded, before any court of record, judges, or justices of the peace, or body created by law, having jurisdiction of the subject matter about which the said suit or suits may be; and the said corporate body may receive any gift, conveyance, devise or bequest, of all property real and personal, and may make any contract, buy, sell and convey the same in this their corporate capacity, for the purpose of sustaining and carrying on said institution, and not otherwise; and the said corporate body and their successors forever, shall continue to possess the property so bought, received, or otherwise acquired, by the present or future trustees, in their corporate capacity, for the benefit, maintenance and support of said institution, and not otherwise, and may have the same powers that corporate bodies, created by law have, consistently with the nature of this institution: Provided, however, That the rents and proceeds acquired by this corporate body, shall at no time exceed the amount of five thousand dollars annually.

Sec. 3. Be it further enacted, That the office of moderator of said board of trustees, shall remain vested in the said Benedict Joseph Flaget, during his natural life, and on his death or
resignation, shall pass to such person as the majority of said trustees, in meeting assembled, shall elect to said office; and said office shall remain vested in such person as may be so elected until his death or resignation. Each of the said trustees herein designated, shall hold his or her office for the term of his or her natural life, unless he or she shall be removed from his or her office as trustee, by the vote of the board of trustees lawfully assembled and acting as hereafter specified; and in case of the vacancy of the office of trustee by death, resignation, removal or otherwise, the said board of trustees shall be, and is hereby empowered and authorized to fill up such vacancy by appointing a new member to act as trustee, and so perpetually to preserve the succession of said corporate body.

Sec. 4. Be it further enacted, That the said Benedict Joseph Flaget and his successors in the office of moderator as aforesaid, shall be chairman of the board of said trustees, and shall have, in the meeting of said board, a vote equal to one of said trustees, and in case of his absence from said meeting, from sickness or other impediment, he shall have power and is hereby authorized to nominate in writing, the person who shall in his absence, act as moderator or chairman in such meetings. The said moderator or chairman, and the said trustees or a majority thereof, namely, four persons including the moderator, shall form a quorum, and shall be and are hereby authorized to pass such ordinances and by-laws, by a majority of those present concurring therein, as are not contrary to the constitution of the United States, that of this State or the laws thereof, and as are consistent with the nature and rules of said institution. The said corporate body shall meet semi-annually,
naturally, on the first Monday of June and the first Monday of December, at the hour of eleven o'clock in the forenoon, in the said house of said institution called Loretto as aforesaid, or at such other place as the board, in regular assembly, shall appoint, and also, at such other times as the said corporate body shall determine: Provided, That no meeting of said board shall be held at any other place or time than those herein appointed or hereafter to be determined by the said board, unless the moderator or chairman of the previous regular meeting shall call such meeting and give due notice thereof to said trustees by a written invitation to attend, issued and delivered to them or a majority of them, at least three days previous to the holding of such meeting; and in case the moderator shall neglect or be unable, from any cause whatever, to attend the meeting thus duly appointed, and shall also neglect appointing, in writing, some person to substitute him as moderator or chairman in such meeting, the trustees present at such meeting, or a majority of them, shall be and they are hereby authorized to choose some person, whether of their own body or otherwise, who, in such meeting, may fill the place, and exercise the powers of the said moderator. The said corporation shall likewise keep a book or books, and enter therein their proceedings, and the chairman or moderator and the secretary of the said meetings shall affix their names to the record of the proceedings of each meeting, and when required they shall expose the same to the inspection of such persons as may express an intention of sending pupils to said institution, or have other just and reasonable cause for inspecting the said records; the said corporation may also have a seal, on which any device or inscription they shall think proper,
may be impressed, and they may alter or break the said seal at pleasure: Provided, however, That this Legislature reserves to itself the power at any time, to repeal and annul or modify the charter of incorporation granted by this act. 180

An ACT to establish the town of Moscow, in Hickman County, and to incorporate a Seminary of Learning in said town, and for other purposes.

Approved, January 6, 1831

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the town of Moscow in Hickman county, be, and the same is hereby established, upon the plan which has been formed and laid down by the original proprietor and citizens of said town; and said plan is hereby ratified and confirmed.

Sec. 2. Be it further enacted, That Matthew Patton, Joseph Ury, Samuel P. M'Fall, William Neill, William Mahan and Henry Doom, and their successors in office, who are hereby appointed and created trustees of said town; and said trustees shall remain in office until the first Monday in January 1832; on which day, and on the first Monday in said month, in each succeeding year, the free white inhabitants of said town, of the age of twenty-one years and upwards, shall meet at such place as may be designated by the trustees of said town, and choose by vote, viva voce, six fit persons for trustees, to serve for one year, and until their successors are duly elected.

Sec. 3. Be it further enacted, That the said trustees shall appoint a town clerk, who shall continue in office until the election succeeding his appointment, and in like manner, each board of

trustees, shall appoint a clerk to serve for the same terms, whose
duty it shall be to keep a fair record of the proceedings of the
trustees, and to give public notice, by advertisement in said town,
at least ten days previous to any election for trustees; and he
shall, together with any two of the trustees, conduct all elections,
and declare the persons elected, and make record of the same.

Sec. 4. Be it further enacted, That should the citizens of
said town, at any time hereafter, fail to have an election, on the
day appointed in this act, that then, and in that case, the clerk,
or any trustee, may, by giving ten days previous notice, have an
election held for trustees, which shall be as legal as though it
had taken place on the day herein appointed.

Sec. 5. Be it further enacted, That the trustees herein ap-
pointed, and their successors in office, a majority of them
concurring therein, shall have full power to pass all laws, which
they may from time to time, think advisable for the government of
said town, provided they be not contrary to the laws and consti-
tution of this state.

Sec. 6. Be it further enacted, That Rezin Davidge, senior,
Thomas W. Chambers, William H. Patton, Drew A. Outlaw, Joseph
Drury, and Philander Priestly, are hereby appointed trustees for
the seminary in the town of Moscow, which shall be known and called
the Moscow seminary; and that said trustees are hereby created and
constituted a body politic in law and in fact, and shall have full
power to sue, and be sued, plead and be impleaded, in all courts
of law or equity, and to do all other matters and things in the
name of the trustees of the Moscow seminary, and shall have full
power (a majority of them concurring therein) to make such
regulations for the government of said seminary, as they may deem expedient. **Provided,** The same is not in violation of the constitution or laws of this state.

Sec. 7. **Be it further enacted,** That when any vacancy may happen in the board of Trustees as aforesaid, said vacancy, shall be filled by those in office, a majority of them concurring therein.

Sec. 8. **Be it further enacted,** That the trustees of the town of Wilmington, shall have full power to sell the balance of the unsold lots in said town; and may convey those heretofore sold by their predecessors, or the commissioners for said town, and any conveyance made as aforesaid, shall be as valid, as though such conveyance had been made by the trustees or commissioners making such sale. **Provided,** That such conveyance is made in the manner, that such trustees or commissioners were authorized to make it.

Sec. 9. **Be it further enacted,** That David R. Murray, John Work, George Lahuist, Horace M. Newton, and James W. Flanagan, are hereby appointed trustees to the town of Cloverport, in the county of Breckinridge, and may serve in that character, until the first Monday in September next.

Sec. 10. **Be it further enacted,** That Charles S. Lander, Samuel G. Jennings, Albert G. Hawes, David Adams, and Nathaniel Maxey, are hereby appointed trustees to the town of Hawesville, in the county of Hancock, and they may serve in that character, until the fourth Monday in September next.

Sec. 11. **Be it further enacted,** That on the first Monday in September next, there shall be an election held at the house of Horace M. Newton, in Cloverport, and every successive year there-after, to elect five trustees to said town, and that at said
eleotions all the white male inhabitants of said town, over the age of twenty-one years, shall be entitled to vote.

Sec. 12. Be it further enacted, That on the fourth Monday in September, in every year hereafter, there shall be an election, at the court house, in Hawesville, for five trustees of said town; and each white male inhabitant of said town, shall be entitled to vote; and, that the trustees hereby appointed, and their successors, shall be vested with all the powers given by law to the trustees of towns in this Commonwealth. 181

An ACT to amend an act, entitled "an act to organize two Fire Companies in the town of Lexington," and for other purposes.

Approved, January 9, 1831

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of the first section of an act, entitled "an act to organize two Fire Companies in the town of Lexington, and for other purposes," as authorized the number of seventy-five members to a company; and so much of the fifth section as exempts the members of said companies from serving on petit juries, be, and the same is hereby repealed.

Sec. 2. Be it further enacted, That the said companies shall not consist of more than fifty members, and the said companies shall have power to adopt such constitution and by-laws, as may be deemed by them advantageous for the purpose of extinguishing fires, and securing property endangered by fire, agreeable to the provisions of the laws enacted for their government.

Sec. 3. Be it further enacted, That the trustees of the town of Augusta, in levying the tax authorized by the act "to organize

a fire company in the town of Augusta, approved, twenty-eight January, 1830; shall be confined to the in lots of said town, and such out lots, as may have buildings thereon.

Sec. 4. Be it further enacted, That when the out lots are improved by the buildings thereon, only so much of said out lot shall be valued, including each tenement, as shall be equal in size to an in lot.

Sec. 5. Be it further enacted, That an act, entitled "an act to alter the mode of appointing trustees, to the Montgomery academy, approved, November fifteenth, 1822," be, and the same is hereby repealed.

Sec. 6. Be it further enacted, That whenever it may be necessary to have trustees to said academy, the county court of Montgomery county, is hereby required to appoint five fit persons as trustees, (any three of whom shall fill a board) who shall be vested with full power to transact all business in relation to the interest of said academy. All laws coming within the purview of this act, are hereby repealed.

Sec. 7. Be it further enacted, That the said county court of Montgomery, is also required to appoint five fit persons, as trustees for the town of Jeffersonville, (any three of whom shall form a board to transact business,) who shall be vested with all the powers which the trustees originally had, for the purpose of conveying the titles to lots, and all other business for the interest of said town. All laws coming within the purview of this act, are hereby repealed. 182

182. Ibid., pp. 59-60.
An ACT to appoint Commissioners to settle with the Trustees of the
Estill Seminary lands, and for other purposes.

Approved, January 13, 1831

Section 1. Be it enacted by the General Assembly of the
Commonwealth of Kentucky, That Beverly Broaddus, Ansel Daniel and
Nicholas Merrill, be appointed commissioners to settle with the
trustees of the Estill seminary lands, and receive from them all
sums of money in their hands, that property belongs to said seminary.

Sec. 2. Be it further enacted, That the said commissioners,
when they shall receive the money now in the hands of the trust-
tees, shall cause the same to be expended in building a seminary
of learning in the town of Irvine, and purchasing a lot of ground,
not exceeding one acre, for that purpose.

Sec. 3. Should the said trustees, after having a reasonable
notice for that purpose, fail or refuse to make the settlement
aforesaid, or to pay over the several sums in their hands, it
shall be the duty of the commissioners to institute an action
against them in the Estill county court, for the recovery of the
several sums in their hands; which, when recovered, shall be
appropriated as before in this act directed.

Sec. 4. Before the said commissioners shall enter on the
discharge of their several duties, they shall enter into bond
in the Estill county court, in a penalty to be fixed by said
court, for the faithful discharge of their duties, which bond
shall be given to the county court, and may be put in suit for
a breach of its conditions.183

183. Ibid., pp. 77-78.
THE FIRST FIFTY YEARS OF SCHOOL LEGISLATION IN KENTUCKY

By

BONNIE JONES COWART

PART IX

A THESIS
SUBMITTED IN PARTIAL FULFILLMENT
OF THE REQUIREMENTS FOR THE DEGREE OF
MASTER OF ARTS

WESTERN KENTUCKY STATE TEACHERS COLLEGE

AUGUST, 1944
An ACT to incorporate the Literary Institution of St. Rose, in Washington County.

Approved, January 15, 1831

WHEREAS, it is represented to the General Assembly of the Commonwealth of Kentucky, That there is a Literary Institution, called St. Rose, near Springfield, promoted and sustained by an association of gentlemen, by means of their own resources, industry and economy; and that the said institution has been open and free, for persons of every denomination: And, whereas, it is according to the genius of this commonwealth, and the sentiments of this Legislature, to encourage all institutions for the dissemination of learning: Therefore,

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the said institution shall be denominated and known by the name of the "Literary Society of St. Rose," under the superintendence of the board of trustees, designated and chosen as herein specified.

Sec. 2. Be it further enacted, That the said board of trustees shall consist of six persons, besides the moderator; and the office of moderator shall be, and is hereby vested in Stephen H. Montgomery; and the following persons shall be, and are hereby constituted trustees of said institution, namely: William R. Tuite, James Polin, Thomas Martin, James Bullock, Charles P. Montgomery and Joseph Jarboe. The said moderator and trustees, and their successors, by the name of the board of trustees of the literary society of St. Rose, shall be a body politic and corporate, and have succession forever; and by that name, may sue and be sued, plead and be impleaded, before any court of record, judges or justices of the peace, or body created by law, having jurisdiction
of the subject matter, about which said suit or suits may be. And the said corporate body may receive any gift, conveyance, devise or bequest of all property, real, personal or mixed, and make any contract, buy, sell and convey the same, in this, their corporate capacity, for the purpose of sustaining and carrying on said institution, and not otherwise; and the said corporate body and their successors forever, shall continue to possess the property so bought, received or otherwise acquired by the present or future trustees, in their corporate capacity, for the benefit and maintenance, and support of said institution, and not otherwise; and may have the same powers that corporate bodies created by law have, consistently with the nature, principles and rules of said institution: Provided, however, That the rents and proceeds acquired by this corporate body, shall, at no time, exceed the amount of ten thousand dollars annually.

Sec. 3. Be it further enacted, That the office of moderator of the board of trustees, shall remain vested in the said Stephen H. Montgomery, during his life, unless he shall sooner resign; and whenever any vacancy may thereafter happen, in the office of moderator, a majority of said trustees in meeting assembled, shall elect a person to hold said office, which shall vest and remain in such person so elected, until his death or resignation; and a majority of all the trustees therein concurring, may turn out of office the moderator, at any time they may deem it proper. Each of the said trustees herein designated, shall hold his office of trustee, for the term of his natural life, unless he shall be removed from his office as trustee, by vote of the board of trustees, lawfully assembled; and in case of vacancy in the office of trustee, by
death, resignation, removal or otherwise, the said board of trustees shall be, and is hereby empowered and authorized to fill up such vacancy, by appointing a new member to act as trustee, and so perpetually to preserve the succession of said corporation.

Sec. 4. Be it further enacted, That the said Stephen H. Montgomery and his successors, in the office of moderator, as aforesaid, shall be chairman of the board of trustees, and shall have in the meetings of said board, a vote equal to one of the said trustees, and in case of his absence from said meeting, from sickness or other impediment, he shall have power, and is hereby authorized to nominate, in writing, the person who shall, in his absence, act as moderator or chairman, in such meetings; the said moderator or chairman, and the said trustees, or a majority thereof, namely, four persons including said moderator, shall be a quorum, and shall be, and are hereby authorized to pass such ordinances and by-laws, a majority of those concurring therein, as are not contrary to the constitution of the United States, that of this state, or the laws thereof, and as are consistent with the nature and rules of said institution. The said corporate body shall meet for the first time, on the first day of next April, or as soon thereafter as the said trustees shall deem proper, and at such other times as may be deemed necessary by said corporate body, for the interest and promotion of the said institution, and in case the moderator shall neglect or be unable, from any cause whatever, to attend the meetings of the said board of trustees, or shall neglect to appoint, in writing, some person to substitute him as moderator or chairman, the trustees present at such meeting, or a majority of them, shall be, and are hereby authorized to choose some person from their own body, who,
in such meeting, may fill the place, and exercise all the powers of moderator. The said corporation may also have a seal, on which any device or inscription they shall think proper, may be impressed, and they may alter the said seal at pleasure.

Sec. 5. **Be it further enacted**, That the Legislature reserves to itself, the power, at any time, to repeal and annul, or modify the charter of incorporation, granted by this act. **Provided**, however, That if said corporation should be dissolved, from any cause whatever, all the property, both real, personal or mixed, belonging to the corporation, at the time of the dissolution, shall, of right, belong and vest in the members of the said literary institution, for their use and benefit. 184

An ACT to incorporate the trustees of Mount Pleasant School house, in Franklin County.

Approved, January 15, 1831

Section 1. **Be it enacted by the General Assembly of the Commonwealth of Kentucky**, That Scott Brown, James Dillon, Thomas Parker, Benedict Carlisle and John B. Crockett, be, and they are hereby constituted a body corporate, to be known and designated by the name and style of the trustees of the Mount Pleasant school house in the county of Franklin, with power to supply, by the election of others, any vacancies that may occur in their body, by death, removal or resignation, so as to keep a perpetual succession, and by their corporate name aforesaid, to sue and be sued.

Sec. 2. **Be it further enacted**, That it shall and may be lawful, for the said trustees and their successors in office, and they are

184. Ibid., pp. 119-122.
hereby invested with full power and authority, in their corporate capacity, to purchase or receive by donation, and to hold the title to the tract of land, not exceeding ten acres, on which the said school house now stands, and to hold the same, to themselves and their successors in office, for the use, benefit and purpose of a school, and to make negotiations and by-laws for the government of the school. 185

An ACT to authorize the trustees of the Woodford Academy, to make sale of certain property.

Approved, January 15, 1831

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That David Thornton, John R. M'Farland and Barnet Giltner, be, and they are hereby added to the board of trustees of the Woodford Academy, and that the trustees of said academy, shall have power to fill any vacancy, that may occur in said board.

Sec. 2. Be it further enacted, That the said board of trustees, a majority of them concurring therein, are hereby authorized and empowered to sell and convey the lot or lots of ground, and appurtenances in the town of Versailles, and all lands and other property belonging to the said academy, upon such terms and conditions as they, in their judgment, may deem most beneficial to said academy; and the proceeds thereof, to be applied to the purchase of a suitable site, with or without improvements, for the use and benefit of said academy.

Sec. 3. Be it further enacted, That the said trustees shall,

185. Ibid., pp. 162-163.
before they proceed to make sale of said property, enter into bond, in the county court of Woodford, in such reasonable penalty, as they may require, for the faithful disposition of the proceeds of said sale. 186

An ACT to provide for the appointment of trustees to the Stanford and Rockcastle Seminaries, and for other purposes.

Approved, November 15, 1831

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That William Craig, Peter G. Camden, Thomas Helm, Joseph Paxton, John Kincaid, Francis S. Read, David Shanks, Michael Davidson, and Logan Hunt, be, and are hereby appointed trustees of the Stanford seminary, in Lincoln county, a majority of whom shall constitute a board to do business.

Sec. 2. That said trustees shall be invested with full power to sell any lands which may have been appropriated for the benefit of said seminary, and to do any other acts for the benefit of said seminary, which might have been done by the trustees originally appointed to said seminary.

Sec. 3. Be it further enacted, That it shall be lawful for the citizens of Monticello to elect trustees for said town, on the first Saturday in February next, under the same rules and regulations as now prescribed by the various acts of Assembly, made and enacted for the election of trustees for said town.

Sec. 4. Be it further enacted, That when elected, agreeably to the provisions of the preceding section of this act, they shall be vested with all the power and authority that the trustees, heretofore, for said town, were vested with; and shall remain and act

as trustees, until the time fixed by law for the election of trustees for said town.

Sec. 5. Be it further enacted, That James Terill, James M'Call, John A. Moore, Mason C. Miller, and John B. Dysart, be, and are hereby appointed trustees to the Rockcastle seminary; and that they have full power and authority to dispose of the seminary lands belonging to said seminary. 187

An ACT to incorporate the Russellville Female Academy.

Approved, November 17, 1831

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That James Wilson, William Loving, Samuel Wilson, Walter Jones, John Breathitt, Ephraim W. Ewing, Daniel Caldwell, Spencer Curd, John M. Shirley, William Owens, M. B. Morton, Thomas S. Slaughter, William L. Sands, Richard Bibb Junior, Samuel Poindexter, Augustine Byrne, F. R. Browning, W. E. Warren, and Thomas W. Stockdale, shall be, and they are hereby constituted a body politic and corporate, to be known by the name of "the trustees of the Russellville Female Academy," and by that name, shall have perpetual succession and a common seal, with the power to change the same at pleasure.

Sec. 2. Be it further enacted, That said academy shall be located in the town of Russellville, and said trustees shall hold their sessions in said town; the first session to be held at such time and place as any three of said trustees may designate.

Sec. 3. The said trustees shall, at their first session, or at any subsequent session they may choose, elect a president of

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said board, and such other officers as they may think proper, and seven members shall be sufficient to constitute a board for the transaction of all business relating to such academy, except to alienate, sell or convey any lands, tenements or rents which may belong to the same, which shall require the concurrence of a majority of the whole number.

Sec. 4. The said trustees or their successors, by the name aforesaid, shall be capable, in law, to purchase, receive and hold, to them and their successors, for the use and benefit of said academy, any lands, tenements, rents, goods and chattels which shall be given or devised to, or purchased by them, for the use aforesaid.

Sec. 5. The said trustees, by the name aforesaid, may sue and be sued, plead and be impleaded, in any court of law or equity in this state, and may, from time to time, establish such by-laws, rules and ordinances for the government of said institution, or appertaining to the same, which they may deem necessary, not contrary to the constitution and laws of this Commonwealth; and upon the death, resignation or removal of any of the trustees, president or other officer of said academy, the board of trustees shall supply the vacancy by ballot.

Sec. 6. The said trustees may elect a president, professors or other tutors for said institution, who shall be subject to the direction and control of said board, and continue in office during good behavior.

Sec. 7. The president of said board shall, at all times, have power to call a board of said trustees, and when requested by the president of said institution, or by any three members of said
board, it shall be his duty to call a meeting of the same.\textsuperscript{188}

An ACT to authorize the trustees of Pikeville to sell the Seminary lands of Pike county, and for other purposes.

Approved, November 26, 1831

Section 1. \textit{Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the county court of Pike county, at their next May term, (a majority of all the justices of the peace of said county being present, and a majority of said court concurring therein,) may, by their order, direct the trustees of the town of Pikeville to sell the seminary lands belonging to said county, on such credit as the court, by their order, may direct, taking bond with sufficient security from the purchaser or purchasers, having first advertised the time and place of sale, in three of the most public places in said county, at least one month before sale.}

Sec. 2. \textit{Be it further enacted, That it shall be the duty of the attorney for the county court, at the request of any one of the trustees aforesaid, to prosecute a suit or suits, (as the case may require,) attend to the collection of the money, to pay the same, when collected, to the trustees aforesaid, to be applied by them to the purchase of a suitable piece of ground, to be selected by a majority of said trustees, and the building of a seminary in said town.}

Sec. 3. \textit{Be it further enacted, That the act to amend an act "regulating the appropriation of fines and forfeitures, so far as regards the counties of Christian, Madison, Russell, and Estill,"}

\textsuperscript{188} Ibid., pp. 16-17.
approved, December thirtieth, 1830, be, and the same is hereby repealed, so far as it regards the county of Estill.

Sec. 4. Be it further enacted, That all fines now collected and uncollected, or that may be hereafter assessed in the county of Estill, shall be paid over to the commissioners appointed to erect the Estill seminary, who shall appropriate the same in the building thereof.

Sec. 5. Be it further enacted, That the county court of Estill shall have power, from time to time, to fill any vacancy that may happen in the building commissioners now appointed, under the provisions of an act "to appoint commissioners to settle with the trustees of the Estill seminary lands and for other purposes," approved, January thirteenth, 1831.

Sec. 6. Be it further enacted, That the commissioners shall have power to sell and convey all lands belonging to said seminary. An ACT authorizing the sale of the Mountsterling seminary, and lot, and for other purposes.

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Thomas Hoffman, William Chiles, Thomas Call, R. Thompson Smith, and Daniel Greer, be, and they are hereby appointed trustees of the Mountsterling seminary; and the said trustees of said seminary, shall have power to fill any vacancy that may occur in said board.

Sec. 2. Be it further enacted, That the said board of trustees, (a majority of them concurring therein,) are hereby authorized and empowered to sell and convey the lot of ground, and appurtenances,

189. Ibid., pp. 41-42.
in the town of Mountsterling, belonging to said seminary, upon such terms and conditions as they, in their judgment may deem most beneficial to said seminary; and the proceeds thereof to be applied to the purchase of a suitable site, with or without improvements, for the use and benefit of said seminary.

Sec. 3. Be it further enacted, That the said trustees shall, before they proceed to make sale of said property, enter into bond in the county court of Montgomery county, in the penalty of five hundred dollars, for the faithful disposition of the proceeds of said sale.

Sec. 4. Be it further enacted, That the said trustees, and their successors in office, shall have the control and management of said seminary, in all respects agreeably to the general law now in force regulating seminaries of learning in this Commonwealth. All laws coming within the purview of this act, shall be, and the same are hereby repealed. 190

An ACT establishing an Academy in the town of Brandenburg, in Meade county.

Approved, December 12, 1831

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That John Murray, Solomon Brandenburg, Gabriel Wathen, Richard T. Robertson, William Farleigh jr., Charles Stuart, and John S. Chapman, shall be, and are hereby constituted a body politic and corporate, to be known by the name of the "trustees of the Brandenburg Academy," and by that name, shall have perpetual succession, and a common seal, with power to change the same at pleasure; and as such, shall be authorized to exercise all powers

190. Ibid., p. 49.
and privileges that are enjoyed by trustees, visitors, or governors, of any college or university within this state.

Sec. 2. The said trustees, or a majority of them, shall hold their first stated session at the town of Brandenburg, in the county of Meade, on the first Monday in March, eighteen hundred and thirty-two; and they, or a majority of them, shall then, or as soon as they think proper, fix upon a place for a permanent seat for said academy, and proceed to erect buildings thereon; and until suitable buildings and regulations are made at such place, they may commence and proceed in the institution, at any other place they shall judge proper.

Sec. 3. The said trustees, or their successors, by the name aforesaid, shall be capable in law, to purchase, receive, and hold, to them and their successors, for the use and benefit of said seminary, any lands, tenements, rents, goods, and chattels, of what kind soever, which shall be given or devised to, or purchased by them, for the use of said seminary.

Sec. 4. The said trustees, by the name aforesaid, may sue or be sued, plead or be impleaded, in any court of law in this state.

Sec. 5. The said trustees shall hold two stated sessions in each year, at such time and place as they shall judge proper; and in case a sufficient number of members do not attend to constitute a board, those who do attend may adjourn to any other day, previous to their next stated meeting; and shall give ten days' previous notice thereof. But not any thing in this section, shall be so construed, as to prevent the said trustees from holding meetings, when a majority of them may deem it necessary.
Sec. 6. The trustees shall have power, from time to time, to establish such by-laws and ordinances, not contrary to the constitution or laws of this Commonwealth, as they shall deem necessary, for the government of the said academy. 191

An ACT to amend the law relative to the Woodford Academy.

WHEREAS, it is represented to the present General Assembly, that large subscriptions have been made by the citizens of Versailles, and its vicinity, for the purpose of erecting buildings, &c. for the Woodford academy, provided the same is placed under the superintendence of persons elected by them: and whereas, also, the former trustees of the said academy are desirous to further the wishes of the subscribers, have resigned their station as trustees, and David Thornton, John R. M'Farland, Bernard Giltner, John Mitchum, Herman Bowmar, and John W. Coleman, have been elected by the subscribers aforesaid, to supply the places of the trustees who have resigned: Wherefore,

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the said David Thornton, John R. M'Farland, Bernard Giltner, John Mitchum, Herman Bowmar, and John W. Coleman, be, and they are hereby constituted a body corporate and politic, and shall be called and known by the name of "the trustees of the Woodford academy;" and that they shall be, and are hereby vested with all the rights, privileges, and authority, of the former trustees of the Woodford academy; subject, however, to the limitations and restrictions hereinafter mentioned.

191. Ibid., pp. 97-98.
Sec. 2. Be it further enacted, That the said trustees, or a majority of them, shall have full power and authority, from time to time, when vacancies may have happened, by the death, resignation, or otherwise, of any of the trustees, to fill the vacancy by electing others: Provided, in so doing, the trustees so elected, be of the same denomination of christians, as was the person whose vacancy he is elected to fill, in case such person was a member of any sect of christians; but if he was no member of a christian sect, his vacancy may be filled by the election of any person belonging to no christian sect or denomination.

Sec. 3. Be it further enacted, That the aforesaid trustees, or their successors, shall have full power and authority to demand, sue for, and receive, all sums which may have been, or which may hereafter be, subscribed for the use and benefit of the said academy; and may apply the same in such way, as to them, or a majority of them, may seem most for the benefit of the academy. They shall be vested with the legal title to all estate, real or personal, whether in possession or action, that belonged to the former trustees, and was held by them for the use of the academy; and that they may maintain any action for the recovery of any thing that may be owing to the said academy, and receive conveyances for any real estate that may have been contracted for by the former trustees, or by any other person, for the use of the academy; and they shall have full power to carry into execution any contract which may have been made by the former trustees. 192

192. Ibid., pp. 101-102.
An ACT for the benefit of Transylvania University.

Approved, December 22, 1831

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for the acting executor of the late colonel James Morrison deceased, to pass to the trustees of Transylvania University, the residue of the estate of the said Morison, remaining in his hands unadministered, and not conveyed, without requiring of the said trustees, any bond or security, to indemnify the said executor against outstanding debts, that may come against the estate, or against contingent devises that may become payable under the will of said Morrison.

Sec. 2. Be it further enacted, That said executor shall not be held guilty of a devastavit of the said estate, by reason of his paying or conveying the same to the trustees of Transylvania University; nor shall he be, thereafter, responsible in any wise, to the contingent or conditional devisees of the said Morrison, or to creditors; but in all such cases, the creditors and others, shall and may proceed, by appropriate suit or action, to recover what they may be respectively entitled to, out of the estate aforesaid, of and from the trustees of Transylvania University, in their corporate capacity.

Sec. 3. Be it further enacted, That the fund or estate thus acquired by the trustees of Transylvania University, or any part thereof, may be by them so appropriated as to perpetuate the same, in the event that it should be destroyed,

Sec. 4. Be it further enacted, That hereafter, the trustees of Transylvania University shall not be liable to constables or other officers, for their fees, in any prosecution carried on in
an ACT for the endowment of a Seminary of learning in the town of Brandenburg, in Meade county, and for other purposes.  

Approved, December 23, 1831  

Be it enacted by the General Assembly of the Commonwealth of Kentucky, that there shall be granted to the Brandenburg academy, six thousand acres of land; and the trustees of said academy, for the time being, are hereby authorized and empowered, by themselves or agents, within two years from the passage of this act, to cause to be surveyed the quantity of lands hereby allowed to said academy, on any vacant and unappropriated land within this state, on the east side of the Tennessee river, each survey not to contain less than one hundred acres; and shall, moreover, cause a plat and certificate of each survey, to be returned to the surveyor's office of this state; and the register, without any fee, shall issue grants as in other cases: and the lands so patented, shall be vested in the trustees of said academy, and their successors, forever; and the lands shall be free from taxes, so long as they shall remain the property of said academy.

Sec. 2. Be it further enacted, That the said trustees shall have power, from time to time, to fill any vacancies which may happen in their own body.

An ACT for the benefit of the Boone Academy.  

Approved, January 2, 1833  

WHEREAS, it is represented to this General Assembly, that in the act appointing Richard Collins, Erastus Rowzee, Edward S.  

193. Ibid., pp. 161-162.  
Armstrong, Churchill Gaines, Nathaniel E. Hawes, Willis Calvert
and James M. Preston, trustees of the academy established by law
in Boone county, the said academy is erroneously called "the
Burlington Academy," instead of "the Boone Academy," by which
latter name it is designated and called in the act establishing
said academy: and in said first named act said trustees are ap-
pointed as trustees of the Burlington Academy, when the academy
established in said county is not known by that name, but by the
name of the Boone Academy. Therefore,

Section 1. Be it enacted by the General Assembly of the
Commonwealth of Kentucky, That said above named persons are now
trustees of the Boone Academy, and invested with all the powers
of the original board of trustees: and they are hereby declared
to have heretofore been the trustees of said academy, notwith-
standing said mistake in calling them trustees of the Burlington
Academy, in first named act: and all acts which they have done
as trustees of said Boone Academy, are declared as good and valid
as if said mistake had never been made.

Sec. 2. Be it further enacted, That all fines assessed and
adjudged heretofore, against any person or persons in the county
of Boone, for any breach of the peace, riot, rout or unlawful
assembly, or for any misdemeanor or offense against the penal
laws of this commonwealth, committed in said county, shall be
appropriated to the benefit of said Boone Academy, and shall be
paid over to the treasurer of the said board of trustees of said
academy, by the justice of the peace, constable, sheriff, or
deputy sheriff, who may hereafter collect the same, within thirty
days after any such fine may be collected by any such officer:
and all such fines shall be subject to the order and control, at all times, of the trustees of said Boone Academy.

Sec. 3. And be it further enacted, That in case any such officer shall fail to pay over to said treasurer any such sum or fines by him collected, within said thirty days, that the trustees of said academy in their corporate name, at any time within two years thereafter, move against him, if a constable, before a justice of the peace in and for the county in which said constable lives, and if a sheriff or his deputy, before the circuit court held in the county in which said sheriff or his deputy lives, and if a justice of the peace, before some other justice of the peace in his county, and recover judgments in such motions against any such officer for the amount collected, with ten per cent. interest thereon from the time of collection till paid: which judgment, or any execution thereon, shall not be replevied, and shall be so endorsed by said justice of the peace or the clerk of said court: Provided, That said trustees shall give every such officer ten days notice, in writing, of any such motion.

Sec. 4. And be it further enacted, That it shall be the duty of the justices of the peace for Boone county to report the fines assessed and adjudged before them respectively, as now directed by law, and under the same penalty, to the county court of said county, at the court of claims annually; and all acts or parts of acts contrary to any thing herein contained are hereby repealed.195

195. Acts Passed at the First Session of the Forty-First General Assembly for the Commonwealth of Kentucky (Frankfort, Albert G. Hodges, 1833), pp. 33-34.
An ACT to authorize the Trustees of the Newport Seminary to sell their donation lands, and for other purposes.

Approved, January 14, 1833

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for the trustees of the Newport Seminary, in the county of Campbell, to sell and convey all or such part of the lands belonging to said seminary as, in their discretion, may be considered expedient, and to apply the proceeds of such sale to such purposes connected with said institution as a majority of said trustees may think proper.

Sec. 2. Be it further enacted, That said trustees, or a majority of them, shall have power to constitute and appoint an agent or attorney in fact, to sell and convey the lands aforesaid, and to compromise with any person or persons who may be residents thereon.

Sec. 3. Be it further enacted, That the fines and forfeitures hereafter accruing in the county of Campbell shall be appropriated to the use and benefit of said seminary; and it shall be the duty of the sheriff, constables, justices of the peace, and other officers in said county, to pay over all fines which may come to their hands to the treasurer of the board of trustees for said seminary; and it shall also be the duty of the sheriff, justices of the peace, constables, and coroner of said county, severally, to make out and return under oath, to the county court of Campbell county, at the May term of said court in each year, a list of fines by them, and each of them received, and from whom, and pay the same over to the treasurer of said trustees: and in default thereof, it shall be the duty of the county attorney to proceed against such delinquent sheriff, constable, justice of the peace, or coroner, and their respective securities, by motion in the county
court of Campbell county in the name of the treasurer of said board of trustees: and the court may thereupon render judgment against such delinquent officer and his securities, for such sum as may appear to have been received and not paid over, with costs and ten per cent. damages, and award execution therefor. 196

An ACT to explain the law concerning the Stanford Academy.

Approved, January 16, 1833

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the first and second sections of an act, entitled, "an act to provide for the appointment of trustees to the Stanford and Rockcastle Seminaries, and for other purposes," shall, to all intents and purposes, apply to the Stanford Academy as fully as if the Stanford Academy had been expressly named in said act. 197

An ACT for the benefit of the Barboursville Seminary, in Knox county.

Approved, January 16, 1833

Whereas, it is represented to the present General Assembly that there is, and has been for the last two years, a free school in the town of Barboursville; that a seminary has been erected and the school maintained by voluntary donations; that the children of the poor, who are unable to contribute, have received the advantages of education in common with those of the wealthiest. Therefore,

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the fines and forfeitures of Knox county be and the same are hereby appropriated to aid and assist in the maintenance of said school.

196. Ibid., pp. 70-71.

197. Ibid., p. 72.
Sec. 2. Be it further enacted, That the present trustees of said school, to-wit: William Hopper, James Love, Richardson Adams, Evan Jones, Hugh Hale, Gill Eve, Joseph Eve and Henry Tuggle, shall have power, a majority of those in commission being present, to direct the appropriation of the money due said school, whether by fines, forfeitures, subscriptions or otherwise, to the use of said school, and to make all regulations necessary for its well government, and to fill all vacancies which happen in their own body, subject to removal upon the petition of two thirds of the subscribers, whose votes shall be proportioned to the sums they prescribe.

Sec. 3. Be it further enacted, That the trustees aforesaid, and their successors in office, shall have power, in their corporate name of the trustees of the Bardcouverville Seminary, to sue, on motion, for any debt coming to said school, or be sued or motioned against for any debt contracted in their corporate capacity, due from said school according to the laws now in force in similar cases.

Sec. 4. Be it further enacted, That the magistrates and clerks in said county shall, whenever called on by the trustees aforesaid, or their authorized agent, furnish, upon oath, a written statement of all fines and forfeitures inflicted before them or in their court, stating therein into whose hands they are lodged for collection.198

An ACT for the benefit of St. Joseph’s College, at Bardstown.

Approved, January 16, 1833

Be it enacted by the General Assembly of the Commonwealth of

198. Ibid., pp. 73-74.
Kentucky, That the students of St. Joseph's College be, and they are hereby, authorized to organize themselves into a separate independent militia company, by the name and style of the Union Cadets, and have the right to choose their officers: Provided, however, that they shall attend the regimental and battalion musters, as heretofore required of other independent companies, and remain subject to the same rules and regulations on parade.¹⁹⁹

An ACT to amend the laws concerning Transylvania University.

Approved, January 25, 1833

Whereas, by an act of the General Assembly, passed the ______ day of __________, a duty was levied upon sales at auction, for the benefit of Transylvania University; and by that act the proceeds or revenue arising from such sales is directed to be wholly expended in the purchase of law books; and it is deemed just and proper that the fund shall be placed in the hands of the trustees, to be applied as other funds are, in the purchase of books and apparatus.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That all funds arising from the sales at auction, in the City of Lexington, shall be paid over by the auctioneers to the trustees, or their agent, and be by them applied to the purchase of Law books, and such other books, or maps, charts and apparatus as the library of said institution may require.²⁰⁰

An ACT to appoint trustees to the Washington Academy.

Approved, January 25, 1833

Be it enacted by the General Assembly of the Commonwealth of

¹⁹⁹. Ibid., p. 74.

²⁰⁰. Ibid., p. 103.
Kentucky. That Edward B. Gaither, Elias Davidson, William B. Booker, John Hughes, Jr., John W. Cooke, Hugh McElroy, John B. Smith and John W. Bainbridge, shall be and are hereby constituted and appointed a board of trustees to the Washington Academy, who shall be vested with all the powers, authorities, privileges, immunities and advantages as are given by law to the former board of trustees, to said Academy; and that "an act for the benefit of the Washington Academy," approved January thefourteenth, eighteen hundred and thirty-one, shall be and the same is hereby repealed; and all former laws in relation to said Academy repealed by said act are hereby revived.201

An ACT appointing Trustees to the Glasgow Academy.

Approved, January 25, 1833

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of an act, entitled, "An act establishing an Academy in the county of Barren," approved December, eighteen hundred and nine, as appoints certain individuals trustees of said academy, be, and the same is repealed.

Sec. 2. Be it further enacted, That George W. Trabue, James Murrell, Sylvanus M. Bagby, Walter Bagby, Benedict B. Crump, George Rogers and Franklin Gorin, shall be, and are hereby constituted a body politic and corporate, to be known by the name of the trustees of the Glasgow Academy: and shall have and possess all the powers and privileges which were conferred, by the aforesaid recited act, upon the persons named in the first section of the said recited act.202

201. Ibid., pp. 103-104.

202. Ibid., p. 115.
An ACT to incorporate the Greenwich Academy.

Approved, January 31, 1833

Whereas, it is represented that Robert Wicliffe is willing and desirous to donate, for the use of a school, in the county of Bourbon, a piece of land adjoining to some lands contracted for by the citizens of its neighborhood, on which a private school hath been erected, and the persons so desirous that the Legislature shall grant an act of incorporation, so that the property acquired may be applied to the purposes intended by the donors: Therefore,

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That John Pryor, Robert Wilmot, Ezekiel Thurston, John Ardry, Joseph Hushman, Daniel McIntire, William Scott, John R. Thornton and Robert Wicliffe, and their successors in office, shall be, and are hereby, constituted a body of trustees for said academy, with full power and authority to have, receive, take and enjoy property, real and personal, not exceeding at any one time, in value fifty thousand dollars, to be forever by them used for the purposes of education and pious uses only, with full power to erect suitable buildings, and to purchase books and other necessary articles to promote the interests of said academy; to employ teachers and all necessary servants and agents, and the same to remove or dismiss at pleasure; and to receive and take, by deeds or otherwise, all such lands or other estate as they may purchase, or which shall be donated to them; and to do and perform all such necessary and needful act or acts as the interest of the academy may require; and by the name and style of the Greenwich Academy may sue and be sued, defend and be defended, in all courts, and transact all their business, either using a common seal or the individual seals of the trustees; and for the
purpose of affording uninterrupted access to the school lands at all times, it shall and may be lawful for the trustees of said academy to open a way from the road leading from R. Wickliffe's farm to the Limestone road, near Ardry's, to the Maysville and Lexington turnpike road, any width not exceeding thirty feet: beginning at the common corner of said Wickliffe and Jacob Jacoby and pursuing the lines of said Wickliffe and Jacoby to the line of James McDowell, and then along the line of said McDowell and Jacoby to the turnpike road; and if the owners will not agree to make the said road a public highway, it shall be the duty of said trustees to apply to the county court of Bourbon for a writ of ad quod damnum, to have the damages to any dissenting owner assessed, and after payment of, or tendering the damages by the trustees, it shall be the duty of said court to establish the way as a public road in said county, to be kept open and in repair by said trustees, and in all other respects to be subjected to the laws relating to highways in said county.

Sec. 2. Be it further enacted, That a majority of trustees in office shall be sufficient to transact the business of said Academy, and when a vacancy shall happen in said board, by any cause whatever, to fill all vacancies in their board.

Sec. 3. Be it further enacted, That if the owners, over which the road is proposed to pass, shall assent to the same under their hands, such assent shall be by the trustees recorded in the county court of Bourbon, and the same, when recorded, shall be full authority to the said county court to establish the road as a public highway, without summoning the owners or awarding a writ of ad quod damnum.203

203. Ibid., pp. 164-165.
An ACT authorizing the Trustees of the Kentucky Baptist Education Society to emancipate a Slave.

Approved, January 31, 1833

Whereas, it is represented to the present General Assembly, that Isachar Pawling, deceased, late of Mercer county, by various conveyances, in his lifetime, and also by his last will and testament, made large donations to the trustees of the Kentucky Baptist Education Society, in trust, for the use of a college to be established under their superintendence: And whereas, it is further represented by said trustees, that among the estate devised to them by the said Pawling there is a certain slave named Spencer, who was the attending servant of said Pawling for many years, and whom said Pawling desired and intended to emancipate, as a reward for his faithful obedience of, and attention to, his master in his old age; but that by some omission the intention of said Pawling was never carried into effect: Wherefore,

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the trustees of the Kentucky Baptist Education Society, to enter upon the records of their proceedings an order emancipating said slave; and upon a copy of said order being produced by any one of said trustees, in the Mercer county court, it shall be lawful for said county court to receive said copy as a deed of emancipation, and proceed thereon in every respect as upon an ordinary deed of emancipation acknowledged in court by the owner of a slave.

Sec. 2. Be it further enacted, That any one member of said board of trustees shall be competent to execute and acknowledge in said court, on behalf of said trustees, any bond which may be required by the court to prevent said Spencer from becoming a
charge to the state or county.

Sec. 3. Be it further enacted, That the proceedings herein authorized, when executed, shall entitle the said Spencer to his freedom, in the same manner and under the same conditions as other emancipated slaves who have been manumitted by their owners. 204

An ACT to incorporate the Crittenden School, in the county of Franklin, and the New Providence School, in the county of Mercer.

Approved, February 1, 1833

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Landen Sneed, James Milam, John Sheets, Thompson Taylor and Samuel B. Crockett be, and they are hereby, appointed and constituted a body corporate, to be known and designated by the name and style of the Trustees of the Crittenden School, in the county of Franklin, with power to supply, by the election of others, any vacancies that may occur in their body, by death, removal or resignation, so as to keep up a perpetual succession; and by their corporate name, as aforesaid, to sue and be sued.

Sec. 2. Be it further enacted, That it shall and may be lawful for the said trustees, and their successors in office, and they are hereby invested with full power and authority, in their corporate capacity, to purchase or receive, by donation, and to hold the title of a tract of land, not exceeding two acres of ground, on which the said school house now stands, and to hold the same to themselves and their successors in office, for the use, benefit and purpose of said school; and to make and ordain by-laws, for the government of the school, not inconsistent with the constitution

204. Ibid., pp. 169-170.
and laws of the Commonwealth.

Sec. 3. Be it further enacted, That Peter R. Dunn, Abraham McMordie, Jacob Sharpe, Garnett Brown and Lany Holman, Esq., trustees of New Providence, and their successors in office, be, and they are hereby constituted and appointed a body corporate, to be known and designated by the name and style of the Trustees of New Providence School, in the county of Mercer, within the school district as laid off by the surveyor of said county; and by said name and style to have perpetual succession, according to said rules and regulations as may be made from time to time, providing for their election and the supplying of any vacancies which may happen, from death or otherwise; and by their corporate name to sue and be sued, and to make such by-laws and regulations, for the government of said school, as may be necessary, not inconsistent with the laws and constitution of this state.

Sec. 4. Be it further enacted, That it shall and may be lawful for said trustees, and their successors in office, and they are hereby invested with full power and authority, in their corporate capacity, to purchase, or receive by donation, and hold the title of the lot of ground on which said school-house stands, and any additional number of acres adjoining thereto, and including the well of water adjacent, not exceeding eight acres in the whole; and the same to hold, as trustees aforesaid, and their successors in office, for the use and benefit of said school and meeting-house, thereto belonging, known by the name of "New Providence."

Sec. 5. Be it further enacted, That the trustees of the aforesaid schools shall each appoint a clerk, who shall keep a regular record of all their proceedings; and they are hereby vested with
full power to procure a suitable library, for the use of said schools respectively, and to hold the same, in their corporate capacity; and also to make such rules and regulations, for the preservation thereof, as may be necessary. 205

An ACT appropriating a portion of the vacant lands in the district of country, near the Tennessee River, for the purpose of Education.

Approved, January 30, 1834

Whereas, most or all the counties of this Commonwealth, except the counties west of the Tennessee river, and the county of Hancock, have had to them appropriated by acts of the General Assembly, the quantity of six thousand acres of land, each, for the endowment of certain academies and seminaries of learning, and it being but just and reasonable, that the said counties, west of the Tennessee river, and the said county of Hancock, should receive an equal and equivalent appropriation of land, to be applied by said counties: Wherefore,

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the following quantities of vacant and unappropriated land, in the district of country west of the Tennessee river, shall be, and the same is hereby appropriated to the several counties for the endowment of seminaries of learning, viz: to the county of Calloway, six thousand acres, to the county of Hickman, six thousand acres, to the county of Graves, six thousand acres, to the county of McCracken, six thousand acres, and to the county of Hancock, six thousand acres.

Sec. 2. Be it further enacted, That each of the county courts

205. Ibid., pp. 235-236.
of said counties, shall, at such time as they may think proper, appoint two or more commissioners, any one of whom may act, after first being duly sworn, who shall proceed to select and locate the said lands, above appropriated; which land, when selected, shall be entered with the receiver of public money for said district, who shall give certificates therefor as in other cases, free from the payment of the state prices; upon which certificates, the Register shall issue patents to the justices of the said county courts respectively, for their respective portions of land, vesting the same in said justices and their successors in office, in trust for the use and benefit of their respective seminaries of learning; and the rents and profits arising therefrom to be applied to the use thereof; and the said commissioners shall be entitled to and receive such compensation for their services, as the said county courts in their discretion may think proper to allow, to be paid out of the county levy of the county for which they shall be appointed: Provided, however, That no land improved by any actual settler, in said district, shall be located or entered with the receiver, by virtue of this act. 206.

An ACT to repeal an act, approved January the fourteenth, 1833, entitled, an act to authorize the Newport Seminary to sell their donation lands, and for other purposes.

Approved, February 4, 1834

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an act, entitled, an act to authorize the trustees of the Newport Seminary to sell their donation lands, and for other purposes, approved January the fourteenth, 1833, be,

and the same is hereby repealed.

Sec. 2. Be it further enacted, That the fines and forfeitures hereafter accruing in the county of Campbell shall be appropriated to the use and benefit of the poor-house of said county, and for the purpose of supporting and maintaining the poor of said county; and it shall be the duty of the sheriffs, constables and justices of the peace, and all other officers of said county, who may collect or receive any of the fines or forfeitures hereafter accruing in said county, to pay over the same to the keeper or superintendent of said poor-house; and it shall also be the duty of the sheriffs, justices of the peace, constables, and other officers of said county severally, to make out and return under oath, to the county court of Campbell, at the May and November terms of said court in each year, a list of fines by them and each of them received, and from whom, and the same pay over to the said keeper or superintendent of the poor-house of said county: and in default thereof, it shall be the duty of the county attorney to proceed against delinquent officers, sheriffs, constables, justices of the peace, and other officers, and their respective securities, by motion in the county court of Campbell, in the name of the keeper or superintendent of said poor-house for the time being: and the court may thereupon render judgment against said delinquent officer and his securities, for such sum as may appear to have been received and not paid over, with costs and ten per cent. damages, and award execution therefor.

Sec. 3. Be it further enacted, That it shall be the duty of the Campbell county court, at the November term of each year, and from time to time as the same may be necessary, to appoint a
suitable person as keeper or superintendent of the poor-house of
said county, who shall enter into a bond, in the penalty of one
thousand dollars, payable to the justices of said court, and their
successors, conditioned for the faithful performance of the duties
of keeper or superintendent of the poor-house of Campbell county,
and that he will well and truly appropriate, pay over, and account
for, according to the order of said court, all such sum or sums of
money as he may receive as such keeper or superintendent; and that
he will, when required by said court, render a true and correct
account of the receipts and disbursements of all sums of money
which may have come to his hands as such keeper and superintendent. 207

An ACT to incorporate the Bowlinggreen Female Academy,

Section 1. Be it enacted by the General Assembly of the
Commonwealth of Kentucky, That Asher W. Graham, Thomas Quigley,
Henry Grider, James Maxey, Henry Shanks, Joseph R. Underwood,
John Marshall, M. W. Henry and James R. Skiles, and their suc-
cessors in office, shall be, and are hereby constituted a body
corporate, to be known and designated by the name and style of
"The Trustees of the Bowlinggreen Female Academy."

Sec. 2. The corporation by the name aforesaid, may sue and
be sued, defend or be defended, in all courts in this Commonwealth,
or elsewhere.

Sec. 3. The corporation shall have power to acquire and hold
by purchase or devise, all such lands, tenements and hereditaments,
money and property, as the trustees thereof may from time to time

207. Ibid., pp. 394-395.
think proper to purchase, or such as may be given, or devised, or bequeathed to the said corporation; and the same and all real and personal property owned by them, to dispose of by bargain and sale, or by any other mode of alienation, at pleasure.

Sec. 4. All the estate, property, money and funds belonging to the corporation, exclusively for the use and benefit of the teachers and female scholars or pupils; who may be instructed from time to time in the Academy, to the exclusion of male scholars or pupils; that is, the estate, property, money and funds of the corporation shall be used in such manner as the trustees may think fit, in paying such salaries to teachers and superintendents, in the different departments of the Academy, whether their duties be literary or otherwise, as the trustees may stipulate, or allow, and in the support, either partial or total, of such indigent female scholars, as the trustees may consider objects of charity, and who may be admitted free of charge; and in the construction of such building, whether houses for teachers, recitation rooms, refectories, dormitories and their appendages, as may be needful for the comfort and accommodation of the teachers, pupils, and all others who may be employed in aiding the objects of the institution, and in supplying the Academy with apparatus, and a library, according to the provision of the fifth section.

Sec. 5. It shall be lawful for the trustees, out of the estate, property, money and funds of the corporation, to purchase for the use of the Academy, a complete philosophical apparatus, and all such instruments and tools, globes, maps and charts, as may be necessary or useful, in communicating or facilitating instruction in any science or art, and likewise a library.
Sec. 6. A majority of the trustees remaining in office, shall fill all vacancies which may happen by the death, resignation or removal of any trustee. Removal from the county of Warren, shall be a forfeiture of office as trustee. Refusal or failure to attend the meetings of the board of trustees, when notified by the President to do so, for one year, shall forfeit the office of the delinquent, and a majority of the trustees remaining in office, may proceed to fill the vacancy. The site of the Academy shall be within the limits of the town of Bowlinggreen.

Sec. 7. The concurrence of any five of the trustees shall be sufficient to transact any business of the corporation. Five may therefore constitute a board.

Sec. 8. It shall not be necessary for the said corporation to procure a common seal. All its corporate acts shall be manifested and made known by the signature and name of the President of the board of trustees of the Bowlinggreen Female Academy affixed to the document, contract or writing executed; or by some entry, minute or memorandum made on the records of the proceedings of the corporation. And all contracts, deeds, writings and conveyances made and entered into, in the name of the corporation, and signed by the President in his official capacity, in manner aforesaid, shall be as good and effectual in law, for the purposes designed by them, as if the corporation had a common seal, and the same was affixed in due form to the said contract, deed, writing or conveyance.

Sec. 9. The trustees of the corporation shall keep a regular record of their proceedings, which shall be signed on each adjournment, by their President. The trustees shall have power to appoint
a Treasurer and Secretary, and to make all needful rules, regulations and by-laws for the government of the Academy, its teachers, superintendents, pupils and servants, which may be compatible with the laws and constitution of this state.

Sec. 10. The persons herein named as trustees, shall meet at such time and place in Bowlinggreen, as they, or a majority of them may designate, in the month of March or April next, and proceed to organize their board, by the election of a President, the appointment of other officers, and the adoption of such by-laws, as they may deem proper. They may then provide for future meetings of the board as they think proper.

Sec. 11. And whereas, it is represented to the General Assembly, that the members of the Presbyterian Church in Bowlinggreen, and the citizens of said town, have united in building a house, the basement story of which is designed for the use of the Female Academy hereby incorporated, and the upper part designed for the use of the Church: Therefore — Be it further enacted, by the authority aforesaid, That it shall be lawful for the corporation hereby created, in connection with the elders, trustees or officers of the said Presbyterian Church, to receive the title to the ground on which the said building is now partially erected, and to have the rights and privileges of said Church and Academy specified and enumerated in the deed of conveyance, according to the articles of subscription and association entered into upon the subject, which, being done, the said specification and enumeration of rights and privileges shall stand as a perpetual memorial in favor of the members of said Church and Academy, and shall be considered as obligatory on the said corporation, and binding it
in all time to come, to allow the said Church and its members the free use and enjoyment of the property, according to their rights so specified. And whereas, according to the articles of subscription and association, the trustees of the Academy are not to use the lot and buildings designed for the use of both the Church and Academy, in certain ways therein mentioned, so as to create an annoyance to the Church: Therefore - **Be it further enacted**, that it shall be lawful in the deed of conveyance executed, vesting the title in the corporation, and the elders, trustees or officers of the aforesaid Church, to insert each and every restriction mentioned in the articles of association, and the same shall be obligatory on the party intended to be restricted and limited thereby, and shall be observed as a perpetual covenant, and as such may be enforced by the appropriate remedy, upon the violating the same: **Provided**, that nothing herein contained, shall be construed to favor the opinion that the Bowlinggreen Female Academy is a sectarian institute; or that the aforesaid Church or Academy, are otherwise than entirely distinct institutions. 208

An ACT for the benefit of the London Seminary, in Laurel County.

Approved, February 8, 1834

Whereas, it is represented to the General Assembly of the Commonwealth of Kentucky, that there has been for the last year an attempt to keep up a free school, in the town of London, by individual subscription, and that the means of keeping up a school upon such principle in said town, are too limited -

Section 1. **Be it enacted by the General Assembly of the**

Commonwealth of Kentucky. That the fines and forfeitures of Laurel county be, and the same are hereby appropriated to aid in the maintenance of said school.

Sec. 2. Be it further enacted, That the present trustees of said seminary shall have power, a majority of those in commission being present, to direct the appropriation of the fines and forfeitures aforesaid, and to make any regulation for the well government of said school, and fill up vacancies that may happen in their body.

Sec. 3. Be it further enacted, That the magistrates and clerk in said county shall, whenever called on by the trustees aforesaid, or their authorized agent, furnish, upon oath, a written statement of all fines and forfeitures, inflicted before them or in their court, stating therein into whose hands they are lodged for collection; and any sheriff or constable, who shall collect any fines and forfeitures, inflicted or adjudged in said county, except militia fines, is hereby ordered and directed to pay over all such fines and forfeitures, with the exception aforesaid, to the trustees of said seminary, or their agent; and upon such sheriff or constable failing or refusing to pay over such fines or forfeitures, shall be liable to be proceeded against in the same manner, and shall be subject to the same penalties, which are provided against officers failing and refusing to pay money collected for individuals.

Sec. 4. Be it further enacted, That all fines and forfeitures, (militia fines excepted,) hereafter assessed in the county of Madison, under any law of this commonwealth, be, and the same are hereby appropriated to the improvement of the public roads in said county, to be collected and paid over in the same manner as now
directed by law, and to be appropriated to such road or roads as the county court of said county may direct, a majority of all the justices in commission being present.

Sec. 5. Be it further enacted, That hereafter all the fines and forfeitures assessed in Montgomery county, shall be appropriated to the use and benefit of the Mountsterling seminary.

An ACT to incorporate the Union School for Cumberland County, Kentucky.

Approved, February 10, 1834

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That William Wood, Jesse Noland, Allan Brock, Jesse Smith, and Otey T. Ragland, be, and they are hereby appointed and constituted a body corporate, to be known and designated by the name and style of the Trustees of the Union School in the County of Cumberland, with power to supply, by the election of others, any vacancy which may occur by death, resignation, or removal, so as to keep up a perpetual succession, and by their corporate name as aforesaid, to sue and be sued.

Sec. 2. Be it further enacted, That it shall and may be lawful for the said trustees and their successors in office, and they are hereby invested with full power and authority, in their corporate capacity, to receive title to five and one-eighth acres of land, donated by Ambrose S. Bramlette, Thomas Wood, and Jacob Billingsaleg, for the use of a school, on which the school house now stands; and to hold the same to themselves and their successors in office, for the use, benefit, and purpose of said

209i Ibid., pp. 425-426.
school; and to make and ordain by-laws for the government of said school, not inconsistent with the constitution and laws of this commonwealth: and the trustees of the aforesaid school shall appoint a clerk, whose duty it shall be to keep a regular record of all their proceedings.210

An ACT to appoint Trustees to the Union School in Caldwell County, to make them a corporate body, and for other purposes.

Approved, February 11, 1854

Whereas, it is represented, that certain persons are willing and desirous to donate, for the use of a school in the county of Caldwell, a certain tract of land, and the persons concerned are desirous that the Legislature should grant an act of incorporation, so that the property acquired may be applied to the purposes intended by the donors: Therefore,

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That John Miller, John Barnett, James Blue, Stephen Grove, and Alexander Adamson, and their successors in office, shall be, and they are hereby constituted a body of trustees for said school, with full power and authority to have, receive, take, and enjoy property, real and personal, to be by them forever used for the purposes of education, with full power to erect suitable buildings, and to purchase books and other necessary articles to promote the interest of said school; to employ teachers and all necessary agents, and the same to remove or dismiss at pleasure; and to receive and take, by deed, or otherwise, all such lands, or other things, which they may purchase, or which may

210. Ibid., p. 457.
be donated to them, and to do and perform all such necessary acts as the interest of said school may require to be done: and by the name and style of the Trustees of the Union School, may sue and be sued, defend and be defended, in all the courts, and transact all their business, using a common seal, or the individual seals of the trustees; and all their official acts shall be good and valid to all intents and purposes.

Sec. 2. Be it further enacted, That when either or any of the trustees herein named, shall die, resign, or remove from the county, their vacancy shall be supplied by an election of the trustees for the time being.

Sec. 3. Be it further enacted, That at no time shall the estate to be acquired by the trustees of the Caldwell school, exceed in annual value the sum of five thousand dollars.

Sec. 4. Be it further enacted, That the board of trustees of the Princeton Seminary shall hereafter consist of not more than seven, a majority of whom shall constitute a quorum to do business, and that Preston B. McGoodwin, Francis W. Ewry, William McGowen, William Waddington, and John O'Hara, be, and they are hereby appointed trustees of said institution; who shall have power to appoint two more, if they shall deem it necessary, and shall meet at Princeton on the first Mondays in March and September, in each and every year, and as much oftener as they may think necessary, a majority of whom shall have power to transact all business relative to the interest and benefit of the institution, and the disposition of the funds thereof.211

211. Ibid., pp. 464-465.
An ACT to incorporate the Blue Spring Seminary, in Barren County.

Approved, February 11, 1834

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That a seminary of learning be, and the same is hereby established in Barren county, in the Blue Spring Grove, to be called and known by the name of the "Blue Spring Seminary;" and that Drury Roberts, Burwell Lawless, James Jameson, Elias Smith, William W. Burks, and James G. Hardy, be, and they are hereby constituted a body politic and corporate, to be known by the name and style of the "Trustees of the Blue Spring Seminary;" and by that name shall have perpetual succession, and a common seal.

Sec. 2. Be it further enacted, That upon the death, resignation, or removal of any of said trustees or their successors, a majority of the remaining trustees shall have power to fill any such vacancy or vacancies; and the person or persons so appointed, shall possess the same powers and privileges as if named in this act; and by the name and style of the "Trustees of the Blue Spring Seminary," may sue and be sued, plead and be impleaded, in any court of law or equity.

Sec. 3. Be it further enacted, That the said trustees, and their successors, shall have power, and they are hereby authorized to purchase and receive the conveyance to a lot of ground in said Blue Spring Grove, upon which to erect said seminary, and to receive donations of money, lands, or other property, for the use and benefit of said seminary.

Sec. 4. Be it further enacted, That it shall be the duty of said trustees to assemble at least once in three months, or oftener if they think proper, and make such examination into the progress of the students and management of the general concerns of the
institution, as they may deem necessary.

Sec. 5. **Be it further enacted**, That a majority of the said trustees shall form a quorum to do business; that they shall have power, from time to time, to select a teacher or teachers, and to make and enact such rules and by-laws, for the government of said institution, as they may deem expedient, not contrary to the laws of this commonwealth. The power to repeal, alter, or modify this act, is reserved to the General Assembly.\(^{212}\)

An ACT to authorize the Trustees of the Hardin Seminary to sell lot No. 31, in the town of Elizabeth, and for other purposes.

Approved, February 14, 1834

Section 1. **Be it enacted by the General Assembly of the Commonwealth of Kentucky**, That the trustees of the Hardin county seminary, established in the town of Elizabeth, be, and they are hereby authorized to sell and dispose of lot No. 31, in the said town, and when disposed of, they are hereby authorized to make a deed to the purchaser or purchasers for the whole or any part thereof so sold.

Sec. 2. **Be it further enacted**, That when the said lot or any part thereof, may have been sold by the trustees aforesaid, the proceeds of the sales shall be applied to the use and benefit of said seminary, in such manner as the trustees thereof, in their discretion may deem advisable.

Sec. 3. **Be it further enacted**, That the trustees of the town of Elizabeth, be, and they are hereby invested with power and authority, to open or extend the alleys running in the direction

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they now run, near the said seminary, so far out as the town limits now extend, or may hereafter by law extend. 213

An ACT to incorporate the Walnut Hill Seminary, in Warren County.

Approved, February 22, 1834

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That James Byram, Rial Matlock, George O. Harris, James Hudspeth, and Levi Skaggs, be, and they are hereby constituted a body corporate and politic, and shall be called and known by the name of the "Trustees of the Walnut Hill Seminary."

Sec. 2. Be it further enacted, That the aforesaid trustees and their successors in office, shall have full power and authority to demand, sue for, and receive, all sums which may have been, or which may hereafter be subscribed for the use and benefit of the seminary; and may apply the same in such way as to them, or a majority of them, may seem most for the benefit of the seminary. They shall be vested with the legal right and title to all estate, real, personal, or mixed, which may be acquired; may sue and be sued as other like corporations, receive conveyances for any real estate that may have been contracted, or may be contracted for, or given to said seminary.

Sec. 3. Be it further enacted, That said trustees may pass by-laws for the regulation, good order and advantages of said seminary, and own and possess estate not exceeding ten thousand dollars. 214

213. Ibid., p. 479.
214. Ibid., p. 523.
An ACT to repeal an act, entitled, "an act for the benefit of the Boone Academy," approved, January 2, 1833.

Approved, February 22, 1834

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the second section of an act, entitled, "an act for the benefit of the Boone Academy," approved January the 24, 1833, be, and the same is hereby repealed.

Sec. 2. Be it further enacted, That the laws regulating the application of fines and forfeitures in the county of Boone, which existed at the passage of the above recited act, are hereby revived and declared to be in force from and after the passage of this act. 215

An ACT to amend an act, entitled, "an act to incorporate the Trustees of Augusta College," approved December 7, 1822.

Approved, February 24, 1834

Whereas, the trustees of the Bracken Academy have petitioned the present General Assembly of the Commonwealth of Kentucky, to place under the control and management of the trustees of the Augusta College, a fund of ten thousand dollars, belonging to said Bracken Academy - the proceeds of which, said trustees of Bracken Academy have pledged to the support of said college; and which pledge the General Assembly aforesaid, by an act, entitled, "an act to incorporate the Trustees of the Augusta College," approved, December 7, 1822, sanctioned and confirmed:

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for said trustees of the Bracken Academy, and they are hereby authorized and required to pay over to the treasurer of Augusta College, on

215. Ibid., p. 683.
demand of the said Augusta College, said fund of ten thousand dollars, with such interest thereon which may have accrued, and which shall not have heretofore been paid over, in accordance with said pledge; but if said fund does not, at the time of such demand, consist of money, but in evidences thereof, then said evidences shall be delivered over to said treasurer of Augusta College; and said trustees of Augusta College, shall be, and are hereby authorised, in their corporate name, to sue for and recover all such sum or sums of money, the evidences of which may be delivered their treasurer as aforesaid.

Sec. 2. Be it further enacted, That the trustees of the Bracken Academy shall, at the time of paying over said fund, or evidences thereof, to the treasurer of the Augusta College, or any part thereof, take his receipt for the same, and preserve it amongst the public papers belonging to said Bracken Academy.

Sec. 3. Be it further enacted, That if it shall so happen, that any part of said fund of ten thousand dollars, or interest due thereon, shall have been sued for before the demand aforesaid shall be made, then, and in that case, all such suit or suits shall be maintained and prosecuted to final judgment and execution, in all respects as if this act had not passed; and all the avails of suit suit or suits shall be, so soon as collected, paid over to the treasurer of said Augusta College, taking his receipt therefor, as aforesaid; and a copy of every receipt taken as aforesaid, shall be furnished the trustees of the Augusta College by the trustees of the Bracken Academy.

Sec. 4. Be it further enacted, That the said fund shall there- after be managed and controlled by the trustees of the Augusta College,
and the proceeds thereof faithfully applied, as in and by the act passed the seventh December aforesaid, directed.

Sec. 5. And be it further enacted, That if it shall hereafter so happen, that the Augusta College shall altogether cease in its operation, or the charter thereof shall be forfeited, then, and in that case, the said trustees of the Augusta College shall refund to the trustees of the Bracken Academy said fund of ten thousand dollars, or such part thereof as shall have been paid over to the treasurer of said college, with the interest that shall have accrued thereon after said forfeiture, or said college shall cease in its operations. 216

An ACT for the benefit of Spencer and Laurel Counties.

Approved, February 24, 1834

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That there is hereby appropriated to the counties of Spencer and Laurel, six thousand acres of land each, in the district west of the Tennessee river, for the endowment of their seminaries of learning; and it shall and may be lawful for the county courts of said counties to appoint each a commissioner, to be paid out of their respective county levies, to select the said land out of any unappropriated land in said district, when selections shall be made by sections, half or quarter sections, agreeable to existing surveys; and shall be entered with the receiver of said district, who shall certify the same to the register of the land office, who shall issue patents therefor; and which shall vest the said lands in the justices of the said county courts, and their successors in

216. Ibid., pp. 729-730.
office; and the rents and profits of the same shall be by them applied to the purposes of education, and no other. 217

An ACT to incorporate the Theological Seminary and the Protestant Episcopal Church in the State of Kentucky.

Approved, February 24, 1834

Whereas, it has been represented to the General Assembly of the Commonwealth of Kentucky, that there is a seminary of learning at Lexington for the purpose of educating young men for the ministry of the gospel, sustained by members of the Protestant Episcopal Church, and open to all classes of persons whatsoever; and whereas, it is the interest of the state to encourage the education of young men in all the learned professions within its own borders:

Section 1. Be it therefore enacted by the General Assembly of the Commonwealth of Kentucky, That the said seminary of learning shall be denominated and known by the name of the Theological Seminary of the Protestant Episcopal Church in the State of Kentucky; that it shall be open for the instruction of citizens of every class, and that it shall be under the management of the Right Reverend B. B. Smith, Bishop of the Protestant Episcopal Church in the State of Kentucky - who shall be styled and known as the Rector of said seminary, and of the Rev. D. C. Page, the Rev. Amos Cleaver, the Rev. John A. Adams, A. K. Smedes, Esq., and John E. Cooke, M. D., who are hereby constituted the Trustees thereof. The said trustees and their successors, by the name of the Trustees of the Theological Seminary of the Episcopal Church in the State of Kentucky, shall be a body politic and incorporate, and as such forever exist.

217. Ibid., p. 733.
The said Rector shall be chairman of the board of trustees, and when in meeting, his power shall be equal to that of one of the trustees: being thus constituted, they or a majority thereof shall form a quorum, who are authorized to pass such ordinances and by-laws, by a majority concurring therein, as are not contrary to the constitution of the United States, that of this state or the laws thereof, for the use and benefit of said seminary. Provided, however, that if the said Rector, from any cause whatever, should not be present at a meeting of said trustees, which shall take place at least once a year, or oftener, if they think proper, the said trustees, or a majority thereof, may appoint a chairman pro tempore, who shall, for the time being, substitute the said Rector. The said trustees and rector shall keep a book or books, and enter therein their proceedings, which shall be open to the inspection of all concerned. The said trustees may have a seal, on which any device or inscription may be impressed which they shall think proper, and may alter or break the same at pleasure.

Sec. 2. Be it further enacted, That the said trustees thus constituted, shall be called and known by the name of the Trustees of the Theological Seminary of the Protestant Episcopal Church in the State of Kentucky; by that name may sue and be sued, implead and be impleaded, before any court of record, judges or justices of the peace, or body created by law, having jurisdiction of the subject matter about which the said suit or suits may be. The said trustees may receive any conveyance, gift, devise, or bequest; make any contract, buy, sell, convey, &c. in this their corporate capacity; and have the same power that bodies created by law have, consistent with the objects of this institution: Provided, That
the rents and proceeds acquired by this corporate body, shall at no time exceed the amount of five thousand dollars per annum. The said trustees shall hold their station for one year, and until their successors are appointed. The rector, once every year, shall nominate other trustees, or the same if he should think proper, to the Convention of the Clergy and Laity of the Protestant Episcopal Church in the State of Kentucky, who, if approved by convention, shall be the trustees for the year ensuing; and this power may be exercised by him every year thereafter, or by his successors or successors to the bishoprick; and in case of the removal, resignation, or death of either of the said trustees, his place may be supplied by an appointment made by the said bishop, or successor or successors, who may also become rectors of said seminary, and act and do as the said B. B. Smith is empowered by this act to do.

Sec. 3. Be it further enacted, That the lot of land on which said seminary is situated, and the buildings and other property thereon, shall be exempt from all state taxation whatsoever.

Sec. 4. Be it further enacted, That the said rector and trustees shall have power to constitute and appoint the necessary professors and teachers, to instruct the students of said seminary in all those branches of sacred learning usually taught in theological seminaries; which professors and teachers shall be capable of exercising such powers and authorities as said trustees shall delegate to them for the instruction of the students, and the wholesome and faithful government of said seminary: Provided, however, That it be reserved to the Legislature of this Commonwealth to withdraw the powers of incorporation from this institution, whenever they conceive the trusts and convidences abused that are herein reposed:
but as no funds have ever been given to this seminary by this Commonwealth, so none are to be taken away in the event of the withdrawal of the corporate capacity.

Sec. 5. It shall not be lawful for said theological seminary to establish any other branches of learning than that herein provided for; nor shall it be lawful for it, or for any other college, seminary, or university in this state, to constitute professorships, or establish any branch of learning, out of the county in which such seminary, college, or university may be located; and all such, so established, are to be taken and considered against law and void. 218

An ACT for the benefit of Transylvania University.

Approved, January 8, 1835

Whereas, it hath been represented to the present General Assembly, that to connect the grounds belonging to Transylvania University, in the city of Lexington, that so much of Second Street as passes between the lot on which Morrison College stands, and the lot on which the present and former buildings of Transylvania University were erected, should be closed and discontinued; and for the purpose that the trustees of said city hath given consent that the same shall be so closed, and that in pursuance of such agreement between the trustees of the University, and those of the city of Lexington, the trustees of Transylvania University have erected the Morrison College on their grounds, on the opposite side of said street from their other buildings, and have connected

218. Ibid., pp. 737-739.
their grounds by closing said street, so far as it runs through them; that doubts are entertained whether the trustees of the city had power to allow said street to be closed, without an act giving the consent of the legislature to the agreement between the trustees or agents of the University and those of the city of Lexington,

Be it therefore enacted by the General Assembly of the Commonwealth of Kentucky, That the agreement made as aforesaid, shall be good and valid, and that so much of said street as leads through or divides the grounds of Transylvania University, shall hereafter cease to be a highway in the city of Lexington; and that the trustees of Transylvania University shall, as to so much thereof, have the same power, rights and privileges, as they have by law over the adjacent grounds, belonging to the University.219

An ACT for the benefit of the Glasgow Academy.

Approved, January 13, 1835

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the fines and forfeitures of Barren county, which may have heretofore accrued, and which have not been disposed of by the county court of Barren, and those which may hereafter accrue, shall be paid over, by the several officers collecting the same, to the trustees of the Glasgow academy.

Sec. 2. Be it further enacted, That the books, charts, &c. which the Urania College is entitled to, now in the office of the secretary of state of this commonwealth, shall be delivered to the trustees of the Glasgow academy.220


220. Ibid., pp. 19-20.
An ACT to incorporate the Richmond Female Academy.

Approved, January 28, 1835

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That William McClanahan, James B. Walker, Squire Turner, Clifton Rodes, Howard Williams, Oliver C. Steel and Joseph Lees, shall be, and are hereby constituted a body politic and corporate, to be known by the name of the trustees of the Richmond Female Academy, and by that name shall have perpetual succession; and as a body corporate, shall be authorized to exercise all the powers and privileges that properly and necessarily pertain to them in that character; and on the death, resignation or other disqualification of any of the trustees aforesaid, or their successors, a majority of the remaining trustees shall fill such vacancy; and the person so appointed, shall be vested with the same power and authority as if specially named by this act, and by the name and style of the trustees of the Richmond Female Academy, may sue and implead, and be sued and impleaded in any court in law and equity, or before any tribunal, having cognizance of the same.

Sec. 2. Be it further enacted, That the said trustees and their successors, shall have power in their corporate capacity, to purchase or lease, or receive by donation, any lands, tenements, hereditaments, monies, rents, goods and chattels, and to hold the same by the name aforesaid, to them and their successors forever, for the use of said Academy; and to sell, alien or transfer, any such lands, goods and chattels, and apply the proceeds to the use and benefit thereof.

Sec. 3. Be it further enacted, That the person first named herein, or in his absence, or refusal to act, the next shall notify the time and place for the first meeting of the trustees, and on
the attendance of a majority thereof, they shall appoint a chairman and treasurer, who shall also act as clerk; and thereafter, the board may be called by the chairman or any two of the trustees. The said trustees shall have power to adjourn from day to day, to make and ordain such by-laws, rules and ordinances, as they may deem proper, not inconsistent with the laws of this commonwealth; provided, That a majority of all the trustees shall be necessary to constitute a quorum to do business.

Sec. 4. Be it further enacted, That a majority of said trustees shall have power to engage and employ a competent number of teachers to said Academy, to fix their salaries, as also the terms of tuition, and on the misconduct of any teacher or pupil, may expel or dismiss such teacher or pupil, from said Academy.

Sec. 5. Be it further enacted, That all the fines and forfeitures which have been assessed and not paid over, or which may hereafter be assessed for offenses committed in the town of Richmond, shall, when collected, be paid over to the treasurer of the board of trustees, of the Richmond Female Academy; and if any officer to whom process is delivered for the collection of any such fines or forfeitures, shall be guilty of any omission, neglect or failure of duty, for which he is now liable by law upon civil process, he and his securities, or any of them, shall be subject to the same proceedings and liabilities, as are provided for by law, for any such omission, neglect or failure upon process in civil cases; and all motions, actions, suits or warrants, instituted under this section, shall be carried on and prosecuted by the trustees of said Academy, for the time being, as relators in the name of
Sec. 6. Be it further enacted, That the number of trustees of the Madison Seminary, shall be, and they are hereby reduced to seven, and that Ezekiel H. Field, Daniel Breck, Curtis Field, Thompson Burnham, Joseph Turner, David Irvine and William C. Goodloe, be, and they are hereby appointed trustees of the Madison Seminary, with power to fill any vacancy which may occur in their board. 221

An ACT to repeal in part and amend in part an act to establish Seminaries of Learning in the counties of Monroe, Grant, Todd, Trigg, Ohio and Daviess, approved December 13th, 1830. Approved, January 29, 1835

Whereas, it is represented to the General Assembly that the trustees of the Monroe seminary, appointed by the above recited act, have failed to perform the duties assigned to them by said act: therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That William Butles, Rice Maxey, John G. Evans, Hiram K. Chism, Tubal E. Strange, William H. Wooten and Samuel Thomas, be, and they are hereby appointed trustees of said seminary, in the room of the former trustees, and shall possess all the powers with which said former trustees were invested by said act, and shall be subjected to the same restrictions contained therein. 222

An ACT to incorporate the Male and Female Academy of Lebanon, and the Female Academy of Glasgow. Approved, February 3, 1835

Section 1. Be it enacted by the General Assembly of the

221. Ibid., pp. 51-53.
222. Ibid., p. 65.
Commonwealth of Kentucky. That Samuel B. Robertson, Nicholas Ray, sen. Benjamin Edmonds, Robert H. Fogle, Samuel McIlroy, Foster Ray, Joseph Maxwell, Felix B. Grundy, Joseph P. Knot and R. H. Rowntree, and their successors, be, and the same are hereby constituted a body corporate, under the name and style of the trustees of the Lebanon male and female seminaries, with full power and authority to have perpetual succession, and a common seal, and in that name to sue and be sued, plead and be impleaded, to acquire any estate real, personal or mixed, by gift, purchase or otherwise, the same to hold, sell and convey to the only use, benefit and purpose of conducting and supporting said seminaries.

Sec. 2. Be it further enacted, That said trustees shall have power to appoint a chairman or president to their board, a treasurer, clerk, and all such officers and agents as they may deem necessary and proper, for the judicious management of the property and funds of the corporation. They shall have power to appoint a principal teacher, and such under and assistant teachers and professors, as they may, in their discretion, deem necessary.

Sec. 3. Be it further enacted, That said trustees shall have full power and authority, two thirds of the whole number concurring therein, to remove any president, professor, teacher or officer, from their station, and to supply their places by such other president, professor, officer or teacher, as they may see proper to choose; and they shall have full power to enact and make such by-laws and regulations as they may deem necessary in transacting said business, provided the same are not inconsistent with the constitution or laws of this commonwealth.

Sec. 4. Be it further enacted, That said trustees shall hold
their first session in the town of Lebanon, on the second Monday in March next, or as soon thereafter as may be; and they shall, in every year thereafter, hold two annual stated sessions, at such time and place as they may designate at their first meeting.

Sec. 5. Be it further enacted, That three members shall be sufficient to constitute a board for the transaction of business, in all cases, excepting those particularly named.

Sec. 6. Be it further enacted, That the president of the board of trustees shall have full power to call special meetings of the board; and it shall be his duty to do the same, upon the request of any three of them, on giving ten days previous notice of the time and place of meeting.

Sec. 7. Be it further enacted, That the assent of a majority of the whole number of trustees shall be necessary to perform the following business: To elect and fix the salary of the president, professors and teachers; to alienate, sell or convey any lands, tenements or rents belonging to the seminaries; or to appropriate any monies or property they may have for the benefit of the same.

Sec. 8. Be it further enacted, That upon the death, resignation or other disability of any one of the trustees, or if any of those appointed, shall refuse to act, their places may be filled by ballot, a majority of the members being present.

Sec. 9. Be it further enacted, That it shall not be necessary for the corporation to procure a common seal. All its corporate acts shall be manifested and made known by the signature and name of the president or chairman of the board of trustees of the Lebanon male and female academies, affixed to the document, contract or writing executed, or by some entry, minute or memorandum
made on the record of the proceedings of the corporation; and all contracts, deeds, writings and conveyances made and entered into, in the name of the corporation, and signed by the president in his official capacity, in manner aforesaid, shall be as good and effectual in law for the purpose designed by them, as if the corporation had a common seal, and the same was affixed in due form to the said contract, deed, writing or conveyance.

Sec. 10. Be it further enacted, That George W. Trabue, George Rodgers, Thomas Feland, Sylvanus M. Bagby, Franklin Gorin, Hayden T. Curd, James Murrell, Benjamin M. Crenshaw and Joel W. Depp, and their successors in office, shall be, and hereby constituted a body corporate, to be known and designated by the name and style of the trustees of the Glasgow female academy.

Sec. 11. Be it further enacted, That the corporation, by the name aforesaid, may sue and be sued, defend and be defended in all courts in this commonwealth, or elsewhere.

Sec. 12. Be it further enacted, That the corporation shall have power to acquire, and hold by purchase or devise, all such lands, tenements, hereditaments, money and property as the trustees thereof may, from time to time think proper to purchase, or such as may be given or devised, or bequeathed to the said corporation; and the same and all real and personal property owned by them, to dispose of by bargain and sale, or by any other mode of alienation at pleasure.

Sec. 13. Be it further enacted, That all estate, property, money and funds belonging to the corporation, shall be appropriated by the trustees thereof, exclusively for the use and benefit of the teachers and female scholars or pupils, who may be instructed
from time to time, in the academy, to the exclusion of male scholars or pupils; that is, the estate, property, money and funds of the corporation, shall be used in such manner as the trustees may think fit, in paying such salaries to teachers and superintendents, in the different departments of the academy, whether their duties be literary or otherwise, as the trustees may stipulate or allow; and in the support, either partial or total, of such indigent female scholars, as the trustees may consider objects of charity, and who may be admitted free of charge; and in the construction of such building, whether houses for teachers, recitation rooms, refectories, dormitories and their appendages, as may be needful for the comfort and accommodation of the teachers, pupils, and all others who may be employed in aiding the objects of the institution, and in supplying the academy with apparatus and a library according to the next section.

Sec. 14. Be it further enacted, That it shall be lawful for the trustees, out of the estate, property, money and funds of the corporation, to purchase for the use of the academy, a complete philosophical apparatus, and all such instruments and tools, globes, maps and charts as may be necessary or useful in communicating or facilitating instruction in any science or art, and likewise a library.

Sec. 15. Be it further enacted, That a majority of the trustees remaining in office, shall fill all vacancies which may happen by the death, resignation or removal of any trustee; removal from the county of Barren, shall be a forfeiture of office as trustee; refusal or failure to attend the meetings of the board of trustees, when notified by the president to do so, for one year, shall forfeit
the office of the delinquent and a majority of the trustees remaining in office, may proceed to fill the vacancy. The site of the academy shall be within the limits of the town of Glasgow.

Sec. 16. Be it further enacted, That the concurrence of any five of the trustees shall be sufficient to transact any business of the corporation. Five may therefore constitute a board.

Sec. 17. Be it further enacted, That it shall not be necessary for the corporation to procure a common seal. All its corporate acts may be manifested and made known by the signature and name of the president of the board of trustees of the Glasgow female academy, affixed to the document, contract or writing executed, or by some entry, minute or memorandum made on the records of the proceedings of the corporation. And all contracts, deeds, writings and conveyances made and entered into, in the name of the corporation, and signed by the president in his official capacity, in manner aforesaid, shall be as good and effectual in law, for the purposes designed by them, as if the corporation had a common seal, and the same was affixed in due form to the said contract, deed, writing or conveyance.

Sec. 18. Be it further enacted, That the trustees of the corporation shall keep a regular record of their proceedings, which shall be signed on each adjournment by their president. The trustees shall have power to appoint a treasurer and secretary, and make all needful rules, regulations and by-laws, for the government of the academy, teachers, superintendents, pupils and servants, which may be compatible with the laws and constitution of this state.

Sec. 19. Be it further enacted, That the persons herein named
as trustees, shall meet at such time and place in Glasgow, as they, or a majority of them, may designate, in the month of March or April next, and proceed to organize their board by the election of a president, the appointment of other officers, and the adoption of such by-laws as they may think proper. They may then provide for future meetings of the board, as they may think proper. 

An ACT to incorporate the Georgetown Female Academy.

Approved, February 3, 1835

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Job Stevenson, J. F. Robinson, R. M. Ewing, J. Jumpeleys, J. T. Johnson, M. Feris, William McDaniel, M. V. Thompson, B. B. Ford, Benjamin Smith, Henry Johnson, M. W. Dickey, A. Hooper, William Johnson, Willa Viley, Henry Haun, Walter Birch, Joel Johnston, Hiram Stevenson and James Clark, shall be, and they are hereby constituted a body politic and corporate, designated and to be known by the name of the Trustees of the Georgetown Female Academy, and by that name shall have perpetual succession, and a common seal, with power to alter or change the same at their pleasure.

Sec. 2. Be it further enacted, That the said Academy shall be located in the town of Georgetown, in Scott county, and the trustees shall hold their sessions in the said town, the first session to be held at such time and place as any three of the said trustees may designate.

Sec. 3. Be it further enacted, That the said trustees, or a majority of them, shall have power to elect a president of the said

223. Ibid., pp. 69-73.
board, and such other officers as shall, in their opinion, be
necessary or convenient to transact the business of the said body
corporate, and also an agent or agents to collect and obtain funds
and donations for the benefit of the said Academy. Not less than
members shall constitute a board to transact any business,
and members shall be necessary to form a quorum, or to
sell, alienate or convey any real estate, or rents of any real
estate, the property of said body corporate.

Sec. 4. Be it further enacted, That the said trustees or their
successors, by the name aforesaid, shall be capable, and they are
hereby empowered in law to purchase, receive and hold to them and
their successors, for the use and benefit of the said Academy, any
lands, tenements, rents, goods, chattels, books and philosophical
apparatus, which shall be purchased by them, given or devised to
them, for the use aforesaid.

Sec. 5. Be it further enacted, That said trustees, by the
name aforesaid, may sue and be sued, plead and be impleaded in any
court of law or equity in this state, and they may, from time to
time, make and establish such by-laws, rules, regulations and
ordinances, for the benefit and government of their institution,
or appertaining to the same, as they may deem necessary or ex-
pedient, but not contrary to the constitution or laws of this
commonwealth. And the board of trustees shall, by ballot, supply
the vacancy, which may occur in their own body, or in that of the
officers appointed by them, when by death, resignation, or removal,
any vacancy shall happen.

Sec. 6. Be it further enacted, That the faculty, tutors, matron,
and all officers of the said Academy, shall be elected by the board
of trustees, and shall be subject to the rules, &c. made and established by the said board, and shall continue in office during good behaviour. The president of the board of trustees shall, at any time, have power to call a meeting of said trustees to form a board, and when requested by the principal or president of the faculty, or by any three members of the board, it shall be his duty to call a meeting, and on his refusal or neglect so to do, any three members of the board may call a meeting, which call shall be imperative on all the members of the said board.

Sec. 7. Be it further enacted, That it is hereby expressly provided that no portion of the funds, which may be acquired by the said body corporate, by purchase, devise, legacy, gift or otherwise, nor any part of the profits, proceeds or interest of the property, real or personal, which may become the property of the said body corporate, for the use and benefit of the said Academy, shall be loaned to any member of the board, or in any manner, be so applied as to interest individually in the fiscal concerns of the board, any member thereof.224

An ACT to incorporate Van Doren's College for Young Ladies.

Whereas, Mr. Van Doren has procured a suitable building in the city of Lexington, Fayette county, Kentucky, and therein established an institution of the highest order, for the education of young ladies, and at his own private expense, has furnished the same with the necessary apparatus and appendages for conducting such an institution; and whereas, the said Van Doren purposes the

224. Ibid., pp. 77-78.
coming spring to open a teacher's department in the above institution, for the important object of qualifying female teachers for the west; and whereas, the founder of the above institution proposes to give it such a character and to leave it in such a situation, that it may have a continuance and perpetuity long after he is removed from the state of action; and whereas, the legislature are well satisfied of the great importance of correct and thorough female education, and of its most intimate connection with the intelligence, prosperity and virtue of any people; and whereas, the legislature consider it their duty to encourage all such laudable efforts in behalf of an advancement in female education, and the proper training up of female teachers for the alarming destitutions of the Mississippi valley: therefore,

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That J. Livingston Van Doren, Isaac Van Doren, L. H. Van Doren, George Robertson, F. L. Turner, J. E. Davis, John McCalla, A. K. Wooley, R. Curd, Benjamin Gratz, Charles Caldwell, Charles S. Short, L. P. Yandell, William A. Leavy, N. H. Hall, R. T. Davidson, John Lutz, S. V. Marahall, and Charles Wallace, shall be, and hereby are constituted a body corporate and politic, by the name of the President and Board of Examination and Visitation of Van Doren's College for Young Ladies, and by that name they shall have perpetual succession, and shall be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and suits whatever, and may have a common seal, with power to change or alter the same, from time to time, and shall be capable of purchasing, taking possession of, holding and enjoying
to them and their successors any real estate in fee simple or otherwise, and any goods, chattels and personal estate, and of selling, leasing or otherwise disposing of the said real or personal estate, or any part thereof, at their will and pleasure. Provided, however, that the funds of the said corporation shall be used for, and appropriated to, the objects contemplated in this act: And, provided also, that the clear annual income of such real and personal estate shall not exceed the sum of twenty thousand dollars.

Sec. 2. Be it further enacted, That the said board of examination and visitation shall, from time to time, forever hereafter, have power to determine the extent of the course of study and intellectual discipline to be adopted in said college, provided that it be so extensive as to confer upon young ladies who are qualifying themselves for instructresses; also, that the said board shall conduct the public examinations of the college, and determine the claims of the respective candidates for the honors of the institution, which shall be the following: 1. Mistress of Polite Literature - M. P. L.; 2. Mistress of Music - M. M.; 3. Mistress of Instruction - M. I. Also, that the said board shall be empowered to examine candidates for the offices of instructresses, and upon satisfactory evidence of such qualifications, shall present the candidates with a diploma to that effect; also, that the said board shall have power to confer the honors of this college on ladies, of distinguished literary attainments in any other part of the Union.

Sec. 3. Be it further enacted, That the president and vice president of the college shall be, ex officio, the president and vice president of the board of examination and visitation, and
shall preside in all their meetings.

Sec. 4. Be it further enacted, That the president and board shall have the power of filling all vacancies that may occur in the board, the appointment of all such new members having previously been made by the president; also that the officers of said college shall consist of a president, one vice president, two professors, and such other number of adjunct professors and assistants as the board may, from time to time, appoint or authorized the appointment of; also, that whenever any vacancy or vacancies may occur in the faculty of the college, such vacancy or vacancies may be filled by a quorum of the board.

Sec. 5. Be it further enacted, That the president and board of said college shall hold their annual meeting on the last Wednesday in September, or such other time as shall be hereafter otherwise determined by the president and the board; at which meeting, or all other special meetings of the board to be called by the president, at any time after the passing of this act, four members of the board shall constitute a quorum, provided, a written notice of such meeting, signed by the president, or by the vice president, shall be left at the dwelling house, or place of residence of each member, of the board, three days previous to such special meeting.

Sec. 6. Be it further enacted, That the board of examination and visitors shall have the power of purchasing the college and all its appurtenances, at any time agreed upon between themselves and the proprietor or proprietors of the college, and at such a valuation as may meet the views of both parties: Provided, The general assembly reserves to itself the power at any time to
modify or repeal this act. 225

An ACT for the benefit of the Hopkins and Union Academies.  

Approved, February 11, 1835

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the fines and forfeitures of Hopkins county, be, and the same are hereby appropriated to the use, and benefit of said Hopkins academy; and that the present trustees of said academy shall have power, a majority of those in commission being present, to direct the appropriation of the fines and forfeitures aforesaid.

Sec. 2. Be it further enacted, That the magistrates and clerk of said county shall, whenever called on by the trustees aforesaid, or their authorized agent, furnish, upon oath, a written statement of all the fines or forfeitures inflicted before them or their court, stating therein, into whose hands they are lodged for collection, and any sheriff or constable who shall collect any fines or forfeitures inflicted or adjudged in said county, except militia fines, is hereby ordered and directed to pay over the same, with the exception aforesaid, to the said trustees or their agent, and upon such sheriff or constable failing or refusing to pay over such fines and forfeitures, the same shall be liable to be proceeded against, in the same manner, and subject to the same penalties which are provided against officers failing and refusing to pay money collected for individuals.

Sec. 3. Be it further enacted, That the fines and forfeitures of the county of Union, be, and the same are hereby appropriated

225. Ibid., pp. 92-94.
to the use and benefit of the seminary of said county, and that
the trustees of said seminary shall have power, a majority being
present, and concurring therein, to appropriate the fines and
forfeitures aforesaid.

Sec. 4. Be it further enacted, That the magistrates and clerk
of said county, whenever called on by the trustees of said seminary,
or their agent, furnish, upon oath, a written statement of all the
fines or forfeitures inflicted before them, or their court, stating
therein into whose hands they have been placed for collection;
and any officer who shall collect any fines or forfeitures in said
county, except militia fines, is hereby directed and ordered to
pay over the same to said trustees or their agent, and upon such
officer failing or refusing to pay over such fines and forfeitures,
such officer so failing or refusing, shall be liable to be pro-
ceeded against in the same manner, and subject the same penalties,
as such officer would be subject or liable to, for failing or
refusing to pay over money collected for individuals.226

An ACT to authorize the erection of a School House in the Town of
Crab Orchard.

Approved, February 11, 1835

Section 1. Be it enacted by the General Assembly of the
Commonwealth of Kentucky, That the fines and forfeitures of the
county of Lincoln, hereafter assessed within the limits of the town
of Crab Orchard, be, and the same are hereby appropriated to aid
in building and completing a school house in said town, for the
use and benefit of the citizens of said town and neighborhood.

226. Ibid., pp. 104-105.
Sec. 2. Be it further enacted, That the present trustees of the town of Crab Orchard, and their successors in office, shall have full power, (a majority of those in office being present,) to direct the appropriation of the fines and forfeitures aforesaid, in building and completing such a school house, as in their opinion may be most advantageous for the public good. 227

An ACT incorporating the Green River Female Academy.

Approved, February 14, 1835

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Thomson M. Ewing, Whitmil Fort, William M. Linsdale, Thomas A. Anderson, Finis E. McLain, Ninian E. Gray and Francis M. Bristow, and their successors in office, shall be, and they are hereby constituted a body corporate, to be known and designated by the name and style of the Trustees of the Green River Female Academy. The corporation, by the name aforesaid, may sue and be sued, defend and be defended, in all courts in this commonwealth, or elsewhere.

Sec. 2. Be it further enacted, That the corporation shall have power to acquire and hold, by purchase, devise, or otherwise, all such lands, tenements and hereditaments, money and property, as the trustees thereof may, from time to time, think proper to purchase, or such as may be given or devised, or bequeathed to the said corporation; and the same, and all real and personal estate or property owned by them, to dispose of, by bargain and sale, or by any other mode of alienation, at pleasure.

Sec. 3. Be it further enacted, That the real and personal

227. Ibid., p. 112.
estate, business, property, funds and prudential concerns of said academy, and the administration of its affairs, shall be under the direction, management and control of a board of seven trustees, who shall be stockholders at the time of their election, and residents of this state, and citizens of the United States; they shall be elected annually on the first Monday in October, by the stockholders, at such time of the day, and at such place in the town of Elkton, in Todd county, Kentucky, as the trustees, for the time being, may prescribe; shall hold their offices for the term of one year, and until their successors shall be chosen: and notice of such election shall be published, in writing, at the court house door in Elkton, at least twenty days next preceding the same, and shall be by ballot and plurality of votes, to be counted after all the ballots are taken, by and under the inspection of the trustees.

Sec. 4. Be it further enacted, That, at every election and meeting of the stockholders held under the provisions of this charter, each and every stockholder shall be entitled to one vote for each and every twenty-five dollars he may own in stock in his own right, up to one hundred dollars, and for every fifty dollars over that sum, the stockholders shall, under the same circumstances, be entitled to one vote up to two hundred dollars. Any shareholder, not personally attending such election, or other regular meeting of the stockholders, and having a right to vote, may vote by proxy, such proxy being granted, in writing, to a stockholder actually attending the election or meeting.

Sec. 5. Be it further enacted, That if it shall so happen, that an election of trustees shall not be made on any day, when by this act it ought to have been made, the corporation shall not,
for that cause, be dissolved, but it shall be lawful for the trustees to cause an election on any other day, that may be designated by their by-laws. And the trustees may appoint a treasurer, clerk, and such other subordinate officers, as they may deem necessary, fix their compensation, define their powers, and prescribe their duties, and require of them such bonds, and in such penalties, and with such conditions and sureties as they shall deem right; any of said officers may be removed by the trustees, five of their number concurring therein, and stating the cause of their removal on the book of said trustees.

Sec. 6. Be it further enacted, That the board of trustees, four of whom shall form a quorum, may, from time to time, make such by-laws, rules and regulations for their own government, and for the management and superintendence of said academy, and all matters appertaining thereto, which they may judge expedient, not contrary to this charter.

Sec. 7. Be it further enacted, That the board of trustees shall have full power and authority, to enforce the collection of any subscription, which has been heretofore, or may hereafter be made to said academy, for its erection, completion, or any other purpose appertaining thereto, at such time, and in such proportions, as they may deem just and proper.

Sec. 8. Be it further enacted, That all the estate, money, property and funds of the corporation, shall be used in such manner as the trustees may think fit - in paying such salaries to teachers and superintendents in the different departments of the academy, whether their duties be literary or otherwise, as the trustees may stipulate or allow, and in the construction of such building or
buildings as may be needful for the comfort and accommodation of the teachers, pupils, and all others who may be employed in aiding the objects of the institution. A majority of the trustees, remaining in office, shall fill all the vacancies which may happen by the death, resignation or removal of any trustee; removal from the county of Todd shall be a forfeiture of office as trustee; refusal or failure to attend the meetings of the board of trustees, when notified by the president of the board to do so, for one year, shall forfeit the office of the delinquent, and a majority of the trustees, remaining in office, may proceed to fill the vacancy. The site of the academy shall be within the limits of the town of Elkton, or adjoining thereto.

Sec. 9. Be it further enacted, That the concurrence of any four of the trustees, shall be sufficient to transact any business of the corporation, with the exception herein contained; four may therefore constitute a board.

Sec. 10. Be it further enacted, That it shall not be necessary for said corporation to procure a common seal; all its corporate acts shall be manifested and made known by the signature and name of the President of the Board of Trustees of the Green River Female Academy, affixed to the document, contract or writing executed, or by some entry, minute or memorandum made on the records of the proceedings of the corporation; and all contracts, deeds, writings and conveyances, made and entered into, in the name of the corporation; and all contracts, deeds, writings and signed by the president in his official capacity, in manner aforesaid, shall be good and as effectual in law, for the purposes designed by them, as if the corporation had a common seal, and the same was affixed in due form.
to the said contract, deed, writing or conveyance.

Sec. 11. Be it further enacted, That the trustees of said corporation shall keep a regular record of their proceeding, which shall be signed, on each adjournment, by their president. 228

An ACT to dispose of the Seminary Building near Greenupsburg.

Approved, February 17, 1835

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the trustees of the Greenup county seminary be, and they are hereby authorized to sell the present seminary building and the two acres of ground upon which said building is located, which was purchased and set apart by the trustees of said seminary, for the erection of a suitable building thereon, for the seminary of the town of Greenupburg, which sale shall be made at twelve months' credit, the purchaser giving bond and approved security for the purchase money, with interest from this date: And be it further provided, That said trustees, when they collect the money, shall be, and they are (or a majority of them) hereby empowered to lay out said sum of money in the purchase of some suitable lot of ground in the town boundary of Greenupburg, with building thereon, if to be had, if not, then they, or a majority of them, are to lay out said money in the purchase of a suitable lot, and the erection of a suitable building thereon, so far as said sum of money may go towards the said purchase and the completion of said suitable building; and before said sale shall be made, said trustees, or a majority of them, shall advertise the same at the court house door, in the town of Greenupburg, on a court day, and at least four more

228. Ibid., pp. 117-119.
of the most public places in the county of Greenup at least one month before the said sale shall be made; and when said sale shall be made, said trustees, or a majority of them, are hereby authorized to make a conveyance of said house and lot of land to the purchaser, which deed shall vest in the purchaser all the right and title which the said trustees of the town of Greenup or the county of Greenup may have in and to said lot of land, with the appurtenances thereof belonging.229

An ACT to change the name of the Princeton Seminary, and increase the number of Trustees.

Approved, February 17, 1835

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the name of the Princeton Seminary be changed to that of the Caldwell Seminary, that the board of trustees of the Caldwell seminary shall hereafter consist of not more than nine, a majority of whom, shall constitute a quorum to do business, and that Preston B. M'Goodwin, Francis W. Ewry, William Wadlington, John O. Harra, Caleb C. Cobb, John W. Marshall, James N. Gracey and John Hallic, be, and they are hereby appointed, trustees of the Caldwell seminary; who shall have power to fill vacancies in the board, a majority of those in office, concurring, and shall meet at Princeton, or such other place agreed upon by them, on the first Mondays in April and October in each year, and as much oftener as they may think necessary, a majority of whom, shall have power to transact all business relative to the interest and benefit of the institution, and the disposition of the funds thereof.230

229, Ibid., pp. 149-150.
230. Ibid., p. 152.
An ACT authorising Hancock County Court to contract for the location of her Seminary Lands.

Approved, February 27, 1835

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for the county court of Hancock county to appoint one or more fit and proper persons to locate the lands appropriated to said county, by the provisions of an act, approved the thirtieth day of January, eighteen hundred and thirty-four, entitled, "an act appropriating a portion of the vacant lands in the district of country west of the Tennessee river, for the purposes of education."

Sec. 2. Be it further enacted, That it may and shall be lawful for the county court of Hancock county to give to the commissioner or commissioners, hereby authorized to be appointed, such portion of the lands which may be located by him or them, for the benefit of said county, as said court may deem just and reasonable.

Sec. 3. Be it further enacted, That for the purpose of enabling the county court to convey to the commissioner or commissioners, the lands which said court may allow him or them for locating the same, the county court of said county is hereby authorized to appoint some fit person to transfer the receiver's certificate to the commissioner or commissioners, for such portion of the land as may be allowed to said commissioner or commissioners for his or their services; and upon the certificates thus transferred, being deposited with the register of the land office, together with a copy of the order of the county court, authorizing such person to transfer said certificate, it shall be the duty of the register to issue patents thereon as in other cases.231

231. Ibid., pp. 247-248.
An ACT for the benefit of the Clay County Seminary.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for the trustees of the Clay county seminary, a majority of them concurring, to erect a building, for the use and benefit of said seminary, at any point they may designate, within four miles of Manchester, in Clay county, hereby repealing all acts and parts of acts, coming within the purview of this act. 232

An ACT for the benefit of the Laurel County Seminary.

Whereas, it is represented to the present General Assembly, that six thousand acres of land in the district west of the Tennessee river, was granted to the Laurel county court, the rents and profits of which was to be applied to the purposes of education, and no other; and whereas, it is represented that the rents and profits of said land cannot be of any advantage to said county, situated three hundred miles from it, without further legislation: Therefore,

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for the justices of said county, a majority being present and concurring therein, to sell any part or all of her seminary land, and apply the proceeds thereof to the purchase of a suitable situation for her seminary, and the building of a suitable house out of lasting materials, upon such plan as may be agreed upon by said court, within one half mile of the court house, in the town of London,

232. Ibid., p. 248.
and the balance, if any, to the purpose of education.

Sec. 2. Be it further enacted, That it shall and may be lawful for said county court to convey all its title to said land, by the assignment of the receiver's certificate, either by its own act in open court, or by the appointment of a commissioner to make such assignment, to any purchaser of said land; and upon the production to the register of the land office, the receiver's certificate thus duly assigned, it shall be his duty to issue patents thereon, in the name of such assignee or assignees.

Sec. 3. Be it further enacted, That if it shall hereafter appear, that the agent of said county court has located any portion of said land upon any prior claim, occupant or lake, it shall and may be lawful for the county court, or her assignee, to make another selection, upon the surrender of any such certificate to the receiver; in case of an occupant, to such occupant; upon the payment of the then state price to the county court or her assignee, at the option of the court or her assignee.

Sec. 4. Be it further enacted, That it shall and may be lawful for the aforesaid county court, to make her agent such allowance as she may think proper, to be paid out of the proceeds of the land. 233

An ACT for the benefit of the Green River Female Academy.

Approved, February 28, 1835

Whereas, it is represented to the present General Assembly, that the citizens of Todd county have subscribed two thousand dollars as stock, in shares of twenty-five dollars each, to be

233. Ibid., p. 281.
applied to the erection of suitable buildings for the Green River Female Academy, and it is proposed, that the profits of said institution, beyond what is necessary to defray the current expenses, shall be distributed as dividends in equal proportions among the owners of such stock; and it is represented that the sum aforesaid is not adequate for the purpose aforesaid, and whereas this general assembly is anxious to sustain every well directed effort to diffuse the benefits of popular education: therefore,

**Be it enacted by the General Assembly of the Commonwealth of Kentucky,** That whenever the president and board of trustees of the Green river female academy, shall present their certificate in writing, sworn to by the president of the board, to the auditor of public accounts, stating the fact that two thousand dollars of the stock subscribed for the erection and completion of said academy, is actually paid to said trustees, the auditor shall thereupon issue his warrant to the treasurer of the Commonwealth of Kentucky, in favor of said trustees, for the sum of five hundred dollars, which sum, on the conditions aforesaid, is hereby appropriated to the said academy; and the treasurer aforesaid shall charge the same to the literary fund of this commonwealth.234

An ACT to incorporate the Common School Society of Bardstown.

Approved, February 28, 1835

Section 1. **Be it enacted by the General Assembly of the Commonwealth of Kentucky,** That Thomas Speed, Benjamin Chappeze, Charles Loam, Rev. Mr. Elder, Nathan Rice, Samuel Carpenter, James M. Brown, Jacob Rizer, Jonathan Simpson, Gabriel E. Cox, Daniel S. Howell, Matthew Japen, Thomas P. Lynthacum, George W. Hite and

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William P. Duval, and their successors in office, are hereby enacted a body politic and corporate, by the style and name of the Bardstown Common School Society, and by that name and style, shall have a common seal, with power to alter and change the same at pleasure, and may sue and be sued, plead and be impleaded, in any court, or before any judicial tribunal in this commonwealth; and shall moreover have power and authority to take and hold by grant, gift or devise any estate, real and personal, to sell and convey the same for the purposes of establishing and conducting a free school within said town, for the education of such children as may at any time reside within the bounds of the district hereinafter described.

Sec. 2. Be it further enacted, That said commissioners and their successors in office, shall have power, a majority of them being present, to elect one of their own body as president, appoint a clerk, treasurer, assessor and collector annually.

Sec. 3. Be it further enacted, That said commissioners, and their successors in office, shall have power and authority annually to levy and collect upon the estate, real and personal, within the school district, liable to taxation, under the revenue laws of this state, and in the same manner, a sum not exceeding six hundred dollars, to be expended in the employment of a competent teacher or teachers for the instruction of children within said district, and to meet the other necessary expenses of the said school.

Sec. 4. Be it further enacted, They shall have power and authority to license auctioneers in said district, and shall be entitled to charge as a fee therefor, any sum not exceeding five dollars; and moreover, shall be authorized to levy and collect a
tax of one half of one per cent upon the amount of all sales at
public auction within said district, except the sales made by an
administrator or executor, or by virtue of a decree, execution or
order of court, or by virtue of any order or judgment before a
justice of the peace; and in order the better to secure the pay-
ment of said auction tax, for the use of said school, they shall
have power and authority to take from the auctioneer, bond and
good security, faithfully to collect and account for the said tax,
upon all sales made by him or them; which bond shall be made
payable to said commissioners and their successors in office, and
may be sued upon as other official bonds, and to enable the auc-
tioneer to perform his duty, he shall have a right to retain from
the proceeds of said sales, the said tax of one half per cent.

Sec. 5. Be it further enacted, That said corporation shall
have power and authority to make and prescribe all by-laws neces-
sary to execute the powers herein vested, which are not inconsistent
with the constitution and laws of the lands.

Sec. 6. Be it further enacted, That all fines and forfeitures
incurred and collected within said district, shall be paid by the
officer or officers collecting the same, to the treasurer of said
society for the purposes aforesaid.

Sec. 7. Be it further enacted, That said commissioners for
the time being, shall, at their stated annual meeting, (which shall
be on the first Monday in January in each year, unless otherwise
altered and fixed by a majority of said commissioners) appoint from
their own body, a committee of at least five members, who shall
act as trustees and visitors to said school for twelve months, and
until their successors shall be appointed. They shall decide upon
all applications for admission in said school, and upon all questions or complaints, touching the conduct of the teachers and pupils, and shall have power to suspend or expel a scholar for good cause, subject to appeal to the commissioners of said school; they shall make reports annually to the board of the condition of the school, the number of teachers and pupils, amount of expenditures, &c., so as to exhibit the ample operation of the said school. It shall be the duty of the commissioners to lay the said report before the legislature every year.

Sec. 8. Be it further enacted, The citizens of said district who are qualified voters, shall, upon the first Monday in May in each and every year, (unless some other day shall be fixed upon by the by-laws of said society,) at the court house in Bardstown, elect eleven commissioners for said school, who shall remain in office for twelve months, and until their successors shall be appointed; said elections shall be conducted under the authority of the judges, clerks and the sheriffs, who may be appointed in said county to conduct the general elections for said county at Bardstown; and in case of absence or the refusal to act, any one shall be appointed to act in his or their place, by the president of said board; and the said society shall pay to each of the judges, clerk and sheriff, one dollar for their services, and all the laws in force regulating the general elections in this state, shall govern and control the elections of said commissioners: Provided, no election shall take place until after this charter shall be accepted by the inhabitants in said district; and when the same shall have been accepted, it shall be the duty of the sheriff of the county to advertise the time of the first election, at the court house door, at least
ten days' previous to said election. It shall not be necessary to keep the polls open at any election, under this charter, more than one day.

Sec. 9. Be it further enacted, It shall be the duty of the said commissioners so elected, and all other officers of said society, before they enter upon the duties of their office, to take an oath before some justice of the peace faithfully and impartially to discharge the duties of their office to the best of their skill and ability.

Sec. 10. Be it further enacted, Whenever it shall be certified by the president and secretary of said board, that the sum of six hundred dollars has been levied and collected, or otherwise paid into the treasury of said society in any one year under the provisions of this charter, it shall be the duty of the governor of this state to issue his order to the auditor of public accounts, directing him to issue his order to the auditor of public accounts, directing him to issue his warrant in favor of the treasurer of said society, for the sum of two hundred dollars, to be paid out of the public treasury, out of any money not otherwise appropriated, to be charged to the school fund; which sum shall be applied to the purposes of said common school under the provisions of this charter.

Sec. 11. Be it further enacted, That if a sum less than six hundred dollars shall be paid into the treasury of the inhabitants within the district under this charter, and the same shall be certified to the governor as provided in the ninth section of this act, the governor shall, in like manner, issue his order upon the auditor for the payment out of the treasury, for one-third of whatever sum shall be certified as aforesaid, as having been
paid into the treasury of said society, to be expended as aforesaid.

Sec. 12. **Be it further enacted**, This act shall not be obligatory until the same shall be approved by a majority of all the free white citizens resident in or owning estate within said district liable to taxation under this law; and for the purpose of ascertaining that fact, it shall be the duty of the county court of Nelson, when applied to for that purpose, by a majority of the persons named in the first section of this act, to fix a day for the purpose of taking a vote upon the acceptance of this charter, and they shall at the same time appoint two of their own body and their sheriff to conduct the same, in the same manner that elections are now conducted by law, except it shall not be necessary to keep the polls open longer than one day.

Sec. 13. **Be it further enacted**, The said judges and sheriff shall certify the result to the county court, who shall enter, the same upon record, and if a majority of all the votes given shall be in favor of the acceptance, the court shall fix the day for the first election of eleven commissioners, under this act, and the person so elected, shall immediately proceed to organize the board and to the appointment of the officers of said society.

Sec. 14. **Be it further enacted**, The said commissioners, or a majority of them, shall have power and authority to appoint and dismiss at pleasure, the teachers and officers of said school, and to affix their compensation, and to prescribe for said school its code of laws.

Sec. 15. **Be it further enacted**, The boundaries of said district and the jurisdiction of said society shall extend to the limits and boundaries of the one thousand acres of land patented
to Bard and Owings, upon which Bardstown is situated, and known as the town pre-emption. The estate of any religious society shall not be taxed under this law, nor shall it be lawful to tax any real estate or buildings within said district devoted to public worship or to the purposes of education.

Sec. 16. Be it further enacted, That all white children under the age of twenty-one, and all apprentices resident within said bounds, shall, under the regulations of said school, be entitled to admission and instruction in said school, without fee or charge, to them, their parents, guardians or masters.

Sec. 17. Be it further enacted, The persons named in the first section of this act shall cause the same to be published at least six weeks, successively, in the Bardstown Herald before the day fixed on by the county court for the acceptance of this charter: Provided, The appropriation herein made shall not extend further than one year, unless the legislature shall hereafter otherwise direct.235

An ACT to amend an act entitled, "an act to incorporate the Georgetown Female Academy."

Approved, January 9, 1836

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the chairman and four members of the trustees of the Georgetown Female Academy, shall constitute a board to transact business; the chairman and six members shall be necessary to form a quorum to sell, alienate, or convey real estate, the property of

235. Ibid., pp. 403-407.
said body corporate.\textsuperscript{236}

An ACT for the benefit of Whitley Seminary of Learning.

\textit{Approved, January 29, 1836}

\textit{Be it enacted by the General Assembly of the Commonwealth of Kentucky,} That all the fines and forfeitures, now collected, or that may be hereafter collected, in the county of Whitley, shall be paid over to the commissioners, appointed by the Whitley county court, to establish and keep up said seminary.\textsuperscript{237}

An ACT to repeal the first section of an act, entitled "an act to amend an act, establishing a Female Academy in the town of Harrodsburg," and reviving the third section of the act thereby repealed.

\textit{Approved, February 9, 1836}

\textit{Be it enacted by the General Assembly of the Commonwealth of Kentucky,} That the first section of an act, to amend an act entitled an act establishing a female academy in the town of Harrodsburg, approved, January the twenty-ninth, one thousand eight hundred and twenty-nine, be, and the same is hereby repealed; and the said third section of the act to establish a female academy in the town of Harrodsburg, approved February the ninth, one thousand eight hundred and twenty-eight, is hereby revived, and declared to be in full force, and any law to the contrary notwithstanding.\textsuperscript{238}

An ACT to appropriate the fines and forfeitures of Green county to the New Athens Academy.

\textit{Approved, February 11, 1836}

Section 1. \textit{Be it enacted by the General Assembly of the}

\textsuperscript{236} \textit{Acts Passed at the First Session of the Forty-Fourth General Assembly for the Commonwealth of Kentucky (Frankfort, J. H. Holeman, 1836)}, p. 21.

\textsuperscript{237} \textit{Ibid.}, p. 70.

\textsuperscript{238} \textit{Ibid.}, p. 99.
Commonwealth of Kentucky. That from and after the first day of March next, all the fines and forfeitures which shall be imposed, or accruing, within the county of Green, that are now directed by law to be applied to the lessening of the county levy, shall be for the benefit of the New Athens academy, in the town of Greensburg, for the term of five years, but no longer.

Sec. 2. Be it further enacted, That the collecting officers in said county, shall make payment of the fines and forfeitures aforesaid, to the clerk of the county court of said county, annually, as now provided by law; and said clerk shall pay over the same to the treasurer of the board of trustees of said academy; and upon his failing, or refusing to pay the same when required, he shall be liable to pay the same from time to time, together with twenty per cent thereon, and costs, upon motion before the circuit court of his county, in the name of the treasurer of said academy, after giving to said clerk three days previous notice thereof, in writing.

Sec. 3. Be it further enacted, That any judgment recovered against any such clerk, for fines and forfeitures received, as aforesaid, shall not be stayed by replevin; but any execution issuing thereon shall be endorsed, no security of any kind to be taken.

An ACT to appropriate a sum of money to build a Seminary of learning in Brandenburg.

Approved, February 17, 1836

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the sum of one thousand dollars be, and the same is hereby appropriated, in lieu of the six thousand

239. Ibid., pp. 125-126.
acres of land appropriated to the county of Meade, by the act approved twenty-third December, one thousand eight hundred and thirty-one, (which six thousand acres the said county did not, nor can she now obtain, owing to the act of the legislature, appropriating the public lands to the purpose of internal improvements,) to the erection and construction of a seminary of learning in the town of Brandenburg, in the county of Meade.

Sec. 2. Be it further enacted, That George Calhoun, H. G. Daviess, Patrick W. Thompkins, and William Farleigh, be, and they are hereby appointed commissioners to superintend the erection and construction of said seminary of learning, and that they be invested with full power to make any contract to effectuate that end.

Sec. 3. Be it further enacted, That the auditor of public accounts be, and he is hereby authorized to issue his warrant upon the treasurer of the state, for the sum named in the first section of this act, upon the application of either of said commissioners named in the second section of this act.

Sec. 4. Be it further enacted, That upon the presentation of said warrant to the treasurer, he shall pay off and discharge the same out of such moneys as may not have been otherwise appropriated.

Sec. 5. Be it further enacted, That the commissioners hereby appointed, be, and they are hereby authorized to erect said seminary of learning at such point in the town of Brandenburg, as their wisdom and discretion may direct. 240

An ACT to incorporate the Russellville Male Academy.

Approved, February 17, 1836

240. Ibid., pp. 165-166.
Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Ephraim M. Ewing, Thomas S. Slaughter, William I. Morton, John B. Bibb. M. B. Morton, S. W. Atkinson, Thomas Grubbs, William Morton, Richard Bibb, and James W. Irwin, be, and they are hereby constituted a body corporate, under the name and style of the Russellville male academy, with full power and authority to have perpetual succession, and a common seal, and in that name to sue and be sued, plead and be impleaded, to acquire any estate, real, personal, or mixed, by gift, purchase, or otherwise, the same to hold, sell, and convey to the only use, benefit, and purpose of conducting and supporting said academy.

Sec. 2. Be it further enacted, That the title to the masonic hall, in the town of Russellville, lately purchased by the subscription of shares, in the form of stock, for a male academy, be, by the consent of the stockholders, or a majority of them, vested in the said trustees, and their successors, to be rented out, and used by them as a male academy, and the residence of a teacher, as well as other purposes; and the said trustees shall, annually, on the first Monday of January, collect the rents, and after defraying the expenses to time, shall pay the residue of the rents, and after defraying the expenses, shall pay the residue of the rents to the shareholders of said house and premises.

Sec. 3. Be it further enacted, That the real and personal estate, business, property, funds, and prudential concerns, of said academy, and the administration of its affairs, shall be under the direction, management, and control of ten trustees, who shall be stockholders at the time of their election. They shall be elected by the stockholders annually on the first Monday in
January, in the year 1837, and annually on the first Monday in January, each successive year thereafter; and the trustees named in the first section of this act, shall discharge the duties of trustees, until others shall be elected, and those in office shall continue to act as such, from time to time, until their successors shall be duly elected. The elections shall be held at the academy, and shall be by ballot and a plurality of votes, to be counted after all the ballots are taken, by, and under the inspection of the trustees, and each stockholder shall be entitled to one vote for every share of twenty-five dollars, he or she may own stock, in said academy, in his or her own right. Shareholders having a right to vote by proxy, and proxy being granted in writing, to a stockholder attending the election, or meeting of stockholders.

Sec. 4. Be it enacted, That if it shall so happen that an election of trustees shall not take place on any day designated in this act, the corporation shall not, for that cause be dissolved, but it shall be lawful for the trustees, or stockholders to cause an election to be held on any other day; but when an election shall take place on any other day than the one fixed in this act, notice of the time and place of holding the same, over the signature of at least one trustee or stockholder, published in the paper, then published in the town of Russellville, if any, if not, set up on the door of the court house in said town, shall be given.

Sec. 5. Be it further enacted, That said trustees may appoint a treasurer, clerk, and other subordinate officers, from their own body, or out of it, if they choose, fix their compensation, define
their powers, and prescribe their duties, and require of them such bonds, with such penalties, and with such conditions as they may deem right; and any of said officers may be removed by said trustees, five at least concurring therein, and stating the cause of their removal on the books of said trustees.

Sec. 6. Be it further enacted, That the trustees shall have power to employ a principal professor, and such assistant professors as they may deem necessary, and may remove the same at pleasure, a majority of all the trustees concurring therein, and may fill any vacancy in their own board, and may appoint a president thereof.

Sec. 7. Be it further enacted, That the said trustees, a majority of whom shall constitute a quorum to do business, may, from time to time, make such by-laws, rules and regulations, for their own government, and for the management, and superintendence of said academy, and all matters appertaining thereto, which they may judge expedient, not inconsistent with this charter.

Sec. 8. Be it further enacted, That if any trustee shall remove from the county of Logan, or shall fall to attend the board at its meetings, three times in succession, without a satisfactory excuse, it shall be a forfeiture of his office, and the vacancy shall be filled by the choice of another in his place, by the said trustees. An said trustees, at all times in the management of said institution, in the election of teachers, the renting the house, management of the funds of said institution, and in all other matters appertaining to the management superintendence, and direction of said institution, shall be governed by the advice and consent of the stockholders, or a majority of
whenever said stockholders shall undertake to give advice, or express their wishes by regular meeting and resolution; each shareholder being allowed, in all such meetings, as well as on all other occasions when said stockholders shall act, to give one vote for each share he may hold in said institution, and to vote by proxy, as above directed.

Sec. 9. Be it further enacted, That it shall not be necessary for said corporation to procure a common seal, all its corporate acts may be manifested and made known by the signature of the president of the board of trustees of the Russellville male academy, affixed to the document, contract, deed, or writing executed, or by some entry, minute, or memorandum made on the records of the proceedings of the corporation, and all contracts, deeds, writings and conveyances, made and entered into, in the name of the corporation, and signed by the president in his official capacity, in manner aforesaid, shall be as good and effectual in law for the purposes designed by them, as if the said corporation had a common seal, and the same was duly affixed, to any of said instruments.

Sec. 10. Be it further enacted, That the trustees of said corporation shall keep a regular record of their proceedings, which shall be signed on each adjournment, by their president, or president pro tem., in case of his absence.

Sec. 11. Be it further enacted, That it shall be lawful for the trustees out of any funds of said corporation, subject to be disposed of, to purchase for the use of the academy, a philosophical apparatus, and all such instruments and tools, globes, maps, and charts, as may be useful in facilitating instruction in any science
or art taught in said institution, and likewise a library.

Sec. 12. Be it further enacted, That the shares of said stockholders shall be, and the same is hereby made assignable, by transfer in writing, and the assignee shall be invested with all the powers, rights and privileges of the original holder, so soon as the said trustees shall have notice of said assignment. 241

An ACT for the benefit of the Russellville Male Academy.

Approved, February 25, 1836

Whereas, it is represented to the present general assembly, that the funds which were set apart for a seminary of learning, in the county of Logan, in common with other counties of the state, were appropriated by said county, in the purchase of a lot and the erection of a large and commodious building, and said building, by casualty, or by the hand of some unknown incendiary, has been burnt down, and entirely consumed: And whereas, the citizens of Russellville, with a laudable zeal in support of the case of education, have subscribed two thousand dollars as stock, in shares of twenty-five dollars each to be applied in the purchase of the Masonic Hall, a large and commodious building, to be used as a male academy: And whereas, the said citizens are desirous, by additional subscriptions, to raise the funds to purchase some grounds adjoining, as an outlet or yard to said academy, and also, to purchase globes and philosophical apparatus, for the benefit of said school, as essential to its well being and prosperity, and this general assembly is anxious to aid every well directed effort on the part of individuals, to diffuse the benefits of popular education:

Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That whenever the president of the board of trustees of the Russellville male academy, shall present his certificate in writing, with his affidavit, sworn to before a justice of the peace, that he is the president of said board, and that two thousand dollars, subscribed in shares as stock, has been paid, or secured to be paid, to the satisfaction of the proprietor of said Hall, to the auditor of public accounts, the auditor shall, thereupon, issue his warrant to the treasurer of this commonwealth, in favor of said trustees, for the sum of five hundred dollars, which sum, on the conditions aforesaid, is hereby appropriated to said academy, and the treasurer aforesaid, shall charge the same to the literary fund of this commonwealth. 242

An ACT to establish the College of Physicians of the city of Lexington.

Approved, February 25, 1836

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That to promote the cause of medical science and to encourage order and harmony in the ranks of the medical profession, the following members of the profession in the city of Lexington and county of Fayette, viz: Charles Caldwell, William H. Richardson, Lunsford P. Yandell, John C. Richardson, Caleb W. Cloud, Thomas P. Satterwhite, David Bell, Joseph G. Chinn, Samuel M. Letcher, William W. Whitney, William Pawling, John T. Lewis, S. B. Richardson, Robert C. Holland, Thomas B. Pinckard, Loyd Warfield, Samuel Theobold, Benjamin W. Dudley, John E. Cooke and Charles C. Short and their associates and successors, shall be,
and are hereby incorporated and constituted a body politic, with perpetual succession, by the name and style of the College of Physicians and Surgeons of the city of Lexington, and county of Fayette; and that name may acquire, hold and enjoy, all such real and personal estate as may be necessary and proper for the use and accommodation of said college, and the same may sell and convey at pleasure; Provided, That the annual income of all such real and personal estate, shall not exceed the sum of ten thousand dollars. They may also contract and be contracted with, sue and be sued, plead and be impleaded with, in their corporate name, and may have and use a common seal, and change, alter, and renew the same at pleasure.

Sec. 2. The officers of said college shall consist of a president, vice president, four censors, a secretary and treasurer; but the said college shall have power to erect and fill such other offices as may be found useful and convenient to promote its objects, and also to frame a constitution and by-laws, and adopt such rules and regulations as may be necessary and proper for the good government, permanency and utility of the same: Provided however, That such constitution, by-laws, rules and regulations shall be in accordance with the constitution and laws of the United States, and of this commonwealth.

Sec. 3. The officers of the college shall be elected annually, by the regular members thereof, at such time and place, and under such regulations as may be prescribed by the college; but provided a vacancy should occur by death, resignation or otherwise, in the interval, it shall be lawful for the college to proceed, at any regular meeting, to fill such vacancy.
Sec. 4. The following individuals are constituted officers of said college until the first Tuesday in January next, or until their successors are duly elected, viz: Charles Caldwell, president; John G. Richardson, vice-president; William H. Richardson, Lunsford P. Yandell, Thomas P. Satterwhite, Robert C. Holland, censors; S. Theobald, secretary; and Joseph G. Chinn, treasurer.

Sec. 5. The college shall be composed of regular members, or such as participated directly in the duties and administration of the concerns of the college, and of honorary members, to all of whom certificates of membership shall be granted, in such form as may be prescribed by the college: Provided however, That is not intended by this charter to confer upon the said college the right to form professorships, deliver lectures, and confer degrees in medicine or surgery.\textsuperscript{243}

An ACT to incorporate the Newcastle Female Academy, and for other purposes.

Approved, February 29, 1836

Whereas, it is represented to the general assembly, that the citizens of Newcastle, Henry county, and its vicinity, have subscribed two thousand dollars, in stock, in shares of twenty dollars each, to be applied to the use of a female academy proposed to be established in the town of Newcastle; And whereas, this general assembly is anxious to sustain every well directed effort to diffuse the benefits of popular education:

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Thomas Smith, Edward J. Drake, Joseph Brinker, Daniel Brannin, William H. Allen, James L. Nelson,\textsuperscript{243} 

\textsuperscript{243} Ibid., pp. 333-334.
and James Pryor, and their successors in office, shall be, and they are hereby constituted a body corporate, to be known and designated by the name and style of the trustees of the Newcastle female academy. The corporation, by the name aforesaid, may sue and be sued, defend and be defended, in all courts in this commonwealth and elsewhere.

Sec. 2. Be it further enacted, That the corporation shall have power to acquire and hold, by purchase, devise, or otherwise, all such lands and tenements, money and property, as the trustees thereof may, from time to time, think proper to purchase, or such as may be given or devised to the said corporation; and the same, and all real and personal property owned by them, to dispose of by bargain and sale, or by any other mode of alienation, at pleasure.

Sec. 3. Be it further enacted, That the real and personal estate, business, property, funds, and prudential concerns of said academy, and the administration of its affairs, shall be under the direction and control of a board of seven trustees, who shall be stockholders at the time of their election, and residents of the county of Henry. They shall be elected annually on the first Monday in October, by the stockholders, at such time and place in the town of Newcastle, as the trustees for the time being may prescribe. They shall hold their office for the term of one year, and until their successors shall be chosen. The election shall be by ballot and plurality of votes, by and under the inspection of the trustees; and at any election and meeting of the stockholders, held under the provisions of this charter, each and every stockholder shall be entitled to one vote for each and every twenty dollars he may own in stock in his own right, up to one hundred
dollars; and for every fifty dollars over that sum, the stockholders shall, under the same circumstances, be entitled to one vote, up to the whole amount of their stock. Any stockholder not personally attending such election or other meeting of the stockholders, and having a right to vote, may vote by proxy, such proxy being granted in writing.

Sec. 4. Be it further enacted, That if it shall happen that an election of trustees shall not be made on any day when by this act it ought to have been made, the corporation shall not, for that cause, be dissolved; but it shall be lawful for the trustees to cause an election on any other day, which may be designated by their by-laws. The trustees may appoint a treasurer, clerk, and such other officers as they may deem necessary, fix their compensation, define their powers, and prescribe their duties, and require of them such bonds, in such penalties, and with such conditions and sureties as they may deem right. Any of said officers may be removed by the trustees, stating the cause of such removal on their books.

Sec. 5. Be it further enacted, That the board of trustees, five of whom shall form a quorum, may, from time to time, make such by-laws, rules and regulations, for their own government, and for the management and superintendence of said academy, and all matters appertaining thereto, which they may judge expedient, not contrary to this charter, nor the constitution or laws of this commonwealth. The board shall have power to appoint a principal teacher, and such assistant teachers and professors as they may, in their discretion, deem necessary; and that they shall have power and authority to remove any teacher, professor, or officer from
their station, for good cause, to be noted on the books of the trustees; and that the said trustees shall have full power and authority to enforce the collection of any subscription which has been, or may hereafter be made to said academy, for any purpose relating thereto, at such time and in such proportions as they may deem just and proper.

Sec. 6. Be it further enacted, That all the estate, money, property and funds of the corporation, shall be used in such manner as the trustees may think proper, in the construction of such buildings as may be needful, in paying such salaries to teachers and superintendents as the trustees may stipulate or allow. A majority of the trustees remaining in office, shall fill the vacancies which may happen by death or otherwise. Removal from the county of Henry, shall be a forfeiture of office as trustee. Refusal or failure to attend the board of trustees, when notified by the president to do so, shall forfeit the office of the delinquent. The site of the academy shall be in Newcastle, or adjoining thereto.

Sec. 7. Be it further enacted, That it shall not be necessary for said corporation to procure a common seal; all of its acts shall be manifested and made known by the signature and name of the president of the board of trustees of the Newcastle female academy, affixed to the document, contract, or writing executed, or by some entry, minute, or memorandum made on the records of the proceedings of the corporation; and all contracts, deeds, or writings, made and entered into in the name of the corporation, and signed by the president in his official capacity, in manner aforesaid, shall be good and efficient in law for the purposes
designed by them, as if the corporation had a common seal, and the same was affixed in due form of law, to said contract, deed, or writing.

Sec. 8. Be it further enacted, That the concurrence of a majority of the trustees shall be sufficient to transact any business of the corporation.

Sec. 9. Be it further enacted, That it is hereby expressly provided that no portion of the funds which may be acquired by the corporation, nor any part of the profits, proceeds, or interest of the property, real or personal, which may become the property of the corporation, shall be loaned to any member of the board.

Sec. 10. Be it further enacted, That the board of trustees may, from time to time, declared a dividend, if any, over and above what may be necessary for the use of the institution, to be paid to the stockholders, on demand, in proportion to the amount of stock held by them: Provided, That in estimating such dividend, all sums of money or property which may have been appropriated by the state of Kentucky, given or bequeathed to the academy, shall be taken into consideration, and the dividend arising therefrom shall be set apart for the use of the institution.

Sec. 11. Be it further enacted, That the said trustees shall keep a regular record of their proceedings, which shall be signed, on each adjournment, by the president.

244. Ibid., pp. 463-466.
An ACT incorporating the Bardstown Female Academy.

Approved, February 29, 1836

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Charles Nourse, William R. Hynes, Charles A. Wickliffe, Nathaniel Wickliffe, Jacob Rizer, John M'Neckin, Daniel S. Howell, Dr. John Beamiss, Rev. Henry H. Hopkins, Col. S.M. Brown, Joseph Brown and Rev. M.S. Rice, shall be, and they are hereby constituted a body politic and corporate, designated, and to be known, by the name of the Trustees of the Bardstown Female Academy; and by that name shall have perpetual succession, and a common seal, with power to change the same.

Sec. 2. Be it further enacted, That the said academy shall be located at Bardstown, Nelson county, or in its vicinity.

Sec. 3. Be it further enacted, That the said trustees or their successors, by the name aforesaid, shall be capable, and they are hereby empowered to purchase, receive and hold, to them and their successors, for the use and benefit of said academy, any lands, tenements, rents, goods, chattles, hereditaments, books and philosophical apparatus, which shall be purchased be, given to, or devised to the, for the use of the said academy.

Sec. 4. Be it further enacted, That said trustees, by the name aforesaid, may sue and be sued, implead and be impleaded in any court of law or equity in this state; and they may make such by-laws, rules and regulations for the government of said institution, as to them may seem good or necessary, and do any other act which similar corporations may of right do: Provided, They be not contrary to the constitution and laws of this state.
Sec. 5. Be it further enacted, That the above named trustees, shall remain in office until the meeting of the Louisville presbytery, in October, one thousand eight hundred and thirty-six, when the body of the divines constituting the presbytery of Louisville, (which presbytery is in connection with the Presbyterian synod of Kentucky,) shall have the power to elect the same, or others, annually, then and thereafter forever; and the said trustees shall not have power to sell or alienate any of the property belonging to said academy, without the consent and advice of said presbytery.

Sec. 6. Be it further enacted, That should there be for any cause, a failure to appoint trustees annually, by the said presbytery, the corporation for that cause shall not be dissolved, but the trustees shall continue in office until their successors are appointed, and shall have the right to fill vacancies from time to time, as they shall occur.

Sec. 7. Be it further enacted, That the said trustees, or a majority of them, shall have the power to appoint the faculty and teachers in said academy, and the same to remove at pleasure. They shall also, regulate the tuition fees in said institution, and the academic year thereof.

Sec. 8. Be it further enacted, That the said trustees shall have power to prescribe the by-laws and rules of said academy, and may for good cause, suspend or expel a student thereof.

Sec. 9. Be it further enacted, That it shall be the duty of said trustees to prescribe the course of instruction in said institution, to hear and determine all complaints arising between teachers and students, and to appoint visitors semi-
annually to said academy, whose duty it shall be to attend the monthly examinations of the pupils thereof, and to superintend all public examinations of the students, and make report and publication thereof. 245

An ACT for the benefit of the Robertson Seminary.

Approved, February 29, 1836

Be it enacted by the General Assembly of the Commonwealth of Kentucky. That the fines and forfeitures which may hereafter accrue in the county of Adair, under the laws of this Commonwealth, are hereby appropriated to the use and benefit of the Robertson seminary, which is situate in the town of Columbia, in said county, and they are hereby directed to be paid over to the trustees of the said seminary, for the uses aforesaid, instead, to the lessening the county levy as heretofore.

An ACT for the benefit of the legal department of Transylvania University.

Approved, February 29, 1836

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the librarian be and he is hereby directed to hand over to the legal department of Transylvania University, one copy of all the session acts and journals of the two houses of the legislature, one copy of the digest of the statutes, by Morehead and Brown, one copy of the reports of the decisions of the court of appeals, one copy of Pirtle's digest,

245. Ibid., pp. 545-546.
246. Ibid., p. 556.
and one copy of Littell's laws of Kentucky: Provided, There is remaining in the public library, an extra copy of each of these volumes.

Sec. 2. Be it further enacted, That as additional volumes of the decisions of the court of appeals are published, the librarian is hereby directed to deliver one copy of each to them of the said legal department.

An ACT for the benefit of the settlers west of the Tennessee river, whose improvements have been entered by seminary claims.

Approved, March 1, 1836

Whereas, it is represented to this general assembly that the agents appointed under the provisions of an act, entitled, "an appropriating a portion of the vacant lands, in the district of county west of the Tennessee river, for the purposes of education, approved January the thirtieth, eighteen hundred and thirty-four," have located and entered many quarter sections, which had been previously improved by the actual settlers in said districts of county; and that the aforesaid county courts are desirous of relinquishing their claims to the same: For remedy whereof,

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for the county courts of either, or all of the said counties, upon satisfactory proof having been made to said court, that any quarter section, or fractional quarter section of land, has been entered by the agent of said court to locate the lands aforesaid, has been entered, or located, contrary to the provisions of said

247. Ibid., p. 556.
act, and upon the person claiming the right to enter the same, or his assignee paying to said county court the state price of any lands thus illegally entered, at the time of making such entry, said court shall have full power to appoint some fit person to convey said land to the person or persons entitled to the same; and any deed, or deeds, made and executed agreeably to the provisions of this act, shall be held to convey fully all the right and title, which said court had to said land.

Sec. 2. Be it further enacted, That the aforesaid county courts shall be entitled, by a commissioner, or agent, to enter, with the receiver of public money for the district west of the Tennessee river, the same number of acres of land for said seminaries, that the county courts may be required by the foregoing act to relinquish, upon any land that may be vacant in said district, or upon the islands in the Ohio and Mississippi river, so soon as said islands may be surveyed: Provided, Said entries may not interfere with the protection of occupant settlers, west of the Tennessee river.

An ACT concerning the Estill Seminary.

Approved, March 1, 1836

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Ansel Daniel, Lewis Moore, Westly White, Patterson B. Clark, Isaac Mize, Joel White and Robert Clark, be, and they are hereby appointed trustees of Estill seminary, in lieu of the present trustees; and said board and

248. Ibid., pp. 648-649.
their successors shall have perpetual succession, and said trustees shall fill vacancies occurring in said board by death, resignation or otherwise.

Sec. 2. That said board shall have all the power and privileges, and be subject to all the duties belonging to, or heretofore imposed on their predecessors; and they are hereby vested with full power to sell and convey, for the benefit of the institution, any real estate belonging thereto, and the proceeds thereof, and any other means of said institution, to apply to the purchase of a lot within one quarter of a mile of the town of Irvine, and to the erection of a suitable building thereon, for the use of said seminary: Provided, That a majority of said board shall constitute a quorum to transact any business appertaining to said institution; and that said board shall not contain more than seven members, and a quorum of the board shall not contain less than four members; and that no one shall act as trustee until he shall take oath faithfully to execute the duties of said office.

Sec. 3. That the said trustees shall annually appoint a treasurer, who shall not be one of their own body, and whose duties shall be prescribed by said board; but he shall not act as such until he executes in the Estill county court, a bond, with such penalty and security as said court shall approve, and with condition faithfully to collect and account for, and pay to the order of the said board, any moneys which may come to his hands as treasurer, and to execute the duties enjoined on him by any order of said board, and by law; and said treasurer shall moreover swear before said court, duly to perform his duties as treasurer, to the best of his knowledge and ability; and he shall annually
renew his official bond, on every renewal of his appointment, and shall annually report to said court, at their court of claims, the amount of money then in his hands as treasurer, and if required by said court he shall exhibit to them, from time to time, a statement of the accounts of said board, which report and statement the clerk of said court shall preserve.

Sec. 4. That it shall be the duty of said treasurer to collect the debts due to said trustees, and he shall have power, by suit, or motion, in the name of said trustees, in the circuit courts, or before justices of the peace, to enforce, against sheriffs and other collecting officers, and other debtors of the institution, the payment of moneys respectively due from them to said trustees; and for his services he shall receive such compensation as said trustees shall deem just and proper.

Sec. 5. That it shall be the duty of each of the justices of said county, to report to the clerk of said court, once in each year, and within ten days of the court of claims, the fines assessed before him during the year next preceding, against whom assessed, by whom collected, or the name of the officer to whom the process for said fine was directed, and the substance of the return, if any, on said process.

Sec. 6. That if the said board shall, from any cause, be reduced below the number four, or shall four or any greater number of the persons herein appointed, refuse to qualify, as prescribed in the second section of this act, when called on by said court, it shall be the duty of said court, a majority of all the justices of said county being present, to appoint one or more trustees until the whole number of trustees herein allowed to said board shall be
duly appointed, and shall qualify as above directed. 249

An ACT authorizing a majority of the Trustees of the Monroe Seminary to act and do any business necessary for said Seminary, and for other purposes.

Approved, December 16, 1836

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Turner Goodall and Shores P. Hunter, be, and they are hereby appointed Trustees of the Monroe Seminary, in the place of Rice Maxey and Tubal E. Strange, removed from said county; and that a majority of said trustees may act for said seminary, and that they shall possess, and have the same power, and be governed by the same restrictions of the acts heretofore passed on this subject, except that a majority may transact any business for said seminary, and that this act is not to be understood as changing any of the former acts establishing said seminary, except the appointment of Goodall and Hunter, and the granting leave for a majority of said trustees to act for said seminary. 250

An ACT for the purpose of increasing the number of Trustees of the Brandenburg Academy, and for other purposes.

Approved, December 22, 1836

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the number of Trustees of the Brandenburg Academy, in the county of Meade, formerly consisting of seven, shall be increased to nine; and that the said Trustees, and their successors, shall be, and are hereby empowered to fill any vacancies which may occur in their body, by death, resignation,

249. Ibid., pp. 673-675.

or removal from the county; and that the said Trustees shall consist of the following persons, viz: Gabriel Wathen, W. T. Foushee, John M'Brown, W. L. Booth, George Calhoon, J. B. Alexander, Patrick Thompkins, H. G. Davis and W. Farleigh, who shall have all the powers of a body politic and corporate; and the title of any lands or tenements purchased by them, or which may have been purchased by their predecessors, shall be vested in them, and pass to their successors in office forever.

Sec. 2. Be it further enacted, That hereafter there shall be two additional Trustees appointed by the Robertson Academy in the town of Columbia, who shall be appointed by the present Board of Trustees, or a majority of them, at any regular meeting thereof after the passage of them, at any regular meeting thereof after the passage of this act; which number, the said Board shall hereafter consist of; and all vacancies in said Board shall be filled, from time to time, as they occur, as now provided by law.

Sec. 3. Be it further enacted, That the name and style of said institution be, and the same is hereby changed, from that of the Robertson Academy to that of Columbia College; and that the present Trustees of said Academy be, and the same are hereby constituted, Trustees of the Columbia College; and they, and their successors, shall possess all the powers and privileges that were possessed by the Trustees of the Robertson Academy, in the same manner as though the name of said institution had not been changed.251

An ACT allowing an additional Justice of the Peace to the county of Todd, and for other purposes.

Approved, January 13, 1837

251. Ibid., pp. 13-14.
Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That there shall be allowed to the county of Todd, one Justice of the Peace, in addition to the number now allowed by law, to said county; and the county court, of said county, may, at such time as they think proper, select, and recommend to the Governor, for appointment, some suitable person of said county, having due regard to the convenience of the people of said county.

Sec. 2. Be it further enacted, That the act of Assembly, approved the eleventh day of February, 1836, entitled, an act to appropriate the fines and forfeitures of Green county, to the New Athens Academy, be, and the same is hereby repealed.

Sec. 3. Be it further enacted, That the fines and forfeitures, that shall be imposed, or accrue within the county of Green, shall be hereafter applied to lessening the county levy, as heretofore directed, any law to the contrary notwithstanding.

An ACT to incorporate the Graves Academy, and for other purposes. Approved, January 13, 1837

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That John Eaker, John Anderson, Jesse Wells, Samuel Maham and Joseph B. Travis, gentlemen, shall be, and they are hereby constituted a body politic and corporate, to be known by the name of the Trustees of the Graves Academy; and by that name shall have perpetual succession, and a common seal, and as a body corporate, shall be authorized to exercise all the powers and privileges as now enjoyed by the trustees of any academy,

252. Ibid., p. 31.
in this Commonwealth; and on the death, resignation, removal, or other disqualification of any of the said Trustees, or their successors, a majority of those remaining shall fill such vacancy, and the person or persons so appointed, shall be vested with the same power and authority, as if named specially in this act; and by the name and style of the Trustees of Graves Academy, may sue and be sued, implead and be impleaded, in any court of law or equity in this Commonwealth.

Sec. 2. Be it further enacted, That the lands granted to the county of Graves by the provisions of an act, entitled, an act appropriating a portion of the vacant lands, in the district of country west of the Tennessee river, for the purpose of education, approved, January the thirtieth, 1834, shall be, and the same are hereby vested in the Trustees of the Graves Academy; and it shall be the duty of the Register of the Land Office, at any time when the said Trustees shall file in his office the original certificate of entry, to issue patents thereon to said Trustees.

Sec. 3. Be it further enacted, That the said Trustees may, and they are hereby authorized, to sell and convey to the respective purchasers thereof, all the lands, or any part thereof, vested in them by the second section of this act, either for cash, or upon such credit as to them may seem fit and convenient: Provided however, That on all sales made on a credit, the purchaser shall pay interest on the amount of the purchase money from the date of the contract: And provided further, That the said Trustees shall be responsible in their individual capacity for the amount of both principal and interest.

Sec. 4. Be it further enacted, That the moneys arising from
the sales of said lands shall be, by the said Trustees, loaned out, on good personal security, from year to year, and at the end of every year the interest shall be added to the principal, and loaned out in like manner, from year to year, until the first day of January, 1847: Provided however, That said Trustees shall always be responsible in their individual capacity, jointly or severally, for all sums so loaned out, both principal and interest: And provided further, That the said Trustees, before they enter upon the duties enjoined on them by this act, and enter into bond, in the county court of Graves, with security to be approved by the said county court of Graves, in the penalty of five thousand dollars, conditioned that they will truly and faithfully fulfill the duties enjoined on them by this act.

Sec. 5. Be it further enacted, That it shall be the duty of said Trustees to sell the said lands for the best price they can procure, and they shall, in no event sell any of said lands for a less price than twenty-five cents per acre, and they shall be allowed for the compensation six per cent, upon the money for which they shall have sold the lands aforesaid, to be retained out of the interest of the money arising from said sales.

Sec. 6. Be it further enacted, That the Trustees aforesaid, shall make out a report, in writing, on the first day of November, annually, stating the quantity of land sold, and the person or persons to whom it was sold, together with the price for which it was sold; which said report shall be lodged with the Clerk of the Graves county court, to be by him carefully filed and preserved, subject to the inspection of those whose interest or duty it may be to be informed of its contents.253

253. Ibid., pp. 32-33.
An ACT to incorporate St. Mary's College, in Marion county.

Approved, January 21, 1837

WHEREAS, It has been represented to the General Assembly of the Commonwealth of Kentucky, that there is a Seminary of Learning in Marion county, promoted and sustained by Roman Catholic Clergymen of that place, by means of their own resources, industry and intelligence; that the said Seminary hath been open, and free for persons of every denomination, from 1822, and now containeth a hundred boards, the managers thereof only requiring an observance of moral rectitude by pupils upon their entry thereof, and during their continuance therein: And whereas, It is not less accordant to the genius of this Republic, than compatible with the sentiments of this Legislature, that the dissemination of learning and morality are among the first attributes that should characterize its citizens.

Sec. 1. BE IT ENACTED by the General Assembly of the Commonwealth of Kentucky, That the said Seminary of learning shall be denominated and known by the name of the St. Mary's College, Marion county; that it shall be managed on principles that are liberal, equal, and for the benefit of every class of citizens, and of any religious denomination; that the said institution shall have power to confer such degrees and literary honors upon the pupils of the College, as the managers thereof think them entitled to from the rectitude of their conduct and their advancement in learning, under the direction and superintendence of Peter Chazelle, who shall be styled and known as the President of said College, and Thomas Legonais, Nicholas Petit, William Murphy and Francis Evermont, as Trustees; the said Trustees and their successors, by the name of the Trustees of St. Mary's College, of Marion county, shall be a body politic and
corporate, and as such forever to exist. The President shall be Chairman to the Board of said Trustees, and when in meeting, his power shall be equal to one of the Trustees. Being thus constituted, they or a majority of them shall form a quorum, who are authorized to pass such ordinances and by-laws, by a majority present concurring therein, that are not contrary to the constitution of the United States, that of this State, or the laws thereof, for the use and benefit of said College: Provided however, that the said President, from any cause whatever, should not be present at a meeting of said Trustees, which shall take place at least twice a year, or oftener if they think proper, the said Trustees, or a majority thereof, may appoint a Chairman, pro tempore, who shall, for the time being, substitute the said President. The said President and Trustees shall keep a book or books, and enter therein their proceedings, and when required, shall expose the same to the inspection of persons who have, and those who express an intention of sending pupils to said College. The said Trustees may have a seal, on which any device or inscription may be impressed they shall think proper, and may alter or break the same at pleasure.

Sec. 2. Be it further enacted, That the said Trustees, thus constituted, shall be called and known by the name of the Trustees of the St. Mary's College, of Marion county; by that name they may sue and be sued, implead and be impleaded, before any court of record, Judges or Justices of the Peace, or body created by law, having jurisdiction of the subject matter about which the said suit or suits may be. The said Trustees may receive any conveyance, gift, devise, bequest, make any contract, sell, buy, convey,
etc. in this their corporate capacity; and have the same power
that corporate bodies created by law have, that are consistent
with the constitution: Provided, That the rents and proceeds,
acquired by this corporate body, shall not, at any time, exceed
the amount of ten thousand dollars per annum. The said Trustees
shall hold their stations in the said College on year only, and
until their successors be appointed, at which time, the said
President shall take power of electing others, or the same, if
he should think proper, and increase the number to eight; and
this power may be exercised by him every year thereafter, of his
successor or successors, and in case of the removal, resignation,
or death of any of the said Trustees, his place may be supplied by
an appointment that may be made by the said President and remaining
Trustees.

Sec. 3. Be it further enacted, That the said President shall
hold his office for the space of three years, and that at the
expiration of his term, or in case of the death or resignation of
the said President, his successor shall be elected by a majority
of the Trustees, and act and do as the said Peter Chazelle is
empowered by this act to do.

Sec. 4. Be it further enacted, That the said President and
Trustees shall have power to constitute and appoint necessary and
proper professors, tutors, masters and assistants, to instruct
the students and scholars of said College in all the liberal arts
and sciences, and the ancient and modern languages, who shall be
denominated professors of such arts, sciences and languages, as
they may be denominated and appointed to teach; and the President
and Professors, so appointed, shall be distinguished and known by
the name of the President and Professors of the St. Mary's College, Marion county; and in that character, shall be capable of exercising such powers and authorities that the said Trustees and their successors may delegate to them by their ordinances, for the instruction of all the students and scholars, and the wholesome and faithful government of said College: Provided however, It is reserved to the Legislature of this Commonwealth to amend or withdraw the powers of incorporation from this institution, whenever they conceive the trusts and confidence abused that are herein reposed; but as no funds have ever been given to this institution by this Commonwealth, so none are to be taken away, in the event of the withdrawal of the corporate capacity.254

An ACT to incorporate the Anderson Seminary, and for other purposes. Approved, January 23, 1837

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That a seminary of learning be, and the same is hereby established in the county of Anderson, to be called and known by the name of the Anderson Seminary; and that Dixon G. Dedman, William McGinnis, John Howard, Lewis J. Witherspoon, William S. Hickman and Delancy Egbert, be, and they are hereby constituted a body politic and corporate, to be known by the name and style of the Trustees of the Anderson Seminary; and by that name shall have perpetual succession and a common seal.

Sec. 2. Be it further enacted, That upon the death, resignation, or removal of any of said Trustees, or their successors, a majority of the remaining Trustees shall have power to fill any

254. Ibid., pp. 54-56.
such vacancy or vacancies, and the person or persons, so appointed, shall possess the same powers and privileges as if named in this act; and by the name and style of the Trustees of the Anderson Seminary, may sue and be sued, plead and be impleaded, in any court of law or equity.

Sec. 3. Be it further enacted, That the said Trustees, and their successors, shall have power and they are hereby authorized to purchase and receive the conveyance to a lot of ground in or adjoining the town of Lawrenceburg, in said county, upon which to erect said Seminary, and to receive donations of money, lands, or other property, for the use and benefit of said Seminary.

Sec. 4. Be it further enacted, That it shall be the duty of said Trustees to assemble at least once in three months, or oftener if they think proper, and make such examination into the progress of the students, and management of the general concerns of the institution, as they may deem necessary.

Sec. 5. Be it further enacted, That a majority of the said Trustees shall form a quorum to do business; that they shall have power, from time to time, to select a teacher or teachers, and to make and enact such rules and by-laws, for the government of said institution, as they may deem expedient, not contrary to the laws of this Commonwealth.

Sec. 6. Be it further enacted, That from and after the passage of this act, all the fines and forfeitures which shall be imposed or may accrue within the county of Anderson, shall be appropriated for the benefit of the said seminary of learning.

Sec. 7. Be it further enacted, That the collecting officers in said county shall make payment of the fines and forfeitures to
the Clerk of the county court of said county, annually, and said Clerk shall pay over the same to the Treasurer of the Board of Trustees of said Academy; and upon his failure or refusing to pay the same, when required, he shall be liable to pay the same, from time to time, together with twenty per cent thereon, and costs, upon motion before the circuit court of said county, in the name of the Treasurer of said Academy, after giving said Clerk three days previous notice thereof, in writing; and any judgment recovered against said Clerk shall not be stayed by replevin, but any execution issuing thereon shall be endorsed, "no security of any kind to be taken." 255

An ACT to incorporate the Augusta Female Academy.

Approved, January 28, 1837

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Joseph Trimble, Henry B. Bascom, Thomas Myres, George Doniphin, Squire G. Shropshire, John Mears, and William G. Marshall, shall be, and are hereby constituted a body politic and corporate, to be known by the name of the Trustees of the Augusta Female Academy; and by that name shall have perpetual succession and a common seal, with power to change the same at pleasure.

Sec. 2. Be it further enacted, The said Academy shall be located in Augusta, and said Trustees shall hold their first session in said town, at such time and place, as any four of them shall designate.

Sec. 3. Be it further enacted, The said Trustees shall at

255. Ibid., pp. 80-81.
their first, or any subsequent session, as they may choose, elect 
a President of said Board, and such other officers as they may 
decide necessary; and four members shall be sufficient to constitute 
a Board for the transaction of business relating to said Academy, 
except that it shall require the occurrence of a majority of all 
the members to purchase, or to sell and convey real estate, or 
profits thereof, or erect public buildings.

Sec. 4. Be it further enacted, The said Trustees, or their 
successors in office, by the name aforesaid, shall be capable in 
law to purchase, receive, and hold, to them and their successors, 
for the use and benefit of said Academy any lands, tenements, 
rents, goods and chattels, which may be given, devised to, or 
purchased by them.

Sec. 5. Be it further enacted, That said Trustees, by the 
name aforesaid, may sue and be sued, plead and be implead, in any 
court of law or equity; and from time to time, may establish all 
such by-laws, rules and regulations, which they may deem necessary 
for the government of said institution, not incompatible with the 
laws of the Commonwealth; and upon the death, resignation, or 
removal of any of the Trustees of President, or other officer to 
fill such vacancy as often as the same shall occur.

Sec. 6. Be it further enacted, The said Trustees may elect a 
President, professors, or other tutor for said institution, who 
shall be subject to the direction and control of said Board, to 
continue in office during good behavior.

Sec. 7. Be it further enacted, The President shall have 
power, at all times, to call a meeting of said Board, or any 
three members of said Board; and said Trustees shall, upon such 
call, convene and transact such business as shall be deemed
necessary for the management of said institution.

Sec. 8. Be it further enacted, That if any of the members of said Board shall fail, or refuse to attend the stated or any called meeting of the same, for the term of one year, being notified of the same, such member shall be deemed as having resigned his office, and the vacancy shall be filled by said Board.

An ACT for the benefit of the Fleming county Seminary.

Approved, January 28, 1837

WHEREAS, The Trustees of the Fleming county Seminary, in this Commonwealth, hath petitioned the General Assembly for power and sell and convey the old Seminary lot and buildings in said county, for the purpose of enabling them to purchase all lot and buildings in the town of Flemingsburg, more suitable for Seminary purposes than the former -- therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Trustees, for the time being, of the Fleming county Seminary, be, and they are hereby authorized and empowered to sell and convey the lot of ground and the buildings thereon, which has been heretofore used in said Fleming county Seminary; and that said Trustees, be, and are hereby authorized and empowered to appropriate the proceeds of said sale to the purchase of a lot and buildings in the town of Flemingsburg, to be used as a Seminary instead of said lot and buildings hereby authorized to be sold, and that the lot and buildings, so purchased, shall be for the purpose aforesaid, forever vested in the said Trustees and their successors, and subject to the several acts of Assembly

255. Ibid., pp. 81-82.
relating to the said Fleming county Seminary.

An ACT for the benefit of Madison Seminary.

Approved, February 1, 1837

WHEREAS, It is represented to this General Assembly, that

Albert Hilbert, late of Madison county in this State, died, seized
of a small tract of land lying in said county, and that his title
thereof has escheated to the Commonwealth by reason of his dying
without heirs; and whereas, said Hilbert died possessed of some
personal estate, and without having made or published any last
will and testament, and was, at the time of his death, an un-
married man.

Section 1. Be it enacted by the General Assembly of the
Commonwealth of Kentucky, That the whole of the said personal
estate of said Hilbert, after paying his debts and defraying the
expenses of the administration of said estate, be, and the same
is hereby vested in the trustees of the Madison Seminary; and that
all the title in said land to this Commonwealth, by escheat, be,
and the same is hereby vested in said trustees; which land, by
sale or otherwise, and proceeds of said personal estate, shall be
applied to the use of said Seminary, at the discretion of said
trustees; the title of this Commonwealth in said land to vest
in said trustees in the same manner and with the same effect it
would do, if the title of the Commonwealth thereto had been
ascertained and vested by office found: Provided, That nothing
herein contained shall impair or effect the right of the creditors
of said Hilbert, and that before said land shall vest in said

257. Ibid., p. 85.
trustees, and before the personal representatives of said Hilbert pay over to the said trustees, the surplus of said personal estate left after the payment of his debts, they, or some of them, shall execute bond in the Madison county court, payable to the Commonwealth in an adequate penalty, and with sufficient security, to be approved by said court, with condition to refund the profits and proceeds of said land and personal estate, with legal interest thereon, to the creditors of said Hilbert, in payment of any debts which may thereafter appear against said decedent, or to his heirs or distributees if any shall hereafter appear; nor shall the title of such heirs to said land be impaired or effected by any thing herein contained.

Sec. 2. Be it further enacted, That Squire Turner, or such other persons as said trustees shall nominate, be, and he is hereby appointed a Commissioner, to sell and convey, by deed, said tract of land; such sale to be made on such terms and conditions, and at such time and place as said trustees shall prescribe; and which deed shall vest in the purchaser the title of said trustees in said land as derived to them under this act, but any sale made by said Commissioner, before the execution of a bond by said trustees, as provided for in the first section of this act, shall be null and void.

An ACT to incorporate the Cumberland Female Academy, and for other purposes.

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That John M. Alexander, Junior, Harold P. Saufley, Lineus Bowman, Milton King, Daniel Trabue, Junior,

258. Ibid., pp. 87-88.
Thomas Knight and Sutton L. Hunter, be, and they are hereby declared a body politic and corporate; and shall be known by the name of "The Trustees of the Cumberland Female Academy," and shall have perpetual succession; and the title to the house and lot in the town of Burkesville, conveyed to the Bank of the Commonwealth to the Trustees of the Cumberland Seminary, is hereby vested in the said Trustees of the Cumberland Female Academy, to be used and held as hereinafter directed.

Sec. 2. Be it further enacted, That the title to all the lands, rights and credits, heretofore owned by the Trustees of the Cumberland Academy, or the Justices of the Cumberland county court be, and they are hereby vested in the Trustees of the Cumberland Female Academy, saving the rights of all legal purchasers from said Justices or from the Trustees of the Cumberland Academy; and the said Trustees, above incorporated, and their successors, shall have power and authority, to sue and be sued, plead and be impleaded, and sue for and recover all said lands, rights, and credits, by this act vested in them, and may sell all or any part of said lands, rights and credits, at their discretion, for the benefit of said Academy.

Sec. 3. Be it further enacted, That all the fines and forfeitures, hereafter paid over to the Clerk of the Cumberland county or circuit courts; all such fines and forfeitures as shall hereafter be imposed by any Judicial Tribunal, in the county of Cumberland, and shall be collected, shall be paid over to the authorized Treasurer of said Trustees hereby incorporated, and their successors to be applied to the use and benefit of said Academy; and if any officer, who may collect any fine, shall fail to pay over the same, as above directed, on the demand of
the Treasurer, the same may be recovered by motion before a Justice of the Peace or circuit court of Cumberland, on giving ten days notice to the party delinquent.

Sec. 4. Be it further enacted, That said Trustees shall appoint one of their own body President of the Board, and also a Treasurer, who shall execute bonds with good security, to the said Trustees, in the penalty of five thousand dollars, said bonds to be renewed annually, with condition to be void if he shall faithfully keep and pay over to the order of said Trustees all money which shall come to his hands belonging to said Academy; it shall be the duty of said Treasurer to make an annual report of the receipts and expenditures of said Academy, and furnish the same to the county court of Cumberland, in each year, at their November term which shall be there recorded; and it shall be his further duty to keep a record of the proceedings of said Trustees.

Sec. 5. Be it further enacted, That said Trustees shall have power to fill all vacancies which may occur in their body from any cause whatever; all contracts made by said Trustees shall, to be valid, be concurred in by a majority of Trustees then in office, and all contracts which may be reduced to writing, shall be sufficiently authenticated and binding on the corporation, when signed by the President of the Board of Trustees, and countersigned by the Treasurer; all moneys, bonds, etc., which shall come to the hands of the Trustees of said Academy, by virtue of this act, shall be laid out at their discretion, for the benefit of said Academy and for maintaining a Female School in the town of Burksville;

this act to be in force from its passage.

259. Ibid., pp. 89-91.
An ACT to amend the several acts concerning the Columbia College. Approved, February 1, 1837

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Trustees of the Robertson Academy, heretofore known by that name in the town of Columbia, be, and they are hereby constituted and appointed Trustees of the Columbia College, and that they and their successors shall possess all the powers, privileges and authorities, that they heretofore possessed in the same way, and to the same extent, as though the name of said institution had not been changed.

Sec. 2. Be it further enacted, That the said Trustees, or a majority of them, shall have power, and they are hereby authorized to elect two additional Trustees to said College, in addition to the two allowed by an act passed at the present General Assembly, making the whole number of Trustees nine; which Trustees, when elected, shall, before they take their seat, take the oath required by the act passed on the 31st day of January, 1814, entitled, an act to establish the Robertson Academy in the town of Columbia and county of Adair, and regulating said town, which said Trustees, when elected and qualified, shall possess the same powers and authority as the other Trustees, and shall, in all respects, be governed by the same rules and regulations that has heretofore governed said board.

Sec. 3. Be it further enacted, That the Trustees of said College shall have full power and authority to purchase a suitable site in or near said town of Columbia, on which to erect a building for the female department of said College, a majority of said Trustees concurring in said purchase; and the said Trustees shall take a conveyance for said ground to themselves and their
successors in their corporate capacity, which conveyance, when made, shall vest the title in the Trustees of said College forever in their corporate character.

Sec. 4. Be it further enacted, That said Trustees, or a majority of them, shall have full power and authority to make any rules and regulations, and to pass any by-laws or ordinances for the good government of said College, as to them may seem right; not inconsistent with the constitution and laws of this State.

Sec. 5. Be it further enacted, That the fines and forfeitures allowed by an act passed 29th February, 1836, to the Robertson Academy, be paid over to the Trustees of Columbia College, in the same manner as though the name of said institution had not been changed; and all apparatus or estate, either real, personal or mixed, heretofore vested in the Trustees of said Academy, be, and the same is hereby vested in the Trustees of said Academy, be, and the same is hereby vested in the Trustees of Columbia College, any law to the contrary notwithstanding.

An ACT to establish a Seminary of Learning in the Town of Paducah.

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That David Smith, George Smedley, Robert Enders, Charles C. Russell, John T. Harris, James B. Husbands, and Valentine Owen, and their successors in office, shall be, and they are hereby constituted and created a body politic and corporate, to be known by the style and name of the Trustees of the Paducah Seminary, and by that name may sue and be sued, plead and be im-

260. Ibid., p. 100.
pleaded, in any court of law or equity; and they may make such by-
laws, rules and regulations for the government of said Seminary,
as they may deem expedient and proper: Provided, They be not con-
trary to the laws and constitution of this Commonwealth.

Sec. 2. Be it further enacted, That the corporation hereby
created, shall have full power and authority to acquire and hold
by purchase, devise or otherwise, all such lands, tenements,
hereditaments, money and property, as the Trustees thereof may,
from time to time, think proper to purchase, or such as may be
given, devised or bequeathed to the said corporation, and the same
to dispose of by bargain and sale, or by any other mode of
alienation; and they shall have full power and authority to enforce
the collection of any subscription which may be made to said
Seminary for its erection, completion, or any other purpose
appertaining thereto, at such time, and in such proportions, as they
may deem just and proper.

Sec. 3. Be it further enacted, That said Trustees shall have
power to appoint one of their own body as President of this board;
they shall also have power to appoint a Treasurer, Clerk, and
such other officers as they may deem necessary and proper; they
shall have power to appoint a principal professor or teacher, and
such assistant professors or teachers, as they may deem necessary.

Sec. 4. Be it further enacted, That it shall not be necessary
for said corporation to procure a common seal; all its corporate
acts shall be manifested and made known by the signature and name
of the President of the board of Trustees of the Paducah Seminary,
affixed to the contract or writing executed, or by some entry,
minute or memorandum made on the record of the proceedings of the
said corporation, and all contracts, deeds, writings, and conveyances made and entered into in the name of the corporation, and signed by the President in his official capacity, in manner aforesaid, shall be as valid and effectual in law, as if the corporation had a common seal, and the same was affixed in due form to the said contract, deed, writing, or conveyance.

Sec. 5. Be it further enacted, That the Trustees hereby appointed, shall continue in office for one year, from and after the passage of this act, and until their successors are duly elected; five of said Trustees shall form a quorum to transact any business which said Trustees are hereby authorized to transact, and in the absence of said President, shall have power to appoint some one as President pro tem; said Trustees shall keep, or cause to be kept, a fair record of their proceedings, and should the office of Trustee at any time become vacant, from any cause whatever, those remaining in office, a majority concurring therein, shall have full power to fill such vacancy; the citizens of the town of Paducah who are now authorized to vote for Trustees of said town, shall have full power at the same time, and in the same manner, to elect annually, the Trustees of said Seminary, and the Legislature hereby reserves the right, at any time, to alter, amend, or repeal this charter.

An ACT for the benefit of the Shelby College

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for James

261. Ibid., pp. 135-137.
Bradshaw, Samuel Tavis, John Lane, James F. More, and Henry Radford to raise, by way of lottery, in one or more classes, as to them may seem expedient, any sum not exceeding one hundred thousand dollars, to be appropriated for the use and benefit of the Shelby College; and the said Managers, or such of them as may think proper to act, shall, before they enter upon the duties assigned them by this act, enter into bond, in the county court of Shelby, in the penalty of one hundred thousand dollars, conditioned for a faithful discharge of the duties enjoined on them by this act; and said bond may be sued on, in the name of the Commonwealth of Kentucky, for the use and benefit of any person or persons injured by a breach of the conditions of said bond; and it shall be the duty of said Managers, within ninety days after the drawing of said lottery, or any class thereof, to pay, or cause to be paid, to the fortunate person or persons holding the ticket or tickets, all such prize or prizes as may be due, agreeably to the scheme which they, the said managers, may agree upon an published: Provided, however, That such scheme shall not reserve more than twenty per cent.; said Managers shall have the right to appoint a Clerk of Clerks, and any other officer necessary to conduct said lottery; all of whom, before they enter upon the respective duties assigned them by the Managers, take an oath, before some Justice of the Peace, faithfully and honestly to discharge the same.

Sec. 2. Be it further enacted, That said Managers shall, within ninety days after the drawing of said lottery, or any class thereof, pay over to the Trustees of the Shelby College, all sums of money which may be due, in consequence of the drawing of said lottery, after all prizes shall have been paid.
Sec. 3. Be it further enacted, That the said managers shall be, and they are hereby authorized to sell and dispose of the scheme, or any class or classes of said lottery, to any person or persons, who shall enter into bond, with good security, conditioned well and faithfully to comply with all the terms and conditions of this act, payable to the Commonwealth of Kentucky; which bond, or bonds, shall be received by said Managers, and be by them filed in the said Shelby county court, before said lottery, or any class or classes thereof, shall be drawn: and provided also, That such sale, or sales, shall not be made of any class of classes, for less than ten per cent. on the amount proposed to be drawn: Provided further, That nothing in this act contained, shall be so construed as to repeal any provision of the general law of this Commonwealth against selling or vending lottery tickets within this State.

An ACT to provide for the education of the poor children of Nicholas county.

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That, from and after the passage of this act, the fund which shall accrue to the county of Nicholas, under the operation of the act to appropriate the vacant lands in this Commonwealth north and east of the Tennessee river, to the counties in which they lie, to the purposes of internal improvement, shall be appropriated by the county court of said county towards the education of the poor children of said county.

Sec. 2. Be it further enacted, That the said county court

262. Ibid., pp. 219-220.
shall appoint three or more Commissioners, annually, whose duty
it shall be to select such poor children of said county as they
shall think proper, to receive the benefit of this law; that they
shall, whenever they shall have made the selection of any child or
children for that purpose, place him, her or them in the nearest
school to which the said child or children may live; that they
shall pay for the tuition of said child or children out of the
funds accruing under the first section of this act, and that they
shall, at the October term of said county court, return to said
court a full and complete statement of the amount of money expended
by them, the names of the children who have been sent to school by
them, and the amount of money they have expended.

Sec. 3. Be it further enacted, That said county court shall,
at its October term in each year, choose said Commissioners, and
by an order direct said fund to be paid over to them, to be held
and used by them for the aforesaid purposes, and no other.

An ACT to authorize the County Court of Hancock to sell their
Seminary lands.

Approved, February 18, 1837

Be it enacted by the General Assembly of the Commonwealth
of Kentucky, That the county court of Hancock county, a majority
of all the Justices concurring, shall have full power and authority
to appoint an agent or commissioner to sell and convey the Seminary
lands of said county, or any part thereof; and they shall require
the commissioner, so appointed, to give bond and security faithfully
to perform the trust, and pay over the proceeds of the sale to the
said court or their order; and the said court shall allow the

263. Ibid., p. 227.
said commissioner a reasonable compensation for his services, and apply the balance of the proceeds of said lands in the purchase of a suitable site, and the erection of suitable buildings, for said Seminary.

An ACT to establish a Seminary of learning in the town of Clinton.

Approved, February 18, 1837

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That H.L. Elrington, J.B. Perry, William S. Jordan, William E. Sublett, E. A. Daniel and James Ringo, and their successors in office shall be, and they are hereby constituted and created a body politic and corporate, to be known by the name and style of "The Trustees of the Clinton Seminary," and by that name may sue and be sued, plead and be impleaded, in any court of law or equity; and they may make such by-laws, rules and regulations, for the government of said Seminary; as they may deem expedient and proper: Provided, They be not contrary to the laws of constitution of this State. Five of said Trustees shall form a quorum or board to transact any business which they are hereby authorized to do, a majority concurring therein; they shall have power to appoint some one of their own body as President of their board, and in the absence of said President may appoint a President pro tempore, whose duty it shall be to preside at all meetings of said Trustees, as President of said board; they may also appoint, from time to time, a Treasurer, Clerk, and such other officers, as they may deem necessary and proper; they shall have power to appoint a principal professor or teacher, and such assistant

264. Ibid., p. 232
professors, or teachers, as they may, from time to time deem necessary; they shall keep a fair record of their proceedings, and should any of the Trustees hereby appointed fail or refuse to act, or should the office of Trustee at any time become vacant, from any cause whatever, a majority of those then remaining in office and concurring therein, shall have full power to fill such vacancy.

Sec. 2. Be it further enacted, That the corporation hereby created shall have full power and authority to acquire and hold by purchase, devise, or otherwise, all such lands, tenements and hereditaments, money or other property, as said Trustees may think proper to purchase, or such as may be given, devised or bequeathed to the, for the use and benefit of said Seminary, and the same to dispose of by bargain and sale, or any other mode of alienation; they shall have power and authority to enforce the collection of any subscription which may be made for the benefit of said Seminary, at such time, and in such proportions, as they may deem just and proper. It shall not be necessary for said corporation to procure a common seal; all its corporate acts shall be manifested and made known by the signature and private seal of the President affixed to the contract or writing executed, or by some entry, minute or memorandum, made on the record of the proceedings of said corporation; and all contracts, deeds, writings and conveyances, made and entered into in the name of the Trustees of the Clinton Seminary and signed by the President thereof, in his official capacity, in manner aforesaid, shall be as valid and effectual in law, as if the corporation had a common seal, and the same was affixed in due form to said contract, deed,
writing or conveyance. The Legislature hereby reserves the right
to alter, amend, or repeal this charter.

Sec. 3. Be it further enacted, That the county court of
Hickman county shall be vested with full power to appropriate
to said Trustees, for the use and benefit of said Seminary, twelve
quarter sections of the land, or the proceeds thereof, which
were donated to said county by the provisions of an act, entitled,
an act appropriating a portion of the vacant lands in the district
of county west of the Tennessee river, for the purposes of educa-
tion, approved, January 12, 1834, and said court may appoint an
agent to make sale of and convey the same, and any sale and
conveyance made by said agent of the land aforesaid, are hereby
declared legal and valid.

An ACT to incorporate the Trustees of the Bacon College located
at Georgetown.

Approved, February 23, 1837

Section 1. Be it enacted by the General Assembly of the
Commonwealth of Kentucky, That John T. Johnson, John Curd, John
Duncamp Samuel Nuckols, James H. Davis, Henry Johnson, P.S. Fall,
T. C. Flournoy, G. W. Williams, Thomas Smith, H.R. Bledsoe, Asa
Runyon, John Bowman, Samuel Hatch, George I. Nuckols and James
Challen, shall be, and are hereby constituted a body politic and
corporate, to be known and designated by the name and style of
the Trustees of the Bacon College, and by that name shall have
perpetual succession, and a common seal, with power to change and
alter the same at pleasure, and as a body corporate, shall be

265. Ibid., pp. 234-235.
authorized to exercise all the powers, privileges, and rights, which are exercised by the Trustees of the College at Danville, in this State, but the property of said Corporation shall be subject to taxation, except the College buildings and five acres of ground around or near the same, and on the death, resignation, or other disqualification of any of the said Trustees, or their successors in office, a majority of those in office, may fill such vacancy or vacancies, and the person or persons so appointed shall be vested with the same powers and privileges as those named in this act, and by the name, style, and denomination of the Trustees of Bacon College, may sue and be sued, plead and be impleaded, defend and be defended, in any court of law or equity in this State.

Sec. 2. Be it further enacted, That it shall and may be lawful for said Trustees, and their successors in office, in their corporate capacity, to receive by donation, demise, or bequeath, any lands, tenements, hereditaments, moneys, rents, goods and chattels, and to hold the same in the nameforesaid, to them and their successors forever, for the use and benefit of said institution, and to sell, transfer, and convey the same under the seal of said corporation.

Sec. 3. Be it further enacted, That the principal of the Faculty shall be the Chairman of the Board of Trustees, and a majority of the Trustees in office shall at all times constitute a quorum to do business, and shall have power to meet at such times and places as they may select for the transaction of business; and may make such laws, rules and ordinances, necessary for the proper government for said institution, as shall not be repugnant to the constitution
and laws of the United States of this State; the said Trustees shall have power to select and appoint such officers, teachers, tutors, and professors, for the management of said institution as they may think necessary; to fix their salaries, and prescribe their duties, to fix and prescribe the terms upon which the students may be admitted, and for any misconduct in any officer, teacher, tutor, or professor, to dismiss such person from office, and to appoint another or others in their stead.

Sec. 4. Be it further enacted, That the said Trustees shall keep a record of their proceedings, and, if necessary, appoint a Clerk to record the same, and to prescribe his duties; it shall be the duty of the Chairman of the Trustees to have recorded in the office of the county court, where said institution is located, the names of the Trustees thereof, and the names of such as may hereafter be appointed.

Sec. 5. Be it further enacted, That the real and personal estate acquired by this corporation, shall at no time exceed the yearly rent or value of ten thousand dollars.

Sec. 6. Be it further enacted, That the funds raised for endowing any of the professorships, shall never be encroached upon, and the funds raised shall not be diverted from the objects contemplated; Provided however, That the interest of any of the funds, when not needed for the special object for which they were raised, may be appropriated as said Trustees may direct.

Sec. 7. Be it further enacted, That full power is reserved to the General Assembly, to repeal or modify the privileges herein granted.

266. Ibid., pp. 273-275.
An ACT to incorporate the Trenton Female Academy, in Todd county.

Approved, February 23, 1837

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Thomas Chilton, Newton Fox, G. W. Garth, S. T. Waggener, Silas Sullivan, William A. Garth, and St. Clair Leavel, be, and they are hereby constituted a body corporate, under the name and style of the Trenton Female Academy, with full power and authority to have perpetual succession, and a common seal, and in that name to sue and be sued, plead and be impleaded, to acquire any estate, real, personal, or mixed, by gift, purchase, or otherwise, the same to hold, sell, and convey, to the only use, benefit, and purpose of conducting and supporting said academy.

Sec. 2. Be it further enacted, That the real and personal estate, business, property, funds, and prudential concerns of said academy, and the administration of its affairs, shall be under the direction, management, and control of seven Trustees, who shall be stockholders at the time of their election, and residents of the county of Todd; they shall be elected, annually, by the stockholders, on the first Monday in June, in the year 1837, and, annually, on the first Monday in June, each successive year thereafter; and the Trustees named in the first section of this act shall discharge the duties of Trustees, until others shall be elected; and those in office shall continue to act as such, from time to time, until their successors shall be duly elected; the elections shall be held at the academy, and shall be by ballot, and a plurality of votes, to be counted after all the ballots are taken, by and under the inspection of the Trustees; and each stockholder shall be entitled to one vote for every share of twenty-five dollars he or she may own in stock, in said academy, in his or her own right;
shareholders having a right to vote by proxy, such proxy being granted, in writing, to a stockholder attending the election or meeting of stockholders.

Sec. 3. Be it enacted, That, if it shall so happen that an election of Trustees shall not take place, on any day designated in this act, the corporation shall not, for that cause, be dissolved, but it shall be lawful for the Trustees, or stockholders, to cause an election to be held on any other day; but when an election shall take place on any other day than the one fixed in this act, notice of the time and place of holding such election, over the signature of at least one Trustee or stockholder, shall be set up on the doors of the public houses, in said town, at some public place in the neighborhood.

Sec. 4. Be it further enacted, That the said Trustees may appoint a Treasurer, Clerk, and other subordinate officers from their own body, or out of it, if they choose, fix their compensations, define their powers, and prescribe their duties, and require of them such bonds, with such penalty and conditions as they may deem right; and any of said officers may be removed by said Trustees, five at least concurring therein, and state the cause of their removal on the books of said Trustees.

Sec. 5. Be it further enacted, That the Trustees shall have power to employ such teachers, superintendents and assistants, as they may deem necessary, and may remove the same at pleasure, a majority of all the Trustees concurring therein, and may fill any vacancy in their own body, and may appoint a President thereof.

Sec. 6. Be it further enacted, That the said Trustees, a majority of whom shall constitute a quorum to do business, may,
from time to time, make such by-laws, rules and regulations, for
their own government, and for the management and superintendence of
said academy, and all matters appertaining thereto, which they may
judge expedient, not inconsistent with this charter.

Sec. 7. Be it further enacted, That if any Trustee shall
remove from the county of Todd, or shall fail to attend the Board
at its meeting four times in succession, without satisfactory
excuse, it shall be a forfeiture of his office, and the vacancy
shall be filled by the choice of another in his place by the said
Trustees; and said Trustees, at all times, in the management of
said institution, in the appointing of teachers, assistants, and
in all matters appertaining to the superintendence and direction
of said institution, shall be governed by the advice and consent of
the stockholders, or a majority of them, whenever said stockholders
shall undertake to give advice, or express their wishes, by regular
meetings and resolutions; each shareholder being allowed, in all
such meetings, as well as on all other occasions, when said stock-
holders shall act, to give one vote for each share he may hold
in said institution, and to vote by proxy, as above directed.

Sec. 8. Be it further enacted, That it shall not be necessary
for said corporation to procure a common seal: all its corporate
acts may be manifested and made known by the signature of the
President of the Board of the Trenton Female Academy affixed to
the document, contract, deed, or writing executed, or by some
entry, minute, or memorandum, made on the record of the proceedings
of the corporation, and signed by the President, in his official
capacity, in the manner aforesaid, shall be as good and effectual
in law, for the purposes designed by them, as if the said corporation had a common seal, and the same was duly affixed to any of said instruments.

Sec. 9. Be it further enacted, That the Trustees of said corporation shall keep a record of their proceedings, which shall be signed by their President, or President pro tempore, in case of his absence, on each adjournment.

Sec. 10. Be it further enacted, That it shall be lawful for the Trustees, out of any funds of said corporation, to erect suitable buildings, to purchase a philosophical apparatus, and all such instruments, tools, globes, maps, and charts, as may be useful in facilitating instruction in any science or art taught in said institution.

Sec. 11. Be it further enacted, That the shares of said stockholders shall be, and the same are hereby made assignable, by transfer, in writing; and the assignee shall be invested with all the powers, rights, and privileges of the original holder, so soon as the said Trustees shall have full notice of said assignment.

An ACT to incorporate the Mountsterling Academy for the education of females.

Approved, February 23, 1837

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That there shall, and is hereby created, a body corporate in the town of Mountsterling, in the county of Montgomery, under the name and style of the Mountsterling Academy, for the education of females, with perpetual succession, and in

that name and style to sue and be sued, implead and be impleaded, and to acquire by gift, purchase, or otherwise, any estate, real, personal or mixed, and the same to hold, demise, sell or convey, and to do all else that may be necessary or proper for establishing and sustaining an academy in said town for the education of females.

Sec. 2. Be it further enacted, That the capital stock of said corporation shall be five thousand dollars, to be divided into shares of twenty-five dollars each; for obtaining subscriptions, of which books shall be opened at some one or more places in or out of the State, by Peter Everett, James Howard, John Z. Price, Catlett G. Richardson and Robert M. Hathaway, or either of them, and kept open until stock shall have been subscribed to the amount of fifteen hundred dollars, when the stockholders, voting by shares, either in person or by written proxy, shall after ten days public notice in writing of the time and place thereof, proceed to elect, from amongst themselves, a President and four Directors, a majority of whom may act, who shall direct and control the funds, property and affairs of said corporation.

Sec. 3. That after the first election, as aforesaid, the said President and Directors shall be elected annually, on the first Monday in January, which elections shall be held at such places as by the by-laws of said corporation may be prescribed; and said President and Directors shall continue in office until their successors shall have been elected.

Sec. 4. Be it further enacted, That said President and Directors may appoint a Treasurer, Clerk, and other subordinate officers, fix their compensation, define their powers, and prescribe their duties, and require of them bonds, in such penalties and with such
conditions, as they shall deem necessarj, and the said officers
remove at pleasure; and from time to time, make such by-laws, rules
and regulations, for their own government, and for the management
and superintendence of said academy, and all matters appertaining
thereto, which they may judge expedient, not inconsistent with
this charter.

Sec. 5. Be it further enacted, That said corporation shall
not be required to procure a common seal, but all its corporate
acts may be performed and evidenced under the official signature
of said president as such.

Sec. 6. Be it further enacted, That said President and Directors
may fill all vacancies which may occur among them, and keep a
faithful record of their proceedings.

Sec. 7. Be it further enacted, That said President and
Directors shall, after said academy shall have gone into operation,
declare dividends, annually, on the last Monday in December, or
oftener, if deemed expedient.

An ACT to change name of the Caldwell County Seminary to that of
the Princeton Seminary and for other purposes.

Approved, January 16, 1838

Be it enacted by the General Assembly of the Commonwealth of
Kentucky, That hereafter, the name of the Caldwell county Seminary
shall be changed to that of the Princeton Seminary, and the Trustees
of said Seminary shall consist of five, three of whom shall constitute
a quorum to do business; and that William Wadlington, senior,
Richard Barnes, William McGowan, John Wylie, and Francis W. Urey,

268. Ibid., pp. 346-347.
be and they are hereby, from and after the passage of this act, appointed Trustees of said Princeton Seminary — who shall have all the powers heretofore given by law to the Trustees of the Caldwell Seminary, after being duly qualified.

An ACT to amend an act, entitled, an act to encourage the general diffusion of education in this Commonwealth, by the establishment of a uniform system of public schools, approved 29th January, 1830.

Approved, January 16, 1838

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of the act, to which this is an amendment, as exempts the property of any person, or persons, from taxation, which may be situated in any school district of which he or they are not inhabitants, be and the same is hereby repealed, so far as the same may be, or shall be, applicable to or enforced in the county of Campbell.

An ACT further to amend an act, entitled, an act to incorporate the Trustees of Augusta College, approved December 7, 1822.

Approved, January 17, 1838

WHEREAS, it appears by the before mentioned act, that the said College was established by the Ohio and Kentucky Annual Conferences of the Methodist Episcopal Church, for the support and proper management of which, the said Conferences stand pledged; and, whereas, there is no provision in said acts, or the acts amendatory thereto, empowering said Conferences to elect or appoint either the Trustees or any of the officers of said institution,


270. Ibid., p. 65.
whereby the said institution, though patronized and supported by said Conference, may, by possibility, be thrown into the management and hands of strangers — for remedy whereof,

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That, whenever the office, or offices, of any Trustee, or Trustees, shall become vacant for any cause, whatsoever, the said Conferences are hereby authorized, in any manner they may deem proper, to supply all such vacancy, or vacancies, at their annual conference meetings next after such vacancy, or vacancies, shall occur; and that it shall be the duty of the Board, through their Secretary, or otherwise, to give timely notice of such vacancy, or vacancies, as they occur.

Sec. 2. Be it further enacted, That if the Conferences, afore-said, shall fail to fill any vacancy, or vacancies, in the Board, at their next meeting after such vacancy, or vacancies, may occur, that then the Trustees shall have the power to fill such vacancy, or vacancies — the appointments by the Board, in all such cases, to be as valid and permanent as if made by the Conferences aforesaid.

Sec. 3. Be it further enacted, That in order that said annual Conferences may participate equally in the election of Trustees to fill vacancies, they shall elect, alternatively, commencing with the Ohio Conference, and thus they shall fill all vacancies that may hereafter occur in said Board of Trustees.

Sec. 4. Be it further enacted, That the said Conferences may appoint, as visiting committees, any number of visitors not exceeding five for each Conference, who may when they see proper, attend any meeting of the Board of Trustees, and together with
them, shall have power to appoint all the officers of the institution—Trustees excepted.

Sec. 5. Be it further enacted, That the Board of Trustees and visiting committees, or as many of them as may attend the meeting of said Board, shall have the power to remove from office, for palpable immorality, or misbehaviour in office, any officer of the institution, by a vote of two thirds of the whole of the said Board of Trustees and visiting Committees, assigning the cause of such removal from office on the journal of the Board of Trustees.

Sec. 6. Be it further enacted, That in case the said institution should forfeit its charter, or for the space of two years cease operations, the Bracken Academy fund of ten thousand dollars, or so much thereof as shall have been paid over to the Augusta College, shall be restored to said Bracken Academy: and for the better securing the said fund, it is hereby declared, in either event, the claim of said Academy shall be satisfied previous to all other claims, and this article shall operate as a lien to that effect upon the property of said College.

An ACT for the benefit of the Trustees of the Hardin Academy.

Approved, January 29, 1838

WHEREAS, it is represented to the present General Assembly, that on the fourteenth day of February, 1834, an act was passed authorizing the Trustees of the Hardin Academy to sell lot No. 31 in Elizabethtown, which act was intended to authorize them to sell certain parts of the lot on which the Seminary was built,

271. Ibid., pp. 71-72.
when in fact the lot No. 31 did not belong to the Trustees, and the Trustees acting under the said recited act, have sold several portions of the Seminary lot; and some doubt existing whether the sales, so made, are legal, in consequence of the improper description in the act above named -- for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That all sales made by the Trustees of the Hardin Academy, of the ground belonging to the said Trustees in Elizabethtown, be and they are hereby declared valid and legal, and all conveyances made, or to be made, under such sales, are hereby declared good and valid in law, and that the proceeds of such sales be applied as directed by the act approved February 27th, 1834.

An ACT to incorporate the Lewisburg Academy.

Approved, January 27, 1838

WHEREAS, Charles T. Marshall, Isaac Lewis, David Linsey, Abner Clift, Mansfield Calvert, Walter Calvert, John Marshall, Peter Harrison, and other citizens of the county of Mason, have, by voluntary subscription, built an Academy near the town of Lewisburg, in Mason county, and have the same now in successful operation; and, whereas, the said parties, and their associates, desire to be incorporated to the end that they may the better promote the literary purposes for which they have associated themselves --

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the several persons before named,
together with their associates, who have heretofore subscribed, or shall hereafter subscribe, a sum equal to one or more shares, as hereinafter provided, shall be and are hereby constituted a body politic and corporate, to be known by the name of "the proprietors of the Lewisburg Academy," and by that name shall have perpetual succession, and a common seal, with power to change the same at pleasure.

Sec. 2. Be it further enacted, That the stock in said association shall be divided into shares of ten dollars each, and every person who has heretofore, or shall hereafter, subscribe the sum of ten dollars or upwards, shall be entitled to one share of stock in said association, for each ten dollars he shall have heretofore, or shall hereafter subscribe: provided, that the entire number of shares shall not exceed two hundred.

Sec. 3. Be it further enacted, That the said corporation shall be authorized to acquire and hold to themselves, and their successors, estate, real, personal and mixed, to an amount not exceeding, at any one time, two thousand dollars in value; and may, from time to time, dispose of the same, or any part thereof; and may acquire other property in lieu thereof, and make a legal transfer of the property so disposed of.

Sec. 4. Be it further enacted, That an annual meeting of said proprietors shall be held, at the Lewisburg Academy, on the first Saturday in April next, and on the first Saturday of April in every succeeding year, unless a different day shall be fixed at an annual meeting of said proprietors, at which a majority of all the shares shall be represented, in which case, the annual meeting shall be held on the day so fixed.
Sec. 5. Be it further enacted, That the said proprietors, at
the first annual meeting, shall elect a board of Trustees for said
Academy, consisting of nine members, and shall, in like manner,
at each subsequent annual meeting, elect a new board of Trustees,
either from among the old board or others, at their pleasure; but,
if, from any cause, an election of other Trustees shall not be
made, than the former board are to serve until such election shall
be made.

Sec. 6. Be it further enacted, That a general meeting shall
be composed of the proprietors of at least a majority of all the
shares, and in voting the following rules shall be observed —
the owners of shares, not exceeding four, shall be entitled to
one vote for each share; and of more than four shares, one vote
for each share as high as four; and one vote for each two shares
above four.

Sec. 7. Be it further enacted, That "the proprietors of the
Lewisburg Academy" shall be empowered, at their annual meeting,
to pass all necessary by-laws for the good government of said
Academy, provided that they shall not be contrary to the constitu-
tion of the United States, or the laws and constitution of the
State of Kentucky.

Sec. 8. Be it further enacted, That the Trustees of said
Academy shall, at their first meeting after their said election,
choose a Chairman to preside over their deliberations; and if he
shall be absent at any meeting, a Chairman pro tem shall be ap-
pointed. Five members of the board shall constitute a quorum to
do business. They shall hold meetings, from time to time, ac-
cording to adjournment, and at such stated times as shall be
prescribed by the by-laws. They shall have power to select Teachers, and make contracts with them as to their compensation and price of tuition, and make all necessary rules for the good government of the Academy; and, in general, to do all other things in relation thereto, not inconsistent with the by-laws for the government of said Academy; and may fill all vacancies that may occur before the next election of Trustees; and the Chairman, may, at any time, call a meeting of the Trustees for the transaction of special business.

Sec. 9. Be it further enacted, The said proprietors may sue and be sued, in their corporate name; and in all suits against the said corporation, service upon the Chairman of the board of Trustees, or if there be no Chairman, or he be absent from the county, then service upon any two members of the board shall be sufficient to enable the court having jurisdiction of the matter, to proceed to a trial of the case.

Sec. 10. Be it further enacted, There shall be a record kept of the proceedings had at the annual meetings, and of the by-laws adopted at such meetings. The board of Trustees shall, also, keep a record of their proceedings, and shall appoint a Secretary and Treasurer if they deem it necessary. The Chairman of the board of Trustees shall issue certificates of stock, signed by himself, as Chairman, to all persons who shall have become entitled to a share or shares in said corporation.

An ACT applying the fines and forfeitures of Allen County to the benefit of the County Seminary

273. Ibid., pp. 89-91.
Approved, January 27, 1838

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That, hereafter, the fines and forfeitures incurred in the county of Allen, be and the same are hereby appropriated to the benefit of the Seminary in the town of Scottsville; and the Trustees of said Seminary shall have full power to receive, and collect from all Sheriffs, Constables, and other officers, all such fines and forfeitures as may be collected in said county.

An ACT for the benefit of the Brownville Seminary.

Approved, January 27, 1838

WHEREAS, it is represented to the present General Assembly, that the lands appropriated by law for seminary purposes to the county Edmonson have been located, and that owing to some mismanagement in the former Trustees, they have been enabled only to realize the sum of one hundred and thirty dollars therefor; that said Trustees, by resignation, removal, and otherwise, are now all out of office, except A. M. Barret, in whose hands the said sum of money now is: and, whereas, the citizens of Brownville, and its vicinity, in said county, are desirous to build a permanent school house, or seminary of learning, in said town, but are unable to accomplish that object without aid -- therefore,

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the citizens of said town be authorized to meet at the court house in Brownville, on the first Tuesday in February in 1838, and then and there elect five suitable Trustees for said school, who shall continue in office for one

274. Ibid., p. 99.
year, or until others are duly appointed, who, after taking an oath before some Justice of the Peace for said county, honestly and faithfully to execute the duties thereof according to law, shall organize a Board, appoint a Clerk and Treasurer, and thereupon open a subscription for the purpose of raising funds for building a permanent school house, or seminary, in said town: and the subscribers, as hereafter provided for in this act, shall on the first Tuesday in February of each year after the year 1838, meet at the court house in Brownville, and elect five Trustees for said school, who shall continue in office until their successors or others are duly appointed.

Sec. 2. Be it further enacted, That when the said Trustees shall secure, by subscription or otherwise, a sufficient sum, when added to the one hundred and thirty dollars aforesaid, together with the probable amount of the fines and forfeitures accruing in the county of Edmonson for four years next after the first day of October 1837, (which are hereby appropriated to that object,) to build and complete said house, the said Trustees shall be authorized to receive, and the said Barret required to pay over the said sum in his hands for that object; and the said Trustees shall, as soon after their election as practicable, proceed to let, publicly, to the lowest bidder, the building of said house, according to such plan as they may devise, and to take bond from the undertaker, with security, conditioned for the erection of said house according to said contract.

Sec. 3. Be it further enacted, That the said Trustees, so elected, and their successors in office, shall be perpetually a body politic and corporate, to be known and called by the name
of the "Trustees of the Brownville School;" and, as such, shall have power and authority to purchase, hold, and possess, such property as they shall deem necessary for the advantage of said school; and in their corporate name to receive or make conveyances for the same; sue and be sued, plead or be impleaded, in any court of law or equity in this Commonwealth; and shall have full power to make and enforce any by-laws which they may deem expedient for the government of said school, not repugnant to the laws of this State.

Sec. 4. Be it further enacted, That the said trustees shall keep a record of their proceedings; shall require their Clerk and Treasurer, when appointed, and before they enter upon the discharge of their respective duties, to take an oath honestly and faithfully to execute the duties thereof during their continuance in office; and the latter to execute bond, with security, with an adequate penalty, conditioned for the faithful keeping and disbursing of the funds which may come to his hands, under the direction and subject to the order of the Board; each of whom shall be subject to removal from office at the pleasure of the Board.

Sec. 5. Be it further enacted, That the said Trustees shall have power to institute and prosecute to judgment, motions in the County or Circuit Court of Edmonson, against any of the officers of said county, who by law, are authorized to receive and collect fines and forfeitures, who shall fail or refuse to pay over moneys in their hands to the order of said Trustees, as herein provided.

Sec. 6. Be it further enacted, That in case said subscribers should fail, at any time, to elect Trustees according to the
provisions of this act, the Clerk of the Board shall report that fact to the County Court of Edmonson at their March term, who shall, thereupon, appoint five suitable persons as Trustees, who shall be subject to the same requirements and possess all the powers as those elected according to the provisions of the first section of this act.

An ACT to incorporate the Union Literary Society of the County of Boone, and Deinologian Society of Centre College.

Approved, February 1, 1838

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the present, and those who may hereafter become, shareholders in the Union Literary Society of the County of Boone, and their associates and successors, be and they are hereby made and constituted a body politic and corporate, by the name and style of the President and Directors of the Union Literary Society, and by that name shall have perpetual succession, and are hereby made able and capable to have, purchase, receive, possess, enjoy, and retain, to them and their successors, such lands, tenements, hereditaments, goods, chattels, and effects, as they may deem necessary for the advantage of said company, and for the promotion of Literature and Education; and the same to sell, grant, demise, alien, and dispose of, at pleasure; and, also, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts of law and equity in this Commonwealth, or elsewhere; and shall be and are hereby vested with all the privileges and powers which, by law, are

incident to corporations of a similar nature; also, to make, have, and use, a common seal, and the same to break, alter, or renew at pleasure; also, to ordain, establish, and put in execution, such by-laws, ordinances, and regulations, as shall be necessary and convenient for the government of said corporation, and which are not contrary to the constitution and laws of this Commonwealth; and generally to do and execute all and singular the acts necessary to carry into effect the objects of this charter: Provided, that the value of any lands, tenements, hereditaments, goods or chattels, which said company is hereby authorized to hold, shall not, at any time, exceed the sum of twenty five thousand dollars.

Sec. 2. Be it further enacted, That the property of said company shall be and is hereby divided into one thousand shares of twenty five dollars each, and every original holder thereof shall have a certificate, under the seal of said company, signed by the President, and attested by the Treasurer; and said stock may be alienated by the proprietor thereof, in such manner as the Board of President and Directors may determine; and said stock may be held and deemed personal estate, and pass to the executor or administrator, on the demise of the holder thereof; and each and every stockholder, at all elections or meetings, shall be entitled to one vote for each share held by him, and may vote either personally or by proxy.

Sec. 3. Be it further enacted, That the members of said company, on the first Monday in July, in the year 1838, and on the same day in each succeeding year, shall meet and elect a President and four Directors, who shall continue in office until the first Monday in July, in the ensuing year, and until their
successors shall be elected; and in case of the death or resignation of the President or any Director, the remaining Directors shall elect some person to fill the vacancy for the residue of the year; and no person shall be a President or Director who is not a shareholder. The President and three Directors shall constitute a quorum to do business, or four Directors without a President, one of whom shall be chosen President for the time being.

Sec. 4. *Be it further enacted,* That it shall and may be lawful for the shareholders to increase the number of shares of said company, to such number, at such time or times, and in such manner, as they, according to the rules and regulations of said corporation, may deem proper, provided three fourths of the votes on all the shares shall concur therein.

Sec. 5. *Be it further enacted,* That the President and Directors, for the time being, shall have power, and are hereby authorized, to appoint, from time to time, a Secretary, a Treasurer, and such other Officers and Agents as shall be thought necessary and convenient for their regular government, and to carry into effect the objects for which this corporation is established; and to levy and collect fines and forfeitures, and taxes and contributions on the shares held in said corporation: Provided, that each shareholder shall be at liberty, at all times, to transfer and relinquish to said company his share or shares, and shall forever, thereafter, be released from all further contributions on account thereof: Provided, that the Legislature reserves the power to alter, amend and modify this charter, hereafter, as shall be deemed expedient.

Sec. 6. *Be it further enacted,* That Thomas S. Proctor, Robert Montgomery, John R. Fird, William S. Read, and Jeremiah S. Pierce,
and their associates, be and they are hereby created a body politic
and corporate, by the name and style of the "Deinologian Society of
Centre College," and by that name and style may have and use a
common seal, with power to alter and change the same at pleasure;
and may contract and be contracted with, sue and be sued, plead
and be imploead, in all courts and places, within this Common-
wealth; and shall, also, have power to acquire, take and hold,
by gift, grant, devise, or purchase, any real or personal estate
not exceeding the value of twenty five thousand dollars; and to
sell, convey, exchange, or dispose of the same at pleasure, for
the use of said society.

Sec. 7. Be it further enacted, That it shall be lawful for
the members of the Deinologian Society of Centre College, on the
first Monday in March next, and on the same day in every year
thereafter, to elect a President, Vice President, Secretary, and
Treasurer, of said Society, who, upon their election, shall enter
upon the duties prescribed by the members of said Society: and
the President, Vice President, Secretary and Treasurer, so chosen,
and their successors, shall be the corporators, and shall take
and hold, for the use of the Society, all the goods, chattels,
estate and funds of said Society; and in the corporate name, may
sue and be sued; and in all suits against the corporation, service
of process upon the President, for the time being shall be good
against said corporation.

Sec. 8. Be it further enacted, That the members of said
Society, shall, also, have power and authority to ordain and
establish such rules, by-laws, and regulations, for their
government, as they may deem proper and necessary, and are not
inconsistent with the constitution and laws of this Commonwealth, and the charter, rules and regulations of Centre College. They may, also, appoint such subordinate officers as they may deem proper and necessary for the transaction of the business of said Society, and may remove such subordinate officers at pleasure; but the President, Vice President, Secretary and Treasurer shall hold their offices for one year, and until their successors are chosen; and in case no election shall be held on the first Monday in March, 1838, then the corporation named in the first section of this act, shall constitute the body politic and corporate, and shall exercise all the privileges, rights and liberties granted by this act, until an election is held by the members of the said Society, and a President, Vice President, Secretary and Treasurer are chosen, as prescribed in this act.

Sec. 9. Be it further enacted, That all the books, furniture and apparatus now belonging to said Society, shall be and the same are hereby vested in said Society, as fully and completely as if the same had been acquired after the passage of this act.

An ACT to amend an act, entitled, an act for the benefit of Shelby College.

Approved, February 1, 1838

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the words "provided further," in the twelfth line of the third section of the act, approved February 16th, entitled, an act for the benefit of Shelby College, and all that part of the before mentioned section of said act succeeding the before

276. Ibid., pp. 109-111.
recited words, "provided further," be and the same is hereby re-
pealed.

An ACT for the benefit of the City School in the town of Frankfort,
and for other purposes.

WHEREAS, it is represented to the present General Assembly,
that is the desire and intention of a number of individuals to
establish a Public School, suited to the wants and condition of
all classes of the community, in the town of Frankfort: and, whereas,
the Franklin Seminary has been pulled down, and removed from the
Public Square, thereby depriving the citizens of the only house of
Public Instruction in said town, as well as the entire loss of
the proceeds of 6000 acres of land, granted by the Legislature to
the County of Franklin for Seminary purposes: and, whereas, it
is a matter of great importance to the public, that the town of
Frankfort should be well supplied with water, as well for private
as for public uses, and it is represented to the General Assembly
that the same can be done by conveying it from the Cove Springs,
in the neighborhood of said town; and that the security of all
private and public buildings thereof would be greatly protected.

Section 2. Be it enacted by the General Assembly of the
Commonwealth of Kentucky, That it shall and may be lawful for
Edmund H. Taylor, Philip Swigert, Thomas S. Page, Mason Brown
and John J. West, to raise, by way of Lottery, in one or more
classes, as to them may seem expedient, any sum not exceeding
one hundred thousand dollars, to be appropriated, one half for

277. Ibid., p. 115.
the use and benefit of a City School in the town of Frankfort, and the other half for the construction of such reservoirs, pipes, conductors, and other works, that may be necessary and proper to convey the water from the Cove Spring into said town, in such manner and quantities as the aforesaid persons may think suitable to the convenience of the people of said town, and the safety of the private and public buildings therein.

Sec. 2. Be it further enacted, That the said Managers, or such of them as may act, shall, before they commence the discharge of the duties assigned them by this act, enter into bond, with good security, to the Commonwealth of Kentucky, in the County Court of Franklin, in the penalty of one hundred thousand dollars, with condition that they will faithfully discharge the duties hereby imposed on them; and which said bond may be sued on in the name of the Commonwealth of Kentucky, for the use and benefit of any person or persons injured by a breach of the condition thereof: and it shall be duty of said Managers, within ninety days after the drawing said Lottery, or any class thereof, to pay, or cause to be paid, to the fortunate person or persons holding a ticket or tickets thereof, all such prize or prizes as may be drawn by any individual or individuals, or company of individuals, agreeable to the scheme which the said Managers may agree upon and publish: Provided, however, That such scheme shall not reserve more than twenty per cent: said Managers shall have power to appoint a Clerk or Clerks, and any other officer or officers, necessary to conduct said Lottery, all of whom, before they shall enter upon their respective duties assigned them by the Managers aforesaid, shall take an oath before some Justice of the Peace faithfully and
honestly to discharge the same.

Sec. 3. Be it further enacted, That said Managers shall, within ninety days after the drawing said Lottery, or any class thereof, pay over to the Trustees of the town of Frankfort, all sums of money which may fall due, and come to their hands in consequence of the drawing of said Lottery, after all prizes shall have been paid.

Sec. 4. Be it further enacted, That the said Managers shall be and they are hereby authorized to sell and dispose of the scheme, or any class or classes of said Lottery, to any person or persons who shall enter into bond to the Commonwealth of Kentucky, with good security, with condition well and faithfully to comply with all the terms and provisions of this act, which bond or bonds shall be received by said Managers, and be by them filed in the Clerk's office of the Franklin County Court, before said Lottery, or any class thereof, shall be drawn: Provided, That such sale or sales shall not be made of any class or classes for less than ten per cent, on the amount proposed to be drawn: Provided, also, That nothing in this act contained shall be so construed as to repeal any provision of the general law of this Commonwealth against establishing Lotteries within this State.

Sec. 5. Be it another enacted, That if any of the persons appointed as Managers, by the first section of this act, shall refuse to serve, fail to qualify, or after having qualified, resign, the remainder of said Managers shall have power to select another individual or individuals to fill the vacancy so occurring and produced by any of the causes aforesaid, or any other cause.

278. Ibid., pp. 126-128.
An ACT for the benefit of Shelby College.

Approved, February 13, 1838

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be the duty of the Trustees of Shelby College to make a permanent investment, in safe and profitable stocks, of all moneys which they may raise from and out of the lottery scheme, which, by law, they are entitled to sell or put in operation for the benefit of said College.

An ACT concerning Transylvania University.

Approved, February 16, 1838

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of the act, approved the third of February, 1818, as provided that there shall be thirteen Trustees appointed for Transylvania University, every two years, shall be and the same is hereby repealed; and that, for the further temporary government of said institution, the Governor shall be and is hereby authorized to appoint five Trustees, who, or a majority of them, shall be vested with all the power and enjoy all the rights, privileges, immunities, and authority, of the present Board of Trustees of Transylvania University, except so far as is herein otherwise provided, until the end of the next session of the Legislature.

Sec. 2. Be it further enacted, The Board of Trustees shall, within the first ten days of the session, make a report, in which they shall set forth the number of students, the income, debts and expenditures of the institution, and such other matters as will afford a full view of its actual condition and future prospects.

279. Ibid., p. 199.
Sec. 3. Be it further enacted, The Board of Trustees shall open a correspondence, as soon after their appointment as convenient, with the Presidents of the principal Universities in the United States, and such other persons as they may think proper, with a view to obtain information as to the best mode of managing and governing Transylvania University; and they shall include such information as they may obtain in the report, directed to be made in the second section of this act.

An ACT to incorporate the College of Physicians and Surgeons of the City of Louisville.

Approved, February 16, 1838

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That for the promotion of medical science, and the encouragement of order and harmony among the members of the profession, the following individuals in the city of Louisville, viz: William C. Galt, Richard Ferguson, Charles Caldwell, John E. Cook, Coleman Roberts, ______ Pendergrast, Lewellen Powell, ______ Mosby, ______ Martin, Jedediah Cobb, Henry Miller, Joshua B. Flint, Lunaford P. Yandell, Thomas L. Caldwell, Lewis Rogers, Richard W. Ferguson, John M. Talbot, Theodore S. Bell, ______ Jarvis, Richard Wantyn, C. M. Way, J. Middlehun, J. Martin, J.W. Hall, B. H. Hall, and their associates and successors, shall be and are hereby incorporated and constituted a body politic, with perpetual succession, by the name and style of "the College of Physicians and Surgeons of the city of Louisville," and in that name acquire, hold and enjoy all such real and personal estate, as may be necessary and proper for the use and accommodation of

280. Ibid., pp. 249-250.
said college, and the same may sell and convey at pleasure, provided that the annual income of such real and personal estate shall not exceed the sum of ten thousand dollars; they may, also, contract and be contracted with, sue and be sued, plead and be impleaded with, in their corporate name, and may have and use a common seal, and change, and alter, and renew the same at pleasure.

Sec. 2. Be it further enacted, The officers of said society shall consist of a President, Vice President, four Censors, a corresponding and recording Secretary, and a Treasurer; and the college shall have power to create and fill such other offices as may be found convenient and useful to promote its objects; and, also, to frame a constitution and by-laws, and adopt such rules and regulations as may be necessary and proper for the good government, permanency, and usefulness of the same: Provided, however, that such constitution, by-laws, rules and regulations, shall be in accordance with the constitution and laws of the United States and of this Commonwealth.

Sec. 3. Be it further enacted, The officers of the college shall be elected, annually, by the regular members thereof, at such time and place, and under such regulations, as may be prescribed by the college; but in the event of the occurrence of a vacancy by death, resignation, or otherwise, in the interval, it shall be lawful for the college to proceed at any regular meeting to fill such vacancy.

Sec. 4. Be it further enacted, The college shall be composed of regular members, or such as participate directly in the duties and administration of the concerns of the college, and honorary members, to all of whom certificates of membership shall be granted
in such form as may be prescribed by the college: Provided, how-
however, That the said college shall not have the right to create
professorships, deliver lectures, or confer degrees in medicine
or surgery.

An ACT to establish a system of Common Schools in the State of
Kentucky.

Approved, February 16, 1838

Section 1. Be it enacted by the General Assembly of the
Commonwealth of Kentucky, That the interest upon eight hundred
and fifty thousand dollars, of the fund set apart by the Commiss-
sioners of the Sinking Fund, under the provisions of an act, approved
February 23, 1837, and all moneys or other property hereinafter
provided for, or which hereafter be appropriated to the use of
common schools, shall be, and the same is hereby constituted a
common school fund for the State of Kentucky; to the benefits
of which, the several counties shall be entitled, in proportion
to the number of children therein, on the terms and conditions
hereinafter provided: Provided, That if, at any future time, the
fourth instalment of the surplus revenue of the United States
shall be apid over to the State of Kentucky, or such portion of
it as may be here distributive share, the sum of one hundred and
fifty thousand dollars of said fund shall be, and is hereby
dedicated and forever set apart for the purposes of education,
under the provisions of this act.

Sec. 2. Be it further enacted, That the Secretary of State,
the Attorney General for the State of Kentucky, and a Superintendent
of Public Instruction, to be nominated by the Governor and approved
of by the Senate, shall be, and they are hereby constituted a

281. Ibid., pp. 263-264.
body politic and corporate, by the name and style of the Board of Education for the State of Kentucky, who shall have perpetual succession, and by the name and style aforesaid, may hold and possess property of every kind, for the use of common schools, may sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts of record, or any other place whatsoever; and also to make, have and use a common seal, and the same to break, alter and renew, at their pleasure, and generally to do and execute all acts, matters and things, which a corporation, or a body politic in law, may and can lawfully do and execute. The superintendent of public instruction shall be president of the board of education, and all bonds, notes, obligations, transfers, or other instruments of writing, made or executed by the board, shall be signed by him, and when necessary, sealed with the corporate seal of the board, which board shall be subject, nevertheless, to legislative modification, alteration or repeal.

Sec. 3. Be it further enacted, That the superintendent of public instruction shall hold his office for two years, and until his successor shall be appointed and qualified; and shall, before entering upon the discharge of his duties, enter into bond with good and sufficient security, to be approved by, and made payable to the Governor of the State, in the sum of $25,000, conditioned for the faithful discharge of the duties of his office, and shall take an oath to support the constitution of the United States, the constitution of the State, and an oath of office.

Sec. 4. Be it further enacted, That branch of his duties
which relates to the common schools, shall be, amongst other things, to prepare and submit an annual report to the Legislature, containing a full and comprehensive statement of the amount and condition, together with plans for the improvement and management of the common school fund, and such other matters relating to his office, and to common schools, as he shall deem expedient to communicate; he shall prepare suitable forms and regulations for making all reports, and conducting all necessary proceedings under this act, and shall cause the same, with such instructions as he shall deem necessary and proper for the better organization and government of the common schools, to be transmitted to the proper officers required to execute the provisions of this act throughout the State.

Sec. 5. Be it further enacted, It shall also be the duty of the superintendent of public instruction, with the aid and advice of the board of education, to apportion the school money, to be annually distributed amongst the several counties of the State, and the share of each county amongst its respective school districts on the terms and conditions hereinafter provided.

Sec. 6. Be it further enacted, The superintendent of public instruction shall certify each appointment made by him to the Auditor of Public Accounts, and shall give immediate notice thereof to the clerk of the county court of each county interested therein, stating the amount of moneys apportioned to his county, and to each school district therein, and the time when the same will be payable to the commissioners of said county.

Sec. 7. Be it further enacted, It shall be the duty of the superintendent of public instruction to keep his office in the
of Frankfort, or some town or city withing sixty miles thereof, and he shall be paid an annual salary of $1,000, from the interest on the school fund, to be paid quarterly.

Sec. 8. Be it further enacted, That the county courts of this State shall, upon the application of the school commissioners, direct the surveyors of their respective counties, with such other competent persons as may be deemed necessary to execute the provisions herein contained, to be elected by a majority of the justices present, to divide their respective counties into a convenient number of school districts, each district to contain not less than thirty, nor more than one hundred children, between the ages of 7 and 17 years, and to return a report of the same, with the necessary explanations, to the clerks of their respective county courts, on or before the first day of September, following, whose duty it shall be to record the same, and return a certified copy thereof, immediately thereafter, to the superintendent of public instruction: Provided, That the commissioners in laying off their respective counties into school districts, may, in their lay off the towns, and the immediate vicinity of their respective counties, into one or more school districts, so that they shall not have less than thirty, and may have more than one hundred children in each district.

Sec. 9. Be it further enacted, That the county courts, after receiving notice, as herein provided, of the amount of moneys apportioned to their respective counties, by the superintendent of public instruction, are hereby authorized and required to take the sense of the citizens authorized to vote, by this bill, in each of their respective school districts at such time as the
county court may appoint, as to the expediency and propriety of adopting the system in such district, and of the propriety of levying a sum upon the taxable estate in such districts, sufficient, when added to the proportion to which said district shall be entitled out of the State fund, to defray the expenses of a common school in said district; and if a majority of all the persons voting in said district shall be in favor of the system, then the provisions of this act, and all others hereafter to be enacted, upon the same subject, shall be in force in such district as may adopt the system in manner aforesaid.

Sec. 10. Be it further enacted, That five competent persons, to be styled the commissioners of common schools, shall be appointed in each county, by the board of education, who shall continue in office for twelve months, and until their successors shall, in like manner, be appointed; and it shall be the duty of said commissioners to aid and superintend the dividing of their respective counties into school districts, under the provisions of the eighth section of this act; to give the necessary notice, and superintend the voting in each district, required by the ninth section of this act, and certify and report the result thereof to the board of education, after having recorded the same in a book to be kept by them for the purpose.

Sec. 11. Be it further enacted, That it shall be the duty of said commissioners -- 1. To apply for, and receive from the superintendent of public instruction, all moneys apportioned for the use of common schools in their county, and from the sheriff of the county, all moneys raised therein, for the same purpose, as soon as such moneys shall become payable, or be collected.
2. To apportion the same among the school districts, according to the number of children between the ages of 7 and 17 years. 3. To make to the Board of Education full and complete reports, between the first day of October, and the first day of December, in each year, containing — 1. The whole number of school districts and neighborhoods, separately set off, within their county. 2. The districts from which reports have been made to the commissioners, or their predecessors in office, within the time limited for that purpose. 3. The length of time a school shall have been kept in each of such districts, distinguishing what portion of the time the school shall have been kept by qualified teachers. 4. The amount of public moneys received in each of such district. 5. The number of children taught in each, and the number of children over the age of 7 years and under 17 years, residing in each. 6. The whole amount of moneys received by the commissioners, or their predecessors in office during the year ending at the date of their report; distinguishing the amount received from the State fund, from the sheriff of the county, and from any other, and what source. 7. The manner in which moneys have been expended, and whether any, or what part remains unexpended, and for what cause.

Sec. 12. Be it further enacted, That the commissioners of common school appointed under this act, shall be a body corporate and politic, and by the name of the commissioners of common schools, of the county for which they may be appointed, may sue and be sued, contract and be contracted with, and may hold possession of, and enjoy to them and their successors, property, real and personal, to an amount not exceeding, at any one time, fifty thousand dollars, to be held to the use of the common schools of the county, and
for no other purpose whatever.

Sec. 13. Be it further enacted, that when the share of school moneys apportioned to a county, or to any school district in said county, is lost by the neglect of the commissioners, the commissioners guilty of such neglect, shall forfeit to the county the full amount, with interest, of the moneys so lost; and for the payment of such forfeiture shall be jointly and severally liable; and it shall be the duty of the attorney for the county, upon notice of such loss from the superintendent of public instruction, or the clerk of the county court, to prosecute without delay, in the name of the Commonwealth, for such forfeiture, and the moneys recovered, shall be distributed and paid by such county attorney, to the several districts, in the same manner as it would have been the duty of the commissioners to have distributed and paid them, if received from the proper sources.

Sec. 14. Be it further enacted, that the commissioners of common schools, in each county, shall, within fifteen days after the termination of their respective offices, render to their successors in office a just and true account, in writing, of all school moneys by them respectively received, before the time of rendering such account, and of the manner in which the same shall have been appropriated and expended by them; and the account so rendered, to be kept and recorded by them, in a book for that purpose; and every commissioner who shall refuse or neglect to render such an account, or who shall refuse or neglect to pay over to his successors in office any balance in his hands, or deliver a statement of the appropriation, if any there be, of such balance, shall, for each offence, forfeit the sum of one hundred dollars.
to be recovered and appropriated as provided for in the foregoing sections of this act; and in case of the death of such commissioner, suit may be brought against his representatives, and all moneys recovered shall be applied in the same manner as if they had been paid over without suit.

Sec. 15. Be it further enacted, That it shall be the duty of the commissioners of common schools, in conjunction with the trustees of the common schools, to be appointed as hereinafter provided, to examine all persons offering themselves as candidates for teaching in the common schools, for such county; and if they shall be satisfied in respect to the qualifications of the candidate, they shall deliver to the person so examined, a certificate signed by them, in such form as shall be prescribed by the superintendent of public instruction.

Sec. 16. Be it further enacted, That it shall be the duty of the commissioners, within twenty days after they are appointed, or as soon thereafter as may be convenient, to give ten days' notice, by advertisement, at least three public places in the different districts of their respective counties, appointing the time and place for public meetings in such districts.

Sec. 17. Be it further enacted, Whenever any district meeting shall be called, in the manner prescribed in the 18th section of this act, it shall be the duty of the inhabitants of the district, qualified to vote in the State elections, to assemble together at the time and place mentioned in the notice, who so assembled in such district meeting, shall have power, by a majority of the votes of those present, to appoint a chairman for the time being; to adjourn from time to time, as occasion may require; to elect five
trustees; to appoint a district clerk and collector; and to lay such a tax on the taxable inhabitants of the district, as the meeting shall deem sufficient for school purposes.

Sec. 18. Be it further enacted, That no school district shall be entitled to any portion of the school moneys derived from the common school fund, until the common school therein shall have been regularly organized, a school house procured at the expense of the inhabitants thereof, and a tax levied upon the inhabitants thereof, when added to the sum to which said school district shall be entitled from the Common School fund, will be equal to the expenses of the school in said district; and in order to ascertain the sum to which each district shall be entitled, the whole number of white children over 7 and under 17 years of age, shall be ascertained by the county commissioners, once in each year, in such mode as they may prescribe, and reported to the superintendent at such times as the Board of Education may prescribe; and the amount shall be apportioned to each district in each county, according to the number of such children so reported, and paid over to the county commissioners when due.

Sec. 19. Be it further enacted, That it shall be the duty of the trustees of Common Schools: 1. To give notice in writing to the commissioners of common schools, of the organization of the district schools. 2. To purchase, or lease a site for the district schoolhouse, as designated by a meeting of the district, and to build, hire or purchase, keep in repair, and furnish such school house with necessary fuel and appendages, out of the funds collected and paid to them, for such purpose, and to have the custody, and safe keeping of the district school house. 3. To
contract with, and employ all teachers in the district. 4. To pay the wages of such teachers, when qualified, out of the moneys which shall come into their hands from the commissioners of common school, so far as such moneys shall be sufficient for that purpose, and to collect the residue of such wages, excepting such sums as may have been collected by the teachers from all persons liable thereof.

Sec. 20. Be it further enacted. That the trustees of each school district shall, after the first day of August in every year, and on or before the first day of September thereafter, make and transmit a report in writing, to the commissioners of common schools for such county, dated on the first day of September, in the year in which it shall be transmitted.

Sec. 21. Be it further enacted. That every such report, signed by a majority of the trustees making it, shall be delivered to the clerk of the board of commissioners, and shall specify — 1. The whole time any school has been kept in their district during the year ending on the day previous to the date of such report, and distinguishing what portion of the time such school has been kept by qualified teachers. 2. The amount of moneys received from the commissioners of common schools, during such year, and the manner in which such moneys have been expended. 3. The number of children taught in the district during such year. 4. The number of children residing in the district over the age of 7, and under 17 years of age.

Sec. 22. Be it further enacted. That no teacher shall be a qualified teacher within the meaning of this act, who shall not have received, and shall not hold a certificate of qualification from a commissioner and the trustees of the common school, in the
district in which he proposes to teach.

Sec. 23. Be it further enacted, That all property which may be vested in the trustees of any school district, for the use of the schools in the district, shall be held by them as a corporation.

Sec. 24. Be it further enacted, That the trustees of each school district shall, on the expiration of their offices, render to their successors in office a just and true account, in writing, of all moneys received by them for the use of the district, and of the manner in which the same shall have been expended; and any balance of such moneys which shall appear from such account, to remain in the hands of the trustees, or either of the, at the time of rendering the account, shall immediately be paid to some one or more of their successors in office.

Sec. 25. Be it further enacted, That every trustee who shall refuse, or neglect to render such account, or to pay over any balance so found in his hands, shall, for each offence, forfeit the sum of $25; and it shall be the duty of his successors in office to prosecute, without delay, in their name of office for the recovery of such forfeiture, before any Justice of the Peace residing in the county; and the moneys recovered by them, shall be applied by them to the use of their district schools.

Sec. 26. Be it further enacted, That such successors shall also have the same remedies for the recovery of an unpaid balance in the hands of a former trustee, or his representatives, as are given to the commissioners of common schools against a former commissioner, or his representatives; and the moneys recovered by them shall be applied by them to the use of their district, in the same manner as if they had been paid without suit.
Sec. 27. Be it further enacted, That ever collector of a school district shall, before receiving any warrant for the collection of moneys, execute a bond to the trustees of his district, when required by them, in their corporate name with one or more sureties, to be approved by one or more of the trustees, in double the amount of taxes to be collected, conditioned for the due and faithful execution of the duties of his office; and if any collector shall not execute such bond within the time allowed him by the trustees for that purpose, which shall not be less than ten days, his office shall be vacated; and the trustees may appoint any other person residing in the district, as collector in his place.

Sec. 28. Be it further enacted, That it shall be his duty to collect and pay over to the trustees of his district, or some one of them, all moneys which he shall be required by warrant to collect, within the time limited in such warrant for its return, and to take the receipt of such trustee of trustees for such payment.

Sec. 29. Be it further enacted, That if by neglect of the collector, any moneys shall be lost to his district, which might have been collected within the time limited in the warrant delivered to him for collection, he shall forfeit to his district the full amount of the moneys thus lost, and shall account for, and pay over the same to the trustees of his district, in the same manner as if they had been collected.

Sec. 30. Be it further enacted, That for the recovery of all forfeitures, and the balances in the hands of a collector which he shall have neglected to pay over, the trustees of the district may
sue in their name of office, and shall be entitled to recover the
same with interest and costs; and the moneys recovered shall be
applied by them in the same manner as if paid without suit.

Sec. 31. Be it further enacted, That the collector of each
school district shall be allowed five cents on every dollar col-
lected and paid over by him.

Sec. 32. Be it further enacted, That it shall be the duty
of the clerk of each school district to record the proceedings
of his district, in a book provided for that purpose by the
district, and to enter therein true copies of all reports made
by the trustees of his district to the commissioners of common
schools; to give notice of the time and place for special district
meetings, when the same shall have been called by the trustees
of the district, to each inhabitant of such district liable to
pay taxes, at least five days before such meeting shall be held,
in the manner prescribed in the 17th section of this act; to affix
a notice in writing of the time and place for any adjourned meeting,
when the same shall be adjourned for a longer time than one month,
in at least four of the most public places of such district, at
least ten days before the time appointed for such adjourned meeting;
to give notice of every annual district meeting, and to keep and
preserve all records, books and papers belonging to his office,
and deliver the same to his successors in office, in the manner
and subject to the penalties provided by law in relation to the
clerk of the county court.

Sec. 33. Be it further enacted, That it shall be the duty
of the trustees of each district, to make out a list of every
district tax voted by any district meeting; containing the names
of all the taxable inhabitants residing in the district at the
time of making out the list, and the amount of tax payable by
each inhabitant, set opposite to his name; and to such tax list,
a warrant directed to the collector of the district, for the
collection of the sums in such list mentioned; to divide the
public moneys when received by them, when authorized by a note
of their district into not exceeding four portions for each year;
to assign and apply one of such portions to each quarter or term
during which a school shall be kept in such district, for the
payment of the teachers' wages during such quarter or term.

Sec. 34. Be it further enacted, That in making a tax list,
the school commissioners shall be governed by the commissioner's
books, or the books of the revenue officer taking a list or
assessment of the taxable property in such district; and the
tax shall be assessed and laid upon the same property, and no
other shall be subject to a revenue tax for the time being; nor
shall any person be subject to taxation in any school district,
of which he is not an inhabitant.

Sec. 35. Be it further enacted, That the trustees, collector
and clerk, shall hold their offices until the annual meeting of
such district next following the time of their appointment, and
until others shall be elected in their places; and in case any
such office shall be vacated by the death, refusal to serve,
removal out of the district, or any other cause, and the vacancy
shall not be supplied by a district meeting within one month
thereafter, the trustees of the district may appoint any person
residing in the district, to fill such vacancy; and any person
duly chosen or appointed to such office who, without sufficient
cause shall refuse to serve therein, shall forfeit the sum of
five dollars; and every person so chosen or appointed, and not having refused to accept, who shall neglect to perform the duties of his office, shall forfeit the sum of ten dollars; which forfeitures shall be recovered and applied after the manner prescribed in the 30th section of this act. But any such officer may resign his office, if upon application made by him to the trustee, the trustee shall, in their discretion, accept his resignation.

Sec. 36. Be it further enacted, That said trustees shall have power to levy, annually, a poll tax on every white male inhabitant, over twenty-one years of age in each district, not exceeding fifty cents. And the collectors of the several school districts shall have the same power and authority to collect any tax or levy, imposed by the trustees of said district, in obedience to the vote of the inhabitants of said district, and under the provisions of this law, as sheriffs and other collectors of revenue and county levy have, and may proceed in the same manner and shall, when called to account, be allowed for all delinquents by said trustees upon rendering a list thereof verified by oath.

Sec. 37. Be it further enacted, That any widow or feme sole, over twenty-one years of age, residing and owning property subject to taxation for school purposes, according to the provisions of this act, in any school district, shall have the right to vote in person or by written proxy; and any infant residing and owning property, subject to taxation for school purposes, according to the provisions of this act, in any school district, shall have the right to vote by his or her guardian.

Sec. 38. Be it further enacted, That the lands belonging to
all banking corporations, which are situated in this State, shall be subject to the same rate of taxation as the lands belonging to individuals; and the said corporations shall have the right of voting by their agent at all elections.

Sec. 39. Be it further enacted, That it shall be the duty of the commissioners of common schools in each county, between the first day of October and the first day of December, in each year, to transmit to the superintendent of common schools a report in writing, containing the whole number of school districts in their county, with a condensed statement of the reports from each district.

Sec. 40. Be it further enacted, That in case any of the county courts shall fail to have their respective counties divided, then the sum or sums apportioned to such county, shall be withheld by the superintendent of public instruction, until the system provided in this act shall be adopted by one or more districts, according to the provisions aforesaid; and where the counties shall be divided, as provided for, the proportion of each district shall be retained, by the superintendent of public instruction, until such district is organized, as provided in this act; and the share of one district shall not be transferred to another: Provided, that when one or more districts shall have adopted the system, and organized a school, and maintained the same for five years, the amount which the other districts who have not adopted the system may be entitled to, shall be apportioned among the districts to which schools shall have been established, until the said district shall have adopted the system; and as soon as any such district shall adopt the system, then, and in that case,
it shall be entitled to its full proportion of the fund of said county.

Sec. 41. That the provisions of this act, so far as it relates to the districting Jefferson, Fayette and Mason counties, shall not apply to the cities of Louisville, Lexington, and Maysville; and the cities of Louisville, Lexington and Maysville shall be considered as having adopted the system of public schools, so long as they shall continue to maintain public schools by taxation, and be entitled to all the benefits of this act, on the report of the agent of the public schools of the cities of Louisville, Lexington and Maysville, and of the number of children within said cities of the ages prescribed in this act; and that portion of the school fund which the cities of Louisville, Lexington and Maysville shall be entitled to, shall be paid to the mayor and council, for the use of the public schools of said cities.

An ACT concerning Clay Seminary in Bourbon County.

Approved, February 16, 1838

WHEREAS, it is represented to the present General Assembly, that the former Trustees of Clay Seminary, in Bourbon county, have resigned, and ceased to exercise the powers vested in them by an act, entitled, an act to incorporate the Clay and Jefferson Seminaries, approved January 30th, 1828; therefore,

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That William T. Buckner, Ephriam Herriatt, Jonathan Colcord, Thomas Stone, Elijah Wigginton, Robert S. King, and Hudson Massie, be and they are hereby appointed Trustees of

said Clay Seminary; and that they be and are hereby vested with all the powers conferred on the Trustees of said Clay Seminary, in the second, third, fourth, fifth and sixth sections of the above recited act, entitled, an act to incorporate the Clay and Jefferson Seminaries; and the duties imposed on the Trustees of said Seminary shall be the same as provided in the aforesaid sections.

Sec. 2. That the Legislature reserves the right to alter or amend this act.

An ACT to incorporate the Society of the Adelphi Alpha, of Lexington.

Approved, February 16, 1838

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That L.W. Seeley, William R. Hervey, A. Barry, Peyton S. Johnson, and such others as may associate with them, shall be and are hereby constituted a body corporate and politic, to be known by the name of the society of Adelphi Alpha, of Lexington, and by that name shall have perpetual succession; and shall have power to make a common seal, and to alter, change and break the same at pleasure; may contract and be contracted with, sue and be sued, plead and be impleaded, before any court of jurisdiction in this Commonwealth, having jurisdiction of like sums; and shall have power to take and hold, for literary purposes, by gift, grant, or devise, any estate, whether real, or personal, or mixt, not exceeding in value the sum of fifty thousand dollars: and said society, a majority of its regular members concurring, shall have power to sell, exchange

283. Ibid., pp. 302-303.
and convey said estate, or any part thereof, for the use and benefit of said society.

Sec. 2. That the society of Adelphi Alpha shall have power to establish branches, at pleasure, under its constitution, in this Commonwealth, and that said branches shall be invested with all the powers enumerated in the first section of this act, as belonging to the parent society, except that they shall take and hold property only to such amounts as may be granted to them by the special charter of the parent society of Adelphi Alpha, and its various branches, shall not exceed the sum of fifty thousand dollars.

Sec. 3. That the society of Adelphi Alpha may elect, on the first Monday in March next, and at such other times thereafter as they may deem proper, a President, Vice President, Secretary, and such other officers as they may think fit to appoint and elect, who, upon their election, shall enter upon the discharge of such duties as shall be prescribed by the constitution and by-laws of the society. That the branches of this society shall, after receiving authority, by special charter, from the parent society, be organized by the election of a President, and Vice President, Secretary, and such other officers as may be required by the constitution of the society of Adelphi Alpha; and each branch shall adopt, and in all its proceedings to be govern by the rules prescribed by the said constitution. That the society of Adelphi Alpha, and its branches, shall have power and authority, each, for itself, to ordain and establish such by-laws, rules, and regulations for their government, as they may deem proper and necessary, which are not inconsistent with the constitution and laws of this
Commonwealth, and the constitution of the Adelphi. That neither the Adelphi Alpha, nor any of its branches, shall have power to amend, alter, or abolish, any article of the constitution of the Adelphi, which may be done only by the vote of the annual convention of the societies, which shall be held at Lexington on the fifth day of April in every year; in which convention all the regular members of the society of Adelphi Alpha shall be entitled to a seat, and members delegated from each of the branches.

Sec. 4. That the society of Adelphi Beta, established at Centre College, Danville, by special charter of the Adelphi Alpha, shall have the benefit of this act, as a branch of said society.

Sec. 5. That the President, Vice President, Treasurer, and Secretary, of the society of Adelphi Alpha, for the time being, and their successors, shall take and hold the estate, goods and funds of the society, and, in law, shall be considered the corporators; and, in the corporate name, may sue and be sued, and in all suits against the corporation, service of process upon said President shall be considered good. That the same shall be the case with the branch established at Centre College, Danville, styled Alpha Beta, and with all branches thereafter established.

Sec. 6. That the title of all furniture, books, and other property, now belonging to the society of Adelphi Alpha, shall be as fully and completely vested in said society as if said property had been acquired after the passage of this act. That the same shall be the case with the Alpha Beta.

Sec. 7. That the extinction of any branch of this society, the title to the estate, real, personal, or mixt, of said branch, shall be vested in the annual convention of the Adelphi, who
shall have power to use and sell the same, or otherwise appropriate said property, for the use and benefit of the Adelphi.

Sec. 8. That the power to establish branches shall be vested in the society of Adelphi Alpha, at Lexington, alone.

An ACT for the benefit of the Public Schools of Campbell County.

Approved, February 16, 1838

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Seminary lands of Campbell county, and all lands which have or may escheat to the Commonwealth in said county shall vest in the school Commissioners of Campbell county, as soon as said Commissioners shall be appointed, and the county laid off into school districts; and they shall sell and convey the said seminary lands, on a credit of one and two years, and at a price not less than one dollar per acre, and, when recovered, distribute the amount amongst the several school districts in said county, in proportion to the number of children in each district, between the ages of seven and seventeen; and they may sue for the escheated lands in Campbell county, in the name of the Commonwealth of Kentucky, either at law or in equity, as the case may be, and, when recovered, may sell and convey said lands at reasonable and fair credits, and distribute the proceeds among the several school districts in Campbell county, in like manner; and the proceeds of all the lands aforesaid, as they arise, shall be a fund for the erection of school houses and the purchases of suitable libraries and apparatus for the several schools; and from and after the passage of this act, the Trustees of the Campbell county

Seminary shall have no power or authority to sell or lease said lands; Provided, that the school Commissioners of Campbell county shall, before selling of the lands authorized to be sold under this act, enter into bond, with good security, payable to the Commonwealth, in such penalty as the County Court of Campbell county shall direct, conditioned further fully to apply the proceeds of this act as herein authorized.

An ACT to amend the Charter of Cumberland College, and for other purposes.

Approved, February 16, 1838

WHEREAS, it is represented to the present General Assembly of the Commonwealth of Kentucky, that the General Assembly of the Cumberland Presbyterian Church, at their May session in 1837, held in the town of Princeton, in the state of Kentucky, have recommended to the Trustees of the Cumberland College, in consequence of the involvement of said institution in debt, and of the danger of its failing to accomplish the benevolent object of its founders, for want of pecuniary aid, that the said Trustees (provided that Legislative sanction could be obtained therefor,) should make over, transfer, and convey, all the right, title and interest to the property, both real and personal, vested in them by the charter of incorporation, approved January 18th, 1837, to an association of individuals who would assume the responsibility of the payment of all the debts of said College: and, whereas, it is further represented, that such association, and now known by and called the Cumberland College Association, has been formed,

which has already liquidated, paid off and discharged a portion of said debts, and, by contract, have obligated and bound itself for the payment of the rest: and, whereas, the said Trustees have, in accordance with the recommendation of the said General Assembly of the Cumberland Presbyterian Church, entered into an arrangement with the said association, for the purposes above specified: Now, to legalize the acts of said parties, and to confer upon the said association corporate powers — therefore,

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the said association of individuals, under the name and style of "Cumberland College Association," is hereby invested with all the right, title and interest to the property, both real and personal, belonging to, or in anywise connected with, Cumberland College, which is now vested, by the charter of incorporation, in the "Trustees of the Cumberland College;" and that all assignments, transfers and conveyances of property, choses in action, accounts, debts, claims, dues, and demands, which have heretofore, or may hereafter be made by the said Trustees to the said association, shall be good and valid in law and equity.

Sec. 2. That this association shall be entitled to all the rights, privileges and immunities which are now granted and guaranteed to the Trustees of said College by its charter of Incorporation, so far as the same are not repugnant to this act.

Sec. 3. That at such time, after the passage of this act, as may be most convenient to the association, it shall proceed to elect thirteen of its members as Directors, to hold their offices during the pleasure of the association — three of whom shall make
quorum -- one of whom shall be chosen President of the directory; which directory shall exercise all the rights, privileges and immunities, and be subject to all the pains and penalties which are now incident to, or imposes upon, the Trustees of the Cumberland College.

Sec. 4. That whenever any election for Directors shall take place, it shall be the duty of the association to submit such choice to the General Assembly of the Cumberland Presbyterian Church, for its approval.

Sec. 5. That an annual report of the condition of the finances of the College, its prospects, and its general operations, shall be made to the General Assembly of the Cumberland Presbyterian Church.

Sec. 6. That this association shall sue and be sued, and do all other corporate acts, under the name of the "President and Directory of Cumberland College Association."

Sec. 7. That the said President and Directory are hereby empowered to collect all subscriptions, of the members of this association, now made, or hereafter to be made.

Sec. 8. That his association may admit so many additional members, and upon such terms, as it may deem expedient: Provided, the joint subscription shall not exceed one hundred thousand dollars at any one time.

An ACT to incorporate the Hopkinsville Female Academy.

Approved, January 5, 1839

WHEREAS, it is represented to the General Assembly of the Commonwealth of Kentucky that a number of the citizens of

286. Ibid., pp. 351-362.
Hopkinsville, in Christian County, for the purpose of contributing to female education, have purchased two acres of land in the town of Hopkinsville, designated by lots number sixteen, seventeen, twenty four and twenty five, in Woods' addition to said town, for the location of a Female Academy.

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Strother J. Hawkins, Augustine Webber, Zachariah Glass, Orville Collins, Joseph B. Crockett, John Buckner, and F. C. Sharp, are hereby constituted a body politic and corporate, to be known by the name of the Trustees of the Hopkinsville Female Academy, and by that name shall have perpetual succession, and a common seal, with power to change the same at pleasure, and by said name may sue and be sued, implead and be impleaded, in any court of law or equity; and shall be capable in laws to purchase and receive, and hold, to them and their successors, any lands, tenements, moneys, goods and chattels of any kind whatever, which shall be purchased, given, granted, or devised, for the use of said Academy, and may sell and dispose of the same in any manner which may seem most conducive to the interest of said institution; provided that said corporation shall not, at any time, hold real and personal property of greater value than one hundred thousand dollars. The Trustees shall have power, from time to time, to establish such by-laws, rules and ordinances, not inconsistent with the constitution and laws of the State, as they shall deem necessary for the government of said Academy. A majority of all the Trustees shall concur in the election of a President, Treasurer and Clerk, and of Professors and Tutors to said institution; and upon the dis-
qualification, death, resignation, or removal from office of any of the Trustees, Professors, Tutors or Officers of said Academy, the Board of Trustees shall, by election or appointment, fill the vacancy. The President, at the request of any three of the Board, may call a meeting of the Trustees, when cases of emergency require it. A majority of the Trustees elected shall constitute a quorum to do business, and may decide any question, resolution, or appointment, not otherwise provided in this act, but in all contracts for the alienation or purchase of property a majority of the Trustees elected must concur. The clerk and all officers shall be subject to the direction of the Board, and may be removed by a majority concurring.

Sec. 2. That the right and title of the two acres of land, before designated, shall be, and the same is hereby, vested in said Trustees, and their successors in office, forever, for the use of the stockholders in said institution, with power to enclose an alley that separates the two acres of land, for the purpose of improving said grounds.

Sec. 3. That an election for Trustees to said institution, shall be annually held, and it shall be the duty of the Board of Trustees to appoint the time and place of holding said elections, at which elections, two of the Trustees shall preside. The Trustees elected shall continue in office until their successors shall be duly elected. Upon a failure of the Trustees to hold an election at any time, the persons holding a majority of the stock in said institution, concurring, may hold an election for Trustees. No person shall be eligible to the appointment of Trustee, unless he was the owner of one share of stock in said institution at least
six months previous to said election. The owner thereof shall be entitled to one vote for every ten dollars worth of stock he may hold, and may vote by himself or by proxy, upon all questions relating to said institution. The stock thereof may be negotiated and assigned, upon the books of the trustees, and the assignees entitled to all the rights and privileges of stockholders.

An ACT to amend the charter of Centre College.

Approved February 1, 1839

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the charter of the Centre College of Kentucky, located at Danville, be amended as follows: that hereafter the number of trustees of said College shall be 19, six of whom shall constitute a quorum for the transaction of business.

An ACT to amend the charter of St. Joseph's College.

Approved February 1, 1839

WHEREAS, by the act incorporating St. Joseph's College, the Bishop of Bardstown, for the time being, is constituted Moderator of the Board of Trustees for said College, and no provision has been made in said act in case of the absence, sickness or inability of the Bishop to attend said Board — therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That in case of sickness, absence or inability to attend said Board, the Bishop of Bardstown be, and he is hereby, authorized and empowered to constitute and appoint a Moderator for said Board;

288. Ibid., p. 85.
and said Moderator shall continue in office during the sickness, absence, or inability, and no longer; but whenever the Bishop or Moderator, for the time being, shall die, when the last Moderator appointed by the Bishop, shall perform the duties of Moderator until another Bishop shall be duly appointed and installed.

An Act to incorporate the Mount Vernon Academy in Christian county.

WHEREAS, it is represented to the present General Assembly that Col. William Morrow, of the county of Christian and State of Kentucky, has built, at his own expense, a large and convenient school house, near his residence, seven miles east of Hopkinsville, which is designed as a permanent institution of learning under the name and style of the Mount Vernon Academy; and it being desirable, for the future prospects and convenient government of said school, that it be incorporated and placed under the control and direction of a suitable number of Trustees -- for remedy whereof,

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That William C. Gray, Solomon Britz, Leonard Wood, Thomas Vaughn, William Morrow, Daniel S. Hays, John Bryan, James G. Cholson, and Samuel B. Jesup, be, and they are hereby, constituted a body politic and corporate, to be known by the name of the "Trustees of the Mount Vernon Academy," and by that name shall have perpetual succession, and shall be authorized to exercise all the privileges and powers now enjoyed by the Trustees of any Academy in this Commonwealth; and upon the death, resignation, or removal of any of those Trustees or their

289. Ibid., p. 87.
successors, a majority of those remaining shall fill such vacancy, and the person or persons so appointed, shall be vested with the same power and authority as if named specially in this act, and by the name and style of the "Trustees of Mount Vernon Academy," may sue and be sued, impleaded and be impleaded, in any court of law or equity in this Commonwealth.

Sec. 2. That said Trustees shall have power to appoint or elect one of their own body as President, and any other officers they may think necessary. They shall have power to appoint or select a principal professor or teacher, and such assistant professors or teachers, as they may deem necessary.

Sec. 3. That the Trustees, hereby appointed, shall continue in office one year from and after the passage of this act, and until their successors are duly elected. Five of said Trustees shall form a quorum to transact any business which said Trustees are hereby authorized to transact; and in the absence of the President they shall have power to appoint one (pro tempore;) said Trustees shall keep, or cause to be kept, at all times, a fair record of their proceedings, their by-laws, changes and regulations they may think proper to make, from time to time. They shall, also, have power to enforce the collection of all subscriptions for tuition in said Academy, from time to time, if it should become necessary. The Legislature hereby reserving the right, at any time hereafter, to alter or amend this charter.

An ACT for the benefit of the Spencer County Seminary.

290. Ibid., pp. 99-100.
WHEREAS, it is represented to the present General Assembly that six thousand acres of land in the district west of the Tennessee river, was granted to the Spencer county court, by an act of the General Assembly, passed and approved February 24th, 1834, and the rents and profits of which were to be applied to the purposes of education and no other: and, whereas, it is represented that the rents and profits, of said land, cannot be of any advantage to said county, so situated, without further legislature, therefore,

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for the Justices of said county, a majority being present and concurring therein, to sell any part or all of her seminary land and apply the proceeds thereof to the purchase of a suitable situation for her Seminary, and the building of a house, out of lasting materials, upon such plan as may be agreed upon by said court, within one half mile of the court house in the town of Taylorsville, and the balance of the money, if any, to the purposes of education.

Sec. 2. That it shall and may be lawful for said County Court, by an order entered of record in open court, a majority being present and concurring therein, to appoint a commissioner to make sale of said land, upon such terms and conditions as said court, by its order may direct; and it shall and may be lawful for said court to authorize and empower said commissioner to convey said land, when sold, to the purchaser or purchasers, by deed or deeds of conveyance.
Sec. 3. That it shall be the duty of the County Court to make her agent such allowance for his services and expenses, in attending to the business, as she may think just and right to be paid out of the proceeds of the land, or out of the county levy of said county.

An ACT to authorize a sale of the Seminary lands of Wayne county.

Approved, February 1, 1839

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Trustees of Wayne County Seminary shall be and are hereby vested with authority to sell and convey the Seminary lands, belonging to said county, upon such terms as they may deem expedient, and apply the proceeds of such sale, from time to time, to the use of the Common School of said county, and to that end shall pay over the proceeds of such sale, after deducting all expenses attending the sale, to the school commissioners of said county, to be by them applied as hereinafter directed: provided, that such sale shall not be made unless all the Trustees shall unite in making said sale and conveyance.

Sec. 2. That the school commissioners of said county shall make an equal distribution of the proceeds of the Seminary lands among the several school districts in said county, in proportion to the number of children in the several districts between the ages of 7 and 17; and if the said county shall not have been completely districted, or if any of the districts shall not have adopted the Common School system, or shall not have been organized.

then it shall be the duty of the school commissioners to retain in their hands the due proportion of the districts so not laid off or organized, and make distribution of only so much of the Seminary funds as would be the just proportion of the districts which shall have been organized. And as other district shall, from time to time, adopt the school system, and organize as provided by law, they shall respectively be entitled to their due proportion of said funds: provided, however, that when any of the said school districts shall have organized in all other respects, except building a school house, it shall be competent for the school commissioners to appropriate towards building a school house, in each district, its due proportion of the funds aforesaid, or so much thereof as may be needed for that purpose.

Sec. 3. That it shall be the duty of the Trustees, when they shall pay over the funds aforesaid, to the school commissioners, to take their receipt therefor, and if the said Trustees shall fail to pay over said funds, when collected, the school commissioners may maintain a suit therefor in any court having jurisdiction on the like sums. All laws authorizing a sale of the Seminary lands of Wayne county, heretofore passed, are hereby repealed.

Sec. 4. That it shall be the duty of the County Court of Wayne county to appoint three fit persons as commissioners, who, or any two of whom, shall have authority to issue certificates to any person or persons who may desire to appropriate any of the public land, in said county, provided said applicant or applicants shall pay to said commissioners the full amount of the land so intended to be appropriated. And thereupon the surveyor
of the county shall survey the quantity of land contained in the certificate for such applicant, and make return of his said survey as prescribed by law.

Sec. 5. That so soon as the Common School system shall have been adopted by said county, in whole or in part, said commissioners shall pay over to the Commissioners of Common Schools, upon their request, all sums of money which shall have, or may thereafter come to their hands, from time to time, for land sold, and take their receipt for the same; and if said County Commissioners shall fail to pay over the said money, upon demand, the School Commissioners may bring suit therefor, and recover the same in any court having jurisdiction of like sums; and the Common School Commissioners shall distribute all sums, received by them, among the several school districts which shall have adopted the Common School system, and organized as provided by law, in the same manner as prescribed in the second section in relation to the proceeds of Seminary lands; and if any school district or districts shall not have organized, the proportions of such districts shall be retained in the hands of the School Commissioners, for the benefit of said districts, when they shall have organized, or subject to future disposition, by law, in case said districts shall fail to organize; and if the county shall not, in whole or in part, adopt the school system, the County Commissioners shall retain the proceeds of the lands sold, subject to future legislation. All laws appropriating the public lands of Wayne county to the use of the roads therein are hereby repealed.

292. Ibid., pp. 102-104.
An ACT authorizing a fund to be raised by lottery, for the endowment of a Male and Female Academy, in the town of Paducah, and for other purposes.

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for John F. Harris, John Hynes, James Pell, Braxton Small, and David S. Patton, to raise, by way of lottery, on one or more classes, as to them may seem expedient, any sum not exceeding one hundred thousand dollars; to be appropriated, one fourth to the improvement of the wharf, in the town of Paducah; one fourth to the purchase of suitable ground, and the erection thereon of convenient buildings in the said town of Paducah, for a Female Seminary; and the remainder for the purchase of ground, and the erection thereon of suitable buildings, for the Paducah Seminary, in said town of Paducah, and for the purchase of a small Library, and such maps, charts, and apparatus, as may be necessary to prepare the pupils of said seminary for their entrance into higher schools.

Sec. 2. That said managers, or such or them as may act, shall, before they commence the discharge of the duties assigned them by this act, enter into bond with good security, to the Commonwealth of Kentucky, in the County Court of McCracken county, in the penalty of one hundred thousand dollars, with condition, that they will faithfully discharge the duties hereby imposed on them; and which said bond may be sued on, in the name of the Commonwealth of Kentucky, for the use of any person or persons, injured by a breach of the condition thereof; and it shall be the duty of said managers, within ninety days after the drawing of said lottery, or any class thereof, to pay or cause to be paid to the fortunate person or persons holding a ticket or tickets thereof, all such

Approved February 8, 1839.
prize or prizes as may be drawn by any individual or individuals, agreeably to the scheme which said managers may agree upon and publish: provided, however, that such scheme shall not reserve more than twenty per cent. Said managers shall have power to appoint a clerk or clerks, any other officer or officers, necessary to conduct said lottery; all of whom, before they shall enter upon their respective duties assigned them by the managers aforesaid, shall take an oath, before some Justice, faithfully and honestly to discharge the same.

Sec. 3. That said managers shall, within ninety days after the drawing of said lottery, or any class thereof, pay over to the Trustees of the town of Paducah, one fourth of all sums of money which may fall due and come to their hands, in consequence of the drawing of said lottery, after all prizes shall have been paid; and the remaining three fourths, the said managers shall, in like manner, deposit in some one of the Banks of Kentucky, subject to the order of the Trustees of said institutions of learning, in such proportions as they are entitled to, by the first section of this act.

Sec. 4. That said managers shall be, and they are hereby authorized to sell and dispose of the scheme, or any class or classes of said lottery, to any person of persons, who shall enter into bond to the Commonwealth of Kentucky, with good security, with condition, well and faithfully to comply with all the terms and provisions of this act; which bond or bonds shall be redeemed by said managers, and be by them filed in the Clerk's office of the McCracken County Court, before said lottery or any class thereof, shall be drawn: provided, that such sale or
sales shall not be made, of any class or classes, for less than twenty-five per cent. of the amount proposed to be drawn.

Sec. 5. That if any of the persons appointed as managers by the first section of this act, shall refuse to serve, fail to qualify, or, after having qualified, resign, the remainder of said managers shall have power to select another individual or individuals to fill the vacancy so occurring and produced by any of the causes aforesaid, or any other cause.

Sec. 6. The Trustees of the Paducah Female Seminary shall be five in number, (any three of whom shall constitute a quorum,) shall be appointed in the same manner, and have the same rights and powers as are given to the Trustees of the Paducah Seminary, by an act approved ninth February, 1837.

Sec. 7. Before the trustees of said institutions of learning, or either of them, shall be entitled to the provisions of this act, they shall, before some Justice of the Peace, take an oath, that they will faithfully perform the duties of trustee, to the best of their skill and ability; and the trustees of each institution, before they shall be entitled to the fund, as set forth in the first section hereof, shall enter into bond, in the penalty of at least the amount they are each entitled to, under the third section, payable to the Governor of this Commonwealth, and his successors, conditioned for the faithful appropriation of said sums, for the purposes herein set forth; which said bonds shall be filed with the Clerk of the McCracken County Court, whose certificate of the fact of filing, shall be deemed a sufficient voucher for the president and directors of the Bank in which said deposit shall have been made, to pay over to the chairman of the
respective institutions, the respective amounts deposited to their credit, as directed in the third section of this act.

An ACT to authorize the Trustees of the Brandenburg Academy to sell and convey a certain lot.

Approved, February 8, 1839

WHEREAS, it is represented to the present General Assembly of the Commonwealth of Kentucky, that the Trustees of the Brandenburg Academy are seized and possessed of certain real estate, to wit: a lot of ground in the town of Brandenburg, supposed to contain two acres, conveyed to the Trustees of said Academy, by Alfred Hoakins, on the second day of May, 1836; which lot of land, the present Trustees of said Academy desire to sell, and appropriate the proceeds to the improvement of other lots belonging to the said Academy, and paying any balance due for said lots -- therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the present Board of Trustees, and their successors in office, or a majority of them, be, and they are hereby vested with full power and authority to sell and convey said two acres of land, for the purposes aforesaid.

An ACT to incorporate the Trustees of the Republican School in Bracken County.

Approved, February 18, 1839

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Frederich Fishback, George Markley, Matthew Walton, John B. Blythe, and William O. Blackerby, citizens

293. Ibid., pp. 139-140.

294. Ibid., pp. 149-150.
of Bracken county, and their successors in office, shall be and they
are hereby constituted a body corporate, to be known by the name and
style of the Trustees of the Republican School, and as such may sue
and be sued, plead and be impleaded, in all courts in this Common-
wealth and elsewhere.

Sec. 2. That the corporation shall have power to acquire and
hold, by purchase, devise, or otherwise, all such lands and tenements,
money and property, as the Trustees thereof may think proper to
purchase, or such as may be given or devised to the said corporation,
and the same, and all real and personal property, owned by them,
to dispose of by bargain and sale, or by any other mode, at pleasure.

Sec. 3. That the real and personal estate, business, property,
funds, and prudential concerns of said school, and the administra-
tion of its affairs shall be under the direction and control of
said Trustees and their successors in office; and they may appoint
a Treasurer, Clerk, and such other officers as they may deem neces-
sary, fix their compensation, define their powers and prescribe their
duties, and require of them such bonds, in such penalties, and with
such conditions and sureties, as they may deem right. And of said
officers may be removed by the Trustees, stating the cause of such
removal on their books.

Sec. 4. That the Board of Trustees, three of whom shall con-
stitute a quorum, may, from time to time, make such by-laws, rules
and regulations, for their own government and superintendence of
said school, and all matters appertaining thereto which they may
judge expedient and proper, not contrary to this charter nor the
constitution and laws of this Commonwealth. The board shall have
power to appoint a principal teacher and such assistant teachers
as they, in their discretion, may deem necessary; and they shall have power and authority to remove any teacher for good cause, to be noted on the books of the Trustees. They shall, also, have power and authority to enforce the collection of any subscriptions, fines, or other dues to said institution.

Sec. 5. That all the estate, money, property and funds of the corporation shall be used in such manner as the Trustees may think proper in the construction of such buildings as may be needful; a majority of the Trustees, remaining in office, shall fill all vacancies which may happen by resignation, death, or otherwise. Removal from the county of Bracken, refusal or failure to attend the Board of Trustees, when notified by the President of the Board, shall be a forfeiture of the office of Trustee: provided, however, that said board may excuse any absentee for good cause shown.

Sec. 6. That it shall not be necessary for said corporation to procure a common seal, but all of its acts shall be manifested and made known by the signature of the President of the Board affixed to the document, contract, or writing executed, or by some entry or memorandum made on the records of the corporation; and signed by the President, in his official capacity, in manner aforesaid, shall be good and binding in law. The President of the Board shall be elected annually, a majority of all the members present concurring.\textsuperscript{295}

An ACT appointing Trustees of the Lebanon Academy, in Todd county.

\textit{Approved, February 18, 1839}

\textit{WHEREAS, it is represented to this General Assembly, that the}

\textsuperscript{295} \textit{Ibid., pp. 203-204.}
Trustees of the Lebanon Academy, in the county of Todd, are dead, or have removed from said county, with the exception of one, who refuses to act - for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Edmund Ware, sen'r., St. Clair J. Leavell, George W. Garth, A. G. Slaughter, John Massie, T. M. Ewing, R. Durrett, and W. A. Garth, be and they are hereby appointed Trustees of the Lebanon Academy, with all the powers vested in the original Trustees of said Academy; and that the act incorporating said Academy, entitled, an act establishing the Lebanon Academy, in the county of Christian, approved the seventeenth of December, eighteen hundred and ten, be, and the same is hereby continued in force, &c.296

An ACT to incorporate the Newton Society of Bacon College.

Approved, February 20, 1839

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the present, and those who may hereafter become members of the Newton Society of Bacon College, and their associates and successors be, and are hereby made and constituted a body politic and corporate, by the name and style of the "Newton Society;" and by that name shall have perpetual succession, and are hereby made able and capable to have, purchase, receive, possess, enjoy and retain, to them and their successors, such tenements, goods and effects, as they may deem necessary for the advantage of such society, and for the promotion of literature, the fine arts, and the dissemination of knowledge; the same to sell and dispose of at pleasure: provided, that the Legislature reserve

296. Ibid., p. 216.
the right to repeal, amend, or modify this charter, at pleasure.

Sec. 2. That the Newton Society is hereby empowered to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts of law or equity in this Commonwealth; and shall be, and is hereby vested with all privileges and powers which by law are incident to corporations or similar character; also to make, have and use, a common seal, and the same to break, alter, or renew at pleasure; also, to form, establish, and put in execution, such by-laws, ordinances and regulations as shall be necessary and convenient for the government of said corporation, and which are not contrary to the constitution and laws of this Commonwealth; and generally to do and execute, all and singular, the acts necessary to carry into effect the objects of this charter.

Sec. 3. That the members of said Society, on the first Friday in April, in the year one thousand eight hundred and thirty-nine, and at such other times as may be prescribed in its by-laws, shall meet, and elect a President, Secretary, Treasurer, and such other officers as the society may think proper, for the government thereof, whose terms of office shall expire at such times as shall be hereafter prescribed in the laws and regulations governing the same.

Sec. 4. The President elect, for the time being, shall have power, and is hereby authorized to appoint, from time to time, committees, officers and agents as shall be necessary and convenient to carry into effect the objects for which this corporation is established; and to levy and collect taxes, fines, forfeitures and contributions, in conformity with the laws of said society; a majority of the members at any one time belonging to the society,
An ACT to incorporate the Transylvania Institute, and for other purposes.

Approved, February 20, 1839

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That there is hereby incorporated, and made a body politic, a society to be known and styled the Transylvania Institute, whose business it shall be to promote learning, among the good people of this Commonwealth, by the delivery of lectures, publication of essays, treatises and books; but whose more especial object shall be to contribute, by subscription and otherwise, to the success and prosperity of Transylvania University.

Sec. 2. Any person or persons who have, or may hereafter subscribe, five hundred dollars, to be paid in five equal, annual installments, and shall, also, pay the first installment (whenever the sum shall be ordered,) to the Trustees of Transylvania University, to the use and for the benefit of Morrison College, shall, from the time of such subscription and payment, become and be considered a member of said Institute.

Sec. 3. When fifty subscribers to the said society shall have been procured, its corporate existence shall commence under the above title. The officers of said society shall consist of a President, and an Executive Committee of three, to be elected by the said subscribers, at such times and places, and for such periods as the said subscribers may designate; and, by the name and title of the President and Executive Committee of the Transylvania Institute, may sue and be sued, plead and be imploleded, in any

297. Ibid., pp. 266-267.
court of justice in this Commonwealth; may adopt a common seal, and alter and renew the same at pleasure, and may hold property, real, personal, or mixed, to any amount not exceeding fifty thousand dollars.

Sec. 4. The said President and Executive Committee, of the Transylvania Institute, may make such by-laws, and regulations for their government and proceedings, as they may deem proper and expedient: provided, however, that said by-laws and regulations be not inconsistent with this act, the constitution of this State, or the constitution of the United States.

Sec. 5. The Trustees of Transylvania University shall consist of eight citizens of Kentucky, five of whom, at least, shall be residents of Fayette county, to be elected as follows, to-wit: The Transylvania Institute, when organized, as above required, may elect two Trustees; the Mayor and Board of Councilmen of the city of Lexington, upon subscribing sixty thousand dollars to any or all of the departments of Transylvania University, of which not less than twenty thousand shall be appropriated for the use and benefit of Morrison College, to be paid in such manner as shall be agreed on between the said Mayor and Board of Councilmen and the present board of Trustees of Transylvania University, may elect three other Trustees; at the first regular meeting of the said Mayor and Council, after the subscription is made, as is herein contemplated, they shall elect three Trustees of the University, one to serve one year, one to serve two years, and the other to serve for three years, from the date of their appointment, and until their successors may be elected; and after the expiration of each term of service, a Trustee shall be elected to remain in office
for the term of three years; and the Governor of the Commonwealth, by and with the advice and consent of the Senate, may nominate and appoint three other Trustees, and in case of any vacancy, in the Board of Trustees from death, resignation, or other cause, the same may be filled, by the authority which appointed the Trustee whose place may be vacated.

Sec. 6. Until the subscriptions of the said Institute, and the said Mayor and Board of Councilmen shall be made, and their organization, as aforesaid, completed, the present Board of Trustees shall continue in office; and after the said subscription shall be made, and their organization, as aforesaid, completed, and five Trustees shall have been elected by the said Institute and the said Mayor and Board of Councilmen, two of the present board shall go out of office, to be determined by placing the names of the present Trustees in a box, and the three Trustees, whose names shall be first drawn therefrom continue in office; and when so elected may choose a Chairman, and shall constitute the Board of Trustees of Transylvania University, and shall possess and enjoy all the rights, privileges, powers and immunities, heretofore vested by law in said Trustees. The said Trustees, except those appointed by the city, who after those first elected, as provided in the fifth section, shall be elected for the term of three years, shall continue in office for the period of two years from the time of their election, and until their successors are appointed.

Sec. 7. There is hereby constituted and appointed a Board of Overseers of Transylvania University, which shall consist of the Governor and Lieutenant Governor of this Commonwealth, the Speaker of the House of Representatives, and the Superintendent of Public
Instruction, ex officio, and of one person to be chosen from each Congressional District in which Lexington is situated, where three shall be appointed. The Board of Overseers shall meet at least once in a year, to examine into the condition of Transylvania University, its management by the Board of Trustees, and, if necessary, report to the Legislature its wants, condition and prospects. They shall continue in office during good behavior, and be removable only by a joint vote of both branches of the Legislature, and shall have the power to fill any vacancy which may occur in their body from death, resignation, or otherwise.

Sec. 8. The Governor of the Commonwealth shall nominate, and by and with the advice and consent of the Senate, shall appoint the Overseers of Transylvania University.

Sec. 9. The Mayor and Board of Councilmen, of the city of Lexington, and the members of the Transylvania Institute, may send one scholar to Morrison College, for each and every five hundred dollars which they have, or may hereafter, subscribe, and shall fully pay. Their right to vote for the Trustees of Transylvania University, shall commence when they shall have respectively, paid the first instalment upon their subscriptions, and shall be discontinued by a failure or refusal, for three months, to pay the annual instalments as they are ordered, provided that notice of such instalment being ordered, shall be published for thirty days, consecutively, in one or more of the authorized newspapers of Lexington.

Sec. 10. After erecting the necessary dormitories and refectories, the residue of the money subscribed, and paid, as aforesaid, shall be invested by the Trustees of Transylvania University in
safe and profitable stocks, and the proceeds or interest thereof, only, shall be applied to the payment of the salaries of Professors, and to such other purposes as, in their opinion, will most advance the interests of said University.

Sec. 11. The General Assembly of the Commonwealth of Kentucky, by and with the consent of the then existing Board of Trustees, may make such alterations in the organization of Transylvania University as they may deem expedient and proper. And all laws relating to Transylvania University, not inconsistent with this act, or any of the provisions hereof, shall continue in full force and effect. 298

An ACT for the benefit of the Trustees of the Glasgow Academy.

WHEREAS, it is represented to the present General Assembly, that the Trustees of the Glasgow Academy, previous to the passage of the law giving the fines and forfeitures of this Commonwealth to the payment of Jurors, had contracted a debt, relying on the fines and forfeitures of Barren county to discharge the same; which fines and forfeitures had been given to said Academy, by an act of Assembly, approved at their session of 1834-5, and for the purpose of securing to said Academy the fines which accrued previous to the passage of the act giving the fines and forfeitures to the payment of Jurors, and subsequent to the passage of the law giving said fines and forfeitures of Barren county to the Glasgow Academy - for remedy whereof, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That all the fines and forfeitures of Barren county, that

298. Ibid., pp. 300-303.
may have accrued, or for which suits may have been brought, from
the first of January, eighteen hundred and thirty five, up to the
first of January, eighteen hundred and thirty eight, shall be, and
the same are hereby, given to the Trustees of the Glasgow Academy,
for the use and benefit of said institution; any law to the contrary
notwithstanding. 299

An ACT to amend the act to establish a System of Common Schools in
the State of Kentucky, approved, February 16, 1838.

      Approved, February 23, 1839

      Section 1. Be it enacted by the General Assembly of the
Commonwealth of Kentucky, That instead of five School Commissioners
in each county, there shall, hereafter, be appointed only three
Commissioners, any two of whom shall be competent to perform all
the functions which have heretofore been, or may hereafter be,
devolved upon them: Provided, That where five Commissioners have
been heretofore appointed in any county, they shall continue to
act until their number shall be reduced to three, by resignation
or otherwise, a majority of whom shall constitute a quorum to do
dbusiness.

      Sec. 2. That the several County Courts of this Commonwealth
shall allow to each School Commissioner, of their respective counties,
the sum of one dollar per day, and to each County Surveyor, two
dollars per day, for every day that they shall have been diligently
employed in the duties of their offices pertaining to Common Schools;
and the same shall be paid out of the County Levy.

      Sec. 3. The lands and otherproperty of free negroes shall

299. Ibid., p. 314.
hereafter be exempted from taxation, for Common School purposes.

Sec. 4. That the thirty-fourth section of the act to establish a System of Common Schools in the State of Kentucky, approved, February 16, 1838, be, and the same is hereby amended as follows:
That the property to be taxed for school purposes, shall be the same that is assessed and taxed for revenue purposes; and the property located in each district, shall be subject to taxation, for the benefit of said district, whether the owner of such property reside in said district or not; and if the owner be a non-resident of this State, then his or her property shall be, also, liable to taxation, in the district where situated, for the use and benefit of such district.

Sec. 5. That so much of the act of last session, establishing a System of Common Schools, approved, February 16, 1838, as conflicts with the foregoing provisions, be, and the same is hereby repealed.

Sec. 6. That the distribution to each district, shall only be made upon the district conforming to the act above mentioned.

Sec. 7. That where the convenience of the neighbourhood, through which a county line may run, shall require it, it shall and may be lawful for the School Commissioners of each of the counties to meet, and lay off a district, including parts of both counties, and report the same to their respective County Courts, which shall be recorded in the Clerk's office of each county, which district shall be governed by all the laws that apply to school districts, situated in one county.

300. Ibid., pp. 318-322.
An Act to amend an act to establish a system of Common Schools, in the State of Kentucky.

Approved, February 23, 1839

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of the interest which has accrued upon the Common School Fund, together with the interest which shall hereafter semi-annually accrue, except as hereinafter provided, shall constitute a part of the Common School Fund, created by the act concerning Common Schools; and it shall be the duty of the Board of Education, from time to time, as the said interest shall accrue, to vest the same in State bonds, created for Internal Improvement purposes, or in State Bank stocks, as they may deem most for the advantage of said fund: provided, however, that so much of the interest accruing upon the Common School Fund, semi-annually, as the said board may deem necessary to meet the payments due, or to become due, for the succeeding half year, to such school districts as shall have organized according to law, and other contingent expenses of the Common School system, shall be retained uninvested. And if the said Board of Education determine to vest said fund in State bonds, the Governor is hereby authorized to cause said bonds to be executed to said Board of Education, in trust for the benefit of the Common School Fund. And if they should determine to vest the same in Bank stock, they are hereby authorized to take a transfer of said stock in trust for the fund aforesaid.301

An ACT making an appropriation to the Anderson County Seminary.

Approved, February 23, 1839

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of the interest which has accrued upon the Common School Fund, together with the interest which shall hereafter semi-annually accrue, except as hereinafter provided, shall constitute a part of the Common School Fund, created by the act concerning Common Schools; and it shall be the duty of the Board of Education, from time to time, as the said interest shall accrue, to vest the same in State bonds, created for Internal Improvement purposes, or in State Bank stocks, as they may deem most for the advantage of said fund: provided, however, that so much of the interest accruing upon the Common School Fund, semi-annually, as the said board may deem necessary to meet the payments due, or to become due, for the succeeding half year, to such school districts as shall have organized according to law, and other contingent expenses of the Common School system, shall be retained uninvested. And if the said Board of Education determine to vest said fund in State bonds, the Governor is hereby authorized to cause said bonds to be executed to said Board of Education, in trust for the benefit of the Common School Fund. And if they should determine to vest the same in Bank stock, they are hereby authorized to take a transfer of said stock in trust for the fund aforesaid.301

301. Ibid., p. 355.
Commonwealth of Kentucky, That shall be, and is hereby, appropriated to the Anderson County Seminary six hundred dollars; and it shall be the duty of the Auditor of Public Accounts to issue his warrant upon the Treasury of the State, in favor of the Trustees of the Anderson County Seminary, upon the application of said Trustees, or any person by them authorized to receive the money, and the Treasurer of the State shall pay said warrant when presented to him for payment.

Sec. 2. That said Trustees shall apply said money, when received by them, as directed by an act incorporating the Anderson County Seminary, approved, January twenty eight, eighteen hundred and thirty seven. 302

An ACT to require the Register to register certain surveys, and requiring the appointment of a Treasurer of the School Fund in Wayne county.

Approved, February 23, 1839

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Register of the Land office shall receive and register all plats and certificates of surveys, legally made, on all lands disposed of by the Commissioners of Common Schools, for the benefit of Common Schools, without fee or charge, in Wayne county.

Sec. 2. That the Commissioners of Common Schools, in Wayne county, shall receive all moneys going to the Common School Fund in said county, the proceeds of the sales of lands appropriated to Common School purposes, and disburse said money according to the provisions of the act of last session, establishing Common Schools

302. Ibid. p. 373.
An ACT to incorporate the Literary Institution of St. Magdalen, in Washington County.

WHEREAS, it is represented to the General Assembly of the Commonwealth of Kentucky, that there now exists near Springfield, in Washington county, a Literary Institution for the education of females, called St. Magdalen, conducted and sustained by an association of ladies, to which pupils of every denomination are freely admitted and invited: And, whereas, it is in accordance with the genius of this Commonwealth, and the sentiments of this Legislature to encourage all institutions for the dissemination of learning — therefore,

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the said Institution shall be denominated and known by the name of "the Literary Society of St. Magdalen," to consist of such members, and be subject to such government, as is hereinafter provided.

Sec. 2. Be it further enacted, That the said society shall consist of four members besides the Superior; and the office of Superior shall be, and is hereby, vested in Helen Wheelan; and the following persons shall be, and are hereby, constituted members of said society, (namely;) Rose Tenelly, Magdalen Edelin, Columbia Welsh, and Treoy Cohoe. The said Superior and members, and their successors, by the name of the "Literary Society of St. Magdalen," shall be a body politic and corporate, and have succession forever;

303. Ibid., p. 377.
and by that name may sue and be sued, plead and be impleaded, before any court of record or body, created by law, having jurisdiction of the subject matter about which said suit or suits may be. And the said corporate body may receive any gift, conveyance, devise, or bequest of all property, real, personal and mixed; and make any contract, buy and sell, and convey the same, in their corporate capacity, for the purpose of sustaining and carrying on said institution of learning, and not otherwise; and the said corporate body, and their successors forever, shall continue to possess the property so bought, received, or otherwise acquired by the present or future members, in their corporate capacity, for the benefit and maintenance and support of said institution of learning, and not otherwise; and may have the same powers that corporate bodies, created by law have, consistent with the nature, principles and rules of said institution: Provided, however, That the rents and proceeds acquired by this corporate body shall, at no time, exceed the amount of ten thousand dollars annually.

Sec. 3. Be it further enacted, That the office of Superior of said society, shall remain vested in the said Helen Wheelan during her life, unless she shall sooner resign or be removed; and whenever any vacancy shall happen in the office of Superior, a majority of the members, in meeting assembled, shall elect a person, so selected, during the pleasure of a majority of the members; and a majority of all of the members of said society, therein concurring, may, at any time, remove the Superior from office. Each of the said members herein mentioned, shall hold her office of member for the term of her natural life, unless she shall be removed from membership by vote of the society, lawfully
assembled; and in case of vacancy of membership by death, resignation, removal, or otherwise, the said society shall be, and is hereby, empowered and authorized to fill such vacancy, and so perpetually preserve the succession of said corporation.

Sec. 4. Be it further enacted, That the said Helen Wheelan, and her successors in the office of Superior as aforesaid, shall preside over the deliberations of said society, and shall have, in its meetings, a vote equal to one of the said members; and in case of her absence from said meetings, from sickness or other impediment, she shall have power, and is hereby authorized, to nominate, in writing, the person who shall, in her absence act as Superior in such meetings. The said Superior, and the said members, or a majority thereof, shall be a quorum, and shall be, and are hereby, authorized to pass such ordinances and by-laws, a majority of those concurring therein, as are not contrary to the Constitution of the United States, that of this State, or the laws thereof, and as are consistent with the nature and rules of said Institution of Learning. The said corporate body shall meet for the first time on the first day of next April, or as soon thereafter as the said society shall deem proper, and at such time as may be deemed necessary by said corporate body, for the interest and promotion, of the said institution; and in case the Superior shall neglect or be unable, from any cause whatever, to attend the meetings of said society, and shall neglect to appoint, in writing, some person to be substituted as Superior, pro tempore, the members present, at such meetings, or a majority of them, shall be, and are hereby, authorized to choose some one from their own body, who, in such meetings, may fill the place and exercise all the powers of Superior. The said corporation
may also have a seal, on which any device or inscription they shall think proper, may be impressed; and they may alter or break the said seal at pleasure.

Sec. 5. Be it further enacted, That this Legislature reserves to itself the power, at any time, to repeal and annul, or modify the charter of incorporation granted by this act: Provided, however, that if said corporation should be dissolved from any cause whatever, all the property, both real, personal and mixed, belonging to the corporation at the time of the dissolution, shall, of right, belong to, and vest in, the members of the said Institution of Learning, for their use and benefit.304

An ACT authorizing the Commissioners of the Sinking Fund and the Board of Education to sue and be sued.

Approved, January 7, 1840

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Commissioners of the Sinking Fund of the Commonwealth of Kentucky, as such, and by that name and style, shall have power and authority to sue and be sued, as other corporations.

Sec. 2. That the Board of Education of the Commonwealth of Kentucky, as such, and by that name and style, shall have authority to sue and be sued, as other corporations.305

An ACT authorizing the sale of a Seminary lot, and the building thereon, in the county of Henry.

305. Ibid., p. 27.
Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Jacob L. C. Bice and George B. Falles, be, and the same are hereby appointed Commissioners, with authority and direction to sell, publicly, to the highest bidder, on a credit of twelve months, a lot and building in Henry county, called the "Lindley Academy," and to pay over the proceeds arising therefrom, to the proprietors in said property, their heirs, assignees, or other representatives, proportionate to their interest therein, severally.

Sec. 2. Be it further enacted, That the Commissioners, before entering upon the duties assigned by this act, shall enter into bond and security, in the Henry County Court, in the sum of three hundred dollars, payable to the Commonwealth, conditioned for the faithful discharge of their duty, and the just application of the proceeds of said sale, which shall be made upon the premises, notice thereof being given one month previous, by advertisement, at the court house door of the county. It shall be the duty of said Commissioners to make a deed of conveyance, in the nature of a quit claim, to the purchaser, upon the payment of the purchase money; and they shall receive for their services, out of the proceeds of the sale, reasonable compensation, to be determined by the County Court of Henry.306

Resolution to appoint a Committee to examine Transylvania University and Lunatic Asylum.

Resolved by the General Assembly of the Commonwealth of

306. Ibid., pp. 31-32.
Kentucky, That a committee of four members of the House of Representatives, and two of the Senate, be appointed to examine the Transylvania University and the Lunatic Asylum, and that said committee report to the Legislature the prospects and resources of the former, and the condition of the latter.

Resolved, That a committee of two on the part of the Senate and four on the part of the House of Representatives be appointed to examine the Deaf and Dumb Asylum at Danville. 307

An ACT for the benefit of the Louisville College.

Approved, January 17, 1840

WHEREAS, under the powers granted to the city of Louisville to establish a High School, the Mayor and Council of said city have established an Institution of Learning, by the name of the Louisville College, and desire to place said institution on a more permanent foundation - therefore,

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Mayor and Council of the city of Louisville shall have "authority annually to choose a Board of Trustees for the Louisville College," not exceeding nine, and to fill any vacancies that may occur, and to remove the whole Board, and appoint a new Board, from time to time, as they may deem it to the interest of the College.

Sec. 2. That the Trustees of the Louisville College shall keep a record of the proceedings, and may have and use a common seal, and alter and renew the same at pleasure, and may confer

307. Ibid., p. 295.
degrees, under such rules and regulations as shall, from time to time, be prescribed for the government of the College; and said College shall be a body politic and corporate, by the name and style of "The Louisville College," with power to contract and be contracted with, sue and be sued, and to do all other acts and things that a corporation for the purposes of promoting science may lawfully do, within the scope of its powers.

Sec. 3. The city of Louisville may take and hold, for the benefit of the Louisville College, and the Louisville College may take and hold, for its own benefit, real and personal estate, the annual income of which shall not exceed ten thousand dollars, for the establishment of Libraries, and Cabinets of Curiosities, and Scholarships, and Professorships in said College.

Sec. 4. The city of Louisville shall have a general visitatorial power over the affairs of the Louisville College, and the right to prescribe all the rules and regulations for its government, and that of its fiscal and prudential concerns.

Sec. 5. The legislature shall have the right to amend and modify this act, or to repeal it, saving to the donors and their heirs, on its repeal, the donations made for it, or its benefit.

An ACT to establish Marshall College.

Approved, January 23, 1840

WHEREAS, it is represented to the present General Assembly of Kentucky, that the citizens of Hopkinsville and the surrounding counties are desirous of having a College established in the town

308. Ibid., pp. 51-52.
of Hopkinsville; and whereas, it if further represented that the said town is a very suitable location for such an institution of learning, and that great benefits are expected to result therefrom to the community --, therefore,

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That William S. Talbott, Nicholas M. Ellis, Ninian E. Gray, Augustine Webber, John H. Phelps, Roger F. Kelly, Francis Symmers, Fidelio C. Sharp, John P. Campbell, Reuben Rowland, Francis G. Montgomery, Hans P. Owsley, Malcom McNeill, John A. Steele, James Y. Barnett, John Buckner, John Bryan, Strother J. Hawkins, James B. Wallace, Zachariah Glass, William Henry, Dexter Harding, Robert Gwynn, Edward Stephenson and Magnus T. Carnahan, and their successors, are hereby created a body corporate, to be styled the "Trustees of Marshall College," with full power to acquire, hold, and transfer property, real and personal, to an amount not exceeding one hundred and fifty thousand dollars, make contracts, sue and be sued, plead and be impleaded, in their corporate capacity; to make, have, and use a common seal, and to alter the same at pleasure. Provided, that no vacancies shall be filled in the foregoing list of Trustees, till the number in said list shall be reduced to fifteen; and whenever the said list shall be reduced to the said number of fifteen, by death, resignation, removal, neglect to qualify, or otherwise, that the said fifteen Trustees remaining on said list, shall constitute a full and legal Board to carry out the provisions of this charter; and the number of Trustees shall thenceforth be limited to fifteen, with power to fill vacancies and discharge all other proper duties.
Sec. 2. The said College shall be located in the town of Hopkinsville, or within half a mile thereof; and all the moneys, funds and estate, which may hereafter be vested in the Trustees thereof, or which may hereafter be acquired by them in their corporate capacity, shall be held, used and employed for corporate purposes only.

Sec. 3. The before named Trustees, and their successors in office, shall have power to appoint a Chairman of their Board, and a President and Professors, and such other officers and attendants under them, as they may deem necessary and proper, to hold their offices under such rules and regulations as the said Trustees may prescribe, and to make, allow and pay to the said President, Professors, and other officers and attendants, such reasonable compensation for their services, as to said Trustees may seem right and proper; and the said Trustees shall have full power and authority to make by-laws, rules and regulations for the government of said College as they may judge expedient, and the same annul, alter or amend at pleasure: Provided, said by-laws, rules or regulations be not repugnant to the laws of this Commonwealth, nor inconsistent with the principles laid down in this act, as fundamental laws for the government of said College; and the said Trustees shall have full power and authority to do and perform any lawful matter or thing, which they may deem conducive to the good of the institution, and consistent with the state of the funds thereof.

Sec. 4. The following principles and rules shall be fundamental laws of the said corporation: 1st. That the said
Trustees, President and Professors of said College, before they enter upon the trustee reposed in them, shall severally take the following oath of office, to be administered to them by any Justice of the Peace of the State of Kentucky, that is to say: I (A.B.) do swear or affirm, that I will, to the best of my skill and judgment, faithfully and truly discharge the duties of a Trustee, etc. of said College, pursuant to the laws and constitution of the State of Kentucky, establishing said College, without favor, affection or partiality, so help me God. 2d. A majority of the Trustees shall constitute a Board competent to make pro tempore appointments, and the transaction of all business except the permanent appointment or removal of officers, in which case the concurrence of two thirds of the whole Board shall be necessary. 3d. No religious doctrines peculiar to any one sect of Christians, shall be inculcated by any Professor in said College.

Sec. 5. That the first meeting of the Trustees hereby appointed shall be held at the Methodist church, in the town of Hopkinsville aforesaid, on the second Monday in March next, or so soon thereafter as may be convenient; and the said Trustees shall have regular stated meetings at least twice in every year. And should any Trustee hereby appointed, or hereafter to be chosen, refuse to serve, or fail to qualify, for the space of six months after notification of his appointment, or after qualification, shall fail to attend the meeting of the Board for the term of twelve months, the seat of such Trustee or Trustees may be declared by the Board to be vacated, and they may proceed to fill the vacancy or vacancies, by selecting such person or persons from the body of the community as they may deem proper; such person or persons,
after being duly qualified, by taking the oath of office, shall be authorized to proceed to the discharge of the duties of a Trustee or Trustees of said institution.

Sec. 6. That the Trustees of the said College, together with the President and a majority of the Professors, shall have the power in open assembly, as has been the custom in like cases, to confer, by diploma, signed by the President of the Faculty and five of the Trustees, the degrees of Bachelor or Master of Arts, upon all such students, if such there be, as the said Trustees, President and Professors aforesaid, shall adjudge to have merited the honors of the College by their virtue and erudition, manifested in their conduct, and upon their examination, as required in the act chartering said College; and at the same time confer any honorary degrees, which, with the like advise, shall be adjudged to other gentlemen, on account of special merit, in as full and as ample a manner as in any similar institution. And the Professors and pupils in said College shall, in all cases, have and be entitled to the same privileges that are now allowed the Professors and Principals of other Colleges in this State.

Sec. 7. That the land and buildings to which the said College shall acquire title, shall be exempt from taxation.

Sec. 8. That so soon as the said College shall raise, by private education, subscription, or otherwise, the sum of twenty thousand dollars, the Trustees of said College shall be, and they are hereby authorized to contract with the Trustees of the Christian Academy, and to receive from them a conveyance of all the estate, both real and personal, of the said Christian Academy; and said Trustees of the Christian Academy are hereby authorized to transfer
and convey the same to the said Trustees of the College, and the Trustees of the College shall have full power to use all the estate, both real and personal, so acquired from the Christian Academy, for the benefit of said College: Provided that in case said institution should forfeit its charter, or cease operation for the space of two years, or convey said property to any other use than that provided for in this charter, the property of the Christian Academy, or so much thereof as shall have been transferred, conveyed or paid over to the said Trustees of Marshall College, shall revert to, and be re-invested in, the Trustees of the said Christian Academy; and said property shall in no event be liable or subject to any debts which may be contracted by said College.

Sec. 9. That the said Trustees and their successors in said College are authorized, so far as their funds may warrant, to admit gratuitously, whole or in part, as their respective cases may require, such person, or persons, as they may think proper; and that the Trustees are authorized to receive subscriptions, donations and bequests, either in money, personal, real or mixed property, as funds to establish scholarships, or to meet the expenditures required in support of said College, or in effecting the benevolent object, and to take such measure as they may conceive proper to augment the fund.

Sec. 10. That the Trustees of said College shall provide for and keep in operation in said College, a preparatory department, in which students may be instructed in all the branches which may be necessary to admit them into the regular classes of the College.

Sec. 11. That when the aforesaid sum of twenty thousand
dollars shall be raised, or secured to be paid, as aforesaid, for
the endowment of said College, and the said Board of Trustees
shall be organized according to the provisions of this act, they
shall tender to Kentucky conference of the Methodist Episcopal
Church, the general superintendence of the concerns of said College,
upon such terms as the said Trustees may think proper; and in case
the said conference shall agree to take the said College under its
patronage and general superintendence on the terms propose, it
shall have the right to do so. But in case the said conference
shall refuse to take the superintendence of said College, and
shall not agree to patronize the same, then the said Trustees shall
have authority to place the said College under the general
superintendence of any other denomination of Christian, upon such
terms as may be agreed upon between them: Provided, that said
Terms and conditions be not inconsistent with the laws of this
Commonwealth; or any of the provisions of this act; and Provided
further, that the said Trustees shall not conclude any agreement
for placing said College under the superintendence of any other
religious denomination, until they shall first have tendered to
the said conference the same terms and conditions upon which it
is proposed to place it under the superintendence of such other
denomination.

Sec. 12. That all previous acts chartering a College in the
county of Christian, be, and the same are hereby repealed; and
the Legislature hereby reserves the power to repeal, alter or
modify this charter.

309. Ibid., pp. 79-82.
An ACT for the benefit of the Kentucky Baptist Education Society.

Approved, January 23, 1840

WHEREAS it is represented to the General Assembly, that Isachar Paulding, late of Mercer county, Kentucky, departed from this life, having first published his last will and testament, which was duly admitted to record in the County Court of Mercer, in which he devised the larger part of his estate to the Kentucky Baptist Education Society, for certain purposes therein stated, and made the Trustees of said Society, and their successors, his Trustees; and whereas, doubts have arisen in the minds of said Trustees, whether they have the right to vest the money thus devised, in Bank stock or State bonds -- for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for said Trustees to vest the money thus devised by said Paulding, in Bank stock of the Banks of Kentucky, or State bonds, or in the stock of any other incorporated company that they may elect, whether in or out of this State.

Sec. 2. That when any one of the Trustees of said Society shall resign, or die, it shall not be lawful for those remaining in office to fill said vacancy, until the number shall be reduced to thirteen.

Sec. 3. That a majority of said Trustees in office shall be sufficient to do business; and when reduced to thirteen, seven shall be a quorum.

An ACT to incorporate Pleasant Hill Meeting and School House, in Warren County.

310. Ibid., pp. 82-83.
Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Samuel Shannon, Elias Simpson, Claibourne Still, William R. Truett, and C. A. Still be, and they are hereby, constituted a body politic and corporate, under the name and style of the Trustees of the Pleasant Hill Meeting and School House, with full power and authority to have perpetual succession and a common seal; and in that name, to sue and be sued, plead and be impleaded, in any court having jurisdiction of common law or equity in this Commonwealth; and shall have power to hold, in fee simple, any quantity of land, not exceeding four acres, with its appurtenances, adjoining to, and on which said Pleasant Hill Meeting and School House now stands; that said house and land shall, nevertheless, be held in trust for the use of the subscribers to the erection of said house, provided the orthodox Ministers and Preachers of the different Christian denominations shall be permitted to preach and expound the Holy Scriptures, to the congregations which may assemble thereat, from henceforth on Saturdays and Sabbath days — each denomination having that privilege once in each month: and, provided moreover, that the inhabitants, within three miles, shall be permitted to use said house five days in each week as a school house, in which to tutor their children, by such teacher or teachers, which they may, from time to time, employ.

Sec. 2. Be it further enacted, That upon the vacation of office, by death, resignation, or removal of any one or more of the Trustees herein named, it shall be lawful for the free white males, over the age of twenty one years, or a majority of them,
residing within three miles of said house, to fill such vacancy by a popular election among such persons as may be provided for that purpose; and such Trustee or Trustees, when so elected, shall possess all the powers herein granted to their predecessors: Provided, the Legislature, at all times, reserves the power to repeal, alter or modify this charter.311

An ACT to incorporate the Germantown Academy.

Approved, January 29, 1840

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the following persons, to-wit: Joseph Frazee, S. C. Pinckard, Robert P. Dimmitt, E. T. Currens, and John A. Coburn, and their successors in office, shall be, and they are hereby, constituted a body corporate, to be known and designated by the name and style of the Trustees of the Germantown Academy; the corporation, by the name aforesaid, may sue and be sued, defend and be defended, in all courts in this Commonwealth, or elsewhere.

Sec. 2. That the corporation shall have power to acquire and hold, by purchase, devise, or otherwise, all such lands and tenements, money and property, as the Trustees thereof may, from time to time, think proper to purchase, or such as may be given or devised to the said corporation, not exceeding twenty thousand dollars; and the same, all real and personal property, owned by them, to dispose of by bargain and sale, or by any other mode of alienation, at pleasure.

Sec. 3. That the real and personal estate, business, property

311. Ibid., pp. 95-96.
funds, and prudential concerns of said Academy, and the adminis-
tration of its affairs, shall be under the direction and control of a Board of Trustees, who shall be stockholders at the time of their election, and residents of the counties of Bracken and Mason. They shall be elected, annually, on the first Saturday in October, by the stockholders, at such time and place, in the town of German-town, as the Trustees, for the time being, may prescribe. They shall hold their office for the term of one year, and until their successors shall be chosen. The election shall be by ballot and a plurality of votes, by and under the inspection of the Trustees; and at any election and meeting of the stockholders, held under the provisions of this charter, each and every stockholder shall be entitled to one vote for each and every ten dollars he may own in stock, in his own right, up to one hundred dollars; and for every twenty five dollars over that sum, the stockholders shall, under the same circumstances, be entitled to one vote up to the whole amount of their stock; any stockholder not personally attending such election or meeting of the stockholders, and having a right of vote, may vote by proxy being granted in writing.

Sec. 4. That if it shall happen that, on the day specified by this act, there shall be no election of Trustees, those in office shall continue in office until the next annual election. The trustees may appoint such officers as they may deem necessary, and prescribe their duties -- any of said officers may be removed by the Trustees, stating the cause of such removal on their books.

Sec. 5. That the said Trustees, by the aforesaid name, may, from time to time establish such by-laws, rules and regulations, which they may deem necessary for the government of said institution,
not contrary to the laws of this Commonwealth; and upon the death, resignation or removal of any of the Trustees of President, may fill such vacancy till the annual election.

Sec. 6. That said Trustees may elect a President, Professor and Tutors for said institution, who shall be subject to the directions and control of said Board.

Sec. 7. That the President shall have the power, at all times, to call a meeting of said Board, or any three members of said Board; and said Trustees shall, upon such call, convene and transact such business as they shall deem expedient or necessary for the management of said institution.

Sec. 8. That said corporation shall not be required to procure a common seal, but all its corporate acts may be performed and evidenced under the official signature of said President, as such.

Sec. 9. That all the funds, property, and estate, with the proceeds arising therefrom, belonging to, or which may hereafter belong to, said Academy, shall be appropriated for the purposes of carrying on the same, and promoting learning therein, and for no other use whatever.

Sec. 10. That the said Trustees shall keep a regular record of their proceedings, which shall be signed on each adjournment by the President: Provided, that the Legislature reserves the right to alter, amend or repeal this charter.

An ACT to incorporate the Western Baptist Theological Institute, at or near Covington, Kentucky

312. Ibid., pp. 97-99.
Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Cave Johnson, Henry Wingate, E. Robbins, J. L. Huleman, S. W. Lynd, John Stevens, and Thatcher Lewis, who have united themselves together for the purposes of promoting education in the Baptist denomination in the Western States, and their successors, be, and they are hereby, created a body corporate and politic, with perpetual succession, to be styled the Trustees of the Western Baptist Theological Institute, with full power to acquire, hold, and transfer property, real and personal, make contracts, sue and be sued, plead and be impleaded, in their corporate capacity; to make, have and use a common seal, and the same to break, change, or alter, at pleasure.

Sec. 2. That the said Institute shall be located in the town of Covington, Kentucky, or within one mile of the same, at the discretion of a majority of the whole of said Trustees.

Sec. 3. That all the money, funds, and estate, which may now belong to said Institute, or which may hereafter be acquired by it, are, and shall be, vested in said Trustees, to be held by them, in their corporate capacity, for the sole use and benefit of said Institute, and for the purpose of promoting learning therein: Provided, that the proceeds of the whole of the money, funds, and estate, so held by said Institute, shall never exceed twenty thousand dollars per annum, or be directed to any other object than the purposes of education.

Sec. 4. That the Trustees aforesaid, and their successors, shall have power to appoint a Chairman, out of their own number, to preside over them in their deliberations relative to the business...
of said Institute, and shall also have power to fill all vacancies that may occur in said body corporate.

Sec. 5. That said Trustees shall have power to appoint a President, and such Professors of the various departments of learning to be taught in said Institute, as they may think proper, and to appoint all such other officers as they may deem necessary for the management of the concerns of said Institute, and remove the same at pleasure; and shall also fix the compensation which they shall severally receive for their services.

Sec. 6. That said Trustees shall have power and authority to make all such by-laws, rules and regulations for the government of said Institute, and the management of all its concerns, as they may deem expedient; and to alter, annul, and amend the same, at pleasure: Provided, however, that said by-laws, rules and regulations shall not be repugnant to the laws of this Commonwealth, nor inconsistent with any of the principles of this charter.

Sec. 7. That the said Trustees, and the officers they may appoint, including the President and Professors of said Institute, before they enter upon the duties of their respective offices, shall severally take the following oath or affirmation, before some Justice of the Peace, to-wit: I, ________, do solemnly swear, or affirm, that I will, to the best of my skill and judgment, faithfully discharge the duties of ________ of said Institute.

Sec. 8. That a majority of the whole number of Trustees appointed under this charter, shall constitute a quorum, competent to transact all the business belonging or appertaining to said Institute; and said Trustees shall hold at least two stated meetings in each year, and shall, when necessary, appoint a Chairman pro
Sec. 9. That should any Trustees herein before named, or that may hereafter be chosen, according to the provisions of this act, neglect or refuse to qualify, for three months next after being notified of his appointment, his office shall be considered vacant, and the remaining Trustees shall proceed to appoint another in his stead; and it shall be the duty of said Trustees to enter all their proceedings in a book, or books, to be kept by them for that purpose.

Sec. 10. That said body corporate shall have power to confer such literary honors, degrees and diplomas upon the pupils of said Institute, as the President and Professors of the several departments of learning may think them entitled to receive.

Sec. 11. That any future Legislature may alter, amend, or repeal this act, whenever they may deem it right and proper to do so.

An ACT for the benefit of the Anderson county Seminary.

Approved, February 5, 1840

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the County Court of Anderson county shall, and they are hereby authorized to, levy on the tithables of said county, at their March, April or May terms, a majority of all the Justices in said county being present, a tax on each of the tithables of said county, any sum not exceeding one dollar, for the benefit of the Anderson County Seminary: Provided, however, that a majority of the legal voters of said county request the same, by a petition to the said court; and the Sheriff or County Collector of said

313. Ibid., pp. 129-131.
county, when said levy shall be so laid as aforesaid, shall be, and he is hereby authorized to collect the said levy during the present year, in the same manner as the other county levies are collected, and pay the same to the Trustees of said Seminary; and he shall be responsible as he is for other county levies. 314

An ACT to amend an act to incorporate the Trenton Female Academy, in Todd county.

Approved, February 7, 1840

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That James Byars, Edmund Ware, sr., S. H. Sullivan, William B. Sims, Granville Waddell, William A. Garth, and Granville W. Garth, be, and they are hereby appointed Trustees of the Trenton Female Academy, who shall hold their first session in said town at such time and place as a majority of them shall designate.

Sec. 2. That said Trustees shall continue in office until the first Monday in June next, at which time, or as soon thereafter as may be, an election shall be held for Trustees to said Academy, according to the provisions of the act to which this is an amendment; and who shall, in all other respects be governed by the provisions of said original act, not in conflict with the provisions of this act; and if said election shall not take place on the first Monday in June next, the Trustees hereby appointed shall continue in office until their successors be elected. 315

An ACT to incorporate the Crab Orchard Seminary, in Lincoln county.

314. Ibid., p. 138.

315. Ibid., p. 137.
WHEREAS, John Owaley, William Whitley, Andrew Whitley, William Hutchinson, Archibald Shanks, Thomas Buford, Ephraim Pennington, William Hansford, John S. Hansford, Stephen Birch, Thomas Welsh, Jonathan O. Bryant, Henry W. Farris, Robert W. Graham, Joseph W. Newland, Jacob Guest, Hiram Roberts, and other citizens of the county of Lincoln, have, by voluntary subscription, built a Seminary in the town of Crab Orchard, in Lincoln county, and have the same in successful operation; and whereas, the said body desires to be incorporated, to the end that they may the better promote the literary purposes for which they have associated themselves,

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the several persons before named shall be, and are hereby, constituted a body politic and corporate, to be known by the name of the Proprietors of the Crab Orchard Seminary, and by that name shall have perpetual succession, and a common seal, with power to change the same at pleasure.

Sec. 2. That the said corporation shall be authorized to acquire and hold, to themselves and their successors, estate, real, personal and mixed, to an amount not exceeding, at any one time, more than twenty thousand dollars in value; and may, from time to time, dispose of the same, or any part thereof, and may acquire other property in lieu thereof, and make a legal transfer of the property so disposed of.

Sec. 3. That an annual meeting of said proprietors shall be held at the Crab Orchard Seminary, on the seventeenth day of August next, and on the seventeenth day of August in every succeeding year, unless a different day shall be fixed on at an annual meeting.
of said proprietors, at which time a majority of all the proprietors shall be represented; in which case the annual meeting shall be held on the day so fixed.

Sec. 4. That an annual meeting has taken place of the proprietors of said Seminary, on the seventeenth day of July last, and elected, from out of their body, William Hutchinson, Andrew Whitley, Thomas Welsh, Robert W. Graham, and Hiram Roberts, as Trustees to said Seminary, consisting of five members, and shall, in like manner, at each subsequent annual meeting, elect a new Board of Trustees, either from among the old Board, or others, at their pleasure; but if, from any cause, an election of other Trustees shall not be made, then the former Board are to serve until such election shall be held.

Sec. 5. That a general meeting shall be composed of at least two thirds of the proprietors, and in voting, the following rules shall be observed: No one proprietor is ever to have more than one vote, and it shall require a majority of all the proprietors to elect a Trustee.

Sec. 6. The Trustees of the Crab Orchard Seminary shall be empowered to pass all necessary by-laws for the good government of said Seminary: Provided, that they shall not be contrary to the constitution of the United States, or the laws and constitution of the State of Kentucky.

Sec. 7. That the Trustees of said Seminary shall, at their first meeting after the said election, choose a Chairman to preside over their deliberations, and if he shall be absent at any meeting, a Chairman pro tem. shall be appointed. Three members of the Board shall constitute a quorum to do business; they shall hold
meetings, from time to time, according to adjournment, and at such stated times as shall be prescribed by their laws. They shall have power to select teachers, and make all necessary rules for the good government of the Seminary, and in general to do all other things in relation thereto, not inconsistent with the by-laws for the government of said Seminary; and should a vacancy occur, from any cause, the proprietors shall proceed to elect another in the room thereof, out of their own body, as soon as practicable; and the Chairman may, at any time, call a meeting of the Trustees for the transaction of special business.

Sec. 8. The said proprietors may sue and be sued, in their corporate name; and in all suits against the corporation, service upon the Chairman of the Board of Trustees, or if there be no Chairman, or he be absent from the county, then service upon any two members of the Board shall be sufficient to enable the court having jurisdiction of the matter, to proceed to the trial of the case.

Sec. 9. There shall be a record kept of the proceedings had at the annual meetings. The Board of Trustees shall also keep a record of their proceedings, and shall appoint a Secretary and Treasurer, if they deem it necessary. The Chairman shall issue certificates of stock, signed by himself, to all persons who shall have become entitled to an interest in said Seminary.

Sec. 10. It is distinctly understood that all subscribers shall have a preference in sending to said institution to non-subscribers: Provided, they offer them at the commencement of the session.

Sec. 11. That the Legislature shall have power to repeal,
change or modify, at any time, all, or any portion of the aforesaid act. 316

An ACT authorizing the Trustees of the Pendleton Academy to loan the funds of the Institution upon bonds and obligations.

Approved, February 7, 1840

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for the Trustees of the Pendleton Academy, and their successors in office, to loan the funds of the institution to corporations, or individuals, upon bonds or obligations, well secured, any law to the contrary notwithstanding. 317

An ACT to establish a Seminary of Learning in Morgantown, and for other purposes.

Approved, February 7, 1840

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That a Seminary of learning be, and the same is hereby established, in the county of Butler, to be called and known by the name of the Butler Seminary; and that John H. Jennings, Andrew H. Hines, James D. Carson, George R. Hines, and Dr. John M. Austin, be, and they are hereby constituted a body politic and corporate, to be known by the name and style of the Trustees of the Butler Seminary, and by that name shall have perpetual succession and a common seal.

Sec. 2. That upon the death, resignation, or removal of any of said Trustees, or their successors, a majority of the remaining

316. Ibid., pp. 141-142.
317. Ibid., pp. 142-143.
Trustees shall have power to fill all such vacancy, or vacancies; and the person, or persons, so appointed, shall possess the same powers and privileges as if named in this act; and, by the name and style of the Trustees of the Butler Seminary, may sue and be sued, plead and be impleaded, in any court of law or equity.

Sec. 3. That the said Trustees, and their successors, shall have power, and they are hereby authorized, to purchase and receive the conveyance to a lot of ground in or adjoining the town of Morgantown, in said county, upon which to erect said Seminary, and to receive donations of money, lands, or other property, for the use and benefit of said Seminary.

Sec. 4. That it shall be the duty of said Trustees to assemble once in every three months, or oftener if they think proper, and make such examination into the progress of the students and management of the general concerns of the institution as they may deem necessary.

Sec. 5. That a majority of said Trustees shall form a quorum to do business; that they shall have power, from time to time, to select a teacher, or teachers, and to make and enact such rules and regulations for the government of said institution as they may deem expedient, not contrary to the laws of this Commonwealth.

Sec. 6. That said Trustees, or a majority of them, shall have full power to regulate and control, in such manner, as they may deem best, and most conducive, to the public interest, all the affairs of said Seminary.

Sec. 7. That the General Assembly of the Commonwealth of Kentucky shall, at all times, have full power to alter or amend
An ACT to incorporate the Franklin Institute of Bacon College.

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That P. Kennedy, W. C. Dear, R. D. Harlem, I. H. Smith, E. E. Bruce, and their associates be, and they are hereby, created a body politic and corporate, by the name and style of the Franklin Institute of Bacon College; and by the name and style may have and use a common seal, with power to alter and change the same at pleasure; and may contract and be contracted with, sue and be sued, plead and be impleaded, before any court of judicature within this Commonwealth, and shall also have power to take and hold, by gift, grant, or devise, any estate whatever, real or personal, not exceeding the value of twenty five thousand dollars, and to sell, exchange, or convey the same, at pleasure, for the use of said society.

Sec. 2. That the members of the Franklin Institute of Bacon College may elect, on the first Monday in March, in the year eighteen hundred and forty, or at any other time they may deem proper, a President, Vice President, Secretary, and Treasurer, of said society, who, upon their election, shall enter upon the discharge of such duties as shall be prescribed by the members of said society. The President, Vice President, Secretary, and Treasurer, for the time being, and their successors, shall take and hold the estate, goods and funds of the society, and, in law, shall be considered the corporators; and in the corporate name may sue and

318. Ibid., p. 152.
be sued, and in all suits against the corporation, service of
process upon said President, shall be considered good. That the
members of said society shall also have power and authority to
ordain and establish such by-laws, rules and regulations, for their
government as they may deem proper and necessary, which are not
inconsistent with the constitution and laws of this Commonwealth,
and the charter, rules, and regulations of Bacon College. They
may also appoint such subordinate officers as they may deem proper
for the government of said society, and they may remove them at
pleasure; but the President, Vice President, Secretary, and Treasurer,
shall hold their offices for one year, and until their successors
are chosen; and in case no election shall be held on the first of
March, 1840, then the officers of said society, now in office, shall
continue until the first of March, 1841, unless a vacancy shall
occur, and in that event an election may be held at any time. That
all the books, furniture, and apparatus, now belonging to said
society, shall be vested in and held by said society, as fully and
completely as if the same had been acquired after the passage of
this act.

Sec. 3. Be it further enacted, That the General Assembly shall
have power to change, annul, or repeal, this act at any time.319

An ACT to amend an act to establish a Medical Institute in the city
of Louisville.

Approved, February 12, 1840

Section 1. Be it enacted by the General Assembly of the
Commonwealth of Kentucky, That an act, entitled, an act to establish

319. Ibid., pp. 164-165.
a Medical Institute in the city of Louisville, shall be so amended as that said Institution shall be known by the name and style of \textit{the Medical Institute of Louisville}, and by that name and style shall have the right to sue and be sued, contract and be contracted with, and pass by-laws for the government of its affairs and the management of its fiscal and prudential concerns; and to have and use a common seal, and change, alter and renew the same at pleasure; and to confer degrees in Medicine, and generally to do and perform all such matters and things as corporations for the promotion of science may lawfully do within the scope of their charters.

Sec. 2. The office of Moderator in said Institute, shall be merged into that of a Manager, and said Institution shall be under the management and control of the President and Managers now in office, and their successors. The President and Managers shall consist of eight persons, and those now in office shall fill any vacancies that may exist; and hereafter the President and Managers shall fill any vacancies that may arise, and when a vacancy shall arise in the office of President, the Managers shall fill the same.

Sec. 3. The by-laws shall prescribe what shall constitute a vacancy in the office of President or Manager, and what number shall be necessary to concur in filling a vacancy.

Sec. 4. The President and Managers shall appoint a Clerk, Treasurer, and Librarian, and such other officers and agents as they may deem proper, and require from them bond and security for the faithful discharge of the duties required from them; they may create and establish such Professorships as they may deem proper for the promotion of Medical science, and abolish the same at pleasure, and establish others in their stead; and may remove all
the Officers, and Agents, and Professors, at their pleasure.

Sec. 5. The Medical Institute of Louisville may hold the real estate, library and apparatus of which it is now seized and possessed, under the terms and conditions on which the same was donated, and such additional estate, books and apparatus as may be proper for such an Institute; and for that purpose may take by purchase, gift, or devise: Provided, that its income, exclusive of the fees of the Professors, shall not exceed ten thousand dollars per annum.

Sec. 6. The Legislature reserves the right to amend, alter, or repeal, this act, but no amendment, alteration, or repeal, shall effect the right to the property held by the Institute; on the dissolution of the corporation, the estate and property shall revert to the donors, and grantors, or devisors, and their successors or heirs. 320

An ACT to authorize the County Court of Nicholas county to sell the Nicholas county Seminary, and for other purposes.

Approved, February 12, 1840

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the school house and grounds belonging to the Nicholas county Seminary, be, and the same are hereby vested in the County Court of said county; and said court is hereby authorized and empowered, by its Commissioner for that purpose, appointed by an order of said court, to sell and convey said school house and grounds, on such terms as said court may deem most advantageous, and to vest the proceeds of sale in another house and grounds, to

be held by them for the purposes of education, or so to dispose of said proceeds, for the objects of education, as said court may deem right and proper. 321

An ACT for the benefit of the Paducah Seminary.

Approved, February 12, 1840

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the title to the Seminary lands which have been allowed by the Commissioners to the town of Paducah, agreeably to the provisions of an act, entitled, an act to apportion the Seminary lands in McGrawken county, approved February 16, 1838, shall be, and the same are hereby, vested in the Trustees of the Paducah Seminary; and that said Trustees, in their corporate capacity, are hereby vested with full power and authority to sell and convey said lands, or any part thereof, at such time, and upon such terms, as they may deem most advisable for the interest of said Seminary. The proceeds arising from the sale of said lands shall be applied to the use and benefit of said Seminary, by the Trustees aforesaid, in the same manner as any other funds which may be in their hands, or under their control. 322

An ACT to incorporate the La Grange Seminary, in Oldham county, and for other purposes.

Approved, February 12, 1840

WHEREAS, the citizens of the town of La Grange, in Oldham county, have, at their own expense, erected a commodious building, with a view of establishing, permanently, a Seminary of Learning;

321. Ibid., pp. 176-177.
322. Ibid., pp. 182-183.
and whereas, said building has been put up on a lot in said town, known as lot number ______, which was originally set apart as a church lot; and whereas, private liberality has provided other and suitable lots for the erection of houses of worship—therefore,

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the County Court of Oldham, be, and are hereby, authorized to convey to the Trustees hereinafter to be named, said lot on which the building aforesaid stands, to them and their successors, forever.

Sec. 2. That Hugh L. Givens, Camden M. Ballard, Gabriel Knightly, William T. Barbour, sen'r, Wyatt Hall, Benjamin T. Crouch, James Mount, William D. Mitchell, and William G. Taylor, shall be, and they are hereby, constituted a body politic and corporate, to be known by the name of the Trustees of the La Grange Seminary; to have perpetual succession, the right to sue and be sued, to implead and be impleaded, in any court of law or equity, in this Commonwealth, and to acquire by purchase, devise, or otherwise, and hold to them and their successors in office, any lands, money or property, necessary for the use and benefit of said Seminary.

Sec. 3. That the real and personal estate, business, property, funds, and prudential concerns of said Seminary, and the administration of its affairs, shall be under the direction and control of the said Board of Trustees, who shall be residents of the town of La Grange, or its immediate neighborhood. They shall hold their offices for twelve months from and after the passage of this act, and until their successors shall be chosen, which shall be annually, by an election in the town of La Grange, at which election, the white male citizens of said town, and within one mile thereof, over
the age of twenty one years, shall be entitled to vote, and a plurality of votes shall determine the election.

Sec. 4. That the Board of Trustees shall select one of their own number as President of the Board; may fill vacancies that may occur in the intervals of the stated election, appoint a Treasurer, and such other officers as they may judge needful, define their duties, and fix their compensation; may employ teachers, manage and superintend the affairs of the Seminary and make such rules and by-laws for their own regulation, as they may deem proper, and any five of them shall form a quorum to do business.

Sec. 5. That it shall not be necessary for said corporation to procure a common seal; all its acts shall be manifested and made known by the signature of the President of the Board of Trustees affixed to the document, or writing executed, or by some entry or minute made on the records of the proceedings of the corporation; and all writings or contracts made and entered into, in the name of the corporation, and signed by the President in his official capacity, shall be good and valid in law, as if a common seal were affixed thereto, in due form of law.

Sec. 6. That no portion of the funds, estate, or property of the corporation, in any way acquired, shall be used otherwise than to subserve the purposes of education, and the immediate interest and property of the Seminary; Provided, that this act may, at any time, be altered, amended, or repealed by the Legislature.

323. Ibid., pp. 183-184.
an ACT to incorporate the Spencer County Seminary.

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That a Seminary of Learning be, and the same is hereby, established, in the county of Spencer, to be called and known by the name of the Spencer County Seminary; and that Masten B. Shelburne, Henry L. Minor, William B. Murphy, Abraham Vandyke, James J. Wood and Robert L. Slaughter, be, and they are hereby, constituted a body politic and corporate, to be known by the name and style of the Trustees of the Spencer County Seminary; and by that name may sue and be sued, plead and be impleaded, in any court of law or equity; and they are hereby authorized to make such by-laws, rules and regulations for the government of said Seminary, as they may deem expedient and proper: Provided, they be not contrary to the laws and constitution of this State.

Sec. Five of said Trustees shall form a quorum, or board, to transact any business which they are hereby authorized to do, a majority concurring therein; they shall have power to appoint some one of their own body as President of their Board, and in the absence of said President, may appoint a President pro temp., whose duty it shall be to preside at all meetings of said Trustees, as President of said Board; they may also appoint, from time to time, a Treasurer, Clerk, and such other officers they may deem necessary and proper; they shall have power to appoint a principal Professor, or teacher, as they may, from time to time, deem necessary; they shall keep a fair record of their proceedings, and should any of the Trustees hereby appointed, fail or refuse to
act, or should the office, of Trustee at any time become vacant, from any cause whatever, a majority of those then remaining in office and concurring therein, shall have full power to fill such vacancy.

Sec. 3. That the said Trustees, and their successors, hereby created, shall have full power and authority to procure and receive the conveyance to a lot of ground, in or adjoining the town of Taylorsville, in said county, upon which to erect said Seminary, and to receive donations of money, lands, or other property, for the use and benefit of said Seminary, and the same to dispose of, by bargain and sale, or any other mode of alienation; they shall have power to enforce the collection of any subscription made for the benefit of said Seminary, at such time and in such proportions as they may deem just and proper. It shall not be necessary for said corporation to procure a common seal; all its corporate acts shall be manifested and made known by the signature and private seal of the President affixed to the contract or writing executed, or by some entry, minute, or memorandum, made on the record of the proceedings of said corporation; and all contracts, deeds, writings and conveyances, made and entered into in the name of the Trustees of the Spencer County Seminary, and signed by the President thereof, in his official capacity, in manner aforesaid, shall be as valid and effectual in law, as if the corporation had a common seal, and the same was affixed in due form, to said contract, deed, writing or conveyance. The Legislature hereby reserves the right to alter, amend, or repeal this charter, at any time hereafter.

324. Ibid., pp. 184-185.
An ACT to incorporate the Trustees of the Buck Creek Seminary, and the Trustees of the Simpsonville Seminary.

Approved, February 13, 1840

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Peter Courtney, Benjamin C. Stephens, Theophilus Davis, Archibald Collins, Josephus Turnham, Caleb Doyle, Gad Davis, and John P. Thatcher, citizens of Shelby county, and their successors in office, shall be, and they are hereby constituted a body corporate, to be known by the name and style of the Trustee of the Buck Creek Seminary, and as such, may sue and be sued, plead and be impleaded, in all courts in this Commonwealth.

Sec. 2. That the corporation shall have power to acquire and hold, by pruchase, devise, or otherwise, all such lands and tenements, money, and property, not exceeding the value of twenty thousand dollars, as the Trustees thereof may think proper to purchase, or such as may be given or devised to the said corporation, and the same, and all real and personal property, owned by them, to dispose of by bargain and sale, or by any other mode, at pleasure.

Sec. 3. That the real and personal estate, business, property, funds, and prudential concerns, of said school, and the administration of its affairs, shall be under the control and direction of said Trustees and their successors in office; and they may appoint a Treasurer, Clerk, and such other officers as they may deem necessary, fix their compensation, define their powers, and prescribe their duties, and require of them such bonds in such penalties, and with such conditions and sureties, as they may deem right -- and may be removed by the Trustees for good cause.

Sec. 4. That the Board of Trustees, three of whom shall
constitute a quorum, for the transaction of business, may, from time to time, make such by-laws, rules and regulations, for their own Government and superintendence of said school and matters appertaining thereto, which they may judge expedient and proper, not contrary to the constitution and laws of this Commonwealth. The board shall have power to appoint a principal teacher, and such assistant teachers as they in their discretion may deem necessary; and they shall have power and authority to remove any such for good cause, a majority of all the Trustees concurring to remove any such for good cause; they shall also have power and authority to enforce the collection of any subscription, fines, or other dues, to said institution.

Sec. 5. That all the estate, money, property, and funds, of the corporation shall be used in such manner as the Trustees may think proper in the construction of such buildings as may be needful, and in conducting and carrying on said school; a majority of the Trustees, remaining in office, shall fill all vacancies that may happen by resignation, death, or otherwise.

Sec. 6. That it shall not be necessary for said corporation to procure a common seal, but all its acts shall be manifested and made known by the signature of the President of the board of trustees affixed to the writing executed, or by some entry or memorandum made on the books of the corporation; and all contracts, deeds, or writings, made and executed, or entered into, in the name of the corporation, and signed by the President, in his official capacity, in manner aforesaid, shall be good and binding in law; the President of the board shall be elected, annually; and in case of his death, absence, or resignation, another may be
elected in his place; and the right to alter, amend, or repeal this act is hereby reserved.

Sec. 7. Be it further enacted, That Rochester Atkisson, Allen T. Webb, James Hollingsworth, John Dale, and Allen T. Kirk, citizens of Shelby county, and their successors in office, shall be, and they are hereby, constituted a body corporate, to be known by the name and style of the Trustees of the Simpsonville Seminary, and as such may sue and be sued, plead and be impleaded, in all courts in this Commonwealth.

Sec. 8. That the corporation shall have power to acquire and hold by purchase, devise, or otherwise, all such lands and tenements, money, and property, not exceeding the value of twenty thousand dollars, as the Trustees thereof may think proper to purchase, or such as may be given or devised to the said corporation, and the same, and all real and personal property owned by them, to dispose of, by bargain and sale, or by any other mode, at pleasure.

Sec. 9. That the real and personal estate, business, and property, funds, and prudential concerns, of said school and the administration of its affairs, shall be under the control and direction of said Trustees and their successors in office; and they may appoint a Treasurer, Clerk, and such other officers as they may deem necessary, fix their compensation, define their powers, and prescribe their duties, and require of them such bonds, in such penalties, and with such securities as they may deem right - and may be removed by the Trustees for good cause.

Sec. 10. That the Board of Trustees, three of whom shall constitute a quorum for the transaction of business, may, from time to time, make such by-laws, rules, and regulations, for their own
government and superintendence of said school, and all matters appertaining thereto, which they may judge expedient and proper, not contrary to the constitution and laws of this Commonwealth; the board shall have power to appoint a principal teacher and such assistant teachers as they, in their discretion, may deem necessary; and they shall have power and authority to remove any such, for good cause, a majority of all the Trustees concurring therein; they shall also have power and authority to enforce the collection of any subscription, fines, or other dues, to said institution.

Sec. 11. That all the estate, money, property, and funds, of the corporation shall be used in such manner as the Trustees may think proper in the construction of such buildings as may be needful, and in conducting and carrying on said school; a majority of the Trustees, remaining in office, shall fill all vacancies that may happen by resignation, death, or otherwise.

Sec. 12. That it shall not be necessary for said corporation to procure a common seal, but all its acts shall be manifested and made known by the signature of the President of the board affixed to the writing executed, or by some entry or memorandum, in writing, made on the books of the corporation; and all contracts, deeds, or writings made and executed, or entered into, in the name of the corporation, and signed by the President, in his official capacity, in manner aforesaid, shall be good and binding in law; the President of the board shall be elected annually, and in case of his death, absence or resignation, another may be elected in his place; and the right to alter, amend, or repeal this act is hereby reserved.325

325. ibid., pp. 188-190.
An ACT for the benefit of the Kentucky Seminary.

Approved, February 15, 1840

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Jacob Swigert, Mason Brown, Harrison Blanton, James T. Morehead and William Owsley, and their successors, be, and they are hereby, appointed Trustees of the Kentucky Seminary; who shall be, and are hereby made a body politic and corporate, and by the name, style and designation of the Trustees of the Kentucky Seminary, with full power and authority to do and perform such duties and such acts as the laws now in force respecting said Seminary will and do warrant and authorize: that they may sell and convey any of their lands heretofore granted to them by the Commonwealth of Kentucky, and in all respects be subject to such rules and regulations as are directed by the laws now in force respecting said Seminary.

An ACT to incorporate the Jefferson Literary Society of Augusta College.

Approved, February 19, 1840

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Ezra Boring, Moses Smith, William J. Chenowith, and John McDowell, and their associates, be and they are hereby created a body politic and corporate, by the name and style of the Jefferson Literary Society of Augusta College; and, by that name and style, may have and use a common seal, with power to alter and change the same, at pleasure, and may contract and be contracted with, sue and be sued, plead and be impleaded, before any court of judicature in the Commonwealth; and shall, also, have

power to take and hold, by gift, grant, devise, or purchase, any real or personal estate, not exceeding the value of twenty-five thousand dollars, and to sell, convey, exchange, or dispose of the same, at pleasure, for the use of the society.

Sec. 2. That it be lawful for said society to elect a President, Vice President, and Secretary, and such other officers, and at such times, as may be prescribed by the Constitution of the Society; and in law the Treasurer shall be considered corporator, and in the corporate name, may sue and be sued; and in all suits against the corporation, service of process upon said Treasurer, shall be considered good.

Sec. 3. That the members of said society shall have power and authority to ordain, and establish, such by-laws, rules and regulations, for their government, as they may deem proper and necessary, which are not inconsistent with the Constitution and laws of this Commonwealth, and the charter, rules, and regulations, of Augusta College.

Sec. 4. That all the books, furniture and apparatus, now belonging to said society, shall be vested in and held by said society, as fully and completely, as if the same had been acquired after the passage of this act.

Sec. 5. That power be, and is hereby vested in said society, to grant diplomas, to such persons as they may deem proper, to be signed by a President and Secretary, chosen for the purpose. 327

An ACT for the benefit of the Anderson county Seminary.

Approved, February 20, 1840

327. Ibid., p. 235.
WHEREAS, it appears that John Scott, a free man of color, deceased, moved from the State of South Carolina, about thirty years ago, to the State of Kentucky, and that he resided for a number of years in the county of Anderson; and, whereas, it appears that the said Scott, in the year 1835, departed this life, leaving a will in which he disposed of his property to his son, who was a slave in the State of South Carolina; and from all the evidence that can be had in relation to the son, he has long since departed this life; that the amount of the estate of said Scott is about three hundred dollars, and that Joseph Allen, of Anderson county, is the executor of said Scott - therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Joseph Allen, executor of the said Scott, shall, and he is hereby authorized to, settle the said estate with the Commissioners of Anderson county, authorized to settle with executors &c., and ascertain the amount of money in his hands, as executor aforesaid, after the payment of the debts and expenses against the said estate - pay the same to the Trustees of the Anderson County Seminary: Provided, that said Trustees shall execute bond, with good security, in a penalty double the sum so found to be in his hands, conditioned to pay back the same, with interest, to those who may be entitled to it either legally or equitably.

Sec. 2. That all the vacant and unappropriated lands, lying within the bounds of Anderson county, are hereby vested in the Trustees of the Anderson County Seminary, for the use and benefit of said institution; and to sell and convey the same to the purchaser, or purchasers; and all laws coming within the purview of
An ACT to incorporate the Trustees of Gamaliel School House, in Monroe county.

Section 1. BE IT ENACTED by the General Assembly of the Commonwealth of Kentucky, That William Crawford, Mastin Comer, John Hays, Robert Welsh, James Crawford, Jr. Charles Browning, John H. Meadows, and their successors, be, and they are hereby, created a body politic and corporate, by the name and style of the "Trustees of Gamaliel School House;" and, by that name, shall have power to sue and be sued, plead and be impleaded; to acquire, hold, and convey estate, real, personal, and mixed, not exceeding, at any one time, two thousand dollars in value; to fill all vacancies which may occur in their body; to select and contract with Teachers; to pass by-laws, and, generally, to do all such things, for the benefit of said school, as they may deem advisable, and not inconsistent with this charter, and the Constitution and laws of the United States, and State of Kentucky.

Sec. 2. BE IT FURTHER ENACTED, That the power of altering, repealing, or modifying this act, is hereby expressly reserved by the Legislature.329

A RESOLUTION to examine Transylvania University, and Lunatic Asylum.

328. Ibid., p. 268.

Resolved by the General Assembly of the Commonwealth of Kentucky, That a committee of four members of the House of Representatives, and two of the Senate, be appointed to examine Transylvania University and the Lunatic Asylum, and report to the Legislature the prospects and resources of the former, and the condition of the latter.

An ACT for the benefit of Shelby College, and the Theological Seminary of the Protestant Episcopal Church in Kentucky.

Approved, January 21, 1841

WHEREAS, the Trustees of Shelby College did, on the thirtieth day of December, 1840, enter into an agreement with the Convention of the Protestant Episcopal Church, for the diocese of Kentucky, by which said Trustees undertook to surrender to said convention their college-building and lot, in Shelbyville, with its appurtenances, and all money which may become due to said Trustees, in their corporate character, from and after the first day of July next, upon any account whatever. And it was further agreed, that should the lands, then held and owned by the Trustees of said college, sell for a greater amount than shall be sufficient to satisfy the claim for which they are pledged, then, and in that event, the surplus was also to be considered as transferred to said convention. And, on the part of said convention, it was covenanted and agree, that the said Shelby College should be and remain located in Shelbyville, and be, remain, and continue under the direction and control of said convention of said church forever. And it was further agreed between the aforesaid parties, that if, at any time hereafter, the

330. Ibid., p. 271.
said convention shall determine to discontinue or remove said
college from Shelbyville, that then, and in that event, all the
property and money transferred by said Trustees to said convention,
and all the money or property which may be donated to said college,
in consideration of the location thereof in the town of Shelbyville,
shall be transferred by said convention to the Trustees of the town
of Shelbyville for the time being, in trust, for the purpose of
appropriating the same to such literary institution in said town,
as said Trustees of Shelbyville may think proper. And it was
further agreed, that if money shall have been received by said con-
vention, by virtue of the transfer aforesaid, and the same shall
have been expended in buildings upon said lot, that then, in the
event of a surrender of said college by said convention, the buildings
or permanent improvements, so made and paid for, shall be received
by said Trustees of Shelbyville, instead of the money laid out
therefor: all of which covenants and agreements, so made, were
subject to the confirmation thereof by an act of the Legislature
of this State — now, therefore,

Section 1. Be it enacted by the General Assembly of the
Commonwealth of Kentucky, That the covenants and agreements, made
as aforesaid, between the parties, and recited and set out in the
foregoing preamble, be, and the same are hereby, ratified and
confirmed.

Sec. 2. Be it further enacted, That the Literary Institution
in the town of Shelbyville, styled Shelby College, is authorized
and established; and the Right Rev. B. B. Smith, the Rev. William
Jackson, the Rev. C. H. Page, the Rev. T. C. Pitkin, the Rev. D. H.
Beacon, the Rev. Edward Berkley, the Rev. M. F. Maury, and the Rev.
F. B. Nash, together with Samuel Tevis, James Bradshaw, J. P. Smith, Col. J. Dunham, H. Cowan, L. Lindsay, Thomas Towles, Armstead Churchill, Adam Beatty, and William L. Booth, and their successors, are hereby created a body corporate, to be styled the "Trustees of Shelby College," with full power and authority to sue and be sued, to plead and be impleaded, to acquire, and to have and to hold, in their corporate character, real and personal property, to make contracts, to receive donations, to make and to receive conveyances, and to make, have, and use a common seal, and the same to break, change, or alter, at pleasure.

Sec. 3. Be it further enacted, That the successors of the aforesaid Trustees shall be chosen, by ballot, triennially, by the Convention of the Protestant Episcopal Church, immediately preceding the meeting of their General Convention, and, in failure thereof, the said Trustees to remain in office until their successors shall be appointed by the convention aforesaid. The Bishop of the Diocese of Kentucky, for the time being, shall, ex-officio, be a member of said Board of Trustees; and of the others, seven shall be Parochial Presbyters of the Diocese of Kentucky, and eight shall be Laymen, selected as far as may be from the various counties of this State where there are organized parishes in union with said convention. The Trustees shall meet, annually, at the time of the commencement of Shelby College, and at such other times as they may appoint, or the Bishop, by a special call, may designate; and any number, so assembled, at either a general or special meeting, shall constitute a quorum for the transaction of any business, except such as may be hereinafter otherwise directed. At all meetings, if present, the Bishop of the Diocese shall act as Chairman; and, in his absence,
a chairman shall be chosen from among the Presbyters present. The Trustees aforesaid shall have power, by ballot, to fill all vacancies which may occur in their body, and annually make report to convention of their actings and doings, and of the condition of the college, its prospects, &c.

Sec. 4. Be it further enacted, That the Trustees aforesaid shall, at their annual meetings, appoint a Prudential Committee of five: of whom the Bishop shall, ex-officio, be one, two shall be Parochial Presbyters, and the other two Laymen; who shall have full power to carry into effect the resolutions of the Trustees adopted at their general or special meetings, to do and perform what shall be enjoined upon by said Trustees. The Prudential Committee shall appoint a Secretary and Treasurer, who shall also be Secretary and Treasurer of the Board of Trustees, unless the Board shall otherwise order; and a record of their proceedings shall be kept, and be at all times open to the inspection of the Trustees; and said committee shall have power to fill vacancies which may occur in their own body, and in the college; but all such appointments shall be subject to the ratification of the Board of Trustees, and such appointment shall extend only to the next meeting of the Board of Trustees.

Sec. 5. Be it further enacted, That said college shall be under the direction of a majority of the whole of said Trustees; and all the real and personal estate hereby authorized to be vested in said Trustees, in their corporate character, shall be held and be employed by them only for the necessary purposes of said college.

Sec. 6. Be it further enacted, That said Trustees shall have power to appoint a President, and such Professors as the various
departments of learning may, in their opinion, render necessary; and further, may appoint all such officers as they may deem necessary for the management of the concerns of said college: and said Trustees may fix the length of time which said President, Professors, and other officers, shall serve, without re-appointment; and shall also fix the compensation which they shall severally receive for their services; and shall also, whenever they shall deem it expedient, fix, and determine, the tuition fees: and said Trustees shall have full power and authority to make such by-laws, rules, and regulations, for the government of said college, and the management of all the concerns of the same, as they may deem necessary, and to alter and amend the same at pleasure: Provided, however, That said by-laws, rules, and regulations, shall not be repugnant to the Constitution and Laws of this Commonwealth, or inconsistent with the provisions of this act.

Sec. 7. Be it further enacted, That said body corporate shall have power to confer such literary honors and degrees upon the pupils of said College as the President and Professors of the several departments of learning may think them entitled to receive.

Sec. 8. Be it further enacted, That a majority of the whole number of Trustees shall be necessary for the appointment of a President, and a majority of those present, at a stated annual meeting, for the appointment of a Professor in said college.

Sec. 9. Be it further enacted, That it shall be the duty of said Trustees to provide a well bound book or books, in which shall be entered, in a fair hand writing, a record of the proceedings of said body corporate; which record shall be, at all times, subject to examination by any person interested in the proceedings therein.
Sec. 10. Be it further enacted, That the late Trustees of the Shelby College shall have power and authority to carry into effect all contracts and agreements which now exist, and to sell and convey their lands, except the college house and lot, in order to close their concerns, which, being effected, all power and authority of said late Trustees shall cease and be determined.

Sec. 11. Be it further enacted, That the whole amount of estate, of every description, that may belong to said institution at any one time shall not exceed, in value, the sum of one hundred and fifty thousand dollars. And the Legislature reserves the right, at all times, to alter, change, amend, or repeal this charter, at pleasure. 331

An ACT for the benefit of the first School District, in the county of Pike.

Approved, January 26, 1841

WHEREAS, it is represented to this General Assembly, that the County Court of the county of Pike, in taking the sense of the citizens of the first School District of the said county, as to the expediency and propriety of adopting the Common School System in the said district, did not give sufficient notice thereof; and that but a small number of the citizens of the said district voted upon the propriety of adopting the said system - therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be the duty of the County Court of the county of Pike, again to take the sense of the citizens of the first School District in said county, at such time as the said court may

331. Ibid., pp. 132-135.
appoint for such purpose, and under such rules and regulations as are prescribed by the ninth section of an act to establish a system of Common Schools in the State of Kentucky, approved the sixteenth of February, 1838.332

An ACT to appoint Trustees for the Grant Seminary.

Approved, January 26, 1841

WHEREAS, it appears that, by deaths, removals, and resignations, the Trustees of the Grant Seminary, have been reduced so much as to be unable to transact business - for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Lewis Kendall, Thomas Caldwell, Martin Draper, and N. B. Stephens, be appointed Trustees of said Seminary; and that they, with their associates, have all the powers and privileges which are now, by law, vested in the Trustees of any Seminary in this State.333

An ACT for the benefit of the Kentucky Baptist Education Society.

Approved, January 28, 1841

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Trustees of the Kentucky Baptist Education Society be, and they are hereby, authorized to exercise all the powers, privileges, and rights, which are exercised by the Trustees of any Academy, or other institution of learning, in this State.

Sec. 2. Be it further enacted, That, hereafter, eight Trustees of said institution shall constitute a quorum to do business,

332. Ibid., pp. 138-139.
333. Ibid., p. 139.
instead of a majority, as now required by the charter of said institution.

Sec. 3. Be it further enacted, That the second and third sections of an act approved January 23d, 1840, in reference to the charter of said Education Society, be, and the same are hereby, repealed.334

An ACT to change the mode of paying the Commissioners of Common Schools in Wayne county.

Approved, January 28, 1841

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the County Court be, and they are hereby, authorized to pay to the Common School Commissioners of said county, the compensation hitherto allowed them by law, out of the money arising from the sales of the vacant lands heretofore donated to said county, for common school purposes, instead of paying them out of the county levy, according to the provisions of an act of the General Assembly, approved 23d of February, 1839.335

An ACT for the benefit of the Estill Seminary.

Approved, January 28, 1841

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That all the money which has, in Estill county, resulted from the sales of the vacant lands in said county, and now under the control of the Estill County Court, or which may hereafter accrue from the sales of land warrants by said court, shall be, and the same are hereby, appropriated to the use of the Estill seminary;

334. Ibid., p. 154.
335. Ibid., p. 154.
and said County Court shall cause said moneys, from time to time, to be paid to the Treasurer of said Seminary, to be used by the Trustees thereof, in such manner as is provided for, by law, in regard to other funds belonging to said Seminary.336

An ACT to amend an act, entitled, an act to incorporate the Western Baptist Theological Institute, at or near Covington, Kentucky, approved, February 5, 1840.

Approved, February 2, 1841

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Board of Trustees of the Western Baptist Theological Institute, are hereby authorized to increase the number of the Board to thirteen, whenever, in their judgment, it may be deemed expedient.

Sec. 2. That the Board of Trustees shall have power to appoint, annually, a Secretary, who shall keep a fair record of their proceedings, and discharge such other duties as the board may direct; and also a Treasurer, who shall have charge of the funds of the institution, under the direction of the board.

Sec. 3. That the Trustees shall hold an annual meeting, at such time and place as they shall appoint, and such other meetings as they may deem expedient; and any five of said Trustees shall constitute a quorum for the transaction of all business pertaining to them as a board; and in case of the death, resignation, absence, or other disability of the Chairman or Secretary, they shall have power to appoint a Chairman or Secretary pro tem.

Sec. 4. That every member of the Board of Trustees, together with each member of the Faculty (which Faculty shall consist of

336. Ibid., p. 154.
the President and Professors, Tutors and Teachers, in the institution, shall always be members, in good standing, of some regular Baptist Church.

Sec. 5. That the eighth section of the act to which this is an amendment, and all parts of said act, which are inconsistent with this act, be, and the same are hereby, repealed. 337

An ACT for the benefit of the Medical Faculty of Transylvania University.

Approved, February 10, 1841

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That, hereafter, it shall be the duty of the Superintendent of the Lunatic Asylum, in the city of Lexington, to set apart a room in said building in which to permit Chemical Lectures to be delivered in that institution, by the Medical Faculty of Transylvania University. 338

An ACT to reduce the number of Trustees of Henderson Academy and Simpson Seminary, and for other purposes.

Approved, February 16, 1841

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That all laws requiring the Board of Trustees of the Henderson Academy to consist of more than seven Trustees, be, and the same are hereby, repealed.

Sec. 2. That when the present Board of Trustees shall be reduced, by the death, resignation, or removal of the present Trustees, or any of them, to the number of seven, that number shall, thereafter, constitute the entire board - a majority of whom shall

337. Ibid., p. 171.
338. Ibid., pp. 191-192.
constitute a quorum for the transaction of all the business of the Academy, except the sale of any lands belonging to the Academy.

Sec. 3. That no order, directing or ratifying the sale of any of the lands belonging to said Academy, shall be made, unless the whole number of Trustees be present, and a majority concur therein.

Sec. 4. That nothing in this act shall be so construed as to affect or invalidate any contract or sale of lands heretofore made by the Board of Trustees; but all such contracts or sales are hereby declared valid and effectual to pass the title to such lands.

Sec. 5. That the Board of Trustees for Simpson County Seminary shall, hereafter, be composed of seven members; and all laws, coming within the provisions of this section, are repealed.

An ACT for the benefit of the Russellville Male Academy.

Approved, February 16, 1841

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of an act of the General Assembly, approved February 17th, 1836, as makes the Board of Trustees of said Academy to consist of ten members, be, and the same is hereby, repealed; and that said Board of Trustees shall, hereafter, consist of seven members.

An ACT to amend an act, entitled, an act to amend the charter of Cumberland College, and for other purposes, approved, February, the sixteenth, 1838.

Approved, February 16, 1841

WHEREAS, it is represented to the present General Assembly of the Commonwealth of Kentucky, That the Cumberland College

339. Ibid., p. 214.

340. Ibid., p. 216.
Association did, by their official act of the fourteenth day of May, 1840, propose to the General Assembly of the Cumberland Presbyterian church, the power and privilege of the paramount control over Cumberland College, as well as the nomination and approval of all the members of the Board of Directors: Provided, The said General Assembly would endow the said Institution with an adequate fund, the interest alone of which shall be devoted to the payment of the salaries of President and Professors, and the education in whole or in part of such a number of candidates for the ministry in said church, and in such a manner as the General Assembly may direct: And, whereas, the said Assembly of the said church at their eleventh session, held in the town of Elkton, in the State of Kentucky, in May, 1840, accepted the proposition of the said Association, and made arrangements for the endowment of the said College, with an adequate sum not exceeding fifty five thousand dollars, and made arrangements for the raising of the sum as soon as possible: And, whereas, The said Association, and the said General Assembly, by their agents duly authorized, have entered into a contract, dated December fourteenth, 1840, to secure the rights of both parties—therefore,

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the said contract shall be legal and valid in law and equity, so soon as it shall be duly ratified by the Trustees of the General Assembly of the Cumberland Presbyterian church, hereinafter incorporated.

Sec. 2. That the General Assembly of the Cumberland Presbyterian church, shall, at her regular sessions, have full and sole power and authority to elect the Board of Directors of the Cumberland
College Association, to continue in office until their successors are duly elected and qualified according to law, five of whom shall constitute a quorum; which Board of Directors shall have all the rights, privileges, and immunities, and be subject to all the pains and penalties, privileges, and immunities, and be subject to all the pains and penalties, granted and imposed by an act, entitled, "an act to amend the charter of Cumberland College, and for other purposes," approved, February 16, 1838.

Sec. 3. That should Cumberland College ever cease to be perpetuated in Caldwell county, in the State of Kentucky, or be removed from said county by the General Assembly of the Cumberland Presbyterian Church, or her Trustees, hereinafter incorporated, then the present members of the said Association, their heirs and assigns, shall have a lien on all the College property over and above what may be sufficient to satisfy the present debts against the said Association, or so much thereof as may be necessary to pay them the amount of their respective shares of stock; and that this lien shall be prior to all debts which may be contracted by the Board of Directors appointed by the General Assembly of the Cumberland Presbyterian church: Provided, however, That the present members of the said Association, their heirs and assigns, shall only be entitled respectively to the amount of stock actually paid in. Now, in order to enable the General Assembly of the Cumberland Presbyterian church to comply with her engagements with the Cumberland College Association, and to promote the interest of the said College - therefore,

Sec. 4. Be it further enacted, That P. R. Cossitt, F. C. Usher, J. G. Biddle, A. H. Dudley, Thomas Hunter, T. D. McMary, William
MoCowan, and J. H. Racherby, of Princeton, Kentucky, with F. W. McLean, of Elkton, Kentucky; A. Harpending, Christian County, Kentucky; R. Donnell, of Alabama; Finis Ewing, of Missouri, and John Morgan, of Pennsylvania, and their successors, shall be, and they are hereby, declared and constituted a body corporate and politic, by the name and style of the Trustees of the General Assembly of the Cumberland Presbyterian church, and by that name and style shall sue and be sued, plead and be impleaded, and possess all the powers and rights of a corporate body, and shall continue in office until the annual session of the said Assembly in 1841, and until their successors are duly elected and qualified according to law.

Sec. 5. That the said Board of Trustees shall be empowered to hold, in behalf of the said General Assembly, for the endowment of Cumberland College, and for other educational and religious purposes, a sum not exceeding one hundred thousand dollars; also, to hold, in trust, for the said Assembly, any part or the whole of the shares of the stock of Cumberland College Association, which may be donated to said Board.

Sec. 6. That the said Board be, and they are hereby, authorized and empowered to subscribe, as stock, in said Association, a sum not exceeding ninety two thousand dollars, to constitute a part of the one hundred thousand dollars authorized to be held by said Association, and that the said Board be entitled to a number of votes in proportion to the amount of money subscribed according to the existing arrangement in said Association, by which members are entitled to vote, viz: one vote for every share of two hundred dollars; and the members of said Board shall be eligible to the
Sec. 7. That the Board of Trustees of the General Assembly of the Cumberland Presbyterian church shall have full power and authority to invest the whole, or any part of their funds, in the State Bonds of Kentucky, or in such other manner as the General Assembly of said church may direct.

Sec. 8. That the said Board of Trustees shall have full power and authority to receive, in trust, for the said General Assembly, any donations and bequests which may be made to them for educational and religious purposes, under the direction of the General Assembly of the Cumberland Presbyterian church.

Sec. 9. That all the moneys, and other estates of every description, which may be vested in the Board of Trustees aforesaid, shall forever be held, in trust, for the use of the Cumberland Presbyterian church, the interest alone of which shall be devoted to educational purposes.

Sec. 10. That the said Board of Trustees shall not subscribe, as stock, in the said Association, more than fifty five thousand dollars, until they shall be directed so to do by the General Assembly of said church; nor shall any more than the interest of said sum at any time be used, after the same shall be subscribed, the principal to be held forever by the said Board of Trustees and their successors, as a perpetual endowment for Cumberland College.

Sec. 11. That the sum herein authorized to be held by said Board of Trustees, over and above said sum of fifty five thousand dollars, shall be held by the said Board for the use and benefit of said General Assembly, and subject to their order for the endowment of such other Institution or Institutions of learning
as said Assembly may choose to endow, unless said Assembly shall choose to appropriate the whole hereafter to increase the endowment of Cumberland College.

Sec. 12. That the said Board of Trustees shall have authority, by law, to collect all such sums of money as have been, or may hereafter be, subscribed by individuals, or for which individuals have heretofore, or may hereafter execute their notes or bonds, until the said sum of one hundred thousand dollars shall be realized.

Sec. 13. That the General Assembly of the Cumberland Presbyterian church shall be empowered to elect her Trustees at her regular and stated meetings, any five of whom assembled at a regular meeting, or by a constitutional call, shall constitute a quorum to do business.

Sec. 14. That the said Board of Trustees shall hold their first meeting on the first Monday of June next, at Princeton; at which they shall elect a President, Vice President, Corresponding Secretary, and Treasurer, and ever after, the said Board shall meet on the first Friday after the regular meetings of the said General Assembly, at which meetings the Board shall elect their officers, who shall continue in office until their successors are elected and qualified; the Board shall also meet, semi-annually, or oftener, on its own adjournments, or by a call of the President, to transact business, to make all necessary arrangements for carrying into effect the views of the General Assembly of the Cumberland Presbyterian church, to manage and invest the funds collected, and the Board shall report to the General Assembly of said church at her regular meetings.

Sec. 15. That the President shall preside in all the meetings
of the Board, call special meetings, when requested by any two members; and the Vice President, in case of the absence of the President, shall be possessed of similar powers.

Sec. 16. That the Secretary shall keep and preserve a fair and full record of all the transactions of the Board and carry on all its correspondence.

Sec. 17. That the Treasurer shall take charge and dispose of all funds according to the directions of the Board, and report when called on.

Sec. 18. That the Treasurer shall give bond with good security, in such penalty as the Board may, from time to time, prescribe, for the faithful performance of his duties, and shall receive such salary for his services as the Board may determine: **Provided, however,** that the Treasurer's securities be not members of the Board.

Sec. 19. That all vacancies caused by death, resignation or otherwise, shall be filled by the ensuing General Assembly of said church, unless the Board find it absolutely necessary to do it themselves, in which case the appointment shall continue only until such vacancies are filled by the said Assembly.

Sec. 20. That in case of the failure of any officer of the Board to serve according to the requisitions of the said General Assembly, the Board shall have power to elect a suitable person to such office, according to the said requisition, and to remove delinquents in office.

Sec. 21. **Be it further enacted,** That should the time ever come when any religious body, claiming to be the successors of the present General Assembly of the Cumberland Presbyterian church, should hold and maintain doctrines and sentiments, different from
those now held by the said church, the powers and privileges granted to the General Assembly of the Cumberland Presbyterian church shall enure to and be vested in that body of people professing and preaching the doctrines of the said church, as now set forth in her Confession of Faith.

Sec. 22. Be it further enacted, That Livingston L. Lindsay, F. W. Urey, James Smith, John W. Ogden, J. F. Ford, William L. Martin, C. P. Reeves, Thomas J. Flournoy, C. H. Webb, James Stevenson, and J. T. Robertson, shall be entitled to the sum of two hundred dollars each, or as much as they have severally paid actually into the Treasury of the Cumberland College Association, upon their shares in said Association, should it be more or less than two hundred dollars, to be paid out by the Board of Directors hereinbefore mentioned, should they, or either of them, claim the same from said Board, and of which they, or either of them, so claiming, shall notify said Board, in writing; and they, and each of them, for the said sum, or so much thereof as they are severally entitled to, shall have; and there is hereby retained and reserved to them, and each of them, a lien upon the College property, both real and personal.

Sec. 23. Be it further enacted, That all laws, coming within the purview hereof be, and the same is hereby, repealed.341

An ACT for the benefit of the Common School Commissioners for the county of Jessamine.

Approved, February 17, 1841

Be it enacted by the General Assembly of the Commonwealth of

341. Ibid., pp. 218-222.
Kentucky. That the Common School Commissioners, for the county of Jessamine, shall have further time, until the July County Court for said county, to make out and return their report to said court, dividing said county into school districts; and, when so returned, the same shall be as obligatory and binding as if returned on the day now required by law. 342

An ACT to repeal an act, entitled, an act for the benefit of the Medical Faculty of Transylvania University, approved, February, the tenth, 1841.

Approved, February 17, 1841

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the before recited act shall be, and the same is hereby, repealed. 343

An ACT for the benefit of Transylvania University, Centre College, Georgetown College, Bacon College, Shelby College, Louisville College, Cumberland College, Augusta College, St. Joseph's College, and the Western Baptist Theological Institute.

Approved, February 18, 1841

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That, from and after the passage of this act, it shall be the duty of the Secretary of State, to cause to be furnished at the expense of this Commonwealth to Transylvania University, Centre College, Georgetown College, Bacon College, Shelby College, Louisville College, Cumberland College, Augusta College, St. Joseph's College, and the Western Baptist Theological Institute, in this State, each, one copy of the Journals of both houses of the General Assembly, and one copy of all reports made

342. Ibid., p. 237.

343. Ibid., p. 237.
to the General Assembly, whether by committees or public officers, that may hereafter be ordered to be printed by the Legislature - to be kept on deposit by said Colleges for the State, and returned whenever required by the Legislature.

Sec. 2. Be it further enacted, That the Secretary of State, and the Librarian of the Public Library, shall cause to be deposited with each of said institutions one copy of all such books, pamphlets, &c., now belonging to said Library, and the use of which, in their opinion, may be dispensed with for the present, without any detriment to said Library: Provided, That, in no instance shall they make said deposit, unless there be at least four copies of each book, pamphlet, &c. still left in the Library for public use; and said Colleges shall return all of said books, pamphlets, &c., whenever required by the Legislature; And provided, further, That when there be but one copy for distribution it shall be given to Transylvania University. 344

A RESOLUTION to appoint a committee to examine Transylvania University and the Lunatic Asylum.

Approved, January 14, 1842

Resolved by the General Assembly of the Commonwealth of Kentucky, That a committee of four members of the House of Representatives, and two of the Senate, be appointed to examine the Transylvania University and the Lunatic Asylum, and the said committee report to the Legislature the prospects and resources of the former, and the condition of the latter. 345

344. Ibid., p. 263.

An ACT to legalize the elections of certain School Districts, in Caldwell County.

Approved, January 18, 1842

WHEREAS, it is represented to the General Assembly, that at elections held at certain School Districts, in Caldwell county, viz: in District No. 28, on the nineteenth day of August, 1841, and in District No. 23, on the fifteenth day of the same month, to ascertain whether the people of said Districts would adopt the Common School System as enacted by the Legislature; and that said elections were illegal in consequence of the absence of two of the Commissioners appointed to superintend said elections - therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the elections, held at the times and places as recited in the foregoing preamble, are hereby declared legal and binding in law. 346

An ACT to authorize the Trustees of Princeton Seminary to rent out the property.

Approved, January 18, 1842

WHEREAS, it is represented to the General Assembly, that the citizens composing the district in which Princeton, the county seat of Caldwell county, is situated, have adopted the Common School system as enacted by the Legislature, and have no house or building suitable, in said district, for educational purposes; and whereas, the seminary in said town, known by the name of the Princeton Seminary, will probably be vacant and unoccupied, and the Trustees of the same doubt their authority to rent or otherwise dispose of the same - Therefore,

346. Ibid., p. 116.
Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Trustees of the Princeton Seminary be, and they are hereby, authorized, empowered, and required, from and after the passage of this act, to rent or lease, for any length of time, the building which has hitherto been used as such Seminary, to the Trustees of the Common School in said district, upon such terms as may be deemed equitable and right between the parties; and such rent to appropriate, first, to the improvement of said Seminary and the other property thereto attached, and afterwards, if there be any surplus, to distribute it pro rata among the several districts in said county, that may or have adopted the Common School system. 347

An ACT for the benefit of the Somerset Academy.

Approved, January 18, 1842

WHEREAS, It is represented to the General Assembly, that there still remains in the hands of Charles Hays, late Sheriff of Pulaski county, about one hundred and twenty six dollars, the balance of a forfeiture which was collected by said Sheriff, or his deputy, previous to the year 1838, and there being some doubt as to whom said money should be paid by said Sheriff - for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That said Sheriff pay over to the Treasurer of the Somerset Academy, for the use of said Academy, all the balance of the forfeiture not heretofore paid over by him, which he collected for the securities of one Allen Rice on a forfeited recognizance.

347. Ibid., pp. 118-119.
which recognizance and judgment of forfeiture is in the Pulaski Circuit Court, and on the failure of said Sheriff, to pay said money as herein directed, an action of debt on his official bond, in the name of the Trustees of the Somerset Academy, may be maintained against him and his securities, or against him alone, for the collection of said money, provided the same shall be actually owing by said Sheriff. 348

An ACT to incorporate the Trustees of Clayvillage Seminary.

Section 1. Be it enacted by the General Assembly of the
Commonwealth of Kentucky, That Price C. Willis, Lewis Neal, William G. Rice, Culvin Sanders, and Isaac N. Guthrie, be, and they are hereby created a body politic and corporate, by the name and style of the "Trustees of the Clayvillage Seminary," and they, with their successors, shall so continue and have perpetual succession; and by that name are made capable, in law, as natural persons to sue and be sued, plead and be impleaded, contract and be contracted with, answer and be answered, in any court of law or equity in this Commonwealth and elsewhere; to have and use a common seal, and alter the same at pleasure; and to receive and hold to themselves and their successors the freehold or leasehold title to any quantity of land not exceeding fifty acres, and the emoluments thereof, and any tenements, goods and chattels of any kind whatever, which may be given, granted, devised, or demised, in trust to them or their successors, for the use and benefit of the Clayvillage Seminary, subject, however, to such limitations and restrictions as may be

348. Ibid., p. 119.
imposed or reserved by the grantor of such property.

Sec. 2. Said corporation shall have the power to make such by-laws, for the government of the same, as they shall deem necessary, not inconsistent with the constitution and laws of this State; and they shall have power to sell, or otherwise dispose of, any property acquired or held by them by virtue of this act, and by their deed, duly acknowledged, transfer and convey the title to any such property.

Sec. 3. That should any vacancy occur in said corporation by death, resignation, or otherwise, such vacancy shall be filled by election by the remaining members of the corporation; and the Legislature shall have the right to amend, modify, or repeal this act, but the repeal shall not deprive the said corporation of the property and effects acquired and held under this charter.

An ACT for the benefit of the Trustees of the Simpson Seminary.

Approved, February 5, 1842

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the sale of the Simpson Seminary, together with four acres of ground, with the appurtenances thereunto belonging, made by the Trustees thereof to Thomas S. Mahm, on the tenth day of November, 1841, be, and the same is hereby, ratified and confirmed; and the said Trustees are hereby authorized and empowered to make unto the said Mahm, his heirs or assigns, such deed, or other instrument of conveyance, of said Seminary ground and appurtenances, as to them may seem best; which deed of conveyance

349. Ibid., pp. 138-139.
shall vest the absolute fee simple in and to said Seminary, four
acres of ground and appurtenances, in the said Thomas S. Mahn and
his heirs and assigns forever.

Sec. 2. That the Trustees aforesaid shall appropriate and
apply so much of the proceeds of the sale, aforesaid, as may be
necessary to the satisfaction and payment of such amount as may
now remain unpaid by them of the original purchase money for said
Seminary ground and appurtenances, and the remainder of the proceeds
of the sale, aforesaid, be, and the same is hereby, directed to
be applied by the Trustees, aforesaid, to the erection of a Seminary
within a convenient distance of the town of Franklin.350

An ACT to establish the Kentucky Institution for the Education of
The Blind.

Approved, February 5, 1842

WHEREAS, the system of Common Schools is intended for the
benefit of all the children in the Commonwealth of Kentucky, and a
fund has been set apart for that purpose; and, whereas, it is the
duty of the State to promote the education of the blind, and
experience having demonstrated that this desirable object can be
affected by a judicious and well adapted course of education —
therefore,

Section 1. Be it enacted by the General Assembly of the
Commonwealth of Kentucky, That there shall be established, in the
City of Louisville, an institution to be called "the Kentucky
Institution for the Education of the Blind," which shall be under
the government of seven Visitors, to be appointed annually by the
Board of Education, who shall notify them of their appointment,

350. Ibid., p. 154.
and prescribe a day for their first meeting, or, in the event of
failure, for a subsequent one. The said Visitors, or a majority,
shall appoint, from their own body, a President to preside at their
meetings, and a Secretary to record, attest and preserve their
proceedings. The said Visitors shall be, and they are hereby,
authorized and empowered to receive, by legacies, conveyances, or
otherwise, lands, slaves, money, and other property, and the same
to retain, use and apply to the education of the blind within this
Commonwealth, to any amount, the interest, profits or proceeds of
which shall not exceed the sum of thirty thousand dollars per annum.
The said Visitors shall be charged with the erection, preservation,
and repairs of the buildings, the care of the grounds, and of the
interests of the institution generally. They shall have power to
employ all necessary agents; to appoint and remove Professors
"two-thirds of the whole number concurring, in every case of
removal;" to fix their compensation, prescribe their duties, and
the course of education; to establish rules for the government and
discipline of the pupils; to regulate tuition fees; to prescribe
and control the duties and proceedings of all persons with respect
to the property and interests of the institution to draw from the
Common School fund, or the Treasury, in the manner hereinafter
prescribed, such moneys as are, or shall be, charged by law on
either, for the benefit and support of said institution; and, in
general, to direct and do all matters and things, which, not being
inconsistent with the constitution and laws of the United States,
or of this State, shall seem to them most expedient for promoting
the purposes, and fulfilling the objects of said institution; which
several functions they shall be free to exercise in the form of
by-laws, rules, resolutions, orders, instructions, or otherwise, as they may deem proper. The said Visitors shall have such stated and occasional meetings as they shall themselves prescribe. A majority shall constitute a quorum for business; and all vacancies occurring by death, resignation, removal from the Commonwealth, or failure to act for the space of three months, shall be supplied by the appointing power. The President and Visitors shall be, and they are hereby declared, a body corporate, under the style and title of "The President and Visitors of the Kentucky Institution for the Education of the Blind," with the right, as such, to use a common seal, to plead and be impleaded in all courts of justice, and in all cases in which the interests of the institution are involved. The institution, hereby established, shall, in all things and at all times, be subject to the control of the Legislature; and it shall be the duty of the Board of Visitors, annually, to make a report to the Board of Education, to be laid before the General Assembly, which shall embrace a full account of the receipts and disbursements, the funds on hand, and a general statement of the condition of said institution. There shall, also, be a committee of twelve ladies, selected by the Board of Visitors at their first meeting, and their vacancies filled, from time to time, as they may happen from death, removal, or resignation, to aid in the management of the institution, under such provisions as may, from time to time, be prescribed by the by-laws. Indigent children, resident anywhere within the State, shall be received into the institution, maintained and educated gratuitously, as far as the funds of the institution will admit: Provided, that when more children are offered for the benefit of this institution, than can
be received at any one time, the Visitors shall so apportion their
number among the several counties of this Commonwealth, according
to their representation, when application shall be made, that every
county may equally receive the benefit of the same.

Sec. 2. Be it further enacted, That there shall be, and is
hereby, appropriated, out of the revenue of the Common School Fund,
which has heretofore accrued, or which may hereafter accrue, from
the dividends on bank stock held by the Board of Education, the
sum of ten thousand dollars, which shall be drawn for by the Board
of Education, as the dividends on the said Bank stock may be de-
clared, and by them paid to the Board of Visitors when demanded,
in the manner, and under the regulations provided for in the act,
entitled, "an act to establish a system of Common Schools in the
State of Kentucky": Provided, that no portion of this endowment
shall be paid until this institution goes into actual operation. 351

An ACT to repeal a part of an act regulating the Christian Academy,
approved, January 31, 1828.

Approved, February 5, 1842

Section 1. Be it enacted by the General Assembly of the
Commonwealth of Kentucky, That so much of an act, entitled, "an act
to amend an act further to regulate the Christian Academy," approved,
January 17, 1817, which said amendatory act was approved, January
31, 1828, or so much of said act as authorizes and empowers the
Trustees of the Christian Academy to appropriate a part of said
building to the use of a female department of said Academy, be, and
the same is hereby, repealed, and that hereafter the buildings of

351. Ibid., pp. 156-158.
said Academy shall only be appropriated to the use of a male school.

Sec. 2. That hereafter any vacancies which may occur in the present Board of Trustees of the Christian Academy, by the death, resignation, or removal of the several members, shall not be filled until the number is reduced to nine, who shall constitute the Board of Trustees for said institution. 352

An ACT to incorporate the Six Mile Academy, near Christiansburg, in Shelby county.

Approved, February 5, 1842

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, that Henry Bohannon, James Ford, James Clayton, John M. Ogden, John G. Farmer, Cary White, and Jason Chamberlin, be, and they are hereby, constituted a body politic and corporate, to be known by the name of the Trustees of the Six Mile Academy, and by that name shall have perpetual succession, and a common seal, with full power to change the same at pleasure.

Sec. 2. That the fee simple title to the lands or other property granted, or which may be granted, for the benefit of Six Mile Academy, shall be vested in said Trustees and their successors, who shall appropriate the uses, profits and advantages thereof to the support of education in said Academy.

Sec. 3. The Trustees, by the name aforesaid, may sue and be sued, in any court of law or equity; they may elect a President or other officers of their own body, and upon the death, resignation, removal, or disability of any of the Trustees, the remaining Trustees shall fill the vacancy by ballot; and they shall have power, from

352. Ibid., pp. 158-159.
time to time, to establish such by-laws and regulations as they may
think necessary, not contrary to the constitution and laws of this
Commonwealth, for the government of said Academy. 353

An ACT to incorporate the Trustees of Hawesville Seminary.

Approved, February 18, 1842

Be it enacted by the General Assembly of the Commonwealth of
Kentucky, That Newman Faulconer, Nicholas V. Board, Edwin Hawes,
Timothy Homes, and Manly Newman, be, and they are hereby, created
a body politic and corporate, by the name and style of the "Trustees
of the Hawesville Seminary;" and they, with their successors, shall
so continue and have perpetual succession; and by that name are
made capable in law, as natural persons, to sue and be sued, plead
and be impleaded, contract and be contracted with, answer and be
answered, in any court of law or equity in this Commonwealth and
elsewhere; to have and use a common seal, and alter the same at
pleasure; and to receive and hold to themselves, and their suc-
cessors, the freehold or leasehold title to any quantity of land
not exceeding fifty acres, and the emoluments thereof, and any
tenements, goods, and chattels of any kind whatever which may be
granted, devised, or demised, in trust to them, or their successors,
for the use and benefit of the Hawesville Seminary, subject, how-
ever, to such limitations and restrictions as may be imposed or
reserved by the grantor of such property; said corporation shall
have the power to make such by-laws for the government of the same
as they shall deem necessary, not inconsistent with the constitution
and laws of this State; and they shall have power to sell, or other-
wise dispose of any property acquired or held by them by virtue of

353. Ibid., pp. 161-162.
this act, and by their deed, duly acknowledged, transfer and convey the title to any such property; that should any vacancy occur in said corporation by death, resignation, or otherwise, such vacancy shall be filled by election by the remaining members of the corporation; and the Legislature shall have the right to amend, modify, or repeal, this act, but the repeal shall not deprive the said corporation of the property and effects acquired and held under this charter. 354

An ACT to incorporate the Trustees of the Henderson College.

Approved, February 19, 1842

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Thomas Towles, Archibald Dixon, James Alvis, James Priest, Lazarus W. Powell, William D. Allison, James M. Taylor, and Thomas Evans, be, and they are hereby, created a body politic and corporate, by the name and style of the Trustees of the Henderson College, in the town of Henderson; and they, with their successors, shall have perpetual succession; and shall have power to make a common seal, and to alter, change, and break the same at pleasure; may contract and be contracted with, sue and be sued, plead and be impleaded, in any court in this Commonwealth having jurisdiction of like sums; and shall have power to take and hold, for purposes of education, and for the use of the Baptist Church in the town of Henderson, by gift, grant, or devise, any estate, whether real, personal, or mixed not exceeding, in value, the sum of twenty thousand dollars; and said Trustees, a majority concurring, shall have power to sell, exchange, and convey, said

354. Ibid., pp. 189-190.
estate, or any part thereof, for the use and benefit of said Baptist Church.

Sec. 2. That the said Trustees of the Henderson College shall have power to ordain and establish such by-laws, rules, and regulations, for the government of said College, as are not inconsistent with the constitution and laws of this Commonwealth, as they may think proper.

Sec. 3. That said Trustees, a majority concurring, shall have power to elect a President of said College, and such other officers, for the management of the same, as may be deemed necessary; who, upon their election, shall enter upon such duties as may be assigned them under the constitution and laws of said College; and that in all suits against said corporation, service of process on said President, or a majority of said Trustees, shall be considered sufficient.

Sec. 4. That the title to all furniture, books, and other property, now belonging to the Baptist Society in the town of Henderson, shall be as fully and completely vested in said Trustees as if the same had been acquired after the passage of this act.

Sec. 5. That the election of all officers, under this act, shall take place at such times, and at such places as said Trustees may agree and designate; and that in case of a vacancy of the office of Trustee by death, resignation, or otherwise, such vacancy may be supplied by a majority of the remaining Trustees, who may proceed to elect a successors. 355

355. Ibid., p. 193.
An ACT to incorporate the Funk Seminary.

Approved, February 22, 1842

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That there be, and is hereby, established in the town of Lagrange, in the county of Oldham, in this Commonwealth, a Collegiate Institute for the instruction of youth in the various branches of science and literature, the useful arts, agriculture, and the learned and foreign languages.

Sec. 2. That the said institute shall be known and called by the name of "The Funk Seminary."

Sec. 3. That William D. Mitchell, William T. Barbour, sr., Newton Lane, Hugh L. Givens, Robert Mallory, Francis Snowden, Gabriel Knightley, Jeffrey W. Bondurant, Thomas J. Woolfork, Zachariah S. Wilhoite, John Carr, Francis F. C. Triplett, David C. Stewart, A. Kightley, James P. Wilson, John Fible, Robert Taliaferro, William G. Taylor, William E. Gibson, William McMakin, and George Armstrong, be, and they are hereby, appointed Trustees of said institute, who, and their successors, shall be a body politic and corporate, by the name and style of the Trustees of the Funk Seminary, and shall have perpetual succession, and a common seal, which they may alter at pleasure; and, by the name aforesaid, they and their successors shall be capable in law, and shall have full power and authority to acquire, hold, possess, purchase, receive, and retain, to them and their successors forever, any lands, tenements, goods, chattels, rents, or interests, of any and every kind whatsoever, which may heretofore been given, devised, or bequeathed, for the establishment of said Seminary, or which may hereafter be given, devised, or bequeathed, or which may be by them purchased for the use and benefit of said institute,
not exceeding the sum of seventy five thousand dollars; to transfer, convey and dispose of the same in any way they may adjudge most useful to the interests and lawful purposes of said institution, except as herein otherwise, provided; and by the same name, to sue and implead, be sued and impleaded, answer and be answered, in all courts of law and equity; to select and employ a Treasurer, and such other officers, agents and servants as they may see proper; to elect a President, and such other Professors, Instructors and Teachers, for the benefit of said institute, as they may deem necessary; to make, ordain, establish, and execute, or cause to be executed, all such by-laws, rules and ordinances, not inconsistent with the constitution and laws of the United States, or of this Commonwealth, as they may think necessary for the prosperity of said institution, the good government of the Professors, Instructors, Tutors, Agents and Stewards of the same; and generally to do all acts necessary and proper to promote the interest and well being of the institution.

Sec. 4. That the President, by and with the advice and consent of the Trustees, shall have power, from time to time, to prescribe, ordain and regulate the mode and course of instruction and education to be pursued in said institute, and, together with such Professors, Instructors, and Tutors, as the corporation may designate and appoint, shall be styled the Faculty of said institute, and shall have power to adopt and enforce such rules and regulations as shall be deemed expedient for the welfare and good government of the institute, which rules and regulations shall not be inconsistent with the constitution and laws of the United States, or of this Commonwealth, nor with the by-laws and ordinances of the
corporation, and which shall remain in full force until disapproved of by a majority of the Trustees, and no longer.

Sec. 5. That the first meeting of the Board of Trustees, designated in the third section of this act, shall be held in the town of Lagrange aforesaid, on the first Monday in April next, or at any time thereafter agreed upon by any three or more of the Trustees, and by them duly announced by publication in some newspaper published in the city of Louisville, at which meeting the said Trustees assembled, a quorum being present, may proceed to appoint such officers, and transact such business, as they shall judge necessary; but if a quorum shall not be present, those assembled may adjourn from day to day, or to any future day, until a quorum shall be had. The President of the institution, ex-officio, shall, when present, preside in all meetings of the Board of Trustees, and in his absence the Board shall choose a President pro tempore from their own body; but in no case shall the President be entitled to a vote unless he shall be also a member of the Board of Trustees. All questions shall be decided by a concurring vote of a majority of the Trustees present, except in cases hereinafter provided.

Sec. 6. That the Trustees shall elect a Treasurer for the institution, annually, who, before entering upon the duties of his office, shall enter into bond, with approved security, payable to the Trustees, by their name aforesaid, and their successors, in such penalty as the said Trustees may require, conditioned faithfully to discharge the duties of his said office; and shall as often as required by the Board, render an account, of all moneys, goods and chattels received by him on account and for the use, of said institution; and on failure or refusal so to do, he and his
securities shall be subject to be proceeded against in the same manner as now prescribed by law in the case of Sheriffs failing to account for and pay into the Treasury of this Commonwealth the public taxes collected by them, such proceedings to be conducted in the name of the Trustees in their corporate and politic character, of which the Oldham Circuit Court shall have jurisdiction: Provided, that no appropriation, payment, or disbursement, shall, at any time, be made by the Treasurer, but such as shall be in pursuance of the orders or directions of the Board of Trustees.

Sec. 7. That the Board of Trustees shall, at each annual-meeting, appoint, from their own body, an examining committee to consist of seven, who, with the President, shall have full power and authority to meet at such times as they shall think proper and necessary, for the examination of candidates for literary degrees; and they are hereby authorized and empowered to confer such degrees on all such students of the institution as, in their opinion, shall merit the same, in as ample a manner as any other college in this Commonwealth can do, and under the common seal of said institute to grant diplomas and testimonials thereof, signed by the President and said committee, or a majority of them. For the transaction of all other business a majority of the Trustees in office shall constitute a quorum, and if, at any of the stated meetings of the Board, a quorum shall not be present, those in attendance may adjourn from day to day until a quorum shall be had.

Sec. 8. That the Board, shall have power, at any time, to remove or suspend the President or any of the Instructors or officers of the said institute for sufficient cause, two-thirds of all present concurring. When a vacancy, or vacancies, shall occur in
the Board, by death, resignation, removal, or refusal to act, the remaining Trustees shall fill the same. It shall be lawful for any to act, for any three of the Trustees, or the President, or the Professors, for the time being, or a majority of them, to call a meeting of the Board whenever they, or he, as the case may be, shall deem it expedient, by giving at least ten days notice of such meeting in the mode prescribed in the fifth section of this act.

Sec. 9. That whenever any Trustee shall absent himself from three successive annual meetings of the Board without assigning a sufficient reason, in writing, the Board, at their next meeting, may, by an entry on their minutes, declare his seat vacant, and proceed to fill the same by an election.

Sec. 10. That said Trustees, and their successors, are hereby authorized, so far as the funds of the institution may warrant, to admit gratuitously, as students, in whole or in part, as their respective cases may require, such person or persons as they may think proper.

Sec. 11. That the Trustees of the institution shall have power to establish a Department of Agriculture: Provided, nevertheless, that no pupil or student of the College shall be required to study or labor in such department in any manner contrary to the wishes of the person or persons at whose charge, or by whom such student has been placed in the institution, nor shall study or labor in said department (should the same be established,) be necessary to graduation.

Sec. 12. That there shall be annual stated meetings of the Board of Trustees, to be held at such time as said Board shall, at their first meeting under the authority of this act, appoint;
but they may, at any subsequent meeting, alter such day if they
should think it expedient, and so on from time to time. It shall
be the duty of the Board to make and render a report to the Legis-
lature of this Commonwealth, of the general condition and progress
of the institution, whenever thereunto required.

Sec. 13. That the Board of Trustees shall never be less than
twelve, nor more than thirty, in number, and said Board may, here-
after, at any regular meeting, create, by appointment, additional
Trustees, not exceeding in all the greater number specified in
this section.

Sec. 14. That the sum of ten thousand dollars, bequeathed by
the late William M. Funk for the benefit of the institute hereby
established, shall be a permanent fund, under the management of
the said Trustees, the proceeds of which shall be applied towards
the payment of the salaries of the President and Tutors of the
institution, and to such other purposes, connected with the advance-
ment of the school, as the said Trustees shall judge expedient;
that the said fund shall be loaned out, from time to time, to
individuals or companies, in sums of not more than two thousand
nor less than two hundred dollars, to any one person or company,
at a rate of interest not exceeding six per centum per annum; the
sums so loaned out to be secured, in all cases, by mortgages on
real estate of adequate value, situated in this Commonwealth; but
no loan shall be made to any Trustees or other officers of the
institution: Provided, however, that if the money raised, or which
may hereafter be raised in convenient time, by subscription or
otherwise, in aid of said institution, should not be sufficient for
the erection of the necessary buildings for the same, the Board of
Trustees, a majority of two-thirds concurring, may appropriate for that purpose, out of the said bequest made as aforesaid, a sum not exceeding two thousand dollars: And, provided further, that any future donations made to said institution, at the discretion of the Trustees thereof, may be added to the said permanent fund, and be loaned out at the same rate of interest, and under the same restrictions, as the original fund.

Sec. 15. That nothing herein contained shall be so construed as to authorize the establishment of a Theological department in said school: Provided, the Legislature shall hereafter, at any time, alter, amend, or repeal this act at pleasure.

Sec. 16. This act shall be in force from and after the passage thereof.

An ACT for the benefit of the Female Academies of Nazareth and Loretto.

Approved, February 23, 1842

WHEREAS, by the acts incorporating the Female Academies of Nazareth and Loretto, the Bishop of Bardstown, for the time being, is constituted Moderator of the Boards of Trustees for said Academies; and no provision has been made, in said acts of incorporation, in case of the absence, sickness, or inability, of the Bishop to attend said Boards - wherefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Bishop of Bardstown be, and he is hereby, authorized and empowered to constitute and appoint some suitable and qualified person to preside as Moderator of the respective

356. Ibid., pp. 196-200.
Boards of said institutions; but whenever the Bishop shall die, then the last Moderator, appointed by the Bishop, shall perform the duties as Moderator until another Bishop shall be duly appointed and installed. 357

An ACT for the benefit of Common Schools in Franklin county.

Approved, February 23, 1842

WHEREAS, the Legislature of Kentucky did, by an act, approved, seventeenth of December, 1800, vest in certain Trustees six thousand acres of land for the use and benefit of an institution of learning, to be called "Franklin Academy," which have been sold: and, whereas, it is represented to the present Legislature that there are some funds and property in the hands of the surviving Trustees of said Seminary, or their former Treasurer - wherefore,

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for the Commissioners of Common Schools for Franklin county, to call on John H. Hanna, surviving Trustees of William S. Waller, late Treasurer of said Franklin Seminary, for all the funds and property in their hands belonging to said Seminary; the said funds to be loaned out, and the interest to be applied for the use and benefit of the several schools in Franklin county, that have and may hereafter adopt and put into operation a school in their respective districts.

Sec. 2. It shall be lawful for the Trustees of Common Schools, in Franklin county, to receive into their respective Schools, children from adjoining districts where the system may have been

357. Ibid., pp. 208-209.
rejected, and to agree with the parents or guardians of said children as to the terms of admission; and to draw from the Common School fund the same amount that is now paid for children where the system has been adopted: Provided, that said children shall not be admitted whenever the district to which they belong adopt the system. 358

An ACT authorizing additional Trustees to the Hopkins Seminary, situated in the town of Madisonville.

Approved, February 24, 1842

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Trustees now in office of the Hopkins Seminary, located in the town of Madisonville, be, and they are hereby, authorized to elect five additional Trustees to the number now allowed by law; and in case of death, resignation, or refusal to act, may fill any vacancy which may so happen. 359

An ACT to incorporate the Mount Washington Academy.

Approved, February 28, 1842

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Enos Kerr, Frederic Johnson, William W. Swearingen, Benjamin M. Wibble, and Joseph Swearingen, shall be, and are hereby, constituted a body politic and corporate, to be known by the name of the Trustees of the Mt. Washington Academy, and by that name shall have perpetual succession, and a common seal, with power to change the same at pleasure.

Sec. 2. The said Academy shall be located in Mt. Washington,

358. Ibid., p. 217.

and said Trustees shall hold their first session in said town, on
the first Saturday in March next, at such place as any four of them
may designate, and shall continue in office till their successors
in office are appointed as is hereafter stated.

Sec. 3. That said Trustees, or a majority of them, or their
successors, shall call a meeting of the subscribers to said Academy,
on the third Saturday in March next, at such place as the said
Trustees may designate, in the town of Mt. Washington, when a
majority of the subscribers present at such meeting shall choose
five Trustees for said Academy, either the five Trustees above
named, or any others they may see proper to select; and if no
selection is held on that day, an election shall be held at such
time and place, in said town, as the said Trustees shall direct,
within three weeks thereafter; and on the third Saturday in March,
in every year thereafter, a re-election of Trustees for said
Academy shall take place as aforesaid, and said Trustees, elected
as aforesaid, shall continue in office till their successors are
regularly appointed.

Sec. 4. That said Trustees, or their successors, shall, at
their first session, or any subsequent session, as they may choose,
elect a President of said Board, to be chosen of their own body,
and such other officers as they may deem necessary, or they may
provide for the election of said officers by the subscribers of
said Academy. That a majority of said Trustees shall constitute
a quorum for the transaction of business relating to said Academy;
that they shall have power to make and enact such rules and by-laws
for the government of said institution as they may deem expedient,
not incompatible with the laws of this Commonwealth; and upon the
death, resignation or removal of any of the Trustees of said Academy, a majority of the remaining Trustees shall have power to fill any such vacancy or vacancies, and the person or persons, so appointed, shall hold their office until the next regular election of Trustees.

Sec. 5. That said Trustees, and their successors in office, shall be capable in law to purchase, receive, and hold, to them and their successors, for the use and benefit of said Academy, any land, tenements, goods and chattels, which may be given, devised, or purchased by them. That said Trustees and their successors, by the name aforesaid, may sue and be sued, plead and be impleaded, in any court of law or equity.

Sec. 6. That a majority of said Trustees, or their successors, shall have the approval of all Professors or other Tutors for said institution, and may dismiss them at any time; that the President or any two members of said Board of Trustees shall have power to call a meeting of said Trustees, and said Trustees shall, upon such call, convene and transact such business as shall be deemed necessary for the management of said institution.

Sec. 7. Be it further enacted, That the Legislature reserve the right to modify or repeal this act whenever the public good requires it.

An ACT to amend the several laws establishing Common Schools.

Approved, March 1, 1842

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That hereafter the School Commissioners, or a majority of them, shall have the power to district their

360. Ibid., pp. 273-274.
several counties, or to alter or modify the same, as circumstances may require, without making application to the County Courts for any order upon the subject; and in the same way, the Commissioners, or any one of them, may proceed to hold elections in any of the districts, having given previous notice of the same, as the law requires, without any order by the County Court.

Sec. 2. Be it further enacted, That the County Commissioners, or a majority of them, shall have power to appoint three Examiners, who shall be professional teachers, at or near the seat of justice, in the several counties; and, also, the same number, at or near any other town or village in the county, who shall examine, and give certificates to such persons as may be found qualified, who shall apply as teachers - a majority of the examiners shall have power to act.

Sec. 3. Be it further enacted, That in case any district shall fail or neglect to levy a tax in said district, for the support of a Common School, the citizens legally entitled to vote therein, or a majority of them, may proceed to raise, by subscription, or otherwise, any sum of money for the support of a school, not less than will be sufficient to keep a Common School for at least three months in each year; and upon this fact being certified to the School Commissioners, by the Trustees of each district, and that a school has been actually kept for at least three months, the Trustees of said district shall be entitled to their just proportion of the money allowed for the support of Common Schools: Provided, also, that all the children in said district, of the proper age, shall be privileged to attend said school; and nothing herein contained, shall, at any time, prevent said district
thereafter from adopting the system of regular taxation.

Sec. 4. Be it further enacted, That the poll tax levied in any district shall not be more than one dollar and fifty cents, or less than fifty cents, for the support of Common Schools.

Sec. 5. Be it further enacted, That so soon as three districts in any county shall go into operation, according to the provisions of this act, or the original act, the Commissioners of the county shall have the right of drawing the money which may be allotted to such county, which shall be applied to such districts, for the period of twelve months, as go into operation, and no further distribution shall take place for twelve months: Provided, that the period of three months from and after the passage of this act shall be allowed to all the counties of this Commonwealth to avail themselves of this provision; and any provision contained in the original act which forfeits the amount due any county, at the expiration of five years, shall be, and the same is hereby, repealed.

Sec. 6. Be it further enacted, That where the line dividing any of the school districts in this Commonwealth shall run through and divide the lands of any citizen, he shall be at liberty to pay the school tax in the district in which he lives, or if he should not live in either of the districts, then the tax shall be paid in the district in which the greater part of the tract lies.

Sec. 7. That it shall be the duty of the Superintendent of Common Schools to spend at least eight months of each year in travelling through the States, and lecturing upon the subject of Common Schools, and upon his failure to do so, his salary shall be reduced in proportion to his neglect of complying with the provisions of this section.
Sec. 6. Be it further enacted, That if any county in this Commonwealth shall fail to adopt the Common School system, the amount due such county shall be paid over to the Commissioners of said county, to be used for the education of the indigent children of said county. 361

An ACT to change the name of the Boone Academy, and for other purposes.

Approved, March 3, 1842

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Boone county Academy, shall hereafter be known and called by the name of "The Morgan Academy," in memory and honor of Allan Morgan, late of Boone county, deceased; and the officers of said institution shall be the same as heretofore, and have all the powers, privileges and immunities as provided by the laws in relation thereto.

Sec. 2. That the Commonwealth of Kentucky hereby releases and transfers to the Morgan Academy all right and title to the estate, real and personal, slaves included, which were of the estate of the said Allan Morgan at the time of his decease, and who it is represented died without heirs, to be held and applied by the Trustees of said Academy to the purposes of education, and for no other purposes. The Trustees of said Academy shall appoint a Treasurer, who shall hold his appointment at the pleasure of the Trustees, and shall take an oath faithfully and honestly to discharge his duties as such Treasurer; and shall execute bond, with two or more freehold securities, to be approved of by the County Court, payable

361. Ibid., pp. 281-282.
to the Commonwealth of Kentucky, conditioned faithfully to preserve the property, rights and credits, moneys and effects of the Morgan Academy; and that he will apply, deliver and pay said property, moneys, and effects, as required by the Trustees of said Academy; and that when he shall cease to be such Treasurer he will, on request, deliver to his successors, or the Trustees of said Academy, all the books, papers, property, rights, credits, and effects which belong to said Morgan Academy, or the Trustees thereof. That said Treasurer shall have power, under the order of the Board of Trustees, to sell the property of said academy, on such terms as the Trustees may prescribe, and shall be authorized to loan the moneys on such terms, as to time and security, whether by mortgage or otherwise, or vest the same in State Bonds, as the Trustees may direct. That the County Court of Boone county shall cause the administrator de bonis non of the estate of the said Morgan, to make settlement of said estate; and that said administrator deliver over to the Treasurer, provided for herein, all the property, money and effects belonging to the estate of said Allan Morgan: Provided, however, that the said property and effects shall be held subject to the demands of any creditor of said Morgan, and subject to any claim of his heirs or distributees, should any appear.

Sec. 3. Be it further enacted, That the right of repealing, altering or modifying this act is reserved.

An ACT to incorporate the Trustees of the Moscow Seminary, and for other purposes.

Approved, March 3, 1842.

Section 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Solomon Neville, William C. Ashburn, Thomas Harper, Samuel P. McFall, and Robert N. Lewis, and their successors in office, shall be, and they are hereby, constituted a body politic and corporate, to be known by the name and style of the Trustees of "the Moscow Seminary;" and by that name may sue and be sued, plead and be impleaded, in any court of law or equity; and they may make such by-laws, rules and regulations, for the government of said Seminary, as they may deem expedient and proper: Provided, they be not contrary to the laws and constitution of this State; three of said Trustees shall form a quorum or board to transact any business which they are hereby authorized to do, a majority concurring therein; they shall have power to appoint some one of their own body as President of their Board, and in the absence of said President, may appoint a President pro tem., whose duty it shall be to preside at all meetings of said Trustees as President of said Board; they may also appoint, from time to time, a Treasurer, Clerk, and such other officers as they shall deem necessary and proper; they shall have power to appoint a Principal Professor, or Teacher, and such Assistant Teachers, or Professors, as they may, from time to time, deem necessary; they shall keep a fair record of their proceedings; and should any of the Trustees, hereby appointed, fail or refuse to act, or should the office of Trustee at any time become vacant, from any cause whatever, a majority of those remaining in office and concurring therein shall have power to fill such vacancy.

Sec. 2. That the corporation hereby created shall have power to acquire and hold by purchase, devise, or otherwise, all such
lands, tenements, and hereditaments, money, or other property, as said Trustees may think proper to purchase, or such as may be given, devised, or bequeathed, to them for the use and benefit of said Seminary, at such time and in such proportions as they may deem just and proper; it shall not be necessary for said corporation to procure a common seal, all its corporate acts shall be manifested and made known by the signature and private seal of the President affixed to the contract or writing executed, or by some entry, minute, or memorandum, made on the record of the proceedings of said corporation; and all contracts, deeds, writings, and conveyances, made and entered into in the name of the Trustees of the Moscow Seminary, and signed by the President thereof, in his official capacity, in manner as aforesaid, shall be as valid and effectual in law as if the corporation had a common seal, and the same was affixed in due form to said contract, deed, writing, or conveyance. The Legislature hereby reserves the right to alter, amend, or repeal, this charter.

(Sec. __. That the County Court of Hickman county shall be vested with full power to appropriate to said Trustees, for the use and benefit of said Seminary, twelve quarter sections of land, or the proceeds thereof, which was donated to said county by the provisions of an act, entitled, an act appropriating a portion of of the vacant lands in the district of county west of the Tennessee river for the purposes of education, approved, January thirteenth, 1834; and said court may appoint an agent to make sale of and convey the same, and any sale and conveyance made by such agent of the land aforesaid, are hereby declared legal and valid.)

Sec. 3. That the Trustees aforesaid are hereby invested with power to sell the Seminary and lot of ground, in said town of
Moscow, adjoining the tobacco stemmery: Provided, the amount of such sale be applied to the purchase of another lot of ground and buildings under the provisions of this act.

Sec. 4. The Legislature hereby reserves the power to repeal, alter, or modify, this act.

Sec. 5. Be it further enacted, That the County Court of Hickman shall not nominate any Constable or Justice of the Peace in place of those stricken off in the county of Ballard; and that the number of Constables and Justices of the Peace for Hickman county are hereby reduced to the number now in commission in the bounds of said county.363

RESOLUTIONS in relation to the duties of the Superintendent of Public Instruction, and the printing and distribution of the School Acts.

Approved, March 3, 1842

Resolved by the General Assembly of the Commonwealth of Kentucky, That the Superintendent of Public Instruction be directed to report to the next General Assembly.

I. Upon the expediency of organizing a profession of Teachers, analagous to the other learned professions.

II. Upon the expediency of elevating the condition of the Common Schools, or at least a portion of them, under certain conditions, so that they may furnish a thorough English education, including the sciences connected with agriculture; and if he deem such a result practicable, to prepare and digest a plan by which it may be obtained.

III. Upon the acknowledged evils connected with the school

363. Ibid., pp. 288-289.
systems of other States, and the means by which said evils may be avoided in this Commonwealth.

Be it further enacted, That the Public Printer be directed to print, in a pamphlet form a sufficient number of copies of the law establishing Common Schools in this Commonwealth, together with all amendments thereto, to furnish one copy to each member of the Legislature, and the Clerks of the Circuit and County Courts, to be distributed with the Acts and Journals. 364

364. Ibid., p. 303.
CHAPTER IV
CONSTITUTIONAL PROVISIONS

Third Constitution of Kentucky, 1850

Article XI, Concerning Education

Sec. 1. The capital of the fund called and known as the "Common School Fund," consisting of one million two hundred and twenty-five thousand seven hundred and sixty-eight dollars and forty-two cents, for which bonds have been executed by the State to the Board of Education, and seventy-three thousand five hundred dollars of stock in the Bank of Kentucky; also the sum of fifty-one thousand two hundred and twenty-three dollars and twenty-nine cents, balance of interest on the school fund for the year 1848, unexpended, together with any sum which may be hereafter raised in the State by taxation or otherwise for purposes of education, shall be held inviolate, for the purpose of sustaining a system of common schools. The interest and dividends of said funds, together with any sum which may be appropriated in aid of common schools, but for no other purpose. The General Assembly shall invest said fifty-one thousand two hundred and twenty-three dollars and twenty-nine cents in some safe and profitable manner; and any portion of the interest and dividends of said school fund, or other money or property raised for school purposes, which may not be needed in sustaining common schools, shall be invested in like manner. The General Assembly shall make provision, by law, for the payment of the interest of said school fund: Provided, That each county shall be entitled to its proportion of the income of said fund, and if not called for, for common school purposes, it
shall be reinvested from time to time for the benefit of such county.

Sec. 2. A Superintendent of Public Instruction shall be elected by the qualified voters of this Commonwealth at the same time the Governor is elected, who shall hold his office for four years; and his duties and salary shall be prescribed and fixed by law. 365

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