

Transylvania Amended (1783)

CHAPTER XXXVI.

An ACT to amend an Act, intituled “An Act to Vest Certain Escheated Lands in the County of Kentucky in Trustees for a Public School”

Approved by the Virginia General Assembly in May 1783

SECTION I. **WHEREAS** by an act of assembly, intituled “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 trustees 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 country and the 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:

SECTION II. **Be it therefore enacted**, That William Fleming, William Christian, Benjamin Logan, John May, Levi Todd, John Cowan, Edmund Taylor, Thomas Marshall, Samuel McDowell, John Bowman, George Rogers Clark, John Campbell, Isaac Shelby, David Rice, John Edwards, Caleb Wallace, Walker Daniel, Isaac Cox, Robert Johnson, John Craig, John Mosby, James Speed, Christopher Greenup, John Crittenden, and 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 of 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.

SECTION III. **And be it further enacted**, That the said eight thousand acres of escheated lands in the district of Kentucky, late the property of Robert McKenzie, Henry Collins, and Alexander McKee, be hereafter held, and the same is hereby vested in the before named trustees and their successors, for the purposes and under the reservations in the said act expressed.

SECTION IV. **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 bye-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, intituled "An Act to Amend an Act, Intituled, '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 to 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 low state of the public funds;

SECTION V. **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.

SECTION VI. **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 the other officers aforesaid, shall have fixed salaries appointed them, and continue in office during good behaviour, 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 debate upon any question under their deliberation.

SECTION VII. **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.

SECTION VIII. **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.

SECTION IX. **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 their 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.

SECTION X. **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; and 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 any five or more of the trustees, the degrees of Batchelor 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.

SECTION XI. **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.

SECTION XII. **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 each manner as the legislature shall direct.

REF: "The Statutes at Large, Being a Collection of All the Laws of Virginia", Volume XI, Edited by William Waller Hening, 1823, pp 282-287.