

SENATE.....No. 68.

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Commonwealth of Massachusetts.

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IN SENATE, February 13, 1871.

The Committee on Education, to whom was committed the Act to incorporate the Trustees of Smith Academy, and the Act to incorporate the Smith College, report that the same ought to pass in a new draft.

By order of the Committee,

A. J. BARTHOLOMEW.

## Commonwealth of Massachusetts.

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In the Year One Thousand Eight Hundred and Seventy-One.

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### AN ACT

To incorporate The Smith College.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:—*

1    SECT. 1. Charles E. Forbes and Osmyn Baker, of  
2 Northampton, John M. Greene of Lowell, William S.  
3 Tyler and Julius H. Seelye of Amherst, William B.  
4 Washburn of Greenfield, Edwards A. Park of Ando-  
5 ver, Joseph White of Williamstown, Birdseye G.  
6 Northrop of New Haven, Edward B. Gillett of West-  
7 field, and George W. Hubbard of Hatfield, their asso-  
8 ciates and successors, are hereby constituted a body  
9 corporate, by the name of The Trustees of the  
10 Smith College, the leading object of which shall be  
11 the higher education of young women, in accordance  
12 with the plan and provisions prescribed in the last  
13 will of Sophia Smith, late of Hatfield. And for the  
14 orderly conducting of the business of said corpora-  
15 tion, the said trustees shall have power and authority  
16 from time to time, as occasion may require, to elect a

17 president, vice-president, secretary and treasurer, and  
18 such other officers of said corporation as may be  
19 found necessary, and to declare the duties of their  
20 respective offices ; and to elect new trustees ; and to  
21 remove any trustee from the same corporation when  
22 in their judgment he shall be rendered incapable, by  
23 age or otherwise, of discharging the duties of his  
24 office, or shall neglect or refuse to perform the same :  
25 *provided, nevertheless,* that the number of trustees  
26 shall never be greater than fifteen.

1     SECT. 2.   The said corporation shall have full  
2 power and authority to determine at what times and  
3 places their meetings shall be holden, and the man-  
4 ner of notifying the trustees to convene at such meet-  
5 ings ; from time to time to elect a president of said  
6 college, and such professors, instructors, teachers and  
7 other officers of said college as they shall judge most  
8 for the interest thereof, and to determine the duties,  
9 salaries, emoluments, responsibilities and tenures of  
10 their several offices ; and the said corporation are fur-  
11 ther empowered to purchase or erect, and keep in  
12 repair, such houses and other buildings as they shall  
13 judge necessary for the said college ; to make and or-  
14 dain, as occasion may require, reasonable rules, orders  
15 and by-laws, not repugnant to the constitution and  
16 laws of the Commonwealth, with reasonable penalties  
17 for the good government of the said college, and for  
18 the regulation of their own body ; to determine and  
19 regulate the course of instruction of said college, and  
20 to grant such honorary testimonials and confer such  
21 honors, degrees and diplomas as are granted or con-  
22 ferred by any university, college or seminary of learn-

23 ing in the United States : and the diplomas so granted  
24 shall entitle the possessors to the immunities and  
25 privileges allowed by usage or statute to the posses-  
26 sors of like diplomas from any university, college or  
27 seminary of learning in this Commonwealth : *pro-*  
28 *vided, nevertheless,* that no corporate business shall be  
29 transacted at any meeting unless a majority of the  
30 trustees are present.

1   SECT. 3. The said corporation may have a com-  
2 mon seal, which it may alter or renew at its pleasure,  
3 and all deeds sealed with the seal of said corporation,  
4 and signed by its order, shall when made in the cor-  
5 porate name, be considered in law as the deeds of the  
6 said corporation ; and said corporation may sue and  
7 be sued in all actions, real, personal or mixed, and  
8 may prosecute the same to final judgment and execu-  
9 tion by the name of The Trustees of the Smith  
10 College ; and said corporation shall be capable of  
11 taking and holding in fee simple or any less estate,  
12 by gift, grant, bequest, devise or otherwise, any lands,  
13 tenements or other estate, real or personal : *provided,*  
14 that the clear annual income of the same shall not  
15 exceed fifty thousand dollars.

1   SECT. 4. The clear rents and profits of all the  
2 estate, real and personal, of which the said corpora-  
3 tion shall be seized and possessed, shall be appro-  
4 priated to the endowment of the said college in such  
5 manner as shall most effectually promote the high  
6 standard of education and culture aimed at by the  
7 founder, the said trustees conforming to the will of  
8 the founder, and of any donor or donors in the appli-



9 cation of any estate which has been or may be given,  
10 devised or bequeathed for any object connected with  
11 the college.

1   SECT. 5. The board of trustees, when organized,  
2 are authorized and required to locate the said college  
3 in Northampton, in the county of Hampshire, pro-  
4 vided the citizens or town of Northampton, within  
5 two years from December fifth, in the year of our  
6 Lord eighteen hundred and seventy, shall raise and  
7 pay over, or cause to be raised and paid over to  
8 the said board of trustees, if organized, or if not,  
9 to the two trustees named in the fifth section of  
10 the founder's will, or to their proper successors, the  
11 sum of twenty-five thousand dollars for the purposes  
12 specified in said will. And upon the failure or  
13 refusal of the citizens or town of Northampton  
14 so to do, then the said trustees, when organized,  
15 shall locate the said college in Hatfield, in the  
16 said county, and in whichever town located, the said  
17 trustees are authorized to select therein a suitable  
18 site therefor, and to purchase or otherwise acquire  
19 and hold all such real estate as in the judgment of  
20 said trustees may be required for the buildings and  
21 grounds connected with said college.

1   SECT. 6. The legislature of this Commonwealth,  
2 may grant any further powers to, or alter, limit,  
3 annul or restrain any of the powers vested by this  
4 act in the said corporation, as shall be found necessary  
5 to promote the best interests of the said college.

1   SECT. 7. This act shall take effect upon its pas-  
2 sage.

## Commonwealth of Massachusetts.

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In the Year One Thousand Eight Hundred and Seventy-One.

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### AN ACT

To incorporate The Trustees of the Smith Academy.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same as follows:—*

1    SECT. 1.   Joseph D. Billings, George W. Hubbard,  
2   Jonathan S. Graves, Alpheus Cowles, Silas G. Hub-  
3   bard, Frederick D. Billings, William H. Dickinson,  
4   and Daniel W. Wells, all of Hatfield, and their suc-  
5   cessors, are hereby constituted a body corporate under  
6   the name of The Trustees of the Smith Academy, to  
7   be established at Hatfield, in the county of Hamp-  
8   shire, and to be managed and conducted in accordance  
9   with the plan and provisions set forth in the last will  
10  of Sophia Smith, late of said Hatfield. And the said  
11  trustees shall have power and authority from time to  
12  time as vacancies may occur in their board, to elect,  
13  by ballot, new members to fill the same; also to elect

14 a president, vice-president, secretary and treasurer, and  
15 such other officers of said corporation as may be found  
16 necessary, and to declare the duties and tenures of  
17 these respective offices ; and also to remove any trustee  
18 from the same corporation, when in their judgment  
19 he shall be rendered incapable by age or otherwise  
20 of discharging the duties of his office, or shall  
21 neglect or refuse to perform the same: *provided,*  
22 *nevertheless,* that the number of members shall never  
23 be greater than *eight*.

1     SECT. 2. The said corporation shall have full  
2 power and authority to determine at what time and  
3 places their meetings shall be holden, and the manner  
4 of notifying the trustees to convene at such meetings ;  
5 from time to time to appoint a principal, pre-  
6 ceptress, and such teachers or assistants as in their  
7 judgment the said academy requires, and to determine  
8 the duties and compensation of each, and the  
9 tenure of their several offices ; to make and ordain  
10 as occasion may require, reasonable rules, orders and  
11 by-laws not repugnant to the constitution and laws of  
12 this Commonwealth, with reasonable penalties for  
13 the good government of said academy, and for the  
14 regulation of their own body ; and to determine and  
15 regulate the course of study in said academy : *pro-*  
16 *vided, nevertheless,* that no corporate business shall be  
17 transacted at any meeting unless five at least of the  
18 trustees are present ; and *provided, further,* that all  
19 action under the provisions of this section shall be  
20 subject to any express directions and restrictions  
21 named in said will.

1   SECT. 3. The said corporation shall be capable of  
2 taking and holding in fee-simple, or any less estate,  
3 by gift, grant, bequest, devise, or otherwise, any lands,  
4 tenements, or other estate, real or personal, and of  
5 managing, investing, appropriating and disposing of  
6 the same, and of the rents and profits thereof, in such  
7 manner as shall best promote the prosperity of said  
8 academy and the objects for which it is founded, they  
9 conforming to the will of the founder and of any  
10 donor or donors in the application of any estate  
11 which has been, or may be given, devised or be-  
12 queathed for any object connected with the said  
13 academy: *provided, however,* the clear annual income  
14 of all said estate shall not exceed ten thousand dol-  
15 lars.

1   SECT. 4. This act shall take effect upon its pas-  
2 sage.