

Chapter 585. An Act to establish the Cornell University, and to appropriate to it the income of the sale of public lands granted to this State by Congress, on the second day of July, eighteen hundred and sixty-two; also, to restrict the operation of five hundred and eleven of the laws of eighteen hundred and sixty-three. Passed April 27, 1865; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Ezra Cornell, William Kelly, Horace Greeley, Josiah B. Williams, William Andrus, John McGraw, George W. Schuyler, Abram Dibbley, J. Meredith Read, John M. Parker, and such other persons as may be associated with them for that purpose, are hereby created a body politic and corporate, to be known as the Cornell University, which university shall be located in the town of Ithaca, in the county of Tompkins, in this state. The corporation hereby created shall have all the rights and privileges necessary to the accomplishment of the object of its creation as declared in this act, and in the performance of its duties, shall be subject to the provisions and may exercise the powers enumerated and set forth in the second article of the fifteenth chapter, title one of the Revised Statutes of the State of New York.

§ 2. The first board of trustees of said corporation shall consist of the persons named in the first section of this act, together with the governor and lieutenant governor, the speaker of the house of assembly, the superintendent of public instruction, the president of the state agricultural society, the librarian of the Cornell library, and the eldest male lineal descendant of Ezra Cornell, who shall be ex-officio members thereof. There shall be seventeen trustees, exclusive of the ex-officio trustees; and, to make up the said number of seventeen, the ten persons who are named in the first section of this act, and the said ex-officio trustees, or a quorum of all of them, shall, at their first meeting, in pursuance of this act, elect seven other persons to act with themselves as members of said board of trustees. But at no time shall a majority of the board be of any one religious sect, or of no religious sect.

§ 3. The farm and grounds to be occupied by said corporation, whereupon its buildings shall be erected, in such manner and to such extent as the trustees may, from time to time, direct and provide for, shall consist of not less than two hundred acres.

§ 4. The leading object of the corporation hereby created shall be to teach such branches of learning as are related to agriculture and the mechanical arts, including military tactics; in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions in life. But such other branches of science and knowledge may be embraced in the plan of instruction and investigation pertaining to the university as the trustees may deem useful and proper. And persons of every religious denomination, or of no religious denomination, shall be equally eligible to all offices and appointments.

§ 5. The corporation hereby created may hold real and personal property to an amount not exceeding three millions of dollars in the aggregate.

§ 6. The income, revenue and avails which shall be received from the investment of the proceeds of the sale of the lands, or of the script therefor or of any part thereof, granted to this state by the act of congress, entitled "An act donating public lands to the several states and territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July second, eighteen hundred and sixty-two, are hereby appropriated to, and shall, from time to time as the same shall be received, be paid over to the trustees of the corporation hereby created, for its use and behoef in the mode and for the purposes in said act of congress defined; provided, however, that no part of such payment shall be made unless the said trustees shall prove to the satisfaction of the comptroller, within six months after the passage of this act, that the said corporation possesses a fund of five hundred thousand dollars at least, given by Ezra Cornell, of Ithaca aforesaid, which last named fund shall be given absolutely and without any limitation, restriction or condition whatsoever, save such as is in accordance with the provisions of this act, nor shall the same be in any manner repaid or returned to the said Cornell, his representatives or assigns, except as in this act provided, and any vote or resolution, or act or proceeding to return or repay the same, except as in accordance with this act, shall be void. And provided further, that no such payment shall be made, unless within six months from the passage of this act, said Ezra Cornell of Ithaca shall pay over to the trustees of Genesee College located at Lima in this state, the sum of twenty-five thousand dollars, for the purpose of establishing in said Genesee College, a professorship of agricultural chemistry. Provided, further, that the trustees of the Peoples college at Saranac may, in place of a strict compliance with the conditions of the act, chapter five hundred and eleven of the laws of eighteen hundred and sixty-three, in the details thereof, within three months from the passage of this act, deposit such a sum of money as in addition to the amount already expended by them upon or for the purposes of their corporation, shall, in the opinion of the regents of the university of New York, be sufficient to enable the said trustees fully to comply with the conditions of the said chapter five hundred and eleven of the laws of eighteen hundred and sixty-three. Such deposit, if made, shall be made in such place and on such terms as shall be satisfactory to the said regents of the university. And the said deposit shall not be withdrawn or removed or in any way affected or impaired, except to be applied under the directions of the said regents for the purposes of the said Peoples college, or upon the trustees thereof relinquishing any claim to the benefit of the said act of eighteen hundred and sixty-three. But nothing contained in this provision shall release the said trustees of the Peoples' college from the conditions and obligations imposed or contained in section three of said act. They shall on the contrary, in addition to the making and continuing such deposit as aforesaid, within the said three months, show to the satisfaction of the said regents that they have complied with the requirements of the said section three, and that the college, grounds, farm, work shops, fixtures, machinery, apparatus, cabinets and library occupied or owned by them, are not encumbered, aliened or otherwise disposed of. And nothing contained in this provision shall release the said trustees of the Peoples' college from a full and perfect performance of the terms and conditions of the said act, chapter five hundred and eleven of the laws of eighteen hundred and sixty-three, in all its details, and within the time therein limited therefor. Nor shall the trustees of the said Peoples' college receive from the comptroller any portion of the income and avails of the said lands until they have complied with and performed the terms and conditions of the said act, chapter five hundred and eleven of the laws of eighteen hundred and sixty-three, to the satisfaction of said regents; nor shall they receive any portion of the said avails and income or revenue, unless they comply with the conditions of this act by making and continuing the said deposit. If the said trustees of the Peoples' college shall not within the term mentioned in the said act, chapter five hundred and eleven, have complied therewith, to the satisfaction of the said regents, or if, within the said term of three months they shall not have made the said deposit in accordance with and upon the terms fixed by this act, then the avails, income and revenue which shall be received from the investments of the proceeds of the sales of the said lands or of the script therefor, shall be disposed of to the corporation hereby created, in the manner provided for in this section, and not before. If, on the other hand, the said trustees of the Peoples' college shall, within the time provided for in the act, chapter five hundred and eleven of the laws of eighteen hundred and sixty-three, and as herein provided, to the satisfaction of the said regents, comply with the conditions and obligations thereof and hereof, so that they shall be entitled to receive and enjoy the benefits thereof and hereof, then the said fund of five hundred thousand dollars given by Ezra Cornell, shall, in his opinion or that of his personal representatives or assigns, revert to him or them. Moreover, the trustees of the Peoples' college may, at any time, upon written notice to the said regents, withdraw and remove the aforesaid deposit, but such notice and withdrawal or either of them, shall be deemed a relinquishment and forfeiture by them of the benefit to them of the said chapter five hundred and eleven, and of the benefit of this act, and thereupon, upon the performance of the said Ezra Cornell, or of his heirs and of the corporation hereby created of the conditions and obligations of this act, the said income, avails and revenue shall be disposed of to the said Cornell university, as is hereinbefore provided.

§ 7. The trustees of said university, if they shall become entitled to the benefits of this act, shall make provisions to the satisfaction of the regents in respect to buildings, fixtures and arrangements generally, within two years from the passage thereof, to fulfill the provisions of the aforesaid act of congress. They shall also make all reports, and perform such other acts as may be necessary to conform to the act of congress aforesaid. The said university shall be subject to the visitation of the regents of the university of New York.

§ 8. From and after the time the said corporation shall become entitled to the benefits of this act as aforesaid, the said university grounds, farm, work shops, fixtures, machinery, apparatus, cabinets and library shall not be encumbered, aliened or otherwise disposed of by the said trustees, or by any other person except on terms such as the legislature of the state of New York shall have approved, and any act of the said trustees, or that of any other person which shall have that effect, shall be void.

§ 9. The several departments of study in the said university shall be open to applicants for admission thereto at the lowest rates of expense consistent with its welfare and efficiency, and without distinction as to rank, class, previous occupation or locality. But with a view to equalize its advantages to all parts of the state, the institution shall annually receive students, one from each assembly district of the state, to be selected as hereinafter provided, and shall give them instructions in any or in all the prescribed branches of study in any department of said institution free of any tuition fee, or of any incidental charges to be paid to said university, unless such incidental charges shall have been made to compensate for damages heedlessly or purposely done by the students to the property of said university. The said free instruction shall moreover be accorded to said students in consideration of their superior ability and as a reward for superior scholarship in the academies and public schools of this state. Said students shall be selected as the legislature may from time to time direct, and until otherwise ordered as follows: The school commissioners or commissioners of each county, and the board of education of each city, or those performing the duties of such a board, shall select annually the best scholar from each academy and each public school of their respective counties or cities as candidates for the university scholarship. The candidates thus selected in each county or city shall meet at such time and place in the year as the board of supervisors of the county shall appoint, to be examined by a board consisting of the school commissioners or commissioners of the county, or by the said board of education of the cities with such other persons as the supervisors shall appoint, who shall examine said candidates, and determine which of them are the best scholars, and the board of supervisors shall then select therefrom to the number of one for each assembly district in said county or city, and furnish the candidates thus selected with a certificate of such selection which certificate shall entitle such student to admission to said university, subject to the examination and approval of the faculty of said university. In making these selections preference shall be given (when other qualifications are equal) to the sons of those who have died in the military or naval service of the United States; consideration shall be had also of the physical ability of the candidate. Whenever any student selected as above described shall have been from any cause removed from the university before the expiration of the time for which he was selected, then one of the competitors to his place in the university from his district may be elected to succeed him therein, as the school commissioner or commissioners of the county of his residence, may direct.

§ 10. All payments made under this act, out of the treasury of the state, shall be made by the treasurer on the warrant of the comptroller out of the special fund on deposit with the treasurer, arising from the receipt of the income and revenue and avails mentioned in the sixth section of this act.

§ 11. Chapter five hundred and eleven of the laws of eighteen hundred and sixty-three, entitled "An act to appropriate the income and revenue which may be received from the investment of the proceeds of the sales of the lands granted to the state by the act of Congress, entitled "An act donating public lands to the several states and territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July second 1862, passed May fourteenth 1863," shall be read and construed subject to the provisions of this act, and whenever the provisions of said act, chapter five hundred and eleven of the laws of eighteen hundred and sixty-three, and the other provisions of this act shall conflict, the provisions of this act shall be deemed the law and shall prevail.

§ 12. The legislature may at any time alter or repeal this act.

§ 13. This act shall take effect immediately.

State of New York, Office of the Secretary of State.

I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom, and of the whole of said original law.

Given under my hand and seal of office, at the City of Albany, this Eleventh day of May, in the year one thousand eight hundred and sixty-five.

Chauncy M. Seelye,  
Secretary of State.



State of New York, In Assembly April 21, 1865.

This bill was read the third time and passed, a majority of all the members elected to the assembly voting in favor thereof, three fifths being present.

G. H. Hoskins Speaker.

Approved April 27, 1865

R. C. Yates

State of New York, In Senate March 22, 1865.

This bill was read the third time and passed, a majority of all the senators elected voting in favor thereof, three fifths being present.

Thomas G. Cluett President