

Minutes of the Board of Trustees for Vincennes University

(February 5, 1843—July 3, 1849)

*Edited by Robert Constantine**

In the four installments of the minutes of the Vincennes University board of trustees that have been published in the *Indiana Magazine of History*,¹ the most persistent theme is that of financial distress and crisis. In its efforts to deal with this constant problem—a universal one in the history of antebellum education, especially in the West—the board raised funds by selling and leasing land, by conducting an ill-fated lottery, by circulating school subscription lists, by accepting “in kind” tuition fees, by collecting certain penal funds from Knox County sheriffs and justices of the peace, and, in 1839, by selling its seminary building to the Catholic diocese of Vincennes. These measures enabled the university to sponsor a variety of elementary- and academy-level schools for three decades following the completion of its first building in 1811, but they did not save it from extended periods of suspended operation nor did they ever make possible the establishment of a complete college program.

In the following installment, which covers the period from 1843 to 1849 and concludes this series, the board was successful in developing a source of financial aid which proved to be of decisive importance in the ultimate survival of Vincennes University. At a meeting in June, 1843, the board adopted a resolution to “enforce the right of Vincennes University to the land in Gibson county.”² The decision to reassert the university’s claim to land granted to it in 1806 by the territorial legislature but subsequently transferred by the Indiana General Assembly in 1822 to the Indiana State Seminary at Bloomington opened a legal campaign for funds

* Robert Constantine is associate professor of history at Indiana State College, Terre Haute.

¹ Robert Constantine (ed.), “Minutes of the Board of Trustees for Vincennes University,” *Indiana Magazine of History*, LIV (December, 1958), 313-464; LV (September, 1959), 247-93; LVII (December, 1961), 311-67; and LIX (December, 1963), 323-87.

² See p. 167. Plans to press the university’s claim to the land in Gibson County were discussed by the board as early as December, 1840. Constantine, *Indiana Magazine of History*, LIX (December, 1963), 380. See also note 25, p. 185.

that lasted for more than a decade. In the process, the university was involved in litigation ranging from eviction suits in the Gibson County circuit court to a suit against the state of Indiana in the Indiana Supreme Court and a successful appeal to the Supreme Court of the United States. Meanwhile the board had called upon the legal services of Chancellor James Kent of New York and the success of its "day in court" against the state of Indiana owed much to that eminent jurist's opinion. The university realized approximately \$40,000 from its suit against the state. These funds, combined with the proceeds from the sale of its original properties, provided the means for beginning in the decade before the Civil War a continuous educational program housed in the university's own buildings.

During the period from 1840 to 1852, when the board was developing and pressing its claims against the state for the "unconstitutional arrest and detention of their property" in Gibson County, the Vincennes University Grammar School and the Preparatory Department were conducted in rented rooms. In 1846 the principal of the Preparatory Department reported there were 81 male students and 31 female students in attendance and remarked that although the school was called "Preparatory," instruction was given in "any branch necessary to a full collegiate course."³ In 1852 the university erected a two-story brick building for the Vincennes University Male Seminary and, in 1855, a frame building for the Vincennes University Female Classical Institute. By the mid-1850's the university's legal identity was intact, its financial resources were more secure than they had been for forty years, and its educational program was more stable than it had ever been. In all, Vincennes University had passed through most of the ordeals which characterized education in the ante-bellum period except the very common one of complete extinction.

Later records indicate that the programs conducted in the two buildings constructed in the 1850's remained college-preparatory or secondary schools until the 1870's, when, during the tenure of President Lewis Prugh, graduates of Vincennes University Academic Department were admitted to the state university as sophomores. A decade later the Vincennes University catalogue for 1884-1885 stated that graduates of the Academic Department could "enter the Junior Class of the State University without examination. . . ."

³ The principal's report is preserved in the archives of Vincennes University. See also notes 27 and 31 on pp. 186 and 190.

Thus the functions of a junior college were being realized by the university more than twenty years before the formal name of Vincennes University Junior College was adopted in 1899.

In the twentieth century the university again narrowly escaped corporate extinction in the 1920's, survived the financial crisis of the 1930's, and, in the period since World War II, has made a truly remarkable recovery by all the indexes of educational growth and prosperity—student body, quality of faculty, physical plant, and academic respectability. Along the way the survival of the school has owed something to timely financial assistance from the state of Indiana and from Knox County, but it has owed at least as much to the notion that there "ought to be" a Vincennes University—a notion held by men like William Henry Harrison a century and a half ago and Curtis G. Shake and Isaac K. Beckes in the present generation.

February 5th 1843.¹

This being a Special meeting of Board called by order of the President. When there were present: Samuel Hill, President, Messrs. Law, Robinson, Hitt, Wise, Alexander, Harper, Burtch, Carnan, Ellis, Trustees.²

¹ In editing these minutes original spelling has been faithfully followed and, with some exceptions, original punctuation has been retained. Periods have been added after abbreviations and initials of persons; they have also been used at the ends of paragraphs. Decimal points have been added. Commas have been inserted only to separate series of words and phrases. The abbreviations "A.M." and "A.D." have been standardized by uniform use of capital letters and periods. A colon has been used consistently following "viz." and "to wit" and before each list of board members present at a meeting, and a colon has been added occasionally where its use was clearly indicated. Quotations and parentheses have not been closed if they were unclosed in the original. Superior letters have been brought down to the line; unintentional repetitions have been omitted. Space limitations have prompted the listing of members present and the recording of votes in series instead of the columns which often appear in the original. Inconsistent or unusual spacing used in the original minutes has dictated some modification of spacing and paragraphing for the sake of clarity and uniformity; the locations of headings and signatures have also been standardized. Topic headings and other notations which appear at times in the margins of the minute book have not been included in this reproduction.

² With the exception of John Law, all members of the board present at this meeting were identified in Robert Constantine (ed.), *Indiana Magazine of History*, LIX (December, 1963): Thomas Alexander and Robert N. Carnan, 359n; Samuel Wise, 360n; William Burtch, Jacob Harper, and Samuel Hill, 364n; Abner T. Ellis, 367n; Willis W. Hitt, 382n; Martin Robinson, 386n. For John Law, see *ibid.*, LVII (December, 1961), 362n.

On motion Martin Robinson was appointed Secretary pro tem.

Mr. Law on leave granted introduced the following Resolution:

Whereas the Board of Trustees of "Vincennes University" have seen the publication of an act of the general assembly of the State of Indiana at their last Session entitled "an act authorizing the Board doing county business of the county of Knox to adjust all claims with and against the Trustees of the late *Nominal* Vincennes University in relation to the Sale of the Building and lots set apart for a county Seminary by Law.³

and Whereas the Board believes Said act to be unconstitutional, illegal, and Void, conferring powers on an other Tribunal solely belonging to this, giving jurisdiction where non[e] can exist, untrue in its preamble and unjust throughout.

Therefore Resolved, That this Board hereby unanimously protest against said act for the reasons above specified, and many others that might be adduced, and that should any action be taken in the premises by the Board doing County business under said act, that the President of the Board employ Counsel to defend the rights of the Board secured to them under the charter, of which they have never been as yet divested.

Resolved further that the President deliver to the Commissioners of Knox County when called upon a copy of this Resolution.

The said Resolution having been read and the Ayes and Naves being called for said resolution was unanimously adopted.

The resignation of Joseph Somes⁴ as a member of this Board was introduced and on motion the same was laid on the Table.

The Board did then adjourn.

Samuel Hill President

Martin Robinson Sec. pro. tem

³ This act, approved on January 28, 1843, attempted to compel the "trustees of the late nominal Vincennes University" to turn over "all moneys . . . in their hands" to the Knox County commissioners, who were directed to use such funds for a "county seminary" and for "congressional district schools." The act authorized the county commissioners to sue in Knox circuit court to recover the funds if the members of the university board of trustees did not voluntarily relinquish them. Indiana, *Laws* (1842-1843), 159-60.

⁴ See Constantine, *Indiana Magazine of History*, LIX (December, 1963), 359n.

April 22d 1843.

A meeting of the Board called by order of the Prest. was held this day at the office of Jno. Law Esq.—Present: Saml. Hill, Prest., John Law, Thomas Alexander, Hiram Decker, Jac. Harper, R. N. Carnan, Wm. Burtch, W. W. Hitt, Saml. Wise, J. B. Martin, & Abner T. Ellis, Trustees.⁵

On motion Abner T. Ellis was appointed Secy. protem.

Wm. Burtch made report from comtee. heretofore appointed⁶ to make estimates of the expence of a building for preparatory department which on motion was accepted & ordered to be placed on file.

on further motion It was resolved that it is highly expedient that the University proceed and erect a suitable building for a preparatory department as soon as practicable.

Whereupon the board adjourned by Consent.

Samuel Hill President

A. T. Ellis Secty. pro tem

May 12th A.D. 1843

The Board of Trustees of the Vincennes University met in pursuance of the previous requisite notice at the office of Jno. Law Esq. Present: Saml. Hill, President, Thomas Alexander, J. B. Martin, Wm. Burtch, H. Decker, M. Robinson, Saml. Wise, Saml. Judah,⁷ A. T. Ellis, Trustees.

on motion Abner T. Ellis was appointed secretary pro Tem.

Wm. Burtch from the comtee. to report relative to the erection of a Preparatory Department submitted Two Drafts or plans of buildings for that purpose one from Judge Bishop & the other from Judge Moon [Moore?] which were received and ordered to be placed on file.

The following resolution was offered by A. T. Ellis—to-wit:

Resolved That the Board forthwith proceed to the erection of a suitable building for a preparatory department—provided a suitable arrangement can be made taking into consideration the condition of the funds in the Treasury—Which resolution being seconded, the ayes and noes being demanded were called and said resolution was adopted as

⁵ For identification of Hiram Decker and John B. Martin, see *ibid.*, 327n, 358n.

⁶ See *ibid.*, 386-87.

⁷ See *ibid.*, LVII (December, 1961), 365n.

follows—towit: *Ayes* Thos. Alexander, J. B. Martin, Wm. Burtch, Hiram Decker, A. T. Ellis, Saml. Wise, & Saml. Hill, Prest.—*Noes* Martin Robinson, & Saml. Judah.

Whereupon the Board adjourned to meet at the office of Jno. Law Esq. on Tuesday May 16th 1843.

Samuel Hill President

A. T. Ellis Secy. Pro tem.

Tuesday May 16th 1843

The Board met at the office of Jno. Law Esq. in pursuance of adjournment Present: Saml. Hill, Prest., Thos. Alexander, Wm. Burtch, W. W. Hitt, J. B. Martin, Saml. Wise, M. Robinson, H. Decker, Jac. Harper, & A. T. Ellis, Trustees.

On Motion A. T. Ellis was appointed Secy. Pro. Tem.

Whereupon the following resolution was submitted and adopted towit:

Resolved That Messrs. Wm. Burtch, A. T. Ellis, & W. W. Hitt be appointed a Committee to proceed and cause to be erected under the best arrangements that can be made a building for the preparatory department agreeable to the estimates by the comtee. appointed for that purpose and the plan submitted by said Comtee. from Judge Bishop as modified by Judge Moon [Moore?]
—the same to be thirty feet by forty—with a gable front & small cupola for a bell—the ground plan—one small room of 15 feet by 16—in front and a large room of 28 feet by 24 feet in the rear—with a similar division in the second story.

on motion the Board then adjourned to meet again at the Call of the President.

Samuel Hill President

A. T. Ellis Sec. Pro Tem

May 25th 1843.

The Board met at the office of John Law Esq. in pursuance of adjournment—present: Saml. Hill, Prest., Saml. Wise, Thos. Alexander, A. T. Ellis, J. B. Martin, M. Robinson, W. W. Hitt, & Wm. Burtch, Trustees.

on motion Abner T. Ellis was appointed Secy. pro Tem.

on further motion it was Resolved that Saml. Wise, A. T. Ellis, & J. B. Martin be appointed a comtee. to ascertain upon

what terms as relates to cash prices a contract can be made with some responsible individual for the erection of a preparatory department upon the plan adopted who will receive the funds or choses [?] in action in the Treasury without recourse and report the same with a more specific plan—specifications—estimates to the Board.

Resolved further that said comtee. be authorised to employ at the expense of the board some suitable mechanic for this purpose.

Resolved further that the duties of the building comtee. appointed on the 16th Inst. in the mean time be and are hereby suspended.

On motion the Board then adjourned to meet again at the call of the president.

Samuel Hill President

A. T. Ellis Secy. pro Tem

June 9[7?]th 1843.

The Board met agreeable to adjournment at the call of the President at the office of John Law Esqr. when there were present: Samuel Hill, President, Thomas Alexander, William Burtch, A. T. Ellis, W. W. Hitt, H. Decker, M. Robinson, S. G.[?] Wise, Trustees.

On motion the Board went into an Election for Clerk to the Board when on counting the Ballots Martin Robinson declared duly Elected.

H. Decker, was appointed on the committee selected at the last meeting in place of John B. Martin resigned.

The Resignation of John B. Martin was received and laid on the Table.

on motion the Board adjourned to meet again at the call of the president.

Samuel Hill

Martin Robinson Sec.

June 19th 1843.

The Board met at the office of John Law Esqr. agreeable to adjournment and at the call of the President when there were present: Saml. Hill, President, A. T. Ellis, W. Burtch, Jacob Harper, H. Decker, S. Wise, John Law, W.W. Hitt, & M. Robinson, Trustees.

Mr. Decker from the Committee heretofore appointed to ascertain upon what terms as relates to Cash prices a contract can be made with some responsible person for the erection of a preparatory department upon the plan adopted reported several estimates and calculations from different Mechanics, which were ordered to be filed.

on motion the Board did then adjourn to meet again to morrow at 9 o clock A.M.

Samuel Hill

Martin Robinson Sec.

June 20th 1843

The Board met agreeable to adjournment when there were present: Samuel Hill, President, William Burtch, R. N. Carnan, A. T. Ellis, Jacob Harper, W. W. Hitt, Samuel Judah, John Law, Martin Robinson, Saml. Wise, Trustees.

The account of Moore and Davis was laid before the Board when on motion it was Ordered that the Treasurer pay to Moore and Davis the sum of Five Dollars as per their account filed.

Martin Robinson offered the following preamble and Resolution:

Whereas it appears on investigation that the funds belonging to the Vincennes University are so situated that but very little can be realized the present Season to carry on the contemplated building therefore:

Resolved that the further prosecution of Building be discontinued for the present season.

Resolved, that the Treasurer be instructed, to immediately take such measures as may be necessary for the speedy collection of the debts due this institution.

The said Resolutions having been read, the ayes and Nays were called for by Mr. Judah.

On the first section of said Resolution those that voted for its adoption were Messrs. Carnan, Ellis, Hitt, Harper, Hill, Judah, Law, Robinson, & Wise, in the negative Mr. Burtch.

On the Second Section those who voted for its passage in the affirmative were Mess. Burtch, Carnan, Ellis, Hitt, Harper, Hill, Judah, Law, Robinson, & Wise, in the negative none.

Mr. Judah introduced the following Resolution which was adopted:

Resolved that measures be forthwith adopted to enforce the right of Vincennes University to the Land in Gibson County⁸ and that Messrs. Law, Ellis, & Carnan be a Committee with full power to carry into effect this Resolution and be it further Resolved that Two Hundred Dollars be appropriated to defray the expences of the above Resolution.

The board did then adjourn.

Samuel Hill President

November 9th 1843

The Board met at the call of the president at the office of Samuel Hill Esqr. when there were present: Samuel Hill, President, Messrs. Thomas Alexander, William Burtch, Hiram Decker, Jacob Harper, W. W. Hitt, Samuel Judah, Robert N. Carnan, John B. Martin, Martin Robinson, Samuel Wise, & Joseph Somes, Trustees.

On motion of H. Decker it was Ordered that the Board approve of the statement in the form of a petition to the Legislature presented by Mr. Judah and authorise him to present it to the Legislature.⁹

And Ordered That the Board recommend to the Committee heretofore appointed¹⁰ to Submit that paper and a copy of all the Laws referred to Judge Kent¹¹ for his opinion and forward to him a draft for \$100. part of the appropriation heretofore made.

The Board did then adjourn.

Teste

Martin Robinson Clk.

⁸ See *ibid.*, LIV (December, 1958), 315.

⁹ The petition, which was introduced in the state Senate on December 11, 1843, asked "compensation from the State Treasury" for the university in order that the trustees "may not be driven to legal proceedings against innocent men"—that is, the owners of the land in Gibson County. Indiana, *Senate Documentary Journal* (1843-1844), 18.

¹⁰ This reference is to the committee of John Law, Abner T. Ellis, and Robert N. Carnan appointed at the board meeting on June 20, 1843.

¹¹ As chief justice of the New York Supreme Court and chancellor of the New York court of chancery, as a professor of law at Columbia College, and through his *Commentaries on American Law*, James Kent (1763-1847) established a reputation as one of the leaders in shaping American jurisprudence in the nineteenth century. He is commonly associated with John Marshall and Joseph Story in a "triumvirate" of early nineteenth-century legal giants. *Dictionary of American Biography* (20 vols., New York, 1928-1936), X, 344-47.

December 13th 1843

The Board met at the call of the President and by request of three Trustees to wit: Messrs. A. T. Ellis, Jacob Harper, and R. N. Carnan at the office of Martin Robinson, when there were present: Thomas Alexander, William Burtch, R. N. Carnan, Hiram Decker, A. T. Ellis, W. W. Hitt, Jacob Harper, John B. Martin, Joseph Somes, Martin Robinson, & Samuel Wise.

On motion Thomas Alexander was chosen President, Pro Tem.

Mr. Decker presented the account of A. T. Ellis for postage in corresponding with Chancellor Kent, when on motion it was Ordered that the Treasurer pay to Abner T. Ellis the sum of Two Dollars per his account filed.

Mr. Ellis from the Committee appointed for that purpose made the following report:

The Committee to which had been committed the duty of ascertaining and enforcing the right of the University to the Gibson County Township of Land, Respectfully report, that in furtherance of the object of their appointment, They Employed Samuel Judah Esqr. to Collate all the Laws, facts, &c. touching the right of the University to Said Land make out the proper queries to be propounded to Some eminent Jurist for the purpose of obtaining his opinion upon the subject; This Service was Very Satisfactorily performed by Mr. Judah for which the Committee allowed him \$100, and for which the Committee gave an order upon the Treasurer.

Your Committee further report that they transmitted the Statement so procured from Mr. Judah to Chancellor Kent with a draft for \$100 upon the Merchants Bank of New York Sometime about the 15th of November last, That the committee are very happy to say that Chancellor Kent gave the Subject his very prompt attention and has transmitted his very clear and satisfactory opinion covering as the committee believe the whole case and shewing that the rights of the University are in no wise impaired except by lapse of time, which opinion they here with present to the Board, and ask that the same be accepted and entered of Record, But would ask further time to obtain an explanation, as to the extent of the Statute of limitations of actions of Dis[s]eisin under our Statute.

On motion said report was accepted and the opinion of Chancellor Kent ordered to be spread on record.

Opinion of Chancellor Kent¹²

The case Submitted to me on behalf of The Board of Trustees of the Vincennes University, consisted of a Statement of Facts, and to which the following Documents were applicable: 1 The act of Congress of March 26th 1804. Ch. 35. 2 Letters of the Secretary of the Treasury of October 10th 1806. 3 The ordinance of the Confederation Congress of 1787. 4 The act of Congress of May 7th 1800. 5 The act of the Teritorial Legislature of Indiana of September 17th 1807. 6th The act of Congress of 27 of April 1816—ch. 118. 7 The act of Congress of April 19th 1816. 8 The Constitution of Indiana 9th The act of the Legislature of Indiana of December 24th 1816. 10th The Joint Legislative Resolution of January 22nd 1820. 11th The acts of the Legislature of Indiana of January 2. 1822, & January 2. 1824, and Feby. 12th 1825, and February 17th 1838.¹³

I have read and considered the above Documents and the Statement of Facts to which they are to be applied, and I shall answer the general questions put to me upon the above case in the order in which they have been stated.

1st Question. The effect of the reservation in the act of Congress of 1804?

This and the Two Succeeding Questions relate to the *rights* of the University.

The Land in question, and which I understand to be the Gibson Township, belonged to the United States, to which the Indian Title had been extinguished, when the act of Congress of 26th of March 1804 was passed. That act contained a direction that "an entire Township, in the Vincennes Land Office

¹² The manuscript copy of Kent's opinion is not in the archives of Vincennes University nor have other copies or references to it been located among Kent's papers. In the cases before the Marion circuit court, the Indiana Supreme Court, and the United States Supreme Court, Samuel Judah cited some of the cases which Kent drew upon in writing the opinion.

¹³ (1) *Annals of Congress*, 8 Cong., 1 Sess., 1285-93. (2) Clarence Edwin Carter (ed.), *The Territorial Papers of the United States*, Volume VII, *The Territory of Indiana, 1800-1810* (Washington, 1939), 394-95. (3) *Journals of the Continental Congress, 1774-1789* (34 vols., Washington, 1904-1937), XXXII, 334-43. (4) *Annals of Congress*, 6 Cong., 1 Sess., 1498-1500. (5) Francis S. Philbrick (ed.), *The Laws of Indiana Territory, 1801-1809* (*Indiana Historical Collections*, Vol. XX; Indianapolis, 1931), 178-84. (6) *Annals of Congress*, 14 Cong., 1 Sess., 1877-78. (7) *Ibid.*, 1841-44. (8) *Constitution of the State of Indiana . . . 1816* (Washington, 1816). (9) *Indiana, Laws* (1816-1817), 115-17. (10) *Ibid.* (1819-1820), 160-61. (11) *Ibid.* (1821-1822), 111-14; *Indiana, Special Laws* (1823-1824), 107-08; *Indiana, Laws* (1825), 96; *Indiana, Local Laws* (1837-1838), 281-82.

District," be "located by the Secretary of the Treasury for the use of a Seminary of Learning." This was a voluntary appropriation of such a Township, or the creation of a Trust charged upon those lands for that use, and the Secretary of the Treasury in Obedience to the law, located the *Gibson Township* in October 1806. The national faith was pledged by such an appropriation for such a purpose. It was consummated by the official act of the officer of the government, and was valid and binding as the most formal grant, being made by Statute it required no authentication by patent, a legislative grant is the highest evidence of the Will of the Sovereign power and confers an absolute Title.

This legislative grant of the Gibson Township has received frequent and the most undoubted attestations both by Congress and the Legislature of Indiana.

The act of the Legislature of the Territory of Indiana of the 17th of September 1807, Incorporating the Vincennes University was a recognition of this Title in the most explicit and emphatic manner, It declared by way of recital that Congress had appropriated a Township of 23,040 acres of Land for the use of the University or a public School in the District of Vincennes, and that the Township had been Located and the boundaries designated, It authorised the University so Incorporated to sell and convey 4000 acres of the above Township of Land, for the purpose of putting into immediate operation the University, and it authorised the Corporation to lease or rent the remaining part of the Township for the use of the University, For greater Satisfaction to purchasers and perhaps to dissipate Scruples, the act of Congress of April 27th 1816, ch. 118, confirmed in fee the Title of purchasers of Land in the Township from the Board of Trustees of the University, When the Territory of Indiana was admitted into the Union as a State under the act of Congress of April 19th 1816 and formed the State Constitution in June of that year, It was declared that "all rights, contracts and claims, both as it respected Individuals and Corporations, should continue as if no change had taken place in the government; and that it should be the duty of the general assembly to provide by law for the Improvement of such Lands *actual* as might thereafter be granted by the United States to the State for the use of schools, *and apply any funds* which might be raised from such Lands to accomplishment of the grand object for which they were intended."

There is no doubt that such *rights, contracts, and duties* as are alluded to in the Constitution would upon general

principles of public Law and morality have existed and been of binding obligation without that provision, But the declaration serves to give a monitory and impressive Lesson of the sacred and indefeasible nature of such rights and duties.

Congress likewise by the act for admitting Indiana into the Union, shewed a still further and most earnest solicitude for the endowment of Institutions of Learning, for they declared that one entire Township, to be designated by the President, *in addition to the one heretofore reserved for that purpose*, should be reserved for the use of seminaries of Learning, and vested in the Legislature, *solely for that purpose*; This act may be Justly considered a recognition of the reservation and appropriation by the act of March 1804 of the entire Township, located by the Secretary of the Treasury in obedience to that Law as the Gibson Township, It is a direct affirmance of the title, previously granted to the University, It had no other meaning or application than to that Township.

Here then is a title to the Gibson Township complete and perfect, under the repeated and Solemn Sanction of the Governments both of the United States and of Indiana, There has been no question, as I think may be assumed from the case, as to the validity of the Title of the University to the Township down to the year 1820. The subsequent pretext for Legislative invasions of the rights of the University to the Lands in question, is not put upon any original defect of title, but upon the assumed forfeiture or loss of that title by the default of the University, and which pretexts will here after be considered.

2 question. The Interest of the corporation by virtue of their power to lease indefinitely?

The Charter of Incorporation of the Vincennes University designated that institution as the object or receptacle of the congressional donation for charitable or literary uses of the Gibson Township. It located and vested the charity in that institution, If there was any vagueness or uncertainty in the specific object or subject of that grant, this Legislative Charter removed it. There cannot be any doubt of the legal right and Seizen of that Donation of 1804, vesting in the University by means of the Charter, and it is a well Settled principle in our jurisprudence, that a Subsequent act of Incorporation of a literary or other charitable Institution, for the purpose among other things of an endowed capacity to receive a prior grant of property for charitable uses, acts

retrospectively and gives certainty, location, and a valid operation to the application of the grant, ([John] Inglis vs [Trustees of the] Sailors' Snug Harbor 3 Peters U. S. Rep., 99. Trustees of the McIntyre poor school v. the Zanesville C[anal] & M[anufacturing] company, 9 Ohio Rep. 203.

The charter of Incorporation of the Vincennes University vested that institution with the usual powers of a Corporation in perpetuity, to sue and be sued and to purchase, hold, lease and convey real and personal estate, and it Secondly [?] authorized the Trustees or a majority of them to sell and convey to the amount of 4,000 acres of the Township and to lease the residue for the use of the University. That grant implies and assumes an absolute right of disposition of the university Lands under the limitations specially declared, I suppose the better construction to be that the general Power to convey was limited by the subsequent provision conferring the power to sell to the amount only of 4,000 acres and the power to lease the remainder. There are no prescribed limits given to the power to lease, It is a power at large and it was competent for the Trustees of the University to lease for any term of time however long, and upon any reasonable rent and upon any other usual conditions Known to the Law, Without those restrictions, the power to sell and the power to lease would have been equally unlimited and governed only by a sound and honest discretion.

3 question. What right vested in the Legislature by Virtue of the 4th proposition in the 6th section of the act of Congress for the admission of Indiana into the Union?

I am of opinion that the proposition did not apply to the Gibson Township, previously appropriated and given by the act of Congress of 1804. It related exclusively to another or new Township and was appropriated for the use of a Seminary of Learning *in addition* to the one "heretofore," as the act expressed it reserved for that purpose.

4 Question. Under the Charter would removal from the State, or failure to attend the meetings of the Board *of itself* without any action on the part of the Board, vacate the seats of the members so removing or failing to attend?

This and the two following relate to the effect of *a loss of Trustees*.

I am clearly of opinion, that such a removal or default would not of itself produce that effect.

A private eleemosynary Corporation such as the one before us, contains by its Charter a *Contract* between the

Government & the Corporation, and the Legislature has not the lawfull power under the Constitution of the United States to repeal, impair, alter, or vacate any of the rights and privileges conferred by the Charter, against the consent of the Corporation expressly given or without the default of the Corporation *judicially* ascertained and declared.

This principle was avowed and settled in the *Dartmouth College Case*¹⁴ which has ever since been regarded as a kind of *Magna Charta* in favour of Corporate rights, and which cannot be questioned or shaken without disturbing the foundations of the Constitution of the United States, grants of property and of franchises coupled with an Interest are beyond Legislative control, unless that control be expressly reserved, in the Charter or grant, misuser or nonuser of corporate franchises which are private or charitable and not of a civil and municipal character, will not work a forfeiture, untill the corporation has been duly brought to answer and the default and the forfeiture be adjudged by a court of Justice, Perhaps the rule may not be so strict, when the integral part of a corporation is gone, without whose existance the functions of the corporation cannot be excercised, and when there are no means left of supplying the integral part, and it becomes incapable of acting and has no vitality left.

That would be a singular case, but it has no application to the one we are considering. Here are a number of Trustees remaining and competent under the qualifications in the charter; and as late as 1838 when the legislature of Indiana interfered by a special provision enabling the remaining Trustees to supply vacancies, a majority of the former Trustees were still living, though not as residents of the State, and their seats had not been declared vacant. The Charter provides for the supply of vacancies in the Board of Trustees, arising either from resignation, removal, death, or wilfull absence, and it is provided that "extraordinary meetings" of the Board might be had by the President or any three of the Trustees on Ten days notice and at which such vacancies might have been supplied.

¹⁴ One of John Marshall's most famous Supreme Court opinions concerned the Dartmouth College case in 1819, which involved an attempt on the part of the state legislature of New Hampshire to alter the charter of Dartmouth College. The Court stated that the attempted alteration violated the contract clause of the federal Constitution. There were similarities between the action of the New Hampshire legislature and the measures dealing with Vincennes University passed by the Indiana General Assembly. See Constantine, *Indiana Magazine of History*, LVII (December, 1961), 360-67.

5 & 6 questions. What would be the effect of an actual reduction of the Trustees to a number less than a majority? and could less than a majority supply vacancies at a Charter meeting?

The charter in this case declared that vacancies in the Board of Trustees should be supplied, by the Board itself at *their stated meeting*, and that the whole number which Originally consisted of 23 and after a regular course of reduction according to the charter, should not be less than fifteen, and every vacancy there after, should be supplied at the stated meeting. I should think that an integral part of the corporation, in respect to this Power of electing Trustees was definite, and that a majority of this integral part must be present When vacancies were to be supplied, and the powers of the corporation were accordingly *suspended* from this action for the want of this majority of the Board, It is true that the charter provides that *extraordinary meetings* of the Board may be had, by the president or any three of the Trustees, but this means only that meetings other than the ordinary stated semi annual meetings may be called by the President or three Trustees, and I conclude from a review of the adjudged cases on the subject, that less than a majority of the fifteen qualified Trustees after the reduction, or less than a majority of original Twenty three Trustees before any regular reduction, were incompetent to supply vacancies. I do not consider that the corporation was thereby dissolved Its franchises were *suspended*, and it was capable of reanimation and its vitality restored to action by the Legislature without any new charter, and this was done by the act of the Legislature of February 1838 The new Board of Trustees under this act possessed all the powers which belonged to their predecessors, and all the rights and privileges which belonged to the corporation prior to the act remained unimpaired, The proviso to the act left the rights of the University and its title to the Gibson Township just where it found them, and though the university might have been subjected to a judicial process of forfeiture for its default in loosing the competency of the Board of Trustees, it would be absurd to suppose that the act intended that the corporation should still be liable to such a judicial process of forfeiture, for a cause which the legislature had itself removed, all pretence of forfeiture on that ground I consider to have been effectually taken away The office of a proviso is only to qualify and restrain the generality of the enacting clause

and to exclude all ground of misinterpretation of its extent, The act of 1838 assumes that the incorporation of the University was still a valid subsisting Corporation, not withstanding that its franchises might be suspended from the want of a competent Board of Trustees. It would indeed have been a violent and disastrous consequence, to have fixed an absolute dissolution of the Corporation with all its ruinous result, without a trial, or hearing, or judgment, The regular course for such an Inattention or negligence in leaving the Board of Trustees in a minority.

The act of 1838 is to be considered as putting an end to every pretext of forfeiture from the want of a requisite quorum of the Board of Trustees and as removing all difficulty as to the capacity of the remaining Trustees by restoring the Board to its original competency and vigor.

7th Question. What is the effect of the *proviso* in the act of 1838, and could the Legislature impair or destroy the rights under the Charter?

These questions have been anticipated and answered under the heads of the three last questions.

8th, 9th, 10th, and 11th questions. These all relate to the *remedy* assuming that the original chartered rights of the corporation remain unimpaired and unaffected by Legislative Interference?

The rights of the corporation to bring suits by ejectment or writs of Disseisen, to recover possession of Lands in the Gibson Township, against Intruders holding adversely under legislative sales is unquestionable. The University has an equal right to lease the land, unsold by them, and unoccupied by adverse Intruders, the real difficulty lies in the *duration* of adverse Possession, held under adverse Titles derived from sales ordered by the State.

It is stated that in 1820 and 1822 a portion of the lands were held under leases from the Corporation In that case adverse possession had not then commenced, and the statute of limitations had not begun to run, It is further stated that all the lands are now held by purchasers under the State, and the grave question of fact then occurs has 20 years already run in favour of the adverse claimants, so as to bar an ejectment or the Writ of Disseisen, and ripen the adverse claims and occupancy into a right of possession? as to this fact I am not sufficiently informed, By the joint resolution of the legislature of Indiana of January 22nd 1820 (nearly 24 years ago) a superintendant was appointed of the lands

claimed by the University, with directions to collect the rents accruing on leases granted by the University, If submitted to by the Tenants, it was an ouster of the right full possession of the University, On the 22nd day of January 1822 (nearly 22 years ago) the legislature followed up this violent intrusion, by the statute authorising commissioners to execute deeds on behalf of the state for lands sold by the University, Under the Joint resolution above named, it seems that the state authorities took the control of the Lands and received the profits and sold all that could be sold and received payments into the State Treasury, The assumption of right and of adverse Possession by the exercise of ownership over the Land under the Joint resolution of 1820, and as purchasers and Lessees have been in possession claiming right and title under the state such possession continuing for 20 years would be a bar to actions now to be commenced by the corporation, The act of the Legislature in 1838 reorganizing the Board of Trustees I do not consider, as a waiver of their right and Title set up against the lands and conveyed by their authority to purchasers under them, for the *proviso* to the act saves and reserves the existing claims of right, (whatever they may have been) to the lands in the Gibson Township, and forbids the construction that the act confers any right or power to the Trustees over that Township, or to the funds which had or might there after accrue from sales of the Lands therein. Here the proviso has significancy and efficacy. The act of 1838 would seem to have intended to resuscitate the University, but stripped of all its valuable powers and means to promote the cause of Learning.

I do not see how any form of action will help the case, if the adverse possessions have existed for 20 years, a much shorter period of Limitation would bar the action for use and occupation or the action of account, If there was no such adverse possession barring the right, I should think that the corporate Title would bear down and destroy the operation of all legislative Resolutions and statutory enactments, The provision in the Constitution of the United States that "no State can pass laws impairing the obligation of contracts," would be a Bulwark of protection, If it were not for the unaccountable negligence of the Trustees of the University, sleeping the sleep of death on its rights.

The University states in its forcible and affecting petition to the Legislature, that they did not wish to disturb the Titles of the numerous Body of Purchasers of their valuable lands and would be willing to receive the proceeds of the sales made

by the State, and confirm the sale, Nothing can be more reasonable and just than this offer, & unless there be some equitable considerations which do not appear for this invasion of corporate rights, and charity funds and property, I am of opinion that the legislature of Indiana is bound by the most imperious obligations of Justice and honor to indemnify the University for this unconstitutional arrest and detention of their property.

New York December 4. 1843

James Kent

On motion The Board did then adjourn to meet at the office of Martin Robinson on Monday the 18th of December 1843 at 9 O'clock A.M.

T. Alexander Pres. pro tem

Martin Robinson Sec.

December 18th 1843

The Board met agreeable to adjournment at the office of Martin Robinson when there were present: Thomas Alexander, Pres. Pro Tem, Robert N. Carnan, Hiram Decker, W. W. Hitt, Jacob Harper, A. T. Ellis, John B. Martin, Samuel Wise, Joseph Somes, & Martin Robinson.

On motion It was Ordered that Messrs. Judah and Ellis as Attorneys for the Board to prosecute their Claims for the Gibson Lands. That the fee to Mr. Judah shall be \$250 to be paid to him by the Treasurer on the order of the Secretary and \$650 to be paid to him as a Contingent fee if Success is attained by suit or compromise. That Mr. Ellis be paid as above \$100, and also \$300 as a Contingent fee as above. Be it understood that amount of the above contingent fees shall be graduated by the amount recovered \$650 and \$300 if we recover \$60,000 and if we recover less than \$60,000 the above contingent fee to be graduated accordingly.

On motion Resolved that Jacob Harper and Hiram Decker be appointed as agents to visit Gibson County and ascertain claimants of each Tract and Trace his title back to the State or University, also the names of the Tenants if any, and ascertain the date of the purchase, the price and terms of the purchase of each tract, also the time when possession was first taken of such Land and by what authority, and also the present value of the land as valued on the assessors Books, and also if possible an estimate of the value without Improvement and that the Secretary Issue an order on the Treasurer for Ten dollars in part pay for their services.

Resolved That the Post master be requested to keep a post office account for the necessary postage of the attorneys of the Board.

Resolved that the Clerk make out three copies of the Opinion of Judge Kent.

The President laid before the Board the account of Henry L. Ruble for calling the members of the Board at three meetings when on motion it was Ordered that the Treasurer pay Henry L. Ruble one dollar and fifty cents for notifying the members of the Board at three meetings.

On motion Ordered that the Treasurer pay to Samuel Judah the sum of Two Hundred and fifty Dollars his fee for prosecuting the Universitys claim to the Gibson Township Land.

On motion Ordered that the Treasurer pay to Jacob Harper and Hiram Decker Ten dollars in part of their services as agents to Gibson County.

On motion Ordered that the Treasurer pay to A. T. Ellis the sum of One Hundred Dollars as a retaining fee in suits to be instituted for the Gibson Township Land.

On motion The Board adjourned to meet again at the office of Martin Robinson on Tuesday the 2nd day of January 1844.

T. Alexander Pres. Pro Tem

January 2 1844

The Board met agreeable to adjournment at the office of Martin Robinson when there were present: R. N. Carnan, Hiram Decker, William Burtch, W. W. Hitt, Jos. Somes, Jacob Harper, John B. Martin, & Martin Robinson, Trustees.

On motion Hiram Decker was elected President pro. tem.

The minutes having been read when on motion the Board proceeded to the election of a Trustee to fill the vacancy ocasiond by the removal of David Gass, when on counting the Ballots Abraham Smith¹⁵ was declared duly elected.

Messrs. Decker & Harper reported their investigation at Princeton Indiana which on motion was referred to a special committee consisting of Messrs. Judah, Ellis, & Carnan.

¹⁵ Abraham Smith was a farmer and a Whig politician who held a variety of public offices during this period. After serving as county road supervisor, he was elected sheriff in 1840 and re-elected in 1842. *Vincennes Western Sun*, April 9, 1831, February 12, 1836, August 8, 1840, and August 6, 1842.

On motion the Board did then adjourn to meet at the office of Martin Robinson on the first Tuesday of February next.

January 11th 1844.

The Board met at the call of the president made by the request of three members of the Board when there were present: Thomas Alexander, William Burtch, Hiram Decker, Jacob Harper, W. W. Hitt, John B. Martin, Joseph Somes, Abraham Smith, & Martin Robinson.

On motion Hiram Decker was elected president pro tem.

An account of Henry L. Ruble was laid before the Board, when on motion it was Ordered that the Treasurer pay to H. L. Ruble the sum of One Dollar for notifying the members of two meetings of the Board.

Mr. Somes on leave granted introduced the following resolution:

Resolved that the Treasurer be authorized to stay all legal action against Mr. Bellier¹⁶ on condition of his paying within sixty days from the date hereof Fifteen Hundred Dollars and costs heretofore accrued by the Trustees and giving an obligatory Bond to pay the balance in Two equal annual payments provided nothing is done to impair the former contract existing between Mr. Vabret and the Trustees, this bargain not to be fully concluded untill after the same is sanctioned and approved by our counsel in the case.

Said resolution having been read when on motion the same was adopted.

The Board did then adjourn.

February 6th 1844

The Board met when there were present: Messrs. William Burtch, Hiram Decker, Jacob Harper, Saml. Wise, M. Robinson, A. Smith, R. N. Carnan.

On motion William Burtch was chosen Chairman pro tem.

On motion the Board did then adjourn.

¹⁶ The Rev. J. P. Bellier was president of St. Gabriel's College, formerly the Catholic College of Vincennes. The legal action against Bellier was based on the fact that the terms of the sale of the university building to the Catholic College in 1839 called for \$1800 to be paid down and "the balance in four annual payments with interest from the present time." Constantine, *Indiana Magazine of History*, LIX (December, 1963), 371. The final payment was not reported to the board until its meeting of January 20, 1848.

April 1 1844

The Board met when there were present: Messrs. A. Smith, Hiram Decker, Jacob Harper, Jos. Somes, Samuel Judah, John B. Martin, W. W. Hitt, and Martin Robinson.

On motion Abraham Smith was chosen chairman pro tem.

The Board went into the election of a Trustee in place of Samuel Hill decd. when on counting the Ballots James Johnson¹⁷ was declared duly elected.

Mr. Judah laid before the Board the resignation of John Law, which was accepted.

The Board went into an election of Trustee in place of John Law resigned when on counting the Ballots, Thomas Bishop¹⁸ was declared duly elected.

The Board then went into an election of a president of the Board when on counting the Ballots Thomas Alexander was declared duly elected.

On motion it was Ordered that the Treasurer pay to Jacob Harper Twenty five Dollars which in addition to \$10 heretofore paid him will be in full of his services and expenses to Gibson County.

On motion it was Ordered that the Treasurer pay to Martin Robinson the sum of Nine dollars for making 3 copies of Kent's report.

October 7. 1844

The Board met at the office of Martin Robinson when there were present: Messrs. Burtch, Wise, Judah, Ellis, Harper, Robinson, Decker, & Martin.

On motion Hiram Decker was chosen chairman pro tem.

On motion it was Ordered that the Treasurer pay to the Clerk of Gibson Circuit Court the money for the expenses of the changes of Venue¹⁹ in Six cases at \$22.56 in each case.

¹⁷ James Johnson was a Knox County farmer and an active member of the agricultural society. He held numerous county political offices, including that of county treasurer. *Vincennes Western Sun*, October 1, 1836, September 19, 1840, and December 2, 1843.

¹⁸ Bishop was a Vincennes carpenter and lumber dealer. *Vincennes Gazette*, December 22, 1836, and September 19, 1840.

¹⁹ The failure of the General Assembly to respond to the board's petition for compensation during the 1843-1844 session had led Samuel Judah to institute ejection proceedings in the Gibson County court against landowners in the seminary township in that county. These suits led to "great indignation and much threatening of violence" on the part of the landowners in the area involved, but the suits were never tried and were eventually dismissed "at plaintiff's costs." Gilbert R. Stormont, *History of Gibson County, Indiana* (Indianapolis, 1914), 192-93. The minutes of December 18, 1843, October 17, 1845, and February 25, 1846, also mention the Gibson County land dispute.

Ordered that the Treasurer pay to A. C. Mills Twenty five Dollars for his services in procuring a change of Venue in certain cause McMillan, Fitzgerald, and Mark.

Ordered that the Treasurer pay to Henry L. Ruble one Dollar for his services in notifying members.

Ordered that the Board adjourn to Augst. 9th 1845.

August 9th 1845

The Board met at the office of Samuel Judah when there were present: Thomas Alexander, prest., Messrs. William Burtch, Samuel Judah, James Johnson, A. T. Ellis, Martin Robinson, Hiram Decker, Samuel Wise.

On motion it was Ordered that the Treasurer pay to G. W. Rathbone the sum of Five Dollars as per his account filed.

Ordered that the Treasurer pay to A. C. Mills the Sum of Twenty five Dollars as per his account filed.

Ordered that the Treasurer pay to R. Y. Caddington the sum of Seven Dollars as per his account filed.

The following resolution was unanimously adopted:

Resolved, that a committee of three be appointed to consider the propriety of appropriating a portion of the Interest accruing on the present funds to the establishment of a preparatory school in Vincennes. Mr. Alexander, Johnson, & Hitt were appointed that committee.

ordered that Board adjourn to Augt. 16. 1845.

Augt. 16. 1845.

The Board met pursuant to adjournment at the office of Saml. Judah. Present: Revd. T. Alexander, Prest., and Messr. A. T. Ellis, W. W. Hitt, J. Johnson, H. Decker, R. N. Carnan, M. Robinson, Saml. Judah, Saml. Wise, Wm. Burtch, M. Robinson, Secy.

Mr. Alexander in behalf of the committee appointed at the last meeting in relation to the propriety of appropriating a portion of the interest in the funds in hand to the establishment of a preparatory department:

Reported that the sum of one hundred dollars per year from the interest on the fund might be appropriated advantageously to aid in the establishment of a permanent Grammar School or a preparatory department under the controul of this board.—That the Revd. G. B. Jocelin²⁰ was a suitable

²⁰ Apparently Rev. Jocelyn was already conducting a school in Vincennes. An advertisement in the *Vincennes Gazette*, March 23, 1844, announced that he would open a "School . . . for the Elementary branches . . . all the English branches . . . Latin and Greek. . ."

person to take charge of said school.—and that the House of Thomas Bishop on Broadway occupied at this time by Mr. Beeler would be a proper building and can be had for \$100. per year.

On motion of Mr. Ellis ordered. That the Board concur in said report—and that Messrs. Alexander, Johnson, & Hitt be a committee to carry into effect the said report; and that they report to this Board their proceedings together with the terms made with Mr. Jocelin, from time to time.²¹

Ordered that Board adjourn to the 14th Oct. 1845.

Saml. Judah Secy.

Oct. 14, 1845.

The Board met pursuant to adjt. Present: Messrs. Carnan, Hitt, Wise, Martin, Harper, Burtch, Johnson, Decker, Judah, & Ellis.

On motion Mr. Carnan was appointed chairman pro tem. and Mr. Judah was appointed Secy. pro tem.

Mr. Ellis informed the Board that Martin Robinson had removed from the State and had requested him to tender his resignation as Trustee and as secretary; and on motion, The resignation of Mr. Robinson was accepted.

On motion The Board balloted for a trustee in the place of Martin Robinson, and Mr. Wise was appointed teller; on counting the ballots it appeared that John Ross²² was elected a Trustee.

On motion The Board proceeded to Elect a Secretary; Mr. Wise was appointed Teller, and on counting the ballots it appeared that Saml. Judah was elected Secretary.

On motion The following allowances were severally made: vis:

ordered that H. Ruble be allowed one dollar fifty cents for summoning the Board three times. \$1.50.

ordered that James W. Greenhow be allowed for Postage one dollar seventeen & a half cents. \$1.17½.

²¹ A few weeks after this meeting the Vincennes *Western Sun*, August 30, 1845, reported that the "house on Broadway Street, occupied as a residence by Mr. Thomas J. Beeler, has been lately fitted up for the use of the University and will be ready . . . on Monday the 15th of September next."

²² John Ross was a Vincennes merchant and banker. He was a partner in the firm of "Tomlinson & Ross," a general store, and cashier of the Vincennes branch of the State Bank of Indiana. Vincennes *Western Sun*, April 12, 1834, January 17, 1835, and December 9, 1837; Vincennes *Gazette*, January 10, 1835.

ordered That R. Y. Caddington be allowed for printing Seven Dollars. \$7.00.

ordered That J. A. Dardenne [?] be allowed five dollars pr certificates and affidavits. \$5.

On motion of Mr. Ellis, ordered That a committee be appointed to take into consideration the present state of the Gibson Co. law suits. Messrs. Ellis, Wise, and Judah were appointed that committee.

Mr. Martin submitted the following:

Resolved: That the resolution of the last meeting respecting the Grammar School be reconsidered.

Which was seconded; when Mr. Ellis moved that the Board adjourn.

The question being put the Board refused to adjourn.

And there upon the vote was taken on the resolution of Mr. Martin and the same was not adopted.

On motion the Board adjd. to 17th Oct.

Saml. Judah Secy.

Oct. 17. 1845

The Board met pursuant to adjournment, present: Messrs. Burtch, Bishop, Wise, Ellis, Harper, Carnan, Johnson, Martin, & Judah.

Mr. Carnan was appointed chairman.

Mr. Ellis from the committee appointed in relation to the Gibson Co. Law suits made a report, and submitted certain resolutions as follows:

Whereas in the opinion of the Board of Trustees for the Vincennes University, their claim to the Gibson Seminary Township is clear and indisputable, but that it is equally clear and indisputable that the holders of these lands have a just claim on the State for a full indemnity.

And whereas, the Board of Trustees in view of the just responsibility of the State and of the equitable claims of the Holders, are willing that the State shall defend the suits brought by the Board of Trustees to try the title to the Said Lands, in place of the Holders; and also are willing to accept from the state a just remuneration for the value of the said Lands in the place of the Lands themselves.

Therefore resolved, That the Senator and Representative from Knox County²³ be requested to procure the enactment

²³ The representative from Knox County at the time was Robert N. Carnan; the senator was Abner T. Ellis. Dorothy L. Riker and Gayle Thornbrough (eds.), *Indiana Election Returns, 1816-1851* (Indiana Historical Collections, Vol. XL; Indianapolis, 1960), 293, 300.

by the Legislature, with the consent of the council of the Holders of the Lands, of such a Law as will conduce to a fair trial of the right of the Trustees in the shortest time and at the least expense in such manner as will afford satisfaction to all parties; and also if possible to procure such an arrangement by the state as in case the Trustees succeed in their claim, will relieve the Holders, and yet compensate and satisfy the Trustees.

And Resolved, That Mr. Ellis be requested to communicate this Resolution to Saml. Hall²⁴ Esq. to be submitted to his clients.

And on motion the said Preamble and resolutions was unanimously adoptd.

on motion Wm. N. McCord was allowed \$6.54. being for Bill of costs. Th. Bishop et al. v the Vincennes Academy.

On motion Isaac Mass was allowed \$3.37. being for bill Superior [?] court on motion for mandamus.

On motion ordered that the Secy. call on Dr. Somes and M. Robinson for the Corporate Seal and all papers belonging to the Board.

and the Board adjourned to 25 Feb. next.

Saml. Judah Sec.

Feb. 25. 1846

The Board met pursuant to adjournment—present: Messrs. Alexander, Burtch, Bishop, Wise, Ellis, Harper, Carnan, Johnson, & Martin, & [one name illegible].

On motion A. T. Ellis was appointed Secy. pro tem.

And on motion the following resolution was unanimously adopted:

Be it resolved by the Trustees for the Vincennes University—that the act of the late General Assembly of the State of Indiana—Entitled—an act to authorise the Trustees for the Vincennes University to bring suit against the State of Indiana, and for other purposes approved Jany. 17. 1846. be and the provisions thereof are hereby adopted and accepted by the Board of Trustees for the Vincennes University.

²⁴ Samuel Hall was a leading attorney and "counsel of the Holders of the Lands" in Gibson County. He served as circuit court judge of that county from 1832 to 1835, was a member of the Indiana General Assembly from Gibson County (1829, 1830, 1845), was elected lieutenant governor of Indiana in 1840, and was a delegate to the Indiana constitutional convention in 1850-1851. Stormont, *History of Gibson County, Indiana*, 183; Riker and Thornbrough, *Indiana Election Returns, 1816-1851*, pp. 170-72, 202, 206, 292, 379.

Resolved further that the counsel employed for the prosecution of the claims of the University upon the Gibson Seminary township of Land do as soon as practicable prepare and file in the Marion Circuit Court a bill in Chancery against the State of Indiana in pursuance of the provisions of said act.²⁵

Resolved further that said Counsel also cause to be dismissed the Suits now pending in the Gibson circuit court in favour of the University & make the best arrangement they can in relation to the costs that have occurred in the same.

And on motion further resolved that the said act be spread on the record.

on motion ordered That A. T. Ellis be allowed two dollars paid for copy of said act.

And on motion Board adjourned to 27th July—next.

Saml. Judah Sect.²⁶

²⁵ Indiana, *Local Laws* (1845-1846), 233-34. This act, which authorized the trustees of the university to sue the state of Indiana, stated that such a suit against the state was preferable to "a great number of suits against the individual owners of said land, who purchased the same in good faith from the State, not doubting but that their titles were good. . . ." If the court found in favor of the trustees of Vincennes University, the state of Indiana would be responsible for compensating the university for the township of land. In December, 1847, the Marion circuit court awarded the trustees of Vincennes University "30,099 dollars and 96 cents, being the proceeds of a portion of the lands in said township . . . which were paid into the state treasury for the use of the Indiana University." This decision was reversed by the Indiana Supreme Court in its November term in 1850. *State v. Trustees of Vincennes University*, 2 Indiana Reports 293 (1850). Two years later the case was heard by the United States Supreme Court, which cited the Dartmouth College case, overruled the Indiana Supreme Court, and confirmed the decision of the Marion circuit court. *Trustees for Vincennes University v. State of Indiana*, 14 Howard 268 (1852). In a report to the university's board of trustees which is recorded in the minutes of July 20, 1855, the board's counsel, Samuel Judah, noted that the "Amt. of recovery is \$66,585. and 2200 Acres or thereabouts of land," but that his fees and expenses would reduce to slightly under \$40,000 the amount of money the board might realize. Litigation over these expenses continued into the 1860's before it was finally resolved. *Judah v. Trustees of Vincennes University*, 16 Indiana Reports 56 (1861). The precedent of state obligation to the university established in the litigation of 1847-1852 led to subsequent payments by the state of \$15,000 in 1895, \$120,000 in 1911, and the annual appropriations now derived from state funds.

²⁶ Two pages following the minutes of the February 25 meeting were left blank, presumably in order to transcribe the act of the General Assembly discussed at this meeting. No explanation has been found for listing both Ellis and Judah as secretary at this meeting or for occasional similar duplications in the minutes of other meetings.

July 27. 1846

The Board met pursuant to adjournment—present: Messrs. Alexander, prst., Ellis, Bishop, Decker, Johnson, Martin, Wise, Somes, and Judah, Secy., and Burtch.

Mr. Alexander submitted a report from his committee on the preparatory school and a communication from the Teacher Mr. Jocelyn—which was read.²⁷

On motion of Mr. Alexander seconded by Mr. Judah, it was resolved—that the sum of \$100. be appropriated for the rent of the School House for the ensuing year—and that the further sum of \$50. be appropriated to assist in the payment of an assistant teacher—and that said sums be paid by the Treasurer, on the orders of the present committee who are assumed to continue their services.

On motion, ordered that the acct. of the officers of the Gibson Circuit Court for fees \$240.22 be allowed and that the treasurer be authorised to pay the balance due on the same, first deducting the sum of \$ heretofore paid the clerk.²⁸

ordered that suit be instituted against Mr. Eberwine unless he pay the interest on his debt, and that execution be issued on the College decree unless the interest be paid.

Mr. Burtch presented the acct. R. Y. Caddington for printing &c. \$7.00 which was not allowed.

Ordered that the Board adjourn until 5th day of January next.

Saml. Judah Secy.

²⁷ The communication from Jocelyn is preserved in the archives of Vincennes University. In it Jocelyn reported that 112 students had been enrolled in the preparatory school during the past year, including 31 female students. In a rather long passage Jocelyn set down his philosophy of education, and assured the board that he and the instructors had "endeavored to expand the minds under their charge and instill into their hearts correct moral principles," convinced as he was that "if the heart be not educated, education would be a curse . . . and the children . . . moral monstrosities." Among his suggestions for the board's consideration Jocelyn recommended greater publicity for the institution as a means of attracting students from "abroad . . . giving us greater character and standing," and "letting the world know that at Vincennes there is a Protestant Institution for the education of the young." Further, he reminded the board that his assistant, who had been paid \$175 during the past year, could not be expected to stay for that amount, which would "scarcely pay his immediate expenses." In a conclusion strikingly modern in its content and tone, Jocelyn stated that "the people in this community cannot and need not expect that qualified teachers will come here and wear away their lives for the sake of their children, and receive no remuneration."

²⁸ On October 7, 1844, the board had authorized a payment to the clerk of Gibson County of \$135.36 for the expenses of change of venue in six cases at \$22.56 for each case.

January 5. 1847.

The Board met pursuant to adjournment, present: Messrs. Decker, Burtch, Martin, Wise, Hitt, Smith, Johnson, & Somes.

On motion Dr. Decker was appointed President pro tem, and Dr. Somes Secy. pro tem.

On motion A. W. Tracy²⁹ was elected a Trustee in the place of Mr. Alexander removed from the State, and Martin Robinson was elected a Trustee in the place of John Ross who declines to serve.

Messrs. Hitt & Johnson The Com. appd. and contd. to visit the preparatory dept. reported as follows: That said com. rented the whole House of Judge Bishop, and that Mrs. Shaw³⁰ continues to occupy about one third of said House, much to the detriment of said institution; and the Com. ask the Board for instructions.

And on motion: Resolved: That the Com. be and they are hereby directed to inform Mr. Bishop that they shall retain one third of the Rent for the length of time the part occupied by Mrs. Shaw is so held and kept from the Committees use for the present year.

Ordered that the Board adjourn until next.
Saml. Judah Secy.

Vincennes Sept. 11th 1847.

The Board of Universat. Trustees met at the office of J. B. Martin agreeable to preavious Notice when present: H. Decker, A. T. Ellis, W. W. Hitt, J. Johnson, Thoms. Bishop, Saml. Wise, A. Smith, J. Somes, A. W. Tracy, M. Robinson, W. Burtch, & J. B. Martin.

When on motion Dr. H. Decker was appointed President prtem & J. B. Martin Sect. prottem.

The Board was then called to order and the object of the meeting explained by the President.

The Record Book being in the posession of the Secratory, and he being absent, the Reading of the Last Meeting was dispensed with and the Board proceeded to Business.

A. T. Ellis Esqr. Introduced the following Resolution for Consideration:

²⁹ Alvin W. Tracy operated a general store in Vincennes. *Vincennes Gazette*, July 5, 1834, and March 18, 1843.

³⁰ Eliza M. Shaw was the daughter of Charles Smith, one of the founders of Vincennes University, and the widow of Henry Moore Shaw, an Episopal minister who served as president of the university in 1823-1824. *Vincennes Gazette*, March 23, 1844; *Vincennes Western Sun*, December 20, 1823; Constantine, *Indiana Magazine of History*, LVII (December, 1961), 364-66.

Resolved that in case a suitable House for a preparatory department can be procured to the acceptance of this Board, That the Board will appropriate One Hundred Dollars for the Rent of the Same.

After some discussion the question was taken by I and Nos. and decided in the affirmative those who voted in the affirmative are Ellis, Hitt, Bishop, Burtch, Johnson, Robinson, Tracy, & Smith Those who Voted in the Negative are S. Wise, Martin, Decker, & Somes.

And on Motion of A. T. Ellis, the following Resolution was adopted:

Resolved That a Committee of three be appointed to select a suitable Building for a preparatory department, and ascertain upon what terms, the same can be procured, and Report, to this Board at its next Meeting. (A. T. Ellis, W. Burtch, & J. B. Martin, Com.

The account of J. B. Martin Esq. for taking depositions in the suit, now pending, for University Lands, amt. to \$2.75 was presented and allowed, and the Treasurer directed to pay the same.

On motion the Board then adjourned to meet at 9 o'clock on Monday 13th Sept. 1847.

H. Decker

J. B. Martin Sec. Protem

Sept. 13th 1847

The Board met at the office of J. B. Martin Agreeable to adjournment. Present: W. W. Hitt, W. Burtch, A. T. Ellis, Saml. Wise, A. W. Tracy, J. Somes, Thos. Bishop, M. Robinson, J. Johnson, J. B. Martin.

On Motion Drt. W. W. Hitt was appointed Pres. P. T. and J. B. Martin Secy. P. T.

The Board then Proceeded to Business after the Reading of the minutes of the Last Meeting.

A. T. Ellis from the Committee appointed at the last meeting upon the School Room Made the following Report:

The Select Committee appointed to Ascertain Whether a suitable Building could be procured &c. Report That the only suitable building that can be procured is the One at present occupied by the University & Rented of Judge Bishop and that it, can be procured for another year at \$100.00 for the part heretofore occupied [Signed] A. T. Ellis, Chairman.

Which Report was adopted and the committee discharged.

A. T. Ellis Esq. offered for adoption the following Resolution:

Resolved,—that the University Rent, of Judge Bishop the House at present Occupied by the University for one year on the terms Rept. by the committee *To Wit*: \$100.00 pr. year from the first day of Sept. 1847, for that part at present Occupied by said University.

Which Resolution was adopted and on motion it was Resolved That a Committee of three be appointed, to ascertain what suitable Teacher or Teachers can be procured for the preparatory department for the current year, and report as soon as practicable.

Whereupon the President (Pro Tem) appointed Messrs. Burtch, Robinson, & Johnson said Committee.

A. T. Ellis Esq. Presented the account of R. Y. Caddington for printing, Amounting to \$7.00 which was allowed, and ordered to be paid by the Treasurer.

On motion The Board then adjourned to the next stated meeting, October 12th 1847.

W. W. Hitt Pres. pro. tem.

J. B. Martin Sec. Pro Tem

October 12th 1847. Tuesday Morning

The Board met pursuant to adjournment when Present: Messrs. H. Decker, J. B. Martin, J. Johnson, A. T. Ellis, A. W. Tracy, S. Wise, M. Robinson, J. Somes, & W. Burtch.

On motion Doct. H. Decker was appointed President pro. tem. and Joseph Somes Sect. pro. tem.

The Committee appointed at the last meeting of this board, upon the subject of Teachers, for the preparatory department made the following Report:

The Committee who were appointed at the Last meeting of the board for the purpose of ascertaining whether some suitable person or persons could be had as teachers in the preparatory department of the Vincennes University beg leave to report that in the discharge of that duty they have talked with Mr. Jocelin (Being the only person that we thought likely to engage) who has agreed to keep a School for one year commencing on the third Monday of Octr. And to the same under the supervision of the Board, And in case of failure on his part to be subject to be dismissed by them.

And that said school might be expedited, we have by the request of said Jocelin, Had an advertisement inserted in the papers of the Town³¹ Stating the terms &c. all of which we ask the concurrence of the Board. [Signed] Wm. Burtch Char.

Which Report was Received, addopted, and Ordred to be spread on Record.

A. T. Ellis, offered for addoption the following:

Resolved That the Resolution Heretofore Enter[ed] Restraining One third of the rent due, Judge Bishop be Resinded. and that the Treasurer pay him the sum of one Hundred dollars in full of the rent, of the preparatory department for the past year. Which was adopted.

On Motion the Board then adjourned to 17th Decr.

H. Decker Prest. P. T.

Jos. Somes Secty. P. T.

Vincennes. Decr. 17. 1847

The Board met according to adjournment present: Decker, Bishop, Johnson, Judah, Martin, Smith, Somes, Burtch, Harper, and Robinson, there being a quorum present the Board was organised. Decker in the Chair as Prest. p. T. J. B. Martin Secy. p. T.

Resolved that the Council for this Board are hereby instructed, that if the State will consent to adjust the full amount due this Board for the proceeds and Interest for the Gibson County Township of Land and to provide for the regular quarterly payment of the Interest on the Fund, this Board will consent to take such Interest so paid, and leave the Principal in the Treasury of the State, during the pleasure of the State.

Resolved—that the Treasurer of the University be and he is hereby instructed to attend the sale of the Seminary

³¹ The announcement of the opening of the Vincennes University Preparatory Department stated that there would be "four terms of eleven weeks each," beginning on October 18, 1847, and that tuition fees would range from \$3.00 to \$6.00 per term for courses in "Spelling, Reading, the first lessons in Arithmetic and Writing, Geography Grammar, . . . and Latin and Greek Languages." The announcement also described a "Female Department . . . attached to the institution" which was completely segregated from the "male reciting rooms," thereby "obviating . . . the objectionable features of what is styled a 'mixed school.'" Vincennes *Western Sun* and Vincennes *Gazette*, October 2 and 9, 1847.

Building, and bid the amount of Principal and interest, and costs on account of this Board Provided That if the parties concerned will secure the amount of the decree by an insurance on the Building and the assignment of the Policy to this Board, and pay up all costs and interest on the Decree, and regularly pay each Six months the accruing interest, This Board will delay the payment of the said principal so long as said interest is regularly paid, and said Policy kept up, or untill farther directions and on one years notice.³²

Resolved, That the Treasurer pay to Saml. Judah fifty Dollars, to be accounted for by Printing and expenses to Indianapolis.

Resolved, That the Treasurer pay to Saml. Judah on account of his fee in the suit against the State, the sum of Two hundred and fifty dollars.

The Board then adjourned to meet on the 20th day of January A.D. 1848.

H. Decker Pr. p. T.

Vincennes 20th January 1848

The Board met in persuance to adjournment Present: Decker, Martin, A. Smith, Harper, Johnson, Hitt, Wise, Burtch, & Somes.

There being a quorum present, the Board was organised. Decker President P. T. on motion J. Somes was appd. Secy. P. T.

The Treasurer made a verbal statement to the Board, That the College of St. Gabriel had paid in full of all demands, and which was then in his hands. The Treasurer then mad[e] the following written proposition towit:

I will pay the Trustees of the Vincennes University Six per cent interest on the funds now in the Treasury, untill I give Thirty days notice, also pay the money over to the order of the Board of Trustees by them giving me Thirty days notice. signed Wm. Burtch.

³² The seminary building was to be sold at a sheriff's sale on January 8, 1848, for a debt of \$10,759, part of which was the "principal and interest and costs" still owed the university by St. Gabriel's College. Before the sale was held, however, the college's debt was assumed by Bishop John Stephen Bazin of the Catholic diocese of Vincennes. The payment by Bishop Bazin is mentioned in the minutes of the meeting of January 20, 1848. Sister Mary Carol Schroeder, *The Catholic Church in the Diocese of Vincennes, 1847-1877* (Washington, 1946), 29-31.

Whereupon the following Resolution was offered by J. Somes:

Resolved, That the Board of Trustees of said University allow their Treasurer William Burtch to use the funds now in his hands by his paying Six per cent per annum therefor—provided he give Thirty days notice when he wishes the interest to cease, and the Board to give him thirty days notice when they wish this arrangement to cease, Interest to be paid semi annually—The President of this Board to examine and approve the Amount so used & report from time to time.

Before the motion on the above was taken Mr. Harper made a proposal for his Son Mathias Harper to Borrow \$1175. and to give mortgage Security, which proposition on motion was not agreed to, on which the above proposition as offered by J. Somes allowing the Treasurer to use the funds was adopted and that the President see the same carried into effect.

J. B. Martin then offered the following: Resolved That this Board loan the sum of \$1175 to Mathias Harper with the proposed Security—lost by a Unanimous vote.

The Board then adjourned.

H. Decker Pr. p. T.

April 3. 1848.

Present: Messrs. Decker, Burtch, Somes, Martin, Ellis, Wise, Robinson, Carnan, Hitt, Smith, J. Johnson, Bishop, and Judah, Secretary.

On motion, H. Decker was appointed President Pro tem.

The minutes of the last meeting were read, corrected, and approved.

On motion ordered—That the names of the absent members be entered—Messrs. A. W. Tracy and Jacob Harper.

The President Pro. Tem. reported that on examination of the accounts of Wm. Burtch Esqr. the Treasurer he had on hand on the 20th day of Jany. 1848. in cash the sum of four thousand three hundred and eleven dollars forty eight cents, and the Bond and Mortgage of Wm. Nicholson on which about one hundred dollars is due.

On motion the Board proceeded to the election of president, Treasurer, and Secretary—and on counting the ballots it appeared from the report of the tellers, Messrs. Martin and Judah that: Willis W. Hitt was elected President, William

Burtch was elected Treasurer, and Saml. Judah was elected Secretary.

The following resolutions were moved and seconded, and unanimously adopted:

By Mr. Ellis: That the Secretary procure a Suitable desk in which all the Books and papers of this Board shall be deposited.—That it shall be the duty of the Secretary, and in his absence of the President to cause personal notice to be given to the Trustees of the time and place of all regular and other meetings of the Board.

By Mr. Robinson: That Joseph Bouche be allowed one dollar for notices of two meetings of this Board.

By Mr. Judah: That Messrs. Johnson, Smith, & Burtch be a committee whose duty it shall be to ascertain the state of County Seminary fund of Knox County, and if the said fund shall appear sufficient to solicit the County Commissioners to erect a county Seminary building in Vincennes; and in such case to solicit the purchase on credit of Lot No. 191. now the property of this Board for that purpose.

By Mr. Judah:—Whereas by the act of Congress the Vincennes Commons was granted to the Trustees of the Borough of Vincennes in trust to expend so much of the proceeds as might be necessary in draining the ponds in the vicinity of the Borough and to pay over the balance if any to the Trustees for the Vincennes University.³³—And whereas, the Trustees of the Borough at various times have sold various portions of the said Commons, and have received into their Treasury divers large sums of money therefor, and other portions of the said Commons remain unsold; and whereas said Trustees have not offered to render any account to this Board of the receipts or expenditures of the said fund, nor to pay over any surplus in their Treasury, nor to transfer the balance of said commons remaining unsold:

There fore Resolved:—That Messrs. Judah, Carnan, and Martin be a committee whose duty shall be as follows:

1. To present a copy of this resolution to the Trustees of the Borough of Vincennes.
2. To request from the Trustees of the Borough a Statement of the Commons lands sold and conveyed and of the money paid into the Treasury for the principal and interest on each of such lots.

³³ See Constantine, *Indiana Magazine of History*, LIX (December, 1963), 360n.

- 3 To request a Statement of the lots remaining unsold, including the lots which have been sold but have reverted to the Fund.
- 4 To request a statement of the sums of money which have been paid into the Borough Treasury for principal or interest on each of such reverted lots.
5. To request a statement of the lots which have been sold, but have not been conveyed nor are forfeited, and of the money paid, and of the money due, thereon for principal or interest.
- 6 To request a statement of all expenditures, shewing the items, and distinguishing whether for Surveys, construction of the drains, or contingent expenses.

And Resolved, That if the same shall be consented to by the Board of Borough Trustees, the said Committee is hereby authorised to act on the part of this board in conjunction with such committee as the Borough Trustees may appoint in the preperation of the above statements; and in the adjustment of any difficulties caused by the lapse of time, or defective accounts, or deficient vouchers; and if necessary may employ a clerk at the joint expense of the two boards.

And resolved:—That said Committee is hereby authorised to make, subject to the approval of this Board, such an agreement with the Borough Board or any committee thereof, as may seem just concerning the payment of any proceeds of said Commons now belonging to this board, and also concerning the future management of the lots not conveyed whether sold or not, and also concerning the debts if any due the account of said Commons lands.

On motion the President appointed the following Standing Committees:

On Finance—Messr. Ellis, Wise, & Judah

On Buildings—Messr. Johnson, Smith, & Burtch

On Instruction Messr. Carnan, Somes, & Robinson.

Ordered that the Board adjourn until the 4th day of July next.

Saml. Judah Secy.

Vincennes July 4, 1848

Present: Mess. Hitt, Pres., Somes, Carnan, Wise, Robinson, Ellis, Martin, Bishop, Burtch, Johnson, Judah, Secy.

Mr. Burtch, repd. bal. on hand Jun 20th 1848, \$4419.26.
on motion ordered, that this being a regular monthly

meeting, the names of the absentees be recorded. vis: A. W. Tracy, Jacob Harper, Hiram Decker, & Abraham Smith.—Jacob Harper appeared.

Dr. Somes submitted the following resolution:

Resolved, That the Treasurer forthwith invest \$2000, part of the cash now on hand in the stock of the Wabash Navigation Company,³⁴ and the further sum of One thousand dollars in the purchase of stock of the Vincennes Branch of the State Bank of Indiana³⁵ which was seconded—when Mr. Ellis moved to amend the same by striking out the second clause; and this motion being seconded by Mr. Judah; the ayes and noes were called as follows:—Ayes. Carnan, Wise, Robinson, Martin, Bishop, Burtch, Johnson, Harper, Hitt, Prest. Nos. Somes, Judah And so the same was so amended.

And thereupon Mr. Ellis moved to strike out \$2000. and insert \$3000. in the first clause of said resolution, which being seconded the ayes & Noes were demanded a division of the question was ordered—whereupon on the question of striking out the vote was Ayes. Somes, Wise, Robinson, Ellis, Martin, Bishop, Burtch, Johnson, Harper, Hitt, Pres. Noes Carnan, Judah. and \$2000. was struck accordingly.

on the question to insert \$3000. the vote was ayes. Somes, Wise, Robinson, Ellis, Bishop, Burtch, Johnson, Judah, Hitt, Prest. Noes Carnan, Martin, Harper And so \$3000. was inserted.

³⁴ The Wabash Navigation Company was chartered by the Indiana General Assembly on January 13, 1846, for "the improvement of that part of the Wabash River which is subject to the concurrent jurisdiction of Illinois and Indiana." Several of the men who were, or had been, on the university's board of trustees were named commissioners of the company, including Samuel Judah, William Burtch, John Wise, John Ross, and David S. Bonner. Vincennes *Western Sun*, March 6, 1847. The minutes of the board of trustees indicate that at least during the next two decades representatives of the university board attended meetings of the stockholders of the Wabash Navigation Company. No information has been found regarding the final outcome of this investment.

³⁵ The State Bank of Indiana was chartered by the legislature in its 1833-1834 session and "books for receiving subscriptions to [the Vincennes branch] were opened on April 6, 1834." Many of the men who served on the university's board were officers and/or shareholders in the Vincennes branch of the bank, including John Law, a director; D. S. Bonner, president; and John Ross, cashier. Vincennes *Western Sun*, April 5, 1834, October 12, and November 30, 1844, and September 27, 1845. During the depression which followed the Panic of 1837 the bank was bitterly opposed in the Indiana General Assembly by a faction led by Samuel Judah, but it survived both the panic and the anti-bank sentiment of the state legislators, and before its 25-year charter expired in 1859 it had acquired a reputation of being better than any other bank in the west at protecting itself and taking care of its customers. Logan Esarey, *State Banking in Indiana, 1814-1873* (*Indiana University Studies*, Vol. I, No. 15; Bloomington, 1912), 219-87.

And on the question, shall the resolution as amended be adopted? the ayes and noes were called and the vote was as follows:—Ayes. *Somes, Carnan, Robinson, Ellis, Bishop, Burtch, Johnson, Judah, Hitt, Pres.* Noes *Wise, Martin, Harper* And so the resolution as amended was adopted.

And the Board adjourned to the Eighth day of July instant.

Saml. Judah Prest. [sic]

July 8. 1848

Present: Messrs. *Hitt, Prest., Somes, Johnson, Decker, Robinson, Harper, Martin, Burtch, & Ellis.* *Judah Secy.*

on motion, ordered that the Treasurer pay John Hitt one dollar fifty cents for calling Board three times.

The Committee on Instruction presented their Report accompanied with a report from Mr. *Jocelyn*⁸⁶—Read & laid on the table.

on motion, ordered That Mr. *Jocelyn* be requested to furnish a statement for the present year of the Classes taught, of the Pupils in each, and of the pupils who pay and of those who do not pay.

And the Board adjd. until 6 Nov. 1848.

Saml. Judah Secy.

Novr. 6. 1848.

Present: *W. W. Hitt, Prest., H. Decker, W. Burtch, Saml. Wise, M. Robinson, Jos. Somes, A. Smith, R. N. Carnan, A. W. Tracy, A. T. Ellis, Thos. Bishop, Saml. Judah, Secy.*

on motion The Board ballotted for a Director in the place of *James Johnson* Decd. *Dr. Somes* Teller, who reported

⁸⁶ An "Annual Report of the Principal," *George B. Jocelyn*, covering the period from October 18, 1847, to July 7, 1848, is in the archives of Vincennes University. The subjects taught included the "common English branches," logic, chemistry, algebra, geometry, trigonometry, surveying, Latin, and Greek. A total of 92 "scholars" had paid a total of \$375.04 in tuition to *Jocelyn*, who was pleased with their academic progress, except for a few who were "petted and caressed at home—permitted to do as they please and [paid] little or no attention to the request of their teacher." Among other recommendations, *Jocelyn* suggested that the board establish a "living salary" for the teacher and do away with the system under which his salary was derived from tuition fees. The additional statement requested of *Jocelyn* by the board at this meeting, though apparently presented by one of the trustees at the board meeting on November 6, 1848, is not in the archives of Vincennes University.

that Cyrus M. Allen³⁷ received eleven votes and was duly elected.

Dr. Hitt presented the report of Mr. Jocelyn in pursuance of the reso. of this board heretofore—which was ordered to be filed.

Ordered—That the sum of \$100. be appropriated and paid for the rent of a School House for the Prep. Dept.

Adjd.

Saml. Judah Secy.

1[st] Monday April 2. 1849

Present: Hitt, Prest., Robinson, Allen, Ellis, Tracy, Somes, Wise, & Judah, Secy.

On motion ordered, That the Prest. & Secy. forthwith execute to the Board of Comrs. of Knox County, under the corporate seal, a conveyance in fee simple for lot No. 191. for the sum of \$500. on the following conditions:—1st. That until the payment of the purchase money, the Board of Comrs. shall pay the interest on the amount due at 6 per cent per year annually on each 1st day of January.—2d. That the said Board of Comrs. shall forthwith make arrangements to put up a suitable Seminary building on said lot, and complete the same within two years from this date.—and 3d. That on failure of said Board to comply with the above provisions, said conveyance to become void.—Adopted unanimously.³⁸

On motion Ordered, That whereas Jacob Harper has removed from this State—therefore his seat is hereby declared vacant as a director &c.—and whereas John B. Martin has departed this life.—and thereupon an election is ordered to fill the said vacancies; Messrs. Wise and Allen were appointed tellers, a ballot was had, and the tellers reported George D. Hay³⁹ elected in the place of John B. Martin, and John Ross in the place of Jacob Harper.

And the Board adjd. until the 3d day of July next.

Saml. Judah Secy.

³⁷ Cyrus M. Allen was an attorney and a member of the Indiana House of Representatives from Knox County. *Vincennes Gazette*, April 4, 1844; Riker and Thornbrough, *Indiana Election Returns, 1816-1851*, p. 327.

³⁸ A copy of the resolution which was sent by the board to the Knox County commissioners is in the Vincennes University archives. The lot later reverted to the university and was the site of the Vincennes University Male Seminary, a two-story brick building which was completed in 1852.

³⁹ George D. Hay was a surveyor by trade. *Vincennes Gazette*, June 19, 1841. His father, John D. Hay, had been clerk of the board of trustees.

Vincennes July 3. 1849.

Present: Wm. Burtch, Hiram Decker, Robert N. Carnan, Thos. Bishop, Saml. Wise, Abner T. Ellis, Alvin W. Tracy, George D. Hay, John Ross, Saml. Judah, Secy.

on motion by consent Dr. Decker was appointed President pro tem.

on motion, ordered, that the Treasurer appropriate dividends lately declared on the stock of the Wabash Navigation Co. and as much more of the money in his hands as may be necessary to the purchase of eight shares of the Wabash Navigation Co. stock to be bought at the best advantage—Passed unanimously.

And on motion ordered, on the suggestion of Mr. Burtch the Treasurer, that he be allowed to use the funds in his hands after the purchase of the stock above mentioned; and be charged with interest thereon at six per cent per annum, and until he shall give notice of his intention no longer to retain the same. Passed unanimously.

Ordered, That the treasurer be allowed fifty dollars heretofore by him advanced Mr. Judah on account of printing Brief Sup. court.—Passed unanimously.

ordered that the Board adjourn to

.
Saml. Judah Secy.