

# **South Carolina General Assembly Act of Acceptance**

Approved November the 27th, A.D. 1889.

## **Act of Acceptance**

Statutes of South Carolina Volume XX. Page 277.

### **AN ACT TO ACCEPT THE DEVISE AND BEQUEST OF THOMAS G. CLEMSON, AND TO ESTABLISH AN AGRICULTURAL COLLEGE IN CONNECTION THEREWITH.**

WHEREAS, the Honorable Thomas G. Clemson departed this life on the 6th day of April, A.D. 1888, leaving of force his last will and testament, which was duly admitted to Probate on the 20th day of April, 1888, in the office of The judge of Probate for the county of Oconee, in the State of South Carolina, wherein he devised and decreed to his executor, Richard W. Simpson, of Pendleton, South Carolina a tract of land situate, on Seneca River, in Oconee County, in said State, containing eight hundred and fourteen acres, more or less, known as the Fort Hill plantation, as well as all his other property, both real and personal, except certain legacies in the said will mentioned and provided for, all in trust to convey to the State of South Carolina, when the said State shall accept the same for the purpose of establishing and maintaining an Agricultural and Mechanical College upon the aforesaid Fort Hill plantation upon the terms and conditions of the said will; therefore,

**Section 1.** BE IT ENACTED by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same: That the State of South Carolina hereby expressly declares that it accepts the devise and bequest of Thomas G. Clemson subject to the terms and conditions set forth in said last will and testament, and the Treasurer of the State be, and he is hereby authorized and empowered to receive and securely hold the said property, both real and personal, and to execute all the necessary papers and receipts therefore as soon as the said executor shall convey and transfer the said devise and bequest to the said State.

**Section 2.** That upon the execution of the deed and transfer of said property to the State by the said executor in accordance with the provisions of said will, an Agricultural and Mechanical College shall be, and the same is hereby, established in connection with the aforesaid devise and bequest, to be styled "The Clemson Agricultural College of South Carolina," and to be situated at Fort Hill, in Oconee County, on the plantation so devised, in which college shall be taught all branches of study pertaining to practical and scientific agriculture and other industries connected therewith, and such other studies are not inconsistent with the terms of the said will.

**Section 3.** That said college shall be under the management and control of a board of thirteen trustees, composed of the seven members nominated by said will and their successors and six members to be elected by the Legislature in Joint Assembly every fourth year after the first election; said board to elect one of their number to be president, and to elect a secretary and fix his salary. They shall organize the college and put it in operation as soon as practicable after passage of this Act; shall prescribe the courses of study, shall declare the professorships, elect the professors, of whom the number shall not exceed ten, and define their duties and fix their salaries, and make all the rules and regulations for the government of the college. They may employ such superintendent, headworkmen, laborers for the farm, shops and grounds as may be necessary, and fix their compensation. They shall charge each student a tuition fee of forty dollars per annum; PROVIDED, That said fee shall not be charged until the funds out of the said bequest shall be exhausted in accordance with the terms of the said will; PROVIDED, further, That indigent students shall not be required to pay said tuition fee.

**Section 4.** That the said Board of Trustees is hereby declared to be a body politic and corporate under the name and style of the Clemson Agricultural and Mechanical College of South Carolina. They shall have a corporate seal, which they may change at their discretion; and in their corporate name they may contract for, purchase and hold property, for the purpose of this Act, and may take any property given or conveyed by deed, devise or bequest to said college and hold the same for its use and benefit; PROVIDED, That the conditions of such gift or conveyance shall in no case be inconsistent with the purpose of this Act, and shall incur no obligations on the part of the State. They shall securely invest all funds and keep all property which may come into their possession, and may sell any of the personal property not subject to the trust and reinvest the same in such way as they may deem best for the interests of said college. They may sue and be sued, plead and be impleaded, in their corporate name, and may do all things necessary to carry out the provisions of this Act, and may make by-laws for this purpose if they deem it necessary.

**Section 5.** That it shall require a two-thirds vote of the Board of Trustees to authorize expenditure of any moneys appropriated to the said college by the State or to authorize the sale or transfer or re-investment of any property or moneys arising from the sale of any property under the provisions of this Act.

**Section 6.** That for the purposes of erecting on said Fort Hill plantation, and of purchasing stock and implements therefor, and paying expenses, as herein provided, the sum of three thousand dollars be and the same is hereby, appropriated, if so much be necessary, to be paid by the State Treasurer upon the order of the Board of Trustees of said college, signed by their president and secretary: PROVIDED, That not more than fifteen hundred dollars thereof to be used in erecting buildings, fixtures or permanent improvements on said Fort Hill plantation pending litigation in respect to said property: AND PROVIDED FURTHER, That all personal property purchased with money appropriated by the State shall be taken and held by the Board of Trustees as property of the State of South Carolina,

and it shall be the duty of said Board of Trustees to make to the Legislature an annual report of the college and of all farming operations and tests and experiments, and of all receipts and expenditures, with a statement of the condition of the property and funds of said college and of all receipts and expenditures of money appropriated by the State.

**Section 7.** That all Acts or parts of Acts inconsistent with this Act be, and the same are hereby, repealed.

### **Opinion of Chief Justice**

Statutes of South Carolina, Volume XX, Pages 781 and 782.

On December 6, 1889, the Chief Justice of the Supreme Court of South Carolina handed down the following:

It having been referred to me as Chief Justice of this State, by R.W. Simpson, executor of the will of the deceased, late Thomas G. Clemson, under the provisions of said will, whether or not this State had accepted the devise and bequest therein, I have this to state:

Whereas , the General Assembly of this State, at its last session, passed an Act entitled "Act to Accept the Devise and Bequest of Thomas G. Clemson and to Establish an Agricultural College in Connection Therewith," in which it is expressly declared that the State accepts the said devise and bequest of Thomas G. Clemson, subject to the terms and conditions set forth in the last will and testament of the said Thomas G. Clemson, and, whereas, this Act was duly approved by the Governor of the State on the 27th of November, 1889.

Now it is my opinion that this concurrent action of the Legislature and Executive Department of the State has accepted said devise and bequest of the said Thomas G. Clemson, deceased, subject to the terms and conditions set forth in his last will and testament, and I so declare.

It is further my opinion that the provisions of the Act, supra, constitute Acts in the direction of practically carrying out the terms conditions of said will, and within the time limited therein.

W.D. Simpson,  
Chief Justice of South Carolina