

## **1831 WOODWARD ACT**

[All highlighting and underlining added. Blue subtitles not part of original text.]

### **AN ACT to incorporate the WOODWARD HIGH SCHOOL of the city of Cincinnati.**

*Whereas* William Woodward, of the city of Cincinnati, for certain education purposes, did, on the first day of November, eighteen hundred and twenty-six, grant, by deed of gift, to certain trustees and their successors, a valuable tract of land in said city; and whereas the said William Woodward, on the sixteenth day of December, eighteen hundred and thirty, did, by deed of gift, grant to certain trustees and their successors, a certain other valuable tract of land in said city, with the view of uniting the donations aforesaid, and rendering them useful by the establishment of a high school, for the better securing the benefits of said donations, to those for whom the same was originally made: *Therefore*,

**Sec. 1. [Creation of the Woodward High School Trust; sale & banking prohibited]** *Be it enacted by the General Assembly of the State of Ohio*, That *Samuel Lewis, Osmond Cogswell, Lewis Howell, Oliver Lovell, and John P. Foote*, trustees of said High School, and their successors to office, [appointed as herein after mentioned,] be, and they are hereby created, a corporation and body politic, by the name and style of "The Woodward High School of the city of Cincinnati;" by which name they are hereby made capable of holding, using and improving the said property, and all other property that may hereafter be granted for a similar purpose, by any person or persons whomsoever; by which name also, they may sue and be sued contract and be contracted with, in relation to said lands, and do and perform all other acts necessary for the receiving, safe keeping, using and disposing of the same: *Provided always*, That the said trustees shall have no power to grant, transfer, or convey the said lands so vested in them, except as herein after provided: *Provided also*, That the funds of said corporation shall never be used in banking.

**Sec. 2. [Cincinnati children without parents may attend Woodward HS for free, others at reasonable cost]** That the children residing in the city of Cincinnati, and such children only as have no parents living within the limits of said city of sufficient ability to provide for their instruction, shall be admitted into said institution on the funds thereof, except in such cases as may be provided for by the donor or donors as conditions of the donation, and accepted by the trustees: *Provided, however*, That the trustees may, at any and all times, admit other children into said institution, on receiving therefore what to them shall seem a reasonable compensation.

**Sec. 3. [Trustees decide who will attend, but equally from all wards]** That the trustees shall have power to decide upon the eligibility of applicants for admission; and if at any time it shall so happen that the trustees shall be unable to provide instruction for all children applicants coming within the provisions of this act, it shall be their duty, so far as proper applications are made, to receive an equal number from the several wards in said city.

**Sec. 4. [15-year leasing allowed, sale prohibited]** That the said lands, and all other lands conveyed to the said trustees for the purposes aforesaid, (unless otherwise stipulated in the deeds of gift thereof,) shall be, and remain forever liable to said trust, and that every deed, gift, grant, conveyance, lease or mortgage, of the same, by the said trustees or their successors, to any person or persons, body politic or corporate, shall be void and of no effect: *Provided, however*, That the said trustees and their successors, shall have power to make beneficial leases, of all or any part of said lands, for the term of fifteen years each, or for a longer period, if the extended lease contain a clause of revaluation every fifteen years.

**Sec. 5. [Appointment of Trustees]** That *Samuel Lewis and Osmond Cogswell*, two of the above mentioned trustees, shall have and hold the said trust for, and during their natural lives; and each of them, by his deed duly executed, have full power to nominate and appoint his successor for life in said trust, who shall have the same power over said lands, as the other trustees shall or may have, together with the power of appointing his successor in office, by deed aforesaid; which power of appointing his successor in office, by deed as aforesaid, shall be, and continue in their successors, forever: *Provided always*, That the person so appointed shall be a citizen of Cincinnati, when it becomes necessary for him to act as trustee: but in case either or both of said trustees shall neglect to appoint, or their successors, or the successors of either of them, shall neglect to appoint a person to succeed him or them in the execution of the said trust, or from any other cause a vacancy or vacancies shall happen in the said two trusteeships, such vacancy or vacancies shall be supplied by the appointment of the mayor and alderman of said city, for the time being; and in case there shall be no mayor and alderman, then a similar appointment shall be made by the Court of Common Pleas for the county of Hamilton; and the person or persons so appointed shall have and hold the said office for and during the term of seven years, and until his successor shall be appointed; and at the expiration of every seven years from such appointment, the said mayor and alderman, then the Court of Common Pleas aforesaid may nominate and appoint the successor of such trustee for the seven years next ensuing; which septennial appointment shall be continued forever.

*John P. Foote* shall hold his office until the first regular meeting of the city council of the city of Cincinnati, in May eighteen hundred and thirty-two, and until his successor shall be appointed or chosen; *Oliver Lovell* shall hold his office until the first regular meeting of the said city council, in May, eighteen hundred and thirty three, and until his successor shall be chose; *Lewis Howell* shall hold his office until the first regular meeting of the city council aforesaid, in May, eighteen hundred and thirty four, and until his successor shall be chosen; and at the expiration of their respective terms aforesaid, the said city council shall fill their

places by appointment, and the trustees so appointed shall hold their offices for *three years*, and until their successors shall be chosen; and, in like manner, the three trustees last aforesaid, and their successors, shall be appointed forever; so that one trustee only shall be appointed in each year, unless to fill vacancies, and then only for the unexpired time; and all appointments for such unexpired time; and all appointments for such unexpired time shall be made by the said city council.

**[Duties of Trustees]** It shall be the **duty of said trustees** to lease the said lands in the most beneficial manner, and as soon as a sufficient sum of money is raised, thereby to locate and erect a commodious building, to be used and occupied as a school house; to procure teachers and professors of good morals, and well qualified to instruct and educate as many of the above described children, as the state of the funds will allow; they shall keep the buildings in good repair; and on the first day in each year shall render an full and true account to the said city council, of all moneys received by them, and all dues and demands owing to them as such, together with an account of all their expenditures and disbursements, and also all surplus moneys in their hands, or in the hands of any treasurer, appointed by them, belonging to said trust; and the said trustees shall have power to appoint annually, some good and responsible person, resident within the city of Cincinnati, to be their **treasurer**, requiring of him such security for the faithful discharge of his duties, as they shall deem sufficient; it shall be the duty of such treasurer to receive and keep safely all moneys delivered to him by the trustees on account of the said trust, and to enter the same in a book to be provided for that purpose; wherein he shall also keep an account of all disbursements made by him to the order of said trustees, or otherwise, which book shall be open to the inspection of said trustees; and he shall, moreover, render an account of the same, as well as of all his doings in relation to said trust, on the fifteen day of December, in each year.

**Sec. 6. [City Council oversight, removal of failed trustee]** That the city council aforesaid shall have power to call upon said trustees for, and compel them to render, on the first day of January in each year, an account of the rents, issues and profits of the said lands, and of all expenditures on account of the said trust, and also of all surplus moneys, debts, dues and demands, in their hands, or in the hands of their treasurer, arising out of, and belonging to, said trust; and such account, audited and allowed by said city council, shall be a good and sufficient discharge to said trustees; but in case the said trustees, or either of them, on application made, refuse his or their account as aforesaid, then he or they shall be considered as having abandoned the trust, and his or their places shall be filled as herein before directed; and the said city council shall compel the said trustees, by action at law or in chancery, as the case may require, to render the account aforesaid:

**[No Trustee compensation; no religious restriction]** *Provided*, That the trustees above named, and their successors, shall not receive from the funds of said institution any compensation for their services as trustees thereof; *Provided also*, That the benefits of this trust shall not be confined to any religious sect or sects, but shall be open to all the children coming within the provisions of this act, whatever may be, or whatever may have been, the religious creed of their parents.

**Sec. 7. [Rules & Bylaws]** That the said trustees, and their successors in office, may, from time to time, establish such rules and by-laws for the government of said institution, as may be needful; and when so established by them, or a majority of them, such rules or bylaws shall be binding on themselves and the institution: *Provided*, That no laws shall be made contrary to the laws of this State, or of the United States.

**Sec. 8. [Transition of 1827 Woodward Trust]** That so much of the act, entitled “An act to incorporate the Woodward Free Grammar School,” as stands in contravention of this act, be, and the same is hereby repealed; and the board of trustees of Woodward High School of Cincinnati, shall be, and they are hereby, authorized to exercise all the powers granted by that act to the trustees of the Woodward Free Grammar School; and all actions and rights of action, all lands, tenements and hereditaments, together with all debts, moneys, goods, chattels and effects, real and personal, belonging to the said trustees of the Woodward Free Grammar School, shall pass to, and be vested absolutely in, the said Woodward High School of Cincinnati; and all leases and contracts made by the trustees of the Woodward Free Grammar School, shall remain good and binding, for and against the Woodward High School of Cincinnati, in the same manner as they were for and against the trustees of the Woodward Free Grammar School, before the passage of this act.

JAMES M. BELL,  
*Speaker of the House of Representatives,*

SAMUEL R. MILLER,  
*Speaker of the Senate.*

January 15, 1831