

Stanford University



The Founding Grant with
Amendments, Legislation,
and Court Decrees

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THE FOUNDING GRANT

with Amendments, Legislation, and Court Decrees

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The Leland Stanford Junior University

Founded November 11, 1885



LELAND STANFORD, JR.

Born at Sacramento, California, May 14, 1868

Died at Florence, Italy, March 13, 1884

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Execution of the Founding Grant: November 11, 1885

Laying of the Cornerstone: May 14, 1887

Opening Day: October 1, 1891

Founding of the University

The Leland Stanford Junior University was founded November 11, 1885, in memory of their only child, Leland Junior, by Senator and Mrs. Leland Stanford. Leland Junior was born May 14, 1868, at Sacramento, California, and died March 13, 1884, at Florence, Italy.

*Founding of the University was accomplished by a Grant of Endowment by Senator and Mrs. Stanford, dated November 11, 1885. To make the grant legal under the constitution and statutes of the State of California, Senator Stanford procured passage on March 9, 1885, of an enabling act by the state legislature "under which a university, or universities, might be founded, endowed, and maintained in California through an ordinary deed of trust. In form a general act, it had, nevertheless, but one institution in mind, and was intended to represent exactly the plan Mr. Stanford expected to follow in his future deed of trust."**

Senator Stanford died June 21, 1893. Up to that time the University had operated, since its opening, under the Founding Grant, without complications. But a year later the federal government filed a suit against the Stanford estate in connection with a federal loan to the Central Pacific Railroad. Settlement of the suit, in March, 1896, made possible the transfer to the Trustees of money bequeathed in Senator Stanford's will. The suit, however, brought "attention to the drain upon the revenues of the University through taxation, and emphasized the desirability of taking steps to secure, if possible, the same exemptions that were granted to similar institutions in practically all other states of the Union."†

A campaign to this end was begun to secure legislative approval for submission to the electorate of a state constitutional amendment. This revealed the advisability of reexamining the whole legal status of the University. George E. Crothers, Stanford '95, and his brother, Thomas G. Crothers, '92, took the lead in this task. Their examination disclosed serious defects in the Founding Grant and the proceedings taken under it. It was decided, therefore, to include in the proposed exemption amendment additional provisions to cure, as far as possible, the defects revealed by the study. The legislature approved the amendment and it was submitted to the voters at the election of November 6, 1900. It carried by a vote of 137,667 to 67,737.

* Orrin L. Elliott, "Stanford University, the First Twenty-five Years," (Stanford: Stanford University Press, 1937), p. 309.

† *Ibid.*, p. 310.

*"One more safeguard was provided. An act of the legislature, passed February 10, 1903, authorized the Trustees to petition the courts for 'the ascertainment of the existence and terms of, and for the determination of the validity and legal effect of, grants and other instruments creating, changing, or affecting trusts and estates for the founding, endowment, and maintenance of, the Leland Stanford Junior University.' After due process a judicial decree was obtained, July 3, 1903, from the Superior Court of Santa Clara County, which gave confirmation to all claims and statements set forth in the Petition to the Court and vested irrevocably in the Trustees the titles to the Stanford properties already conveyed to the University."**

On June 1, 1903, Mrs. Stanford formally relinquished the powers reserved to her as surviving Founder by the Founding Grant, including the right to amend the Grant. Mrs. Stanford died February 28, 1905.

A detailed account of the various steps taken to clarify the legal status of the University is given in an article by George E. Crothers, entitled "Founding of the Leland Stanford Junior University," published in the April, 1932, issue of "Americana," a quarterly publication of the American Historical Society, Inc., New York, and reprinted in part in the "Stanford Illustrated Review," Volume XXXIII, No. 1. It also was published by Judge Crothers in monograph form from the press of A. M. Robertson, San Francisco, MCMXXXII.

The various documents referred to in this introductory note, and others, are printed in full in this manual. Inasmuch as the Grant of Endowment (also referred to as the Founding Grant) is the Charter of the University, it and the several subsequent amendments of it are given the first order of priority in this volume.

* *Ibid.*, p. 325.

The Founding Grant

November 11, 1885

We, LELAND STANFORD and JANE LATHROP STANFORD, husband and wife, grantors, desiring to promote the public welfare by founding, endowing, and having maintained upon our estate known as the Palo Alto Farm, and situated in the Counties of San Mateo and Santa Clara, State of California, United States of America, a University for both sexes, with the Colleges, Schools, Seminaries of Learning, Mechanical Institutes, Museums, Galleries of Art, and all other things necessary and appropriate to a University of high degree, to that end, and for that purpose, do hereby grant, bargain, sell, and convey to Lorenzo Sawyer, H. W. Harkness, James McM. Shafter, Josiah Stanford, Charles Goodall, Horace Davis, Alfred L. Tubbs, John F. Miller, Francis E. Spencer, John Boggs, Henry Vrooman, T. B. McFarland, Charles F. Crocker, Isaac S. Belcher, Timothy Hopkins, John Q. Brown, Henry L. Dodge, George E. Gray, Irving M. Scott, N. W. Spaulding, William Ashburner of California, Matthew P. Deady of Oregon, William M. Stewart of Nevada, and Stephen J. Field, a Justice of the Supreme Court of the United States, Trustees, and to their successors forever, all and singular, the following described property:

Conveyance
to Trustees
by Founding
Grant

That certain tract of land, situated in the County of Butte, State of California, and now commonly known and designated as Stanford's Gridley Farm.

Also that certain tract of land situated partly in the said County of Butte, and partly in the County of Tehama, in said state, and now commonly known and designated as Stanford's Vina Farm.

And also that certain tract of land situated partly in the County of Santa Clara and partly in the County of San Mateo, and now commonly known and designated as the Palo Alto Farm.

Together with all the tenements, hereditaments, and appurtenances thereunto belonging, with the water rights, water ditches, pipes, flumes, canals, aqueducts, and reservoirs now used in connection with either of said tracts of land: said tracts of land being more particularly described by metes and bounds in the paper hereto attached, marked "Schedule A" and made part hereof.

To have and to hold said property, and all other property, real and personal, which we, or either of us, may hereafter convey or devise to them or their successors upon the trust that it shall constitute the foundation and endowment for the University herein provided,

Capital
endowment
to remain
intact

and upon the trust that the principal thereof shall forever remain intact, and that the rents, issues, and profits thereof shall be devoted to the foundation and maintenance of the University hereby founded and endowed, and to the uses and purposes herein mentioned.

Now, therefore, further in pursuance of said desire, and that the trust hereby created may be executed according to the wishes of the grantors and each of them, they do hereby, as it is provided may be done by the Act of the Legislature of the State of California, approved March 9, 1885, entitled "An act to advance learning, the arts and sciences, and to promote the public welfare, by providing for the conveyance, holding, and protection of property, and the creation of trusts for the founding, endowment, erection, and maintenance within this state of universities, colleges, schools, seminaries of learning, mechanical institutes, museums, and galleries of art," designate:

First, the Nature, Object, and Purposes of the Institution Hereby Founded, to Be:

Nature,
purposes,
and scope of
University

Its nature, that of a university with such seminaries of learning as shall make it of the highest grade, including mechanical institutes, museums, galleries of art, laboratories, and conservatories, together with all things necessary for the study of agriculture in all its branches, and for mechanical training, and the studies and exercises directed to the cultivation and enlargement of the mind:

Its object, to qualify its students for personal success, and direct usefulness in life;

And its purposes, to promote the public welfare by exercising an influence in behalf of humanity and civilization, teaching the blessings of liberty regulated by law, and inculcating love and reverence for the great principles of government as derived from the inalienable rights of man to life, liberty, and the pursuit of happiness.

Second, the Name of the Institution:

Name of
University

Since the idea of establishing an institution of this kind for the benefit of mankind came directly and largely from our son and only child LELAND, and in the belief that had he been spared to advise us as to the disposition of our estate he would have desired the devotion of a large portion thereof to this purpose, we will that for all time to come the institution hereby founded shall bear his name, and shall be known as

THE LELAND STANFORD JUNIOR UNIVERSITY

Third, the Number, Quorum, and Designation of the Trustees:

The number of the Trustees shall be twenty-four, and fifteen thereof shall constitute a quorum, but the assent of not less than a majority of the whole, to wit, thirteen, shall be necessary for affirmative action in the execution of the trusts herein contained.

Quorum of Trustees and number of votes necessary for action

The Trustees herein named and their successors, in their collective capacity, shall be known and designated as "The Board of Trustees of the Leland Stanford Junior University."

Fourth:

That the Trustees (subject to the reservations and to the rights to alter and amend hereinafter contained) shall have power, and it shall be their duty:

Duties of Board of Trustees

1. To meet in the City of San Francisco on the fourteenth day of November, 1885, or as soon thereafter as practicable, and then and there, a majority of their number being present, to organize as a Board by electing one of their number Chairman, and to transact such other business as may be proper.

Election of officers of Board

2. To manage and control the institution hereby founded.

3. To manage and control the trust property, care for and improve the same, operate or lease it, and apply the net proceeds or profits thereof to the purposes of the trust hereby created.

4. To, in their discretion, receive grants of property from others in aid of the Institution founded, or to establish Scholarships therein—providing the same are made upon terms and conditions in harmony with the purposes of the Institution as herein declared.

Gifts from others than Founders

5. To receive from the grantors, or either of them, by grant or devise, such other property as the grantors or either of them may hereafter elect to give, and to hold such property upon the same conditions, and to the same uses and trusts, as are herein prescribed.

6. To make By-Laws not inconsistent with the laws of this State, or the purposes of this grant, for the government of the Institution hereby founded.

By-laws authorized

7. To make rules and regulations for the management of the trust property.

8. To keep a full and fair record of their proceedings.

9. To appoint a President of the University, who shall not be one of their number, and to remove him at will.

Appointment and removal of President

10. To employ professors and teachers at the University.

11. To fix the salaries of the President, professors, and teachers, and to fix them at such rates as will secure to the University the services of men of the very highest attainment.

Salaries of teachers

Income only to be expended

12. To use the rents, issues, and profits of the trust property (but no part of the principal) in the execution of their trust, and in case such rents, issues, and profits, for any one year, exceed the amount necessary to execute the trust, and maintain the Institution for said year, then to invest the same until its use becomes necessary.

Educational system to fit graduate for some useful pursuit

13. To establish and maintain at such University an educational system which will, if followed, fit the graduate for some useful pursuit, and to this end to cause the pupils, as early as may be, to declare the particular calling, which in life they may desire to pursue; but such declaration shall not be binding if, in the judgment of the President of the University, the student is not by nature fitted for the pursuit declared.

Sectarian instruction prohibited

14. To prohibit sectarian instruction, but to have taught in the University the immortality of the soul, the existence of an all-wise and benevolent Creator, and that obedience to His laws is the highest duty of man.

Rights and advantages of association and cooperation

15. To have taught in the University the right and advantages of association and cooperation.

16. To afford equal facilities and give equal advantages in the University to both the sexes.

17. To maintain on the Palo Alto Estate a farm for instruction in Agriculture in all its branches.

18. To do and perform all things hereinafter provided for, and all things necessary to the proper exercise and discharge of their trust.

Powers of President

Fifth, the Powers and Duties of the President of the University:

It shall be the duty of the Trustees to give to the President of the University the following powers:

1. To prescribe the duties of the professors and teachers.

2. To remove professors and teachers at will.

3. To prescribe and enforce the course of study and the mode and manner of teaching.

4. Such other powers as will enable him to control the educational part of the University to such an extent that he may justly be held responsible for the course of study therein and for the good conduct and capacity of the professors and teachers.

The Faculty

Sixth, the Faculty:

The Trustees shall constitute the President and professors the faculty of the University, and prescribe their powers and duties as such.

Seventh, the Manner, and to Whom, the Trustees Shall Report:

Report of Trustees to Governor of State

The Board of Trustees shall annually report all their proceedings to the person who for the time being shall fill the office of Governor of the State of California, and shall accompany such report with a full account of their financial operations for the preceding year, and with a statement of the financial affairs of the Institution.

Eighth, the Mode and Manner, and by Whom, the Successors to the Trustees Named in the Grant Are to Be Appointed:

Any Trustee named in this Grant, or the successor to any such Trustee, may for good cause be removed by a proper court of equity jurisdiction, after notice to him, and upon the application of the grantors herein, or either of them, or upon the application of the Board of Trustees.

Removal of Trustees

Any Trustee named in this Grant, or the successor of any such Trustee, may, in writing, addressed and delivered to the Board of Trustees, resign his office as Trustee, and every vacancy in the Trustees which shall occur during the lives of the grantors, or during the life of either of them, either from the failure of any Trustee named in this Grant to accept the trust, or from death, resignation, or otherwise, shall be filled by the grantors, or either of them, as the case may be, and every vacancy occurring thereafter shall be filled by the surviving or remaining Trustees by ballot.

Vacancies filled

Election by ballot

Ninth, the Place Where, and the Time When, the Buildings Necessary and Proper for the Institution Shall Be Erected, the Character and Extent Thereof:

The Trustees shall:

1. Within two years from the date hereof, select and lay off on the Palo Alto Farm a site, and adopt a general plan for the construction of the University buildings. Such buildings shall be plain and substantial in character and extensive enough to provide accommodations for the University and the Colleges, Schools, Seminaries, Mechanical Institutes, Museums, Laboratories, Conservatories, and Galleries of Art, part thereof. They shall be built as needed, and no faster, and in a manner which shall allow for additions and expansions from time to time, as the necessities of the University may demand, the Trustees bearing in mind that extensive and expensive buildings do not make a University; that it depends for its success rather upon the character and attainments of its Faculty. In this behalf, and to the end that the endowment may not be wasted, or impaired, by the premature construction of expensive buildings, the Trustees shall

Buildings of the University

be the exclusive judges, free from all interference from any source whatever, of the time when buildings are needed, and of the time and manner of their construction, and of the time and manner of making additions thereto.

Residence
sites for
officers and
employees

2. Lay off on the Palo Alto Farm one or more sites for buildings for the officers and employees of the Institution, and erect and maintain thereon such buildings as may be necessary.

3. Lay off on the Palo Alto Farm one or more sites for dwelling-houses for parents or guardians and their families, and for such other persons as the Board may direct, and erect thereon buildings, and lease the same, or lease the land and permit the lessees to erect such buildings, on such terms and conditions as the Board may direct.

Place of
burial of
Founders

4. Lay off on said Palo Alto Farm a lot of about ten acres, and suitably improve and maintain the same forever as a place of burial and of last rest on earth for the bodies of the grantors and of their son LELAND STANFORD JUNIOR, and as the Board may direct, for the bodies of such other persons who may have been connected with the University.

Erection
of church

5. Lay off on the Palo Alto Farm a site for, and erect thereon, a church.

Tenth, the Scholarships and Other Matters Connected Therewith:

The Trustees shall have power, and it shall be their duty:

Provision
for scholar-
ships

1. To establish and maintain in connection with the University such a number of free scholarships as the endowment of the Institution, considering all its objects, will justify. Such scholarships must be given either to those who, by good conduct and study, have earned the right thereto, or to the deserving children of those who, dying without means in the service of the State, or in the cause of humanity, have a special claim upon the good will of mankind.

Terms of
admission

2. To fix the terms and conditions upon which the students generally may be admitted to all or any of the privileges of the University.

3. To fix the terms and conditions upon which the students of the public and private schools and other deserving persons may attend the lectures of the University, or engage in original research thereat, and the terms and conditions upon which the agricultural farms, laboratories, museums, art galleries, mechanical institutes, conservatories, and other institutions, part of the University, shall be open to deserving persons, without their becoming students thereof.

4. To establish and have given at the University, by its ablest professors, courses of lectures upon the Science of Government,

and upon Law, Medicine, Mechanics, and the other Arts, and Sciences, which shall be free to the postgraduates of the Colleges of the University hereby founded, and to the postgraduates of all other colleges and universities, and to all deserving persons, to the full capacity of the lecture-rooms, under such rules and regulations as the Trustees may adopt.

Courses of lectures free to post-graduates

Eleventh, Election of the Grantors to Control the Property and the Execution of the Trust during Their Lives, or the Life of Either:

The grantors, and each of them, do hereby, in accordance with the provisions of the aforesaid Act of the Legislature, elect:

1. In relation to the property hereby conveyed, and in relation to such other property as may hereafter be conveyed or devised by them or either of them to said Trustees for the purpose of this trust, and in relation to the erection, maintenance, and management of the Institution hereby founded, to perform during their lives all the duties and exercise all the powers and privileges, which, by the terms of this Grant, are enjoined upon and vested in the Trustees therein named.

Control of the property during life of grantors

2. That the survivor of either of said grantors shall, after the death of the other, and during the life of the survivor, in relation to all of said property, and in relation to the erection, maintenance, and management of the Institution hereby founded, perform all the duties, and exercise all the powers and privileges which, by the terms of this Grant, are enjoined upon and vested in the Trustees therein named.

3. That upon the death of both grantors then all such duties shall devolve upon and all such powers and privileges shall be exercised by the Trustees named in this Grant, and by their successors forever.

Twelfth, Reservation of the Right to Alter, Amend, or Modify the Terms and Conditions of This Grant, and the Trust Therein Created, in Certain Respects:

The grantors hereby reserve to themselves during their lives, and hereby reserve and grant to the one who shall survive the other, during his or her life, the right to alter, amend, or modify the terms and conditions of this Grant, and the trusts therein created, in respect to the nature, object, and purposes of the Institution founded, the powers and duties of the Trustees, the manner in which, and to whom, they shall account, the mode and manner, and by whom, their successors shall be appointed, the rules and regulations for the management of the property conveyed, the time when, and the character and extent of, the buildings which shall be erected, the

Right to alter and amend

right to provide for trades and professions which shall be taught in the Institution, and the terms upon which Scholarships shall be founded.

Thirteenth, Reservation of Other Rights:

Founders'
control of
property

The grantors hereby reserve to themselves during their lives, and hereby reserve and grant to the one who shall survive the other, during his or her life:

1. The right to absolute dominion over the personal property which they, or either of them, may hereafter give to said Trustees, or their successors, and over the rents, issues, and profits thereof.

2. The right to absolute dominion over the rents, issues, and profits of the real property hereby granted.

3. The right to improve, manage, and control the trust property, as if this Grant had not been made; but this reservation does not include the right or power to sell or encumber any of the real property granted.

Other rights

All these rights, and all other rights reserved by, and all powers and privileges given, or duties imposed upon, the grantors, or either of them, by the terms of this Grant, shall be exercised, enjoyed, and performed by said grantors or either of them, as the case may be, without let or hindrance, and free from all interference from any source whatever, and from all duty to report their action, and from all liability to account in any manner therefor, and from all liability for waste, loss, misappropriation, or for any act or deed whatever, by them or either of them done or permitted.

Custody
of minors

Fourteenth, the Custody of the Persons of Minors:

And further, in pursuance of said desire, the grantors hereby provide that the Trustees named in this Grant, and their successors, may, in the name of the Institution, become the custodian of the persons of minors, taking such custody in the manner, and for the time, and in accordance with the provisions of Sections 264 to 276, inclusive, of the Civil Code of the State of California.

Fifteenth, Limitations upon the Powers of the Trustees:

Inaliena-
bility of Palo
Alto Farm

1. Neither the Trustees herein named, nor their successors, shall have power to sell or convey the real property hereinbefore described and granted.

2. The Trustees herein named, and their successors, shall serve without compensation.

Sixteenth, Miscellaneous:

The grantors hereby declare:

1. That all the property hereby conveyed was acquired by them during coverture, and was, until this Grant was executed, their community property, and for that reason, and because of their mutual desire to be associated in this undertaking, they in accordance with the provisions of the aforesaid Act of the Legislature have joined in this conveyance.

2. This Grant, and all grants and devises hereafter made by the grantors or either of them for endowing and maintaining the Institution hereby founded, shall be liberally construed, and always with a view to effect the objects and promote the purposes of the grantors, as herein expressed.

The Amendments to the Founding Grant

NOTE: *From time to time after Senator Stanford's death, Mrs. Stanford made amendments to the Founding Grant in the form of addresses to the Board of Trustees. These, together with an amendment in the form of a resolution by the Board of Trustees assuming corporate powers and privileges, follow:*

MRS. STANFORD'S ADDRESS OF JUNE 1, 1897 [EXCERPT]
(See p. 65)

I further direct that no building be placed in the area set apart for the "Outer Quadrangle," except that it be of stone and in general harmony with the present Quadrangle and in conformity with its plan.

I embrace this opportunity to express to you my wish in regard to certain other matters of importance connected with the future administration of the Leland Stanford Junior University.

Residential
campus

It is desirable so far as may be that the Faculty and students should reside on the University grounds. To that end the present provisions for leasing lots should be continued, subject to such changes as future contingencies may make necessary.

I direct that professors or University officers desiring to build on the grounds shall be permitted to do so on suitable terms of lease, on condition that the houses so erected shall be attractive in exterior and that they shall not cost less than \$3,000.

Houses for
student clubs

I also direct that student associations shall be allowed to build houses of attractive exterior, the minimum cost to be fixed at the present at \$5,000.

Limitation on
outside
lessees

I direct that the privilege of leasing grounds for the purpose of building on the University campus on the part of outside persons shall be limited to special cases, and no house to be built in the future by a person not connected with the University shall cost less than \$6,000; and none shall be built or used for boarding-house purposes.

Leases for
benefit of
any sect
prohibited

I reserve for myself only the right to change this plan.

I further direct that no ground shall ever be leased for a boarding-house, school, or residence of any sort which shall be held for the benefit of any religious sect or denomination.

I further direct that no residences be allowed to encroach on the grounds needed for University purposes, and that none be built on the north of Alvarado Row, or between the Row and the Quadrangle, or between Roble Hall, Dr. Jordan's residence, or the Museum.

I further desire that the Sigma Nu fraternity-house and, if possible, the residence of the bachelor professors be removed, as soon as convenient to said parties, to some point further from the athletic grounds of the University.

In the Grant founding the Leland Stanford Junior University, November 11, 1885, it is made the duty of the Trustees to give the President of the University the following powers:

1. To prescribe the duties of the professors and teachers.
2. To remove professors and teachers at will.
3. To prescribe and enforce the course of study and the mode and manner of teaching.
4. Such other powers as will enable him to control the educational part of the University to such an extent that he may justly be held responsible for the good conduct and capacity of the professors and teachers.

Powers of President

Appointment of professors

The history of the University for the past six years has fully vindicated the wisdom of this clause in the Grant. It is my wish that this clause shall be in the future as in the past respected both in word and in spirit.

I therefore explicitly direct that the selection and removal of the professors and teachers, and all questions relating thereto, shall be determined by the President and by him alone.

MRS. STANFORD'S ADDRESS OF MAY 31, 1899 [EXCERPT]
(See p. 65)

Under and by virtue of the power and authority reserved to me by the said Act of the Legislature approved March 9, 1885, and by the Grant executed by my husband and myself bearing date, the eleventh day of November, A.D. 1885, I hereby make, declare, and designate the following additional rules and regulations for the management of said property, and respecting the government and management of said University:

I provide that the President and Vice-President of the Board of Trustees shall be chosen annually by a majority vote of said Board, their terms of office to begin with the first day of August in each school year. This is the rule in almost all similar bodies, where there is no ex-officio President; and I now name Mr. S. F. Leib as President,

Election of officers

and Mr. Russell J. Wilson as Vice-President for the coming year, commencing from this date.

Duties of
officers

I also desire to provide that after my death the President and Vice-President of the Board of Trustees shall exercise the usual functions of such officers, together with such duties as such, as the Board of Trustees may, from time to time, assign to them.

Number of
Trustees

No vacancy occurring from any cause in the Board of Trustees shall be filled until the number of Trustees shall be reduced to fifteen. Any vacancy occurring in the Board after the number of Trustees shall be reduced to fifteen shall be filled after my death, but not before, by the Trustees, and all vacancies that may occur thereafter shall be filled by the remaining Trustees by ballot, either at the annual meeting, or at a special meeting, of which due notice shall be given, stating the vacancy to be filled; and from and after the time when the number of the Trustees shall be reduced to fifteen, that number of Trustees shall constitute the Board of Trustees of said University.

Succession
and term
of Trustees

The term of office of each Trustee hereafter appointed or elected shall be ten years.

Quorum of
the Board
of Trustees

Nine Trustees shall constitute a quorum of the Board. The votes of eight Trustees shall be required for the election of a Trustee.*

Election
of officers

There shall be elected at the annual meetings a President, Vice-President, and an Executive and Finance Committee, composed of five Trustees. Their respective terms of office shall be one year, commencing upon the first day of August after their election or appointment, and continuing until their respective successors shall be elected.

Financial
management

The Executive and Finance Committee shall have the management and control, subject to the approval of the Board, of the property, the finances, and the general business of the University. They shall keep a record of their proceedings, and the same shall always be open to the inspection of the Board and its members. The President, Vice-President, the Executive and Finance Committee, the Treasurer and Business Manager, and the votes of eight Trustees shall be necessary for affirmative action in the execution of the trusts herein mentioned, but for the purposes of investing and reinvesting the proceeds of the trust property in the bonds of the United States, or of this state, or in other bonded securities, it shall take the affirmative votes of nine Trustees.*

* Amended by Mrs. Stanford's address of June 1, 1903, p. 25.

After my death the Board may, from time to time, at its pleasure, adopt by-laws not inconsistent with law, or the rules, regulations, or orders made by the founders of the University, or either of them.

By-laws authorized

No private or public house shall be erected upon the grounds of the University as a boarding- or lodging-house for students of the University, or others, except by the Trustees, and under their entire control. No house for private use shall be erected upon the grounds of the University which is of a value less than \$4,000.

Trustee control of housing

No kindergarten or elementary school shall be established or maintained on the grounds, or in any of the buildings or rooms of the University which shall be supported in whole or in part out of the funds of the University.

No elementary school support

No summer school shall be established or maintained at the University, or have the use of the University name, nor shall any member of the Faculty engage, or be employed as a teacher in such school, upon the grounds of the University.

Summer schools

The Board shall designate one day in each week when the students at the University may visit the Museum free of charge. All other persons must pay an admission fee of a quarter of a dollar for each admission, except the President and members of the Faculty and their families, and the Trustees and their families.

Admission to Museum

The Board of Trustees may, in its discretion, receive and accept all such property as any person may desire to give to said Board or said University, for the benefit and use of the University, by grant, devise, or any other mode or means by which the title of property is transferred by or between private persons; and if such property be offered to be given, in the mode or manner aforesaid, to said Board in trust for the benefit of said University, said Board may accept and receive the same, if in the opinion of the Board the particular purpose for which it is offered to be given be not inconsistent with the purposes for which said University was founded, and if, also, the trusts declared by said donor may be executed by said Board in the same manner that the trusts declared in the Grant by which said University was founded may be executed.

Gifts from others than Founders

It is desirable that the members of the Faculty and the students should generally reside upon the grounds of the University; the Trustees are, therefore, empowered to lease to the members and officers of the Faculty and associations of students, parcels of said grounds suitable for the erection of dwelling houses, upon such terms, and for such rent as the Trustees may deem for the best interests of the University; but each of the leases shall contain conditions to the effect that a dwelling house shall be erected upon

Faculty, student housing

the leased premises, that its exterior shall be attractive in appearance, and cost not less than \$4,000.

None of the residences shall be permitted to encroach on the grounds needed for the purposes or uses of the University, or be built on the north of Alvarado Row, or between the Row and the Quadrangle, or between Roble Hall, Dr. Jordan's residence, or the Museum.

Houses for
student clubs

Societies or associations of students shall be permitted to build houses for the use of the members of the societies or associations, respectively, but the respective houses must be of an attractive exterior, and the minimum cost to be fixed at \$6,000, and must not be released to anyone for boarding-houses.

Powers of
President

The selection, appointment, and removal of professors and teachers, and all questions relating thereto, shall be made and determined by the President of the University.

At or about the beginning of each University year, a definite sum shall be designated as a fund for the payment of salaries; and another definite sum shall be designated for the purchase of books and supplies for the University.

Registration
fees

The charge of registration fees for students and postgraduating students has proven by experience to be advantageous, and I direct that this shall ever be continued in the future.

Limitation
in number
of women
students

There is another subject upon which I feel deeply, and I speak of it at present, because this may be my last opportunity of meeting you face to face. Whereas the University was founded in memory of our dear son Leland, and bears his name, I direct, under the power given me in the original Grant, that the number of women attending the University as students shall at no time ever exceed five hundred. [See Board Resolution of May 11, 1933, authorizing increase in number of women students beyond five hundred, and the court decree of March 9, 1973, deleting the restrictive provision on the enrollment of women.]

The term "Trustees" wherever employed herein, may be so construed as to include the successors of said Trustees, and also the Board of Trustees.

RESOLUTION OF THE BOARD OF TRUSTEES, NOVEMBER 1, 1901
(See p. 65)

WHEREAS, Section 10 of Article 9 of the Constitution of the State of California provides that the Legislature of the State of California may, by a special Act, grant to the Trustees of the Leland Stanford Junior University corporate powers and privileges; and

WHEREAS, under such power and authority the Legislature did, by Act approved February 14, 1901, entitled "An act to grant to the Trustees of the Leland Stanford Junior University corporate powers and privileges," found on page 4 of the Statutes of 1901, confer the right on such Trustees to exercise certain corporate powers therein specified;

Now, Therefore, we, the undersigned, being all the Trustees of the Leland Stanford Junior University, do hereby, in pursuance of the said Act, organize ourselves into a Board of Trustees to be and to be known as "The Board of Trustees of the Leland Stanford Junior University."

The officers of such Board shall consist of a president, a vice-president, a secretary, and a treasurer, and the present officers of the present organization of said University, known as "The Board of Trustees of the Leland Stanford Junior University," are hereby elected to the respective offices which they are now filling, until new officers shall be elected in their stead, that is to say: S. F. Leib is elected as the president of said Board of Trustees; Russell J. Wilson is elected as the vice-president thereof; H. C. Nash is elected as the secretary thereof; and Charles G. Lathrop is elected as the treasurer of the said University, and of the Trustees thereof, and of the said Board of Trustees.

Officers of Board of Trustees

The officers shall be elected by the Board of Trustees on the first day of August of each year, and shall hold office for one year or until their successors are chosen and qualify.

Election of officers

A majority of the Trustees shall constitute a quorum to do business at any meeting of the Board, but a majority of all of the Trustees of the University shall vote in favor of any motion or resolution in order to carry the same.

Quorum of Board of Trustees

The said Board of Trustees may transact all business, perform all acts, and exercise all powers that could otherwise be legally transacted, performed, or exercised by such Trustees, and the Board of Trustees shall have the power to authorize its officers to transact such business, as its act and on its behalf, as such Board may designate.

Duties of officers

Such Board shall also have the power to authorize its officers to transact such business as it may designate on behalf of and as the act of the Trustees of such University.

The said Board of Trustees may adopt such by-laws as it may consider necessary and proper.

By-laws authorized

Either the said Board of Trustees or the president of such Board may accept any property or the possession thereof given or conveyed, or to be given or conveyed, to said Trustees by any grant or conveyance for the benefit of the Leland Stanford Junior University, and may

Name in which property may be received

accept such grant or conveyance in accordance with the provisions thereof.

Meetings of such Board can be held at any time upon notice thereof to the Trustees in the State of California being given by mail, telegraph, or telephone by the secretary or president in time for them to attend the same, and at such meeting any business may be transacted; and the recital in general terms by the secretary in the minutes that such notice was given shall be sufficient evidence of the fact, without further or detailed recital concerning the same.

Regular
meetings

The Board may, by resolution or by-law, provide for regular meetings thereof.

And the Board of Trustees hereby organized shall be deemed and shall in fact be a continuation of said Board of Trustees provided for in said Grant founding said University.

MRS. STANFORD'S ADDRESS OF OCTOBER 3, 1902 [EXCERPT]
(See p. 66)

The Trustees being organized as a Board, with the assent of the Surviving Founder, and under and in accordance with the State Constitution and special act of the Legislature, all directions heretofore made by me as to the appointment, powers, and duties of its officers and of an executive and finance committee are withdrawn, and in lieu thereof the Board is directed to adopt by-laws providing for its officers and necessary committees and specifying their powers and duties.

By-laws to
specify
powers and
duties

The directions heretofore made requiring the Board of Trustees to maintain the stables upon the Palo Alto Farm and to maintain the vineyard at Vina, are withdrawn. As long as the vineyard at Vina produces a reasonable income, I recommend its maintenance.

I have erected the Church, Assembly Hall, and Chemical Laboratory referred to in my former directions. I therefore withdraw all directions concerning their location or erection.

Improve-
ment of real
estate

No rule or direction heretofore made shall prevent the application of the endowment funds of the University toward the improvement of any real estate now or hereafter held in trust for the University.

Inaliena-
bility of Palo
Alto Farm

All property, real and personal, held in trust for the maintenance of the Leland Stanford Junior University, except the Palo Alto Farm and my San Francisco residence, may be sold and conveyed and the proceeds thereof invested for the benefit of the University.

Votes
necessary
for sale
or other
transactions

The concurrence of a majority (eight) of the Board of Trustees shall be necessary and sufficient for the sale of property, for the investment of funds, or for the transaction of any other business,

irrespective of whether or not they, or any of them, shall be officers of said Board or members of any committee thereof.

The Board of Trustees of the Leland Stanford Junior University, as such, or in the name of the Institution, or by other intelligible designation of the Trustees or of the Institution may receive property, real or personal, and wherever situated, by gift, grant, devise, or bequest, for the benefit of the Institution, or of any department thereof, and such property, unless otherwise provided, shall be held by the Trustees of the Leland Stanford Junior University upon the trusts provided for in the Grant founding the University, and amendments thereof, and grants, bequests, and devises supplementary thereto, within the meaning of Article IX, Section 10, of the Constitution of the State of California.

Name in which property may be received

Any directions heretofore made by me inconsistent with any of the provisions of Subdivisions 9, 10, and 11 of Article IV of the Founding Grant are withdrawn. The Board of Trustees should adopt such a plan for the nomination and appointment of professors and teachers, and the determination of their salaries, as experience of this and similar institutions may prove to be desirable. During my administration the President of the University shall continue to have the exclusive control over the appointment and dismissal of professors and teachers, as he has had heretofore.

Powers of President

The Board of Trustees should always avail itself of the knowledge and experience of the President of the University, who, by reason of the high and disinterested position which he holds, will be found to be a safe counsellor in all matters of University administration, and in all differences and conflicting claims within and between departments.

No direction heretofore made by me shall prevent the continuance of regular or special University instruction in any and all of the University departments throughout the summer months, provided the same is authorized by the Board of Trustees and under the exclusive control of the University authorities.

Summer schools

Insofar as necessary, or the nature of the case requires, instruction and investigation, together with suitable facilities therefor, may be maintained elsewhere than upon the Palo Alto Farm.

Satellite campuses

No direction or request heretofore made by me shall prohibit the maintenance of such elementary and other schools upon the Palo Alto Farm as may be found necessary to experimental instruction in the Department of Education of the University.

Elementary schools

The Board of Trustees shall determine whether or not any charge for tuition, or registration fee, shall be levied in any department of the University, and the amount of such charge or fee; and it may

Tuition fees

exempt residents of California from the payment of any such charge or fee.

Admission
to Museum

The Board of Trustees shall determine the conditions of admission to the Museum, including the charge therefor, if any; but I believe it to be desirable that an admission fee should always be charged to the public. By experience I have learned it to be a partial protection to the valuable articles within its walls.

My Palo Alto residence may be used as a residence for the President of the University, or for such other purposes as the Board of Trustees may determine, after my wishes are carried out as to removing certain articles from therein, to be placed in the Museum, which are mentioned in my last will and testament, or in an address heretofore made by me to the Trustees. The articles not mentioned are to remain in the home.

Lodging-
houses upon
campus

Boarding- and lodging-houses may be erected and maintained by private parties and corporations upon Palo Alto Farm, only under express authorization of the Board of Trustees, and under its supervision and control. The same and all other buildings upon the Palo Alto Farm shall be subject to the rules of discipline of the University, and subject to the orders and control of the Board of Trustees.

Cemetery at
Mausoleum
closed

No additional interments shall be made or permitted in the cemetery adjacent to the Mausoleum, and the requirement that a cemetery be maintained upon the Palo Alto Farm is hereby withdrawn.

Rules of
discipline

It shall be the duty of the Board of Trustees to make general laws providing for the government of the University, and to provide for just and equitable rules of discipline.

Founders'
purposes
paramount

Inasmuch as it was the paramount purpose of the Founders of the Leland Stanford Junior University to promote the public welfare by founding, endowing, and having maintained a University with the colleges, schools, seminaries of learning, mechanical institutes, museums, galleries of art, and all other things necessary and appropriate to a University of high degree, all other directions or reservations in the Founding Grant and all amendments or attempted amendments thereof by the Founders, or by the Survivor of them, shall be deemed incidental and subordinate to that paramount purpose, and the invalidity of any direction, or attempted amendment, or of anything herein contained, shall not affect the validity of any conveyances heretofore or hereafter made to the University, or to the Trustees thereof, or of the directions herein or heretofore made, as far as such directions are otherwise valid; and if any such directions or attempted amendments are found not to be legal or binding, they

may, notwithstanding, be regarded as advisory or permissive so far as they shall be capable of execution.

In my former directions I have placed a minimum upon the cost of buildings to be erected upon the Palo Alto Farm. Should times and conditions so change in the future that the Board of Trustees, in their best judgment, should find that such minimum cost no longer bears the same proportion to the then condition of affairs that it does now, then they are allowed from time to time to change the amount named by me as such minimum cost; but in that case no building shall be built by a lessee except under plans first approved by such Board of Trustees.

Cost of buildings on campus

Contracts have been made for a new and large gymnasium with a view to improving the physical condition of the students attending the University, and the college authorities should urge them to fully avail themselves of its advantages and to lead a hygienic life. In my judgment it is the duty of the University authorities to send out into the world students with good physical health as well as with good mental attainments, in order that they may successfully fight the battle of life.

Physical health of students

Pursuant to the policy of the Founders as outlined in the Founding Grant of encouraging advanced instruction and original research, it has been determined that a more commodious library should be built, capable of affording suitable facilities and accommodations for the increasing number of postgraduate students, as well as those receiving undergraduate instruction. The inadequacy of the other collections of books in this vicinity renders an unusually large University library necessary, and the present library building can be well used for a law library and other necessary purposes. The site of such library has been selected and the plans of the interior have been approved, and its erection will probably be commenced within the coming year.

Original research encouraged

Library building and library

The University must be forever maintained upon a strictly non-partisan and nonsectarian basis. It must never become an instrument in the hands of any political party or any religious sect or organization. I believe that the moral and religious development of the University will be better accomplished if entirely free from all denominational alliances, however slight the bond may be. The services in the Memorial Church must be simple and informal in character, and the theological questions, services, and observances upon which the sects differ should not be entered upon, so that members of every church may worship and receive instruction therein not inconsistent with their individual beliefs. Provision has been made whereby all those who love Our Lord Jesus Christ may partake of the Sacrament

Sectarian instruction prohibited

Services in the Memorial Church undenominational

of the Lord's Supper at stated intervals in the Memorial Church. Attendance at religious services shall be entirely optional, and no profession of religious faith or belief shall be exacted of any one for any purpose.

The
University
nonpolitical
and non-
partisan

I desire that the University shall forever be kept out of politics, and that no professor shall electioneer among or seek to dominate other professors or the students for the success of any political party or candidate in any political contest. I hope that every voter, whether professor or student, will always thoroughly inform himself upon every principle involved, and as to the merits of every candidate seeking his suffrage, and then vote according to his own best judgment and conscience, irrespective of any importunity of others. And in order to freely do this he should not be subjected to any importunity, since it is possible that cases might arise where a mere suggestion might be understood to be a covert demand.

It has been the history of universities that their professors rarely take the public rostrum in political campaigns. The very infrequency of their having done so would seem to prove that there is some sound reason why they should not. The reason, I think, is not far to find. When a professor speaks to a public audience, the audience is gathered together to some extent, at least, because he is a professor of a university. Whether they should do so or not, his hearers consider that he appears as a representative of the university of which he is a professor, and therefore voices its views and sentiments. It is impossible for some members of his audience, and probably impossible for most of them to entirely disassociate the man from his position. If they go to hear him because he is a professor, they must almost necessarily assume that the views and sentiments which he expresses have a general foothold in his university; whereas such assumption may be very far from the actual fact of the case, and the public may thereby be greatly deceived. So far as he may represent himself only; so far as it is the man and not the professor that speaks to public audiences, he should have the fullest possible liberty of speech, for he but represents himself and is accountable only to himself; but when the circumstances are such that he must know that he is being deemed by his hearers, or any of them, to be speaking for his university and voicing its views, then, unless he knows that he is indeed truly and correctly voicing those views, unless he knows that he is not deceiving his hearers in that regard, or even if he thinks he is correctly stating the views of his university, yet as he has not and could not have any authority to speak for it, he should keep silent.

If the professors of this University believe the above to be the true reason why professors of other universities have nearly altogether abstained from entering upon the public rostrum in the discussion of political and other questions upon which public feeling runs high and upon which the public is itself divided, then I indulge in the hope that they will follow their example.

The University was not made independent of state control because of any purpose of the Founders inconsistent with its character as a state institution, but because they believed that its purposes could be better and more surely accomplished through a Board of Trustees free from possible political or partisan influence, and independent of all external control save that of Courts of Equity. Notwithstanding their creation of the University as an independent institution, it was the wish and purpose of the Founders that it should be kept, as far as practicable, in harmony with the public educational system, and that, in the matter of entrance requirements as well as in every other relation of the University with the general public, the University authorities should take into consideration the welfare of those who do not attend the University as well as those who do, and adopt the policy which, in their judgments, is in accord with the spirit of the foundation, as above* defined. Without necessarily lowering the standard of regular admission to the University, concessions may be made in admission upon partial or special standing, or otherwise, in favor of students coming from high schools which cannot afford to maintain a separate course of study for the benefit of the small minority of high-school students who go to universities, but offer a reasonable number of practical studies for the preparation of their students for an immediate entry into the active walks of life. So long as the public maintains an efficient high-school system, the education given by the University to a student should commence where that given to him by the high school ends; and there should be no gap in his necessary education between where the high school ends and the University begins and which omitted part of his education could only be supplied by private schools—the latter not being generally accessible to the students of limited means. The University authorities are, however, the sole judges of the qualifications of applicants for admission to any department of the Institution.

The University has been endowed with a view of offering instruction free, or nearly free, that it may resist the tendency to the stratification

The
University
an inde-
pendent
institution

The
University
in harmony
with public
school system

Admission
standards

* Should read "below." See monograph, "Founding of The Leland Stanford Junior University," by George E. Crothers, p. 29.

The University open to students of all stations in life

of society, by keeping open an avenue whereby the deserving and exceptional may rise through their own efforts from the lowest to the highest stations in life. A spirit of equality must accordingly be maintained within the University. To this end it shall be the duty of the University authorities to prohibit excessive expenditures and other excesses on the part of students, and the formation or growth of any organization, custom, or social function that tends to the development of exclusive or undemocratic castes within the University, and to exclude from the Institution anyone whose conduct is inconsistent with the spirit of the foundation.

Certain students to be excluded

While its chief object is the instruction of students with a view to producing leaders and educators in every field of science and industry, the University was also designed "to advance learning, the arts, and sciences"; and to this end the institution should assist, by experimentation and research, in the advancement of useful knowledge and in the dissemination and practical application of the same.

Chief object the production of leaders and educators

Advancement, application, and dissemination of useful knowledge

The Founding Grant provides that the Trustees shall establish and maintain at the University an educational system which will, if followed, fit the graduate for some useful pursuit, and to this end, cause the pupils, as early as may be, to declare the particular calling which they may desire to pursue. The purpose of this requirement is not only to assure the practical character of the instruction, and to prevent such instruction as will not tend directly "to qualify students for personal success and direct usefulness in life," but to protect the University from the cost of instructing and from the baneful influence of a class, bound to infest the Institution as the country grows older, who wish to acquire a University degree or fashionable educational veneer for the mere ornamentation of idle and purposeless lives.

Education to fit graduates for service to mankind

The moving spirit of the Founders in the foundation and endowment of the Leland Stanford Junior University was love of humanity and a desire to render the greatest possible service to mankind. The University was accordingly designed for the betterment of mankind morally, spiritually, intellectually, physically, and materially. The public at large, and not alone the comparatively few students who can attend the University, are the chief and ultimate beneficiaries of the foundation. While the instruction offered must be such as will qualify the students for personal success and direct usefulness in life, they should understand that it is offered in the hope and trust that they will become thereby of greater service to the public.

As stated in the letter to the Trustees, accompanying the Founding Grant, "the object is not alone to give the student a technical

education, fitting him for a successful business life, but it is also to instill into his mind an appreciation of the blessings of this Government, a reverence for its institutions, and a love of God and humanity, to the end that he may go forth and by precept and example spread the great truths by the light of which his fellow men will be elevated and taught how to obtain happiness in this world, and in the life eternal."

MRS. STANFORD'S ADDRESS OF JUNE 1, 1903 [EXCERPT]
(See p. 66)

Now, Therefore, I, JANE LATHROP STANFORD, do hereby resign, relinquish, and surrender all the rights, powers, privileges, and duties reserved to, devolving upon, or vesting in me, by reason of the aforesaid conditions and reservations of said Founding Grant or by reason of the same or any similar or other conditions or reservations contained in, or attaching by inference or operation of law to, any other grant or instrument granting or giving property in trust for the founding, maintenance, or benefit of said University, or contained in, or attaching by inference or operation of law to, any other instrument affecting the trusts created for the founding, endowment, maintenance, or benefit of said University.

And, Furthermore, I hereby resign, relinquish, and surrender all the rights, powers, privileges, and duties reserved to, devolving upon, or vesting in me as widow of the said Leland Stanford or as Surviving Founder of the said Leland Stanford Junior University, over, or concerning all of the property of every kind now held or hereafter given or granted in trust for the founding, endowment, maintenance, equipment, or benefit of the said University or of any department thereof, and also over, in, or concerning the Leland Stanford Junior University and every part and department thereof; and I hereby resign, relinquish, and surrender all rights, powers, and privileges given to or vesting in me, over, in, or concerning any of such property and over, in, and concerning said University, under or by virtue of any authorization or Power of Attorney executed by or on behalf of said Board of Trustees, and particularly under or by virtue of a certain resolution passed by said Board on the thirty-first day of May, 1899, and a certain Power of Attorney executed on the same date in the name of said Board of Trustees, in pursuance of said resolution, and I hereby consent to the revocation of all such resolutions and Powers of Attorney.

And I do hereby authorize, direct, and empower the said Leon Sloss, Charles G. Lathrop, Russell J. Wilson, S. F. Leib, Timothy

Resignation
of powers
as Founder

Authorization
of powers to
Trustees

Hopkins, Joseph D. Grant, Horace Davis, T. B. McFarland, Frank Miller, George E. Gray, and George E. Crothers of California, William M. Stewart of Nevada, Thomas W. Stanford of Australia, and Whitelaw Reid of New York, now constituting and comprising the Board of Trustees of the Leland Stanford Junior University, and their successors, to at once assume and forever exercise and perform all the rights, powers, privileges, and duties which would otherwise devolve upon or vest in them upon my death, over, in, or concerning all of the property of every kind now held or hereafter given or granted in trust for the founding, endowment, maintenance, equipment, or benefit of the said University or any department thereof, and all the rights, powers, privileges, and duties which would otherwise devolve upon or vest in them upon my death, over, in, or concerning the said Leland Stanford Junior University and every part and department thereof, and I do hereby give, grant, relinquish, and surrender all such rights, powers, privileges, and duties to the said Trustees and to their successors forever, and all said rights, powers, privileges, and duties shall be exercised and performed by the said Trustees to the same extent that, and in the same manner as it is provided that they shall be exercised and performed after my death; and I do hereby give, grant, assign, and surrender to the said Trustees and to their successors forever, in trust for the benefit of the Leland Stanford Junior University, all the right, title, and interest which I may now have, by operation of law or otherwise, in or to any and all of the property of every kind now held in trust for the founding, endowment, maintenance, equipment, or benefit of the said University or any department thereof.*

THE JEWEL FUND

(Mrs. Stanford's letter of February 13, 1905;
Board Resolution of June 2, 1908)

February 13, 1905

*"The Honorable Board of Trustees of the
Leland Stanford Junior University:*

"As I am about to take a short sea voyage for the benefit of my health and consequently will not be present with you at your next meeting, I write this letter to inform you as to my wishes in regard to special arrangements and directions which I gave you

* See monograph, "Founding of the Leland Stanford Junior University," by George E. Crothers, p. 34.

some time ago in regard to the disposal of my jewels and the use of my home at Palo Alto.

"In my address to the Board, of the third of October, 1902, is the following clause relative to the Palo Alto residence:

"My Palo Alto residence may be used as a residence for the President of the University, or for such other purpose as the Board of Trustees may determine, after my wishes are carried out as to removing certain articles from therein, to be placed in the Museum, which are mentioned in my last will and testament or in an address heretofore made by me to the Trustees. The articles not mentioned to be disposed of as they deem best.

"I now think it best to use this home for educational purposes exclusively, as an annex or department in connection with the University, and take this opportunity to express the wish that it be put to some such purpose or use after my departure from this life. It is too expensive to maintain to be used as a residence for the President of the University.

Use of
Palo Alto
residence

"I also desire to assent to and suggest the removal and sale or other disposition of the articles in the residence not to be placed in the Museum as above mentioned or indicated and not of service to such annex or department.

"On May 31, 1899, I granted, assigned, transferred, and conveyed to the Trustees of the Leland Stanford Junior University, subject to certain terms and conditions set forth in the instrument conveying the same, all my jewels, consisting of diamonds, rubies, emeralds, pearls, and other precious stones, and directed that the proceeds of the sale of said jewels, or so much thereof as might be necessary, be used in payment for the erection and completion of the Memorial Church, then about to be started.

"Excepting such as were sold or otherwise disposed of prior to the first day of June, 1903, said jewels were manually delivered to this Board and are now located in the vaults of the Union Trust Company of San Francisco under the control of your Treasurer.

"I was subsequently enabled to erect the Memorial Church without the necessity of resorting to the sale of these jewels.

"In view of the facts and of my interest in the future development of the University Library, I now request the Trustees to establish and maintain a library fund, and upon the sale of said jewels, after my departure from this life, I desire that the proceeds therefrom be paid into said fund, and be preserved intact, and invested in bonds or real estate as a part of the capital of the endowment, and that the income therefrom be used exclusively for the purchase of books and other publications.

Jewel fund
for library
books

"I desire the fund be known and designated as the 'Jewel Fund.'

"I have created and selected a Library Committee of the Board of Trustees under the supervision of which all such purchases should be made.

"JANE LATHROP STANFORD"

It was resolved that the Board assent to the wishes of Mrs. Stanford, as expressed in the letter just read, and that the Trustees hereby extend to Mrs. Stanford their assurances that her wishes will be carried out.

(Adopted February 22, 1905)

RESOLUTION BY THE BOARD OF TRUSTEES
CREATING JEWEL FUND

The following resolution was adopted and the details were referred to the Finance Committee for arrangement:

WHEREAS, It was a cherished plan of Mrs. Jane Lathrop Stanford that all jewels left by her should be sold after her death, and that the proceeds (estimated by her at more than five hundred thousand dollars) should be invested as a permanent fund, of which the income should be used exclusively for the purchase of books for the Library of the Leland Stanford Junior University;

And, Whereas, The pressing financial needs of the University compelled her temporarily to forego said plan, and to sell many of said jewels in her lifetime in order to raise money to maintain the University;

And, Whereas, By communication delivered to this Board at its meeting, held February 22, 1905, Mrs. Stanford declared:

"In view of the facts and of my interest in the future development of the University Library, I now request the Trustees to establish and maintain a library fund, and upon the sale of said jewels, after my departure from this life, I desire that the proceeds therefrom be paid into such fund and be preserved intact, and invested in bonds or real estate as a part of the capital of the endowment, and that the income therefrom be used exclusively for the purchase of books and other publications. I desire that the fund be known and designated as the Jewel Fund. I have created and selected a Library Committee of the Board of Trustees, under supervision of which all such purchases should be made."

To which communication this Board replied by resolution adopted at said meeting, that it assented to the wishes of Mrs. Stanford as

expressed in said communication, and assured her that they would be carried out;

And, Whereas, Some of the jewels left by Mrs. Stanford have been sold by the Trustees, and those still on hand will be sold as rapidly as may be practicable without serious sacrifice, but the proceeds of all jewels left by her will probably not exceed the sum of one hundred and fifty thousand (150,000) dollars, owing to said use by her of the greater part of them in order to maintain the University;

Now, Therefore, In order to carry out said plan of Mrs. Stanford and to establish and maintain an adequate library fund, and to perform the promise made by this Board to her, it is—

Resolved, That a fund of five hundred thousand (500,000) dollars, to be known and designated as the "Jewel Fund," is hereby created and established, which Fund shall be preserved intact, and shall be separately invested and kept invested in bonds or real estate by the Board of Trustees, and the income of said Fund shall be used exclusively in the purchase of books and other publications for the Library of the Leland Stanford Junior University, under the supervision and direction of the Library Committee of this Board of Trustees.

Resolved, further, That in order to constitute the principal of said Jewel Fund, we hereby transfer to and place therein

a) Two hundred (200) bonds of the Northern Railway Company of California, of the par value of one thousand (1,000) dollars each, which have been received by this Board of Trustees under and by virtue of the decree of final distribution of the estate of Jane Lathrop Stanford, deceased, entered in the Superior Court of Santa Clara County, California, said bonds being charged to said fund at their aggregate par value of two hundred thousand (200,000) dollars.

b) The sum of twenty-six thousand one hundred and twenty-two and 77/100 (26,122.77) dollars in cash, which has been paid to this Board of Trustees by the executors of the last will of Jane Lathrop Stanford, deceased, pursuant to said decree of final distribution.

c) All sums of money which have been received by this Board from the sales of jewels which were given by Mrs. Stanford in her lifetime to this Board, or to Trustees for it, or which have been received by this Board from the executors of her last will.

d) All sums of money which may hereafter be received by this Board from the sales of any of said jewels now on hand.

e) A sum of money out of the General Trust Funds of the Leland Stanford Junior University, which shall be sufficient to make up and constitute said aggregate fund of five hundred thousand (500,000)

dollars, after charging thereon said two hundred bonds taken at a valuation of two hundred thousand dollars, said sum of twenty-six thousand one hundred and twenty-two and $77/100$ dollars in cash, and said various sums now received and to be received from sales of jewels.

Resolved, further, That the Treasurer is hereby authorized and directed to forthwith charge to said Fund upon the books of the University all said bonds and cash in hand, which are specified in articles *a*, *b*, and *c*, of the foregoing resolution, and to charge to said Fund upon said books all sums of money which may be hereafter received by this Board from the sale of any of said jewels when and as said sums shall be received; and thereupon, when all said jewels shall have been sold and the proceeds of sale thereof shall have been received and so charged, to transfer to said Jewel Fund upon said books, out of the general capital funds of the University a sum of money sufficient to increase the aggregate of all said amounts then so charged to said Jewel Fund, to the entire sum of five hundred thousand (500,000) dollars.

(Adopted June 2, 1908)

Legislation

THE ENABLING ACT

An act to advance learning, the arts and sciences, and to promote the public welfare, by providing for the conveyance, holding, and protection of property, and the creation of trusts for the founding, endowment, erection, and maintenance within this State of universities, colleges, schools, seminaries of learning, mechanical institutes, museums, and galleries of art.

(Approved March 9, 1885. Statutes, 1885, p. 49.)

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1.—The provisions of this Act shall be literally construed with a view to effect its objects and promote its purposes; and in the construction thereof the singular number shall be deemed to include the plural, and the plural shall be deemed to include the singular number, and the masculine gender shall be deemed to include the feminine.

Conveyance
of property
to Trustees

SECTION 2.—Any person desiring, in his lifetime, to promote the public welfare by founding, endowing, and having maintained, within this State, a university, college, school, seminary of learning, mechanical institute, museum, or gallery of art, or any or all thereof, may, to that end, and for such purpose, by grant in writing, convey to a Trustee, or to any number of Trustees named in such grant (and to their successors), any property, real or personal, belonging to such person, and situated or being within this State, provided, that if any such person be married and the property be community property, then both husband and wife must join in such grant. (Amended by Statutes, 1891, Chapter 239, p. 454.)

SECTION 3.—The person making such grant may therein designate:

1. The nature, object, and purposes of the institution or institutions to be founded, endowed, and maintained.
2. The name by which it or they shall be known.
3. The powers and duties of the Trustees, and the manner in which they shall account, and to whom, if accounting be required; but such powers and duties shall not be held to be exclusive of other powers and duties which may be necessary to enable such Trustees to fully carry out the objects of such grant.

Rights of
grantor

4. The mode and manner, and by whom, the successors to the Trustee or Trustees named in the grant are to be appointed.

5. Such rules and regulations for the management of the property conveyed as the grantor may elect to prescribe; but such rules shall, unless the grantor otherwise prescribe, be deemed advisory only, and shall not preclude such Trustees from making such changes as new conditions may from time to time require.

6. The place or places where, and the time when, the buildings necessary and proper for the institution or institutions shall be erected, and the character and extent thereof. The person making such grant may therein provide for all other things necessary and proper to carry out the purpose thereof, and especially may such person provide for the trades and professions which shall be taught in such institutions, and the terms upon which deserving scholars of the public and private schools of the various counties of this State may be admitted to all the privileges of such institutions, as a reward for meritorious conduct and good scholarship; and also for maintaining free scholarships for children of persons who have rendered service to or who have died in the service of this State; and also for maintaining free scholarships for children of mechanics, tradesmen, and laborers, who have died without leaving means sufficient to give such children a practical education, fitting them for the useful trades or arts; and also the terms and conditions upon which students in the public and private schools, and other deserving persons, may, without cost to themselves, attend the lectures of any university established; and also the terms and conditions upon which the museums, and art galleries, and conservatories of music connected with any such institution, shall be open to all deserving persons, without charge, and without their becoming students of the institution.

Name in
which
Trustees
may sue
and defend

SECTION 4.—The Trustee or Trustees named in such grant, and their successors, may, in the name of the institution or institutions, as designated in such grant, sue and defend, in relation to the trust property, and in relation to all matters affecting the institution or institutions endowed and established by such grant.

Residual
power of
grantor

SECTION 5.—The person making such grant, by a provision therein, may elect, in relation to the property conveyed and in relation to the erection, maintenance, and management of such institution or institutions, to perform, during his life, all the duties and exercise all the powers which, by the terms of the grant, are enjoined upon and vested in the Trustee or Trustees therein named. If the person making such grant, and making the election aforesaid, be a married person, such person may further provide that if the wife of such

person survive him, then such wife, during her life, may, in relation to the property conveyed, and in relation to the erection, maintenance, and management of such institution or institutions, perform all the duties and exercise all the powers which, by the terms of the grant, are enjoined upon and vested in the Trustee or Trustees therein named, and in all such cases the powers and duties conferred and imposed by such grant upon the Trustee or Trustees therein named, shall be exercised and performed by the person making such grant, or by his wife during his or her life, as the case may be; provided, however, that upon the death of such person, or his surviving wife, as the case may be, such powers and duties shall devolve upon and shall be exercised by the Trustees named in the grant and their successors.

SECTION 6.—The person making such grant may therein reserve the right to alter, amend, or modify the terms and conditions thereof and the trusts therein created, in respect to any of the matters mentioned or referred to in subdivisions one to six, inclusive, of section two [three] hereof; and may also therein reserve the right, during the life of such person or persons, of absolute dominion over the personal property conveyed, and also over the rents, issues, and profits of the real property conveyed, without liability to account therefor in any manner whatever and without any liability over against the estate of such person; and if any such person be married, such person may, in said grant, further provide that if his wife survive him, then such wife, during her life, may have the same absolute dominion over such personal property, and such rents, issues, and profits, without liability to account therefor in any manner whatever, and without liability over against the estate of either of the spouses.

Amendment
of trust

SECTION 7.—The person making such grant may therein provide that the Trustees named in the grant, and their successors, may, in the name of the institution or institutions, become the custodian of the person of minors, and when any such provision is made in a grant, the Trustees and their successors may take such custody and control in the manner and for the time, and in accordance with the provisions of sections two hundred and sixty-four to two hundred and seventy-six, inclusive, of the Civil Code of the State of California.

Custody
of minors

SECTION 8.—Any such grant may be executed, acknowledged, and recorded in the same manner as is now provided by law for the execution, acknowledgment, and recording of grants of real property.

SECTION 9.—No suit, action, or proceeding shall be commenced or maintained by any person to set aside, annul, or affect said con-

Time limit
on suits

veyance, or to affect the title to the property conveyed, or the right to the possession, or to the rents, issues, and profits thereof, unless the same be commenced within two years after the date of filing such grant for record; nor shall any defense be made to any suit, action, or proceedings commenced by the Trustee or Trustees named in said grant, or their successors, privies, or persons holding under them, which defense involves the legality of said grant, or affects the title to the property thereby conveyed, or the right to the possession, or the rents, issues, and profits thereof, unless such defense is made in a suit, action, or proceeding commenced within two years after such grant shall have been filed for record.

Time limit
on forced
sale

SECTION 10.—The property conveyed by such grant shall not, after the lapse of two years from the date of the filing for record of the grant, be subject to forced sale under execution, or judicial proceedings of any kind, against the grantor or his privies, unless the action under which the execution shall be issued, or the proceedings under which the sale shall be ordered, shall have been commenced within two years after such grant shall have been filed for record. Nor shall such property be subject to execution or forced sale under any judgment obtained in any proceedings instituted within said two years, if there be other property of the grantor subject to execution or forced sale sufficient to satisfy such judgment, provided, nothing in this section contained shall be construed to affect mechanics' or laborers' liens.

State as
alternate
grantee

SECTION 11.—Any person or persons making any such grant may, at any time thereafter, by last will or testament, devise and bequeath to the State of California all or any of the property, real and personal, mentioned in such grant, or in any supplemental grant, and such devise or bequest shall only take effect in case, from any cause whatever, the grant shall be annulled, or set aside, or the trusts therein declared shall for any reason fail. Such devise and bequest is hereby permitted to be made by way of assurance that the wishes of the grantor or grantors shall be carried out, and in the faith that the State, in case it succeeds to the property, or any part thereof, will, to the extent and value of such property, carry out, in respect to the objects and purposes of any such grant, all the wishes and intentions of the grantor or grantors; provided, that no wish, direction, act, or condition expressed, made, or given by any grantor or grantors, under or by virtue of this act, as to religious instruction to be given in such school, college, seminary, mechanical institute, museum, or gallery of art, or in respect to the exercise of religious belief, on the part of any pupil or pupils of such school or institution of learning,

shall be binding upon the State; nor shall the State enforce, or permit to be enforced or carried out, any such wish, direction, act, or condition.

SECTION 12.—This act shall be in force from and after its passage.

ACT OF MARCH 5, 1887

An Act to encourage and provide for the dissemination of a knowledge of the arts, sciences, and general literature, and the founding, maintaining, and perpetuating public libraries, museums, and galleries of art, and the receipt of donations and contributions thereto when established; for the conveyance, holding, and protection of real property within this State suitable for the purposes herein designated, and the erection thereon of buildings appropriate to such purposes, and for the creation of trusts necessary or proper for the better preservation of such institutions, and the control and management thereof.*

(Approved March 5, 1887)

(Chapter XXXII)

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1.—Any person intending in his lifetime, or by will or trust deed, to operate, after his death, to found, maintain, and perpetuate in this State a public library, museum, gallery of art, or any or all thereof, for the diffusion of mechanical, scientific, artistic, and general knowledge, may to that end and for such purpose, and for any purpose within the purview of the title of this Act, convey in writing by words denoting a gift or grant to one or more Trustees named in such gift or grant, and to their successors, any library or collection of books and works for such public library, or any museum, or gallery of art in this State, and such gift or grant may also express, and shall be construed to be a conveyance of the future additions and accretions thereof; and he may also in like manner, to that end, and for such purpose, convey by grant to such Trustee or Trustees, any real property within this State belonging to him which may be necessary or proper for the erection and maintenance of buildings

Conveyance
of property
to Trustees

* This act, together with the Enabling Act of March 9, 1885, is referred to in the Court Decree of July 3, 1903. See p. 51.

suitable to such institution, and the buildings erected thereon, with grounds conveniently adjacent thereto, and other lands, tenements, and hereditaments for the purpose of producing an income for the support and maintenance of such institutions, or any of them, and any collateral burdens which may be imposed by the terms of such foundation as part and parcel of the regulations for its conduct, and also personal property of all descriptions, which may subserve the purposes of the institution and maintenance of any such library, museum, or gallery of art.

Gifts from
other persons

SECTION 2.—Any contributions or gifts by any other person than the founder, of any property suitable to the general plan or support of any institution mentioned in the title of this Act, shall immediately vest in the Trustees, and become incorporated into and subject to the trust, and to all its terms and conditions, and be managed under the rules and regulations prescribed therefor.

Rights of
grantor

SECTION 3.—The person making such gift, grant, or conveyance, as founder, may therein designate:

1. The name by which the institution so founded and maintained shall be known.

2. Its nature, object, and purposes.

3. The powers and duties of the Trustees, which shall not be exclusive of other powers and duties that, in their judgment, may be necessary more effectually to carry out the purposes of such institution.

4. The mode and manner and by whom the successors to the Trustees named in the gift or grant shall be appointed.

5. Such rules and regulations for the management of such institution, and the furtherance of its purposes, as the grantor may elect to prescribe; but such rules and regulations shall, unless the grant shall otherwise prescribe, be deemed advisory only, and shall not preclude such Trustees or their successors from making such changes as new conditions may, from time to time, require.

6. The place or places where the necessary buildings shall be erected, and the general character thereof. The person making such grant may therein provide for all other things necessary and proper to carry out the purposes thereof, or otherwise, by his last will or testament.

Name in
which
Trustees may
sue and
defend

SECTION 4.—The Trustees named in such gift or grant, and their successors, may, in the name of such institution designated in the gift or grant, sue and defend in relation to the trust property, and to all matters affecting the institution so founded and established.

SECTION 5.—By a provision in such gift or grant, the founder may elect, in respect to the personal and real property conveyed, and the additions and increase thereof, and in respect to the erection, maintenance, and management of any buildings auxiliary thereto, and in respect to any property connected with such institution, to reserve to himself a veto and right of annulment or modification of any act of such Trustees, in case he shall, within thirty days after notice of the performance of such act, file in the office of said Trustees, or deliver to their President or principal officer, a notice, in writing, of such veto, annulment, or modification, and upon a like notice, in conformity with a provision in such gift or grant, he may elect to perform during his life all the powers which, by the terms thereof, are vested in or enjoined upon the Trustees therein named, and their successors; provided, that upon the death or disability to act of the founder and grantor, such powers and duties shall be devolved upon, and be exercised by, the Trustees named in the gift or grant, and the successors. Such person may also reserve the right to alter, amend, or modify, at any time during his life, or by his last will and testament, the terms and conditions thereof, and the trusts therein created in respect to such institution, its buildings, and the property conveyed therefor.

Residual
power of
grantor

Amendment
of trust

SECTION 6.—The founder shall have power in said deed of trust to name and describe the character and personality of any one or more of the immediate or future Trustees, the Librarian, and other officers, and to name and impose any particular duty to be performed by any one or more Trustees or other officers, so described and characterized, and to declare and limit any compensation, and fix the character and method of such compensation he may choose to provide for any such Trustee or other officer whom the terms of his foundation may characterize, and upon whom specific or general duties shall be imposed.

Duties of
Trustees

SECTION 7.—Any such gift or grant may be executed, acknowledged, and recorded in the manner now or hereafter provided by law for the execution, acknowledgment, and recording of grants of real property.

SECTION 8.—No suit, action, or proceeding shall be commenced or maintained by any person to set aside, annul, or affect said gift, grant, or conveyance, or to affect the title to the property conveyed, or the right to the possession or to the rents, issues, and profits thereof, unless the same be commenced within two years after the date of the filing of such grant for record.

Time limit
on suits

State as
alternate
grantee

SECTION 9.—Any person, being the founder, making a gift or grant for any of the purposes mentioned in this Act may, at any time thereafter, by last will or testament, devise or bequeath to the State of California all or any of the property, real and personal, mentioned in such gift or grant, or in any such supplemental thereto, and such devise or bequest shall take effect in case, from any cause whatever, the gift or grant shall be annulled or set aside, or the trusts therein declared shall for any reason fail. Such devise or bequest is hereby suffered to be made by way of assurance that the intentions of the grantor shall be carried out, and in the faith that the State, in case it shall succeed to the property, or any part thereof, will, to the extent and value of such property, carry out, in respect to the objects and purposes of any such grant, all the wishes and intentions of the grantor.

SECTION 10.—The provisions of this Act shall be liberally construed, with a view to effect its objects and purposes, and the singular number in the construction thereof shall be deemed to include the plural, and the plural number shall be deemed to include the singular.

Relation to
Enabling Act

SECTION 11.—Nothing in this Act shall repeal, modify, change, or have any effect upon any of the provisions of an Act of the Legislature of the State of California entitled "An Act to advance learning, the arts and sciences, and to promote the public welfare by providing for the conveyance, holding, and protection of property, and the creation of trusts for the funding, endowment, erection, and maintenance within this State, of universities, colleges, schools, seminaries of learning, mechanical institutes, museums, and galleries of art," approved March ninth, eighteen hundred and eighty-five.

SECTION 12.—This Act shall take effect immediately.

CONSTITUTIONAL AMENDMENTS

NOTE: *Passage of the following amendment (shown as I) at the state-wide election of November 6, 1900, by a vote of 137,667 to 67,737, followed a remarkably successful campaign of several months by trustees, the University administration, and alumni. First, attention was given to securing the legislature's approval. Then it was necessary to win popular approval of the electorate throughout the State.*

There were two subsequent amendments to the Constitution of the State of California concerning Stanford University, and they are shown below as II and III.

I

ARTICLE IX

(Adopted November 6, 1900 and repealed November 5, 1974; continues in effect by virtue of Article XX, § 2 [see below]).

SECTION 10.—The trusts and estates created for the founding, endowment, and maintenance of the Leland Stanford Junior University, under and in accordance with “An act to advance learning, etc.,” approved March ninth, eighteen hundred and eighty-five, by the endowment grant executed by Leland Stanford and Jane Lathrop Stanford on the eleventh day of November, A. D., eighteen hundred and eighty-five, and recorded in liber eighty-three of deeds, at page twenty-three, *et seq.*, records of Santa Clara County, and by the amendments of such grant, and by gifts, grants, bequests, and devises supplementary thereto, and by confirmatory grants, are permitted, approved, and confirmed. The Board of Trustees of the Leland Stanford Junior University, as such, or in the name of the institution, or by other intelligible designation of the Trustees or of the institution, may receive property, real or personal, and wherever situated, by gift, grant, devise, or bequest, for the benefit of the institution, or of any department thereof, and such property, unless otherwise provided, shall be held by the Trustees of the Leland Stanford Junior University upon the trusts provided for in the grant founding the university, and amendments thereof, and grants, bequests, and devises supplementary thereto. The Legislature, by special act, may grant to the Trustees of the Leland Stanford Junior University corporate powers and privileges, but it shall not thereby alter their tenure, or limit their powers or obligations as trustees. All property now or hereafter held in trust for the founding, maintenance, or benefit of the Leland Stanford Junior University, or of any department thereof, may be exempted by special act from the State taxation, and all personal property so held, the Palo Alto Farm as described in the endowment grant to the Trustees of the university, and all other real property so held and used by the university for educational purposes exclusively, may be similarly exempted from county and municipal taxation; provided, that residents of California shall be charged no fees for tuition unless such fees be authorized by act of the Legislature.

Constitutional amendment authorizing corporate powers and privileges

Name in which property may be received

Exemption of certain property from taxation

Tuition fees

II

ARTICLE XX

(Formerly Article XX, § 6, added November 5, 1974; renumbered Article XX, § 2, June 8, 1976. Based on former Article IX, § 10, as adopted November 6, 1900, repealed November 5, 1974.)

SECTION 2.—Except for tax exemptions provided in Article XIII, the rights, powers, privileges, and confirmations conferred by Section 10 . . . of Article IX in effect on January 1, 1973, relating to Stanford University . . . are continued in effect. [See above entry.]

III

ARTICLE XIII

(Amendments adopted November 5, 1974. Formerly Article XIII, § 1a, as adopted November 3, 1914, amended November 4, 1952, November 2, 1954, November 6, 1962, repealed November 5, 1974)

Exemption
from
property
taxation

SECTION 3.—The following are exempt from property taxation: . . .
(e) Buildings, land, equipment, and securities used exclusively for educational purposes by a nonprofit institution of higher education.

SECTION 5.—Exemptions granted or authorized by Section 3(e) . . . apply to buildings under construction, land required for their convenient use, and equipment in them if the intended use would qualify the property for exemption.

ACT CONFERRING CORPORATE POWERS

California Education Code, Title 3, Division 10, Chapter 1: Leland Stanford Junior University, Article 1.

(Based on Stats. 1901, ch. 8, p. 4, § 1; amended Stats. 1943, ch. 71, p. 729 [Educ.C. §§ 21301-21303], amended Stats. 1959, ch. 2, pp. 1499-1500 [Educ.C. §§ 30001-30003]; amended Stats. 1976, ch. 1010, p. 560, § 2 [Educ.C. §§ 94000-94002])

Education Code § 94000. Rights of Board of Trustees. The trustees of the Leland Stanford Junior University may exercise corporate powers and privileges. To that end they may:

- (a) Organize and act as a board of trustees.

(b) Elect such officers of the board as they deem necessary.

(c) Adopt by-laws.

As a board, and through the officers thereof, they may transact such business, perform such acts and exercise such powers as they in writing provide may be transacted, performed, and exercised by the board.

Education Code § 94001. Adoption and Effect of Seal. The board may adopt a seal which shall read, "Seal of the Leland Stanford Junior University." The seal, when attached to any document or writing, is prima facie evidence that the document or writing was made by and under due authority from the board and from the trustees.

Education Code § 94002. Construction of Article. Nothing in this article [commencing at Section 94000] shall be deemed to alter the tenure or limit the powers or obligations of the trustees.

NOTE: *The constitutional amendment of November 6, 1900, was in broad general terms. Further consideration of the legal status of the Founding Grant, the Enabling Act, and subsequent legislation prompted the conclusion that a further legislative act was necessary to provide for special proceedings to establish "the validity and legal effect of grants or other instruments" concerning the founding of the University.* The following act, adopted February 10, 1903, accomplished that purpose.*

ACT PROVIDING FOR DETERMINATION OF
VALIDITY AND LEGAL EFFECT
OF GRANTS, ETC.

An act to provide for proceedings for the ascertainment of the existence and terms of, and for the determination of the validity and legal effect of grants or other instruments creating, changing, or affecting trusts and estates for the founding, endowment, and maintenance of a university, college, school, seminary of learning, mechanical institute, museum, gallery of art, or library, or any other institution, or any or all thereof, under or pursuant to an act entitled "An act to advance learning, the arts and sciences, and to promote the public welfare, by providing for the conveyance,

Act providing for special proceeding

* See "Founding of The Leland Stanford Junior University," by George E. Crothers, p. 32.

holding, and protection of property, and the creation of trusts for the founding, endowment, erection, and maintenance within this State of universities, colleges, schools, seminaries of learning, mechanical institutes, museums, and galleries of art," approved March 9, 1885,* or under or pursuant to an act entitled "An act to encourage and provide for the dissemination of a knowledge of the arts, sciences, and general literature, and the founding, maintaining, and perpetuating public libraries, museums, and galleries of art, and the receipt of donations and contributions thereto when established; for the conveyance, holding, and protection of real property within this State suitable for the purposes herein designated, and the erection thereon of buildings appropriate to such purposes, and for the creation of trusts necessary or proper for the better preservation of such institutions, and the control and management thereof," approved March 5, 1887.

(Approved February 10, 1903. Statutes, 1903, p. 9)

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1.—The trustee or trustees of any trust or trusts heretofore or hereafter created for the founding, endowment, and maintenance of a university, college, school, seminary of learning, mechanical institute, museum, gallery of art, library, or any other institution, or any or all thereof, under or pursuant to an act entitled "An act to advance learning, the arts and sciences, and to promote the public welfare, by providing for the conveyance, holding, and protection of property, and the creation of trusts for the founding, endowment, erection, and maintenance within this State of universities, colleges, schools, seminaries of learning, mechanical institutes, museums, and galleries of art," approved March 9, 1885, or under or pursuant to an act entitled "An act to encourage and provide for the dissemination of a knowledge of the arts, sciences, and general literature, and the founding, maintaining, and perpetuating public libraries, museums, and galleries of art, and the receipt of donations and contributions thereto when established; for the conveyance, holding, and protection of real property within this state suitable for the purposes herein designated, and the erection thereon of buildings appropriate to such purposes, and for the creation of trusts necessary or proper for the better preservation of such

* "The Enabling Act."

institutions, and the control and management thereof," approved March 5, 1887, may commence a special proceeding in and by which may be determined all questions of law and fact affecting the existence of, and the due and voluntary execution and delivery, and the terms, validity, and legal effect of the grant or grants founding the same, and of all amendments or attempted amendments thereof, and of any supplemental grants or gifts, and of any confirmatory conveyances, of the founder or founders, or surviving founder, or wife or widow of any such founder; and in and by which may be determined all questions of law and fact affecting the due and voluntary execution and delivery, and the validity and legal effect, of any gift or grant made in general terms for the benefit of the institution or institutions, or of any department thereof, or of any gift or grant made in general terms for the benefit of the institution or institutions, or of any department thereof, upon the trusts provided for in the grant founding the institution or institutions, and amendments thereof, and grants, bequests, and devises supplementary thereto, and in and by which may be determined all questions bearing upon the passing to the trustee or trustees of the legal title to the properties, real and personal, conveyed or attempted to be conveyed, so far as such property or the proceeds thereof, or any property acquired in exchange therefor or with proceeds thereof, may be described in the petition herein provided for, and the interest or title of the trustee or trustees in or to any such property described in such petition; and in and by which may be determined all questions of law and fact affecting the due and voluntary execution and delivery, and the validity and legal effect, of any grant or surrender by any such founder or founders, surviving founder, or wife or widow of any founder, to, or in favor of, such trustee or trustees, of any rights, powers, privileges, or duties reserved to or vesting in any such person or persons over or concerning any property described in the petition herein provided for, or over or concerning any such institution or institutions so founded, which would otherwise vest in or devolve upon such trustee or trustees upon the death of the person or persons so granting or surrendering the same, and of any relinquishment or release by the founder or founders, surviving founder, or wife or widow of any founder, of any other such rights, powers, privileges, or duties so reserved to or vesting in any such person or persons. To this end the trustee or trustees of any trust hereinbefore referred to, in the name of the institution or institutions so founded, or in the name of the board of trustees of such institution or institutions, may file, in the superior court of the county in which the lands described in the founding grant or grants, or some portion thereof,

are situated, or, if no real estate has been granted as herein provided to such trustees, then in the county where the main part of any such institution or institutions is situated, a petition in writing, signed by counsel for such trustee or trustees, or by counsel for a majority thereof, which petition shall contain copies of all such grants, amendments, attempted amendments, supplemental grants, instruments of gift, confirmatory conveyances, and grants and instruments of surrender, relinquishment, or release, hereinbefore mentioned or referred to, so far as known to such trustee or trustees; and the petition shall allege in general terms the due and voluntary execution and delivery, and the validity, of any and all of such instruments, copies of which are set out in the petition, and shall describe all property, real and personal, the legal title to which is held or claimed to be held by said trustee or trustees under or by virtue of any or all of such instruments, whether or not the same be the original property conveyed, the proceeds thereof, or reinvested proceeds; and the petition shall allege in general terms the estate or interest which the trustee or trustees have or claim in or to the property described; and the petition shall pray, in effect, that the court examine and determine all questions of law and fact affecting the due and voluntary execution and delivery, and the terms, validity, and legal effect of all such instruments, copies of which are so set out in the petition; and that the court examine and determine all questions bearing upon the passing to the trustee or trustees, of the legal title to all the properties, real and personal, so conveyed or attempted to be conveyed, so far as the same or the proceeds thereof, or any property acquired in exchange therefor or with the proceeds thereof, may be described in said petition; and that the court examine and determine the interest or title of the trustee or trustees in or to any such property; and that it be established and determined that the trustee or trustees are rightfully vested with the legal title thereto.

SECTION 2.—The court or judge shall fix the time for the hearing of said petition, and shall order the clerk of the court to post in at least three public places in the county a notice of the filing of said petition, attached to a copy of said petition, and order a copy of such notice together with a copy of the petition to be personally served upon the founder or founders, if living, and upon the surviving wife or widow of any founder, and upon any living grantor or donor of any other grant or gift set out in the petition, and may order such other or further notice to be given as the judge or court may deem proper. Such notice shall be posted and served at least ten days before the hearing. If the court or judge finds upon the hearing that

due and proper notice has not been given as herein provided, it shall reset the hearing and cause such due and proper notice to be given. The notice and petition shall be entitled substantially in the following form:

In the Superior Court of the County of , State of California.

In the matter of the petition of [giving the name or names in which the petition is brought] for the ascertainment of the existence and terms of, and for the determination of the validity and legal effects of grants or other instruments creating, changing, or affecting trusts and estates for the founding, endowment, and maintenance of [naming the institution or institutions founded].

The notice shall state the time and place fixed for the hearing of the petition and shall be addressed to the founder or founders, living, and to the surviving wife or widow of any founder, and the living grantor or donor of any other grant or gift set out in the petition, and in general terms to all other persons having or claiming any interest in, or rights, powers, or duties over or concerning the property described in the petition; and shall direct that they and each of such persons appear and answer said petition on or before the time set for said hearing; and shall state that unless said persons so appear and demur or answer, the petitioners will apply to the court to grant the prayer of the petition, and that each person failing to so appear and answer shall be deemed to admit as true all the material allegations of the petition.

Any of the persons so required to be served, or any other person so interested may waive notice by written waiver filed with the clerk of the court.

SECTION 3.—Any person interested in the determination of any of the questions presented by the petition may demur to or answer said petition and may set up any new matter affecting the determination of any such questions. Any allegation of the petition or answer may be made upon information and belief. The provisions of the Code of Civil Procedure respecting the demurrer and the answer to a verified complaint shall be applicable to a demurrer or answer to said petition. The persons so demurring to or answering said petition shall be the defendants to said special proceeding and the petitioners shall be the plaintiffs. Every material statement of the petition not specifically controverted by the answer must, for the purposes of said special proceeding, be taken as true; and each

person failing to answer the petition shall be deemed to admit as true all the material allegations of the petition. The rules of pleading and practice provided for by the Code of Civil Procedure, which are not inconsistent with the provisions of this act, are applicable to the special proceeding herein provided for.

SECTION 4.—Upon the hearing of such special proceeding, the court shall have power and jurisdiction to examine into and determine all questions of law and fact within the scope of the proceeding herein provided for, whether presented by the petition or answer, or by the proofs upon the hearing.

The court shall find and determine whether the notice of the filing of said petition has been duly given for the time and in the manner in this act prescribed.

The costs of the special proceeding may be allowed and apportioned between all parties, in the discretion of the court.

SECTION 5.—A certified copy of the judgment of the court in such special proceeding shall be recorded in the office of the recorder of the county in which the action is brought and in the office of the recorder of every county in which any of the real property affected is situated.

SECTION 6.—The judgment of the court in such special proceeding shall be determinative of the terms and trusts upon which any property thereafter given for the benefit of such institution or institutions, or any department thereof, shall be held by such trustee or trustees, unless otherwise provided by the grantor or donor of such property.

SECTION 7.—This act shall take effect and be in force from and after its passage.

ACT PROVIDING FOR RESIGNATION OF SURVIVING FOUNDER AND SUCCESSION OF TRUSTEES

An act supplemental to an act entitled "An act to advance learning, the arts and sciences, and to promote the public welfare, by providing for the conveyance, holding, and protection of property, and the creation of trusts for the founding, endowment, erection, and maintenance within this State of universities, colleges, schools, seminaries of learning, mechanical institutes, museums, and galleries of art," approved March 9, 1885, concerning the resignation, relinquishment, or surrender of rights, powers, privileges, and

duties reserved to or vesting in the founder or founders, surviving founder, or wife or widow of any founder, of any institution created or founded under or pursuant to said act, and concerning the assumption and exercise of powers and duties by the trustee or trustees of such institutions.

(Approved March 13, 1903. Statutes, 1903, p. 140)

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1.—The founder or founders, surviving founder, or wife or widow of any founder, of a university, college, school, seminary of learning, mechanical institute, museum, gallery of art, library, or any other institution, or any or all thereof, founded under or pursuant to an act entitled "An act to advance learning, the arts and sciences, and to promote the public welfare, by providing for the conveyance, holding, and protection of property, and the creation of trusts for the founding, endowment, erection, and maintenance within this State of universities, colleges, schools, seminaries of learning, mechanical institutes, museums, and galleries of art," approved March 9, 1885, may, by an instrument in writing, resign, relinquish, and surrender all the rights, powers, privileges, and duties reserved to or vesting in such founder or founders, surviving founder, or wife or widow of such founder, over, in, or concerning any of the property granted or given to such institution or institutions, or over or concerning any such institution or institutions so founded, and thereupon all estates, rights, powers, privileges, trusts, and duties which would otherwise vest in or devolve upon the trustee or trustees of the trusts and estates created for the founding, endowment, and maintenance of any such institution or institutions upon the death of the person or persons so resigning, relinquishing, and surrendering, by terms of the grant founding the institution or institutions, and amendments thereof, and by the terms of any grants, gifts, bequests, and devises supplementary thereto, or of any confirmatory grants, shall immediately vest in and devolve upon such trustee or trustees. Nothing herein contained shall prevent such person or persons so resigning, relinquishing, and surrendering such rights, powers, privileges, or duties from thereafter becoming and serving as one of such trustees, or from becoming and serving as an officer of any board of such trustees.

SECTION 2. This act shall take effect and be in force from and after its passage.

ACT CONCERNING PROPERTY TAXATION

California Education Code, Title 3, Division 10, Chapter 1: Leland Stanford Junior University, Article 3

(Based on Stats. 1901, ch. 9, p. 4, § 1; amended Stats. 1907, ch. 94, p. 117, § 1; amended Stats. 1943, ch. 71, p. 729 [Educ.C. § 21341]; amended Stats. 1959, ch. 2, p. 1500, revised by Stats. 1959, ch. 1997, p. 4641, § 1 [Educ. C. § 30031]; amended Stats. 1976, ch. 1010, p. 560, § 2 [Educ.C. § 94020])

Education Code § 94020. Exemption from Property Taxation. The exemption from taxation of the Leland Stanford Junior University is as provided in Section 3 of Article XIII of the California Constitution [see above]; provided, however, that it shall hold exempt from taxation all real property used by it exclusively for education purposes.

ACT CONCERNING TUITION FEES

California Education Code, Title 3, Division 10, Chapter 1: Leland Stanford Junior University, Article 2

(Based on Stats. 1921, ch. 361, p. 541, § 1; amended Stats. 1943, ch. 71, p. 729 [Educ.C. § 21321]; amended Stats. 1959, ch. 2, p. 1500 [Educ.C. § 30021]; amended Stats. 1976, ch. 1010, p. 560, § 2 [Educ.C. section 94010])

Education Code § 94010. Authority to Charge Tuition. The trustees of the Leland Stanford Junior University may charge residents and nonresidents of this State such fees for tuition as are necessary for the administration of the affairs of the University.

ACT CONCERNING TAX EXEMPTION FOR PROPERTY USED FOR MEDICAL FACILITY

California Education Code, Title 3, Division 10, Chapter 1: Leland Stanford Junior University, Article 3

(Added by Stats. 1968, ch. 1291, p. 2431, § 1 [Educ. C. § 30032]; amended Stats. 1976, ch. 1010, § 2 [Educ. C. section 94021])

Education Code § 94021. Tax Exemption for Property Used for Medical Facility. Property held in trust for the founding, maintenance

or benefit of the Leland Stanford Junior University shall be deemed to be held and used by the university exclusively for educational purposes as required by Article XX, Section 2 [formerly 6] of the California Constitution if it constitutes part of a medical facility wherein medical students, interns, residents and fellows receive medical training or participate in medical research.

It is the intent and purpose of this section to clarify the provisions of Article XX, Section 2 [formerly 6], of the California Constitution and to clarify the provisions of Section 94020.

ASSEMBLY CONCURRENT RESOLUTION NO. 5

MEASURE TO COMMEMORATE THE 100TH ANNIVERSARY OF THE ESTABLISHMENT OF LELAND STANFORD JUNIOR UNIVERSITY

(As amended in Assembly January 10, 1985)

WHEREAS, It was one day 100 years ago—March 9, 1885—that the California State Legislature passed into law an act which enabled Leland and Jane Stanford to found, by means of an ordinary trust, a university in memory of their son; and

WHEREAS, The act also created the legal means to found and protect other privately-supported educational institutions in California, and was entitled:

“An act to advance learning, the arts and sciences, and to promote the public welfare, by providing for the conveyance, holding, and protection of property, and the creation of trusts for the founding, endowment, erection, and maintenance within this State of universities, colleges, schools, seminaries of learning, mechanical institutes, museums, and galleries of art”; and

WHEREAS, The University was founded on November 11, 1885, in the name of Leland Stanford Jr. by his grieving parents on their 9,000-acre Palo Alto stock farm, and it stands today among the great educational institutions in the world, with study centers in Austria, Brazil, Britain, Egypt, France, Germany, Israel, Italy, Nigeria, Peru, Spain, and Togo; and

WHEREAS, National surveys consistently rank Stanford among the finest universities in the world, both in its undergraduate programs and its graduate programs in the humanities, social sciences, business, education, engineering, law, and medicine; and

WHEREAS, The Stanford faculty currently includes 10 Nobel laureates, 75 members of the National Academy of Sciences, 118 members of the American Academy of Arts and Sciences, 38 members of the National Academy of Engineering, ten members of the national

Academy of Education, ten winners of the National Medal of Science, and three Pulitzer Prize winners; and

WHEREAS, Forty Stanford students have been elected Rhodes Scholars since World War II and 23 have won Marshall Scholarships; and

WHEREAS, The University's enrollment this year is 6,593 undergraduates and 6,668 graduate students, who come from all 50 states and 90 foreign countries; and

WHEREAS, Forty-two percent of the student body enroll from this State, and 54 percent of Stanford's 130,000 living alumni now make California their home; and

WHEREAS, Graduates and faculty of the University have devoted themselves to public service, and they have served as President of the United States, ambassadors, cabinet officials, Congressmen and Senators, in the federal and state Judiciary, and in state and local governments through the nation; and

WHEREAS, Women have been enrolled in the University from its beginning, and they have excelled in all of its disciplines and have served with distinction in each profession; Stanford's alumnae include the first woman to serve on the Supreme Court of the United States and the first American woman astronaut in space; and

WHEREAS, Today's Stanford University has exceeded what Leland and Jane Stanford envisioned for it and for their beloved California, when they pledged their worldly wealth to its founding and future care 100 years ago; and

WHEREAS, Assembly Member Sher is a longtime member of the Stanford faculty and, along with Senator Morgan, currently represents the Stanford area in the Legislature; and Senator Keene and the coauthors are all alumni of Stanford; and these Members of the Legislature take this opportunity to urge their colleagues to recognize this festive occasion; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature of the State of California commemorates the Act, adopted 100 years ago by our forebears, which enabled Governor and Mrs. Leland Stanford to found a privately-supported university as a memorial to their only son; and be it further

Resolved, That the Legislature herewith marks the beginning of the Centennial of the Founding of the Leland Stanford Junior University on March 9, 1885, and be it further

Resolved, That the Chief Clerk of the Assembly transmit a suitably prepared copy of this resolution to the Trustees of the Leland Stanford Junior University.

Court Decrees

NOTE: In accordance with provisions of the legislative act of February 10, 1903, the University petitioned the Superior Court of Santa Clara County on June 27, 1903, for determination of the validity and legal effect of grants and other instruments affecting endowment and maintenance of the University. The following decree of the Court was issued July 3, 1903:

IN THE SUPERIOR COURT OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA

In the Matter of the Petition of the

LELAND STANFORD JUNIOR UNIVERSITY,

and of

Timothy Hopkins, Horace Davis, Thomas B. McFarland, George E. Gray, William M. Stewart, Joseph D. Grant, Samuel F. Leib, Leon Sloss, Thomas W. Stanford, Frank Miller, Charles G. Lathrop, Russell J. Wilson, Whitelaw Reid, and George E. Crothers, as Trustees of the Leland Stanford Junior University, for the ascertainment of the existence and terms of, and for the determination of the validity and legal effect of grants or other instruments creating, changing, or affecting trusts and estates for the founding, endowment, and maintenance of the Leland Stanford Junior University.

No.
14912
Dept.
No. 2

DECREE

The above-entitled matter came on regularly for hearing by this Court without a jury, on Saturday, the twenty-seventh day of June, 1903, at the hour of 10:00 o'clock A. M., at the Courtroom of this Court, Department Number 2 thereof, at the County Courthouse in the City of San Jose, in the County of Santa Clara, State of California, said time and said place being the time and place heretofore fixed by this Court for hearing said petition. Thomas G. Crothers, Esq., appeared as attorney and counsel for Petitioners, and Messrs. Wilson & Wilson appeared by Mountford S. Wilson, Esq., one of said firm, as attorneys and counsel for Jane Lathrop Stanford individually, and as Surviving Founder of the Leland Stanford Junior University, and

Decree
concerning
University
trusts, Nov.
11, 1885

as surviving widow of Leland Stanford, deceased, and said Jane Lathrop Stanford was personally present in Court.

The said Jane Lathrop Stanford individually, and as such Surviving Founder, and as such surviving widow, duly filed herein her verified answer, in which she admitted each and every allegation contained in said Petition and prayed that the prayer of said Petition be granted and that the Court make and render such further order, judgment, decree, or relief as may be proper in the premises.

Thereupon this Court proceeded with the hearing of said matter, and witnesses were duly sworn and examined, and evidence, both oral and documentary, was offered on behalf of petitioners and received and admitted by the Court, and thereafter said matter and hearing was duly and regularly continued by the Court until Thursday, the second day of July, 1903, at the hour of 10:00 o'clock A. M., at the same place; and upon the said Thursday, the second day of July, 1903, said matter again came on regularly for hearing, and was thereupon again duly and regularly continued by the Court until Friday, the third day of July, 1903, at the hour of 10:00 o'clock A. M., at the same place, and upon the said Friday, the third day of July, 1903, at said hour and place, said matter again came on regularly for hearing before this Court and said hearing was resumed.

No further evidence was introduced, and said matter was thereupon submitted to the Court for consideration and decision, and findings of fact having been expressly waived in open Court by all parties to said matter, and the Court having duly and fully considered the same:

Now therefore it is hereby determined, ordered, adjudged, and decreed as follows, to wit:

That the petition herein was duly filed in this Court on the sixteenth day of June, 1903, and thereupon this Court duly made its order fixing the time and place for the hearing of said petition and matter, and ordering the Clerk of this Court to post in at least three public places in the aforesaid County a notice of the filing of said petition and of the time and place set for the hearing of the same, attached to a copy of said petition, and ordering that a copy of such notice together with a copy of said petition be personally served upon Jane Lathrop Stanford, and upon Jane Lathrop Stanford as the Surviving Founder of the Leland Stanford Junior University, and upon Jane Lathrop Stanford as the surviving widow of Leland Stanford, deceased, and further ordering that such notice be given, posted, and served as required by law.

That thereafter and upon the said sixteenth day of June, 1903, the Clerk of this Court duly made and posted in three public places in said County notices of the filing of said petition, and upon the same day true copies of said notice, attached to true copies of said petition, were duly served upon the said Jane Lathrop Stanford, and upon the said Jane Lathrop Stanford as the Surviving Founder of the Leland Stanford Junior University, and upon the said Jane Lathrop Stanford as the surviving widow of Leland Stanford, deceased.

That said notice so posted and served was, in substance and form, and in every other respect, as required by law, and by said order of this Court, and particularly as prescribed by that certain Act of the Legislature of the State of California, approved February 10, 1903, and entitled:

“An act to provide for proceedings for the ascertainment of the existence and terms of, and for the determination of the validity and legal effect of grants or other instruments creating, changing, or affecting trusts and estates for the founding, endowment, and maintenance of a university, college, school, seminar of learning, mechanical institute, museum, gallery of art, library, or any other institution, or any or all thereof under or pursuant to an act entitled ‘An act to advance learning, the arts and sciences, and to promote the public welfare, by providing for the conveyance, holding, and protection of property, and the creation of trusts for the founding, endowment, erection, and maintenance within this State of universities, colleges, schools, seminaries of learning, mechanical institutes, museums, and galleries of art,’ approved March 9, 1885, or under or pursuant to an act entitled ‘An act to encourage and provide for the dissemination of a knowledge of the arts, sciences, and general literature, and the founding, maintaining, and perpetuating public libraries, museums, and galleries of art, and the receipt of donations and contributions thereto when established; for the conveyance, holding, and protection of real property within this State suitable for the purposes herein designated, and the erection thereon of buildings appropriate to such purposes, and for the creation of trusts necessary or proper for the better preservation of such institutions, and the control and management thereof,’ approved March 5, 1887.”

That said notice of the filing of said petition and of the time and place set for the hearing thereof was duly given for the time and in the manner prescribed in the aforesaid Act, and was posted and served more than ten days before the time set for said hearing.

That at the time of the filing of said petition the said Jane Lathrop Stanford was the only living founder or surviving founder, and the

surviving wife or widow of Leland Stanford, her co-founder of the Leland Stanford Junior University, and the only living grantor or donor of any grant or gift set out in said petition.

That before the hearing of this matter the said Jane Lathrop Stanford duly filed herein her verified answer to said petition, in which she, individually, and as such Surviving Founder, and as such surviving widow, admitted each and every allegation contained in said petition, and prayed that the prayer of said petition be granted, and that the Court make and render such further order, judgment, decree, or relief as may be proper in the premises.

That no other person demurred to, or answered said petition, or appeared in said matter, or took part in the hearing thereof.

That said petition, in contents, form, substance, and in every other particular, complies with and conforms to the requirements of the aforesaid Act of the Legislature of the State of California; and each and every allegation contained in said petition is true and supported by the evidence offered and received upon the hearing of said matter.

Deeds and
conveyances
to Trustees
(Founding
Grant, Nov.
11, 1885)

That the said Grant dated the eleventh day of November, A. D., 1885, described in, and a copy of which is set out in the said petition herein, and which was recorded in the office of the Recorder of Santa Clara County, State of California, in Liber 83 of Deeds at page 23 and following, was duly and voluntarily made, signed, and acknowledged by Leland Stanford and Jane Lathrop Stanford, and said Grant was, on the fourteenth day of November, 1885, duly and voluntarily delivered by said Leland Stanford and Jane Lathrop Stanford to the persons therein named as Trustees, and thereupon and thereafter, the said persons named in said Grant as Trustees duly accepted in writing the said Grant and the trusts therein imposed, as alleged in said petition.

That the making, signing, execution, acknowledgment, and delivery of said Grant, which is generally known as and called the Founding Grant, were the due, free, and voluntary acts of each of said grantors, Leland Stanford and Jane Lathrop Stanford, and, at the time of the performance of each of said acts, each of said grantors was of sound mind and fully competent to perform said acts, and neither of said grantors was acting under duress, menace, fraud, mistake, undue influence, or other disability.

That said Founding Grant was, at the time of the execution and delivery thereof, and now is, valid and binding, and the full legal title in fee simple to all the property described or referred to therein did, upon the delivery of said Grant, irrevocably pass to and vest in the Trustees therein named upon the trusts therein provided, and the full legal title in fee simple to all said property is now vested

in and said property now belongs to the said Timothy Hopkins, Horace Davis, Thomas B. McFarland, George E. Gray, William M. Stewart, Joseph D. Grant, Samuel F. Leib, Leon Sloss, Thomas W. Stanford, Frank Miller, Charles G. Lathrop, Russell J. Wilson, Whitelaw Reid, and George E. Crothers, petitioners herein, as Trustees of the Leland Stanford Junior University, as the survivors and successors of the Trustees named in said Founding Grant, and is held by said Trustees for the founding, endowment, maintenance, and benefit of the Leland Stanford Junior University, upon and subject to the trusts hereinafter set forth.

That after the execution and delivery of said Founding Grant the said Leland Stanford and Jane Lathrop Stanford, in pursuance of the terms thereof, erected upon the Palo Alto Farms the necessary buildings and procured the necessary libraries, laboratory supplies, and other equipment and established the said Leland Stanford Junior University, and, on the first day of October, 1891, opened said institution for the reception and instruction of students, and thereafter and until the death of said Leland Stanford, which occurred on the twenty-first day of June, 1893, the said Leland Stanford and Jane Lathrop Stanford managed, controlled, and maintained said University, and thereafter and until the first day of June, 1903, the said Jane Lathrop Stanford managed, controlled, and maintained said University. That the main part of the said University is situated in the said County of Santa Clara, upon a portion of the lands described in said Founding Grant.

That the following is a list of the persons who have been named and appointed to fill vacancies occurring in the Board of Trustees of the Leland Stanford Junior University by reason of the death or resignation of the persons named as Trustees of said University in said Founding Grant or by reason of the death or resignation of persons subsequently named and appointed to fill such vacancies, and also the date of the appointment of each person, to wit: Horatio Stebbins, named and appointed November 12, 1886; Samuel F. Leib, April 22, 1891; Joseph D. Grant, April 22, 1891; Leon Sloss, December 4, 1891; Edward R. Taylor, December 4, 1891; Charles G. Lathrop, November 7, 1893; Frank Miller, November 7, 1893; Thomas W. Stanford, November 7, 1893; Josiah W. Stanford, April 29, 1896; Russell J. Wilson, February 2, 1897; George E. Crothers, October 3, 1902; and Whitelaw Reid, October 3, 1902. That all said appointments made before the twenty-first day of June, 1893, were made by said Leland Stanford and Jane Lathrop Stanford, and all said appointments made since said twenty-first day of June, 1893, were made by said Jane Lathrop Stanford. That all said appointments

Establishment of the University

Appointment and succession of Trustees

were duly and regularly made in accordance with law and with the provisions of said Founding Grant and amendments thereof, as alleged in said petition, and were duly accepted by said persons and were and are valid and binding, and each said person so appointed, at the time of his appointment, received, and became vested with, and enjoyed the same rights, powers, privileges, and duties as his co-trustees.

That the following Trustees of the Leland Stanford Junior University, named as such in said Founding Grant, or named or appointed as aforesaid to fill vacancies in said Board of Trustees, died on or about the dates following their respective names, to wit: John F. Miller, March 8, 1886; William Ashburner, April 20, 1887; Henry Vrooman, April 8, 1889; Josiah Stanford, May 14, 1890; Lorenzo Sawyer, September 7, 1891; James McM. Shafter, August 29, 1892; John Q. Brown, December 20, 1892; Matthew P. Deady, March 24, 1893; Alfred L. Tubbs, December 26, 1896; Charles F. Crocker, July 17, 1897; Francis E. Spencer, April 23, 1898; Isaac S. Belcher, November 30, 1898; John Boggs, January 30, 1899; Charles Goodall, July 13, 1899; H. W. Harkness, July 10, 1901; Henry L. Dodge, February 24, 1902, and Horatio Stebbins, April 9, 1902.

That of the persons named in said Founding Grant as Trustees of the Leland Stanford Junior University, Stephen J. Field resigned as one of such Trustees on the fifteenth day of October, 1894, and died on the ninth day of April, 1899; Irving M. Scott resigned as one of such Trustees on the eleventh day of May, 1898, and died on the twenty-eighth day of April, 1903, and N. W. Spaulding resigned as one of such Trustees on the twenty-fourth day of April, 1903; and that of the persons named and appointed to fill vacancies in said Board of Trustees, the said Josiah W. Stanford resigned as one of such Trustees on the thirty-first day of May, 1898, and the said Edward R. Taylor resigned as one of such Trustees on the ninth day of May, 1899. That all of the aforesaid resignations of Trustees were duly and regularly made and accepted in accordance with law and with the provisions of said Founding Grant, as alleged in said petition, and were and are legal and binding, and each of said persons so resigning ceased to be a Trustee of the Leland Stanford Junior University upon the date of his said resignation.

That the written communication dated the twenty-ninth day of April, 1896, which is described in and a copy of which is set out in said petition, in and by which the said Jane Lathrop Stanford made a proposal and offer to the Trustees of the Leland Stanford Junior University to settle and discharge the bequest of two and one-half million dollars bequeathed to said Trustees by the last will of said

Bequest of
\$2,500,000
by Leland
Stanford

Leland Stanford, was duly and voluntarily made, signed, and delivered to said Trustees on the date thereof, and upon the same date said proposition and offer was duly accepted by said Trustees, and thereupon became and was valid and binding, and the property described in said communication was thereupon delivered in accordance with the terms thereof; and upon the consummation of said settlement, the full legal title to all the property described in said communication passed to and vested in the persons who then were the Trustees of the Leland Stanford Junior University, upon the trusts provided in said Founding Grant, and said property or the proceeds thereof and the property acquired in exchange therefor or with the proceeds thereof, so far as hereinafter described, now belongs to, and the full legal title thereto is vested in the aforesaid Trustees, petitioners herein, and is held by them for the founding, endowment, maintenance, and benefit of the said Leland Stanford Junior University upon and subject to the trusts hereinafter set forth.

That the following described deeds and conveyances, which are described in and copies of which are set out in said petition, were duly and voluntarily made, signed, and acknowledged by the said Jane Lathrop Stanford, and each of said deeds and each of said conveyances was duly and voluntarily made, signed, and acknowledged by the said Jane Lathrop Stanford and delivered by her to the Trustees of the Leland Stanford Junior University upon the dates below stated, to wit: The deed conveying the Stanford residence and lot in San Francisco, dated the eleventh day of February, 1897, and made, signed, acknowledged, and delivered on said date; the conveyance of certain contents of the Stanford homes, dated the eleventh day of February, 1897, and made, signed, acknowledged, and delivered on said date; the conveyance of certain bonds and other personal property, dated the first day of June, 1897, and made, signed, acknowledged, and delivered on said date; the deed conveying certain property in San Mateo and Santa Clara Counties, dated the seventeenth day of January, 1899, and made, signed, acknowledged, and delivered on the twenty-seventh day of January, 1899; the deed conveying certain property in Tehama County, dated the seventeenth day of January, 1899, and made, signed, acknowledged, and delivered on the twenty-seventh day of January, 1899; the deed conveying, and confirming the previous conveyance of certain personal property and certain real properties in various counties of California, dated the thirty-first day of May, 1899, and made, signed, acknowledged, and delivered on said date; the deed conveying certain property in Tehama County, dated the sixth day of June, 1899, and made, signed, and acknowledged on said date and delivered on or about said date;

Deeds to Trustees of San Francisco residence, bonds and other personal property, and real property

the deed conveying certain property in Lassen County, dated the sixth day of June, 1899, and made, signed, and acknowledged on said date and delivered on or about said date; the deed of grant conveying and confirming the previous conveyance of the Stanford residence and lot in San Francisco, dated the ninth day of December, 1901, and made, signed, acknowledged, and delivered on said date; the deed of grant conveying and confirming the previous conveyance of certain properties in various counties of California, dated the ninth day of December, 1901, and made, signed, acknowledged, and delivered on said date; the deed of gift conveying and confirming the previous conveyance of various bonds, stocks, and other properties, dated the ninth day of December, 1901, and made, signed, acknowledged, and delivered on said date.

That each of the above-described deeds and conveyances was duly accepted by the Trustees therein named, upon the date of the delivery thereof as above stated.

That each of the above-described deeds and conveyances was, upon the execution and delivery thereof, and now is, valid and binding, and the full legal title in fee simple to all the property therein described or referred to did, upon the delivery thereof, pass to or was confirmed in, and did vest in the Trustees therein named upon the trusts and subject to all the reservations, terms, and conditions therein provided. That all the property described or referred to in each of the above-described deeds and conveyances, or the proceeds of said property, and the property acquired in exchange for said property or with the proceeds thereof, so far as hereinafter described, now belongs to and the full legal title thereto is vested in the aforesaid Trustees, petitioners herein, and is held by them for the founding, endowment, maintenance, and benefit of the said Leland Stanford Junior University, upon and subject to the trusts hereinafter set forth.

Confirmation
of founding
and endow-
ment

Address
of Mrs.
Stanford of
Feb. 11, 1897,
not amending
trusts

That the address delivered by the said Jane Lathrop Stanford to the Trustees of the Leland Stanford Junior University on the eleventh day of February, 1897, a copy of which is set out in said petition, and the instrument in the form of a letter, dated the first day of June, 1897, a copy of which is set out in said petition, and the instrument in the form of an address dated the thirty-first day of May, 1899, made and delivered to the Trustees of the Leland Stanford Junior University by the said Jane Lathrop Stanford on said day, a copy of which is set forth in said petition, were not, nor was any of them, properly executed by the said Jane Lathrop Stanford so as to amend or affect the trusts established by said Founding Grant, and

all the amendments proposed or suggested by said instruments were embodied in other valid and properly executed instruments.

That the instrument in the form of an address dated the first day of June, 1897, described in and a copy of which is set out in said petition, was duly and voluntarily made, signed, and acknowledged by the said Jane Lathrop Stanford on said first day of June, 1897, and was duly and voluntarily delivered by her to the Trustees of the Leland Stanford Junior University on that day; and, by virtue of the powers and privileges reserved to the said Jane Lathrop Stanford in and by the aforesaid Founding Grant and by the Act of the Legislature of the State of California under and in accordance with which said Leland Stanford Junior University was founded, the said Jane Lathrop Stanford, in and by the said instrument, duly and regularly amended the said trusts set out in and established by said Founding Grant, and all of said amendments were valid and binding and are hereinafter set forth.

Address
of Mrs.
Stanford of
June 1, 1897,
amending
trusts

That by virtue of the powers and privileges reserved to the said Jane Lathrop Stanford in and by the said Founding Grant and by the Act of the Legislature under and in accordance with which said Leland Stanford Junior University was founded, the said Jane Lathrop Stanford, in and by the aforesaid deed dated, made, signed, acknowledged, and delivered by her on the thirty-first day of May, 1899, duly and regularly amended the said trusts set out in and established by said Founding Grant and the amendments thereof made on the said first day of June, 1897, as hereinabove stated. That all of said amendments so made in and by said deed dated the thirty-first day of May, 1899, were valid and binding and are hereinafter set forth.

Deed of
May 31, 1899

That the instrument executed by the said Jane Lathrop Stanford in the City of New York, on the ninth day of July, 1900, a copy of which is set out in said petition, was duly and voluntarily made and executed by the said Jane Lathrop Stanford on said date, and on the same day she duly and voluntarily delivered said instrument to S. F. Leib as President of the Board of Trustees of the Leland Stanford Junior University, and for and on behalf of said Trustees, and at the same time the said Jane Lathrop Stanford delivered into the manual possession and control of the said S. F. Leib as such President, and for and on behalf of said Trustees, all of the bonds described in said instrument; and the said S. F. Leib did thereupon receive and take possession of said instrument and said bonds on behalf of said Trustees; that said instrument was and is valid and binding, and upon the delivery of said instrument and of said bonds, all the right, title, and interest which the said Jane Lathrop Stanford then had in or

Manual
delivery of
bonds in
New York,
July 9, 1900

to said bonds, passed to and vested in said Trustees, and the entire legal title to all said bonds is now vested in and said bonds belong to the aforesaid Trustees, petitioners herein, and are held by them for the founding, endowment, maintenance, and benefit of the said Leland Stanford Junior University upon and subject to the trusts hereinafter set forth.

Manual
delivery of
bonds in San
Francisco,
July 23, 1901

That the instrument executed by Charles G. Lathrop in the name and on behalf of said Jane Lathrop Stanford, on the twenty-third day of July, 1901, a copy of which is set out in said petition, was duly and regularly delivered by the said Charles G. Lathrop on the said twenty-third day of July, 1901, to S. F. Leib, as President of the Board of Trustees of the Leland Stanford Junior University, and for and on behalf of said Trustees, and at the same time the said Charles G. Lathrop as the act and on behalf of the said Jane Lathrop Stanford, duly delivered into the manual possession of said S. F. Leib, as such President, and for and on behalf of said Trustees, all of the bonds described in said instrument and all of the bonds described in the aforesaid instrument executed by the said Jane Lathrop Stanford on the ninth day of July, 1900. That the execution and delivery of said instrument, dated on the twenty-third day of July, 1901, and the delivery of the aforesaid bonds therewith, were duly authorized by and were the acts of said Jane Lathrop Stanford, and were legal and binding, and upon the delivery of said instrument and of said bonds, all the right, title, and interest which the said Jane Lathrop Stanford then had in or to said bonds, passed to and vested in the said Trustees, and the entire legal title to all said bonds is now vested in and said bonds belong to the aforesaid Trustees, petitioners herein, and are held by them for the founding, endowment, maintenance, and benefit of the said University, upon and subject to the trusts hereinafter set forth.

Constitu-
tional
amendment
authorizing
corporate
powers and
privileges

That on the sixth day of November, 1900, the Constitution of the State of California was duly and regularly amended by the addition of a section thereto which is designated and known as Section 10 of Article IX of said Constitution. That said constitutional amendment permitted, approved, and confirmed all the trusts, estates, terms, and conditions of the said Founding Grant and of all the aforesaid deeds, conveyances, and other instruments which were made and delivered before said sixth day of November, 1900.

Act granting
corporate
powers and
privileges

That the Trustees of the Leland Stanford Junior University were granted certain corporate powers by a certain Act of the Legislature of the State of California, approved February 14, 1901, entitled "An Act granting to the Trustees of the Leland Stanford Junior University corporate powers and privileges." That under and by virtue of said

Act, the said Trustees of the Leland Stanford Junior University duly organized as a Board and elected such officers as they deemed necessary, and by an instrument in writing dated the first day of November, 1901, a copy of which is set forth in said petition, and duly made, executed, and acknowledged by each and every one of said Trustees, organized said Board of Trustees and accepted and assumed all the powers and privileges granted in said Act, and provided and specified the business, acts, and powers which said Board and the officers thereof might transact, perform, and exercise. That the said assumption of the powers and privileges granted in said Act of the Legislature, and the organization of said Trustees thereunder, were acquiesced in, consented to, and approved in a writing duly and voluntarily executed, acknowledged, and delivered by the said Jane Lathrop Stanford and forming part of said instrument so executed by said Trustees. That upon the said acceptance and assumption of the powers and privileges granted in said Act, and the acquiescence in, consent to, and approval of the same by the said Jane Lathrop Stanford, the said Trustees of the Leland Stanford Junior University became, and now is, a body corporate, with the right and power to perform in a corporate capacity all the powers and duties enjoined upon and vesting in the said Trustees; and the trusts set out in and established by the said Founding Grant and the amendments of such trusts were further amended so far as necessary to give effect to the terms of said instrument dated the first day of November, 1901.

Assumption
of corporate
powers and
privileges by
Board of
Trustees

Consent of
surviving
Founder to
assumption of
powers and
privileges

That the instrument in the form of an address, dated the third day of October, 1902, described in and a copy of which is set out in said petition, was duly and voluntarily made, signed, and acknowledged by the said Jane Lathrop Stanford on said third day of October, 1902, and was duly and voluntarily delivered by her to said Trustees of the Leland Stanford Junior University on said date; and, by virtue of the powers and privileges reserved to the said Jane Lathrop Stanford in and by the aforesaid Founding Grant and by the Act of the Legislature of the State of California under and in accordance with which said Leland Stanford Junior University was founded, the said Jane Lathrop Stanford, in and by said instrument, duly and regularly amended the said trusts set out in and established by said Founding Grant, and the amendments thereof heretofore stated. That all of said amendments so made in and by said instrument in the form of an address, dated the third day of October, 1902, were and are valid and binding and are hereinafter set forth.

Address of
Oct. 3, 1902,
amending
trusts

That the said instrument of surrender, resignation, and grant, dated the first day of June, 1903, described in and a copy of which

Instrument
of grant,
amending
trust, June 1,
1903

is set out in said petition, was duly and voluntarily made, signed, and acknowledged by the said Jane Lathrop Stanford on said first day of June, 1903, and duly and voluntarily delivered by her to said Trustees of the said Leland Stanford Junior University on said date, and thereupon the said Board of Trustees of the Leland Stanford Junior University duly and regularly, by resolution and in writing, accepted said instrument, and accepted and assumed the powers and duties thereby devolving upon said Trustees. That in and by said instrument the said Jane Lathrop Stanford duly and regularly amended the said trusts set out in and established by said Founding Grant and the amendments of said trusts made prior to said first day of June, 1903; and that all the amendments so made by said instrument dated the first day of June, 1903, were and are valid and binding and are hereinafter set forth.

Resignation
and grant,
June 1, 1903

That the said instrument of surrender, resignation, and grant, dated the first day of June, 1903, as a whole, and each and every part, provision, condition, and trust thereof, was, at the time of the delivery thereof, and now is, valid and binding, and upon the delivery thereof all the right, title, and interest which the said Jane Lathrop Stanford then had in or to any of the property therein described or referred to, including all the property hereinafter described, irrevocably passed to and vested in, and all said property now belongs to, the said Trustees of the Leland Stanford Junior University, petitioners herein, and is held by them for the founding, endowment, maintenance, and benefit of the said Leland Stanford Junior University upon and subject to the trusts hereinafter set forth, subject only to the right of the said Jane Lathrop Stanford to have, hold, use, and enjoy during her natural life the home and premises situated on the southwest corner of Powell and California Streets in the City and County of San Francisco, State of California, and more particularly described in subdivision "B" of the description of property hereinafter set forth, and all the furniture, household effects, paintings, pictures, books, statuary, works of art, bric-a-brac, and other effects, now contained in said home and in the home of the said Jane Lathrop Stanford situated on said Palo Alto Farm.

That upon the delivery of the said instrument of surrender, resignation, and grant, dated the first day of June, 1903, all the powers, privileges, and duties reserved to or vesting in said Jane Lathrop Stanford over or concerning the trusts created for the founding, endowment, maintenance, or benefit of the Leland Stanford Junior University, including the right to amend or modify said trusts, and over, in, or concerning the property held in trust for the founding, endowment, maintenance, or benefit of said University, including

all the property hereinafter described, and over, in, or concerning the said University or any department thereof, immediately ceased and terminated.

That every act herein found or stated to have been done or performed by the said Jane Lathrop Stanford was done or performed by her of her own free will, and at the time when each said act was done or performed the said Jane Lathrop Stanford was of sound mind and fully competent to perform said act and was not acting under duress, menace, fraud, mistake, undue influence, or any other legal disability.

That all of the following described property, all of which was described in and claimed by the said Trustees, petitioners herein, in said petition, is now in the possession of and under the control of the said Timothy Hopkins, Horace Davis, Thomas B. McFarland, George E. Gray, William M. Stewart, Joseph D. Grant, Samuel F. Leib, Leon Sloss, Thomas W. Stanford, Frank Miller, Charles G. Lathrop, Russell J. Wilson, Whitelaw Reid, and George E. Crothers, as Trustees of the Leland Stanford Junior University, to wit:

REAL PROPERTY

- | | |
|--|--|
| <ul style="list-style-type: none"> A. [Property conveyed to the Board of Trustees by the Founding Grant.] B. [San Francisco Residence Property.] C. [Real Estate in the Counties of San Francisco, San Mateo, Santa Clara, Tehama, Napa, Contra Costa, Siskiyou, Colusa, Glenn, Madera, San Luis Obispo, San Bernardino, Alameda, Marin, State of California.] D. [Real Estate in the County of Tehama, State of California.] E. [Real Estate in the County of Lassen, State of California.] F. [Real Estate in the Counties of Alameda, Yolo, Contra Costa, Santa Clara, and Lassen, State of California.] G. [Real Estate in the Counties of Santa Clara and San Mateo, State of California.] H. [Capital Stock of Corporations.] I. [Bonds and Certificates.] J. [Other Personal Property.] | <p>List of
properties
conveyed</p> |
|--|--|

That all of the above-described property is now owned by, and the full legal title in fee simple to all said property is vested in, the said Timothy Hopkins, Horace Davis, Thomas B. McFarland, George E. Gray, William M. Stewart, Joseph D. Grant, Samuel F. Leib, Leon Sloss, Thomas W. Stanford, Frank Miller, Charles G. Lathrop, Russell J. Wilson, Whitelaw Reid, and George E. Crothers, as Trustees of the Leland Stanford Junior University, and is held by them for

the founding, endowment, maintenance, and benefit of the said Leland Stanford Junior University upon and subject to the trusts hereinafter set forth, subject only to the right of the said Jane Lathrop Stanford to have, hold, use, and enjoy during her natural life the home and premises situated on the southwest corner of Powell and California Streets, in the City and County of San Francisco, State of California, and more particularly described in subdivision "B" of the foregoing description of property, and all the furniture, household effects, paintings, pictures, books, statuary, works of art, bric-a-brac, and other effects now contained in said home and in the home of the said Jane Lathrop Stanford situated on said Palo Alto Farm.

That the said Jane Lathrop Stanford has no right, title, or interest in, or power over, any of the above-described property, either individually or as Surviving Founder of said Leland Stanford Junior University, or as widow, devisee, or legatee of the said Leland Stanford, excepting as stated in the preceding paragraph.

Endowment
constitutes a
single trust
fund

That all of the above-described property constitutes a single trust fund.

Roll of
Trustees

That the said Timothy Hopkins, Horace Davis, Thomas B. McFarland, George E. Gray, William M. Stewart, Joseph D. Grant, Samuel F. Leib, Leon Sloss, Thomas W. Stanford, Frank Miller, Charles G. Lathrop, Russell J. Wilson, Whitelaw Reid, and George E. Crothers, petitioners herein, constitute the Board of Trustees of the Leland Stanford Junior University, and they are the survivors and successors of the Trustees named or referred to in each of the grants, deeds, conveyances, and other instruments herein referred to, and they are the Trustees of all trusts created by said grants, deeds, conveyances, and other instruments, and are the Trustees of all the trusts hereinafter set forth.

That all of the trusts set forth in and created by said Founding Grant and all of the amendments and modifications of said trusts are hereinafter quoted from and set forth in the language of the Grant, deed, address, or other instrument creating said trusts, amendments, or modifications, and the said trusts as so amended are the trusts upon which all of the property herein described is held.

I

That the following are all of the trusts set forth in and created by said Founding Grant, dated the eleventh day of November, 1885, and executed and delivered by the said Leland Stanford and Jane Lathrop Stanford, to-wit:

(NOTE: Here followed in the original decree the full text of the Founding Grant which appears on pages 3 to 11 of this manual, and is not repeated here in order to avoid duplication.)

II

That on the first day of June, 1897, the foregoing trusts, set forth and created by said Founding Grant, were duly and regularly amended by the aforesaid instrument in the form of an address, dated, executed, and delivered on the first day of June, 1897, as follows, to wit:

(See amendments of Founding Grant, page 12)

III

That on the thirty-first day of May, 1899, the foregoing trusts set forth in and created by said Founding Grant, and the foregoing amendments thereof by the aforesaid instrument in the form of an address, dated, executed, and delivered on the first day of June, 1897, as aforesaid, were further duly and regularly amended by the aforesaid deed dated, made, signed, acknowledged, and delivered by said Jane Lathrop Stanford on the thirty-first day of May, 1899, as follows, to wit:

(See amendments of Founding Grant, page 13)

IV

That the said instrument dated the first day of November, 1901, and executed by all of the then Trustees of the Leland Stanford Junior University, and consented to and approved by said Jane Lathrop Stanford by an instrument endorsed thereon on the twenty-eighth day of March, 1902, did duly and regularly set forth and create further and additional powers in said Board of Trustees of the Leland Stanford Junior University and further and additional provisions, by-laws, and rules affecting the organization of said Board of Trustees and the manner of exercising the powers and performing the duties of said Trustees, and provisions assuming corporate powers by said Trustees of the Leland Stanford Junior University; and that said provisions, by-laws, and rules are valid amendments of the foregoing trusts set forth in and created by said Founding Grant and the amendments thereof hereinbefore set forth, and are as follows, to wit:

(See amendments of Founding Grant, page 16)

V

That the trusts set forth in and created by said Founding Grant, and amendments thereof made prior to the third day of October, 1902, were upon said third day of October, 1902, further duly and regularly amended by said instrument in the form of an address dated and executed, acknowledged, and delivered by said Jane Lathrop Stanford, on that day, as follows, to wit:

(See amendments of Founding Grant, page 18)

VI

That the trusts set forth in and created by said Founding Grant and amendments thereof made prior to the first day of June, 1903, were upon said first day of June, 1903, further duly and regularly amended by said surrender, resignation, and Grant dated and executed, acknowledged, and delivered by said Jane Lathrop Stanford, on that day, as follows, to wit:

(See amendments of Founding Grant, page 25)

That the foregoing are all of the trusts set forth in and created by said Founding Grant and all of the amendments and modifications of said trusts, and are the trusts permitted, approved, and confirmed by the aforesaid Section 10 of Article IX of the Constitution of the State of California, and are all of the trusts provided for in the Grant founding said University, and amendments thereof, and grants, bequests, and devises supplementary thereto, within the meaning of said Section 10 of said Constitution.

That all of the foregoing trusts and amendments were created under and in accordance with that certain Act of the Legislature of the State of California, approved March 9, 1885, entitled, "An act to advance learning, the arts and sciences, and to promote the public welfare, by providing for the conveyance, holding, and protection of property, and the creation of trusts for the founding, endowment, erection, and maintenance within this State of universities, colleges, schools, seminaries of learning, mechanical institutes, museums, and galleries of art," and shall be construed in accordance with the provisions of said Act so far as rules of construction are therein stated.

That so far as any of the foregoing trusts and amendments are inconsistent or in conflict with each other the later in date or in order supersede the earlier.

That all of the rights, powers, privileges, and duties, over, in, or concerning all property held in trust for the founding, endowment,

Later
amendments
to supersede
earlier ones

maintenance, or benefit of said Leland Stanford Junior University, including all of the property herein described, and over, in, or concerning the said Leland Stanford Junior University or any department thereof, which it was provided in the aforesaid grants, deeds, conveyances, and other instruments, copies of which are set out in said petition, or in any other instruments, should vest in and devolve upon the Trustees of the Leland Stanford Junior University upon the death of the said Jane Lathrop Stanford, are now vested in and have devolved upon the aforesaid Trustees, petitioners herein.

It was the paramount purpose of the Founders of the Leland Stanford Junior University to promote the public welfare by founding, endowing, and having maintained a university with the colleges, schools, seminaries of learning, mechanical institutes, museums, galleries of art, and all other things necessary and appropriate to a university of high degree, and all directions or reservations in the Founding Grant and all amendments or attempted amendments thereof by the Founders, or by the Survivor of them, are incidental and subordinate to that paramount purpose.

That the number of Trustees constituting said Board of Trustees of the Leland Stanford Junior University has been changed to fifteen, and that number does now and shall hereafter constitute a full Board of said Trustees.

Number of
Trustees

That there is now one vacancy in said Board of Trustees caused by the resignation of said N. W. Spaulding.

That the term of office as a Trustee of the Leland Stanford Junior University of each of the said Timothy Hopkins, Horace Davis, Thomas B. McFarland, George E. Gray, William M. Stewart, Joseph D. Grant, Samuel F. Leib, Leon Sloss, Thomas W. Stanford, Frank Miller, Charles G. Lathrop, and Russell J. Wilson, is for life; and that the term of office of the said Whitelaw Reid and George E. Crothers, as such Trustees, is ten years from and after the date of their appointment and election; and that the term of office, as a Trustee of the Leland Stanford Junior University, of each person hereafter elected as such Trustee shall be ten years from and after the date of election of such person.

Term of office
of Trustees

That a majority of the Trustees of the Leland Stanford Junior University shall constitute a quorum, and the concurrence of a majority (eight) of the Board of Trustees shall be necessary and sufficient for the sale of property, for the investment of funds, or for the transaction of any other business, irrespective of whether or not they, or any of them, shall be officers of said Board or members of any committee thereof.

Quorum of
Board of
Trustees

Trustees
may act in
corporate
capacity

That the said Trustees of the said Leland Stanford Junior University have the power to and may perform and exercise all of their powers and duties in a corporate capacity.

That the said Trustees of the Leland Stanford Junior University may exercise and perform all of their powers and duties in the same manner and to the same extent as though the aforesaid Act of the Legislature, granting corporate powers and privileges, had not been passed and corporate powers and privileges had not been assumed thereunder.

This judgment shall not affect any right or interest of any lessee, his heirs or assigns, under or by virtue of any lease heretofore made to any such lessee of any lot, or parcel of land, or building, or other improvement situate and being upon, or part of, the aforesaid Palo Alto Farm.

That upon the death of the said Jane Lathrop Stanford, the aforesaid home and premises situated on the southwest corner of Powell and California Streets, in the said City and County of San Francisco, and more particularly described in subdivision "B" of the foregoing description of property, shall be used for educational purposes in connection with or as a department of said Leland Stanford Junior University, but the same shall never be appropriated for the use of a clubhouse, a boarding-house, or place of undignified amusement.

M. H. HYLAND

Judge

SAN JOSE
July 3, 1903

(Endorsed):
Filed July 6, 1903
9:30 a. m.

Entered July 2, 1903

HENRY A. PFISTER, *Clerk*
By A. C. RUSS, *Deputy*

HENRY A. PFISTER, *Clerk*
By J. M. CHILUE, *Deputy*

Supplementary Decrees

IN THE SUPERIOR COURT OF THE STATE OF
CALIFORNIA, IN AND FOR THE COUNTY OF
SANTA CLARA

In the Matter of the Application of
THE BOARD OF TRUSTEES OF THE LELAND
STANFORD JUNIOR UNIVERSITY

and of

Timothy Hopkins, Horace Davis, Thomas B. McFarland, George E. Gray, Joseph D. Grant, Samuel F. Leib, Leon Sloss, Thomas W. Stanford, Frank Miller, Charles G. Lathrop, Whitelaw Reid, George E. Crothers, William Babcock, Charles P. Eells, and Vanderlynn Stow, as Trustees of the Leland Stanford Junior University, for aid and instruction from the Court.

No.
14912
Dept.
No. 2

AUTHORITY TO INVEST IN REAL PROPERTY AND IMPROVEMENTS, ETC.

The Board of Trustees of the Leland Junior Stanford University, and Timothy Hopkins, Horace Davis, Thomas B. McFarland, George E. Gray, Joseph D. Grant, Samuel F. Leib, Leon Sloss, Thomas W. Stanford, Frank Miller, Charles G. Lathrop, Whitelaw Reid, George E. Crothers, William Babcock, Charles P. Eells, and Vanderlynn Stow, as Trustees of the Leland Stanford Junior University, having on the twentieth day of September, 1907, filed in this Court a supplementary petition asking the aid and instruction of this Court in construing their power to invest the trust funds in their hands in loans upon the security of real estate or other satisfactory security, and in the purchase of real estate, and as to investing a portion of said funds in improvements on real estate, and as to their power to sell or lease the lot of land on the southwesterly corner of California and Powell Streets in the City and County of San Francisco, State of California, and for such other, and further, or different relief, and aid, and instruction in regard to vesting said trust funds and in regard to their power and duties, as may be proper and just in the premises, and the Court, by its order duly made and filed on the twentieth day of September, 1907, having set said petition for hearing

on Friday, the twenty-seventh day of September, 1907, at the hour of ten o'clock A.M. of said day in the Courtroom of Department Number Two of the Superior Court of the State of California, in and for the County of Santa Clara, and the Courthouse in the City of San Jose, and having by said order directed that the Clerk give notice of said hearing by posting notices thereof in the manner provided by law at least five days before said hearing:

Now, on this twenty-seventh day of September, 1907, said petition coming on regularly to be heard at the time and place fixed by said order, and due proof being made to the satisfaction of the Court and filed herein that notice of this hearing was duly given by posting as required by said order and according to law, and it appearing that the Court has jurisdiction to hear and determine the matters set forth in said petition, and all of the petitioners herein appearing by Wilson & Wilson, their attorneys, and no other person or persons appearing and no contest or other opposition or objection to the said petition being made or filed by any person whatever, the Court thereupon proceeded to hear said petition and the evidence thereon, and petitioners Samuel F. Leib, Charles G. Lathrop, George E. Crothers, and Timothy Hopkins, Trustees, being sworn and examined in open Court, and other evidence, oral and documentary, being introduced and heard relative to and in support of the allegations of said petition, and the matters being submitted, after due presentation, for the decision of the Court, and the Court being fully advised, it is now, on motion of Counsel for petitioners, ordered, adjudged, and decreed as follows, to wit:

1. That this Court has full jurisdiction in this proceeding to hear this petition and to determine all matters set forth and to grant the relief prayed for.

2. That all the allegations of said petition are true.

3. That the petitioners Timothy Hopkins, Horace Davis, Thomas B. McFarland, George E. Gray, Joseph D. Grant, Samuel F. Leib, Leon Sloss, Thomas W. Stanford, Frank Miller, Charles G. Lathrop, Whitelaw Reid, George E. Crothers, William Babcock, Charles P. Eells, and Vanderlynn Stow are all of the Trustees of the Leland Stanford Junior University and do now constitute the entire Board of Trustees of said University, and that the legal title in fee simple to all of the properties referred to in said petition is now vested in said Trustees, petitioners herein, and that they hold, manage, and control all of said properties for the founding, endowment, maintenance, and benefit of the said Leland Stanford Junior University upon and subject to the trusts in the said petition set forth and

referred to; and that all of the properties so held in trust constitute a single trust fund.

4. That the trusts set forth in said petition constitute a public benefaction with no specially designated beneficiaries and with no persons legally or directly interested in its management other than the People of the State of California.

5. That under said trusts it is a part of the duties of said Trustees and their successors to invest and reinvest the trust funds in their hands for the benefit of said University and that it is at times difficult and at other times impossible to invest the funds of said University in satisfactory bonds or bonded securities yielding a satisfactory rate of interest, and that the said Board of Trustees now has in its possession large sums of money which are bringing in practically no income to the said University because of the said Trustees being unable to invest the same in safe bonds or bonded securities yielding a satisfactory rate of interest.

6. That there is now a great demand,, particularly in the City and County of San Francisco, State of California, for money to be used in the construction of buildings, and that large sums of money can be loaned with perfect safety upon the security of real estate in the said City and County of San Francisco, and elsewhere, or upon other satisfactory security, so as to produce a rate of interest in excess of that derived from bonds or bonded securities.

7. That the Board of Trustees and their successors may not always be able to make desirable loans of all the uninvested funds in their hands or to purchase desirable and safe bonds with said trust funds, owing to changing financial conditions and the large amounts of money which they have from time to time in their possession, and that it is desirable to invest a portion of such funds in real estate and to improve the same; that a portion of said funds can be so invested as to bring a satisfactory income to the said University.

8. That at the time of the execution of the different instruments creating said trust, the home and premises mentioned therein on the southwesterly corner of California and Powell Streets in the City and County of San Francisco, State of California, consisted of a lot of land fronting two hundred and six feet and three inches on the southerly line of California Street, two hundred and seventy-five feet on the westerly line of Powell Street and two hundred and six feet and three inches on the northerly line of Pine Street, with a large and richly furnished dwelling house thereon which was and had been the home of Leland Stanford and Jane Lathrop Stanford and, because of the fact that said building had been the home of herself and her said husband Leland Stanford, said Jane Lathrop

Disposal of
San Francisco
residence lot

Stanford directed that the said home and premises should not be sold after her death, but that the same should be used for educational purposes in connection with or as a department of said Leland Stanford Junior University and that the same should never be appropriated for the use of a clubhouse, boarding-house, or place of undignified amusement. That said Jane Lathrop Stanford departed this life on the twenty-eighth day of February, 1905.

9. That on or about the nineteenth day of April, 1906, the said building and home on said lot of land was destroyed by fire and the said lot of land is now vacant and unproductive.

That by reason of said destruction of said building and home an exact and literal compliance with the directions of said Jane Lathrop Stanford in reference thereto is impossible; and that her intention in regard thereto cannot be carried out; and that the result which the said Jane Lathrop Stanford evidently desired to avoid at the time of making said restriction, to wit, the use of her family residence and home for undignified purposes, cannot now happen and, therefore, the reason for making said restriction no longer exists.

That said lot of land is situated in a very hilly portion of the said City and County of San Francisco, and cannot well be utilized for the purposes of said University or for any benevolent purpose without the expenditure of a large sum of money and that the same probably would, if so utilized, thereafter be a source of great expense to said Trustees.

That owing to its location practically the only way said lot of land can be made to produce income is for said Trustees to erect thereon a large hotel, apartment, or club house, which it is not now and may never be advisable or expedient for them to undertake.

10. That it would be for the best interests of said trust and said University to invest a portion of the funds in their hands in loans on the security of real estate or upon other satisfactory security, and to invest a portion thereof in real estate and improvements on the same; and to lease or sell said lot of land on the southwest corner of California and Powell Streets in said City and County of San Francisco, if a satisfactory price can be obtained therefor, and reinvest the proceeds of such sale so as to produce an income therefrom.

11. That said Board of Trustees, and said Trustees, and their successors have the power, under the trusts under which they hold, manage, and control said trust properties, to invest any portion of said trust funds in loans upon the security of real estate or upon any other security satisfactory to them; and that they have the power to invest any portion of said trust funds in the purchase of real estate and the power to invest any portion of said trust funds in the purchase

of improvements on real estate or in the erection of improvements on real estate.

12. That said Board of Trustees and said Trustees and their successors have the power under said trusts to lease said lot of land at the southwesterly corner of California and Powell Streets in the City and County of San Francisco, State of California, said lot fronting two hundred and six feet and three inches on the southerly line of California Street, two hundred and seventy-five feet on the westerly line of Powell Street, and two hundred and six feet and three inches on the northerly line of Pine Street, and formerly containing the residence of the said Jane Lathrop Stanford and the said Leland Stanford, for such time and times, and for such purposes, and on such terms as to them may seem advisable; and have the power also to sell and convey said lot of land at such price and on such terms as to them may seem advantageous, and to transfer the proceeds of such sale, if made, to the general trust fund of said University.

M. H. HYLAND, *Judge*

Done in open Court, this twenty-seventh day of September, A. D., 1907.

(Endorsed):

Filed September 27, 1907

HENRY A. PFISTER, *Clerk*
By R. K. O'NEIL, *Deputy*

AUTHORITY TO INVEST IN COMMON STOCKS

NOTE: Early in 1936 the Board of Trustees petitioned the Superior Court of Santa Clara County for a supplementary decree permitting investment of Endowment funds in common stocks. Reasons for the petition were outlined in a statement read before the Court on February 10, 1936, by Trustee Herbert Hoover. He said, in part:

"The Trustees of Stanford University, in consequence of certain financial policies, are now confronted with a grave problem in the investments of the University endowment. That problem is the possible protection of the endowment by investment of the funds in equities such as common stocks and real estate instead of exclusively in bonds and mortgages as hitherto. The trustees of sister universities over the country are many of them already taking action to protect their endowments by investment of at least part of their funds into equities. The Trustees of Stanford are in need of some clarification of these powers to make such investments.

"The problem has only recently arisen. For fifty years both prudence and wisdom have caused the Trustees to invest the endowment, now amounting to some \$24,000,000, in seasoned bonds and first mortgages. Not only has the original endowment been maintained intact but entirely aside from new gifts the Trustees have by wise investment increased the capital. Common stocks or real estate or other equities have not been purchased because of the greater risks involved.

"The devaluation of the dollar, the widespread bank credit inflation, and the possible menace of currency inflation are the new factors with which the Trustees must deal. The theory of the devaluation of the dollar is that it will increase prices of commodities, thus causing a rise in the cost of living and necessitating an increase of salaries. The theory also implies a transfer of values from the bond holder to the common stock holder. The practical effect should be to increase the cost of operating the institution. In such case, if our income is to remain fixed, we shall need either to employ less faculty or to reduce the range of instruction or to reduce the number of students.

"The bank credit inflation is a factor independent of devaluation and has already caused a large drop in interest rates. More than two-thirds of our investments are subject to call or mature in the next five years, and if these interest rates continue we shall probably lose about one-fourth of our endowment income. This would again necessitate reducing the service which our institution gives to youth, even were devaluation not in action.

"The question of currency inflation is one of constant discussion in government and the press, and, while not at the moment more than a menace, it is one which cautious trusteeship should be in position to meet. The record of similar institutions in Europe under currency inflation is before us, where their endowments are largely wiped out.

"Experience in similar occasions shows that common stocks and real estate and other equities ultimately rise in value somewhat in proportion to the increase of devaluation or inflation. While common stocks, real estate, and other equities are subject to risk, yet this may be the lesser risk than bonds and mortgages.

"The gravity of the matter is clear when we remember that Stanford has trained over fifteen thousand youth, a large part of them without means of their own, and that a community of nearly ten thousand people is largely dependent upon the institution.

"Whatever view we take of the situation, the Trustees should have the freedom to protect the endowment as best they can."

NOTE: *The petition was heard and in a memorandum opinion, dated February 26, 1936, Presiding Judge William F. James wrote:*

“These two questions are presented for determination here:

“1st: Are the petitioners forbidden by the express terms of the trust as now in force, to invest any of the trust funds in debentures or stocks of corporations?”

“2nd: If not so expressly forbidden, is the making of such investments inhibited by anything in the nature of the trust itself, or their obligations or responsibilities as trustees of the trust properties?”

“A careful examination of the grants, amendments, and acts, bearing upon these trusts, fails to disclose any definite prohibition of such investments; and I am of the opinion that the first question may confidently be answered in the negative.

“The second question is approached with somewhat less confidence.”

NOTE: *The memorandum opinion discusses the obligations and responsibilities of trustees and points out that in the case of Harvard College et al. vs. Amory, more than a hundred years ago, the Court discarded the popularly held view that trust funds may not properly be invested in other than public securities, or well-secured bonds, notes, and mortgages. The memorandum opinion points out that “experience has shown us that investments in shares of private corporations may, and often do, afford a greater measure of safety, combined with a larger income yield, than investments in public securities or bonds of the same period. It would therefore seem to be an unreasonable rule to require a possibly unsafe investment, with little return, and exclude a safer or equally safe one, producing a greater return. And particularly is this true of a trust whose essential purpose would be defeated if the income from the trust funds be withdrawn or substantially curtailed.”*

The memorandum further indicated that there are trusts “whose existence depends upon the income derived from the trust property, without which income the real purpose of the trust would fail. Stanford University is one of the latter character. The trust there created was for the primary purposes not only of establishing a school of higher education, but of maintaining and continuously operating same. The trust funds came into the hands of the Trustees for these purposes . . . It is the duty of these Trustees to maintain the corpus of the trust properties intact, if they can do so, without suspending or seriously curtailing the operation of the University.”

Reference is made to the case In re Buhl's Estate (178 N.W.-651) in which the court held that trustees of this type of trust might properly make an investment of trust funds in dividend-paying stock and interest-paying bonds of a private corporation, provided such corporation has had prudent management.

The memorandum concludes with the following paragraph:

"I am of opinion that the petitioners may lawfully and properly make investment from trust funds coming to their hands, in bonds, debentures, and shares of stock of private corporations which are well managed, and have enjoyed for a considerable period of time such a reputation for permanence and stability that they command the general confidence of careful and intelligent investors; and may likewise so invest in other generally recognized forms of investment providing an adequate rate of interest and affording reasonable assurance of stable values. This is not intended to exclude other powers of investment heretofore exercised or decreed to them.

"The Court's decree will be entered in accordance herewith."

The decree is as follows:

IN THE SUPERIOR COURT OF THE STATE OF
CALIFORNIA, IN AND FOR THE COUNTY
OF SANTA CLARA

In the Matter of the Petition of

THE BOARD OF TRUSTEES OF THE
LELAND STANFORD JUNIOR UNIVERSITY

for a Determination and Confirmation of Its Powers with
respect to the Investment of Trust Funds

No.
14912
Dept.
No. 3

DECREE DETERMINING AND CONFIRMING THE
POWERS OF THE TRUSTEES WITH RESPECT
TO THE INVESTMENT OF TRUST FUNDS

It appearing that the petition of the Board of Trustees of the Leland Stanford Junior University for a determination and confirmation of its powers with respect to the investment of trust funds came on regularly for hearing in the Courtroom of Department Three of the above-entitled court, Honorable William F. James presiding, on the 5th day of February, 1936, at the hour of 9:30 o'clock A.M.; that Frank L. Guerena, counsel for petitioner, was present; that proof was made by petitioner that notice of the filing and of the hearing

of said petition had been given by the Clerk of the Court in the manner directed by the order herein made on January 22, 1936; that no person having or claiming any interest in, or right, power or duty over or concerning the property described in the petition, or in the subject of the petition, appeared and demurred to or answered the petition; that petitioner then requested that the further hearing of the petition be continued; that by order of the above-entitled court, made upon good cause shown by petitioner, the further hearing of the petition was continued to the hour of 9:30 o'clock A.M. on the 10th day of February, 1936, in the Courtroom of Department Three of the above-entitled court; and that all persons having or claiming any interests in, or rights, powers or duties over or concerning the property described in the petition, or in the subject of the petition, were then and there ordered by the above-entitled court to appear at the time and place so set for the further hearing of the petition;

It appearing that the petition came on regularly for further hearing in the Courtroom of Department Three of the above-entitled court, Honorable William F. James presiding, on the 10th day of February, 1936, at the hour of 9:30 o'clock A.M.; that Leland W. Cutler, Herbert C. Hoover, C. O. G. Miller and M. C. Sloss, members of the Board of Trustees of the Leland Stanford Junior University, Almon E. Roth, Comptroller of said University, and Frank L. Guereña, counsel for petitioner, were present; that no person having or claiming any interest in, or right, power or duty over or concerning the property described in the petition, or in the subject of the petition, appeared and demurred to or answered the petition; that oral and documentary evidence was offered by petitioner, and was received in evidence, in support of the petition; that the petition was thereupon taken under submission by the court;

And the court finding, after due consideration, that all of the allegations set forth in the petition are true, and that the notice of the filing and of the hearing of the petition was duly given for the time and in the manner prescribed in that certain Act of the Legislature of California, approved February 10, 1903, referred to in paragraph XXII of the petition, and in the manner directed by the aforesaid order of January 22, 1936;

NOW, THEREFORE, THE SAID PETITION IS HEREBY GRANTED AND IT IS HEREBY DETERMINED AND DECREED

(a) that it is the duty of the petitioning trustees, and their successors, to invest and reinvest the trust funds in their hands for the benefit of said University;

(b) that it is at times difficult and at other times impossible to invest trust funds in satisfactory bonds or bonded securities yielding a satisfactory rate of interest;

(c) that from time to time said trustees have on hand large amounts of trust funds to be invested or reinvested; and that it is essential to the continued existence and maintenance of said University in accordance with the objects of the Founding Grant that said trust funds be so invested as to earn a satisfactory rate of interest;

(d) that new conditions found by said trustees to exist are such that they cannot invest said trust funds in satisfactory bonds, bonded securities, real estate, improvements on real estate, or in loans on real estate producing an adequate rate of interest and affording reasonable assurance of stable values;

(e) that it is the option of said trustees that such conditions require, in order that said trustees may fully carry out the objects of the Founding Grant, that said trust funds, or a portion thereof, be invested in debentures and shares of stock of well-managed corporations which have enjoyed for a considerable period of time such a reputation for permanence and stability that they command general confidence and cause careful and intelligent persons familiar with such matters to commonly invest their own money in them as a permanent investment, or in some other generally recognized form of investment providing an adequate rate of interest and affording reasonable assurance of stable values;

(f) that it is the opinion of said trustees that under such conditions the investment of said trust funds in such debentures and shares of stock would be to the greater benefit of said University, in point of safety, stability and yield, than the investment thereof in other forms of investment more susceptible to the depressing effect of current conditions; and

(g) that said trustees have the power, acting in the prudent and faithful exercise of their discretion and as new conditions may from time to time require, in order that said trustees may fully carry out the objects of the Founding Grant, to invest trust funds held by them under the Founding Grant, as amended, in such debentures or in such shares of stock, in bonds, bonded securities, real estate, improvements on real estate, in loans upon the security of real estate or upon any other security satisfactory to said trustees, or in any other generally recognized form of investment providing an adequate rate of interest and affording reasonable assurance of stable values; and

(h) that the notice of the filing and of the hearing of the petition was duly given for the time and in the manner prescribed in that

certain Act of the Legislature of California, approved February 10, 1903, referred to in paragraph XXII of the petition, and in the manner directed by the aforesaid order of January 22, 1936.

Done in open court this 27th day of February, 1936.

WM. F. JAMES

Presiding Judge of the Superior Court

INCREASE IN NUMBER OF TRUSTEES

NOTE: With advent of the Land Development Program, begun in 1950, and with general expansion of the University, work of the Board of Trustees increased progressively until it became manifest the load was too great to be carried by the fifteen members then constituting the Board. It was decided to increase the membership in order to spread the work over more individuals. For a number of years, also, the Board had considered making provisions for participation of the Stanford Alumni Association in nominating a certain number of Trustees. In March, 1954, the Board petitioned the Superior Court of Santa Clara County to authorize an increase in the number of Trustees from fifteen to twenty-three, of whom twenty shall hold the position of Regular Trustees, with ten-year terms, and three the position of Alumni Trustees, with five-year terms. The petition was granted by Judge W. W. Jacka. In a memorandum decision he said, in part:

"The evidence produced in the present hearing shows a tremendous growth of the University since the Founding Grant, with many collateral developments closely related to the University.

"The evidence further shows that the work-load and the responsibilities imposed upon the Trustees, all of whom serve without compensation, have increased to such a degree that they are far beyond the original thinking of the grantors, and that an efficient supervision of the activities of the University requires and dictates an expansion of the number of members of the Board of Trustees.

"That a closer relationship between the University and its functioning and its alumni will not only tend to more fully meet the hopes of the grantors, but will follow a pattern that has developed nationwide with like institutions, cannot be denied."

The decree follows:

IN THE SUPERIOR COURT OF THE STATE OF
CALIFORNIA, IN AND FOR THE COUNTY
OF SANTA CLARA

In the Matter of the Petition of

THE BOARD OF TRUSTEES OF THE
LELAND STANFORD JUNIOR UNIVERSITY

for a decree authorizing the modification of the trusts
relating to the creation and operation of the Leland
Stanford Junior University.

No.
14912
Dept.
No. 6

DECREE

It appearing that the petition of the Board of Trustees of the Leland Stanford Junior University for a decree authorizing modification of the trusts relating to the creation and operation of the Leland Stanford Junior University came on regularly for hearing in the courtroom of Department 6 of the above entitled court, Honorable W. W. Jacka presiding, on the 12th day of March, 1954, at the hour of 10:00 o'clock in the forenoon; that the Board of Trustees of the Leland Stanford Junior University appeared by its counsel, Robert Minge Brown, and there were no other appearances; that proof was made by petitioner that notice of filing of the petition and of the time and place set for hearing of the petition had been given by posting and by publication in the manner directed by the order herein made on February 26, 1954; that no other person having or claiming any interest in, or rights, powers or duties over or concerning the properties comprising a part of the trusts referred to in the petition, or in the subject of the petition, appeared and demurred to or answered the petition; that oral and documentary evidence was offered by petitioner and was received in evidence in support of the petition; that the petition was thereupon taken under submission by the court;

And the court finding, after due consideration, that all of the allegations set forth in the petition are true and that the notice of filing of the petition and of the time and place set for hearing of the petition was duly posted for the time and in the manner prescribed by that certain act of the Legislature of the State of California approved February 10, 1903, referred to in Paragraphs III and VIII of the petition, and in the manner directed by the aforesaid order of February 26, 1954, and that said notice was duly published at the time and in the manner directed by the aforesaid order;

NOW, THEREFORE, the said petition is hereby granted, and it is hereby adjudged, determined and decreed that the trusts relating to the creation and operation of the Leland Stanford Junior University be and the same are hereby amended and modified in the following manner:

(a) The number of Trustees comprising the Board of Trustees of the Leland Stanford Junior University shall be increased from fifteen to twenty-three, of which twenty Trustees shall hold the position of Regular Trustees and three Trustees shall hold the position of Alumni Trustees.

(b) The term of office of a Regular Trustee shall be ten years and the term of office of an Alumni Trustee shall be five years, provided, however, that upon increase of the number of Trustees from fifteen to twenty-three, the Board of Trustees shall be authorized in its discretion to fix initial terms of shorter duration for Trustees first elected to fill the newly created trusteeships to the end that term expiration dates shall occur in different years in accordance with such schedule as shall be established by the Board.

(c) In the event any Trustee for any reason does not complete the full term to which he has been elected, a successor shall be elected to serve during the balance of such unexpired term.

(d) A majority of all Trustees in being, but not less than eight, shall constitute a quorum of the Board, and the concurrence of a quorum shall be necessary for the transaction of business.

Done in open court this 15th day of March, 1954.

W. W. JACKA
Judge of the Superior Court

FURTHER INCREASE IN NUMBER OF TRUSTEES

NOTE: As student enrollment, research, and auxiliary activities have continued to increase after 1954, the complexity and cost of operating the University have risen greatly. It was found necessary to increase the number of Trustees once again, and at the same time to provide the Board with flexibility in fixing the number of Trustees (within set limits) in order to adjust to conditions as they change from time to time. The Trustees also believed that the President of the University should be a member of the Board.

Accordingly, the Board of Trustees once again petitioned the Superior Court of Santa Clara County for a decree providing that the Board consist of twenty-five to thirty-five Trustees; that all Trustees be designated "Trustee" simply, rather than being denominated "Reg-

ular Trustee" or "Alumni Trustee" that the President be a Trustee ex officio; and that the Board have more flexibility in fixing the number, term, and manner of electing or appointing Trustees. The petition was granted on January 13, 1970 by Judge John T. Racanelli.

The decree follows:

IN THE SUPERIOR COURT OF THE STATE OF
CALIFORNIA IN AND FOR THE COUNTY
OF SANTA CLARA

In the Matter of the Petition of

THE BOARD OF TRUSTEES OF THE
LELAND STANFORD JUNIOR UNIVERSITY

for a decree authorizing a modification of the trusts
relating to the creation and operation of The Leland
Stanford Junior University.

No.
P17480
14912

DECREE AUTHORIZING MODIFICATION OF THE
TRUSTS RELATING TO THE CREATION
AND OPERATION OF THE
LELAND STANFORD JUNIOR UNIVERSITY

It appearing that the petition of The Board of Trustees of The Leland Stanford Junior University for a decree authorizing modification of the trusts relating to the creation and operation of the Leland Stanford Junior University came on regularly for hearing in the courtroom of Department No. 1 of the Palo Alto Branch of the above entitled court, Honorable John T. Racanelli presiding, on the 13th day of January 1970, at the hour of 2:00 in the afternoon; that the Board of Trustees of The Leland Stanford Junior University appeared by its counsel, Albert J. Moorman, and that Deputy Attorney General Joanne Condas appeared for the Attorney General of the State of California, and there were no other appearances; that proof was made by petitioner that notice of filing of the petition and of the time and place set for hearing on the petition had been given by service upon the Attorney General of the State of California and by posting in the manner directed by the order herein made on December 22, 1969; that oral and documentary evidence was offered by petitioner and was received in evidence in support of the petition; that the petition was thereupon taken under submission by the court; and the court finding, after due consideration, that all of the allegations set forth in the petition are true and that the notice

of filing of the petition and of the time and place set for hearing on the petition was duly served upon the Attorney General of the State of California and was duly posted for the time and in the manner directed by the aforesaid order of December 22, 1969;

NOW, THEREFORE, the said petition is hereby granted and it is hereby adjudged, determined and decreed that the trusts relating to the creation and operation of the Leland Stanford Junior University be and the same are hereby amended and modified in the following manner:

(a) The number of trustees comprising the Board of Trustees of The Leland Stanford Junior University shall be increased from 23 to a minimum of 25 and a maximum of 35.

(b) The president of Stanford University shall be a trustee ex-officio.

(c) The designations "Regular Trustee" and "Alumni Trustee" shall be eliminated to the end that all trustees be designated "Trustees."

(d) At all times a majority of the trustee positions shall be held by trustees elected by the Board of Trustees in accordance with the present provisions of the Stanford trusts.

(e) The term of office of all trustees, however elected or appointed, other than a trustee ex-officio, shall not exceed ten years.

(f) Subject to the aforesaid limitations, the Board of Trustees shall from time to time in its by-laws or in its Rules Governing Elections, fix the number of trustees, including the number of trustees to be elected by the Board of Trustees in accordance with the present provisions of the Stanford trusts and the number of trustees to be otherwise elected or appointed, the manner of electing or appointing those trustees to be elected or appointed otherwise than by the Board of Trustees in accordance with the present provisions of the Stanford trusts, and the term of office of trustees, which need not be the same for all trustees.

Done in open court this 13th day of January, 1970.

JOHN T. RACANELLI
Judge of the Superior Court

DELETION OF LIMITATIONS ON NUMBER OF WOMEN STUDENTS AND ON SECTARIAN WORSHIP

NOTE: *In her May 31, 1899, address, Mrs. Stanford amended the Founding Grant by providing that the number of women students should not exceed five hundred. In her address of June 1, 1903, she*

reiterated the paramount purpose of the Founders to "maintain a University of high degree." By 1933, because of changed conditions, including the greatly increased enrollment of the University, the Board determined that in order best to maintain a University of high degree, the limitation on the number of women should be considered incidental and subordinate. The Board then resolved that the number of women students be increased maintaining substantially the same proportion of women to men as obtained in 1899. Although the administration of the admissions policy thereafter was believed to give equal advantages to both sexes, the number of men enrolled substantially exceeded the number of women—particularly in the graduate schools of the University. As the University made an increasing effort to attract more women students, there was some fear that the existence of the limitation, although treated as "incidental and subordinate," might be inhibiting applications from women. In addition, the national policy against sex discrimination exemplified in Title IX of the Education Amendments of 1972 (P.L. 92-318) corroborated the advisability of removing the limitation. In 1973, the Board petitioned the Court to have the Founding Grant amended accordingly.

When Memorial Church was completed in 1902, Mrs. Stanford provided that the services "must be simple and informal in character, and the theological questions, services and observances upon which the sects differ should not be entered upon, so that members of every church may worship and receive instruction therein not inconsistent with their individual beliefs." By the 1960s, however, the nondenominational services had become insufficient to the spiritual needs of an increasingly diverse student body and faculty. Several years of study and experiment convinced the Board that availability of various sectarian services would better accomplish Mrs. Stanford's desire that members of the University community might worship in Memorial Church in a manner not inconsistent with their religious beliefs. While adhering to the principles that sectarian instruction not be part of the University's academic program; that the University be maintained on a nonsectarian basis; and that no profession of religious faith or belief or attendance at any religious service be required of anyone for any purpose, the Board also petitioned the Court to permit the various denominations to conduct sectarian services in Memorial Church.

The decree follows:

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR THE COUNTY OF SANTA CLARA

In the Matter of the Petition of

THE BOARD OF TRUSTEES OF THE LELAND STANFORD JUNIOR UNIVERSITY

for a decree authorizing a modification of the trusts relating to the creation and operation of The Leland Stanford Junior University.

No. P17480

DECREE AUTHORIZING MODIFICATION OF THE TRUSTS RELATING TO THE CREATION AND OPERATION OF THE LELAND STANFORD JUNIOR UNIVERSITY

It appearing that the petition of The Board of Trustees of The Leland Stanford Junior University for a decree authorizing modification of the trusts relating to the creation and operation of The Leland Stanford University came on regularly for hearing in the courtroom of Department No. 2 of the Palo Alto Branch of the above entitled court, Honorable Stanley R. Evans presiding, on the 7th day of March, 1973, at the hour of 2:00 in the afternoon; that the Board of Trustees of The Leland Stanford Junior University appeared by its counsel, Albert J. Moorman, and that Deputy Attorney General Joanne Condas appeared for the Attorney General of the State of California, and there were no other appearances; that proof was made by petitioner that notice of filing of the petition and of the time and place set for hearing on the petition had been given by service upon the Attorney General of the State of California and by posting in the manner directed by the order herein made on January 26, 1973; that oral and documentary evidence was offered by petitioner and was received in evidence in support of the petition; and the court finding, after due consideration, that all of the allegations set forth in the petition are true and that the notice of filing of the petition and of the time and place set for hearing on the petition was duly served upon the Attorney General of the State of California and was duly posted for the time and in the manner directed by the aforesaid order of January 26, 1973;

NOW, THEREFORE, the said petition is hereby granted, and it is hereby adjudged, determined and decreed that the trusts relating to the creation and operation of The Leland Stanford Junior Univer-

sity be and the same are hereby amended and modified in the following manner:

(a) The provision in the May 31, 1899, amendment to the trusts which states that "the number of women attending the University as students shall at no time ever exceed five hundred" is deleted from the effective terms of said trusts.

(b) The provisions in the October 3, 1902, amendment to the trusts which describe the worship services to be held in Memorial Church are amended and modified to provide as follows: "In addition to the worship services provided for in the amendment dated October 3, 1902, the Board of Trustees, in its discretion, may permit the various denominations to conduct sectarian worship services in Memorial Church."

Done this 9th day of March, 1973.

/s/ STANLEY R. EVANS

Judge of the Superior Court

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