

DECREE

AND NOW, this 15<sup>th</sup> day of November, 1976, on consideration of the foregoing Petition of Hershey Trust Company, Trustee for Milton Hershey School, Milton Hershey School, and the Board of Managers of Milton Hershey School, made by leave of the Attorney General of Pennsylvania; it appearing as follows:

That the retention in the Restated Deed of Trust of the requirement that only males be admitted to the School is causing a partial failure of the purposes of the Trust; that the number of orphans requiring institutional care has declined substantially in recent years and this decline is causing a partial failure of the purposes of the Trust, that the first name of Catherine S. Hershey, wife of Milton S. Hershey, Settlor, is spelled incorrectly in the Restated Deed of Trust and acknowledgment; and, that the approval of a second restated Deed of Trust would greatly facilitate the ease of understanding of the Deed of Trust of Milton Hershey School.

It is therefore ordered, adjudged, and decreed as follows:

All references in the Restated Deed of Trust to the restriction of admission to males are hereby eliminated.

The Restated Deed of Trust is hereby modified by altering paragraph 13 thereof to read as follows:

13. The institution shall be organized as soon as practicable, and when prepared to receive children, the Managers shall from time to time receive and admit to the School as many poor, healthy children as may from time to time be determined by the Managers, as in the opinion of the Managers, the extent, capacity, and income of the School will provide for, and shall be adequate to maintain, and from time to time as there may be vacancies, or increased ability from income may warrant, others shall be admitted; provided that any such child shall have attained his or her fourth birthday but shall not yet have attained his

or her sixteenth birthday at the time of his or her admission. Consistent with the purposes of this deed, only a child deemed poor and healthy by the Managers, and who, in the opinion of the Managers, is not receiving adequate care from one of his or her natural parents, is of good character and behavior, has potential for scholastic achievement, and is likely to benefit from the program then offered by the School, in addition to meeting the other qualifications set forth herein, shall be admitted to the School. The Managers shall make all decisions as to admission to the School, and their decisions shall be final and conclusive upon the subject.

Further, the feminine counterparts to the masculine nouns, pronouns and adjectives appearing elsewhere in the Restated Deed of Trust are hereby inserted where appropriate. Other references in the Restated Deed of Trust to "orphan" or "orphans" are hereby deleted and "child" or "children" substituted therefor. Accordingly, the declaration of purpose of the Restated Deed of Trust is modified to read as follows:

[I]n trust for a permanent institution for the residence and accommodation of poor children, and the requisite teachers and other persons necessary in and about such an institution, and the maintenance, support, and education, as hereinafter prescribed of such children:....

Paragraph 10 is modified, in relevant part, to read as follows:

[T]o pay the compensation of officers, agents, teachers, workmen, servants, or other employees, materials and supplies, the maintenance, clothing, and instruction of the children,....

Paragraph 12 is modified to read as follows:

12. The Managers shall employ from time to time, at proper compensation to be fixed and established by them, a competent number of teachers, agents, mechanics, workmen, and servants, necessary to take charge of the said farms and School, and to feed, clothe, educate, and instruct in trades, as hereinafter provided, all children admitted to the School, and for other purposes necessary to carry out the objects in view; but no person shall be employed who shall not be of tried skill in his or her proper department, and of established moral character.

Paragraph 14 is modified to read as follows:

14. On application for admission, an accurate statement shall be taken, in a book prepared for the purpose, of the name, birthplace, age, health, condition

as to relatives, and other particulars useful to be known of each child.

Those children for whose admission application shall first be made, shall be first introduced, all other things concurring, and at all future times, priority of application shall entitle the applicant to preference of admission, all other things concurring, but if there should be at any time more applicants than vacancies, and the applying children shall have been born in different places, preference shall be given in the admission: First,--to those born in the Counties of Dauphin, Lancaster, and Lebanon, State of Pennsylvania; Second,--to those born elsewhere in Pennsylvania; Third,--to those born elsewhere in the United States. No child who has been properly admitted with reference to the order of preference shall thereafter be displaced to make way for any later or subsequent applicant who may be higher in the order of preference hereinbefore directed to be observed. The decision of the Managers as to the number of children to be admitted, and as to the conflicting claims of any or all applicants for admission, shall be final and conclusive.

Paragraph 15 is modified to read as follows:

15. Those children who, in the opinion of the Managers, are worthy students making satisfactory progress, may remain in the School until they complete the full course of secondary education being offered.

Paragraph 16 is modified, in relevant part, to read as follows:

16. All children admitted to the School shall be fed with plain, wholesome food; plainly, neatly, and comfortably clothed, without distinctive dress, and fitly lodged.... No one fixed or established course shall be taken by all scholars, this being in the discretion of the Managers, bearing in mind that the main object in view is to train young men and women to useful trades and occupations, so that they can earn their own livelihood. Each and every scholar shall be required to learn, and be thoroughly instructed in some occupation or mechanical trade, so that when he or she leaves the School on the completion of the period for which he or she is to remain, he or she may be able to support himself or herself.

The Managers shall determine the several kinds of mechanical trades to be taught, and the determination of the particular one that shall be taught to and acquired by each scholar,--the taste, capacity, intelligence, and adaptability of each scholar being ascertained and considered before assigning him or her to any particular trade; one of the objects of the School being to teach and instruct in agriculture, horticulture, and gardening, each child admitted to

the School shall at such time or times as may be required, do such work upon the farms as may suit his or her capacity and ability.

Paragraph 20 is modified to read as follows:

20. If, in the opinion of the Managers, any child admitted to the School should become incompetent to learn, or to master a trade, or from physical ailments it would be inexpedient for him or her to continue his or her studies and training, or become insubordinate, or be guilty of vice or crime, or become an unfit companion for the others, or has so conducted himself or herself as not worthy of future and continued support and education, or is so competent to work at his or her chosen trade, that he or she is qualified to be self-supporting, he or she may be removed or expelled from the School by the Managers. The decision of the Managers as to whether a scholar deserves removal or expulsion, shall be final and conclusive upon the subject. The Managers may dismiss any child from their care, and remove him or her from the School for any reason which in their judgment is good and sufficient.

Paragraph 21 is modified in relevant part to read as follows:

21. All children shall leave the institution and cease to be the recipients of its benefits upon their completion of the full course of secondary education being offered at the School.

Paragraph 23 is modified to read as follows:

23. The Managers shall at all times keep full and accurate statements, in books to be provided by them for the purpose, of all children entering, remaining in, and leaving the School, showing their several names, parentage, birthplaces, ages, admission, and departure, and designation of trade learned; and so far as any information upon the subject can readily and without unnecessary expense be obtained, the Managers shall cause a record to be kept and preserved of the residence, occupation, condition, and success in life of all scholars who have fully completed their term, for a period of ten years after their departure from the School.

The spelling of the first name of Catherine S. Hershey, wife of Milton S. Hershey, Settlor, is hereby changed in the Restated Deed of Trust to conform to the correct spelling. Accordingly, the first line of the second paragraph of the Restated Deed of Trust is modified to read as follows: "Between Milton S. Hershey

and Catherine S. Hershey...." The seal of Catherine S. Hershey at the conclusion of the Restated Deed of Trust is changed to conform to the correct spelling of her name, Catherine S. Hershey. The spelling of the name of Catherine S. Hershey where it appears in the acknowledgment of the Restated Deed of Trust is corrected.

The second restated Deed of Trust of Milton Hershey School embodying in one instrument the Restated Deed of Trust entered at Docket No. 712, Year of 1963, on December 24, 1970, and the modifications made pursuant to this Decree, as specified above, in the form, marked "Exhibit G", which is attached to the Petition accompanying this Decree and incorporated herein by reference, is hereby approved.

BY THE COURT:

12/ Les. F. Swape  
P.J.