

No. 116.

AN ACT

Incorporating the trustees of the Western theological seminary of the Presbyterian church of the United States of America, at the city of Allegheny, in the state of Pennsylvania.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That David M'Conaughy, A. O. Patterson, Robert Dunlap, A. D. Campbell, Noah Gillett, James Culbertson, Absalom M'Cready, Robert Johnson, William Jeffery, C. C. Beatty, Samuel M'Farren, Loyal Young, George Marshall, Algernon S. M'Master, Alexander Laughlin, Francis G. Bailey, Thomas Kidder, Harmar Denny, Alexander Semple, Malcomb Leech, Francis Herron, E. P. Swift, Matthew Brown, W. B. M'Illvain, John Stockton, Ebenezer Graham, James Alexander, Robert Wray, Benjamin Williams and Frederick Lorenz, and their successors, duly elected and appointed, in manner as is hereinafter directed, be and they are hereby made, declared and constituted a corporation and body politic and corporate in law, and in fact, to have continuance forever, by the name, style and title of "the trustees of the Western theological seminary of the Presbyterian church, in the United States of America;" and by the name, style and title aforesaid, shall forever hereafter, be persons able and capable in law, as well to take, receive and hold all, and all manner of lands, tenements, rents, annuities, reversions, franchises and other hereditaments whatsoever, which at any time or times heretofore have been granted, bargained, sold, enfeoffed, released, devised, or otherwise conveyed or vested for the use of the Western theological seminary of the Presbyterian church in the United States of America, located at the city of Allegheny, state of Pennsylvania, in or to any other person or persons, to the use of the said seminary, or in trust for the same by this commonwealth, or by any person or persons whomsoever; and the same lands, tenements, rents, annuities, reversions, liberties, franchises, and other hereditaments are hereby vested and established in the said corporation forever, according to the original use and intent for which such devises, gifts, grants, releases, or other conveyances were respectively made; and the said corporation and their successors are hereby declared to be seized and possessed of such estate and estates therein, as in and by the respective grants, bargains, sales, enfeoffments, gifts, devises, releases and other conveyances thereof, is or are declared limited or expressed; also, that the said corporation and their successors, at all times hereafter, shall, and be capable and able to purchase, have, and receive, take, hold and enjoy, in fee simple, or of lesser estate or estates, all, and all manner of lands, tenements, rents, annuities, franchises and hereditaments, by the gift, grant, bargain, sale, alienation, enfeoffment, release, confirmation or devise, to any person or persons, bodies politic and corporate, capable and able to make the same; and further, that the said corporation and their successors may take and receive any sum or sums of money, and any portion of goods and chattels that have been given or bequeathed to, and for the use of the Western theological seminary of the Presbyterian church of the United States of America, at the city of Allegheny,

Corporators.

Name.

Liberties, powers and privileges.

or to the directors thereof, or to any other person or persons, body politic or corporate, in trust, or for the use of the said seminary; or that shall hereafter be given, sold, leased or bequeathed to the said corporation, by any person or persons, bodies politic or corporate, that is able or capable to make a gift, sale, lease, bequest, or other disposal of the same; such money, goods or chattels, to be laid out and disposed of for the use and benefit of the aforesaid corporation, agreeably to the will and intention of the donors, and according to the objects, articles and conditions of this act, or according to the articles and by-laws of the said corporation: *Provided*, That this act shall not be construed to impair or affect the right of other persons or corporations, or to vest in said corporation, any other or greater estate, right or title in the lands and tenements heretofore held by any person or persons for the use of the said Western theological seminary, by grant from the commonwealth, or conveyance from any person or persons, than were held and enjoyed by such person or persons, at, or before the passage of this act; and that in all suits now pending, or hereafter brought, concerning the real estate held or claimed by any person or persons for the use of the said seminary, prior to the passage of this act, the right and title to the same shall be tried and determined, as if this act had not been passed.

Proviso.

Misnomer.

SECTION 2. *And be it further enacted by the authority aforesaid*, That no misnomer of the said corporation and their successors, shall defeat or annul any gift, grant, devise or bequest, to or for the said corporation: *Provided*, The intent of the party or parties shall sufficiently appear upon the face of the gift, will, grant, or other writing, whereby any estate or interest was intended to pass to, or for the said corporation.

Seal.

SECTION 3. *And be it further enacted by the authority aforesaid*, That the said corporation and their successors, shall have full power and authority to make, have and use one common seal, with such device and inscription as they shall deem proper, and the same to break, alter and renew at their pleasure.

Power and capability.

SECTION 4. *And be it further enacted by the authority aforesaid*, That the said corporation, and their successors, by the name, style and title aforesaid, shall be able and capable in law, to sue and be sued, plead and be impleaded, in any court or courts, before any judge or judges, justice or justices, in all, and all manner of suits, complaints, pleas, causes, matters and demands, of whatsoever nature, kind and form they may be; and all and every matter and thing to do, in as full and effectual a manner as any other person or persons, bodies politic and corporate, within this commonwealth, may or can do.

By-laws.

SECTION 5. *And be it further enacted by the authority aforesaid*, That the said corporation and their successors, shall be, and hereby are authorized and empowered to make, ordain and establish rules, by-laws and ordinances; and do every thing incident and needful for the due and good government and support of the affairs of the said corporation, and managing the funds and revenues thereof: *Provided*, That the said rules, by-laws and ordinances be not repugnant to the constitution and laws of the United States, to the constitution and laws of this commonwealth, or to this act.

Proviso.

Corporators limited.

SECTION 6. *And be it further enacted by the authority aforesaid*, That the said corporation shall not consist, at any time, of more than thirty persons, nine of whom shall at all times be laymen, and citizens of the state of Pennsylvania, whereof the general assembly of the Presbyterian church in the United States of America, may at their annual meeting change one-third, in such manner as to the said general

Appointment.

assembly shall seem proper; and the corporation aforesaid shall have power and authority to manage and dispose of all moneys, goods, chattels, lands, tenements and hereditaments, and all other estates whatsoever, committed to their care and trust, by the said general assembly; but in cases where special instructions for the management and disposal thereof shall be given by the said general assembly, in writing, under the hand of their clerk, it shall be the duty of the said corporation to act according to such instructions: *Provided*, That the said instructions shall not be repugnant to the constitution and laws of the United States, or to the constitution and laws of this state, or to this act. Proviso.

SECTION 7. *And be it further enacted by the authority aforesaid*, That seven members of this corporation, whereof the president, or in his absence, the vice president, to be one, shall be a sufficient number to transact the business thereof, and to make by-laws, rules and regulations: *Provided*, That previous to any meeting of the board or corporation for such purposes, not appointed by adjournment, ten days notice shall be previously given thereof by the secretary or clerk of the said corporation, to each of the members of the same; and the said corporation shall, and may, as often as they shall see proper, and according to the rules by them to be prescribed, choose out of their number a president, a vice president and secretary; and shall have authority to appoint a treasurer, and such other officers and servants as shall by them, the said corporation, be deemed necessary; to which officers the said corporation may assign such a compensation for their services, and such duties to be performed by them, to continue in office for such time, and to be succeeded by others in such way and manner as the said corporation may direct. Quorum.
Proviso.
Officers.
Compensation.
Duties.

SECTION 8. *And be it further enacted by the authority aforesaid*, That all questions before the said corporation shall be decided by a plurality of votes, whereof each member present shall have one, except the president, or vice president, when acting as president, who shall have only the casting voice or vote, in case of an equality in the votes of the other members. Questions decided.

SECTION 9. *And be it further enacted by the authority aforesaid*, That the said corporation shall keep fair and regular entries of their proceedings, and a just account of their receipts and disbursements, in a book or books to be provided for that purpose; and shall, once in a year, exhibit to the general assembly of the Presbyterian church in the United States of America, an exact state of the accounts and funds of the said corporation. Proceedings.

SECTION 10. *And be it further enacted by the authority aforesaid*, That the said corporation may take, receive, purchase, possess and enjoy messuages, houses, lands, tenements, rents, annuities, and other hereditaments, real and personal estate of any amount: *Provided*, That the clear yearly value and income shall not exceed the sum of fifteen thousand dollars. Possessions.
Income limited.

SECTION 11. That the legislature expressly reserves the right, at any time hereafter to construe, alter, amend or repeal all, or any of the provisions of this act.

JAMES ROSS SNOWDEN,
Speaker of the House of Representatives.

WILLIAM BIGLER,
Speaker of the Senate.

APPROVED—The twenty-ninth day of March, one thousand eight hundred and forty-four.

DAVID R. PORTER.