

CHAPTER XXXVII.

*AN ACT*

Divorcing Vachel Stephens and Rachel his wife from the bonds of matrimony.

SECT. 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 the marriage contract entered into between Vachel Stephens and Rachel his wife, late Rachel Peairs, of Fayette county, be, and the same is hereby dissolved, and the parties respectively set free and apart from all duties and obligations arising from said contract, as fully and effectually as if they had never been joined in marriage.

REES HILL, *Speaker of the House of Representatives.*

ISAAC WEAVER,  
*Speaker of the Senate.*

APPROVED—the eleventh day of February, one thousand eight hundred and nineteen.

WILLIAM FINDLAY.

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CHAPTER XXXVIII.

*AN ACT*

Incorporating the Western University of Pennsylvania.

WHEREAS the happiness and prosperity of every community (under the direction of Divine Providence) depend greatly on the proper education of youth.

And whereas by the petition of a respectable number of the inhabitants of the western parts of this commonwealth, it appears that the institution of an university near the town of Allegheny, in the county of Allegheny, for the instruction of the rising generation, would highly promote the best interests of the state, and in part fulfil an important constitutional injunction.

And whereas the trustees of the Pittsburg academy, by memorial have represented that institution though in a respectable state of improvement, as inadequate to the accom-

modation and complete education of the students at present attending that seminary. And have expressed their desire that a university should be established in their vicinity, and that the funds of the academy may be transferred for the use of such university.

Therefore,

SECT. 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 there shall be erected and established near the town of Allegheny, in the county of Allegheny, an university for the education of youth in the learned and foreign languages, the useful arts, sciences and literature, by the name and style of "The Western University of Pennsylvania;" the constitution whereof shall be, and is hereby declared to be as is hereinafter mentioned and defined, that is to say :

University  
erected.

Name.

Constitution.

Board of trustees.

Their names.

Incorporated.

Rights and  
privileges.

Proviso.

I. The Western University of Pennsylvania, shall be under the management, direction and government of twenty-six trustees, nine of whom shall form a quorum or board.

II. The first trustees of the said university shall be composed of the following persons, viz : James Ross, George Stevenson, Francis Herron, Joseph Stockton, Robert Bruce, John Black, John Scull, John M. Snowden, William Wilkins, George Evans, Morgan Neville, Henry Baldwin, George Poe, jun. Walter Forward, John Darrah, Samuel Roberts, Ebenezer Denny, Peter Mowry, of the city of Pittsburg, William Robertson, jun. of the town of Allegheny, John McPherrin, John Gilmore, of Butler county, John Young, James Postlewaith, John Reed, of Westmoreland county, Robert Moore and James Allison, of Beaver county. Which trustees and their successors to be elected in the manner hereafter mentioned, shall forever hereafter be one body politic and corporate, with perpetual succession in deed and in law, to all intents and purposes whatsoever, by the name and title of "The Trustees of the Western University of Pennsylvania," by which name and title they the said trustees shall be competent and capable at law and in equity, to take to themselves and their successors, for the use of the said university, any estate in any messuages, lands, tenements, hereditaments, goods, chattels, money or other effects, by the gift, grant, bargain, sale, conveyance, assurance, will, devise or bequest of any person or persons, or bodies politic or corporate whatsoever: *Provided,* The same do not exceed in the whole, the yearly value of twenty thousand dollars. And the same messuages, lands, tenements, hereditaments and estate, real and personal, to grant, bargain, sell, convey, assure, demise, and to farm, let and place out on interest or otherwise dispose of, for the use of the said university, in such manner as to them shall seem most beneficial to the institution. And to receive the rents,

issues, profits, income and interest of the same, and to apply the same to the proper use and support of the said university. And by the same name to sue, commence, prosecute and defend, implead and be impleaded in any court of law or equity, and in all manner of suits or actions whatsoever; and generally by and in the same name to do and transact all and every the business, touching or concerning the premises, or which shall be incidentally necessary thereto, as fully and effectually as any body politic or corporate within this commonwealth have power to manage their own concerns. And to hold, enjoy and exercise all such powers, authorities and jurisdiction as are customary in other universities in the United States of America.

III. That the said trustees shall cause to be made for their Common use, one common seal, with such devices and inscriptions seal. thereon as they shall think proper, under and by which all deeds, diplomas, certificates and acts of the said corporation shall pass and be authenticated, and the same seal at their pleasure to break and devise a new one

IV. That the said trustees shall meet at the town of Alle-Meeting of gheny on the third Monday of May next, for the purpose of trustees. concerting such measures as they may deem correct in consequence of this act. with power to adjourn to such time and place as they shall see cause, notice thereof being given in one or more of the newspapers published in the city of Pittsburg. And a majority of such board shall be capable of doing and Majority capable of making rules, &c. transacting all the business and concerns of the institution; particularly of making and enacting ordinances, rules or regulations for the government of the said university; of electing trustees in the place or stead of those who shall resign their places, or who shall die; of electing and appointing the principal and professors of the said university; of fixing their salaries and emoluments and removing them for misconduct; of appointing committees of their own body to carry into execution the resolutions of their own board; of appointing a secretary, treasurer, librarian, stewards, managers, auditors and other necessary officers for the care and management of the property of the institution: *Provided*, *Provided*. That no ordinances shall be of force repugnant to the constitution and laws of this state or of the United States.

V. No person acting as principal or professor shall be capable of the office of trustee of this institution.

VI. The principal and professors or a majority of them, shall be styled "The Faculty of the University," which Faculty shall have the power of enforcing the regulations for the government of the pupils, by rewarding or censuring them, Their power. and finally by suspending such of them as shall continue refractory, until the determination of the trustees can be had. And of granting and confirming by and with the approbation of the trustees, signified by their mandamus, such degrees in

the liberal arts and sciences, to such pupils of the university or others, distinguished for their proficiency or merit, as they shall think worthy of such degrees, as are usually granted and conferred in other universities in the United States of America; and to grant to such graduates, diplomas or certificates under their common seal and signed by the faculty, to authenticate and perpetuate the memory of such graduation.

Who may be trustees. Proviso. VII. Persons of every religious denomination shall be capable of being elected trustees, nor shall any person either as principal professor or pupil, be refused admittance for his conscientious persuasion in matters of religion: *Provided*, His demeanor be orderly and correct.

Misnomers not to annul gifts, &c. Disuse, &c. not to create forfeiture. SECT. 2. *And be it further enacted by the authority aforesaid*, That no misnomer of the said corporation shall defeat or annul any gifts, grants, devise or bequest, to, or from the said corporation, provided the intent of the parties shall sufficiently appear upon the face of the gift, grant, will or other writing, whereby any estate or interest was intended to pass to or from the said corporation; nor shall any disuse or non-user of the rights, liberties, privileges, jurisdictions and authorities hereby granted to the said corporation or any of them, create or cause a forfeiture thereof.

Lands granted. Patent therefor. SECT. 3. *And be it further enacted by the authority aforesaid*, That forty acres of the vacant lands belonging to the commonwealth, bounded by or adjoining the out lots of the town of Allegheny, be, and they are hereby granted to the trustees of "The Western University of Pennsylvania," to be forthwith laid off in one entire body, in such part as the trustees shall designate upon which the University shall be erected; to have and to hold the same to them and their successors forever. And upon the application of any person duly authorised by the said trustees, to the deputy surveyor of Allegheny county, he shall survey or cause to be surveyed the lands as aforesaid, and make return thereof, and thereupon a patent shall be granted, free of expense, to the trustees of "The Western University of Pennsylvania," in the usual manner and form under the laws of this state in such case made and provided.

Transfer of estate authorised. SECT. 4. *And be it further enacted by the authority aforesaid*, That the trustees of the Pittsburg academy be authorised, and they are hereby empowered to transfer and convey all the estate real, personal and mixed of the said academy, to the trustees of "The Western University of Pennsylvania," and their successors and assigns for ever, for the use of the said University.

Oath, &c. taken by officers of the institution. SECT. 5. *And be it further enacted by the authority aforesaid*, That the trustees of "The Western University of Pennsylvania," and their successors, the principal professors, and all other officers of the said institution, before they enter on their duties, shall each, and every of them take and subscribe

an oath or affirmation for the faithful discharge of the trust reposed in them.

REES HILL, *Speaker of the  
House of Representatives.*

ISAAC WEAVER,  
*Speaker of the Senate.*

APPROVED—the eighteenth day of February, one thousand eight hundred and nineteen.

WILLIAM FINDLAY.

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CHAPTER XXXIX.

*AN ACT*

Authorising the guardians of the minor children of William Hutchison, deceased, to execute a conveyance to James Todd.

WHEREAS it has been represented to the legislature that Robert Hutchison did sell unto James Todd, one hundred and two acres of land with the usual allowance, situate in Centre township, Indiana county, adjoining lands of James Kelly, James M'Lain, and others, surveyed on a warrant in the name of John Hutchison, and that William Hutchison, at, and immediately before the time of his decease, was seized of an equal undivided moiety or half part of said land; that said William Hutchison died intestate, leaving several children who are now in their minority, to whom the said moiety of land descended in equal parts, that the sale is deemed fair and advantageous to the parties concerned, and it is their wish to have the sale confirmed.

Therefore,

SECT. 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 the guardians of the minor children of William Hutchison, deceased, be, and they are hereby authorised and empowered to make and execute a good and sufficient title in fee simple, to James Todd, for the purpart or share to which the said minor children are entitled, of one hundred and two acres of land, more or less, with the usual allowance, situate in Centre township, Indiana county, adjoining lands of James Kelly, James M'Lain and others, surveyed on a warrant in the name of John Hutchison: Provided, The said James*