

Proceedings against general partners, when special partners afterwards appear to have become liable.

Judgment to be prima facie evidence of, &c.

Partnership not to be dissolved before the time stated in certificate, unless, &c.

General partners liable to account to each other and to special partners.

against the plaintiffs; and if creditors shall have recovered a judgment or obtained a decree against general partners only, and shall afterwards discover that special partners or some one or more of them have become liable as general partners, he may bring a new suit against such special partner or partners; and in such suit the judgment recovered as aforesaid shall be prima facie evidence of the amount due by the partnership, and the partnership debt shall not be merged in any judgment or decree recovered or obtained against any partner or partners, as against any other partner or partners.

SEC. 19. *And be it further enacted,* That no dissolution of such partnership by act of the partners shall take place previous to the time specified in the certificate of its formation, or in the certificate of its renewal, unless in consequence of the death of one of the partners, or insolvency of the partnership, or of one of the general partners, nor until a notice of such dissolution shall have been filed and recorded in the clerk's office in which the original certificate was recorded, and published once a week for four weeks in two newspapers, to be designated by the clerk of the supreme court of the District of Columbia, which publication may be proved by affidavit and recorded as hereinbefore prescribed for the publication of the certificate for the formation of such partnership.

SEC. 20. *And be it further enacted,* That the general partners shall be liable to account to each other and to the special partners for the management of the concern, both in law and equity.

APPROVED, March 2, 1867.

March 2, 1867. CHAP. CLXII. — *An Act to incorporate the Howard University in the District of Columbia.*

The Howard University incorporated in the District of Columbia.

Corporators.

Corporate name and powers.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be established, and is hereby established, in the District of Columbia, a university for the education of youth in the liberal arts and sciences, under the name, style, and title of "The Howard University."

SEC. 2. *And be it further enacted,* That Samuel C. Pomeroy, Charles B. Boynton, Oliver O. Howard, Burton C. Cook, Charles H. Howard, James B. Hutchinson, Henry A. Brewster, Benjamin F. Morris, Danforth B. Nichols, William G. Finney, Roswell H. Stevens, E. M. Cushman, Hiram Barbour, E. W. Robinson, W. F. Bascom, J. B. Johnson, and Silas L. Loomis, be, and they are hereby, declared to be a body politic and corporate, with perpetual succession in deed or in law to all intents and purposes whatsoever, by the name, style, and title of "The Howard University," by which name and title they and their successors shall be competent, at law and in equity, to take to themselves and their successors, for the use of said university, any estate whatsoever in any messuage, lands, tenements, hereditaments, goods, chattels, moneys, and other effects, by gift, devise, grant, donation, bargain, sale, conveyance, assurance, or will; and the same to grant, bargain, sell, transfer, assign, convey, assure, demise, declare, to use and farm let, and to place out on interest, for the use of said university, in such manner as to them, or a majority of them, shall be deemed most beneficial to said institution; and to receive the same, their rents, issues, and profits, income and interest, and to apply the same for the proper use and benefit of said university; and by the same name to sue and be sued, to implead and be implead[ed], in any courts of law and equity, in all manner of suits, actions, and proceedings whatsoever, and generally by and in the same name to do and transact all and every the business touching or concerning the premises: *Provided,* That the same do not exceed the value of fifty thousand dollars net annual income, over and above and exclusive of the receipts for the education and support of the students of said university.

Net annual income not to exceed \$50,000 over, &c.

- SEC. 3. *And be it further enacted,* That the first meeting of said corporators shall be holden at the time and place at which a majority of the persons herein above named shall assemble for that purpose; and six days' notice shall be given each of said corporators, at which meeting said corporators may enact by-laws not inconsistent with the laws of the United States regulating the government of the corporation.
- SEC. 4. *And be it further enacted,* That the government of the university shall be vested in a board of trustees, of not less than thirteen members, who shall be elected by the corporators at their first meeting. Said board of trustees shall have perpetual succession in deed or in law, and in them shall be vested the power hereinbefore granted to the corporation. They shall adopt a common seal, which they may alter at pleasure, under and by which all deeds, diplomas, and acts of the university shall pass and be authenticated. They shall elect a president, a secretary, and a treasurer. The treasurer shall give such bonds as the board of trustees may direct. The said board shall also appoint the professors and tutors, prescribing the number, and determining the amount of their respective salaries. They shall also appoint such other officers, agents, or employees, as the wants of the university may from time to time demand, in all cases fixing their compensation. All meetings of said board may be called in such manner as the trustees shall prescribe, and nine of them so assembled shall constitute a quorum to do business, and a less number may adjourn from time to time.
- SEC. 5. *And be it further enacted,* That the university shall consist of the following departments, and such others as the board of trustees may establish: First, normal; second, collegiate; third, theological; fourth, law; fifth, medicine; sixth, agriculture.
- SEC. 6. *And be it further enacted,* That the immediate government of the several departments, subject to the control of the trustees, shall be intrusted to their respective faculties, but the trustees shall regulate the course of instruction, prescribe, with the advice of the professors, the necessary text-books, confer such degrees, and grant such diplomas as are usually conferred and granted in other universities.
- SEC. 7. *And be it further enacted,* That the board of trustees shall have power to remove any professor or tutor or other officers connected with the institution, when, in their judgment, the interest of the university shall require it.
- SEC. 8. *And be it further enacted,* That the board of trustees shall publish an annual report, making an exhibit of the affairs of the university.
- SEC. 9. *And be it further enacted,* That no misnomer of the said corporation shall defeat or annul any donation, gift, grant, devise, or bequest to or from the said corporation.
- SEC. 10. *And be it further enacted,* That the said corporation shall not employ its funds or income, or any part thereof in banking operations or for any purpose or object other than those expressed in the first section of this act; and that nothing in this act contained shall be so construed as to prevent Congress from altering, amending, or repealing the same.

First meeting of corporators.
Notice.
By-laws.
Board of trustees, how elected; their powers and duties.
Common seal.
President, secretary, treasurer.
Bond of treasurer.
Professors, tutors, and other officers.
Meetings of board; how called.
Quorum.
University to consist of what departments.

Each department to be governed by its faculty, subject, &c.
Trustees to regulate course of study, &c. confer degrees, &c.;
may remove any professor or officer;
to publish an annual report.
Gifts, devises, &c. not affected by a mistake in name.
Funds not to be employed in banking operations.
Act may be altered or repealed.

APPROVED, March 2, 1867.

CHAP. CLXIII. — *An Act supplemental to "An Act to establish the Treasury Department," approved the second of September, seventeen hundred and eighty-nine.*

March 2, 1867.
1789, ch. 12.
Vol. i. p. 65.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury shall have power, by an appointment under his hand and official seal, to delegate to one of the assistant secretaries of the treasury, authority to sign in his stead all warrants for the payment of money into the public treasury, and all warrants for the disbursement from the public treasury of money certified by the proper accounting officers of the

The Secretary of the Treasury may authorize one of the assistant secretaries to sign warrants to pay money, &c.