

MARYLAND GAZETTE.

T H U R S D A Y, APRIL 7, 1785.

An act for founding a college on the western shore of this state, and constituting the same, together with Washington college on the eastern shore, into one university, by the name of The University of Maryland. [Concluded.]

And be it enacted, That the said visitors and governors, and their successors, shall meet at least four times in every year, in stated quarterly meetings, to be appointed by their own ordinances, and at such other times as by their said ordinances they may direct, in order to examine the progress of the students and scholars in literature, to hear and determine on all complaints and appeals, and upon all matters touching the discipline of the seminary, and the good and wholesome execution of their ordinances; in all which examinations, meetings, and determinations, such number of the said visitors and governors duly met (provided they be not less than seven) shall be a quorum, as the fundamental ordinances at first, or any time afterwards duly enacted by a majority of the whole visitors, shall fix and determine.

And be it enacted, That a majority of the said visitors and governors for the time being, when duly assembled at any quarterly or other meeting, upon due notice given to the whole body of visitors and governors, shall have full power and authority to make fundamental ordinances for the government of the said college, and the instruction of the youth as aforesaid, and by these ordinances to appoint such a number of their own body, not less than seven, as they may think proper to be a quorum for transacting all general and necessary business of the said seminary, and making temporary rules for the government of the same; and also, by the said fundamental ordinances, to delegate to the principal, vice-principal, and professors, such powers and authorities as they may think best for the standing government of the said seminary, and of the execution of the ordinances and rules of the same. Provided always, that they be not repugnant to the form of government, or any law of this state.

And for animating and encouraging the students of the said college to a laudable diligence, industry, and progress, in useful literature and science, be it enacted, That the said visitors and governors, and their successors, shall, by a written mandate, under their privy seal, and the hand of some one of the visitors and governors, to be chosen annually, as their president, according to the ordinance to be made for that purpose, have full power and authority to direct the principal, vice-principal, and professors, to hold public commencements, either on stated annual days, or occasionally, as the future ordinances of the said seminary may direct, and at such commencements to admit any of the students in the said college, or any other persons entering the same (whose names shall be severally inserted in the same mandate) to any degree or degrees in any of the faculties, arts and sciences, and liberal professions, to which persons are usually admitted in other colleges or universities in America or Europe; and it is hereby enacted, that the principal, or in case of his death or absence the vice principal, and in case of the death or absence of both, the senior professor who may be present, shall make out and sign with his name, diploma or certificates of the admission to such degree or degrees, which shall be sealed with the public or greater seal of the said corporation or college, and deliver to the graduates, as honourable and perpetual testimonials of such admission; which diplomas, if thought necessary for doing greater honour to such graduates, shall also be signed with the names of the different professors, or in many of them as can conveniently sign the same. Provided always, That no student or students within the said college, shall ever be admitted to any such degree or degrees, or have their name inserted in any mandate for a degree, until such student or students have been first duly examined and thought worthy of the same, at a public examination of candidates, to be held one whole month previous to the day of commencement in the said college, by and in the presence of the said visitors and governors, or of such quorum of them, not less than seven, as the ordinances of the college may authorize for that purpose, and in the presence of any other persons choosing to attend the same; and provided further, That no person or persons, excepting the students belonging to the said seminary, shall ever be admitted to any honorary or other degree or degrees in the same, unless thirteen of the visitors and governors (of whom the president shall be one) by a mandate under their privy seal, and signed by the hands of the whole thirteen, to the principal, vice-principal, and professors directed, have signified their approbation and authority for the particular admission of such person to said degree or degrees.

And be it enacted, That the ordinances which shall be from time to time made by the visitors and governors of the said college, and their successors, with an account of their other proceedings, and of the management of the estate and monies committed to their trust, shall, when required, be laid before the general assembly, for their inspection and examination; but in case at any time hereafter, through oversight or otherwise, through misapprehensions and mistaken constructions of the powers, liberties, and franchises, in this charter or act of incorporation granted or intended to be granted, any ordinance should be made by the said corporation of visitors and governors, or any matter done and transacted by the corporation contrary to the tenor thereof, it is

enacted, That although all such ordinances, acts, and doings, shall in themselves be null and void, yet they shall not, however, in any courts of law, or by the general assembly, be deemed, taken, interpreted, or adjudged, into an avoidance or forfeiture of this charter and act of incorporation, but the same shall be and remain unhurt, inviolate, and entire, unto the said corporation of visitors and governors, in perpetual succession; and all their acts, conformable to the powers, true intent and meaning hereof, shall be and remain in full force and validity, the nullity and avoidance of such illegal acts to the contrary in any wise notwithstanding.

And be it enacted, That this charter and act of incorporation, and every part thereof, shall be good and available in all things in the law, according to the true intent and meaning thereof, and shall be construed, reputed, and adjudged, in all cases, most favourably, on the behalf and for the best benefit and behoof of the said visitors and governors, and their successors, so as most effectually to answer the valuable ends of this act of incorporation, towards the general advancement and promotion of useful knowledge, science, and virtue.

And be it enacted, That no person shall act as visitor and governor, or as principal or vice principal, or as professor, in the said college, before he shall take the oath of fidelity and support to this state required by the constitution or by the laws of this state.

And, to provide a permanent fund for the further encouragement and establishment of the said college on the western shore, be it enacted, That the sum of one thousand seven hundred and fifty pounds current money be annually and for ever hereafter, given and granted as a donation by the public, to the use of the said college on the western shore, to be applied by the visitors and governors of the said college to the payment of salaries to the principal, professors, and tutors, of the said college.

And, as a certain and permanent fund to procure the said sum of one thousand seven hundred and fifty pounds current money annually, for the use aforesaid, be it enacted, That the sum of twenty five shillings current money, imposed by the act, entitled, An act concerning marriages, for every marriage licence, and hereafter to be received by the clerks of any of the counties of the western shore, and paid by them to the treasurer of the said shore, agreeably to the directions of the said act, shall remain in his hands, subject to the order of the visitors and governors of the said college, to be drawn according to the directions of this act.

And be it enacted, That every fine, penalty, or forfeiture, for any offence (except only for treason) at common law, or by any act of assembly now in force, or hereafter to be made, and hereafter imposed by the general court on the western shore, or by any county court of that shore, or any judge or justice of either court, and every recognizance taken by the general or any county court on the western shore, or any judge or justice of either of the said courts, and hereafter forfeited in the said general court or county court, and collected or received, shall be paid to the treasurer of the western shore, and shall remain in his hands, subject to the orders of the visitors and governors of the said college, to be drawn according to the directions of this act.

And be it enacted, That the regulations and provisions made in the act of assembly, entitled, an act for licensing and regulating ordinary keepers, passed at March session seventeen hundred and eighty (except such parts of the said act as relate to the retailing of liquors by merchants or store-keepers, or at horse-races,) shall be and remain in full force for ever, as to the granting licences on the western shore (except in the city of Annapolis and the precincts thereof); and the money hereafter collected for ordinary licences granted on the western shore, and paid to the treasurer of the said shore, shall remain in his hands, subject to the orders of the visitors and governors of the said college, to be drawn according to the directions of this act.

And be it enacted, That every person carrying goods, wares, or merchandises, for sale, from place to place, shall be deemed a hawker or pedlar; and after the first day of April next shall, before they trade, barter, or sell, any goods, wares, or merchandise, on the western shore, take out a licence from some county court of the said shore, which shall be renewed every year; and the said county courts are hereby authorized and required, on application of any person of reputation, to grant licence to such person to travel and trade as a hawker or pedlar on the said shore, for one year from the date of the said licence, which licence shall be made out by the clerk of the court under his hand and the seal of the county; and for every licence, and the renewal thereof, there shall be paid six pounds current money to the sheriff of the county, and five shillings to the clerk of the court, for making out or renewing such licence; and the several clerks are directed annually, on or before the first day of October, to return to the treasurer of the western shore a list of licences granted to hawkers and pedlars, and the several sheriffs shall annually, on or before the first day of October, pay all money by them received for the said licences to the treasurer of the said shore, and the same shall remain in his hands, subject to the orders of the visitors and governors of the said college, to be drawn according to this act; and if any hawker or pedlar, after the first day of April next, shall be found travelling with, and exposing or offering for sale, any goods,

wares or merchandise, on the western shore, without a licence obtained as aforesaid for that purpose, such hawker or pedlar shall for every offence, forfeit and pay the sum of ten pounds current money; and it is hereby declared to be the duty of every sheriff, deputy sheriff and constable, on the western shore, to examine and require any person carrying goods from place to place for sale, to produce a licence, and in case of refusal, or neglect on request, to produce the same to carry such person before some justice of the peace, who shall take a recognizance from such person, with security, to appear at the next county court; provided, that persons travelling with linen, hemp, flax or thread, the growth and manufacture of this state, and selling or bartering the same, shall not be deemed hawkers or pedlars within this act.

And be it enacted, That no person shall retail any wine, rum, brandy, whisky, or other distilled spirituous liquor, strong beer or cider, on the western shore, except in the city of Annapolis or the precincts thereof, without a licence for that purpose obtained agreeably to the directions of this act; and if any persons shall retail any of the articles aforesaid without a licence, such person shall forfeit and pay six pounds current money for every such offence; and every person selling any of the articles aforesaid under the quantity of ten gallons, shall be deemed a retailer, and no person shall retail less than a pint of any of the said articles; provided, that nothing herein contained shall be deemed, construed, or taken, to prohibit the maker, distiller, or brewer, of any spirituous liquor, beer, or cider, from retaining the same, such person not selling less than a quart at any one time.

And be it enacted, That the justices of each county on the western shore in court sitting, be authorized and required, at their next August court, and at their August court annually for ever hereafter, to grant licences to any person of good reputation that they shall approve, to be a retailer of any of the liquors aforesaid mentioned within their county, for one year from the time of the granting such licence; and every person licensed to retail shall, at the time of obtaining such licence, pay for the same to the sheriff of the county the sum of three pounds current money, and to the clerk of the county the sum of five shillings like money, for making out such licence, which shall be made under his hand with the seal of the county; and the clerk shall annually, on or before the first day of October, transmit a list of all licences granted in his county to the treasurer of the western shore, and the sheriff shall pay all money by him received to the said treasurer annually on or before the first day of October, and the said monies shall remain in his hands, subject to the orders of the visitors and governors of the said college, to be drawn agreeably to the directions of this act.

And be it enacted, That if any retailer shall keep a disorderly house upon complaint made thereto in any county court on the western shore, they may suppress such retailer; and, during the recess of the court, upon complaint made to any two of the justices of any county court on the said shore, or upon their own observation of such disorderly house, it shall be lawful for them to suspend such retailer till the next county court, who may hear and finally determine on the conduct of such retailer, and either entirely suppress or permit the continuation of such retailer; and if any retailer, suspended as aforesaid, shall presume during such suspension to retail, he shall forfeit forty shillings current money for every such offence.

And be it enacted, That every licensed retailer shall sell only by sealed measures (except bottled cider, perry, and strong beer, of the produce of this state), and every retailer, who shall neglect to keep a sealed gallon, quart, and pint measure, or who shall refuse or neglect to sell by the same, shall forfeit and pay twenty shillings current money for every refusal or neglect, to the party grieved; and it shall be lawful for any justice or constable, on complaint, to enter into the house of any retailer, and there call for and inspect the measures used by such retailer.

And be it enacted, That any thing in this act shall not prohibit any merchant or person keeping store for the sale of merchandise, to sell any wine, rum, brandy, whisky, or other distilled spirituous liquors, not less than ten gallons, so that such liquor, nor any part thereof, be not drank in the house or store, or prohibit any person, his agent, clerk, or other manager, to sell or supply any such liquor, not less than one pint at the same time, to tradesmen labourers, or others, hired or employed by such person, or his agent, clerk, or other manager.

And be it enacted, That it shall not be lawful for any retailer to sell or barter any such spirituous liquor, between the hours of eleven o'clock of every Saturday night and five o'clock of the Monday morning thereafter, under the penalty of forty shillings current money for every such offence.

And be it enacted, That any person not having before had a licence to retail may, at any other court other than August court, have licence granted, if the county court shall approve; to continue no longer than the August court following, when it shall determine, and may be renewed; for taking which licence the retailer shall pay in proportion to the time between his obtaining such licence and the court aforesaid.

And be it enacted, That every person applying for licence to retail shall, at the time of granting the same,