

# A C T S

OF THE

## General Assembly of Pennsylvania.

Passed at a Session which commenced October 25th, 1779,  
and ended November 27th, 1779.

1779.

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JOSEPH REED, PRESIDENT OF THE EXECUTIVE COUNCIL.  
JOHN BAYARD, SPEAKER OF THE GENERAL ASSEMBLY.

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### CHAPTER DCCCLX.

*An ACT to confirm the estates and interests of the college, academy and charitable school of the city of Philadelphia, and to amend and alter the charters thereof, conformably to the revolution, and to the constitution and government of this commonwealth, and to erect the same into an university.*

**WHEREAS** the education of youth has ever been found to be of the most essential consequence, as well to the good government of states, and the peace and welfare of society, as to the profit and ornament of individuals, insomuch, that from the experience of all ages, it appears that seminaries of learning, when properly conducted, have been public blessings to mankind, and that on the contrary, when in the hands of dangerous and disaffected men, they have troubled the peace of society, shaken the government, and often caused tumult, sedition and bloodshed.

**II.** And whereas the college, academy and charitable school of the city of Philadelphia, were at first founded on a plan of free and unlimited catholicism; but it appears that the trustees thereof, by a vote or bye-law of their board, bearing date the fourteenth day of June, in the year of our Lord one thousand seven hundred and sixty-four, have departed from the plan of the original founders, and narrowed the foundation of the said institution:

**[III.]** *Be it therefore enacted, and it is hereby enacted,* That the charter of the said seminary, granted by the late Proprietaries of Pennsylvania, bearing date the thirtieth day of July, in the year of our Lord one thousand seven hundred and fifty-three, whereby certain

Former  
charters and  
bye-laws,  
declared null  
and void.

persons were incorporated, by the name, style and title of **The Trustees of the Academy and Charitable School** in the province of Pennsylvania, and the additional charter granted by the same Proprietaries, bearing date on the fourteenth day of **May**, in the year of our Lord one thousand seven hundred and fifty-five, by which the trustees of the same academy and charitable school were again incorporated, by the name, style and title of **The Trustees of the College, Academy and Charitable School of the city of Philadelphia**, in the province of Pennsylvania, together with all and singular the rights, powers, privileges, emoluments and advantages, and also all the estates, claims and demands, to the same corporation belonging, discharged from the afore recited vote or bye-law of the said trustees, confining and narrowing the true and original plan of the said institution, (which vote or bye-law, and all others, contrary to the true design and spirit of the said charter, are hereby declared to be void,) be, and they are in and by this act, ratified and confirmed to, and for the use and benefit of, the same seminary for ever,] 1779.

**IV.** And to the end that the trustees herein after named and appointed may be the better enabled to effectuate the pious and praiseworthy designs of the founders, benefactors and contributors of the said college, academy and charitable school of Philadelphia :

**V.** *Be it further enacted*, That it shall and may be lawful for the **Supreme Executive Council** of this state to reserve such and so many of the confiscated estates, yet unsold and unappropriated, as to them shall appear necessary, in order to create a certain fund for the maintenance of the **Provost, Vice-Provost, Masters and Assistants**, and to uphold and preserve the charitable school of the said university. Power to the Executive Council to reserve confiscated estates, not sold.

**VI.** *Provided always*, That the yearly income of such estates, so reserved and appropriated to the use of the said university, do not exceed the sum of fifteen hundred pounds, computing wheat at the rate of ten shillings per bushel. Proviso.

**VII.** *And provided also*, That such reservation be from time to time laid before the **General Assembly** of this state, for their approbation and confirmation. Proviso.

**VIII.** [*Provided always, and be it enacted*, That the ratifying and confirming the said charter, or any thing herein contained, shall not extend or be construed to extend to the confirming or establishing any of the said trustees, in the said charter named, or deriving by any election, or pretended election, or appointment by, from or under them, or any of them, nor to any **Provost, Vice-Provost, Professor**, or other minister or officer of the said seminary, other than such as are hereby, or may hereafter be appointed (the said board and the faculty being hereby dissolved and vacated) nor shall the same extend to such parts of the charter, as in and by this act are or may be abrogated, annulled, altered or supplied.] Proviso.

**[IX.** *And be it further enacted*, That from and after the passing of this act, the superintendance and trust, together with all and singular the powers, authorities and estates, real, personal and mixed, of the said college, academy and charitable school, shall pass to, devolve upon, and be vested in, the **President of the Supreme Executive Council** of this commonwealth, the **Vice-President** of the same Names of the Trustees. [Supplied by the act of Union, post. chap. 1537.]

1779. Council, the Speaker of the General Assembly, the Chief Justice of the Supreme Court of Judicature, the Judge of Admiralty, and the Attorney-General, for the time being, in virtue of their several offices, and the senior Minister in standing of the Episcopal churches and congregations, and the senior Minister in standing of the Presbyterian churches, and the senior Minister in standing of the Baptist churches, and the senior Minister in standing of the Lutheran churches, and the senior Minister in standing in the German Calvinist churches, and the senior Minister in standing in the Roman churches, whose churches or houses of public worship are or shall be in the city of Philadelphia, or within two miles of the old Courthouse in High-street, in the said city, together with the honourable Benjamin Franklin, Doctor of Laws, Minister Plenipotentiary from the United States of America to his Most Christian Majesty, the honourable William Shippen, Frederick Muhlenburgh, and James Searle, Esquires, Delegates in the Congress of the said United States for Pennsylvania, the honourable William Augustus Atlee, Esquire, and the honourable John Evans, Esquire, Justices of the Supreme Court of Judicature, Timothy Matlack, Esquire, Secretary of the Supreme Executive Council of this state, David Rittenhouse, Esquire, Treasurer of this state, Jonathan Bayard Smith, Esquire, Samuel Morris, senior, Esquire, George Bryan, Esquire, Thomas Bond, Doctor of Physic, and James Hutchinson, Doctor of Physic, which said civil officers, ministers of the gospel, and others herein mentioned and appointed, for and during their continuance in the said office and stations respectively, their abode in this state, and lawful capacity to act, and their successors for ever hereafter, shall be, remain and continue the trustees aforesaid, by the name, style and title of the Trustees of the University of the State of Pennsylvania, and shall from henceforth have, hold, use, exercise and enjoy all the powers, authorities and advantages of the estates, rights, claims and demands of the trustees appointed by, or in pursuance of, the charters of the said corporation, or either of them, instead of the said trustees appointed by or deriving under the said charter, or pretending so to do, in trust, nevertheless, for the proper use of the said university for ever.]

College  
erected into  
an Univer-  
sity.

Proviso.

X. *Provided always*, That if any trustee of the said university shall take any charge or office under the said trustees, other than that of treasurer, his place shall thereby be vacated, and in the case of a minister of the gospel taking such charge or office, or neglecting to qualify according to the directions of this act, within one month after personal notice given of his coming to such trust, the next minister in seniority of the same denomination, shall succeed him, such seniority to be accounted from the time of settlement of such person as minister of a congregation in or near the said city.

Proviso.

XI. *Provided also*, That in case the choice of a new trustee, in the room and stead of any of the persons last named, or their successors, shall be disallowed by the House of Assembly within six months, the trustees shall be obliged to make choice of some other person.

Former oath  
superseded.

[XII. *And be it further enacted*, That instead of the oath or affirmation and declaration, which were enjoined and required to be taken and made by the second or additional charter, herein before re-

ferred to, of the said Corporation, by the Trustees, Provost, Vice-  
Provost and Professors of the said college, academy and charitable  
school, which oath or affirmation and declaration, being totally in-  
consistent with the independence and constitution of this common-  
wealth, are hereby abrogated and repealed, the said Trustees herein  
before appointed, and their successors, and the Provost, Vice-Pro-  
vost and Professors, and every of them, hereafter to be appointed  
in such manner and form as herein is directed and required, before  
he or they enter upon the duties of their trust or office, shall, before  
two Justices of the Peace of the city of Philadelphia, or of some  
county of this state, take and subscribe the oath or affirmation, pre-  
scribed by the fortieth section of the constitution of this common-  
wealth to be taken by the officers of this state, and also the oath or  
affirmation of allegiance directed to be taken by the same officers, in  
and by the seventh and eighth sections of an act of Assembly, made  
and passed the fifth day of December, in the year of our Lord one  
thousand seven hundred and seventy-eight, entitled *A further sup-  
plement to the act, entitled An Act for the further security of the go-  
vernment*,\* and shall also take an oath or affirmation for the faithful  
discharge of their trust or office aforesaid.]

New one  
appointed.

\* Chap 811,  
but all the  
test laws are  
abolished.]

[XIII. *And be it further enacted*, That all and every the clause  
and clauses in the said charters, wherein and whereby the Trustees  
of the said college, academy and charitable school, are directed  
and enjoined to make their rules, ordinances and statutes not repug-  
nant to the laws in force in the kingdom of Great-Britain, nor to the  
laws in force in the province of Pennsylvania, be, and they are  
hereby, annulled, repealed and made void; and the Trustees herein  
and hereby appointed are required and enjoined to review the rules,  
ordinances and statutes heretofore made by the former Trustees of  
the said seminary, which, so far as they are repugnant to the constitu-  
tion and laws of the state, are hereby repealed, and to frame the  
same if necessary, and all rules, ordinances and statutes, hereafter  
to be made, consistent with the constitution and laws of this com-  
monwealth.]

Former  
powers to  
make rules,  
with certain  
exceptions,  
declared null  
and void.

XIV. *And be it further enacted*, That the business of the said  
Corporation shall and may be transacted, performed and determined  
by the major vote of a meeting of seven at least of the Trustees  
appointed by this act, and their successors, duly notified and called,  
other than the choice of new Trustees, the nominating and consti-  
tuting, or the dismissing of the future Provost, Vice-Provost or  
Professors, or any of them; or the alienation or leasing of real es-  
tates for more than seven years, or any extraordinary and new ex-  
penditure of the income, or other personal estate of the said Cor-  
poration, or the altering any salary, or the granting degrees to the  
scholars of the said university, or to other persons, or to the making  
any ordinance, statute or bye-law; which several enumerated acts  
and doings may be transacted and performed by a majority of at least  
seven of the said Trustees, duly notified and convened as aforesaid,  
and not otherwise.

Matters to  
be determi-  
ned by a ma-  
jority of  
seven, ex-  
cept, &c.

XV. *And be it further enacted*, That the clause in the first char-  
ter of the said Corporation, whereby the Trustees thereof were  
limited to be inhabitants of Pennsylvania, residing within five miles

Former limi-  
tation decla-  
red null and  
void.

1779. of the academy and school aforesaid, although licence was given in the said charter to set up the same at any place within the said province, which the said Trustees should judge to be most convenient, so far as the same clause limits the appointment of Trustees to persons residing within five miles of the said academy and school be, and the same is hereby, annulled, repealed and made void.

Power to the Trustees to sue and recover, &c.

[XVI. *And be it further enacted*, That the Trustees herein before appointed, and their successors, shall and may ask, demand, sue for, recover and receive, all evidences, mortgages, specialties, deeds and instruments, and all papers, books of account and record, and the library, philosophical apparatus, and seals of the said Corporation; and all debts, dues and demands, to the same owing, belonging accruing, or appertaining. And in case any person or persons having the custody of the said library, apparatus, mortgages, specialties, deeds or instruments, or other papers, books or records of the said Corporation, or having possession of the real estate of the said Corporation, or any part thereof, shall refuse to deliver up the same, when demanded, it shall and may be lawful for the Trustees of the said college\* to summon any person, so refusing, before any two Justices of the Peace of the city or the county where the said real estate lies, or the detainer of any of the records, or other articles aforesaid, resides, who are hereby authorized and empowered to enquire into the said complaint, in a summary way, and give judgment therein, as to them shall seem meet, according to the merits and justice of the case; and if such judgment be given against the detainer of any of the said deeds, specialties, mortgages, or other articles before enumerated, and such detainer shall still refuse to deliver the same, it shall and may be lawful for the said Justices, and they are hereby required, to commit such refuser to prison, there to remain, without bail or main-prize, until the said judgment be complied with. And in the case of real estate, the said Justices shall carry such judgment into execution, by issuing a writ of possession to the Sheriff of the county, in the same manner as they are authorised to do by an act of Assembly, entitled *An Act for the sale of goods distrained for rent, and to secure such goods to the person distraining the same, for the better security of rents, and for other purposes therein mentioned*, in case of tenants holding over their terms: *Provided always*, That if either of the said parties shall demand a jury to be summoned, to try the said matter in dispute, the said Justices shall cause a jury forthwith to come before them thereupon, in the same manner as juries are had in the case of tenants holding over their terms as aforesaid; and the said Justices shall give judgment pursuant to the verdict of such jury, and proceed to the execution thereof, as is herein and hereby directed.

Penalty on former Trustees, &c. neglecting or refusing to deliver up books, records, &c.

\* Misnomer corrected, post. chapp. 224-1.

Style of the Trustees.

XVII. *And be it further enacted*, That the civil officers, ministers of the gospel, and other persons, by this act constituted and appointed Trustees of the said University, and their successors, duly chosen, nominated and appointed, be one community, body politic and corporate, to have perpetual succession and continuance for ever, by the name, style and title as aforesaid, and that by the said name they shall be capable and able in law to sue and be sued, have and make a common seal, and the same at their pleasure to

Power to make a common seal, &c.

break and alter, to make rules and statutes, and to do every thing necessary and needful for the good government and perfect establishment of the said University; and the Provost, Vice-Provost and Professors, hereafter to be appointed and constituted by the Trustees aforesaid, shall be named, styled and entitled, The Provost, Vice-Provost and Professors of the same University; and the name, style and title of the body or faculty, composed of the said Provost, Vice-Provost and Professors, shall be, The Provost, Vice-Provost and Professors of the University of the state of Pennsylvania.

1779.  
and to amend  
and alter  
them.

XVIII. *And be it further enacted,* That the said Trustees shall at all times, when required, submit the books, accounts and economy of the said Corporation to the free examination of visitors, to be appointed from time to time by the Representatives of the free-men of this commonwealth, in General Assembly met.

Trustees  
shall submit  
their books,  
accounts,  
&c. to the  
inspection of  
the Assembly.  
[See chap.  
1597.]  
Time of  
first meet-  
ing.  
[Obsolete.]

[XIX. *And be it further enacted,* That the Trustees appointed by this act, or a majority of them, shall meet in the hall of the University aforesaid, in the forenoon, on the first Wednesday in December next, and after being duly qualified as this act prescribes, proceed to the execution of their trust.]

Passed 27th November 1779.—Recorded in Law Book vol. I. page 319. (*n*)

(*n*) By chap. 884, post. the misnomer in the 16th sect. styling the institution "College" instead of "University" was corrected. By an act of the 22d September, 1785, (chap. 1184) the provision of the 5th section of the act in the text was effectuated, by an appropriation of certain confiscated estates to the benefit of the University. The same act declared that if a trustee (not being such *ex officio*) absented himself for six months, his seat should be vacated; and directed the continuance of a German professorship in the institution.

By an act of the 6th of March, 1789, (chap. 1382,) so much of the act in the text, as affected, in any way, the ancient corporation of "The Trustees of the College, Academy, and Charitable School of Philadelphia, in the province of Pennsylvania," was annulled; and the rights and property of that corporation were restored. But by an act of the 30th September, 1791, (chap. 1587,) the two institutions were again united, by agreement and request of their respective trustees, on the terms mentioned in the act. (*Note to former edition.*)

## CHAPTER DCCCLXIII.

*An ACT for vesting the estates of the late proprietaries of Pennsylvania in this commonwealth.*

WHEREAS the charter from Charles the second, heretofore King of England, to William Penn, under which the late province, now state, of Pennsylvania, was first began to be settled, was granted and held for the great ends of enlarging the bounds of human society, and the cultivation and promotion of religion and learning; and the rights of property and powers of government, thereby vested in the said William Penn and his heirs, were stipulated to be used and enjoyed, as well for the benefit of the settlers, as for his own particular emolument, agreeable to the terms of the said charter, and of certain conditions and concessions entered into between them.

II. And whereas the claims heretofore made by the late Proprietaries to the whole of the soil contained within the bounds of the