

To The Rev.^d Samuel Winger.



At the GENERAL ASSEMBLY
Of the GOVERNOR and COMPANY of the
English Colony of RHODE-ISLAND, and PROVIDENCE
Plantations, in *New-England*, in *America* ; begun
and holden by Adjournment, at *East-Greenwich*, within
and for the Colony aforesaid, on the last Monday in
February, in the Year of our LORD One Thou-
sand Seven Hundred and Sixty-four, and Fourth of
the Reign of His Most Sacred Majesty GEORGE the
Third, by the Grace of GOD, KING of *Great-Britain*,
and so forth.



A N A C T
FOR THE
ESTABLISHMENT
OF A
C O L L E G E,
OR
U N I V E R S I T Y,
Within this COLONY.

*W*HEREAS Institutions for liberal Education are highly benefi-
cial to Society, by forming the rising Generation to Virtue, Know-
ledge, and useful Literature ; and thus preserving in the Community a
Succession of Men duly qualified for discharging the Offices of Life with
Usefulness and Reputation ; they have therefore justly merited and received
the

Preamble

Olney Winger's

*Names in the
Preamble*

the Attention and Encouragement of every wise and well regulated State : And whereas a Public School, or Seminary, erected for that Purpose within this Colony, to which the Youth may freely resort for Education in the vernacular and learned Languages, and in the liberal Arts and Sciences, would be for the general Advantage and Honor of the Government : And whereas Daniel Jenckes, Esq; Nicholas Tillinghast, Esq; Nicholas Gardiner, Esq; Col. Josias Lyndon, Col. Elisha Reynolds, Peleg Thurston, Esq; Simon Pease, Esq; John Tillinghast, Esq; George Hazard, Esq; Col. Job Bennet, Nicholas Easton, Esq; Arthur Fenner, Esq; Mr. Ezekiel Gardner, Mr. John Waterman, Mr. James Barker, jun. Mr. John Holmes, Solomon Drown, Esq; Mr. Samuel Winsor, Mr. Joseph Sheldon, Charles Rhodes, Esq; Mr. Nicholas Brown, Col. Barzillai Richmond, Mr. John Brown, Mr. Gideon Hoxley, Mr. Thomas Eyres, Mr. Thomas Potter, jun. Mr. Peleg Barker, Mr. Edward Thurston, Mr. William Redwood, Joseph Clarke, Esq; Mr. John G. Wanton, and Mr. Thomas Robinson, with many other Persons, appear as Undertakers in the valuable Design : And thereupon a Petition hath been preferred to this Assembly, praying that full Liberty and Power may be granted unto such of them, with others, as are hereafter mentioned, to found, endow, order, and govern a COLLEGE, or UNIVERSITY, within this Colony ; and that, for the more effectual Execution of this Design, they may be incorporated into One Body Politic, to be known in the Law, with the Powers, Privileges, and Franchises, necessary for the Purpose aforesaid.

*Enacting
Clause*

Names in it

NOW THEREFORE KNOW YE, That, being willing to encourage and patronize such an honorable and useful Institution, we the said Governor and Company, in General Assembly convened, Do, for ourselves and our Successors, in and by Virtue of the Power and Authority, within the Jurisdiction of this Colony, to us by the Royal Charter granted and committed, Enact, Grant, Constitute, Ordain and Declare, And it is hereby Enacted, Granted, Constituted, Ordained, and Declared, That the Hon. Stephen Hopkins, Esq; the Hon. Joseph Wanton, jun. Esq; the Hon. Samuel Ward, Esq; the Hon. William Ellery, Esq; John Tillinghast, Esq; Simon Pease, Esq; James Honyman, Esq; Nicholas Easton, Esq; Nicholas Tillinghast, Esq; Darius Sessions, Esq; Joseph Harris, Esq; Francis Willet, Esq; William Logan, Esq; Daniel Jenckes, Esq; George Hazard, Esq; Nicholas Brown, Esq; Jeremiah Niles, Esq; Joshua Babcock, Esq; Mr. John G. Wanton, the Rev. Edward Upham, the Rev. Jeremiah Condy, the Rev. Marmaduke Brown, the Rev. Gardner Thurston, the Rev. Ezra Stiles, the Rev. John Greaves, the Rev. John Maxson, the Rev. Samuel Winsor, the Rev. John Gano, the Rev. Morgan Edwards, the Rev. Isaac Eaton, the Rev. Samuel Stillman, the Rev. Samuel Jones, the Rev. James Manning, the Rev. Russel Mason, Col. Elisha Reynolds, Col. Josias Lyndon, Col. Job Bennet, Mr. Ephraim Bowen, Joshua Clarke, Esq; Capt. Jonathan Slade, John Taylor, Esq; Mr. Robert Sbettell Jones, Azariah Dunham, Esq; Mr. Edward Thurston, jun. Mr. Thomas Eyres, Mr. Thomas Hazard, and Mr. Peleg Barker, or such, or so many of them as shall, within Twelve Months from the Date hereof, accept of this Trust, and qualify themselves as
herein

herein after directed, and their Successors, shall be forever hereafter One Body Corporate and Politic, in Fact and Name, to be known in Law by the Name of, *Trustees and Fellows of the COLLEGE, or UNIVERSITY, in the English Colony of Rhode-Island, and Providence Plantations, in New-England, in America*; the Trustees and Fellows, at any Time hereafter, giving such more particular Name to the College, in Honor of the greatest and most distinguished Benefactor, or otherwise, as they shall think proper: Which Name, so given, shall, in all Acts, Instruments, and Doings of said Body Politic, be superadded to their Corporate Name aforesaid, and become a Part of their legal Appellation, by which it shall be forever known and distinguished: And that, by the same Name, they and their Successors, chosen by themselves, as hereafter prescribed, shall, and may, have perpetual Succession; and shall, and may, be Persons able and capable, in the Law, to sue and to be sued, to plead and to be impleaded, to answer and to be answered unto, to defend and to be defended against, in all and singular Suits, Causes, Matters, Actions, and Doings, of what Kind soever: And also to have, take, possess, purchase, acquire, or otherwise receive and hold Lands, Tenements, Hereditaments, Goods, Chattles, or other Estates; of all which they may, and shall, stand and be seized, notwithstanding any Misnomer of the College, or the Corporation thereof; and by whatever Name, or however imperfectly the same shall be described in Gift, Bequests, and Assignments, provided the true Intent of the Assignor or Benefactor be evident: Also the same to grant, demise, aliene, lease, use, manage, and improve, according to the Tenor of the Donations, and to the Purposes, Trusts, and Uses to which they shall be seized thereof. And full Liberty, Power, and Authority is hereby granted unto the said Trustees and Fellows, and their Successors, to found a *College, or University*, within this Colony, for promoting the liberal Arts, and universal Literature: And with the Monies, Estates, and Revenues, of which they shall from Time to Time become legally seized as aforesaid, to endow the same: And erect the necessary Buildings and Edifices thereof on such Place within this Colony as they shall think convenient: And generally to regulate, order, and govern the same, appoint Officers, and make Laws, as herein after prescribed; and hold, use, and enjoy all the Liberties, Privileges, Exemptions, Dignities, and Immunities, enjoyed by any College, or University, whatever.

AND furthermore, That the said Trustees and Fellows, and their Successors, shall, and may, forever hereafter have a Public Seal, to use for all Causes, Matters, and Affairs whatever, of them and their Successors, and the same Seal to alter, break, and make anew, from Time to Time, at their Will and Pleasure; which Seal shall always be deposited with the President, or Senior Fellow.

AND furthermore, By the Authority aforesaid, It is hereby Enacted, Ordained and Declared, That it is now, and at all Times hereafter shall continue to be, the unalterable Constitution of this College, or University, that the Corporation thereof shall consist of Two Branches, to wit:

That

Corporate Name

*How the College is
to be named*

*its Name to be
added to their
Corporate Name*

may sue & be sued

*to have all Liberties
of any College*

*Seal to make
or Break*

*Two Branches
in the Corporation*

*Each Denomination
Proportion
of each denomination*

*Names of
the first
Trustees*

Fellows

*denomination
their Names*

That of the Trustees, and that of the Fellowship, with distinct, separate, and respective Powers: And that the Number of the Trustees shall, and may be Thirty-six; of which Twenty-two shall forever be elected of the Denomination called Baptists, or Antipædobaptists; Five shall forever be elected of the Denomination called Friends, or Quakers; Four shall forever be elected of the Denomination called Congregationalists, and Five shall forever be elected of the Denomination called Episcopalians: And that the Succession in this Branch shall be forever chosen and filled up from the respective Denominations in this Proportion, and according to these Numbers; which are hereby fixed, and shall remain to Perpetuity immutably the same. And that the said Stephen Hopkins, Joseph Wanton, Samuel Ward, William Ellery, John Tillingshast, Simon Pease, James Honyman, Nicholas Easton, Nicholas Tillingshast, Darius Sessions, Joseph Harris, Francis Willett, Daniel Jenckes, George Hazard, Nicholas Brown, Jeremiah Niles, John C. Wanton, Joshua Clarke, Gardner Thurston, John Greaves, John Maxson, John Gano, Samuel Winsor, Isaac Eaton, Samuel Stillman, Russel Mason, Eliska Reynolds, Josias Lyndon, Job Bennet, Ephraim Bowen, John Taylor, Jonathan Slade, Robert Skettell Jones, Azariah Dunham, Edward Thurston, jun. and Peleg Barker; or such, or so many of them as shall qualify themselves as aforesaid, shall be, and they are hereby declared and established the first and present Trustees. And that the Number of the Fellows, inclusive of the President (who shall always be a Fellow) shall and may be Twelve; of which Eight shall be forever elected of the Denomination called Baptists, or Antipædobaptists; and the rest indifferently of any or all Denominations. And that the Rev. Edward Upbam, the Rev. Jeremiah Condy, the Rev. Marmaduke Brown, the Rev. Morgan Edwards, the Rev. Ezra Stiles, the Rev. Samuel Jones, the Rev. James Manning, William Logan, Esq; Joshua Babcock, Esq; Mr. Thomas Eyres, and Mr. Thomas Hazard; or such, or so many of them as shall qualify themselves as aforesaid, shall be, and they are hereby declared the first and present Fellows and Fellowship, to whom the President, when hereafter elected (who shall forever be of the Denomination called Baptists, or Antipædobaptists) shall be joined to complete the Number.

*The Corporation
to be filled up
of each Denomination
according to
the foregoing number
of each in separate
Branches*

AND furthermore, It is Declared and Ordained, That the Succession in both Branches, shall at all Times hereafter be filled up and supplied according to these Numbers, and this established and invariable Proportion from the respective Denominations by the separate Election of both Branches of this Corporation, which shall at all Times fit and act by separate and distinct Powers: And in general, in order to the Validity and Consummation of all Acts, there shall be in the Exercise of their respective, separate and distinct Powers, the joint Concurrence of the Trustees and Fellows, by their respective Majorities, except in adjudging and conferring the Academical Degrees, which shall forever belong, exclusively, to the Fellowship as a Learned Faculty.

AND furthermore, It is Constituted, That the Instruction and immediate Government of the College shall forever be, and rest in the President and Fellows or Fellowship.

AND

And furthermore, It is Ordained, That there shall be a general Meeting of the Corporation on the First Wednesday in September annually, within the College Edifice, and until the same be built, at such Place as they shall appoint, to consult, advise and transact the Affairs of the College or University: At which, or at any other Time, the Public Commencement may be held and celebrated: And that on any special Emergencies, the President, with any Two of the Fellows, or any Three of the Fellows, exclusive of the President, may convoke, and they are hereby empowered to convoke an Assembly of the Corporation on Twenty Days Notice: And that in all Meetings, the major Vote of those present of the Two Branches respectively, shall be deemed their respective Majorities aforesaid: Provided, That not less than Twelve of the Trustees, and Five of the Fellows, be a Quorum of their respective Branches. That the President, or, in his Absence, the Senior Fellow present, shall always be Moderator of the Fellows: That the Corporation, at their annual Meetings, once in Three Years, or oftner in Case of Death or Removal, shall, and may choose a Chancellor of the University, and Treasurer, from among the Trustees, and a Secretary from among the Fellows: That the Nomination of the Chancellor shall be in the Trustees, whose Office shall be only to preside as a Moderator of the Trustees; and that in his Absence, the Trustees shall choose a Moderator for the Time being, by the Name of Vice-Chancellor: And at any of their Meetings, duly formed as aforesaid, shall, and may be elected a Trustee or Fellow, or Trustees, or Fellows, in the Room of those nominated in this Charter, who may refuse to accept, or in the Room of those who may die, resign, or be removed.

And furthermore, It is Enacted, Ordained and Declared, That this Corporation, at any of their Meetings, regularly convened as aforesaid, shall and may elect and appoint the President and Professors of Languages, and the several Parts of Literature: And upon the Demise of him or them, or either of them, their Resignation or Removal from his or their Office, for Misdemeanor, Incapacity, or Unfaithfulness, (for which he or they are hereby declared removeable by this Corporation) others to elect and appoint in their Room and Stead: And at such Meeting, upon the Nomination of the Fellows, to elect and appoint Tutors, Stewards, Butlers, and all such other Officers usually appointed in Colleges or Universities, as they shall find necessary, and think fit to appoint for the promoting liberal Education, and the well ordering the Affairs of this College; and them, or any of them, at their Discretion to remove, and substitute others in their Places. And in Case any President, Trustee or Fellow, shall see Cause to change his religious Denomination, the Corporation is hereby empowered to declare his or their Place or Places vacant, and may proceed to fill up it or them accordingly, as before directed, otherwise each Trustee and Fellow, not an Officer of Instruction, shall continue in his Office during Life, or until Resignation. And further, in Case either of the Religious Denominations should decline taking a Part in this catholic, comprehensive and liberal Institution, the Trustees and Fellows shall and may compleat their Number, by electing from their respective Denominations, always preserving their respective Proportions herein before prescribed and determined: And all Elections shall be by Ballot or written Suffrage. And that a Quorum of Four Trustees & Three Fellows may transact any Business, excepting placing the College Edifice, Election of Trustees, President,

when
Public Commencement
may be held

How to call a meeting
of the Corporation

What number of
each Branch makes
a quorum

Chancellor to choose
Treasurer & Secretary
to choose

Vice Chancellor
Election of Trustees
& Fellows

President & Professors
may be chosen

may be removed and
others put in their
room
Tutors, Stewards, Butlers
& all other officers
may be appointed
any removed & new
Officers may be filled
when they change their
denomination they
may be removed
otherwise Trustees &
Fellows to continue in
during Life

All Elections to be by
ballot
Four Trustees & three
Fellows may transact
any business

President, Fellows and Professors, *that is to say*, so that their Acts shall be of Force and Validity until the next annual Meeting, and no longer.

AND it is further Enacted and Ordained by the Authority aforesaid, That each Trustee and Fellow, as well those nominated in this Charter, as all that shall hereafter be duly elected, shall, previous to their acting in a corporate Capacity, take the Engagement of Allegiance prescribed by the Law of this Colony to His Majesty King George the Third, His Heirs and Rightful Successors to the Crown of Great-Britain, which Engagement shall be administered to the present Trustees and Fellows, by the Governor or Deputy-Governor of this Colony, and to those from Time to Time hereafter elected by their respective Moderators, who are hereby empowered to administer the same.

*Engagement
to be taken by the
members*

*Fellowship to
make Laws*

*not contrary to
acts of Parliament
of*

lay them before

the Trustees

shall ascertain

Salaries & Expences

collect money,

order the Treasurer

Accounts to be kept

2

No Religious Test

*Liberty of Consci-
ence*

*All persuasions
are admitted*

AND still more clearly to define and ascertain the respective Powers of the Two Branches, on making and enacting Laws, *It is further Ordained and Declared*, That the Fellowship shall have Power, and are hereby empowered from Time to Time, and at all Times hereafter, to make, enact and publish all such Laws, Statutes, Regulations and Ordinances, with Penalties, as to them shall seem meet, for the successful Instruction and Government of said College or University, not contrary to the Spirit, Extent, true Meaning and Intention of the Acts of the British Parliament, or the Laws of this Colony; and the same Laws, Statutes and Ordinances to repeal: Which Laws, and the Repeals thereof, shall be laid before the Trustees, and with their Approbation shall be of Force and Validity, but not otherwise. And further, the Trustees and Fellows, at their Meetings aforesaid, shall ascertain the Salaries of the respective Officers, and order the Monies assessed on the Students for Tuition, Fines, and incidental Expences, to be collected by the Steward, or such other Officer as they shall appoint to collect the same; and the same, with their Revenues, and other College Estates in the Hands of the Treasurer, to appropriate in discharging Salaries and other College Debts: And the College Accounts shall be annually audited and adjusted in the Meeting of the Corporation.

AND furthermore, *It is hereby Enacted and Declared*, That into this liberal and catholic Institution, shall never be admitted any religious Tests: But on the contrary, all the Members hereof shall forever enjoy full, free, absolute, and uninterrupted Liberty of Conscience: And that the Places of Professors, Tutors, and all other Officers, the President alone excepted, shall be free and open for all Denominations of Protestants: And that Youth of all religious Denominations shall and may be freely admitted to the equal Advantages, Emoluments, and Honours of the College or University; and shall receive a like, fair, generous, and equal Treatment during their Residence therein, they conducting themselves peaceably, and conforming to the Laws and Statutes thereof. And that the public Teaching shall, in general, respect the Sciences; and that the Sectarian Differences of Opinions, shall not make any Part of the public and classical Instruction: Although all religious Controversies

troverfies may be ftudied freely, examined and explained by the Prefident, Profeffors, and Tutors, in a perfonal, feparate, and diftinct Manner, to the Youth of any or each Denomination : And above all, a conftant Regard be paid to, and effectual Care taken of, the Morals of the College.

AND furthermore, for the Honor and Encouragement of Literature, we Conftitute and Declare, the Fellowship aforefaid, a *Learned Faculty* ; and do hereby give, grant unto, and inveft them, and their Succeffors, with full Power and Authority, and they are hereby authorized and empowered, by their Prefident, and in his Abfence, by the Senior Fellow, or One of the Fellows appointed by themfelves at the anniversary Commencement, or at any other Times, and at all Times hereafter, to admit to, and confer any and all the learned Degrees, which can or ought to be given and conferred in any of the Colleges or Universities in America ; or any fuch other Degrees of literary Honor as they fhall devife, upon any and all fuch Candidates and Perfons as the Prefident and Fellows, or Fellowship, fhall judge worthy of the Academical Honors : Which Power of conferring Degrees, is hereby refticted to the learned Faculty, who fhall or may ifue Diplomas, or Certificates, of fuch Degrees, or confer Degrees by Diplomas, and authenticate them with the Public Seal of the Corporation, and the Hands of the Prefident and Secretary, and of all the Profeffors, as Witneffes, and deliver them to the Graduates as honorable and perpetual Teftimonies.

AND furthermore, for the greater Encouragement of this Seminary of Learning, and that the fame may be amply endowed and enfranchifed with the fame Privileges, Dignities, and Immunities enjoyed by the American Colleges, and European Universities, We do Grant, Enact, Ordain, and Declare, And it is hereby Granted, Enacted, Ordained, and Declared, That the College Eftate, the Eftates, Perfons, and Families of the Prefident and Profeffors, for the Time being, lying and being within the Colony, with the Perfons of the Tutors and Students, during their Refidence at the College, fhall be freed and exempted from all Taxes, ferving on Juries, and menial Services : And that the Perfons aforefaid fhall be exempted from bearing Arms, Impreffes and military Services, except in Cafe of an Invaftion.

AND furthermore, for eftablifhing the Perpetuity of this Corporation, and in Cafe that at any Time hereafter, thro' Oversight, or otherwife thro' Mifapprehenfions and miftaken Conftitutions of the Powers, Liberties, and Franchifes herein contained, any Laws fhould be enacted, or any Matters done and tranfacted by this Corporation contrary to the Tenor of this Charter, It is hereby Enacted, Ordained, and Declared, That all fuch Laws, Acts, and Doings, fhall be in themfelves null and void : Yet, Nevertheless, the fame fhall not, in any Courts of Law, or by the General Affembly, be deemed, taken, interpreted, or adjudged into an Avoidance, Defeazance, or Forfeiture of this Charter : But that the fame fhall be, and remain unhurt, inviolate, and entire unto the faid Corporation, in perpetual

*Fellowship a
Learned Faculty
It may confer
degrees
and this is
refticted solely
to them*

*The Eftates to
be exempted
from Taxes*

*No act of
the Corporation
shall invalidate this
Charter*

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Feb. 1950

Foster B. Davis

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perpetual Succession : Which Corporation may, at all Times, and forever hereafter, proceed, and continue to act : And all their Acts, conformable to the Powers, Tenor, true Intent and Meaning of the Charter, shall be, and remain in full Force and Validity ; the Nullity and Avoidance of any such illegal Acts to the contrary in any wise notwithstanding.

*Charter shall
be construed most
favorably.*

AND lastly, We the Governor and Company aforesaid, Do, for ourselves and our Successors, forever hereby Enact, Grant, and Confirm unto the said Trustees and Fellows, and to their Successors, That this Charter of Incorporation, and every Part thereof, shall be good and available in all Things in the Law, according to our true Intent and Meaning : And shall be construed, reputed, and adjudged in all Cases most favorably on the Behalf and for the best Benefit and Behoof of the said Trustees and Fellows, and their Successors, so as most effectually to answer the valuable Ends of this useful Institution.

IN full Testimony of which Grant, and of all the Articles and Matters therein contained, the said Governor and Company do hereby order, That this Act shall be signed by the Governor and Secretary, and sealed with the Public Seal of this Colony, and registred in the Colony's Records : And that the same, or an Exemplification thereof, shall be a sufficient Warrant to the said Corporation to hold, use and exercise all the Powers, Franchises, and Immunities therein contained.



College Charter

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