

THE CHARTER
OF
BROWN UNIVERSITY



1945

THE CHARTER
OF
BROWN UNIVERSITY
WITH
AMENDMENTS AND NOTES

1945

PROVIDENCE
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1945

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PREFACE

The five official copies of the Charter are described in Appendix 1. No two are exactly alike. There are inconsistencies in punctuation, capitalization, and spelling within and between them. Great liberties in revision were taken in the early printed editions listed in Appendix II. Since the Charter is now being reprinted primarily for purposes of use, it has been further modernized and made uniform in these respects.

There are also minor textual differences between the official copies. The letters inserted in the body of the Charter refer to notes in Appendix III explaining the variations. Because later editions adopted the revisions of the Secretary of the Colony (Appendix I, item 2), the present printing follows that form (except in four instances — notes 1, m, ii, and kk) rather than the original Act (Appendix I, item 1). Three errors in printing repeated in recent editions of the Charter are indicated in notes f, aa, and cc.

The sections of the Charter governing current procedures appear in bold face type to distinguish them from those of a historical nature. A line has been drawn through the words no longer in force due to the amendments adopted in 1863, 1926, and 1942, which are printed in full following the Charter. The numbered footnotes supply historical information or call attention to changes.

An effort has been made to have this edition definitive. To that end all official copies have been collated, and the text has been prepared from the originals. The editorial work has been done by Miss Ruth E. Sandborn, Research Assistant to the President and Assistant Secretary to the Corporation.

HENRY M. WRISTON

April 14, 1945

CHARTER

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 Thousand 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

Date of the Charter.

AN ACT FOR THE ESTABLISHMENT OF A COLLEGE OR UNIVERSITY WITHIN THIS COLONY^b

Whereas institutions for liberal education are highly beneficial to society by forming the rising generation to virtue, knowledge, 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^c 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:

Preamble.

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, Jr., Mr. John Holmes, Solomon Drown, Esq., Mr. Samuel Winsor, Mr. Joseph Sheldon, Charles Rhodes, Esq.,

Petitioners.

Mr. Nicholas Brown, Col. Barzillai Richmond, Mr. John Brown, Mr. Gideon Hoxsey, Mr. Thomas Eyres, Mr. Thomas Potter, Jr., 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^d 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^e aforesaid.¹

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, Jr., 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

Original
Corporators

¹For a reprint of the first petition and a description of the three later ones, see Appendix A of Walter C. Bronson's *The History of Brown University* (Providence, 1914).

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 Strettle Jones, Azariah Dunham, Esq., Mr. Edward Thurston, Jr., Mr. Thomas Eyres, Mr. Thomas Haszard, 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 hereinafter 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^f said body politic, be super-added to their corporate name aforesaid, and become a part of their legal appellation, by which it shall be forever known and distinguished:² **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^g be sued, to plead and to^h be impleaded, to answer and to be answered unto, to defend and to be defended against,ⁱ in all and singular**

Name.

Powers
of the
Corporation.

²At the meeting on September 8, 1803, the Corporation voted that “the donation of \$5000 Dollars, if made to this College, within one Year from the late Commencement, shall entitle the donor to name the College.” On September 6 of the following year, a letter from Nicholas Brown making a gift of that amount was read to the Corporation. They thereupon voted that “this College be called and known in all future time by the Name of Brown University in Providence in the State of Rhode Island, and Providence Plantations.” (Corporation Records, I, 311, 319.)

On August 19, 2020, the Corporation voted to amend the vote taken on September 6, 1804, by removing the words “in Providence in the State of Rhode Island, and Providence Plantations,” and affirming that the University shall be called and known from that date forward by the name of Brown University.

To receive
and hold
property.

To found,

endow,

erect
buildings,

and govern
the College.

Seal.

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, chattels, or other estates; of all which they may and shall stand and be seized, notwithstanding any misnomer of the College or the^j Corporation thereof;^k and by whatever name or however imperfectly the same shall be described in gift,^l bequests, and assignments, provided the true intent of the assigner or benefactor be evident: Also the same to grant, demise, alien, 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.^m And full liberty, power, and authority isⁿ 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 moneys, 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 hereinafter 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^o 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.³

³The three successive University seals are described and illustrated in Appendix C of Bronson's *History*.

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:^p 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;⁴ of which twenty-two shall forever be elected of the denomination called Baptists or Antipedobaptists; five shall forever be elected of the denomination called Friends or Quakers;^r 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.⁵ And that^r the said^s Stephen Hopkins, Joseph Wanton, Jr., Samuel Ward, William Ellery, John Tillinghast, Simon Pease, James Honyman, Nicholas Easton, Nicholas Tillinghast, Darius Sessions, Joseph Harris, Francis Willet, Daniel Jenckes, George Hazard, Nicholas Brown, Jeremiah Niles, John G. Wanton, Joshua Clarke, Gardner Thurston, John Greaves, John Maxson, John Gano, Samuel Winsor, Isaac Eaton, Samuel Stillman, Russel Mason, Elisha Reynolds, Josias Lyndon, Job Bennet, Ephraim Bowen, John Taylor, Jonathan Slade, Robert Strettle Jones, Azariah Dunham, Edward Thurston, Jr., 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**

Corporation
with two
branches.

Number
Trustees.

Original
Trustees.

⁴The number of Trustees was increased to **forty-two** by the amendment in 1926 (see below, page 24).

⁵The 1926 amendment provided that the six additional Trustees be elected “without regard to denominational or religious affiliations.” The denominational requirement for all Trustees was eliminated by the amendment in 1942. (See below, pages 24 and 28.)

Number of
Fellows.

Original
Fellows.

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 Antipedobaptists, and the rest indifferently of any or all denominations.~~⁶ And that the Rev. Edward Upham, 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 Haszard, 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 Antipedobaptists~~);⁷ shall be joined to complete the number.

Bicameral
organization.

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 invariable proportion, from the respective denominations,~~⁸ by the separate election of both branches of this Corporation, which shall at all times sit^u 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,^v it is constituted that the instruction

⁶The denominational qualification for Fellows was removed by the 1942 amendment (see below, page 28).

⁷The 1926 amendment abolished the denominational requirement for the President and the 1942 one reaffirmed this action (see below, pages 24 and 28).

⁸Modified by the amendment in 1926 and annulled by the 1942 amendment (see below, pages 24 and 28).

and immediate government of the College shall forever be and rest in the President and Fellows, or Fellowship.

Immediate government by the President and Fellows.

And furthermore, it is ordained that there shall be a general meeting of the Corporation on the first Wednesday in^w 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 oftener in case of death or removal, shall and may choose a Chancellor of the University and Treasurer from among^x 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^y 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.

Annual meeting.

Commencement.

Special meetings.

Major vote of those present.

Quorum.

Moderator of Fellows.

Chancellor, Treasurer, and Secretary chosen triennially.

Vice-Chancellor.

Election of Trustees and Fellows.

Election of
President
and
Professors.

Appointment
of other
officers.

Tenure of
Trustees and
Fellows.

Election
by ballot.
Minor quorum.

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^z of languages and the several parts of literature; and upon the demise of him or them, or either of them,^{aa} their resignation or removal from his or their office for misdemeanor, incapacity, or unfaithfulness, for which he or they are hereby declared removable 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^{bb} 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; otherwise⁹ 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 complete their number by electing from their respective denominations, always preserving their respective proportions hereinbefore prescribed and determined:¹⁰ **And all elections shall be by ballot or written suffrage: And that a quorum of four Trustees and three Fellows may transact any business excepting placing the College edifice, election of Trustees, President, Fellows,**

⁹Made inapplicable by the 1942 amendment (see below, page 28).

¹⁰This clause never became operative because no denomination declined to take part.

and Professors, that is to say, so that their acts^{cc} 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,¹¹ which engagement shall be administered to the present Trustees and Fellows by the Governor or Deputy Governor of this Colony, and to those^{dd} from time to time hereafter elected by their respective moderators, who are hereby empowered to administer the same.

Engagement.

And still^{ee} 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,

Laws of the College.

¹¹At the annual meeting of the corporation on September 4, 1782, the first after the French troops evacuated the college edifice, the chancellor "moved that the college Charter be read. And it thereby appearing... that in consequence of the American Revolution, many things therein were evidently inconsistent with our present state of National Independence," a committee of three was elected "to revise the same."

Later in the day the committee presented a new engagement which omitted the oath of allegiance to King George: "You [name of individual] being elected a [Trustee or Fellow] of the College or University in the State of Rhode Island and Providence Plantations, do solemnly engage, that you will faithfully execute the said office, agreeably to the Charter of the said College or University, to the best of your Judgment or ability." The committee also expressed the opinion that the Corporation should "report the necessity of this alteration to the General Assembly, & request their approbation of the measure; & their establishment in future of the present form, or such other as they shall think fit to substitute."

The report was accepted, but the records do not show that any further action was taken. It must be remembered in this connection that Rhode Island did not adopt a State Constitution until 1842, but continued to operate under the Charter granted by Charles II in 1663. Deviations in practice to conform with the changed conditions of independence were accepted as a matter of course. [OVER]

from time to time, and at^{ff} 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,¹² 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 moneys assessed on the students for tuition, fines, and incidental expenses, to be collected by the Steward, or such other officer as they shall appoint to collect the same; and the same, with their revenues

Salaries.

Tuition.

Appropriations.

In September 1784, the corporation adopted the engagement which, except for eighteen years during the last century, has been used continuously to the present day, with slight variations in the wording due to clerical errors made in 1875 and 1904. The form was similar to that prescribed for the general officers of the State. It reads: "You [name of individual] being elected by this Corporation to the place of [Trustee or Fellow] do solemnly engage true allegiance to bear to the United States of America, and faithfully to discharge the duties of your present appointment; and this engagement you make and give on the peril of the penalty of perjury."

On September 5, 1844, a simpler statement resembling the one reported in 1782 was voted: "You being elected a member of the Board of this University, do solemnly engage faithfully to discharge the duties of your office." It evidently proved unsatisfactory to some member, for eleven years later a committee of three was appointed "to examine and Report on a suitable form of engagement." No change was made at that time, but the question came up again in 1861, and on September 4, 1862, the corporation voted "the old form of engagement be re-enacted." (Corporation Records, I, 80, 81-82, 117; III, 18, 149, 155, 209, 219.)

¹²The committee appointed in 1782 "to revise" the Charter recommended that the necessity for "the amendment of that clause in the Charter, which prohibits the Corporation making any Law, or order, contrary to the Acts of the British Parliament" be reported to the General Assembly in addition to the alteration of the engagement. In this case, as in the matter of the engagement., no revision was made. (Corporation Records, I, 82.)

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.

Audit of account.

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,¹³ shall be free and open for all denominations of Protestants;¹⁴ And that youth^{ss} of all religious denominations shall and may be freely admitted to the equal advantages, emoluments, and honors 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^{hh} the sectarian differences of opinions shall not make any part of the public and classical instruction; although all religious controversies may be studied freely, examined, and explained by the President, Professors, and Tutors in a personal, separate, and distinct manner to the youth of any or each denomination: And above all, a constant regard be paid to, and effectual care taken of, the morals of the College.

No religious tests.

And furthermore, for the honor and encouragement of literature, we constitute and declare the Fellowship aforesaid a learned faculty; and do hereby give, grant unto, and invest them, and their successors, with full power and authority, and they are hereby authorized and empowered,

Fellows to confer degrees.

¹³Exception of the President in operative after the 1926 amendment (see below, page 24).

¹⁴Not confined to Protestants as a result of the 1942 amendment (see below, page 28).

by their President, and in his absence by the senior Fellow or one of the Fellows appointed by themselves, at the anniversary Commencementsⁱⁱ 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^{jj} universities in America, or any such other degrees of literary honor as they shall devise, upon any and all such candidates and persons as the President and Fellows, or Fellowship, shall judge worthy of the academical honors: Which power of conferring degrees is hereby restricted to the learned faculty, who shall or may issue diplomas or certificates of such degrees, or confer degrees by diplomas, and authenticate them with the public seal of the Corporation, and the hands of the President and Secretary, and of all the Professors as witnesses,¹⁵ and deliver them to the graduates as honorable and perpetual testimonies.

Diplomas.

Exemption
from taxation
and so forth.

And furthermore, for the greater encouragement of this seminary of learning, and that the same may be amply endowed and enfranchised with the same 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 estate, the estates, persons, and families of the President and Professors, for the time being, lying and being within the Colony, with the persons of the Tutors and students, during their residence at the College, shall be freed and exempted from all taxes,¹⁶

¹⁵Early diplomas bear the signatures of the Professors in addition to those of the President and Secretary, but the practice seems to have been abandoned before the end of the eighteenth century. As the faculty increased in number, the observance of this provision became impractical.

¹⁶The exemption from taxation of the estates, persons, and families of the President and Professors is limited to ten thousand dollars by the amendment in 1863 (see below, page 21).

serving on juries, and menial services; and that the persons aforesaid shall be exempted from bearing arms, impresses, and military services, except in case of an invasion.

And furthermore, for establishing the perpetuity of this Corporation, and in case that at any time hereafter, through oversight, or otherwise through misapprehensions and mistaken constructions of the powers, liberties, and franchises herein contained, any laws should be enacted, or any matters done and transacted by this Corporation contrary to the tenor of this Charter, it is hereby enacted, ordained, and declared that all such laws, acts, and doings shall be in themselves null and void: Yet, nevertheless, the same shall not in any courts of law, or by the General Assembly, be deemed, taken, interpreted, or adjudged into an avoidance, defeasance, or forfeiture of this Charter; but that the same shall be and remain unhurt, inviolate, and entire unto the said Corporation, in 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.

Perpetuity
of the
Corporation.

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^{kk} 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.

Charter for
the benefit
of the
Corporation
and the
College.

Signed
and sealed.

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 registered 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 herein contained.

[L.S.] Signed and sealed at Newport, the twenty-fourth day of October, in the year of our Lord One Thousand Seven Hundred and Sixty-five, and in the fifth year of His Majesty's reign, George the Third, by the Grace of God, of Great Britain, and so forth, King.¹¹

SAM: WARD, Governor

Edwd. Thurston, jun., D: Secretary

AMENDMENTS

1863

The first amendment of the Charter occurred in 1863. As taxes increased during the Civil War, public criticism of the exemption of “the estates, persons, and families of the President and Professors” arose, and exaggerated rumors as to the amount of property held by these persons were circulated. Consequently, in August 1862, the Senate passed an act to repeal this provision. A lively debate ensued in the House, following which the chairman of the Committee on the judiciary, a Trustee of the University, presented the subject to the Corporation at the annual meeting the next month.

At the September meeting a committee of five was elected “to inquire into the subject ... to confer with ... other parties ... and Report” at an adjourned meeting early in 1863. On January 21 the Trustees and Fellows received and accepted a communication from the President and Professors authorizing the Corporation to waive their exemption from taxation if it saw fit. The detailed report of the committee “maintaining the inviolability of the Charter, denying the power of the Legislature to alter it without the consent of the Corporation, ... and proposing the course expedient for the Corporation to adopt” was considered at length. Action upon its recommendations was postponed to the next meeting.

Shortly thereafter, on February 9, 1863, the House unanimously passed the following Act limiting the exemption from taxation of the President and Professors subject to the consent of the Corporation. It corresponds exactly with the language of a draft in the handwriting of a member of this special committee which gives evidence of emendation after discussion. The Senate concurred unanimously on February 11. Later that day the Corporation met in special session and unanimously adopted the vote printed below, which clearly summarizes the position of the University. (Corporation Records, III, 220, 225-232.)

A good summary is printed in Reuben Aldridge Guild’s *History of Brown University, with Illustrative Documents* (Providence, 1867), pp. 141-145, and *Early History of Brown University, including the Life, Times, and correspondence of President Manning* (Providence, 1897), pp. 544-549.

1863

AN ACT TO LIMIT THE EXEMPTION FROM TAXATION OF THE ESTATES, PERSONS, AND FAMILIES OF THE PRESIDENT AND PROFESSORS OF BROWN UNIVERSITY

It is enacted^{mm} by the General Assembly as follows:

SECTION 1. The Corporation of Brown University in Providence consenting hereto, that the estates, persons, and families of the President and Professors, for the time being, of said University,ⁿⁿ and of their successors in office, shall not hereafter be freed and exempted from taxes for more than the amount of ten thousand dollars for each of such officers, his estates, person,^{oo} and family included.

SECTION 2. The vote of said Corporation, under the seal and certified by the Secretary thereof, declaring that the Corporation, being authorized by the President and Professors of said University, does, in behalf of the President and Professors and in behalf of said Corporation, consent to this Act shall be deemed and taken to be proof of their consent thereto when said vote shall have been filed in the office of the Secretary of State.¹⁷

VOTE OF THE CORPORATION AT THE SPECIAL MEETING ON FEBRUARY 11, 1863.

WHEREAS the General Assembly of the State of Rhode Island, at its present session on the 11th day of February, 1863, has passed an Act the principal section of which is in the following words, viz — “SECTION 1. The Corporation of Brown University in Providence consenting hereto, that the estates, persons, and families of the

¹⁷There are six official contemporary copies of the Act: the manuscript in the State House bearing the signatures of the Clerk of the House and the Secretary of State, the manuscript certified by the Secretary of State and presented to the meeting of the corporation on February 11, the printed laws for 1863, the draft of the Act and the report of the special committee among the papers of the Corporation, and the minutes of the meeting in the third volume of the Records. Since no two copies correspond exactly as to capitalization and punctuation, the Act has been made uniform with the present edition of the Charter in these respects, together with the vote of the Corporation. Minor textual variations are indicated in notes mm, nn, and oo, Appendix III.

President and Professors, for the time being, [of said University,] and of their successors in office, shall not hereafter be freed and exempted from taxes for more than the amount of ten thousand dollars for each of such officers, his estates, person, and family included.”

AND WHEREAS the institution of Brown University was established by its founders, was incorporated with liberal franchises by the State, has been maintained solely by private benefactions, all uniting for the same noble object, that is to create and promote a seminary of religion and learning within this State, whose beneficent influences should be diffused at home and abroad through all time;

AND WHEREAS those influences can and will be most happily diffused and continued by a cordial good will and a harmonious cooperation between the General Assembly and citizens of this State and the University;

AND WHEREAS the General Assembly by its Act aforesaid has expressed the opinion that the President and Professors should bear a portion of the burdens of taxation from which they are exempted by our Charter, and has made the validity of its said Act to depend upon the consent of this Corporation thereto, thereby affirming and maintaining the inviolability of said Charter;

THEREFORE, in order to manifest our cordial compliance with a reasonable wish of the General Assembly, as expressed in said Act,

It is hereby voted and declared by the Corporation of Brown University, that being authorized by the President and Professors of said University, this Corporation does, in behalf of the President and Professors and in behalf of said Corporation, consent to the said Act, passed by the General Assembly of the State of Rhode Island at its present session, as aforesaid; and the Secretary of this Corporation is hereby instructed to file a copy of this vote, under the seal of the Corporation and certified by himself, in the office of the Secretary of State, as proof of the consent of this Corporation thereto.¹⁸

¹⁸The copy of this vote, certified by the Secretary of the Corporation, was not found at the State House in 1942, when photostats of the other documents were supplied by the Secretary of State.

1926

Modification of the denominational requirements for membership on the Corporation was seriously considered at various times during the twentieth century. At the meeting on October 14, 1925, a committee appointed in June of the preceding year submitted the draft of a bill to be presented to the General Assembly. The Fellows and Trustees voted unanimously to approve the bill, to direct the committee “to cause it to be introduced in the General Assembly,” and to authorize “changes in the phraseology, but not in the substance,” if they seemed desirable. After minor revisions in accordance with the vote (see notes pp to ww, Appendix III), the following Act was passed at the January Session, 1926, signed by the Governor on March 12, and accepted by the Corporation at the meeting on June 17; it became effective the same day upon the filing of the certification of the vote by the Secretary of the Corporation, printed below. (Corporation Records, IX, 73, 75, 91, 106-107, 110-116, 119-125, 139-141, 142.)

1926

AN ACT IN AMENDMENT OF AN ACT ENTITLED "AN ACT FOR THE ESTABLISHMENT OF A COLLEGE, OR UNIVERSITY, WITHIN THIS COLONY" PASSED BY THE GENERAL ASSEMBLY HELD FOR THE COLONY OF RHODE ISLAND AND PROVIDENCE PLANTATIONS, AT EAST GREENWICH, THE LAST MONDAY OF FEBRUARY, 1764, BEING AN ACT TO INCORPORATE BROWN UNIVERSITY.^{pp}

It is enacted by the General Assembly as follows:

SECTION 1. An Act entitled "An Act for the establishment of a college, or university, within this colony" passed by the General Assembly held for the colony of Rhode Island and Providence Plantations, at East Greenwich, the last Monday of February, 1764, being an Act to incorporate Brown University, is hereby amended so that^{qq} **the number of trustees of the corporation of said university shall be increased from thirty-six to forty-two and the six additional members and their successors in office shall be elected and hold office^{rr} without regard to^{ss} denominational or religious affiliations, and so that^{tt} membership in or affiliation with the Baptist or Antepedo Baptist or other^{uu} denomination shall not be required to make a person eligible to election to the office of president in said university and such office shall not be declared vacant because of change of the religious denomination of the incumbent.**

SECTION 2.^{vv} This act shall take effect when there shall have been filed with the secretary of state a certificate attested by the secretary of said corporation and bearing its seal setting forth that a majority of all the trustees and a majority of all the^{ww} fellows of said corporation have by vote signified their acceptance of and consent to the provisions of this act.¹⁹

¹⁹The typewritten copy of this Act, which is among the papers of the Corporation, was certified by the Secretary of State on March 13, 1926. The certification states that the Act was "approved by the Governor on the eleventh day of March," but on the Act

CERTIFICATION OF THE VOTE OF THE CORPORATION BY
ITS SECRETARY.

I, Hermon C. Bumpus, Secretary of the Corporation of Brown University, do hereby certify that the provisions of the Act of the General Assembly of the State of Rhode Island and Providence Plantations, passed at the January Session, 1926, entitled "An Act in amendment of an Act entitled 'An Act for the establishment of a College or University within this Colony', passed by the General Assembly held for the Colony of Rhode Island and Providence Plantations at East Greenwich the last Monday of February, 1764, being an Act to incorporate Brown University", have been approved, accepted and consented to by said Corporation by the vote of a majority of all the Trustees and a majority of all the Fellows of said Corporation.

In Attestation Whereof I have hereunto set my hand as Secretary of said Corporation, and affixed the seal of said Corporation, this seventeenth day of June 1926.²⁰

(Signed) HERMON C. BUMPUS [L.S.]
Secretary

are typed the words "Approved March 12, 1926." The same discrepancy appears in the minutes of the Corporation meeting on June 17. A later letter from the Secretary of State and the printed laws for 1926 use the March 12 date, which has been employed in this printing.

²⁰A letter from the Secretary of State, dated June 17, 1926, and bearing the seal of the State, acknowledges the receipt of this certification of the Corporation vote.

1942

A third amendment, in 1942, removed all denominational qualifications. After a general discussion of the matter by the Advisory and Executive Committee, the appointment of a special committee, and the drafting of a proposed bill, the subject was presented to the Corporation at a meeting called for that purpose on February 20, 1942. There the Trustees and Fellows authorized “such action as may be proper and appropriate to obtain the passage” of the measure. A committee elected to “make such changes in form... as they deem advisable” added two words (see note xx, Appendix III) before the bill was submitted to the January Session, 1942, of the General Assembly. The following Act, with this revision, was approved by both Houses, signed by the Governor on May 6, and consented to by the Corporation at the meeting on May 18; it became effective when the Secretary filed the requisite certification with the Secretary of State on May 19, 1942. (Corporation Records, XI, 29-43, 46-47, 53-54, 63-65.)

1942

AN ACT IN AMENDMENT OF THE CHARTER OF INCORPORATION OF THE CORPORATION CREATED 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" AND LATER CALLED AND KNOWN BY THE NAME OF "BROWN UNIVERSITY IN PROVIDENCE IN THE STATE OF RHODE ISLAND, AND PROVIDENCE PLANTATIONS," WHICH CHARTER OF INCORPORATION WAS PASSED BY THE HONORABLE THE GOVERNOR AND COMPANY OF THE ENGLISH COLONY OF RHODE ISLAND AND PROVIDENCE PLANTATIONS IN NEW ENGLAND, IN GENERAL ASSEMBLY, CONVENED ON THE LAST MONDAY IN FEBRUARY, ONE THOUSAND SEVEN HUNDRED AND SIXTY-FOUR, AS AMENDED.

WHEREAS the charter of the corporation now called "Brown University in Providence in the State of Rhode Island, and Providence Plantations," which was enacted in 1764 and was intended to establish a liberal and catholic institution, requires that a majority of the governing boards shall be of one religious denomination; but pursuant to the broad and tolerant spirit of its founders excludes any religious tests from said institution, directs that sectarian differences of opinions shall not make any part of its public and classical instruction, and admits to said governing boards persons of other denominations then prominent in New England; and

WHEREAS said requirement, notwithstanding certain modifications of said charter made in the year 1926, still prevents inclusion in the membership of the corporation of many otherwise qualified and available persons, thereby making the corporation less representative of the community than was intended by its founders and causing the letter of said charter to become opposed to its spirit; and

WHEREAS the experience of other American colleges and universities teaches that the security of their religious ideals and principles is not dependent upon denominational affiliations required by charter provisions, but rather upon the character of the persons to whom their government is committed; and

WHEREAS the changes hereinafter made in said charter are intended to effect the purpose of said founders to make the governing bodies of said institution widely representative of the community and they in no way conflict with the acknowledgment by the University of its especial and perpetual indebtedness to the Christian churches from which it sprang and with its purpose hereafter to continue to adhere to the basic ideals and principles common to them and^{xx} similar institutions of religion; and

WHEREAS the welfare of the institution and its continued usefulness to society demand that the broad and liberal principles of its foundation should be applied in harmony with changed conditions;

NOW, THEREFORE, IT IS ENACTED BY THE GENERAL ASSEMBLY AS FOLLOWS:

SECTION 1. An Act entitled “An Act for the establishment of a college or university within this colony” enacted by the General Assembly held for the colony of Rhode Island and Providence Plantations, at East Greenwich, the last Monday of February, 1764, as amended, is hereby further amended so that **no denominational qualification shall be required to make any person eligible to hold the office of Trustee, Fellow, President, Professor, Tutor, or other office in Brown University** in Providence in the State of Rhode Island, and Providence Plantations.

SECTION 2. The filing with the secretary of state of a certificate attested by the secretary of said corporation and bearing its seal, setting forth that a majority of all the Trustees and a majority of all the Fellows of said corporation have by vote signified their acceptance of and consent to the provisions of this Act, shall be deemed and taken as proof of said corporation’s acceptance of and consent to the provisions of this Act.

SECTION 3.¹⁹ This act shall take effect upon its passage and all acts and parts of acts inconsistent herewith are hereby repealed.²¹

CERTIFICATION OF THE VOTE OF THE CORPORATION BY ITS SECRETARY.

I, Albert L. Scott, Secretary of the Corporation of Brown University in Providence in the State of Rhode Island, and Providence Plantations, do hereby certify that the provisions of the Act of the General Assembly of the State of Rhode Island and Providence Plantations passed at the January Session, 1942, entitled, "An Act in Amendment of the Charter of Incorporation of the Corporation Created 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' and later called and known by the Name of 'Brown University in Providence in the State of Rhode Island, and Providence Plantations,' which Charter of Incorporation was Passed by the Honorable the Governor and Company of the English Colony of Rhode Island and Providence Plantations in New England, in General Assembly, Convened on the Last Monday in February, One Thousand Seven Hundred and Sixty-four, as Amended," have been accepted and consented to by said Corporation by the vote of a majority of all the Trustees and a majority of all the Fellows of said Corporation. In attestation whereof I have hereunto, set my hand as Secretary of said Corporation and affixed the seal of said Corporation this 18th day of May, 1942.²²

(Signed) ALBERT L. SCOTT [L.S.]

Secretary

²¹The photostatic copy of the Act in the Corporation files is accompanied by a statement of certification signed by the Deputy Secretary of State on May 7, 1942.

²²This certification of the vote by the Secretary of the Corporation was filed in duplicate. The carbon copy, which is among the Corporation papers, bears a statement signed and sealed by the Secretary of State on May 19, 1942, that it is a duplicate of the original in the State House.

OFFICIAL COPIES OF THE CHARTER

1. The manuscript of the original Act, with amendments in a second hand, signed by the Clerk of the House of Magistrates on March 2, 1764, and by the Secretary of the Upper House on March 3, is preserved at the State House in the Acts and Resolves, IX, 126.

Three printings of this fourteen page manuscript are listed in Appendix II, item 8.

2. The copy of the Act registered by the Secretary of the Colony, Henry Ward, is in the Colony Records, VIII, 188-194.

At this time the capitalization, punctuation, and paragraphing were drastically revised, probably in conformity with official usage. A few verbal and clerical changes were also made, as noted in Appendix III, items a, d, i, k, l, p, s, t, u, v, w, dd, ee, ff, gg, ii, jj, and kk. The general form for all later copies was thus set

3. The next copy appears on pages 110-116 of the official records of the February Session, I 764, of the Assembly, known as the Schedules or the Acts, Resolves and Reports, which were printed at Newport by Samuel Hall and authenticated by the signature of the Secretary, Henry Ward, and the seal of the Colony, on March 12, 1764.

This copy, or more likely the reprint made by Samuel Hall at a later date (Appendix II, item 2), became the basis for all succeeding editions.

4. The fourth copy, engrossed on two large sheets of parchment, is in the possession of Brown University. It was signed by the Governor, Samuel Ward, and the Deputy Secretary, Edward Thurston, Junior, at Newport on October 24, 1765, and bears the seal of the Colony.

This is doubtless the copy which was subsequently authorized on November 12, 1765, at a meeting in Newport of the committee of seven appointed "to transact the necessary Affairs of this Corporation during their Recess" (Corporation Records I, 20). They resolved that "the Exemplification of the Charter of this Corporation be made out upon Parchment and deposited with the President for the Time being and that a Tin Box be procured to preserve the same" (Manuscript in the Archives of the University Library). Both Samuel Ward and Edward Thurston, Junior, were members of the Board of Trustees and served on this committee.

Although the Charter states that it "shall be signed by the Governor and Secretary," this procedure was not ordinarily required to validate an act of the Assembly, and two meetings of the Corporation were held before October 24, 1765. Consequently, the founding of Brown University dates from 1764 and not the time of the signature in 1765. Stephen Hopkins, the first Chancellor, was Governor when the Charter was voted at the February Session of the Assembly and when the Corporation was organized at Newport in September 1764. Henry Ward, the Colonial Secretary from 1760 to 1797, served as Fellow from 1767 to 1771 and as Trustee from 1771 to 1797.

During the hurricane on September 21, 1938, the bank vault where the parchment manuscript, “the Exemplification,” had been deposited was flooded and remained so for a number of days. At the earliest opportunity the copy was removed from the “Tin Box” in which it was kept, but the salt water had obliterated the writing. Several photostats are preserved at the University.

5. In the Corporation Records, I, 1-13, is another copy signed by Samuel Ward as Governor and Edward Thurston, Junior, as Deputy Secretary, and bearing the seal of the Colony.

At the first meeting of the Corporation at Newport in September 1764, “the Charter of Incorporation was directed to be inserted in the beginning of the Records of the Corporation and there duly authenticated” (Corporation Records, I, 17). Apparently this was not done until 1769 or later because a copy does not appear in the small book used for the first records. In September 1769, it was voted that “a New Book be procured for a Record Book, and that the Records of this Corporation be transcribed and fully compleated, and that the present Record Book be taken for a Minute Book” (*ibid.*, p. 30). Edward Thurston, Junior, was a member of the committee of three “to assist the Secretary in transcribing and compleating the Records...as soon as may be” (*ibid.*, p. 31). Samuel Ward, who ceased to be Governor in May 1767, remained a Trustee until his death in 1776. Edward Thurston served on the Board until 1782.

Appendix II

PRINTED COPIES OF THE CHARTER IN THE BROWN UNIVERSITY LIBRARY

1. Providence Gazette and Country Journal, Saturday, April 28, 1764.

2. Newport: Printed by Samuel Hall. 4° 8 pages

1765 is the date assigned at the Brown University Library. One copy bears a presentation date of March 15, 1765, in ink.

This edition is very like the official one printed by Mr. Hall. The same type is used and most of the lines are identical in length, although the whole document was doubtless reset. There are slight differences in capitalization and punctuation, at least one of them a correction of a typographical error in the official printing.

3. Newport: Printed by Samuel Hall. London: Reprinted for Blyth and Beevor, No. 87, Cornhill. 8° 16 pages

1765? is the date assigned this edition on the library cards, although an index in ink to a bound volume of early editions of the Charter and Laws of the College uses 1767. Mr. Hall left Newport in 1768 and Solomon Southwick took over the printing business.

This copy differs markedly in capitalization and slightly in punctuation from the previous edition. There are a few minor variations in the text.

- [In 1784 the Corporation voted that “Joseph Brown procure three or four hundred copies of the College Charter reprinted” (Corporation Records, I, 112). There is no such edition at the University Library.]

4. Printed at Providence by J. Carter. 1803. 8° 12 pages

In 1803 it was voted that “the President procure to be printed ... 200 Copies of the Charters of this College at the expence of the Corporation” (Corporation Records, I, 311).

Capitalization and punctuation were modernized in this edition. A few additional changes of slight importance appear in the text.

5. Providence: H. H. Brown, No. 25, Market Square. 1834. 8° 15 pages

This edition is the first to include the final paragraph with the date of signing by the Governor and Secretary. There are also footnotes regarding the name of the University and the engagement of Corporation members.

Spelling and the use of italics were modernized and some changes made in capitalization and punctuation. The text was evidently compared with the manuscript in Volume I of the Corporation Records because insignificant clerical errors made there appear in print for the first time (see items e, o, y, and bb in Appendix III).

6. Providence: Knowles, Anthony & Co., Printers. 1867. 8° 16 pages

On April 17, 1867, the Corporation voted that “the Secretary be instructed to have 200 copies of the Charter printed and to see that each member of the Corporation be provided with a copy” (Corporation Records, III, 296)

In general this edition is a reprint of the 1834 one with slight

variations in capitalization and punctuation. The amendment of 1863 is added as an appendix.

7. Providence: Providence Press Company, Printers. 1888. 8° 15 pages

The Corporation voted, on September 7, 1887, that “the Secretary be authorized to have printed two thousand copies of the Charter, to be distributed to the members of the Corporation, and also to the Alumni” (Corporation Records, IV, 326). On November 30, the Secretary “was authorized to affix a marginal index to the new edition of the Charter” (*ibid.*, p. 331).

The text was compared to some extent with earlier copies because an unimportant omission in the 1867 edition was corrected. The footnotes on the name of the University and the engagement were changed to brief quotations from the Corporation Records. The introduction to the 1863 amendment was rephrased and the law printed as a footnote instead of an appendix.

8. The next edition omits the place and date of publication and the name of the printer. 8° 20 pages

The Library catalogue assigns it to 1890? The University seal appears on the cover.

This edition prints the Act as it passed the Assembly in 1764. The Charter in this form was later included in Appendix A of Bronson’s *History* and with the Majority Report, Minority Report, and Action of the Corporation on June 18, 1925, relating to the second amendment, printed by the University under date of July 25, 1925.

The lines of the [1890?] edition are numbered so that the references in the four page index can be exact. There are also four pages of extracts from the Corporation Records regarding the engagement, the name of the University, and the 1863 amendment.

9. Providence: The Akerman-Standard Co. 1928. 8° 16 pages

This is a reprint of the 1888 edition, including two typographical errors.

The amendment of 1926 is added as a footnote.

Appendix III

TEXTUAL VARIATIONS

(In the following notes, item 1 in Appendix I is referred to as “the original Act,” item 2 as “registered in the Colony’s Records,” “Colony’s Records,” or “registered manuscript,” item 3 as “the official printing,” item 4 as “the parchment manuscript,” and item 5 as “the copy in the Corporation Record Book.”)

a. The introductory paragraph of the original Act is not identical with that in the Colony’s Records, doubtless because it did not follow the established form. The first manuscript used “held” instead of “holden,” “said Colony” rather than “Colony aforesaid,” “upon” for “on,” and “of February” for “in February.” It placed “by adjournment” after “Colony,” “in the year” with “fourth,” and entirely omitted “of our Lord.”

All succeeding copies used the wording of the Colony’s Records except the parchment manuscript. It reads: By the Honorable the Governor and Company of the English Colony of Rhode Island and Providence Plantations, in New England, in America, in General Assembly convened at East Greenwich, within and for the Colony aforesaid, on the last Monday in February, One Thousand Seven Hundred and Sixty-four.

b. The title of the law was quite naturally omitted from the original Act and the parchment manuscript. The copy in the Corporation Record Book follows the unique spacing of Samuel Hall’s reprint (Appendix II, item 2), indicating that it was not made directly from an official source.

c. The parchment manuscript repeated “the” erroneously.

d. The “has” used in the original Act was changed to “hath” when “registered in the Colony’s Records.” This revision appears in all subsequent editions.

e. The copy in the Corporation Record Book reads “purposes.” The plural form was printed for the first time in 1834 and has been repeated in later editions.

f. The word “the” before “said,” added in the [1765?] edition, has been included in succeeding printed editions.

g. The word “to,” omitted from the parchment manuscript and the Corporation Record Book, was first dropped in a printed edition in 1867.

h. The Corporation Record Book also omitted this “to.”

i. “Against” was added to the Act when it was registered in the Colony’s Records, and has been retained ever since.

The wording of this section is similar to the Charter of the Colony, which omits “against” and the second “to” in each of the first three preceding phrases.

j. The Corporation Record Book omitted “the,” as did the [1765?] and subsequent editions.

k. The original Act used “hereof.”

l. "S" was added in a different hand, and evidently at a later date, to the word "gift" in the Colony's Records to make it correspond with "bequests" and "assignments" appearing in all the official copies. The singular form of the three words, adopted in the [1765?] edition, has been printed since that time.

m. The copy registered in the Colony's Records begins a new paragraph at this point. The official printer, Samuel Hall, did not conform, perhaps by mistake, since the paragraph started a new page. All succeeding editions adopted Hall's paragraphing

n. The ungrammatical "is" was first changed to "are" in the edition printed in 1803.

o. The word "seal" was omitted in the Corporation Record Book. The sentence was so printed in the 1834 and subsequent editions of the Charter.

p. The original Act used "Viz:" instead of "to wit."

q. The words "or Quakers" were omitted in the Corporation Record Book.

r. The word "that" was left out of the Corporation Record Book.

s. In the original Act titles were used with these names, as in the two earlier lists. A note in a different hand in the margin of the manuscript to "take out the Titles" was followed in all succeeding copies.

t. The original Act used the singular of Baptist and Antipedobaptist in this one place. The inconsistency was doubtless due to the fact that the phrase was added in a different hand.

u. The word in the original Act was "sett" instead of "sit."

v. The "further" used in the original Act was changed to "furthermore" in subsequent copies.

w. The original Act alone used "of" in place of "in."

x. The Corporation Record Book has "amongst" here, but "among" later in the sentence.

y. The "a," omitted in the Corporation Record Book, was dropped in the 1834 and succeeding editions.

z. The parchment manuscript erroneously used "Professor" in the singular.

aa. The phrase "or either of them" was omitted in the 1867 edition and those which followed.

bb. The Corporation Record Book omitted "the," as did the 1834 and later editions.

cc. The 1803 edition printed "act" in the singular and this typographical error was repeated in subsequent editions.

dd. The "them" of the original Act was changed to "those" when it was registered.

ee. The word "the" before "more" appears only in the original Act.

ff. The "at" was omitted in the original Act.

gg. The word "youth" appears in the plural in the original Act, although later in the paragraph it was used in the singular.

hh. The parchment manuscript omitted the word "that."

ii. The plural of Commencement appears only in the original Act.

jj. The original Act used "&" instead of "or."

kk. The registered manuscript alone omitted the word “the.”

ll. The concluding paragraph of the copy in the Corporation Record Book, which was printed in the 1834 and succeeding editions, differs from the original in the parchment manuscript. The latter reads: In conformity to the above Act, Samuel Ward, Esq., Governor, Captain General, and Commander in Chief of and over the Colony aforesaid, doth hereunto subscribe his name and hath caused the seal of said Colony to be affixed the twenty-fourth day of October, One Thousand Seven Hundred and Sixty-five, and in the fifth year of the reign of his Most Sacred Majesty George the Third, by the Grace of God, King of Great Britain, &c.

SAM: WARD

By His Honor’s Command

Edwd. Thurston, jun., D: Secry.

mm. The copy of the Act certified by the Secretary of State alone uses the words “Be it enacted” in place of “It is enacted.”

nn. The words “of said University” were omitted when the Act was copied into the report of the special committee and the Corporation Record Book.

oo. The word “person” appears in the plural in the report of the committee and the Record Book. This error was repeated in the Vote of the Corporation, as was the above noted omission.

pp. The title and date of the 1863 amendment were included in the draft bill.

qq. Section 1 of the draft began at this point, so instead of “said university” in the next line, the full name was given.

rr. The words “and hold office” were added to the draft.

ss. “Their” before “denominational” was omitted in the revised Act

tt. This provision formed Section 2 in the draft bill, “and so that” being omitted.

uu. The words “or Antepedo Baptist or other” were added. The sect is correctly spelled Anti instead of Ante.

vv. This was Section 3 before the final revision.

ww. The word “the” does not appear in the draft.

xx. The words “them and” were added by the committee on revision.

yy. This element of all acts of the Assembly was added by the General Assembly.