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## The Independent Reflector

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*The same Subject continued*

- *Timec Danaos dona ferentes.*

["I fear the Greeks even when bringing gifts"]

As nothing would be more fruitless than to excite the Apprehensions, or raise the Hopes of my Readers, by a Prospect of remediless Evils, or unattainable Blessings, I consider my former Papers upon this Subject, only as a Prelude to what is yet to come. It would be of little Use to have shewn the fatal Consequences of an Academy founded in Bigotry, and reared by Party-Spirit; or the glorious Advantages of a College, whose Basis is Liberty, and where the Muses flourish with entire Freedom; without investigating the Means by which the one may be crushed in Embryo, and the other raised and supported with Ease and Security. In all Societies, as in the human Frame, inbred Disorders are chiefly incurable, as being Part of the Constitution, and inseparable from it; while, on the Contrary, when the Rage of Infirmities is resisted by a sound Complexion of Body, they are less inherent, and consequently more medicable. For this Reason, it must necessarily be esteemed of the utmost Importance, that the Plan upon which we intend to form our Nursery of Learning, be concerted with the most prudent Deliberation; it being that alone upon which its future Grandeur must evidently depend.

To delineate a compleat Scheme for so great a Work, is beyond the Stretch of my Abilities: And to imagine that these Imperfect Attempts, will be of any other Use than as a Spur to greater Inventions, is a Piece of Vanity with which the *Reflector* scorns to be thought chargeable. But should they prove useful to his Country, either by inspiring others to communicate something more perfect, or inciting our Legislature to a serious Consideration of this Subject, I shall think the general Design of these Papers sufficiently answered.

In pointing out a Plan for the College, I shall first shew what it ought not to be, in order that what it should be, may appear with greater Certainty.

As Corporations and Companies are generally founded on Royal Grants, it is without Doubt supposed by many, that our College must be constituted by Charter from his Majesty, to certain Persons, as Trustees, to whose Government and Direction it will be submitted. Nor does the Impropriety of such a Plan strike the unattentive Vulgar, tho' to a considerate Mind it appears big with mighty Evils.

*Nec quæ circumstant te deinde pericula cernis*

*Demens.--* ["Don't you see the dangers that henceforth surround you, madman."]

It is necessary to the well-being of every Society, that it be not only established upon an ample and free Bottom; but also secured from Invasion, and its Constitution guarded against Abuses and Perversion. These are Points of which I beg Leave to think my Readers fully convinced. Nor can they wonder at the Novelty of my Scheme, when an University, hatched by the Heat of Sectaries, and cherished in the contracted Bosom of furious Zeal, shall be shewn to be the natural Consequence of a Charter Government.

But to consider **an Academy founded on a Royal Grant** in the most favourable Light, Prudence will compel **our Disapprobation of so precarious a Plan**. The Mutability of its Nature will incline every reasonable Man, to prefer to it that Kind of Government, which is both productive of the richest Blessings, and renders its Advantages the more precious, by their superiour Stability. A Charter can at best present us with a Prospect of what we are scarce sure of enjoying a Day. For every Charter of Incorporation, as it generally includes a Number of Privileges subject to certain express or implied Conditions, may, in particular, be annulled, either on a Prosecution in the Court of *Kings-Bench* by *Quo warranto*, or by *Scire Facias* in Chancery, or by *Surrender*. Nor does it require a great Abuse of Privilege to determine its Fate by the two first Means, while mere Caprice, or some thing worse, may at any Time work its Dissolution by the latter. I believe my Countrymen, have too high a Sense of the Advantages of Learning, to risk the College upon so unsettled a Basis; and would blast a Project so ineffective of its true End, to make Room for a Scheme by which the Object of public Attention may be fixed on a Bottom more firm and durable. How would it damp the sanguine Prospects, of the fervent Patriot; disappoint the honest Well-wisher of his Country; and blacken the Hopes of every Lover of the Muses into Despair, should an inconsiderable Mistep subvert so noble a Design! Yet to these fatal Evils would a Charter be exposed: Should the Trustees exceed their Authority, however inconsiderably it might affect the Interest of the College, their acting contrary to the express Letter, would *ipso facto* avoid it. Or should they, either thro' Ignorance, Inattention or Surprize, extend their Power in the least beyond those Limits, which the Law would prescribe upon a Construction of the Charter, a Repeal might be obtained by Suit at Common Law, or in Equity. And perhaps such might be the Circumstances of Things, as to render a new Incorporation at that Juncture, utterly impracticable. Besides, upon its Dissolution all the Lands given to it, are absolutely lost. The Law annexes such a Condition to every Grant to a Body politic: They revert to the Donor. Nor is there much Reason to expect a charitable Reconveyance from the Reversioner.

But if this may possibly be the Case, should even the Scheme of the Instruction of our Youth continue unperverted by the Directors of our Academy, what Abuses of Trust might they commit, what Attacks upon the Liberty and Happiness of this Province might they make, without Correction or Controul, should they be influenced by sinister Views? While the Fountain continues pure and unpolluted, the Stream of Justice may flow through its Channels clear and undisturbed. But

should arbitrary Power hereafter prevail, and the tyrannical Arts of JAMES return to distress the Nation, the Oppression and Avarice of a future Governor, may countenance the iniquitous Practices of the Trustees, or destroy the Charter by improving the Opportunity of some little Error in their Conduct; and having seized the Franchise, dispose of it by a new Grant to the fittest Instruments of unjust and imperious Rule, and then adieu to all Remedy against them: For were they prosecuted by his Majesty's Attorney General in the *King's-Bench*, a *Noli prosequi* would effectually secure them from Danger; while the Authority of a Governor rendered a Suit in Equity entirely useless. Thus would the Cause of Learning, the Rights and Privileges of the College, our public Liberty and Happiness, become a Prey to the base Designs and united Interest of the Governor and Trustees, in Spite of the most vigorous Efforts of the whole Province: Nor could a happy Intervention to the general Calamity, be expected from the other Branches of the Legislature, while his Majesty's Representative would give a hearty Negative to every salutary Bill, the Council and Assembly should think proper to pass. I say, his Majesty's Representative; for tho' our gracious Sovereign can delegate his executive Authority, he cannot transfer his Royal Virtues; and more than once this Province beheld a Vicegerent of the Best of Princes, imitate the Actions of the Worst. Reflections of this Kind will pronounce it a Truth most glaringly evident, that whatever Care may be taken in the Construction of a Charter to give our College an extensive Bottom, to endow it with the richest Privileges, and secure them by the most prudent Methods, it may still become the Spoil of Tyranny and Avarice, the Seat of slavish, bigotted and persecuting Doctrines, the Scourge and Inquisition of the Land. And far better would it be for us to rest contented with the less considerable Blessings we enjoy, without a College, than to aim at greater, by building it upon the sandy Foundation of a Charter-Government.

But after all, it may be urged, that should the College be founded on a Royal Grant, it might still be raised upon as unexceptionable a Basis, and as munificently endowed with Privileges as upon any other Footing. This is not in the least to be doubted. That a specious Charter will be drawn, and exhibited to public View, I sincerely believe: A Trick of that kind will unquestionably be made Use of, to amuse the unattentive Eye, and allure the unwary Mind into an easy Compliance. But it will be only latet *Anguis in Herba* ["A snake lurking in the grass"], and when a copious Fund is once obtained, a Surrender of the Charter may make Way for a new One, which tho' sufficiently glaring, to detect the Cheat, will only leave us Room to repent of our Credulity. This is beyond Dispute, a sufficient Reason with some, for establishing the College by Charter, tho', in my humble Opinion, it is one of the strongest Arguments that can be urged against it. **We should be careful, lest, by furnishing the Trustees with a Fund, to render themselves independent of us, we may be reduced to the Necessity of being dependent upon them.** If the Public must furnish the Sums by which the College is to be supported, Prudence declares it necessary, that they should be certain to what Uses the Monies will be applied; lest instead of being burdened with Taxes to advance our Interest, we should absurdly impoverish ourselves, only to precipitate our Ruin. In short, as long as

a Charter may be surrendered, we are in Danger of a new One, which perhaps will not be much to our liking: And, as this Kind of Government will be always subject to Innovations, it will be an incontestable Proof of our Wisdom to reject it for a better.

It has in my two last Papers been shewn, what an extensive and commanding Influence the Seat of Learning will have over the whole Province, by diffusing its Dogmata and Principles thro' every Office of Church and State. What Use will be made of such unlimited Advantages, may be easily guessed. **The civil and religious Principles of the Trustees, will become universally established, Liberty and Happiness be driven without our Borders, and in their Room erected the Banners of spiritual and temporal**

**Bondage.** My Readers may, perhaps, regard such Reflections as the mere Sallies of a roving Fancy; tho', at the same Time, nothing in Nature can be more real. For should the Trustees be prompted by Ambition, to stretch their Authority to unreasonable Lengths, as undoubtedly they would, were they under no Kind of Restraint, the Consequence is very evident. Their principal Care would be to chuse such Persons to instruct our Youth, as would be the fittest Instruments to extend their Power by positive and dogmatical Precepts. Besides which, it would be their mutual Interest to pursue one Scheme. Their Power would become formidable by being united: As on the Contrary, a Dissention would impede its Progress. Blind Obedience and Senility in Church and State, are the only natural Means to establish unlimited Sway. Doctrines of this Cast would be publicly taught and inculcated. Our Youth, inured to Oppression from their Infancy, would afterwards vigorously exert themselves in their several Offices, to poison the whole Community with slavish Opinions, **and one universal**

**Establishment become the fatal Portion of this now happy and opulent Province.** Thus far the Trustees will be at Liberty to extend their Influence without controul, as long as their Charter subsists: And thus far they would undoubtedly extend it. For whoever, after being conscious of the uncertain Nature and dismal Consequences of a Charter College, still desires to see it thus established, and willingly becomes a Trustee, betrays a strong Passion for Tyranny and Oppression: Did he wish the Welfare of his Country, he would abhor a Scheme that may probably prove so detrimental to it; especially when a better may be concerted. It would therefore be highly imprudent to trust any Set of Men with the Care of the Academy, who were willing to accept it under a Charter.

If it be urged, that the Reasons above advanced, to prove the Danger and Mutability of a Charter Government, militate strongly against the Consequences I have deduced from them, let it be considered, that it will be in the Power of one Person only, to encourage or oppose the Trustees in the Abuse of their Authority. This Point, I think, is sufficiently evinced. Time may, perhaps, furnish the Trustees with an Opportunity of corrupting him with Largesses; or the Change of Affairs, make it his Duty to encourage the most slavish Doctrines and Impositions. Where then will be our Remedy, or how shall we obtain the Repeal of a Charter abused and perverted? Be it ever so uncertain in its Nature, it will still be in the Power of a Governor, to secure it against the Attacks of Law and Justice: Or, to

render us more compleatly miserable, he may grant a new One, better guarded against any Danger from that Quarter. In the present Situation of Things, we have, indeed, no Reason to fear it. But as they may possibly assume a different Face hereafter, let us at least be armed in a Matter of so great Consequence, against the Uncertainty of future Events.

But after all it cannot be expected, that a Charter should at once be so compleatly fonné, as to answer all the valuable Purposes intended by it. Inventions are never brought to sudden Perfection; but receive their principal Advantages from Time and Experience, by a slow Progression. The human Mind is too contracted to comprehend in one View, all the Emergencies of Futurity; or provide for and guard against, distant Contingencies. To whomsoever, therefore, the Draft of a Charter shall be committed, Experience will prove it defective, and the Vicissitude of Things make continual Alterations necessary. Nor can they be made without a prodigious Expence to the Public, since, as often as they are expedient, a new Charter will be the only Means to effect it.

I hope my Readers are by this Time convinced, that **a Charter College will prove inefficacious to answer the true End of the Encouragement of Learning**; and that general Utility can never be expected from a Scheme so precarious and liable to abuse. I shall in my next Paper exhibit another Plan for the Erection of our College, which if improved, will answer all the valuable Ends that can be expected from a Charter, and at much less Expence: While it will also effectually secure all those Rights and Privileges which are necessary to render the Increase of true Literature more vigorous and uninterrupted.

B.

**Source:** Klein, Milton, ed., The Independent Reflector...by William Livingston. (Cambridge: Harvard University, 1963), pp. 184-190.