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The Independent Reflector

Number XX [4th on College]

THURSDAY, APRIL 12, 1753

A farther Prosecution of the same Subject

*Si vincimus omnia nobis tuta erunt, Commeatus abunde municipia
atque Coloniae patebunt; sin metu cesserimus, eadem illa adversa
fient.*

["If we win, complete security will be ours, supplies will abound, free cities and colonies will open their gates; but if we yield to fear, the reverse will be true."]

SAL.

I HAVE in my last Paper endeavoured to explode the Scheme of erecting our College by Charter, as a Means wholly inadequate to the End proposed. Many of my Readers are doubtless convinced, how justly it lies open to the Objections I have raised against it; and therefore expect, that something more effectual be proposed in its Stead: While others that remain unsatisfied, may, perhaps, find their Doubts removed, by perusing the Plan I shall lay before them.

But I would first establish it as a Truth, that Societies have an indisputable Right to direct the Education of their youthful Members. If we trace the Wisdom of Providence in the Harmony of the Creation; the mutual Dependence of human Nature, renders it demonstrably certain, that Man was not designed solely for his own Happiness, but also to promote the Felicity of his Fellow- Creatures. To this Bond of Nature, civil Government has joined an additional Obligation. Every Person born within the Verge of Society, immediately becomes a Subject of that Community in which he first breathes the vital Element; and is so far a Part of the political Whole, that the Rules of Justice inhibit those Actions which, tho' tending to his own Advantage, are injurious to the public Weal. If therefore, it belongs to any to inspect the Education of Youth, it is the proper Business of the Public, with whose Happiness their future Conduct in Life is inseparably connected, and by whose Laws their relative Actions will be governed.

Sensible of this was the *Spartan* Law-giver, who claimed the Education of the *Lacedemonian* Youth, as the unalienable Right of the Commonwealth. It was dangerous in his Opinion, to suffer the incautious Minds of those who were born Members of Society, to imbibe any Principles but those of universal Benevolence, and an unextinguishable Love for the Community of which they were Subjects. For this Reason, Children were withdrawn from the Authority of their Parents, who might otherwise warp their immature Judgments in Favour of Prejudices and Errors obtruded on them by the Dint of Authority: But if this was considered as a prudent Step to

guard the Liberty and Happiness of that Republic; **methinks it will not be unadvisable, for our Legislature, who have it in their Power, to secure us against the Designs of any Sect or Party of Men, that may aim at the sole Government of the College.** If there the youthful Soul is to be ingrafted with blind Precepts, contracted Opinions, inexplicable Mysteries, and incurable Prejudices, let it be constituted by Charter: But if from thence we expect to fill our public Posts with Persons of Wisdom and Understanding, worthy of their Offices, and capable of accomplishing the Ends of their Institution, let it not be made the Portion of a Party, or private Set of Men, but let it merit the Protection of the Public. The only true Design of its Erection, is to capacitate the Inhabitants of this Province, for advancing their private and public Happiness; of which **the Legislature are the lawful Guardians: To them, therefore, does the Care of our future Seminary of Learning properly and only belong.**

Instead of a Charter, I would propose, that the College be founded and incorporated by Act of Assembly, and that not only because it ought to be under the Inspection of the civil Authority; but also, because such a Constitution will be more permanent, better endowed, less liable to Abuse, and more capable of answering its true End.

It is unreasonable to suppose, that an University raised by private Contribution in this Province, should arrive at any considerable Degree of Grandeur or Utility: The Expence attending the first Erection, and continual Support of so great a Work, requires the united Aid of the Public. Should it once be made an Affair of universal Concern, they will, no Doubt, generously contribute by Taxes, and every other Means towards its Endowment, and furnish it by a provincial Charge, with whatever shall be necessary to render it of general Advantage. But altho' our Assembly have already raised a considerable Fund for that Purpose, who can imagine they will ever part with or dispose of it to any other Uses, than such as they shall think proper and direct. **If the College be erected at the Charge of the Province, it ought doubtless to be incorporated by Act of Assembly;** by which Means the whole Legislature will have, as they ought to have, the Disposition of the Fund raised for this Purpose: The Community will then have it in their Power to call those to an Account into whose Hands the public Monies shall be deposited for that particular Use: And thus the Sums thought necessary for the Improvement of Learning, will be honestly expended in the Service for which they are designed; or should they be embezzled, it might easily be detected, and publicly punished: Besides, no particular Set of Men can claim a Right to dispose of the provincial Taxes, but those empowered by the Community; and therefore, **if the Colony must bear the Expence of the College, surely the Legislature will claim the Superintendency of it.** But if after all, it should be thought proper to incorporate it by Charter, it is to be hoped, they will reserve the public Money for some other Use, rather than bestow it on a College, the Conduct of whose Trustees would be wholly out of the Reach of their Power.

A further Argument in Favour of its being incorporated by Act of Assembly, may be deduced from the End of its Institution. It is designed to derive continual Blessings to the Community; to improve those public Virtues that never fail to make a People great and happy; to cherish a noble Ardour for Liberty; to stand a perpetual Barrier against Tyranny and Oppression. The Advantages flowing from the Rise and Improvement of Literature, are not to be confined to a Set of Men: They are to extend their chearful Influence thro' Society in general, - thro' the whole Province; and therefore, ought to be the peculiar Care of the united Body of the Legislature. The Assembly have been hitherto wisely jealous of the Liberties of their Constituents: Nor can they, methinks, ever be persuaded, to cede their Authority in a Matter so manifestly important to our universal Welfare, or submit the Guidance of our Academy to the Hands of a few. On the contrary, we are all so greatly interested in its Success, as to render it an Object worthy of their most diligent Attention, - worthy of their immediate Patronage. Should a Number of private Persons have the Impudence to demand of our Legislature, the Right of giving Law to the whole Community; or even should they ask the smaller Privilege, of passing one private Act, would it not be deem'd the Height of Effrontery? In what Light then ought the Conduct of those to be considered, who, in claiming the Government of our University, ask no less considerable a Boon, than absolute universal Dominion.

To a Matter of such general, such momentous Concern, our Rulers can never too particularly apply their Thoughts, since under their Protection alone Learning must flourish, and the Sciences be improved: It may indeed be urged, that the Nature of their Employment forbids them to spend their Time in the Inspection of Schools, or directing the Education of Youth: But are the Rise of Arts, the Improvement of Husbandry, the Increase of Trade, the Advancement of Knowledge in Law, Physic, Morality, Policy, and the Rules of Justice and civil Government, Subjects beneath the Attention of our Legislature? In these are comprehended all our public and private Happiness; these are Consequences of the Education of our Youth, and for the Growth and Perfection of these, is our College designed.

Another Reason that strongly evinces the Necessity of an Act of Assembly, for the Incorporation of our intended Academy, is, that by this Means that Spirit of Freedom, which I have in my former Papers, shewn to be necessary to the Increase of Learning, and its consequential Advantages, may be rendered impregnable to all Attacks. While the Government of the College is in the Hands of the People, or their Guardians, its Design cannot be perverted. As we all value our Liberty and Happiness, we shall all naturally encourage those Means by which our Liberty and Happiness will necessarily be improved: And as we never can be supposed wilfully to barter our Freedom and Felicity, for Slavery and Misery, we shall certainly crush the Growth of those Principles, upon which the latter are built, by cultivating and encouraging their Opposites. Our College therefore, if it be incorporated by Act of Assembly, instead of opening a Door to universal Bigotry and Establishment in Church, and

Tyranny and Oppression in the State, will secure us in the Enjoyment of our respective Privileges both civil and religious. For as we are split into so great a Variety of Opinions and Professions; had each Individual his Share in the Government of the Academy, the Jealousy of all Parties combating each other, would inevitably produce a perfect Freedom for each particular Party.

Should the College be founded upon an Act of Assembly, the Legislature would have it in their Power, to inspect the Conduct of its Governors, to divest those of Authority who abused it, and appoint in their Stead, Friends to the Cause of Learning, and the general Welfare of the Province. Against this, no Bribes, no Solicitations would be effectual: No Sect or Denomination plead an Exemption: But as all Parties are subject to their Authority; so would they all feel its equal Influence in this Particular. Hence should the Trustees pursue any Steps but those that lead to public Emolument, their Fate would be certain, their Doom inevitable: Every Officer in the College being under the narrow Aspect and Scrutiny of the civil Authority, would be continually subject to the wholesome Alternative, either of performing his Duty, with the utmost Exactness, or giving up his Post to a Person of superior Integrity. By this Means, the Prevalence of Doctrines destructive of the Privileges of human Nature, would effectually be discouraged, Principles of public Virtue inculcated, and every Thing promoted that bears the Stamp of general Utility.

But what remarkably sets an Act of Assembly in a Light far superior to a Charter, is, that we may thereby effectually counterplot every Scheme that can possibly be concerted, for the Advancement of any particular Sect above the rest. A Charter may, as I have shewn in my last Paper, be so unexceptionably formed, as to incur the Disapprobation of no Denomination whatever; but unexceptionable as it may be, we cannot be sure of its Duration. A Second may succeed, which, perhaps, would be disapproved of by all but one Party. On the contrary, we are certain that an Act of Assembly must be unexceptionable to all; since Nothing can be inserted in it, but what any one may except against; and, as we are represented in the Assembly by Gentlemen of various Persuasions, there is the highest Probability, that every Clause tending to abridge the Liberty of any particular Sect, would by some or other of our Representatives be strongly opposed. And this will still be the Case, however repeatedly Innovations may be attempted by subsequent Acts.

Another Advantage accruing to the College itself, and consequently to the Community in general, is, that larger Donations may be expected, should it be incorporated by Act of Assembly, than by Charter. Every generous Contributor, would undoubtedly be willing to have some Security for the Disposition of his Gratuities, consistent with the Design of his Donative. Nor is it improbable, that the most bounteous Person would refuse to bestow a Largess, without being convinced of the Honesty and Propriety of its Application. Under a Charter no Security to this Purpose can possibly be expected: This is sufficiently evinced by my last Paper. Besides which, **if a Charter be obtained, it will without Doubt, be immediately or**

eventually in favour of one particular Party; the Consequence of which will be plainly this, that the other Sects amongst us, being a vast Majority, instead of contributing to the Support of our Academy by private Donations, will endeavour to discourage each other from it. But should our University be established by Act of Assembly, as every Individual would bear a Part in its Government, so should we all be more strongly induced, by private Gifts, to increase its Endowments.

Add to all this, that should the Persons intrusted with the immediate Care of our Nursery of Learning, commit any Error in their Conduct, the Act of Assembly would not be void, but in as full Force as if the Error had not been committed. And should they designedly transgress the Bounds of their Authority, the Act might be so constructed, as to disqualify them for holding their Offices, and subject them to the severest Penalties; to be recovered by his Majesty, or the Party aggrieved, or by both. It is also to be remarked, that should the Act of Incorporation be at any Time infringed, and the Liberty of the Students invaded, their Redress would be more easily obtained in a Court of Law.

To this Scheme it may be objected, that the Creating a Body-Politic by Act of Legislation, without a previous Charter, is unprecedented, and an Infringement of the Prerogative of the Crown, and may possibly for those Reasons be damned by the King, who cannot repeal a Charter; and farther, that every End that can be proposed by Act only, may be obtained by a Charter-Incorporation; and an Act posterior, confirming it, and enlarging and regulating the Powers of the Body. In Answer to which, let it be considered, that it is not only the King's Prerogative, to grant a Charter, but also to grant it upon certain Terms; a Non-Compliance with which, will cause its Repeal; and from thence arises the Precariousness of a Charter. Should an Act be passed in Consequence of a Charter, it must be either to prevent its Precariousness, or to add new Privileges to those granted by it. If the former should be the Reason for passing an Act, it would militate against the Royal Prerogative, as well as an Act to incorporate the College; and therefore would, in all Probability, meet with the same Fate, and by that Means the Charter would stand alone. If the Act should be only in Aid of the Charter, it would still leave it in as uncertain a State, as without an Act. So that in either Case the College would be exposed to those Inconveniencies, which, in my last Paper I have shewn to be the natural Consequences of a Charter Government: Besides which, should the College be established by a Charter, the Public will lose most of those Advantages, which I shall in my next Paper propose, as some of the substantial Parts of an Act of Assembly.

Many other convincing Arguments might be urged with Success, in favour of an Act of Assembly for the Incorporation of our intended College, would the Bounds of this Paper admit their Insertion. Those I have had Room to enforce, are, I am convinced, sufficiently striking, to engage the Assent of every candid and unprejudiced Thinker. To the Wisdom of our Legislature, these Hints will be perfectly useless: Nor do I aim at any Thing more upon so important a Subject, than

barely to open the Eyes of some of my less impartial Readers; and testify, how entirely the true Interest of this Province commands the most ardent and sincere Wishes of the *Independent Reflector*.

Source: Klein, Milton, ed., The Independent Reflector...by William Livingston. (Cambridge: Harvard University, 1963), pp. 191-198.