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Remarks on the COLLEGE continued

*---Si quid Novisti rectius istis,
Candidus imperti: si non, his utere mecum.
[“If you know anything better than these
maxims, reveal them; if not, accept mine.”]*

HOR.

THAT a College may be a Blessing or a Curse to the Community, according to its Constitution and Government, I think appears sufficiently evident from my former Papers. That incorporating it by an Act of Assembly, will be the best Means of securing the first, and avoiding the last, is in my Opinion, equally clear and incontestible. On a Subject of such general Importance; a Subject that concerns our Liberty and our Privileges, civil and religious; a Subject that will affect the Prosperity of our Country, and particularly involves in it, the Happiness and Misery of our Posterity, it would have been unpardonable in a Writer, whose Services are entirely devoted to the Public, to have passed it over in Silence, or handled it with Indifference and Langour. No, it deserves my most deliberate Attention, and fervent Activity; and calls for the Assistance of every Man who loves Liberty and the Province. Fully sensible of its unspeakable Importance, I shall now proceed to point out those Things which in my Judgment, are necessary to be inserted in the incorporating Act, for the Advancement of the true Interest of the College, and rendering it really useful to the Province. Such Things as will effectually prevent its being prejudicial to the Public, and guard us against all the Mischiefs we so justly apprehend, should it ever unhappily fall into the Hands of a Party.

First: **That all the Trustees be nominated, appointed, and incorporated by the Act**, and that whenever an Avoidance among them shall happen, the same be reported by the Corporation to the next Sessions of Assembly, and such **Vacancy supplied by Legislative Act**. That they hold their Offices only at the good Pleasure of the Governor, Council and General Assembly: And that no Person of any Protestant Denomination be, on Account of his religious Persuasion, disqualified for sustaining any Office in the College.

In Consequence of this Article we shall have the highest Security, that none will be dignified with that important and honourable Office, but such as are really qualified for executing it, agreeable to the true Design of its Institution. Should either Branch, or any two Branches of the Legislature, propose and elect a Candidate obnoxious to the

Third, the Negative of the latter is sufficient to prevent his Admission. The three Branches concurring in every Election, no Party can be disengaged, and when we consider the Characters of the Electors, all Possibility of Bribery and Corruption, seems to be *entirely excluded*.

Secondly: That the President of the College be elected and deprived by a Majority of the Trustees, and all the Inferior Officers by a Majority of the Trustees with the President; and that the Election and Deprivation of the President, be always reported by the Trustees, to the next Session of Assembly, and be absolutely void, unless the Acts of the Trustees in this Matter, be then confirmed by the Legislature.

By this Means the President, who will have the supreme Superintendency of the Education of our Youth, will be **kept in a continual and ultimate Dependence upon the Public**; and the Wisdom of the Province being his only Support, he will have a much greater Security, in the upright Discharge of his Duty, than if he depended solely on the Trustees, who are likely to oust him of his Office and Livelihood thro' Caprice or Corruption. That Station being therefore more stable, will at the same Time be more valuable; and for this Reason we have the stronger Hopes of filling the President's Chair, with a Man of Worth and Erudition, upon whose good Qualifications and Conduct, the Success and Improvement of the Students, will eminently depend.

Thirdly: That a Majority of the President and Trustees, have Power to make By-Laws not repugnant to the Act of Incorporation, and the Law of the Land: That all such By-Laws be reported to the House of Representatives at their next succeeding Session, *in haec Verba* ["In these words"], under the seal of the College, and the Hands of the President and five Trustees; and that if they are not reported, or being reported are not confirmed, they shall be absolutely void. Hence it is easy to conceive, that as on the one Hand there will be a great Security against the arbitrary and illegal Rule of the President and Trustees; so on the other, the immediate Governors of the College will have all proper Authority to make such salutary Rules as shall be necessary to advance the Progress of Literature, and support a Decorum and Police in the Academy, - as well as maintain the Dignity and Weight which the Superiors of it ought undoubtedly to be enabled to preserve over their Pupils.

Fourthly: That the Act of Incorporation contain as many Rules and Directions for the Government of the College as can be foreseen to be necessary.

As all our Danger will arise from the MisRule of the President and Trustees; so all our Safety consists in the Guardianship of the Legislature. Besides, the Advantage herefore, of being by this Article secured from arbitrary Domination in the College; the Business of the Trustees and President will be less, and they with their Subordinates, more at Leisure to concert the Advancement of the College.

The Fifth Article I propose is, that no religious Profession in particular be established in the College; but that both Officers

and Scholars be at perfect Liberty to attend any Protestant Church at their Pleasure respectively: And that the Corporation be absolutely inhibited the making of any By-Laws relating to Religion, except such as compel them to attend Divine Service at some Church or other, every Sabbath, as they shall be able, lest so invaluable a Liberty be abused and *made a Cloak for Licentiousness.*

To this most important Head, I should think proper to subjoin.

Sixthly: That the whole College be every Morning and Evening convened to attend public Prayers, to be performed by the President, or in his Absence, by either of the Fellows; and that such Forms be perseribed and adhered to as all Protestants can freely join in.

Besides the Fitness and indisputable Duty of supporting the Worship of God in the College; obliging the Students to attend it twice every Day, will have a strong Tendency to preserve a due Decorum, Good Manners and Virtue amongst them, without which the College will sink into Profaness and Disrepute. They will be thereby forced from the Bed of Sloth, and being brought before their Superiors, may be kept from Scenes of Wickedness and Debauchery, which they might otherwise run into, as hereby their Absence from the College will be better detected.

With Respect to the Prayers, tho' I confess there are excellent Forms composed to our Hands, it would rather conduce to the Interest of our Academy, if, instead of those, new Ones were collected, which might easily be done from a Variety of approved Books of Devotion among all Sects; and perhaps it may be thought better to frame them as near as possible in the Language of Scripture. The general Forms need be but few. Occasional Parts may be made to be inserted when necessary; as in Cases of Sickness, Death, *etc.* in the College, or under general Calamities, as War, Pestilence, Drought, Floods, *etc.* and the like as to Thanksgivings. **Many of the Forms of Prayer contained in the English Liturgy, are in themselves unexceptionably good; but as establishing and imposing the Use of those, or of any other Protestant Communion, would be a discriminating Badge, it is liable to Objections, and will occasion a general Dissatisfaction.** As the Introduction of them, therefore, will prejudice the College, it is a sufficient Reason against it. It will be a Matter of no small Difficulty to bring the greatest Part of the Province, to the Approbation of praying at any Time by Forms; but since they are in this Case absolutely expedient, our Affection for the Prosperity of this important Undertaking, should incline us, while we give some Offence in one Article, to remove it by a Compensation in another of less Consequence to the College.

Seventhly: **That Divinity be no Part of the public Exercises of the College. I mean, that it be not taught as a Science: That the Corporation be inhibited from electing a Divinity Professor; and that the Degrees to be conferred, be only in the Arts, Physic, and the Civil Law.**

Youth at a College, as I have remarked in a former Paper, are incapable of making a judicious Choice in this Matter; for this Reason the Office of a theological Professor will be useless: Besides, Principles obtruded upon their tender Minds, by the Authority of a Professor's Chair, may be dangerous. But a main Reason in support of this Clause, is the Disgust which will necessarily be given to all Parties that differ in their Professions from that of the Doctor. The Candidate for the Ministry will hereby in his Divinity Studies, whenever he is fit for them, be left to the Choice and Direction of his Parents or Guardians. Besides, as most of the Students will be designed for other Employments in Life, the Time spent in the Study of Divinity, may be thought useless and unnecessary, and therefore give Umbrage to many. Nor will their whole Course of Time at the College, be more than sufficient for accomplishing themselves in the Arts and Sciences, whether they are designed for the Pulpit, or any other learned Profession. And it may justly be doubted, whether a Youth of good Parts, who has made any particular Proficiency in the Elements, or general Branches of Knowledge (his Instruction in which is the true and proper Business of a collegiate Education) would not be able to qualify himself for the Pulpit, by a Study of the Scriptures, and the best Divinity Books in the College Library, as well without as with the Aid of a Professor; especially if it be enacted,

Eighthly: That the Officers and Collegians have an unrestrained Access to all Books in the Library, and that free Conversation upon polemical and controverted Points in Divinity, be not discountenanced; whilst all public Disputations upon the various Tenets of different Professions of Protestants, be absolutely forbidden.

Ninthly: That the Trustees, President, and all inferior Officers, not only take and subscribe the Oaths and Declaration appointed by Statute, but be also bound by solemn Oath, in their respective Stations, to fulfil their respective Trusts, and preserve inviolate the Rights of the Scholars, according to the fundamental Rules contained in the Act. And that an Action at Law be given and well secured to every inferior Officer and Student, to be brought by himself, or his *Guardian*, or *prochein Amy* ["next friend"], according to his Age, for every Injury against his legal Right so to be established.

And in as much as artful Intrigues may hereafter be contrived to the Prejudice of the College, and a Junto be inleagued to destroy its free Constitution, it may perhaps be thought highly expedient, that the Act contain a Clause

Tenthly: That all future Laws, contrary to the Liberty and Fundamentals of this Act, shall be construed to be absolutely void, unless it refers to the Part thus to be altered, and expressly repeals it; and that no Act relating to the College, shall hereafter pass the House of Representatives, but with the Consent of the Majority of the whole House; I mean all the Members of Assembly in the Province.

Nor would it be amiss to prescribe,

Eleventhly: That as all Contests among the inferior Officers of the College, should be finally determined by the Majority of the Members of the Corporation, so the latter should be determined in all their Disputes, by a Committee of the whole House of Representatives, or the major Part of them.

These are the Articles which in my Opinion, should be incorporated in the Act for the Establishment of the College; and without which we have the highest Reason to think, the Advantages it will produce, will at best fall short of the Expence it will create, and perhaps prove a perpetual Spring of public Misery. - *A Cage*, as the Scripture speaks, *of every unclean Bird*. - **The Nursery of Bigotry and Superstition**. - An Engine of Persecution, Slavery and Oppression. - A Fountain whose putrid and infectious Streams will overflow the Land, and poison all our Enjoyments. Far be it from me to imagine I have pointed out every Thing requisite to the Preservation of Liberty, and the Promotion of the Interest of the College; I only suggest such Heads as occur. Beyond all doubt my Scheme is still imperfect. Should our Legislature themselves enter upon this momentous Affair, the Example of a British House of Commons, in Matters of great Importance, might be worthy their Imitation. I mean, that the Bill be printed and published several Months before it passes the House. The Advantage I would propose from this Step is, that while it only exists as a Bill, the Objections against it would be offered with Freedom, because they may be made with Impunity. The general Sense of the People will be the better known, and the Act accommodated to the Judgment and Esteem of all Parties in the Province.

A.

Source: Klein, Milton, ed., The Independent Reflector...by William Livingston. (Cambridge: Harvard University, 1963), pp. 199-205.