

Judah
T4A

Judah, Willard & Wolf
Attorneys & Counselors at Law

Nelle B. Judah
Monroe L. Willard
Henry M. Wolf
A. F. Reichmann
Donald L. Trumbull

Adams Express Building
Chicago April 18, 1906.

Wallace Heckman, Esq.,
Counsel & Business Manager,
University of Chicago.

Dear Sir;

Since talking to you yesterday, a further consideration of the religious qualification in paragraph 3 of the Articles of Association of The University of Chicago, leads me to these conclusions.

1: You cannot make the change which you desire, with respect to the elimination of the religious qualification for Trustees and President, by a proceeding under the Act relating to the change of name and purpose of corporations, because it is not a change of purpose or business that you seek, but simply a change respecting your Trustees.

2: It is possible that this religious qualification as to Trustees and President was void from the start.

This corporation was created under the General Incorporation Act of 1872, for educational and not for religious purposes.

No consideration seems to have been given to Section 3 of Article 2 of the Constitution of 1870.

You will remember that that Section contains this language:

"And no person shall be denied any civil or political right, privilege or capacity, on account of his religious opinions".

This language is much more comprehensive than anything in relation to the question of religion contained in our former con-

462

Robert William E. Hoff
University of Chicago

John D. Rockefeller
University of Chicago

April 18, 1906.

Wallace Heckman, Esq.,
Counsel & Business Manager,
University of Chicago.

Dear Sir:

Since talking to you yesterday, a further consideration of the religious qualification in paragraph 3 of the Articles of Association of The University of Chicago, leads me to these conclusions.

1: You cannot make the change which you desire, with respect to the elimination of the religious qualification for Trustees and President, by a proceeding under the Act relating to the change of name and purpose of corporations, because it is not a change of purpose or business that you seek, but simply a change respecting your Trustees.

2: I think you are right in that this religious qualification as to Trustees and President was void from the start. This corporation was created under the General Incorporation Act of 1872, for educational and not for religious purposes. No consideration seems to have been given to Section 3 of Article 2 of the Constitution of 1870.

You will remember that that Section contains this language:

"And no person shall be denied any civil or political right, privilege or capacity, on account of his religious opinions".

This language is much more comprehensive than anything in relation to the question of religion contained in our former con-

stitution.

In the case of Ewing v. Bailey, 36 Ill., it is said, referring to this new provision,

"It not only saves all the civil and political rights of the citizen, as against any religious opinion, but also privilege and capacity".

Of course if the religious qualification is forbidden by the constitution, it could be treated as void and entirely ignored without impairing, in my judgment, the life of the corporation.

3: By Section 34 of the General Incorporation Act, a corporation of this class,

"May change its Articles of Association in the manner prescribed by their own rules, but no such change shall be of legal effect until a certificate thereof, under the seal of such Association, Society, or Corporation, shall be filed in the office of the Secretary of State and recorded in the office of the Recorder of Deeds in which the original Certificate was recorded."

I think it is plain that by adopting a by-law, for instance, that at any meeting at which all of the members are present, the Articles of Association might be amended, or that that might be done at any annual meeting of the members, you could reach a point at which the Articles of Association could be amended by striking out the religious qualification.

4: There would be only two classes of persons who could object or find any fault with the change ; these would be

- (1) Those persons who had deeded property with special conditions in their deeds providing against such change;
- (2) Those persons who might have donated either

attention.

In the case of Evans v. Bailey, 36 Ill., it is said, re-

turning to this new provision,

"It not only leaves all the civil and political rights of the citizen, as against any religious opinion, but also privilege and capacity."

Of course if the religious qualification is forbidden by

the constitution, it could be treated as void and entirely ignored

without impairing, in my judgment, the life of the corporation.

3: By Section 34 of the General Incorporation Act, a corporation

of this class,

"May change its Articles of Association in the manner prescribed by their own rules, but no such change shall be of legal effect until a certificate, under the seal of such Association, Society, or Corporation, shall be filed in the office of the Secretary of State and recorded in the office of the Recorder of Deeds in which the original Certificate was recorded."

I think it is plain that by adopting a by-law, for instance,

that at any meeting at which all of the members are present, the

Articles of Association might be amended, or that that might be

done at any annual meeting of the members, you could reach a point

at which the Articles of Association could be amended by striking

out the religious qualification.

4: There would be only two classes of persons who could object

or find any fault with the change; these would be

(1) Those persons who had deeded property with special conditions in their deeds providing against such change;

(2) Those persons who might have donated either

W.H.-3-

real or personal property, upon the express representation and consideration that this religious qualification should never be changed. But persons relying on representations would have to prove, clearly and plainly, that they were informed concerning such qualification, and in addition thereto, would have to prove that they made their donation or gift, in consideration of the representation that the religious qualification would never be changed.

Reading the copy of the Charter, which you left, in connection with what you said yesterday, calls my attention to something which is not quite satisfactory in the corporate organization. It is this way:

The law under which the corporation is organized, contemplates and calls for "annual meetings of the members". Your Articles and procedure ignore membership entirely, except in the one provision at the top of page 14 of the printed Articles, which provides that the membership shall consist of the acting Trustees, and that the Trustees shall annually elect Trustees to fill vacancies.

I should think it would be safer to keep up the membership, formally, by election of members under By-Laws to be adopted under Section 31 of the Statute, and to have each year a formal meeting of the members. I presume that the records show nothing ~~more~~ from year to year except meetings of the Trustees.

Yours truly,

Noble B. Judah

U.ofC.

real or personal property, upon the express representation and consideration that this religious qualification should never be changed. But persons relying on representations would have to prove, clearly and plainly, that they were informed concerning such qualification, and in addition thereto, would have to prove that they made their donation or gift, in consideration of the representation that the religious qualification would never be changed.

Reading the copy of the Charter, which you left, in connection with what you said yesterday, calls my attention to something which is not quite satisfactory in the corporate organization. It is this way:

The law under which the corporation is organized, contemplated and calls for "annual meetings of the members".

Your Articles and procedure ignore membership entirely, except in the one provision at the top of page 14 of the printed Articles, which provides that the membership shall consist of the acting Trustees, and that the Trustees shall annually elect Trustees to fill vacancies.

I should think it would be safer to keep up the membership, formally, by election of members under By-Laws to be adopted under Section 31 of the Statute, and to have each year a formal meeting of the members. I presume that the records show nothing from year to year except meetings of the Trustees.

Yours truly,

U.etc.

Charter
Changes in

(13)

T4D

C O P Y

Extract from the Minutes of the Board of Trustees, of March 16, 1909:

"The Business Manager submitted an indenture in the nature of a Release, signed by John D. Rockefeller and dated February 24, 1909, together with a letter relating to it from John D. Rockefeller, Jr., which were received and ordered preserved by the Secretary."

WITNESSETH, that the party of the first part, in consideration of one dollar to him in hand paid by the University, receipt whereof is hereby acknowledged, does hereby for himself, his heirs, executors, administrators and assigns release and discharge the University, its successors and assigns, from any covenant or condition to the effect that the President of the University and two-thirds of its Board of Trustees shall always be members of Baptist churches, which was contained or implied or which may be deemed to have been contained or implied in any gift of money or other property, real or personal, heretofore made by him; and does hereby grant, convey, sell, assign, transfer and set over to the University, its successors and assigns, all gifts whether of money or other property, real or personal, which he has heretofore made to it, free and discharged from any such covenant or condition; and covenants and agrees that any gifts which may hereafter be made by him, whether of real or personal property, shall be free and discharged from any such covenant or condition, unless the same shall be expressly stated in the instrument of gift transferring and conveying the same. This instrument is not intended to express any desire or suggestion that any change should presently be made in the matter of denominational control, but simply to provide that if at any time in the future the said University or its Trustees should consider such a change to be advisable, either in the interests of the University or of the public which it is intended to serve, the gifts from the party of the first part should not present any legal obstacle to the making of such change.

Extract from the Minutes of the Board of Trustees, of March 16, 1909:
 "The Business Manager submitted an indenture in the nature
 of a Release, signed by John D. Rockefeller and dated February 24, 1909,
 together with a letter relating to it from John D. Rockefeller, Jr.,
 which were received and ordered preserved by the Secretary."

WITNESSETH, that the party of the first part, in consideration of
 one dollar to him in hand paid by the University, receipt whereof is
 hereby acknowledged, does hereby for himself, his heirs, executors,
 administrators and assigns release and discharge the University, its
 successors and assigns, from any covenant or condition to the effect
 that the President of the University and two-thirds of its Board of
 Trustees shall always be members of Baptist churches, which was con-
 tained or implied or which may be deemed to have been contained or
 implied in any gift of money or other property, real or personal,
 heretofore made by him; and does hereby grant, convey, sell, assign,
 transfer and set over to the University, its successors and assigns,
 all gifts whether of money or other property, real or personal, which
 he has heretofore made to it, free and discharged from any such
 covenant or condition; and covenants and agrees that any gifts which
 may hereafter be made by him, whether of real or personal property,
 shall be free and discharged from any such covenant or condition,
 unless the same shall be expressly stated in the instrument of gift
 transferring and conveying the same. This instrument is not intended
 to express any desire or suggestion that any change should presently
 be made in the matter of denominational control, but simply to provide
 that if at any time in the future the said University or its Trustees
 should consider such a change to be advisable, either in the interests
 of the University or of the public which it is intended to serve, the
 gifts from the party of the first part should not present any legal
 obstacle to the making of such change.

C O P Y

-2-

26 Broadway,
New York.

March 3, 1909.

Dear Mr. Heckman:

Will you kindly return to me a certified copy of the indenture enclosed in my letter to you of February 26th? This is the paper signed by my father releasing the University so far as his gifts are concerned from the requirement to have a Baptist President and a majority of Baptists in its Board of Trustees.

Very truly,

(Signed) John D. Rockefeller, Jr.

Mr. Wallace Heckman,
206 La Salle Street, Chicago, Illinois.

2 0 1 Y

-2-

22 Broadway,

New York.

March 3, 1902.

Dear Mr. Heckman:

Will you kindly return to me a certified copy of the indenture enclosed in my letter to you of February 26th? This is the paper signed by my father releasing the University so far as his gifts are concerned from the requirement to have a Baptist President and a majority of Baptists in its Board of Trustees.

Very truly,

(Signed) John D. Rockefeller, Jr.

Mr. Wallace Heckman,
206 La Salle Street, Chicago, Illinois.

THIS INDENTURE, made this twenty-fourth (24th) day of August, in the year of Our Lord One Thousand Eight Hundred and Ninety-one (1891), Between THE AMERICAN BAPTIST EDUCATION SOCIETY, a corporation duly organized and existing under and by virtue of the laws of the State of New York, party of the first part, and THE UNIVERSITY OF CHICAGO, a corporation duly organized and existing under and by virtue of the laws of the State of Illinois, party of the second part,

WITNESSETH:

That the said party of the first part, for and in consideration of the sum of One Dollar (\$1.00) to it in hand paid by the said party of the second part, the receipt whereof is hereby confessed; and in furtherance of the purposes for which the lands hereinafter mentioned were conveyed to said party of the first part, does alien, remise, release, convey and confirm unto the said party of the second part, FOREVER, all the following described premises, situated in the County of Cook and State of Illinois, to-wit:

Blocks Two (2), Three (3) and Seven (7), in Marshall Field's Addition to Chicago, in the East half of the North-West quarter of Section Fourteen (14), Township Thirty-eight (38) North, Range Fourteen (14) East of the Third Principal Meridian, together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and also all the estate, right, title, interest, property, possession, claim and demand whatsoever, as well in law as in equity, of the said party of the first part of, in or to the above described premises and every part and parcel thereof, with the appurtenances:

THIS INSTRUMENT, made this twenty-fourth (24th) day of August, in the year of Our Lord One Thousand Eight Hundred and Ninety-one (1891), Between THE AMERICAN BAPTIST EDUCATION SOCIETY, a corporation duly organized and existing under and by virtue of the laws of the State of New York, party of the first part, and THE UNIVERSITY OF CHICAGO, a corporation duly organized and existing under and by virtue of the laws of the State of Illinois, party of the second part,

WITNESSETH:

That the said party of the first part, for and in consideration of the sum of One Dollar (\$1.00) to it in hand paid by the said party of the second part, the receipt whereof is hereby confessed; and in furtherance of the purposes for which the lands hereinafter mentioned were conveyed to said party of the first part, does alien, remise, release, convey and confirm unto the said party of the second part, FOREVER, all the following described premises, situated in the County of Cook and State of Illinois, to-wit:

Blocks Two (2), Three (3) and Seven (7), in Marshall Field's Addition to Chicago, in the East half of the North-West quarter of Section Fourteen (14), Township Thirty-eight (38) North, Range Fourteen (14) East of the Third Principal Meridian, together with all and singular the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and also all the estate, right, title, interest, property, possession, claim and demand whatsoever, as well in law as in equity, of the said party of the first part of, in or to the above described premises and every part and parcel thereof, with the appurtenances:

TO HAVE AND TO HOLD the same unto the said party of the second part, for its own use, forever, upon the express condition, however, that the said premises shall, for the period or term of one hundred (100) years from the date hereof, be used exclusively by the said party of the second part for educational purposes, as the site of a college or university, and upon the further express condition that the said party of the second part shall at no time alienate or mortgage the said premises for any debt or other purpose without the consent of the said party of the first part, and upon the further express condition that the requirements, as set forth in the charter of the said party of the second part, that the President and two-thirds of the Board of Trustees of the same shall be members of regular Baptist churches, shall be at all times complied with, and, in the event of the breach of any of these conditions, the title to the said premises shall revert to the said party of the first part or its successor.

This conveyance is made in pursuance of a resolution adopted at a regularly called meeting of the Executive Board of the said party of the first part, held in the City of New York, in the State of New York, on the first day of July, A. D. 1891 (which said Executive Board is vested with full power and authority to direct the making of conveyances of any real estate belonging to the said party of the first part), a copy of said resolution, duly certified by the Corresponding Secretary of the said party of the first part, being hereunto annexed and made a part hereof.

IN WITNESS WHEREOF, the said party of the first part has caused these presents to be signed by E. Nelson Blake, of Arlington, Massachusetts, the President of its Executive Board, and Joshua Levering, of Baltimore, Maryland, its Treasurer, and its corporate seal to be hereunto annexed, in accordance with the terms of said resolution, the day

TO HAVE AND TO HOLD the same unto the said party of the second

part, for its own use, forever, upon the express condition, however, that the said premises shall, for the period or term of one hundred (100) years from the date hereof, be used exclusively by the said party of the second part for educational purposes, as the site of a college or university, and upon the further express condition that the said party of the second part shall at no time alienate or mortgage the said premises for any debt or other purpose without the consent of the said party of the first part, and upon the further express condition that the requirements, as set forth in the charter of the said party of the second part, that the President and two-thirds of the Board of Trustees of the same shall be members of regular Baptist churches, shall be at all times complied with, and, in the event of the breach of any of these conditions, the title to the said premises shall revert to the said party of the first part or its successor.

This conveyance is made in pursuance of a resolution adopted at a regularly called meeting of the Executive Board of the said party of the first part, held in the City of New York, in the State of New York, on the first day of July, A. D. 1891 (which said Executive Board is vested with full power and authority to direct the making of conveyances of any real estate belonging to the said party of the first part), a copy of said resolution, duly certified by the Corresponding Secretary of the said party of the first part, being herewith annexed and made a part hereof.

IN WITNESS WHEREOF, the said party of the first part has caused

these presents to be signed by E. Nelson Blake, of Arlington, Massachusetts, the President of its Executive Board, and Joshua Levering, of Baltimore, Maryland, its Treasurer, and its corporate seal to be hereunto annexed, in accordance with the terms of said resolution, the day

(SEAL)

(Signed) Joshua Levering
Its Treasurer.

State of Massachusetts)) ss.
County of Suffolk)

I, John P. Wyman, a Notary Public in and for said County, in the State aforesaid, do hereby certify that E. NELSON BLAKE, who is personally known to me to be the same person whose name is subscribed to the foregoing instrument, and to be the President of the Executive Board of The American Baptist Education Society, appeared before me this day in person, and, as such President, acknowledged that he signed, sealed and delivered the said instrument as his free and voluntary act, and as the free and voluntary act of The American Baptist Education Society, for the uses and purposes therein set forth. And I further certify that I know the seal affixed to said Instrument to be the corporate seal of The American Baptist Education Society.

Given under my hand and notarial seal, this eighth
day of September, 1891.

(SEAL)

(Signed) John P. Wyman
Notary Public.

State of Maryland)
City of Baltimore) SS.

I, Wm. Ellis Coale, a Notary Public in and for said City,
in the State aforesaid, do hereby certify that JOSHUA LEVERING, who is

personally known to me to be the same person whose name is subscribed to the foregoing instrument, and to be the Treasurer of the American Baptist Education Society, appeared before me this day in person, and, as such Treasurer, acknowledged that he signed, sealed and delivered the said instrument as his free and voluntary act, and as the free and voluntary act of The American Baptist Education Society, for the uses and purposes therein set forth. And I further certify that I know the seal affixed to said Instrument to be the corporate seal of The American Baptist Education Society.

GIVEN under my hand and notarial seal, this 5th day of September, 1891.

(SEAL)

(Signed) Wm. Ellis Coale,
Notary Public.

and year first above written.

THE AMERICAN BAPTIST EDUCATION SOCIETY.

By (Signed) E. Nelson Blake
President of its Executive Board.

(SEAL)

(Signed) Joshua Levering
its Treasurer.

State of Massachusetts)
(SS.
County of Suffolk

I, John P. Wyman, a Notary Public in and for said County,

in the State aforesaid, do hereby certify that E. NELSON BLAKE, who
is personally known to me to be the same person whose name is subscribed
to the foregoing instrument, and to be the President of the Executive
Board of The American Baptist Education Society, appeared before me
this day in person, and, as such President, acknowledged that he signed,
sealed and delivered the said instrument as his free and voluntary act,
and as the free and voluntary act of The American Baptist Education
Society, for the uses and purposes therein set forth. And I further
certify that I know the seal affixed to said instrument to be the
corporate seal of The American Baptist Education Society.

GIVEN under my hand and notarial seal, this eighth

day of September, 1891.

(Signed) John P. Wyman
Notary Public.

(SEAL)

State of Maryland)
(SS.
City of Baltimore)

I, Wm. Ellis Coale, a Notary Public in and for said City,
in the State aforesaid, do hereby certify that JOSHUA LEVERING, who is

personally known to me to be the same person whose name is subscribed to
the foregoing instrument, and to be the Treasurer of the American Baptist
Education Society, appeared before me this day in person, and, as such
Treasurer, acknowledged that he signed, sealed and delivered the said in-
strument as his free and voluntary act, and as the free and voluntary act
of The American Baptist Education Society, for the uses and purposes
therein set forth. And I further certify that I know the seal affixed to
said instrument to be the corporate seal of The American Baptist Education
Society.

GIVEN under my hand and notarial seal, this 5th day of

September, 1891.

(Signed) Wm. Ellis Coale
Notary Public.

(SEAL)

BOX 335

The American Baptist Education Society

The University of Chicago

Deed 1220004

Cook County, State of Illinois

Filed for Record Sept. 28, 1891

at 5 o'clock P.M.

and recorded in Book 3522 of

(Signature in long-hand)

John Stephen

(WRITTEN IN LONG-HAND)

This certifies that at a regularly called meeting of the Executive Board of the American Baptist Education Society held in New York City July 1st, 1891, the following resolutions were unanimously adopted, a quorum being present:

"Resolved that when a perfect title shall have been acquired by the American Baptist Education Society to Blocks 2 (two) 3 (three) and 7 (seven) of Marshall Field's Addition to the city of Chicago, said blocks being a part of the campus proposed for the University of Chicago, E. Nelson Blake of Arlington, Mass., president of the Board and Joshua Levering of Baltimore, Md., Treasurer, of the American Baptist Education Society, are hereby authorized to convey said blocks, by deed to the University of Chicago."

"Resolved that the terms and manner of this conveyance be such that the University of Chicago shall never be able to alienate the property for debt or other purpose without the consent of the Society, and further that there shall be freely recognized in the conveyance the requirement as set forth in the charter of said University that of the University the president and two-thirds of the Board of Trustees must be members of regular Baptist churches, or the title of said University to said property shall be forfeited, and the same shall revert to the American Baptist Education Society."

"Resolved that Mr. E. Nelson Blake be authorized to employ such legal counsel at the expense of the Society as he may find necessary to carry these resolutions into effect."

I hereby certify that the above is a true copy of the resolutions^{as} adopted.

(Signed) Fred T. Gates, Corresponding Secretary of the American Baptist Education Society.

New York City, N. Y.
Aug. 24th, 1891.

T4D

The University of Chicago

CHICAGO, ILLINOIS

Office of the President

List of Documents filed with Judge Jesse A. Baldwin, ^{Feb. 8,} ~~January~~ 1921.

1. Copy of Charter of the American Baptist Education Society, June 6, 1889.

2. Extract from the Minutes of the Board of Trustees of the University of Chicago, March 16, 1909, enclosing:

(2a) Copy of waiver of Mr. John D. Rockefeller, and,

(2b) Copy of letter from Judah, Willard and Wolf.

3. Copy of letter to the President of the University by Mr. Wallace Buttrick, May 6, 1909.

4. Copy of letter to Mr. John D. Rockefeller Jr. by Mr. F. T. Gates, March 10, 1914.

5. Copy of letter to Judge Jesse A. Baldwin by Mr. Wallace Heckman, February 27, 1919.

6. Copy of letter to Judge Jesse A. Baldwin by Mr. Wallace Heckman, February 6, 1920, enclosing:

(6a) Draft of recommendations suggested to the Board of Trustees for amending the articles of incorporation.

7. Copy of letter to Mr. R. L. Scott by Mr. D. C. Shull, February 23, 1920, enclosing:

(7a) Copy of letter by Mr. D. C. Shull to President G. W. Chamberlain, February 6, 1920.

8. Copy of letter to the President of the University by Mr. Trevor Arnett, January 21, 1920, enclosing:

(8a) Certain lists of subscribers.

9. Copy of letter to the President of the University by Mr. Wallace Heckman, February 27, 1920, enclosing:

(9a) Copy of Deed of the American Baptist Education Society to the University of Chicago.

(9b) Copy of Mr. Rockefeller's waiver. (contained also in #2, above.)

(9c) Summaries as to gifts and their sources.

The University of Chicago

CHICAGO, ILLINOIS

Office of the President

Table of documents filed with Board of Trustees, January 1901.

1. Copy of Charter of the American Baptist Education Society, June 2, 1889.

2. Report from the Minutes of the Board of Trustees of the University of Chicago, March 15, 1900, enclosing:

- (2a) Copy of answer of Mr. John D. Hooker, Secretary, and
- (2b) Copy of letter from Mr. John D. Hooker, Secretary.

3. Copy of letter to the President of the University by Mr. Wallace Harrison, May 2, 1900.

4. Copy of letter to Mr. John D. Hooker, Secretary, by Mr. W. T. Dutton, March 10, 1901.

5. Copy of letter to Judge Jesse A. Baldwin by Mr. Wallace Harrison, February 15, 1901.

6. Copy of letter to Judge Jesse A. Baldwin by Mr. Wallace Harrison, February 6, 1900, enclosing:

(6a) Draft of recommendations suggested to the Board of Trustees for amending the Articles of Incorporation.

7. Copy of letter to Mr. J. D. Hooker by Mr. J. D. Hooker, February 1, 1900, enclosing:

(7a) Copy of letter by Mr. J. D. Hooker to President of the University, February 1, 1900.

8. Copy of letter to the President of the University by Mr. J. D. Hooker, January 15, 1900, enclosing:

(8a) Draft of letter of recommendation.

9. Copy of letter to the President of the University by Mr. J. D. Hooker, February 1, 1900, enclosing:

(9a) Copy of copy of the American Baptist Education Society to the University of Chicago.

(9b) Copy of Mr. Hooker's letter, (copied also in 2c).

(9c) Answer to the letter of Mr. Hooker.

The University of Chicago

CHICAGO, ILLINOIS

Office of the President

-2-

10. Copy of letter to the President of the University by Mr. Wallace Heckman, June 11, 1920, enclosing:

(10a) Proposed draft of deed to be executed by the American Baptist Education Society.

Harry Rad Jenson

The University of Chicago

CHICAGO, ILLINOIS

Office of the President

-2-

10. Copy of letter to the President of the University by Mr.
Wallace Newman, June 11, 1930, enclosing:
(10a) Proposed draft of deed to be executed by the American
Sociological Association Society.

W. Newman

THIS INDENTURE made the 24th day of February, One thousand nine hundred and nine, between JOHN D. ROCKEFELLER, of the City, County and State of New York, party of the first part, and THE UNIVERSITY OF CHICAGO, a corporation organized under the laws of the State of Illinois, hereinafter called the University, party of the second part.

WITNESSETH, that the party of the first part, in consideration of one dollar to him in hand paid by the University, receipt whereof is hereby acknowledged, does hereby for himself, his heirs, executors, administrators and assigns release and discharge the University, its successors and assigns, from any covenant or condition to the effect that the President of the University and two-thirds of its Board of Trustees shall always be members of Baptist churches, which was contained or implied or which may be deemed to have been contained or implied in any gift of money or other property, real or personal, heretofore made by him; and does hereby grant, convey, sell, assign, transfer and set over to the University, its successors and assigns, all gifts whether of money or other property, real or personal, which he has heretofore made to it, free and discharged from any such covenant or condition; and covenants and agrees that any gifts which may hereafter be made by him, whether of real or personal property, shall be free and discharged from any such covenant or condition, unless the same shall be expressly stated in the instrument of gift transferring and conveying the same. This instrument is not intended to express any desire or suggestion that any change should presently be made in the matter of denominational control, but simply to provide that if at any time in the future the said University or its Trustees should consider such a change to be

advisable, either in the interests of the University or of the public which it is intended to serve, the gifts from the party of the first part should not present any legal obstacle to the making of such change.

IN WITNESS WHEREOF the party of the first part has hereto set his hand and seal the day and year first above written.

(Signed) John D. Rockefeller.

In Presence of

(Signed) Antoinette Adams.

State of Georgia }
County of Richmond) ss.

I, W. H. Wallace, a Notary Public in and for said County in the State aforesaid, do hereby certify that John D. Rockefeller, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that he signed, sealed and delivered the said instrument as his free and voluntary act for the uses and purposes therein set forth.

Given under my hand and notarial seal this 24th day of February, One thousand nine hundred and nine.

(Signed) W. H. Wallace

Notary Public.

My Commission Expires
January 11th, 1911.

(S E A L)

T4D

BAPTIST COLLEGES

Replies

Brown
Bucknell
Central
Colby
Colgate
Denison
Des Moines
Franklin
Grand Island
Hillsdale
Kalamazoo
La Grange
McMinnville
Redlands
Rio Grande
Rochester
Stephens
Shurtleff
Sioux Falls
Vassar
William Jewell

✓
✓

✓
✓
✓
✓
✓
✓
✓
✓

✓

✓
✓
✓
✓
✓

Brown:

BAPTIST COLLEGES

Reply to

William Jewell
Vassar
Stoux Tills
Shurtliff
Stephens
Rochester
Rio Grande
Redlands
McMinnville
La Grange
Kalamazoo
Hilldale
Grand Island
Franklin
Des Moines
Dabson
Colgate
Colby
Central
Bucknell
Brown

[illegible]

BAPTIST COLLEGES

- Brown: Original charter provided for 36 trustees--22 Baptist, 5 Quakers, 4 Congregationalists, 5 Episcopalians. Of the faculty 8 including the President must be Baptists. It is to be noted that this is the original provision. No record is available as to subsequent modifications in these provisions.
- Bucknell: President: No restrictions. Quotation from charter. "No religious sentiments are to be accounted as a disability to hinder the election of an individual to any office among the teachers of the institution."
Trustees: "At least 4/5 of the trustees shall be members of regular Baptist churches."
- Colgate: Charter printed in full. No denominational restriction as to President and Trustees.
- Denison: President: No restriction.
Trustees: Quotation from charter. "Trustees to be chosen exclusively from members in good standing and full membership in regular Baptist churches in the state of Ohio."
- Franklin: Quotation from charter: "The college is now properly classified as a denominational institution being affiliated with people of the Baptist faith". Omission of any further statement seems to imply the existence of no specific denominational restriction.
- Rochester: No mention of denominational restriction can be found.
- Shurtleff: The charter contains no reference to denominational affiliation of President or of Trustees.

BAPTIST COLLEGE

Vassar:
Miss Fuller:

Original charter provided for 36 trustees--22 Baptist, 5 Quakers, 4 Congregationalists, 5 Episcopians. Of the faculty 8 including the President must be Baptists. It is to be noted that this is the original provision. No record is available as to subsequent modifications in these provisions.

Brown:

President: No restrictions. Quotation from charter. "No religious sentiments are to be accounted as a disability to hinder the election of an individual to any office among the teachers of the institution."
Trustees: "At least 4/5 of the trustees shall be members of regular Baptist churches."

Bucknell:

Charter printed in full. No denominational restriction as to President and Trustees.

Colgate:

President: No restriction.
Trustees: Quotation from charter. "Trustees to be chosen exclusively from members in good standing and full membership in regular Baptist churches in the state of Ohio."

Dartmouth:

Quotation from charter: "The college is now properly classified as a denominational institution being affiliated with people of the Baptist faith." Omission of any further statement seems to imply the existence of a specific denominational restriction.

Franklin:

No mention of denominational restriction can be found.

Rochester:

The charter contains no reference to denominational affiliation of President or of Trustees.

Shurtleff:

Vassar:

In his first address to the trustees of Vassar College February 26, 1861, Matthew Vassar said "all sectarian influences should be carefully excluded, but the training of our students should never be entrusted to the skeptical, the irreligious, or the immoral. In forming the first Board of Trustees I have selected representatives from the principal Christian denominations among us; and in filling the vacancies which may occur in this body as also in appointing the professors, teachers, and other officers of the college I trust a like catholic spirit will always govern the trustees.

William Jewell: In the volume of fifty pages devoted to the history of the college there is no mention of denominational restriction.

Kalamazoo:

The President and the chairman and three-fourths of the members of the Board must be Baptists.

Colby:

No sectarian restriction in charter. In 1864 Gardner Colby gave \$50,000; accepted on condition that thereafter the President of Colby and majority of faculty should be Baptists. No restriction regarding trustees. Charter in Mr. Goodspeed's office

Hillsdale:

No denominational requirements in the charter. Tradition however, governs selection of trustees a majority of whom are and have been Baptists and all presidents Baptists.

Des Moines:

President: No mention of any restriction.
Trustees: Charter provides that a majority of the members of the Board shall be members of Baptist churches.

Sioux Falls

Vassar:

In his first address to the trustees of Vassar College February 26, 1861, Matthew Vassar said "all sectarian influences should be carefully excluded, but the training of our students should never be entrusted to the skeptical, the irreligious, or the immoral. In forming the first Board of Trustees I have selected representatives from the principal Christian denominations among us; and in filling the vacancies which may occur in this body as also in appointing the professors, teachers, and other officers of the college I trust a like catholic spirit will always govern the trustees."

Kalamazoo:

The President and the chairman and three-fourths of the members of the Board must be Baptists.

Colby:

No sectarian restriction in charter. In 1864 Gardner Colby gave \$20,000; accepted on condition that thereafter the President of Colby and majority of faculty should be Baptists. No restriction regarding trustees. Charter in Mr. Goodspeed's office.

Hilldale:

No denominational requirements in the charter. Tradition however governs selection of trustees a majority of whom are and have been Baptists and all presidents Baptists.

Des Moines:

President: No mention of any restriction.
Trustees: Charter provides that a majority of the members of the Board shall be members of Baptist churches.

Sioux Falls:

President: No provision, in charter regarding president but a resolution was passed ^{by the trustees} (date not given) not to consider applicant for presidency except member of the Baptist church.

Grand Island:

Articles of Incorporation of Grand Island College state president and 3/4 of the trustees be members of Nebraska Baptist churches; 12 trustees nominated by State Convention; 6 by college trustees. Catalogue with charter in Mr. Goodspeed's office.

Stephens:

No absolute charter provision regarding either president or trustees. Same as William Jewell.

Redlands:

President: No denominate affiliation as to President.

Trustees: Nothing in charter regarding trustees:

Articles of Incorporation as follows:

"At least 12 of such trustees shall be members of regular Baptist churches." Amendment pending which requires 3/4 of number of trustees to be members of regular Baptist churches.

President: No provision in charter regarding president
but a resolution was passed (date not given) not to
consider applicant for presidency except member of the
Baptist church.

Stonk Teller:

Articles of Incorporation of Grand Island College state
president and 3/4 of the trustees be members of
Hobbsville Baptist church; 12 trustees nominated by
State Convention; 6 by college trustees. Catalogue with
charter in Mr. Goodspeed's office.

Grand Island:

No absolute charter provision regarding either president
or trustees. Same as William Jewell.

Stephens:

President: No denominational affiliation as to President.
Trustees: Nothing in charter regarding trustees:
Articles of Incorporation as follows:
"At least 12 of each trustees shall be
members of regular Baptist churches." Amend-
ment pending which requires 3/4 of number
of trustees to be members of regular
Baptist churches.

Redlands:

SUMMARY

NO RESTRICTIONS

President

Trustees

Bucknell

Colgate

Colby (but note conditions)

Denison

Des Moines

Franklin

Hillsdale (but note tradition)

Rochester

Shurtleff

Sioux Falls (Note resolution of
the trustees)

*Vassar

William Jewell

Stephens

Redlands

Colgate

Franklin

Rochester

Shurtleff

Vassar

William Jewell

Stephens

*The name of Vassar is included in the list of Baptist educational institutions printed in the Annual of the Northern Baptist Convention.

Chandler

SUMMARY
NO RESTRICTIONS

<u>Trustees</u>	<u>President</u>
	Bucknoll
Colgate	Colgate
	Colby (but note conditions)
	Daniels
	Dee Holmes
Franklin	Franklin
	Hilldale (but note condition)
Rochester	Rochester
Shurtliff	Shurtliff
	Stark Falls (Note resolution of the trustees)
Vassar	*Vassar
William Jewell	William Jewell
Stephens	Stephens
	Redlands

*The name of Vassar is included in the list of Baptist educational institutions printed in the Annual of the Northern Baptist Convention.

Regarding Denominational Restrictions in Charters and Articles
of Incorporation of Baptist Colleges and Theological Seminaries.

*The Charter contains no ref. to denom. aff. of
Baptist*

I. COLLEGES:

Shurtleff, 1835. "The Pioneer School"-DeBlois. Charter and Articles of Incorporation not quoted, but the following statements seem to imply no denominational restriction. The College was to establish no theological department under penalty of forfeiture of its charter, though it had liberty, "as the interests of the community shall require to establish additional departments for the study of any or all liberal professions". In 1850 a body of representatives chosen by the Baptist Convention of Southern Illinois met with the trustees and discussed such questions as "Is the Charter of Shurtleff College in such a form as to secure to the Baptist denomination the property to the Corporation? Do the members of the Board of Trustees regard the College as a Baptist institution and feel themselves to be agents of the denomination and willing to carry out its wishes, both literary and religious?" Dr. De Blois declares after discussing these questions that "the Charter cannot secure directly to the Baptist denomination the property belonging to the Corporation. The Board of Trustees is a self-perpetuating body which now is, ever has been, and doubtless ever will be, composed almost exclusively of members of Baptist churches. In other words the property and the school are not bound legally or formally to the Baptist denomination. At the annual meeting July 24, 1850, in connection with the endowment of the presidency a committee adopted a resolution "that to the presidency be appended a professorship of mental and moral science and of Christian theology". The plain implication of all this is that there was no specific denominational restriction.

Franklin, 1845. In the historical sketch no mention is made of denominational restriction. The only sentence touching that point in any wise reads as follows: "The College is now properly classified as a denominational institution, being affiliated with the people of the Baptist faith." Omission of any further statement seems to imply the existence of no specific denominational restriction.

Madison University (Now Colgate University) 1846. Charter printed in full. No denominational restriction.

William Jewell College, 1849. In the volume of fifty pages devoted to the history of the College there is no mention of denominational restriction.

+ ✓ Bucknell University 1850. The Charter provides "that no religious sentiments are to be accounted as a disability to hinder the election of an individual to any office among the teachers of the institution".

University of Rochester 1850. No mention of denominational restriction can be found.

Vassar College, 1861. In his first address to the trustees of Vassar College, February 26, 1861, Matthew Vassar said, "All sectarian influences should be carefully excluded, but the training of our students should never be intrusted to the skeptical, the irreligious,

The Charter contains no of. I don't think

1. COLLEGES:

Shurtliff, 1835. "The Pioneer School-DeBelle. Charter and Articles of Incorporation not quoted, but the following statements seem to imply no denominational restriction. The College was to establish no theological department, generally of the type of its charter, though it had liberty, the interests of the community shall require to establish additional departments for the study of any or all liberal professions." In 1850 a body of representatives chosen by the Baptist Convention of Southern Illinois met with the trustees and discussed such questions as "Is the Charter of Shurtliff College in such a form as to entitle to the Baptist denomination the property to the Corporation? In the hands of the Board of Trustees regard the money as a fund for the support of the college and for the agents of the denomination and willing to carry out the wishes, both literary and religious?" Dr. DeBelle declares after discussing these questions that "the Charter cannot secure directly to the Baptist denomination the property belonging to the Corporation. The Board of Trustees is a self-perpetuating body which now is, ever has been, and doubtless ever will be, composed almost exclusively of members of Baptist churches. In other words the property and the school are not bound legally or formally to the Baptist denomination. At the annual meeting July 24, 1850, in connection with the endowment of the presidency a committee reported a resolution "that to the president be granted a professorship of mental and moral sciences and a position of authority." The plain implication of all this is that there was no explicit denominational restriction.

Temple, 1845. In the historical sketch no mention is made of denominational restriction. The only sentence touching that point in any wise reads as follows: "The College is now properly classified as a denominational institution, being affiliated with the people of the Baptist faith." Admission of any further statement seems to imply the existence of no specific denominational restriction.

Radison University (Now Colgate University) 1846. Charter printed in full. No denominational restriction.

William Jewell College, 1849. In the volume of fifty pages devoted to the history of the College there is no mention of denominational restriction.

Buchanan University 1850. The Charter provides "that no religious sentiments are to be accounted as a disability to hinder the election of an individual to any office among the teachers of the institution."

University of Rochester 1850. No mention of denominational restriction can be found.

Vassar College, 1861. In his first address to the trustees of Vassar College, February 26, 1861, Matthew Vassar said, "All sectarian influences should be carefully excluded, but the training of our students should never be entrusted to the skeptical, the irreligious,

society composed of members of Baptist churches contributing to the Union, and that the actual government and care of the Seminary is committed to a Board of Trustees of thirty-three members, eleven of whom are elected by the Union annually." No further implication in regard to denominational restriction.

Kansas City. In the historical sketch in a paragraph discussing a meeting of an educational convention, February, 1906, composed of delegates from six state conventions, occurs a statement closing with the following sentence: "When this plan is in full operation the Seminary will have a denominational base much broader and a denominational control much more complete, than any other such Baptist institution excepting perhaps that at Louisville." The paragraph which closes with this sentence contains no mention and no implication of denominational restriction in the Board of Trustees or in the appointment of the President.

Northern Baptist Theological Seminary. The President must be a Baptist.

activity composed of members of Baptist churches contributing to the Union, and that the actual government and care of the Seminary is committed to a Board of Trustees of thirty-three members, eleven of whom are elected by the Union annually. No further implication in regard to denominational restriction.

Kansas City. In the historical sketch in a paragraph discussing a meeting of an educational convention, February, 1908, composed of delegates from six state conventions, occurs a statement relating with the following sentence: "When this plan is in full operation the Seminary will have a denominational base such broader and a denominational control much more complete, than any other Baptist institution excepting perhaps that at Louisville." The paragraph which closes with this sentence contains no mention and no implication of denominational restriction in the Board of Trustees or in the appointment of the President.

Northern Baptist Theological Seminary. The President was to be a Baptist.

or the immoral.

In forming the first Board of Trustees I have selected representatives from the principal Christian denominations among us; and in filling the vacancies which may occur in this body as also in appointing the professors, teachers, and other officers of the College I trust a like catholic spirit will always govern the trustees."

Ottawa University, 1862. In the historical sketch occurs this sentence: "While the institution has been established, maintained, and largely supported by Baptists, it is in no sense sectarian". The omission of anything further upon that point would seem to imply the existence of no definite denominational restriction.

✓ Brown University, 1764. 36 trustees - 22 Baptists, 5 Quakers, 4 Congregationalists, 5 Episcopalians. Of the faculty eight including the President must be Baptists. Obviously these provisions have been modified. No information is immediately available as to the present situation in this respect.

II. THEOLOGICAL SEMINARIES:

Colgate, In the historical sketch a part of the paragraph referring to the "new compact between the Corporation of the University and the Education Society, June (1893) this sentence occurs 'the Seminary remains however under the inspection and care of the Education Society and sustains through it, as of old, vital relations with the churches of the Baptist denomination.'" No further implication of denominational restriction occurs.

Newton, 1850. Quotations from the Articles of Incorporation, Section 3: "The said trustees for the time being shall be governors of said institution, shall have full power from time to time to elect such officers as they shall judge necessary and convenient." Section 5: "The number of said trustees shall never exceed twenty-five nor be less than nine." (No implication of restriction as to the selection of these trustees.) In 1853 the maximum number of trustees was increased to 48; the minimum to 38. It is further enacted by the Senate and House of Representatives as an addition to the Articles of Incorporation that "the trustees of said institution may, if they see fit, give the power of filling vacancies in their Board to some other corporation or body of persons besides themselves and may prescribe the mode in which elections shall be made.....and make any other reasonable regulations in regard to the election of members and their term of office." In 1901 a further act was added to the Articles of Incorporation providing "that of the trustees of said Corporation to be elected annually six may be elected by the trustees, three by the Corporation known as the Northern Baptist Education Society, and three by the Corporation known as the Society of Alumni of the Newton Theological Institution."

✓ Rochester, 1850. In the historical sketch material for which appears to have been drawn from the Historical Discourse delivered by President Augustus H. Strong in 1900, occurs the following sentence: "It remains only to state that the Rochester Theological Seminary is maintained and controlled by the New York Baptist Union for Ministerial Education, a

In forming the first Board of Trustees I have selected representatives from the principal Christian denominations among us, and in filling the vacancies which may occur in this body as also in appointing the professors, teachers, and other officers of the College I trust a like catholic spirit will always govern the trustees.

Ottawa University, 1863. In the historical sketch which appears in this volume, "While the institution was then established, maintained, and largely supported by Baptists, it is in no sense sectarian." The omission of anything further upon this point would seem to imply the existence of no definite denominational restriction.

Brown University, 1864. 36 Trustees - 25 Baptists, 5 Presbyterians, 5 Congregationalists, 5 Methodists. Of the twenty-eight trustees the President must be Baptist. Obviously these provisions have been modified. No information is immediately available as to the present situation in this respect.

II. THEOLOGICAL SEMINARIES:

Colgate. In the historical sketch a part of the paragraph referring to the "new compact between the Corporation of the University and the Baptist Society, June (1852) this sentence occurs: 'The Seminary remains however under the instruction and care of the Baptist Society and certain provisions as to its vital relations with the churches of the Baptist denomination.' No further implication of denominational restriction occurs.

Harvard, 1860. Quotations from the Articles of Incorporation, Section 3: "The said trustees for the time being shall be Governors of said institution, shall have full power from time to time to elect such officers as they shall judge necessary and convenient." Section 5: "The number of said trustees shall never exceed twenty-five nor be less than nine." (No implication of restriction as to the selection of these trustees.) In 1853 the maximum number of trustees was increased to 25; the minimum to 10. It is further enacted by the Senate and House of Representatives as an addition to the Articles of Incorporation that "the trustees of said institution may at any time and from time to time, by a majority vote of the whole, alter or amend the mode in which elections shall be made, and may from time to time make such regulations as they may deem proper and their term of office shall be five years." In regard to the election of members and their term of office, in 1861 a further act was added to the Articles of Incorporation providing that "the trustees of said institution to be elected annually six shall be elected by the trustees, three by the Corporation known as the Northern Baptist Association Society, and three by the Corporation known as the Society of Friends of the New York Theological Institution."

Rockefeller, 1860. In the historical sketch referred to above, it is stated that the Historical Resources delivered by President Rogers in 1860, contain the following sentence: "It remains only to state that the Rockefeller Theological Institute is maintained and controlled by the New York Baptist Union for Theological Education."

April 26, 1923

President Clarence Barbour,
The Theological Seminary,
Rochester, N.Y.

My dear Mr. President:

Dr. Burton is wishing to make a comparative study of the charters of our Baptist Theological Seminaries. I am writing at his request to say that he will be greatly obliged if you will cause to be sent to him a copy of the charter of the Rochester Theological Seminary. If this can be done, I suppose there will accompany a copy of the original charter copies of amendments or other modifications which have been made since the beginning.

Of course we shall be glad to meet any expense that may be attendant upon your granting this request.

Very truly yours,

Assistant to the President

April 10, 1933

Western Science Society
The Biological Society
Washington, D. C.

My dear Mr. President:

Dr. Butler is asking to have a copy of

copy of the minutes of our meeting

sent to him. I am writing to you to ask that

you will be pleased to send him a copy of the

minutes of the meeting of the 10th of March.

He is also asking for a copy of the minutes

of the meeting of the 10th of March.

I am enclosing a copy of the minutes of the

meeting of the 10th of March.

Very truly yours,

Dr. Butler is asking to have a copy of

Yours truly,

Very truly yours,

Enclosed is the minutes

April 27, 1923

The Secretary,
The Catholic University of America,
Washington, D. C.

My dear Sir:

The President of the University of Chicago is wishing to make a comparative study of the charters of each of the leading universities of the United States. I am writing for President Burton of this institution to say that we shall be grateful if you will cause to be sent to us a copy of the charter of the Catholic University of America. We shall, of course, be glad to defray any expense that may be attendant upon your granting this request.

Cordially yours,

Assistant to the President

NB/H

1871, 1872

The Secretary,
The National University of Medicine,
Washington, D. C.

My dear Sir:

The President of the University of
Chicago is making a tour of the West
and is expected to visit the University
of the Pacific at San Francisco in
the month of June. I am writing you
to inform you of this fact and to
ask you to make every effort to
secure his presence at the meeting of
the Association of the Pacific Coast
Physicians to be held at San Francisco
in the month of June. It is hoped
that this will be a most successful
meeting and that it will result in
the establishment of a permanent
association of the Pacific Coast
Physicians.

Very truly yours,
J. H. H. H.

Respectfully,
J. H. H. H.

*Don't to each
of the Baptist
Colleges not already
heard from*

May 15, 1923

The Secretary,
Hillsdale College,
Hillsdale, Mich.

My dear Sir:

I shall be greatly obliged if you will send to me a copy of the charter or articles of incorporation of your institution. If it is not convenient for you to send either or both of these documents, will you be good enough to tell me whether there is any restriction as to occupation, denomination, or of any other sort in connection with the choice of a president or of trustees of the college.

I shall be greatly obliged for this information at your earliest convenience.

Very truly yours,

NB/H

Page 1, 1st

The General
Manager
of the
Company

Dear Sir:

I have the honor to acknowledge the receipt of your letter of the 11th inst. in relation to the matter of the purchase of the land for the proposed road. I am sorry to hear that you are unable to purchase the land for the proposed road. I am sure that you will be able to purchase the land for the proposed road in the future. I am sure that you will be able to purchase the land for the proposed road in the future.

I am, Sir, very respectfully,
Your obedient servant,

J. B. Smith

1877

REFERENCES TO CHARTERS
REGARDING DENOMINATIONAL RESTRICTIONS

✓ Bucknell: Charter herewith.

President: no restrictions.

p.7. "No religious sentiments are to be accounted as a disability to hinder the election of an individual to any office among the teachers of the institution," etc.

revis

Trustees: no restrictions. pp. 2,5.

Cornell: Charter herewith.

President: not named in index. I find no reference to the President in the pamphlet (p.7).

Trustees: p.8. "At no time shall a majority of the Board be of any one religious sect or of no religious sect."

late

Denison: Charter (typed copy) herewith.

President: no restrictions.

Trustees: "Trustees to be chosen exclusively from members in good standing and full membership in regular Baptist churches in the state of Ohio."

Harvard: Charter in Descriptive Catalogue in Goodspeed's office, p.vii.
President: no restrictions.

Trustees: 1780. Overseers to consist of governor, lieut. gov. council, senate, president and "ministers of the Congregational churches in the towns of Cambridge, Watertown, Charlestown, Boston, Roxbury, Dorchester".

"Until 1834 clergymen to be eligible to the Board of Overseers must be Congregationalists but an Act was passed by the Legislature of that year opening the Board to clergymen of all denominations, the Act to take effect whenever accepted by both branches of the college government. It was accepted by them in 1843."

REFERENCES TO CHARTERS
REGARDING REMUNERATION RESTRICTIONS

Bushnell: Charter herewith.
President: no restrictions.
p. 7. "No religious restrictions are to be
imposed as a condition of holding the
office of an individual in any office
among the teachers of the Institution," etc.
Trustees: no restrictions. pp. 5. 2.

Cornell: Charter herewith.
President: not named in index. I find a reference
to the President in the pamphlet (p. 7).
Trustees: p. 8. "At no time shall a majority of the
Board be of any one religious sect or of no
religious sect."

Boston: Charter (typed copy) herewith.
President: no restrictions.
Trustees: "Trustees to be chosen exclusively from
members in good standing and full mem-
bership in regular Baptist churches in the
state of Ohio."

Harvard: Charter in Descriptive Catalogue in Goodspeed's office, p. vii.
President: no restrictions.
Trustees: 1760. Overseers to consist of Governor, Agent, Gov.
so much, Senate, President and "Ministers of
the Congregational churches in the town of
Cambridge, Wrentham, Hingham, Boston, Roxbury,
Dorchester."

"Until 1843 clergymen to be eligible to the Board
of Overseers must be Congregationalists and an
Act was passed by the Legislature of that year
opening the Board to clergymen of all denominations.
The Act to take effect whenever accepted by both
branches of the college government. It was accepted
by them in 1843."

Hopkins: (By-Laws only) Copy herewith pp.3,4.

Northwestern: Charter herewith.

President: no restrictions., page fourteen, also page seven.

Trustees: Amendment approved February 23, 1867. "A majority of the whole Board shall be members of the Methodist Episcopal Church," page thirteen.

Princeton: Charter herewith.

President: no restrictions, pp. 7, 11, 12.

Trustees: no denominational restriction, pp. 12, 13, 14, especially 16.

Rochester Theological: (No charter. See Dr. Barbour's letter)

Yale: Charter herewith:

President: no restriction, pp. 12, 13, 22.

Trustees and

Fellows: no restriction. pp. 15, 16 also Index sub voc.

Hopkins: (By-law only) Copy herewith pp. 2, 3.

Northwestern: Charter herewith.
President: no restrictions. page fourteen. also page seven.
Trustees: Assentment approved February 23, 1887. A majority
of the whole Board shall be members of the
Methodist Episcopal Church. page thirteen.

Trinacron: Charter herewith.
President: no restrictions. pp. 7, 11, 12.
Trustees: no denominational restriction. pp. 12, 13, 14.
especially 12.

Rochester Theological: (no charter. See Dr. Harlow's letter.)

Yale: Charter herewith.
President: no restriction. pp. 12, 13, 14.
Trustees and
Fellow: no restriction. pp. 15, 16 also Index and voc.

Regarding Denominational Restrictions in Charters and Articles
of Incorporation of Baptist Colleges and Theological Seminaries.

COLLEGES:

Shurtleff, 1835. "The Pioneer School"-DeBlois. Charter and Articles of Incorporation not quoted, but the following statements seem to imply no denominational restriction. The College was to establish no theological department under penalty of forfeiture of its charter, though it had liberty, "as the interests of the community shall require to establish additional departments for the study of any or all liberal professions". In 1850 a body of representatives chosen by the Baptist Convention of Southern Illinois met with the trustees and discussed such questions as "Is the Charter of Shurtleff College in such a form as to secure to the Baptist denomination the property to the Corporation? Do the members of the Board of Trustees regard the College as a Baptist institution and feel themselves to be agents of the denomination and willing to carry out its wishes, both literary and religious?" Dr. De Blois declares after discussing these questions that "the Charter cannot secure directly to the Baptist denomination the property belonging to the Corporation. The Board of Trustees is a self-perpetuating body which now is, ever has been, and doubtless ever will be, composed almost exclusively of members of Baptist churches. In other words the property and the school are not bound legally or formally to the Baptist denomination. At the annual meeting July 24, 1850, in connection with the endowment of the presidency a committee adopted a resolution "that to the presidency be appended a professorship of mental and moral science and of Christian theology". The plain implication of all this is that there was no specified denominational restriction.

Franklin, 1845. In the historical sketch no mention is made of denominational restriction. The only sentence touching that point in any wise reads as follows: "The College is now properly classified as a denominational institution, being affiliated with the people of the Baptist faith. Omission of any further statement seems to imply the existence of no specific denominational restriction.

Madison University (Now Colgate University) 1846. Charter printed in full. No denominational restriction.

William Jewell College, 1849. In the volume of fifty pages devoted to the history of the College there is no mention of denominational restriction.

Bucknell University 1850. The Charter provides "that no religious sentiments are to be accounted as a disability to hinder the election of an individual to any office among the teachers of the institution".

University of Rochester 1850. No mention of denominational restriction can be found.

Vassar College, 1861. In his first address to the trustees of Vassar College, February 26, 1861, Matthew Vassar said, "All sectarian influences should be carefully excluded, but the training of our students should never be intrusted to the skeptical, the irreligious,

I. COLLEGES:

Shurtleff, 1835. "The Pioneer School"-DeBols. Charter and Articles of Incorporation not quoted, but the following statements seem to imply no denominational restriction. The College was to establish no theological department under penalty of forfeiture of its charter, though it had liberty, "as the interests of the community shall require to establish additional departments for the study of any or all liberal professions". In 1850 a body of representatives chosen by the Baptist Convention of Southern Illinois met with the trustees and discussed such questions as "Is the Charter of Shurtleff College in such a form as to secure to the Baptist denomination the property to the Corporation? Do the members of the Board of Trustees regard the College as a Baptist institution and feel themselves to be agents of the denomination and willing to carry out its wishes, both literary and religious?" Dr. DeBols declares after discussing these questions that "the Charter cannot secure directly to the Baptist denomination the property belonging to the Corporation. The Board of Trustees is a self-perpetuating body which now is, ever has been, and doubtless ever will be, composed almost exclusively of members of Baptist churches. In other words the property and the school are not bound legally or formally to the Baptist denomination. At the annual meeting July 24, 1850, in connection with the endowment of the presidency a committee adopted a resolution "that to the presidency be appended a professorship of mental and moral science and of Christian theology". The plain implication of all this is that there was no specified denominational restriction.

Franklin, 1845. In the historical sketch no mention is made of denominational restriction. The only sentence touching that point in any wise reads as follows: "The College is now properly classified as a denominational institution, being affiliated with the people of the Baptist faith. Omission of any further statement seems to imply the existence of no specific denominational restriction.

Madison University (Now Colgate University) 1846. Charter printed in full. No denominational restriction.

William Jewell College, 1849. In the volume of fifty pages devoted to the history of the College there is no mention of denominational restriction.

Bucknell University 1850. The Charter provides "that no religious sentiments are to be accounted as a disability to hinder the election of an individual to any office among the teachers of the institution".

University of Rochester 1850. No mention of denominational restriction can be found.

Vassar College, 1861. In his first address to the trustees of Vassar College, February 26, 1861, Matthew Vassar said, "All sectarian influences should be carefully excluded, but the training of our students should never be intrusted to the skeptical, the irreligious,

or the immoral.

In forming the first Board of Trustees I have selected representatives from the principal Christian denominations among us; and in filling the vacancies which may occur in this body as also in appointing the professors, teachers, and other officers of the College I trust a like catholic spirit will always govern the trustees."

Ottawa University, 1862. In the historical sketch occurs this sentence: "While the institution has been established, maintained, and largely supported by Baptists it is in no sense sectarian". The omission of anything further upon that point would seem to imply the existence of no definite denominational restriction.

Brown University, 1764. 36 trustees - 22 Baptists, 5 Quakers, 4 Congregationalists, 5 Episcopalians. Of the faculty eight including the President must be Baptists. Obviously these provisions have been modified. No information is immediately available as to the present situation in this respect.

II. THEOLOGICAL SEMINARIES:

Colgate, In the historical sketch a part of the paragraph referring to the "new compact between the Corporation of the University and the Education Society, June (1893) this sentence occurs 'the Seminary remains however under the inspection and care of the Education Society and sustains through it, as of old, vital relations with the churches of the Baptist denomination.'" No further implication of denominational restriction occurs.

Newton, 1850. Quotations from the Articles of Incorporation, Section 3: "The said trustees for the time being shall be governors of said institution, shall have full power from time to time to elect such officers as they shall judge necessary and convenient." "Section 5: "The number of said trustees shall never exceed twenty-five nor be less than nine." (No implication of restriction as to the selection of these trustees.) In 1853 the maximum number of trustees was increased to 48; the minimum to 38. It is further enacted by the Senate and House of Representatives as an addition to the Articles of Incorporation that "the trustees of said institution may, if they see fit, give the power of filling vacancies in their Board to some other corporation or body of persons besides themselves and may prescribe the mode in which elections shall be made.....and make any other reasonable regulations in regard to the election of members and their term of office." In 1901 a further act was added to the Articles of Incorporation providing "that of the trustees of said Corporation to be elected annually six may be elected by the trustees, three by the Corporation known as the Northern Baptist Education Society, and three by the Corporation known as the Society of Alumni of the Newton Theological Institution."

Rochester, 1850. In the historical sketch material for which appears to have been drawn from the Historical Discourse delivered by President Augustus H. Strong in 1900, occurs the following sentence: "It remains only to state that the Rochester Theological Seminary is maintained and controlled by the New York Baptist Union for Ministerial Education, a

or the funeral.

In forming the first Board of Trustees I have selected representatives from the principal Christian denominations among us; and in filling the vacancies which may occur in this body as also in appointing the professors, teachers, and other officers of the College I trust a like catholic spirit will always govern the trustees."

no definite denominational restriction. anything further upon that point would seem to imply the existence of supported by Baptists it is in no sense sectarian". The omission of "While the institution has been established, maintained, and largely Ottawa University, 1862. In the historical sketch occurs this sentence:

modified. No information is immediately available as to the present situation in this respect.

II. THEOLOGICAL SEMINARIES:

vestition occurs. of the Baptist denomination." "No further implication of denominational and sustains through it, as of old, vital relations with the churches remains however under the inspection and care of the Education Society Education Society, June (1893) this sentence occurs "the Seminary to the "new compact between the Corporation of the University and the College. In the historical sketch a part of the paragraph referring

Society of Alumni of the Newton Theological Institution." Baptist Education Society, and three by the Corporation known as the Northern Baptist Education Society, three by the Corporation known as the Northern Baptist Education Society, and three by the Corporation known as the Northern Baptist Education Society.

"The trustees of said corporation to be elected annually six may be elected by the trustees, three by the Corporation known as the Northern Baptist Education Society, and three by the Corporation known as the Northern Baptist Education Society."

a further act was added to the Articles of Incorporation providing "that in regard to the election of members and their term of office," In 1901 elections shall be made.....and make any other reasonable regulations of persons besides themselves and may prescribe the mode in which of filling vacancies in their Board to some other corporation or body "the trustees of said institution may if they see fit give the power Representatives as an addition to the Articles of Incorporation that minimum to 38. It is further enacted by the Senate and House of trustees.) In 1853 the maximum number of trustees was increased to 48; than nine." (No implication of restriction as to the selection of these officers as they shall judge necessary and convenient." "Section 5: institution, shall have full power from time to time to elect each "The said trustees for the time being shall be governors of said Newton, 1850. Quotations from the Articles of Incorporation, Section 3:

controlled by the New York Baptist Union for Ministerial Education, a
only to state that the Rochester Theological Seminary is maintained and
Augustus H. Strong in 1900, occurs the following sentence: "It remains
to have been drawn from the Historical Discourse delivered by President
Rochester, 1850. In the historical sketch material for which appears

society composed of members of Baptist churches contributing to the Union, and that the actual government and care of the Seminary is committed to a Board of Trustees of thirty three members, eleven of whom are elected by the Union annually." No further implication in regard to denominational restriction.

Kansas City. In the historical sketch in a paragraph discussing a meeting of an educational convention, February, 1906, composed of delegates from six state conventions, occurs a statement closing with the following sentence: "When this plan is in full operation the Seminary will have a denominational base much broader and a denominational control much more complete, than any other such Baptist institution excepting perhaps that at Louisville." The paragraph which closes with this sentence contains no mention and no implication of denominational restriction in the Board of Trustees or in the appointment of the President.

Northern Baptist Theological Seminary. The President must be a Baptist.

