

# MAINE STATE LEGISLATURE

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Legislative Document

No. 793

H. P. 1657

House of Representatives, February 26, 1937.

Reported by Mr. Weatherbee from Committee on Judiciary and laid on table to be printed under Joint Rules.

HARVEY R. PEASE, Clerk.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
THIRTY-SEVEN

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AN ACT Amending the Bates College Charter.

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Be it enacted by the People of the State of Maine, as follows:

**BATES COLLEGE CHARTER**

**Sec. 1. Name retained.** The institution of learning called Bates College in honor of its first principal benefactor, Benjamin Edward Bates of Boston, Massachusetts, and now located in Lewiston in the county of Androscoggin in this state, shall remain established there under the same name.

**Sec. 2. Government; seal; conveyance of property.** The property and government of said college shall be vested in Oren B. Cheney, and in his each and every successor as president; in Ebenezer Knowlton, Benjamin E. Bates, James G. Blaine, Dexter Waterman, Abial M. Jones, Alonzo Garcelon, John A. Lowell, Nelson Dingley, junior, Isaac D. Stewart, William B. Wood, Enoch W. Page, George F. Fabyan, Henry Williamson, Horace R. Cheney, Albert H. Heath, and their successors as a Board of Fellows; and in Samuel Farnham, Bradbury Sylvester, Benjamin Dore, Arthur Given, junior, Howard W. Littlefield, George T. Day, William H. Bolster, Joseph W. Perkins, Levi W. Gilman, Atwood B. Meservey, Ethnan W. Porter, Jason Marinér, Benjamin J. Cole, Charles A. Mooers, John D. Philbrick, DeWitt C. Durgin, Cyrus H. Latham, Joseph S. Burgess, George W. Bean, Charles F. Penney, George W. Howe, George D. Vittum, Moses H. Tarbox,

Azael Lovejoy, Charles S. Perkins, and their successors as a Board of Overseers; and the said president, fellows and overseers, their successors and associates are hereby continued a corporation under the name of the "President and Trustees of Bates College". By that name they shall have power to prosecute and defend suits at law and in equity, to have and use a common seal and to change the same at pleasure, to take and hold for the objects of their association by gift, grant, bequest, purchase or otherwise, any estate, real or personal or both, and to sell and convey any estate, real or personal or both which the interests of said college may require to be sold and conveyed.

**Sec. 3. Purposes.** All property and estate, real or personal or both, which may at any time by gift, grant, bequest, purchase or otherwise come into the possession of the said corporation shall be faithfully devoted to the purposes of education and learning by maintaining a college or university in Lewiston aforesaid with such departments elsewhere as may from time to time be established.

**Sec. 4. By-laws; officers; powers.** The said corporation may adopt such by-laws, rules and regulations, not repugnant to the laws of the state of Maine, as it may deem expedient for the management of the affairs of the college and for the transaction of its business; it shall have power to establish in said college such courses of study, departments and schools as it may elect; it shall appoint a treasurer of the corporation, such other officers of business administration and such officers of educational administration as it shall deem proper, and all officers of instruction; and, subject to the contractual rights of such appointees, it may remove them at pleasure; it shall have power to confer such academic degrees as are usually conferred by colleges or universities. It shall be, and it is hereby, invested, in addition to the powers, privileges, rights and immunities specifically provided for in this act, with all the other powers, privileges, rights and immunities incident to similar corporations.

**Sec. 5. President.** The president shall be chosen by the concurring votes of at least 8 members of the board of fellows and of at least 13 members of the board of overseers, each board acting separately; he may be removed from office in the same manner, provided, however, that reasonable notice shall have been given him in writing specifying the grounds of removal, and that, if requested by him, opportunity for hearing upon the specifications shall have been had before the 2 boards in convention. The president shall be the principal executive officer of the corporation and the principal academic officer of the college, and, except as authority,

duties and responsibilities are or may be specifically laid upon other persons, he shall have general administration of the affairs of the college. If present, he shall preside over all meetings of the boards of fellows and of overseers when met in convention as hereinafter provided, and shall have a vote therein; but this provision shall not apply when the boards are met in convention for hearing upon the question of removal of the president from office. He may at his pleasure attend the separate sessions of the board of fellows and of the board of overseers; when so attending he shall be the presiding officer and shall participate with the members of these boards in the conduct of their business, having the right to vote; but these provisions shall not apply when the business under consideration is the question of the removal of the president from office.

**Sec. 6. Board of fellows.** The number of the board of fellows shall not at any time be more than 15, of whom 6, exclusive of the president (if he shall be in attendance) shall, except as otherwise in this act specifically provided, constitute a quorum for the transaction of business. They shall choose a chairman who shall preside at their meetings in the absence of the president, and may adopt such rules for the transaction of the business of their board as they may deem expedient. They shall choose from or without the membership of the board a secretary of their board, and he shall be the secretary of the corporation; they shall fill all vacancies occurring in their board; they may, by such procedure as the rules provide, declare a vacancy therein whenever, in their judgment, sufficient cause therefor exists.

**Sec. 7. Board of overseers.** The number of the board of overseers shall not at any time be more than 25, of whom 9, exclusive of the president (if he shall be in attendance) shall, except as otherwise in this act specifically provided, constitute a quorum for the transaction of business. They shall choose a chairman who shall preside at their meetings in the absence of the president. They shall choose a secretary of their board, and may adopt such rules for the transaction of the business of their board as they may deem expedient. The terms of office of the several classes of overseers shall continue to expire in accordance with the provisions of section 7 of chapter 192 of the private and special laws of Maine of 1873. At each annual meeting of the board of overseers 5 overseers shall be elected for the term of 5 years, 2 of whom shall be from persons nominated by the Alumni Association of Bates College; they may, by such procedure as their rules provide, declare a vacancy therein whenever, in their judgment, sufficient cause there-

for exists; they shall fill all vacancies occurring in their board, provided, however, that a vacancy arising from the death, resignation or removal from office of an overseer who was elected on nomination of the alumni association shall be filled only by the election of a person so nominated.

**Sec. 8. Annual meeting.** The corporation, the board of fellows and the board of overseers shall each hold an annual meeting at such time near or during the period of college commencement as they respectively may by by-law or rule prescribe; and they respectively may by by-law or rule provide for the holding of intervening meetings, provided, however, that the president may call a meeting of the corporation at any time, giving such notice to all the members as the by-laws may provide.

**Sec. 9. Quorum.** Except as otherwise in this act specifically provided, the corporation may transact its business either by the method of concurrent action taken by the board of fellows and the board of overseers, meeting in separate sessions, or by the method of action taken by the said boards meeting in convention, a quorum of which shall consist of at least 6 fellows and at least 9 overseers exclusive of the president, if he shall be in attendance.

**Sec. 10. Executive committee.** The corporation may appoint from their number an executive committee of not fewer than 5. The president shall be a member of this executive committee and its chairman; to this executive committee any or all powers of general administration may be delegated to act for and in behalf of the corporation from one stated meeting to another, subject, however, to instructions by the corporation at any intervening meeting; and the corporation may appoint such other committees for such periods and with such powers as it shall deem proper.

**Sec. 11. Repealing clause.** This act shall not affect the tenure of office of any person holding any office or appointment under the authority of chapter 192 of the private and special laws of Maine of 1873, entitled, "An Act Granting a New Charter to Bates College"; but, otherwise, said act, so far as it is inconsistent with the provisions of this act, and all other acts and parts of acts so far as they are inconsistent with the provisions of this act, are hereby repealed.