

# MAINE STATE LEGISLATURE

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**Legislative Document**

**No. 268**

S. P. 118

In Senate, January 29, 1959.

Referred to Committee on Legal Affairs. Sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary

Presented by Senator Rogerson of Aroostook.

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**STATE OF MAINE**

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FIFTY-NINE

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**AN ACT Amending and Restating the Charter of The President and  
Trustees of Colby College.**

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

**Sec. 1. Name.** The corporation created by Chapter CXXXI, enacted by the Senate and House of Representatives in General Court assembled of the Commonwealth of Massachusetts and approved by the Governor February 27, 1813, entitled "An Act to Establish a Literary Institution in the District of Maine, within this Commonwealth," and now known as "The President and Trustees of Colby College," is hereby continued as a body politic and corporate by that name forever.

**Sec. 2. Purposes.** The purposes and objects of the said corporation shall be to educate persons of all ages both within and without the State of Maine and to promote education generally; to compile, present and disseminate knowledge and information through any means of communication; and to establish and maintain in the State of Maine an institution for the purpose of educating youth and others, to be called and known by the name of Colby College.

**Sec. 3. Powers of corporation.** Said corporation shall have all powers necessary and proper to carry out the foregoing purposes. Without limiting the generality of the foregoing, said corporation shall have the following powers:

**I.** To have one common seal which it may change, break or renew at its pleasure; and all deeds signed and delivered by any officer or other employee of the corporation and sealed with its seal by order of the corporation shall, when in its corporate name, be considered in law as a deed of the said corporation.

- II.** To have, hold and take in fee simple or any less estate by gift, grant, devise or otherwise any lands, tenements or other estates, real or personal, in an unlimited amount; to act as trustee of real and personal estate; to borrow money and to mortgage and pledge its interest in any property to secure its borrowings; and to purchase, sell, manage, operate, control and otherwise deal in real and personal property of any name or nature.
- III.** To sue and be sued in all actions real, personal and mixed and to prosecute and defend the same to final judgment and execution by the name of The President and Trustees of Colby College.
- IV.** To determine at what times and places within or without the State of Maine the meetings of the said corporation shall be held and on the manner of calling and of fixing the time and place and notifying the members to convene at such meetings.
- V.** To elect or appoint a Chairman of the Board of Trustees, a President, one or more Vice Presidents, a Treasurer, a Secretary, such professors of various grades, tutors, instructors, lecturers and such other officers or employees as may be necessary to fill such offices or positions as the said corporation from time to time may create; to determine the duties, salaries, emoluments and tenures of such offices and positions; and to remove any person from any such office or position.
- VI.** To purchase, construct, erect, maintain, operate, repair, demolish or replace such houses, buildings or other structures or scientific or other equipment of any nature as the said corporation shall judge desirable or necessary for carrying out the purposes of the corporation.
- VII.** To make and ordain, as occasion may require, reasonable rules, orders and by-laws, not repugnant to the laws of this State, with reasonable penalties, for the good government of said corporation or said institution and to determine and prescribe the mode of ascertaining the qualifications of the students requisite to their admission.
- VIII.** To carry on research and experimentation in any and all fields of knowledge.
- IX.** To confer such degrees as are usually conferred by universities, colleges or other institutions of learning, including honorary degrees, and to issue or confer such other diplomas, certificates or evidences of progress or accomplishment in any field of education as the said corporation may see fit.
- X.** To receive and hold bequests, gifts and endowments and to invest and reinvest the same and to create and carry out annuity contracts or other arrangements or agreements for the payment of sums of money to or for the support of the donor or other persons in connection with any gift or endowment to be received by the corporation and all moneys held by the corporation in all forms of securities or real or personal property and the net income from such investments shall be used for the furtherance of the purposes of the corporation.
- XI.** To delegate to any officer, committee or other person or persons connected with the corporation, any of the foregoing powers except the election

or removal of Trustees, the President, Vice Presidents, Secretary or Treasurer; the making or amending of by-laws or such powers as the by-laws shall place exclusively in the hands of the corporation.

**Sec. 4. Members.** The members of said corporation shall consist of the Trustees and The President, for the time being in office, as a member ex officio, but no other officer shall be an ex officio member unless so designated by the by-laws; provided, nevertheless, that the number of Trustees, exclusive of any ex officio member, shall never be greater than 31 nor less than 21. The said corporation shall have full power and authority, from time to time as it shall determine, to remove any trustee when in its judgment he shall be rendered incapable by age or otherwise of discharging the duties of his office; to fill all vacancies in the said corporation by electing such persons for such terms, except as hereinafter provided, as it shall judge best; provided, nevertheless, that the Colby College Alumni Association shall be entitled to elect not less than 6 nor more than 9 of said Trustees in such manner, with such conditions of eligibility and for such terms not exceeding 6 years, as said Association may determine.

**Sec. 5. Restrictions.** The corporation shall not make or have any rule or by-law requiring that any member of the Trustees shall be of any particular religious denomination. No student belonging or who may hereafter belong to said institution, sustaining a fair moral character, shall be deprived of any privileges of said institution, or be subjected to the forfeiture of any aid which has been granted by said institution for the purposes of enabling him to prosecute his studies, or be denied the usual testimonials on closing his studies, or be denied admission to said institution on the ground that his interpretations of the Scriptures differ from those contained in the articles of faith adopted, or to be adopted, by said institution.

**Sec. 6. Reserved powers.** The Legislature of this State shall have the right to grant any further powers to or alter, limit or restrain any of the powers by this act vested in the said corporation as shall be judged necessary to promote the best interests thereof; and the said corporation shall render an account to the Legislature whenever they shall see fit to require it of all its proceedings and the manner of disposing of the funds of said institution.

**Sec. 7. P. & S. L., 1874, c. 500, repealed; inconsistent provisions superseded.** Chapter 500 of the private and special laws of 1874 entitled "An Act additional to the acts which constitute the charter of Colby University," is repealed; and the provisions of this act shall supersede inconsistent provisions of any prior public or private and special law.