

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ACTS AND RESOLVES

331

OF THE

FIFTY-SECOND LEGISLATURE

OF THE

STATE OF MAINE.

1873.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
February 28, 1840, and March 16, 1842.

AUGUSTA:
SPRAGUE, OWEN & NASH, PRINTERS TO THE STATE.

1873.

PRIVATE AND SPECIAL LAWS
OF THE
STATE OF MAINE.

1873.

Chapter 192.

An act granting a new charter to Bates College.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :

SECT. 1. The institution of learning called Bates college in honor of its first and 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.

Bates college,
name and loca-
tion established.

SECT. 2. 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 Mariner, 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 constituted a corporation under the name of the President and Trustees of Bates College, and by that name shall have power to prosecute

Property and
government, how
vested.

Corporate name.

CHAP. 192.

Powers.

May hold real and personal estate, annual income not to exceed \$200,000.

Property and estate, how devoted.

Powers and privileges.

Officers, how chosen.

Power to confer degrees.

Proviso.

President, how chosen.

—duties of.

—shall call special meetings.

and defend suits at law, 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, the annual income of which shall not exceed two hundred thousand dollars, 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.

SECT. 3. 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 education of youth by maintaining a college or university in Lewiston aforesaid.

SECT. 4. The said corporation may adopt such rules and regulations, pass such laws and by-laws, the same not being repugnant to the laws of this state, as they may deem expedient for the management of their affairs, and for the proper discipline, order, and general prosperity of said college; they shall have power to establish in said college such courses of study, departments and schools as they may elect; they shall choose the treasurer of the college, and all necessary officers, professors and instructors, and shall have power to remove the same at pleasure; they shall have power to confer such degrees as are usually conferred by colleges or universities established for the education of youth: *provided* all professors and instructors shall be chosen, and all degrees conferred on nomination by the president; and they shall be and they are hereby invested with all the powers, privileges, rights and immunities incident to similar corporations.

SECT. 5. The president shall be chosen by vote of a majority of the whole board of fellows, with the concurrence of a majority of the whole board of overseers. He shall be the executive officer of the college, and as such shall execute all its laws, votes and measures, unless otherwise provided for; shall superintend its general affairs; nominate, as heretofore provided, all professors, instructors and candidates for degrees; preside, when present, in all meetings of the board of fellows, and in the boards of fellows and overseers when met in convention as hereinafter provided; call special meetings of the corporation whenever in his judgment such meetings are necessary; make at the meetings of the corporation an address in writing relating to the affairs of the college, with such suggestions and recommendations as he may deem advisable; vote in the board of fellows, in the board of overseers and in the boards of fellows and overseers met in convention, whenever the fellows, the overseers, or the convention, as the case may be, are equally divided, or whenever his vote would change a result; and perform such other duties as are usually

incumbent on such an officer. He may be removed from office by vote of a majority of the whole board of fellows with the concurrence of a majority of the whole board of overseers: *provided* reasonable notice shall have first been given him in writing specifying the grounds of removal, and a full hearing upon the specifications shall have taken place before the corporation.

CHAP. 192.

President may be removed.

SECT. 6. The number of the board of fellows shall not, at any time, be more than fifteen, and it shall not be necessary for more than seven of them, or six with the president, to be present to constitute a quorum for the transaction of business; they may adopt such regulations and by-laws for the transaction of the business of their board as they may deem expedient; they shall choose a secretary of their board, who may or may not be a member of their board, and who shall be the secretary of the corporation; they shall fill all vacancies occurring in their board, and may declare a vacancy in their board whenever, in their judgment, sufficient cause exists for such vacancy.

Fellows, number of.

—quorum of.

—powers and duties.

SECT. 7. The number of the board of overseers shall not at any time be more than twenty-five; and it shall not be necessary for more than nine of said overseers, or eight with the president of the college, to be present to constitute a quorum for the transaction of business. The said overseers being taken in the order in which they are mentioned in this act shall be divided into five classes, the first five to constitute the first class, the second five the second class, and this order to continue through the list; and the term of office of the first class shall expire at the close of the annual meeting of the corporation in this year eighteen hundred and seventy-three, and at the close of each succeeding annual meeting the term of the class next in order shall expire; and the vacancies thus created shall be filled by the said board of overseers, two of them to be from persons nominated by the alumni of the college from their own number; and the five persons chosen annually to fill the five said vacancies shall continue in office for the term of five years unless removed for sufficient cause: *provided*, that if the said alumni shall decline or neglect to nominate persons for two of the said vacancies, the said vacancies shall be filled by the said board of overseers; or, if the said alumni shall, in the judgment of the said board of overseers, nominate unsuitable persons for overseers, the said vacancies shall be filled by the said board of overseers, independent of such nomination. *And provided further*, that all vacancies created by death, resignation or removal, shall be filled by the said board of overseers; and provided further still, that no alumnus shall serve as a member of the corporation until at least the fifth year from the time of his graduation.

Overseers, number of.

—quorum of.

—to be divided into classes.

—term of office.

—vacancies in board of, how filled.

Proviso.

CHAP. 192.

Officers, how chosen.

By-laws.

—meetings of.

—powers of.

Proviso.

Degrees, how conferred.

Executive officers.

Certain powers continued.

Certain officers and laws not affected by this act.

Annual meetings, when held.

Special meetings, how called.

SECT. 8. The said board of overseers shall choose a president and secretary of their board, the latter of whom may or may not be a member of their board; may adopt such regulations and by-laws for the transaction of their business as they may deem expedient; may determine, with the concurrence of the president of the college and the board of fellows, the times and places of holding their meetings, and may declare a vacancy in their board whenever, in their judgement, sufficient cause exists for such vacancy.

SECT. 9. The said board of overseers shall have power to concur or non-concur in any act, vote or order of the said board of fellows, and to propose to the president of the college, or to the board of fellows, such amendments thereto or such original actions as they shall deem expedient; and no act, vote or order of the said board of fellows shall have any effect or validity without the concurrence of the said board of overseers; *provided*, that the said board of fellows shall have the special powers mentioned in section six of this act without such concurrence. *And provided further*, that degrees may be conferred in joint convention of the two boards, and that any matters contained in the addresses of the president and in the reports of the treasurer, may by unanimous consent, be considered and acted upon finally in joint convention.

SECT. 10. The corporation may appoint an executive board consisting of the president of the college and such other members of the corporation as may be deemed necessary, to whom full power may be delegated to act for and in behalf of the corporation from one annual meeting to another.

SECT. 11. All powers granted to the corporation in section seven of the act approved February fourteen, eighteen hundred and sixty-eight, entitled "an act to amend the charter of Bates College," shall continue vested in the said president and trustees as mentioned in this act.

SECT. 12. This act shall not affect the tenure of office of any person holding any office or appointment under the said act approved February fourteen, eighteen hundred and sixty-eight; and all rules, regulations, laws and by-laws adopted and now in force under the said act not inconsistent with the provisions of this act, shall continue in force until altered or annulled by the said president and trustees mentioned in this act in the manner provided in this act.

SECT. 13. The annual meeting of the president and trustees aforesaid shall be held on the day preceding the commencement of the college, and special meetings may be called by the president of the college as heretofore provided, or by any three

fellows and four overseers, due notice being given of the time and place.

SECT. 14. The act approved February fourteen, eighteen hundred and sixty-eight, entitled "an act to amend the charter of Bates College," so far as it is inconsistent with the provisions of this act, and all acts and parts of acts so far as they are inconsistent with the provisions of this act, are hereby repealed.

Inconsistent acts repealed.

SECT. 15. This act shall take effect from and after its approval by the governor, and when it shall have been accepted by the corporation of said college.

Act, when to take effect.

Approved January 14, 1873.

Chapter 193.

An act to incorporate the Maine Conference of Unitarian Churches.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:

SECT. 1. The Maine Conference of Unitarian Churches is hereby created and declared to be a corporation and body politic for the promulgation and teaching of Unitarian Christianity, with all the powers and privileges usually given to and exercised and enjoyed by other institutions of like nature and purpose; and said corporation shall have and use a common seal, with power to prosecute and defend suits at law and in equity, and make all such by-laws, rules and regulations as are necessary to the government and management of its concerns and not repugnant to the laws of the state.

Name of corporation.

Purpose.

Powers and privileges.

SECT. 2. All the powers, privileges and duties hereby or hereafter granted to or imposed upon said corporation shall be exercised, enjoyed and performed by a board of trustees of not more than twenty-one and not less than fifteen in number, seven of whom shall constitute a quorum for the transaction of business.

—vested in a board of trustees.

SECT. 3. Said trustees shall have power, from time to time, to elect, by ballot, a president, vice president, secretary and treasurer, and appoint such other officers and agents as they may think necessary, fix the tenure of office of all such officers and agents, define their several powers and duties, and to remove any trustee or officer when in their opinion, by reason of age, removal from the state, misconduct, or other cause, he has become incapable or unfit to discharge the duties of said trustee or other officer; but no trustee shall be removed from his office except at a meeting duly called for that purpose, according to the by-laws established

Officers, how elected.

—tenure of office.

—how removed.