

(NOTE: This original charter and the amendments to it were superseded by the new charter which was granted in 1885. This old charter and its amendments are therefore no longer in force and are printed here only as a matter of historical interest.)

WHEREAS the Constitution of North Carolina provides that all useful learning shall be encouraged and promoted by the establishment therein of one or more Colleges, and whereas many worthy citizens have, by petition, respectfully manifested their earnest desire for the establishment of a College in the Western part thereof, to educate youth of all classes without any regard to the distinction of religious denominations, and thereby promote the more general diffusion of knowledge and virtue:

### The Trustees—A Body Corporate\*

I. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that John Robinson, Ephraim Davidson, Thomas L. Cowan, Robert H. Burton, Robert H. Morrison, John Williamson, Joseph W. Ross, William L. Davidson, Charles W. Harris, Walter S. Pharr, Cyrus L. Hunter, John D. Graham, Robert Potts, James M. H. Adams, David A. Caldwell, William B. Wood, Moses W. Alexander, Sr., D. C. Mebane, Jas. W. Osborne, Henry N. Pharr, John M. Wilson, P. J. Sparrow, James G. Torrence, Charles L. Torrence, John L. Daniel, Pierpont E. Bishop, George W. Dunlap, and John Springs, and their successors, duly elected and appointed in the manner as hereinafter directed, be, and they are hereby made, constituted, and declared to be a Corporation and body politic and corporate in law and in fact, to have continuance fifty years, by the name, style, and title of "The Trustees of Davidson College," and by name and title aforesaid, to have perpetual succession and a common Seal, and shall forever hereafter be persons able and capable in law to take, receive, and hold, all manner of lands, tenements, rents, annuities, and other hereditaments, which at any time or times heretofore, have been granted, bargained, sold, released, devised, or otherwise conveyed, and the same lands, rents, annuities, and other hereditaments, are hereby vested in the said Corporation

\* III Jones' Eq. p. 253.  
Trustees of Davidson College vs. Chamber's Ex. 3rd Jones' Eq. 253.  
Sparrow vs. Davidson College, 77 = = 33.  
1879, c. 226, ss. 1, 2, 3, p. 385—Normal Schools.

their successors forever; also that the said Trustees and their successors at all times hereafter, shall be able and capable to purchase, have, receive, take, hold, and enjoy in fee simple, or lesser estate, or estates, any lands, tenements, rents, annuities, or other hereditaments, by the gift, grant, bargain, sale, alienation, release, conveyance, or devise of any person, or persons, or bodies corporate or politic, capable and able to make the same; and further, that the said Trustees and their successors, under the corporate name aforesaid, shall be able and capable in law, to take, receive, and possess, all moneys, goods, and chattels, that have been given, or hereafter be given, sold, or released, or bequeathed, by any person or persons for the use of said College, and the same to apply according to the will of the donors, and all such lands, rents, tenements, hereditaments, moneys, goods, and chattels, of whatever nature, or quality soever the same may be, the said Trustees and their successors to have, hold, possess, and use in special trust and confidence, for the purpose of establishing and endowing said College, at the site heretofore selected therefor in the county of Guilford.

H. And be it further enacted by the authority aforesaid, that the said Trustees and their successors, by the name aforesaid, shall be able and capable in law to bargain, sell, grant, convey and conveyance to the purchaser or purchasers, such lands, rents, tenements, hereditaments aforesaid, when the condition of the grant to the purchaser or the will of the deviser does not forbid it; and further that the said Trustees and their successors, by the name aforesaid, shall be able and capable, in law, to sue and be sued, to plead and be impleaded, to defend, answer and be answered, in all courts of Record whatever, in any manner of suits, complaints, pleas, matters, and demands.

### Trustees to Provide Laws for the College

I. And be it further enacted by the authority aforesaid, that the said Trustees and their successors shall be, and are hereby authorized and empowered to make, ordain, and establish such laws, ordinances, and regulations for the government of said College, and the preservation of order and good morals therein, as may be usually made in such Seminaries, and to them may seem

necessary: Provided the same be not repugnant to the Constitution and laws of this State or of the United States.

IV. And be it further enacted by the authority aforesaid, that the said Trustees and their successors shall have power and authority to make and use a common Seal, with such device and inscription as they may think fit and proper, and the same to alter and renew at their pleasure.

### Trustees, Number, How Often and by Whom Elected

V. And be it further enacted by the authority aforesaid, that the said corporation shall not consist of more than forty-eight\* members, one-fourth of whom shall go out of office every year, subject, however, to re-election; and that the number of members necessary to make up the complement, not appointed by this Act, and to keep up the succession of Trustees, shall be from time to time appointed by the Presbyteries of Concord, Bethel, and Morganton, and such other Presbytery or Presbyteries in the State of North Carolina,\*\* and may hereafter become associated with them in patronizing said College, in such manner as may be mutually agreed upon by said Presbyteries and the corporation aforesaid: Provided, nevertheless, that, in case the said Presbyteries fail at any time to make such necessary appointments, then the right of election shall devolve upon and be exercised by the aforesaid Trustees and their successors.

### Election of President and Professors\*\*\*

VI. And be it further enacted by the authority aforesaid, that the Presbyteries aforesaid, with whatever other Presbytery or Presbyteries may become associated with them in patronizing said College, shall be authorized and empowered, whenever necessary and expedient to appoint a President of said College, and such Professors, and Tutors, or other officers, as to them may appear necessary and proper, in such manner as may be mutually agreed

\*—Private—ch, 5, s. 1, p. 554.

\*\* 1873—c, 4, 6.

\*\*\*1852, c, 117, p. 659.

Provided, nevertheless, that, should said Presbyteries fail at any time to make such appointments as may become necessary for the instruction and government of said College, then the election of such officer or officers shall be made by the Trustees aforesaid and their successors.

### Power to Confer Degrees

VII. And be it further enacted by the authority aforesaid, that the Faculty of said College; that is, the President and Professors, by and with the consent of the Trustees, shall have the power of conferring all such Degrees or marks of literary distinction as are usually conferred in Colleges or Universities.

### Officers of the Board, and Quorum

VIII. And be it further enacted by the authority aforesaid, that the aforesaid Trustees and their successors shall, and may, as often as they shall see proper, according to rules by them to be prescribed, elect out of their number a President, and shall have authority to elect a Treasurer, Secretary, and such other Officers or servants, as shall by them be deemed necessary, to continue in office for such term of years and to be succeeded by others in such manner, as the said Trustees shall direct; and further that not less than nine of said Trustees shall be required to constitute a Quorum for the transaction of business.

### Gaming, Theatricals, Etc., and Spirituous Liquors Prohibited

X. And be it further enacted by the authority aforesaid, that it shall not be lawful for any person or persons to set up or continue any gaming or billiard table, or any device whatever for playing any game of chance or hazard, by whatever name called, or to give any sleight of hand, theatrical or equestrian performances, or any dramatic recitations, rope or wire dancing, or other itinerant show, or artificial curiosities, or to receive or use any license to sell or spirituous liquors, or otherwise to sell, give or convey to the

Students of said College\* any intoxicating liquors within two miles of said College, without the special permission in writing of the Faculty of said College; and any person or persons, who shall offend against the provisions of this Act or any of them, shall forfeit and pay the sum of two hundred dollars, to be recovered in any Court of Records having cognizance of the same, one-half to the use of the informer, and the other half to the use of said College.

### Limitation of Power to Hold Property\*\*—Taxation

X. Be it further enacted, that the whole amount of real and personal estate belonging to said corporation shall not at any one time exceed in value the sum of two hundred thousand dollars.\*\*\*

XI. Be it further enacted, that whenever the said College shall hold and possess lands exceeding in quantity five hundred acres, including the College building, it shall, for such excess, pay into the public Treasury the usual Tax.

XII. And be it further enacted by the authority aforesaid, that this Act shall take effect and be in force from and after its ratification.

*Ratified 28th of December, A. D. 1838.*

## AMENDMENTS TO FIRST CHARTER

### Trustees Empowered to Elect President and Professors

Sec. 1. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of same, that Section Sixth of the Act passed at the General Assembly of the State of North Carolina the session of 1838-39, incorporating Davidson College, be repealed, and it is further enacted that the Trustees of said College shall be authorized and empowered, when-

\* Any person—1873, c. 4, § 6.

\*\* Trustees D. College vs. Chambers' Ex. 3rd. Jones Eq. 253.

\*\*\* Repealed—1856—7, c. 94, s. 1.

necessary and expedient, to appoint a President of said College, such Professors, and Tutors, or other Officers, as to them appear necessary and proper.

*Ratified in General Assembly, this 27th day of December, 1852.\**

### Power to Hold Property Enlarged\*\*

An Act to amend an Act entitled "An Act to incorporate The Trustees of Davidson College," passed in the year one thousand eight hundred and thirty-eight.

Sec. 1. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of same, that the tenth section of the above recited Act be, and the same is hereby repealed.

Sec. 2. Be it further enacted, that the whole amount of real personal estate belonging to said corporation shall at no time exceed in value five hundred thousand dollars.

Sec. 3. Be it further enacted, that all right, title, and interest in and to the part of the State of North Carolina and the University of North Carolina, or either of them, if any they have in and to the same, and effects given, or attempted to be given, in the last will and testament of Maxwell Chambers, late of the town of Salisbury, to the Trustees of Davidson College, be and the same is hereby confirmed and conveyed to The Trustees of Davidson College, for the uses specified in the said will.

Sec. 4. Be it further enacted, that this Act shall be in force from and after the ratification of the same.

*Ratified in the General Assembly, this the 13th day of December, 1856.*

\* 1852—c. 77, p. 656.  
\*\* 1856—7—c. 194, p. 96.

### Trustees Not Confined to North Carolina\*

Sec. 1. The General Assembly of North Carolina do enact: That an Act entitled "An Act to incorporate the Trustees of Davidson College," passed in the year one thousand eight hundred and thirty-eight, be amended as follows, to-wit: Strike out the words "in the State of North Carolina" in the fifth section of said Act, and strike out the words "to the students of said College" in the ninth section of said Act, and insert therefor the words "to any person."

Sec. 2. That this Act be in force from and after its ratification.

*Ratified December 11, 1873.*

\* 1873—4—c. 6, p. 277.