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Bulletin of the
**College of
William and Mary**
Williamsburg, Virginia

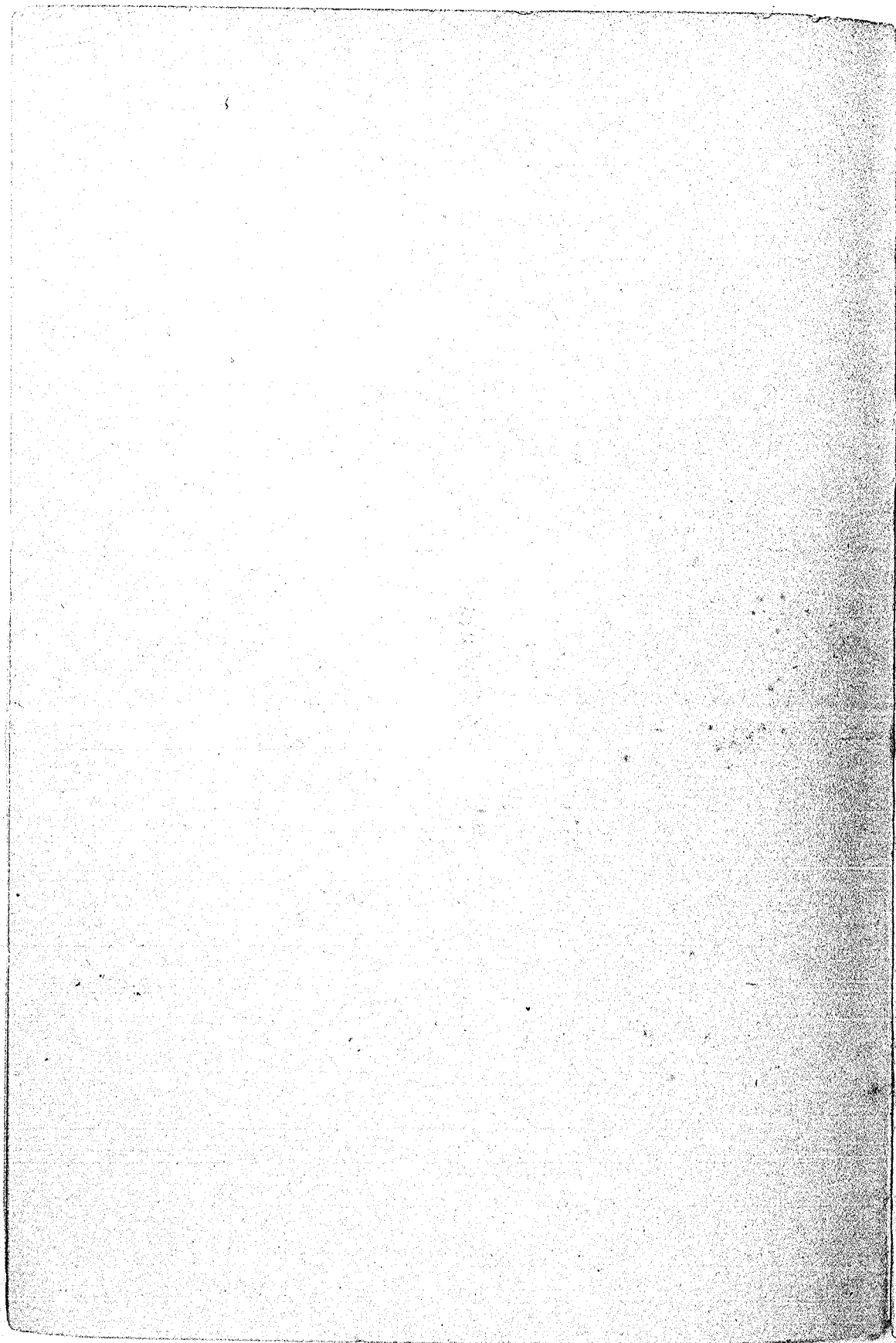
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THE TRANSFER

ACTS

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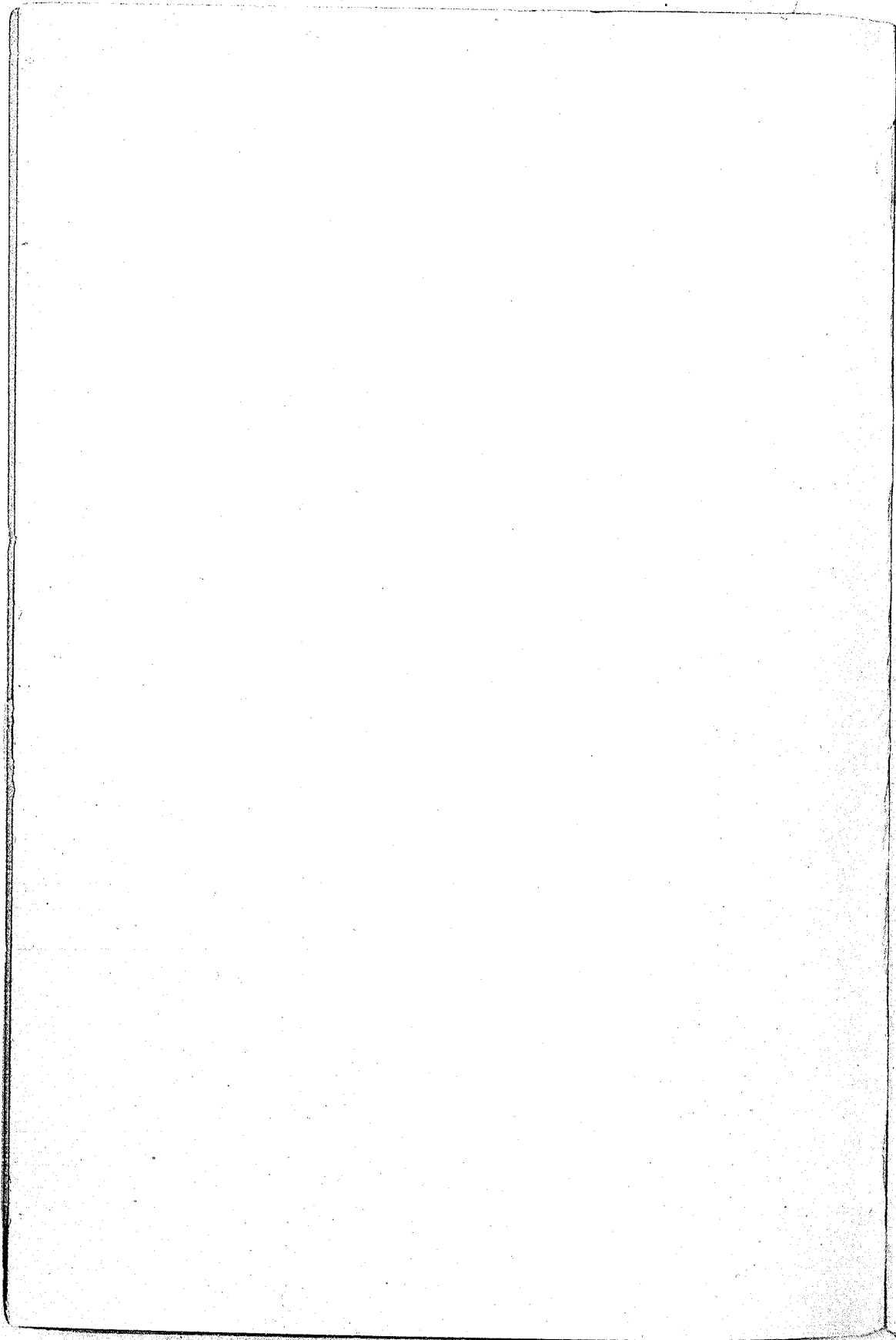
THE CHARTER

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I

The Charter of the
College of William and Mary
IN VIRGINIA

(February 8, 1693)

WILLIAM AND MARY, by the grace of God, of England, Scotland, France and Ireland, King and Queen, defenders of the faith, &c. To all to whom these our present letters shall come, greeting.

Forasmuch as our well-beloved and faithful subjects, constituting the General Assembly of our Colony of Virginia, have had it in their minds, and have proposed to themselves, to the end that the Church of Virginia may be furnished with a seminary of ministers of the gospel, and that the youth may be piously educated in good letters and manners, and that the Christian faith may be propagated amongst the Western Indians, to the glory of Almighty God; to make, found and establish a certain place of universal study, or perpetual College of Divinity, Philosophy, Languages, and other good Arts and Sciences, consisting of one President, six Masters or Professors, and an hundred scholars more or less, according to the ability of the said college, and the statutes of the same; to be made, increased, diminished, or changed there, by certain trustees nominated and

electd by the General Assembly aforesaid, to wit, our faithful and well-belov'd Francis Nicholson, our Lieutenant Governor in our Colonies of Virginia and Maryland; Wm. Cole, Ralph Wormley, William Byrd and John Lear, Esquires; James Blair, John Farnifold, Stephen Fouace and Samuel Gray, clerks; Thomas Milner, Christopher Robinson, Charles Scarborough, John Smith, Benjamin Harrison, Miles Cary, Henry Hartwell, William Randolph and Matthew Page, gentlemen, or the major part of them, or of the longer livers of them, on the south side of a certain river, commonly call'd York river, or elsewhere, where the General Assembly itself shall think more convenient, within our Colony of Virginia, to be supported and maintained, in all time coming.

I. And forasmuch as our well-belov'd and trusty the General Assembly of our Colony of Virginia aforesaid, has humbly supplicated us, by our well-belov'd in Christ, James Blair, Clerk, their agent duly constituted, that we would be pleas'd, not only to grant our royal license to the said Francis Nicholson, William Cole, Ralph Wormeley, William Byrd and John Lear, Esquires; James Blair, John Farnifold, Stephen Fouace and Samuel Gray, Clerks; Thomas Milner, Christopher Robinson, Charles Scarborough, John Smith, Benjamin Harrison, Miles Cary, Henry Hartwell, William Randolph and Matthew Page, Gentlemen, or the major part of them, or of the longer livers of them, to make, found, erect and establish the said college, but also to extend our royal bounty and munificence towards the erection and foundation of the said college, in such way and manner as to us shall seem most expedient: We, taking the premises seriously into our consideration, and earnestly desiring, that as far as in us lies, true philosophy, and other good and liberal arts and sciences may be promoted, and that the orthodox Christian faith may be propagated: And being desirous, that forever hereafter, there should be one such college, or place of universal study, and some certain and undoubted way within the said college, for the rule and government of the same, and of the masters or professors, and scholars, and all others inhabit-

ing and residing therein, and that the said college should subsist and remain in all time coming of our special grace, certain knowledge, and mere motion, HAVE GRANTED and given leave, and by these presents do grant and give leave, for us, our heirs and successors, as much as in us lies, to the said Francis Nicholson, William Cole, Ralph Wormeley, William Byrd and John Lear, Esquires; James Blair, John Farnifold, Stephen Fouace and Samuel Gray, Clerks; Thomas Milner, Christopher Robinson, Charles Scarborough, John Smith, Benjamin Harrison, Miles Cary, Henry Hartwell, William Randolph and Matthew Page, Gentlemen; That they or the major part of them, or of the longest livers of them, for promoting the studies of true philosophy, languages, and other good arts and sciences, and for propagating the pure gospel of Christ, our only Mediator, to the praise and honor of Almighty God, may have power to erect, found and establish a certain place of universal study, or perpetual College, for Divinity, Philosophy, Languages and other good Arts and Sciences, consisting of one President, six masters or professors, and an hundred scholars, more or less, graduates and non graduates, as above said, according to the statutes and orders of the said College, to be made, appointed and established upon the place by the said Francis Nicholson, William Cole, &c., or the major part of them, upon the south side of York river, on the land late of Colonel —— Townsend, deceased, now in the possession of John Smith, near the port appointed or laid out for York county, by the said General Assembly, within our said colony of Virginia; or if by reason of unwholesomeness, or any other cause, the said place shall not be approved of, wheresoever else the General Assembly of our Colony of Virginia, or the major part of them shall think fit, within the bounds of the aforesaid colony, to continue for all times coming.

II. And further, of our special grace, certain knowledge, and mere motion, WE HAVE GRANTED, and given leave, and by these presents do grant, and give leave, for us, our heirs and successors, to the said Francis Nicholson, William Cole, &c., that they, or the major part of them, or the longer livers of them,

may be enabled to take, hold and enjoy, and that they may be persons apt and capable in law, for taking, holding and enjoying all Manors, Lands, Tenements, Rents, Services, Rectories, Portions, Annuities, Pensions and Advowsons of Churches, with all other Inheritances, Franchises and Possessions whatsoever as well spiritual as temporal, to the value of two thousand pounds a year; and all other goods and chattels, monies and personal estate whatsoever, of the gift of any person whatsoever, that is willing to bestow them for this use; or any other gifts, grants, assignments, legacies or appointments, of the same, or of any of them, or of any other goods whatsoever: But with this express intention, and upon the special trust we put in them that they the said Francis Nicholson, William Cole, &c., or the major part of them, or of the longer livers of them, shall take and hold the premises, and shall dispose of the same, and of the rents, revenues or profits thereof, or of any of them only for defraying the charges that shall be laid out in erecting and fitting the edifices of the said intended college, and furnishing them with books, and other utensils, and all other charges pertaining to the said college, as they or the major part of them, shall think most expedient, until the said college shall be actually erected, founded and established, and upon this trust and intention, that so soon as the said college shall, according to our royal intent be erected and founded, the said Francis Nicholson, William Cole, &c., or the longer livers or liver of them, and their or his heirs, executors, administrators or assigns, shall by good and sufficient deeds and assurances in law give, grant and transfer to the said President and masters, or professors, or their successors, the said Lands, Manors, Tenements, Rents, Services, Rectories, Portions, Annuities, Pensions and Advowsons of Churches, with all other inheritances, franchises, possessions, goods, chattels and personal estate aforesaid, or as much thereof as has not been laid out and bestowed upon the building the said college, or to the other uses above mentioned.

III. And seeing the said General Assembly of our Colony of Virginia, has named, elected or appointed, the said James Blair, Clerk, as a fit person to be President of the said college;

we of our special grace, certain knowledge, and mere motion, do approve, confirm and ratify the said nomination and election, and do by these presents make, create and establish the said James Blair first President of the said college, during his natural life.

IV. And further, we grant our special license to the said Francis Nicholson, William Cole, &c., and their successors, or the major part of them, that they have power to elect and nominate other apt, fit and able persons, into the places of the masters or professors of the said college; and that, after the death, resignation or deprivation of the said President, or Professors, or any of them, the said Francis Nicholson, William Cole, &c., and their successors, or the major part of them, shall have power to put in, and substitute, a fit person, or persons, from time to time, into his or their place, or places, according to the orders and statutes of the said college, to be made, enacted and established, for the good and wholesome government of the said college, and of all that bear office, or reside therein, by the said Francis Nicholson, William Cole, &c., or their successors, or the major part of them.

V. And further, we will, and for us, our heirs and successors, by these presents, do GRANT, that when the said College shall be so erected, made, founded and established, it shall be called and denominated, for ever, the College of *William and Mary*, in Virginia, and that the President and masters, or professors, of the said college, shall be a body politic and incorporate, in deed and name; and that by the name of the President, and masters, or professors, of the College of William and Mary, in Virginia, they shall have perpetual succession; and that the said President, and masters, or professors, shall forever be called and denominated the President, and Masters, or Professors, of the College of William and Mary, in Virginia: And that the said President, and masters, or professors, and their successors, by the name of the President, and masters, or professors, of the College of William and Mary, in Virginia, shall be persons able,

capable, apt and perpetual in law, to take and hold lordships, manors, lands, rents, reversions, rectories, portions, pensions, annuities, inheritances, possessions and services, as well spiritual as temporal, whatsoever, and all manner of goods and chattels, both of our gift, and our heirs and successors, and of the gift of the said Francis Nicholson, William Cole, Ralph Wormeley, Wm. Byrd and John Lear, Esquires; James Blair, John Farnifold, Stephen Fouace and Samuel Gray, Clerks; Thomas Milner, Christopher Robinson, Charles Scarborough, John Smith, Benjamin Harrison, Miles Cary, Henry Hartwell, William Randolph and Matthew Page, Gentlemen; or of the gift of any other person whatsoever, to the value of two thousand pounds, of lawful money of England, yearly and no more, to be had and held by them and their successors for ever.

VI. And also, that the said President, and masters or professors, by and under the name of the President, and masters, or professors of the College of William and Mary, in Virginia, shall have power to plead, and be impleaded, to sue, and to be sued, to defend, and be defended, to answer, and be answered, in all and every cause, complaint, and action, real, personal and mixed, of what kind and nature soever they be, in whatsoever courts and places of Judicature belonging to us, our heirs and successors or to any person whatsoever, before all sorts of justices and judges, ecclesiastical and temporal, in whatsoever kingdoms, countries, colonies, dominions or plantations, belonging to us, or our heirs, and to do, act, and receive, these and all other things, in the same manner, as our other liege people, persons able and capable in law, within our said Colony of Virginia or our kingdom of England, do, or may act, in the said courts and places of Judicature, and before the said justices and judges.

VII. As also, that the said President, and masters or professors, and their successors shall have one common seal, which they make use of in any whatsoever cause and business belonging to them and their successors; and that the President, and masters or professors of the said College, and their successors,

shall have leave to break, change and renew, their said seal, from time to time, at their pleasure, as they shall see most expedient.

VIII. And further of our more especial grace, we have given and granted, and for us, our heirs, and successors, we give and grant our special license, as far as in us lies to the said Francis Nicholson, William Cole, Ralph Wormeley, William Byrd and John Lear, Esquires; James Blair, John Farnifold, Stephen Fouace, Samuel Gray, Clerks; Thomas Milner, Christopher Robinson, Charles Scarborough, John Smith, Benjamin Harrison, Miles Cary, Henry Hartwell, William Randolph and Matthew Page, gentlemen, that they, or any other person or persons, whatsoever, after the said college is so founded, erected, made, created and established, may have power to give, and grant, assign and bequeath, all manors, lands, tenements, rents, services, rectories, portions, annuities, pensions and advowsons of Churches, and all manner of inheritance, franchises and possessions whatsoever, as well spiritual as temporal, to the value of two thousand pounds a year, over and above all burthen and reprisals, to the President, and masters, or professors, of the said College, for the time being, and their successors, to be had, held and enjoyed, by the said President, and masters, or professors, and their successors, forever: And that they the said President and masters, or professors aforesaid, may take and hold, to themselves, and their successors, forever, as is aforesaid, manors, lands, tenements, rents, reversions, services, rectories, portions, pensions, annuities, and all, and all manner of inheritances, and possessions whatsoever, as well spiritual as temporal, to the aforesaid value of two thousand pounds a year, over and above all burthens, reprisals and reparations: It not being our will, that the said President, and masters or professors of the said College, for the time being, or their successors, shall be troubled, disquieted, molested, or aggrieved by reason, or occasion of the premises, or any of them, by us, our heirs, and successors, or by any of our justices, escheators, sheriffs, or other bailiffs, or ministers, whatsoever, belonging to us, our heirs and successors.

IX. And further, we will, and by these presents, do declare, nominate, ordain and appoint, the said Francis Nicholson, William Cole, Ralph Wormeley, William Byrd and John Lear, Esquires; James Blair, John Farnifold, Stephen Fouace and Samuel Gray, Clerks; Thomas Milner, Christopher Robinson, Charles Scarborough, John Smith, Benjamin Harrison, Miles Cary, Henry Hartwell, William Randolph and Matthew Page, gentlemen; and their successors, to be the true, sole and undoubted visitors and governors of the said college forever: And we give and grant to them, or the major part of them, by these our letters patents, a continual succession, to be continued in the way and manner hereafter specified; as also full and absolute liberty, power and authority, of making, enacting, framing and establishing such and so many rules, laws, statutes, orders and injunctions, for the good and wholesome government of the said college, as to them the said Francis Nicholson, William Cole, &c., and their successors, shall from time to time, according to their various occasions and circumstances, seem most fit and expedient: All which rules, laws, statutes and injunctions so to be made, as aforesaid, we will have to be observed, under the penalty therein contained: Provided notwithstanding that the said rules, laws, statutes, orders and injunctions, be no way contrary to our prerogative royal, nor to the laws and statutes of our kingdom of England or our colony of Virginia, aforesaid, or to the canons and constitutions of the church of England, by law established.

X. And further, we will and by these presents, for us, our heirs and successors, do grant and confirm to the said visitors, and governors of the said college, and their successors, that they and their successors, shall, forever, be eighteen men, or any other number not exceeding the number of twenty, in the whole, to be elected and constituted in the way and manner hereinafter specified; and that they shall have one discreet and fit person, that shall be elected, and nominated, out of their number, in the manner hereafter mentioned, that shall be, and shall be called Rector of the said college: And we have appointed and con-

firmed and by these presents, do appoint and confirm the said James Blair, to be the present rector of the said college, to be continued in the said office for one year next ensuing the foundation of the said college, and thereafter till some other of the visitors and governors of the said college shall be duly elected, preferred and sworn into the said office; and that from time to time, and in all time coming, after the said year is expired, or after the death of the rector within the year, the visitors and governors of the said college, or the greater part of them, or of their successors, shall have power to elect and nominate another discreet and fit person, from amongst themselves to be rector of the said college; and that he who is elected, preferred and nominated, as above said, into the place of rector of the said college, shall have power to have, exercise and enjoy the said office of rector of the said college, for one whole year, then next ensuing and thereafter, until some other rector of the said college shall be duly elected, preferred and sworn into the said office: And to perpetuate the succession of the said rector, and of the said visitors and governors of the said college, we will, ordain and appoint, that as often as any one or more of the said visitors and governors of the said college, shall die, or remove himself and family out of our said colony into any other country for good and all, that then, and so often, the rector for the time being, and the other visitors and governors of the said college, then surviving and remaining within the colony, or the major part of them, shall and may have leave to elect, nominate and choose one or more of the principal and better sort of the inhabitants of our said colony of Virginia, into the place or places of the visitor and governor, or visitors and governors, so dead or removed, to fill up the aforesaid number of visitors and governors, for the said college; and that he or they so elected and chosen shall take his or their corporal oath, before the rector, and the other visitors and governors of the said college, or the major part of them, well and faithfully to execute the said office; which oath the said rector, and two or more of the visitors, shall have power to administer: And that after the taking of the said

oath, he or they shall be of the number of the said visitors and governors of the said college.

XI. And further, we will, and by these presents, for us, our heirs and successors, do grant and confirm, to the said President, and masters, or professors of the said college, and their successors, that they and their successors shall have one eminent and discreet person, to be elected and nominated, in the manner hereafter expressed, who shall be, and shall be called chancellor of the said college: And we have appointed and confirmed, and by these presents, for us, our heirs, and successors, do appoint and confirm, our well-beloved and right trusty the reverend father in God, Henry, by divine permission, bishop of London, to be the first chancellor of the said college, to be continued in the said office for seven years next ensuing, and thereafter, until some other chancellor of the said college shall be duly elected and chosen into the said office: And that from time to time, and in all time coming, after these seven years are expired, or after the death of the said bishop, or of the chancellor, for the time being, the rector, and visitors, and governors of the said College for the time being, or the major part of them, shall and may have power to elect, choose and nominate, some other eminent and discreet person, from time to time, to be chancellor of the said college; and that he who is so nominated and elected to be the chancellor of the said college, shall and may have, execute, and enjoy, the said office of chancellor of the said college, for the space of seven years then next ensuing, and thereafter until some other chancellor of the said college shall be duly elected and constituted.

XII. Further, we will by these presents and for us, our heirs and successors, do grant and confirm to the said president, and masters, or professors, of the said college, and to their successors, that after the said college is erected, founded, and established, they may retain and appoint some convenient place, or council chamber, within the said college; and that the rector and other visitors, and governors of the said college, or the major part of them, for the time being, as often as they shall

think good, and see cause, may convocate and hold a certain court or convocation within the said chamber, consisting of the said rector and visitors, and governors, of the said college, or the major part of them, in all time coming; and in the said convocation, may treat, confer, consult, advise, and decree, concerning statutes, orders, and injunctions, for the said college.

XIII. And further, we will, and by these presents, for us, our heirs, and successors, do grant and confirm to the said President, and masters, or professors of the said College, and their successors, or the major part of them, that from time to time, and in all time coming, the said rector and visitors, or governors of the said college, and their successors, or the major part of them, shall have power and authority, yearly, and every year, on the first Monday which shall happen next after the feast of the annunciation of the blessed Virgin Mary, to elect and nominate, and that they shall and may elect and nominate one of the said visitors or governors of the said college, to be rector of the said college for one whole year then next ensuing: And that he, after he is so elected and chosen into the said office of rector of the said college, before he be admitted to execute the said office, shall, on the same day and in the same place, take his corporal oath before the last rector, and visitors, or governors of the said college, or any three of them, well and faithfully to execute the said office; and that after so taking the said oath, he shall and may execute the said office of rector of the said college, for one whole year then next ensuing: And also, that every seventh year, on the same Monday, next after the feast of the annunciation of the blessed Virgin Mary, aforesaid, they shall, in like manner, have power and authority to elect and nominate another chancellor of the said college, to be continued for seven years then next ensuing: And that he who shall be elected, chosen, and nominated, into the office of chancellor of the said college, shall and may, immediately after such election and nomination, execute the office of chancellor of the said college for seven years then next ensuing.

XIV. And that the charge and expense of erecting, building, founding and adorning, the said college at present, and also of supporting and maintaining the said president and masters or professors, for the future, may be sustained and defrayed, of our more ample and bounteous special grace, certain knowledge, and mere motion, we have given, granted, assigned, and made over, and by these presents, for us, our heirs, and successors, do give, grant, assign, and make over to the said Francis Nicholson, William Cole, Ralph Wormeley, William Byrd, and John Lear, Esquires; James Blair, John Farnifold, Stephen Fouace, and Samuel Gray, clerks; Thomas Milner, Christopher Robinson, Charles Scarborough, John Smith, Benjamin Harrison, Miles Cary, Henry Hartwell, William Randolph, and Matthew Page, gentlemen, and their executors and assigns forever, the whole and entire sum of one thousand nine hundred and eighty-five pounds, fourteen shillings and ten pence, of good and lawful money of England, that has been received and raised out of quit rents of the said colony, now remaining in the hands of Wm. Byrd, Esquire, our auditor, or in whosoever other hands the same now is, for our use, within the said colony: And, therefore, we command and firmly enjoin the said auditor, or any other person with whom the said money is deposited, or who is obliged to pay the same immediately upon sight of these our letters patents, to pay, or cause to be paid, the said sum of one thousand nine hundred and eight-five pounds, fourteen shillings and ten pence, to the said Francis Nicholson, William Cole, &c., or the major part of them, or of the longer livers of them, or to their attorney, in that part lawfully constituted, with any other warrant, mandate, or precept to be obtained or expected from us, to be laid out and applied about and towards the building, erecting and adorning, the said college, and to no other use, intent or purpose whatever.

XV. Seeing also, by a certain act of parliament, made the twenty-fifth year of the reign of our royal uncle, Charles the Second, of blessed memory, entitled An act for the encouragement of the Greenland and Eastland trades, and for better securing the plantation trade, it was enacted, that after the first day

of September, in the year of our Lord M.DC.LXXIII. if any ship, which by law, might trade in any of the plantations, should come to any of them to load, and take on board tobacco, or any other of the commodities there enumerated, and if bond were not first given, with one sufficient surety, to carry the said tobacco to England, Wales, or the town of Berwick upon Tweed, and to no other place, and there to unload and put the same on shore, (the dangers of the sea only excepted;) in such case there should be paid to our said uncle, and his heirs and successors, one penny for every pound of tobacco so loaded and put on board, to be levied, collected, and paid in such places, and to such officers, and collectors, as should be appointed in the respective plantations, to collect, levy, and receive the same, and under such penalties, both to the officers and upon the goods as for non-payment of his majesty's customs in England: And if it should happen, that any person or persons who are to pay the said duties, shall not have ready money to satisfy the same, that the officers who are appointed to collect the said duties, shall in lieu of the said ready money, take such proportion of tobacco, that was to be shipped, as may amount to the value thereof, according to the usual rate of the said commodity, in such plantation respectively: All which things are to be ordered, and disposed, and these several duties are to be caused to be levied, by the commissioners of our customs in England, for the time being, under the authority and direction of the lord treasurer of England, or the commissioners of the treasury, for the time being, as by the said act of parliament, amongst other things therein contained, reference being thereto had, doth more fully appear; we, of our more bounteous grace, mere motion, and certain knowledge, have given and granted, and for us, and our successors, do give, and grant, to the said Francis Nicholson, William Cole, &c., and the other trustees above mentioned, and their heirs for ever, the said revenue of one penny for every pound of tobacco in Virginia, or Maryland, in America, or either of them that shall be so loaded, and put on board, as is above said; and the nett produce which shall accrue in England, or elsewhere, by selling there the tobacco that shall be collected

in the colonies of Virginia, and Maryland, in lieu of the penny that ought to be paid for every pound of tobacco so loaded and put on board, as is above said: Provided always, that the commissioners of our customs in England, for the time being, shall name and appoint all the collectors and receivers of the said money and tobacco, and their inspectors and comptrollers, from to time, as they have hitherto done: And that the salaries of the said collectors, receivers, and comptrollers, shall be deducted and paid out of the said revenue; and that the said Francis Nicholson, William Cole, Ralph Wormeley, William Byrd, and John Lear, Esquires; James Blair, John Farnifold, Stephen Fouace, and Samuel Gray, clerks; Thomas Milner, Christopher Robinson, Charles Scarborough, John Smith, Benjamin Harrison, Miles Cary, Henry Hartwell, William Randolph, and Matthew Page, gentlemen, and their successors, as also the President, and masters, or professors of the said College, and their successors, for the time being, shall be obliged to receive and observe all such rules, orders, and instructions, as shall be transmitted to them, from time to time, by the said commissioners of our customs in England, for the time being, under the inspection and direction of the lord treasurer, or the commissioners of our treasury in England, for the time being, for the better and more exact collecting of the said duty, as by the said act of parliament, reference being thereto had, is more particularly directed and appointed: but with this express intention, and upon the special trust and confidence we place in the said Francis Nicholson, William Cole, and the rest of the aforesaid trustees, that they, and the longest livers of them, and their heirs, shall take, hold, and possess the said revenue of a penny per pound, for every pound of tobacco aforesaid, with all its profits, advantages, and emoluments, to apply and lay out the same, for building and adorning the edifices and other necessaries for the said college, until the said college shall be actually erected, founded, and established, and with this express intention, and upon the special trust and confidence, that as soon as the said college shall be erected and founded, according to our royal purpose, the said trustees, and the longest livers or liver of them, and his or their

heirs, or assigns, shall, by good and sufficient deeds and assurances in law, give, grant, and transfer to the President, and masters, or professors, of the said college, this whole revenue, with all its profits, issues and emoluments before mentioned, or so much thereof, as shall not have been expended and laid out for the aforesaid uses, to be held, possessed, and enjoyed, by the said President, and masters, or professors, and their successors, for ever.

XVI. And also, of our special grace, mere motion, and certain knowledge, we have given and granted, and by these presents, for us, our heirs, and successors do give and grant to Francis Nicholson, William Cole, and the rest of the said trustees, and the longest livers or liver of them, and to his or their heirs, the office of surveyor-general of our said colony of Virginia, if the said office be now void, or whensoever and how often soever it shall thereafter fall void, to be had, held and executed, with all its issues, fees, profits, advantages, conveniences, liberties, places, privileges, and pre-eminences whatsoever, belonging to the said office, in as ample form and manner, as any other person, who has heretofore had, executed, or possessed the said office, ever had received or enjoyed, or ought to have, receive, or enjoy, by the said trustees, and their heirs; or by such officers and substitutes, as they or the major part of them, or of the longest livers of them, or of their heirs, shall from time to time nominate and appoint, until the said college shall be actually founded and erected: But with this express intention, and upon this special trust and confidence, which we place in the said Francis Nicholson, William Cole, and the rest of the said trustees, that they and the longest livers of them, and their heirs, shall give back and restore to the President and masters, or professors, of the said college, for the time being, whatsoever money remains in their hands that has risen from this office, during their administration, not yet laid out upon the building of the said college, and the other above-mentioned uses, so soon as the said college shall be actually erected and founded. And after the said college shall be actually erected and founded, we will, that the said office of surveyor-general, if it be then

void, as often as it shall be void, for the time to come, shall be had, held, and executed, with all its profits and appurtenances above-mentioned, by the said President and masters, or professors, and their successors, for ever: Provided always that the said Francis Nicholson, and the rest of the above-mentioned trustees, or the major part of them, or of the longest livers of them, and the President, and masters, or professors, for the time being, shall, from time to time nominate and substitute such and so many particular surveyors for the particular counties of our colony of Virginia, as our governor in chief, and the council of our said colony of Virginia, for the time being, shall think fit and necessary.

XVII. And also, of our more bounteous special grace, mere motion, and certain knowledge, we have given, granted, and confirmed, and by these presents, for us, and our heirs, and successors, do give, grant, and confirm, to the said Francis Nicholson, William Cole, and the rest of the trustees above-mentioned, ten thousand acres of land, not yet legally occupied or possessed by any of our other subjects, lying, and being, on the South side of the Black-water Swamp, and also other ten thousand acres of land, not legally occupied or possessed by any of our other subjects, lying and being in that neck of land, commonly called Pamunkey neck, between the forks or branches of York river: which twenty thousand acres of land, we will have to be laid out and measured in the places above-mentioned, at the choice of the said Francis Nicholson, William Cole, and the rest of the fore-mentioned trustees, or the major part of them, or of the longest livers of them, to be had and held by the said Francis Nicholson, William Cole, and the rest of the above-mentioned trustees, and their heirs for ever; but with this intention, and upon special trust and confidence, that the said Francis Nicholson, William Cole, and the rest of the said trustees, or the major part of them, or of the longest livers of them, so soon as the said college shall be actually founded, and established, shall give, grant, let, and alienate the said twenty thousand acres of land to the said President and masters, or professors of the said College, to be had and held by them, and their successors,

for ever, by fealty, in free and common soccage, paying to us, and our successors, two copies of Latin verses yearly, on every fifth day of November, at the house of our governor, or lieutenant governor of Virginia, for the time being, for ever, in full discharge, acquittance, and satisfaction of all quit-rents, services, customs, dues, and burdens whatsoever, due, or to be due; to us, or our successors, for the said twenty thousand acres of land, by the laws or customs of England or Virginia.

XVIII. And also, of our special grace, certain knowledge, and mere motion, we have given, and granted, and by these presents, for us and our successors, do give, and grant, to the said President, and masters, or professors of the said college, full and absolute power, liberty, and authority, to nominate, elect, and constitute one discreet and able person of their own number, or of the number of the said visitors, or governors, or lastly, of the better sort of inhabitants of our colony of Virginia, to be present in the house of Burgesses, of the General Assembly of our colony of Virginia, and there to act and consent to such things, as by the common advice of our said colony shall (God willing) happen to be enacted.

XIX. And further, it is our pleasure, that such further confirmations and ratifications of the premises shall be granted, from time to time by us, our heirs and successors, to the said Francis Nicholson, and the rest of the trustees above-mentioned, and to their successors, or to the President, and masters, or professors of the said college or to their successors, for the time being, upon their humble petition under the great seal of England, or otherwise, as the attorney-general of us, our heirs, or successors, for the time being, shall think fit and expedient.

In testimony whereof, we have caused these
our letters to be made patent. Witness our-
selves, at Westminster, the eighth day of
February, in the fourth year of our reign.

By writ of the Privy Seal.

FIGOTT.

II
The Transfer to the Faculty
IN VIRGINIA

(February 27, 1729.)

TO all to whom these presents shall come, James Blair, of the city of Williamsburg, in the colony of Virginia, and Stephen Fouace, of Chelsea, in the county of Middlesex, clerks, send greeting: Whereas their late Majesties, King William and Queen Mary, of the blessed memory, being religiously inclined to promote the Studies of sacred Theology, Philosophy, Languages, and other good Arts and Sciences to the end the church of Virginia might be supplied with a seminary of ministers of the gospel, and the youth of that country be piously educated in good manners and learning, and the orthodox Christian faith might be propagated among the Western Indians, at the humble suit of the General Assembly of the colony aforesaid, by their letters patents bearing date at Westminster the eighth day of February, in the fourth year of their reign, were pleased of their special grace, certain knowledge, and mere motion to give license to certain trustees, to wit, Francis Nicholson, William Cole, Ralph Wormley, William Byrd, and John Lear, Esqrs.; James Blair, John Farnifold, Stephen Fouace, and Samuel Gray, clerks; Thos. Milner, Christopher Robinson, Charles Scarborough, John Smith, Benjamin Harrison, Miles Cary, Henry Hartwell, William Randolph, and Matthew Page, gentlemen; that they, or the major part of them, or the longest livers of them, might erect, found, and establish a certain general school, or perpetual college, of sacred Theology, Philosophy, Languages,

and other good Arts and Sciences, consisting of one President, six masters or professors, and one hundred scholars, more or less, graduates and non-graduates, according to the ordinances and statutes of the said college, by the said trustees, or the major part of them, in that behalf to be made and established, in a certain place upon the south side of York river, near Yorktown, in the county of York, in the colony aforesaid; or if that place, for the unwholesomeness of the air, or any other cause should not be agreeable, in any other place within the said colony which to the General Assembly of the said colony should seem most convenient. And did further grant, that the said trustees, or the major part of them receive, hold, and enjoy manors, lands, tenements, rents, services, rectories, portions, annuities, pensions, and advowsons of churches, with all other hereditaments, franchises and possessions whatsoever, as well spiritual as temporal, to the value of two thousand pounds by the year and all goods, chattels, money, and personal estate whatsoever, of the gift of any person whatsoever, willing to give the same to this use, or any gifts, grants, assignments, legacies, or appointments whatsoever of them, or any of them, or any other well disposed persons: But to the express intent, and under this special trust, that they the said trustees, or the major part of them, or the longest livers of them, should take and receive the premises, and dispose the same, or the rents, issues, and profits thereof, only for sustaining and defraying the expenses in erecting and fitting the buildings of and for the said intended college, and in ordaining the same with books and other convenient utensils, and other expenses to the said college pertaining, as to them or the major part of them, should seem expedient, until the said college should be actually erected, founded and established. And under this trust, and to the intent, that as soon as the said college, according to the royal design aforesaid, should be erected and founded, the said trustees, or the longest livers or the longest liver of them, and his or their heirs, executors, administrators or assigns, by good and sufficient writings and assurances in

law, should give, grant, and transfer to the President, and masters, or professors, and their successors, the same manors, lands, tenements, rents, services, rectories, portions, annuities, pensions, and advowsons of churches, with all other hereditaments, franchises, possessions, goods, chattels, and personal estate aforesaid, or so much thereof as should not be before expended and laid out in erecting the said college, or in the other uses aforesaid. And by the said charter did make, create and establish the said James Blair, first President of said college, during his natural life. And further, did grant that the said Francis Nicholson, Wm. Cole, Ralph Wormley, Wm. Byrd, John Lear, James Blair, John Farnifold, Stephen Fouace, and Samuel Gray, Thos. Milner, Christopher Robinson, Charles Scarborough, John Smith, Benjamin Harrison, Miles Cary, Henry Hartwell, William Randolph, and Matthew Page, and their successors, or the major part of them, should choose and nominate other able, fit, and capable persons into the places of the masters or professors of the said college; and that after the death, or resignation, or deprivation of the said President, or professors, or any of them, they might from time to time, choose and substitute into his or their places some fit person or persons, according to the ordinances and statutes of the same college, by the said Francis Nicholson, William Cole, Ralph Wormley, William Byrd, John Lear, James Blair, John Farnifold, Stephen Fouace, Samuel Gray, Thomas Milner, Christopher Robinson, Charles Scarborough, John Smith, Benj. Harrison, Miles Cary, Henry Hartwell, William Randolph, and Matthew Page, or their successors, or the major part of them, for the good and wholesome government of the same college, and of all persons enjoying any office or residing therein, to be made, ordained and established. And further, did grant that when the said college should be so erected, made, founded and established, the same should be for ever called and named the College of William and Mary, in Virginia; and that the said President, and masters, or professors, of the said college, should be one body corporate and politic, and

by the name of the President and masters, or professors, of the college of William and Mary, in Virginia, should have perpetual succession, and should for ever be called and named the President and masters, or professors of the college of William and Mary, in Virginia; and by the same name should be persons fit, capable, able and perpetual in law to purchase and receive lordships, manors, lands, tenements, reversions, rectories, portions, pensions, annuities, hereditaments, possessions, and services whatsoever, as well spiritual as temporal, and all goods and chattels whatsoever, as well of the gift of their said late majesties, theirs heirs and successors, as of the gift of the said trustees or any other persons whatsoever, to the value of two thousand pounds of lawful money of England, by the year, and no more, to have and to hold to them and their successors for ever: And did further grant to the said President and masters, or professors, and their successors, divers other liberties, privileges and immunities, in the said letters patents particularly set forth and expressed; and further, did declare, nominate, ordain, and constitute the said Francis Nicholson, William Cole, Ralph Wormley, William Byrd, John Lear, James Blair, John Farnifold, Stephen Fouace, and Samuel Gray, Thomas Milner, Christopher Robinson, Charles Scarborough, John Smith, Benjaimn Harrison, Miles Cary, Henry Hartwell, William Randolph, and Matthew Page, and their successors, to be for ever the true and undoubted visitors and governors of the said College; and did give them, or the major part of them, power, from time to time, to make statutes and ordinances for the good government of the said College: And did grant unto them perpetual succession, and that they and their successors should for ever be eighteen persons, or any other number not exceeding twenty; and that one discreet and fit person, out of their number, should be rector of the said College, to be elected and appointed as in the said letters patents is expressed; and did appoint the said James Blair first rector of the said College, to continue in that office for one year next after the founding of the said College. And for perpetuating the succession of the said visi-

tors and governors, did grant that as often as any of the said visitors and governors of the said College should die, or remove him or themselves, or their families, out of the said colony, and go into foreign parts with intent not to return, that then it should be lawful for the survivors, or the remaining, or the greater part of them, to choose, nominate, and appoint one other or more of the principal and better inhabitants of the said colony of Virginia, into the place or places of such visitor or governor, or visitors and governors, so dying or removing. And to the end the charges and expenses for erecting, building, founding, and adorning the College aforesaid for the present, and also of keeping and maintaining the President and masters, or professors, in time to come, might be sustained and supported, their said late majesties, of their further special grace, certain knowledge, and mere motion, by the said letters patents, for themselves, their heirs and successors, did give, grant, assign, and transfer unto the said trustees, their executors, and assigns, for ever, that full and entire sum of one thousand nine hundred and eighty-five pounds, fourteen shillings and ten pence, of good and lawful money of England, of the monies received and levied for the quit-rents in the said colony, remaining in the hands of William Byrd, Esq., their said majesties auditor, or of any other person in the said colony for their use, to be expended and applied in, about, and to the building, erecting, and adorning the College aforesaid, and to no other use, intents, or purposes whatsoever. And for as much as by one act of parliament, made in the twenty-fifth year of the reign of the late King Charles the second, of blessed memory, entitled an act for the encouragement of the Greenland and Eastland trades, and for the better securing the plantation trade, it was enacted, that after the first day of September, which should be in the year of our Lord one thousand six hundred and seventy-three, if any ship, which by the law of the land might trade in any of the plantations, should go to any of them to trade, or take on board any tobacco or other commodities therein enumerated, and should not first

give bond with one sufficient surety, to transport the same tobacco into England, Wales, or the town of Berwick upon Tweed, and to no other place, and there to unload and put the same on shore, the dangers of the sea only excepted; in such case there should be paid to the said king, his heirs and successors, for every pound of tobacco unloaded and put on board, one penny, to be levied, collected, and paid in such place, and to such collectors or other officers in the respective plantations, as should be appointed to collect, levy, and receive the same; and under such penalties, as well on the officers as goods, to be inflicted as for the non-payment or defraying the king's taxes or customs in England ought to be inflicted: And if it should happen that any person or persons who ought to pay the said duties should not have ready money wherewith to satisfy the same, that the officers appointed to collect the same might accept, instead of ready money, such proportion of tobacco, to be laden as aforesaid, as might amount to the value thereof, according to the current rate of that commodity in such plantation respectively: All which matters are to be ordered and managed, and the respective duties to be caused to be levied by the commissioners of the customs in England, for the time being, under the authority and direction of the lord treasurer of England, or the commissioners of the treasury for the time being, as by the same act of parliament, among other things therein contained, relation being thereunto had, more fully appears: Their said late majesties, for themselves, and their successors, did give and grant to the said Francis Nicholson, William Cole, and the rest of the trustees aforesaid and their heirs, for ever, the said revenue of one penny for every pound of tobacco to be shipped as aforesaid, out of Virginia or Maryland, or either of them, and the net produce which should accrue in England, or elsewhere, by the sale of tobacco to be collected in the colonies of Virginia or Maryland, in lieu of the penny aforesaid to be paid for every pound of tobacco to be shipped. But to the express intent, and under this special trust and confidence, that the said trustees, and

the longest livers of them, and their heirs, should hold, take, and possess the said revenue of one penny for every pound of tobacco aforesaid, with all profits, commodities, and emoluments of the same; and the same should apply, and employ, to the erecting and adorning of the buildings and other things necessary for the said College, until the said College should be actually erected, founded, and established; and to the express intent, and under this special trust and confidence, that as soon as the said College, according to the royal design aforesaid, should be erected and founded, the said trustees, and the longest livers or liver of them, and his or their heirs or assigns, by good and sufficient assurances in law, should give, grant, and transfer to the said President and masters, or professors, of the College aforesaid, the entire revenue aforesaid, with all profits, issues and emoluments of the same, or so much thereof as should not be expended and laid out in the uses aforesaid; to be held, possessed, and enjoyed by the said President and masters, or professors, and their successors, for ever. And further, did give and grant to the said Francis Nicholson, William Cole, and the rest of the trustees aforesaid, and the longest livers or liver of them, and to his or their heirs, the office of surveyor-general of the colony of Virginia aforesaid, if the said office should then be vacant: To be had, held, and exercised with all perquisites, fees, allowances, profits, commodities, advantages, liberties, places and pre-eminences to the said office belonging or appertaining, in as ample manner and form as any other person having, exercising, or enjoying the said office ever had, received, or enjoyed, or might have had, received or enjoyed the same, by the said trustees, and their heirs, or by such officers and deputies as they, or the major part of them, or the longest livers of them, and their heirs, should, from time to time, nominate and appoint, until the said College should be actually founded and erected. But under this express intent, and special trust and confidence, that the said Francis Nicholson, William Cole, and the rest of the trustees aforesaid, and the longest livers of them, and their heirs, as soon as

the said college should be actually erected and founded, should render unto the President and masters, or professors, of the said College, for the time being, whatsoever should remain of the monies arising from that office during their administration, which should not be before laid out in erecting the said College, and the other uses aforesaid. And of their further grace did give, grant, and confirm, for themselves, their heirs and successors, to the said Francis Nicholson, William Cole, and the rest of the trustees aforesaid, ten thousand acres of land, not before legally occupied and possessed by any other of their subjects, lying and being on the south side of Blackwater swamp: and also other ten thousand acres of land, not before legally occupied or possessed by any other of their subjects, lying and being in that isthmus commonly called Pamunkey neck, between the forks or branches of York river; which twenty thousand acres of land their said late majesties did direct to be bounded and measured in the places aforesaid, where-soever it should please the said trustees, or the major part of them, or of the longest livers of them: To be held to them the said Francis Nicholson, William Cole, and the rest of the trustees aforesaid, and their heirs, for ever. Nevertheless to this intent, and upon this special trust and confidence, that the said trustees, or the major part of them, or of the longest livers of them, when the said College should be founded and established, should give, grant, bargain, and alien the twenty thousand acres aforesaid to the President and masters, or professors of the College aforesaid; to be held to them, and their successors, for ever, by fealty, in free and common soccage, as by the said letters patents, among other things therein contained, relation being thereunto had, more fully and at large doth and may appear. And whereas divers well disposed charitable persons, for encouraging and furthering so good a work, did give unto the said trustees sundry sums of money, amounting to two thousand pounds sterling, and upwards: and the General Assembly of the colony aforesaid, by one act of Assembly made in the fourth year of the reign of the late Queen Anne, entitled, An act for laying an

imposition upon skins and furs, for the better support of the College of William and Mary, did lay certain duties upon raw hides and tanned hides, and upon all deer skins and furs that should be exported and carried out of the said colony, either by land or water, to be paid to her said majesty, her heirs and successors, for and towards the better support and maintenance of the said College, as in the said act is more fully expressed. And her said late majesty, Queen Anne, in the year of her reign, was graciously pleased to give unto the said trustees the sum of one thousand pounds sterling, out of the money arising from the quit-rents of the said colony. And whereas the said trustees since the granting the said letters patents, did purchase one certain parcel of land, containing three hundred and thirty acres, lying and being in the parish of Bruton, in the county of James City, near the City of Williamsburg, for the consideration of one hundred and seventy pounds, which was sold and conveyed to the said trustees by Thomas Ballard by his certain indenture bearing date the twentieth day of December, one thousand six hundred and ninety-three: and have expended divers considerable sums of money in maintaining and supporting a grammar school for the immediate education of the youth of the said colony, in the Latin and Greek tongues, until the said College should be actually founded as aforesaid, and the number of masters, or professors, in the said letters patents mentioned, made complete: And did also cause to be erected, on part of the said purchased lands, in the parish of Bruton aforesaid, by the appointment of the General Assembly of the said colony, a convenient building of brick for the said College, which some time in the month of October, in the year of our Lord, one thousand seven hundred and five, happened to be destroyed by fire; but by the care of the surviving trustees hath been since rebuilt there more conveniently than before, and is now fitted with a hall, and convenient apartments for the schools, and for the lodging of the President, masters, and scholars, and hath it in a convenient chamber set apart for a library, besides all other

offices necessary for the said College, and is adorned with a handsome garden; whereby several sums of money, so as aforesaid contributed, for the carrying on of this work, and the rents, issues and profits, and emoluments, of the said twenty thousand acres of land, and the other revenues aforesaid, have hitherto been in a great measure exhausted, and the founding of the said College delayed and hindered. And whereas the said surviving trustees, pursuant to the trust in them reposed, have established in the said College one school of sacred theology, and one other school of philosophy, besides the grammar school aforesaid, and have appointed certain masters or professors in each of the said schools; that is to say, two masters in the theology school, two other masters in the philosophy school, and one in the grammar school; and have chosen and appointed Bartholomew Yates, late of the parish of Christ Church, in the county of Middlesex, in the colony of Virginia, clerk, and Francis Fontain, late of the parish of York Hampton, in the county of York, in the colony aforesaid, clerk, masters or professors of theology; and Alexander Irvin, of the city of Williamsburg aforesaid, gentleman, and William Dawson, late of Queen College, in Oxford, clerk, masters or professors of philosophy; and Joshua Fry, of Williamsburg aforesaid, gentleman, master of the grammar school in the said College. And whereas the honorable Robert Boyle, Esq., deceased, being in his life-time possessed of a personal estate to the value of ten thousand pounds, and being minded to leave the greatest part thereof to be employed for charitable uses, about the eighteenth of July, in the year of our Lord one thousand six hundred and ninety-one, made his last will and testament in writing, and did thereby, and by one or more codicils, direct that the residue of his personal estate, after debts and legacies paid, should be disposed of by his executors for such charitable and pious uses as they in their discretion should think fit; but recommended unto them the laying out the greatest part thereof for advancement of the Christian religion; and made the right honorable Richard, earl of Bullington, Sir Henry Ashurst,

knight and baronet, and John Marr, gentlemen, executors of the said will, and soon after died: And the said executors proved his will, and possessed themselves of his personal estate, and had agreed to lay out five thousand four hundred pounds, being looked upon to be the greater half, in the purchase of lands, and to apply the yearly rent thereof towards the propagating the Christian religion amongst infidels; and had agreed with sir Samuel Gerrard for the purchase of the manor of Brafferton, in the county of York, for the sum of five thousand four hundred pounds, and upon payment thereof, the said sir Samuel Gerrard was to convey the said estate to them and their heirs; and for the settling the said charity had agreed on the methods following, that out of the said manor the said executors should grant a rent charge in perpetuity of ninety pounds per annum to the company, for propagating the gospel in New England, and the parts adjacent, in America, and their successors, to be paid at Guildhall in London, yearly at Michaelmas and Lady-day, by equal portions, clear of taxes; and that the said company should apply forty-five pounds per annum, one moiety thereof, for the salary of two ministers to instruct the natives, in or near his majesty's colonies in New England, in the christian religion; and the other forty-five pounds per annum, residue of the said rent charge, the said company, and their successors, were to transmit unto the President and fellows of Harvard College, in Cambridge, in New England, and their successors, to be by them employed and bestowed for the salary or two other ministers to teach the said natives, in or near the College there, the christian religion; and that the said manor, subject to the said ninety pounds per annum, should be conveyed to the mayor, commonalty, and citizens of London and their successors, upon trust, that the rents and profits thereof, over and above the said ninety pounds per annum, receiver's salary, and other incident charges deducted, should be laid out for the advancement of the christian religion in Virginia, in such a manner, and subject to such methods and rules as the said earl of Burlington, and the Bishop of Lon-

don, for the time being, should, under their hands and seals, appoint, so as such appointment were made on Lady-day, one thousand six hundred and ninety-seven, and confirmed by the decree of the high court of chancery. But there being delays in the said purchase, some time in Trinity term, in the year of our Lord, one thousand six hundred and ninety-five, sir Thomas Trevor, knight, attorney-general of his then majesty, and dame Elizabeth Gerrard, and Thomas Owen, executors of the last will and testament of the said sir Samuel Gerrard, late deceased, exhibited their bill in the high court of chancery against the right honorable Richard earl of Burlington, sir Henry Ashurst, knight and baronet, and John Marr, gentlemen, executors of the last will and testament of the honorable Robert Boyle, Esq. deceased: And the said dame Elizabeth Gerrard, and Thomas Owen, being desirous to go on with the said purchase, to that end prayed the said defendants might be decreed to pay the said five thousand four hundred purchase money, on conveyance of a good estate in fee simple. And in as much as it was the proper work of the said court to see charitable uses pursued, the said attorney-general prayed that the defendants might go on with the said purchase, and be decreed to settle the rents thereof on such pious uses as were agreed on, in case the same were according to the testator's mind, or otherwise, as the court should direct: To which bill the said defendants put in their answer, whereupon, and upon the debate of the matters, and hearing what was alleged on either side, the court thought fit, upon the first day of August, one thousand six hundred and ninety-five, to decree that it should be referred to one of the masters of the said court, to take an account of the personal estate of the said testator, Robert Boyle, which had come to the hands of the defendants, and to examine and certify whether the five thousand four hundred pounds, agreed to be laid out in the said purchase, were the major part of the said testator's personal estate, and whether the value of the said manor and lands were equiva-

lent to the purchase money agreed to be paid for the same: upon whose report it was, upon the eighth day of August, in the seventh year of the reign of the late king William the third, ordered and decreed, that the defendants should proceed on the said purchase, for the said sum of five thousand four hundred pounds; and that the rules and methods, touching the disposition of the said charity, before mentioned, should be and were thereby ratified and confirmed, with this further addition only, that the yearly account of the said ninety pounds per annum, after the death of the said earl of Burlington and sir Henry Ashurst, should be sent to the President of Trinity College, in Oxford, for the time being, as well as to the several heirs of the earl of Burlington and sir Henry Ashurst, of which College the said Robert Boyle was a member. And it was further decreed, that after the said purchase made, the said defendants should grant the said rent charge of ninety pounds per annum, to the said company, for propagating the gospel in New England, and parts adjacent, in America, and their successors, for the purposes aforesaid; and afterwards should convey the said manor and purchased premises, so charged as aforesaid, unto the mayor, commonalty, and citizens of London, and their successors, subject to the trusts and purposes in the aforesaid rules and agreements made concerning the same. In pursuance of which decree, the said earl of Burlington, and Henry, lord bishop of London, agreed on, and appointed certain rules and methods for the settlement of the said charity in Virginia, under their hands and seals, bearing date the twenty-first day of December, one thousand six hundred and ninety-seven, to the purport and effect herein after mentioned, that is to say: first, that all the yearly rents and profits of the said manor of Brafferton, as well those incurred due since the purchase thereof, as which should thereafter grow due, after the deduction thereout of ninety pounds a year to the College for propagating the gospel in New England, and other necessary or incident charges, should be by the present or future receivers of the rents thereof paid into the hands of Micajah Perry of London, merchant, agent

in London for the President and masters of the College of William and Mary, in Virginia, and to all future agent and agents in England, for the said College, for the time being, for the purposes thereafter mentioned, and such agent or agents receipts and acquittances, should be sufficient discharges to such receiver or receivers for what should be so paid. Secondly, all sum and sums of money already or that should thereafter be received out of the said manor, subject to the deductions aforesaid, should be thereafter remitted to the said President and masters for the time being. Thirdly, that the said President and masters, and his and their successors, should thereout expend so much as should be necessary towards fitting and furnishing lodgings and rooms for such Indian children as should be thereafter brought into the said College. Fourthly, the said President and masters, and his or their successors, should keep at the said College so many Indian children in sickness and health, in meat, drink, washing, lodging, clothes, medicines, books and education, from the first beginning of letters till they should be ready to receive orders, and be thought sufficient to be sent abroad to preach and convert the Indians, at the rate of fourteen pounds per annum for every such child, as the yearly income of the premises, subject to the deduction aforesaid should amount to. Fifthly, that the care, instruction, and education of such children as should be thereafter placed in the said College, should be left to the President and masters thereof, for the time being, but yet subject therein as they were for all their trusts to the visitation and inspection of the rector and governors of the said College, for the time being. Sixthly, that the said President and masters, and his and their successors, should once every year transmit to the earl of Burlington, and lord bishop of London, for the time being, a particular account of what sum and sums of money they should hereafter receive by virtue of the said decree, as also lay out or expend on all or any the matters aforesaid, and the occasion or occasions thereof, as also the number and names of the Indian children that should thereafter be brought into the said Col-

lege, together with their progress or proficiency in their studies, and of all other matters relating thereto. Seventhly, that the laying out of money from time to time thereafter to be remitted, as also the manner and method of educating and instructing such children, and all other matters, relating to this charity, or the execution of it, should be subject to such other rules and methods, as should from time to time thereafter, be transmitted to the said President and masters, and his and their successors, by the earl of Burlington, and lord bishop of London, for the time being, and in default thereof to such rules and methods as the rectors and governors of the said College, for the time being, should make or appoint: But until such other and further rules were made, the rules and directions thereby given were taken place. Eighthly, and lastly, that the name of the benefactor might not be forgotten, the said earl of Burlington and bishop of London did direct and appoint that the said charity should thereafter be called The Charity of the Honorable Robert Boyle, Esq., of the city of London, deceased. And afterwards at the humble petition of the defendants, preferred to the lord high chancellor of England, praying a day for his lordship's directions for the constitution of the said rules and methods for the settlement of the said charity in Virginia; the right honorable John, lord Somers, baron of Eversham, lord high chancellor of England, the ninth day of June, one thousand six hundred and ninety-eight, ordered, adjudged, and decreed that the said rules and methods, and all and every of the matters and things therein contained, should be ratified, confirmed and established, with the additions and alterations herein after mentioned, viz.: In the sixth rule, that the yearly account therein appointed to be transmitted to the earl of Burlington, and lord bishop of London, for the time being, should be, from time to time, by the said earl and bishop, transmitted into the said court to be filed by the register thereof. And whereas in the seventh rule it is mentioned that the laying out the money, the manner of educating the children, and all other matters relating to the said charity or the execution of

it, should be subject to such other rules and methods as should, from time to time thereafter, be transmitted to the said President and masters, and his and their successors, by the said earl of Burlington and bishop of London, for the time being, or in default thereof to such rules and methods as the rector and governors of the said college, for the time being, should make or appoint: it was ordered, that such other rules and methods, touching the charity, at any time so made or appointed, should be first confirmed and approved of by the said honorable court. And it was further ordered, that Micajah Perry, of London, merchant, should be allowed the receiver of the rents and profits of the said trust estate, for the purpose in the said rules and methods mentioned, who was, from time to time, to appoint a receiver under him of the said rents until further order; and also, from time to time, to take and allow such receiver's accounts yearly, and to take the account of the then receiver of the said rents, and of the arrears in his hands, since the time of the said purchase, as by the proceedings and decree of the high court of chancery, in the same court remaining, as of record, relation being thereunto had, more fully, and at large, doth, and may appear. And whereas by reason of the delays in founding the said College, and in completing the full number of masters by the said letters patents required, the clear rents of the said manor of Brafferton have hitherto been paid to the surviving trustees aforesaid, who have from time to time, applied the same to the education and maintaining such a number of Indian children as could be procured; and out of the said charity have caused to be erected one convenient building of brick for an Indian school, and for the lodgings of such Indian children as shall hereafter be brought into the said College; and for the educating of them from the first beginning of letters till they should be ready to receive orders, and be thought sufficient to be sent abroad to preach and convert the Indians, have appointed a master who is called the Indian master, and shall hereafter be deemed the sixth master or professor of the said College, and into the place of that master

have chosen, nominated and appointed Richard Cocke, gentleman. And whereas by one act of Assembly, made in the fourth year of the reign of his late majesty king George the first, of blessed memory, entitled, An act for granting one thousand pounds out of the public fund for the maintaining and educating of scholars at the College of William and Mary, in Virginia, it is enacted, that the said sum of one thousand pounds current money of Virginia, should be paid to the governors and visitors of the said College, to be by them laid out to the best advantage for maintaining and educating such and so many ingenious scholars as to them and their successors should seem fit and expedient, having regard in their elections principally to the learning, virtue and straitened circumstances of such children, and that all natives of the said colony, and no other, should be freely admitted to the said scholarships: Pursuant to which act, the sum of one hundred and fifty pounds, current money of Virginia, hath been laid out in the purchase of one certain tract or parcel of land, containing two thousand one hundred and nineteen acres, lying and being on both sides of Nottoway river, in the counties of Prince George, Surry and Brunswick; and one other sum of four hundred and seventy-six pounds four shillings, of the like money hath been laid out in the purchase of seventeen negro slaves, to be employed in tilling and manuring the said lands; and the sum of three hundred and seventy-three pounds sixteen shillings, residue of the said sum of one thousand pounds, for the present, is placed out at interest, the profits of which land and negroes, and the interest of the said money, being judged not sufficient to maintain more than three scholars, after the rate of twelve pounds per annum for each scholar, three scholarships are accordingly settled and appointed pursuant to the said act of Assembly. And whereas, Edward Hill, late of the county of Charles City, Esq., deceased, by his last will and testament, bearing date the day of in the year did give and bequeath unto the said College the sum of one hundred and fifty pounds, to be paid at certain times, in the

said will mentioned; which said sum the said trustees have agreed to apply towards the better furnishing the library of the said College with books. And for continuing the succession of the visitors and governors of the said College, the said trustees, as often as any of their number departed this life, or removed him or themselves, and his or their families out of the said colony, with design not to return, have, from time to time, chosen, nominated, and appointed some other person or persons of the principal inhabitants of the said colony into his or their places; and the said Stephen Fouace many years ago, having removed himself and his family into foreign parts, the present governors and visitors of the said College do consist of the following persons, that is to say, the said James Blair, rector, the honorable William Gooch, Esq., his majesty's lieutenant-governor, and commander in chief of the said colony, Alexander Spotswood, Esq., late lieutenant-governor of the said colony, Robert Carter of the county of Lancaster, William Byrd, of the county of Charles City, Mann Page, of the county of Gloucester, Cole Diggs, of the county of York, Peter Beverley, of the county of Gloucester, John Robinson, of Spotsylvania county, John Carter, of the county of Charles City, John Grymes, of Middlesex county, and William Randolph, of the county of Henrico, Esqrs., members of his majesty's council in the said colony; Emanuel Jones, of the parish of Petsworth, in the county of Gloucester, Bartholomew Yates, of the parish of Christ-Church, in the county of Middlesex, and John Skaife, of the parish of Stratton-Major, in the county of King and Queen, clerks; John Clayton, John Randolph, and William Robertson, of Williamsburg, Esqrs.; and William Cole, of the county of Warwick, Esq. And whereas, we, the said James Blair and Stephen Fouace, being the longest livers of the said trustees, have made and established certain ordinances and statutes for the better ordering and governing the said College and all persons enjoying any office or residing therein, which are set forth in a certain schedule annexed to these present. And for as much as the determining the trust aforesaid, and completing the said College, which

has been long delayed by the said fire, and the low state of the revenues aforesaid, is adjudged absolutely necessary for promoting the welfare thereof, and the advancement of learning therein; and the General Assembly of the colony aforesaid, hath lately contributed two hundred pounds per annum for one and twenty years for better carrying on the said work, Now know ye, that we the said James Blair and Stephen Fouace, being the only surviving trustees before named, in execution and performance of the trust in us reposed in pursuance of the said recited charter, and for and in consideration of the sum of ten shillings to us in hand paid by the President and masters, or profesors of the College of William and Mary, in Virginia, the receipt whereof we do hereby acknowledge, have granted, bargained, sold, aliened, released and transferred, and by these presents, do grant, bargain, sell, alien, release and transfer unto the said President and masters, or professors of the College of William and Mary, in Virginia, all that messuage commonly called the College, situate, lying and being in the parish of Bruton, in the county of James City, aforesaid, near the city of Williamsburg, and all houses, edifices and buildings, courts, gardens, and orchards hereunto belonging or appertaining: And all that tract or parcel of land situate, lying and being, in the parish of Bruton, in the County of James City, aforesaid, containing by estimation three hundred and thirty acres, purchased of Thomas Ballard as aforesaid: Also all that tract or parcel of land situate, lying and being upon the south side of Blackwater swamp, in the county of Surry aforesaid, containing by estimation ten thousand acres: Also all that other tract or parcel of land situate, lying and being in Pamunkey neck aforesaid, containing by estimation ten thousand acres: and also all that other tract or parcel of land situate, lying and being on both sides of Nottoway river, in the counties of Prince George, Surry and Brunswick as aforesaid, containing by estimation two thousand one hundred and nineteen acres. And all houses, edifices, buildings, gardens, orchards, pastures, woods, ways, waters, profits and advantages whatsoever held,

used, occupied, or enjoyed with the said lands, or to the same respectively belonging or appertaining, and the reversion and reversions, remainder and remainders of all and singular the premises, and of every part and parcel thereof, and the rents and profits thereunto incident, and belonging; and also all the estate, right, title, interest, trust, claim and demand whatsoever of us the said James Blair and Stephen Fouace in and to the same premises, and every part and parcel thereof; and also the reversion and reversions, remainder and remainders of any other lands and tenements now vested in the said trustees by the gift of any person or persons whatsoever: To have and to hold all and singular the said messuage, lands, tenements, and hereditaments, with the appurtenances, unto the said President and masters, or professors, of the College of William and Mary, in Virginia, and their successors for ever. And we the said James Blair and Stephen Fouace, further, for the consideration aforesaid, have granted assigned, and transferred, and by these presents do grant, assign, and transfer unto the said President and masters, or professors, of the said College of William and Mary, in Virginia, all the negro slaves by the said trustees, from time purchased, now living upon the said lands or any part or parcel thereof, and their increase: Also all that entire revenue of one penny per pound upon all tobacco exported out of Virginia or Maryland to any other of the British plantations in America, with all tobacco profits, issues and emoluments to be had or taken instead thereof, or arising by or from the same: Also the office of surveyor-general of the colony of Virginia aforesaid: Also the said legacy or sum of one hundred and fifty pounds given by the said Edward Hill aforesaid: And also the said sum of three hundred and seventy-three pounds sixteen shillings, residue of the said sum of one thousand pounds given by the said General Assembly as aforesaid, and the interest thereof: And all other debts now due or owing to the said trustees by virtue of the trust aforesaid. And also all the books, household goods, utensils and furniture to the said College belonging. To have and to hold the said negro slaves,

the revenue of one penny per pound upon tobacco exported out of Virginia and Maryland as aforesaid, and the office of surveyor-general aforesaid, and all and singular other the premises last mentioned, with all profits, issues, emoluments, perquisites, fees, advantages, liberties, places and pre-eminences to the same respectively belonging or appertaining to the said President and masters, or professors of the College of William and Mary, in Virginia.

In witness whereof, we have hereunto set our hands and affixed our seals, this twenty-seventh day of February, in the second year of the reign of our sovereign lord king George the second.

JAMES BLAIR (L. S.)

STEPHEN FOUACE, (L. S.)

Sealed and delivered by the within
named James Blair, in the presence of

William Gooch,
Mann Page,
John Grymes,
John Clayton,
John Randolph.

Sealed and delivered by the within
named Stephen Fouace, in the presence of

A. Spotswood,
Joshua Monger,
Arthur Grymes,
(his mark)
Sam'l Blackshaw, at Mr. Cuel's, Stationer,
Chancery lane, London.
John Randolph.

III

Normal Courses Established

An ACT to establish a normal school at William and Mary College in connection with its collegiate course.

Approved March 5, 1888.

Whereas it is represented that the college of William and Mary is desirous of establishing, in connection with the collegiate course, a system of normal instruction and training, so as to prepare white male teachers for the public free schools of the commonwealth, and is unable to do so because of the inadequacy of its resources; therefore, to aid the said college in the purposes aforesaid, but subject to such conditions and restrictions as are hereinafter mentioned,

1. Be it enacted by the general assembly of Virginia, That there shall be appropriated annually out of the treasury, from any money not otherwise appropriated, the sum of ten thousand dollars to the college of William and Mary, payable to the order of the board of visitors hereinafter mentioned: provided that the following conditions be complied with by the said college.

2. The said college shall establish, in connection with the collegiate course, a system of normal instruction and training, for the purpose of educating and training white male teachers for the public free schools of the state.

3. That the board of visitors shall hereafter consist of the existing ten members, who shall from time to time fill all vacancies occurring in their number, not to exceed ten, in the mode

now provided by the charter; and of ten additional and associate visitors, who shall be appointed by the governor, and who shall fill any vacancy occurring among the said associate visitors; and the said board so constituted shall control and expend the funds of the college and the appropriation herein provided, and shall make all needful rules and regulations concerning the said college, appoint all professors, teachers, and agents, and fix their salaries, and generally direct the affairs of the college.

4. The board of visitors shall prescribe rules for the examination and selection of the pupils applying for normal instruction, and shall require each pupil selected, to give satisfactory assurance of his intention and willingness to teach in the public schools of the state, for at least two years after leaving said institution, and each of said pupils shall have free of charge for tuition, the privilege of the college course.

5. Each county and city in the state shall be entitled to one pupil, who shall be nominated by the county superintendent of schools, and, if any vacancy occurs, it shall be filled by the board of visitors from the state at large, and one additional pupil for each additional representative to the house of delegates above one, and said pupils shall receive gratuitous instruction, and the charge for board, washing, lights, and fuel, shall not exceed ten dollars per month.

6. It is further enacted, That the provisions of this act shall cease when the annuity granted herein shall be withheld by the general assembly, and the terms of office of the associate visitors appointed by the governor shall thereupon cease and determine.

7. The superintendent of public instruction shall be ex-officio member of said board.

8. This act shall be in force from its passage.

IV

The Transfer to the State

An ACT to amend and re-enact an act entitled an act to establish a normal school at William and Mary college in connection with its collegiate course, approved March 5, 1888, and to transfer the ownership of the real estate and personal property of the said college to the State.

Approved March 7, 1906.

Be it enacted by the general assembly of Virginia, That an act entitled "an act to establish a normal school at William and Mary College, in connection with its collegiate course," approved March fifth, one thousand eight hundred and eighty-eight, be amended and re-enacted to read as follows:

Whereas it is represented that William and Mary College is desirous of establishing and maintaining in connection with its collegiate course a system of normal instruction and training, so as to prepare white male teachers for the public free schools of the Commonwealth, and is unable to do so because of the inadequacy of its resources, and is desirous of transferring to the ownership and control of the State, for educational purposes, all its real estate and personal property; therefore to aid the college in the purposes aforesaid, but subject to such conditions and restrictions as are herewith mentioned,

1. Be it enacted by the general assembly of Virginia, as follows:

That the said college shall establish in connection with the collegiate course, which shall be maintained, a system of normal instruction and training for the purpose of educating and training white male teachers for the public free schools of the State.

2. That the board of visitors shall consist of ten members, to be appointed by the governor from the State at large, and by and with the consent and advice of the senate, to hold office for a term of four years; provided, that at the first appointment five of the members shall be appointed for the term of two years, and five for the term of four years; and the said board shall control and expend the funds of the college and any appropriation hereafter provided, and shall make all needful rules and regulations concerning the said college, appoint the president and all professors, teachers and agents, and fix their salaries, and generally direct the affairs of the college.

3. The superintendent of public instruction shall also be a member of the board of visitors ex-officio; and any vacancy in said board that shall be caused by death, resignation or otherwise, shall be filled by the governor, by and with the consent of the senate.

4. The said board shall be, and is hereby, constituted a corporation under the style of "the College of William and Mary in Virginia," and shall be vested with all rights and powers conferred by the provisions of this act and by the ancient royal charter of the college, in so far as the same are not inconsistent with the provisions of this act and the general laws of the State, and shall also have a right to confer degrees; and it is hereby enacted that all the real estate and personal property of the college, now existing and standing in the name of the corporate body designated "the president and masters or professors of the College of William and Mary in Virginia," shall be transferred to and known and taken as standing in the name and to be under the control of the board of visitors constituted under this act, the corporate body designated "the College of William

and Mary in Virginia," and be and become the property of the State of Virginia.

5. The board of visitors shall prescribe rules for the examination and admission of pupils applying for normal instruction, and shall require each pupil to give satisfactory assurance of his intention and willingness to teach in the public schools of the State for at least two years after leaving said institution, and each of said pupils shall have, free of charge for tuition, the privileges of the collegiate course.

6. Each county and city in the State shall be entitled to one pupil, who shall be nominated by the division superintendent of schools, and if any vacancy occurs it shall be filled from the State at large by the board of visitors, and each county and city in the State shall also be entitled to one additional pupil for each additional representative in the house of delegates above one, to be appointed in a similar manner. The said pupil so appointed shall be exempt from tuition fees, and the charge for their board, washing, lights, and fuel, shall not exceed the sum of twelve dollars per month.

7. This act shall not become effective until and unless the board of visitors of the college and the president and masters or professors of the College of William and Mary in Virginia shall, within thirty days after the approval of the same by the governor, pass a resolution accepting its provision and file in the office of the secretary of the Commonwealth a copy of said resolutions, certified by their respective secretaries; and said last named corporation is hereby authorized and empowered to convey by proper deed to said "College of William and Mary in Virginia," all real estate or interest therein owned by it, and to transfer its personal property.

8. All acts or part of acts inconsistent with this act are hereby repealed.

