1837-4-1

SEC. 1. That a seminary of learning shall be, and the same is hereby established in the town or vicinity of Greencastle, in Putnam county and State of Indiana, to be known by the name and style of "The Indiana Asbury University," which shall be founded and maintained forever, upon a plan the most suitable for the benefit of the youth of every class of citizens, and of every religious denomination, who shall be freely admitted to equal advantages and privileges of education, and to all the literary honors of said university, according to their merit, under the direction of twenty-five trustees, to wit: Robert R. Roberts, John Cowgill, A. C. Stevenson, William H. Thornburgh, William Talbott, Rees Hardesty, Joseph Crow, John W. Osborn, Thomas Robison, Hiram E. Talbott, James Montgomery, Daniel Sigler, Isaac Matkins, Tarwin W. Cowgill, William Lee, William K. Cooper, Calvin Fletcher, Gamaliel Taylor, Martin M. Ray, Isaac C. Elston, S. E. Leonard, W. W. Hitt, Joseph A. Wright, Tilman A. Howard, and Jacob Hayes, who, with their successors, shall be Trustees of said institution, and shall hold their first meeting at the place of its location, on the first Wednesday of March, 1837.

1837-4-2

SEC. 2. That the said trustees and their successors, by the name of "The Trustees of the Indiana Asbury University," shall be a body politic and corporate; and as such forever to exist; and are hereby made able and capable in law, to have, possess, purchase, receive, enjoy, and retain, hold or dispose of, for the use of said university, lands, tenements and annuities, and other hereditaments in fee simple, or for a term of years, life, lives, or otherwise; and also money, bonds, bills, notes, goods, chattels, interest or effects, of whatever nature, quality or kind soever; by the gift, bargain, sale or devise of any person or persons, body politic or corporate, capable of making the same; and the same to grant, demise, sell, alien and confirm, in such manner as they shall judge most conducive to the interests of said university. This corporation shall not hold a greater amount of real estate, (exclusive of college edifices,) than the value of fifty thousand dollars.

1837-4-3

SEC. 3. That the said trustees and their successors, by the name and style of "The Trustees of the Indiana Asbury University," as aforesaid, shall be capable in law to sue and be sued, plead and be impleaded, in any court or courts of record, before any judge, judges or justices within this State, and elsewhere, in all manner of suits, complaints, pleas, causes, matters and demands, of whatsoever kind, nature or form they may be; and all and every other matter, nature and thing therein to do, in as full and effectual a manner, as any person or persons, bodies politic or corporate, of like nature, within this State, may or can do.

1837-4-4

SEC. 4. That the Indiana Annual Conference, or such other conference or conferences as may be formed out of the same, by the consent of the Indiana Conference, shall fill all vacancies in the board

of trustees as may occur by death, resignation or otherwise, at the first meeting of such conference or conferences, after any vacancy may happen; thus keeping up the full number of twenty five trustees forever. And the said first named conference, or such other conference as may be associated with it by its assent, shall, annually appoint any number of visitors not exceeding nine, who, or so many as shall convene with the board of trustees, shall constitute a joint board, in the permanent appointments of all officers of the said University. And whenever any trustee shall be absent from three stated semi-annual meetings, without good cause assigned at the fourth; or whenever a majority of all the trustees shall declare any one of their body incompetent, for want of moral character; the board of trustees shall declare their seats vacant, and shall thereafter make a temporary appointment to fill the vacancy, until the meeting of the next annual conference, which shall then fill the same as aforesaid. And the visitors, or so many of them as shall act, shall report to the conference next succeeding their appointment, the condition of the university, and whether it is conducted in conformity with its charter. And at the time of the admission of any conference to the participation in the appointments aforesaid, the Indiana Conference, and such other conference as it may assent to associate with, shall divide the appointing power of visitors and trustees in such manner as they may mutually agree upon.

1837-4-5

SEC. 5. That the said trustees of the Indiana Asbury University, before entering upon the trust reposed in them, shall severally take the following oath of office, to be administered to them by any justice of the peace in the State of Indiana, that is to say: I, [A.B.] do solemnly swear, (or affirm) that I will to the best of my skill and judgment, faithfully and truly discharge the duties of a trustee of the Indiana University, pursuant to the laws and constitution of the State of Indiana, the constitution of the United States, and the charter granted by the State of Indiana, establishing said university, without favor, affection or partiality, so help me God. And the said trustees shall have power to appoint, annually, from their own body, a president of the board, a treasurer and a secretary; and the treasurer, so appointed shall give bond, with such security and in such penalty as the trustees shall think proper, payable to the State of Indiana, for the use of said university; which bond, shall be the treasurer and his securities be acknowledged, before the clerk of the circuit court of Putnam county, and by him certified and recorded in his office; a copy of which shall be evidence in any suit against such treasurer and his securities, for a breach thereof; and it shall be conditioned for the true and faithful discharge of his duty as treasurer of said university, and for the safe keeping of all moneys, bonds, notes, deeds, mortgages, trusts or other property belonging to the institution, or which shall be put into, or from time to time come to his hands; which bond may be renewed whenever the said trustees shall require it. And it shall be the duty of said treasurer, to receive and safely keep, all moneys, bonds, notes, obligations or conveyances of real, personal or mixed property, belonging to said university, and shall not pay out any of said moneys,

except upon the order of the president, counter-signed by the secretary; and for any breach of said bond, the treasurer and securities may be proceeded against as upon other official bonds, in the proper courts in the State of Indiana. The said treasurer shall, moreover, once in every year, and as much oftener as the trustees may require, render to them an account of all moneys in his hands, and all moneys by him paid out; stating from whom or what source received, and to whom paid. And in case the treasurer shall fail or refuse to perform any of the duties required of him by this act, the trustees of said university shall have power to declare his office vacant, and proceed to the election of a treasurer to fill the vacancy. And it shall be the duty of every treasurer, on leaving the office, by removal, resignation, of otherwise, upon the order of the board, signed and countersigned as aforesaid, to pay and deliver over, all moneys and other property in his hands, belonging to said university, into the hands of his successor in office. And it shall be the duty of the secretary, to keep a fair record of all the proceedings of the board of trustees; and at the close of every session lay them before the president for his signature, and to do and perform all other acts, which by this charter may [be] required of him. And it shall be the duty of the president of the board, to preside in all their meetings, when present, and to perform all the duties which are usually performed by the presiding officers in all similar bodies; and in case of his absence at the time of any meeting of the board, it shall be the duty of the trustees to appoint a president pro tem.

1837-4-6

SEC. 6. That the said trustees, and their successors shall have authority to make and use a common seal, with such devices and inscriptions as they shall think proper, and the same to change, alter and renew, at pleasure; and shall also, at any regular meeting of the board, when one or more of the visitors shall be present, from time to time, forever hereafter, have full power and authority, to constitute and appoint permanently, in such manner as they shall deem expedient, a president of the university or college of faculties, together with such professors, and other instructors as may at any time be necessary to form an efficient faculty, for the proper instruction of students in the arts and sciences, in the learned professions, and in all the branches of liberal and professional instruction, as taught in the best universities in our country. And the said president and professors, with such other instructors as may, by the trustees be included, shall be known and distinguished by the name of "The Faculty of the Indiana Asbury University". And in that name, shall be capable of exercising such powers and authorities, rights and privileges in the institution, as shall be delegated to them according to the by-laws enacted by the trustees; and the said board of trustees, may at any meeting make a temporary appointment of any of the foregoing faculty, in the absence of such visitor or visitors, until a regular meeting, at which one or more of such visitors may be present. And a majority of the said twenty-five trustees, together with a majority of the said nine visitors, may, at any time, in joint meeting, by resolution to that effect, declare the appointment or office of any of the faculty or instructors vacant, and proceed to fill

such vacancy, at such joint meeting, or any future meeting they may designate.

1837-4-7

SEC. 7. That the said trustees and their successors in office, shall meet at least twice in every year in stated semi-annual meetings, to be appointed by their own ordinances, and at such other times as by their said ordinances they shall direct, for the purpose of transacting such business for the prosperity and welfare of the institution as may come before them, in all which meetings nine trustees being present shall constitute a quorum for transacting business. But a majority of said twenty-five trustees shall be required, to make, pass and establish ordinances, rules and by laws, not contrary to the constitution and laws of this State, for the government of said University, and the proper education its students, and by them to delegate to the president, professors and other teachers, such powers and authorities as they may judge expedient for the government of the institution. And the said majority of trustees shall also have power, at any legal meeting, to alter or annual any rules or regulations by them established; and to do all matters and things which they may deem expedient for the faithful fulfilment of their trust.

1837-4-8

SEC. 8. That the said trustees and their successors, shall have authority, whenever in their opinion the funds of the institution will justify the measure, to admit, gratuitously, in whole, or in part, as the respective cases may require, such person or persons as they may think proper to enjoy the benefits of tuition in said University. And said trustees are hereby authorised to receive subscriptions, donations and bequests, either in money, personal, real, or mixed property, for the purpose of enabling them to meet the expenditures requisite in establishing and continuing said institution.

1837-4-9

SEC. 9. That for the purpose of stimulating and encouraging the students in their progress, and promoting the general interests of the institution, the said trustees and faculties shall have full power and authority, once in every year, or oftener, as they by an ordinance shall direct, to hold a public commencement, with exercises suited to the occasion, and to graduate with literacy honors, such students as shall, from time to time, be found to have merited the same, by their character and acquirements. And said trustees and faculty shall have power and authority, in furtherance of the aforesaid objects, to confer upon the deserving any and all degrees in the arts, and in the learned professions, whether honorary or otherwise, in as full and ample a manner, as in any similar institution; and may issue, when they deem it expedient, testimonies or diplomas, bearing the seal of said University, as certificates of the same, signed by the president of the University. It shall also be the duty of the faculty, prior to each commencement, to hold a public examination, in presence of such trustees as may be able to attend, and of other citizens, at which time,

all the students of said University shall be examined in the several branches of learning which they have respectively studied; that the fidelity of the teachers, and the diligence of their pupils may appear.

1837-4-10

SEC. 10. This act is hereby declared to be a public act, and shall be construed liberally, for every beneficial purpose, hereby intended; and no omission to use any of the privileges hereby granted shall cause a forfeiture of the same, nor shall any gift, grant, conveyance or devise, to or for the benefit of the corporation, be defeated or prejudiced by any misnomer, misdescription or informality whatever: Provided, That the intention of the parties can be shown or ascertained beyond reasonable doubt.