

## The Origins of Alumni Trusteeships at Dartmouth

Compiled by Scott Meacham (2010)<sup>1</sup>

### I. Prehistory, 1819-1821.

Soon after the decision, in 1819, some of the trustees, who so stoutly resisted all similar attempts on the part of the State, proposed to make material changes in this “inviolable” contract, by creating a Board of Overseers, etc.; and these attempts have continued till the present day. It is unnecessary to inquire now what would have become of the corporation in the possible, but improbable, event of the death of a quorum of the trustees, or their neglect or refusal to choose successors. Under the charter, the alumni<sup>2</sup> have no rights, but for years they have been knocking at the door of the corporation, and asking recognition and representation in the Board of Trustees. As they had given, or were expected to contribute, liberally to the aid of their *alma mater*, the demand was in itself reasonable. The trustees were inclined to grant it, if it could be done. There was the “rub.” The “successors” of those who denied all legislative power in the premises in 1816-17, gravely considered the proposition to ask the Legislature to amend the charter so that the alumni could elect a portion of the trustees; but they had not forgotten that a step somewhat akin to this, proposed by Olcott and others, who had denied the power in 1816-19, was under consideration in 1821, nor that Daniel Webster (see his letter to his brother Ezekiel, of June 17, 1821), probably having in mind the argument of Parsons on that point, to which we shall hereafter advert, advised against the scheme as one “not without danger,” and said: “It would be injurious, I think, to propose to take this important alteration in the charter, before the ground was well explored.”<sup>3</sup>

In his letter to Webster, of June 13, 1821, Mills Olcott says:

“Some of the friends of old D. College who are here have thought that her real interest might be subserved by some legislative arrangements at this time, whereby not only State patronage, but State funds, should be obtained. They have thought of a board of overseers, say of 20,— to include the president of the Senate, the speaker of the House, the others to be appointed by the Governor & Council,— to have a veto upon the appointment, &c., of the trustees, & afterwards fill up their own vacancies themselves, & to be somewhat on the footing of Cambridge. A tax is expected to be raised for the State treasury this session from banks, & from this fund have say \$5,000 annually for ten years appropriated for D.C. There is no real college man in the

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<sup>1</sup> Compiler’s note: Other than the headings, which are new, the text is excerpted without omission from the three chief sources as cited. One paragraph only of Richardson’s history is excerpted. Each excerpt comprises a full paragraph unless indicated otherwise by ellipses. Formatting added includes blocking of extended quotations, with quotation marks retained. Original footnotes have been renumbered consecutively, and note 111 has been added. Spelling has been left as in the original but spacing and punctuation have been modernized.

<sup>2</sup> John Major Shirley, *The Dartmouth College Causes and the Supreme Court of the United States* (Chicago: G.I. Jones, 1895), 10.

<sup>3</sup> Shirley, 11.

Legis., except Bro. Ez. & my hum-<sup>4</sup>ble self, & we cannot have the benefit of consulting with trustees.<sup>5</sup>

“I therefore take the liberty to ask your advice as to the policy of attempting this or any thing of the kind, more especially of the best way to bring Mason’s giant abilities & influence into hearty & strenuous exercise. He can do here (as he can almost everywhere) what he chooses to set himself about in earnest. He has been consulted, & I believe is sincerely well disposed; but unless he is the prime mover, so that it acquires its momentum from him in the first instance, I should hardly expect success in effecting any thing. Some influential republicans profess to be pleas’d with a reconciliation, though it has only been whispered to a few.<sup>6</sup>

“Will you take the trouble to give me your views of what is advisable on this subject as early as may be. You may rely on its being most strictly confidential, if you wish it.”<sup>7</sup>

This letter was written from Concord, while the Legislature was in session, Olcott being a member of the House from Hanover, and Ezekiel Webster, who was as gifted in his way as his famous brother, representing Boscawen, as he did for many years.<sup>8</sup>

Webster, in his reply, writing from Boston, under date of June 17, 1821, says:

“I wish I had more hope of good than I have to the College from the Legislature. Of course you know best the feeling on such subjects at present existing, but for myself I do not believe the College could get a dollar from the Ge’nl. Court. They would be very likely to accept the proposition *to appoint overseers*, but as to the money part of the bargain I do not think they would give a cent. Besides, I do not think the present a favorable moment to create a board of overseers by executive appointment, with power afterwards of filling their own vacancies. It is easy to see what sort of men would be first appointed,<sup>9</sup> & what sort of men they would perpetuate. All would be *political* & nothing literary. My own impression is, that if the College must *die*, it is better that it should die a natural death. A board of overseers, such as would probably be appointed, would *negative every important nomination of the trustees*. Of this I have no sort of doubt. There are reasons not applicable to D. College, & to such a board as you would create, which alone prevented elsewhere the utmost embarrassment.<sup>10</sup>

“I have given my *opinion*, as you request, & beg you to treat it as entirely confidential. I have no room to state reasons at large. At any rate, I should not

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<sup>4</sup> Shirley, 11.

<sup>5</sup> Shirley, 12.

<sup>6</sup> Shirley, 12.

<sup>7</sup> Shirley, 12.

<sup>8</sup> Shirley, 12.

<sup>9</sup> Shirley, 12.

<sup>10</sup> Shirley, 13.

think it expedient to move in the matter without much circumspection, & a previously arranged plan, which should have recd. the approbation of the trustees. Is there any *reliance* to be placed in the quarter from which the first appointments would proceed? My own judgment & opinion do not answer that question favorably.<sup>11</sup>

“I had hoped to be in Concord before you leave it, & still intend so to be, but our Sup. Court is still in session & may last too long for my purpose. Mr. Blake, with Mrs. B. & George, are gone to Newport on a little excursion, partly to attend the Circuit Court and partly for pleasure.”<sup>12</sup>

In this letter, probably Mr. Webster did not intend to reflect upon his personal friend and client, the governor, but upon other influences that might control the appointing power through the Council.<sup>13</sup>

This project was recently abandoned as “too hazardous.” ...<sup>14</sup>

## II. Founding of the General Association of Alumni, 1852.

Notwithstanding the proverbial love of Dartmouth men for their college, “Out of sight, out of mind” is no less true of them than of others; and it was found that as the romance of college life faded before the sterner realities confronting the young alumnus, something stronger than sentiment was required to maintain his active interest when at a distance. The general opinion was, that the alumni should have some participation and responsibility in college politics. This feeling first manifested itself in a form to be recorded in 1852, when it took the shape of a motion, at an informal meeting of the alumni held at Commencement of that year, to elect a committee to consider the project of inviting an alumnus to deliver an oration every third Commencement before the assembled graduates of the college, and to frame a constitution for a permanent organization.<sup>15</sup>

This committee consisted of Judge Joel Parker, Prof. Alpheus Crosby, Rev. Samuel Delano, and Prof. Edwin D. Sanborn. It submitted a draft for a constitution at the next annual meeting, which was temporarily organized with Hon. George Grennell as president, and Rev. S.C. Bartlett, of Manchester, as secretary. After the adoption of the constitution, the Dartmouth Alumni Association elected its first board of officers, in 1854, as follows: President, Judge Joel Parker; secretary, Prof. E.D. Sanborn; treasurer, Prof. J.S. Woodman; and seven curators. One article of the constitution read thus: “The object of this association shall be to unite in such meetings such exercises and other measures as shall be appropriate to the alumni of a literary institution, and as shall tend

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<sup>11</sup> Shirley, 13.

<sup>12</sup> Shirley, 13.

<sup>13</sup> Shirley, 13.

<sup>14</sup> Shirley, 13.

<sup>15</sup> [Author unknown], “The Alumni Representation Movement,” in Dartmouth College Class of 1893, *Aegis 1893* (Hanover, N.H., 1892), 129.

to strengthen the bonds which bind them to each other and to their common Alma Mater.”<sup>16</sup>

As has been said, President Smith at his coming to the College was cordially received by the alumni and they showed themselves ready to second his endeavors for an increase of the resources of the College. One of the plans then set on foot was the erection of a memorial hall in honor of the sons of Dartmouth who had given or risked their lives in the war for the Union. At a large gathering of the alumni at the Commencement of 1865 Senator Patterson introduced a patriotic resolution, calling for a memorial and the appointment of a committee to consider the form it should take. A committee appointed on the passage of the resolutions reported in favor of an attempt to raise within a year fifty thousand dollars for a memorial hall, but the scheme did not pass beyond the stage of plans and an elevation of a building.<sup>17</sup>

### **III. The Centennial Committee, 1869-1870.**

But the first organized, determined effort to strengthen the bonds which bound the college and alumni together, was made on the occasion of the celebration of the centennial of the founding of Dartmouth, at the Commencement<sup>18</sup> in 1869. This was an event for which great preparation had been made. Dartmouth’s most distinguished living alumni were present, and stirring speeches were delivered. It was proposed to raise a fund of \$200,000 for the college, and \$22,000 was subscribed on the spot. The president of the association was Chief-Justice Salmon P. Chase, LL.D., of the United States supreme court. At the alumni meeting, on this occasion, Rev. Dr. S.C. Bartlett, of Chicago, presented resolutions pledging to Dartmouth and to each other “the earnest and united effort” of the alumni “in the future to secure in every possible mode its highest honor, usefulness, and success;” congratulating the faculty and trustees on its “noble record and cheering prospects;” and declaring “that in our opinion a closer relationship should exist between the college and its great and powerful body” of graduates, whereby it may more abundantly avail itself of the wisdom and influence, of the friendly cooperation and counsel, of those on whose approval and interest its success must chiefly depend: and that we invite the earnest attention of the board to a consideration of the means whereby such a result may be obtained.” One or two other resolutions followed, not connected with this subject. These were adopted with “enthusiasm and perfect unanimity by a rising vote.” On this occasion, Pres. Asa D. Smith expressed, on the part of himself and the Board of Trustees, a strong desire to establish such relations, and to give the influence of the alumni — in some way consistent with the charter of the college — its proper weight in the management of the institution. A committee of seven, afterwards increased to ten, was elected to treat with the board concerning the desired change in relationship, as follows: Hon. Ira Perley,

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<sup>16</sup> *Aegis 1893*, 129.

<sup>17</sup> The committee consisted of Hon. Ira Perley, Dr. S.H. Taylor, Hon. Amos Tuck, Hon. Charles Reed, Rev. Dr. A.H. Quint, Hon. J.W. Patterson, Hon. Geo. W. Burleigh, Hon. James Barrett, Hon. Harvey Jewell, and Rev. Dr. S.C. Bartlett.

<sup>18</sup> *Aegis 1893*, 129.

Principal S.H. Taylor, Hon. Amos Tuck, Hon. Charles Reed, Rev. Alonzo H. Quint, Hon. J.W. Patterson, Hon. George W. Durlough, Hon. James Barrett, Hon. Harvey Jewell, and Rev. Dr. S.C. Bartlett. Speeches were then delivered by Gov. Stearns, Gen. W.T. Sherman, Hon. Harvey Jewell, Hon. John Wentworth, Rev. Dr. S.C. Bartlett, Pres. Smith, and others.<sup>19</sup>

The alumni were beginning to turn their thoughts toward the government of the College and to ask for a voice in its affairs. Expression was given to the feeling at the centennial when the question of the increase of the funds was declared to be closely connected with an intimate relation of the alumni to its management. A series of resolutions introduced by Professor Bartlett of Chicago, afterward president of the College, congratulated the Trustees in the warmest terms upon the prosperity of the College, but called for a “closer relationship between the College and its great and powerful body of graduates.” The good will of the alumni was shown by another series of resolutions, introduced by Judge Barrett, proposing to raise for the College a fund of \$200,000; the subscriptions were to be binding when \$100,000 were pledged, and \$22,000 were subscribed on the spot. It was manifestly intended, however, that subscriptions and representation should go hand in hand, for a committee of ten was appointed<sup>20</sup> “to have in charge the whole matter of raising the fund and coming to a suitable understanding with the Board” in reference to the representation of the alumni upon it.<sup>21</sup>

Seven members of this committee — Messrs. Perley, Tuck, Reed, Quint, Burleigh, Jewell, and Bartlett — met at Concord, August 17, 1869, having arranged to assemble at the same time and place as the trustees, that there might be easy communication between the two bodies. The committee were unanimously of the opinion that some steps should be taken to secure a closer relation between the alumni and the Board of Trustees, and to attain such end “it is essential that a minority” of the trustees should be elected upon the nomination of the alumni of \_\_\_\_ years’ graduation, such to hold his place as trustee for \_\_\_\_ years, being eligible for reelection;” “that it is desirable that the term of office of the other trustees should, by some arrangement to be made by the board, be understood to be for a limited period, not exceeding \_\_\_\_ years.” The committee also suggested that as there were then two vacancies in the board, in case the trustees favored the views of the committee, it might be expedient to allow those vacancies to remain until they could be filled in the manner contemplated. These views were laid before the assembled Board of Trustees, and, at an adjourned evening session of the alumni committee. Pres. Smith presented the resolutions of the board in reply. These expressed thanks for the interest of the alumni in the college, and assurances<sup>22</sup>

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<sup>19</sup> *Aegis 1893*, 130.

<sup>20</sup> The committee consisted of Hon. Ira Perley, Dr. S.H. Taylor, Hon. Amos Tuck, Hon. Charles Reed, Rev. Dr. A.H. Quint, Hon. J.W. Patterson, Hon. Geo. W. Burleigh, Hon. James Barrett, Hon. Harvey Jewell, and Rev. Dr. S.C. Bartlett.

<sup>21</sup> John King Lord, *A History of Dartmouth College 1815-1909* (Concord, N.H.: The Rumford Press, 1913), 378.

<sup>22</sup> *Aegis 1893*, 130.

that their proposition should be considered, and that a committee having the matter in charge should report to them at some future time.<sup>23</sup>

This committee presented the resolutions to the Trustees at an adjourned meeting in August, together with a plan of representation, in which they asked that a minority of the Board<sup>24</sup> should be elected upon the nomination of the alumni, each to hold office for a definite term of years and be eligible for reelection, that the other Trustees should hold their office for a limited term, that a committee of the alumni should be appointed annually to examine the accounts of the Treasurer and make report on the financial condition of the College, that a change in the provision of the charter requiring that eight of the Board be residents of New Hampshire be considered, and that the two vacancies then existing in the Board remain until they could be filled by nomination of the alumni.<sup>25</sup>

The Trustees took the matter under advisement and it was not till the following July that they returned an answer couched in the President's suavest rhetoric, expressing the great gratification of the Trustees at the deep interest of the alumni in the welfare of the College, whose co-operation was indispensable to its progress, but giving a negative to every one of the requests. They made, however, a counter proposition that the alumni should appoint at their annual meeting an examining committee of six or nine, with alternates, whose names should be printed in the catalogue, and who by attending the summer examinations would have an opportunity to familiarize themselves with the working of the College and make suggestions to Trustees and Faculty, by which "a channel of facile and agreeable communication would be opened." Expressing the hope that the plan might go into operation at the next Commencement the Trustees gave their hearty approval to the proposal to raise a fund of \$200,000, as the least sum that would meet the pressing wants of the College.<sup>26</sup>

But, notwithstanding all this, because of nearly a year's delay on the part of the trustee committee, the association committee could only give a partial report, which stated that all the propositions "for a closer union between the college and the alumni were deliberately and finally rejected" by the trustees, and that the committee were of the opinion "that any further efforts towards the accomplishment of that end were so little likely to be attended with success, that any attempt to renew them, certainly for the present, would be unavailing.["] The trustees, in 1870, elected five new members to fill vacancies caused by death and otherwise, as follows: Prof. Edward R. Peaslee, Rev. Alonzo H. Quint, Hon. Wm. P. Haines, Hon. George W. Burleigh, and Rev. Henry Fairbanks. At least two of these new members had been, up to the time of their election, enthusiastic supporters of the cause of alumni suffrage in the election of trustees. The cause rested here five years, lacking, as it now did, the earnest pushing of those who had been its most efficient promoters.<sup>27</sup>

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<sup>23</sup> *Aegis 1893*, 132.

<sup>24</sup> Lord, 378.

<sup>25</sup> Lord, 379.

<sup>26</sup> Lord, 379.

<sup>27</sup> *Aegis 1893*, 132.

A skillful move on the part of the Trustees to spike the guns of the committee by the election of two of their number, Messrs. Quint and Burleigh, to the vacancies which the alumni had wished to fill, did not satisfy either the committee or the alumni, and on the presentation of the reply of the Trustees a lively debate ensued in the meeting of the alumni, in which no little dissatisfaction was expressed at the attitude of the Trustees, Dr. Bartlett leading the way in the ironical declaration of the pride that the alumni would feel in seeing their names printed in the catalogue. Interest in the subscription ended with the failure of the plan for alumni representation. It had been held in abeyance during the negotiations, and now, though not formally abandoned, was not prosecuted further.<sup>28</sup>

#### **IV. The 1876 Resolution, 1875-1878.**

At length, in 1875, the New York Alumni Association sought to reawaken interest in this scheme, and submitted resolutions providing that as vacancies occurred in the Board of Trustees, nominations of candidates to fill them should be made by the alumni at their annual meeting, and that the board should be governed thereby in this election. The committee having charge of this matter was Judge Nathan Crosby, Hon. W.H. Duncan. Rev. W.H. Lord, Judge Isaac W. Smith, and Rev. Leonard Tenney. The report submitted by this committee in 1876, shows that Pres. Smith proposed, on behalf of the Board of Trustees, that, as the next three vacancies on the board occurred, the secretary of the board should communicate the fact to the alumni of four years' standing, requesting them to send him before the next annual meeting the names of four eligible candidates for each vacancy. The secretary should report the four having the highest number of votes; and while the trustees would not bind themselves to be governed by the action of the alumni, yet it was understood that "ordinarily, and in all probability invariably, some one of the persons nominated would be elected to the vacant place." Vacancies occurring in places thus filled were to be filled in the same manner. This arrangement could be terminated at any time by a formal vote of either party. On motion of Dr. Bartlett, resolutions were adopted which provided for the acceptance of the proposition.<sup>29</sup>

The plan though lost for the time being was not forgotten.<sup>30</sup> It was discussed among the alumni and at meetings of their local associations, and the sentiment became stronger and stronger that some means should be found for bending an apparently inflexible charter and for gaining a part for the alumni in the deliberations of the Trustees. It was not, however, till 1875 that the matter again took definite form. At the Commencement of that year a resolution of the New York Association was presented to the General Association calling for alumni suffrage. This was referred to a committee for report at the next annual meeting, but it was presented by the New York Association to the Trustees also, where it roused an earnest discussion, in which the two members of

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<sup>28</sup> Lord, 379.

<sup>29</sup> *Aegis* 1893, 132.

<sup>30</sup> Lord, 379.

the former committee of the alumni held firmly to their cause. At an adjourned meeting at Concord, held August 12, the question was fully debated whether the Board favored the principle of alumni suffrage and on a division (three, including the Governor, being absent), four voted in the affirmative, and four in the negative. President Smith gave the casting vote in the affirmative. A definite plan for the operation of suffrage was carried by the same four against three, the President not voting.<sup>31 32</sup>

The plan which the Trustees then adopted and proposed to the alumni at their next annual meeting in 1876 provided that the next three vacancies on the Board, including one outside of New Hampshire, should be filled on the nomination of the alumni. When a vacancy occurred the clerk of the Board was to notify the secretary of the alumni, who was to request each graduate of four years' standing of the Academic and Scientific Departments to vote, over his own signature, for four candidates for the vacancy, restricted only by charter limitations of class or locality. From the four receiving the highest number of votes, as reported by the secretary, the Trustees agreed that "ordinarily, and in all probability, invariably" they would elect some one to the vacant place. Changes in the plan might be made after conference, or it might be terminated by either party.<sup>33</sup>

At last success seemed assured, and the alumni began to realize something of the practical working of the long agitated measure. But in 1877, Dr. Bartlett, one of the staunchest friends of alumni suffrage and most energetic workers was elected to the office of President and Trustee of Dartmouth college, upon the resignation of President Smith; and it was fourteen years after that time before success was really attained.<sup>34</sup>

The following, issued April 21, 1878, shows what steps were ultimately taken: —

*Nomination of Trustees by the Alumni of Dartmouth College.* — On the 12th of August, 1875, the trustees of Dartmouth College voted to submit to the Association of Alumni the following plan:

I. On the occurrence of the next three vacancies in the Board of Trustees, including one outside of New Hampshire, the trustees will request the alumni to make nominations in the following manner: —

[1.] Information of each vacancy shall be given by the secretary, as soon as it occurs, to the secretary of the Alumni Association, and he shall give timely notice to the alumni, in such manner as the association shall determine, requesting the graduates in course, of four years' standing, both of the academic and scientific departments, to send to him, before the next meeting of the board, a nomination under their own signature, of four eligible candidates for said vacant place. And the secretary shall state in said notice the limitations, if any,

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<sup>31</sup> On the first vote the four in the affirmative were Messrs. Nesmith, Peaslee, Quint and Burleigh, and the four in the negative were Messrs. Bouton, Eastman, Fairbanks and Davis. On the second call Dr. Davis did not vote.

<sup>32</sup> Lord, 380.

<sup>33</sup> Lord, 380.

<sup>34</sup> *Aegis 1893*, 131.

imposed by the charter, as to the class or locality from which the vacant place is to be filled.

[2.] The four names receiving the largest number of votes shall be reported by the secretary of the alumni to the board. While there are certain legal objections to any positive and formal agreement on the subject, it is understood that ordinarily, and in all probability, invariably some one of the persons nominated will be elected to the vacant place.

[3.] When any of the places so filled shall become vacant, by death or otherwise, it shall be refilled in the manner aforementioned.

II. [1.] If either the Association of the Alumni or the Board of Trustees shall hereafter desire any modification of the arrangement, it may be signified to the other party, and become the subject of conference between them.

[2.] This arrangement may be terminated, by vote of either the association or the board, if at any future time it shall be deemed desirable by either.<sup>35</sup>

The above plan was presented to the Alumni Association at their meeting in June, 1876, and was unanimously adopted, and the curators of the association were appointed a committee with<sup>36</sup> powers to attend to any details, on the part of the association, necessary to carry out the plan; and the secretary of the association duly certified said action to the Board of Trustees.

S.C. BARTLETT,  
*President.*<sup>37</sup>

The proposition was immediately accepted by the alumni, and two years later, in 1878, they were called upon to fill all three vacancies, two occasioned by the deaths of Dr. Peaslee and Mr. Burleigh, and one occasioned by the resignation of Dr. Bouton. The choice of the Trustees from the persons certified<sup>38</sup> fell upon Rev. Dr. William J. Tucker for the place of Dr. Peaslee, Mr. Hiram Hitchcock for the place of Mr. Burleigh and Governor B.F. Prescott for the place of Dr. Bouton. As Governor Prescott was then in office the Board for a year consisted of but eleven members.<sup>39</sup> About 550 different persons sent in their ballots, and more than 250 different individuals were voted for. It was evident that the method involved great duplication and waste, yet in general there was satisfaction with the result. One of those elected had headed the poll, another had

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<sup>35</sup> Shirley, 14.

<sup>36</sup> Shirley, 14.

<sup>37</sup> Shirley, 15.

<sup>38</sup> Lord, 380.

<sup>39</sup> The persons certified and the votes were as follows:

For 1st N.H. place.	For 2nd N.H. place.	For the place outside N.H.
B.F. Prescott 318	B.F. Prescott 302	Walbridge A. Field 232
Charles U. Bell 291	Charles U. Bell 261	Wm. J. Tucker 218
Hiram Hitchcock 154	Hiram Hitchcock 162	Lincoln F. Brigham 154
Geo. B. Spalding 147	Geo. B. Spalding 137	John Ordranax 146

been in the second place by but a few votes, and the third, though not a graduate, falling behind two others, was known to be a man fitted for the place and from his nearness to the College in a position to be of special usefulness. For the time being the contention of the alumni for representation had secured its object, but at that very meeting a vote was passed looking toward possible amendments and improvements in the plan.<sup>40</sup>

Three vacancies occurred in 1878; and the alumni were given an opportunity to nominate four men to fill each. The result was the nomination of the following men: to fill the first vacancy, which must be filled by a New Hampshire man, — Gov. B.F. Prescott. Hon. Chas. H. Bell, Hiram Hitchcock, Esq., and Rev. George B. Spalding; for the second vacancy, also to be filled by a New Hampshire man, the same candidates, namely, Gov. B.F. Prescott. Hon. Chas. H. Bell, Hiram Hitchcock, Esq., and Rev. George B. Spalding; and for the third vacancy, to be filled by a non-resident of the state, Hon. Walbridge A. Field, Rev. W.J. Tucker, Hon. Lincoln F. Brigham. and Prof. John Ordranax. The trustees elected Hon. B.F. Prescott, Rev. W.J. Tucker, and Hiram Hitchcock, Esq. to the board. The friends of alumni suffrage seemed to have secured, at last, the long sought reform. With the ballots came many letters containing “warm expressions of attachment to the college,” and showing that the “plan had awakened thought and interest with regard to the college.”<sup>41</sup>

## **V. Inaction, 1879-1890.**

During the later years of President Bartlett’s administration the question of alumni representation, which had received a temporary settlement in 1876, came again to the front. According to the arrangement then made, the Trustees nominated by the alumni had an unlimited tenure of office, and the alumni soon began to feel that such representation was not enough. They did not find fault with the representatives who had been chosen, but they wished a method of closer touch, one by which they could express their views each year with the authority of a direct commission.<sup>42</sup>

### **A. Work with the Examining Committee.**

The newly awakened feeling of interest and sympathy for the college, perceptible among the alumni, which had been aroused by the very small representation provided for by this plan, seemed to indicate that a larger representation of the alumni would be an improvement, and new agitations were begun. These became so widespread and manifest that the trustees thought best to offer a substitute for the measure clamored for, and in 1879 President Bartlett proposed, on behalf of the board, that a committee be chosen by the alumni association to cooperate with the annually appointed Examining Committee. It was urged that this new committee could make private suggestions to the faculty and trustees, and also embody their views in their reports to the Board of Trustees. This device seems to have been successful in heading off further action, as none was taken to secure increased representation for another five years. The shrewd

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<sup>40</sup> Lord, 380.

<sup>41</sup> *Aegis* 1893, 132.

<sup>42</sup> Lord, 455.

policy of the trustees, adopted on several occasions, of selecting the most active members on the alumni representation committee to fill vacancies in the board, and the sudden and radical change in the opinion of these members after their election to the board, were, to say the least, noticeable, and did not fail to excite comment.<sup>43</sup>

### **B. The Advisory Committee.**

In 1885 the alumni associations of Washington and Chicago submitted resolutions urging action in the matter. As a result of these, and of other resolutions presented in the meeting of the general alumni association, a committee was appointed, but was never able to arrange any plan with the trustees satisfactory to both. Neither party favored any change of the constitution. Then a new committee, headed by Judge W.A. Field, recommended the creation of an advisory Board of fifteen, elected by the alumni, to consult with the trustees. This measure, however, did not meet with general approval, and was dropped; but, as an outgrowth of it, a committee of alumni, consisting of Hon. W.A. Field, Judge L.W. Clark, and E.C. Carrigan, Esq., was chosen to confer with a similar committee of the trustees, consisting of President Bartlett, Rev. Alonzo H. Quint, and Hon. Isaac W. Smith. Hon. T.W. Proctor afterwards filled the vacancy in the first mentioned committee, caused by the death of Mr. Carrigan. These committees also were unable to agree upon what would be the best course to pursue.<sup>44</sup>

The alumni associations of Washington and Chicago first took up the matter at their midwinter meetings, passing resolutions<sup>45</sup> which were laid before the annual meeting of the General Association in June, 1885. After discussion, this association declared its “belief that the graduates, within the limit of the charter, should be allowed an increased voice in the selection of a certain part of the Trustees,” and appointed a committee of seven<sup>46</sup> to confer with the Trustees and if possible to arrange a clear and well defined method of making such selection.<sup>47</sup>

### **C. The Board of Councillors.**

#### **i. Proposal.**

At the next annual meeting of the association the committee presented a printed report, agreed to by a majority of its members, in which, after describing the existing arrangement, it gave as its opinion that “under the charter the Trustees cannot divest themselves of the duty and responsibility of filling vacancies” that might occur in their number. But in order to bring the wishes of the graduates properly before the Trustees it proposed a “Board of Councillors,” fifteen in number, elected by the alumni in such a way that three should retire each year after a service of five years. The duty of this board was to be, “to attend by its committees the regular examinations, to examine the

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<sup>43</sup> *Aegis 1893*, 132.

<sup>44</sup> *Aegis 1893*, 132.

<sup>45</sup> Lord, 455.

<sup>46</sup> The committee consisted of Messrs. W.A. Field, C.H. Bell, H. Russell, W.L. Burnap, S.W. McCall, E.D. Redington and H.L. Moore. Record of the General Association.

<sup>47</sup> Lord, 456.

course of study, the methods of instruction and administration, the financial condition and needs of the college, and to confer with the president and trustees, whenever they think it desirable, upon all these matters and upon the appointment of professors, instructors and tutors, and to make a report annually in print to the alumni.”<sup>48</sup>

A diversity of feeling among the alumni was indicated at this meeting by resolutions presented by two associations. That of New York sent an earnest commendation of the movement, and that of the northwest at St. Paul gave as the opinion of the association that it was “inexpedient to attempt any action providing for a representation of the alumni upon the Board of Trustees.”<sup>49</sup>

The proposition of the committee, which was but an enlargement of the one made in 1870 by President Smith, was not favorably received and after much discussion it was referred back to the committee without instructions. The committee itself was not enthusiastic in its support, and in the following April addressed a letter to the Trustees in which it said that it did not know that a majority of the alumni was in favor of the plan, or would adopt it even if the Trustees approved it, and that unless both alumni and Trustees cordially favored it, the<sup>50</sup> plan would probably die of inanition, adding that the committee did not see “that any great harm would come of this, and the experiment might be instructive.”<sup>51</sup>

The opinion of the Trustees was asked upon the proposal, but no meeting was held till Commencement in June, 1887, when a member of the committee appeared before the Board, to present the matter in person. On the next day a very diplomatic reply was delivered, to the effect that the Board had a natural hesitancy in considering plans which the alumni had not yet sanctioned, and that it was a matter calling for much time and labor. The reply congratulated the alumni on the prosperity of the College, but it had a Catoesque ending in the phrase: “half a million dollars could be speedily used to the best advantage.” The alumni in their meeting postponed the matter till the next year.<sup>52</sup>

## **ii. Committees of Conference.**

At the Commencement of 1888 the matter again was discussed and a committee of three was appointed to confer with the Trustees to ascertain if they had been able to consider the proposal of the committee and whether or not it met their approval. If they had not considered it, the alumni asked the Trustees to appoint a committee of conference. The Trustees, not as yet being “convinced of the feasibility of a plan so complicated,” appointed the President, Dr. Quint and Judge Smith a committee of conference as requested. The alumni committee was composed of Judges W.A. Field and L.W. Clark and Mr. E.C. Carrigan. The report was then laid on the table till the next year, at which time the committee reported to the alumni that it had had two conferences with the committee of the Trustees without result, that the matter had been

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<sup>48</sup> Lord, 456.

<sup>49</sup> Lord, 456.

<sup>50</sup> Lord, 456.

<sup>51</sup> Lord, 457.

<sup>52</sup> Lord, 457.

referred to sub-committees which had been unable to agree upon any plan, and that no suggestions had been received from the Trustees. Much discussion but no action followed upon this report and the matter was left for another year in the hands of the committee.<sup>53</sup>

Meantime the feeling among the alumni was becoming more urgent and the Board was not insensible to it, but neither party was able to suggest a plan wholly satisfactory to the other. The alumni desired a more immediate representation; the Board hesitated to go beyond what it had already given, except in the way of advisers that might have influence but not authority. Each was trying to bring the alumni and the College into closer relations, but the alumni, claiming representation as a right<sup>54</sup> or at least as a privilege, wished that it be granted before they did anything further, while the Board laid stress upon the needs of the College and wished assurance of help as an advance proof of the interest of the alumni.<sup>55</sup>

### iii. Boston Alumni Association Resolution.

On the first day of January, 1890, the Trustees addressed a letter to the several alumni associations setting forth the general plans and aims of the Trustees and the more pressing needs of the College and asking the alumni to join the Trustees in individual and organized effort to make these plans effective. They also asked each association to send a representative to inspect the College during the examinations, to examine into its needs and to confer with the Trustees and aid them in bringing the alumni into closer practical relations with the College. As a kind of answer to this the Boston Association at its January meeting passed a resolution calling for direct representation.

Resolutions were submitted to the alumni association at the annual meeting in 1890, by Mr. I.F. Paul, Esq., which had been adopted by the Boston Alumni Association, urging the necessity of securing a larger representation on the board; but, after considerable discussion, these were laid on<sup>56</sup> the table. A resolution was then offered by Justin H. Smith, Esq., of Boston, which was unanimously adopted, as follows:<sup>57</sup>

“Resolved, that the alumni deem it most important for the prosperity of the college that the trustees cordially adopt the principle of alumni representation; and that they provide, as soon as may be, for the practical embodiment of the principle in such a form as their wisdom and devotion to the interests of the college may suggest.”<sup>58</sup>

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<sup>53</sup> Lord, 457.

<sup>54</sup> Lord, 456.

<sup>55</sup> Lord, 457.

<sup>56</sup> *Aegis 1893*, 132.

<sup>57</sup> *Aegis 1893*, 133.

<sup>58</sup> *Aegis 1893*, 133.

This resolution was presented to the general association of the alumni at its meeting in June, and their increasing earnestness was shown in the discussion which followed and which resulted in the following resolution:<sup>59</sup>

*Resolved* that the alumni deem it most important for the prosperity of the College that the Trustees cordially adopt the principle of alumni representation and that they provide as soon as may be for the practical embodiment of the principle in such form as their wisdom and devotion to the interests of the College may suggest.<sup>60</sup>

While this was under discussion in the general association of the alumni a communication was received from the Trustees referring to the circular of January 1, and asking for a conference the following evening with representatives of the associations for counsel and advice. A committee of five<sup>61</sup> was appointed, which reported the next day, recommending the appointment of another committee to confer and co-operate with the Trustees in devising a plan for securing to the alumni an active participation in the affairs of the College, and to obtain suggestions from the alumni associations toward such a plan. The conference with the Trustees was a fruitful one, for it resulted in a vote by that body reaffirming in substance the vote of 1875 and for the first time formally committing the Trustees, as then constituted, to the opinion that “the alumni should have an advisory voice in the management of the College,” and in<sup>62</sup> the appointment of the committee to confer with a like committee of the alumni.<sup>6364</sup>

#### **iv. Joint Committees.**

At this juncture, President Bartlett read an invitation from the trustees asking the representation of the various alumni associations to meet the trustees at the President’s rooms that evening, to confer about the interest of the college. As a result of this conference, joint committees were appointed by the two bodies, which should “confer and cooperate.” The alumni committee consisted of Hon. J.B. Richardson, G.H. Tucker, Esq., Hon. Judge W.L. Burnap, F.S. Streeter, Esq., and Justin H. Smith, Esq.; and the trustee committee, of Rev. Dr. Alonzo H. Quint, Hon. Isaac W. Smith, and Hon. Wm. M. Chase, — Mr. Chase’s place being subsequently taken by Prof. Wm. J. Tucker.<sup>65</sup>

The two committees met in Boston September 10, 1890, when the committee of the Trustees felt authorized to state only their belief that the Board would accept the plan proposed by Judge Field in 1886. To this plan the committee of the alumni expressed itself as unalterably opposed, feeling that the proposed Board of Councillors did not put

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<sup>59</sup> Lord, 458.

<sup>60</sup> Lord, 458.

<sup>61</sup> Messrs. W.L. Burnap, David Cross, A.C. Perkins, J.S. Conner and F.S. Streeter.

<sup>62</sup> Lord, 458.

<sup>63</sup> This committee consisted of Messrs. Quint, Smith and Chase, but as Mr. Chase was unable to act with the committee, at his request and that of the other members, Dr. Tucker was invited to be his substitute. The committee of the alumni consisted of Messrs. J.B. Richardson, G.H. Tucker, W.L. Burnap, F.S. Streeter and J.H. Smith.

<sup>64</sup> Lord, 459.

<sup>65</sup> *Aegis 1893*, 133.

upon the alumni a “real, substantial, personal responsibility,” and that a mere advisory board with no rights and uncertain privileges would arouse no active interest. It wished for an “annually recurring obligation” that should assure the unity of the graduates with the administration of the College.<sup>66</sup>

## **VI. The Legislature’s Charter Amendment Bill, 1890-1891.**

### **A. The Charter Amendment Proposal.**

The committee was, therefore, requested to put the wishes of the alumni in writing and to present them to the committee of the Trustees before an adjourned meeting which was set for the 8th of November. In response to this request the committee made a radical proposition that outran anything that had before been suggested, and that was in fact nothing short of a revolution in the Board and in the control of the College. It proposed that the alumni of five years’ standing should be invited to recommend a suitable person to fill any vacancy in the Board, except those of the Governor and the President, that the Board should agree to elect the person thus recommended, and that each trustee thus elected should hold office for ten years. It was also proposed that the charter limitation, that eight of the trustees be residents of New Hampshire, should be changed by the Legislature, with the consent of the Trustees, so that only four need be residents of the State. An alternative and less radical plan proposed a change in the charter permitting five trustees in addition to the existing twelve, to be nominated by the alumni of five years’ standing and elected by the Trustees, each to hold office for five years, and to be so arranged that one vacancy and one election should occur each year.<sup>67</sup>

The committee of the Trustees, while declaring that it had no authority to bind the Trustees, did not favor the first plan or the proposition to enlarge the number of non-resident trustees, but thought the second plan feasible, and was willing to support it, if it were slightly modified and if it should be generally approved by the alumni. In modification the committee suggested that the plan of 1876 be repealed, that the existing Board should fill its own vacancies, without the votes of the added five except in the election of a president, and that, as nothing would be gained by the circuitous method of the alumni nominating and the Trustees electing their nominees, the alumni should elect directly the five additional members, and further that the plan be regarded as an experiment which might be terminated at the end of fifteen years by the action of the original twelve members of the Board.<sup>69</sup>

### **B. The Board’s Response.**

At a meeting of the Trustees held January 1, 1891, their committee reported that it was satisfied that a new interest in the College on the part of the alumni would be created by their participation in its management, and that it would be well to ascertain

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<sup>66</sup> Lord, 459.

<sup>67</sup> Lord, 459.

<sup>68</sup> Lord, 459.

<sup>69</sup> Lord, 460.

the sense of the alumni as to their wish for such participation, and whether they approved the plan of the addition to the Board of five members directly chosen by themselves. The constitutionality of a change in the charter was assumed but not discussed. To this report the President offered an amendment, widening the scope of the questions to the alumni. He proposed to ask whether the alumni preferred to keep the existing chartered board intact; if not, whether they wished a larger participation than that given by the plan of 1876, and whether they would favor a change in the charter. If a change in the charter did seem wise, which of these three plans was preferred: 1st, The increase of the Board by five members to be elected directly by the alumni; 2d, The election of three trustees on the nomination of the alumni, one for the next vacancy in the State and the others for the next two vacancies outside the State, the terms of the three to be so arranged that one should expire each year; 3d, The election by the alumni of an “Advisory Board of Councillors” on the general plan proposed in 1886.<sup>70</sup>

### **C. The Legislative Act.**

#### **i. Passage of Bill.**

Many meetings and several conferences were held during the fall and winter of 1890-'91. These committees were agreed that a closer union should exist between the alumni and the Board of Trustees, and that this could be best secured by alumni representation on the board. The alumni committee held that no plan promised to arouse an active personal interest on the part of the alumni, which did not give them some distinct rights in the management of college affairs. This committee at length suggested the addition of five alumni trustees to the board, whose rights should in no way conflict with those of the charter members. This was elaborated into the form of a bill, which became an act of the New Hampshire legislature, Feb. 18, 1891. This act provided for the election of five additional trustees, to be chosen by the alumni for terms of five years — the initial terms to be so arranged that one vacancy should be filled by the alumni each year. Without taking any action, the board, through its president, on Feb. 19, invited the alumni committee to meet the trustees in Hanover on the 23d, which invitation was accepted. Several conferences followed. Many doubts were expressed as to the legality of proceeding under the provisions of the act; and a method of securing the desired end was sought, which should be free from any doubt of its legality...<sup>71</sup>

#### **ii. Questions of Legality.**

The authority for such a change could be had only by a change in the charter, of which the legality was questioned, but as the circular made no mention of any doubt on the part of the Trustees, the committee of the alumni not unnaturally took it for granted that the Trustees either had no doubt or were willing to run the risk, and proceeded at once to secure from the Legislature then in session the requisite authority. The bill which the committee prepared, in conference with some of the Trustees, and which was enacted without opposition February 18, 1891, enlarged the corporation by the addition of five members, all of whom were required to be graduates of the College and at least

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<sup>70</sup> Lord, 460.

<sup>71</sup> *Aegis 1893*, 133.

one a resident of New Hampshire. They were to be elected by the alumni for a term of five years, and were to have no voice in the choice of the other members of the Board, or in any vote having to do with any change in the charter.<sup>72</sup>

The act was conditioned for its effect on its acceptance by the Trustees of the College, and if so accepted was to remain in force fifteen years, and afterward for an indefinite period if again accepted by the original Board. It was distinctly stated in the act that its passage was not to be taken as a claim by the State of the right or power of the Legislature to change the charter, or its acceptance by the Trustees as an admission of such a power. It may be said in passing that the first change in the charter since the attempt of 1815 to establish the University, was made in 1883 when an act was passed at the June session<sup>73</sup> and accepted by the Trustees December 20 of that year, removing all limitation in the amount of property that the College may hold. The act was communicated to the Trustees by the committee of the alumni about the last of March and the hope expressed that the Trustees would “meet and accept the act at as early a date as is conveniently possible.”<sup>74</sup>

#### **D. The Circular to Alumni.**

##### **i. Background.**

After much discussion the amendment was lost, and the proposition of the committee being carried, the committee was continued to secure the judgment of the alumni of five years’ standing upon it. A circular was immediately sent out asking the alumni whether in their judgment the welfare of the College and the interest of the graduates in it would be increased by a change in the existing plan of alumni representation and, if such a change were desirable, whether they approved the addition of five trustees provided authority could be had, and the plan should continue in operation not less than fifteen years.<sup>75</sup><sup>76</sup>

Although the Trustees as a body had no part in securing the act they did nothing to oppose it, and this fact coupled with their circular asking the judgment of the alumni on the desirability of accepting the plan authorized by it, gave color to the belief that they favored it. As might have been expected, therefore, the answers of the alumni to the circular were almost wholly favorable.<sup>77</sup>

The Trustees now found themselves in an uncomfortable<sup>78</sup> position. Uncertain of their own counsels they were being forced by the votes of the alumni into agreeing to the change in the charter against their will, or, if they did not agree to it, into a contest with the alumni. Some of them favored the act, some were opposed to it, and others

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<sup>72</sup> Lord, 461.

<sup>73</sup> Laws of 1883, ch. 177.

<sup>74</sup> Lord, 461.

<sup>75</sup> Lord, 460.

<sup>76</sup> Lord, 461.

<sup>77</sup> Lord, 461.

<sup>78</sup> Lord, 461.

were doubtful of its legality, and in this doubt they were sustained by some of the ablest lawyers of New England. This feeling of the Trustees became known directly after the passage of the act, through an article written by President Bartlett and published in *The Dartmouth* of February 27, in which he said that, as far as known, no Trustee had expressed a definite opinion in the matter, and suggested that the alumni should not be misled in voting, by the belief that the Trustees desired the change.<sup>79</sup>

### **ii. Contents.**

To give still wider information as to the position of the Trustees the substance of the President's article was issued, as a statement to the alumni, and with it went two circulars from different groups of the alumni, advising against the change of the charter on the grounds of its questionable legality. One of these, prepared by Judge Ross of the Supreme Court of Vermont and signed by him and seven other prominent alumni, opposed any amendment of the charter and presented two plans between which the alumni were asked to choose, and, if they had already voted in favor of the proposition for five additional trustees, to recall that vote. The first plan was the old one of a board of councillors and the second provided for the nomination by the alumni of four of the ten elective trustees. The latter plan was already in successful operation at Williams and other colleges, and was known as the Williams plan.<sup>80</sup>

### **iii. Reaction.**

This move was intended to divide the vote of the alumni and was successful in so doing. The board of councillors received no support, but so many votes were cast in favor of the Williams plan, that the Board was not forced into the dilemma of antagonizing the great body of the alumni or accepting a plan which all its members did not approve, as would have been the case if the voting had been only in response to the first circular of the committee. The committee of the alumni, however, was greatly disturbed by this division of sentiment. Its conference with the committee of the Trustees, which was in accord with its proposition to add five members to the Board, and the later action of the Trustees in putting the question before the alumni had led it to believe that no opposition would arise from that quarter. When, therefore, this check to its plan came from the<sup>81</sup> Board itself the committee was ready to charge bad faith, although there never had been any action of the Board to support such a charge.<sup>82</sup>

The dissatisfaction of the committee was a cause of great uneasiness to the Trustees. On May 5, Dr. Tucker wrote to Judge Chase:

The situation is awkward and liable to become ugly. The circular sent out proposing two other plans is misleading in the impression it gives that the action proposed by the Trustees was hasty and ill-advised. Something, I think, ought to be done to remove that impression. We don't want a wrangle at Commencement. If steps could be taken looking toward a friendly suit to

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<sup>79</sup> Lord, 462.

<sup>80</sup> Lord, 462.

<sup>81</sup> Lord, 462.

<sup>82</sup> Lord, 462.

determine at once the constitutionality of the act of the Legislature, would not the difficulty be averted? By steps toward a friendly suit, I mean an understanding between the Trustees and the committee or committees of the Alumni that as soon as the act *is* accepted by the Trustees it should be tested by a suit brought by one of the Trustees.<sup>83</sup>

#### **iv. Further Questions of Legality and Possibility of Friendly Suit.**

The proposition for a friendly suit was not approved by all the Trustees. President Bartlett, though entirely opposed to “meddling with the charter” wrote.<sup>84</sup> “I deprecate to the last degree a needless lawsuit, however friendly. It will surely rouse bad blood, become a scandal, and, whichever side prevails, drive off friends, *funds* and *students*. I am perfectly convinced that the whole matter can be adjusted to the general satisfaction by promptly offering to the alumni to adopt the second [Williams] plan.” The President did not realize how strong was the feeling of the committee of the alumni in favor of its own plan or how determined it was to insist upon it, and the final giving way by the committee and the acceptance of the Williams plan were due to the persistence of another member of the Board.<sup>85</sup>

This was the Rev. Henry Fairbanks. He was in favor of alumni representation, but he was unalterably opposed to a change in the charter. He accepted the opinion of Judges Ross and Barrett and other prominent lawyers that a change could not legally be made, and he further believed that it would be morally wrong, on the ground that all gifts to the College had been made on the basis of its Trustees being *twelve and no more*, and that a change in the number would be an act of bad faith with the donors. A snow blockade on the railroad had kept him from attending the meeting of the Trustees in January, and he felt free to express by legal action his dissent from a possible acceptance of the act of the Legislature, if the Trustees<sup>86</sup> should later incline toward it. Though in accord with the President in the matter of alumni representation, he disagreed with him in regard to a suit, for he felt that in no other way could the legality of the proposed change in the charter be determined, and he made up his mind to test it, if need be, in this way.<sup>87</sup>

As he was to be absent from the country at the time when a decision would be reached he employed counsel to represent him before the Board and in conferences with the committee of the alumni, and later, if necessary, in bringing suit. Professor James F. Colby was retained by him, who further retained Judge W.S. Ladd of Lancaster, Harry Bingham of Littleton, Charles A. Prouty of Newport, Vt., and Charles F. Mathewson of New York City. Judge Ladd died within a few days after accepting a retainer, and

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<sup>83</sup> Lord, 462.

<sup>84</sup> Letter to Judge Chase, May 18, 1891.

<sup>85</sup> Lord, 462.

<sup>86</sup> Lord, 462.

<sup>87</sup> Lord, 463.

owing to other engagements and to ill health Mr. Bingham took scarcely any part in the case, so that its conduct was almost wholly in the hands of the junior counsel.<sup>88</sup>

Mr. Fairbanks sailed for Europe April 22, but before he left the country he sent to the Trustees a letter urgently opposing the acceptance of the act of February 18 on legal and moral grounds, and requesting to be heard by counsel, whom he had retained to present his views, in case the subject should come up for consideration before his return.<sup>89</sup>

The opposition of Mr. Fairbanks to the change in the charter, added to the circulars that had been sent out proposing other plans, caused much feeling among the alumni in Boston and led to an “uncompromising opposition” on their part to any other plan than that proposed by their committee, which they came to regard as an ultimatum to the Trustees. The situation was fast becoming what Dr. Tucker had feared, an “ugly one.” The Board was not united. Its committee of conference with the alumni was in favor of accepting the act of February 18. Others, opposing this, preferred a Board of Councillors or favored the Williams plan, but were not agreed on its details, some wishing to give the alumni four places on the Board, while others wished to give but three. Again, some wished to have the alumni nominate two candidates for each vacancy so that the Board might choose between them, and some felt that if the alumni should nominate but one, the Board could not legally agree always to elect him, as that would practically be giving up their right of choice by *disuser*.<sup>90</sup>

## VII. The Williams Plan, 1890-1891.

### A. Further Discussion of the Act.

The committee of the alumni, on the other hand, was united in insisting on its plan and in opposition to any other. At this juncture Mr. Fairbanks’s counsel secured conferences with both Trustees and committee and were in the end happily able to bring about an agreement. On June 6 Messrs. Colby, Prouty and Mathewson met the committee (except Mr. G.H. Tucker), together with Mr. I.F. Paul, their secretary, and Mr. G.F. Williams, their attorney, in Boston and found them in a very “belligerent mood,” but a working basis was gained by the opening statement of Mr. Colby that they did not appear for the Trustees, but for Mr. Fairbanks. He represented that Mr. Fairbanks<sup>91</sup>

“was advised that the act was of doubtful legality, that as a friend of the College he planned to test it, that such test in the courts must delay alumni representation in any form five years, that in that interval a new executive might be elected by the existing Board, and that if the committee shared his doubts of the legality of the act or his belief that the good of the College required them to find some *non litigious* way out of the present difficulties and

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<sup>88</sup> Lord, 463.

<sup>89</sup> Lord, 463.

<sup>90</sup> Lord, 464.

<sup>91</sup> Lord, 465.

would describe any plan of securing alumni representation, which would be presumably free from legal objections and capable of immediate adoption and satisfactory to their constituency, his counsel would undertake to get its immediate and favorable consideration by the Board.”<sup>92</sup>

After a long and frank conference the committee seemed ready to accept the Williams plan, provided five places were opened to the alumni, and in the absence of its chairman, Judge Richardson, prepared a proposition to that effect. He, however, was from beginning to end opposed to any compromise, and under his influence the committee later withheld its proposition and contented itself with saying that as it had secured the passage of the act “at least with the encouragement of the Board” and had placed the act before the Board it was not ready to say that it was illegal or inexpedient, but if that was the judgment of the Board it devolved on it to make such a statement to the committee.<sup>93</sup>

## **B. The Details of the Plan.**

### **i. One or Two Nominees per Seat.**

Three days later, at the suggestion of Mr. Streeter, Messrs. Colby and Prouty had a conference with five Trustees,<sup>94</sup> who did not favor accepting the act, but were willing to support the Williams plan, and to ask the alumni to accept it. The only “rock ahead,” as it seemed to Mr. Colby, was the determination to insist upon two nominees for each place in order<sup>95</sup> to preserve the spirit of the charter in the matter of choice, or to enable the Trustees “with their inside knowledge the better to supplement the qualities or experience needed in the Board.”<sup>96</sup>

### **ii. Four or Five Seats.**

An informal meeting of the Trustees was called for the next Saturday, the 13th, at which, however, only five were present.<sup>97</sup> Messrs. Colby, Prouty and Mathewson appeared and were asked to a conference, but the committee of the alumni did not respond to the informal invitation to attend, although it was understood that during the week since the meeting in Boston it had become ready to accept the Williams plan if five places, instead of four, were offered to the alumni and if they were not required to present two nominees for each place; to this the committee was unalterably opposed. The lawyers urged upon the Trustees the desirability of proposing this plan to the alumni, with the concession of five places and without the demand for two nominees, but there was some hesitation, Mr. Hitchcock not wishing to *propose* the plan, Dr. Tucker regarding an agreement to elect the nominee of the alumni as an evasion of the charter, as open to real legal objections as a change would be, and regretting that such

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<sup>92</sup> Lord, 465.

<sup>93</sup> Lord, 465.

<sup>94</sup> President Bartlett, and Messrs. Davis, Prescott, Smith and Chase.

<sup>95</sup> Lord, 465.

<sup>96</sup> Lord, 465.

<sup>97</sup> The President and Messrs. Tucker, Prescott, Hitchcock and Chase.

an evasion should be presented as a necessary alternative to the defeat of the movement for alumni representation, and Mr. Chase feeling that the agreement was dangerously like *disuser* by the Board of its duty to select.<sup>98</sup>

### iii. Questions of Legality.

After much discussion, in which Mr. Mathewson reported that the New York alumni in general favored the Williams plan but were unwilling to express that feeling in advance of the report of the committee, the meeting broke up, leaving the matter to be settled ten days later under the electrical conditions of Hanover during Commencement week. This interval was spent by Mr. Fairbanks's counsel in interviews with members of the committee of the alumni and of the Trustees, and in securing the opinion of Judge Ross, who had been opposed to any change in the charter, as to the legality of the Williams plan. His opinion held that the plan was not illegal, inasmuch as the Trustees parted with no powers, but merely made an arrangement, terminable at will, for availing themselves of the advice of the alumni as to suitable appointees. As far as the Board was concerned persons elected on the nomination of the alumni became members for life, and their retirement at the end of a given term of years was a matter of honor between them and the alumni. As neither Mr. Bingham nor Mr. Prouty could be present at<sup>99</sup> Commencement the other counsel secured the aid of Mr. A.W. Tenney of New York of the class of 1859.<sup>100</sup>

Monday of Commencement week brought to Hanover the Trustees, the committee of the alumni and of Mr. Fairbanks's counsel, Mr. Colby, Mr. Mathewson and Mr. Tenney. As yet there was no certainty of agreement. The proposition to change the charter had lost ground, but still was so much within the range of possibility that Mr. Fairbanks's counsel contemplated securing an injunction in case the Trustees should act favorably upon it. The alumni, too, in anticipation of a suit had informally consulted Senator Edmunds of Vermont, with the expectation that he would appear for them if litigation should follow.<sup>101</sup> The injunction, however, was abandoned and instead there was obtained, to use if need be, a full opinion of Judge Ross against a change in the charter and a letter from Mr. Bingham to the Trustees, asking to be heard in behalf of Mr. Fairbanks if the question of a change should come to a vote.<sup>102</sup>

### iv. Proposal of Two Nominees for Each of Four Seats.

The first move toward the settlement of the question was made by President Bartlett, who on Monday brought forward a proposition of the Williams type, but offering only four places, two in, and two outside of, New Hampshire, and requiring two nominees for each place, although saying that ordinarily, and, in all probability, invariably, the one having the highest number of votes would be chosen, or, as an alternative, that "the nominee having the highest number will be elected by the Trustees

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<sup>98</sup> Lord, 465.

<sup>99</sup> Lord, 466.

<sup>100</sup> Lord, 467.

<sup>101</sup> Letter of James F. Colby to Mr. Fairbanks, July 14, 1891.

<sup>102</sup> Lord, 467.

unless they shall have what they deem valid and imperative reasons to the contrary, which they shall declare in writing.” This proposal found no favor with the alumni, who would listen to nothing that did not require the acceptance of their first choice.<sup>103</sup>

**v. Proposal of One Nominee for Each of Five Seats.**

On the evening of the same day a committee of the Trustees consisting of Dr. Tucker and Judge Chase, giving up the idea of accepting the legislative act, outlined the plan that was later adopted and placed before the committee of the alumni. After a long session, in which Messrs. Mathewson and Tenney were present, the committee adjourned until the next morning, when they had been invited to meet the Trustees. At that meeting the Trustees formally proposed the plan that had been brought forward the day before by their own committee, and the committee of the alumni retired to consider it. The committee invited Messrs. Colby, Mathewson and Tenney to confer<sup>104</sup> with them, and the result of their deliberations was embodied in the following answer to the Trustees made in the afternoon, although their chairman, Judge Richardson, remained to the end an opponent of concession:<sup>105</sup>

The committee of the Association of the Alumni of the College have considered the propositions and plan for Alumni representation upon the board of Trustees of the College submitted by the board this day to them in certain resolves proposed to be adopted by said board. This committee hereby submit to the board the plan in the following redraft of said resolutions, which upon the understanding<sup>106</sup> hereinafter stated they will recommend for adoption by said Association.

1. *Resolved.* That the Graduates of the College, the Thayer School and the Chandler School, of at least five years' standing, may nominate a suitable person for election to each of the five trusteeships next becoming vacant on the board of Trustees of the College (other than the Governor and President) and for his successors in such Trusteeship.

2. And *resolved.* That whenever any such vacancy shall occur in such trusteeship or the succession therein, the Trustees will take no action to fill the same until the expiration of three months after notice to the secretary of the Alumni of the occurrence of such vacancy, unless a nomination shall be sooner presented by the Alumni to said Trustees for that vacancy.

It is understood that the Trustees will provide for three vacancies on the board at once, and two more before the next Commencement, in June 1892, to be filled as above provided.

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<sup>103</sup> Lord, 467.

<sup>104</sup> Lord, 467.

<sup>105</sup> Lord, 467.

<sup>106</sup> Originally “undertsanding” – Ed.

3. And *resolved*. That this plan of nomination shall be taken and held to supersede the plan heretofore adopted in 1876.<sup>107</sup>

**vi. Acceptance and Implementation.**

The recommendation was adopted by the Trustees, without modification, at a meeting in the evening of the same day, and on the next day was accepted by the alumni, it being understood by both parties that three vacancies in the Board should be provided at once, and two more before the Commencement of 1892. Two of the three vacancies for the year were obtained by the immediate resignations of Doctor Spalding and Dr. Davis. Both of these were in the State and the third, which was outside the State, soon came when Judge Veazey renewed the resignation which had been offered but not accepted on his appointment as a member of the Interstate Commerce Commission in 1889.<sup>108</sup>

In fulfilment of this, Rev. Dr. Josiah G. Davis, Hon. Edward Spalding, and Hon. Wheelock G. Veazey have resigned from the board, and Hon. J.B. Richardson, Dr. Carlton P. Frost, and Chas. W. Spalding, Esq., have been nominated by the alumni and elected by the trustees in the manner described, with the understanding that they shall resign in 1893, 1894, and 1895, respectively. When this plan is in full operation there will be an alumni trusteeship to be filled each year upon the resignation of one, who thereby terminates his five years of service.<sup>109</sup>

... The final result of these conferences was the formulation of the plan now pursued in the election of trustees. Five of the trusteeships are filled as heretofore; of the other seven, the president of the college and the governor of the state constitute two. The remaining five are now to be filled by candidates nominated by the alumni, and elected by the trustees, in the following manner:<sup>110</sup>

When a vacancy or vacancies occur in the board, its clerk notifies the<sup>111</sup> secretary of the association, and he informs the nominating committee of alumni trustees. This body selects five candidates for each vacancy, whose names its secretary sends to the alumni of the college, the Chandler School, and the Thayer School, with the request to return to them the names of their choice for each vacancy. The alumnus receiving the highest number of votes is the candidate of the alumni. The Board of Trustees is morally bound to elect these nominees to their respective trusteeships. They also agree to provide three vacancies in the board during the year 1890-'91, and two in the year following.<sup>112</sup>

... The proposition lately under consideration by the trustees was, in substance, to adopt regulations whereby the alumni should "nominate" a certain number of the trustees, with the understanding that the trustees should "confirm" that "nomination,"

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<sup>107</sup> Lord, 467.

<sup>108</sup> Lord, 467.

<sup>109</sup> *Aegis 1893*, 134.

<sup>110</sup> *Aegis 1893*, 133.

<sup>111</sup> Originally "its" – Comp.

<sup>112</sup> *Aegis 1893*, 133.

by going through the form of an election. It is understood that a majority of the trustees were in favor of the plan stated.<sup>113</sup>

## VII. The Association Constitution, 1891.

A new constitution of the association of the alumni, which was necessary to provide machinery for the nomination of trustees, was adopted after being drafted by Mr. Mathewson and carefully discussed in the committee before its presentation. Besides the usual form of organization it provided for the annual appointment of a committee of five members on alumni trustees, to which was given the duty of nominating five candidates for<sup>114</sup> each vacancy on the Board, open to nominations by the alumni. Its nominations were to be sent to the secretary of the alumni by the first of March of each year and by him transmitted to the alumni of five years' standing, whose ballots were to be returned to him by a fixed hour of the day of the annual meeting of the alumni. The secretary was to count the ballots, report them to the Trustees, and announce them to the alumni at the Commencement dinner. The constitution further provided that the name of no candidate should be sent to the alumni until he had indicated in writing his acceptance of the provisions of the constitution, including the one requiring his resignation at the end of the term for which he was elected. In 1898 the privilege of voting was extended to alumni of three years' standing.<sup>115</sup>

The association adopted at the last Commencement (1891) a new constitution, providing new machinery for the election of the nominees. In accordance with the provisions of this instrument, a committee of five, consisting of Hon. George Fred Williams, Judge Jonathan Ross, Charles F. Mathewson, Esq., Rev. Luther Farnham, and Henry M. Putney, Esq., known as the committee on alumni-trustees, were charged with the selection of the candidates.<sup>116</sup>

Under the new constitution the executive committee were given large power and duties, with the intent that they should promote in all possible ways the interests, development, and improvement of the college. It is this committee which has taken such an active interest in the prosperity of Dartmouth athletics, and which has already instituted measures which, if pushed, will undoubtedly secure a new athletic field and several much needed improvements in the gymnasium. The members are as follows: A.S. Batchellor, W.I. Burnap, I.F. Paul, W.K. Barrett, and E.N. Pearson. Now that the alumni of the college have, at last, after being skilfully baffled for years, secured a responsible voice in the administration of the college government, it remains for them to prove that the reform met a real need, and that the trust reposed in them is not misplaced. The cheerful, substantial support of the alumni is needed at the present time by their Alma Mater to enable her to keep fully abreast of the progress made by other similar institutions. At least, let it never again be true, as it has been in one or two

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<sup>113</sup> Shirley, 13.

<sup>114</sup> Lord, 468.

<sup>115</sup> Lord, 468.

<sup>116</sup> *Aegis 1893*, 134.

instances, that handsome bequests shall be diverted from the college treasury because of the lack of prompt and decisive action on the part of the alumni.<sup>117</sup>

### VIII. Results, 1891-1932.

This arrangement has been carried into execution. It is difficult to understand how trustees charged, as claimed, in the most solemn manner with the execution of great trusts, by the very instrument to which they owed their own existence and their powers, could, of their own motion, lawfully divert or annihilate the one, and change the legal effect of the other. If one step like this can be taken, another may; and this “inviolable” charter would be virtually abolished by the trustees.<sup>118</sup>

The movement which had extended over several years was thus happily accomplished. It was successful from the start, fulfilling the hopes of its friends and disappointing the fears of those who doubted. It has never suffered from the indifference of the alumni or from a tendency to cabals or parties. In some years appeals have been made in support of particular candidates, but in general the voting has been the expression of the sober judgment of the alumni, unaffected by cliques or special interests. Without exception the men nominated have been conscious of their responsibility, adding effective strength to the Board, and in several cases they have been chosen by their associates as permanent trustees.<sup>119</sup>

The relations of the alumni to the College were immediately improved and have continued to be of the closest, though very fortunately for the success of the plan in this respect, its beginning coincided with that of an administration which everywhere commanded the loyalty and enthusiasm of the alumni. Many calls, financial and otherwise, have been made and all have met with cordial response. The confidence in the conduct of the College has, perhaps, not been more deserved than before, but has been more effective because it has been joined with responsibility. The first to enter the Board on the nomination of the alumni under the new arrangement, taking their seats at a meeting held October 26, 1891, were Dr. Carlton P. Frost of Hanover, Judge James B. Richardson of Boston and Mr. Charles W. Spalding of Chicago, and at the following Commencement Rev. Dr. Cyrus Richardson and Frank S. Streeter, Esq., took the seats vacated by President Bartlett and Mr. Hiram Hitchcock,<sup>120</sup> thus making the five alumni trustees, and since that time there has been one resignation and one election each year, though since the earlier period the term of service of an alumni trustee, through one re-election, has usually been ten years.<sup>121</sup>

In the more than twenty years that alumni representation was advancing many took part, and doubtless many motives had play in the movement. An inflexible charter and a conservative Board stood over against those who desired a loosening of the

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<sup>117</sup> *Aegis* 1893, 134.

<sup>118</sup> Shirley, 15.

<sup>119</sup> Lord, 468.

<sup>120</sup> Lord, 469.

<sup>121</sup> Lord, 469.

organization, and the real or supposed strict orthodoxy of the Trustees was an object of antagonism on the part of some of extreme liberal tendencies. It is not strange that a body of conscientious men, who deeply felt the responsibility of their position, should distrust, unduly as the result proved, a movement which many besides themselves, in whose judgment they had confidence, regarded with suspicion. Though most of the Trustees believed in alumni representation, they questioned any particular form of it, and judgment, patience, tact, skill and a spirit of concession were required to harmonize the aggressive demands of a varied constituency with the restrictions of the charter and the conservatism of the Trustees. That it was so successfully accomplished was due to the co-operation of many, but apart from the readiness of members of the Board to yield their individual preferences the credit of the result belongs especially to Mr. Fairbanks's counsel and to Mr. Streeter of the committee of the alumni, who, while representing different interests, were at one in recognizing that the welfare of the College would be best served by moderation and concession.<sup>122</sup>

The establishment of alumni representation was the last important event in the administration of President Bartlett.<sup>123</sup>

As we look back upon the controversy, we can hardly believe that the prognostications of evil which were set forth with such earnestness by the opponents of alumni representation could ever have been seriously held. The members of the board who, in the lapse of forty years, have been elected by the graduates have invariably proved themselves to be worthy of the honor, and have been valuable members of the governing board. Electioneering has been almost absent and alumni bitterness and dissension entirely so. For the first time the graduates of the college were in a position to consider themselves as vital parts of the institution, and the good feeling which, in recent years, has characterized the relations of the alumni with the administration, although partly due to other causes, could hardly have developed in the absence of this measure. In one respect, only, were the fears of the opponents of the policy justified. The introduction of new blood into the governing body marked a definite close to the special control of the institution exercised by the conservative wing of a religious denomination. That result would have come about in any case, but it was accelerated by the new policy.<sup>124</sup>

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<sup>122</sup> Lord, 469.

<sup>123</sup> Lord, 469.

<sup>124</sup> Leon Burr Richardson, *A History of Dartmouth College* (Hanover, N.H.: Dartmouth College Publications, 1932), II:660.