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The leading object of the corporation hereby created shall be to teach such branches of learning as are related to agriculture and the mechanic arts, including military tactics; in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions of life. But such other branches of science and knowledge may be embraced in the plan of instruction and investigation pertaining to the university as the trustees may deem useful and proper. And persons of every religious denomination, or of no religious denomination, shall be equally eligible to all offices and appointments.

CHARTER OF CORNELL UNIVERSITY

FERDINAND BRUNETIÈRE somewhere remarks that official documents, whatever their nature, are not drafted in order that history may be written from them. How profound and disconcerting a truth it is, and how annoying to the historian that those who make history should be so indifferent to the needs of those who have to write it! To this melancholy reflection I am led by the difficulty of finding out exactly what happened to the bill introduced by Mr. White in the Senate on February 7, 1865, for establishing the Cornell University.

The official documents—that is, the Senate and Assembly Journals—say very little about the bill except that it was introduced, debated, amended, voted, and finally, on April 27, signed by Governor Fenton. Of the story behind this bare record—the very human story of interests threatened and passions aroused, of defamatory whisperings bruited about and cloak-room bargains struck and carried out, or not—of all this there is no hint. There is no record even of the formal debates, except Mr. White's speech, which was
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separately printed. The historian has, therefore, to look elsewhere to learn that the bill encountered strong and concerted opposition from pressure groups with interests to serve and votes to back them up, so that the sponsors of a generous gift for education, in order to get their measure passed in any form, had to pad about behind the scenes stirring up influential individuals to turn on the heat, had to suffer the charge of being “monopolistic” and “swindlers,” had on their own account to do a little shopping in political bargains, had even, as a last resort, to scrape up $25,000 in order to dispose of a spot of thinly disguised intercollegiate blackmail. That is not the way laws are supposed to be passed by the representatives of the people in a republic; but that was, in substance, the way the bill for establishing the Cornell University was maneuvered through the legislature of the State of New York.

The story begins with the introduction in the Senate, on February 7, 1865, of Mr. White’s bill, the full title of which was: “An act to establish the Cornell University, and to appropriate to it the income of the sale of public lands granted to this State by Congress, on July second, eighteen hundred and sixty-two.” 1 The bill was printed, not in the Senate Journal for my convenience, but separately for the use of the Senators, and it is only by the accident that Senators Cornell and White preserved their copies that I am able to say precisely what the original bill contained. 2 The provisions of the bill are set forth in twelve sections, unsystematically arranged; but even a casual reading makes it clear that the purpose of the bill was to do three things: to create a corporation, to endow it with certain property, and to define the purposes for which the endowment should be used.

First, as to the corporation. “Ezra Cornell, William Kelly, Horace Greeley, Josiah B. Williams, William Andrus, John McGraw, George W. Schuyler, Hiram Sibley, J. Meredith Read, John M. Parker, and such other persons as may be associated with them for that purpose, are hereby created a body politic and corporate, to be known as the Cornell University, which university shall be
located in the town of Ithaca” (Sec. 1). The management of the corporation was entrusted to a board of trustees, consisting of twenty-five persons. Of these, seven were trustees ex-officio—the Governor and Lieutenant Governor of the state, the Speaker of the house of Assembly, the Secretary of Public Instruction, the President of the State Agricultural Society, the Librarian of the Cornell Library, and the “eldest male lineal descendant of Ezra Cornell.” The other eighteen members were to be the ten persons named in section one as incorporators, and eight others to be later “associated with them.” And it was further provided that the “said board of trustees shall be so constituted, by election from time to time as the bylaws shall direct, as that at no time shall a majority thereof be of any one religious sect, or of no religious sect” (Sec. 2). Such was the corporation and the governing board of trustees.

Second, as to the endowment. To the corporation there was appropriated “the income . . . which shall be received from the investment of the proceeds of the sale of the lands” granted to the state by the Morrill Act (Sec. 6). But the appropriation was to be made only upon the following conditions: (1) that within six months after the passage of the bill the trustees could prove to the satisfaction of the Comptroller that the corporation possessed a “fund of five hundred thousand dollars at least, given by the honorable Ezra Cornell of Ithaca” (Sec. 6); (2) that the farm and grounds occupied by the corporation in Ithaca should consist of not less than two hundred acres (Sec. 3); and (3) that within two years after the passage of the bill the trustees should have made, “in respect to buildings, fixtures, and arrangements generally,” provisions which the Regents of the University of New York would regard as fulfilling the requirements of the Morrill Act (Sec. 7). It was further provided that the corporation should not be permitted to hold “real and personal property” in excess of “three millions of dollars in the aggregate” (Sec. 5); and that the “university grounds, barn, work shops, fixtures, machinery, apparatus, cabinets and library shall not be encumbered, aliened or
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otherwise disposed of by the said trustees, except on terms such as the legislature of the State ... shall have approved" (Sec. 8).

Third, as to the purposes for which the endowment could be used by the corporation. The purposes were twice defined. In Section 1: "The object of the corporation hereby created, is the cultivation of the arts and sciences and of literature, and the instruction in agriculture, the mechanic arts and military tactics, and in all knowledge." In Section 4: "The leading object as to the plan of instruction in said corporation shall be to teach such branches of learning as relate to agriculture and the mechanic arts, including military tactics. But such other branches of science and knowledge may be embraced in the plan as the trustees may deem useful and proper." The second definition, couched in the words of the Morrill Act, was no doubt designed to meet any charge that the purposes for which the land grant had been made were not being complied with; the first definition was designed to enable the trustees to interpret those purposes in the most liberal manner possible. The purposes for which the corporation could use its endowment were further defined and limited as follows: (1) "Persons of every or no religious denomination, shall be equally eligible to all offices and appointments" (Sec. 4). (2) "The said university shall ... be subject to the visitation of the Regents of the University of New York" (Sec. 7). (3) "The corporation ... shall receive annually one student from each assembly district of this state ... and shall give them instruction in any, or all the prescribed branches of study ... free of any tuition fee"; such students to be selected "in consideration of their superior physical and mental ability," to be determined by competitive examination, with preference given, when other qualifications were equal, "to the sons of those who have died in the military or naval service of the United States" (Sec. 9).

Having thus created a corporation, given it an endowment, and defined the purposes for which the endowment could be used, the bill provided that the act of May 14, 1863, by which the land grant
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had been appropriated to the People's College, "is hereby repealed" (Sec. 11).

The introduction of the bill, says Mr. White in his Autobiography, "was a signal for war. Nearly all the denominational colleges sent their agents to fight us at Albany; . . . stirred up the secular press . . . in the regions where they were situated, and the religious organs of their respective sects in the great cities." In a confidential letter to Professor E. W. Huffcut, Mr. White was more specific. "Hamilton College was represented . . . by the President who I think was Dr. Fisher, the treasurer, Mr. Williams, and the agent Dr. Goertner. Genesee College was represented . . . by the very powerful body of leading citizens from its neighborhood and by its chief speaker Professor Bennett. . . . Rochester University was perhaps the most vigorous of all in its action on the legislature through the public press. Dr. [President] Anderson became very bitter and Purcell the leading democratic editor kept up a series of most malignant attacks against Mr. Cornell, and all connected with him. . . . As to Hobart and Madison University my impression is that they were represented at some of the meetings before the committee, but their main activity was in the newspapers. The influence of Union against us was felt very strongly at Albany, . . . but Columbia did not, so far as I remember, take any part in the struggle against us."

Mr. White was mistaken about "Purcell the leading democratic editor." Being a good Republican himself, he no doubt took it for granted that opposition to his plans would naturally come from his political rivals. As a matter of fact the leading Democratic paper, the Rochester Union and Advertiser, of which William Purcell was the editor, defended the Cornell University bill against the attack made on it by the Rochester Democrat, which was the leading Republican paper, and whose editor was Robert Carter. The Rochester Democrat posed as the defender of the people against the "moneyed aristocrats"—the moneyed aristocrats being represented, in this session of the legislature, chiefly by the New York
Central Railroad, which was supporting a bill for raising passenger fares, and Ezra Cornell, a rich man whose proposed university was designed to benefit the upper classes rather than the farmers and mechanics. According to the Ithaca Journal, the Rochester Democrat had at this time a special grievance against Ezra Cornell because, during the preceding summer, it had been in some way offended by the Western Union Telegraph Company.

It may be that some grievance against the Western Union gave the Rochester Democrat its special zest for vilifying Mr. Cornell. But the rancor was not confined to the Rochester Democrat. In general the opposition of the small denominational colleges was characterized by a note of personal animosity that seems excessive, unless one may attribute it to a deep sense of defeat and frustration. There was, one must admit, good reason for such a feeling on their part. For three years the small colleges, impoverished as they were, had been sustained by the lively hope of getting at least some part of the land grant; and even after the entire grant had been given to the People's College they felt that all was not lost, since it seemed unlikely that the People's College would ever be able to meet the conditions on which the gift had been made. Then, out of the blue, after all these years of hopeful waiting, the Cornell-White project was suddenly sprung on them. It must have been infuriating, and the most infuriating thing about the project was its inherent merit—the fact that it would be approved by virtually every one who could take a disinterested view, since it presented a far better prospect of making a good use of the land grant than any existing college (unless it might be Columbia, the one important college that was not offended) could possibly offer. The situation reminds one of those English detective stories in which many distant, poor relations are waiting hopefully for the rich lord of the manor to die, when a long-forgotten, scalawag younger brother suddenly turns up from Australia. Such a situation, as every seasoned reader knows, is always conducive to mur-
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der, precisely because so long as the legitimate heir lives none of the expectants, not even the favored niece, has a look in.

The favored niece, in this instance, was the People’s College. It had, what no other college had, at least a technically valid claim to present. Its friends could say, and did say, that the legislature had already given the land grant to the People’s College on condition that it should provide the necessary buildings and equipment within three years; and that to take the grant away now, when some fifteen months of the allotted time remained, would be a flagrant act of “bad faith.” To ask for nothing but what the college already had, the nine points of the law, was good political strategy, and none the less so since it was the only thing that could be said for the college anyway.

Taking this technically defensive position, the friends of the People’s College enlisted the support of all those who were, for any reason, hostile to the Cornell University bill. The defense was directed from Havana by the Hon. Charles Cook, no longer a senator, half paralyzed and irritable, but still able to command a good deal of political influence at Albany. His faithful lieutenants were Messrs. Hoyt and Webber, representatives in the Senate and Assembly from the Havana district, and Mr. Downs, the brother-in-law of Mr. Cook and the accredited agent of the People’s College. The other colleges that were interested came to their support, not that they opposed the People’s College less, but that they feared the Cornell University more. Other votes were also to be had—at a price. It happened that the New York Central Railroad was interested in a bill then pending for increasing passenger fares; and, according to Mr. White, the railroad lobby “made an alliance with the friends of People’s College which soon became very formidable.”

A formidable combination, certainly, but not unbeatable—at least in the Senate. The Cornell University had powerful backing also—Messrs. Cornell and White, a strong team, Mr. Kelly of the Agricultural Society, in a position to speak for the agricultural in-
terests of the state, and many senators who were in a position to regard the bill solely from the point of view of its educational merits. From this novel point of view there was really nothing to be said for the People's College. Nearly two years had passed since the land grant had been appropriated to the institution, and yet, as a report of the Regents to the Senate on February 14 made clear, it had done virtually nothing to provide the necessary buildings and equipment, and had as yet no students at all except a few in the preparatory department. It was generally understood that nothing could be done until Mr. Cook provided the college with an adequate endowment; and as to that Mr. Cook had said that he would, and then had said that he wouldn't, so that no one could know for certain what he would do, but every one was quite sure that he would not do anything like enough. The president of the college, Amos Brown, and four of the trustees, including Horace Greeley, were so sure that he would do nothing at all that they were in favor of, even if not actively engaged in supporting, the Cornell University bill. Mr. White, in a powerful speech before the committee of the whole Senate, on March 10, made the most of this farcical situation by setting forth persuasively the advantages of the Cornell University plan and pointing out with devastating effect the futility of relying upon Mr. Cook or the People's College. Not the least effective of his points was a practical one—the danger of delaying the matter. The Morrill Act had given the state five years to appropriate the grant to an adequately equipped college. "Three years of the five," Mr. White pointed out, "are already gone. If this bill fails now we lose a year more, and then only one is left" to make the necessary provisions, failing which the grant is lost to the state altogether.

There was really no answer to Mr. White's argument. It was not, however, a question of arguments, but of votes. Good political guessers would have said that there were probably not enough votes against the bill to defeat it in the Senate, or enough in favor to carry it in the Assembly. The situation was thus favorable for
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making a bargain—a bargain in which Mr. Cook and his friends got a little face-saving and time-saving concession in the Senate, and Mr. White and his friends supposed the opposition in the Assembly would be greatly weakened. The bargain took the form of an amendment offered by the friends of Mr. Cook, to the effect that the land grant should be given to the Cornell University only if, within three months of the passage of the act, the People’s College should fail to “deposit such a sum of money as, in addition to the amount already expended by them upon or for the purposes of the corporation, shall, in the opinion of the Regents of the University of New York, be sufficient to enable the said trustees fully to comply with the conditions” of the law of May 14, 1863. According to a statement signed by A. D. White, James A. Bell, and A. H. Bailey, the agents of Mr. Cook promised that if this amendment should be adopted “they would withdraw all opposition to the [Cornell] bill in all its stages in the Assembly and elsewhere”; and it was in consequence of this promise that Messrs. White, Bell, and Bailey, “and other senators, voted for the amendment.” 16 Accordingly, on March 16 the bill as amended was reported from the Committee of the Whole to the Senate, approved by the Senate, and sent to the Assembly for concurrence. 16

During these proceedings it was a matter of great regret to Mr. White that the bill had not the active support of Charles J. Folger, chairman of the Judiciary Committee and one of the most influential members of the Senate. Personally Mr. Folger heartily approved of the bill. He had, in fact, helped Mr. White and Mr. Cornell to draft it. He was a close personal friend of both men, and could, like the Walrus and the Carpenter, deeply sympathize. But unfortunately there was, within his district, a small college, and more important still the defunct State Agricultural College at Ovid; so that as a senator Mr. Folger could not officially approve of a bill that took something, however valueless, from his constituents, while giving something likely to be very valuable indeed to the constituents of Senator Cornell. Mr. White recognized that
such things are not done, and had resigned himself to his friend's
dilemma when there occurred one of those odd chances that Mr.
White always regarded as providential—always, that is to say, when
they served his purposes. The odd chance was the sudden death of
Dr. Sylvester D. Willard, and how Mr. White managed to make
a providential use of it is relevant to this story.

For many years Dr. Willard, and before him Dr. Beck, had been
deeply interested in the treatment of insane persons in the state, the
condition of such persons, huddled together in overcrowded county
poorhouses, being generally recognized as nothing less than a
scandal. Session after session Dr. Beck—and, after his death, Dr.
Willard—had appeared before a committee of the legislature to
speak in favor of a bill to create an adequate institution—an in-
stitution which Dr. Willard proposed to call "The Beck Asylum
for the Chronic Insane." Session after session the bill had failed to
pass. And then one day early in April, 1865, Dr. Willard, while
making one more passionate plea, suddenly fell dead on the floor
of the committee room. The startling event made a profound im-
pression. For some days a certain solemnity pervaded the legisla-
tive halls, and the legislators were troubled with an unaccustomed,
if perhaps salutary, sense of guilt.

Andrew D. White, shrewd politician that he was, saw at once
that a sense of guilt among senators was a force, not themselves,
that could be used for righteousness. "I sought out Judge Folger,"
he says, "and showed him his opportunity to do two great things.
I said: 'It rests with you to remedy this cruel evil which has now
cost Dr. Willard his life, and at the same time to join us in carry-
ing the Cornell University bill. Let the legislature create a new
asylum for the chronic insane of the state. Now is the time of all
times. Instead of calling it the Beck Asylum, give it the name of
Willard. . . . Place it upon the Agricultural College property on
the shore of Seneca Lake in your district. Your constituents are sure
to prefer a living State Asylum to a dying Agricultural College, and
will support you in both measures.' This suggestion Judge Folger
received with favor. The Willard Asylum was created, and he became one of our strongest supporters.” Doctrinaires, Mr. White said, “might stigmatize our conduct in this matter as ‘log-rolling’ . . . even call it a ‘bargain.’ They may call it what they like.” 18

So they may. I am myself not greatly attached to particular words, but I must confess that if this was not a bargain I don’t know what to call it. But bargains are made every day, and no harm in them if both parties are satisfied and no one else injured. In this instance no one was really injured—unless it might be the village of Ovid. At least one hard-grained native of that place was convinced that his home town had decidedly got the short end of the stick. Forty years later, recalling the transaction to Dr. J. Franklin Jameson, he said, with a plaintive bitterness that the passing years had done nothing to assuage, “Why, a university would’ve been worth three insane asylums!” It is not for me to say that he was wrong. Certainly at that time the inmates of the university were more numerous, the cases milder, and the patients, on the whole, from the president down, rather less in need of constant supervision. Let me then herewith, for Ithaca, apologize to the neighboring village of Ovid, and, for Cornell University, salute the Willard Insane Asylum as a kindred institution, and pass on to the main point. The main point is that the bargain was struck, and thereafter Senator Folger actively and effectively supported the Cornell University bill.

The bill certainly needed all the support it could get. The promise of Mr. Cook’s agents “to withdraw all opposition . . . in the Assembly and elsewhere” was not kept; so that there was more, and far more embittered opposition in the Assembly than there had been in the Senate. The tactics adopted by the opposition was to refer the bill to the Committee of Colleges and the Committee of Agriculture, and let it die a peaceful death there unless its friends could muster a two-thirds majority to force the joint committee to report it. Whether this was the best tactics or not is uncertain: it at least gave Mr. Cornell and Mr. White a month to
organize their forces and, as Mr. White says, "to enlighten the great body of the senators and assemblymen." To this end Mr. Cornell "invited them by squads, sometimes to his rooms at Congress Hall, sometimes to mine at the Delevan House. There he laid before them his general plan, while I dwelt upon the need for a university in the true sense of the word." The method reminds one of the academic procedure—the large class divided into small discussion groups; and no doubt the professor gave to each group the substance of the speech he had already delivered in the Senate. To enlighten the community at large, this speech had been published in the Albany Journal and, through the efforts of Mr. Cornell, widely circulated in pamphlet form. Besides, Mr. Cornell and Mr. White went to New York to solicit editorial support from the newspapers, and obtained from some of them, especially from Manton Marble of the World, favorable editorial comment.\textsuperscript{19}

Not content with these measures, Mr. Cornell arranged, unwise as it turned out, for an unofficial debate before the joint committee of Colleges and Agriculture. The meeting, at which many besides the members of the committee were present, was held in the Assembly chamber. For this occasion Mr. Cornell had hired a lawyer to speak for the bill, and Mr. Cook had obtained the services (whether hired or not) of another to speak against it. Unfortunately, the speech of Mr. Cornell's lawyer, according to Mr. White, "was cold, labored, perfunctory, and fell flat. The speech on the other side was much more effective; it was thin and demagogical, but the speaker knew well the best tricks to catch the average man. He indulged in eloquent tirades against the Cornell scheme, as a 'monopoly,' a 'job,' a 'grab,' and ... denounced Mr. Cornell as 'seeking to erect a monument to himself;' hinted that he was planning to 'rob the State'; and, before he had finished, had pictured Mr. Cornell as a swindler and the rest of us as dupes or knaves."

Through this tirade of abuse Mr. White kept his seat, I can imagine, only with difficulty; but Mr. Cornell took it all in his accus-
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tomed manner—calmly, and with a wry humor. Once, when the
lawyer's "invective was especially bitter," he turned to Mr. White
and said: "I am not sure but that it would be a good thing for me
to give the half a million to old Harvard College in Massachusetts,
to educate the descendants of the men who hanged my ancestors." 20
Even more characteristic was Mr. Cornell's truly Quaker impulse
to clear his own conscience by asking himself what truth, if any,
there might be in the charges. The lawyer's claim that he was a
wealthy patron of a university designed to serve the rich rather
than the poor touched Mr. Cornell deeply—it "led me," he says,
"to examine my own position to ascertain if it was obnoxious to
the charge of aristocracy." 21 The record of this self-examination
is a longish document, in Mr. Cornell's hand, now preserved among
his papers in the Cornell University Library. In this document Mr.
Cornell sets forth, with simple sincerity, certain facts about himself
and his activities: to the following effect—that he was brought up
in the Quaker faith, and had departed "from the direct line only
by marrying a lady who was not a member of the society, and by
falling into the popular form of direct speech"; that he had always
been essentially a farmer and a mechanic, and had acquired his
wealth by following those pursuits and not by speculating in stocks,
not even the stocks of telegraph companies, or by lending money
for profit; that his "ruling desire" was to devote the bulk of his
property to do the most good to the working classes of his native
state; that the Cornell University (so named by no wish of his
own) was designed to that end, the evidence of which is to be
found in its proposed course of study and in the composition of its
board of trustees, which consists of "three mechanics, three farm-
ers, one manufacturer, one merchant, one lawyer, one engineer,
and one literary gentleman," besides state officers and persons of-
officially associated with the educational affairs and institutions of
the state. From all of which Mr. Cornell concluded that it would
be difficult to find a man more closely identified with farmers and
mechanics than he had always been, or to found a university more
obviously designed to serve their interests, or to "select a board of trustees more likely to foster and protect [their] interests than the one selected." This document was Mr. Cornell's reply to the tirade of Mr. Cook's lawyer, and as such was laid before the joint committee—with what effect, who shall say?

I should guess, however, that it had very little effect—less, certainly, than the tirade of Mr. Cook's lawyer, since the members of the joint committee, adopting the very words of the tirade, posed as "protectors of the State against a monopoly and a swindler," and on that ground were less disposed than ever to report the Cornell bill to the Assembly. For the friends of the Cornell bill, therefore, success or failure depended, not upon securing a majority of the Assembly to vote for the bill, which they could probably do, but upon securing the two-thirds majority required to compel the committee to report it, which there was far less chance of their being able to do. In the end they succeeded in getting the necessary two-thirds majority; not, however, by professing good motives and presenting valid arguments, but by exerting political pressure at two strategic points, and making one substantial and costly political bargain.

The bargain was made with Genesee College, located at Lima about thirty miles south of Rochester. A bill was pending to give the college its "fair share" of the land grant, which its supporters estimated at one hundred thousand acres. In this demand the college was supported not only by the leading citizens of the locality, but by the Methodist Church throughout the state, which favored the grant because Genesee College was a Methodist institution, and in any case was strongly opposed to the Cornell University bill on the ground that, professing to be a non-sectarian institution, it would in effect be hostile to religion. Unless this powerful Genesee-Methodist block of votes could be converted or bought off the chances of getting the Cornell bill out of the committee were none too good. On the other hand, the friends of Genesee College were none too sure of getting any part of the land grant even if the
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Cornell bill was defeated. The situation was obviously conducive to bargaining, and a bargain was in fact arranged.

The terms of the bargain are known, but as to which of the two parties proposed it there are two conflicting accounts. One account was given by Angus McDonald, the attorney for Genesee College. Speaking in the Constitutional Convention of 1867–1868, he remembered that when the Genesee College bill for one hundred thousand acres of the land grant was before the Assembly, “Senator White came to us and assured us” that the Senate would on no account divide the land grant, whatever the Assembly might do; “and he suggested whether Genesee College would not be willing to take an endowment for an agricultural chemistry department, and let the [Cornell] bill pass the legislature. . . . He said that Mr. Cornell was willing to endow an agricultural chemistry department with fifteen thousand dollars. After consultation, he said he was . . . willing to say that it should be twenty-five thousand dollars. . . . At the request of friends of Genesee College that was put in the bill as a condition.” 22

A different account was given, at the same time in the Constitutional Convention, by Judge Folger. He remembered that the Cornell bill “went to the Assembly where it met with a very formidable opposition from the agents of a religious body of this state. It became apparent to the friends of Mr. Cornell and the Cornell University . . . that the bill was likely to fail or they be compelled to divide the funds, by reason of the opposition of the friends of Genesee College, while the friends of Genesee College, on their part, did not feel too certain of success. Then a proposition was made outside of the legislature, in the lobby, that if Mr. Cornell would pay twenty-five thousand dollars to the Genesee College, the friends of that institution would withdraw their opposition to the [Cornell] bill and it might go through the Assembly. . . . After consultation was had among the friends of the Cornell University, one of them advised Mr. Cornell that the condition exacted by Genesee College had better be complied with. . . .
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But Mr. Cornell (and I approve and applaud him for it) then said that he would do nothing in the dark; that if he was to give this sum for the withdrawal of the opposition it should be made public, and inserted in the bill, so that no man could accuse him of any underhand work. At the request of a particular friend in the Assembly representing his district (Mr. Lord of Tompkins) that condition was, by unanimous consent, inserted in the bill, and in that shape it passed the legislature.” 23 This account of the transaction is better supported than the other. It was vouched for at the time by Mr. Alvord; and it is in all essential respects the same as that given by Mr. White in his Autobiography.

Such was the bargain with Genesee College. At the time it seems to have been generally understood that the bargain was first proposed by the friends of Genesee College, and that the bargain itself went, as political bargains go, rather beyond the limit. According to the Ithaca Journal (not, to be sure, an unprejudiced witness) “one common burst of indignation from the press of all parties was aroused by this outrageous demand. . . . The professorship will be known as the ‘Blackmail Professorship,’ the ‘Captain Kydd Professorship,’ the ‘professorship of the Christian Foot Pads.’” 24 Whatever the demerits of the bargain, it had at least the merit of being faithfully kept; and it probably did more than anything else to obtain the required votes for the Cornell bill. But two other bargains, or, let us say, political pressure applied discreetly in two instances, had much to do with it also.

One of these instances had to do with the New York Central Railroad bill for an increase in passenger fares. The Rochester Democrat charged the Cornell crowd with making a deal with the railroad lobby. The Utica Herald denied this, on the ground that “Senator White has spoken and voted against the Railroad bill in all its stages.” Mr. White himself had this to say about the matter: “It was I who, when . . . the lobby of the New York Central Railroad opposed us, held up the New York Central bill . . . and persuaded the Senate not to take it up until justice was done

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us.” 25 This cannot mean that Mr. White promised to vote for the New York Central bill, because he in fact voted against it. What I take it to mean is that Mr. White, who was a director on the New York Central Board and well acquainted with the Vanderbilts, let it be known to the proper persons that the railroad bill would be held up in the Senate until after the Assembly ordered the Cornell bill reported out of the joint committee; and some credit is given to this assumption by the interesting fact that just two days after the Assembly ordered the Cornell bill reported out of the committee the railroad bill was passed by the Senate.

The other instance of political pressure exerted to good effect is related by Henry B. Lord, the Assembly representative from Tompkins County. “I was then serving,” says Mr. Lord, “on the Committee of Ways and Means. To that committee had been referred a bill providing for the first appropriation for the erection of a new State Capitol. Sufficient opposition to the bill had developed to cause some nervousness on the part of its friends. My associates on the Committee of Ways and Means were all in favor of the bill chartering Cornell University. . . . All proposed to unite with me in notifying certain influential friends of the Capitol Bill that the Committee of Ways and Means could and would hold back the Capitol Bill so long as the Joint Committee held our university bill. Precisely how much influence this notification had, I, of course, cannot say. But I do know that when I moved that the House direct the Joint Committee forthwith to report the bill chartering Cornell University, . . . several friends of the Capitol Bill, among whom the Senator from Albany was conspicuous, were most busily engaged in bringing in their friends to vote for the pending motion.” 28

Mr. Lord’s motion instructing the joint committee to report the Cornell bill was offered on April 12. The friends of the bill were well enough assured by then that less than a third of the members would vote against the motion; but they realized that some of those who were committed not to vote against it would prefer
to evade all responsibility by not voting at all. When the roll was called such members would no doubt be found conveniently slipping away into the cloak-room. In this strategic position, accordingly, certain friends of the Cornell bill placed themselves and, as Mr. White says, "fairly shamed the waverers back into their places." Thus by virtue of squad lectures and newspaper propaganda, and bargains made, and political pressure applied where it would do the most good, and valiant Horatios guarding the breach in the cloak-room, the Cornell University bill was forced out of the joint committee by a vote of 70 to 22. 27 Among those voting against the motion was the representative from the People's College district, Lorenzo Webber, who had promised Mr. White that all opposition would be withdrawn. But of the twenty-two men who voted against the motion none were from Genesee County, the home of Genesee College, none from Albany where the new State Capitol was to be erected, and only one or two from those regions where the New York Central Railroad may be supposed to have had some influence in persuading representatives that corporate profit is a public benefit.

With this decisive vote recorded, the fight for the Cornell University bill was virtually won. On April 13 the bill was reported from the joint committee to the Assembly, referred to the committee of the whole, and from the committee, with the Genesee College bargain amendment inserted, reported back to the Assembly. The amended bill was approved by a vote of 79 to 25 on April 21, concurred in by the Senate on April 22, and finally signed by Governor Reuben E. Fenton on April 27. On the next day, April 28, the incorporators met for the first time, in the Agricultural rooms at Albany, and did what then could be done—appointed William Kelly chairman and Victor Rice secretary, resolved to accept the "conditions privileges and powers" conferred upon them by the act just passed, directed Ezra Cornell to consult with the Comptroller in respect to the land scrip, and elected seven additional trustees: Andrew D. White, Charles J. Folger, Abram B. Weaver,
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George H. Andrews, Edwin D. and Edwin B. Morgan, and Erastus Brooks.28

This was all that could be done for the time being. Section thirteen of the act of incorporation declared that “this act shall take effect immediately”; but to the trustees this declaration must have carried something of the flavor of a sour joke, since the act itself made it possible for the People’s College to retain the land grant by depositing, within three months, a sum of money which the Regents should declare sufficient for this purpose. In the event that the deposit required should be made, the act for establishing the Cornell University would presumably still be in effect, but to the founders and friends of the institution it would have ceased, to all practical intents and purposes, to have any effect whatever.

Another three months to wait, then, and nothing to be done! The strain, on Mr. White at least, was severe indeed. As often happened when there was something he wanted very much, but could for the time being do nothing about, he became so nervous that he could not sleep. On July 10, when about to leave for Rye Beach for a much needed rest, he somehow became convinced that the Regents had been got at by the People’s College men, and were deliberately postponing the business of determining what sum the trustees of the People’s College should be required to deposit. On that day he sent off a frantically worded telegram, followed by an equally frantically worded letter, to Mr. Cornell, saying he “greatly feared” that “all was lost,” had reason “to believe that influential Regents would be glad to have the whole business fall through,” and implored Mr. Cornell to do something about it.29

Mr. Cornell, as usual, took it more calmly, hadn’t heard anything to be alarmed about, didn’t think there was much in it. Mr. Cornell had by now, I think, not only a great respect for Mr. White’s intelligence, but a deep affection for the man, and looked upon him very much as if he were a favorite son to be entirely trusted in matters of importance, but apt to go off the handle about trifles, and needing, on such occasions, to be calmed down a bit. From his
letters to Mr. White on this occasion and later I get the impression that on such occasions he is saying in effect, if I may transpose his formal phrases into a vulgar key: "Now, now, take it easy, young fellow, take it easy; everything is going to come out all right." More often than not Mr. Cornell was right; and so he was on this occasion. The next day, at Albany, Mr. White had a conversation with the Secretary of the Board of Regents, Mr. S. B. Woolworth, who, as he says, "greatly relieved my mind in regard to the late action of the Regents." 30 This was surely an understatement. Mr. Woolworth must, I should think, have relieved Mr. White's mind altogether, since he must have told him in effect that the Regents, so far from having been got at by the People's College men, had for two months been making a further investigation, and on July 7, three days before Mr. White feared that all was lost, had in fact reached a decision. The decision was that if the trustees of the People's College did not, by July 27, deposit the sum of one hundred and eighty-five thousand dollars, the People's College would automatically lose the land grant. 31

Mr. White, still suspecting a trick in it, went off to Rye Beach. The days slipped by; July 27, although to Mr. White's impatience it may have seemed a little late, arrived on schedule time, and still no deposit of one hundred and eighty-five thousand dollars, or of any sum at all, had been made by the trustees of the People's College. The land grant would thereupon become the property of the Cornell University as soon as the other conditions imposed on the corporation were complied with. This was promptly enough done. Mr. Cornell transferred to the corporation his bond, secured by Western Union Telegraph stock, for five hundred thousand dollars, and wrote his check for twenty-five thousand dollars in favor of Genesee College. And so in the year 1865, after many disappointments and delays, the Cornell University came into existence.

It existed, but as yet in a somewhat intangible form. It consisted at that time of a charter, a board of trustees, a farm of two hundred
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acres, and an endowment of approximately one million dollars. But as yet it had neither president nor faculty nor students, nor any buildings, nor a library, nor laboratories, nor equipment of any kind. All of these essential men and things had yet to be assembled, institutionally organized, and informed with a corporate purpose and personality. For the next three years Ezra Cornell and Andrew D. White, with unremiting effort, with unsurpassed zeal and intelligence, and with a resolution that would not be denied, gave themselves to this congenial task—the task of providing the Cornell University incorporated with a habitation and a home.