

SENATE....No. 110.

Commonwealth of Massachusetts.

IN SENATE, March 27, 1863.

The Joint Special Committee, to whom was referred so much of the Address of His Excellency as relates to the establishment of an Agricultural College, the Boston Society of Natural History, and the Massachusetts Institute of Technology, have further considered the same, and report the accompanying Bill.

Per order,

E. O. HAVEN, *Chairman.*

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Sixty-
Three.

AN ACT

To incorporate the Trustees of the Massachusetts Agri-
cultural College.

*Be it enacted by the Senate and House of Representa-
tives, in General Court assembled, and by the authority of
the same, as follows :—*

1 SECT. 1. Marshall P. Wilder, George B. Loring,
2 Charles L. Flint, Paoli Lothrop, Hollis Tidd, Henry
3 Colt, Charles G. Davis, their associates and successors,
4 are hereby constituted a body corporate, by the name
5 of the Trustees of the Massachusetts Agricultural
6 College, the leading object of which shall be, without
7 excluding other scientific and classical studies, and
8 including military tactics, to teach such branches of
9 learning as are related to agriculture and the mechanic
10 arts, in order to promote the liberal and practical edu-

11 cation of the industrial classes in the several pursuits
12 and professions of life, to be located as hereinafter
13 provided; and they and their successors, and such as
14 shall be duly elected members of said corporation,
15 shall be and remain a body corporate by that name
16 forever. And for the orderly conducting of the busi-
17 ness of said corporation, the said trustees shall have
18 power and authority, from time to time, as occasion
19 may require, to elect a president, vice-president, secre-
20 tary, and treasurer, and such other officers of said
21 corporation as may be found necessary, and to declare
22 the duties and tenures of their respective offices; and
23 also to remove any trustee from the same corporation
24 when, in their judgment, he shall be rendered inca-
25 pable, by age or otherwise, of discharging the duties
26 of his office, or shall neglect or refuse to perform the
27 same; and also, from time to time, to elect new mem-
28 bers of the said corporation: *provided, nevertheless,*
29 that the number of members shall never be greater
30 than fourteen, exclusive of the governor of the Com-
31 monwealth, the secretary of the board of education,
32 and the president of the faculty, each of whom shall
33 be, *ex officio*, a member of said corporation.

1 SECT. 2. The said corporation shall have full power
2 and authority to determine at what times and places
3 their meetings shall be holden, and the manner of
4 notifying the trustees to convene at such meetings;
5 and also, from time to time, to elect a president of said
6 college, and such professors, tutors, instructors, and
7 other officers of said college, as they shall judge most

8 for the interest thereof, and to determine the duties,
9 salaries, emoluments, responsibilities, and tenures, of
10 their several offices. And the said corporation are
11 further empowered to purchase or erect, and keep in
12 repair, such houses and other buildings as they shall
13 judge necessary for the said college; and also to make
14 and ordain, as occasion may require, reasonable rules,
15 orders, and by-laws, not repugnant to the constitution
16 and laws of this Commonwealth, with reasonable
17 penalties, for the good government of the said college,
18 and for the regulation of their own body, and also to
19 determine and regulate the course of instruction in
20 said college, and to confer such appropriate degrees
21 as they may determine and prescribe: *provided, never-*
22 *theless,* that no corporate business shall be transacted
23 at any meeting unless one-half, at least, of the trustees
24 are present.

1 SECT. 3. The said corporation may have a com-
2 mon seal, which they may alter or renew at their
3 pleasure, and all deeds sealed with the seal of said
4 corporation, and signed by their order, shall, when
5 made in their corporate name, be considered in law
6 as the deeds of said corporation; and said corpora-
7 tion may sue and be sued in all actions, real, personal
8 or mixed, and may prosecute the same to final judg-
9 ment and execution, by the name of the Trustees of
10 the Massachusetts Agricultural College; and said
11 corporation shall be capable of taking and holding
12 in fee simple, or any less estate, by gift, grant,
13 bequest, devise, or otherwise, any lands, tenements,

14 or other estate, real or personal: *provided*, that the
15 clear annual income of the same shall not exceed
16 thirty thousand dollars.

1 SECT. 4. The clear rents and profits of all the
2 estate, real and personal, of which the said corpora-
3 tion shall be seized and possessed, shall be appropri-
4 ated to the uses of said college, in such manner as
5 shall most effectually promote the objects declared in
6 the first section of this act, and as may be recom-
7 mended, from time to time, by the said corporation,
8 they conforming to the will of any donor or donors,
9 in the application of any estate which may be given,
10 devised, or bequeathed, for any particular object con-
11 nected with the college.

1 SECT. 5. The legislature of this Commonwealth
2 may grant any further powers to, or alter, limit,
3 annul or restrain, any of the powers vested by this
4 act in the said corporation, as shall be found neces-
5 sary to promote the best interests of the said college,
6 and more especially may appoint and establish over-
7 seers or visitors of the said college, with all necessary
8 powers for the better aid, preservation, and govern-
9 ment thereof. The said corporation shall make an
10 annual report of its condition, financial and otherwise,
11 to the legislature, at the commencement of its session.

1 SECT. 6. The board of trustees shall determine
2 the location of said college, in some suitable place
3 within the limits of this Commonwealth, and shall

4 purchase, or obtain, by gift, grant, or otherwise, in
5 connection therewith, a tract of land containing at
6 least one hundred acres, to be used as an experimental
7 farm, or otherwise, so as best to promote the objects
8 of the institution; and in establishing the by-laws
9 and regulations of said college, they shall make such
10 provision for the manual labor of the students on said
11 farm, as they may deem just and reasonable.

1 SECT. 7. One-tenth part of all the moneys which
2 may be received by the state treasurer, from the sale
3 of land scrip, by virtue of the provisions of the one
4 hundred and thirtieth chapter of the acts of the
5 thirty-seventh congress, at the second session there-
6 of, approved July second, eighteen hundred and sixty-
7 two, and of the laws of this Commonwealth, shall be
8 paid to said college, and appropriated towards the
9 purchase of said site or farm: *provided, nevertheless,*
10 that the said college shall first secure, by valid sub-
11 scriptions or otherwise, the further sum of seventy-
12 five thousand dollars, for the purpose of erecting
13 suitable buildings thereon; and upon satisfactory
14 evidence that this proviso has been complied with,
15 the governor is authorized, from time to time, to
16 draw his warrants therefor.

1 SECT. 8. When the said college shall have been
2 duly organized, located and established, as and for
3 the purposes specified in this act, there shall be
4 appropriated and paid to its treasurer, each year, on
5 the warrant of the governor, two-thirds of the annual

6 interest or income, which may be received from the
7 fund, created under and by virtue of the act of con-
8 gress named in the seventh section of this act, and
9 the laws of this Commonwealth, accepting the pro-
10 visions thereof, and relating to the same.

1 SECT. 9. In the event of a dissolution of said
2 corporation, by its voluntary act at any time, the real
3 and personal property belonging to the corporation
4 shall revert and belong to the Commonwealth, to be
5 held by the same, and be disposed of as it may see
6 fit, in the advancement of education in agriculture
7 and the mechanic arts. And should the said corpo-
8 ration at any time cease or fail to maintain a college,
9 within the provisions and spirit of this act and the
10 before-mentioned act of congress, the portion of the
11 interest or income from said fund, provided in this
12 act, shall be withheld and not paid to it.

