



CHARTER OF THE MASSACHUSETTS INSTITUTE OF TECHNOLOGY

Comprised of the Acts and Resolves of the
General Court of the Commonwealth of Massachusetts
concerning the
Massachusetts Institute of Technology
and related materials

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The MIT Corporation may be contacted at:

MIT Office of the Corporation
77 Massachusetts Avenue, Room 7-203
Cambridge, MA 02139
Phone: 617.253.5614
Fax: 617.253.8544
corporation@mit.edu

Acts and Resolves of the General Court of the Commonwealth of Massachusetts concerning the Massachusetts Institute of Technology

Acts of
1861,
Chapter
183

An Act to Incorporate the Massachusetts Institute of Technology, and to Grant Aid to Said Institute and to the Boston Society of Natural History

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 1

William B. Rogers, James M. Beebe, E.S. Tobey, S.H. Gookin, E.B. Bigelow, M.D. Ross, J.D. Philbrick, F.H. Storer, J.D. Runkle, C.H. Dalton, J.B. Francis, I.C. Hoadley, M.P. Wilder, C.L. Flint, Thomas Rice, John Chase, J.P. Robinson, F.W. Lincoln, Jr., Thomas Aspinwall, J.A. Dupee, E.C. Cabot, their associates and successors, are hereby made a body corporate by the name of the Massachusetts Institute of Technology, for the purpose of instituting and maintaining a society of arts, a museum of arts, and a school of industrial science, and aiding generally, by suitable means, the advancement, development and practical application of science in connection with arts, agriculture, manufactures, and commerce; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the sixty-eighth chapter of the General Statutes.

Section 2

Said corporation, for the purposes aforesaid, shall have authority to hold real and personal estate to an amount not exceeding two hundred thousand dollars.

* * *

Section 10

This act shall be null and void, unless its provisions shall be accepted within one year, by the Massachusetts Institute of Technology, and the Boston Society of Natural History, so far as they apply to those societies respectively.

Approved April 10, 1861

Acceptance by Massachusetts Institute of Technology

Boston, April 9, 1862

To His Excellency the Governor and the Honorable the Council of the Commonwealth of Massachusetts:

Gentlemen,

At a meeting of the Massachusetts Institute of Technology held on Tuesday, April 8, 1862, at the rooms of the Board of Trade in this city, the Institute having been permanently organized and a government elected, the following Resolve was adopted:

“Resolved that the Massachusetts Institute of Technology accept the Charter and other provisions of the Act of April 10, 1861, relating to said Institute.”

William B. Rogers,
President, Massachusetts Institute of Technology

*Acts of
1863,
Chapter
186*

An Act in Addition to the Act to Incorporate the Massachusetts Institute of Technology

Be it enacted, etc., as follows:

Section 1

When the Massachusetts Institute of Technology shall have been duly organized, located and established, in conformity with the provisions of chapter one hundred and eighty-three of the acts of the year eighteen hundred and sixty-one, and chapter one hundred and forty-two of the acts of the year eighteen hundred and sixty-two¹, and as is hereinafter provided, there shall be appropriated and paid to its treasurer, each year, on the warrant of the governor, for its endowment, support and maintenance, one-third part of the annual interest or income which may be received from the fund created under and by virtue of the one hundred and thirtieth chapter of the thirty-seventh congress, at the second session thereof, approved July second in the year eighteen hundred and sixty-two, and the laws of this Commonwealth, accepting the provisions thereof and relating to the same.²

Section 2

Said institute of technology, in addition to the objects set forth in its act of incorporation,--to wit, instituting and maintaining a society of arts, a museum of arts, and a school of industrial science, and aiding the advancement, development and practical application of science in connection with arts, agriculture, manufactures and commerce,--shall provide for instruction in military tactics; and in consideration of this grant, the governor, the chief justice of the supreme judicial court, and the secretary of the board of education, shall be each a member, *ex officio*, of the government of the institute.

Section 3

Should the said corporation, at any time, cease or fail to maintain an institute, as and for the purposes provided in its act of incorporation, and in the foregoing section, the aid granted to it by the first section of this act shall be withheld, and not paid to it. The institute shall furnish to the governor and council a copy of the annual reports of its operations.

Section 4

This act shall be void, unless the said institute of technology shall accept the same, and give due notice thereof, to the secretary of the Commonwealth, on or before the first day of July next.

Approved April 27, 1863

¹Relating to land in the Back Bay of Boston.

²See Acts of 1863, Chapter 166; Resolves of 1871, Chapter 89.

Acceptance by Massachusetts Institute of Technology

Office of the Massachusetts Institute of Technology
No. 1 Mercantile Building, 16 Summer Street
Boston, June 30, 1863

At a Meeting of the Government of the Institute held this day the following Resolutions were passed, *viz.*

Resolved that the Act of the Massachusetts Legislature, Chapter 186 of the Session of 1863, entitled "An Act in addition to an Act to incorporate the Massachusetts Institute of Technology," approved April 27, 1863, be, and the same is hereby, accepted by the Institute.

Resolved that a copy of the preceding Resolution, signed by the President and Secretary of the Institute be forthwith furnished to the Secretary of the Commonwealth.

William B. Rogers,
President, Massachusetts Institute of Technology
Thomas H. Webb, *Secretary*

To
Hon. Oliver Warner
Secretary of the Commonwealth of Massachusetts

*Acts of
1868,
Chapter
247*

An Act in Addition to an Act Incorporating the Massachusetts Institute of Technology

Be it enacted, etc., as follows:

Section 1

The Massachusetts Institute of Technology is hereby authorized and empowered to award and confer degrees appropriate to the several courses of study pursued in said institution, on such conditions as are usually prescribed in universities and colleges in the United States, and according to such tests of proficiency, as shall best promote the interests of sound education in this Commonwealth.

Section 2

This act shall take effect upon its passage.

Approved May 25, 1868

Acts of
1869,
Chapter
97

An Act in Addition to the Several Acts Incorporating the Massachusetts Institute of Technology

Be it enacted, etc., as follows:

Section 1

All the powers and privileges now vested by law in the Massachusetts Institute of Technology, shall hereafter be exercised and enjoyed by the government of said institute, as the same is now constituted, or as the same may hereafter be constituted: *provided, however,* that the governor of the Commonwealth, the chief justice of the supreme judicial court, and the secretary of the board of education shall continue to be members of said government, as is now provided by law.

Section 2

Said government shall have power to establish any by-laws which they may deem expedient for the regulation of the affairs of said corporation: *provided,* the same are not repugnant to the general laws of this Commonwealth.

Section 3

All persons who are now associate members of said institute, or who hereafter shall become such, shall be entitled to be members of the Society of Arts, with the rights and privileges thereof, as the same are or hereafter may be established by the by-laws.

Section 4

This act shall take effect upon its passage.

Approved March 20, 1869

Acts of
1891,
Chapter
423

An Act to Assent to the Purpose of and to Accept the Grants of Money Authorized by Congress for the More Complete Endowment and Support of Colleges for the Benefit of Agriculture and the Mechanic Arts

Be it enacted, etc., as follows:

Section 1

The Commonwealth of Massachusetts hereby assents to the purpose of the grants of money authorized by the act of congress, entitled "an act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts, established under the provisions of an act of congress approved July second, eighteen hundred and sixty-two," said act being chapter eight hundred and forty-one of the acts of the first session of the fifty-first congress and approved on the thirtieth day of August in the year eighteen hundred and ninety.

Section 2

The Commonwealth of Massachusetts hereby accepts the annual grant of moneys made by the United States as set forth and defined in said act of congress, and the treasurer and receiver-general of this Commonwealth is hereby designated to receive the same annually, to be applied by him under and for the purposes of said act; and the Massachusetts institute of technology is hereby authorized to receive one third and the Massachusetts agricultural

college two thirds of said grant of money, unless the courts should decide that the act of congress granted all said money to the Massachusetts agricultural college.³

Section 3

The governor of the Commonwealth is hereby authorized and instructed to give due notice thereof to the government of the United States.

Section 4

This act shall take effect upon its passage.

Approved June 11, 1891.

*Acts of
1905,
Chapter
412*

An Act to Authorize the Massachusetts Institute of Technology to Hold Additional Real and Personal Estate

Be it enacted, etc., as follows:

Section 1

Section one of chapter two hundred and twenty of the acts of the year eighteen hundred and sixty-five, as amended by section one of chapter seventy-two of the acts of the year eighteen hundred and eighty-eight, is hereby further amended by striking out the section and inserting in place thereof the following: --*Section 1.* The Massachusetts Institute of Technology is hereby authorized to hold real and personal estate to any amount, such estate and the income therefrom to be devoted exclusively to the purposes and objects set forth in its act of incorporation and all acts in addition thereto or in amendment thereof.

Section 2

This act shall take effect upon its passage.

Approved May 17, 1905

*Acts of
1912,
Chapter
681*

An Act to Authorize the Massachusetts Institute of Technology to Receive Real and Personal Property by Gift, Devise or Bequest

Be it enacted, etc., as follows:

Section 1

The Massachusetts Institute of Technology is hereby expressly authorized to receive real and personal property by gift, devise or bequest. Nothing in this act shall be construed to affect the right of the Massachusetts Institute of Technology, independently of this act, to receive real and personal property by gift, devise or bequest.

³ In *Massachusetts Agricultural College v. Marden*, 156 Mass. 150 (1892), the Massachusetts Supreme Judicial Court held that the Institute was eligible to receive these funds.

Section 2

This act shall take effect upon its passage.

Approved May 29, 1912

*Acts of
1967,
Chapter
292*

An Act Authorizing Massachusetts Institute of Technology to Award Graduate Degrees in Conjunction with Certain Other Institutions

Be it enacted, etc., as follows:

The Massachusetts Institute of Technology is hereby authorized and empowered to award and confer, in conjunction with other universities, colleges and institutions duly authorized to award joint graduate degrees within the commonwealth, joint graduate degrees appropriate to the courses of study pursued in programs jointly administered by the Massachusetts Institute of Technology and such other universities, colleges or institutions, on such conditions as are usually prescribed in universities and colleges in the United States, and according to such tests of proficiency as shall best promote the interests of sound education in this commonwealth.

Approved May 23, 1967

Acts and Resolves Omitted from this Collection

Acts involving certain real estate transactions and other Acts only incidentally involving the Institute are not transcribed but are summarized below. Acts and Resolves relating to the holding and occupancy by the Institute of land in the Back Bay, Boston, to limitation on the amounts of real and personal property the Institute may hold, to the issuance of arms to the Institute, and to the payment to the Institute of state funds either for the general purposes of the Institute or for the maintenance of free scholarships, are only enumerated since they have no present or future application to the charter or affairs of the Institute. Title to all the Back Bay land in which the Institute then had any right, title or interest under any of the listed Acts and Resolves was conveyed by it in fee on January 14, 1938.

Article XVIII of the Amendments to the Massachusetts Constitution, as amended in nineteen hundred seventeen by Article XLVI, prohibited the making of any grant or appropriation of public money in aid of any educational, charitable, religious or other institution not wholly under public ownership and control, except to carry out legal obligations already entered into and with certain other exceptions not here material. A further amendment of Article XVIII, approved as Article CIII on November 5, 1974, authorizes the Commonwealth to make grants-in-aid to private higher educational institutions or to students or parents or guardians of students attending such institutions.

Miscellaneous Acts

Acts of 1898, Chapter 410

The Mayor of Boston to appoint a board of art commissioners for the City of Boston, one to be from a list of three candidates nominated by the Institute. (This repealed chapter one hundred and twenty-two of the acts of eighteen hundred ninety which provided that the President of the Institute should be an *ex officio* member of the Art Commission. See also City of Boston Code, Ordinances, title five, section ten.)

Acts of 1908, Chapter 240

The Institute library to receive a copy of the supplement to the Revised Laws.

Acts of 1912, Chapter 228

The Armory Commissioners authorized to release land on the east side of Massachusetts Avenue, Cambridge, from restrictions and easements affecting such land.

Acts of 1941, Chapter 240

The librarian of the Institute to be a member of the New England Deposit Library.

Acts of 1957, Chapter 364

The Armory Commission authorized to convey to the Institute the State Armory at 120 Massachusetts Avenue, Cambridge.

Acts of 1966, Chapter 598

The County Commissioners of Essex County authorized to convey 77.3 acres in Middleton to the Institute for construction and operation of a Linear Accelerator Facility and similar facilities related to basic research; and the County Commissioners further authorized to grant to the Institute an option exercisable not earlier than September 1, 1971, and not later than September 1, 1976, to purchase, for the same purposes, two additional parcels in Middleton.

Acts of 1969, Chapter 105

The Institute to appoint annually one trustee of the Museum of Fine Arts. (This amended chapter four of the acts of eighteen hundred seventy, which authorized the Institute to appoint three such trustees.)

Acts Relative to Back Bay Land

Acts of 1861, Chapter 183, Sections 3, 4, 6, 7, 8, 9

Acts of 1862, Chapter 142

Acts of 1863, Chapter 226

Acts of 1873, Chapter 174

Acts of 1875, Chapter 195

Acts of 1877, Chapter 131

Acts of 1879, Chapter 251

Acts of 1881, Chapter 107

Acts of 1903, Chapter 438

Acts Authorizing the Holding of Additional Real and Personal Estate

Acts of 1865, Chapter 220

Acts of 1888, Chapter 72

Resolves Relating to the Issuance of Arms

Resolves of 1867, Chapter 6

Resolves of 1880, Chapter 21

Acts and Resolves Relative to Payment of State Funds

Resolves of 1887, Chapter 103

Resolves of 1888, Chapter 83

Resolves of 1895, Chapter 70

Acts of 1896, Chapter 310

Acts of 1898, Chapter 493

Resolves of 1901, Chapter 51

Resolves of 1911, Chapter 78

Acts of 1912, Chapter 168

Appropriation Acts

Acts of 1889, Chapter 6
Acts of 1890, Chapter 4
Acts of 1897, Chapter 31
Acts of 1898, Chapter 13
Acts of 1899, Chapter 27
Acts of 1900, Chapter 18
Acts of 1901, Chapter 20
Acts of 1902, Chapter 7
Acts of 1903, Chapter 32
Acts of 1904, Chapter 48
Acts of 1905, Chapter 28
Acts of 1906, Chapter 28
Acts of 1907, Chapter 4
Acts of 1908, Chapter 20
Acts of 1909, Chapter 3
Acts of 1910, Chapter 7
Acts of 1911, Chapter 393
Acts of 1912, Chapter 207
Acts of 1913, Chapter 10
Acts of 1914, Chapter 8
Special Acts of 1915, Chapter 7
Special Acts of 1916, Chapter 5
Special Acts of 1917, Chapter 266
Special Acts of 1918, Chapter 110
Special Acts of 1919, Chapter 153, Item 473
Acts of 1920, Chapter 225, Item 247

Related Materials

Current Procedure of Amendment of the Charter of the Massachusetts Institute of Technology

The Institute is now subject to the provisions of chapter one hundred and eighty of the General Laws, which sets forth the statutory provisions governing corporations organized for charitable purposes. Pursuant to section seven of this chapter the Institute may authorize any amendment of its articles of organization, including a change in its corporate purposes or an amendment to the provisions governing the management of its internal affairs, by vote of two-thirds of the persons legally qualified to vote in meetings of the Corporation at a meeting duly called for the purpose, all as more fully set forth in section seven. Any amendment of the specific provisions setting forth the relationship between the Institute and the Commonwealth, such as the provisions with respect to *ex officio* membership of certain public officers on the Corporation, may require a petition to the General Court for legislation which must include a statement setting forth why the object sought cannot be accomplished under the General Laws. In accordance with section seven of chapter three of the General Laws and joint rule nine of the General Court, the petition and statement are referred to the Secretary of State, and the Secretary of State reports to the General Court whether or not, in his or her opinion, the object sought may be accomplished under the General Laws or whether such object requires legislation.

*Vote
of the
Corpor-
ation
October 7,
1977*

Vote Authorizing Massachusetts Institute of Technology to Invest in or Accept Gifts of Property in a Limited Partnership or Partnership

The Corporation shall have and may exercise in furtherance of its corporate purposes the power to be a partner in any enterprise which it would have power to conduct by itself, provided that no such power shall be exercised in a manner inconsistent with Chapter 180 or any other chapter of the General Laws of the Commonwealth of Massachusetts.