

THE CHARTER OF THE PRESIDENT AND FELLOWS OF HARVARD COLLEGE

THE UNDERSIGNED, Robert Shenton, hereby certifies:

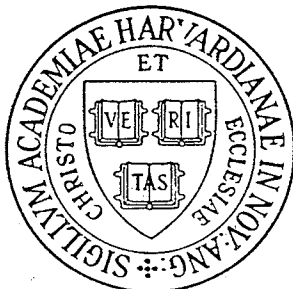
That he is Secretary to the Corporation and Secretary of the Board of Overseers of Harvard College.

That the following vote was duly adopted at meetings of the President and Fellows of Harvard College and of the Board of Overseers held in Cambridge on Wednesday, June 11, 1975, at each of which a quorum was present and acting throughout, and that it has not been modified or rescinded and is still in full force and effect on the date hereof:

VOTED: That the Secretary to the Corporation and of the Board of Overseers be and he hereby is authorized and instructed to prepare and publish, in form satisfactory for certification by the Secretary of The Commonwealth of Massachusetts, copies of those documents which contain or relate to the corporate power and authority of this Corporation.

The undersigned hereby further certifies that those documents hereinafter appearing under Part I of the certificate of the Secretary of The Commonwealth of Massachusetts are true, correct and complete copies of the originals of all provisions of law and of the Constitution of the Commonwealth now in force (except where otherwise indicated in the Introduction and in editor's marginal notes and footnotes) which contain or relate to the corporate power and authority of the President and Fellows of Harvard College.

IN WITNESS WHEREOF, I have hereunto affixed the seal of the President and Fellows of Harvard College on this 17th day of June in the year of our Lord One Thousand Nine Hundred and Seventy-Six and of Harvard College the Three Hundred and Fortieth.



Robert Shenton

ROBERT SHENTON
*Secretary to the Corporation
Secretary of the Board of
Overseers*



THE COMMONWEALTH OF MASSACHUSETTS

OFFICE OF THE SECRETARY

STATE HOUSE, BOSTON 02133

TO WHOM IT MAY CONCERN

I, Paul Guzzi, Secretary of The Commonwealth of Massachusetts, hereby certify: that I have custody of the public records of the Commonwealth; that such records show that the General Court of the Colony of Massachusetts Bay on October 28, 1636, appropriated a sum of money toward a building for a school or college later named Harvard College; that on May 23, 1650 the General Court established Harvard College as a body corporate having perpetual succession, to be known under the name of President and Fellows of Harvard College; and that said Harvard College has continued to be and is today a body corporate under the laws of The Commonwealth of Massachusetts, authorized by law to confer all academic degrees.

PART I.

I further certify that the following are true copies, witnessed under the Great Seal of The Commonwealth of Massachusetts,* of records relating to the organization, existence and the corporate powers of the President and Fellows of Harvard College as they appear of record here, namely:

1. 1636 — APPROPRIATION TOWARD THE COLLEGE

The Court agreed to give 400£ towards a schoale or Colledge, whearof 200£ to bee paid the next yeare, and 200£ when the worke is finished, and the next Court to appoint wheare and what building.

"Records of the Governor and Company
of the Massachusetts Bay in New
England," I:183, entry 309.²
28 October 1636. In five volumes
(1628-56) in the Massachusetts Archives,
Boston, Mass. (Hereafter cited as M.B.C.R.)

* This certificate does not cover editor's marginal notes or footnotes.

The General Court on 2 May 1638 changed the name Newtowne to Cambridge, where many leading colonists had been educated in Old England. (M.B.C.R. I: 221, entry 382.)

2. 1637 — COLLEGE TO BE AT NEWTOWNE

The Colledg is ordered to bee at Newetowne.

*M.B.C.R. I:204, entry 344.
15 November 1637*

3. 1638/39 — NAMING THE COLLEGE

It is ordered that the Colledge agreed upon formerly to bee built at Cambridge shalbee called Harvard Colledge.

*M.B.C.R. I:241, entry 410.
13 March 1638/39³*

4. 1642 — DEFINING THE COMPOSITION, DUTIES AND POWERS OF THE BOARD OF OVERSEERS

Whereas, by order of Cort in the [7th month 1636] there was appoint[ed] and named six magistrates and six elders to order the Colledge at Cambridge, of which twelve some are removed out of this jurisdiction,

It is therefore ordered that the Governour and Deputy for the time being, and all the magistrates of this jurisdiction, together with the teaching elders of the sixe next adjoyning townes, that is Cambridge, Watertowne, Charlestowne, Boston, Roxberry, and Dorchester, and the president of the Colledge for the time being, shall have from time to time full power and authority to make, and establish all such orders, statutes, and constitutions as they shall see necessary for the instituting, guiding, and furthering of the said Colledge, and the severall members thereof from time to time in piety, morality, and learning; as also that they shall have full power to dispose, order, and manage, to the use and behoofe of the said Colledge, and members thereof, all gifts, legacies, bequeathalls, revenues, lands, and donations, as either have bene, are, or shalbee conferred, bestowed, or any wayes shall fall to the said Colledge; and whereas it may come to passe, that many of the said magistrats and elders may bee absent, or otherwise implied in weighty affaires, when the said colledge neede their present helpe, councell, and authority, therefore it is ordered, that the greater number of the said magistrates, elders, & president shall have the power of the whole; provided, also that if any constitution, order, or orders shall bee made that is found hurtfull to the said Colledge, or the members thereof, or to the weale publike, that then upon the appeale of the

[The scribe has mistaken the act of appropriation of 28 October 1636 (M.B.C.R. I:183, entry 309) for the correct one, that appointing a "committee to take order for a College," 20 November 1637 (M.B.C.R. I:213, entry 367.)]

partie, or parties aggrieved to the said overseers, that they shall repeale the said order or orders at their next meeting, or stand accountable thereof to the next Generall Cort.

M.B.C.R. II:24-25, entry 531.

27 September 1642

5. 1650 — CHARTER OF 1650⁴

Whereas through the good hand of God many well devoted persons have ben and daylie are moved and stired upp to give and bestow sundry gifts legacies lands and Revenewes for the advancement of all good litterature Arts and sciences in Harvard Colledge in Cambridge in the county of midelsex and to the mayntenance of the praesident and fellowes and for all Accommodations of Buildings and all other Necessary provisions that may conduce to the education of the English and Indian youth of this country in knowledge and godlynes. It is therefore Ordred and Enacted by this Courte and the Authority thereof, that for the purposes aforesayd from henceforth that the said Colledge in Cambridge in midelsex in new England shalbe a Corporation consistinge of seaven persons (to witt) a praesident, five fellowes and a Treasurer or Burser. And that Henry Dunster shalbe the first praesident⁵ Samuel Mather Samuel Danford⁶ masters of Art,⁷ Jonathan Michell Comfort Starre and Samuel Eaton⁸ Bachellors of Art shalbe the five fellowes and Thomas Danford⁹ to be Treasurer, all of them beinge Inhabitants in the Bay and shalbe the first seven persons of which the said Corporation shall consist. And that the said seven persons or the greater Number of them, procuring the presence of the overseers of the Colledge, and by their counsell and consent shall have power and are hereby authorized at any time or times to elect a new praesident, fellowes or Treasurer so oft and from time to time as any of the said person or persons shall dy or be removed, which said praesident and fellowes for the time beinge shall for ever hereafter in name and fact be one body politicke and Corporate in law, to all intents and purposes, and shall have perpetuall succession, and shalbe called by the name of praesident and fellowes of Harvard Colledge, and shall from time to time be eligible as aforesaid. And by that name they and their successors shall and may purchase and acquire to themselves or take and receive uppon free gift and donation any lands tenements or heriditaments within this Juris-

diction of the Matathusets not exceed[ing] the vallew of five hundred pounds per anum and any goodes and sumes of money whatsoever, to the use and behoofe of the said praesidente fellowes and schollers of the said Colledge and also may sue and plead or be sued and impleaded by the name aforesaid in all Courts and places of judicature within the jurisdiction aforesaid and that the said praesident with any three of the fellowes shall have power and are hereby authorized when they shall thinke fitt to make and appoynte a common seale for the use of the said Corporation. And the praesident and fellowes or major part of them, from time to time may meete and choose such officers and servants for the Colledge and make such Allowance to them, and them also to remove and after death or removeall to choose such others, and to make from time to time such orders and by lawes for the better ordning and cariing on the worke of the Colledge as they shall thinke fitt provided they the said orders be allowed by the overseers. And also that the praesident and fellowes or the major part of them with the Treasurer, shall have power to make conclusive Barganes for lands and tenements to be purchased by the said corporat[ion] for valueable consideracions. And for the better ordninge of the government of the said Colledge and corporation be it Enacted by the Authoritie aforesaid, that the praesident and three more of the fellowes shall and may from time to time uppon due warninge or notice given by the praesident to the rest, hold a meetinge for the debatinge and concludinge of affayres concerninge the profits and Revenewes of any lands and disposinge of their goods, provided that all the said disposings be accordinge to the will of the donors. And for direction in all emergent occasions execution of all orders and by lawes and for the procuringe of a generall meetinge of all the overseers and societie in great and difficult cases, and in case of non agreement. In all which cases aforesaid, the conclusion shalbe made by the major part the said praesident havinge a castinge voyce, the overseers consentinge thereunto. And that all the aforesaid transactions shall tend to, and for the use and behoofe of the praesident fellowes schollers and officers of the said Colledge. And for all accomodations of buildings bookes and all other necessary provisions and furnitures as may be for the advancement and education of youth in all manner of good litterature arts and sciences, and further be it ordered by this court and the authoritie thereof that

all the lands tenements or heriditaments howses or Revenues within the jurisdiction to the aforesaid praesident or Colledge appertayning not exceedinge the vallew of five hundred pounds per anum shall from henceforth be freed from all civill impositions taxes and rates. all goods to the said Corporation or to any scholers thereof appertayning shalbe exempted from all manner of toll customes, excise whatsoever, and that the said president fellowes and scholeres together with the servants, and other necessary officers to the said president or Colledge appertayninge not exceedinge ten, viz three to the praesident and seaven to the Colledge belonginge shalbe exempted from all personall civill offices militarie exercises or services watching and wardings, and their estates from not exceeding one hundred pounds a man shalbe freed from all country publicke taxes and rates whatsoever and no other.

p[er] Curia[m]

Edward Rawson Secrit[arius]

M.B.C.R. III:264-66.

23 May 1650

6. 1657 — APPENDIX TO THE CHARTER OF 1650

In answer to certaine proposalls presented to this Court by the overseers of Harvard Colledge as an appendix to the colledge charter It is ordered the corporation shall have power from time to time to make such orders and by lawes for the better ordering and carrying on of the worke of the Colledge, as they shall see cawse, without dependance upon the consent of the overseers foregoing, provided alwayes that the corporation shall be responsible unto and those orders and by lawes shallbe alterable by the overseers according to their discretion. And when the corporation shall hold a meeting and agreeing with colledge servants, for making of orders and by lawes, for debating and concluding of affaires concerning the profitts and revenues of any lands or guifts and the disposing thereof, (provided that all the said disposalls be according to the will of the donors) for manning of all emergent occasions, for the procuring of a Generall meeting of the overseers and society in great and difficult cases and in cases of non agreement, and for all other colledge affaires to them pertaining; In all these cases the conclusion shallbe valid being made by the major part of the corporation; the President having a casting vote; provided alwayes that

in these things also they be responsible to the overseers, as aforesaid. And In case the corporacion shall see cawse to call a meeting of the overseers, or the overseers shall thinke good to meete of themselves, it shallbe sufficient unto the validditye of colledge acts, that notice be given to the overseers in the sixe tounes menconed in the printed lawe anno 1642 when the rest of the overseers by reason of the remotenes of their habbitacons cannot conveniently be acquainted therewith.

M.B.C.R. IV:265.
23 October 1657

7. 1671 — DISPOSITION OF GIFTS

Itt is ordered by this Court and the authority thereof, that all gifts and legacies given and bequeathed to the Colledge, schooles of learning, or any other publicke use shallbe truly and faithfully disposed of according to the true and declared intent of the donors. And all and every person or persons betrusted to receive or improve any such gifts or legacies shallbe liable from time to time to give account of their disposall and management thereof to the County Court of that sheire where they dwell and where such estate shall lye, who are hereby impowred to require the same, where neede shallbe and to appointe feoffees of trust to setle and mannage the same according to the will of the donors.

M.B.C.R. IV:678.
31 May 1671

The original intent and present legal effect of this charter have long been the subject of scholarly debate. See the comment on this charter in the Introduction.

8. 1672 — CHARTER OF 1672

Whereas by the good hand of God there hath bin erected and continued a colledge in Cambridge, in the county of Midlesex, called by the name of Harvard Colledge and that by an Instrument or charter dated the 31th of May in the yeare 1650. The Praesident and Fellows thereof were established to be one body corporate by the authority of this Court; and whereas severall Gifts and Donations have bin made and are still making, by many well devoted persons inhabitants of this country, as also strangers, for the maintenance of the Governours and Government thereof, and for all the accomodations of the schollars thereof, in Books buildings lectures schollarships and all other necessary and fitting provissions that may conduce to the education of English and Indian youths

there residing in all good litterature and Godlynes. Now for the perpetuation and further advancement of so good a worke and for the better Incouragement of all persons therein concerned, or to be concern'd, Itt is ordered and enacted by this Court and the authority thereof that Leonard Hoare, Doctor in Phisicke ¹⁰ Be the present Praesident of said Harvard Colledge mr Samuell Danforth, Fellow of the said Colledge mr Urian Oakes, pastor of the church of Cambridge mr Thomas Shephard teacher of the church of Charls Toune mr Joseph Broune and mr John Richardson masters of Art be the Fellowes, and mr John Richards the Tresurer ¹¹ of the said Colledge and Corporation for the time being; And that the Praesident Fellowes, and Tresurer of the said Colledge, or the Fellowes alone when there is no Praesident established and their successors from time to time be the Imediate Governours thereof, and shall in name and fact for ever hereafter be one Body pollitick and corporate in Lawe, to all intents and purposes, and shall have perpetuall succession Having power and Authority by these presents, procuring a meeting of the overseers, and by their counsell and consent to elect successours into the place of any one or more of them which shall be (by death or remoovall) made vacant. Bee it also heereby authorized and enacted That the said corporation and their successors shall have the power of constituting and againe at their pleasure remooving all inferiour officers to the said society apperteyning and all the next and Imediate Governm[en]t of every member of the said society according to such orders and lawes as are or shallbe established by the said Corporation; the overseers of the said Colledge allowing, or not contradicting the said lawes upon notice of them given to them at their next meeting. And also the said Corporation and their successors may purchase and acquire to themselves or take and receive upon free Gift any lands, tennements, haereditaments, annuitys, services, Goods, moneys, or other emoluments whatsoever, or from whomsoever, and (observing strightly the will of the donors) dispose of the same to the use and behooffe of the said Colledge or any members thereof; And that the Praesident may warne a Generall meeting of the said Corporation for debating any of the affaires afforesaid.

In all which cases the Conclusion shall be made by the major part present the Praesident having a Casting voyce, and that the said Corporation with their distinct tresurer (if any such be chosen)

by the name of the Praesident Fellowes and tresurer of Harvard Colledge, may sue and Plead, or be sued or Impleaded in all Courts and places of Judicature within this Jurisdiction of the Massachusetts Colony to all intents and purposes in law and with effect as may any private person or Body Incorporate, only the estate to the Corporation belonging, and not that which belongs proper to any member of the said corporation, being liable to such Impleadments. Also that the said Corporation or any three of them, the Praesident being one, in all crimes by the lawes of this Country punishable by one magistrate shall have the Full power of sconsing fineing or otherwise correcting all inferiour officers or members to the said society belonging, as the lawes of the country provide in such cases, or the lawes of the Colledge not repugnant unto them. And for that end any of the said Corporation shall and heereby have power personally with such ayde of the society as they shall thinke meete taking the constable along with them, to enter into any houses licenced for publicke enterteynment where they shallbe informed, or maybe suspitious of any enormities to be plotting or acting by any members of their society and all Constables and all other inferiour Civil officers in that place are heereby Authorised and Comanded to be readily ayding and Asisting to them or any of them in the premisses. Neither shall any person or persons legally expelled the Colledge abide above ten dayes in the touneship of Cambridge unless their parents live in the said touneship.

And be it also ordered and enacted by this court and the Authority thereof that all the lands tennements hereditaments or annuities within this Jurisdiction to the said Corporation apperteyning not exceeding the value of five hundred pounds p[er] anum shallbe hereforth free from all ordinary civil impositions taxes and rates, and all Goods to the said Corporation or to any schollars thereof apperteyning shallbe exempt from all manner of toll, customes, and excise whatsoever except in cases of warr or extraordinary exigences of the Countrey.

And moreover that the said Praesident Fellowes and schollars together with their maeniall servants and other necessary officers (not exceeding the number of ten) shall be utterly exempted from all personall and civil offices, military exercises, watchings and wardings or the like publick services: And the personall estates of the said Corporation and their officers (not exceeding one hundred

pounds a man) shallbe also freed from the like Country taxes forever. All and every of which premises wee doe ordeyne and enact to be fully established for Lawe, Any Law grant or usage to the Contrary in any wise notwithstanding.

In Ans[we]r to a proposall made by Dr Hoare Praesid[en]t of the Colledge for the better repaire necessary to be donne to his lodging by addition of a kitchen &c and making of fences for orchards and gardens meet for such a place and society It is by this Court Comitted to the care and prudence of the said Doctor to effect whatyet is necessary to be donn therein And the said Doctor is ordered to take of the moneys now to be brought in for the reaedy[ing] the buildings of the said Colledge and take of such materialls as shallbe brought to the place not exceeding three hundred pounds, taking the specie as it will arise in proportion one with another by the order of the comittee appointed to see the worke carried an end.

M.B.C.R. IV:707-09.
8 October 1672

9. 1707 — DECLARING CHARTER OF 1650 HAD NEVER BEEN REPEALED
4 December 1707. In Council —

The Governour and Council haveing Accepted and approved the choice made by the Fellows of Harvard Colledge in Cambridge, of mr John Leverett ¹² to be present Praesident of the said Colledge, to fill up that Vacancy.

Propose That the House of Representatives consider of and Grant a Suitable Salary to be paid to the said Praesident annually out of the Publick Treasury for his Encouragement and Support during his continuance in the said Office, residing at Cambridge and Discharging the proper Duty's to a Praesident belonging: And intirely Devote himselfe to that Service.

And Inasmuch, as the first foundation and Establishm[en]t of that House, and the Government thereof, had it's Original from an Act of the General Court, made and pass'd in the year 1650 which has not been repealed or Nulled.

The Praesident and Fellows of the said Colledge are Directed, from time to time, to Regulate themselves according to the Rules of the Constitution by the said Act prescribed; And to Exercise the

Powers and Authority's thereby Granted for the Government of that House and the Support thereof.

[Subscribed to Act when issued.]

[Voted. Is.^a Addington Secry.

Sent down for concurrence

In the House of Representatives,

December 4: 1707. Read.

5: . . . Read & . . . Concurr'd

John Burrill Speaker

And Voted That the Sum for

Salary be one Hundred

and fifty Pounds.

Agreed to in Council. 6 December 1707.]

Is.^a Addington Secry.

[signed] Consented to

J. Dudley

Massachusetts Archives 58:263. Boston, Mass. Original materials bound into 328 volumes in the Archives; entries not indexed or numbered.

(Also found in Ellis Ames and others, eds., The Acts and Resolves, Public and Private, of the Province of the Massachusetts Bay. [Boston, 1869-1922], Chapter 94. 6 December 1707)

10. 1780 — CHAPTER V OF THE CONSTITUTION OF MASSACHUSETTS

SECTION I.

The University.

I. Whereas our wise and pious ancestors, so early as the year one thousand six hundred and thirty six, laid the foundation of Harvard College, in which university many persons of great eminence have, by the blessing of GOD, been initiated in those arts and sciences, which qualified them for public employments, both in Church and State: And whereas the encouragement of arts and sciences, and all good literature, tends to the honor of GOD, the advantage of the christian religion, and the great benefit of this and the other United States of America — It is declared, that the PRESIDENT AND FELLOWS OF HARVARD COLLEGE, in