

## ACT OF INCORPORATION

### AN ACT TO INCORPORATE “THE HOWARD UNIVERSITY”, IN THE DISTRICT OF COLUMBIA.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress Assembled.

Section 1. That there be established, and is hereby established, in the District of Columbia, a University for the education of youth in the liberal arts and sciences, under the name, style, and title of “The Howard University.”

Section 2. *And be it further enacted*, That Samuel C. Pomeroy, Charles B. Boynton, Oliver O. Howard, Burton C. Cook, Charles H. Howard, James B. Hutchinson, Henry Brewster, Benjamin F. Morris, Danfort B. Nichols, William G. Finney, Roswell H. Stephens, E. M. Cushman, Hiran Barber, E. W. Robinson, W.F. Bascom, J.B. Johnson and Silas L. Loomis be, and they are hereby declared to be a body politic and corporate, with perpetual succession in deed or in law to all intents and purposes whatsoever, by the name, style, and title of “The Howard University,” by which name and title they and their successors shall be competent, at law and in equity, to take to themselves and their successors, for the use of said university, and estate whatsoever in any messages, lands, tenements, hereditaments, goods, chattels, moneys, and other effects, by gift, devise, grant, donation, bargain, sale, conveyance, assurance, or will, and the same to grant, bargain, sell, transfer, assign, convey, assure, devise, declare to use and farm let, and to place out on interest, for the use of said university, in such manner as to them, or majority of them, shall be deemed most beneficial to said institution; and to receive the same, their rents, issues, and profits, income and interest, and to apply the same for the proper use and benefit of said university; and by the same name to sue and be sued to implead and be imple[a]ded, in any courts of law and equity, in all manner of suits, actions, and proceedings whatsoever, and generally by and in the same name do and transact all and every the business touching and concerning premises: *Provided*, That the same do not exceed the value of fifty thousand dollars net annual income, over and above and exclusive of the receipt for the education and support of the students of said university.

Section 3. *And be it further enacted*, That the first meeting of said corporators shall be holden at the time and place at which a majority of the persons herein above named shall assemble for that purpose; and six days notice shall be given each of said corporators, at which meeting said corporators may enact by-laws, not inconsistent with the laws of the United States regulating the government of the corporation.

Section 4. *And be it further enacted*, That the government of the university shall be vested in a board of trustees, of not less than thirteen members, who shall be elected by the corporators of their first meeting. Said board of trustees shall have perpetual succession in deed or in law, and in them shall be vested the power here in before granted to the corporation. They shall adopt a common seal, which they may alter at pleasure, under and by which all deeds, diplomas and acts of the university shall pass and be authenticated. They shall elect a president, a secretary and a treasurer. The treasurer shall give such bonds

as the board of trustees may direct. The said board shall also appoint the professors and tutors, prescribing the number, and determining the amount of their respective salaries. They shall appoint such other officers, agents, or employees, as the wants of the university may from time to time demand, in all cases fixing their compensation. All meetings of said board may be called in such manner as the trustees shall prescribe, and nine of them so assembled shall constitute a quorum to so business, and less number may adjourn from time to time.

Section 5. *And be it further enacted*, That the university shall consist of the following departments, and such others as the board of trustees may establish: First, normal; second collegiate; third, theological; fourth, law; fifth, medicine; sixth, agriculture.

Section 6. *And be it further enacted*, That the immediate government of the several departments, subject to the control of the trustees, shall be entrusted to their perspective faculties, but the trustees shall regulate the course of instruction, prescribe, with the advice of the professors, the necessary text-books, confer such degrees, and grant such diplomas as are usually conferred and granted in other universities.

Section 7. *And be it further enacted*, That the board of trustees shall have the power to remove any professor or tutor or other officers connected with the institution, when, in their judgment, the interests of the university shall require it.

Section 8. *And be it further enacted*, that the board of trustees shall publish an annual report, making an exhibit of the affairs of the university.

Section 9. *And be it further enacted*, that no misnomer of the said corporation shall defeat or annul any donation, gift, grant, devise, or bequest to or from the said corporation.

Section 10. *And be it further enacted*, That the said corporation shall not employ its funds or income, or any part thereof in banking operations or for any purposes or object other than those expresses in the first section of this act; and that nothing in this act contained shall be so construed as to prevent congress from altering, amending, or repealing the same.

*Approved March 2, 1867*

*14 United States Statutes At Large, 438*



## **AMENDMENT**

Seventieth Congress of the United States of America; At the Second Session, begun and held at the City of Washington on Monday, the third day of December, one thousand nine hundred and twenty eight.

### **AN ACT**

To amend section 8 of an Act entitled “An Act to incorporate the Howard University in the District of Columbia,” approved March 2, 1867. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that section 8 of an Act entitled “An act to incorporate the Howard University in the District of Columbia, “ approved March 2, 1867, be amended to read as follows:

“Sec. 8 Annual appropriations are hereby authorized to aid in the construction, development, improvement, and maintenance of the University, no part of which shall be used for religious instruction. The university shall at all times be open to inspection by the Bureau of Education and shall be inspected by the said bureau at least once each year. An annual report making a full exhibit of the affairs of the university shall be presented to Congress each year in the report of the Bureau of Education.”

Approved, December 13, 1928