

29th Congress, 1st Session

Begun and held at the City of Washington and the District of Columbia on Monday, the first day of December, eighteen hundred and forty-five.

AN ACT TO ESTABLISH THE "SMITHSONIAN INSTITUTION" FOR THE INCREASE AND DIFFUSION OF KNOWLEDGE AMONG MEN.

[As finally adopted and made into law, August 10, 1846]

James Smithson, esquire, of London, in the Kingdom of Great Britain, having by his last will and testament given the whole of his property to the United States of America, to found at Washington, under the name of the "Smithsonian Institution," an establishment for the increase and diffusion of knowledge among men; and the United States having, by an act of Congress, received said property and accepted said trust; Therefore, For the faithful execution of said trust, according to the will of the liberal and enlightened donor;

Be it Enacted By the Senate and House of Representatives of the United States of America in Congress assembled. That the President and Vice-President of the United States, the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, the Postmaster-General, the Attorney-General, the Chief Justice, and the Commissioner of the Patent Office of the United States; and the mayor of the city of Washington, during the time for which they shall hold their respective offices, and such other persons as they may elect honorary members, be, and they are hereby constituted, an "establishment," by the name of the "Smithsonian Institution," for the increase and diffusion of knowledge among men; and by that name shall be known and have perpetual succession, with the powers, limitations, and restrictions, hereinafter contained, and no other.

SEC. 2. *And be it further enacted,* That so much of the property of the said James Smithson as has been received in money, and paid into the Treasury of the United States, being the sum of five hundred and fifteen thousand one hundred and sixty-nine dollars, be lent to the United States Treasury at six per cent per annum interest, from the first day of September, in the year one thousand eight hundred and thirty-eight, when the same was received into the said Treasury; and that so much of the interest as may have accrued on said sum on the first day of July next, which will amount to the sum of two hundred and forty-two thousand one hundred and twenty-nine dollars, or so much thereof as shall by the board of regents of the institution established by this act be deemed necessary, be, and the same is hereby, appropriated for the erection of suitable buildings, and for other current incidental expenses of said Institution; and that six per cent interest on the said trust fund, it being the said amount of five hundred and fifteen thousand one hundred and sixty-nine dollars, received into the United States Treasury on the first of September, one thousand eight hundred and thirty-eight, payable, in half-yearly payments, on the first of January and July in each year, be, and the same is hereby, appropriated for the perpetual

maintenance and support of said institution; and all expenditures and appropriations to be made from time to time, to the purposes of the institution aforesaid, shall be exclusively from the accruing interest, and not from the principal of said fund. *And be it further enacted*, That all the moneys and stocks which have been, or may hereafter be, received into the Treasury of the United States on account of the fund bequeathed by James Smithson, be, and the same hereby are, pledged to refund to the Treasury of the United States the sums hereby appropriated.

SEC 3. *And be it further enacted*, That the business of the said Institution shall be conducted at the City of Washington by a board of regents, by the name of regents of the "Smithsonian Institution," to be composed of the Vice-President of the United States, the Chief Justice of the United States, and the Mayor of the City of Washington, during the time for which they shall hold their respective offices; three members of the Senate, and three members of the House of Representatives; together with six other persons, other than members of Congress, two of whom shall be members of the national institute in the City of Washington, and resident in the said city; and the other four thereof shall be inhabitants of States, and no two of them of the same State. And the regents to be selected as aforesaid shall be appointed immediately after the passage of this act—the members of the Senate by the President thereof, the members of the House by the Speaker thereof, and the six other persons by Joint resolution of the Senate and House of Representatives; and the members of the House, so appointed, shall serve until the fourth Wednesday in December, the second next after the passage of this act; and then, and biennially thereafter, on every alternate fourth Wednesday of December, a like number shall be appointed in the same manner, to serve until the fourth Wednesday in December, the second succeeding their appointment. And the Senators so appointed shall serve during the term for which they shall hold, without re-election, their office as Senators. And vacancies occasioned by death, resignation, or otherwise, shall be filled as vacancies in Committees are filled; and the other six members aforesaid shall serve, two for two years, two for four years, and two for six years; the terms of service, in the first place, to be determined by lot; but, after the first term, then their regular term of service shall be six years; and new elections thereof shall be made by Joint Resolution of Congress; and vacancies occasioned by death, resignation, or otherwise, may be filled in like manner, by Joint resolution of Congress. And the said Regents shall meet in the City of Washington, on the first Monday of September next after the passage of this act, and organize by the election of one of their number as chancellor, who shall be the presiding officer of said board of regents, by the name of the Chancellor of the "Smithsonian Institution," and a suitable person as secretary of said Institution, who shall also be the secretary of said board of regents; said board shall also elect three of their own body as an executive committee, and said regents shall then fix on the time for the regular meetings of said board; and, on application of any three of the regents to the secretary of the said Institution, it shall be his duty to appoint a special meeting of the board of regents, of which he shall give notice, by letter, to each of the members; and, at any meeting of said board, five shall constitute a quorum to do business. And each member of said board shall be paid his necessary traveling and other actual expenses, in attending meetings of the board, which shall be audited by the executive committee, and recorded by the secretary of said board; but his services as regent shall be gratuitous. And whenever

money is required for the payment of the debts or performance of the contracts of the institution, incurred or entered into in conformity with the provisions of this act, or for making the purchases and executing the objects authorized by this act, the board of regents, or the executive committee thereof, may certify to the chancellor and secretary of the board that such sum of money is required, whereupon they shall examine the same, and, if they shall approve thereof, shall certify the same to the proper officer of the treasury for payment. And the said board shall submit to Congress, at each session thereof, a report of the operations, expenditures, and condition, of the institution.

SEC. 4. *And be it further enacted,* That, after the board of regents shall have met and become organized, it shall be their duty forthwith to proceed to select a suitable site for such building as may be necessary for the institution, which ground may be taken and appropriated out of that part of the public ground in the city of Washington lying between the Patent Office and Seventh Street: *Provided,* The President of the United States, the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, and the Commissioner of the Patent Office, shall consent to the same; but, if the persons last named shall not consent, then such location may be made upon any other of the public grounds within the city of Washington, belonging to the United States, which said regents may select, by and with the consent of the persons herein named; and the said ground, so selected, shall be set out by proper metes and bounds, and a description of the same shall be made, and recorded in a book to be provided for that purpose, and signed by the said regents, or so many of them as may be convened at the time of their said organization; and such record, or a copy thereof, certified by the Chancellor and Secretary of the board of regents, shall be received in evidence, in all courts, of the extent and boundaries of the lands appropriated to the said institution: and, upon the making of such record, such site and lands shall be deemed and taken to be appropriated, by force of this act, to the said institution.

SEC. 5. *And be it further enacted,* That, so soon as the board of regents shall have selected the said site, they shall cause to be erected a suitable building, of plain and durable materials and structure, without unnecessary ornament, and of sufficient size, and with suitable rooms or halls, for the reception and arrangement, upon a liberal scale, of objects of natural history, including a geological and mineralogical cabinet; also a chemical laboratory, a library, a gallery of art, and the necessary lecture rooms; and the said board shall have authority, by themselves, or by a committee of three of their members, to contract for their completion of such building, upon such plan as may be directed by the board of regents, and shall take sufficient security for the building and finishing the same according to the said plan, and in the time stipulated in such contract; and may so locate said building, if they shall deem it proper, as in appearance to form a wing to the Patent Office building, and may so connect the same with the present hall of said Patent Office building, containing the national cabinet of curiosities, as to constitute the said hall, in whole or in part, the deposit for the cabinet of said institution, if they deem it expedient to do so: *Provided,* said building shall be located upon said Patent Office lot, in the manner aforesaid: *Provided, however,* That the whole expense of the building and enclosures aforesaid shall not exceed the amount of _____ dollars which sum is hereby appropriated, payable out of money in the treasury not otherwise

appropriated, together with such sum or sums out the annual interest accruing to the institution, as may, in any year, remain unexpended, after paying the current expenses of the institution. And duplicates of all such contracts as may be made by the said board of regents shall be deposited with the treasurer of the United States; and all claims on any contract made as aforesaid shall be allowed and certified by the board of regents, or the executive committee thereof, as the case may be, and, being signed by the Chancellor and secretary of the board, shall be a sufficient voucher for settlement and payment at the Treasury of the United States. And the board of regents shall be authorized to employ such persons as they may deem necessary to superintend the erection of the building and fitting up the rooms of the institution. And all laws for the protection of public property in the City of Washington shall apply to, and be in force for, the protection of the lands, buildings, and other property, of said institution. And all moneys recovered by, or accruing to, the institution, shall be paid into the treasury of the United States, to the credit of the Smithsonian bequest, and separately accounted for, as provided in the act approved July first, eight hundred and thirty-six, accepting said bequest.

SEC. 6. *And be it further enacted,* That, in proportion as suitable arrangements can be made for their reception, all objects of art and of foreign and curious research, and all objects of natural history, plants, and geological and mineralogical specimens, belonging, or hereafter to belong, to the United States, which may be in the city of Washington, in whosoever custody the same may be, shall be delivered to such persons as may be authorized by the board of regents to receive them, and shall be arranged in such order, and so classed, as best [to] facilitate the examination and study of them, in the building so as aforesaid to be erected for the institution; and the regents of said institution shall afterwards, as new specimens in natural history, geology, or mineralogy, may be obtained for the museum of the institution by exchanges of duplicate specimens belonging to the institution (which they are hereby authorized to make) or by donation, which they may receive, or otherwise, cause such new specimens to be also appropriately classed and arranged. And the minerals, books, manuscripts, and other property, of James Smithson, which have been received by the Government of the United States, and are now placed in the Department of State, shall be removed to said institution, and shall be preserved separate and apart from other property of the institution.

SEC. 7. *And be it further enacted,* That the secretary of the board of regents shall take charge of the building and property of said institution, and shall, under their direction, make a fair and accurate record of all their proceedings, to be preserved in said institution; and the said secretary shall also discharge the duties of Librarian and of keeper of the museum, and may, with the consent of the board of regents, employ assistants; and the said officers shall receive for their services such sums as may be allowed by the board of regents, to be paid semi-annually on the first day of January and July; and the said officers shall be removable by the board of regents, whenever, in their judgment, the interests of the institution require any of the said officers to be changed.

SEC. 8. *And be it further enacted,* That the members and honorary members of said institution may hold such stated and special meetings, for the supervision of the affairs of said institution and the advice and instruction of said board of regents, to be called in the

manner provided for in the by-laws of said institution, at which the President, and in his absence the Vice-President of the United States shall preside. And the said regents shall make, from the interest of said fund, an appropriation, not exceeding an average of twenty-five thousand dollars annually, for the gradual formation of a Library composed of valuable works pertaining to all departments of human knowledge.

SEC. 9. *And be it further enacted,* That of any other moneys which have accrued, or shall hereafter accrue, as interest upon the said Smithsonian fund, not herein appropriated, or not required for the purposes herein provided, the said managers are hereby authorized to make such disposal as they shall deem best suited for the promotion of the purpose of the testator, anything herein contained to the contrary notwithstanding.

SEC. 10. *And be it further enacted,* That the author or proprietor of any book, map, chart, musical composition, print, cut, or engraving, for which a copy-right shall be secured under the existing acts of Congress, or those which shall hereafter be enacted respecting copy-rights, shall, within three months from the publication of said book, map, chart, musical composition, print, cut, or engraving, deliver, or cause to be delivered, one copy of the same to the Librarian of the Smithsonian institution, and one copy to the Librarian of Congress Library, for the use of the said Libraries.

SEC. 11. *And be it further enacted,* That there is reserved to Congress the right of altering, amending, adding to, or repealing, any of the provisions of this act. *Provided,* That no contract, or individual right, made or acquired under such provisions, shall be thereby divested or impaired.

Approved August 10, 1846

James K. Polk

John W. Davis Speaker of the House of Representatives

David R. Atchinson President of the Senate Protempore