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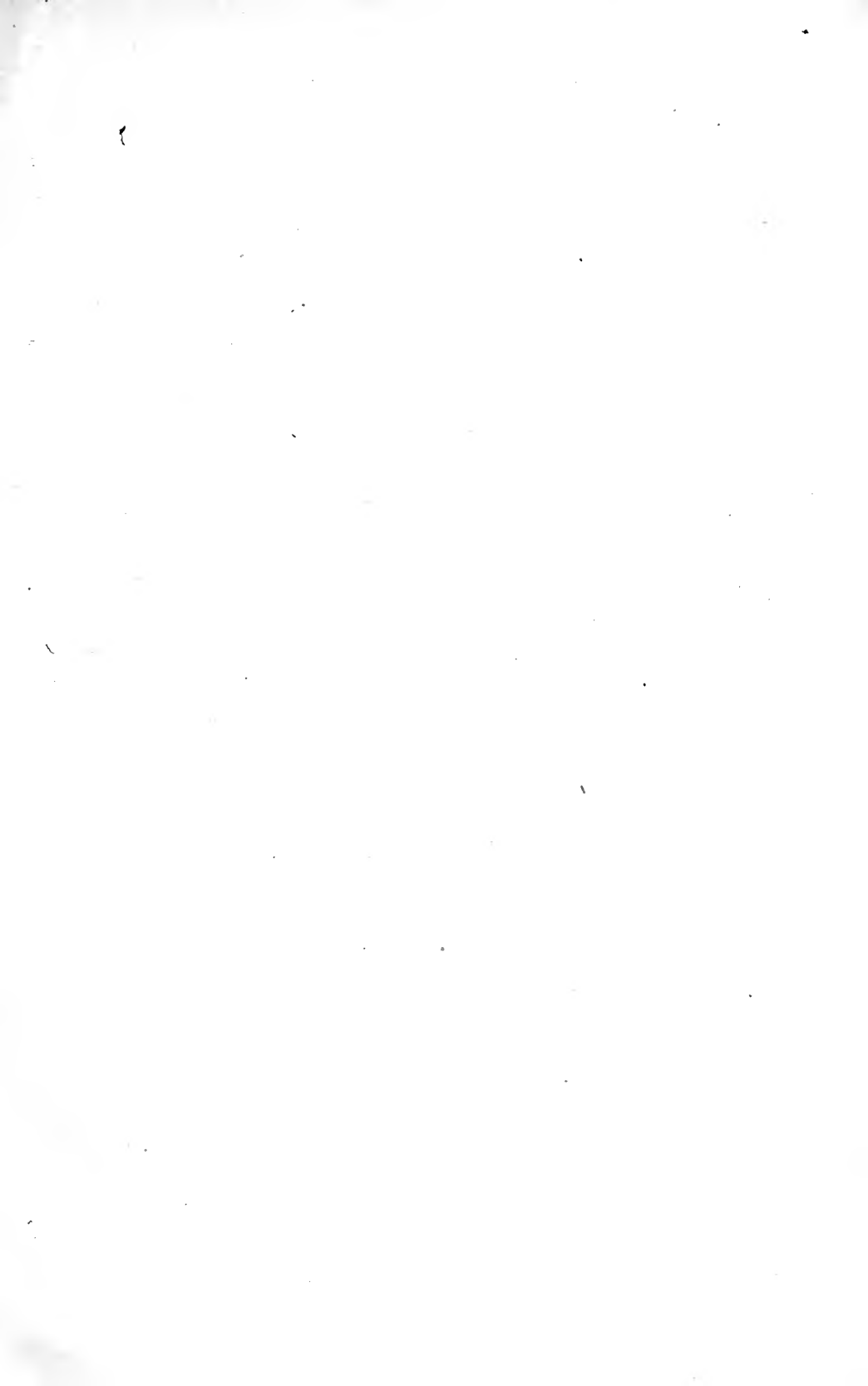
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LAWS OF THE STATE UNIVERSITY.

ACTS OF CONGRESS

—AND LAWS OF THE—

MISSOURI LEGISLATURE

—RELATING TO THE—

UNIVERSITY OF MISSOURI

AND AGRICULTURAL AND MECHANICAL COLLEGE,
AND SCHOOL OF MINES AND METALLURGY.

WITH AN APPENDIX.



PUBLISHED BY ORDER OF THE BOARD.

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CHAPTER I.

HISTORIC MEMORANDUM.



ORDINANCE OF 1787.

The liberal school policy of the General Government, by land grants, was established by the ordinance of 1787, in the following language, to-wit:—

“And for extending the fundamental principles of civil and religious liberty, which form the basis whereon these republics, their laws and constitutions are erected, etc., etc.

“It is hereby enacted and declared, by the authority aforesaid, (i. e., of the United States in Congress assembled), that the following articles shall be considered as articles of compact between the original States and the people in the said Territory (northwest of the river Ohio), and forever remain unalterable, unless by common consent, to-wit:

* * * * *

“ARTICLE 3. Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.”

ACT ORGANIZING THE TERRITORY OF MISSOURI.

In the act of Congress of 1812, organizing the Territory of Missouri, this article of the ordinance of 1787 was somewhat amplified, as the following extract will show:

“Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall be encouraged and provided for from the public lands of the United States in said Territory, in such manner as Congress may deem expedient.”

SEMINARY AND OTHER LANDS.

[Extracts from An Act of Congress approved March 6 1820, to authorize the people of the Missouri Territory to form a Constitution and State Government, &c. See Revised Statutes 1845, p. 14.]

“SEC. 6. And be it further enacted, That the following propositions be, and the same are hereby, offered to the convention of the said territory of Missouri, when formed, for their free acceptance or rejection, which, if accepted by the convention, shall be obligatory upon the United States.

"First. That section numbered sixteen in every township, and when such section has been sold, or otherwise disposed of, other lands equivalent thereto, and as contiguous as may be, shall be granted to the State for the use of the inhabitants of such township, for the use of (now district) schools.

* * * * *

Fifth. That thirty-six sections, or one entire township, which shall be designated by the President of the United States, together with the other lands heretofore reserved for that purpose, shall be reserved for the use of a seminary of learning, and vested in the legislature of said State, to be appropriated solely to the use of such seminary by the said legislature: *Provided*, That the five foregoing propositions herein offered, are on the condition that the convention of the said State shall provide, by an ordinance, irrevocable without the consent of the United States, that every and each tract of land sold by the United States, from and after the first day of January next, shall remain exempt from any tax laid by order or under the authority of the State, whether for State, county, or township, or any other purpose whatever, for the term of five years from and after the day of sale: *And further*, That the bounty lands granted, or hereafter to be granted, for military services during the late war, shall, while they continue to be held by the patentees, or their heirs, remain exempt as aforesaid from taxation for the term of three years from and after the date of the patents respectively. Approved, 6th March, 1820."

In pursuance of the provisions of this act, members of a convention were elected to form a Constitution and State government. They assembled at St. Louis on the 12th of June, 1820, and determined that it was expedient to form a Constitution and State government, and having accepted the five propositions offered by the 6th section of the above act, passed an ordinance which was finally signed on the 19th of July, 1820. A Constitution was formed, whereby the boundaries, mentioned in the 2d section of the above act, were ratified—and a new republic established by the name of the State of Missouri.

Agreeably to the 7th section of the above act, an attested copy of the Constitution was transmitted to Congress. A resolution was introduced in both Houses for the unconditional admission of the State into the Union, as had been the uniform course in relation to other new States; these resolutions were, however, lost, and finally, after much discussion, a resolution was passed for admitting the State on a certain condition. The Legislature of Missouri, on the 27th of June, 1821, accepted the condition, protesting

at the same time against the right of Congress to annex it, and on the 10th of August, 1821, the President of the United States issued his proclamation, announcing the acceptance by this State of the condition and the admission of the State into the Union.

The University of the State of Missouri, called in the acts of Congress of February 17, 1818, March 6, 1820, January 24, 1827, and March 2, 1827, a "Seminary of Learning," possesses a legislative or legal history which is not only in itself very interesting, but quite essential to a proper understanding of its relations to the Federal and State governments, and of the obligations imposed upon the General Assembly of Missouri to foster and encourage it. It therefore has a history which antedates its location and establishment in the town of Columbia.

In the discussion of the act of March 6, 1820, quoted above, a complication often presented itself, originating in the fact that that act donated to the State only thirty-six sections, or one township, of public land whereas the State received "for the use of a Seminary of Learning," seventy-two sections, or two townships.

This apparent contradiction is explained by the following facts:

Three years anterior to the admission of Missouri into the Union, and by the third section of the act of Congress of February 17, 1818, *two* townships were directed to be located and reserved for the support of a seminary of learning in this State, and one of these townships was authorized to be located on the waters of the Missouri, and the other on the waters of the Arkansas river.

Following this in chronological order was the act of March 6, 1820, already quoted.

Although the Seminary lands were reserved by the act of 1818 and donated by the act of 1820, they were not authorized to be selected nor confirmed to the State until the passage of the act of January 24, 1827, as follows:

ACT OF JANUARY 24, 1827.

"An Act concerning the selection of certain lands, heretofore granted by compact, to the State of Missouri, for seminaries of learning.

Be it enacted, etc., That it shall be the duty of the President of the United States, as soon as may be, to cause to be selected, from any of the public lands of the United States in Missouri, the sale of which is authorized by law, and in quantities not less than



a section, according to the divisional lines of the public surveys, the several townships of land heretofore secured by compact to the State of Missouri, for the purposes of a seminary or seminaries of learning in that State, and to cause one descriptive list of such selections to be filed with the Governor of Missouri, in the office of the Secretary of that State, and another like list to be filed in the General Land Office of the United States; and the lands so selected shall, immediately thereupon, vest in the State of Missouri, according to, and in satisfaction of, the above mentioned compact with the United States.

“Approved January 24th, 1827.”

ACT OF MARCH 2, 1827.

(Extract from a letter of Hon. N. C. McFarland, commissioner of the General Land Office, dated July 15, 1882.)

“By the Act of March 2, 1827, entitled “An act concerning a seminary of learning in the Territory of Arkansas,” authorizing the Secretary of the Treasury to set apart two townships for the use and support of a seminary of learning, it is provided that one of said townships so set apart shall be “in lieu of an entire township of land directed to be located on the waters of the Arkansas River, in said Territory, for the use of a seminary of learning therein, by an act of Congress entitled, ‘An act making provision for the establishment of additional land offices in the Territory of Missouri,’ ” approved February 17, 1818.

“It will be seen from the above cited act, that one of the townships reserved for seminary purposes in the Territory of Missouri, and to be located on the waters of the Arkansas, was transferred to the Territory of Arkansas, leaving one township reserved for the former Territory, which, together with the additional township granted by the Act of March 6, 1820, made *two* townships which the President of the United States was directed to cause to be selected, under the Act of January 24, 1827, for the purpose of a seminary or seminaries of learning in the State of Missouri.”

ACT OF MARCH 3, 1831, AUTHORIZING THE SALE OF THE SEMINARY LANDS.

The eighth section of “an act to create the office of surveyor of public lands for the State of Louisiana,” passed by Congress and approved March, 3, 1831, authorized the Legislature of Missouri to sell the seminary lands “and to invest the money arising from the sale thereof in some productive fund, the proceeds of which shall be forever applied by the Legislature of said State, solely to the use of such seminary, and for no other use or purpose whatsoever,” as follows:—

SEC. 8. *And be it further enacted, That the Legislature of*

the State of Missouri be, and is hereby authorized to sell and convey in fee simple all or any part of the lands heretofore reserved and appropriated by Congress for the use of the Seminary of learning in said State, and to invest the money arising from the sale thereof in some productive fund, the proceeds of which shall be forever applied by the Legislature of said State, solely to the use of such Seminary, and for no other use or purpose whatsoever.

CHAPTER II.

EDUCATION—CONSTITUTIONAL PROVISIONS.

[From the State Constitution of 1820.]

SEC. 1. Schools and the means of education shall forever be encouraged in this State; and the General Assembly shall take measures to preserve from waste or damage such lands as have been, or hereafter may be granted by the United States for the use of schools within each township in this State, and shall apply the funds which may arise from such lands in strict conformity to the object of the grant; one school or more shall be established in each township as soon as practicable and necessary, where the poor shall be taught gratis.

SEC. 2. The General Assembly shall take measures for the improvement of such lands as have been, or may hereafter be granted by the United States to this State for the support of a seminary of learning; and the funds accruing from such lands by rent or lease, or in any other manner, or which may be obtained from any other source for the purposes aforesaid, shall be and remain a permanent fund to support a university for the promotion of literature, and of the arts and sciences; and it shall be the duty of the General Assembly, as soon as may be, to provide effectual means for the improvement of such lands and for the improvement and permanent security of the funds and endowments of such institution.

(For provisions of the State Constitution of 1865, see "Appendix.")

(From the State Constitution of 1875, Art. XI.)

SEC. 1. PUBLIC SCHOOLS—PERSONS OF SCHOOL AGE.—A general diffusion of knowledge and intelligence being essential to the preservation of the rights and liberties of the people, the General

Assembly shall establish and maintain free public schools for the gratuitous instruction of all persons in this State between the ages of six and twenty years.

(The limit was twenty-one years, under constitution of 1865, Art. IX, § 1.)

(a) **IN GENERAL.**—Section 7, Article VII, of the school law of 1855 (R. S. 1855, p. 1440), giving a preference to the debt owing by a defaulting county treasurer of the school fund, is not in conflict with any provision of the State or Federal Constitutions. *Cass County v. Jack*, 49 Mo. 195.

SEC. 2. DISBURSEMENT OF SCHOOL FUNDS, CERTAIN DISTRICTS NOT ENTITLED TO.—The income of all the funds provided by the State for the support of free public schools shall be paid annually to the several county treasurers to be disbursed according to law; but no school district, in which a free public school has not been maintained at least three months during the year for which the distribution is made, shall be entitled to receive any portion of such funds.

(The first clause is new. Constitution of 1865, Art. IX, § 7.)

SEC. 3. SCHOOLS FOR COLORED CHILDREN.—Separate free public schools shall be established for the education of children of African descent.

(Same as Constitution of 1865, Art. IX, § 2.)

SEC. 4. BOARD OF EDUCATION.—The supervision of instruction in the public schools shall be vested in a "Board of Education," whose powers and duties shall be prescribed by law. The Superintendent of Public Schools shall be President of the Board. The Governor, Secretary of State and Attorney-General shall be *ex officio* members, and with the Superintendent, compose said Board of Education.

(Constitution of 1865, Art. IX, § 3, modified.)

SEC. 5. STATE UNIVERSITY.—The General Assembly shall, whenever the Public School Fund will permit, and the actual necessity of the same may require, aid and maintain the State University now established with its present departments. The government of the State University shall be vested in a Board of Curators, to consist of nine members, to be appointed by the Governor, by and with the advice and consent of the Senate.

(The last sentence is new. Constitution of 1865, Art. IX, § 4.)

SEC. 6. SCHOOL FUND.—The proceeds of all lands that have been or hereafter may be granted by the United States to this State, and not otherwise appropriated by this State or the United

States; also, all moneys, stocks, bonds, lands and other property now belonging to any State fund for purposes of education; also, the net proceeds of all sales of lands and other property and effects that may accrue to the State by escheat, from unclaimed dividends and distributive shares of the estates of deceased persons; also any proceeds of the sales of the public lands which may have been or hereafter may be paid over to this State (if Congress will consent to such appropriation); also, all other grants, gifts or devises that have been, or hereafter may be made to this State, and not otherwise appropriated by the State or the terms of the grant, gift or devise, shall be paid into the State Treasury, and securely invested and sacredly preserved as a Public School Fund; the annual income of which fund, together with so much of the ordinary revenue of the State as may be by law set apart for that purpose, shall be faithfully appropriated for establishing and maintaining the free public schools and the State University in this Article provided for, and for no other uses or purposes whatsoever.

(Same, substantially, as Constitution of 1865, Art. IX, § 5.)

Sec. 7. DEFICIENCY IN SCHOOL FUNDS—STATE REVENUE.—In case the Public School Fund now provided and set apart by law, for the support of free public schools, shall be insufficient to sustain a free school at least four months in every year in each school district in this State, the General Assembly may provide for such deficiency in accordance with section eleven of the Article on Revenue and Taxation; but in no case shall there be set apart less than twenty-five per cent. of the State revenue, exclusive of the Interest and Sinking Fund, to be applied annually to the support of the public schools.

(Constitution of 1865, Art. IX, § 8, modified.)

Sec. 8. COUNTY SCHOOL FUND.—All moneys, stocks, bonds, lands and other property belonging to a county school fund; also, the net proceeds from the sale of estrays; also, the clear proceeds of all penalties and forfeitures, and of all fines collected in the several counties for any breach of the penal or military laws of the State, and all moneys which shall be paid by persons as an equivalent for exemption from military duty, shall belong to and be securely invested, and sacredly preserved in the several counties, as a county public school fund; the income of which fund shall be faith-

fully appropriated for establishing and maintaining free public schools in the several counties of this State.

(Constitution of 1865, Art. IX, § 5, with additions and changes.)

Sec. 9. INVESTMENT OF PUBLIC SCHOOL FUND.—No part of the Public School Fund of the State shall ever be invested in the stock or bonds, or other obligations of any other State, or of any county, city, town or corporation; and the proceeds of the sales of any lands or other property which now belong, or may hereafter belong to said school fund, shall be invested in the bonds of the State of Missouri, or of the United States.

(Under the Constitution of 1865, Art. IX, § 6, the School Fund could be invested only in the bonds of the United States.)

(a) SECTION 6 OF THE ACT OF 1865 provided that the purchase money arising from the sale of certain stock of the Bank of the State of Missouri, belonging to the State, might be paid in bonds and coupons of the State; *held*, that this was not necessarily an investment in either State bonds or obligations. (Acts of 1865, p. 16.) *State v. The Bank of the State of Missouri*, 45 Mo. 528.

Sec. 10. INVESTMENT OF COUNTY SCHOOL FUND.—All county school funds shall be loaned only upon unincumbered real estate security, of double the value of the loan, with personal security in addition thereto.

(Same, substantially, as Constitution of 1885, Art. IX, § 6.)

Sec. 11. SCHOOLS FOR RELIGIOUS OR SECTARIAN PURPOSES.—Neither the General Assembly, nor any county, city, town, township, school district or other municipal corporation, shall ever make an appropriation, or pay from any public fund whatever, anything in aid of any religious creed, church or sectarian purpose; or to help to support or sustain any private or public school, academy, seminary, college, university or other institution of learning, controlled by any religious creed, church or sectarian denomination whatever; nor shall any grant or donation of personal property or real estate ever be made by the State, or any county, city, town or other municipal corporation, for any religious creed, church or sectarian purpose whatever.

(This section is new. Constitution of Illinois, Art. VIII, § 3.)

CHAPTER III.

SALE OF SEMINARY LANDS.

On January 23, 1829, (see Session Acts 1828-9,) an act was

approved which provided for the prosecution, fine and imprisonment of trespassers on the Seminary Lands.

By an act approved Dec. 31, 1830, (‡) provision was made for the sale of the Seminary Lands. It made it the duty of the Governor of this state, or his successor in office for the time being, after giving six months previous notice thereof, in the several newspapers published in this state, to cause the lands granted to the state for seminary purposes, to be offered at public sale to the highest bidder, upon this condition, however, that the same shall not be sold for a less price than two dollars per acre, and the sales of the said lands shall be conducted in every other respect, under the same regulations as the public lands of the United States.

By the same act John B. Swearingen was made register and Samuel C. Owens receiver for the purpose of superintending the lands in the United States Western district; James Jamison, register, and Henry Lane, receiver, in the Salt river district, and William Garner, register, and Robert F. Brown, receiver in the Cape Girardeau district, each of whom was required to give bond.

The sales of land in the Western district were held in Independence, commencing on the first Monday in December, 1831; in the Salt river district in Palmyra on the second Monday in November, 1831; and in the Cape Girardeau district in Benton, Scott county, on the first Monday in November of the same year.

On January 17, 1831, (*) an act was approved which provided for annexing to the town of Independence, laying off into lots, and making sale of eighty acres of Seminary Lands adjoining said town. Said sale commenced on the first Monday in December, 1832, openly to the highest bidder, under the superintendence of a commissioner appointed by the Governor, said act providing that no lot of one acre or less should be sold for less than \$10, nor any lot of more than one acre for less than \$5 per acre.

ACT OF DECEMBER 31, 1830, REVIVED.

January 29, 1833, (†) an act was approved reviving the act to provide for the sale of the Seminary Lands, approved Dec. 31, 1830, and it authorized public sales of the lands at Independence,

‡ See Session Acts 1830-1, p. 86.

* See Session Acts 1830-1 p. 91.

† See Session Acts. 1832-3, p. 116.



Palmyra and Benton in the months of October, November and December 1833. Abraham McClellan was appointed commissioner of the sales at Independence, Henry Wilcox at Palmyra, and John Moore at Benton. All lands not thus sold at public sale were thereafter subject to private entry or purchase.

The commissioner of the Western district was directed at the close of the public sales to offer to the highest bidder the town lots remaining unsold in the annexed portion of the town of Independence, pursuant to the act approved January 17, 1831.

On the 17th of March, 1835, (*) an act of the Legislature was approved to take effect the first day of May thereafter, providing for the sale, at private entry, of the Seminary Lands, in the same manner at the same price, and under the same regulations as the United States lands were then disposed of, at private sales.

By the terms of the act, John Moore of Scott county, for the Cape Girardeau land district; Henry Wilcox for the Salt River district and Smallwood Noland of Jackson county for the Western district, were made commissioners to superintend the sale of these lands, each giving bonds of not less than \$5,000. Moneys received by them from said sales to be paid into the State treasury every twelve months, the treasurer to keep the same "as a distinct fund for the purposes for which said lands were accepted" by the State.

For an act of two sections to protect the rights of pre-emption settlers on the Seminary Lands, see Sessions Acts of 1832-3, p. 119.

CHAPTER IV.

SELECTING A SITE FOR THE STATE UNIVERSITY.

By an act of the Legislature, approved Feb. 8, 1839, (†) five commissioners were appointed to select a site for the State University, said commissioners being Peter H. Burnett of Clay, Chancey Durkee of Lewis, Archibald Gamble of St. Louis, John G. Bryan of Washington and John S. Phelps of Greene. The act provided the site should contain at least fifty acres of land in a compact form within two miles of the county seat of the county of Cole, Cooper, Howard, Boone, Callaway or Saline.

It was made the duty of the commissioners to meet in the city of Jefferson on the first Monday of June, 1839, and thereafter at such times as they might appoint at the county seat of each coun-

*See Revised Statutes 1835, p. 576.

†See Session Acts 1838, p. 185, and for the act in full see "Appendix."

ty mentioned, to receive conveyances of land and subscriptions of money, to be void if the University was not located at the county seat of the county in which they were made.

After visiting all the county seats and receiving bids as aforesaid the commissioners were to return to the seat of government and open the bids; "and the place presenting most advantages to be derived to said University, keeping in view the amount subscribed, and locality and general advantages, shall be entitled to its location."

On the 24th of June, 1839, the commissioners met in Jefferson City, opened all the bids, and located the University of Missouri at Columbia, in the county of Boone. The following is a copy of the award:

"The commissioners appointed by law to select a site for the State University have agreed unanimously in the choice of Boone county for its location. Given under our hands at the City of Jefferson this 24th day of June in the year 1839.

[Signed.]

JOHN GANO BRYAN,
CH. DURKEE,
ARCHIBALD GAMBLE,
JOHN S. PHELPS,
PETER H. BURNETT."

CHAPTER V.

INSTITUTION OF THE STATE UNIVERSITY.

On the 11th Feb., 1839, (*) an act was passed "to provide for the institution and support of the State University, and for the government of colleges and academies." This act, drafted by Hon. Henry S. Geyer, a distinguished lawyer of St. Louis and afterwards United States Senator, was very elaborate, consisting of five articles, and provided for colleges and academies in different parts of the State, to be connected with the State University, and to be under the visitatorial power of its Curators.

This idea of a State University, with branches and subordinate institutions scattered over the State, was a favorite one with many distinguished men in the earlier history of the country, and was placed upon the statute book of several of the States; but the plan was found cumbrous, and too unwieldy to be carried out into practice, and was abandoned wherever projected and never carried into execution in Missouri.

*See Session Acts 1839, pp. 173—181.

CHAPTER VI.

AMENDING ACT OF FEB. 11, 1839.

On the 24th Feb., 1843, (*) an act was approved amendatory of certain provisions of the act of Feb. 11, 1839. Under this amendatory act so much of the last named law as provides for the government of colleges and academies of the university was repealed, and the power was conferred on the board of curators to appoint the necessary professors and tutors of the university, and to fix their compensation. No one of the professors or tutors was allowed to exercise the functions of a bishop, priest, clergyman or teacher of any religious persuasion, denomination, society or sect, whatsoever, during his continuance in office.

The act also provided that the compensation of the president, professors and tutors shall be fixed annually, and any of them may be removed at the pleasure of the curators. Also, that so much of the act as requires a curator to be thirty years of age was repealed, and that each curator shall be not less than twenty-five years of age.

The curators were authorized to sell all the lands conveyed to the State for the benefit of the university, with the exception of twenty acres for a university site, on such terms as the curators shall deem best for the interest of the institution, and to convey the same to purchasers by deed under their common seal.

The proceeds of the sale of said lands to be applied to the payment of the debts contracted by the curators; and if there should be any surplus remaining after the payment of said debts, the same to be applied in the manner deemed best for the benefit of said university.

An act was also approved Feb. 28, 1843 (‡) providing for semi-annual meetings of the Board of Curators in April and October, fixing the number to constitute a quorum, and making it the duty of the Auditor of public accounts to report to each meeting the increase of the seminary fund.

CHAPTER VII.

DISTRIBUTION OF LAWS AND JOURNALS.

Be it enacted by the General Assembly of the State of Mis-

*See Session Acts 1842, p. 148.

‡See Session Acts 1842, p. 149.



souri as follows: 1. That hereafter there shall be furnished, at the time of distribution of the laws and journals of the General Assembly of this State, to the University of the State of Missouri, and to the Law Library Association of St. Louis, each, two copies of the laws and journals of every session of the General Assembly now holding and hereafter to be held, and to each member of Congress from this State one copy.

This Act to take effect from and after its passage. Approved, Dec. 19, 1842.

LAND DOCUMENTS, LAWS AND JOURNALS.

Resolved, That the Secretary of State be and he is hereby directed to furnish, to the University of the State of Missouri and to the Law Library Association of St. Louis, each, one copy of the documents, legislative and executive, of the Congress of the United States, in relation to the public lands selected and edited under the authority of the Senate of the United States, by Walter Lowrie, Secretary of the Senate; printed by Duff Green; one copy of the revised code of 1835, one copy of the acts and journals of each General Assembly of this State held since the year 1835, one copy of the Territorial laws, one copy of the Militia laws, approved 6th February, 1837, and 13th February, 1839, and one copy of the 4th, 5th and 6th volumes of the Decisions of the supreme court of this State now remaining in the office of Secretary of State. Approved, Dec. 19, 1842.

CHAPTER VIII.

BRIEF MENTION OF VARIOUS ACTS.

Session of 1844-5.

For Revised Act to provide for the institution and support of a State University, see Revised Statutes of 1845, pp. 537-540.

Session of 1846-7.

For an act directing the Register of Lands to procure from the commissioner of the general land office copies of documents relating to the seminary lands and file the same in his office; also making it his duty to make out a complete list of said lands, specifying range, township and county, marking such as had been sold, the time when sold, to whom, what remained unsold, and to file a

copy of said paper with the secretary of the Board of Curators. See Session Acts of 1846-7, pp. 131-2.

Two acts were passed during the same session in regard to bank dividends—requiring the bank of Missouri to report the amount of dividends accruing on stock held in trust for the University, to the treasurer of the Board of Curators, and to pay over to him or place to his credit the same. See Session Acts 1846-7, pp. 136-7.

Session of 1848-9.

For an act increasing the number of Curators to eighteen—one from each judicial circuit and four from the county of Boone—fixing their terms of office, times of meeting and compensation, said compensation to be paid out of the seminary fund; prescribing the manner of filling vacancies, and the number necessary to constitute a quorum, &c. See Session Acts of 1848-9, pp. 129-30.

For an act providing for a Normal Professorship in the University, prescribing the duties of county courts in the selection of students for free education in the same, &c. See same Acts, pp. 130-1.

For an act authorizing the curators to appropriate the remainder of the subscription fund to the improvement of walks leading to and from the University, outside of the campus; also authorizing the Curators to audit and allow any debt justly due by the trustees of Columbia College at the time of the location of the University, and to pay the same out of any money belonging to the subscription fund, or which may be collected from it, provided said debts do not amount to more than \$300; also an act requiring the State Auditor to certify to the treasurer of the Curators the balance of the subscription fund, uncollected, and authorizing the Board to employ some person to collect the same. See same acts, pp. 131-2.

Session of 1850-1.

Three acts were passed during this session in regard to the University: 1. Requiring the State Auditor to draw his warrant on the State Treasurer, in favor of the Treasurer of the University, for any moneys in the treasury arising from the sale of seminary lands, and not invested in public stocks. 2. Authorizing the Board to hold a meeting at the Capitol in Jefferson City. 3. Releasing from further liabilities, on certain conditions, the guaran-

tors of the subscription fund. See Session Acts 1850-1, pp, 294-5-6.

Session of 1852-3.

During this session a single act was passed in regard to the University, viz: Authorizing the librarian to expend any moneys thereafter arising from the sale of seminary lands in the purchase of a library. See p. 171.

Session of 1854-5.

But one act, of two sections, was passed during this session, viz: requiring the curators to establish, in connection with the University, a primary school, under the superintending care of the President and Professors. See p. 520.

Session of 1856-7.

There was no legislation during the regular or called session relating to the University.

Session of 1858-9.

There was no legislation during this session relating to the University.

Session of 1860-1.

There was no legislation during the regular or called session relating to the University.

Session of 1862-3.

There was no legislation during this session in relation to the University.

CHAPTER IX.

(FROM THE REVISED STATUTES OF 1879.)

OF THE STATE UNIVERSITY.

- ARTICLE I. The State University.
II. The Agricultural College and School of Mines.
III. The Seminary Fund.

ARTICLE I.

THE STATE UNIVERSITY.

SECTION	SECTION
7229. University established.	7253. Conferring degrees.
7230. Corporate name.	7254. Grants not to be diverted.
7231. Curators, number of.	7255. Curators to improve and protect property.
7232. Governor to appoint.	7256. President to have management of institution.
7233. Vacancies, how filled.	7257. Books and apparatus.
7234. Tenure of appointee to fill vacancy.	7258. List of books, etc., to be made.
7235. Quorum.	7259. Salaries, when and by whom paid.
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SEC. 7229. *University established.*—A university is hereby instituted in this state, the government whereof shall be vested in a board of curators. (G. S. 251, § 17.)

Sec. 7230. *Corporate name.*—The university is hereby incorporated and created a body politic, and shall be known by the

name of "the curators of the university of the State of Missouri;" and by that name shall have perpetual succession; power to sue and be sued, complain and defend, in all courts; to make and use a common seal, and to alter the same at pleasure; to take, purchase and hold, to sell, convey and otherwise dispose of lands and chattles. (G. S. 251, § 18.)

Sec. 7231. *Curators, number of.*—The board of curators of the state university shall hereafter consist of nine members, who shall be appointed by the governor, by and with the consent of the senate, three of whom shall be residents of the county of Boone, two of the county of Phelps, two of that part of the state north of the Missouri river and outside of the county of Boone, and two of that part of the state south of the Missouri river and outside the county of Phelps; and no person shall be appointed a curator who shall not have attained the age of twenty-one years, or who shall not be a citizen of the United States and a resident of the state of Missouri two years next prior to his appointment. (*) (Laws 1877, p. 270, § 3.)

Sec. 7232. *Governor to appoint.*—It shall be the duty of the governor, as soon as may be after the passage of this act, [April 18th, 1877,] and during the session of the twenty-ninth general assembly, to lay before the senate for its confirmation the names of nine persons, competent under this chapter to serve as curators of the state university, who shall, as soon as confirmed by the senate, duly qualify and enter upon the discharge of their duties, and continue in office as herein provided. As soon as said curators qualify, they shall meet and divide themselves into three classes of three members each, one of which classes shall hold their office for two years from January first, eighteen hundred and seventy-seven, and until their successors are appointed and qualified; one class for four years from January first, eighteen hundred and seventy seven, and until their successors are appointed and qualified, and one class for six years from January first, eighteen hundred and seventy-seven, and until their successors are appointed and qualified. As soon as such classification is made, a certificate thereof shall be transmitted to the governor, who shall thereupon commission each of said curators for their respective terms, as indicated by said certificate. In case any person appointed by the governor be reject-

* *Vide* § 5, art. xi, of constitution.



ed by the senate, the governor shall immediately appoint others until the required number shall have been appointed and confirmed. (Laws 1877, p. 271, § 4.)

Sec. 7233. *Vacancies, how filled.*—During the session of the general assembly in eighteen hundred and seventy-nine, and each regular biennial session thereafter, the governor shall, by and with the consent of the senate, fill all vacancies caused by the expiration of the term of office of any curator, and he shall also fill all vacancies occasioned by death, resignation or removal which may occur while the general assembly is not in session; but all such appointees shall continue in office only until the meeting of the general assembly next thereafter and until their successors be appointed and qualified. All vacancies which may exist at or during the meeting of the biennial sessions of the general assembly, caused by death, resignation or removal, shall be filled in like manner as those created by expiration of official terms, and shall be only for the unexpired time of the party whose vacancy is thereby filled. (Laws 1877, p. 271, § 5.)

Sec. 7234. *Tenure of appointee to fill vacancy.*—All appointments to fill vacancies, (except such as may be made to fill out unexpired terms,) shall be for the terms of six years, and until the successors of such appointees shall be appointed and qualified. (Laws 1877, p. 271, § 6.)

Sec. 7235. *Quorum.*—At all meetings of the board of curators, seven members shall be necessary to constitute a quorum for the transaction of business. (Laws 1877, p. 270, § 1.)

Sec. 7236. *Power of board to appoint faculty.*—The curators shall have power to appoint and remove, at discretion, the president, professors and tutors of the university, to define and assign their powers and duties, and to fix their compensation. (Laws 1877, p. 270, § 2.)

Sec. 7237. *President and treasurer to submit statement.*—The president and treasurer of the university, residing at Columbia, and the treasurer of the school of mines and metallurgy, residing at Rolla, shall, at each annual meeting of the board, prepare and submit to the board a carefully prepared statement of the probable amount of income, as near as may be, of the university and all its departments for the year following, and the curators shall thereupon make an estimate of the probable expenses of the institution

and each of its departments for the ensuing year, based upon the statements above mentioned, and make the necessary appropriations to meet said expenses for the current year; and in no instance shall the board of curators create any indebtedness in any one year above what they can pay out of the annual income of said year. (Laws 1877, p. 271, § 7.)

Sec. 7238. *Curators to cause property to be inventoried.*—The curators shall cause to be made out and recorded in a strong and well bound book, to be provided by the secretary for the purpose, a careful and complete inventory, of the property, real and personal, belonging to the university, including each department thereof and specifying separately all property of whatever kind belonging to each department of the institution, and it shall be the duty of the secretary of the board, from time to time, to record in said book a description of all property at any time purchased for the use of the institution, or any department, with the exact cost of the same; and in order to preserve said property from waste or injury, it shall be the duty of the board, at least once in every year, by proper committees appointed for that purpose, to examine carefully all said lists of property to see that the same is well preserved, and to report the results of their examinations to the board, in writing, which reports shall be filed and recorded by the secretary. (Laws 1877, p. 271, § 8.)

Sec. 7239. *Qualification of curators.*—No person shall be chosen a curator who shall be in anywise related or of kin to any member of the faculty in office at the time of his election, and any person so elected shall be ineligible to hold such office. (G. S. 251, § 22.)

Sec. 7240. *Meetings of board.*—There shall be two regular meetings of said board of curators in each year, to be holden in the university edifice, or in the town of Columbia; the first meeting shall be deemed the annual meeting, for all the purposes of this chapter, and shall be held on the first Monday in July; and the second meeting, on the fourth Monday in December, unless different days shall be fixed upon by said board. (G. S. 251, § 23.)

Sec. 7241. *Vacancies by removal or non-attendance.*—If any curator shall remove from the district in which he resided at the time of his appointment, or shall neglect to attend three successive regular meetings of the board, his office shall become vacant; and

if a vacancy shall occur by death, resignation, or from any other cause, the governor shall, without delay, fill such vacancy by appointment, and the person so appointed shall serve until the next regular meeting of the general assembly, and until his successor is appointed and qualified. (Laws 1868, p. 175, § 3.)

Sec. 7242. *Oath of curators.*—The curators shall severally take an oath to support the constitution of the United States and of this state, and faithfully demean themselves in office. (G. S. 251, § 26.)

Sec. 7243. *Officers of the board.*—There shall be a president and vice-president of the board, who shall be chosen by the board from the members thereof; a secretary, treasurer, and such other officers of the board as they shall deem necessary, who shall be appointed by the board and hold their offices during the pleasure of the board. (G. S. 251, § 27.)

Sec. 7244. *Who shall preside.*—The president, and if he be absent, the vice-president, and, if both be absent, a curator, chosen for the occasion, shall preside at the meetings of the board, and have a casting vote in case of equal division. (G. S. 252, § 28.)

Sec. 7245. *Special meetings.*—The president of the board, and until his election, or in case of his absence or disability, any three curators, shall have power to call a special meeting of the board at the place of holding the annual meetings; provided, they give timely notice thereof, in such form as the board, at its annual meeting, shall, by resolution, prescribe. (G. S. 252, § 29.)

Sec. 7246. *Adjourned meetings.*—Adjourned meetings may be ordered and held by the board, at such time and place as shall be agreed upon by them. (G. S. 252, § 30.)

Sec. 7247. *Report to legislature.*—It shall be the duty of said board of curators to cause to be furnished to the legislature, at each regular meeting thereof, and within the first three weeks of the session, a list of the names of all the students that may have been taught at said institution during the two preceding years, giving the names, the ages, the place of residence of each, and the time that each one has been taught, as well as the tuition fees charged per session for the various branches of study. It shall likewise be the duty of the treasurer of said board to furnish the legislature with an abstract of the amounts annually paid to the president and each professor, teacher or other officer of said institution. (G. S. 252, § 32.)

Sec. 7248. *Journal to be kept.*—The secretary shall keep a journal of the proceedings of the curators, in which the ayes and noes on all questions shall be entered, if requested by any one of the curators present. (G. S. 252, § 33.)

Sec. 7249. *Duties of secretary.*—It shall be the duty of the secretary to keep and preserve all records, books and papers belonging to the board; to prepare, under the direction of the board, all their reports, estimates, etc., and record the same in a book to be kept for that purpose, and generally to do and execute all such matters and things as belong to his office, and may be required of him by the curators; and his compensation shall be fixed by the board. (G. S. 252, § 34.)

Sec. 7250. *Curators to have access to records.*—Each curator and member of the faculty shall, at all times, have access to and be permitted to take copies of any or all records, books and papers of the board. (G. S. 252, § 35.)

Sec. 7251. *Duty of treasurer.*—It shall be the duty of the treasurer to receive, keep and disburse all moneys belonging to the board, and to perform all customary acts pertaining to his office, under direction of the curators, and to make report of the same at the annual meeting of the board. (G. S. 252, § 36.)

Sec. 7252. *By-laws, etc.*—The curators shall have power to make such by-laws or ordinances, rules and regulations, as they may judge most expedient for the accomplishment of the trust reposed in them, and for the government of their officers and to secure their accountability. (G. S. 252, § 37.)

Sec. 7253. *Conferring degrees.*—The curators shall have authority to confer, by diploma, under their common seal, on any person whom they may judge worthy thereof, such degrees as are known to and usually granted by any college or university. (G. S. 252, § 38.)

Sec. 7254. *Grants not to be diverted.*—Grants made to the curators for specified purposes and uses, shall not be applied, either wholly or in part, to any other uses. (G. S. 252, § 39.)

Sec. 7255. *Curators to improve and protect property.*—It shall be the duty of the curators to provide for the protection and improvement of the site of the state university, as selected and established by law; to erect and continue thereon all edifices designed for the use and accommodation of the officers and students of

the university, and to furnish and adapt the same to the uses of the several departments of instruction. (G. S. 253, § 40.)

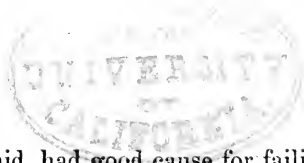
SEC. 7256. *President to have management of institution.*—It shall be the duty of the president of the university, among other things, to superintend and direct the care and management of the institution and its grounds, and to make and transmit to the curators, at each annual meeting thereof, a report of the state and condition thereof, containing such particulars as the curators shall require. (G. S. 253, § 43.)

SEC. 7257. *Books and Apparatus.*—The president, professors and tutors shall each have the care and management of the books and apparatus belonging to their respective departments, and the librarian the care and superintendence of the library. (G. S. 253, § 44.)

SEC. 7258. *List of books, etc., to be made.*—It shall be the duty of the librarian, and each professor having the care of any portion of the books or apparatus belonging to the institution, to make out a complete list of the same, specifying the additions which have been made thereto during the preceding year, and at what cost, and submit a report thereof, in writing, to the curators at each annual meeting. (G. S. 253, § 45.)

SEC. 7259. *Salaries, when and by whom paid.*—The salary of each officer of the university shall be payable semi-annually; and it shall be the duty of the president of the board of curators to draw his warrant accordingly on the treasurer of the board, payable to the order of the officer therein named, and bearing interest at the rate of six per centum per annum from the time it is presented to the treasurer of the board for payment till paid. (G. S. 253, § 46.)

SEC. 7260. *Salaries, when suspended.*—Should the president or any professor, tutor, or other person holding office in the university, by election, appointment, contract or engagement of the board of curators, fail to discharge, for any length of time, his official duties, without having obtained the permission of said board, the salary or compensation of such president, professor, tutor, or other person holding office in the university, shall cease for the time he may so fail to discharge his official duties, and no compensation shall be allowed for such time; but if said board shall be satisfied that said president, professor, tutor, or other person hold-



ing office in the university, as aforesaid, had good cause for failing to discharge his official duties, then no part of his salary or compensation shall be deducted or withheld on account of such failure. (G. S. 253, § 47.)

SEC. 7261. *Disposition of balances.*—The balance of the increase of the seminary fund, after payment of salaries for each current year, shall be applied as follows: First, to payment of arrears of salaries and necessary repairs of buildings; second, to provide for library, apparatus and cabinet; third, to improvement of buildings and grounds; fourth, surplus to be invested as provided in this chapter. (G. S. 253, § 48.)

Sec. 7262. *Power of board to sell and convey land.*—The curators are hereby authorized to sell and convey to the purchaser, by deed, under the common seal of the board, all lands which have been donated, from any source whatever, for the use and benefit of the university, except twenty acres for the university site, and to apply the proceeds to the use of the institution; and the avenue around the university campus is hereby declared a highway for permanent public use. (G. S. 254, § 49.)

Sec. 7263. *Publications, where made.*—All newspaper publications necessary to be made by the curators, or the president and faculty, for the benefit of the university, shall be inserted in the newspaper or newspapers printed in the county of Boone, and in such other newspapers as the board of curators may select. (G. S. 254, § 50.)

Sec. 7264. *Expenses of curators to be allowed by committee.*—The accounts of said curators, shall be allowed by a committee appointed for that purpose; and the treasurer shall pay such allowances out of the seminary fund, keeping a correct account of the same, as well as all other allowances of every kind and character; and the treasurer shall lay before the general assembly, at each regular meeting thereof, and within the first three weeks of the session, a certified copy of all such allowances and payments as may be ordered by said board.* (G. S. 254, § 52.)

Sec. 7265. *Professor of normal school.*—The curators of the university are hereby authorized and required, as soon as practicable, to establish an additional professorship, to be devoted to the theory and practice of teaching, to be called "the normal profes-

* For compensation of curators, see § 7290.

orship," and to call some suitable individual to the charge of said professorship. (G. S. 254, § 56.)

Sec. 7236. *The salary.*—For the support of said professorship, there is hereby appropriated the sum of one thousand dollars per annum, to be paid out of the income of the seminary fund of the state. (G. S. 254, § 57.)

Sec. 7267. *Students admissible.*—All youths, resident of the state of Missouri, betwixt the ages of sixteen and twenty-five years, shall be admitted to all the priveleges and advantages of the preparatory department, also to the various classes of the practical, scientific and literary departments of the state university, upon the payment, annually, of an entrance fee, in lieu of all charges of tuition, and which shall not exceed ten dollars; provided, that each applicant for admission therein shall possess such scholastic attainment and mental and moral qualifications as shall be prescribed in rules adopted and established by the board of curators; and, provided further, that nothing herein enacted shall be construed to prevent the board of curators from establishing such fee, for library and incidental expenses, not to exceed five dollars per term, as they may find necessary. (Laws 1872, p. 168, § 1.)

Sec. 7268. *How apportioned and notified.*—It shall be the duty of the board of curators to establish such rules as will entitle each county in the state to its proper number of students, to be determined by the proportion of the number of all the youths in each county, as compared with the entire number in the state, betwixt the ages of sixteen and twenty-five years; and in order to ascertain its proportion, it shall be the duty of the state superintendent of public schools, each year, on or before the fourth day of July, to transmit to the secretary of the board of curators a certified list, as near as he can, of the number of youth in each county, betwixt the ages of sixteen and twenty-five; and thereupon the secretary of the board of curators shall cause to be transmitted to the clerk of each county court in this state a certificate, stating the number of pupils that such county is entitled to send to the state university the next scholastic year, which certificate shall be published by each county clerk for two weeks, in a newspaper published in such county, the expense thereof to be allowed by the county court and paid for out of the county treasury; and where there is no newspaper in the county, such certificate to be

put up conspicuously in the office of the county court clerk; and it shall be the duty of each county court clerk to transmit to the secretary of the board of curators, on or before the first day of September, of each year, a list of the names of all the youth who intend to make application for entrance into the state university from such county at the commencement of the ensuing session; and if there is any failure of any county clerk to transmit such list within the time specified, from any county, then the vacancies from such county may be filled by students coming from any other county in the state, as the curators may direct. (Laws 1872, p. 168, § 2.)

Sec. 7269. *Reports to state superintendent.*—The curators of the state university, the trustees of other state institutions for purposes of education, and others having authority and being required by the law now existing so to do, shall hereafter report to the state superintendent of public schools, on or before the first day of November of each year, concerning the condition, improvements and necessities of the said institutions, which report shall be published as a part of the state superintendent's annual report.* (Laws 1870, p. 71, § 1.)

Sec. 7270. *Disposition of reports.*—Fifty copies of such report shall be reserved for the use of each public institution so reporting, and ten copies shall be bound in suitable manner and preserved in the state library. (Laws 1870, p. 71, § 2.)

Sec. 7271. *Missouri reports to be furnished.*—The secretary of state is hereby required to procure and furnish to the library of the law department of the university of the state of Missouri a full set of the decisions of the supreme court of said state, together with such digest of the same as may be hereafter selected by the dean of the law faculty, and shall also furnish to said library the current volumes of said reports as they shall be published. (Laws 1874, p. 184, § 1.)

Sec. 7272. *Statutes to be furnished.*—He shall also furnish, as aforesaid, a copy of the last edition of Wagner's statutes, and in future a copy of each revision or publication of the statutes of the state, as shall be made or approved by the general assembly. (Laws 1874, p. 184, § 2.)

Sec. 7273. *Statutes of other states.*—He shall also, forthwith,

* See § 5879 for exceptions.

and from time to time, procure for said library the current collated or revised statutes of the several states, so far as it can be done by exchanging for the same statutes of this state, named in the preceding section. (Laws 1874, p. 184, § 3.)

Sec. 7274. *License to sell liquor prohibited.*—Hereafter no license shall be granted to sell intoxicating liquors in any quantities less than one gallon, at any place within the distance of three miles from the edifice of the state university of Missouri. (Laws 1875, p. 75, § 1.)

Sec. 7275. *Penalties.*—In addition to the penalties now imposed upon persons who shall sell intoxicating liquors in less quantity than one gallon, without license, persons violating the next preceding section, after conviction, shall not be granted license to deal either as a merchant, druggist or confectioner, within the distance of three miles of said university edifice. (Laws 1875, p. 75, § 2.)

Sec. 7276. *Selling liquor to students, how punished.*—Any person who shall knowingly sell, give, or in any manner dispose of any intoxicating liquor to any student of the state university, or of any school, college or academy in this state, shall be guilty of a misdemeanor, and shall, upon conviction, be punished by a fine of not less than forty nor more than four hundred dollars, or by imprisonment in the county jail not less than three months, nor more than one year, or by both such fine and imprisonment, provided, that it shall be lawful for druggists to sell or give such liquor to any student upon the written prescription of a regular practicing physician in good standing, or upon the written order of the president of the university or college, or the principal of the school or academy at which such student may be in attendance, or by the written order or consent of the parent or guardian of such student: provided, that nothing in this section shall be so construed as to apply to any mercantile or business college. (Laws 1877, p. 273, § 1.)

ARTICLE II.

THE AGRICULTURAL COLLEGE AND SCHOOL OF MINES.

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Sec. 7277. *Agricultural college and school of mines established.*—There is hereby established the agricultural and mechanical college and a school of mines and metallurgy, provided for by the grant of the congress of the United States, as a distinct department of the university of the State of Missouri. (Laws 1870, p. 15, § 1.)

Sec. 7278. *Objects of these colleges.*—The leading objects of said colleges shall be to teach such branches as are related to agriculture and the mechanic arts and mining, including military tactics and without excluding other scientific and classical studies, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions of life. (Laws 1870, p. 15, § 2.)

Sec. 7279. *Rights of students.*—To effect the said leading objects of the colleges, as herein established, it is provided that the students and members thereof shall be admitted to the libraries, museums, models, cabinets and apparatus, and to all lectures and

instructions of the university, which now exist or may hereafter exist, and to all other rights and privileges thereof, in a manner as full and ample as are the students of any other department in said university; and to provide for instruction in military tactics as herein required, it is enacted that in case a system of military education shall be established by congress, the state university is hereby required, by law, to make the necessary provision for carrying out the plan so established in connection with the institution; and, furthermore, there is hereby established and created a perpetual fund, to be styled the "agricultural and mechanical fund," to be derived from the sale or lease of the three hundred and thirty thousand acres of land granted by congress to the State of Missouri, by virtue of an act approved July the second, eighteen hundred and sixty-two, entitled "an act donating lands to the several states and territories which may provide colleges for the benefit of agriculture and the mechanic arts," and from all additions to the same from public or private bounty, the principal of which fund shall remain forever inviolate and undiminished, to be invested in the manner hereinafter specified, and the income thereof shall be placed at the disposal of the board of curators of the university of the state. Three-fourths of which income shall be for the support of the agricultural and mechanical college aforesaid, and the remaining one-fourth for the support of the school of mining and metallurgy hereinafter provided for, in accordance with the provisions of this article, and the acts of congress aforesaid. (Laws 1870, p. 16, § 3.)

Sec. 7280. *Faculty.*—The agricultural and mechanical college and the school of mining and metallurgy, herein provided for, shall have each a separate and distinct faculty, whose officers and professors may be the same, in whole or in part, as the officers and professors in other colleges and departments of the university. (Laws 1870, p. 16, § 4.)

Sec. 7281. *Right to confer degrees.*—The agricultural and mechanical college and the school of mines and metallurgy shall have power to confer degrees suitable to their designs and courses of studies. (Laws 1870, p. 16, § 5.)

Sec. 7282. *Conditions of location.*—In consideration of the permanent location of the agricultural and mechanical college in connection with the state university, the county of Boone shall donate

not less than thirty thousand dollars in cash, to be used in erecting such buildings and making such improvements as may be needed for such college, and also for buying stock for, and making improvements on a model or experimental farm of not less than six hundred and forty acres of land, located convenient to the present university grounds, and to be donated by said county of Boone in addition to said sum of thirty thousand dollars in cash. The title to said land to be clear and indisputable, to be bought without any charge whatever to the state or to the agricultural college fund, and to be conveyed to the State of Missouri by deed of general warranty, the consideration expressed therein being the location of said agricultural and mechanical college in connection with the state university, and that the same shall be held for the uses and purposes of said agricultural and mechanical college. (Laws 1870, p. 16, § 8.)

Sec. 7283. *Funds, how raised.*—In order to raise the amount of money and purchase the quantity of land specified in the last section, voluntary individual subscriptions may be made and received, and the form of the subscription shall be thus: We, the undersigned, agree and bind ourselves to pay to the curators of the university of the State of Missouri, the sums respectively set opposite to our names, whenever the same may be demanded and upon the condition that the agricultural and mechanical college is located in connection with the state university at Columbia, and the corporate authorities of the town of Columbia and the county court of Boone county, are hereby authorized and empowered, respectively, to issue bonds of the corporation of the town of Columbia and of the county of Boone in such sums as they may agree upon, to run not longer than twenty years and bearing interest at a rate not exceeding ten per centum per annum, payable semi-annally; which bonds shall be properly executed and delivered to the curators of the university of the State of Missouri, to be by them sold and converted into cash, to be used in the erection of the necessary buildings, buying stock and making improvements, as set forth in the preceding section, and in the purchase of the six hundred and forty acres of land required to be donated by this article; and said corporation of the town of Columbia and the county court of Boone county shall have power to levy such tax, under the constitution and laws of this state, as may be need-

ed to meet, according to the terms of the bonds, the payment regularly of the interest thereon and the principal when due. (Laws 1870, p. 17, § 9.)

Sec. 7284. *Curators to receive subscriptions, etc.*—The members of the board of curators residing in Boone county are hereby fully authorized to receive the subscriptions and to purchase the lands referred to in the foregoing sections, and to pay for the same either in cash or bonds, as may be agreed upon, and when the sum required shall be subscribed, the bonds issued and lands purchased and deeded to the state, as contemplated by this article, the attorney-general of the state, the state superintendent of public schools, in connection with Philemon Bliss, Edward Wyman, J. W. Matthias, Robert L. Todd and Paul Hubbard, members of the board of curators, shall act as commissioners to see that the conditions herein contained have been fully complied with, and being satisfied thereof, a majority of them shall make out and sign a certificate stating the facts, which certificate shall be filed in the office of the secretary of state, and a duplicate copy thereof shall be filed with the treasurer of the board of curators, and thereupon the said agricultural and mechanical college shall be fixed and permanently located in connection with the university of the state. (Laws 1870, p. 17, § 10.)

Sec. 7285. *School of mines, location of.*—The school of mines and metallurgy, herein provided for, shall be located in the mineral district of southeast Missouri, but in consideration therefor any county having mines therein within such district shall donate to the board of curators, for building and other purposes of said school, not less than twenty thousand dollars in cash, and not less than twenty acres in land, on which to erect buildings for the use of said school, and lots of mineral land in such quantity, quality and kind as may be deemed necessary for said school for practical and experimental mining; the title of said land to be clear and indisputable, to be bought without charge whatever to the state or to said agricultural college fund, and to be conveyed to the State of Missouri by general warranty deed for the uses and purposes of said school of mines and metallurgy; and further, the said school shall be located in that county, by a committee of the board of curators selected for such purpose, which shall so give the greatest available amount of money and lands; provided, however, that if

no one of such counties shall within three years from the passage of this act comply with the foregoing provisions and conditions, then any or all of such counties may combine for the purpose of complying therewith; and in such case the said school shall be located in manner aforesaid within that county of the number so complying with said conditions in which the greatest variety of ores may be then known to exist, and which has also the other advantages and facilities for the successful working of such a school; provided, also, that if said conditions are not accepted by such counties within seven years from the passage of this article, the said part of said fund set apart for said school shall be applied to the maintenance and support of a chair of mining and metallurgy in the state university at Columbia. (Laws 1870, p. 17, § 11.)

Sec. 7286. *Subscriptions may be taken.*—In order to raise the amount of money and to purchase the quantity of land specified in the last section, voluntary individual subscriptions may be made and received by the board of curators, and the corporate authorities of any city or town; and the county courts of any county in the district mentioned in the foregoing section, are hereby authorized and empowered, respectively, to issue bonds of such city, town, or county, in such sums as they may agree upon, to run not longer than twenty years, and bearing interest not exceeding ten per centum per annum, payable semi-annually, which bonds shall be delivered to the board of curators, to be by them sold and converted into cash, to be used in the erection of the necessary buildings, buying stock and making improvements, as set forth in section seven thousand two hundred and eighty-three, and of the land required to be donated therein, and any such city, town or county shall have power to levy such tax, under the constitution and laws of this state, as may needed to meet, according to the terms of the bonds, the payment regularly of the interest and principal when due. (Laws 1870, p. 18, § 12.)

Sec. 7287. *Institution, by whom located.*—The board of curators, after notice of such subscriptions, by individuals, the city, town, or county authorities, mentioned in the foregoing section, shall immediately determine which county in said mineral district is entitled to such school, and shall thereupon proceed to locate in such county the said school, as hereinbefore provided; and the said board of curators are hereby fully authorized to receive the sub-

scriptions and to purchase the lands referred to in the preceding section, and to pay for the same, either in cash or bonds, as may be agreed upon. (Laws 1870, p. 18, § 13.)

Sec. 7288. *Act to become void, when.*—The terms of this act, so far as the conditions required to be complied with to fix the location of said college in connection with the state university, to be met and complied with on or before the second Monday in May, one thousand eight hundred and seventy, otherwise this act shall be null and void. (Laws 1870, p. 18, § 13.)

Sec. 7289. *Curators to report annually.*—At the close of each university year the board of curators shall make a report in detail to the governor, exhibiting the progress, condition and wants of the several colleges or departments of instruction in the university, the course of study in each, and the number and names of the officers and students, the amount of receipts and disbursements, together with the nature, costs and results of all important experiments and investigations, and such other matters, including state, industrial and economical statistics, as may be thought useful. The governor shall cause the same to be printed for the use of the general assembly and people of the state, and shall cause one copy of the same to be transmitted by mail, free of expense, to all the colleges which may be endowed under the provisions of the act of congress, approved July second, eighteen hundred and sixty-two, hereinbefore referred to, and also one copy to the secretary of the interior, and one copy to the commissioner of agriculture at Washington City. (Laws 1870, p. 18, § 15.)

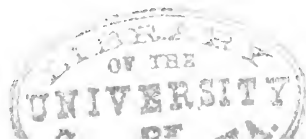
Sec. 7290. *Appointment of visitors—compensation of curators.*—Inasmuch as all trust funds committed to the management of the state are to be deemed a sacred deposit and to be vigilantly guarded from perversion, waste, or wrongful use, it is provided that a board of visitors, to consist of five persons, three at least of whom shall be citizens eminent in the agricultural and mechanic arts, and not less than two graduates of the university, shall be appointed by the governor. It shall be the duty of the visitors to make personal examination into the condition of the university, in all its departments, once at least each year, and report the result to the governor, suggesting such improvements and recommendations as they may consider important, which report shall be published with the annual report of the curators. The visitors shall

receive no *per diem*, but they, together with the curators, shall have their actual expenses paid, [and upon the certificate of the secretary of the board of curators, the auditor shall draw his warrant upon the treasurer of the state, who shall pay the same out of any money in the treasury not otherwise appropriated.*] (Laws 1870, p. 19, § 16.)

Sec. 7291. *Commissioner of lands appointed.*—The curators of the university are authorized and empowered to appoint a commissioner and fix his compensation, whose duty it shall be to take charge of all said agricultural college land, and who, before entering upon the discharge of his duties, shall take an oath faithfully to demean himself in office, and shall be required to give bond in such sum as the board of curators shall direct, with two or more sufficient securities, for the faithful performance of his duties as such commissioner, which bond shall be made payable to the state of Missouri, and be signed in duplicate by said commissioner and his securities to be approved by the board of curators, one copy of which bond shall be filed in the office of the secretary of the board of curators, and the other copy in the office of the secretary of state. (Laws 1870, p. 19, § 17.)

Sec. 7292. *Office of, where kept.*—Said commissioner shall keep his office in the city of St. Louis, and shall cause to be procured and kept in his office, complete lists of all the lands selected in this state under the act of congress, approved July second, eighteen hundred and sixty-two, entitled “an act donating lands to the several states and territories which may provide colleges for the benefit of agriculture and the mechanic arts,” described by the proper subdivisions or parts of sections, townships and range, together with maps and plats such as are kept in the United States land offices, all to be kept in strongly bound books which shall be labeled “agricultural college lands.” Duplicate copies of such lists of lands, maps and plats shall also be furnished by the commissioner, and in similar books, to the secretary of the board of curators of the state university, which shall also be labeled in the same manner and safely kept in his office. (Laws 1870, p. 19, § 18.)

*That part of this section included in brackets is abrogated by § 43, art. iv. and § 19, article x. of the constitution. The remainder of the section repeals § 51 of and part of § 52 of chapter 45 of the general statutes of 1865.



Sec. 7293. *May lease lands.*—Said commissioner is hereby authorized to lease any of said lands for the term of ten years at any time during the year one thousand eight hundred and seventy-one, and for the term of nine years at any time during the year one thousand eight hundred and seventy-two, and so on annually diminishing the term of lease in such manner that all leases may terminate by the end of the year one thousand eight hundred and eighty-one, and in all new leases of land whose lease shall have been forfeited the same rule shall be observed, and the quantity in any one lease shall not exceed three hundred and twenty acres, the lessee to pay interest upon the price named in the lease in lieu of rent at the rate of eight per cent. per annum, to be paid annually in advance, with annual interest upon any interest that shall be unpaid, and said price shall not be less than one dollar and twenty-five cents per acre for lands outside of the railroad belt of lands, and not less than two dollars and fifty cents per acre contiguous to railroads where one acre was taken for two; or instead of making a lease as aforesaid, the commissioner may sell any of said lands for cash in hand without regard to quantity at the price fixed by the board of curators. And the board of curators shall cause the lands to be examined, classified and appraised by two or more competent agents by them appointed, before the same are offered for lease or sale, and shall thereafter, either by direct action of the board or by a committee of its members, fix the price at the interest of which said land may be leased, or at which it may be sold; and the said board may at any time change said price, or it may withhold or withdraw from sale or lease any specific tract or parcel of land, or may designate what tract or parcel shall be sold only for cash in hand, or may attach contiguous subdivisions of lands not to exceed a quarter section that are not to be separated in their lease or sale. Should it be discovered that the number of acres to which the state is entitled by the act of congress has not been selected, located and confirmed, the said agents shall forthwith select the additional number from the vacant lands of the United States within the state so as to secure the full amount of three hundred and thirty thousand acres granted by the United States, taking as heretofore one acre for two when selected within the railroad belt, and shall in like manner and with full effect as the commissioners created by the act of the general assembly of

Missouri, approved March nineteenth, one thousand eight hundred and sixty-six, have the same set apart and withdrawn from entry on the books of the United States land office; and said agents shall receive the same compensation for said services, and for any and all other services performed in appraising said lands, and for any other services under this act as was allowed the commissioners who selected the lands under said act of March nineteenth, one thousand eight hundred and sixty-six, and they shall be paid in the same manner, and they shall also receive for their expenses a sum not to exceed two dollars and fifty cents per day for each person. (Laws 1871, p. 39, § 1.)

Sec. 7294. *Leased lands not liable to taxation.*—Whenever any said agricultural college lands shall have been leased under the provisions of this act and the act to which this is an amendment, they shall be exempt from taxation for state or county purposes during the period of said lease. (Laws 1871, p. 39, § 2.)

Sec. 7295. *Lessees may purchase.*—The lessee of any tract of land shall have the privilege of purchasing the same for cash, at or before the expiration of said lease at the price specified in the lease, and the lessee failing to pay the interest on any such lease within sixty days from the time the same is made due and payable shall forfeit his lease with all interest previously paid and the improvements made thereon, and said commissioner shall be authorized to enter upon and take possession of said land and release the same. (Laws 1870, p. 20, § 21.)

Sec. 7296. *Commissioner to report quarterly.*—Said commissioner shall be required to make quarterly reports to the secretary of the board of curators, which report shall specify by the proper subdivisions the quantity of lands leased, to whom leased, and upon what terms, and thereupon the secretary of the board of curators shall insert upon the records required to be kept in his office the disposition of the lands thus leased. (Laws 1870, p. 20, § 22.)

Sec. 7297. *Shall make quarterly statement.*—Said commissioner shall also make out a quarterly statement of his account to the treasurer of the board of curators, in which he shall specify the amount of money collected on lands either leased or sold by him in each and every quarter, and which sums of money, at the end of each quarter, he shall pay over to the treasurer of the board of curators, and from whom he shall take duplicate receipts, one

which shall be filed in his office, and the other in the office of the secretary of the board of curators, and the secretary of the board shall charge the treasurer of the board with all moneys thus received by him. (Laws 1870, p. 20, § 23.)

Sec. 7298. *Proceeds of sales, how invested.*—Under the direction of the board of curators the treasurer shall invest the principal for which any of said land may be sold in such United States or other securities allowed by law as will be saved and yield a certain and permanent income for the support of said agricultural and mechanical college and the school of mines and metallurgy; and all interest received on lease of land or on any bonds or securities named in this article, to be expended under the direction of the board of curators, for the support and maintenance of said agricultural and mechanical college and the school of mines and metallurgy, in conformity with this article, and with the act of congress aforesaid, granting said land to this state. (Laws 1870, p. 20, § 24.)

Sec. 7299. *Pre-emption rights.*—Any person who has heretofore made or may hereafter make actual settlement upon the agricultural college lands shall be entitled to lease or purchase three hundred and twenty acres or less, as he may choose, lying contiguous and including his improvement, in preference to any other person, his right being subject to the power of the board in regard to withholding or withdrawing from sale, of designating what may be sold for cash only, or what shall be attached for sale to adjacent subdivisions; and provided, such settlers shall comply with the law and with the rules that may be adopted by the board or commissioner in relation to lease or purchase, the same as is and shall be required by others; and further provided, that at or before a day to be specified in a notice to be published by the commissioner, which notice shall be published for four consecutive weeks in some newspaper published in the county in which the lands lie, or, if none be there published, in a newspaper as near as may be to said county, the last insertion to be thirty days before the day named, such settler shall proceed to make proof of his claim in compliance with the rules aforesaid, or he shall forfeit all preference, and the lands shall be subject to lease or sale as other lands; and the commissioner for the sale of the lands shall have authority to hear and determine the conflicting pre-emption rights of any who may claim a right to pre-empt the same land, and he

shall be entitled to such compensation for his services as shall be or shall have been provided by the board of curators; and it is further provided, that the actual settlement referred to must be made prior to the first publication of the commissioner herein referred to. (Laws 1871, p. 39, § 3.)

Sec. 7300. *President of board to make deed.*—In case where any of said lands may be sold, and a deed to the same is required to be made, the same shall be executed by the president of the board of curators, signed by him with the seal of the corporation attached thereto, and attested by the secretary of the board. (Laws 1870, p. 21, § 26.)

Sec. 7301. *Bonds to be deposited, where—treasurer of university to give bond, etc.*—All bonds for moneys invested under this chapter, shall be deposited for safe keeping with the treasurer of the board of curators, who shall be responsible upon his official bond for the safety of said bonds and all other funds in his hands; and the board of curators are fully authorized to require said treasurer to give bond at any time, with two or more securities, to be approved by the board in double the amount of any sum likely to come into his hands. (Laws 1879, p. 21, § 37.)

Sec. 7302. *Exemptions from taxation.*—The agricultural and mechanical college, and the school of mines and metallurgy, and the lands, stock, apparatus and furniture, and all other property belonging to the same, shall be exempt from state, county and municipal taxation. (Laws 1870, p. 21, § 28.)

Sec. 7303. *Curators to take possession of geological property.*—It shall be the duty of the curators of the state university of the State of Missouri, within thirty days after the passage of this act, either in person or by their agent, to demand of the state geologist, and take charge of, all the charts, instruments, specimens, furniture and all property, either real or personal, belonging to the bureau of geology, or to the State of Missouri, in their possession, or under their charge or control, and receipt the state geologist therefor. (Laws 1875, p. 73, § 2.)

Sec. 7304. *To transfer to school of mines.*—The curators of the university of the State of Missouri shall transfer to the director of the school of mines and metallurgy, at Rolla, Missouri, all property and implements, specimens, charts and instruments, and furniture received from the bureau of geology, and the director shall

hold the same for the use and benefit of said school of mines and metallurgy, at Rolla, Missouri. (Laws 1875, p. 73, § 3.)

Sec. 7305. *Professorship of geology.*—The school of mines and metallurgy shall be empowered to utilize all implements, instruments, charts, specimens, etc., and the board of curators may establish, when they deem proper, a professorship of geology, said geologist to supervise the geological surveys that may be made by the school of mines and metallurgy; provided, that nothing in this chapter shall be so construed as to authorize the removal of the specimens now in Washington university of St. Louis. (Laws 1875, p. 73, § 4.)

Sec. 7306. *Treasurer of school of mines.*—There is hereby created the office of treasurer of the school of mines and metallurgy, located in the county of Phelps, whose duty it shall be to receive, keep and disburse all moneys belonging to said school of mines and metallurgy, the money donated and the proceeds of the bonds issued by Phelps county for building and other purposes of said school, the proceeds of the lands donated to the board of curators of the state university and conveyed to the state of Missouri for the uses and purposes of said school, all moneys which shall be appropriated or apportioned for the purposes of said school, including one-fourth of the income arising from the agricultural and mechanical fund, and all other money which may belong exclusively to the said school for building, or for any other purpose. He shall have the custody of the said bonds issued by Phelps county, and shall, under the direction of the board of curators, and in accordance with the provisions of law, sell the same or borrow money and hypothecate said bonds, for the purposes for which they were issued; and the said treasurer shall perform all customary acts pertaining to his office, under direction of the board of curators, and make report of the same at the annual meetings of the board. (Laws 1872, p. 166, § 1.)

Sec. 7307. *To be appointed by curators.*—The governor shall appoint the treasurer for the school of mines and metallurgy, who shall hold his office until the annual meeting of the board of curators, and thereafter he shall be appointed by the board, and hold his office during the pleasure of the board. (Laws 1872, p. 166, § 2.)

Sec. 7308. *To give bond.*—The treasurer of the school of mines and metallurgy shall keep his office in the city of Rolla, and,

upon his appointment, and before he enters upon the duties of his office, give bond to the state of Missouri, to the use of the curators of the university of the state of Missouri, with at least two good and solvent securities, in a sum not less than twenty thousand dollars, to be approved by the board, and filed amongst their papers and records, conditioned that he will faithfully administer the funds of the school of mines and metallurgy coming into his hands, and disburse and invest the same according to the directions of the board of curators; and such bond shall be renewed every two years, until the next annual meeting of the board of curators. Such bond may be approved by the president of the board. (Laws 1872, p. 166, § 3.)

Sec. 7309. *Duty of treasurer of university.*—The treasurer of the board of curators shall pay over to the treasurer of the school of mines and metallurgy, as soon as he shall be appointed and his bond approved, and at all times hereafter, all moneys, bonds, and all property whatsoever in his hands, which have been donated, or which have been or hereafter may be appropriated or apportioned, or in any manner belonging to said school for its support, or for any other purpose. (Laws 1872, p. 167, § 4.)

Sec. 7310. *Report of treasurer of school of mines.*—At each annual meeting of the board of curators, the treasurer of the school of mines and metallurgy shall make out a full statement of his accounts, showing the amount of money which he has received, according to the provisions of this article, the amount of bonds by him hypothecated or negotiated, as well as the items of expenditures; and when approved by the board, a copy of the account shall be entered upon the record. He shall also furnish the board of curators an abstract of the amounts annually paid to the directors, and every professor, teacher or other officer of said school. (Laws 1872, p. 167, § 5.)

Sec. 7311. *Compensation.* The compensation of the treasurer of the school of mines and metallurgy shall be fixed by the board of curators: provided, that the same shall not exceed for any one year the sum of one hundred and fifty dollars. (Laws 1872, p. 167, § 6.)

Sec. 7312. *Liabilities of treasurers.*—The treasurer of the board of curators of the state university at Columbia, and the treasurer of the school of mines and metallurgy, located in the

county of Phelps, shall each be held accountable upon their official bonds, respectively, for all moneys and property which may come into their hands belonging to the university, or any of its departments: provided, that the treasurer of the board of curators at Columbia shall not be held accountable for any moneys or other property which may come into his hands, belonging to the school of mines and metallurgy after the same shall have been paid over under the law to the treasurer of said school of mines and metallurgy at Rolla, nor shall the treasurer of the school of mines and metallurgy be held accountable on his official bond for any moneys which may come into the hands of the treasurer of the board of curators at Columbia, and which may not have been paid over to the treasurer of said school of mines and matallurgy, the purpose of this section being to separate the funds and property belonging to each institution, and to hold the treasurers, respectively, responsible only upon their official bonds, for all moneys and property which may come into their hands, and which belong to the institution of which they are the treasurers. (Laws 1872, p. 167, § 7.)

Sec. 7313. *Disposition of bonds.*—Instead of selling the bonds, issued by the county of Phelps, and delivered to the board of curators under the provisions of section seven thousand two hundred and eighty-seven, the said board shall have authority at its discretion to borrow money and hypothecate the same for the purposes for which they were issued, and if the board shall be able to redeem said bonds by the sale of lands, as herein provided, or otherwise, they may, if in the judgment of the board the interest of said mining school shall require it, be held as an endowment in part for the support of said mining school. And further, all the lands subscribed and conveyed to the State of Missouri in order to secure the location of the school of mines in the county of Phelps, are hereby accepted by the state for the purposes of the grant, and the said board of curators are authorized, according to such rules and regulations as it may adopt, to sell all or any portion of the lands so conveyed, other than those conveyed for the uses and purposes of building sites, and for the purposes of practical and experimental mining; and upon making such sales, the title of the state, and the interest of the curators of the university, shall be conveyed by deed in the name of the state, executed by the cura-

tors of the university of the State of Missouri by the signature of the president of the board, and affixing its corporate seal; and the proceeds of such sale may be applied to the redemption of bonds hypothecated as aforesaid, or to the erection of the necessary buildings and making other improvements, to the purchasing of apparatus and library, or any other legitimate objects pertaining to such a school. (Laws 1871, p. 40, § 5.)

Sec. 7314. *Punishment for trespasses.*—It shall be the duty of the circuit court of the proper counties to give specially in charge to the grand juries of the counties in which are situated any of the agricultural college lands, or any of lands donated to the state for the use of the mining school, the provisions of sections one thousand three hundred and fifty-eight and one thousand three hundred and fifty-nine, with special reference to the destruction of timber upon such lands; and it shall be the duty of prosecuting attorneys to proceed before justices of the peace against any person violating the provisions of said sections in regard to said lands, and procure their recognizance according to law, to answer in the proper court; and inasmuch as congress has made it the express duty of the state to be at all the expense of administering the trust in regard to such lands, the costs of trials in the circuit court shall, upon conviction, and so far as they are properly chargeable to and cannot be collected of the accused, be paid out of the state treasury, and the president of the board of curators, or the commissioner for the sale of lands under his direction, shall have authority to institute civil suits in the name of the state for the use of the curators of the university to recover damages for any trespass upon any of such lands; and those who may take lease for any such lands shall have no authority to cut or carry away more timber than is necessary for the proper improvement of the premises, or for fuel on the same, and any one so doing shall be held to have forfeited his lease, and he shall forthwith, upon notice, surrender possession, that the premises may be sold or leased to other persons. (Laws 1871, p. 39, § 4.)

ARTICLE III.

THE SEMINARY FUND.

SECTION.	SECTION.
7315. Seminary fund created.	7325. Auditor to be custodian of fund
7316. To remain a permanent fund.	7326. Interest on fund, to be paid to whom.
7317. How appropriated.	7327. Treasurer to report to board.
7318. Register of lands to keep list of lands.	7328. Copy of treasurer's account to be deposited with auditor.
7319. He shall keep list of sales.	7329. Compensation of treasurer.
7320. Duties of auditor and treasurer.	7330. Treasurer's bond.
7321. Commissioners of seminary fund.	7331. Investment of seminary fund.
7322. Investment of fund.	7332. Interest to be paid to treasurer of university.
7323. Bonds, how taken.	
7324. Proceeds of bank stock.	

Sec. 7315. *Seminary fund created.*—There is hereby created and established a fund to support a state university, for the promotion of literature and of the arts and sciences, to be denominated “the seminary fund,” which shall consist of: First, the proceeds of the lands now held by the state, and known as seminary lands; second, all moneys derived from the sale of seminary lands heretofore made, and the interest thereof; third, the interest, dividends, proceeds and profits of such moneys and lands, except such distribution as shall be, by law, authorized. (G. S. 249, § 1.)

Sec. 7316. *To remain a permanent fund.*—The seminary fund shall be and remain a permanent fund for the promotion of literature and of the arts and sciences; and so much of the income thereof shall be added to and become a part of the fund as shall not be appropriated as hereinafter provided for. (G. S. 249, § 2.)

Sec. 7317. *How appropriated.*—So much only of the income of the seminary fund shall be appropriated in any year as shall be necessary for the purposes to which the application therefor shall be authorized by law; and the residue shall be added to and become part of the permanent fund, which shall never be lessened or impaired. (G. S. 249, § 3.)

Sec. 7318. *Register of lands to keep list of lands.*—It shall be the duty of the register of lands to provide and keep in his office a book, to be called “the register of seminary lands,” in which shall be entered a description of all seminary lands heretofore or now held by the state, showing the county wherein situate, the

range, township and legal subdivision, arranged with suitable columns, in which shall be noted all sales, by the date, number of acres, price per acre, and total amount of each tract. (G. S. 250, § 4.)

Sec. 7319. *He shall keep list of sales.*—The register shall also enter in such book a list of sales hereafter made, showing the particular description of the lands, and the sales thereof, specified in the last preceding section. (G. S. 250, § 5.)

Sec. 7320. *Duties of auditor and treasurer.*—The state auditor and state treasurer shall, respectively, perform like duties and possess the same powers in relation to the seminary fund and income, as they respectively are or may be required to perform or exercise in relation to public school funds and moneys; and shall account themselves, and shall require others to account to them, in the same manner as in relation to public school funds and moneys, except in cases otherwise provided. (G. S. 250, § 6.)

Sec. 7321. *Commissioners of seminary fund.*—The governor, secretary of state and attorney general, shall, by virtue of their respective offices, be commissioners of the seminary fund. (G. S. 250, § 7.)

Sec. 7322. *Investment of fund.*—Whenever there shall be in the treasury, or elsewhere, subject to the order of the treasurer, any moneys belonging to the capital of the seminary fund, the state auditor shall make report to the commissioners, who shall direct the same to be invested in bonds of the United States, and the state auditor shall make the investment accordingly. (G. S. 250, § 8.)

Sec. 7323. *Bonds, how taken.*—The bonds thus taken shall be in the name of the office of the state auditor, in trust for the seminary fund, which trust shall be specially expressed in every such bond. (G. S. 250, § 9.)

Sec. 7324. *Proceeds of bank stock.*—Whenever the stock now held by the state in the bank of the State of Missouri shall be disposed of the proceeds thereof which may belong to the university fund, together with the proceeds of all other stocks or lands belonging to such fund, as they may be received, shall be invested as provided for in sections seven thousand three hundred and twenty-two and seven thousand three hundred and twenty-three. (G. S. 250, § 10.)

Sec. 7325. *Auditor to be custodian of fund.*—All bonds and certificates of stock, in trust for the seminary fund, shall be in charge of the state auditor, who may deposit them for safe keeping in such bank or banks as may be designated by law for the keeping of the state funds. (G. S. 250, § 11.)

Sec. 7326. *Interest on fund to be paid, to whom.*—All interest and profits of such bonds held in trust for the seminary fund, shall be paid to the treasurer of the board of curators, who shall be charged therewith by the state auditor. (G. S. 250, § 12.)

Sec. 7327. *Treasurer to report to board.*—At each annual meeting of the board of curators, the treasurer thereof shall make out a full statement of his accounts, showing the amount of money which he has received, according to the provisions of this article, and the items of expenditure; and when approved by the board, a copy of the account shall be entered upon the record. (G. S. 250, § 4.)

Sec. 7328. *Copy of treasurer's account to be deposited with auditor.*—An exact copy of the account of the treasurer of the board of curators, required by the last preceding section, certified by the president of the board, shall, immediately upon its approval, be transmitted by him to the state auditor, who shall enter a credit in favor of the treasurer of the board for the amount appearing, by said account, to have been expended by him. (G. S. 250, § 15.)

Sec. 7329. *Compensation of treasurer.*—The compensation of the treasurer of the board of curators shall be fixed by the board: provided, that the same shall not exceed, for any one year, the sum of one hundred and fifty dollars. (G. S. 251, § 46.)

Sec. 7330. *Treasurer's bond.*—The treasurer of the board shall, upon his appointment, and before he enters upon the duties of his office, give bond to the state of Missouri, to the use of the curators of the university of the State of Missouri, with at least two good and solvent securities, in the sum of ten thousand dollars, to be approved by the board, and filed amongst their papers and records, conditioned that he will faithfully administer the university funds coming into his hands, and disburse and invest the same according to the directions of the board of curators; and such bond shall be renewed every two years.* (G. S. 255, § 59.)

* The treasurer may be required to give bond at any time, by order of the board of curators, in double the amount likely to come into his hands. *Id.* section 7301.

Sec. 7331. *Investment of seminary fund.*—The state treasurer is authorized and directed to invest without delay all sums of money now in the state treasury to the credit of the state semi-fund and not already invested, in interest bearing stocks of the United States. (Laws 1870, p. 159, § 1.)

Sec. 7332. *Interest to be paid to treasurer of university.*—The accruing semi-annual interest on all sums thus invested under this act shall be paid over to the treasurer of the board of curators of the state university by the state treasurer at the same time and in the same manner as is now done in reference to the seminary funds, now invested, and the duties of the auditor and treasurer shall be the same. (Laws 1870, p. 159, § 2.)

REPORTS AND LIABILITY OF OFFICERS.

SECTION.
5878. Reports.

SECTION.
5880. Liability of officers.

Sec. 5878. *Reports.*—All public institutions in this state, maintained and supported in whole or in part by appropriations out of the treasury of the state, shall make, through their proper officers to the general assembly, on or before the second Monday in January of each session thereof, biennial reports, under oath, containing an itemized statement of all the actual expenditures of said institutions, showing minutely the disbursements of all funds appropriated by the general assembly for the maintenance of the same, before there shall be any money appropriated by the general assembly out of the state treasury for their maintenance and support. (Laws 1877, p. 263, § 1.)

* * * * *

Sec. 5880. *Liability of officers.*—If the curators, managers, trustees, or other officers having control of any educational, eleemosynary, or other public institutions belonging to the state, or any executive committee, by whatever name called, having subordinate control under such curators, managers, trustees, or other officers, as aforesaid, or any president, superintendent, steward or

other officer in immediate charge of any such institution, or any person having the business management of any such institution, shall contract in the name or for the use of such institution any debt, for which there shall not be at the time an adequate appropriation, every such curator, manager, trustee, or other officer in control, as aforesaid, and every such committeeman, and every such president, superintendent, steward or other officer in immediate charge, as aforesaid, and any person having the business management of any such institution, as aforesaid, shall be personally liable for such debt to the person with whom such is contracted, or the assignee thereof, and in addition shall, on conviction, be deemed guilty of a misdemeanor: provided, that no such curator, manager, trustee, or officer in control, or committeeman, as aforesaid, shall be so liable, as aforesaid, or be deemed guilty, as aforesaid, if at the time of incurring such debt he shall require the ayes and noes to be taken and recorded on the question of incurring such debt, and shall himself vote against incurring such debt. (Laws 1875, p. 76, § 1.)

CHAPTER X.

ADJOURNED SESSION NOV. 1, 1865.

No legislation. A memorial to Congress passed in regard to damages to the university building during the war.

Session of 1867-8.

During this session an act was passed appropriating out of the State Treasury \$10,000 to rebuild the President's House, which was destroyed by fire on Nov. 26th, 1865. This appropriation was the first which was ever made by the Legislature, of any sum or for any purpose, in aid of the university. Said act also contained this section:

Sec. 2. There is also set aside and appropriated, annually, for the support of the State University of Missouri, out of the revenue of the State, after first deducting therefrom the one-fourth of the revenue for the Public School Fund, one and three-quarter per cent. of such balance of the State revenue; and this is declared to belong to the University, and shall be paid to the Treasurer of the Board of Curators, as provided for by law for the payment of other funds of the University. Approved March 11, 1867.

Adjourned Session 1867-8.

On Feb. 12, 1868, an act was approved amending sections 20, 21 and 25 of chapter 45 of the General Statutes. For this amendatory act see Session Acts of adjourned session of 1868, p. 175.

Session of 1868-9.

No legislation during this session in regard to the University.



CHAPTER XI.

SEMINARY FUND: INVESTMENT OF.

AN ACT to provide for the further investment of the Seminary fund of this State.

SECTION.

1 State Treasurer directed to invest surplus moneys in State treasury in interest bearing stocks of United States.

SECTION.

2. Accruing semi-annual interest to be paid to whom.
3. Act to take effect when.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Sec. 1. That the State Treasurer is authorized and directed to invest without delay, all sums of money now in the State treasury to the credit of the State seminary fund and not already invested, in interest bearing stocks of the United States.

Sec. 2. That the accruing semi-annual interest on all sums thus invested under this act shall be paid over to the treasurer of the board of curators of the State University by the State Treasurer at the same time and in the same manner as is now done in reference to the seminary funds now invested, and the duties of the Auditor and Treasurer shall be the same.

Sec. 3. This act to take effect from its passage.

Approved February 9, 1870.

CHAPTER XII.

AGRICULTURAL COLLEGE AND SCHOOL OF MINES.

AN ACT for the benefit of the State University, the Agricultural and Mechanical College of Missouri, and the School of Mines and Metallurgy, and to settle the account between the State and the Seminary fund, arising from

the sale of the stock held by the State in the Bank of the State of Missouri, in trust for the Seminary Fund.

SECTION.

1. Coupon bonds to be issued; amount and condition thereof.
2. Form of bonds; objects of issue.
3. Issue of further bonds for school of mines.
4. First mentioned bonds, when executed, delivered to whom.

SECTION.

5. Other bonds to be delivered to treasurer of school of mines.
6. Purposes to which portion of proceeds is to be applied.
7. Report thereof to be made by curators.
- & Act to take effect, when.

WHEREAS, The act of congress, approved July 2, 1862, and making grants of land to the different states for the purpose therein of founding colleges of agriculture and the mechanic arts, expressly provides that no portion of said fund nor the interest thereon shall be applied, directly or indirectly, under any pretense whatever, to the purchase, erection, preservation or repair of any building or buildings; and also that any state which may take and claim the provisions of this act within five years at least, not less than one college, as described in the fourth section of this act, or the grant to such state shall cease; and also that no state shall be entitled to the benefit of this act, unless it shall express its acceptance thereof by its legislature within two years from the date of its approval by the president-- to-wit: July 2, 1862--and

Whereas, The general assembly of the state of Missouri adopted the following resolution, approved March 17, 1863, to-wit: That the said act of congress of the United States is assented to and accepted by the State of Missouri with the conditions, restrictions and limitations therein contained, and the faith of the State of Missouri is hereby pledged to the faithful performance of the trust hereby created; and

Whereas, Said agricultural and mechanical college and school of mines and metallurgy, having been located under an act of the general assembly of the State of Missouri, approved February 24, 1870, and one of the conditions and obligations contained in said act of congress was, that each state should provide the necessary college buildings for the accommodation of the students who might attend upon the instructions of the same, and as imperative necessity now exists for such buildings to meet the wants of said institution; and

Whereas, The amount of stock held in trust by the state in the Bank of the State of Missouri, for the use and benefit of the seminary fund, amounted to the sum of one hundred thousand dol-

lars, and which was sold for the sum of \$108,500 on the 12th day of June, 1866, and the interest thereon, computed at the rate of six per centum per annum from the first day of July, 1866, to the first day of July, 1872, being \$38,580, making the whole amount of the proceeds of the sale of the bank stock, with the interest thereon due to the seminary fund, on the first day of July, 1872 \$147,080; and it being desirable that said account, together with all claim for back interest, and for any failure of the said bank to declare dividend on said stock held by the state for the use of the seminary fund, prior to the year 1866, should be finally settled and adjusted: therefore.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Upon the passage and approval of this act, the governor is hereby directed to cause to be issued coupon bonds of the state of Missouri, amounting to the sum of one hundred and sixty-six thousand dollars, and in the sum of one thousand dollars each, and to be dated the first day of July, 1872, the principal to be payable in lawful money of the United States, twenty years after their respective issue, the interest thereon payable semi-annually, at the rate of six per centum per annum, in lawful money of the United States. The principal and interest shall be payable at the Bank of Commerce, in the city of New York.

Sec. 2. The said bonds shall be signed by the governor, countersigned, sealed and registered by the secretary of state; the coupons shall be signed by the state treasurer, and the bonds and coupons shall be numbered and registered by the state auditor; and the faith and credit of the state are hereby solemnly pledged for the payment of the interest and the redemption of the principal thereof. The bonds provided for in the first and second sections of this act shall be for the benefit of the agricultural and mechanical college of Missouri, made by law a department of the State University, and in lieu of and in full payment of the amount of principal and interest due by the state to the seminary fund on account of stock heretofore held in trust in the Bank of the State of Missouri, and in full discharge of all back interest claimed to be due on account of the non-payment of interest, or failure at any time of the bank to declare dividends upon said stock.

Sec. 3. The governor is further directed to cause to be issued

coupon bonds of the state of Missouri, amounting to the sum of thirty-five thousand dollars, in the sum of one thousand dollars each, the principal to be payable in lawful money of the United States, twenty years after their respective issue, and to be dated the first day of July, 1872, the interest thereon payable semi annually, at the rate of six per centum per annum, in lawful money of the United States. The principal and interest shall be payable at the Bank of Commerce, in the city of New York. Said bonds shall be signed by the governor, countersigned, sealed and registered by the secretary of state; the coupons shall be signed by the state treasurer, and the bonds and coupons shall be numbered and registered by the state auditor; and the faith and credit of the state are hereby solemnly pledged for the payment of the interest and the redemption of the principal thereof. The bonds provided for in this section shall be for the benefit of the school of mines and metallurgy, located at the town of Rolla; and the proceeds of the sale thereof shall be appropriated toward the erection and equipment of a suitable building for said school of mines and metallurgy, under the direction of the board of curators of the state university.

Sec. 4. The bonds named in the first and second sections of this act, after the same shall have been properly executed and registered, as required, shall be delivered by the governor to the treasurer of the board of curators of the State University at Columbia, who shall take his receipt therefor, and cause the same to be filed in the office of the secretary of state; and said treasurer shall be held responsible on his official bond for the safe keeping of said bonds, and for the proceeds of the sale thereof.

Sec. 5. The bonds named in the third section of this act, after the same shall have been properly executed and registered, as required by law, shall be delivered by the governor to the treasurer of the school of mines and metallurgy at Rolla, who shall take his receipt therefor, and cause the same to be filed in the office of the secretary of state; and said treasurer shall be held responsible on his official bond for the safe keeping of said bonds, and for the proceeds of the sale thereof.

Sec. 6. The curators of the State University are hereby authorized to use so much of the proceeds of the sale of sixty-six of the bonds named in the first and second sections of this act, as may

be necessary to finish and fully equip the scientific building of the agricultural and mechanical college; to pay off the outstanding debts of the university, amounting to the sum of nineteen thousand and six hundred dollars; and to expend the further sum of five thousand dollars in making additions to the library, for the benefit of the agricultural and mechanical college; and the balance thereof to be and remain a part of the permanent endowment of the state university.

Sec. 7. A report of the expenditures of said money as above authorized, containing a full and complete statement of the account, shall be presented by the board of curators, in the next annual report, which they are required by law to make to the govern-ern of the state, and to be laid before the legislature at its nex session.

Sec. 8. This act to take effect and be in force from and after its passage.

Approved March 29, 1872.

CHAPTER XIII.

CRIMES AND PUNISHMENTS: FIRE-ARMS—DISCHARGE OF.

AN ACT to prohibit the discharge of fire-arms in the immediate vicinity of any court house, church or building used for school or college purposes

SECTION.

1. Unlawful to fire gun or pistol in immediate vicinity of court-house, church or college.

SECTION

2. Penalty.

3. Definition of "immediate vicinity."

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION 1. Hereafter it shall be unlawful for any person in this State, except he be a sheriff or other officer, in the discharge of official duty, to discharge or fire off any gun, pistol or fire-arms of any description, in the immediate vicinity of any court house, church or building used for school or college purposes,

Sec. 2. Any person guilty of a violation of the preceding

section shall be deemed guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not less than five dollars nor more than twenty dollars, or by imprisonment in the county jail not exceeding twenty days.

Sec. 3. The term "immediate vicinity," as used in this act, shall be construed and held to mean a distance not exceeding two hundred yards.

Approved April 30th, 1879.

CHAPTER XIV.

SCHOOLS: PUBLIC—BONDS OF SCHOOL AND SEMINARY FUNDS.

AN ACT to prohibit the officers or agents of this State, and other persons from negotiating, assigning, transferring or hypothecating the bonds of the State, school and seminary funds.

SECTION

1. Bonds not to be assigned or negotiated; bonds to be stamped; how.

SECTION

2. Bonds hereafter required to be stamped.
3. Descriptive list of bonds to be published.

WHEREAS, There are in the custody of the State Treasurer two thousand and nine bonds, belonging to the school fund, and one hundred and twenty-two bonds belonging to the seminary fund, of the aggregate value of \$2,131,000.00, exclusive of attached coupons; and

WHEREAS, A prudent regard to the interests of the State demands that, without destroying their identity, or otherwise impairing their validity, the negotiation, transfer, hypothecation, or other misuse of the bonds aforesaid, be prevented effectually; therefore,

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. That the two thousand one hundred and thirty-one bonds, and each of the attached coupons, mentioned in the preamble to this act as belonging to the seminary fund, and to the state school fund, respectively, shall not be assigned, negotiated, trans-

ferred or hypothecated by any officer or agent of this state, nor by any other person or persons whatever; and the State Board of Education, by its president, in the presence of the Auditor and Treasurer, each of whom shall take notice of what is done and enter the same in his books, immediately after this act takes effect, shall cause to be written or stamped upon the face of each of said bonds and coupons the words and figures, as follows: This bond is a part of the public school fund of the State of Missouri, and cannot be assigned, negotiated, transferred or hypothecated by any officer or agent of this State, nor by any other person or persons whatever.

Done by virtue of an act of the General Assembly, approved ———, 1879, (naming the date of the approval of this act.)

And if the bond belongs to the seminary fund, the same words and figures as above recited shall be written or stamped thereon, except the words "public school fund," in lieu of which the words "seminary fund" shall be so written or stamped; and make report thereof to the General Assembly.

Sec. 2. And all bonds hereafter acquired by the State Board of Education, for the use of either of said funds, shall immediately, upon their acquisition, have written or stamped upon them by said board the same inscription, and in the manner as directed in section one of this act.

Sec. 3. The Auditor shall publish, in the appendix to his biennial report, a schedule of all the bonds so inscribed. He shall also make a descriptive list of all bonds now or hereafter affected by this act, and promptly notify the fiscal agent of the State of the condition of all such bonds.

Sec. 4. All acts and parts of acts inconsistent with this act are hereby repealed.

Sec. 5. This act shall take effect immediately after its passage—the emergency being that a due regard to the interests and safety of the public school fund, and the interest of the State, requires greater safeguards for the protection of said bonds and the State in the preservation thereof.

Approved April 24th, 1879.

CHAPTER XV.

SCHOOLS—PUBLIC: FUNDS PERPETUATED.

AN ACT to create and perpetuate free public school funds for the several counties of this State.

SECTION

1. School funds to be invested, how and by whom.

SECTION

2. Inconsistent acts repealed.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. It is hereby made the duty of the several county courts of this State, to diligently collect, preserve and securely invest, at the highest legal rate of interest on unincumbered real estate security, worth at all times at least double the sum loaned, with personal security in addition thereto, the proceeds of all moneys, stocks, bonds and other property belonging to a county school fund; also, the net proceeds from the sale of estrays; also, the clear proceeds of all penalties and forfeitures, and of all fines collected in the several counties for any breach of the penal or military laws of this State, and all moneys which shall be paid by persons as an equivalent for exemption from military duty; shall belong to, and be securely invested, and sacredly preserved in the several counties, as a county public school fund; the income of which fund shall be faithfully appropriated for establishing and maintaining free public schools in the several counties of this State.

Sec. 2. All acts and parts of acts inconsistent with this act are hereby repealed.

Approved May 19th, 1879.

CHAPTER XVI.

SCHOOLS: PUBLIC—GIFTS TO FUND.

AN ACT to encourage and increase the Public School Fund of the State by grant, gift or devise, as provided for in Section six (6), Article eleven (11) of the Constitution of Missouri, and to provide for its safe and permanent investment.

SECTION

1. Gifts to school fund lawful.
2. Duplicate receipts to be given by Treasurer.
3. Certified copy of transfer to be recorded by Auditor.
4. Property to be sold and proceeds invested.

SECTION

5. Treasurer responsible for safe-keeping, etc.
6. Where terms of grant cannot be complied with, proceedings.
7. State made custodian of such funds.
8. Auditor and Treasurer to report such gifts to the Legislature.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. It shall hereafter be lawful for any person to grant, give or devise to the Public School Fund of the State any money, property, real or personal, choses in action of every kind and description, the same to be turned over and delivered to the Treasurer of the State, and to be disposed of by him in the manner hereinafter provided for.

Sec. 2. For any money, property or choses in action, delivered to the Treasurer, under this act, he shall give duplicate receipts, one of which shall be filed in the office of the Auditor of State, who shall charge the Treasurer therewith.

Sec. 3. A certified copy of the instrument of writing, evidencing such grant, gift or devise, shall also be delivered to the State Auditor, and duly recorded by him, in his office, in a book to be kept specially for that purpose, and the original shall be recorded in the recorder's office of the county where said grantor, donor or devisor lives or resided at the time of his death.

Sec. 4. Said Treasurer shall, as early as practicable, dispose of the property granted, given or devised, according to the terms specified in the written instrument, granting or giving the same to the Public School Fund, and if the same be in money, or after the property is converted into money, it shall be securely invested and sacredly preserved as a part of the Public School Fund, as

provided for by the Constitution of this State, whether the same be given for the free public schools or for the benefit of the State University, and the annual income of which fund shall be invested, reinvested, appropriated and disbursed, and paid over according to the terms of the writing making such grant, gift or devise, and for no other uses or purposes whatsoever.

Sec. 5. For all property or money received under this act by the State Treasurer, he and his securities shall be responsible for the safe keeping, investment, reinvestment and disbursement of the same on his official bond.

Sec. 6. In all cases where any such grant, gift, devise or bequest has been made by any person for educational purposes, in aid of or connected with the free public school system, or of the State University, and from any cause the terms of such grant, gift devise or bequest cannot be executed or carried out according to the terms and conditions of the same, it shall be lawful for the person or persons having the charge thereof, or holding the same in trust, or any person interested therein, to file a petition in the circuit court of the county where such grantor, donor or testator died, setting forth all the facts connected therewith, and, in the discretion of the court in which said petition may be filed, an order may be made, directing that the amount of such grant, gift devise or bequest shall be turned over to the Treasurer of the State, as a part of the Public School Fund, according to the terms and conditions of this act, and securely invested, reinvested and sacredly preserved; the annual income on which fund shall be faithfully appropriated, as near as may be, in meeting and carrying out the purposes and wishes of such grantor, donor, deviser or testator, according to the instrument of writing making such grant, gift, devise or bequest.

Sec. 7. The State of Missouri is hereby constituted the custodian and trustee, under this act, of all such funds, and pledges itself for the safe keeping, investment and due application of all funds, with the interest thereon, which may be deposited in the treasury, in pursuance of this act.

Sec. 8. The Auditor and Treasurer shall, in the reports required by law to be made by them to the General Assembly, from time to time, make a full report of all sums that may be made to the Public School Fund under this act, by whom made, and the precise expenditure of the annual income and growth of said fund.

Approved March 16, 1881.

CHAPTER XVII.

STATE UNIVERSITY: CURATORS—VACANCY IN BOARD.

AN ACT to amend Section 7241 of Chapter ix, Article one, title "State University," page 21.

SECTION 1. Vacancy in board of curators of State University.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. That section seven thousand two hundred and forty-one (7241) of the Revised Statutes of Missouri be amended as follows: By striking out the words, beginning in the third line of said section, "three successive regular meetings of the board, his office shall become vacant," and substituting therefor the words, "any annual, semi-annual or regularly called meeting of the board, of which meeting he shall have had due notice, his office shall become at once vacant, unless such absence shall be caused by sickness, or some accident preventing his arrival at the time and place appointed for the meeting of the Board of Curators," and by inserting in the sixth line, between the words "delay" and "fill," the words "upon being informed of the fact by the secretary of the Board of Curators," so that said section 7241, so amended, will read: Section 7241. If any curator shall remove from the district in which he resided at the time of his appointment, or shall fail to attend any annual, semi-annual or regularly called meeting of the board, of which meeting he shall have had due notice, his office shall become at once vacant, unless such absence shall be caused by sickness, or some accident preventing his arrival at the time and place appointed for the meeting of the Board of Curators; and if a vacancy shall occur by death, resignation, or from any other cause, the Governor shall, without delay, upon being informed of the fact by the secretary of the Board of Curators, fill such vacancy by appointment; and the person so appointed shall serve until the next regular meeting of the General Assembly, and until his successor is appointed and qualified.

Approved March 26, 1881.

APPENDIX.

UNIVERSITY.



AN ACT to select a site for the State University.

- SEC. 1. Commissioners appointed to select a site for a State University.
2. Quantity of land said site shall contain, and in what counties the selection thereof to be made.
 3. When and where commissioners shall meet; may receive absolute conveyances of land for the purpose of a site.
 4. Grants of land to the State for the University shall be by deeds of general warranty; to be void if the site is not selected in that county.
 5. Commissioners shall view the real estate thus granted, and register the same.
 6. Commissioners may receive sealed bids.
 7. Form of a subscription to be made by bidders.
 8. Payment of the amount of such subscription to be guaranteed by fifteen citizens of the county; form of such warranty.
 9. When bids to be opened.
 10. One citizen of each of the counties entitled to the site, shall attend the opening of such bids.
 11. Bids to be opened in presence of the commissioners and deputies from the counties, and the site determined according to the best bid. Publication thereof to be made.
 12. Rejected subscriptions to be returned and cancelled.
 13. Buildings on the lands granted to be appropriated for the college, &c.
 14. In case the buildings and land be granted by an incorporated college or academy, the same shall become a college, etc., of the University.
 15. In what cases the trustees of said incorporation shall act as such.
 16. After site is selected, deeds, subscriptions, etc., to be deposited with the Auditor.
 17. Subscription to be placed for collection in the hands of State Attorney for the county.
 18. Duty of said attorney to collect, and pay the amount of such subscription into the State Treasury.
 19. Monies collected under this act how to be applied.
 20. Vacancies among the commissioners how filled.
 - 21-22. Commissioners to take oaths.
 23. Compensation of commissioners; how paid.
 24. Delegates from the counties to attend the opening of the bids, to receive same compensation, to be paid by their counties.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Sec. 1. That Peter H. Burnett of Clay, Chancey Durkee of Lewis, Archibald Gamble of St. Louis, John G. Bryan of Washington, and John S. Phelps of Greene county, are hereby appointed commissioners, any three of whom shall have power to act in the selection of a site for the State University.

Sec. 3. The site of the University shall contain at least forty acres of land, in a compact form, within two miles of the county seat of the county of Cole, Cooper, Howard, Boone, Callaway, or Saline, to be selected in the manner herein after provided.

Sec. 3. It shall be the duty of the commissioners to meet at the City of Jefferson, on the first Monday of June next; and thereafter to meet, at such time as they shall appoint, at the county seat of each county mentioned in the preceding section. When assembled in any county, the commissioners shall receive conveyances of such land as may be offered as a site for the University, which conveyance shall be for at least forty acres of land within the distance of the county seat above specified, and shall be made to the State with general warranty, specifying that the land conveyed is for a site for the University, and conditioned to be void if the University shall not be located thereon.

Sec. 4. Where other real estate shall be granted to the State either by the county or private individuals, the same shall be conveyed by deed of general warranty, for the use and benefit of the University, conditioned that the said deed shall be void if it is not located in the county making such conveyance.

Sec. 5. All the real estate conveyed shall be examined and valued by the commissioners, keeping in view the object for which it is intended, and they shall at the time of the valuation inscribe the value thereof upon the deed by which said lands are conveyed, and also place the amount of such valuation in a book to be provided by them for that purpose, describing the lands conveyed, and naming the county wherein it is situated.

Sec. 6. The commissioners shall also receive sealed bids from the different counties and from the citizens thereof, for such sums of money as may be secured to the State for the use and benefit of the University.

Sec. 7. In all instances where individuals bid they shall sign a subscription paper to the following effect:

"We the undersigned, whose names are hereto subscribed, agree and bind ourselves to pay to the State of Missouri the sums opposite our names, one half in one, and the balance in two years from the first day of June, 1839, for the use and benefit of the State University; *provided*, that it is located in———county," and each sum subscribed shall be written out at length in words.

Sec. 8. The commissioners shall receive in each county, from at least fifteen responsible individuals, a guarantee for the payment of the whole amount subscribed by the citizens thereof, which guarantee shall be in writing affixed at the bottom of each subscription paper, and in the following words. "We the undersigned, jointly and severally, hereby guarantee the payment of each sum above subscribed," and the same shall be signed by them.

Sec. 9. After the commissioners shall have visited the different counties, and received the bids according to the provisions of this act, they shall repair to the Seat of Government, and the bids shall there be opened in the manner herein after prescribed.

Sec. 10. Each county court of the counties entitled to bid shall appoint one citizen from their respective counties, whose duty it shall be to attend on such day as shall be appointed by the commissioners for that purpose at the Seat of Government, for the purpose of opening and comparing the bids made by the different counties, and any county failing to bid or send a citizen, it shall not invalidate the action of the commissioners, but they shall go on with their duties in the same manner, as if every county had bid, and was represented.

Sec. 11. The bids shall be opened, and the additions made in presence of the commissioners, and of the individuals appointed by the different county courts, or such of them as are in attendance, and receive the bids of the counties named in the second section of this act, and the place presenting the most advantages to be derived to said University, keeping in view the amount subscribed, and locality and general advantages, shall be entitled to its location, and shall be published in each newspaper published in the city of Jefferson.

Sec. 12. The commissioners shall return to the counties, who do not obtain the University, the subscription papers, and the deeds of conveyance which they may have received from them, or their citizens, and they shall be cancelled.

Sec. 13. If there shall be, on any lands granted for the use of the University, and within two miles of the site selected, any building adapted to the use of a College or Seminary, such building shall be appropriated to such use, until other sufficient buildings shall be erected on the site of the University.

Sec. 14. If such land and buildings shall have been granted by the trustees of any incorporated College or Seminary, the corporation shall not thereby be dissolved, but such College or Seminary shall be deemed a College or Seminary of the University, and subject to regulation and government as such.

Sec. 15. Until a State University shall be instituted and incorporated, and provisions (made for the government of the Colleges and Seminaries) thereof, the trustees making a grant as in the preceding section specified, shall continue to have the powers and privileges vested in them by their charter of incorporation; except that the property granted by them shall be vested in the State for the uses specified in the grant.

Sec. 16. It shall be the duty of the commissioners, immediately after selecting the site for the University, to deposite with the Auditor of Public Accounts all conveyances for land, and subscriptions within the county in which the site is selected.

Sec. 17. The Auditor of Public Accounts, as soon as the subscription or any part thereof shall become due, shall place the evidences of such subscription in the hands of the Attorney prosecuting for the State in the county in which the subscribers reside, for collection, taking the receipt of the Attorney therefor.

Sec. 18. It shall be the duty of such Attorney to collect the money subscribed, without unnecessary delay, and cause the same to be paid into the State Treasury for the use of the University.

Sec. 19. All money, which shall be (collected under the provisions of this act, shall be) applied, so far as the same may be necessary for the purpose, to the construction of necessary buildings on the site selected, in such manner as the General Assembly shall by law direct.

Sec. 20. Any vacancy happening in the Board of Commissioners either by death or otherwise, the remaining Commissioners shall fill the same, but shall select no person having a direct interest in choosing the site, and who does not live at least one hundred miles from each county entitled to bid.

Sec. 21. Each Commissioner, before entering upon the discharge of his duty, shall take an oath before some Judge or Justice of the Peace, that he will faithfully and impartially perform the trust reposed in him.

Sec. 22. The said Commissioners, in addition to the oath already required to be taken, shall first (take) and subscribe the following oath, to-wit: "That he is not directly, or indirectly interested in any real estate in either of the counties herein named, to-wit: Callaway, Boone, Howard, Cooper, Cole and Saline."

Sec. 23. The Commissioners appointed under the provisions of this act shall receive the sum of three dollars per day, for each day they shall be engaged in the discharge of their duties, and twelve cents per mile for every mile they shall necessarily travel in performing the duties confided to them; and upon the presentation of their accounts to the Auditor, he shall draw a warrant upon the State Treasurer for the amount due each Commissioner, who shall pay the same out of any moneys belonging to the State, and not otherwise appropriated.

Sec. 24. The persons who attend the meeting of the Commissioners shall receive the same per diem allowance and mileage, as is received by the Commissioners, to be paid out of the respective County Treasuries.

This act to take effect from and after its passage.

Approved, Feb. 8, 1839.

UNIVERSITY.

AN ACT supplemental to an act entitled "an act to provide for the selection of a site for the State University."

Be it enacted by the General Assembly of the State of Missouri, as follows:

Sec. 1. If the Commissioners named in the act to which this is supplementary shall not meet as is provided in said act, on the day and at the place therein named, it shall be lawful for them to meet at the place and on any other day during the month of June, and proceed as is now provided by said act.

Sec. 2. It shall be the duty of the Executive to send a copy of this, and the act, to which this is a supplement, to each of the said Commissioners, and request their attendance. This act to take effect from its passage.

Approved Feb. 11, 1839.

AGRICULTURAL AND MECHANICAL COLLEGE.

JOINT RESOLUTION OF THE MISSOURI LEGISLATURE ACCEPTING THE
ACT OF CONGRESS. A COPY OF THE ACT ITSELF.

(See Session Acts 1863, page 34.)

WHEREAS, the Congress of the United States passed an act donating lands to the several States and Territories which may provide Colleges for the benefit of agriculture and the mechanic arts, which said act is as follows:

“AN ACT donating lands to the several States and Territories which may provide Colleges for the benefit of agriculture and the mechanic arts.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That there be granted to the several States for the purpose hereinafter mentioned, an amount of public land to be appropriated to each State, a quantity equal to thirty thousand acres for each Senator and Representative in Congress, to which the States are respectively entitled by the apportionment under the census of eighteen hundred and sixty: *provided,* That no mineral lands shall be selected or purchased under the provisions of this act.

“Sec. 2. *And be it further enacted,* That the land aforesaid, after being surveyed, shall be apportioned to the several States in sections, or subdivision of sections, not less than one quarter of a section; and whenever there are public lands in a State subject to sale at private entry at one dollar and twenty-five cents per acre, the quantity to which said State shall be entitled shall be selected from such lands within the limits of such State, and the Secretary of the Interior is hereby directed to issue to each of the States in which there is not the quantity of public lands subject to sale at private entry at one dollar and twenty-five cents per acre to which said State may be entitled under the provisions of this act, land script to the amount in acres for the deficiency of its distributive share; said script to be sold by said States, and the proceeds there-

of applied to the uses and purposes prescribed in this act, and for no other use or purpose whatsoever: *provided*, that in no case shall any State, to which land scrip may thus be issued, be allowed to locate the same within the limits of any other State or of any Territory of the United States, but their assignees may thus locate said land scrip upon any of the unappropriated lands of the United States subject to sale at private entry at one dollar and twenty-five cents, or less per acre: *and, provided further*, That no more than one million acres shall be located by such assignees in any one of the States: *and, provided further*, That no such location shall be made before one year from the passage of this act.

“Sec. 3. *And be it further enacted*, That all the expenses of management, superintendence and taxes from date of selection of said lands, previous to their sales, and all expenses incurred in the management and disbursement of the monies which may be received therefrom, shall be paid by the States to which they may belong out of the treasury of said States, so that the entire proceeds of the sale of said lands shall be applied without any diminution whatever to the purposes hereinafter mentioned.

“Sec. 4. *And be it further enacted*, That all monies derived from the sale of the lands aforesaid by the States to which the lands are apportioned, and from the sales of land scrip, hereinbefore provided for, shall be invested in the stocks of the United States, or of the States, or some other safe stocks, yielding not less than five per centum upon the par value of said stocks; and that the monies so invested shall constitute a perpetual fund, the capital of which shall remain forever undiminished, (except so far as may be provided in section fifth of this act) and the interest of which shall be inviolably appropriated by each State which may take and claim the benefit of this act, to the endowment, support and maintenance of at least one college, where the leading object shall be, without excluding other scientific and classical studies, and including military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts, in such manner as the legislatures of the States may respectively prescribe, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions in life.

“Sec. 5. *And be it further enacted*, That the grant of land and land scrip hereby authorized, shall be made on the following con-

ditions, to which, as well as to the provisions hereinbefore contained, the previous assent of the several States shall be signified by legislative acts: First, If any portion of the fund invested as provided by the foregoing section, or any portion of the interest thereon, shall, by any action or contingency be diminished or lost, it shall be replaced by the State to which it belongs, so that the capital of the fund shall remain forever undiminished, and the annual interest shall be regularly applied without diminution to the purposes mentioned in the fourth section of this act, except that a sum not exceeding ten per centum upon the amount received by any State under the provisions of this act, may be expended for the purchase of lands for sites or experimental farms, whenever authorized by the respective Legislatures of said States. Second, No portion of said fund nor the interest thereon, shall be applied directly or indirectly, under any pretence whatever, to the purchase, erection, preservation or repair of any building or buildings. Third, Any State which may take and claim the benefit of the provisions of this act, shall provide within five years, at least, not less than one college, as described in the fourth section of this act, or the grant to such State shall cease; and said State shall be bound to pay the United States the amount received of any lands previously sold, and that the title to purchasers under the State shall be valid. Fourth, An annual report shall be made regarding the progress of each college, recording any improvements and experiments made, with their costs and results, and such other matters, including State industrial and economical statistics as may be supposed useful, one copy of which shall be transmitted by mail, free, by each, to all the other colleges which may be endowed under the provisions of this act, and also one copy to the Secretary of the Interior. Fifth, When lands shall be selected from those which have been raised to double the minimum price in consequence of railroad grants, they shall be computed to the States at the maximum price, and the number of acres proportionably diminished. Sixth, No State while in a condition of rebellion or insurrection against the Government of the United States, shall be entitled to the benefit of this act. Seventh, No State shall be entitled to the benefits of this act, unless it shall express its acceptance thereof by its Legislature within two years from the date of its approval by the President.

"Sec. 6. *And be it further enacted*, That land scrip issued under the provisions of this act, shall not be subject to location until after the first day of January, one thousand eight hundred and sixty-three.

"Sec. 7. *And be it further enacted*, That the land officers shall receive the same fees for locating land scrip issued under the provisions of this act, as is now allowed for the location of military bounty land warrants under existing laws: *Provided*, Their maximum compensation shall not be thereby increased.

"Sec. 8. *And be it further enacted*, That the Governors of the several States to which scrip shall be issued under this act, shall be required to report annually to Congress all sales made of such scrip, until the whole shall be disposed of, the amount received for the same, and what appropriation has been made of the proceeds. Approved July 2, 1862."

AND, WHEREAS, It is provided in the seventh condition under the fifth section of said above recited act, that "no State shall be entitled to the benefits of this act, unless it shall express its acceptance thereof by its Legislature within two years from the date of its approval by the President, July 2, 1862. Now, therefore,

Be it resolved by the General Assembly of the State of Missouri, That the said act of the Congress of the United States is assented to and accepted by the State of Missouri, with all the conditions, restrictions, and limitations therein contained; and the faith of the State of Missouri is hereby pledged to the faithful performance of the trust thereby created.

Approved March 17, 1863.

AMENDATORY ACT EXTENDING THE TIME FIXED BY
FOREGOING LAW.

AN ACT to amend an act entitled "An act to amend the fifth section of an act entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July second, eighteen hundred and sixty-two, so as to extend the time within which the provisions of said act shall be accepted and such colleges established," approved July twenty-third, eighteen hundred and sixty-six.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the time within which the several States may comply with the provisions of the act of July twenty-third, eighteen hundred and sixty-six, entitled "An act to amend the fifth section of an act entitled 'An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts,' approved July second, eighteen hundred and sixty-two, so as to extend the time within which the provisions of said act shall be accepted and such colleges established," is hereby extended so that the States which have not complied with the provisions of said acts in establishing colleges shall have the period of two years, after the first day of July, eighteen hundred and seventy-two, within which to provide at least one college, as described in the fourth section of an act entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July second, eighteen hundred and sixty-two.

Approved, January 23, 1873.

STATE CONSTITUTION OF 1865.

Sec. 1. A general diffusion of knowledge and intelligence being essential to the preservation of the rights and liberties of the people, the general assembly shall establish and maintain free schools for the gratuitous instruction of all persons in this state between the ages of five and twenty-one years.

2. Separate schools may be established for children of African descent. All funds provided for the support of public schools shall be appropriated in proportion to the number of children, without regard to color.

3. The supervision of public instruction shall be vested in a board of education, whose powers and duties shall be prescribed by law. A superintendent of public schools, who shall be the president of the board, shall be elected by the qualified voters of the state. He shall possess the qualifications of a state senator, and hold his office for the term of four years, and shall perform such duties and receive such compensation as may be prescribed by law. The secretary of state and attorney general shall be *ex-officio* members, and with the superintendent, compose said board of education.

4. The general assembly shall also establish and maintain a State University, with departments for instruction in teaching, in agriculture, and in natural science, as soon as the public school fund will permit.

5. The proceeds of all lands that have been, or hereafter may be granted by the United States to this state, and not otherwise appropriated by this state or the United States; also, all moneys, stocks, bonds, lands and other property now belonging to any fund for purposes of education; also, the net proceeds of all sales of lands, and other property and effects that may accrue to the state by escheat, or from sales of estrays, or from unclaimed dividends, or distributive shares of the estates of deceased persons, or from fines, penalties and forfeitures; also, any proceeds of the sales of public lands which may have been or hereafter may be paid over to this state, (if congress will consent to such appropriation;) also, all other grants, gifts or devises, that have been or hereafter may be made to this state, and

not otherwise appropriated by the terms of the grant, gift or devise, shall be securely invested and sacredly preserved as a public school fund, the annual income of which fund, together with so much of the ordinary revenue of the state as may be necessary, shall be faithfully appropriated for establishing and maintaining the free schools and the university in this article provided for, and for no other uses or purposes whatsoever.

6. No part of the public school fund shall ever be invested in the stock, or bonds, or other obligations of any state, or of any county, city, town or corporation. The stock of the bank of the State of Missouri now held for school purposes and all other stocks belonging to any school, or university fund, shall be sold, in such manner and at such time as the general assembly shall prescribe; and the proceeds thereof, and the proceeds of the sales of any lands, or other property which now belong or may hereafter belong to said school fund, may be invested in the bonds of the United States. All county school funds shall be loaned upon good and sufficient unincumbered real estate security, with personal security in addition thereto.

7. No township or school district shall receive any portion of the public school fund, unless a free school shall have been kept therein for not less than three months during the year for which distribution thereof is made. The general assembly shall have power to require by law, that every child of sufficient mental and physical ability, shall attend the public schools, during the period between the ages of five and eighteen years, for a term equivalent to sixteen months, unless educated by other means.

8. In case the public school fund shall be insufficient to sustain a free school, at least four months in every year, in each school district in this state, the general assembly may provide by law for the raising of such deficiency, by levying a tax on all the taxable property in each county, township or school district as they may deem proper.

9. The general assembly shall, as far as it can be done, without infringing upon vested rights, reduce all lands, moneys, and other property, used or held for school purposes in the various counties of this state into the public school fund herein provided for, and in making distribution of the annual income of said fund shall take into consideration the amount of any county or city funds, appropriated for common school purposes, and make such distribution as will equalize the amount appropriated for common schools throughout the state.

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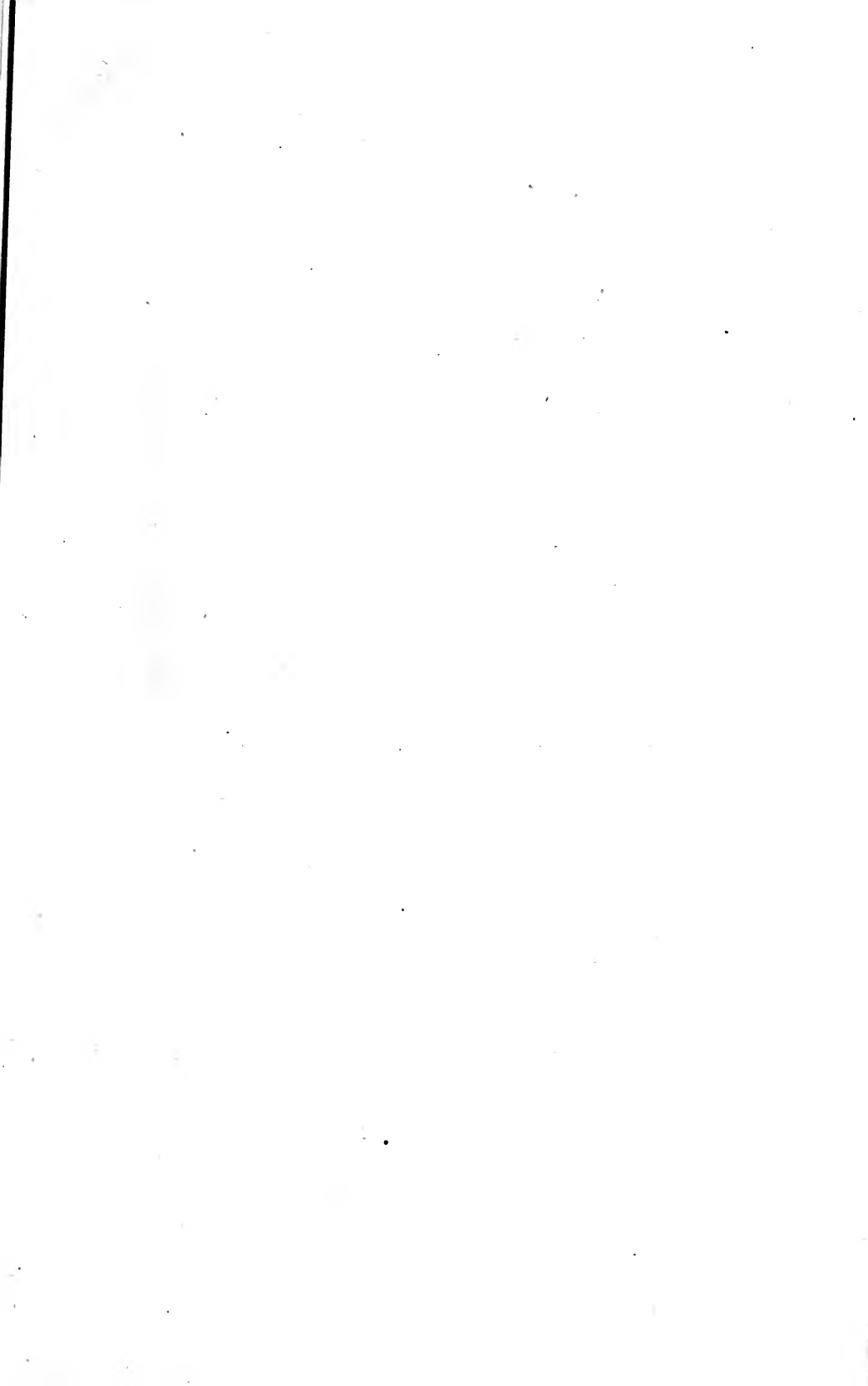
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