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U. S. Laws, Statutes, etc.

Federal laws regulation  
of rulings affecting the Land  
Grant Colleges of Agriculture &  
Mechanic Arts!

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Class \_\_\_\_\_

Book \_\_\_\_\_

DEPARTMENT OF THE INTERIOR  
BUREAU OF EDUCATION

FEDERAL LAWS, REGULATIONS,  
AND RULINGS AFFECTING THE  
LAND-GRANT COLLEGES OF AGRICULTURE AND MECHANIC ARTS

*U.S. Laws, Statutes, etc.*



WASHINGTON  
GOVERNMENT PRINTING OFFICE  
1916

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## Morrill Land-Grant Act of 1862.

AN ACT Donating public 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 purposes hereinafter mentioned, an amount of public land, to be apportioned to each State a quantity equal to 30,000 acres for each Senator and Representative in Congress to which the States are respectively entitled by the apportionment under the census of 1860: *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 subdivisions of sections, not less than one-quarter of a section; and wherever 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 scrip to the amount in acres for the deficiency of its distributive share; said scrip to be sold by said States, and the proceeds thereof 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, an acre: *And provided further,* That not 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 moneys 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 moneys 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 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 moneys 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 conditions, 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 pretense 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 prescribed 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 proportionally 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, 1863.

SEC. 7. *And be it further enacted,* That 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,* That 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. (12 Stat., 503.)

## Act of 1866, Extending the Time within which Agricultural Colleges may be Established.

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 2, 1862, so as to extend the time within which the provisions of said act shall be accepted and such colleges established.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the time in which the several States may comply with the provisions of the act of July second, eighteen hundred and sixty-two, 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," is hereby extended so that the acceptance of the benefits of the said act may be expressed within three years from the passage of this act, and the colleges required by the said act may be provided within five years from the date of the filing of such acceptance with the Commissioner of the General Land Office: *Provided*, That when any Territory shall become a State and be admitted into the Union such new States shall be entitled to the benefits of the said act of July second, eighteen hundred and sixty-two, by expressing the acceptance therein required within three years from the date of its admission into the Union, and providing the college or colleges within five years after such acceptance, as prescribed in this act: *Provided further*, That any State which has heretofore expressed its acceptance of the act herein referred to shall have the period of five years within which to provide at least one college, as described in the fourth section of said act, after the time for providing said college, according to the act of July second, eighteen hundred and sixty-two, shall have expired.

Approved, July 23, 1866. (14 Stat., 208.)

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## Act of 1883, Amending Section 4 of the Act of 1862.

AN ACT TO amend an act donating public 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 the fourth section of the 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, be, and the same is hereby, amended so as to read as follows:

SEC. 4. That all moneys derived from the sale of lands aforesaid by the States to which lands are apportioned, and from the sales of land scrip hereinbefore provided for, shall be invested in stocks of the United States or of the States, or some other safe stocks; or the same may be invested by the States having no State stocks, in any other manner after the legislatures of such States shall have assented thereto, and engaged that such funds shall yield not less than five per centum upon the amount so invested and that the principal thereof shall forever remain unimpaired: *Provided*, That the moneys so invested or loaned shall constitute a perpetual fund,



the capital of which shall remain forever undiminished (except so far as may be provided in section five 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.

Approved March 3, 1883. (22 Stat., 484.)

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### Morrill Act of 1890.

AN ACT To apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts established under the provisions of an act of Congress approved July second, eighteen hundred and sixty-two.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there shall be, and hereby is, annually appropriated, out of any money in the Treasury not otherwise appropriated, arising from the sale of public lands, to be paid as hereinafter provided, to each State and Territory for the more complete endowment and maintenance of colleges for the benefit of agriculture and the mechanic arts now established, or which may be hereafter established, in accordance with an act of Congress approved July second, eighteen hundred and sixty-two, the sum of fifteen thousand dollars for the year ending June thirtieth, eighteen hundred and ninety, and an annual increase of the amount of such appropriation thereafter for ten years by an additional sum of one thousand dollars over the preceding year, and the annual amount to be paid thereafter to each State and Territory shall be twenty-five thousand dollars to be applied only to instruction in agriculture, the mechanic arts, the English language and the various branches of mathematical, physical, natural and economic science, with special reference to their applications in the industries of life, and to the facilities for such instruction: *Provided,* That no money shall be paid out under this act to any State or Territory for the support and maintenance of a college where a distinction of race or color is made in the admission of students, but the establishment and maintenance of such colleges separately for white and colored students shall be held to be a compliance with the provisions of this act

if the funds received in such State or Territory be equitably divided as hereinafter set forth: *Provided*, That in any State in which there has been one college established in pursuance of the act of July second, eighteen hundred and sixty-two, and also in which an educational institution of like character has been established, or may be hereafter established, and is now aided by such State from its own revenue, for the education of colored students in agriculture and the mechanic arts, however named or styled, or whether or not it has received money heretofore under the act to which this act is an amendment, the legislature of such State may propose and report to the Secretary of the Interior a just and equitable division of the fund to be received under this act between one college for white students and one institution for colored students established as aforesaid, which shall be divided into two parts and paid accordingly, and thereupon such institution for colored students shall be entitled to the benefits of this act and subject to its provisions, as much as it would have been if it had been included under the act of eighteen hundred and sixty-two, and the fulfillment of the foregoing provisions shall be taken as a compliance with the provision in reference to separate colleges for white and colored students.

SEC. 2. That the sums hereby appropriated to the States and Territories for the further endowment and support of colleges shall be annually paid on or before the thirty-first day of July of each year, by the Secretary of the Treasury, upon the warrant of the Secretary of the Interior, out of the Treasury of the United States, to the State or Territorial treasurer, or to such officer as shall be designated by the laws of such State or Territory to receive the same, who shall, upon the order of the trustees of the college, or the institution for colored students, immediately pay over said sums to the treasurers of the respective colleges or other institutions entitled to receive the same, and such treasurers shall be required to report to the Secretary of Agriculture and to the Secretary of the Interior, on or before the first day of September of each year, a detailed statement of the amount so received and of its disbursement. The grants of moneys authorized by this act are made subject to the legislative assent of the several States and Territories to the purpose of said grants: *Provided*, That payments of such installments of the appropriation herein made as shall become due to any State before the adjournment of the regular session of legislature meeting next after the passage of this act shall be made upon the assent of the governor thereof, duly certified to the Secretary of the Treasury.

SEC. 3. That if any portion of the moneys received by the designated officer of the State or Territory for the further and more complete endowment, support, and maintenance of colleges, or of

institutions for colored students, as provided in this act, shall, by any action or contingency, be diminished or lost, or be misapplied, it shall be replaced by the State or Territory to which it belongs, and until so replaced no subsequent appropriation shall be apportioned or paid to such State or Territory; and no portion of said moneys shall be applied, directly or indirectly, under any pretense whatever, to the purchase, erection, preservation, or repair of any building or buildings. An annual report by the president of each of said colleges shall be made to the Secretary of Agriculture, as well as to the Secretary of the Interior, regarding the condition and progress of each college, including statistical information in relation to its receipts and expenditures; its library, the number of its students and professors, and also as to any improvements and experiments made under the direction of any experiment stations attached to said colleges, with their costs and results, and such other industrial and economical statistics as may be regarded as useful, one copy of which shall be transmitted by mail free to all other colleges further endowed under this act.

SEC. 4. That on or before the first day of July in each year, after the passage of this act, the Secretary of the Interior shall ascertain and certify to the Secretary of the Treasury as to each State and Territory whether it is entitled to receive its share of the annual appropriation for colleges, or of institutions for colored students, under this act, and the amount which thereupon each is entitled, respectively, to receive. If the Secretary of the Interior shall withhold a certificate from any State or Territory of its appropriation, the facts and reasons therefor shall be reported to the President, and the amount involved shall be kept separate in the Treasury until the close of the next Congress, in order that the State or Territory may, if it should so desire, appeal to Congress from the determination of the Secretary of the Interior. If the next Congress shall not direct such sum to be paid, it shall be covered into the Treasury. And the Secretary of the Interior is hereby charged with the proper administration of this law.

SEC. 5. That the Secretary of the Interior shall annually report to Congress the disbursements which have been made in all the States and Territories, and also whether the appropriation of any State or Territory has been withheld, and if so, the reasons therefor.

SEC. 6. Congress may at any time amend, suspend, or repeal any or all of the provisions of this act. Approved, August 30, 1890. (26 Stat., 417.)

## Nelson Amendment of 1907.

[Extract from "An Act making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and eight," approved Mar. 4, 1907 (Public—No. 242).]

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

\*            \*            \*            \*            \*            \*            \*

That there shall be, and hereby is, annually appropriated, out of any money in the Treasury not otherwise appropriated, to be paid as hereinafter provided, to each State and Territory for the more complete endowment and maintenance of agricultural colleges now established, or which may hereafter be established, in accordance with the Act of Congress approved July second, eighteen hundred and sixty-two, and the Act of Congress approved August thirtieth, eighteen hundred and ninety, the sum of five thousand dollars, in addition to the sums named in said Act for the fiscal year ending June thirtieth, nineteen hundred and eight, and an annual increase of the amount of such appropriation thereafter for four years by an additional sum of five thousand dollars over the preceding year, and the annual sum to be paid thereafter to each State and Territory shall be fifty thousand dollars, to be applied only for the purposes of the agricultural colleges as defined and limited in the Act of Congress approved July second, eighteen hundred and sixty-two, and the Act of Congress approved August thirtieth, eighteen hundred and ninety.

That the sum hereby appropriated to the States and Territories for the further endowment and support of the colleges shall be paid by, to, and in the manner prescribed by the Act of Congress approved August thirtieth, eighteen hundred and ninety, entitled "An Act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts established under the provisions of the Act of Congress approved July second, eighteen hundred and sixty-two," and the expenditure of the said money shall be governed in all respects by the provisions of the said Act of Congress approved July second, eighteen hundred and sixty-two, and the said Act of Congress approved August thirtieth, eighteen hundred and ninety: *Provided*, That said colleges may use a portion of this money for providing courses for the special preparation of instructors for teaching the elements of agriculture and the mechanic arts.

## Detail of Army Officer and Sale of Supplies to Land-Grant Colleges.<sup>1</sup>

(Memorandum of the War Department on the detail of officers of the Army as professors of military science and tactics at educational institutions, and the issue of arms and equipments thereto.)

1. The following requirements are necessary to be fulfilled by institutions before the detail of an Army officer can be made and arms and certain ordnance equipment issued.

Requirements: (a) The application for the detail of an officer as professor of military science and tactics must be made by the authorities of an established military institution, seminary, academy, college, or university within the United States.

(b) It must have a capacity to educate at one and the same time not less than 150 male students.

(c) The application must be accompanied by the last printed catalogue and a certificate showing the number of male students, the number of students over 15 years of age, the capacity in buildings, apparatus, and the number of instructors. It must also show the grade of the institution and whether or not it is a land-grant institution, and the degrees it confers.

(d) The authorities of the institution must assure the War Department that military instruction shall be compulsory for all physically qualified students for a period of at least two years and for not less than 84 hours per academic year.

(e) The authorities must agree to uniform the students, at other than Government expense, in neat, well-fitting uniforms of a pattern and style now in vogue at other institutions of the same class and kind. (See act of Congress approved July 17, 1914.)

(f) That the officer so detailed shall be a member of the faculty, with the same privileges as those granted the heads of other departments of the institution.

(g) That the officer so detailed will be supported by the authorities in maintaining a high standard of military discipline.

(h) That the course and method of training will be prescribed by the War Department and the details of same left in the hands of the officer so detailed. A suitable classroom should be provided.

2. If these requirements can be fulfilled by the institution, the War Department, under section 1225, Revised Statutes, can grant the following:

(a) Detail of an officer from the active list of the Army to institutions classed as MC and C, where the number of male students is 100

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<sup>1</sup> For full information regarding laws, regulations, and instructions affecting such detail, see War Department, General Orders, Nos. 70, 1913, and 14 and 27, 1915.

or over, and to class M and SM institutions, where the number of such students is 150.

Class MC.—Colleges and universities (including land-grant institutions) where the curriculum is sufficiently advanced to carry with it a degree, where the students are habitually in uniform, where the average age of the students on graduation is not less than 21 years, where the military discipline is constantly maintained, and where one of the leading objects is the development of the students by means of military drill and by regulating his daily conduct according to the principles of military discipline.

Class M.—Essentially military institutions where the curriculum is not sufficiently advanced to carry with it a degree or where the average age of the students on graduation is less than 21 years.

Class C.—Colleges and universities (including land-grant institutions) not essentially military, where the curriculum is sufficiently advanced to carry with it a degree and where the average age of the students on graduation is not less than 21 years.

Class SM.—Institutions not included in any of the classes mentioned above.

(b) Detail an officer from the retired list of the Army whose pay and allowances will be paid by the Government, provided the number of students over 15 years of age exceeds 75. (Act of Nov. 3, 1893.) The total number of active and retired officers who can be so detailed is by law limited to 100.

(c) Detail a retired officer under the act approved April 21, 1904, to any institution where the number of male students is less than 75, provided the institution will pay the officer's commutation. The number of officers provided for this class of details is unlimited.

The annual commutation for a first lieutenant is about \$550, for a captain about \$710, for a major about \$882.

(d) Within the limitations prescribed by (a), (b), and (c) a college may have detailed thereat an active officer or a retired officer; a preparatory school, other than a public high school, an officer from the active list, a retired officer on active-pay status or a retired officer under the provisions of the act approved April 21, 1904.

(e) Upon the issue of the order detailing the officer for duty as professor of military science and tactics at the institution, arms and equipment can be issued in accordance with the procedure laid down in paragraphs 39 to 49, inclusive, General Orders, No. 70, War Department, 1913.

(f) In accordance with the act of Congress approved July 17, 1914, the purchase of articles of clothing and publications in such quantities as are approved by the Secretary of War can be made. Each application will be considered separately.

(g) The institution will be inspected annually by General Staff officers with the view of standardizing the course of instruction and correcting any deficiencies in methods, manner of instruction and training that might exist.

3. Before issuing any arms and equipment the law requires that a bond twice the value of the ordnance and ordnance stores issued be filed with the Chief of Ordnance, United States Army. (Pars. 60 to 69, General Orders, No. 70, War Department, 1913.)

All information relative to the purchase of ordnance and ordnance stores or replacing those damaged by fair wear and tear, or carelessness on the part of members of the Cadet Corps, and accounting for the property of the Government in the hands of the college or school authorities, will be found in paragraphs 50 to 59, inclusive, General Orders, No. 70, War Department, 1913.

A suitable place for the safe-keeping of the arms and equipment, as well as adequate arrangements for their care and preservation, must be provided. When a retired officer is detailed under the act approved April 21, 1904, the approval of the governor of the State is necessary before submitting any application for arms and equipment.

4. A retired officer can be detailed at any educational institution provided the institution will pay the officer's commutation.

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## Other Acts Affecting Land Grant Colleges.<sup>1</sup>

Clause in the Act Providing for the Printing, Binding, and Distribution of Public Documents, Constituting the Land-grant Colleges Depositories.

All land-grant colleges shall be constituted as depositories for public documents, subject to the provisions and limitations of the depository laws.

Approved, March 1, 1907. (34 Stat., 1012.)

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Regulations of the Post Office Department Concerning Free Transmission of Agricultural College Publications.

Section 515 of the Postal Laws and Regulations (1902) of the United States relating to the free transmission of reports of Agricultural college records as follows.

SEC. 515. One copy of each of the annual reports required by law to be made to the Secretary of the Interior and the Secretary of Agriculture, by such colleges as are or may hereafter be established for the benefit of agriculture and the mechanic arts in the several States and Territories under the provisions of the act of July 2,

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<sup>1</sup> Laws relating solely to experiment stations and extension work are omitted.

1862, 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," and the acts amendatory thereof \* \* \* shall be transmitted by mail free, by each, to all the other colleges which may be endowed under the provisions of this act (of July 2, 1862), and also one copy to the Secretary of the Interior and the Secretary of Agriculture.

2. Postmasters at offices where colleges are established under the provisions of the act of July 2, 1862, will receive from the officers thereof the reports referred to addressed, one copy each, to such other colleges and to the Secretary of the Interior and the Secretary of Agriculture, and affix to each a penalty label or official envelope of the post office, and forward the same free.

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## Rulings and Instructions Relative to the Land Grant Act of 1862.

A decision of the Assistant Attorney General rules, "In view of the fact that the acts in question (July 2, 1862; Aug. 30, 1890; and March 4, 1907) require the investment of funds to be made in specific securities, at not less than a specified rate of interest, and that the entire proceeds be applied, without diminution, to the purposes mentioned in the acts; of the fact that the acts require that any funds diminished, lost, or misapplied shall be replaced by the State; that the act of August 30, 1890, makes it incumbent upon the Secretary of the Interior to ascertain and certify as to whether the several States and Territories are entitled to their respective shares, and implies that he should withhold a certificate from any State or Territory not thereto entitled, justify the Department (of the Interior) in requiring such institutions to submit the necessary facts to enable it to determine whether the appropriations are being properly invested, maintained, and applied, you (the Commissioner of Education) are accordingly advised that \* \* \* this Department (of the Interior) is authorized, under the acts of Congress cited, to require a statement in detail from the several land-grant States or institutions of the disbursements of the annual income received by them under said act of July 2, 1862, and supplementary acts, and that this may be done through your office."

In conformity therewith the attention of State legislatures, State officers, and officers of institutions receiving the benefit of these acts, is respectfully called to the following provisions:

1. The amendment of July 23, 1866, extends the provisions of the original act of July 2, 1862, to all new States.—"That when any



Territory shall become a State and be admitted into the Union, such new State shall be entitled to the benefits of the said act of July second, eighteen hundred and sixty-two.”

2. Both in the original act and in the amendment of 1883, it is provided that the money derived from the sale of lands and from the sale of land scrip shall be invested at not less than 5% interest and shall constitute a perpetual fund.

It is held that, if the investment yields less than 5% the State must make up the deficiency.

3. The interest shall be regularly applied without diminution 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.

It is held that the proceeds from rentals, sale of timber rights, water rights, or other privileges, and interest on deferred payments of purchase money partake of the same character as the income from invested funds and must be devoted, without diminution, to the purposes as set forth above.

It is held that instruction in the industries for women is included in instruction in agriculture and the mechanic arts.

4. The income from this fund is not a fiscal year or limited fund. It must remain forever at the disposal of the institution entitled to the benefit of the fund. Nor may it ever be covered into general State funds or used for general State purposes. There can be no default to the State by the institution.

5. It is held that the act of 1890 (26 Stat., 417) with the amendment of 1907 (34 Stat., 1281) is supplementary to the act of 1862 (12 Stat., 503), therefore any default in the provisions of the act of 1862 renders the State liable to non-certification for the annual installments of the funds appropriated by the acts of 1890 and 1907.

6. The only restriction placed by the acts of Congress of July 2, 1862, upon the expenditure of the income derived from the sale of public lands granted for the endowment of colleges of agriculture and the mechanic arts, and the investment of the purchase money, is that no part of such income may be expended for the purchase, erection, preservation, or repair of any building or buildings, nor may this income be used for the purchase of land.

## Rulings and Instructions Relative to the Acts of Congress of August 30, 1890, and March 4, 1907, in Aid of Colleges of Agriculture and Mechanic Arts.

The attention of presidents, treasurers, and boards of control of State colleges of agriculture and mechanic arts, and of institutions of like character for colored students, is respectfully called to the requirements of the acts of Congress, approved August 30, 1890 (26 Stat. L., p. 417), and March 4, 1907 (34 Stat. L., p. 1281), in aid of colleges of agriculture and mechanic arts respecting the annual reports of the presidents and treasurers of said institutions to the Secretary of the Interior and the Secretary of Agriculture, and to certain decisions respecting the disbursement of the funds authorized by the said act.

1. The annual reports of treasurers are required to be made on or before September 1 of each year (sec. 2).

2. The reports of presidents must be received before the States can be certified for the annual installments of this fund, and it is respectfully requested that they be forwarded to this office not later than September 1 of each year.

3. The funds annually appropriated by the act of August 30, 1890, must be expended during the year for which they are appropriated and for the purposes specified in the said act, and can not be allowed to accumulate in the form of an unexpended balance or be invested as a permanent interest-bearing fund (decision of the Assistant Attorney General, June 20, 1899). The department will insist on the expenditure annually of substantially the entire amount appropriated by the act of August 30, 1890, and the act of March 4, 1907, and boards of control of agricultural and mechanical colleges are requested to make provision for such expenditures. When, however, the condition of the institution is such that the funds can not be spent advantageously, an unexpended balance will be allowed to remain over to the following year. This will be allowed only when it is shown that plans are prepared for the eventual use, not only of all unexpended balances, but also of the regular annual installments.

4. The funds are "to be applied only to instruction in agriculture, the mechanic arts, the English language, and the various branches of mathematical, physical, natural and economic science, with special reference to their applications in the industries of life, and to the facilities for such instruction" and "for providing courses for the special preparation of instructors for teaching the elements of agriculture and mechanic arts." It is held that this language authorizes the purchase from this money of apparatus, machinery, textbooks, reference books, stock, and material used in instruction,

or for the purposes of illustration in connection with any of the branches enumerated, and the payment of salaries of instructors in said branches only; but, in case of machinery (such as boilers, engines, pumps, etc.) and farm stock, which are made to serve for both instructional and other purposes, the Federal funds may be charged with only an equitable portion of the cost of said machinery and stock.

5. The expenditure of any portion of these funds for the purchase, erection, preservation, or repair of any building or buildings under any pretense whatever is specifically prohibited by the act (sec. 3); the purchase of land is not allowable (decision of Assistant Attorney General, Mar., 1891), nor expenditures for permanent improvement to buildings, grounds, and farms, such as clearing, draining, and fencing of land.

6. (a) The salaries of purely administrative officers, such as treasurers (decision of Assistant Attorney General, Mar. 7, 1894), presidents, secretaries, bookkeepers, janitors, watchmen, etc., can not be charged to this fund, nor the salaries of other administrative officers, like superintendents, foremen, and matrons, nor the wages of unskilled laborers and assistants in shops, laboratories, and fields;

(b) nor may this fund be used for the salaries of instructors improperly trained or incompetent for the positions they are supposed to fill; nor may it be used for salaries or expenses of the experiment station staff, nor for instructors employed in research work or in collecting, classifying and arranging specimens, collections or exhibits;

(c) nor can it be expended for heating or lighting buildings, musical instruments, military equipment, furniture, cases, shelving, desks, blackboards, tables, lockers, salaries of instructors in philosophy, psychology, ethics, logic, history, civil government, pedagogy, military science and tactics, and in ancient and modern languages (except English);

(d) nor can it be expended for instruction in the elementary subjects, or their equivalents, included in the first six years of the course of study of the public schools of the States in which each institution is located, excepting for students fourteen years of age and over who are devoting at least one-half of their time to industrial subjects as preparatory work in the mechanical trades, industries for women, or agriculture.

When an administrative officer also gives instruction in any of the branches of study mentioned in the act of August 30, 1890, or when an instructor gives such instruction and also devotes part of his time to giving instruction in branches of study not mentioned in the said act, only a part of such person's salary proportionate to the

time devoted to giving instruction in the branches of study mentioned in the said act of August 30, 1890, can be charged to these funds. In the division of time between instructional and other services, one hour of instruction shall be regarded as the equivalent of two hours of administrative, supervisory, or experiment station work.

7. No part of the funds received under the provisions of the acts of 1890 and 1907 may be used for any form of extension work, and all instruction must be given at the institutions receiving these funds, except that a reasonable portion of the funds provided by the act of 1907 may be used for the instruction of teachers in agriculture, mechanic arts, and domestic science at summer schools, teachers' institutes, and by correspondence, and in supervising and directing work in these subjects in high schools.

8. All or a part of the funds provided by the act of March 4, 1907, may be used "for providing courses for the special preparation of instructors for teaching the elements of agriculture and mechanic arts." It is held that this language authorizes expenditures for instruction in the history of agriculture and industrial education, in methods of teaching agriculture, mechanic arts, and home economics, and also for special aid and supervision given to teachers actively engaged in teaching agriculture, mechanic arts, and home economics in public schools. It does not authorize expenditures for general courses in pedagogy, psychology, history of education, and methods of teaching.

9. In order that uniformity in the reports of treasurers may be obtained, the following classification of subjects that may be included under the several schedules has been prepared, such classification to be adhered to by the treasurers of the various institutions in the preparation of their annual reports:

SCHEDULE A.—*Instruction in agriculture.*

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|---|--|
| <ul style="list-style-type: none"> <li>1. Agriculture.</li> <li>2. Horticulture.</li> <li>3. Forestry.</li> <li>4. Agronomy.</li> <li>5. Animal husbandry.</li> </ul> | <ul style="list-style-type: none"> <li>6. Dairying.</li> <li>7. Veterinary science.</li> <li>8. Poultry industry.</li> <li>9. Apiculture.</li> </ul> |
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SCHEDULE B.—*Instruction in mechanic arts.*

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|--|---|
| <ul style="list-style-type: none"> <li>1. Mechanical engineering.</li> <li>2. Civil engineering.</li> <li>3. Electrical engineering.</li> <li>4. Irrigation engineering.</li> <li>5. Mining engineering.</li> <li>6. Marine engineering.</li> <li>7. Railway engineering.</li> <li>8. Experimental engineering.</li> <li>9. Textile industry.</li> </ul> | <ul style="list-style-type: none"> <li>10. Architecture.</li> <li>11. Machine design.</li> <li>12. Mechanical drawing.</li> <li>13. Ceramics.</li> <li>14. Stenography.</li> <li>15. Typewriting.</li> <li>16. Telegraphy.</li> <li>17. Printing.</li> <li>18. Shopwork.</li> </ul> |
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SCHEDULE C.—*Instruction in English language.*

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|------------------------|--------------|
| 1. English language.   | 4. Rhetoric. |
| 2. English literature. | 5. Oratory.  |
| 3. Composition.        |              |

SCHEDULE D.—*Instruction in mathematical sciences.*

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|-----------------|---------------|
| 1. Mathematics. | 3. Astronomy. |
| 2. Bookkeeping. |               |

SCHEDULE E.—*Instruction in natural and physical sciences.*

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|----------------|-------------------------|
| 1. Chemistry.  | 8. Metallurgy.          |
| 2. Physics.    | 9. Entomology.          |
| 3. Biology.    | 10. Physiology.         |
| 4. Botany.     | 11. Bacteriology.       |
| 5. Zoology.    | 12. Pharmacy.           |
| 6. Geology.    | 13. Physical geography. |
| 7. Mineralogy. | 14. Meteorology.        |

SCHEDULE F.—*Instruction in economic sciences.*

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|-----------------------|--------------------------|
| 1. Political economy. | 3. Commercial geography. |
| 2. Home economics.    | 4. Sociology.            |

SCHEDULE G.—*Special preparation of teachers.*

1. History of industrial education (with special reference to agriculture, mechanic arts, and home economics).
2. Methods of teaching agriculture, mechanic arts, and home economics.
3. Special instruction to persons teaching agriculture, mechanic arts, and home economics.

P. P. CLAXTON,  
*Commissioner of Education.*

Approved, May 23, 1916.

FRANKLIN K. LANE,  
*Secretary of the Interior.*





Syracuse, N. Y.

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