

# Text of Federal Legislation Relating to Land-Grant Colleges and Universities

## Act of August 30, 1890 (Second Morrill Act)

Nelson Amendment of March 4, 1907

Digest of Rulings and Opinions on Acts of August 30,  
1890, and March 4, 1907

All Colleges Designated as "Land-Grant" Are Operated  
Under the Provisions of the Morrill Act of 1862

Land-Grant Colleges Constituted Depositories of Public  
Documents by Act of March 1, 1907

Free Mailing Privileges for Annual Reports of  
Land-Grant Colleges

## Act of August 30, 1890 (Second Morrill Act)

{Providing for the further endowment and support of colleges of  
agriculture and mechanic arts }

[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 un 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 of be paid thereafter to*

each State and Territory shall be twenty-five thousands 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 all State and 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 a 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.

## **Section 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 treasurer 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.

### **Section 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.

### **Section 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.

## Section 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.

## Section 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 March 4, 1907

{Providing for the more complete endowment and maintenance of land-grant colleges}

[Extract from an act making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and eight]

*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.  
Approved, March 4, 1907. (34 Stat. L. 1281.)

## Digest of Rulings and Opinions on Acts of August 30, 1890, and March 4, 1907

**Time limit on expenditure of funds**—"The moneys appropriated by the act of August 30, 1890" are "in the nature of an annuity to be used from year to year" and cannot be "accumulated or converted into an interest-bearing fund." —*Decision of Attorney General, June 20, 1899.*

The Department will insist on the expenditure of substantially the entire amount appropriated by the act of August 30, 1890, and the boards of control of agricultural and mechanic arts colleges are requested to make provision for such expenditures. It is understood of course that contracts may be entered into for educational material which, for good reasons, may not be ready and paid for until the following year. In such cases it is sufficient to explain by a note in the annual report that the balance is held for the purpose of liquidating bills already incurred, and stating the nature of the outstanding contracts. —*Ruling of the Secretary of the Interior, December 7, 1900.*

**Accrued interest on appropriations**—"Interest accruing upon funds" under the acts of August 30, 1890, and March 4, 1907, "is interest accruing to the United States and should be covered into the United States Treasury as miscellaneous receipts." The funds in question should be deposited by the treasurers of the institutions "in banks as custodians for funds of the United States and any interest accruing thereon should be for disposition as herein indicated." —*Opinion of Comptroller General of United States, January 16, 1933.*

Accrued interest must be accounted for and covered into the United States Treasury at the close, June 30, of each fiscal year. The funds must

be kept in a deposit account separate from all other funds. The person duly designated to receive the funds is responsible for the accounting of such interest as may be credited to the deposit account by the bank in which the deposit account is maintained. Checks covering interest accrued for each fiscal year should be mailed with the annual reports and will be forwarded to the Treasurer of the United States as miscellaneous receipts. —*Ruling of Secretary of the Interior, June 5, 1933.*

In the light of decisions of the Comptroller General addressed to the Secretary of Agriculture dated January 16, 1933, and March 27, 1933, the Commissioner of Education has ruled as follows with respect to the Morrill-Nelson-Bankhead-Jones funds:

It will not be necessary, therefore, to require that separate bank deposit accounts be maintained for Morrill-Nelson and Bankhead-Jones funds, provided interest is not paid on funds deposited in bank for land-grant college or university. Moreover, if interest is paid on funds on deposit in bank for the college or university, it will be necessary to require that separate bank accounts for Morrill-Nelson and Bankhead-Jones funds be maintained as heretofore. —*Letter of the U.S. Commissioner of Education to Presidents and Treasurers of Land-Grant Colleges and Universities, October 11, 1941.*

**Expenditures of funds for different purposes**—No part of these funds may be "expended for grounds for building sites" or "for lands for use in the practical training of students in agriculture." —Opinion of Attorney General, March 1891.

Purchases from these funds of "apparatus, machinery, textbooks, reference books, stock and material used in instruction, or for purposes of illustration in connection with any of the branches enumerated" in the act of August 30, 1890, are permissible. —*Ruling of Secretary of the Interior, August 3, 1899.*

In the case of the purchase 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."

"Expenditures for permanent improvements to buildings, grounds and farms, such as clearing, draining, and fencing lands," are not allowable from these funds. —*Rulings of Secretary of the Interior, November 2, 1911.*

**Use of funds for salaries**—The "salary of the treasurer" of the college

is not "a legitimate charge against the funds" and cannot properly be paid from them. —*Opinion of Attorney General, March 7, 1894.*

"The salaries of purely administrative officers, such as presidents, treasurers, secretaries, bookkeepers, janitors, watchmen, etc., cannot be charged" to these funds, "nor the salaries of other administrative officers, like superintendents, foremen, and matrons, and the wages of unskilled laborers and assistants in shops, laboratories, and fields."

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 denotes 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 the study mentioned in said act can be charged to these funds. In the division of the time between instructional and other services, 1 hour of instruction shall be regarded as the equivalent of 2 hours of administrative, supervisory, or experiment station staff.

The funds cannot be used for "salaries of instructors in philosophy, psychology, ethics, logic, history, civil government, military science and tactics, and in ancient and modern languages (except English.)" —*Rulings of Secretary of the Interior, August 3, 1899, November 2, 1911, and May 23, 1916.*

The funds cannot be used "for the salaries of instructors, improperly trained or incompetent for the positions they are supposed to fill; nor may they 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." —*Ruling of Secretary of the Interior, May 23, 1916.*

**Subjects of instruction allowed**—In order that greater uniformity in the reports of the treasurers may be obtained in the future, 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:

**A. *Instruction in agriculture***—Agriculture, horticulture, forestry, agronomy, animal husbandry, dairying, veterinary medicine, poultry husbandry, and agriculture.

**B. *Instruction in mechanic arts***—Mechanical engineering, civil engineering, electrical engineering, irrigation engineering, mining

engineering, marine engineering, railway engineering, experimental engineering, textile industry, architecture, machine design, mechanical drawing, ceramics, stenography, typewriting, telegraphy, printing, and shopwork.

**C. *Instruction in English language***—English language, English literature, composition, rhetoric, and oratory.

**D. *Instruction in mathematical sciences***—Mathematics, bookkeeping, and astronomy.

**E. *Instruction in natural and physical sciences***—Chemistry, physics, biology, botany, zoology, geology, mineralogy, metallurgy, entomology, physiology, bacteriology, pharmacy, physical geography, and meteorology.

**F. *Instruction in economic sciences***—Political economy, home economics, commercial geography, and sociology.

**G. *Special preparation of teachers***—History of industrial education (with special reference to agriculture, mechanic arts, and home economics); methods of teaching agriculture, mechanic arts, and home economics; special instructions to persons teaching agriculture, mechanic arts, and home economics. —*Rulings of Secretary of the Interior, December 7, 1900, and May 23, 1916.*

Expenditures from the funds provided by the act of March 4, 1907, are not authorized "for general courses in pedagogy, psychology, history of education, and methods of teaching." —*Rulings of Secretary of the Interior, November 2, 1911, and May 23, 1916.*

The funds cannot be "expended for instruction in the elementary subjects, or their equivalent, included in the first 6 years of the course of study of the public schools of the States in which each institution is located, excepting for students 14 years or over who are devoting at least one-half of their time in industrial subjects as preparatory work in the mechanical trades, industries for women, or agriculture."

All or 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. —*Ruling of*



*Secretary of the Interior, May 23, 1916.*

The board of control of a system of higher education in a State has not the authority to change the designation of the land-grant college from one institution under its jurisdiction to another.

It is therefore the opinion of this Office that the Administrator may not accept the change in designation of the Negro land-grant college by the Board of Regents of the University of Georgia, but must insist that the Federal grant continue to be available to the Georgia State College until such time as the State legislature may by change of designation redirect the money to the use of another institution. —*Opinion of General Counsel, Federal Security Agency, January 3, 1949.*

## **All Colleges Designated as "Land-Grant" Are Operated Under the Provisions of the Morrill Act of 1862**

It is the opinion of this Office that the Negro institutions which receive a part of the Federal funds provided under the Morrill Acts and supplementary legislation (12 Stat. 503; 26 Stat. 417; 34 Stat. 1281; and 49 Stat. 439) are governed by the same legal provisions which govern other land-grant colleges, including the requirement of the Act of July 2, 1862, that military tactics be taught therein. The fact of segregation itself does not affect the designated institution's rights and obligations, and Morrill Act funds are specifically available only to institutions established "in accordance with" the conditions of the 1862 enactment. The legislative history and the recorded interpretations of the Acts also enforce the conclusion that there is no legal basis for a failure to require a substantial course in military tactics to be offered by Negro institutions participating in grants under all or any of the four Acts of Congress noted above. —*Opinion of the General Counsel, Federal Security Agency, July 13, 1949*

## **Land-Grant Colleges Constituted Depositories of Public Documents by Act of March 1, 1907**

[Clause from an amendment to an act providing for the public printing, binding, and distribution of public documents]

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

laws. —(34 Stat., 1014)

## **Free Mailing Privilege for Annual Reports of Land-Grant Colleges**

[Excerpt from Postal Laws and Regulations of the United States (1924) relating to the free transmission of annual reports of agricultural and mechanic arts colleges]

Postmasters at offices where colleges are established under the provisions of the act of July 2, 1862, shall 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 envelop of the post office, and forward the same free.

### [ACT OF JULY 2, 1862 \(FIRST MORRILL ACT\)](#)

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