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## 1862, July 2 - 12 Stat. 503, Act Donating Public Land For Colleges

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BY AUTHORITY OF CONGRESS.

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THE  
**Statutes at Large, Treaties,**  
AND  
PROCLAMATIONS,  
OF THE  
**UNITED STATES OF AMERICA.**

FROM

DECEMBER 5, 1859, TO MARCH 3, 1863.

rranged in Chronological Order and carefully collated with the  
Originals at Washington.

WITH

REFERENCES TO THE MATTER OF EACH ACT AND TO THE SUBSEQUENT  
ACTS ON THE SAME SUBJECT.

EDITED BY

**GEORGE P. SANGER,**

COUNSELLOR AT LAW.

The rights and interest of the United States in the stereotype plates from which this work is printed, are hereby recognized, acknowledged, and declared by the publishers, according to the provisions of the joint resolution of Congress, passed March 3, 1846.

VOL, XII.

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1863.

prescribed for that offence, shall be deprived of his office and rendered incapable forever after of holding any office or place under the United States. Penalty.

APPROVED, July 2, 1862.

CHAP. CXXXIX. — *An Act to establish a Land District in the Territory of Nevada, and for other Purposes.* July 2, 1862.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the public lands of the United States in the Territory of Nevada shall constitute a land district, to be called the District of Nevada, the office for which shall be established at such place within said district as the President of the United States may from time to time direct, and the presumption laws are hereby extended to said Territory. Land district of Nevada established.

SEC. 2. *And be it further enacted,* That the President be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, a register and receiver for said district, who shall be required to reside at the site of said office, and who shall have the same powers and perform the same duties as are now or may hereafter be prescribed by law for other land officers, and whose compensation shall be the same as allowed to such officers by the act approved April twenty, eighteen hundred and eighteen, entitled "An act for changing the compensation of receivers and registers of the land offices." Register and receiver to be appointed.

1818, ch 123  
Vol. iii. p. 466.

SEC. 3. *And be it further enacted,* That when the settlers in any township or townships, not mineral or reserved by government, shall desire a survey made of the same under the authority of the Surveyor-General of the United States, and shall file an application therefor in writing, and deposit in a proper United States depository to the credit of the United States a sum sufficient to pay for such survey, together with all expenses incident thereto, without cost or claim for indemnity on the United States, it shall and may be lawful for said Surveyor-General, under such instructions as may be given him by the Commissioner of the General Land Office, and in accordance with existing laws and instructions, to survey such township or townships, and make return thereof to the general and proper local land office: *Provided,* That the townships so proposed to be surveyed are within the range of the regular progress of the public surveys embraced by existing standard lines or bases for the township and sub-divisional surveys. Settlers in townships not mineral or reserved may have surveys made, &c.

Proviso.

APPROVED, July 2, 1862.

CHAP. CXXX. — *An Act donating Public Lands to the several States and Territories which may provide Colleges for the Benefit of Agriculture and the Mechanic Arts.* July 2, 1862.

*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 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. Public lands, not mineral, to be given to each State.

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 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 How apportioned.  
To be selected from those subject to sale at private entry, &c. if any.

Where there are no such lands, scrip to be issued.

Scrip may be sold.

Proviso.

Expenses of management, &c. to be paid by States.

Moneys from sales of such lands to be invested;

to constitute a perpetual fund;

interest to be applied to support one college for agriculture and the mechanic arts.

Conditions of this grant.

Assent of States.

Diminution of fund to be made up by State.

Annual interest to be applied regularly.

No portion to be applied to buildings.

Any State claiming the benefits of this act, to provide college within five years.

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, per 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 the 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 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 cost 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.

Annual report of college.

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.

If lands are selected from those at double minimum price, computation how made.

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.

States in rebellion not to have 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.

Assent of State to be given within two years.

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.

Land scrip not to be located until after January 1, 1863.

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.

Fees of land officers.

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.

Governors of States to report annually to Congress.

APPROVED, July 2, 1862.

CHAP. CXXXIII. — *An Act making Appropriations for the Support of the Army for the Year ending the thirtieth of June, eighteen hundred and sixty-three, and additional Appropriations for the Year ending thirtieth of June, eighteen hundred and sixty-two, and for other Purposes.*

July 5, 1862.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the following sums be, and the same are hereby appropriated, out of any money in the treasury not otherwise appropriated, for the support of the army for the year ending the thirtieth of June, eighteen hundred and sixty-three:

Army appropriation.

For the recruiting service of the army, namely: For the enlistment of recruits, for quarters, fuel, stationery, straw, postage, bunks, compensation to citizen surgeons for medical attendance, transportation from rendezvous to depots, and all other expenses until put in march to join regiments, one hundred and eighty thousand dollars.

Recruiting service.

For purchase of books of tactics and instructions for volunteers, fifty thousand dollars.

Books of tactics, &c.

For pay of the army, eight million nine hundred and five thousand three hundred and eighteen dollars.

Pay of army.

For commutation of officers' subsistence, one million five hundred and seventy-four thousand one hundred and eighty-six dollars and fifty cents.

Commutation of subsistence, &c.

For commutation of forage for officers' horses, two hundred and eighty-three thousand four hundred and fourteen dollars.

For payments to discharged soldiers for clothing not drawn, one hundred and fifty thousand dollars.

Payments for and in lieu of clothing.