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The University of Montana Bulletin

GENERAL SERIES

NUMBER TEN

**THE
UNIVERSITY
CODE**

PART I.

I. Federal Statutes, Rulings, Regulations and Instructions

II. State Constitutional Provisions

III. State Statutes

**OFFICE OF THE CHANCELLOR
HELENA, MONTANA
JUNE 1919**

INDEPENDENT PUBLISHING CO.
HELENA, MONTANA



THE UNIVERSITY OF MONTANA

EDWARD C. ELLIOTT, Chancellor of the University

The University of Montana is constituted under the provisions of Chapter 92 of the Laws of the Thirteenth Legislative Assembly, approved March 14, 1913 (effective July 1, 1913.)

The general control and supervision of the University are vested in the State Board of Education. The Chancellor of the University is the chief executive officer. For each of the component institutions there is a local executive board.

Montana State Board of Education

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MAY TRUMPER, Superintendent of Public Instruction.....	Ex-officio, Secretary
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The University comprises the following institutions, schools, and departments:

The State University, Missoula

Established February 17, 1893, and consisting of

The College of Arts and Sciences	The School of Business Administration
The School of Law	The Summer Quarter
The School of Pharmacy	The Biological Station
The School of Forestry	(Flathead Lake)
The School of Journalism	The Public Service Division
The School of Music	The Graduate Division
The School of Education	

Edward O. Sisson, President

The State College of Agriculture and Mechanic Arts, Bozeman

Established February 16, 1893, and consisting of

The College of Agriculture	The Summer Quarter
The College of Engineering	The Secondary Schools
The College of Applied Science	Home Economics
The College of Household and Industrial Arts	Mechanic Arts
Courses for Vocational Teachers	Agriculture
The School of Music	The Agricultural Experiment Station
	The Agricultural Extension Service

James M. Hamilton, President

The State School of Mines, Butte

Established February 17, 1893

Charles H. Clapp, President

The State Normal College, Dillon

Established February 23, 1893, and consisting of

The Teachers' Certificate Courses	The Four Years Course
The Three Years Course	The Rural Teachers' Course
	The Courses for Supervisors
E. R. Mosher, Acting President	

For publications and detailed information concerning the different schools and colleges address the President of the particular institution concerned. Communications intended for the Chancellor of the University should be addressed to the State Capitol, Helena, Montana.

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THE UNIVERSITY OF MONTANA

OFFICE OF THE CHANCELLOR

STATE CAPITOL

HELENA

STATE UNIVERSITY AT MISSOULA
STATE SCHOOL OF MINES AT BUTTE

STATE COLLEGE OF AGRICULTURE
AND MECHANIC ARTS AT BOZEMAN
STATE NORMAL COLLEGE AT DILLON

July 25, 1919.

In accordance with the action of the State Board of Education June 4th, 1918, authorizing the compilation and publication of the University of Montana Code, Part I is hereby presented, containing federal statutes, rulings, regulations, and instructions, state constitutional provisions, and state statutes. Part II, to contain all the regulations for the internal administration of the several institutions of the University of Montana, will be published separately.

EDWARD C. ELLIOTT, Chancellor.

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I. Federal Statutes, Rulings, Regulations, and Instructions

THE FIRST MORRILL ACT.

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.

Section 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 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.

Section 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.

Section 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 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. (This section is superseded by the Act of 1883.)

Section 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 proportionately 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.

Section 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.

Section 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.

Section 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. L., 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 State 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. L., 208.)

UNIVERSITY LAND GRANT.

AN ACT to grant lands to Dakota, Montana, Arizona, Idaho, and Wyoming for University purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, there be, and are hereby granted to the Territories of Dakota, Montana, Arizona, Idaho and Wyoming respectively seventy-two entire sections of the unappropriated public lands within each of said Territories, to be immediately selected and withdrawn from sale and located under the direction of the Secretary of the Interior, and with the approval of the President of the United States, for the use and support of a university in each of said Territories when they shall be admitted as States into the Union: **Provided**, that none of said lands shall be sold except at public auction, and after appraisement by a board of commissioners, to be appointed by the Secretary of the Interior; **Provided further**, that none of said lands shall be sold at less than the appraised value, and in no case at less than two dollars and fifty cents per acre; **Provided**, that the funds derived from the sale of said lands shall be invested in the bonds of the United States and deposited with the Treasurer of the United States; that no more than one-tenth of said lands shall be offered for sale in any one year; that the money derived from the sale of said lands, invested and deposited as hereinbefore set forth, shall constitute a university fund; that no part of said fund shall be expended for university buildings, or the salary of professors or teachers, until the same shall amount to fifty thousand dollars, and then only shall the interest on said fund be used for either of the foregoing purposes until the said fund shall amount to one hundred thousand dollars, when any excess, and the interest thereof, may be used for the proper establishment and support respectively of said universities.

Approved February 18, 1881. (21 Stat. L., 326.)

ACT OF 1883, AMENDING SECTION 4 OF THE FIRST MORRILL ACT.

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:

Section 4. That all moneys derived from the sale of lands aforesaid by the States to which lands are apportioned, and from the sale 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. L. 484.)

HATCH ACT, ESTABLISHING AGRICULTURAL EXPERIMENT STATIONS.

AN ACT To establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July second, eighteen hundred and sixty-two, and of the acts supplementary thereto.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to aid in acquiring and diffusing among the people of the United States useful and practical information on subjects connected with agriculture, and to promote scientific investigation and experiment respecting the principles and applications of agricultural science, there shall be established under direction of the college or colleges or agricultural department of colleges in each State or Territory established, or which may hereafter be established, in accordance with the provisions of an act approved 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," or any of the supplements to said act, a department to be known and designated as an "agricultural experiment station": **Provided**, That in any State or Territory in which two such colleges have been or may be so established the appropriation hereinafter made to such State or Territory shall be equally divided between such colleges, unless the legislature of such State or Territory shall otherwise direct.

Section 2. That it shall be the object and duty of said experiment stations to conduct original researches or verify experiments on the physiology of plants and animals; the diseases to which they are severally subject, with the remedies of the same; the chemical composition of useful plants at their different stages of growth; the comparative advantages of rotative cropping as pursued under the varying series of crops; the capacity of new plants or trees for acclimation; the analysis of soils and water; the chemical composition of manures, natural or artificial, with the experiments designed to test the comparative effects on crops of different kinds; the adaptation and value of grasses and forage plants;

the composition and digestibility of the different kinds of food for domestic animals; the scientific and economic questions involved in the production of butter and cheese; and such other researches or experiments bearing directly on the agricultural industry of the United States as may in each case be deemed advisable, having due regard to the varying conditions and needs of the respective States and Territories.

Section 3. That in order to secure, as far as practicable, uniformity of methods and results in the work of said stations, it shall be the duty of the United States Commissioner (now Secretary) of Agriculture to furnish forms as far as practicable, for the tabulation of results of investigation or experiment; to indicate from time to time such lines of inquiry as to him shall seem most important, and, in general, to furnish such advice and assistance as will best promote the purpose of this act. It shall be the duty of each of said stations annually, on or before the first day of February, to make to the governor of the State or Territory in which it is located a full and detailed report of its operations, including a statement of receipts and expenditures, a copy of which report shall be sent to each of said stations, to the said Commissioner (now Secretary) of Agriculture, and to the Secretary of the Treasury of the United States.

Section 4. That Bulletins or reports of progress shall be published at said stations at least once in three months, one copy of which shall be sent to each newspaper in the States or Territories in which they are respectively located, and to such individuals actually engaged in farming as may request the same and as far as the means of the station will permit. Such bulletins or reports and the annual reports of said stations shall be transmitted in the mails of the United States free of charge for postage, under such regulations as the Postmaster General may from time to time prescribe.

Section 5. That for the purpose of paying the necessary expenses of conducting investigations and experiments and printing and distributing the results as hereinbefore prescribed, the sum of fifteen thousand dollars per annum is hereby appropriated to each State, to be specially provided for by Congress in the appropriations from year to year, and to each Territory entitled under the provisions of section eight of this act, out of any money in the Treasury pro-

ceeding from the sales of public lands, to be paid in equal quarterly payments on the first day of January, April, July and October in each year, to the treasurer or other officer duly appointed by the governing boards of said colleges to receive the same, the first payment to be made on the first day of October, eighteen hundred and eighty-seven: **Provided, however,** That out of the first annual appropriation so received by any station an amount not exceeding one-fifth may be expended in the erection, enlargement, or repair of a building or buildings necessary for carrying on the work of such station; and thereafter an amount not exceeding five per centum of such annual appropriation may be so expended.

Section 6. That whenever it shall appear to the Secretary of the Treasury from the annual statement of receipts and expenditures of any of said stations that a portion of the preceding annual appropriation remains unexpended, such amount shall be deducted from the next succeeding annual appropriation to such station, in order that the amount of money appropriated to any station shall not exceed the amount actually and necessarily required for its maintenance and support.

Section 7. That nothing in this act shall be construed to impair or modify the legal relation existing between any of the said colleges and the government of the States or Territories in which they are respectively located.

Section 8. That in States having colleges entitled under this section to the benefits of this act and having also agricultural experiment stations established by law separate from said colleges, such States shall be authorized to apply such benefits to experiments at stations so established by such States, and in case any State shall have established, under the provisions of said act of July second aforesaid, an agricultural department or experimental station in connection with any university, college, or institution not distinctly an agricultural college or school, and such State shall have established or shall hereafter establish a separate agricultural college or school which shall have connected therewith an experimental farm or station, the legislature of such State may apply in whole or in part the appropriation by this act made to such separate agricultural college or school, and no legislature shall by contract, express or implied, disable itself from so doing.

Section 9. That the grants of moneys authorized by this act are made subject to the legislative assent of the several States and Territories to the purposes of said grants: **Provided**, That payment of such installments of the appropriation herein made as shall become due to any State before the adjournment of the regular session of the 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 10. Nothing in this act shall be held or construed as binding the United States to continue any payments from the Treasury to any or all the States or institutions mentioned in this act, but Congress may at any time amend, suspend, or repeal any or all the provisions of this act.

Approved March 2, 1887. (24 Stat. L., 440.)

AMENDMENT TO HATCH ACT REQUIRING LEGISLATIVE ASSENT.

AN ACT To amend an act entitled "An act to establish agricultural stations in connection with the colleges established in the several States under the provisions of an act approved July second, eighteen hundred and sixty-two, and the acts supplementary thereto."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the grant of money authorized by the act of Congress entitled "An act to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July second, eighteen hundred and sixty-two and of acts supplementary thereto," are subject as therein provided to the legislative assent of the States or Territories to be affected thereby; but as to such installments of the appropriations as may be now due or may hereafter become due, when the legislature may not be in session, the governor of said State or Territory may make the assent therein provided, and upon a duly certified copy thereof to the Secretary of the Treasury he shall cause the same to be paid in the manner provided in the act of which this is amendatory, until the termination of the regular session of the legislature of such State or Territory.

Approved June 7, 1888 (25 Stat. L., 176.)

ACT PROVIDING FOR DETAIL OF UNITED STATES ARMY AND NAVY OFFICERS.

AN ACT To amend section twelve hundred and twenty-five of the Revised Statutes, concerning details of officers of the Army and Navy to educational institutions, and so forth.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section twelve hundred and twenty-five of the Revised Statutes of the United States, as amended by an act of Congress approved July fifth, eighteen hundred and eighty-four, be, and the same is hereby, further amended, so as to read as follows:

"Section 1225. The President may, upon the application of any established military institute, seminary or academy, college or university, within the United States having capacity to educate at the same time not less than one hundred and fifty male students, detail an officer of the Army or Navy to act as superintendent or professor thereof; but the number of officers so detailed shall not exceed fifty from the Army and ten from the Navy, being a maximum of sixty, at any time, and they shall be apportioned throughout the United States, first, to those State institutions applying for such detail that are required to provide instruction in military tactics under the provisions of the act of Congress of July second, eighteen hundred and sixty-two donating lands for the establishment of colleges where the leading object shall be the practical instruction of the industrial classes in agriculture and the mechanic arts, including military tactics; and after that, said details to be distributed, as nearly as may be practicable, according to population. The Secretary of War is authorized to issue, at his discretion and under proper regulations to be prescribed by him, out of ordnance and ordnance stores belonging to the Government, and which can be spared for that purpose, such number of the same as may appear to be required for military instruction and practice by the students of any college or university under the provisions of this section, and the Secretary shall require a bond in each case, in double the value of the property, for the care and safe-keeping thereof and for the return of the same when re-

quired: **Provided**, That nothing in this act shall be so construed as to prevent the detail of officers of the Engineer Corps of the Navy as professors in scientific schools or colleges, as now provided by act of Congress approved February twenty-sixth, eighteen hundred and seventy-nine, entitled 'An act to promote a knowledge of steam engineering and iron-ship building among the students of scientific schools or colleges in the United States'; and the Secretary of War is hereby authorized to issue ordnance and ordnance stores belonging to the Government on the terms and conditions hereinbefore provided to any college or university at which a retired officer of the Army may be assigned as provided by section twelve hundred and sixty of the Revised Statutes."

"Section 2. That the said section twelve hundred and twenty-five of the Revised Statutes of the United States, as amended by the said act of Congress approved July fifth, eighteen hundred and eighty-four, and all acts and parts of acts inconsistent or in conflict with the provisions of this act, be, and the same are hereby repealed, saving always, however, all acts and things done under the said amended section as heretofore existing."

Approved September 26, 1888. (25 Stat. L., 491.)

THE ENABLING ACT.

AN ACT To provide for the division of Dakota into two States and to enable the people of North Dakota, South Dakota, Montana and Washington to form constitutions and state governments and to be admitted into the Union on an equal footing with the original states, and to make donations of public land to such states.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the inhabitants of all that part of the area of the United States now constituting the territories of Dakota, Montana, and Washington, as at present described, may become the states of North Dakota, South Dakota, Montana, and Washington, respectively, as hereinafter provided.

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Section 11. That all lands herein granted for educational purposes shall be disposed of only at public sale, and at a price not less than ten dollars per acre, the proceeds to constitute a permanent school fund, the interest of which only shall be expended in the support of said schools. But said lands may, under such regulations as the legislatures shall prescribe, be leased for periods of not more than five years, in quantities not exceeding one section to any one person or company; and such shall not be subject to pre-emption, homestead entry or any other entry under the land laws of the United States, whether surveyed or unsurveyed, but shall be reserved for school purposes only.

* * * * *

Section 14. That the lands granted to the Territories of Dakota and Montana by the act of February eighteenth, eighteen hundred and eighty-one, entitled "An act to grant lands to Dakota, Montana, Arizona, Idaho and Wyoming for university purposes," are hereby vested in the States of South Dakota, North Dakota, and Montana, respectively, if such States are admitted into the Union, as provided in this act, to the extent of the full quantity of seventy-two sections to each of said states, and any portion of said lands that may not have been selected by either of said territories of Dakota or Montana may be selected by the respective states aforesaid; but said act of February eighteenth, eighteen hundred and eighty-one, shall be so amended as to

provide that none of said lands shall be sold for less than ten dollars per acre, and the proceeds shall constitute a permanent fund to be safely invested and held by said states severally, and the income thereof be used exclusively for university purposes. And such quantity of the lands authorized by the fourth section of the act of July seventeenth, eighteen hundred and fifty-four, to be reserved for university purposes in the territory of Washington, as, together with the lands confirmed to the vendees of the territories by the act of March fourteenth, eighteen hundred and sixty-four, will make the full quantity of seventy-two sections, are hereby granted in the like manner to the State of Washington for the purpose of a university in said state. None of the lands granted in this section shall be sold at less than ten dollars per acre; but said lands may be leased in the same manner as provided in section eleven of this act. The schools, colleges and universities provided for in this act shall forever remain under the exclusive control of the said states, respectively, and no part of the proceeds arising from the sale or disposal of any lands herein granted for educational purposes shall be used for the support of any sectarian or denominational school, college or university. The section of land granted by the act of June sixteenth, eighteen hundred and eighty, to the territory of Dakota, for an asylum for the insane, shall, upon admission of the state of South Dakota into the union, become the property of said state.

* * * * *

Section 16. That ninety thousand acres of land, to be selected and located as provided in section ten of this act, are hereby granted to each of said states, except to the state of South Dakota, to which one hundred and twenty thousand acres are granted, for the use and support of agricultural colleges in said states, as provided in the acts of Congress making donations of lands for such purpose.

Section 17. That in lieu of the grant of land for purposes of internal improvement made to new states by the eighth section of the act of September fourth, eighteen hundred and forty-one, which act is hereby repealed as to the states provided for by this act, and in lieu of any claim or demand by the said states, or either of them under the

acts of September twenty-eighth, eighteen hundred and fifty, and section twenty-four hundred and seventy-nine of the Revised Statutes, making a grant of swamp and overflowed lands to certain states, which grant it is hereby declared is not extended to the states provided for in this act, and in lieu of any grant of saline lands to said states, the following grants of land are hereby made, to-wit:

To the State of Montana: For the establishment and maintenance of a school of mines, one hundred thousand acres; for state normal schools, one hundred thousand acres; for agricultural colleges, in addition to the grant hereinbefore made for that purpose, fifty thousand acres; for the establishment of a state reform school, fifty thousand acres; for the establishment of a deaf and dumb asylum, fifty thousand acres; for public buildings at the capital of the state, in addition to the grant hereinbefore made for that purpose, one hundred and fifty thousand acres.

* * * * *

Section 19. That all lands granted in quantity or as indemnity by this act shall be selected, under the direction of the Secretary of the Interior, from the surveyed, unreserved, and unappropriated public lands of the United States within the limits of the respective states entitled thereto. And there shall be deducted from the number of acres of land donated by this act for specific objects to states the number of acres in each heretofore donated by Congress to said territories for similar objects.

Approved February 22, 1889. (25 Stat. L., 676.)

SOIL SURVEYS.

AN ACT Making an appropriation for the Department of Agriculture for the fiscal year ending June thirtieth, eighteen hundred and ninety, and for other purposes.

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

* * * * *

Provided, That, as far as practicable, all such stations shall devote a portion of their work to the examination and classification of the soils of their respective States and Territories, with a view to securing more extended knowledge and better development of their agricultural capabilities.

Approved March 2, 1889. (25 Stat. L., 841.)

THE SECOND MORRILL ACT.

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 provisions 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 other 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 appropriations 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. L., 417.)

AMENDMENT TO THE ACT DETAILING OFFICERS.

AN ACT To amend section twelve hundred and twenty-five of the Revised Statutes, concerning details of officers of the Army and Navy to educational institutions.

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

That section twelve hundred and twenty-five of the Revised Statutes, concerning details of officers of the Army and Navy to educational institutions, be, and the same is hereby, amended so as to permit the President to detail under the provisions of said act, not to exceed seventy-five officers of the Army of the United States; and the maximum number of officers of the Army and Navy to be detailed at any one time under the provisions of the act passed September twenty-sixth, eighteen hundred and eighty-eight, amending said section twelve hundred and twenty-five of the Revised Statutes, is hereby increased to eighty-five: **Provided,** That no officer shall be detailed to or maintained at any of the educational institutions mentioned in said act where instruction and drill in military tactics is not given: **Provided further,** That nothing in this act shall be so construed as to prevent the detail of officers of the Engineer Corps of the Navy as professors in scientific schools or colleges as now provided by act of Congress approved February twenty-sixth, eighteen hundred and seventy-nine, entitled "An Act to promote a knowledge of steam engineering and iron-ship building among the students of scientific schools or colleges in the United States."

Approved January 13, 1891. (26 Stat. L., 716.)

PREFERENCE RIGHTS IN LAND SELECTION.

AN ACT Making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-four, and for other purposes.

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

That the States of North Dakota, South Dakota, Montana, Idaho and Washington shall have a preference right over any person or corporation to select lands subject to entry by said States granted to said States by the Act of Congress approved February twenty-second, eighteen hundred and eighty-nine, for a period of sixty days after lands have been surveyed and duly declared to be subject to selection and entry under the general land laws of the United States.

* * * * *

Approved March 3, 1893. (27 Stat. L., 572, 592.)

DONATION OF LAND FOR BIOLOGICAL STATION.

AN ACT Making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June thirtieth, nineteen hundred and six, and for other purposes.

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

Section 9. That Section twelve, Chapter fourteen hundred and ninety-five, Statutes of the United States of America, entitled "An Act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment," be, and the same is hereby, amended so as to read as follows:

"Section 12. * * * And be it further provided, That the President shall further reserve and except from said lands for the use of the University of Montana for biological station purposes one hundred and sixty acres, which land is hereby granted to the State of Montana for the use of the University of Montana. The governor of said State, with the approval of the Secretary of the Interior, is hereby authorized to locate said last-mentioned lands."

Approved March 3, 1905 (33 Stat., L. 1080.)

ADAMS ACT PROVIDING INCREASED APPROPRIATION FOR EXPERIMENT STATIONS.

AN ACT To provide for an increased annual appropriation for agricultural experiment stations and regulating the expenditure thereof.

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, to be paid as hereinafter provided, to each State and Territory, for the more complete endowment and maintenance of agricultural experiment stations now established or which may be established in accordance with the act of Congress approved March second, eighteen hundred and eighty-seven, the sum of five thousand dollars in addition to the sum named in the said act for the year ending June thirtieth, nineteen hundred and six, and an annual increase of the amount of such appropriation thereafter for five years by an additional sum of two thousand dollars over the preceding year, and the annual amount to be paid thereafter to each State or Territory shall be thirty thousand dollars, to be applied only to paying the necessary expenses of conducting original researches or experiments bearing directly on the agricultural industry of the United States, having due regard to the varying conditions and needs of the respective States or Territories.

Section 2. That the sums hereby appropriated to the States and Territories for the further endowment and support of agricultural experiment stations shall be annually paid in equal quarterly payments on the first day of January, April, July and October of each year by the Secretary of the Treasury, upon the warrant of the Secretary of Agriculture, out of the Treasury of the United States, to the Treasurer or other officer duly appointed by the governing boards of said experiment stations to receive the same, and such officers shall be required to report to the Secretary of Agriculture on or before the first day of September of each year, a detailed statement of the amount so received and of its disbursement, on schedules prescribed by the Secretary of Agriculture. The grants of money authorized by this act are made subject to legislative assent of the several States and Territories to the purpose of said grants: **Pro-**

vided, That payment of such installments of the appropriation herein made as shall become due to any State or Territory 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 by the Secretary of the Treasury.

Section 3. That if any portion of the moneys received by the designated officer of any State or Territory for the further and more complete endowment, support, and maintenance of agricultural experiment stations as provided in this act shall by any action or contingency be diminished or lost or be misapplied, it shall be replaced by said 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 exceeding five per centum of each annual appropriation shall be applied, directly or indirectly, under any pretense whatever, to the purchase, erection, preservation, or repair of any building or buildings, or to the purchase or rental of land. It shall be the duty of each of said stations annually, on or before the first day of February, to make to the governor of the State or Territory in which it is located a full and detailed report of its operations, including a statement of receipts and expenditures, a copy of which report shall be sent to each of said stations, to the Secretary of Agriculture and to the Secretary of the Treasury of the United States.

Section 4. That on or before the first day of July in each year after the passage of this act the Secretary of Agriculture shall ascertain and certify to the Secretary of the Treasury as to each State and Territory whether it is complying with the provisions of this act, and is entitled to receive its share of the annual appropriation for agricultural experiment stations under this act and the amount which thereupon each is entitled, respectively, to receive. If the Secretary of Agriculture 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 shall so desire, appeal to Congress

from the determination of the Secretary of Agriculture. If the next Congress shall not direct such sum to be paid, it shall be covered into the Treasury; and the Secretary of Agriculture is hereby charged with the proper administration of this law.

Section 5. That the Secretary of Agriculture shall make an annual report to Congress on the receipts and expenditures and work of the agricultural experiment stations in all of the States and Territories, and also whether the appropriation of any State or Territory has been withheld; and if so, the reason therefor.

Section 6. That Congress may at any time amend, suspend, or repeal any or all of the provisions of this act.

Approved March 16, 1906 (34 Stat. L., 63.)

THE CONSTRUCTION OF THE ADAMS ACT.

AN ACT Making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and seven.

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

The act of Congress approved March sixteenth, nineteen hundred and six, entitled "An act to provide for an increased annual appropriation for agricultural experiment stations and regulating the expenditure thereof" shall be construed to appropriate for each station the sum of five thousand dollars for the fiscal year ending June thirtieth, nineteen hundred and six, the sum of seven thousand dollars for the fiscal year ending June thirtieth, nineteen hundred and seven, the sum of nine thousand dollars for the fiscal year ending June thirtieth, nineteen hundred and eight, the sum of eleven thousand dollars for the fiscal year ending June thirtieth, nineteen hundred and nine, the sum of thirteen thousand dollars for the fiscal year ending June thirtieth, nineteen hundred and ten, and the sum of fifteen thousand dollars for the fiscal year ending June thirtieth, nineteen hundred and eleven. The sum of five thousand dollars appropriated for the fiscal year nineteen hundred and six shall be paid on or before June thirtieth, nineteen hundred and six, and the amounts appropriated for the subsequent years shall be paid as provided in the said act to each State and Territory for the more complete endowment and maintenance of agricultural experiment stations now established or which may hereafter be established in accordance with the Act of Congress approved March second, eighteen hundred and eighty-seven.

Approved June 30, 1906 (34 Stat. L., 669, 696.)

DEPOSITORIES FOR PUBLIC DOCUMENTS.

AN ACT To amend an Act providing for the public printing and binding and the distribution of public documents.

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

Section 4. * * * **And provided further,** That 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. L., 1012, 1014.)

THE NELSON AMENDMENT TO THE SECOND MORRILL ACT.

AN ACT Making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and eight, approved March 4, 1907.

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 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., 1256, 1281.)

THE SMITH-LEVER ACT.

AN ACT To provide for cooperative agricultural extension work between the agricultural colleges in the several States receiving the benefits of an Act of Congress approved July second, eighteen hundred and sixty-two, and of acts supplementary thereto, and the United States Department of Agriculture

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

That in order to aid in diffusing among the people of the United States useful and practical information on subjects relating to agriculture and home economics, and to encourage the application of the same, there may be inaugurated in connection with the college or colleges in each State now receiving, or which may hereafter receive, the benefits of the Act of Congress approved 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" (Twelfth Statutes at Large, page five hundred and three) and of the Act of Congress approved August thirtieth, eighteen hundred and ninety (Twenty-sixth Statutes at Large, page four hundred and seventeen and chapter eight hundred and forty-one), agricultural extension work which shall be carried on in cooperation with the United States Department of Agriculture: **Provided**, That in any State in which two or more such colleges have been or hereafter may be established the appropriations hereinafter made to such State shall be administered by such college or colleges as the legislature of such State may direct: **Provided further**, That, pending the inauguration and development of the cooperative extension work herein authorized, nothing in this act shall be construed to discontinue either the farm management work or the farmers' cooperative demonstration work as now conducted by the Bureau of Plant Industry of the Department of Agriculture.

Section 2. That cooperative agricultural work shall consist of the giving of instruction and practical demonstrations in agriculture and home economics to persons not attending or resident in said colleges in the several communities, and imparting to such persons information on said subjects through field demonstrations, publications, and otherwise; and this work shall be carried on in such manner as may be mutually agreed upon by the Secretary of Agriculture and the State agricultural college or colleges receiving the benefits of this act.

Section 3. That for the purpose of paying the expenses of said cooperative agricultural extension work and the necessary printing and distributing of information in connection with the same, there is permanently appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$480,000 for each year, \$10,000 of which shall be paid annually, in the manner hereinafter provided, to each State which shall by action of its legislature assent to the provisions of this act: **Provided**, That payment of such installments of the appropriation hereinbefore made as shall become due to any State before the adjournment of the regular session of the legislature meeting next after the passage of this act may in the absence of prior legislative assent, be made upon the assent of the governor thereof, duly certified to the Secretary of the Treasury: **Provided fur-**

ther, That there is also appropriated an additional sum of \$600,000 for the fiscal year following that in which the foregoing appropriation first becomes available, and for each year thereafter for seven years a sum exceeding by \$500,000 the sum appropriated for each preceding year, and for each year thereafter there is permanently appropriated for each year the sum of \$4,100,000 in addition to the sum of \$480,000 hereinbefore provided: **Provided further,** That before the funds herein appropriated shall become available to any college for any fiscal year plans for the work to be carried on under this act shall be submitted by the proper officials of each college and approved by the Secretary of Agriculture. Such additional sums shall be used for the purposes hereinbefore stated, and shall be allotted annually to each State by the Secretary of Agriculture and paid in the manner hereinbefore provided, in the proportion which the rural population of each State bears to the total rural population of all the States as determined by the next preceding Federal census: **Provided further,** That no payment out of the additional appropriations herein provided shall be made in any year to any State until an equal sum has been appropriated for that year by the legislature of such State, or provided by State, county, college, local authority, or individual contributions from within the State, for the maintenance of the cooperative agricultural extension work provided for in this act.

Section 4. That the sums hereby appropriated for extension work shall be paid in equal semi-annual payments on the first day of January and July of each year by the Secretary of the Treasury upon the warrant of the Secretary of Agriculture, out of the Treasury of the United States to the Treasurer or other officer of the State duly authorized by the laws of the State to receive the same; and such officer shall be required to report to the Secretary of Agriculture, on or before the first day of September of each year, a detailed statement of the amount so received during the previous fiscal year, and of its disbursement, on forms prescribed by the Secretary of Agriculture.

Section 5. That if any portion of the moneys received by the designated officer of any State for the support and maintenance of cooperative agricultural extension work, as

provided in this act, shall by any action or contingency be diminished or lost or be misapplied, it shall be replaced by said State to which it belongs, and until so replaced no subsequent appropriation shall be apportioned or paid to said State, and no portion of said moneys shall be applied, directly or indirectly, to the purchase, erection, preservation, or repair of any building or buildings, or the purchase or rental of land, or in college-course teaching, lectures in colleges, promoting agricultural trains, or any other purpose not specified in this act and not more than five per centum of each annual appropriation shall be applied to the printing and distribution of publications. It shall be the duty of each of said colleges annually on or before the first day of January, to make to the governor of the State in which it is located a full and detailed report of its operations in the direction of extension work as defined in this act, including a detailed statement of receipts and expenditures from all sources for this purpose, a copy of which report shall be sent to the Secretary of Agriculture and to the Secretary of the Treasury of the United States.

Section 6. That on or before the first day of July in each year after the passage of this act the Secretary of Agriculture shall ascertain and certify to the Secretary of the Treasury as to each State whether it is entitled to receive its share of the annual appropriation for cooperative agricultural extension work under this act and the amount which it is entitled to receive. If the Secretary of Agriculture shall withhold a certificate from any State 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 expiration of the Congress next succeeding a session of the legislature of any State from which a certificate has been withheld, in order that the State may, if it should so desire, appeal to Congress from the determination of the Secretary of Agriculture. If the next Congress shall not direct such sum to be paid, it shall be covered into the Treasury.

Section 7. That the Secretary of Agriculture shall make an annual report to Congress of the receipts; expenditures, and results of the cooperative agricultural extension work in all of the States receiving the benefits of this act,

and also whether the appropriation of any State has been withheld, and if so, the reasons therefor.

Section 8. That Congress may at any time alter, amend, or repeal any or all of the provisions of this act.

Approved May 8, 1914. (38 Stat. L., 372.)

THE FRANKING PRIVILEGE.

AN ACT Making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and fifteen.

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

* * * * *

All correspondence, bulletins, and reports for the furtherance of the purposes of the act approved May eighth, nineteen hundred and fourteen, entitled, "An act to provide for cooperative agricultural extension work between the agricultural colleges in the several States receiving the benefits of an act of Congress approved July second, eighteen hundred and sixty-two, and the acts supplementary thereto, and the United States Department of Agriculture," may be transmitted in the mails of the United States free of charge for postage, under such regulations as the Postmaster General, from time to time, may prescribe, by such college officer or other person connected with the extension department of such college as the Secretary of Agriculture may designate to the Postmaster General.

Approved June 30, 1914. (38 Stat. L., 415, 438.)

FORT ASSINNIBOINE.

AN ACT Authorizing the Secretary of the Interior to survey the lands of the abandoned Fort Assinniboine Military Reservation and open the same to settlement.

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

* * * * *

Section 6. That the Thirteenth Legislative Assembly of the State of Montana having enacted a law for the purpose of establishing an agricultural, manual training, or other educational or public institution upon the present site of Fort Assinniboine, Montana, duly approved by the Governor of Montana and to be in full force and effect after the fourth day of July, nineteen hundred and thirteen, and upon the transfer to the State of Montana by the President of the United States of two thousand acres of land, situate in said abandoned Fort Assinniboine Reservation and embracing the military buildings at said abandoned fort, except the guard house at said post; the President of the United States is hereby authorized and directed to transfer, grant, and set over to the State of Montana all right, title, and interest of, in and to the said two thousand acres of land hereby reserved, embracing the buildings at Fort Assinniboine, except the guard house at said post, upon payment therefor by the State of Montana to the United States of the sum of \$2.50 per acre; **Provided**, That the State of Montana shall be required to make its selection of two thousand acres within one year from the date of the passage of this Act.

* * * * *

Approved February 11, 1915. (38 Stat. L., 809.)

CARD INDEX OF STATION LITERATURE AND ANNUAL REPORT.

AN ACT Making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and sixteen.

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

* * * * *

And the Secretary of Agriculture hereafter may furnish to such institutions or individuals as may care to buy them copies of the card index of agricultural literature prepared by the Department of Agriculture in connection with its administration of the Acts of March second, eighteen hundred and eighty-seven (Twenty-fourth Statutes at Large, page four hundred and forty), and the Act of March sixteenth, nineteen hundred and six (Thirty-fourth Statutes at Large, page sixty-three), and the Acts amendatory of and supplementary thereto, and charge for the same a price covering the additional expenses involved in the preparation of these copies, the money received for such sales to be deposited in the Treasury of the United States as miscellaneous receipts.

* * * * *

That hereafter there be prepared by the Department of Agriculture an annual report on the work and expenditures of the agricultural experiment stations established under the Act of Congress of March second, eighteen hundred and eighty-seven (Twenty-fourth Statutes at Large, page four hundred and forty), on the work and expenditures of the Department of Agriculture in connection therewith, and on the cooperative agricultural extension work and expenditures of the Department of Agriculture and of agricultural colleges under the Act of May eighth, nineteen hundred and fourteen entitled "An Act to provide for cooperative agricultural extension work between the agricultural colleges in the several States receiving the benefits of an Act of Congress approved July second, eighteen hundred and sixty-two, and of Acts supplementary thereto, and the United States Department of Agriculture"; and that there be printed annually eight thousand copies of said report, of which one thousand copies shall be for the use of the Senate, two thousand copies for the use of the House of Representatives, and five thousand copies for the use of the Department of Agriculture.

Approved March 4, 1915. (38 Stat. L., 1086, 1109.)

RESERVE OFFICERS' TRAINING CORPS.

AN ACT For making further and more effectual provision for the national defense, and for other purposes.

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

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Section 40. The Reserve Officers' Training Corps. The President is hereby authorized to establish and maintain in civil educational institutions a Reserve Officers' Training Corps, which shall consist of a senior division organized at universities and colleges requiring four years of collegiate study for a degree, including State universities and those State institutions that are required to provide instruction in military tactics under the provisions of the Act of Congress of July second, eighteen hundred and sixty-two, donating lands for the establishment of colleges where the leading object shall be practical instruction in agriculture and the mechanic arts, including military tactics, and a junior division organized at all other public or private educational institutions except that units of the senior division may be organized at those essentially military schools which do not confer an academic degree but which, as a result of the annual inspection of such institutions by the War Department, are specially designated by the Secretary of War as qualified for units of the senior division, and each division shall consist of units of the several arms or corps in such number and of such strength as the President may prescribe.

Section 41. The President may, upon the application of any State institution described in Section forty of this Act, establish and maintain at such institution one or more units of the Reserve Officers' Training Corps: **Provided,** That no such unit shall be established or maintained at any such institution until an officer of the army shall have been detailed as professor of military science and tactics, nor until such institution shall maintain under military instruction at least one hundred physically fit male students.

Section 42. The President may, upon the application of any established educational institution in the United States other than a State institution described in Section

forty of this Act, the authorities of which agree to establish and maintain a two years' elective or compulsory course of military training as a minimum for its physically fit male students, which course when entered upon by any student shall, as regards such student, be a prerequisite for graduation, establish and maintain at such institution one or more units of the Reserve Officers' Training Corps: **Provided**, That no such unit shall be established or maintained at any such institution until an officer of the army shall have been detailed as professor of military science and tactics, nor until such institution shall maintain under military instruction at least one hundred physically fit male students.

Section 43. The Secretary of War is hereby authorized to prescribe standard courses of theoretical and practical military training for units of the Reserve Officers' Training Corps, and no unit of the senior division shall be organized or maintained at any educational institution the authorities of which fail or neglect to adopt into their curriculum the prescribed courses of military training for the senior division or to devote at least an average of three hours per week per academic year to such military training; and no unit of the junior division shall be organized or maintained at any educational institution the authorities of which fail or neglect to adopt into their curriculum the prescribed courses of military training for the junior division, or to devote at least an average of three hours per week per academic year to such military training.

Section 44. Eligibility to membership in the Reserve Officers' Training Corps shall be limited to students of institutions to which units of such corps may be established who are citizens of the United States, who are not less than fourteen years of age, and whose bodily condition indicates that they are physically fit to perform military duty, or will be so upon arrival at military age.

Section 45. The President is hereby authorized to detail such numbers of officers of the army, either active or retired, not above the grade of colonel, as may be necessary. for duty as professors and assistant professors of military science and tactics at institutions where one or more units of the Reserve Officers' Training Corps are maintained; but the total number of active officers so detailed at educational

institutions shall not exceed three hundred, and no active officer shall be so detailed who has not had five years' commissioned service in the army. In time of peace retired officers shall not be detailed under the provisions of this section without their consent. Retired officers below the grade of lieutenant colonel so detailed shall receive the full pay and allowances of their grade, and retired officers above the grade of major so detailed shall receive the same pay and allowances as a retired major would receive under a like detail. No detail of officers on the active list of the regular army under the provisions of this section shall extend for more than four years.

Section 46. The President is hereby authorized to detail for duty at institutions where one or more units of the Reserve Officers' Training Corps are maintained such number of enlisted men, either active or retired or of the regular army reserve, as he may deem necessary, but the number of active non-commissioned officers so detailed shall not exceed five hundred, and all active non-commissioned officers so detailed shall be additional in their respective grades to those otherwise authorized for the army. Retired enlisted men or members of the regular army reserve shall not be detailed under the provisions of this section without their consent. While so detailed they shall receive active pay and allowances.

Section 47. The Secretary of War, under such regulations as he may prescribe, is hereby authorized to issue to institutions at which one or more units of the Reserve Officers' Training Corps are maintained such public animals, arms, uniforms, equipment, and means of transportation as he may deem necessary, and to forage at the expense of the United States public animals so issued. He shall require from each institution to which property of the United States is issued a bond in the value of the property issued for the care and safe-keeping thereof, and for its return when required.

Section 48. The Secretary of War is hereby authorized to maintain camps for the further practical instruction of the members of the Reserve Officers' Training Corps, no such camps to be maintained for a period longer than six weeks in any one year, except in time of actual or threat-

ened hostilities; to transport members of such corps to and from such camps at the expense of the United States so far as appropriations will permit; to subsist them at the expense of the United States while traveling to and from such camps and while remaining therein so far as appropriations will permit, to use the regular army, such other military forces as Congress from time to time authorizes, and such Government property as he may deem necessary for the military training of the members of such corps while in attendance at such camps; to prescribe regulations for the government of such corps; and to authorize, in his discretion, the formation of company units thereof into battalion and regimental units.

Section 49. The President alone, under such regulations as he may prescribe, is hereby authorized to appoint in the Officers' Reserve Corps any graduate of the senior division of the Reserve Officers' Training Corps who shall have satisfactorily completed the further training provided for in Section fifty of this Act, or any graduate of the junior division who shall have satisfactorily completed the course of military training prescribed for the senior division and the further training provided for in Section fifty of this Act, and shall have participated in such practical instruction subsequent to graduation as the Secretary of War shall prescribe, who shall have arrived at the age of twenty-one years and who shall agree, under oath in writing, to serve the United States in the capacity of reserve officer of the army during a period of at least ten years from the date of his appointment as such reserve officer, unless sooner discharged by proper authority; but the total number of reserve officers so appointed shall not exceed fifty thousand: **Provided**, That any graduate qualified under the provisions of this section undergoing a postgraduate course at any institution shall not be eligible for appointment as a reserve officer while undergoing such postgraduate course but his ultimate eligibility upon completion of such postgraduate course for such appointment shall not be affected because of his having undergone such postgraduate course.

Section 50. When any member of the senior division of the Reserve Officers' Training Corps has completed two academic years of service in that division, and has been

selected for further training by the president of the institution and by its professor of military science and tactics, and has agreed in writing to continue in the Reserve Officers' Training Corps for the remainder of his course in the institution, devoting five hours per week to the military training prescribed by the Secretary of War, and has agreed in writing to pursue the course in camp training prescribed by the Secretary of War, he may be furnished, at the expense of the United States, with commutation of subsistence at such rate, not exceeding the cost of the garrison ration prescribed for the army, as may be fixed by the Secretary of War, during the remainder of his service in the Reserve Officers' Training Corps.

Section 51. Any physically fit male citizen of the United States, between the ages of twenty-one and twenty-seven years, who shall have graduated prior to the date of this Act from any educational institution at which an officer of the army was detailed as professor of military science and tactics, and who, while a student at such institution, completed courses of military training under the direction of such professor of military science and tactics substantially equivalent to those prescribed pursuant to this Act for the senior division, shall, after satisfactorily completing such additional practical military training as the Secretary of War shall prescribe, be eligible for appointment to the Officers' Reserve Corps and as a temporary additional second lieutenant in accordance with the terms of this Act.

Section 52. The President alone is hereby authorized to appoint and commission as a temporary second lieutenant of the regular army in time of peace for purposes of instruction, for a period not exceeding six months, with the allowances now provided by law for that grade, but with pay at the rate of \$100 per month, any reserve officer appointed pursuant to Sections forty-nine and fifty-one of this Act and to attach him to a unit of the regular army for duty and training during the period covered by his appointment as such temporary second lieutenant, and upon the expiration of such service with the regular army such officer shall revert to his status as a reserve officer.

Section 53. No reserve officer or temporary second lieutenant appointed pursuant to this Act shall be entitled

to retirement or to retired pay and shall be eligible for pension only for disability incurred in line of duty in active service or while serving with the regular army pursuant to the provisions of this Act: **Provided**, That in time of war the President may order reserve officers appointed under the provisions of this Act to active duty with any of the military forces of the United States in any grades not below that of second lieutenant, and while on such active duty they shall be subject to the Rules and Articles of War: **And provided further**, That the Adjutant General of the army shall, under the direction and supervision of the Secretary of War, obtain, compile, and keep continually up to date all obtainable information as to the names, ages, addresses, occupations, and qualifications for appointment as commissioned officers of the army, in time of war or other emergency, of men of suitable ages who, by reason of having received military training in civilian educational institutions or elsewhere, may be regarded as qualified and available for appointment as such commissioned officers.

Approved June 3, 1916. (39 Stat. L., 166, 191.)

THE SMITH-HUGHES ACT.

AN ACT To provide for the promotion of vocational education; to provide for cooperation with the states in the promotion of such education in agriculture and the trades and industries; to provide for cooperation with the states in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure.

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

* * * * *

Section 4. That for the purpose of cooperating with the States in preparing teachers, supervisors, and directors of agricultural subjects and teachers of trade and industrial and home economics subjects there is hereby appropriated for the use of the States for the fiscal year ending June thirtieth, nineteen hundred and eighteen, the sum of \$500,000; for the fiscal year ending June thirtieth, nineteen hundred and nineteen, the sum of \$700,000; for the fiscal year ending June thirtieth, nineteen hundred and twenty, the sum of \$900,000; for the fiscal year ending June thirtieth, nineteen hundred and twenty-one, and annually thereafter, the sum of \$1,000,000. Said sums shall be allotted to the States in the proportion which their population bears to the total population of the United States, not including outlying possessions according to the last preceding United States census. **Provided,** That the allotment of funds to any State shall be not less than a minimum of \$5,000 for any fiscal year prior to and including the fiscal year ending June thirtieth, nineteen hundred and nineteen, nor less than \$10,000 for any fiscal year thereafter. And there is hereby appropriated the following sums, or so much thereof as may be needed, which shall be used for the purpose of providing the minimum allotment provided for in this section: For the fiscal year ending June thirtieth, nineteen hundred and eighteen, the sum of \$46,000; for the fiscal year ending June thirtieth, nineteen hundred and nineteen, the sum of \$32,000; for the fiscal year ending June thirtieth, nineteen hundred and twenty, the sum of \$24,000.00; for the fiscal year ending June thirtieth, nineteen hundred and twenty-one, and annually thereafter, the sum of \$90,000.

Section 5. That in order to secure the benefits of the appropriations provided for in Sections two, three and four of this Act, any State shall, through the legislative authority thereof, accept the provisions of this Act and designate or create a State Board, consisting of not less than three members, and having all necessary power to cooperate, as herein provided, with the Federal Board for Vocational Education in the administration of the provisions of this Act. The State Board of Education, or other board having charge of the administration of public education in the State, or any State board having charge of the administration of any kind of vocational education in the State may, if the State so elects, be designated as the State board, for the purpose of this Act.

In any State the legislature of which does not meet in nineteen hundred and seventeen, if the governor of that State, so far as he is authorized to do so, shall accept the provisions of this Act and designate or create a State board of not less than three members to act in cooperation with the Federal Board for Vocational Education, the Federal Board shall recognize such local board for the purposes of this Act until the legislature of such State meets in due course and has been in session sixty days.

Any State may accept the benefits of any one or more of the respective funds herein appropriated, and it may defer the acceptance of the benefits of any one or more of such funds, and shall be required to meet only the conditions relative to the fund or funds the benefit of which it has accepted: **Provided**, That after June thirtieth, nineteen hundred and twenty, no State shall receive any appropriation for salaries of teachers, supervisors, or directors of agricultural subjects, until it shall have taken advantage of at least the minimum amount appropriated for the training of teachers, supervisors, or directors of agricultural subjects, as provided for in this Act, and that after said date no State shall receive any appropriation for the salaries of teachers of trade, home economics, and industrial subjects until it shall have taken advantage of at least the minimum amount appropriated for the training of teachers of trade, home economics and industrial subjects, as provided for in this Act.

Section 6. That a Federal Board for Vocational Education is hereby created, to consist of the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Labor, the United States Commissioner of Education, and three citizens of the United States to be appointed by the President by and with the advice and consent of the Senate. One of said three citizens shall be a representative of the manufacturing and commercial interests, one a representative of the agricultural interests, and one a representative of labor. The board shall elect annually one of its members as chairman. In the first instance, one of the citizen members shall be appointed for one year, one for two years, and one for three years, and thereafter for three years each. The members of the board other than the members of the Cabinet and the United States Commissioner of Education shall receive a salary of \$5,000 per annum.

The Board shall have power to cooperate with State boards in carrying out the provisions of this Act. It shall be the duty of the Federal Board for Vocational Education to make, or cause to have made studies, investigations, and reports, with particular reference to their use in aiding the States in the establishment of vocational schools and classes and in giving instruction in agriculture, trades and industries, commerce and commercial pursuits, and home economics. Such studies, investigations, and reports shall include agriculture and agricultural processes and requirements upon agricultural workers; trades, industries, and apprenticeships, trade and industrial requirements upon industrial workers, and classification of industrial processes and pursuits; commerce and commercial pursuits and requirements upon commercial workers; home management, domestic science, and the study of related facts and principles; and problems of administration of vocational schools and of courses of study and instruction in vocational subjects.

When the board deems it advisable such studies, investigations, and reports concerning agriculture, for the purposes of agricultural education, may be made in cooperation with or through the Department of Agriculture; such studies, investigations, and reports concerning trades and industries, for the purposes of trade and industrial education, may be made in cooperation with or through the Department of Labor; such studies, investigations, and reports con-

cerning commerce and commercial pursuits, for the purposes of commercial education, may be made in cooperation with or through the Department of Commerce, such studies, investigations, and reports concerning and administration of vocational schools, courses of study and instruction in vocational subjects, may be made in cooperation with or through the Bureau of Education.

The Commissioner of Education may make such recommendations to the board relative to the administration of this Act as he may from time to time deem advisable. It shall be the duty of the chairman of the board to carry out the rules, regulations, and decisions which the board may adopt. The Federal Board for Vocational Education shall have power to employ such assistants as may be necessary to carry out the provisions of this Act.

* * * * *

Section 8. That in order to secure the benefits of the appropriation for any purpose specified in this Act, the State board shall prepare plans, showing the kinds of vocational education for which it is proposed that the appropriation shall be used; the kinds of schools and equipment; courses of study; methods of instruction; qualifications of teachers; and, in the case of agricultural subjects, the qualifications of supervisors or directors; plans for the training of teachers; and, in the case of agricultural subjects, plans for the supervision of agricultural education, as provided for in Section ten. Such plans shall be submitted by the State board to the Federal Board for Vocational Education, and if the Federal board finds the same to be in conformity with the provisions and purposes of this Act, the same shall be approved. The State board shall make an annual report to the Federal Board for Vocational Education, on or before September first of each year on the work done in the State and the receipts and expenditures of money under the provisions of this Act.

* * * * *

Section 12. That in order for any State to receive the benefits of the appropriation in this Act for the training of teachers, supervisors, or directors of agricultural subjects, or of teachers of trade, industrial or home economics subjects, the State board of such State shall provide in its

plan for such training that the same shall be carried out under the supervision of the State board; that such training shall be given in schools or classes under public supervision or control; that such training shall be given only to persons who have had adequate vocational experience or contact in the line of work for which they are preparing themselves as teachers, supervisors, or directors, or who are acquiring such experience or contact as a part of their training; and that the State board, with the approval of the Federal board, shall establish minimum requirements for such experience or contact for teachers, supervisors, or directors of agricultural subjects and for teachers of trade, industrial, and home economics subjects; that not more than sixty per centum nor less than twenty per centum of the money appropriated under this Act for the training of teachers of vocational subjects to any State for any year shall be expended for any one of the following purposes: For the preparation of teachers, supervisors, or directors of agricultural subjects, or the preparation of teachers of trade and industrial subjects, or the preparation of teachers of home economics subjects.

Section 13. That in order to secure the benefits of the appropriations for the salaries of teachers, supervisors, or directors of agricultural subjects, or for the salaries of teachers of trade, home economics, and industrial subjects, or for the training of teachers as herein provided, any State shall, through the legislative authority thereof, appoint as custodian for said appropriations its State Treasurer, who shall receive and provide for the proper custody and disbursements of all money paid to the State from said appropriations.

Section 14. That the Federal Board for Vocational Education shall annually ascertain whether the several States are using or are prepared to use, the money received by them in accordance with the provisions of this Act. On or before the first day of January of each year the Federal Board for Vocational Education shall certify to the Secretary of the Treasury each State which has accepted the provisions of this Act and complied therewith, certifying the amounts which each State is entitled to receive under the provisions of this Act. Upon such certification the Secretary of the Treasury shall pay quarterly to the custodian

for vocational education of each State the moneys to which it is entitled under the provisions of this Act. The moneys so received by the custodian for vocational education for any State shall be paid out on the requisition of the State board as reimbursement for expenditures already incurred to such schools as are approved by said State board and are entitled to receive such moneys under the provisions of this Act.

Section 15. That whenever any portion of the fund annually allotted to any State has not been expended for the purpose provided for in this Act, a sum equal to such portion shall be deducted by the Federal board from the next succeeding annual allotment from such fund to such State.

Section 16. That the Federal Board for Vocational Education may withhold the allotment of moneys to any State whenever it shall be determined that such moneys are not being expended for the purposes and under the conditions of this Act.

If any allotment is withheld from any State, the State board of such State may appeal to the Congress of the United States, and if the Congress shall not direct such sum to be paid it shall be covered into the Treasury.

Section 17. That if any portion of the moneys received by the custodian for vocational education of any State under this Act, for any given purpose named in this Act, shall, by any action or contingency, be diminished or lost, it shall be replaced by such State, and until so replaced no subsequent appropriation for such education shall be paid to such State. No portion of any moneys appropriated under this Act for the benefit of the States shall be applied, directly or indirectly, to the purchase, erection, preservation, or repair of any building or buildings or equipment, or for the purchase or rental of lands, or for the support of any religious or privately owned or conducted school or college.

Section 18. That the Federal Board for Vocational Education shall make an annual report to Congress, on or before December first, on the administration of this Act and shall include in such report the reports made by the State boards on the administration of this Act by each State and the expenditure of the money allotted to each State.

Approved February 23, 1917. (39 Stat. L., 929.)

RULINGS OF THE UNITED STATES BUREAU OF EDUCATION RELATIVE TO LAND-GRANT COLLEGES.

Expenditure of Annual Appropriation.

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. It is understood, of course, that contracts may be entered into for machinery or other 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 report, that the balance is held for the purpose of liquidating bills already incurred, and stating the nature of the outstanding contracts.

Use of Funds Defined.

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 with this money of apparatus, machinery, textbooks, reference books, stocks, 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.

Building.

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, March, 1891), nor expenditures for permanent improvement to buildings, grounds, and farms, such as clearing, draining and fencing of land.

Salaries of Administrative Officers.

The salaries of purely administrative officers, such as treasurers (decision of Assistant Attorney General, March 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, and the wages of unskilled laborers and assistants in shops, laboratories, and fields; 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, political science, civics, pedagogy, military science and tactics, and in ancient and modern languages (except English.) 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.

Extension Work.

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.

Training of Teachers.

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.

RULINGS OF THE TREASURY DEPARTMENT AFFECTING AGRICULTURAL EXPERIMENT STATIONS.

From copies of letters addressed to the Secretary of the Treasury and others by the First Comptroller of the Treasury, relating to the construction of the Acts of Congress of March 2, 1887, (Hatch Act), and March 16, 1906, (Adams Act), and Acts supplementary thereto, the following digest has been prepared. The dates of the decisions by the comptroller are given:

Annual Financial Statement.

The annual financial statement of the stations, with vouchers, should not be sent to the Treasury Department, but a copy simply of the report that is made to the Governor is to be sent to the Secretary of the Treasury.

Requirements of Fiscal Officers.

1. The Treasury Department will not require officers of experiment stations to do or perform anything not specifically required by said bill.

2. The Secretary of the Treasury is not required to take a bond of the officers of said stations for the money paid over under the provisions of said Act.

3. No reports will be required from the stations directly to the Secretary of the Treasury; but the Governor of the State must send to the Secretary of the Treasury a copy of the report made to him by the colleges or stations. January 31, 1888.

Sale of Station Bulletins.

The Solicitor of the Treasury writes: "I am of the opinion that there is no authority for an agricultural experiment station to sell its bulletins outside of the State or Territory. Congress appropriates for the publication and free distribution of the bulletins and neither expressly nor by necessary implication authorizes their sale." December 16, 1895.

Anticipation of First Quarter Payments.

The fiscal year commences on the first day of July, corresponding with the fiscal year of the Government.

An agricultural station entitled to the benefits of * * * appropriations made by Congress can anticipate the payment to be made July 1, and make contracts of purchases prior to that time, if it shall be necessary to carry on the work of the station. Of course, no portion of said appropriations paid in quarterly installments can be drawn from the Treasury unless needed for the purposes indicated in the Act; and so much of what is so drawn as may not have been expended within the year must be accounted for as part of the appropriation for the following year. August 2, 1888.

Establishment of Independent Stations.

The (Hatch) Act contemplates that where stations have already been established disconnected from the colleges the Legislatures of such States may make such provisions in regard thereto as they may deem proper; but it does not authorize the establishment of stations except in connection with the colleges that were at that time or might hereafter be established under the Act of July 2, 1862. January 30, 1888.

Division of Funds Between Stations Already Established.

Where there is an agricultural college or station which may have been established by State authority and is maintained by the State, the eighth section of the above Act

would authorize the State to designate the station to which it desired the appropriation to be applied, whether to one or more, or all, and the Secretary of the Treasury should make the payment under the appropriation to which ever one the State might desire. February 14, 1888.

Designation of Beneficiaries of the Hatch Fund by State Legislatures.

1. When an agricultural college or station has been established under the Act of July 2, 1862, each college is entitled to the benefits of the provisions of said Act (i. e., of March 2, 1887.)

2. In a State where an agricultural college has been established under the Act of July 2, 1862, and agricultural stations have also been established, either under the Act of July 2, 1862, or by State authority, before March 2, 1887, the Legislature of such State shall determine which one of said institutions, or how many of them, shall receive the benefits of the Act of March 2, 1887.

3. If the Legislature of any State in which an agricultural college has been established under the Act of July 2, 1862, desires to establish an agricultural station which shall be entitled to the benefits of said Act, it must establish such station in connection with said college. February 15, 1888.

It is within the power of the Legislature of any State that has accepted the provisions of said Act of March 2, 1887, to dispose of the amount appropriated by Congress for said station to each one or all of the agricultural colleges or stations which may have been established in said State by virtue of either the provisions of the Act of July 2, 1862, or the provisions of said eighth section of the Act of March 2, 1887.

The whole responsibility rests upon the State Legislature as to how the fund appropriated by Congress shall be distributed among these various institutions of the State, provided there is one or more agricultural colleges with which an agricultural station is connected or one or more agricultural stations. December 7, 1888.

**RULINGS OF THE COMPTROLLER OF THE TREASURY
REGARDING UNEXPENDED BALANCES OF AP-
PROPRIATIONS, HATCH AND ADAMS ACTS.**

Section 3 of the so-called Adams Act of March 16, 1906, (34 Stat., 63), which provides for an increased annual appropriation for agricultural experiment stations, requires that such part of the money appropriated under the provisions of said Act as may be diminished or lost or misapplied after being received by the officer of the State or Territory designated to receive same must "be replaced by said 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 this requirement is an absolute prohibition upon the apportionment until such replacement is actually made, a mere withholding from the subsequent appropriation of an amount equal to that diminished, lost, or misapplied not being a compliance with said Statute. (18 Comp. Dec., 120.)

Such funds may be replaced by expending the amount involved for the purposes for which the funds were originally appropriated, to the satisfaction of the Secretary of Agriculture. There is "no limitation on time within which the replacement shall be made," but "no apportionment whatever can be made until the misapplied moneys are replaced."

The provisions in the Hatch Act of March 2, 1887 (24 Stat. L., 440), requiring the deduction of unexpended apportionments of appropriations applies also to appropriations under the Adams Act of March 16, 1906 (34 Stat. L., 63.) (18 Comp. Dec., 485.)

Such unexpended balances must be accounted for as a part of the appropriation for the next succeeding year; in short, each station must account every year for the specific sum (\$15,000) provided by Congress, although the amount actually paid to the station in any one year may be less than \$15,000 on account of the deduction of an unexpended balance for the preceding fiscal year.

RULINGS OF THE DEPARTMENT OF AGRICULTURE ON THE WORK AND EXPENDITURES OF AGRICULTURAL EXPERIMENT STATIONS.

In connection with examinations of the work and expenditures of the agricultural experiment stations established in accordance with the Act of Congress of March 2, 1887, and further endowed under Act of Congress of March 16, 1906, under authority given to the Secretary of Agriculture by Congress, questions have arisen which have seemed to make it advisable to formulate the views of this department on certain matters affecting the management of the stations under those Acts. The rulings which have been made from time to time on points which seemed to require special attention are as follows:

Permanent Substations.

This department holds that the expenditure of funds appropriated in accordance with the provisions of the Act of Congress of March 2, 1887, for the maintenance of permanent substations is contrary to the spirit and intent of this Act. The Act provides for an experiment station in each State and Territory, which, except in cases specified in the Act, is to be a department of the college established under the Act of Congress of July 2, 1862. The objects of the stations, as defined in the first-mentioned Act, are evidently of such character as to necessitate the services of scientific and expert workers. Most of the lines of investigation named in the act are general, rather than local, and involve scientific equipment and work. It is obviously the intent that the stations established under this act shall carry on important investigations which shall be of general benefit to the agriculture of the several States and Territories. The sum of \$15,000 which is annually appropriated by Congress under this act for each station, is only sufficient to carry out a limited number of investigations of the kind contemplated by the act.

As the work of the stations in the different States has developed it has been found necessary to limit, rather than expand, the lines of work of the individual stations. Thorough work in a few lines has been found more effective and

productive of more useful results than small investigations in numerous lines. When we consider the nature of the investigations, the amount of money provided for the work of each station, and the fact that the act expressly provides for only a single station in connection with each college, it becomes very clear that expenditures such as are necessary to effectually maintain permanent substations ought not to be made from the funds granted by Congress to the States and Territories for experiment stations. The maintenance of permanent substations, as a rule, involves the erection of buildings and the making of other permanent improvements. The sums of money which can be expended for permanent improvements under the act of Congress aforesaid are so small that it is clear they were not intended to meet the needs of more than one station in each State and Territory.

When the legislature of a State or Territory has given its assent to the provisions of the act of Congress of March 2, 1887, and has designated the institution which shall receive the benefits of said act, it would seem to have exhausted its powers in the matter. The responsibility for the maintenance of an experiment station under this act devolves upon the governing board of the institution thus designated. If the legislature of the State or Territory sees fit to provide funds for the equipment and maintenance of other experiment stations and to put them under the control of the same governing board, well and good, but this does not in any way diminish the responsibility of the board to administer the funds granted by Congress in accordance with the provisions of said act.

The wisdom of Congress in limiting the number of stations to be established in each State and Territory under the aforesaid act has been clearly shown by the experience of the few States and Territories which have attempted the maintenance of substations with the funds granted under said act. The expense of maintaining substations has, as a rule, materially weakened the central station, and the investigations carried on at the substations have been superficial and temporary. It is granted that in many States and Territories more than one agricultural experiment station might do useful work and in some States more than one station has already been successfully maintained; but in all

these cases the State has given funds from its own treasury to supplement those given by Congress. It is also granted that experiment stations established under said act of Congress and having no other funds than those provided by that act will often need to carry on investigations in different localities in their respective States and Territories, but it is held that this should be done in such a way as will secure the thorough supervision of such investigations by the expert officers of the station and that arrangements for such experimental inquiries should not be of so permanent a character as to prevent the station from shifting its work from place to place as circumstances may require nor involve the expenditure of funds in such amounts and in such ways as will weaken the work of the station as a whole.

As far as practicable the cooperation of individuals and communities benefited by these special investigations should be sought and, if necessary, the aid of the States invoked to carry on enterprises too great to be successfully conducted within the limits of the appropriation granted by Congress under the act aforesaid.

Purchase or Rental of Lands for Agricultural Experiment Stations.

This department holds that the purchase or rental of lands by the experiment stations from the funds appropriated in accordance with the provisions of the act of Congress of March 2, 1887, is contrary to the spirit and intent of said act. The act provides for "Paying the necessary expenses of conducting investigations and experiments and printing and distributing the results. * * * **Provided, however,** That out of the first annual appropriation so received by any station an amount not exceeding one-fifth may be expended in the erection, enlargement, or repair of a building or buildings necessary for carrying on the work of such stations and thereafter an amount not exceeding five per centum of such annual appropriation may be so expended." The only reference to land for the station in the act is in Section 8, where State Legislatures are authorized to apply appropriations made under said act to separate agricultural colleges or schools established by the State "Which shall have connected therewith an experimental farm or station." The strict limitation of the amount pro-

vided for buildings and the absence of any provision for the purchase or rental of lands, when taken in connection with the statement in the eighth section, which treats the farm as in a sense a necessary adjunct of the educational institution to which the whole or a part of the funds appropriated in accordance with said act might in certain cases be devoted, point to the conclusion that it was expected that the institution of which the station is a department would supply the land needed for experimental purposes and that charges for the purchase or rental of land would not be made against the funds provided by Congress for the experiment station. This conclusion is reenforced by a consideration of a wise and economic policy in the management of agricultural experiment stations, especially as relating to cases in which it might be desirable for the station to have land for experimental purposes in different localities. The investigations carried on by the stations in such cases being for the direct benefit of agriculture in the localities where the work is done, it seems only reasonable that persons or communities whose interests will be advanced by the station work should contribute the use of the small tracts of land which will be required for experimental purposes. Experience shows that in most cases the stations have had no difficulty in securing such land as they needed without expense, and it is believed that this may be done in every case without injuriously affecting the interests of the stations.

Agricultural Experiment Stations for Carrying on Farm Operations.

This department holds that expenses incurred in conducting the operations of farms, whether the farms are connected with institutions established under the act of Congress of July 2, 1862, or not, are not a proper charge against the funds appropriated by Congress for agricultural experiment stations in accordance with the act of Congress of March 2, 1887, unless such operations definitely constitute a part of agricultural investigations or experiments planned and conducted in accordance with the terms of the act aforesaid, under rules and regulations prescribed by the governing board of the station. The performance of ordinary farm operations by an experiment station does not constitute experimental work. Operations of this charac-

ter by an experiment station should be confined to such as are a necessary part of experimental inquiries. Carrying on a farm for profit or as a model farm or to secure funds which may be afterwards devoted to the erection of buildings for experiment station purposes, to the further development of experimental investigations, or to any other purpose, however laudable and desirable, is not contemplated by the law as a part of the functions of an agricultural experiment station established under the act of Congress of March 2, 1887. Section 5 of that act plainly limits the expenditure of funds appropriated in accordance with said act to "the necessary expenses of conducting investigations and experiments and printing and distributing the results."

Sales Funds of an Agricultural Experiment Station.

This department holds that moneys received from the sales of farm products or other property in the possession of an agricultural experiment station as the result of expenditures of funds received by the station in accordance with the act of Congress of March 2, 1887, rightfully belong to the experiment station as a department of the college or other institution with which it is connected, and may be expended in accordance with the laws or regulations governing the financial transactions of the governing board of the station; provided, however, that all expenses attending such sales, including those attending the delivery of the property into the possession of the purchaser, should be deducted from the gross receipts from the sales and should not be made a charge against the funds appropriated by Congress.

Limit of Expenditures of Experiment Stations During One Fiscal Year.

This department holds that expenses incurred by an agricultural experiment station in any one fiscal year to be paid from the funds provided under the act of Congress of March 2, 1887, should not exceed the amount appropriated to the station by Congress for that year, and especially that all personal services should be paid for out of the appropriation of the year in which they were performed, and that claims for compensation for such services cannot properly be paid out of the appropriations for succeeding years. The several appropriations for experiment stations under the

aforesaid act are for one year only, and officers of experiment stations have no authority to contract for expenditures beyond the year for which Congress has made appropriations.

This is plainly implied in the act aforesaid, inasmuch as Section 6 provides that unexpended balances shall revert to the Treasury of the United States, "in order that the amount of money appropriated to any station shall not exceed the amount actually and necessarily required for its maintenance and support." The annual financial report rendered in the form prescribed by this department should in every case include only receipts and expenditures of the fiscal year for which the report is made.

Expenditures for a Water System to Be Charged Under "Buildings and Repairs."

This department holds that expenditures by agricultural experiment stations from the funds appropriated in accordance with the act of Congress of March 2, 1887, for the construction of wells, cisterns, ponds, or other reservoirs for the storage of water, and for piping and other materials for a system of storing and distributing water, are properly charged, under abstract 18 in the schedule for financial reports prescribed by this department, as being for improvements on lands which have hitherto been held to come under the head of "Buildings and Repairs." The fact that a water system may be a necessary adjunct of certain experimental inquiries does not affect the case, inasmuch as the limitations on expenditures for improvements contained in Section 5 of the act of Congress of March 2, 1887, expressly stipulate that these improvements shall be such as are necessary for carrying on the work of the station.

Membership Fees in Agricultural and Other Organizations.

This department holds that membership fees in associations and other organizations are not a proper charge against the funds appropriated by Congress in accordance with the act of March 2, 1887, except in the case of the Association of American Agricultural Colleges and Experiment Stations, which is held to be an essential part of the system of experiment stations established under this act.

The Borrowing of Money by Agricultural Experiment Stations.

This department holds that experiment station officers have no authority to borrow money to be repaid out of the appropriations made under the act of Congress of March 2, 1887, and that charges for interest can not properly be made against funds appropriated under that act.

The Use of Experiment Station Funds for College Purposes.

This department holds that no portion of the funds appropriated by Congress in accordance with the act of March 2, 1887, can legally be used, either directly or indirectly, for paying the salaries or wages of professors, teachers, or other persons whose duties are confined to teaching, administration, or other work in connection with the courses of instruction given in the colleges with which the stations are connected or in any other educational institution; nor should any other expenses connected with the work or facilities for instruction in school or college courses be paid from said fund. In case the same persons are employed in both the experiment station and the other departments of the college with which the station is connected a fair and equitable division of salaries or wages should be made, and in case of any other expenditures for the joint benefit of the experiment station and the other departments of the college the aforesaid funds should be charged with only a fair share of such expenditures.

Expenses for Extension Work Not Chargeable to the Hatch Fund.

(Extract from circular letter of the Director of the Office of Experiment Stations of Feb. 25, 1909.)

Expenses for extension work should not be charged against the Hatch fund, and * * * only such printing should be done with that fund as will record the experimental work of the stations established under the Hatch act. * * *

Accounting and Uses of the Adams Fund.

(Extract from circular letter of the Secretary of Agriculture of March 20, 1906.)

Under the terms of the act it will be necessary that a separate account of the Adams fund shall be kept at each station, which should be open at all times to the inspection

of the Director of the Office of Experiment Stations or his accredited representative. * * *

The Adams fund is "to be applied only by paying the necessary expenses of conducting original researches or experiments bearing directly on the agricultural industry of the United States." It is for the "More complete endowment and maintenance" of the experiment stations, presupposing the provision of a working plant and administrative officers. Accordingly, expenses for administration, care of buildings and grounds, insurance, office furniture and fittings, general maintenance of the station farm and animals, verification and demonstration experiments, compilations, farmers' institute work, traveling, except as is immediately connected with original researches in progress under this act, and other general expenses for the maintenance of the experiment stations are not to be charged to this fund. The act makes no provision for printing or for the distribution of publications, which should be charged to other funds. * * *

CLASSIFICATION OF ACCOUNTS.

In accordance with the requirement that the Secretary of Agriculture shall prescribe the form of the annual financial statement required under the Hatch and Adams Acts, forms may be issued by the Office of Experiment Stations which provide for the classification of station accounts under 18 ledger headings, as follows:

- (1) Salaries—administrative, technical and clerical.
- (2) Labor, regular and temporary, in connection with experiments.
- (3) Publications, printing, illustration, envelopes for mailing, etc.
- (4) Postage and stationery, including means of communication, such as telephone, telegraph, and cable service, and stationery for office and record purposes, forms, index cards, etc.
- (5) Freight and express, including drayage or other charges for handling freight.
- (6) Heat, light, water, and power.
- (7) Chemicals and laboratory supplies for all departments of the station, not including apparatus of permanent character.

- (8) Seeds, plants, and sundry supplies not otherwise provided for, for various departments.
- (9) Fertilizers, including water for irrigation.
- (10) Feeding stuffs for work animals and those under experiment.
- (11) Library—books, periodicals, and binding, but not including equipment or general supplies.
- (12) Tools, machinery, and appliances, such as agricultural implements and machines, motors, mills, pumps, vehicles, harness, and small movable structures like animal cages, brooders, or shelters, including repairs to same.
- (13) Furniture and fixtures for offices and laboratories—desks, cases, typewriters, and office appliances.
- (14) Scientific apparatus and specimens, including mounted insects, fungi, etc.
- (15) Livestock, including purchase of animals of all kinds for work or experimental purposes, but not their feeding and care.
- (16) Traveling expenses in supervision of station work or in connection with it.
- (17) Contingent expenses, to be itemized in detail.
- (18) Buildings and land, including all expenses for labor and material for the erection, alteration, and repair of buildings, permanent structures built in place, purchase of permanent fixtures forming part of a building, purchase or rental of land (under Adams fund only), and improvements on land, such as roads, fences, drainage or water systems, etc.

REQUIREMENTS OF EXPERIMENT STATION ACCOUNTING.

(See circular letter of the Director of the Office of Experiment Stations of March 1, 1911.)

The principle which should guide is that all expenditures from the Hatch fund must be for experimental work and publications, and all expenditures from the Adams fund for the projects agreed upon in advance with the Office of Experiment Stations.

In adjusting the salaries of station employees only such portion of their time as is occupied in connection with experimental work and the publication of the results thereof, including correspondence directly relating to the experimental work, should be charged to the Federal funds for the station. All business and correspondence connected with the college, inspection, service, and extension department or bureau of information should be paid for from other funds.

The same principle should be applied to all other expenditures from these funds for the maintenance of the station.

The Adams fund expenditures for salaries, labor, travel, apparatus, books, and maintenance should be strictly confined to those necessitated by the projects on file which have been approved by this office. Each voucher should be indorsed with the title of the project for which the expenditure was incurred, and be o. k'd by the officer in immediate charge of the project, as well as by the director.

Separate accounts should be kept for the Hatch, Adams, and sales funds, and as far as practicable separate vouchers should be on file for each of these funds.

The sales funds should be used only for experiment station work and publications and not for inspection or extension work or compiled publications.

Bills for printing, illustrations, preparation of MS., or mailing of publications should not be charged to the Hatch fund unless the publications clearly record the experimental work of the station. Popular bulletins charged to the Hatch fund should expressly show that they embody the results of the station's experimental work. General bulletins of information, circulars, containing directions for the use of fertilizers, spraying, etc., which are compiled from well-known sources of information or embody the general or local experience of practical men, and other compiled publications, should not be charged to the Hatch fund.

The expenses of tests and local demonstrations of established results of experimental work or improved practice are not proper charges against the Federal funds for the stations.

In keeping the station books and vouchers and in making up the financial reports strict attention should be paid to the rulings of the department, the published scheme

right of the colleges to direct the stations within their States and select the members of the station staff is recognized, radical changes in the personnel or policy of the station, except for good and valid reasons, should, it is believed, be held to be unwarranted interference of the governing board with the conduct of the station. Such action fails to recognize the cardinal principles of efficient administration and places an institution in a position of inability to properly employ the Federal funds. It is believed that such a condition does not warrant the Federal Government in continuing to advance funds to the college or its experiment station, and should lead to the withholding of funds until conditions favorable to their effective use are restored.

THE STATES RELATIONS SERVICE ORGANIZATION.

(Extract from the memorandum (No. 140) of the Secretary of Agriculture providing for the organization of the States Relations Service.)

In accordance with the provisions of the act of Congress of March 4, 1915, making appropriations for the Department of Agriculture, I hereby establish a States Relations Service in this department which shall represent the Secretary of Agriculture in his relations with the State agricultural colleges and experiment stations under the acts of Congress of July 2, 1862; August 30, 1890; March 2, 1887; March 16, 1906; May 8, 1914, and acts supplementary thereto, and in carrying out the provisions of acts of Congress making appropriations to this department for farmers' cooperative demonstration work, investigations relating to agricultural schools, farmers' institutes, the relative utility and economy of agricultural products used for food, clothing, and other uses in the home, and the maintenance of agricultural experiment stations in Alaska, Hawaii, Porto Rico, and Guam, and in such other matters as the Secretary of Agriculture shall designate from time to time.

The States Relations Service shall include the following offices: (1) The office of the director of the service, which shall include those officers and employees engaged in the general work and administration of the service; (2) the Office of Experiment Stations, including the work of the service relating to agricultural experiment stations; (3) the

of classification of accounts and the instructions printed on the first page of the financial schedule and in connection with the several abstracts thereof.

When changes are made of accountants or clerks, the requirements of the department regarding the details of expenditure and accounting should be brought to the attention of the new incumbents, and care should be taken that approved methods of accounting shall not be changed without consideration of the department's requirements.

THE ADMINISTRATION OF THE HATCH AND THE ADAMS ACTS.

(Extract from the report of the Secretary of Agriculture, 1913.)

Efficient station work demands an atmosphere of fairness and justice and reasonable security to the staff. It furthermore requires stability of policy and the highest possible measure of continuity in work and in personnel. Money spent on discontinued or interrupted projects is usually very largely wasted. The director of the station, as the guiding head, is mainly responsible for the success of the station. A good station and a good director go together. The station director deserves to be sustained and supported by the governing board in carrying out the general policy after it is approved by them. A change in the director is inevitably a temporary shock to the work, often interrupts projects, causes changes in the policy and personnel, and creates an era of uncertainty; hence a change is not justified except when clearly indicated by incompetence or inability. In the discharge of its functions in administering the Federal funds and in seeing that they are properly used, the Department of Agriculture should not fail to take cognizance of so important and vital a change as that of director.

The Adams Act directs that the Secretary of Agriculture shall each year ascertain and certify to the Secretary of the Treasury as to each State and Territory, whether it is complying with the provisions of this act and is entitled to receive a share of the annual appropriation. It authorizes the Secretary to withhold certification, thus suspending payment, and to report the matter to Congress. While the

Office of Extension work in the South, including the Farmers' cooperative demonstration work and the Smith-Lever agricultural extension work in 15 Southern States; (4) the Office of Extension Work in the North and West, including the farmers' cooperative demonstration work and the Smith-Lever agricultural extension work in 33 Northern and Western States; and (5) the Office of Home Economics, including investigations relative to foods, clothing, and household equipment and management.

The work of the service relating to agricultural instruction and to farmers' institutes and similar organizations shall be under the immediate direction of the director, and the work relating to farmers' institutes and similar organizations shall be carried on in close cooperation with the offices of extension work.

The States Relations Service will take under consideration matters relating to all the extension work carried on by the several bureaus and offices of the department and those connected with the administration of the Smith-Lever Extension Act. All plans for demonstration and extension work originating in any bureau or in any State should first be submitted to the States Relations Service, which will make recommendations regarding them to the Secretary. Approved plans for demonstration and extension work by any bureau should not be put into operation in any State until they have been brought to the attention of the Director of the States Relations Service and an opportunity has been given for arranging with the extension directors of the agricultural colleges regarding the execution of these plans in the States concerned.

This order became effective July 1, 1915.

REGULATIONS OF THE POST OFFICE DEPARTMENT CONCERNING AGRICULTURAL COLLEGE AND STATION PUBLICATIONS.

Sections 515, 516, and 517 of the Postal Laws and Regulations (1902) of the United States relating to the free transmission of reports and bulletins of agricultural colleges and experiment stations read as follows:

Section 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, 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.

Section 516. Bulletins or reports of progress, one copy to each newspaper in the State or Territory in which the colleges hereafter referred to are located, and to such individuals actually engaged in farming as may request the same, and the annual reports required by law to be published by the agricultural experiment stations established under the provisions of the act of March 2, 1887, entitled, "An act to establish agricultural experiment stations in connection with the colleges established in the various States and Territories under the provisions of an act approved July 2, 1862, and the acts supplementary thereto," for the benefit of agriculture and the mechanic arts (of said stations)

shall be transmitted in the mails of the United States free of charge for postage, under such regulations as the Postmaster General may from time to time prescribe.

Section 517. Agricultural experiment stations which claim the privilege of transmitting free through the mails, under the provisions of the preceding section, bulletins, reports of progress, or annual reports, must make application to the Postmaster General, stating the date of the establishment of such station, its proper name or designation, its official organization, and the names of its officers, the name of the university, college, school or institution to which it is attached, if any, the legislation of the State or Territory providing for its establishment and any other granting it the benefits of the provision made by Congress as referred to in the preceding section, accompanied by a copy of the act or acts, and whether any other such station in the same State or Territory is considered, or claims to be, also entitled to the privileges; and also the place where such station is located and the name of the post office where the bulletins and reports will be mailed. The application must be signed by the officer in charge of the station.

2. If such application is allowed by the Postmaster General the postmaster at the proper office will be instructed to admit such bulletins and reports to the mails free of postage, and the officer in charge of the station will be notified thereof.

3. Only such bulletins or reports as shall have been issued after an experiment station became entitled to the privileges of the preceding section can be transmitted free; and such bulletins or reports may be inclosed in envelopes or wrappers, sealed or unsealed. On the exterior of every envelope, wrapper, or package must be written or printed the name of the station and place of its location, the designation of the bulletin or report inclosed, and the word "Free" over the signature or facsimile thereof of the officer in charge of the station, to be affixed by himself, or by some one duly authorized by him. There may also be written or printed upon the envelope or wrapper a request that the postmaster at the office of delivery will notify the mailing station of the change of address of the addressee, or or other reason for inability to deliver the same, and upon

a bulk package a request to the postmaster to open and distribute the "franked" matter therein, in accordance with the addresses thereon.

4. Bulletins published by the United States Department of Agriculture, and entitled to be mailed free under the penalty envelope of that department, may also be adopted and mailed by agricultural experiment stations, with such of their own publications as are entitled to free transmission in the mails, under the same regulations; and any bulletins or reports mailable free by any agricultural experiment station under these regulations may be so mailed by any other station entitled to such privilege.

5. If annual reports of an agricultural experiment station are printed by State authority, and consist in part of matter relating to the land-grant college to which such station is attached, then said report entire may be mailed free by the director of the station, provided, in his judgment, the whole consists of useful information of an agricultural character. But the reports of the State agricultural departments or boards can not be adopted by agricultural experiment stations in order to secure free circulation of such State reports.

6. The bulletins and reports of progress issued by agricultural experiment stations can only be sent free to the newspapers and persons stated in the preceding section. The annual reports may be sent free to any address.

A part of Section 544, relating to free transmission of annual reports to certain foreign countries, reads as follows:

The annual reports of agricultural experiment stations may be sent free to Canada, Cuba, and Mexico.

A part of Section 672, relating to the return and disposal of unclaimed official matter, as amended April 26, 1912, reads as follows:

Unclaimed official mail sent under penalty envelopes or label or the frank of a member of Congress, and unclaimed reports and bulletins sent out from State agricultural colleges and from agricultural experiment stations will be returned to the office of mailing if it is known. If the office of origin can not be ascertained, such mail will be returned to the post office at Washington, D. C.

An order of the Postmaster General provides:

Any article entitled to transmission free of postage in the domestic mails of the United States, either in a "penalty" envelope or under a duly authorized "frank," shall be entitled likewise to transmission in the mails free of postage between places in any possession of the United States from one to another of such possessions, from the United States to such possessions, and from such possessions to the United States.

Among rulings on matters of detail the following are the most important:

In sending out bulletins from an agricultural experiment station it is permissible to inclose postal cards to enable correspondents of the station to acknowledge the receipt of its publications and to request their continuous transmission.

Copies of the reports or bulletins of the agricultural experiment stations, which are purchased, paid, or subscribed for, or otherwise disposed of for gain, when sent in the mails are not entitled to free carriage under the "frank" of the director of the station.

Station bulletins and reports, consisting of typewritten matter duplicated on a mimeograph or other duplicating machine, "retain their character as free matter when properly franked by the director of the station."

Cards upon which are printed bulletins issued by agricultural experiment stations established under the provisions of the act of March 2, 1887, may be sent openly in the mails, free of postage, provided the address side of such cards bears the indicia prescribed in Paragraph 3, Section 517, Postal Laws and Regulations for envelopes used by the experiment stations referred to in mailing copies of their bulletins and reports.

Reports of the State boards of agriculture or other State boards, commissioners, or officers, even though they contain station bulletins and reports, can not be sent free through the mails under the frank of the director of the station. The catalogue of the college of which the station is a department can not be sent free through the mail under the frank of the director of the station, whether said catalogue is published separately or is bound together with a station publication.

**ORDER (NO. 8547) OF THE POSTMASTER GENERAL
REGARDING THE FRANKING PRIVILEGE
UNDER THE SMITH-LEVER ACT.**

The Postal Laws and Regulations, edition of 1913, are amended by the addition of the following as Section 5041½:

5041½. All correspondence, bulletins, and reports for the furtherance of the purpose of the act approved May 8, 1914, (See Paragraph 2 of this section), entitled "An Act to provide for cooperative agricultural extension work between the agricultural colleges in the several States receiving the benefits of an act of Congress approved July 2, 1862, and the acts supplementary thereto, and the United States Department of Agriculture," may be transmitted in the mails of the United States free of charge for postage, under such regulations as the Postmaster General from time to time may prescribe, by such college officer or other person connected with the extension department of such college as the Secretary of Agriculture may designate to the Postmaster General. (Act of June 30, 1914.)

2. There may be inaugurated in connection with the college or colleges in each State now receiving, or which may hereafter receive, the benefits of the act of Congress approved July 2, 1862 * * * (12 Stat., 503), and the act of Congress approved August 30, 1890, (26 Stat., 417), agricultural extension work which shall be carried on in cooperation with the United States Department of Agriculture. * * * Cooperative agricultural extension work shall consist of the giving of instruction and practical demonstrations in agriculture and home economics to persons not attending or resident in said colleges in the several communities, and imparting to such persons information on said subjects through field demonstrations, publications, and otherwise. (Act of May 8, 1914.)

3. Upon designation to the Postmaster General by the Secretary of Agriculture of a college officer or other person connected with the extension department of a State agricultural college receiving the benefits of the act of July 2, 1862, and the acts supplementary thereto, by whom the correspondence, bulletins, and reports mentioned in Paragraph

1 of this section are to be transmitted, the Third Assistant Postmaster General shall authorize the postmaster at the post office where the extension department of such college is located to accept from the officer or person so designated such correspondence, bulletins, and reports for free transmission in the mails.

4. In the upper left corner of the envelope or wrapper containing such correspondence, bulletins, or reports shall be printed over the words "Free—Cooperative Agricultural Extension Work—Acts of May 8 and June 30, 1914," the name of the agricultural college and the name of the post office at which the matter is to be accepted free, followed by the name and title of the college officer or person designated to transmit such matter, and in the upper right corner the words "Penalty for private use to avoid payment of postage, \$300." The designated college officer or person is not authorized to furnish such envelopes for use as return envelopes by individuals or concerns from whom replies are requested.

5. Only such correspondence, bulletins, and reports as are for the furtherance of the purpose of the act of May 8, 1914, set forth in Paragraph 2 of this section, and are mailed at the authorized post office by the college officer or other person duly designated may be transmitted free under the provisions of this section. All such correspondence, etc., to be entitled to free transmission, must be conducted under the name of such designated college officer or person. Correspondence with autograph signature may be mailed sealed, but all other matter shall be presented unsealed.

6. When in doubt as to whether any particular matter presented for mailing under the provisions of this section is entitled to be transmitted free, the postmaster shall submit a sample to the Third Assistant Postmaster General, Division of Classification, and pending decision may dispatch the matter if the sender makes a deposit to cover the postage at the proper rate. The deposit will be refunded if the matter is held to be entitled to free transmission.

Approved Dec. 21, 1914.

**INSTRUCTIONS REGARDING THE USE OF PENALTY
ENVELOPES OF THE UNITED STATES DEPART-
MENT OF AGRICULTURE BY COOPERA-
TIVE EXTENSION EMPLOYEES.**

The following instructions, relative to the use of the penalty envelopes of the United States Department of Agriculture, should be strictly observed by all persons engaged in extension work under appointment from the United States Department of Agriculture whether they receive all or any part of their salary from the department.

The use of penalty envelopes is restricted to "matters relating exclusively to the business of the Government," and they must, therefore, be used cautiously and in strict compliance with the law and the postal regulations, their unlawful use being an offense punishable by a maximum fine of \$300. The cooperative agents or employees of the United States Department of Agriculture, any part of whose salary is paid by that department, have the right to use the penalty envelope only on "matters relating exclusively to the business of the Government of the United States" for which appointment from the United States Department of Agriculture is made.

The fact that the agent who receives a part of his salary from the department is also engaged in extension work under the general cooperative agreement with the State agricultural college does not give him the right to use the department penalty envelope for all extension business. His use of such envelope must be confined to those extension enterprises which are covered by the terms of his commission from the department and the projects in which the department funds are used.

In using the official penalty envelope, post card, or tag the following instructions should be observed:

1. **In official correspondence with the United States Department of Agriculture.**—All correspondence addressed to the United States Department of Agriculture pertaining to the work for which the employee receives his Federal appointment may be conducted in penalty envelopes. All such letters should be inclosed in envelopes addressed to the office through which the Federal appointment was made. Such

letters must relate entirely to the official public business covered by the appointment which may include the sending of reports, requests for information, requests for bulletins and supplies and other material needed in the work, and responses to inquiries made by officials of the department.

2. Correspondence with supervising agents, leaders or directors within the state, and with other field employees holding appointments from the United States Department of Agriculture and engaged in similar work.—All such correspondence must relate entirely to the official business for which the employee was appointed by the United States Department of Agriculture in order to entitle it to transmission in penalty envelopes.

3. Correspondence with farmers and other persons.—Penalty envelopes may be used to transmit through the mails letters of instruction to farmers engaged in carrying on demonstrations, notices of meetings, to be held in furtherance of the work for which the agent received his Federal appointment, and of special demonstrations. All such correspondence should relate either to the giving of information to farmers or their families relative to demonstrations conducted under the supervision of the agent, and advice to farmers in answer to their inquiries, or of instruction to farmers and their families regarding some feature of agriculture or home economics taken up by the agent in furtherance of the work for which he was employed by the department.

They may be used to call the attention of the farmers to such farmers' meetings as are held in furtherance of the work for which the agent was employed, but shall not be used to send out notices of meetings of organizations of farmers and business men or indiscriminate announcements of farmers' meetings. In no case should penalty envelopes be used for the purpose of relieving organizations from paying postage on matter issued by the organization and which is therefore properly chargeable with postage.

4. Penalty envelopes must not be used in transacting such private business as sending for catalogues, price lists, seeds, implements, fertilizers, etc., for farmers or groups of farmers, nor in seeking markets for products of individual farmers or groups of farmers, nor in mailing catalogues, announcements, or price lists of State, county, or other fairs.

5. An addressed return penalty envelope or post card may be sent out to farmers and other persons from whom information is desired, provided such information is to be used strictly in furtherance of the work for which the agent received his Federal appointment. Such use of the penalty envelopes should be made with great caution for fear of the abuse of the privilege by uninstructed individuals. County agents should not send out circular letters of inquiry in penalty envelopes unless they are instructed to do so by their State leader, who should send to the department copies of all such letters which he has approved. Penalty envelopes and tags should never be furnished to farmers or others to be used in sending any commodity through the mails.

6. In all correspondence mailed in penalty envelopes agents should use either department letterheads or letterheads approved by the department which clearly indicate the participation of the United States Department of Agriculture in the cooperative work undertaken by the agent. The form recommended by the States Relations Service is as follows, and may be adapted to meet the needs of each State and county:

Cooperative Extension Work
in
Agriculture and Home Economics.
State of (Massachusetts.)

State Agricultural College	Extension Service
U. S. Department of Agriculture	County Agent Work
(other State or county organization) cooperating.	(Springfield, Mass.)

In this letterhead slight changes if approved by the department may be made in the printed matter, but no change can be made in the general form of heading, and no one of the cooperating parties should be given more prominence than others, and the order indicated must be observed.

Do not use private letterheads or letterheads containing any advertising matter. Letterheads of the agricultural college which do not show the cooperation of the United States Department of Agriculture in the work and which have not been approved by the department should not be used.

7. No private matter whatever should be included in any letter sent in penalty envelopes; the entire letter should relate exclusively to the business of the United States for which the employee received his Federal appointment. Agents should not use official letterheads or envelopes for personal correspondence even though postage is affixed. Letters or circulars sent in penalty envelopes must not be signed by any person except the authorized agent of the United States Department of Agriculture who must affix his official title and headquarters.

8. **Printed matter.**—Penalty envelopes of the United States Department of Agriculture may be used by agents in distributing bulletins and circulars published by the United States Department of Agriculture which they are authorized to distribute. Bulletins and circulars published by any agricultural college or experiment station may be sent in United States Department of Agriculture penalty envelopes only in cases where such publications contain valuable information on agriculture or home economics which the agent of the department desires to furnish to particular persons who have made inquiry of him for such information or to persons with whom the agent is conducting some demonstration or other special work. Such bulletins or circulars so sent should be accompanied by a letter signed by the agent, with his official title.

Penalty envelopes must not be used for general distribution of bulletins and circulars of the colleges or stations or other organizations. Where miscellaneous requests for bulletins of colleges or stations or other public institutions are received by agents in their official capacity, such requests may be forwarded in a penalty envelope to the proper authority for attention.

Newspapers, clippings, magazines, and other printed matter which contain articles about the work of the agents may be transmitted to the supervising agents of the department in penalty envelopes, but should be accompanied by a letter of transmittal clearly showing that the printed matter is sent in for the purpose of advising the officer to whom it is directed. No literature should be distributed in penalty envelopes commending products of particular firms or individuals.

9. No matter containing commercial, religious, or political announcements or advertisements should ever be sent in penalty envelopes, except in cases where a request is made by an official of the department that the agent send in such pamphlets or printed matter for official purposes.

10. No letters or printed matter soliciting funds for the support of any association or other organization should be sent in penalty envelopes.

11. All official circulars, bulletins, or reports issued by the agent which are to be mailed in penalty envelopes must have had the subject matter and form approved by the State director of extension. On the front page must be clearly shown the cooperation of the United States Department of Agriculture as set forth in the approved form for letterheads, also the name and official title of the agent. No publication of a county organization as such should be distributed in penalty envelopes. Correspondence with autograph signature may be mailed sealed from any post office, but all other matter should be presented unsealed and only at the post office designated for that purpose.

For all other business and in all cases of doubt, do not use penalty envelopes but pay the postage. Resolve all questions of doubt against the right to use such envelopes or submit for decision particular cases to the head of the office through which the Federal appointment was made.

Approved by the Secretary of Agriculture, May 3, 1916.

RULINGS OF THE WAR DEPARTMENT AFFECTING MILITARY TRAINING AT THE LAND-GRANT COLLEGES.

Regulations and instructions of the War Department governing the establishment, administration, and maintenance of the Reserve Officers' Training Corps, at educational institutions (including the Land Grant colleges) and the issue of Government property thereto are given in detail in War Department general orders No. 49, issued September 20, 1916.

The regulations and instructions governing the annual military inspection and classification of such institutions are as follows:

Institutions to which officers of the army are detailed under the provisions of Section 1225, Revised Statutes of the United States, of the acts of Congress amendatory thereof, and of the act of June 3, 1916, and other institutions affording military instruction under Section 56, act of June 3, 1916, will be divided into classes as follows:

Class M. C.—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 military discipline is constantly maintained, and where one of the leading objects is the development of the student 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 S. M.—Institutions not included in any of the classes mentioned above.

The institutions of Classes M. C. and C., not exceeding 15 in any year, whose students have exhibited the greatest degree of military training as compared with others of their class and whose graduates of that year are by reason of discipline, education, and military training best qualified for commissions in the army, will be designated, in addition to above classifications, as "distinguished colleges," and the year or years in which distinguished will be added.

The institutions of Class M., not exceeding 10 of the whole number in that class, whose students display the greatest degree of military training, and instruction, will be designated as "honor schools," and the year or years in which so designated will be added.

The military departments of all educational institutions at which officers of the army are detailed as professors of military science and tactics and of schools and colleges having a course of military training prescribed by the Secretary of War, pursuant to Section 56, act of June 3, 1916, will be subject to inspection, under the authority of the President of the United States. Stated inspections will begin about April 1, and be completed by June 1, in each year.

These inspections for all institutions located in each territorial department will be made by a board of officers detailed for the purpose by the department commander. Each inspecting officer will pursue an itinerary, to be prescribed each year by the department commander. In addition to the above, department commanders whenever practicable will, in person, make at least once annually an inspection of all units of the Reserve Officers' Training Corps within their departments and will exert every effort to secure the greatest possible uniformity in methods and standards and the highest possible efficiency in the military instruction.

The inspection officer, upon his arrival at any institution, will call upon the chief administrative officer present in order to obtain from him the necessary facilities for the performance of his duties.

The board will reconvene at department headquarters not later than June 10 in each year, and after comparing individual reports of their inspections will recommend the classification of institutions and those to be designated as "distinguished colleges" and "honor schools," and will make

such further recommendations as may be deemed necessary (1) to insure a proper compliance with the provisions of the War Department orders governing military instruction in educational institutions, and (2) to improve the methods and character of such instruction. The board will also make special mention of such institutions as may have shown during the year gratifying improvement in their military departments. The report of this board, accompanied by the inspector's report on each institution, will be forwarded by the department commander with such remarks and recommendations as he may include, to the Adjutant General of the Army not later than June 20 in each year. After careful consideration of these reports the Adjutant General will prepare and submit to the Chief of Staff, not later than June 30 in each year, lists based upon the reports received of institutions to be designated as "distinguished colleges" and "honor schools," and will recommend such other action relative to the conditions reported and recommendations received as may be desirable.

A copy of the report of inspection will be furnished to the president of the institution by the department commander.

Hereafter no institution shall be designated as a "distinguished college" or an "honor school" unless it maintains one or more units of the Reserve Officers' Training Corps. Each year that an institution is designated as "distinguished college" or "honor school" one member of its graduating class, to be selected by the president and the professor of military science and tactics, acting jointly, will, upon graduation, be rated as honor graduate. By the term "honor graduate" is understood a graduate whose attainments in scholarship have been so marked as to receive the approbation of the president of the school or college and whose proficiency in military training and knowledge and intelligent attention to duty have merited the approbation of the professor of military science and tactics. The honor graduate must be a citizen of the United States, unmarried, of exemplary habits, and of good moral character. The honor graduate of a "distinguished college" must, in addition, be not less than 21 nor more than 27 years of age.

The name of the honor graduate should be reported to the War Department as soon as practicable after graduation.

The President of the United States authorizes the announcement that an appointment as provisional second lieutenant in the regular army will be awarded annually to an honor graduate of each of the institutions designated as "distinguished colleges" under the provisions of Section 24, act of June 3, 1916, and sub-paragraph 6, paragraph 130, provided sufficient vacancies exist after the appointment of certain classes of appointees who are given precedence under the law. These are (1) graduates of the United States Military Academy, (2) enlisted men of the regular army qualified after competitive examination; except that as to the vacancies created by the act of June 3, 1916, the order of precedence is as follows: (1) as above, (2) as above, but including officers of the Philippine Scouts, (3) members of the Officers' Reserve Corps, (4) commissioned officers of the National Guard, (5) appointees hereunder.

The honor graduate of the "distinguished college" must have graduated from that institution in a year in which it was rated as "distinguished college." He will not be required to take any mental examination, but will be examined physically. If he is a member of the Officers' Reserve Corps and desires to compete for precedence in Class (3) above, he will be required to take the mental examination in those subjects prescribed for graduates of recognized colleges.

Beginning with the class of 1916 and continuing until the vacancies created by the act of June 3, 1916, have been filled, the number of appointments of honor graduates authorized for each "distinguished college" will be increased to 10 from each graduating class.

II. State Constitutional Provisions.

ARTICLE VII. EXECUTIVE DEPARTMENT.

Section 20. The governor, secretary of state and attorney general * * * shall constitute a board of examiners, with power to examine all claims against the State, except salaries or compensation of officers fixed by law, and perform such other duties as may be prescribed by law. And no claims against the State except for salaries and compensation of officers fixed by law, shall be passed upon by the legislative assembly without first having been considered and acted upon by said board.

(State v. Barrett, 26 Mont. 68; 66 Pac. 506. The funds and income derived from the grant by act of Congress of certain lands for the State agricultural college are trust funds, disbursed through the agency of the State, and are not subject to the board of examiners).

ARTICLE X. STATE INSTITUTIONS AND PUBLIC BUILDINGS.

Section 1. Educational, reformatory and penal institutions, and those for the benefit of the insane, blind, deaf and mute, soldiers' home, and such other institutions as the public good may require, shall be established and supported by the State in such a manner as may be prescribed by law.

ARTICLE XI. EDUCATION.

Section 4. The governor, superintendent of public instruction, secretary of state and attorney general shall constitute the State board of land commissioners, which shall have the direction, control, leasing and sale of the school lands of the State, and the lands granted or which may hereafter be granted for the support and benefit of the various State educational institutions, under such regulations and restrictions as may be prescribed by law.

Section 9. No religious or partisan test or qualification shall ever be required of any person as a condition of admission into any public educational institution of the State, either as teacher or student; nor shall attendance be required at any religious service whatever, nor shall any sectarian tenets be taught in any public educational insti-

tution of the State; nor shall any person be debarred admission to any of the collegiate departments of the university on account of sex.

Section 11. The general control and supervision of the State university and the various other State educational institutions shall be vested in a State board of education, whose powers and duties shall be prescribed and regulated by law. The said board shall consist of eleven members, the governor, State superintendent of public instruction, and attorney general, being members ex-officio; the other eight members thereof shall be appointed by the governor, subject to the confirmation of the senate, under the regulations and restrictions to be provided by law.

(State v. Barrett, 26 Mont. 66; 66 Pac. 506. The State board of education was created by the legislature under the authority of this section.)

Section 12. The funds of the State university and of all other State institutions of learning, from whatever source accruing, shall forever remain inviolate and sacred to the purpose for which they were dedicated. The various funds shall be respectively invested under such regulations as may be prescribed by law, and shall be guaranteed by the State against loss or diversion. The interest of said invested funds, together with the rents from leased lands or properties shall be devoted to the maintenance and perpetuation of these respective institutions.

(State v. Barret, 26 Mont. 65; 66 Pac. 506. Pursuant to the constitution the legislature has enacted regulations under which in default of sale, all agricultural and grazing lands belonging to the State may be leased under the direction of the State land commission for terms not exceeding five years, and the revenues therefrom must be paid to the State treasurer. The lands selected for the use of the State agricultural college under the grant by Congress are subject to these regulations. State v. Rice, 33 Mont. 385; 83 Pac. 875. The funds referred to in this section mean all funds, which shall be invested to draw interest and used for no other purpose. The State normal school is one of the institutions of learning to which reference is made. Chapter 3 of the Session Laws of 1905, authorizing the State board of land commissioners to sell bonds and apply the proceeds to the

erection, furnishing and equipment of an addition to the State normal school building, and pledging as security for the payment of the principal and interest on such bonds the lands granted by the act of Congress, violates this section and is void. The interest from these funds and rents from said lands, and not the principal sum derived from the sale of said lands or timber, shall be used for the maintenance and perpetuation of the normal school.)

ARTICLE XVII. PUBLIC LANDS.

Section 1. All lands of the State that have been, or that may hereafter be granted to the State by Congress, and all lands acquired by gift or devise, from any person or corporation, shall be public lands of the State, and shall be held in trust for the people, to be disposed of as hereafter provided, for the respective purposes for which they have been or may be granted, donated or devised; and none of such land, nor any estate or interest therein, shall ever be disposed of except in pursuance of general laws providing for such disposition, nor unless the full market value of the estate or interest disposed of, to be ascertained in such manner as may be provided by law, be paid or safely secured to the State; nor shall any lands which the State holds by grant from the United States (in any case in which the manner of disposal and minimum price are so described) be disposed of, except in the manner and for at least the price prescribed in the grant thereof, without the consent of the United States. Said lands shall be classified by the board of land commissioners as follows: First, lands which are valuable only for grazing purposes. Second, those which are principally valuable for the timber that is on them. Third, agricultural lands. Fourth, lands within the limits of any town or city or within three miles of such limits; **provided**, that any of said lands may be reclassified whenever, by reason of increased facilities for irrigation or otherwise, they shall be subject to different classification.

Section 2. The lands of the first of said classes may be sold or leased, under such rules and regulations as may be prescribed by law. The lands of the second class may be sold, or the timber thereon may be sold, under such rules and regulations as may be prescribed by law. The agricultural lands may be either sold or leased, under such rules

and regulations as may be prescribed by law. The lands of the fourth class shall be sold in alternate lots of not more than five acres each, and not more than one-half of any one tract of such lands shall be sold prior to the year one thousand nine hundred and ten (1910.)

Section 3. All public lands may be disposed of in such manner as may be provided by law.

III. State Statutes.

REVISED CODES OF 1907.

University of Montana.

666. **University of Montana Established.**—The University of Montana is established and located at Missoula, and has for its object, instruction and education in all the departments of science, literature, art, industrial and professional pursuits.

667. **Control and Supervision of Same.**—The control and supervision of the State university is vested in the State board of education, which must appoint a president and faculty, and other necessary officers, agents, employes, prescribe their powers and duties, and establish for the government of the university, and for the instruction given therein, such rules not inconsistent with the laws of the State, as may be necessary.

668. **No Person to Use the Name of the University of Montana.**—The State has the exclusive right to the use of the name "University of Montana," and no other institution of learning, or corporation, must use the name of "University of Montana," or "Montana University," or like name, and the attorney general is required to bring an action in the name of the State against any person, association or corporation using such or like name, for the purpose of dissolving the corporation, and recovering a sum not exceeding five hundred dollars, nor less than one hundred dollars, which is hereby made the penalty for a violation of the provisions of this section, from the person or association using such name.

669. **The University of Montana Established.**—There is hereby established in this State, at the city of Missoula, an institution of learning under the name and style of "The University of Montana." (Act approved Feb. 17, 1893.)

670. **Government. Officers.**—The government of the university shall be vested in the State board of education. The manner of their appointment, their powers, duties, com-

pensation and terms of office shall be as prescribed by law. The State treasurer shall be the treasurer of said board, and perform all the duties of such office, subject to such regulations as the State board may adopt, not inconsistent with his official duties; and he and his sureties shall be liable on his official bond as State treasurer for the faithful discharge of such duties. (Act approved Feb. 17, 1893.)

671. Duty of State Board of Education.—The State board of education shall have power, and it shall be their duty, to enact by-laws for the government of the university in all its departments; to elect a president of the university and in their discretion, a vice-president, and the requisite number of professors, instructors, officers and employes, and fix their salaries and terms of each; to determine the moral and educational qualifications of applicants for admission to the various courses of instruction; but no sectarian or partisan test shall ever be allowed or exercised in the appointment of professors, instructors, officers or employes of the university, or in the admission of students thereto, or for any purpose whatever. No instruction, either sectarian or religious or partisan in politics, shall ever be allowed in any department of the university. The State board of education shall have power to regulate the course of instruction and prescribe the textbooks and authorities to be used in all the departments, and may confer such degrees, and grant such diplomas as are usual in universities; and may confer the usual honorary degrees upon other persons than graduates of the university in recognition of their learning, or devotion to literature, art or science, as may be recommended by the faculty of the university. (Act approved Feb. 17, 1893.)

674. Objects of University.—The object of the University of Montana shall be to provide the best and most efficient manner of imparting to young men and women, on equal terms, a liberal education and thorough knowledge of the different branches of literature, science and arts, with the varied applications, and to this end, there shall be established the following colleges or departments, to-wit:

1. A preparatory department.
2. A department of literature, science and the arts.
3. Such professional and technical colleges as may, from time to time, be added thereto or connected there-

with. The preparatory department may be dispensed with, at such rate and in such wise as may seem just and proper to the State board of education. (Act approved Feb. 17, 1893.)

675. Course of Study.—Such duties or courses of instruction shall be pursued in the preparatory department as shall best prepare the student to enter any of the regular colleges or departments of the university. The college or department of literature, science and the arts shall embrace courses of instruction in mathematical, physical and natural sciences, with their application to the industrial arts; a liberal course of instruction in the languages, literature, history and philosophy, and such other branches as the State board of education may prescribe. And, as soon as the income of the university will allow, and in such order as the demands of the public seem to require, the said courses of instruction in the sciences, literature and the arts shall be expanded into distinct colleges or departments of the university, each with its own faculty and appropriate title. (Act approved Feb. 17, 1893.)

676. Qualifications of Students. Military Instruction.—The university shall be open to students of both sexes, under such regulations and restrictions as the State board of education may deem proper. All able-bodied male students of the university may receive instruction and discipline in military tactics, the requisite arms of which shall be furnished by the State. (Act approved Feb. 17, 1893.)

677. Charges for Tuition.—Tuition shall ever be free to all students who shall have been residents of the State for one year next preceding their admission, except in the law and medical departments, and for extra studies. The State board of education may prescribe rates for tuition for any student in the law or medical departments, or who shall not have been a resident aforesaid and for teaching such studies. (Act approved Feb. 17, 1893.)

678. Endowed Professorships.—Any person contributing a sum not less than fifteen thousand dollars shall have the privilege of endowing a professorship in the university, or any department thereof, the name and object of which shall be designated by the State board of education. (Act approved Feb. 17, 1893.)

679. **Appropriations for Support of University.**—For the support and endowment of the university there is annually and perpetually appropriated:

1. The university fund income, and all other sums of money appropriated by the law to the university fund income.
2. All tuition and matriculation fees.
3. All such contributions as may be derived from public or private bounty.

The entire income of all such funds shall be placed at the disposal of the State board of education, by transfer to the treasurer of said board and to be kept separate and distinct from the accounts of the State, and all other funds, and to be used solely for the support of the aforesaid colleges and departments of the university or connection therewith. But all means derived from other public or private bounty shall be exclusively devoted to the specific objects for which they shall have been designated by the donor. (Act approved Feb. 17, 1893.)

680. **Selection of Site.**—It shall be the duty of the State board of education within ninety days from the date of the passage of this act, if then organized, but if not organized then within ninety days from the organization of said board, to select the site for the definite and permanent location of said University of Montana, which site shall be within three miles of the city limits of the city of Missoula; and they shall, at once, take steps or proceedings for procuring the title to the tract or tracts of land so selected by them, and they may, and are hereby empowered to enter into contracts, in the name of the State of Montana, for the purchase of said tract or tracts of land so selected, and may execute such obligations for the payment of the same as will mature when the probable income of the university fund will pay for the same. The State board of education are hereby authorized and empowered to accept, in the name of the State of Montana, such gifts of land and moneys as may be tendered for a university site or to aid in the purchase of said site; and they shall take the proper and necessary conveyances of said tract or tracts of land in the name of the State; **Provided**, That if such gifts consist of money only or money and land, and the land be not

sufficient in amount or not appropriate for a university site, then they shall appropriate such gifts to the payment of said site, and if there be a surplus the same to become a part of the university fund; **Provided**, That said tract of land shall not be less than forty acres in extent. (Act approved Feb. 17, 1893.)

School of Mines.

689. School of Mines Established.—A school of mines of Montana is hereby established and located at Butte, and has for its object instruction and education in chemistry, metallurgy, mineralogy, geology, mining, milling, engineering, mathematics, mechanics, drawing, the laws of the United States, and of the State in reference to mining and the rights and duties of citizens in relation thereto. Such school of mines may be connected with the State university under such regulations as the State board of education may prescribe.

690. Control and Management.—The control and supervision of such school is vested in the State board of education, which may prescribe all necessary rules therefor.

691. School of Mines Established.—The State school of mines is hereby established and declared to be a body corporate under the name of "Montana State School of Mines" and by that name may sue and be sued, may take and hold real or personal property by gift, bequest, devise, or purchase from the State, and may dispose of the same when authorized so to do by law. (Act approved Feb. 17, 1893.)

696. Object of School.—It shall be the object of such school of mines to furnish facilities for the education of such persons as may desire to receive special instruction in chemistry, metallurgy, mineralogy, geology, mining, mining engineering, mathematics, mechanics and drawing. (Act approved Feb. 17, 1893.)

697. Site, Appliances.—The said board of trustees are hereby authorized to procure a suitable site at or near the city of Butte, in the county of Silver Bow and the State of Montana, for said school of mines, as hereinafter set out, and to erect suitable buildings thereon, and to procure such machinery and other appliances as may be necessary to carry out the object and intention of such institution and to promote the welfare thereof, whenever the funds provided

for the establishment of said school of mines will warrant the same. (Act approved Feb. 17, 1893.)

698. Qualifications of Students.—The said school of mines shall be open and free for instruction to all bona fide residents of this State without regard to sex or color, and, with the consent of said board students from other States or Territories may receive an education thereat, upon such terms and at such rates of tuition as the board may prescribe. (Act approved Feb. 17, 1893.)

702. Location of School Lands.—The State board of land commissioners are hereby authorized and required to locate all the lands that have been donated by the United States to the State of Montana for the establishment and maintenance of a school of mines, and report to the next legislative assembly the number of acres so located, where situated, their character and estimated value, and shall make a similar report on or before the next meeting of the legislative assembly to the board of trustees of the school of mines, and also to the State board of education. (Act approved Feb. 17, 1893.)

705. Fees of Professors.—It shall be lawful for the professor or president of the school of mines, who shall be appointed by the said board of trustees, to charge and collect such reasonable fees for any and all assays and analyses made by them, as the said board may prescribe, an account of which shall be kept by said president and paid over monthly to the treasurer of said school of mines, which shall become a part of the school of mines fund. (Act approved Feb. 17, 1893.)

706. Debt Prohibited.—The board of trustees are hereby prohibited from creating any debt as against the school of mines, buildings, machinery, or appliances, or in any manner incumbering the same, or of incurring any expense beyond their ability to pay from the annual income of the school of mines for the current year. (Act approved Feb. 17, 1893.)

Agricultural College of Montana.

730. Agricultural College Established.—The agricultural college of Montana is established and located at Bozeman, and has for its object instruction and education in the English language, literature and mathematics, civil and me-

chanical engineering, agricultural chemistry, animal and vegetable anatomy and physiology, the veterinary art, entomology, geology and such other natural sciences as may be prescribed by the State board of education, political, rural, and household economy, agriculture, horticulture, moral philosophy, history, bookkeeping and especially the application of science and the mechanical arts to practical agriculture in the field, and irrigation and the use of water for agricultural purposes. Such agricultural college may be connected with the State university under such regulation as the State board of education may prescribe.

731. Control and Management.—The control and supervision of such college is vested in the State board of education, which may prescribe all rules therefor.

732. Establishment and Location.—The agricultural college of the State of Montana is established and located at the city of Bozeman, or within three miles of the corporate limits of said city, upon such tract, or tracts of land, conforming in the aggregate not less than eighty acres, and as much more as shall be selected by the State board of education, as hereinafter provided; and said college has for its leading objects and purposes, 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 State board of education, and any subordinate boards by such State board appointed, may prescribe. (Act approved Feb. 16, 1893.)

733. Selection of Site.—It shall be the duty of the State board of education within ninety days from the date of the passage of this act, if then organized, but if not organized, then within ninety days from the organization of said board, to select the site for the definite and permanent location of said agricultural college of Montana and agricultural experiment station, which site shall be at the city of Bozeman, or within three miles of the corporate limits of said city of Bozeman; and said State board of education shall at once take steps or proceedings for procuring the title to the tract or tracts of land so selected by them, and they may, and are hereby empowered to enter into contracts in the name of the State of Montana, for the purchase of said tract or tracts of land so selected, and may execute

such obligations for the payment of the same as will mature when the probable income from the fund of said agricultural college and agricultural experimental station, or either of them, will pay for the same. The State board of education are hereby authorized and empowered to accept in the name of the State of Montana, such gifts of land and money as may be tendered to aid in the purchase of said site, and whenever such gifts are sufficient in amount to secure or pay for said site they shall appropriate the same to that purpose, and take the proper and necessary conveyances of said tract or tracts of land in the name of the State. All lands and money acquired as provided in this section, shall be taken and held for the sole use and benefit of said agricultural college and said agricultural experimental station. (Act approved Feb. 16, 1893.)

734. Control of College.—The general control and supervision of such college is vested in the State board of education, which board may prescribe all rules therefor. (Act approved Feb. 16, 1893.)

738. Agricultural Experimental Station.—There is also located and established on the land so to be selected by the State board of education, in connection with said agricultural college, and under its direction an agricultural experimental station, to aid in acquiring and diffusing among the people of the State of Montana useful and practical information on subjects connected with agriculture, and to promote scientific investigation and experiments respecting the principles and application of agricultural science, which experimental station is established under and by virtue of the authority contained in the act of Congress entitled "An act to establish experimental stations in connection with the colleges established in the several States, under the provisions of an act approved July 2, 1862, and the said acts supplementary thereto" approved March 2, 1887, and the provisions, donations and benefits contained in said act of Congress, and in all other acts of Congress relating to agricultural experimental stations and agricultural colleges, now in force, and all acts supplementary thereto, or amendatory thereof, are by the State of Montana hereby accepted and adopted. (Act approved Feb. 16, 1893.) *State Bank v. Barret*, 26 Mont. 64; 66 Pac. 505.

739. **Management of Station.**—Said agricultural experimental station is hereby placed under the supervision and control of the State board of education, and the executive or subordinate board or authority who may be by the governor, by and with the consent and advice of said State board of education, appointed. (Act approved Feb. 16, 1893.)

740. **Acceptance of Grant.**—That the State of Montana hereby assents to the provisions of an act of Congress, entitled: "An Act to provide for an increased annual appropriation for agricultural experiment stations and regulating the expenditure thereof," approved March 16, 1906, and hereby consents to receive the benefits thereof in the manner and form and for the purposes in said act intended and provided. (Act approved March 2, 1907, Sec. 1.) (10th Sess., Chap 64.)

741. **Designation of Station as Beneficiary.**—That until otherwise provided by law the agricultural experiment station, now established at Bozeman, Gallatin county, State of Montana, shall be the beneficiary of the funds in said act mentioned, and shall use and disburse said funds only for the purposes and in the manner provided in said act. The treasurer of the executive board of the agricultural college and agricultural experiment station, at said city of Bozeman, is hereby authorized to receive, and shall be the custodian of said funds, and he shall account for said funds, and make reports to the Secretary of Agriculture, as required by said act of Congress. (Act approved March 2, 1907, Sec. 2.) (10th Sess., Chap. 64.)

756. **Establishment of Experimental Substation in Horticulture.**—The executive board of the Montana agricultural college is hereby authorized and directed to establish a substation for the purpose of carrying on experimental work in horticulture, said station to be located at such point in the State of Montana as said board may select; **Provided**, however, that the citizens or county wherein said substation is located shall donate to the State and give in fee simple not less than fifteen acres of suitable land including a perpetual water right for the same. (Act approved March 7, 1907.) (10th Sess., Chap. 146.)

757. **Billings Experimental Station.**—There is hereby established to be located within three miles of the corporate

limits of the city of Billings, Montana, on such land as the Governor and Secretary of State may select, a substation of the agricultural experimental station provided for in Section 7 of an act of the legislature entitled "An Act providing for the location and establishment of the agricultural college of the State of Montana, and an agricultural experimental station in connection therewith, enumerating its objects and purposes, dedicating lands for the use of the same, providing for the government and control thereof, and accepting and adopting the provisions, donations and benefits contained in the acts of Congress relating thereto," approved Feb. 16, 1893. That said substation shall be under the general direction of the experimental station of the agricultural college of the State of Montana, and its immediate direction shall be in charge of three persons to be appointed by the Governor by and with the consent of the Senate, two of whom shall reside within ten miles of the substation. Said persons so appointed shall constitute a board to be known as "Directors of the Billings Sub-Experimental Station." Said board of directors shall be at all times subject to the direction and control of the said experimental station of the agricultural college, and they shall serve without compensation. (Act approved March 7, 1903, Sec. 1.) (8th Sess., Chap. 118.)

758 Same Work of Substation.—At said substation experimental work shall be conducted with a view to acquiring and diffusing useful and practical information on subjects connected with agriculture and to promote scientific investigation and experiments respecting the principle and application of agricultural science, under climatic and other conditions existing in the vicinity of the city of Billings. (Act approved March 7, 1903, Sec. 2.) (8th Sess., Chap. 118.)

759. Lands for Substation.—That for the purpose of securing title to the land selected by them for said substation, the Governor and Secretary of State are hereby authorized and empowered to either use the land heretofore acquired by the State for the Eastern State Prison, near Billings and described as:

Each and all of the lots contained in each and all of the following named and numbered blocks, to-wit: Blocks numbered Two Hundred and Ninety-five (295), Two Hun-

dred and Ninety-seven (297), Two Hundred and Ninety-eight (298), Two Hundred and Ninety-nine (299), Three Hundred and Ten (310), Three Hundred and Nineteen (319), Three Hundred and Twenty-seven (327), Three Hundred and Thirty-one (331), Three Hundred and Thirty-two (332), and Three Hundred and Twenty-six (326); the lots in each of said blocks being platted and numbered consecutively from One (1) to Twenty-four (24) both inclusive, and the total number of lots in all of said blocks being Two Hundred and Forty (240); also lots numbered Seven (7), Eight (8), Nine (9), Ten (10), Eleven (11), Twelve (12), Thirteen (13), Fourteen (14), Fifteen (15), Sixteen (16), Seventeen (17), and Eighteen (18), in Block numbered Two Hundred and Ninety-four (294); also Lots numbered One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), Eight (8), Nine (9), Ten (10), Eleven (11), and Twelve (12), in Block numbered Three Hundred and Nine (309); also Lots numbered Thirteen (13), Fourteen (14), Fifteen (15), Sixteen (16), Seventeen (17), Eighteen (18), Nineteen (19), Twenty (20), Twenty-one (21), Twenty-two (22), Twenty-three (23), Twenty-four (24), in Block numbered Three Hundred and Thirty-three (333); also Lots numbered One (1), Two (2), Three (3), Four (4), Seventeen (17), Eighteen (18), Nineteen (19), Twenty (20), Twenty-one (21), Twenty-two (22), Twenty-three (23), and Twenty-four (24), and fractional Lots numbered Five (5), Fifteen (15), and Sixteen (16), in Block numbered Three Hundred and Twenty-eight (328); also Lots numbered Twenty-one (21), Twenty-two (22), Twenty-three (23), and Twenty-four (24), in Block numbered Three Hundred and Twenty (320); also all of the unplatted lots or fractions of lots in any and all of said Blocks numbered Three Hundred and Twenty-eight (328) and Three Hundred and Twenty (320); all and singular the said lots and parts of lots and all and singular the said blocks and parts of blocks being in the First Addition to the town of Billings, in the county of Yellowstone and State of Montana, according to the plat of the said First Addition to the said town of Billings, now on file and of record in the office of the clerk and recorder of the said county of Yellowstone; also all and singular the several tracts, pieces or parcels of land contained in the following bounded and described parts of streets and avenues, and in

the following described alleys, situate in the aforesaid town of Billings and in the aforesaid First Addition thereto, to-wit: All that portion of Ninth (9th) Avenue lying and being included between the extreme easterly line of North Nineteenth Street and the extreme westerly line of North Fifteenth (15th) Street; all that portion of Tenth (10th) Avenue North lying and being included between the extreme easterly line of North Nineteenth (19th) Street and the extreme westerly line of North Fifteenth (15th) Street; all that portion of Eleventh (11th) Avenue North lying and being included between the extreme westerly line of North Eighteenth Street, and the extreme westerly line of North Fifteenth Street; all that portion of Twelfth Avenue North lying and being east of the extreme westerly line of North Eighteenth (18th) Street; all that portion of Thirteenth (13th) Avenue North lying and being east of the extreme westerly line of North Eighteenth Street; all that portion of North Eighteenth Street lying and being north of the extreme southerly line of Ninth Avenue North; all that portion of North Seventeenth Street lying and being north of the extreme northerly line of Eighth Avenue North, and all that portion of North Sixteenth Street lying and being north of the extreme northerly line of Eighth Avenue North, also each and all of the alleys contained in each and all of the following named and numbered blocks, to-wit: Blocks numbered Three Hundred and Nineteen (319), Three Hundred and Twenty (320), Three Hundred and Twenty-six (326), Three Hundred and Twenty-seven (327), Three Hundred and Nine (309), Three Hundred and Ten (310), Three Hundred and Thirty-two (332), Three Hundred and Thirty-one (331), Three Hundred and Thirty-three (333), Two Hundred and Ninety-eight (298), Two Hundred and Ninety-seven (297), Two Hundred and Ninety-nine (299), Two Hundred and Ninety-four (294), and Two Hundred and Ninety-five (295); each and all of the aforesaid blocks and alleys therein being in the First Addition to the aforesaid town of Billings, in the county of Yellowstone and State of Montana, or if such land, in their judgment is not suitable for the purpose of such sub-experimental station, then they shall and are hereby empowered to convey such land described as aforesaid in exchange for such suitable tract of land for the sub-experimental station as they may deem of at least equal

value. (Act approved March 7, 1903.) (8th Sess., Chap. 118.)

760. Governor and Secretary of State to Select Site.—The Governor and Secretary of State shall make selection of the land provided for, within sixty days after the approval of this act, and within ninety days thereafter the State of Montana shall make provision for maintenance of said sub-experimental station. (Act approved March 7, 1903, Sec. 4.) (8th Sess., Chap. 118.)

761. Use of Bozeman Funds Prohibited.—It shall be unlawful under any circumstances to use any funds appropriated for the experiment station at Bozeman for the support or maintenance of said substation. (Act approved March 7, 1903, Sec. 5.) (8th Sess., Chap. 118.)

762. State Board of Land Commissioners May Sell Lands.—The State board of land commissioners is hereby empowered to sell and dispose of all lands acquired under and by virtue of the provisions of Chapter 118, Session Laws of 1903 (Section 759), upon the same terms and conditions as provided by law for the sale and disposition of all other State lands. (Act approved March 9, 1907.) (10th Sess., Chap. 188.)

763. Experimental Substation Located in Fergus County.—That there is hereby established, to be located in Fergus county, Montana, on such land as may be donated to the State of Montana and accepted by the Governor and Secretary of State as suitable for the purpose, a substation of the agricultural experimental station provided for in Section 7 of an act of the Legislative Assembly of the State of Montana, entitled "An Act providing for the location and establishment of the agricultural college of the State of Montana, and an agricultural experimental station in connection therewith, enumerating its objects and purposes, dedicating lands for the use of the same, providing for the government and control thereof, and accepting and adopting the provisions, donations and benefits contained in the acts of Congress relating thereto," approved February 16, 1893. (Section 738.) Said substation shall be under the direction of the experimental station of the Agricultural College of the State of Montana. (Act approved March, 1907, Sec. 1.) (10th Sess., Chap. 189.)

764. Authority of Governor to Accept Site.—The Governor and Secretary of State are hereby authorized to accept on behalf of the State, donation or donations of land for such purposes, provided such land be conveyed to the State in fee simple, and be free of all encumbrances and the title to the same be good. (Act approved March, 1907, Sec. 2.) (10th Sess., Chap. 189.)

765. Acceptance of Donations of Money and Material.—The said college is authorized to receive donations of money, implements, building materials, animals and supplies for the use of said substation. (Act approved March, 1907, Sec. 4.) (10th Sess., Chap. 189.)

766. State Entomologist of Montana.—The entomologist of the Montana Agricultural College and Experimental Station shall be known as the State Entomologist of Montana. (Act approved March, 1907, Sec. 1.) (10th Sess., Chap. 103.)

767. Duties of State Entomologist.—It shall be the duty of the State Entomologist to conduct field investigations of the injurious insects of fruits, vegetables, grains, grasses, forage crops, including clover and alfalfa, root crops, shade trees, ornamental plants, and any other insects that may become injurious. When it becomes known to the State Entomologist that an outbreak of an insect has occurred in any part of the State, it shall be his duty, so far as is possible without conflicting with his other duties, to go to the scene of the outbreak or send a suitably qualified assistant. The State Entomologist or said assistant shall determine the extent and seriousness of the outbreak, and, when necessary, publish or make public demonstration of the best remedies to be employed. (Act approved March 5, 1907, Sec. 2.) (10th Sess., Chap. 103.)

768. Annual Report.—The Entomologist shall make an annual report to the Governor of the State, on or before the first day of January, which report shall be published by the Experiment Station as one of its regular bulletins, and shall contain a report of his work and expenditures under this Act. (Act approved March 5, 1907, Sec. 3.) (10th Sess., Chap. 103.)

769. Expenses.—The State Entomologist shall receive no compensation for his services other than what he may receive from the Montana Agricultural College and Experiment Station, but the actual traveling expenses of himself or assistant, together with such office or laboratory expenses as result from the work contemplated under this Act, not to exceed Five Hundred Dollars (\$500.00) per annum, shall be paid, and such sum is hereby annually appropriated for the purposes of this Act out of any moneys in the State Treasury, not otherwise appropriated. Upon the certification of the Secretary of the Executive Board of the Montana Agricultural College and Director of the Agricultural Experiment Station, the State Auditor is authorized to issue warrants to cover the traveling expenses of the State Entomologist while engaged in carrying out the provisions of this Act. (Act approved Mar. 5, 1907, Sec. 4.) (10th Sess., Chap. 103.)

State Normal School.

770. State Normal School Established.—A State normal school is established and located at Dillon, and has for its object instruction and education, the art of teaching in all of its branches that pertain to a good public school education in the mechanical arts and in husbandry, and the fundamental laws of the United States and of the State. Such normal school may be connected with the State university, under such regulations as the State board of education may prescribe.

771. Control and Management.—The control and supervision of such school is vested in the State board of education which may prescribe all necessary rules therefor.

772. Establishment of School, Name.—That there be and is hereby established within two miles of the corporate limits of the city of Dillon, Beaverhead County, Montana, a State normal school, which shall be called the "Montana State Normal College." (Act Feb. 25, 1903, Sec. 1.)

773. Object of School.—The object of said normal school shall be the instruction and training of teachers for the public schools of the State. (Act approved Feb. 23, 1893.)

774. Control and Supervision.—The control and supervision of such school is vested in the State board of education, which must elect a president, all teachers and employes, and prescribe all necessary rules therefor. (Act approved Feb. 23, 1893.)

775. Acceptance of Public Lands.—The State board of education herein mentioned, and their successors, shall receive, in the name of the State normal school hereby established all the benefits of whatsoever nature, that may be derived from the distribution and selection of lands, contemplated in Section 17, of an act of Congress, approved February 22d, 1889, entitled "An act to provide for the division of Dakota into two States, and to enable the people of North Dakota, South Dakota, Montana, and Washington, to form constitutions and State governments, and to be admitted into the Union on an equal footing with the original States and to make donations of public lands to such States." (Act approved Feb. 23, 1893.)

777. Limitation of Act.—Nothing herein contained shall in any wise affect or change the purpose or object of said school or the land grant made for the support thereof. (Act Feb. 25th, 1903.)

787. Investment of State Normal School Bond Fund.—That the State Board of Land Commissioners of the State of Montana may, and they are hereby directed and authorized to invest any and all sums of money now in the State Normal School Bond Fund not necessary for the payment of interest on bonds outstanding against said fund, in such securities, at such rate of interest, for such time, and under such conditions as such board may deem advisable. (Act approved March 5, 1903, Sec. 1.)

Farmers' Institutes.*

1308. Expenses, How Paid.—That the expense of such institutes or any expenditure made necessary in carrying out the provisions of this act shall be paid out of such institute funds by the State Treasurer upon warrants issued by the State Auditor, which warrants shall only be drawn upon the certificate of the chairman of the Board of Administration of the Montana Farmers' Institutes. (Act approved March 14, 1901, Section 4.) (7th Sess., 55-6.)

*See Chapter 8, Laws of 1909.

1309. **Meetings.**—That immediately upon the passage and approval of this Act, the Board of Administration shall meet in the city of Helena and arrange for the first series of Institutes throughout the State, and thereafter such Board shall meet annually on the second Tuesday in September to arrange for such Institutes, and they shall again meet on the second Tuesday in March of each year to audit all expenditures and arrange for the printing in pamphlet form within sixty days of said meeting, of the "Institute Annual," and that the cost of said Annual shall not exceed One Thousand Five Hundred (\$1,500.00) Dollars in any one year. (Act aproved March 6, 1903, Section 5.) (8th Sess., Chap. 105.)

Selection of School Lands.

2222. **Selection of Lands for Educational Institutions.**—The State board of education is authorized to select from the school lands and other public lands of the State suitable sites for the location of the State university, the agricultural college and experimental station, the school of mines, and the normal school, within the limits prescribed in the acts locating the said institutions respectively, which sites may include sufficient land for the proper use and maintenance of said institutions, and said lands when so selected shall be, and they are hereby set apart and dedicated to and for the sole use and purpose of the said institutions. (Act approved March 10, 1893.)

2223. **Certificate of Selection.**—It shall be the duty of said State board of education, when any selection shall be made by it, under the authority of Sec. 2222 (3580) of this act, to make a certificate of such selection, which certificate shall contain the date of such selection, a description of the lands selected, for what institutions selected, and a reference to this act by its title, and the date of its approval, as the authority for its said action, and said certificate when so made shall be signed for said board by the president and secretary thereof, and filed and recorded with the clerk and recorder of the county in which said lands are situated, and a copy thereof shall be filed with the State board of land commissioners. (Act approved March 10, 1893.)

2224. **Article Not Obligatory.**—This act shall not be construed as obligatory upon said State board of education to make such selection from the school or public lands of the State, but it may in its discretion select such State or public lands, or other lands as it may deem advisable for the best interests of said institutions. (Act approved March 10, 1893.)

LAWS OF 1907.

Chapter 58.

An Act to authorize the State of Montana to become indebted in excess of One Hundred Thousand Dollars, and to provide for the issuance of bonds in the name of the State for the redemption of bonds heretofore executed and issued by the State Board of Land Commissioners for the use and benefit of various State Educational Institutions; and also to make whole the permanent funds of the various State Educational Institutions.

Be It Enacted by the Legislative Assembly of the State of Montana:

Section 1. The State Board of Examiners of the State of Montana is hereby authorized and empowered to issue bonds in the name of the State of Montana to an amount not exceeding Five Hundred Thousand Dollars in excess of the constitutional limitation of indebtedness of one hundred thousand dollars, for the purpose of redeeming bonds which have heretofore been executed by the State Board of Land Commissioners, pledging for their payment the moneys realized from the sale or leasing of, and from the licenses to cut timber on, the lands granted for various educational purposes by the United States to the State of Montana by the enabling act of congress, passed and approved February 22nd, 1889, and also for the purpose of placing intact the permanent endowment funds to which such educational institutions are respectively entitled.

Section 2. The Board of Examiners shall within three months after the passage and approval of this law, give unto the bond holders of the bonds for which redemption is herein provided, the option of making surrender of such bonds by them held, for face cash value, or of taking in exchange therefor, state bonds for which issuance is herein provided, of equivalent face value as of date January 19th, 1906.

Section 3. The State Bonds, issuance of which is herein provided for, shall be issued in denominations of One Thousand Dollars each, and shall bear date January 1st, 1909, and become due twenty years from the date of issuance and be redeemable and payable, at the option of the state, ten years

from their date, and shall bear interest at the rate of four per cent (4%) per annum, payable semi-annually on the 1st days of January and of July of each year, at the office of the State Treasurer of the State of Montana.

Section 4. Each bond issued under the provisions of this Act shall contain a condition substantially as follows:

"This Bond is one of a series of.....Bonds of the denomination of One Thousand (\$1000) Dollars each, of like tenor and date, numbered from one to..... inclusive, and aggregating the sum of..... (.....) dollars. The right is hereby reserved to redeem this Bond at any regular interest period as stated herein, on and after three years from its date, by the payment of the principal and interest in full to date of redemption, and a premium upon the face value of the Bond of five per cent.; Provided, that not less than thirty days' notice shall be given by the State Treasurer of such intention to redeem by publication in not less than one newspaper published in the City of New York, and one newspaper published in the city of Helena, Montana; and provided further, that such redemption shall be made by serial number, beginning with the bond bearing the lowest number then outstanding."

Section 5. There shall be levied annually one-fourth mill on the dollar of all taxable property which, when collected by the County Treasurer, shall be accounted for and paid over to the State Treasurer to be, by the State Treasurer, held in a separate fund designated as the "State Bond Fund," and used exclusively for the payment of the interest on such bonds and to constitute a sinking fund for their redemption.

Section 6. It shall be the duty of the State Board of Examiners to give notice by advertising for not less than two insertions in one newspaper published in the City of Helena, Montana, and one newspaper published in the City of New York, that it will, on the tenth day of December, 1908, sell the said bonds, stating the full amount of the bond issue, to the person or persons offering the best premium therefor; provided, that the State Board of Land Commissioners shall have the preference right of investing in such state bonds, at par, any moneys belonging to the

permanent school fund, permanent university fund, permanent agricultural college fund, permanent normal school fund, permanent school of mines fund, permanent reform school fund, or the permanent deaf and dumb school fund, to the extent of the full amount, or any part or portion of such state bond issue.

Section 7. The moneys derived from the sale of such state bonds in excess of the amount necessary to redeem the outstanding bonds herein above referred to, shall be deposited with the state treasurer to the credit of the various educational institutions whose permanent funds appear from the treasurer's books to have been diminished in principal, and, in the event there is not sufficient money derived from said bond issue to make whole all such permanent educational institution funds, then the same shall be pro-rated to the various educational institution funds in accordance with the amount of shortage appearing as to each educational institution's permanent fund.

Section 8. It shall be the duty of the Governor to cause the question of the approval of this law to be submitted to the electors at the next ensuing General Election. And upon receiving a majority of all votes cast for and against it at such election it shall be declared approved. Each county clerk in this state shall have separate ballots printed and furnished to each precinct in his county in the same manner as the regular ballots. Said separate ballots shall be in conformity with the provisions of the general election laws of this state, and shall have printed thereon the following:

"For the law authorizing a State Bond issue of.....
Dollars to redeem bonds heretofore issued
 for the use and benefit of various state educational institutions, and to make whole the permanent funds of such
 institutions.

"Against the law authorizing a state bond issue of.....
dollars to redeem bonds heretofore issued
 for the use and benefit of various state educational institutions." The elector shall vote said ballot by making an "X" in a square in front of the proposition he desires to support.

Section 9. This Act shall be in full force and effect from and after its passage and approval.

Approved March 1, 1907.

LAWS OF 1909.

Chapter 8.

An Act to amend Section 1306, also to repeal Section 1307 of the Revised Codes of Montana of 1907, concerning Farmers' Institutes.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1306 of the Revised Codes of Montana of 1907 be and the same is hereby amended to read as follows:

Section 1306. The Board of Administration of the Farmers' Institute, as provided for in this Act, shall consist as follows: The Governor of the State, the president of the Montana Agricultural College and the Director of the Montana Experimental Station, all of whom shall be ex-officio members. Members of such Board of Administration shall be designated the "Directors of the Montana Farmers' Institute," and shall be authorized to hold Institutes for the instruction of the citizens of this State in the various branches of agriculture, and shall prescribe such rules and regulations as they may deem best for organizing and conducting the same. Such Institutes shall be held at least once in each county in each year and at such times and places as the directors may designate; provided, the requirements of the Board of Administration have been complied with, such as County Institutes or local organizations providing a suitable hall, lighting and heating the same, and bearing necessary advertising expense. The directors may employ an agent or agents to perform such work in organizing or conducting said Institutes as they may deem best. A course of instruction at such Institutes shall be so arranged as to present to those in attendance the results of the most recent investigations in theoretical and practical agriculture.

Section 2. That Section 1307 of the Revised Codes of Montana of 1907 is hereby repealed.

Section 3. This Act shall take effect and be in full force from and after its passage and approval.

Approved Feb. 11th, 1909.

Chapter 42.

An Act to authorize and direct the Montana State Board of Land Commissioners to purchase certain lands for the benefit and use of the Agricultural Experiment Station connected with and a department of the Montana Agricultural College at Bozeman, Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the Montana State Board of Land Commissioners are hereby authorized and directed to purchase for the benefit and use of the Agricultural Experiment Station connected with and a department of the Agricultural College at Bozeman, Montana, the following lands situated in Gallatin County, Montana, to-wit: The Northwest Quarter of Section Fourteen (14) in Township Two (2), South of Range Five (5) East, and Blocks numbered Eight (8) and Nine (9) in Capitol Hill Addition to the City of Bozeman, Montana.

Section 2. That the said Montana State Board of Land Commissioners are empowered and directed to use for the payment of the purchase price of the lands described in Section 1 of this act, the sum of Eighteen Thousand and Eight Hundred Dollars (\$18,800) or so much thereof as may be necessary out of the proceeds from the sale of lands granted to the State of Montana for the use and support of an Agricultural College in accordance with Section Five (5) of the Act of Congress 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, and by Section Sixteen (16) of an Act of Congress approved February 22, 1889, entitled, "An Act to provide for the division of Dakota into two States and to enable the people of North Dakota, South Dakota, Montana and Washington to form constitutions and to be admitted into the Union on an equal footing with the original States and to make donations of lands to such States"; that of the sum of Eighteen Thousand Eight Hundred Dollars (\$18,800) mentioned in this section, the sum of Sixteen Thousand Dollars (\$16,000) is to be used for the

purchase of the Northwest Quarter of Section Fourteen (14), in Township Two (2), South of Range Five (5) East, situate in Gallatin County, Montana, and the sum of Two Thousand Eight Hundred Dollars (\$2,800) is to be used for the purchase of Blocks numbered Eight (8) and Nine (9) in Capitol Hill Addition to the City of Bozeman, Montana.

Section 3. That the title to said lands when purchased shall vest in the State of Montana and whenever said lands are sold or otherwise disposed of the proceeds therefrom shall be returned to the permanent fund of the Montana Agricultural College.

Section 4. This Act shall take effect and be in full force after its passage and approval.

Approved March 2, 1909.

Chapter 86.

An Act entitled "An Act to provide for the appointment by the State Board of Examiners of a State Accountant to examine the books and financial affairs of the State Institutions, defining his duties and fixing his salary.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The State Board of Examiners shall appoint a State accountant, who shall hold his office for the term of four years unless sooner removed by the Board.

Section 2. The State Accountant shall have the power, and it shall be his duty:

1. To examine, at least once every three months, the books and accounts of the treasurer and secretary of each of the following institutions, to-wit: University of Montana, Montana State Normal School, Agricultural College of Montana, State Orphans' Home, Montana State School of Mines, Montana School for the Deaf and Blind, State Reform School, Soldiers' Home, State Prison, Montana State Fair, and State Insane Asylum; also to examine into the general financial affairs and conditions of each of said institutions.

2. To prescribe the general methods and details of accounting for the receipt and disbursement of all moneys belonging to any of said institutions, or managed or controlled by them, and to require of all officers, directors and other persons connected with the financial affairs of such institutions an adherence to such general method and details as

are required by law or said State accountant to be adopted and observed by such institutions; provided, that before any such general method and details of accounting, or any special rules are put into force in any of such institutions, they shall first be approved by the State Board of Examiners.

3. After the examination of the affairs, books, and accounts of said institutions to make full report of such examinations to the State Board of Examiners within thirty days after such examination.

4. Said State Accountant shall also perform such other duties or work of the State Board of Examiners as said Board may order and direct.

Section 3. All boards of directors, officers, employees, and other persons connected with the financial affairs of any of the institutions mentioned in Section Two of this Act must afford all reasonable facilities for the examination of accounts and investigations provided for in this act, and all boards of directors, officers, employees and other persons connected with the financial affairs of any of said institutions must make returns and exhibits to said accountant, under oath, in such form and in such manner as he may prescribe, not conflicting with the law and the rules and regulations approved by the State Board of Examiners. Every director, officer, employee or other person, wilfully violating the provisions of this section, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than One Thousand Dollars.

Section 4. The refusal or neglect of any member of the Executive Board or other officer or employee of any of said institutions to comply with the general methods and details of accounting prescribed by the State Accountant, as authorized in Paragraph Two of Section Two of this Act, shall constitute a good and sufficient ground to summarily remove said person from said board, office or position by the State Board of Examiners.

Section 5. The salary of said State Accountant shall be eighteen hundred dollars per annum, and on entering upon the discharge of the duties of such position he shall take the constitutional oath of office and file a bond in such sum as shall be fixed by the State Board of Examiners, to be approved by said Board.

Section 6. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 7. This act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1909.

Chapter 108.

An Act to Regulate the Public Service of Stallions and Jacks in Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

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Section 2. In order to carry out the provisions of this act, there shall be constituted a Stallion Registration Board, whose duty it shall be to verify and register pedigrees; to employ one or more competent graduate veterinarians to make examinations of the stallions for soundness, at one or more points in each county in the State; to pass upon certificates of veterinary examination; to issue stallion license certificate; to make all necessary rules and regulations; and to perform such other duties as may be necessary to carry out and enforce the provisions of this Act. Said Board shall hold an annual meeting at the College of Agriculture in Bozeman the first Tuesday of February and such other meetings as may be necessary.

Section 3. The Stallion Registration Board shall be composed of the President of the Montana Horse Breeders' Association, the State Veterinarian, and the Professor of Animal Husbandry at the Montana Experiment Station, who shall be secretary and executive officer of this Board.

* * * * *

Section 17. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 18. This Act shall take effect from and after the date of its passage and approval.

Approved March 8, 1909.

Chapter 120.

An Act to provide for the deposit and disbursement of money received from the investment of the permanent funds of the State Educational Institutions, and from the leasing of lands granted by the Federal Government to such institutions, to be known and designated as the "Interest and Income Funds" of each of such Institutions; reducing the appropriations from the General Fund; and providing for reports by said Educational Institutions of all moneys received from appropriations made to them under the laws of the United States.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. All moneys received from the investment of the permanent funds of the University of Montana, the Agricultural College of Montana, School of Mines of Montana, State Normal School of Montana, State Reform School of Montana, and Deaf and Dumb School of Montana, and all money received from the leasing of lands granted to said institutions shall at the close of each calendar month be deposited with the State Treasurer of Montana for each of such Institutions to the credit of what shall be known and designated as the "Interest and Income Fund" of each of said institutions.

Section 2. The money received by the State Treasurer under the provisions of Section 1 of this Act shall be paid out by him only on warrant issued by the State Auditor in payment of claims for expenses actually incurred for the support and maintenance of the institution filing the same, and the State Auditor shall not draw warrants on said Interest and Income Funds for any such claims until after the claim has been duly filed with and audited and approved by the State Board of Examiners.

Section 3. In the payment of claims presented by any of the institutions named in Section 1 of this Act, the Interest and Income Funds mentioned in said Section 1, so far as available for the payment of the items set out in said claim, shall be exhausted before any warrants shall be drawn against the appropriation made by the State out of the General Fund for the maintenance of the institution filing the claim.

Section 4. That on the first of March, first of June, first of September, and first of December of each year the Executive Board of each of the institutions named in Section 1 of this Act shall prepare or cause to be prepared a detailed statement showing all the expenses incurred and all disbursements made by such institution during the preceding quarter, and the purposes for which the same were made, out of funds, if any, appropriated by the United States Government for the maintenance and support of any such institutions. Such reports shall be signed and verified under oath by the president of the Executive Board and Treasurer of the Institution making the same and shall be filed with the State Board of Examiners.

Section 5. The Executive Board of each of the institutions named in Section 1 of this Act shall, at the end of November of each even numbered year beginning with November 30, 1910, prepare or cause to be prepared a full detailed statement, showing all moneys, if any, received by such institution from the United States Government, and of the moneys received from the investment of the permanent school funds of the institutions, and of moneys received from the leasing of lands granted to such institutions and all money appropriated by the State of Montana out of the General Fund for such institution and all money received from tuitions or any other sources whatever during the two years preceding the 30th day of November.

Such report shall also show all disbursements made out of the funds received from each of the sources mentioned above in this section and the purposes for which each disbursement was made during such two years. Said reports shall also contain a statement showing the amount of money, if any, that will be received from the United States Government for the maintenance and support of the institution for the next ensuing two years, and also an estimate of the amounts of money that will be received for the maintenance of institution from the investment of the permanent fund thereof and from the leasing of lands granted to the institution for the next ensuing two years. Said reports shall be signed and verified under oath by the President of the Executive Board and Treasurer of the institution and filed with the Governor of the State of Montana within ten days from and after November 30th of each even numbered year.

Section 6. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 7. This Act shall be in full force and effect from and after its passage.

Approved March 8, 1909.

Chapter 145.

An Act authorizing and empowering the State Board of Examiners to Issue Bonds Provided for by an Act entitled, "An Act to Authorize the State of Montana to become indebted in excess of One Hundred Thousand (\$100,000.00) Dollars, and to provide for the issuance of bonds in the name of the State for the redemption of bonds heretofore executed and issued by the State Board of Land Commissioners for the use and benefit of various State Educational Institutions; and also to make whole the permanent funds of the various state educational institutions." Approved March 1st, 1907.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The State Board of Examiners of the State of Montana is hereby authorized and empowered to issue bonds provided for by an Act entitled, "An Act to authorize the State of Montana to become indebted in excess of One Hundred Thousand (\$100,000.00) Dollars, and to provide for the issuance of bonds in the name of the State for the redemption of bonds heretofore executed and issued by the State Board of Land Commissioners for the use and benefit of the various State educational institutions; and also to make whole the permanent funds of the various State educational institutions," approved March 1, 1907, to the amount of One Hundred and Fifty-eight Thousand (\$158,000) Dollars in addition to the bonds heretofore issued by the State Board of Examiners under the provisions of said Act, amounting to Three Hundred and Eighty-four Thousand (\$384,000.00) Dollars, making the total amount of bonds issued and to be issued under the provisions of said Act Five Hundred and Forty-two Thousand (\$542,000.00) Dollars.

Section 2. Said bonds shall be issued in denominations of One Thousand (\$1,000.00) Dollars each, and shall bear date January 1, 1910, and become due twenty years from the date of issuance, and be redeemable and payable at the option of the State in ten years from their date, and shall bear interest at the rate of four per cent (4%), per annum,

payable semi-annually on the first days of January and July of each year, at the office of the State Treasurer of the State of Montana.

Section 3. Said bonds shall be conditioned as provided in Section 4 of said Act.

Section 4. It shall be the duty of the State Board of Examiners to give notice by advertising for not less than two insertions in one newspaper published in the City of Helena, Montana, and in one newspaper published in the City of New York, that it will on a date to be stated in such notices, sell the bonds of the State of Montana to the amount of One Hundred and Fifty-eight Thousand (\$158,000.00) Dollars to the person or persons offering the best premium therefor; provided, that the State Board of Land Commissioners shall have the preference right of investing in such State bonds, at par, any moneys belonging to the permanent school fund, permanent University fund, permanent Agricultural College fund, permanent Normal School fund, permanent School of Mines fund, permanent Reform School fund, or the permanent Deaf and Dumb School fund, to the extent of the full amount or any part or portion of such bond issue.

Section 5. The moneys derived from the sale of such State bonds shall be deposited to the credit of the maintenance income funds of the various State educational institutions as follows:

Normal School Maintenance Income Fund.....	\$65,000.00
University Maintenance Income Fund.....	50,000.00
Deaf and Dumb Asylum Maintenance Income Fund	3,000.00
School of Mines Maintenance Income Fund.....	30,000.00
Agricultural College Maintenance Income Fund.....	10,000.00

Section 6. This Act shall be in full force and effect from and after its passage and approval.

Approved March 12, 1909.

LAWS OF 1911.

Chapter 26.

An Act for preventing the manufacture, sale or transportation of adulterated insecticides and fungicides, and for regulating traffic therein and fixing penalties for the violation of this act.

Be it enacted by the Legislative Assembly of the State of Montana:

* * * * *

Section 6. It shall be the duty of the State Entomologist, upon the advice and under the direction of the Director of the Experimental Station, to collect from time to time and deliver to the Director of the Experiment Station specimens of insecticides, Paris Greens, lead arsenates and fungicides in unbroken original packages, manufactured or offered for sale in the State of Montana, for the purpose of determining whether or not such insecticides, Paris Greens, lead arsenate and fungicides are adulterated or misbranded within the meaning of this act.

Section 7. When any citizen of the State has reason to believe that any particular brand or lot of insecticide or Paris Green or lead arsenate, or a fungicide, is adulterated or misbranded within the meaning of this act, he may send or deliver to the State Entomologist an original and unbroken package of the article in question. Upon receipt of such a questionable article it shall be the duty of the State Entomologist to deliver it to the director of the experiment station, who shall examine or cause an investigation to be made and, at his discretion, may cause chemical examinations of such questioned articles as hereinafter provided.

Section 8. Upon the receipt of specimens of insecticides, Paris Greens, lead arsenates and fungicides in unbroken original packages, as hereinbefore provided, the Director of the Experiment Station shall make, or cause to be made, a chemical analysis of such specimens for the purpose of determining whether or not they comply with the requirements of this act; provided, that when the Director has information showing that samples delivered to him for exam-

ination are out of lots of insecticides, Paris Greens, lead arsenates or fungicides that have already been examined a sufficient number of times to indicate whether or not they comply with the requirements of this act, then the Director may refuse to examine such lots and so notify the State Entomologist or citizens of the State.

Section 9. The term "insecticide" as used in this Act shall include any substance or mixture of substances intended to be used for preventing, destroying, repelling or mitigating any insects, mites or ticks which may infest vegetation, man or other animals, or households, or be present in any environment whatsoever. The term "Paris Green" as used in this act shall include the product sold in commerce as Paris Green and chemically known as the acetoarsenite of copper. The term "lead arsenate" as used in this act shall include the product or products derived from arsenic acid ($H^3 As O^4$) by replacing one or more hydrogen atoms by lead. The term "fungicide" as used in this act shall include any substance or mixture of substances intended to be used for preventing, destroying, repelling or mitigating any and all fungi that may infest vegetation or be present in any environment whatsoever.

* * * * *

Section 16. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 17. This act shall take effect and be in force from and after its passage and approval.

Approved Feb. 15th, 1911.

Chapter 31.

An Act to create and establish a Law School at Missoula, to be conducted and operated as a Department of the University of Montana, to Provide a Name and make an appropriation therefor.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. There is hereby created and established in this State and located at the city of Missoula, a Law School, as a department of the University of Montana.

Section 2. That said Law School shall be known and designated as "The Law Department of the University of Montana."

Section 3. The State Board of Education is hereby empowered and given authority to make all necessary rules and regulations with reference to the conduct and management of the said Law School; to map out and provide for the courses of study to be pursued by students attending said Law School; to obtain and provide for necessary quarters, equipment and books therefor, and to retain and hire the necessary professors and instructors to instruct the students therein.

Section 4. The sum of six thousand dollars (\$6,000) is hereby appropriated for the maintenance and conduct of the said Law School to February 28th, 1912, which money shall be used exclusively for the benefit of said Law School.

Section 5. The sum of six thousand dollars (\$6,000) is hereby appropriated for the maintenance and conduct of said Law School to February 28, 1913, which money shall be used exclusively for the benefit of said Law School.

Section 6. This Act shall be in full force and effect from and after its passage and approval by the Governor.
Approved Feb. 17, 1911.

Chapter 44.

An Act to Amend Section 673 of the Revised Codes of the State of Montana 1907 Relating to the Duties of the President of the University of Montana and of changing the Date of Filing Annual Report.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 673 of the Revised Codes of Montana 1907 be, and the same is, hereby amended to read as follows:

Section 673. The President of the University shall be the president of the general faculty, and of the special faculties of the several departments or colleges and the executive head of the institution in all its departments. As such officer he shall have authority, subject to the State Board of Education, to give general direction to the instruction, practical affairs and scientific investigations of the several colleges, and as long as the interests of the institution require it, he shall be charged with the duties of one of the professorships. He shall perform the duties of the corresponding

secretary for the University. He shall, annually, on or before the fifteenth day of June in each year, make a report to the State Board of Education, showing in detail the progress and condition of the University during the previous year, the number of professors and students in the several departments and classes, the nature and results of all important experiments and investigations, and such other matters, relating to the proper government and educational work of the institution as he shall deem useful. It shall also be the duty of said president to furnish any special report when requested to do so by the State Board of Education or by the Legislature.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage.

Approved Feb. 23, 1911.

Chapter 130.

An Act forbidding the manufacture, sale or offering for sale of any adulterated or misbranded foods or drugs, defining foods and drugs, stating wherein adulteration and misbranding of foods and drugs shall consist, and defining the duties of the State Board of Health with relation to food and drugs, their inspection, purity, and misbranding: constituting local and county health officers, local and county food inspectors, regulating the slaughter of animals and their preparation for food, regulating the purity of milk and directing the manner in which same shall be handled, providing for the tuberculin testing of all dairy cattle, requiring all persons conducting any business in which food products are handled to secure a license, without cost, from the State Board of Health, providing for a Chemist to the State Board of Health and appropriating money therefor, authorizing the State Board of Health to make rules and regulations for the enforcement of the provisions of this Act, providing an appropriation for covering the expenses incurred by the State Board of Health in enforcing the provisions of this Act, providing penalties for the violation of the provisions of this Act, and repealing Acts and parts of Acts in conflict herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

* * * * *

Section 13. The Professor of Chemistry at the Montana State Agricultural College shall be the chemist to the State Board of Health, and he shall make all analyses that

may be required by the State Board of Health in the enforcement of the provisions of this Act, and such other analysis as they may require in the enforcement of the laws of the State pertaining to public health matters.

* * * * *

Section 18. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Section 19. This Act shall be in full force and effect from and after January 1, 1912.

Approved March 8, 1911.

Chapter 137.

An Act to provide for the construction of a Biological Station for the use of the Montana State University in Flathead County, Montana, and to appropriate money therefor.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The sum of five thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, for the purpose of constructing a Biological Station on the land now owned by the State University in Flathead County, Montana.

Section 2. Said station shall be constructed under the direction of the officers of said university, in such manner and form as they shall deem best, and all expenditures in connection with such construction shall be approved by the State Board of Examiners.

Section 3. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 4. This Act shall take effect and be in force from and after its passage.

Approved March 10, 1911.

LAWS OF 1913.

Chapter 6.

An Act to encourage the Breeding and Dissemination of Better Farm Animals in the State of Montana, and Providing Penalties for Violating any of its Provisions.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The County Assessor in each county during the odd numbered years shall in the regular routine of his duties, collect the names and addresses of all owners or breeders of pure bred horses, cattle, sheep, swine and poultry in the county, and in each case secure the name of the breed.

Section 2. On or before the first of November, the assessor shall compile the information secured, and deliver same to the Director of the Montana Agricultural Experiment Station, located at Bozeman.

Section 3. Pure bred animals are those recorded in the official books of the various breed associations. A list of these books shall be furnished to the assessor of each county by the Director of the Montana Agricultural Experiment Station, and the assessor shall accept as pure bred, only such breeds as are given in this list as shown by certificates of registration in the possession of the owner.

Section 4. On or before the first day of January of the even numbered years, the Director of the Experiment Station shall prepare for publication and cause to be printed, a bulletin giving the names and addresses of all owners and breeders of pure bred livestock in the State of Montana, as reported the previous year by the county assessors. This bulletin shall be for free distribution in the State of Montana, and on request, to breeders and farmers outside the State.

Section 5. No person or persons, company or corporation, shall sell to another person or persons, any animal with a certificate of registration or breeding that does not belong to said animal, nor change in any way the certificate

of registration of breeding of any animal; nor shall any person change the markings of any animal with the intent to deceive the purchaser.

Section 6. Any person or persons, company or corporation violating Section 5 of this Act shall be punished by a fine of not less than twenty-five (\$25.00) dollars, or more than five hundred (\$500.00) dollars, or by imprisonment of not less than ten (10) days or more than six (6) months, or by both fine and imprisonment.

Section 7. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 8. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved Feb. 6, 1913.

Chapter 12.

An Act to regulate the selling, offering or exposing for sale of agricultural seeds in this state, and providing penalties for the violation thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The term "agricultural seeds" or "agricultural seed" as used in this Act shall include the seeds of red clover, white clover, alsike clover, alfalfa, Kentucky blue grass, timothy, brome grass, orchard grass, redtop, meadow fescue, oat grass, rye grass, and other grasses and forage plants, corn, flax, rape, wheat, oats, barley, rye, buckwheat and other cereals, and when the term "agricultural seeds" or "agricultural seed" is used in this Act it shall be construed to mean such seed when sold or offered or exposed for sale, or had in possession with intent to sell, within this State for the purpose of seeding in this State.

Section 2. The owner or person in possession of each and every package, parcel or lot of agricultural seeds as defined in Section one (1) of this Act which contains one (1) pound or more of such agricultural seeds, whether in package or in bulk, shall affix thereto in a conspicuous place on the exterior of the container of such agricultural seeds, a written or printed label in the English language in legible type or copy not smaller than eight point heavy Gothic caps, such label containing a statement specifying:

1st The commonly accepted name of the kind or kinds of such agricultural seed and the true variety or strain of such seed insofar as such variety or strain is known.

2nd. The approximate percentage of germination of such agricultural seed together with the date of test of germination.

3d. The approximate percentage by weight of each of the following seeds: Quack grass, fan weed or French weed, mustard, wild oats, and dodder if any such are found in such agricultural seed.

4th. The approximate percentage by weight of all other foreign seeds combined in such agricultural seed.

5th. The approximate percentage by weight of sand, dirt, broken or shriveled seeds, sticks, chaff and other inert matter combined in such agricultural seed.

6th. The county in which such seed was grown if grown in this State.

7th. The full name and address of the seedsmen, importer, dealer or agent or of other person or persons, firm or corporation selling, offering or exposing the said agricultural seed for sale.

Section 3. The provisions concerning agricultural seed contained in this Act shall not apply to:

1st. Any person selling agricultural seeds direct to merchants or farmers to be cleaned or graded before being offered for sale for the purpose of seeding and plainly marked on the outside of container, "not clean seed."

2nd. Agricultural seed marked plainly on the outside of container, "Not Clean" and held or sold for export outside of the State only.

Section 4. Any person, firm or corporation who sells, offers or exposes for sale or distribution in this State any agricultural seeds for seeding purposes without complying with the requirements of this Act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than ten dollars (\$10.00) and the costs of such prosecution; nor more than one hundred (\$100.00) dollars and the costs of such prosecution, and upon the second or any subsequent offense shall be fined not less than one hundred (\$100.00) dollars and the costs of prosecution, nor more than five hundred (\$500.00) dollars and the costs of such prosecution.

Section 5. The director of the State Grain and Seed Laboratory of the Montana Agricultural Experiment Station by himself, his agent or agents shall inspect, examine or make analyses of, and test seeds sold, offered or exposed for sale in the State at such time and place and to such an extent as he may determine. The said Director of the State Grain and Seed Laboratory of the Montana Agricultural Experiment Station, or by his agent or agents, shall have free access at all reasonable hours upon and into any premises or structures to make examination of any seeds or on other premises of any warehouse, elevator or railway company, and upon tendering payment thereof, at the current value, may take any sample or samples of such seeds.

Section 6. The Director of the State Grain and Seed Laboratory under the direction of the Director of the Montana Experiment Station, may employ such agent or agents as may be deemed necessary to carry out the provisions of this Act, and the salaries and expenses of such agents shall be paid out of moneys appropriated for the State Grain and Seed Laboratory of the Montana Agricultural Experiment Station.

Section 7. Any citizen of the State of Montana in accordance with the regulations prescribed by the Montana Agricultural Experiment Station, and by prepaying the transportation charges, may send samples or a sample of seed to said Grain Laboratory of the Montana Agricultural Experiment Station for examination, analysis, and tests, and such examinations, analysis or tests shall be reported upon free of charge.

Section 8. The certificate of the Montana Agricultural Experiment Station giving results of any examinations, analysis or tests of any seed samples made under the authority of said Montana Agricultural Experiment Station shall be presumptive evidence of the facts therein stated.

Section 9. When said Montana Agricultural Experiment Station shall find by its examinations, analyses, or tests, that any person, firm or corporation has violated any of the provisions of this Act, it shall transmit the fact so found to the Attorney General or to the County Attorney of the County in which the offense is committed.

Section 10. It shall be the duty of the Attorney General and the County Attorney to prosecute all persons violating any of the provisions of this Act, when evidence thereof has been presented by the Montana Agricultural Experiment Station.

Section 11. All Acts or parts of Acts in conflict with this Act are hereby repealed.

Section 12. This Act shall take effect from January 1st, 1914.

Approved Feb. 10, 1913.

Chapter 17.

An Act to authorize and empower the State of Montana, the University of Montana, the State Normal College, the State Orphans Home, the State School for the Deaf and Blind, the State School of Mines, the State Reform School, the Soldiers Home, the Montana State Tuberculosis Sanitarium, the State Asylum for the Insane, the State Penitentiary, and any and all institutions now created or established or which may hereafter be created or established, supported in whole or in part by the State of Montana for any purpose, to Receive and take property, real or personal, by donation, gift, grant, devise or bequest, for the use and benefit of the State of Montana or of such institutions; and to authorize and permit gifts, grants, donations, bequests, devises, and testamentary dispositions of property to be made to the State of Montana, and to any of said institutions.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the State of Montana, the University of Montana, the State Normal College, the State Orphans' Home, the State School for the Deaf and Blind, the State School of Mines, the State Reform School, the Soldiers' Home, the Montana State Tuberculosis Sanitarium, the State Asylum for the Insane, the State Penitentiary, and any and all institutions now created or established, or which may hereafter be created or established, and supported in whole or in part by the State of Montana for any purpose, are hereby empowered and given the right to accept, receive, take, hold, own and possess gifts, donations, grants, devises or bequests of real or personal property from any source whatsoever; and said gifts, donations, grants, bequests or devises may be made direct to the State of Montana, or in the name of any of said institutions, or to any officer or

board of said institutions, or to any person in trust for said institutions, but in the event the same shall be made direct to any such institution, or to any officer or board of any such institution such gift, donation, grant, devise, or bequest shall be construed as a gift donation, grant, devise, or bequest to the State of Montana and shall be administered and used by the State of Montana for the particular purpose for which the same was given, donated, granted, bequeathed or devised, and in the event no particular purpose is mentioned in such gift, grant, devise or bequest then the same shall be used for the general support, maintenance or improvement of such institution by the State of Montana.

Section 2. That a donation, gift, grant, bequest, devise or testamentary disposition of property, real or personal, may be made by any person over the age of eighteen years of sound mind to the State of Montana, the University of Montana, the State Normal College, the State Orphans' Home, the State School for the Deaf and Blind, the State School of Mines, the State Reform School, the Soldiers' Home, the State Asylum for the Insane, the State Penitentiary, and any and all institutions now created or established, or which may hereafter be created or established, and supported in whole or in part by the State of Montana for any purpose. And any person, corporation or association of persons may make any gift, donation or grant of property, real or personal, to the State of Montana, or to any of the institutions above named or referred to; but in the event any gift, donation, grant, devise or bequest shall be made to any such institution, or to any officer or board of any such institution, the same shall be construed as a gift, donation, grant, devise or bequest to the State of Montana, and shall be administered and used for the State of Montana for the particular purpose for which the same was given, donated, granted, bequeathed or devised, and in the event no particular purpose is mentioned in such gift, grant, devise, or bequest, then the same shall be used for the general support, maintenance or improvement of such institution by the State of Montana.

Section 3. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 4. This Act shall take effect and be in force from and after its passage and approval by the Governor.
Approved Feb. 14, 1913.

Chapter 53.

An Act to permit common carriers to carry free or at reduced rates persons and property in certain cases.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That nothing in provisions of Chapters 4 and 5, Title VIII, of the political code, Revised Statutes of Montana 1907 or in any other provisions of the laws of the State of Montana, shall be construed to prevent, or shall prevent, any person, association, company, or corporation engaged as a common carrier of persons, or property in the State of Montana for carrying, storing or handling property free, or at reduced rates, for the United States, State or municipal governments, or for charitable institutions, or property which is being transported to, or from fairs and expositions for exhibit thereat, or cars used by the government of the United States or State of Montana for the transportation of fish, or for carrying free or at reduced rates agents and employees employed in such transportation and nothing therein contained shall prevent such person, association, company, or corporation from issuing free transportation, or selling tickets at reduced rates to the following classes of persons:

Employees of the issuing road and the members of their families.

Officers and employees of other railroads and the members of their families upon the exchange passes or tickets.

Doctors, nurses and helpers being carried to wrecks.

Soldiers or sailors going to or coming from institutions for their keeping.

Ministers of religion and persons engaged in charitable or religious work, and destitute or homeless persons being transported by charitable societies or at public expense.

Executive, judicial or legislative officers of the State of Montana, including the State game warden and his deputies, the members of the State board of horticulture, members of the faculty of the different educational institutions of the State, officers, trustees or employees of the State Fair,

officers and inspectors of the Livestock and Sheep Commission Boards. Provided, however, that when free transportation, or a ticket at a reduced rate shall be issued to any such officer, State game warden, or deputy, or any member of the said board of horticulture, or any president or member of the faculty of any educational institution that the same shall only be issued upon the application of the Secretary of State, and the said transportation, or ticket, shall be delivered to the Secretary of State for delivery to the person, or persons, applying therefor, and the Secretary of State shall keep record of all transportation, and tickets at reduced rates so received and delivered by him; provided, further, that such State officer, State game warden, and deputies, and members of the State board of horticulture, and the president and faculty of the State educational institutions when traveling upon any free transportation shall not be entitled to charge any mileage against the State, or if traveling upon a ticket sold at reduced fare they shall not be entitled to charge mileage in excess of the cost of said ticket.

Section 2. The carrying free, or at reduced rates, of property or persons in any of the classes above specified, shall be held to be a reasonable classification by railroad companies for such purposes and not to be unjust discrimination, and the carriage and transportation by any railroad company, at free or reduced rates, in any of the cases above specified, shall be held not to be a violation of any of the provisions of the laws of Montana, or subject said railroad company to any penalty therefor.

Section 3. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 4, 1913.

Chapter 61.

An Act to provide for the prevention of the introduction and spread of insect pests and diseases of horticultural and agricultural plants; and providing the penalties for violations of the provisions of this Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Whenever the Governor of the State has good reason to believe that any pest, gypsy moth, brown tail moth, Mediterranean fruit fly, potato wart, potato canker, black scab, potato ellworm, pea weevil, alfalfa weevil, alfalfa blight, flax canker, or flax wilt or other fruit or plant disease or insect pest dangerous or inimical to the horticultural or the agricultural industry exists in certain localities in another State, Territory or country, or that conditions exist that render domestic horticultural stock or agricultural crops or plants likely to become diseased, he must by proclamation designate such localities and prohibit the importation therefrom of any tubers, plants, nursery stock, fruit or seeds or agricultural crops, plants or seeds likely to introduce or spread infection, contagion or insect pests into the State except under such restrictions as he, after consulting with the State Board of Horticulture, the Commissioner of Agriculture or the State Entomologist may deem proper.

Section 2. Whenever the Governor of this State has good reason to believe that any pest, gypsy moth, brown tail moth, potato wart, potato canker, black scab, potato ellworm, pea weevil, alfalfa weevil, alfalfa blight, flax canker or flax wilt or other plant disease or insect pest, dangerous or inimical to the agricultural industry exists within any county or locality within the State, it shall be his duty to prescribe and enforce such rules and regulations as may be necessary to circumscribe, eradicate or control such pests or disease.

Section 3. Any person, firm or corporation who after publication of such proclamation knowingly receives in charge any tubers, plants, nursery stock, fruit, seeds or agricultural crops, plants or seeds from any of the prohibited districts and transports, conveys, sells or uses the same, within the limits of this State, is guilty of a misdemeanor and punishable by a fine of not less than ten (\$10.00) dol-

lars or more than five hundred (\$500.00) dollars, and is further liable for any and all damages and loss that may be sustained by any person by reason of the importation or transportation of such prohibited and diseased tubers, plants, nursery stock, fruits, seeds, or agricultural crops, plants or seeds.

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 5. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 8, 1913.

Chapter 67.

An Act to establish and locate the Northern Montana Agricultural and Manual Training School, and an Agricultural Experimental Sub-Station, in connection therewith; appropriating money to pay the United States Government for the land upon which the same is to be situated, and to start and initiate said institution.

Be it enacted by the Legislative Assembly of the State of Montana:

Preamble: Whereas, there is now pending in the Congress of the United States a certain bill for an Act providing, among other things, that if the State of Montana shall agree to establish and maintain an agricultural, manual training, or other educational or public institution, upon a section of land upon which the buildings at Fort Assiniboine are located, the President of the United States is authorized to grant the lands and buildings to the State on payment of two dollars and fifty cents per acre; and whereas, said buildings alone cost almost one million dollars to erect and construct, and delay would result in their deterioration:

Section 1. The Northern Montana Agricultural and Manual Training School is hereby established, to be located on the Fort Assiniboine military reservation aforesaid. It is hereby declared to be a body politic and corporate with power to sue and be sued, and receive property by gift, purchase, devise or bequest. It has for its object instruction and education in the English language, literature and mathematics, mechanic arts, agricultural chemistry, animal and vegetable anatomy and physiology, and veterinary art,

entomology, geology, and such other natural sciences as may be prescribed by the State Board of Education, political, rural and household economy, agriculture, horticulture, moral philosophy, history, bookkeeping, and especially the application of science and the mechanical arts to practical agriculture in the field, and irrigation and use of water for agricultural purposes, also all that relates to an efficient, modern manual training school.

Section 2. The control and supervision of such school is vested in the State Board of Education which may prescribe all rules and regulations therefor; and which shall take possession and control of the lands and buildings herein mentioned, within ten days after the State of Montana shall become the owner thereof; and proceed to carry out the provisions of this Act so far as it relates to their duties.

Section 3. There is also established and shall be located on the lands and in the buildings aforesaid in connection with such Agricultural School an Agricultural Experimental Substation to aid in acquiring and diffusing among the people of the State of Montana useful and practical information on subjects connected with field agriculture, and to promote scientific investigation and experiments respecting the principles and application of agricultural science, which experimental substation is established and under the direction of the Directors of the Montana Agricultural Experiment Station, located at Bozeman, Montana, and under the general control of the State Board of Education.

Section 4. The State Board of Education is hereby authorized and empowered to accept such gifts of money or other property as may be tendered to aid in repairing such buildings as are now located at Fort Assinniboine, and putting the same in condition to carry out the purposes of this Act and for installing the necessary apparatus to initiate the work of said school.

Section 5. The State Board of Education, by and with the approval of the Governor, shall designate and appoint an executive board, consisting of three members, at least two of whom shall be residents of Hill county, and the principal of the school which executive board shall have the immediate direction and control of the affairs of said school, subject only to the general supervision and control of the

State Board of Education. The members of said executive board shall serve during the term of the State Board of Education, unless sooner removed by the Governor, with or without cause.

Section 6. The executive board is authorized to choose and appoint a principal and faculty of said school, who shall serve for such time and receive such compensation as the executive board may prescribe, subject to the approval of the State Board of Education.

Section 7. The executive board shall appoint a secretary thereof, who may also act as treasurer of said board and who may not be a member thereof, and such secretary and treasurer shall give bond, with good and sufficient surety or sureties, to be approved by the executive board, for the faithful performance of his duties, and for the faithful accounting for and paying over to the State Board of Education, to and for the use of said school, all moneys received by him as treasurer, in such sum as said State Board of Education shall prescribe.

Section 8. The sum of five thousand (\$5,000) dollars, or so much thereof as may be necessary, is hereby appropriated, out of any moneys in the State treasury, not otherwise appropriated, to pay for the lands herein mentioned to the Government of the United States, and the State Auditor is authorized to draw his warrant therefor and the State Treasurer is hereby authorized and directed to pay for said lands, at the rate of two dollars and fifty cents per acre, whenever the President of the United States shall grant the same to the State of Montana in accordance with the Act of Congress hereinbefore referred to, the Governor is hereby directed to accept said lands when granted by the President.

Section 9. The further sum of five thousand (\$5,000) dollars or so much thereof as may be necessary, is hereby appropriated out of any moneys in the State treasury not otherwise appropriated, which money shall be expended under the directions of the State Board of Education for the equipment and maintenance of an Experimental Substation at Fort Assinniboine and to take advantage of the offer of the Government of the United States to donate the buildings thereon to the State of Montana.

Section 10. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 11. This Act shall be in full force and effect on and after the 4th day of July, 1913.

Approved March 8, 1913.

Chapter 76.

An Act to provide for the establishment and maintenance of a general, uniform and thorough system of public free schools; providing who shall be students therein, and prescribing the rights, duties, and obligations of students, and rules for their control and government; to provide for the organization of, and to prescribe the powers and duties of the State Board of Education; to provide for the election and selection of a State Superintendent of Public Instruction, county superintendents, and city superintendents of schools, and to prescribe their powers and duties; to provide for the creation of school districts, and for the election, terms and duties of school officers therein; to provide for the appointment and selection of teachers and prescribe their powers and duties; to provide for teachers' examinations and the granting of certificates to teach in the public schools; to provide for county institutes and summer schools for teachers; to provide for school libraries and a uniform system of text books for the public schools and prescribing the methods of selecting the same; to provide for the organization and maintenance of county and district high schools; to provide a system of taxation and revenue for the support and maintenance of all public schools and prescribing the several purposes for which and the manner in which the same shall be expended; to provide penalties for the violation of school laws, and to codify all laws with reference to public schools in the State of Montana, and to repeal Sections 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038.

1039, 1040, 1041, 1042, 1043, and 1044, of the Revised Codes of the State of Montana, and Chapters 11, 22, 27, 28, 31, 32, 35, 73, 98, of the Laws of 1909; and Chapters 16, 24, 40, 41, 42, 71, 82, 102 and 131 of the Laws of 1911.

Be it enacted by the Legislative Assembly of the State of Montana:

CHAPTER I.

State Board of Education.

100. **Membership.**—The State Board of Education shall consist of eleven members, of which number the Governor, State Superintendent of Public Instruction and Attorney General shall be ex-officio members.

101. **Appointment and Term.**—The Governor shall appoint, by and with the advice and consent of the Senate, the remaining eight members of the board; the term of office for members so appointed upon the Board shall be four (4) years and until their successors are appointed and qualified.

102. **Oaths.**—The persons so appointed as members of the State Board of Education shall before entering upon the duties of their office, take and subscribe the constitutional oath of office prescribed for civil officers, which shall be filed in the office of the Secretary of State.

103. **Officers.**—The Governor shall be the president of said Board, and the Superintendent of Public Instruction shall be the secretary thereof. The State Treasurer shall be the treasurer of the Board.

104. **Quorum.**—A majority of said Board shall constitute a quorum for the transaction of business.

105. **Meetings.**—(See Chapter 196, Laws of 1919.)

106. **Powers and Duties.**—1. To have general control and supervision of the University of Montana, Montana State Normal College, Agricultural College of Montana, State Orphans' Home, Montana School of Mines, Montana School for the Deaf and Blind, and State Reform School.

2. To adopt rules and regulations, not inconsistent with the constitution and the laws of this State, for its own government and proper and necessary for the execution of the powers and duties conferred upon it by law.

3. To provide, subject to the laws of the State, rules and regulations for the government of the affairs of the State educational institutions named in this section.

4. To prescribe standards of promotion to the high school department of all public schools of the State and to accredit such high schools as maintain the standards of work prescribed by the board; provided, that in all examinations which shall be given by this board and shall be conducted by the County Board of Educational Examiners, to determine the scholarship of candidates for promotion to high school, fifty per cent of the credits required shall be based upon the eighth grade work completed in any school of this State and certified to the county superintendent by the principal or teacher of such grade.

5. To grant diplomas to the graduates of all State educational institutions, where diplomas are authorized or now granted, upon recommendation of the faculties thereof, and may confer honorary degrees upon persons, other than graduates, upon the recommendation of the faculty of such institutions.

6. To adopt and use, in the authentication of its acts, an official seal.

7. (See Chapter 196, Laws of 1919.)

8. To keep a record of its proceedings.

9. To make an annual report on or before the first day of January in each year, which may be printed under the direction of the State Board of Examiners.

10. To appoint and commission experienced teachers as instructors in county institutes.

11. To have, when not otherwise provided by law, control of all books, records, buildings, grounds and other property of the institutions and colleges named in this section.

12. To receive from the State Board of Land Commissioners or other boards, or persons, or from the Government of the United States, any and all funds, incomes and other property to which any of said institutions may be entitled and to use and appropriate the same for the specific purpose of the grant or donation, and none other; and to have general control of all receipts and disbursements of any of said institutions.

13. To choose and appoint a president and faculty for each of the various State institutions named herein and to fix their compensation.

14. To confer upon the executive board of each of said institutions such authority relative to the immediate control and management, other than financial, and the selection of the faculty, teachers and employees as may be deemed expedient, and may confer upon the president and faculty such authority relative to the immediate control, and management, other than financial, and the selection of teachers and employees as may by said board be deemed for the best interest of said institutions.

107. Local Executive Boards.

1. **Membership.**—There shall be an executive board, consisting of three members, for each of said institutions, two of whom shall be appointed by the Governor, by and with the advice and consent of the State Board of Education, and the president of such institution shall be ex-officio member of said board. At least two of said members shall reside in the county where such institution is located. Said executive board shall have such immediate direction and control, other than financial, of the affairs of such institution as may be conferred on such board by the State Board of Education, subject always to the supervision and control of said State Board.

2. **Officers.**—The president of the institution shall be the chairman of the board and said board shall elect a secretary who may or may not be a member of said board, and who may also act as treasurer, and the treasurer of said board shall be treasurer of the institution, and such secretary and treasurer shall give bond with good and sufficient surety for the faithful performance of his duties as such, and for the faithful accounting for and paying over to, and for the use of said institution, all moneys received by him as treasurer. Said bond shall run to the State of Montana and shall be in such sum as may be designated by the State Board of Examiners, and when executed shall be approved by said Board of Examiners. The duties of the chairman and secretaries of each of said executive boards shall be those usually performed by such officers, or which may be designated by the State Board of Education or the State Board of Examiners.

3. **Terms of.**—The ex-officio member of each of said executive boards shall hold his office during his continuance as president of such institution, and the two members ap-

pointed by the Governor shall hold office for the term of four years from and after the third Monday in April of the year appointed, unless sooner removed by the Governor or by the State Board of Education. Such members shall qualify by making and filing their oath of office with the State Board of Education.

4. **Meetings of.**—The executive board of each of said institutions shall meet in regular session at least once in each quarter, and monthly, or oftener, if the business of such institutions require it.

5. **Compensation of.**—The members of each of the executive boards, except the chairman, shall receive such compensation for their services as shall be fixed by the State Board of Education, not exceeding the sum of Five (\$5.00) Dollars for each day actually spent in the discharge of their official duties, and not exceeding the sum of One Hundred and Twenty-five (\$125.00) Dollars in any one year for each member, and such members shall also be reimbursed from the amount appropriated by the legislature for the maintenance and support of such institutions, all expenses necessarily incurred by them in the discharge of their official duties as members of said boards.

6. **Powers and Duties.**—Said executive board shall have such immediate direction and control, other than financial, of the affairs of such institution as may be conferred on such board by the State Board of Education, subject always to the supervision and control of said State Board.

Said executive boards shall also have and exercise power and authority in contracting current expenses and in auditing, paying and reporting bills for salaries, or other expenses incurred in connection with such institutions, provided, the board of examiners may not limit the power of the executive board in making expenditures or contracts which in no single instance or for any single purpose does not exceed Two Hundred and Fifty (\$250.00) Dollars.

7. **Reports of.**—Each of such executive boards shall on or before the first Monday in June of each year make a detailed statement and report of all its transactions and of the condition of the institution, including the number of teachers, professors, and employees, with the salary or wages paid to each and a detailed statement of all expenses and

disbursements of such institution, which report shall contain such other information or recommendations as may be required by the State Board of Examiners, or by the State Board of Examiners and the State Board of Education, and the State Board of Education and the State Board of Examiners shall have authority to call for a report and statement from such executive boards at any time such board may deem it advisable. All such reports shall be made in triplicate, one copy shall be retained by such board, one copy shall be filed with the State Board of Education, and one copy with the State Board of Examiners.

8. **Vacancies.**—All vacancies occurring in the membership of any of said executive boards shall be filled by appointment by the Governor, which appointments shall be referred to the State Board of Education at its first meeting thereafter for confirmation.

109. **Treasurer Executive Board Agricultural College.**—The treasurer of the executive board of the Agricultural College of Montana shall have the authority to receive from the treasurer of the State of Montana the cash appropriation received from the United States by authority of the Act of Congress of August 30, 1890, (26 Statutes at Large, page 417), known as the second Morrill Act, and the Act of Congress of March 4, 1907, (Statutes at Large, page 1281,) known as the Nelson amendment. And such cash appropriation shall be expended by the executive board of said Agricultural College, under the general supervision of the State Board of Education, but only for the purpose for which the same is appropriated by Congress.

The treasurer of said executive board of said Agricultural College shall also have the authority to receive all moneys appropriated by the Act of Congress of March 16, 1906. (34 Statutes at Large, page 63), entitled, "An Act to provide for and increase the annual appropriation for agricultural experiment stations, and regulating the expenditures thereof," and such money shall be expended by said executive board under the supervision and direction and control of the State Board of Education in the manner and for the purpose designated in said Act of Congress, and as required by Section 741 of the Revised Codes of Montana of 1907. The Treasurer of the Agricultural College of Montana shall, on or before the first day of September of each year, make

a detailed statement of the amounts received and disbursed under the provisions of the act of Congress of March 30, 1890, and of March 4, 1907, and shall report the same to the Secretary of Agriculture of the United States and to the Secretary of the Interior of the United States, as required by said Acts of Congress, and shall file a duplicate thereof with the State Board of Examiners of the State of Montana on or before the 10th day of September of each year. Said treasurer shall also make a detailed statement of the amounts of money received and disbursed under the act of Congress of March 16, 1906, which reports shall be filed with the State Board of Examiners on or before the 10th day of September of each year, and shall also make such reports to the officers or departments of the United States as are now or may hereafter be required by the laws of the United States.

110. State Board of Examiners.—The State Board of Examiners of the State of Montana shall have supervision and control of all expenditures of all moneys, appropriated or received for the use of said institutions from any and all sources, other than that received under and by virtue of the acts of Congress, hereinbefore referred to, and said State Board of Examiners shall let all contracts, approve all bonds for any and all buildings or improvements, and shall audit all claims to be paid from any moneys, other than that received under and by virtue of the acts of Congress herein referred to, but said State Board of Examiners shall have authority to confer upon the executive boards of such institutions such power and authority in contracting current expenses and in auditing, paying and reporting bills for salaries or other expenses incurred in connection with said institution as may be deemed by said State Board of Examiners to be to the best interest of said institution.

111. Donations, Grants, Gifts.—All donations, grants, gifts or devises made to any of the institutions named herein shall be made to such institution in its legal name, and if made to any officer or boards of such institution the same shall be immediately transferred by such board or officer to such institution.

* * * * *

2207. * * * The following sections of the Revised Codes of the State of Montana, 642, 643, 644, 645, 646, 647,

648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, * * * and Chapters * * * 73, * * * of the Laws of 1909, and Chapters * * * 42, * * * of the Laws of 1911, and all acts heretofore passed amendatory thereof are hereby expressly repealed.

All Acts and parts of Acts in conflict herewith are hereby repealed.

This Act shall take effect and be in full force and effect from and after its passage and approval.

Approved March 12, 1913.

Chapter 92.

An Act to provide that the State University at Missoula, the College of Agriculture and Mechanical Arts at Bozeman, the School of Mines at Butte, and the State Normal School at Dillon, and such Departments of said Institutions as may hereafter be organized, shall constitute the University of Montana; providing for the control, and supervision thereof by the State Board of Education; authorizing said State Board, to employ a Chancellor of the University of Montana; requiring that degrees and diplomas to graduates of the several component Institutions shall run from the University of Montana, and that the State Board of Education, in the exercise of its discretion, shall take such steps and make such rules as may be necessary to prevent unnecessary duplications of courses of instruction in the various Educational Institutions composing said University; to investigate and to make recommendations to the Legislative Assembly with reference to the needs of said Institutions; prescribing a seal for the University of Montana and its Custody, and the affixing of the same to certain documents, degrees, papers and instruments; defining the jurisdiction and authority of the Presidents of the several Institutions composing the University of Montana, and repealing all Acts or parts of Acts in conflict with this Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. From and after the first day of July, 1913, the State University at Missoula, the College of Agriculture and Mechanic Arts at Bozeman, the School of Mines at Butte, and the Normal School at Dillon, and such departments of said institutions as may hereafter be organized, shall constitute the University of Montana, under the name and style of the University of Montana.

Section 2. The control and supervision of the University of Montana, as hereinbefore constituted, is vested in the State Board of Education, which must appoint a presi-

dent and faculty for each of the various State institutions, constituting the University of Montana, as hereinbefore provided, and such other officers, agents and employees for said University of Montana, and for its component State institutions as the State Board may deem necessary, including a Chancellor of the University of Montana, and whose powers and duties shall be such as may be prescribed by the State Board of Education, which shall also prescribe the powers and duties of the presidents, faculty, officers, agents and employees of said institutions, composing said University of Montana, and shall also establish for the government of the University of Montana and for its component institutions, and for the instruction given therein, such rules and regulations, not inconsistent with the laws of the State, as may be necessary for the proper government and control of the University of Montana, and its said component institutions.

Section 3. The State Board of Education shall have power upon the recommendation of the executive board of any of said component institutions, to grant diplomas and to confer the customary degrees on the graduates of all departments of said University, and such degrees and diplomas shall run from the University of Montana, specifying substantially that the graduate has completed the course of study of the University of Montana, at the College of Science, Literature and Liberal Arts, or the Law Department thereof, at Missoula, or the College of Agriculture and Mechanic Arts at Bozeman, or the School of Mines at Butte, or the Normal School at Dillon, as the case may be.

Section 4. It shall be the duty of the State Board of Education, in the exercise of its discretion, in the government and control of said University of Montana and its component institutions, as conferred upon it by the Constitution of the State, to take such steps and prescribe such rules as may be necessary to prevent unnecessary duplications of courses of instruction in the various educational institutions composing the University of Montana; to investigate carefully the needs of each of said institutions with reference to buildings, equipment and instruction; to estimate the necessary appropriations required for such needs and to make recommendations to the Legislative Assembly accordingly.

Section 5. The State Board of Education shall adopt and cause to be prepared a seal for the University of Montana, constituted as herein prescribed, which seal shall contain on the face thereof the words "University of Montana," which words shall be arranged on said seal as the State Board of Education may prescribe. Said seal shall remain in the custody of the Secretary of the State Board of Education, and the same shall be affixed to all diplomas and degrees, and all other papers, instruments and documents executed by the said University of Montana, which from their character or nature may require a seal. If a Chancellor of the said University of Montana shall be selected and employed by the State Board of Education, as herein provided for, such diplomas, degrees, papers, instruments, and documents shall be signed by the Chancellor of the University and attested by the Secretary of the State Board of Education.

Section 6. The presidents of each of the educational institutions constituting the University of Montana, as herein prescribed, in connection with their respective executive boards of the several institutions as now prescribed by law, shall have the immediate direction, management and control of their respective institutions, subject to the general supervision, direction and control of the State Board of Education, as now prescribed by law, and no one of the presidents of any of said institutions shall have any direction, control, management or authority in or over any of said institutions, except his own.

Section 7. Nothing herein contained shall be construed to contravene, abrogate, or conflict with any of the provisions of the Act of the Legislative Assembly of the State of Montana approved March 1st, 1909, being Chapter 73 of the Session Laws of the Eleventh Legislative Assembly* or of the Act of said Assembly approved March 8, 1909, being Chapter 120 of said Session Laws of the Eleventh Legislative Assembly.

Section 8. All Acts or parts of Acts in conflict herewith are hereby repealed.

*Note, however, that Chapter 73 of the Session Laws of the Eleventh Legislative Assembly had already been repealed by Chapter 76 of the Laws of 1913.

Section 9. This Act shall be in full force and effect from and after its passage and approval by the Governor.
Approved March 14, 1913.

Chapter 119.

An Act to establish a state grain laboratory at the Montana Agricultural Experiment Station; and to define the aim and scope of the work to be proposed; and providing for the administration and to make appropriations for the establishment and maintenance thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. **Establishment, Name.**—There is hereby established at the Montana Agricultural Experiment Station, a State grain laboratory for the study of the milling and baking quality of wheat raised in Montana, and for the study of the germinating capacity, quality and purity of field crop seeds grown and sold in the State of Montana, as far as this may be determined. This laboratory shall be known as the Montana Grain Laboratory.

Section 2. **Purpose.**—The purpose of this laboratory shall be to make the studies necessary to establish the grade and quality of the wheat and other grains grown in the State by scientific and accurate tests. To the end that such facts established by scientific experiments, publicly disseminated, may aid the grain growers and dealers in the State to establish the full market value of their products in the markets of the world.

Samples of the different kinds of wheat grown under the various conditions existing in the State of Montana, shall be collected and systematic study shall be made of each of these to determine their milling and baking value. Tests shall also be made of samples which may be sent to the laboratory by growers and dealers in the State of Montana, provided postage and transportation charges are prepaid and the method of taking the samples conforms to the regulations prescribed by the director in charge of the laboratory.

The director in charge of the laboratory shall keep an accurate record of all samples submitted and report the results of all the milling and baking tests which are made in the laboratory to the parties submitting the samples, as

soon as possible after such tests have been completed. The results from all the tests made at the laboratory must be reported in the form of bulletins or pamphlets, whenever the data accumulated shall be sufficient, for such publication.

Section 3. Any citizen of the State of Montana by conforming to the regulations prescribed by the State Grain Laboratory of the Montana Agricultural Experiment Station and by prepaying postage or transportation charges, may send a sample or samples of seed to the State Grain Laboratory of the Montana Agricultural Experiment Station, which shall determine the percentage of germination, quality purity of each sample sent. The results of these determinations shall be reported upon free of charge to the person sending such sample. Such of these tests as are of value to the public shall be reported in bulletin or pamphlet form, at least once a year.

Section 4. **Administration.**—This laboratory shall be under the general supervision of the Director of the Montana Agricultural Experiment Station. It shall be directly in charge of the Agronomist of the Montana Agricultural Experiment Station, who shall be known as the director in charge of the laboratory, in cooperation with the Board of Directors of the Montana Seed Growers' Association shall make such rules and regulations as are necessary to the proper conduct of the laboratory, under the purposes as outlined in Section 2.

Section 5. The director in charge of the laboratory, under the direction of the Director of the Montana Agricultural Experiment Station, shall have authority to employ a competent assistant and such help as is needed to properly carry on the laboratory. They shall have authority to incur expenditures for travel, express, freight, postage, etc., necessary to collect samples for study, and to properly carry on the work of the laboratory.

Section 6. **Foundation, Maintenance.**—There is hereby appropriated out of the moneys in the State Treasury, not otherwise appropriated, the sum of two thousand (\$2,000) dollars for the equipment of a State Grain Laboratory; and for the maintenance of such a laboratory, there is hereby appropriated, the sum of two thousand dollars (\$2,000) for

the year ending March 1, 1914, and two thousand dollars (\$2,000) for the year ending March 1, 1915.

Section 7. Samples of wheat sent in by individuals, when the results from the testing of which no general or market value, shall be charged a fee sufficient to cover the cost of making the test. Fees, so collected, are to be deposited in a fund in charge of the director of the Experiment Station, to be used in support of the laboratory. Any surplus remaining in this fund at the close of the State's biennium, shall be turned over to the State Treasurer and shall revert to the State general fund.

Section 8. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 9. This Act shall be in full force and effect from and after its passage and approval by the Governor.
Approved March 18, 1913.

Chapter 120.

An Act to create the State Board of Entomology. To define its powers and duties and appropriate money therefor.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. There is hereby created the Montana State Board of Entomology, which shall be composed of the State Entomologist, the Secretary of the State Board of Health and the State Veterinarian.

Section 2. The Secretary of the State Board of Health shall be Chairman of said Board and the State Entomologist shall be Secretary.

Section 3. None of the members of said board shall receive any compensation other than that already allowed by law except that the actual expenses of members while engaged in the duties incident to the work of said board shall be paid out of the appropriation made to carry on the work of said board.

Section 4. It shall be the duty of said board to investigate and study the dissemination by insects of diseases among persons and animals, said investigation having for its purpose the eradication and prevention of such diseases.

Section 5. Said board shall take steps to eradicate and prevent the spread of Rocky Mountain tick fever, infantile paralysis and all other infectious or communicable diseases that may be transmitted or carried by insects.

Section 6. Said board shall have authority to make and prescribe rules and regulations including the right of quarantine over persons and animals in any district of infection and shall have the right to designate and prescribe the treatment for domestic animals to prevent the spread of such diseases; but said board shall not have the right to prescribe or regulate the treatment given to any person suffering from any infectious or communicable disease.

Section 7. All rules and regulations of the State Board of Entomology shall be subject to approval by the State Board of Health.

Section 8. The board shall publish in printed form all rules and regulations which shall be adopted by said board for the eradication and control of diseases of any kind and such rules and regulations shall be circulated among the residents of every district affected thereby.

Section 9. Any person who shall violate any of the rules or regulations of the State Board of Entomology shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not in excess of one hundred (\$100.00) dollars, or by imprisonment in the county jail for any period not exceeding thirty (30) days, or by both such fine and imprisonment.

Section 10. There is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated the sum of five thousand (\$5,000.00) dollars, or so much thereof as may be necessary to carry on the work of the State Board of Entomology for the year 1913, and the sum of five thousand (\$5,000.00) dollars, or so much thereof as may be necessary to carry on the work of said board for the year 1914. Said money to be expended under the direction and approval of the State Board of Examiners.

Section 11. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 12. This Act shall take effect from and after its passage and approval.

Approved March 18, 1913.

Chapter 121.

An Act to amend Sections 786, 2196, and 2197 of the Revised Codes of the State of Montana of 1907, as amended by Chapter 76 of the Laws of the Eleventh Legislative Assembly of the State of Montana relating to the investment of the funds of the State Normal School, permanent University fund, permanent Agriculture College fund and permanent School funds:

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 786 of the Revised Codes of the State of Montana of 1907 be and the same is hereby amended so as to read as follows: "Section 786. The State Board of Land Commissioners is hereby authorized and required to invest and keep invested all moneys belonging to the Permanent Normal School Fund in any State, County, City, School District or 'bonds of irrigation districts organized under the laws of this State,' and in any State Capitol Building bonds now issued or which may be hereafter issued and in first mortgages on farm land in this State, as provided in Section 2196 as herein amended, which in its judgment is a safe investment. The Board may make its bids for any State securities in the same manner as private persons, and under no restrictions other than those imposed upon private persons seeking investments herein."

Section 2. That Section 2196 of the Revised Codes of the State of Montana of 1907 be and the same is hereby amended so as to read as follows: "Section 2196. All moneys belonging to the Permanent School and Permanent University Fund must be invested:

First. In bonds of the State of Montana or of the United States.

Second. In interest bearing warrants upon the general fund of the State.

Third. In such bonds of the several counties and cities of the State as the Board deems most safe and secure.

Fourth. In bonds of school districts within the State of Montana; provided, that before any such moneys are so invested, the Board must be satisfied that the outstanding indebtedness of such district does not exceed three per cent upon valuation of the property within it.

Fifth. In any State Capitol Building Bonds of the State of Montana, now issued, or which may be hereafter issued.

Sixth. Bonds of any irrigation district organized under the laws of the State of Montana.

Seventh. In first mortgages on farm lands in the State, not exceeding in amount one-third ($1/3$) of the actual value of any subdivision on which the same may be loaned, such value to be determined by the State Board of Land Commissioners, who may appoint appraisers for said purpose, as in case of appraisement of State lands. The said first mortgages on farm lands, and each of them, shall run for a period of not exceeding ten (10) years and the funds so invested shall draw interest at the rate of six per cent (6%) per annum, said interest together with ten per centum of the whole amount of the principal shall be paid in annual installments, and the interest when paid shall be converted into and become a part of the funds of such institution.

Such first mortgage loans shall only be made upon cultivated lands within the State, the title to which has been adjudicated as in the owner of said lands, and to persons who are actual residents thereof, and in no case on lands of which the appraised value is less than ten (\$10.00) dollars an acre. Any and all of said mortgages which run for a greater period than five (5) years may be satisfied at any time after five years from date thereof, upon the payment of the full amount due. The applicant for the loan upon any farm land shall furnish a complete and satisfactory abstract, at his own expense, of the title of the land, and before any loan is made the Attorney General of Montana shall examine said title, and if he shall find the title resting in said applicant, he shall certify the same to the State Board of Land Commissioners. The cost of appraising such loan shall be estimated by the Board and the amount of said estimate paid by the applicant to the State Board in advance of and before any appraisement of such land shall be made."

Section 3. That Section 2197 of the Revised Codes of the State of Montana of 1907 be and the same is amended so as to read as follows:

"Section 2197. That the State Board of Land Commissioners is hereby authorized and required to invest and keep invested all moneys belonging to the Permanent School Fund, and Permanent Agricultural College Fund in any State, County, City, School District or Irrigation District securities in this State, or in any State Capitol Building Bonds now issued or which may be hereafter issued and in such first mortgages on farm lands in the State, as provided in, and in the manner set forth in Subsection 7, of Section 2196 herein, which in the judgment of the Board are safe investments.

The Board may make its bids for any of said securities in the same manner as private persons and under no restriction other than those imposed upon private persons seeking investment herein."

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved March 18, 1913.

Chapter 131.

An Act to Create and Establish a Forestry School at Missoula, to be conducted and operated as a Department of the University of Montana; to provide a name and to make an appropriation therefor.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. There is hereby created and established in this State and located at the City of Missoula, a Forestry School, as a department of the University of Montana.

Section 2. That said Forestry School shall be known and designated as "The Department of Forestry of the University of Montana."

Section 3. The State Board of Education is hereby empowered and given authority to make all necessary rules and regulations with reference to the conduct and management of the said Forestry School; to map out and provide for the course of study to be pursued by students attending said Forestry School; to obtain and provide for necessary quarters, equipment and books therefor, and to retain and hire the necessary professors and instructors to instruct the students therein.

Section 4. The sum of Six Thousand (\$6,000) Dollars is hereby appropriated for the maintenance and conduct of the said Forestry School to February 28, 1914, which money shall be used exclusively for the benefit of said Forestry School.

Section 5. The sum of Six Thousand (\$6,000) Dollars is hereby appropriated for the maintenance and conduct of said Forestry School to February 28, 1915, which money shall be used exclusively for the benefit of said Forestry School.

Section 6. This Act shall be in full force and effect from and after its passage and approval by the Governor.
Approved March 21, 1913.

LAWS OF 1915.

Chapter 19.

An Act accepting the terms and provisions of the Act of Congress, approved May 8, 1914, relating to cooperative agricultural extension work.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the State of Montana hereby accepts and assents to the terms and provisions of the Act of Congress, approved May 8, 1914, entitled:

“An Act to provide for cooperative agricultural extension work between the agricultural colleges in the several States receiving the benefits of an Act of Congress approved July second, eighteen hundred and sixty-two, and of Act supplementary thereto, and the United States Department of Agriculture.”

Section 2. The President of the Agricultural College of the State of Montana is hereby authorized to enter into all necessary agreements with the Secretary of Agriculture of the United States, relative to the receipt and expenditures of all moneys paid to the State of Montana, or to such Agricultural College under the provisions of said Act, and to receive and expend such money in accordance with the provisions of said Act of Congress, and the agreement so made with said Secretary of Agriculture.

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 4. This Act shall take effect and be in full force from and after its passage and approval.

Approved Feb. 18, 1915.

Chapter 38.

An Act to authorize and direct the Montana State Board of Land Commissioners to purchase certain Lands for the benefit and use of the Agricultural Experiment Station connected with and a department of the Montana Agricultural College at Bozeman, Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the Montana State Board of Land Commissioners are hereby authorized and directed to pur-

chase for the benefit and use of the Agricultural College, at Bozeman, Montana, the following lands situated in Gallatin County, Montana, to-wit: Blocks numbered Six (6), Seven (7), Ten (10), Eleven (11), and Twelve (12) in Capitol Hill Addition to the City of Bozeman, Montana.

Section 2. That the said Montana State Board of Land Commissioners are empowered and directed to use for the payment of the purchase price of the lands described in Section 1 of this bill, not to exceed the sum of Six Thousand and Seven Hundred Dollars (\$6,700.00), out of the proceeds from the sale of lands granted to the State of Montana for the use and support of an Agricultural College in accordance with Section Five (5) of the Act of Congress 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, and by Section Sixteen (16) of an Act of Congress approved February 22, 1889, entitled, "An Act to provide for the division of Dakota into two States and to enable the people of North Dakota, South Dakota, Montana and Washington to form constitutions and to be admitted into the Union on an equal footing with the original States and to make donations of land to such States.

Section 3. That the title to said lands when purchased shall vest in the State of Montana and whenever said lands are sold or otherwise disposed of the proceeds therefrom shall be returned to the permanent fund of the Montana Agricultural College.

Section 4. This Act shall take effect and be in full force after its passage and approval.

Approved Feb. 27, 1915.

Chapter 56.

An Act to appropriate money for the purchase of Anti-Hog Cholera Serum, to be purchased by the Experimental Station of Montana Agricultural College for the purpose of distribution to any person so desiring to purchase the same in the State of Montana for the protection of the hog industry in the State of Montana and directing how same shall be handled.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That \$2,000.00 is hereby appropriated out of the general fund not otherwise appropriated for the purpose of buying anti-hog cholera serum, this money to be known as the Anti-Hog Cholera Serum Fund and to be used by the Experimental Station of Montana Agricultural College for the purpose of purchasing anti-hog cholera serum to be sold to hog growers or any one desiring to use anti-hog cholera serum in the State of Montana, upon request, at a price not to exceed 25% more than cost to State to be determined by the Director of the Experimental Station. All money so collected to be turned into the Anti-Hog Cholera Serum Fund and to be used for the purchase of additional anti-hog cholera serum or virus. The Experimental Station must purchase the efficient and potent serum for the least possible cost and all serum or virus so purchased must be manufactured under a license issued by the United States Bureau of Animal Industry and must conform with all rules and regulations prescribed by the United States Bureau of Animal Industry and the Montana Livestock Sanitary Board.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act to be in force and effect from and after its passage and approval.

Approved March 3, 1915.

LAWS OF 1917.

Chapter 54.

An Act to change the name of the Montana Grain Laboratory, to enlarge the duties of the laboratory and of the director thereof and to make an appropriation for the maintenance of the added duties of the laboratory, and providing for licensing of grain dealers and public warehousemen.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The name of the Montana Grain Laboratory as established at the Montana Agricultural Experiment Station is hereby changed to the Montana Grain Inspection Laboratory.

Section 2. **Purpose.**—In addition to the duties already prescribed by law this Laboratory shall make thorough and complete tests on grain samples sent in by citizens of the State of Montana and collected by the officials of the Laboratory, in order to establish the true grade of such samples and the true amount of dockage contained therein. In the case of wheat samples sent in for grade and dockage tests, the Laboratory shall determine the amount and quality of the gluten present, the percentage of moisture and shall make such other determinations as shall be necessary to accurately show the quality and grade of the grain in sample.

Section 3. **Reports.**—Reports shall be made to those sending samples for grade and dockage determinations as soon as the tests have been completed and the grade and dockage determined. At the close of each Laboratory year there shall be published a report of the work of the year showing the names of persons from whom samples were received, the kind of grain, the results of the tests conducted, and the grade and dockage as established for each sample tested during the year. The report shall contain such other material as the officials of the Montana Grain Inspection Laboratory may deem relevant and important. Copies of this report shall be sent without charge to citizens of the State who may request them.

Section 4. Any citizen of the State of Montana by conforming to the regulations prescribed by the officials of the Montana Grain Inspection Laboratory, by prepaying postage and transportation charges on samples, and by paying any fee which may hereafter be prescribed by the proper authorities, may send grain samples to the Montana Grain Inspection Laboratory. The true grade or the proper amount of dockage as requested by the sender shall be determined and reported to the sender. Whenever the buyer and seller of any lot of grain cannot agree upon the proper grade or dockage of the same, either party may demand that a sample of such grain be sent to the State Grain Inspector. Such sample shall be taken in the presence of both parties in interest and shall be sealed and forwarded in the manner required by the inspector. The grade and dockage fixed by the inspector on such grain shall be binding upon both parties and any balance due either party shall be determined according to the grade and dockage fixed by said inspector. Provided, however, that in the case of a bona fide sale of such lot of grain at a terminal market outside the State, that the grade and dockage fixed at such terminal market shall not be disturbed, and any balance due between the parties shall be determined according to the grade and dockage that shall have been fixed at such sale.

Section 5. The Director of the Montana Grain Inspection Laboratory shall be the State Grain Inspector of Montana. He shall personally or through properly qualified agents or deputies whom he may and is hereby authorized to employ, conduct the tests necessary to properly establish and report the true grade as to quality and dockage on samples of grain received by the Montana Grain Inspection Laboratory. He shall have authority to incur expenditures for laboratory equipment and supplies, salaries of assistants, wages for labor, express, postage, traveling expenses, and other expenses which he may deem necessary in properly carrying on the work of the Laboratory, within the limits of the income provided. The State Grain Inspector as named in this Act shall make, prescribe and announce rules and regulations for the conduct of the Montana Grain Inspection Laboratory. He shall determine the methods which shall be followed in taking the samples when such samples are to represent quantities of grain in bulk. He shall further

prescribe the methods which shall be followed in preparing the samples for shipment to the Laboratory. He shall determine the fees to be charged for tests conducted, and it is hereby specifically provided that in no case shall the fee for complete tests on any individual sample exceed one dollar. The State Grain Inspector named in this Act shall be authorized to make such further rules and regulations for the conduct of the Laboratory as he shall deem necessary from time to time.

Section 6. Establishment of Grades.—The official grain standards of the United States as announced by the Secretary of Agriculture under the United States Grain Standards act for the districts which include Montana shall be recognized as the official grain standards of Montana.

Section 7. Each person, firm, association, or corporation engaged in the business of buying grain for shipment in carload lots, or for milling, shall be required to be licensed by the State, and all such grain buyers shall be classified as follows: those operating warehouses (not public warehouses) to be known as grain dealers, and to be licensed as such; those operating public warehouses to be known as public warehousemen, and to be licensed as such; those operating neither warehouse nor public warehouse to be known as track buyers, and licensed as such.

Section 8. It shall be the duty of the Commissioner of Agriculture and Publicity to issue licenses upon receipt of application in proper form—one grain dealer's license for each warehouse for which application is made; one public warehouseman's license for each public warehouse for which application is made and bond filed, as provided for by law; one track buyer's license upon each application when bond is filed as provided for. All licenses shall give authority to carry on and conduct the businesses of grain dealer, public warehouseman or track buyer—as the case may be—in accordance with the laws of the State, and shall be revocable by the Commissioner of Agriculture and Publicity, after approval of his decision by the Attorney General upon complaint being made in writing, setting forth the particular violation of the law, and upon due notice and hearing and sufficient proof. Violation of this Act, or of the laws of the State, or of the rules and regulations of the department,

will be considered sufficient cause for the revoking of licenses. The Commissioner of Agriculture and Publicity may refuse to issue licenses to any person or concern whose licenses have once been revoked.

Section 9. Foundation Maintenance.—There is hereby appropriated out of the moneys in the State Treasury, not otherwise appropriated, for the establishment and maintenance of the Montana Grain Inspection Laboratory the sum of Two Thousand Five Hundred (\$2,500.00) Dollars for the year ending March first, 1918, and Two Thousand Five Hundred (\$2,500.00) Dollars for the year ending March first, 1919. All fees collected by the Montana Grain Inspection Laboratory for the tests conducted shall be deposited in a fund in charge of the State Grain Inspector as named in this Act to be used in the support of the Laboratory. A full report of the expenditures of the Laboratory with a statement of the source of the income, whether from State appropriations or from fees collected, shall be made a part of the annual report. Any surplus remaining at the close of the State's biennium shall be turned over to the State Treasurer and shall revert to the general fund of the State.

Section 10. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 11. This Act shall be in full force and effect from and after its passage and approval by the Governor.
Approved Feb. 22, 1917.

Chapter 102.

An Act to Accept the Terms and Provisions of the Federal Act Giving Aid to the Several States for Vocational Education, and to Authorize the State Board of Education to Establish Vocational Education in the Public Elementary Schools and Public High Schools of the State; to Provide for the Training of Teachers of Vocational Subjects, Designating the State Treasurer as Custodian for Vocational Education with Authority to Accept and Disburse Money Received From the Federal Government for such Vocational Education and the Training of Teachers and Appropriating Money to Meet Appropriations Made by the Federal Government for Such Purposes.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the State of Montana hereby accepts and assents to the terms and provisions of the Act of Congress entitled:

"An Act to provide for the promotion of vocational education; to provide for cooperation with the States in the promotion of such education in agriculture and the trades and industries; to provide for cooperation with the States in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditures."

Section 2. The State Board of Education shall have authority to co-operate with district and county school boards in the establishment and maintenance in the public elementary schools and public high schools of the State, courses for vocational training in agriculture, trades and industries, home economics and commercial subjects.

Section 3. The State Board of Education shall have authority to adopt rules and regulations governing such vocational courses, including the right to fix the qualifications of instructors and the courses of study to be followed in such schools. Such rules and regulations and all courses of study shall conform to any requirements of the Federal Board for Vocational Education.

Section 4. The State Board of Education shall apportion the money appropriated under this Act, and any money received for vocational education from the Federal Government under the Act of 1917 to the public elementary and public high schools of the State in which have been established and maintained courses for vocational training as provided in Section 2 of this act, provided, however, that no apportionment shall be made to any school unless the work of such school and the instructors employed therein shall have been approved by the State Board of Education. Money received from the Federal Government for the training of teachers, supervisors and directors of vocational subjects, together with an equal amount out of the money appropriated by this Act shall be apportioned by the State Board of Education to the several institutions in which the training of vocational teachers is carried on under the direction of the State Board of Education.

Section 5. The State Treasurer is hereby designated as the "Custodian for Vocational Education," and under the direction of the State Board of Education, he shall disburse all money appropriated under this Act, and all money received by the State of Montana for vocational education from the Federal Government.

Section 6. There is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, the sum of Fifteen Thousand Dollars (\$15,000) for the year ending February 28, 1918, and there is hereby appropriated the sum of Fifteen Thousand Dollars (\$15,000) for the year ending February 28, 1919, the same to be expended for vocational education under the direction of the State Board of Education as provided in this Act.

Section 7. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 5, 1917.

Chapter 114.

An Act to Provide Normal Training Courses and Junior College Courses in High Schools; providing that Such High Schools Shall be Free to all Children of the respective Counties, Fixing Requirements Upon Which Teachers' Certificates May be Issued After July First, 1920, and Providing that Certain Expenditures for Such purposes Shall First be Submitted to a Vote of the Qualified Electors.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Any accredited high school in the State, approved as hereinafter provided, may establish Normal Training Courses for rural school teachers, or Junior College Courses, or both.

Section 2. The State Superintendent of Public Instruction shall outline the work to be followed in such Normal Training Courses, which shall include during the eleventh and twelfth grades, not less than nine weeks of review in each of the common branches, including reading, arithmetic, grammar, and geography, and not less than one-half year of general agriculture, one year of domestic science for girls, and one year of manual training for boys, and not less than one-half year in pedagogy and practice teaching.

Section 3. All instructors employed in Normal Training work shall be approved by the State Superintendent of Public Instruction, and such instructors in domestic science, agriculture, and manual training shall have had special training in such work.

Section 4. A normal training library of not less than fifty books approved by the State Superintendent of Public

Instruction shall be maintained by each high school for the use of normal classes.

Section 5. The State Superintendent of Public Instruction shall prescribe all necessary rules and regulations for such normal training work, and the County Superintendent of Schools shall visit such classes and shall report to the State Superintendent upon blanks furnished by the department, and in reporting upon such classes, only those students shall be counted as normal training students who have completed the tenth grade in high school.

Section 6. The Junior College Courses established in any high school shall conform to such requirements and regulations as may be prescribed by the Chancellor of the University of Montana.

Section 7. In any county where such Junior College courses or Normal Training courses shall be maintained in any high school, all students belonging in the county shall have the right to attend any such high school free of cost to such student.

Section 8. After July first, 1920, no person shall be given a regular certificate to teach, who has not had at least twelve weeks of Normal Training work.

Section 9. None of the common school funds shall be used in any county to carry out the purpose of this Act, without first submitting such proposed expenditure to a vote of the qualified electors affected thereby.

Section 10. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Approved March 3, 1917.

Chapter 123.

An Act to Equalize the Opportunity for Higher Education to the Youth of the State by Authorizing the payment of Traveling Fare of Students Attending the Institutions of the University of Montana, and Making an Appropriation Therefor.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the State Board of Education, subject to such rules and regulations as said Board may hereafter adopt thereon, is authorized to provide for the refund of the

amount of necessary fare, less five (\$5.00) dollars, paid by any student in regular attendance at any of the institutions of the University of Montana for traveling once each year from his place of residence in the State of Montana, by the most direct route of travel, to the said institution and return.

Section 2. That the sum of ten thousand (\$10,000.00) dollars or so much thereof as may be necessary, be and the same is hereby appropriated out of any funds in the Treasury of the State of Montana not otherwise appropriated to carry out the provisions of this Act for the period March 1st, 1917, to February 28, 1919.

Section 3. That this Act shall be in full force and effect on and after March 1, 1917.

Approved March 7th, 1917.

Chapter 173.

An Act to Establish and Create a General Fish and Game Law for the State of Montana; to Codify and Arrange all of Said Laws Now in Force Relating to Fish and Game Which are not Repealed or Amended Hereby and Re-enacting Such Laws as are not in Conflict Herewith, to Amend an Act Approved March 9th, 1909, relating to Hunting and Fishing Licenses; and Repealing Chapter 81, of the Laws of 1909, Relating to the Killing of Certain Animals; to Amend an Act Approved February 25th, 1915, Relating to Licenses and the Time for the Expiration Thereof, and Also to Amend an Act Approved March 13th, 1913, Relating to Game Fish, Known as Chapter 79 of the Laws of 1913; to Amend an Act Approved March 15th, 1913, Authorizing the Sale of Game and Game Birds, Known as Chapter 100, of the Laws of 1913; and Also to Amend an Act Approved March 3rd, 1915, Concerning Fish Nets, Known as Chapter 60 of the Laws of 1915; to Amend an Act Approved March 5th, 1915, Known as Chapter 76 of the Laws of 1915, Relating to Elk, Rocky Mountain Sheep and Goats; to Amend an Act Approved March 8th, 1915 and Known as Chapter 107 of the Laws of 1915, Relating to Fish and Game; to Amend a Law Approved March 8th, 1915, Known as Chapter 98, of the Laws of 1915, Relating to a Closed Season for All Game, to Amend a Law Approved March 8th, 1915, Known as Chapter 109 of the Laws of 1915, Relating to the use of Explosives or Poisons for the purpose of Catching Fish, to Amend an Act Approved March 9th, 1915, Known as Chapter 138 of the Laws of 1915, Relating to the Payment of Costs in the Prosecution of Criminal Cases Under the Game and Fish Laws; and Also for the Purpose of Amending and Re-enacting so Much of the Game and Fish Laws Found in the Revised Codes of Montana.

1907, as May be Found in Sections 8786 and 8789 Inclusive; to Enact a Law Relating to the Trapping of Beaver; Relating to the Appointment of Deputy Game Wardens Under Civil Service Rules, Relating to the Installation of Fish Wheels in Ditches at the Expense of the State, Relating to the Killing and Trapping of Bear and to Provide a Closed Season Therefor, to Establish a Closed Season on Grouse, Prairie Chicken, Sage Hens, Fool Hens, Pheasants or Partridges. To Establish and Provide for the Management of Fish and Game Preserves in the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

* * * * *

All citizens of the United States, who have lived in Montana for six months, all officers and soldiers of the United States army, and all students at any institution of learning within the State of Montana, shall be deemed resident citizens for the purpose of this Act, as well as all Forest Rangers and officers of the Forestry Department of the United States.

* * * * *

8. * * * It shall be unlawful for any person to kill, shoot, capture or destroy, or in any way injure any bird or animal on the University of Montana Biological Reserve located on the east shore of Flathead Lake, or to interfere with their eggs or their young, or their nests, or to shoot at, wound, or kill any bird or animal within four hundred yards of said University of Montana Biological Reserve, or to discharge any firearms on said reserve or within four hundred (400) yards thereof.

9. * * * Provided, however, that nothing in this Act shall prevent any authorized official from the University of Montana from taking, capturing or killing any birds in said reserves for scientific purposes only.

* * * * *

Approved March 15, 1917.

Chapter 176.

An Act to Appropriate Money to Establish and Maintain Normal Training Courses in High Schools; to Provide for the Apportionment of Said Money and to Authorize the Issuance of Teachers' Certificates to Graduates of Such Normal Training Courses in High Schools.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. There is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, the sum of Twelve Thousand (\$12,000) Dollars, for the year ending March 1st, 1918, and there is hereby appropriated the sum of Sixteen Thousand (\$16,000) Dollars, for the year ending March 1st, 1919, the same to be paid by the State Treasurer, under the direction of the State Superintendent of Public Instruction to accredited High Schools for establishing Normal Training Courses in such High Schools. Such payments to be made to only one High School in each county, the same to be designated by the State Superintendent of Public Instruction. In designating such school, the State Superintendent shall select the High School having the largest enrollment and best equipment in the county.

Section 2. When any accredited High School in the State, with the approval of the State Superintendent of Public Instruction and the Chancellor, shall have established Normal Training Courses in such High School, and such course or courses shall have been maintained for a period of six months or more, the State Superintendent of Public Instruction is authorized to apportion to such High School, out of the funds appropriated in this Act, one-half of the amount paid in salaries by such High School for such Normal Training Courses, provided, however, that allowance shall only be made for the time actually devoted to instruction in such courses by the teachers engaged therein, and that after the first half-year, no allowance shall be made to any High School for salary paid to any instructor, unless one-half or more of the time of such instructor shall have been spent in Normal Training work, as shown by previous reports made to the State Superintendent of Public Instruction by the County Superintendent of Schools.

Section 3. The State Treasurer shall pay to the several County Treasurers for the credit of the respective High Schools, the sums apportioned to such High Schools under this Act, provided, however, that no payments shall be made under this Act to any High School which does not comply with the provisions of Senate Bill No. 189 of the Acts of the Fifteenth Legislative Assembly, relating to Normal Training courses in High Schools.

Section 4. The State Superintendent of Public Instruction may authorize the issuance of Teachers' Second Grade Certificates, good for a period not exceeding two years, to pupils graduating from such Normal Training course in High Schools.

Section 5. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 5th, 1917.

LAWS OF 1919.

Chapter 13.

An Act to amend Section 1 of Chapter 109 of Montana Session Laws of 1913, as Amended by Chapter 54 of the Montana Session Laws of 1915, Relating to Authorizing the Board of County Commissioners in Each County to Appropriate Money out of the General Fund of the County Treasury and to Authorizing said Board of County Commissioners to make a Special Levy for the Purpose of Carrying on Work in Agriculture and Home Economics in cooperation with the Montana State College of Agriculture and Mechanic Arts and the United States Department of Agriculture.

Be It Enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1 of Chapter 109 of the laws of 1913, as amended by Chapter 54 of the Session Laws of 1915, be, and the same is hereby amended so as to read as follows:

"Section 1. The County Commissioners of any county in the State of Montana may appropriate money from the general funds of the county treasury, or from funds provided by special levy, which the said County Commissioners are hereby authorized to make at the same time as other levies for county purposes, for the purpose of carrying on extension work in agriculture and home economics within the said county in co-operation with the Montana State College of Agriculture and Mechanic Arts and the United States Department of Agriculture. The amount of such appropriation in any county, its method of expenditure, the responsibility for the direction of the work, and the procedure of appointing agents, the compensation and conditions of service of such agents, shall be covered in memoranda of agreements between the County Commissioners, the County Farm Bureau and the Montana State College of Agriculture and Mechanic Arts."

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved Feb. 13, 1919.

Chapter 14.

An Act to Authorize the Incorporation of County Farm Bureaus, Providing for the Filing of the Certificates of Incorporation Thereof Without the Payment of any Fees other than the Legal Certificate Fees.

Be It Enacted by the Legislative Assembly of the State of Montana:

Section 1. **Corporation may be organized as County Farm Bureaus.** A corporation to be known as the County Farm Bureau may be organized in any county to develop and to carry out a county program of work, in co-operation with the Board of County Commissioners of said county, the Montana State College of Agriculture and Mechanic Arts of the University of Montana, and the United States Department of Agriculture, for the advancement of agriculture and home economics, the promotion of better understanding between the citizenship of town and country, and the development of a wholesome community life.

Section 2. Such corporation shall be incorporated in the manner and under the provisions of law applicable to the corporations specified and authorized to be organized under the provisions of Chapter 2, Division 1, Part 4, Sections 4224-4229, of the Revised Codes of 1907.

Section 3. **Certificate fee only to be paid.** No other fee than the usual certificate fee shall be required to be paid to any county or state officer for filing of such articles of incorporation.

Section 4. This Act shall be in full force and effect from and after its passage and approval.

Approved Feb. 13, 1919.

Chapter 72.

AN ACT to Regulate the Practice of the Profession of Public Accounting and Repealing Chapter 39, Acts of the Eleventh Legislative Assembly of the State of Montana, Entitled "An Act to Regulate the Practice of the Profession of Public Accountancy."

Be It Enacted by the Legislative Assembly of the State of Montana:

Section 1. The State University of Montana (hereinafter referred to as the University) is hereby authorized to issue to persons possessing the qualifications hereinafter

set forth certificates entitling the holders thereof to practice as public expert accountants, and to employ the title of Certified Public Accountant or the abbreviation "C. P. A." Every applicant for such certificate shall be a citizen of the United States of America, of the age of twenty-one years, of good moral character, a graduate of a high school with a four years' course or possessed of an equivalent education, a resident of the State of Montana for at least one year immediately preceding the date of his application, and shall have had at least one year's practical experience in the office of a practicing Public Accountant. Save as provided in Section 2 of this Act, certificates shall issue only to applicants who shall be certified to the University by its Board of Examiners in Accountancy, hereinafter provided for, as having successfully passed a written examination in "Theory of Accounts," "Practical Accounting," "Auditing," and "Commercial Law" as affecting accountancy, together with such other related subjects as the University may designate.

Section 2. The University may waive the examination and the requirement of one year's practical experience in the office of a practicing Public Accountant provided for in Section 1 of this Act, and may issue a certificate in such form as to clearly indicate the conditions under which same be issued to any applicant who is possessed of the other qualifications hereinbefore recited and who shall be:

(1) The holder of a valid certificate as Certified Public Accountant issued by another state which extends like privileges to Certified Public Accountants of this state; provided, that the requirements for said certificate in said other state are, in the opinion of the University, equivalent to those of the State of Montana; or

(2) A member or associate in good standing of the American Institute of Accountants, who shall have successfully passed the examinations required by the said American Institute of Accountants, provided that in the opinion of the University the standards of said examination are high as those maintained by the University; or

(3) Engaged in the business of public accounting or auditing, and who shall have been so engaged exclusively and continuously, in an office maintained for that purpose

solely, for at least two years preceding the date of his application for said certificate, and who shall apply in writing to the University for said certificate within sixty days from and after the date of passage and approval of this Act, and shall present evidence of his qualifications as provided in this Act, satisfactory to the University before a certificate as a Certified Public Accountant shall issue.

Section 3. No certificate shall be issued under this Act to any person who shall have been barred from practicing as a Certified Public Accountant in any other state.

Section 4. For the purpose of determining the qualifications of persons applying for examination under the provisions of Section 1 of this Act, the Chancellor of the University of Montana, with the approval of the State Board of Education, shall appoint a Board of Examiners in Accountancy, consisting of three members, each of whom shall possess a certificate as Certified Public Accountant issued under this Act or under the provisions of Chapter 39 of the Laws of the Eleventh Legislative Assembly.

The members of the first Board appointed hereunder shall hold their offices until July 1st, 1920. The members of Boards subsequently appointed shall hold their offices for the period of one year, and until their successors shall be appointed and qualified.

The University shall prescribe all useful and necessary rules and regulations for the conduct, character and scope of the examinations, the methods and time of filing applications therefor, and all other rules and regulations necessary or proper fully to carry into effect the purposes of this Act.

Section 5. The Board of Examiners in Accountancy shall hold examinations at the University of Missoula, Montana, or at the State Capitol in Helena, Montana, as often as in the opinion of the University shall be necessary, but in no event less frequently than once each year. Thirty days' notice of the time and place of holding such examinations shall be given by advertisement published once a week for three successive weeks prior to the date thereof, in three daily newspapers, no two of which shall be published in the same county.

Section 6. The University shall be entitled to receive for the examination and certificate provided for in Section 1 of this Act a fee of twenty-five dollars, payable in advance at the time of making application therefor. Any applicant who shall fail to pass an examination shall be entitled to a second examination without the payment of further fee.

Section 7. The members of the Board of Examiners in Accountancy shall receive their actual traveling and hotel expenses incurred while engaged in the performance of their duties as imposed upon them by this Act, but shall receive no other compensation. Such expenses, together with the expenses of preparing and issuing certificates, publishing notices of examinations and all other expenses arising from the administration of this Act shall be paid by the University from the fees received from applicants. In no event shall any expenses arising from the administration of this Act become a charge against the funds of the University or the State of Montana.

Section 8. The University may cancel any certificate issued under the provisions of this Act for unprofessional conduct or other sufficient cause; provided, that written notice shall have been forwarded by registered mail at least twenty days prior to any hearing thereon, addressed to the holder of such certificate at his last known address, and appointing a date for a full hearing thereon by the University; and provided further, that no certificate shall be revoked until after a hearing shall have been had. The University shall establish such rules and regulations for the conduct of such hearings as to it may appear necessary and proper, and in its discretion may appoint a commission of disinterested persons to take evidence and prepare and submit findings and recommendations.

Section 9. Any person practicing as an accountant or auditor in this state who, because of negligence, gross inefficiency or wilfulness, shall issue, or permit the issuance of any false statement, or who, because of negligence, gross inefficiency or wilfulness, shall sign or certify to any false statement of the financial transactions, standing or condition of any corporation, partnership or individual business undertaking shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not

less than five hundred dollars nor more than two thousand dollars, or imprisoned for a period of not less than ninety days nor more than one year, or subjected to both said fine and imprisonment, in the discretion of the court.

Section 10. Any person who shall represent himself as having received a certificate as provided in this Act, or under the provisions of Chapter 39 of the Laws of the Eleventh Legislative Assembly, or who shall offer or attempt to practice as a Certified Public Accountant or Chartered Accountant, or who shall employ the abbreviation "C. P. A." or "C. A.," or any similar words or letters, to indicate that he is a Certified Public Accountant or Chartered Accountant, without having been granted a certificate as such by the University or under the laws of another state; or who, having received a certificate as Certified Public Accountant under the laws of this or another state shall have lost the same by revocation or annulment, and who shall continue to practice as a Certified Public Accountant, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than two hundred and fifty dollars nor more than one thousand dollars, or imprisoned for a period of not less than ninety days nor more than one year, or subjected to both said fine and imprisonment, in the discretion of the court.

Section 11. Chapter 39 of the Laws of the Eleventh Legislative Assembly of the State of Montana, and all other Acts or parts of Acts in conflict herewith are hereby repealed. Provided, however, that nothing in this Act contained shall nullify, invalidate, or otherwise affect any certificate as Certified Public Accountant heretofore issued by the University under the provisions of Chapter 39 of the Laws of the Eleventh Legislative Assembly.

Section 12. This Act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1919.

Chapter 161.

An Act Establishing the Montana State Bureau of Mines and Metallurgy, providing for its Organization and Management, and Appropriating Money for Maintenance thereof.

Be It Enacted by the Legislative Assembly of the State of Montana:

Section 1. There is hereby established in the Montana State School of Mines a department to be known as the Montana State Bureau of Mines and Metallurgy, which shall be under the direction of the State Board of Education.

Section 2. The State Board of Education shall have power and it shall be its duty to appoint a qualified mining engineer as the director of the said bureau, and to appoint such assistants and employes as may be necessary, and to fix the compensation of all persons connected with the said bureau.

Section 3. The bureau shall have for its object and duties the following:

1. To collect, to compile, and to publish statistics relative to Montana geology, mining, milling and metallurgy.

2. To collect typical geological and mineral specimens and samples of products; to collect photographs, models, and drawings of appliances used in the mines, mills, and smelters of Montana.

3. To collect a library and a bibliography of literature pertaining to or useful for the progress of geology, mining, milling, and smelting in Montana.

4. To study the geological formations of the state with special reference to their economic mineral resources, both metallic and non-metallic.

5. To examine the topography and physical features of the state with reference to their practical bearing upon the occupation of the people.

6. To study the mining, milling, and smelting operations carried on in the state, with special reference to their improvement.

7. To prepare and to publish bulletins, and reports, with necessary illustrations and maps, which shall embrace both a general and a detailed description of the natural resources and geology, mines, mills, and reduction plants of the state.

8. To make qualitative examinations of rocks and mineral samples.

9. To consider such other scientific and economic problems as in the judgment of the State Board of Education are of value to the people of the state.

10. To communicate special information on Montana geology, mining, and metallurgy.

11. To cooperate with the other departments of the University of Montana, with the State Mine Inspector, and with other departments of the State Government as may be mutually beneficial; and to cooperate with the United State Geological Survey and with the United States Bureau of Mines, in accordance with the regulations of those institutions.

Section 4. The State Board of Education shall cause to be prepared a report to the Legislative Assembly before each regular session thereof, showing the progress and condition of the bureau, together with such other information as may be deemed necessary or as the Legislative Assembly may require.

Section 5. The regular and special reports of the bureau, with proper illustrations and maps, shall be printed and distributed as the State Board of Education may direct, and as the interests of the State and of science and industry may demand.

Section 6. All materials collected, after having served the purposes of the bureau, shall be deposited either in the state museums or in the collections of the State School of Mines, and duplicates of representative material shall be distributed to the various educational institutions of the state in such a manner as to be of the greatest advantage to the educational interests of the state.

Section 7. The director of the bureau and his assistants shall take an oath to perform all the services required of them under this Act and to guard carefully all confidential information accumulated in the progress of their work; to refrain from any pecuniary speculation or remunerative private work based upon any knowledge of a commercial or economic nature acquired in the pursuit of their duties until said knowledge or information shall have been fully published and submitted to the people of the state; and

to turn in to the bureau as state property, all correspondence, notes, illustrations, and data of any kind accumulated by them in performing the work of the bureau.

Section 8. To carry out the provisions of this Act there is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of ten thousand dollars for the year ending February 29, 1920, and the sum of ten thousand dollars for the year ending February 28, 1921.

Section 9. This Act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1919.

Chapter 162.

An Act Providing for the Free Education of Inmates of the State Orphans' Home and Defining the Powers of the Executive Board of said Home in Connection with such Education.

Be It Enacted by the Legislative Assembly of the State of Montana:

Section 1. That the local executive board of the Montana State Orphans' Home is hereby authorized in its discretion to provide free education at the expense of the State Orphans' Home for any orphan, foundling or destitute child who now is or may hereafter be admitted to said Orphans' Home, subject however, to the terms of this Act.

Section 2. Any inmate of the Montana State Orphans' Home who, while in said home, shall have completed the course of study there given, and shall have shown evidence of studious and industrious habits, shall be entitled upon recommendation of the local executive board of said Orphans' Home to receive free education at the expense of the state for a period of four years at either the University of Montana, the Montana State Normal College, the Agricultural College of Montana, or the Montana School of Mines, and shall likewise be entitled to receive at the expense of the state the necessary high school or other training if any be needed, to enable such student to enter any of the institutions of higher learning herein mentioned.

Section 3. The State Orphans' Home of the State of Montana shall bear the expense of the education herein pro-

vided for, and all bills for the same shall be presented and paid in the same manner as are other expenses incurred by said State Orphans' Home. The expense which said State Orphans' Home shall pay for each student shall consist of the actual necessary cost of transportation, board and room, clothing, books, stationery and tuition, and shall not exceed in all the sum of Four Hundred (\$400.00) Dollars per year for each student.

Section 4. It shall be the duty of the local executive board of the State Orphans' Home to keep a record of the habits and scholarship of all inmates of the State Orphans' Home, and said board shall annually, on or before the first day of August of each year, certify to the State Board of Education the names of all inmates of said Home designated by said local executive board as eligible to the free education provided for in this Act. Said local executive board shall fairly and impartially select from said State Orphans' Home all the inmates thereof who shall have proved themselves eligible to the free education provided for by this Act, and such persons when so selected and designated by said local executive board, shall be entitled to the free education provided for in this Act.

Section 5. The local executive board of the State Orphans' Home shall designate the particular educational institution to which each student shall be sent, including the designation of the high school or other preparatory institution in which said student shall receive the necessary preliminary training; provided, however, that in all cases the inmate of the Orphans' Home must first complete the course of study there given, and must, so far as is possible, fit himself while at said Home for entrance to said higher educational institutions.

Section 6. Any inmate of the State Orphans' Home while attending high school, college or any other institution provided for in this Act, shall remain subject to the control of the executive board of the State Orphans' Home, and said board shall have the authority to discontinue the free education of any student whenever, in the judgment of said executive board, the character, habits or scholarship of said student are such that said student no longer merits the benefits of this Act.

Section 7. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 8. This Act shall be in full force and effect upon its passage and approval.

Approved, March 7, 1919.

Chapter 192.

An Act to Accept the Terms and Provisions of the Federal Act Giving Aid to the Several States for Vocational Education and to Authorize the State to Provide for an Advisory Board and Board of Education to Establish Vocational Education in the Public Elementary Schools and Public High Schools of the State; to Provide for the Training of Teachers of Vocational Subjects, Designating the State Treasurer as Custodian for Vocational Education with Authority to Accept and Disburse Money Received from the Federal Government for such Vocational Education and the Training of Teachers, and Appropriating Money to Meet Appropriations Made by the Federal Government for such Purposes, and to Provide the State Board of Education with Funds for Administration.

Be It Enacted by the Legislative Assembly of the State of Montana:

Section 1. That the State of Montana hereby re-affirms the acceptance and assents to the terms and provisions of the Act of Congress entitled:

“An Act to provide for the promotion of vocational education; to provide for cooperation with the States in the promotion of such education in agriculture and the trades and industries; to provide for cooperation with the States in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditures”, as enacted into law by the Legislative Assembly of Montana in Chapter 102, Session Laws of 1917.

Section 2. The State Board of Education shall have authority to cooperate with school district and county school boards in the establishment and maintenance in the public elementary schools and public high schools of the State, courses for vocational training in agriculture, trades and industries and home economics.

Section 3. The State Board of Education shall have authority to adopt rules and regulations governing such vocational courses, including the right to fix the qualifications of instructors and the courses of study to be followed

in such schools. Such rules and regulations and all courses of study shall conform to any requirements of the Federal Board of Vocational Education.

Section 4. The Superintendent of Public Instruction shall serve as executive officer of the State Board of Education in the administration of said Federal Act and this act for the State of Montana, shall designate, by and with the advice and consent of the State Board of Education, such assistants as may be necessary to carry out properly the provisions of this Act, shall carry into effect such rules and regulations as the State Board of Education may adopt concerning the promotion of vocational education, and shall prepare such reports concerning the conditions of vocational education in the state as the State Board of Education may require. The Superintendent of Public Instruction shall keep all records of the State Board of Education which pertain to vocational education in his office in the capitol of the State.

Section 5. The State Board of Education shall annually appoint an advisory committee consisting of five citizens. One of the members of this committee shall be a representative of the manufacturing and commercial interests, one a representative of the agricultural interests, one a representative of skilled labor, one a representative of home making interests, and the State Superintendent of Public Instruction or a person designated by him. This advisory committee shall meet not less than three times a year upon the call of the State Superintendent of Public Instruction. The advisory committee shall have power to call to the attention of the State Board of Education such matters concerning vocational education as in its judgment should receive consideration by the State Board of Education; it shall also present to the State Board of Education its recommendations concerning the plan proposed for adoption by the State Board of Education for the cooperation of the State of Montana with the Federal government for the promotion of vocational education and its recommendations concerning any proposed changes in legislation affecting vocational education in the State of Montana; and its recommendations concerning any proposed publications or principles and policies by the State Board of Education in so far as they concern

vocational education. The members of this advisory committee shall be entitled to actual expenses in attending such meetings; such expenses to be paid from funds appropriated to carry out the provisions of this act.

Section 6. The State Board of Education shall apportion the money appropriated under this Act, and any money received for vocational education from the Federal Government under the act of 1917 to the public elementary and public high schools of the State in which have been established and maintained courses for vocational training as provided in Section 2 of this Act, provided, however, that no apportionment shall be made to any school unless the work of such school and the instructors employed therein shall have been approved by the State Board of Education. Money received from the Federal Government for the training of teachers, supervisors and directors of vocational subjects, together with an amount not less than five thousand dollars for the year ending February 29, 1920 and an amount not less than five thousand dollars for the year ending February 28, 1921 of the money appropriated by this Act shall be apportioned by the State Board of Education to the several institutions in which the training of vocational teachers is carried on under the direction of the State Board of Education.

Section 7. The State Treasurer is hereby designated as the "Custodian for Vocational Education", and under the direction of the State Board of Education, he shall disburse all money appropriated under this Act, and all moneys received by the State of Montana for Vocational Education from the Federal Government.

Section 8. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of Twenty-one Thousand, Five Hundred (\$21,500.00) Dollars for the year ending February 29, 1920, and there is hereby appropriated the sum of Twenty-one Thousand Five Hundred (\$21,500.00) Dollars for the year ending February 28, 1921, the same to be expended for the promotion of Vocational Education under the direction of the State Board of Education as provided in this Act.

Section 9. All Acts and parts of acts in conflict herewith are hereby repealed.

Section 10. This Act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1919.

Chapter 196.

AN ACT to Amend Section 105; Subdivision 7 of Section 106; Section 108; Subdivision 2 of Section 201; Subdivisions 10, 11, and 14 of Section 202; Subdivisions 3, 4, 14, 15, 16, and 17 of Section 302; said Subdivision 17 being amended by Section 1, Chapter 81, of the Session Laws of the Fifteenth Legislative Assembly; Section 404; Section 405; Section 408; Subdivisions 5 and 6 of Section 502; Subdivision 5 of Section 507; Subdivision 11 of Section 508; Subdivisions 3 and 4 of Section 512; said Subdivision 4 being amended by Section 3 of Chapter 81 of the Session Laws of the Fifteenth Legislative Assembly; Sections 604, 608, 800, 806, 900, 903, 904, 905, 906, 907, 908, 909, 1200 and 1501; Section 1600 as amended by Section 1 of Chapter 42 of the Session Laws of the Fifteenth Legislative Assembly; Sections 2001, 2002, 2004, 2015, 2016, 2017, 2019, and 2105; and to Repeal Sections 2025, 2026, 2027, and 2028 of Chapter 76 of the Session Laws of the Thirteenth Legislative Assembly of the State of Montana, and being an Act Codifying the School Laws of the State of Montana and Providing for the Establishment and Maintenance of a General, Uniform and Thorough System of Public Free Schools.

Be It Enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 105 of Chapter 76 of the Session Laws of the Thirteenth Legislative Assembly relating to meeting of the State Board of Education, be and the same is hereby amended to read as follows:

"105. Meetings. The Board shall hold quarterly meetings at the State Capitol on the first Monday in April, July, September, and December in each year, and may hold special meetings at any time and place they may direct. The president and the secretary of the Board may also call special meetings of said Board at any time and place, if in their judgment necessity requires it. The members of said Board shall receive no compensation for their services, but shall be allowed their actual traveling expenses incurred in attending the meetings of the Board, which expense and all other expenses, on the certificate of the secretary of the Board, shall be audited and approved by the State Board of Examiners and paid by warrant of the State Auditor on the State Treasurer."

Section 2. That subdivision 7 of Section 106 of Chapter 76 of the Session Laws of the Thirteenth Legislative Assembly, relating to the powers and duties of the State

Board of Education, be and the same is hereby amended to read as follows:

"7. To grant state certificates valid for six years, and to grant life certificates."

Section 3. That Section 108 of Chapter 76 of the Session Laws of 1913 relating to certificates, be and the same is hereby amended to read as follows:

"108. Certificates.

1. State—How Obtained.

(a) By Examination. A state certificate may be issued by the State Board of Education to any person of good moral character who has held for one year and still holds a Montana professional certificate in full force and effect, when such person has passed a satisfactory examination, under the direction of the State Board of Education, in English literature, History of Education, and General History, and has furnished satisfactory evidence of having taught successfully for thirty-five months.

(b) By Endorsement. (1) A State Certificate may be issued in accordance with regulations established by the State Board of Education to the holder of a state certificate issued by another state; provided, that such regulations shall not authorize the issuance of a state certificate to any person whose character, professional qualifications, and experience are not at least substantially equivalent to those prescribed by this act for the issuance of a state certificate by examination.

(2) A diploma of the Montana State Normal College or of any normal school that may hereafter be established under the control of the State Board of Education, or a University of Montana Certificate of Qualification to Teach when accompanied by a diploma either of the Montana State University or of the Montana State College of Agriculture and Mechanic Arts, shall constitute a state certificate good for six years after date; provided, that the rules of the faculties of the State University and of the State College of Agriculture and Mechanic Arts for the issuance of the University of Montana Certificate of Qualification to Teach, as approved by the Chancellor of the University of Montana, shall be submitted to the State Board of Education for its sanction.

(3) A State certificate may be issued by the State Board of Education to a graduate of any other college or normal school within or without the state in accordance with regulations established by said Board; provided, that such regulations shall not authorize the issuance of a state certificate to a graduate of any institution whose requirements for graduation are not substantially the full equivalent of those of the corresponding institution of the University of Montana.

(c) By Renewal. Any unexpired state certificate issued by the Montana State Board of Education may be renewed by the said board for a period of six years from the date of renewal, provided the holder has taught successfully for twenty-seven months during the life of such certificate, and provided further that the State Board of Education may require evidence of the accomplishment of a minimum amount of reading circle work as a requisite for the renewal of a certificate.

2. Life Certificates—How Obtained.

(a) By Examination. A life certificate by examination may be issued by the State Board of Education upon the same conditions as a state certificate, except that, in addition, the applicant must pass satisfactory examinations and tests under such supervision and upon such additional subjects as may be prescribed by the State Board of Education, and must furnish satisfactory evidence of having taught successfully for seventy months; providing that an applicant who already holds an unexpired Montana state certificate obtained by examination shall be exempt from the examinations required for state certificates.

(b) By Endorsement. (1) A Life certificate may be issued in accordance with regulations established by the State Board of Education to the holder of a life certificate issued by another state; provided, that such regulations shall not authorize the issuance of a life certificate to any person whose character, professional qualifications, and experience are not at least substantially equivalent to those prescribed by this-act for the issuance of a life certificate by examination.

(2) Any person holding a degree from the Montana State University or from the Montana State College of Agriculture and Mechanic Arts, and any graduate of a

course at the Montana State Normal College or at any normal school that may hereafter be established under the control of the State Board of Education, extending two years beyond the secondary school, shall be entitled to a life certificate on presenting to the State Board of Education satisfactory evidence of having taught successfully in the public schools of the state for twenty-seven months after graduation; and any graduate of the Montana State Normal College or of any normal school that may hereafter be established under the control of the State Board of Education, with the degree of bachelor of pedagogy, shall be entitled to a life certificate on presenting to the State Board of Education satisfactory evidence of having taught successfully in the public schools of the state for eighteen months after graduation.

(3) A life certificate may be issued by the State Board of Education to a graduate of any other college or normal school within or without the state in accordance with regulations established by the State Board of Education; provided, that such regulations shall not authorize the issuance of a life certificate to a graduate of any institution whose requirements for graduation are not substantially the full equivalent of those of the corresponding institution of the University of Montana; and provided further that such regulations shall not authorize the issuance of a life certificate to any person who does not present satisfactory evidence of having taught successfully for at least as long a time after graduation as is required by law for the issuance of life certificates to graduates of the several institutions of the University of Montana.

3. **Registration.** State and life certificates, before they shall be valid in any county, must be registered in the office of the county superintendent of schools of such county.

4. **Revocation.** Any state or life certificate may be revoked by the State Board of Education for incompetency or immoral conduct on the part of the holder thereof, or for any cause that would have required the State Board of Education to refuse to grant it, if known at the time the certificate was granted; but before any such revocation, the holder shall be served by the Secretary of the State Board of Education with a written statement of the charges

against him, and shall have an opportunity for defense before the State Board of Education."

* * * * *

Section 40. All Acts and parts of acts in conflict herewith are hereby repealed.

Section 41. This act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1919.

Chapter 199.

An Act Amending Sections 1, 3, 4, 5, 7, 8, 10, 11, 12, 14, and 20 of Chapter 77 of the Session Laws of the Thirteenth Legislative Assembly of the State of Montana Relating to Examination, Qualifications, Salaries and Expense of the State Dairy Commissioner and His Deputies; Providing for Inspection of Dairy Products and for the Regulation of Dairies, Creameries, Butter, Cheese, Condensed Milk and Ice Cream Factories, Defining Ice Cream; Regulating the Administration of the Babcock Test; Defining Storage Butter and Regulating Its Sale, and Adding to Said Chapter a New Section Known as "Section 3-A" Thereof; Prescribing a Schedule of License Fees for Dairies, Butter, Cheese, Condensed Milk and Ice Cream Factories; and Repealing All Acts in Conflict Herewith.

Be It Enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1 of Chapter 77 of the Session Laws of the Thirteenth Legislative Assembly of the State of Montana is hereby amended to read as follows:

"Section 1. That there is hereby created the office of State Dairy Commissioner of the State of Montana. No person shall be eligible to appointment to said office until he shall have passed an examination as herein provided. A Board of Examiners to be known and designated as the Board of Dairy Commission Examiners is hereby created, consisting of the Commissioner of the Department of Agriculture and Publicity of the State of Montana, the State Veterinarian of the State of Montana, and the Dean of the Montana Agricultural College.

Said Board shall at least once every two years or oftener when necessary, at such time and place as said Board shall designate, conduct an examination for the purpose of ascertaining the qualifications of all applicants for appointment to the office of State Dairy Commissioner.

Said examination shall be in writing and shall be sufficiently comprehensive to test the knowledge of the applicant on the subject of the management and breeding of dairy cattle, dairy sanitation, the testing of milk, cream and other dairy products, the manufacture of butter, cheese, condensed milk, ice cream and other dairy products, and also to ascertain the ability of the applicant as a public speaker.

Said Examining Board shall likewise ascertain in each case, the general executive ability, past experience and general educational qualifications of each applicant. All examinations shall, so far as possible, be graded on the following table or percentage:

Examination.....	fifty per cent
General Education.....	ten per cent
Executive Ability.....	fifteen per cent
Past experience.....	twenty - five per cent

No person shall be eligible to take said examination or to hold the office of said Dairy Commissioner unless he shall be a citizen of the United States and of the State of Montana, and a resident in said state for a period of five (5) years before taking said examination. The manuscript and all other papers of said examination, together with the marks of the examinaing Board shall be filed with the Secretary of State of the State of Montana, as public documents.

No person shall be certified as competent whose average percentage shall be less than seventy-five per cent, and the certificate issued shall show what percentage each applicant received upon said examination.

Said Board of Examiners shall file with the Governor of the State of Montana, the names of all persons who shall have successfully passed said examination, showing percentage received by each person upon said examination. From said names so submitted, the Governor of the State of Montana shall appoint a State Dairy Commissioner for the term of two (2) years at an annual salary of Three Thousand (\$3,000) Dollars.

The Governor shall likewise in all cases where the office of said Dairy Commissioner shall become vacant,

appoint some person to fill the same from said list of names submitted to him by the Examining Board.

* * * * *

Section 3. * * * It shall be the duty of the State Dairy Commissioner to cooperate with and act in conjunction with the Montana State Agricultural College in the carrying out of the duties of his office as herein provided, and that they together hold farm institutes and special dairy meetings for the advertising of the production and manufacture of dairy products.

* * * * *

Section 15. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 16. This Act shall be in full force and effect from and after its passage and approval by the Governor.

Approved March 11, 1919.

Chapter 203.

An Act to Prevent the Manufacture or Sale of Adulterated or Misbranded Gasoline, Kerosene, Illuminating and Lubricating Oils and Greases, Road Oils and Fuel Oils for Boilers and Internal Combustion Engines; To regulate Traffic Therein and Providing for Their Inspection, Analysis and for Standard Grades; Designating the State Sealer of Weights and Measures Ex-Officio Oil Inspector, Subject to the Supervision and Control of the State Board of Examiners, Designating the Head of the Department of Chemistry of the State College of Agriculture and Mechanic Arts as State Chemist and Defining the Powers and Duties of Such Officers; Creating a State Gasoline Inspection Fund; Providing Penalties for the Violation of This Act, Repealing Section 2112, 2113, 2114, 2115, 2116, 2117, and 2118 of the Revised Codes of Montana of 1907, being Chapter 22 of Title 7, of Part 3 of the Political Codes of the State of Montana and All Other Acts in Conflict Herewith.

Be It Enacted by the Legislative Assembly of the State of Montana:

* * * * *

Section 3. That for the purpose of enforcing the terms of this Act, the State Board of Examiners of the State of Montana is hereby given full supervision and control over the State Oil Inspector and State Chemist. It shall be the duty of the State Board of Examiners to supervise all acts of the State Oil Inspector and State Chemist and to co-

operate with them to the end that the provisions of this Act may be enforced.

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Section 8. That the head or chairman of the Department of Chemistry of the State College of Agriculture and Mechanic Arts of the State of Montana is hereby designated as State Chemist and is authorized and it shall be his duty, to make all analyses and tests of articles inspected under the terms of this Act, and to employ in such analyses and tests the standard methods of analyses. The State Chemist shall receive no compensation for his services nor shall he charge any fee for testing or analyzing any samples required to be analyzed by him under the terms of this Act, Provided, however, that neither the State Chemist nor the Department of Chemistry of the State College of Agriculture and Mechanic Arts shall be required to receive for analysis any unofficial samples submitted by any person other than the State Oil Inspector.

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Section 12. All analyses herein directed to be made by the State Chemist may, in the discretion of such State Chemist, be made by any competent assistant acting under his supervision. Providing, however, that such assistant shall be appointed under the rules and regulations of the State Board of Education.

Section 13. It shall be the duty of the State Chemist or his assistants to attend and give evidence in all prosecutions instituted for the enforcement of this Act, and such chemist or assistant shall receive the same fees and mileage for attendance in such cases as are prescribed by the laws of the State of Montana to be paid to witnesses in Courts of Record.

/ / * * * * *

Section 16. That for the purpose of enforcing the provisions of this Act, a fund to be known as the State Gasoline Inspection Fund is hereby created; that all of the expenses incurred by the State Oil Inspector in enforcing the terms of this Act, the salary and all of the necessary traveling expenses of the deputy oil inspector and all necessary laboratory and traveling expenses of the State Chemist shall be paid out of the fund created by this Act in the

following proportions, to-wit: Two-thirds of the fund hereby created shall be expended in payment of salary, traveling and other expenses of the State Oil Inspector and his deputies, including office help and equipment; one-third of said fund shall be expended in the payment of the necessary expenses incurred by the State Chemist. All bills for payment out of said fund shall be presented and audited in the same manner as other claims against the State of Montana.

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Section 18. This Act shall take effect and be in full force sixty (60) days from and after its passage and approval.

Approved March 11, 1919.

Chapter 205.

An Act to Provide a Budget System for the Control of All Expenditures of State Money.

Be It Enacted by the Legislative Assembly of the State of Montana:

Section 1. This Act shall be known, and may be cited as, the "Budget Act."

Section 2. Each department of the State government, and all State institutions and agencies requiring an annual appropriation from the State, shall present a request therefor to the State Board of Examiners on or before the 15th day of November of each year preceding a regular session of the Legislative Assembly.

Section 3. Such request shall be made by the head of such department, institution or agency, and in the case of the judiciary, it shall be made by the Clerk of the Supreme Court under the direction of the Chief Justice of the Supreme Court.

Section 4. All requests for appropriations shall be made upon blank forms to be furnished by the Auditor and approved by the State Board of Examiners. The blank forms shall be filled in according to the rules adopted by the State Board of Examiners. Upon the receipt of the requests for appropriations, the State Board of Examiners shall proceed to examine such requests and reports for the purpose of determining the necessity of the appropriations so requested.

Section 5. The Legislative Assembly shall not appropriate any money out of the State Treasury except in accordance with the following provisions:

(a) Every appropriation bill shall be either a "Budget Bill," or a "Supplementary Appropriation Bill," as hereinafter mentioned.

(b) BUDGET. Within ten days after the convening of the Legislative Assembly, the State Board of Examiners shall submit to the House of Representatives and to the Senate two budgets, one for each of the two ensuing fiscal years. Each budget shall contain a complete plan of proposed expenditures and estimated revenues for the particular fiscal year to which it relates; and shall show the estimated surplus or deficit of revenues at the end of such year. Accompanying each budget shall be a statement showing: (1) The revenues and expenditures for each of the two fiscal years next preceding; (2) The current assets and liabilities, reserves and surplus or deficit of the State; (3) All debts and the amount of all moneys in the State Treasury to the credit of each fund; (4) Any explanation the Board of Examiners may desire to make as to the important features of any budget and any suggestions as to the methods for the reduction or increase of the State's revenue.

(c) Each budget shall be divided into two parts, and the first part shall be designated "Governmental Appropriations" and shall embrace an itemized estimate of the appropriations for each of the two ensuing fiscal years; (1) For the Legislative Assembly showing the amounts necessary to pay the mileage and per diem of each member and officers and attaches and the several items for necessary incidental expenses; (2) For the Executive Department, as provided by law; (3) For the Judiciary Department, as certified to by the Clerk of the Supreme Court, herein provided, and as provided by law; (4) To pay and discharge the principal and interest of any bonded indebtedness of the State of Montana; (5) For the salaries payable by the State under the Constitution and laws of the State; (6) For the establishment and maintenance throughout the State of a thorough and efficient system of public schools, so far as the same may be necessary, in conformity with the Con-

stitution and laws of the State; (7) For such other purposes as are set forth in the Constitution of the State.

(d) The Second part of the budget shall be designated "General Appropriations," and shall include all other estimates and appropriations.

Section 6. The State Board of Examiners shall deliver to the presiding officer of the House of Representatives and of the Senate the budgets for all the proposed appropriations, clearly itemized and classified on or before the 10th day of each session; and the presiding officer of the House of Representatives and of the Senate shall promptly refer said budgets to the proper committee. The General Appropriation Bill for the maintenance of the several departments of the State government and the several State institutions shall be based upon the budget so submitted; and the Legislative Assembly may amend the budgets by increasing or diminishing the items therein, except that the Legislative Assembly shall not amend the budgets so as to affect either the obligations of the State or the payment of any salaries required to be paid by the Constitution and laws of the State.

Section 7. The State Board of Examiners and representatives of the executive departments, boards, officers, commissions, and institutions of the State, and other State agencies, expending or applying for State moneys, shall have the right, and when requested by either the House of Representatives or the Senate, it shall be their duty to appear and to be heard with respect to any Budget Bill during the consideration thereof, and to answer inquiries relative thereto.

Section 8. **Supplementary Appropriation Bills.** Neither the House of Representatives nor the Senate shall consider any other appropriations until the Budget Bill has been finally acted upon by both houses, and no other appropriation shall be valid unless in accordance with the following provisions: (1) Every such appropriation bill shall be embodied in a separate bill limited to some single work, object or purpose, therein stated and called a Supplementary Appropriation Bill; (2) No Supplementary Appropriation Bill shall become a law unless it is passed in each house by a two-

thirds vote of all members and the ayes and nays recorded on its final passage.

Section 9. General Provisions. (1) If the General Appropriation Bill based upon the budgets shall not have been finally acted upon by both the House of Representatives and the Senate on or before the 30th day of the session of the Legislative Assembly, then such General Appropriation Bill shall be considered to the exclusion of all other bills until the same shall have been finally acted upon by both the House of Representatives and the Senate; (2) The State Board of Examiners for the purpose of making up the Budget Bill, shall have the power, and it shall be its duty to require from the proper State officials, including herein all executive departments, all executive and administrative officers, bureaus, boards, commissions, and agencies expending or supervising the expenditure of, and all institutions applying for State moneys and appropriations, such itemized statements and other information, in such form and at such times as the board shall direct. (3) Each member of the Legislative Assembly upon introducing a Supplementary Appropriation Bill shall present to the Clerk an extra copy of such bill, which shall be transmitted to the State Board of Examiners, which shall within five (5) days from the receipt thereof return the same to the clerk, with recommendations and suggestions in connection with such appropriation to be transmitted to the committee to which the bill has been referred.

Section 10. The State Board of Examiners shall have printed before the 10th day of each session of the Legislative Assembly the Budgets provided for herein, and shall distribute copies of the same to the members of the Legislative Assembly and to all the State Departments, institutions and agencies.

Section 11. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 12. This Act shall be in full force and effect from and after its passage and approval.

Approved March 11, 1919.

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