

**SCHOOL LAWS OF THE
STATE OF MONTANA,
MAY 1, 1899**

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MONTANA STATE DEPARTMENT OF PUBLIC INSTRUCTION

**SCHOOL LAWS OF THE
STATE OF MONTANA,
MAY 1, 1899**

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SCHOOL LAWS
OF THE
STATE OF MONTANA

COMPRISING ALL THE LAWS IN FORCE PERTAINING TO PUBLIC
SCHOOLS, STATE EDUCATIONAL INSTITUTIONS, SCHOOL
LANDS AND PUBLIC LANDS APPROPRIATED TO
THE USE OF THE STATE EDUCATIONAL
INSTITUTIONS.




COMPILED AT THE OFFICE OF THE

SUPERINTENDENT OF PUBLIC INSTRUCTION

MAY 1, 1899.

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State of Montana,
Department of Public Instruction.

This Pamphlet contains the School Laws of the State in force to date.

E. A. CARLETON,
Superintendent of Public Instruction.

Helena, Montana, May, 1899.

THIS VOLUME IS STATE PROPERTY

And is for the use of the School Officers of.....School
District No..... County of....., State
of Montana.

School officers on retiring from office, are required by law to deliver this volume, with all other books and documents of an official character, to their successors in office. The Clerk is the proper custodian of this book.

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General School Law

OF THE

STATE OF MONTANA.

PROVISIONS OF THE ENABLING ACT.

Section 4. * * * And said (constitutional) conventions shall provide by ordinances irrevocable without the consent of the United States and the people of said states * * * * *

Fourth. That provisions shall be made for the establishment and maintenance of systems of public schools, which shall be open to all children from said states, and free from sectarian control.

Section 10. That upon admission of each of said states into the Union, sections numbered 16 and 36 in every township of said proposed states, and where such sections or any parts thereof have been sold or otherwise disposed of by or under the authority of any act of Congress, other lands equivalent thereto, in legal subdivisions of not less than one quarter section, and as contiguous as may be to the section in lieu of which the same is taken, are hereby granted to said states for the support of common schools, such indemnity land to be selected within said states in such manner as the Legislature may provide, with the approval of the Secretary of the Interior; Provided: that the sixteenth and thirty-sixth sections embraced in permanent reservations for national purposes shall not, at any time, be subject to the grants nor to the indemnity provisions of this act, nor shall any lands embraced in Indian, military or other reservations of any character, be subject to the grants or to the indemnity provisions of this act until the reservation shall have been extinguished and such lands be restored to, and become a part of the public domain.

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 (10) 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 regulation as the Legislature 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 lands 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 13. That 5 per centum of the proceeds of the sales of public lands lying within said states which shall be sold by the United States subsequent to the admission of said states into the Union, after deducting all the expenses incident to the same, shall be paid to the said states, to be used as a permanent fund, the interest of which only shall be expended for the support of common schools within said states respectively.

Section 14. That the lands granted to the Territories of Dakota and Montana by the act of February 18, 1881, 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 18, 1881, shall be so amended as to provide that none of said lands shall be sold for less than ten (10) 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 to be used exclusively for university purposes. * * * None of the lands granted in this section shall be sold at less than ten (10) dollars per acre; but said lands may be leased in the same manner as provided in Section 11 of this act. The schools, colleges, and universities provided for in this act shall forever remain under the exclusive control of 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. * * *

Section 16. That 90,000 acres of land to be selected and located as provided in Section 10 of this act, are hereby granted to each of said states except to the State of South Dakota, to which 120,000 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 purposes.



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 4, 1841, 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 act of September 28, 1850, and Section 2479 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, 100,000 acres; for State Normal Schools, 100,000 acres; for Agricultural Colleges, in addition to the grant hereinbefore made for that purpose, 50,000 acres; for the establishment of a State Reform School, 50,000 acres; for the establishment of a Deaf and Dumb Asylum, 50,000 acres; for the public buildings at the Capital of the State, in addition to the grant hereinbefore made for that purpose, 150,000 acres.

* * * That the states provided for in this act shall not be entitled to any further or other grants of land for any purpose than as expressly provided for in this act. The lands granted by this section shall be held, appropriated and disposed of exclusively for the purpose herein mentioned, in such manner as the Legislatures of the respective states may severally provide.

Section 18. That all mineral lands shall be exempted from the grants of this act. But if sections 16 and 36, or any subdivision or portion of any smallest subdivision thereof in any township shall be found by the Department of the Interior to be mineral lands, said states are hereby authorized and empowered to select, in legal subdivisions, an equal quantity of other unappropriated lands in said states, in lieu thereof, for the use and the benefit of the common schools of said states.

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 said states the number of acres in each heretofore donated by Congress to said territories for similar objects.