

AUTHORITY FOR REVISING LAWS WHICH AFFECT THE MORRILL TRUST

Section 3 of Ch. 130, Laws of 1862 provides that **“all the expenses of management, superintendence, and all taxes from date of selection of said lands, previous to their sales, and all expenses incurred in the management and disbursement of the moneys which may be received therefrom, shall be paid by the States to which they may belong, out of the treasury of said States,** so that the entire proceeds of the sale of said lands shall be applied without any diminution whatever to the purposes hereinafter mentioned.”

Section 4 of the Morrill Act provides that the interest from the sale of such lands shall be **“inviolably appropriated”** and each state may claim the benefit **“to the endowment, support and maintenance of at least one college. . .”**

Section 5 of the Morrill Act provides that **the grant of land shall be made on condition that: First, if any portion of the fund invested, or the interest thereon, shall, by any action or contingency, be diminished or lost, it shall be replaced by the State to which it belongs . . . and the annual interest shall be regularly applied without diminution to the purposes mentioned in the fourth section of this act.”**

Section 16 of the Enabling Act of 1889 granted to the State of Montana 90,000 acres “for the use and support of agricultural colleges” in the state, “as provided in the acts of Congress [Morrill I and II] making donations of lands for such purpose.”

Morrill Act lands were totally and unequivocally dedicated to the institutions for which they were granted, expenses to be paid by the state.

The 1972 Montana Constitution confirms this, stating that “The funds of the Montana university system, from whatever source accruing, shall forever remain inviolate and sacred to the purpose for which they were dedicated” and shall be “guaranteed by the state against loss or diversion.” The interest and rent from such lands “shall be devoted to the maintenance and perpetuation of the respective institutions.”

The conclusion must be reached that any statutorily sanctioned diversion from the income on these lands must be repealed.