

# Ferguson Act

## (Act of June 21, 1898, 30 Statutes at Large 484, Chapter 489)

### Sec. 1. [Grant of lands for support of schools.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* that sections numbered sixteen and thirty-six in every township of the territory of New Mexico, and where such sections, or any parts thereof, are mineral or have been sold or otherwise disposed of by or under the authority of any act of congress, other non-mineral 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 territory for the support of common schools, such indemnity lands to be selected within said territory in such manner as is hereinafter provided: 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 of this act, nor shall any lands embraced in Indian, military, or other reservations of any character be subject to the grants of this act; but such reservations shall be subject to the indemnity provisions of this act.

### ANNOTATIONS

**Compiler's notes.** — The section headings throughout the Ferguson Act were inserted by the compiler.

### Sec. 2. [Grant of land for public buildings at the capital.]

That fifty sections of the unappropriated non-mineral lands within said territory, to be selected and located in legal subdivisions as hereinafter provided in this act, shall be, and are hereby, granted to said territory for the purpose of erecting public buildings at the capital of the state of New Mexico when said territory shall become a state and be admitted into the union, when said capital shall be permanently located by the people of New Mexico, for legislative, executive, and judicial purposes.

### Sec. 3. [Lands for university and agricultural college.]

That lands to the extent of two townships in quantity, authorized by the sixth section of the act of July twenty-second, eighteen hundred and fifty-four, to be reserved for the establishment of a university in New Mexico, are hereby granted to the territory of New Mexico for university purposes, to be held and used in accordance with the provisions in this section; and any portions of said lands that may not have been heretofore selected by said territory may be selected now by said territory. That in addition to the above, sixty-five thousand acres of non-mineral, unappropriated and unoccupied public land, to

be selected and located as hereinafter provided, together with all saline lands in said territory, are hereby granted to the said territory for the use of said university, and one hundred thousand acres, to be in like manner selected, for the use of an agricultural college. That the proceeds of the sale of said lands, or any portion thereof, shall constitute permanent funds, to be safely invested, and the income thereof to be used exclusively for the purposes of such university and agricultural college, respectively.

#### **Sec. 4. [School fund.]**

That five per centum of the proceeds of the sales of public lands lying within said territory which shall be sold by the United States subsequent to the passage of this act, after deducting all expenses incident to the same, shall be paid to the said territory, to be used as a permanent fund, the interest of which only shall be expended for the support of the common schools within said territory.

#### **Sec. 5. [Schools, colleges and university to remain under control of territory; funds not available for sectarian schools.]**

That the schools, colleges, and university provided for in this act shall forever remain under the exclusive control of said territory, and no part of the proceeds arising from the sale or disposal of any lands herein granted for educational purposes, or of the income thereof, shall be used for the support of any sectarian or denominational school, college, or university.

#### **Sec. 6. [Grant of land for internal improvements in lieu of other grants.]**

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 section is hereby repealed as to New Mexico, and in lieu of any claim or demand of the state of New Mexico under the act of September twenty-eighth, eighteen hundred and fifty, and section twenty-four hundred and twenty-nine of the revised statutes, making a grant of swamp and overflowed lands, which grant it is hereby declared is not extended to said state of New Mexico, the following grants of non-mineral, and unappropriated land are hereby made to said territory for the purposes indicated, namely:

For the establishment of permanent water reservoirs for irrigating purposes, five hundred thousand acres; for the improvement of the Rio Grande in New Mexico, and the increasing of the surface flow of the water in the bed of said river, one hundred thousand acres; for the establishment and maintenance of an asylum for the insane, fifty thousand acres; for the establishment and maintenance of a school of mines, fifty thousand acres; for the establishment and maintenance of an asylum for the deaf and dumb, fifty thousand acres; for the establishment and maintenance of a reform school, fifty thousand acres; for the establishment and maintenance of normal schools, one

hundred thousand acres; for the establishment and maintenance of an institution for the blind, fifty thousand acres; for a miners' hospital for disabled miners, fifty thousand acres; for the establishment and maintenance of a military institute, fifty thousand acres; for the enlargement and maintenance of the territorial penitentiary, fifty thousand acres. The building known as the Palace, in the city of Santa Fe, and all lands and appurtenances connected therewith and set apart and used therewith, are hereby granted to the territory of New Mexico.

### **Sec. 7. [Act to be partial grant only.]**

That this act is intended only as a partial grant of the lands to which said territory may be entitled upon its admission into the union as a state, reserving the question as to the total amount of lands to be granted to said territory until the admission of said territory as a state shall be determined on by congress.

### **Sec. 8. [Commission to select lands granted.]**

That all grants of land made in quantity or as indemnity by this act shall be selected by the governor of the territory of New Mexico, the surveyor-general of the territory of New Mexico, and the solicitor-general of said territory, acting as a commission, under the direction of the secretary of the interior, from the unappropriated public lands of the United States within the limits of the said territory of New Mexico.

### **Sec. 9. [Selection of lands; report.]**

That said commission shall proceed, upon the passage of this act, to select said lands, for each purpose as hereinbefore designated, in legal subdivisions, of not less than one quarter section, and shall report to the secretary of the interior such selections, designating in such report the purpose for which such bodies of land as selected are to be respectively used as provided above in this act.

### **Sec. 10. [Lease and sale of certain lands.]**

That the lands reserved for university purposes, including all saline lands, and sections sixteen and thirty-six reserved for public schools, may be leased under such laws and regulations as may be hereafter prescribed by the legislative assembly of said territory; but until the meeting of the next legislature of said territory the governor, secretary of the territory, and the solicitor-general shall constitute a board for the leasing of said lands; and all necessary expenses and costs incurred in the leasing, management, and protection of said lands and leases may be paid out of the proceeds derived from such leases. And it shall be unlawful to cut, remove, or appropriate in any way any timber growing upon the lands leased under the provisions of this act, and not more than one section of land shall be leased to any one person, corporation, or association of persons, and no lease shall be made for a longer period than five years, and all leases shall terminate on the admission of said territory as a state; and all money received on account of such leases in excess of actual expenses necessarily

incurred in connection with the execution thereof shall be placed to the credit of separate funds for the use of said institutions, and shall be paid out only as directed by the legislative assembly of said territory, and for the purposes indicated herein. The remainder of the lands granted by this act, except those lands which may be leased only as above provided, may be sold under such laws and regulations as may be hereafter prescribed by the legislative assembly of said territory; and all such necessary costs and expenses as may be incurred in the management, protection, and sale of said lands may be paid out of the proceeds derived from such sales; and not more than one-quarter section of land shall be sold to any one person, corporation, or association of persons, and no sale of said lands or any portion thereof shall be made for less than one dollar and twenty-five cents per acre; and all money received on account of such sales, after deducting the actual expenses necessarily incurred in connection with the execution thereof, shall be placed to the credit of separate funds created for the respective purposes named in this act, and shall be used only as the legislative assembly of said territory may direct, and only for the use of the institutions or purposes for which the respective grants of lands are made: provided, that such legislative assembly may provide for leasing all or any part of the lands granted in this act on the same terms and under the same limitations prescribed above as to the lands that may be leased only, but all leases made under the provisions of this act shall be subject to the approval of the secretary of the interior, and all investments made or securities purchased with the proceeds of sales or leases of lands provided for by this act shall be subject to like approval by the secretary of the interior.

### **Sec. 11. [Appropriation for expenses.]**

That there is hereby appropriated from the unexpended funds in the treasury of the United States ten thousand dollars, or so much thereof as may be necessary, to be expended under the direction of the secretary of the interior, for the purpose of paying the expenses of the selection and segregation of said respective bodies of land, including such compensation to said commission as the secretary of the interior may deem proper.

### **Sec. 12. [Repeal.]**

That all acts and parts of acts in conflict with the provisions of this act, whether passed by the legislative assembly of said territory or by congress, are hereby repealed.