Educational Land Grants in the North-West Territory

A Thesis in Didactics

by

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Educational Endowment
in the
"North West Territory".

On the twelfth of May, 1784, Thos.
Jefferson reported a bill to Congress
for ascertaining the mode of locating
and disposing of lands in the western territory. During that
session nothing was done with the
bill, but in the following year it
was called up and a committee
was appointed, consisting of one mem-
ber from each state, to whom the
bill was referred.

While the bill so drafted by
Mr. Jefferson, was pending, Colonel
Thomas Pickering had written to Roger
King, and called his attention to
the fact that the bill made "no pro-
vision for the maintenance of the garrison,
or even for schools or academies".

The suggestion of Mr. Pickering had
weight with Mr. King who was a member of the committee on the new ordinance. In their report made April 14, was the provision that, "There shall be reserved the central section of every township for the maintenance of public schools, and the sections immediately adjoining for the support of religion; the profits arising therefrom in both instances to be distributed forever according to the will of the majority of male residents of full age within the same." After much discussion, the clause referring to religion was struck out and the other amended so that the territory was to be divided into townships, six miles square, and each township into thirty sections; one mile square, which were to be numbered...
from the North East corner consecutively from one to thirty-six. The clause relating to schools provides that "there shall be reserved from
the last No. 16 of every township for the maintenance of public school
within the said township."

This reservation marks the beginning of an educational policy which
had been followed ever since.

The provisions of this general ordinance were followed by the ordinance
of 1787 for the government of the "North
West Territory," in which it was declared
that "Religion, morality, and know-
ledge being necessary to good
government and the happiness of
mankind, schools and the means
of education shall forever be en-
couraged." It may be questioned,
However, whether these provisions were made by Congress with an eye solely to education, a principle of the debates of Congress at that time seems to show that other and less distinctive motives were in the ascendant.

The Treasury of the government was empty; credit was gone; money must be raised. What was more plausible than a sale of the Western lands? Accordingly inducements were made for settlers, in the form of educational provisions. It was the expectation of Congress that by this donation, other lands would come into demand and all would be disposed of at an enhanced price.

The immediate sequel of this ordinance was the sale to the Ohio Company of a large tract of land.
own the Ohio River. The conditions of the contract suggested by the Ohio Company were certainly extravagant, but the need of money to defray current expenses and the pressure of debt prevented their rejection. In this contract it was specified that "Lot No. 16 be given perpetually, by Congress, to the maintenance of schools, and Lot No. 21 to the purpose of religion in the said township. Two townships near the center and of good land to be also given by Congress for the support of a literary institution, to be applied to the intended object by the legislature of the state."

In the same year a large sale of land was made to John Bliss Symmes. Similar reservations were made for schools, the military and one church.
Township was given for a Seminary of learning. [Report of American Historical Association, Vol. I.] No other sales were made under the Congress of the Confederation; and it may be said that no other grant for religious purposes have since been made by our government.

Soon after the adoption of the constitution, a general law was passed for the sale of public lands in the "North West Territory" by which four sections at the center of each township were reserved for public schools. The title to this reserved land remained with Congress until states were formed when the school sections were given in trust to the respective states.

After Ohio was formed into a state the remainder of the North
West Territory was known as Indiana. It was divided in 1804 into three land districts known as Vincennes, Kaskaskia, and Detroit. In each of these districts, section 16 in each township was set aside for school purposes and one township in each was set aside for the support of education. All salt spring lands were set aside for the future disposal of Congress. These lands have since been granted, for the greater part, to the various states for educational purposes.

Owing to errors in surveying and irregularities in boundaries many townships were left without a full section of school lands. But in 1826 and 1859 laws were enacted
making good this deficiency by grant of other lands. Of course under the provisions granting lands to individuals, townships, and counties were set aside, and much injustice was done. This has been remedied in the states admitted since 1836 by consolidating the sale of school lands into the fund and distributing the proceeds pro rata over the state.

In 1830 an act was passed which provided for the granting of such swamp and other land, as were unfit for cultivation, to such of the several states in which such land was situated. It was supposed that the sale of land, when reclaimed by devices and drains, would repay the states for the expenditure.

By this act many of the states regained
large and valuable gift of land, which have been, in most instances, converted into an educational fund.

Note: Prior to June 30, 1880, Ohio had received under this law 26,640 acres; Indiana, 12,575 acres; Illinois, 1,454,263 acres; Michigan, 5,664,277 acres; Wisconsin, 3,091,259 acres. — [See American Almanac for 1886.]

In 1846 an act was passed which provided that every state admitted thereafter should receive 65,000 acres (12 sections) for a State University. The last general grant of land for educational purposes was made in 1862. By this act each state was granted 30,000 acres of the public domain for each Senator and Representative in Congress (or land equal to that amount) for the purpose of endowing a college.
of Agriculture and the Mechanic Art in each state. The whole quantity to be set aside under this act was 9,600,000 acres, of which 8,200,000 acres have been already located [the American Almanac for 1857].

Besides the general appropriations there have been special laws enacted relating to educational lands in individual states, and special grants have also been made to various educational institutions. This subject can best be discussed under the head 3 of the several states comprising the "North West Territory."

Ohio applied for admission to the Union in 1802. In the enabling act several conditions were imposed which were to be accepted or
rejected by the conventions called to frame a state constitution.

Among the propositions, were the following: First, that the several

[...]

[...]

[...]

shall be granted to the

people of each township for the use of schools. Second, that

[...]

certain [lot, lands], with the contin-

uations of lands which include the same, shall be granted to the said state for

the use of the people thereof.

Provided, that the legislature shall

never sell nor lease the same for

a longer period than ten years.

Third, [as for roads?] Provided,

that the foregoing provisions are

on the conditions, that the conven-

tion of the said state shall provide

by ordinance irrevocable without
The consent of Congress, that any

foot of land sold by Congress, prior

and after the thirtieth day of June

next, shall be exempt from any

tax laid by ordinance or under

authority of the state for the term of five years from

and after the sale.

These propositions were accepted

by the convention on the condi-
tion that Congress should make

provision for schools in the Conne-

ticut Reserve, the Virginia Military

Reservation, and the United States

Military District by granting an area

of land equal to one thirty-sixth of the

territory of these districts, that alike

proportion should be granted of any

lands in the state subsequently ceded

from the Indians; that these lands
and those already granted by Congress should be vested in the state for the use of the schools in each township or district, and lastly, that Congress should grant one township for a seminary in lieu of the one mentioned in the contract with Symmes which, for some reason, had never been set apart. 

[Page 9, Dunn. Historical Association, Vol. 5, p. 104]

Congress accepted the demand of Connecticut the state and Ohio became a state of the Union.

The provision on regard to taxation into the third proportion mentioned above, has been a subject for much discussion. It has been asserted that this is a precedent established by Congress of giving educational grants only
on condition of some consideration in return. Mr. S.K. Adams has presented a careful study of this subject in one of the papers of the Amer. Arch. Association. It appears from this paper that the exemption of lands sold by Congress from taxation for five years was a condition unduly necessary by the original ordinance of 1787. This ordinance "provides that the states to be formed from the territory should raise, intermix with the primary dispositions the poll, and should levy no tax on the property of the United States." But since lands were made on five years' time the lands were really the property of the United States until the expiration of that period and hence could not be taxed. This
exemption, there, was not a consideration given by the State in return for educational grants; but was a necessary condition of such im-
power by previous laws.

Another question arose at this time which is equally interesting and shows the true spirit in which most of the educational grants were made. Objection was offered to any educational grants to states on the ground that by the terms of the Virginia resolution, the public do-
main was to be disposed of for the common benefit of the State. In
accordance to this it was not even suggested that the advancement of education in any state is a direct benefit to the nation. The bill was based rather on the
ground that the donation would
enhance the value of adjoining
lands and attract settlers; that
the remaining lands would af-
ford a greater revenue because
of the donation than the whole of
them with no provision for ed-
ucation; and that for this reason
the appropriation was a direct ben-
fit to the whole of the

The terms of the grant made
for the Virginia Military Reserva-
tion being impracticable, a sec-
ond appropriation was made in
lieu of the former grants.

The Indians relinquished their
claims in the Connecticut Reserve
in 1805, but it was not until 1836
that the full 10th of this tract was
granted for educational purposes.
In 1824 Congress granted permission to the state to sell the 38 sections of land-line lands, the proceeds to be applied to literary purposes. The last grant to the state was made in 1871 when all unallotted portions of the Virginia Military Reservations were granted to the state and by the latter to the Ohio Agricultural and Mechanical College.

The whole amount of common school lands granted to the state has been 704,488 acres of which 644,488 acres have been already sold at an average price of $5.58 per acre, the present fund from the proceeds is $8,713,962.53 which gives an annual income of $20,498 from the sale of swamp lands. These have been secured and distributed to the various townships of the state. The 24,216
acres of saline lands produced a
funds of $41,024.55. The University
grant in 1862 of 46,080 acres has been
leased at a fair rate and yields a
present income $7,200. The Miami
University grant of 23840 acres was
valued at $7 per acre and now
give an annual income $5,600.

In 1816 an act was passed by Congress
providing for the admission of Indiana
into the Union.

The educational provisions are
similar to those of Ohio, with the
addition that one township, besides
the one already reserved, should be
selected by the President of the Vehicle
and shall decide for a necessary building
36 sections instead of 30 sections of
saline land were granted.
In 1832 Congress authorized the state legislature to sell the public lands at a price not below that of the public lands, the proceeds to be applied to educational purposes.

The legislature having divided the proceeds of the disposal of lands between two educational institutions, a dispute arose in 1844 as to which was the right full possessor of the lands, each claiming their land under authority of legislative enactment. It was clearly a case of plenary power on the part of the state legislature. An additional amount of land equal to the acreage in controversy was given to the defeated claimant.

From the 650,317 acres granted to the State for Educational purposes, a sum of $2,375,061.88 has been received.
which yields an annual income of $198,204.61.

From the agricultural grant of 1862, 390,000 acres were received in land scrip, all of which has been sold. The present fund is $340,000, which yields annually $17,000. The proceeds from swamp lands furnish a present fund of $38,077.59, and the income from salina lands is annually over $5,800.

Vincennes University received 27,040 acres and the Indiana University has received 69,256 acres. The present fund is $139,038.74. We have no data in regard to the finances of Vincennes University.

Illinois

When Illinois was admitted to the Union in 1818 the usual
grants were made. But instead of 5% of all sales being granted for public works, 2% was granted for this purpose and 3% was to be appropriated by the Legislature of the state for the encouragement of learning, of which one sixth part shall be exclusively devoted on a college or university.

A second township was granted for the support of a university, with the option of selecting this in small and separated sections. By this means Illinois was enabled to secure much better university land, from either Indiana or Ohio.

But the weight of heavy debt forced the sale of these lands at an early date. Much of this land was put up at auction at one time, and
mostly sold at the minimum price of $1.25 per acre.

Besides the 2 1/2% grant of public land Illinois has received 983,066 acres of school lands, which furnish a present fund of $3,646,081.17. The amount derived from the 2 1/2% school is 8,133,362.48. From these two sources an annual income is derived for the benefit of common schools, 19,057,300.00.

The Agricultural College grant amounting to 480,000 acres and place, furnishes a present fund of $319,178.67. The annual income, which is over 67,000.00.

Illinois has been very fortunate in securing over a million acres of swamp lands which furnish a present fund of 10,000.00.

The two townships granted for the support of a University furnish a present fund of 568,888.72. The fund derived from the 2 1/2% rate of public lands,
is $156,610.32. Both of these powers yield an annual income of $13,500.

Michigan

Michigan on admission to the Union in 1837 received the usual grant of the six hundredth section of each township, but as the property of the state and not of the individual townships.

This change in the mode of granting lands has been seconded by all subsequent legislation. It has the advantage of equality to all townships and avoids much of the ignorant and careless handling always attendant upon the township investment system.

The two sections of University land were also granted to the state as well as certain saline lands.

The amount of lands granted to the state of Michigan are as follows:
Common school lands — 1,067,597 acres
Agricultural College 246,000 "
Swamp 5,659,217.14 "
Saline 46,080 "
University 46,080 "

From these lands has been derived
the following funds:

Common school lands $3,281,963.42
Agricultural College 367,117.24
Saline 197,446.04
Swamp 357,896.54
University 38,325.33

It will be seen that Michigan
has utilized her lands to better ad-
vantage than any of the other states
of the North West Territory.

Wisconsin

Wisconsin, the last state to
be formed from the North West
Territory, was admitted to the
Union in 1848. She started with ed-
ucational provisions greater in
proportion to area than any of
the other states. The constitution
envisaged Wisconsin was admitted
"provided that all lands granted
to the state for educational purposes
(except the reservoir lands), all grants
whose purpose was not specified,
the five hundred thousand acres
for the promotion of internal
improvements, to which the state
was entitled under a previous law,
and the five per cent. of the funds
of the public lands should form
a permanent school fund."

In 1854 the already numerous
grants were supplemented by a grant
of twenty two sections of land in
favor of the Salt Spring lands to
which the state was entitled, for the
benefit of the State University.

From this grant, mentioned above
Wisconsin has a School fund of
$2,429,010.00 from the salt spring
lands and a fund of $369,035.28
from the 5% rate of public lands.
These two sources yield an annual income of $198,109.56.

The 2,400 acre grant of Agricultural College land yielded a fund of $279,689.84 which brings an annual income of $77,410.91.

Over one million dollars has been derived from swamp lands, which annually yields $114,106.76.

Wisconsin's University grant exceeded that of the other North Western States, being 92,160 acres. The present fund from this source is $228,438.83 and the present income 14,142.50.