

Educational Land Grants
in the
North-West Territory.

A Thesis in Didactics
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Educational Land Grants in the "North West Territory":

On the seventh 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 member from each state, to whom the bill was referred.

While the bill as drafted by Mr. Jefferson, was pending, Colonel Thomas Pickens had written to Rufus King, and called his attention to the fact that the bill made "no provision for the ministers of the gospel, nor even for schools or academies". The suggestion of Mr. Pickens 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 section immediately adjoining for the support of religion, the profits arising therefrom in both instances to be applied 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 ^{six} 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 sale the lot No. 16 of every township for the maintenance of public schools within the said township."

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

The provisions of this general ordinance were seconded by the ordinance of 1787 for the government of the "North West Territory", in which it was declared that "Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged". It may be questioned,

However, whether these provisions were made by congress with an eye directed wholly to education, a perusal of the debates of Congress at that time seems to show that other and less distinguished motives were in the ascendant.

The Treasury of the government was empty; credit was gone; money must be raised. What was more feasible 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 sequance of this ordinance was the sale to the Ohio Company of a large tract of land

on 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. 29 to the purposes 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 Oliver Symmes. Similar reservations were made for schools the university and one entire

township was given for a "Seminary of Learning." [Paper 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 grants 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 future disposal. 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 & 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 reserved for the support of a university. 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 error in surveying and irregularity 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 grants of other lands. Of course under the provisions granting lands to individual townships great inequities arose and much injustice was done. This has been remedied in the States admitted since 1836 by consolidating the sale of school lands into one fund and distributing the proceeds pro rata over the state.

In 1850 an act was passed which provided for the granting of such swamp and other lands, 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 levees and drains, would repay the states for the expenditures.

By this act many of the states received

large and valuable gifts 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 25,640 acres; Indiana, 1257,500 acres; Illinois, 1,454,283 acres; Michigan 5,659,217 acres; Wisconsin, 3,041,459 acres. - [See American Almanac for 1886.]

In 1848 an act was passed which provided that every state admitted thereafter should receive 46,000 acres (72 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 scrip to that amount) for the purpose of endowing a college.

of Agriculture and the Mechanical Arts in each state. The whole quantity to be raised under this act was 9,600,000 acres of which 8,200,000 acres have been already located [See American Almanac for 1886].

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 heads of the several states comprising the "North West Territory".

Ohio —

Ohio applied for admission to the Union in 1802. In the enabling act several conditions were proposed which were to be accepted or

rejected by the convention called to frame a state constitution.

Among the propositions, were the following; "First, that the section number six ~~ten~~ in every township --

----- shall be granted to the people of such townships for the use of schools. Second, that ----- [certain] salt, ^{spring} lands, with the sections of land 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, [$\frac{1}{20}$ for roads] Provided, that the foregoing propositions are on the condition, that the convention of the said state shall provide by ordinance irrevocable without

the consent of Congress, that every tract of land sold by Congress, from and after the thirtieth day of June next, shall be exempt from any tax laid by ordinance ~~or~~ 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 condition that "Congress should make provision for schools in the Government Reserve, the Virginia Military Reservation and the United States Military District by granting an amount of land equal to one thirty-sixth of the territory of these districts; that a like proportion should be granted of any lands in the state subsequently acquired from the Indians; that these lands

and those already spent 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 township in lieu of the one mentioned in the contract with Symmes which, for some reason, had never been set apart." [Papers of Amer. Historical Association, Vol. I, p. 107]

Congress accepted the demand of the ^{Convention} state and Ohio became a state of the Union.

The provision in regard to to taxation in the third proposition mentioned above, has been a subject fruitful in controversy. 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. C. K. Adams has presented a careful study of this subject in one of the papers of the Amer. Hist. Association. It appears from this paper that the exemption of lands sold by Congress from taxation for five years was a condition considered necessary by the original ordinance of 1787. This ordinance "provided that the states to be formed from the territory should never interfere with the primary disposal of the soil, and should levy no tax on the property of the United States." But since sales 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

exception, there, was not a consideration given by the State in return for educational grants; but was a necessary condition of sale imposed 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 session, the public domain was to be disposed of for the common benefit of the state. In answer 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 donations would enhance the value of adjoining lands and attract settlers; that the remaining lands would afford a greater revenue because the donation than the whole of them with no provision for education; and that for this reason the appropriation was a direct benefit to the whole Union."

The terms of the grant made for the Virginia Military Reservation being impracticable; a second 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 1804 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 saline lands, the proceeds to be applied to literary purposes. The last grant to the state was made in 1871 when all unsold 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 \$220,498. From the sale of Swamp lands \$6000 have been secured and distributed to the various townships of the state. The 24.2.16

acres of saline lands produced a fund of \$41,024.05. The University grant in 1862 of 46,000 acres has been leased at a fair rate and yields a present income of \$7,200.00. The Miami University grant of 23,040 acres was valued at \$4 per acre and now gives an annual income of \$5,600.

- Indiana -

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

The educational provisions were similar to those of Ohio, with the addition that one township, besides the one already reserved, should be selected by the President of the United States and set aside for a seminary of learning. 36 sections instead of 38 sections of saline lands were granted.

In 1832 Congress authorized the state legislature to sell the saline 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 Surveyor's lands between two educational institutions, a dispute arose in 1844 as to which was the right full possessor of the lands; each claiming them under authority of legislative enactments. It was clearly a case of blunder on the part of the State Legislature, and in 1854 additional amount of land equal to the amount in controversy was given to the defeated claimant.

From the 650,317 acres granted to the State for Educational purposes a fund of \$2,375,061.88 has been saved.

which yields an annual income of \$196,204.61.

From the Agricultural grant of 1862, 390,000 acres were secured in land scrip, all of this has been sold. The present fund is \$340,000.00 which yields annually \$17,000.00.

The proceeds from Swamp lands furnish a present fund of \$38,077.59, and the income from saline lands is annually over \$5,800.00.

Illinois University received 22,040 acres and the Indiana University has received 69,256 acres. Its present fund is \$139,036.74. We have no data in regard to the finances of Tennessee 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 roads, 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 not exclusively be bestowed 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, than either Indiana or Ohio.

But the weight of heavy debt forced the sale of these lands at an early date. Most of this land was put up at auction at one time, and

usually sold at the minimum price of \$1.25 per acre.

Besides the $2\frac{1}{2}\%$ of sale of public land & Illinois has received 985,066 acres of shoal lands, which furnish a present fund of \$3,896,081.07. The amount secured from the $2\frac{1}{2}\%$ of sales is \$613,362. From these two sources an annual income is derived for the benefit of common schools of over \$573,000.

The Agricultural College grant amounting to 480,000 acres and place, furnishes a present fund of \$319,178.87. The annual income of which is over \$19,000.

Illinois has been very fortunate in securing over a million acres of swamp lands which furnish a present fund of \$1,000,000.

The two townships granted for the support of a University furnish a fund of \$68,838.72. The funds raised from the $\frac{1}{2}\%$ sale of public lands

is \$158,618.32. Both of these sources
yield an annual income of
\$13,500.00

— Michigan —

Michigan on admission to the Union in 1837 received the usual grant of the sixteenth 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 ^{township} 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	—	1,067,397 acres
Agricultural College	"	240,000 "
Swamp	"	5,659,217.14 "
Saline	"	46,080 "
University	"	46,080 "

From these lands have been derived the following funds;

Common school lands	*\$	3,281,963.42
Agricultural College	"	367,117.24
Saline	"	197,446.04
Swamp	"	337,996.54
University	"	38,325.33

It will be seen that Michigan has utilized her lands to better advantage 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 educational provisions greater in proportion to area than any of

the other states. The constitution under which Wisconsin was admitted "provided that all lands granted to the state for educational purposes (except the university 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 percent. of the proceeds of the public lands should form a permanent school fund."

In 1854 the already mentioned grants were supplemented by a grant of seventy two sections of land in lieu of the salt spring lands to which the state was entitled, for the benefit of the State University.

From the grants mentioned above Wisconsin has a school fund of \$2,429,010.30 from the sale of school lands and a fund of \$309,035.28 from the 5% sale of public lands.

These two sources yield an annual income of \$190,189.56.

The 340,000 acre grant of Agricultural College land yielded a fund of \$279,689.54 which brings an annual income of \$7,910,911.

Over one million dollars has been secured from swamp lands, which annually yields \$74,106.76.

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 \$14,149,522.