NATIONAL LAND GRANTS FOR EDUCATION

IN

THE UNITED STATES.

BY--

NOBLE H. SMITH.
PREFACE.

This thesis aims to give, as clearly, concisely, and concretely as possible, the facts in the history of educational land grants by the United States, and the development of educational ideals calling forth such appropriations and called forth by such grants. In writing the thesis I have followed the conviction that a careful study of original sources should form the basis for opinion.

Our study starts with beginnings and traces the development of the Congressional school reserve policy in a definite and logical manner. For this reason, a brief study of the colonial period is introduced, followed in chapter III. by a treatment of the Federal land grants for education, embracing an investigation of the enabling acts of typical States for different periods. The next chapter, IV., is devoted to the acts of importance by Congress in the interests of education. Chapter V. discusses the attitude of the States concerned toward the school land grant policy of the Government. It has been the aim to present the thought of the people of the time under consideration in regard to the donations. This chapter closely links with the discussion of chapter II., which treats of the precedent established by our forefathers of State control of educational affairs and Government non-intervention, except by way of appropriations. The historical criticism is based on the lack of conservation of school lands, which rightly belonged to the cause of education as a subsidy from the natural resources of the country. The policy of conservation is recent, and is the outgrowth of extravagance in
the management of public trusts. While severe criticism is not spared, I have tried to grasp the spirit of optimism. The question of National land grants for education in the United States is a living theme. The history of the past serves to help formulate criterions at the present and will act as a guide in the future.

An appendix of tabulated data is given, thus giving the statistics in a concise form and avoiding unwieldy material in the body of the work.

No attention is paid in this thesis to grants of land for penal or correctional institutions, industrial or reform schools, public buildings, deaf and dump asylums, insane hospitals, schools for the blind, soldiers homes, fish hatcheries, or poor farms. Although some of these are educational institutions, and all have their educational significance, they do not fall within the range of this study.

In the collection of data I have been assisted by Hon. Elmer E. Brown, United States Commissioner of Education, and by Mr. Small, Librarian of the Iowa State Law Library.

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[Signature]
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IV. IMPORTANT CONGRESSIONAL ACTS IN THE INTERESTS OF EDUCATION. References:-


V. STATE ATTITUDE TOWARD EDUCATIONAL LAND GRANTS. References:-


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NATIONAL LAND GRANTS FOR EDUCATION IN THE UNITED STATES.

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I.- THE COLONIAL PERIOD AS INTRODUCTORY TO OUR STUDY.

The first royal charter providing for a land grant to education was that for the foundation of William and Mary College in 1693. James Blair, a minister of the Anglican Church and an educator in the colony of Virginia, presented the cause to the queen in person and succeeded in enlisting her sympathy for the plan and also the support of King William. Both gave financial aid and promised a charter. The attorney-general, Seymour, opposed the grant as England was engaged in a war with France. In reply to the clergyman's appeal for help in educating young men for the ministry Seymour roughly told Blair that the Virginians should not try to save their souls, but that they should raise tobacco. Nevertheless, the charter was given providing for financial support and a gift of twenty thousand acres of land.

In New England, prior to the Revolution, hundreds of acres of land had been given for school support, and in Virginia many thousands.

One of the earliest school endowments was for the public schools of Newark, New Jersey. An island in the Delaware River was appropriated (1683), the rental of which was for the support of common schools.

Columbia University, then King's College, before the Revolution

1. Boone, Education in the United States, p. 54.
was the recipient of several liberal grants from King George III. Brown University was rechartered in 1769 after five years of nominal existence, and was the holder of twelve thousand acres of valuable land.

Many of the colonies made grants of land for education. In this Massachusetts probably led the way. Connecticut, in 1733, reserved lands in the north-western part of the colony for "the perpetual use of the schools." In 1786 the State of Connecticut ceded her claims to western lands with the exception of the so-called Western Reserve. This was sold -- excepting a small tract -- in 1795 and the proceeds, nearly a million dollars, went into the school-fund.

"In Georgia, separate and isolated communities established schools of higher learning. Academies are coeval with the organization of counties. In the first constitution (1777) it was declared that county schools should be supported by the State, and six years thereafter the Legislature gave to each county one thousand acres of land for the support of these schools. But what is more remarkable, three years before the enactment of the famous Ordinance of 1787, the Legislature of Georgia granted forty thousand acres for founding a university."

New York in 1786 reserved two lots in each township of the un-

I- Blackmar, History of Federal and State Aid to Higher Education in the U. S., 85, 86, 88, 89, 90.  2- Ibid., 166.
settled lands for religious and educational purposes, and sold half a million acres of unoccupied land in 1801 thus creating a permanent common school fund.

Maine, about 1821, sold twenty townships of her public land to create a fund for school support. Among the southern states, Alabama, Florida, and Georgia set apart a portion of their public lands for school use.

These facts show that Congress took no initial step in reserving lands for schools, and serve as prefactory statements to our real study.
II.- FEDERAL ATTITUDE TOWARD EDUCATION.

Our National government, unlike that of many countries, does not have the authority of supervision over the school system. This is reserved for state and local jurisdiction. The Federal Convention of 1787 discussed plans for the establishment of a national university, but no such action was taken. Later under the constitution the attention of Congress was called several times to the feasibility of founding such an institution.

Washington, in a speech delivered to both houses of Congress, January 8, 1790, asked the consideration of the idea. However, as no mention was made of the subject in the formal replies of the two houses to the President's annual address, Congress paid no attention to the matter. Washington again advocated the founding of such a school in his famous Farewell Address, but Hamilton advised him to omit reference to the question until a later date. Washington somewhat reluctantly acquiesced. When he brought the matter before Congress in his last annual address to that body, December 7, 1796, again no action was taken on the recommendation. He made one last act in support of his belief in the practicability of such an institution by a bequest for its endowment in his will.

1- Cong. Globe, 32 Cong. 1 Sess., Ap'nd'x, 435,519; Niles'Register, XIII.,378,9.  2- Sparks, Writings of Washington, XII.,9; Boone, Ed. in U.S.,208.  3- Works of Hamilton, VI.,147-50; Thwing, Hist. of Higher Ed. in U.S.,185-5.  4- Richardson, Messages and Papers of Pres.,I.,202; Sparks, XII.,71.  (On #1 see also Cong. Globe, 56 Cong. 1 Sess.,1677-79).
Thomas Jefferson desired a constitutional amendment in order to establish a national university, as he did not think the foundation constitutional without it. He argued that a wise disposal of the financial surplus would be for internal improvements and education.

James Madison in his second annual message to Congress, December 5, 1810, considered the question of a national university in the District of Columbia. He again called the attention of Congress to the plan in his seventh annual message, December 5, 1815, and renewed his recommendation the following year. Congress appointed a committee in 1811 to consider this part of the President's message, but their report was unfavorable on the ground of its unconstitutionality. In 1816 Congress again appointed a committee and a similar result followed.

President Monroe shared with Mr. Jefferson the opinion that Congress had no constitutional right to legislate on a measure calling for the expenditure of public moneys, and recommended an amendment to the constitution in his first message to Congress, saying:

"I think proper to suggest, also, in case this measure is adopted, that it be recommended to the states to include in the amendment sought a right in Congress to institute, likewise, seminaries of learning, for the all-important purpose of diffusing

1- Richardson, I., 409, 10; Thwing, Hist. of Ed. in U.S., 184. 2- Richardson, I., 568. 3- Ibid., 576; Com. of Ed. Report., 1892-93, II., 1511. 4- Thwing, 184; Com. of Ed. Report, 1892-93, II., 1511.
knowledge among our fellow-citizens through-out the United States:"

John Q. Adams, himself a well educated man, urged that Congress establish a university and an astronomical observatory. This recommendation was included in his first annual message, and was 'received with shouts of derisive merriment that show, not merely the furious partisan rancor of 1825, but also the low state of science in the United States. With March 4, 1829, American politics took a new departure, and the national university passed out of sight. The first six Presidents had recommended such an institution more or less warmly, and it is painful to think that, whatever its merits, it should have expired amid the inextinguishable laughter with which the recommendation of a "light-house in the skies" was greeted."

However the ideas of men of national affairs differed in regard to the source of educational jurisdiction, they, for the most part, believed that education was destined to be the nation's defense, and as such advocated its diffusion. "The sentiments in favor of distinctly national schools were not, however, sufficiently universal to carry out any well laid plans; and Congress, although encouraging and supporting education, has thrown the chief responsibility upon the several States."

The idea of a national university was revived again by a bill introduced in the United States Senate by G. F. Edmunds, May 14, 1890. The bill passed its second reading and was referred to a

1- Com. of Ed., Report, 1892-93, II., 1310. 2- Ibid., 1511. 3- Blackmar, Hist. of Federal and State Aid to H. Ed., 29.
select committee of nine. Another Senate bill for the same purpose was presented by Redfield Proctor, February 4, 1893, but it shared the identical fate of the Edmunds' bill. The precedent established by the fathers remains in present day thought, and education is a democratic right safeguarded to a fault by the people.

Our national constitution confers no authority upon Congress directly for control over educational matters; notwithstanding, Congress has legislated upon the subject several different times. Some of its most important acts are appropriations of public lands for the support of common schools and higher educational institutions.

1- Com. of Ed., Report, 1892-93, II., 1512.
III.- CONGRESSIONAL LAND GRANTS FOR EDUCATION.

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Following the cession of western land claims by Virginia, Massachusetts, Connecticut, New York, North Carolina, South Carolina, and Georgia, Timothy Pickering, in April 1783, presented a series of resolutions to Congress regarding this North-West Territory. Section seven reads:

"These rights being secured, all the surplus lands shall be the common property of the state, and be disposed of for the common good; as for laying out roads, building bridges, creating public buildings, establishing schools and academies, defraying the expenses of the government, and other public uses."

These suggested plans bore fruition in the ordinance of May 3
20, 1785, which reads, in part:

"Be it ordained by the United States in Congress assembled, that the territory ceded by individual States to the United States, which has been purchased of the Indian inhabitants, shall be disposed of in the following manner:......The surveyors,......shall proceed to divide the said territory into townships of six miles square, by lines running north and south, and others crossing these at right angles, as near as may be,..........

"The plats of the townships, respectively, shall be marked by subdivisions into lots of one mile square, or 640 acres, in the same direction as the external lines, and numbered from 1 to 36,

1- Hinsdale, Old North-West, 198-246. 2- Com. of Ed., Report, 1892-93, II., 1369. 3- Hinsdale, 247-54.
always beginning the succeeding range of lots with the number
next to that with which the preceding one concluded." (The count
was to begin at the north-east corner, and was to run west and
east). "There shall be reserved the lot No. 16 of every town-
ship for the maintenance of public schools, within the said town-
ship."

This was the first reservation of public lands for educational
purposes, and had the hearty support of Jefferson, Dane, Madison,
and other leading statesmen of that day.

The Ohio Land Company, which was organized in 1786 by ex-officers
and soldiers of the Revolutionary War, petitioned and obtained
from Congress a grant of land on the Ohio. A constitution to
govern the tract was written by Nathan Dane. The ordinance for
the company passed Congress July 15, 1787. Article three of this
ordinance has since been much quoted in state papers, and reads:—

"Religion, morality, and knowledge being necessary to good
government and the happiness of mankind, schools and the means

of education shall forever be encouraged."

A committee consisting of Carrington, King, Dane, Madison, and
Benson reported a contract for the sale of western lands in the

1- Com. of Ed., Report, 1892-93, II., 1269; Anderson, Hist. of
Common School Education, 278,9. 2- Thwing, 188,9; National
Ed. Ass'n., 1884, part 2., 32; Ibid., 1873, 39, 40, 121; Donaldson,
Public Domain, 224; Dutton and Snedden, Administration of Public
Education in the United States, 28, 29. 3- Com of Ed., Report,
1892-93, II., 1269; Journals of the American Congress from 1774 to
1788, IV., Appendix, 17, 18; Donaldson, 224; Poore, Charters and
Constitutions, 429; Blackmar, 43, 44.
Continental Congress, ten days later, under the caption, "Powers to the Board of Treasury to contract for the sale of Western territory." This report reads, in part:-

"The lot No. 29 in each township, or fractional part of a township, to be given perpetually for the purposes contained in the said ordinance (May 20, 1785).........Not more than two complete townships to be given perpetually for the purpose of a university, to be laid off by the purchaser or purchasers, as near the center as may be, so that the same shall be of good land, to be applied to the intended object by the legislature of the State."

This report was made July 23, 1787, and followed the North-West Ordinance of that year which passed Congress June 13. The committee report was adopted the same day it was reported and became a law. Commenting on the Ordinance of 1787, Daniel Webster said:

"It set forth and declared it to be a high and binding duty of the government to support schools and advance the means of education."

The author of the Ordinance was Manasseh Cutler.

The Ordinance of 1787 was an important document in our educational history, but it was not, as has been claimed, the initial step in our national educational policy of land appropriation.


2- Webster's Works, III.,265.

3- Thwing, 190; Andrews, Hist of the U.S.,II.,171-73; Nat'l. Ed. Ass'n.,1875, 65,39,40,121.
The question of national control was left unsettled, and was raised and debated until 1803.

The principles of the Ordinance of 1787 were applied to nearly all the states created out of the public domain, or in other words to all the states west of the Allegheny Mountains with the exception of Texas, Tennessee, Kentucky, and West Virginia.

Grants for educational purposes were generally embodied in the enabling acts admitting the states into the Union. Quoting from Donaldson: "The reservation of a section, or one mile square, of 640 acres, in each township, for the support of public schools, was specially provided for in the organization of each new State and Territory up to the time of the organization of Oregon Territory." This was in 1848. The states of Ohio, Indiana, Illinois, Louisiana, Mississippi, and Alabama profited in this way. By special enactment, all townships, which for any reason failed to secure section numbered sixteen, were given permission to select an equivalent located elsewhere. A number of such indemnity acts have passed Congress. By these provisions nearly 5,000,000 acres had been granted for educational purposes before 1850.

Immediately after Congress had adopted the Ordinance of 1787, a contract with the Ohio Company followed, which carried out the

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1- Donaldson, 225.  2- Cong. Globe, 36 Cong., 1 Sess., 482; National Intelligencer, Dec. 20, 1821; U.S. Statutes at Large, II., 426, 401; Ibid., III., 290, 485, 787, 686; Ibid., IV., 416, 475, 679; Ibid., VI., 583, 492, 484, 567, 641.  3- Blackmar, 44.
provisions of the land grant and gave to the State of Ohio two
townships of land for the support of a university. The same year
the company headed by John Cleves Symmes contracted with the board
of treasury for the purchase of a tract in the North-West Territory,
on nearly the same terms as the Ohio Company. The common school
reserve was about the same, but only one township was reserved
for a university. Ohio in this way secured three townships for
a university.

As has been noticed above (p.11), grants of land for educational
purposes were usually embodied in the enabling acts admitting the
States into the Union. The first such act was that for Ohio, and
was approved April 30, 1802. This act authorized the creation of
the State and provided for schools as follows:—

"The section numbered sixteen in every township, and where such
section has been sold, granted, or disposed of, other lands equiv-
alent thereto and most contiguous to the same, shall be granted
to the inhabitants of such townships for the use of schools."

This is the first Congressional act transferring the title or
control of section sixteen of reserved school lands. The State
was prohibited from taxing these lands for five years from the
date of sale in order to prevent any one from securing a tax title
before the national government had received payment in full. Sales
were made on credit by the United States for periods ranging from

1- Blackmar, 44. 2- U.S. Statutes at Large, II.,175; Annals
of Cong. 1802-3, 7 Cong. 2 Sess.,1588-90. 3- U.S. Statutes at
Large, II.,175; Annals of Cong.,7 Cong. 1 Sess.,1851.
one to five years, at two dollars an acre. This plan of prohibiting State taxation caused much bitter comment on the part of the State as we shall see later in our study.

An additional act was passed by Congress March 3, 1803 which modified the enabling act and vested in the legislature of the State of Ohio the appropriated school lands in the State "in trust for the use aforesaid, and for no other use, intent, or purpose whatever." Thus was the old question of federal control of educational grants closed. Enabling acts passed by Congress before 1820 contained similar provisions for each State admitted into the Union during that period.

An interesting provision of the supplementary act of March 3, 1803 is that it gives the authority to the attorney-general to compel John Cleves Symmes and his associates to surrender one complete section of land for the purpose of establishing an academy. This may imply that Congress doubted the good intentions of that company in fulfilling the terms of its grant.

Another exception to the usual wording of the sixteenth section school reservation articles is found in an act providing for the sale of certain land in the district of Marietta (March 18, 1818), which reads: "....The said lands,....with the exception of the usual proportion for the support of schools, shall be offered for sale to the highest bidder,..." The 'usual proportion' of the

reserved school lands was the sixteenth section of every township for common schools and one entire township for a university. This had become the general rule to such an extent by 1818 that it was no longer necessary to specify the reserved school lands.

In her public land system the United States was working out an experiment. Congressional acts on the subject did not at first take into consideration all the factors involved, were fragmentary, and consequently, were modified or supplemented by additional acts. Most of that group of States admitted into the Union before 1848 had several separate acts passed in regard to their school reserves. As Mississippi was the first Territory, with the exception of Ohio, to be subject to the Act of 1803 we will use that State as an example of the developing governmental land policy, and give the specific references to the acts of Congress effecting other States.

An act approved the same day the Ohio enabling act was signed by the President (March 3, 1803), reserved to the commonwealth of Mississippi the one section in each township for common schools and one township and two town lots in the town of Natchez for the use of Jefferson College. An additional grant of one entire township for the support of this school was approved February 20, 1819.

1- U. S. Statutes at Large, II., 69; Ibid., 234; Poore, Charters and Constitutions, 1051; Annals of Cong. 7 Cong. 2 Sess. 1802, 3., 1593-1601. 2- Annals of Cong. 7 Cong. 2 Sess. 1819, 2487, 8; U. S. Land laws, Local and Temporary, 1880, 527; Toulmin's Digest, 411; Digest of 1816, 310; U. S. Statutes at Large, III., 485.
A supplementary act of April 21, 1806 provided that if section
numbered sixteen had previously been granted another section could
be reserved for school use, if necessary in another township.
An act passed Congress March 20, 1817 which provided for the sale
of public lands in Mississippi other than the sixteenth section
of each township, which was reserved for school purposes by a
former act. It was not until May 19, 1852 that Congress authoriz-
ed the legislature of the State to sell the school reserves and
invest the money as it saw fit for the support of schools with
the consent of the inhabitants of such township or district.

If, by way of contrast, we study those States admitted into
the Union after 1853, we will find a much more simplified form
of procedure. Take Colorado, which became a State March 3, 1875,
as a representative of this group of States. An act was approved
February 28, 1861 for the territorial government of Colorado,
giving the then usual provisions of sections sixteen and thirty-
six for schools. The Territory received Statehood the same day
the enabling act was signed. The enabling act of Colorado reserv-
ed the above two sections of land for a common school subsidy in
every township, and granted seventy-two other sections of land
for a State university. Provision was made that the sections
reserved for the benefit of common schools should be disposed of

1- Annals of Cong. 9 Cong. 1 Sess.1805,6.,1286-87. 2- Ibid,
14 Cong. 2 Sess.1816,17.,1314; U. S. Statutes at Large, III. 163.
3- Cong. Globe, 32 Cong. 1 Sess.1851,2.,public act #14.
4- Poore, Charters and Constitutions, 216,175; U. S. Land Laws,
Local & Tem.,1880.,952; Donaldson, 226; Blackmar, 312.
only at public sale and at a price not less than two dollars and fifty cents per acre. The proceeds were to constitute a permanent school-fund, the interest of which is expended in the support of common schools.

In this comparative study we have noticed the general provisions made for the two groups of States. We will now notice some exceptions to the general rules; first in regard to the group of States admitted from 1803 to 1848, and then the group admitted from 1848 to 1890.

As has been noted (p. 11) a number of indemnity acts were passed by Congress. It was found that Wabash County, Indiana, suffered a shortage in its share of the grant for schools and a subsequent act of relief was passed March 3, 1859 which gave to that County 2,538 acres from the public domain in lieu of the deficit. The Territorial constitution of 1816 provided that no school land could be sold prior to 1820. Such a provision is common in later State constitutions.

Illinois was admitted into the Union December 3, 1818 following the enabling act of April 18. This repeats verbatim the school reserve clause in the Ohio enabling act of 1802 (p. 12). The third article declares that five per cent of the net proceeds from the sale of lands lying within the State, should go into the State

1- Poore, Charters & Constitutions, 219, 254, 236; U. S. Land Laws, Local & Temporary, 1880, 952-54, 962; U. S. Statutes at Large, XVIII, 475; Revised Statutes, 1946. 2- Cong. Globe, 35 Cong. 2 Sess., pt. 547. 3- Poore, 498, 508. 4- U. S. Land Laws, Local & Temporary, 1880, 153, 155, 156, 158.
treasury. Of this amount, three-fifths was appropriated by the State legislature for the encouragement of learning; one-sixth of this three-fifths was to be given to the aid of a college or university. The fourth article reserves the usual one entire township for the use of a seminary of learning.

In order to understand the provision of three-fifths of the five per cent grant (which acceded from the sale of public lands within the State), which is a departure from the usual application of this fund, we must remember that the Territory of Illinois for fifty years had been indifferent to the cause of higher education, and this liberality was in order to make good, in a measure, for the neglect of the Territory. The mis-use of the entire grant given for educational purposes, forms a dark chapter in the history of the State, is treated in another section of this paper.

Two entire townships were reserved for a seminary of learning for Alabama in the enabling act for that State. This was approved March 2, 1819. Michigan and Arkansas also received two entire townships each for a seminary of learning. The usual school reserves are provided for in acts relating to the other States of the group admitted in this period, viz: Mississippi,

1- U. S. Statutes at Large, III., 430.  2- Ibid., II, 514, III, 556.  3- Ibid., III, 371, 608; Annals of Cong., 15 Cong. 2 Sess., 2500; U. S. Bank Laws, Local and Temp., 1880, 595, 600, 602, 603.  4- Ibid., 205, 206, 208, 504, 505; U. S. Statutes at Large, II., 309; III., 493; V., 50, 144; Poore, 115-18; Cong. Debates, 1855, 6, Vol. XII, part IV, appendix, xxii, xlvi.  5- U. S. Statutes at Large, III., 472; I., 549; Poore, 1064; U. S. Land Laws, 1880, Loc. and Temp., 554, 556, 557.
Missouri, Louisiana, Florida, Iowa, and Wisconsin.

As has been noticed the group of States admitted into the Union between 1848 and 1890 were subject to more liberal educational land grants. Two sections in each township for the use of common schools, and two entire townships for the support of a university is the general rule for these States.

This more liberal policy adopted by the United States was through the instrumentality of Stephen A. Douglas, who secured the enactment of a bill by Congress to establish the territorial government of Oregon, August 14, 1848. Section twenty of this act reads:

"That when the lands in the said Territory shall be surveyed under the direction of the government of the United States, preparatory to bringing the same into market, sections numbered 16 and 36 in each township in said Territory shall be, and the same are hereby, reserved for the purpose of being applied to schools in said Territory, and in the States and Territories hereafter to be erected out of the same." This reserves 1,260 acres of public land for school support in every township of six miles square.

1- Poore, 1100, 1118, 1064; U. S. Statutes at Large, II., 745, III., 646; U. S. Land Laws, 1880, Local and Tempory, 409, 410, 416, 418, 420, 485. 2- Ibid., 295, 500, 301, 308, 311, 312, 317; Annals of Cong., 9 Cong. 1 Sess. 1805, 1812, 1817; U. S. Statutes at Large, II., 351, 701; IX., 646, 128, 131. 3- Ibid., III., 654, 756; Poore, 326, 343, 556; U. S. Statutes at Large, 1880, Local and Tempory, 655, 656, 657, 659, 686. Blackmar, 207, 208. 4- Poore, 534, 555, 564; U. S. Statutes at Large, V., 235, 742; IX., 549; U. S. Land Laws, 1880, Local and Tempory, 749, 750, 754, 755, 753, 758, 759; Blackmar, 290, 1. 5- U. S. Statutes at Large, V., 10, 244; IX., 58, 352, 178; Poore, 246-49, 2027, 2038, 2039; Cong. Debates, 24 Cong. 1 Sess., XII, part IV, appendix, iii-v; U. S. Land Laws, 1880, Local and Tempory, 260, 249, 251, 252, 265, 206. 6- U. S. Statutes at Large, IX, 350.
This is for the aid of common schools. Two entire townships were
given to establish and maintain a university.

The first State admitted into the Union receiving the larger
grants was California, which became a State March 3, 1853. A joint
resolution of Congress, March 3, 1857, in favor of Minnesota, gave
the sentiment of that body in harmony with the idea of reserving
two sections for each township other than those numbered sixteen
and thirty-six; in case actual settlement on such sections had
been made previous to the surveys of the same. This resolution
included Kansas and Nebraska. Besides Colorado and Oregon, and
the States mentioned in this paragraph, three other States have
received the same or similar quantity of grants, as follows: Nevada,
Washington, and Wyoming.
Another group of States is composed of those which were admitted into the Union in 1889, 1890, 1896, and 1897. With but one exception the States of this group were the recipients of larger school reserves than the foregoing States. Wyoming, although admitted as a State in 1890, received the same proportion of educational land grants as Oregon. Seven States comprise this last group, viz:

Washington, North Dakota, South Dakota, Montana, Idaho, Utah, and Oklahoma. Besides the two sections in each township for common schools and the grant of two entire townships for the support of a university in each State, these States received liberal reservation for other educational purposes. Washington was given 100,000 acres for a scientific school and the same amount for State normal schools. North Dakota was granted 90,000 acres for an agricultural college, 40,000 acres for a school of mines, 40,000 acres additional for an agricultural college, 40,000 acres for a university, 80,000 acres

1- U. S. Statutes at Large, XXV.,358; Revised Statutes,1947; See references under #6,p.19. 2- Thorpe, V.,2851,2896; U. S. Statutes at Large, XII.,239; XXV.,676,679; XXVII.,592; U. S. Land Laws,1880,Local and Temporary,826. 3- Thorpe, IV.,2295-95; VI.,3373,3374; U. S. Statutes at Large, XII.,239; XXV.,679; XXVII.,15,592; Revised Statutes,1946; U. S. Land Laws,1880,Local and Temporary,826. 4- U. S. Statutes at Large, XIII.,85; XXV.,676,679; Revised Statutes,1946; Thorpe, IV.,2295-6; U. S. Land Laws,1880,Local and Temporary,841,842. 5- Thorpe,II.,914-16; U. S. Statutes at Large,XXI.,608; XXVI.,215; XXVII.,592; Revised Statutes,1946; U. S. Land Laws,1880,Local and Temporary,846. 6- Thorpe, VI.,3692,3695,3696,3720; U. S. Statutes at Large, IX.,676; XXVIII.,109; XXXII.,188; Revised Statutes,1946; U. S. Land Laws,1880,Local and Temporary,971. 7- Thorpe, V.,2948, 2949,2977,2978; VII.,4319-21; U. S. Statutes at Large, XXVI.,81, 89,1043; XXVIII.,71; XXIX.,490.
for State normal schools, and 170,000 acres for other educational and charitable purposes. South Dakota received the same grants with the exception that she got 120,000 acres and 40,000 acres (two grants), for an agricultural college. Montana had reserved for a school of mines, 100,000 acres; for State normal schools, 100,000 acres, and an additional grant of 50,000 acres for agricultural colleges. All these States were admitted into the Union in 1869, and shared the same enabling act.

Idaho, admitted in 1890, was given land for educational purposes as follows: agricultural college, 90,000 acres; scientific school, 100,000 acres; State normal schools, 100,000 acres; and for a State university, 50,000 acres.

Utah became a State in 1896. The enabling act was approved two years before. This act embodies the right of the Territory to become a State, as do all enabling acts, but it also contains the following unusual educational provisions:

"That upon admission of said State into the Union, sections numbered two, sixteen, thirty-two, and thirty-six in every township of said proposed State......or equivalent thereto......are hereby granted to said State for the support of common schools. .......That lands to the extent of two townships in quantity, authorized by the third section of the Act of February 21, 1855, to be reserved for the establishment of the University of Utah, are hereby granted to the State of Utah for university purposes,
That in addition to the above, one hundred and ten thousand acres of land, including all saline lands of said State are hereby granted to said State for the use of said university, and two hundred thousand acres for the use of an agricultural college therein."

Five per cent of the net proceeds from the sale of public lands by the United States subsequent to the admission of the State forms a permanent fund, the interest alone being used for the support of common schools within the State, together with the proceeds from the sales of granted school lands.

Oklahoma was given Statehood November 16, 1907. She received the sixteenth and thirty-sixth sections of every township for the aid of common schools, but gave up these claims to the United States and accepted $5,000,000 in lieu thereof. Section 13 of each township was reserved for schools as follows: \( \frac{1}{4} \) for the support of normal schools; \( \frac{1}{3} \) for the university and university preparatory school; and \( \frac{1}{3} \) for the agricultural and mechanical colleges and a colored agricultural college. There was also granted, for the State university, 250,000 acres; for the university preparatory school, 150,000 acres; for the agricultural and mechanical colleges, 250,000 acres; for the colored agricultural and normal university, 100,000 acres; and for normal schools, 300,000 acres. By an act of February 18, 1881 the State University of Oklahoma received 75 sections of land, and

1-Thorpe VI., 3692, 3695, 3696, 3720; Com. of Ed. Report, 1892-93., 141.
2- Thorpe, V., 2948, 2949; VII., 4319-21.
in the enabling act (from which these data are taken) it was granted 300 sections. 200,000 acres were given for the support of a school of mines. When we consider the value of these lands, we can readily appreciate the liberality of the Government to this last sister in the family of States.

Concluding this chapter we may say that the development of the educational land system of the United States was due to deeply seated principles active in American society. Legal provisions for the founding and maintenance of schools, taking the concrete form of Congressional land grants, are parallel to the developing intelligence of the people and their awakened interest in schools and the means of education.
IV.- IMPORTANT CONGRESSIONAL ACTS IN THE INTERESTS OF EDUCATION.

The Ordinance of 1787 gave section numbered sixteen in every township for the support of common schools. An act of 1802 gave two townships to Ohio for a State university. "In all the laws passed subsequent to April 30, 1802, for the sale of public lands, section numbered sixteen has been reserved for the use of schools, and in the acts authorizing the admission of new States into the Union, this section has been granted to the State for the same purpose."

An act passed in 1803 was the first Congressional grant of land for a school already in existence, and was made to Jefferson College in Mississippi Territory. Indiana received the first three townships grant for a seminary of learning appropriated by Congress in one act. This was in 1804. This Territory received an additional township grant for the same purpose twelve years later. The Territory of Missouri received three townships for a university by Congressional acts of 1818 and 1820, but only one township seems to have been confirmed by the enabling act for the State (1820).

Several acts were passed during the decade 1820-30 indemnifying the States suffering loss to their educational grants because of former claims to such lands, or because of the untillable character of the lands appropriated for school use.

1- Index to U. S. Statutes at Large,"Land Grants." 2- U.S. Statutes at Large,II.,234; Toumlin's Digest,411; Digest of 1816, 310. 3- U. S. Statutes at Large,II.,277. 4- Niles' Register,XXXII 270,320; U. S. Statutes at Large,III.,290. 5- U. S. Land Laws, Local and Temporary,410,416,418,420,485; U. S. Statutes at Large, III.,407,547.
Provisions were made during this decade whereby the States and Territories could lease, or sell, the reserved school lands, the proceeds from such transactions being devoted to school funds for the State or Territory. During the next ten years no less than eighteen different laws of this character were passed. The right to select indemnity lands, or sell the school reserves and invest the proceeds in certain stocks was the burden of nearly all the Congressional legislation in regard to educational grants for the decade 1830-40.

The next decade witnessed the admission of five States into the Union, viz: Florida, Texas, Iowa, Wisconsin, and California. The enabling acts of nearly all these States granted the sixteenth section of each township for the use of common schools and one township in each State for a seminary of learning. The exceptions were Wisconsin and California. The former received sections numbered sixteen for common schools and two entire townships for a university. The latter State received sections numbered sixteen and thirty-six for common schools and two entire townships for a university.

Arkansas, admitted in 1836, received in 1846, seventy-two sections for school purposes. Wisconsin Territory received a university reserve of two entire townships in 1846.

In 1841 Congress granted ten per cent of the proceeds of the sales of public lands within each respectively of the following States: Ohio, Illinois, Alabama, Missouri, Mississippi, Louisiana, Arkansas, and Michigan. No specification was made regarding the disposal of
these moneys. Some of the States applied a part of their receipts from this source to educational purposes. The same year an act was approved giving certain States 500,000 acres of land for the purpose of internal improvements. These States were Ohio, Indiana, Illinois, Mississippi, Alabama, Missouri, Louisiana, Arkansas, and Michigan. With the exceptions of West Virginia and Texas, this act embraced all of the new States admitted. Some of the new States accepted this grant with the stipulations that the proceeds from the sales of these lands be reserved for the use of public schools. In this way California, Nevada, Iowa, Oregon, Wisconsin, Kansas, and Colorado have increased their school funds. In 1848 Alabama, by an act of Congress, was given the right to give her school fund the proceeds of the grant theretofore used for internal improvements.

The year 1848 is important in our educational history as Oregon Territory was organized that year with two sections, the sixteenth and thirty-sixth, of every township reserved for common schools and two entire townships granted for a university. This established a precedent the National government has followed consistently since that date.

In 1850 the "Swamp Land Act" was passed which enabled certain States to reclaim the swamp lands within their limits. Before

1- U. S. Statutes at Large, V., 455.  
2- Ibid., 455; Com. of Ed. Report, 1876, 16.  
3- U. S. Statutes at Large, IX., 519, 520; Revised Statutes, 2479-90; National Educational Association, 1875, 65; Ibid., 1884, Part 2, 33, 34.
twenty-three years, in accordance with this act, 62,428,413 acres were given to fourteen States, viz: Alabama, Arkansas, California, Florida, Illinois, Iowa, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Wisconsin, Indiana, and Ohio. The lands granted by this act have been devoted to educational purposes by these States. California appropriated a large part of the proceeds derived from the sale of these tracts to her State university. Louisiana, Indiana, and Mississippi have constitutional laws placing the funds thus obtained in their public school funds. Missouri, Ohio, and Wisconsin have statute laws with like provisions.

In 1862 Justin S. Morrill of Vermont, introduced in the House of Representatives a bill granting to the several States a certain number of acres of land, proportionate to their representation in the two Houses of Congress, for the purpose of establishing agricultural colleges. Mr. Wade of Ohio, introduced in the Senate a bill of the same tenor at the same time. Much opposition was raised by the Southern members. The argument against the bill was based on the unconstitutionality of the measure. The question of States Rights was involved. The financial condition of the United States was also urged as a reason why the bill should not pass. Almost every possible excuse was raised to delay action on the bill by Southern Senators. Only the persistency of the friends of the proposed law secured a vote on the measure. It passed the Senate by a vote of 25 to 22. The House passed it by a close vote. It then met the
veto of President Buchanan. The bill passed Congress as a party measure and was vetoed on the same grounds. The defeated bill was made an issue in the next presidential campaign. Mr. Lincoln promised that he would sign the bill, if elected and it came before him. Accordingly in 1862, a similar bill was introduced in the Senate. The Southern representatives, from whom had come most of the opposition to the previous bill, were no longer in Congress. President Lincoln signed the measure July 2, 1862, and it became a law.

The provisions of this act were, (1) an appropriation of 30,000 acres for each senator and representative in Congress during the year 1860; (2) not more than a million acres might be located in any one State; (3) a share in this appropriation was only to those States accepting within three years after the ratification of the act, or before July 2, 1865, or to new States within three years after their admission into the Union; (4) moneys derived from the sale of certain lands should create a fund, the interest of which might be used for the support of "at least one college" in each State; (5) "the leading object"—of these schools—"shall be, without excluding other scientific and classical studies, and including military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts, in such manner as the legislatures of the States may respectively prescribe, in order to promote the liberal and practical education of the industrial classes, in their several pursuits and professions in life.
(6) Land scrip to be issued to States which did not have any, or not enough public land within such States."

This act was modified and enlarged by supplementary acts passed March 2, 1887, and August 30, 1890. The first of these was to establish experimental stations in connection with the colleges created by the Act of 1862, and the sum of $15,000 was annually appropriated to each State for that purpose. The second was to more completely endow the colleges established by the Act of 1862, and granted $1,000 annual increase to an additional appropriation of $15,000 until the annual appropriation should reach $25,000. Both appropriations were to be taken from the moneys arising from the sales of public lands, and both acts bind the colleges to federal jurisdiction.

The Act of 1862 ranks second in importance only to the Ordinance of 1787 in the educational history of the United States. By it forty-eight institutions of learning received direct aid, and at least thirty-three of these were created by this grant.

During the decade of the 60's several acts for the relief of

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able because of lakes, swamps, and so on.

Land was granted to take the place of such pieces as were unequal.

In addition, practically all was not, since in almost every case indemnificatory registration and whilst the water area was normally governmentally characterized this indemnity policy characterized it.

I claim or because the school reserves were located in lakes or ponds.

The school lands of which were lost because of private
V.- STATE ATTITUDE TOWARD EDUCATIONAL LAND GRANTS.

We have noticed in our introductory chapter that public education in America had become organized considerably before the Union was formed. Legislation concerning schools was the outgrowth of educational conditions, and not the reverse. "The history of the beginning of American education in all the states shows that local co-operation effort paved the way, laying the foundation which made state legislation necessary."

State constitutions reflect the desires of the majority of the people living under them. The thoughts to which they give expression are those which have been in existence in the minds of citizens, and the documents declare in formal way the wishes of men. Constitutions follow action and do not proceed it. For this reason a study of State constitutional provisions is desirable. The educational Renaissance in our country has its indice in these documents. The awakening thought for schools and the means of education is co-extensive with the constitutional provisions for the same. "The successive constitutions of the various states show by what slow and painful steps the legislators arrived at a knowledge of effective methods of applying to the purposes of universal education the appropriations made by the Federal and the State governments."

Under the new organization formed by the seceded colonies, all

1- Dutton and Snedden, 56.  
2- Anderson, 279.
the original thirteen States, with the exceptions of Connecticut and Rhode Island, framed new constitutions. These States kept their colonial charters for some time. Several of the States found their constitutions inadequate, and either made new ones or amended their old ones to meet unforeseen conditions. The National government no sooner realized her destiny as an independent nation than she awoke to the importance of educational provision and support. Notwithstanding the fact that Congress was alive to the conditions and needs, the means to the end shaped themselves by a slow and painful process. Vermont (1791), Kentucky (1792), and Tennessee (1796) came into the Union before any great educational forces had appeared.

As colonies, the original States regarded education and religion inseparable; and later, as States, religious instruction is a feature of the educational provisions of some of the first constitutions (the first constitutions of Pennsylvania and Vermont for instance). Some constitutions made no mention of education whatever. Some allowed a tuition fee to be charged. The Pennsylvania State constitution of 1838 is the first to provide that education should be gratis.

The second period of our educational history begins with the first Congressional land grants for education in 1802, and may properly be termed the epoch of the American Educational Renaissance. During this time --1802 to 1848-- the general government
began a definite educational policy in regard to the public domain, and the State constitutions formulated during this period acknowledged these public donations and provide for their husbanding. The West was the center of the nation's thought. The democratic theory of government reached its height. Decentralization was the policy which reflected itself in educational administration. New factors sprang into being in the American school world. Shortly before 1830 the first superintendent of education took his oath of office. Before 1845 the first State board of education was created, the first teachers' institute was organized, the first school library was provided, and the first normal school was founded. Educational publications increased in numbers and importance. Education and religion became differentiated. State universities became numerous, and prospered under the generosity of landed donations from Congress and through lotteries sanctioned by the government. Before 1830, permanent school funds had been provided by the states of Massachusetts, Connecticut, New York, New Hampshire, Maine, New Jersey, Delaware, Virginia, North Carolina, South Carolina, Alabama, Georgia, Tennessee, Kentucky, and Louisiana. The states carved out of the public domain beginning with Ohio, had the benefit of the reservation of certain sections of land set aside for educational purposes by the National Government. Nearly 5,000,000 acres had been granted for this object before 1830. The evils were the 'district' systems which prevented co-operation. Horace Mann and Henry Barnard
brought the school funds under State control in 1840." Thus we may say that this period was one of intellectual awakening and educational rebirth.

What was the attitude of the States toward education in this period? From the middle of the period (1820) till far into the next period (1860), the States frequently made petitions to Congress asking for aid in school support. In 1829, thirty petitions were before Congress for grants of land for educational purposes in the various States. These requests were met with refusal. Each State at its admission, or by special act, received from Congress liberal grants from the public lands and Congress considered these sufficient aids for organizing schools, and that the States should provide for their maintenance from their own resources.

"The constitutions adopted from 1835 to 1850 manifest the influence of the educational Renaissance which characterized that period. From the middle of this period on provision is made in a steady increasing number of states for the adequate support, by state and local taxation, of schools free to all, rich and poor alike."

That education was taking deep root in the minds of the people may be seen by a study of the messages to their legislatures by the governors of the several States. Illustrative of this is the message of Governor Poindexter of Mississippi, who says: "Education under

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1- Sparks, U. S.II., 12, 13.  2- Thwing, 191; Cong. Globe, 36 Cong. 2 Sess., Part I., 816.  3- Anderson, 279.
the protection and patronage of the State, with the aid of suitable endowments, will take deep root throughout the community, and its lights and benefits will descend from one generation to another, so long as human rights shall be identified with the glory, inde-
pendence, and happiness of the Nation." As the commencement of a system for the support of schools, he advocated that escheats, all fines for crimes, and a special tax to be levied, be set aside for educational support. A principle generally embodied in State constitutional laws of to-day.

The Governor of Alabama two days later (December 15, 1821), in a message to the legislature of that State, advocated selling the university lands granted the State by the United States, at auction to the highest bidder, and with the proceeds found a State Bank, the University in turn to be founded by the loans of the Bank. He warned against the credit system, pointing to the fact that it had had destructive consequences in sister states.

An editorial in the National Intelligencer, the same day, reads:-

"It would be an act of liberal and generous legislation to establish a permanent fund, founded on the Public Lands, for the purpose of Internal Improvement. There would be a congruity and fitness in thus employing that treasure. Not that we mean to say that it would not also be well applied if employed for the purposes of Education: but, with the exception of the endowment of one University

we rather think that Education had better be left entirely with the
1 State governments."

Many State legislatures did not receive the public land school
reserve policy of the government in a kindly way, but freely crit-
icised the system. Especially was this true of the South. Ohio,
for reasons which will be considered, also opposed the plan.

In the Kentucky State Legislature it was argued that university
land grants were not desirable, as the schools thus supported tended
to produce aristocrats and a rise in tuition was all that was nec-
essary to maintain them. "The university should be taught to shift
for itself," declared one member, "I tried that method on my hogs
and succeeded admirably, producing the best breed in Hardin County."
A gentleman on the other side said he failed to see the analogy
and thought that any one who could do so had never enjoyed the
2 benefits of education.

A committee appointed in the General Assembly of Tennessee
reported that much of the school land was not worth surveying, was
unfit for cultivation, and sold on credit at a loss to the State.
They maintained the belief that the session of the United States
was as much the result of a compromise to quiet the conflicting
claims of the parties concerned as from an act of grace on the
part of the government of the United States. The committee suggest-
ed the advisability of drawing the attention of the National

Congress to the fact that the lands were worthless. This was a mild way of saying that they were not in sympathy with the National policy, but, if the system must operate, they wanted their full quota.

So intense the argument had become in the State legislatures by the first of the next year that it was feared that jealousy might be aroused over the school land appropriations and a division of the Union result. Many of the State legislatures were bitterly opposed to the perpetuity of the school grants.

Another writer pointed out that the United States did not give the school lands gratuitously, but subject to a condition which would cost the States as much or more than the value of the lands given for schools. The condition hinted here was the bone of contention in the Ohio legislature.

Governor E. A. Brown of Ohio in a message to his legislature, December 4, 1821, declared Ohio bore the blunt of border warfare and frontier hardships, and were this not true the other States would not have any school lands. He continued to say that Ohio had been granted, including college township, 750,000 acres, and complained that these lands could not be taxed while the State must treat them as a gratuitous bounty.

The question under discussion was the right of the central government to forbid the State of Ohio to tax school grants, which

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3- Ibid., Jan. 16, 1822.  4- Ibid., Jan. 1, 1822.
was denied by Ohio and affirmed by Maryland. The latter State argued that school reserves raised the price of other land in Ohio, that Ohio's objection to tax exemption was unfounded as the fact that such lands were exempt would encourage emigrants to leave other States and settle there, hence increasing land values in Ohio, and further that the reserved lands would have no value till the country was populated. Thus the grants would be on a basis of population to the new states, though in form on a basis of territory. Education should be co-extensive with the right of suffrage.

An extract from the Franklin Gazette of December 21, 1821, quoted in the National Intelligencer of January 1, 1822, says:

"If large tracts of public land should be granted to the several states, they will be of little use in furthering the object of education, unless the land can be sold. Without taking into consideration that the public lands are an important source of revenue, the avails of which are in fact pledged to the public creditors, it will most probably be productive of much confusion, speculation, and other evil consequences, to create, as it were, twenty-four independent land companies in the country, all bringing their lands into the market together, and each tempted to undersell the others for the purpose of raising money."

\[1\] National Intelligencer, Feb.1,1822. \[2\] Ibid.,Nov.28,1822. \[3\] Ibid.,Jan.1,1822.
Mr. Maxcy, of Maryland, answered the objection by declaring that all states had equal rights to share in the blessings of the public lands, and that the Congress of the United States had power to regulate the sale of these lands.

The Massachusetts legislature passed resolutions affirming that the public lands of the United States were justly considered as the common property of the Union, and that no State could justly claim any exclusive appropriation of them. Unlike many state legislatures, their resolutions continue, "that the reservation of certain lots of land in townships offered for sale by the United States for the support of schools in such townships, in pursuance of standing laws, cannot justly be considered as a donation to the states within which such lands are situated, and cannot, therefore, entitle any other state to demand any land or other donation by way of equivalent."

The little State of Rhode Island bravely objected to a proposition to apportion school lands to the old states from the public domain according to the territory of the states. The legislature of Rhode Island adopted a plan to apportion the land according to population as determined by the census of 1791. This census was the result of the appointment of a committee by Congress, August 5, 1790, which committee was to settle the accounts between the United States and the individual states for services and supplies.

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1- National Intelligencer, Feb.21,1822.
during the Revolutionary War. It was also argued that the assumption of state debts incurred in the Revolutionary War, the balances of which were not yet paid (that of New York for instance was $1,744,148,44), lands to those values should be withheld. The Rhode Island plan also was urged because territorial apportionment would be difficult to execute and would work injustice to thickly populated states with small area, while the lands should be divided with reference to the exertions and sacrifices of the individual states in the Revolutionary War. The contributions of men and money of the states constituted the exertions and sacrifices, and would be determined by the population of the states at that time.

The differences between the two modes of apportionment, as affecting the several states, is very striking. Rhode Island according to the territorial method would receive only 33,640 acres, and according to population in 1796 would receive 187,415 acres. Georgia according to the former plan would get 1,215,500 acres, and by the latter system would receive 166,817 acres. Another plan proposed was according to the population at the then present time. It was estimated that Rhode Island would be apportioned 110,500 acres by this method, and Georgia would get 365,000 acres. The writer continues to say that the population of the states would probably remain the same proportion as at that time, and that Virginia and New York were near their maximum population.

The Maryland proposition was that education was national, and is not to be limited by state boundaries, and that the United States should grant the old states amounts of land for schools in proportion to the grants made the new states. The basis of apportionment should be the territory of the states receiving the grants. The public lands were public property and that as such the states whose favor Congress had not made appropriations of land for educational purposes were entitled to such appropriations in a just proportion as made in favor of the other states. The lands granted for school support were to be reserved in perpetuity for the promotion of education and could not be sold, but would constitute a fund which would continue to augment in value in proportion to the increase in population. "An acre of land which, upon the first settlement of a township, would not, if exposed for sale, bring two dollars, may, in process of time, when population becomes dense, be worth fifty or even a hundred dollars."

The question was acted upon by the legislatures of several states, and all with the exception of New York concurred with the Maryland report and adopted similar resolutions. The governors of Maine, Massachusetts, and New York favored the Maryland plan in their messages. The Vermont legislature endorsed the same propositions, and sent copies of their resolutions to their Senators and Representatives in Congress requesting them to use their endeavors.
secure the passage of a bill to apportion Vermont her quantity of the public lands for educational purposes.

The Ohio legislature was up in arms. Resolutions were passed denouncing the Maryland propositions. It was declared that the appropriations should be equal to all states, taking into consideration all vacant lands within the United States at the close of the Revolutionary War, including those within the limits of the original states. It was inconsistent with the rights of state sovereignty that one state should hold land within the jurisdiction of another state. However, the legislature would cheerfully concur in a plan of appropriating money arising from the sales of public lands for the encouragement of learning.

The National Intelligencer of May 18, 1822 contains the following quotation from the Cincinnati Liberty Hall: "The Maryland propositions appear to have gone to rest. Their advocates are unable any longer to defend them, and have retired from the contest without either the laurels or the emoluments which they wished to gather from the supineness and imbecility of the new states. We congratulate our country on its escape, so far, from the disastrous revolution which the cupidity of a few designing politicians was hastening to consummate." The National Intelligencer denied that the propositions had gone to rest, and stated that they were issued before Congress at its last session. In the Senate a speech was

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1- National Intelligencer, Jan. 1, 1822.
2- Ibid., Jan. 31, 1822.
made on each side, by Mr. Lloyd and Mr. Edwards (which were not preserved) and the question was deferred because of other business.

The third period of our educational history is from 1848 to the present. This may be called the period of American Educational Development. It is characterized by increased energy of old forces as well as distinctive traits. Increased allotments of land were given to the states admitted into the Union during this period. These were doubled, in one case (Oklahoma) tripled, and in one case (Utah) quadrupled. There was plenty of room for improvement in educational methods and facilities at the close of the Middle period. Indiana at the time of the admission of California into the Union (1850) did not have a free school in her capital city, and of 273,784 children of school age, only 48,180 attended the common schools, ... between 1840 and 1850, with an increase of population of 50 per cent, the illiteracy had increased 100 per cent." The Civil War was believed in the North to have been caused by the illiteracy in the South, and the North as a consequence increased her schools. In the South negro emancipation and suffrage demanded the education of that race. Women in many states had the franchise on school matters extended to them. School systems were better organized. The field of education broadened. Agricultural and mining education became a part of every state system. State consti-

tutions were, in general, amended or new ones have been made. In these statements concerning education are definite. Compulsion comes in where permission heretofore reigned supreme in these documents. Immigration increased rapidly after the Civil War, and thus new demands have been made upon schools. The Bureau of Education was created in 1866 and its contribution to our educational advancement is of great magnitude.

Texas came into the Union in 1845 and formed a State constitution in 1866. This provides for the school reservation of all alternate sections of land by the State out of grants to railroads or other corporations, and one-half of the proceeds from the sale of public lands of the State shall form part of the school fund. As a consequence of this generosity on the part of the State, Texas has the largest school fund of any State in the Union.

West Virginia received no public aid to higher education until the Morrill Act (1862) established the State Agricultural College at Morgantown in 1868, five years after the admission of the State.

Utah (1896) received four sections in each township within the State for common schools, as has been noticed (pp.21,22), and Oklahoma (1907) received three sections for school support (pp.22,23).

The Agricultural College Grant of this period has been treated above (pp.27-29).
The present period of educational history in the United States may be characterized as the most thorough and the most exacting of any other time in our history. Recent movements indicate that the requirements of the future will be higher even than the present. Schools must be richly endowed to meet changing conditions or cease to be. Especially is this true of the medical college. Several States have failed to meet the requirements of the National Medical Association, and have sacrificed the medical departments in their state schools (1910).
VI.- HISTORICAL CRITICISM.

Education occupied a central place in the thought of our forefathers. They were, many of them, educated men and early took measures to secure the blessings of liberal education to their children. "It is surprising to see how readily in those days (colonial) of poverty and self-denial the early assemblies, the representatives of the people, came to the support of institutions devoted to learning and culture." New England was more liberal in her support of schools according to wealth in her colonial days than she is to-day. The first landed support of education in America, given by the colonists in New England, was chiefly from a religious motive. Politics did not enter in in these grants. The change from ecclesiastical to secular motives was probably introduced by Thomas Jefferson in his plans for a school system in Virginia. The idea of a purely state seminary did not occur to the General Court. To-day most state constitutions provide that no sectarian instruction shall be given in any school or university established by virtue of Federal land grants. With the tide of immigration education waned. Politics usurped the place of culture in the lives of the people until the Educational Renaissance following 1830.

The vast extent of the appropriations of the public lands by the National Government to the several states for education is given in the Appendix of this paper.
By way of recapitulation the following extract from Boone is given. "Ohio, the first State admitted to the Union from this
(North-West) Territory, received three townships; one as a Territory, and two upon admission as a State (1802), for the support of a
university, and subsequently the sixteenth section in each township
toward the maintenance of common schools. Prior to 1821, Indiana,
Illinois, and Michigan had received like grants. In the South, under
the general provision for the disposition of public lands, Louisiana,
Mississippi, Alabama, and Tennessee received three townships each.
Maine, Missouri, Arkansas, Florida, Texas, Wisconsin, and Iowa,
respectively, received the sixteenth section only (one square mile
out of each township of thirty-six square miles).

"In the year 1841, by act of Congress, sixteen states, Alabama,
Arkansas, California, Florida, Illinois, Iowa, Kansas, Louisiana,
Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada,
Oregon, and Wisconsin—each received five hundred thousand acres,
of which three million in the aggregate went to augment the common
school fund. Upon the organization of Oregon Territory, 1848, the
reservation for schools was doubled, whereby California, Minnesota,
Oregon, Kansas, Nebraska, Colorado, and Nevada have each received
both the sixteenth and thirty-sixth sections. The provision
applies, indeed, to every new State since 1848, except West Virginia.

By act of Congress (1849) supplemented by legislation the year
following, and again in the year 1860, thirteen states--Alabama, Arkansas, California, Florida, Illinois, Iowa, Indiana, Louisiana, Michigan, Minnesota, Mississippi, Missouri, and Wisconsin--received an aggregate of 62,428,413 acres of swamp lands, 14,000,000 acres of which were appropriated to the use of schools.

"The total land-grants made by the United States for educational purposes up to 1876--one century of its existence--amount to nearly eighty million acres, or one hundred and twenty-five thousand square miles; a territory greater than the landed area of Great Britain and Ireland, and more than half that of all France. Of this it is estimated that more than eighty per cent has contributed to permanent funds for the elementary schools.

"In addition to the appropriations of land, it has been the policy of the Government to turn into the State treasuries also, a percentage of the net proceeds of the sale of public lands within their borders. At first this was three per cent (later five per cent) and was known as the Three Per cent Fund. In the year 1818 Congress ordered that one-sixth of it should be given to the founding or maintenance of a college or university. The disposition of the remainder being left to the option of its holders, in a dozen states it was diverted to education, Missouri realizing one million dollars increase of the permanent fund.

"Arkansas, Indiana, Missouri, and a few other states, received
saline lands, the proceeds from the working or sale of which were added to the school fund. In New Jersey (1871) the income from the sales and rents of riparian lands between high and low water were made a part of the school fund, a sum the future revenues of which have been estimated at millions.

"In some of the newer states school lands have been sold in part only. Nebraska has two million five hundred thousand acres, none of which can be sold for less than seven dollars per acre. Texas has about twenty-four million acres."

The amounts of these endowments are approximately 84,555,964 acres of land, the titles of which have always been vested in the state legislatures. These bodies have not always been governed by the highest motives in their management of the granted lands.

Large quantities of school lands in Missouri were sold for two cents per acre and even for one cent per acre.

The Illinois school fund probably suffered the greatest from the mis-management of the Congressional land grants. The funds accruing from the sale of the school reserves were used up in defraying the expenses of the State. The State threw the lands on the market at once at the minimum price of $1.25 per acre, devoting the proceeds to other than the intended use. Not even has the interest been paid on the seminary fund thus used. The interest
on the college fund has been paid, but the seminary fund is short
$60,000 principle and $20,000 interest.

The schools of the city of Chicago suffered a terrible blow in
1838 when the school lands of the city were sold for $36,000. This
property within twenty-five years was worth that sum multiplied by
thirty-two.

Tennessee in 1806 was granted certain lands, one hundred thousand
acres of which could not be sold for less than two dollars per acre.
In violation of this provision the lands were sold on credit for
one dollar per acre. The State also received one hundred thousand
acres for academies, and six hundred and forty acres in every town-
ship for common schools. These lands failed to realize their true
value.

Mississippi was careful in selecting her school lands and in
selling them, but the funds were invested in bank stocks which were,
for the most part, lost in the financial panic following 1835.

The three townships granted for university support in Ohio were
sold so as to realize only $10,000 per year for the aid that school.
From the proceeds from other grants Ohio is receiving an annual
income of $2,400 while had she followed a consistent course she
would realize about $65,000 per year. The haste to bring the lands

1- Illinois School Report, 1881-2, XXXIV, XXX
235; Blackmar, 262, 263; U. S. Statutes at Large,
of Education, Report, 1876, 370. 3- Black
the lands in the market, coupled with graft, was the chief cause for the failure.

Michigan sold her school lands far below their real value. Her university lands were located in Ohio near Toledo, which tract belonged to Michigan until 1836. Over four hundred acres of this land was sold for $5,000. The remainder was sold for a little more than nineteen dollars per acre. Thus lands which are now in the heart of the city of Toledo were disposed of for $17,000 which are now worth millions of dollars.

Wisconsin foolishly sold large tracts of land for $1.15 to $7.06 per acre. The same lands were shortly after worth $25. per acre.

The States of Ohio, Indiana, and Illinois adopted the practice of allowing the reserved school section to be managed by the township receiving the grant. The outcome was a tremendous waste of the benefits which might have resulted from better management by the State legislatures. School lands were sold far below their real value. The lands suffered some decline in price at the admission of the States because of higher taxation, and should not have been placed at auction for some time thereafter at least. Michigan departed from the practice of leaving the reserved sections to the mercy of the townships in 1835 and realized an increase in her school fund of many thousands of dollars because of the departure.

1- Blackmar, 242; 2- Ibid., 250. 3- Carnegie Foundation, 4th Annual Report, 1909. 62257
The criticism of the policy of State legislatures in their control of Congressional school reserves is the haste they manifested in disposing of the land. While no doubt the States felt the need of encouraging learning, they were less careful about schools than they were concerning the wishes of unscrupulous speculators. Politicians were in office and fragrant corruption may be laid at the doors of many State legislatures having to do with the management of the school lands and funds.

Nor is the Congress of the United States beyond criticism in its treatment of educational demands and needs. Congress has been more liberal in its grants to railroads than it has to the cause of education. Between 1850 and 1873 Congress granted to railroads over 186,000,000 acres of land, while education received from the very first grant in 1800 to 1873 but 148,438,319 acres, including school lands, swamp lands, university lands, college lands, and all other lands.

Turning from the dark side of the picture, it is gratifying to find constitutional provisions by the States whereby no public school lands may be sold for less than certain amounts, nor more than a definite number of acres within certain times. Nebraska school lands cannot be sold for less than seven dollars per acre. Other States having similar constitutional provisions are California,

1- Nat. Ed. Ass'n, 1875, 63, 64.  2- Poore  3- U. S. Land Laws, 1880, Local & Terr.
Kansas, Colorado, Washington, Wyoming, Idaho, South Dakota, and North Dakota. The wisdom of this policy is obvious.

We can be the more charitable regarding the shortcomings of the past when we remember that it was on this soil that the experiment of democratic administration of public land grants was first tried, and while incomes were comparatively small, while mistakes were made, the school reserves served a good purpose in the past and the help rendered will be of much value in years that are yet to be. A dominant factor in the world's advancing intellectual enlightenment will ever be the NATIONAL LAND GRANTS FOR EDUCATION IN THE UNITED STATES.

1- Poore, 622, 637.  2- Ibid., 219.  3- Thorpe, VII., 3991, 2.
4- Ibid., 4112-15, 4155.  5- Ibid., II., 936-38.  6- Ibid., VI., 3373.
7- Ibid., V., 2872-75, 2896.  8- Hinsdale, 393.
APPENDIX.

Thirteen States, from March 3, 1803 to August 14, 1848, received section No. 16 in every township, from the public domain, for school purposes, as follows:

<table>
<thead>
<tr>
<th>States</th>
<th>Total area according to Donaldson, U.S. Land Office, Grants, Estimates.</th>
<th>Date of Grant</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ohio</td>
<td>704,488 - 710,610 - March 3, 1803</td>
<td></td>
</tr>
<tr>
<td>Tennessee</td>
<td>-650,317 - 601,049 - April 19, 1816</td>
<td></td>
</tr>
<tr>
<td>Indiana</td>
<td>985,066 - 985,141 - April 19, 1818</td>
<td></td>
</tr>
<tr>
<td>Illinois</td>
<td>-902,774 - 901,725 - March 2, 1819</td>
<td></td>
</tr>
<tr>
<td>Alabama</td>
<td>1,199,139 - 1,162,137 - March 6, 1820</td>
<td></td>
</tr>
<tr>
<td>Missouri</td>
<td>837,584 - 838,329 - March 3, 1806:</td>
<td></td>
</tr>
<tr>
<td>Mississippi</td>
<td>-786,044 - 798,085 - April 21, 1806:</td>
<td></td>
</tr>
<tr>
<td>Louisiana</td>
<td>-1,067,397 - 1,003,573 - June 25, 1836</td>
<td></td>
</tr>
<tr>
<td>Michigan</td>
<td>-886,460 - 928,057 - June 23, 1836</td>
<td></td>
</tr>
<tr>
<td>Arkansas</td>
<td>-902,505 - 1,053,653 - March 3, 1845</td>
<td></td>
</tr>
<tr>
<td>Florida</td>
<td>905,144 - 978,578 - March 3, 1845 - 1,013,823</td>
<td></td>
</tr>
<tr>
<td>Wisconsin</td>
<td>-958,649 - 958,649 - August 6, 1846</td>
<td></td>
</tr>
</tbody>
</table>

*—Tennessee State Supt. of Public Instruction, Report 1906, 45-56.
**—Iowa Land Department, Report 1908, 5.

Note. U.S. Land Office estimates are found in General Land Office, Tables, March 12, 1896.

Donaldson, Public Domain, 228-231.
Fifteen States, admitted into the Union between September 9, 1850 and November 16, 1907, received sections numbered sixteen and thirty-six in every township for the aid of common schools; with the exception of Utah which received in addition to these sections, sections numbered two and thirty-two. No State was admitted between August 14, 1848 and September 9, 1850. The States sharing this more liberal provision were:

<table>
<thead>
<tr>
<th>State</th>
<th>Total area according to Donaldson. U.S. Land Office.</th>
<th>Date of Grants.</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>6,719,324</td>
<td>5,610,702 - - - March 3, 1853</td>
</tr>
<tr>
<td>Minnesota</td>
<td>-2,969,990</td>
<td>2,969,991 - - - Feb. 26, 1857</td>
</tr>
<tr>
<td>Oregon</td>
<td>-3,329,706</td>
<td>3,387,520 - - - Feb. 14, 1859</td>
</tr>
<tr>
<td>Kansas</td>
<td>-2,801,306</td>
<td>2,876,124 - - - Jan. 29, 1861</td>
</tr>
<tr>
<td>Nevada</td>
<td>-3,985,428</td>
<td>3,965,422 - - - Mar. 21, 1864</td>
</tr>
<tr>
<td>Nebraska</td>
<td>-2,702,044</td>
<td>2,637,155 - - - Apr. 19, 1864</td>
</tr>
<tr>
<td>Colorado</td>
<td>-3,715,555</td>
<td>3,715,555 - - - March 3, 1875</td>
</tr>
<tr>
<td>Washington</td>
<td>-2,488,675</td>
<td>2,488,675 - - - March 2, 1853</td>
</tr>
<tr>
<td>Dakota</td>
<td>-5,366,451</td>
<td>- - - - - - - March 2, 1861</td>
</tr>
<tr>
<td>North Dakota</td>
<td>- - - - - - - - - - - 2,531,200 - - - Feb. 22, 1889</td>
<td></td>
</tr>
<tr>
<td>South Dakota</td>
<td>- - - - - - - - - - - 2,815,511 - - - Feb. 22, 1889</td>
<td></td>
</tr>
<tr>
<td>Montana</td>
<td>- - - - - - - - - - - 5,112,035 - - - Feb. 28, 1861</td>
<td></td>
</tr>
<tr>
<td>Idaho</td>
<td>- - - - - - - - - - - 3,068,231 - - - March 3, 1863</td>
<td></td>
</tr>
<tr>
<td>Wyoming</td>
<td>- - - - - - - - - - - 3,480,281 - - - July 25, 1868</td>
<td></td>
</tr>
<tr>
<td>Utah</td>
<td>- - - - - - - - - - - 3,003,613 - - - Sept. 9, 1850</td>
<td></td>
</tr>
<tr>
<td>Oklahoma</td>
<td>- - - - - - - - - - - 1,276,204 - - - Nov. 16, 1897</td>
<td></td>
</tr>
</tbody>
</table>

The sixteenth and thirty-sixth sections of every township are reserved for educational purposes, but are not granted, to the

Territories in the United States as follows:

<table>
<thead>
<tr>
<th>Territory</th>
<th>Donaldson's Estimate of Area.</th>
<th>Date of Reserve.</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Mexico</td>
<td>-4,309,368 - - - Sept. 9, 1850</td>
<td>and</td>
</tr>
<tr>
<td></td>
<td></td>
<td>July 22, 1854</td>
</tr>
<tr>
<td>Arizona</td>
<td>-4,050,347 - - - May. 26, 1864</td>
<td></td>
</tr>
</tbody>
</table>
The lands granted for university purposes to the several States, and reserved to the Territories of New Mexico and Arizona, are as follows:

<table>
<thead>
<tr>
<th>State</th>
<th>Total area - acres</th>
<th>Date of Act.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ohio</td>
<td>-69,120</td>
<td>Apr. 21,1792 &amp; March 3,1803</td>
</tr>
<tr>
<td>Indiana</td>
<td>46,080</td>
<td>Apr. 19,1816 &amp; Mar. 26,1804</td>
</tr>
<tr>
<td>Illinois</td>
<td>46,080</td>
<td>Mar. 26,1804 &amp; Apr. 18,1818</td>
</tr>
<tr>
<td>Missouri</td>
<td>46,080</td>
<td>Feb. 17,1818 &amp; March 6,1820</td>
</tr>
<tr>
<td>Alabama</td>
<td>46,080</td>
<td>Apr. 20,1818 &amp; March 2,1819</td>
</tr>
<tr>
<td>Mississippi</td>
<td>46,080</td>
<td>March 3,1803 &amp; Feb. 20,1819</td>
</tr>
<tr>
<td>Louisiana</td>
<td>46,080</td>
<td>Apr. 21,1805 &amp; March 3,1811</td>
</tr>
<tr>
<td>Michigan</td>
<td>-46,080</td>
<td>June 23,1836</td>
</tr>
<tr>
<td>Arkansas</td>
<td>-46,080</td>
<td>June 23,1836</td>
</tr>
<tr>
<td>Florida</td>
<td>92,160</td>
<td>March 3,1845</td>
</tr>
<tr>
<td>Iowa</td>
<td>-46,080</td>
<td>March 3,1845</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>92,160</td>
<td>Aug. 6,1846 &amp; Dec. 15,1854</td>
</tr>
<tr>
<td>California</td>
<td>-46,080</td>
<td>March 3,1853</td>
</tr>
<tr>
<td>Minnesota</td>
<td>82,640</td>
<td>March 2,1861 &amp; Feb. 26,1857</td>
</tr>
<tr>
<td>Oregon</td>
<td>-46,080</td>
<td>Feb. 14,1859 &amp; March 2,1861</td>
</tr>
<tr>
<td>Kansas</td>
<td>-46,080</td>
<td>June. 29,1861</td>
</tr>
<tr>
<td>Nevada</td>
<td>-46,080</td>
<td>July 4, 1866</td>
</tr>
<tr>
<td>Nebraska</td>
<td>-46,080</td>
<td>Apr. 19,1864</td>
</tr>
<tr>
<td>Colorado</td>
<td>-46,080</td>
<td>March 3,1875</td>
</tr>
<tr>
<td>Washington</td>
<td>-46,080</td>
<td>July 17,1854 &amp; Mar. 14,1864</td>
</tr>
<tr>
<td>North Dakota</td>
<td>-46,080</td>
<td>Feb. 18,1881</td>
</tr>
<tr>
<td>And</td>
<td>46,080</td>
<td></td>
</tr>
<tr>
<td>South Dakota</td>
<td>46,080</td>
<td>Feb. 18,1881</td>
</tr>
<tr>
<td>Montana</td>
<td>46,080</td>
<td>Feb. 18,1881</td>
</tr>
<tr>
<td>Arizona Territory</td>
<td>46,080</td>
<td>Feb. 18,1881</td>
</tr>
<tr>
<td>Idaho</td>
<td>46,080</td>
<td>Feb. 18,1881</td>
</tr>
<tr>
<td>Wyoming</td>
<td>46,080</td>
<td>Feb. 18,1881</td>
</tr>
<tr>
<td>New Mexico</td>
<td>-46,080</td>
<td>July 22,1854</td>
</tr>
<tr>
<td>Utah</td>
<td>-46,080</td>
<td>Feb. 21,1855</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>859,280*</td>
<td>Feb. 18,1881 &amp; June 16,1906</td>
</tr>
</tbody>
</table>

* Estimated, N.H.S.

Total number of acres granted for university support - 2,255,200.
The Morrill Act of 1862 granted for **agricultural colleges** in the several States lands "in place" or "land scrip" as given in the following tables.

States having land subject to selection "in place" under act of July 2, 1862, and acts amendatory thereof:

<table>
<thead>
<tr>
<th>State</th>
<th>Acres</th>
<th>State</th>
<th>Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wisconsin</td>
<td>-240,000</td>
<td>California</td>
<td>150,000</td>
</tr>
<tr>
<td>Iowa</td>
<td>-240,000</td>
<td>Nevada</td>
<td>90,000</td>
</tr>
<tr>
<td>Oregon</td>
<td>90,000</td>
<td>Missouri</td>
<td>350,000</td>
</tr>
<tr>
<td>Kansas</td>
<td>90,000</td>
<td>Nebraska</td>
<td>90,000</td>
</tr>
<tr>
<td>Minnesota</td>
<td>-120,000</td>
<td>Colorado</td>
<td>90,000</td>
</tr>
<tr>
<td>Michigan</td>
<td>-240,000</td>
<td><strong>Total</strong></td>
<td>-1,770,000</td>
</tr>
</tbody>
</table>

States to which scrip was issued, and amount:

<table>
<thead>
<tr>
<th>State</th>
<th>Acres</th>
<th>State</th>
<th>Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rhode Island</td>
<td>120,000</td>
<td>Delaware</td>
<td>90,000</td>
</tr>
<tr>
<td>Illinois</td>
<td>480,000</td>
<td>Ohio</td>
<td>630,000</td>
</tr>
<tr>
<td>Kentucky</td>
<td>330,000</td>
<td>West Virginia</td>
<td>-150,000</td>
</tr>
<tr>
<td>Vermont</td>
<td>-150,000</td>
<td>Indiana</td>
<td>-390,000</td>
</tr>
<tr>
<td>New York</td>
<td>990,000</td>
<td>North Carolina</td>
<td>270,000</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>780,000</td>
<td>Louisiana</td>
<td>-210,000</td>
</tr>
<tr>
<td>New Jersey</td>
<td>210,000</td>
<td>Alabama</td>
<td>-240,000</td>
</tr>
<tr>
<td>New Hampshire</td>
<td>-150,000</td>
<td>Arkansas</td>
<td>150,000</td>
</tr>
<tr>
<td>Connecticut</td>
<td>-180,000</td>
<td>South Carolina</td>
<td>180,000</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>-360,000</td>
<td>Texas</td>
<td>-180,000</td>
</tr>
<tr>
<td>Maine</td>
<td>-210,000</td>
<td>Georgia</td>
<td>-270,000</td>
</tr>
<tr>
<td>Maryland</td>
<td>210,000</td>
<td>Mississippi</td>
<td>-210,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>300,000</td>
<td>Florida</td>
<td>-90,000</td>
</tr>
<tr>
<td>Tennessee</td>
<td>-500,000</td>
<td><strong>Total</strong></td>
<td>-7,830,000</td>
</tr>
</tbody>
</table>

Total in place and scrip - - - - - - - - -9,600,000.

- Also act of July 4, 1866.  """- Also act of July 23, 1866.