

FEDERAL AND STATE AID TO EDUCATION IN IOWA

INTRODUCTION

A glance at the educational writings of the past few years will show that more and more attention is being paid to the financial problems of education. That this is the case needs no apology. It is not an indication that the minds of educators are becoming sordid and mercenary, but simply that educational thinkers are becoming more fully awake to the fact that among the important—indeed, the essential—factors in the successful administration of any educational institution are the factors pertaining to its financial support. While the making of money should not be the end and aim of any educational institution, yet without funds and a measure of wisdom in their administration an educator, even with the loftiest ideals and ambitions, will usually not be able to conduct a school successfully. Buildings must be erected and equipped; heat, light, and laboratory and library supplies must be provided; salaries of teachers must be paid; and for many other purposes funds are essential. The amount, sources, care, and expenditure of funds should receive even more attention than is now being given to these matters. The successful administrator of educational affairs must have not only high ideals as to the ends to be striven for in his work, but also ability to obtain, care for, and use funds for the attainment of such ends.

Studies of various phases of school financing in the differ-

ent States of the Union may be of much value. Such studies should be made in at least a few States in which are found methods characteristic of a group of States. For example, in the matter of the care and disposal of its Federal land grants Iowa may be taken as a type of certain States of the Mississippi Valley. On the other hand, other States of the Middle West have treated their lands received from such sources by methods considerably different from those used by Iowa. A comparative study of the laws of the various States is profitable not only from the standpoint of historical interest, but also for its suggestive value in the newer States where school lands are yet largely unsold.

A complete understanding and appreciation of present conditions in regard to almost any enterprise depends in a large measure upon a knowledge of the evolution and growth of that enterprise. Accordingly, the larger part of this study of *Federal and State Aid to Education in Iowa* is historical. The concluding chapter is devoted to a brief comparison of some Iowa conditions with those of a few other States.

The present paper on *Federal and State Aid to Education in Iowa* has grown out of the first of a series of studies recently made and still being carried on by the writer and by other graduate students in the Department of Education at The State University of Iowa. Several other discussions of various phases of educational finance are to follow. This paper was presented to the Faculty of the Graduate College of The State University of Iowa, and upon the recommendation of Professor Frederick E. Bolton, Head of the

Department of Education, was accepted in partial fulfillment of the requirements for the degree of Doctor of Philosophy.

Acknowledgments and sincere thanks are due to Professor Bolton for numerous and helpful suggestions in this study, and in a far deeper sense for a view of the field and possibilities of education which have been chiefly instrumental in forming the writer's determination to devote his life to educational work. Acknowledgment is due Professor Benjamin F. Shambaugh, Head of the Department of Political Science in The State University of Iowa, who has kindly assisted in securing access to much of the material used and in editing and preparing the manuscript for the press.

FEDERAL AID TO EDUCATION IN IOWA

FEDERAL LAND GRANTS

From an early date the Federal government has contributed materially to the encouragement and development of public schools and of other educational agencies. When the nation was still in its infancy, before the adoption of the Federal Constitution, the spirit which has resulted in such activity was already manifest. In the days when the supreme law of the land was embodied in the Articles of Confederation the central government was already interesting itself in laying foundations for the education of the masses. The Congress, engrossed as it was with the solution of an almost countless number of problems growing out of its own lack of power, of inter-State struggles, and of dangers from foreign forces, yet kept in view the idea

that the advancement of education was one of the important functions of the central government. Thus deeply in the very foundations of our national government were also laid the foundations of Federal encouragement and Federal aid to popular education.

Federal aid to education has been rendered chiefly by the granting of tracts of land belonging to the nation at large. At the close of the Revolution, the large extent of land lying between the Ohio and Mississippi rivers was claimed by several of the States. Massachusetts, Connecticut, New York, and Virginia each claimed a part, or in some cases all, of this territory. These conflicting claims bade fair to be the cause of feelings of strife and hatred, if not, indeed, of actual warfare between these States. Furthermore, the claim was made by other States that, since this land had been won from England by all the States united in common warfare, it should belong to all in common and not to the States having special claims. Maryland especially took a firm stand on the question, refusing to agree to the Articles of Confederation until title to this land had been given over to the Federal government.¹ After a considerable time spent in fierce wrangling and bitter disputation the four States gave up their several claims, and the western frontier, known as the Northwest Territory, became and was generally recognized as a part of the national domain.

It was in the establishment and adjustment of means for the control and disposal of the Northwest Territory that the first indications are seen of the nation's policy regarding the

¹ *Johns Hopkins University Studies in History and Political Science*, Vol. IX, p. 107, et seq.

encouragement and development of education as a function of the general government. In April, 1784, a plan for surveying and selling the lands of the Northwest Territory was introduced into Congress by Thomas Jefferson. His plan was not adopted. But in the following year another plan was introduced, containing some of the essential features presented by Jefferson, and it was referred to a committee for consideration. This committee presented to Congress a measure which, after a month's debate and after being amended in many respects, was adopted by Congress, May 20, 1785, under the title of "An ordinance for ascertaining the mode of disposing of lands in the Western Territory."¹ This ordinance provided for the manner in which disposal could be made of such territory, ceded by the individual States to the United States, as had been purchased of the Indian tribes.

To accomplish this purpose it was necessary for the land to be surveyed. Accordingly a surveyor from each State was to be appointed by Congress or by a committee of the States. These surveyors were to divide the territory into townships six miles square, by lines running due north and south, and others crossing these at right angles, except where boundaries of Indian purchases might render it impracticable, and in such cases there was to be departure from this rule no farther than such particular circumstances might require. These lines were to be described exactly on a plat, on which were also to be noted by the surveyors all mines, salt-springs, salt-licks, and mill-seats coming to their knowledge. The plats of the townships, respectively, were

¹ *Journals of Congress*, Vol. IV, pp. 520-522.

to be marked by subdivisions into lots of one mile square, or six hundred and forty acres, in the same direction as the external lines, and numbered from one to thirty-six; and where (from the above mentioned causes) only a fractional part of a township should be surveyed the lots protracted thereon were to bear the same numbers as if the townships had been entire. This ordinance, having thus directed the surveying of the land, proceeded to make the provision which gives to the ordinance its chief interest from the standpoint of education. The exact words of this provision are: "There shall be reserved the lot No. 16, of every township, for the maintenance of public schools, within the said township."¹

Thus the foundation was laid for the policy of aiding schools by means of land grants, which has continued down to the present time. In accordance with the policy thus inaugurated the Federal government has granted to the various States and Territories many millions of acres of land for public schools. Acting on this policy, the United States has granted to every State entering the Union previous to August 14, 1848,² the sixteenth section of each township to be used for public schools; while every State entering the Union since that date has received the sixteenth and thirty-sixth sections for such purpose.³

About two and one-half years later the Continental Congress again adopted measures relating to education. Indeed, two legislative enactments now followed in the spirit of the

¹ *Journals of Congress*, Vol. IV, p. 521.

² Date of passage of an act to establish the Territorial government of Oregon.

³ *Report of the Commissioner of Education*, 1880, pp. xxix-xxx.

Land Ordinance of 1785. In the first of these educational matters were dealt with in general terms; while in the second, specific statements were used.

On July 13, 1787, Congress adopted "An Ordinance for the Government of the Territory of the United States, northwest of the river Ohio."¹ This is the measure popularly spoken of as the "Ordinance of 1787." In the third article, this ordinance declares 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." We have here a general statement of the position which the Federal government then took and has since continued to hold with regard to education. Support of schools was not among the powers granted by the Articles of Confederation, yet here is the statement that by the United States "schools and the means of education shall forever be encouraged." Although the States were, and ever have been, jealously watching the Federal government, fearing that it would appropriate to itself power belonging to the States, yet the Federal policy of encouraging and aiding education has never been questioned or objected to.

Ten days after the passage of the Ordinance of 1787, Congress, on July 23, 1787, enacted a measure making specific provision for grants of land for the support of education.² It granted certain "powers to the Board of Treasury to contract for the sale of the Western Territory." The Board of Treasury was in fact empowered and author-

¹ *Journals of Congress*, Vol. IV, pp. 752-754.

² *Journals of Congress*, Vol. IV, Appendix, pp. 17, 18.

ized to contract with any person or persons for a grant of a tract of land within the western territory of the nation. Within seven years after the completion of the surveying of this tract the purchasers were to lay off the whole tract into townships and fractional parts of townships and divide the same into lots according to the Land Ordinance of 1785. In any tract of land conveyed under this measure, the lot No. 16 in each township or fractional part of a township was to be given perpetually to the purpose contained in the Land Ordinance, namely, "the maintenance of public schools within the said township." A further provision of this Ordinance was that there were to be given not more than two complete townships to be used perpetually for the purposes of a university. This land was to be laid off by the purchaser or purchasers, as near as might be to the center of the tract, so that the same should be good land. It was to be applied to its intended object by legislation of the State.

This latter enactment is of especial interest from the fact that it not only is based upon and puts into definite operation the policy of granting the sixteenth section in each township for public schools, but it also marks the beginning of the policy of Federal land grants for founding and supporting universities. Here were first sown the seeds from which was destined to spring the present great tree of State University education, which to-day gives of its abundant and incomparable fruit to thousands of the nation's citizens. Here the government said that not only *common* but also *higher* education is rightly to be encouraged by the national government.

Such were the beginnings of the policy of Federal aid to

education by means of land grants. This policy, moreover, has been followed, to a greater or less degree, and with some variations, in every State admitted to the Union and in every Territory organized since the adoption of the Federal Constitution; and for agricultural colleges or other educational agencies it has been extended to the thirteen original States as well.

The fruits of this Federal policy have been enjoyed by Iowa, which has received grants at different times and for various purposes. In addition to tracts of land donated specifically for aid to education, this State has received land grants made by Congress for other purposes and afterward turned over by the State to educational agencies. The several Federal land grants made to Iowa for education, or made with other ends in view and afterward diverted to educational purposes, are as follows:—

1. The Sixteenth Section Grant.
2. The Five Hundred Thousand Acre Grant.
3. The University Grant.
4. The Agricultural College Grant.
5. The Saline Land Grant.
6. The Five Section Grant.
7. The Swamp Land Grant.

It is the intention to notice in the following pages when, how, and for what purposes these grants were made; by whom cared for and sold; how much money has been received therefrom (in so far as may be ascertained); and how much, if any, of these lands yet remain unsold. Information as to these matters has been obtained chiefly by an examination of laws and resolutions passed by the State or

the Territorial legislatures; from acts passed by the national Congress, in so far as these acts pertain to land grants made to Iowa alone or to Iowa along with other States; from reports of the State Auditors, Treasurers, and Superintendents of Public Instruction in Iowa; and from several less extensive general and special reports pertaining to education in Iowa. The amount, care, and expenditure of the funds arising from the sale of these land grants are being worked out in another study which it is hoped will be published in the near future.

THE SIXTEENTH SECTION GRANT

In the foregoing pages it is shown how, during the period of the Confederation, the national government declared its policy of reserving the sixteenth section in each township for the support of schools. Sharing in this Federal aid, the State of Iowa received land for establishing and maintaining common schools. The grant to Iowa was made by an act of Congress, approved March 3, 1845—the act preliminary to Iowa's admission into the Union.¹ Therein certain propositions were laid down by the national government, which if accepted by the State legislature, were to become obligatory upon the United States. The first of these propositions was that "section numbered sixteen in every township of the public land, and, where such section has been sold or otherwise disposed of, other lands equivalent thereto, and as contiguous thereto as may be, shall be granted to the State for the use of schools."

This proposition, together with others laid down by the

¹ *United States Statutes at Large*, Vol. V, pp. 789-790; reprinted in Shambaugh's *Documentary Material Relating to the History of Iowa*, Vol. I, pp. 125-128.

act, was accepted by an act of the General Assembly approved January 15, 1849.¹

Moreover, the Constitution under which Iowa became a State declares that "the General Assembly shall encourage, by all suitable means, the promotion of intellectual, scientific, moral, and agricultural improvement. The proceeds of all lands that have been or hereafter may be granted by the United States to this State, for the support of schools, which shall hereafter be sold or disposed of, . . . shall be and remain a perpetual fund, the interest of which, together with all the rents of the unsold lands, . . . shall be inviolably appropriated to the support of common schools throughout the State."² Almost exactly these same words were also incorporated in Article IX (second part) section 3, of the new Constitution,³ adopted by the Constitutional Convention, March 5, 1857, approved by vote of the people of the State, August 3, 1857, and announced as the supreme law of the Commonwealth by Governor Grimes in a proclamation issued September 3, 1857.⁴ Thus Iowa accepted the Sixteenth Section Grant, and took upon itself the responsibility of wisely caring for and administering it to the purposes for which it had been made.

In southeastern Iowa, a tract of land containing about one hundred and thirteen thousand acres, and known as the Half-Breed Tract had been granted, in 1834, to half-breeds of the

¹ *Laws of Iowa*, 1848, pp. 121-122; see also Shambaugh's *Documentary Material Relating to the History of Iowa*, Vol. I, pp. 131, 132.

² Article X, Sec. 2—See *Laws of Iowa*, 1846, p. 13.

³ *Journal of the Constitutional Convention* [Appendix], p. 21.

⁴ Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. II, p. 109.

Sac and Fox Indians. As this land had been granted to the Indians in fee-simple, the sixteenth section of the townships therein could not be reserved for school purposes. It was to make good to the State the loss of school lands in this tract that Congress enacted, August 23, 1842, a measure to authorize the selection of school lands in lieu of those granted to the half-breeds of the Sac and Fox Indians. By this act it was provided that "the commissioners of the county of Lee, in the Territory of Iowa, be, and they are hereby, authorized to select, of any of the public lands of the United States subject to private entry within the Iowa Territory, one section for each entire township of land in the 'half-breed tract,' in said county, and a proportional quantity for each fractional township in said county, under such rules and regulations as shall be prescribed by the Secretary of the Treasury; which land, when selected, shall be subject to the same rules and regulations as the sixteenth sections in all the townships of the public lands are subject."¹ Thus the State was compensated for what would have otherwise been a loss of some of its public school lands.

Furthermore, in some other parts of the Territory the sixteenth section had been settled, and so could not be devoted to the use of schools without great injustice to the settlers and almost endless litigation on the part of the government. To obviate this difficulty and still provide for the State's obtaining its full and just amount of land, Congress enacted, June 15, 1844, that "whenever the sixteenth section in said Territories [Iowa and Florida] either in whole or in part, are now, or may hereafter be, included

¹ *United States Statutes at Large*, Vol. V, p. 522.

in private claims held by titles confirmed or legally decided to be valid and sufficient, other lands equivalent thereto, within any land district in said Territories most adjacent to said lands so taken up by private claims, which have been offered at public sale, and remain unsold, may be selected in lieu thereof, under the direction of the Secretary of the Treasury, and the lands so selected shall be entered in the office of the register of the land district in which they may lie, and be by such register reported to the Commissioner of the General Land Office as school lands selected under this act."¹

In consequence of the Sixteenth Section Grant there were turned over to the State of Iowa, to be used in support of the common schools, 1,014,331.05 acres of land. The location of this land, with the number of acres in each county, is shown by the following table:²

TABLE I

COUNTY	NO. OF ACRES	COUNTY	NO. OF ACRES
Adair . . .	10,240.00	Butler . . .	10,240.00
Adams . . .	7,680.00	Calhoun . . .	10,240.00
Allamakee . . .	11,520.00	Carroll . . .	10,240.00
Appanoose . . .	10,240.00	Cass . . .	10,240.00
Audubon . . .	7,680.00	Cedar . . .	10,240.00
Benton . . .	12,800.00	Cerro Gordo . . .	10,240.00
Black Hawk . . .	10,240.00	Cherokee . . .	10,240.00
Boone . . .	10,240.00	Chickasaw . . .	7,680.00
Bremer . . .	7,680.00	Clarke . . .	7,680.00
Buchanan . . .	10,240.00	Clay . . .	10,240.00
Buena Vista . . .	10,240.00	Clayton . . .	13,715.08

¹ *United States Statutes at Large*, Vol. V, p. 666.

² *Report of the Secretary of State* (Land Department), 1903, pp. 6-7.

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COUNTY	NO. OF ACRES	COUNTY	NO. OF ACRES
Clinton . . .	13,016.77	Lee	9,904.45
Crawford . . .	12,800.00	Linn	12,800.00
Dallas	10,240.00	Louisa	7,438.35
Davis	10,240.00	Lucas	7,680.00
Decatur	10,240.00	Lyon	11,520.00
Delaware	10,240.00	Madison	10,240.00
Des Moines	7,392.81	Mahaska	10,240.00
Dickinson	7,680.00	Marion	10,240.00
Dubuque	11,364.00	Marshall	10,240.00
Emmet	7,680.00	Mills	8,000.00
Fayette	12,800.00	Mitchell	10,240.00
Floyd	7,680.00	Monona	13,228.74
Franklin	10,240.00	Monroe	7,680.00
Fremont	10,080.00	Montgomery	7,680.00
Greene	10,240.00	Muscatine	7,936.83
Grundy	8,960.00	O'Brien	10,240.00
Guthrie	10,240.00	Osceola	7,680.00
Hamilton	10,240.00	Page	10,240.00
Hancock	10,240.00	Palo Alto	10,240.00
Hardin	10,240.00	Plymouth	15,322.65
Harrison	12,234.17	Pocahontas	10,240.00
Henry	7,680.00	Polk	10,240.00
Howard	10,240.00	Pottawattamie	17,658.46
Humboldt	7,680.00	Poweshiek	10,240.00
Ida	7,680.00	Ringgold	10,240.00
Iowa	10,240.00	Sac	10,240.00
Jackson	11,143.22	Scott	8,632.67
Jasper	12,800.00	Shelby	10,240.00
Jefferson	7,680.00	Sioux	14,116.07
Johnson	10,880.00	Story	10,240.00
Jones	10,240.00	Tama	12,800.00
Keokuk	10,240.00	Taylor	10,240.00
Kossuth	17,920.00	Union	7,680.00

COUNTY	NO. OF ACRES	COUNTY	NO. OF ACRES
Van Buren . . .	9,146.78	Winnebago . . .	7,680.00
Wapello	7,680.00	Winneshiek . . .	12,800.00
Warren	10,240.00	Woodbury	15,680.00
Washington . . .	10,240.00	Worth	7,680.00
Wayne	10,240.00	Wright	10,240.00
Webster	12,800.00	<i>Total</i>	1,014,331.05

Relative to the number of acres included and actually received by the State under the Sixteenth Section Grant, Frank D. Jackson, Secretary of State, in his report for the biennial period ending June 30, 1889, says: "The quantity received by the State under the sixteenth section grant has been given in the reports of the State land department, heretofore issued, as 1,013,614.21 acres. By a careful footing of the quantities of the sections and fractional sections received under the grant as they are given on the government plats in the office, I find that there are of the lands in place, 1,002,441.24 acres, and of the lands given in lieu, 11,889.81 acres, making in all, 1,014,331.05 acres. However, it appears that a considerable quantity of these lands has disappeared by encroachments of the Mississippi and Missouri rivers. In one instance a full half-section—320 acres—in Fremont county, has been washed away, so that the quantity, as originally given, is now, perhaps, very nearly the true quantity."¹

This grant having been made, upon the State devolved the duty of caring for and disposing of the land thus granted, and of seeing that the funds accruing from it should be applied to the purposes set forth in the Congressional act

¹ *Report of the Secretary of State (Land Department)*, 1889, p. 6.

making the grant. Accordingly, on February 25, 1847, an act of the legislature was approved to meet this requirement.¹ This act provided that the Trustees of the several townships in the counties of the State should examine in their respective townships the sixteenth section, or lands granted in lieu thereof, and allot this land into parcels such as they thought would best suit purchasers and would best advance the interests of the school fund, conforming as far as they thought best to the legal sub-divisions made by the United States surveys. They were to place upon each parcel a value, not to be less than one dollar and twenty-five cents per acre, if the parcel were not settled upon. But if any person should have settled and made improvements on the sixteenth section previous to its survey, he was to notify the County Fund Commissioner of that fact. The settler then was to select one appraiser, the Commissioner a second, and, if necessary to an agreement, these two might choose a third. These appraisers were to appraise first the land, exclusive of the improvements, and then the improvements by themselves. The occupant was to be permitted to purchase the land at its approved value, if he should do so within ten days after the appraisal. In the case of his failure to purchase it within ten days, the land was to be offered at public sale to the highest bidder, the selling price being not less than the appraised value. The purchaser was then to pay the former occupant cash for the improvements on the land to the amount of the appraised value of such improvements. In case the land thus offered for sale to the highest bidder was not sold, the former occupant could remain upon it by

¹ *Laws of Iowa*, 1847, pp. 160-164.

paying annually to the Superintendent of Public Instruction, for the use of the school fund, interest on the appraised value of the land and the improvements together at the rate of ten per cent per annum from the day the State of Iowa was admitted into the Union until the sale of land as provided above.

Lands not previously settled upon were by this act placed in the hands of the Fund Commissioners of the various counties. These Commissioners, having received from the Township Trustees the allotment and appraisement of any or all of the sixteenth sections within their respective counties, or land granted in lieu thereof, were to give thirty days' notice by written or printed advertisements in three of the most public places of the county, and one in the township in which the land was situated, and then sell the land to the highest and best bidder. One-fourth of the purchase money was to be paid in advance, and the balance could be paid on a credit not exceeding ten years, bearing interest at the rate of ten per cent per annum from date of sale until paid—the interest to be paid annually at the office of the Fund Commissioner. Or, if the purchaser so desired, he could pay the entire amount in advance. In case of the payment of the entire amount, the Commissioner was to give the purchaser a certificate of purchase, which entitled him to a patent to be issued by the Governor of the State. In the case of lands purchased upon a partial credit, a written contract signed by the parties was to be filed and recorded in the Commissioner's office, and during the continuance of such contract it should be lawful for the purchaser or his assignees to pay the principal and interest due on the contract, and receive a cer-

tificate of purchase entitling him to a patent from the Governor.

In order to make the date for the payment of interest the same in all cases, all contracts were to make January 1, following the purchase, the day for the first payment of interest, and payment was to be annual thereafter. If interest were not paid when due, the Commissioner could either declare the contract forfeited, or collect the interest by suit.

In the case of lands of which the chief value consisted in the timber thereon, or of which the value was in any way liable to be considerably reduced, it was made lawful for the Fund Commissioner to demand entire payment in advance, or to demand good collateral security for the payment of purchase money not paid in cash at the time of sale.

The act provided that the Fund Commissioner should keep a record of all his transactions.

Eleven months later, January 24, 1848, this law was amended by an act of the State legislature, providing that the rights and privileges conferred upon the settlers of the sixteenth sections of the public lands should also be enjoyed by the assignees or legal representatives of these settlers.¹ All persons who had settled or should thereafter settle upon the sixteenth sections, after they had been surveyed, should enjoy the same rights as those settling thereon before the survey, except that these latter settlers, claiming the right of preëmption, should pay an advance of fifty per cent over and above the appraised value of the land in its unimproved state.

On January 25, 1848, the original act for the manage-

¹ *Laws of Iowa* (Extra Session), 1848, pp. 59-60.

ment and disposal of the common school lands and fund was further amended, in that it was enacted that the ten per cent interest, payable on the unpaid portion of the valuation of lands sold partly on time, should be paid to the Fund Commissioner of the county rather than to the Superintendent of Public Instruction.¹

In an act approved January 15, 1849, devoted chiefly to the selection and disposal of the Five Hundred Thousand Acre Grant, the Sixteenth Section Grant was also briefly considered.² It was there provided that if at any time it appeared to the Fund Commissioners that the school fund was liable to be injured by putting any portion of the sixteenth section on the market, they should have power to reserve the same. Provision was also made for the visiting of the several counties by the Superintendent of Public Instruction. Such visits were for the purpose of inspecting the books of the Fund Commissioners and making such adjustments of the school funds as were necessary to best carry out the desire of the General Assembly. The Superintendent, however, was not to have control of any of the funds in the hands of the Commissioners unless the General Assembly should specifically so enact.

Provision was also made by this act for resurveying school lands in case of such necessity. It was provided that no person should be allowed to preëempt more than one hundred and sixty acres. The Fund Commissioner was required to report to the Prosecuting Attorney of the county the name of any person delinquent in the payment

¹ *Laws of Iowa* (Extra Session), 1848, p. 62.

² *Laws of Iowa*, 1848, p. 151.

of interest due on any loan of a portion of the school fund, and the Prosecuting Attorney was to immediately begin action for collecting such interest.

The sixteenth section school lands remained under the control of the Fund Commissioners until the General Assembly abolished the office by an act approved March 23, 1858.¹ The lands were then placed in the hands of the County Judge and Township Trustees. A reappraisal of the sixteenth section lands was to place the true value upon each parcel, this value not to be less than two dollars and fifty cents per acre. This appraisal, made by the Township Trustees, was to be reported to the County Judge. He might either approve it or direct a new appraisal. Then the Judge and the Township Trustees were to meet and determine upon the advisability of selling part or all of the land. The manner of advertising and selling that which they should determine to sell was specified by this act. It differed but little in essential details from the plan formerly followed by the Fund Commissioner. The provision was made that no sale could be effected for less than the newly appraised valuation.

Another act, "providing for the management of the School Fund and the sale of the School Lands," was passed April 3, 1860, putting the control of the sixteenth section lands into the hands of the Boards of Supervisors of the several counties and the Township Trustees.² It provided for the appraisal of school lands by the Trustees, but did not specify any minimum valuation. It simply required

¹ *Laws of Iowa*, 1858, pp. 393-396.

² *Laws of Iowa* (Revision of 1860), p. 350.

them to "appraise each tract at what they believe to be its true value."

In his annual report for 1863, J. A. Harvey, Register of the State Land Office, pointed out this shortcoming and suggested a remedy for it, saying: "I desire to call attention to the appraisement of this land. Never, under any of the previous laws, could either this or any School Land be valued or purchased at less than \$1.25 per acre. But under the law now in force, the Township Trustees, in appraising the 16th section lands, 'shall appraise each tract at what they believe to be its true value,' etc. There is no minimum for the valuation. Under this law, some of the school lands in Butler county have been appraised and sold as low as twenty-five cents per acre. There is very little of the school lands in this State that is not worth at least \$1.25 per acre, whilst the most of it is worth more; and the policy of permitting it to be sold for less, appears to me at least very doubtful."¹

In response to this suggestion the legislature, by an act approved March 29, 1864, enacted that "hereafter no school lands shall be sold for less than one dollar and twenty-five cents per acre."²

During the next few years it became still more clearly evident that school land was being sold for less than its true value, and that some steps must be taken to stop it. Accordingly, on January 24, 1870, the legislature passed a joint resolution to the effect that all unsold school lands in the State of Iowa should be withdrawn from the market

¹ *Report of the Register of the State Land Office, 1863, p. 7.*

² *Laws of Iowa, 1864, p. 152.*

until the first day of the following March, that is, March 1, 1870.¹ On March 21, 1870, a law was approved to the effect that no part of the sixteenth section, nor lands selected in lieu thereof, nor any part of the Five Hundred Thousand Acre Grant, nor any other school lands whatsoever should be sold for less than a minimum price of six dollars per acre. The act provided, however, that if the Board of Supervisors had offered for sale, according to law, any school lands, and had been unable to sell them for as much as six dollars per acre, and if the Board thought that it would be impossible to get as much as six dollars per acre for such lands, and thought that it would be to the best interests of the school fund to sell for less than that price, the Board could instruct the County Auditor to transmit to the Register of the State Land Office a copy of the proceedings of the Board relative to the lands in question. The Register of the State Land Office would then submit this transcript to the State Census Board, and a majority of that Board, including the Register of the Land Office, could allow and order the sale of such land for a price less than six dollars per acre. But under such circumstances no land was to be sold for a price less than one dollar and twenty-five cents per acre. This act also provided that no school lands should be sold in any Congressional township until there were at least twenty-five legal voters resident in such township, or in a fractional township, until there were legal voters residing in it, the number of whom was such a fraction of twenty-five as the number of sections was of thirty-six.²

¹ *Laws of Iowa*, 1870, p. 241.

² *Laws of Iowa*, 1870, pp. 28-30.

Since the passage of this act no considerable change has been made in the manner of care or disposal of the sixteenth section lands. The County Board of Supervisors, with the coöperation and through the immediate agency of the Township Trustees, now have charge of the small quantity of this land which yet remains unsold or unpatented.

Of the lands received by Iowa under the Sixteenth Section Grant over a million acres have been sold and patented. Because of irregularities on the part of Fund Commissioners and others in the keeping of records, it is difficult to give exact figures as to the amounts of this land patented during the successive biennial periods. The biennial reports of the Register of the State Land Office give, perhaps, the most reliable records obtainable, although there are numerous inconsistencies in the figures presented in those reports. From this source have been gathered the data set forth in the following table:—

TABLE II

DATE OF REPORT	NO. OF ACRES PATENTED
May 14, 1855	121,922.70
November 14, 1856	50,044.64
December 1, 1857	36,463.20
January 1, 1859	26,526.47
November 7, 1859	19,164.35
November 6, 1861	35,528.70
November 15, 1863	61,036.55
November 16, 1865,	99,907.64
November 12, 1867	50,074.76
November 10, 1869	69,225.15
November 1, 1871	51,431.79
November 1, 1873	40,508.28

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DATE OF REPORT	NO. OF ACRES PATENTED
November 1, 1875	53,134.77
October 1, 1877	44,558.38
October 1, 1879	40,421.48
October 1, 1881	33,400.70
July 1, 1883	28,234.76
July 1, 1885	22,258.81
July 1, 1887	20,464.00
July 1, 1889	22,313.90
June 30, 1891	27,133.10
June 30, 1893	20,172.02
July 1, 1895	10,191.79
July 1, 1897	7,208.46
July 1, 1899	5,962.105
July 1, 1901	7,676.30
June 30, 1903	1,566.00
June 30, 1905	1,100.28
Amount patented	1,007,631.085
Amount unpatented June 30, 1905	14,685.535
Total	1,022,316.62
Error or duplication	7,985.57
Total amount of grant	1,014,331.05

Although the number of acres unpatented is reported as 14,685.53, only 1,160 acres remained unsold at the date of the report of the State Land Office for 1905.

It would be almost if not quite impossible to ascertain just how much money has been received for the lands received by Iowa under the Sixteenth Section Grant. The price which generally prevailed before 1870 was one dollar and twenty-five cents per acre. Most of that sold since the law passed in March, 1870, has brought a higher price—but

comparatively little selling for less than the six dollars per acre there set down as a minimum price. But it is impossible to state the average or general price received for this land. Neither can the total amount received for sixteenth section land be determined exactly. The money received from this source was put in with money received from other sources and became a part of the Permanent School Fund of Iowa. It is not the province of this paper to discuss that fund. It suffices here to say that the original purpose of the grant has been and is being carried out in the encouragement and support of common schools throughout the State, albeit the lands were not always wisely and advantageously disposed of.

THE FIVE HUNDRED THOUSAND ACRE GRANT

The Five Hundred Thousand Acre Grant was not originally intended for educational purposes, but was made to aid the State in making certain internal improvements. Indeed, the act of Congress making this grant specifically stated that the proceeds derived from the lands thus granted should be used for "roads, railways, bridges, canals, and improvement of water courses, and drainage of swamps." But the makers of Iowa, with the wisdom which characterizes many of their acts, decided to use it for educational purposes. And so the Five Hundred Thousand Acre Grant became, in effect, an educational grant.

In an act to appropriate the proceeds of the sales of the public lands and to grant preëmption rights, Congress, on September 4, 1841, granted to Iowa, as well as to each of several other States, five hundred thousand acres of land for

purposes of internal improvements. This land was to be selected within the State, in such manner as the legislature should direct. It was to be in parcels of not less than three hundred and twenty acres in any one place, and these parcels were to conform to sectional divisions and sub-divisions. The act provided that this land should not be disposed of at a less price than one dollar and twenty-five cents per acre, unless afterward authorized by Federal law. As stated above, the net proceeds of the sale of this land were to be applied to objects of improvements within the State, namely; roads, railways, bridges, canals and improvement of water courses, and draining of swamps. These internal improvements were to be and remain free for the transportation of the United States mail, and munitions of war, and for the passage of their troops, without the payment of any tolls.¹

The provisions of this act pertained to several States that were at that time (1841) in the Union, and were to apply to all which should enter the Union at a subsequent date. Consequently, Iowa upon her admission into the sisterhood of States in 1846 was entitled to receive this grant of five hundred thousand acres of land for internal improvements.

In the Constitution with which Iowa became a State was the proviso that the proceeds of this land should be diverted from the original purpose of internal improvements, and that such proceeds should "be and remain a perpetual fund, the interest of which, together with all the rents of the unsold lands, and such other means as the General Assem-

¹ *United States Statutes at Large*, Vol. V, p. 455.

bly may provide, shall be inviolably appropriated to the support of common schools throughout the State."¹

In the act of Congress admitting Iowa into the Union, December 28, 1846, consent was given to this diversion of the Five Hundred Thousand Acre Grant to educational purposes.²

There seems, however, to have been some question as to whether this diversion had been legally and conclusively made; for on March 2, 1849, Congress passed another act "declaratory of the Act for the Admission of the State of Iowa into the Union." In this measure it was declared that "by the act entitled 'An Act for the admission of the State of Iowa into the Union,' approved December Twenty-eighth, Eighteen Hundred and Forty-six, the United States assented to the application for the support of common schools, of the five hundred thousand acres of land granted to said State by the act of the fourth of September, Eighteen Hundred and Forty-one; said land to be selected in legal subdivisions of not less than three hundred and twenty acres."³

This land having been granted, the problem of selecting and locating the various tracts was taken up by the General Assembly. By an act approved February 25, 1847, the First General Assembly attempted to provide for the selection of the land constituting the Five Hundred Thousand Acre Grant. It was enacted that any person capable of contracting, who had settled upon any public lands, might sig-

¹ Constitution of Iowa, 1846, Article X, section 2—may be found in *Laws of Iowa*, 1846, pp. 1-17.

² *United States Statutes at Large*, Vol. IX, p. 117.

³ *United States Statutes at Large*, Vol. IX, p. 349.

signify in writing to the Fund Commissioner of the county in which the land was situated, his or her desire to have such land recognized as school land. Thereupon, a description of this land, not exceeding three hundred and twenty acres for any one person, together with the date of its selection, was to be returned by the Fund Commissioner to the Superintendent of Public Instruction, and by him be registered as land selected under the Five Hundred Thousand Acre Grant. Then the Fund Commissioner could contract with the settler for the sale of this land, one-fifth of the purchase money to be paid in advance, or within three months of the date of contracting, and the balance might be on a credit of not to exceed ten years, bearing interest at the rate of ten per cent per annum, payable annually at the Fund Commissioner's office. This law also directed that, from time to time, the Superintendent of Public Instruction should report all selections made in accordance with the above provisions, to the Secretary of the Treasury of the United States. As soon as the entire five hundred thousand acres should have been selected, he was to give notice to the Fund Commissioners, who would then stop receiving selections of land to be considered as part of this grant.

It was provided that if more than five hundred thousand acres should be selected in this way, those selections last made by the Fund Commissioners would be rejected. And upon receiving notice to this effect from the Superintendent of Public Instruction, it was to be the duty of the Fund Commissioners to so notify the persons whose selections were rejected.¹

¹ *Laws of Iowa*, 1846, p. 162.

The workings of this law were, however, unsatisfactory. After it had been in force and had been tried for about two years, it was supplemented by another law, approved January 15, 1849, by which John M. Whitaker, of Van Buren County, and Robert Brown, of Jefferson County, were appointed agents for the selection of the remainder of the Five Hundred Thousand Acre Grant lands. These agents were directed to select the land in accordance with the instructions of the Commissioner of the General Land Office, and report the same to the Register of the Land Office in whose district the selection had been made. These agents were to keep a correct record of the selections by them, and estimate the value per acre of each quarter section, and make a full report on the first day of the following December.¹

These men did the work for which they had been appointed, and on September 7, 1854, the Commissioner of the General Land Office certified that the entire amount of the Five Hundred Thousand Acre Grant had been selected.² The fact is, however, that, through the imperfect operation of the two laws under which the selections were made, five hundred thirty-five thousand, four hundred seventy-three and fifty-four hundredths acres were selected.³

The counties in which the land selected is situated, and the number of acres in each county, are shown in the following table. Fifty-one different counties contain some portion of this land—the quantities ranging from 51.81 acres in Shelby County to 70,219.53 acres in Allamakee County.

¹ *Laws of Iowa*, 1848, pp. 149-151.

² *Senate Documents*, 1854-1855, Vol. I, p. 73.

³ *Report of the Register of the State Land Office*, 1877, p. 5.

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TABLE III¹

NAME OF COUNTY	NO. OF ACRES THEREIN	NAME OF COUNTY	NO. OF ACRES THEREIN
Adair	2,391.89	Jackson . . .	807.50
Adams	1,920.00	Jasper	1,674.94
Allamakee . .	70,219.53	Jones	29,955.50
Appanoose . .	2,400.00	Keokuk	670.64
Benton	11,791.80	Linn	11,016.07
Black Hawk . .	8,382.84	Louisa	640.00
Boone	1,052.12	Lucas	640.00
Bremer	12,159.84	Madison	9,386.02
Buchanan . . .	2,485.44	Mahaska	9,227.75
Butler	478.51	Marion	1,414.61
Cedar	6,812.44	Marshall	6,155.86
Chickasaw . . .	3,279.26	Monroe	986.57
Clarke	16,009.00	Muscatine . . .	357.33
Clayton	22,764.40	Polk	2,425.62
Clinton	21,135.35	Poweshiek . . .	12,715.24
Dallas	13,699.16	Ringgold	607.20
Davis	934.95	Shelby	56.81
Decatur	40,460.56	Story	3,796.74
Delaware	11,417.19	Tama	11,650.44
Dubuque	16,114.77	Union	10,738.07
Fayette	30,260.21	Wapello	7,002.42
Floyd	3,481.68	Warren	5,643.97
Hamilton	10,314.40	Wayne	15,606.91
Hardin	1,360.00	Webster	18,024.06
Harrison	7,524.86	Winneshiek . . .	24,447.00
Iowa	23,976.07	<i>Total</i>	<u>535,473.54</u>

In view of the fact, already mentioned above, that in selecting the land under this grant 35,473.54 acres in excess of the intended amount was selected, the General Assembly,

¹ Report of the Secretary of State (Land Department), 1901, p. 13.

on March 22, 1862, passed an act authorizing the Governor to reconvey to the General Government this excess of land selected, and then to settle and adjust with the General Government for the conveyance back to the State of all of this excess which had been sold. This act stipulated for the payment by the State of the money to which the General Government might be entitled for such land conveyed back to the State.¹ This adjustment was effected by the State being permitted to retain the excess over the amount originally granted, upon the payment therefor of one dollar and twenty-five cents per acre. The amount, then, received under this grant, was 535,473.54 acres, for 35,473.54 acres of which Iowa paid one dollar and twenty-five cents per acre.

The act of January 15, 1849, by which agents were appointed for the selection of the remainder of the Five Hundred Thousand Acre Grant, also made provision for the sale of this land.² By this act the Superintendent of Public Instruction was given power to authorize the sale of any lands which the School Fund Commissioner, in any organized county, should select under the provisions of this act. It was made the duty of the agents to estimate the value per acre of each quarter section selected by them. When the Superintendent of Public Instruction should authorize the sale of any of this land, he was to determine upon the rate per acre at which it was to be sold. But this rate was not to be less than the estimate made by the selecting agents. The terms of sale remained the same as those set down by the act to which this one was supplemental.

¹ *Laws of Iowa*, 1862, p. 58.

² *Laws of Iowa*, 1849, p. 150.

In an act approved March 23, 1858, for the management of the school fund and the sale of the school land, the Seventh General Assembly provided that it should be the duty of the Register of the State Land Office to transmit to the County Judge of each county in which there was located any part of the Five Hundred Thousand Acre Grant, a list of all such land in his county, together with the appraised value of each tract. This list was to state what tracts or parts of tracts had been sold, and what remained unsold. The County Judge, upon receiving this list, was to immediately furnish to the Trustees of the several townships in this county correct lists of all the unsold lands of this grant in their respective townships. Thereafter the care and sale of the Five Hundred Thousand Acre Grant lands were to be in the hands of the County Judge and the Township Trustees.¹

This arrangement continued for only about two years. The law, approved April 13, 1860, which put the sixteenth section lands in any county into the care of the Board of Supervisors and the Township Trustees, also turned over to these officers the Five Hundred Thousand Acre lands.² Since that date these lands have been subject to the same rules and regulations as have the sixteenth section lands.

This brief sketch of the history of the Five Hundred Thousand Acre Grant would be incomplete without at least a few words concerning the so-called "Des Moines River School Lands." The lands thus spoken of formed part of the 35,473.54 acres in excess of the 500,000 acres intended to be carried by the Federal grant. As part of the Five Hun-

¹ *Laws of Iowa*, 1858, p. 397.

² *Laws of Iowa, Revision of 1860*, p. 350.

dred Thousand Acre Grant, 12,813.51 acres of land lying in Hamilton and Webster counties were selected and were approved by the Commissioner of the General Land Office on February 20, 1851.¹ When it was later decided that the Des Moines River Grant extended above the mouth of the Raccoon River, it was held that this land was a part of a grant made August 8, 1846, for the improvement of the Des Moines River.² But in 1865, a later Secretary of the Interior affirmed that this land was a part of the Five Hundred Thousand Acre Grant. Moreover, before the ruling that this was Des Moines River land, three thousand acres had been sold as school land. Upon the former ruling of the Secretary of the Interior, Governor Lowe deeded this 12,813.51 acres of land to the Des Moines Navigation and Railroad Company.³ To refund their outlay to the purchasers of the three thousand acres sold as school land, the legislature passed an act, April 2, 1860, providing that any purchaser of this land who should make application and proper showing, should be entitled to draw from the treasury of the State the amount of money paid to the Fund Commissioner, with interest at the rate of ten per cent per annum.⁴ The State made efforts to again get possession of this land after the affirmation of the Secretary of the Interior that it was a part of the school lands. But the Courts sustained the claim of the Des Moines Navigation and Railroad Company. Since this land constituted a part of the 35,473.54 acres excess land for which the State paid one dol-

¹ *Journal of the House of Representatives*, 1854, Appendix, p. 99.

² *Report of the Register of the State Land Office*, 1863, p. 17.

³ *Report of the Register of the State Land Office*, 1861, pp. 34-35.

⁴ *Laws of Iowa*, 1860, pp. 69-71.

lar and twenty-five cents per acre, this disputation and litigation do not have any real importance in their effect on the school fund. It is of interest as a point in the history of the lands granted, rather than in the history of the school fund.

The following table gives the number of acres of the Five Hundred Thousand Acre Grant which were patented during each biennial period, as reported in the successive biennial reports of the State Land Office:

TABLE IV

DATE OF REPORT	ACRES PATENTED DURING BIENNIUM
May 14, 1855	137,646.44
November 14, 1856	61,050.57
December 1, 1857	53,976.80
January 1, 1859	26,628.59
November 7, 1859	14,846.28
November 6, 1861	29,609.27
November 15, 1863	49,593.78
November 16, 1865	69,119.89
November 12, 1867	33,707.93 ¹
November 10, 1869	15,853.71
November 1, 1871	10,735.57
November 1, 1873	5,701.40
November 1, 1875	6,474.57
October 1, 1877	3,034.22
October 1, 1879	2,892.50
October 1, 1881	1,817.06
July 1, 1883	1,062.94
July 1, 1885	1,289.12
July 1, 1887	382.62

¹ The number of acres here given for the biennium ending November 12, 1867, was obtained by subtracting the sum of the amounts sold up to November 16, 1865, from the total number sold at the given date.

DATE OF REPORT	ACRES PATENTED DURING BIENNIUM
July 1, 1889	1,165.27
June 30, 1891	817.72
June 30, 1893	891.21
July 1, 1895	523.57
July 1, 1897	1,265.65
July 1, 1899	640.00
July 1, 1901	400.00
June 30, 1903	845.04
June 30, 1905	170.00
<i>Total</i>	532,141.72
Amount unpatented	9,014.35
<i>Grand total</i>	541,156.07
Error or duplication	5,682.53
Amount of grant	535,473.54

There is none of this grant still remaining unsold; but the exact sum of money received therefrom cannot be given, nor can the exact average price per acre at which it was sold be stated. A very large part of it was sold at the minimum price allowed, namely, one dollar and twenty five cents per acre. The money as it came in was turned directly into the permanent school fund, and so at once began to be used for the purpose for which it had been diverted by the State Constitution.

THE UNIVERSITY GRANT

The policy of aiding State universities by grants of land has been carried out by the Federal government in most of the western States. While Iowa was still a Territory, Congress passed an act in July, 1840, "granting two townships of land for the use of a university in the Territory of

Iowa." By this act the Secretary of the Treasury was authorized to set apart and reserve from sale out of any of the public lands within the Territory of Iowa to which the Indian title had been or might afterward be extinguished, a quantity of land not exceeding two entire townships. This land was to be for the use and support of a university within the Territory when it should become a State "and for no other use or purpose whatsoever." It was to be located in tracts of not less than entire sections, corresponding with any of the legal divisions into which the public lands were authorized to be surveyed.¹

This act of Congress was followed by another, approved March 3, 1845, which specifically granted and conveyed to the State the seventy-two sections of land thus set apart and reserved for the use and support of a university. This act also stipulated that the land was to be appropriated solely to the use and support of such university in such manner as the legislature might prescribe.²

The Second General Assembly, by a measure approved January 15, 1849, enacted and ordained that the proposition of Congress making this grant be accepted by the State of Iowa.³ Thus the land and the responsibility of its care and disposal and the proper application of the funds received therefor to the support of a university devolved upon the State.

In the Constitution under which Iowa was admitted into the Union the agreement of the State to the purpose for which the grant was made is expressed as follows: "The

¹ *United States Statutes at Large*, Vol. VI, p. 810.

² *United States Statutes at Large*, Vol. V, pp. 789-790.

³ *Laws of Iowa*, 1848, pp. 121-122.

General Assembly shall take measures for the protection, improvement, or other disposition, of such lands as have been or may hereafter be reserved or granted by the United States, or any person or persons, to this State, for the use of a University; and the funds accruing from the rents or sale of such lands, or from any other source, for the purpose aforesaid, shall be and remain a permanent fund, the interest of which shall be applied to the support of said University, with such branches as the public convenience may hereafter demand, for the promotion of literature, the arts and sciences, as may be authorized by the terms of such grant. And it shall be the duty of the General Assembly, as soon as may be, to provide effectual means for the improvement and permanent security of the funds of said University."¹

Thus the University Grant was accepted by the State. But there were some difficulties attendant upon the selection of the land. The act of Congress of July 20, 1840, provided that the land granted should be selected under the authority of the Secretary of the Treasury. In accordance with this act, the Secretary appointed William W. Dodge, of Scott County to make the selection. Dodge, however, selected only one section of land and made return of it to the land office at Dubuque, after which he left Iowa Territory. Growing out of this fact, the Territorial Council and House of Representatives passed a joint resolution, approved February 16, 1844, calling upon Hon. Augustus C. Dodge, Delegate in Congress of the Territory of Iowa, to request the Secretary of the Treasury to appoint two suit-

¹ *Laws of Iowa*, 1846, p. 14.

able persons to select the remainder of the University Grant at as early a day as practicable. In the resolutions were suggested the names of L. Brown, of Dubuque County, and Uriah Briggs, of Van Buren County, as suitable persons to act as these sub-agents in the selection of the land. The joint resolution also described four small tracts, aggregating 760 acres, which the legislature desired to have included within the University Grant.¹

This joint resolution did not, however, accomplish the desired results, and a second joint resolution was passed January 2, 1846, requesting the Delegate in Congress, Hon. A. C. Dodge, to use his influence for the appointment of a suitable person to select the two townships of land granted to the Territory of Iowa for a university.² But it was not until November 19, 1856, that a correct copy of the lists of lands selected and approved for university purposes was received from the General Land Office at Washington.³

The list of these lands, giving location by counties, is as follows:

TABLE V⁴

COUNTY	NO. OF ACRES	COUNTY	NO. OF ACRES
Appanoose . . .	640.00	Iowa	646.65
Boone	2,613.48	Jasper	4,611.35
Davis	1,297.36	Jefferson . . .	1,280.00
Dallas	572.07	Lucas	4,545.44
Decatur	2,560.00	Polk	5,194.19
Hardin	10,325.54	Scott	645.16

¹ *Laws of Iowa*, 1843, p. 167.

² *Laws of Iowa*, 1845-1846, p. 133.

³ *Report of the Register of the State Land Office*, 1857, p. 9.

⁴ *Report of the Register of the State Land Office*, 1865, p. 23.

COUNTY	NO. OF ACRES	COUNTY	NO. OF ACRES
Story	5,221.40	To be added	
Union	638.20	for fractional	
Wapello	1,920.00	sections taken	
Warren	3,218.00	as full sections	. . . 29.10
<i>Total</i>	<u>45,928.84</u>	<i>Total approved</i>	<u>. 45,957.94</u>

As the amount specified in the original act of July 20, 1840, was two townships, or 46,080 acres, there was still due to the State from the General Government the amount of 122.06 acres. Accordingly the legislature enacted a measure, April 7, 1862, requesting the Governor to take the necessary steps to obtain this remainder.¹ But nothing ever resulted from this action, and the actual number of acres received under the University Grant is 45,928.84.

In a law, approved February 25, 1847, establishing a State University, these two townships of land were donated to that institution, to become and remain a permanent fund, of which the interest was to be used for the support of the University. This act placed the land in the hands of the Board of Trustees of the University, to be disposed of by them in the same manner and under the same regulations as provided for the disposition of the sixteenth sections in the different townships.²

By another act, approved March 12, 1858, the State University was constituted a corporation possessing all common law powers of corporations, as well as certain special powers conferred upon it by this act. The two townships were specifically donated to the University, to constitute a per-

¹ *Laws of Iowa*, 1862, p. 139.

² *Laws of Iowa*, 1846, pp. 188-189.

petual fund, of which the interest only might be used for the support of the institution. The government of the University was to be vested in a Board of Trustees, consisting of the Chancellor of the University, the Governor of the State, the Superintendent of Public Instruction and twelve Trustees, to be elected by the General Assembly. One-third of these twelve Trustees—or four—were to be selected every two years, and the term of service was to be six years. The act provided that no sale of land should be made unless decided upon by the Board at a regular meeting, or one called for that purpose. The manner, length and form of notice, and terms of such sale were to be prescribed by the Board. No member of the Board was to be either directly or indirectly interested in any sale of this land. The Treasurer of the University was required to keep an accurate account of all transactions relative to the sale and disposal of University land. His books were to show what portions of the land had been sold, the price of each, to whom sold, how the proceeds had been invested, and on what securities, and the amount, situation, and value of any land remaining unsold.¹

As pointed out above in the discussion of the Sixteenth Section Grant, certain parts of this act were declared unconstitutional, as the Board of Education and not the General Assembly alone had power to initiate legislation relative to educational institutions; while the legislature could only alter, amend, or repeal such enactments. In consequence of this declaration as to the unconstitutionality of the law, the Board of Education, on December 25, 1858, enacted a

¹ *Laws of Iowa*, 1858, pp. 83-87.

measure incorporating the same general features—in fact, in large measure the same words were used as in the law which had been declared void. The chief difference between this measure and the other was in the fact that it made the Board of Trustees to consist of seven persons, to be elected by the Board of Education. Three of these were to hold office for one year, and the other four for three years. Upon the conclusion of their respective terms their successors were to be selected by the Board of Education.¹

In 1870, by an act approved April 11, the control and government of the University was placed in the hands of a Board of Regents. This Board was to consist of the Governor of the State, who was to be ex-officio President of the Board, the Superintendent of Public Instruction, the President of the University, and one person for each congressional district of the State to be elected by the General Assembly. The University lands were placed in the care of this Board of Regents under practically the same conditions as those under which they had previously been held while in the hands of the Board of Trustees.²

On April 14, 1886, an act became a law by which the President of the University was dropped from membership on the Board of Regents.³ Since that date no change of importance has been made as to the manner of control or disposal of the University Grant.

The patenting of the lands comprising this grant has been as follows:

¹ *Acts of the Board of Education*, 1858, pp. 30-34.

² *Laws of Iowa*, 1870, pp. 88-93.

³ *Laws of Iowa*, 1886, p. 222.

FEDERAL AID TO EDUCATION IN IOWA 595

TABLE VI¹

DATE OF REPORT	ACRES PATENTED DURING BIENNIUM
May 14, 1855	1,535.16
November 14, 1856	3,093.38
December 1, 1857	1,021.36
January 1, 1859	400.00
November 7, 1859	360.00
November 6, 1861	727.42
November 15, 1863	2,373.92
November 16, 1865	13,381.28
November 12, 1867	2,640.95
November 10, 1869	2,378.07
November 1, 1871	2,355.70
November 1, 1873	1,680.00
November 1, 1875	4,993.08
October 1, 1877	2,275.70
October 1, 1879	1,347.91
October 1, 1881	366.07
July 1, 1883	200.00
July 1, 1885	46.02
July 1, 1887	160.00
July 1, 1889	229.35
June 30, 1891	403.83
June 30, 1893	360.26
July 1, 1895	684.85
July 1, 1897	209.02
July 1, 1899	0
July 1, 1901	0
July 1, 1903	0
June 30, 1905	74.49
<i>Total</i>	43,297.82
Amount unpatented	578.82
Amount of grant	43,876.64

¹ Reports of the Register of the State Land Office, 1858-1881; and Reports of the Secretary of State (Land Department), 1883-1905.

With considerable effort the writer has traced down the dates of the errors as a result of which 2,052.20 acres appear as unaccounted for in the above table. It was found that in the report for 1879 there was a shortage of 1,010.26 acres. In the report for 1881 there was another discrepancy of 927.89 acres. And again, in the report of 1897 the figures given do not produce the correct sum by 207.80 acres. But by the report of 1899 there seems to be a partial correction of this error by a counter error of 93.65 acres. These four errors sum up exactly the amount marked "not accounted for" in the table above, i. e., 2,052.20 acres. The writer has not been able to ascertain the cause of this apparent shrinkage in the amount of the grant. It may have been due to some shifts in the courses of rivers, or to irregularities in the sale of the land unaccounted for.

On June 30, 1906, there remained unsold of the University Grant 572.34 acres.¹

It is impossible to say just how much per acre all the land of this grant has brought when sold. But a number of facts presented by Thomas H. Benton, Jr., in the annual commencement address at the State University, June 21, 1867, throw considerable light upon the price received for land sold prior to that date. He says that the first sale made was of a section in Scott County, containing 645.16 acres, for \$3,257.80—an average of five dollars and five cents per acre. This was an unusually valuable tract, and so commanded this price—a high one for that day. The total number of acres sold up to January 1, 1853, was 685.16

¹ Data obtained in a letter received from the Clerk of the Iowa State Land Office, August 6, 1906.

acres, the amount received therefor being \$3,457.80. During the year 1854, 9,792.83 acres were sold at public sale for \$36,475.21. Some tracts also were sold at private sale at \$3.64 per acre—the appraised valuation. Some 2,280 acres were sold at an average price of \$2.50. Up to January 1, 1855, a total of 18,170.70 acres had been disposed of for \$59,423.15, being an average of \$3.27 per acre. A large public sale of University lands was held at Iowa City, Iowa, in June, 1855, at which the aggregate sales, exclusive of lands occupied by settlers, amounted to \$74,878.92. October 25, 1859, the Board made an examination of the books of the Treasurer of the University and found that 31,411.36 acres had been sold, and that the amount of the fund was \$110,582.75.¹

The amount of the permanent land endowment fund of the State University, June 30, 1905, was \$235,120.36, which included the proceeds not only of the University Land Grant but also of the Saline Land Grant treated in the next section of this paper.²

The following table includes the interest annually accruing on the receipts from both of these land grants, and shows the entire income of the State University from National endowment through rentals and interest:

TABLE VII³

YEAR	AMOUNT	YEAR	AMOUNT
1861	13,496.87	1863	15,767.89
1862		1864	23,416.75

¹ Benton's *Historical Sketch of the State University of Iowa*, pp. 22-25.

² *Biennial Report of the Board of Regents*, p. 109.

³ *Census of Iowa*, 1900, pp. cxvii-cxviii.

YEAR	AMOUNT	YEAR	AMOUNT
1865	19,183.77	1886	15,639.45
1866		1887	17,146.35
1867	18,985.43	1888	16,299.81
1868		1889	15,028.70
1869	25,724.49	1890	20,282.45
1870	19,708.62	1891	16,892.80
1871	20,497.08	1892	16,561.14
1872	21,000.84	1893	15,792.94
1873	22,154.95	1894	19,101.78
1874	22,376.76	1895	16,631.82
1875	21,663.58	1896	16,233.99
1876	18,396.30	1897	16,015.98
1877	18,135.78	1898	17,759.90
1878	23,105.92	1899	14,988.29
1879	17,673.91	1900	18,335.72
1880	19,620.63	1901	14,405.08
1881	16,662.94	1902	12,610.87
1882	15,531.71	1903	15,245.74
1883	16,487.50	1904	13,465.77
1884	16,165.02	1905	14,254.87
1885	16,405.73		<u>744,855.92</u>

As nearly all of the land composing both the University Grant and the Saline Land Grant has been sold, only a small part of the above income now consists of rentals.

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