

**HISTORY OF THE AGRICULTURAL COLLEGE
LAND GRANT ACT OF JULY 2, 1862. DEVOTED
LARGELY TO THE HISTORY OF THE "LAND
SCRIP" WHICH UNDER THAT GRANT WAS
ALLOTTED TO THE STATE
OF NEW YORK AND AFTERWARDS GIVEN TO
CORNELL UNIVERSITY**

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History of the Agricultural College Land Grant Act of July 2, 1862. Devoted Largely to the History of The "Land Scrip" Which Under That Grant Was Allotted to the State of New York and Afterwards Given to Cornell University by Samuel D. Halliday

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SAMUEL D. HALLIDAY

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To day, Samuel Dumont.

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REPORT.

TO THE BOARD OF TRUSTEES OF CORNELL UNIVERSITY:

At a meeting of this Board held October 24, 1903, the Chairman of the Land Committee was requested "to prepare and present to this Board" a History of the College Land Grant of 1862. It was soon discovered that to make a complete history as requested would involve a great deal of investigation and research. In pursuance of authority afterwards given, Mr. A. B. Zerns, a recent graduate of Cornell, was employed to make that research.

Every letter, telegram, contract, memorandum or other document in the office of the Comptroller of the State of New York relating to the "Land Scrip" was read and examined by him and the results of his researches were very carefully and very accurately collated. A similar research was made in the Treasurer's office and in the Library. All available literature of every nature was also examined and interesting information compiled. Largely from the mass of material thus collected, this History has been prepared.

E. L. Williams, originally as clerk in the Business Office, afterwards as Secretary of the Land Committee and Treasurer of the University, became very familiar with the management of the so-called Western Lands. In fact, it may be justly said that much of the success of the Land Committee, particularly since the death of Henry W. Sage, is due to the thorough knowledge of the lands, the executive ability and the sound judgment possessed by E. L. Williams, its Secretary. The

parts of this history relating to that management were specially prepared and written by him. From memory he was also able to furnish interesting events and incidents which naturally would not go into the records, but, if not now recorded, would soon be lost forever.

An effort has been made to briefly trace the events leading up to the enactment of the act of '1862. Then follows, among other things, a narration of the efforts of Ezra Cornell to secure this fund for Cornell University. A more particular history of the management of the scrip by the State and afterwards of the lands, first by Ezra Cornell and subsequently by the University itself, is finally given.

Hoping that this History will be found to be accurate, it is now "presented to this Board" as requested.

Dated, Cornell University, Ithaca, N. Y., Oct. 28th, 1905.

S. D. HALLIDAY,

Chairman of the Land Committee.



History of the Agricultural College Land Grant Act of July 2, 1862,

**Devoted largely to the history of the "Land Scrip,"
which under that grant was allotted to the
State of New York and afterwards given
to Cornell University.**

PASSAGE OF LAND GRANT ACT OF 1862.

On Dec. 14, 1857, Mr. Morrill of Vermont introduced a bill into the House of Representatives, "Donating public lands to the several states which may provide colleges for the benefit of agriculture and the mechanic arts." The bill granted to each state, for the maintenance of such schools, 20,000 acres of public land for each Senator and Representative in Congress to which the state was entitled. If these lands could be located within the state itself, then actual grants were to be made. If, however, the state contained no such lands within its borders, it was to receive an equivalent amount of land scrip or land certificates, which could then be sold and the specified amount of land located by the purchaser upon unoccupied government land within other states. As in the later bill, no state could itself locate land scrip within the borders of another state. The whole measure was practically identical with the Land Grant Act which was passed in 1862.

The bill encountered considerable opposition in both houses, particularly from the Southern members but, after several

unsuccessful attempts, was finally passed and sent to President Buchanan for his signature. The President, however, returned the bill on Feb. 24, 1859 with his veto and a message giving at length his reasons for so doing. His opposition seemed to be based chiefly upon the ground that the bill was unconstitutional and that it "intermingled national and state affairs in a pernicious manner." An attempt was made in the House to pass the bill over his veto but failed.

A change of administration soon afterward took place, and on Dec. 16, 1861, Mr. Morrill introduced into the House a bill drawn upon the same lines as the earlier measure. Some of the arguments which Mr. Morrill used in support of these bills may be of interest. First he laid great emphasis upon the extraordinary interest manifested in all parts of the country, as was indicated by a large number of petitions for such a measure, which had been received from states, societies, and individuals. He next showed how little had been done by the government in aid of agriculture, as compared with the important measures which had been taken in behalf of other forms of industry. Finally, he demonstrated that agriculture is the fundamental basis of a country's prosperity and that, if agriculture is not intelligently carried on, the welfare of the whole country is endangered.

This second bill was referred to the Committee on Public Lands. "While it was held in this Committee, the majority of which were hostile to the measure, Senator Wade of Ohio was asked by Mr. Morrill to introduce the bill into the Senate and on May 5, 1862, a bill identical with the House bill was introduced by him and referred to the Senate Committee on Public Lands, who reported it back with an amendment May 16, 1862. The bill was considered from time to time, and finally passed the Senate June 10, 1862, and the House of Representatives, without reference to committee, June 17, 1862." It is important to note, in this connection, that the Southern representatives, from whom had come most of the

opposition to the previous bill, were no longer in Congress. President Lincoln had already promised, before his election, that he would sign the bill if it came before him; accordingly the measure received his signature on July 2, 1862, and became a law.

The full title of the act is "An Act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts." To each state was granted 30,000 acres of public land for each Senator and Representative in Congress to which the state was entitled under the census of 1860. States having a sufficient amount of public lands within their borders, "subject to sale at private entry" at \$1.25 an acre, could locate their share of the grant upon these lands. Other states could not locate their lands at all, but received, instead of the lands themselves, a corresponding amount of land scrip. This scrip could then be sold and the proceeds devoted to the purposes of the act. The purchasers of the scrip could locate on any of the unappropriated lands of the United States "subject to sale at private entry at \$1.25 an acre or less," with the restriction that not more than 1,000,000 acres of land should be located in any one state, and that no mineral lands could be selected in any state.

All money derived from the sale of land or scrip was to be invested in stocks of the United States, stocks of the states, or in some other safe stocks, paying not less than 5 per cent upon their par value. The capital of this fund could not be spent, it must "remain forever undiminished;" all of the interest upon the fund is appropriated "to the endowment, support, and maintenance of at least one college where the leading object 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 the several pursuits and professions of life."

None of the interest upon this fund could be used for the purchase or erection of buildings, but "a sum, not exceeding ten per centum upon the amount received by any state under the provisions of this act, may be expended for the purchase of lands for sites or experimental farms whenever authorized by the respective legislatures of said States." A number of details are provided for in this act, which do not concern us here, but it should be noted that all the expenses of the management of the scrip must be borne by the State, and that if any portion of the fund or the interest should be lost the State must itself make up the deficiency. In order to receive the benefits of the act, a State must accept the conditions through its legislature, within two years, and must provide within five years a college answering the requirements laid down in the act. If the State does not provide a college complying with these requirements, it must pay back to the United States the amount of the scrip previously received.

APPROPRIATION OF NEW YORK STATE'S SHARE OF PROCEEDS.

By an act passed May 5, 1863, New York State formally accepted the conditions of the Land Grant Act and authorized the Comptroller to receive the scrip and dispose of it as provided in the act. The question then arose as to what institution or institutions should receive the benefit of the proceeds. Although there were a number of small colleges in the state, all desirous of receiving a share of the grant, it soon became apparent that the real contest lay between two institutions, the State Agricultural College at Ovid, and the People's College at Havana. In general it may be said that