

**REPORT OF THE
UNIVERSITY LAND
AND BUILDING
COMMISSIONERS, 1892**

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Report of the University Land and Building Commissioners, 1892 by Authority

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AUTHORITY

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STATE OF WASHINGTON.

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1892.

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UNIV. OF
CALIFORNIA

REPORT.

SEATTLE, WASHINGTON, NOV. 29, 1892.

To the Governor:

We respectfully submit herewith the report of the Board of University Land and Building Commissioners, appointed under the act of the legislature, approved March 7, 1891, entitled "An act providing for the establishment, location, maintenance and support of the University of Washington." (Session Laws, 1891, p. 229.)

Pursuant to sec. 1 of said act, the board of regents of the University, on May 12, 1891, appointed James R. Hayden, of Seattle, a member of the new board; he entered upon his duties May 16, 1891. March 14, 1891, the executive appointed John Arthur, of Seattle; John McReavy, of Union City, and Charles F. Leavenworth, of Olympia, as members for four years.

Pursuant to sec. 2, the acting governor and the members so appointed by him met in the city of Seattle, at 1 P. M., on the first Monday in April, A. D. 1891, and organized the board. They elected John Arthur, of Seattle, president *pro tempore*; Martin D. Smith, of Spokane, secretary; William E. Boone, of Seattle, architect and superintendent of construction. April 15, 1891, Fred G. Plummer, of Tacoma, was appointed chief engineer. Secretary Smith resigned his position June 15, 1891. Upon his resignation the board elected James R. Hayden as secretary, without salary, and authorized him to employ an assistant.

DEEDS FOR OLD UNIVERSITY SITE.

Immediately upon the organization of the board, one of its members was instructed to procure the deeds referred to in sec. 5 of the act creating the board, reading as follows:

"SEC. 5. As soon as practicable after the original donors, their successors or assigns, and the corporate authorities of the city of Seattle have executed and delivered to the Board of University Land and Building Commissioners deeds in proper form, forever quitclaiming and releasing to the State of Washington all claims of right, title interest and estate, of

TO VINDICATE
THE INTERESTS OF THE UNIVERSITY OF WASHINGTON STATE UNIVERSITY

every name and nature, they may have, as the successors in interest, or otherwise, of the town of Seattle, or any other party, in and to a certain tract of land, containing ten acres more or less, in the city of Seattle, now known and occupied as the site of the University of Washington, which said ten acre tract was conveyed to the Territory of Washington by A. A. Denny and wife, C. C. Terry and wife and Edward Lander, in April, 1861, which deeds shall be duly recorded in the office of the county auditor, said Board of University Land and Building Commissioners shall proceed to locate the University on a tract of land not to exceed one hundred and sixty acres of the fractional school section described as follows, to wit: Section sixteen (16) in township twenty-five, north of range four east, which said fractional school section is within a radius of six miles of the present site of the University of Washington, in the city of Seattle."

All those deeds were procured and filed for record within a little more than one month from the date of the organization of the board.

TEN ACRE TRACT IN SEATTLE.

Immediately upon the recording of the quitclaim deeds from all parties in interest to the old University site in Seattle, the board directed the chief engineer to make a careful survey of that ten acre tract and prepare a plat of it in lots and blocks, conformably to the plan of the adjoining portion of the city of Seattle. Early in the summer of 1891 he did so. The plat made by him has not been executed by the board, for reasons stated below.

In compliance with section six of the law, the acting governor appointed Hon. Miles C. Moore, of Walla Walla; the mayor of Seattle appointed Hon. M. S. Drew, of Seattle; and the board appointed Robert Wingate, of Tacoma, as the appraisers of the tract. Mr. Wingate was absent from the state at the time designated for the meeting of the appraisers, and the board appointed Isaac W. Anderson, of Tacoma, in his stead. Messrs. Moore, Drew and Anderson duly met and qualified, and organized by choosing Mr. Moore as chairman and Mr. Anderson as secretary. In August, 1891, they made an examination of the tract for the purpose of appraising it by lots, by blocks, and as a whole. At the close of the investigations made by them concerning the condition of the real estate market in Seattle at that time, and the prices which could be obtained for lots in the University tract, we learned that their valuation, in detail and as a whole, would fall far below the prices for which we would consent to sell. At that time there was no activity in real property business in Seattle or in any other part of the state. There was no demand for high priced city property.

We unanimously decided to sell no part of the tract during the continuance of the financial stagnation then prevailing. We therefore requested the appraisers to postpone the making of the appraisal to such time as the board should thereafter indicate. They did so. We have not yet called upon those gentlemen to complete the task which they kindly undertook for us.

It will be seen by reference to section six of the act, that the board is not clothed with the discretionary power to reject all bids for the property which it considers too low. If the best bid be as high as the appraised value, the bidder is entitled to the land, even though the board deem his bid much too low. The language of the act is:

"At the time appointed for the sale the board shall publicly open and announce all bids received, by mail or otherwise, and invite other bids. The highest bid made on the day of sale *shall be accepted*, unless it is less than the appraised value of the parcel of land bid for, in which event the board shall postpone the sale and re-advertise."

We regard this want of discretionary power as a defect in the law. The board should be given authority to reject a bid for any parcel of the land, or for the whole tract, when in its judgment the price bid is inadequate; just as it has the power to reject at its discretion all bids for the construction of buildings which it deems too high.

This ten acre tract is the most valuable piece of property which the state possesses. It should not be sold for less than one-half million dollars (\$500,000). It ought to be held until it brings from \$750,000 to \$1,000,000.

Had the appraisalment been made during the monetary depression of 1891 and the property been sold as the act contemplates, it is doubtful whether we could have realized one hundred and fifty thousand dollars (\$150,000) from it. No member of the board would give his consent to the making of such a sacrifice, even for the purpose of building a new university.

Being situated in the heart of the largest city in the state, no other land owned by the state will grow so rapidly in value. With a population of one hundred thousand in Seattle this tract will bring a full million dollars. This increase of population will be realized within the next five years. The proceeds arising from the sale of this tract should be applied to the erection of the buildings needed, with the main building, to make a real university. The fund for the construction of the main building, the engine house

and the dormitories, dining room and kitchen, and for the improvement of the grounds, should be provided from some other source.

Sec. 17 of the enabling act of congress grants to Washington "for state charitable, educational, penal and reformatory institutions two hundred thousand acres" of the public lands. It is clear that no part of this grant was intended for common schools, for the scientific school or for the normal schools, or for public buildings at the state capital. Munificent grants are provided for these institutions, and are followed by this general grant of two hundred thousand acres. One-half of this grant should be allotted to the University. With an endowment of 100,000 acres, in addition to the quantity yet to be selected under the old reservation of two townships, those buildings could be constructed, and the University grounds cleared and beautified, without trenching upon the ten acre tract in Seattle.

QUANTITY OF LANDS TO BE SELECTED.

Sec. 4 of the act reads as follows:

"The Board of University Land and Building Commissioners are hereby authorized and directed to ascertain how much land is left of the grant made to the State of Washington for university purposes by the act of congress, commonly called the enabling act, approved February 22, A. D. 1889; how much has been selected and remains unsold; how much remains to be selected, and shall select the quantity yet to be selected as rapidly as possible in the manner prescribed by law."

At its meeting on April 7, 1891, the board instructed one of its members "to proceed to the city of Washington and examine in the general land office the original lists of selections of lands in the Territory of Washington for university purposes, and to procure certified copies thereof, and to do all matters and things in relation thereto which he shall find expedient and necessary."

In compliance with this instruction, he went in the latter part of May, 1891, to the city of Washington and made the examination as required. He procured certified copies of the various lists of lands selected by the authorities of the Territory of Washington for university purposes under the reservation of two townships of land made by congress July 17, 1854, and the act of the legislative assembly of the Territory of Washington authorizing the sale of the lands so reserved; together with copies of documents on file in the general land office bearing upon the selection and sale of these lands by the territorial authorities, and considered important as

throwing light on the proceedings by which the State of Washington has been deprived of nearly all of the forty-six thousand and eighty acres reserved by congress in 1854.

At that time twenty-one lists of such selections by the territorial authorities had been approved by the land department. These lists embrace an aggregate of 44,909 $\frac{1}{2}$ acres. November 4, 1891, the land department approved list No. 22 for 160 acres. This leaves one thousand and ten and $\frac{1}{2}$ (1,010 $\frac{1}{2}$) acres still due the state.

UNSELECTED LANDS.

The board has made no selection of the lands still due to the state for the University. Soon after it had ascertained the exact amount unselected, all work upon the construction of the University was stopped, as will be narrated hereafter, and the board was deprived of the means wherewith to have the lands properly examined and selected, and the necessary non-mineral affidavits made in the United States land offices. Each forty acre tract selected must be carefully examined, and the examiner must make affidavit to that fact, and also that there is not, to his knowledge, within the limits thereof, any lode or vein of quartz, or other rock in place, bearing gold, silver, cinnabar, lead, tin or copper, or any deposit of coal; that there is not, within the limits thereof, to his knowledge any placer, cement, gravel or other valuable mineral deposit; that no portion thereof is claimed for mining purposes under the local customs or rules of miners or otherwise; that no portion thereof is worked for mineral during any portion of the year by any person or persons; and that the land is essentially non-mineral land, and that the application therefor is not made for the purpose of fraudulently obtaining title to mineral land, but with the object of securing said land for agricultural purposes. The board has made unremitting efforts to secure such examination of the amount of lands still due to it, but has entirely failed, owing to the lack of funds wherewith to pay the necessary expenses.

SELECTED LANDS UNSOLD.

Shortly before the preparation of this report, Mr. Daniel Bagley, formerly president of the Board of University Commissioners, which had charge of the University lands, informed us that he had in his possession data showing that about 2,000 acres of the lands selected by the University, and approved by the land department of

the United States, still remain unsold. We have not yet received such data. As the matter stands, it is simply impossible for the board to determine what lands have been sold by the former authorities, and what lands are still owned by the state for the University. The act creating this board makes no provision for the transfer to it of such records concerning those lands as remain in the possession of the board of regents. We applied to the board of regents for the delivery of those records to us. The regents, finding no authority for doing so, refused the application. Subsequently they gave us some memoranda, which are so brief, disconnected and unintelligible as to be worthless. The records and data which Mr. Bagley refers to are in his own possession, and have always been treated by him as his property. This board ought to have in its possession all existing records and data concerning the sales which have been made.

This act is further defective in failing to give the board authority to sell university lands, other than the ten acre tract in Seattle. Such authority, under proper restrictions, should be conferred, unless the legislature can, without such sales, provide the means for carrying on, during the next two years, the expensive work of constructing a creditable university and of putting a large tract of timbered land in suitable condition therefor.

LOCATION OF THE UNIVERSITY OF WASHINGTON.

At its meeting on the 5th day of August, 1891, the board located the University of Washington. August 8, 1891, it adopted the following declaration of such location:

WHEREAS, The legislature of the State of Washington, by an act approved on the 7th day of March, A. D. 1891, entitled, "An act providing for the establishment, location, maintenance and support of the University of Washington," provided for the establishment of the Board of University Land and Building Commissioners, to be charged with the duty of carrying said act into effect; and,

WHEREAS, The members of the said board were duly appointed and commissioned, as in said act provided, and duly organized said board on the 6th day of April, A. D. 1891, being the first Monday in said month, as therein provided; and,

WHEREAS, The original donors, their successors and assigns, and the corporate authorities of the city of Seattle, have executed and delivered to said Board of University Land and Building Commissioners deeds in proper form, forever quitclaiming and releasing to the State of Washington all claim of right, title, interest and estate, of every name and nature,