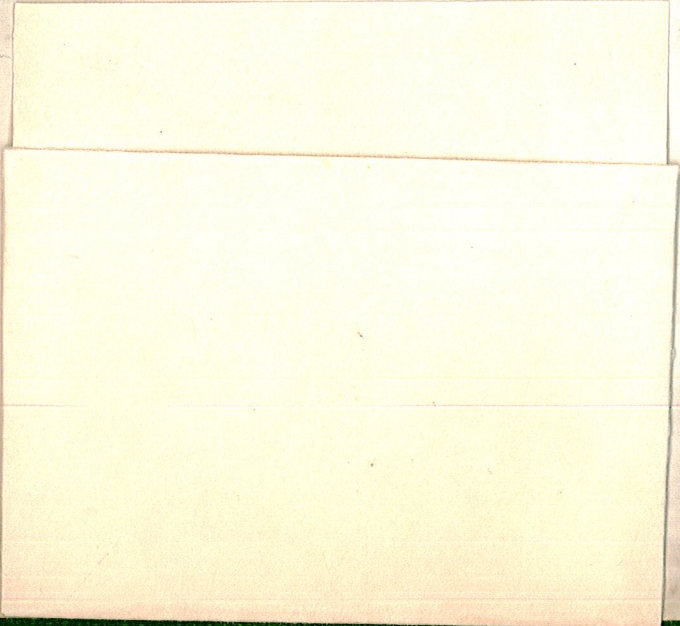




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THE STATE OF MICHIGAN

AND

THE MORRILL LAND GRANT COLLEGE ACT OF 1862

"This bill proposes to establish at least one college in every State upon a sure and perpetual foundation, accessible to all, but especially to the sons of toil, where all the needful science for the practical avocations of life shall be taught, where neither the higher graces of classical studies nor that military drill our country now so greatly appreciates will be entirely ignored, and where agriculture, the foundation of all present and future prosperity, may look for troops of earnest friends, studying its familiar and recondite economies, and at last elevating it to that higher level where it may fearlessly invoke comparison with the most advanced standards of the world"

— Justin Smith Morrill
Congressman from Vermont

Herbert Andrew Berg
Michigan State University
East Lansing, Michigan
August 1965

THE STATE OF MICHIGAN and THE MORRILL LAND-GRANT COLLEGE ACT OF 1862

William Belmont Parker, author of "The Life and Public Services of Justin Smith Morrill," had access to letters, diaries, memoranda, sketches and random notes prepared by Hon. Mr. Morrill of Vermont. To a considerable extent he let Mr. Morrill "speak for himself" and the resultant book is perhaps as much an autobiography as it is a biography. Among Mr. Morrill's papers, Parker found a record, written in pencil, apparently in 1874, which tells in detail the difficulties encountered during the five-year drive to secure enactment of what is now generally known as the Morrill Land-Grant College Act of 1862. Specific dates are recorded. Mention is made of the help obtained from Michigan leaders. It is believed that presentation of the complete record is appropriate and will be of interest:

REPRESENTATIVE JUSTIN S. MORRILL'S PENCILED NOTES^{1/}

The idea of obtaining a land grant for the foundation of colleges I think I had formed as early as 1856. I remember to have broached the subject to Hon. William Hebard, the former member of Congress from the 2nd District, and he observed that such a measure would be all very well, but that of course I could not expect it to pass. Where I obtained the first hint of such a measure, I am wholly unable to say. Such institutions had already been established in other countries and were supported by their governments, but they were confined exclusively to agriculture, and this for our people, with all their industrial aptitudes and ingenious inventions, appeared to me unnecessarily limited. If the purpose was not suggested by the well-known fact of the existence of Agricultural Schools in Europe it was supported by this fact and especially by constant reflections upon the following points, viz.:

^{1/} The Life and Public Services of Justin Smith Morrill, by William Belmont Parker, Pages 262-271.

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22 Oct. 1965

First, that the public lands of most value were being rapidly dissipated by donations to merely local and private objects, where one State alone might be benefited at the expense of the property of the Union.

Second, that the very cheapness of our public lands, and the facility of purchase and transfer, tended to a system of bad-farming or strip and waste of the soil, by encouraging short occupancy and a speedy search for new homes, entailing upon the first and older settlements a rapid deterioration of the soil, which would not be likely to be arrested except by more thorough and scientific knowledge of agriculture and by a higher education of those who were devoted to its pursuit.

Third, being myself the son of a hard-handed blacksmith, the most truly honest man I ever knew, who felt his own deprivation of schools (never having spent but six weeks inside of a schoolhouse), I could not overlook mechanics in any measure intended to aid the industrial classes in the procurement of an education that might exalt their usefulness.

Fourth, that most of the existing collegiate institutions and their feeders were based upon the classic plan of teaching those only destined to pursue the so-called learned professions, leaving farmers and mechanics and all those who must win their bread by labor, to the haphazard of being self-taught or not scientifically taught at all, and restricting the number of those who might be supposed to be qualified to fill places of higher consideration in private or public employments to the limited number of the graduates of the literary institutions. The thoroughly educated, being most sure to educate their sons, appeared to be perpetuating a monopoly of education inconsistent with the welfare and complete prosperity of American institutions.

Fifth, that it was apparent, while some localities were possessed of abundant instrumentalities for education, both common and higher, many of the States were deficient and likely so to remain unless aided by the common fund of the proceeds of the public lands, which were held for this purpose more than any other.

Upon these points and some others I had meditated long and had delved in more or less statistical information, convincing to myself but not the most attractive for a public speech, as I have often found such data, indispensable as it is to the basis of most of our legislative measures, less welcome than even very cheap rhetoric interesting to few and entertaining to none. Discreet legislators cannot get on without reliable facts.

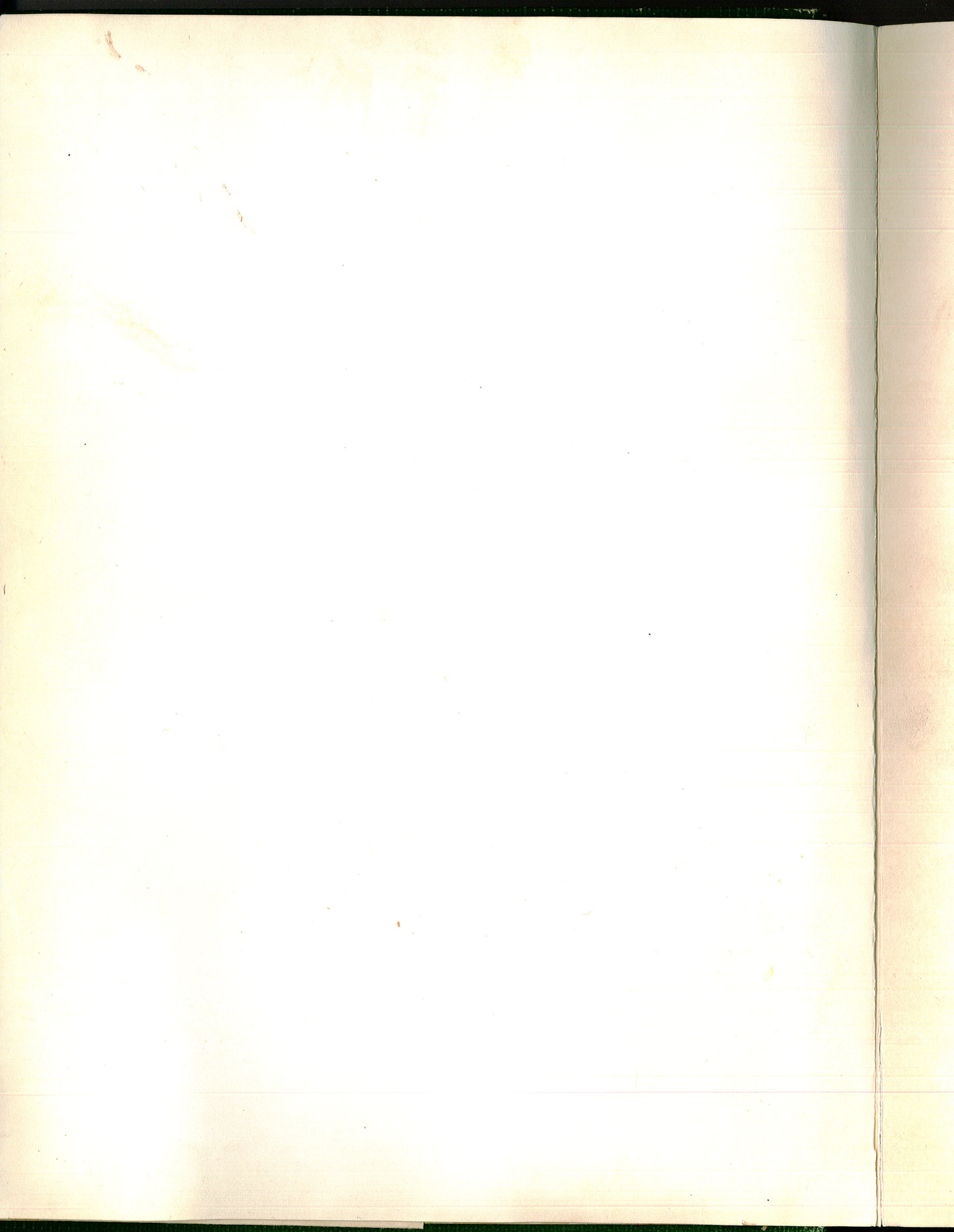
Certainly I was not clear that I could succeed in carrying through Congress the College Land Bill, but I had nearly determined to attempt it, and, like a young lover after the engagement, I sought the advice of some of the old members of the House and Senate, who almost uniformly said: "You can try, but of course it is of no use." This would have killed the project if they had not in many instances immediately added, "It would be a grand measure, however, and so far as my vote is concerned you shall have it."

The Bill was introduced December 17, 1857, and I tried to have it referred to the Committee on Agriculture, but that was defeated and the bill was sent to the Committee on Public Lands (105 to 89), known by me to be hostile to the measure, but, if enough of those friendly to the bill could be mustered to pass it, an adverse report by the Committee, Cobb of Alabama, Chairman, would not seriously damage it when accompanied by a fair minority report in its favor, which doubtless would be secured.

To learn how much support could be relied upon in Congress to sustain the bill, I was diligent in pushing inquiries through some friendly sources as to how the delegations from each State would vote when the bill should come to be finally reported. In this labor Mr. Walbridge of Michigan^{1/}, a member of the Committee on Public Lands, was also active, as were several other of my friends. We daily gained hope. Soon after the introduction of the Bill, the Reverend Amos Brown, President of the People's College at Havana, New York, having read the account in the newspapers, wrote to me and then came to Washington, where he entered very zealously into canvassing for votes for the bill--particularly among the New York members. He was not only a willing worker, but discreet about exciting hostilities where he was unable to secure favor. Arad Joy, who had endowed the People's College, took an interest in the bill, and I presume paid the board bill and traveling expenses of Mr. Brown, who remained at different times for several weeks and unquestionably expected New York would assign some share to their College of whatever might be obtained. Horace Greeley was one of their trustees and the "Tribune" showed some favor to my bill, through a cordial notice by its regular correspondent, James E. Harvey, afterwards our Minister at Portugal, who declared it the most important measure which had been introduced in Congress for many years and generously bestowed his compliments when I came to make a speech in support of the bill.

In the Senate Mr. Pearce, of the Eastern shore of Maryland, promised his aid, but it never became very conspicuous. He was an accomplished gentleman, the owner of a few slaves, out of whom he said he could get no work, and while boarding with him on 4th Street, I found his society extremely agreeable, making some deductions for spurts of temper, for his too great love of money and his aristocratic bearing. Mr. Crittenden of Kentucky gave the bill a quick welcome--it seemed to have a relationship to the measures of his old colleague, Henry Clay. I had only met him on a few social occasions, and when I brought the subject to his attention one day upon strolling into the Senate, I shall never forget his hearty Kentucky cordiality. I had marched as a delegate in 1844 with his sons in the Baltimore Whig Convention. That was enough. In my presence he exclaimed to another Senator, "You know there is no measure Mr. Morrill could ask for that we should not gladly support. Mr. Morrill has our hearts." Mr. Foot of Vermont was always eager to forward any good work

^{1/} David S. Walbridge, Michigan Representative in Congress, 1855-1856 and 1857-58. (A miller in Kalamazoo, Michigan.)



and his colleagues never sought his aid in vain. He made few speeches in the Senate, where he long presided, but his personal influence was potential and he never had a friend for whom he would not exert it.

But the first effort was to get the measure through the House, and even to get it out of the committee was a perplexing labor. A majority there was against the bill, and they might strangle it by not reporting it, although they entertained no doubt that it would be killed by the House as soon as it could be reached. At last we found one member who, though he would vote against the bill, was willing to treat it fairly by reporting it adversely and in season for some action by the House. Then there was a difficulty in obtaining the attendance of every member who favored the bill--all being necessary, but after many weeks this was accomplished and the Chairman prepared his adverse report accordingly. It then devolved upon Mr. Walbridge to make a report in behalf of the minority in favor of the bill, and although he could make an off-hand speech with considerable spirit, he acknowledged that he could not write a report and called upon me to supply one. I told him that when the bill should be reported, I proposed to make a speech upon it and that I preferred not to exhaust my ammunition. Besides, I thought it might better come from some other source, therefore he ought to apply to some one else, and he did apply to the President of the Agricultural College of Michigan^{1/}, who furnished at once an able and elaborate account of European Agricultural Colleges, to which at his earnest solicitation I furnished a few concluding pages. It was rather funny that Mr. Walbridge should tell me next year that this report -- not a word of it being his own -- had given to him a great reputation at home and made him at one time a formidable candidate in his State for the United States Senate!

The bill did not get out of the committee until April, 1858, and then after a good deal of parliamentary skirmishing--in which I was aided by the advice of Israel Washburn of Maine, then considered the best parliamentarian in the House. I succeeded in getting the bill before the House and got off my first speech upon the measure. The speech was probably something a little better than my friends had expected from me and my constituents sent many letters of congratulation in consequence. Mr. Cobb was now entitled to the floor and made his grand splurge against the bill. It was said he had been a minister, but this he denied. In person he was a giant, being at least six and half feet tall, large-boned and heavy-voiced, but he was intellectually, if not a weak brother, by no means equal to his physical bulk, with the humor of a buffoon at times and the manner of a tin-peddler. Not perhaps a bad man at heart, but rather slick than decidedly frank and honest. Whatever influence he had was at home -- not in the House. And yet I cannot forget that when his State seceded, in January, 1861, he did not leave the House with his colleagues, but lingered until he got the official copy of the ordinance of secession, and then went reluctantly and tearfully away, saying, "God save the country!"

^{1/} Joseph Rickelson Williams

As soon as Mr. Cobb had got through with his speech and the reading of the adverse report, I obtained the floor, and my friends, who had made some motions to tie up the measure against the hostile attacks of the enemies to the bill, not wishing to speak, demanded the previous question upon its passage. There was some filibustering, but at length a second was obtained; then a motion to lay the bill on the table was made and failed by the very decisive vote of 83 ayes and 114 noes. It being late in the day, the bill went over to the 22d when another motion to lay it on the table failed, there being 83 ayes and 105 noes. This was a discouraging falling off among the friends of the bill and showed that the fate of the bill after all was not absolutely certain, but upon the final roll-call it passed, and the 105 stood firm against 100 -- the strongest vote the opponents of the bill had been able to muster.

The bill now went to the Senate, where it was referred to a committee and reported back by the Chairman, Senator Stuart of Michigan^{1/}, May 6, 1858, without any recommendation. But one member of the committee, then absent, subsequently returned and gave in his assent, so that finally it had the support of a majority of the committee. It failed to be acted upon by the Senate, however, until the next session, when it called forth a good deal of discussion. Senator Stuart, Democrat as he was, sustained the bill very handsomely, but Southern Democrats assailed it with much bitterness. Mason of Virginia and Clay of Alabama made long speeches against it. Douglas voted for it, but did not enter into the debate. Judge Collamer made a clear and strong constitutional argument in support of the bill, enlivened by one of his quaint stories of the man who cheated in maple sugar by watering his sap, and Mr. Harlan also made an argumentative speech, crammed with facts in its behalf. His State, Iowa, had instructed their Senators to vote for the bill, as had Vermont and many other States. So the delay of the Senate was perhaps not without some advantage. Mr. Wade at length took charge of the bill and with little talk himself, though that was always pungent, succeeded in obtaining a vote of the Senate, after the most persistent efforts of Mr. Hunter and others to postpone it, by which the bill passed, February 7, 1859, 25 ayes to 22 noes, several members known to be in favor of the bill being temporarily absent and among them Pearce and Collamer.

Two unimportant amendments had been attached by the Senate, and when the bill came back to the House these, upon my motion, and after a vote to lay the bill upon the table had been defeated by a vote of 148 to 95, were at once concurred in without a division, February 16, 1859.

This measure, upon which I had set my heart so long, now only lacked the signature of the President to become a law. For a week the bill was neither signed nor returned by President Buchanan. A veto began to be apprehended. In my speech I had cited the vote of Mr. Buchanan when a Senator in favor of a grant of public land to aid an institution for the

^{1/} Charles E. Stuart, United States Senator from Michigan, 1853-1859. Michigan Repr. in Congress 1847-48, 1851-52. (A lawyer in Kalamazoo, Michigan.)

deaf and dumb in Kentucky. Toombs of Georgia, though he had voted against the bill, did not hesitate to say that "the bill was not such a one as the President would be justified in vetoing by a d----n sight." On the morning of the 24th of February Daniel E. Sickles, a member from the city of New York, came to me for a copy of my speech, which he wanted to take to the President, to show him his previous record and to urge him not to veto the bill. Sickles was really a man of ability, a ready speaker, and with many generous traits of character, but his support of the bill--and he had voted for it--was wholly unexpected by me and dictated more perhaps by political policy than by any profound interest in the measure itself. He had been the Secretary of Mr. Buchanan while he was our Minister at London, and had the reputation of having been personally useful to "Old Buc," who lived and died a bachelor, and was still credited with being one of his most potential advisers. At this moment I certainly hoped his influence in that quarter was not on the wane, or that he had not been supplanted by any party hostile to the College Land Bill. Mr. Sickles bore the odium of a fast liver, reckless of sound morals, and as living in expensive style with a wife of remarkable personal beauty. It was during this session that in open day, on the avenue near Lafayette Park in Washington, he shot and killed Philip Barton Key, son of the author of the "Star-Spangled Banner," for "dishonoring his bed." His wife had confessed to Sickles and for twenty days he underwent trial, but was acquitted on the ground of temporary insanity which some thought lasted until his wife again returned to his bed and board. In the war which soon followed, he raised a brigade in New York, and was made a Brigadier-General. At Gettysburg he in some sense wiped out the deep shade resting upon his character by the loss of a leg, fighting bravely but rashly in behalf of his country.

Of course I gave Mr. Sickles the speech and he jumped into the saddle and made all haste to the White House. As soon as he returned, he told me he feared he had been too late and that some Democratic Senators had been before him, one of whom possibly might have been Mr. Slidell of Louisiana, who was a skillful manipulator of men and measures and a midnight plotter among the discontented elements of the South.

Before the day closed, the veto of the President was a fixed fact. After being received and read, it was followed by me in some brief comments, not in the best humor, but of course the bill could not be carried by a two-thirds majority over the President's veto, though the 105 stood firmly for the bill, while the negative fell off to 96. The bill was dead, but there yet remained some hope of a resurrection. Nothing more could be done except to wait for a possible change of the administration and certain change of the President.

Thirteen States had instructed their members to support this bill, and petitions from national and state agricultural societies and from large numbers of the people had shown the wide interest the measure had excited. All over the country many gentlemen interested in the subject of education favored me with their correspondence. The name of one, a foremost and influential friend, Colonel Marshall P. Wilder, must at least be recorded. His sympathy and support were unflagging.

The contest of 1860 came on and Mr. Lincoln was victoriously elected, but then arose the absorbing question as to the life of the Republic. How to save that was the all-engrossing topic before which all else must give way. Armies, leaders, taxes, money in the empty treasury must be had and had right away.

December 16, 1861, amid the throng of subjects then pressing upon the attention of our legislators, I once more ventured to introduce the College Land Bill, which was referred to the Committee on Public Lands, of which John Fox Potter of Wisconsin was Chairman, and after long delay he reported the bill, May 29, 1862, with the recommendation "that it do not pass." An adverse report by a committee often gives what is called a black-eye to a bill from which it is hard to recover. Mr. Potter's action grieved me much.

Being busy day and night -- and it was said there are no Sundays in revolutionary times--in preparing a far more comprehensive Internal Revenue Tax Bill than our national exigencies had ever before required, I had some fear that ere that could be accomplished, the session would be so far advanced that the College Land Bill would fail for want of time. To hedge against this, I handed a copy of the bill to my friend Old Ben Wade of Ohio, with the request that he should introduce it in the Senate, to which that sturdy Senator readily assented and there presented the bill on May 2, 1862.

Congress had given to the States millions [of acres] of swamp lands -- very swampy while owned by the United States, but not enough swamp to hurt afterwards;--had by the Graduation Act reduced the price of all unsold lands long exposed for sale to a mere pittance; had granted immense subsidies of lands to many States to build railroads--notably to Wisconsin--Potter and Wilkinson's State; had given 1280 acres, one eighteenth part of all the public lands, to each town in the several new States, for the endowment of common schools, and had finally passed the Homestead Act. This would seem to have been rather a liberal policy toward our younger sister States, but this was not all.

It was foreseen that the land was to be given away, and beyond that that the older States would be depleted to some extent to furnish the settlers and their pockets depleted to furnish capital to complete railroads much in advance of business. Yet Mr Potter and a few more seem to have regarded all this as a policy of selfishness for the sheer benefit of the older States. To listen to the debates of some of these heated champions of the new States, like Jim Lane of Kansas, most distinguished for killing what was called "border ruffians" --unless the killing of himself while his character was under a cloud should be excepted--it would have been supposed that the Nation had no rights in the public lands and that it was rank usurpation to claim any ownership. But their arguments were so obviously one-sided that they could not prevail, and many of the Western men were more just, being quite ready to admit that the College Land Bill would greatly more benefit them than the people of the North and East.

First, that the public lands of most value were being rapidly dissipated by donations to merely local and private objects, where one State alone might be benefited at the expense of the property of the Union.

Second, that the very cheapness of our public lands, and the facility of purchase and transfer, tended to a system of bad-farming or strip and waste of the soil, by encouraging short occupancy and a speedy search for new homes, entailing upon the first and older settlements a rapid deterioration of the soil, which would not be likely to be arrested except by more thorough and scientific knowledge of agriculture and by a higher education of those who were devoted to its pursuit.

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Certainly I was not clear that I could succeed in carrying through Congress the College Land Bill, but I had nearly determined to attempt it, and, like a young lover after the engagement, I sought the advice of some of the old members of the House and Senate, who almost uniformly said: "You can try, but of course it is of no use." This would have killed the project if they had not in many instances immediately added, "It would be a grand measure, however, and so far as my vote is concerned you shall have it."


May 12, 1862, Senator Wade called up the bill, and after some action thereon, Senator Lane wanted to postpone it until he could examine it, and it was postponed accordingly. The Senate always pays great deference to the personal requests of its members.

The bill was again called up by the indefatigable Wade, May 22, 1862, but the morning hour was consumed with no result save the violent speeches of Lane and Wilkinson. On the 24th the morning hour was again lost in fruitless discussion, and once more on the 27th; Wilkinson on the 28th consumed all the time in a bitter onset against the bill; and on the 30th the tax bill had reached the Senate, a measure which could not be second to any other, when the College Land Bill had to give way.

At last, June 10th, the time had arrived for the final action of the Senate and the bill passed by the very large majority of 32 to 7. Senator Grimes, although instructed by his State to support the bill, voted against it because Senator Wade had allowed an amendment to be adopted limiting the amount of lands which might be located in any one State to one million acres, and this he thought would operate to the disadvantage of the Territories.

Before the bill got through the Senate, I asked leave of the House to have printed a substitute which I proposed to offer to the bill pending in the House, embracing about the amendments made in the Senate, but Holman of Indiana objected. On the 6th I succeeded in obtaining the floor to make my second set speech in favor of the measure. Originally the amount asked for in the vetoed bill was for each State, according to the number of representatives, including Senators, 20,000 acres for each, but now 30,000 acres was asked for.

Of course the bill now came to the House and there, June 17, 1862, I moved to lay on the table all bills until the College Land Bill was reached. This motion was successful against the very persistent opposition of Mr. Potter of Wisconsin, who made all the dilatory motions: for a call of the House, to adjourn, to postpone, to lay on the table, and to refer to the Committee of the Whole on the State of the Union; but the measure lost nothing by this kind of warfare, all the motions being defeated, and it passed the House by the very large majority of 90 to 25. The representatives of the States in rebellion were absent. Colfax, Julian, Lovejoy, Potter, Windom, and F. A. Conkling, among Republicans, I regretted to see, voted against the bill; yet rarely has any bill of equal importance received a more generous support, and to many Democrats inside of Congress, and more outside, I was much indebted for kindly sympathy and cooperation.

There was now no apprehension of a Presidential veto, and in due time the bill received the formal approval of President Lincoln. 

The bill was signed by President Lincoln on July 2, 1862.

PROVISIONS OF THE GRANT

APPENDIX A presents the full text of the First Morrill Act including the March 3, 1883 amendment to Section 4. However, a few of its main provisions will be mentioned here.

It grants to each State thirty thousand acres of land for each Senator and Representative in Congress to which the States were respectively entitled by the census of 1860, for the purpose of endowing "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." It is noticed that the main requirement was to teach such branches of learning as are related to agriculture and the mechanic arts, and that, this being accomplished, such other studies as were thought proper could be introduced. Secondly, the defense of the nation was provided for by the suggestion concerning military tactics. Also, the "liberal" as well as the "practical" education of the industrial classes was sought after. And, finally, the youth were to be fitted for "pursuits and professions of life."

Among the conditions of this grant it was imperative that no mineral lands should be "selected or purchased," and that if there was not sufficient public land in a given State, scrip should be issued for the actual number of acres to which the State was entitled, and this land

scrip could be sold, the purchaser being allowed to locate it in any of the states where there was sufficient land entered at one dollar and twenty-five cents or less an acre.

Michigan having two senators and six representatives in the United States Congress was entitled to 240,000 acres of land under the grant. The public domain within the State constituted sufficient eligible land so that the allotted acreage could be selected within its boundaries.

Section 5 asserts that any State taking the benefit of the provisions of this act must accept the terms within two years from the passage of the act, and must provide within five years for at least one college. These were altered by an amendment approved July 23, 1866, extending the time of acceptance to three years from the date of the amendment, and the time of the establishment of a college to five years from the date of filing an acceptance of the grant. See APPENDIX B.

Section 4 of the act specifies that the proceeds derived from the sale of lands or scrip shall be invested or loaned to yield not less than five per cent. The proceeds shall be preserved entire, as a permanent fund, and the income derived from it used in the support and maintenance of the college. It could not be used in the erection of buildings or otherwise diminished, except that ten per centum of the fund might be used for the purchase of sites or experimental farms, if so ordered by the Legislature of the State. In addition to this, it was provided: Section 5
....."If any portion of the fund invested, as provided by the foregoing section, or any portion of the interest thereon, shall, by any action or contingency, be dismissed or lost, it shall be replaced by the State to

which it belongs, so that the capital of the fund shall remain forever undiminished; and the annual interest shall be regularly applied without diminution to the purposes mentioned in the fourth section of this act

MICHIGAN ACCEPTS

Michigan was the seventh state to accept the terms of the Morrill Land-Grant College Act. The State Act of Acceptance was approved February 25, 1863 (Act No. 46, Laws of 1863). SEE APPENDIX C.

Scarcely two months after President Lincoln had affixed his signature to the Morrill Act, Iowa became the first state to accept its conditions. The exact date was September 11, 1862. Vermont followed a month later and Connecticut by the end of 1862. Fourteen states passed legislation in 1863, three in 1864, one in 1865, six in 1866, four in 1867, three in 1868, one in 1869 and two in 1870. By the end of the eighth year after its passage, 37 states had agreed to establish state-sponsored teaching of agriculture, mechanic arts and military tactics.

Currently (1965) there are 68^{1/2} institutions of higher learning designated as the Land-Grant Colleges:

One in each State	50
Massachusetts Institute of Technology	1
Commonwealth of Puerto Rico	1
States with separated Negro Colleges	16

^{1/2} From 1929 when the Alaska Agricultural College and School of Mines was designated a "land-grant" institution to 1957 when the "land-grant" designation of West Virginia State College was discontinued, there were 69.

MICHIGAN AGRICULTURAL LAND GRANT BOARD

The Michigan Legislature followed immediately with "AN ACT to provide for the selection, care and disposition of the lands donated to the State of Michigan, by act of Congress, approved July second, eighteen hundred sixty-two, for the endowment of colleges for the benefit of agriculture and the mechanic arts." (Act No. 140, Laws 1863, approved March 18, 1863). SEE APPENDIX D.

This act (Section 1) specifies "...That the Governor, the Auditor General, Secretary of State, State Treasurer, Attorney General and Commissioner of the State Land Office, shall constitute a board, to be known as the agricultural land grant board, and said board shall have the control and management of the selection, the care and disposal of the lands granted to this State by the act of Congress, approved July second, eighteen hundred sixty-two, providing for the endowment of colleges for the benefit of agriculture and the mechanic arts. Said board shall appoint one or more suitable commissioners, whose duty it shall be to select and locate, as soon as practicable, the quantity of land donated to this State by the act of Congress aforesaid, and to make return of the lands so located to the Commissioner of the State Land Office of Michigan, properly designated and described, and to notify the registers of the United States district land offices, for the districts in which the selection and location is made, of such selection as fast as the land is so selected." (See Concurrent Resolution No. 1, Laws 1863, included as part of APPENDIX D.)

Act No. 140 is comprehensive. Attention is called to Section 8: "It shall be the duty of said land grant board, from time to time, as money

is received from the sale of said lands, to cause the same to be invested in the stocks of the United States, of this State, or some other safe stocks, yielding not less than five per cent annually, upon the par value of such stocks, and to keep the same invested, to constitute a perpetual fund, the capital of which shall remain forever undiminished; and the annual interest shall be regularly applied, under the direction of the State Board of Agriculture, to the endowment, support and maintenance of the State Agricultural 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 order to promote the liberal and practical education of the industrial classes in the several pursuits and professions in life."

(Act No. 68, Laws 1871, approved March 31, 1871, to take immediate effect, amended Section 8 of Act 140, Laws 1863 to read as follows:

"Section 8. The money received from the sale of said lands shall be paid into the State treasury, and the amount thereof shall be placed to the credit of the Agricultural College fund, upon the books of the Auditor General, to constitute a perpetual fund, the capital of which shall remain forever undiminished; and the interest thereon computed at seven per cent, shall be regularly applied under the direction of the State Board of Agriculture, to the support and maintenance of the State Agricultural 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 mechanic arts, in order to promote the liberal and practical education of industrial classes in the several pursuits and professions of life." See APPENDIX F.

MINUTES OF MEETINGS OF "THE AGRICULTURAL LAND GRANT BOARD"

(The original minutes are now in possession of State of Michigan Archive Record Center, 3369 N. Logan, Lansing, Michigan.)

At a meeting held at the office of the Secretary of State November 25th 1863 in pursuance of Act No. 140 Session Laws of 1863, Constituting "The Agricultural Land Grand Board" the following persons designated as Members of said Board were present.

Hon. Austin Blair	Governor
" Saml. S. Lacey	Com Land Office
" John Owen	State Treasurer
" Emil Anneke	Aud. General
" Albert Williams	Atty General
" James B. Porter	Secy of State

The Board organized by electing Austin Blair Chairman and James B. Porter, Secretary.

On motion Resolved that Saml. S. Lacey be and he is hereby appointed the Commissioner on the part of the State whose duty it shall be under the direction of said board to select and locate Two Hundred and forty thousand acres of land granted the State of Michigan by Act of Congress approved July 2, 1862.

On motion it is further ordered that the Governor of the State be and he is hereby authorized to commission said agent as required by said Act of Congress.

The Board hereupon adjourned.

James B. Porter
Secretary

At the meeting of the Agrl Land Board held at the office of the Secy of State August 7, 1866. Present

Hon. Henry H. Crapo
" John Owen
" Cyrus Hewitt
" James B. Porter

On motion Hon. Henry H. Crapo was chosen as Chairman.

On motion, the Commissioner of Land is requested to correspond with Mr. S. S. Lacey former agent of this Board and learn from him what has been done toward the location of the Agrl Lands.

On motion Resolved that Hon. H. H. Crapo and Hon. Cyrus Hewitt be and are hereby authorized to appoint such agent^{1/} or agents as they shall deem the interests of the State demands to make selections of lands for the State as authorized by the Act of Congress giving to the State of Michigan lands for agricultural purposes.

^{1/} Note. Correspondence in the "Agricultural Lands" file of Governor H. H. Crapo reveals that one agent was selected, namely, George E. Steele, Homestead (Benzie County), Michigan. H. A. Berg

On motion Board adjourned.

James B. Porter
Secy.

Oct. 2nd, 1866

Board met at office of the Secretary of State.

Present	Hon. Henry H. Crapo
	" Cyrus Hewitt
	" John Owen
	" Emil Anneke
	" James B. Porter

On motion the following accounts were allowed

Geo. Patrick - selecting 56 lots land @ \$5 =	\$ 280.00
Arnold Krichen, making the township maps	16.00

Board hereupon adjourned.

J. B. Porter
Secy.

Lansing, March 25th, 1867

Board met,

Present

	Hon. H. H. Crapo
	" E. O. Grosvenor
	" W. L. Stoughton
	" O. L. Spaulding

On motion Hon. H. H. Crapo was chosen chairman & O. L. Spaulding Secretary of the Board.

On motion Hon. E. O. Grosvenor, Hon. B. D. Pritchard were appointed Commissioners on the part of the State to select and locate at as early a day as practicable the full amount of lands granted to the State for Agricultural purposes.

On motion Board adjourned.

O. L. Spaulding
Secy.

Lansing, July 9, 1868

The Board met at the Office of the Secretary of State.

Present.

Hon. E. O. Grosvenor, State Treasurer
 " W. S. Stoughton, Attorney Gen'l.
 " Com. Humphrey, Aud. Gen'l.
 " Benj. G. Pritchard, Com. State Ld Office
 " O. L. Spaulding, Sec. of State

On motion the following resolutions were adopted.

Resolved:

That the Comm. of the State Land Office be and he is hereby instructed to put into market the lands heretofore selected by authority of this Board and lately patented to the State by the United States.

Resolved:

That the Comm. immediately advertise the said lands for sale at public auction in conformity to the provisions of law and the regulations of his office for the sale of Primary School Lands.

Resolved:

That five dollars per acre be fixed as the minimum price at which said lands shall be sold at such public sale and at which they may be purchased at private sale after this offering at said public sale.

On Motion Board adjourned.

O. L. Spaulding, Secy.

Other meetings --

May 27, 1869 (dealt with efforts to sell lands)
 Aug. 26, 1869 (\$12,000 received from sale of land. Asked E. O Grosvenor as State Treasurer to invest this)
 Dec. 7, 1869 (Unable to invest money as prescribed. The fund now \$15,000. Resolved to buy War Bounty Bonds. State Treasurer made custodian)
 Jan. 5, 1870 (Board accepted report from Secy. "Money invested in War Bounty Bonds, payable to the order of the Agricultural Land Grant Board only.")

- May 31, 1871 (Resolved to sell bonds and cause the proceeds thereof to be placed to the credit of "the Agricultural College fund" in the offices of the State Treasurer and Auditor General)
- Sept. 28, 1871 (Secy. reported sale of bonds for \$15,000 (par value)
- March 1, 1877 (Resolution pertaining to land stripped of timber and then abandoned and pertaining to lands sold for \$3.00 an acre on affidavit of purchaser that land was not valuable for timber when in reality it was)
- April 25, 1877 (Resolved to sell lands at \$3.00 an acre if not valuable for timber, 1/4 price down and 7% interest on balance. Timber land still \$5.00, full price cash.)
- Jan. 26, 1881 --
- and more meetings --

thru May 26, 1892.

Any minutes subsequent to May 26, 1892 must have been kept in another book which to date has never reached the Archive Record Center.

LAND SELECTED

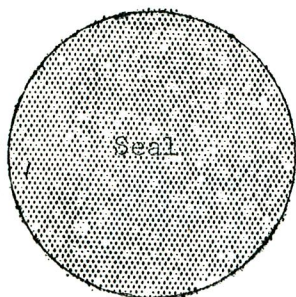
The public land selected under the direction of the Agricultural Land-Grant Board, to represent Michigan's 240,000 acre quota, was patented to the State of Michigan by official document approved by Orville Hickman Browning, Secretary of the U.S. Department of Interior, under date of April 3, 1868.

This certification approved by Secretary Browning reads as follows:

General Land Office
April 1, 1868

I hereby certify that the tracts in the foregoing list are embraced in the original lists of land by the duly authorized agents of the State of Michigan under the provisions of the Act of Congress approved July 2, 1862, entitled "An Act donating Public Lands to the several States and Territories which may provide Colleges for the Benefit of Agriculture and the Mechanic Arts," which original lists are now on file in this office.

And I further certify, that the same has been carefully examined and compared with the Township plats and Tract books of this office, and is found to be free from conflict, and respectfully recommend that the same be approved subject to any valid interfering rights which may have existed at the date of selection.



In testimony whereof, I have hereunto subscribed my name and caused the seal of the General Land Office to be affixed at the City of Washington, on the day and year first herein above written.

Jos. S. Wilson
Commissioner

Department of Interior
Washington, D.C.
3 April 1868

Approved, subject to the rights above mentioned.

O. H. Browning
Secretary

The original list of land descriptions together with the original copy of this certification were placed in possession of the Lands Division, Michigan Department of Conservation. This material presumably was lost in the fire which ravished the State Office Building (now the Lewis Cass Building), Lansing, in 1951. However, the transferred information is intact in the official records of the current Lands Section of the department.

The writer obtained a photostatic copy of the original from the Bureau of Land Management, Department of Interior, Washington, D.C., for the study reported herewith. It is indicated that the lands were selected between April 30, 1864 and December 7, 1867.

The map shown by Figure 1, Page 19, reveals that the "Agricultural College Land" was selected in 17 counties below the Straits of Mackinac and north

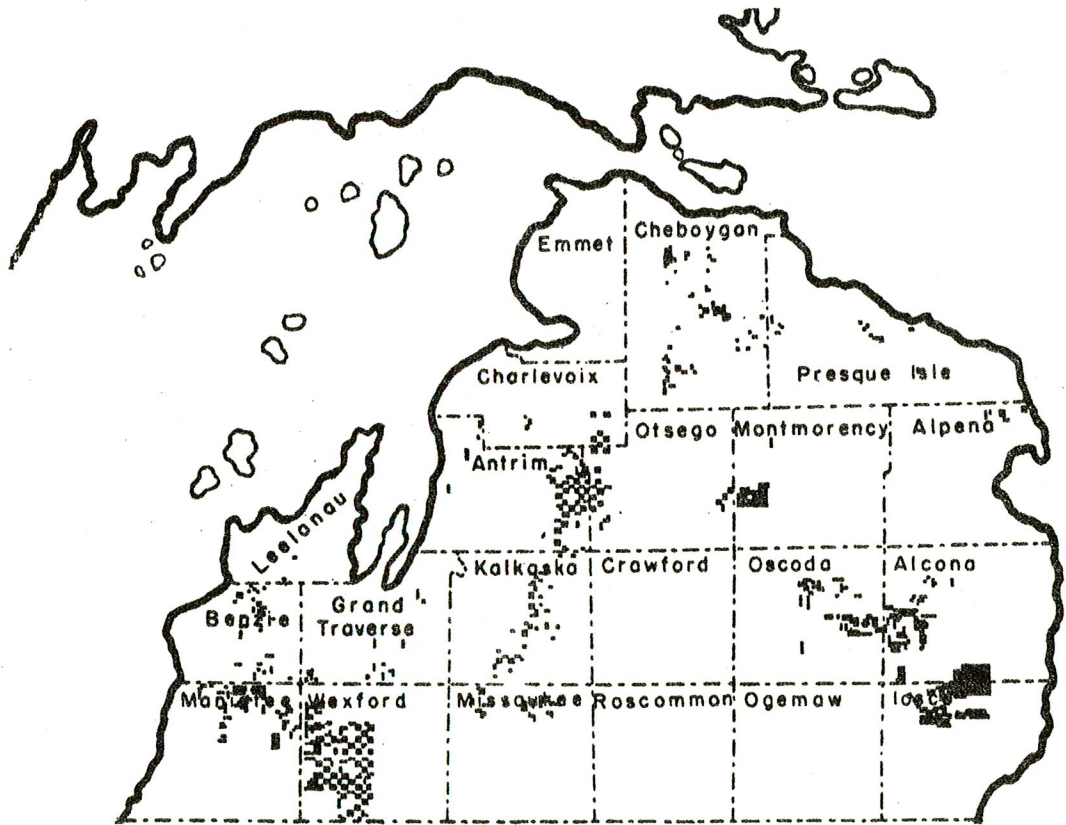


Fig. 1 - The Morrill Land-Grant College Act, signed July 2, 1862 by President Abraham Lincoln, allocated 240,000 acres of public domain to Michigan, proceeds from which endowed the State Agricultural College (Now Michigan State University). The acres selected are shown by darkened areas in 17 counties in the northern part of Lower Michigan.

of Town Line 20 N. It will be noted that no acreage was selected in Emmet, Crawford, Roscommon or Ogemaw Counties.

It had been suggested that the land should be selected with prime consideration being given to its agricultural potential rather than to the current value of the standing timber, the reason being that a fire could ravage the forest cover thus lowering the sales value of the acreage. However, the "inverted V" design shown by the total plotted acreage would indicate that the timber stand and logging potential did influence the selections. A high percentage of the acreage lay within ten miles of the Au Sable or Manistee rivers!

APPENDIX G presents the legal description of each tract of land selected in the several counties. No tract was less than the equivalent of one-quarter section (160 acres) in size. The acreage selected was distributed over the 17 counties as follows:

Alcona	34,127.84
Alpena	2,400.
Antrim	19,643.22
Benzie	7,840.
Charlevoix	4,765.09
Cheboygan	15,504.90
Grand Traverse	4,320.
Iosco	27,274.57
Kalkaska	10,074.30
Leelanau	320.
Manistee	16,800.
Missaukee	7,994.65
Montmorency	9,912.95
Oscoda	17,898.46
Otsego	9,839.44
Presque Isle	2,477.95
Wexford	44,480.
TOTAL	<u>235,673.37</u> acres

This summary reveals that the acreage selected added up to but 235,673.37 acres, or 4,326.79 acres less than the amount charged against Michigan (240,000.16 acres). This difference is accounted for as follows:

1. Fractional descriptions, short, charged as full acreage.	963.49 acres
2. Descriptions near Wolverine (Cheboygan County) charged at double "value" because of some economic factor	3,203.9 acres
3. Mathematical errors (2)	159.4 acres
	<hr/> 4,326.79 acres

It was interesting to "discover" the two mathematical errors which had not been detected in the approximately 100 years up to now. Of course back then there were no typewriters and no adding machines. The writing was in "fancy script" and the additions were made mentally. Two mistakes were made back in 1868. The astonishing thing is that there weren't more. (Specifically, (1) The NE fractional 1/4 of Section 3, T. 25 N. - R. 2 E. (157.60 acres) was charged as a full quarter section (160 acres) twice; once as a separate item and again in a sub-total; and (2) Section 7 of T. 24 N. - R. 7 E., amounting to 679.62 acres, was charged as 679.02 acres because of mistaking the 6 as a zero.)

THE ENDOWMENT FUND AND INTEREST RECEIVED

Land Sold

Table 1 presents in a concise manner certain aspects of the Land Grant Endowment Fund. For example, in Column 4, starting with the total acreage acquired (235,673.37 acres), the gradual reduction as sales occurred is shown. This information was derived principally from printed reports of the Michigan Department of Conservation (Lands Division) and from narrative and financial reports of Michigan State University. This information is not obtainable for all years from such public materials.

TABLE 1

Revenue from Morrill Land-Grant College Act of July 2, 1962.

MICHIGAN

Year	Col. 1 Land-Grant Interest (Interest Rec'd. for Year) (dollars)	Col. 2 Endowment Fund Assets (Held by State of Mich.) (dollars)	Col. 3 Increase (dollars)	Col. 4 Unsold Land (acres)
1868	-			235,673.37
1869	\$ 58.96			Cert. 4/1/68
1870	2,720.93			
1871	3,785.54			
1872	7,175.65	\$154,793.67 (9/30/72)		188,440.0
1873	11,059.06			
1874	14,061.98	212,986.16 (9/30/74)		
1875	14,446.14			
1876	16,830.17			
1877	15,172.86			
1878	15,807.09			
1879	16,978.22			
1880	17,837.24	281,449.52 ^{1/}		151,345.45
1881	20,935.25			
1882	22,507.45			
1883	30,749.60			
1884	27,909.72			
1885	29,770.40			
1886	30,461.04			
1887	24,611.37 (9 mo. 10/1/86 - 6/30/87)			
1888	32,406.60			
1889	31,322.69			
1890	32,360.64			
1891	34,750.54	453,719.44 ^{2/}		115,216.2 ^{1/}
1892	34,948.12			
1893	37,927.04			
1894	44,527.26			
1895	45,301.85			
1896	43,886.40			
1897	43,779.54			
1898	47,508.28			
1899	52,526.11			
1900	72,298.38			63,978.98 ^{3/}
Fiscal Year (to 6/30)				
1900-01	63,976.79			
1901-02	64,081.81			
1902-03	65,573.90			
1903-04	67,312.37			
1904-05	72,035.32			

TABLE 1 (Cont.)

	Col. 1	Col. 2	Col. 3	Col. 4
1905-06	70,286.56			
1906-07	70,155.22			
1907-08	70,385.79			
1908-09	69,527.13			
1909-10	71,109.49			
1910-11	70,304.15			
1911-12	70,265.32			
1912-13	70,289.30	990,073.86		50,721.87
1913-14	71,324.94	991,673.86	1,600.00	50,485.49
1914-15	70,385.46	991,943.86	270.00	50,485.49
1915-16	71,391.56	994,525.32	2,581.46	50,359.15
1916-17	69,437.43	996,241.00	1,715.68	50,359.15
1917-18	70,502.10	996,241.00	-	50,359.15
1918-19	70,662.44	996,241.00	-	50,359.15
1919-20	70,736.34	1,001,425.12	5,184.12	50,359.15
1920-21	70,685.37	1,001,425.12	-	50,359.15
1921-22	70,838.32	1,001,425.12	-	50,359.15
1922-23	70,618.98	1,003,495.12	2,070.00	50,523.30
1923-24	70,666.11	1,003,495.12	-	50,517.18
1924-25	70,596.73	1,003,495.12	-	50,523.30
1925-26	70,664.12	1,003,495.12	-	50,483.16
1926-27	70,713.11	1,003,495.12	-	50,483.16
1927-28	54,353.32	1,053,898.28	50,403.16 ^{4/}	80.00
1928-29	74,182.94	1,053,898.28	-	
1929-30	73,981.35	1,053,898.28	-	80.00
1930-31	74,271.00	1,055,273.78	1,375.50	
1931-32	74,056.03	1,055,273.78	-	390.65
1932-33	36,952.08	1,055,273.78	-	
1933-34	85,677.52	1,055,273.78	-	390.65
1934-35	99,004.67	1,055,273.78	-	
1935-36	74,880.52	1,055,273.78	-	80.70
1936-37	55,531.90	1,055,273.78	-	
1937-38	92,734.59	1,055,273.78	-	.70
1938-39	56,086.47	1,055,273.78	-	
1939-40	55,726.27	1,055,273.78	-	240.70
1940-41	129,780.01	1,055,273.78	-	
1941-42	36,994.78	1,056,993.78	1,720.00	240.70
1942-43	92,730.01	1,057,592.58	598.80	
1943-44	92,633.51	1,057,852.58	260.00	240.70
1944-45	37,051.10	1,057,942.58	90.00	
1945-46	74,687.60	1,058,152.58	210.00	240.70
1946-47	74,216.13	1,058,232.58	80.00	
1947-48	74,098.05	1,058,396.58	164.00	280.70 ^{5/} (6/30/48)
1948-49	74,159.07	1,058,690.58	294.00	
1949-50	74,181.24	1,059,070.58	380.00	
1950-51	74,175.22	1,059,070.58	-	
1951-52	74,175.12	1,059,074.58	4.00	

TABLE 1 (Cont.)

	Col. 1	Col. 2	Col. 3	Col. 4
1952-53	74,180.65	1,059,378.58	304.00	
1953-54	74,175.40	1,059,378.58	-	
1954-55	74,156.50 = 7% on Endowment	1,059,378.58	-	
1955-56	74,194.30	1,059,378.58	-	
1956-57	74,175.40	1,059,378.58	-	
1957-58	74,175.40	1,059,378.58	-	
1958-59	74,175.40	1,059,378.58	-	
1959-60	74,175.40	1,059,378.58	-	
1960-61	74,175.40	1,059,378.58	-	
1961-62	74,175.40	1,059,378.58	-	
1962-63	74,175.40	1,059,378.58	-	
1963-64	74,156.50 = 7% on Endowment	1,059,378.58	-	
Total	<u>\$5,470,359.93</u>			

- 1/ From U.S. Bureau of Education
Circular of Information No. 1, 1890 - Page 249
- 2/ From Pres. Oscar Clute's Annual Report 1890-91
- 3/ From State Board of Agriculture, Minutes of
Meeting Sept. 27, 1900.
- 4/ 50,403.16 acres of land conveyed to United States
Government @ \$1.00 an acre Aug. 2, 1927.
- 5/ Antrim County 160 acres; Luce 40a; Manistee .70a; Wexford 80a.

Michigan, contrary to many states, did not hasten to dispose of the land. The majority of the States sold their land at a sacrifice, frequently at less than half its value. For example, it is shown that by 1880 less than 85,000 acres of Michigan's grant had been sold. The minutes of the September 27, 1900 meeting of the State Board of Agriculture reported more than one-quarter of the land (63,978.98 acres) remained unsold as of that date. And as late as the end of fiscal 1926-27 more than 50,000 acres remained unsold.

Michigan Act No. 140, Laws of 1863 had fixed the minimum price of the Michigan Agricultural College land-grant lands at \$2.50 an acre (Section C of APPENDIX D), but an amendment, Act No. 34 approved March 16, 1869 (APPENDIX E), fixed the minimum price at ".....three dollars per acre, one-fourth of the purchase price to be paid at the time of purchase, and the balance at any time thereafter, at the option of the purchaser, with interest on the unpaid balance at the rate of seven per cent per annum, payable annually into the State treasury..... Provided, however, that all of said lands which are valuable principally for the timber thereon, shall be sold for not less than five dollars per acre, the whole of the purchase money therefor to be paid at the date of purchase."

In 1907 the Michigan Legislature had passed Act No. 299, approved June 27, 1907, to take immediate effect. See APPENDIX H. This act authorized "the withdrawal from sale of the Agricultural College lands in the counties of Iosco and Alcona, such lands to be held as a forest reserve for the benefit of the same College and defined the permanent use thereof."

(Reference to Figure 1 shows that the greatest concentration of land selected under the Agricultural Land Grant Board's direction was located in adjacent Alcona and Iosco counties. The land is described as a delta or outwash plain caused by the slowing down of the Au Sable river at this location. The land was never suited to farming.)

Section 1 of Act No. 299 reads: "All of the lands belonging to the Agricultural College of this State, situated in the counties of Iosco and Alcona, be and the same are hereby withdrawn from sale and are now set apart and declared to be a forest reserve to be held by the State for the Board of Agriculture and its successors, to be managed and used by said board as a fund, the income of which shall be applied to the uses and purposes of the Agricultural College of this State. The fee of said lands is hereby declared to be vested in the State forever appropriated to the uses of the Agricultural College."

When the act was implemented, the land held in Forest Reserve in Iosco and Alcona counties was 41,541.74 acres.

It has been reported that later Michigan's attorney general held that the Act of 1907 (No. 299) was unconstitutional and that the lands had not been set aside.

As a consequence the Michigan Legislature passed Act No. 123, Laws 1927 repealing Act No. 299 of the Public Acts of 1907. This was approved May 7, 1927. See APPENDIX 1.

At the same time the legislature passed Act 124, Laws 1927, Section 1 of which is as follows: "Section 1. The state board of agriculture is

hereby authorized to convey to the United States government all or any part of agricultural lands situated in the counties of Iosco, Alcona, Alpena, Cheboygan, Missaukee, Oscoda and Wexford, in the state of Michigan, on such terms as are fixed by the state board of Agriculture, "Approved May 7, 1927. See APPENDIX J.

There apparently are no published reports on the subject, but the minutes of the November 6, 1926 meeting of the State Board of Agriculture report: "On Motion of Mr. Brody, it was voted that the following resolution be adopted:

'The State Board of Agriculture authorizes Mr. Herman H. Halliday, Secretary of the State Board of Agriculture, to sign deeds conveying the site of the new Weather Bureau also Wild Lands which were recently sold to the United States Government.'

The files of the Auditor, Michigan State University, contain the indentures conveying the specified descriptions of lands in each of the seven counties to the United States of America. The mineral rights were reserved to the State of Michigan. The last paragraph of each indenture reads, "This deed is executed by the State Board of Agriculture under and by virtue of the acts of the legislature of the State of Michigan, session of 1927, entitled 'House Enrolled Act No. 87,' Public Act No. 123, and 'House Enrolled Act No. 80,' Public Act No. 124, both of which were approved May 7, 1927." - Signed by Herman H. Halliday, Secretary, State Board of Agriculture.

These transferred lands brought \$1.00 an acre from the United States Government and the revenue, \$50,403.16, was credited to the Land-Grant Endowment Fund.

A summary is as follows:

Lands Transferred to the U.S. of America by
State Board of Agriculture
Aug. 2, 1927

<u>County</u>	<u>Acres</u>	<u>Dollars</u>
Iosco	\$25,222.32	\$25,222.32
Alcona	16,208.57	16,208.57
Oscoda	8,515.59	8,515.59
Cheboygan	216.68	216.68
Wexford	160.00	160.00
Missaukee	40.00	40.00
Alpena	40.00	40.00
TOTAL	<u>50,403.16</u>	<u>\$50,403.16</u>

Following this transaction there were but 80.00 acres of unsold land.

However, as Table 1 reveals, this acreage fluctuated subsequent years as certain descriptions would revert to the State because of the non-fulfillment of contract.

The Fourteenth Biennial Report of the Michigan Department of Conservation (1947-48) shows that as of June 30, 1948 there were 280.7 acres of Agricultural Lands held by the State distributed as follows:

Antrim County	160.0 acres
Luce County ^{1/}	40.0 "
Manistee County	.7 "
Wexford County	80.0 "

This is the last time the detailed information showing unsold acreage of Agricultural College Grant lands has been compiled. It can be assumed that again practically the last of the land has been disposed of since the records in the State Auditor General's Office shows subsequent sales of land credited to the endowment fund as follows:

^{1/} Land would be located in Luce County through exchange.

Fiscal 1948-49	\$294.00
" 1949-50	376.00
" 1952-53,	300.00

It would be a very difficult but not an impossible task to search the records in the Lands Section, Michigan Department of Conservation, for the description of any land still unsold. The amount, if any, would be small and of relatively little value.

Revenue Invested

Attention is again called to the minutes of the Agricultural Land Grant Board meetings held July 9, 1868 through September 28, 1871 as reported on pages 16 and 17. The July 9, 1868 meeting instructed that the sale of the selected lands should be undertaken. The subsequent meetings reveal the inability to invest the revenues as prescribed and the temporary substitute plan followed until Act No. 68, Laws of 1871 became effective March 31, 1871. This act amended Section 8 of Act No. 140, Laws 1863 to read, in part, as follows: "The money received from the sale of said lands shall be paid into the State Treasury, and the amount thereof shall be placed to the credit of the Agricultural College fund, upon the books of the Auditor General, to constitute a perpetual fund, the capital of which shall remain forever undiminished; and the interest thereon, computed at seven per cent, shall be regularly applied under the direction of the State Board of Agriculture...." (APPENDIX F)

Column 2 of TABLE 1, captioned "Endowment Fund Assets (Held by State of Michigan)," indicates the growth of this fund. This information is available from printed sources for 1872, 1874, 1891 and then for each successive year commencing with fiscal 1912-13 from the annual financial reports of the Agricultural College, now Michigan State University.

The fund, carried as an asset on the balance sheet of the University and designated as "Land grant endowment held by the State of Michigan," has remained unchanged at \$1,059,378.58 since 1952-53. The fund consists solely of the revenue from the sale of the agricultural college lands. The last appreciable increase in the fund was the \$50,403.16 received when the remaining tracts in Iosco, Alcona, Alpena, Cheboygan, Missaukee, Oscoda and Wexford counties were conveyed to the United States Government at \$1.00 an acre on August 2, 1927.

These data indicate that all of the land selected by Michigan under the Morrill Land-Grant College Act of July 2, 1862 was sold at an average of approximately \$4.50 an acre. The sales ranged all the way from 50¢ to \$7.00 an acre, as an average price for other States.

Alabama, Iowa, Michigan and Wisconsin each were allowed 240,000 acres of land under the act. In contrast to Michigan's resultant \$1,059,378.58 land-grant endowment fund, Alabama realized \$253,500, Iowa \$587,754 and Wisconsin \$303,595. The State of Illinois, with twice the allotted acreage (480,000 acres), created a \$649,013 endowment fund.

Annual Interest

Now we come to the most important feature of the Land-Grant Endowment Fund, namely, the annual interest received therefrom in support of Michigan State University (The Pioneer Land-Grant College). Under the provisions of the Morrill Act of 1862, as amended, the State of Michigan acts as trustee in holding the proceeds from the sale of the lands granted by the Federal Government to the State for the College. As noted, the funds so retained by the State currently aggregate \$1,059,378.58.

The amount has remained unchanged since fiscal 1952-53. Act No. 68, Laws 1871 (an amendment to Act No. 140, Laws 1863) provides that the Land-Grant College shall be paid annual interest computed at seven per cent. (See APPENDIX F). This rate of interest on the \$1,059,378.58 endowment fund amounts to \$74,156.50. Column 1 of TABLE I, shows the amount of interest received each year for the entire span 1869 through June 30, 1964.^{1/} The grand total for the entire period is \$5,470,359.93. It will be detected that during certain periods, such as the economic depression of the early 1930s and during the years of World War II, payments by the State were irregular, but averaged out. Actually the grand total was somewhat higher than the figure given due to accounting procedures. For example, for 1944-45 the interest received was \$37,051.10 and the expected balance of \$36,449.90 was entered as an account receivable. When this account receivable was "collected" it did not appear in the records as "land-grant interest."

The revenue shown in Column 1 is not exclusively interest on the Endowment Fund. It includes, as well, the seven per cent interest paid annually on unpaid balances when land was being purchased under contract.

The careful observer will note that during the period 1953-54 through 1963-64, the annual interest received was \$18.90 in excess of \$74,156.50 (7% on \$1,059,378.58). The \$18.90 represents 7% interest paid on an outstanding contract. Specifically, the "purchaser" of a 40 acre tract in Benzie County had been paying the required annual interest on a \$270.00

^{1/} Interest as shown in annual financial reports of the institution, now Michigan State University.

balance due, over this period, or longer. He is encountering difficulty in clearing the title and apparently intends to cease paying the interest. If so, this property will revert to the State as Agricultural College Land-Grant land. It would then again be available to another purchaser and the sale price would further increase the Land-Grant Endowment Fund.

Additional State legislation pertinent to proceeds from the sale of educational lands in Michigan and to the payment of interest on the educational funds is carried as APPENDIX K and APPENDIX L. The first, (Appendix K) is Act No. 22, Laws of 1875: "An Act to provide for the use of the proceeds of the sale of educational lands in defraying the expenses of State government." The second, (Appendix L) is Act No. 181, Laws of 1881: "An Act to provide for the payment of interest on the educational funds, and to repeal section ten of chapter one hundred and thirty-one of the compiled laws of eighteen hundred and seventy-one, being compiler's section three thousand four hundred and seventy-seven."

THE CURRENT SITUATION

The Michigan State University published Financial Report for 1963-64 presents a balance sheet as of June 30, 1964 with an asset incorporated, "Land grant endowment held by the State of Michigan - \$1,059,378.58" under the caption TRUST AND AGENCY FUND. The same report carries, under REVENUES, an item, "Income from land grant endowment - \$74,156.50." Associated with the above mentioned asset is a footnote (Note A), which reads:

"The State Department of Administration has advised that the Land Grant Endowment is no longer in existence. It is the opinion of legal counsel for the University that the use of the endowment by the State is in violation of the Federal statute creating the grants. Income to the University from the endowment has been \$74,000.00 annually."

It is said that the "Constitution of the State of Michigan of 1963," effective January 1, 1964, has been interpreted to mean that the long-established endowment fund resulting from the Morrill Land-Grant College Act of July 2, 1862 no longer exists and, therefore, there will be no more annual income from this source. On the other hand, a Ruling of the Secretary of the United States Department of Interior, dated May 23, 1916 reads:

"Income and its use. -- 'The income' from the 1862 land-grant endowment 'is not a fiscal year or a limited fund. It must remain forever at the disposal of the institution entitled to the benefit of the fund. Nor may it ever be covered into the general State funds or used for general State purposes. There can be no default to the State by the institution.'

"Proceeds from rentals, sale of timber rights, water rights, and other privileges, and interest on deferred payments of purchase money partake of the same character as the income from invested funds, and must be devoted, without diminution, to the purposes' of the act.

"The only restriction placed by the act of Congress of July 2, 1862, upon the expenditures of the income derived from the sale of public lands granted for the endowment of colleges of agriculture and the mechanic arts and the investment of the purchase money is that no part of such income may be expended for the purchase, erection, preservation, or repair of any building or buildings, nor may this income be used for the purchase of land.'"

August 31, 1965

Herbert A. Berg
Cooperative Extension Service
Michigan State University

APPENDIX A

Federal Legislation Concerning Land-Grant Colleges

Act of 1862 Donating Lands for Colleges of
Agriculture and Mechanic ArtsFIRST MORRILL ACT

AN ACT Donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be granted to the several States, for the purposes hereinafter mentioned, an amount of public land, to be apportioned to each State a quantity equal to thirty thousand acres for each Senator and Representative in Congress to which the States are respectively entitled by the apportionment under the census of eighteen hundred and sixty; Provided, That no mineral lands shall be selected or purchased; under the provisions of this act.

SEC. 2. And be it further enacted, That the land aforesaid, after being surveyed shall be apportioned the several States in sections or subdivisions of sections, not less than one-quarter of a section; and whenever there are public lands in a State subject to sale at private entry at one dollar and twenty-five cents per acre, the quantity to which said State shall be entitled shall be selected from such lands within the limits of such State, and the Secretary of the Interior is hereby directed to issue to each of the States in which there is not the quantity of public lands subject to sale at private entry at one dollar and twenty-five cents per acre to which said State may be entitled under the provisions of this act land scrip to the amount in acres for the deficiency of its distributive share; said scrip to be sold by said States and the proceeds thereof applied to the uses and purposes prescribed in this act and for no other use or purpose whatsoever: Provided, That in no case shall any State to which land scrip may thus be issued be allowed to locate the same within the limits of any other State or of any Territory of the United States, but their assignees may thus locate said land scrip upon any of the unappropriated lands of the United States subject to sale at private entry at one dollar and twenty-five cents, or less, per acre; And provided further, That not more than one million acres shall be located by such assignees in any one of the States: And provided further, That no such location shall be made before one year from the passage of this act.

SEC. 3. And be it further enacted, That all the expenses of management, superintendence, and taxes from date of selection of said lands, previous to their sales, and all expenses incurred in the management and disbursement of the moneys which may be received therefrom, shall be paid by the States to which they may belong, out of the treasury of said States, so that the entire proceeds of the sale of said lands shall be applied without any diminution whatever to the purposes hereinafter mentioned.

SEC. 4 (original). And be it further enacted, That all moneys derived from the sale of the lands aforesaid by the States to which the lands are apportioned, and from the sales of land scrip hereinbefore provided for, shall be invested in stocks of the United States or of the States, or some

other safe stocks, yielding not less than five per centum upon the par value of said stocks; and that the moneys so invested shall constitute a perpetual fund, the capital of which shall remain forever undiminished (except so far as may be provided in section five of this act), and the interest of which shall be inviolably appropriated by each State which may take and claim the benefit of this act, 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 in life.

SEC. 4 (as amended Mar. 3, 1883). That all moneys derived from the sale of lands aforesaid by the States to which lands are apportioned, and from the sales of land scrip hereinbefore provided for, shall be invested in stocks of the United States or of the States, or some other safe stocks; or the same may be invested by the States having no State stocks in any other manner after the legislatures of such States shall have assented thereto and engaged that such funds shall yield not less than five per centum upon the amount so invested and that the principal thereof shall forever remain unimpaired: Provided, That the moneys so invested or loaned shall constitute a perpetual fund the capital of which shall remain forever undiminished (except so far as may be provided in section five of this act) and the interest of which shall be inviolably appropriated, by each State which may take and claim the benefit of this act, 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 in life.

SEC. 5. And be it further enacted, That the grant of land and land scrip hereby authorized shall be made on the following conditions, to which, as well as to the provisions hereinbefore contained, the previous assent of the several States shall be signified by legislative acts:

First. If any portion of the fund invested, as provided by the foregoing section, or any portion of the interest thereon, shall, by any action or contingency, be dismissed or lost, it shall be replaced by the State to which it belongs, so that the capital of the fund shall remain forever undiminished; and the annual interest shall be regularly applied without diminution to the purposes mentioned in the fourth section of this act, except that 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 and States.

Second. No portion of said fund, nor the interest thereon, shall be applied directly or indirectly, under any pretense whatever, to the purchase, erection, preservation, or repair of any building or buildings.

Third. Any State which may take and claim the benefit of the provisions of this act shall provide, within five years, at least not less than one college, as described in the fourth section of this act, or the

grant to such State shall cease; and said State shall be bound to pay the United States the amount received of any lands previously sold and that the title to purchasers under the State shall be valid.

Fourth. An annual report shall be made regarding the progress of each college, recording any improvements and experiments made, with their cost and results, and such other matters, including State industrial and economical statistics, as may be supposed useful, one copy of which shall be transmitted by mail free, by each, to all the other colleges which may be endowed under the provisions of this act, and also one copy to the Secretary of the Interior.

Fifth. When lands shall be selected from those which have been raised to double the minimum price, in consequence of railroad grants, they shall be computed to the States at the maximum price and the number of acres proportionately diminished.

Sixth. No State while in a condition of rebellion or insurrection against the Government of the United States shall be entitled to the benefit of this act.

Seventh. No State shall be entitled to the benefits of this act unless it shall express its acceptance thereof by its legislature within two years from the date of its approval by the President.

SEC. 6. And be it further enacted, That land scrip issued under the provisions of this act shall not be subject to location until after the first day of January, one thousand eight hundred and sixty-three.

SEC. 7. And be it further enacted, That the land officers shall receive the same fees for locating land scrip issued under the provisions of this act as is now allowed for the location of military bounty land warrants under existing laws: Provided, That their maximum compensation shall not be thereby increased.

SEC. 8. And be it further enacted, That the governors of the several States to which scrip shall be issued under this act shall be required to report annually to Congress all sales made of such scrip until the whole shall be disposed of, the amount received for the same, and what appropriation has been made of the proceeds.

Approved, July 2, 1862 (12 Stat. L. 503).

APPENDIX B

Act of 1866 Extending the Time Within Which Land-Grant
Colleges may be Established

(Amendment to First Morrill Act)

AN ACT To amend the fifth section of an act entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862, so as to extend the time within which the provisions of said act shall be accepted and such colleges established.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the time in which the several States may comply with the provisions of the act of July second, eighteen hundred and sixty-two, entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," is hereby extended so that the acceptance of the benefits of the said act may be expressed within three years from the passage of this act, and the colleges required by the said act may be provided within five years from the date of the filing of such acceptance with the Commissioner of the General Land Office: Provided, That when any State shall be entitled to the benefits of the said act of July second, eighteen hundred and sixty-two, by expressing the acceptance therein required within three years from the date of its admission into the Union, and providing the college or colleges within five years after such acceptance, as prescribed in this act: Provided further, That any State which has heretofore expressed its acceptance of the act herein referred to shall have the period of five years within which to provide at least one college, as described in the fourth section of said act, after the time for providing said college, according to the act of July second, eighteen hundred and sixty-two, shall have expired.

Approved, July 23, 1866 (14 Stat. L. 208).

APPENDIX C

Laws of Michigan
Act Relative to the Agricultural CollegeACT NO. 46, LAWS 1863

AN ACT for the acceptance of the donation of public lands made by act of Congress, approved July second, eighteen hundred and sixty-two, providing for the endowment of colleges for the benefit of agriculture and the mechanic arts.

SECTION 1. The People of the State of Michigan enact, That the grant of land accruing to the State of Michigan, under and by virtue of an act of Congress, donating public lands to the several States and Territories, which may provide colleges for the benefit of agriculture and the mechanic arts, approved July second, eighteen hundred and sixty-two, be and the same is hereby accepted, in accordance with all the conditions and provisions in said act contained.

Sec. 2. This act shall take immediate effect.
Approved February 25, 1863.

APPENDIX D

Laws of Michigan
Act Relative to the Agricultural CollegeACT NO. 140, LAWS 1863

AN ACT to provide for the selection, care and disposition of the lands donated to the State of Michigan, by act of Congress, approved July second, eighteen hundred sixty-two, for the endowment of colleges for the benefit of agriculture and the mechanic arts.

SECTION 1. The People of the State of Michigan enact, That the Governor, the Auditor General, Secretary of State, State Treasurer, Attorney General and Commissioner of the State Land Office, shall constitute a board, to be known as the agricultural land grant board, and said board shall have the control and management of the selection, the care and disposal of the lands granted to this State by act of Congress, approved July second, eighteen hundred sixty-two, providing for the endowment of colleges for the benefit of agriculture and the mechanic arts. Said board shall appoint one or more suitable commissioners, whose duty it shall be to select and locate, as soon as practicable, the quantity of land donated to this State by the act of Congress aforesaid, and to make return of the lands so located to the Commissioner of the State Land Office of Michigan, properly designated and described, and to notify the registers of the United States district land offices, for the districts in which the selection and location is made, of such selection as fast as the land is so selected.

Sec. 2. The Commissioner of the State Land Office shall, as fast as such selections are made and returned to him, forward to the Secretary of the Interior of the United States, full and complete descriptions of all such lands, and obtain the necessary title to the State of Michigan for the same.

Sec. 3. The said land shall be sold for not less than two dollars and fifty cents per acre, one-fourth to be paid at the time of purchase, and the balance at the option of the purchaser; said balance to bear interest at the rate of seven per cent per annum, payable annually into the State Treasury, in accordance with and subject to all the conditions of forfeiture, as provided by law for the payment of interest on contracts for money due on the purchase of primary school lands; and the sales of said lands shall be conducted in accordance with such rules and regulations as shall be prescribed by the said land grant board.

Sec. 4. The proceeds of the sale of said land shall be applied and used according to the conditions of the act of Congress granting the same to the State.

Sec. 5. Whenever said lands, or any part of them, shall have been selected, certified to the Commissioner of the State Land Office, withdrawn from market, and so marked on the plats, and certified by the register of any United States land office for the proper district, by authority of the Commissioner of the General Land Office of the United States, the Commissioner of the State Land Office may, by direction of said land grant board, sell said lands in quantities of not less than any legal subdivision, according to the original United States survey; and on such sale being made, the Commissioner of the State Land Office shall issue his certificate of sale in the usual form, setting forth the quantity and

description of the land sold, the price per acre, the amount paid at the time of purchase, the balance due, with the annual rate of interest, and the time the interest is payable, as is required by law for the payment of interest on contracts for the purchase of primary school lands, and that the purchaser will be entitled to a patent from this State on payment in full of the principal and interest, together with all taxes assessed on such land.

Sec. 6. Certificates of purchase issued pursuant to the provisions of law, shall entitle the purchaser to the possession of the lands therein described, and shall be sufficient evidence of title to enable the purchaser, his heirs or assigns, to maintain actions of trespass for injuries done to the same, or ejection, or any other proper action or proceeding to recover possession thereof, unless such certificate shall have become void by forfeiture; and all certificates of purchase in force may be recorded in the same manner that deeds of conveyance are authorized to be recorded.

Sec. 7. The Governor of this State shall sign and cause to be issued, patents for said lands, as soon as practicable after payment is made in full of principal, interest, and all taxes as aforesaid.

Sec. 8. It shall be the duty of said land grant board, from time to time, as money is received from the sales of said lands, to cause the same to be invested in the stocks of the United States, of this State, or some other safe stocks, yielding not less than five per cent annually, upon the par value of such stocks, and to keep the same invested, to constitute a perpetual fund, the capital of which shall remain forever undiminished; and the annual interest shall be regularly applied, under the direction of the State Board of Agriculture, to the endowment, support and maintenance of the State Agricultural 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 order to promote the liberal and practical education of the industrial classes in the several pursuits and professions in life.

Sec. 9. The said land grant board shall, on finding that there is not in this State a sufficient amount of land belonging to the United States, subject to private entry, to make up the full amount of the land granted by said act of Congress, notify the Commissioner of the United States Land Office of the fact, and obtain, as soon as practicable, from the proper authority, permission to select an amount sufficient to make up such deficiency from United States lands in other States or Territories of the United States, and shall send one or more commissioners into such States or Territories to select the same, under such rules and regulations as said board may prescribe.

Sec. 10. The agricultural land grant board shall certify, from time to time, to the Auditor General the amounts required to pay expenses of selecting and locating, and making returns of said lands, and the Auditor General shall draw his warrant upon the State Treasurer for the amounts thus certified, and the State Treasurer shall pay the same out of the general fund. Said land grant board may make such rules and regulations, in relation to the time and manner of selecting and locating the lands, making the returns, and keeping the accounts of expenses as they may deem

necessary and proper. All contracts and certificates of said board shall be signed by the chairman, and countersigned by the secretary of the agricultural land grant board.

Sec. 11. In the sale of lands, the principal value of which consists in the timber, the Commissioner of the State Land Office shall require the payment of the entire amount of purchase money at the time of purchase, or such portion of the same above one-fourth, as he may deem for the best interest of the State.

Sec. 12. This act shall take immediate effect.

Approved March 18, 1863.

.....
(Concurrent Resolution No. 1, Laws 1863.)

CONCURRENT RESOLUTION relative to the selection and location of the lands donated by Congress for the benefit of the Agricultural School of this State.

Resolved, (The House concurring,) That the Governor be requested to procure from the Commissioner of the General Land Office of the United States, an order directing the Registers of the several District Land Offices in this State to withdraw from market, and so mark on their plats, any of the lands of the United States subject to private entry that may be selected by authority of this State, under the grant made by act of Congress, approved July second, eighteen hundred sixty-two, for the endowment of Colleges for the benefit of Agriculture and the Mechanic Arts, whenever the said Registers shall be notified of the selection of any of said lands by the persons authorized by this State to select the same.

Approved March 18, 1863.

APPENDIX E

Laws of Michigan

ACT NO. 34, LAWS 1869
(Amendment to Act No. 140, Laws 1863)

AN ACT to amend an act entitled an act to provide for the selection, care, and disposition of the lands donated to the State of Michigan, by act of Congress, approved July second, eighteen hundred and sixty-two, for the endowment of colleges for the benefit of agriculture and the mechanic arts, approved March eighteenth, eighteen hundre and sixty-three.

SECTION 1. The People of the State of Michigan enact, That section three, of act number one hundred and forty, of the session laws of eighteen hundred and sixty-three, entitled "An act to provide for the selection, care, and disposition of the lands donated to the State of Michigan, by act of Congress, approved July second, eighteen hundred and sixty-two, for the endowment of colleges for the benefit of agriculture and the mechanic arts," approved March eighteenth, eighteen hundred and sixty-three, be and the same is hereby amended so as to read as follows:

Sec. 3. All of said lands, excepting as hereinafter provided, shall be sold for not less than three dollars per acre, one-fourth of the purchase price to be paid at the time of purchase, and the balance at any time thereafter, at the option of the purchaser, with interest on the unpaid balance at the rate of seven per cent per annum, payable annually into the State treasury, in accordance with, and subject to all the terms and conditions of payment, and forfeitures for non-payment of all interest and taxes due thereon, as is now provided by the laws regulating the sale and forfeiture of primary school lands: Provided, however, That all of said lands which are valuable principally for the timber thereon, shall be sold for not less than five dollars per acre, the whole of the purchase money therefore to be paid at the date of purchase.

Sec. 2. This act shall take immediate effect.

Approved March 16, 1869.

APPENDIX F

Laws of Michigan

ACT NO. 68, LAWS 1871
(Amendment to Act. No. 140, Laws 1863)

AN ACT to amend section eight, of act number one hundred and forty, laws of eighteen hundred and sixty-three, being an act to provide for the selection, care, and disposition of the lands donated to the State of Michigan, by act of Congress, approved July second, eighteen hundred and sixty-two, for the endowment of colleges for the benefit of agriculture and the mechanic arts, approved March eighteenth, eighteen hundred and sixty-three.

SECTION 1. The people of the State of Michigan enact, That section eight, of act number one hundred and forty, laws of eighteen hundred and sixty-three, be and the same is hereby amended so that it shall read as follows:

Sec. 8. The money received from the sale of said lands shall be paid into the State treasury, and the amount thereof shall be placed to the credit of the Agricultural College fund, upon the books of the Auditor General, to constitute a perpetual fund, the capital of which shall remain forever undiminished; and the interest thereon, computed at seven per cent, shall be regularly applied under the direction of the State Board of Agriculture, to the support and maintenance of the State Agriculture 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 mechanic arts, in order to promote the liberal and practical education of industrial classes in the several pursuits and professions of life.

Sec. 2. This act shall take immediate effect.

Approved March 31, 1871

APPENDIX H

Laws of Michigan

ACT NO. 299, LAWS 1907

AN ACT authorizing the withdrawal from sale of the Agricultural College lands in the counties of Iosco and Alcona, such lands to be held as a forest reserve for the benefit of the same college; and defining the permanent use thereof.

The People of the State of Michigan enact:

SECTION 1. All of the lands belonging to the Agricultural College of this State, situated in the counties of Iosco and Alcona, be and the same are hereby withdrawn from sale and are now set apart and declared to be a forest reserve to be held by the State for the Board of Agriculture and its successors, to be managed and used by said board as a fund, the income of which shall be applied to the uses and purposes of the Agricultural College of this State. The fee of said lands is hereby declared to be vested in the State forever appropriated to the uses of the Agricultural College.

SEC. 2. The Board of Agriculture is charged with the duty of caring for the reforestation, by natural growth and planting of seeds and seedlings, the said reserve with white and red Norway pine and such other valuable timbers as the soil may be found most suitable for, using as far as possible the available students of the college; and in the same manner to cause the said reserve to be gradually surveyed and platted and a complete record made and kept of the condition and character of the soils. The board shall also see that the lands and their growth are properly protected from fire and trespass. So far as practicable, the said forest reserve shall be used for the instruction of the students of the college and for the practice of its forestry students.

SEC. 3. The board is authorized to sell timber in or from said forest reserve and to use the proceeds in the care and protection of the forest so long as needed for such purposes: Provided, That the lumbering operations are to be under the direction and control of the board and its agents specially designated for that purpose. No contract of sale of timber thereon shall be made, which does not provide for the cutting of trees selected and designated for the proper clearing up on all cut-over areas of tops, branches and other waste, and the burning of all not available for use under inspection, to prevent the spread of fire to the injury of the young growth and the remaining forest. The necessary provision shall be made to protect and reserve from fire, and the Forest Fire and Game Warden shall co-operate with the Board of Agriculture and its agents to that end. No person shall hunt or camp within the limits of said forest reserve without permission from the board or its agents in charge, and only so long as he complied strictly with the terms of such permit. And for any violation hereof the person so violating upon conviction thereof by any court of competent jurisdiction shall be punished by a fine of not more than one hundred dollars, or by imprisonment in the county jail not more than ninety days, or by both such fine and imprisonment in the discretion of the court.

SEC. 4. Any person who shall without authority cut or carry away any trees or timber growing or lying on the aforesaid land, shall forfeit three times the value of said timber or trees to be recovered in any court of competent jurisdiction in an action brought by the State Board of Agriculture.

This act is ordered to take immediate effect.

Approved June 27, 1907.

Note -- The Agricultural Land held in Forest Reserve was
41,541.74 acres.

H. A. Berg

APPENDIX I

Laws of Michigan

ACT NO. 123, LAWS 1927

AN ACT to repeal act number two hundred ninety-nine of the public acts of nineteen hundred seven, entitled "An act authorizing the withdrawal from sale of the agricultural college lands in the counties of Iosco and Alcona, such lands to be held as a forest reserve for the benefit of the same college; and defining the permanent use thereof," approved June twenty-seventh, nineteen hundred seven.

The People of the State of Michigan enact:

SECTION 1. Act number two hundred ninety-nine of the public acts of nineteen hundred seven, entitled "An act authorizing the withdrawal from sale of the agricultural college lands in the counties of Iosco and Alcona, such lands to be held as a forest reserve for the benefit of the same college; and defining the permanent use thereof," approved June twenty-seventh, nineteen hundred seven, is hereby repealed.

Approved May 7, 1927.

APPENDIX J

Laws of Michigan

ACT NO. 124, LAWS 1927

AN ACT to authorize the state board of agriculture to convey to the United States government a tract of land known as agricultural college lands situated in the counties of Iosco, Alcona, Alpena, Cheboygan, Missaukee, Oscoda and Wexford.

The People of the State of Michigan enact:

SECTION 1. The state board of agriculture is hereby authorized to convey to the United States government all or any part of agricultural college lands situated in the counties of Iosco, Alcona, Alpena, Cheboygan, Missaukee, Oscoda and Wexford, in the state of Michigan, on such terms as are fixed by the state board of agriculture.

Approved May 7, 1927.

APPENDIX K

Laws of Michigan

ACT NO. 22, LAWS 1875

AN ACT to provide for the use of the proceeds of the sale of educational lands in defraying the expenses of the State government.

SECTION. 1. The People of the State of Michigan enact, That all money received into the State Treasury from the sale of lands and placed to the credit of the University fund, the Agricultural College fund the Normal School fund, the Primary School fund, or the five per cent Primary School fund, on and after the first day of March, eighteen hundred and seventy-five, shall be used in defraying the expenses of the State government.

SEC. 2. This act shall take immediate effect.

Approved March 10, 1875.

APPENDIX L

Laws of Michigan

ACT NO. 181, LAWS 1881

AN ACT to provide for the payment of interest on the educational funds, and to repeal section ten of chapter one hundred and thirty-one of the compiled laws of eighteen hundred and seventy-one, being compiler's section three thousand four hundred and seventy-seven.

SECTION 1. The People of the State of Michigan enact, That upon all sums paid into the State treasury upon account of the principal of any of the educational funds, except where the provision is or shall be made by law, the auditor general shall compute interest from the time of such payment, or from the time of the last computation of interest thereon, to the first Monday of April in each and every year, and shall give credit therefor to each fund, as the case may be; and such interest shall be paid out of the specific taxes.

SEC. 2. Section ten of chapter one hundred and thirty-one of the compiled laws of eighteen hundred and seventy-one, being compiler's section thirty-four hundred and seventy-seven, is hereby repealed.

Order to take immediate effect.

Approved May 31, 1881