

A History of Land Grants  
Used for Education  
In Iowa

by

Johanna C. Fedson Kirkman

A Thesis submitted to the Graduate Faculty

For the Degree of

Master of Science

Under Subject: Economic History.

Signatures have been redacted for privacy

Iowa State College

1928.

An Acknowledgment.

In the planning and writing of this thesis the writer has been helped and inspired by

Prof. L. B. Schmidt

and she takes this opportunity to express her sincerest appreciation to him.

### Foreword

The facts presented in this thesis are based primarily upon a careful study of all the laws passed by the General Assembly of Iowa which in any way related to lands acquired by grant for education or acquired for other purposes and diverted in whole or in part to the furtherance of education in the state; of all the United States Statutes at large which related to these land grants; of the reports issued by the State Land Office from its beginning to 1918, when the last report was issued; of the reports made by the Superintendent of Public Instruction regarding the beginnings of the School Funds; of all reports issued by the Secretary and the Land Agent of Iowa State College of Agriculture and Mechanic Arts; and of the reports from the State University of Iowa.

The tables are based upon and compiled from the different reports mentioned above, especially from those of the State Land Office. Information regarding the disposition of the lands since 1918, when the printing of reports was discontinued by the Land Office, was obtained by a study of the Land Office records which are now kept in the office of the Superintendent of Bonds and Investment Division in the State Capitol. This information was obtained through the courtesy of Mr. S. L. Ostrem, who allowed me free access to all records regarding land transactions in his office.

Although much time has been spent in an effort to make these tables accurate, I am forced to offer them only approximately correct. The reports from the Land Office differ from biennial to biennial even in amounts that one would expect to be definite and fixed. There is a constant effort on the part of each report to correct errors in the preceding ones, but each acknowledges that there is no way of getting absolutely accurate figures for all situations.

The General Assembly in 1862 authorized the Register of the State Land Office to correct errors in the description of the land conveyed by the State, but repealed the act giving this authority two years later. Mr. J. A. Harvey in his report of 1865, page 131, regrets that this act was repealed. "I find," said he, "numerous errors in the description of lands, occasioned sometimes by the illegibility of the certificate, and sometimes clerical errors, or inadvertence in this office, and running back through the several years since the State commenced issuing patents.

"In some instances the grantee has received his patent, had it recorded in the county office, and remained satisfied for several years that he had a patent for his own instead of his neighbor's farm."

But when one remembers that the work of the Land Office was shifted from one department to another, that there



were no proper facilities or equipment for taking care of the work or keeping proper records of transactions, and that much of the clerical work was done by incompetent and underpaid help, one wonders that the records have been kept as well as they have been. One wonders even more that anything like an accurate record could be kept when he remembers that these grants were handled by different officers under different rules and regulations, and that both officers and rules were repeatedly changed by law.

Mr. Hugh S. Buffum in his thesis, "Federal and State Aid to Education in Iowa," covered very largely the laws relating to the grants covered in this thesis. Mr. Buffum, however, was primarily interested in the funds acquired from these lands, while I have been especially interested in the disposition of the lands. In the preparation of this thesis, I have tried to make a very thorough study of all original sources relating to these grants-- both laws and reports of officers in charge of the lands. Mr. Buffum wrote his thesis in 1906, while I have studied the disposition of the lands to March first of this year, 1928.

Contents.

I. Acknowledgment.

II. Foreword.....1-4

III. Contents.....4-7

IV. Tables.....7-10

V. Introduction..

    Beginning of land grants for education.....10-13

VI. Grants to Iowa for common schools.....13-54

    A. Sixteenth Section Grant.....13-33

        1. Acquisition of the grant.....13-15

        2. Laws of Iowa relating to 16th section.....15-26

        3. Lands acquired by grant.....26-29

        4. Disposition of lands.....29-33

    B. 500,000 Acre Grant.....34-54

        1. Acquisition of the grant.....34-35

        2. State laws relating to grant.....35-41

        3. Excess acquired with grant.....41-48

        4. Disposition of lands.....48-52

    C. Income from school lands.....52-54

VII. Grants given University of Iowa.....55-84

    A. University Grant.....55-68

        1. Federal act giving grant.....55-56

        2. State acts relating to grant.....56-63

        3. Lands under the grant.....63-64

4.	Disposition of the lands.....	64-66
5.	The permanent land fund.....	66-68
B.	Saline Grant.....	69-84
1.	Federal act giving grant.....	69-70
2.	State acts regarding grant.....	70-78
3.	Amount of land under grant.....	78-79
4.	Disposition of lands.....	79-81
5.	Amount received by the University.....	81-84
VIII.	Grants given Iowa State College.....	84-120
A.	Agricultural Grant or Congressional Grant...	84-116
1.	Federal act making grant.....	84-88
2.	State acts regarding grant.....	88-102
3.	Selection lands.....	89-93.
4.	Leasing and selling of lands.....	93-105
5.	Patenting of lands.....	105-106
6.	Forfeitures of leases.....	106-109
7.	Contingent land lands.....	109-111
8.	Donated lands.....	111-112
9.	Mortgage lands.....	112-113
10.	The endowment fund.....	113-116
X B.	Five Section Grant.....	116
1.	Federal act.....	116-117
2.	Selection of lands.....	117-118
3.	Diversion of grant.....	118
4.	Disposition of lands.....	118-120

IX. Swamp Grant.....120-161

- A. Federal laws regarding swamp lands.....120-125
  - 1. Swamp lands in place.....120
  - 2. Swamp indemnity.....122
  - 3. Swamp lands confirmed to states.....123
- B. State laws regarding .....125-142
  - 1. Swamp lands in place.....125-131
  - 2. Indemnity lands and cash.....131-135
  - 3. Agents to adjust land claims.....135-139
  - 4. Efforts to satisfy indemnity claims.....139-142
- C. Disposition of swamp lands.....142-150
- D. National difficulty in settling swamp claims...150

X. Conclusion.....160-161

XI. Bibliography.....162-166

Tables.

Table I. Showing the total number of acres of the Sixteenth Section Grant in the several counties of Iowa.....	26
Table II. Showing the number of acres of the Sixteenth Section Grant sold each biennial from 1881 to 1912.....	31
Table III. Showing the number of acres of the Sixteenth Section Grant patented each biennial from 1855 to 1928.....	31
Table IV. Showing the total number of acres in the 500,000 Acre Grant in the several counties of Iowa.....	49
Table V. Showing the number of acres of the 500,000 Acre Grant unsold at the end of each biennial from 1881 to 1903, when all the lands were sold.....	50
Table VI. Showing the number of acres of the 500,000 Acre Grant patented each biennial from 1855 to 1928....	51
Table VII. Showing the total number of acres of the University Grant lands in the several counties of Iowa.....	63
Table VIII. Showing the number of acres of the University Grant remaining unsold at the end of each biennial from 1871 to 1918.....	64

Table IX. Showing the number of acres of the University Grant patented each biennial from 1855 to 1918..	65
Table X. Showing the amount received from the sale of University lands and the amount of the Permanent Land Fund each year since 1909.....	67
Table XI. Showing the total number of acres of the Saline lands in the different counties.....	78
Table XII. Showing the number of acres of Saline lands remaining unsold each year from 1871 to 1918....	79
Table XIII. Showing the total number of acres of the Saline lands patented each biennial period from 1855 to 1918.....	80
Table XIV. Showing the total number of acres of the Agricultural lands in each county.....	102
Table XV. Showing the number of acres of the Agricultural lands leased each year, the valuation of the lands, and the annual interest derived from the leases.....	103
Table XVI. Showing the total number of acres of the Agricultural lands patented each biennial period from 1869 to 1908.....	105
Table XVII. Showing the number of acres of the Cusey purchase lands patented each biennial from 1871 to 1906.....	11

Table XVIII. Showing the number of acres of the Five-section grant patented each year from 1864 to 1867.....	119
Table XIX. Showing the number of acres of Swamp lands in place patented each biennial from 1859 to 1918.....	143
Table XX. Showing the amount of cash indemnity and the number of acres of land indemnity awarded the different counties.....	144

## The Beginning of Federal Grants for Education

An ordinance relating to the disposition of lands in the Western territory, passed by Congress May 20, 1785, set aside for sale the sixteenth sections of every township for the maintenance of public schools within the townships.<sup>1</sup>

The idea of granting land for education was not new. Very shortly after landing, the colonists began to establish the policy of setting aside tracts of land for school purposes. Throughout the colonial history, especially in the New England colonies, education was furthered through the granting of lands by individuals, by companies, by the various towns, and by the central government, or the general court, of the colonies themselves.<sup>2</sup>

On July 13, 1787, Congress passed the famous ordinance for the government of the Northwest Territory. The third article in the Ordinance declared that "Religion, morality, and knowledge, being necessary to good government and to the happiness of mankind, schools and the means of education shall forever be encouraged."<sup>3</sup>

1. Donaldson, Public Domain, Part 1, p. 224, 1884.
2. These early grants are discussed in such theses as Schafer, "The Origin of the System of Land Grants for Education," 1902. Orfield, "Federal Land Grants to the states with special reference to Minnesota," 1915.
3. Donaldson, The Public Domain, Pt. 1, p. 155, 1884.



By the ordinance of July 23 of the same year, the Continental Congress directed that lot number sixteen be perpetually set aside by Congress for the maintenance of schools.<sup>1</sup> It also provided that two townships be set aside perpetually for the purpose of a University "to be applied to the intended object by the legislature of the state."<sup>2</sup>

In this same year, 1787, there was incorporated into the Constitution of the United States the clause giving Congress unlimited power over the public lands.<sup>3</sup>

The test of the national policy came when Ohio applied for admission in 1802. The act of Congress of March 3, 1803, granted lands for the use of the schools in Ohio, and provided that the lands granted, together with the lands that might thereafter be granted for that purpose, be vested in the legislature of that state. Congress thus made the state its trustee.<sup>4</sup>

In the enabling act, provision was made for public schools by granting lot 16 to each township, and where these sections had been taken, by granting other land equivalent

1. Donaldson, The Public Domain, Part 1, p. 224, 1884.
2. Donaldson, The Public Domain, Part 1, p. 226-7, 1884.
3. Constitution of the United States, Article IV, Section 3, 1787.
4. Donaldson, The Public Domain, Part 1, Chapter XIII, p. 225-6, 1884.

thereto and as nearly contiguous as possible. This policy of granting the sixteenth section for public schools was followed in regard to all states admitted after 1802 except Texas, which retained all its public lands, and Maine and West Virginia, in which the United States had no land to give.

When Illinois was admitted into the Union in 1818, the sixteenth section was granted to the state for the use of the townships. Thereafter until 1850 the grant was sometimes made to the township and sometimes to the state.<sup>1</sup> An act approved August 14, 1848, provided that sections sixteen and thirty-six in each township be reserved for schools in the territory of Oregon and in the States and Territories thereafter to be created out of the territory.<sup>2</sup> From 1894 to 1910, with one exception, four sections were granted. Because much of the lands in Utah, Arizona, and New Mexico was of small value, little opposition was met with in granting this amount.<sup>3</sup>

1. Monroe, Cyclopedia of Education, Vol. IV, p. 374, 1913.
2. Report of Commissioner of Education, 1892-3, Vol. 2, p. 1271.
3. Orfield, Federal Land Grants to the States, 1915, p. 45.

### The Sixteenth Section in Iowa

As noted above, the policy of setting aside the sixteenth section in each township for school purposes was followed in the enabling act for all states admitted into the Union after 1802.

By an act supplemental to the act which admitted the states of Iowa and Florida into the Union, approved March 3, 1845, Congress granted to the State, for the use of schools, the sixteenth section in every township in the State, and<sup>1</sup> where that section had been sold or otherwise disposed of, other lands of like amount "and as contiguous as may be."<sup>1</sup> These lands in lieu of the sixteenth sections had already been provided for in the case of Iowa by an act of Congress of August 23, 1842, which authorized the selection of school lands in lieu of those granted to the half-breeds of the Sac and Fox Indians;<sup>2</sup> and by an act of June 15, 1844, which provided that, wherever the sixteenth section in the territories of Iowa and Wisconsin was included in private claims held by titles legally decided to be valid, other land equivalent most adjacent to this land might be selected in lieu of it.<sup>3</sup>

These lands were accepted by the State of Iowa by an act of the General Assembly, approved January 15, 1849.<sup>4</sup>

1. U.S.Statutes at Large, Vol.V., 1846, p. 789-90.
2. U.S.Statutes at Large, Vol.V., 1846, p. 522.
3. U.S.Statutes at Large, Vol. V., 1846, p. 666.
4. Laws of Iowa, Reprint 1913, 2nd Gen. Assem., 1849, p. 401-2.

These sixteenth section lands together with the grant made by act of Congress of September 4, 1841, usually known as the 500,000 acre grant, and the mortgage school lands, which are lands bid in on foreclosure of mortgages given to secure the loan of school funds in the various counties, constitute what are known as the school lands of Iowa.

The proceeds from the lands acquired under the sixteenth section grant and the 500,000 acre grant, and the proceeds from the sale of intestate estates which escheat to the state, together with five per cent on all the sales of the public lands within the state, granted by act of Congress, constitute the permanent school fund of the state of Iowa, the interest of which is used for the support of the common schools.<sup>1</sup>

In an act of April 3, 1860, the General Assembly directed that the following were to constitute a perpetual fund for common school purposes, the interest of which only might be appropriated: the five per cent upon the net proceeds from the sales of public lands within the state, the proceeds from the sales of the five hundred thousand acre grant, the proceeds from all sales of intestate estates, and the proceeds from the sales of the sixteenth section grant.<sup>2</sup>

The interest on this fund is appropriated by the state auditor annually to the several counties of the state, in proportion to the number of persons between the ages of

1. Constitution of Iowa, in Laws of Iowa, Reprint 1913, 1st General Assembly, 1847, p. 20.
2. Laws of Iowa, Revision 1860, p. 348-49.

five and twenty-one years. The number of such persons is reported to the auditor by the Superintendent of Public Instruction.

The five hundred thousand acre grant will be taken up further on in this thesis; the mortgage lands, while made a new class of school lands by an act of the General Assembly on April 8, 1862, have no place in this discussion since they have not been acquired by a federal grant.

"An act to provide for the management and disposition of the school fund," approved February 25, 1847, directed the trustees of the townships of the state to examine the sixteenth sections in their respective townships, or lands granted in lieu thereof, and divide them into such parcels as they considered might best suit purchasers and advance the interest of the school fund. They were further directed to place a true value on each parcel, which value was not to be less than \$1.25 an acre.<sup>2</sup>

Section 2 of the same act provided for the lands that had been settled previous to the survey. Any person who had settled and made improvements was directed to give the fund commissioner notice thereof, "accompanied by an affidavit of the truth of his statement." He was then permitted to

1. Laws of Iowa, Reprint 1913, 7th Gen. Assem., 1858, p. 252.
2. Laws of Iowa, Reprint 1913, 1st Sess., 1847, p. 134-135.

select one appraiser, and the fund commissioner was to appoint another, and in case of a disagreement, these two were to select a third. The appraisers thus chosen were to appraise the land independent of improvements, and the improvements by themselves. The occupant was permitted to purchase the land at the appraised value. If he did not purchase it within ten days, the land was to be sold to the highest bidder, in which case the purchaser was to pay annually to the superintendent of public instruction, for the school fund, ten per cent per annum on the appraised value of both land and improvements.<sup>1</sup>

Directions for selling these lands were given in Section 5. The fund commissioners of the respective counties, having received the allotment and appraisal of any or all of the sixteenth sections, or land in lieu thereof, were directed, after giving thirty days' notice in writing in three of the most public places in the county and one in the township where the land was located, to sell the land to the highest bidder upon the following terms: "One-fourth of the purchase money in advance, and the balance on a credit not exceeding ten years, bearing interest at the rate of ten per cent per annum from the day of sale until paid, payable annually at the office of said fund commissioner: provided, that lands

1. Laws of Iowa, Reprint 1913, 1st General Assembly, 1847, p. 135.

assessed as aforesaid shall not sell for less than their appraised value; and provided, also, that the fund commissioner shall receive, when desired by the purchaser, the whole of the purchase money in advance." If the purchaser paid cash for his land, he was given a certificate of purchase, which entitled him to a patent, which patent was issued by the governor. In case the land was purchased upon partial credit, the purchaser, or his assignee, could at any time pay the principal and interest due upon the contract and receive a certificate of purchase and patent.<sup>1</sup>

The assignee or legal representative of the settler was, by act of January 24, 1848, granted all the rights and privileges conferred upon settlers by the act of February 25, 1847.<sup>2</sup>

By an act approved January 15, 1849, the General Assembly directed that the school fund commissioner should loan out the principal of the permanent school fund, as it came into his hands, at the rate of ten per cent per annum. The money was to be secured by a note with security and mortgage on clear, unincumbered real estate of double the amount loaned.<sup>3</sup>

The General Assembly, by an act of January 25, 1855, declared that all the land then remaining of the school, saline,

1. Laws of Iowa, Reprint 1913, 1st General Assembly, 1847, p. 135.
2. Laws of Iowa, Reprint 1913, 1st General Assembly, Extra Session, 1848, p. 260.
3. Laws of Iowa, Reprint 1913, 2nd Session, 1849, p. 382.

and university lands should be sold only at public sale, after the person or persons having charge of these lands had given notice as provided for in the sale of the sixteenth section. All the lands which were not sold when offered at public sale were to be offered again in six months, if it was deemed for the best interest of the different funds. Those remaining unsold after the second sale were offered a third time. The lands which remained unsold after the third sale were to be subject to private entry, the lands never to be sold for less than the appraised value. By this act no further pre-emption claims were to be granted or allowed to settlers on any of the saline, school, or university lands except to those entitled to them at the time when this act went into effect.<sup>1</sup> The school fund commissioners were required to file a copy or transcript of the school lands sold in their respective counties with the Registrar of the State Land Office, by an act of the General Assembly approved January 23, 1857.<sup>2</sup>

The office of school fund commissioner was abolished by an act of March 23, 1858, at which time the school lands were placed under the control of the county judge, in connection with the township trustees. This act provided that none of the school lands should be sold for less than \$2.50 per

1. Laws of Iowa, Reprint 1913, 5th General Assembly, p. 132-3, 1855.
2. Laws of Iowa, Reprint 1913, 6th General Assembly, 1857, p. 384.



acre, and that, when final payment had been made by the purchaser, the county judge should issue a certificate of final payment which should be transmitted to the State Land Office. This certificate entitled the purchaser to a patent issued by the governor.<sup>1</sup>

When the judge and trustees decided to offer any parcels of the sixteenth section land, or land in lieu of it, for sale, it became the duty of the county judge to give at least sixty days' notice by advertisements in three public places in the county and two in the township wherein the land was situated. He was also to publish a similar notice for sixty days in a newspaper published in the county. This notice was to describe the land and state the time and place of sale. The land was to be sold to the highest bidder upon the following terms: "One third of the purchase money to be paid in advance and the balance on a credit not exceeding ten years, bearing interest at the rate of ten per cent per annum," which interest was payable annually at the office of the county treasurer of the said county. The land could not be sold for less than the appraised value.<sup>2</sup>

This act instructed the superintendent of public instruction "to transfer to the auditor of state all books, papers, and documents relating to the school fund" then remain-

1. Laws of Iowa, Reprint 1913, 7th General Assembly, 1858, p. 252-55.
2. Laws of Iowa, Reprint 1913, 7th General Assembly, 1858, p. 253.

ing in his office, and "to transfer to the register of the state land office all books, papers and documents relating to the school and university land."<sup>1</sup>

By an act of April 3, 1860, the General Assembly directed that on the first Monday of January, 1861, the county judge should deliver all accounts, books, notes, and mortgages which had come into his hands as the officer having charge of the school fund, together with "a full and complete settlement sheet "to the clerk of the district court, who should present them to the board of supervisors."<sup>2</sup>

This act permitted the board of supervisors, at such times as they deemed best, to authorize the township trustees to "lay out" any unsold sixteenth section lands, or lands in lieu, in such tracts as they deemed for the best interest of the school fund, and to appraise these lands "at what they believed to be its true value." The trustees were to report their divisions and appraisements to the board of supervisors, who were to approve or disapprove them. In case of disapproval, the board of supervisors might order a new division and appraisement.

When the board of supervisors deemed best, they were to offer for sale the sixteenth section, or land in lieu, or any portion of it, or any part of the 500,000 acre grant. The

1. Laws of Iowa, Reprint 1913, 7th General Assembly, 1858, p. 257.
2. Laws of Iowa, Revision of 1860, p. 353.

clerk of the district court was to give at least forty days' notice by notices posted in five public places in the county, two of which were to be in the township in which the land to be sold was situated. The land was also to be advertised in a newspaper for four weeks<sup>1</sup> preceding the sale, the notice describing the land and stating the time and place of sale. The land was to be sold by the clerk to the highest bidder either for cash, or one-third in cash and the balance on a credit not exceeding ten years, with interest at the rate of ten per cent per annum. When final payment was made on the land, the clerk was to issue a certificate of purchase, which should entitle the holder to a patent from the governor.<sup>2</sup> The law forbade the sale of any of these lands to a member of the board of supervisors, to the county auditor, to any township trustee or to any person engaged in the division and appraisement of the land.<sup>3</sup>

In case the lands were purchased upon a partial credit, a contract was to be made in writing and recorded in the office of the recorder, after which it was to be filed in the office of the county auditor, During the continuance of the contract, it was lawful for the purchaser, his heirs or assignees, to pay the principal and interest due upon the contract at any time, and receive a certificate of purchase.<sup>4</sup>

1. An act approved April 10, 1906, amended this to read notice of sale "once a week" for four weeks. (Laws of Iowa, 1906, p.7.)
2. Laws of Iowa, Rev. 1860, p. 350-1.
3. Code of Iowa, 1873, p. 340.
4. Laws of Iowa, Rev., 1860, p. 351.

An act for the better protection of the school fund, approved April 8, 1862, directed the clerks of the several Boards of Supervisors, in whose counties outstanding contracts for sale of school lands were due, to immediately publish a notice requiring all persons holding such lands to pay at once or arrange for an extension of time. Upon the full payment of any lands held on account of the school fund, the clerk was to certify the fact of sale and payment to the governor, who was to issue patent for it, <sup>sixteenth section</sup> whether/lands or mortgage lands.<sup>1</sup> The General Assembly, by act approved March 24, 1864, made it the duty of the clerk of the Board of Supervisors in each county to send to the Register of the State Land Office, on the first day of May, 1864, or immediately thereafter, a report, giving the amount of sixteenth sections and lands taken in lieu thereof, together with the description and valuation of each tract, and designating the sold from the unsold. The clerk was further required to send a report on the first of November, 1864, and every six months thereafter, a report of the school lands "showing the sales, allotments, appraisements made and forfeitures and foreclosures of contracts declared and had since his last preceding report."<sup>2</sup>

This act of April 8, 1862, directed that all contracts, notes and mortgages given the school fund were thereafter to be made payable to the county controlling them. The

1. Laws of Iowa, 1862, p. 169 and 171.
2. Laws of Iowa, 1864, p. 79.

Board of Supervisors, through their clerk, were to transmit annually to the auditor, a statement of the amount of the permanent school fund, including "all receipts and payments on account thereof."<sup>1</sup>

The law provided for the appraisal of the land, but neither this act nor the act of April 3, 1860, stated a minimum price. The register of the State Land Office, in his report of 1865, tells us that some school lands had been selling as low as twenty-five cents an acre.<sup>2</sup> This situation was remedied by an act of March 29, 1864, which provided that no school lands could be sold for less than one dollar and twenty-five cents per acre.<sup>3</sup> A resolution of the General Assembly, approved January 24, 1870, withdrew all the unsold school lands from market until the first of the following March.<sup>4</sup> The General Assembly by an act of April 7, 1868, created the office of county auditor, and directed the auditor to assume all the duties in respect to the school lands and fund that had heretofore been performed by the clerk of the district court.<sup>5</sup>

The general assembly by an amendatory act approved March 21, 1870, declared that none of the sixteenth section lands or the five hundred thousand acre lands could be sold

1. Laws of Iowa, 1862, p. 170.
2. Report of the Register of State Land Office, 1865, p. 14.
3. Laws of Iowa, 1864, p. 152.
4. Laws of Iowa, 1870, p. 241.
5. Laws of Iowa, 1868, p. 222.

for less than six dollars per acre, except as provided by the act, and in no case for less than the appraised value.<sup>1</sup> If, after offering the school lands for sale once, at least, they were unable to sell the lands for six dollars an acre, the board of supervisors were permitted, if they thought it for the best interest of the school fund to sell for less, to instruct the county auditor to transmit to the register of the State Land Office a certified copy of the proceedings of the boards including the action of the township trustees, together with the appraised value of the land. The Register of the State Land Office was to submit the transcript to the State Census Board; and if a majority of the Census Board, including the Register, approved of the sale of the land for less than the minimum price of six dollars per acre, the Register was to certify such approval to the auditor of the county from which the transcript came. The land might again be offered and sold to the highest bidder, without being again appraised, but in no case was any school land to be sold for less than one dollar and seventy-five cents per acre.<sup>2</sup>

Section 2 of this act provided that no school lands of any kind should be sold until there were at least twenty-five legal voters resident in the congressional township in which school land was situated. In a fractional township of

1. Laws of Iowa, 1870, p. 28.

2. Section 3 of Chapter 29, Laws of Iowa, 1870, p. 29.

less than thirty-six sections the number of voters residing therein was to have at least the same ratio to twenty-five as the number of sections or parts of sections has to thirty-six.<sup>1</sup>

The Codes of Iowa of 1872 and of 1888 show no changes in the preceding laws except that the Code of 1888 changes the rate of interest on lands purchased on credit from ten per cent to eight per cent. The minimum price of sold lands is continued as six dollars, but in special cases the board of supervisors might sell for less, as given above, but in no case for less than one dollar and twenty-five cents per acre.<sup>2</sup>

The Code of 1897 reduced the interest on deferred payment to not less than six per cent, and directed that this interest be paid at the office of the county treasurer on the first day of January each year.<sup>3</sup> Section 2842 of this Code provided for the sale of school lands at less than the minimum price at which lands were appraised in a manner slightly different from that giving under the law approved March 21, 1870.

If these lands were not sold when offered for sale, and the board of supervisors thought it for the best interests of the school fund that they be sold, the board might instruct the county auditor to transmit to the secretary of state a certified copy of the proceedings of the board and the township

1. Section 2 of Chapter 29, Laws of Iowa, 1870, p. 29.
2. Code of Iowa, Revised, 1888, p. 750-51.
3. Code of Iowa, 1897, p. 967.

trustees, together with the price at which the land had been appraised. This transcript the secretary of state was to submit to the executive council, and if the executive council approved of a sale at a less sum, it was to certify such approval to the auditor of the county from which the transcript came. Thereupon the lands, after notice of sale had been given, might again be offered for sale and sold to the highest bidder, without being again appraised.<sup>1</sup>

According to Section 2843 of the Code of 1897, all school lands were to be subject to taxation "from and after the execution and delivery of the contract to the purchaser."<sup>2</sup>

The Supplement of 1913 and the Code of 1924 offer no changes or additions to the laws given heretofore, but all of the recent laws are reviewed and continued.<sup>3</sup>

The total amount of land received by the State of Iowa under the Sixteenth Section Grant is, according to the last several reports from the State Land Office, 1,014,331.05 acres, distributed among the counties as indicated in Table I.

Table I

Total number of acres of the Sixteenth Section lands  
in each county.

Adair.....	10,240.00	Appanoose.....	10,240.00
Adams.....	7,680.00	Audubon.....	7,680.00
Allamakee.....	11,520.00	Benton.....	12,800.00

1. Code of Iowa, 1897, p. 967.
2. Code of Iowa, Revised 1888, p. 752.
3. Code of Iowa, 1924, Chap. 232, p. 573-578.



Black Hawk.....	10,240.00	Emmett.....	7,680.00
Boone.....	10,240.00	Fayette.....	12,800.00
Bremer.....	7,680.00	Floyd.....	7,680.00
Buchanan.....	10,240.00	Franklin.....	10,240.00
Buena Vista.....	10,240.00	Fremont.....	10,080.00
Butler.....	10,240.00	Greene.....	10,240.00
Calhoun.....	10,240.00	Grundy.....	7,960.00
Carroll.....	10,240.00	Guthrie.....	10,240.00
Cass.....	10,240.00	Hamilton.....	10,240.00
Cedar.....	10,240.00	Hancock.....	10,240.00
Cerro Gordo.....	10,240.00	Hardin.....	10,240.00
Cherokee.....	10,240.00	Harrison.....	12,234.17
Chickasaw.....	7,680.00	Henry.....	7,680.00
Clarke.....	7,680.00	Howard.....	10,240.00
Clay.....	10,240.00	Humboldt.....	7,680.00
Clayton.....	13,715.08	Ida.....	7,680.00
Clinton.....	13,016.77	Iowa.....	10,240.00
Crawford.....	12,800.00	Jackson.....	11,143.22
Dallas.....	10,240.00	Jasper.....	12,800.00
Davis.....	10,240.00	Jefferson.....	7,680.00
Decatur.....	10,240.00	Johnson.....	10,880.00
Delaware.....	10,240.00	Jones.....	10,240.00
Des Moines.....	7,392.81	Keokuk.....	10,240.00
Dickinson.....	7,680.00	Kossuth.....	17,920.00
Dubuque.....	11,364.00	Lee.....	9,904.45

Linn.....	12,800.00	Poweshiek.....	10,240.00
Louisa.....	7,438.35	Ringgold.....	10,240.00
Lucas.....	7,680.00	Sac.....	10,240.00
Lyon.....	11,520.00	Scott.....	8,632.67
Madison.....	10,240.00	Shelby.....	10,240.00
Mahaska.....	10,240.00	Sioux.....	14,116.07
Marion.....	10,240.00	Story.....	10,240.00
Marshall.....	10,240.00	Tama.....	12,800.00
Mills.....	8,000.00	Taylor.....	10,240.00
Mitchell.....	10,240.00	Union.....	7,680.00
Monona.....	13,228.74	Van Buren.....	9,146.78
Monroe.....	7,680.00	Wapello.....	7,680.00
Montgomery.....	7,680.00	Warren.....	10,240.00
Muscatine.....	7,936.83	Washington.....	10,240.00
O'Brien.....	10,240.00	Wayne.....	10,240.00
Osceola.....	7,680.00	Webster.....	12,800.00
Page.....	10,240.00	Winnebago.....	7,680.00
Palo Alto.....	10,240.00	Winneshiek.....	12,800.00
Plymouth.....	15,322.65	Woodbury.....	15,680.00
Pocahontas.....	10,240.00	Worth.....	7,680.00
Polk.....	10,240.00	Wright.....	10,240.00
Pottawattamie.....	17,658.46		

---

TOTAL NUMBER OF ACRES.....1,014,331.05

Of this amount 1,002,441.24 acres are land in place; and 11,889.81, land given in lieu thereof in cases where the sixteenth sections had already been disposed of.<sup>1</sup> "However, it appears that a considerable quantity of these lands have disappeared by encroachment of the Mississippi and Missouri rivers. In one instance a full half section-- 320 acres-- in Fremont County has been washed away."<sup>2</sup>

In spite of the shifting of management, method of sale, and minimum price, these lands were fairly rapidly disposed of. The following figures show the number of acres sold during the first ten years after the General Assembly first provided for the disposition of the school lands:<sup>3</sup>

Prior to April 1, 1854.....	269,437.51 acres
Between April 1, 1854 and October 1, 1854.....	47,603.41 acres
Between October 1, 1854 and October 1, 1856.....	89,872.44 acres
Between October 1, 1856 and October 1, 1857,.....	30,470.00 acres
<hr/>	
Whole amount of land belonging to 16th section, sold.....	437,403.36 acres
Unsold lands.....	574,051.64

The Superintendent of Public Instruction gave the total number of acres in the grant as 1,011,456.00 acres.

1. Report of Secretary of State, Land Department, Iowa, 1895, p.4.
2. Report of Secretary of State, Land Department, Iowa, 1889, p.6.
3. Report of Superintendent of Public Instruction, 1858, p. 6, in Legislative Documents, 1857-8.

One reason that neither the superintendent nor the register of the land office was able to report all of the sixteenth section lands during the early reports was that the lands in lieu were not certified to the state. The General Assembly by an act of January 31, 1868, authorized J. A. Harvey to procure from the Department of the Interior a certified list of these lands.<sup>1</sup> A list of the lands given in lieu was not reported until 1873.<sup>2</sup>

In 1858 the Superintendent of Public Instruction was directed to turn over to the Register of the State Land Office all records dealing with school lands. No record of sold or unsold lands was given in the early reports from the land office. By an act of March 24, 1864, the General Assembly required the clerks of the boards of supervisors to report annually all sold and unsold lands in their respective counties. The register declared in his report of 1865 that so few counties had reported that it was impossible for him to give the number of acres of school lands unsold.<sup>3</sup> Apparently little heed was paid to this law until 1881. From that year until all the lands were sold, the land office reported the number unsold each biennial. Table II shows all of the sixteenth section lands sold by 1912.

1. Laws of Iowa, 1868, p. 3-4.
2. Register of the State Land Office, Iowa, 1873, p. 6-7.
3. Report of Register of State Land Office, Iowa, 1865, p. 10.

Table II

The number of acres of the Sixteenth Section Grant remaining unsold at the end of each biennial from 1881 to 1912:

a-October 1, 1881.....112,878.90	July 1, 1897.....2,914.20
b-July 1, 1883.....No report	July 1, 1899.....2,034.20
July 1, 1885.....62,504.20	c-June 30, 1901...1,080.00
July 1, 1887.....No report	June 30, 1903...1,160.00
July 1, 1889.....37,280.97	June 30, 1905...1,120.00
June 30, 1891.....12,826.70	June 30, 1906.....480.00
June 30, 1893.....5,132.19	June 30, 1908.....280.00
July 1, 1895.....3,354.26	June 30, 1910.....120.00
	June 12, 1912.....None

- a- Five counties did not report.
- b- Four counties did not report.
- c- Undoubtedly not all unsold lands reported.

The following table shows how much more slowly the lands were patented than sold.

Table III

The number of acres of the Sixteenth Section lands patented each biennial from 1855 to 1928, as indicated by the reports from the State Land Office.\*

May 14, 1855.....121,922.70	Nov. 12, 1867.....50,074.76
Dec. 1, 1857..... 86,507.84	Nov. 10, 1869.....69,225.15
Nov. 7, 1859..... 45,690.82	Nov. 1, 1871.....51,431.79
Nov. 6, 1861..... 35,528.70	Nov. 1, 1873.....40,508.28
Nov. 16, 1863..... 61,036.55	Nov. 1, 1875.....53,134.77
Nov. 16, 1865.....†99,907.64	Oct. 1, 1877.....44,558.38

Oct. 1, 1879.....	40,421.48	June 30, 1905.....	1,100.28
Oct. 1, 1881.....	33,400.70	June 30, 1906.....	831.365
July 1, 1883.....	28,234.76	June 30, 1908.....	920.00
July 1, 1885.....	22,258.81	June 30, 1910.....	500.93
July 1, 1887.....	20,464.00	June 30, 1912.....	362.50
July 1, 1889.....	22,313.90	June 30, 1914.....	480.00
June 30, 1891.....	27,133.10	June 30, 1916.....	160.00
June 30, 1893.....	20,172.02	June 30, 1918.....	600.00
July 1, 1895.....	10,191.79	Dec. 31, 1920.....	640.00
July 1, 1897.....	7,208.46	Dec. 31, 1922.....	410.00
July 1, 1899.....	5,962.105	Dec. 31, 1924.....	460.00
June 30, 1901.....	7,676.30	Dec. 31, 1926.....	300.00
June 30, 1903.....	1,566.00	Mar. 1, 1928.....	440.00
		TOTAL	1,013,735.88

† Obtained by subtracting the sum of the acres patented during the biennials before 1865 from the total number given as patented in 1865. The acres given in some of the counties in 1865 were estimated.

\* The records after 1918, the date of the last published report, were obtained at the State House.

If the figures reported were all right there should be left only 595.17 acres unpatented. According to the last report from the land office, 1918, there were still unpatented at that time 10,803.73<sup>1</sup>/<sub>2</sub> acres.<sup>1</sup> The total number of acres included in the patents that have been issued since 1918, the

1. Report of Land Department, Iowa, 1918, p. 12.

records of which were found in the State House, is 2,250 acres, which would leave 8553.73½ acres still unpatented.

One is surprised to find that these lands have not all been patented many years ago, for the final payment must, in every case, have been met long since. It is likely that when the receipt for the final payment was received, the purchaser, in many cases, felt that the land was his and there was nothing further to do about it. The lands have undoubtedly, in many instances, remained in the hands of the original purchaser, or his heirs, and the question of patent has not been brought to the attention of the holder. If no more patents are called for during the next decade than have been patented during the one just past, the State will not entirely close its Land Office business for many years to come. A shift in the ownership of land may cause this land to be patented more rapidly, for patent to prove title may be needed by the seller.

## The 500,000 Acre Grant

By an act of Congress, approved September 4, 1841, 500,000 acres of land were granted to each new state that should thereafter be admitted into the Union.<sup>1</sup> The proceeds from the sale of these lands were to be used for the construction of "roads, railways, bridges, canals and improvements of water-courses, and draining of swamps."<sup>2</sup> The act directed that the selected lands should not be disposed of for less than \$1.25 an acre.

The Constitution of Iowa, of 1846, provided that "The General Assembly shall encourage by all suitable means, the promotion of intellectual, scientific, moral, and agricultural improvements. The proceeds of all lands that have been or hereafter may be granted by the United States to this state, for the support of schools...and the five hundred thousand acres of land granted to the new states under an act of congress, distributing the proceeds of the public lands among the several states of the union, approved A. D. 1841,...shall be and remain a perpetual fund: the interest of which,...shall be inviolably appropriated to the support of common schools throughout the State."<sup>3</sup>

On December 28, 1846, Congress admitted Iowa into

1. U. S. Statutes at Large, 5, 1846, p. 455.
2. U. S. Statutes at Large, 5, 1846, p. 455.
3. Constitution of Iowa, in Laws of Iowa, Reprint 1913, 1st General Assembly, 1847, p. 20.



the Union. In Section 2 of this act, Congress declares "all the provisions of an Act supplemental to the Act for the Admission of the States of Iowa and Florida into the Union, approved March 3, 1845, be, and the same are hereby declared to continue and remain in full force as applicable to the State of Iowa."<sup>1</sup>

Iowa had rejected both the act of admission of March 3, 1845, and the supplement referred to above, for Congress in these acts had changed the boundary lines and rejected the provisions Iowa had made for the use of the 500,000 acres grant and the 5% funds. Congress had, in the meantime, however, consented to the boundary line by an act of August 4, 1846.<sup>2</sup> On March 2, 1849, Congress declared that, by the act of admission of Iowa, approved December 28, 1846, the United States had assented to the application for the support of common schools, of the five per cent of the net proceeds of the sales of the public lands within the State of Iowa, and of the five hundred thousand acres grant, "said land to be selected in legal subdivisions of not less than three hundred and twenty acres."<sup>3</sup>

At its first session, the General Assembly, by an act of February 25, 1847, provided for the selection and dis-

1. U. S. Statutes at Large, 9, 1851, p. 117.
2. U. S. Statutes at Large, 9, 1851, p. 52.
3. U. S. Statutes at Large, 9, 1851, p. 349.

position of this grant: "Any person capable of contracting, having settled upon public lands...may signify to the Fund Commissioner of the County wherein the land is situated, his or her desire to have the same recognized as school lands, and thereupon the same shall be returned by the said fund commissioner...to the Superintendent of Public Instruction, to be by him registered as lands selected by the State under the grant from Congress referred to." The act further provided that the Superintendent of Public Instruction should report from time to time all selections made under the provisions of this act, to the Secretary of the Treasury of the United States, and to the proper land office. As soon as the first 500,000 acres were selected, he was to give notice to the several fund commissioners to stop selections.<sup>1</sup>

This act did not work well, and at the next session of the General Assembly, a supplemental act was approved, January 15, 1849, which provided for the appointment of commissioners<sup>2</sup> to select the remainder of the 500,000 acres of land aforesaid under the instructions of the commissioner of the General Land Office of August 6, 1847, and to report the selections to the register of the land office in whose land

1. Laws of Iowa, Reprint 1913, 1847, p. 136.
2. John M. Whitaker of Van Buren Co., Wm. H. Morrison of Dubuque Co., and Robert Brown of Jefferson Co.

district the selection was made.<sup>1</sup>

The Superintendent of Public Instruction said it was extremely difficult, in consequence of the rush of emigration to the frontier, to make the selections without infringing upon the rights of settlers. He, therefore, in view of the power given him over school lands, instructed them "to embrace in their selections the claims of persons residing upon the public lands, having first obtained their consent to do so, with the assurance that they should be permitted to purchase them, when approved, at the valuation fixed by the selecting agent."<sup>2</sup> The selections made by these agents were approved and certified to the state by the department of the interior, September 12, 1854.<sup>3</sup>

The act of January 15, 1849, placed the care and selling of these lands in the hands of the School Fund Commissioner under the direction of the Superintendent of Public Instruction, at any rate per acre which the superintendent might determine, providing it was not less than the minimum fixed thereon by the selecting agent. It was to be sold upon the terms prescribed in the act to which this was to be a supplement. Fund commissions, by this act, might reserve lands if they felt the school funds would gain thereby. This was not applicable to pre-emptions granted under former laws.<sup>4</sup>

1. Laws of Iowa, Reprint 1913, 2nd General Assembly, 1849, p.424..
2. Appendix to Journal of House of Representatives, 1850, Report of Superintendent of Public Instruction, p. 158.
3. Report of the Register of State Land Office, 1857, p. 6.
4. Laws of Iowa, Reprint 1913, 2nd General Assembly, 1849, p. 426.

On September 3, 1851, all of these lands in the organized counties, except Wayne and Winneshiek, were ordered into market, at the appraised value, by Thos. H. Benton, Jr., Superintendent of Public Instruction. In the two counties omitted there was some question as to the selection of the Fund Commissioners. A large portion of these lands were located in counties not organized at that time, and consequently beyond the jurisdiction of the Superintendent, whose authority to sell was limited to the organized counties.<sup>1</sup>

Many of the laws discussed under the Sixteenth Section Grant applied to the five hundred thousand acre tract as well; hence <sup>they</sup> will be taken up more briefly here or omitted altogether.

Section 21 of the act of the Seventh General Assembly, approved March 23, 1858, provided that the Register of the State Land Office should transmit to the County Judge of each county in which any part of the 500,000 acre grant might be situated, a list of all of such lands in his county, with the appraised value of each tract, stating what tracts or parts of tracts had been sold and what remained unsold.<sup>2</sup> This act placed these lands under the control of the county judge and township trustees, to be handled by them in the same manner as provided for section sixteen in this act.<sup>3</sup>

1. 3rd Biennial Report of Superintendent of Public Instruction, Dec. 6, 1852, in Appendix to Journal of the House, State of Iowa, 1852, p. 106.
2. Laws of Iowa, Reprint 1913, 7th G. A., 1858, p. 254-5.
3. Laws of Iowa, Reprint 1913, 7th G. A., 1858, p. 252.

The act of April 3, 1860, placed these lands as well as the 16th section under the control of the Boards of Supervisors in the several counties and authorized them to sell as provided in this act.<sup>1</sup> As in the case of the sixteenth section, the supervisors could offer any of the lands belonging to the 500,000 acre grant wherever they thought best. These lands were to be advertised in the same manner as were the sixteenth sections--forty days' notice posted in five public places in the county and notice of sale in a county newspaper for four weeks preceding the sale. The land was sold to the highest bidder, either for cash, or one-third cash and the balance on ten years' credit at ten per cent interest. In case the land was sold on credit it was the privilege of the purchaser, his heir or assignee to make full payment of the principal and interest due upon the contract. When any purchaser had made full payment for his land, bought either for cash or on time, he was given a certificate of that fact by the clerk of the district court, which was to be transmitted to the state land office. This certificate entitled him to a patent which was to be issued by the governor.<sup>2</sup>

Chapter five of the Code of 1872 in defining the duties of the register of the state land office provided that no patent should be issued for any lands belonging to

1. Laws of Iowa, Revision 1860, p. 353.
2. Laws of Iowa, Revision 1860, p. 350-3.

the state, except upon the certificate of the person or officer specially charged with the custody of it, "setting forth the appraised value per acre, name of the person to whom sold, date of sale, price per acre, amount paid, name of person making final payment, and of the person who is entitled to the patent."<sup>1</sup>

By an act of the General Assembly, approved March 24, 1864, the Clerks of the several Boards of Supervisors in the state were required on the first day of May, 1864, or immediately thereafter, to report to the State Land Office the amount of school lands in their respective counties, giving a description of the lands with the allotments thereof, where the same have been allotted, and the valuation where they have been appraised, and designating the sold from the unsold lands. By this act, the clerks were required to send a report every six months thereafter showing subsequent sales, allotments, appraisements, etc.<sup>2</sup>

The act of March 29, 1864, fixed the minimum price of school lands at \$1.25 per acre. The laws just preceding this law had fixed no minimum price.<sup>3</sup>

An act of April 7, 1868, created the office of county auditor, and provided that he should act as clerk of the board of supervisors and perform all duties required by

1. Code of Iowa, 1872, p. 15-16.
2. Laws of Iowa, 1864, p. 79.
3. Laws of Iowa, 1864, p. 152.

law of such officer. It further provided that he should perform all the duties in respect to the school fund and the school lands then performed by the clerk of the district court. The county judge was to be ex-officio auditor from January 1, 1869, until the auditor should be elected and qualified, after which the office of county judge was to cease.<sup>1</sup>

The minimum price of six dollars an acre for school lands was fixed by the act of March 21, 1870. This act provided for the sale of lands for less than six dollars in certain contingencies, which have already been explained under the discussion of the sixteenth section grant.<sup>2</sup>

By an oversight there was embraced in the lands certified and approved to the state by the Department of the Interior, September 12, 1854, an excess above the 500,000 acres to which the state was entitled. This excess was estimated at 22,660.25 acres by the Department, but the Register of State Land Office in his report of 1865 gives the excess as 23,432.32 acres. The latter bases his report upon the books of township diagrams furnished from the General Land Office "and which is, in fact, the certification of the land to the State." The difference is accounted for in the fact that the area of some of the tracts, as given on the maps, differs from the area given in the lists of sections, by which the com-

1. Laws of Iowa, 1868, p. 222.

2. Laws of Iowa, 1870, p. 28.

missioner was probably governed in making his computation. According to several of the succeeding Land Office Reports, the excess was about 35,473.54 acres. The report of 1905 gives the number of acres as 536,022.59. In a note the secretary of state explains that the total number of acres in several of the counties in this report differs from the number in former reports, because theretofore many fractional sections had been counted as even 640 acres, while in many cases they contained less or more than this number. In the report of 1905, according to the secretary, "each county is credited with the exact number asquired as shown by the official plats of the government survey."<sup>1</sup>

In this quantity is included 12,813.51 acres lying in Webster and Hamilton counties known as Des Moines river school lands. These lands, on February 20, 1851, were approved by the Secretary of the Interior as part of the 500,000 acre grant, but this approval was later canceled because the lands were found to be within the five-mile limits of the Des Moines river; and on December 30, 1853, they were approved as part of the river grant. Under date of February 28, 1865, a later Secretary of the Interior disapproved of this cancellation, and on May 28, 1866, these lands were affirmed by this secretary as belonging to the state under the original approval of February 20, 1851. Since that time the lands have been

1. Iowa Land Report, 1905, p. 4.



treated as part of the 500,000 acre grant. "They are, however, all included in the deeds made by Governor Lowe May 3, 1858, to the Des Moines Navigation and Railroad Company, and as this company's title appears to be sustained by the courts, these lands should, perhaps, be excluded from the 500,000 acre grant, which would reduce the quantity to 522,660.03 acres.<sup>1</sup>

Upon discovering the excess certified/<sup>to</sup> the State under this grant, the Commissioner of the General Land Office wrote Governor Hempstead November 4, 1854, calling upon him to release to the United States of the lands so certified an amount equivalent to the excess of 22,660.25 acres.<sup>2</sup> The General Assembly, in January of the following year, instructed Governor Grimes to adjust this grant with the commissioner of the General Land Office.<sup>3</sup>

When Governor Lowe came into office he wrote the Department, February 8, 1859, releasing or attempting to release on behalf of the state 13,918.25 acres,<sup>4</sup> this amount being all of the excess that appeared, upon investigation, to be undisposed of by the state. In the meantime, they were

1. Report of Secretary of State Land Department, Iowa, 1889, p. 6-7.
2. Report of the Register of the State Land Office, Iowa, 1865, p. 6.
3. Laws of Iowa, Reprint 1913, 5th Sess., 1855, p. 6.

- The Superintendent of Public Instruction, James D. Eads, in his report to the General Assembly, recommended that that body memorialize Congress for the confirmation of the entire selections. He called attention to the fact that the school fund would be greatly impaired through the heavy expense in clearing title, etc., if the selections were reduced. Report of Superintendent of Public Instruction to General Assembly, 1856, in Appendix to Legislative Documents, 1856, p. 666.
4. Reports of the Register of State Land Office, 1863; Reg. of State Land Office, 1865, give 13,915.25.

withdrawn from sale by the School Fund Commissioners.<sup>1</sup> The Commissioner of the General Land Office, not being satisfied by the release given by Governor Lowe, called upon his successor, Governor Kirkwood, for a formal release or deed of reconveyance of the 13,918.25 acres. Governor Kirkwood, feeling he had no power to comply with the request without the authority of the legislature, brought the matter before the General Assembly, and thereupon an act was passed, approved March 22, 1862, giving the Executive of the State full power to settle this matter with the General Government and to execute the necessary conveyance.<sup>2</sup> The Register of the State Land Office tells us in his report of 1865, that an agreement was reached between the United States, through the Department of Interior; Governor Stone, on behalf of the State; and the Des Moines Valley Railroad Company, on the following terms:

1. The State to retain all these lands as school lands under this grant.

2. The United States to deduct the amount of the excess from the lands the State is entitled to under the act of Congress of July 12, 1862, extending the Des Moines River grant to the northern boundary of the State; and

3. The State to account to the said railroad company (the beneficiary of said Des Moines River Grant) for said land at the rate of \$1.25 per acre.<sup>3</sup>

1. Report of the Register of State Land Office, Iowa, 1865, p. 7.
2. Report of the Register of State Land Office, Iowa, 1865, p. 7, and Laws of Iowa, 1862, p. 58.
3. Report of the Register of State Land Office, Iowa, 1865, p. 7.

The lands were put back on the market August 8, 1864, by the Register of the State Land Office, with the approval of the Governor.<sup>1</sup> It appears that this agreement was not carried out, for the General Assembly in the preface to an act of March 30, 1866, stated that the excess of land certified to the state over and above the amount it was entitled to receive by the 500,000 acre grant had not been reconveyed nor satisfaction rendered the general government. The General Assembly, therefore, appointed the Hon. Josiah A. Harvey commissioner on behalf of the State to adjust this matter, together with claims under act of July 12, 1862, and claims under the swamp land grant. He was instructed to proceed to Washington and make as speedy a settlement as "consistent with the best interest of the State." He was authorized to adjust the excess of the 500,000 acre grant, by permitting the United States to retain out of the indemnity land falling to the State under Act of Congress of July 12, 1862, an amount equivalent to such excess, providing nothing in the act was to be construed to be a relinquishment of the claim of the State to the 12,813,51 acre of the excess of the 500,000 acre grant which was "supposed" to conflict with the Act of Congress of August 8, 1846, known as the Des Moines River Grant. Mr. Harvey was instructed to secure a restoration of these selections as part of the 500,000 acre grant, and "a confirmation of the title of the State there-

1. Report of the Register of State Land Office, Iowa, 1865, p.8.

to, as a part of such grant."<sup>1</sup> We have already stated, in speaking of the Des Moines river land that this confirmation was given by the Secretary of the Interior on May 28, 1866.

As soon as matters of difference were adjusted, the commissioner was to report to the Census Board, and the approval of the terms of settlement by a majority of the Board made the adjustment binding upon the State.<sup>2</sup>

In the settlement made by Mr. Harvey, and the commissioner of the General Land Office, May 21, 1866, this excess was accounted for "by permitting the general government to retain an equal amount from the Des Moines River land indemnity, which was at that time supposed to be due the state under the act of Congress of July 12, 1862."<sup>3</sup>

The settlement made was approved by the Census Board June 20, 1866, and was ratified by the General Assembly on March 31, 1868.<sup>4</sup> Congress on March 5, 1871, ratified the adjustment with the provision that nothing in the act should affect the legal rights of any person claiming title or right to acquire title under the homestead and pre-emption laws.<sup>5</sup>

The General Assembly, by an act approved April 2, 1860, provided for settling "all liabilities of the State growing out of the sale of certain lands of the Des Moines

1. Laws of Iowa, 1866, p. 71-73.
2. Laws of Iowa, 1866, p. 73.
3. Report of Secretary of State Land Department, Iowa, 1889, p. 6.
4. Laws of Iowa, 1868, p. 66.
5. U. S. Statutes at Large, 16, 1871, p. 582-3.

River Improvement Grant as school lands." The lands in question were those conveyed by the State to the Des Moines Navigation and Railroad Company in Webster and Hamilton Counties. Upon presentation to the governor of any contract for sale (or proof in case of loss) executed by John Polman, the acting school fund commissioner of Webster County, or any certificate of final payment from the commissioner, or any patent, together with an affidavit stating amounts paid, whether as principal or interest, and time of payment, the governor was to make a complete statement showing amounts paid, and time of payment. Upon delivering up the contract, certificate, or patent to the governor, the holder was to receive the statement from the governor, signed by him, which he might present to the auditor of the state who would audit <sup>the</sup> amounts shown by the statement with ten per cent. upon each sum from the time of payment until audited, and draw his warrant on the treasurer of state for the amount.<sup>1</sup>

As they were returned to the governor, the contracts, certificates and patents were to be filed in the State Land Office.

Section 2 of an act of the General Assembly approved April 18, 1913,<sup>2</sup> directed that any such contract, certificate,

1. Laws of Iowa, Reprint 1913, 8th General Assembly, 1860, p. 415-6.
2. Section 1 of this act is a repetition of Section 1 of the act of April 2, 1860, just quoted.

or patent which had been returned to the governor, and had been filed in the office of the register of the State Land Office, be returned to the original grantee thereof, his heirs, executors, administrators, or assigns, upon such proof... of the original grantee...as the governor might require. Upon presentation of the statement from the governor, together with the contract, certificate or patent to the auditor of state, the auditor was to audit the amount due as shown by the statement, without interest, and draw his warrant on the treasurer of the state for the amount.<sup>1</sup>

On April 21, 1917, the General Assembly approved another act making provisions for the settlement of all liabilities of the state growing out of the sale of certain Des Moines River lands, as school lands. This act is a repetition of the act of April 18, 1913, just quoted. By section 4 of the act passed in 1913 the General Assembly appropriated out of the money in the state treasury not otherwise appropriated, an amount sufficient to pay all claims audited under the act, not to exceed \$203.87; by section 4 of the act passed in 1917, not to exceed \$51.28.<sup>2</sup>

The lands received under the 500,000 acres grant were distributed among the counties as indicated in Table No. IV.

1. Laws of Iowa, 1913, p. 6.
2. Acts of 37th General Assembly of Iowa, 1917, p. 303-304.

Table IV

Showing the number of acres of the 500,000 acre grant in the several counties of Iowa.

Adair.....	2,391.89	Iowa.....	23,976.17
Adams.....	1,920.00	Jackson.....	807.50
Allamakee.....	70,211.03	Jasper.....	1,674.94
Appanoose.....	2,400.00	Jones.....	30,462.52
Benton.....	11,791.80	Keokuk.....	670.64
Black Hawk.....	8,382.84	Linn.....	11,046.07
Boone.....	1,052.12	Louisa.....	640.00
Bremer.....	19,160.57	Lucas.....	640.00
Buchanan.....	2,485.44	Madison.....	9,386.02
Butler.....	478.51	Mahaska.....	9,227.75
Cedar.....	6,285.42	Marion.....	1,414.61
Chickasaw.....	3,279.26	Marshall.....	6,155.86
Clarke.....	16,009.00	Monroe.....	986.57
Clayton.....	22,808.12	Muscatine.....	357.33
Clinton.....	20,935.70	Polk.....	2,425.62
Dallas.....	13,699.16	Poweshiek.....	12,715.24
Davis.....	934.95	Ringgold.....	607.20
Decatur.....	40,637.48	Story.....	3,796.74
Delaware.....	11,395.12	Tama.....	11,650.44
Dubuque.....	16,194.87	Union.....	10,738.07
Fayette.....	30,747.85	Wapello.....	7,002.42
Floyd.....	3,481.68	Warren.....	5,643.97
*Hamilton.....	10,314.40	Wayne.....	15,546.91
Hardin.....	1,360.00	*Webster.....	18,064.06
Harrison.....	7,581.67	Winneshiek.....	24,447.06

TOTAL.....536,022.59<sup>a</sup>

\*Includes 3,653.02 acres known as Des Moines River School Lands.

†Includes 9,160.49 acres Des Moines River School Lands.

a-State Land Office Report for 1905 and 1908. Several of the preceding reports--1879, 1881, 1901--had given "about" 535,-473.54 acres. 1895 report, 535,447.96.

I have already given the act of 1849, which provided that the school lands be sold under the direction of the

Superintendent of Public Instruction. In 1858 the Superintendent reported the number of acres of the 500,000 acre grant sold as follows:<sup>1</sup>

Sold prior to April 1, 1854.....	285,862.76
Between April 1, 1854 and October 1, 1854.....	90,272.47
Between October 1, 1854 and October 1, 1856.....	63,252.92
Between October 1, 1856 and October 1, 1857.....	14,723.73

---

Total amount sold.....464,111.89

The books and reports concerning the 500,000 acre lands were turned over to the register of the state land office in 1858, as was said in speaking of the sixteenth section grant. It was impossible for the register to report the number of acres sold during several years after this date since the counties failed to report their sales, in spite of the fact that they were directed to do so by the General Assembly.

After 1881 the State Land Office reported the following unsold lands:

Table V

The number of acres of the 500,000 acre grant remaining unsold at the end of each biennial period from 1881 until 1903, when all the lands were sold.

a-Oct. 1, 1881.....	2,638.46	July 1, 1887.....	No report
b-July 1, 1883.....	No report	July 1, 1889.....	1,863.37
c-July 1, 1885.....	1,449.41	June 30, 1891.....	1,566.33

1. Report of Superintendent of Public Instruction, 1858, p. 6-7, in Legislative Documents, 1858.



June 30, 1893.....636.33	July 1, 1899.....160.00
July 1, 1895.....396.33	June 30, 1901.....160.00
July 1, 1899.....200.00	June 30, 1903.....None

- a. Five counties did not report.
- b. Four counties did not report.
- c. Probably not all unsold lands reported.

The tardiness with which the lands were patented would indicate that much of the grant had been sold on credit.

Table VI

The number of acres of the 500,000 Acre Grant patented each biennial from 1855 to 1928, as indicated by the reports from the State Land Office:

May 14, 1855.....137,646.44	June 30, 1893.....891.21
Dec. 1, 1857.....115,027.37	July 1, 1895.....523.57
Nov. 7, 1859.....41,474.87	July 1, 1897.....1,265.65
Nov. 6, 1861.....29,609.27	July 1, 1899.....640.00
Nov. 15, 1863.....49,593.78	June 30, 1901.....400.00
Nov. 16, 1865.....a-69,119.89	June 30, 1903.....845.04
Nov. 12, 1867.....15,265.90	June 30, 1905.....170.00
Nov. 10, 1869.....15,853.71	June 30, 1906.....410.00
Nov. 1, 1871.....10,735.57	June 30, 1908.....528.80
Nov. 1, 1873.....5,701.40	June 30, 1910.....295.24
Nov. 1, 1875.....6,474.57	June 30, 1912.....460.42
Oct. 1, 1877.....3,034.22	June 30, 1914.....301.21
Oct. 1, 1879.....2,892.50	June 30, 1916.....280.00
Oct. 1, 1881.....1,817.00	June 30, 1918.....377.89
July 1, 1883.....1,062.94	June 30, 1920.....280.00
July 1, 1885.....1,289.12	June 30, 1922.....160.00
July 1, 1887.....382.64	June 30, 1924.....400.00
July 1, 1889.....b-1,165.27	June 30, 1926.....c-150.00
June 30, 1891.....817.72	March 1, 1928.....40.00

---

TOTAL.....519,383.21

- a. Figure obtained by subtracting the sum of the acres reported patented before 1865 from the total number of acres given as patented in 1865.
- b. This figure includes 40 acres in Johnson County. I found no record of any 500,000 acre land approved in Johnson County.
- c. The Land Office credited Scott County with 20 acres of this amount, but the Land Office reports no 500,000 acre land approved in Scott County.

After subtracting the total plus the Des Moines River lands from the total number of acres in the grant, there would still remain, if these reports were correct, some four thousand acres still unpatented. In 1918, according to the Land Office report for that year, there remained unpatented of this grant 5,450.16 acres.<sup>1</sup> Since that time there have been patented 1030 acres, leaving 4420.16 acres still unpatented.

It is impossible to estimate the amounts received from the different school grants, since the money received from these lands were put into the Common School Fund together with the money received from the five per cent allowed on all sales of public lands in the state, and the money from the escheat estates.

The school fund was slightly increased in the early years by an act of February 25, 1847, which provided that each person contracting with the Fund Commissioners for land was to pay into the School Fund, the sum of one dollar extra. This provision added a total of \$1,288.00 to the Permanent Fund before it was repealed on January 15, 1849.<sup>2</sup>

In order that there be no losses to the school fund due to early mismanagement, the General Assembly on April 12, 1921, voted to appropriate \$10,937.18 to reimburse the per-

1. Report, Land Department, Iowa, 1918, p. 12.
2. Report of Superintendent of Public Instruction, 1854, p. 104-106, in Journal of the House, Iowa, 1854.

manent school fund of the state for money lost many years ago.<sup>1</sup>

The total amount of the Permanent School Fund on January first, 1925, was \$4,822,034.65, according to the report from the auditor.<sup>2</sup> It is impossible to give even the average price per acre at which these lands sold. The minimum price for these lands ranged from what the county supervisors thought the "real value" to \$6.00 an acre. James D. Eads, Superintendent of Public Instruction, in his report of 1856, stated "The average price of the lands sold in the last two years is \$1.77 per acre." The next year he reported "The average price of the lands sold during the past year was \$3.36 per acre."<sup>3</sup>

The register, in his report of 1869, gave the average price at which the school lands, 500,000 acre grant and the sixteenth section grant, had sold during the two years covered by his report as a fraction over two dollars and thir-

1. Acts of the 9th General Assembly of Iowa, 1921, p. 347.
2. Report of Auditor in Iowa Documents 1927, Vol. 1, p. 25.  
Note: In answer to a letter addressed to him, J. W. Long, Auditor of State, informed the writer of this thesis that he was "unable to give the exact amount derived from the 500,000 acre grant and how much from the sixteenth section grant that was credited to the permanent school fund." Letter from the Office of Auditor of State, dated April 5, 1928.
3. Report of Superintendent of Public Instruction, 1857, p. 9, in Legislative Documents, 1857.

ty-one cents per acre. In some counties the lands had been contracted at a good average price; in others they had been sold at the minimum price of \$1.25 regardless of quality or location.<sup>1</sup>

In most of the patents examined by the writer, in the State House, the price was given as \$1.25 an acre. Occasionally the price was \$1.50, \$2.00, \$3.00 or \$6.00 an acre. No higher price than \$6.00 was found in any patents examined; the lowest found was \$1.00 an acre.

1. Report of the Register of State Land Office, Iowa, 1869, p. 9.

### The University Grant

The Congressional act of July 23, 1787, which began the national policy of granting lands to higher education, has already been mentioned.<sup>1</sup> As in the case of the common schools, congress was simply following a precedent set by the colonial government. Harvard and many other of our best-known universities had their beginning in early colonial grants.

An act of Congress "granting two townships of land for the use of a University in the Territory of Iowa," approved July 20, 1840, provided that the Secretary of the Treasury be authorized to set apart and reserve from sale out of any of the public lands within the Territory of Iowa, to which the Indian title has been or may be extinguished and not otherwise appropriated, a quantity of land not exceeding two entire townships, for the use and support of a University within said Territory when it becomes a State, and for no other purpose or use whatsoever, to be located in tracts of not less than an entire section corresponding with any of the legal divisions into which the public lands are authorized to be surveyed."<sup>2</sup>

This act is the original University Grant for Iowa. These

1. Note: All of the states except the thirteen original states and Maine, Vermont, Kentucky and Tennessee have received University lands. Most states received two sections; Ohio received three, and Florida and Wisconsin four townships each. U. S. Statutes, 28th Congress, 2nd Session, Chapters 75, 33, 2nd, Ch. 5.
2. U. S. Statutes at Large, 6, Chapter XC, p. 810, 1846.

lands are again granted to the state by supplemental act approved March 3, 1845, which declared that the lands were to be appropriated solely to the use and support of a university in such manner as the legislature might prescribe.<sup>1</sup>

The Constitution of Iowa, of May 18, 1846, provided, in Article X, Section 5, that the General Assembly should take measures to protect, improve or dispose of such lands as had been or might be reserved or granted by the United States for the use of a university. The funds accruing from the rent or sales of such lands were to remain a permanent fund, the interest of which was to be applied to the support of the university.<sup>2</sup>

At its first session the General Assembly of Iowa, by the act that established and located the State University, approved February 25, 1847, prescribed that the two townships or seventy-two sections of land, granted by the acts of Congress of July 20, 1840, be donated to the State University of Iowa. The act provided for the appointment of a Board of Trustees, and vested in them the power of disposal of these lands, the disposal to be in the same manner and under the same regulation as the law provided for the sixteenth section in the different townships. The General Assembly retained full supervision over the university, its officers, and grants made or

1. U. S. Statutes at Large, Vol. V., 1846, p. 789-90.

2. Constitution of Iowa, in Laws of Iowa, Reprint 1913, 1847, p. 21.

to be made.<sup>1</sup>

David Ferguson, of Van Buren County, was appointed by the Treasury Department as agent to select the two townships of land included in the university grant. The state provided for his compensation by an act of February 25, 1847.<sup>2</sup>

About a year later, January 24, 1848, the General Assembly again passed an act allowing the same compensation (\$2.00 per day) to the agent employed by the treasury department to select these lands. His compensation was twice increased during the next session of the General Assembly.<sup>3</sup>

The name of the agent is not mentioned in the last three acts but the General Land Office, in certifying the lands to the state, spoke of John M. Whittaker as agent for the State of Iowa.<sup>4</sup>

Under the University Grant, lands were set apart and approved by the Secretary of the Treasury for the use of the state as follows:<sup>5</sup>

1. In the Iowa City Land Dist., Feb. 26, 1849...20,150.49 acres
2. In the Fairfield Land Dist., Oct. 17, 1849....9,685.20 acres
3. In the Iowa City Land Dist., Jan. 28, 1850....2,571.81 acres
4. In the Fairfield Land Dist., Sept. 10, 1850...3,198.20 acres
5. In the Dubuque Land Dist., May 19, 1852....10,352.24 acres

Total No. Acres.....45,957.94

1. Laws of Iowa, Reprint 1913, 1st General Assembly, 1847, p.156.
2. Laws of Iowa, Reprint 1913, 1st General Assembly, 1847, p.151.  
Mr. Pickard, gives Wm. W. Dodge as the first commissioner. Mr. Dodge made selection of one section, and removed from the Territory. Annals of Iowa, Vol. 4, 1899-1901, p.16.
3. Laws of Iowa, Reprint 1913, 1st G. A., 1847, pp.368 and 422.
4. Report of the Register of State Land Office, 1871, p. 10.
5. Report of the Register of State Land Office, 1865, p. 21.

It was not until November 19, 1856, that Thomas A. Hendricks, Commissioner of the General Land Office, certified to the state that the foregoing lists of selections had been approved by the Secretary of the Interior.<sup>1</sup>

The list of lands approved was deposited with the Secretary of the Board of Trustees of the State University, Hon. Anson Hart, who presented a copy to the State Land Office.<sup>2</sup> By a legislative act, approved March 12, 1858, the State University was constituted a corporation, possessing all the common law corporate powers.<sup>3</sup> The public buildings at Iowa City, together with the ten acres of land on which they are situated, were granted to the State University of Iowa, to be used and appropriated only to university purposes, and to revert to the State whenever they should cease to be used for such purposes.<sup>4</sup> The two townships of land

1. Letter from Hendricks quoted in Register's Rept. 1871, p. 13.
2. Report of the Register of the State Land Office, 1857, p. 9.
3. "The University is not a corporation and cannot be sued," was the decision in *Weary v. State University*, 42-235. (Code of Iowa, 1897, p. 909.)
4. The University opened for sixteen weeks in March, 1855, and again in September 1856. In 1858 the University was closed because there were no accommodations for students. The legislature was asked for \$25,000, but only \$13,000 was granted--\$3,000 to repair the old State House and \$10,000 for putting up another building. The \$3,000 was expended in repairing the roof only on the old State House. Address on University Education, Rev. Silas Totten, 1860, in Legislative Documents 1859-60, pp. 26-27. On the third Wednesday in September, 1860, "the reorganized University opened its doors for the reception of students." State University Report to General Assembly in Legislative Documents, 1861-2, p. 60.



granted by act of Congress of July 20, 1840, for the support of a University, and all the proceeds and investments derived from them were by this act donated to the State University.<sup>1</sup>

By this act, the Legislature further provided that the sales of these lands should take place only when the Board of Trustees at a regular meeting, or at one called for that purpose, should decide; and then only upon the terms and in the manner proscribed by them. No member of the board should be directly or indirectly interested in the purchase of any of the sales.<sup>2</sup>

More than a year earlier, January 28, 1857, the General Assembly had passed a joint resolution that all pretended sales or contracts for sales of any university lands to the trustees of the university were declared utterly null and void.<sup>3</sup>

Chapter 136 of the laws of the Fifth General Assembly provided for the sale of State University and State Lands. After this law had gone into effect, January 31, 1855, all the school, saline and university lands then remaining unsold were to be sold only at public sale. The sale was to be made by the person having charge of the respective funds after

1. Laws of Iowa, Reprint 1913, 7th G. A., 1858, p. 61-62.
2. Laws of Iowa, Reprint 1913, 7th G. A., 1858, p. 64.
3. Laws of Iowa, Reprint 1913, 6th G. A., 1857, p. 622.

having given notice of it, "as provided for in the law regulating the sale of the sixteenth section." If the land was not sold the first time it was offered for sale, it was to be offered again in six months; and if not sold then, it was offered again at the end of another six months. The lands remaining unsold after they had been offered for sale three times were subject to private entry at such a time and at such a price as the person in charge might designate. Neither at public or private sale was the land to sell for less than the appraised value. No pre-emption claims were to be thereafter allowed to settlers of these lands except to those entitled to it at the time the act was to go into effect. This act was approved January 25, 1855. All sales made under this act were to be conducted in the same manner, as was then required by law for the sale of the sixteenth section.<sup>1</sup>

The General Assembly on March 23, 1858, passed an act "providing for the management of the school fund, and sale of the school lands." The topic of Section 21 reads "Sale of University lands." Instead of dealing with the grant, the paragraph deals with the 500,000 acre grant, the substance of which has already been given in the discussion of that grant.<sup>2</sup>

The University lands remained under the control of

1. Laws of Iowa, Reprint 1913, 5th G. A., 1855, p. 132-3.
2. Laws of Iowa, Reprint 1913, 7th G. A., 1858, p. 254.  
Laws of Iowa, 1858, p. 397, in giving the same act, has "Sale of University lands" in the margin, while the section deals with the 500,000 acre grant.

the Board of Trustees until an act of April 11, 1870, created the Board of Regents. This Board was to consist of the Governor of the state, ex-officio, President of the Board, Superintendent of Public Instruction, President of the University, and one person for each congressional district of the State, to be elected by the General Assembly.<sup>1</sup> The Governor was dropped from membership on the Board by an act of April 14, 1886.<sup>2</sup>

The Board of Regents was to elect a secretary, whose books were to exhibit "what parts of the University lands have been sold, when they were sold, and at what price, and to whom, on what terms, what portion of the purchase money has been paid, and when paid, on each sale, how much is due on each sale, by whom and how secured, and when payable, what lands remained unsold, where situated, and their appraised value, if appraised, or their estimated value, if not appraised." When any future sales were made, the secretary was to enter them upon his books.<sup>3</sup> The Treasurer of the University was to keep an account of all transactions relative to the sale and disposition of University lands. His books should show what parts had been sold, and at what prices and to whom; and what lands still remained unsold and the location and value of them.<sup>4</sup> According to this law, no sales of

1. Laws of Iowa, 1870, p. 89.
2. Laws of Iowa, 1886, p. 222.
3. Laws of Iowa, 1870, p. 90.
4. Laws of Iowa, 1870, p. 91.

the university lands could take place unless they were decided upon at a regular meeting of the board or one called for that purpose, and then only upon the terms and the manner the board should prescribe.<sup>1</sup> This is a repetition of Section 90 of the act of March 12, 1858.

The Code of 1897, in Section 2638, provided that any portion of the permanent endowment fund not otherwise invested, and any surplus income not immediately required for other purposes, might be invested by the treasurer, under the direction of the board, in bonds of the United States or of this State, or loaned on unincumbered real estate worth double the amount of the sum loaned, after deducting the value of the perishable improvements thereon, and held by him either as a permanent fund or as an income to defray current expenses. In no event was any part of the permanent fund to be used to defray the ordinary expenses of the institution.<sup>2</sup>

In cases where the certificates of purchases had been lost or destroyed, the Secretary of the State was authorized by an act of April 13, 1886, to issue patents when it was shown to the satisfaction of the Governor and Attorney General that the lands had been sold by the authority of the state. The patents in such cases should "inure to the benefit of the original purchaser and his grantees only."<sup>3</sup>

In 1909 the three institutions of higher education in the State of Iowa were placed under the direction of a

1. Laws of Iowa, 1870, p. 92.
2. Code of Iowa, 1897, p. 910.
3. Laws of Iowa, 1886, p. 219.

State Board of Education, and the separate boards which had formerly governed them were abolished.<sup>1</sup>

According to the report from the Land Department for 1905 the "total actual number" of acres in the University Grant was 45,928.96, as indicated in Table VII. The report of 1863 gave 45,928.92 acres, and in a note called attention to a deficit in this grant. After adding 29.02 acres for fractional sections taken in full the register declared there were 45,957.94 acres certified to the state, leaving a deficit of 122.06 acres yet due the state on this grant.<sup>2</sup> The General Assembly had the year before passed an "act to secure the remainder of the University Land Grant." By this act the governor was authorized to adopt the necessary measures to select and obtain the remaining 122.06 acres of land to which the state was entitled under this grant.<sup>3</sup> As far as the writer was able to find, these final acres were never granted.

Table VII

Table showing how the university lands were distributed among the counties of Iowa:

Appanoose.....	640.00	Iowa.....	646.65
Boone.....	2,613.48	Jasper.....	4,611.35
Dallas.....	572.07	Jefferson.....	1,280.00
Davis.....	1,297.36	Lucas.....	4,545.44
Decatur.....	2,560.00	b- Polk.....	5,194.13
a- Hardin.....	10,325.72	Scott.....	645.16

1. Census of Iowa, 1915, p. CVI.  
Laws of Iowa, 1909, p. 166.
2. Report of Register of State Land Office, 1863, p. 8.
3. Laws of Iowa, 1862, p. 139.

Story.....	5,221.40	Wapello.....	1,920.00
Union.....	638.20	Warren.....	3,218.00
<hr/>			
TOTAL.....		45,928.96	

- a. 10,325.54 in previous reports.
- b. 5,194.19 in previous reports.

The early reports regarding the university do not always state the amount of land sold and unsold. The Superintendent of Public Instruction reported 14,114.34 acres unsold in 1857 and the Board of Education 14,479.19 acres unsold in 1861. It is not until after 1871 that the unsold lands were reported with any degree of regularity.

Table VIII

The number of acres remaining unsold at the end of each biennial from 1871 to 1918. From 1871 to 1883, based on reports of the State University to Superintendent of Public Instruction; and from 1885 to 1918 on reports from the State Land Office.

Dec. 20, 1871.....	3,400.00	July 1, 1897.....	653.41
Oct. 1, 1873.....	3,400.00	July 1, 1899.....	653.31
Oct. 31, 1875.....	2,059.70	June 30, 1901.....	653.31
Oct. 1, 1877.....	2,059.70	June 30, 1903.....	612.34
Oct. 1, 1879.....	2,059.70	June 30, 1905.....	572.34
Oct. 1, 1881.....	2,059.70	June 30, 1906.....	572.34
July 28, 1883.....	2,059.70	June 30, 1908.....	572.34
July 1, 1885.....	2,059.05	June 30, 1910.....	572.34
July 1, 1887.....	2,059.05	June 30, 1912.....	573.31
July 1, 1889.....	1,185.87	June 30, 1914.....	393.31
June 30, 1891.....	772.34	June 30, 1916.....	* None.
June 30, 1893.....	632.31	June 30, 1918.....	None.
July 1, 1895.....	532.31		

\* An error, for the report of 1918 states that 232.34 acres were sold during the biennial ending June 30, 1918. Table X shows university lands sold after 1916, but the number of acres is not stated. It is possible that some donated land may have been included in these sales.

The following table should indicate when the University Grant lands were patented.

Table IX

The number of acres of the university lands patented each biennial period from 1855 to 1918, based on the reports from the State Land Office.

To May 14, 1855.....	1,535.16	July 1, 1887.....	160.00
Nov. 14, 1856.....	3,093.38	July 1, 1889.....	229.35
Dec. 1, 1857.....	1,021.36	July 1, 1891.....	403.83
Nov. 7, 1859.....	760.00	July 1, 1893.....	360.26
Nov. 6, 1861.....	727.42	July 1, 1895.....	684.85
Nov. 16, 1863.....	2,373.92	July 1, 1897.....	209.02
Nov. 16, 1865.....	13,381.28	July 1, 1899.....	0.00
Nov. 12, 1867.....	2,640.95	July 1, 1901.....	0.00
Nov. 10, 1869.....	2,378.07	June 30, 1903.....	0.00
Nov. 1, 1871.....	2,355.70	June 30, 1905.....	74.49
Nov. 1, 1873.....	1,680.00	June 30, 1906.....	40.00
Nov. 1, 1875.....	4,993.08	June 30, 1908.....	0.00
Oct. 1, 1877.....	2,275.70	June 30, 1910.....	0.00
Oct. 1, 1879.....	1,347.91	June 30, 1912.....	40.00
Oct. 1, 1881.....	366.07	June 30, 1914.....	180.00
July 1, 1883.....	200.00	June 30, 1916.....	40.00
July 1, 1885.....	46.02	June 30, 1918.....	0.00

Total patented.....43,597.82

\* Obtained by subtracting the total given as patented in 1863 from the total given as patented in 1865.

This total would indicate that over two thousand acres still remain unpatented, for no patents have been issued since 1918, according to the records in the State House. It is more than likely that much of the apparent surplus in the saline lands should have been credited to the University Grant.<sup>1</sup>

1. In a conference with Mr. Bowdish of the Finance Committee, the writer was told that some lands credited

The trustees on June 27, 1851, appraised the University lands at five dollars an acre. On November 1, 1851, the date of the first sale, 645.16 acres were sold at \$5.05 per acre, and soon after 40 acres were sold at \$5.00 an acre. A vote of the trustees on February 28, 1852, raised the minimum to \$10.00 an acre. Feeling the need of a greater income for the University, the trustees on February 7, 1854, appointed Mr. Morsman to examine the University lands and to subdivide it in such a manner as to bring the best returns to the University. He was also to place a true valuation upon them. The unsold lands were appraised at an average of \$3.64 per acre, and in 1854 parcels were offered for sale in several places. 9,792.82 acres were sold at an average of \$3.72, and 2,280 acres at an average of \$2.50.<sup>1</sup> On October 1, 1859, there had been sold 31,411 1/3 acres of the University lands for \$110,582.75, an average of \$3.52 per acre.<sup>2</sup>

The committee appointed by the Twentieth General Assembly to visit the State University, said, in their report on the University, "her land endowment which, had it been held to this day, would have made it one of the richest of

to the University Grant by the Land Office were not University lands and that many University lands were not included that should have been included. Mr. Bowdish is about to publish a report regarding the lands which are under the direction of the Board of Education.

1. Historical sketch of the State University of Iowa, by J. L. Pickard, in Annals of Iowa, Vol. 4, 1899, p. 17-19.
2. Bureau of Education, Circular of Information, No. 6, 1893, p. 76.



the country, was fritted--not to say filched--away."<sup>1</sup>

The next year the University report stated that through their anxiety to establish the university, the trustees ordered the early sale of the University and Saline lands. "The sale secured to the University only the paltry sum of a little more than two hundred thousand dollars, really less than \$4 per acre."<sup>2</sup>

The endowment fund yielded its largest income during the early years because of the high rate of interest. For the decade between 1870 and 1880 the annual average income from invested funds was \$19,606.48. Between 1881 and 1885 the income was \$16,256.58.<sup>3</sup> The Secretary of the State University in his annual report included in the first biennial report of the Iowa State Board of Education gave the Permanent Land Fund of the University in 1908-9 as \$240,320.-36.

The following table indicates the status of the Permanent Land Fund since that time.

Table X

Showing the amount received from the sale of University lands and the status of the Permanent Land Fund each year since 1809, based on the reports from the Secretary and Treasurer

1. Report of the Joint Committee of 20th G.A. appointed to visit State University, in Iowa Documents, 1884, p.7.
2. Note: This average was some higher by the time the lands were all sold. Ten acres were reported sold for \$125 and 80 acres for \$1000 in Report of Secretary and Treasurer of University, 1887, p.24, in Iowa Documents, 1888, Vol.2.
3. Report of State Uni. of Iowa, 1885, p.19, in Iowa Documents 1886.

of the State University, included in the biennial reports of the Iowa State Board of Education.

	Received from sale of land during preceding year.	Total amount of Permanent Land Fund.
July 1, 1909.....		\$240,320.36
July 1, 1910.....		240,320.36
July 1, 1911.....		240,320.36
July 1, 1912.....		240,845.36
July 1, 1913.....	\$15,648.50	256,593.86
July 1, 1914.....	2,840.00	259,733.86
July 1, 1915.....	9,985.00	269,719.36
July 1, 1916.....	5,040.00	274,809.36
July 1, 1917.....	6,000.00	280,864.36
July 1, 1918.....	1,025.00	281,889.36
July 1, 1919.....		281,889.36
July 1, 1920.....	3,000.00	284,889.36
July 1, 1921 to July 1, 1926.....		284,889.36

During these years the Permanent Land Fund has brought interest for the use of the University, ranging in amount from \$12,127.96 in 1909 to \$17,027.00 in 1921. The last report gave the interest for the preceding year, 1925-26, as \$12,860.78.

### The Saline Lands

On April 30, 1802, the federal government in the act of admission made a grant of saline lands to Ohio.<sup>1</sup> From 1820 to 1876 it was the practice of the government to grant two townships of saline lands to each state upon admission to the Union. Although the grants were made for internal improvements in general, the greater part of the proceeds was devoted to education, largely to common schools but sometimes to higher institutions of learning. In Indiana one-sixth of the fund was set aside for a college or university. After the admission of Florida in 1845, the fund was restricted for this purpose.<sup>2</sup>

By an act supplemental to the act for admission of the states of Iowa and Florida into the Union, approved March 3, 1845, Congress granted to the State the use of the salt springs in the state "not exceeding twelve in number, with six sections of land adjoining or as contiguous as may be to each." The lands were to be selected by the legislature of the State, within one year after the admission of the State; and the lands, when so selected, were to be used on such terms, conditions and regulations as the legislature of the State should direct; with this condition, "That the General Assembly

1. U. S. Statutes at Large, 2, 1845, p. 175.
2. Kandel, Federal Aid for Vocational Education, Part II, p. 69, 1917, in The Carnegie Foundation, Bulletin 10.

shall never lease or sell the same, at any one time, for a longer period than ten years, without the consent of Congress."<sup>1</sup>

The governor was authorized by an act of the General Assembly approved February 24, 1847, to select twelve salt springs within the state and also six sections of land as contiguous as possible to each. For this purpose the governor might employ an agent who was to be paid two dollars a day for every day he was necessarily employed. This act permitted the governor, if he deemed it expedient, to make selections of salt springs in the unsurveyed portion of the state, leaving the land to be selected later. The governor was to report his selections to the proper department within one year from the time of admission of the state into the Union.<sup>2</sup> Mr. John Brophy was appointed to select the lands, and his selections were approved by His Excellency, Governor Briggs.<sup>3</sup>

The General Assembly passed a joint resolution on January 24, 1851, "that our senators in congress be instructed and our representatives requested" to urge Congress to pass a law authorizing the General Assembly to dispose of the saline land in such manner and at such price as the assembly saw fit, the price not to be less than \$1.25 an acre.<sup>4</sup>

1. U. S. Statutes at Large, Vol. V., 1846, p. 790.
2. Laws of Iowa, Reprint 1913, 1st G. A., 1847, p. 109.
3. Appendix to Jr. of House of Representatives, State of Iowa, 1852, p. 130.
4. Laws of Iowa, Reprint 1913, 3rd G. A., 1851, p. 651.

In response to this resolution Congress, by an act approved May 27, 1852, relinquished and granted these springs and lands to the state in fee simple, to be disposed of and the proceeds to be applied as the legislature of the state should direct. The law provided that nothing was to interfere with the rights of third parties, and if any lands selected were claimed by pre-emption or otherwise, the state should select other lands in lieu of them.<sup>1</sup>

The legislature of the state, by an act of February 5, 1851, provided that the sales from these lands should constitute a fund for founding and supporting a lunatic asylum. It further provided that five thousand dollars of the principal was to be placed at the disposal of the Superintendent of Public Instruction for the use of the College of Physicians and Surgeons at Keokuk.<sup>2</sup>

Section 2 of an act of the General Assembly approved July 14, 1856, again provided that all the monies arising from the sales of the saline lands, "whether in the hands of the treasurer of the state or any other person" should be appropriated to the insane asylum at Mount Pleasant.<sup>3</sup> This section was repealed by the General Assembly by an act approved March 23, 1858.<sup>4</sup>

1. U. S. Statutes at Large, 10, 1855, p. 7.
2. Laws of Iowa, Reprint 1913, 3rd G. A., 1851, p. 638.
3. Laws of Iowa, 5th G. A., Extra Session, 1856, p. 91.
4. Laws of Iowa, Reprint 1913, 7th G. A., 1858, p. 176.

According to an act regarding the disposition of the saline lands of the state approved February 5, 1851, these lands were to be sold by the same officer as though the lands formed a part of the lands set aside for the improvement of the Des Moines River. The law provided that pre-emption rights be allowed, and that the rules regarding them be the same as those in force in relation to the Des Moines river lands. After the first of the following July, the lands might be sold by private entry in the usual manner. If two or more applied, they were to be sold to the highest bidder. They might be sold on partial credit, but not less than one-fourth of the purchase price should be paid in cash, and the remainder should draw ten per cent interest.<sup>1</sup>

The Fourth General Assembly, in an act approved January 22, 1853, directed that the sales should be made "by the same officer and under the same regulations as though the lands formed a portion of the school lands of this state." This officer was to be governed by the school laws, as far as regarded the sales for cash or partial credit, and rules of pre-emption. The lands were to be sold upon the same terms as school land, the minimum price being fixed at \$1.25 per acre. "Unless otherwise provided by law," the officer selling these lands was to send the proceeds arising from the sales to the state treasurer annually on the first Monday of December, or oftener, if required by the treasurer. The proceeds arising from the

1. Laws of Iowa, Reprint 1913, 3rd General Assembly, 1851, p. 637-8.

sale of the saline lands was to be "disposed of according to law."<sup>1</sup>

An act of January 25, 1855, which provided for the sale of saline, school and university lands, directed that the state treasurer, as soon as he was called on by the newly elected treasurer of the university, should deliver to the university treasurer, "all moneys, books, notes, and all other papers that may be in his possession and belonging to said university or saline funds, and shall take a receipt therefor, which shall be his voucher in his settlement with the state."<sup>2</sup> No appropriation of the money from the sales was made by this act. "It was only a change of custody. It does not appear that this change was ever effected."<sup>3</sup>

On July 14, 1856, the General Assembly authorized the register of the State Land Office to close the saline grant. Under the direction of the governor, he was to obtain the approval and patents for all saline lands selected by and for the state of Iowa. All necessary expenses were to be met by the state treasury.<sup>4</sup> Part of the selections made had been rejected and others suspended.<sup>5</sup>

These lands, amounting to 46,101.35 acres, were

1. Laws of Iowa, Reprint 1913, 4th G. A., 1853, p. 765.
2. Laws of Iowa, Reprint 1913, 5th G. A., 1855, p. 133.
3. Report of the Commissioners appointed to Investigate the Several State Officers. 1860, p. 26, in Legislative Documents, 1859-60.
4. Laws of Iowa, Reprint 1913, 5th G. A., 1856, Extra Sess., p. 272.
5. Journal of House of Representatives, Iowa, 4th G. A., 1852, p. 130.

certified to the state December 19, 1856.<sup>1</sup>

Section 1 of an act of January 25, 1855, directed that all school, saline, and university lands which remained unsold at that time were to be sold at public sale. Notice of sale was to be given by the person or persons having charge of the respective lands in the same manner as provided for in the law regulating the sale of the sixteenth section. All lands not sold when first offered for sale were to be again offered at the end of six months, or soon thereafter; and if not sold then, they were to be offered again at the end of another six months. The lands remaining unsold at the second sale were to be offered the third time. All sales were to be conducted "in the same manner, and the same notice of such sales shall be given, as is now required by law to be given for the sale of the sixteenth section." The lands that remain unsold after the third sale were to be subject to private entry at such a time and place as the persons in charge of the different grants might direct. The lands were never to be sold for less than the appraised value.<sup>2</sup>

After the office of school fund commissioner was abolished, the general Assembly provided by an act passed March 26, 1860, that the saline lands were to be sold by the county judge and county treasurer. These officers were given

1. Report of the Register of State Land Office, 1865, p. 23.
2. Laws of Iowa, Reprint 1913, 5th General Assembly, 1855, p. 132-3.



all the powers conferred on the commissioner by act of January 25, 1855. The county judge was to sell these lands for one-third of the purchase money in advance, and the remaining on a credit of not more than ten years with interest at ten per cent paid in advance. This law provided that any person who had a bona fide settlement and residence on any of these saline lands on July 4, 1858, should be entitled to purchase his claim at private sale, "not exceeding 160 acres at a price not less than the appraised value." His claim was to be established by at least two witnesses. An actual settler and resident on saline lands on July 4, 1858, who had a good established claim on timber or improvement on the land was to be entitled to purchase the claim, not exceeding eighty acres, at not less than the appraised value unless he already owned eighty acres of timber land. All the rights guaranteed to the actual claimants for this act were to apply to bona fide assignees.<sup>1</sup>

According to the law just given the saline lands were to be "appraised in the manner and by the officers mentioned in Chapter 158 of the acts of the Seventh General Assembly." None was to be appraised at less than \$1.25 an acre. Chapter 158 referred to provided that the trustees of a township, as soon as convenient after the next township elec-

1. Laws of Iowa, Revision 1860, p. 345-6.

tion, or within three months after the organization of a township, should examine the sixteenth section and allot the lands in parcels which they thought would best suit purchasers, conforming as nearly as possible to the United States survey. The trustees were to place a true value upon each parcel, no parcel to be valued at less than \$2.50 an acre. These allotments and valuations were to be certified to the judge within thirty days after the allotment was made. The judge was to approve the allotments and valuations, and if he did not approve, he was to direct that a new allotment or valuation or both be made.<sup>1</sup>

There seem to be different directions as to the minimum price in these two laws. Perhaps the manner of appraisal for the saline is to follow the manner of appraisal in regard to the sixteenth section in all but minimum price.

"An Act appropriating the Saline Lands and Funds to the State University of Iowa" was passed by the General Assembly on April 2, 1860. By this act the Saline Lands and Funds were made a part of the permanent fund of the State University, and the proceeds of the lands were to be paid over to the treasurer of that institution. This act directed any officer who then had or thereafter might have charge of any funds arising from the sales of the saline lands to pay

1. Laws of Iowa, Revision 1860, p. 346.

them over at once to the treasurer of the university, who was to invest them in the manner prescribed for the investment of the university fund.<sup>1</sup>

An act amendatory of the act of March 26, 1860, became law without approval March 31, 1862. This was an act for "extending the time for claimants to prove up and purchase certain Saline Lands."<sup>2</sup>

Naturally much confusion and embarrassment resulted from all these conflicting laws, as set forth by the register of the State Land Office, in his report of 1863. He recommended that a law be passed placing these lands more definitely under the control of some person or persons. The legislature, by an act approved March 25, 1864, placed these lands under the control and management of the Board of Trustees of the university, "as fully as if the same were a part of the grant of lands known as the University Lands." The lands were to be sold by the Board of Trustees of the University, "under the same restrictions and in the same manner" as if they were a part of the university lands, and the proceeds were to be invested as were the university funds. The treasurer of the Board of Trustees was to report every six months to the register of the State Land Office, all sales of saline and university lands, "setting forth the tracts sold, date and terms of each sale, name of purchaser, and price sold

1. Laws of Iowa, Revision 1860, p. 346-7.

2. Laws of Iowa, 1862, p. 88-9.

per acre." Upon presentation to the register of the State Land Office of a certificate of final payment from the Board of Trustees, the purchaser or his assignees was to be entitled to a patent from the governor. The treasurer of the university was directed to keep an account of all transactions relative to the sale of the saline lands. Any officer or person who had charge of any saline funds or contracts was directed to hand them over immediately to the treasurer of the university.<sup>1</sup>

As part of the university lands, the saline grant was placed under the control of the Board of Regents by an act of April 11, 1870, and the lands were to be sold when and how the board, at a regular meeting or one called for that purpose, decided.<sup>2</sup> An act of March 29, 1909, abolished the Board of Regents and created the State Board of Education, which took over all the duties formerly held by the Board of Regents.

Under the Saline Grant the state received over forty-six thousand acres of land, as is indicated by the following table.

Table XI

Showing the total number of acres of Saline lands in each county, and the total number in Iowa.

Appanoose.....*	12,964.68	Decatur.....	2,560.00
Davis.....	640.00	Lucas.....*	25,802.98

1. Laws of Iowa, 1864, p. 84-85.
2. Laws of Iowa, 1870, p. 89-92.

Monroe.....	1,120.00	Wayna.....	2,490.79
Van Buren.....	640.00		
		<hr/>	
		TOTAL.....	<sup>a</sup> 46,218.45

\* "Heretofore the numbers acquired in Appanoose and Lucas Counties were given respectively as 12,960.28 and 25,791.46, and the total as 46,202.53. A correct footing of total in these counties according to the official plats of the government survey gives numbers as they appear above." Report of State Land Office, Iowa, 1905, p. 8.

a. The certification under the Saline land grant of the south half of section 13 and northeast quarter of section 23, township 70, range 16, containing 480 acres, was subsequently canceled by the Secretary of the Interior, and the lands were certified under the Burlington and Missouri River Railroad grant, act of Congress of May 15, 1856. Report of Land Department, Iowa, 1889, p. 19.

On December 2, 1861, the University reported to the General Assembly and the Board of Education that 5,401.35 acres of Saline lands remained unsold.<sup>1</sup> In the reports immediately following the number of unsold lands is not given. It is not until after 1871 that we find this number given with any degree of regularity.

Table XII.

Showing the number of acres of Saline lands remaining unsold each year from 1871 to 1918, based upon reports from the University to the Superintendent of Public Instruction from 1871 to 1885, and on the reports from the State Land Office from 1885 to 1918.

Dec. 20, 1871.....	3,760.00	July 1, 1885.....	2,872.67
Oct. 1, 1873.....	3,760.00	July 1, 1887.....	2,607.07
Oct. 31, 1875.....	3,167.10	July 1, 1889.....	1,410.09
Oct. 1, 1877.....	3,167.10	June 30, 1891.....	1,530.09
Oct. 1, 1879.....	3,167.10	June 30, 1893.....	1,490.09
Oct. 1, 1881.....	3,167.10	July 1, 1895.....	1,530.09
July 28, 1883.....	3,167.10	July 1, 1897.....	1,570.09

1. State University Report to the General Assembly, 1861, in Legislative Documents.

July 1, 1899.....1,570.09	June 30, 1910.....1,329.99
June 30, 1901.....1,570.09	June 30, 1912.....1,089.99
June 30, 1903.....1,569.99	June 30, 1914.....240.00
June 30, 1905.....1,409.99	June 30, 1916.....80.00
June 30, 1906.....1,409.99	June 30, 1918.....None.
June 30, 1908.....1,329.99	

It would appear from the following table that more lands were patented under this grant than were approved to the state. As suggested in the discussion under the University Grant, some of these lands should undoubtedly have been listed under that grant.

Table XIII

Showing the total number of acres of the Saline lands patented each biennial period from 1855 to 1918, based upon the reports from the State Land Office.

Prior to

May 14, 1855.....5,620.48	July 1, 1887.....40.00
Nov. 14, 1856.....5,061.34	July 1, 1889.....40.00
Dec. 1, 1857.....2,504.48	July 1, 1891.....560.00
Nov. 7, 1859.....1,811.07	June 30, 1893.....160.00
Nov. 6, 1861.....1,280.00	June 30, 1895.....701.82
Nov. 16, 1863.....8,681.51	June 30, 1897.....120.00
Nov. 16, 1865.....*10,827.38	June 30, 1899.....0.00
Nov. 12, 1867.....2,632.29	June 30, 1901.....80.00
Nov. 10, 1869.....1,145.69	June 30, 1903.....0.00
Nov. 1, 1871.....1,120.00	June 30, 1905.....0.00
Nov. 1, 1873.....640.00	June 30, 1906.....0.00
Nov. 1, 1875.....880.00	June 30, 1908.....0.00
Oct. 1, 1877.....880.00	June 30, 1910.....0.00
Oct. 1, 1879.....433.52	June 30, 1912.....0.00
Oct. 1, 1881.....760.00	June 30, 1914.....615.68
July 1, 1883.....0.00	June 30, 1916.....320.00
July 1, 1885.....160.00	June 30, 1918.....160.00

---

TOTAL.....47,235.26

\* Obtained by subtracting the total given as patented in 1863 from the total given as patented in 1865.

According to the reports from the State Land Office, the University received the full benefit of the saline grant.<sup>1</sup> No lands are reported sold under any of the acts preceding that of April 2, 1860, when the grant was turned over to the University.<sup>2</sup> It appears, however, from other reports that the University did not receive the full benefit of this grant.

The commissioners appointed to investigate the several state officers in 1858, when reporting on the State Treasurer's office, stated:

There has been paid to the Medical College.....	\$5,000.00
There has been paid to the Insane Asylum.....	\$20,838.22
There remains an unexpended balance of.....	1,292.45

---

<sup>3</sup>Making a total received from saline lands to 1860  
of..\$27,130.67

According to a supplemental report from the University in 1886, the University received less than 4,600 acres "together with some saline land contracts, which proved of little value." This report goes on to say that all the rest of the saline lands had been sold at a very low rate and the proceeds put into the State Treasury, and that out of this fund

1. Report of State Land Office, Iowa, 1865, p. 25.
2. Report Land Department, Iowa, 1914, p. 23.
3. Report of the Commissioners appointed to Investigate the Several State Offices for the years 1858-59. 1860, p.26, in Legislative Documents, 1859-60.

in the treasury, the state had at one time given the University \$10,000 to aid in building.<sup>1</sup> A Circular of Information from the Bureau of Education states that the University in 1860 received saline lands from the state amounting to 4,578 acres "and the proceeds of saline lands previously sold, amounting in notes and cash to \$29,571.74."<sup>2</sup> Mr. Pickard, in his "Historical Sketch of the State University of Iowa," after giving the figures just quoted from the two reports, adds "Had the notes been worth their face, the university fund would have received an addition of \$19,561.74."<sup>3</sup> The Saline Fund given the University has not exceeded \$30,000."<sup>4</sup>

In a memorial to the General Assembly of Iowa, 1886, the Regents of the University give the lands belonging to the University as

Congressional grant	46,080
Saline lands	4,600
Donated lands	500

The income fund from this source is given as "only \$261,266.-64."<sup>5</sup> "But for the hurried sales," they add, "it should have been not less than \$500,000, and had we received the entire

1. Supplemental Report, 1886, to Report of State University 1885, both included in Iowa Documents, 1886.
2. Bureau of Education, Circular of Information, No. 6, 1893, p. 76.
3. This amount was obtained by subtracting the \$10,000 allowed for building from \$29,561.74. This latter sum is \$10 less than the one given in the University report.
4. J. L. Pickard, Historical Sketch of the State University of Iowa, in Annals of Iowa, Vol. IV, No. 1, 1899, p. 23.
5. The Permanent Land Fund is now \$284,889.36, as given in the discussion of the University Land Grant.



Saline Land Congressional Grant, it would have been not less than \$1,000,000."<sup>1</sup>

1. Supplemental Report to University Report, 1886, p. 7, in Iowa Documents, 1886.

## The Agricultural College Land Grant

### Federal Laws

A bill signed by President Lincoln on July 2, 1862, which became known as the Morrill Act, granted 30,000 acres to each state for each senator and representative in Congress according to the apportionment of 1860. The land was to be selected from land subject to private sale at \$1.25 an acre, in not less than one quarter sections. Mineral lands were excluded, and double minimum priced land, in consequence of railroad grants, counted double. The land was to be located by each state within its own borders, but if there were no public lands, scrip was to be given and land might be located in another state.<sup>1</sup> This was the first time that Congress made a land grant which, in time, applied to every state in the union. In 1868, by an act of July 27, the local communities were protected by the provision that not more than three sections of land scrip could be located in any one township.<sup>2</sup>

The states had to express their acceptance of the terms of the act within two years, and provide at least one college within five years.<sup>3</sup>

1. U. S. Statutes at Large, Vol.12, p. 503-5, 1863. ✓
2. U. S. Statutes at Large, Vol.15, p. 227, 1869. ✓
3. U. S. Statutes at Large, Vol.12, p. 504, 1863.

By an act of April 14, 1864, the time for accepting the grant was extended "two years from the date of the approval of this act, subject, however, to the conditions in said act continued."<sup>1</sup>

In 1866, (July 23), another act was passed which extended the time within which agricultural colleges might be established "so that the acceptance of the benefits of said act (act of 1862) 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."<sup>2</sup>

Congress passed still another act extending the time of accepting the grant of 1862. An act of January 23, 1873, provided that those states which had not accepted the grant might have the period of two years after July 1, 1872, within which to provide at least one college.<sup>3</sup>

After providing for the investment of the proceeds from the sales of the lands, section 4 of the act of July 2, 1862, declared that the money so invested "shall constitute a perpetual fund, the capital of which shall remain forever undiminished;" that the interest on this fund shall be "in-

1. U. S. Statutes at Large, Vol. 13, p. 47, 1866. ✓
2. U. S. Statutes at Large, Vol. 14, p. 208-9, 1868. ✓
3. U. S. Statutes at Large, Vol. 17, p. 416-7, 1873. ✓

violably 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 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."

Section 3 provided "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 moneys which may be received therefrom shall be paid by the states to which they may belong, out of the treasury of said states."

The act provided in section 4 that all moneys derived from the sale of the lands should 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," except that the legislature of the state might authorize the use of not more than ten per cent of the amount received from <sup>the</sup> sale of land "for the purchase

of lands for sites or experimental farms."<sup>1</sup>

If any portion of the fund should become diminished or lost or the income fall below five per cent, the state was to be held responsible for the deficit.<sup>2</sup>

On March 11, 1882, the General Assembly of Iowa passed a resolution instructing her senators and representatives in Congress to use their influence to secure such amendment to this law as would permit the state to loan the fund on real estate security under the regulation of the General Assembly.<sup>3</sup>

Section four of the act donating agricultural grants was amended March 3, 1883, so that the states having no state stocks might invest the money in any manner the legislature might assent to providing the funds should "yield not less than 5% and that the principal shall forever remain unimpaired."<sup>4</sup>

On April 26, 1882, Congress amended this act to permit Iowa to "loan the endowment fund...upon real estate security, under such rules and regulations for its safe investment as the general assembly shall hereafter provide."<sup>5</sup>

1. U. S. Statutes at Large, Vol. 12, p. 504, Sec. 5, 1863.
2. U. S. Statutes at Large, Vol. 12, p. 503-5, 1863.
3. Laws of Iowa, 1882, p. 177. ✓
4. United States Statutes at Large, Vol. 22, p. 484, 1863. ✓
5. United States Statutes at Large, Vol. 22, p. 50, 1883.

### The Agricultural College Lands in Iowa

"At the first session of the Legislature under the new constitution, which convened in Des Moines January 11, 1858, R. A. Richardson of Fayette County, B. F. Gue of Scott County, Ed. Wright of Cedar County, Wm. Lundy of Muscatine County, and Charles Foster of Washington County, prepared a bill providing for the organization of a State Agricultural College for the purpose of affording the laboring classes better facilities for procuring a college education."<sup>1</sup>

There was considerable opposition to the bill, largely owing to the condition of the state finances. After a free discussion the friends of the bill agreed to reduce the appropriation asked for from \$20,000 to \$10,000, and the bill was passed by a large majority, on March 22. According to the act "the agricultural College and Model Farm" was established under the management of a board of trustees.<sup>2</sup>

The action of Congress which appropriated to the several loyal states in the union 30,000 acres of land for each senator and representative in Congress has already been given. The amount which should come to Iowa under this grant was 240,000 acres. At a special session, in September 11, 1862,

1. Second Report of the Trustees of the Iowa Agr. College to the Governor and General Assembly of Iowa, Jan. 27, 1868, p. 5.
2. Laws of Iowa, Reprint 1913, 7th Gen. Assem., 1858, p. 118.

Iowa accepted this grant, assuming the responsibility of erecting the necessary college buildings, without using any of the proceeds of the lands, and the other conditions imposed upon the state by the Act of 1862.

The act of acceptance required the governor to appoint an agent to select and locate the land granted by the act of Congress and provided that no lands should be selected under the grant that were claimed by any county as swamp lands. The agent was to report the selections to the governor and he, in turn, was to submit the list to the Board of Trustees of the Agricultural College at their next meeting for their approval. One thousand dollars was appropriated to carry out the provisions of the act.<sup>1</sup>

The governor appointed Peter Melendy of Black Hawk County to select the lands under this grant, and in October of the same year, Mr. Melendy entered upon the work.

In his reports Mr. Melendy said that he made it a point to select good lands, especially adapted to agricultural purposes, in as large bodies as practicable in good localities, with a view to encourage settlement in neighborhood colonies.

According to one of his reports, Mr. Melendy felt himself rather restricted when making his selections. Con-

1. Laws of Iowa, Extra Session, 1862, p. 25.

gress had limited the minimum quantity of college lands in a single tract to 160 acres, and the Legislature had prohibited the selection of any lands from the uncertified "swamp lands." "I was prevented," said Mr. Melendy, "from selecting many fine prairie tracts near the rivers and some timber tracts, also, in some counties where such lands had been selected by the swamp land agents who, in some cases, selected 'on shares' and are, or were interested in the operation with the county officers. Many of these lands are not 'swamp' within the meaning of the Act of Congress."<sup>1</sup>

According to the State Land Office Report of 1865 these selections were made during August, September, and December, 1863, and certified by the Commissioner of the General Land Office on December 8, 1864, and approved to the state by the Secretary of the Interior on the thirteenth of the same month. The title to these lands was vested in fee simple in the state "without any danger of conflicts with claims under other grants."<sup>2</sup>

The lands were approved to the state as 240,000.96 acres but 35,691.66 acres were selected within the railroad limits and therefore were computed at double their quantity. The final adjustment resulted in the approval of 204,309.30 acres, according to the earlier reports from the Land Office as well as from the trustees of the College. The later re-

1. Land Commissioner's Report included in the 4th Annual Report of Secretary of Iowa State Agr. Col. and Farm to Sam J. Kirkwood, Governor, p. 3, 1863.
2. Report of Register of State Land Office, 1865, p.128-129.



ports give the final actual quantity of land approved under the grant as 204,222.99 acres.

By "an Act authorizing the Trustees of the Iowa State Agricultural College and Farm to sell all lands acquired, granted, donated or appropriated for the benefit of said college, and to make an investment of the proceeds thereof," approved March 29, 1864, the Tenth General Assembly appropriated and granted these lands to the Iowa State Agricultural College, situated on the Agricultural Farm in Story County, Iowa.

The Board of Trustees of the College were by this act authorized to sell the lands "in such tracts or parcels, to such person or persons and upon such terms" as they thought for the best interest of the college. The President of the College was to issue to the purchasers a certificate countersigned by the Secretary of the Board of Trustees "stating the fact of purchase, to whom sold, description of the land, terms of sale and the amount paid therefor." Upon presentation of such certificate showing full payment, and countersigned by the President or Treasurer of the Board, the Register of the State Land Office was to issue a patent to the purchaser or his assigns, which patent was to be signed by the Governor and Register as other patents or deeds for lands conveyed by the state. Provision was made that none of the lands was to be sold for less than one dol-

lar an acre, and that not more than ten per cent of the grant could be sold by the Board of Trustees previous to April first, 1866. ✓

The trustees were authorized to lease any of the lands for a term of ten years or more at six per cent interest upon the appraised value of the lands. The lessee was to have the privilege of purchasing the land at the expiration of the lease at the appraised value at the date of the lease. For the purpose of leasing, the trustees were to have a portion of the lands appraised, with no appraisement for less than \$1.25 an acre and not more than the real value of the land. If the lessee failed to pay his interest within six months after it became due, he was to forfeit his lease with all the improvements thereon to the college.<sup>1</sup>

All of the proceeds from the lands thus sold, except ten per cent, were to be invested in stocks of the United States or of the state of Iowa (or other safe stocks if neither one of these was available), yielding not less than five per cent upon the par value of the stocks.<sup>2</sup>

The trustees immediately took possession of these lands and proceeded to appraise about 50,000 acres of them, and offer them for sale and lease as authorized in said act."<sup>3</sup>

1. Laws of Iowa, 1864, p. 149-150.

2. Laws of Iowa, 1864, p. 150.

3. Report of Register of State Land Office, 1865, p. 130.

An office was established at Fort Dodge on July 15, 1865, and Hon. G. W. Bassett was appointed agent to sell and lease these lands under the provisions of the act of the Tenth General Assembly.

The lands selected were remote from settlement and surrounded by government lands which could be taken for homesteads at a very nominal cost. It was not likely that the agricultural lands would sell for any price at all for years to come. The friends of the college were very anxious to derive as much income from the lands as possible. After much consideration of the subject a plan for leasing the lands was devised by Governor Kirkwood, Senators B. F. Gue and C. F. Clarkson. The Eleventh General Assembly passed a bill incorporating this plan which became a law approved March 29, 1866. In the meantime, on December 6, 1865, the lands had been withdrawn from sale by order of the Executive Committee.<sup>1</sup>

According to Section 1 of this act (of March 29, 1866), the price of the land was advanced fifty per cent above the price that each piece of land was appraised at in 1865. The purchaser was to pay one-fourth at the time of sale and the balance at any time within ten years, with interest at eight per cent on deferred payment, payable annually in ad-

1. Report of Land Agent to Board of Trustees of Iowa Agricultural College and Farm, Dec. 31, 1867, in Report of Trustees to Governor, Jan. 27, 1868, p. 22.

vance. If the purchaser failed to pay interest or principal within sixty days after it became due, he forfeited all claim to the land, as well as the portion of principal and interest he had paid.<sup>1</sup>

This act provided in Section 2 that the trustees might lease the lands in amounts not to exceed 160 acres, to any one man, for any term not exceeding ten years, the lessee to pay eight per cent per annum in advance upon the price of said land...and the said lessee shall have the privilege of purchasing said land at or before the expiration of the lease. In case the lessee failed to pay the interest promptly, he forfeited his lease "together with the amount of interest he has paid, and the improvements thereon."

This act further provided that the money arising from the sales of these lands was to be paid into the State Treasury to be invested by the state treasurer in bonds of the State of Iowa, or United States registered bonds; and the moneys arising from the interest on the leases was to be paid over to the Trustees of the College to be loaned by the Board on "good and sufficient security" until needed to defray the expenses of the college.<sup>2</sup>

The agricultural lands were again brought into the market on May 14, 1866; but with the minimum price at \$2.25

1. Laws of Iowa, 1866, pp. 62-64.

2. Laws of Iowa, 1866, p. 63.

and the higher rate of interest, the sales were somewhat slower than the previous year, reports Mr. Bassett.<sup>1</sup>

In fact, no sales had been made at the time of this report, the contracts being wholly in the form of leases with the right of purchase to the lessee or his assignee. All leases were so drawn as to terminate on or before December 31, 1875, "at which time it is expected that all of the lands will have been disposed of, the principal collected and remitted to the college, and all business pertaining to the Land Agency closed up."<sup>2</sup>

The General Assembly by an act of April 6, 1868, required that the Trustees of the College should incorporate in their next biennial report to the General Assembly a statement showing "the amount leased or sold by them, the name of the lessee or purchaser, the date of lease or contract of sale, the amount paid on each piece so leased or sold, and the amount of fees or charges received by their agent upon each piece of land so leased or sold."<sup>3</sup>

Since the passage of the law of 1866 no leases have been issued to any person in excess of 160 acres. These lands were from the first held to be assignable, so it happened in some cases that a person held, through assignments,

1. Report of Land Agent Bassett to Trustees, Dec. 31, 1867, p. 22, included in Second Report of Trustees to Gov., 1868.
2. Report of Land Agent Bassett to Trustees, Dec. 31, 1867, p. 23, included in Second Report of Trustees to Gov., 1868.
3. Laws of Iowa, 1868, p. 295.

more than a quarter section.

The acts of 1864 and 1866 did not appear in the Code of 1873 but provision was made in Section 1616 for leasing the college lands and for renewing leases. According to this code the trustees were permitted to lease all lands in amounts not to exceed one hundred and sixty acres to any one man, for any term not exceeding ten years, at eight per cent upon the price of the land, interest payable annually in advance. The price was to be not less than fifty per cent additional to the price put upon the lands by the trustees in 1865. The lessee who failed to pay interest within sixty days after it became due, forfeited his lease together with the interest paid and the improvements on the land. The trustees were, however, permitted to renew the lease; but the renewal was to call for ten per cent upon the valuation, and such leasehold was to be taxable as if a deed had been executed. The trustees were given authority to appoint agents or do any other act necessary to carry out these provisions.<sup>1</sup>

An act of the General Assembly approved March 19, 1874, repealed section 1616 of the Code of 1873. Section 1 provided for leasing the college lands. The limitation of one hundred sixty acres to one person was retained, and the provisions in regard to purchase, leasing, and forfeiture for non-payments were the same as in the previous acts.

1. Code of Iowa, 1873, p. 302, Section 1616.

In Section 2 "The Board of Trustees are also authorized to renew leases heretofore made for a term not exceeding ten years from the date of such renewal, the rate of interest to be eight per cent."<sup>1</sup>

"It placed no limitation upon the renewals, and all leases presented were therefore renewed even though one person received renewals upon more than a quarter section."<sup>2</sup>

The legality of these assignments and renewals was never questioned prior to 1881. The college authorities and the State Land Office considered them valid, and the patents were issued by the Register of the Land Office accordingly. In 1881 Smith McPherson, the Attorney-General, held that no patent should be issued to any person for more than one hundred sixty acres.<sup>3</sup> In 1883 this decision was so modified that all renewals of lands leased under the act of 1864 were excepted from the limitation. "But where the lease or assignments to one man covers more than one hundred sixty acres, and was issued under the Act of 1866, a patent should be refused and the matter referred to the General Assembly."<sup>4</sup> Acting upon the opinion of the Attorney-General, the Secretary of State required, attached to the certificate of pur-

1. Laws of Iowa, 1874, p. 93.

2. Tenth Biennial Report, Iowa State Agr. College and Farm, 1882-83, p. 120.

3. Iowa Land Office Report 1881, p. 18-19.

4. Report of Secretary of State, Land Department, 1883, p.17.

chase, a list of the assignees of the lease upon which the certificate of purchase was issued, and another certificate stating that none of the persons thus named "even held a lease for any other land than the tract described, as lessee, issued subsequent to the taking effect of the act approved March 29, 1866, which has not been forfeited or relinquished to the college, and same rendered null and of no effect."<sup>1</sup>

This change, which worked a hardship on many who had acquired leases and assignments in good faith from the college, caused some trouble between the authorities of that institution and the authorities of the state. After a careful examination of the whole matter the 20th General Assembly passed an act March 27, 1884, which removed the difficulty by amending Chapter 117, Acts of the Tenth General Assembly, and repairing Chapter 71, Acts of the Fifteenth General Assembly. According to Section 2 of this act "the lessee, his heirs or assigns, shall have the privilege of purchasing the land at the expiration of the lease at the appraised value stated in the lease."

Section 4 provided "Leases heretofore issued by said Trustees (Trustees of College) under the authority of former acts of the General Assembly, and all renewals of such leases shall be deemed assignable and all transfers of

1. Tenth Biennial Report, Iowa State Agr. College and Farm, 1882-83, p. 134.



such leases or renewals heretofore made shall be valid, and the owner, whether holding one or more than one such lease or renewal, who has made the annual payments...shall have the privilege of purchasing the tract or tracts of land so held by him...and shall be entitled to a patent."<sup>1</sup>

The provisions for sale, lease, renewals, and forfeiture did not differ from those in previous acts. The trustees could sell for cash or for partial credit not to exceed ten years with interest at eight per cent upon deferred payment. The appraised value was fixed by the trustees. Failure to pay interest within sixty days after it became due meant a forfeiture of the land together with any improvements.

Whenever a sale was made the president of the college was to issue the purchaser a certificate, countersigned by the secretary of the board, "stating the fact of purchase, the name of the purchaser, description of land, and the appraised value thereof." Upon payment of such purchase price to the treasurer of state, the purchaser or his assigns should be entitled to a patent or patents for such tract or tracts of land. And upon presentation of such certificate to the secretary of state with the receipt of the treasurer of state showing full payment of the purchase money and stating the

1. Laws of Iowa, 1884, p. 80-82.

amount thereof, said secretary of state shall issue to the purchaser or his assignee, a patent or patents for the tract or tracts of land therein described, which patents shall be signed by the governor and secretary of state, as other patents or deeds for lands conveyed by the state."<sup>1</sup>

One strong inducement to people leasing these lands was the fact that they were exempt from taxation during the term of the lease. This exemption was questioned by some from the beginning. On January 25, 1866, the Attorney-General, F. E. Bissell, rendered his opinion in answer to a request from the Hon. W. H. Holmes, president pro tem, and Peter Melendy, secretary of the College, as to whether the lands were liable to taxation. It was the opinion of Mr. Bissell that the lands were not under the law which provided,<sup>2</sup> that "lands bought from the U. S. or this State, and whether bought on credit or otherwise, are liable to taxation." He held that the person holding the leases were not purchasers-- they had neither paid for the lands nor had they agreed to pay for them. "The lease may be an agreement to sell, but it is not an agreement to buy, for no one is bound to pay."<sup>3</sup>

At the suggestion of the trustees, a case was brought into the District Court of Webster County to test the question

1. Laws of Iowa, 1884, p. 81
2. Code of Iowa, 1873, Sec. 712.
3. Report of Iowa College of Agriculture, 1865-67, p. 95.

of taxation of the college lands while held by lease. The court held that the lands were not liable to taxation during the term of the lease, and that all taxes levied on lands so held were illegal. The case was appealed to the Supreme Court.<sup>1</sup> The Supreme Court in its decision rendered in 1872 held that lands were exempt from tax during the term of the lease.<sup>2</sup>

This situation was changed by the Nineteenth General Assembly, which provided in an act of March 25, 1882, for "the taxation of leasehold estates in Agricultural College lands." Under this act leases which were renewed ten years after the date of the original lease had expired were taxed as real property.<sup>3</sup>

The Twentieth General Assembly in Section 3 of the act of March 27, 1884, provided that the renewed leases should be subject to taxation as provided in Chapter 169 of the Acts of the Ninethenth General Assembly entitled, "An act to provide for taxation of leasehold estates in Agricultural College Lands" approved March 25, 1882.<sup>4</sup>

The Agricultural College lands were acquired by two congressional grants, by purchase, by donation, and by the foreclosure of mortgages given to secure loans of the college

1. Iowa Agricultural College and Farm Report, 1871, p. 156.
2. Report of the Trustees, Iowa State College, 1872-73, p.147.
3. Laws of Iowa, 1882, p. 159.
4. Laws of Iowa, 1884, p. 81.

fund. Only the lands acquired by the congressional grants have a place in this discussion, but the others will be mentioned briefly later on, since they have done much to increase the endowment fund of the college.

By the grant which has just been studied, the state was entitled to 240,000 acres, as has already been stated, but she received only 204,222.99, due to the fact that a portion of the lands selected were within the railroad limits, and therefore were accounted at double their quantity. The Agriculture lands were distributed among the several counties of the state as indicated in Table XIV.

Table XIV

Showing the total number of acres of the Agricultural lands in each county.

Beuna Vista.....	5,837.58	O'Brien.....	1,600.00
Calhoun.....	3,068.86	Palo Alto.....	27,723.11
Cherokee.....	2,249.62	Plymouth.....	3,842.60
Clay.....	8,719.42	Pocahontas.....	3,549.04
Dickinson.....	4,984.95	Sac.....	640.00
Emmett.....	16,732.43	Sioux.....	1,280.00
Green.....	4,178.65	Webster.....	3,249.72
Hamilton.....	2,481.60	Winnebago.....	2,429.75
Humboldt.....	3,063.13	Woodbury.....	10,103.46
Ida.....	8,328.87	Worth.....	196.56
Kossuth.....	84,198.29	Wright.....	4,645.45
Lyon.....	1,120.00		
		<hr/>	
TOTAL.....		204,222.99	

Mr. George Bassett, land agent for this grant, reported 57,436.34 acres leased by the last of December, 1865, only five and one-half months after the first 50,000 acres

were appraised and placed on the market. (See Table XV.)

Four years later Mr. Bassett reported all of these lands leased, except 149.67 acres, which were in conflict with swamp selections.<sup>1</sup> These lands were valued at \$487,608.59 or at an average of \$2.39 per acre.

Table XV

Showing the number of acres of Agricultural lands leased each year, the valuation of the lands, and the annual interest derived from the leases, based upon the reports from the land agents, included in the biennial reports from Iowa State College.

Land Agent from July 15, 1865 to June 1, 1886, George W. Bassett  
 Land Agent from June 1, 1886 to February 31, 1887, General Geddes  
 Land Agent from March 1, 1887 to June 30, 1906, Herman Knapp.

	No. of Acres Leased.	Valuation.	Annual Interest.
Dec. 31, 1865.....	57,436.34.....	\$109,459.44.....	\$6,567.56
Jan. 9, 1867.....	54,998.00.....	130,779.81.....	10,462.38
Dec. 31, 1867.....	57,806.00.....	149,680.13.....	11,974.41
Dec. 31, 1868.....	20,371.43.....	54,585.75.....	37,749.86
Dec. 31, 1869.....	13,444.92.....	45,103.46.....	31,021.43
Dec. 31, 1870.....			29,772.42
Dec. 31, 1871.....			31,969.35
Dec. 31, 1872.....			33,649.92
Dec. 31, 1873.....			26,027.54
Dec. 31, 1874.....			29,357.42
Oct. 31, 1875.....			28,224.27
Oct. 31, 1876.....			29,235.98
Oct. 31, 1877.....			29,934.55
Oct. 31, 1878.....			31,024.03
Oct. 31, 1879.....			31,722.31
Oct. 31, 1880.....			34,121.90
Oct. 31, 1881.....			36,470.81
Oct. 31, 1882.....			39,912.53
Oct. 31, 1883.....			38,259.30
Oct. 31, 1884.....			36,560.38
Oct. 31, 1885.....			29,543.31
Oct. 31, 1886.....			26,714.02
Oct. 31, 1887.....			27,607.06
Oct. 31, 1888.....			23,840.77
Oct. 31, 1889.....			21,637.06

1. Mr. Bassett gives the total number of acres in the grant as 204,206.36.

	No. Acres Leased.	Valuation.	An. Int.
Oct. 31, 1890.....			17,530.31
Oct. 31, 1891.....			14,364.98
Oct. 31, 1892.....			11,516.19
Oct. 31, 1893.....			10,339.57
Oct. 31, 1894.....			8,347.22
Oct. 31, 1895.....			5,705.33
Oct. 31, 1896.....			5,246.51
Oct. 31, 1897.....			3,965.52
June 30, 1898.....			2,374.83
June 30, 1899.....			3,217.47
June 30, 1900.....			1,897.15
June 30, 1901.....			1,014.36
June 30, 1902.....			633.93
June 30, 1903.....			430.93
June 30, 1904.....			281.60
June 30, 1905.....			157.46
a- June 30, 1906.....			72.00

\* 204,056.69

\* 149.67 acres unleased, in conflict with swamp selections Mr. Bassett gives a total of 204,206.36 in congressional grant.

a- This closes out the land agency of Mr. Knapp and, with a single exception, places the entire endowment fund under the charge of Agent W. A. Helsell, Financial Agent. One 40 acre tract of land in Polk Co., obtained by foreclosure, is managed directly by the Board of Trustees. It is leased at present on short time at \$85 per annum. (Report of Iowa College of Agriculture, 1906, p. 72.)

A considerable portion of these lands were from time to time forfeited to the state, reappraised and re-leased or sold. These forfeited leases will be treated briefly a little further on in order that we may have some idea of what they meant in the advancement of the permanent endowment fund. For about twenty years the college received an annual income of around thirty thousand dollars from the interest on these leases. This interest income naturally became less and less as more and more of the lands were patented until it

ceased altogether when the last lands were patented in 1906.

Table XVI

Showing the total number of acres of the Agricultural lands patented each biennial period from 1869 to 1908, based upon the biennial reports from the State Land Office.

Nov. 10, 1869.....	160.00	July 1, 1889.....	14,321.01
Nov. 1, 1871.....	3,242.69	July 1, 1891.....	32,344.20
Nov. 1, 1873.....	2,085.16	June 30, 1893.....	18,256.51
Nov. 1, 1875.....	13,418.54	July 1, 1895.....	11,409.91
Oct. 1, 1877.....	10,775.61	July 1, 1897.....	11,919.66
Oct. 1, 1879.....	1,440.00	July 1, 1899.....	4,888.91
Oct. 1, 1881.....	5,753.57	June 30, 1901.....	4,649.75
July 1, 1883.....	6,580.97	June 30, 1903.....	1,480.00
July 1, 1885.....	35,424.78	June 30, 1905.....	680.00
July 1, 1887.....	24,534.67	June 30, 1906.....	336.02
		<hr/>	
		TOTAL.....	203,701.96

By Table XVI we see that no lands of the congressional grant were patented until 1869 and only one hundred sixty acres were reported patented by that time. There is a considerable increase in the number patented during the next two biennial periods, but there is no outstanding increase until 1875, the year which marked the expiration of the early leases. We notice that the lands were far from settled at this time, however, as Mr. Bassett had thought they would be. Ten years later there was another notable increase in the number of acres patented. This year marked the time when the leases that had been renewed expired. The biennial periods that follow show a gradual tendency downward in the number of acres

patented until 1906, when only 336.02 acres were patented. At that time only the northwest fractional quarter of section 30, township 97 north, of range 28 west, containing 149.67 acres, and the south half of the northeast quarter of section 29, township 95 north, of range 30 west, containing 80 acres, remained unpatented. These lands had been selected by the agent appointed to select the agricultural lands and were approved to the state under this grant by the Secretary of the Interior, December 13, 1864. On November 6, 1865, the United States patented the first described tract to the State of Iowa, under the swamp land indemnity act of March 2, 1855, and the State patented it to Kossuth County.<sup>1</sup> The United States patented the 80 acres tract to the State on March 28, 1867, under the swamp land act of September 28, 1850, and the State patented it to Kossuth County May 17, 1867.<sup>2</sup> No provision has been made to right this deficit in the agricultural grant.

On June 22, 1869, instructions were sent Hon. Geo. W. Bassett, signed by a committee consisting of B. F. Gue, R. W. Humphrey and Jno. Russell, in regard to the handling of forfeited lands due to non-payment of interest. According to these instructions a forfeiture was to be declared upon

1. The Secretary of State said in his 1906 Land Department report, p.12, "to Mahaska County," but his description of the land on the same page gives Kossuth.
2. Report of Secretary of State, Land Department, 1906, p. 12.



those leases only upon which interest had been delinquent for one year or more. The lands which were leased under the appraisement made in 1865 might be leased at not less than fifty per cent additional price; and those leased under the second valuation, as determined by Chapter 71 of the acts of the Eleventh General Assembly, might be released at a price not less than the said valuation, increased by the amount of delinquent interest. In case the outstanding forfeited lease was surrendered, Mr. Bassett was "authorized to release such tracts under the usual forms of lease theretofore used."<sup>1</sup>

Under these instructions Mr. Bassett proceeded to declare leases forfeited. He reported 173 forfeitures for non-payment in his report to the trustees at the end of the same year, 66 of which he reported as released, the second lessee having accepted the lease subject to all the rights of the first lessee or his assignees.<sup>2</sup>

The forfeited lands were re-appraised by a special committee and restored to market in May, 1871, at an advanced price ranging from \$3.50 to \$6.00 per acre.<sup>3</sup> Forfeitures continued to be made, and eventually through the re-appraisements which were made in all cases a large sum was added to the permanent endowment fund, as will be noticed from the following statement:

1. Report for 1869 Land Department in "Report of Board of Trustees of Iowa Col. of Agriculture, 1868-69, p. 65.
2. Report of 1868-69 Board of Trustees (Bassett p. 71.)
3. Iowa Agr. College and Farm Biennial Report 1871, p. 156.

Statement of total forfeitures made since the establishment of the Agency up to February 14, 1883, and the increased value of subsequent appraisement:

No. of acres which have once been forfeited to the college....	91,807.77	
Reappraised and leased at an advance of.....		\$83,184.37
No. of acres subjected to a second forfeiture.....	30,083.78	
Increased valuation.....		8,683.88
No. of acres subject to a third forfeiture.....	5,869.16	
Increased valuation.....		2,176.20
No. of acres subject to a fourth forfeiture.....	480.00	
Increased valuation.....		320.00
<hr/>		
Total forfeitures.....	128,240.71	
Total advance in valuation.....		\$94,364.45

Forfeited lands are in all cases reappraised for the Trustees of the College before being again offered in the market.<sup>1</sup>

1. 10th Biennial Report, Iowa State Agricultural College and Farm, 1882-83, p. 132.

Contingent Fund Lands. The "Cusey Purchase" Lands.

Since the interest received from the leased lands, in the early days, more than met the expenses of the college, the trustees decided in 1868 to invest a portion thereof in the college land scrip of other states. The Land Office required that these lands be located in the name of an individual; hence they were located in the name of J. C. Cusey.

After the locations were made, Mr. Cusey deeded the land to the State of Iowa. The purchase aggregated 15,013.18 acres at a cost of (including all fees and expenses) a little over \$1.05 per acre, or a total of \$15,926.55. These lands were appraised at from \$2.00 to \$2.50 per acre.<sup>1</sup>

On January 7, 1869, Mr. T. J. Stone of Sioux City was appointed agent for the sale and lease of these lands. He tendered his resignation in May, 1876, and the agency was transferred to G. W. Bassett of Ft. Dodge on May 13, 1876.<sup>2</sup>

Section 5 of "an act to provide for selling, leasing, and patenting the lands belonging to the Iowa State Agricultural College and Farm," approved March 27, 1884, authorized the trustees of the college to sell or lease these lands acquired by purchase in the same manner as provided for

1. Report of Trustees of Iowa College of Agr., 1868,-69, p.66-7.
2. Report of 1877, p. 292.

the management of the lands obtained under the agricultural grant.<sup>1</sup>

As payments were made on these lands, the money was remitted to the state treasurer and credited to the endowment fund. The congressional endowment has thus been increased by some \$93,954.51.<sup>2</sup>

The Cusey Purchase lands were distributed among the counties as follows:

Buena Vista.....	2,880.00
Cherokee.....	2,400.00
Dickinson.....	1,760.00
Lyon.....	7,200.00
Plymouth.....	320.00
Sioux.....	453.18

---

15,013.18

All of these lands were patented before 1906, as indicated by the table which follows.

1. Laws of Iowa, 1884, p. 81
2. Report of College of Agriculture, Iowa, 1902-1903, p. 79.

Table XVII

Showing the number of acres of the Cusey Purchase Lands patented each biennial from 1871 to 1906, based upon the reports from the State Land Office.

Nov. 1, 1871.....	480.00	July 1, 1891.....	3,000.00
Nov. 1, 1873.....	0.00	June 30, 1893.....	2,760.00
Nov. 1, 1875.....	0.00	July 1, 1895.....	800.00
Oct. 1, 1877.....	160.00	July 1, 1897.....	320.00
Oct. 1, 1879.....	960.00	July 1, 1899.....	160.00
Oct. 1, 1881.....	2,080.00	June 30, 1901.....	1,093.18
July 1, 1883.....	0.00	June 30, 1903	
July 1, 1885.....	0.00	June 30, 1905	
July 1, 1887.....	720.00	June 30, 1906	
July 1, 1889.....	2,320.00		
		<hr/>	
TOTAL.....		14,853.18	

This total shows a shortage of 160 acres, due to an oversight in reporting, no doubt.

#### Donated Lands

The donated lands consist of lands which have been given to the state for the use of the agricultural college. 1,578.88 acres of land in Boone and Story Counties have been thus given, in amounts ranging from one acre to 228.04 acres. Of this amount 907 acres have been patented, and the remainder constitutes a part of the grounds now occupied by the college.

In addition to these lands, there have been donated two lots in Boonesboro, Boone County, and six lots and one block in New Philadelphia, Story County.<sup>1</sup>

1. Land Office Report, Iowa, 1901, p. 22-24, in Iowa Documents, 1902, Vol. 1.

### Mortgage Lands.

A small amount of land was acquired by the college through foreclosure of mortgages given to secure loans of the college fund.

The General Assembly by an amendatory act of April 22, 1888, made it the duty of the financial agent of the college to take charge of the foreclosure of the mortgages when directed by the trustees to do so.<sup>1</sup> The act to which this act was amendatory had directed that the foreclosures be made in the name of the board of trustees.<sup>2</sup>

By an act approved March 29, 1909, the General Assembly directed the finance committee of the Board of Education to take charge of the foreclosures of mortgages and collections from delinquent debtors to the college fund. The foreclosure of any mortgage belonging to the State University or State College was, according to this act, to be made in the name of the State Board of Education for the use and benefit of the institution to which it belonged. In case of a sale, the premises might be bid off in the name of the Board of Education and held for the benefit of the institution to which it belonged. Such lands were "subject to lease or sale, the same as its other lands."<sup>3</sup>

1. Laws of Iowa, 1888, p. 81.

In 1906 the College reported that the agency, since its establishment in 1884, had handled loans aggregating \$1,993,-475.80, and only two loans had been foreclosed. These resulted in a gain to the college of \$2,981.48. Biennial Report, Iowa State College, 1906-1908, p. 222.

2. Laws of Iowa, 1884, p. 208.

3. Laws of Iowa, 1909, p. 169-170.

### The Endowment Fund.

It has already been stated that the act of March 29, 1866, provided that the moneys arising from the sales of the agricultural lands were to be paid into the state treasury to be invested by the state treasurer in bonds of the State of Iowa, or United States registered bonds; and that the moneys arising from the interest on the leases were to be paid over to the trustees of the college to be loaned by the board on "good and sufficient security."<sup>1</sup>

Ten years later the General Assembly passed a similar bill. This act provided that the moneys were to be invested by "the state treasurer subject to the approval of the executive council in stocks of the United States, or of the states, or some other safe stocks, yielding not less than five percentum on the par value of said stocks." The moneys arising from the interest on the stocks, on the deferred payments, and on the leases of the lands were to be paid over to the board of trustees, to be loaned by them "on good and sufficient security when not needed to defray such expenses of the

1. Laws of Iowa, 1866, p. 63.

college, as said moneys are legally applicable to."<sup>1</sup>

The Twentieth General Assembly, on April 14, 1884, placed the endowment fund in charge of the board of trustees of the college. The trustees were directed to invest the fund in the "stocks of the United States, or of the states, or some other safe stocks yielding not less than five per cent of the par value of said stocks." The investments had to be approved by the state executive council. The trustees were also authorized to loan the fund "upon approved real estate security" under certain rules and regulations. This act provided that the trustees might appoint a financial agent "to receive applications and negotiate loans in accordance with the conditions herein contained."<sup>2</sup>

Mr. W. A. Hellsell was appointed financial agent, and all loans were made through him until 1909, when the General Assembly, by an act of March 29, abolished the board of trustees and also the office of the financial agent. Iowa State College was placed under the direction of the State Board of Education, and the endowment fund was put in charge of the finance committee of the board of education. By this act the finance committee was authorized to make loans upon approved real estate security, subject to the following regulations:

1. Laws of Iowa, 1876, p. 74.
2. Laws of Iowa, 1884, p. 207.



"1. Each loan shall be for a term not exceeding ten years, at a rate of interest to be fixed by said board, payable annually, and the borrower shall have the privilege of paying one hundred dollars or any multiple thereof on any interest pay day.

"2. Each loan shall be secured by a mortgage paramount to all other liens upon approved farm lands in this state, the loan not to exceed fifty per cent of the cash value thereof, exclusive of buildings."<sup>1</sup>

On July 1, 1909, when the finance committee took charge of the endowment fund, it stood as follows:

Farm mortgages.....	\$686,550.00
Cash in hand of Treasurer of State.....	139.97
	<hr/>
Total.....	\$686,689.97 <sup>2</sup>

In the last biennial report from the board of education the endowment fund was given as:

Total loans in force June 30, 1926.....	\$674,300.00
Cash in hands of State Treasurer, June 30, 1926....	20,682.07
	<hr/>
<sup>3</sup> Total endowment fund, June 30, 1926.....	\$694,982.07

1. Laws of Iowa, 1909, p. 16669.
2. Iowa State Board of Education, report 1910, p.37.
3. In an interview with Prof. Herman Knapp, Business Manager of Iowa State College, the writer was informed that the Endowment Fund is divided on his books into:  
Agricultural Land Grant.....\$592,463.46  
Contingent Fund Lands..... 102,518.61

From this endowment fund the college realizes an annual income of over thirty-five thousand dollars.

### The Five Section Grant

A supplemental act of Congress approved March 3, 1845, granted to the state of Iowa five entire sections of land "to be selected and located under the direction of the Legislature, in legal divisions of not less than one quarter section, from any of the unappropriated lands belonging to the United States within the State...for the purpose of completing the public buildings of the State, or for the erection of public buildings at the seat of government, as the Legislature may determine and direct."<sup>1</sup>

In order to secure the benefits of this act of Congress the Legislature approved an act February 27, 1847, entitled "An Act to provide for the location of the Seat of Government of the State of Iowa, and for the selection of land granted by Congress to aid in erecting Public Buildings." In this act the Legislature appointed John Brown of Lee County, Joseph D. Hoag of Henry County, and John Taylor of Jones County, commissioners to select the lands thus granted. Upon locating the lands the commissioners were to have the lands surveyed and a plat made of them to be attached to

1. U. S. Statutes at Large, Vol. V., p. 790, 1846.

their report, which was to be filed in the office of the secretary of state.<sup>1</sup>

On February 4, 1847, the following selections of land were approved by the Commissioner of the General Land Office:

Lots 5 and 8 and SW $\frac{1}{4}$  of Sec.3, T.78, N., R.20 W....320 Acres

Lots 5,6,7 and 8 and SE and SW $\frac{1}{4}$ , Sec.4, T.78, N., R.20,  
W...640 Acres

Lots 5,6,7 and 8 and SE and SW $\frac{1}{4}$ , Sec.5, T.78, N., R.20,  
W...640 Acres

Sec.8, T.78, N., R.20, W...640 Acres

Sec.9, T.78, N., R.20, W...640 Acres

W $\frac{1}{4}$  Sec.10, T.78, N., R.20, W...640 Acres

---

Total.....3,200 Acres<sup>2</sup>

All of these lands are situated in Jasper County; hence the grant became known as the Jasper County or Five Section lands.

On March 22, 1858, the Seventh General Assembly passed an act establishing an agricultural college and model farm, to be under the management of a board of trustees.

Section XI of this act diverted the proceeds from the five-section grant, given for erection of capitol buildings, to the use and benefit of this college, provided Congress shall consent to the diversion.<sup>3</sup>

1. Laws of Iowa, Reprint 1913, 1st G.A., 1847, p. 78.

2. Report of Register of State Land Office, 1857, p. 25;  
Report of Register of State Land Office, 1859, p. 30.

3. Laws of Iowa, Reprint 1913, 7th G.A., 1858, p. 119.

The same General Assembly, on March 23, 1858, approved an unpublished resolution asking that Congress consent to the diversion of the five-section grant.<sup>1</sup> In response to this request Congress approved on July 11, 1862, an act authorizing the legislature of Iowa to make whatever disposition of the five-section grant the legislature deemed for the best interest of the State.<sup>2</sup>

The five-section grant thus became the property of the Agricultural College and Farm; and these lands were placed under the control of the trustees of that institution by an act of the General Assembly approved March 29, 1864. This act authorized the Board of Trustees to sell these lands in the same manner as it had provided for the Agricultural Grant. All sales of these lands which had been made by the Board of Trustees were approved and legalized. The purchasers or their assigns were, upon the presentation of certificates and endorsements from the president of the college or treasurer of the board, showing full payment of the purchase money, to receive from the State Land Office a patent signed by the governor and the register of the Land Office.<sup>3</sup>

The five-section grant was soon disposed of. The register of the State Land Office reported 2,560 acres sold by November 16, 1865. These sales added \$12,123.20 to the

1. Report of Register of the State Land Office, 1859, p.30.
2. U. S. Statutes at Large, Vol.12, p.536, 1863.
3. Laws of Iowa, 1864, p. 149-150.

Endowment Fund.<sup>1</sup> All of the lands were sold by the time the next report was issued. They were also patented by that time, as indicated by the following table.

Table XVIII

Showing the number of acres of the Five-Section Grant patented each year from 1864 to 1867, based upon reports from the State Land Office.

Dec. 1864,	Patented during year, .....	560.00
Dec. 1865,	Patented during year, .....	660.00
Dec. 1866,	Patented during year, .....	1,900.00
Dec. 1867,	Patented during year, .....	80.00
<hr/>		
TOTAL.....		3,200.00

1. Laws of Iowa, 1864, p. 149-150.

The Swamp Land Grants  
Federal Acts

To aid in constructing the necessary drains and levees to reclaim the swamp and overflowed lands in the state of Louisiana, Congress, by an act of March 2, 1849, granted to that state all of the swamp lands which were found to be unfit for cultivation.<sup>1</sup>

On September 28 of the next year Congress made the same grant to the state of Arkansas and to each of the other states in the Union in which swamp and overflowed lands might be situated. By this act it became the duty of the Secretary of the Interior to make out an accurate list and plats of all the swamp lands of a state and submit them to the governor of the state, and upon the request of the governor, to cause a patent to be issued to the state. This patent gave to the state the lands in fee simple, subject to the disposal of the legislature. The land was granted upon the condition that the proceeds, as far as necessary, were to be used exclusively in reclaiming the land by means of levees and drains.<sup>2</sup>

The provisions of this act were extended to Minne-

1. U. S. Statutes at Large, Vol. 9, p. 352, 1851.
2. U. S. Statutes at Large, Vol. 9, p. 519, 1851.

sota and Oregon by an act of March 12, 1860, with the provision that the grant should not include any lands which the government had reserved or disposed of prior to the confirmation of title to be made under the act.

This act further provided that all selections of swamp lands were to be made from lands already surveyed and within two years from the adjournment of the next legislature of each state after the date of this act.<sup>1</sup>

While the act of 1850 provided that the Secretary of the Interior was to make out the list and plats of the swamp lands and transmit them to the governors of the states, the Secretary of the Interior permitted the states to ascertain which were swampy and overflowed lands and to furnish lists of such lands. However, the lists selected by the states were not regarded as valid swamp land selections until approved by the Secretary of the Interior. Upon the basis of the approved lists were prepared patents, which were the evidence of the final disposition of the lands to the state.

The original interpretation of the act of September 28, 1850, was that it did not affect the land until it was selected and reported to the proper officer for his approval and that the land must be patented to the state before

1. United States Statutes at Large, Vol. 12, p. 3, 1863.

the state had any title to it. On December 23, 1851, Secretary Stuart, who had held this opinion, reversed his decision and held that the act of September 28, 1850, was a grant "in presenti." This was also the opinion of the Supreme Court of the United States as announced in the Railroad Company v. Smith case, decided in the December term, 1869; and in the case from California entitled Wright v. Rosenberry decided in May, 1887;<sup>1</sup> and was acquiesced in by the government thereafter. The act of September 28, 1850, therefore, conveyed to the state at the time of its passage all lands coming within the description of the grant.

By an act of March 2, 1855, the president was to cause patents to be issued as soon as practicable, to all purchasers or locators who had made entries of public lands, claimed as swamp lands, prior to the issue of patents to the states under the act of September 28, 1850. Upon proof that these lands were swamp lands within the meaning of the act of 1850, the purchase money should be paid over to the state in the cases where the lands had been purchased with cash; and in cases where the lands were located by warrant or scrip, the states should be permitted to choose a like amount in lieu thereof from public lands subject to entry at one dollar and twenty-five cents an acre or less.<sup>2</sup>

1. Report of Secretary of State, Land Department, Iowa, 1889, p. 26.
2. U. S. Statutes at Large, Vol. 10, p. 634-5, 1855.



Congress, by an act of March 3, 1857, confirmed to the states all selections of swamp lands granted to the states by the acts of September 28, 1850, and March 2, 1849, as far as the lands remained vacant and unappropriated and promised that they would be patented to the state as soon as practicable after the passage of the bill. Nothing in this act was to interfere with the act of March 2, 1855, which act was extended to cover all entries and locations on swamp lands made since its passage.<sup>1</sup>

The acts of Congress of March 2, 1849; September 28, 1850; and March 12, 1860, granted to the States of Alabama, Arkansas, California, Florida, Illinois, Indiana, Iowa, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Ohio, Oregon, and Wisconsin the vacant public swamp and overflowed lands within the respective boundaries. Under the grant the legal title to 63,940,905.17 acres has been conveyed to those states.<sup>2</sup> The aggregate of the selections made by the fifteen states was given as eighty and one-half million acres in 1895.<sup>3</sup>

In addition to this immense area, the swamp-land states, under acts of March 2, 1855, and March 3, 1857, received \$2,095,468.79 as cash indemnity for swamp lands sold to settlers before March 3, 1857, and 743,939.39 acres of land

1. United States Statutes at Large, Vol. 11, p. 251, 1859.
2. Report of Commissioner of U. S. General Land Office, 1923, p. 17-18.
3. Report of Secretary of State, Land Department, Iowa, 1895, p. 6.

as indemnity for swamp lands located with military bounty land warrants or scrip prior to the same date.<sup>1</sup>

#### Swamp Lands in Iowa.

Iowa claimed swamp and overflowed lands under the congressional act of September 28, 1850, which granted swamp lands to the state of Arkansas and other states.

The General Assembly on February 5, 1851, before any selections had been made in the state, provided for the management and disposition of the swamp lands by the commissioner of the State Land Office.<sup>2</sup> After directing the commissioner to take such steps as he thought necessary to secure the swamp lands to the state, the act provided that in case the commissioner had reason to believe there were any swamp lands in the state not reported by the United States surveyor, he might direct the county surveyors to make a more careful examination and furnish proof in order that the lands might be secured by the state. The commissioner was given the power to dispose of the lands for what he believed them worth. Under his direction the county surveyor and

1. Report of Commissioner of U.S. General Land Office, 1917, p.208, in Annual Report of the Department of the Interior.
2. The State Land Office was not established until four years later, Jan. 25, 1855. Laws of Iowa, Reprint 1913, 5th General Assembly, 1855, p. 148.

sheriff might appraise such lands as the school lands were appraised. This act gave the county surveyors authority to contract, subject to the approval of the governor, for the making of drains and levees to reclaim the land. After paying all expenses incurred in selecting, appraising, selling and reclaiming, the proceeds of the sales of the swamp lands were to be paid into the state treasury, subject to the disposition of the General Assembly.<sup>1</sup>

By an act of January 13, 1853, the General Assembly granted to the counties all the swamp and overflowed lands, granted to the state, which might lie in them respectively, for the purpose of constructing the necessary levees and drains, to reclaim them. This act provided for the selection of these lands by agents, to be appointed by the county courts in the several counties, and placed them under the control and management of the county court, which court was to transmit to the proper officers lists of all swamp lands in each county.<sup>2</sup>

After surveying the swamp land in their respective counties, the surveyors were to make out plots of all the swamp lands in the different townships and fractional townships within their counties, and return them to the clerk's office of the county court, and the court, at some regular

1. Laws of Iowa, Reprint 1913, 3rd General Assembly, 1851, p. 598-9.
2. Laws of Iowa, 1853, Reprint 1913, p. 701.

term thereafter, or sooner, was to fix a valuation upon each tract, but in no case was any land to be valued at less than twenty cents an acre.

After the surveyors had returned the plats and the valuations had been made and recorded, the court was to fix upon the proper time for selling these lands, which in all cases should be at the county seat, and at the court house door of the several counties. The courts might order all of the lands to be sold, and the sale continued from day to day, or they might order a part of them to be sold from time to time. The drainage commissioner was to be notified in writing by the clerk, of all such orders, and thereafter to give at least forty days' notice of the time and place of sale, the notice to contain an accurate description of the lands to be sold and to specify time, place, and terms thereof. The commissioner was to sell the land to the highest bidder for cash in such order as directed by the county court, but no land was to be sold for less than its valuation, and to give the purchaser a certificate of purchase upon which the county court was to execute a deed in fee simple, signed in official capacity of said court and countersigned by the clerk of court.

The county courts were to have the lands drained by the construction of proper levees and drains, disposing

of no more of the lands than was absolutely necessary to meet the expenses of reclaiming the lands. Where lands remained they were to be expended in the building of roads and bridges through the swamp lands or elsewhere in the county.<sup>1</sup>

An act supplemental to the act of January 13, 1853, was approved January 24, 1853. This act required that the county surveyor, or other person appointed for the purpose, should make a complete report regarding the swamp land in his county to the secretary of state, whose duty it should be to report it to the surveyor general.<sup>2</sup>

An act amending the act of January 13, 1853, was approved January 25, 1855. This act forbade any of the counties unorganized at the date of its passage from disposing of its swamp lands until the title to them was perfected, when the lands were to be given to the counties provided the counties refunded to the state the expenses incurred in selecting the lands, with ten per cent interest. In the organized counties where the swamp lands were irreclaimable, the proceeds might be used in the erection of public buildings if the people of the county so decided when the question was submitted to their vote. In such cases the law required the drainage

1. Laws of Iowa, Reprint 1913, Fourth General Assembly, 1853, p. 701-5.
2. Laws of Iowa, 1853, Reprint 1913, p. 758.

commissioner to pay over the proceeds to the county treasurer. No land was to be sold for less than \$1.25 an acre.<sup>1</sup>

An amendatory act, approved July 15, 1856, required all moneys arising from swamp lands to be paid into the county treasury, and to be paid out only on orders from the county judge and swamp land commissioner. It provided also that county judges and treasurers were to have joint power to loan any of the swamp land fund at ten per cent interest on approved real estate security for such time as they might deem advisable.<sup>2</sup>

Much confusion resulted from all these conflicting pieces of legislation. The county courts transmitted returns indiscriminately to the secretary of state, the register of the State Land Office, the surveyor general. Several agents were appointed by the governor to examine the lands and report upon them; other agents were appointed by the county courts. Where the governor appointed the agents, the county courts refused to compensate the agents, but referred them to the state for compensation.<sup>3</sup>

The General Assembly by an act of January 25, 1855, provided for the prevention of trespass<sup>4</sup> and waste on swamp

1. Laws of Iowa, 1855, Reprint 1913, p. 144-5.
2. Laws of Iowa, Extra Session 1856, Reprint 1913, p. 278.
3. Report of Register, Iowa, State Land Office, 1857, p.14.
4. An amendatory act of April 2, 1862, provided that a person found guilty of trespass might, at the direction of

lands, and also provided for the granting of pre-emption rights.<sup>1</sup> On January 24, 1857, the General Assembly, by an act which was to take effect July 1, 1857, repealed all laws granting pre-emption rights on swamp lands except to the actual settlers on the lands at the time of the passage of the act.<sup>2</sup> An act of March 22, 1858, extended the time for persons who had valid claims on September 5, 1857, to prove up and perfect their pre-emptions. It became the duty of the county judge, when application was made for pre-emption, to hear and determine the case within thirty days from the date of application. If the judge felt there was sufficient proof, he was to issue a certificate of pre-emption in favor of the claimant.<sup>3</sup>

By an act of April 3, 1866, all certificates of purchase of swamp land issued prior to January 1, 1860, were directed to be filed with the county recorder of the county in which the land was situated. All certificates which were not recorded within six months after the passage of this act were to be considered null and void.<sup>4</sup>

the judge, be fined not exceeding \$100 or imprisoned in the county jail not exceeding thirty days. Laws of Iowa, 1860, p. 150-1.

1. Laws of Iowa, 1855, Reprint 1913, p. 151-4.
2. Laws of Iowa, Reprint 1913, 6th General Assembly, 1857, p. 402.
3. Laws of Iowa, 1858, p. 198-9.
4. Laws of Iowa, 1866, p. 140.

By an act of March 22, 1858, the General Assembly authorized the counties to devote the proceeds of the swamp lands to the erection of buildings for educational purposes, building of roads and bridges, and railroads, after the question had been voted on and carried by the citizens at an election. It also provided that the counties might sell or dispose of their swamp lands to any person for any of the objects enumerated above after the contract had been published for four weeks and voted on favorably by a majority of the people in the county.<sup>1</sup>

This act was amended by an act of March 31, 1862, which authorized the counties, in addition to the objects specified above, to devote the proceeds of the swamp lands to the permanent school fund, after submitting the question to the people at some general or special election.<sup>2</sup> No money necessary for reclaiming the swamp lands was released by this act.<sup>3</sup>

The swamp lands in the several counties in the state were placed under the control of the board of super-

1. Laws of Iowa, 1858, p. 256-7.
2. An amendatory act provided that the board of supervisors might call a special election if properly petitioned for by the legal voters of the county. Laws of Iowa, 1870, p. 175.
3. Laws of Iowa, 1862, p. 78.



visors of the counties respectively by an act of May 28, 1861. By this act the General Assembly legalized all acts of the board of supervisors in relation to any swamp lands theretofore done.<sup>1</sup>

On March 22, 1864, the General Assembly provided for the sale of the swamp lands. The boards of supervisors of the several counties might appoint three citizens whose duty it should be to examine and appraise the swamp lands which had been confirmed to their county. These citizens were to report such appraisements to the board within thirty days from the time they received notice of appointment. When the swamp lands had been appraised, the board of supervisors might authorize such lands to be sold at public or private sale, provided no lands be sold for less than the appraised value, and that the appraised value be not less than one dollar except in the cases when the lands were subject to overflow.<sup>2</sup>

Immediately following the passing of the swamp grant most of the organized counties proceeded to select and survey their swamp lands. Much of the land selected was returned to the land offices of the districts, marked upon plats as swamp, and withheld from sale or entry. The plats

1. Laws of Iowa, Extra Session, 1861, p. 7.
2. Laws of Iowa, 1864, p. 74-5.

of the land withdrawn were furnished the counties in which the land lay, and constituted in the minds of the people settling upon these lands a sufficient guaranty of title in the state.

Notwithstanding the fact that the state was given the right to claim all swamp lands within her border under the act of 1850, the ordinary system of selling and locating the public lands at the various government land offices continued. As a result thousands of acres were entered that were later claimed as swamp lands. It, therefore, became necessary to withdraw all the public lands from sale until the swamp land selections were completed, "and to declare these entries and locations void or to provide some means for the relief of those purchasers and locators."<sup>1</sup>

On January 25, 1855, the governor was authorized by the General Assembly to draw from the United States any money accruing to the state on account of the disposition of any of the swamp lands, and directed to pay it into the state treasury. This act provided that the governor, auditor, and secretary of state should constitute a board to ascertain how much of such money was due each county, and should certify their investigation to the state treasurer. The moneys

1. Report of Register of Iowa State Land Office, 1865, p. 83.

ascertained to be due the counties were to remain in the treasury subject to the draft of the treasurers of the counties.

This act further authorized the governor to adopt such measures as he thought best for the selection of the swamp lands, and to secure to the state the title to them, and for the selection of lands in lieu of swamp lands that had been or might thereafter be entered with warrants.<sup>1</sup>

We have already mentioned the indemnifying act which Congress passed March 2, 1855, providing relief to the state and to the locators upon swamp lands. The second section of this act provided that before any indemnity was allowed, due proof must be made "by the authorized agent of the state" that the lands entered by warrants or scrip were swamp within the meaning of the act of September 28, 1850. The commissioner of the General Land Office was not always satisfied with the proof of the "agent of the state" and sent special agents out to ascertain the nature of the claims.<sup>2</sup>

Under instructions given February 11, 1856, the commission of the General Land Office allowed these swamp selections to be questioned by anyone filing an affidavit stating that he had examined the land, and knew the greater part of each forty acre tract to be dry and fit for cultivation and

1. Laws of Iowa, 1855, Reprint 1913, p. 174.

2. Report of Secretary of Iowa State, Land Department, 1889, p. 55.

free from overflow. The commissioner permitted the lands to be entered and located with land warrants at the government land office upon such a statement.<sup>1</sup>

Believing that a great injustice might be done the purchasers of swamp lands and the actual settlers who had been granted pre-emption rights by an act of January 25, 1855, the General Assembly on July 12, 1856, memorialized Congress, urging the passage of an act confirming the grant to the state of Iowa, and authorizing patents to be issued for all the lands that had been selected and reserved from sale or entry at any of the land offices of the state.<sup>2</sup>

On December 18 of the same year the General Assembly again passed a resolution urging the Iowa senators and representatives to use all honorable means to procure the passage of a law by Congress confirming the swamp selections to the state, and authorizing patents to be issued.<sup>3</sup>

Congress, as we have already stated, on March 3, 1857, confirmed to the states all selections of swamp lands granted under the act of September 28, 1850, then remaining vacant, and extended the provisions of the act of March 2, 1855, to all entries made up to the passage of the act.

1. Journal of House, 1860, p. 24.
2. Laws of Iowa, Reprint 1913, 5th Gen. Assem., Ex. Sess., 1856, p. 293-5.
3. Laws of Iowa, 1856, Reprint 1913, p. 613.

On March 25, 1882, the General Assembly passed an act providing for selling the indemnity swamp lands held by the several counties. This act required the board of supervisors to have such lands appraised by three disinterested persons, and the county auditor to publish notice in some newspaper in the county inviting bids for them, these bids to be made in writing. The bids were to be opened at the next regular or special meeting of the board of supervisors, and the highest bid on each tract was to be accepted by the board. The bidder was required to pay one-third of the amount in cash and to execute his note for the balance payable in three years, secured by a mortgage upon the land. The county auditor, by order of the board, issued a deed for the land which conveyed to the purchaser all the right, title and interest which the county had in the land described. The board was given the right to reject bids. After the lands had been advertised, the board had the right to sell at any time at not less than appraisement.<sup>1</sup>

The General Assembly tried to hasten the adjustment of the swamp land claims by an act of January 27, 1858, which authorized the governor to appoint an agent who should pro-

1. Laws of Iowa, 1882, p. 163.

This act was amended February 25, 1892, to provide that the board, when it believed it for the best interest of their county, might sell the land by public outcry at a suitable place in the county in which the land was located. Laws of Iowa, 1892, p. 66.

ceed to Washington to make a settlement of their swamp land business for all the counties in the state. The act also authorized the governor to appoint one or more agents to select the swamp and overflowed lands in the new and unorganized counties of the state. An appropriation was made to cover the expenses in connection with the selections, the act providing that the counties receiving the benefit refund the money with interest.<sup>1</sup>

T. B. Johnson, of Cass County, was appointed the agent to select the swamp lands in the unorganized counties. He selected these lands in the counties of Ida, Sioux, Plymouth and O'Brien. On March 27, 1860, the General Assembly appropriated \$1,796.45 to pay for his services. The act provided that as soon as the lands were certified to the state, the register of the State Land Office should select an amount at the estimated value of \$1.00 an acre sufficient to pay the sum with ten per cent interest.<sup>2</sup>

An act of April 8, 1862, was a further attempt by the General Assembly to effect a settlement of the swamp lands. This act empowered the governor to appoint agents to make a settlement with the commissioner of the General Land Office. It provided that the land scrip which was issued the state under the congressional act of March 2, 1855, should

1. Laws of Iowa, 1858, p. 3.

2. Laws of Iowa, 1860, p. 53-4.

be deposited with the register of the State Land Office, and the money received under this act should be deposited with the state treasurer, subject to the order of the board of supervisors of the county. As soon as any land scrip was received by the register, he was to notify the governor, whose duty it should be to appoint an agent to locate the scrip. When the agent had located the scrip he was to report to the State Land Office, whereupon the register was to file the report of the agent and immediately send a certified copy thereof to the commissioner of the General Land Office, and demand from the commissioner a patent for the lands. The register, upon the receipt of the patent was to notify the governor, whose duty it should be to deed it to the county to which it belonged.<sup>1</sup> Upon information that money due the state might be obtained, it became the duty of the register to notify the state treasurer, with the information as to what county it belonged, when it became the duty of the treasurer to collect this money. The state treasurer was to notify the clerk of the board of supervisors of the county to which money was due, whereupon the board, through an agent appointed by them, should present an order to the state treasurer for the money belonging to their county.

1. Any lands in any county owned by any other county under swamp-land-indemnity became taxable by an act of April 16, 1870. Laws of Iowa, 1870, p. 233.

This act further provided that special agents might be appointed for expediting the settlement of claims of counties if the boards of supervisors wished them. These agents were appointed by the governor upon nomination by the boards, all the expenses in connection with them being borne by the counties wishing them.<sup>1</sup>

A number of agents, both general and special, were appointed under this act. In order to equalize the labor, the state was divided into sections corresponding very nearly to the congressional districts, and an agent appointed for each section. The special agents were appointed upon the recommendation of the different counties and looked after the interests of such counties.<sup>2</sup> Other agents were appointed by the governor under this act to locate special swamp land indemnity certificates or scrip.<sup>3</sup>

These agents undoubtedly did much to adjust the difficulty between the federal government and the state. In 1866 the state changed its method of adjusting these claims by appointing Hon. J. A. Harvey a commissioner on behalf of the state to adjust the general government all claims of the

1. Laws of Iowa, 1862, p. 186-9.
2. Some of these agents bargained with the counties to procure the indemnity lands these counties were entitled to, for a certain per cent thereof. They would sometimes send lists of swamp land claims to the General Land Office without the authority of the state. Report of Secretary of State Land Department, Iowa, 1887, p. 78.
3. Report of Secretary of State, Land Department, Iowa, 1885, p. 26-27.



state under this grant. He was directed to go to Washington to present the claims of the state and to urge a speedy settlement.<sup>1</sup>

In the early part of the year 1872, Mr. Harvey resigned the office, and John Cloyhorn of Sioux City was appointed in his place. This office was abolished by an act of the General Assembly approved March 18, 1874.<sup>2</sup>

Under the provision of section 12 of Chapter 160 of the Ninth General Assembly, the state treasurer had retained a certain per cent of the money received as cash indemnity from the government to reimburse the state for supposed expenses incurred in securing this payment. For want of authority to use it, it lay in the state treasury, until the General Assembly by an act of March 25, 1878, directed that it be paid to the treasurers of the several counties to whom it belonged, to be used by the boards of supervisors for the best interest of the counties. The law provided that thereafter the full amount be paid the counties when received.<sup>3</sup>

On April 6, 1900, the General Assembly approved a very similar act. Whenever the state treasurer received cash indemnity he was to notify in writing the auditor and treasurer of the county in whose favor the indemnity was granted. The auditor as clerk of the board of supervisors,

1. Laws of Iowa, 1866, p. 71.
2. Laws of Iowa, 1874, p. 18.
3. Laws of Iowa, 1878, p. 122.

upon receipt of the notice, was to communicate the information to the supervisors, who should authorize the county treasurer to present an order to the treasurer of the state for the money. The state treasurer should then issue a check payable to the county treasurer for the amount awarded, which amount was to be applied by the authorities of the county "as provided in chapter 160 of the ninth general assembly and chapter 79 of the eleventh general assembly."<sup>1</sup>

Efforts were repeatedly made to induce Congress to make some provision for satisfying land indemnity claims which had been awarded by the land department of the general government under act of March 2, 1855, and also for making the indemnity provisions contained in this act applicable to all entries and locations of land actually swamp or overflow made since the passage of the act. Since all public lands were taken before all indemnity claims were satisfied, the General Assembly instructed the Iowa representatives and senators to get Congress to enact a law to locate swamp scrip outside the state.<sup>2</sup>

Congress introduced two bills during February, 1884, for the purpose of enabling the grantees of the state to obtain indemnity for swamp lands disposed of by the United

1. Laws of Iowa, 1900, p. 102-3.  
Jackson County divided her cash indemnity funds among her several townships, which appropriations were legalized by the general assembly. Laws of Iowa, 1870, p. 194.
2. Laws of Iowa, 1880, p. 215. Laws of Iowa, 1884, p. 238-9.  
Laws of Iowa, 1888, p. 240-1.

States subsequent to the date of the act granting such lands to the state. One bill was to make the indemnity provision applicable to swamp lands disposed of by the United States after March 3, 1857. The other was to permit the location of indemnity scrip outside the state upon any vacant government lands. Neither bill passed.<sup>1</sup>

Much of the land which might have been claimed under the swamp grant had already been filed on when the grant was made. Of the selections made, much the greater number was rejected by the national authorities as not coming under the swamp act. Some of these selections and rejections may have been dependent upon the weather conditions which prevailed at the time these selections and rejections were made. For instance, "the years 1851 and 1854 were remarkable in our history; the first for the unusual high waters that prevailed, overflowing lands that were never before in the memory of the oldest inhabitant, submerged; the latter for the great drought that prevailed, drying up lands that were, if not always before, periodically, at least, covered with water."<sup>2</sup> Some of the selections made during the former period might have embraced dry and tillable lands, and some of the rejections during the latter period might rightly have included lands that would ordinarily have come under the swamp lands.

1. Report of Secretary of State Land Department, Iowa, 1885, p. 27.
2. Report of Register of Iowa State Land Office, 1857, p.16.

The Secretary of State in his 1918 report gives the total number of acres selected, the total number approved, the total number patented,--of swamp lands in place and indemnity swamp lands,--from September 28, 1850 to June 30, 1918, as follows:

Selected.....	4,572,936.29 acres
Approved--Lands in place.....	944,578.84 acres
Patented--Lands in place.....	873,856.42 acres
Approved--Cash indemnity \$587,477.50, on the basis of.....	471,072.64 acres
Approved--Land indemnity.....	341,632.97 acres
Patented--Indemnity lands.....	321,976.98 acres

Total quantity of swamp land selections remaining unadjusted:  
Swamp lands in place--claims.....(not compiled)  
Swamp lands--indemnity claims.....487,605.77

All of the counties in Iowa except Lyon and Osceola claimed lands under the swamp acts. All but eleven of the counties received land in place. Of these, two counties (Grundy and Madison) received only 40 acres apiece, and Worth County only 34.60 acres. Grundy and Madison Counties, however, received indemnity lands and cash, but Worth received only the amount just given. Table XIX should show when the Swamp lands in place were patented to the state, but the total in the table exceeds the total number given in the 1918 report

quoted above.

Table XIX

Showing the number of acres of Swamp lands in place patented each biennial from 1859 to 1918, based upon the reports from the State Land Office.

Nov. 7, 1859.....	62,197.23	June 30, 1891.....	673,95
Nov. 6, 1861.....	393,095.17	June 30, 1893.....	747.16
Nov. 16, 1863....	132,878.92	July 1, 1895.....	1,040.00
Nov. 16, 1865.....	0.00	July 1, 1897.....	1,860.92
Nov. 12, 1867....	156,219.38	July 1, 1899.....	1,415.92
Nov. 10, 1869....	70,488.01	June 30, 1901.....	938.56
Nov. 1, 1871.....	0.00	June 30, 1903.....	1,179.61
Nov. 1, 1873.....	11,558.59	June 30, 1905.....	1,364.54
Nov. 1, 1875.....	8,675.52	June 30, 1906.....	439.56
Oct. 1, 1877.....	22,407.14	June 30, 1908.....	1,416.91
Oct. 1, 1879.....	5,793.86	June 30, 1910.....	720.02
Oct. 1, 1881.....	1,635.96	June 30, 1912.....	40.00
July 1, 1883.....	414.89	June 30, 1914.....	40.00
July 1, 1885.....	2,747.58	June 30, 1916.....	40.00
July 1, 1887.....	3,249.54	June 30, 1918.....	0.00
July 1, 1889.....	1,848.15		
		<hr/>	
TOTAL.....		885,127.09	

These lands in place were patented by the state to eighty-eight counties under the swamp act of 1850. Of these lands, we notice that 62,197.23 were patented by 1859; 455,292.40 by 1861, and 588,171.32 by 1863. Patenting of swamp lands continued until 1916, after which, it appears, no more patents were issued.

Of the ninety-nine counties in Iowa, seventy-one received indemnity swamp lands, and eighty received cash indemnity under the acts of 1855 and 1857, as indicated by Table XX.

Table XX

Showing the amount of cash indemnity and the number of acres of land indemnity awarded the different counties, based on the 1893 report from the State Land Office.

Adair.....	\$8,690.25.....	2,595.13
Adams.....	6,078.66.....	1,028.70
Allamakee.....	6,259.30.....	6,331.48
Appanoose.....	2,475.44.....	3,880.00
Audubon.....	5,723.49.....	3,612.84
Benton.....	15,040.81.....	3,250.55
Black Hawk.....	15,676.38.....	4,858.01
Boone.....	1,919.33.....	1,049.69
Bremer.....	8,970.17.....	3,243.99
Buchanan.....	8,067.23.....	1,839.08
Butler.....	15,135.66.....	11,056.15
Calhoun.....	247.51.....	510.53
Carroll.....	2,708.18.....	3,161.98
Cass.....	18,110.35.....	9,602.92
Cedar.....	10,850.29.....	6,466.56
Cerro Gordo.....	7,257.52.....	30,057.54
Chickasaw.....	8,255.41.....	19,769.85
Clarke.....	1,159.13.....	684.37
Clayton.....	248.18.....	208.33
Clinton.....	10,058.54.....	2,786.55
Crawford.....	3,699.96.....	
Dallas.....	3,035.79.....	200.00
Davis.....	2,325.12.....	
Decatur.....	4,937.18.....	2,639.46
Delaware.....	6,121.21.....	2,200.00
Des Moines.....	501.68.....	2,920.00
Dubuque.....	325.21.....	840.00
Fayette.....	7,058.68.....	4,372.22
Floyd.....	11,083.59.....	3,315.89
Franklin.....	10,234.65.....	
Fremont.....	5,182.01.....	1,904.88
Greene.....	8,789.64.....	10,658.22
Grundy.....	4,743.77.....	2,838.69
Guthrie.....	5,659.80.....	6,474.20
Hamilton.....	6,153.90.....	7,480.29
Hancock.....	956.18.....	5,683.17
Hardin.....	17,211.07.....	2,310.87
Harrison.....	3,065.72.....	600.00
Henry.....	607.09.....	1,400.00
Howard.....	3,850.00.....	

Humboldt.....	\$2,088.86.....	
Ida.....	315.31.....	2,957.92
Iowa.....	7,386.18.....	3,434.42
Jackson.....	1,946.72.....	1,896.46
Jasper.....	4,204.39.....	2,239.61
Johnson.....	9,819.09.....	15,412.99
Jones.....	13,422.36.....	6,222.07
Keokuk.....	6,403.53.....	4,895.24
Linn.....	2,222.89.....	2,437.46
Louisa.....	10,759.42.....	12,316.32
Lucas.....	5,750.72.....	4,599.62
Madison.....	9,188.00.....	9,054.12
Mahaska.....	1,534.36.....	2,233.62
Marion.....	287.60.....	120.00
Marshall.....	8,381.51.....	5,827.30
Mills.....	14,422.27.....	4,540.13
Mitchell.....	15,175.74.....	
Monona.....	20,144.54.....	15,427.97
Montgomery.....	11,777.54.....	5,220.00
Muscatine.....	2,721.03.....	3,875.71
Page.....	5,249.47.....	680.00
Polk.....	13,844.54.....	3,975.92
Pottawattamie.....	10,250.85.....	4,352.45
Poweshiek.....	3,867.73.....	
Ringgold.....	16,757.62.....	5,033.94
Sac.....	500.00.....	4,520.00
Shelby.....	2,129.90.....	5,715.55
Story.....	1,270.76.....	1,288.50
Tama.....	18,620.34.....	2,772.04
Taylor.....	11,747.28.....	1,999.96
Union.....	8,609.25.....	4,752.49
Wapello.....	443.36.....	
Warren.....	12,584.68.....	7,427.47
Washington.....	7,170.34.....	3,078.98
Wayne.....	3,592.85.....	564.22
Webster.....	4,346.90.....	3,695.23
Winnebago.....	50.00.....	922.32
Winneshiek.....	5,433.10.....	1,040.00
Woodbury.....	10,532.67.....	
Wright.....	981.55.....	5,240.00
<hr/>		
TOTALS.....	\$540,173.07.....	341,632.97

The Land Office has reported additional cash indem-

nity, since 1893, as follows:

June 30, 1899.....	\$8,530.49
June 30, 1901.....	32,388.38
June 30, 1903.....	1,417.78
June 30, 1905.....	4,546.72

Of the land indemnity awarded, only 321,976.98 acres were reported patented in 1918. Most of these patents were issued by 1873, only 508.75 acres having been patented since that time.

Four special swamp land indemnity certificates still remain unredeemed:

Marian County.....	120.00 acres	(Certificate No. 16)
Greene County.....	10,658.22 acres	(Certificate No. 91)
Guthrie County.....	1,840.00 acres	(Certificate No. 94)
Chickasaw County.....	109.00 acres	(Supplemental Certificate No. 83)
<hr/>		
Total.....	12,727.22 acres	

There were located 131.75 acres of land under certificate No. 94 (Guthrie County) so the total acreage left to be located under these certificates was 12,595.47 acres.<sup>1</sup>

Marian County received her certificate in time to make her selections, but the other certificates came after all

1. Iowa Land Report, 1905, p. 14.



public lands in Iowa subject to sale at \$1.25 were gone. All such lands were gone in the early seventies.<sup>1</sup> The matter regarding these certificates was submitted to the Secretary of the Interior, and under date of August 15, 1904, he called upon the state to show cause within thirty days why these claims should not be rejected.<sup>2</sup>

As to the amount realized by the counties, it is impossible to say. Donaldson, in speaking of the swamp grants, said, "The amounts realized by the different states and the prices paid to them by individuals and corporations for these lands (many as low as ten cents per acre, and now the best agricultural land in some of these states) would be an interesting chapter. Such grants are always fertile fields for schemes."<sup>3</sup>

According to an early report from the State Land Office, "The lands to which this state (Iowa) is justly entitled under the act of September 28, 1850, are estimated to be worth at least \$5,000,000."<sup>4</sup>

This estimate is undoubtedly based upon the idea that most if not all of the selections would be certified to the state. The state as well as the different counties spent huge sums in making their selections and in fighting their

1. Report of Register of Iowa State Land Office, 1871, p. 111, and Report of 1873, p. 18.
2. Iowa Land Report, 1905, p. 15.
3. Donaldson's The Public Domain, Pt. 1, p. 221, 1884.
4. Report (Supplemental) Register 1858; Jan. 16, p. 6, in Legislative Documents, 1857.

claims against the railroad claims and against those persons who claimed the land under the homestead and pre-emption laws, maintaining that the selections in question did not come under the swamp acts; and in trying to clean up other conflicts.<sup>1</sup>

A large number of counties sold entire their swamp land right, more often to corporations, but occasionally to individuals.<sup>2</sup> Some of these purchasers were of the opinion that they had the right in the counties whose interests they had acquired "to select every forty acre tract of land or other smallest legal subdivision which they deemed to be swamp land within the meaning of the act making the grant,

1. On July 15, 1887, the Commissioner of the General Office decided in a case appealed to him, that while the land in question was swamp land, it could not be included in the grant because it had been included in a grant to the Sioux Indians made in 1835, and the Indian title was not extinguished until 1853. The case was appealed from the commissioner to the Secretary of the Interior in October of the same year. (Report of Secretary of State, Land Department, Iowa, 1889, p. 54.)
2. Often the validity of such disposition by the counties would be questioned, and the General Assembly was called upon to legalize the act: as when Howard County donated her swamp lands upon certain conditions to the McGregor Western Railroad Company to aid in the construction of that road. (Laws of Iowa, 1868, p. 64.); when Cerro Gordo County entered into contract with McGregor and Sioux City Railroad Company to convey certain indemnity swamp lands to the railroad company in consideration of the railroad company constructing a railroad through the county (Laws of Iowa, 1870, p. 12-13); when Polk County conveyed to Dwight N. Lathrop certain swamp lands for a certain cash consideration (Laws of Iowa, 1870, p. 52); when Ida County executed a deed of certain indemnity

that was not disposed of prior to the date of the granting act, or which the general government had not already accounted for under the grant, and to exercise control and ownership of the same."<sup>1</sup>

Under this impression these claimants selected a large number of lands which had been owned by adverse claimants for years under government entries or under other congressional grants. Rather than defend their rights by court procedure, these adverse claimants would yield to the unjust demands of these swamp claimants and pay in accordance with the terms dictated by the swamp claimants, thereby paying twice for their land.

In the counties where the entire rights to swamp lands were sold, there was a great difference in the price received by the counties and that realized by the purchasers. The Secretary of State<sup>2</sup> in commenting on this point said, "A statement showing the amounts received by the several counties for their swamp land interests thus disposed of, with what was finally realized by the purchaser in each case would no doubt be highly interesting information."

swamp lands belonging to her, but situated in Plymouth, Sioux, O'Brien, and Cherokee County, to W. J. Wagoner. (Laws of Iowa, 1870, p. 158); and when counties of Allamakee, Fayette, Chickasaw, and Washington sold and conveyed all their indemnity swamp lands or scrip entitling them to indemnity lands (Laws of Iowa, 1870, p. 13-4.)

1. Report of Secretary of State, Land Department, Iowa, 1889, p. 289.
2. Report of Sec. of State, Land Department, Ia., 1885, p. 27.

In this same report the secretary says: "There have been so many conflicts with the claims under this grant, so much vexatious litigation arising therefrom, and so much trouble and difficulty growing out of same, that it, perhaps, would have been just as well for the state and its citizens generally, if this grant had never been made; for, not unlike the Des Moines River grant, the evil results will probably much more than offset all the good the state has derived therefrom."<sup>1</sup>

The general government soon discovered that the claims made under the swamp acts were out of all proportion to those intended by these acts. She felt that many of the claims made were unjust, and there is no question that this was true. Constant rulings and restrictions had to be sent the different states in trying to make them conform to the requirements of the grants. The General Land Office in 1865 sent out a communication in respect to the presentation by states of claims for indemnity which read, "Testimony in support of such indemnity awards must be the affidavits of at least two disinterested and respectable persons, who have a personal and exact knowledge of the character of the land claimed, in its smallest legal sub-division, as it existed at the date of the

1. Report of Secretary of State, Land Department, Iowa, 1865, p.28.

swamp grant of September 28, 1850." These affidavits were to give in minute detail the exact nature of the land in question.<sup>1</sup>

In the meantime, the agents appointed by the governor had been selecting swamp lands according to forms and instructions given by the Department of the Interior and forwarding them to that department. After the change in form of certification of these lands some lists which had been made and sent to the department before the change were rejected. The state contended these lists were made in good faith, but the commissioner insisted they were to be changed so as to conform to the new law. For years this was a matter of contention between the state and the government. Congress finally settled the controversy by an act approved March 5, 1872,<sup>2</sup> which provided that the commissioner of the General Land Office should receive the lists in question and allow or disallow the selections according to the act of Congress in relation thereto at the time such selections were made.

The agents selected many tracts within the limits of the railroad grants. The commissioner of the General Land Office, acting in accordance with the decision of the secretary of the Interior, given February 8, 1860, usually

1. Report of Register of State Land Office, Iowa, 1865, p.84.  
2. U. S. Statutes at Large, 17, p. 37, 1873.

certified the land to the state for the aid of the railroads. This decision was that the commissioner was to determine from the records on file in the General Land Office whether the lands were swamp or not. In other words, he was to consult the original field notes of survey to note whether the lands were marked swampy or not. Due to the loose and careless methods of these early surveys, when no special attention was paid to the nature of the lands, it is claimed that over five hundred thousand acres of land that should have been granted to the state as swamp land were certified under the the railroad grants.<sup>1</sup>

Occasionally, however, when the conflicting claims were settled by the court, the lands in dispute were given the county, as in the case of *The Burlington and Missouri Railroad Company v. Fremont County*. This case was decided in favor of swamp land claim for Fremont County had selected first and had her selections confirmed.<sup>2</sup>

1. Report Land Department, Iowa, 1914, p. 36.  
On April 7, 1862, the General Assembly passed a resolution disclaiming any intention of claiming lands selected as swamp under any other grant than September 28, 1850. The resolution affirmed that any selection of any swamp lands for railroad purposes by agents of the state prior to March 3, 1857, had been without the authority or consent of the state. (Laws of Iowa, 1862, p. 248-9.)
2. Supreme Court of U. S. (No. 40, December Term, 1869.)  
Quoted in Report of the Secretary of State, Iowa Land Office, 1871, p. 17-40.

In 1891, the General Land Office with the approval of the Secretary of the Interior adopted rules and regulations "for the closing and adjustment of all claims under the swamp land laws." According to these:

"1. Preference in the order of consideration will be given to the adjustment of conflicts between homestead, pre-emption, and cash entries and warrant locations and the swamp land claims of the state over other claims arising under the same laws.

2. Claims for swamp land in place will be taken up for consideration in preference to case or other indemnity claims.

3. Cash indemnity claims will be adjusted in the third order, i. e., after cases of conflict and claims for lands in place.

4. Land indemnity claims will not be adjusted where there are no public lands with which to satisfy such claims in the states in which warrants or the scrip are located."<sup>1</sup>

Special agents were sent out by the Secretary of the Interior to investigate swamp lands. Over a half century after the passage of the swamp act of 1850, three special agents from the General Land Office were employed in investigating the swamp land indemnity claims in the states of Florida, Illinois, Iowa, and Missouri. They reported that a large

1. Report of Secretary of State, Iowa Land Department, 1895, p. 29.

proportion of the claims examined were without merit; that deceptive and fraudulent practices had been resorted to in submitting testimony as to the character of the land.<sup>1</sup>

In the reports from the General Land Office, after 1915, the commissioners repeatedly call attention to the fact that none of the large grants made by Congress has more completely failed of its purpose than the swamp grant. This purpose was "to construct the necessary levees and drains to reclaim the swamp and overflowed lands therein." Inquiries showed that the grant has not been employed by the states to secure the drainage of the great body of lands granted, and in many cases the proceeds arising from the sales of the lands were used for other purposes. This is well illustrated in the case of Iowa.

As noted above, in speaking of legislative acts of Iowa, the General Assembly, by an act approved March 22, 18-58, authorized the counties to devote the proceeds of the swamp lands to the erection of buildings for educational purposes, building of roads and bridges, and railroads; and authorized the counties, by the amendatory act of March 31, 18-62, in addition to the objects specified, to devote the pro-

1. Annual Report of Commissioner of United States General Land Office, 1904, p. 204.



ceeds of the swamp lands to the permanent school fund.<sup>1</sup>

The Supreme Court of the United States in October Term, 1878, rendered a decision in the case of the American Emigrant Company v. Adams County upon this question. It was held by the court that the swamp and overflowed lands granted to the state by the act of Congress of September 28, 1850, cannot be diverted from the purposes of the grant, but that the proceeds from the sale of these lands must be applied for the construction of the necessary levees and drains to reclaim said lands.<sup>3</sup> In a short time the court reconsidered this case, and the opinion just stated was reversed.<sup>4</sup>

It is doubtful whether any county in Iowa really increased the common school fund to any great extent by the returns of her swamp lands.

There has come almost yearly for much over a decade an earnest plea from the commissioner of the General Land Of-

1. Laws of Iowa, 1858, p. 256; Laws of Iowa, 1862, p. 78. Polk County appropriated a portion of the proceeds of her swamp lands for the completion of her Court House. (Laws of Iowa, 1860, p. 86) Most counties undoubtedly used some, if not all of the proceeds from the swamp lands in reclaiming the lands. Special acts were sometimes approved for this purpose, as in the case of Muscatine and Louisa Counties. (Laws of Iowa, Reprint 1913, 4th General Assembly, p. 783; Laws of Iowa, 1858, p. 105.)
2. Iowa Land Office Report, 1879, p. 19.
3. Iowa Land Office Report, 1879, p. 23 insert.

fice to Congress for remedial legislation--"to put an end to vexatious litigation and to quiet the title of persons who claim to own agricultural lands under direct or mesne conveyance from any of the swamp-land states." It becomes increasingly difficult from year to year to prove what was the character of lands nearly three quarters of a century ago. In the report from the General Land Office of June 30, 1927, the commissioner suggests, "Without reference to the merits of the law, the time has come when the states should either assert their claims or waive them. As we cannot insist on such waiver, our only recourse is to repeal the law, or, rather, fix a date after which no selection right will be recognized.

"I recommend, therefore, legislation prohibiting selection by the states under the swamp lands acts after June 30, 1927."<sup>1</sup>

The central government not only gave to the states millions of acres under the swamp grants, but she expended millions of dollars in doing it. While not strictly a part of this thesis, it is interesting to note how much the government appropriated in order to adjust swamp land claims. In the annual congressional act "making appropriations for

1. Annual Report of Commissioner of U. S. General Land Office, June 30, 1925, p. 39.

sundry civil expenses for the fiscal year" there has been inserted a clause each year since 1879 which has provided for continuing the work of adjusting and settling claims under the swamp acts of 1850, 1855 and 1857, and any acts supplemental thereto or amendments thereof. The amounts given after the year 1892 include appropriations to meet expenses in protecting timber on public places and "of protecting public lands from illegal and fraudulent entry or appropriation" as well as for adjusting claims for swamp lands and indemnity for swamp lands.

After 1908 the amounts given include sums ranging from \$15,000 to \$750,000 (1909 only) to be used in bringing up the work of the General Land Office so as to make it current.

National appropriations to adjust swamp claims.

June 28, 1879,	\$15,000	U.S.Stat.at Large, Vol.21, p. 41.
May 31, 1880,	*\$ 5,000	U.S.Stat.At large, Vol.21, p.150.
June 16, 1880,	\$15,000	U.S.Stat.at Large, Vol.21, p.273.
March 3, 1881,	\$15,000	U.S.Stat.at Large, Vol.21, p.450.
August 7, 1882,	\$15,000	U.S.Stat.At Large, Vol.22, p.326.
March 3, 1883,	\$15,000	U.S.Stat.at Large, Vol.22, p.623.
July 7, 1884,	\$20,000	U.S.Stat.at Large, Vol.23, p.210.
March 3, 1885,	\$20,000	U.S.Stat.at Large, Vol.23, p.498.
August 4, 1886,	\$20,000	U.S.Stat.at Large, Vol.24, p.240.

March 3, 1887,	\$20,000	U.S.Stat.at Large, Vol.24, p.527.
October 2, 1888,	\$20,000	U.S.Stat.at Large, Vol.25, p.524.
March 2, 1889,	\$20,000	U.S.Stat.at Large, Vol.25, p.959.
August 30, 1890,	\$20,000	U.S.Stat.at Large, Vol.26, p.389.
March 3, 1891,	\$20,000	U. S.Stat.at Large, Vol.26, p.970.
August 5, 1892,	\$120,000	U.S.Stat.at Large, Vol.27, p.368.
March 3, 1893,	\$40,000	U.S.Stat.at Large, Vol.27, p.591-2.
December 21, 1893,	*\$45,000	U.S.Stat.at Large, Vol.28, p.18.
August 18, 1894,	\$60,000	U.S.Stat.at Large, Vol.28, p.392-3.
March 2, 1895,	*\$15,000	U.S.Stat.at Large, Vol.28, p.858.
March 2, 1895,	\$90,000	U. S.Stat.at Large, Vol.28, p.936.
June 11, 1896,	\$90,000	U.S.Stat.at Large, Vol.29, p.433.
June 4, 1897,	\$90,000	U.S.Stat.at Large, Vol.30, p.32.
July 1, 1898,	\$110,000	U.S.Stat.at Large, Vol.30, p.618.
March 3, 1899,	\$110,000	U.S.Stat.at Large, Vol.30, p.1095.
June 6, 1900,	\$125,000	U.S.Stat.at Large, Vol.31, p.614.
March 3, 1901,	*\$60,000	U.S.Stat.at Large, Vol.31, p.1037.
March 3, 1901,	\$125,000	U. S.Stat.at Large, Vol.31, p.1158.
February 14, 1902,	*\$60,000	U.S.Stat.at Large, Vol.32, pt.1, p.21.
June 28, 1902,	\$150,000	U.S.Stat.at Large, Vol.32, pt.1, p.452.
March 3, 1903,	*\$40,000	U.S.Stat.at Large, Vol.32, pt.1, p.1056.
March 3, 1903,	\$185,000	U.S.Stat.at Large, Vol.32, pt.1, p.1115.
February 18, 1904,	*\$15,000	U.S.Stat.at Large, Vol.33, pt.1, p.33.
April 28, 1904,	\$250,000	U.S.Stat.at Large, Vol.33, pt.1, p.482.

March 3, 1905,	\$250,000,	U.S.Stat.at Large, Vol.33, pt.1, p.1184.
March 3, 1905,	\$ 5,132.10,	U.S.Stat.at Large, Vol.33, pt.1, p.1235.
June 30, 1906,	\$250,000,	U.S.Stat.at Large, Vol.34, pt.1, p.724.
March 4, 1907,	\$250,000,	U.S.Stat.at Large, Vol.34, pt.1, p.1332.
May 27, 1908,	\$500,000,	U.S.Stat.at Large, Vol.35, pt.1, p.346.
March 4, 1909,	\$1000000,	U.S.Stat.at Large, Vol.35, pt.1, p.985.
June 25, 1910,	\$750,000,	U.S.Stat.at Large, Vol.36, pt.1, p.739.
March 4, 1911,	\$650,000,	U.S.Stat.at Large, Vol.36, pt.1, p.1415.
August 24, 1912,	\$500,000,	U.S.Stat.at Large, Vol.37, pt.1, p.455.
June 23, 1913,	\$500,000,	U.S.Stat.at Large, Vol.38, pt.1, p.45.
August 1, 1914,	\$475,000,	U.S.Stat.at Large, Vol.38, pt.1, p.644.
March 3, 1915,	\$475,000,	U.S.Stat.at Large, Vol.38, pt.1, p.855.
July 1, 1916,	\$475,000,	U.S.Stat.at Large, Vol.39, pt.1, p.299.
June 12, 1917,	\$475,000,	U.S.Stat.at Large, Vol.40, pt.1, p.142.
July 1, 1918,	\$500,000,	U.S.Stat.at Large, Vol.40, pt.1, p.667.
July 19, 1919,	\$500,000,	U.S.Stat.at Large, Vol.41, pt.1, p.194.
June 5, 1920,	\$500,000,	U.S.Stat.at Large, Vol.41, pt.1, p.908.
March 4, 1921,	\$550,000,	U.S.Stat.at Large, Vol.41, pt.1, p.1397.
May 24, 1922,	\$525,000,	U.S.Stat.at Large, Vol.42, pt.1, p.557.
January 24, 1923,	\$485,000,	U.S.Stat.at Large, Vol.42, pt.1, p.1179.
June 5, 1924,	\$460,000,	U.S.Stat.at Large, Vol.43, pt.1, p.395.
March 3, 1925,	\$420,000,	U.S.Stat.at Large, Vol.43, p.1145.
May 10, 1926,	\$430,000,	U.S.Stat.at Large, Vol.44, pt.2, p.457.
January 12, 1927,	\$430,000,	U.S.Stat.at Large, Vol.44, pt.2, p.938.

\*Special appropriations to meet deficiencies.

Under the heading, "Land and scrip granted to States and Territories for educational and other purposes," the commissioner of the General Land Office gives the following figures for Iowa:

<u>Iowa.</u>	<u>Acres.</u>
Internal improvements.....	500,000.00
University.....	46,080.00
Public buildings.....	3,200.00
Agricultural college.....	240,000.00
Common schools, section 16.....	988,196.00
Salt springs and contiguous lands.....	46,080.00
Swamp.....	874,094.33
Swamp land indemnity.....	321,976.98
<hr/>	
Total.....	3,019,627.31

We realize from the preceding discussion that these figures are not absolutely correct, but they correspond more nearly to the intent of the laws making the grants than do the correct figures. The general government has been most

generous in her efforts to hasten the progress of the different states. It is to be sincerely regretted that the states, in most cases, did not realize all the financial benefit that should have resulted from such generosity. Iowa became richer by a few million, it is true; but if less haste had been used in disposing of these lands, she should have been richer by many millions.

## Bibliography

### Public Documents, Federal

Constitution of the United States, 1787.

United States Statutes at Large, from Vol. 1 to Vol. 44, 1927. All federal laws dealing in any way with grants given for educational purposes, or diverted to schools, with special reference to those dealing with Iowa.

General Land Office Reports, Washington, 1849-1926. To supplement Iowa State Land Office Reports. From 1906 to 1921 included in Reports from the Department of the Interior.

House Miscellaneous Documents for the second session of the forty-seventh Congress, No. 45, part 3, 1882-3, Vol. 18, Land Laws of the United States, Vol. 2, exhibiting the entire legislation of Congress upon which the public land titles in each state and territory have depended, 1880. Iowa, p. 747-781.

Department of Interior, Commissioner of Education Report 1917, Vol. II, "Federal Acts for the Benefit of the Colleges of Agriculture and the Mechanic Arts" pp. 371-405. Including 11 tables, Lands and liabilities, etc.

### Public Documents: State of Iowa, Including reports from State University and Iowa State College

Constitution of Iowa, 1846.

Laws of Iowa, from the First General Assembly, 1847, to the Forty-second General Assembly, 1927. All laws dealing in any way with the land grants to Iowa used for education.

Revision of 1860 and 1888.

Code of Iowa, 1873, 1897, 1907, 1924.

Iowa State Land Office Reports from 1855 to 1918. All material on the grants in question.



Census of Iowa, 1900, CXVII, Receipts from land grants. 1905, CXIX, contains a concise table and statement of the disposition of Iowa land for public purposes.

Reports from the Superintendent of Public Instruction in Journal of House, State of Iowa, 1850-1854; in Legislative Documents from 1856 to 1874; in Iowa Documents after 1874.

Report of the Commissioners appointed to Investigate the Several State Offices for the years 1858-1859, 1860, in Legislative Documents, 1859-1860.

Biennial Reports of the Trustees of the Iowa Agricultural College to Governor and General Assembly, 1865-1906, including land agent's reports.

Report of the Joint Committee of the 20th General Assembly appointed to visit the State University, in Iowa Documents, 1884.

Iowa State Board of Education Reports, 1909 to 1926. Including reports from Iowa State University and Iowa State College.

State University Report to General Assembly and Board of Education of the State of Iowa, in Legislative Documents, 1861-2.

Reports of the State University of Iowa to the Superintendent of Public Instruction, 1875, 1877, 1879, 1881, 1883, 1885, in Iowa Documents, 1876, 1878, 1880, 1882, 1884, 1886.

Supplemental Report to report from State University, 1885, Jan. 8, 1886, in Iowa Documents, 1886.

Report of Treasurer of Iowa State University in Iowa Documents, 1874, Vol. II, last page.

Annual Reports from the Secretary of Iowa State Agricultural College, 1859-1863, including Land Agent's reports.

Report of the Joint Committee of the 17th General Assembly appointed to visit the State University, in Iowa Documents, 1878.

Books, monographs, articles.

Addis, Wellford: "Technological instruction in the Land Grant Colleges," pp. 1189-1201, in Report of the Commissioners of Education, 1894-95, Vol. 2.

Addis, W.: "Federal and State aid to Establish Higher Education," in Report of the Commissioner of Education, 1898-97, Vol. 2, pp. 1137-1264.

*Audrey*  
Bien, Morris: "Public Lands" in The Americana, p. 763-768.

Blackmar, Frank W.: The History of Federal and State Aid to Higher Education in the United States. 1890, in Bureau of Education, Circular of Information 1890, Nos. 1-3. pp. 21-54.

*Blair* *Bohannon*  
Buffum, Hugh S.: "Federal and State aid to Education in Iowa," in Iowa Journal of History and Politics, Vol. 4, 1906, pp. 554-598; Vol. V, pp. 3-45, pp. 147-92, pp. 211-25.

*at Iowa*  
Cole, Cyrenus: "A History of the People of Iowa," 1921.

*Don*  
Donaldson, T.: "Public Domain," Pt. 1, 1884.

*Ford*  
Fulton, Robert B.: "Federal and State interest in Higher Education" in Addresses and Proceedings of the National Educational Association, Detroit, Michigan, 1901, p. 169-174.

*Hand*  
Gatch, Col. C. H.: "The Des Moines River Land Grant" in The Annals of Iowa, Vol. I, 1893, p. 354-370.

*Richardson & J. J. Smith*  
Heyburn, G. W.: Commissioner of General Land Office, "The Public Lands of the United States," in 61st Congress, Second Session, 1909-10, Senate Documents, Vol. 59, Doc. No. 445.

Hibbard, Benjamin Horace: "A History of the Public Land Policies," 1924. *cond*

Hinsdale, E. A.: Compiled and annotated by, "Documents illustrative of American Educational History," (especially interesting in tracing schools from colonial days to date of publication) pp. 1225-1414, in Report of Commissioner of Education, 1892-3, Vol. 2.

James, Edmund J.: "The Origin of the Land Grant Act of 1862 and Some Account of its Author, Jonathan B. Turner." This Thesis gives Turner credit for the "so-called Morrill Act." The University Studies, University of Illinois, Vol. IV, No. 1, 1910.

*James*  
Kandel, I. L.; Federal Aid for Vocational Education, Bulletin No. 10, in the Carnegie Foundation for the Advancement of Teaching, 1917. (Part I contains interesting background for the Agricultural Land Grant; Part II, Constitutional and Educational Precedents.)

Keith, John A. H., and Bagley, William C.: "The Nation and the Schools." 1920. Chap. III, IV, V, VI, VIII, p. 14-32.

*Kirkman*  
Knight, George W.: "History and Management of Land Grants for Education in the Northwest Territory," Papers of the American Historical Association, I, No. 3, 1885.

Mayo, Rev. A. D.: "Public Schools during the Colonial and Revolutionary Period in the United States," in Report of the Secretary of the Interior, Part 1, 1894, Vol. 5, Education.

Monroe, Paul, editor: Cyclopaedia of Education, Vol. IV, 1913, "National Government of the United States and Education," p. 372-382. (A concise history of the different grants for education.)

Nelson, Knute: "A Summary of our Most Important Land Laws," in 61st Congress, 1st Session, Doc. 59, in Senate Documents Vol. 8, 1909.

Orfield, Matthias Nordberg: "Federal Land Grants to the States with Special Reference to Minnesota" 1915, in Studies in the Social Sciences, Minnesota University, No. 1-2. *ead*

Parker, Leonard F.: "Higher Education in Iowa," in Bureau of Education, Circular of Information, No. 6, 1893. Contributions to American Educational History. Contains a very interesting account of the first school in Iowa and the early educators. Chapter VI is given to the Iowa State Agricultural College and Chapter VII to the State University.

*Parker W. B.*

Pelzer, Louis: "The Public Domain as a field for Historical Study" in Iowa Journal of History and Politics XII, 1914, p. 568-578.

Pickard, J. L.: Historical Sketch of the State University of Iowa, in Annals of Iowa, Vol. IV, No. 1, 1899, p. 1-23.

Powell, Clifford: "The Contributions of Albert Miller Lea to the Literature of Iowa History" in Iowa Journal of History and Politics, Vol. 9, 1911, p. 3-33.

Sato, Shosuke; "History of the Land Question in the United States" in Johns Hopkins University Studies, Fourth Series VII-VIII-IX, 1886, p. 253-439. The first part deals with the acquisition of the public domain; the second part with the administration of the public domain; the third part with land system of the United States, which includes Ordinance of 1785 and 1787, pre-emption law, homestead, land grants, etc.

Shafer, Joseph: "The Origin of the System of Land Grants for Education," 1902, in University of Wisconsin, Bulletin, History Series, 1902-1908. *Card*

Thompson, W. O.: "The Influence of the Morrill Act upon American Higher Education" in The 26th Annual Convention of Association of American Agricultural Colleges and Experiment Stations, 1912, p. 87.

Totten, Rev. Silas: Address on University Education, delivered in Representatives' Hall, Des Moines, Feb. 6, 1860, in Legislative Documents, 1859-60.

Treat, Payson J.: "The National Land System, 1785-1820." 1910. Chapters most helpful: I. Origin of the Public Domain, p. 1-14; II. The Origin of the Federal Land System, 15-40; III, Land Grants for Education, p. 263-285; XIV, the Early Land System and the Westward Movement, 370-390.