

## (The First) Morrill Act 1862

Act of July 2, 1862, ch. 130, 12 Stat. 503, 7 U.S.C. 301 et seq.

Chap. CXXX.--AN ACT Donating Public Lands to the several States and Territories which may provide Colleges for the Benefit of Agriculture and Mechanic Arts.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, (1) That there be granted to the several States, (2) for the purposes hereinafter mentioned, an amount of public land, to be apportioned to each State a quantity equal to thirty thousand acres for each senator and representative in Congress to which the States are respectively entitled by the apportionment under the census of eighteen hundred and sixty: (3) *Provided*, That no mineral lands shall be selected or purchased under the provisions of this Act.

SEC. 2. (4) *And be it further enacted*, That the land aforesaid, after being surveyed, shall be apportioned to the several States in sections or subdivisions of sections, not less than one quarter of a section; and whenever there are public lands in a State subject to sale at private entry at one dollar and twenty-five cents per acre, the quantity to which said State shall be entitled shall be selected from such lands within the limits of such State, and the Secretary of the Interior is hereby directed to issue to each of the States in which there is not the quantity of public lands subject to sale at private entry at one dollar and twenty-five cents per acre, to which said State may be entitled under the provisions of this act, land scrip to the amount in acres for the deficiency of its distributive share: said scrip to be sold by said States and the proceeds thereof applied to the uses and purposes prescribed in this act, and for no other use or purpose whatsoever: *Provided*, That in no case shall any State to which land scrip may thus be issued be allowed to locate the same within the limits of any other State, or of any Territory of the United States, but their assignees may thus locate said land scrip upon any of the unappropriated lands of the United States subject to sale at private entry at one dollar and twenty-five cents, or less, per acre: *And provided, further*, That not more than one million acres shall be located by such assignees in any one of the States: *And provided, further*, That no such location shall be made before one year from the passage of this Act.

SEC. 3. (5) *And be it further enacted*, That all the expenses of management, superintendence, and taxes from date of selection of said lands, previous to their sales, and all expenses incurred in the management and disbursement of the moneys which may be received therefrom, shall be paid by the States to which they may belong, out of the Treasury of said States, so that the entire proceeds of the sale of said lands shall be applied without any diminution whatever to the purposes hereinafter mentioned.

SEC. 4. (6) That all moneys derived from the sale of lands aforesaid by the States to which lands are apportioned and from the sales of land scrip hereinbefore provided for shall be invested in bonds of the United States or of the States or some other safe bonds; (7) or the same may be invested by the States having no State bonds in any manner after the legislatures of such States shall have assented thereto and engaged that such funds

shall yield a fair and reasonable rate of return, to be fixed by the State legislatures, and that the principal thereof shall forever remain unimpaired: (8) *Provided*, That the moneys so invested or loaned shall constitute a perpetual fund, the capital of which shall remain forever undiminished (except so far as may be provided in section 5 of this Act), and the interest of which shall be inviolably appropriated, by each State which may take and claim the benefit of this Act, to the endowment, support, and maintenance of at least one college where the leading object shall be, without excluding other scientific and classical studies and including military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts, in such manner as the legislatures of the States may respectively prescribe, in order to promote the liberal and practical education of the industrial classes on the several pursuits and professions in life.

SEC. 5. (9) *And be it further enacted*, That the grant of land and land scrip hereby authorized shall be made on the following conditions, to which, as well as to the provisions hereinbefore contained, the previous assent of the several States shall be signified by legislative acts:

First. If any portion of the fund invested, as provided by the foregoing section, or any portion of the interest thereon, shall, by any action or contingency, be diminished or lost, it shall be replaced by the State to which it belongs, so that the capital of the fund shall remain forever undiminished; and the annual interest shall be regularly applied without diminution to the purposes mentioned in the fourth section of this act, except that a sum, not exceeding ten per centum upon the amount received by any State under the provisions of this act may be expended for the purchase of lands for sites or experimental farms, whenever authorized by the respective legislatures of said States.

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

Third. Any State which may take and claim the benefit of the provisions of this act shall provide, within five years from the time of its acceptance as provided in subdivision seven of this section, (10) at least not less than one college, as described in the fourth section of this act, or the grant to such State shall cease; and said State shall be bound to pay the United States the amount received of any lands previously sold; and that the title to purchasers under the State shall be valid.

Fourth. An annual report shall be made regarding the progress of each college, recording any improvements and experiments made, with their cost and results, and such other matters, including State industrial and economical statistics, as may be supposed useful; one copy of which shall be transmitted by mail [free] (11) by each, to all the other colleges which may be endowed under the provisions of this act, and also one copy to the Secretary of the Interior.

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

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

Seventh. No State shall be entitled to the benefits of this act unless it shall express its acceptance thereof by its legislature within three years from July 23, 1866: [\(12\)](#)

*Provided*, That when any Territory shall become a State and be admitted into the Union, such new State shall be entitled to the benefits of the said act of July two, eighteen hundred and sixty-two, by expressing the acceptance therein required within three years from the date of its admission into the Union, and providing the college or colleges within five years after such acceptance, as prescribed in this act. [\(13\)](#)

SEC. 6. [\(14\)](#) (Repealed)

SEC. 7. [\(15\)](#) *And be it further enacted*, That the land officers shall receive the same fees for locating land scrip issued under the provisions of this act as is now allowed for the location of military bounty land warrants under existing laws: *Provided*, their maximum compensation shall not be thereby increased.

SEC. 8. [\(16\)](#) *And be it further enacted*, That the Governors of the several States to which scrip shall be issued under this act shall be required to report annually to Congress all sales made of such scrip until the whole shall be disposed of, the amount received for the same, and what appropriation has been made of the proceeds.

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(1) 7 U.S.C. 301.

(2) The College of the Virgin Islands, the University of Guam, the Community College of American Samoa, and the College of Micronesia were included as land-grant colleges by the Act of June 23, 1972, Public Law 92-318, sec. 506(a) and (b), 86 Stat. 350, 7 U.S.C. 301, note, as amended by the Education Amendments of 1980, Public Law 96-374, sec. 1361(a), 94 Stat. 1501, as follows:

"SEC. 506. (a) The College of the Virgin Islands, the Community College of American Samoa, the College of Micronesia, and the University of Guam shall be considered land-grant colleges established for the benefit of agriculture and mechanic arts in accordance with the provisions of the Act of July 2, 1862, as amended (12 Stat. 501; 7 U.S.C. 301-305, 307, 308).

"(b) In lieu of extending to the Virgin Islands, Guam, American Samoa, and Micronesia those provisions of the Act of July 2, 1862, as amended, relating to donations of public

land or land scrip for the endowment and maintenance of colleges for the benefit of agriculture and the mechanic arts, there is authorized to be appropriated \$3,000,000 to the Virgin Islands and \$3,000,000 to Guam and an equal amount to American Samoa and to Micronesia. Amounts appropriated pursuant to this section shall be held and considered to have been granted to the Virgin Islands, Guam, American Samoa, and Micronesia subject to the provisions of that Act applicable to the proceeds from the sale of land or land scrip."

The Education Amendments of 1980, Public Law 96-374, sec. 1361 (c), (d), 94 Stat. 1502, provided that:

"(c) Any provision of any Act of Congress relating to the operation of or provision of assistance to a land grant college in the Virgin Islands or Guam shall apply to the land grant college in American Samoa and in Micronesia in the same manner and to the same extent.

"(d) Nothing in this section [amending section 326a of this title and provisions set out as a note under this section ] shall be construed to interfere with or affect any of the provisions of the April 17, 1900 Treaty of Cession of Tutuila and Aunu'u Islands or the July 16, 1904 Treaty of Cession of the Manu'a Islands as ratified by the Act of February 20, 1929 (45 Stat. 1253)[section 1431a of Title 48, Territories and Insular Possessions] and the act of May 22, 1929 (46 Stat. 4) [amending section 1431a of Title 48]."

Land grants under the Act of July 2, 1862, do not extend to the State of Alaska. Admission of Alaska into the Union was accomplished January 3, 1959, upon issuance of Proc. No. 3269, January 3, 1959, 24 F.R. 81, 73 Stat. c.16, as required by sections 1 and 8(c) of the Act of July 7, 1958, Public Law 85-508, 72 Stat. 339, 48 U.S.C. sec. 21, note. For provisions making the land grant under Alaska Statehood provisions in lieu of grant of acreage under 7 U.S.C., sec. 301 et seq. (declared not to extend to Alaska), see sec. 6(l) of the Act of July 7, 1958, Public Law 85- 508, 72 Stat. 339, 48 U.S.C., sec. 21, note.

The University of the District of Columbia was included as a land-grant college by the District of Columbia Public Postsecondary Education Reorganization Act of October 26, 1974, Public Law 93-471, section 208, 88 Stat. 1428.

(3) An exchange of land in the State of Missouri was authorized by the Act of September 4, 1957, Public Law 85-282, sections 1-3, 71 Stat. 607, 7 U.S.C. 301, note, as follows:

"That, notwithstanding the provisions of the Act entitled 'An Act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts', approved July 2, 1862, (7 U.S.C. secs. 301-308), the State of Missouri is authorized to convey to the United States all right, title, and interest of such State in and to any land granted to such State under authority of such Act of July 2, 1862, which is located within the exterior boundaries of the national forests situated within such State, and, in exchange therefor, the Secretary of Agriculture is authorized to convey to the State of Missouri all right, title, and interest of the United States in and to

not to exceed an equal value of national forest lands (as determined by the Secretary) situated within such State.

"SEC. 2. Any exchange authorized by the first section of this Act shall be made in accordance with the applicable provisions of section 7 of the Act of March 1, 1911, commonly referred to as the Weeks Law (16 U.S.C., 516), and the applicable provisions of the Act entitled 'An Act to consolidate national forest lands', approved March 20, 1922 (16 U.S.C., secs. 485 and 486).

"SEC. 3. Any land conveyed to the State of Missouri under authority of this Act shall, upon acceptance of such conveyance by such State, be held and considered to be granted to such State subject to the provisions of the Act of July 2, 1862, referred to in the first section of this Act."

(4) 7 U.S.C. 302.

(5) 7 U.S.C. 303.

(6) 7 U.S.C. 304.

(7) The Act of April 13, 1926, ch. 130, 44 Stat. 247, substituted "bonds" for "stocks" and "a fair and reasonable rate of return, to be fixed by the State legislatures" for "not less than 5 per centum upon the amount so invested", before proviso.

(8) The Act of March 3, 1883, ch. 102, 22 Stat. 484, adding after the words "other safe stocks" the words "or the same may be invested by the States having no State stocks in any other manner after the legislatures of such States shall have assented thereto, and engaged that such funds shall" and substituted "yield" for "yielding", "principal" for "capital" and "unimpaired" for "undiminished".

(9) 7 U.S.C. 305.

(10) Added by the Act of July 23, 1866, ch. 209, 14 Stat. 208.

(11) Authority for free mail was repealed by the Act of March 3, 1873, which provided in part: "That all laws and parts of laws permitting the transmission by mail of any free matter whatever be, and the same are hereby, repealed from and after June thirtieth, eighteen hundred and seventy-three."

(12) The Act of July 23, 1866, ch. 209, 14 Stat. 208, added "within three years from July 23, 1866:" in lieu of "within two years from the date of its approval by the President."

(13) Proviso added by the Act of July 23, 1866, ch. 209, 14 Stat. 208. This provision does not apply to Alaska. See footnote 12 above. Another proviso from the Act of July 23, 1866, which was formerly set out at the end of subdivision seventh and read: "*Provided further*, That any State which has heretofore expressed its acceptance of the act herein

referred to shall have the period of five years within which to provide at least one college, as described in the fourth section of said act, after the time for providing said college, according to the act of July second, eighteen hundred and sixty-two, shall have expired", has been omitted.

(14) 7 U.S.C. 306. Sec. 6, which related to time of location of land scrip, was repealed by the Act of December 16, 1930, ch. 14, sec. 1, 46 Stat. 1028.

(15) 7 U.S.C. 307.

(16) 7 U.S.C. 308.

Name: \_\_\_\_\_ Class Period: \_\_\_\_\_ Date: \_\_\_\_\_

**Analyzing a Document, Speech, Treaty, Letter, or other Historical Items**

1. Name of the item: \_\_\_\_\_

2. Who is the author? \_\_\_\_\_

3. What was the purpose of the item? \_\_\_\_\_

4. Date the item was ratified, sent, entered into, issued, or accepted \_\_\_\_\_

5. Describe the item; was it a letter, a treaty, a speech? \_\_\_\_\_

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6. Brief background of the item (purpose of the item)

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7. List what you think the author was trying to convey to the reader or listener.

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8. List some of the things the item tells you about life in the United States at the time it was written; or project as to how it is applicable to the United States. .

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9. What questions has the author/item left unanswered?

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10. How would you respond to the document, speech, or letter if you were the intended recipient or audience?

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