

Colleges of Agriculture, the Morrill Acts,
and the University of Hawai'i
Revised Feb. 2009
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The growth in the United States of agricultural colleges began in the 1850s, primarily in the north central and eastern states. This itself was part of an international movement in Europe and North America to provide technical education in contrast to the older practice of a classical education. Many agricultural schools were founded in the decade of the 1850s, but most differed from ordinary schools only in having a farm attached; there were no trained teachers in agriculture, crop and animal sciences, soil chemistry, etc. In 1850 Michigan adopted a new constitution which specified a state supported school of agriculture, the first in the nation. Pennsylvania established Farmers' High School, now Penn State University, in 1854. Maryland and Massachusetts established schools in 1856.¹

Justin S. Morrill, Representative from the State of Maine, introduced a bill into Congress in December 1857 which called for the Federal government to donate public lands to the states to "provide colleges for the benefit of agriculture and the mechanical arts." This bill passed both houses of Congress but was vetoed by President Buchanan in February 1859. After the election of 1860, Morrill introduced a similar bill which passed both houses and was signed by President Lincoln on 2 July 1862.²

The original Morrill Act provided for public lands to be granted to the various states in the amount of thirty thousand acres per senator and representative as established by the census of 1860. The states were then to sell the lands for at least the minimum rate of \$1.25 per acre, with the monies gained therefrom to be used for the establishment and operation of colleges of agriculture within each state, with the proviso that the funds could not be used for construction or maintenance of buildings, but only for the actual teaching of agriculture and related sciences. If any state had insufficient public lands to reach the total acreage allotted to the state, the Secretary of the Interior was directed to issue to such a state land scrip to the amount needed to make up the deficiency. The Morrill Act reads, "*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:"³ This statement has at times been misunderstood to mean the land scrip was valid only in unorganized territories. In actuality, it meant that the states

¹*Encyclopaedia Britannica*, 11th Edition (1910-1911), *sub verbo* Agriculture.

²*Ibid.*, *sub verbo* Agriculture and *sub verbo* Morrill, Justin S..

³*United States Statutes at Large*, volume 12, 37th Congress, 2nd Session, Chapter 130, as accessed via *HeinOnline: Modern Link to Legal History* available through Hamilton Library Electronic Resources, UH Mānoa. Special appreciation is given to Ms. Mabel Suzuki, Government Documents librarian, for acquainting me with this resource and for on-going assistance in locating titles within the online resource.

themselves could not lay claims to lands in another state, but could deed over the scrip to selected lands to assignee(s) who could obtain land in another state or territory which still had federal lands available. The moneys obtained from sales of land grants were to be invested in a permanent endowment and only the income from the endowment used; one exception existed: up to ten percent of the moneys from the sale of the land grant could be used to purchase land for a farm or farms for the college. There is no mention within the first Morrill Act of this benefice being extended to schools within organized territories of the United States.

The second Morrill Act, passed in 1890, expanded the benefits offered by the Federal government by providing from funds derived from the sale of public lands a sum of \$15,000 per annum, supplementary to the benefit from the original land grant, to each state and territory in which a college for the teaching of agriculture had been or would be established in accordance with the provisions of the first Morrill Act. The annual payment to each state was to increase by \$1,000 each year for ten years, so that by 1900, the annual benefit would be \$25,000.⁴

Although according to the *Encyclopaedia Britannica* some of the original land grants and funds were still available in 1905,⁵ the College of Hawai‘i did not receive benefit from the 1862 land grant possibly because that legislation specified that the benefits were to states, and did not specify territories. College of Hawai‘i, therefore, benefitted only from the allocation of Federal funds from the Second Morrill Act, 1890. The 1890 bill also stipulated that there could be no funds extended to states or territories which excluded students on the basis of race or color, unless separate, equal, institutions were established by the states for colored students.⁶

In 1907, the legislature of the Territory of Hawai‘i created the College of Hawai‘i to focus on agriculture and related scientific and engineering subjects along with military science. The legislators geared the wording of the bill, which became Act 24 of that session of the Legislature, to conform with the requirements of the 1862 Morrill Act and the 1890 Second Morrill Act. Included was section 5 which specified: "No person shall, because of age, sex, color or nationality, be deprived of the privileges of this institution." The bill passed both House and Senate and was signed by Governor George R. Carter, 25 March 1907.⁷

⁴*United States Statutes At Large*, volume 26, 51st Congress, 2nd Session, Chapter 841, as accessed via *HeinOnline: Modern Link to Legal History* available through Hamilton Library Electronic Resources, UH Mānoa.

⁵*Encyclopaedia Britannica*, 11th Edition (1910-1911) *s.v.* Agriculture.

⁶While this led to the establishment of several historic Black colleges and universities, it also gave further Federal sanction to the farce of separate but equal, and allowed Southern colleges and universities to obtain the Federal Land Grant funds and still remain segregated.

⁷*Laws of the Territory of Hawaii passed by the Legislature*, 1907, Act 24, copy from Hawai‘i State Archives in microform collection. Also probably available in *Session Laws of Hawaii*, 1909, Act 24. The provisions of the Second Morrill Act could be insinuated as the cause of the equal access clause in the 1907 bill creating the College of Hawai‘i, but there is no evidence that Hawai‘i legislators considered any alternative other than an open college for all. The population was already so diverse, the legislature made up of such diversity, that the alternative

Hawai‘i became unique among states and territories in that the Agriculture Experiment Station and the Agriculture Extension Service were both established independent of the College of Hawai‘i. Both institutions were likewise independent of each other. As a result, extension work and experimental development within agriculture frequently overlapped. College of Hawai‘i worked in experimental development of plant and animal species and extended their findings through extension work. At the same time the federally funded Experiment Station worked on improved crops and animals and conducted their own extension work to spread the results. Likewise federal funds for extension work through the Territorial department of agriculture drew upon the research conducted by the Experiment Station and the College of Hawai‘i.

The Cooperative Extension Service functioned as a part of the Territorial Department of Agriculture, apparently until Governor McCarthy directed that it fall under the jurisdiction of the College of Hawai‘i effective 1 January 1919.⁸ Nevertheless, apart from mention in the annual report of the extension service becoming part of the University, not much further incorporation occurred until 1929; between 1919 and 1928, the annual college catalog for the University of Hawai‘i does not make any mention of the agricultural extension service. The federal Congress funded extension work through the various agriculture colleges established under the Morrill Acts in 1914⁹ for the states; in 1928, it established further funds and extended this funding to the Territory of Hawai‘i.¹⁰ In response to this latter federal legislation, the TH legislature passed the Territorial Extension Act of 1929, making the cooperative extension service, as funded by Congress, a part of the University of Hawai‘i. In the 1928/1929 annual catalog, Merlyn D.L. Forbes is listed as the director of Agricultural Extension with two other persons listed. The following year, William A. Lloyd is listed as the director along with six extension agents and staff, totaling eleven people.¹¹

would have been unthinkable. Throughout this essay I employ the diacritics of the ‘okina and the kāhākō in my writing and in references to titles which also employ the diacritics. When citing the title of a published source which does not employ the diacritics, as in the main source in this footnote, my citation of the titles likewise omits the diacritics.

⁸Annual report of the president of the college, part of the annual report of the BOR to the legislature for the year 1919, in *College Records* no. 18, pp 15-16, indicates the system of county agents had been developed under the Food Commission but effective 1 January 1919 would be under the College of Hawai‘i.

⁹*United States Statutes At Large*, volume 38, 63rd Congress, 2nd Session, Chapter 79, as accessed via *HeinOnline: Modern Link to Legal History*, UH Mānoa Library.

¹⁰*United States Statutes At Large*, volume 45, 70th Congress, 1st Session, Chapter 687, as accessed via *HeinOnline: Modern Link to Legal History*, UH Mānoa Library.

¹¹University of Hawai‘i annual catalog appears as an issue of *University Records*, which also includes other publications and the BOR and president’s reports to the legislature. As the catalog is prepared some time in advance, changes in University structure are frequently not reflected in the catalog until the following academic year. The 1928/1929 catalog is volume 8, no. 2; 1929/1930 catalog is volume 9, no. 2.

The Hawai‘i Agricultural Experiment Station (HAES) was created in 1901 by Federal legislation as an agency of the U.S. Department of Agriculture. HAES remained separate from the University for several years. In 1929, HAES and the University’s agricultural experiment program merged their facilities. The annual catalog for 1930/1931 first includes a listing of HAES personnel along with a note that HAES was a joint effort of the University and the Federal Department of Agriculture. Still, during the most of the 1930s, the University’s experiment station and the HAES remained technically, fiscally, separate.¹² The catalog for 1934/1935 lists the directors of both the Cooperative Extension Service and the Hawai‘i Agricultural Experiment Station within the list of deans and directors; additionally, HAES and Cooperative Extension Service staff members are included in the list of faculty and high-level staff of the University.¹³

One further connection between the University of Hawai‘i and the land grant program needs exploration. At statehood in 1959, the federal government and the government of Hawai‘i made some extensive and complicated land exchanges, part of which sent many public lands to the new state of Hawai‘i but which also specified that these grants “shall be in lieu of any and all grants provided for new States by provisions of law other than this Act” and added that the usual grants “shall not extend to the State of Hawaii.”¹⁴ The other acts which were excluded by this act included the Morrill Acts, particularly the one of 1862, granting an endowment of public lands for colleges of agriculture. In the following year, 1960, Congress considered the “Hawaii Omnibus Act”¹⁵ in which a sum of \$6,000,000 was authorized to be appropriated to the State of Hawai‘i subject to the provisions of the first Morrill Act of 1862, i.e., that the funds be used for colleges teaching agriculture and related “mechanic arts.” This endowment was in lieu of a land grant. This act passed both houses of Congress and was signed by President Dwight D. Eisenhower on 12 July 1960. Late that summer, Congress passed the Second Supplemental Appropriation Bill, granting \$2,225,000 for land grant college aid to the state of Hawai‘i.¹⁶

The reconciliation between the two acts, both passed by Congress and signed by the president, arises from the language. The first act authorized an appropriation; the second act

¹²James R. Hollyer and Robert E. Paull, “Hawai‘i’s Agriculture Roots Run Deep in Research,” in Barry M. Brennan and James R. Hollyer, *Hawai‘i’s College of Tropical Agriculture and Human Resources: Celebrating the First 100 Years*, pp. 8-9.

¹³Though the publication *University Records* changes title during the mid 1930s, the copy in the Hawaiian Collection in Hamilton Library continues with the same call number, LG961 .H4. A13 plus the year.

¹⁴*United States Statutes At Large*, volume 73, 86th Congress, 1st Session, Chapter 3, section 5 b, as accessed via *HeinOnline: Modern Link to Legal History*, UH Mānoa Library.

¹⁵*United States Statutes At Large*, volume 74, 86th Congress, 2nd Session, Chapter 624, as accessed via *HeinOnline: Modern Link to Legal History*, UH Mānoa Library. Special thanks to Ms. Eileen Herring, Science and Technology Librarian in Agriculture and related sciences, for bringing to the author’s attention a newspaper clipping on the land grant endowment of \$6,000,000.

¹⁶*United States Statutes At Large*, volume 74, 86th Congress, 2nd Session, Chapter 722, as accessed via *HeinOnline: Modern Link to Legal History*, UH Mānoa Library.

contained the appropriation. In the Senate version of the appropriation act, the sum was for \$6,000,000 as authorized, but the House trimmed the sum down to \$2,225,000. In the conference committee between the two houses, the Senate acceded to the House, cutting the appropriation to the smaller amount.¹⁷

In the discussions for the Second Supplemental Appropriation Bill in the House, Representative Daniel Inouye tried to obtain the higher sum. He spoke of the lack of land grant to the University of Hawai‘i, and of the correction made by the Eighty-Sixth Congress earlier that summer, adding that “We in Hawaii feel that the amount authorized is just and fair.” He then reviewed the rationalization of the Committee on Appropriations for cutting the sum to \$2,225,000. He argued that the reasons were arbitrary and compared Hawai‘i to all other states, not just to those comparable in size, and to those states whose characteristics, etc., were similar to those of Hawai‘i. After stating that he felt that the original authorization would be totally justified, he concluded, “But Mr. Chairman, realizing that this session is fast drawing to a close and further realizing the deep concern of our Members to zealously guard our taxpayers’ money, I will not adamantly oppose the committee’s recommendation. . . . It is my hope that the committee and the next Congress will again give its consideration to granting the \$3,775,000 remaining unappropriated....”¹⁸

The Board of Regents of the University worked to obtain custody of the funds. On 14 July 1960, the Regents approved asking the governor for the \$6M to be turned over to the supervision of the Board of Regents when the funds came.¹⁹ The minutes for the meeting of 14 October 1960 include mention that a check for the \$2,225,000 had been received in the Hawai‘i State Department of Budget and Review and had been deposited in a trust fund in a time certificate for five months at 2.5% per annum. There is no mention in these minutes of the title of the trust fund nor the name(s) of the financial officers of the fund. The Regents requested that an expression of appreciation be extended to Senators Long and Fong and to Representative Inouye for their efforts in obtaining these funds.²⁰

The following summer, July 1961, the Board of Regents created a committee to work with the Department of Budget and Review to select a management consultant service. BOR

¹⁷*Congressional Record–Senate*, volume 106, pp 18581, 18584-18585, as accessed via *HeinOnline: Modern Link to Legal History*, UH Mānoa Library.

¹⁸*Congressional Record–House*, volume 106, p. 17897, as accessed via *HeinOnline: Modern Link to Legal History*, UH Mānoa Library.

¹⁹University of Hawai‘i Board of Regents, Minutes, 1907-2007, Manuscript A2008:014, in University Archives, Hamilton Library, 14 July 1960, p.6; hereafter referred to as BOR Minutes, plus the date and page number. Ms. Eileen Herring, librarian in Science and Technology department of the Library, brought to my attention the articles from Honolulu newspapers on the \$6M authorization and asked what I knew about it. This spurred me to investigate.

²⁰Minutes for meeting 4 October 1960, p. 4.

members appointed to the committee during the meeting were Akaka, Gordon, Lewis, Okomoto, Pang, and You.²¹ The minutes of this meeting suggest the creation of the committee grew out of action in the previous board meeting, but the minutes for the meeting of 8 June 1961 have no mention of this action. In the meeting for September, the Board of Regents considered two recommendations on use of some of the income from the Congressional land grant. One earmarked \$25,000 for participation of the University of Hawai'i in the centennial of the land grant movement; the BOR delayed its decision on this recommendation for one month and approved the expenditure in the October meeting. The second proposal was for the establishment of an Engineering Experiment Station at the university. The proposal called for \$26,093 for the salaries of the director and professor of engineering, two half-time research assistants, a stenographer; current expenses; and equipment and furniture. The president of the university was authorized to exceed the original proposal of \$16,000 for the director's salary. The Board understood that the position of director of the engineering experiment station would be a recurring expense, in essence an endowed chair supported by the land grant funds. The authorization for the Engineering Experiment Station was effective 1 October 1961, though obviously personnel, especially the director, could not be hired by that time.²²

Control over the funds remained in the hands of a state officer for many years, but the Board of Regents made some efforts to influence if not obtain control over the trust fund. In December 1961, the Regents' Investment Committee filed recommendations concerning the balance of the investments into which the Land Grant endowment had been invested. The committee felt that a larger share of the total should be placed in Mainland businesses.²³ The *Hawai'i Revised Statutes*, 1970, Chapter 304-9 indicates that the land grant endowment was under the "director of finance," showing that the state official still controlled the funds. Further research in the various editions of *Hawaii Revised Statutes* reveals that the authority over the funds did not devolve to the Board of Regents until 2006. The immediate preceding edition of the *Hawaii Revised Statutes* before the 2006 legislative session stipulates that the funds were

²¹BOR Minutes, 6 July 1961, p 1.

²²BOR Minutes, 6 September 1961, pp. 8-9. The University *Catalog* first mentions the Engineering Experiment Station in the 1964/1965 annual catalog, published as University of Hawai'i *Bulletin*, vol. 43, no. 3 (May 1964). Wilfred J. Holmes, Dean of College of Engineering, is listed also as Acting Directory of the Engineering Experiment Station. The catalog for the following academic year also lists Holmes as acting director. The catalog for 1966/1967 shows a name change to the Center for Engineering Research with no one listed as director. Holmes is listed as emeritus. Further research in the Board of Regents Minutes for the years 1961-1966 may reveal whether funding continued to come from the land grant endowment.

²³BOR Minutes, 14 December 1961, p. 5. The Hawai'i State Department of Budget and Review is currently (2009) the Department of Budget and Finance and is headed by the Director of Finance. *Session Laws*, 1963, Act 114, section 1 contains the change of name of this department from Department of Budget and Review to Department of Finance. Sections 2 and 5-7 also bear upon this name change.

under the supervision of the director of finance. Act 75 of the *Session Laws*, 2006, section 421 placed the funds under the jurisdiction and supervision of the Board of Regents.²⁴

The University of Hawai'i is indeed unique among the American land grant institutions, but in ways that are slightly more complex than commonly thought. True, the University did not receive a land grant as other states' colleges of agriculture did. Some have expressed the idea that Hawai'i was singularly neglected vis a vis the land grant. This oversimplifies the situation.

I have contacted some other land grant institutions in states which became states after the passage of the Morrill Acts. Response from the archivist at New Mexico State University indicates that the Territorial Legislature of New Mexico authorized the establishment of an experiment station and a college of agriculture to be located in Las Cruces in February 1889. An appropriation of \$50,000 from the territorial government provided for the construction of facilities; other donations provided \$7500 for land. An additional \$15,000 from the Federal government for operating expenses seems to have come on the basis of the second Morrill Act in 1890. The archivist made no mention of a known land grant to the institution at this early date.²⁵

Visits to the web sites of the University of Arizona and the University of Alaska, Fairbanks, revealed a minimum of information. Similar to the situation in Hawai'i, the University of Alaska, Fairbanks, was established after the establishment of the federally funded experiment station in 1906 so the experiment station was separate from the university. In Alaska, the merger began at the founding of the agricultural college. The federal government authorized the granting of funds and the transfer of land of the Experiment Station to a college of agriculture and mining in 1915. In 1917 the Alaska Territorial legislature provided funds for buildings, the first of which was finished in 1922. In 1931, ownership of the experiment station was transferred from the federal government to the college.²⁶ The archivist at the University of Alaska later wrote me an email message in which she indicated that the territorial representative from Alaska to Congress, Mr. James Wickersham, managed to get a land grant as well as catch-up funding. The bill passed

²⁴*Hawaii Revised Statutes*, 1993, Chapter 304, section 9, states that the income from the land grant authorized to the University was under the custodianship of the director of finance and was subject to Chapter 37. *Session Laws*, 2006, Act 75, Section 421 stipulates that the BOR was custodian of these trust funds from the Public Law 86-624 (Hawaii Omnibus Act). Act 75 is now incorporated into the *Hawaii Revised Statutes*, 2007, Chapter 304A; Section 2401 states that the Land Grant endowment is under custody of the Board of Regents.

²⁵Email correspondence, James Cartwright to archives@lib.NMSU.edu; Ms. Martha Andrews to Cartwright; and Cartwright to Andrews, all messages dated 6 February 2009.

²⁶Web sites for University of Alaska, Fairbanks, and for School of Natural Resources and Agricultural Sciences at UAF, <http://www.uaf.edu/uaf/about/grants.html> and <http://uaf.edu/snras/afes/index.html> respectively, accessed 9 February 2009. Some confusion from the accounts on the web exists as to the date and extent of land transferred from the federal government to the College of Agriculture and School of Mines. The transfer probably was only authorized in 1915, since a stipulation of the Morrill Acts was passage by territorial and state legislatures of acts guaranteeing continued funding before federal funds became available. Another possible date for the transfer would be either 1917 upon legislative act or 1922 upon the college's opening the first building.. One web site also indicates that the transfer of title to the land did not occur until 1931.

by Congress awarded \$50,000 per year and transferred four sections of land contiguous to the experiment station/college campus and section 33 of each township in the Tanana Valley to the agricultural college still to be funded by the territorial legislature. Additional land grant was made in 1929, bringing the total federal land grants to the College of Agriculture and School of Mines to 110,000 acres.²⁷ I conclude that the sum of \$50,000 was based upon the annual appropriations authorized by the second Morrill Act of 1890.

The most thorough answer to my inquiries came from the archivist at Utah State University. Mr. Robert Parson, archivist at USU, indicated that Utah Territorial Legislature provided funds for the establishment of an college of agriculture in 1888 to take advantage of the Hatch Act which gave \$15,000 to establish experiment stations and an 1883 amendment to the Morrill Act which provided moneys for a stock fund. Parson stated, "The sale of lands granted by the Morrill Act played no part in the funding of the establishment of the college as near as I can determine.... Furthermore, I don't find record of Utah acquiring any land-grants during the territorial period." He also stated that with the enabling act of 1895 bringing statehood to Utah, 14% of the federally owned public lands were given to the new state. The enabling act specifically bestowed 200,000 acres of land to the state as a land grant to support the college of agriculture.²⁸

It appears from accounts of various other land grant institutions in the American West that lands generally were not granted to colleges of agriculture during territorial status; Alaska seems to be the exception. The lands granted by the first Morrill Act were meant to be sold in order to obtain an endowment fund for the college(s) of agriculture, not retained by the college(s) for agricultural uses.²⁹ In Hawai'i the federally owned land not used for military or natural preserves was deeded to the State of Hawai'i by the enabling act of 1959; there was no qualifying federal land to give to the University as a land grant. Congress allocated \$2,225,000 in 1960 as an endowment to replace the land grant. That monetary endowment given almost fifty years ago with the stipulation that only the income generated from it could be spent still resides with the University for the benefit of teaching agriculture and related sciences. In comparison with many of the states which received land grants for colleges of agriculture, Hawai'i may have received a more enduring endowment.

²⁷Anne L. Foster to James Cartwright, email, 11 February 2009.

²⁸Email, Robert Parson to Jim Cartwright, 9 February 2009.

²⁹The concluding chapter of *The Wisconsin Pine Lands of Cornell University*, by Paul Wallace Gates (Ithaca, NY: Cornell University Press, 1943), especially pp. 245-246 states that with few exceptions, states east of the Mississippi River did not obtain from their land grants funds sufficient to endow their colleges of agriculture. Cornell University was the major if not only exception. Its investment in pine forest lands of northern Wisconsin, in some instances held for almost half a century, yielded the institution a total of \$5,000,000. In contrast, the state of Wisconsin sold its 240,000 acres almost immediately for a total endowment of \$300,000. Most states followed the Wisconsin pattern, not the Cornell pattern.