

LAND-GRANT UNIVERSITIES

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INTRODUCTION

“So in the great universities of the east, . . . Harvard and Yale Universities, and all the kindred universities of the United States, derive their revenue from their landed possessions—possessions which they never part from.”

-Delegate Aaron F. Parker, Idaho Constitutional Convention, July 23, 1889.¹

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1. 1 PROCEEDINGS AND DEBATES OF THE CONSTITUTIONAL CONVENTION OF IDAHO, 1889, at 705 (I.W. Hart ed., 1912).

In their groundbreaking *High Country News* article on “land-grab universities,” Robert Lee and Tristan Ahtone argue that Congress’s 1862 Morrill Act,² which famously granted lands held by the United States to states for the purpose of endowing fifty-two universities, “worked by turning land expropriated from tribal nations into seed money for higher education.”³ “In all,” they write, “the act redistributed nearly [eleven] million acres—an area larger than Massachusetts and Connecticut combined”—and these redistributed parcels were “scattered mostly across 24 Western states.”⁴ This land, they claim, was “taken from nearly 250 tribes, bands and communities through over 160 violence-backed land cessions.”⁵ This represented “a massive wealth transfer masquerading as a donation,” which “challenges universities to re-evaluate the foundations of their success”⁶ and presents them with “a chance to acknowledge debts that are impossible to repay but unconscionable to ignore.”⁷ Their intervention, including a forensic accounting of nearly all Morrill Act lands and a *New York Times* op-ed,⁸ received considerable media coverage,⁹ earned a suite of prestigious scholarly awards,¹⁰ won a clutch of journalism awards,¹¹ galvanized demands for reparations from several

2. See Morrill Act of 1862, ch. 130, § 4, 12 Stat. 503, 504 (codified as amended at 7 U.S.C. § 304 (1988)). I do not address the 1890 Morrill Act universities because that Act granted funds from public-land sales, instead of land itself. See Morrill Act of 1890, ch. 841, § 1, 26 Stat. 417 (codified as amended at 7 U.S.C. §§ 322–23 (1988)).

3. Robert Lee & Tristan Ahtone, *Land-Grab Universities*, HIGH COUNTRY NEWS (Mar. 30, 2020), <https://www.hcn.org/issues/52-4/indigenous-affairs-education-land-grab-universities/> [<https://perma.cc/HUM6-2JUQ>].

4. *Id.*

5. *Id.*

6. *Id.*

7. Tristan Ahtone & Robert Lee, *Ask Who Paid for America’s Universities*, N.Y. TIMES (May 7, 2020), <https://www.nytimes.com/2020/05/07/opinion/land-grant-universities-native-americans.html> [<https://perma.cc/R4KT-7YZA>].

8. *Id.*

9. See, e.g., Bennett Leckrone, *Why New Research Calls Some Flagships ‘Land-Grab Universities’*, CHRON. HIGHER EDUC. (Apr. 8, 2020), <https://www.chronicle.com/article/why-new-research-calls-some-flagships-land-grab-universities/> [<https://perma.cc/P4PV-S2YR>].

10. See Dr Robert Lee Wins Awards for ‘Land-Grab Universities’, UNIV. CAMBRIDGE FAC. HIST. (Nov. 16, 2021), <https://www.hist.cam.ac.uk/news/dr-robert-lee-wins-awards-land-grab-universities-0> [<https://perma.cc/Z37P-XA44>].

11. See *id.*

Tribes,¹² and provoked an upwelling of “land-grab” scholarship.¹³ In short, their project has been remarkably influential. But they only told part of the story.

As this essay shows, the eye-popping 10.7-million-acre figure actually underestimates the size of university land grants — by at least 4,079,369.20 acres, collectively a landmass larger than Connecticut.¹⁴ This is because, by 1862, land-grant universities dotted the American landscape. And land-granting didn’t end with the Morrill Act. The practice has surprisingly persisted right up to today: as recently as 2024, the City of West Palm Beach, Florida, along with Palm Beach County, Florida, granted Vanderbilt University, a Tennessee corporation, seven acres valued at \$58.8 million.¹⁵ This essay shows that at least

12. See Sara Weissman, *Tribes Call for Reparations from University of Minnesota*, INSIDE HIGHER ED (July 13, 2023), <https://www.insidehighered.com/news/quick-takes/2023/07/13/tribes-call-reparations-university-minnesota> [https://perma.cc/S79J-EFJB].

13. A 2021 *Native American and Indigenous Studies* “Intervention” featured twelve commentaries and an interview with Lee and Ahtone. See K. Tsianina Lomawaima, Kelly McDonough, Jean M. O’Brien & Robert Warrior, *Editors’ Introduction: Reflections on the Land-Grab Universities Project*, 8 NATIVE AM. & INDIGENOUS STUD. 89, 90 (2021). Several scholarly articles have been written in this vein. See, e.g., Richard Finlay Fletcher, *Not About U: Social Dissonance at a Land-Grab University*, FUTURE HUMAN., June 21, 2024, at 1; Caitlin Harvey, *University Land Grabs: Indigenous Dispossession and the Universities of Toronto and Manitoba*, 104 CANADIAN HIST. REV. 467 (2023). At least one doctoral dissertation and two master’s theses have since been written on land-grab universities. See Isabelle Soulay Soifer, “This Is Not a Campus, This Is New York City.”[:] Colonial University Land Grabs and the Fight for Homefulness (Sept. 19, 2025) (unpublished Ph.D. dissertation, University of California, Irvine) (on file with eScholarship, University of California); Georgina E. Mullins, *Wyoming’s Land-Grab: Education for All, Geographies of Responsibility, and Land-Grant Revenue for Indigenous Students* (2025) (unpublished M.A. thesis, University of Wyoming) (on file with ProQuest); Jenny Sullivan, *Contested Landscapes: The Origins and Consequences of Rhode Island’s Land-Grant Institutions (1862–1892)* (2024) (unpublished M.A. thesis, University of Rhode Island) (on file with Digital Commons at University of Rhode Island).

14. See *State Area Measurements and Internal Point Coordinates*, U.S. CENSUS BUREAU (2010), <https://www.census.gov/geographies/reference-files/2010/geo/state-area.html> [https://perma.cc/B347-AC3M].

15. See Ellen Rosen, *Can a University From Tennessee Help Accelerate Growth in West Palm Beach?*, N.Y. TIMES (Oct. 19, 2025), <https://www.nytimes.com/2025/10/19/business/vanderbilt-university-expansion.html> [https://perma.cc/F9XD-M7BP]; Stephen Ross and Cody Crowell, *BS’07, Fuel Momentum for*

thirty-eight extant universities received land grants before or after the Morrill Act, and that at least seven universities that received Morrill Act lands received other land grants either before or after 1862. Thus, the United States is home to at least ninety land-grant universities. And, as they received lands from various public authorities, universities in the twentieth century started grabbing land by eminent domain, a development that historians have overlooked.¹⁶

This short essay tells the long story of university land-granting and -grabbing, from the seventeenth century to the present, for the first time. In doing so, it challenges us to reconsider even the revisionist histories of our land-grant universities. While those histories helpfully call attention to the ways that public authorities initially acquired lands they granted to universities, they do not pay adequate attention to the many land grants before and after the Morrill Act.¹⁷ The more than four million acres of pre-

West Palm Beach Campus, VANDERBILT UNIV., <https://giving.vanderbilt.edu/impact-stories/ross-crowell-west-palm-beach-campus/> [<https://perma.cc/C7FM-5EQ7>].

16. For example, neither John Thelin's classic history of American higher education, nor Christopher Loss's more recent monograph, mentions eminent domain at all. See generally JOHN R. THELIN, *A HISTORY OF AMERICAN HIGHER EDUCATION* (2004); CHRISTOPHER P. LOSS, *BETWEEN CITIZENS AND THE STATE: THE POLITICS OF AMERICAN HIGHER EDUCATION IN THE 20TH CENTURY* (2012). Historian Davarian Baldwin's 2021 book is the exception, although that text does not identify the American university's acquisition of eminent-domain powers as a turn-of-the-century development, as this essay does. See DAVARIAN L. BALDWIN, *IN THE SHADOW OF THE IVORY TOWER: HOW UNIVERSITIES ARE PLUNDERING OUR CITIES* 9–10, 29 (2021). This historical oversight might have resulted from the tendency to view the American university's relationship to land almost exclusively through the prism of the Morrill Act. One example of recent work focused on other instances of "landing" universities is the 2024 *Grist* article on lands held by states in trust for universities by Lee, Ahtone, and their collaborators. See Tristan Ahtone, Robert Lee, Amanda Tachine, An Garagiola, Audrianna Goodwin et al., *Misplaced Trust: Stolen Indigenous Land Is the Foundation of the Land-Grant University System. Climate Change Is Its Legacy.*, GRIST (Feb. 7, 2024), <https://grist.org/project/indigenous/land-grant-universities-indigenous-lands-fossil-fuels/> [<https://perma.cc/QM54-PA4X>]. But even there, the authors analyzed the lands held in trust for fourteen universities that also received Morrill-Act lands. See *id.* On Arizona's trust lands, see generally Teresa Miguel-Stearns, Samantha Ginsburg, & Kristen Cook, *More Than Morrill: The Intertwined History of Indian Land Dispossession, Arizona Statehood, and University Enrichment*, 16 ARIZ. J. ENV. L. & POL'Y 1 (2025).

17. See generally SHARON STEIN, *UNSETTLING THE UNIVERSITY: CONFRONTING THE COLONIAL FOUNDATIONS OF US HIGHER EDUCATION* (2022); Margaret A. Nash, *Entangled*

and post-Morrill Act land grants, assembled for the first time in this essay, add up to over one-third of the lands granted via the Morrill Act. This history tells a more complete story of our landed universities and suggests that the debts Lee and Ahtone mention are potentially much larger than previously thought. Whereas Lee and Ahtone, along with other land-grant historians, direct our attention westward, this essay contends that understanding land-grant universities requires us to first look east. As detailed below, many universities, including those calling themselves “private,” received lands from public authorities and acquired land by eminent domain. If land-grant universities owe a special duty to the public, then “private” landed universities like Harvard and Yale, two of the earliest land-grant universities, owe that duty as much as public landed universities do. In short, the United States is a land of landed universities,¹⁸ and has been since its inception. To understand our landed universities, we need to disabuse ourselves of what we might call Morrill-Act exceptionalism, and attend to the many other land grants creating our many other land-grant universities.

Vermont, the state from which the 1862 bill’s namesake Justin Morrill hailed, is a case in point. In 1791, the Vermont Legislature included among the preambulatory statements in the University of Vermont’s charter a note that “several grants of land have already been made by this State,”¹⁹ totaling 29,000 acres.²⁰ Vermont was in no way unique. Six years earlier, one preambulatory statement included in the University of Georgia’s charter observed that,

Pasts: Land-Grant Colleges and American Indian Dispossession, 59 HIST. EDUC. QUART. 437 (2019).

18. This turn of phrase modifies a chapter title in James Axtell’s excellent history of the American research university. See JAMES AXTELL, WISDOM’S WORKSHOP: THE RISE OF THE MODERN UNIVERSITY 147 (2016) (“A Land of Colleges”).

19. An act for the purpose of founding an University at Burlington (Nov. 3, 1791), University of Vermont Silver Special Collections, Record Group 1, Trustees Minutes, 1791–1811, Book 1.

20. See JULIAN IRA LINDSAY, TRADITION LOOKS FORWARD[,] THE UNIVERSITY OF VERMONT: A HISTORY 1791–1904, at 10 (1954).

for the great purpose of internal education, divers allotments of land have, at different times, been made, particularly by the [Georgia] Legislature at their Session in July One thousand seven hundred and eighty three, and February One thousand seven hundred and eighty four, all of which may be comprehended and made the basis of one general and complete establishment.²¹

As historian John Whitehead wrote in his 1973 book *The Separation of College and State*, “for nearly fifty years after the American Revolution state governments had made land grants and cash grants resulting from ‘windfalls’ such as bonuses for bank charters or federal refunds for wartime expenses to such colleges as Yale, Harvard, Columbia, and Dartmouth.”²² And, as Edward Elliott and Merritt Chambers explained in their 1936 book *The Colleges and the Courts*, “[t]he first Federal land grant to a state for university purposes was to Ohio in 1802.”²³ Simply put, by the Morrill Act’s passage, land granting was a “historic practice.”²⁴ After the Morrill Act, and even into the twenty-first century, public authorities continued granting lands to and for universities. Decades after historian Eldon Johnson set out to correct several “[m]isconceptions [a]bout the [e]arly [l]and-[g]rant [c]olleges,” many misconceptions remain.²⁵

21. See *A Charter for a New State University: The University of Georgia Charter (1785)*, in *ESSENTIAL DOCUMENTS IN THE HISTORY OF AMERICAN HIGHER EDUCATION* 42 (John R. Thelin ed., 2014).

22. JOHN S. WHITEHEAD, *THE SEPARATION OF COLLEGE AND STATE: COLUMBIA, DARTMOUTH, HARVARD, AND YALE, 1776–1876*, at 3 (1973).

23. EDWARD C. ELLIOTT & M. M. CHAMBERS, *THE COLLEGES AND THE COURTS: [JUDICIAL DECISIONS REGARDING INSTITUTIONS OF HIGHER EDUCATION IN THE UNITED STATES]* 232 (1936).

24. *Id.* Similarly, Sharon Stein notes that, “[b]y the time of the first Morrill Act in 1862, there was already a history of public federal land grants for educational institutions. Between 1796 and 1861, seventeen states received federal land grants for higher education; several states offered their own land grants, as well.” STEIN, *supra* note 17, at 133 (citing THELIN, *supra* note 16, at 75–76). But this summation adequately captures neither the number nor consistency of the pre-1862 land grants.

25. See Eldon L. Johnson, *Misconceptions About the Early Land-Grant Colleges*, 52 J. HIGHER EDUC. 333, 333 (1981). Thank you to Dan Premauden for alerting me to this article.

By recovering the land-grant university's forgotten history, this essay makes six contributions. First, it assembles for the first time pre- and post-Morrill Act land grants in one place.²⁶ Second, it demonstrates that the states and their predecessors, and even the proprietors of cities, counties, towns, and villages, rather than the United States, led the way in furnishing universities with "landed endowment[s],"²⁷ especially in Massachusetts. Third, it shows that there are many more land-grant universities than scholars previously recognized. Fourth, it suggests that Harvard was the earliest land-grant university in what would become the United States, having received a land grant in 1638 from what is now the Town of Cambridge, as I explain in Part II.²⁸ Fifth, it points out that, in the twentieth century, universities added the power of eminent domain to their collection of land-acquiring techniques. Sixth, it demonstrates that America's land-hungry universities have used at least nine land-acquiring techniques, at different times, to drive their growth²⁹: the town grant, the royal grant, the state grant, the county grant, the federal grant, eminent domain, individual donation,³⁰ the trade, and purchase.

26. This essay assembles more of the non-Morrill Act grants than other works on the subject have. For example, historian Roger Geiger mentions only some of the pre-Morrill Act land grants in his two recent books on the history of American higher education. *See generally* ROGER L. GEIGER, *THE HISTORY OF AMERICAN HIGHER EDUCATION: LEARNING AND CULTURE FROM THE FOUNDING TO WORLD WAR II* (2015); ROGER L. GEIGER, *AMERICAN HIGHER EDUCATION SINCE WORLD WAR II: A HISTORY* (2019). Geiger's discussion of the pre-Morrill Act grants does not include acreage, and the many post-Morrill Act grants make no appearance in these books. *See* GEIGER, *THE HISTORY OF AMERICAN HIGHER EDUCATION*, *supra* note 26, at 162, 167, 169, 282.

27. J. J. LANE, *HISTORY OF THE UNIVERSITY OF TEXAS* 59 (1891).

28. Eldon Johnson observed that "Harvard, Yale, William and Mary, Dartmouth, and Michigan all [were] the beneficiaries of either colonial or state gifts," but did not argue that Harvard was the first land-grant university. Johnson, *supra* note 25, at 335.

29. *See* BALDWIN, *supra* note 16, at 6 ("Urban development is higher education's latest economic growth strategy."). In 1815, Union College "received in exchange for [a] building 3,000 acres of land in the county," when the "city and county of Schenectady [sought to use it] for a court house, jail and city offices." ANDREW VAN VRANKEN RAYMOND, *1 UNION UNIVERSITY[:] ITS HISTORY, INFLUENCE, CHARACTERISTICS AND EQUIPMENT* 57 (1907).

30. It seems to have been forgotten that Johns Hopkins's munificent gift to John Hopkins University included 330 acres. *See* Daniel C. Gilman, *The Johns Hopkins University (1876-1891)*, in 9 *JOHNS HOPKINS UNIVERSITY STUDIES IN HISTORICAL AND POLITICAL SCIENCE* 41 (Herbert B. Adams ed., 1891). Individual donations were sometimes very large.

Part I addresses the land grants before the Morrill Act. Part II treats the land grants after the Morrill Act. Part III covers eminent-domain use by land-grab universities.

I. LAND-GRANT UNIVERSITIES BEFORE THE MORRILL ACT

By the time President Abraham Lincoln signed into law the Morrill Act of 1862, granting land to endow universities was a widespread practice.³¹ By then, the states and their predecessors, along with at least three Tribal Nations, had granted at least 779,150.95 acres³²:

- 20,000 acres to the College of William & Mary from the King and Queen in 1693.³³
- 500 acres to Harvard from Massachusetts in 1719.³⁴
- 1,500 acres to Yale from Connecticut in 1732.³⁵
- 12,500 acres to Harvard from Massachusetts between 1762 and 1774.³⁶

For example, an individual gifted Middlebury College 30,000 acres in 1915. See DAVID M. STAMESHKIN, *THE STRENGTH OF THE HILLS: MIDDLEBURY COLLEGE, 1915–1990* xvi (1996). Middlebury sold 21,858.90 of these acres a couple of decades later to the United States for \$435,906.41, see *id.* at 30, that tract forming part of the famous Green Mountain National Forest. See David Mitchell Stameshkin, *The Town's College: Middlebury College, 1800–1915*, at 565–66 (1978) (unpublished Ph.D. dissertation, University of Michigan) (on file with ProQuest). Harvard received 23,040 acres in Maine in 1814 from an individual donor. See JOSIAH QUINCY, 2 *THE HISTORY OF HARVARD UNIVERSITY* 311, 416 (1860). Harvard appears to have subsequently sold the land to establish a fund supporting a theology professorship. See *id.* at 416. Land-hungry universities have not always needed to turn to public authorities to sate themselves.

31. See ROGER L. WILLIAMS, *THE ORIGINS OF FEDERAL SUPPORT FOR HIGHER EDUCATION: GEORGE W. ATHERTON AND THE LAND-GRANT COLLEGE MOVEMENT* 35 (1991) (“Land grants for educational institutions at all levels were common before the Civil War. By 1857, more than six million acres had been set aside for such purposes.”).

32. This figure does not include failed land grants, discussed *infra*.

33. See *Royal Charter*, WILLIAM & MARY SPECIAL COLLECTIONS, <https://scrc-kb.libraries.wm.edu/royal-charter> [<https://perma.cc/JYW7-9QRS>].

34. See QUINCY, *supra* note 30, at 229, 530.

35. See WHITEHEAD, *supra* note 22, at 13.

36. See QUINCY, *supra* note 30, at 229.

- 54,000 acres to what became Columbia University from New York around 1770.³⁷
- 8,000 acres to what is now Transylvania University from Virginia in 1780.³⁸
- 12,000 acres to Transylvania University from Virginia in 1783.³⁹
- 412 acres to Hampden-Sydney College from Virginia in 1784.⁴⁰
- 40,000 acres to the University of Georgia from Georgia in 1785.⁴¹
- 23,040 acres, or a township, to Dartmouth College from Vermont (then an independent republic) in 1785.⁴²
- 10,000 acres to Dickinson College from Pennsylvania in 1786.⁴³

37. See ADDISON BROWN, THE ELGIN BOTANIC GARDEN[,] ITS LATER HISTORY AND RELATION TO COLUMBIA COLLEGE[,] THE NEW HAMPSHIRE GRANTS[,] AND THE TREATY WITH VERMONT IN 1790, at 22 (1908).

38. See HERBERT BAXTER ADAMS, THOMAS JEFFERSON AND THE UNIVERSITY OF VIRGINIA 308 (1888).

39. See ALVIN FAYETTE LEWIS, HISTORY OF HIGHER EDUCATION IN KENTUCKY 36–37 (1899). Transylvania apparently lost these 12,000 acres in 1792. See *id.* at 37 n. 2.

40. ALFRED J. MORRISON, THE COLLEGE OF HAMPDEN-SIDNEY[,] CALENDAR OF BOARD MINUTES[,] 1776–1876, at 109 (1912).

41. See WHITEHEAD, *supra* note 22, at 47.

42. See ADAM R. NELSON, DARTMOUTH COLLEGE V. WOODWARD: COLLEGES, CORPORATIONS, AND THE COMMON GOOD 47 (2025) (“Wheelock had told Vermont that Dartmouth would educate Vermont’s youth tuition free if the state gave the college a 23,040 acre ‘glebe’ township that had been taken from the Anglican church during the war. He solicited this land for ‘The Institution, Embracing Dartmouth College and Moor’s Charity School,’ and on June 14, 1785, Vermont granted his request.”); Ahtone et al., *supra* note 16 (“One 6-by-6 mile square on the grid is known as a **township**.”). Dartmouth’s 23,040-acre grant almost equaled the 29,000-acre grant that Vermont gave to the University of Vermont, and the former was given in one block, while the latter lands were spread across 120 districts, “mostly in the northern counties,” and therefore “much more difficult to administer.” LINDSAY, *supra* note 20, at 10. The same year of Dartmouth’s grant, Vermont incorporated the granted lands as the Town of Wheelock, named after Dartmouth College’s second president. See *Morgan v. Cree*, 46 Vt. 773, 774 (1861).

43. See JAMES HENRY MORGAN, DICKINSON COLLEGE[:] THE HISTORY OF ONE HUNDRED AND FIFTY YEARS[,] 1783–1933, at 126 (1933).

- 10,000 acres (actually amounting to 10,831.95 acres) to what is now Franklin & Marshall College from Pennsylvania in 1787.⁴⁴
- 5,000 acres to what is now Washington & Jefferson College from Pennsylvania in 1787.⁴⁵
- 5,000 acres to what became the University of Pittsburgh from Pennsylvania in 1787.⁴⁶
- 42,000 acres to Dartmouth from New Hampshire in 1789.⁴⁷
- 300 acres to Harvard from Massachusetts in 1790.⁴⁸
- 29,000 acres to the University of Vermont from Vermont by 1791.⁴⁹
- 115,200 acres to Bowdoin College from Massachusetts in 1794.⁵⁰
- 1,200 acres to Hampden-Sydney from Virginia in 1794.⁵¹
- 46,080 acres to Williams College from Massachusetts in 1796.⁵²
- 6,000 acres to what is now the University of Louisville from Kentucky in 1798.⁵³
- 6,000 acres to Transylvania from Kentucky in 1798.⁵⁴

44. See JOSEPH HENRY DUBBS, *HISTORY OF FRANKLIN AND MARSHALL COLLEGE* 24, 28–29, 91 (1903).

45. See SAUL SACK, 1 *HISTORY OF HIGHER EDUCATION IN PENNSYLVANIA* 72 (1963).

46. See *id.* at 79, 308.

47. See WHITEHEAD, *supra* note 22, at 35; NELSON, *supra* note 42, at 48–49.

48. See QUINCY, *supra* note 30, at 271.

49. See LINDSAY, *supra* note 20, at 10; An act for the purpose of founding an University at Burlington, *supra* note 19.

50. See LOUIS C. HATCH, *THE HISTORY OF BOWDOIN COLLEGE* 5–7 (1927) (“The final section of the act of incorporation gave to the college five townships of land, each six miles square to be taken from the unappropriated state lands in Maine.”).

51. See MORRISON, *supra* note 40, at 109.

52. See CALVIN DURFEE, *A HISTORY OF WILLIAMS COLLEGE* 82 (1860) (“In January, 1796, the Legislature granted two townships of land . . .”).

53. See R. H. ECKELBERRY, *THE HISTORY OF THE MUNICIPAL UNIVERSITY IN THE UNITED STATES* 23 (1932).

54. LEWIS, *supra* note 39, at 51.

- 3,924 acres to Columbia and Union College from New York in 1802.⁵⁵
- 46,080 acres to Ohio University from Ohio in 1804.⁵⁶
- 23,040 acres to Bowdoin from Massachusetts in 1806.⁵⁷
- 23,040 acres to Vincennes University from Indiana Territory in 1806.⁵⁸
- 23,040 acres to Dartmouth from New Hampshire in 1807.⁵⁹
- 23,040 acres to Miami University from Ohio in 1809.⁶⁰
- 23,040 acres to Harvard from Massachusetts in 1809 (for a natural-history professorship).⁶¹
- 29,164 acres to what is now Colby College from Massachusetts in 1815.⁶²
- 1,920 acres from the Chippewa, Ottawa, and Potawatomy Tribes to what is now the University of Michigan in 1817.⁶³

55. RAYMOND, *supra* note 29, at 527. Apparently, Union College also received lands from New York in 1800, but I have been unable to find the number of acres included in this grant. See Murray Bartlett, *The Story of Geneva College*, 23 N.Y. HIST. 14, 14 (1942).

56. See *Matheny v. Golden*, 5 Ohio St. 361, 362–63 (1856).

57. 1805 Mass. Acts 684. This might have disappointed the Bowdoin Trustees, who petitioned the Massachusetts Legislature for two townships of land. See *id.*

58. *Bd. of Trs. for the Vincennes Univ. v. Indiana*, 55 U.S. 268, 271–72 (1852).

59. NELSON, *supra* note 42, at 65–66.

60. See FRANK W. BLACKMAR, *THE HISTORY OF FEDERAL AND STATE AID TO HIGHER EDUCATION IN THE UNITED STATES* 218 (1890).

61. See *id.* at 91.

62. See ERNEST CUMMINGS MARRINER, *THE HISTORY OF COLBY COLLEGE* 132 (1963).

63. See HOWARD HENRY PECKHAM, *THE MAKING OF THE UNIVERSITY OF MICHIGAN*, 187–1992, at 12 (Margaret L. Steneck & Nicholas H. Steneck eds., 1994). The University appears to have later acquired Tribal lands initially granted to the Rector of the Church of St. Anne at Detroit via the Treaty of Fort Meigs, which would bring the total acreage granted by the three Tribes ultimately benefitting the University up to 3,840 acres. See Compl. ¶¶ 10–11, *Children of the Chippewa, Ottawa and Potawatomy Tribes v. Regents of Univ. of Mich.*, Washtenaw County Cir. Ct. (1971), University of Michigan Bentley Historical Library, Box 1, *Children of the Chippewa v. U-M Regents*. According to former Michigan Chief Justice Thomas Cooley, “[t]he gift . . . was fully equal in positive value and prospectively superior to the gifts for like purposes which made John Harvard and Elihu Yale immortal, and quite as justly entitles [Chief] Tontagini and his associate Chieftains to grateful remembrance among the founders of colleges.” THOMAS MCINTYRE COOLEY, *MICHIGAN: A HISTORY OF GOVERNMENTS* 312–13 (2d. 1886). Thank you to Carolyn Alam for locating this quotation. Indeed, according to a University of Michigan website, “sale of the original land gift provided a significant part of the basis for Michigan’s permanent endowment.” *University Celebrates History of Land Grant from Native Americans*, UNIV.

- 40 acres to the University of Pittsburgh from Pennsylvania in 1819.⁶⁴
- 455 acres to Franklin & Marshall from Pennsylvania in 1819.⁶⁵
- 46,080 acres to Williams College from Massachusetts by 1820.⁶⁶
- 14,724 acres to the University of North Carolina (UNC) from North Carolina in 1821.⁶⁷
- 640 acres to UNC from Tennessee in 1821.⁶⁸
- 12,320 acres to what became the University of Tennessee and the now-defunct Nashville University from Tennessee in 1838.⁶⁹
- 16,000 acres to what is now Eastern Michigan University from Michigan in 1849.⁷⁰
- 14,000 acres to what became Michigan State University (MSU) from Michigan in 1855.⁷¹

MICH. NEWS (Nov. 13, 2002), <https://news.umich.edu/university-celebrates-history-of-land-gift-from-native-americans/> [<https://perma.cc/H62B-HMTC>].

64. See SACK, *supra* note 45, at 79–80.

65. See *id.* at 308.

66. According to an 1820 report of the Massachusetts Legislature, “[f]our townships of land have been granted to Williams College, and it has an interest in a certain gore of land,” but further details on the two townships alluded to in the report have thus far eluded me. DURFEE, *supra* note 52, at 422 (quoting THE REPORT OF THE COMMITTEE OF BOTH BRANCHES OF THE LEGISLATURE ON THE SUBJECT OF THE REMOVAL OF THE COLLEGE TO NORTHAMPTON (1820)). At least one of these townships was located in what would become Maine. See *Randell v. Mallett*, 14 Me. 51, 53 (1836).

67. KEMP P. BATTLE, 1 HISTORY OF THE UNIVERSITY OF NORTH CAROLINA[.] FROM ITS BEGINNING TO THE DEATH OF PRESIDENT SWAIN, 1789–1868, at 390 (1907).

68. See *Thurston v. Univ. of North Carolina*, 72 Tenn. 513, 514 (1880).

69. *State v. Nashville Univ.*, 23 Tenn. (1 Hum.) 157, 160–61 (1843); see also AARON D. PURCELL, UNIVERSITY OF TENNESSEE 7–8 (2007); Bill Carey, *Tennessee’s list of defunct colleges is longer than you think*, TENN. MAG. (Nov. 1, 2022), <https://www.tnmagazine.org/tennessees-list-of-defunct-colleges-longer-than-you-think/> [<https://perma.cc/53JC-EN8G>].

70. EGBERT R. ISBELL, A HISTORY OF EASTERN MICHIGAN UNIVERSITY[,] 1849–1965, at xi, 8–9 (1971).

71. See An Act for the Establishment of a State Agricultural School, 1855 Mich. Pub. Acts 279, reprinted in THE AGRICULTURAL COLLEGE OF THE STATE OF MICHIGAN 11–12 (1857); MADISON KUHN, MICHIGAN STATE[.] THE FIRST HUNDRED YEARS[,] 1855–1955, at 6 (1955).

- 7,000 acres to MSU from Michigan in 1858.⁷²
- 23,040 acres to Colby College from Maine in 1861.⁷³

As the above non-exhaustive list shows, states and their predecessors were already established land-granters by 1862, conveying parcels small and large to universities near and far. Some had developed into major land-granters: by the Morrill Act's passage, Massachusetts alone had granted at least 295,904 acres to universities.⁷⁴ And, curiously, these pre-Morrill-Act grants lacked the requirements found in that Act regarding the kinds of instruction that must be delivered at universities receiving lands.⁷⁵

Small liberal arts colleges received large tracts of land. The 138,240 acres that Bowdoin received from Massachusetts by 1806 was more than thirteen universities received individually under the Morrill Act: Colorado State University, the University of Delaware, the University of Florida, the University of Idaho, Kansas State University (which claims to be “the nation’s first operational land-grant college”⁷⁶), the University of Minnesota, North Dakota State University, the University of Nebraska, the University of Nevada, Oregon State University, the University of Rhode Island, the University of Wyoming, and Washington State University.⁷⁷ The recipient of major land grants more than half a century before the Morrill Act, Bowdoin is no less a land-grant university than any of the thirteen aforementioned universities.

72. KUHNS, *supra* note 71, at 72 (“The prospective value of the Morrill grant was indicated by the worth of a smaller one of about 7000 acres of swamp land in adjoining townships given by the State Legislature of 1858 in response to a request from President Williams.”).

73. See MARRINER, *supra* note 62, at 137.

74. See FREDERICK RUDOLPH, *THE AMERICAN COLLEGE AND UNIVERSITY: A HISTORY* 186 (2d ed. 1990) (“Massachusetts was generous with townships in Maine.”).

75. For example, Massachusetts granted Bowdoin a township in 1806 in a single-paragraph resolve, “[s]ubject to such restrictions and Reservations as is usual in Similar Grants.” See 1805 Mass. Acts 684.

76. See *The History of the Land-grant University*, AGREPORT (2021), https://www.k-state.edu/agreport/documents/AgReport_Fall2021_web.pdf [<https://perma.cc/M43L-QSJJ>].

77. See Robert Lee, Tristan Ahtone, Margaret Pearce, Kalen Goodluck & Geoff McGhee, et al., *Land-Grab Universities*, HIGH COUNTRY NEWS, <https://www.landgrabu.org> [<https://perma.cc/25PJ-Q4QG>].

But the size of the grant was not always as important as the location.⁷⁸ Just 20 acres in New York City across from where St. Patrick's Cathedral now stands⁷⁹ from New York State to Columbia University became, according to Whitehead, "the principal endowment of Columbia University," valued between \$6 and \$8 million by 1900.⁸⁰

For its part, Congress granted lands for universities before 1862, including in 1792, 1802 (as mentioned above), 1803, 1804, 1806, 1811, 1816, 1818, 1819, 1820, 1823, 1826, 1827, 1832, 1836, 1838, 1840, 1845, 1851, 1852, 1853, 1854, 1855, 1856, 1857, 1859, and 1861.⁸¹ Together, these acts granted at least 279,606 acres. The 1803 act assigned 23,040 acres to Mississippi's now-defunct⁸² Jefferson College. The 1826 act granted 46,080 acres to the University of Michigan, including, according to an 1839 remonstrance the University of Michigan Regents sent to the Michigan Legislature, a total of 14,666 acres located across what

78. The attention paid to smaller land grants, in addition to larger ones, is one important contribution made by this essay.

79. See BROWN, *supra* note 37, at 1, 6, 14.

80. WHITEHEAD, *supra* note 22, at 26–27; see also SIDNEY SHERWOOD, THE UNIVERSITY OF THE STATE OF NEW YORK: HISTORY OF HIGHER EDUCATION IN THE STATE OF NEW YORK 207 (Herbert B. Adams ed., 1930) ("Thus, solely through the influence of the president of Union [College], Columbia received that magnificent property which to-day forms its principal endowment.").

81. See DAVID G. SANSING, THE UNIVERSITY OF MISSISSIPPI: A SESQUICENTENNIAL HISTORY 6 (1999) ("On March 3, 1803, Congress responded to the general assembly's request and granted Jefferson College a township of land."); State v. Trs. of Vincennes Univ., 2 Ind. 293, 294 (1850); Sterling v. Regents of the Univ. of Michigan, 68 N.W. 253, 254 (Mich. 1896); McAfee's Heirs v. Keirn, 15 Miss. 780, 781 (Err. & App. 1846); C. W. BUTTERFIELD, HISTORY OF UNIVERSITY OF WISCONSIN 47–48 (1879); JAMES GRAY, 1 THE UNIVERSITY OF MINNESOTA 1851–1951, at 17 (1951); William A. Rawles, *Historical Sketch*, in INDIANA UNIVERSITY[,] 1820–1904, at 12 (Samuel Bannister Harding ed., 1904); JOHN PILLSBURY, ADDRESS TO UNIVERSITY OF MINNESOTA ALUMNI 12 (1893) (discussing Congress's 1857 Enabling Act, granting additional 46,000 acres); Regents of Univ. of N.M. v. Graham, 264 P. 953 (N.M. 1928); DONALD G. TEWKSBURY, THE FOUNDING OF AMERICAN COLLEGES AND UNIVERSITIES BEFORE THE CIVIL WAR 173 (1932) ("Oregon was admitted as a state in 1859 and received a Congressional land grant for the establishment of a state university in that year."). For all other acts, see *id.* at 187.

82. See *Historic Jefferson College*, MISS. DEP'T ARCHIVES & HIST., <https://www.mdah.ms.gov/explore-mississippi/historic-jefferson-college> [<https://perma.cc/J3PD-S8W3>].

the Regents called the Niles and Nottawassippi Reservations.⁸³ The 1851 act granted 46,080 acres to support the University of Minnesota. The 1852 and 1856 acts granted 4,166 and 22,000 acres, respectively, to Indiana University. The 1855 act reserved 46,080 acres for the University of Utah.⁸⁴ The 1857 act granted an additional 46,080 acres to the University of Minnesota.⁸⁵ Like the Morrill Act lands, these lands were meant to generate permanent endowments. Also like the Morrill Act lands, these lands were sometimes far-flung⁸⁶: the 1856 act, according to historian Samuel Harding, granted Indiana University “land in this and other States.”⁸⁷

Many of these pre-Morrill Act land grants from Congress supported universities that do not today identify as land-grant universities, including Ohio University and the Universities of Michigan, New Mexico, and Oregon.⁸⁸ Yet nineteenth-century writers understood that these universities benefitted from federal land grants. For example, one Detroit *Daily Advertiser* columnist wrote in 1854 that

[t]he State did not originate the University [of Michigan], and, in fact, it has never cost the people of the State one cent. It was founded (as the canal of the Saut is dug,) by the

83. See CHARLES KENDALL ADAMS, HISTORICAL SKETCH OF THE UNIVERSITY OF MICHIGAN 2–3 (1876); PROCEEDINGS OF THE BOARD OF REGENTS 1837–1864, at 73 (1915).

84. See *State v. Montello Salt Co.*, 98 P. 549 (Utah 1908), *reversed on other grounds sub nom.* *Montello Salt Co. v. Utah*, 221 U.S. 452 (1911).

85. See PILLSBURY, *supra* note 81, at 12.

86. See Lee et al., *supra* note 77.

87. Rawles, *supra* note 81, at 13.

88. See *Matheny v. Golden*, 5 Ohio St. 361 (1856); WHITEHEAD, *supra* note 22, at 49; EDWARD C. ELLIOTT & M. M. CHAMBERS, CHARTERS AND BASIC LAWS OF SELECTED AMERICAN UNIVERSITIES AND COLLEGES 573 (1934). Historian Frederick Rudolph wrote that “Ohio University and Miami University . . . were the prototypes of the land-grant-supported state universities.” RUDOLPH, *supra* note 74, at 276; see also Ch. LX, Title 1, § 1 (1872), in THE ORGANIC AND OTHER GENERAL LAWS OF OREGON 779 (1874) (“A state university is hereby created, and in order to devote to the purposes of education the donation of seventy-two sections of land to the state for the use and support of a state university, made under and by virtue of an act of congress, passed February 14, 1859, entitled ‘An act for the admission of the state of Oregon into the Union.’ Such university is hereby permanently located at the town of Eugene, Oregon.”).

proceeds of the sale of public lands belonging to the United States, which money, but for the establishment of the university would have gone into the treasury at Washington, and have been lost to Michigan. The University, therefore, is not the creature of Michigan, but a gift to it.⁸⁹

As mentioned above, the University of Michigan was indeed a gift from the United States, but it was also a gift from the Sachems, Chiefs, and Warriors of the Chippewa, Ottawa, and Potawatomy Tribes, who granted at least 1,920 acres to the University during its infancy.⁹⁰

Historians tend to think that “the Land Grant movement” emerged in the second half of the nineteenth century.⁹¹ The historical record glossed here tells a different story. By 1862, the United States was already home to many land-grant universities. Put differently, the Morrill Act did not “create[] the American land-grant universities.”⁹² Instead, the Act endowed universities according to a practice embraced by public authorities long before there was any such thing as the United States. And, as discussed below, public authorities across the expanding nation continued endowing universities with lands in the twentieth and twenty-first centuries.

89. *The University of Michigan—Facts*, DETROIT DAILY ADVERTISER (Jan. 31, 1854).

90. See Compl. ¶ 4, *Children of the Chippewa, Ottawa and Potawatomy Tribes v. Regents of Univ. of Mich.*, Washtenaw County Cir. Ct. (1971), University of Michigan Bentley Historical Library, Box 1, *Children of the Chippewa v. U-M Regents*.

91. GEIGER, *THE HISTORY OF AMERICAN HIGHER EDUCATION*, *supra* note 26, at 283. Historian Nathan Sorber begins his 2018 book on land-grant universities as I begin this essay, with the University of Vermont, noting that “[t]he university had been founded in 1792, and under the terms of the Morrill Act, the Vermont legislature designated it a land-grant college in 1864,” with assistance from Morrill, who was then a University of Vermont trustee that Sorber calls “the father of the land-grant college movement.” NATHAN M. SORBER, *LAND GRANT COLLEGES AND POPULAR REVOLT: THE ORIGINS OF THE MORRILL ACT AND THE REFORM OF HIGHER EDUCATION 1* (2018).

92. Nathan M. Sorber, “A History of American Land-Grant Universities and Regional Development,” *in* *HANDBOOK OF UNIVERSITIES AND REGIONAL DEVELOPMENT* (Attila Varga & Katalin Erdős eds., 2019).

II. LAND-GRANT UNIVERSITIES AFTER THE MORRILL ACT

After the Morrill Act, public authorities granted many lands to universities. As shown above, this was nothing new. What was new post-1862 was universities taking land by eminent domain, as discussed below. That is, instead of public authorities acquiring land and then distributing it to universities, universities seized land themselves. This Part reminds us that, because these practices persist, the history of land-grant universities is hardly history at all.

Congress continued granted lands to and for universities after the Morrill Act, including in an 1881 act, an 1884 act, an 1889 act, two 1894 acts, an 1898 act, a 1924 act, and a 1961 agreement. Together, these acts granted at least 532,345.10 acres. The 1881 act granted 46,080 acres for what is now the University of Wyoming⁹³ with grants to other universities⁹⁴; the 1884 act conveyed 46,080 acres for the University of Alabama⁹⁵; the 1889 act netted 142,080 acres for the University of Washington,⁹⁶ over 50,000 acres more than Washington State University received via the Morrill Act⁹⁷; one 1894 act conveyed 110,000 acres for the University of Utah⁹⁸; the other 1894 act assigned 23,040 acres for the support of the University of Mississippi⁹⁹; the 1898 act conveyed 65,000 acres for the University of New Mexico's benefit¹⁰⁰; the 1924 act granted 100,000 acres for the benefit of what is now the University of Alaska¹⁰¹; and the 1961 agreement ceded 65.10 acres to Dickinson College.¹⁰²

93. See *Ross v. Trs. of Univ. of Wyo.*, 228 P. 642, 647 (Wyo. 1881); ELLIOTT & CHAMBERS, *supra* note 88, at 573.

94. See *State v. Collins*, 53 P. 1114, 1114 (Mont. 1898).

95. See *Cox v. Bd. of Trs. of Univ. of Ala.*, 49 So. 814 (Ala. 1909).

96. See *State v. Callvert*, 74 P. 1018 (Wash. 1904).

97. See *Lee et al.*, *supra* note 77.

98. See *Montello Salt Co.*, 98 P. 549 (1908).

99. See SANSING, *supra* note 81, at 156.

100. See *Regents of Univ. of N.M. v. Graham*, 264 P. 953, 953 (N.M. 1928).

101. *State v. Univ. of Alaska*, 624 P.2d 807, 809 (Alaska 1981).

102. See CHARLES COLEMAN SELLERS, *DICKINSON COLLEGE: A HISTORY* 594 (1973).

And Congress wasn't the only public authority granting lands after the Morrill Act. The People of Texas and their Legislature set aside 2,231,400 acres for the University of Texas (UT) before the turn of the century. In 1839, the then-independent Republic of Texas set aside 231,400 acres for the yet-unborn university,¹⁰³ including 40 acres for what would become UT's Austin campus.¹⁰⁴ In their 1876 Constitution, the People of Texas set aside 1,000,000 acres of land for the prospective university, having by that instrument rescinded an 1858 grant reserving about 3,200,000 acres for that purpose.¹⁰⁵ This 1,000,000 acres alone was more than any university received under the Morrill Act. In 1883, the year of Texas's birth, the Texas Legislature doubled the already unprecedented gift by granting another 1,000,000 acres for UT.¹⁰⁶ Thus, UT received more than double the land that Cornell—the university that Lee and Ahtone identify as the one “[w]ho received the most expropriated Indigenous land,” having acquired 977,909 acres through the Morrill Act.¹⁰⁷ Notwithstanding the fact that UT received more than 2,000,000 acres more than Texas A&M received via the Morrill Act,¹⁰⁸ the latter apparently does not consider the former a Texas land-grant university.¹⁰⁹

103. See W.J. Battle, *History of the University of Texas at Austin*, TEX. STATE HIST. ASSOC. (2023) <https://www.tshaonline.org/handbook/entries/university-of-texas-at-austin> [<https://perma.cc/DM9U-H5KD>].

104. See LANE, *supra* note 27, at 254 (“The University, as now constituted, occupies the center of a square of forty acres of ground in the northern portion of Austin.”); Avrel Seale, *What's the Story Behind the Forty Acres?*, UT NEWS (Sep. 6, 2018), <https://news.utexas.edu/2018/09/06/whats-the-story-behind-the-forty-acres/> [<https://perma.cc/294R-7V38>]. Thus, not all land grants were used for endowment purposes: some grants were for campuses.

105. See Interpretive Commentary in 2007 Main Volume, Tex. Const. Art. 7, § 15 (1876).

106. See LANE, *supra* note 27, at 81 (discussing UT's pair of 1,000,000-acre land grants).

107. Lee & Ahtone, *supra* note 3.

108. See Lee et al., *supra* note 77.

109. See *Texas Land Grants Day*, TEX. A&M UNIV., <https://ieei.tamu.edu/txlgd/> [<https://perma.cc/BH7R-NXNX>].



UT Tower in March 2024 (photo credit: Michael Banerjee)

In the present century, public authorities continue granting lands to universities. Through acts passed in 2000 and 2005, the Alaska Legislature conveyed 250,000 acres to the University of Alaska to generate funds by sale or use for the university's endowment.¹¹⁰ In a 2009 case, the Alaska Supreme Court held that the acts violated the Alaska Constitution's prohibition on dedicating tax- or license-proceeds to special purposes, and ordered the lands returned to the State.¹¹¹ The University of Alaska thereby brought into the twenty-first century America's tradition of failed land grants, a tradition initiated—on the other side of the continent and on other side of three centuries—by Harvard. Massachusetts

110. Interestingly, the 2000 act permitted the University to select its own lands, but the Alaska Legislature rescinded this permission in its 2005 act. *See* Se. Alaska Conservation Council v. State, 202 P.3d 1162, 1165–66 (Alaska 2009).

111. *See id.*

unsuccessfully granted Harvard 800 acres, 2,000 acres, 2,100 acres, and 1,000 acres in 1652, 1653, 1658, and 1683, respectively.¹¹² The following century, in 1770, New Hampshire granted 23,040 acres to Dartmouth College in vain.¹¹³ Though difficult to detect, these failed grants are part of our land-granting history, and the intensity of the American land-granting impulse—along with the intensity of the contestation over the same—cannot be understood without them.

Importantly, towns, cities, villages, and counties granted many lands to universities, like the 2.66 acres, 120 acres, and 3.5 acres that the Town of Cambridge assigned to Harvard in 1638, 1652, and 1683, respectively¹¹⁴; the 8 acres the proprietors of New Haven, Connecticut, transferred to Yale in 1717¹¹⁵; the 250 acres the proprietors of Rutland, Massachusetts, gave to Harvard in 1718¹¹⁶; the 5,700 acres the Town of Schenectady, New York, conveyed to Union College in 1795¹¹⁷; the 40 acres the citizens of Ann Arbor, Michigan, who organized themselves as the Ann Arbor Land Company, gave to the University of Michigan in 1837¹¹⁸; the 4 acres donated by the Village of Ypsilanti, Michigan, to Eastern Michigan University in 1850¹¹⁹; the 5 acres the people of

112. See JOSIAH QUINCY, 1 THE HISTORY OF HARVARD UNIVERSITY 40-41 (1860). And this says nothing of reneged land grants, like the 10 acres promised to what is now Oglethorpe University by the City of Atlanta, Georgia, which the City ultimately refused to deliver. See ALLEN P. TANKERSLEY, COLLEGE LIFE AT OLD OGLETHORPE 143 (paperback ed. 2009). Nor does it say anything about proposed land grants, like the 40 acres offered to Oglethorpe by LaGrange, Georgia. See *id.* at 123.

113. See NELSON, *supra* note 42, at 29–30, 34, 41, 48.

114. See QUINCY, *supra* note 112, at 511–12. We might understand town grants as the earliest form of “mass giving in higher education,” rather than the Yale Alumni Fund, incorporated in 1890. BRUCE A. KIMBALL & SARAH M. ILER, WEALTH, COST, AND PRICE IN AMERICAN HIGHER EDUCATION: A BRIEF HISTORY 58–65 (2023). Massachusetts also granted Harvard’s head 500 acres in 1639. See Willard Wallace Smith, The Relations of College and State in Colonial America 35 (1949) (unpublished Ph.D. dissertation, Columbia University) (on file with ProQuest).

115. See EBENEZER BALDWIN, HISTORY OF YALE COLLEGE: FROM ITS FOUNDATION, A.D. 1700, TO 1836, at 307 (1841).

116. QUINCY, *supra* note 30, at 530.

117. See RAYMOND, *supra* note 29, at 23.

118. See PECKHAM, *supra* note 63, at 18.

119. See ISBELL, *supra* note 70, at 11.

Greenville, Pennsylvania, granted to Thiel College in 1871¹²⁰; the 10 acres the citizens of Beaver Falls, Pennsylvania, assigned to Geneva College in 1880¹²¹; the 43 acres the City of Cincinnati granted the University of Cincinnati in 1890¹²²; the 12 acres the City of Philadelphia conveyed the University of Pennsylvania in 1894¹²³; the 3.99 acres the Ypsilanti villagers gifted to Eastern Michigan University in 1896¹²⁴; the 60 acres the City of Akron granted to what is now the University of Akron in 1928¹²⁵; the 588 acres that Ector County, Texas, conveyed to UT in 1969¹²⁶; and the aforementioned 7 acres donated to Vanderbilt in 2024. Although they were mostly modest, these grants add up to 6,857.15 acres, and therefore constitute a considerable part of the history of our land-grant universities. This essay does not come close to documenting all grants of this sort, but it nonetheless makes clear that land-granting was (and is) a tool of Americans and their governments, big and small.

Notably, this essay does not address grants to universities from other universities. By the early nineteenth century, UNC, having received from the state many escheated lands, was a major landowner and, surprisingly, itself a land-granter. In 1822, UNC assigned 20,000 acres to the University of Tennessee and 40,000 acres to Nashville University.¹²⁷ Major but not always meticulous. Around the middle of the century, the University sold a 70,000-acre tract of land for only \$13,000—about nineteen cents per acre—after underestimating the parcel's size by 60,000 acres.¹²⁸

As shown above, the Morrill Act's passage did not end Americans' land-granting enterprise. After 1862, public authorities continued granting lands to universities as they had done before

120. See SACK, *supra* note 45, at 138.

121. See *id.* at 102.

122. See UNIVERSITY OF CINCINNATI RECORD: ANNUAL REPORTS, 1908, at 36 (1909).

123. See EDWARD POTTS CHEYNEY, HISTORY OF THE UNIVERSITY OF PENNSYLVANIA, 1740-1940, at 352 (1940).

124. See ISBELL, *supra* note 70, at 149.

125. See ECKELBERRY, *supra* note 53, at 137.

126. See *Calvert v. Hull*, 475 S.W.2d 907 (Tex. 1972).

127. See BATTLE, *supra* note 67, at 383, 401; Carey, *supra* note 69.

128. See BATTLE, *supra* note 67, at 623.

the Morrill Act. By the close of the nineteenth century, universities added the power of eminent domain to their complement of land-acquiring techniques. In the twentieth century's first third, universities began grabbing land by eminent domain. Thus, the twentieth century birthed true land-grab universities, a striking development which university historians have not before identified and to which we turn in the next section.

III. LAND-GRAB UNIVERSITIES

In the twentieth century, universities newly imbued with the power of eminent domain began taking land themselves in direct university land-grabs.¹²⁹ They seized land with constitutional, statutory, or (in at least one case) no authorization.

The People of Michigan, speaking through the 1908 Michigan Constitution (since amended), ordained that "The regents of the university of Michigan shall have power to take private property for the use of the university, in the manner prescribed by law."¹³⁰ That same instrument provided that "The regents of the University and their successors in office shall continue to constitute the body corporate known as 'the Regents of the University of Michigan.'"¹³¹ Thus, the People of Michigan, in their sovereign capacity, delegated this authority directly to the Regents, who are, according to the Michigan Supreme Court, "the highest form of juristic person known to the law, a constitutional corporation of independent authority."¹³² By the 1920's, the Regents were grabbing land. Consider two such cases.

First, in 1922, the Michigan Regents used this power to condemn about two blocks in Ann Arbor, on which they built the

129. See Robert M. O'Neil, *Private Universities and Public Law*, 19 BUFFALO L. REV. 155, 183–84 (1970) (discussing eminent-domain power of private universities).

130. MICH. CONST. art. XIII § 4 (1908).

131. MICH. CONST. art. XI § 4 (1908).

132. Bd. of Regents of Univ. of Mich. v. Auditor Gen., 132 N.W. 1037, 1040 (Mich. 1911). On constitutional corporations, see generally Michael Banerjee, *California's Constitutional University: Private Property, Public Power, and the Constitutional Corporation, 1868–1900*, 18 CAL. LEG. HIST. 215 (2023).

Law School's iconic Lawyers Club, a student dorm that still stands today.¹³³ In April 1922, Michigan Law alumnus William Cook pledged to donate \$1.5 million to build the Lawyers Club.¹³⁴ Specifically, Cook indicated to the Regents, "If agreeable to you, I will erect on the two blocks on South University avenue, between South State street and Tappan avenue, a law students' combined club and dormitory building."¹³⁵



The Lawyers Club in May 2025 (photo credit: Michael Banerjee)

133. See *People, for Use of Regents of Univ. of Mich. v. Brooks*, 194 N.W. 602 (Mich. 1923); *About the Lawyers Club*, MICH. L., <https://michigan.law.umich.edu/resource-center/about-lawyers-club> [<https://perma.cc/D6J3-BQ9W>].

134. *Brooks*, 194 N.W. at 603; see also MARGARET A. LEARY, *GIVING IT ALL AWAY: THE STORY OF WILLIAM W. COOK AND HIS MICHIGAN LAW QUADRANGLE* 140 (2011).

135. *Brooks*, 194 N.W. at 604.

After accepting the proposal, the Regents coordinated with the relevant state agency to disburse funds to purchase about two blocks to the south of campus.¹³⁶ When eleven owners refused the Regents' overtures, the Regents resolved to seize the land by eminent domain. They "declared the taking of this property a public necessity for use of the University, and directed the Attorney General of the State of Michigan to institute condemnation proceedings."¹³⁷ A jury trial resulted in a verdict finding that taking the land was a public necessity and awarding the property owners damages.¹³⁸ Six property owners accepted the damages and deeded their respective properties to the University. Five others appealed, asking the Michigan Supreme Court to review the case, which it agreed to do.

Among the questions presented to the Court by the appealing property owners in *People v. Brooks* was: "The statute under which the proceedings were brought is unconstitutional, to the extent that it attempts to authorize proceedings in behalf of the regents of the University of Michigan, because the title of the statute is not broad enough to authorize enactment of such authority."¹³⁹ The statute at issue was entitled "An act to authorize proceedings by the state to condemn private property for public use,"¹⁴⁰ which was important because the 1908 Constitution mandated that "No law shall embrace more than one object, which shall be expressed in its title."¹⁴¹ The appealing property owners argued that the statute did not authorize proceedings by the Regents. Specifically, they claimed that the statute permitted condemnation proceedings by the state only and that the Regents were "a constitutional corporation, independent of the state, separate and distinct in its authority."¹⁴² Thus, they argued, the

136. *Id.* at 603.

137. *Id.*

138. *Id.*

139. *Id.*

140. *Id.*

141. *Id.*

142. *Id.*

statute did not contemplate proceedings through which the Regents could take private property.

The Court disagreed. After conceding that the Regents were “a separate entity, independent of the state as to the management and control of the University and its property,” the Court concluded that the University is “nevertheless a department of the state government, created by the Constitution to perform state functions.”¹⁴³ More to the point, “the real estate which it holds or acquires is public property belonging to the state, held by the corporation in trust for the purposes of the University, which are public purposes.”¹⁴⁴

The appealing property owners supported “their conception of the legal character of this corporation” by reference to the Court’s 1893 opinion in *Weinberg v. Regents*.¹⁴⁵ In that case involving payment for building materials used by a contractor, the Court wrote in relevant part that, “Under the constitution [of 1850] the state cannot control the action of the regents. It cannot add to or take away from its property without the consent of the regents.”¹⁴⁶ The *Weinberg* Court also clarified that the University “is not under the control of the state when it acts through its executive or legislative departments, but of the regents, who are directly responsible to the people for the execution of their trust.”¹⁴⁷

The Court determined that the *Weinberg* decision rested “on the constitutional right of the regents to the absolute and exclusive control of all University property,” a right that “has been recognized by every judicial decision of this court in which the question has been considered.”¹⁴⁸ Nonetheless, the Court had never “held that the University was not a state institution, nor that the real estate which the regents are authorized to acquire and hold for University purposes is not property of the state.”¹⁴⁹ Thus, the law

143. *Id.*

144. *Id.* (citing *Auditor Gen. v. Regents of the Univ.*, 47 N.W. 440 (Mich. 1890)).

145. *Id.* 604.

146. *Weinberg v. Regents of Univ. of Mich.*, 56 N.W. 605, 608 (Mich. 1893).

147. *Id.*

148. *Brooks*, 194 N.W. at 604.

149. *Id.*

embraces only one purpose—“the condemnation of private property for public use”—and condemning property for the Regents’ use serves that purpose.¹⁵⁰

In response to the appealing property owners’ argument that the Lawyers Club was not a public purpose, the Court quoted at length from Cook’s proposal, and concluded that “The claim that the property to be acquired is not for public use is so plainly without merit that we do not deem it necessary to enter into any extended discussion of it.”¹⁵¹ (This was a time when courts did not deem arguments meritless as a rhetorical flourish.) The Regents’ seizure of the land for the purpose of constructing the Lawyers Club was accordingly affirmed, with costs.

This case has all but been forgotten. In 2024, Michigan Law celebrated the Lawyers Club centennial without mention of the Lawyers Club’s origins.¹⁵² A recent monograph on Cook and his philanthropy notes that “the regents voted to acquire the needed land,” but does not discuss how they went about doing so.¹⁵³

Second, later on in the 1920’s, the Regents condemned 10.5 acres to construct an eighteen-hole golf course.¹⁵⁴ After a trial conducted under the same statute authorizing the *Brooks* trial, a jury returned a verdict after finding it necessary to take the land and awarded compensation to the owners of the condemned land.¹⁵⁵ The owners, seeking compensation exceeding the jury award, opposed the taking because the land was condemned on behalf of the Board in Control of Athletics of the University of Michigan, a corporation they argued lacked the power to take land by eminent

150. *Id.*

151. *Id.* at 605.

152. See Sharon Morioka, *100 Years of the Lawyers Club*, L. QUADRANGLE (2024), <https://quadrangle.michigan.law.umich.edu/issues/summer-2024/100-years-lawyers-club> [<https://perma.cc/D8XE-PFTD>].

153. See LEARY, *supra* note 134, at 140. An older study of the Law Quadrangle’s architecture does not mention how the Regents acquired the land either. See generally, ILENE H. FORSYTH, *THE USES OF ART: MEDIEVAL METAPHOR IN THE MICHIGAN LAW QUADRANGLE* (1993).

154. *People, for Use and Benefit of Regents of Univ. of Mich. v. Pommerening*, 230 N.W. 194, 194 (Mich. 1930).

155. *Id.*

domain.¹⁵⁶ The Michigan Supreme Court agreed to review the case by certiorari.¹⁵⁷

The property owners presented the following question to the Court: “Have the Board of Regents of the University of Michigan, acting through the state, the power to condemn land for the use and benefit of a private corporation, whose funds not the state’s or university’s, will pay for the purchase of the property condemned?”¹⁵⁸

Answering in the negative, the Court reasoned that “A state agency, vested with power of eminent domain, may not employ the power, directly or indirectly, for the use and benefit of another, unless so authorized by law.”¹⁵⁹ However, “the answer given to the question does not at all decide this case.”¹⁶⁰ Why not? Because the Board in Control, “a creature of the Board of Regents” and “a nonprofit corporation,”¹⁶¹ was organized under a statute of the Michigan Legislature “for the declared purpose of the furtherance in general of the physical betterment of the students at the University of Michigan; particularly the conduct of intercollegiate athletics.”¹⁶² The Board’s charter provided for election to the Board by the Regents and directed that its funding would derive from ticket sales and athletic fees.¹⁶³

Based on these provisions, the Court concluded that the Board, “while a corporate entity, is but an operating agency of the Regents of the University in the management of the designated educational activities and, at all times, under full control of the Regents.”¹⁶⁴ The Court accordingly affirmed the taking.

After successfully seizing the land, “[t]he regents unofficially opened the course in the fall of 1930 as the first golfers

156. *Id.*

157. *See id.* at 195.

158. *Id.*

159. *Id.*

160. *Id.*

161. *Id.*

162. *Id.* (internal quotation marks omitted).

163. *Id.* at 196.

164. *Id.*

to play the new U-M Golf Course,” according to the golf course’s website.¹⁶⁵ The title of this second case, *People, for Use and Benefit of Regents of University of Michigan v. Pommerening*, seems ironically apropos. Like the Law School’s celebration of the Lawyers Club, the golf course website includes no mention of these contested condemnation proceedings.¹⁶⁶

In addition to the Michigan Regents’ constitutional authority, turn-of-the-century legislatures imbued universities with the eminent-domain power, including the Universities of Minnesota, Nebraska, New Mexico, Southern California, Texas, and Wisconsin; what is now Connecticut College; what is now Longwood University; and Purdue University.¹⁶⁷ The corporation called the Trustees of Purdue University used that power to take 32.54 acres to build dorms in 1927.¹⁶⁸ Longwood University acquired property by eminent domain at least eleven times between 1911 and 1991.¹⁶⁹ And what became Auburn University

165. *History*, UNIV. OF MICH. GOLF COURSE, <https://umgolfcourse.umich.edu/history/> [<https://perma.cc/74D6-QJA4>].

166. See *id.*

167. See *Knapp v. State*, 145 N.W. 967 (Minn. 1914) (affirming condemnation for University of Minnesota railway from University farm to University campus); *Burger v. State Female Normal Sch.*, 77 S.E. 489 (Va. 1913) (affirming jury award for taking for what is now Longwood University); *Mohler v. Bd. of Regents of Univ. of Neb.*, 165 N.W. 954 (Neb. 1917) (affirming jury award for taking of 50-by-50-foot parcel for University of Nebraska use); *Territory v. Crary*, 103 P. 986 (Terr. N.M. 1909) (reversing judgment dismissing New Mexico Regents’ condemnation petition); *Univ. of S. Cal. v. Robbins*, 1 Cal.App.2d 523 (Cal. Dist. Ct. App. 1934) (affirming condemnation by University of Southern California for construction of library); *Cochran v. Cavanaugh*, 252 S.W. 284 (Tex. Civ. App. 1923) (dissolving injunction restraining Texas Regents and University land acquisition board from condemning certain land for University of Texas use). On Minnesota, Nebraska, Wisconsin, see ELLIOTT & CHAMBERS, *supra* note 88, at 360, 371, 565 (quoting MINN. STAT. ch. 187 § 2 (1905); Neb. Comp. Stat. § 83-135 (1905); Wis. Stat. ch. 33 § 1(5) (1919)); on New Mexico and Connecticut College, see ELLIOTT & CHAMBERS, *supra* note 23, at 464-67, 470-71 (first discussing *Conn. Coll. for Women v. Calvert*, 88 A. 633 (Conn. 1913), then discussing ch. 137 of the General Laws of Texas (1921), and then discussing § 3693, Laws of New Mexico (1897)).

168. See *Russell v. Trs. of Purdue Univ.*, 168 N.E. 529 (Ind. 1929).

169. See W. Taylor Reveley IV Letter to Delores McQuinn at 2 (Jan. 15, 2025), <https://s3.amazonaws.com/snwceomedia/rot/0dae3efd-202a-4b3e-b98f-9c48e25e0764.original.pdf> [<https://perma.cc/A84C-LNPZ>] (“Between 1911 and 1991, historical research has revealed that condemnation proceedings were pursued in 11 properties.”); Savannah Bartlett, Nick Hamlett, & Tyler Bagent, “*That Was Our*

took land in the absence of any explicit constitutional or legislative authorization.¹⁷⁰ Lest one mistake this for an exclusively western or twentieth-century phenomenon, the Trustees of Stony Brook University used the eminent-domain power to acquire 246 acres to build a research campus in 2004.¹⁷¹

Universities also received condemned lands in the twentieth century in more roundabout ways. In 1958, the American Association of University Professors completed a little-known survey of sixteen universities, including the University of California, the University of Chicago, Columbia, Johns Hopkins University, Harvard, the University of Minnesota, Vanderbilt, and Tulane University, that “demonstrated conclusively that the lack of available land for expansion was one of the most acute problems facing each university surveyed.”¹⁷² The following year, on the strength of the survey, the University of Chicago and other universities supported federal legislation that “was designed to overcome the universities’ inability to acquire land for expansion by allowing them to participate in urban renewal projects.”¹⁷³ Specifically, “[t]he proposal provided that state housing agencies would acquire slum lands near university areas by negotiated sales or condemnations and then turn the land over to the university for academic redevelopment.” In the alternative,

Community: *How Longwood Occupied the Triangle*, ROTUNDA (July 24, 2025), <https://www.therotundaonline.com/article/2025/07/that-was-our-community-how-longwood-occupied-the-triangle> (arguing “Longwood’s use of eminent domain was particularly destructive to the surrounding Black community”).

170. See *Denson v. Ala. Polytechnic Inst.*, 126 So. 133 (Ala. 1930) (affirming judgment condemning lands for what is now Auburn University in absence of explicit grant of eminent-domain power).

171. See *Gyrodyne Co. of Am., Inc. v. State Univ. of N.Y. at Stony Brook*, 794 N.Y.S.2d 87 (N.Y. App. Div. 2005).

172. The other participating universities were: George Washington University, the University of Illinois, Massachusetts Institute of Technology, New York University, the University of Pennsylvania, St. Louis University, and Washington University in St. Louis. See Charles Fels, N. T. Adams, Richard Carmody, Margaret E. Clark, Randolph H. Lanier et al., *The Private Use of Public Power: The Private University and the Power of Eminent Domain*, 27 VAND. L. REV. 681, 707–08 n. 110 (1974).

173. *Id.* at 708.

the university could purchase land directly, relying upon state condemnation when necessary, and redevelop it in accordance with a plan approved by the city. In either case, the cost to the university of acquiring the land could be treated as if it were the city's own contribution to the cost of the project.¹⁷⁴

This made it “possible for the city to receive two dollars in federal money for every one dollar spent by the university without contributing anything to the project from its own funds.”¹⁷⁵ As a result, the university would “finance its own expansion program, [and] . . . also would help clear the slums near campus and raise federal funds for the city in the process.”¹⁷⁶ The University of Chicago's representative emphasized to Congress “that the national interest lay in permitting private as well as public universities to rely upon eminent domain.”¹⁷⁷

In 1959, Congress passed “the bill as originally drafted by the universities,”¹⁷⁸ thus “effectively placing eminent domain power behind the university in land acquisitions.”¹⁷⁹ By 1969, cities had taken about 2,000 acres of “privately owned urban land for university expansion”¹⁸⁰ on behalf of at least 120 universities.¹⁸¹ Once again, Congress joined the party late but made the loudest entrance. The federal government ceased granting money under the statute in 1975.¹⁸² Nonetheless, universities continued to vicariously acquire urban land by eminent domain into the present century. The Empire State Development Corporation took 17 acres

174. *Id.*

175. *Id.*

176. *Id.*

177. *Id.* at 709.

178. *Id.*; see also 42 U.S.C.A. § 1463.

179. Fels, *supra* note 172, at 718.

180. *Id.* at 686; see also *id.* at 686 n.12 (citing Letter from John K. Johnson, Assistant for Legis. Aff., HUD to Congressman Richard Fulton (Mar. 28, 1974)).

181. See BALDWIN, *supra* note 16, at 31 (“By 1964, there were 154 projects supported by the 112 credits program that involved 120 colleges and universities and 74 hospitals.” (footnote omitted)).

182. See 42 U.S.C.A § 5316(a).

of privately owned land by eminent domain for the purposes of developing Columbia's West Harlem campus.¹⁸³

In sum, by the turn of the twentieth century, universities began acquiring land by eminent domain. In the twenty-first century, public authorities continue to grant, and universities continue to grab, land. The conclusion suggests what scholars should do to understand their landed universities.

IV. CONCLUSION

The Morrill Act represents one of many land grants benefitting American universities. By 1862, legislatures across the country, including Congress, were experienced land-granters. And public authorities continued granting lands after 1862, all the way up to the present century. The “long”¹⁸⁴ land-grant movement lasted from at least 1638 to 2024. In addition to pushing the land-grant timeline back into the colonial period and pulling it up into the twenty-first century, this essay invites us to ask what happened to the over 4 million acres granted to universities by acts other than the Morrill Act and to the lands grabbed by or on behalf of universities via eminent domain.¹⁸⁵

Three implications flow from this history. First, it suggests that the debts that might be owed for lands granted to universities are likely considerably larger than previously thought. This is in

183. See *Kaur v. N.Y. S. Urb. Dev. Corp.*, 15 N.Y.3d 235, 244–45 (2010).

184. See Jacquelyn Dowd Hall, *The Long Civil Rights Movement and the Political Uses of the Past*, 91 J. AM. HIST. 1233 (2005).

185. Because of the difficulties attending the study of grants of this sort, especially in the seventeenth and eighteenth centuries, more research will have to be done to confirm that the granted lands were in fact conveyed and, if so, what universities did with these lands. Some of this work is already underway. See Sophie Gao, *Undergrad Researchers Find Harvard Owned, Sold Indigenous Land in Maine*, HARV. CRIMSON (Dec. 10, 2025), <https://www.thecrimson.com/article/2025/12/10/new-research-harvard-indigenous-land/> [<https://perma.cc/S9NL-Y6KV>]. Importantly, as Robert Lee said in a 2022 interview, because a university retains their “corporate personhood,” a “university from the 1860s is the university today.” Hayden Royster, *This Land is Their Land*, CAL. MAG. (June 8, 2022) (quoting Lee), <https://alumni.berkeley.edu/california-magazine/2022-summer/this-land-is-their-land/> [<https://perma.cc/XFN6-8EGV>]. Thank you to Elliott Masouredis for sharing this article with me.

part because public and private universities alike received much more land from public authorities than scholars have indicated and in part because certain of the grants were for lands within Tribal reservations.

Second, it obliges scholars to reconsider and expand our definitions of the land-grant university and the “land-grant movement,” which was well underway by 1862.¹⁸⁶

Third, it invites us to further question the distinction between public and private universities. In fact, Americans would have recognized no such distinction before the nineteenth century.¹⁸⁷ This history troubles the already-specious public-private distinction as applied to universities, whose fundamental publicness was established early on in its one-thousand-year history.¹⁸⁸ That fundamental publicness persisted in the United States until the myth of the private university emerged in the nineteenth century.¹⁸⁹ The emphasis that university historians place on the Morrill Act, which mainly granted lands for universities we today consider “public,” has obscured the extent to which universities we now call “private” also amassed wealth through land grants, meaning that they are also land-grant universities. By so obscuring this reliance on public support, the

186. See EARLE D. ROSS, *DEMOCRACY'S COLLEGE: THE LAND-GRANT MOVEMENT IN THE FORMATIVE STAGE* 13 (1942) (“In their origins all the branches of the American system of education from lowest to highest are ‘land grant.’”).

187. See WHITEHEAD, *supra* note 22, at 6 (arguing that “no clear distinction [between public and private universities] existed before the Civil War.”); see also CHRISTOPHER KUTZ, *PUBLICS IN ACTION: THE SELF-MAKING OF CIVIC LIFE* 121 (2025) (noting that, when it comes to universities, “our strategies of distinction have failed”).

188. See Walter Rüegg, *Foreword*, in 1 *A HISTORY OF THE UNIVERSITY IN EUROPE*[:] *UNIVERSITIES IN THE MIDDLE AGES* xix (Hilde De Ridder-Symoens ed., 1992) (noting university was one “[o]f the three acknowledged powers of medieval European society—*regnum*, *sacerdotium*, and *studium*”).

189. See RUDOLPH, *supra* note 74, at 185 (“One great barrier to determining who paid the bills of the American college is the myth of the privately endowed independent college, a myth that was not encouraged until the colleges discovered that they could no longer feed at the public trough and had, in one sense, indeed become private.”); NELSON, *supra* note 42, at 223 (“[I]t would have been inconceivable in 1769 that Dartmouth College was a completely private corporation, independent of governmental oversight.”).

scholarly fixation on the Morrill Act has reified the dubious distinction between public and private universities.¹⁹⁰

Much research remains to be done. We need to study the relationship between universities and land unconstrained by the Morrill Act. As noted above, our landed universities acquire land in many ways and their techniques for doing so change over time. Viewing the American university's relationship to land—a relationship this research suggests is likely more important to the general development of our universities than previously thought—through the Morrill Act has seriously hindered our ability to understand that relationship. Specifically, we need to study this relationship by attending to the manifold ways that universities obtain lands. We also need to research the land grants that failed if we are to fully apprehend the American land-granting impulse. Lastly, we must study the universities' exercise of eminent domain. As of today, we have no clue how much land universities have taken by eminent domain in the more than 125 years since they began exercising that power or what they have done with the land they acquired in this manner.

If debts arising from the possession and sale of these lands are owed to certain Native American Tribes, then those debts might be significantly larger than Lee and Ahtone indicate. Notwithstanding the diligent work undertaken by them and their colleagues, and others, many university land grants and grabs remain obscure. To understand what debts might be owed, we need to first identify America's many land-grant and -grab universities.¹⁹¹ Doing so requires looking east.

190. See BALDWIN, *supra* note 16, at 23 (noting Morrill Act “helped fund public universities to support agricultural research,” among other things).

191. I do not address all land grants here. For example, the South Carolina Legislature granted “an extensive parcel of land, in an elevated situation” in 1801 to what is now the University of South Carolina. *Judge Brevard's Observations on the Legislative History of South Carolina*, in 1 SOUTH CAROLINA STATUTES AT LARGE 425, 437 (Thomas Cooper ed., 1836). They then granted the University 10 acres in 1833. See *Trs. of Univ. of S.C. v. Trs. of Acad. of Columbia*, 67 S.E. 951, 952 (S.C. 1910). I hope university legal historians will study this grant and ones like it. On university legal history, see Michael Banerjee, *University Legal History*, CULTURAL CRITIQUE ONLINE (2025), <https://manifold.umn.edu/read/cc-frame-014-rev-03/section/a01d89fc-2765-4ffc-aadc-88e987c5c897> [<https://perma.cc/WNK3-V336>].