Chapter I
The Idea of State Universities

Montana State University at Missoula, Montana, is the youngest state university in the nation. A provision for it was included in the 1839 constitution for the new state. It was legalized by legislative act in 1891, chartered and given location by legislative act in 1893, and opened in 1895, six years after the territory had become a state. It is 24 years younger than a university, now the University of Tennessee, that claims to be the oldest of those schools that years after their establishment began to realize the benefits of the idea of state universities, that is, public schools for higher education.

The idea was probably vaguely dreamed of by some of the statesmen who formed the Congress of the Confederation and the early Congress of the United States. Washington, considering the private schools of his time, thought of a national university. Jefferson gave impetus and some clarity to the idea by his support of advancement of superior students from the common schools, and later planned campus and curriculum for the University of Virginia, of which he became the first administrator, in 1825.

We are inclined to accept our institutions casually as always having been what they are, and to expect them to continue to be in general as they are. In our more thoughtful moments we acknowledge that these concepts are false. A live institution, like a live person, changes as its resources and the demands of those it serves change. Like a live person
it too had to be born, and for it to be born, forces moved towards its reality by ways sometimes not seen till they met.

To us now, who have available more maps than we have time to read, who may calculate from timetables just how many hours should be allowed under normal weather conditions to fly to Nome or Santiago, London or Tokyo, even across the Pole, it is shocking to read the charters that set original boundaries of the old New England colonies. At the time they were written, no one could have had any idea of what it would mean to give Massachusetts as western boundary the Western Sea, that is the Pacific Ocean, or to another colony as boundary the Southern Sea, the Gulf of Mexico.

But over a century later, when independence had been won, and a treaty with the Indians had brought within the pale the Old Northwest—now Ohio, Indiana, Illinois, Michigan and Wisconsin—some concept of the extent of this area had taken form in the public mind.

The establishment of public domain was assured when those colonies in the Confederation whose western boundaries had been set on the Pacific coast ceded their portion of the Old Northwest to the national government, providing thus a soon-to-be-developed source of national revenue, to supplement the almost only one of the time, the customs revenue.

Before this, the New England Colonies had already individually established some support for schools, so that it was no radical departure for the legislative body to pass the Confederation Ordinance of 1785 which included a provision that out of every township, "Lot 16" should
be reserved for public schools. Two years later, on July 13, 1787, the now famous Northwest Ordinance of 1787, in the same spirit, declared, "Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and means of education shall be forever encouraged."

But this is as far as Congress had committed itself on the question of public education, merely to a general statement of a generally accepted, vague idea in an ordinance originally concerned mainly with government of a new territory. In fact, studies made by Harvard, by the University of Minnesota, and by Columbia definitely conclude that the actual policy of national encouragement for institutions of higher learning began with the efforts of men outside Congress, college-trained men from Massachusetts and Connecticut. (Harvard had been founded in 1636, Yale in 1701.) Less perturbed by official responsibility, these men were freer to imagine cultural benefits their descendants should reap. Hardheaded too, they looked to their own material benefit also.

They organized among themselves in 1786 a land company, the Ohio Company. This company was distinct from the colonization Virginia Ohio Company of 1749 authorized by King George II, and unsuccessful. The Ohio Company of 1786 proposed to purchase and colonize a huge tract of public domain in the Ohio district of the Old Northwest and go there with their families. They wished also to attract men of their own caliber as purchasers and felt that educational advantages not only would make their own new homes more satisfying, but would be a good selling point with the kind of colonists they wanted.
They persuaded their friends in Congress to introduce further provisions into the original ordinance, and in two weeks, by July 27, 1737, a provision was passed to reserve no more than two townships for the support of an institution of higher learning in the large tract they were to purchase. This grant of townships was to be not to the land company but to the state which might grow around the area purchased, finally the state of Ohio. Soon after, an individual, John Symmes, purchased in his own name another area, between the Great and Little Miami Rivers, and his request, based on the school land reservation provision, secured for his area one township for support of a university or college there.

By 1804 these events, and similar precedents in a slowly developing policy, crystallized into a ruling that the Secretary of the Treasury should locate a township of land for the uses of a seminary of learning in each of the four other districts in what had come to be called Indiana and later became the states of Indiana, Illinois, Michigan and Wisconsin. So the policy of Federal aid to learning became established and active, and from this time on no public land state came into the Union without its grant of land for the use of a seminary of learning, or, as it later came to be called, a state university.

Many troubles, however, arose after 1804. The story is one of rulings, repeals, re-rulings, of fine intent and not consistent enforcement, but nevertheless of a persistent growth of a body of provisions that finally safeguarded school land grants and fortunately was in full operation when the last land grants for present state universities were
made — to the territories of Arizona, Dakota, Idaho, Montana, and Wyoming in 1881.

Up to about 1881, the method by which state universities came to be what they now are, seems, as has been indicated, one of trial and error. At first the institutions were vaguely referred to as seminaries, (not necessarily schools for the training of a clergy as Harvard was for the most part originally, but schools where the seed of higher learning was to be sown and nurtured) in distinction from the common schools. Lands were reserved for them by the Federal Government, but few directions were formulated for the administration of those lands. In the early nineteenth century, pioneers moving westward settled where they thought prospects were good, often unknowingly on lands already reserved for education but not yet specifically surveyed. The fact that in some worthy cases pre-emption claims were allowed encouraged other innocent, or unscrupulous, settlers to feel confident that they had a chance of acquiring title to desirable reserved lands by filing pre-emption claims. When such were granted, the government had to replace the lost school land by other land, in many cases, as time went on, inferior to the original grant.

Furthermore, in some states or territories, individual speculators persuaded the state or territory to trade land, so that by such maneuvering the state lost lands that later became the sites of large cities, and held lands in return that decreased in value, the normal expected revenue to education being thus greatly reduced. In line with this procedure, speculators fought the idea of any re-appraisal of school land, and in Michigan, for example, while the university was young, succeeded in
legislation against re-appraisal, so that for a considerable time school lands that had increased in value had to be sold far below par. This legislation was at last repealed, and it is generally ruled now that school lands receive re-appraisal and schools may benefit as an individual does if his holdings have increased in value from the date of his title to them.

In some of the oldest land grants to the territories, the minimum sale price had been set as low as $1.25 per acre. In the land grants of 1881 to the territories of Arizona, Dakota, Idaho, Montana, and Wyoming, the minimum price was $2.50 per acre.

In the Enabling Act of 1889, however, which gave power to Montana Territory to take on statehood, further reforms were included. The minimum price for sale of school lands was set at $10.00 per acre; rental was limited to five years; extent of area rented to one person was limited to one section, and all school land was protected from pre-emption, homestead, or any other entry under the land laws of the United States whether the land had been surveyed or not. Also, by this time, the size of land grants had been standardized, and whereas in early grants it had varied from one to four townships, by 1889 it had again been fixed at two townships for state universities, that is, seventy-two sections, or 46,080 acres. Under the Federal Morrill Act of 1861, provisions had been made for land grants of varying sizes for schools of agriculture and mechanic arts, further defined and insured in the Second Morrill Act of 1890 and later in the Nelson Amendment of 1907. The Federal Enabling Act of 1889 set aside public land not only
for a University but for a school of mines, state normal schools, additional land beyond the Morrill grant for a state college, land for a state reform school, for a deaf and dumb asylum, and for public buildings at a capitol.

On other matters than land resources, the tale shows likewise a slow progress towards uniformity based on principles deducted from experience and vision. Michigan claims fatherhood for the present type of state university organization. Michigan places its origin in 1817, in a school founded at Detroit by the Reverend Father Richards and the Reverend Mr. Montieth, who comprised the total faculty, but the institution at Ann Arbor with this ancestry was established by organic act and located at Ann Arbor in 1837 when Michigan became a state.

The year the Michigan act was passed there were but 100,000 rather scattered souls in the whole state. Where were the students for a university to be found? There were too few. The immediate maneuver was to create preparatory branches of the University to be maintained by appropriations from its own fund. By the end of 1838 five such branches, enrolling in all 161 students, were functioning. So well did they prosper that soon they completely overshadowed their supporter and monopolized its resources. By 1842 the population of the state had increased to 212,000, and some branch students were ready for higher education. This year the Board of Regents reduced the appropriations to the branches in order to have funds for the University, and later, in 1846, withdrew all support. However, these branches had so established the idea of preparatory work for higher education that they soon became local high schools.
In 1842 the University of Michigan opened with a faculty of two professors, men who had been teaching in the branches and who would at the University receive a salary of $500 and house rent — less than they had received in the branches. Because the branches had cost so much, there never had been money to pay a central executive officer. The Board appointed each professor in turn to serve as "principal" for a year.

Wilfred Shaw, general secretary of the alumni of Michigan, says in his history of that institution that this solution of the internal administration of the school, the alternation in office of members of the faculty, was thought to be highly democratic, and, because it followed the practice in German universities of the time, highly efficient. In 1850 the Board of Visitors to the University of Michigan recommended that the "monarchical feature of a chancellor [synonymous here for president] should be struck out of the Organic Law and the system of alternation in office be fixed for all time." The time for change was opportune because amendments to the state constitution were then under consideration.

But further investigation, says Mr. Shaw, revealed difficulties that arose from too little central authority, opportunities for jealousy, for tyrannical measures during short periods of power, abrupt changes in policy in successive administrations, arbitrary effects on curriculum, uneven distribution of teaching load, and minor confusions that upset the whole small campus. The recommendation was not accepted.

When the changes in the constitution had been completed, the Board of Regents was charged with the duty of immediately appointing a president for the University. So, in 1852, after ten years of operation,
fifteen years after its organic act, the University of Michigan had its first real president, Henry Philip Tappan, at a salary of $1500 a year, with a house, and with $500 traveling expense money.

Tappan became a great president, a force in the education of his era, thought after eleven years of service, while enrollment rose from 232 to 652, the Regents summarily dismissed him. Because a history of any university must be in part consideration of the policies of its administrators, it is of interest to note why President Tappan was dismissed.

Tappan was ahead of his time. Michigan was in the "Far West." Its population was less a good deal than that of Montana a century later. There was not a great percentage of trained men available for the work of encouraging a university. For though a man may be highly self-educated and a valuable and sterling citizen, he still may not be able to reason effectively on the problem-web of a university. Moreover, the pioneer spirit and experience are on guard against any tendency that may seem to encroach on regional ideas and ways.

Some of the Board resented Tappan's ideas of the prerogatives of a president. Some of the residents of Ann Arbor objected to other points in his policy. The Presbyterians resented the fact that although he had affiliated with them, he insisted on the nonsectarian character of a state university and refused to consider religious affiliations of candidates for the faculty. Practicing Prohibitionists objected to his European custom, acquired from years of study abroad, of serving wine at his table. A number of the faculty objected to his
refusal to promote colleagues who had not proved their worth. All these factors made the Board and the Legislature unfriendly.

But his students loved him. Within ten years of his dismissal, with the help of Dr. Haven, acting president during the interim, and later of the famous and beloved Dr. Angell, Tappan's successor, they had verified the prophecy that in desperation he had flung at that unfriendly legislature. "The day will come, gentlemen," he had thundered, "when my boys will take your places, and then something will be done for the University."

All state universities as well as private universities have at some time or other had to meet some of the problems that Michigan met. All have looked to their alumni for help, and, in time, received it in generous measure.

In 1893, when the University of Montana, as it was then called, was located at Missoula, of course it had no alumni. Its present site, the central expanse of it donated for buildings, was but part of a nearly bare plain reaching from trees that bordered the river, flowing northwest, to the base of Mt. Sentinel. Only a few bushes and boulders rippled the contour. Through the work of many men and women, not only students and faculty and interested townspeople, but of laborers, caretakers, legislatures, boards, and forward-looking voters of Montana, this University has come to be what it is. It began in a financially uncertain time; it has survived wars, depressions, droughts and floods. Through the newspapers of those years, office records, old diaries, letters, old photographs, state papers, memories of alumni and faculty, and other material in its archives and archives, one may read of what it was and how it came to be what it is.