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## School Lands of North Dakota, South Dakota and Montana

George W. Luchsinger

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SCHOOL LANDS OF NORTH DAKOTA,  
SOUTH DAKOTA AND MONTANA

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by

George W. Luchsinger

In Partial Fulfillment of the Requirements

for the

Degree of

Master of Science in Education

August, 1933

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This thesis, offered by George W. Luchsinger, as a partial fulfillment of the requirements for the Degree of Master of Science in Education in the University of North Dakota, is hereby approved by the Committee under whom the work has been done.

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WARRANT BOND



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## CHAPTER I

### INTRODUCTION

When North Dakota, South Dakota and Montana were admitted into the Union in 1889, provisions were made granting to each state, lands to be set aside and the investments from these lands to be used for the educational institutions of each state. The Federal Government stated the amount of land granted to each institution in the three states. However, in each state additional grants were given. Each state was to use its own method in selecting and distributing these lands for the different institutions.

In each case the state legislature was given the power to make laws regarding the selection and sale of the lands and the amount to be sold. Provisions also were made as to the method of investing the money, as each state is held responsible for the investments. In order to cover the entire field the title "School Lands of North Dakota, South Dakota and Montana" has been selected.

#### Purpose of the Study

The purpose of this study is to determine how much land was finally selected for each institution in the several states and what method the states have used in the sale and leasing of these lands; to find out how

much land has been sold, how much has gone back to the state and the total amount on hand at the present time. Also to see what methods have been used in investing the money for the different institutions and how much is on hand at the present time; as well as which of the methods of investing has proved the most successful and satisfactory up to the present time.

#### Sources of Data

The information is taken from the national and legal provisions of the Federal Constitution. From the laws of North Dakota, South Dakota and Montana, other information is derived. The state legislatures meet every two years and constant changes are being made in the laws governing the handling of school lands. For this reason it is hard to get the compiled laws of the different states up to date. The laws for North Dakota are compiled up to 1913, and from 1913 to 1930 the session laws contain the information.

In addition to the laws, a questionnaire was sent out to the county treasurers of the fifty-three counties in North Dakota, asking the total amount of school land on hand at the present time. It also asked for the number of acres leased, the number of acres under cultivation and the amount that was received for each lease.

Letters were sent to the commissioners of each



state asking for information about school lands. From North Dakota, the "Nineteenth Biennial Report of the Commissioner of University and School Lands, for the period beginning July 1, 1928, and ending June 30, 1930," was sent.

From South Dakota, the "21st Biennial Report of the Commissioner of School and Public Lands, 1928-30," was sent.

From Montana, "The State of Montana, Reports of Commissioner of State Lands and Investments, for the Two Fiscal Years Beginning July 1st, 1928, and Ending June 30th, 1930," was sent. From these reports the amount of land on hand, the amount sold, the amount leased and the investments are taken.

#### Delimitations

This study will deal only with the land grants of the three states in question. No lands outside of the original grants will be considered. Common school sites and locations of common school buildings will not be considered. No attempt will be made to discuss the grants in the townships and school districts.

One county in North Dakota will be selected and the lands plotted in the map of the county to show how this could be worked out if necessary. Only the county treasurers in North Dakota were asked to fill out questionnaires.

## CHAPTER 2

### NATIONAL AND LEGAL PROVISIONS

Montana, North Dakota and South Dakota were admitted into the Union in 1889. Every state which is admitted into the Union must have an enabling act passed by Congress in order to function as a state. In the enabling act passed for these states, there were certain sections passed for schools, which provided for public lands to enable these states to adopt a free system of public education. This land was to become valuable some time as settlement increased. The money derived from sales or leases would aid the pioneers who were just getting started to provide for establishing free schools, common and secondary, and also state institutions.

One of the sections in the enabling act stated that provisions should be made for the establishment and maintenance of a system of public schools, which should be open to all children of said state, and free from sectarian control.

One section stated that upon the admission of these three states, sections sixteen and thirty-six of every township should be used for common school purposes. If any of this land had been occupied by homesteaders before it was surveyed, an equal amount was to be



selected as near as possible to the land that was so occupied.

These lands might be disposed of at public auction for not less than ten dollars per acre. Probably this minimum amount has caused considerable difficulty in the method of handling school land. The last legislature, North Dakota 1933, passed a new measure, that provides for the sale of grazing land at \$5.00 per acre. Before this act may become effective each state must change its laws and adopt this measure into its constitution.

The money from the sales of school land shall constitute a permanent fund. Only the interest may be used for public school purposes. In addition to this fund, five per cent of the net proceeds of the sale of all public land shall be added and the interest shall be used for the support of the common schools.

For the support of agricultural colleges, 90,000 acres of land, to be selected as provided for in section 10 of the enabling act, were granted to each of the states, with the exception of South Dakota, whose grant was 120,000 acres. Swamps, overflow, or alkali lands were not included in these grants.

To the state of South Dakota were granted, for the School of Mines, 40,000 acres; for the Deaf and

Dumb school, 40,000 acres; for the Reform school, 40,000 acres; for the Agricultural college, 40,000 acres; for the University, 40,000 acres; for the state normal schools, 80,000 acres; for public buildings at the state capital, 50,000 acres, and for such other educational and charitable purposes as the legislature of the state might determine, 170,000 acres; in all, 500,000 acres. To North Dakota was given the same amount of land to be used in the same way.

In Montana there were granted for the establishment and maintenance of a School of Mines, 100,000 acres; for the Agricultural College, 50,000 acres; for the establishment of a Reform School, 50,000 acres; and for the capitol buildings, 150,000 acres.

The enabling act further states that no state shall receive any more grants for any purpose, but that these grants may be disposed of and used in such a manner as the different state legislatures may provide. Mineral lands were not included in these grants; but in case any mineral lands should be included in the sections designated, an equal amount of other was to be selected to take its place.

Table 1

Summary of Lands Granted to Public Institutions in Three States

Institutions	North Dakota	South Dakota	Montana
School of mines ✓	40,000	40,000	100,000
Reform school ✓	40,000	40,000	50,000
Deaf and dumb school	40,000	40,000	50,000
Agricultural college ✓	130,000	160,000	190,000
University ✓	40,000	40,000	46,000
Capitol	50,000	50,000	200,000
Normal schools ✓	80,000	80,000	100,000
All other purposes	170,000	170,000	170,000
<b>Total</b>	<b>590,000</b>	<b>620,000</b>	<b>906,000</b>

State Laws

An attempt will be made next to trace the effects of some of the state laws down to the present time, to determine their wisdom in anticipating the conditions that later arose. Some provisions in those laws had a very beneficial result, while others caused great embarrassment.

The state laws have added to the provisions of the Enabling Act, that all lands that become property of the state by escheats, donations, and fines for violation of state laws, or all other properties that the state acquires, shall be and remain a perpetual



fund for the maintenance of common schools. All three states seem to agree on this. This is called a trust fund. The principal remains intact. It may be increased, but never diminished, and the state shall make good all losses, should any occur. As to the laws for making up these losses the three states vary in their practices. North Dakota and Montana handle their losses in much the same way, making the state responsible; while in South Dakota the loans are made through the counties and each county is held responsible for its own losses. All states agree that only the interest and income from these funds shall be used and applied every year for the common schools. This money shall be divided among the common schools according to the number of children of school age within each district. In case some of this fund is not used in any year, it must be added to the general fund.

#### Amount of Sale of Lands

( The following provisions were made for the sale of school lands. In North Dakota, beginning one year after the meeting of the first legislature, one-fourth of the common school land might be sold within five years, one-half of the remainder within the next ten years, and the rest any time after that. Coal and mineral land can never be sold, but the legislature may provide for leasing it. )

Table 2  
Time When Public Land Might Be Sold in  
the Following States

North Dakota	South Dakota	Montana
One-fourth within 5 years	One-third within 5 years	As soon as possible
One-fourth within next 5 years		
One-fourth within next 5 years	Two-thirds the next 15 years	
One-fourth any time after		

In South Dakota one-third might be sold within the first five years, and not more than two-thirds within the next fifteen years. The legislature has the right to make provisions for the sale of the lands. In Montana it seems that there was no time fixed for the sale of any specified amounts of land. The land was to be sold and converted into a permanent fund as soon as practicable.

#### Name of Board and Composition

(In North Dakota the board was called the "Board of University and School Lands." It was composed of the superintendent of public instruction, the governor, the attorney general, the secretary of state, and the state auditor. The governor was given the right to appoint a land commissioner. That board had charge of the appraisal, sale, and disposal of all school land, and of the



investment of funds arising from the sale or leasing of the land. The county superintendent, county auditor, and chairman of the board of county commissioners, constituted the board of appraisers. They were to do as directed by the Board of University and School Lands. )  
In South Dakota the Board of School and Public Lands has control of all school and public lands. That board was composed of the governor, commissioner of school and public lands, state auditor and county superintendent in each county for the lands included therein.

In Montana the board's name was the Department of State Lands and Investments. It was composed of the governor, superintendent of public instruction, secretary of state, and attorney general. That board had full charge of all school and public lands. The governor had the right to appoint the land commissioner. All the land was to be appraised at its true and full value. The writer was unable to find whether there was a special board of appraisals in Montana or whether the land commissioner looked after that work and appraised the value as he saw fit.

Table 3  
Names and Composition of State Boards

Board of University and School Lands	Board of School and Public Lands	Department of State Lands and Investments
Superintendent of public instruction	governor	governor
Governor	auditor	
Attorney general	commissioner of school and public lands	superintendent of public instruction
Secretary of state		secretary of state
State auditor	county superintendent	commissioner appointed by the governor
Commissioner appointed by the governor		attorney general

Terms of Payment and Place of Sale and Publication

In North Dakota the purchaser must pay for his land, one-fifth down in cash; one-fifth in five years; one-fifth at the end of ten years; and one-fifth at the expiration of twenty years. <sup>15 years, one fifth at exp. 20</sup> The interest must not be less than six per cent payable annually in advance and on interest bearing dates. The place of sale shall be the county seat. The land shall be sold at public auction to the highest bidder and shall be advertised for sixty days in a newspaper of general circulation in the vicinity where the land is located, and in one paper at the seat of government. The land is sold usually in tracts of one hundred sixty acres. If the land is not sold within two years, it must be reappraised.

Table 4

## Terms of Payment for School Land in Three States

North Dakota	South Dakota	Montana
One-fifth in cash; one-fifth in five years, one-fifth in ten years, one fifth in fifteen years and one-fifth in twenty years. Interest at six per cent annually. Sale advertised for 60 days. Sold to highest bidder, 100 dollars earnest money paid down. If purchaser fails to take land, he forfeits the earnest money.	One-tenth in cash; Legislature makes provision for payment of the balance. Must be paid within 30 years. Interest at five per cent.	One-tenth in cash and balance must be exact multiple of twenty-five. Must pay difference in cash. Twenty-five dollar fee to get certificate. Payable in thirty-three years at five per cent interest, on the amortization plan. Sale published four weeks. Sold at public auction to highest bidder at court house. If purchaser fails to take land he forfeits from \$50 to \$1,000, as determined by the board.

South Dakota laws say that one-tenth of the purchase price must be in cash. The legislature makes laws regarding the payment of the balance, but this must all be paid within thirty years with interest at five per cent. The land must be appraised and advertised for sixty days in three papers, twice in papers in the vicinity where the land is located, and a third time in a paper at the seat of government. The land must not be offered in tracts larger than eighty acres. In case it



is not sold within two years it must be reappraised. All sales must be conducted through the Commissioner of School and Public Lands.

In Montana the terms are expressed in words that are difficult to understand. The purchaser shall pay ten per cent in cash and in case the balance is not an exact multiple of twenty-five dollars he shall pay enough to make it a multiple of twenty-five dollars. A fee of twenty-five dollars is necessary to get the certificate of purchase, which shall draw interest at the rate of five per cent, payable annually in advance through a period of thirty-three years on the amortization plan. In town and city lots the time limit is twenty years.

In Montana the notice of the sale must be in the official county paper, and must appear once a week for four consecutive weeks preceding the sale. This land must be sold to the highest bidder at public auction conducted by the Commissioner or his assistant, for not less than ten dollars per acre. The auction is conducted at the county court house, but in case the court house is too crowded, then a suitable place may be selected as near the court house as possible. The old lessee need not make a higher bid than others, but if his bid is an equal amount he shall be given preference.

### Forfeitures

( In North Dakota if the highest bidder fails to meet the payment, he must forfeit one hundred dollars for each tract purchased by him. This land is put up again for sale. No bids will be accepted a second time from the person who failed to meet his bid the first time.) The writer was unable to find anything in the South Dakota laws dealing with forfeitures. According to the Montana laws, if the purchaser fails to meet his bid he shall forfeit not less than fifty dollars nor more than one thousand dollars. The amount is to be determined by the State Board of Land Commissioners. In case he fails to meet this forfeiture the attorney general shall institute a suit for recovery.

### Classification of Lands

( In North Dakota there are farm lands, grazing lands, and lands containing coal and minerals.) In South Dakota lands are classified as those which are most valuable for agricultural purposes, those which are most valuable for meadow and pasture purposes, and those which are valuable for timber, coal and other purposes. This is much the same as in North Dakota. In Montana there are grazing lands, timber lands, agricultural lands, which include irrigable lands and non-irrigable lands, and lands within three miles of a city or within its limits.



Dealing with Grants for Higher Institutions of  
Learning

Section 159 of the North Dakota laws reads "that all money or property, donated, granted or received from the United States or any other source for a university, school of mines, reform school, agricultural college, deaf and dumb asylum, normal school, or other educational or charitable institution, and the proceeds of all such lands and other property so received from any source shall remain a perpetual fund, the interest and income of which together with the rent of this land, shall be used in the same way as the original gifts or grants. The principal of this fund may be increased but never diminished. The state shall make good all losses that may occur through their investment." This provision is practically the same in all three states.

Section 7 of the South Dakota laws states "that all lands, moneys, and donations, granted or received from the United States or from any other source for a university or any institution of higher learning, shall remain a perpetual fund. Only the interest shall be used, together with the rent of unsold land. The principal may be increased, but never diminished, and the state shall make good all losses. These lands may be appraised and sold; but separate accounts must be kept for each of such funds."

Powers and Duties of the Board of University  
and School Lands<sup>1</sup>

(The board has full control of the selecting, appraisement, rental, sale, disposal, and management of all school and public lands of the state and the investments of all permanent funds from these sales. It shall appoint a competent person to act as general agent for the board (Commissioner of University and School Lands), whose power and duties have been given elsewhere. The board meets on the last Tuesday of each month. Any three members constitutes a quorum. Special meetings may be called at any time by the president or two board members.) This is a little different in Montana. In the compiled laws relating to school and public lands in South Dakota,<sup>2</sup> the meeting of the board is not given.

(In North Dakota the Board invests all money belonging to the permanent funds of the different institutions in bonds of school corporations, townships or municipalities within the state, state or United States, or other state bonds, and in first mortgages on farm loans up to one-half of the value of the land as appraised by the county board of appraisers.<sup>3</sup> No farm mortgage shall be for longer than twelve years, with interest at

<sup>1</sup>Section 285 of the North Dakota State Laws.

<sup>2</sup>Compiled July 1, 1930, by Commissioner of School and Public Lands.

<sup>3</sup>North Dakota Laws, Session 1931.

five percent, payable annually to the county treasurer where the land is located. )

#### Powers and Duties of Board in South Dakota

The Board of School and Public Lands in South Dakota has the power to make rules and regulations pertaining to all the following: classify lands, designate lands for lease, regulate leasing, appoint board of appraisal, give minimum or maximum leasing rates, make rules for the manner of payments, of plowing, rent for the summer following a two years' lease, noxious weeds, improvements, agricultural purposes, assignments, sale of improvements, trespasses, cutting wood, easements, art and mineral leases, land offered for sale, advertisement, terms of sale and everything that pertains to the sale or leasing of land and the investment of funds derived therefrom.

#### Powers and Duties of Board in Montana

The Department of State Lands and Investments is the body in charge of school land in Montana. The composition of the board has already been given. It exercises all general authority, care, direction, and control of all state lands and moneys arising from their sale, lease, and investments of the money derived from such sale or lease.

The Board's guiding rule shall be that these lands and funds are held for the support of education and other



worthy objects for the well being of the people of the state. The Board's duties are to administer this trust so as to secure the best interest of the state at all times. These powers and duties are conferred upon the board by the state constitution and are necessary for the proper discharge of its duties.

#### Commissioner's Powers and Duties

( The North Dakota Laws describe the powers and duties of the Commissioner. "He has general supervision of all lands, custody of maps, books and papers which relate to the state. He must procure the necessary plots, maps and books to keep the record of all state sales, leases, permits, patents, and deeds and all payments for sales and leases with the number of acres and the name of purchaser or leaser. He directs all appraisements, executes all contracts, and shall have an official seal with the proper signature. This seal shall be affixed to all contracts issued by him. He makes out a report biennially to the legislative assembly, the work of the preceding term, showing the quality of land sold or leased, with the amount accredited to each fund. He keeps records of all offers for the sale of bonds, makes all bonds necessary for the investment of the funds, and registers all bonds purchased by the Board."<sup>4</sup> )

<sup>4</sup>Section 299 North Dakota State Laws

( He also keeps a record showing the quarterly statement of conditions of all permanent funds under control of the Board, the amount of each fund, how invested, interest paid, and makes a biennial report of all such investments to the governor to be laid before the legislature. These records are open at all times for public inspection. The powers and duties of the Commissioner in South Dakota are very much the same as in other states. )

#### South Dakota's Commissioner

The Commissioner shall keep an accurate account of all money due or coming due, an account of the sales and leases of all public lands, and interest from the same. He keeps an account with the state treasurer, showing separately the amounts received by him and paid out for various purposes. He keeps a separate account for each county, showing the receipts and payments for each purpose. He looks after all collections due the state, furnishes statements to each county treasurer of the principal and interest on sales and on leases coming due in the county on the first day of January following. Each County Treasurer must furnish the commissioner with a report on the first day of March, June, September and December to show how much he has received from the sale, rental, and lease of lands in his county.

The Commissioner then shall draw and deliver to

the state treasurer a draft for each county treasurer in full amount shown to be due the state. And he shall specify the various funds to which the money belongs, and at the same time send a duplicate of this to each county auditor. The county treasurer must send this amount at once to the state treasurer. The state treasurer properly receipts this and returns the draft.

In Montana the Commissioner is appointed by the Governor, with the consent of the senate. He is ex-officio secretary of the State Board of Land Commissioners and keeps minutes of its proceedings. He is custodian of the seal and records, and carries out the board's orders. He has charge of the selecting, exchanging, classification, appraisal, leasing, management, sale and other disposition of the state land, and the investment of all funds belonging to this department. He receives and collects all moneys payable to the state through his office as fees, rentals, royalties, interest, penalties, payment on mortgages or lands purchased from the state. All moneys he receives must be turned over to the state treasurer on or before the thirtieth day of each month. He is to make a biennial report of all the transactions of his office during the two preceding fiscal years, showing fully the assets belonging to each of the permanent funds, and any other material that may



be worthy of publication?<sup>5</sup> His salary is fixed at thirty-six hundred dollars a year.

#### Leasing of State Lands; Price and Terms

( In no case in North Dakota is the leasing of land for a longer period than five years and this lease is also subject to the regulations regarding sales. This land can be leased for pasture and agricultural purposes only and at public auction to the highest bidder after due notice by publication of the same. North Dakota has a minimum price for the leasing of grazing land, which is fifteen dollars with an additional fee of \$5.00 for making out the lease. The last legislature (1930)<sup>6</sup> changed the fee from \$3.00 to \$5.00. The leasing is done under supervision of the Board of University and School Lands, who also select the land to be leased when in their judgment this will add to the permanent school fund. This land for lease must be advertised once a week for 60 days in the vicinity where the land is located, with the terms of the lease.

The Commissioner of University and School Lands has charge of all leases, which shall be at public auction to the highest bidder at the court house. The bidder must pay the first year's rent and in case he

<sup>5</sup>Section 10, Montana Laws.  
<sup>6</sup>N. D. Laws 1931, pp. 339-354.

fails to do so at once the next highest bid will be accepted if it is not less than the minimum. The lessee is not allowed to destroy timber, break uncultivated lands nor to cut the hay before July 1. The board has the right to lease coal lands, without interfering with the right to lease the land for pasture or meadow. The minimum shall not be less than ten cents a ton of 2,240 pounds, and no lease shall be less than ten dollars for each and every forty acres. It may also lease mineral land on the royalty basis. The royalty must not be less than twelve and one-half per cent of the gross output of oil from this land. This lease shall not interfere with surface rights.

Table 5

## Prices and Terms of Leasing State Lands

North Dakota	South Dakota	Montana
Coal, oil, gas and mineral land leased on a royalty of $12\frac{1}{2}\%$ of gross output	gas, oil, asphalt or mineral land at a royalty of one-eighth of the products	coal at a royalty of $12\frac{1}{2}\%$ per ton. Lessee must pay \$50 in case it does not amount to this much. Family leases cover 30 tons at $12\frac{1}{2}\%$ per ton. Ores are leased for 5% of what is taken.
Lease for 5 years on pasture and agricultural lands. Pasture land in 160 acre tracts. Minimum \$15 with addition of \$5 for making lease. Advertised 60 days. Sell to highest bidder. Failure to pay causes it to go to next highest bidder. Agricultural land is leased at not less than $2\frac{1}{2}\%$ of its appraised value.	advertised for 60 days. Not more than 320 acres to one person for agricultural purposes. Goes to highest bidder.	lease agriculture land for 5 years at 5% of appraised valuation. No more than 320 acres. Grazing land for 5 years at not more than \$100 per section. Leasing fee is \$2.50.

The Board also has the right to lease cultivated lands for a period of two years for the purpose of summer fallowing. The lessee must pay rent in advance. Otherwise farm land is leased every year. The court board has to appraise all farm land for leasing purposes. This shall be reported to the Board of University and School



Lands, who will fix the amount per acre as a minimum. For cultivated lands this shall be not less than two and one-half per cent of the appraised value of each cultivated tract.<sup>7</sup>

There is no provision for the leasing and sale of islands formed in the beds of navigable streams; also for the leasing of land supposed to contain oil. This may be leased on a royalty basis for not less than 12½% of the gross output of oil. This lease shall not interfere with the surface rights. In 1931<sup>8</sup> a bill was passed providing for the leasing of lands that are supposed to contain gas, sodium, chemicals or allodial and other clays. It was left to the board to make all necessary laws and charges for the same. )

#### Leasing Public Lands in South Dakota<sup>9</sup>

The board has the right to lease agriculture land at a minimum rate, but no more than 320 acres may be leased to any one person. In case no bid is received on the land it may be leased with other land. If the lessee fails to pay the rent, the commissioner may bring suit, through the Attorney General, whenever he thinks it to the best interest. Licenses are also given for the removal of coal, ores, oil, gas, asphaltum, metals,

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<sup>7</sup>Laws N. D. 1927, H. B. 208.

<sup>8</sup>Laws N. D. 1931.

<sup>9</sup>S. D. Laws, s 5643.

minerals or mineral rights, not to exceed five years, on a royalty basis. In no case is it to be less than twenty dollars. When the board is convinced that the lessee has developed these projects for the best interest of the state, it may grant him another five year lease.

The South Dakota<sup>10</sup> laws state that all public lands not sold, may be leased for pasture, meadow, farming, the growing of crops of grain and general agricultural purposes, at public auction to the highest bidder after due publication, and shall be in tracts not over one hundred and sixty acres in size. All rent must be paid annually in advance and the lease shall not be over five years. All leases must be approved by the Governor. A notice of the lease must be published for nine consecutive weeks in a paper of general circulation nearest to such lands and a sixty day publication in a paper in the county seat in which the land is located. The board may lease land from one to five years at its own discretion. It shall fix the minimum rate and not more than three hundred twenty acres shall be leased to one person or firm for agricultural purposes.

The Commissioner may authorize a two year lease for the purpose of summer fallowing, when he thinks best, the lessee to pay only one year's rent. In 1931 the

<sup>10</sup>S. D. Laws s 9.

legislature passed laws for the leasing of oil and gas lands for a period of two years with a royalty of one-eighth of all oil and gas produced. It also made innumerable provisions regarding the lease. A small rental charge of twenty-five cents per acre is made annually.

In Montana the regulations are somewhat different from those of the Dakotas, for the leasing of grazing land, agricultural lands, and town or city lots. They shall be rented by the commissioner after being duly advertised to the highest bidder, subject to the preference rights of the former lessee. If the lessee has paid all rental dues, he may renew within thirty days prior to the expiration of his lease for an additional five years. A person is allowed to lease only one section of land at any one time, which shall not be longer than a period of five years. The minimum rental for agricultural purposes shall be 5% of the appraised valuation and in no case less than fifty cents per acre. The maximum annual rental for grazing land shall not exceed \$100 per section. The other two states give the minimum, and only allow 160 acres, while Montana allows 320 acres and gives the maximum. Montana classifies the lands as follows:

- Class 1, extra good grazing land, from \$70 to \$100;
- Class 2, good grazing land, well sodded, \$60;
- Class 3, fair grazing land, with medium grass, \$50;
- Class 4, poor grazing land, thinly grassed, \$40.



In case the land is not appraised it may be rented for  $6\frac{1}{2}\%$  of the grazing valuation. Agricultural and grazing land may be rented at different times of the year to terminate at the end of the year, at different percentage bases. Town and city rental is  $5\%$  of the appraised valuation.

The rent for the first year is due at the time of leasing with an additional fee of two dollars and fifty cents for making out the lease. The rest is due on the first of March annually. Montana is the only state that grants the privilege of share rent for agricultural lands. This rent must not be less than that commonly paid by other lessees in that vicinity, and in no case for less than one-fifth of the entire crop delivered at the elevator. The state holds a lien on all crops raised on these lands till the rent is fully paid.

In coal mining leases in Montana, not more than one section of coal land can be leased by one person for every period of five years. A fee of \$2.50 is charged by the commissioner. The board makes all rules and regulations regarding these leases. These leases are on the royalty basis, but in no cases shall the royalty for coal be less than  $12\frac{1}{2}$  cents per ton of 2000 pounds. This is 240 pounds less than in the North Dakota laws. The lessee must pay \$50 and in case the royalty

does not amount to that, the difference is taken out of the fifty dollars. If the royalty is over fifty dollars, this \$50 applies on the next year's lease till its expiration. The royalty must be paid on the fifteenth day of each calendar month.

Family permits for coal are granted annually for \$5 royalty for not to exceed 30 tons of 2000 pounds each. School districts are granted the same privilege and the same amount; but they must pay 12½ cents per ton. Mining leases for ores, metals, precious stone and other valuable minerals may be granted for five years to allow for prospecting, for \$10 per section or any part of a section. But the prospector is not allowed to remove any of the ores, metals or minerals, or precious stones except for testing purposes. In case these are found in sufficient quantities, the land is leased on a royalty basis of 5% of the ores, metals, minerals, or precious stones. Similar leases are granted for limestone, oil shale, clay, gravel, sandstone, or stone used for commercial building purposes.

#### Sale of Lands in North Dakota

(Whenever the Board of University and School Lands thinks that it is necessary or to the best interests of the state, it may order the County Board of Appraisers to appraise the land that it thinks is worth \$10 per acre or more and send a list. The Board of University and

School Lands makes out a list of lands in the respective counties and sends it to the county auditor. This land, after being advertised for a certain time, is put up at public auction from 10:00 A.M. until 5:00 P.M. until it is all disposed of. The commissioner or his deputy conducts the sale, and sells to the highest bidder.

The county auditor acts as clerk of sale. The purchaser through the county auditor, receives notice that the sale has been approved by the right authorities and to appear within ten days and pay the treasurer the first payment. In case the purchaser fails to do so, he forfeits the initial payment of \$100. Land may be divided into small tracts and lots when necessary; but these small tracts must be reappraised in case of sale.)

#### Sale of Land in South Dakota

The Board of School and Public Lands shall select and direct the sale of not less than fifty thousand acres and not more than one hundred fifty thousand acres each year. It may postpone the sales for a year if the conditions are not favorable and satisfactory. It may also postpone the sale for a year if there is more than one hundred thousand dollars in the treasury without being loaned. The Board<sup>11</sup> has the right to appraise and sell the improvements on foreclosed lands to the highest

<sup>11</sup>S. D. Laws 1923 ss 5669-a.



bidder. The sale must be advertised for two weeks.

Whenever a civil,<sup>12</sup> religious or public organization wishes to buy land in tracts of less than ten acres, this is appraised by the Board of Appraisal, and upon the full payment the Governor shall give to the organization the Instrument of Conveyance and in case the property is not used for two successive years, it goes back to the state. In case lands have been sold on payments and the purchaser is unable to meet the payment and the Board is convinced that there is sufficient reason, an extension of payment may be given without extra charges.

The Commissioner is also given the right to sell timber, the trees being sealed and stamped. Enough trees must be left for re-seeding and in no case must trees be cut that are less than eleven inches in diameter and about four and one-half feet from the ground. A minimum rate shall be charged per hundred board feet and in no case over one million board feet sold in one year. This sale should be advertised for five weeks, and sold under sealed bids.

The land must be cleared of all rubbish. All coal may be sold by the Commission under rules and regulations made by the Board of School and Public Lands.

The purchaser of real estate property shall pay one-fifth cash and the remaining 80% in annual

<sup>12</sup>Ibid.

installments of four per cent of the purchasing price on the first day of January, with interest at the rate of 5% per year payable annually.<sup>13</sup>

The Board of School and Public Lands has the right to sell lands for highways, irrigation projects, railroads and for any public improvements, whenever they are convinced that it is to the best interests.

#### Sale of State Lands in Montana

In Montana there are certain lands that are not subject to sale, such as timber lands, oil, coal, shale, gas, phosphate, mineral, sodium, and other valuable mineral deposits. This does not include land that contains sand, gravel, building stone, brick, clay, or similar material. This also holds good for all lands taken by the state through mortgage foreclosure. All lands sold after this takes effect must be paid for by a royalty of 1% of all such gases or oils. This does not apply to the minerals.

The state receives the right to lay out forty acre tracts along the shores of lakes and navigable streams for summer resorts and public parks, this land to be measured off in lots and sold to the public. However, the land 125 feet back from high water mark must be reserved for the use and enjoyment of the public.

<sup>13</sup>S. D. Laws 1923 s5670.

City lots in cities and towns may be plotted and sold, also lands within irrigation projects may be sold, but will be liable for their share of reclamation charges. The Board decides the time and manner for sale of lands. Any one person is allowed to purchase one section at one time and no more, and in no case is this to contain more than 160 acres of land susceptible to irrigation. The land is sold to the highest bidder at public auction after the notice is given. The terms and manner of sale are described elsewhere in this paper.

#### Investments<sup>14</sup>

(The method of handling and investing funds that belong to the state institutions seems to have caused considerable comment and trouble. It is the duty of the Board of University and School Lands to invest this money in the following manner: in school, county, municipality, state drain bonds, United States bonds, State of North Dakota bonds, and other state bonds, or in first mortgages on farm lands in the state, not to exceed one-third of the actual value, which shall be determined by the Board of Appraisal. One-third of the several permanent funds at the end of each year shall be invested in first mortgages on cultivated lands in this state.

The mortgage on farm lands should be for not

<sup>14</sup> Compiled Laws of North Dakota, 1913. Section 287.



longer than twelve years, and bears interest at the rate of 5% payable annually to the County Treasurer. He may pay 10% or any multiple thereof of the principal at any interest bearing date, and the interest become a part of the income fund.

First mortgage loans upon cultivated land to persons who are actually residents in the state and in no case where the land is appraised at less than ten dollars per acre, are provided. In no case can one person receive more than five thousand dollars. Any or all of the mortgage may be paid on any interest bearing date.

The person who wants a loan must apply to the land commissioner, stating the amount he wants, give a description of the land and fill out a blank signed by at least two members of the County Board of Appraisers. This will be considered by the Board at their next meeting, and if the application is approved, the applicant is notified and must send an abstract up to date to the Attorney General who shall pass judgment on the title. If everything is clear or the loan can satisfy the accounts against the land, the lease is then granted.

The 1929 legislature changed Section 287 to read thus: "The Board shall invest funds in farm lands to the amount of one-half actual value, at 5% interest for a period of twelve years." The rest of the law is the same as has been stated. )

In South Dakota all permanent school and educational funds are apportioned and invested in farm mortgages and bonds of school corporations. State bonds that are due and returned to the treasurer may be taken up at par value. They also have preference over other bidders for bonds. The rate of interest on refunding or other state bonds is less than five per cent. They may be invested in farm mortgages or school bonds; provided, however, that there is sufficient demand to use not less than twenty-five thousand dollars. The commissioner divides the money among the organized counties according to population. On the first day of May and of November the commissioner makes an estimate of the funds that will be on hand by the first of July and the first of January. He then notifies the counties, and the county commissioners publish the notice for six weeks, that so much money will be available for mortgages on farm lands. The commissioners also publish the amount and the terms at which this money may be loaned. In case one county does not use all the money, it is returned and is apportioned out among the several counties that are in need of more money. All the money is sent by the commissioner to the county treasurer, who is responsible for the money and will pay this money out when ordered to do so by the county auditor.

By this method we see that the county is

responsible for all investments of township and municipal bonds and farm mortgages. The amount of the loan shall not be over one-third of the actual value of the land, which is determined by the Board of County Commissioners, and no more than five thousand dollars is loaned to any one person, firm, or corporation. The rate of interest is five per cent per annum, payable the first of January and the first of July. The Attorney General must prepare and send out all forms to be used, and must examine and approve all abstracts of lands that want loans from these funds. When these loans are paid back, the county treasurer shall cancel the notes and stamp them paid, and give the person a certificate of payment. This certificate is given to the auditor, who shall thereupon give a full release of the mortgage.

The money that is to be invested in mortgages or bonds of schools, corporations or cities is divided among the organized counties, in proportion to the population. The counties hold this as a trust fund and are responsible for the principal and interest of all moneys. In case there is a loss such county shall make this good. Not over \$5,000 shall be loaned to any one person, firm or corporation, at the rate of 5% payable semi-annually on January 1 and July 1. In case the county is unable to loan all the money it is returned to the state treasurer and sent out to other counties where it can be used.



In case of farm loans not more than \$1,000 shall be loaned to any one person, firm, or corporation.

#### Investments in Montana

In Montana the money of the permanent school funds is invested in much the same way as in North and South Dakota. In addition they may invest their money in bonds issued by the federal land banks. North Dakota has the right to invest in any state bonds. Outside of the federal bonds, Montana invests all the money in the state. All bonds as far as possible must be on the amortization plan; however, if there are not sufficient amortized bonds, other bonds may be purchased. As far as possible all other bonds are converted into amortization bonds payable in twenty years. In no case shall the interest be over six per cent per annum.

County or school district warrants may be purchased at face value, but without payment of accrued interest, to the amount of not less than \$500. This must go through the ordinary course of procedure, must be registered, and draw interest at the rate provided by law. The Board may also invest in public school income funds, in state general fund warrants, in county general fund warrants, poor fund, road fund, and school district warrants, whenever the Board thinks best. No funds can be invested without first the approval of the

Attorney General, much the same as in North and South Dakota. When these warrants are all right, the auditor issues an order on the treasurer to pay by check and mail at once to the person entitled thereto.

#### Amortization Mortgages

( If any farm loan mortgage becomes due or delinquent the holder may have it converted into thirty-three year amortization loan and mortgage at the rate of six per cent per year. This mortgage is secured by the same land or on additional land. The state also holds a lien on all crops covered by this loan which is above all liens excepting the seed and thresherman lien. Any officer of the department may seize the crop and upon three days' notice sell by private or public sale the same to satisfy the amount delinquent with the cost and expense of the sale. The Attorney General has charge of all delinquent loans and mortgages.

In a mortgage foreclosure sale, in case the land does not bring enough to pay the mortgage, interest on loan, taxes unpaid, and all expense of the sale; it may be sold at whatever reasonable sum it will bring, and a judgment taken against the mortgagor for the difference. The state also has the right to buy this land and a sheriff's deed be given. The mortgagor may repurchase the land, and has one year's time to redeem it in case of foreclosure. He must pay the full amount with all

the expense with interest at 6% from date of judgment or from the date of repurchase. The county commissioners release the leases whenever requested to do so by the Attorney General. The Attorney General may appoint the county attorney to conduct all mortgage foreclosures without extra charges. )

The writer noticed that (in North Dakota no lands can be resold unless they bring the amount of the mortgages plus interest charges and expense added. This, however, is an impossibility due to the depression and slump in land values. As a result we still have on hand nearly all the land that was taken by the state through mortgage foreclosures. North Dakota should do as Montana has done. This land should be sold even if it does not bring enough to satisfy the mortgage, and the difference should be charged to the state. The writer feels that a judgment against the person is of little value to the state. )

#### Public Institutions<sup>15</sup>

"The following public institutions of the state are permanently located at the places hereinafter named, each to have the land specifically granted to it by the United States in the Act of Congress approved February 22, 1889, to be disposed of and used in such manner as the legislative assembly may prescribe, subject to

<sup>15</sup>General School Laws of North Dakota 1927. pp. 7-10.



limitations provided in the article of School and Public Lands contained in this Constitution."

2. The State University and School of Mines in the city of Grand Forks.

3. The Agricultural College in the city of Fargo, in the County of Cass.

4. For a State Normal School at the city of Valley City in the County of Barnes; and the legislative assembly in apportioning the grant of 80,000 acres of land for Normal Schools made in the Act of Congress referred to, shall grant to the said Normal School at Valley City aforementioned 50,000 acres of land, and said lands are hereby appropriated to said institution.

5. The school for the Deaf and Dumb of North Dakota at Devils Lake in the County of Ramsey.

7. A State Normal School in the city of Mayville in the County of Traill; and a legislative assembly in apportioning the grant of land made by Congress in the aforesaid for State Normal Schools, shall assign thirty thousand acres to the Institution hereby located at Mayville, and said lands are hereby appropriated for said purpose.

8. A State Hospital for the Insane at the city of Jamestown in the County of Stutsman. And the legislative assembly shall appropriate twenty thousand acres of the grant of lands made by the Act of Congress aforesaid for the educational and charitable institutions, to the benefit and for the endowment of said institution, and there shall be located at or near the city of Grafton, in the County of Walsh, an institution for the Feeble Minded, on the grounds purchased by the Secretary of the Interior for a penitentiary building.

"The following named public institutions are hereby permanently located as hereinafter provided, each to have so much of the remaining grants of one hundred

and seventy thousand acres of land made by the United States for other educational and charitable institutions as is allotted by law, namely:

1. A Soldiers Home at Lisbon in the County of Ransom, with a grant of forty thousand acres of land.

2. A School of the Blind of North Dakota, at Bathgate, in the County of Pembina, with a grant of thirty thousand acres.

3. An Industrial School and School of Manual Training at the town of Ellendale, in the County of Dickey, with a grant of forty thousand acres.

4. A School of Forestry, at the city of Bottineau, in the County of Bottineau.

5. A Scientific School at the city of Wahpeton, County of Richland, with a grant of forty thousand acres.

6. A State Normal School at the city of Minot in the County of Ward.

7. A State Normal School at the city of Dickinson, in the County of Stark.

"A State Hospital for the insane at such a place within the state as shall be selected by the legislative assembly. No other institution of a character similar to any one of these located by this article shall be established or maintained without a revision of this constitution."<sup>16</sup>

<sup>16</sup>General School Laws of North Dakota 1927. pp.8-10.

## Summary of National and Legal Provisions

Chapter 2 deals with the laws in North Dakota, South Dakota and Montana in respect to school and public lands and investments in each state, including the terms of sale of these lands and the amount that can be sold. The titles of the different board members are given, together with the composition of each board. The sales are held at the county court house of the county in which the land is located. In case the purchaser refuses to take the land, certain forfeits are required in each state. Before the land can be sold it must be classified and appraised, which takes place at intervals. All lands sold between those intervals must be disposed of for the appraised value.

The Federal Government made grants for the institutions of higher learning in each case. These grants were strengthened by additional grants to each state, which may be divided according to the desires of the states.

In every case the State Board has complete charge of the handling of the school lands. A commissioner is named as a member of each board, with the power and duty of keeping a complete record of the proceedings of the board, all sales, transactions and other things that pertain to the lands. He is also to keep the board



informed on all matters in connection with school and public lands.

The land is leased to the highest bidder, but in no case for less than the minimum rental fixed by law. The leased lands are duly advertised and leased at the court house of each county.

The method of investing money derived from the sale and leasing of these lands includes time loans on farm mortgages and investment in various kinds of bonds.

## CHAPTER 3

COMPARISON OF LAND GRANTS, SALES AND UNSOLD LANDS OF NORTH  
DAKOTA, SOUTH DAKOTA AND MONTANA

Besides the grants of sections 16 and 36 in every township for common school purposes, we have lands that are acquired by sheriff's deeds, cancelled contracts, indemnity lands and donations.

In this report, as far as possible, the total number of acres selected for each institution will be given, together with the amount sold and the amount remaining unsold. However, in the amounts remaining unsold, it must be remembered that this will include the amount that has been returned by cancelled contracts and sheriff's deeds. For this reason, the amounts of sold and unsold land will not equal the original grant. The data are taken from the commissioners' reports of the three states. A report of all the unsold land in each state will be given in the last part of this chapter, with a table comparing the unsold land in the three states.

Under the term, "acres sold," the writer was unable to determine from the reports whether or not this includes the original sales only, or includes all of the resales. In North Dakota the item, "acres sold," is left out; in most cases because much of the land has been sold several times. However, the acres unsold

subtracted from the total grants would give the number of acres sold.

Table 6

Number of Acres of Common School Lands 1930

Items	North Dakota	South Dakota (original grants)	Montana
Total acres acquired	2,748,776.74	2,810,050.21	5,188,000.00
Acres sold	1,228,454.82	591,665.66	1,323,437.35
Acres unsold	1,520,321.92	2,218,384.53	4,132,390.18

As far as possible the writer included in his statements the lands that were selected and included from all sources. As none of the states have systems alike, this report is very difficult to summarize and compare. The writer gives these tables to show the comparison, and will not be responsible for any of the figures. The data are taken from the 1930 reports of the different commissioners. The writer was unable to find from the study whether the number of acres in Montana included only the grants or all the land acquired otherwise; however, the difference between the number of acres selected and the number of acres sold would not give the number of acres remaining under state control, so the indemnity lands must be included. In South Dakota the "acres unsold" include the indemnity land.

Agricultural College at Fargo

In North Dakota the original grant for the



Agricultural college was 90,000 acres. The state added another 40,000 acres making a total of 130,000 acres. This has been added to by sheriff's deeds and cancelled contracts.

Table 7  
Land Grants for Agricultural Colleges

Items	North Dakota	South Dakota	Montana
	(includes all grants)	(original grant)	(original) 140,000 (additional)
Total acres acquired	156,335.87	160,000.00	50,000
Acres sold	109,044.97	38,871.22	45,226.40
Acres unsold	47,290.90	130,349.20	99,864.14

In South Dakota the acres sold and unsold equals more than the original grants, which indicates the number of acres to the mechanical arts endowment were added to the original grants. In Montana the number of acres sold and unsold do not equal the amount granted. This is due to the fact that certain grants were made for agricultural and manual training schools as provided for in the 1915 legislature.

#### Universities

The enabling act granted 40,000 acres to the North Dakota University at Grand Forks. 46,080 acres were added by the state legislature, making a total of 86,080 acres. To this has been added a number of acres by cancelled contracts and sheriff's deeds.

Table 8  
Land Grants for the Universities

Items	North Dakota	South Dakota	Montana
Total acres acquired	All purposes 99,186.44	Original 86,080	All purposes 46,720
Acres sold	69,358.15	10,337.00	31,894.91
Acres unsold	29,828.29	79,421.87	17,369.83

Again the number of acres sold and unsold equal more than the number of acres appropriated to this institution in South Dakota and Montana, due to the fact that the number of acres to cancelled contracts and otherwise are not given.

#### Capitol and Public Buildings

In North Dakota 32,000 acres were granted for this purpose in addition to the 50,000 that were already granted. Then there was an over selection of 326.14 acres, besides what was added by sheriff's deeds and cancelled contracts.

Table 9  
Capitol and Public Buildings Grants

Items	North Dakota	South Dakota	Montana
Total acres acquired	Total 89,239.71	Federal 82,000.00	Total 200,000.00
Total sales		52,498.80	182,000 in original grant
Acres unsold	33,411.07	32,981.12	65,789.51 124,107.33

As before, Montana does not take into account the cancelled contracts and delinquency.

#### Soldiers' Homes

Of the 170,000 acres given to North Dakota for charitable purposes, the legislature set aside 40,000 acres for the Soldiers' Home at Lisbon. However, they have selected only 39,972.36 acres.

Table 10

#### Land Grants for Soldiers' Homes

Items	North Dakota	South Dakota	Montana
Total acres acquired	39,792.36	Original 170,000.00	1,275.61
	Total 46,899.22		
Acres sold	32,062.14	1,171.65	218.84
Acres unsold	14,837.03	23,267.14	1,056.77

In South Dakota this grant for charitable institutions is included in the 170,000-acre grant on page 26 of the Twenty-first Biennial Report of the Commissioner of School and Public Lands. We find that only 1,171.65 acres have been sold. However, the legislature has granted from this land tracts to the Normal School, Feeble Minded, Normal and Industrial School, and School for the Blind. This results in a total of 145,000 acres. To get the correct data all these sales must be added. This, however, will be discussed in this chapter.



In Montana the Soldiers' Home is included in the minor grants and not figured in with the other state institutions. Evidently there are other provisions for old soldiers.

#### Reform Schools

According to the enabling act in North Dakota 40,000 acres were set aside for this purpose. An additional selection was made of 24,094 acres.

Table 11

#### Land Grants for Training Schools

Items	North Dakota	South Dakota	Montana
Total acres acquired	50,242.80	Original 40,000	Original 50,000
Acres sold		9,697.78	14,828.11
Acres unsold	16,242.80	35,692.37	37,159.55

#### School for the Deaf

Of the 40,000 acres granted to North Dakota by the federal government for a school for the deaf, 39,966.53 have been selected.

Table 12

#### Land Grants for Deaf Schools

Items	North Dakota	South Dakota	Montana
Total acres acquired	45,901.14	Original 40,000.00	Original 50,000.00
Acres sold		11,125.24	16,013.84
Acres unsold	15,311.30	32,931.35	36,967.26

### Schools for the Blind

Out of the 170,000 acres for charitable purposes, North Dakota has apportioned 30,025.76 acres for the School for the Blind, at Bathgate.

Table 13

#### Land Grants for Schools for the Blind

Items	North Dakota	South Dakota	Montana
Total acres acquired	Total 34,059.04	25,000.00	(no provisions)
Acres sold		3,052.59	
Acres unsold	12,090.75	22,441.94	

The writer was unable to find what provisions Montana made in caring for the blind. At any rate this is not mentioned under lands donated for charitable purposes.

#### Feeble Minded Institutions

Of the grants for educational and charitable institutions, North Dakota selected 20,000.98 acres for the institution for the feeble minded, at Grafton.

Table 14

#### Grants for Institutions for Feeble Minded

Items	North Dakota	South Dakota	Montana
Total acres acquired	23,198.91	40,000.00	
Acres sold		3,172.00	(no provisions)
Acres unsold	8,018.65	36,101.12	

## Schools of Mines

The original grant for the North Dakota School of Mines, at Grand Forks, was 40,000 acres; and the state made an over-selection of 3.51 acres.

Table 15

## Land Grants for School of Mines

Items	North Dakota	South Dakota	Montana
Total acres acquired	Total 46,197.41	Original 40,000.00	Original 100,000.00
Acres sold		5,732.35	51,247.70
Acres unsold	14,579.82	35,140.91	57,619.39

## Normal Schools

Under the enabling act 80,000 acres was given for North Dakota Normal Schools, and the state appropriated 30,000 acres to Mayville and 50,000 to Valley City. There was an over-selection of 5.90 acres.

Table 16

## Land Grants for Normal Schools

Items	North Dakota	South Dakota	Montana
Total acres acquired	Total 97,919.49	Original 80,000.00	100,000.00
Acres sold		Normal lands 16,514.82 Southern Normal 10,283.28 Northern Normal 7,115.58	35,965.79
Acres unsold	32,205.56	Spearfish 67,206.62 Southern 34,837.35 Northern 33,870.13	69,432.77



It will be noted here that the Dickinson and Minot Normal Schools had no land grants at all. The land donated for Normal Schools was given to Mayville and Valley City. Therefore, the Dickinson and Minot Normal Schools are operated by appropriations from the legislature entirely. They seem to be progressing very nicely and this may be as satisfactory, if not more so, than the public grant institutions.

#### Report of Common School and Indemnity

##### Lands in North Dakota

This contains the original grant as well as additions other than land grants, to July 1, 1930, and is as follows:

Table 17

#### Report of Common School and Indemnity Lands<sup>a</sup>

Acres, Sections 16 and 36		2,332,509.27
Acres indemnity land		190,874.51
Acres acquired by sheriff's deeds		59,207.27
Acres acquired by cancelled contracts		141,491.99
Acres on reservations, Sections 16 and 36		24,693.70
Acres sold on contract	1,189,213.82	
Acres sold on right of ways	6,116.89	
Acres sold under Chap. 214		
N. D. laws 1929	8,430.41	
Acres on reservations	24,693.70	
Acres remaining unsold	1,520,321.92	
<b>Totals</b>	<b>2,784,776.74</b>	<b>2,748,776.74</b>

<sup>a</sup>19th Biennial Report of Commissioners of University and School Lands for North Dakota. p. 11.

On its admission to the Union, Congress granted North Dakota for the support of common schools, sections 16 and 36 in every township, and in case this land was not available an equal amount might be selected wherever they chose to select it. This land is known as "Indemnity Lands," and goes to the common school fund.

Table 18

Land Grants to the Agricultural College<sup>a</sup>

Acres selected		129,999.98
Acres acquired by sheriff's deed		12,639.56
Acres by cancelled contracts		13,696.33
Acres sold on contract	107,626.04	
Sold for rights of way	140.91	
Sold under Chap. 214, N. D. laws 1929	1,278.00	
Acres under state control	47,290.90	
<b>Totals</b>	<b>156,335.87</b>	<b>156,335.87</b>

<sup>a</sup>19th Biennial Report, N. D. Commissioner. p. 15.

Under section 16 of the Enabling Act admitting this state there were granted 90,000 acres and under section 17 an additional 40,000 acres for the purpose of support of an Agricultural College, making a total of 130,000 acres granted by Congress for this institution at Fargo, North Dakota. Of this grant, 129,999.98 acres have been selected and on July 1, 1930, the condition of this grant was as stated above.

## Blind Asylum Lands

Under section 17 of the Enabling Act there were granted 170,000 acres for educational purposes to be

determined by the state legislature. 30,025.76 acres of this grant have been apportioned to and selected by the state for the benefit of the Blind Asylum at Bathgate, North Dakota. The condition of this grant on July 1, 1930, was as follows:

Table 19  
Land Grants for Blind Asylum<sup>a</sup>

Acres selected		30,025.76
Acres acquired by sheriff's deeds		1,917.87
Acres by cancelled contracts		2,115.41
Acres sold on contract	21,412.36	
Sold under Chap. 114, N. D. laws 1929	520.00	
Sold for rights of way	35.96	
Acres under state control	12,059.04	
Totals	34,059.04	34,059.04

<sup>a</sup>19th Biennial Report, N. D. Commissioner. p. 17.

#### Capitol Building

Section 12 of the Enabling Act admitting North Dakota, granted fifty sections or 32,000 acres, and Section 17 granted 50,000 acres for public buildings at the capital of the state, making 82,000 acres for the capitol building. There was an over-selection of 326.14 acres for this state institution, making a total selection of 82,326.14 acres.

The condition of this grant and selection on July 1, 1930, was as shown in the following table:



Table 20  
Capitol Building Grants<sup>a</sup>

Acres selected		82,326.14
Acquired by sheriff's deed		2,918.22
Acquired by cancelled contract		3,995.35
Acres sold on contract	55,729.07	
Sold for rights of way	99.57	
Acres under state control	33,411.07	
<b>Totals</b>	<b>89,239.71</b>	<b>89,239.71</b>

<sup>a</sup>19th Biennial Report, N. D. Commissioner. p. 19.

#### School for the Deaf

Under section 17 of the Enabling Act admitting the state, there were granted 40,000 acres for the Deaf and Dumb School. Of this grant 39,966.53 acres have been selected by the state, for this institution at Devils Lake. The condition to July 1, 1930, was as follows:

Table 21  
Land Grants for Schools for the Deaf<sup>b</sup>

Acres selected		39,966.53
Acquired by sheriff's deeds		2,356.16
Acquired by cancelled contracts		3,578.45
Acres sold on contract	30,452.14	
Sold for rights of way	137.70	
Acres under state control	15,311.30	
<b>Totals</b>	<b>45,901.14</b>	<b>45,901.14</b>

<sup>b</sup>19th Biennial Report, N. D. Commissioner. p. 21.

#### Industrial School

Under section 17 of the Enabling Act admitting the state, there were granted for educational purposes 170,000

acres, of which 40,000 acres have been apportioned and 39,997.24 acres have been selected by the state for the benefit of the Industrial School at Ellendale. The condition of the grant to July 1, 1930, was as follows:

Table 22

Land Grants for Industrial School<sup>a</sup>

Acres selected		39,997.24
Acquired by sheriff's deeds		3,594.16
Acquired by cancelled contract		3,270.92
Acres sold on contract	30,913.97	
Sold under Chap. 214 (1929)	200.00	
Sold for rights of way	55.69	
Acres remaining unsold	15,692.66	
<b>Totals</b>	<b>46,862.32</b>	<b>46,862.32</b>

<sup>a</sup>19th Biennial Report, N. D. Commissioner. p. 23.

## Asylum for the Insane

Under the Enabling Act there were granted for educational and charitable institutions 170,000 acres to be apportioned as the legislature should determine. Of this grant 20,009.98 acres have been selected for the Asylum at Jamestown, North Dakota. The condition to July 1, 1930, was as follows:

Table 23

Land Grants for the Insane Asylum<sup>b</sup>

Acres selected		20,000.98
Acquired by sheriff's deeds		1,588.76
Acquired by cancelled contract		1,609.17
Acres sold on contract	15,119.44	
Sold for rights of way	60.83	
Acres unsold	8,018.64	
<b>Totals</b>	<b>23,198.91</b>	<b>23,198.91</b>

<sup>b</sup>19th Biennial Report, N. D. Commissioner. p. 25.

### School of Mines

Under the Enabling Act there were granted for the School of Mines 40,000 acres. There was an over-selection of 3.51 acres by the state, making a total of 40,003.51 acres for this institution, which is located in Grand Forks in connection with the University. The grants and selections on July 1, 1930, were as follows:

Table 24

#### Land Grants for School of Mines<sup>a</sup>

Acres selected		40,003.51
Acquired by sheriff's deeds		2,595.08
Acquired by cancelled contract		3,598.82
Acres sold under contract	31,174.91	
Sold under Chap. 214 (1929)	360.00	
Sold for rights of way	82.68	
Under state control	14,579.82	
Totals	46,197.41	46,197.41

<sup>a</sup>19th Biennial Report, N. D. Commissioner. p. 27

#### Normal School Lands

Under the Enabling Act there were granted for the State Normal Schools 80,000 acres. The legislature has appropriated 30,000 acres to Mayville Normal, and 50,000 acres to Valley City Normal. In the selection of these lands no division was made, but the full 80,000 taken for Normal Schools, and the division was that five-eighths be given to Valley City and three-eighths to Mayville. There was an over-selection of 5.90 acres, making a total number of acres selected of 80,005.90, which were as follows on July 1, 1930:



Table 25

Normal School Grants<sup>a</sup>

Acres selected		80,005.90
Acquired by sheriff's deeds		6,400.86
Acquired by cancelled contracts		11,512.73
Acres sold on contracts	64,874.98	
Sold under Chap. 214 (1929)	703.86	
Sold for rights of way	135.09	
Acres remaining unsold	32,205.56	
<b>Totals</b>	<b>97,919.49</b>	<b>97,919.49</b>

<sup>a</sup>19th Biennial Report, N. D. Commissioner. p. 29.

## School of Science

Under section 17 of the Enabling Act for educational and charitable purposes, 40,000 acres have been given by the state legislatures to the Science School at Wahpeton and of which 39,997.16 acres have been selected. The condition of this grant and selection on July 1, 1930, was as follows:

Table 26

Land Grants for Science School<sup>b</sup>

Acres selected		39,997.16
Acquired by sheriff's deeds		3,573.38
Acquired by cancelled contract		3,964.19
Acres sold on contract	28,914.45	
Sold under Chap. 214 (1929)		
Sold for rights of way	52.65	
Acres under state control	18,567.63	
<b>Totals</b>	<b>47,534.73</b>	<b>47,534.73</b>

<sup>b</sup>19th Biennial Report, N. D. Commissioner. p. 31.

## Soldiers' Home Lands

Of the 170,000 acres granted by Section 17 of the Enabling Act for educational and charitable purposes,

the state legislature apportioned 40,000 acres to the Soldiers' Home at Lisbon, North Dakota, and 39,972.36 acres of this grant have been selected. The condition of this selection to July 1, 1930, was as follows:

Table 27

Grants for Soldiers' Home<sup>a</sup>

Acres selected		39,972.36
Acquired by sheriff's deeds		2,320.00
Acquired by cancelled contracts.		4,606.86
Acres sold on contracts	31,629.73	
Sold under Chap. 214 (1929)	400.00	
Sold for rights of way	32.46	
Acres under state	14,837.03	
<b>Totals</b>	<b>46,899.22</b>	<b>46,899.22</b>

<sup>a</sup>19th Biennial Report, N. D. Commissioner, p. 33.

## Training School Land

Under section 17 of the Enabling Act admitting the state of North Dakota, there were granted by Congress to the State Training School 40,000 acres. An over-selection of 24.94 acres was made, making the total acres selected for this institution at Mandan, 40,024.94 acres. The condition of this grant on July 1, 1930, was as follows:

Table 28

Grants for Training School<sup>b</sup>

Acres selected		40,024.94
Acquired by sheriff's deeds		5,003.27
Acquired by cancellation		5,214.59
Acres sold on contract	31,633.99	
Sold under Chap. 214 (1929)	1,842.25	
Sold for rights of way	66.62	
Acres remaining unsold	16,699.94	
<b>Totals</b>	<b>50,242.80</b>	<b>50,242.80</b>

<sup>b</sup>19th Biennial Report, N. D. Commissioner, p. 35.

### University Lands

Under section 14 of the Enabling Act admitting the state, there were granted seventy-two sections or 46,080 acres; and under section 17 of the same Act, 40,000 acres, making a total of 86,080 acres for the state University at Grand Forks. Of this grant, 86,066 acres have been selected for the institution. The selection is as follows:

Table 29

#### University Land Grants<sup>a</sup>

Acres selected	86,066.00	
Acquired by sheriff's deeds	4,627.91	
Acquired by cancelled contracts	8,492.53	
Acres sold on contract	69,246.52	
Sold for rights of way	61.38	
Acres remaining unsold	29,828.29	
<b>Totals</b>	<b>99,186.44</b>	<b>99,186.44</b>

<sup>a</sup>19th Biennial Report, N. D. Commissioner. p. 37.



Table 30

North Dakota Cancelled Land Contracts Fund to June 30, 1930<sup>a</sup>

Common schools	\$ 2,449,388.35
Agricultural college	257,489.46
Blind asylum	34,977.88
Capitol building	58,848.55
Deaf school	62,853.54
Insane hospital	29,462.52
Industrial school	53,160.64
Normal schools	122,209.63
Reform school	88,754.18
Science school	62,745.59
School of mines	56,735.40
Soldiers' home	78,524.14
University	142,630.89
<b>Total</b>	<b>\$ 3,497,780.77</b>

<sup>a</sup>19th Biennial Report, N.D. Commissioner. pp. 56-57.

This shows the amount of contracts that have been cancelled, and the land returned to the state.

Table 31

Sale of Lands in North Dakota to July 1st, 1930<sup>a</sup>

Institutions	Acres sold on contract	Amount sold for	Amount paid in to 7-1-28	
Common school	1,166,980.72	\$20,627,756.40	\$15,639,747.07	\$
Agricultural college	107,626.04	1,568,540.90	1,171,750.42	
Blind asylum	22,092.36	308,506.75	237,260.46	
Capitol building	55,729.07	749,253.95	609,937.88	
Deaf school	30,452.14	439,555.75	335,174.80	
Insane hospital	15,119.44	217,898.20	168,841.23	
Industrial school	30,913.97	433,346.05	348,060.27	
School of mines	31,175.29	453,212.98	341,420.33	
Normal schools	64,727.70	915,195.07	703,235.90	
Science school	28,914.45	456,999.98	346,160.44	
Soldiers' home	31,789.73	479,314.65	342,221.36	
University	69,296.52	987,430.28	758,587.08	
Training school	31,633.99	497,655.40	372,758.70	
Totals	1,616,495.27	\$28,134,666.36	\$21,375,155.94	\$6

<sup>a</sup>19th Biennial Report, N. D. Commissioner. pp. 42-55.

Balance unpaid to 6-30-28	Biennial collections '28 to '30	Balance deferred, delinquent	Loss by cancelled contracts	Balance collectable 7-1-30
4,987,959.33	\$375,708.46	\$4,612,250.87	\$2,435,606.90	\$2,176,643.97
396,790.48	18,798.42	337,992.06	257,489.46	120,502.60
71,246.29	3,730.78	67,515.51	34,977.88	32,487.63
134,316.07	5,720.04	133,596.03	58,848.55	74,747.48
104,380.85	6,998.06	97,382.89	62,853.54	34,529.35
49,056.97	729.42	48,327.55	29,462.52	18,865.13
85,285.78	7,428.73	77,857.05	52,108.64	25,748.41
111,792.65	7,665.32	104,127.33	58,969.88	45,157.45
211,959.17	19,574.57	192,384.60	112,209.63	70,174.97
110,839.04	6,280.21	104,558.83	62,745.59	41,813.24
137,093.29	6,675.86	130,417.43	78,524.14	51,893.29
228,843.20	11,385.27	217,457.93	142,630.89	74,827.04
124,896.70	5,291.31	119,605.39	88,754.18	30,851.21
6,754,459.82	\$475,986.45	\$6,243,471.47	\$3,471,181.80	\$2,798,241.77



Table 31 shows the amount of lands that have been sold in North Dakota; for how much they were sold; how much has been paid in; the amount still due; the amount collected biennially; the amount deferred and delinquent; how much has been actually lost to the fund; and the amount that is collectable. The writer believes that the amount collectable may have changed because of the depression.

Table 32

Acres Selected and Acquired and Under State Control of the Different State Institutions of North Dakota<sup>a</sup>

Institutions	Acres selected and acquired	Acres under state control
Common schools	2,748,776.74	1,520,321.92
Agricultural college	156,335.87	47,290.92
Blind asylum	34,059.04	12,090.75
Capitol building	89,259.71	33,411.07
Deaf and dumb school	45,901.14	15,311.30
Industrial school	46,862.32	15,692.66
Insane hospital	23,198.91	8,018.64
School of mines	46,197.41	14,579.82
Normal schools	97,919.49	32,205.56
School of science	47,534.73	18,567.63
Soldiers' home	46,899.22	14,837.03
Training school	50,242.80	16,699.94
University	99,186.44	29,828.29
<b>Totals</b>	<b>3,532,353.82</b>	<b>1,778,855.53</b>

<sup>a</sup>19th Biennial Report, N. D. Commissioner. pp. 11-37

Table 32 shows a total of 3,532,353.82 acres of school lands that have been selected or acquired. Of this amount the state still owns 1,778,855.53 acres which will be disposed of as soon as conditions will permit their sale.

The department has on hand at the present time

1,780,140.17 acres of state lands, the difference in figures being accounted for by the foreclosed lands listed after the data were obtained. Of that total, 102,104.14 acres are foreclosed land with other foreclosures pending. This land is scattered in every county in the state. None has been classified, since the department has no knowledge of the intrinsic value either for sale or rental purposes. The prices for pasture lands are the same all over the state. No doubt there is considerable difference in quality, and changes should be made.

By the last three tables in this chapter a comparison can easily be made between the three states as to the amount of land remaining for the different state institutions. This may be of importance to anyone desiring to buy lands for speculation.

Table 33

Lands Unsold in Montana to June 30, 1930<sup>a</sup>

Public school (acres)	4,132,390.18
State university	17,369.83
Agricultural college	99,864.14
School of mines	57,619.39
State normal school	68,432.77
Deaf school	36,967.26
State reform school	37,159.25
Public buildings	124,107.33
<u>Total (acres)</u>	<u>4,573,910.15</u>

<sup>a</sup>State of Montana, Report of Commissioner of State Lands and Investments, beginning July 1, 1928, and Ending June 30, 1930.

This table reveals the number of acres of land remaining unsold in Montana that are available for public disposal; the money derived from the sales to be invested and the interest used to support the various institutions.



Table 34

Lands Unsold in South Dakota to June 30, 1930<sup>a</sup>

Common school	1,623,385.92
Indemnity land	594,998.63
Agricultural college	130,349.20
University	79,421.87
Public buildings	32,981.12
Educational and charitable	23,267.14
State training school	35,692.37
School for deaf	32,931.35
School for blind	22,441.94
School for feeble minded	36,101.12
School of mines	35,140.91
Normal school	67,206.62
Southern normal school	34,837.55
Northern normal school	33,870.13
<b>Total</b>	<b>2,782,625.77</b>

<sup>a</sup>Twenty-first Biennial Report of Commissioner of School and Public Lands, South Dakota, 1928-30.

This table shows the number of acres remaining unsold in South Dakota for the various institutions.

Table 35

Comparison of Unsold Lands in North Dakota, South Dakota  
and Montana

Institutions	North Dakota	South Dakota	Montana
Common schools	1,520,321.92	1,623,385.92	4,132,390.18
Agricultural college	47,290.92	130,349.20	99,864.14
Indemnity land		594,998.63	
Universities	29,828.29	79,421.87	17,369.83
Public buildings		32,981.12	
Educational and charitable		23,267.14	124,107.33
Reform schools	16,669.94	35,692.37	37,159.25
Deaf schools	15,311.50	32,931.25	36,967.25
Blind asylums	12,090.75	22,441.94	
Feeble minded	8,018.64	36,101.12	
School of mines	14,579.82	35,140.91	57,619.39
Normal schools	32,205.56	67,206.62	68,432.77
Northern normal		34,837.55	
Southern normal		33,870.13	
Capitol building	33,411.07		
Industrial school	15,692.66		
Science school	18,567.63		
Soldiers' home	14,837.03		
<b>Totals</b>	<b>1,778,855.53</b>	<b>2,782,625.77</b>	<b>4,573,910.15</b>

This table makes it easy to compare the lands for each institution in North Dakota, South Dakota and Montana. North Dakota has 1,778,855.53 acres of land unsold;

while South Dakota has 2,782,625.77 acres unsold, and Montana has 4,573,910.15 acres.

#### Summary of Comparison of Three States

The writer made a comparison of the number of acres granted, the sale, and the amount on hand in the three states. This was difficult because South Dakota's and Montana's Commissioners report that a great number of sales contracts have been cancelled on account of delinquency in payment. These cancellations were not taken into account in the summary; the summary only shows the results of the sales as they were made. This holds true in the South Dakota report. For this reason it is impossible to make a check as was possible in the North Dakota report. In the writer's opinion the North Dakota report is the best and most complete of the three.

South Dakota makes a grant of 640 acres for parade and camp grounds which was not included in the other two states.

North Dakota has set aside 40,000 acres for an Industrial School at Ellendale. The total of this grant up to the present time is 46,862.32 acres. Of this amount 15,692.66 remains unsold. Forty thousand acres were set aside for a Science School at Wahpeton. This is at present 47,534.73 acres. There still remain 18,567.63 acres to be sold. North Dakota also has a School of Forestry. The last three institutions, the



other states did not have. The writer is forced to ask himself whether North Dakota would not be better off without these institutions and use the land and money for other educational purposes.

While these reports may not be accurate in all respects, the writer is led to believe that they give the reader some insight into the conditions of these several land grants.

By the use of the last three tables in this chapter, a comparison of the remaining land grants in the different states may easily be made.

## CHAPTER 4

## THE QUESTIONNAIRE

The questionnaire was made out and sent to the 53 county treasurers of the different counties of North Dakota. Nineteen of the county treasurers, some only writing letters without other information, replied. One stated that he would have over 1500 entries which would take several days' time, and as they had no additional help, if the information was desired to send about seven dollars. Some gave other valuable information. Two counties replied with information too brief to be used.

As this work was all gratis and the treasurers were under no obligation to furnish the information, their work is doubly appreciated. Some papers show that not much time was used in filling out the blanks, and as to the accuracy and reliability the writer will leave this for the reader to judge. The questionnaire has become a hobby in some schools, and in most cases is about the first to reach the waste paper basket when it calls for so much information and is so difficult to fill out. The writer greatly appreciates the efforts put forth by the different county treasurers and extends to them his thanks.

## Reports from Cavalier County

The reports will be taken up and discussed in alphabetical order for each county. Cavalier county is

first on the list with one hundred and twenty-three entries. It has a total number of 16,693.91 acres of school lands distributed to the common schools, Agricultural College, Normal School, School for the Blind, Feeble Minded Institution, Training School, University, Soldiers' Home, School of Mines, School for the Deaf, Industrial School and indemnity lands. Of this amount 8,061.40 acres were under cultivation, which rent for more than the uncultivated lands. Of this amount, 10,981.05 in 1932, leaving 5,712.49 acres not leased. This land was leased for \$5,236.50. Of the land that was not rented the number of acres under cultivation and the number of acres uncultivated were about the same.

#### Report from Cass County

Cass county had thirty-one entries. There are 4,754.96 acres of school land. No attempt was made to state what institutions owned the land. Of that amount, 4,173 acres were under cultivation. All except 600 acres were leased. Most of the land was (under cultivation) leased for three years at \$120 per year. The annual rental for Cass amounts to \$2,981.75.

#### Report from Divide County

Divide county had three hundred and nine entries with a total of 49,125.13 acres of school land distributed among the educational institutions. The capitol building was accredited 318.04 acres. Of the total



acreage, 5,886.44 acres were under cultivation. The average lease of the cultivated lands was \$80 per quarter, while the uncultivated lands rented for \$15 per quarter. All but 1120 acres of this land was leased during 1932. The annual rental for the leased land amounts to \$8,718.50.

#### Report from Grand Forks County

Grand Forks county had 47 entries with a total number of 7,600 acres, of which four hundred and five acres were under cultivation. Of the 7,600 acres, 7,280 acres were leased for \$2,089.85. One quarter section, having fifty acres under cultivation, was leased for \$190. This quarter was leased in 1931 for a period of three years.

#### Report from Grant County

Of the counties reporting, Grant county leads the list with four hundred and thirty-one entries and a total number of 67,721 acres of school lands for the various institutions. Only 1,204 acres were under cultivation, and most of this cultivated land rented for the minimum of \$80 per quarter. Of the total number of acres of school land, only 3,317 were not leased. The 64,404 acres leased brought in an annual income of only \$7,209.35. This would indicate that the land was used for pasture or haying and leased for \$15, which is the minimum. Grant county is located in the southwest part of the state

where the land is rather rolling and of little value.

#### Report from Golden Valley County

In Golden Valley we have seventy-three entries. Most of the entries were put in for the section or half-section whenever possible. For the annual rental, \$15 was listed per quarter. In some cases there was less than a section so the writer had no way of determining the exact amount. Adding the total annual rental as it was listed brought the amount to \$2,104.85, but according to the amount of school land the rental should be four or five times this amount. Golden Valley has a total of 41,802.94 acres of school land. Of this amount 26,075.35 was leased, leaving 15,727.59 unleased. Only 1,726 acres were under cultivation. One quarter section rented for \$190, and another quarter rented for \$200. This is the highest rent that was paid for cultivated land in the western part of the state. In Cass county two quarters were rented for more, one for \$210 and the other for \$250.

#### Report from Mc<sup>K</sup>enzie County

The report from Mc<sup>K</sup>enzie county was too brief to tabulate. More than half of the land was not rented. The treasurer wrote a letter and explained that time would not permit them to give all the desired information. Considerable of the North Dakota badlands run through this county, which accounts for so much of the

land being unleased. Most all the leased uncultivated land rented for the minimum.

#### Report from McHenry County

McHenry county, more to the north central part of the state, had three hundred and thirty-three entries. This was listed in quarter sections and was very complete. McHenry has a total of 50,985 acres of land for the various institutions. This is the first county in the list that has all its school lands leased. Of this amount, 7,022 acres were under cultivation. The cultivated and uncultivated lands rented for the minimum which was \$80 for the former and \$15 for the latter. The total annual rental for McHenry county was \$8,786.25. McHenry county contains a considerable amount of sand hills which in time may prove valuable for other purposes. At Denbigh one time a brick factory was started but later was shut down for lack of funds. The government is conducting an experiment station southeast of Denbigh, where different kinds of trees are being grown.

Several years back some gold was discovered in the sand hills of Denbigh and Rega. This created a market for much of the land around the old Buffalo Lodge Lake which was surveyed and sold for lots. For this reason considerable land exchanged hands in this vicinity. In order to sell, the back taxes were paid and the county treasury was enriched greatly.



### Report from Slope County

Slope county made most of its entries in sections. It had 83 entries containing 44,124 acres. Only 621 acres were under cultivation, which is very small considering the great amount of school lands. This is the second county in the list to have all its land leased. The most sizable share of the land was uncultivated and rented for sixty dollars per section. Slope is in the southwestern part of the state and the land is used largely for grazing. The total annual rental for Slope in 1932 was \$4,642.15.

### Report from Stutsman County

Almost all of the land in Stutsman county is leased by the quarter. Stutsman had three hundred and eighty entries with a total of 58,782.92 acres. This county is the second largest that replied. Of this amount 5,833 acres were under cultivation; 49,884.70 acres were leased and 8,898.28 acres were not leased. In most cases the uncultivated land rented for \$15. The total annual rental of school lands in Stutsman is \$6,034.85.

### Report from Stark County

Stark county had eighty-six entries, and the uncultivated land was listed separately from the cultivated land. For the cultivated land the amount of rental was not given. The treasurer wrote that this was improved land, evidently containing buildings. As the amount for

cultivated land was not listed, the annual rental will be too small a figure. The land was all leased and a total of 2,639.76 acres was under cultivation. The uncultivated land rented for \$329.50. From this amount it appears that there must be some mistake in the tabulations, as Stark county has 14,350.72 acres of school land.

#### Report from Steele County

Steele county is in the east central part of the state and joins Grand Forks county on the south. Steele county has only 4800 acres of school lands, and of this amount 3,595 acres are under cultivation. All is leased but 320 acres. The annual rental for Steele county is \$3,132.50. Most of the cultivated lands leased for \$120 per quarter.

#### Report from Traill County

Traill county, adjoining Steele county on the east, has only 480 acres of school land. The number of acres under cultivation was not given. Only three entries were made. One quarter section rented for \$57.70, which would indicate that it was not under cultivation. One quarter rented for \$210 which is rather high, and the third quarter rented for \$250 which is the highest rental paid in the state.

#### Report from Ward County

Ward county has three hundred and eight entries, all listed in quarter sections or less. It has 47,951.58 acres of land, of which 5,391 acres were under cultivation.

All but 720 acres were leased at a total of \$7,430.15. In the majority of cases the leased and unleased lands rented for the minimum.

#### Report from Williams County

Williams county filled in part of the information, leaving out the number of acres and the acres under cultivation, but wrote in the annual rental when the land was not leased. The writer did not attempt to add the data as the information was too incomplete.

#### Report from Walsh County

Walsh county, in the northeast part of the state, had only thirty-one entries with a total number of 3,659.23 acres. Of this amount 2,134 acres were under cultivation and 480 acres were not leased. The annual rental amounted to \$2,115.64. In nearly all cases the cultivated land rented for \$120 per quarter, while the pasture land was leased for \$15 per quarter.

Table 36 summarizes the data from 14 counties--Cavalier, Cass, Divide, Grand Forks, Grant, Golden Valley, McHenry, Slope, Stutsman, Stark, Steele, Traill, Ward and Walsh.

In Table 37 are given all the statistics for one representative county--Slope. In each case three maps were called for of each county. Selecting Slope county, the writer has colored the school lands in each township, putting down the number of acres when less than a whole section belonged to school land.



Table 36

Summary of Leased and Unleased School Lands Reported by  
Treasurers of 14 Counties

County	Number of acres	Acres cultivated	Acres leased
Cavalier	16,693.91	8,061.40	10,981.50
Cass	4,754.96	4,173.00	4,154.96
Divide	49,125.13	5,886.44	48,005.13
Grand Forks	7,600.00	405.00	7,280.00
Grant	67,721.00	1,204.00	64,404.00
Golden Valley	41,802.94	1,716.00	26,075.35
McHenry	50,985.00	7,022.00	50,985.00
Slope	44,124.00	621.00	44,124.00
Stutsman	58,782.98	5,833.00	49,884.70
Stark	14,350.72	2,639.76	14,350.72
Steele	4,800.00	3,595.00	4,480.00
Traill	480.00	not given	480.00
Ward	47,951.58	5,391.00	47,231.58
Walsh	3,659.23	2,134.00	3,179.23

This table shows the amounts as filled in by the county treasurers. This was given in 1932 and compares very favorably with the 1930 tax commissioner's report. Most of the lands are leased for a term of three years, which accounts for the fact that there are so few changes.

Acres not leased	Annual rental
5,712.41	3,256.50
600.00	2,981.75
1,120.00	3,718.50
320.00	2,089.85
3,317.00	7,809.35
15,727.59	2,104.85
	3,768.25
8,193.35	4,642.15
8,898.28	6,034.85
	329.50
320.00	3,132.50
	517.70
720.00	7,480.15
480.00	2,115.64

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Table 37

Summary of Leased and Unleased School Lands in Slope Cou  
North Dakota

Description of land	Township	Range	Acres	Name of township
All of 16	133	98	640	Cedar Creek
All 34	"	"	"	" "
All 36	"	"	"	" "
SE $\frac{1}{4}$ , NW $\frac{1}{4}$ 16	"	99	320	Woodberry
NE $\frac{1}{4}$ , SW $\frac{1}{4}$ 16	"	"	"	"
All 36	"	"	640	"
N $\frac{1}{2}$ 16	"	100	320	Mineral Springs
All 36	"	"	640	" "
S $\frac{1}{2}$ 16	"	"	320	" "
All 16	"	101	640	Sheets
All 36	"	"	"	"
NW $\frac{1}{4}$ 20	"	102	160	Cash
All 16	"	"	640	"
N $\frac{1}{2}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ 18	"	"	400	"
All 36	"	"	640	"
All 16	"	103	640	Deep Creek
N $\frac{1}{2}$ S $\frac{1}{2}$ , S $\frac{1}{2}$ N $\frac{1}{2}$ 24	"	"	320	" "
All 36	"	"	640	" "
SE $\frac{1}{4}$ 10	134	102	160	Slope Center
NE $\frac{1}{4}$ 15	"	"	"	" "
N $\frac{1}{2}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ ) NE $\frac{1}{4}$ SW $\frac{1}{4}$ , 36	"	"	480	" "
All 16	"	103	640	Harper
All 36	"	"	"	"
All 16	"	104	"	Mound
W $\frac{1}{2}$ E $\frac{1}{2}$ , SW $\frac{1}{4}$ , 18	"	"	320	"
All 36	"	"	640	"
All 16	"	105	"	Unorganized
All 36	"	"	"	"
All 16	"	106	"	"
All 36	"	"	"	"
All 16	135	98	"	Rainy Butte
All 36	"	"	624	" "
All 16	"	99	640	Moord
All 36	"	"	"	"
All 16	"	100	"	White Lake
NW $\frac{1}{4}$ , 4	133	104	140	Crawford
All 16	"	"	640	"
NW $\frac{1}{4}$ 28	"	"	160	"
W $\frac{1}{2}$ E $\frac{1}{2}$ , 32	"	"	"	"
NW $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ , 34	"	"	240	"
All 36	"	"	640	"
All 16	"	106	"	Unorganized



nty,

Culti- vated	Date leased	Term (years)	Annual rent
none	3-4-31	5	\$ 145.00
"	"	"	60.00
"	"	"	60.00
"	3-23-28	"	30.00
"	3-19-31	"	31.00
"	3-19-31	"	65.00
"	3-14-29	"	30.00
"	3-19-31	"	60.00
"	3-14-30	"	30.00
"	3-23-28	"	60.00
"	3-4-32	"	60.00
35 A.	3-19-31	3	29.25
none	3-23-28	5	60.00
"	3-14-32	"	37.50
"	3-14-29	"	60.00
"	3-4-32	"	60.00
"	3-14-30	"	30.00
"	3-19-31	"	60.00
130 A.	3-14-30	3	80.00
60 "	"	"	39.40
none	3-4-32	5	45.00
"	3-4-32	"	60.00
"	3-19-31	"	60.00
"	3-19-31	3	60.00
154 A.	3-14-30	5	92.00
none	3-14-30	"	60.00
"	3-23-28	"	60.00
"	3-14-30	"	60.00
"	3-14-29	"	60.00
"	3-4-32	"	60.00
"	3-14-29	"	60.00
"	3-4-32	"	60.00
"	3-14-29	"	60.00
"	3-14-29	"	66.00
"	3-14-29	"	61.00
"	3-4-32	"	60.00
"	3-4-32	"	80.00
90 A.	3-19-31	"	60.00
none	3-4-32	"	19.90
12 A.	3-4-32	3	15.00
none	3-19-31	"	87.50
50 A.	3-4-32	5	60.00
none	3-4-32	5	60.00
"	3-4-32	1	60.00

Table 37 (continued)

Description of land	Township	Range	Acres	Name of township
All of 16	134	98	640	Carroll
All 36	"	"	"	"
All 16	"	99	"	Hume
All 36	"	"	"	"
NW $\frac{1}{2}$ 12	"	100	160	Conner
All 16	"	"	640	"
All 36	"	"	"	"
S $\frac{1}{2}$ 14	"	101	320	Chalky Butte
All 16	"	"	640	" "
All 36	"	"	"	" "
All 16	"	102	"	Slope Center
All 36	135	100	"	White Lake
N $\frac{1}{2}$ , SW $\frac{1}{2}$ 16	"	101	480	Sand Creek
All 36	"	"	640	" "
N $\frac{1}{2}$ & SE $\frac{1}{2}$ 16	"	102	480	" "
SE $\frac{1}{4}$ 24	"	"	160	" "
All 36	"	"	640	" "
All 16	"	103	"	Richland Cnt
NW $\frac{1}{2}$ 26	"	"	160	" "
All 36	"	"	640	" "
All 16	"	104	"	Sunshine
All 36	"	"	"	"
All 16	"	105	"	Unorganized
All 36	"	"	"	"
All 16	"	106	"	"
All 36	"	"	"	"
W $\frac{1}{2}$ & SE $\frac{1}{2}$ 16	136	98	480	"
All 36	"	"	640	E-Six
All 16	"	99	"	Dovre
All 36	"	"	"	Dovre
All 16	"	100	"	Peaceful Val
All 36	"	"	"	" "
All 16	"	101	"	Unique
NE $\frac{1}{4}$ 24	"	"	160	"
W $\frac{1}{2}$ 36	"	"	320	"
All 16	"	102	640	Ranger
All 36	"	"	"	"
W $\frac{1}{2}$ 16	"	103	320	Unorganized
All 36	"	"	640	"
All 16	"	104	"	"
All 36	"	"	"	"
Totals			44,124	

Cultivated	Date leased	Term (years)	Annual rent
none	3-4-32	5 "	60.00
" "	3-14-29	" "	60.00
" "	3-14-29	" "	60.00
" "	3-4-32	" "	60.00
" "	" "	3	15.00
" "	3-19-31	5 "	60.00
" "	3-4-32	" "	60.00
" "	" "	1 5	30.00
" "	" "	" "	60.00
" "	" "	" "	60.00
" "	3-25-28	" "	60.00
" "	3-19-31	1	60.00
" "	3-4-32	5 "	60.00
" "	3-14-30	" "	45.00
" "	" "	" "	60.00
" "	3-25-28	" "	45.00
" "	3-19-31	3	31.25
40 A.	3-14-29	5	60.00
none	3-4-32	5	60.00
" "	3-19-31	3	80.00
50 A.	3-14-30	5	60.00
none	" "	" "	60.00
" "	" "	" "	60.00
" "	" "	" "	60.00
" "	" "	" "	60.00
" "	" "	" "	60.00
" "	3-4-32	5	60.00
" "	" "	" "	60.00
" "	" "	" "	60.00
" "	" "	" "	60.00
" "	" "	" "	60.00
" "	" "	" "	60.00
" "	" "	" "	60.00
" "	3-14-29	" "	91.00
ley	3-19-31	" "	60.00
" "	3-4-32	5	60.00
" "	3-19-31	" "	15.00
" "	3-4-32	" "	30.00
" "	3-14-30	" "	60.00
" "	" "	" "	60.00
" "	" "	" "	60.00
" "	3-14-29	5	60.00
" "	3-14-30	" "	60.00

621 A.

\$4,642.15



# MAP OF SLO

R. 104

R. 103

6	6	4	3	2	1	6	5	4	3	2	1
7	8	9	10	11	12	7	8	9	10	11	12
18	17		15	14	13	18	17		15	14	13
19	20	21	22	23	24	19	20	21	22	23	24
29	28	27	26	25	24	29	28	27	26	25	24
31	32	33	34	35		31	32	33	34	35	

R. 106

R. 105

6	5	4	3	2	1	6	5	4	3	2	1
7	8	9	10	11	12	7	8	9	10	11	12
18	17		15	14	13	18	17		15	14	13
19	20	21	22	23	24	19	20	21	22	23	24
29	28	27	26	25	24	29	28	27	26	25	24
31	32	33	34	35		31	32	33	34	35	
6	5	4	3	2	1	6	5	4	3	2	1
7	8	9	10	11	12	7	8	9	10	11	12
18	17		15	14	13	18	17		15	14	13
19	20	21	22	23	24	19	20	21	22	23	24
29	28	27	26	25	24	29	28	27	26	25	24
31	32	33	34	35		31	32	33	34	35	
6	5	4	3	2	1	6	5	4	3	2	1
7	8	9	10	11	12	7	8	9	10	11	12
18	17		15	14	13	18	17		15	14	13
19	20	21	22	23	24	19	20	21	22	23	24
29	28	27	26	25	24	29	28	27	26	25	24
31	32	33	34	35		31	32	33	34	35	
6	5	4	3	2	1	6	5	4	3	2	1
7	8	9	10	11	12	7	8	9	10	11	12
18	17		15	14	13	18	17		15	14	13
19	20	21	22	23	24	19	20	21	22	23	24
29	28	27	26	25	24	29	28	27	26	25	24
31	32	33	34	35		31	32	33	34	35	
6	5	4	3	2	1	6	5	4	3	2	1
7	8	9	10	11	12	7	8	9	10	11	12
18	17		15	14	13	18	17		15	14	13
19	20	21	22	23	24	19	20	21	22	23	24
29	28	27	26	25	24	29	28	27	26	25	24
31	32	33	34	35		31	32	33	34	35	
6	5	4	3	2	1	6	5	4	3	2	1
7	8	9	10	11	12	7	8	9	10	11	12
18	17		15	14	13	18	17		15	14	13
19	20	21	22	23	24	19	20	21	22	23	24
29	28	27	26	25	24	29	28	27	26	25	24
31	32	33	34	35		31	32	33	34	35	

SUNSHINE

RICHLAND CENTER

INDEPENDENT

HARPER

HUGHES

CRAWFORD

DEEP CREEK



Warrent

# PE COUNTY, STATE OF NORTH DAKOTA

R. 102

R. 101

R. 100

6	5	4	3	2	1	6	5	4	3	2	1	6	5	4	3	2
7	8	9	10	11	12	7	8	9	10	11	12	7	8	9	10	11
18	17	16	15	14	13	18	17	16	15	14	13	18	17	16	15	14
* Ranger																
19	20	21	22	23	24	19	20	21	22	23	24	19	20	21	22	23
								UNIQUE						PEACEFUL VALLE		
29	28	27	26	25	24	29	28	27	26	25	24	29	28	27	26	25
31	32	33	34	35	36	31	32	33	34	35	36	31	32	33	34	35
6	5	4	3	2	1	6	5	4	3	2	1	6	5	4	3	2
7	8	9	10	11	12	7	8	9	10	11	12	7	8	9	10	11
18	17	16	15	14	13	18	17	16	15	14	13	18	17	16	15	14
19	20	21	22	23	24	19	20	21	22	23	24	19	20	21	22	23
			SAND					CREEK						WHITE LAKE		
30	29	28	27	26	25	30	29	28	27	26	25	30	29	28	27	26
									Amidon							
31	32	33	34	35	36	31	32	33	34	35	36	31	32	33	34	35
6	5	4	3	2	1	6	5	4	3	2	1	6	5	4	3	2
7	8	9	10	11	12	7	8	9	10	11	12	7	8	9	10	11
18	17	16	15	14	13	18	17	16	15	14	13	18	17	16	15	14
			SLOPE CENTER					CHALKY BUTTE						CONNOR		
19	20	21	22	23	24	19	20	21	22	23	24	19	20	21	22	23
29	28	27	26	25	24	29	28	27	26	25	24	29	28	27	26	25
31	32	33	34	35	36	31	32	33	34	35	36	31	32	33	34	35
6	5	4	3	2	1	6	5	4	3	2	1	6	5	4	3	2
7	8	9	10	11	12	7	8	9	10	11	12	7	8	9	10	11
18	17	16	15	14	13	18	17	16	15	14	13	18	17	16	15	14
			CASH					SHEETS						MINERAL SPRIN		
19	20	21	22	23	24	19	20	21	22	23	24	19	20	21	22	23
29	28	27	26	25	24	29	28	27	26	25	24	29	28	27	26	25
31	32	33	34	35	36	31	32	33	34	35	36	31	32	33	34	35





### Summary of the Questionnaire

The questionnaire was sent out in the summer of 1932 and, as the North Dakota tax commissioner's report was not out at that time, a comparison can be made with the commissioner's report of 1930. Cavalier had 18,978.57 acres of land in 1930 and 16,693.91 acres of land in 1932.

Cass county had 5,539.51 acres of land in 1930 and 4,754.98 acres of land in 1932. Divide county had 46,571.91 acres of land in 1930 and 49,125.13 acres of land in 1932. This shows that some of the land had returned to the state. Grand Forks county had 7,108.91 acres of land in 1930 and 7,600 acres in 1932. Grant county had 67,742.02 acres of land in 1930 and 67,721 acres in 1932. Very little change occurred in this county. Golden Valley county had 41,866.03 acres of land in 1930 and 41,802.94 acres in 1932. McHenry county had 50,075.87 acres of land in 1930 and 50,985 acres in 1932. Slope county had 46,044.04 acres of land in 1930 and 44,124 acres in 1932. This would indicate that land was sold in this county. Stutsman county had 53,182.93 acres of land in 1930 and 58,782.92 acres in 1932, showing that some of the land has gone back to the state during the drought and depression period. There was a difference of over 25,000 acres in the data from Stark county, which has been explained in the early part of this chapter.

Steele county had 3,600 acres of land in 1930 and 4,800 acres of land in 1932. Traill county had 900.99 acres of land in 1930 and reported 480 acres in 1932. Ward county had 48,610.13 acres of land in 1930 and 47,951.58 acres in 1932. Walsh county had 2,832.76 acres of land in 1930 and reported 3,658.23 acres in 1932.

In the comparison of these reports it seems that the questionnaire is reliable in the majority of cases where it was answered fully.

CHIEFTAIN BOND

CHAPTER 5  
INVESTMENTS AND FINANCIAL STANDINGS UP TO 1930 OF NORTH  
DAKOTA, SOUTH DAKOTA AND MONTANA

In Chapter Two a full discussion is given as to the manner of investments. Each state is allowed to invest the money obtained from the sale of school lands in about the same kinds of securities: namely, in school, county, municipal, state and United States bonds and in first farm loan mortgages. Only the interest can be used for school purposes. It is also well to note that all three states are affected by a clause in the federal constitution which provides that in case there are any losses in the investments, the deficit must be made up by the state. The deficit is usually made up by some form of taxation.

Each state has its own way of keeping records of its investments.

North Dakota reports take up the investments for each institution, stating the farm loan mortgages, tax and foreclosure costs, bonds, cash on hand, balance due on land contracts, and the number of acres of unsold land valued at fifteen dollars per acre. The following tables give these statistics for each state institution in North Dakota, as of June 30, 1930.



Table 38  
Financial Standings of Common Schools<sup>a</sup>

Farm loan mortgages	\$ 7,625,726.53
Taxes and foreclosure costs	198,166.95
Bonds	8,568,549.39
Cash	250,827.15
Balance due on land contracts	2,176,643.97
Unsold Land 1,520,321.92 acres at \$15	22,804,828.80
Total	\$41,624,778.79

<sup>a</sup>19th Biennial Report, N.D. Commissioner. p. 73

In North Dakota there is a total investment of \$41,624,778.79 for common schools; in Montana a total investment of \$61,547,754.79, while in South Dakota the reports are not set aside for the common schools but are added in with the final report. The permanent school and endowment fund for South Dakota is \$21,342,355.17.

Table 39  
Financial Standings of Agricultural College<sup>b</sup>

Farm loan mortgages	\$ 851,269.31
Taxes and foreclosure costs	39,585.80
Bonds	282,100.00
Cash	12,252.02
Balance due on land contracts	120,502.60
Unsold lands 47,290.92 acres	709,363.80
Total	\$ 2,015,073.53

<sup>b</sup>19th Biennial Report, N.D. Commissioner. p. 73

For the Agricultural College in North Dakota there is a total investment of \$2,015,073.53, while in Montana there are two grants for this institution with a total investment of \$18,215,600.56. In South Dakota the investments for the State Agricultural College total \$495,898.60.

Table 40

Financial Standings of Institution for Blind<sup>a</sup>

Farm loan mortgages	\$ 163,844.44
Taxes and foreclosure costs	5,970.53
Bonds	69,200.00
Cash	4,126.85
Balance due on land contracts	34,772.11
Unsold land 12,090.75 acres at \$15	181,361.25
Total	\$ 459,275.18

<sup>a</sup>19th Biennial Report, N.D. Commissioner. p. 73

In North Dakota the total investments for the Blind Asylum are \$459,275.18. In South Dakota the total amount of investments for this institution is \$32,993.84. In Montana no provisions are made for an asylum for the blind.

Table 41

Financial Standings of Capitol Building<sup>b</sup>

Farm loan mortgages	\$ 79,700.00
Taxes and foreclosure costs	9,575.09
Bonds	279,750.00
Cash	15,329.78
Balance due on land contracts	74,747.48
Unsold land 33,411.07 acres at \$15	501,166.05
Total	\$ 960,268.40

<sup>b</sup>19th Biennial Report, N.D. Commissioner. p. 73

North Dakota's total investments for the capitol building amount to \$960,268.40. After the burning of the state capitol at Bismarck, this fund was used to start the new two million dollar structure. In South Dakota no provision is made for this institution, but Montana has a total of \$1,361,184.46 invested for the capitol.

Table 42

Financial Standings of Deaf School<sup>a</sup>

Farm loan mortgages	\$ 241,780.00
Taxes and foreclosure costs	5,784.73
Bonds	84,700.00
Cash	9,715.96
Balance due on land contracts	34,529.35
Unsold lands 15,311.30 acres at \$15	229,699.50
Total	\$ 606,179.54

<sup>a</sup>19th Biennial Report, N.D. Commissioner. p. 75.

In North Dakota there is a total of \$606,179.54 invested for the School for the Deaf. In South Dakota \$105,021.68 is invested while in Montana a total of \$589,792.80 is invested for this institution.

Table 43

Financial Standings of Insane Asylum<sup>b</sup>

Farm loan mortgages	\$ 110,950.00
Taxes and foreclosure costs	5,660.30
Bonds	44,400.00
Cash	8,791.93
Balance due on land contracts	18,865.03
Unsold land 8,018.64 acres at \$15	120,279.60
Total	\$ 308,946.86

<sup>b</sup>19th Biennial Report, N.D. Commissioner. p. 75.

North Dakota has a total of \$308,946.86 invested for the Insane Asylum. In South Dakota \$69,416.62 is invested for the State School and Home for Feeble Minded. Montana makes no provision for investments for this type of institution.

Table

CHIEFTAIN BOND



Table 44

Financial Standing of Industrial School<sup>a</sup>

Farm loan mortgages	\$ 261,220.50
Taxes and foreclosure costs	11,283.42
Bonds	67,000.00
Cash	30,372.52
Balance due on land contracts	24,696.41
Unsold land 15,692.66 acres at \$15	235,389.90
Total	\$ 619,962.75

<sup>a</sup>19th Biennial Report, N.D. Commissioner. p. 73.

North Dakota is the only one of the three states which has made provision for this institution. The total investment is \$619,962.75.

Table 45

Financial Standing of Mayville Normal<sup>b</sup>

Farm loan mortgages	\$ 190,384.53
Taxes and foreclosure costs	6,921.20
Bonds	64,050.00
Cash	11,562.33
Balance due on land contracts	26,315.62
Unsold lands 12,077.08 acres at \$15	181,156.20
Total	\$ 480,353.88

<sup>b</sup>19th Biennial Report, N.D. Commissioner. p. 74.

All three states have provisions for normal schools. North Dakota provides \$480,353.88 for the Mayville Normal and \$799,314.62 for the Valley City Normal. South Dakota has three provisions, including the investment of \$217,160.94 as permanent funds for normal schools. For the Southern State Normal \$114,134.51 is invested and for the Northern Normal, \$75,680.58.

Table 46

Financial Standing of Valley City Normal<sup>a</sup>

Farm loan mortgages	\$ 208,976.28
Taxes and foreclosure costs	14,486.39
Bonds	222,050.00
Cash	8,015.40
Balance due on land contracts	43,859.35
Unsold lands, 20,128.48 acres at \$15	301,927.20
Total	\$ 799,314.62

<sup>a</sup>19th Biennial Report, N. D. Commissioner. p. 74.

Table 47

Financial Standing of State Training School<sup>b</sup>

Farm loan mortgages	\$ 287,459.17
Taxes and foreclosure costs	7,562.13
Bonds	43,650.00
Cash	13,893.95
Balance due on land contracts	32,503.21
Unsold lands 16,699.94 acres at \$15	250,567.56
Total	\$ 635,567.56

<sup>b</sup>19th Biennial Report, N.D. Commissioner. p. 74.

North Dakota thus has set aside \$635,567.56 for the training school. South Dakota has invested \$111,084.81. In Montana a permanent fund of \$582,665.02 is invested for the Reform School. North Dakota and South Dakota name the institution the Training School, while Montana retains the old name.

CHIEFTAIN BOND

Table 48

Financial Standing of Science School<sup>a</sup>

Farm loan mortgages	\$ 222,795.00
Taxes and foreclosure costs	7,607.03
Bonds	107,700.00
Cash	14,989.18
Balance due on land contracts	45,989.18
Unsold lands 18,567.63 acres at \$15	278,514.45
Total	\$ 677,594.95

<sup>a</sup>19th Biennial Report, N.D. Commissioner. p. 74.

North Dakota has set aside \$677,594.95 as a permanent fund for this institution, the Science School. South Dakota and Montana have made no provision for a separate science school. It is the writer's belief that this institution should be operated in connection with the Agricultural College.

Table 49

Financial Standing of Soldiers' Home<sup>b</sup>

Farm loan mortgages	\$ 72,049.00
Taxes and foreclosure costs	6,832.18
Bonds	262,000.00
Cash	8,634.04
Balance due on land contracts	51,895.29
Unsold lands 14,579.82 acres at \$15	222,555.45
Total	\$ 623,963.96

<sup>b</sup>19th Biennial Report, N.D. Commissioner. p. 74.

Only two states have permanent funds for a Soldiers' Home. North Dakota has a fund of \$623,963.96, while Montana has the small sum of \$17,663.98.

CHESTNUT BOND



Table 50  
Financial Standing of School of Mines<sup>a</sup>

Farm loan mortgages	\$ 249,808.40
Taxes and foreclosure costs	8,001.21
Bonds	88,400.00
Cash	4,467.29
Balance due on land contracts	45,157.45
Unsold lands 14,579.82 acres at \$15	218,697.30
Total	\$ 614,531.65

<sup>a</sup>19th Biennial Report, N.D. Commissioner. p. 74.

All of the three states have permanent funds for the School of Mines. North Dakota's fund is \$614,531.65. South Dakota has a fund of \$59,920.31 and Montana has the largest amount, which is \$1,320,852.60.

Table 51  
Financial Standings of University<sup>b</sup>

Farm loan mortgages	\$ 478,529.50
Taxes and foreclosure costs	11,220.23
Bonds	276,650.00
Cash	4,462.94
Balance due on land contracts	74,827.04
Unsold land 29,328.29 acres at \$15	447,424.35
Total	\$ 1,293,114.06

<sup>b</sup>19th Biennial Report, N.D. Commissioner. p. 74

All of the three states have made provisions for State Universities. North Dakota leads the list with a fund of \$1,293,114.06. Montana is the next highest with \$724,203.96, while South Dakota has set aside \$107,091.53 as a permanent fund for its university. It must be borne in mind that the figures for South Dakota do not include all the investments.

Table 52  
Financial Standings of Capitol Land<sup>a</sup>

Farm loan mortgages	\$ 18,225.89
Taxes and foreclosure costs	1,159.82
Bonds	260,300.00
Cash	29,383.20
Balance due on land contracts	.00
Unsold land	.00
<b>Total</b>	<b>\$ 309,568.91</b>

<sup>a</sup>19th Biennial Report, N. D. Commissioner. p. 74.

North Dakota has a special Interest and Income fund on Capitol Land which amounts to \$309,568.91. The other states do not have this investment. However, Montana has an investment called the Trust and Legacy Fund which amounts to \$79,381.28. Then, there is another fund for the O. H. and T. B. Society with a total grant of \$2,148.74.

In North Dakota the total value of unsold lands is not computed by itself. The value of the unsold lands in this state is estimated at \$15 per acre. Montana estimates the value of unsold lands at \$10 per acre, making a total of \$45,749,730.20. Montana has \$1,624,699.26 invested in general fund warrants and \$1,014,299.88 cash deposited with the state treasurer. These figures can be calculated easily from the previous pages in this chapter.

SHEFFAIN BOND

Table 53

North Dakota Investments in Loans During the Two Years  
1928-30, Including Renewals on Old  
Loans in All Counties<sup>a</sup>

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Acres mortgaged	334,106.58	
Common school loans		\$ 2,000,450.00
Agricultural college		149,200.00
Blind asylum		76,800.00
Deaf and dumb school		117,500.00
Feeble minded school		59,900.00
Industrial school		97,500.00
Valley City normal		48,100.00
Mayville normal		85,900.00
Training school		117,300.00
Science school		90,600.00
School of mines		51,100.00
University		66,300.00
<b>Total</b>		<b>\$ 2,960,650.00</b>

<sup>a</sup>19th Biennial Report, N.D. Commissioner. pp. 76-79.

North Dakota investments for the two-year period of 1928 and 1930 are given. The total invested in loans in the two years was \$2,960,650.00 for all the institutions, which is about one-fourth of the total investments since statehood. It is impossible to give this information for South Dakota and Montana. South Dakota gives the data for 1929 and 1930, which may be found by subtracting the 1929 data from the 1930 data. Yet it would be impossible to make a comparison. Montana totals are given up to June 30, 1930.



Table 54

Farm Loan Investments for all North Dakota Counties to  
July 1, 1930<sup>a</sup>

Common school	\$ 7,625,762.53
Agricultural college	851,269.31
Blind asylum	163,844.44
Capitol building	79,700.00
Deaf and dumb school	241,780.00
Feeble minded school	110,950.00
Industrial school	261,220.50
Valley City normal	208,976.28
Mayville normal	90,348.53
Training school	287,459.17
Science school	222,795.00
School of mines	249,808.40
Soldiers' home	72,049.00
University	478,529.50
Interest and income capital	18,225.89
Total	\$ 11,062,718.55

(Representing 5,297 loans on 1,222,808.76 acres)

<sup>a</sup>19th Biennial Report, N.D. Commissioner. pp. 60-63.

North Dakota thus has \$11,062,718.55 invested in farm loans, while Montana has \$4,301,661.94 invested in farm loans for all the different institutions.

Table 55

Investments in Taxes and Foreclosure Costs in all North  
Dakota Counties to June 30, 1930<sup>a</sup>

Common school	\$ 198,166.95
Agricultural college	39,585.80
Blind asylum	5,970.53
Capitol building	9,575.09
Deaf and dumb school	5,784.73
Feeble minded school	5,660.30
Industrial school	11,283.42
Valley City normal	14,486.39
Mayville normal	6,661.20
Training school	7,562.13
Science school	7,607.03
School of mines	8,001.21
Soldiers home	6,832.18
University	11,220.23
Interest and income capital	1,159.82
<b>Total</b>	<b>\$ 339,817.01</b>

<sup>a</sup>19th Biennial Report, N.D. Commissioner. pp. 64-67.

In North Dakota the total amount invested in foreclosure costs and taxes is \$339,817.01. This amount must be added to the expense of the land when sold. In Montana we find the deferred payments on land sales amount to \$7,242,104.89.

Table 56

Total Amount of Bonds for North Dakota Institutions to  
July 1, 1930<sup>a</sup>

Common Schools	\$ 8,562,549.39
Agricultural college	232,100.00
Blind asylum	69,200.00
Capitol building	279,750.00
Deaf and dumb school	84,700.00
Feeble minded school	44,400.00
Industrial school	67,200.00
Valley City Normal	222,050.00
Mayville Normal	64,050.00
Training school	43,650.00
Science school	170,700.00
School of mines	88,400.00
Soldiers' home	262,000.00
University	276,650.00
Interest and income capital	260,300.00
<b>Total</b>	<b>\$ 10,720,499.39</b>

<sup>a</sup>19th Biennial Report, N. D. Commissioner. pp. 66-71

North Dakota has \$10,720,499.39 invested in bonds, mostly state, county and township. In Montana \$925,047.50 is invested in state bonds, \$2,631,000.00 in United States securities and Federal Land Bank bonds, and \$6,478,811.88 in county, city, town and school district bonds, making a total of \$9,434,859.38.



In South Dakota the investments are all grouped together. The commissioner's report lists each institution, and gives the farm mortgages and bonds together.

Table 57

Investments in Mortgages and Bonds in South Dakota to  
July 1, 1930<sup>a</sup>

Permanent school funds, exclusive of endowments	\$15,592,732.90
Agricultural college	495,898.60
University	107,091.53
Charitable institutions	20,532.72
Training school	111,084.81
School for the deaf	105,021.68
School for the blind	32,993.84
School for feeble minded	69,416.62
School of mines	59,920.31
Normal school permanent funds	217,160.94
Southern normal	114,134.51
Northern normal	75,620.58
<b>Total</b>	<b>\$17,001,669.04</b>

<sup>a</sup>South Dakota Commissioner's report, 1928-30, pp. 39-44.

This table shows the amount invested in mortgages and bonds in South Dakota.

Table 58

## Permanent Assets for Each Institution in the Three States

1930

Institution	North Dakota	South Dakota	Montana
Common school	\$41,624,778.79	\$24,681,583.66	\$61,547,754.49
Agricultural			
college	2,015,073.53	1,228,805.42	1,815,600.56
Blind asylum	459,275.18	68,771.27	
F.F. capitol	960,268.40		1,361,184.46
Deaf school	606,179.54	371,279.04	589,792.80
Insane asylum	308,946.66	95,086.77	
Industrial			
school	619,962.75	145,289.33	
Normal schools	Mayville		
	480,353.88	361,751.60	
	Valley City		
	799,314.62	393,648.77	1,325,937.36
Training school	665,567.56	403,971.28	582,665.02
School of mines	614,531.65	120,476.26	1,320,852.60
Soldiers home	623,963.96	95,086.77	17,663.98
University	1,293,114.06	234,632.11	
I.&I. capital	309,568.91		
Public			
building land		489,760.18	
Charitable en-			
dowment lands		39,602.62	
O.H.&T.B.Soc.			2,148.74
Trust and			
legacy fund			79,381.28

In North Dakota and Montana these figures are the grand totals, including interest, cash on hand, value of unsold land, etc.; while in South Dakota the figures represent the sale price of the land, without adding cash on hand, interest from the money loaned or the value of unsold lands.

Table 59

Montana Permanent Assets, June 30, 1930<sup>a</sup>

Institutions and funds to which assets belong	Value of unsold lands at \$10 per acre	Deferred payments on land sales (C.P.'s)	Farm mortgage loans
Public school	\$41,323,901.80	\$6,733,907.69	\$4,301,561.94
University	173,698.30	69,834.69	
Agri. college-Morrill grant	608,958.20	66,889.08	
Agri. college-second grant	389,683.20	26,316.61	
School of mines	576,193.90	142,654.68	
Normal schools	684,327.70	47,093.77	
Deaf asylum	369,672.60	20,657.60	
Reform school	371,592.50	14,662.41	
Capitol bldg.	1,241,073.30	115,487.68	
Soldiers home	9,978.70	3,200.69	
O.H.&T.B.soc.	650.00	1,399.99	
Montana trust and legacy fund			
<b>Totals</b>	<b>\$45,749,730.20</b>	<b>\$7,242,104.89</b>	<b>\$4,301,561.94</b>

<sup>a</sup>Report of Montana Commissioner of State Lands and Investments for the two years beginning July 1, 1928, and ending June 30, 1930.

"The State is responsible for the investment and perpetual preservation of these various permanent funds. Section 3 of Article XI of the Constitution provides that the public school fund 'shall forever remain inviolate, guaranteed by the State against loss or diversion, to be invested, in so far as possible, in public securities within the state...' Section 12 of the same article provides that 'The funds of the state university and of all other state institutions of learning, from whatever source accruing, shall forever remain inviolate and sacred to the purpose for which they were dedicated ...and shall be guaranteed by the State against loss or diversion'."<sup>1</sup>

<sup>1</sup>Report of Montana Commissioner, 1928-30.



Table 59 (continued)

## Montana Permanent Assets, June 30, 1930

Institutions and funds to which assets belong	U.S. Securities and federal land bank bonds	State bonds	County, city, town, school district bonds
Public schools	\$1,881,800.00	\$317,647.50	\$4,422,467.75
University	49,600.00	80,000.00	340,989.28
Agri. college-Morrill grant		10,000.00	164,347.30
Agri. college-second grant	25,000.00	308,000.00	197,999.21
School of mines	25,000.00	115,000.00	449,092.05
Normal schools		50,000.00	534,600.01
Deaf asylum	49,600.00	39,000.00	99,743.99
Reform school		5,400.00	187,227.58
Capitol bldgs.			
Soldiers home			4,344.71
O.H.&T.B.soc.			
Montana trust and legacy fund			78,000.00
<b>Totals</b>	<b>\$2,031,000.00</b>	<b>\$925,047.50</b>	<b>\$6,478,811.88</b>

"It is encouraging to note that in our State (Montana), these funds are not only being preserved but are rapidly increasing; one year ago the grand total of all the assets representing these funds was \$68,902,873.10; today it is \$69,287,804.27, not including the Montana Trust and Legacy Fund, an increase of more than \$384,000.00. This increase results partly from the special additions to the permanent funds...and partly from the sale of lands at a higher price than \$10.00 per acre, the figure at which all unsold lands are carried among the assets."<sup>1</sup>

<sup>1</sup>Report of Montana Commissioner, 1928-30.

Table 59 (Concluded)

## Montana Permanent Assets, June 30, 1930

Institutions and funds to which assets belong	State general fund warrants	Cash with state treasurer	Totals
Public school	\$1,624,699.26	\$ 941,768.85	\$61,547,754.79
University		10,081.69	724,203.96
Agri. college-Morrill grant		10,111.95	860,306.53
Agri. college-second grant		8,295.01	955,294.03
School of mines		12,911.97	1,320,852.60
Normal schools		9,915.88	1,325,937.36
Deaf asylum		11,118.61	589,792.80
Reform school		3,782.53	582,665.02
Capitol bldgs.		4,623.48	1,361,184.46
Soldiers home		139.88	17,663.98
O.H.&F.B.soc.		98.75	2,148.74
Montana trust and legacy fund		1,381.28	79,381.28
<b>Totals</b>	<b>\$1,624,699.26</b>	<b>\$1,014,229.88</b>	<b>\$69,367,185.55</b>

## Summary of Investments and Financial Standings

In North Dakota<sup>1</sup> the total invested in bonds is \$10,720,499.93; in farm loans, \$11,062,718.55; in taxes and foreclosure costs, \$339,817.01; making a grand total of \$22,123,034.95. The state also has left 1,780,140.17 acres of land, divided among the different institutions. This land has different values as some of it has been improved.

In South Dakota<sup>2</sup> the grand total for all the investments on first mortgages on real estate, county,

<sup>1</sup>State of North Dakota, Nineteenth Biennial Report of Commissioner of University and School Lands.

<sup>2</sup>Twenty-first Biennial Report of Commissioner of School and Public Lands, South Dakota, 1928-30.

school and municipal bonds up to June 30, 1930, amounts to \$15,592,732.70. This does not include the value of unsold lands.

In Montana<sup>3</sup> the value of the unsold lands, deferred payments on land sales, farm mortgages, United States securities and Federal Land Bank bonds, state bonds, county, city, town and school district bonds, state general fund warrants, and cash on hand, amounts to \$69,367,185.55. Montana included all the unsold lands at \$10 per acre.

<sup>3</sup>Report of Montana Commissioner of State Lands and Investments, 1928-30.



## CHAPTER 6

## CONCLUSIONS AND RECOMMENDATIONS

In the first chapter a brief discussion was given as to the statement of the problem. The general purpose of the study and the sources of data that are used in this study were mentioned. It would have been very interesting to have taken up more states in connection with the study. The only reason why these three states were selected was that they were admitted into the Union at the same time.

Chapter Two deals with the national and legal provisions of the laws in the three states. The national provisions were about the same in all cases, with the exception of the grants. The land grants for North Dakota were 590,000 acres; for South Dakota, 620,000 acres; and for Montana, 906,000 acres. The method of handling these grants has caused considerable trouble. Each state was allowed to sell a certain amount of the land at specified times. After a number of years had elapsed, all the remainder could be sold. However, it had to be sold under certain regulations. Montana is the only state that does not designate the time or amount in the law. It says "as soon as possible" the land may be sold.

The composition of the boards in the three states

is much the same. In North Dakota it is called the "Board of University and School Lands" and is composed of the Superintendent of Public Instruction, Governor, Attorney General, Secretary of State and a commissioner appointed by the Governor. In South Dakota it is known as the "Board of School and Public Lands" and is composed of the Governor, Auditor, Superintendent and Commissioner of School and Public Lands. In Montana it is called the "Department of State Lands and Investments" and consists of the Governor, Superintendent of Public Instruction, Secretary of State, Attorney General and a commissioner appointed by the Governor.

Under the terms of payment, North Dakota requires one-fifth in cash, one-fifth in five years, one-fifth in ten years, one-fifth in fifteen years and the remainder in twenty years. South Dakota provides that one-tenth must be paid in cash and the rest within thirty years as the legislature may provide. In Montana the arrangement is different. It provides for the payment of one-tenth in cash and the balance must be an exact multiple of twenty-five. The difference must be paid in cash, together with a twenty-five dollar fee to obtain the certificate. The rest is payable in thirty-three years at five per cent interest.

North Dakota and Montana require that a certain amount must accompany the bid. In case the bidder does

not take the land and the bid is forfeited. Montana adds a penalty in addition to the forfeit.

The lands are commonly classified as farm lands, grazing lands, coal lands, timber lands and mineral lands. The grants for the higher institutions vary somewhat in the three states. These lands may be sold or leased but in each case the state is held responsible for losses, should any occur. The power of leasing and investing is all left in the hands of the board. The commissioner is to carry out the plans of the board and in a general way look after everything that pertains to the state lands and their investments. Each state has outlined the commissioner's powers and duties.

Each state has made its own regulations for the leasing of public lands. (Royalties are charged for coal, oil and mineral lands. The royalties range from twelve and a half per cent of gross output to fifty dollars as a minimum. The leases run from three to five years. North Dakota has placed a minimum of fifteen dollars per quarter on pasture land and eighty dollars as a minimum on improved land. The leases are put up at auction and the highest bidder is the successful man.) In South Dakota the lease goes to the highest bidder, and no amount is stated. Montana has set a maximum of one hundred dollars on a section of grazing land, with two dollars and fifty cents leasing fee. North Dakota



charged five dollars as a leasing fee, but this was reduced to three dollars by the 1933 legislature.

The method and manner of the sale of state land have been discussed fully. The length of time, the advertising, the appraisal and sale of lands are much the same in all three states. Due to foreclosures, the sale and leasing of land have become a very difficult problem to handle. In each state the Federal government made provisions in the Enabling Act that no lands could be sold for less than ten dollars per acre. The appraisals of land may be made as the demands warrant. (In North Dakota the sale of grazing lands has ceased for several years, because of conditions.)

The method of investing the money from the sale and leasing is approximately the same in the three states. (The investments may be placed in United States bonds, state bonds, county bonds, school district bonds or municipal bonds. Investments in first mortgages are permissible up to a certain amount of the land valuation and also a certain per cent of the valuation on the improvements.) The maximum also is set in each state. The chapter is closed by giving the location and grants for the different institutions in North Dakota, as supplied by the General School Laws of North Dakota in 1927, and a brief summary of the chapter.

In the comparison of the land grants and their sales, in Chapter Three, the common school and indemnity lands rank first on the list. Sections sixteen and thirty-six of each township are given over to common schools. Montana is the largest state and leads the list with 5,188,000 acres. It still has on hand 4,132,390.18 acres. South Dakota has 2,810,050.51 acres of land grants with 2,218,384.53 acres unsold. North Dakota has a total grant of 2,748,766.74 acres, with 1,520,321.92 unsold.

For the agricultural colleges, Montana leads with 190,000 acres selected and 99,864.14 acres under state control. South Dakota has a total grant of 160,000 acres with 130,349.20 acres remaining unsold. North Dakota has a total grant of 156,335.87 acres with 47,290.90 acres unsold.

For the universities, North Dakota is first with a total of 99,186.44 acres and 29,828.29 acres remaining unsold. The original grant for South Dakota was 86,080 acres, of which 79,421.89 acres remain unsold.

For capitol or public buildings Montana has a total of 200,000 acres with 124,107.35 remaining unsold. North Dakota has a total grant of 89,239.71 acres, with 33,411.07 unsold.

For the soldiers' home, North Dakota selected

46,899.22 acres and has 14,837.03 on hand. South Dakota had an original grant of 170,000 acres, with 23,267.14 unsold. Montana has a total of 1,275.61 acres with 1,056.77 remaining unsold.

For the training school, North Dakota has 50,242.80 acres with 16,242.80 acres remaining unsold. South Dakota has the original grant of 40,000 acres, and 35,692.37 remain unsold. Montana has the original selection of 50,000 acres with 37,159.55 acres remaining unsold.

For the School for the Deaf, North Dakota has selected and acquired a total of 45,901.14 acres, of which 15,311.30 acres remain unsold. South Dakota has the original grant of 40,000 acres with 32,931.35 acres remaining unsold. Montana has the original grant of 50,000 acres with 36,967.26 acres unsold.

The conditions for the Schools for the Blind are as follows: North Dakota, a total of 34,059.04 acres, with 12,090.75 remaining unsold; South Dakota, the original selection of 25,000 acres, with 22,441.94 acres unsold. Montana has made no provision for this institution.

Montana likewise made no provision for the institution for the feeble minded. South Dakota granted 40,000 acres for this cause and has on hand 36,101.12 acres. North Dakota has a total of 23,198.91 acres



selected and acquired with 8,018.65 still in the hands of the state.

Each state made provision for the School of Mines. Montana had 100,000 acres in the original grants, and 57,619.37 acres still under state control. North Dakota had a total of 46,197.41 acres, with 14,579.82 acres remaining in the hands of the state. South Dakota has the original grant of 40,000 acres with 35,140.91 acres belonging to the state.

The grants for the normal schools in North Dakota amount to 97,919.49 acres, with 32,205.56 acres in charge of the state. South Dakota has the original grant of 80,000 acres, and according to the report the state has on hand for these institutions more than the original grant. This is because the land from appropriations was not added with the original grants.

The rest of the chapter takes up the method of determining how the total number of acres of land for North Dakota had actually been figured out. This report is copied from the Nineteenth Biennial Report of the Commissioner of School Lands for North Dakota. The final standing is given for each institution. Montana and South Dakota do not make a report of this kind.

In Chapter Four the questionnaire is discussed. The questionnaire was sent to the county treasurers of the fifty-three North Dakota counties, but the returns

from only fourteen counties were tabulated. The information from the rest of the counties was so brief that the writer was unable to use the material. From the counties that filled in the blank in full, the reports correspond very closely with the reports of the Commissioner. However, the Commissioner's reports are for 1930 while this questionnaire was sent out in the summer of 1932. Due to the fact that the lands are leased for a term of years, changes are few. The sales and foreclosures would be responsible for some changes.

A brief summary is given on the reports of each county. One representative county is selected and the tabulation for this county is given in full. In addition to this information, a map showing the location and the number of acres of school lands in each township is included.

Chapter Five takes up the investments. The method and manner of investments is discussed fully in Chapter Two. The financial standings for each institution are taken from the commissioner's report in North Dakota. In the discussion at the end of each table, the financial standings of the other states' institutions are given.

The total investments in the three states may be summed up as follows: North Dakota, \$22,123,034.95; South Dakota, \$15,592,732.90; and Montana, \$69,367,185.55. The investments in Montana include the unsold lands which

are rented. In North Dakota, however, the unsold land is not included in the investments, but is included in the financial standings.

#### Recommendations

The writer believes that a uniform system of accounting should be adopted for all states. As the three states have similar boards, they also have the Federal regulation as to the price of lands. This would simplify the matter in the event that a comparison of the land, money and investments was desired. The writer believes that, due to the fact that very little money is ever lost through investment in bonds, and because investments in farm mortgages have resulted in considerable losses and caused the states a great amount of worry, that less farm loans should be made and more of the money invested in secured bonds.

The writer believes that the state government, with the consent of the Federal government, should re-appraise the prairie land on a lower basis, and in figuring up the assets for the different institutions in North Dakota, South Dakota and Montana, each state should use the same value for the unimproved lands. In the reports North Dakota used the valuation of \$15 per acre for all unimproved school lands. Montana used \$10 as the value of all unimproved and unsold lands, while South Dakota did not include this in its assets at all.



Another reason why the writer believes the land should be re-appraised is that most of the unimproved land that remains under the state's control is of inferior quality, and the state never will be able to dispose of it at the appraised price.

The writer believes that instead of a commissioner supported by each state to keep account of all proceedings, this could be done by the state tax officials and thus save considerable expense for this department.

The writer believes that, by uniting the Normal schools and placing some of the other schools with the university and agricultural college, considerable saving could be made on the general expense and upkeep.

## BIBLIOGRAPHY

- North Dakota's Laws, Statutes, General School Laws, 1919.
- Eighteenth Biennial Report of the Commissioner of University and School Lands, State of North Dakota, July 1, 1926, to June 30, 1928.
- Nineteenth Biennial Report of the Commissioner of University and School Lands, State of North Dakota, July 1, 1928 to June 30, 1930.
- Ninth Biennial Report of the Tax Commissioner of the State of North Dakota, ending June 30, 1928.
- State of North Dakota, General School Laws, 1927.
- Compiled Laws of North Dakota, 1913.
- Supplement to Compiled Laws of North Dakota, 1913-1925.
- Laws of North Dakota, 1927. pp. 411-413.
- Supplement to School Laws of 1927, North Dakota.
- Laws of North Dakota, 1929. pp. 290-297.
- Compiled Laws Relating to School and Public Lands and Investment of Funds Derived Therefrom, State of South Dakota, compiled July 1, 1931.
- Twenty-first Biennial Report, Commissioner of School and Public Lands, South Dakota, 1928-30.
- State of Montana, Report of Register of State Lands, for the two fiscal years beginning July 1, 1924, and ending June 30, 1926.
- State of Montana, Reports of the Commissioner of State Lands and Investments, for the two fiscal years beginning July 1, 1928, and ending June 30, 1930.
- State of Montana, Department of State Lands and Investments, Chapter Sixty of the Laws of the Twentieth Legislative Assembly, Effective July 1, 1927.

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