

The Morrill Acts of 1862 and 1890

Alex Price

Department of Higher Education, The University of Mississippi

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Dr. Amy E. Wells Dolan

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Introduction

The Morrill Acts of 1862 and 1890 were historic pieces of the United States legislation that changed higher education. The Morrill Act of 1862 gave land to states to establish affordable and accessible colleges with the primary areas of instruction to focus on agriculture and mechanics. Decades later, the Second Morrill Act of 1890 broadened the first act by requiring states to allow through integration or establish separate institutions to provide higher educational opportunities for black students, which led to the creation of historically Black colleges and universities and the current public college and university system. This paper will explore the impacts of both the Morrill Act of 1862 and the Second Morrill Act of 1890 in regard to our nation's desire to expand access and educational opportunities and the challenges of racial inequality that the legislation faces today.

The Morrill Act of 1862

The legislation was written during the Civil War (1861-1865), which was a war fought between the Union, the northern states, and the Confederacy, the southern states, over issues of slavery. The Confederacy wanted to keep slavery for agricultural labor, and the Union wanted to abolish it because it was more industrial focused and opposed slavery. Having already acquired territories in the west, there was a desire to unify the states and to promote settlement in areas by developing and cultivating the lands to boost the American economy.

On July 2, 1862, the First Morrill Act was passed by Congress and signed into law by President Abraham Lincoln. The act established "public colleges funded by the development or sale of associated federal land grants" (U.S. National Archives and Records Administration, n.d., para. 1). The piece of legislation is named for Justin S. Morrill, a United States Representative

from Vermont who later served as a United States Senator. He is credited with sponsoring the bill. Morrill introduced the legislation to Congress as a means to address its goals, which were to promote “land settlement. . . and to achieve other goals-namely, helping to make higher education affordable and accessible” (Thelin, 2014, p. 76). The original copy of the document can be found in the United States National Archives; however, reprints can be found in secondary sources such as our course textbook, *Essential Documents in the History of Higher Education* (2014) by John R. Thelin and other databases. The tone of the document is formal in nature as Morrill is appealing to the members of Congress and the general public with the purpose of gaining federal support to donate public lands “to be apportioned to each state a quantity equal to thirty thousand acres for each senator and representative in Congress” for the establishment of land grant colleges to create educational opportunities for its citizens, the farmers and industrial class, in the agricultural and mechanical fields (Thelin, p.76). This act was the first to offer federal aid for educational purposes, with Kansas State University being the first higher education institution to be established or designated as a land grant college under the Morrill Act of 1862 that same year (Kansas State University, n.d.). Similarly, Mississippi State University and Alcorn State University are the only land-grant institutions in Mississippi.

To fully understand and to triangulate the act and its implications, one should consult the United States National Archives congressional records, state records, and research Congressman Justin S. Morrill’s background and motivations. Although the act was instrumental in establishing access and affordability to the industrial classes, the first Morrill Act would be amended decades later with the creation of the Second Morrill Act, which was introduced in 1890.

The Second Morrill Act of 1890

The Second Morrill Act of 1890 was created to address the lack of higher educational opportunities for Blacks and other minorities. With the passage of the Emancipation Proclamation and abolishment of slavery, which is reflected and signed into law under the Thirteenth Amendment, the southern states created admission policies that deprived and limited access to newly freed slaves and other free Blacks of their constitutional right to receive a public education, specifically in higher education. In 1890 to address the issue, Congress passed in law the Second Morrill Act by expanding the language of the First Morrill Act to include extensions of some federal programs, more funding for research and development and “an important initiative in federal policy: dealing with former Confederate states that had been readmitted to the Union, and, questions of federal policies for those states with laws prohibiting the coeducation of the races” (Thelin, p. 93). The act required that those state institutions refusing equal access to their black students would not receive any federal funding unless they provided through integration or the establishment of a separate institution for the purposes of admission, enrollment and educating their black students (Thelin, p. 93).

The Second Morrill Act (1890) was greatly influenced by political changes, the challenges associated with blacks being recognized as equal citizens under the law, and the Confederate states’ defiance of the federal law by establishing Jim Crow laws. The act was originated in Washington, D.C., by Congress as a continuation of the Morrill Act of 1862; however, it placed emphasis on expanding access to agricultural and mechanical education in higher education for black students after the Civil War. It is a legal document introduced and passed by Congress; therefore, the tone of the document is formal. The audience is Congress, the southern states, and Black Americans. The act partially addresses equitable access in that the institutions in the south do not have to integrate but must provide an alternate solution, which is providing provisions for the

establishment of separate institutions, to qualify and receive federal support for their established public state institutions. To ensure compliance, the language in the document states, “that no money shall be paid out under this act to any State or Territory and maintenance of a college where a distinction of race or color is made in the admission of students, but the establishment and maintenance of such colleges separately for white and colored students shall be held to be a compliance with the provisions of this act” (Thelin, pp 93-94). While the Second Morrill Act of 1890 is widely known for expanding educational access for Black Americans with the founding of historically black colleges and universities, it failed to address the issue of receiving an equitable education with the establishment of these institutions because HBCUs lacked funding, resources, and support to rival their white counterparts.

Post World War II and Land-Grant Expansion

Due to the passing of the Servicemen’s Readjustment Act of 1944, known as the GI Bill, American higher education institutions designated as land grant institutions experienced increased enrollment with veterans taking advantage of the benefits under the new bill, which allowed funding to cover educational costs for qualified veterans and their families. In a few years’ time, the influx of veterans caused the institutions to experience personnel shortages, which meant the universities needed to employ more instructional staff.

In the 1993 article, “Race, Meritocracy, and the American Academy During the Immediate Post-World War II Era,” the author, James D. Anderson, writes about how African American scholars were often overlooked for these permanent instructional positions, although highly qualified. He argued that the institutions were not hiring instructional staff based on merit because “In 1940, neither southern nor northern white universities had any African American scholars on regular appointments,” which implies other reasons were in play, one being educational racism (p.

153). With the northern states being more progressive than the southern states, he continues to point out that not “until 1941, no African American scholar, no matter how qualified, how many degrees he or she earned, or how many excellent articles and books he or she published, was hired in a permanent faculty position at a northern white university in America” (p. 153). This demonstrates that African American scholars, though qualified, were widely overlooked because the institutional hiring practices of white colleges and universities were rooted in systemic racism and low on merit, specifically in the South where segregation laws remained on the books. As a result, many African American scholars gained employment at historically black colleges and universities, which were agricultural and mechanical institutions established under the Second Morrill Act. Ultimately, this highlights the main idea behind the creation of both Morrill Acts, which boosted the American economy by making education accessible.

Ayers Settlement, Title IX, and the Second Morrill Act

In the *Ayers v. Musgrove* Settlement Agreement, the educational inequalities, funding, and resources are issues of concern for the state’s Black land grant institutions, Alcorn State University, Mississippi Valley State University, and Jackson State University as a result of the segregated public higher education systems in the State of Mississippi, noting that the dual systems were allowed and said to be in compliance under the Second Morrill Act of 1860. The settlement agreement addresses mandated remedies for supplemental funding, resources, and the establishing academic programs for Mississippi’s historically black colleges and universities over a specified period of time. In 2001, the United States Department of Justice agreed to over \$200 million in funding to be allocated to the HBCUs to close the gap in education between Mississippi’s predominantly white institutions and the state’s historically black colleges and universities, Alcorn State University, Mississippi Valley State University, and Jackson State University (*Ayers v.*

Musgove, p. 15). This settlement agreement demonstrates that the federal government failed to enforce equitable funding and that the intentions of the Morrill Acts were not completely achieved.

While the Ayers case raised issues about Mississippi's HBCUs not having equitable funding and resources in comparison to the predominantly white institutions, the new Title IX law, known as the Education of Amendments of 1972, addressed gender barriers to education. The law states, "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance" (Title IX, 1972). This statement builds on the legacy of the Morrill Act, which focused on access, affordability and being equitable by emphasizing that a person's gender cannot limit access to educational opportunities.

Conclusion

The Morrill Acts of 1862 and 1890 were historic pieces of legislation for the history of higher education. The passing of these acts to establish land-grant institutions, which expanded access, specifically to the working class and African Americans. With the focus being on vocational education, these groups were able to contribute to the American economy. The Morrill Act of 1862 established public higher education institutions that focused on agricultural and mechanical education opportunities for the working class. The Second Morrill Act of 1890 expanded the ideals of the first act by extending higher education opportunities for Black students after the Civil War. However, there were obvious disparities in both acts, particularly in the Second Morrill Act, where Black land-grant institutions received unequal funding and other resources. Moreover, the dual public higher education systems were based on race as the Second Act stated the establishment of HBCUs would be in compliance with the law. The Morrill Acts laid the foundation for today's more inclusive public higher education system. Moreover, policy

advancements through Title IX and cases such as the Ayer v. Musgrove Settlement Agreement have moved higher education institutions have to achieve the intended outcomes from both pieces of legislation.

References

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