

Chapter 30

History of Property in Land in the United States

IN EARLIER STAGES of civilization, land was always regarded as common property. Turning from the dim past to our own times, we see that people still instinctively recognize equal rights to the bounty of nature—if placed under circumstances where the influence of education and habit are weakened.

The discovery of gold in California brought diverse people together in a new country. Probably not one in a thousand had ever dreamed of any distinction between land and wealth. They had long been used to thinking of land as individual property. Things might have been different had the land been agricultural or grazing or forest land; or had its value come from its location for commercial purposes. Then, they would have applied the land system they had been used to, and reduced it to private ownership in large tracts.

But here was land where gold could be had simply by washing it out. This novelty broke through their habitual ideas, and they were thrown back upon first principles. By common consent, it was declared that gold-bearing land should remain common property. No one could take more than could reasonably be mined, nor hold it for longer than it was being used. Title to

the land remained with the government. No individual could acquire more than a possessory claim.

Miners in each district established the size of an individual claim, plus the amount of work required to constitute use. If this work were not done, any one could relocate on the ground. The essential idea was to prevent monopoly. No one was allowed to play "dog in the manger," and hinder, forestall, or lock up natural resources. Labor was acknowledged as the creator of wealth, and its reward was secured.

As placer mining declined, the familiar idea of private property finally prevailed. A law was passed to permit the ownership of mineral lands. The only effect was to lock up opportunities. It gave owners the power to say that no one else may use what they do not use themselves. In many cases mining land was withheld from use for speculative purposes—just as valuable building lots and agricultural land are.

If the first English settlers in North America had found circumstances that called their attention anew to the question of land ownership, they no doubt would have reverted to first principles. For they reverted to first principles in matters of government. Just as aristocracy and monarchy were rejected, so too, individual ownership of land would have been rejected. But in the country from which they came, this system had not yet fully developed itself. Nor had its effects been fully felt.

In the new country, an immense continent invited settlement. The question of the justice in private property in land did not arise. At first, no harm seemed done by treating land as property. In a new country, equality seemed sufficiently assured if no one took land to the

exclusion of the rest. And there was plenty of land left for others. The problems stemming from individual ownership of land had not yet appeared.

In the South, where settlement had an aristocratic character, land was carved into large estates. The natural complement of this was the introduction of slavery. But in New England, the first settlers divided the land as their ancestors had divided Britain twelve centuries before. The head of each family was given his town lot and his seed lot. Beyond these lay the free commons. English kings attempted to create great proprietors by huge land grants. Settlers saw the injustice of this attempted monopoly, and no one got much from these grants. However, because land was so abundant, attention was not called to the injustice in individual ownership of land. But even when tracts are small, this must involve monopoly when land becomes scarce.

So it came to pass that the great republic of the modern world adopted an institution that destroyed the republics of antiquity. They proclaimed the inalienable right of all people to life, liberty, and the pursuit of happiness. Yet they accepted without question a principle that ultimately denies the equal right to life and liberty—by denying equal and inalienable right to the soil. At the cost of a bloody war, they abolished chattel slavery. Yet they allowed a more widespread and dangerous form of slavery to take root.

The continent seemed so wide, so vast. The unsettled land prevented the full effect of private appropriation from being felt, even in older sections. Besides, why shouldn't some take more land than they could use—even if this forced those who needed it later to pay them

for the privilege of using it? Why should it seem unjust, when others in their turn might do the same thing by going farther on?

But worse, the fortunes resulting from appropriation of land were heralded as prizes of labor—when, in reality, they have been drawn from levies upon the wages of labor. Our landed aristocracy is in its first generation in the newer states, and to a considerable degree, even in the older states. Those who profit by the increase in land values have been largely people who began life without a cent. Their great fortunes seem, to them and to many others, the best proof that existing social conditions reward prudence, foresight, industry, and thrift.

Whereas the truth is, these fortunes are only the gains of monopoly. They are necessarily made at the expense of labor. The fact that those thus enriched started as laborers hides this. Every ticket-holder in a lottery delights in the imagination at the magnitude of the prizes. This same feeling has prevented even the poor from quarreling with a system that has made many poor people rich.

In short, the American people have failed to see the essential injustice of private property in land, because they have not yet felt its full effects. We are insulated by the vast extent of land not yet reduced to private possession, the enormous common to which the energetic always turned.

This great public domain is the key fact that has formed our national character and colored our thought. It is not that we have rejected a titled aristocracy; nor that we elect our officials; nor that our laws are in the name of the people instead of a prince; nor that our

judges do not wear wigs. None of these are why we have avoided the ills of the effete despotism of the Old World.

Whence comes our general intelligence, our comfort, our active invention, and our power of adaptation and assimilation? And further, our free, independent spirit, the energy and hopefulness that have marked our people? They are not causes—*they are results*. They have sprung from unfenced land.

Our vast public domain has been the force that transforms unambitious European peasants into self-reliant Western farmers. Even those dwelling in crowded cities gain a consciousness of freedom from it. It is a wellspring of hope even to those who never take refuge in it. As children grow to adulthood in Europe, they find all the best seats at the banquet of life marked "taken." They must struggle with each other for the crumbs that fall, without one chance in a thousand of finding a seat. In America, whatever their condition, there has always been the consciousness that the public domain lay before them.

The knowledge of this fact has penetrated our whole national life, both in acting and reacting. It gives us generosity and independence, elasticity and ambition. All that we are proud of in the American character, all that makes our conditions and institutions better than those of older countries, may be traced to this fact:

Land has always been cheap in the United States, because new soil has been open to the settler.

But now our advance has reached the Pacific. The public domain is almost gone. Its influence is already rapidly failing; its influence will soon end. The republic

has entered upon a new era—in which the monopoly of land will show itself with accelerating effect.

I do not mean to say that there will be no public domain. For a long time to come, there will be millions of acres of public lands carried on the books. But what remains are the great mountain ranges, sterile deserts, and high plains fit only for grazing. California appears, on paper, to have the most land available. Yet much of this is covered by railroad grants. Some is held, but not yet reported by survey. Much is monopolized by locations that control the water. As a matter of fact, it is difficult to point to any part of the state where settlers can take up a farm. Weary of the quest, they end up buying land or renting it on shares. There is no scarcity of land in California—but appropriation has gotten ahead of the settlers, and manages to keep ahead.

There is no question the United States can support a population of hundreds of millions. But in view of such an increase, what becomes of the public domain? In a very short time, all useful land will have an owner.

We are making the land of a whole people the exclusive property of some. The evil effects of this process will not wait until the final appropriation of the public domain to show themselves. It is not necessary to contemplate them in the future; we may see them in the present. They have grown with our growth, and are still increasing.

We plow new fields and build new cities. We cross the land with railroads and lace the air with telegraph wires. We build schools and colleges, and add invention after invention.

Yet it becomes no easier for the masses to make a

living—on the contrary, it is becoming harder. The wealthy become wealthier; the poor become more dependent. The gulf between boss and worker grows wider. Social contrasts become sharper and beggars are common.

We call ourselves the most progressive people on earth. But what is the goal of our progress, if these are its fruits?

These are the results of private property in land. They are the effects of a principle that must act with ever increasing force. It is not that laborers have increased faster than capital. It is not that population is pressing against subsistence. It is not that machinery has made work scarce. Nor is there any real antagonism between labor and capital.

It is simply that land is becoming more valuable. And the terms on which labor can obtain access to natural opportunities—which alone enable it to produce—are becoming harder and harder.

The public domain is receding and narrowing, while property in land is concentrating. The proportion of people with no legal right to the land on which they live grows steadily larger. The scale of cultivation recalls the latifundia that destroyed Rome. In California, a large proportion of farmland is rented—at rates from one-fourth to even one-half the crop.

Lower wages, hard times, increasing poverty are simply the results of the natural laws we have traced—laws as universal and as irresistible as gravitation.

We did not establish a republic when we set forth inalienable human rights. We shall never establish a republic until we carry out that declaration—by giving

the poorest child born among us an equal right to the soil!

We did not abolish slavery with the Fourteenth Amendment. To abolish slavery we must abolish exclusive ownership of land!

Unless we come back to first principles, unless we recognize our natural perceptions of justice, unless we acknowledge the equal right of all to land—our free institutions will be in vain. And all our discoveries and inventions will only add to the force that presses the masses down.