



Dreamers of
The American Dream

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Part Four

GOD MADE THE LAND FOR USE

to gross abuses. By then the circumvention of laws relating to disposition of public land had been raised to an art.

From early colonial times land sharks proved equal or superior to any act of crown, province, state, or federal government. More than one legislator, honest or otherwise, came in time to believe that quicksilver was more easily controlled than were the so-called wild lands.

Our first Congress was far from naïve in the matter of public lands. These were men well acquainted with the history of land acquisition by private companies and individuals. No few of them themselves had had a hand in real estate transactions of doubtful legality. It was much the same with the legislative bodies of the thirteen new states. They were prompt to confiscate the crown lands, those of Tories, and the princely estates of proprietors like the Penns, the Calverts, and others. These were redistributed, though only in part, to small farmers and war veterans.

The first state and federal legislators faced an aggressive electorate that was in a terrible hurry to taste the material fruits of democracy. The war veterans wanted the pay they hadn't got. And nearly everybody else wanted something. More often than not it was land they wanted, for the right to vote was still the privilege of men of property. They got land, too, but mostly, so it turned out for many years, they had to get it from a private land company. They had to *pay for it*.

For generations we have cherished the romantic idea that in colonial times, and early days of the republic, all a man who wanted land had to do was to strike out in any direction into the wilderness to cut himself a clearing, build a cabin, then lay a fence, or merely blaze a line of trees to encompass such land as he thought he wanted. Whereupon he was not only a freeholder, but something of a baron who owed nothing to king, church, or state. Without asking leave of anybody here he was, lord of a domain by right of peaceful conquest. We fancy him raising his first corn among the stumps, pounding it to meal; shooting or catching his meat and clothing; teaching his children to read with the Bible as textbook and bullrushes for illumination.

This pleasant myth, based on the sovereign American squatter, is one of the most satisfying we have. It has, however, little substance of fact, for it usually turned out that land sharks in one shape or another had got there ahead of him, not necessarily in person but in the form of a grantee-lord of whom he never heard, or of a corporation he did not know existed. In either case, the squatter was heading into trouble.

It was so from the first. When in 1624 the London-Virginia Company gave up its charter, its huge landholdings reverted to the crown and were administered as a crown colony. Every immigrant who paid his own passage was entitled to fifty acres of colony land; and anyone

who imported a laborer was entitled to fifty acres additional, provided that within a reasonable period he was living on the land and had done some clearing. This was called a head right, a system that virtually invited the land jobber. Captains of ships secured land in the names of the sailors of their crews who had no intention of remaining. In exchange for a drink or two of rum the sailor was glad to transfer his right to the captain. In this manner the skipper of a ship carrying a crew, say, of twenty, and with a little collusion of shore officials, might quickly and at small cost become the owner of a thousand acres of the finest tidewater lands in Virginia. He could either sell the tract before he quit America or hold it for sale later. By the middle of the seventeenth century estates of ten thousand acres and more, acquired by fraudulent head rights, were common in the Old Dominion.

The English custom to establish colonies in America was usually to secure from the crown a charter by which immense tracts were bestowed upon favored individuals who were willing to risk their fortunes, or possibly the fortunes of investors, in the hazardous enterprise of foreign development. The original rights to these lands were seldom recognized, though some few grantees thought it worth while to distribute gewgaws to the Indians and go through the form of a treaty-purchase with these natives who had no conception that an individual, red or white, could actually *own* a piece of land. As a usual thing the title passed from king or queen direct to the proprietors, who could then dispose of the land as they saw fit. The leading officials of a proprietary land company seldom troubled to cross the ocean to visit, much less to live on their domains. The business of locating the actual settlers was left to resident agents who were also responsible for collection of the quitrents and almost everything else having to do with the proprietary colony.

Although the term was not then in use, what the settlers had to do was to "work out," or to "work off," what amounted to the mortgages on their farms.

Between the crown and the sweating settler was not only the proprietor or company, but his agent and more often than not a bewildering series of baffles represented by subproprietors, colonial or provincial judges, town officials, surveyors, and even title collectors. To say that these numerous agencies presented opportunities for profitable dishonesty is not to speak libel. There at the very end of the line was the settler. When at last he had worked off the mortgage and became a freeholder, he was likely to hold the belief that of the many prophets of biblical times the clearest seer of them all was Isaiah, he who warned of land sharks.

The complexities of a bona fide settler's getting a clear title to his

little patch of ground can be judged by the experience of families who made their pitch in what in good time became the town of Palmer, in Massachusetts Bay Colony. In 1727 a group of speculators, basing their claim to the tract on an old illegal Indian "purchase," petitioned the provincial general court, or legislature, for a confirmation of title. It was refused, and it well should have been. Despite this the speculators went ahead with their plan. In formal meeting they voted to warn off all squatters and to come to an agreement, with such as had settled, to become their tenants on lease. They sent a surveyor to lay off six miles square. They gave deeds to the fifty-odd families who agreed to pay for their lands in cash, or kind, or labor. But then, because they could not secure a confirmation of their doings from the court, the speculators simply dropped the matter and, by political influence that unquestionably included bribes, managed to get another tract for their subdivision activities.

The poor settlers of Palmer were left without title to the farms they had cleared and were tilling. They petitioned the general court, pointing out the fact that they had been hoaxed, that they had nothing between them and starvation save their farms, and asked to be given clear title to the wild lands their labor had turned into productive fields. Even the petition itself had cost them £16, a considerable sum. The general court appointed an investigating committee, which reported back that the settlers of Palmer were a God-fearing and law-abiding people. For above three years they had supported a minister of the gospel. They had, indeed, been hoaxed by the land company. They had already expended "the chief part of their Small Fortunes." To remove them now, said the committee, would make them paupers.

The general court considered the hard times of these settlers and voted they should be granted clear title to one hundred acres each, but only on condition that they pay to the court the sum of £500, plus £67 more "for expense of the Committee." To the settlers this seemed an enormous sum, as indeed it was, yet the court had spoken. There was nothing else to do but to try to meet the court's demands.

Meanwhile the land sharks who had saddled the Palmer settlers with bogus titles had been granted by the same court a wholly new tract without costs—except for such gratuities as the speculators gave secretly to the legislators. It seems not to have occurred, either to the court or to the duped settlers, that the speculators could be brought to justice. They went their way freely.

As for the unfortunate settlers, they were not permitted to organize the town of Palmer until 1776, when the revolution had begun to settle a lot of things. For forty-nine years the people of Palmer had lived under a worrisome cloud as voteless orphans. The bitterness engendered

by this and uncounted other land frauds, so many American historians have written, was evident in the geographical distribution of radicalism which became increasingly apparent as the revolution neared. These were the regions most anxious to fight.

A full century before the thirteen colonies declared their independence Nathaniel Bacon led a rebellion of small farmers against Governor Berkeley's regime in Virginia. They had tired of the more-than-sharp land jobbing of the big planters. A little later philanthropist James Oglethorpe, who meant that his colony of Georgia should be a true Utopia (slavery and rum and land jobbing were prohibited there), was suddenly shocked to discover that land jobbers had slickered both him and his settlers. The fifty-acre farms of the settlers had disappeared as if by magic and reappeared as pieces of the huge new plantations. The plantations were being manned by slaves, red, white, and black, who—as if to make complete hash of Utopia—managed to get all the rum they needed, and more.

The Carolina colonies were turbulent with troubles due in the main to activities of land jobbers engaged in putting together the large estates needed by the rising planters. In 1719 the largely dispossessed small farmers of South Carolina backed a rebellion led by Colonel James Moore, only to discover too late that they must still deal for land with the jobbers.

Again and again, and in all of the thirteen original colonies, it must have seemed to the actual settler of small means that every hand was turned against him to prevent his becoming a man of property, the owner of at least fifty acres, and thus a freeman who could vote. Meanwhile the big estates grew steadily bigger. The first Lee in Virginia had by 1663 accumulated 20,000 acres. One of his several children was able to bequeath 50,000 acres. The original estate of Lord Fairfax ran to 6,000,000 acres. To Lord Baltimore was given by Charles I the entire region that is now the state of Maryland, and with it went the power to coin money, appoint judges, pardon criminals, and grant titles of nobility. It was a pretty fine deal. The colony flourished under several Lords Baltimore, who for a time were Catholics, then turned Protestant, and just before the revolution the lord proprietors were receiving more than £4000 annually as quitrents from settlers.

The proprietors of the Dutch West India Company, who came to operate along the Hudson River, favored settlement under the patroon system. A patroon was a man who would guarantee a colony of fifty persons, and to him the company was glad to grant sixteen miles of waterfront along a navigable river, plus as far into the interior as he could settle. When the English took over in 1664, the existing feudal system was expanded, and in time it ran into the rebellion that was long

overdue. The first protest was organized and led by William Prendergast, described as "a Kilkenny Protestant," who raised an army of Levelers among the renters and marched them to such purpose that they scared the daylights out of New York City's burghers and out of patroons up the river. The military had to be called to put down Prendergast and his mob. Had it not been for his Quaker wife, who made a dramatic ride to secure a pardon for him, he would have been hanged. The renters were so discouraged by defeat that they did not organize another protest for close to a century. Sabotage continued, however, and the patroons never slept so soundly as before.

The best-governed and in many ways most successful of the colonies was that of William Penn, a remarkable man who accepted, in payment of a debt owed his father by Charles II, a good part of present Pennsylvania and Delaware. Penn was a publicist well ahead of his times. He wrote advertisements to obtain settlers which were printed in four languages, and must have been most appealing, for Pennsylvania grew faster than any other of the colonies. It had little or no trouble with the Indians, not only because Penn treated them well but because the Delawares were a weak tribe and little more than vassals of the powerful Iroquois, who at that period were friends of the English and would not permit a subject tribe to attack even the German (or Pennsylvania Dutch) settlers who were friends of Englishman Penn.

Though Pennsylvania was the most tolerant and perhaps the best governed of all the colonies—and for many years the land sharks were controlled by strict discipline—it even so came to have troubles over land which flared up in the Wyoming Valley and reached the shooting stage before it was settled.

The Wyoming Valley affair, and much of the violence that broke out elsewhere, both before and after the Revolutionary War, was due to the opportunities presented, to a few alert men, by conflicting grants to wild lands. Perhaps the most celebrated of these concerned the so-called New Hampshire Grants, which since 1791 have been called Vermont.

2.

THE GODS OF THE HILLS

THE long and bitter conflict that resulted in the Independent Republic of Vermont and much later the fourteenth state of the Union, was waged between two sets of land jobbers and involved two incom-