

The Land Question in American History*

MAN is a land animal. On the land was he born, from the land must he live, to the land must he return when the Reaper collects his toll.

In civilized communities, especially in Europe, the owner of extensive or valuable lands is accorded exceptional respect and is treated with unusual deference. In times of war he leads the armies against the enemy,¹ in times of peace he is selected to enact and administer the country's laws.² From the ranks of the landowner are chosen the nobility, the social set, the people of importance. "In the last analysis the only real aristocracy is the aristocracy of land."³

In the same communities, the landless people are the unimportant ones. Their voices are not listened to, their opinions are seldom given serious consideration.⁴ They are the poor, the ignorant, the depraved, the social outcasts. They fill the prisons and the penitentiaries,⁵ provide food for the cannon, replenish the ranks of the prostitutes,⁶ and daily walk the streets of the big cities, vainly seeking employment. As Cardinal Manning puts it:⁷

"The land question means hunger, thirst, nakedness, notice to quit, labor spent in vain, the toil of years seized upon, the breaking up of homes, the misery, sickness, death of parents, children, wives, the despair and wildness which spring up in the hearts of the poor, when legal force like a sharp harrow goes over the most sensitive and vital rights of mankind. All these are contained in the land question."⁷

Over the ownership and control of lands have been fought many of the world's wars. From the dawn of history to the present time the great prize of war has been the land. The exploits of Alexander, the conquests of Caesar, and the feats of Napoleon were but the successful use of military power in transferring the ownership or control of land from one set of people to another. The war in Europe today can be traced to a desire for expansion, for increased territory, on the part of several at least of the contending nations.⁸

Revolution and Civil War have followed unwise legislation on land ownership. The monopolization of land by a small group of the population to the exclusion of the rest has led to higher rents, to greater luxuries and to increased power for the few, and to reduced incomes, misery, and discontent to the many. As the landed grew more wealthy and powerful the murmurings of the landless became higher in pitch and greater in volume, till an armed clash between the two became the only logical result. The secession of the ten tribes of Israel from Judah, the subsequent revolutions in Israel,⁹ the revolt of the Gracchii brothers in Rome,¹⁰ the Protestant Reformation,¹¹ the French Revolution,¹² the Nihilist movement in Russia,¹³ and the up-

risings of the peons in Mexico,¹⁴ have alike been the result of an overwhelming desire for free or cheap land which at the time was not available. America today boasts of its progress, its freedom, its opportunity. "Democracy" is its slogan, and the happiness of the people its aim.¹⁵ Many consider it the most progressive nation on earth. The question suggests itself: What has been its land history? What has America done to solve the land question?

COLONIZATION: EARLY LAND SYSTEMS

To the Old World the greatest measure of land reform in the fifteenth and sixteenth centuries was the discovery of America. The new continent meant a new outlook for the people of all shades of opinion and all stations of life. To the kings and princes it was the opportunity of a lifetime to pay off old debts, to reward favorites, to banish enemies, to increase power. To the shipping and trading interests it meant more commerce, more industry, more profits. To the downtrodden and oppressed, to the refugees from religious and political persecutions, it was the ray of light, the star of hope, the birth of freedom.

The early settlers in America were of various nationalities, temperaments, and beliefs, ranging from the adventurous gold-seeking Spaniards to the peaceful trade-loving Dutch. Each people brought with them the land systems of their native countries, but each had to modify it to the new conditions. The French and Spanish were for a while successful in transplanting the feudal system from the old world, the former retaining it along the Montreal River as late as 1665 and the latter in Central and South America till the outbreak of the anti-Spanish revolutions in the early part of the nineteenth century.

The laws relative to land ownership in the English Colonies were not uniform. In Georgia the charter permitted any person to hold land up to five hundred acres. This, however, was only a maximum grant, being given only to those who transported to the colony at least ten persons. To prevent the formation of large estates and to build up a considerable soldier-farmer class the charter further provided that the land could be neither alienated nor subdivided, and could be inheritable only by the male heirs or their trustees.¹⁶

The Jamestown colony in Virginia, and the Plymouth colony in Massachusetts began their careers with a communistic system of land ownership; but it was soon found to be impracticable, leading to "confusion and discontent." In the former colony the system was given up for private ownership at the coming of Lord Delaware in 1610, only three years after its inauguration. Governor Bradford in 1623 established private ownership in Plymouth, assigning to each family a tract of land in proportion to its size. This system seemed to work well, for under it Virginia prospered and grew as did Massachusetts. Many years later Governor Bradford stated that "Any general wante or famine

*This article covers the history of the land question in America down to the period of the enactment of the Homestead Law in 1862. The second installment to appear in next issue under the title of The Prophet of San Francisco, will deal with the second period from 1862 to the present.

hath not been known amongst them since to this day."¹⁷ Virginia at the time of the Restoration still offered free land to the immigrants who sought her Valleys, doing much to make the newcomers at home.¹⁸ To attract settlers to Pennsylvania, William Penn fixed the rates on land as low as forty shillings for one hundred acres and a perpetual quit-rent of one shilling. This proposition met with prompt response and there was a flood of applications for the land.¹⁹

In the New Netherlands, the region now known as New York and New Jersey, the Dutch inaugurated the Patroon system, which was a somewhat modified form of feudalism. Under it any man who planted a colony of fifty settlers within four years could get as a reward a tract of land sixteen miles long and extending as far into the interior as the situation might require. He was made absolute lord of the estate. If a city grew up on his land, the provisions stated that the government was to rest in his hands and that he was to exercise all judicial powers, subject, of course, to the right of appeal.²⁰

Beneficial as the provisions in the various charters might at first have been, they soon led to more "confusion and discontent." Originally almost all the settlers were small land owners owning a farm and perhaps a town lot.²¹ This was to them a source of pride and consequence, and a condition of suffrage. There soon developed, however, a tendency toward the growth of great estates, especially in the South.²² Land and slaves became the dominant passion of the planter who could rarely be induced "to sell or even lease the smallest portion of his lands."²³ This discouraged immigration, blocked the development of a small farmer class, and made the South dependent on slave labor for its existence.²⁴

In the royal and proprietary colonies the collection of quit-rents and other problems relating to the land question constituted an almost constant source of friction. In the proprietary colonies there was an unceasing struggle between the governors and the colonists over the control of the land administration.²⁵

The dissatisfaction with the land laws was especially keen in New York under the Dutch Patroon system. The farmers cleared and improved the land, thus increasing its value, and having their rents raised in consequence. Rents becoming more and more heavy, and all attempts for legal relief having failed, the farmers declared a "rent strike" in 1839, and refused to pay rent. The writs of ejection issued against them were of little avail, the sheriffs met with stubborn resistance, anti-rent associations were formed, an anti-rent newspaper was established, and numerous anti-rent conventions were held. The strike lasted until 1845 when a plan was evolved by which tenants could buy land from the owners. In twenty years not less than 12% of the farms in the territory were held on lease, a proportion not exceeding that in other States. This marked the end of Feudalism in the United States.²⁶

YOUNG AMERICA—SPECULATION vs. SETTLEMENT

The Declaration of Independence in 1776 and the successful conduct of the Revolutionary War placed at the disposal

of the new government most of the lands which formerly belonged to the King of England and some of his favorites. To gain recruits for Gen. Washington's army, the Continental Congress offered bounties in land to all who would volunteer to fight against England.²⁷ After the war Congress came into possession of the Northwest Territory and other lands west of the Alleghenies—lands towards which were cast the longing eyes of prospective settlers and of greedy speculators. In 1783, Gen. Putnam sponsored a petition to Congress asking that each soldier be given thirty acres of land for every dollar due him. Commenting on this proposal as "a most rational and practicable scheme," Geo. Washington added:

"To suffer a wide extended country to be overrun with land jobbers, speculators, and monopolizers, . . . is, in my opinion, inconsistent with that wisdom and policy which our true interest dictates."²⁸

The provision was made to pay soldiers in grants of land, but no attempt has been recorded to prevent the speculation which Washington considered unwise and detrimental. The land warrants of the soldiers rapidly drifted into the hands of speculators who presented them at the land offices in great batches, employing expert judges to locate the best tracts for the owners. Frequently these lands were sold to European peasants and shopkeepers at prices so high as to change the character of the transaction from that of a sale to a swindle.²⁹

To encourage education Congress has given to every State admitted to the Union since 1800 (except Maine, Texas, and West Virginia), at least seventy-two square miles of the public lands to be devoted to school purposes.³⁰ Some of these sections later became very valuable, the rents from the one square mile given to Chicago being sufficient to cover the cost of the entire school system in that city. Unfortunately, the land is now in private hands, and the people of Chicago are deprived of the rents.³¹ Some of the States also granted land for educational purposes, Georgia providing in 1783 for one thousand acres in each county to be used in the establishment of public schools, and New York in 1786 reserving one square mile in each new township (36 square miles), of unappropriated lands "for the gospel and schools," and another square mile for promoting literature.³² One of the great sources of revenue in the early history of the nation was the sale of public lands. At first the land was sold in an office at Philadelphia, making it very beneficial to speculators but, at the same time, greatly hampering the farmers of the West. In 1796 Albert Gallatin secured the passage of a new law for the Northwestern Territory which authorized the sale of lands in sections of not less than 640 acres. Offices were opened in Pittsburg and Cincinnati, and the price set at \$2 per acre and up. In 1800, four more district land offices were created and the purchasers were allowed to buy land on credit, one-fourth of the purchase money to be paid in advance and the rest in installments covering a period of four years.³³

The minimum of 640 acres was soon reduced to 160, and in 1820 the settlers were permitted to buy from the government as small a tract as 80 acres, at the minimum price of

\$1.25 per acre, without credit. The latter provision was inserted because the credit system was found to be too favorable to speculators. The price of labor and the low cost of provisions made it possible under this law for even a poor day laborer from the East to accumulate the necessary money with which to make his land purchase.³⁴

The agitation for land reform, however, did not cease with the passage of this law, for there still remained much ground for complaint. Even under the cheaper prices of 1820 a large number of people found difficulty in securing a farm; great quantities of land remained unsold after being offered, due, probably, to the price being too high; the revenues of the western States suffered on account of the unsold public lands, all of which were exempt from taxation. In 1830 Senator Benton, from Missouri, introduced a bill to graduate the price of public lands according to real value and to donate to actual settlers the lands remaining unsold after being offered at fifty cents per acre.³⁵ The bill passed the Senate by the close vote of 24 to 22, but, due to the vigorous opposition of various interests, was tabled in the House.³⁶ What the effects of this bill would have been, had it passed, is difficult to say, but it seems as though it would have been an improvement on the older systems.

While the agitation for reform was going on and Congress was being flooded with petitions for changes in the land laws, various interests were busying themselves with defrauding the government of its lands in many different ways. The most notable attempt at semi-legal thievery was that of the Yazoo Companies. In 1795 the Legislature of Georgia granted 30,000,000 acres of land on the Mississippi River to the Yazoo Land Company for \$500,000, or about one and a half cents per acre. After the bill was passed it was discovered that every man but one who voted "yes" was concerned in the speculation. Great indignation was aroused at the discovery. James Jackson resigned from Congress to fight the fraud perpetrators and succeeded in having the franchise revoked, but the U. S. Supreme Court declared such action unconstitutional. The dispute which arose between Georgia and the Supreme Court was compromised in 1802 by the national government paying money to the members of the fraudulent companies.³⁷

Similar frauds were perpetrated with greater success in other parts of the country. These and the establishment of the United States Bank were of great assistance to the land jobbers. An era of speculation set in, people investing all their spare money in land. Values were inflated far above the normal, and money was loaned for speculation indiscriminately. Banks, increasing in the West from 329 in 1829 to 788 in 1837, lent money on easy terms, thus still further increasing the fever of speculation. In 1834, \$3,000,000 worth of land was sold by the United States government. By 1835 these sales had increased to \$14,000,000, and in 1836 to \$24,000,000. A crisis was inevitable. It came when Andrew Jackson pricked the bubble of speculation by demanding gold and silver in payment for public lands instead of the paper money of "wild-cat" banks. The "boom" of the West collapsed. Land sales dropped to less than \$900,000 in 1837. Over 600

banks went down in failure. Foreign trade languished. Building operations ceased. Long lines of rail were left to rust in the western forests. Thousands of laborers were thrown out of employment. The starving populace of New York and Philadelphia rioted. Mobs broke into the warehouses where flour was stored and threw the barrels into the street. Prior to the panic the policy of the government and the people seems to have been "After us the deluge." The deluge came. The country was swamped. It was more than five years before the country recovered from the ill effects of the speculative debauch.³⁸

The early policy of the United States to get rid of its lands for financial profit had by this time undergone a great change, and the statesmen of the country turned to the encouragement of settlers as the more advantageous policy. In 1840 Senator Benton introduced the Log Cabin Bill providing that every single man of eighteen years or over, and every widow who should permanently settle on any of the public lands and should inhabit or improve the same and raise a log cabin thereon should be entitled to a preemption of one quarter section to be paid for at the minimum price. Though the bill failed of passage in the House that year, it was adopted in modified form in 1841 as the Preemption Act, opening the land, in theory at least, to none but actual settlers at a minimum rate of \$1.25 per acre.³⁹

This measure was, however, quite inadequate for the needs of the people. Settlers still found it difficult to get the necessary lands, and the speculators' activities had not ceased. A new demand arose from the people; a new cry swept over the land. Not cheap land but free land was the great desire. The Free Soil Party, which at this time was being organized for the purpose of preventing the extension of slavery, incorporated the idea into its platform, made it one of its leading campaign issues, and adopted as its slogan, "Free soil, free speech, free labor, free men!"⁴⁰

The bill first aiming at the granting of free lands to prospective bona fide settlers was introduced in the House of Representatives in 1852 by Andrew Johnson, then an obscure member from Tennessee. The project was met with both support and opposition and soon became a prominent question in National politics. The Republican Party followed in the footsteps of the Free Soilers and made it an important issue in the campaigns of 1856 and 1860. The opportunity to redeem its pledges soon occurred, and in 1862, Congress passed and President Lincoln signed what has now become known as the Homestead Law. Under it, any head of a family could secure without charge a section of 160 acres of the public domain, conditioned only upon five years of actual settlement and cultivation.⁴¹ The effects of this bill were markedly beneficial. Over a million people took advantage of the new law and left the overcrowded cities for farms which Uncle Sam was giving away free. People across the seas heard of the law and thought that America had again become the land of opportunity. During the decade of 1860-70 over one and a half million immigrants came to our shores. Industry prospered, and the country developed. America was again the home of the free, and

the populace repeated with greater emphasis the song of the Hutchinson family:

"Uncle Sam is rich enough
To give us all a farm."

HYMAN LEVINE.

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Charles Bowdoin Fillebrown

CHARLES BOWDOIN FILLEBROWN, who died at his home in Brookline, Massachusetts, on the second day of December, 1917, at the age of seventy-five, bequeathed a distinctive and fragrant memory not only to the disciples of Henry George, but to a wider and more inclusive circle.

It was my good fortune to know him, and to observe his unusual propagandist methods, during my student days of the nineties' It was customary for me to accompany my father to the dinners and public meetings of the Massachusetts Single Tax League of which Mr. Fillebrown was then the guiding spirit. To these meetings he induced to come not only what Dr. Butler of Columbia is pleased to call the "academic Bolsheviks," but more particularly the orthodox and conservative professors of economics, the great body of tax officials and assessors and many substantial merchants and bankers. Most of these guests regarded the Georgian philosophy with apathetic indifference or with feelings fluctuating between mere tolerance and cold aversion. On these occasions Mr. Fillebrown, looking the able and successful merchant that he was, seemed a veritable well-spring of sincere cordiality and considerate thoughtfulness. Of good stature, distinguished in appearance, with particularly fine and kindly eyes, he was the ideal host, never permitting an uncharitable word to escape his lips either in private conversation or public discourse. Avoiding every controversial attitude, he courteously laid before his guests a palatable opportunity to enjoy or partake of an open and frank discussion of the great land question together with the co-related subject, taxation. He was insistent merely upon one point, namely, that all discourse and debate should be amicable, gracious and without undue heat. By such methods he undoubtedly succeeded in spreading the gospel of the Single Tax in quarters hitherto inhospitable if not actively hostile.

Years of intelligent effort he devoted to organizing and financing—largely from his own purse—such public activities in behalf of tax reform, and succeeded not only in keeping alive the local league, but in giving it a new and definite tone and direction.

His most striking outward characteristic was his perfect urbanity. Unselfish he was, and courageous, patient and intelligently industrious. But withal he embellished every action and every purpose with a gracious courtesy and kindly solicitude. Coming from a man of profound earnestness and intense persistency this trait was the measure of his mastered and balanced self-control.

After resigning the presidency of the Massachusetts Single Tax League he devoted his leisure and means to a unique work of publicity in behalf of the Single Tax ideal. His "Single Tax Catechism," running through ten editions, is a primer of precise and accurate definitions of the terms relating to the subject of taxation. This little booklet was assiduously distributed among students, educators, officials and groups of thinking people, and has proved to be a distinctly helpful and valuable piece of literary pro-