

## Chapter 16

### Political Repercussions of Public Land Policy

It has frequently been stated that the history of the nation can be written in terms of the public domain. To be covered adequately in all its aspects, therefore, would mean a full recounting of the nation's history. This we do not propose to do. All that is intended herein is a brief outline of political developments that are hedged around a period extending over a century and a half, in which the treatment, disposal, and utilization of the public domain were debated in legislative halls, in public assemblies, in political parties, and in philosophic discussions.

When the nation was formed under the Articles of Confederation, the public domain was considered as a national resource in territorial expansion, in natural wealth, and as a means of providing revenue for the national treasury. The Congress passed the Ordinances of 1784, 1785, and 1787. It created the Northwest Territory. It prohibited slavery and guaranteed religious liberty in it and provided that the disposal of the soil should be left to the federal government without interference or hindrance by local, state, or territory authorities. The question soon arose, however, "What is to be done with the land?" "Give it to the soldiers," was a widespread demand of the time. "Use it to pay off the national debt," said others. "Guard it and keep it for future use," counseled others. And there were those who held that anyone who desired should have an unobstructed right to settle on it.<sup>1</sup>

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<sup>1</sup>Speaking of this subject, Amelia Clewley Ford, in her study, *Colonial Precedents to Our National Land System as It Existed in 1800*, writes:

"From the first the nation regarded its new public domain primarily as the source of funds which were so urgently needed. In this respect it was in an identical position with some of the former colonies, particularly Pennsylvania, and

Thomas Jefferson, in 1782, estimated that five million acres could readily be sold at a dollar an acre in government "debt certificates" and the whole national debt soon could be paid with the proceeds of progressive sales. Alexander Hamilton, more astute in business affairs, however, had a better idea of land values. He opposed the issue of currency based on land as security, and held firmly to the belief that wild unoccupied distant lands in immense tracts could afford little relief from the national debt burden. He was satisfied to pledge the lands as security for national obligations, but advised strongly the withholding of their wholesale disposal until conditions created sound values and a genuine demand for them. Indeed, Hamilton was one of the few outstanding statesmen of the early national period who was not lured into the maelstrom of wild-land speculation. As Secretary of the Treasury, his work in re-establishing the national credit relieved the infant Republic from the necessity of sacrificing its domain to the land-jobbers, and his plan for an orderly distribution of land to settlers and others was adopted by Congress.

### The Early Conflict of Opinions

It is not the intention here to discuss the numerous debates in Congress and elsewhere relating to the public domain. This has been done in a number of monographs and doctoral theses and has been well covered by prominent American historians. But outside of legislative halls,

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with many of the new states; consequently it felt the same intolerant attitude toward the squatter whose presence was inconsistent with profits or legal procedure. It was natural that Congress should be uninfluenced by the indulgent legislation of Virginia and North Carolina, which states had always favored settlement rather than revenue, but it is to be wished that it might have profited by Pennsylvania's long experience, and established at once some method of adjustment or compromise, and thus escaped the long struggle and the mass of legislation that ensued before the final surrender to the squatter's persistency. But instead, the policy of summary removal by force, such as Pennsylvania had used in 1750 against the settlers on Indian lands only, was adopted by the new national landlord against all squatters indiscriminately. . . . Colonel Harmar, the federal military officer north of the Ohio, had, among other duties, that of preventing illegal encroachments on the public lands. The commissioners for Indian affairs had instructed him, January 24th, 1785, to 'employ such force as he may judge necessary in driving off persons attempting to settle on the lands of the United States.' The necessity of such action was soon abundantly proved." Pp. 140-41.

in newspapers, in periodicals, in political and workingmen's conventions, forceful opinions and proposals were expressed in opposition as well as in defense of the public land policy. Because of the almost constant prevalence of land speculation and the engrossment of large areas, there was bitter denunciation of land-jobbers in all sections of the country, and proposals were put forth from time to time to limit land-ownership held by single interests. These outcries, it is true, came largely from radical reformers, but similar views were also expressed, as we have already shown, by such revered statesmen as Thomas Jefferson and John Adams, as well as by philosophic writers such as Thomas Paine, Edwin Burgess, Gerrit Smith, Horace Greeley and George Henry Evans. The urge for land reforms, of course, was not isolated from the outcry for other social reforms, such as betterment of the workers' condition and improvement of health, sanitary and housing conditions.

Notable among the early agitators for land reform in America was George Henry Evans. On October 31, 1829, Evans began publication in New York City of the *Working Man's Advocate*, a publication that for a period gained wide popularity and became the official organ in New York of an independent political party called the Workingmen's Party. Evans was active in seeking a liberalization of the public land laws and in the advocacy of free public lands. In this he was antedated by another publication, the *Mechanics Free Press* of Philadelphia, which in 1821 advocated that the public land be reserved as a donation to citizens of the United States.

A more radical proposal was made by Thomas Skidmore, a printer active in the Workingmen's Party, who in 1829, in a pamphlet entitled *Rights of Man to Property*, declared that the real basis for social injustice was the unequal distribution of landed property. He advocated abolishing inheritance of land and a distribution among the people of an annual social dividend from the land.<sup>2</sup>

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<sup>2</sup>H. S. Zahler, *op. cit.*, p. 21. A work published by Stephen Simpson in Philadelphia in 1831, entitled *The Workingman's Manual, A New Theory of Political Economy*, attacks the national land system and the upholding of the royal grants which led to the monopoly of land, and regret is expressed that royal titles to land were not abolished forever when the federal Constitution was adopted.

It should be noted that these proposals had already been made in the late eighteenth century by more prominent philosophers. Thomas Paine, in his *Agrarian Justice*, and Thomas Spence, in *Real Rights of Man*, had put forth similar ideas. But the significance of these later proposals is that in the United States at the time they were made there existed a vast domain of unoccupied land, and the proposals could be readily put into practice. There was no question of compensation of vested interests! There was no need for a political or economic revolution! Evans and his associates, as well as his followers, in applying their theories to the public domain, were merely voicing their opposition to land monopolization and to land speculation. They had as chief supporters of their doctrines the active labor organizations of the time—organizations which, despite legal and political opposition, were fast gaining in social importance.<sup>3</sup>

Among the more concrete proposals relating to the distribution of the public domain made by Evans and his associates were that the maximum quantity of land any individual might own should be limited by law; the unrestricted right to dispose of land by sale or bequest should be ended; and the power of creditor to seize a homestead by writ of execution should be abolished. Only by these means, these reformers contended, could monopoly in land be averted. They strongly advocated that public land should be given free to a landless person who actually settled on it, but prohibited the sale or rental of it by such a settler. Thus there was a prologue to the Pre-emption and the Homestead Acts, neither of which, however, went as far as limiting the settler's right to dispose of the land he received after it was patented.<sup>4</sup>

#### Followers of Evans

Two prominent followers of Evans' line of thought on the land ques-

<sup>3</sup>According to Helene Sara Zahler, the theory of Evans was as follows: "Title to land comes from use, not purchase! The public land belongs to the people, not the government." He held that free public land, by absorbing surplus labor, will prevent wage cuts and unemployment. "The public land, therefore, should not be sold, because acquisition by private owners would end its usefulness by siphoning workers from the city." *Op. cit.*, pp. 29-30.

<sup>4</sup>George Henry Evans died in February 1856, just about six years before the passage of the Homestead Act.

tion were Gerrit Smith and Horace Greeley. Gerrit Smith, son of a wealthy landowner who had been a partner of John Jacob Astor, was elected to Congress from Peterboro, New York, on an anti-slavery and land-reform program in 1852. A plank of this platform stated that "the right to the soil is as natural and equal as the right to light and air." On February 21, 1854, at the time the Homestead Bill was under discussion, Smith introduced in the House of Representatives the following set of resolutions:

Whereas, the members of the human family, notwithstanding all contrary enactments and arrangements, have, at all times, and in all circumstances, as equal a right to the soil as to the light and air, because as equal need of the one as of the other.

And whereas this invariably equal right to the soil leaves no room to buy or sell or give it away; Therefore

1. Resolved, That no bill or proposition should find any favor with Congress which implies the right of Congress to dispose of the public lands, or any part of them, either by sale or gift.

2. Resolved, That the duty of the civil government in regard to public lands, and indeed to all lands is but to regulate the occupation of them; and that this regulation should ever proceed on the principle that the right of all persons to the soil—to the great source of human subsistence—is as equal, as inherent, and as sacred, as the right to life itself.

3. Resolved, That government will have done but little toward securing the equal right to land, until it shall have made essential to the validity of every claim to land both the fact that it is actually possessed, and the fact that it does not actually exceed in quantity the maximum, which it is the duty of government to prescribe.

4. Resolved, That it is not because land monopoly is the most efficient cause of inordinate and tyrannical riches on the one hand, and . . . abject poverty on the other; and that it is not because it is, therefore, the most efficient cause of that inequality of condition, so well-nigh fatal to the spread of Democracy and Christianity, that government is called upon to abolish it; but because the Right, which this mighty agent of evil violates and tramples under foot, is among those clear, certain, essential, nat-

ural rights which it is the province of government to protect, at all hazards, and irrespective of all consequences.<sup>5</sup>

Gerrit Smith, who was a free trader as well as an anti-slavery advocate, followed out his principles in his career.<sup>6</sup> During his life he offered thousands of acres in northern New York lands, which he had inherited from his father, to landless persons. He spent much of his wealth in publishing and distributing radical essays and, despite the failure of his schemes to settle jobless workmen on his land, he continued his interest in land reform until his death in 1874.

Horace Greeley, a prominent molder of public opinion, through his newspaper, the New York *Tribune*, and through his prolific writings, was a strong advocate of reform of the national land system. He became a convert to the national reform platform of Evans, though remaining a leader of the national Whig Party. He favored the anti-rent movement in New York. As late as 1851 he advocated that the New York manors be broken up regardless of the validity of the holders' original title and proposed that any single ownership of arable land above 320 acres should be taxed in order to force their sale until "the genuine and thorough Free Soil principles of enabling every man to act under his own vine and fig tree (we prefer the apple) shall be approached."<sup>7</sup> Holding the distress of the factory workers as a social evil, he invented the slogan, "Go West, young man, go West." He agitated for the passage of the Homestead Bill by Congress and voiced satisfaction with its passage, expressing the view in the New York *Tribune* on May 20, 1862, that "the long struggle for land and the landless was at last consummated."

After the passage of the Homestead Act in 1862, agitation for further reforms of the national land system continued. The large grants of land to railroads, the continued engrossment of areas by land specu-

<sup>5</sup>*Congressional Globe*, 33rd Cong.; 1st Sess., 1853-54, Appendix, p. 207.

<sup>6</sup>For a short account of Gerrit Smith's life and work, see the pamphlet, *Gerrit Smith on Land Monopoly*, by William Lloyd Garrison, the Younger. Also see Octavius B. Frothingham, *Gerrit Smith, A Biography*, and Ralph Volney Harlow, *Gerrit Smith*.

<sup>7</sup>Zahler, *op. cit.*, p. 51n.

lators, the lax administration of the land laws, and the political corruption of the time, combined with alternating periods of economic distress in the industrial areas, furnished the incentives for further action to assure a more equitable distribution of the public domain. As in the earlier period, the agitation was tied up with the growing labor movement and the outcries against concentration of capital, particularly in land and urban real estate.

Among the leading advocates of further land reforms in the post-Homestead Law period were William Godwin Moody, whose book, *Land and Labor*, had a considerable circulation, and W. A. Phillips, a western congressman, who in 1886 published a book in London entitled *Labor, Land and Law*. Phillips was a member of the Committee on Public Lands of the House of Representatives in the 43rd Congress, and in his book severely attacked the national land policy, particularly the administration of the Homestead Act. He stressed the fact that there had been no adequate effort to keep the public land out of control of non-resident holders or to prevent the development of a landlord-tenant system. He was, in a way, though not outspokenly, a supporter of Henry George's theories.

Among the most active promoters of the Homestead Act, in and out of Congress, was George Washington Julian of Indiana. One of the organizers of the Republican Party, he was elected to Congress in 1860 and for eight years served as chairman of the Committee on Public Lands in the House of Representatives, in which capacity he was largely instrumental in guiding the working out of the land laws. He was an active writer with advanced radical views and in 1898 proposed a constitutional amendment that would permit woman suffrage. In 1885 he was appointed surveyor general of New Mexico and was both instrumental in exposing the land frauds in that region and in calling attention to land engrossment. Julian was an advocate of free use of land on the broad ground of natural rights, and he favored grants of land as a relief to landless laborers in the older states. In one of his addresses he stated: "It is for us . . . to check monopoly of the soil, and the exactions of capital in the old States, by withdrawing the land-

less laborers of the country from their crushing power, and at the same time giving them houses and independence on the public lands."<sup>8</sup>

In 1866, Julian succeeded in preventing the grant of military bounty warrants to war veterans, which, being negotiable, would have practically nullified the Homestead Act. Later, in 1868 and 1871, he tried to get Congress to make all agricultural lands in the public domain available only to homesteaders. Both in and out of Congress he vigorously attacked land monopolization and land speculation.

### The "Safety-Valve" Theory

Throughout the nineteenth century, advocates of land reform stressed the importance of having public land available to the landless as a "safety valve" against political and economic discontent. The so-called "westward movement" has been regarded by several American historians, notably by F. J. Turner,<sup>9</sup> as a factor in discouraging radicalism and revolt in the political and economic arena, and therefore the public domain has had an important bearing on American institutions.

It is frequently stated that the discontented factory worker, the unsuccessful trader, the unemployed mechanic could, at any time if he wished, "go West" and become an independent farmer and landowner. The opposition to liberalizing the public land laws by New England and other industrial sections of the East is pointed out as recognition that when cheap land is not available wages can be kept down and the number of job applicants can be increased. Not all writers, however, agree with this assumption, and Henry George, in particular, took little note of it as a means of settling the land question. Opponents of the theory point out that in the actual process of land settlement the migrants are almost never identified as wage earners, though there are frequent references to the presence of farmers moving West from the East and of immigrants from across the seas settling on western lands. "If there was a substantial movement of wage-earners," according to

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<sup>8</sup>Quoted in Zahler, *op. cit.*, p. 143n.

<sup>9</sup>See F. J. Turner, *The Rise of the New West, 1819-1829*; also his *The Frontier in American History*.



Professor C. Goodrich and S. Davison, "the story remains to be told, and if there was not, the theory stands in need of correction."<sup>10</sup>

Studies by Professor Arthur H. Cole of Harvard University and a special report prepared by the General Land Office show that cash sales of the public domain were greatest in boom times, declined precipitately with the coming of a business depression, and continued the downward trend for some time thereafter. Professor Cole attributes as the greatest influences in the fluctuation in land sales the impact of immigration, the provision of "internal improvements," such as roads, canals, and railroads, and the cyclical influence of business booms and speculation.<sup>11</sup>

It is clearly shown in a chart which has been prepared by Professor Cole that commodity prices and the receipts from land sales fluctuate in parallel lines and, in addition, as Dr. Cole contends, show a close, almost parallel relation to the immigration volume prior to the homestead period. Accordingly, Professor Cole concludes that it is "evident that the several public-land states were all more or less affected in the more prominent speculative episodes, but at the successive periods the areas most powerfully affected were the newer states."<sup>11a</sup>

There is thus considerable evidence that the public land policies, even under the more liberal Pre-emption and Homestead Acts, were not the means of affording a "safety valve" against the oppression of the worker or the relief from economic discontent, nor the abatement of business depressions. More likely, as Henry George has pointed out, economic depressions were the effect of speculative land booms, with their consequent inducement to depressions and the fluctuations in unemployment. Certainly the Panic of 1837 was generated largely by excessive land speculation, as was also the one that followed in the year 1857. Land speculation is an attempt to gain the benefits of the rising value of land and its accompanying unearned increment. The rush to garner

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<sup>10</sup>See "The Wage-Earner and the Westward Movement" in the *Political Science Quarterly*, June 1935, p. 161.

<sup>11</sup>"Cyclical and Sectional Variations in the Sale of Public Lands," in the *Review of Economic Statistics*, January 1927, Vol. IX, p. 43.

<sup>11a</sup>*Ibid.*, p. 53.

this gain causes the movement to overreach itself. Thus it is usually followed by a temporary collapse. As stated by Henry George:

Given a progressive community, in which population is increasing and one improvement succeeds another, and land must constantly increase in value. This steady increase naturally leads to speculation in which future increase is anticipated, and land values are carried beyond the point at which, under the existing conditions of production, their accustomed returns would be left to labor and capital. Production, therefore, begins to stop. Not that there is necessarily, or even probably, an absolute diminution in production; but that there is what in a progressive community would be equivalent to an absolute diminution of production in a stationary community—a failure in production to increase proportionately, owing to the failure of new increments of labor and capital to find employment at the accustomed rates.<sup>12</sup>

<sup>12</sup>*Progress and Poverty*, Fiftieth Anniversary Ed., the Robert Schalkenbach Foundation, New York, 1953, p. 264.