# The Acquisition and Disposition of the Public Domain

by

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# INTRODUCTION TO THESIS

The ownership of land dates back to and beyond medieval times when the Lords and Nobles owned vast areas of land. Some of their farms were tilled by serfs, and large portions were reserved for hunting grounds. Since the landing of the Pilgrims on our eastern shores, the history of land tenure has been not unlike that of foreign countries. These hardy Pilgrims cleared the land and raised their food, and killed game on the lands that belonged to the Crown of England.

In due course of time when restrictions and regulations became too severe, the Colonists overthrew the English rule. Thus the nucleus of our public domain was the result of a Revolution just as many countries had overthrown the Feudal system in Europe.

At the close of the Revolutionary War the Colonies became the possessor of the land which was destined to be one of the greatest and wealthiest nations on earth. The first question that faced the embryo nation was that of disposing of the public domain. The methods which it chose has proved to be unsatisfactory and destructive and devastating in many cases, though at the time at which the policies were formed they seemed sound and just. We have witnessed the public domain dwindle to a mere shadow of its original extent by the multitude of Acts and Laws that the anxious government hastily passed in order to get more land in the hands of individuals. As time turns slowly onward

we see the trend of ownership gradually swinging back to the Government, State or Counties, and again the enactment of many laws to enable us to get back what we gave away.

So I will attempt to paint a word picture of the history of land policy showing the more important steps in the acquisition and disposition of our public domain.

## ACQUISITION OF THE PUBLIC DOMAIN

Perhaps it would be well at this time to define public domain. The public domain included all lands that were at any time owned by the United States and subject to sale or other transfer of ownership under the laws of the Federal Government, as compared to the National domain which consists of the total area, of both land and water, under the jurisdiction of the United States.

There are certain lands that have never been a part of the public domain consisting of that property, privately owned, which the government did not acquire rights to when the first land was ceded to the government by the various states.

The first land to come into the public domain was by the cessions of the states at the close of the Revolutionary War. At this time the new nation found itself in possession of the territory lying east of the Mississippi river, south of the Great Lakes, and north of the thirty-first parallel. This area which comprises the present states of Ohio, Illinois, Indiana, Michigan, Wisconson, and portions

of Minnesota, Alabama, and Mississippi became the nucleus of the public domain. To this vast area there was much controversy and dispute as to the jurisdiction or ownership. The extreme difficulty in adjusting these claims was an important factor in the bringing about of the final cessions of the land to the central government by the seven states who claimed part jusrisdiction over it. The states making claim to it were Massachusetts, Connecticut, New York, Virginia, North Carolina, South Carolina and Georgia on a basis of their colonial charters which were very vague as to the boundaries as could be expected from a charter or deed at that period in our land history.

Fearing the strength of the rival states, should they be allowed to retain their claims, the six states which did not have western claims demanded that the western lands be considered as common property and be divided into states when settled and admitted to the Union. The state of Maryland even refused to sign the Articles of Confederation until the claims to the Western land was abandoned. The first act of cession came on March 1, 1781 when the state of New York gave up her claim to the Western land. On the very same day Maryland signed the Articles of Confederation on the promises that the other states would relinquish their claims to the government.

However, the cessions made by the states were not without reservations. Four of the seven states made large reservations for various purposes; some for men who had

military service, to satisfy claims or for the extinguishment of Indian claims. The most outstanding of the reservations were made by Virginia, from which the state of Kentucky was later created and by North Carolina who reserved enough to create the state of Tennessee. Thus Kentucky and Tennessee are not one of the "public land states" as was referred to at the opening of this article. The total area added to the public domain by the cession of the seven states is 346,848.41 square miles or 221,987,787 acres.

The first step by the United States in the way of expansion was the Louisiana purchase. The Louisiana territory was first held by France because of its discovery by LaSalle in 1660. However by a Royal order from the King of France it was ceded to Spain. Not realizing the value of this territory, Spain transferred it back to France in 1800.

President Jefferson considered that the future of the country depended upon our getting rid of aggressive and province trading nations and gain control of the territory from sea to sea and from the Gulf of Mexico to the Great Lakes. His immediate thought was to get assurance of the United States right-of-way through the Mississippi river and New Orleans through which the produce of 3/8 of our territory must pass to market. And this was the primary motive for his sending James Monroe to France in 1803.

Napoleon, then ruler of France, refused to sell the Island of New Orleans and with it the control of the Mississippi river, but he was willing to sell the entire

territory. There seems to have been two reasons for this decision. First, he was greatly in need of money to carry on his extensive wars. Secondly, he was afraid he could not protect his overseas property. Thus he thought it wise to sell it to a friendly nation rather than risk its capture by his enemies.

So Monroe and Livingston acting for the Government made the purchase on April 30, 1803, for the total sum of $27,267,000 for an area of 529,911,680 acres.

This treaty was important, not only because it gave the United States possession of Florida, but also because it definitely fixed the Southwestern boundary between the United States and the Spanish possessions in Mexico.

After the Louisiana purchase, Texas became closely allied with the United States, largely because many American people had moved to that territory. The United States made attempts to purchase Texas in 1827 and 1829, but both were unsuccessful. The sums offered were $1,000,000 and $5,000,000.

After freeing herself from Mexico, Texas applied for annexation to the United States, but failed. Again in 1844 the question of the annexation of Texas was brought up, but was rejected in the Senate, only to be admitted to the Union the following year.

The Republic of Texas comprised an area of 389,166 square miles, but only the land lying outside of the present state became a part of the public domain. This area outside

was purchased from the State of Texas in 1850 and includes 123,270 square miles. The lands within the present borders of Texas were left to disposition under her laws.

The total cost of the purchase from the State of Texas was $16,000,000.

Having now fixed the southern boundary, the one place open for dispute was in the northwest regarding the Oregon Territory. In negotiations with Great Britain in 1846, the United States based their claim to the Oregon Territory on three main contentions. The first of these was discovery and prior occupation. In 1791 Captain Gray, of Boston, discovered the mouth of the Columbia River and named it after the ship he was sailing. In 1805 the Lewis and Clark expedition descended the Columbia River and spent the winter near its mouth. Furthermore those who had settled in the "Oregon Country" prior to 1846 were American citizens. The second ground for the claim to this territory was that Spain had ceded her claim to the Pacific Northwest to the United States by the treaty of 1819. The third contention was that the area in question was part of the Louisiana purchase. Settlement was made with England in 1846.

The acquisition of the Oregon Territory added 286,541 square miles to the national domain and the greater share of which also became a part of the public domain.

The territory embraced in the present state of California was in part claimed by Russia by reason of her having taken up a fishing and fur-trading colony there in 1802.

The Russian settlers soon took to agriculture and the colony gave the appearance of being permanent. These colonists in 1842 constituted one-sixth of the white population of California, but when the United States gained possession the colony was withdrawn, thus ending Russian claims in California.

In 1835 President Jackson proposed to purchase from Mexico the territory then in her possession north of the 37th parallel, which would have included San Francisco Bay. Also at the time of the annexation of Texas, an offer was made of $5,000,000 to Mexico for New Mexico and a slight adjustment of the boundary line on the Rio Grande. At the same time $25,000,000 was offered for the province of California. Again a third offer was made for San Francisco Bay and the territory north of it for $20,000,000. All these negotiations failed and on May 13, 1846 Congress declared war on Mexico.

The war came to a close on Feb. 2, 1848 with the treaty of Guadalupe Hidalgo. By this treaty the present southwestern boundary of the United States was established with the exception of the Gadsden purchase. This area added 529,189 square miles to the public domain. In the treaty it was provided that a sum of $15,000,000 be paid Mexico for this territory.

The boundary between the United States and Mexico as it existed at the close of the Mexican War and the treaty of Guadalupe Hidalgo was very irregular. So with the idea

of making a more regular boundary line between the two nations, James Gadsden an American minister negotiated a treaty with Mexico for the territory now constituting the southern part of New Mexico and Arizona.

The purchase was made for the sum of $10,000,000 including an area of 29,970 square miles and established the boundary as it exists today.

Alaska was first offered for sale to the United States in 1854 by Russia, who claimed title to it by reason of discovery.

At the time it was offered for sale, the Crimean war was raging and Russia was undoubtedly in great need of money, as Napoleon had been in 1803. President Pierce however declined the offer. President Buchanan reopened negotiations during his administration and a price of $5,000,000 was offered, but Russia wanted more money so she declined the offer.

When government officials learned that the Hudson Bay Company's lease of the franchise of the Russo-American Fur Company was to expire in 1867, they became fearful lest this franchise be renewed and a petition by the legislature of the territory of Washington be made for the acquisition of Alaska. The government became anxious to close the deal, and negotiations were continued. On June 20, 1867 terms were agreed upon and the United States paid Russia $7,000,000 for Alaska, an area of 590,884 square miles.

It is not surprising that with the number of purchases

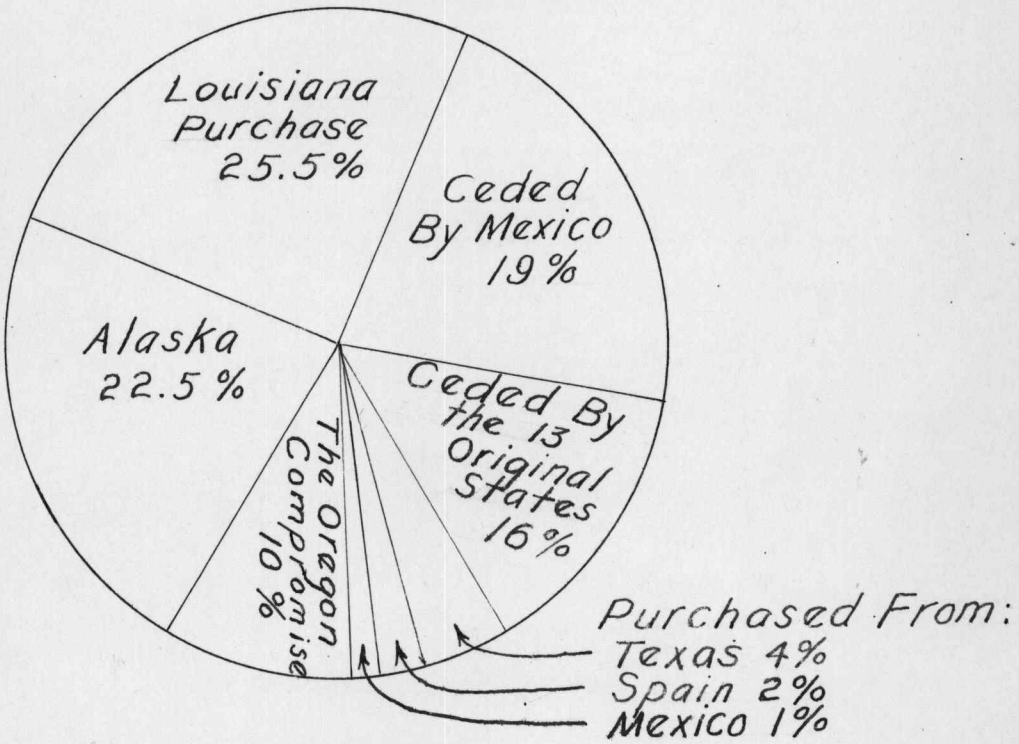
and acquisitions made by the United States that there would be numerous claims against the Government by individuals who obtained titles to land under the governments preceding the United States in sovereignty.

The first of these claims of this nature that were made were called "private claims", and were within the national domain as established by the treaty with Great Britain in 1783. There were claims in the northwest territory that were made by French and British military commanders prior to 1783, there were many French and Spanish claims in Louisiana and Florida, and in the southwestern and western parts of the United States based on grants from the Spanish and Mexican governments.

Our government pursued a liberal policy in carrying out treaty stipulations and individual rights that originated under governments prior to the United States in sovereignty. Perhaps a quotation from the Supreme Court of the United States will clearly illustrate the governments' attitude, "The people change their allegiance, their relation to their ancient sovereign is dissolved, but their relation to each other, and their rights of property remain undisturbed."

To facilitate the handling of private land claims the Court of Private Land Claims was created by an Act of Congress in 1891. Through this court the confirmation of private land claims was removed from political influence.

The total acreage of private land claims on our public domain amounted to 33,440,482 acres in 1904. However,




SOURCES OF THE PUBLIC DOMAIN

confusion was in store for the government under the "Private Scrip Claims".

The scrip claims were based on confirmed private land claims. But in the event that the claim was for any reason not located where the right originated, the scrip entitled the person in whose favor the private land claim had been confirmed, to a piece of land to be located somewhere else on the public domain. To show the perplexity arising from these scrip claims, there were no private claims confirmed and located in the state of Kansas, yet claims amounting to 147,364 acres had been confirmed elsewhere were located in that state.

Congress finally brought the matter to a close in 1860 by an act to afford settlement of the confirmed but unsatisfied land claims, according to regulations prescribed by the General Land Commission.

With the fulfillment of the private land claims the public domain on our continent was finally fixed. The total extent of our public domain acquired by the government was approximately 1,400,000,000 acres, after the private claims were settled. The cost in money payment, including interest, was $59,758,000 or about four and a quarter cents an acre.

## DISPOSITION OF THE PUBLIC DOMAIN

Even before the cession of their territory by the states, before the acquisition of a foot of territory, Congress had outlined a policy for the public domain. They provided that

all acquired territory should be disposed of for the benefit of the United States, and to be formed into distinct states which would be part of the Union. This was the corner stone of the United States territorial system and all subsequent legislation was based on this policy. The outgrowth of this policy during the nineteenth century was framed solely and directly to meet agricultural needs.

It is not peculiar that the United States immediately started disposing of their land to private owners. Nearly all other nations in Europe had done likewise. In some of the countries private ownership had come about by revolutions, others had adopted "Cultivating ownership" as a basis of land tenure.

In England the Board of Agriculture has the power and authority to advance nine tenths of the value of a tract of land to the individual who is desirous of purchasing it. In addition the Board may advance money enough to the purchaser to build a home. This money is to be paid back in small sums.

Therefore, having left a land policy such as that in their mother country it is not strange that the embryo nation adopted a similar means of disposing of the public domain. The land, however, formed a bond of union among the states and was a major factor in holding them together.

It soon became necessary to devise some means of handling and disposing of these common lands. There was urgent reasons for acting quickly. At this time there was plenty

of timberland at hand; and as before stated, the idea underlying the federal policy was entirely that of creating the largest possible number of happy agricultural homes.

But first of all, Congress had promised land to soldiers who served in the Revolutionary War and offered land to deserters from the British Army at a time when it did not have one square foot to give. The anxious soldiers were demanding their land and the holders of government certificates were also clamoring for a settlement. Congress hoped that by offering some of the Western lands for settlement that it would relieve the pressure being brought on them.

Secondly, Congress was without means of securing revenue, even under the Articles of Confederation the government had no power to collect revenue. It is only natural that it should look upon the public domain as an immediate source of income. A committee had already reported on selling the Western states to pay off the national debt.

Thirdly, they were faced with the question of defense of the Northwest against the Indians, and to keep the settlements in the south from joining with Spain. A favorable act from Congress and these territories would be filled with faithful subjects of the United States.

Moreover, the spirit of immigration had seized the people and the country was confronted with the pressure of immigration to the West, and the necessity of carving out states from that territory.

Congress was faced with the question of surveying these

lands and recording them before offering them for settlement. Two systems had been in use by the Colonists, each originated under different circumstances. The New England system tended toward compactness, protection from the Indians, mutual help during the severe winters and necessitated a community life. The area must be surveyed in plats and recorded before anyone could obtain any part of it. The area was to be laid off in "Townships" of six miles square. Sixty New England families had to settle on it within 5 years, each family was required to build a house of a certain size and have at least three acres in grass. Provisions were also made for the establishment of a school for that area.

The land system as used in the south varied greatly from its northern neighbor. The favorable climate, the less hostile Indians, and large scale agriculture was conducive to scattered settlements. One individual could obtain large tracts of the choicest lands, because the surveying did not precede the claims. Claims were oftentimes overlapped and errors were common causing much litigation.

The Ordinance of 1784 combined the two methods, but no regulations or restrictions were placed on it in regards to clearing of grounds and erection of buildings. The size of the townships were set at seven miles square and they had to be sold in full townships. However, in 1785 the original plan was changed. The size of the township was changed to six miles square divided into sections of 640

acres. The fact occurred to them that by selling the land in full townships meant disposing of it to speculators and not individuals as had been the original plan; so this proviso was changed so that one-half of the township would be sold entire, the other half was to be sold in sections of 640 acres. The survey lines were to run North and South, and East and West. Section sixteen in each township was reserved for school lands, one for religious purposes, and sections 8, 11, 26, and 29 were to be held for future disposition. The land was to auctioned, but a minimum price of one dollar per acre was set and the purchaser paid the cost of surveying.

In 1787 Congress under the Confederation opened up these lands for sale. The cash system was abandoned and was replaced by a system of one-third cash and the remainder within three months. Failure to pay that remaining resulted in the loss of the original payment.

The sales did not progress as rapidly as Congress had hoped. The chief reasons were that the Indians were still a menace and held back settlements. Also a large number of "squatters" had moved on the lands that were open for sale.

These "squatters" were mostly from the South where the laws and customs were favorable to the squatter. Such practices as "tomahawk improvement", "cabin rights", "corn rights", and "sugar camp rights" gave him the right to his land. However, Congress held these actions as tresspassing on the

public domain and gave the militia orders to advance on them, destroy their improvements, and burn their cabins. A further obstruction to the sale of the public domain was that a few of the States, Maine, Massachusetts, and New York were still selling land and inviting settlement by offereing their land at a very low cost.

Another attempt to dispose of the public domain by the Confederation was in the way of land sales to private companies. The Board of Treasury was authorized to contract with any person for the sale of any land free of Indian Claims, in lots of 1,000,000 acres or more not to extend more than one-third of its depth along the Ohio, Mississippi, Wabash, or Illinois Rivers. Three of this type of sales were made under the Confederation, the most outstanding of which was the Ohio Company, formed in 1786 in New England. The founders of this company were prominent men of their time and a large number of Revolutionary Army Veterans who used their army land warrants together with certificates of public debt, in purchasing the land.

Under the new constitution the public land question was one of the first to engage the attention of Congress. It was evident that something must be done to improve the system of handling the public domain. Alexander Hamilton who was then Secretary of the Treasury, was called upon to give his views, which he embodied in his famous report of July 22, 1790.

This report of Hamilton's recognized that there would

probably be two classes of purchasers: Those desiring to gain control over large quantities for an investment or colonization, and those wishing to purchase small tracts for actual settlement. He also recommended the establishment of a general land office to handle large sales and local land offices to serve the small purchaser.

In 1800 an act was passed establishing local land offices and officers known as registers, setting a minimum price of $2.00 an acre, one-fourth cash and the balance in four annual payments. This credit system did not work well and was later abandoned.

In 1812 the General Land Office was established, and in 1849 upon the establishment of the Department of the Interior it was made a bureau of that department.

By the provisions of the Ordinance of 1787 the newly created states had no power to tax the lands within their boundary while the title was in the hands of the United States. The Western States clamored for cession to them of the lands within their boundaries at a reduced price. This question was the theme of the famous Webster-Hayne debate in Congress in which Webster defended the existing land system.

Preliminary discussion lasted through several years in Congress, the main points at issue being the size of tracts; the settlement requirements, if any; whether cash or credit was to be the basis of sales; and the places of sale, whether at the capitol or in western land offices.

In 1804 an act was passed providing for the sale of land in the Indiana Territory. The nature of this law amended the act of 1800 so that the purchase price of land in all cases was $1.64 per acre. There appeared in this act one of the first indications of favoring the purchaser of the land at the expense of the treasury. Another gain was the provision for the sale of quarter sections rather than half sections as was provided in the act of 1800. In all cases however, four sections in the center of the township were to be reserved. In general the plan met with little success.

During the years immediately following the inauguration of the credit system, times were good, money was plentiful, and land was constantly in demand. Even under these favorable conditions when land system had a chance to survive, the amount of arrears from the credit feature of the Acts was growing steadily. Within the next few years, 1808 to 1812, the value of agricultural exports dropped off tremendously thus blasting the hopes of many to meet their obligations.

With the outbreak of the war of 1812 many of the settlers joined the army and of course payments under these conditions could not be expected.

Congress made attempts to adjust the increasing delinquency of the settlers by passing relief measures which reduced the amount of the total balances due, and extended the length of time in which they had to pay, but

even under these liberal terms, forfeitures were taking place.

On December 31, 1920 the United States was creditor to individual purchasers of land to the amount of $21,000,000. It took twelve years of drastic relief laws and adjustments for the government to clear its books of this huge land debt. The credit system had proved a failure. It had not been a source of great revenue for the treasury, and the committee on public lands had recommended its repeal for more than a decade because of the increasing deficit. Finally on April 2, 1820 the ill-starred system of selling government land on time met its doom. The new act was one of the most important pieces of land legislation since the passing of the Ordinance of 1787. This act provided for the sale of tracts as small as 80 acres at a cash price of $1.25 per acre.

With the advent of the new system, sales fell off greatly. This was due to the financial conditions following the crisis of 1819 and not due to sale policy. As financial conditions improved the sale of lands sky rocketed. The peak of the sales was reached in 1836 when twenty million acres of land passed from the Government into private hands. In the twelve years following the passage of the Act of 1820, 74,755,000 acres were sold. The largest percentage of the newly disposed land was in the states of Ohio, Illinois, Indiana, Mississippi, Alabama, Louisiana and Michigan. The average price for this period was $1.28 per acre, or only three cents above the minimum. The cash

sales have continued even to the present, but it has been altered in many cases by subsequent acts, the first of which was the Preemption Act of 1841.

Lands were still sold at $1.25 per acre under this act but it gave preference to the actual settler, at the minimum price, and closed the land to public sale where a premium over this price might have been secured. Under the provisions of the act it applied only where settlement was made subsequent to survey, but was later extended to apply to unsurveyed lands. This was the beginning of the present epoch in the disposition of public lands. Here-to-fore, the primary idea had been to secure revenue for the government; the Preemption Act gave encouragement to the actual settler and home-builder.

It served a great purpose in the Westward expansion of our Nation, but was soon abused by speculation. After it had outlived its usefulness the Act was repealed in 1889.

From the passage of the Preemption Act in 1841 to the passage of the Homestead Act in 1862 no legislation of a general character was enacted regarding the disposition of the public domain. Many donations were made in certain localities to encourage settlement upon the frontiers. An Act of this character was passed in 1842 for the territory of East Florida. It provided for a quarter section of land free to persons able to bear arms. The area for such settlement being designated. There were somewhat similar acts for Oregon, Washington, and New Mexico.

Congress had felt for many years that the public domain had little value until it was settled. At that time the swamp lands were looked upon as a menace and hinderance to the development and sale of other adjacent lands, so in 1849 Congress made its first attempt to dispose of the swamp lands. As first passed, the Swamp Act donated land to Louisiana to help her in controlling the Mississippi. Later the act was extended to include all the thirteen public land states. Oregon, and Minnesotta were finally included in the provision, but no other states were ever offered this privilege.

Congress was willing to give the swamp lands to the states provided they would drain them and use the proceeds of their sales for roads and other needed improvements, but the results deviated widely from the plan. Fraud ran riot. Wholesale fraud was practiced in choosing the land, many thousands of acres were acquired under this act that were miles distant from any swamp by the furthest stretch of one's imagination. All told 64,000,000 acres were given to the states, but the states realized very little money out of them, and the effect of any drainage which was done was very small. It is generally accepted that the act wrought more harm than good to the states to which those laws applied.

We have seen that the Preemption Act marked a turning point in the disposition of the government land in that it encouraged homebuilding. A further stimulus was added to

this policy with the passing of the Homestead Act on May 20, 1862 under President Lincoln's administration. The privilege of the Homestead entry was extended to citizens of the United States over twenty-one years of age, of either sex, married or single not already owning 160 acres of land in the United States. Any one so qualified could acquire farms of 160 acres free of all charges except a minor fee to be paid when filing the claim. To insure permanency of settlement the law specified that before title to the land was gained the individual must live on the homestead for five years. The original homestead privilege was for 160 acres of land in a solid block on a legal subdivision. If under this act less than 160 acres were entered, the entry right was considered to have been satisfied. The Act of March 2, 1899 permitted a second entry of contiguous land to make up the 160 acres, it being considered as part of the original entry and the title to the second entry was acquired at the same time the first entry requirements were fulfilled. On June 8, 1872 soldiers and sailors were given homestead rights to 160 acres, this was amended in 1901 to include service in the war with Spain or in the Phillipines.

Homestead settlers also had the privilege of paying for the land at $1.25 per acre and receiving a patent therefore, as provided by the commutation clause, gave the settler the privilege to buy the land after fourteen months residence upon the tract. During the early years of the operation of the Homestead Act the commutation privilege was not often

chosen by the settler. Prior to 1880 only four per-cent of the homestead entries were of this nature. This provision however, soon gave an incentive to the taking of the homesteads by persons who did not desire them for their own use, but for speculation and subsequent disposition. From 1881 to 1904 inclusive, twenty-three percent of all homestead entries were acquired under this clause. An aggregate of over 130,000,000 acres was disposed of under various provisions of the Homestead Act.

By this time the demand for timber was increasing and the supply was rapidly decreasing. With a view towards encouraging the growth of timber on the western prairies, Congress passed the Timber Culture Act on March 13, 1873.

The act provided 160 acres for anyone who would plant 40 acres in trees. One clause that made the act impracticable to settlers was that the entire forty acres had to be planted the same year. However, a ten-year leeway was given before the planting had to be done. This gave an excellent opportunity for fraud and many acres were acquired for that purpose alone. The original requirement of forty acres to be planted was later reduced to ten acres. The Act was repealed in 1891 along with the Preemption Act after an aggregate of nearly 45,000,000 acres had been taken from the public domain.

It was soon discovered that the Homestead Act did not fit the arid conditions of the west. Hence the proposal for some different method of dealing with the land question

in these districts were inevitable. This perplexing situation gave rise to the Desert Land Act which was passed by Congress on March 3, 1877, and amended in 1891. The act provided for the entering of not to exceed 640 acres of arid land. The entrant had to be the possessor of a water right capable of irrigating the land. He was given a period of three years in which to complete the irrigation, and was required to spend at least one dollar per acre annually in irrigation improvement. The cost of the land was $1.25 per acre, which stipulated the payment of twenty-five cents when making the original entry and the balance upon the final entry. It is evident that lands of this character from their very nature cannot be timberlands; and it has been specifically decided that lands which will support a growth of trees cannot be arid land within the meaning of the law. The act has been largely an instrument of fraud because very few sections of land are capable of irrigation through the resources of a private owner. In spite of all this, approximately 13,000,000 acres were taken from the public domain under this classification.

The Timber and Stone Act of June 3, 1878, permitted every citizen or prospective citizen to acquire 160 acres of land, unfit for either agriculture of mining, and chiefly valuable for timber or stone, at a price of $2.50 per acre. The entryman was forbidden to act under previous agreement of sale to some third party. As first passed the act applied only to the states of California, Nevada, Oregon

and Washington, but it was amended on August 4, 1892 to apply to all public land states.

To expect a lumber manufacturing operation to be conducted profitable on 160 acres is almost inconveivable and it was only natural that eventually that many small tracts were gradually consolidated into larger units suitable for lumber operation. The total amount of land disposed of under this act is 7,139,334 acres.

Aside from the old law providing for the disposal of desert land, several more special expedients were tried. The foremost of these brings the Carey Act which was passed in August, 1894 to the front. It donated to each arid land state 1,000,000 acres, providing, however, that the state would see to the reclamation of that land by irrigation. Great hopes were expressed concerning the development to take place through the Carey Act grants, but the results hardly bear them out. The work of irrigation has progressed very slowly. The total area of land segregated for reclamation under this act is 3,813,991 acres.

An amendment was made to the Carey Act on January 6,1921 which provides that unless actual construction of reclamation work is begun within three years after the land is seggregated, the Secretary of the Interior shall have the power to restore the land to the public domain; also if the land has not been actually irrigated within ten years, it may be restored to the public domain. This law is designed to prevent hurried and ill-planned seggregation by the states.

With the rapid westward expansion of our nation, the land laws and policies were passed as the need for such legislation arose. Although the policy in the west was still that of promoting a home-building, home-owning nation, the more thickly settled eastern part of our country was realizing the need for conservation of our vanishing supply of timber. Many far sighted individuals could see the need for conserving our forests other than that of a future lumber supply. Watershed protection was one of the earliest recognized uses of the forests. In 1911 with the passage of the Weeks Act, Congress established the initial legislation for the purchase of lands for the national forests. This law was by no means slipped through Congress as had been the case with the Forest Reserve Act and other early conservation measures. It was done carefully and conscientiously after a long hard fight. The passage of the Weeks Act on March 1, 1911, was perhaps the first piece of national legislation enunciating a basis of forest policy. It provided for the acquisition of national forest areas in the East, creating the National Forest Reservation Commission charged with the purchase of such areas on the headwaters of navigable streams.

The principal results of the Weeks Act, as amended by the Clarke-McNary Law to June 30, 1931 have been:

1. The purchase of 5,000,000 acres of National Forest land in twenty-seven eastern National Forests.

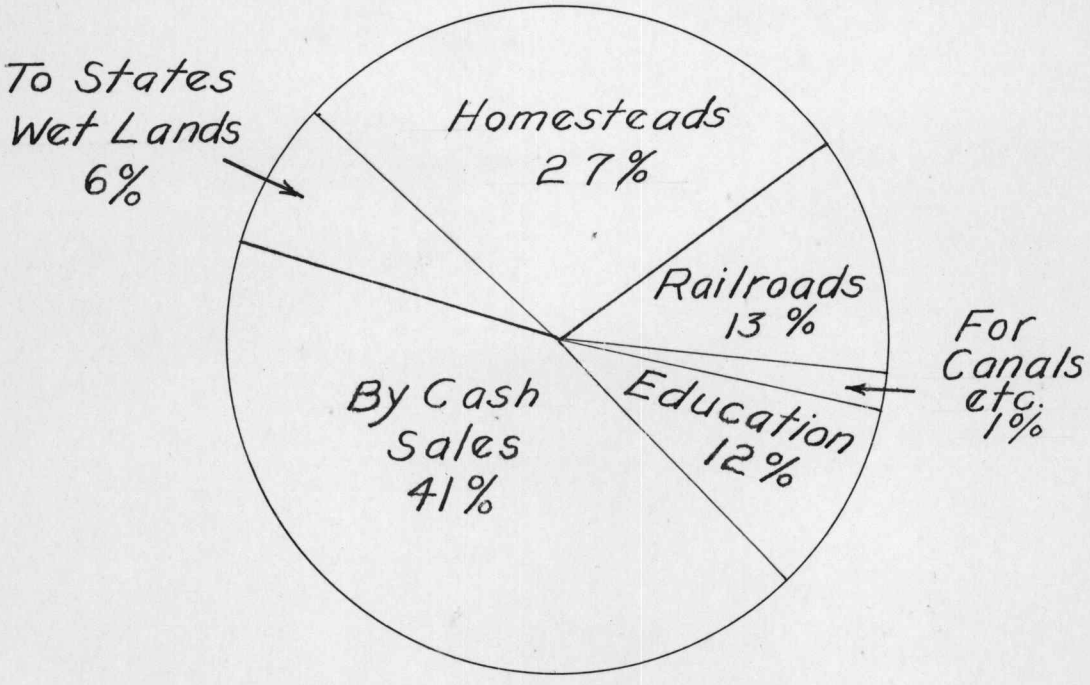
2. Fire protection in cooperation with the states.

The Weeks Act greatly stimulated state action because the state must appropriate money to match the federal funds. In 1925 the fire protection of the Weeks Act was superceded by the Clarke-McNary Act. The purchase section of the Weeks Act was amended by the Clarke- McNary Act.

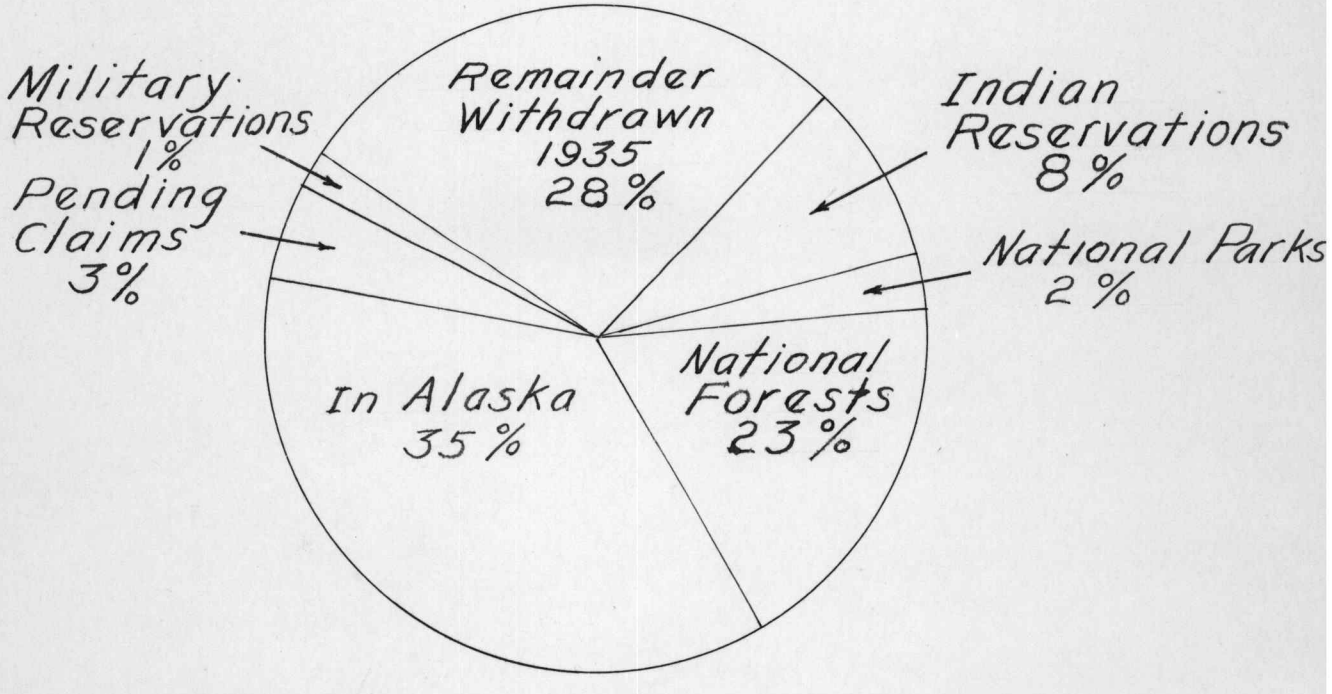
Since the initiation of the Weeks Law in 1911 to June 30, 1937, the total appropriation from the United States Treasury for the conduct of purchasing the land has amounted to $73,078,504.18. During this same period the acreage actually purchased or in the process of purchase aggregated 15,994,577 acres. The total over-all cost of the activity therefore, has averaged $4.54 per acre for the lands actually vested or to be vested in federal ownership. This cost includes all preliminary examinations, examinations of offered land, cruises, appraisals, abstract work, legal work, administration. In purchasing this acreage of land, it was necessary to examine, cruise, appraise and conduct title work upon a great deal of land which untimately proved for one reason or another to be non-purchasable. The cost of such work is necessarily included in the cost of the acreage of the land actually acquired or to be acquired. As that land which has already been examined and the cost of examination paid for, but not yet acquired is added, the per acre cost of all the acquired lands will be proportionately reduced. For small tracts of land, not exceeding $1,000 in value, the necessary abstracts of records of title are prepared by officers of the Government. For cases above $1,000 abstracts

must be submitted by the vendor.

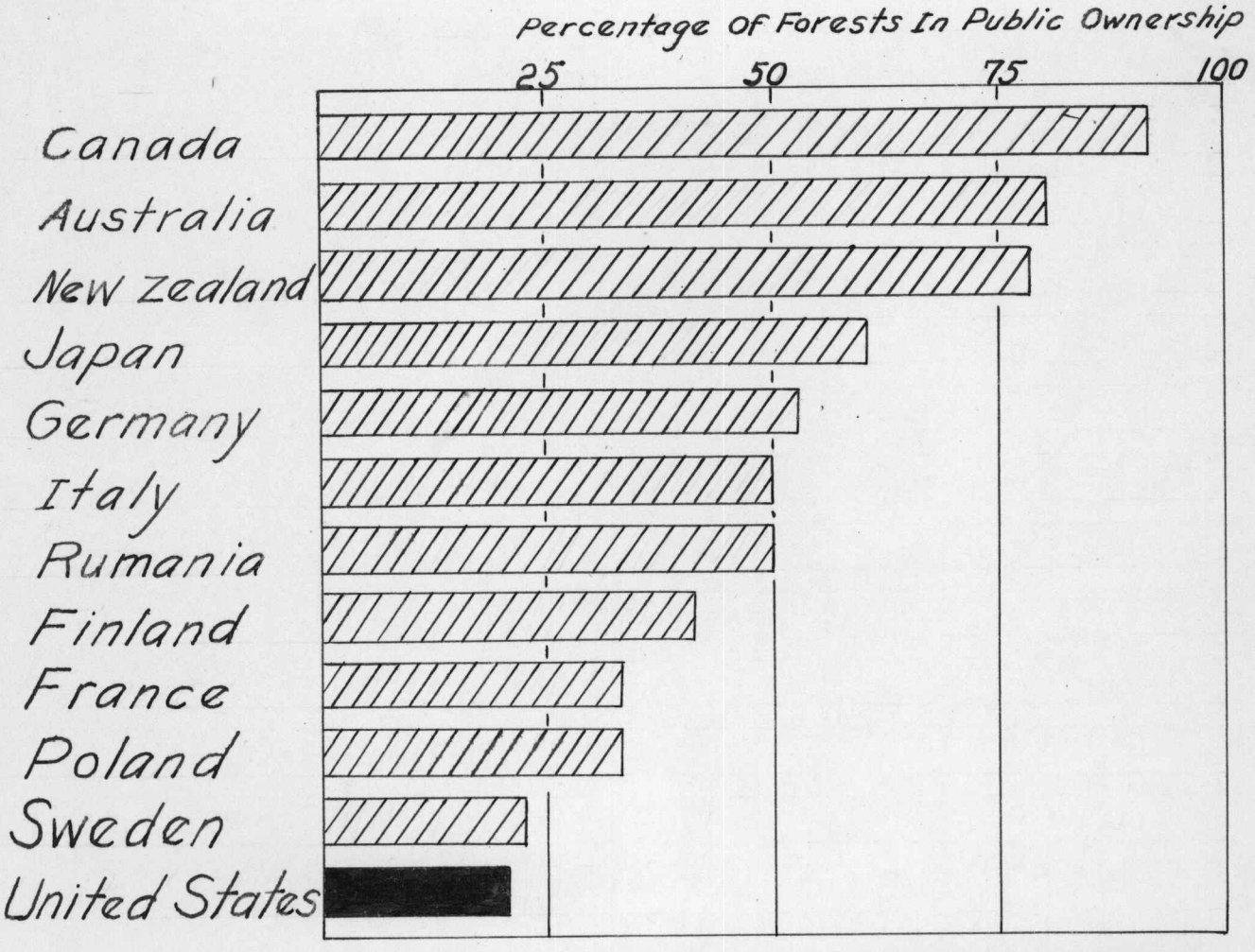
With the passage of the Weeks Law and amending by the Clarke-McNary Law as stated above, the President and Congress established on a statuatory basis a fundamental forest policy for the United States.



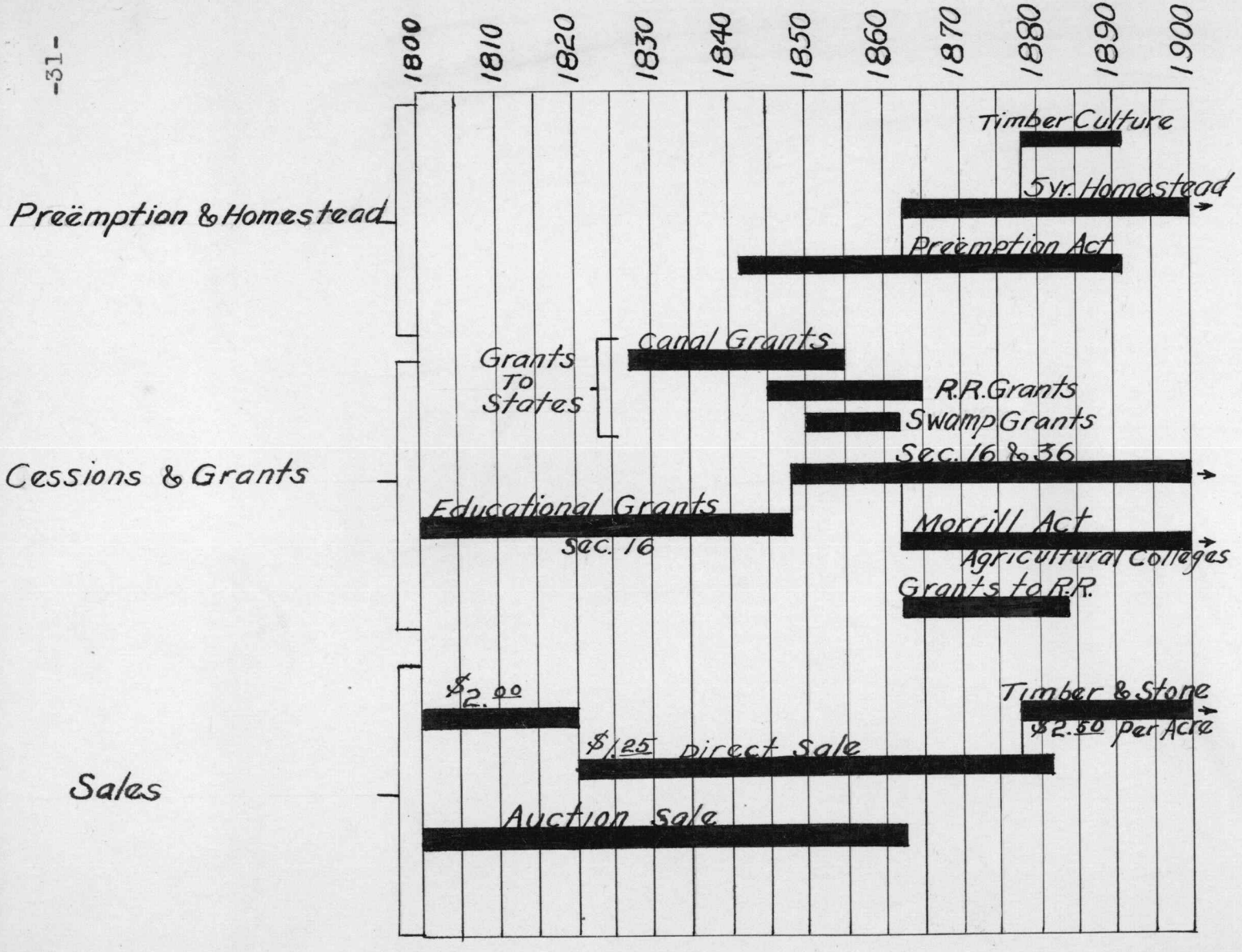

DISPOSAL OF THE PUBLIC DOMAIN




RESERVATIONS ON THE PUBLIC DOMAIN




Public Ownership Of Forest Lands In Comparable Countries Contrasted With Public Ownership Of Forest Lands In The United States.




IMPORTANT LAND ACTS

# BIBLIOGRAPHY

Ahern, George, Deforested America

Andrews, B. F., The La nd Grant Of 1862

Bailey, L. H., Government Forest Policy

Boerker, Our National Forests

Brown, Nelson, Forests And Forestry

Butler, Orvid, American Conservation In The Picture

Cameron, Jenks, The Development Of Government Forest Control

Cornell University Bulletin #370, Forest Legislation Prior To March 4, 1789

Defebaugh, J. E., History Of The Lumber Industry In America

Donaldson, Public Domain

Egleston, Melville, Land System Of The New England Colonies

Fernow, A Brief History Of Forestry

Geiger, G. R., The Theory Of Land Question

George, Our Land And Land Policy

Gorrie, Robert, The Use And Misuse Of Land

Hibbard, B. H., History Of The Public Land Policies

Hibbard, B. H., The Settlement Of The Public Lands In The United States

Hough, F. B., Report Upon Forestry

Ise, John, United States Forest Policy

Morman, J. B., Land Tenure

Orfield, M. N., Federal Land Grants To The States

Orwin, C. S., The Tenure Of Land

Pack, Arthur, Our Vanishing Forests

Raney, William, F., The Timber Culture Acts

Report Of The Land Planning Committee, 1934

Sakolski, A. M., The Great American Land Bubble

Sato, Shosuka, History Of The Land Question

Schenk, Carl, Forest Policy

Stewart, Chas., Land Tenure

Treat, J. P., The National Land System

U. S. D. A. Misc. Pub. #97

U. S. D. A. Circ. #148, A Policy Of Forestry For The Nation