

## Summary of Important Land Disposition Laws

The United States has 1905 million acres within its borders. Thus the 1442 million acres which at one time was owned by the federal government represents 76% of the United States. The remaining 463 million acres (1905-1442) was either retained by the states or was in hands of private individuals when lands were ceded by the states. Disposition proceeded along with acquisition. Thus as large areas were obtained, other older areas were being distributed to private individuals. Through this transition the government owned at one time or the other some 1442 million acres. However, the most it ever owned at one time was around 1200 million acres. Today it still owns 412 million acres or 29% of what it once owned and this represents 21% of the present area of the United States. In addition, it owns 50 million acres which it has bought, or acquired, from private individuals. It is also trustee for about 56 million acres of Indian lands. About 1030 million acres or 54% of the U. S. has been disposed of. Who got them and how is a large part of our land history, and one of the major elements in our conservation history.

In spite of the fact that land disposition proceeded along with acquisition from 1781 to 1850 acquisition dominated. In 1781 the federal government owned no land; by 1802 cessions from the states brought ownership up to 226 million acres. The Louisiana purchase increased this so that the total was about 775 million acres by 1803. By 1850 other acquisitions increased federal ownership to 1200 million acres. During the same time about 242 million acres was disposed of. From 1850 to 1930 federal ownership declined to 412 million acres and since has increased to 458 millions through purchases.

Disposition started in 1775 and has continued up to the present time. However, it is now apparant that the federal government will continue, unless we have a radical change in policy, to be a large land holder. Some authorities feel that this ownership will stablize at around 500 million acres. This, however, is not necessarily certain, because much depends upon future developments in our political history. During the disposition period little thought was given to conservation. Generally it was felt that the resources were inexhaustible, and that all lands should be in the hands of private individuals. This attitude prevailed until 1880 at which time conservation minded individuals began to make some impressions. This culminated in the act of 1891 which started the reservation system as a national policy. Since 1891 conservation practice have gained momentum. Motivated either by necessity or economic forces conservation is now a national policy, although we are still a long way from the final solution.

Beginning at an early date the granting of land free or at nominal cost to actual settlers became common. This was done for several reasons, the most important of which were, to obtain revenue, to protect the frontier, to open up the west, and to carry out the principles of free enterprise and private property. Lands were granted or sold to private individuals, to states, and to corperations. Following the setting up of the survey system sale for revenue and counties for military service were the first methods used. Much of the land east of the Mississippi was taken up in this manner. The idea of preemption came in early also, but was officially started after 1830. Free land concepts culminated in the Homestead act of 1862 and has prevailed until the present. Since the orgininal Homstead act did not meet the needs of the Western arid region other homestead acts were passed. The Timber and Stone Act met the needs of timber lands.



Grants to the states consisted of those for reclamation, education and internal improvements. Other large grants were given to corporations, particularly railroads. Details of disposition are given later.

In general it may be said that most of the land laws did not meet the needs of the country. They lead to much fraud, trespass, and maladjustments in land use. Some were ill advised and could not be complied with because the physical conditions of the environment were not considered in devising the laws. On the other hand it is easy to look back and criticize. Certainly the nation has been built up and supports a society which has the highest standard of living of any place in the world and one which is vigorous and adaptable. Land and resources in the hands of private individuals was one of the important factors contributing to this situation. The land acts have set the stage, but much of the future conservation policy must be written and acted upon. How this is to be accomplished is open to debate, yet it is certain federal ownership and influences cannot be ignored.

#### Tabular Summary of Laws

Approximate Dates	Law or Method	Approx. acre Millions acres.
<u>Grants to individual, not specifically forestry</u>		
1775-1907	Military boundries	68
	Private land claims	<u>27</u>
	Total	95
1785-1891	Sales	
1780	1. Disposition state formed	
1785	2. Ordinance 1785. Am. Land System; 640 acres \$1 per acre; Cash. Large companies	
1796	3. Credit; 640 acres; \$2.00 per acre $\frac{1}{2}$ 30 day; $\frac{1}{2}$ 1 year.	
1780	4. Credit; 320 acres; up to 4 years to pay	
1804	5. 160 acres; \$1.64	
1820	6. Cash. 80 acres \$1.25	
1832	7. Cash. 40 acres \$1.25	
1854-1862	8. Graduation Acts	
1891	9. Sales repealed - Sold isolated tracts	
1834	10. Taylor grazing - Sold appraised value; classification No. 1-25 minimum	
	Total Sales	<u>300</u>
1807-1891	Preemption Act	
1807	Prevented settlement before sales	
1830-1838	One year preemption	
1841	General preemption 169 acres. First right at minimum price.	
1891	Preemption repealed	



1862 - present	Homestead Acts	
1862	Regular Homestead Free Land; 5 yr. homestead commutation clause	
1904	Kinkaid act - Enlarged Homestead 640 acres, Nebraska only	
1906	Forest Homestead; Ag. land in Nat'l Forests opened.	
1909	Enlarged Homestead; 320 acres; 9 Western states; dry acres	
1912	Three year homestead	
Present	Special privileges to Veterans	
1916-1934	Stock Raising Homestead 640 acres - aird range lands no cultivation.	

Total Homestead & Preemption 285

1877 - 1934	Desert Land Laws. 640 acres; \$1.25 /acre. Must be irrigated - 1890 reduced 320 acres - 1891 revisions Taylor Grazing	
	Total	<u>12</u>

Laws applying specifically to forestry

1873-1891	Timber culture 160 acres; 40 acres trees planted 1874-qualify, same as homestead 1876-amended, grasshoppers 1878-reduced planted acres to 10 1891-repealed	
	Total	<u>10</u>
1878	Free timber act on mineral lands; 10 Western states (not coast) free timber for domestic, Ag. & minning purposes. 1891 - Free timber on any land & for and purpose 1898 - Restricted to \$100 worth Total (timber only)	<u>0</u>
1878	Timber & Stone Ace; 4 States 160 acres \$2.50 /acres 1892 - Extended to all public land states 1908 - Sold as appraised value . (av. \$3.68)	
	Total	<u>13</u>



Grants to States

1802-1869	1. Internal improvement	
	a. Ohio 5% of public sales	
	b. 1823 Ohio-first outright road grant of land.	
	c. Canals. 1824-1866	
	d. Grants for improvements 1828	
	e. 1841 General purpose grants 500,000 acres to each state for internal improvements	
	Total	22

Grants for Education

1618 - 1875	Colonial - Harvard, Yale, etc.	
1787 - 1912	Provided in Ordinance 1787	
	1803 Ohio - Sec. 16; all states received grants	
	1848 - Sec. 16 & 36	
	1850 - 4 Sec. 2, 16, 32, 36	
	New Mexico and Utah	
	1864 - 4 Sec. Arizona	
	Total for public ed.	100
1862 - 1912	Agricultural colleges	20
1850 - 1902	Swamp land grants	
	15 Swamp states - for reclamation (1860 Minn. & Oregon included)	
	Total	64
1894 - 1902	Desert irrigation by States and Saline canals (1803); Carey Act	
	10 States to have 1 million acres	
1902	Homesteading 160 acres under Federal reclamation. Reclamation Service and Bureau of Reclamation.	
	Total Irrigation	18

Grants to Railroads and Corporations

1830 - 1871	Ohio Canal Grant 1830; others of like nature to 1852	
	1852 - General act - Rightway 100 foot right way for 10 year.	
	1862 - Extended 5 years	
	1875 - 200 foot & 20 acres water sites, etc.	
	Grants in addition to Right of Way	
	1850 - Illinois Grant - alternate Sec. each side of road for 6 miles	
	1862 - Alternate Sec. 20 miles on each side of road Union Pacific - other later were similiar.	



1871 - Last grant to Texas and Pacific

Grant varied from 39 million for Northern Pacific, 12 Union Pacific down to 42 thousand acres.

Total Grants to R.R. 91

Grand Total 1030