BULLETIN OF THE UNIVERSITY OF WISCONSIN NO. 352, HISTORY SERIES, VOL. 2, NO. 2, PP. 321-477: COLONIAL PRECEDENTS OF OUR NATIONAL LAND SYSTEM AS IT EXISTED IN 1800

Published @ 2017 Trieste Publishing Pty Ltd

ISBN 9780649552245

Bulletin of the University of Wisconsin No. 352, History Series, Vol. 2, No. 2, pp. 321-477:
Colonial Precedents of Our National Land System as it Existed in 1800 by Amelia Clewley Ford

Edited by Trieste Publishing Pty Ltd.
Cover @ 2017

www.triestepublishing.com

AMELIA CLEWLEY FORD

BULLETIN OF THE UNIVERSITY OF WISCONSIN NO. 352, HISTORY SERIES, VOL. 2, NO. 2, PP. 321-477: COLONIAL PRECEDENTS OF OUR NATIONAL LAND SYSTEM AS IT EXISTED IN 1800

Trieste

BULLETIN OF THE UNIVERSITY OF WISCONSIN

NO. 352,

HISTORY SERIES, VOL. 2, NO. 3, PP. 321-478

COLONIAL PRECEDENTS OF OUR NATIONAL LAND SYSTEM AS IT EXISTED IN 1800

BY

AMELIA CLEWLEY FORD

Instructor in History

Milwaukee-Downer College

A THESIS SUBMITTED FOR THE DEGREE OF DOCTOR OF PHILOSOPHY

THE UNIVERSITY OF WISCONSIN

1908

MADISON, WISCONSIN

JULY, 1910

PRICE, 50 CENTS

CONTENTS

INTRODUCTORY NOTE

The object of this paper is to exhibit the continuity that exists between the colonial land systems and that system framed by the national legislators from 1785 to 1800. As has been said, seemingly new legislation was founded on the best of colonial precedents. The men in Congress drew chiefly on their own knowledge and experience of colonial land practices for the ideas embodied in the land laws; and "keen discrimination was used in recommending the best features of the existing systems." No complete account of the colonial land systems is intended. Only those customs and laws will be mentioned which throw light upon the relation between the colonial methods of dealing with public lands, and the federal system as it was in 1800. Whatever indicates an evolution of the federal plan from colonial beginnings will be emphasized.

By the close of 1800, the chief elements of the national system had been incorporated by the three laws of May 20, 1785, May 18, 1796, and May 10, 1800. These elements were previous survey, rectangular outlines, the township unit, the section, public and private sale, reservations, and administration; and it is precedents of these which will be considered. The principles of land bounties and preemption rights were not a part of the national system till long after 1800, but so large a place do they occupy in colonial land affairs, and so insistent was the demand for their application to the public domain from the time the national government was organized onward, that no discussion of land matters would be complete that did not deal with them. The matter of reservations for education has been omitted as that has already been dealt with by Joseph Schafer in *The Origin of the System of Land Grants for Education*,

Bulletin of the University of Wisconsin, No. 63, Madison, 1902, and by George Wells Knight in his *History and Management of Land Grants for Education in the Northwest Territory, Ohio, Indiana, Illinois, Michigan, Wisconsin.* (New York, 185.)

The following investigation was begun at the suggestion of Dr. Frederick Jackson Turner of the University of Wisconsin, and to him grateful acknowledgments are chiefly due for inspiring comment and generous recognition. The rare opportunities offered by the Wisconsin State Historical Library have been appreciated, and cordial thanks are due the members of its staff, through whose courtesy its resources have been made available to the fullest extent. Indebtedness must be expressed to Dr. J. Franklin Jameson of the Carnegie Institution at Washington for valuable information regarding pertinent material in the MSS. of the Library of Congress.

Madison, Wisconsin, June, 1908.

AMELIA CLEWLEY FORD.