

### **F304 Building America: The Pursuit of Land from 1607-1893**

Class Notes from the first class:

Building America: the pursuit of land from 1607-1893: All Land is owned or claimed by Kings, Nations, States, Proprietors, Land Companies, Speculators and Individuals. There is no free and open land. 1607 is the date of the first permanent English settlement in America. 1893 is the date of the Chicago World's Columbian Exposition, and the date that historian, Frederick Jackson Turner, pronounced the end of the frontier.

Land that is unimproved, unmapped, and not surveyed is considered to be in a state of nature- it is called non-arable land. It was essentially worthless and had no economic value. The foundation of a colony required ARABLE LAND- ground that has been made ready for settlement. A civil community cannot be established in a wilderness, as it presupposes an arable area- the settlement had first to be prepared for private enterprise. Reclamation by the axe was a start. Land had to be surveyed and divided into usable plantations or lots.

Virginia and Maryland operated under what was known as the "HEADRIGHT SYSTEM." From 1618-1699, for each laborer brought across the Atlantic, the MASTER was rewarded with 50 acres of land. This system was used by wealthy plantation aristocrats to increase their land holdings dramatically.

The PLANTATION was an early method of colonization where settlers would live in order to establish a permanent or semi-permanent colonial base, for example for planting tobacco or cotton. Such plantations were also frequently intended to promote Western culture and Christianity among

nearby indigenous peoples, as can be seen in the early East-Coast plantations in America (such as that at Roanoke). Although the term “planter” in reference to a settler first appears as early as the 16th-century, the earliest true colonial plantation is usually agreed to be that of the plantations of Ireland.

### Indentured servants

In theory, the servants would work 5-7 years clearing new land and moving the edge of English settlement further west into the North American continent. They would also be a large part of the tobacco production for the colony. At the end of their term of indenture, the servants were released from their obligations of service, given some basic clothing and equipment, and expected to move to the unsettled frontier. In some cases they would also receive up to 25 acres of land. If not given land, they could purchase land on the edge of the frontier, and “improve” it by cutting down the trees and preparing fields suitable for growing crops such as corn and tobacco. The former servants were cash poor, but they could usually buy land on credit from one of the many members of the gentry.

A MANOR in English law is an estate in land to which is incident the right to hold a manorial court. The manor is the basic feudal unit of tenure and is historically connected with the territorial divisions of the march, county, hundred, parish and township.

QUIT RENT is now, but not formally, a tax or land tax imposed on freehold or leased land by a higher landowning authority, usually a government or its assigns. Under feudal law, the payment of quit rent freed the tenant of a holding from the obligation to perform such other services as were

obligatory under feudal tenure, or freed the occupier of the land from the burden of having others use their own distinct rights that affected the land (e.g. hunting rights which would have hindered farming). Thus it was a payment for distinct rights that were connected with the full enjoyment of the land but not parcelled up in the ownership of the land. Formally it was a sort of buy-back rather than a tax. The only sanction for not paying a feudal quit rent was that the alternative burdens would return. This imposed a ceiling on how much could be demanded in payment of a quit rent.

### Reading a land grant

Land grants and leases were already written up in a standard, tight legal format, where each part of the detail of the contract was spelled out for the buyer and the seller.

Fee Simple: Land could be bought as Fee Simple- a freehold estate of virtually indefinite duration and absolute inheritance, free of any conditions, limitations, or restrictions to particulate heirs. It is also called fee simple absolute. fee tail, to create a fee tail from a fee simple.

Fee-Tail: A conveyance created a deed or will to a person and the heirs of his body. A fee tail established a fixed line of inheritable succession and cuts off the regular succession of heirs at law. It is a limited estate in that inheritance is through lineal descent only.

Chattel: Moveable items of property which are neither land nor permanently attached to land or a building, either directly or vicariously through attachment to real property; also known as personal property. The word "chattel" came from the feudal era when "cattle" was the most valuable property besides land. A piano is chattel but an apartment

building, a tree or a concrete building foundation are not. The opposite of chattel is real property which includes lands or buildings. All property which is not real property is said to be chattel. Personal property or "personalty" are other words sometimes used to describe the concept of chattel.

Appurtenances: Used often in a real estate context where an appurtenance may be, for example, a right-of-way over water, which, although physically detached, is part of the legal rights of the owner of another property.

Three-Lives Lease: a source of income for the proprietor. A lease granted by a landlord to a tenant gave him the right to occupy the property for a specific period of time. Two copies of a lease were usually prepared; the original lease was signed by the landlord and kept by the tenant. The counterpart was signed by the tenant and kept by the landlord. Leases were more common in the eighteenth century. Most eighteenth-century leases that came to an end in the nineteenth century were not renewed. Instead tenants were given an annual tenancy and effectively were tenant-at-will, their only protection being the Ulster Custom of Tenant Right. This custom usually meant that a tenant would not be evicted if he paid his rent and if he left the farm, for whatever reason, he would be entitled to a sum of money from the incoming tenant which reflected the value of the farm at that time.