

The General Revision and Forest Reserve Act of 1891

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Signed into legislation by President Benjamin Harrison and the 51st Congress, The General Revision Act of 1891 outlined in 24 sections Congress's right to reserve public land from being monopolized by corporations and wealthy families. When Congress signed the act, it as well reversed previous policies such as the Preemption Act of 1841 and The Timber Culture Act of 1873 as well as reduced the Desert Land Act of 1877. Each of those acts were put in place to try and offer incentives for purchasing arid land and cultivating them or giving rights to groups already living on federal land during a time of westward expansion and the push to transfer government land to private ownership. Instead they perpetuated the ability to buy up large sums of land for small amounts of money with little to no consequences for extended misuse. Beyond overturning those policies, The General Revision Act is seen as a catalyst for many important legislations of the early 20th century and was rooted in Jeffersonian ideals, which helped to shape most of the mid 19th century. About a month after President Harrison signed the act, the final section outlined was put into place as the Forest Reserve Act and placed into action, which allowed the residing president to set aside areas of land as forest reserves in the public arena. These areas were later renamed to what they are known as now, the National Forests. The passing of the General Revision Act marks an extremely important time in the development of the West as it protected not only the aesthetic beauty of the land but as well helped to conserve natural resource usage such as timber and water, for future use.

The history leading up to The General Revision Act can be theorized to start around the time of the Preemption Act of 1841. The act was designed to form a system of selling federal public land and outlined that people already living on the land, most commonly known as squatters, were to be offered to buy up to 160 acres of land before it was to go on sale to the general public. It as well granted states 10% of the sale of the land. In order to claim the land as their own property, individuals simply had to actively live on the land or be working to improve the land for 5 years but if no one touched the land for 6 months, the government could make futile

accusations and reclaim the land.¹ This act is largely regarded as helping to establish the idea of Manifest Destiny but the passing of the Homestead Act in 1862 then overshadowed the necessity for the Preemption Act.

President Abraham Lincoln signed the Homestead Act into law in 1862. The basis of the law was engrained in Jeffersonian democracy and wanted the new land of the West to go to small farmers rather than growing corporations or wealthy families wanting to take control of the abundance of natural resources and monocrop the land for independent gains. The details of the act were quite similar to those outlined in the Preemption Act, in which the government gave away federal land that settlers could purchase for very little amounts to encourage westward expansion and further conquests of land. Congress passed the Homestead Act in order to remove the homesteading requirements defined in the Preemption Act and open up access to the land for all. The government granted settlers 160 acres of land and were required to live on the land for 5 years as well as show proof of improving the land before receiving ownership.² Prior to the Civil War politicians proposed several land laws such as this but southern democrats halted the bills in Congress who wanted to occupy the land for slave work and feared the free land would bring more immigration to the West. Once the Civil War started and the south had seceded, Republicans were able to pass the law with major proponents such as Andrew Johnson.³ While the intent behind the Homestead Act was to bring agriculture and viable farms to the West, it ended up letting people exploit the natural resources, especially water and timber, and would use their land for the oil

¹ U.S. Congress. *An Act to appropriate the proceeds of the sales of the public land, and to grant pre-emption rights.*, 27th Congress, Ch. 16, 5 Stat. 453 (1841)

² U.S. Congress. *An Act to secure Homesteads to actual Settlers on the Public Domain.* 37th Congress., 2d session, Chapter 75

³ McPherson, James M. *Battle Cry of Freedom: The Civil War Era.* New York: Oxford University Press, 1988.

prospects. Beyond that often people would claim land around water sources for the purpose of a farm and then in turn cut off adjacent farms from the source and give the land to large corporations and families. Another issue stemming from the Homestead Act was the fact that the limited acreage was not necessarily enough to establish any long-term profit. Finally, the ability to buy federal public land, did not account for the many indigenous groups who already occupied the land, further displacing them from their home and increasing previously established conflicts.⁴

The next legislation to affect the need for the General Revision Act was a follow-up to the Homestead Act as President Ulysses S. Grant signed the Timber Culture Act into law in 1873.⁵ After 10 years of the Homestead Act being active, the misuse of land had started to become apparent and a real issue. There was already a limited amount of timber in the West compared to the developed East and with the continued growth of the logging industry, the supply was running short. In order to encourage the growth of timber, people could claim 160 acres or an additional 160 acres from what they already had because of the Homestead Act, as long as the claimers planted 40 acres of trees and cultivated and protected the trees for growing conditions to sustain for the future.⁶ Again similar to the Homestead Act, the Timber Culture Act had similar issues where individuals would receive land and misuse it and because state governments had established a lack of regulation to ensure that settlers used the land properly, many were able to continue on for many years with no repercussions.⁷

The final act passed leading up to the General Revision Act was that of the Desert Land Act of 1877. This act outlined the ability to gain access to 640 acres of arid land for economic development. It differed from previous acts in the requirement of residency; under the Desert Land Act it was not necessary for

⁴ Lehmann, Scott. *Privatizing Public Lands*. New York: Oxford University Press, 1995.

⁵ U.S. Congress. *An Act to encourage the Growth of Timber on Southern Prairies*. 42nd Congress, Chapter 277, 3rd sess. 605-606

⁶ See note 5 above.

⁷ Lehmann, Scott. *Privatizing Public Lands*. New York: Oxford University Press, 1995.

individuals to live on the land while cultivating and improving.⁸ Not unlike the previous acts, the Desert Land Act came with a slew of issues and a large amount of fraud. In attempt to rectify fraudulent claims, the Secretary of the Interior and Congress investigated and found that only 5% of entries were made with good faith.⁹This received large backlash from governors in states affected by the act simply because of the large profits they were receiving from their growing cattle industries. When said cattle industries started to reach a plateau, proponents of the act exemplified it's loopholes yet again and saw a new opportunity in the developing irrigation sector. With the lack of regulation outlined in the act dealing with reclamation and water rights, water was being used at wild rates and there was not anything to do to rectify it. John Ganoe wrote on this issue in his essay, *The Desert Land Act in Operation*:

In spite of the hardships involved in promoting irrigation, many believed that it, like the railroads, would create vast fortunes. The boom was based on this hope, and it was only through bitter experience that irrigation companies learned that the land law, passed by the Government to aid the development of irrigation, did not operate in their favor... It was evident, then, by about 1890, that remedial legislation was necessary, but it was difficult to know what action should be taken. The attempt to reclaim by means of a land law which gave no consideration to the water problem had worked havoc.¹⁰

The last line really exemplifies what was happening during the time, there was increased development in the irrigation industry that simply could not be regulated by land laws and additional legislations to prevent further misuse were needed.

With the listed land laws in place, there was large room for exploitation during this crucial period of expansion in United States history. If an individual was lucky, they would be able to get a combined 1,120 acres from the separate acts and

⁸ Ganoe, John T. *The Desert Land Act in Operation*. Agricultural History Society, Vol. 11, No. 2, 1937. pg 142-157

⁹ Ibid. 143

¹⁰ Ibid. 152

pay nothing to very little for the land.¹¹ Robert Nelson in his book, *Public Lands and Private Rights: The Failure of Scientific Management* stated the following:

By the 1880s the pervasive evasions of the public land lands were attracting national attention. The appointment in 1885 of William Sparks to be commissioner of the General Land Office helped to make the whole country aware of these problems. In this first report as commissioner, Sparks lamented that “they idea prevails to an almost universal extent that, because the government in its generosity has provided for the donation of the public domain to its citizens, a strict compliance with the conditions imposed is not essential. Men who would scorn to commit a dishonest act toward an individual, though he were a total stranger, eagerly listen to every scheme for evading the letter and spirit of the settlement laws, and in a majority of instances I believe avail themselves of them.”¹²

This marked a period in time where exploitation of the government land laws was expected in order to have any sort of profit and people recognized the need for a change and as more and more people became aware of it, legislation began to be drafted. Thus, the Committee on Public Lands brought “An Act to Repeal Timber-Culture Laws, and for Other Purposes” before the 51st Congress with hope to rectify and overturn the wrong doings of the expansion of the West that had been going on for 50 years.

With the birth of the General Revision Act, the Committee on Public Land outlined in 24 sections ways to remedy the land laws of the mid 19th century.¹³ The act initially received large congressional support as well support from foresters and newly emerged water companies because the act limited commercial exploitation of the timberlands and water for irrigation purposes. The repeal of the Timber-Culture Act of 1873 was outlined in the first section; stating, “That this repeal shall not affect any valid rights heretofore accrued or accruing under said laws, but all bona fide

¹¹ Ibid. 145

¹² Nelson, Robert H. *Public Lands and Private Rights: The Failure of Scientific Management*. Lanham, MD: Rowman & Littlefield, 1995. pg; 22-24

¹³ U.S. Congress. *An Act to Repeal Timber-culture Laws: And for Other Purposes*. 51st Cong., 2d sess. Cong. Washington DC, 1891. 1095-103

claims lawfully initiated before the passage of the act may be perfected upon due compliance with law..."¹⁴ Individuals with stake in land claimed under the Timber-Culture Act were able to keep their land and or acquire its title by the payment of one dollar and twenty-five cents per acre.

Section two thru eight of the General Revision Act amended The Desert Land Act of 1877. Section four states,

That at the time of filing the declaration hereinbefore required the party shall also file a map of said land, which shall exhibit a plan showing the mode of contemplated irrigation, and which plan shall be sufficient to thoroughly irrigate and reclaim said land, and prepare it to raise ordinary agricultural crops, and shall also show- the source of the water to be used for irrigation and reclamation.¹⁵

So in order to receive land, new claimants had to provide a map on how they intended to irrigate the land to ensure that the water source was adequate for their specific purpose. In order to guarantee that water was being reclaimed and protected, the claimants had to prove that one dollar per acre per year was going towards securing water for the future. Finally in relation to the Desert Land Act, The General Revision Act added the state of Colorado, which had been previously excluded and reduced the amount of land able to be purchased from the original 640 acres to the amended 320, which is still in place today. Some other major provisions outlined in the General Revision Act includes the repeal of the Preemption Act of 1841 and the protection of treaties made with indigenous tribes made previous to the signing of the act. ¹⁶

While most of the act was focused on overturning or reworking land laws, the final section was seen as increasingly revolutionary for the time. Section 24 states,

¹⁴ See note 13 above.

¹⁵ See note 14 above.

¹⁶ See note 15 above.

That the President of the United States may, from time to time, set apart and reserve, in any State or Territory having public land bearing forests, in any part of the public lands wholly or in part covered with timber or undergrowth, whether of commercial value or not, as public reservations, and the President shall, by public proclamation, declare the establishment of such reservations and the limits thereof.¹⁷

This section of the General Revision Act would become a momentous occasion in the environmental history of the United States, as it became the beginning of the Forest Reserves. The idea for this section came from a previous legislation introduced to the 50th congress by William Homan, a Congressman from Indiana. Homan had been chairman for the Public Lands Committee in 1888 and proposed a bill called "A bill to secure to actual settlers the public lands adapted to agriculture, to protect the forests on the public domain, and for other purposes."¹⁸ While that bill didn't end up passing, the wording of it was extremely similar to Section 24 of the General Revision Act. Scholars long questioned why Section 24 was introduced when it was, but Homan is now credited with the language that founded the Forest Reserves.¹⁹ After the act passed, President Harrison immediately set aside 1.2 million acres of Yosemite in preparation for the first National Forest and by the end of his presidency he was able to reserve 13 million acres of land across the United States.

While the General Revision Act was momentous for the time and helped overturn some of the most restricting land laws of the 19th century, its as well known for being a catalyst for change in the early 20th century.²⁰ When Theodore

¹⁷ See note 16 above.

¹⁸ Arnold, Ron. "The Origins of the National Forests (Congressman William Holman of Indiana: Unknown Founder of the National Forests)." *The Origins of the National Forests (Congressman William Holman of Indiana: Unknown Founder of the National Forests)*. Accessed November 04, 2016. http://www.foresthistory.org/Publications/Books/Origins_National_Forests/sec20.htm.

¹⁹ See note 18 above.

²⁰ Northrup, Cynthia Clark. *The American Economy: A Historical Encyclopedia*. Santa Barbara, CA: ABC-CLIO, 2003.

Roosevelt was elected president in 1901, he created the Bureau of Forestry and reserved more land for waterpower research. He as well passed the Reclamation Act to ensure further investments in irrigation and set aside government money for semi-arid land development as the technology for larger scale irrigation projects advanced. President Roosevelt is well known for the land laws he enacted during his presidency and a lot of that would not have been possible without the General Revision Act.²¹

During the time of the creation of the Forest Reserves, ethical movements concerning conservation and the future of natural resource usage started to grow as more and more literature was being published on the topic. Gifford Pinchot served as the first Chief of the United States Forest Service, enacted under President Roosevelt. Pinchot is largely regarded in his ideals of scientific conservation, a movement founded in preserving nature for the future use of man. To quote Pinchot, "Men die but the Government lives on. The forests, like the race, must live on also. And the government alone can have, and does have, the continuity of purpose without which, in the long run, the forests cannot be saved."²² Pinchot received criticism from naturalists such as Aldo Leopold and John Muir who believed that land was its own community and deserved the same moral significance as any human as well as the necessity to maintain and uphold the natural beauty of untouched land. Leopold and Muir thought of Pinchot as being overtly anthropocentric and unconcerned with preserving land for being land, not for human's utility.²³ The ethical debates brought about during this time in history are

²¹ Andrews, Richard N. L. *Managing the Environment, Managing Ourselves: A History of American Environmental Policy*. New Haven: Yale University Press, 1999.

²² Guha, Ramachandra. *Environmentalism: A Global History*. New York: Longman, 2000. Chapter 3, The Ideology of Scientific Conservation

²³ Leopold, Aldo, and Charles Walsh. Schwartz. *A Sand County Almanac, and Sketches Here and There*. New York: Oxford University Press, 1987.

still relevant today and will continue to be. The General Revision Act and its successors greatly affected the dealings of natural resources and upholding the aesthetic beauty of the United States and environmental legislation today are largely based on some of its core attributes.

At the time of enactment, The General Revision Act seemed to be nothing revolutionary as most of the act was rooted in overturning or amending previous acts such as the Timber-Culture Act, The Preemption Act and the Desert Land Act. Nevertheless, what came about because of the act was largely unpredicted. The General Revision Act greatly helped to more sustainably develop the West during a crucial time of westward expansion. The stipulations outlined in the last section, Section 24, became the driving force behind one of the United States most sacred land institutions today, the National Forests. Even years after its enactment, The General Revision Act is still seen as a catalyst for some of the largest changes in land laws during the early 20th century such as the Reclamation Act. The General Revision Act did more than just affect past and future environment legislation though, as it helped to rally the people of the United States for increasingly fair and just land laws and spark ethical debates. The protection of natural resources is more important now than it has ever been before and its crucial to consider laws such as this in the development of how we've conserved water, timber, and land up until this point in history. But even more importantly how we as a people have thought about the ethical nature of such environmental land laws. Without the General Revision Act not only would we not have the National Forests but also the land where we live, grow our food, and raise our livestock could have been remarkably different to how we know it now.

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