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Hernando de Soto: Citadels of Dead Capital Study Guide

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HERNANDO DE SOTO: CITADELS OF DEAD CAPITAL STUDY GUIDE, 2004 Steven Alan Samson

<http://reason.com/archives/2001/05/01/citadels-of-dead-capital>

Study Questions

1. Where may the most vibrant economic activity be found in much of the Third World? What are some of the problems associated with extra-legality, with having so much of the economy “off the books?” (41-42)
2. Identify some of the problems early Americans faced due to the complex British land law (a feudal holdover) and overlapping land grants? How did the superabundance of land foster some of these difficulties, including the phenomenon of squatting? What future states were established largely by and for squatters? [Ethan Allen’s Green Mountain Boys were just the start]. Identify the different types of squatter rights. What were claim associations and how did they operate? What sorts of conflicts arose because of squatting? How did **preemption** work? (42-45)
3. How did the federal government add to the confusion? Why did it resort to land grants and why did a black market emerge? By what means did the federal government encourage the construction of transcontinental railroads? Why kinds of conflicts resulted? What is the significance of the Supreme Court’s decision in **Green v. Biddle** (1821)? How did states bypass it? How did the General Preemption Act of 1830 and its successors change the landscape? (45-47)
4. How were property rights and conflicting mining claims addressed during the California Gold Rush? [Stephen Field, younger brother of David Dudley Field, who led the codification movement in New York, moved his law practice to California, helped bring some order to the property laws, and was appointed to the U.S. Supreme Court in 1863: a pioneer in a country made by pioneers]. What was the effect of the Homestead Act of 1862? What is needed to convert citadels of dead capital (dead works?) to productive uses? (67)

Review

Connecticut, Vermont, Maine
cabin, corn, tomahawk rights
General Preemption Act
Homestead Act of 1862

Ethan Allen
Kentucky’s occupancy law
claim associations

seating the tract
Green v. Biddle
Gore v. McBreyer