

Base marker

Pioneer surveyors

✓
7-12-76
not
7/13

The wagon wheels had hardly stopped rolling when Brigham Young's attention had to be turned to dividing up this vast desert land among the Mormon Pioneers in the Valley of the Great Salt Lake.

Land played a vital role in the church leader's attempt to establish a home in the desert wastelands.

By 1830, at least 30 expeditions from the East had been organized to search out the West. The main impression brought back by most of the expeditions was that the area was unfit for human habitation.

The very thing that repelled most others appealed to President Young and his followers as persecutions grew for them in the East and Midwest. The desert — the land no one wanted — was their refuge.

On the second day in the valley, the church president decreed that "no man should buy any and . . . but every man should have his land measured off to him for city and farming purposes, what he could till. He might till it as he pleased, but he should be industrious and take care of it."

Certain lots were chosen by the members of the Council of the Twelve for their personal use in August before a lottery, the system chosen to guarantee fairness, began in September for the other settlers who paid \$1.50 for each lot required. Their receipts were their deeds, which cited their purposes at the time but gave them cause for some uneasiness later.



Base and meridian marker can be found on southeast corner of Temple Square in downtown Salt Lake City.

The first zoning ordinances for the city established the streets between 10-acre blocks that were eight rods wide and at right angles. Twenty additional feet were designated on each side of the road for future sidewalks.

Orson Pratt and Henry G. Sherwood began a survey on July 31.

The Mormons voted that "No man will be suffered to cut up his lot and sell a part to speculate out of his brethren. Each man must keep his lot whole, for the Lord has given it to us without price."

The authority by which President Young supervised the division of the land was his church authority. The land, however, in reality or in a legal sense, was not his to give. It was Mexican land.

The land did not even become a part of the United States until the end of the Mexican War. When the war ended in 1848, Utah was part of the more than 525,000 square miles that the United States gained from Mexico.

President Young envisioned a Mormon state — the State of Deseret — as he planned the colonization of the area. He petitioned Congress May 1, 1849, proposing that the state would include the country between Oregon and Mexico and between the Rockies and the Sierra Nevadas, plus a strip of the southern California seacoast.

From the time of his arrival in the valley until his death in 1877, he directed establishment of 349 colonies in the West. Many of today's towns and cities in Idaho, Arizona, Nevada, Wyom-

JUL 22 1976

ing. Colorado and southern California began as Mormon colonies.

Orson F. Whitney wrote in his book, Popular History of Utah, "Wherever settlements sprang up they were upon land claimed by the Indians and acquired by the United States at the close of the war with Mexico.

"The nation was expected to deal with the Indians and in due time with the settlers, but until it took steps in this direction the people could obtain no title to their homes.

"Much anxiety was felt by them in consequence. While waiting for the national government to

dispose of the soil, the Provisional Government (established as the State of Deseret) made temporary grants to its citizens."

The pioneers were in the valley for 20 years before U.S. land laws were fully extended over the region.

David H. Burr, the first surveyor-general appointed for the Territory of Utah, arrived in Salt Lake City July 27, 1855, to begin making government surveys. He accepted the base meridian established by Orson Pratt and erected a stone marker, which still stands at the southeast corner of Temple Square in Salt Lake City. This

Early land drawn by lot

Continued from page H-12

is rapidly increasing," he reported.

Some of that rapidly increasing number were the Gentiles," the non-Mormons who were coming into the area. Mr. Pierce felt the Gentile migration to the Territory would be advantageous to the U.S. government and that they should have the chance of acquiring title to the land.

The nation's first General Land Office was established in 1812. The Interior Department, formed in 1849, adopted that office. The Land Office first opened in Salt Lake City in 1868; branches were established in Beaver in 1876-77 and in Vernal in 1905-1927.

Mr. Linford, in his Utah Historical Quarterly article writes, "Certainly by the 1850s, the national government was well aware of Utah's land needs, and steps were taken to correct these deficiencies. Reporting to Robert McClelland, secretary of the interior, on Nov. 30, 1853, the commissioner of the General Land Office, related the advantages of extending the land system to the territories of Utah and New Mexico."

Mr. Linford said the report pointed out the

has been the basic point of reference for surveys.

Mr. Burr was succeeded by Samuel C. Stambough in June 1859, who was followed in August of 1861 by S. R. Fox.

Lawrence L. Linford writes in the Utah Historical Quarterly, Spring 1974, that the federal surveys in Utah progressed quite rapidly. "By June 30, 1857, it was reported that 1,987,580 acres had been 'prepared for market' but 'not advertised for sale.' Thomas A. Hendricks' (commissioner of the General Land Office) annual report to the secretary of the interior advised that the surveyor general had abandoned his position, owing to reported hostilities on the part of the Mormon authorities at Salt Lake City."

The hostilities were related with the alarm generated by the federal troops that were moving toward Utah to suppress a "rebellion." The settlers, with this knowledge, did not trust representatives of the federal government. The surveyors, in a sense, reaped the bounty of their distrust.

The land office in Utah was consolidated with the one in Denver, Colo., in 1862. It was re-established in 1868 with General John A. Clark as surveyor-general.

John Pierce, surveyor general of Colorado and Utah, urged the commencement of surveys again after having earlier discouraged them. At first thinking that adequate surveys had been made to fit the needs, he had another opinion in the autumn of 1865.

"The time has now arrived when a respectable portion of the people of Utah are desirous of obtaining title to the land from the government, and the number of these

See EARLY on Page H-18

expediency and propriety of early action for the extension of the land system to the two territories, since the population there "is constantly

increasing, and no doubt many settlers are improving lands belonging to the government, without the possibility of obtaining titles for them under

existing legislation."

The Homestead Act of 1862 provided that a citizen (or alien seeking citizenship) could acquire acreage by residing upon or cultivating it for five years. An important feature of the law provided that the homestead could not be seized by a creditor to satisfy any debts previously contracted.

In the January 1960 issue of the Utah Historical Quarterly, Lawrence B. Lee writes, "The operation of the federal public land laws during Utah's territorial period presented interesting contrasts to practices encountered on other frontier settlements.

"The members (of the LDS Church) were motivated by a single impulse when they approached the Salt Lake City federal district land office at its opening in 1869. They were determined to secure a valid title to the lands which they had reclaimed from the desert and had occupied for more than 20 years. The Homestead Act was one of the federal statutes that would give inhabitants of this Great Basin Zion their coveted federal patent."

While disagreements within the church membership over land matters were usually settled peaceably by the ecclesiastical leaders, serious problems arose with the influx of non-Mormons, many of whom were not willing to abide by the decisions of the priesthood.

A rash of claim jumping broke out in 1866, often accompanied by violence. Brigham Young declared that although the established community would not tolerate any claim jumping, it would welcome any newcomer who was willing to claim open land and make it productive.

"If you undertake to drive a stake in my garden with the intention to jump my claim," he warned, "there will be a fight before you get it . . ."

"We have spent hundreds of thousands of dollars in taking out the waters of our mountains streams, fencing in farms and improving the country, and we cannot tamely suffer strangers, who have not spent one day's labor to make these improvements, to wrest our homesteads out of our hands. There is land enough in the country; go to and improve it, as we have improved our possessions; build cities, as we have done, and thus strive to reclaim the country from its wild state."

The Deseret Land Act, adopted by Congress in 1878, allowed the substitution of irrigation works for the residence requirement of the

Homestead Act and was much used in Utah.

In his report, Mr. Lee writes, "The homesteading practices revealed that they (the Mormons) were a unique people. Claims contesting was minimal among the Mormons, while it was the order of the day on other homestead frontiers."

Records show that none of the Mormon-Gentile homestead contest cases, which were not very numerous in the 1870s and 1880s, were ever appealed for adjudication by the Department of the Interior during the 1880s.

There were fewer homesteading failures in Utah than in other typi-

cal homestead frontiers. "The first year of homestead entries at the Salt Lake City land office revealed a failure rate of only 32 percent," writes Mr. Lee. "Ten years later a mere 20 percent of the entrymen failed to perfect their entries.

"In the state of Kansas at the same time in an environment generally more conducive to farming, the failure rate was 49 percent."

An Act for the Relief of the Inhabitants of Cities and Towns upon the Public Lands was approved by Congress on March 2, 1867. The law provided that the authorities of incorporated towns entering claims for lands within their jurisdiction at the proper land office and paying the minimum price could obtain title to the lands in trust for the use and benefit of the occupants, according to their respective interests.

If the town wasn't incorporated, the judge of the county court could enter the claim in behalf of the unincorporated town.

Utah Territory availed itself of this act in July 1868 when Congress adopted an Act to create the Office of Surveyor-General in the Territory of Utah, and established a land office in our Territory, and extend the Homestead and Pre-emption Laws over the same.

The March 2, 1867 law provided that once corporate authorities of any city or probate judge of

any county had received title to a parcel of land in behalf of the claimants there, they were directed and required to dispose of and convey the title, whether it be blocks, lots, parcels or shares, to the persons entitled to it. The transfer of title was to be made by deeds.

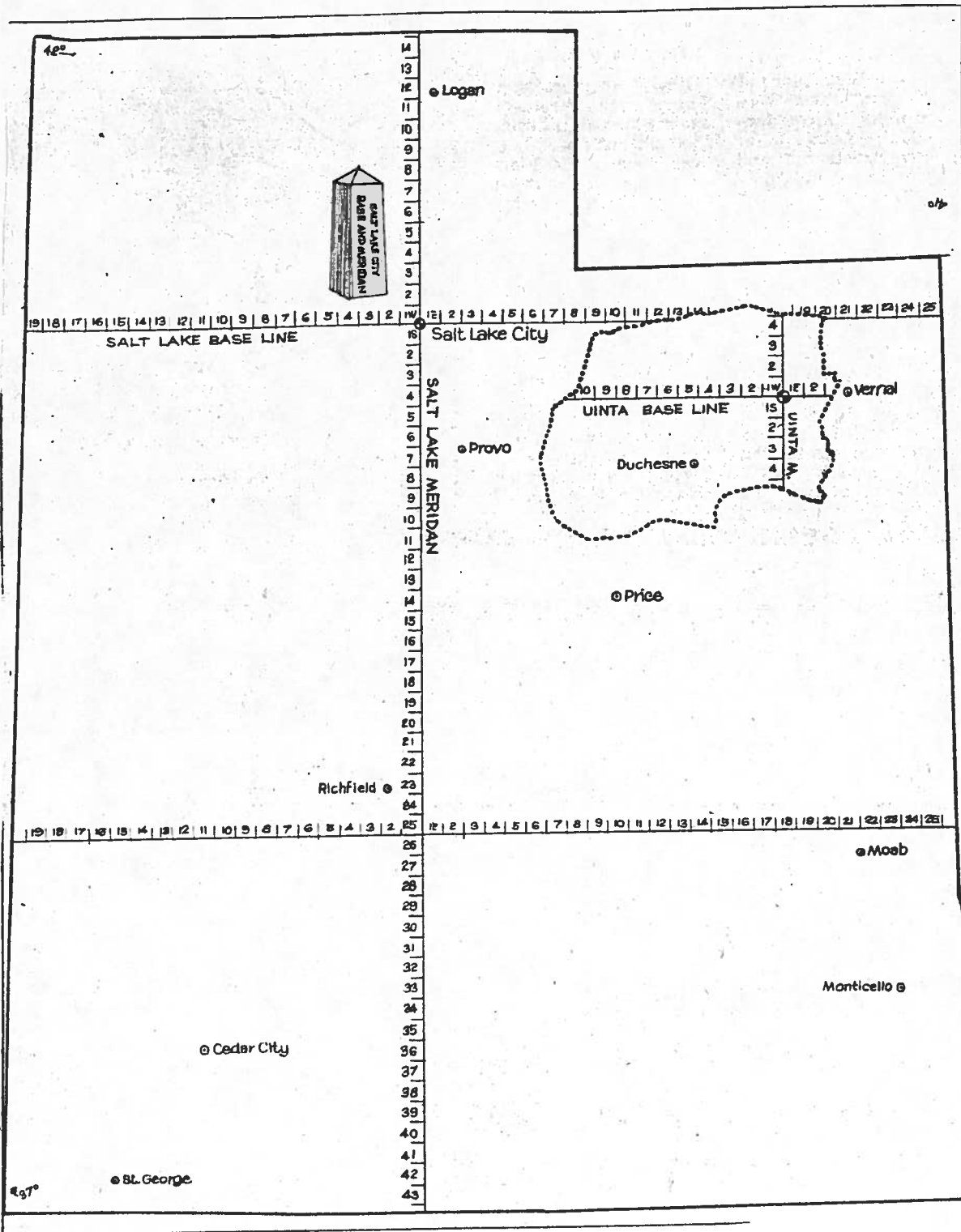
The claimant paid \$1.25

an acre, plus a proportionment amount of the costs involved for acquiring the title from the land office.

Salt Lake City had been laid out in plats, blocks and lots, which presented a problem when the government attempted to superimpose its national land system

of townships and sections.

The problem was solved by compromise. Within the plats already surveyed and apportioned, land was described in terms of lot, block and plat. This system is still used in Salt Lake County.



Map shows how surveyors use the base and meridian marker in Salt Lake City to plot land throughout state. Uinta had its own base line.