

A HISTORY *of the*

UNITED STATES
General Land
Office
IN OREGON



by Champ Clark Vaughan

FORWARD

In 1812, the General Land Office or GLO was established as a federal agency within the Department of the Treasury. The GLO's primary responsibility was to oversee the survey and sale of lands deemed by the newly formed United States as "public domain" lands. The GLO was eventually transferred to the Department of Interior in 1849 where it would remain for the next ninety-seven years.

The GLO is an integral piece in the mosaic of Oregon's history. In 1843, as the GLO entered its third decade of existence, new settlers and immigrants had begun arriving in increasing numbers in the Oregon territory. By 1850, Oregon's European-American population numbered over 13,000 individuals. While the majority resided in the Willamette Valley, miners from California had begun swarming northward to stake and mine gold and silver claims on streams and mountain sides in southwest Oregon. Statehood would not come for another nine years.

Clearing, tilling and farming lands in the valleys and foothills and having established a territorial government, the settlers' presumed that the United States' federal government would act in their behalf and recognize their preemptive claims. Of paramount importance, the settlers' claims rested on the federal government's abilities to negotiate future treaties with Indian tribes and to obtain cessions of land—the very lands their new homes, barns and fields were now located on.

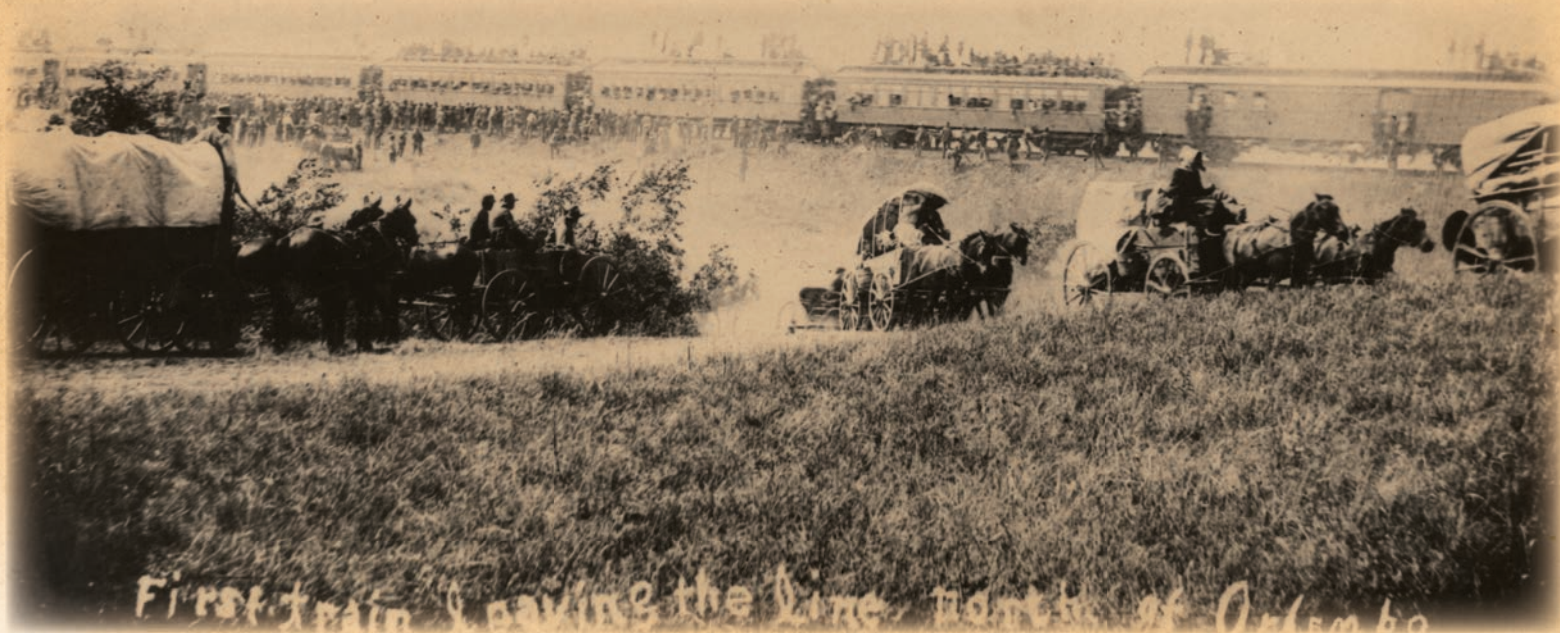
In 1850, Congress passed an "Act to Create the office of the Surveyor-General of the public lands in Oregon, and to provide for the survey and to make donations to settlers of the said public lands." On May 5, 1851, John B. Preston-- appointed by President Millard Fillmore as the first Surveyor-General of Oregon-- opened the Territory's first GLO survey office in Oregon City, the territorial capital. Acting under a number of public land laws, including the 1862 Homestead Act signed by President Abraham Lincoln, the GLO eventually oversaw nearly 33 million acres of public domain land in Oregon conveyed out of federal ownership.

Today the imprint of the GLO on Oregon's landscape is unmistakable in its cardinaly-oriented roads and property lines. However, the story of the GLO in Oregon runs deeper than mapping and surveying the lands. As agents of the United States, GLO surveyors operated under the umbrella of United States' public land laws and policies and treaty-making with Indian tribes. These laws and policies reflected the nation's belief in its "manifest destiny" to control, own and dispose of lands in the West to encourage settlement and development. This often came at a serious price to Indian populations from whose ancestral lands the public domain was created.

In the following pages, author Champ Clark Vaughan provides a unique and retrospective account of the United States General Land Office in Oregon. From his perspective as a geographer and expert in public land laws, Vaughan provides the reader with historical context to the GLO; a summary of key public land laws; and an understanding of the mission, roles, and administrative responsibilities of the GLO in Oregon. In so doing, he provides a deeper understanding of the GLO and its role in Oregon's diverse history.

Jerome Perez

OREGON-WASHINGTON BLM STATE DIRECTOR



First train leaving the line north of Astoria

ACKNOWLEDGEMENTS

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A HISTORY *of the* UNITED STATES **General Land Office**

IN OREGON

by Champ Clark Vaughan



"It is no disparagement to say," writes Jerry A. O'Callaghan, "that whatever other motives may have led Americans to Oregon, the most immediate was farmland, to be purchased by improvement and development, not cash. And it is a truism, of course, that there are no property values without government."¹

As Americans migrated from the original thirteen colonies and continued to push the frontier westward across the North American continent, lands were often settled before the existence of government or claim of sovereignty by any nation other than Native American tribes. This

preemption settlement or "squatting" by immigrants was risky because there was no guarantee that their land claims and development would be recognized or respected once a government body established regional control. A classic example of this scenario was the early settlement of the Oregon Country, including the competition between nations for jurisdiction and the 1846 acquisition and possession of the southern and larger portion of the region by the United States.

This history of the United States General Land Office (GLO) in Oregon is more narrowly focused on describing



"ROUTE OF THE LEWIS AND CLARK EXPEDITION 1804-1806 - COURTESY OF THE NATIONAL GEODETIC SURVEY"

the mission, responsibilities, and roles of the GLO and its administrative operations in Oregon. Some historical context, however, is included concerning the U.S. Government's relationship with American Indians, the nation's manifest destiny objective, the government's "taking" of tribal lands, contrasting concepts of land ownership, and preemption settlement by non-Indians.

Faced with an enormous challenge to administer what had become a significant part of the nation's federally owned public domain, the United States government would have to address many urgent matters, including American Indian title, preemption settlement, existing land claims, and the great westward migration of Americans, which was already underway. The responsibility for resolving these issues rested with Congress, but a key federal agency, the United States General Land Office, would be summoned to fulfill its primary mission – the administration, survey, and disposition of all of the landed property in Oregon, collectively known as original public domain lands. By definition, the public domain refers to lands that were not previously in private or state ownership and were obtained by the United States through purchase, cession, treaty, or compromise. The term "public land" can be applied to public domain land and to other categories of government-owned land, but not all public land is public domain land.²

EARLY SETTLEMENT IN OREGON

President Thomas Jefferson's momentous decision, to launch a military expedition to explore the United States' newly acquired Louisiana Territory and the vast area beyond would result in enormous consequences for the Oregon Country. Although a number of European and American mariners had explored the Pacific Northwest coastline of North America prior to the nineteenth century, it was Jefferson's overland Lewis and Clark Expedition of 1804–1806, led by Meriwether Lewis and William Clark, which dominated the attention of the new nation.

The publication of Lewis and Clark's journals and resulting publicity, emphasizing the rich natural resources and physical grandeur of the West enticed those who would seek their fortunes. Arriving after 1810, the first wave of Americans and French Canadians were primarily investors, trappers, and traders intent on exploiting the fur potential of the far northwest. Fur trade enterprises quickly established operations, including the Hudson's Bay Company, the North West Company, and the Pacific Fur Company. The Pacific Fur Company soon sold out to the North West Company.³

The Oregon Country, which originally encompassed approximately 450,000 square miles, extended from

FORT VANCOUVER IN 1845



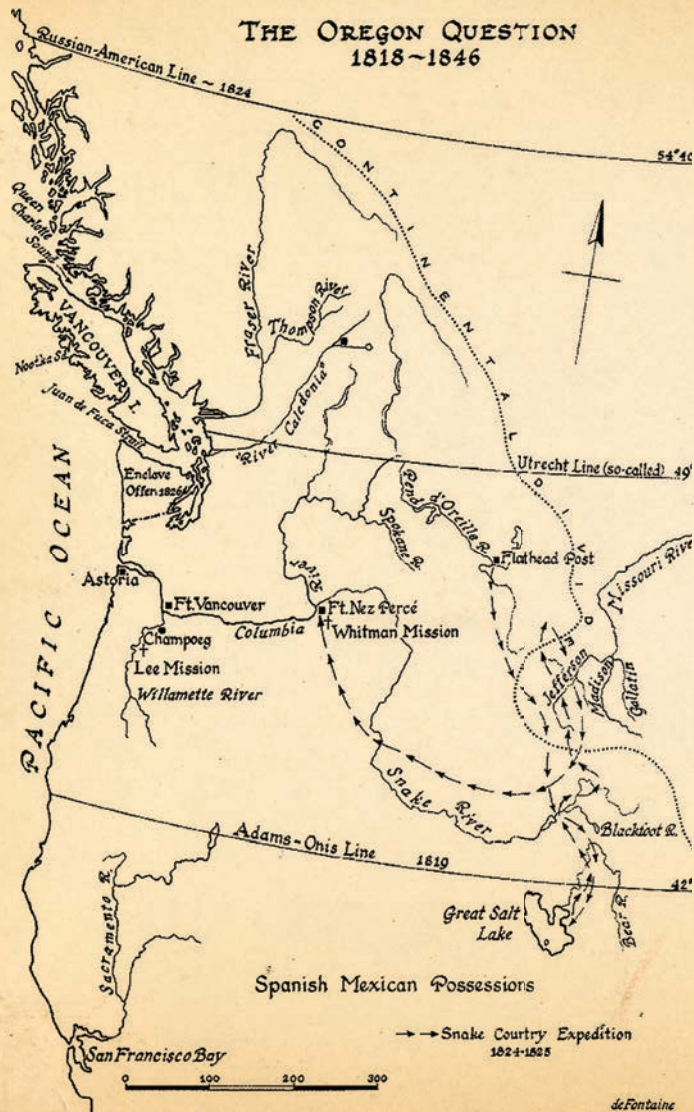
California to Alaska and from the Pacific Ocean to the continental divide of the Rocky Mountains.⁴ Both Great Britain and the United States laid claim to the region. Beginning in 1818, the two nations attempted to settle the dispute, known as the "Oregon Question." Unable to reach a timely settlement, they agreed to joint occupancy for a ten-year period, which was extended for an indefinite period of time.⁵

During the 1830s, the first missionaries arrived in the Oregon Country, and in the early 1840s, pioneer immigrants from the Mississippi Valley and the eastern part of the new United States nation, drawn by the reported fertile farmland of the Willamette Valley and the promise of free land, initiated the great westward migration on the Oregon Trail. By this time, the fur trade was in serious decline due to the rapid extermination of fur-bearing animals and the significant change in men's fashions, which greatly reduced the interest in top hats made of hair stripped from beaver pelts, for example.⁶ Consequently, many fur traders and trappers left the industry to settle farms in the northern Willamette Valley, where the vast majority of the Oregon Country's non-Indian population of approximately 400 was concentrated in early 1843.⁷

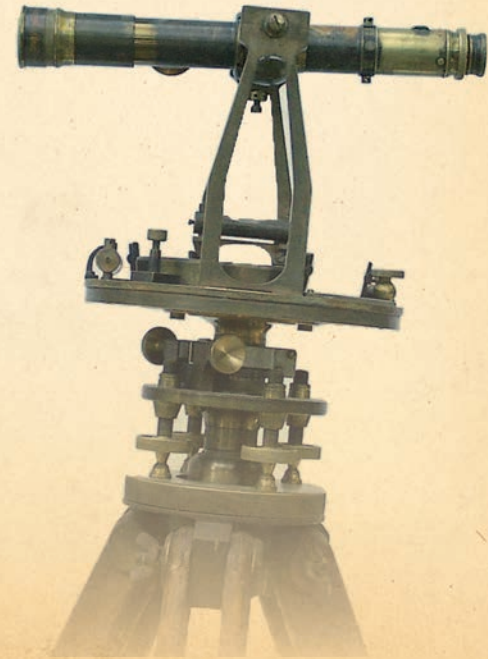
By the late 1830s, apprehension began to intensify among the Americans living in the Oregon Country. Increasingly concerned with the lack of any established government, the American settlers feared for the security of their property and families. As early as 1838, they formally petitioned the United States Congress for protection and urged the government to secure title to the Oregon Country. With some exceptions, the French Canadian population, all British subjects, was content with the status quo and saw no need for government. They had been in the Oregon wilderness for many years and were subject to the discipline and authority of the superiors of the Hudson's Bay Company.⁸

The company's Columbia Department headquarters was based at Fort Vancouver, and the department's chief factor, Dr. John McLoughlin, continued to provide French Canadian farmers in the Willamette Valley with protection and a market for their wheat. American settlers participated in this market activity but were not subject to any authority of the British-owned Hudson's Bay Company.⁹

THE OREGON QUESTION 1818-1846



"THE OREGON QUESTION 1818-1846" MAP BY deFontaine
REPRINTED BY PERMISSION OF THE PUBLISHERS FROM THE OREGON
QUESTION: ESSAYS IN ANGLO-AMERICAN DIPLOMACY AND
POLITICS BY FREDERICK MERK, CAMBRIDGE, MASS.: THE BELKNAP
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Provisional Government of Oregon

After three years of petitioning to extend the American government to Oregon, the Americans became impatient with Congress for its inability to pass favorable legislation. Congress, however, was reluctant to take action because the terms of the convention of joint occupancy of the United States and Great Britain required at least one year's notice from one nation to the other to terminate the agreement.¹⁰

Oregon was not unique in its attempts to form a temporary governing body to administer the new settlements. A noteworthy example was the case in Eastern Tennessee, where a provisional government was established in 1772, known as the "Wautauga Association" and later as the "State of Franklin." It was, therefore, not surprising that by 1841, the American settlers in the Oregon Country began to explore the possibility of establishing some sort of government of the settlements or provisional government, which could provide a moderate level of protection until the anticipated extension of the American government to the region could be realized.¹¹

During the Spring of 1843, a series of meetings was organized and held at Champoege, an early Hudson's Bay Company warehouse and shipping site on the Willamette River. Champoege was also the focal point of the Willamette

Valley's non-Indian population.¹² Finally, on May 2, 1843, approximately one hundred American and British citizens voted by a narrow margin to establish the Provisional Government of Oregon, the first government by Americans on the Pacific Coast.¹³

Though unexpressed by the Provisional Government's organizers, the prime motivation for creating a provisional government was almost certainly the promotion of the security of land claims. The original constitution, approved on July 5, 1843, provided for the establishment of land claims by stating that any person who already held a claim to land or intended to establish such a claim must mark the corners and boundaries thereof and record the land claim with the designated recorder. No person was allowed to claim more than one square-mile or 640 acres in a square or oblong form.¹⁴ This provision was the first real attempt to validate preemption settlement in the Oregon Country.

Responding to the petitions for extension of the American government, Missouri Senator Lewis Linn introduced legislation in Congress with the intention of rewarding Americans, who would immigrate to Oregon to contest the possession with Great Britain. Linn's bills, which contained provisions for land claims of from 640 to 1,000 acres per individual, were an annual occurrence in Congress until one

PIONEER MIGRATION ON THE OREGON TRAIL. FROM THE WATERCOLOR PAINTING BY WILLIAM HENRY JACKSON TITLED "APPROACHING CHIMNEY ROCK". REPRINTED BY PERMISSION OF THE SCOTTS BLUFF NATIONAL MONUMENT, NATIONAL PARK SERVICE, 1



W.H. JACKSON
1930

finally passed the Senate in early 1843. It was interpreted as a binding promise of free land and was largely responsible for the great migration of pioneers on the Oregon Trail in 1843.¹⁵ When word of the establishment of Oregon's Provisional Government with its own land claim provisions finally reached eastern portions of the nation, even larger migrations would follow in 1844 and 1845.

By late 1843, Great Britain's claim to the Oregon Country no longer included the area located south of the Columbia River, largely because a significant number of Americans had already settled there. By contrast, the Americans living in the Oregon Country, as well as President James K. Polk's administration, insisted that the United States was entitled to sovereignty over the entire 450,000-square mile region extending all the way north to the southern boundary of Russian Alaska at 54 degrees, 40 minutes North Latitude. The popular American rallying cry "Fifty-four forty or fight" was short lived as Polk and the Congress, aware of the diplomatic realities, knew that nothing short of war with Great Britain was likely to secure all of Oregon for the United States. Neither the United States nor the British wanted a war, and the Oregon Question was peacefully settled with a compromise that established the forty-ninth parallel, with some noted exceptions, as the boundary between British Canada and the United States.¹⁶ With Senate

It is a truism in American history that the success of the United States in the Oregon boundary negotiations was due in considerable measure to the Oregon pioneers. They brought pressure to bear on the British government during the final stages of the Oregon negotiations, and this was a factor in winning for their country the empire of the Pacific Northwest.

—FREDERICK MERK¹⁸

ratification of the "Oregon Treaty" on June 15, 1846, the United States officially secured possession of 288,541 square miles.¹⁷

With the resolution of the Oregon Question, the American "Manifest Destiny," a term used to combine a belief in aggressive national expansionism and other popular ideas became a reality as the nation, for the first time, extended across the North American continent from the Atlantic to the Pacific Ocean. Although the United States had assumed sovereignty over Oregon, Congress would need to enact territorial legislation before any disposition could be made of the newly acquired public domain.



EARLY SETTLERS

The Oregon Territory

By an act of Congress approved on August 14, 1848, the Oregon Territory was organized. However, because there had been no provision for local government in the treaty acquisition of the Oregon Country in 1846, the Provisional Government continued to serve until the territorial government was actually instituted on March 3, 1849.¹⁹

While the territorial act confirmed the laws of the Provisional Government not inconsistent with federal law or the Constitution, it annulled the land legislation provisions of the Provisional Government without making any arrangement to grant or sell public domain lands in Oregon. Early settlers were convinced that they had a legal right to their land, not only because of the Provisional Government law, but because the lands, in their opinions, had been promised by Senate passage of the Linn bill in 1843. The results of the Provisional Government's land legislation were inconclusive. After Oregon's title passed to the United States, only the federal government could dispose of public domain lands or confirm existing claims.²⁰

Not only did the territorial act contain no provision to grant or sell lands, it was also silent regarding the authorization or recognition of preemption settlement. Consequently,

both the earlier settlers and the thousands of newly arriving immigrants found themselves in a precarious position after realizing that any legal right to their land claims had suddenly vanished.

Although the acclaimed Preemption Act of 1841 was effectively utilized in the nation's Midwest, Mississippi Valley, and Great Plains to permit squatters to settle surveyed or unsurveyed government land with a subsequent purchase option, it did not apply to Provisional Government land claims in the Oregon Territory. This was due to the fact that (1) Indian title had not yet been extinguished or resolved (via ratified treaties), and (2) virtually all of said land claims far exceeded the Preemption Act's 160-acre limit.²¹ In order to resolve the land claim issue and provide for the orderly administration and disposition of the public domain, additional legislation by Congress was essential.

THE DONATION LAND ACT OF 1850

The Donation Land Act of 1850 was the response to the land claim and preemption settlement quandary and by some perspectives is arguably the most influential Congressional legislation in Oregon's history. The act, which applied only to the Oregon Territory and for a brief time to the newly created Washington Territory, was a critical departure in



SATURDAY AFTERNOON, OCTOBER 26, 1907, OPENING DAY FOR THE GENERAL LAND OFFICE IN LAKEVIEW, OREGON. ABOUT 40,000 ACRES OF LAND HAD BEEN SEGREGATED FROM A FOREST RESERVE AND WAS RESTORED TO SETTLEMENT SEPTEMBER 27, 1907. THREE WEEKS BEFORE THE OPENING, APPLICANTS COMMENCED TO LINE UP AT THE LOCAL LAND OFFICE, AND THE NUMBER INCREASED DAILY UNTIL THE OPENING DAY, WHEN 224 WERE IN LINE.

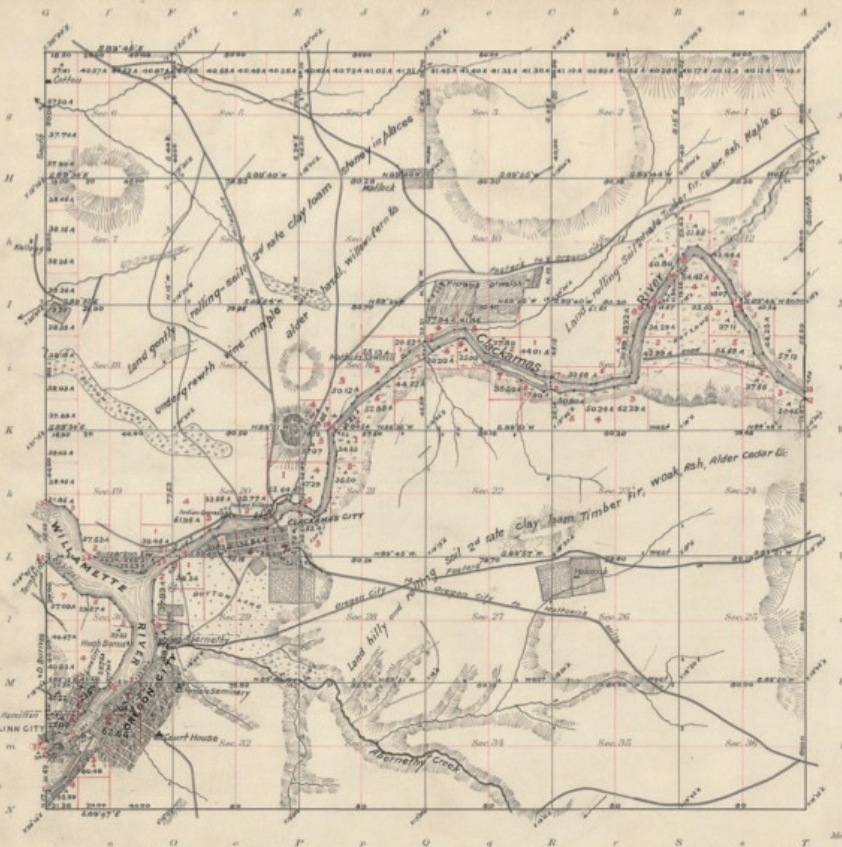
the nation's public land policy because of its unprecedented outright gift or land donation provision. It was opposed by many in Congress, who preferred generating revenue for the federal treasury through the sale of government lands.²²

The primary purpose of the Donation Land Act was to create the Office of Surveyor-General of Oregon, provide for the public land surveys, and make donations of public lands to the settlers.²³ Though not from the perspective of Native Americans, the resolution of the issues concerning land claim preemption settlement, the rights of pre-territorial settlers, and the reward and inducement for additional immigration to Oregon were recognized as its major achievements.²⁴ Positioned squarely in the middle of the nation's public land policies and dealings with American Indians,²⁵ the Donation Land Act also set into motion, for the first time, the direct involvement in the Oregon Territory by the federal agency charged with the responsibility for the administration, survey, and disposition of the public domain, the United States General Land Office. Refer to the following section Claiming Lands under the Donation Land Act for a discussion of the requirements and eligibility under the Act.

The PUBLIC LAND SURVEY SYSTEM and DISTRICT LAND OFFICES

The need to provide for the orderly settlement and disposal (i.e. transfer to state or private ownership) of public domain lands was recognized early in American history. In 1785, the Congress of the Confederation enacted the Land Ordinance for the large expanse of public domain lands located northwest of the Ohio River.²⁶ The law set forth the use of the United States Public Land Survey System and the procedures for recording land patents and related case records essential to the chain of title in the existing and future public domain states. In 1789, Congress established the U.S. Department of the Treasury and gave it the responsibility of overseeing the sale of public domain lands. The rapid expansion of the nation during the early nineteenth century necessitated the creation of the GLO on April 25, 1812. Originally, the GLO was an agency within the Treasury Department specifically assigned the responsibility for the survey and sale of public domain lands. With the establishment of the U.S. Department of the Interior in 1849, the GLO was moved from the Treasury Department to the Interior Department, where it would remain for the next ninety-seven years.²⁷

Township No 2 South Range No 2 East Willamette Meridian.



I certify this to be a correct copy of the
Original Plat on file in this Office.
U.S. Surveyor General's Office
Portland, Oregon, June 30th 1852
J. B. Preston
Surveyor General

Acreage in Acres	
Public Land	
Indian Reservation	
Indian Allotments	
Mineral Claims	
Water Surface	
Total Area	

Scale 40 Chains to an inch

Magn. Magnetic Declination.

Survey Designated	By Whom Surveyed	Contract No.	Amount of Survey	When Surveyed	Where Surveyed
Township Lines	Joseph Hunt	13	36	March 25th 1852	1/2 1 30
Subdivisions	Joseph Hunt	17	80	May 13th 1852	1/2 1 30
				June 30th 1852	1/2 1 30
				July 1st 1852	1/2 1 30
				August 1st 1852	1/2 1 30
				September 1st 1852	1/2 1 30
				October 1st 1852	1/2 1 30
				November 1st 1852	1/2 1 30
				December 1st 1852	1/2 1 30

The above map of Township No. 2 South - Range No. 2 East - of the Willamette
Marion Territory/Oregon is strictly conformable to the field notes of the survey thereof on file
in this office, which have been examined and approved

Surveyor General's Office
Oregon City June 30th 1852

(signed) J. B. Preston
Sur. Gen.

EARLY PLAT OF SURVEY
OF TOWNSHIP 2
SOUTH, RANGE 2 EAST,
WILLAMETTE MERIDIAN,
SHOWING THE LOCATION OF
OREGON CITY, APPROVED
BY SURVEYOR-GENERAL
JOHN B. PRESTON ON JUNE
20, 1852. COURTESY OF
THE BUREAU OF LAND
MANAGEMENT.

See
R.I.E.

The GLO agency chief held the title of commissioner and was appointed by the President. Washington, D.C. served as the location for the agency's centralized operational headquarters, and field offices were established wherever there was a significant requirement to survey lands and accommodate settlers. Because land surveys, also known as cadastral surveys, had to be completed before the public domain could be conveyed out of federal ownership, the first priority of newly secured public domain territory was to establish a local survey office for the designated GLO surveyor-general and cadastral surveyors who were assigned the responsibility for accomplishing the public land survey of the designated region. Private and local government contractors accomplished all of the GLO cadastral surveys in the United States until 1910, when GLO government surveyors assumed that function.²⁸ The Public Land Survey System, also known as the Rectangular Survey System and formally known as the United States Public Land Survey System, grew out of the formal beginnings of the federal system of public land administration in the Land Ordinance of May 20, 1785. Prior to that time, most of rural colonial America determined land boundaries by "metes and bounds," a method of marking property corners and boundaries with bearings and distances run between,

or concurrent with, local landmarks, physical features, or other property boundaries resulting in irregular and often confused surveys.²⁹

The Public Land Survey System was first used in Ohio in 1785 and was patterned after a very practical system developed in colonial New England, where some lands were surveyed in rectangular townships, six miles square. The first step in the rectangular survey of a designated area or region is to establish an initial point with geographic coordinates from which to begin the survey. From that point, an east-west line, known as the base line, and a north-south line, known as the principal meridian, are created as the survey's framework, and a corresponding grid of six-mile square townships, thirty-six one square-mile sections per township, and smaller subdivisions is established. The surveyors number townships and ranges sequentially outward from the survey initial point with each township assigned a "township number" north or south of the baseline and a "range number" west or east of the principal meridian.³⁰ A plat of survey, also known as a GLO plat map, is prepared for each surveyed township and is supported by the surveyor's field notes containing the land legal descriptions, bearings, distances, and other observations.



IMMIGRANTS ARRIVING ON THE OREGON TRAIL.

The United States has thirty-seven principal meridians, and each is identified with a specific name or number. Some states have more than one principal meridian and some states share the same principal meridian. The Rectangular Survey System applies only to those thirty states, which are exclusively part of the original public domain, including Florida, Alabama, Mississippi, and all states located northwest of the Ohio River and west of the Mississippi River, except Texas and Hawaii.³¹

Responding to the land survey provisions of the Donation Land Act, President Millard Fillmore appointed the first Surveyor-General of Oregon, John B. Preston, on December 16, 1850. After arriving in Oregon City, Preston opened the GLO survey office for the Oregon Territory on May 5, 1851. Although the Oregon Territorial capital was moved from Oregon City to Salem later that same year, Oregon City was selected as the first location of the region's survey office because of its strategic geographic location. Situated in the northern Willamette Valley, Oregon City was the focal point for the pre-territorial land claims and was the first destination for thousands of new immigrants arriving on the Oregon Trail.³²

For new immigrants seeking to file a land claim in Oregon, the Donation Land Act required that each claimant file certain

documents and affidavits with the Surveyor-General. Included among these was the claimants' "Notification," describing their land claim boundaries. Because the Donation Land Act contained no provision for the establishment of a district land office, the survey office temporarily performed a dual function. Beginning in 1850 and until 1854, when the GLO opened Oregon's first district land office, Preston, and his successor, Charles K. Gardiner, executed the customary

duties of a land office manager, including receiving and processing claimants' documentation and acting as a judge to adjudicate any conflicting claim disputes.³³



INITIAL POINT OF THE WILLAMETTE MERIDIAN GLO SURVEY. THIS STAINLESS-STEEL MARKER IS SET IN A STONE OBELISK KNOWN AS THE WILLAMETTE STONE AND IS LOCATED WITHIN WILLAMETTE STONE STATE HERITAGE AREA NEAR DOWNTOWN PORTLAND. COURTESY OF THE BLM AND THE OREGON PARKS & RECREATION DEPARTMENT.



JOHN B. PRESTON, THE FIRST SURVEYOR GENERAL OF OREGON,
WAS APPOINTED BY PRESIDENT FILLMORE IN 1850

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JUSTIN BUTTERFIELD WAS THE FIRST COMMISSIONER OF THE U.S. GENERAL LAND OFFICE
AFTER ITS TRANSFER TO THE DEPARTMENT OF THE INTERIOR IN 1849,
AND HE GAVE SURVEY INSTRUCTIONS TO THE FIRST SURVEYOR-GENERAL OF OREGON.

Initiating the GLO Public Land Survey in Oregon

Justin Butterfield, who served as GLO Commissioner from July 1849 to September 1852³⁴ advised Preston to establish the initial point of the survey so that the Willamette Meridian would run north to Puget Sound and south to California and should pass between Vancouver Lake and the Columbia River to keep the meridian out of those two waterways to the maximum extent possible. Butterfield also advised Preston that, the Willamette Base Line, running east to the Snake River and west to the Pacific Ocean, should be positioned completely south of the Columbia River and run north of Mount Hood and across the Tualatin Plains west of today's Portland.³⁵

The surveyors selected a high point on a ridge along the Tualatin Mountains, also known today as Portland's West Hills, for the intersection of the meridian and base line and the location of the survey initial point established on June 4, 1851. The Willamette Meridian was the nation's fifteenth principal meridian to be established and the first principal meridian and survey initial point established west of the Rocky Mountains. Today, the survey initial point is referred to as the Willamette Stone and is enclosed within Willamette Stone State Heritage Area near Northwest

Skyline Boulevard. The Willamette Meridian survey was selected as the only principle meridian necessary to survey all of what is now Oregon and Washington.³⁶

Establishment of District Land Offices

Once the land surveys were underway, the GLO district land offices were activated to serve the needs of local settlers and were later consolidated or closed as patterns of migration and settlement dictated.³⁷ The district land offices were inundated with settlers and immigrants seeking available land to claim or purchase. The offices were staffed with a register, receiver, and support personnel. The Register, who was recognized as the land office manager, and the Receiver, who handled monetary receipts and additional duties, were both Presidential appointees. These positions had considerable political influence and were highly sought after. The land office was responsible for interpreting the cadastral survey plats and field notes, receiving moneys, processing applications and affidavits, maintaining land status records, preparing land title documents, resolving conflicting land uses and claims, and providing information to the public. The frantic pace of public domain settlement and title transfers in the nineteenth century American West led to the familiar expression "Land Office Business," meaning thriving or high-volume trade.³⁸



ROSEBURG GENERAL LAND OFFICE, ROSEBURG, OREGON

The center of the donation land claim activity and the original site of the region's GLO survey office, Oregon City was the logical location for the Oregon Territory's first GLO district land office. Under the authority of the Act of February 14, 1853, which amended the original Donation Land Act, and Presidential Executive Order of August 24, 1854, the Oregon City District Land Office was opened on December 11, 1854. The first register and receiver in Oregon City were Dr. Ralph Wilcox and James Guthrie, both appointed during President Franklin Pierce's administration.³⁹ Wilcox arrived in Oregon in 1845 aboard the bark Toulon, which had sailed from San Francisco to Portland. Recognized as the first schoolteacher in Oregon, Wilcox was a medical doctor and served in a number of federal and local governmental positions. Guthrie was an early Oregon pioneer and had joint ownership with Dr. John McLoughlin of the Island Flouring Mill at Willamette Falls.⁴⁰

Each change of administrations in Washington, D.C. resulted in the appointment of new registers and receivers in district land offices nationwide. Berryman Jennings, A. L. Lovejoy, William A. Starkweather, William Matlock, and Owen Wade served as registers or receivers in Oregon City during the decade following Wilcox and Guthrie's appointments. After Abraham Lincoln became president, he appointed William A. Starkweather as Register and William Matlock

as Receiver of the Oregon City District Land Office. The effective date of their four-year appointments was June 13, 1861. Starkweather received notification of his appointment by letter from the Interior Department in Washington, D.C., which acknowledged that his commission or presidential appointment certificate would be sent under separate cover. The letter also made reference to the recent instigation of the Civil War by closing with the sentence "The unfortunate condition of our national affairs is the principal cause of delay in making our Oregon appointments."⁴¹

A sizeable number of donation land claims was established in the Umpqua and Rogue Valleys of southwestern Oregon, which precipitated the need to immediately open a second district land office for the convenience of settlers and claimants who were generally located more than one hundred miles south of Oregon City. The district land office at Winchester was opened on January 17, 1855, and was moved to the rapidly growing city of Roseburg in 1860.⁴² The post office used the spelling "Roseburgh" until 1894, but the municipal government and local population consistently preferred the spelling "Roseburg."⁴³

Donation land claims dominated the workload of the land offices at Oregon City and Roseburg until after Congress passed the Homestead Act in 1862. Oregon City was by far



WILLIAM A. STARKWEATHER, c. 1870
APPOINTED IN 1861 BY PRESIDENT LINCOLN AS
REGISTER OF THE OREGON CITY DISTRICT LAND OFFICE.
COURTESY OF NANCY STARKWEATHER HERSEY

ABRAHAM LINCOLN,
President of the United States of America
To all who shall see these Presents Greeting:

Know Ye, That, reposing special trust and confidence in the Integrity, Ability and Discretion of
William A. Starkweather, of Oregon, I do appoint him
to be Register of the Land Office at Oregon City, Oregon,
and do authorize and empower him to execute and fulfil the duties of that Office according to Law, and to hold the said Office with all the
rights and emoluments thereto legally appertaining unto him the said William A. Starkweather
during the pleasure of the President of the United States for the time being and until the end of the next session of the Senate
of the United States and no longer.



In Testimony whereof, I have caused these Letters to be made Patent, and
the Seal of the Department of the Interior to be hereunto affixed,
GIVEN under my hand at the City of Washington the thirteenth day of January
in the year of our Lord one thousand eight hundred and sixty-one, and of the Independence
of the United States of America the eighty-fifth.

By the President:

Calvin B. Smith
Secretary of the Interior

Abraham Lincoln

PRESIDENTIAL COMMISSION APPOINTING WILLIAM A. STARKWEATHER AS REGISTER OF THE OREGON CITY DISTRICT LAND OFFICE.
COURTESY OF NANCY STARKWEATHER HERSEY

TABLE 1. GLO DISTRICT LAND OFFICES AND BLM LAND OFFICES IN THE OREGON TERRITORY, WASHINGTON TERRITORY, STATE OF OREGON, AND STATE OF WASHINGTON IN CHRONOLOGICAL ORDER BY OPENING DATE

<i>Name & Location</i>	<i>Date of Opening</i>	<i>Remarks</i>
Oregon City Winchester Roseburg Vancouver La Grande	11 Dec 1854 17 Jan 1855 1860 3 Jul 1861 15 Nov 1867	Moved to Portland in 1905. Moved to Roseburg in 1860. Closed in 1948. Consolidated with Seattle in 1925. Consolidated with The Dalles in 1925.
Walla Walla Linkville The Dalles Colfax Lakeview	17 Jul 1871 1874 1 Jun 1875 1876 6 Aug 1877	Consolidated with Spokane in 1925. Moved to Lakeview 1877. Closed in 1948. Moved to Spokane Falls in 1883. Closed in 1948.
Spokane Falls North Yakima Seattle	1 Oct 1883 14 Apr 1885 3 Dec 1887	Name changed to Spokane in 1891, became the lone remaining land office in Washington in 1927, and consolidated with the Washington Land Office in 1949. Name changed to Yakima in 1918 and consolidated with Spokane in 1925. Consolidated with Spokane in 1927.
Harney Burns Olympia Waterville Portland	21 May 1888 2 Sep 1889 1890 6 Nov 1890 1 Jul 1905	Moved to Burns in 1889. Closed in 1925. Consolidated with Seattle in 1915. Consolidated with Spokane in 1925. Consolidated with Roseburg in 1927.
Vale Oregon Washington	1 Jul 1910 1948 1949	Consolidated with The Dalles in 1927. Established in Portland as the lone remaining land office in Oregon in 1948 and became the last remaining land office in Oregon and Washington in 1965. Closed in 1971 with the reorganization of the Bureau of Land Management. Established in Spokane in 1949 and consolidated with the Oregon Land Office in 1965.

SOURCE: HISTORICAL ABSTRACT OF GLO DISTRICT LAND OFFICES AND BUREAU OF LAND MANAGEMENT OFFICES IN OREGON AND WASHINGTON, LAND RECORDS IMPROVEMENT PROJECT, BUREAU OF LAND MANAGEMENT, OREGON-WASHINGTON STATE OFFICE, 1965-1970. THE U.S. GENERAL LAND OFFICE ADMINISTERED THE DISTRICT LAND OFFICES UNTIL JULY 16, 1946, WHEN ITS SUCCESSOR, THE BUREAU OF LAND MANAGEMENT, WAS CREATED, AND THE TERM "DISTRICT" WAS ELIMINATED FROM THE LAND OFFICES.

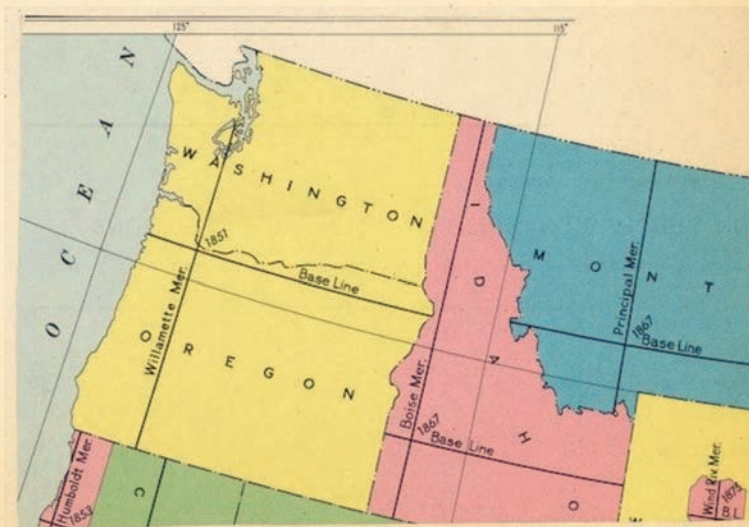


GENERAL LAND OFFICE, BURNS, OREGON

the busiest district land office in Oregon prior to the mid-1860s, with 5,242 donation land claim cases processed, compared with 2,123 cases at Roseburg.⁴⁴ Between 1855 and 1949, a total of twenty-one district land offices or land offices was activated within the Oregon Territory, Washington Territory, state of Oregon, and state of Washington. Refer to Table 1.

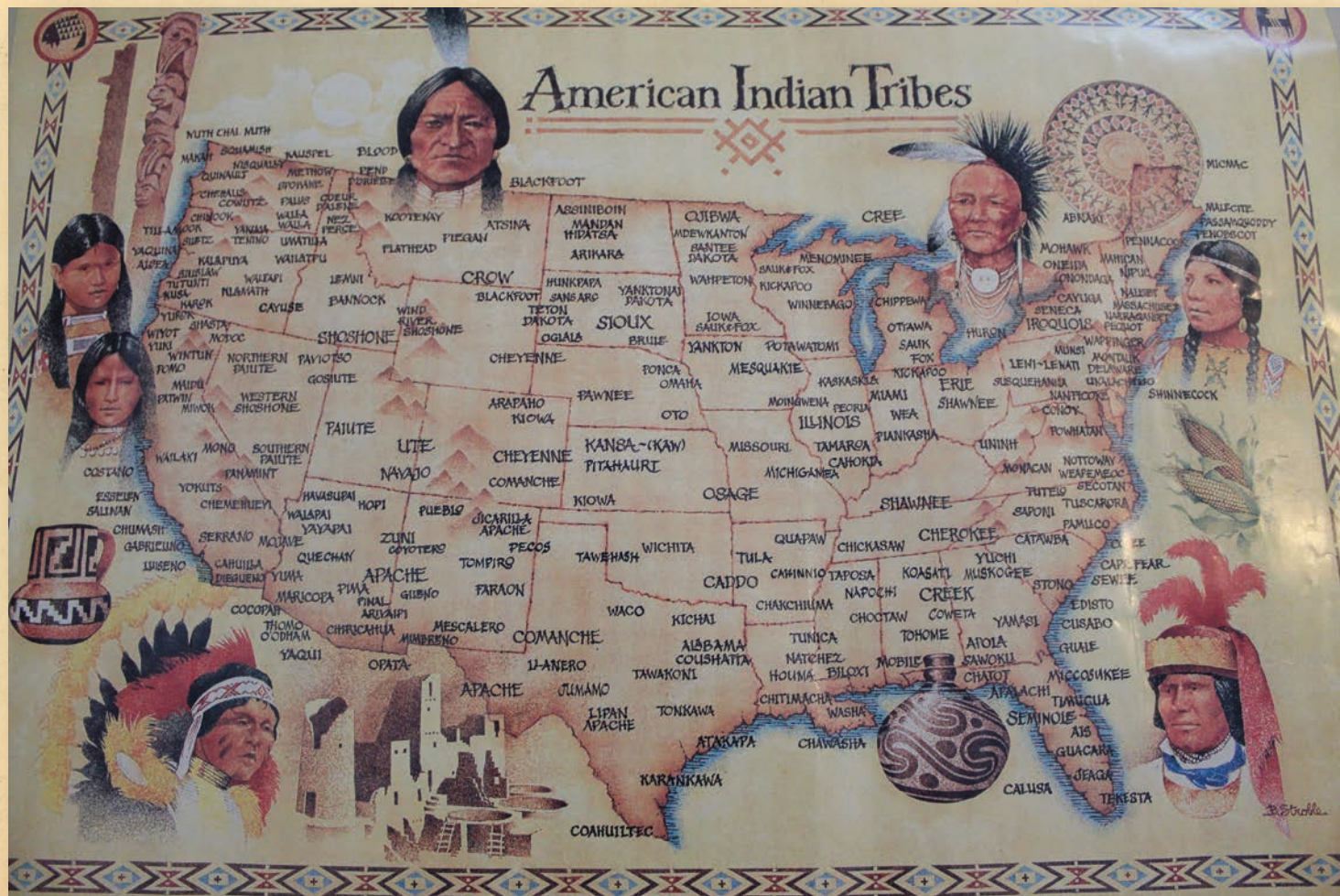
The GLO administered the district land offices until July 16, 1946, when its successor, the Bureau of Land Management (BLM,) was created and the term “District” and the register and receiver positions were abolished.⁴⁵ Following many years of consolidations and closures, a single land office remained to serve both Oregon and Washington – the Oregon Land Office located in Portland. It was established in 1948 as the lone remaining land office in Oregon. The Washington Land Office, which was established in Spokane in 1949, was consolidated with the Oregon Land Office in 1965. In 1971, the Oregon Land Office was merged with the BLM Oregon-Washington State Office as all remaining federal land offices nationwide were essentially closed and the traditional term “land office” was eliminated with a reorganization of the BLM.”⁴⁶ Even today, the public room in the BLM Oregon-Washington State Office is unofficially referred to as the “land office” because its primary function in providing public land information and access to maps and records is reminiscent of the old GLO and BLM land offices.

The BLM, however, would continue to perform all of the functions that were associated with the old district land offices, but under different organizational titles and structures. The obsolete term “district land office” should not be confused with the more contemporary BLM districts and BLM district offices, which have been established as administrative units to manage public lands and natural resources within specific geographic boundaries.



MAP SHOWING THE LOCATION OF THE WILLAMETTE MERIDIAN AND BASE LINE. THE GLO SURVEY INITIAL POINT WAS ESTABLISHED IN 1851. 1
COURTESY OF THE BUREAU OF LAND MANAGEMENT. 1

American Indian Tribes



AMERICAN INDIAN TITLE and DISPOSITION of the PUBLIC DOMAIN

Disposal (i.e. transfer to state or private ownership) of the nation's public domain was the primary public land policy objective of the federal government during most of the nineteenth century. While encouraging Americans to migrate westward to settle and develop the public domain, Congress enacted a variety of land disposal laws primarily designed to generate revenue for the federal treasury through the sale of land to individuals. These laws also provided grants to aid newly formed states and to promote development through the construction of railroads and wagon roads.

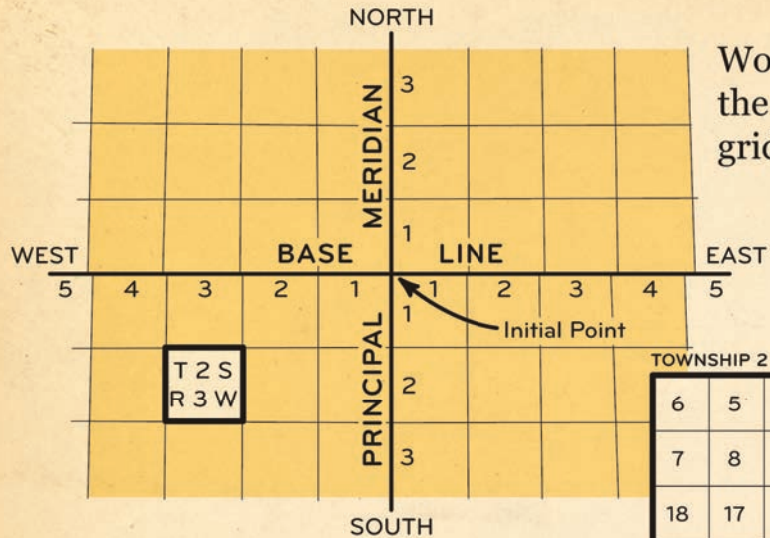
Before the public domain in Oregon could be conveyed into private ownership, a major obstacle would have to be addressed; resolving Indian title. While the federal government attempted to prevent the illegal taking of Indian land by settlers throughout the West well prior to the 1840s, there was a duality to the government's policies. As one historian noted "the government meant to restrain and govern the advance of the whites, not to prevent it forever."⁴⁷ By 1828, removal of eastern tribes to the west became a publicly stated goal. In 1830, Congress passed the Indian Removal Act and authorized the President to negotiate with

eastern tribes for their removal west of the Mississippi River. Between 1832 and 1843, most eastern tribes were removed or forced to live on smaller reservations in the east. More than 15,000 Indians died in forced marches to Oklahoma.⁴⁸ The federal government attempted to resolve Indian title through the negotiation of treaties, but the government's policies did not prevent preemption settlement in Oregon by non-Indians.

The Native American traditional concept of land ownership was that no one owns the land, but people have the right to use the land. The federal government was resolute in its stance that before it could convey any lands, considered by the United States government as public domain, to prospective settlers, the lands must be surveyed by the GLO, titles granted by other sovereign powers must be confirmed, and Indian title, however vague, must be extinguished or resolved through treaties. Concisely, the federal government was insistent that it hold clear and impeccable title of ownership according to the laws of the United States.⁴⁹

The federal government's power to extinguish Indian title was greatly facilitated by the United States Supreme Court in its controversial ruling in 1823, which defined the nation's doctrine of discovery. It ruled, to the detriment of Native Americans, that the United States was effectively

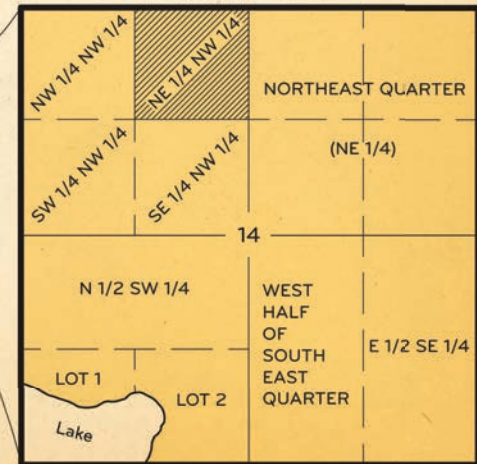
TOWNSHIP GRID



TOWNSHIP 2 SOUTH, RANGE 3 WEST

6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	SEC 14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

SECTION 14



Townships are further divided into sections of 1 square mile (640 acres). Sections are then numbered from 1 to 36.

successor in interest to all prior European claims with the preemptive right to acquire Native American occupancy rights and to dominate the exercise of their sovereignty and self-government rights as well.⁵⁰

As the great migration of pioneers and the corresponding preemption settlement continued well into the 1850s, the land title clearing requirements could not be fulfilled with the haste demanded by the American expansion. The process of surveying the lands and negotiating treaties with Native American tribes was time consuming and subject to significant delays. With thousands of settlers already on the scene, negotiations with many tribes often took place under the backdrop of conflicts between miners, settlers the U.S. Army, and tribes. After years of negotiation, war, intrigue, and promises broken or delayed in fulfillment, all of the cession treaties in Oregon were executed by the 1860s. The United States Senate, however, failed to ratify some, and many were later modified.⁵¹ Once a given parcel of land was determined to have clear title and the cadastral survey was completed, the GLO could proceed with the actual land conveyance.

As the story of Indian cessions in Oregon unfolded, it followed a pattern cut in colonial times: divergence between Government policy and settler policy. The Government

hoped and attempted to hold back the currents of settlement from Indian country. Always the dynamics of land hunger won out and the Government was forced to give way before its citizens and execute new arrangements with the tribes. Settlers themselves probably thought this was an over-scrupulous consideration for Indian rights. Consciously or unconsciously the settlers operated on what was for them a "higher law," that unsettled, untitled land was God-given for those who would work it.⁵²

Claiming Lands under the Donation Land Act

A number of public land disposal authorities already existed at the time the Oregon Territory was established. It was the exclusive Donation Land Act of 1850, however, that had the greatest impact on Oregon. The Act provided that each resident white or half-breed settler, who was an American citizen or who within a year declared his or her intentions of becoming a citizen, could receive 320 acres and, if married, another 320 acres in the name of the spouse. Actual settlement and cultivation were required and to receive this quantity of acreage, the claimant had to have arrived in the Oregon Country or Oregon Territory prior to December 1, 1850.⁵³



A unique provision of the Act was that it was reputedly the first federal legislation to grant women property in their own right. Originally the law was set to expire in 1853, but the time was extended to December of 1855 by the 1853 amendment. The extension also provided for those claimants, who arrived after December 1, 1850, to receive 160 acres, plus 160 acres in the name of the spouse. The original Act required four successive years' residence on the land claim before making application for certification. As an alternative, the 1853 amendment offered the option to purchase the land

for \$1.²⁵ per acre after only two successive years of such residence. By an 1854 amendment, the residence period was reduced to one year; the Donation Land Act and its amendments were extended to the Washington Territory; and the appointment of Surveyor-General of the Washington Territory was authorized.⁵⁴ It has been estimated that approximately 25,000 to 30,000 settlers had arrived in Oregon before the Donation Land Act expired in 1855. As of 1856, only 750 claims have been surveyed and 800 examined, platted and approved. Under the Donation Land Act and its amendments, a total of 7,432 donation land claims and 2,614,082 acres were patented.⁵⁵ The Donation Land Act will always be recognized as the mechanism by which the prime farmlands of western Oregon were conveyed into individual ownership.⁵⁶

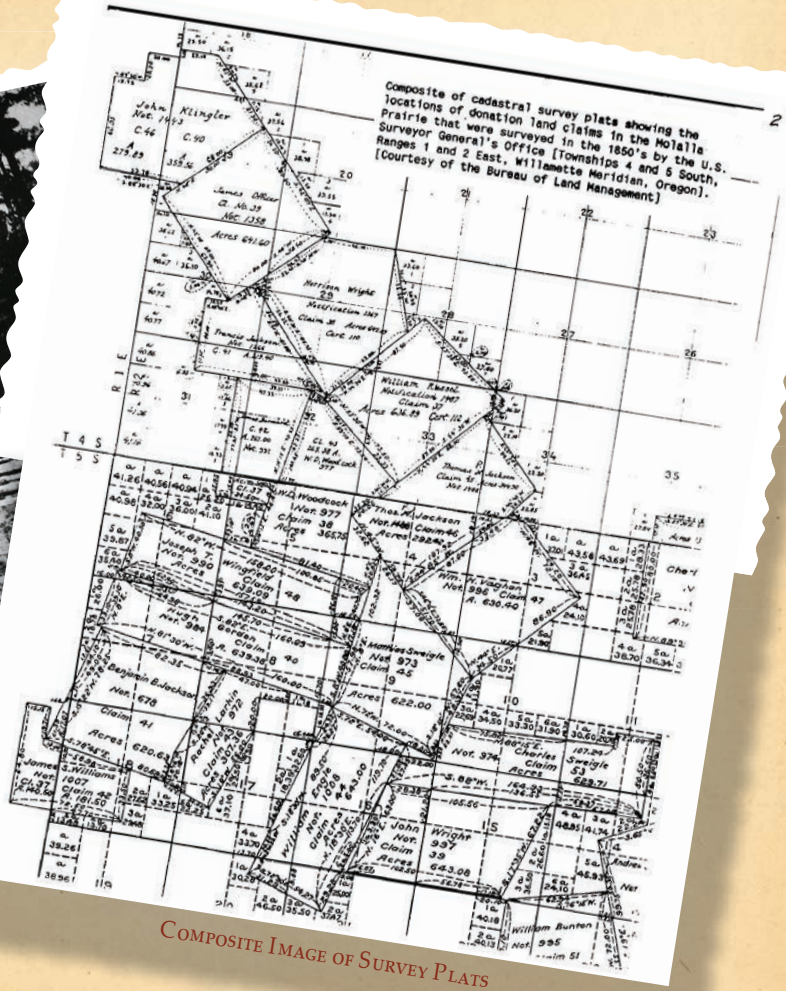
Under the Donation Land Act, the early immigrant settlers had the advantage of first choice in selecting and claiming the most fertile farmlands in the western valleys of Oregon. One disadvantage, however, was that those who settled land claims before completion of the GLO public land survey were required to reimburse the GLO for the cost of a special GLO metes and bounds survey of the land claim boundaries originally marked by the claimant. It was necessary that the Public Land Survey System be first put in place for a given

TABLE 2 1

Disposition of the Public Domain in Oregon - 1858 to 1976 <i>Total Public Domain Acres Conveyed</i> <i>Out of Federal Ownership by Land Patents and Grants (excluding land exchanges)</i>	
<i>Disposal Authority</i>	<i>Acres</i>
Donation Land Act of 1850	2,614,082
Land Sales & Cash Entry Laws	6,455,551
Homestead Laws	11,097,982
Desert Land Entry Act	1,147,354
State School Land Grants	3,399,360
State Swamp Land Grants	286,108
Miscellaneous State Grants	823,404
Railroad Grants	*4,479,532
Wagon Road Grants	**2,490,890
Miscellaneous Land Patents & Grants	100,000
Total Acres	32,794,263
<p>*Includes 2,891,000 acres of O&C Railroad Grant Lands revested to the United States in 1916.</p> <p>**The Wagon Road Grants were actually made directly to the State of Oregon and then transferred to authorized road-building companies.</p> <p>Source: <i>Statistical Appendix to the Annual Report of the Director, Bureau of Land Management, 1959, Public Land Statistics 1976</i>, U.S. Department of the Interior, Bureau of Land Management; and Jerry A. O'Callaghan, <i>Disposition of the Public Domain in Oregon</i>.</p>	



HOMESTEAD FARMLAND



COMPOSITE IMAGE OF SURVEY PLATS

township, and then the preexisting irregular shaped land claim tracts were then tied to the rectangular grid when the metes and bounds surveys were completed by the GLO. Because these irregular shaped tracts did not conform to the rectangular framework of the GLO public land survey, they were assigned a claim number, beginning with number 37 in each township. This initial number was selected because a normal township has thirty-six sections, numbered 1 through 36. If a claim overlapped into one or more townships, each portion was given a different claim number in each township. The GLO metes and bounds surveys of donation land claims sometimes exposed overlapping conflicts between adjacent land claims. These conflicts had to be resolved by the surveyor-general or his deputy before the survey could be approved.⁵⁷ Refer to diagram on previous page for a composite image of survey plats, which illustrates how irregular shaped donation land claim tracts are tied to the rectangular grid.

The Sale-Cash Entry Act of 1920

As noted in Table 2, over eleven million acres of the public domain were conveyed to the State of Oregon, railroad companies, and to individuals by specific land grants and donations. However, a variety of land sale authorities, which generated needed income for the federal treasury, were the principal means by which public domain land conveyances were accomplished in Oregon. The most common among

these were the Sale-Cash Entry Act of 1820, first used extensively in the Nation's Midwest and Mississippi Valley, and the homestead entry laws beginning in 1862. Together, these authorities accounted for the transfer into private ownership of more than 17,000,000 acres of public domain lands combined in both western and eastern Oregon. The Sale-Cash Entry Act of 1820 in Oregon was utilized primarily by individuals to acquire isolated tracts located adjacent to donation land claims or homestead entries and tracts situated in the perimeter areas of the Willamette Valley. Usually these tracts were originally offered at public auction and if unsold there, they were made available for the minimum purchase price of \$1.²⁵ per acre. The maximum acreage that could be acquired in one contiguous parcel was 160 acres, though many parcels conveyed under the Act were smaller than this size.⁵⁸

THE HOMESTEAD ACT OF 1862

The Donation Land Act was considered the precursor of the national Homestead Act of 1862, a land transfer mechanism long demanded on the frontier as the most fitting reward for settlers who would hold the land against all comers. The Donation Land Act as one observer wrote "came very near to meeting the classic homestead ideal—award of the best farmland to the actual settlers."⁵⁹



LOG CABIN c. 1890 LOCATED IN GRANY COUNTY
ON LAND SETTLED BY FLOYD OFFICER UNDER THE
HOMESTEAD ACT.
COURTESY OF THE JOHN DAY FOSSIL BEDS NATIONAL
MONUMENT, NATIONAL PARK SERVICE

HOMESTEAD.

Land Office at *Oregon City, Oregon*
April 1st 1868.

CERTIFICATE, }
No. 1

{ APPLICATION,
No. 10

It is hereby certified, That pursuant to the provisions of the act of Congress, approved
May 20, 1862, entitled "An act to secure homesteads to actual settlers on the public domain,"

William Tucker of Washington County, Oregon has
made payment in full for *Lots Nos. 1, 2 and 3 of Sec. 16 and Lot 2* of
Section *14* in Township *1 South*
of Range *1 West* containing *120* acres.

Now, therefore, be it known, That on presentation of this Certificate to the
COMMISSIONER OF THE GENERAL LAND OFFICE, the said *William*
Tucker shall be entitled to a Patent for the Tract of Land above described.

Owen Wade Register.

THE FIRST FINAL CERTIFICATE FOR A HOMESTEAD ENTRY ISSUED BY A DISTRICT LAND OFFICE IN OREGON.
COURTESY OF THE BUREAU OF LAND MANAGEMENT

In contrast with the Donation Land Act, the Homestead Act was not considered an outright gift of free land and was applicable to all of the public domain states. President Lincoln signed the original Homestead Act into law on May 20, 1862, and it became effective on January 1, 1863. The rapid settlement of the rich farmlands in the Midwest forced new settlers into the Great Plains and the more arid regions of the Far West, where many homestead entries eventually failed due to marginal growing and climate conditions or the lack of soil conservation practices.⁶⁰

The Homestead Act required settlers to locate available land and pay a filing fee or a specified purchase price per acre. Unless title was obtained by the substitution of cash for the residency requirement, the settler had to reside on the land, improve and cultivate the land, and construct a suitable dwelling, all within five years from the date of entry. After final proof was accepted, the settler could then receive title (land patent) to the land. Each settler, including the spouse, could receive up to 160 acres under the original law, which was amended several times.⁶¹

Among these amendments was the Enlarged Homestead Act of 1909, which authorized up to 320 acres per settler. The Enlarged Homestead Act was intended to improve the success rate of homesteads on the more marginal lands.

Seven years later, Congress passed the Stock Raising Homestead Act of 1916, which authorized up to 320 acres per settler and was intended to promote livestock ranching with no requirement for cultivation. Homesteading and cattle and sheep ranching in eastern Oregon were particularly attractive to many of the sons and daughters of early pioneer families in western Oregon, where available land to homestead had become scarce by the late nineteenth century.⁶²

The homestead laws proved to be a significant source of temptation for some corrupt individuals and companies to conspire with bogus entrymen to fraudulently acquire land and timber for financial gain. Although the GLO experienced a number of such incidents nationwide, and occasionally with the involvement of GLO officials, the homestead laws are historically recognized as the most important means by which the nation's public domain was transferred into private ownership.⁶³

Additional TITLE TRANSFERS and LAND GRANTS

Several additional public land disposal mechanisms, including examples such as public land sales, land exchanges, desert land entries, Indian allotments, timber



MINING OPERATION

culture, and military land warrants, as well as land grants were employed in Oregon to convey public domain lands into private and state ownership.

The General Mining Act of 1872

The General Mining Act of 1872, often referred to as the 1872 Mining Law, is a prime example of a land use and disposal mechanism authorized by Congress. Prior to 1866, open mining on public domain lands was illegal under federal law. With the discovery of valuable minerals in the western part of the nation, miners ignored the law and the legitimate rights of others by forming their own rules for mining, claiming ownership, and protecting their claims. This also resulted in incidents of serious conflict with American Indians due to encroachment on their traditional tribal lands. In response, Congress passed limited mining legislation in 1866 and 1870, and finally the General Mining Act of 1872, which vested the control of mineral lands to the GLO, as mining and mineral leasing became major elements of public land and natural resource development and management. The Act was intended by Congress to establish an orderly process for mining of various metallic and nonmetallic minerals on the public domain, including the National Forest System of Lands.⁶⁴

The 1872 Mining Law, which is one of the few remaining nineteenth century public land laws not yet repealed by Congress, authorizes and governs the prospecting and mining for locatable economic minerals, such as gold, platinum, copper, silver, lead, zinc, mica, and gypsum. It contains provisions for entry and location of lode and placer mining claims and mill sites. Subject to the existing mineral land patent moratorium imposed by Congress in 1994, the Act provides the opportunity for individuals and companies to obtain title to the land.⁶⁵



PLACER MINING FOR GOLD NEAR THE ROGUE RIVER, C. 1889.
REPRINTED BY PERMISSION OF THE SOUTHERN OREGON HISTORICAL SOCIETY 19330.



Minerals such as oil, gas, coal, and phosphorous, as well as geothermal resources, are not subject to the General Mining Act and are available for exploration and mining only under separate mineral leasing authorities. Also available for mining, under a separate sale authority, are common sand and gravel, which are today considered Oregon's most profitable mineral products. The Blue Mountains and the Rogue Valley, however, were historically significant areas for gold mining activity, and many mining claims still exist throughout the state. The GLO and BLM's broad authority to manage the mineral estate and convey title to public domain lands also includes the granting of a wide variety of land use authorizations such as rights-of-way, easements, leases, timber sales, mineral material sales, and permits.

Land Grants to State of Oregon

The GLO's authority to convey public domain lands by land patent was overshadowed by the exclusive authority of Congress to transfer title directly by means of land grants to aid newly formed states and to promote development of the public domain through the construction of railroads and wagon roads.

The State of Oregon alone received more than 4,400,000 acres in various land grants for common schools,

swamplands, and for miscellaneous purposes such as state university, agricultural college, public buildings, and internal improvement. Refer to Table 2. Once the land grants were made, the GLO assumed a continued oversight responsibility.

The Oregon Territorial Act of 1848 and the Oregon Statehood Admission Act of 1859 granted sections numbered 16 and 36 in each township for the support of common schools. Because of early settlement by immigrants, delayed land surveys, and prior existing rights and reservations, Oregon lost more indemnity base (the originally granted sections 16 and 36) than any other public domain state. To compensate for this loss, the State was entitled to select indemnity lands elsewhere in lieu of this lost base.⁶⁶

To raise needed revenue for education and other purposes, Oregon proceeded to sell off a significant portion of the school grant lands and some of the indemnity rights for as little as \$1.²⁵ per acre. These transactions generally occurred before the timber boom of 1900–1910 and often involved a fraudulent conspiracy for financial gain by individuals and companies. Many of these parcels were recognized to have valuable timber stands, and although they were placed on the tax rolls of local government, their untimely disposal cost the State of Oregon an opportunity to consolidate large

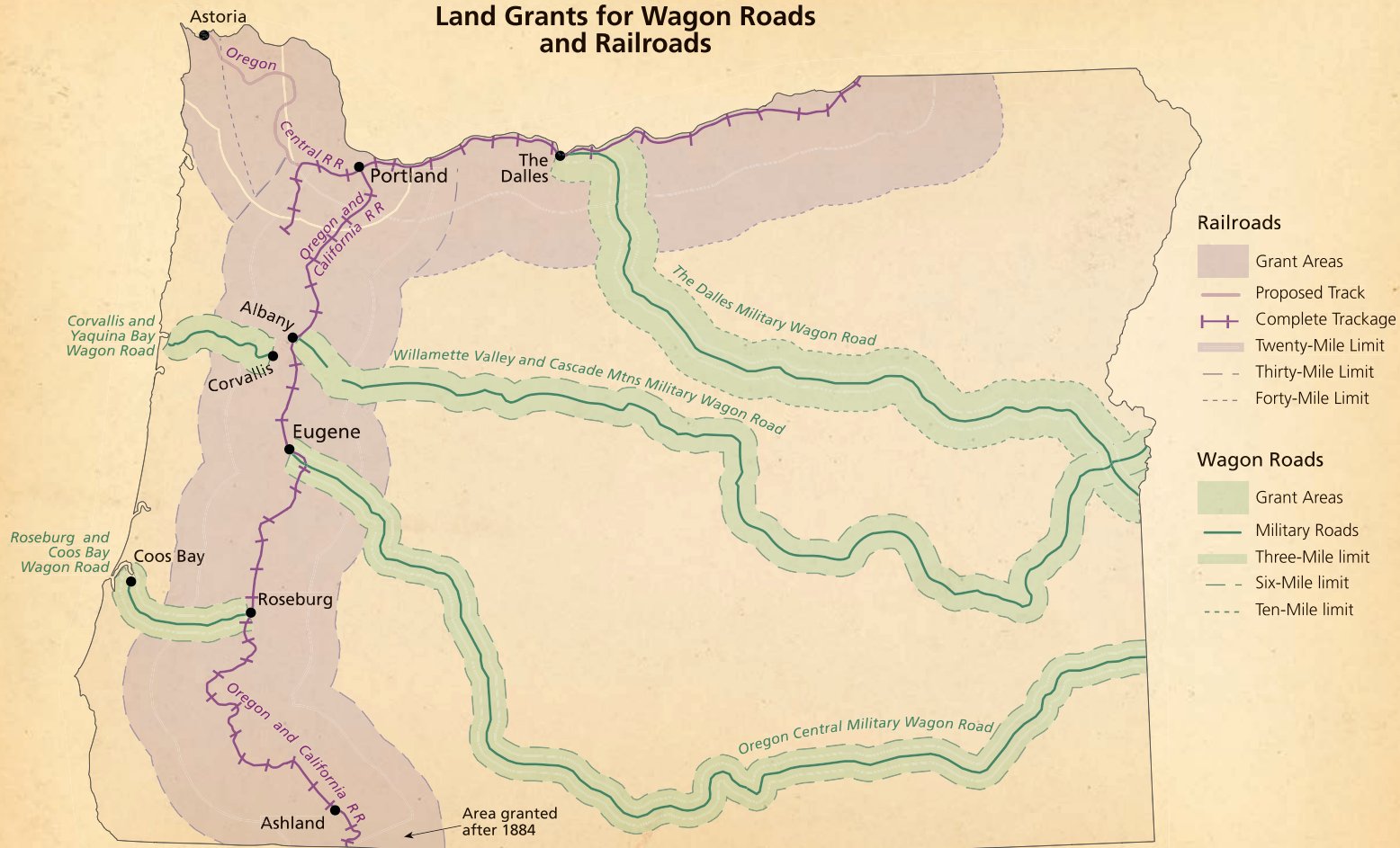
blocks of valuable timberland as a significant source of future revenue.⁶⁷

Wagon Road Grants

Oregon was the only state outside the Mississippi Valley to receive lands for the promotion of wagon roads. Congress granted the lands directly to the State of Oregon, which transferred the lands to authorized road building companies. There were five military wagon road grants made in Oregon between 1864 and 1869, including the following: (1) Oregon Central Military Wagon Road (Eugene to the eastern boundary of Oregon via the middle fork of the Willamette River); (2) Willamette Valley and Cascade Mountain Wagon Road – also known as the Santiam Wagon Road (Albany to the eastern boundary of Oregon via Santiam Pass); (3) The Dalles Military Wagon Road (The Dalles to the eastern boundary of Oregon); (4) Coos Bay Wagon Road (Coos Bay to the Umpqua Valley); and (5) Corvallis and Yaquina Bay Wagon Road (Corvallis to Yaquina Bay.)⁶⁸

These land grant subsidies were designed to finance the construction of the roads by means of land sales to settlers, but the grant recipients quickly sold out to local speculators who received enormous amounts of land, often fraudulently with the involvement of state officials. The

Land Grants for Wagon Roads and Railroads



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five grants totaled 2,490,890 acres, and checkerboard land ownership patterns were formed as the land grants were made for the odd-numbered township sections within a band three miles wide (five miles for The Dalles Military Wagon Road) on each side of the centerline of each road. Where the wagon roads crossed unsurveyed lands, such as portions of the Cascade Range, the GLO granted right-of-way authorizations rather than Congress transferring title by land grants. The term "military road" was deceptive and designed to gain legislative acceptance from congressmen from other parts of the nation. With the exception of the Corvallis and Yaquina Bay Wagon Road Company, all of the road building companies are considered to have fraudulently received large amounts of land and failed to construct adequate roads. In 1919, the federal government recovered 93,000 acres of the Coos Bay Wagon Road grant, which were returned to GLO administration.⁶⁹

The O&C RAILROAD GRANT LANDS

During the nineteenth century, the U.S. government granted millions of acres of public domain to private railroad companies to promote the construction of railroads considered necessary for the development of the nation.⁷⁰ Grants in Oregon included the Northern Pacific Railroad and the Oregon Central Railroad, but the largest railroad

grant in Oregon was made in the 1860s to the Oregon & California Railroad Company, more commonly known as the O&C Railroad.

The O&C Railroad was formed from two corporations, the California & Oregon Railroad in California and the Oregon Central Railroad in Oregon. The uniqueness of the O&C Railroad grant cannot be overstated. Larger and more valuable railroad grants had been experienced in other states, but it is almost certain that there was ever a more complicated railroad grant in the nation's history.⁷¹

By the original Act of July 25, 1866, (as amended by the Acts of June 25, 1868, and April 10, 1869), the O&C Railroad Company received 3,728,000 acres of odd-numbered township sections within a band forty miles wide, twenty miles on each side of the railroad right-of-way and an additional grant from within two adjacent ten-mile wide bands. Similar to the wagon road grants, a giant checkerboard pattern of ownership was created in western Oregon between the State's northern and southern borders. The objective of the O&C grant was to aid in the construction of a railroad from Portland to the California border, and it required that the lands be sold to "actual settlers" by the O&C Railroad Company in tracts no larger than 160 acres at prices not to exceed \$2.⁵⁰ per acre. Construction of the



RAILROAD LOGGING IN THE PACIFIC NORTHWEST

railroad was completed by 1887, but because timber values soared after 1890, the company began to sell tracts for their timber value in violation of the grant terms.⁷²

Much of the land along the railroad route passed through the early settled central portions of the Willamette, Umpqua, and Rogue Valleys, where the grant attached to relatively few parcels. The vast majority of the O&C Railroad lands were valuable timberlands. Of the 813,000 acres sold by 1903, the railroad company had disposed of 85% illegally. The federal government legally challenged the company and attained forfeiture following the U.S. Supreme Court's 1915 decision and by passage of the Chamberlain-Ferris Act of 1916, which revested the remaining 2,891,000 acres of the granted, but unsold lands to the United States. The O&C Railroad was integrated into the Southern Pacific Railroad Company and later became part of the Union Pacific Railroad Company.⁷³

The revested O&C Railroad grant lands makeup a significant part of the world's richest stands of Douglas fir timber. The sudden return of almost three million acres of valuable timberland to federal ownership created an administrative dilemma for the administering agency, the GLO. The local government tax status of the revested lands had not been fully defined by the Justice Department, and applications for access to the timberlands swamped the GLO.

The O&C Act of 1937

Timber sales were eventually resumed out of concern for the area's economy. However, in anticipation of the GLO's opening of the lands to entry and settlement, trespass and the absence of sound forest management became major challenges. After years of frustration and turmoil, Congress finally resolved the on-going controversies by passage of the O&C Act of 1937. The Act gave management control of the revested Oregon & California Railroad grant lands and the 93,000 acres of reconveyed Coos Bay Wagon Road grant lands to the newly created Oregon and California Revested Lands Administration (O&C Administration) within the GLO. The Act required that these lands be retained in federal ownership for sustained-yield forest management, and it called for a new formula for disbursing the revenue from timber sales on O&C lands.⁷⁴

Because the lands had been returned to federal ownership, the eighteen counties involved could no longer claim property tax revenue, but the federal government compromised by sharing timber sale revenue with the counties. Today, the O&C lands are managed by the GLO's successor, the BLM (2,084,107 acres) and the U.S. Forest Service (492,399 acres.)⁷⁵

THE UNITED STATES OF AMERICA,

To all to whom these presents shall come, greeting:

Whereas, There has been deposited in the GENERAL LAND OFFICE of the UNITED STATES a Certificate numbered Above hundred and thirty one, of the Register and Receiver at Oregon City, Oregon Territory:—whereby it appears that under the provisions of the act of Congress approved the 27th day of September, 1850, entitled "An act to create the office of Surveyor General of the Public Lands in Oregon, and to provide for the survey and to make donations to settlers of the said Public Lands;" the claim of William H. Vaughan, and his wife Susan M. Vaughan, of Clackamas County, Oregon Territory, Notification No. 995, has been established — to a donation of one — section, of Five hundred and forty — acres of land, and that the same has been surveyed and designated as follows: To-wit: Being parts of Sections three, four, nine and ten. Township four South, Range two East, and claim North being part of Section thirty four, in Township four South, of Range two East, — according to the Official Map of Survey returned to the GENERAL LAND OFFICE by the SURVEYOR GENERAL being located and designated as follows:—Beginning at a point seven chains and seventy links North, and eighty chains and thirty three links East of the North West corner of the North West quarter of Section three, in Township four South, of Range two East; thence three South forty four degrees forty two minutes East, Eighty seven chains; Thence South thirty six degrees fifteen minutes East; Seventy three chains and thirty links; Thence North forty four degrees East, Eighty six chains, and twenty links; Thence North forty six degrees East; Seventy two chains and ten links to the place of beginning; in the Willamette Land district, Oregon, ————— Containing Ten hundred and thirty acres and forty hundredths of an acre, —

Now know ye, That the UNITED STATES OF AMERICA, in consideration of the premises, and in conformity with the provisions of the act aforesaid, HAVE GIVEN AND GRANTED, and by these presents DO Give and Grant, unto the said Abraham H. Vaughan, the East half, and unto his wife Susan M. Vaughan, the West half of the tract of land above described, — TO HAVE AND TO HOLD the said tract, with the appurtenances, unto the said William H. Vaughan and his wife Susan M. Vaughan — and to their heirs and assigns forever, their respective portions as aforesaid.

In testimony whereof, I, Abraham Lincoln — PRESIDENT OF THE UNITED STATES, have caused these Letters to be made Patent, and the SEAL of the GENERAL LAND OFFICE to be hereunto affixed.



RECORDED, Vol. 11 Page 172.

Given under my hand, at the CITY OF WASHINGTON, this twenty-fifth — day of July — in the year of our Lord one thousand eight hundred and sixty one — and of the Independence of the United States the Eighty-sixth.

BY THE PRESIDENT:

Abraham Lincoln

By

W. V. Edwards

Secretary.

McGaughey Recorder of the General Land Office.

LAND PATENT ISSUED IN 1861 UNDER THE DONATION LAND ACT OF 1850.

From the Author's Collection

LAND PATENTS and PUBLIC LAND RECORDS

The primary title transfer document used to convey the public domain into private ownership was and continues to be the land patent. The land patent is basically a quitclaim deed issued and guaranteed by the United States Government. It does not constitute title but is mere evidence of right to title under existing law. The GLO district land offices were required to certify entitlement to a land patent by issuance of a final certificate upon satisfaction of all statutory requirements by the entryman or purchaser.

The first land patent in Oregon was issued on April 1, 1858, to the heirs of Charles Gaemblick of Benton County under the Military Veterans Scrip Warrant Act of 1847. The second patent in Oregon, and also the first donation land claim patent, was issued on April 18, 1858, to James and Rhoda White of Polk County.⁷⁶

The Whites had originally settled their land claim in 1845 under the authority of the Provisional Government, and it was later perfected under the Donation Land Act. As was typical for early pioneer settlers in the Willamette Valley, the Whites had to wait thirteen years for Indian title to be extinguished and the GLO land survey to be completed before the land patent could be issued.

The issuance of land patents was greatly curtailed during the turbulent Civil War years of 1861 to 1865 – delaying most donation land claim patents until after the war. Prior to 1964, land patents contained the name of the President of the United States but were actually signed by other authorized government officials in Washington, D.C. Refer to Figure 24 for a land patent image. That same year, land patent issuance was delegated directly to the BLM land offices in the field.⁷⁷ During the history of the GLO and the BLM, more than seven million land patents have been issued nationwide, of which approximately 200,000 were issued for lands in Oregon.⁷⁸

The process of disposing of the nation's public domain required the development of a comprehensive public land records system to provide current land ownership status and a link in the chain of title to all public and private real estate in the public domain states. By 1800, the hand-posted tract book system, designed primarily for the maintenance of a permanent reference of all transactions involving the surveyed public domain, was initiated. Hand written notations were also made to plat books, which contained official copies of the plats of survey of each township. Each GLO district land office had the responsibility of maintaining the tract and plat books for townships located

within its district, and the public relied heavily on these records to identify vacant lands that might be available for sale or entry. Case record files were maintained for each transaction, and to facilitate records management, a serial register system was initiated by the GLO during the early twentieth century. Control document records, consisting of paper copies and eventually microfilm copies of title transfer documents, government land orders, and miscellaneous documents were available for reference purposes.⁷⁹

After more than one hundred years of use, the original tract and plat books became difficult to decipher due to cluttered notations and frayed pages. They were used continuously in Oregon until the late 1960s when the BLM land records improvement project converted the old GLO land records system into a new system using mechanical record notations on historical index sheets and master title plats. These new records were originally made available for public viewing by means of microfilm aperture cards and were later incorporated into the Automated Lands and Minerals Records System (ALMRS.)⁸⁰ With the exception of the case record files, the official public land records and the survey plats and field notes of the Public Land Survey System can now be accessed by computer via the internet.

Retention in FEDERAL OWNERSHIP

Retention in federal ownership was the primary focus of the federal government's public land policy during the late nineteenth century into the twentieth century. With nearly two-thirds of the nation's public domain already disposed of and the realization that its natural resources were not inexhaustible, the continued fast pace of public land disposal was no longer justified. America had entered the "Conservation Era." By means of Presidential executive orders and proclamations, Congressional legislation, and Secretary of the Interior land orders, the federal government proceeded to reserve and retain certain lands to protect natural resources and to set aside areas for public and national security purposes.

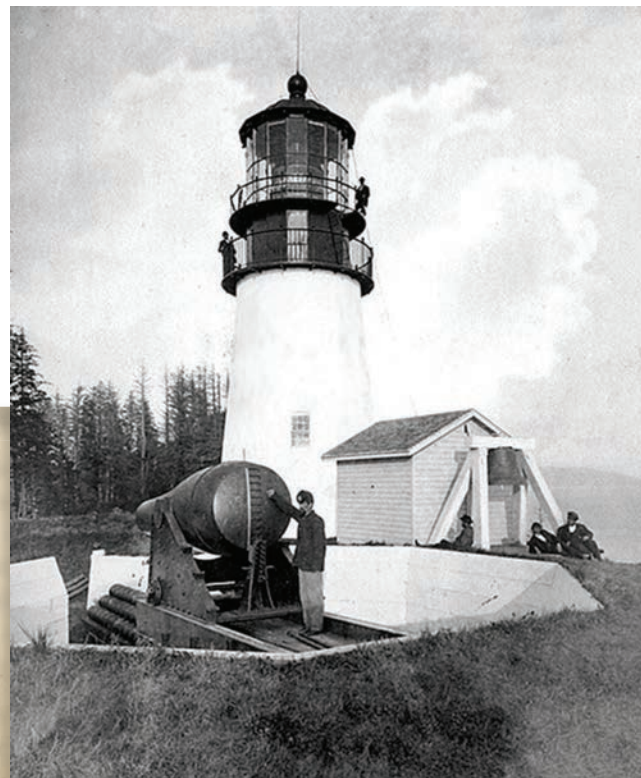
Withdrawals and Reservations

Unlike land conveyances, land surveys are not required before formal withdrawals and reservations take effect. The first lands in Oregon specifically withdrawn from settlement, sale, and entry were relatively small parcels reserved by Presidential executive orders for lighthouse and military reservation purposes during the 1850s. Although a number of historic sites was utilized in the late 1840s for military purposes, the Oregon Territory's first formal land

withdrawal was made by Presidential Executive Order of October 1, 1851, for the Cape Disappointment Lighthouse Reserve – located at the mouth of the Columbia River, in what is now the state of Washington. During the same decade, the Indian treaties resulted in large acreages set aside in trust status as Indian reservations.⁸¹

During the twentieth century, the President and the Secretary of the Interior approved thousands of administrative land withdrawals to protect various public projects, including dams and reservoirs, reclamation projects, harbors and jetties, levies, canals, and waterways and to reserve lands for federal agency administrative sites, recreation areas, research centers, military bases, cultural resources protection, and a variety of miscellaneous purposes. Responding to a renewed emphasis in conservation and environmental protection, Congress has permanently set aside millions of acres for national parks and monuments, national wildlife refuges, national scenic areas, wilderness areas, and wild and scenic rivers. Examples in Oregon include Crater Lake National Park, Oregon Islands National Wildlife Refuge, Columbia River Gorge National Scenic Area, Three Sisters Wilderness Area, and the Rogue Wild and Scenic River.

These Congressional withdrawals and reservations closed the lands, with some exceptions, to settlement, sale, location,

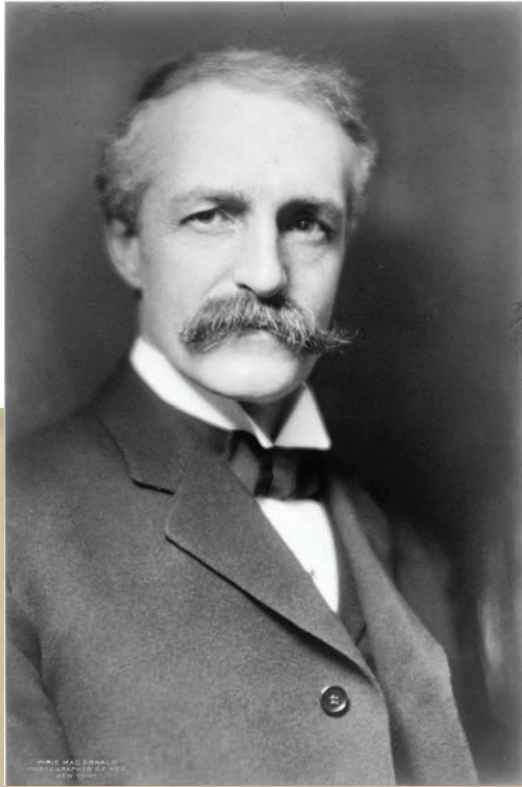


CAPE DISAPPOINTMENT LIGHTHOUSE C. 1871
THE LAND FOR THE LIGHTHOUSE WAS RESERVED IN 1851 AND
CONSTRUCTION OF THE LIGHTHOUSE WAS COMPLETED IN 1856.
COURTESY OF THE U.S. COAST GUARD



and entry under the public land laws, including the mining and mineral leasing laws, and if the lands were located outside the national forests, such actions often transferred administration from the GLO or the BLM to other federal agencies. As mandated by the Federal Land Policy and Management Act of 1976, the BLM completed a formal review of most non-Congressional withdrawals and reservations to determine their justification for continuation.

CRATER LAKE NATIONAL PARK IN THE SUMMER,
C. 1920-1930. COLORIZED PHOTOGRAPH BY
FRED H. KISER. REPRINTED BY PERMISSION
OF THE OREGON HISTORICAL SOCIETY -
IMAGE No. 1091-13



GLO Forest Reserves and National Forests

With concerns about the continued decline and unregulated logging of the nation's vast forestlands, Congress proceeded in 1891 to grant authority to the GLO to establish forest reserves to protect areas of valuable forestland. In 1898, forester Gifford Pinchot was named chief of the GLO's Division of Forestry, which had the responsibility of administering the forest reserves. Pinchot popularized the idea of "conservation" of natural resources in the broad sense of wise use and is generally regarded as the "father" of American conservation because of his great and unrelenting concern for the protection of the American forests.⁸²

The management of the forest reserves was transferred from the GLO and Department of the Interior to the Department of Agriculture in 1905. President Theodore Roosevelt appointed Pinchot as the first chief of the new forest management agency, the U.S. Forest Service. The forest reserves were absorbed into the National Forest System of Lands – the largest land reservation in the nation, which today comprises 193 million acres within 155 national forests and twenty national grasslands nationwide, including 15.5 million acres in twelve national forests and one national grassland in Oregon.⁸³

GIFFORD PINCHOT WAS NAMED CHIEF OF THE U.S. GENERAL LAND OFFICE DIVISION OF FORESTRY IN 1898. WHEN THE U.S. FOREST SERVICE WAS CREATED WITHIN THE DEPARTMENT OF AGRICULTURE IN 1905, PRESIDENT THEODORE ROOSEVELT APPOINTED PINCHOT AS THE FIRST CHIEF OF THE U.S. FOREST SERVICE. COURTESY OF WIKIPEDIA, THE FREE ENCYCLOPEDIA PHOTOGRAPH BY PIRIE MACDONALD.



EARLY FENCE BUILDING ON RANGELAND

Congress has directed the U.S. Forest Service to manage the national forests for multiple uses and benefits and for the sustained yield of renewable resources such as water, forage, wildlife, timber, and recreation, and unless specifically closed by separate action, they remain subject to operation of the federal mining and mineral leasing laws.⁸⁴

The Taylor Grazing Act of 1934

The homestead era was a turbulent time for the western public rangelands, which were generally open to unrestricted use and often overgrazed because of policies that gave priority to land settlement and ignored the importance of arid land ecosystems. Congress took the advice of western ranchers and conservationists and passed the Taylor Grazing Act of 1934, which led to the creation of grazing districts in which grazing use was apportioned and regulated. To administer the program, the Division of Grazing was established within the GLO and was later separated from the GLO and renamed the U.S. Grazing Service. Although not considered a land withdrawal or reservation, the Taylor Grazing Act, which was pre-empted in 1976, did contain provisions for land classification, range improvement, and a level of surface resource protection by initiating a formal range management program and the requirement for permits for grazing privileges.⁸⁵

Creation of the Bureau of Land Management

The Bureau of Land Management was formed during a government reorganization in 1946, combining two former federal agencies -- the General Land Office and the U.S. Grazing Service. This merger, signed by President Harry Truman, created a jurisdiction spanning much of what remained of the vast public domain, which today totals 245 million acres plus 700 million acres of subsurface federally owned mineral estate. Most of the lands managed by the BLM is located in 12 western states, including Alaska, although smaller parcels are scattered throughout the central and eastern portions of the nation. Besides protecting and managing the public lands, this reorganization also made the BLM custodian of the official public land and cadastral survey records together with the responsibility for the survey and resurvey of the public lands.⁸⁶

After the BLM was created, Congress, the President, and the Secretary of the Interior continued to provide new authorizations to improve public land management. Prime examples include the Classification and Multiple Use Act of 1964 (expired in 1968), which granted the BLM authority to classify lands for retention in federal ownership for multiple use management and also to identify those parcels suitable



CAMP BONANAZA, NEAR BLY, OREGON
EARLY DEVELOPMENT OF THE BUREAU OF LAND MANAGEMENT
PHOTO COURTESY OF KLAMATH COUNTY MUSEUM

for disposal. The Federal Land Policy and Management Act of 1976 consolidated and articulated the Bureau's management responsibilities on what is now formally known as the National System of Public Lands.⁸⁷

LEGACY OF THE GLO

The GLO's key role in American history leaves a legacy of extraordinary accomplishments in the administration and disposition of the public domain – most notably the success of the vast Public Land Survey System, the settlement and development of the West, and the management of the nation's natural resources. In 1946, the GLO merged with the U.S. Grazing Service and the O&C Administration to create the Bureau of Land Management, and although the GLO no longer exists, its mission continues under the umbrella of the BLM.

Viewed from an airplane, the framework of the Public Land Survey system in Oregon is clearly visible with property lines and roads often following the surveyed framework of township, range, and section lines. Uniquely conspicuous are the irregular shaped donation land claim tracts in portions of the Willamette Valley. The checkerboard ownership land patterns, which have been formed by railroad and wagon road land grants, are quite visible, particularly in forested areas.

Considering the distinctive nature of the Donation Land Act, the revested O&C Railroad grant lands, American Indian title controversies, and numerous incidents of land and timber fraud, Oregon has proven to be one of the GLO's most challenging of the thirty public domain states. Long before the observance of its bicentennial in 2012, it was apparent that the United States General Land Office has left both a literal and figurative permanent footprint on Oregon.





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ENDNOTES

1. Jerry A. O'Callaghan, *The Disposition of the Public Domain in Oregon*, Memorandum of the Chairman to the Committee on Interior and Insular Affairs, United States Senate, transmitting a dissertation submitted to the Department of History and the Committee on Graduate Study of Stanford University (Washington, D.C., November 1960): 7–8. O'Callaghan served for four years as a legislative assistant to U.S. Senator Joseph C. O'Mahoney and was involved in a number of lands and minerals related activities, including teaching assignments at Stanford University, where he received a PhD, and at the University of Wyoming. He retired in 1983 as the Assistant Director of Lands and Minerals in the Bureau of Land Management's Washington, D.C. headquarters and also served as a public lands historian. Public land managers and historians regard his dissertation, *The Disposition of the Public Domain in Oregon*, as an exceptional authoritative work dealing with Oregon's unique public land history.
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4. Frederick Merk, *The Oregon Question: Essays in Anglo-American Diplomacy and Politics*, (Cambridge, Massachusetts: Harvard University Press, 1967): 102.
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6. Beckham, "Oregon History," 341.
7. Holmes, "A Brief History of the Oregon Provisional Government and What Caused Its Formation," 104–105, 110–111.
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9. *Ibid.*



10. Ibid, 98 -101.
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13. Beckham, "Oregon History," 346-347.
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15. O'Callaghan, *The Disposition of the Public Domain in Oregon*, 3-4.
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17. U.S. Bureau of Land Management, *The Louisiana Purchase* (Washington, D.C., October 1959): 13. The original publication is in the possession of the author.
18. Merk, *The Oregon Question: Essays in Anglo-American Diplomacy and Politics*, 234.
19. Oregon Territorial Act of August 14, 1848 (9 Stat. 323) as amended. "An Act to establish the Territorial Government of Oregon." The institution of the territorial government was delayed due to the late arrival of the designated territorial governor and the temporary absence of many local citizens who had joined the gold rush in California. With the inauguration of the first territorial governor, Joseph Lane, on March 3, 1849, the territorial government was officially instituted and the local governmental function of the Provisional Government permanently ceased.
20. O'Callaghan, *The Disposition of the Public Domain in Oregon*, 8.
21. Preemption Act of September 4, 1841 (5 Stat. 453) as amended. "An Act to appropriate the proceeds of sales of public lands, and to grant pre-emption rights."

22. Donation Land Act of September 27, 1850 (9 Stat. 496) as amended. "An Act to create the Office of Surveyor-General of the Public Lands in Oregon, and to provide for the Survey, and to make Donations to the Settlers of the said Public Lands;" and O'Callaghan, *The Disposition of the Public Domain in Oregon*, 33.
23. *Ibid.*
24. O'Callaghan, *The Disposition of the Public Domain in Oregon*, 34.
25. Charles Wilkinson, *The People are Dancing Again: The History of the Siletz Tribe in Western Oregon*, (Seattle: University of Washington Press, 2010): 70. Wilkinson notes that the Oregon Indian Treaty Act of June 5, 1850 (9 Stat. 437) as amended, directed the negotiation of treaties for the extinguishment of Indian lands lying west of the Cascades and the removal of western Oregon Indians to east of the Cascades. Wilkinson concludes that the national legislature could not have been more blunt – Indians may have land rights but we will adjust them through treaties dictated on our terms – western Oregon is for white settlers not Indians.
26. Land Ordinance of May 20, 1785, Congress of the Confederation. "An Ordinance for Ascertaining the Mode of Disposing of Lands in the Western Territory." For the complete text of the ordinance, see C.A. White, *A History of the Rectangular Survey System* (Washington, D.C., 1983: U.S. Department of the Interior, Bureau of Land Management) 11–15. The nation's professional land surveyors consider cadastral surveyor C. Albert White's first book, *A History of the Rectangular Survey System*, as the definitive work on the United States Public Land Survey System. Deceased in 2007, White was arguably the most distinguished authority on the history of nineteenth and twentieth century public lands surveying. He began his career with the U.S. General Land Office in 1946 and was a Bureau of Land Management cadastral surveyor in several states – primarily Oregon and Washington. White's expertise represented a bridge between the wisdom and experience of the American heritage of land settlement and the contemporary uses of surveying technology.
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28. *Ibid.*, 10–1; U.S. Bureau of Land Management, *The Public Land Records: Footnotes to American History*, 5.
29. *Ibid.*, 3, 10–11; U.S. Bureau of Land Management, *Your Public Lands, Cadastral Survey 200th Anniversary Issue* (Washington, D.C., Spring

1986): 4-8 (The original publication is in the possession of the author); U.S. Department of the Interior, National Atlas of the United States; and see Kay Atwood, *Chaining Oregon: Surveying the Public Lands of the Pacific Northwest, 1851-1855* (Blacksburg, Virginia 2008: The McDonald & Woodward Publishing Company): 2-3.

30. U.S. Bureau of Land Management, *The Public Land Records: Footnotes to American History*, 5.

31. U.S. Department of the Interior, National Atlas of the United States; U.S. Bureau of Land Management, *Manual of Surveying Instructions*, 1973, <http://www.blm.gov/cadastral/Manual/73man/id3.htm> (accessed March 1, 2012.)

32. White, *A History of the Rectangular Survey System*, 194.

33. *Ibid.*

34. U.S. Bureau of Land Management, *Landmarks in Public Land Management*, 20-21; White, *A History of the Rectangular Survey System*, 194.

35. White, *A Casebook of Oregon Donation Land Claims*, 21; See Kay Atwood, *Chaining Oregon, Surveying the Public Lands of the Pacific Northwest, 1851-1855* (Blacksburg, Virginia: McDonald & Woodward Publishing Company, 2008): 37; and Karla Powell and Tim Kent. "Romancing the Stone at Willamette Meridian" *The American Surveyor*. http://www.amerisurv.com/PDF/TheAmericanSurveyor_RomancingTheStoneAtWillametteMeridian_May2005.pdf (accessed March 1, 2013).

36. *Ibid.*

37. U.S. Bureau of Land Management, *Land Office History*, <http://www.blm.gov/or/pubroom/lohistory.php> (accessed March 1, 2013.)

38. U.S. Bureau of Land Management, *Our Public Lands: Anniversary Issue*, Volume 11, No. 4 (Washington, D.C. April 1962,): 6. The original publication is in the possession of the author.

39. Act of February 14, 1853 (10 Stat. 158) as amended. "An Act to amend the Donation Land Act of 1850;" *The Weekly Oregonian*, December 23, 1854; and Bureau of Land Management, *Historical Abstract of GLO and BLM District Land Offices in Oregon and Washington, Land Records Improvement Project, Oregon-Washington State Office, 1966*. A copy is in the possession of the author.

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42. U.S. Bureau of Land Management, Historical Abstract of GLO and BLM District Land Offices in Oregon and Washington.
43. McArthur, *Oregon Geographic Names*, 826.
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48. Stephan L. Pevar, *The Rights of Indians and Tribes: The Authoritative ACLU Guide to Indian and Tribal Rights*, Third Edition (Carbondale: Southern Illinois University Press, 2002): 7 and the Indian Removal Act of May 28, 1830 (4 Stat. 411) as amended. "An act to provide for an exchange of lands with Indians residing in any of the states or territories, and for their removal west of the river Mississippi."
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50. *Johnson v. M'Intosh*, 21 U.S. 572-74, 582-588, 604-605 (1923) and Robert J. Miller, *Native America Discovered and Conquered: Thomas Jefferson, Lewis and Clark, and Manifest Destiny* (Westport, CT: Greenwood Publishing Group, Inc., 2006: University of Nebraska Press, 2008): 51-53.

51. O'Callaghan, *The Disposition of the Public Domain in Oregon*, 23–24.
52. *Ibid.*, 25.
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54. *Ibid.*; Act of February 14, 1853 (10 Stat. 158) as amended; and Act of July 17, 1854 (10 Stat. 305) as amended, "An act to amend the act approved September 27, 1850, to create the office of Surveyor-General of the public lands in Oregon, etc., and also the act amendatory thereof, approved February 14, 1853"; and Atwood, *Chaining Oregon: Surveying the Public Lands of the Pacific Northwest, 1851–1855*, 9.
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56. O'Callaghan, *The Disposition of the Public Domain in Oregon*, 35.
57. White, *A Casebook of Oregon Donation Land Claims*, 21, 23.
58. The Sale-Cash Entry Act of April 24, 1820 (3 Stat. 566) as amended. "An Act making further provision for the sale of Public Lands."
59. O'Callaghan, *The Disposition of the Public Domain in Oregon*, 70 as cited in Wilkinson, *The People are Dancing Again: A History of the Siletz Tribe in Oregon*.
60. The Homestead Act of May 20, 1862 (12 Stat. 392) as amended. "An Act to Secure Homesteads to Actual Settlers on the Public Domain;" The Enlarged Homestead Act of February 19, 1909 (35 Stat. 639.) as amended. "An Act to provide for an enlarged homestead;" The Stock Raising Homestead Act of December 29, 1916 (39 Stat. 862.) as amended. "An Act to provide for stock-raising homesteads and for other purposes;" U.S. Bureau of Land Management, *Homesteads* (Washington, D.C., 1962): 1. The original publication is in the possession of the author; and O'Callaghan, *The Disposition of the Public Domain in Oregon*, 74, 104–105.
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64. The Mining Act of May 10, 1872 (17 Stat. 91) as amended. "An Act to promote the Development of the Mining Resources of the United States;" Landmarks in Public Land Management, 34; U.S. Bureau of Land Management, Mining Laws, http://www.blm.gov/wo/st/en/info/regulations/mining_claims.html (accessed March 1, 2013); and U.S. Bureau of Land Management, Locatable Minerals, <http://www.blm.gov/or/programs/minerals/locatable-minerals.php> (accessed March 1, 2013).
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67. O'Callaghan, *Disposition of the Public Domain in Oregon*, 61–67.
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71. O'Callaghan, *Disposition of the Public Domain in Oregon*, 37.

72. Ibid, 41, 45–47; Loy, *Atlas of Oregon*, 22–23; Act of July 25, 1866 (14 Stat. 239) as amended. “An act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad, in California, to Portland, in Oregon;” Act of June 25, 1868 (15 Stat. 80) as amended. “An act to amend the act of July 25, 1866;” Act of April 10, 1869 (16 Stat. 47) as amended. “An act to amend the act of July 25, 1866;” and the Chamberlain-Ferris Act of June 9, 1916 (39 Stat. 217) as amended. “An act to alter and amend the acts of July 25, 1866, June 25, 1868, and April 10, 1869.” The Chamberlain-Ferris Act is also known as the O&C Revestment Act.
73. O’Callaghan, *Disposition of the Public Domain in Oregon*, 41, 45–47; *Oregon & California R. Co. v. United States*, 238 U.S. 393 (1915); and the Chamberlain-Ferris Act of June 9, 1916 (39 Stat. 217) as amended.
74. Elmo Richardson, *BLM’s Billion-Dollar Checkerboard: Managing the O&C Lands*, (Santa Cruz, California: Forest History Society, 1980): vii, 16, 53–57; Bureau of Land Management, *O&C Sustained Yield Act: the Land, the Law, the Legacy*, http://www.blm.gov/or/files/OC_History.pdf (accessed August 1, 2011); and the O&C Act of August 28, 1937 (50 Stat. 874) as amended. “An act relating to the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands situated in the State of Oregon.” Section 1181(a) of the act provides that the O&C lands “Shall be managed . . . for permanent forest production, and the timber thereon shall be sold, cut, and removed in conformity with the principal of sustained yield for the purpose of providing a permanent source of timber supply, protecting watersheds, regulating stream flow, and contributing to the economic stability of the local communities and industries, and providing recreational facilities.” The O&C Act also created the O&C Administration within the GLO to administer the revested lands.
75. U.S. Bureau of Land Management, *General History of the O&C Lands and the O&C Act of August 28, 1937*. Section 3 of the Act authorized the Secretary of the Interior to classify any of the revested O&C lands, which in his judgment were more suitable for agricultural use than for forestation, reforestation, or other public purposes. Of the total 2,891,000 acres revested to the United States in 1916, some 315,000 acres were so classified after 1937 and subsequently conveyed into private ownership under the homestead laws or other disposal authorities. Consequently, the current revested O&C lands acreage in federal ownership is listed as 2,576,506 acres.
76. U.S. Bureau of Land Management, *Oregon-Washington State Office, Control Document Records Microfilm Files*.
77. U.S. Bureau of Land Management, *Oregon-Washington State Office, Control Document Records Microfilm Files*; U.S. Bureau of Land Management, *Oregon-Washington State Office, Land Records – Historical Indexes and Master Title Plats*, <http://www.blm.gov/or/landrecords/> (accessed on March 1, 2012.)

78. U.S. Bureau of Land Management, *The Public Land Records: Footnotes to American History*, 9 and Bureau of Land Management, Oregon-Washington State Office, *Control Document Records Microfilm Files*.
79. U.S. Bureau of Land Management, *The Public Land Records: Footnotes to American History*, 9–11, 18, 24–29.
80. *Ibid.*
81. *Ibid.*, 6–7; U.S. Bureau of Land Management, *Landmarks in Public Land Management*, 36; and Bureau of Land Management, Oregon-Washington State Office, *Land Records – Historical Indexes and Master Title Plats*.
82. Bureau of Land Management, *Our Public Lands: Anniversary Issue*, 7; The Forest History Society, *U.S. Forest Service History – Gifford Pinchot*, <http://www.foresthistory.org/ASPNET/People/Pinchot/Pinchot.aspx> (accessed March 1, 2011); and U.S. Forest Service, *About Us - Meet the Forest Service*, <http://www.fs.fed.us/aboutus/meetfs.shtml> (accessed March 1, 2012.)
83. *Ibid.*
84. *Ibid.*
85. U.S. Bureau of Land Management, *Fact Sheet on BLM's Management of Livestock Grazing*, <http://www.blm.gov/wo/st/en/prog/grazing.1.html> (accessed March 1, 2012); and the Taylor Grazing Act of June 28, 1934 (48 Stat. 1269) as amended. "An act to stop injury to the public grazing lands by preventing overgrazing and soil deterioration, to provide for their orderly use, improvement, and development, to stabilize the livestock industry dependent upon the public range, and for other purposes."
86. The Reorganization Act of December 20, 1945 (59 Stat. 613) as amended; the President's Reorganization Plan No. 3, effective July 16, 1946; and The Department of the Interior Secretarial Order of December 16, 2008, which designated the 245 million acres of lands managed by the Bureau of Land Management as the National System of Public Lands..

87. The Classification and Multiple Use Act of September 19, 1964 (78 Stat. 986) as amended. "An act to authorize and direct that certain lands exclusively administered by the Secretary of the Interior be classified in order to provide for their disposal or interim management under principles of multiple use and to produce a sustained yield of products and services, and for other purposes" and the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2744) (43 U.S.C. 1701) as amended. "An Act to establish public land policy; to establish guidelines for its administration; to provide for the management, protection, development, and enhancement of the public lands; and for other purposes" and is referred to as the Bureau of Land Management Organic Act because it consolidates and articulates the Bureau's public land management responsibilities. A number of public land disposal laws enacted during the nineteenth and early twentieth centuries, including the homestead laws, were repealed by the act.



• • • GLOSSARY

Base Line – A line which is extended east and west on a parallel of latitude from an initial point and from which are initiated other lines for the cadastral survey of the public lands within the area covered by the principal meridian that runs through the same initial point. See Principal Meridian and Initial Point.

Cadastral Survey – A survey which creates, marks, defines, retraces or reestablishes the boundaries and subdivisions of the public land of the United States.

Control Documents – Any legal document which affects the ownership or use of the public lands and natural resources.

Disposal (Land) – A transaction which leads to the transfer of title to public lands from the Federal Government.

Disposition – A transaction which leads to the transfer of public lands, and/or resources in these lands from or within the Federal Government.

District (BLM) – The primary administrative division of a BLM State Director's geographic area of responsibility. A geographic area composed of resource areas under the supervision of a BLM District Manager.

District Land Office – A field office of the GLO within a specified land district, which receives and processes applications and claims involving public lands and provides public land information to the public. In 1946, all remaining land offices were transferred to BLM administration and the term "District" was eliminated.

District Office (BLM) – The headquarters office of a BLM District. See District (BLM).

Donation Land Claim – The land, up to 640 acres, that was allocated to settlers in the Oregon Territory and Washington Territory under the Donation Land Act of September 27, 1850, as amended.

Entry – An application to settle public lands and acquire title thereto.

Entryman – One who makes an authorized entry of land under the public land laws of the United States.

Field Notes – The official written record of a cadastral survey, containing land legal descriptions, bearings, distances, and other observations, certified by the field surveyor and approved by proper authority.

Final Certificate – A document which evidences that an entryman is entitled to a land patent provided that no irregularities are found in connection with his entry.

Historical Index – A chronological summary of all actions, which affect title to, disposition of, or use status of lands and natural resources within a specified township. Historical Indices have replaced the Tract Books.

Indemnity Land – Substitute lands granted to states and railroad companies under the public land laws when the originally designated lands were unavailable.

Initial Point – A point, which is established under the Public Land Survey System and from which is, initiated the cadastral survey of the principal meridian and base line that control the survey of the public lands within a given area. See Principal Meridian and Base Line.

Land Office (BLM) – A field office of the BLM within a specified geographic boundary, which receives and processes applications and claims involving public lands and provides public land information to the public. By 1971, all remaining land offices were essentially closed and the functions assumed by the BLM state offices. See District Land Office.

Land Patent – A document by which the United States conveys, to those entitled thereto, legal title to some portion of the public lands.

Land Status Records or Public Land Records – Those records maintained by the BLM, showing the original land conveyances from the United States and the ownership and availability of the public lands for use or disposal under the public land laws. They include Master Title Plats, Historical Indices, Control Documents, Serial Registers, and miscellaneous plats and records. See Track Book and Plat Book for historical land status records.

Location – (in mining) The perfecting of a right to possession of a mining claim for mining purposes. This includes the staking of the claim, sinking a discovery shaft, discovery of a valuable mineral, posting a notice of location, and recording the claim.

Lode Claim – (in mining) A mining claim embracing public lands, which contain valuable minerals occurring in a vein or lode.

Manifest Destiny - The nineteenth century doctrine of the United States, which combines a belief in aggressive national expansionism throughout the North American continent and other popular ideas.

Master Title Plat – A composite of the survey plats of a specified township, which reflects ownership and land status. Master Title Plats have replaced the Plat Books.

Metes and Bounds – A method of surveying and marking property corners and boundaries with bearings and distances run between, or concurrent with, local landmarks, physical features, or other property boundaries. In Public Domain states, metes and bounds surveys must be tied to the Public Land Survey System.

Mill Site – (in mining) Up to 5 acres of public land may be claimed in conjunction with a mining claim for the purpose of processing minerals. Mill sites are limited to lands that do not contain valuable minerals.

National Forest System of Lands – A formal designation originally established by act of Congress, which encompasses all national forests and national grasslands administered by the U.S. Forest Service.

National System of Public Lands – A formal designation by the Secretary of the Interior, which encompasses the 245 million acres of public lands administered by the BLM.

Notification – A settler's affidavit filed with the Surveyor-General or the GLO District Land Office, which describes the initial boundaries of a land claim made under the Donation Land Act of September 27, 1850, as amended.

O&C Lands – Public lands originally granted to the Oregon and California Railroad, which have been revested to the United States and are managed for sustained yield forest management and other purposes.

Placer Claim – (in mining) A mining claim embracing public lands, which contain valuable minerals occurring in loose material such as sand or gravel and not in a vein or lode.

Plat Book – Hand written notations, reflecting the land status of the public lands, were made to historical Plat Books containing official copies of the plats of survey of each township. Plat Books were the companion records to the Tract Books and have been retired to the archives. See Master Title Plat.

Plat of Survey or GLO Plat Map – The official drawing or map of a cadastral survey, usually an entire township, which shows boundaries, subdivisions, acreage, and often topography, improvements, and other features.

Preemption Settlement – An entry of public lands for the purpose of obtaining a preference right to acquire ownership. All public land laws, which authorized preemption settlement have been repealed. Any unauthorized preemption settlement is considered trespass.

Principal Meridian – The line which is extended north and south on a parallel of longitude from an initial point from which are initiated other lines for the cadastral survey of the public lands within a specific geographic area. The principal meridian for all cadastral surveys in Oregon and Washington is named the Willamette Meridian. See Base Line and Initial Point.

Public Domain or Public Domain Land – Lands that were not previously in private or state ownership and were obtained by the United States through purchase, cession, treaty, or compromise.

Public Domain States – The thirty states of the United States that are exclusively part of the original public domain, including Florida, Alabama, Mississippi, and all states located northwest of the Ohio River and west of the Mississippi River, except Texas and Hawaii

Public Land – All Lands administered by the BLM, whether or not they are part of the Public Domain. The term is also often applied to lands owned or administered by other federal agencies, state governments, and local governments.

Public Land Survey System – See United States Public Land Survey System.

Quitclaim Deed – A deed in the nature of a release containing words of conveyance as well as release. It conveys any interest the maker may have in the property described without any representations or liability of any kind as to title conveyed or encumbrances that may exist thereon. A land patent from the United States Government is basically a quitclaim deed.

Range – A north-south tier of townships of the Rectangular Survey System. A range of townships is described by its relationship to the principle meridian. See Township.

Receiver – An official of the GLO, who is in charge of public land monetary receipts for a district land office. The Receiver positions were abolished in 1946.

Rectangular Survey System – See United States Public Land Survey System.

Register – An official of the GLO, who is the manager of a district land office. The Register positions were abolished in 1946.

Reservation – Any federal land, which has been formally dedicated to a specified public purpose, usually of a permanent nature, and is normally established by a formal land withdrawal. See Withdrawal.

Section – The unit of subdivision of a township with boundaries conforming to the Rectangular Survey System. Typically, townships have 36 sections, and each section most often contains one-square mile or 640 acres.

Serial Register – Serial registers were instituted by the GLO in 1908 as a digest of land case records. BLM now maintains these individual chronological records of each public land transaction, which appears as a page or pages in a serial register book. Each case record is identified by the serial number assigned to it.

Subdivision – Refers to the Rectangular Survey System subdivision of a township into sections and sections into smaller units such as half-sections, quarter-sections, sixteenth-sections, sixty-fourth-sections, and government lots.

Survey Office – A field office of the GLO within a designated geographic region, which is responsible for the survey of public lands within said region. By 1925 all of the nation's Survey Offices were eliminated and the survey duties and functions were incorporated into the GLO Field Surveying Office and transferred to the Bureau of Land Management in 1946.

Surveyor-General – An official of the GLO in charge of the Survey Office and the survey of public lands within a designated geographic region. The office of Surveyor-General of Oregon was abolished in 1925, and the duties and functions were incorporated into the GLO Field Surveying Office and transferred to the Bureau of Land Management in 1946.

Township – The unit of survey of the Rectangular Survey System; normally a quadrangle approximately six miles on a side with boundaries conforming to meridians and parallels within established limits, normally containing thirty-six sections. See Range and Section.

Tract Book – The historical hand-posted tract book system, designed primarily for the maintenance of a permanent reference of all transactions involving the public lands, was initiated about 1800. Tract books were the companion records to the Plat Books and have been retired to the archives. See Historical Index.

Withdrawal – A formal action taken by the Congress, the President, or the Secretary of the Interior, which withdraws, protects, and removes federal land from disposition under all or some of the public land laws. Withdrawals are also reservations if the lands are dedicated to a specified public purpose. See Reservation.

United States Public Land Survey System – Also known as the Public Land Survey System and the Rectangular Survey System. The official survey system inaugurated by the Continental Congress on May 20, 1785, for the survey of the public lands of the United States and applies only to the thirty public domain states. Major components include initial points, principal meridians, base lines, townships, ranges, sections, and subdivisions.

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The BLM manages more than 245 million acres of public land, the most of any Federal agency. This land, known as the National System of Public Lands, is primarily located in 12 Western states, including Alaska. The BLM also administers 700 million acres of sub-surface mineral estate throughout the nation. The BLM's mission is to manage and conserve the public lands for the use and enjoyment of present and future generations under our mandate of multiple-use and sustained yield. In fiscal Year, 2013, the BLM generated \$4.7 billion in receipts from public lands.

Visit: <http://www.blm.gov/or/landsrealty/glo200/>

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CHAMP CLARK VAUGHAN retired in 1993 as a lands and minerals adjudication program manager in the BLM Oregon-Washington State Office after a thirty-one-year career with the federal government. Following a tour of active duty with the U.S. Air Force, he was employed as a geographer with the Interior Department in Washington, D.C. In 1966, he began his BLM career as a land law examiner in the land office of the Oregon-Washington State Office and later served as a supervisory geographer and a supervisory land law examiner. Champ has a BS Degree in geography from Portland State University and some postgraduate work in geography. He is a past president and current member of the Oregon Geographic Names Board, a past president of the Sons and Daughters of Oregon Pioneers, and a retired U.S. Air Force Reserve Lieutenant Colonel. His areas of expertise are historical geography, public land law, and disposition of the public domain. Champ and his wife, Maria, reside in his ancestral historic home located on the Molalla Prairie donation land claim settled in 1844 by his pioneer great-grandfather, William H. Vaughan, who arrived in Oregon with the great Oregon Trail migration of 1843.