

The U. S. Public Land Survey System and the Land Donation Acts

Most of the continental United States outside of the original thirteen colonies is organized under the United States Public Land Survey (USPLS) system. Developed to ensure proper recording and allocation of settlement claims, the PLS system consists of township-range blocks, each six miles on a side, each containing 36 one-square-mile sections. These blocks are identified by an alphanumeric system relating locations to the east-west baseline (range), and north-south principal meridian (township) of a survey. Thus T3S R2E would be the block third to the south from the baseline, and second to the east from the principal meridian (Fig. 92a). Within each 36 one-square-mile block, one-mile sections are numbered sequentially in a regular fashion beginning in the northeast corner and proceeding in ox-plow (“Turning like oxen in plowing”) fashion to the southeast corner (Fig. 92b); thus sections of the same number in different blocks occupy the same relative position. Sections are further divided into half or quarter sections, which then may be further subdivided into quarter-quarter sections. As with the larger blocks, the locations of these divisions are identified relatively. The shaded area in Figure 92c would be referred to as the NE quarter of the SW quarter of section 31 of T3S R2E. This regular division of land creates the grid pattern seen over most of the western United States.⁸⁷

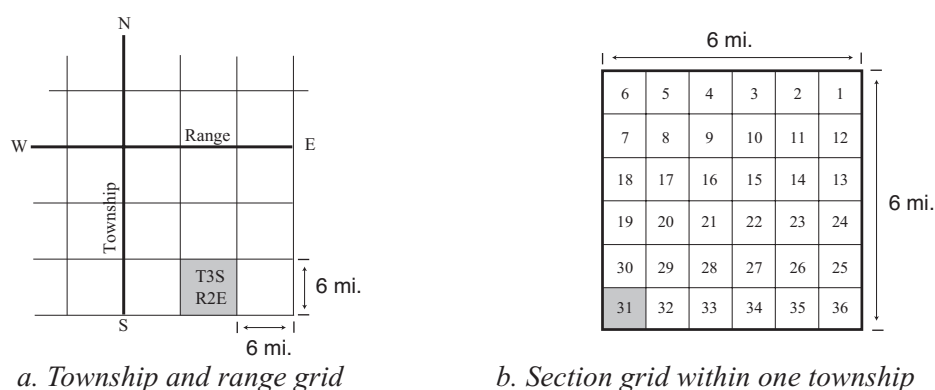
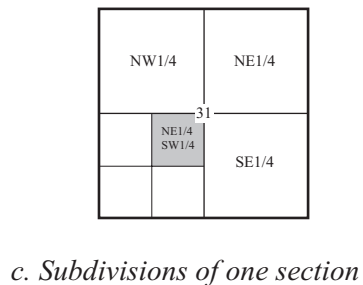


Figure 92. The identification method used in the US Public Land Survey system. a) the location of T3S R2E within the township grid (36 mi²), b) the location of section 31 within the section grid (1 mi² or 640 ac), c) the NE 1/4 of the SW 1/4 of section 31 (1/16 mi² or 40 ac).⁸⁸



The Territorial Organic Act passed in 1848 established a provisional government for Oregon, made provisions for title of land to missionary outposts, and recognized prior land claims. The Act also recognized claims of Indian title to the land, but did not provide for a system of surveying the land. Three land donation acts were passed in 1850, 1853, and 1854 to disperse land to settlers and encourage settlement of the West. These laws extinguished Indian title, recognized the claims of settlers already residing in the state, established provisions for the public land survey and a cutoff date for claims to be filed, and provided for the disbursement of land to settlers arriving after the cutoff date. Adult male settlers making claims before December 1, 1851 were entitled to 320 acres (one-half section) if single, or 640 acres if married. Subsequent claims made before December 1, 1855 were limited to 160 or 320 acres respectively. Later amendments also allowed for a payment of \$1.25 per acre in lieu of residence requirements, allowing settlers to sell their claims. Surveying began in 1850 with the establishment of the General Land Office and Surveyor General, and the basic framework of the survey was completed by 1852. The intersection of the Willamette Meridian and Baseline is at the Willamette Stone located in the hills southwest of Portland, about 7 1/2 miles southwest of the effluence of the Willamette River into the Columbia.³⁰ As with the patterns of the early land claims, portions of the survey initially completed were in the valleys and foothills of western Oregon, with portions of the Coast and Cascade Ranges and southeastern state not completed until 1910.³⁰

State and Railroad Granted Lands

The Oregon Enabling Act of 1859, which conferred statehood upon Oregon, confirmed legislation creating the Territory of Oregon in deeding the 16th and 36th section of each township block to the state for the common school fund, as well as 72 sections for a state university and 10 sections for state buildings. To protect existing claims in these sections, the State was eligible to claim other portions of the section “in lieu of” these lands. Oregon established a Board of Commissioners for the Sale and Management of School Lands, whose primary purpose was the sale of state school lands as quickly and expeditiously as possible.⁸⁹ Despite laws promoting egalitarian land ownership opportunity similar to the allocation caps of the previous land sales, much land was acquired by major landholders through fraud or bribery. The intent of the law was to auction land for a minimum of two dollars per acre, but much of it was simply sold for the minimum price to individuals hired by wealthy landowners to immediately resell the land to them, a technique for circumventing limits on individual ownerships.

The state legislature investigated the sale of state lands in 1872, 1878, 1889, and 1905, and despite these efforts, land sale laws were actually relaxed, allowing the sale of larger parcels at lower prices.⁸⁹ The length of time taken for the resolution of early land claims also complicated the allocation of adjacent land claims, with the last patents not issued until 1903.⁸⁹ Between 1898 and 1903, an entire third of state-granted lands were sold, and by 1910 less than a quarter of the state’s original 3.4 million acres remained, mostly lands of lower value in eastern Oregon. This episode in state history culminated in the Land Fraud Trials of 1903 and 1905, where several public figures in Oregon, including one senator, were tried and convicted.

The railroad land grants were even larger in areal extent. Part of the northern Pacific Railroad land grant of 1864 from Minneapolis-St. Paul to the Pacific Ocean granted 20 alternated sections per linear mile constructed; in Oregon this resulted in a 40-mile swath amounting to over two and one-half million acres, approximately one third of which was conveyed into private ownership.³⁰ In 1866 the Central Oregon Railroad land grant was secured from Congress by a company later to become the Oregon and California Railroad Company. Reorganized in 1869, the grant allowed for 20 alternately numbered sections granted for every linear mile of railroad constructed in a band 40 miles wide, expanding to a 60-mile width where the allocations could not be made in the smaller width band. As with the common school lands, stipulations in the grant required sale only to “actual settlers,” capped the size of parcel that could be sold and the price of sale per acre. By 1890, only 30,000 acres had been sold,³⁰ but as timber reserves in the Great Lakes region began to dwindle, and the price of lumber and the value of timbered land began to rise in the last decades of the century, timber interest in the Pacific Northwest grew.⁸⁹ The O & C Railroad owned some of the highest value timberland in Oregon, and began selling larger tracts of it in 1894 in violation of the 1869 legislation. With the Chamberlin-Harris Act passed in 1916, all but about one and one-quarter million acres returned to federal ownership to be sold for both timber and land, with the railroads receiving compensation for lands lost at the capped price of \$2.50 an acre. In 1938, remaining O & C lands as well as some road grant lands were taken under multiple use management by the federal government, and came under the responsibility of federal land management agencies (Map 23). While the federal government was initially delinquent in payment of taxes to the counties on these lands, the O & C lands were a source of great revenue for counties at one time,³⁰ and still play a significant role in the finances of some WRB counties.

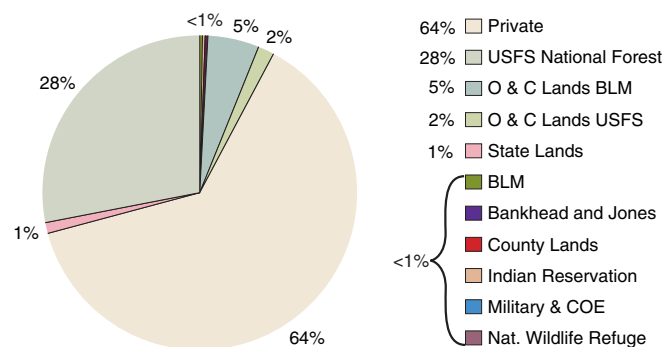


Figure 93. Basinwide percentage of land area by ownership type.

