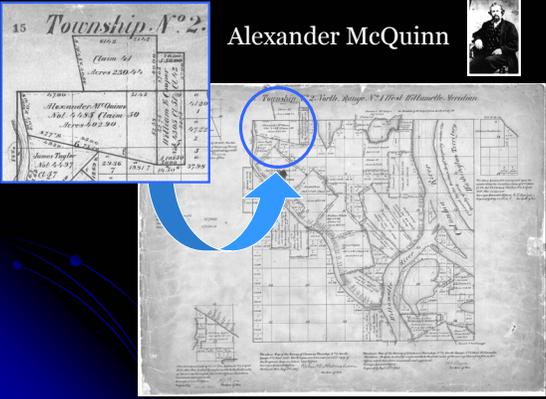


Donation Land Claims

Ron Singh, PLS
Chief of Surveys
Geometronics Manager
Oregon DOT



LSAW/PLSO Conference March 2, 2006



Alexander McQuinn

We Will Cover...

- Oregon History
- Various Types Of Land Claims
- Specifics Of Donation Land Claims
- Steps To The Establishment Of A DLC
- How To Research A DLC







Oregon Country 1792-1810

May 1792: Capt. Robert Gray Sailed His Ship The "Columbia" Across The Bar And Into The Ouragon.

He Named the River "Columbia"



Oregon Country 1792-1810

- 1804-1806: Lewis And Clark Expedition
- Arrived In The Oregon Country In 1805
- The United States Had No Real Claim To the Oregon Country
- 1810: John Jacob Astor Established A Fur Trading Post At The Mouth Of The Columbia
- The US Now Had An Occupancy Claim



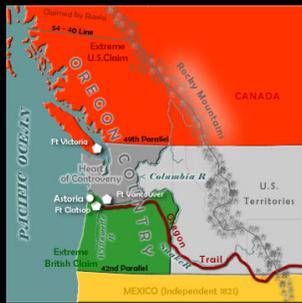
US Boundaries

- US/British Treaty Of 1818 Fixes The Northern Boundary Of The United States At The 49th Parallel (West to the Rocky Mountains)– Joint Occupancy Agreement of the Oregon Country
- US/Spanish Treaty Of 1819 Fixes The Southern Boundary At The 42nd Parallel
- US/Russian Treaty Of 1824 Fixes The Northern Boundary At The 54° 40' Parallel

The Oregon Country

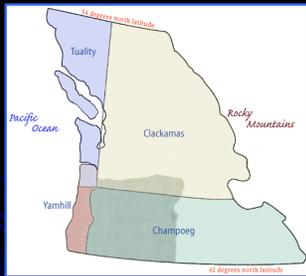
1824

All Of The Land Area
Between 42° 00'
And 54° 40' North
Latitude, Lying West
Of The Rocky
Mountains



Oregon Districts

1843: Oregon Provisional Government

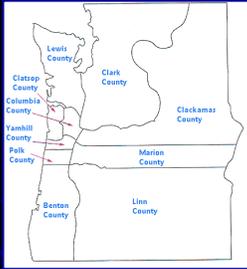


US Boundaries

- British Continued Claiming Everything North Of The Columbia River
- US/British Treaty Of 1846 Known As The "Oregon Compromise" Once Again Fixes The Northern Boundary Of The US At The 49th Parallel
- US War With Mexico – 1848 Guadalupe Hidalgo Treaty Acquired All Land South Of The 42nd Parallel Presently Belonging To U.S.

Oregon Districts

1846: US/British Boundary Treaty

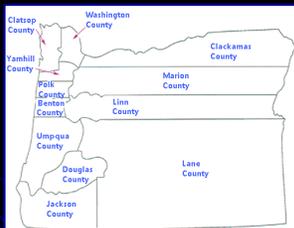


Oregon Territory 1848-1859

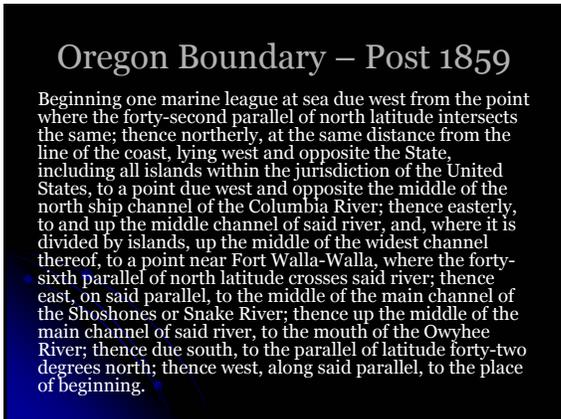
August 14, 1848: United States Congress Established The Territorial Government Of Oregon

Oregon Districts

1853: Washington Territory Created

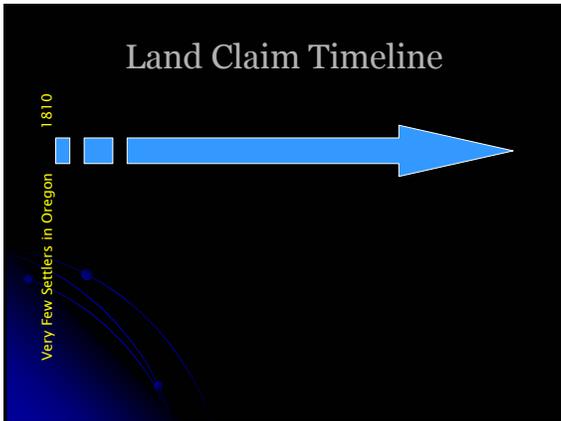


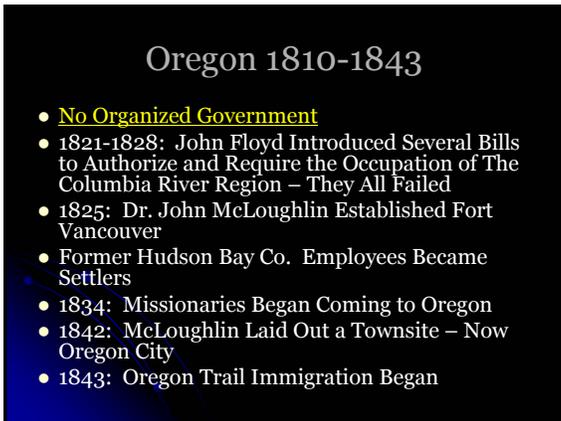


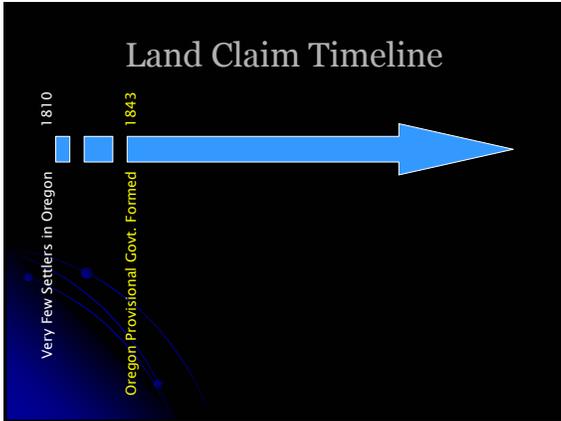












Oregon 1843-1848

- **Provisional Government**
- May 2, 1843: At Champoeg, 102 Male Settlers Voted To Form A Provisional Government. It Passed 52 To 50
- Provisional Government Formed In Oregon City
- July 5, 1843: The Provisional Government Established The "Organic Law" *"Until Such Time As The United States of America Extend Their Jurisdiction Over Us"*
- Of Which Article 3 Was The Land Law

Land Law 1843

- Establish A Claim By Natural Boundaries, Or By Marks At The Corners And On The Lines
- Recorded In The Office Of The Territorial Recorder
- Make Permanent Improvements Within 6 Months
- Become An Occupant Within 1 Year

Land Law 1843

- May Claim Up To 1 Square Mile or 640 Acres
- In A Square Or Oblong Form According To Natural Situations
- Described By Metes And Bounds
- 1 Claim Per Individual

Pop Quiz

- Question: What Does “Metes” Refer To?
- Answer: “Metering” Or Measuring Property
- Question: What Does “Bounds” Refer To?
- Answer: Identifying Boundaries

Land Law 1843

No Claim Allowed:

- Upon City or Town Sites
- Extensive Water Privileges
- That Affects Situations Of Mercantile Or Manufacturing Operations
- To The Detriment of The Community
- That Affects Any Previous Claim Of Mission Or Religious Character

Land Law (amendments Of 1845)

- If Not Occupied, Pay \$5 Annually To Treasury – Failure To Pay Will Consider It Abandoned
- Partnerships Allowed – Not To Exceed 640 Acres Per Person
- Boundaries To Conform, As Near As May Be, To Cardinal Points

Pop Quiz

- Question: *In Surveying Terms What Do Cardinal Directions Relate To?*
- Answer: *Due North; South; East; Or West*
- Question: *Are Cardinal Directions Based On Magnetic North Or True North?*
- Answer: *True North*

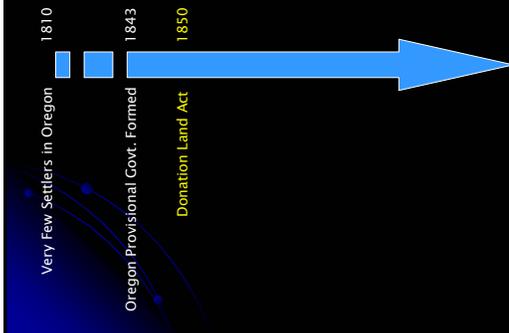
Oregon 1848-1859

- Territorial Government
- August 14, 1848: Congress Established The Territorial Government Of Oregon
- The Provisional Government's Land Laws Remained In Force Until DLC Act of 1850
- Did Not Initially Provide For Land Surveys Or Claims
- September 20, 1849: Act Providing For The Recording Of Land Claims

Oregon 1848-1859

- Samuel Thurston Introduced The Oregon Donation Bill To Congress
- The Bill Passed Congress And Became Law On September 27, 1850
- February 14, 1859: Oregon Was Admitted To The Union

Land Claim Timeline

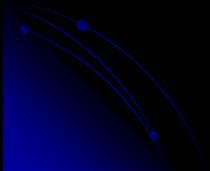


Donation Land Act of 1850

- Congress Assumed The Surrender Of Indian Title To Their Lands
- Created The Office Of The Surveyor General Of Oregon
- Provided For The Survey Of Public Lands
- Provided For The Donation Of Land To Settlers
- Voided All Previous Land Laws. However, Land Claims Prior To December 1, 1850 Could Be Re-Registered With The Surveyor General

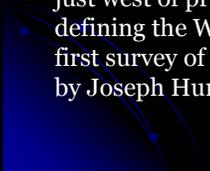
Oregon's First Surveyor General

- John B. Preston
- Appointed November 26, 1850
- Arrived In Oregon City In April 30th, 1851

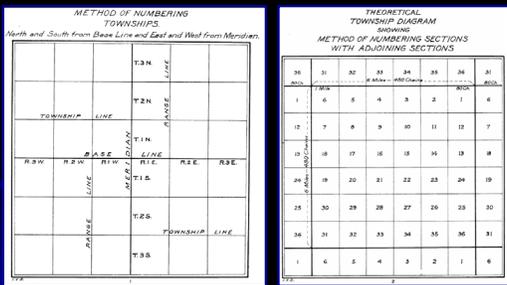


PLSS System

- The Surveyor-General was required to survey the land by the method established by the Land Ordinance of 1785.
- The Willamette Initial Point was placed just west of present-day Portland, thus defining the Willamette Meridian, and the first survey of Oregon City was completed by Joseph Hunt in March, 1852.



PLSS System - Ideal Township



Donation Land Act of 1850

Resident Between 1 December, 1850 and 1 December 1853

- White Male
- Citizen Or With Intention To Become One
- Above The Age Of 21
- Resided Upon And Cultivated Land For 4 Consecutive Years
- Quarter Section Or 160 Acres If Single
- Half Section Or 320 Acres If Married. Half To The Wife In Her Own Right

Donation Land Act of 1850

- 1 Donation Per Person
- No Mineral Lands
- Notify The Surveyor General Within 3 Months Of Survey Or Settlement (If Settlement Occurred After Survey)

Donation Land Act of 1850

- Tract To Be:
 - In Compact Form
 - Taken As Nearly As Practicable By Legal Subdivisions
 - Where Not By Subdivision: Surveyor General To Mark And Survey Boundaries As Claimed
- Surveyor General To:
 - Enter Description In A Book Kept By Him
 - To Note On Township Plat

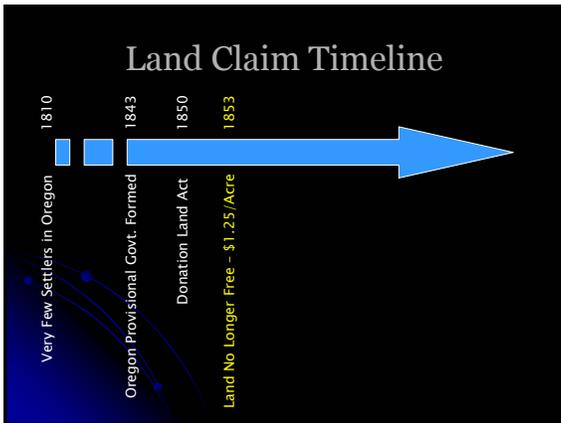
Donation Land Act of 1850

- Claimant To:
 - Provide Proof of Settlement Within 12 Months Of Survey Or Settlement (If Settlement Occurred After Survey)
 - Provide 2 Disinterested Witnesses
- Surveyor General To:
 - Issue Certificate
 - Forward Documents And Proof To GLO
- GLO Issues Patent

Donation Land Act of 1850

There Are A Variety Of Other Provisions Contained In the Original Act That Are Not Discussed Here

Land Claim Timeline



Donation Law Amendment Of 1853

- Reduced The Time For Occupation To 2 Years
- Charged \$1.25 Per Acre
- Extended The Act To Immigrants Arriving As Late As December 1, 1855



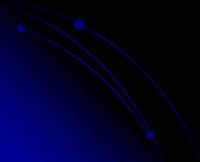
Donation Law Amendment Of 1854

- Reduced The Time For Occupation To 1 Year
- Provided For A Separate Surveying District And Surveyor General For The Territory Of Washington



Donation Law Amendment Of 1864

- Provided For Late Filings



Donation Law Amendment Of 1894

- Provided For Final Proofs And Filings By Heirs

Land Offices & Number Of Grants

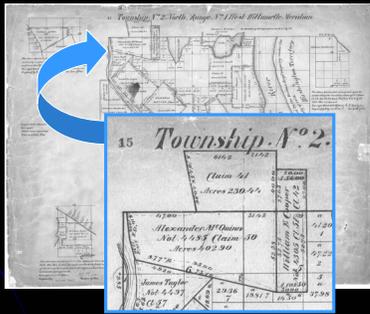
Oregon City	5289
Roseburg	2144
The Dalles	5
LaGrande	2

Steps To The Establishment Of A DLC

1. File A Notification
2. File Proof Of Citizenship
3. If Married, Provide Certificate Or Witness
4. File Proof Of Required Residency
5. Provide Copy Of Survey Signed By The Surveyor
6. If Claim Taken As Aliquot Part, State The Aliquot Part

DLC Plat

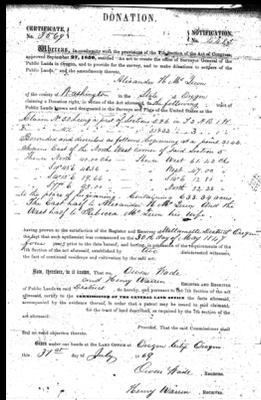
Metes And Bounds Claims Were Given A Claim Number Beginning With The Number 37 In Each Township.



DLC Patent Certificate

- Also Known As Donation Certificate
- Proof Of Settlement
- Issued By Surveyor General Of Oregon
- Certified Facts To Commissioner Of GLO
- Intermediate Step To Patent
- Gave Absolute Right To A Patent
- Land Could Not Be Taxed By County
- Claimant Could Not Mortgage The Claim

DLC Patent Certificate



DLC Patent

- Issued By GLO In Washington DC
- Took Many Years To Receive After Submittal Of The Certificate
- Transferred The Land From The United States To Private Ownership
- The Land Could Now Be Taxed By The County

Pop Quiz

- Question: What is an "aliquot part"?
- Answer: An aliquot part of a Section is some subdivision portion of that Section, usually described in terms of "halves" and "quarters" of each other. For example, the NW¹/₄NE¹/₄ Section 22 is the Northwest Quarter of the Northeast Quarter of Section 22

Aliquot Part



DLC Descriptions

- Primarily By Metes And Bounds
 - Prone To Gaps And Overlaps
 - Older Claims Not Cardinal
 - Harder To Resolve
- May Also Have Been By Aliquot Parts
 - Easier To Resolve
 - Actually Exist In Eastern Oregon, May Not Be Well Known Because Of Their Aliquot Part Description

DLC Descriptions

Alexander H. McLean

of the county of *Washington* in the *State* of *Oregon* claiming a Donation right, in virtue of the Act aforesaid, to the following tract of Public Lands known and designated in the Surveys and Plats of the United States as the *Claim N. 50 being a part of sections 2 & 6 in T 2 N. R. 1 W.*

31832 3 1

Recorded and divided as follows beginning at a point 31.42 chains East of the North West corner of said section 5

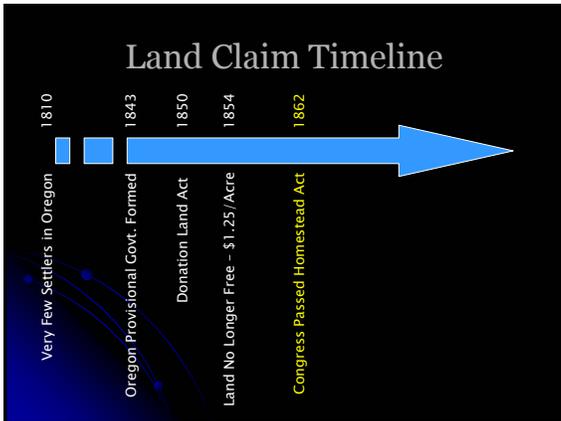
Thence North 40.00 chs	Thence West 61.25 chs
" S 70° 25' E 46.86 "	" West 57.00 "
" S 42° 15' E 19.66 "	" S 74° E 12.86 "
" S 77° E 45.00 "	" North 52.28 "

to the place of beginning, containing 633.34 acres
The East half to *Alexander H. McLean* and the West half to *Rebecca McLean his wife*.

DLC Related Numbers

- Notification Number
- Donation Certificate Number
- Claim Number





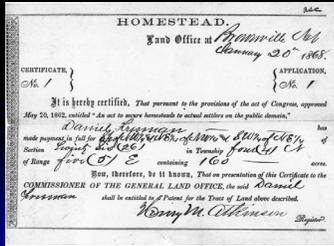
Homestead Act

- Any Head Of A Family Of Any Age, Or A Single Person Over 21 Who Was Or Who Intended To Become A US Citizen
- Claim Land Up To 160 Acres
- By Paying \$34 And Residing And Cultivating The Land For 5 Years
- Or After 6 Months Of Occupation Could Pay \$1.25/Acre



Homestead Act

The First Homesteader – Daniel Freeman
January 1868 – Nebraska

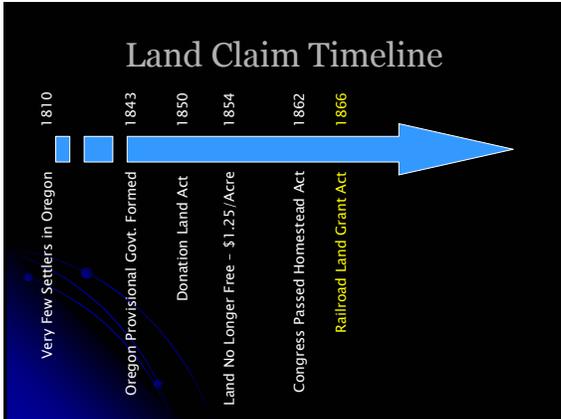


Homestead Act

The Last Homesteader – Kenneth Deardorff
May 1988 – SW Alaska



Railroad Land Grant Act



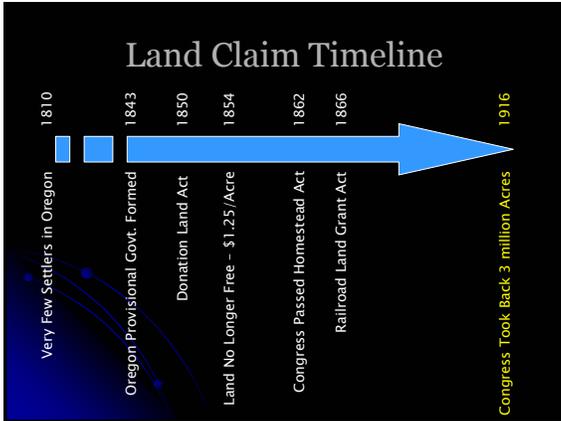
Railroad Land Grant Act of 1866

- Gave Successful Railroad Companies Title To Every Odd-numbered Section Of Land For Twenty Miles Back From Each Side Of Their Right-of-way
- Given To Recoup Expenses To Build Railroads
- Restricted To Selling Their Land For Not More Than \$2.50 An Acre.
- Required To Pay Property Taxes
- Congress Took Away 3 Million Acres In 1916

Railroad Land Grant Act of 1866

Primary federal land grants to railroads

Transcontinental Railroads and Federal Land Grants, 1850-1900
 Despite the laissez-faire ideology that argued against government interference in business, Congress heavily subsidized American railroads and gave them millions of acres... served on either side of a railroad's right of way. Until the railroad claimed the exact one-mile-square sections it chose to possess, all such sections within the belt...



DLC Research

- Not All Claims Were Successful. Quite A Number Were Rejected.
- Make Certain That A Certificate Was Issued.
- Refer To The List Of Rejected Claims – Available At The State Of Oregon Archives
- County Lines Changed - Records May Be In The Parent County

DLC Research

Oregon State Archives

- All Oregon And Washington Case Files Are Available On Microfilm
- Include All Documents From The Notification To The Donation Certificate
- Indexed By Donation Certificate Number




DLC Research

BLM Website Or Office

- Master Title Plat – Graphic Index
- Historical Index – Tabular Index
- Field Notes
- Plat
- Certificate – Only Available From Archives
- Patent – On Microfilm

Pop Quiz

- Question: *A Settler Files A Land Claim In 1851. How Must He Lay Out His Claim Lines?*
- Answer: *The Lines Must Conform As Nearly As Practicable To The Subdivision Of The Rectangular Surveys If The Claim Was Located On Public Land That Had Already Been Surveyed Into Townships And Sections. Otherwise They Were To Be In Cardinal Directions.*

Alexander McQuinn

"A Casebook of Oregon Donation Land Claims"
by C. Albert White

County Records

Bureau of Land Management

Oregon State Archives

Resources



In Memory of
Lou Spisla
October 4th 1932 – February 10, 2006
ODOT Region 1 Surveyor (retired)



