

A Brief History of the General Land Office in Washington

In Colonial times, title to property originated with the King. He gave ownership in the form of Land Grants to individuals and companies, at least temporarily, subject to his royal control. The grantees of this land in the New World were mostly motivated by profit, and subsequently dispersed portions of their grant for money.

The descriptions were by latitude, longitude, geographic features, or in miles. There were overlaps, but that wasn't important. To quote Al White, "What the King giveth, the King taketh away."

Ultimately as the parcels got smaller, boundary disputes arose over the ambiguous and overlapping descriptions that are perpetuated to this day in the Colonial States.

After the Revolutionary War, one of the important issues in forming a new nation was the size and shape of each state. Another issue was the ownership of the land formerly owned by the King. Should it be held by the states or by the new federal government? This was important in determining the final boundaries of the existing states, because they anticipated selling it to fund their war debts, or to grant land to former soldiers in payment for service. After the war, there existed bounty land warrants for several million acres, held by soldiers and officers.

The smaller states with finite boundaries wanted the states with claims to western lands to cede these claims to the new government, mostly out of fear that those states would grow to dominate the smaller states. This process was not complete until 1802 when South Carolina ceded her western lands to the new government. Thus the federal government started with no money, a lot of debt, and ownership of millions of acres of land. Unclaimed land within each of the Colonial States was retained by those states.

Anxious to sell or grant land to reduce debt, and starting with a clean slate, a process must be devised to patent land from the government. The old system created a mess, and wisdom prevailed in creating a system where a survey must precede the granting of title.

Thomas Jefferson, a surveyor, headed a Committee of Congress in 1784 that originally called for presurveyed tracts one mile square. This evolved into the "Land Ordinance of 1785" where the early version of our rectangular system was created. The New England Colony had created "towns" that were similarly configured, and the advantages were noted. A new settler would receive title to land that was presurveyed, originating from the federal government, with the survey linked to the description, as would the adjoining tracts. They would be able to be further subdivided by a clear description.

To facilitate the distribution of land in the Northwest Territories, Congress also passed "The Northwest Ordinance of 1787." It provided for provisional territorial governments under federal control and a process leading to statehood. It also set fee

simple title as the national policy of land ownership as opposed to primogeniture or the payments of quitrents.

The new United States of America had then set the stage for orderly settlement of new territories.

The Act of May 18, 1796 was important in that it created the office of Surveyor General and allowed him to frame the regulations not spelled out by Congress. He defined the size of townships, created Sections and their numbering systems, called for the Gunter's Chain, required bearing trees at corners, specified that detailed notes and land descriptions be taken, and that detailed markings be made at the corners.

Rufus Putnam was appointed the first Surveyor General in 1797. He established his office in Ohio which was where the main body of surveying began. The system of Contract surveys, in use until 1910, originated with him and his very first surveys.

In 1800 Congress established local Land Offices to more easily sell land to settlers. At each office there was created a Register and a Receiver, both paid by salary. The Register handled the sales and documentation, and the Receiver took care of the money. The Surveyor General furnished the office with a copy of all plats, one of the three copies created, a system still in place until very recent times.

In 1812, Congress created the General Land Office, under the Treasury Department, which was: "to superintend, execute, and perform all such acts and things, touching or respecting the public lands of the United States." A Commissioner and a Chief Clerk were created. It took responsibility for

the land surveys and sales, getting the War Department and State Department out of the land business. It did not clearly distinguish the duties of the Surveyor General under this new Agency. Edward Tiffin was appointed the first Commissioner in 1812.

The Rectangular Survey

By the time Oregon was surveyed, the system had most of the bugs worked out. A new Manual of Instructions to the Surveyor General of Oregon Territory was written in 1851, called the Oregon Manual.

It called for a Prime Meridian to be created running due North-South. In Oregon, this was called the Willamette Meridian, and was located to facilitate the surveys of the earliest settlements. It ran through the Northerly Willamette Valley and North through the farming country of Western Washington, ending on Puget Sound near Nisqually. It was also designed to avoid the Columbia River and Vancouver Lake.

It also called for a baseline to be located on a parallel of latitude, which is actually a slightly curved East/West line, from a plane geometry viewpoint. The Oregon Baseline was to be located south of the Columbia River bottoms but north of Mt. Hood, and ultimately extended from the Pacific Ocean to the east boundary of the state. Stark Street in East Portland was built

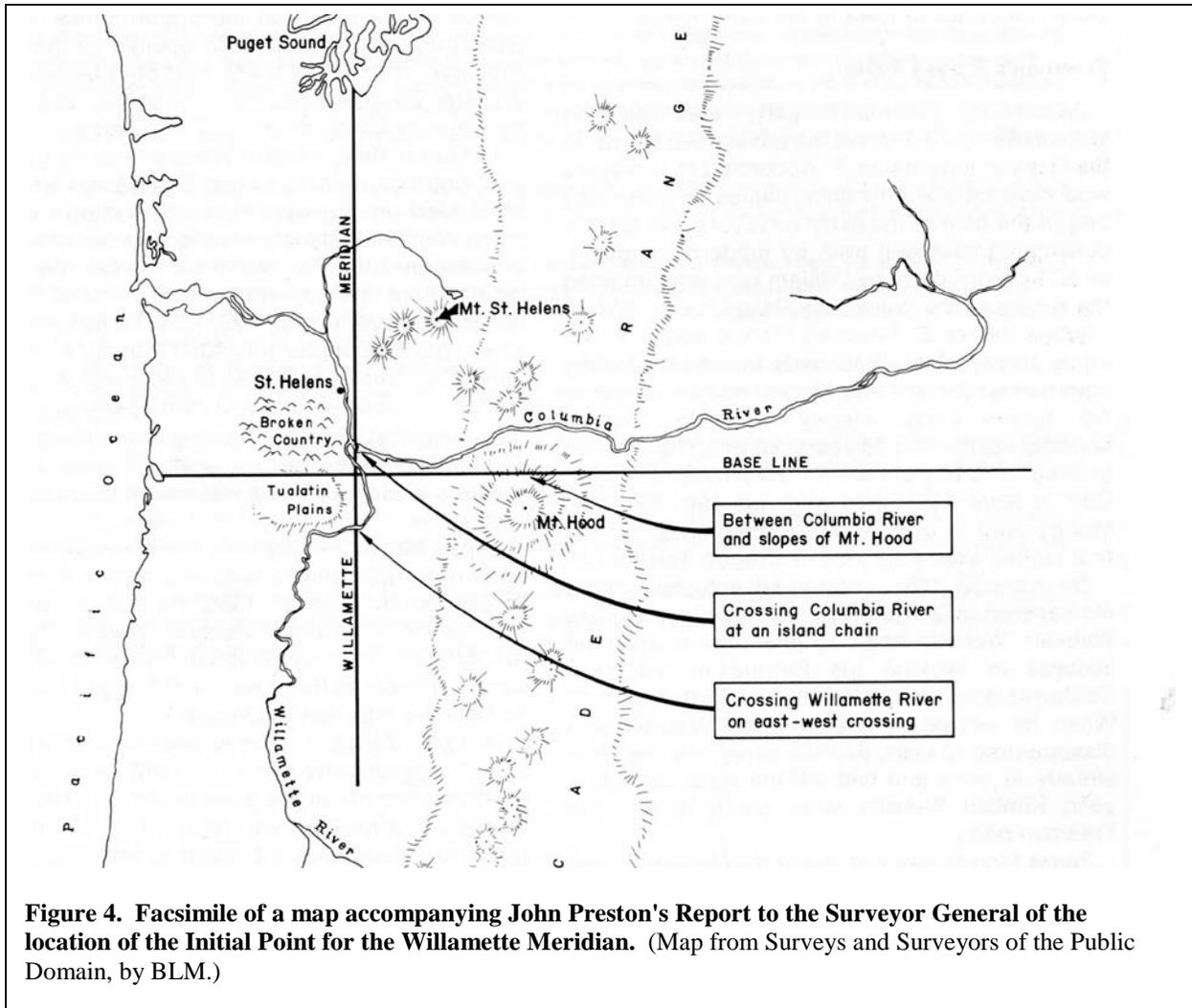


Figure 4. Facsimile of a map accompanying John Preston's Report to the Surveyor General of the location of the Initial Point for the Willamette Meridian. (Map from *Surveys and Surveyors of the Public Domain*, by BLM.)

on the Baseline, as was the main road from Hillsboro, through Cornelius to Forest Grove. The intersection of the Willamette Meridian and the Baseline was called the Initial Point, and in Oregon it is located off Barnes Road in Portland, at Willamette Stone Park.

Every 24 miles along the Willamette Meridian, (30 miles in Oregon) other East/West lines on a parallel of Latitude were created, called Standard Parallels. These were created to account for convergence, since true North/South lines would ultimately converge and meet at the North Pole. It was desirable to have all of the ultimate one-mile square Sections be as regular as possible.

Townships were then surveyed from the Meridian, Baseline, and Parallels, six miles by six miles, building on each other until the Standard Parallel was reached where the process started over, and corrected itself.

If it was not possible to extend the Standard Parallel or township surveys, such as across the Cascades or the Olympics, a Guide Meridian would be surveyed in a manner similar to the Willamette Meridian, except that it would start at a Standard Parallel at a township corner. Standard Parallels would then be surveyed from the Guide Meridian into settled areas.

The townships were then surveyed into one mile by one mile square tracts called Sections, starting at the Southeast corner and surveying North and West. The errors due to slight inaccuracies and convergence were left at the North and West sides of the township. These errors were further restricted to the 40 acre tracts abutting the township lines, called Government Lots. The sections were numbered one to thirty-six, boustrophedonically, (as the ox goes) beginning at the NE corner of the township. The Deputy Surveyor set the four corners of the Section, called Section Corners, and the mid-point on the exterior lines of the Section, called Quarter Corners, so-called because when connected by straight lines to the opposite “quarter corner”, the section is divided into “quarters”.

Further subdivisions of the Sections would be done by local private or government surveyors by a federally prescribed method. The Sections could be subdivided by aliquot parts, a term that has legal meaning and avoids gaps or overlaps. The “Southwest Quarter” of a Section has 160 acres, more or less, and the “Southeast Quarter of the Southwest Quarter” has 40 acres, more or less, and both have predetermined relationships to the Section Corners and Quarter Corners. This method of land description can be carried down to very small tracts.

Large bodies of water and navigable rivers were to be surveyed on all sides, with the ownership of the beds to remain in the public. Where this subtracted from the normal size of the Sections, more Government Lots were created and their areas shown on the plats.

Oregon Territory

England, Spain, Russia, France, and the United States all claimed parts of what is now the American West. The Louisiana Purchase in 1803 put what had been France’s interest into American ownership. Robert Gray sailed into the Columbia River in 1792, and Lewis and Clark came overland in 1804-1806 to reinforce the U. S. position. England temporarily took control until agreements were made in 1818, after the War of 1812, when joint control was created for Oregon Territory between England and the USA. In 1811, the Pacific Fur Company (American) had set up several fur trading posts on the Columbia River, but was taken over by the Hudson’s Bay Company (British), who continued the English presence until 1846. In the end, the sheer number of American immigrants pouring into Oregon Territory, seeking free land, settled the issue.

A treaty with Spain in 1819 fixed the southern boundary at Latitude 42 degrees, and a treaty with Russia in 1824 set the northern boundary at Latitude 54 degrees, 40 minutes. Seeing the tide of wagons coming, John McLoughlin of the Hudson’s Bay Company at Fort Vancouver in the early 1840’s at first directed them to the Willamette Valley, claiming everything North of the Columbia River belonged to England. When the best land South of the River was taken, and the settlers kept coming, they turned North to the Cowlitz, Olympia and Seattle, beginning before 1844, ignoring the British Claims.

When the settlers held a vote at Champoege, on the Willamette River, in 1843

to form a provisional government, the outcome was for an American government. The size of its domain would be an issue. The claim initially would be from California at 42° North latitude to 54° 40' North Latitude, (a Presidential campaign issue in 1844, hence the slogan "54-40 or fight"), and from the Pacific to the crest of the Rockies. Early provisional governments claimed this area until the treaty with England settled the North Boundary at 49° North Latitude in 1846.

Oregon Territory was created by Congress on August 14, 1848, including lands between 42° and 49° North Latitude, and from the Pacific to the Rockies. There was reserved for schools all Sections 16 and 36.

The provisional government, anticipating free land claims, set up a process of recording land claims at Oregon City, hoping the federal government would recognize them. The promise had been made for one Section, or 640 acres, to a family. By 1850, thousands of new residents had arrived, nearly all staking out a claim. At this time there was no government survey in place at all.

Finally, on September 27, 1850, the office of Surveyor General of Oregon was created. William Gooding was appointed, but declined, and his assistant, John B. Preston was then appointed Surveyor General on November 26, 1850. He went to Washington, D. C. for instructions and equipment, most important of which were four solar compasses. Accompanying him on his sea journey via Panama were his wife, Lucy, her sister, Julia Hyde, her brother, George Hyde, and the Preston's daughter. Also in the party were future Deputy

Surveyors James E. Freeman, Zenas Moody, and some future Clerks and crew members. They arrived in Oregon City on May 1, 1851. Ten days later, the Ives brothers and Joseph Hunt, all future Deputy Surveyors, arrived.

What to do with all of these unsurveyed claims? The GLO had a policy of not issuing title until the federal survey was complete for that area. Also, these claims would not conform to the ultimate rectangular system. The far better good had been achieved by enticing these citizens to come West, and now they needed title to their claims.

In the same act that created the Oregon Surveyor General, Congress approved the granting of land to the claimants in Oregon. It provided for 640 acres to a couple and 320 acres to a single man. It was supposed to follow the rectangular survey whenever possible, but the majority of the claims in Oregon were staked far ahead of the surveys.

The Survey Begins

Preston, Freeman and the Ives Brothers did enough reconnaissance of the position of the Columbia River and Vancouver Lake to determine the Initial Point. William and Butler Ives actually surveyed a line South from the very western edge of Vancouver Lake to the Initial Point. William Ives set a post at the Initial Point Jun 4, 1851 and started North. He crossed the Columbia and set the first official corners in Washington on June 6. One of those corners, the third one set on the Willamette Meridian in Washington, still exists to this day with a live Oregon White Oak Witness Tree.

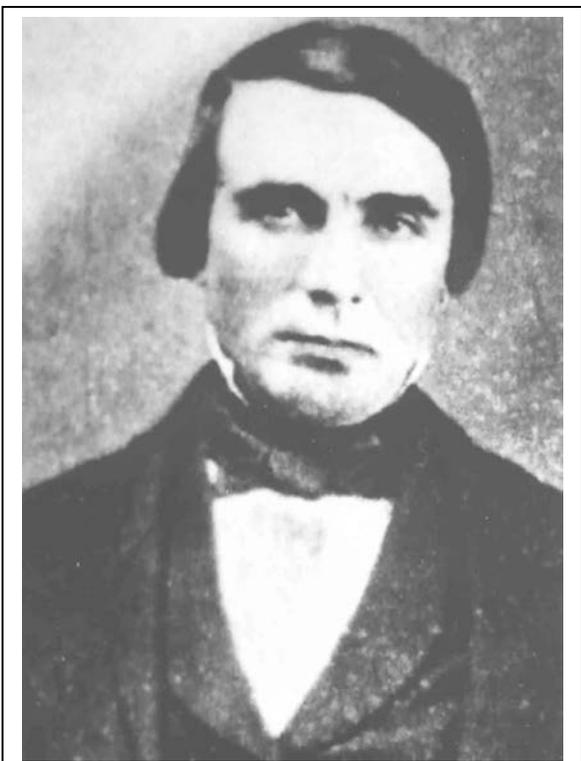


Figure 5. William Ives.

William Ives, assisted by Butler Ives among others, surveyed the Meridian north to Puget Sound, and James Freeman, assisted by Zenas Moody and Joseph Hunt among others, surveyed the Meridian South through the Willamette Valley. William Ives also ran the Baseline East and West from the Initial Point. As soon as the first notes were returned to Preston, he had them quickly approved, and the surveying into townships and sections started, using the corps of Deputies that traveled to Oregon with Preston, or arrived soon thereafter.

Most of the work was in what is now Oregon, for that was where most of the claims were located. Joseph Hunt surveyed the fractional portion of T1N R2E in Washington in 1852, and then several townships in Clark County and Lewis County with Butler Ives in 1853. Overall, about ten

Contracts were awarded by the Oregon Surveyor Generals in what would become Washington Territory. John Trutch and Peter Crawford had Claim Survey Contracts in Washington in 1854.

Donation Land Claims

The process of the creation of the Donation Land Claims had already begun unofficially under the provisional and territorial governments. Thousands of claimants had identified the location of their future DLCs, and had filed a record of their Claim in Oregon City. After finding some unclaimed land, the settler would have to have a temporary survey of it in order to describe it in the filing. It would be referenced to geographic features and adjacent Claims. Then they began living on it to start the possession period of four years.

After that, nothing could be done until the townships and sections were surveyed in and around it. When that was finished, the settler would hire a surveyor to make the “Notification Survey”, another survey of the Claim, tying it in to the rectangular system. These were filed with the Surveyor General, who accumulated them and issued a Contract with a Deputy Surveyor to make the official survey. The claimants paid for this survey also. The Surveyor General would then draft a Township Plat showing all of the DLCs and the newly created Government Lots adjoining them. When this plat was approved, the claimant could begin the process of securing a patent to his land. Some of the Claims would fit the rectangular system of Government Lots and Sections, so would not need a survey individually. From

settlement to patent took at least a decade. Even though the Act terminated in the 1850's, the surveying alone lasted into the 1870's. The land could not be taxed until the patent was issued, putting some delay in the hands of the claimant.

To be eligible, one needed to be a white or half-breed Indian male, 18 years old, an American Citizen by the time of patent, and have proven up by living and farming on the DLC for four years. Obviously, there were many overlaps, disputes, shootings, lawsuits and questions arising out of such things as the death of a claimant. There were 7440 Claims filed in Oregon and less than 1600 filed in Washington, with some possible overlap. Oregon had special Contracts with a separate numbering system to survey Claims where Washington did not separate the Claim Contracts.

Washington Territory

Washington Territory was created out of Oregon Territory March 2, 1853, being all the land south of the 49th Parallel, North of the 42nd Parallel, excluding that part now known as the State of Oregon, and from the Pacific to the Rockies. The Act of July 17, 1854 extended the Donation Act to Washington and created a position of Surveyor General for Washington. James Tilton was notified on August 12th and officially appointed as Surveyor General on August 27th. He was to get the plats, notes, and manuals from Surveyor General George Gardner of Oregon, and continue the surveys on the West side of the Cascades. Some Clerks arrived in December, 1854 to begin the transition while Tilton did not start in

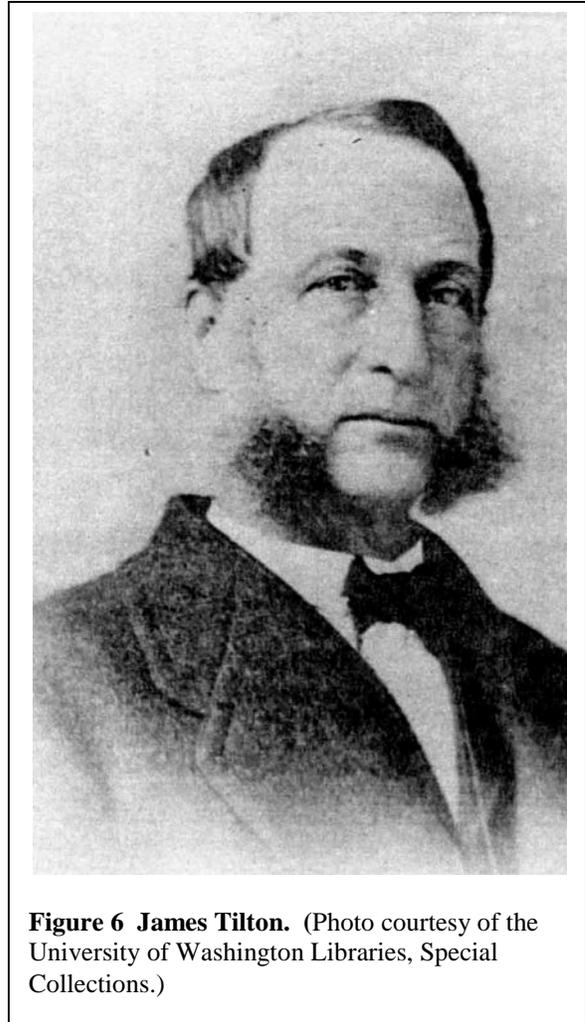


Figure 6 James Tilton. (Photo courtesy of the University of Washington Libraries, Special Collections.)

office until March 1855. Tilton would issue 61 Contracts before he was replaced by Anson Henry in 1861. Tilton's job as Surveyor General was interrupted by the Indian Hostilities in 1855-56, when it was impossible to get surveyors into the field, it being too dangerous. He was elected Adjutant General of the Volunteers to fight the Indians, having experience as an officer in the Mexican War. Many of his Clerks and future Deputies also signed up, and many were later awarded Contracts. Jared Hurd, Hamilton Maxon, William Strong, and Walter DeLacy were officers. Deputy Surveyor Dominick Hunt was killed by the Indians near Whidbey Island before he

finished his survey. Tilton, Maxon, and Hurd participated in putting Supreme Court Justice Lander in jail in a period of Martial Law in the time of fighting. Deputy Surveyor John Lowell died crossing a rain swollen White River delivering a dispatch

Tilton believed that Washington needed its own Meridian, the “Puget Sound Meridian”, and set about doing it. He contracted with Thomas Frost, his Chief Draftsman, to extend the 5th Standard Parallel East to a point where a new meridian could be run North and miss the Eastern extent of the Puget Sound. He did that and marked the posts and trees accordingly, beginning again with T1N R1E, etc., of the Puget Sound Meridian. When those notes made it to the Commissioner in Washington, D. C., there was a minor explosion, and very stern orders to undo it. Tilton was to call it a Guide Meridian, and change all the marks to reflect an extension of the Willamette Meridian.

Thomas Frost died of typhoid very shortly after returning from the first version, and Clerk Edward Gibson was sent to change the marks on the posts and trees. John K. Hall of Olympia had already started to extend the new Puget Sound Meridian, and couldn't be reached until he finished. He also had to go back and change his marks. Later in 1855, John Lafitte, with Walter W. DeLacy as compassman, extended the Willamette Meridian North across portions of the Sound at the insistence of the Commissioner

Homestead Act of 1862

The free land under the DLC program had ended, and a new method of enticing settlers to the Territories was needed. The

Homestead Act provided that for \$34, a settler could claim 160 acres of unclaimed land by occupying and cultivating it for 5 years. If he wanted it faster, he could occupy it for 6 months and then pay \$1.25 per acre. The land must have been surveyed to get title, but many settlers started occupying land in anticipation of the extension of the surveys, putting much more pressure on the Surveyor General's Office. The Homestead Act was in effect in some form until 1962.

Donation Land Claim Surveys

A few Claims were surveyed in 1854 based on the surveys under Oregon Contracts, but the Washington DLC surveys didn't get going until 1856 when Tilton had time to catch up with the township plats, receive or retrieve the notification surveys, plot them out, and hire Deputies to do the final surveys. Lewis Van Vleet, Henry Stearns, Thomas Berry, Levi Farnsworth, William Strong, Dominick Hunt, Edwin Richardson, and Edward Gillette were all surveying DLC's before 1860. Most of the rest were surveyed by 1875, with a few after that. They were done by Special Instructions, rather than by a Contract number, but some were included in with the township surveys.

Surveyor Generals

The Surveyor Generals, Clerks, and Deputies ebbed and flowed like the tide, in and out of office with the changing political party in power. There was usually some overlap, because it took so long for communication between Washington, D. C. and Olympia, and the logistics of getting the

new appointee out West. The following list might illustrate the situation:

Pres. James Polk, **Dem.**, 1845-49

Pres. Zachary Taylor, **Whig**, 1849-50

Pres. Millard Fillmore, **Whig**, 1850-1853

SG OR John Preston, **Whig**, 1850-1854

Deputies: Preston did not follow party lines in his choice of Deputies, but rather picked for quality or nepotism. Hunt, **Dem**; Elder, **Whig**; A. Smith, **Dem**; Henry, **Whig**; Cartee, **Dem**; Patterson, **Dem**; Hyde, **Whig**; K. Webster, **Dem**; Wells, **Whig**; Preston, **Whig**; B Ives, **Dem**; W. Ives, **Dem**; Freeman, **Dem**;

Pres. Franklin Pierce, **Dem**, 1853-1857

SG OR Charles Gardner, **Dem**, 1854-1856

Deputies: Patterson, **Dem**; Moody, **Whig**; Lake, **Whig**; Cartee, **Dem**; Smith, **Dem**; Thompson, **Rep**; B. Ives, **Dem**

SG WA James Tilton, **Dem.**, 1854-1861

Deputies: Chenoweth, **Dem**; Phillips, **Dem**; Strickland, **Dem**; Frost, **Dem**; Farnsworth, **Dem**; Patterson, **Dem**; Hurd, **Dem**; Thomas Berry, Free Soil; Isaac Smith, **Dem**; Hall, **Dem**; Strong, **Dem**; Van Vleet, **Dem**; Trutch, Unkn; Carlton, **Dem**; Gile, **Rep**; Henry, **Whig**; Maxon, **Dem**; Lodge, **Dem**; A. Smith, **Dem**;

SG OR John Zeiber, **Dem**, 1856-59

Pres. James Buchanan, **Dem**, 1857-61

SG OR W. W. Chapman, **Dem**, 1859-61

Pres. Abraham Lincoln, **Rep.**, 1861-1865

SG WA Anson Henry, **Rep**, 1861-1865 (died)

Deputies: House, **Rep**; Johnson, **Rep**, Sloan, **Rep**; Andrews, **Rep**; Henry, **Rep**; Treadway, **Rep**, Stewart, **Rep**; Stevenson, **Rep**;

SG WA Edward Giddings, **Rep**, 1865-1866

Pres Andrew Johnson, **Dem**, 1865-1869

SG WA Selucius Garfield, **Dem**, **Rep**, 1866-1869

Deputies: Beach, **Rep**; Meeker, **Rep**; Giddings, **Rep**; Garfield, **Dem**, **Rep**; Treadway, **Rep**, Cock, **Dem**;

Pres. U. S. Grant, **Rep**, 1869-1877

SG WA Elisha P. Ferry, **Rep**, 1869-1872

Deputies: Beach, **Rep**; Treadway, **Rep**; Reed, **Rep**;; Giddings, **Rep**; Whitworth, **Rep**; Dudley Henry, Peoples; Charles Byles, **Rep**;

Hurd, **Dem**; Freeman Brown, **Rep**; Ballard, **Rep**;

SG WA Lewis P. Beach, **Rep**, 1872-1873 (died)

Deputies: Ezra Smith, **Rep**; Snow, Unkn; Charles Byles, **Rep**; Moody, **Rep**; Loehr, **Rep**; Berry, **Rep**; Whitworth, **Rep**; Brackins, **Rep**;

SG WA William McMicken, **Rep**, 1873-1886

Deputies: Ballard, **Rep**; Abbott, **Rep**; Loehr, **Rep**; Berry, **Rep**; Dudley Henry, Peoples; Whitworth, **Rep**; Reed, **Rep**; Van Vleet, **Dem**; Lindsley, **Rep**; Meeker, **Rep**; Navarre, **Rep**; Ezra Smith, **Rep**; Byles, **Rep**; Winfield Chapman, **Rep**; McCornack, **Rep**; Iverson, **Rep**; Shelton, **Dem**; Newton Clark, **Rep**; Jacob Richardson, **Rep**; Gradon, **Rep**;

Pres. Rutherford Hayes, **Rep**, 1877-1881

Pres. James Garfield, **Rep.**, 1881-81 (shot)

Pres Chester Arthur, **Rep.**, 1881-1885

Pres Grover Cleveland, **Dem.**, 1885-1889

SG WA J. Cabell Breckenridge, **Dem**, 1886-89

Deputies: Berry, **Rep**; Navarre, **Rep**; Anderson, **Rep**; Loehr, **Rep**; Whitham, Prohib;

Pres Benj. Harrison, **Rep**, 1889-93

SG WA Thomas Cavanaugh, **Rep**, 1889-92

Deputies: Ouellette, **Rep**; Jacob Richardson, **Rep**; Ashley, **Rep**; Freeman Brown, **Rep**; Lenfest, **Rep**;

SG WA Amos Shaw, **Rep.**, 1892-1894

Deputies: Iverson, **Rep**; Fitzhenry, **Dem**; Freeman Brown, **Rep**; Lenfest, **Rep**; Jacob Richardson, **Rep**; Shelton, **Dem**;

Pres Grover Cleveland, **Dem**, 1893-1897

SG WA William Watson, **Dem**, 1894-98

Deputies: Anderson, **Rep**; Jacob Richardson, **Rep**; Fitzhenry, **Dem**; Hammond, **Rep**; Fortman, **Dem**; Wetzel, **Rep**; Ruth, **Rep**; Whitham, Prohib; Shelton, **Dem**;

Pres William McKinley, **Rep**, 1897-01

SG WA William McMicken, **Rep**, 1898-99 (died)

Deputies: Jacob Richardson, **Rep**; Wetzel, **Rep**; Shelton, **Dem**;

SG WA Edward Kingsbury, **Rep**, 1899-1913

Deputies: Jacob Richardson, **Rep**; Ruth, **Rep**; Lenfest, **Rep**; William Byars, **Rep**; Gay, **Dem**; Gesner, **Rep**; Hunt, **Rep**; Stocking, **Rep**; Whitham, Prohib; Wetzel, **Rep**; Henry, **Dem**; Hammond, **Rep**; Johnson, **Rep**; Angell,

Rep; Fitzhenry, Dem; Campbell, Rep;
Wilson, Rep; Crumley, Ind; Cupples, Soc;
Shelton, Dem;

Pres. Theodore Roosevelt, Rep, 1901-09

Pres. William Taft, Rep, 1909-1913

Pres Woodrow Wilson, Dem, 1913-1921

SG WA Edward Kingsbury, Dem, 1913-1921

Pres Warren Harding, Rep, 1921-1923

SG WA Clair Hunt, Rep, 1921-1925

Pres Calvin Coolidge, Rep, 1923-1929

The above list reflects only the Deputies whose political affiliations are known out of the 300+ that received Contracts. The Deputy Surveyors tended to follow the party of the Surveyor General, with less correlation in later times, as it was so hard to get competent surveyors that they took what they could get.

Preston, Tilton, McMicken and Watson were engineers; Henry was a doctor; Beach, Hunt and Fitzhenry were surveyors; and the rest were politicians or lawyers.

Special Deposits

During the Civil War there were small appropriations of funds for the advancement of the public land surveys, even though settlement was occurring at a rapid pace in the West. In May 1862, Congress tried to compensate for that by allowing entrymen to post a Special Deposit for the cost of surveying their township. This cost \$600-\$1000, and by 1871 only two in Washington had followed this option.

The law was changed in 1871 to allow \$200 of an entryman's Special Deposit to be applied to the purchase price of his land from the federal government. They could possibly join together to fund the survey, but few still chose this option, mostly because the DLC

and Homestead Acts provided for free land and there was nothing to apply the \$200 towards.

In 1879 Congress again changed the law to allow the Special Deposit money to be transferable and apply to any federal land purchase. A new form of currency was created de facto, trading at \$0.65 on the dollar, and opened opportunities for fraud. Some entrymen used the program, but speculators were the main beneficiaries.

Deputy Surveyors would create "fraudulent" settlers in an easy-to-survey township, perform a profitable survey, collect their fee from the GLO, and then sell the Deposit Money they had spent on the open market.

Land speculators in mining and timber would create the same kind of "fraudulent" settlers all over a township, pay the Special Deposit money in their name, bribe the surveyor to show them in his notes, and when the plats were filed, they would purchase the rights of the "fraudulent" settlers and end up with title to valuable timberlands.

This opened land up for survey that would not have been surveyed, because it did not meet the criteria that agricultural land would get surveyed first, and that there needed to be real settlers on the land.

It also provided the platform for the gross fraud perpetrated by the Benson Syndicate, talked about later.

Nationally, Special Deposits accounted for \$368k from 1862-1879. From 1879-1885, Special Deposits accounted for \$6.2 million in deposits, compared to \$2.4 million in regular appropriations. Congress tried to eliminate the program in 1882, but

powerful lobbying prevented it. The deposits instead were limited to use within the Land District from which they originated.

The new Commissioner, William A. J. Sparks, all but ended Special Deposits in 1885, starting by cancelling all of the Contracts that had originated in that manner.

Washington missed the worst of the abuses, thanks to Surveyor General William McMicken, 1873-1886. He restricted the use of Special Deposits to agricultural land and avoided the timber fraud experienced by other states. Still, about 2.5 million acres in Washington were surveyed (or not) by the Benson Syndicate.

Special Deposits were resumed in 1890 with expanded documentation required on bona fide settlers. They were seldom used after that.

Inspections

The efforts of the General Land Office to devise an adequate inspection system were limited by congressional appropriations.

The surveys in Washington under the Oregon Surveyor General were not examined, except that most were followed up by DLC Surveys over the top of those surveys as a check. One of the Oregon Surveyor Generals reported that there had been only one report of an error to his office, and that was on a survey done by Josiah Preston, John Preston's brother.

James Tilton in Washington withheld 12% of the Contract amount from the Deputy for the exam. This reduced the compensation which was already too low. To save money, he used Clerks chiefly, and had them camp

with the contractor. By this method, he did examine most surveys. The Olympia office had solar compasses for this purpose. The withholding ended in 1859.

After that, the inspections were only to be done when the Surveyor General suspected the accuracy or fidelity of the survey, and then it was to be paid from the general appropriation for that year. A policy existed to have township boundaries and the section subdivisions surveyed by different deputies, but that was often ignored.

In 1873, \$10k for the entire U. S. was appropriated for inspections, and Washington's share was \$800. In 1878, regular appropriations were started, and the Commissioner apportioned the examiners and the funds between the districts. From 1883-1886, this stopped, and the money was available on demand by the Surveyor Generals, some of whom were probably being paid under the table by Benson.

In 1887, after the stories about the Benson Syndicate were known, almost all surveying stopped. Commissioner Sparks said that all surveys were to be examined under his control. An appropriation of \$25k in 1887 and \$10K in 1888 was approved. At this time it was ordered that surveys were to be advertised, and given to the lowest competent bidder.

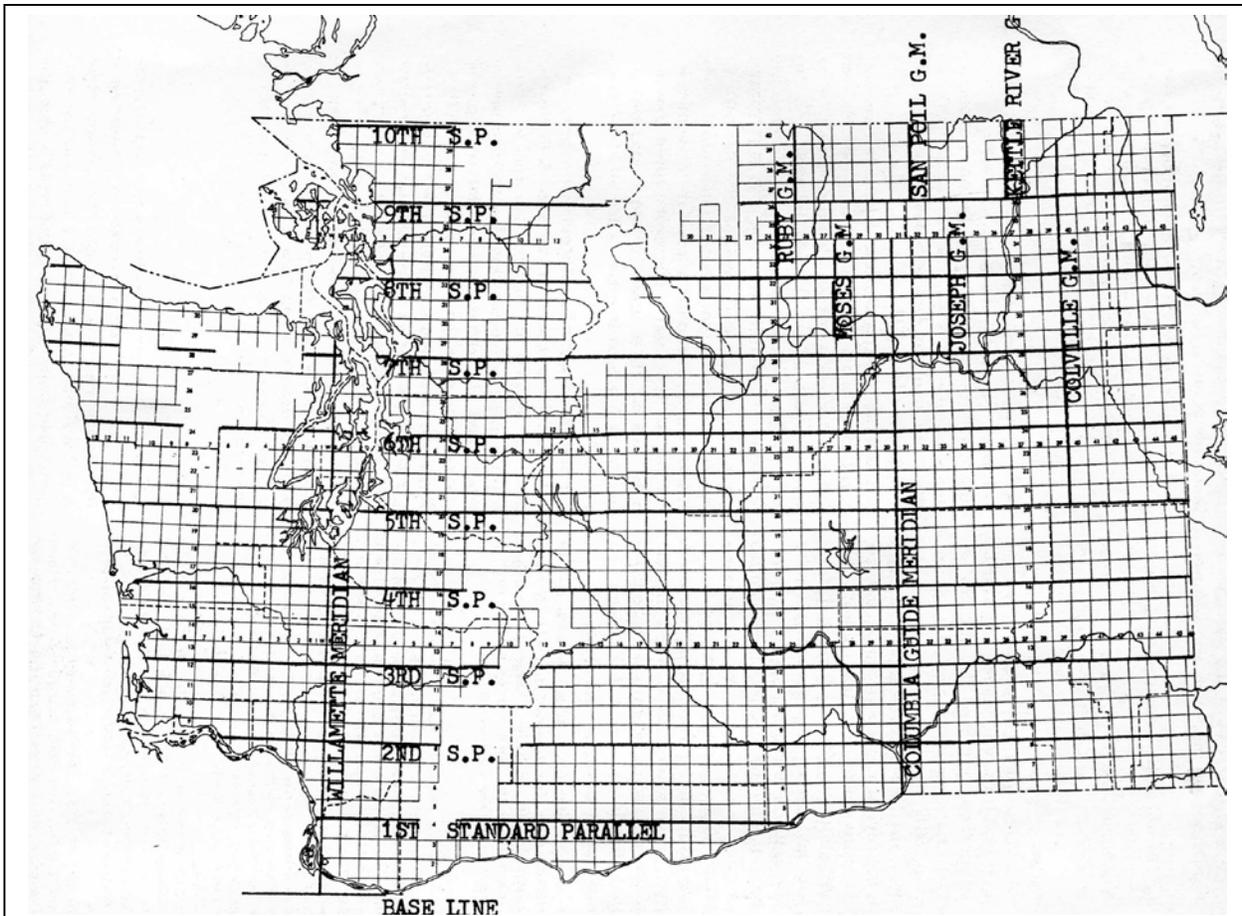


Figure 7. Map showing progress of GLO and BLM surveys up until about 1970. Each small square is a township, and the dark lines are Meridians, Baselines, Standard Parallels, or Guide Meridians. Missing are the Puget Sound Guide Meridian running just East of Puget Sound from the 5th Standard Parallel North to the Canadian Border, and the Coast Guide Meridian running North from Grays Harbor for about 4 townships.. Note the unsurveyed public lands in the Cascades, the Olympics and the Colville National Forest.

From 1891 on, regular appropriations of \$40k were made and almost all surveys were examined. A circular was sent from the Commissioner on April 27, 1893 that flatly prohibited using other deputies to do examinations and that only Special Survey Examiners, the Surveyor Generals, or their Clerks could do them. Whenever deputies examined other deputies, the result was usually a clean bill of health, just like judging at horse shows.

The 1890's were a mess. The result of low bidders, aggressive examinations, and

tough specifications ended in the suspension of a majority of the surveys. Some Contracts took up to ten years to complete from the date of the Contract to Commissioner approval, with surveys, examinations, resurveys, reexaminations, resurveys, and reexaminations until finally approved. The Deputy Surveyors or their substitutes usually did finish the work, mainly because of the bond posted for twice the value of the Contract.

After 1891 there was a corps of "Special Examiners of Surveys," hired by the

Commissioner in Washington D. C., available in the West, usually serving one year Contracts, and travelling as necessary to perform the exams, as the field notes were turned in. Most Deputies had to wait months for the results of each exam. The Examiners were competent, and usually educated engineers, USGS surveyors, or Clerks out of the General Land Office. Many stayed and prospered in the Northwest when their Contract was over.

RR Land Grants

The need for a railroad link to the Pacific Coast caused Congress to adopt the Act of July 2, 1864 under which land was granted to the NPRR, provided “that the President of the United States shall cause the lands to be surveyed for 40 miles in width on both sides of the said road...” The NPRR, UPRR, Central Pacific RR and the O&CRR all were recipients. The Federal Government took back all the O&C lands in Oregon and now manages it under the Bureau of Land Management.

The policy was that the railroads would pay a pro rata share in the costs of the public surveys. When the Forest Reserves and National Parks were created, the railroads received lieu lands elsewhere from existing public lands. This was beneficial to the railroads, for it was usually a trade up in value.

The railroads were not taxed on these lands until the surveys were completed and the patents were issued. There was little pressure from the railroads until the 1890's when real or threatened bankruptcy caused the need to sell that land. Some

appropriations were exclusively devoted to the surveys of railroad land.

Mineral Surveys

The Act of May 10, 1872 created the “General Mining Law” which is mostly still in effect today, and it is/was the basis for Mineral Surveys. They were done by United States Deputy Mineral Surveyors, approved and bonded by the General Land Office. They are technically employees of the GLO, but are paid for by the claimants. The notes were given to the Surveyor General's Office, and the plat was drawn by the Clerks. It covers lode, placer and mill site claims, except that placers may be by aliquot parts of the section, while the others are metes and bounds tracts. They need not wait for the public surveys to be extended to receive their patents.

In Oregon, the Mineral Surveys started in 1872, but in Washington, the first is dated 1883, and is number 35. Since the Mineral notes and plats were not sent to Washington, D. C., it is probable that the first Mineral Surveys are irretrievably lost in the fire in the Surveyor General's Office in 1883.

When Mineral Surveys were done in unsurveyed lands, they were referenced to a local monument, called a United States Mineral Monument, in the vicinity of the group of Claims. Because of the terrain and rock bluffs, much of the survey work may have been done by triangulation, as this author has experienced in the North Cascades. When the GLO went to the direct employee system, the protocol for Mineral Surveys really didn't change, for most were still done by private USDM Surveyors.

Indian Allotments

In 1853, Washington was separated from Oregon as a new Territory, and its first governor was charged with making treaties with all of the Indian tribes ASAP. He convened at Medicine Hat near Puyallup and negotiated reservations with five Puget Sound tribes, reaching agreement on their perimeters. George Gibbs was hired to survey those first reservations in 1855 since the Surveyor General's Office was not yet set up. Most, if not all, were changed before reaching their ultimate boundaries.

When land was plentiful, the treaties were more generous. As more settlers and miners arrived, they corrected the tribal reservations, and Congress acted in various ways to reduce or eliminate the treaty boundaries.

After Gibbs, the GLO surveyed all of the perimeters of the reservations, except the first survey of the Quinault, surveyed by Alleck Smith under the Office of Indian Affairs. These were sometimes in dispute, as the unfolding litigation over the years with the Yakima Reservation would attest.

If one divided the total acreage reserved for Indians by the number of decimated tribal members remaining, the acreage per individual was very high. The thought became, "What if we gave a homestead, or allotment to each individual, taught them to farm, and then opened the remaining acreage to settlers and miners?" This evolved into the social philosophy that it would accelerate the integration of the Native Americans into the American society. In 1873 several contracts were authorized to

survey allotments on the Yakima, Puyallup, Skokomish, Tualip, Suunic and the Chehalis Reservations by several Deputies. The plan culminated into law with the "Dawes Act of 1887" which mandated a course of allotments for all tribes. Special Allotting Agents were appointed to facilitate the plan.

One important problem was that it could not be implemented without public land surveys. Many, if not most, reservations lacked first, the extension of the townships and sections, and second, the survey of the allotments themselves.

Congress authorized the restoration of the North half of the Colville Reservation in 1892 to public domain and the opening to homesteading in 1900. On the Colville and Spokane Reservations, Clair Hunt was hired in 1898 as Allotting Agent. He surveyed many individual allotments by metes and bounds on the North half so it could be opened up before the survey got there.

Contracts were accelerated with William Maxwell receiving a Contract to survey the backbone of the North Half, by creating the 9th Standard Parallel North and the two Guide Meridians at San Poil and Kettle Falls.

Robert Whitham surveyed the extension of the Columbia Guide Meridian and the Standard Parallels within the South Half in 1896 to begin the surveys that would create allotments.

The Quinault Reservation was surveyed into sections, and in 1905, Finch R. Archer was hired as Allotting Agent. He subdivided the sections into allotments and doled them out to the tribal members. Most sold the timber from them over the next 50 years, with the help of the BIA.

There were also Allotting Agents on the Yakima and Makah. A 1917 GLO survey on the Yakima shows found and held iron pipes and brass caps “set in 1909 by the allotting agent.” There is no record of that survey at BLM. There are no notes for the other reservations at the time of these allotting agents. Unfortunately, because there are no notes or plats, subsequent surveys many times ignored the evidence of the allotment surveys, which were done with fresh evidence of the original corners. Maps do exist that show the allotments that were surveyed.

Progress of the Surveys

When the Indian Hostilities subsided, the Deputies that had not returned East went back to the field in 1857. Many of the Volunteers received new Contracts, including Captain Hamilton Maxon, Lt. Colonel Jared Hurd, James Lodge, Captain William Strong, William Carlton, and John Tennant. William Carlton extended the Willamette Meridian across Admiralty Inlet in 1857, ending it on the shore of Whidbey Island without extending it. He closed on the recent survey of Dominick Hunt, which had been extended from the Guide Meridian, with an error of about one mile.

Alleck Smith surveyed the Coast Guide Meridian North of Grays Harbor in 1858, and then surveyed the first version of the Quinault Reservation shortly thereafter for the O. I. A. Also in 1858, Matthew Murphy was surveying Whidbey Island. Lewis Van Vleet and John Newsom extended the surveys Easterly along the Columbia

River through R7E in 1859, which is as far as it was extended from the West.

After the Indians were subdued, Congress finally allowed the surveys to commence east of the Cascades. Hamilton Maxon and Jared Hurd created the backbone for the surveys in Eastern Washington in 1860. Deputy Surveyor David Thompson had extended the Baseline East to a point Southeast of Umatilla, Oregon. He was Compassman for Maxon and Hurd and had charge of the Columbia Guide Meridian from where it ended in Oregon to a point on the South bank of the Columbia River in the Big Bend Country, near the future Colville Reservation. They extended several Standard Parallels East and West of the Guide Meridian so that surveys could be started in areas of active settlement, such as Walla Walla and Klickitat. Immediately, Contracts were awarded to survey townships and sections in the easy-to-survey sagebrush.

The Oregon/Washington Boundary was surveyed by Daniel Major in 1863, and the Washington/Idaho Boundary was surveyed by Rollin Reeves in 1873. The San Juans were mostly surveyed in 1874.

In 1869, Lewis P. Beach surveyed the 6th Standard Parallel from the Columbia Guide Meridian East to the Colville Guide Meridian, and then surveyed the Colville Guide Meridian North to the 9th Standard Parallel, where he surveyed 4 townships around Colville. Zenas Moody extended the 5th Standard Parallel to the Idaho Border in 1872, allowing the first surveys of the Spokane/Cheney area to be performed by David Clarke and Charles A. White in 1873, and Van Vleet and Sheets in 1877. Sewall Truax extended the 6th Standard Parallel East

and West from the Columbia Guide Meridian in 1877.

The Benson Surveyors received 22 Contracts in 1883 and 1884, surveying about 118 townships, and over two million acres in Washington

A new Democrat President, Grover Cleveland, and a new Democrat Commissioner took office in 1885, promising to clean up the corruption in the General Land Office. Commissioner William Sparks suspended or canceled all of the contracts under Special Deposits and would issue no more in the future. He cut back the appropriations for surveys and greatly increased the appropriation for inspections.

By 1890 George Goehring worked in Washington as one of the first Special Examiners of Surveys in the state. Sparks also cut the rate per mile, eliminated extra rates, and went to competitive bid. As a result, almost no deputies would work. The rates were gradually raised, and the surveys commenced.

The Columbia Indian Reservation was created in 1879 to accommodate the tribes West of the Okanogan River, and North of Lake Chelan, but by 1886, it was declared public domain by President Cleveland. It then was opened to entry, and surveys began West of what is now Omak and into the Methow Valley, including the survey of the Ruby Guide Meridian near Conconully and Loomis.

When Congress decided to open up the North Half of the Colville Reservation in 1892, and open it to homesteading in 1900, there was a flurry of activity, beginning with the awarding of a Contract to William Maxwell in 1893 to survey the 9th Standard

Parallel West from the Colville Guide Meridian 60 miles to the Okanogan River, and to create the San Poil and Kettle River Guide Meridians.. Adolphus McDonald surveyed the North Boundary of the diminished Reservation in 1893, but it failed the inspection, and William Roberts intervened to correct it, but it was not approved until 1896. Clair Hunt surveyed allotments in the North Half just before Congress opened it up. Robert Whitham extended the Columbia Guide Meridian and the Standard Parallels within the South Half in 1896 to begin the allotment process.

From 1893-1900, the system was a mess, with the inspectors flunking most of the surveys. The GLO was awarding small contracts to inexperienced surveyors, for rates that may not have been profitable, in a time of economic crises, and inspecting them to nearly impossible standards.

In 1904 Mount Rainier National Park was created, and the United States Geological Survey (USGS) was allowed to do original surveys of its boundary. They also surveyed some of the Forest Reserve boundaries. They used direct employees of the government, instead of contractors, the precursor of the direct system.

From 1900-1904, the system stabilized when most of the surveyors were used to the system. The remaining townships to be surveyed were very mountainous and timbered, allowing for little chance of profit at the rates offered. The Surveyor Generals were calling for direct employees, and in 1910, that program was installed. Offices were set up in regions, a supervisor named, and "Groups" of cadastral engineers sent out, paid by the month. The claim was that it was

cheaper, but there are some of us that are skeptics.

Benson Syndicate

John Adelbert Benson was born in New York and graduated from Warren College in Civil Engineering. After serving as a County Surveyor in Iowa, he came to California in 1872 and received his first Contract in 1873. He soon realized that with some bribes, the work could be shortcut, or not done at all, and he still could be paid handsomely.

Throughout the 1870's, he expanded this operation to several states, including Washington, and hired employees to assist his effort. In 1879, the law was changed to allow Special Deposit Certificates to be sold to anyone, and used to purchase federal land, allowing the Bank to easily dispose of them.

The typical scenario would be as follows: the syndicate would find several unsurveyed townships in a group, typically easy to survey and mostly uninhabited. They would create fictitious entrymen and pay accomplices to sign for them to file for a GLO survey by Special Deposits. Benson would pay the money for the Special Deposits, funded by the Bank of Nevada. The deposits would only be calculated at the standard rates for the survey.

The Surveyor General of the State would authorize a survey for those townships and chose a Deputy Surveyor out of the Benson pool. The Commissioner in Washington, D. C., would approve the Contract and the surveyor. The Bank of Nevada would post a bond for the contract. In the name of the Deputy Surveyor, Benson

would then ask for maximum rates to be paid, even if the townships were flat and covered with sagebrush.

Then Benson sent a small crew, usually including Charles Holcomb in Washington, to make a short presence be seen near settlers if necessary, and to create an approximate map of the topography for the notes and plats.

The office staff in San Francisco would create field notes and a plat of each township, almost totally made up. The note forms were preprinted, needing only to fill in the topography and corner accessories. Fictitious crew members were shown to have signed the oaths and these were notarized.

Besides the townships under Contract, as much adjacent retracement and supplemental work under Special Instructions that could be authorized was included. The Surveyor General would quickly approve the work, send it to the Commissioner, and it was approved and paid. The Special Deposit certificates were sold to purchasers of government land.

The Syndicate had about 30-60 paid staff. The Bank of Nevada was knowledgeable of the fraud, but profited under the scheme. Both the Surveyor General and the Chief Clerk in each state were possibly paid participants, and if the rare inspection was done, the inspector was paid to conceal the fraud. Notaries were paid, and Deputy Surveyors and crew members were paid to sign blank oaths.



Figure 8. John A. Benson (Everybody's Magazine, May, 1905.)

The Commissioner of the General Land Office and his Chief Clerk must have known something was wrong or were complacent, because it was so obvious to a knowledgeable person. When all of the corners are posts & mounds on preprinted forms, the work could not be in timbered or mountainous conditions. William McMicken was Surveyor General and A. B. Cowles was Chief Clerk at the time in Washington, but there have been no allegations of involvement. They could not get inspections authorized or paid by the Commissioner. McMicken also limited Special Deposits to agricultural lands.

The Republicans had been in power for 16 straight years, but in 1885, Democrat Grover Cleveland was elected President. He appointed William Sparks, an honest man, to be Commissioner of the General Land Office.

Sparks cancelled the Contracts under Special Deposits, and would not issue any more. He also implemented inspections by employees of his office.

In 1886, he sent three examiners to California. The first was bribed and sent back glowing reports. The second was not bribed, but was dismissed under pressure from Congress. The third, Charles Conrad, lasted long enough to create very critical reports of the Syndicate, including who the participants were, how they operated, and verification of skeletal surveys and nonexistent surveys. He interviewed many of the employees under oath, including Charles Holcomb. Conrad sent his report to the Commissioner in December, 1886, and in April, 1887, 41 indictments were issued by a Grand Jury, including ones against Benson and Sawyer.

Unfortunately, the prosecutor that was appointed, Henry S. Dibble, was moonlighting for the Bank of Nevada, and he prepared a very poor case. Benson fled to Europe in August, but was arrested in Denmark in December and returned to the U. S. The case moved slowly, and in 1889, before the trial, the last prosecution witness, Charles Conrad, was dismissed under pressure from several Senators, including the lead Benson defense attorney.

Benson pursued the case through the court system, contending that the charge of conspiracy by itself was inadequate to convict. The Ninth Circuit ruled that he could not be indicted, but the U. S. Supreme Court reversed that opinion.

The case went to trial in 1892, under new prosecutor, Charles Carter, who had told an examiner, "We do not want to convict

anyone.” He went to the horse races the day of his summary argument to the jury, and left the duty to an assistant, F. S. Stratton, who was cut off half way through his presentation by the judge. Stratton’s father had been one of the California Surveyor Generals that issued 40 of the Benson contracts without examination. The judge ordered the jury to acquit the defendants, and the first indictment was lost, and the case was not resumed for over 13 months.

The Benson defense offered the “1894 compromise”, and it resulted in the “Amended Stipulation”. This said that the Benson deputies would not sue the government, if the deputies returned to the field and corrected the work. The effect was to move control from the Justice Dept. back to the GLO. The surveys were mostly not corrected, and Special Agent H. L. Collier was dismissed for taking too long to approve the new work. Without further examination, the government paid the Bank of Nevada \$400,000 for the surveys that had already been determined fraudulent, and in 1898, all of the indictments were dismissed.

As mentioned before, the Benson Syndicate surveyors contracted for approximately 118 townships in Washington. This adds up to over 2,000,000 acres of mostly fraudulent original surveys, many of which are still not corrected.

The known Benson Surveyors in Washington were:

Charles Holcomb
David C. Thayer
James L. Mann
James K. Hull
Frank Follman
Wencel H. Plachy

George Gardiner (not necessarily
George J. Gardiner)

George W. Sawyer

Harry A. Clarke

The following were probable Benson Surveyors:

John K Ashley

Gilbert M. Ward

John A. McQuinn

John Benson eventually did go to jail in 1909 for another land fraud in Tehama County, California, and served one year at the Alameda County Jail. Before that, he was acquitted of a land fraud in the redwoods. He died returning to his ranch, the day after being discharged from jail in 1910.

The Fire

Although they were the only tenant in the structure they were renting, and extra precautions were demanded, the Washington Surveyor General’s Office burned to the ground on July 5, 1883. All of the original notes, plats and papers up until that time were destroyed. Copies were made of the copies sent to Washington, D. C. by 1884, but items such as mineral survey plats and notes had no copies. The notes online at BLM are the copies sent to Olympia in 1884.

Homestead Entry Surveys

At first, only land suitable for agriculture was authorized for survey. Later, RR grants, mining land and timberland were added to the list for surveys. The Act of March 3, 1891 included a section that allowed the President to designate Forest

Reserves by proclamation. President Harrison set aside his first in 1891 by designating an area adjacent to Yellowstone Park. Subsequent Presidents added many millions of acres which became what we know as our National Forests. The Act of February 1, 1905 created the USFS to manage the Forest Reserves. They had been managed poorly by the GLO since their creation. The USFS would be under the Department of Agriculture, not Interior.

The Forest Reserves contained small parcels that were suitable for agriculture, mostly along streams in valley bottoms. The Act of June 11, 1906 authorized the survey of, and therefore the entry and patenting of, these small tracts. They were called Homestead Entries, and were configured by metes and bounds to conform to only the land suitable for agriculture. Some were surveyed by the GLO, but most were surveyed by USFS personnel and approved and filed in the GLO like other surveys. About 300 of these HES Surveys were done in Washington between 1909 and 1928.

Summary

The State of Washington started with about 45,000,000 acres of public land before any patents. By 1910 when the direct system was installed, the Contract Deputy Surveyors had surveyed over 32,000,000 acres. By 1925 when the General Land Office was dissolved, another 7,000,000 acres had been surveyed by GLO employees. By 1973, another 1,000,000 had been added to the total surveyed by the Bureau of Land Management. The balance is in unsurveyed National Forests and possibly Indian Reservations and water bodies.

It can be seen that the lion's share of the work was done in 59 years by the Contract Deputies. In defense of the Deputy Surveyors, except for the Benson Surveyors, they almost all set all of the corners required in the Contracts (approx. 300,000 corners); they marked the trees and blazed the lines, and they tried to do a conscientious job. They were just not being paid enough to do all of the miles of surveying to check their work, or to redo portions if they failed to close a line within specifications. Knowing the circumstances, the Deputies covered for each other. The settlers found blazed lines and corners, and didn't complain, resulting in few examinations in the early years. The quality was amazing considering the lack of inspection, difficult conditions, and poor pay. Bottom line, they got the job done, and the Territory was surveyed as cheaply as it possibly could be.