

# TAHPDX: TEACHING AMERICAN HISTORY PROJECT

*A partnership between Portland State University, Portland Public Schools and the Beaverton School District, funded by the U.S. Department of Education*

## **HISTORICAL TOPIC: Claiming the Land (Colonization to 1900)**

The national land survey system that laid a great checkerboard over the American landscape from the Appalachians to the Pacific Ocean facilitated the westward movement of agricultural settlement (and also the eastward movement of settlement from Pacific Coast ports like San Francisco and Portland). The use of the uniform survey had mixed consequences for the natural environment, but it met the national desire for rapid economic development.

In Oregon, American settlers arrived and took up land before the federal surveyors ran the survey township and range lines. Congress responded with the Donation Land Claims system, which provided free land for early settlers and served as a trial run for the Homestead Act of 1863. Studying federal land policy and survey records allow teachers and students to reconstruct early settlement patterns and study the ways that early residents responded to transportation options, adapted to the natural landscape, and created communities.

*The Claiming the Land topic contains the subtopics listed below. Each subtopic includes a narrative with highlighted text [**resources**] and notations indicating that additional support material is available for viewing and/or downloading including primary documents, maps, spreadsheet data and websites. To access the material go to the TAHPDX: Teaching American History Website and use the links available on the **TOPIC AREAS [Claiming the Land]** page or the **QUICK NAVIGATION** pages.*

Search TAHPDX on the internet or access the website via the link on the Community Geography page at <http://www.pdx.edu/ims/comgeo.html>.

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 Curriculum Units developed for this topic (download using the TAHPDX website).

- 1. Furs, Forts and Flags: Who Owns the Land?
- 2. What Ignites Movement? Westward Expansion
- 3. Settlement of the Oregon Territory: Impact of Geography
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## 1. Colonial Period

### *Indigenous Context*

It is commonly asserted that Native Americans did not believe in land ownership. This statement is essentially true but oversimplified. Native Americans went through two or three broad historical or cultural stages during the thousands of years between their arrival in what is now known as North America and the arrival of Europeans. The Big Game Era ended roughly 11,000 years ago and was characterized by small bands of roving hunters. As the climate warmed, diverse ecosystems appeared, and indigenous groups settled into diverse niches and learned to utilize the various plants and animals within their range of habitation. They established seasonal rounds. In areas rich in food, as along the Pacific shoreline, these rounds might cover hardly more than a dozen miles. In arid places like the Great Basin, where resources were scarcer and more dispersed, bands traveled hundreds of miles each year.

For these hunters and gatherers, access to places in which tubers, greens, berries, fish, birds, and deer and other mammals could be gathered or hunted was crucial to survival. A band or nation might share access to such places with others, but they might also seek to expand or defend the territory in which they gathered and hunted through military force.

Control of land was particularly important to agriculturalists. The cultivation of crops spread northward fitfully and incompletely from what is now Central Mexico some 3,000 years ago. The first steps were modest; weeding unwanted plants from around prized ones or cultivating the soil around such plants so that more water and air could reach their roots. But by 2,000 years ago, groups across the Mississippi River basin, particularly in what would become the Southeastern United States, and in pockets of the Southwest were practicing much more intense forms of agriculture in which they regularly cultivated and harvested fields of genetically manipulated crops that lay next to their residences, sometimes with the aid of extensive irrigation.

The capacity to get most of one's calories from agriculture (corn, beans, and squash were the staples) brought social and political transformations. Population densities soared, social stratification increased as roles became more specialized and hierarchical, and geographical mobility shrank as these groups became more sedentary. Heavy reliance on agriculture, though, could bring disaster, as several years of drought could cause highly organized nations to fragment into smaller pieces that then mixed agriculture with hunting and gathering. Indeed, the most agriculturally intense nations in what would become the United States fell apart a few centuries before sustained contact with Europeans. Indigenous groups that practiced agriculture at the time of Columbus tended to be less hierarchical. Indeed, they were often matri-local societies in which men moved in with their wives' kin upon marrying, with women essentially owning the home and doing most of the farming.

Agriculture of course led to greater reliance on specific plots of land, particularly in the arid Southwest. Fields commonly wore out in a few years, which required clearing and using new patches of land. Agricultural societies sometimes practiced warfare both to expand their territory and certainly to defend their crops from raids.

In sum, although indigenous nations or kinship groups—hunter/gatherers and agriculturalists alike—did not believe in the permanent ownership of pieces of land, they did prize and were willing to fight for the use of particular places. But, unlike Europeans, they believed that the land itself had agency, status or standing—that it was a living, powerful entity in its own right. Like animals, it was willing to lend itself to human uses, but humans could not presume to own it. The use, moreover, was shared rather than solitary. Native Americans—like the great majority of societies in the history of the world—had a weak sense of individualism. The right to use a certain place was therefore shared; it belonged to a kin group or band rather than to a single person.

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**Book Resource:** Johansen, Bruce E. 2000. *Shapers of the Great Debate on Native Americans: Land, Spirit, and Power*. Westport, CT: Greenwood Press. Johansen examines the ideological aspects of property as North America changed hands by asking eight questions, such as who owns the wilderness and whether the ecological metaphors attributed to 19th-century Native American leaders are valid. For

each question, he examines the lives of at least two individuals who held significant views on that question. Accessible for a wide audience including middle and high school students.

**PDF Resource:** *American Indians and Property Rights*. June 2006. PERC Report 24(2). PERC's (Property & Environment Research Center) mission is to protect and improve the environment through property rights and markets. This special report contains short essays that explore past and present issues regarding Native Americans and land ownership.

### ***British Context***

The British use and view of land was shifting around the time of colonization in North America. In theory, the Crown held all land and let the nobility have the use of some land in return for its service. The nobility, in turn, let their vassals (often peasants) use portions of that land for service or rent. European society was very hierarchical in the late Middle Ages and Early Modern periods, but the various strata were bound to each other in a system of reciprocal rights and responsibilities. The powerful were not simply free to squeeze as much profit and advantage as they could from their lands and tenants. The peasants and other marginal people had certain traditional rights to cultivate and otherwise use land that was not their own.

This traditional, pre-capitalistic style of agriculture shifted along with population, economic, and agricultural growth. A variety of agricultural improvements and rising prices made market farming more and more profitable, so large landowners increasingly enclosed (devoted to private, market-oriented farming) land that had previously been set aside for peasants' subsistence. At the same time, the Crown's ultimate ownership of such land became more and more symbolic and less meaningful. Powerful land owners were consolidating their control of the land, in relation to both their tenants and the Crown, against forces above and below them.

This market revolution that concentrated power in the hands of wealthy and owners had consequences for North America. The enclosure movement drove many poor farmers from their homes, often to England's growing cities. Others were drawn overseas, where they continued to associate land with wealth and status.

### ***The Colonies***

British colonization was driven by a variety of factors, including England's competition with other European powers for global territory, goods, and markets. But the decision to leave England was also made by individuals driven by more personal than national aims.

The colonies were of two major types: joint-stock companies and proprietorships. The joint-stock companies received charters of land from the crown. As they aspired to make a profit, they used this land to draw settlers. In 1618, barely a decade after the founding of Jamestown, the colony's leaders decided on a [headright system](#) [**web resource**] which granted 50 acres of land to those who were able to pay their way from England to America—plus 50 acres more for each person they were able to bring with them. The discovery of tobacco as a valuable export had made land and labor crucial to prospering in the Chesapeake, and domestic servants who survived seven years of service were commonly able to claim their own land and, not

uncommonly—into the 1660s at least—a substantial income. New England’s land to the north was much less fertile, and its early settlers much more community minded. Here groups of settlers (usually people who belonged to the same religious congregation) petitioned and received townships from the colonial legislature. Leaders of the township then awarded men plots of land in town for their houses and fields and pastures outside of it.

Proprietary colonies, such as Maryland and Pennsylvania, formed when the crown granted the colony to individuals rather than formal companies. The proprietors then sold this land to settlers—though they sometimes also charged them an annual fee called a [quitrent](#) [**web resource**].

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**Web Resources:** Headright System (expanded) <http://www.genfiles.com/legal/Headrights.htm>; Quitrent (defined) [http://www.lva.lib.va.us/whatwehave/local/va20\\_coltax.htm](http://www.lva.lib.va.us/whatwehave/local/va20_coltax.htm).

The average North American settler was much more likely to own land than was his or her counterpart in England. But land holding was far from equal in the colonies. Land was the major source of wealth in these agricultural societies, and powerful planters and farmers used their influence on both sides of the Atlantic to accrue massive holdings. This was perhaps most notable in the New Netherlands (later New York), where patrons had vast holdings that they rented to tenants. As the colonial population boomed in the eighteenth century, friction grew as more and more people in the rapidly expanding colonies were unable to find good land. Powerful men commonly used their influence to gain grants or to form land companies that bought up vast tracts of the backcountry from compliant officials for a small fraction of their worth. But poor settlers often ignored such claims and settled or squatted where they pleased. It was, asserted one group of Irish backcountry farmers, “against the laws of god and nature that so much land should lie idel while so many Christians wanted it to labor on and raise their bread.” These settlers simply pre-empted western land by building a cabin and taking up farming. Proprietors and land speculators alike commonly found that the most they could extract from these squatters was a modest fee, a fraction of the land’s actual worth.

England’s rich and poor had very different visions for the North American colonies. The aristocracy, abetted by generous land grants from the Crown, sought to transplant much of the Old World to the New World. The poor, who associated land with wealth, respectability, and political rights, saw in North America opportunities not available at home.

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**PDF Resource:** *Land Ownership and the Restoration Colonies*. From CliffNotes.com, this article describes the various land ownership arrangements for the original U.S. Colonies.

### ***The Colonies and Indigenous Nations***

Most settlers had little patience for Native American land rights; they believed that land not being cultivated in the European fashion was going to waste. Official British policy was more nuanced and acknowledged that indigenous nations had a right to occupancy, if not ownership. Hence much Indian land was not settled until colonial representatives signed treaties with the

Indians who lived upon it, as commonly happened in Pennsylvania and New York. But more often the seventeenth-century settlers simply seized what they desired and took land by force of arms, as in early Virginia and New England.

England often opposed these Indian wars. For one thing, friction between Indians and English settlers frequently drove the latter into the arms of the French, England's leading enemy and competitor in the Old and New World. For another, it created expensive conflicts that England felt compelled to resolve. Third, the rapid expansion of British settlement into the interior of the North American continent seemed to be prompting the colonists to be more autonomous and independent, not something the Crown was all too happy about. Hence the eighteenth century saw more treaty making between the English and the Indians and the close of the French and Indian War (also known as the Seven Years War) was followed by the **Proclamation of 1763** [[pdf resource](#)], which sought to limit colonial expansion to the eastern side of the Alleghany Mountains.

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**Web Resource:** *Indian Treaties 1778-1868*. From the Avalon Project, this site provides text of Indian Treaties (<http://www.yale.edu/lawweb/avalon/ntreaty/ntreaty.htm>).

### ***French and Spanish Policies***

France and especially Spain claimed and occupied a larger part of North America than did England in the 17<sup>th</sup> century, including much of what would become the United States. The two nations approached the question of land and colonization much differently from the English colonists, however.

The French concentrated more on the fur trade and missionary work than on settlement, a choice which served to reduce friction with indigenous nations, since the fur trade did not require conquering or negotiating for much land. Hence the French often succeeded at forging military alliances with Native Americans where England failed.

The Spanish, on the other hand, established several pockets of settlement in what would become the Southwestern United States: New Mexico, Texas, Arizona, and California. These endeavors were at once military, political, religious, and economic and resulted in claiming large areas of indigenous people's land for ranches and farms. Most consisted of large tracts granted to powerful settlers, but in California the church overshadowed private ownership until Mexican independence.

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**PPT Resource:** *Spanish and French Colonization 1492-1763*. A short powerpoint presentation that highlights key expeditions by Spanish and French explorers resulting in their extensive land holdings on the North American continent (which later came under United States' control via various means).

## 2. Early National Period: Policies

### *Context*

Land policies lay at the heart of many political debates in the young nation. The early federal government was chronically strapped for cash, and land sales seemed the least painful way in which to raise federal revenues from a notoriously tax-averse people. But several states had extensive claims of their own to the lands across the Appalachian Mountains. Disagreements between ordinary settlers (often deemed “squatters”) and land companies operated by powerful elites claiming ownership to huge swaths of the backcountry constituted another point of tension. So did the question of Indian claims to the land and how those would be adjusted. Disposal of land bore heavily on states, property and Indian rights.

### *States’ Rights vs. Federal Rights*

The English crown had granted seven colonies land stretching from sea to sea, and these states were understandably loathe to surrender these (sometimes overlapping) claims. During and after the American Revolution, the six states without such claims argued that land west of the Appalachian Mountains should become part of the nation as a whole rather than divided up between existing states. All thirteen states, after all, had fought for freedom, and awarding huge chunks of additional land to some states but not others would place the land-rich states at a great economic and ultimate political advantage.

Most citizens agreed that the impoverished federal government (which depended on voluntary financial contributions from the states) badly needed revenues from land sales to finance the war and the land itself to award as bounties to its soldiers. A key development came in 1784, when Virginia ceded its massive claims to the United States—though they retained military reserves to award to their state militia members. Massachusetts and Connecticut soon followed suit, and New York had ceded its lands in 1781.

The deep southern states of South Carolina, North Carolina, and Georgia took longer, as state officials argued that their states needed the money from land sales as badly as the federal government did, and speculators sought any settlement that would enable them to own large tracts. Finally, in 1802, Georgia ceded the last stretch of western land claimed by one of the original thirteen states.

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**PDF Map Resource:** *Boundaries of the Original Colonies and Land Cessions.* Map series includes French, British and Spanish territorial claims and cessions of large land holdings to U.S. national and state governments (1763-1790).

### *The Ordinances of 1785 and 1787*

Congress was notoriously weak and ineffectual in the 1780s, and the Ordinances of 1785 and 1787 may have constituted its most impressive achievements and legacies. The **Ordinance of 1785 [pdf resource]** focused on the disposition of federal land, which was to be divided up into

six-mile square township parcels (totaling over 23,000 acres) which were then divided into 36 sections of one square mile (640 acres each). The federal government would auction off half of this land as full townships and half as smaller sections. Four sections per township were reserved for the federal government and one section per township was reserved for education (schools and colleges).

The Ordinance of 1785 established the groundwork for surveying the vast tracts of land into a manageable grid system. As so little of the “West” had been surveyed, the system required patience. But it promised more order and fewer controversies than prevalent with the existing system of land distribution, in which settlers purchased the right to lay out their own plots (or simply squatted on the land). The ordinance, however, met the needs of speculators more than poorer families. The average farmer did not need, and probably could not afford, the full 640 acres offered by the government at the minimum bid of \$1.00 per acre stipulated in the ordinance.

The so-called **Northwest Ordinance of 1787** [pdf resource] established that federal land would eventually become part of new states and laid out a series of steps that would move a territory to the status of a state with power equivalent to the thirteen original states. It facilitated westward movement in reassuring citizens that moving from a state to a territory would not entail an erosion of political rights.

### ***Indian Rights***

The Constitution, ratified in 1789, greatly expanded the powers of the federal government, particularly in regard to Indian affairs. Under the Articles of Confederation, the federal government competed with states over who had power to treaty with indigenous nations, a condition exacerbated by the fact that, as we have seen, much of the land between the Mississippi River and the Appalachian Mountains was claimed by states. Many citizens, enraged by the fact that so many Native Americans had fought against the U.S. during the Revolution, asserted that Indians had forfeited their rights to their land, that they had been conquered. But asserting a right to Indian land was not the same as being able to control Indians, and the young nation’s backcountry was vulnerable to attack at a time when the federal government was unable to raise much money to defend it. Buying Indian land would be cheaper than fighting for it, particularly when the British remained in the Northwest, eager to incite and to assist any indigenous nations interested in taking up arms against the young nation.

Hence the Northwest Ordinance of 1787 contained a “good faith cause” pledging that Indian “lands and property shall never be taken from them without consent...they shall never be invaded or disturbed, unless in just and lawful wars authorized by Congress.” [See Article 3 on page 4 of the pdf document]

The young nation essentially took the same position on Native land rights as England had, namely that indigenous nations were states within a state. They were part of the United States, with their land falling within the nation’s legally recognized boundaries, and they therefore did not have the right to negotiate with European powers. But they also enjoyed a measure of

autonomy from the United States, and their lands therefore could not simply be seized or confiscated.

The early leaders of the United States agreed with this policy and sought to gain Indian land in a peaceful, orderly manner to avoid the expenditures and cruelties that Indian wars inevitably brought. Thomas Jefferson, President from 1801 to 1809, was particularly optimistic that Native Americans would willingly surrender all but a fraction of their land for the chance to learn agriculture and otherwise assimilate into the nation's white mainstream.

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**Web Resource:** *Thomas Jefferson on Politics and Government – Native American Policy.* From the University of Virginia, this site provides a comprehensive compilation of excerpts from Jefferson's writings concerning Native American rights (<http://etext.virginia.edu/jefferson/quotations/jeff1300.htm>).

### 3. The Early National Period: Settlement and Loss

#### *Structural Problems*

The plans of people like Jefferson and George Washington for the peaceful settlement of Indian lands suffered from two major false assumptions. First, they wrongly believed that indigenous nations would choose acculturation. Most Native Americans were interested in Euro-American trade goods and even Christianity. But they also wished to appropriate these elements of white culture selectively and on their own terms, without surrendering their political autonomy or the core of their culture, which included freedom to pursue their traditional ways of making a living. For most, this entailed moving freely in great expanses of land. Indian nations were therefore reluctant to part with much of their territory unless they were convinced that the alternative was extinction.

Second, the young nation's founders believed that the federal government was strong enough to control the rate of white expansion so that treaties for Indian land could be concluded before whites settled in a given area. This hope was also misplaced. Americans continued their long legacy of seeking free land beyond the boundaries of established settlements, a search that frequently caused armed conflict with indigenous nations at a time when the federal government had assured Indians that its citizens would not disturb them. This expansionist practice was exacerbated by the establishment of territories and the spread of democracy in the young United States. The people who were trespassing upon Indian land and demanding federal assistance once hostilities erupted were more and more likely to be enfranchised citizens whom the government could not afford to alienate. Unlike the Canadian frontier, where government typically preceded and controlled settlement, settlers from the United States typically preceded and even dictated federal Indian policy.

#### *The Old Northwest*

The United States fought a major Indian war in the Ohio Country in the early 1790s that ended with the **Treaty of Greenville in 1795** [web resource] in which Indians ceded eastern and southern Ohio in return for goods, annual payments and the right to keep the rest of their land.

But settlers refused to respect the established boundary. Bribes and the presence of federal troops cowed some Indian leaders into signing further treaties, but in 1810, led by Tecumseh, many of the Old Northwest Indian nations took up arms against the United States and soon joined forces with Great Britain during the War of 1812. The United States gained the rest of Ohio and much of what was to become Indiana and Illinois—but only once the Indians had been defeated by force of arms and the loss of many lives on both sides. A few short-lived and unsuccessful attempts to forestall settlement in the Old Northwest followed in the decades that followed.

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**Web Resource:** *The Treaty of Greenville, 1795*. Transcribed text from the Avalon Project (<http://www.yale.edu/lawweb/avalon/greenvil.htm>).

**PDF Resource:** *Tecumseh and the Battle for the Ohio Country*. From the Ohio Historical Society, this document provides an expanded description of Tecumseh and his attempts to create a confederacy.

### *The South*

Federal policies in the South were, as we have seen, complicated until 1802 by the assertion of state ownership. Indeed, Georgia yielded its claim in 1802 only upon the federal government's promise to gain title to Indian land as quickly as possible. Southern settlers, moreover, had even less patience for Indian rights than did their northern counterparts. They commonly squatted on land the federal government had asserted belonged to Indian nations. The United States evicted some of these white settlers, but it also responded by pressing Native American leaders for further cessions, a process aided by military victories such as Andrew Jackson's defeat of the Creek during the War of 1812.

Indian removal in the South was complicated by the fact that many indigenous nations were both adopting major elements of white culture and insisting on retaining their land. The so-called Five Civilized Tribes (Cherokee, Creek, Choctaw, Chickasaw, and Seminole) farmed in the white manner. Their savvy English-speaking leaders (who often had some white ancestry) argued persuasively that the federal government should abide by its promises and not require them to surrender more and more land. Such Indians realized the founders' expectations in acculturating—but not in agreeing that they needed less land.

By the 1820s, however, more and more of the nation's leaders were arguing that Indians could not be integrated into the nation's mainstream, that removal across the Mississippi River was the best and perhaps only answer to the "Indian problem." This argument reflected both the growth of racism (of assertions—even in the face of evidence to the contrary—that Native Americans were fundamentally different from and inferior to whites) and pessimism of the federal government's capacity to protect indigenous peoples from unscrupulous white liquor dealers and settlers. Whites, they argued, would have Indian land one way or another, and there was not much that anyone could do to stop it. Humanitarians countered that Indian removal was simply not fair.

President Andrew Jackson insisted on Indian removal. Congress—though not the Supreme Court—agreed resulting in the **Indian Removal Act of 1830** [pdf resource]. Despite wars with the Creek and Seminole, by 1842 the Five Civilized Tribes had been forced from their homes, with many dying on the journey.

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**Web Resource:** *Indian Removal*. An excellent website from the Library of Congress that provides narrative about Indian Removal and many links to key documents, letters, debates, maps and photographs from the LOC collection (<http://www.loc.gov/rr/program/bib/ourdocs/Indian.html>).

**Web Resource:** *Indian Removal*. From PBS, this website provides a brief narrative about Indian Removal including a synopsis of Andrew Jackson's Indian policies. (<http://www.pbs.org/wgbh/aia/part4/4p2959.html>).

**Web Resource:** *The Trail of Tears*. Told from a Native American perspective, this website provides narrative, photos and numerous web links to information about the Trail of Tears, the forced march of the Cherokee people from their lands east of the Mississippi to "Indian Territory" in what was to become the state of Oklahoma (<http://www.nativeamericans.com/TrailofTears2.htm>).

### ***Western Lands in the New Nation***

Many of the six states who claimed territory west of the Appalachians sold large tracts to speculators, a practice which provided prompt infusions of cash to state coffers and satisfied powerful citizens—though some buyers were European. Some of these speculators quickly sold plots to individual settlers. Others held on to it in the hope that its worth would grow. And still others tried to develop their holdings by building roads, sawmills, even towns (particularly in western New York which boasted about 200,000 people by 1812). Most settlers, however, desired cheap land over such amenities and either bought from less ambitious speculators or simply squatted on the land.

The **Harrison Land Act of 1800** [pdf resource] reflected a growing desire by westerners to have more direct access to federal land. Individuals could now purchase as little as 320 acres (a half section) rather than the full 640 acres stipulated in the previous land ordinances, and they only had to pay one-quarter of the purchase price right away (at \$2.00 an acre). The federal government made so much money from sales of public land under the new law that it lowered the minimum acreage to 160 (a quarter section) only four years later. In the 1800s, settlers were much more likely than before to acquire their farms through government land offices than from private land companies.

### ***Acquiring Land in the Old Northwest***

Settlement in Indiana and Illinois began before the War of 1812, but it boomed afterwards, as the defeat of Tecumseh removed major native land claims and dangers from Indians. It did not slow until around 1830.

Most of the settlers, who arrived by wagon or via the Ohio River, purchased their farms directly from the government. The price of land fell to \$1.25 an acre after 1820. Some land companies

purchased plots that had been awarded to war veterans, but speculators now focused on potential town sites rather than on farm land.

From 1830 to 1850 settlement shifted to the edges of the Old Northwest, particularly Michigan. This movement was aided by the completion of the Erie Canal, which linked New York City to the Great Lakes, Wisconsin, and the hitherto neglected, largely treeless prairies of Indiana and Illinois. Prospects in northwestern Indiana seemed so strong that speculators began buying up many sections of land and offering them at \$5.00 or more per acre. Most settlers instead chose to buy cheaper land, directly from the government, and the investors eventually disposed of their land for far less than they had hoped.

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**Web Resource:** *The Erie Canal*. This site, containing numerous images, is devoted to the history and construction of the Erie Canal, linking the waters of Lake Erie in the west to the Hudson River in the east which opened the country west of the Appalachian Mountains to settlers and to offered a cheap and safe way to carry produce to a market (<http://www.eriecanal.org/>).

### *Acquiring Land in the South*

Cotton drove much of the westward expansion in the South, as the cotton gin's spread in the 1790s made it possible to grow short-fiber or upland cotton profitably. As in the North, the removal of Indians after the War of 1812 and then again in the 1830s made more and more land available to farmers.

As in the Old Northwest, most settlers purchased their land from the government. Larger, more risk-averse planters were apt to wait to see where cotton grew best and to buy those smaller farms along with whatever adjacent lands were still available from the government. This capacity to buy large amounts of land of course facilitated the establishment of expansive plantations with lots of slaves.

More so than in the North, southern land offices were likely to be staffed by men sympathetic to powerful speculators, officials who helped such investors to buy the choicest sections of land before they became available to the general public. But many were willing to pay top dollar for good land, and by 1820 the South (centered in Alabama and Mississippi) had a population of 200,000 and already produced half of the nation's cotton.

Settlement boomed again in the 1830s, with prices for prime Alabama cotton land rising to \$35.00 per acre. By 1840 newcomers of modest means had to content themselves with marginal areas. The high prices of prime land in the cotton belt made it a much more socially stratified area than the Old Northwest. Slaves outnumbered whites in much of the Deep South, and poor whites who owned marginal land or none at all greatly outnumbered their prosperous counterparts. A small minority, those who owned 50 or more slaves, enjoyed three-quarters of the region's wealth.

The stark difference in access to prime land between the Old Northwest and the South goes a long way toward explaining the radically different economies and societies that arose there. One spawned Abraham Lincoln, the other, Jefferson Davis.

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**PDF Map Resource:** *Cotton Map 1839-1924*. Map series show the spread of cotton production in the southeastern United States and across the Mississippi River into Texas.

**PDF Map Resource:** *Slaves as a Percent of the Total Population (1790-1860)*. Poster map series shows the percent of slaves by county. In many counties in the Deep South, slaves exceed 50% of the population.

### ***Squatting Continued***

The widespread practice of settling or squatting on Indian land made a mockery of the nation's land laws as well as its Indian policy. On the edges of settlement, single men and families commonly flouted federal law by occupying land that they had not purchased or filed a claim with the federal government, gambling that the government would eventually recognize their title. Some were driven out, but the practice was simply too commonplace to be consistently punished. Squatters who found themselves outbid when their areas were surveyed and auctioned off commonly picked up and moved farther West, where they again pre-empted land that had not yet been surveyed. When and where squatters formed a majority, as they often did, they might simply overwhelm any attempts to enforce the law or to bid on their lands. Wrote one observer of an Indiana land auction in 1824: "If a speculator makes a bid, or shows a disposition to take a settler's claim from him, he soon sees the white of a score of eyes snapping at him, and at the first opportunity he crawfishes out of the crowd."

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**PDF Resource:** P.W. Gates. 1968. *Land Grants from the Federal Public Domain*. A short excerpt focusing on land grants from a document that looks at the history of public lands in the United States (including the quote above). The document contains insightful notes and questions at the end that can be used for class discussion.

In 1841 the federal government finally codified squatting when it passed a law stating that individuals could pre-empt a 160-acre farm if it had been surveyed and was not part of Indian land—if he or she did not already own more than 320 and if he or she improved the land and paid for it within a year after the area had been auctioned. This law met the requirements of some, but far from all squatters.

## **4. Oregon Land**

### ***Context***

Desire for free and fertile land motivated the great majority of settlers who made their way on the Oregon Trail to Oregon's Willamette Valley (where the great majority of newcomers settled) in the 1840s and 1850s. Most came from families with a history of westward movement to the

frontiers of Kentucky, Ohio, Indiana, Illinois, and particularly Missouri. Oregon offered the prospect of productive land, a mild climate, and a relatively disease-free environment, all free from the expenses associated with acquiring a farm from land offices or land companies.

### *The Gamble*

By the early 1830s, a dozen French Canadians fur traders, who had retired from the Hudson's Bay Company, and their Native American wives had settled down at French Prairie, just north of the future city of Salem. In addition, a handful of retired mountain men also made themselves at home in the northern Willamette Valley during this time. But, the great majority of white settlers did not begin arriving until 1843. They came over the Oregon Trail and were soon joined by thousands of annual newcomers who made the same trek.

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**PDF Resource:** *Oregon Emigrants (1838-1840)*. Provides a list of names of settlers in Oregon during the period between 1838 and 1840.

As the **Oregon Country** [[map resource](#)] (present-day Oregon, Washington, Idaho, and British Columbia) was then jointly claimed by Great Britain and the United States, these early Anglo-American settlers were gambling that the large tracts of land they claimed would eventually become part of the United States (rather than Great Britain) and that the U.S. would officially recognize their ownership of the land that they had "squatted" on before the federal government had obtained it by treaties with Great Britain, ceding by Indian nations, or before the government had completed a survey of it.

Oregon's provisional government optimistically decreed that settlers could claim 640 acres. But no one could guarantee that this law, passed by a body that lay outside the boundaries and jurisdiction of the United States, would hold up.

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**PPT Resource:** *Donation Land Claim Presentation*. A short powerpoint presentation that outlines the progression of boundary changes and land claim policy in the Oregon Country through the settlement period.

### *The Donation Land Claim Act*

Oregon's Yankee majority was of course gratified by the **Boundary Settlement of 1846** [[pdf resource](#)], which fixed the boundary between the U.S. and Great Britain at the 49<sup>th</sup> parallel and made those who settled in the Willamette Valley part of the United States. The primary duty of Samuel Thurston, Oregon's first congressman, was to ensure that its settlers were able to keep their large claims. The outcome was not assured, however. Newcomers to Oregon after the boundary treaty were complaining loudly and often that the early birds had taken more than their share of prime farm land.

But Thurston prevailed, and in 1850 Congress passed the **Donation Land Claim Act** [[pdf resource](#)], which both accepted the large existing claims and also established that subsequent

arrivals could claim up to 160 acres (320 acres if married). The act was in force until 1855 and over 7,000 people claimed land under it.

The Donation Land Claim Act built on federal legislation passed in the early 1840s which allowed squatters living on federal land the right to file first on the land they occupied and to pay less money for it. The Donation Land Claim Act, though limited to the Oregon Country, went further in essentially giving federal land away to individuals who provided evidence that they had lived upon and improved their land holdings (prior to official surveying of the land).

The act did not address the rights of indigenous Oregonians who, like the rest of the nation's Native Americans, found themselves consigned to marginal and shrinking reservations after signing treaties often negotiated well after settlement had begun.

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**Map Resource:** *OR Native American Reservations 1850-1972*. From the Atlas of Oregon, a map series which shows the shrinking extent of Native American reservations in Oregon during the period spanning 1850-1972.

## 5. Oregon Community

### *Context*

The availability of cheap, fertile, and ample land in Oregon profoundly affected its social structure. Settlement was overwhelmingly rural and centered in the Willamette Valley, where most of Oregon's best land lay. Most of the settlers were devoted to both farming and large families.

### *Demography*

Since most early emigrants came to Oregon intending to stay, its population was dominated by families. Unlike most parts of the West, which relied on mining or large-scale farming, the great majority of Oregonians owned and operated their own farms, and farms required a great deal of human labor at a time and place in which it was difficult to hire cheap help. Successful farms therefore needed husbands, wives, and lots of children. Hence most overlanders traveled as part of a family, and once in Oregon the women married young and reproduced at extremely high rates. In 1860 about four out of ten Oregonians was under the age of fifteen.

The state—particularly the Willamette Valley—was overwhelmingly white. Laws barred most people of color from easy access to land, and early legislators outlawed both slavery and African Americans. Some blacks and more Chinese nevertheless came to Oregon. But, they faced a great deal of legal and social discrimination, and most of them lived in Portland, Eastern Oregon, or, in the case of the Chinese, near the Columbia River's mouth. Few minorities were able to make a place for themselves in Oregon agriculture.

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**Data Resource:** *OR Manuscript Census Data (1850)*. An MSExcel spreadsheet that contains the names and other territorial census information about Oregon residents in 1850. This spreadsheet can be used to look at the demographics of the population at the height of the settlement period. Contains information for all counties in Oregon/Washington that existed in 1850.

**PDF Resource:** *The 1857 Oregon Constitution*. This is a short document that contains articles that both outlaw slavery as well as exclude “free-blacks” from residing in the state. Includes images of the primary source documents.

### ***Kinship***

Most of the large families who made their way to Oregon knew other families who had made the trip, neighbors and often kin who had preceded or accompanied them. Not surprisingly, these kin tended to settle near each other in Oregon. Newcomers might spend their first winter as guests of more-established kin as they established their own nearby farms. These clans continued to rely on each other for mutual aid (barn raisings, harvesting, births, and more ongoing forms of barter) in ensuing years. Hence many pockets of the Willamette Valley were dominated by close-knit clans who shared a common cultural and political outlook.

Oregon’s liberal land policies affected gender relations in sometimes contradictory ways. On the one hand, granting an additional 160 acres to women prompted men to find brides as quickly as possible (so that they could claim the full 320 acres), which meant that women in their young teens often married men at least twice as old as they were. On the other hand, and although husbands effectively controlled their wives’ 320 or 160 acres, women did hold this land “in her own right,” and they commonly controlled it if their marriage dissolved. Indeed, delegates to the territory’s constitutional convention in 1857 decided that married women could own property separately from their husbands, a novel idea at the time.

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**Map/GIS Project:** *Oregon Settlement*. This project contains maps and data about the original donation land claims in the Upper Willamette Valley, ca. 1860. See the **Project Description** document for more information about the materials available in this project and how they can be used in the classroom.

### ***Subsistence Farming***

The majority early Oregon farmers were subsistence-oriented due to both circumstance and choice. Most of the mid- and southern-Willamette Valley, especially, were cut off from access to markets at least until well into the 1850s. The high price of transporting crops made it impractical to market wheat and other staples outside the community. Planting, cultivating, and particularly harvesting crops required a great deal of long, hard labor. Oregon’s early agricultural output was therefore both modest and difficult to transport.

Most early Oregon farmers seemed not to mind. The overwhelming majority were Jacksonian Democrats who prized autonomy and the rural way of living over possibilities of profit and socio-economic mobility. They believed that land would provide economic security and social

stability and looked forward to bequeathing their ample homesteads to their children, who would do the same. They distrusted distant markets—along with bankers and government.

### *Shift to Market Agriculture*

However, residents of the Willamette Valley soon adapted to market agriculture. Steamboats in the 1850s and railroads in the following decades provided access to highly efficient agricultural implements, such as reapers. The crops that such implements planted, cultivated, and harvested soon expanded and multiplied. The possibilities of high profits prompted even many conservative farmers to sell a portion of their ample holdings so that they could invest in the new (and expensive) agricultural equipment. In Linn County, for example, the production of wheat rose by 250 percent in the seven years after the railroad arrived in 1870.

This shift to market agriculture was accompanied, even in small towns, by a proliferation of manufacturers, services, and professionals. The tiny town of Brownsville, in Linn County, was by the 1870s home to engineers, photographers, barrel makers, wagon makers, telegraphers, and woolen-mill workers, for example. Few of these concerns were large-scale operations. But, even people in rural Oregon were turning away from agriculture as an exclusive occupation. Because of this change, land lost much of its social, kin-based meaning and became more of a commodity.

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**Data Resource:** *OR Manuscript Census Data (1860)*. Though incomplete (some counties have not yet been transcribed), this MSExcel spreadsheet contains all the census data collected for individuals in 1860. Sorting and analyzing the spreadsheets can help to illuminate the changing demographic and economic landscape of early Oregon (e.g. occupation, race, personal value).

### *Environmental Consequences*

As elsewhere in the United States, settlement spawned environmental transformations in the Willamette Valley. Cattle, hogs, sheep, and horses quickly displaced deer and elk, and the settlers avidly killed predators who threatened their livestock.

Cultivated crops such as wheat, barley, potatoes, and fruit trees shouldered aside more complex and varied ecosystems. This shift quickened after the Civil War, as farmers drained wetlands and channeled and cleared waterways to create new fields, control flooding, and promote safe navigation. The resulting landscape was more controlled and uniform, less diverse and resilient.

## **6. Settling the Arid West**

### *Context*

Most of the West was settled after the Willamette Valley, including the Great Plains, the Great Basin, the Rocky Mountains, and the Columbia Plateau (the land between the Cascade and Rock Mountains drained by the Columbia River). This land differed dramatically from the Willamette

Valley primarily in its lack of water. Indeed, most observers had believed that few crops or people could live or prosper in this “Great American Desert.” They were mistaken, but the aridity of this land shaped both the policies that governed its settlement and the settlement itself.

### *The Homestead Act*

The Donation Land Claim Act that did so much to promote the settlement of Oregon proved to be something of a dress rehearsal for national legislation passed during the Civil War. The timing was no coincidence, as powerful southerners had come to realize that giving away western land to homesteaders would inevitably lead to new western states that would likely tilt the U.S. Senate against slavery.

Many in the North had also opposed simply giving away federal land. Sales of public land had long constituted a major source of federal income, and industrialists worried that offering poor people such a lucrative “gift” would inevitably deplete the pool of factory workers and drive up wages.

But, as the number of immigrants and other newcomers swelled northern cities, its leaders began instead to worry about the dangers posed by large pools of impoverished urbanites. Free western farmland offered the prospect of a social safety valve as well as growing markets for eastern manufactures.

The Civil War took the South out of Congress, and in 1862 that body passed the **Homestead Act** [[pdf resource](#)], which stipulated that qualified individuals could file a claim for 160 acres for just \$10.00 and own it after residing upon or improving that property for a specified period of time.

The Homestead Act was a radical piece of legislation which gave thousands of people of modest means the capacity to own their own farms. Not just anyone could homestead. It took some money to get one’s self or family to unclaimed land and to buy the equipment, seeds, and animals necessary to start a successful farm or ranch. Farms required a great deal of labor without providing much income for the first couple of years, and of course many impoverished urbanites lacked the expertise as well as the economic resources to take up this work. It cost about \$1,000 to get established as a western farmer in the 1850s, and the average laborer made about \$1.00 a day. But, not having to purchase the land made farm ownership available to many thousands of people for decades to come.

### *More Conservative Legislation*

The Homestead Act was followed by much more conservative land legislation. The “Southern Homestead Act” of 1866 aspired to provide 160-acre farms to former slaves but foundered on the shoals of southern whites’ hostility (the act was repealed ten years later). Only a few hundred African Americans gained farms through it. The Homestead Act of 1862, moreover, was soon amended and twisted to meet the needs of the wealthy. As 160 acres was insufficient for market-based farming, let alone ranching in the arid West, the Desert Land Act of 1877 allowed ranchers

to secure 640 acres in the Great Plains or Southwest. A year later the Timber and Stone Act enabled western timbermen and corporations to purchase huge tracts of prime forests for a small fraction of their worth. Both acts were commonly abused, as wealthy men paid poorer ones a modest fee to file for claims that were then transferred to more powerful interests.

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**PDF Resource:** *Reclamation under the Desert Land Act Article.* This article provides information about the economic and environmental effects of the Desert Land Act on settlement of the Western territories.

**PDF Resource:** *Challenge of the Big Trees.* From the National Park Service, this document discusses the impacts of the Timber and Stone Act of 1878 on the Sierra Mountains.

### ***Economic and Social Consequences***

Mexican-Americans lost most of their land to Yankees in the decades following the Mexican War, as politically, economically and militarily powerful newcomers used taxes, the courts, and intimidation to seize much of the choicest farm and ranch land in the Southwest. Mexican-Americans were often forced to farm marginal lands or work as labor for the wealthy ranchers.

Federal and state governments granted more than 180 million acres of land to railroads to induce them to build their western lines.

Land speculators found ways around the intent of the Homestead Act and acquired roughly 100 million acres from Indian Reservations. As elsewhere in the West, the gains of white speculators and farmers were made at the expense of Native Americans, who faced a choice of surrendering by treaty the vast majority of their lands as an alternative to or as a consequence of warfare. In either event, promised annuities and educational programs commonly failed to materialize and Native Americans often found themselves impoverished and struggling to survive on the least productive lands.

In all, historian Ray Allen Billington estimates that barely one acre out of ten of federal lands went to bonafide homesteaders during this intense settlement period. The rest ended up in the hands of people who were already wealthy and who had no intention of actually working the land themselves. Through private land sales, much of the public land acquired by railroads and wealthy speculators did end up in the hands of ordinary farmers. But, these farmers lacked a key advantage enjoyed by their homesteading counterparts who had claimed land under the Homestead Act: the ability to mortgage their land to invest in farm equipment rather than beginning their farm in debt for the land. Consequently, many of these farms failed and were abandoned.

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**Book Resource:** William G. Robbins and James C. Foster, eds. *Land in the American West: Private Claims and the Common Good.* Seattle: University of Washington Press, 2000. This book is a collection of short essays that explore the inherent conflict between private and public interests. They offer a useful introduction to such topics as the evolution of property rights theory and law, problems of federal land policy, the invasive nature of commercial development in the West.

### *East of Eden: Settling the Other Oregon*

Eastern Oregon's population surged in the 1860s with the discovery of gold around Auburn (near Baker) and Canyon City. Sustained growth based on ranching and farming, however, took longer. Large ranchers began establishing themselves in the state's southeast quarter in the 1870s, often using the same questionable environmental practices as their counterparts on the Great Plains. By the 1890s, three ranchers owned 61 percent of the cattle in Harney County, and recent arrivals, prospective homesteaders, were arguing in court and out that the big cattle ranchers had unfairly grabbed much more public land than they were entitled to. Hence the lightly populated county had eleven attorneys by 1900. In 1897 violence erupted when a frustrated homesteader killed cattle baron **Peter French** [[pdf resource](#)] in a dispute over land. Big farms were slower to come to Eastern Oregon. Cattle could walk to distant steamboat landings or railheads, but wheat could not, and the dwindling mining industry represented a only modest local market. However, the northeast quadrant of Oregon gained an impressive network of rails during the last third of the 19<sup>th</sup> century. By the century's turn the region boasted the state's largest and most profitable farms, though operators who could not afford large amounts of land and the expensive equipment needed to produce large amounts of wheat seldom succeeded. As in other parts of the arid West, Eastern Oregon was a highly stratified society, where most men worked marginal pieces of land or labored for someone else.

### *Conclusion*

The disposition of and settlement of lands in the United States sheds a great deal of light on the nature of the nation. The United States has always been a place of relative opportunity and a place where wealth has been spread unevenly. Though land is no longer the primary source of wealth in the United States, for much of its history it was. Access to fertile land was long at the heart of the American dream—and often of American inequality.

### *Related Topic: Who Owns the Land?*

While this summary focuses on the U.S. land survey system and how it contributed to the patterns of settlement in the West, another related topic for Claiming the Land is “who owns the land?” and perceptions about land ownership and occupation. A curriculum guide [[Furs, Forts and Flags](#)] prepared for this topic deals with the competing claims and differing ideas about land ownership by British, American and Native American peoples that resided along the Pacific Coast (in the area around Astoria). This guide deals with subjects such as the fur trade (John Jacob Astor's Pacific Fur Company – an American venture – and the Northwest Fur Company – a British interest), the powerful Chinook presence in the area, and conflicting claims to the land with the British that peaked during the War of 1812. An additional curriculum unit [[Who Owns the Land?](#)] explores issues about who has the right to own and control the use of land (focusing on an area in SE Portland Oregon) and features GIS-based lesson plans.

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