

Oregon Donation Land Claims

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Free Land

James Southworth and his family, including his slave Louis Southworth, traveled the Oregon Trail in 1853. What would make a person walk 2000 miles to Oregon, from a relatively comfortable life in Missouri? James would have heard about the fertile Willamette Valley and other, sometimes exaggerated, qualities of the Oregon Territory. He might have been escaping the diseases; yellow fever and malaria were prevalent in much of the Missouri and Mississippi River drainage. He may also have been leaving behind a bad economic situation after the national panic of 1837 and the depression of 1842. But, even more powerful was the pull of FREE LAND.

A progression of events led to the settlement of the Oregon Territory. Lands west of the Mississippi River were acquired with the Louisiana Purchase in 1803. Lewis and Clark followed rivers west to the Oregon Territory, ending at the current site of Seaside, Oregon, in 1805. As their story was told in the east, and it became real to people, public officials began to work toward legislation to encourage settlement. As early as 1824, legislation was introduced to offer land grants to people willing to make the trip. This legislation was not enacted.

The first mass migration to the Oregon Country was in 1843. In the years before, others had made the trip by wagon, and the first woman made the trip in 1836. It was now apparent to the average person that it was possible to get a family through with essential equipment for survival in the new territory.

Land Grants

A provisional government was formed in 1843 and in 1845 Provisional Land Claims came into being. They were never sanctioned by the federal government, but the Oregon Territory needed some way to provide land for early Oregon Trail travelers. Each individual could claim 640 acres.

On 3 March 1849, almost three years after becoming a possession of the United State, Oregon became a territory, including current Oregon, Washington, Idaho, and pieces of Wyoming and Montana. The federal government enacted the Donation Land Act, which went into effect on 24 September 1850, finally confirming the right of settlers to free land. People already settled on land provided by the Provisional Land Claims had to reapply under the Donation Land Act. Some claimed the

land they were already living on; some chose to claim land elsewhere.

White citizens of the United States, including half breed Indians, could claim 320 acres for themselves, and an additional 320 acres for their wives, if they arrived by 1 December 1850. They were required to reside on and cultivate the land for four years. The acreage claimed in the wife's name was owned in her own right. If a settler arrived later, between 1 December 1850 and 1 December 1853, he could claim 160 acres for himself, and an additional 160 acres for his wife.

James Southworth arrived in September 1853, so he qualified for 320 acres altogether. Louis Southworth, his black slave, did not meet the requirements for an Oregon Donation Land Claim (ODLC) because of his race. A man who knew Louis in Missouri allowed him to squat on his son's abandoned ODLC land. It wasn't until the Homestead Act of 1862, which did not have racial exclusion, that he was able to own land.

What do these records tell us?

Looking at the requirements for Oregon Donation Land Claims will tell you what information you will find in a file. The birth place and year of the applicant would show that they are citizens of the United States. Information about naturalization would be included, if they were naturalized or in the process of becoming naturalized. If the applicant was also applying for land in his wife's name, the marriage date and place and his wife's name would be included. The date he arrived in the Oregon Territory would be given, in order to prove how much acreage he could claim. The date he settled on the land was also given, to show when the four year required residence started. A land description of the claim would be given. And, at the end of the four year settlement requirement, there would be affidavits from neighbors and people who had known the settler for the period of time or before, confirming that he had continuously lived on his land.

James Southworth's (ODLC no. 866) file supplied the following information:

Arrived in Oregon - 22 Aug 1853

Settled on land - 9 September 1853

Born - 1806, Buckingham County, Virginia

Married - 3 June 1850, Catherine Lemons. Missouri

Land Description: T16S, R5W, Sections 16, 17, 20, 21, Willamette Meridian

Lived continuously on land from 9 September 1853 to 9 September 1857

Land Office: Oregon City

Affidavits of neighbors and friends – C C Smith,

and select the state from the drop down menu. Just entering the last name Southworth worked quite well. For common names you might want to enter a first name and even a county, if you have that information. Notice the “Related Documents” tab on the BLM results page for other settlers whose claims encompassed part

The screenshot shows the BLM website interface. At the top, it says "U.S. DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT General Land Office Records". Below that are navigation tabs: "Search Documents", "Reference Center", "Support", and "Shopping Cart". The main content area shows search results for a document with Accession No. OROCAA 015692, Document Type: Serial Patent, State: Oregon, Issue Date: 1/4/1866, and Cancelled: No. A note states: "This record has not been checked against the legal land patent. We do not have an electronic image for this document." There are three tabs: "Patent Details", "Patent Image", and "Related Documents". The "Patent Details" tab is active, showing "Names On Document" (SOUTHWORTH, CATHARINE, SOUTHWORTH, JAMES B), "Miscellaneous Information" (Land Office: Oregon City, US Reservations: No, Mineral Reservations: No, etc.), "Document Numbers" (Document No: 866, BLM Serial No: OROCAA 015692), "Survey Information" (Total Acres: 319.92, Survey Date: --, Geographic Name: --), and "Land Descriptions" (a table with columns for State, Meridian, Twp - Rng, Aliquots, Section, Survey #, and County).

State	Meridian	Twp - Rng	Aliquots	Section	Survey #	County
OR	Willamette	016S - 005W		16	50	Lane
OR	Willamette	016S - 005W		17	50	Lane
OR	Willamette	016S - 005W		20	50	Lane

of the same sections as James Southworth. These land owners were James’ neighbors!

See the results for James Southworth on the left.

Once you know that your ancestor has an ODLC, what the application number is, and the land office where they applied, you are ready to get the microfilmed record. A number of repositories have these microfilmed files, including the Oregon State Archives, the Oregon Historical Society, and the Genealogical Forum of Oregon. If you are unable to get to any of these repositories in person, contact the Genealogical Forum by sending an email to gforesearch @ yahoo.com or calling

BLM Results: James Southworth

(503) 963-1932.

William Wilson, Enos Ellmaker, A B Gibin
The land description is based on the township and range system, with T = township and R = range. For information about this method of land measurement and location consult the following web page -- http://en.wikipedia.org/wiki/Public_Land_Survey_System. James Southworth’s ODLC was the usual 20 pages or so. Files can be much larger, more than 100 pages long, if there is a land dispute.

Finding ODLC Records

To find out whether your ancestor had an ODLC, start with the Bureau of Land Management Document Search -- <http://www.glorerecords.blm.gov/search/default.aspx>. Enter the name of the person you are looking for

You can see abstracts of ODLCs by consulting the five volumes of the *Genealogical Material in Oregon Donation Land Claims*, published by the Genealogical Forum of Oregon, available in various repositories. These volumes are also available on *Ancestry.com*. You might even be able to surmise who traveled with your ancestor by looking for other ODLC applicants who arrived in Oregon on or around the same date.

Maps of ODLC Land

All land that was claimed needed to be surveyed, and cadastral maps were the result of these surveys. The Oregon/Washington BLM web site has copies of those cadastral maps and also field notes. The direct link to the page where you can enter your information is <http://www.blm.gov/or/landrecords/survey/ySrvy1.php>. On this page, you can enter the land description, which will



The cadastral map of James Southworth’s claim.

Conclusion

Oregon Donation Land Claims are among the richest source of information about early residents of Oregon. In fact, they give even more information about your ancestor than the homestead records that came later and cover more states than Oregon and Washington. The Pacific Northwest is lucky to have this unique source of historical information. There are excellent resources to help you find out if your ancestor had an ODLC and the records are readily available on microfilm at repositories, especially in the Pacific Northwest.

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produce a page with links to maps and field notes and land history.

Finding that Land Today

We can certainly see who James Southworth’s neighbors were from the cadastral map above. We found some of these neighbors signing affidavits in James’ ODLC file.

We have a general idea of where this land was and what was on the land at the time of James’ residence there. Today that land might look quite different and be put to different use than it was in 1853. But, how do we figure out exactly where that land is and what landmarks we would find there today? The Earth Point website allows you to enter a land description to get GPS locations for your ancestor’s land (<http://www.earthpoint.us/TownshipsSearchByDescription.aspx>). You can then enter the GPS location into Google Maps or Google Earth.

Using a handheld GPS device you could zero in precisely to the location of your ancestor’s land.

