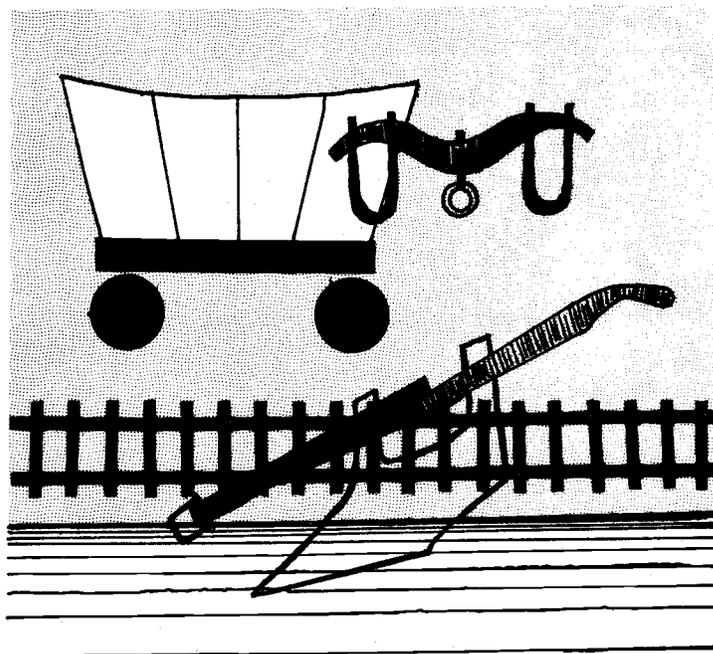


Man's Activities as related to Environmental Quality

Land: Its Use and Abuse in Oregon, 1848-1910



by William Robbins



Preface

In December 1971, the Rockefeller Foundation announced a grant to Oregon State University for the support of a project entitled "Man and His Activities as Related to Environmental Quality." This grant was made with the expectation 1) that Oregon State University would be strengthened in its capacity to deal with problems of environmental quality, 2) that a multi-disciplinary educational experience would be provided for several graduate students, and 3) that research results would be generated that would be useful to people in state government, to members of the legislature, and to the citizens of Oregon.

The research has attempted to focus on issues that are of burning and crucial importance in Oregon. The impact of environmental policies on income and employment, and the location of people and industry, provide examples. A broad range of university disciplines and departments are involved in these studies in an attempt to bring the most appropriate and best talent to bear on the problems identified.

In the conduct of this project, an attempt has been made to present the research results in a way that would be understandable and useful. Liaison activities have been established with those units of state government that might have use for the results. In addition, emphasis has also been placed on issuing research results in an understandable and usable form.

In this report, Professor Robbins has analyzed one facet of Oregon's history as a means of determining the historical attitude of Oregonians toward the conservation of natural resources. Rather than finding that Oregonians were concerned with the disposal of state lands, Robbins discovered that the impetus for reform came from the federal government. Thus, this part of Oregon's history fails to support the notion that the state has been a historic leader in environmental and resource management.

Professor Robbins has other research underway that will throw additional light on this portion of Oregon history. Information available at this time, however, suggests that concern in the state with the public management of natural resources did not gain significant impetus until well into the present century.

Emery N. Castle
Dean, Graduate School
Oregon State University

LAND: ITS USE AND ABUSE
IN OREGON, 1848-1910

by

William G. Robbins
Assistant Professor
Department of History
Oregon State University
Corvallis

This research was supported by Rockefeller Foundation
Project No. RF71079, "Man and His Activities as They
Relate to Environmental Quality in Oregon."

December 1974

Introduction

There is a prevailing tradition in Oregon, promoted by politicians, popular chroniclers and academic historians--a tradition the public accepts--that Oregon's historical experience is unique and that the state is far in advance of others in the good fight against corruption, pollution, environmental decay and a whole host of other evils.

This general sentiment, which might be called the Oregon mystique, is widespread in both popular culture and academic circles. It contends that Oregon has been above the struggles and problems afflicting its sister states and has done a much better job than its exploited neighbors in preserving its natural resources and in coping with the impact of the industrial age on the environment. Since Oregon achieved statehood in 1859, so the legend holds, Oregon politicians have selflessly guarded the public interest, preserved ocean beaches for public use, established a credible state parks system, inaugurated a progressive system for protecting its natural resources, instituted unique anti-littering practices (e.g. the nationally publicized "bottle bill" passed by the 1971 legislature), and established the Department of Environmental Quality to protect against further damage to the environment.

More important, the state's intellectual community has been an ardent proponent of Oregon's image of uniqueness and independence. Literary figures like H. L. Davis, Stewart Holbrook, and more recently, Ken Kesey, have noted a persistent and stubborn, although sometimes parochial, independent-mindedness among the people of Oregon.

The academic community, in turn, has praised the state for its pioneering efforts in establishing political democracy through the "Oregon System" reforms, part of the Progressive movement of the early twentieth century which sought to make the political system in Oregon more responsive to the wishes of the people. William S. U'Ren, a minor Oregon politician, gained national attention for himself and the state of Oregon through the Direct Legislation League, a political organization that lobbied for the passage of the initiative, referendum, and recall. Beginning in 1910, Governor Oswald West began what was to become a partially successful attempt to assure public access to the ocean beaches in Oregon. In the early 1920's, Robert W. Sawyer, at that time editor of the Bend Bulletin, initiated a campaign that resulted in the establishment of the state park system in Oregon. And the mystique continues today with the attempts to discourage tourism via the James G. Blaine Society and the Oregon "ungreeting" cards.

Both amateur and professional histories of Oregon provide excellent compilations of the unique and exceptional in Oregon's political institutions and in the management of its natural resources. The Bend in the River Council, organized in 1974 to promote a grass roots effort to influence the future use of resources in Oregon, is a living example of this tradition. Council representatives emphasize that the state's resources are a public trust to be managed in the public interest for present and future generations. Representatives to the council reflect the increasing concern and awareness of the public and some resource planners

over land-use policies in Oregon, especially in the wake of the stepped-up immigration into the state in the late 1960's and early 1970's.

This heightened solicitude for that most precious of all resources, the land itself, is not a recent phenomenon. A more extensive public regard for the conservation of land and land resources dates back to the administrations of Grover Cleveland and Theodore Roosevelt who set aside huge parcels of the federal domain for controlled resource development. In the state of Oregon the administrations of Governors George Chamberlain and Oswald West (1903-1915) express a similar concern, although their efforts were limited because so much damage had already been done.

Because federal land policies have always had a considerable impact on the state of Oregon, and because of the vast federal lands within the state, this study contends that the extent and management of public lands, both federal as well as state, is due primarily to actions and decisions of public officials at the national level, and not to any initiative from within the state of Oregon. In fact, in the initial phase of setting aside land for permanent reserves, Oregon politicians sometimes represented the strongest opposition. Again, not until the election of Chamberlain and West did Oregon have effective guardians for her state-owned public lands. Of even greater consequence for the issues dealt with in this study is the manner in which elected and appointed public officials managed Oregon's public lands. The findings in this study, which are limited to how Oregon disposed of its state grant lands, challenges, in part, the idea of Oregon's uniqueness. Oregon's past

record indicates that its elected and appointed trustees, with some outstanding exceptions, showed neither restraint nor wisdom in protecting and managing the state's land resource--at least, not until it was too late.

II

Oregon's Public Lands

Oregon ranks fifth in the United States in the percentage of federally-owned land. Only Alaska, Nevada, Utah, and Idaho, in that order, have more federally-owned lands within their borders than the state of Oregon.¹ A recent Oregon legislative interim committee report showed that 34,401,398 acres or 55.8 percent of Oregon's land is tax exempt because of federal, state, or Indian ownership.² In the "Old Oregon Country" (e.g. Oregon, Washington and Idaho), only Idaho has more acreage owned or under the exclusive jurisdiction of either federal or state government.

The extensive public lands in Oregon and the Pacific Northwest are exceedingly important to the regional economy for their stands of valuable timber and the forage they provide for grazing livestock. Not only do people's economic livelihood depend on jobs associated with the lumber and livestock industry, but public lands also provide state and local governments with varying payments in lieu of taxes.³ Federally-owned lands are especially important to the lumber economy of the Northwest because they contain much of the remaining timber in the region, especially in Oregon.

The manner in which the federal government and the states disposed of their public lands has had a considerable influence on the size and

distribution of landholdings in the United States. This is especially true of lands granted to states, because they were often valuable agricultural and timberlands. State grant lands were considered a public trust granted to each state upon admission to the union (and sometimes later) for specific purposes.

Some states managed and disposed of their lands wisely, but more often they abused their public trust when careless and sometimes corrupt legislatures and public officials sold lands hastily and invested the proceeds improperly.⁴ In various ways, state grant lands were transferred to private ownership, often for a paltry sum. One of the purposes of this study is to determine how wisely Oregon disposed of and managed its grant lands, and to examine the extent to which change and growth in the regional economy affected the state's land resource policy.

In each of the twelve territories organized from public lands between 1803 and 1848, Congress reserved the sixteenth section in every township for common school purposes. Oregon was the first territory (in the Territorial Act of 1848) to receive the additional thirty-sixth section for its common school fund, and when Minnesota became a territory in 1849, it was the second territory to receive sections sixteen and thirty-six for school purposes.⁵

As states were formed from territories this practice continued, and California, in 1853, was the first state to receive a grant of two sections for public schools. The Minnesota Enabling Act of 1857 and the Oregon Enabling Act of 1859 made these states the second and third to receive two sections for the support of common schools. The three arid states of the southwestern United States, Arizona, Utah and New Mexico were granted four

sections of land upon their admittance to the Union.⁶ In addition to its school sections, which included most of Oregon's state grant, it received a university grant under the Morrill Act of 1862, and in 1860 the Swamplands Act was extended to Minnesota and Oregon. The state of Oregon was also a recipient of a grant for internal improvements and a small grant for public buildings.⁷ Table 1 gives the total acreage Oregon received for each of the grants.⁸

Table 1. Breakdown of Oregon Grant Lands.^a

<u>Type of Grant</u>	<u>Acres</u>
Common schools	3,399,360
University grant	136,165
Internal improvements	500,000
Swamplands	286,108
Public buildings	6,400
Total	<u>4,328,033</u>

^aThe University grant total includes 30,000 acres for each Senator and Representative granted under the Morrill Act and 72 sections granted to the state in the Enabling Act of 1859.

The state of Oregon still has title to approximately 1,652,000 acres of land, 750,000 of which is common school land. The majority of the remaining state land, however, is semi-arid and arid land in eastern Oregon. Obviously, the importance of state land across the United States rests more in their value and the income they contribute to the state, rather than mere size alone.

The federal government faced a dilemma in drafting land policy under the Oregon Territorial Act of 1848. Before the settlement of the boundary dispute with Great Britain in 1846, white American settlers in the Willamette Valley

formed a provisional government whose main purpose was to promote the security of the land claims of white settlers who were already living in the valley. The Territorial Act repealed all land legislation passed by the Provisional Government. After a memorial from the newly elected territorial legislature and the effective lobbying of territorial delegate, Samuel R. Thurston, Congress passed the Donation Land Law of 1850 legitimizing the land claims of whites who were already settled in the Oregon Territory.⁹

No single piece of land legislation has had as great an impact on the development of western Oregon as the Donation Land Law of 1850. Besides making legitimate the claims of whites already settled in the Willamette Valley, the act served as an inducement for additional white settlers to move to Oregon, and it spurred the occupation and settlement of the Umpqua and Rogue River Valleys as well.

The Donation Land Law gave 320 acres of land to each adult white male who had arrived in Oregon before 1850, and if the man were married, his wife was also eligible to claim 320 acres in her own right. Settlers who arrived in Oregon between 1850 and 1853 were granted 160 acres if they were unmarried and 320 acres if married. Initially residence and cultivation of the land for four years were required to secure a patent, but in 1853 the act was amended so that title could pass after only two years of residence. In 1854 the provisions of the Oregon act were extended to the newly created Washington Territory.¹⁰

The Donation Act helped bring about the settlement of most of the cultivable land in western Oregon. The pressure of business on the land office in Oregon contributed to a backlog of unprocessed claims and opened

the door to clerical inefficiency. And because lands in western Oregon were settled prior to the completion of the government surveys, it opened the door to irregularity and fraud in the later administration of Oregon's state grant lands.

Because of prior settlement in the Willamette, Umpqua and Rogue Valleys, Oregon had to select more lands in lieu of school sections than any other state (e.g. many school sections sixteen and thirty-six were already occupied). The initial white settlements occurred at least ten years before the first government surveys were made.¹¹ Like other states facing a similar problem, Oregon recovered most of these school sections by selecting indemnity lands or lands in "lieu" of school sections already occupied. Although many would-be school sections and some of the best agricultural land was already legally occupied, Oregon was empowered to secure restitution by selecting the very best of the available federal lands as indemnity or lieu lands.¹² In 1854, the Oregon Territorial Legislature gave the county school superintendents the responsibility of administering school lands and selecting the compensatory lieu lands for prospective buyers.¹³ Some common school lands were sold while Oregon was still a territory, but they were not extensive.¹⁴

The Enabling Act admitting Oregon into the Union in 1859 treated school lands in Article Four:¹⁵

That sections numbered sixteen and thirty-six in every township of public lands in said state, and where either of said sections, or any part thereof, has been sold or otherwise been disposed of, other lands equivalent thereto, and as contiguous as may be, shall be granted to said state for the use of schools.

The same Enabling Act also provided for seventy-two sections of land "for the use and support of a state university," and ten sections for public buildings. Under the Oregon constitution of 1859 school lands, which constituted the great bulk of the state grant lands, were entrusted to the Governor, Secretary of State and the Treasurer who were designated as the "Board of Commissioners for the Sale and Management of School Lands."¹⁶ However, it was not until 1864 that the Oregon legislature explicitly directed the Board of Commissioners to assume responsibility "of the sale of school and university lands, and the funds arising therefrom."¹⁷

III

Disposition of Oregon's Grant Lands

Management of Oregon's grant lands was, at best, chaotic during the territorial and early statehood period. The territorial government authorized county school superintendents to sell school lands in their respective counties to the highest bidder, providing the price was not less than \$2 per acre. Under the county school superintendents few, if any, records were kept of transactions regarding the sale of school lands. In a great many cases no reports were ever made of sales, except that the deeds are on record in the county courthouse.¹⁸

These same practices in managing the state's grant lands carried over into the early statehood period. Not until 1866, and then again, only at the expressed urging of the state legislature, did the State Board of Land Commissioners take a more active role in selling state grant lands. After the passage of the 1866 legislation, some order began to appear in the

management of the state's school fund. Hitherto, the sale and subsequent investments from selling school lands were the sole responsibility of the county superintendents of schools. Although no records are available to show what dividends the respective counties received on the sale of school lands, all indications show the amount to be minimal.¹⁹

The Oregon legislature spent considerable time and effort attempting to forge an efficient system for handling state lands in the early years. As early as 1862 the legislature directed the governor, as land commissioner, "to locate all lands to which this state is entitled," and to prepare lists of same. The governor was authorized to employ a qualified person to assist with these duties.²⁰ In 1864 and 1866 the legislature again prodded the Board of Commissioners to make a more active effort to oversee the state's public lands. These efforts finally prompted the board to issue its first published report in 1868. The board reported that it had spent much of its time attempting to make sense of the tangled affairs of the school lands sold by county superintendents. The board also determined that a minimum of \$2 per acre should be charged for state lands and that public auctions should be held because of numerous applications for the same piece of land.²¹ At the same time that the board ostensibly assumed more responsibility, it delegated most of that responsibility to a clerk.²² And, although county school superintendents still handled sales, the clerk of the board kept all accounts and records.

Like many of the federal land offices in the nineteenth century, the state land office in Oregon was understaffed and underpaid. This problem persisted until the state had sold most of its valuable lands. Because of

the board's increased responsibilities, Governor George L. Woods requested in 1868 additional funding for carrying out the legislature's directives. Woods even urged "that provision should be made for paying the Commissioners for their services."²³ In the following decade, Governor Lafayette Grover asked for assistance in administering school lands in his biennial message to the legislature.²⁴ Governor Grover's concern centered on selecting the indemnity or lieu lands the state had coming as a result of the lost school sections. The governor wanted assistance in making selections as the federal surveys progressed.²⁵

The objective of the Board of Commissioners in these years was to divest itself of state lands as quickly as possible. In this capacity members were merely carrying out the directives of the state legislature. Oregon governors wanted the process of selecting lieu lands stepped up so that more acreage would be available to the public, and the Board of Commissioners, likewise, recommended loosening restrictions on the sale of such lands to the public. The state legislature, whether from oversight or lack of effort, assumed for some time that all was well in the handling of state grant lands.

A joint legislative committee on public lands reported in 1872 "that the Board have adopted a perfect system by which the labor of the office is performed in regular order and the rights of the applicants guarded in every particular."²⁶ A Senate report in the same year offered even more superlatives by adding, "we find our land interest an important and carefully guarded Department of State."²⁷

In spite of such positive commendations, there were indications that by the end of the 1870's not all was well in the handling of state lands. A House report in 1878 indicated that the land office was in general disarray, "the manner of keeping the books and transacting the business has been such as to give opportunity for every kind of abuse." The House investigation showed that "great extravagance has been permitted in...land matters," and went on to urge a more comprehensive and detailed investigation of the workings of the state land office.²⁸

The House committee's investigation of 1878 resulted in a revision of the state's land law. The new legislation created the State Land Board and authorized the appointment of a clerk to serve as the full-time practicing head of the office. The law also "authorized and required" the land board to sell state lands "as fast as such selections shall be approved by the commissioners of the general land office." It permitted sales of 320 acres to actual settlers and 160 acres to nonsettlers. Land was priced at not less than \$2.50 per acre for agricultural college lands and not less than \$2 per acre for all other lands.²⁹ The newly formed State Land Board which superseded the Board of Commissioners was authorized to sell land for more than the minimum price if they ascertained the value of the land as higher than the minimum price. Upon paying one half of the purchase price for timberland and one third of the purchase price for all other lands except swamp and tidelands, the applicant was entitled to a deed for the property. Once the certificates of sale were issued, there were no restrictions on the number of acres the state could deed to one person. The land law of 1878 also repealed all other land laws that

conflicted with its provisions and ordered the land board to preserve duplicates of all certificates issued and the purchase price of the land.³⁰ This last provision was intended to upgrade and make more efficient the records of the land office. The effort was successful, because records for the period after 1878 are much more complete and accurate.³¹

Subsequent testimony shows that the state seldom realized more than the minimum price required by the land law of 1878. Two years later the State Land Board asked the legislature to change the requirement that purchasers of state lands needed an appraisal of land they hoped to buy. The board found that of the 500 or 600 appraisals carried out in the previous year, only three or four had been for more than the minimum price; therefore, appraisal was an unnecessary hindrance and expense.³² Although the 1878 law did not open the door wide to all comers, the law was less restrictive to speculative interests than previous legislation. Furthermore, it expressed no change in philosophy toward the disposal of Oregon's grant lands. Indeed, if anything, the language of the land law of 1878 and the sentiments of the State Land Board were more zealous in advocating disposing of state grant lands as quickly and expeditiously as possible.

Such an attitude was ominous for the future. At a time when the state should have been taking greater precautions to protect its grant lands, it began loosening restraints. As the 1880's grew to a close, a number of people became increasingly concerned with the status of the nation's timber reserves. In addition, the Great Lakes timber region was rapidly becoming depleted, and timber interests were casting covetous glances towards the Pacific Northwest.³³

Large scale capital industry and investment followed the rails of the transcontinentals into the Pacific Northwest. Henry Villard's Northern Pacific Railroad Company completed its lines to Portland and Tacoma in 1883. Ten years later James J. Hill's Great Northern line extended to Everett and Seattle and accelerated forces already unleashed during the previous decade. The price of timberland continued to increase and a growing number of sawmills dotted the landscapes of western Oregon and Washington. All of this activity had a direct impact on state lands in Oregon, especially school lands. Timberland was not considered valuable until the 1880's when Oregon's population increased sharply, agricultural output grew, and the price of timber went up.³⁴ These circumstances forced another revision in the state's land law.

Various lobbying groups periodically requested the Oregon legislature to liberalize even further the state's policy of disposing of its grant lands. The Oregon House of Representatives debated a bill in 1880 which would have reduced the price of state lands to \$1 per acre and allowed each "actual settler" 640 acres and each nonsettler 320 acres. A similar bill introduced in the Senate allowed anyone to purchase 640 acres. The House Committee on Public Lands said that the Senate bill would render it easy for land speculators to secure all remaining state lands. Neither bill passed.³⁵ However, land speculators continued their efforts to gain a revision of the state's land law and finally were successful in 1887.³⁶

The Oregon land law of 1887 removed virtually any restraint from the sale of state lands, and, even more important, it actually urged fraud, deception and speculation. In his annual report of 1887, E. P. McCornack,

Clerk of the State Land Board, recommended that the minimum price for nonagricultural lands of \$2 per acre be lowered because people seeking land could acquire adjacent government lands at \$1.25 per acre under the pre-emption law. McCornack claimed that it was difficult to sell school lands under such circumstances.³⁷ The clerk's complaint was a legitimate one given the state's philosophy of divesting itself of state lands as quickly and cheaply as possible. McCornack also may have been speaking for those who were interested in acquiring state timberland at minimum prices, as some later charged. The legislature promptly implemented McCornack's suggestion.

Like the 1878 act, the land law of 1887 "authorized and required" the State Land Board "to sell the remaining unsold school, university and capitol building lands...at the uniform price of \$1.25 per acre. And the agricultural college lands at \$2.50 per acre in quantities not exceeding 320 acres to any one person." The act encouraged mischief by placing upon the buyer the burden of furnishing the basis (base) for any indemnity or lieu lands to be purchased.³⁸ Lieu lands were taken from "unreserved" portions of the federal domain and under the 1878 act, prospective buyers were responsible for locating same. Since most of the school lands remaining unsold were indemnity or lieu sections, timber speculators were able to take advantage of the act to obtain some of the best timber stands in Oregon because of their expertise in locating base.

Although the legislature cut expenses by merging the selection and sale of lieu lands into one operation, it also encouraged people with "special knowledge" of the location of base school sections to use that

knowledge to line their own pockets.³⁹ This policy opened the door to the bribery of public officials in ways that can only be imagined because public documents do not reveal this kind of activity.

Implicit in the land law of 1887 was a decided proclivity towards individual exploitation of the state's land resource. There is no suggestion in the act that the state grant lands were to be treated as a public trust and thus carefully guarded for future generations. Instead, the act made it incumbent that elected and appointed officials divest the state of its remaining lands as quickly as possible.

At the same time that the Oregon legislature loosened restrictions on the sale of the state's grant lands, the federal government was beginning a slow, but perceptible move in the direction of conservation and preventing further sale of public lands. The United States Congress authorized the creation of Forest Reserves in 1891 and two years later President Grover Cleveland set aside the Cascade Forest Reserve, one of the first great withdrawals from the public domain.⁴⁰

Despite the initiatives taken in Washington, D.C., Oregon did not follow the lead of the federal government in protecting its valuable timber resource. Instead, it adopted a land law that provided opportunity to obtain huge parcels of state lands almost for the taking. The efforts of the federal government to conserve (manage) natural resources affected many states in these early years--some even passed legislation that supported federal policies.⁴¹ But in Oregon land policy remained unchanged until the public furor created during the land fraud trials between 1902 and 1905.

The disposal and management of Oregon's grant lands can be placed in better perspective by comparing Oregon practice with that of Minnesota, Washington and Idaho, three states whose experiences are somewhat similar. Minnesota became a territory and a state approximately the same time as Oregon, and therefore received a similar land grant. Minnesota received 2,969,991 acres in common school lands and in 1912 the state still retained 838,953 acres of its school grant. While many states squandered their state grant lands, Minnesota has shown more wisdom than some of her neighbor states.⁴² The Minnesota constitution of 1857 required that all state lands be sold at public auction, and in his first message to the Minnesota legislature, Governor Ramsey made a plea that the state act as a careful steward of its grant lands. Ramsey recommended that the legislature sell state lands at not less than \$5 to \$8 per acre. In 1861 the sale price was established at \$7 per acre, considerably above the price established in Oregon at a much later date.⁴³ The higher price for Minnesota state land may reflect greater demand, nevertheless Minnesota did take from the very beginning greater precaution in protecting its state lands.

The State of Washington also provided constitutional safeguards to protect its grant lands. Under the terms of the Enabling Act and the Washington constitution of 1889, school and other lands granted for educational purposes could not be sold for less than \$10 per acre.⁴⁴ Furthermore, an early Washington law required that the state appraise and advertise lands for sale and explicitly prohibited the state from selling land "where the timber thereon cruises more than a million feet to the quarter

section."⁴⁵ As early as 1905 the Washington Commissioner of Public Lands categorically stated, "it has been my object to retain the lands for future disposition."⁴⁶ A study published in 1956 revealed that Washington had sold only 22 percent of its state grant lands, "a very conservative record, considering the dissipation of similar grants in other western states."⁴⁷

Idaho's admission act of 1890 also required that all lands granted for educational purposes be sold only at public sale and that a \$10 per acre minimum be charged for lands granted to the university. The Idaho constitution required a similar \$10 per acre minimum for school land and also placed a limit on the amount of land the state could sell in any one year. There was no prohibition in Idaho land law to prevent accumulation of large holdings. In 1940 Idaho still retained 1,900,000 acres of its original 2,982,683 acre school grant.⁴⁸

A few Oregon officials realized after the passage of the land law of 1887 that not all was well with the handling of Oregon's state lands. A state senate committee reported in 1889 that much of the land sold during the previous two years was valuable timberland. The report concluded that "from the large school land sales in the last two years it is very evident that said lands are getting into the hands of land speculators." The committee report recommended that school land be sold only to "actual settlers" and that "a law be enacted that no deed from any State land shall contain more than 320 acres to any one individual."⁴⁹

Another senate committee report in 1889 recommended that the state land clerk be authorized to furnish base for people wishing to buy indemnity

lands. The report said the 1887 law compelled applicants to furnish "the deficiency in the sixteenth and thirty-sixth sections to be used as a basis for selection of indemnity school lands." Thus, instead of benefiting the people of Oregon, the law, according to the report, worked in favor of those who knew how to look up the sections in townships where lieu lands had not been taken.⁵⁰

In the early 1890's Governor Sylvester Pennoyer noted that land speculators in Oregon were taking advantage of a convenient combination of federal and state law to obtain some of the choicest timberland in the state. When Congress passed the Forest Reserve Act in 1891, it also added a provision allowing states to select lieu lands where sections 16 or 36 were mineral lands or were located in Indian or other reservations. This provision made possible the selection of some of the best unsold land in Oregon at the low price fixed for state lands. Pennoyer recommended under such circumstances that the price of state lands be raised to \$2.50 per acre.⁵¹ The state legislature took no action. Again, in 1895, Governor Pennoyer complained that the price for state lands was too low. In fact, Pennoyer refused to allow school sections in the newly created Cascade Forest Reserve to be used as a basis for lieu lands until the legislature changed the price to \$2.50 per acre. Pennoyer said that the extra money should accrue to the school fund rather than land speculators.⁵² Again, the legislature refused to raise the price.

Business transactions in indemnity or lieu lands became so voluminous in the 1890's that the Oregon legislature authorized the appointment of a State Land Agent in 1895 to handle all lieu land selections. The first

person appointed as State Land Agent was Timothy Davenport, a former member of the Oregon legislature. In his biennial report of 1896, Davenport compiled the first extensive report of the operations of the State Land Office and exposed some of its persisting problems. His report recommended that the state legislature correct the method of selecting lieu lands because it was "prolific of abuses and complications." Because the law of 1887 made it necessary for the purchaser to furnish the basis for his lieu selections, "the finding of basis for lieu land selections became, from the first, a business for experts who found favor with the clerk of the land board." Davenport said clerks in the land office had charged illegal fees in excess of the \$1.25 per acre for supplying the necessary information regarding the location of base for making lieu selections.⁵³

Oregon's first land agent also reported that many selections based on lands located on Indian reservations or thought to be mineral in character "did not pass muster at the general land office. Several thousand acres of lieu land selections, based on them, have been cancelled by the interior department for the reason that the calculations were not in accordance with its rules."⁵⁴ Under these circumstances the state was forced to offer other lieu lands to those people who had already paid their required \$1.25 per acre. However, those who engaged in the practice of furnishing "special information" regarding the location of Indian or mineral base, pocketed the extra and "illegal fee." Davenport estimated that of the more than 60,000 acres of mineral basis upon which lieu lands had been sold, less than half were legally confirmed to the state by the general land office. The land office cancelled the remaining selections.⁵⁵

Although he continued to hammer away at the same evils until he left office, Davenport's report of 1896 is especially significant. It was the first detailed account of the operations of the State Land Office, and it explored the various avenues of graft and corruption that operated in and about the State Land Office. Furthermore, Davenport's exposé was published at the height of the fervor aroused by the Populist movement. Sylvester Pennoyer was a bona fide Populist when he left the governor's chair in 1897 and had warned of the dangers perpetuated by speculators dealing in lieu lands.⁵⁶

Despite these repeated warnings about the faulty management of state lands and the inadequate legislation under which the system operated, nothing was done to bring about a redirection in state land policy until the land fraud exposés between 1903 and 1905. Indeed, a good case can be made that "looting" of Oregon grant lands accelerated and reached its peak after Davenport left office. Although graft slowed down during his tour as State Land Agent, it picked up again between 1899 and 1903.⁵⁷ In the seven year period between 1898 and 1905, 1,381,327 acres of state grant lands were sold, an acreage that represents approximately a third of all state grant lands.⁵⁸ However, the infamous Oregon land fraud trials that began in 1903 brought an end to most fraudulent practices, and Governor George Chamberlain and State Land Agent Oswald West placed curbs on the sale of state lands after that.

The land fraud trials were a surprise to most people in Oregon, not in the evils they exposed, but rather in the magnitude and scope of the investigation. Because the exposures and prosecutions were initiated in

the office of the Secretary of the Interior, Ethan A. Hitchcock, and not from within the State of Oregon, some officials in Oregon and one major newspaper, the Oregonian, accused the federal prosecutors of meddling in affairs that properly belonged to Oregon.⁵⁹

The story of the prosecutions for land fraud are beyond the scope of this paper and have been dealt with in detail elsewhere.⁶⁰ The trials exposed a system of graft that went far beyond that suspected by most people. Several public figures in Oregon, including one Oregon Senator, John H. Mitchell, were tried and convicted of defrauding the United States. A number of speculators loosely identified under the rubric, "school land ring," were also convicted and sent to prison. Others, including native Oregonian and former head of the General Land Office, Binger Hermann, should have been convicted, but managed to stay out of prison on various technicalities.⁶¹

IV

The Beginnings of a Redirection in Land Policy

The long-continuing controversy over the disposal of federal and state land quickened in the 1890's because of the establishment of the government's forest reserves. Those who opposed the withdrawal policy argued that public lands should be transferred to private ownership as quickly and expeditiously as possible, thereby placing such lands on local tax rolls and enhancing the tax income of state and local governments. Although those who advocated disposing of all public lands have used the idealistic argument of getting the lands onto the tax rolls, they often spoke for large timber or mineral

interests who coveted public land. Lobbyists for these groups used every loophole in state and federal land law to their advantage. The pressures these groups wrought is apparent in the handling of Oregon grant lands down to 1905.

Spokesmen who defended the federal government's withdrawal policy in the early 1890's gathered supporters as the century closed. They argued that keeping federal and state lands in public ownership would protect them as a trust for present and future generations and make possible the scientific management of such lands. In its initial stages, individuals who advocated a scientifically managed land resource had their greatest impact at the national level. Conservationist ideas did not begin to have a favorable impact on the state level, especially in the West, until the beginning of the twentieth century.

In the 1870's an increasing number of bills appeared in Congress dealing with the nation's timberlands. The Commissioner of Agriculture appointed a person to study the nation's forest resource in 1876, thus marking the beginning of the Forestry Division. In 1888 a bill introduced in Congress gave the President the power to set aside forest reservations; it failed to pass. The most important legislation pertaining to the founding of the national forest system in the United States was an amendment to the Act of March 3, 1891, "for the repeal of the Timber and Stone Act and for other purposes." The amendment authorized the President to set aside parts of the public domain for reservations of various kinds, among which, of course, were forest reserves. President Benjamin Harrison promptly set aside the Yellowstone Park Timberland Reserve, the first of the great federal forest reserves.⁶²

The Forest Reserve Act of 1891, as it subsequently became known, is related directly to the disposition of Oregon's land resource. President Grover Cleveland created the Cascade Forest Reserve in 1893 under the authority granted him by the Forest Reserve Act.⁶³ Oregon's congressional delegation, led by Senator John H. Mitchell, persistently attacked the Cascade Reserve, especially after Governor Sylvester Pennoyer declared a moratorium on taking lieu lands from the Cascade Reserve in 1895.⁶⁴

President Cleveland once again aroused the fervor of Congressmen, especially those from the West, when he issued a proclamation on Washington's birthday, February 22, 1897, creating thirteen new forest reserves totaling 21,279,840 acres. This action more than doubled the existing reserves.⁶⁵ Cleveland's activities in setting aside parts of the public domain from public sale and for future resource use set the stage for the withdrawal and reservation policies of President Theodore Roosevelt and his Chief Forester, Gifford Pinchot. Although many of the Roosevelt withdrawals concerned reservations other than forests, the President gave consistent and active support to those who wanted to protect federal and state lands from private exploitation. Indeed, it was with the President's support and approval that the prosecutions in Oregon's land fraud cases were pursued so zealously.

The initiative and the impetus preventing further expropriation of public lands began at the federal level and was made possible largely through executive and administrative action. Oregon public officials were very dilatory in taking measures to protect the state's land resource until the land fraud trials of 1903-1905. One study of the impact of the land

fraud trials claims "they revealed existing abuses and made the public suspicious of the present methods of utilizing our resources. From this aspect, the trials...laid the foundations of distrust of those in favor of disposition of our public lands, and paved the way for conservation."⁶⁶

Although the beginnings of a different attitude toward public lands could be discerned at the federal level in the 1890's, the state of Oregon still went its merry way, disposing of state lands at low prices even for that point in time and continuing to operate under land policies that invited fraud and speculation of the worst kind.

Governor William P. Lord's final message to the Oregon legislature in 1899 cautioned that Oregon had not received all that it should have from the disposal of its public lands, but Lord stated rather wistfully, "all that can be done now is to take care of and dispose of what remains, so as to promote the objects and distribute the benefits of these grants." The Governor complained that the existing land statutes did not require land office employees to divulge information regarding land to prospective buyers. This practice required purchasers to incur the extra expense of hiring a third party. By neglecting to provide prospective purchasers with information regarding basis for making lieu selections, "it was only possible for its officers, or those who had acquired special knowledge of the location of state lands, to consult the records as kept and ascertain the desired facts." Governor Lord concluded that this method offered a great temptation to fraud.⁶⁷ The legislature, meeting that year, made no adjustment in this glaring loophole in its land policy.

Lord's immediate successor, Governor T. T. Geer, forcefully defended the State Land Board. State land officials, according to Geer, had no way

of knowing if people buying public land were legitimate. Moreover, the object of the state's land policy was to stimulate and facilitate sale of state land rather than their settlement:⁶⁸

Oregon has today the best body of timber land, both in extent and quality, to be found on this continent. It was to secure this land that a vast majority of the purchases have been made, most of it wholly unfit for settlement and always will be....The fact that so much valuable timber land is to be had in Oregon is well known everywhere, and since the people of the United States have been by the terms of the act invited to purchase it, no one need be surprised that advantage has been taken of the offer.

Geer recognized that speculators employed men for the purpose of securing certificates and then transferred title to themselves in order to evade the restriction on sales of more than 320 acres. However, Governor Geer complained that the State Land Board had no means of detecting such action. The biggest shortcoming of state land policy, according to Geer, was in not doubling the price of public lands long before. But, "since the best lands have now been sold, it is too late to retrieve any part of the loss by increasing their price."⁶⁹ It is doubtful that the Governor could have been completely oblivious to the storm of fraud and corruption that was swirling about him and would soon make newspaper headlines across the country.

Governor Geer's last message to the state legislature candidly reviewed the state's land policy:⁷⁰

It will thus be seen that while at first the object was to dispose of state lands to actual settlers, this policy was long ago abandoned, and the principle object of the law for years has been to stimulate the sales of all our lands at the prices indicated and to convert them into money for the school fund. Settlement or occupancy is nowhere required by our present land laws...

Removal of the settler and occupancy provision and the failure to prevent the settler from selling right away invited speculation. Since the objective of the state was to get rid of its lands without reference to settlement, the policy has been a "flattering success." Geer claimed that the legislature's policy was carried out to the letter, and yet land officials are now accused of "frittering away the public domain." Geer challenged the legislature to make different policy if that was its wish. "We cannot have our lands and sell them too..."⁷¹

The election of a reform-minded Democrat as governor, George Chamberlain, and the land fraud investigations that broke early in 1903 brought about a change in state land policy. In addition, Chamberlain appointed Oswald West, a future Democratic reform governor, as State Land Agent. From this time forward, the state realized full value from the sale of state lands.⁷² Governor Chamberlain urged in his inaugural address that "there should be no further sacrifice of the remaining portion of the magnificent grants made by the general government to the state....There is something wrong somewhere, and there is no use trying to disguise it."⁷³ The Oregon legislature promptly raised the price of school land in 1903 from \$1.25 per acre to \$2.50 per acre. There is no indication, however, that this move initially was intended to prevent the sale of state lands. Land prices were high and increased demand meant higher prices.⁷⁴ Under the administration of Chamberlain and West, the state continued to sell state grant lands, but the new policy of increased prices slowed sales and paved the way for the eventual retention of some remaining state lands. The State Land Board advanced the minimum price of land to \$8.75 per acre in 1907, a price that the new State Land

Agent (Oswald West left office in February, 1907) said "is as high as the character of the land now subject to selection will justify."⁷⁵

Unlike the state of Washington, Oregon's land policy made no provision for leasing state lands until the great bulk of them were sold. Nor did the state adopt a policy of selling timber separate from the land until very little remained of the state's timberlands. By the time the land fraud investigations captured the public's attention in 1903 and Chamberlain and West were directing the state's land policy, most state grant land of any value had already been sold. Governor Chamberlain recognized this fact in his message to the legislature in 1905:⁷⁶

The lands granted to the State upon its admission to the Union for educational and other purposes have been practically all disposed of, and those that remain are of little value as compared with those that have been sold.

Frederick G. Young, another contemporary, noted that only "scattered fragments" were left of Oregon's once bountiful public grant.⁷⁷ After he was later elected Governor of Oregon, Oswald West reported that as of January 1, 1903, seventy-five percent of all lands granted to the state had been sold. Between 1903 and 1911 the state land officials sold an additional eighth of the original grant, leaving a like amount still in the possession of the state, "much of it inferior land."⁷⁸ The increased price for state lands and the fact that most of the remaining state lands were in eastern Oregon undoubtedly accounts for the sharp curtailment in land office business. There is no evidence to suggest that a desire to keep the remaining state grant intact initially motivated Chamberlain and West. They were, however, intent on getting an equitable price for state lands that were sold.

In the next few years George Chamberlain and Oswald West became ardent proponents of protecting the public domain from undue private exploitation. Both men were among the very few western public officials who supported the early conservation policies of Theodore Roosevelt and Gifford Pinchot.⁷⁹ Chamberlain cooperated fully with the Roosevelt administration in the formation of the federal forest service and in prosecuting the land fraud ring. The President, in turn, made no appointments to federal offices in Oregon until he heard from Chamberlain.⁸⁰ Joseph Nathan Teal, Chairman of the Oregon Conservation Commission between 1908 and 1915 and a friend of Gifford Pinchot, was also a close friend of George Chamberlain and probably helped to convince Chamberlain that conservation was wise policy.⁸¹ In later years Oswald West said Oregon Congressman Malcolm Moody converted him to the cause of conservation, and through his friendship with Moody, West also became acquainted with Gifford Pinchot.⁸²

Oswald West was a firmly committed conservationist when he was elected governor in 1910. His initial message to the legislature advocated a policy much different from those being promoted by most western politicians:⁸³

It is most vital to the future prosperity of this state and of its people that its natural resources be conserved to the fullest extent in order so that they may be utilized and developed for the benefit not only of this but of future generations.

West urged state and federal cooperation in order to implement effective conservation of Oregon's resources. He also was cognizant of groups within Oregon who wanted all unappropriated federal timber and

mineral lands turned over to the state. However, the Governor cautioned that the state "has already received a grant of four or five million acres of rich agricultural and timber land and by mismanagement and inattention has very little to show for it." States should heretofore avoid having its natural wealth "vandalized by selfish greed."⁸⁴

Despite West's statements in favor of conservation, the State Land Board continued to sell state lands during and after West left the governor's office.⁸⁵ And, there have been persistent pressures throughout the twentieth century to open state and federal lands for entry and sale. The Natural Resources Committee of the National Association of Manufacturers reported in 1952 that the federal government owned 52.7 percent of the land in Oregon. The committee said a "sensible review" of government ownership of this much land was in order. Much of the land, according to the committee, would be better off on the tax rolls as private land.⁸⁶ More recently a legislative interim committee report on public lands recommended selling some state lands to private interests where it was feasible.⁸⁷ And, the debate goes on.

V

Oregon's Land Policy in Perspective

Frederick G. Young, who taught at the University of Oregon in the early twentieth century, offered one of the sharpest contemporary criticisms of Oregon's handling of its state grant lands in a series of articles published in the Oregon Historical Quarterly in 1909 and 1910.

Young's study, which focused especially on the school lands awarded to the state, found Oregon's management of its grant land trust wanting:⁸⁸

The records of Oregon's school land policy... furnish little if any evidence that the mind and heart of the state were stirred by a vision of what might be for all coming generations of Oregon youth if the fullest use was made of the opportunity of securing such large stretches of the best lands of Oregon to be held to yield the richest returns for this sacred public purpose.

There is no evidence, according to Young, that state grant lands were ever considered as a commonwealth resource to promote the common good. There was "no conception of a community interest in these lands."⁸⁹ Young was critical of legislative enactments pertaining to land policy, especially the state land law of 1887. "The law caused the loss to the people of Oregon from their school fund millions of dollars; it encouraged perjury, forgery and malfeasance in office. Yet not one vote is recorded against it in either house of the legislature."⁹⁰

Oregon's stand of timber was the largest per acre in the United States and the state itself owned an impressive acreage. Yet, today the state possesses only an insignificant acreage of good timberland. Of Oregon's once vast common school grant, the state owns only one small forest reserve-- known as the Elliott Reserve--located in Douglas and Coos Counties.⁹¹ Most of the remaining state lands are located in the arid regions of eastern Oregon (480,000 acres are in Harney and Malheur Counties alone).⁹² These school lands are of little value except for grazing purposes, and some are not useful even for grazing.

Table 2 shows a comparison of the public (state and federal) and private sectors of land ownership in five states, four of them western

timber producing states and one, Minnesota, a state that gained territorial and statehood status approximately the same time as Oregon. All five of these states received roughly the same type of grant lands when they became states. California, by far the largest of the five states, received the largest grant. However, California, like Oregon, pursued a policy of selling its lands as rapidly as titles were granted and buyers could be found. California disposed of its state grant so

Table 2. A Comparison of Federal, State and Private Land Ownership for California, Idaho, Minnesota, Oregon, and Washington, 1968.^a

State	Total Area (acres)	Federal Land %	State Land %	Private %
California	100,207,000	44,394,000 44	2,110,000 2.1	53,702,000 53.6
Idaho	52,933,000	33,849,000 64	2,755,000 5.2	16,330,000 30.8
Minnesota	51,206,000	3,409,000 7	5,206,000 10.1	42,591,000 83.1
Oregon	61,599,000	32,180,000 52	1,652,000 2.6	27,767,000 45.0
Washington	42,694,000	12,570,000 29	3,237,000 7.5	26,887,000 62.9

^aThese figures are found in, Public Land Law Commission: State Land Resources and Policies (A Study Prepared by the Staff of the Public Land Law Review Commission, 1970), 168.

rapidly that its land holdings were reduced to a small area of scattered holdings by the beginning of the twentieth century.⁹³

Idaho, Washington and Minnesota managed to retain a good part of their state grant lands. Table 3 shows the very impressive acreage of state owned lands in Minnesota today. Washington still has about two-thirds of its original state grant and Idaho has retained over 2,750,000 of its original grant of 3,225,000 acres.

Table 3. Original State Grant Compared with State Lands in California, Idaho, Minnesota, Oregon, and Washington, 1960.

<u>State</u>	<u>Original Grant (acres)</u>	<u>State Lands in 1960^a</u>	<u>% of original</u>
California	8,824,000	1,646,066	18.6
Idaho	3,225,000	2,758,744	85.5
Minnesota	8,535,101	5,121,317	60.0
Oregon	4,328,033	1,621,605	37.4
Washington	5,227,645	3,375,908	64.5

^aThese figures are found in: Government Land Acquisition: A Summary of Land Acquisition by Federal, State and Local Governments up to 1964.

Idaho, Washington and Minnesota managed their state grants with greater relative success because of constitutional and other legal safeguards that placed a checkrein on the manner in which the state disposed of its lands from the beginning. The Oregon and California constitutions were deficient in this respect, and the legislatures in neither state took effective action to protect its grant lands. Constitutional and legislative safeguards served well in protecting the state lands in Idaho, Washington and Minnesota from the machinations of land speculators, although, here too, state grants were

mishandled and some fraud and speculation occurred.⁹⁴ Elected officials and land office appointees in these states exercised better judgment and managed their public trust with greater integrity.

Speculation in timberland increased in tempo in the early 1890's when people like Frederick Weyerhaeuser began purchasing timberlands in the Pacific Northwest. By this time both Washington and Idaho had achieved statehood. Thus, it would seem unreasonable to claim that Oregon was the first of the Pacific Northwest states to face such problems or that Washington and Idaho benefited from Oregon's experience.

Elected and appointed officials charged with making land policy in Oregon were remiss in bringing about a redirection in the state's land policy. And, there is plenty of evidence to indicate they were aware of what was going on. Legislative investigations in 1872, 1878, 1889 and finally in 1905, exposed a system that was rife with poor record-keeping and loose management. Timothy Davenport's report as State Land Agent in 1896 failed to stir the legislature to action. Furthermore, the Oregonian carried articles going back to the 1870's that mention fraud involving state lands.⁹⁵ In some ways the federal government's land fraud investigations saved Oregon from further encroachments on its public lands.

Approximately three-fourths of the standing timber in Oregon today is federally-owned while most of the virgin stands of privately-owned timber, with the exception of a very few large holders, has already been cut.⁹⁶ Although private ownership often led to excess profit-taking, this does not necessarily imply inefficiency and mismanagement of the land resource. However, conjecture suggests that if Oregon had exercised wiser management of

its grant lands, the state would have a more extensive state-owned timber resource today. This is especially true because state and federal governments historically were far in advance of most private timber companies in protection and reforestation practices.

A combination of both federal and state land policy in the late nineteenth and early twentieth century contributed to a consolidation of timberlands into the hands of large operators. State Land Agent, Timothy Davenport reported in 1898 that the unavoidable tendency of federal and state land legislation was to mass timberlands into the hands of large companies, syndicates and corporations. "People may be divided in opinion as to whether such a consumation is to be deplored or not, but there ought to be no division as to the fact that the land system here did not prevent it....our laws taken as a whole, might be dominated very fitly 'land monopoly made easy.'"⁹⁷

The tendencies in land ownership patterns in Oregon at this time paralleled the growth and consolidation of monopoly capital throughout the United States. Weyerhaeuser and other big timber operators acquired huge parcels of timberland in the Pacific Northwest between 1890 and 1910. Two large holdings in Oregon are made up almost entirely of school land sections 16 and 36 purchased during these years.⁹⁸ The objective of consolidation and merger in the timber industry was control of the resource-producing areas which would, in turn, lend greater predictability to planning future economic action.

The impact of the free-wheeling disposal of school lands upon Oregon's educational system is difficult to assess. Many people criticized the way

Oregon managed its common school grant. Governor George Chamberlain noted in 1907 that "large bodies of these lands have been acquired by speculators who hold them now, and a magnificent domain intended for the education of the children of the State has been measurably frittered away."⁹⁹ The Oregon State School Fund Committee reported in 1939 that Washington received over \$200,000 yearly from its school lands (this included sales of timber and leases) while Oregon received somewhere between \$2,000 and \$6,000 every year.¹⁰⁰ The depleted funds from school lands in Oregon undoubtedly contributed to higher taxes to support public education and may have had a retarding effect on the state's system of public education.

Finally, in an age of diminishing resources and increased energy demands, state policy-makers need to be increasingly cognizant and protective of each and every available resource the state possesses. Even the "relatively valueless" remaining state lands in eastern Oregon may be valuable as sources of thermal energy or other resources that the state is not presently aware of. A properly managed state and federal land policy is important to the economic well-being of the people of Oregon. Allowing the remaining state lands to pass into private ownership would merely continue a long discredited practice in Oregon land policy.

NOTES

1. Milton A. Pearl, et al, State Land Resources and Policies (Washington, D.C., 1970), 168.
2. Oregon, Report of the Legislative Interim Committee on Public Lands (Submitted to the fifty-fourth legislative assembly, 1966), 1.
3. Ibid.
4. Roy Robbins, Our Landed Heritage (Princeton, 1942), 27.
5. F.F. Victor, "Our Public Land System and its Relation to Education," Oregon Historical Quarterly (hereafter O.H.Q.), I (1900), 153.
6. Mathias N. Orfield, Federal Grants to the States with Special Reference to Minnesota ("University of Minnesota Studies in Social Science," No. 2; Minneapolis, 1915), 44-45.
7. Jerry A. O'Callaghan, The Disposition of the Public Domain in Oregon, Committee print, 86th Cong., 2nd Sess. (Washington, D.C., 1960), 63.
8. U.S., Department of the Interior, Report of the Director of the Bureau of Land Management, 1950, Statistical Appendix, 126 (as cited in O'Callaghan, Disposition of the Public Domain, 63).
9. William G. Robbins, "Extinguishing Indian Land Title in Western Oregon," The Indian Historian, VII (1974), 11.
10. Robbins, Our Landed Heritage, 153-154.
11. Frederick G. Young, "Financial History of the State of Oregon," O.H.Q., XI (1910), 123.
12. Ibid., 123; O'Callaghan, Disposition of the Public Domain, 64.

13. Ray Norman Hawk, "A History of the Irreducible School Fund in Oregon," (Ph.D. dissertation, University of Oregon, 1949), 59.
14. Jeanne Jewett, "Federal Aid for Oregon Originating Prior to 1900," (M.A. thesis, University of Chicago, 1940), 19.
15. General Laws of Oregon (1859), 102.
16. Hawk, "History of the Irreducible School Fund," 77.
17. General Laws of Oregon (1864), 631.
18. Hawk, "History of the Irreducible School Fund," 59; Ray O. Wolf, "A History of Oregon School Lands, 1849-1900," (M.A. thesis, University of Oregon, 1940), 73.
19. Wolf, "History of Oregon School Lands," 66-71.
20. General Laws of Oregon (1862), 629-630.
21. Oregon, Report of the Board of Land Commissioners (1868), 4.
22. Young, "Financial History of Oregon," O.H.Q., XI (1910), 136.
23. Oregon, Messages of the Governor (1868), 10.
24. Ibid. (1874), 22.
25. Ibid., 12.
26. Oregon, Journal of the House of Representatives (1872), 467-468.
27. Journal of the Senate (1872), 486.
28. Journal of the House (1878), 679.
29. General Laws of Oregon (1878), 42.
30. Ibid., 44, 47, 54-55. The State Land Board consisted of the Governor, Secretary of State and the Treasurer.
31. Wolf, "History of Oregon School Lands," 74.
32. Oregon, Report of the State Land Board (1880), 3.

33. Robbins, Our Landed Heritage, 302-303; O'Callaghan, Disposition of the Public Domain, 72.
34. Jewett, "Federal Aid for Oregon," 22.
35. Journal of the House (1880), 385-386.
36. Jewett, "Federal Aid For Oregon," 22.
37. Report of the State Land Board (1887), 4.
38. General Laws of Oregon (1887), 73.
39. Young, "Financial History of Oregon," O.H.Q., XI (1910), 142.
Oregon was the only state that meshed the selection and sale of lieu lands.
40. Samuel Trask Dana, Forest and Range Policy: Its Development in the United States (N.Y., 1956), 100-102.
41. Hawk, "History of the Irreducible School Fund," 165.
42. Orfield, Federal Grants in Minnesota, 147.
43. Ibid., 155.
44. Washington, Report of the Commissioner of Public Lands (1903), 24.
45. Ibid., 17.
46. Ibid. (1905), 28.
47. Leo K. Couch, A Report on Agricultural Uses of Washington State Grant Lands (Olympia, 1956), 3.
48. A Preliminary Report on the Management of State-Owned Lands in Idaho (Prepared for the Idaho State Land Commission, 1940), 6-12.
49. Journal of the Senate (1889), 683.
50. Ibid., 566.
51. Messages of the Governor (1893), 4-5.

52. Ibid. (1895), 7.
53. Oregon, Biennial Report of the State Land Agent (1896), 3-4.
54. Ibid., 4-7.
55. Ibid., 10.
56. Stephen A. Puter, dubbed "king of the Oregon land fraud ring," in his remarkably candid confessional, Looters of the Public Domain, commended the courageous action of Pennoyer in disallowing lieu selections to be made in the Cascade Forest Reserve. "The vigorous stand taken by the executive was a body blow to the school land ring." Puter also paid high tribute to Timothy Davenport who was "strictly honest and on the square in doing his duty as an officer of the State, notwithstanding the many inducements held out to him by members of the School Land ring." Puter, Looters of the Public Domain (Portland, 1908), 324-328.
57. Young, "Financial History of Oregon," O.H.Q., XI (1910), 148.
58. O'Callaghan, Disposition of the Public Domain, 61.
59. Portland Oregonian, December 30, 1902.
60. For studies dealing in whole or in part with the Oregon land fraud trials, see Hawk, "History of the Irreducible School Fund," 127-156; O'Callaghan, Disposition of the Public Domain, 86-92; and, John Messing, "Public Lands, Politics, and Progressives: The Oregon Land Fraud Trials, 1903-1910," Pacific Historical Review, XXXV (1966), 35-66. There are numerous contemporary accounts, the best of which is undoubtedly Stephen Puter's Looters of the Public Domain.

61. Messing, "Public Lands, Politics, and Progressives," 50-62.
62. Gifford Pinchott, Breaking New Ground (New York, 1947), 84-85;
and, Dana, Forest and Range Policy, 100-102.
63. Dana, Forest and Range Policy, 102.
64. Pinchott, Breaking New Ground, 93.
65. Dana, Forest and Range Policy, 104-105.
66. Messing, "Public Lands, Politics, and Progressives," 64.
67. Messages of the Governor (1899), 13-14.
68. Ibid. (1901), 18.
69. Ibid., 20.
70. Ibid. (1903), 9-11.
71. Ibid.
72. Young, "Financial History of Oregon," O.H.Q., XI (1910), 151.
73. Messages of the Governor (1903), 37-38.
74. Hawk, "History of the Irreducible School Fund," 167.
75. Biennial Report of the State Land Agent (1907), 8.
76. Messages of the Governor (1905), 27.
77. Young, "Financial History of Oregon," O.H.Q., XI (1910), 151.
78. Messages of the Governor (1911), 15.
79. Oswald West, "The Battle of Life," Oregonian, November 14, 1937.
80. Oswald West, "Reminiscences and Anecdotes: Mostly About Politics,"
O.H.Q., LI (1950), 109.
81. Warren M. Blankenship, "Progressives and the Progressive Party in
Oregon, 1906-1916," (Ph.D. dissertation, University of Oregon,
1966), 66.

82. West, "Reminiscences and Anecdotes," 108.
83. Messages of the Governor (1911), 19.
84. Ibid.
85. See Reports of the State Land Board (1910-1920).
86. Oregonian, December 21, 1952.
87. Report of the Legislative Interim Committee on Public Lands (1966), 4.
88. Young, "Financial History of Oregon," O.H.Q., XI (1910), 124.
89. Ibid., 125, 127.
90. Ibid., 143.
91. Hawk, "History of the Irreducible School Fund," 179.
92. Report of the Legislative Interim Committee on Public Lands (1966), 4.
93. Samuel Trask Dana, and Myron Krueger, California Lands: Ownership, Use, and Management (Washington, D.C., 1958), 73.
94. Orfield, Federal Grants to Minnesota, 147.
95. Hawk, "History of the Irreducible School Fund," 118.
96. Report of the Legislative Interim Committee on Public Lands (1966), 7.
Some of this land is restocked and producing a new crop.
97. Biennial Report of the State Land Agent (1898), 5-6.
98. U.S. Department of Commerce, Bureau of Corporations, The Lumber Industry, Part I (1913), 252.
99. Messages of the Governors of Oregon (1907), 11.
100. A Brief Story of Oregon State School Lands and Irreducible School Fund Past and Present (Portland, 1939), 9.

Man's Activities as Related to Environmental Quality—A Series

1. Population Policies Available to the State of Oregon by Kenneth Godwin
2. Thoughts for the Energy Crisis: The Economics of Insulation and Heating Systems in Typical Willamette Valley Homes by James B. Fitch
3. Migration and Oregon—1970: Patterns and Implications by Arnold G. Holden and W. Bruce Shepard
4. Income Distribution Patterns in Oregon: A Comparison of Oregon Counties Through Time by James B. Fitch and John E. Schefter
5. State Land Use Policies: Winners and Losers by Kenneth Godwin and W. Bruce Shepard
6. Land: Its Use and Abuse in Oregon, 1848-1910 by William Robbins

Other publications resulting from Man's Activities as Related to Environmental Quality

- Calligan, Christopher C. "Computer Simulation of Land Use Dynamics." *Land and Water Use in Oregon*. OSU Water Resources Research Institute, July 1974
- Devine, Warren D. Jr. "Energy in the Oregon Economy: A Systems Simulation." Presented to the American Nuclear Society, Western Regional Student Conference, Tucson, Arizona, April 4, 1974
- Devine, Warren D. Jr. "An Interdisciplinary Systems Analysis of Energy Production and Consumption in the Pacific Northwest." Presented to the American Nuclear Society, Western Regional Student Conference, Corvallis, Oregon, April 13, 1974
- Fitch, James B. and Pieter A. Frick. "A Dynamic Macroeconomic Model for the State of Oregon." *IEEE Transactions on Systems, Man, and Cybernetics*, Vol. SMC-4, No. 3, May 1974
- Miller, S. F. and A. N. Halter. "Systems-Simulation in a Practical Policy-Making Setting: The Venezuelan Cattle Industry." *American Journal of Agricultural Economics*. Vol. 55, No. 3, August 1973
- Rink, Raymond. "Information-Theoretic Methods for Modeling and Analyzing Large Systems." *Proceedings 5th IFIP Conference on Optimization Techniques*, Rome, 1973
- Robbins, William. "Extinguishing Indian Land Title in Western Oregon." *The Indian Historian*. Spring 1974