

THE PUBLIC LAND OFFICER ON THE NORTHWESTERN FRONTIER¹

In the midst of the teeming frontier activities of three-quarters of a century ago there existed one type of pioneer the constructive character of whose services the student of history has not always recognized — the public land officer. Like certain others who have been occupied with the routine duties of government office, the land officer has been more or less taken for granted.

Settlers were apt to expect the federal land policy to function with mechanical accuracy and smoothness, forgetting that its operations must be directed by human beings working much of the time under the most trying conditions. If these expectations met with disappointment, as they did on more than one occasion, the most convenient target for the irate pioneer was the government officer and his policy. Land officers were frequently subjected to unbridled abuse, being charged with graft, corruption, and other despicable offenses. Numerous comments in early newspapers refer to "land office rings" and "moccasin" land office "cliques," and these terms by no means exhaust the list of uncomplimentary allusions.

But there is another side to the case. The men who made the earliest surveys in Minnesota as well as those who conducted local land offices often endured even more physical hazards than explorers and first settlers. It should be pointed out that surveys required travel in straight lines, regardless of the nature of the terrain. A surveyor usually could not pick the natural trails of the country, and he sometimes went perforce where Indians and fur-traders refused to go.

¹ A paper, originally entitled "Some Federal Land Office Operations in Minnesota, with Special Reference to the Arrowhead Region," read on August 21, 1931, at the Two Harbors session of the tenth state historical convention under the auspices of the Minnesota Historical Society. *Ed.*

Minnesota's earliest linear surveys, made in 1847 and involving operations in the swamps and forests between the Mississippi and St. Croix rivers and Lake Superior, are of interest in this connection. Henry A. Wiltse was the deputy surveyor in charge, and his graphic description of the journey of his party deserves consideration.² Wiltse was under contract to survey part of the fourth prime meridian and what was then the third correction line from that meridian to the Mississippi, about a hundred and seventy-five miles in what is now Wisconsin and Minnesota. His party consisted of "just double the number generally employed" in such work, and he had with him also a solar compass operator, because the magnetic compass was valueless for surveying the trap rock formations near Lake Superior. "I was fully aware," writes Wiltse, "that . . . it would be impossible for one man to carry more than provision enough for his own consumption, and . . . that my party must inevitably suffer for food ere they could reach the lake [*Superior*]. . . . Every man, even my axemen, my chain carriers, and myself were severally packed with as much weight as we could possibly move under." The men took only the clothing on their backs, and a single blanket. There were no tents, as would normally have been the case. Food consisted only of pork and flour.

Wiltse continues: "Upon arriving at La Pointe," on Lake Superior, "in search of provisions, two of my men were too much exhausted to return, and in their stead I employed two of the regular packmen of the American Fur Company, and, as I was credibly told, two of the best men in that laborious service. These men, under *one-fourth* of the weight which they had been accustomed to carry . . . complained, and, before the work was completed, refused to carry a pack at all . . . declaring that they never had, and could not pack over such a

² Wiltse's report is in Commissioner of the General Land Office, *Annual Reports*, 1847, p. 94-97 (30 Congress, 1 session, *Senate Executive Documents*, no. 2—serial 504).

country." The deputy surveyor further asserts that "the Indians consider these swamps impassable." It was moreover very difficult to keep clothing even reasonably dry. Swarms of mosquitoes added to the torment of the hard-pressed travelers, and tangles of underbrush and windfalls could not be avoided since, as the deputy surveyor remarks, "we were all the while confined to a line, and consequently had no choice of ground." Before the trip ended provisions ran out and every member of the party "was crippled or in some way disabled." From the foregoing it may be concluded that Wiltse was right when he stated that the contract price of ten dollars per mile, or any price for that matter, would not induce him again to enter upon a similar survey, despite "a lifetime of experience in the field, and a great fondness for camp life." Similar tales of tremendous hardship are contained in the reports of David Dale Owen, who was conducting at that time a geological survey for the general land office in the same region.³

The act which created the original northeastern land district of Minnesota was passed nine years after the events just described. During the intervening time six land offices, in as many districts, had been established. Of these the earliest was that at Stillwater, which succeeded the office at St. Croix Falls, Wisconsin. The district lay in the triangle between the St. Croix and Mississippi rivers. The other five districts, established between 1852 and 1854, all fronted on the Mississippi; each was about five townships wide and extended to the western boundary of Minnesota Territory.⁴

³ General Land Office, *Reports*, 1847, p. 95, 96, 160-174 (serial 504). Owen, in his report, speaks of the "incredible hardships" endured by members of the Wiltse party, to which some of his own men had been attached for purposes of reconnaissance.

⁴ Public Land Commission, *Laws of the United States of a Local or Temporary Character, and Exhibiting the Entire Legislation of Congress upon which the Public Land Titles in Each State and Territory Have Depended, December 1, 1880*, nos. 1833, 1837, 1839, 1850 (46 Congress, 3 session, *House Executive Documents*, no. 47—serial 1976). This work will be cited hereafter as *Land Laws, 1880*.

The act of 1856 had the effect of drawing a line between townships 45 and 46, that is to say from the southeast corner of Carlton County straight west across the territory. From a point on that line between ranges 18 and 19, about seven miles southeast of the present town of Moose Lake, a second line was drawn north to the international boundary. All the territory bounded by these lines, by Lake Superior, and by the Canadian border became the new northeastern land district, and directly west of this was established the northwestern district. The president was authorized by law to locate the land offices in these districts and to appoint local land officers.⁵ For the more western district, Ojibway, at the mouth of the Crow Wing River, became the scene of federal operations; Buchanan, on the beautiful shores of Lake Superior at the mouth of the Knife River, was the location chosen for the northeastern district office. Here a new town site had been laid out and named in honor of President Buchanan, who may thus, perhaps, have been the more easily persuaded to select it as a land office location. Certainly the place had little else to hold out as an inducement. John Whipple of Rome, New York, the first receiver, testified to the "rude state" of affairs prevailing when he arrived to take up his duties in September, 1857. His partner in this work, the register, was Samuel Clark, who seems to have been appointed through the influence of that stalwart champion of the Homestead Bill, Galusha Grow.⁶

It should be pointed out here that the administrative machinery for all district land offices was very similar. The register accepted the filings for land and made most of the entry

⁵ *Land Laws*, 1880, no. 1850 (serial 1976).

⁶ John Whipple to Thomas A. Hendricks, September 18, 1857; Samuel Clark and Whipple to Hendricks, November 10, 1858, in the letter book of the Buchanan, Portland, and Duluth land offices. This volume, which covers the years from 1857 to 1880, is among the land office archives in the custody of the Minnesota Historical Society. Grow's influence in bringing about Clark's appointment is mentioned in Dwight E. Woodbridge and John S. Pardee, eds., *History of Duluth and St. Louis County*, 1:81 (Chicago, 1910).

records. The receiver accepted the money paid in for fees and land purchases, and he also acted as a government disbursing agent. He was required to deposit the funds he collected whenever they reached the level specified by the general land commissioner. In the fifties the level was five thousand dollars. Since the United States at that time had no depository nearer the Minnesota land offices than Chicago or Dubuque, it was no easy task to meet this requirement, even though there were few sales and the trip need be made but infrequently.⁷ Register and receiver sat together whenever land cases were tried, and they rendered a joint decision unless they disagreed. In that event they submitted the evidence, with their opinions, to the general land commissioner, who made the decision. Beyond this there was an opportunity of appeal to the secretary of the interior. As much help was furnished to each office as might be necessary. There was usually at least one clerk.

Surveys were administered by a surveyor-general, who was under the control of the commissioner of the general land office, but was entirely independent of the local land officers. Usually one surveying office served several land districts, and disputes arose at times when the surveyor-general distributed his deputies and contracts in such a way as to ignore the desires, if not the demands, of one or more of the land offices. It should be remembered, however, that the surveyor-general was often not to blame for such disagreements, inasmuch as his was the problem of stretching a limited Congressional appropriation to the utmost. Surveying headquarters for Minnesota were located at Dubuque until 1857, when the Detroit office was removed to St. Paul.⁸

Until that year no surveys were made in the new northeast-

⁷ Whipple to Hendricks, June 16, 1858, in the letter book of the Buchanan, Portland, and Duluth land offices; W. W. Lester, *Decisions of the Interior Department in Public Land Cases, and Land Laws*, 311-341 (Philadelphia, 1860).

⁸ Report of C. L. Emerson, surveyor-general of Minnesota, in 35 Congress, 1 session, *House Executive Documents*, no. 2, p. 119 (serial 942).

ern district; thereupon the region from the mouth of the Knife River to Fond du Lac on the St. Louis River received attention, and the first land sales took place in that section. The future importance of the land adjacent to the mouth of the St. Louis River was forecast in the scramble that immediately took place for choice positions on the water front. Among those who engaged in this contest were George and William Nettleton, J. B. Culver, and Sidney Luce. It may be of interest to note that the latter succeeded John Whipple as receiver of the land office for the northeastern district early in Lincoln's term and that he played a conspicuous part in the development of early Duluth.⁹

Settlers along Lake Superior were impatient to take up claims long before land office operations began. As early as 1854 a memorial from eighty-one inhabitants of the North Shore was received by the general land office. The settlers voiced "great anxiety" to have the tract of country surveyed that had been ceded to the United States by the Chippewa in the treaty of September 30 of that year. This request brought a readier response than usual because the agreement with the Indians provided for the surveying of both the Fond du Lac Reservation on the St. Louis River and that of Grand Portage near the Pigeon River. Congress refused the necessary appropriations, however, and dallied with the matter until 1856. Then, as previously indicated, the new land districts were created, and the sum of forty thousand dollars was set aside for the surveys in those sections.¹⁰ From that time, surveys moved ahead as rapidly as settlement in the Arrowhead region warranted, and when Lincoln was elected the whole shore line to

⁹ Woodbridge and Pardee, *Duluth and St. Louis County*, 1:84, 89; letters of Whipple and Luce to I. M. Edmunds, May 22, 1861, in the letter book of the Buchanan, Portland, and Duluth land offices.

¹⁰ Commissioner of the General Land Office, "Reports," in 34 Congress, 1 session, *Senate Executive Documents*, no. 1, p. 154 (serial 810); *Land Laws*, 1880, nos. 1846, 1850 (serial 1976).

the international boundary had received attention, including the two reservations to which allusion has been made.

Nevertheless the government did not move as swiftly as many of the settlers desired. Warner Lewis, surveyor-general for Iowa, Wisconsin, and Minnesota, in his annual report written at Dubuque late in 1855, after referring to the spread of white settlers along the North Shore and their repeated demands for new land, points to certain vexations connected with surveying the region. He notes the trouble in using the magnetic compass, which Wiltse had experienced earlier, and asserts that accurate work can be done only with the solar compass, which can be employed successfully only in the best summer weather, when there is plenty of sunshine.¹¹

The arrival of Whipple and Clark at Buchanan did not mean that active land sales could begin immediately. There was a tone of decided pessimism in some of the first letters that the receiver addressed to his superior, the commissioner of the general land office at Washington. He bewailed the fact that no plats of surveyed lands had been received from the office of the surveyor-general, and that there were very few other records and insufficient instructions as to procedure. Lacking these things, of course he could make no land sales and not even entries. The land office was "daily besieged by land claimants and contestants, keenly watching . . . lest somebody get the start of them." Moreover the office was small and "badly arranged," and there was no possibility of obtaining necessary workmen. Suitable furniture could be secured no closer than Chicago or Detroit, and the problem of moving a safe onto the premises from a lake steamer proved well-nigh insurmountable. In a letter to the commissioner of the general land office, Whipple reports that "The Safe Arrived at Superior." He continues: "I fear we shall have much trouble

¹¹ Report of Warner Lewis, in 34 Congress, 1 session, *Senate Executive Documents*, no. 1, p. 199 (serial 810).

and expense to get it on the ground. I find it will become necessary to build a plank road fifty rods, besides bring over men from Superior to remove it from the dock." He estimates that these operations will cost sixty dollars.¹²

But the real difficulty still remained — the plats and the mail for the office had not arrived. In the middle of October Whipple left the register to his own devices while he set out in search of the missing records. His trip was destined to stand as one of the most memorable in Minnesota land office history. The receiver first went to Chicago by steamer, and from there he traveled to Dubuque. He found that the mail bags for Buchanan had been taken from that place, so he went to St. Paul. There he could discover no trace of them and so he returned to Dubuque. The postmaster at that place, however, suggested that the mail "must, by mistake, have gone up the St. Croix to Taylor's Falls." Whipple therefore returned to Minnesota, and at the head of navigation on the St. Croix River he found the mail for which he had been looking. He still had to transport the records over the swampy country between Taylor's Falls and Buchanan. Ploughing through mud and wet grass, the receiver made a terrible trip with a packer, but he finally reached his land office late in November, though his experiences left him for some time barely able to walk. He had been gone about six weeks.¹³ The report of this land officer's experiences contains a graphic account of conditions in early Minnesota, and the events that he describes are significant, for they mark the inauguration of land sales in the northeastern district. It must be recalled that Whipple took to Buchanan the long delayed plats and other instructions from the general land office.

A month later, by Christmas, 1857, business was in full swing at this remote point. A large number of claims were

¹² Whipple to Hendricks, September 18, October 4, 1857, in letter book of the Buchanan, Portland, and Duluth land offices; Woodbridge and Pardee, *Duluth and St. Louis County*, 1:82.

¹³ Whipple to Hendricks, November 25, 1857, in letter book of the Buchanan, Portland, and Duluth land offices.

being entered, and several contested cases had been heard by the register and the receiver.¹⁴ Nevertheless very little money was being paid into the receiver's hands. In this connection attention should be directed to the fact that the panic of 1857 had broken upon the country, and its disastrous effects were already bearing very heavily upon the frontier settlements in the Lake Superior region. Superior, Wisconsin, for instance, a bustling young city before the panic, was merely an empty shell for a number of years thereafter. The protracted effects of hard times continued until the Civil War, which had the result of further deranging the land business. Thus the boom so well started in the fall and winter of 1857 at the Buchanan office was of short duration, and it was not until the late sixties, with the beginning of the era of railroad building in northeastern Minnesota, that settlement began once more rapidly to go ahead. During the lean years of the late fifties and early sixties, only an occasional filing and some investigations of petty timber stealing broke the humdrum routine of the life of the land officer in the northeastern district.¹⁵ One wonders seriously how his salary of five hundred dollars a year, supplemented by only a few fees, sufficed, until one remembers that many people in this period were living on much less than he received.

In 1859 the northeastern district land office was removed from Buchanan to Portland, which later was absorbed by the city of Duluth. The name of the office was changed in May, 1862, to Duluth.¹⁶ It was combined with the Cass Lake office

¹⁴ Whipple to Hendricks, December 28, 1857, in letter book of the Buchanan, Portland, and Duluth land offices.

¹⁵ The letters in the letter book of the Buchanan, Portland, and Duluth land offices for the years from 1858 to 1869 reflect conditions during this period. Life in the region around Duluth and Superior in the late fifties and early sixties is well pictured in a volume by Lillian K. Stewart, entitled *A Pioneer of Old Superior* (Boston, 1930).

¹⁶ The first letter written by the receiver from the Portland office is dated July 1, 1859; the first from the Duluth office, May 1, 1862. Letter book of the Buchanan, Portland, and Duluth land offices.

in 1925. The period of great business activity in this land district occurred between 1869 and approximately 1900 — the building of railroads, the discovery of iron, and the growth of the lumber industry being the prime causes of that development.

Local land offices, such as the one established at Buchanan on the Knife River, were located at the very outposts of civilization. Nearly all the hazards of pioneering were involved in conducting land office work, and these hazards were shared more or less alike by surveying parties and local land officers. It was moreover well-nigh impossible at certain times in the year to maintain satisfactory connections with the general land office at Washington. The requirement that made imperative the deposit of government money derived from land sales within a specified time after the accumulated funds had reached a certain level often worked a serious hardship; for it was the size of the fund in the receiver's hands, and not the state of the weather or the season of the year, that determined the time for these trips. And it need hardly be added that a journey in 1857 from the mouth of the St. Croix River to Lake Superior was no "joy ride."

Because the early land officers did undergo great vicissitudes, their otherwise routine reports contain much fascinating information for the student of history. Registers and receivers were constantly meeting dangers at the hands of marauding Indians and other thieves, and disastrous fires wrought havoc on several occasions. Valuable records and moneys were stored in such nondescript safes as could be transported to the isolated offices. Contested land cases must frequently be settled without sufficient legal references at hand. When attempts to steal timber were made, the land officer often was forced to deal with the emergency almost single-handed. Thus the land office service in its protective and conserving features resembled in several ways that of the military branch of the government, especially when the latter functioned at lonely military outposts on the frontier. There was, however, this difference: the land officer had not the comfort of numbers in his misery.

Although the work was difficult and exacting and the general public often was unappreciative, these facts do not seem to have prevented many of Minnesota's distinguished pioneers from seeking and obtaining land office positions, ranging from those of deputy surveyor and local register and receiver, to that of surveyor-general and even, in one case, to commissioner of the general land office. One need only recall that George B. Sargent and George R. Stuntz, well-known characters among the early builders of the Arrowhead, were long associated with the federal land service. To these may be added the names of several Minnesota governors, including William R. Marshall, Stephen Miller, and Horace Austin; a lieutenant governor, William Holcombe; and Congressional leaders such as William W. Phelps, James Shields, and William D. Washburn — all at one time or another in the land service.¹⁷ In the hands of such intrepid frontiersmen the operation of the federal land policy was bound to reach a certain degree of efficiency and dignity, despite the grave difficulties that were constantly arising.

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¹⁷ Shields was commissioner of the general land office during part of Polk's administration.



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