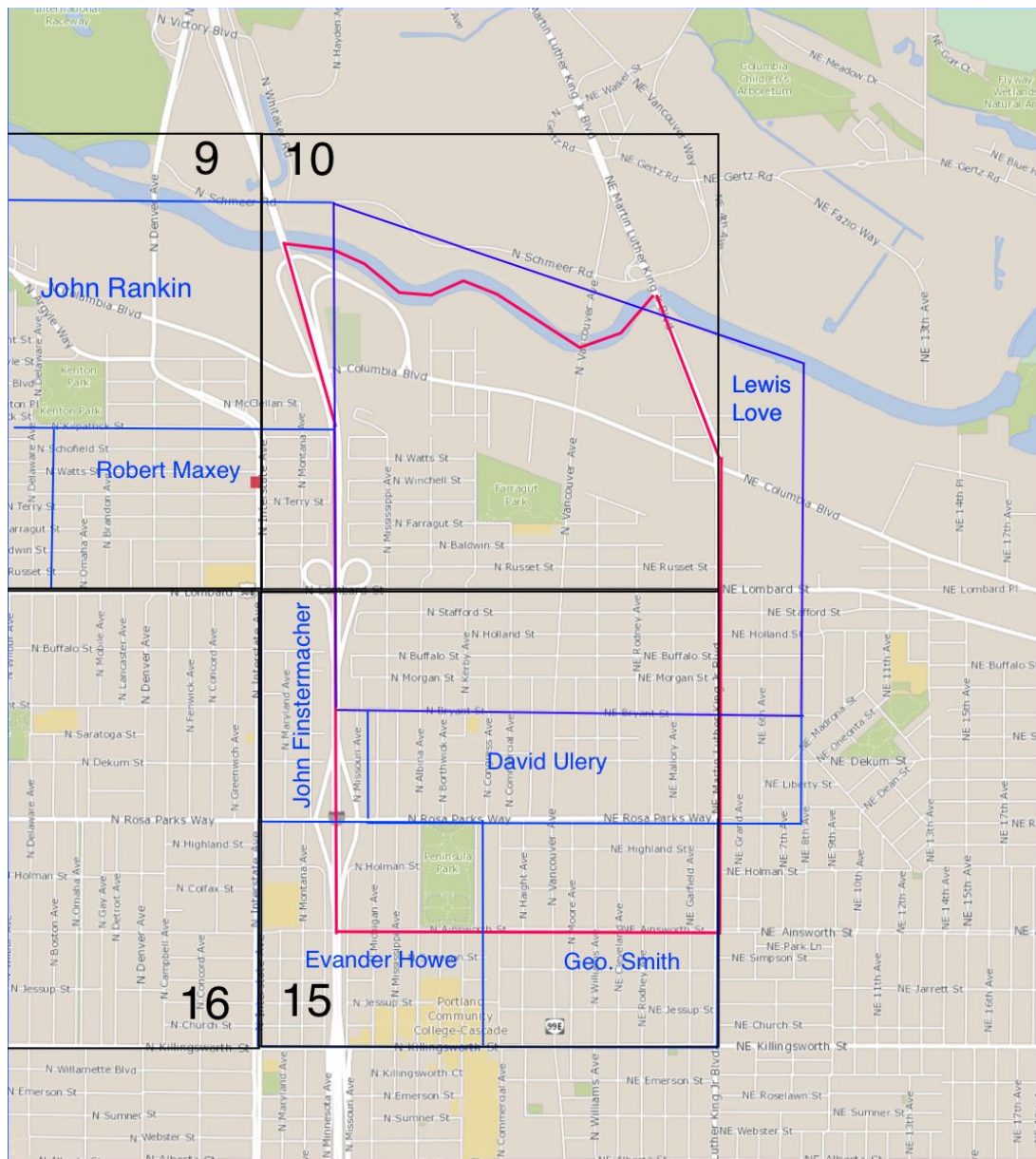


The author of this article lives and works on unceded territory of the Multnomah, Kathlamet, Clackamas, bands of Chinook, Tualatin Kalapuya, Molalla and many other Tribes who made their homes along the Columbia River.

## Homesteaders and Homesteads: Introduction

Jan de Leeuw  
Version 02-16-2020

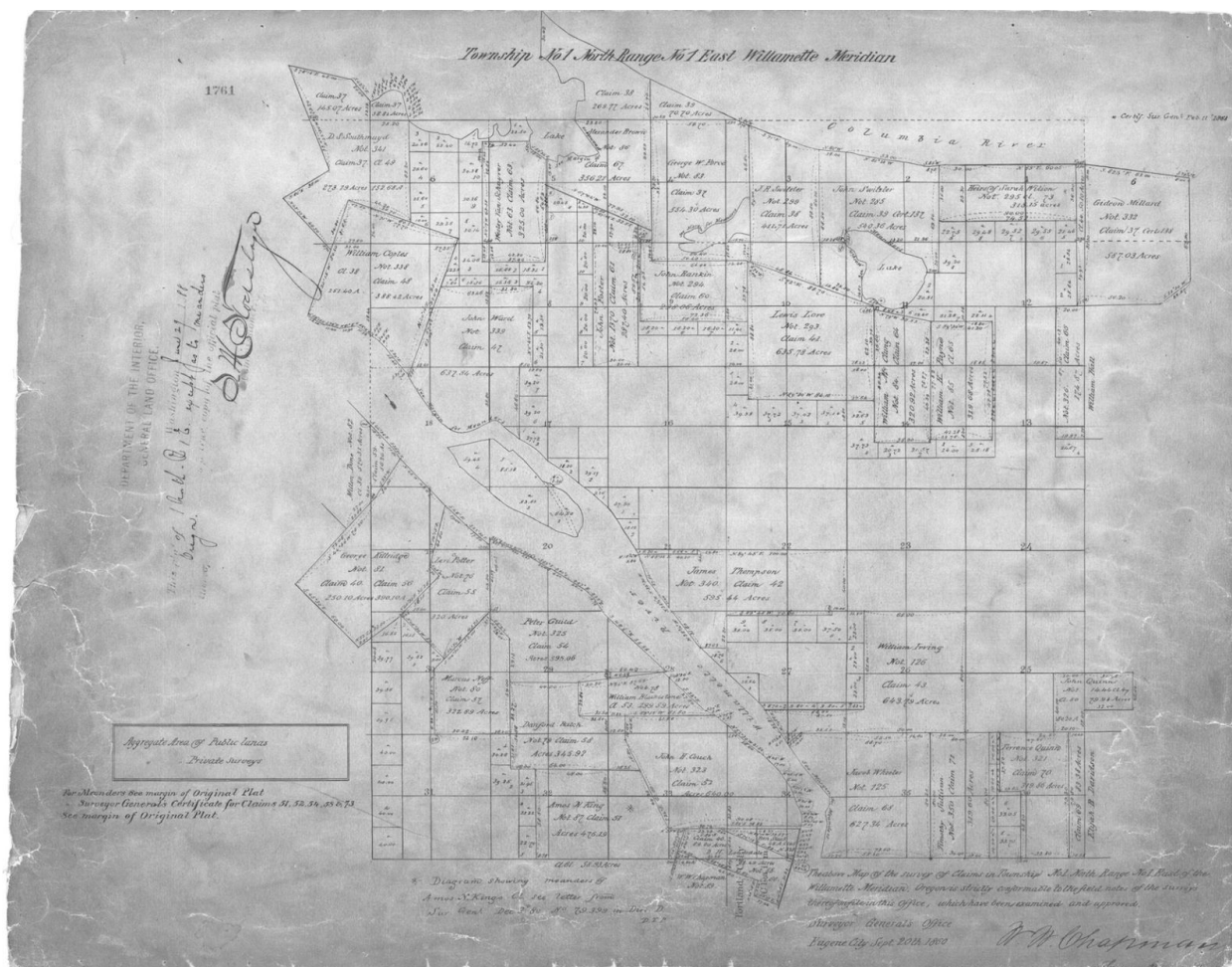


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## The Map

The map above shows those donation lands and homesteads the United States handed out and sold around 1850-1860 that cover the Piedmont neighborhood (which is the area within the red boundaries). There is only a small number of them, five or so, and the large parcels (in the blue lines) in most cases also overlap with the adjacent neighborhoods Woodlawn, Overlook, Humboldt, King, Arbor Lodge, Kenton, and East Columbia. I shall use the generic name "homesteads" for these properties, although not all of them were authorized by the homestead act, and not all the original grantees actually homesteaded on them.

To put this in a larger context, here is the map of the 1860 survey of all of Township 1 of Range 1 east, which covers all of Portland, including East Portland and Albina.



Remember that links in the captions below pictures and photos generally point to a larger and/or higher resolution version elsewhere on the web. On the map it says, in the lower right hand corner,

*The above Map of the Survey of Claims in the Township No1 North Range No1 East of the Willamette Meridian, Oregon, is strictly conformable to the field notes of the surveys thereof in file at this office, which have been examined and approved.*

*Surveyor General's Office, Eugene City, September 20th 1860*

The township and range terminology will be discussed later in this introductory chapter, in the section on the Public Land Survey System.

## Our Discussion

Each of our homestead chapters is divided into two parts. In the first part I discuss the land, how it was obtained, partitioned, and sold. In the second part I discuss the biographical information I have on the settlers who claimed the land and obtained the patents from the US government. The order of the two parts reflects the emphasis in this book on the ownership of the land, the persons are in some sense accidental, no matter how interesting their lives may have been. But sometimes the division between the land dealings and the life are somewhat artificial, because basically what we know about some of the homesteaders is precisely that they homesteaded in what is now the Piedmont neighborhood. And not much more.

How the land changed hands covers a period from the original claim to the point, often some fifty years later, when the final subdivisions were platted and the plats recorded with Multnomah County. Some plats have hundreds of lots, and it is not feasible to find out and document how individual lots were sold by the original sellers, and then later by the various owners along the way. So I stop at the subdivision level, although there are some exceptions because there is land that was not platted, and there are some lots and buildings on the land with historical significance.

Snyder's 1989 book *"We Claimed This Land: Portland Pioneer Settlers"* is impressive, because it covers 212 "pioneers", defined as persons or families who "were the first to settle on the land that is now occupied by the city of Portland, Oregon." (1989, preface, page v). But 212 biographies in a book of 278 pages implies that some of them will be very short. Especially because some of the pioneers do get a lot of pages. A. P. Dennison, for example, inexplicably gets 22 pages, which is definitely not proportional to his historical importance. Moreover, Snyder concentrates on pioneers associated with the original site of the City of Portland, on the west side of the Willamette, and on the more urban tracts. This makes perfect sense, because information about them is more readily available. Our Piedmont pioneers Evander Howe (10 lines), George Smith (9 lines), and David Ulery (12 lines) are given short shrift, simply because Snyder does not have more information on them. And some of the information is incorrect or imprecise. Captain Lewis Love gets three pages, which is still not much for such a long and eventful life. John Fenstermacher gets a full page, but mostly because of the tabloid aspects of his life and death. Because we only have to consider just four or five pioneers we can dig much deeper, and find more (and more correct) information.

We freely use the words "pioneers" and "settlers", although both words have plenty of negative connotations these days (Sakai, 2014). The words seem to suggest that the white people who came from the east arrived on virgin land (the terra nullius doctrine), which was waiting to be occupied, utilized, monetarized, and exploited. The alternative interpretation of what took place in the early nineteenth century is, of course, that all that land was invaded and occupied, and the original inhabitants, the ones that did not succumb to the infectious diseases brought by the

settlers, were forcibly removed and in many instances killed. As a rule the white settlers seem to have been brave, daring, inventive, hard working, and incredibly resistant to many kinds of adversity. They came to improve their situation, and many who came early succeeded in doing just that. Their improvement was made possible, however, by the racism, exceptionalism, and manifest destiny ideologies promoted by the ruling classes. And we should not forget they were, wittingly or unwittingly, part of a racist and colonialist invasion that resulted in an horrific genocide (Dunbar-Ortiz, 2014).

## Land Laws

There were multiple laws passed by Congress in the eighteenth and nineteenth century on which the various donations and patents are based. Some of them were actually donations, which means the settlers did not have to pay anything for the land, and some were for-pay, although always for very little money.

Because nothing beats looking at the original documents, in the exact language they were written in, I provide links to the actual laws. In the references at the end of the chapter there are links to Wikipedia articles that provide at least some background. If you want to know more about how the United States disposed on its public lands through a whole sequence of homestead type acts, there is the authoritative article by [Bien \(1910\)](#). For an even more extensive discussion of the donations of various types in Oregon (including giveaways to railroads, timber harvesting, or military wagon roads) see the dissertation by [Jerry O'Callaghan \(1951\)](#).

*September 27, 1850: An Act to create the Office of Surveyor-General of the Public Lands in Oregon, and to provide for the Survey, and to make Donations to Settlers of the said Public Lands.* <https://drive.google.com/file/d/1S69AEHN-PuDvYEKimOUQxD4bzhTkTBSd>

*March 3, 1855: An Act in Addition to certain Acts granting Bounty Land to certain Officers and Soldiers who have been engaged in Military Service of the United States.* <https://drive.google.com/file/d/1Ro5Zk00kgc0UpUnpt7aUpvw05e0H0X6b>.

*May 20, 1862: An Act to secure Homesteads to actual Settlers in the Public Domain.* <https://drive.google.com/file/d/1S1TuL2j2sMidQAdCahzAFG4hSx27SkhV>

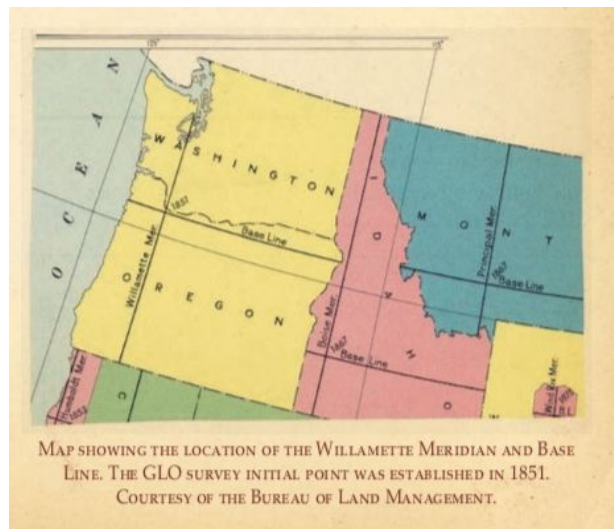
On the map at the beginning of this chapter Lewis Love and John Rankin used the Oregon Donation Land Act of 1850. John Fenstermacher and Evander Howe used the Homestead Act of 1862 (which means they had to pay for their land). George Smith, Robert Maxey, and David Ulery used the Military Bounty Act of 1855. In all three cases, however, they were not the ones doing the actual military service. By informal and and by now unknowable transactions they made the original military men sign over their patents, undoubtedly for a pittance.

The Oregon Donation Land Act of 1850 deserves some additional attention, because it is specific to our region. The [Genealogical Forum of Oregon \(2014\)](#) has a nice brochure, with the essential facts. Also quite readable is the page on the act of the [Oregon History Project \(2018\)](#).



## Public Land Survey System

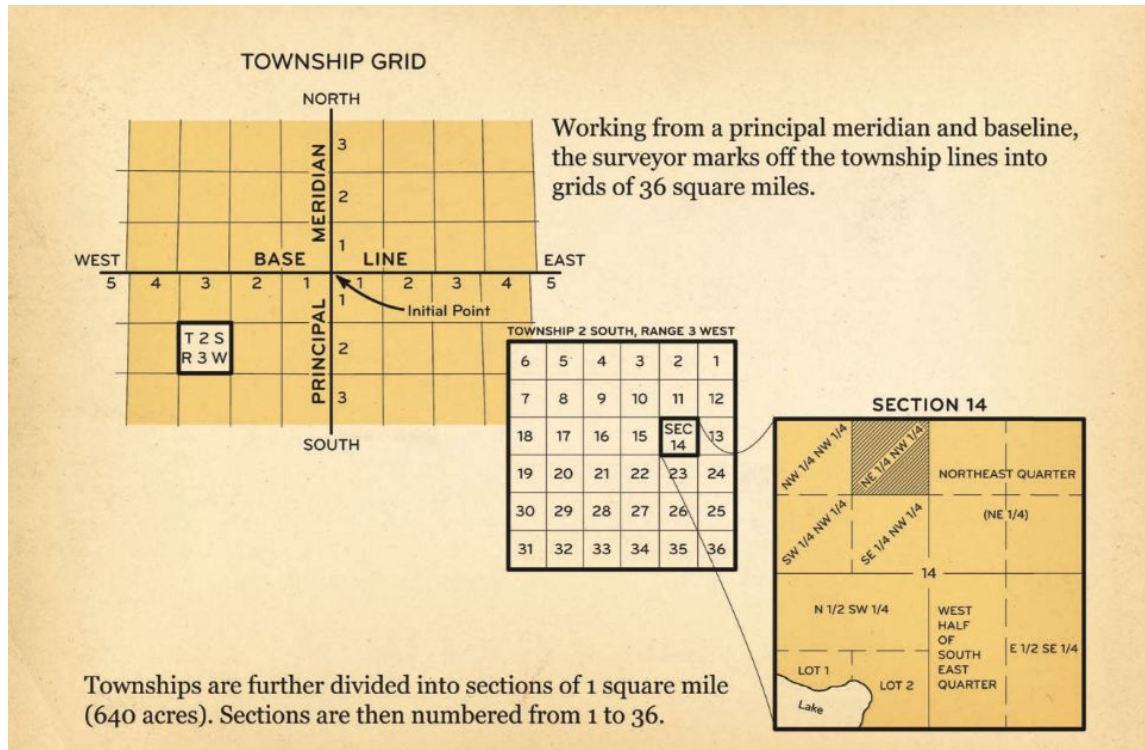
The *Rectangular Survey System* was created by the Land Ordinance of 1785. It covers the United States with squares of 6 by 6 miles. It then introduces a local coordinate system by designating a vertical line (meridian) and horizontal line (base line). In our case the vertical line is the Willamette Meridian, running through the hills west of Portland, and the horizontal line is the Willamette base line, along Base Line Street (now Stark Street). The two intersect at the [Willamette Stone](#). This local coordinate system allows one to code the squares, indicating how many squares east or west of the meridian, and how many squares north or south of the base line they are. The figure below, taken from page 25 of the [excellent e-book by Vaughan \(2014\)](#), show both meridian and base line.



On the map at the beginning of this chapter you see modern Piedmont in the red boundaries. The black squares are sections 9, 10, 15, and 16 of Township 1 North, Range 1 East (T 1N R 1E), i.e. the first square north of the baseline and east of the meridian.

A township in PLSS is six by six miles, with 36 sections. Thus T 1N R 1E covers most of Portland. A black section is a square mile, or 640 acres, and the four quarters of a section (NE, SE, SW, NW) are each 160 acres. The following figure, from page 28, of [Vaughan \(2014\)](#), illustrates the basics.





The rectangular system is used throughout to locate parcels of land, where basically each of the townships provides another even more local coordinate system. We can now say, for example, that a piece of land in the figure above is the SE  $\frac{1}{4}$  of the NW quadrant of Section 14 in township 4 south of range 3 west. Even more importantly, parcels of land, especially in the homestead period, are often defined as sections or quarters of the system, and as a consequence roads often align with boundaries of quarters as well.

## Surveyors Lengths

In many of the deeds from the nineteenth century parcels of land are described in the language of surveyors, and the boundaries are described in the units of length used by surveyors around that time. Since these units may be unfamiliar to modern readers, I briefly summarize definitions of the most common ones, and show how to translate them into feet and even meters.

The name **furlong** derives from the *Old English* words *furh* (furrow) and *lang* (long). Dating back at least to early *Anglo-Saxon* times, it originally referred to the length of the furrow in one *acre* of a ploughed *open field* (a medieval communal field which was divided into strips).

A **chain** is a *unit of length* that measures 66 *feet*, 22 *yards*, 100 *links*, or 4 *rods* (20.1168 *m*). There are 10 chains in a *furlong*, and 80 chains in one *statute mile*. An *acre* is the area of 10 square chains (that is, an area of one chain by one furlong).

The **rod** or perch or pole is a *surveyor's tool and unit of length* equal to  $5\frac{1}{2}$  *yards*,  $16\frac{1}{2}$  *feet*,  $\frac{1}{320}$  of a *statute mile* or one-fourth of a *surveyor's chain* and 5.0292 *meters*. The rod is useful as a unit of length because whole number multiples of it can form one *acre* of square measure.

The **link** (usually abbreviated as "l.", "li." or "lnk."), sometimes called a **Gunter's link**, is a *unit of length* formerly used in many English-speaking countries. A link is exactly  $\frac{66}{100}$  of a *foot*, or exactly 7.92 *inches* or 20.1168 *cm*. The unit is based on *Gunter's chain*, a metal *chain* 66 feet long with 100 links, that was formerly used in land *surveying*.

Here is a table to convert links/chains/rods/furlongs to inches/feet/yards/miles and ultimately, for those of us who finally emerged from the middle ages, to meters.

	link	rod	chain	furlong	inch	foot	yard	mile	meter
link	1	0.04	0.01	0.001	7.92	0.66	0.22	0.000125	0.2012
rod	25	1	0.25	0.025	198	16.5	5.5	0.003125	5.029
chain	100	4	1	0.1	792	66	22	0.0125	20.12
furlong	1000	40	10	1	7920	660	220	0.125	201.2
inch	0.1263	0.005051	0.001263	0.0001263	1	0.08333	0.02778	1.578e-05	0.0254
foot	1.515	0.06061	0.01515	0.001515	12	1	0.3333	0.0001894	0.3048
yard	4.545	0.1818	0.04545	0.004545	36	3	1	0.0005682	0.9144
mile	8000	320	80	8	6.336e+04	5280	1760	1	1609
meter	4.971	0.1988	0.04971	0.004971	39.37	3.281	1.094	0.0006214	1

## Deeds and Patents

This book contains excerpts from, transcripts of, and links to hundreds of deeds. There are many types of deeds, which are used to register the transfer of real property. There are hundreds of introductions to deeds and types of ownership of real property of the web. A good example is [American Bar Association \(2011\)](#). I only give a brief summary of the types we will encounter in this book.

A *general warranty deed* guarantees that the grantor has clear title, and that no other parties retain an interest in the property. It usually includes various covenants, in particular that the grantor is responsible if it is discovered the title is not clear and third parties makes claims to the property.

A *quitclaim deed* transfers any interest in the real property that the grantee has to the grantor, without any guarantee that the grantee actually has title to or ownership of the property. Thus the rights of the grantor in the property are transferred to the grantee, provided that the grantor actually has these rights, otherwise the quitclaim deed is just a piece of paper.

A *sheriff's deed* is a deed that gives ownership rights in property bought at a sheriff's sale. A sheriff's sale is a sale conducted by a sheriff upon order of a court after a failure to pay a judgment. These days sheriff's deeds are used in foreclosures, in the nineteenth century they were used even more often if owners of real property failed to pay taxes or bills for goods and services. The important thing is that a court order was needed. Old newspapers have pages and pages of pieces of real estate sold at sheriff's sales, mostly because of delinquent property taxes.

For US land donations and cash transactions under the homestead law we include and transcribe (in as far as they are readable) a copy of the patent and the corresponding deed. For later transfers of real property we include copies, or links to copies, of all deeds we could find. For this chapter we follow the title chain from the US to the homesteader, and then from the homesteader to all next-stage buyers, until the whole homestead is divided up and sold, and we arrive at the subdivision plats, which eventually all will have their separate chapters in this book.

As usual, links to deeds are included, and some deeds, or parts of deeds, are transcribed in the text. Because of the nineteenth century longhand, and because of the quality of the copies and microfilm, it is sometimes impossible to read part of the deed. Also, deeds are to a large extent written in legal language, portions of which are almost the same for all deeds in a certain period. In some cases we skip the boiler plate and only transcribe the variable portions. Finally, we do not transcribe the notarization of the deed, although that is typically included in the linked file.

## Plats

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