

Alienation of Land in the 1836 Ceded Area

by

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soon the approved plats were sent to the land district offices. Land in a township was not advertised for sale until the plats were approved, and usually not until the appropriate land district office received the plats.⁶⁹ Considerable time might elapse between completing the survey, drafting the plats, and advertising the land for sale.⁷⁰ Sometimes the delay occurred between the end of the fieldwork and the plat drafting because of a lack of staff in the surveyor general's office.⁷¹ To counter this, the Commissioner of the General Land Office ordered all surveyors general in June 1837 to limit the amount of surveying each year to the amount that could be handled by the staff available, because the accumulating office work was causing considerable delay.⁷² Despite such problems, virtually all of the land in the ceded area was subdivided into townships (Figure 21).

The Geography of Surveys in the Ceded Area⁷³

In his annual report for 1837, Commissioner of the GLO James Whitcomb reported that almost all of the land in Michigan Territory ceded by American Indians to that point had either been surveyed or contracted to be surveyed (Figure 22).⁷⁴ The only unsurveyed land was located north and west of Saginaw River.

Following the 1836 Treaty of Washington, Commissioner Whitcomb directed that the ceded lands be surveyed and prepared for market. He wrote to Lytle,

(T)he general policy of my predecessors has been to restrict the survey of the section lines, as far as practicable, to the saleable lands, with a view of rendering the benefits of the expenditures at once available, and as the country now to be divided into townships embrace a very considerable amount of land, for which judging from the accounts of the nature of the soil and of its situation, there would be little or no immediate demand, you will therefore only contract for the subdivision of such townships as you will have reason to believe, either from reports of your deputies, or such other sources may be relied on, would command purchasers

⁶⁹ Rohrbough, *The Land Office Business*, 206.

⁷⁰ In 1823, for example, the surveyor general estimated that the time between completion of field work and preparation of a plat was about six months. Jones, "Survey and Sale," 33.

⁷¹ Jones, "Survey and Sale," 33, 37.

⁷² Jones, "Survey and Sale," 34.

⁷³ Much of the material in this section is taken from the annual reports of the surveyors general between 1836 and 1857, some of which accompanied the President's annual message to Congress. Maps of the surveys can be found in these reports. The maps are only available on microfilm, thus are difficult to read. In addition, each map shows the survey in various stages of completion. The surveys have been described by LeRoy Barnett, "U.P. Surveyors," *Michigan History* 66, no. 5 (September/October 1982), 24-31; LeRoy Barnett, "Getting Southern Michigan into Line," *Michigan History* 87, no. 1 (January/February 2003), 20-27.

⁷⁴ S. Doc. 11 (1837), 4-5.

to a reasonable amount, if brought into market immediately after the survey shall be completed.⁷⁵

As Dallas Lee Jones noted, however, there was no demand for most of the lands already surveyed.⁷⁶ In 1838, Lytle wrote that the surveys now under contract would satisfy the demands for lands.⁷⁷ Despite this, the surveys continued and there seems to be no consensus among scholars as to why.⁷⁸ An important factor was almost certainly the number of people continually urging Congress to appropriate more money for surveying and the various surveyors general to award more surveying contracts. Those interested in more surveying contracts included the deputy surveyors, who received such contracts, and the land officers, who received fees on lands that they sold.⁷⁹

From 1836 until 1857, when the surveyor general's office at Detroit was closed, all the remaining unsurveyed land in Michigan was surveyed. Surveys proceeded as they had previously, and the surveyors general reported annually on their progress and difficulties.

On May 8, 1837, James Whitcomb, the Commissioner of the GLO, issued instructions to Surveyor General Lytle to extend the Michigan Meridian across the Strait of Michilimackinac onto the Upper Peninsula, to establish two standard parallels east and west of the Meridian, to survey the exterior lines of townships, and to subdivide those township containing valuable land that people would readily purchase.⁸⁰

In his annual report dated October 31, 1837, Lytle stated that he had awarded contracts to survey 310 townships north of the "old surveys" and south of a line between Townships 24 and 25 North from Lake Huron to Lake Michigan, a line which ran through the ceded territory (Figure 23; Figure 24 is the legend for Figures 23 and 25-31).⁸¹ Field notes for 97 of the townships had already been returned, and he anticipated the remainder being returned by

⁷⁵ Jones, "Survey and Sale," 26-27.

⁷⁶ Jones, "Survey and Sale," 27.

⁷⁷ S. Doc. 11 (1837), 43.

⁷⁸ Many of the surveys were made far in advance of actual need, defined by individuals who wanted to acquire title. This was not limited to the ceded area or even Michigan. Gates noted, "in Michigan Territory 11,192,213 acres had been surveyed and all had been proclaimed for sale by 1833 but only 2,150,471 acres had been sold; 25,5700,000 acres had been surveyed by 1834, but only 5,927,452 acres sold." Michigan was not alone in possessing a large amount of land that was available for sale. Nationwide, 143,767,025 acres had been surveyed and proclaimed for sale and only 35,552,070 acres had been sold by September 1834. Gates, *Public Land Law*, 165-66.

⁷⁹ Gates, *Public Land Law*, 165.

⁸⁰ White, *Rectangular Survey*, 97.

⁸¹ S. Doc. 11 (1837), 42.