

Research Articles

Federal Land Records in State Repositories: The Experience in the Old Northwest

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Editor's Note: It is a pleasure to publish Greg Kinney's article in recognition of his being honored as the first recipient of the Theodore Calvin Pease Award, given to the best research paper written by a student in a graduate archival education program. The award is named for the first editor of the *American Archivist* and includes a cash prize supported by a generous gift from Mrs. Pease. It is totally coincidental—and highly appropriate—that Kinney's article cites as one of its sources a 1909 report that was co-authored by Theodore Pease (see note 13).

Abstract: The state archives or historical societies in many public land states hold a group of federal records that document the disposing of the federal domain, the records of the local land district offices of the U.S. General Land Office. This article traces the custodial history of land district records for the states of Ohio, Indiana, Illinois, Michigan, Wisconsin, and Minnesota from their creation in the nineteenth century to their availability and use today. Changes in federal records-disposal practices and varying responses by archivists and historical agencies produced very different results in the six states, particularly between the three states whose land offices closed in 1877 and the three that closed in 1925.

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"SUNDRY RECORDS OF NO use to him who does not understand them."¹ That is how an anonymous archivist labeled a packet of federal land records in the Illinois State Archives. Though an archival truism, the label probably captures the sentiments of archivists in other public land states when confronting federal land records. These "sundry records" of the land district offices of the U.S. General Land Office (GLO) document the process through which millions of acres of public-domain land were transferred from the federal government to private individuals, corporations, and the states.

The records have enduring legal value as the basis of land ownership titles in the public land states. They are also an important resource for a variety of historical research. In addition to the land disposition process itself, the records can be useful for the study of numerous topics in social, economic, and political history. The GLO land records at the Minnesota Historical Society, for example, have been used extensively by all parties in the litigation surrounding several Indian land claims. State agencies regularly consult the records in the course of pressing Minnesota's claims under a variety of land grants and in the routine management of state land. Historians have used the land records in studies of women homesteaders, German settlement in central Minnesota, and the impact of land sales on early state politics. Geography graduate students have used the records to analyze regional settlement patterns and economic development. The land records have also been popular sources for genealogists and amateur local historians.²

¹Marion D. Pratt, "Preliminary Report on the Land Records," *Illinois Libraries* 4 (April 1959): 265.

²Personal communication with members of the Minnesota Historical Society reference staff, December 1987. For reviews of research based at least in part on GLO records see Reginald Horsman, "Changing Images of the Public Domain: Historians and the

The transfer of the public domain was administered by the General Land Office through a series of land district offices established in the territories and states. This institutional structure led to the creation of parallel sets of records at the local land district office and at the GLO headquarters in Washington D.C. Many of the Washington GLO records have been deposited in the National Archives as part of Record Group 49 and are partially described in *Preliminary Inventory No. 22*.³

The fate of the records of the local land offices was less certain. When the last land office in a state was closed, those records that were not needed by the GLO were available for transfer to the state on condition that it provide proper storage, care, and access. A description of the operation and record-keeping practices of the land offices of states of the Old Northwest Territory and the differing experiences of the land offices closed in 1876 and those closed in 1925 will demonstrate how developments in federal records disposal practices and the efforts of individual archivists and historical agencies led to the survival of the land records in Ohio, Indiana, Illinois, and Minnesota and to their virtually complete destruction in Michigan and Wisconsin.

Local Land Offices

The first land districts were established in Ohio in 1800. As westward expansion

Shaping of the Midwest Frontier," in *This Land of Ours: Acquisition and Disposition of the Public Domain* (Indianapolis: Indiana Historical Society, 1978) 60-86, and Robert P. Swierenga, "Towards the 'New Rural History': A Review Essay," *Historical Methods Newsletter* 6: 3 (June 1973): 111-122.

³National Archives and Records Service, *Preliminary Inventory No. 22: Land Entry Papers of the General Land Office* (Washington: National Archives and Records Service, 1959). This inventory deals almost exclusively with the actual "entry papers," i.e., the warrants, scrip, certificates of purchase, and homestead applications that were forwarded to the Washington GLO office. There is no published inventory for the type of administrative records and correspondence that are the focus of this study.

proceeded, Congress authorized the creation of new land districts. The creating legislation specified the inclusive boundaries of the district and sometimes designated the site of the first land office. By law, land offices were to be closed and land districts consolidated when less than 100,000 acres of land in the district remained open for entry. When the land office of a district was relocated, the records simply carried forward. As land offices were closed and districts consolidated, their records were transferred to the successor district. Eventually all the records for a state would be consolidated in a single land office.

Each land office was staffed by two principal officers, a register and a receiver. The register recorded each land entry in the appropriate "abstract of entries" and noted each entered parcel in the tract books and on the plat maps. The receiver accepted money in payment of land purchases and fees and commissions on other types of entries. He kept a separate "abstract of receipts" for each type of entry, paralleling the information recorded in the abstracts of entries.⁴ This gave the local land office two complete records of entries, each serving as a check on the other. Copies of the abstracts were forwarded to Washington each month where the GLO used them to create its own set of tract books and plat maps. In effect, a full set of records of land entries was maintained in the local land office and in the GLO headquarters in Washington. The latter practice allowed the GLO to countercheck the local land office records and provided a security copy of the records. For example, the GLO was able to recreate the records of the San Francisco land office that were destroyed in the 1906

earthquake. In instances of conflict between the Washington and the local records, the Washington record was considered the official copy unless supplementary documentation proved it to be in error.

The register and receiver were also responsible for maintaining extensive correspondence files and a variety of accounts and other administrative records. In addition, they acted as a quasi-judicial body in cases of contested entries, taking testimony and conducting investigations in instances when two or more parties sought to enter the same parcel or when the validity of an entry was challenged.⁵

Early Transfers: Ohio, Indiana, Illinois

The General Land Office first faced the question of what to do with the records of local land offices in July 1876. The transfer of public land in Ohio, Indiana, and Illinois had been largely completed by that date. Only one land office remained open in each state: Chillicothe, Indianapolis, and Springfield, respectively. The records of all the previously existing land offices in each of the states had accumulated in these three offices.

An act of Congress of 31 July 1876 directed that the final land offices in the three states be closed no later than 30 September 1876. The act authorized the secretary of the interior to transfer to the states "such transcripts, documents and records of the offices aforesaid as may not be required for the use of the United States and as the states respectively in which such records are situated may desire to preserve."⁶ The secretary of the interior informed the governors

⁴The terms "abstracts," "registers of entries," and "monthly abstracts" were used interchangeably by the GLO. For convenience I will refer to these basic, chronological records of entries as "abstracts." The tract books are a geographically organized record of entries, arranged by range, township, and section.

⁵On the history of the GLO see Paul Wallace Gates, *History of Public Land Law Development* (Washington, D.C.: Public Land Law Review Commission, 1968); Malcolm Rohrbough, *The Land Office Business: The Settlement and Administration of American Public Lands, 1789-1837* (New York: Oxford University Press, 1968).

⁶19 Stat. 121.

of the three states that the land records would be transferred to the states if they agreed to accept and preserve them. The governor of Illinois and the Ohio state auditor quickly responded, indicating that their states were interested in obtaining the records and asking for instructions on the procedure to acquire them.

The GLO had not yet established procedures or determined which records would be "required for the use of the United States." In letters to the registers and receivers of the three land offices, the commissioner of the GLO explained that a GLO representative would have to survey the records before deciding which would be of use to the Washington office. Congress, however, had not appropriated money to perform a field survey or to ship records to Washington. The registers and receivers were instructed to "secure the records, furniture, and supplies in their present location until some other disposition is ordered." Because the land offices were to be officially closed on 30 September 1876, however, there were no funds to pay for storage beyond that date. The registers and receivers were expected to arrange for continued storage of the records with payment "contingent on a new congressional appropriation."⁷

In the meantime, the secretary of the interior had decided that the state legislatures would have to make a formal request to receive the records and designate a state official as custodian. The Ohio legislature acted on 7 May 1877, designating the state auditor to receive the records. Indiana also designated the state auditor as official recipient by an act of 3 March 1877. Illinois did not act until 21 May 1879 when the legislature passed "an emergency act" naming the auditor of public accounts to receive the local land office records.⁸

William B. Franklin, the former register of the Chillicothe, Ohio land office, apparently felt some personal responsibility for the care of the land office records. In a letter of 19 January 1877, he pressed the GLO commissioner for instructions on the transfer of the records to the state auditor. Franklin was advised that Congress had not yet made an appropriation for the survey and transfer of the records and was not likely to do so before the end of the current session.⁹

The correspondence files of the GLO and Interior Department do not reveal when the records were finally turned over to the states. The Illinois auditor took custody of that state's records in 1879. Given that the Illinois legislature had to pass "an emergency act" to authorize receipt of the records, it seems probable that the GLO bureaucracy finally resolved the transfer question in May 1879. Apparently the GLO did eventually conduct a survey of the records. In Ohio and Indiana, the local land office tract books, plats, undelivered patents, papers related to "current cases," and at least some of the abstracts were shipped to Washington.

The remainder of the Ohio records were deposited with the Ohio state auditor. The auditor eventually transferred the records to the Ohio Historical Society (OHS) in 1946. The Descriptive Series List prepared by OHS lists some 180 individual record series in the GLO records. While that represents a substantial body of material, it is clear that significant parts of the records are missing. Very little of the correspondence of the Ohio land offices appears to have survived. For most of the offices no correspondence is listed and no office has a complete run of either incoming or outgoing letters.¹⁰

⁹Comm. GLO to Franklin, 31 January 1877, NARA, RG 49 Letters Sent to Registers and Receivers, vol. 4.

¹⁰This is based on the Ohio State Archives "Descriptive Series List" for the state auditor's office and inventories of individual land office records series.

⁷Comm. GLO to Registers and Receivers, 30 August 1876, NARA RG 49, Letters Sent to Registers and Receivers, vol. 13.

Despite the not-insignificant bulk of the GLO records held by the OHS, the amount of missing material and the arrangement of the records compromise their value for systematic research. Anyone wishing to do extensive research on the disposal of the public domain in Ohio must rely primarily on the GLO records at the National Archives.

The register of the Indianapolis land office received the same set of instructions for closing his office as did Franklin at Chillicothe. The correspondence files of the GLO, however, include no further information on the actual transfer of the Indiana records. The records were eventually deposited with the state auditor as provided in the legislature's enactment of 3 March 1877. With the approval of the state records commission, the auditor transferred the GLO records to the state archives in 1944. Indiana's land office records are more complete than Ohio's. The Indiana State Archives holds about 150 feet of GLO records, including nearly complete series of abstracts and correspondence.¹¹

Of the three land offices closed in 1876, the records from the Illinois office have survived the best. In part that reflects the fact that, from an early date, various Illinois officials seem to have appreciated the administrative and historical value of the records. As early as 1869 the legislature had anticipated the discontinuance of the Springfield land office and authorized the governor to find suitable quarters for the land records and to employ a custodian to care for them.¹²

When the records were transferred to the auditor of public accounts in 1879, provenance and original order were carefully maintained. In a 1909 report on the Illinois archives for the Public Archives Commission of the American Historical Association, Clarence Alvord and Theodore Pease stated that the land records in the auditor's

office "are kept in ten large cupboards.... They are carefully arranged, each land district's records being distinct. Record books are carefully and intelligently labeled."¹³

Margaret Cross Norton conducted a long campaign to have the Illinois land records transferred from the auditor to the State Archives. They were physically removed from the state capital in 1941, but the auditor retained legal custody. Formal transfer to the archives was finally accomplished by a legislative act of 6 July 1957 that repealed the "emergency act" of 1879 and designated the state archivist as custodian of the records.¹⁴

Comparison of the inclusive dates of the major series of abstracts of entries with the information provided in NARS *Preliminary Inventory* #22 suggests that the Illinois records are nearly complete. Some records of the Vandalia land district were lost in a fire at the old capital building in 1923. For all of the other nine districts, however, the abstracts appear to be complete. There are also complete runs of correspondence for each district.¹⁵

Twentieth-Century Transfers: Michigan, Wisconsin, Minnesota

The transfer of the GLO records to Ohio, Indiana, and Illinois had proceeded on a rather ad hoc basis. Neither the GLO nor the Interior Department had established procedures for the disposal of non-current records. By the time the land offices in Michigan, Wisconsin, and Minnesota were scheduled to be closed, the federal government had adopted formal procedures to

¹³Clarence Alvord and Theodore Pease, "Archives of the State of Illinois," *AHA Annual Report*, (1909): 426.

¹⁴Pratt, "Land Records," 264-265.

¹⁵Victoria Irons and Patricia Brennan, *Descriptive Inventory of the Archives of the State of Illinois* (Springfield: Illinois State Archives, 1978), 549-643; Alvord, "Archives of State of Illinois," 387.

¹²Pratt, "Land Records," 263-264.

govern the destruction and retention of records.

An act of Congress of 26 February 1853 made it a felony to destroy a federal record. As a result, government offices were accumulating large volumes of both valuable and useless paper. In the 1870s several departments and agencies began to confront the problem, seeking either expanded storage facilities or authority to destroy records. The Post Office Department's appropriation for 1881 included an authorization to destroy records not deemed to have "permanent value or historical interest." A year later the Treasury Department received authorization to destroy certain "worthless paper." It was not until 1889 that Congress passed general legislation governing destruction of federal records.¹⁶

The act of 16 February 1889 "to authorize and provide for disposition of useless papers in the Executive Departments" was a direct outgrowth of investigations conducted by a Senate select committee headed by F. M. Cockrell of Missouri. The Cockrell committee had been empowered to "Inquire into and Examine the Methods of Business and Work etc., and the causes of Delays in Transacting the Government's Business etc." The committee's three-volume report included an extensive discussion of the problems posed by the growing mountains of useless papers stored in government offices. To remedy these problems, the 1889 law required that

whenever there shall be in any one of the Executive Departments of government an accumulation of files of papers, which are not needful or useful in the transaction of the current business of such department and have no permanent value or historical interest, it shall be the duty of the head of such department to submit

to Congress a report of that fact, accompanied by a concise statement of the condition and character of such records.¹⁷

Congress then would appoint a four-member joint committee to review the department's report and submit its own report to the House and Senate. If the joint committee concurred that the described records were useless papers, the department was authorized to sell the records as waste paper or otherwise dispose of them on the best obtainable terms.

The 1889 act remained the basis for destruction of federal records until passage of the National Archives Act in 1934. An executive order of 16 March 1912 did make a significant change in the process of authorizing records destruction. The order required that a department's records destruction report first be submitted to the librarian of congress, in order that the department "may have his views as to the wisdom of preserving such papers as he may deem to be of historical interest."¹⁸

The Interior Department submitted a report to Congress on 30 December 1922 identifying a variety of records for destruction. A supplemental report of 12 February 1923 included records maintained by the local GLO offices. Some of the listed records were truly useless and of no historical value, e.g., "receipts for patents delivered in cases where the duplicate certificate had been lost or mislaid."¹⁹ Also listed for destruction, however, were the local office correspondence files up to 1910. These files included original letters from the GLO and handwritten and letterpress copies of letters written by the registers and receivers. The report noted parenthetically that tissue copies of the original letters from the GLO to

¹⁶Henry P. Beers, "Historical Development of the Records Disposal Policy of the Federal Government Prior to 1934," *American Archivist* 7 (Fall 1944): 182-184.

¹⁸Beers, "Records Disposal Policy," 189.

¹⁹Joint Select Committee on Disposition of Useless Executive Papers, "Disposition of Useless Papers, Department of the Interior," 67th Congress 4th sess., 1923, H. Rept. 1713, 10-13.

the local offices were in the permanent GLO files.²⁰

The Joint Committee on Disposition of Useless Executive Papers concurred with the Interior Department's request and authorized destruction of the listed records in House Report No. 1713. It is unclear if the GLO anticipated that destruction of the records in the local offices would proceed immediately. In practice, it appears that few records were destroyed until individual land offices were actually scheduled to be closed.

The last land district offices in Michigan and Wisconsin were closed by an executive order of 17 March 1925. The offices at Marquette, Michigan and Wausau, Wisconsin were to conclude operation on 30 April 1925. The GLO had planned to discontinue the Minnesota land offices at Crookston, Duluth, and Cass Lake at the same time; however, the comparatively large amount of land still open for entry in the northern part of the state, the existence of contested entries, several investigations of alleged frauds against the government, and considerable political pressure persuaded the GLO to keep one Minnesota office open.

Michigan. In a letter of 23 March 1925 the commissioner of the GLO gave the register of the Marquette land district explicit instructions on procedures for closing the office. Jackman, the register, was to proceed with the destruction of those records listed in House Report No. 1713. Other papers, including tract books, plat maps, abstracts, and records of contested cases were to be shipped to Washington "for inspection and listing under the act of 16 February 1889." Jackman was admonished that "the records are most important and care should be exercised to see that they are properly packed and that none is lost. You will be held accountable on your bond."²¹

In accord with the commissioner's instructions, Jackman notified the Michigan secretary of state that "if the state desires any of these records which are duplicates of the records in Washington, they will be turned over to the state later when legislation allowing such transfer will take place." The secretary of state responded on 13 April 1925, saying the state would be pleased to receive all such records. He expected they would be deposited with the secretary of state's office. The state took no further action on the matter until February 1926.²²

Though he complained at length about the amount and tediousness of the work involved in sorting and packing the records, Jackman did manage to get his land office closed by the 30 April deadline. It is clear that he destroyed some of the correspondence and other records as instructed, but at least a few volumes of letters were sent to Washington. In all, Jackman shipped thirty boxes of records to Washington on 27 April 1925.²³

Michigan's interest in the land records was revived in January 1926 by a communication from Dr. Newton Mereness, archivist for the Conference of Historical Agencies of Upper Mississippi Valley. The Conference was composed of the officially designated historical agencies of Ohio, Illinois, Indiana, Michigan, Wisconsin, Iowa, and Minnesota. Mereness had been employed to compile calendars of records relating to these states in the files of various government departments in Washington. He was also to represent the states' interests in

²²Jackman to Comm. GLO, 27 April 1925; Secretary of State to Jackman, 13 April 1925, RG 49, Marquette Office.

²³Jackman to Comm. GLO, 27 and 30 April 1925, RG 49, Marquette Office. Two volumes of local land office correspondence have turned up at the Bentley Library in personal manuscript collections. In 1934 the WPA Historic Records Survey discovered several volumes of correspondence, abstracts, and other records in the building the Marquette land office had occupied.

²⁰Ibid.

²¹Comm. GLO to Jackman, 3 March 1925, NARA, RG 49, Papers Relating to Closing of Marquette Land Office. (hereafter cited as RG 49, Marquette Office).

the preservation of historical material relating to the upper Mississippi Valley.

In early February 1926, Mereness reported to G. N. Fuller, secretary of the Michigan Historical Commission (MHC), that the GLO had no further use for some of the records of the Michigan land offices and planned to destroy them. Fuller immediately wrote to the GLO commissioner stating that the MHC "would be pleased to receive all such records." He requested that Mereness be notified of any records that were likely to be destroyed. The commissioner replied that the transfer of any records would require an act of Congress. He did pledge that Mereness would be notified of any planned destruction of records relating to Michigan and that "the destruction thereof will be delayed until advice as to whether they are desired by the State of Michigan is received."²⁴

Congress finally authorized the transfer of GLO records to the states by an act of 28 May 1926. This act, which applied to all public land states, repeated most of the provisions of the 1879 law transferring GLO records to Ohio, Illinois, and Indiana. It required a legislative act formally accepting the records and designating an agency or officer as custodian.²⁵

The GLO presented a "useless paper" report to Congress and to the librarian of congress in January 1927, proposing to destroy all of the local land office records except the tract books and plat maps. The GLO's assessment of the "absence of historical value and the advisability of destruction" of the records was confirmed by House Report No. 273 of 28 February 1927.

In early March Mereness informed Fuller that the GLO was about to begin destroying the Michigan records. Fuller telegraphed

the GLO commissioner, requesting that destruction of the records be delayed pending action by the state legislature. The commissioner, who was pressed for time and space because the GLO anticipated receiving the records of fourteen additional land offices scheduled to be closed in June, reluctantly agreed to Fuller's request. He promised a "reasonable delay," but noted that "the work is already begun and we hope to complete it within four to six weeks." Apparently hoping to discourage Fuller's efforts, the commissioner commented, "in our judgement there is nothing in the records of sufficient historical value to your state to warrant it in incurring the expense of shipping the records from Washington."²⁶

The legislature finally designated the MHC as depository for the records in two acts of 17 April 1927. The necessary certified copies of the acts were not forwarded to the GLO until 17 May. The state's situation was complicated by the fact that the MHC did not have room to store the large volume of material it anticipated receiving. It was finally decided that the records would be placed on "temporary deposit" at the Burton Collection of the Detroit Public Library. The MHC reasoned that the records could serve the public as well in Detroit as in Lansing and, since Dr. Burton "had expressed a desire to know the contents of these papers," such an arrangement "would allow him to go through the records at his leisure."²⁷

Dr. Burton must have been disappointed when the GLO records arrived in Detroit. By the time the GLO finally packed and shipped the records on 4 August 1927, the remaining material from the Michigan land offices comprised one box weighing 190 pounds. It certainly shouldn't have taken

²⁴Fuller to Comm. GLO, 2 February 1926; Comm. GLO to Fuller, 10 February 1926. This and following citations are from a special file relating to GLO records compiled by the Michigan State Archives.

²⁵44 Stat. 672.

²⁶Comm. GLO to Fuller, 18 March 1927.

²⁷Fuller to Comm. GLO, 14 April; 17 May 1927; MHC, *Annual Report*, April 1927.

much of Dr. Burton's leisure time to go through the twenty-odd volumes of abstracts and correspondence that survived the trip from Michigan to Washington and back. The records placed on "temporary deposit" in 1927 are still at the Burton Collection. The volumes have now been cataloged according to library rules with the result that whatever semblance of provenance and original order the surviving records retained through the round trip is now lost.

A number of writers have attempted to track down the Michigan land office records. Most have expressed some degree of mystification in concluding that "the GLO district records could not be located." A few have retained a vague hope that they might yet turn up.²⁸ It now seems clear that, with the exception of the tract books, the records of the local land offices of Michigan were almost completely destroyed, either by register Jackman in the final days of the Marquette land office or by the GLO in 1927. The few surviving records at the Burton Historical Collection are so fragmentary as to be virtually worthless for serious research.

Wisconsin. The scenario for closing the Wausau, Wisconsin land office was virtually identical to that for Marquette. The Wausau land office was closed by the same executive order as the Marquette office and the fate of the Wisconsin local GLO records was almost as grim as that of the Michigan records. Wausau's register received the same set of detailed instructions for winding up the office's business and disposing of its records. Unlike Jackman at Marquette, however, the Wausau register was less than diligent in carrying out his orders. He first waged a lobbying campaign to have Wausau made the office of

an expanded land district encompassing Wisconsin and Michigan. When that effort failed the register seems to have simply abandoned his post without making provision for the office's records.

Three months after the land office's official closing on 30 April 1925, the records were still in the Wausau federal building. In a letter of 13 August the Treasury Department pressed the GLO to remove the records. The assistant secretary of the interior responded that "since the abolishment of the land office at Wausau, the Dept. has no official or employee at that point to tend to the details of having the records in question moved." He then requested that the custodian of the Federal Building be instructed to have the records packed and shipped to the GLO.²⁹

It is uncertain which, if any, of the Wisconsin land records were destroyed at Wausau. Many of the records shipped to Washington were eventually slated for destruction in the "useless paper" Report No. 273 of 28 February 1927. In January 1927, Mereness had notified Joseph Schafer, secretary of the State Historical Society of Wisconsin (SHSW), that the GLO was planning to destroy records that could be transferred to the state. Among these records were a set of abstracts of entries, numerous volumes of correspondence, and dockets.³⁰

At the urging of Schafer and Mereness, the Wisconsin legislature passed an act on 18 March 1927 accepting the GLO records. Instead of designating the SHSW to receive the records, however, the law placed them in the custody of the Board of Commissioners of Public Lands (BCPL), the agency responsible for managing the state's trust fund lands.

²⁹E.C. Finney to Ass't Sec. of the Treasury, 19 August 1925, NARA, RG 48, Dept. of Interior, Office of the Secretary, Central Files.

³⁰Smith to Schafer, 7 January 1927, State Historical Society of Wisconsin (SHSW) Administrative Correspondence, Box 45.

²⁸Arlene Eakle and Joni Cerny, *The Source: A Guidebook of American Genealogy* (Salt Lake City: Ancestry Publishing Co., 1984), 224.

The failure of the SHSW to get custody of the land office records is surprising, given Schafer's long-standing interest in acquiring them. As early as 1920, Schafer anticipated the closing of the Wausau land office and sought assurances that the records would be deposited with the SHSW. He opposed simply turning them over to a state agency because "they may be placed where they are of little use." He argued that the SHSW could best provide for security and access by researchers.³¹ Schafer himself had done considerable research in the land records at Wausau. He envisioned using the land records to create a "Wisconsin Domesday Book." In a volume of town studies published in 1924, Schafer demonstrated the potential scholarly use of the land records.³²

In any event, very few of the records that went to Washington survived. The trail of the records is difficult to follow in the GLO or SHSW correspondence, but the path toward destruction doubtless paralleled that of the Michigan records. Indeed, the freight shipment that brought one box of material to the Burton Collection also included three boxes of Wisconsin records for the Board of Commissioners of Public Lands. The GLO records now held by the BCPL consist of forty-six volumes of abstracts of entries and several volumes of correspondence. Complete series of abstracts of homestead final certificates exist for several land districts, but overall the BCPL's holdings are quite incomplete. Their potential research value is limited.

Minnesota. In both Michigan and Wisconsin the announcement of the closing of the land office failed to stir the state historical agency to effective action to preserve the local GLO records. It was only

with Mereness's report of the impending destruction of the records in Washington that the states took action. By then it was too late; a significant portion of the records had already been destroyed, either locally or in Washington, victim to the GLO's need for space and a conviction that the local GLO records were useless duplicates.

In Minnesota, by contrast, the state historical society's response to the land office closings was timely and aggressive. Within weeks after the announcement of the closing of the land offices at Crookston and Duluth, Solon J. Buck of the Minnesota Historical Society (MHS) had contacted the registers of the land offices. He made clear the Society's interest in preserving the full range of GLO records. His immediate concern was to reverse the GLO commissioner's instructions of 28 February 1925 which authorized destruction of correspondence files and other records covered by Report No. 1713.

On a practical level, Buck received invaluable aid from William E. Culkin of the St. Louis County Historical Society in Duluth. Culkin reported that he had retrieved four boxes of records "which were in the hands of the fireman and packed for delivery to the junkman." On another occasion he rescued several boxes of that had been delivered by the local office to the fireman for burning.³³

At the same time, Buck was enlisting the influence of his political acquaintances. Governor Theodore Christianson wrote to GLO Commissioner Spry expressing the opinion that "archival material of this sort is of fundamental importance for the history of the settlement of the state." The governor suggested that all material scheduled for destruction or no longer needed by the local land offices be deposited with the MHS. At Buck's behest, William Watts

³¹Schafer to Tallman, 3 June 1920, SHSW Administrative Correspondence.

³²Joseph Schafer, *Town Studies, Wisconsin Domesday Book: General Studies*, vol. 1 (Madison: State Historical Society of Wisconsin, 1924).

³³Culkin to Buck, 9 April 1925, Minnesota Historical Society (MHS) Archives, Correspondence.

Folwell, former president of the University of Minnesota and author of a history of the state, asked U.S. Secretary of State Frank Kellogg, a Minnesotan and lifetime member of the MHS, to intercede with the GLO on the historical society's behalf.³⁴

Buck's efforts met with success when Commissioner Spry issued directives to the registers at Crookston and Duluth to turn over to MHS all materials scheduled for destruction under Report No. 1713. Spry's letter to Buck cited Governor Christianson's request as the basis for this action, but someone wanted to make sure Kellogg got some of the credit. A back-page headline in the *Minneapolis Journal* proclaimed "Kellogg Saves State Records From Burning."³⁵

Having secured the records that were in most immediate danger of destruction, Buck turned his attention to those records that would eventually be sent to Washington. These were comparable to the Michigan and Wisconsin records authorized for destruction by "useless paper" Report No. 273. Here the fact that the GLO had decided to keep the Cass Lake land office open worked in Buck's favor. If all three land offices had been closed on 30 April 1925, these records may well have been shipped off to Washington to a fate similar to that of the Michigan and Wisconsin records. Instead, the worst that was likely to happen was that the current records of the Duluth and Crookston offices would be shipped to Cass Lake.

In a letter to the commissioner of 1 April 1925, Buck proposed that the GLO transfer to MHS all records that had not yet been scheduled for destruction but were not necessary for the current business of the land

office. He realized that this was a technical violation of GLO policy, if not of law, but argued that since these records had only historical value they could be treated like those already scheduled for destruction. Buck tried another tack by pointing out that the GLO facilities at Cass Lake were already cramped and that shipping the unneeded Duluth and Crookston records there would only compound the problem. MHS, he suggested, would do the GLO a service by taking the records.³⁶

The commissioner replied on 6 April that it would not be possible to authorize a transfer such as Buck had proposed. In the meantime, Martin Widston, the Crookston register, was preparing to close his office. He confessed to some confusion over his instructions "as to what to send to the General Land Office and what to send to the Historical Society." Widston proposed an arrangement wherein he would send questionable items to MHS if the Society would agree to relinquish any records the GLO might subsequently desire. Buck readily gave his approval to the arrangement. Widston then proceeded to send MHS nearly all the records Buck had been trying to acquire.³⁷

GLO Commissioner Spry was angered by Widston's arrangement with Buck. He pointedly reminded Buck that the register was authorized to deliver to him "only those records the destruction of which had been specifically authorized by House Report N. 1713." Nevertheless, Spry acquiesced in Widston's arrangement with MHS. He said the GLO needed two volumes from the Crookston records, but then acknowledged "it is extremely improbable that the other records turned over to you will need to be recalled." Buck felt vindicated in his ef-

³⁴Christianson to Spry, 24 March 1925; Folwell to Kellogg, 25 March 1925, MHS Archives, Correspondence.

³⁵Spry to Buck, 31 March 1925, MHS Archives, Correspondence; *Minneapolis Journal*, 2 April 1925.

³⁶Buck to Spry, 1 April 1925, MHS Archives, Correspondence.

³⁷Widston to Buck, 17 April 1925, MHS Archives, Correspondence.

forts to keep these records from going to Washington.³⁸

The Historical Society acquired some additional records from the Duluth land office in 1925, but the bulk of that office's "useful" records were shipped to Cass Lake. The closing of the Cass Lake office in 1933 brought the last major accession of GLO records to MHS. As usual, Buck had been careful to insure that all of the records were preserved. In trying to persuade a skeptical Spry of the Historical Society's interest in what the GLO considered worthless paper, Buck stated that when MHS examined the Duluth and Crookston records that had been marked for destruction "we found very little that we did not consider worthy of preservation." Throughout his effort to acquire the Minnesota GLO records for the Historical Society, Buck's aim had been "to make sure that no records are destroyed anywhere."³⁹ To a remarkable extent he succeeded.

But for all the perseverance and energy Buck expended in acquiring the GLO records, the Historical Society did not put comparable effort into arranging and describing the material. The September 1925 issue of *Minnesota History* carried an announcement of the accession of the Duluth and Crookston land office records. After listing the impressive figures for number of boxes and volumes, the article commented that "the collection as a whole has not been carefully arranged and a detailed description cannot be given at present."⁴⁰ Much the same statement could have been made forty years later. Until 1966, a WPA Historical Records Survey box list served as the only finding aid to the collection. Only in 1981 did MHS embark on an extended

project to organize and describe its GLO records.

Conclusion

The final major transfer of land office records to the six states occurred in the 1940s when the Bureau of Land Management, successor to the GLO, authorized the return of the local land offices' set of tract books. The Illinois, Indiana, and Wisconsin volumes were deposited with the respective state archives. The Ohio tract books were sent to the state auditor's office. Through a circuitous route, Michigan's tract books have ended up at the University of Michigan's Bentley Library. The Minnesota volumes were initially deposited with the state Conservation Department, then transferred to the historical society in 1985. The tract books provide each of the states with a minimal record of the federal land disposal process. Only in Minnesota, Illinois, and to a lesser extent, Indiana, have the supporting series of abstracts, correspondence, and other records survived.

Illinois and Minnesota have treated their GLO records as independent record groups while Ohio and Indiana have described the GLO records as a part of their state auditor record groups. Indiana, Illinois, and Minnesota have used the land district as the basic administrative unit in their provenance-based arrangement schemes. Ohio, by contrast, based its arrangement on the individual land office. The land district was the enduring administrative unit while the land office was merely the physical site for the land district's activity. The result of Ohio's practice is that numerical and chronological series are broken up with no indication of the continuity and relationship between series. The Wisconsin records held by the BCPL have been nicely rebound but with little regard for provenance, original order, or even accurate identification.⁴¹

³⁸Spry to Buck, 5 May 1925, MHS Archives, Correspondence.

³⁹Buck to C.C. Moore, 19 May 1930; Buck to Widston, 18 April 1925, MHS Archives, Correspondence.

⁴⁰*Minnesota History* 6 (September 1925): 291-292.

⁴¹Irons and Brennan, *Archives of State of Illinois*,

If the local land office records were not considered the official record by the GLO and if their current legal standing is secondary to that of corresponding records at the National Archives or Bureau of Land Management, it is legitimate to question the value of preserving them. Should Solon Buck's efforts to save Minnesota's GLO records be judged a heroic archival undertaking or so much misguided zeal?

If we can take the informational value of land records as a given, the justification for preserving the local land office records is that they greatly enhance both physical and intellectual access to that information. For officials charged with protecting their state's interest in federal land grants, it was, and still is, essential to have convenient physical access to the necessary records. Retention of the records in the states makes them accessible to a much wider professional and research public. For Indiana, Illinois, and Minnesota, at least, the local records are much better described than the corresponding GLO records at the National Archives.⁴² Minimal description, complexity of arrangement, and sheer volume make the National Archives GLO records difficult to use. The register's and receiver's correspondence is a case in point.

Letters between the Washington headquarters and the land district officials in-

cluded much routine correspondence, but there are also detailed descriptions of homesteaders' cabins and farming operations, accounts of the travails of pioneering, and reports of speculator fraud and official corruption. To use Minnesota as an example again, the letters received by the register of the Duluth land district, 1855-1908, totaling 37.5 linear feet, are contained in a single chronological series with folder level control. At the National Archives, the GLO letterpress copies of these letters are spread over a number of series reflecting the functional divisions of the Washington office. Each of the functional series contains letters sent to land offices all over the country, arranged in a single chronology. Unless the researcher is familiar with the GLO bureaucracy and has specific dates in mind, locating letters to the Duluth register would be a daunting task.

The GLO records illustrate how the federal system can affect the appraisal and retention of records. To the GLO, the records of the local land district offices were "useless duplicates" with, at best, a short-term administrative value. The states, on the other hand, were unanimous in their belief that the records were historically significant and held legal and administrative value for the states.

Given the GLO's appraisal, the Illinois, Indiana, and Ohio records probably benefitted from the ad hoc nature of federal records practices in 1877. Paradoxically, the rationalization of federal records-disposal policies resulted in the almost complete destruction of the Michigan and Wisconsin records, a fate averted in Minnesota only through the aggressive intervention of state historical officials.

549-643; Gregory Kinney and Lydia Lucas, *A Guide to the Records of Minnesota's Public Lands* (St. Paul: Minnesota Historical Society Press, 1985); Ohio State Archives, "Descriptive Series List: Auditor of State," 1979(?): 11-45; Indiana State Archives, "Inventory of the General Land Office Records," 1978; Wisconsin Board of Commissioners of Public Lands, "Records Guide," 1982: 104-113.

⁴²Compare the finding aids listed in note 41 with NARS, *Preliminary Inventory No. 22*.