

An ordinance for ascertaining the mode of disposing of lands in the Western Territory

An **ORDINANCE** for ascertaining the Mode of disposing of **LANDS** in the **WESTERN TERRITORY**.

BE IT **ORDAINED** BY THE **UNITED STATES IN CONGRESS** ASSEMBLED, **THAT** the territory ceded by individual states to the United States, which has been purchased of the Indian inhabitants, shall be disposed of in the following manner.—

A surveyor from each state shall be appointed by Congress or a Committee of the States, who shall take an oath for the faithful discharge of his duty, before the geographer of the United States, who is hereby empowered and directed to administer the same; and the like oath shall be administered to each chain carrier, by the surveyor under whom he acts.

The geographer, (under whose direction the surveyors shall act) shall occasionally form such regulations for their conduct, as he shall deem necessary; and shall have authority to suspend them for misconduct in office, and shall make report of the same to Congress or to the Committee of the States; and he shall make report in case of sickness, death, or resignation of any surveyor.

The surveyors as they are respectively qualified shall proceed to divide the said territory into townships of six miles square, by lines running due north and south, and others crossing these at right angles, unless where the boundaries of the late Indian purchases may render the same impracticable, and then they shall depart from this rule no farther than such particular circumstances may require.

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There shall be allowed to a surveyor for the surveying of a township at the rate of two dollars per mile, including the wages of chain carriers, markers, and every other expence, and so in proportion for every fractional part of a township.

The first line running north and south as aforesaid, shall begin on the river Ohio, at a point that shall be found to be due north from the termination of a line which has been run as the southern boundary of the state of Pennsylvania; and the first line running east and west shall begin at the same point, and shall extend throughout the whole territory. The geographer shall designate the townships or fractional parts of townships, by numbers progressively from south to north, always beginning each range with No. 1; and the ranges shall be distinguished by their progressive numbers to the westward. The first range extending from the Ohio to the lake Erie, being marked No. 1. The geographer shall personally attend to the running of the first east and west line, and shall take the latitude of the extremes of the first north and south line, and of the mouths of the principal rivers.

The lines shall be measured with a chain; shall be plainly marked by chaps on the trees, and exactly described on a plat, whereon shall be noted by the surveyor, at their proper distances all mines, salt springs, salt licks and mill seats, that shall come to his knowledge, and all water courses, mountains, and other remarkable and permanent things, over or near which such lines shall pass, and also the quantity of the lands.

The plats of the townships respectively, shall be marked by subdivision into lots of one mile square, or 640 acres, in the same direction as the external lines, and numbered from 1 to 36. Always beginning the succeeding range of the lots with the number next to that with which the preceding one concluded. And where from the causes before mentioned, only a fractional part of a township shall be surveyed, the lots protracted thereon, shall bear the same numbers as if the townships had been entire. And the surveyors in running the external lines of the townships, shall at the interval of every mile, mark corners for the

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lots which are adjacent, always designating the same in a different manner from those of the townships.

The geographer and surveyors, shall pay the utmost attention to the variation of the magnetic needle; and shall run and note all lines by the true meridian, certifying with every plat what was the variation at the times of running the lines thereon noted.

As soon as five ranges of townships, and fractional parts of townships, in the direction from south to north, shall have been surveyed [??], the geographer shall transmit plats thereof to the board of treasury, who shall record the same with the report, in well bound books to be kept for that purpose. And the geographer shall make similar [?] from time to time of every five ranges as they may be surveyed. The secretary at war shall have recourse thereto, and shall take by lot therefrom, a number of townships and fractional parts of townships, as well those to be sold entire, as those to be sold in lots, as will be equal to one seventh part of the whole of such five ranges, as nearly as may be, for the use of the late continental army; and he shall make a similar draught from time to time, until a sufficient quantity is drawn from the return to satisfy the military claims, to be applied in manner hereinafter directed. The board of treasury shall then cause the remaining numbers, as well those to be sold entire, as those to be sold in lots, to be drawn for in the name of the thirteen states respectively, according to the quotas in the last preceding requisition on the states; provided that in case more land than its proportion is allotted for sale in any states at any distribution, a deduction be made therefor at the next.

The board of treasury shall transmit a copy of the original plats, previously noting thereon, the townships and fractional parts of townships, which shall have fallen to the several states by the distribution aforesaid, to the commissioners of the loan-office of the several states, who, after giving notice of not less than two nor more than six months by causing advertisements to be posted up at the court houses, or other noted places in every county and to be inserted in one newspaper published in the states of their residence respectively, shall proceed to sell the townships or fractional parts, at public vendue,

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in the following manner, viz. The township or fractional parts of a township being No. 1 in the first range, shall be sold entire, and not by lots; and No. 2 in the same range by lots and not entire, and thus in alternate order through the whole of the first range. The township or fractional part of a township No. 1 in the second range, shall be sold by lots, and not entire, and No. 2 in the same range and not by lots, and so in alternate order through the whole of the second range; and the third range shall be sold in the same manner as the first, and the fourth in the same manner as the second, and thus alternately throughout all the ranges; so that one half of the territory be sold [?] townships or fractional parts of townships, and the other half in less: provided that none of the lands within the said territory, be sold under the price of one dollar the acre, to be paid in specie or loan-office certificates reduced to specie value by the scale of depreciation, or certificates of liquidated debts of the United States, including interest, besides the expence of the survey and other charges thereon, which are hereby rated at thirty six dollars the township, in specie or certificates as aforesaid, and so in the same proportion for a fractional part of a township or of a lot, to be paid at the time of sales, in failure of which payment, the said lands shall again be offered for sale.

There shall be reserved for the United States out of every township, the four lots, being numbered, 8, 11, 26, 29, and out of every fractional part of a township, so many lots of the same numbers as shall be found thereon. There shall be reserved the lot No. 16 of every township, for the maintenance of public schools within the said township. Also one third part of all gold, silver, lead and copper mines, to be sold, or otherwise disposed of, as Congress shall hereafter direct.

When any township or fractional part of a township shall have been sold as aforesaid, and the money or certificates received therefor, the loan officer shall deliver a deed in the following terms.

The United States of America, to all to whom these presents shall come greeting.

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Know ye, That for the consideration of dollars, we have granted and hereby do grant and confirm unto the township or fractional part of the township [as the case may be] numbered [?] excepting therefrom the lots No. 8, 11, 26 and 29 for future sale, and the lot No. 16 for the maintenance of public schools, and one third part of all gold, silver, lead and copper mines within the same. To have the said his heirs and assigns forever, [or if more than one purchaser] to the said and their heirs and assigns forever as tenants in common. In witness whereof, A.B. commissioner of the loan office in the state of hath hereunto set his hand, and affixed his seal this day of in the year of our Lord and of the Independence of the United States of America the

And when any township or fractional part of a township shall be sold by lots as aforesaid, the commissioner of the loan office shall deliver a deed therefor in the following form.

The United States of America, to all to whom these presents shall come greeting.

Know ye, that for the consideration of dollars, we have granted, and hereby do grant and confirm unto the lot or lots (as the case may be) numbered in the township or fractional part of the township (as the case may be) numbered excepting and reserving one third part of all gold, silver, lead and copper mines within the same. To have to the said his heirs and assigns forever; or if more than one purchaser, to the said and their heirs and assigns forever as tenants in com- In witness whereof, A. B. commissioner of the loan-office in the state of hath hereunto set his hand, and affixed his seal, this day of in the year of our Lord and of our independence the

Which deeds shall be recorded in proper books, and shall be certified to have been recorded, previous to their being delivered to the purchaser.

The commissioner of the loan-office respectively, shall transmit to the board of treasury every three months, an account of the townships, fractional parts of townships and lots committed to their charge, specifying therein the names of the persons to whom sold; and

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the sums of money or certificates received for the same. And shall cause all certificates by them received, to be struck through with a circular punch; and they shall be duly charged in the books of the treasury, with the amount of the monies or certificates, distinguishing the same, by them received as aforesaid.

If any township or fractional part of township or lot, remains unsold for eighteen months, after the plat shall have been received by the commissioners of the loan office, the same shall be returned to the board of treasury, and shall be sold in such manner as Congress may hereafter direct.

And whereas Congress by their resolutions of September 16th and 18th, in the year 1776, and the 12th of August 1780, stipulated grants of land to the officers and soldiers who had engaged or should engage in the service of the United States during the war, and continue therein to the close of the same, or until discharged by Congress, and to the representatives of such officers and soldiers as should be slain by the enemy, in the following proportions, to wit.

To a major general 1100 acres, to a brigadier 850, to a colonel 500, to a lieutenant colonel 450, to a major 400, to a captain 300, to a lieutenant 200, to an ensign 150, and to a noncommissioned officer and soldier 100. For complying therefore with such engagements, be it ordained, That the secretary at war, from the returns in his office, or such other sufficient evidence as the nature of the case may admit, determine who are the objects of the above resolutions and engagements, and the quantity of lands to which such persons or their representatives are respectively entitled, and cause the townships or fractional parts of townships herein before reserved for the use of the late continental army, to be drawn for in such manner as he shall deem expedient, to answer the purpose of an impartial distribution.

He shall from time to time transmit certificates, to the commissioners of the loan-offices of the different states, to the lines of which the military claimants respectively belong,

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specifying the name and rank of the party, the terms of his engagement, and time of his service, and the division, brigade, regiment or company to which he belonged, the quantity of land he is entitled to, and the township out of which his portion is to be taken.

The commissioners of the loan-offices shall execute deeds for such undivided proportion in manner and form herein before mentioned, varying only in such a degree as to make the same conformable to the certificate from the secretary at war.

Where any military claimants of bounty in lands shall not belong to the line of any particular state, similar certificates shall be sent to the board of treasury, who shall execute deeds to the parties for the same.

The board of treasury, and the commissioners of the loan-offices in the states, shall within eighteen months, return receipts to the secretary at war, for all deeds which have been delivered, as also all the original deeds which remain in their hands for want of applicants, which deeds so returned shall be preserved in the office until the parties, or their representatives require the same.

Saving and confirming always, to all officers and soldiers entitled to lands on the northwest side of the Ohio, by donation or bounty from the commonwealth of Virginia, and to all persons claiming under them, all rights to which they are so entitled, under the deed of cession executed by the delegates for the state of Virginia, on the first day of March, 1784, and the act of Congress, accepting the same; and to the end that the said rights may be fully and effectually secured, according to the true intent and meaning of the said deed of cession and act aforesaid: Be it ordained, that no part of the land included between the rivers called little Miami and Scioto, on the northwest side of the river Ohio, be sold, or in any manner alienated, until there shall first have been laid off and appropriated for the said officers and soldiers, and persons claiming under them, the lands they are entitled to, agreeably to the said deed of cession and act of Congress accepting the same.