

Harrison Land Act of 1800 (transcript)

An ACT to amend the act, intituled, "An act providing for the sale of the lands of the United States, in the territory north-west of the Ohio, and above the mouth of Kentucky river."

Sec. 1. Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That for the disposal of the lands of the United States, directed to be sold by the act, intituled, "An act providing for the sale of the lands of the United States, in the territory north-west of the Ohio, and above the mouth of Kentucky river," there shall be four land-offices established in the said territory: One at Cincinnati, for lands below the Little Miami which have not heretofore been granted; one at Chillicothe, for lands east of the Sciota, south of the lands appropriated for satisfying military bounties to the late army of the United States, and west of the fifteenth range of townships; one at Marietta, for the lands east of the sixteenth range of townships, south of the before-mentioned military lands, and south of a line drawn due west from the north-west corner of the first township of the second range, to the said military lands; and one at Steubenville, for the lands north of the last mentioned line, and east or north of the said military lands: Each of the said offices shall be under the direction of an officer, to be called "The Register of the Land-Office," who shall be appointed by the President of the United States, by and with the advice and consent of the Senate, and shall give bond to the United States, with approved security, in the sum of ten thousand dollars, for the faithful discharge of the duties of his office; and shall reside at the place where the land-office is directed to be kept.

Sec. 2. And be it further enacted, That it shall be the duty of the Surveyor-General, and he is hereby expressly enjoined, to prepare and transmit to the Registers of the several land-offices, before the days herein appointed for commencing sales, general plats of the lands hereby directed to be sold at the said offices respectively, and also to forward copies of each of the said plats to the Secretary of the Treasury.

Sec. 3. And be it further enacted, That the Surveyor-General shall cause the townships west of the Muskingum, which by the above-mentioned act are directed to be sold in quarter townships, to be subdivided into half sections of three hundred and twenty acres each, as nearly as may be, by running parallel lines through the same from east to west, and from south to north, at the distance of one mile from each other, and marking corners, at the distance of each half mile on the lines running from east to west, and at the distance of each mile on those running from south to north, and making the marks, notes, and descriptions, prescribed to surveyors by the above-mentioned act: And the interior lines of townships intersected by the Muskingum, and of all the townships lying east of that river, which have not been heretofore actually sub-divided into sections, shall also be run and marked in the manner prescribed by the said act, for running and marking the interior lines of townships directed to be sold in sections of six hundred and forty acres each: And in all cases where the exterior lines of the townships, thus to be sub-divided into sections or half sections, shall exceed or shall not extend six miles, the excess or deficiency shall be specially noted, and added to or deducted from the western and northern ranges of sections or half sections in such township, according as the error may be in running the lines from east to west, or from south to north; the sections and half sections bounded on the northern and western lines of such townships shall be sold as containing only the quantity expressed in the returns and plats respectively, and all others as containing the complete legal quantity: And the President of

the United States shall fix the compensation of the deputy-surveyors, chain-carriers, and axemen: Provided, the whole expense of surveying and marking the lines shall not exceed three dollars, for every mile that shall be actually run, surveyed and marked.

Sec. 4. *And be it further enacted*, That the lands thus sub-divided (excluding the sections reserved by the above-mentioned act) shall be offered for sale in sections and half sections, subdivided as before directed at the following places and times, that is to say; those below the Little Miami shall be offered at public vendue, in the town of Cincinnati, on the first Monday of April one thousand eight hundred and one, under the direction of the Register of the land-office there established, and of either the Governor or Secretary of the north-western territory: The lands east of Sciota, south of the military lands, and west of the fifteenth range of townships, shall be offered in like manner for the sale at Chilicothe, on the first Monday of May, one thousand eight hundred and one, under the direction of the Register of the land-office there established, and of either the Governor or Secretary of the said territory: The lands east of the sixteenth range of townships, south of the military lands and west of the Muskingum, including all the townships intersected by that river, shall be offered for sale in like manner at Marietta, on the last Monday of May, one thousand eight hundred and one, under the direction of the Governor or Secretary, or Surveyor-General of the said territory. The sales shall remain open at each place for three weeks and no longer. The superintendants shall observe the rules and regulations of the above-mentioned act, in classing and selling fractional with entire sections, and in keeping and transmitting accounts of the sales. All lands, remaining unsold, at the closing of either of the public sales, may be disposed of at private sale by the Registers of these respective land-offices, in the manner herein after prescribed; and the Register of the land-office at Steubenville, after the first day of July next, may proceed to sell at private sale, the lands situate within the district assigned to his direction as herein before described, disposing of the same in sections, and classing fractional with entire sections, according to the provisions and regulations of the above-mentioned act and of this act: And the Register of the land-office at Marietta, after the said first day of July next, may proceed to sell at private sale, any of the lands within the district assigned to his direction as aforesaid, which are east of the river Muskingum, excluding the townships intersected by that river, disposing of the same in sections, and classing fractional with entire sections as aforesaid.

Sec. 5. *And be it further enacted*, That no lands shall be sold by virtue of this act, at either public or private sale, for less than two dollars per acre, and payment may be made for the same by all purchasers, either in specie, or in evidences of the public debt of the United States, at the rates prescribed by the act, intituled, "An act to authorize the receipt of evidences of the public debt in payment for the lands of the United States;" and shall be made in the following manner, and under the following conditions, to wit:

1. At the time of purchase, every purchaser shall, exclusively of the fees hereinafter-mentioned, pay six dollars for every section, and three dollars for every half section, he may have purchased, for surveying expenses, and deposit one-twentieth part of the amount of the purchase money, to be forfeited, if within forty days one fourth part of the purchase money, including the said twentieth part, is not paid.

2. One-fourth part of the purchase money shall be paid within forty days after the day of sale as aforesaid) and other fourth part shall be paid within two years; another fourth part within three years; and another fourth part within four years after the day of sale.

3. Interest, at the rate of six per cent. a year, from the day of sale, shall be charged upon each of the three last payments, payable as they respectively become due.

4. A discount, at the rate of eight per cent. a year, shall be allowed on any of the three last payments, which shall be paid before the same shall become due, reckoning this discount always upon the sum, which would have been demandable by the United States, on the day appointed for such payment.

5. If the first payment of one fourth part of the purchase money shall not be made within forty days after the sale, the deposit, payment and fees, paid and made by the purchaser, shall be forfeited, and the lands shall and may, from and after the day, when the payment of one fourth part of the purchase money should have been made, be disposed of at private sale, on the same terms and conditions, and the same manner as the other lands directed by this act to be disposed of at private sale: Provided, That the lands which shall be sold at public sale, and which shall, on account of such failure of payment, revert to the United States, shall not be sold at private sale, for a price less than the price that shall be offered for the same at public sale.

6. If any tract shall not be completely paid for within one year after the date of the last payment, the tract shall be advertised for sale by the Register of the land-office within whose district it may lie, in at least five of the most public places in the said district, for at least thirty days before the time of sale: And he shall sell the same at public vendue, during the sitting of the court of quarter sessions of the county in which the land-office is kept, for a price not less than the whole arrears due thereon, with the expenses of sale; the surplus, if any, shall be returned to the original purchaser, or to his legal representative; but if the sum due, with interest, be not bidden and paid, then the land shall revert to the United States. All monies paid therefore shall be forfeited, and the Register of the land-office may proceed to dispose of the same to any purchaser, as in case of other lands at private sale.

Sec. 6. And be it further enacted, That all and every the payments, to be made by virtue of the preceding section, shall be made either to the Treasurer of the United States, or to such person or officer as shall be appointed by the President of the United States, with the advice and consent of the Senate, Receiver of public monies for lands of the United States, at each of the places respectively where the public and private sales of the said lands are to be made; and the said Receiver of public monies shall, before he enters upon the duties of his office, give bond, with approved security, in the sum of ten thousand dollars, for the faithful discharge of his trust; and it shall be the duty of the said Treasurer and Receiver of public monies to give receipts for the monies by them received, to the persons respectively paying the same; to transmit within thirty days in case of public sale, and quarterly in case of private sale, an account of all the public monies by them received, specifying the amount received from each person, and distinguishing the sums received from surveying expenses, and those received for purchase money, to the Secretary of the Treasury, and to the Registers of the land-office, as the case may be. The said Receivers of public monies shall, within three months after receiving the same, transmit the monies by them received to the Treasurer of the United States; and the Receivers of public

monies for the said sales, and also the Receivers of public monies for the sales which have taken place at Pittsburg under the act, intituled, "An act providing for the sale of the lands of the United States in the territory north-west of the Ohio, and above the mouth of Kentucky river," shall receive one per cent. on the money received, as a compensation for clerk hire, receiving, safe-keeping, and transmitting it to the Treasury of the United States.

Sec. 7. And be it further enacted, That it shall be the duty of the Registers of the land-offices respectively, to receive and enter on books kept for that purpose only, and on which no blank leaves or space shall be left between the different entries, the applications of any person or persons who may apply for the purchase of any section or half section, and who shall pay him the fee hereafter-mentioned, and produce a receipt from the Treasurer of the United States, or from the Receiver of public monies appointed for that purpose, for three dollars for each half section such person or persons may apply for, and for at least one-twentieth part of the purchase money, stating carefully in each entry the date of the application, the date of the receipt to him produced, the amount of monies specified in the said receipt, and the number of the section or half section, township and range applied for. If two or more persons shall apply at the same time for the said tract, the Register shall immediately determine by lot, in presence of the parties, which of them shall have preference. He shall file the receipt for monies produced by the party, and give him a copy of his entry, and if required, a copy of the description of the tract, and a copy of the plat of the same, or either of them; and it shall be his duty to inform the party applying for any one tract, whether the same has already been entered, purchased, or paid for, and at his request to give him a copy of the entry or entries concerning the same. He shall, three months after the date of each application, if the party shall not have within that time produced to him a receipt of the payment of one fourth part of the purchase money, including the twentieth part above-mentioned, enter under its proper date, in the said book of entries, that the payment has not been made, and that the land has reverted to the United States, and he shall make a note of the same in the margin of the book opposite to the original entry. And if the party shall, either at the time of making the original entry, or at any time within three months thereafter, produce a receipt to him, for the fourth part of the purchase money, including the twentieth part aforesaid, he shall file the receipt, make an entry of the same, under its proper date, in the said book of entries, make a note of the same in the margin of the book, opposite to the original entry, and give to the party a certificate, describing the land, sold, the sum paid on account, the balance remaining due, the time and times when such balance shall become due, and that if it shall be duly discharged, the purchaser or his assignee or other legal representative, shall be entitled to a patent for the said lands; he shall also upon any subsequent payment being made, and a receipt from the receiver being produced to him, file the original receipt, give a receipt for the same to the party, and enter the same to the credit of the party, in a book kept for that purpose, in which he shall open an account in the name of each purchaser, for each section or half section that may be sold either at public or private sale, and in which he shall charge the party for the whole purchase money, and give him credit for all his payments; making the proper charges and allowances for interest or discount, as the case may be, according to the provisions of the fourth section of this act; and upon the payment being completed and the account finally settled, he shall give a certificate of the same to the party; and on producing to the Secretary of the Treasury, the same final certificate, the President of the United States is hereby authorized to grant a patent for the lands to the said purchaser, his heirs or assigns; and all patents shall be countersigned by the Secretary of State, and recorded in his office.

Sec. 8. *And be it further enacted*, That the Registers of the land-offices respectively, shall also note on the book of surveys, or original plat transmitted to them, every tract which may be sold, by inserting the letter A on the day when the same is applied for, and the letter P on the day when a receipt for one fourth part of the purchase money is produced to them, and by crossing the said letter A on the day when the land shall revert to the United States, on failure of the payment of one fourth part of the purchase money within three months after the date of application. And the said book of surveys or original plat shall be open at all times, in presence of the Register, for the inspection of any individual, applying for the same and paying the proper fee.

Sec. 9. *And be it further enacted*, That it shall be the duty of the Registers of the land-offices to transmit quarterly to the Secretary of the Treasury, and to the Surveyor-General, an account of the several tracts applied for, of the several tracts for which the payment of one fourth part of the purchase money has been made, of the several tracts which have reverted to the United States on failure of the said payment; and also an account of all the payments of monies by them entered, according to the receipts produced to them, specifying the sums of money, the names of the persons paying the same, the names of the officers who have received the same, and the tracts for which the same have been paid.

Sec. 10. *And be it further enacted*, That the Registers aforesaid shall be precluded from entering on their books any application for lands in their own name, and in the name of any other person in trust for them; and if any Register shall wish to purchase any tract of land, he may do it by application in writing to the Surveyor-General, who shall enter the same on books kept for that purpose by him, who shall proceed in respect to such applications, and to any payments made for the same, in the same manner which the Registers by this act are directed to follow, in respect to applications made to them for lands by other persons. The Registers shall, nevertheless, note on the book of surveys, or original plat, the applications and payments thus by them made, and their right to the pre-emption of any tract shall bear date from the day, when their application for the same shall have been entered by the Surveyor-General in his own book. And if any person applying for any tract shall, notwithstanding he shall have received information from the Register, that the same has already been applied for by the said Register, or by any other person, insist to make the application, it shall be the duty of the Register to enter the same, noting in the margin that the same tract is already purchased; but upon application of the party made in writing, and which he shall file, he may and shall at any future time enter under its proper date, that the party withdraws his former application, and applies in lieu thereof for any other tract: Provided always, That the party shall never be allowed thus to withdraw his former application, and to apply in lieu thereof for another tract, except when the tract described in his former application shall have been applied for previous to the date of that his former application.

Sec. 11. *And be it further enacted*, That the Secretary of the Treasury shall and may prescribe such further regulations, in the manner of keeping books and accounts, by the several officers in this act mentioned, as to him may appear necessary and proper, in order fully to carry into effect the provisions of this act.

Sec. 12. *And be it further enacted*, That the Registers of the land-offices, respectively, shall be entitled to receive from the Treasury of the United States, one-half per cent. on all the monies expressed in the receipts by them filed and entered, and of which they shall have transmitted an account to the Secretary of the Treasury, as directed by this act; and they shall further be entitled

to receive, for their own use, from the respective parties, the following fees for services rendered, that is to say; for every original application for land, and a copy of the same, for a section three dollars, for a half section two dollars, for every certificate stating that the first fourth part of the purchase money is paid, twenty-five cents; for the final settlement of account and giving the final certificate of the same, one dollar; for every copy, either of an application or of the description of any section or half section, or of the plat of the same, or of any entry made on their books, or of any certificate heretofore given by them, twenty-five cents for each; and for any general inspection of the book of surveys, or general plat, made in their presence, twenty-five cents.

Sec. 13. *And be it further enacted*, That the superintendents of the public sales to be made by virtue of this act, and the superintendents of the sales which have taken place by virtue of the act, intituled, "An act providing for the sale of the lands of the United States in the territory north-west of the river Ohio, and above the mouth of Kentucky river," shall receive five dollars a day for every day whilst engaged in that business; and the accounting officers of the Treasury are hereby authorized to allow a reasonable compensation for books, stationery, and clerk hire, in settling the account of the said superintendents.

Sec. 14. *And be it further enacted*, That the fee to be paid for each patent for half a section shall be four dollars, and for every section five dollars, to be accounted for by the receiver of the same.

Sec. 15. *And be it further enacted*, That the lands of the United States reserved for future disposition, may be let upon leases by the Surveyor-General, in sections or half sections, for terms not exceeding seven years, on condition of making such improvements as he shall deem reasonable.

Sec. 16. *And be it further enacted*, That each person who before the passing of this act shall have erected, or begun to erect, a grist-mill or saw-mill upon any of the lands herein directed to be sold, shall be entitled to the pre-emption of the section including such mill, at the rate of two dollars per acre: Provided, The person or his heirs, claiming such right of pre-emption, shall produce to the Register of the land-office satisfactory evidence that he or they are entitled thereto, and shall be subject to and comply with the regulations and provisions by this act prescribed for other purchasers.

Sec. 17. *And be it further enacted*, That so much of the "act providing for the sale of the lands of the United States in the territory north-west of the river Ohio, and above the mouth of Kentucky river," as comes within the purview of this act, be and the same is hereby repealed.

THEODORE SEDGWICK, *Speaker of the House of Representatives.*

TH: JEFFERSON, *Vice-President of the United States, and President of the Senate*

Approved-May 10th, A.D. 1800.

JOHN ADAMS, *President of the United States.*

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