



"Ohio Lands - A Short History"

Part 2

Congressional Control of the Western Territory

The Continental Congress' title to the lands north of the Ohio River was derived from the Treaty of Paris, the Treaty of Fort McIntosh, and the cessions of four states.

In 1784, the first Congressional Committee was appointed to prepare a plan for the disposal of these western lands. Thomas Jefferson was its chairman.

The committee, and later the Continental Congress, was faced with the following problems: Revolutionary War Veterans demanding the land bounties promised them; squatters crossing the Ohio River and staking claims; the need for revenue to pay the national debt (Congress did not have the power to tax at the time); and what procedures to adopt for the survey and sale of the western lands. The Land Ordinance of May 20, 1785 resolved these issues.

Northwest Ordinance

The Northwest Ordinance, enacted July 13, 1787, established not only the manner in which the Northwest Territory was to be governed, but the procedures under which new territory could obtain full statehood. It also was the first general legislation by the Continental Congress on the subject of real property.

The ordinance further provided for civil and religious freedom, the use of writs of habeas corpus; trial by jury; bail, except for capital offenses; no cruel or unusual punishments; the encouragement of schools and education; and forbade slavery or involuntary servitude forever within the territory.

The rules and guarantees stated in the Northwest Ordinance have provided the legal framework by which most new states entered the Union since its enactment.

This historic document, which predates the U.S. Constitution and Bill of Rights, is reproduced in the appendix to this booklet.

Statehood and the State Capitals

On March 1, 1803, Ohio became the 17th state to enter the Union. Its entry was based upon the Northwest Ordinance, the Enabling Act of April 30, 1802, and the Ohio Constitution, adopted November 29, 1802. Formal Congressional admittance of Ohio into the Union was by a Joint Resolution of Congress (H.J. Res. 121), on August 7, 1953, to take effect March 1, 1803 (Public Law

204, Chapter 337). This 150-year lapse in formal admittance did not affect Ohio's legal status as a state.

Edward Tiffin was elected the first Governor of Ohio on January 11, 1803, and took the oath of office March 3, 1803. The first legislature met on March 1, 1803.

The state capital was at Chillicothe, 1803-1810; Zanesville, 1810-1812; Chillicothe, 1812 to October 1816, when the state offices moved to Columbus. Columbus was a wilderness when it was designated the permanent State Capital on February 14, 1812. The General Assembly named the new capital Columbus on February 21, 1812. The original deed to the 10-acre capitol grounds is kept in the State of Ohio Archives in the Ohio Historical Center, Columbus, Ohio 43211-2497.



OHIO MAP IN 1803 WHEN THE STATE WAS ADMITTED TO THE UNION

Federal Rectangular Survey System

The Land Ordinance of May 20, 1785, became the foundation of the American Land System which led to the orderly surveying, sale and settlement of public lands in the United States.

The ordinance established the rectangular survey as the primary means to originally subdivide public lands. It provided that the western territory be divided into surveying townships of six-mile-square containing 36 sections, each one-mile-square (640 acres). Sections were numbered one to 36, commencing with number one in the southeast corner of the township, and running from south to north in each tier to number 36 in the northwest corner of the township. Townships were numbered from a base south to north in rows called ranges. Ranges were numbered east to west.

This ordinance also set aside lands for Continental Army Land bounties (although this was changed in June, 1796); established the minimum price per acre; minimum land quantity which could be bought; reserved Section 16 out of every township for the maintenance of schools; and reserved Sections 8, 11, 26 and 29 for future sale or disposition by Congress. It further established that legal sale and settlement of the public lands could not occur until the land had been surveyed, and the survey accepted by the federal government.

The first public lands to be surveyed in the United States were the "Seven Ranges" located in Eastern Ohio. It also was the only land surveyed by government surveyors under the Continental Congress.

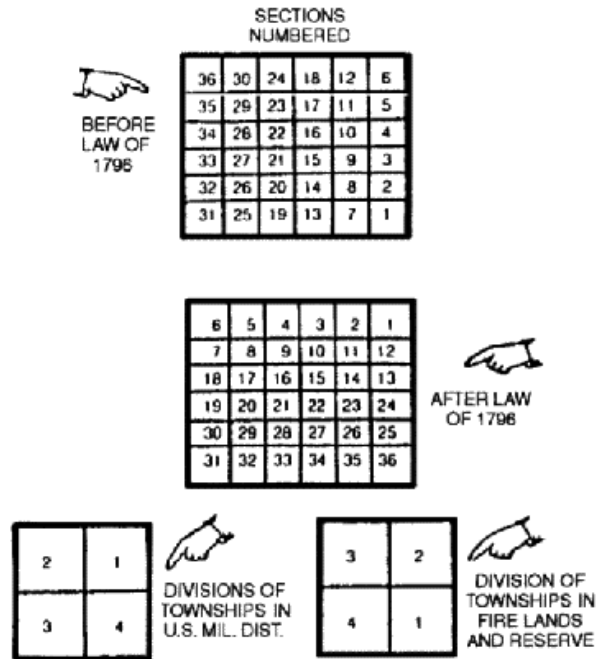
On September 30, 1785, Thomas Hutchins, Geographer of the United States, began to survey the geographer's line. The "Point of Beginning" was the intersection of the Pennsylvania state line and the Ohio River. The line eventually ran 42 miles, "Seven Ranges," due west from that point which is now in East Liverpool. Townships in the "Seven Ranges" are numbered from the Ohio River. Sections are numbered as prescribed in the Land Ordinance of May 20, 1785. The only other surveys in the United States which used this same section arrangement are the: Between the Miami Rivers (M.Rs.) Survey and Symmes (Miami) Purchase Survey.

By an Act of Congress, passed May 18, 1796, the numbering of sections within a six-mile-square township was changed. The act provided that "the sections shall be numbered, respectively, beginning with the number one in the northeast section, and proceeding west and east alternately through the township, with progressive numbers, till the thirty-sixth be completed" in the southeast corner of the township. This became the standard section numbering found in all original Federal Surveys in the United States thereafter.

The numbering of townships from the Ohio River, and the numbering of sections according to the Act of May 18, 1796, can be found in the following surveys: East of the Scioto River and West of the Ohio Company Purchase; North of the Seven Ranges between the United States Military District and Connecticut Western Reserve; East of the 1st Meridian-West of the Great Miami River and East of the 1st Principal Meridian.

The problem of keeping townships six-mile-square, when the earth is curved, was solved in 1804 by Jared Mansfield, Surveyor General of the Northwest Territory. Mansfield established an arbitrary meridian and an intersecting east-west base line to survey the 2nd Principal Meridian in southern Indiana. Ranges of townships were progressively numbered eastward and westward from the meridian, while townships within each range were numbered northward and southward from the base line. This use of a principal meridian, and a base line, can be found in Northwest Ohio where the Ohio-Indiana line constitutes the 1st Principal Meridian and the parallel of the 41st degree latitude is the base line. There are 34 meridians in the United States, some designated by number, but most by names.

Range, Township, Section, Part of Section, and the original land survey name have become the basic legal property description for most of the land originally surveyed by the United States government in the 29 public land states. The original subdivision of the United States Military District will be discussed later. The original field notes and plats of the United States government land surveys in Ohio have been deposited by the Auditor of State into the State of Ohio Archives at the Ohio Historical Center in Columbus.



Sketch of the Ohio Townships as surveyed under the Rectangular System.

Land Sales under the Confederation

After four ranges of townships had been surveyed, the government began selling land in the "Seven Ranges." From September 21, to October 9, 1787, a public sale of these lands was held in New York City, with 108,431 acres being sold. However, because buyers were permitted to make partial first payments, but failed to pay the balance due, 35,457 acres were forfeited to the government. U.S. Patents were issued for 72,974 acres for which the buyers paid \$87,325. No entire townships were sold.

The next federal land sales, in 1796, showed a rather dismal market for Ohio land, mainly due to a minimum price of \$2 per acre, with the minimum purchase being 640 acres. Sales were held in Pittsburgh, where 43,446 acres were sold, and in Philadelphia, where 5,120 acres were sold.

The first United States Patent (deed) was issued March 4, 1788, to John Martin for 640 acres in Range 4, Township 7, Section 20. This is now located in Richland Township, Belmont County.

Under the Confederation of States, (1781-1789), 1,487,986 acres of public lands had been sold, and donations (grants) of more than 206,240 acres were made. Also, the Continental Congress established reserves for education, religion, the Christian Indians in the Moravian Tract in Ohio, and three sections (1,920 acres) in each surveying township for future use.

The Ohio Company Purchase. This was the first large land sale made directly by the Continental Congress. It is located in southeastern Ohio. Formed March 4, 1786, the Ohio Company of Associates primarily consisted of former Revolutionary War military officers and soldiers from

Massachusetts and surrounding states. Its main purpose was to acquire land in the Western Territory for settlement purposes. Its first directors were General Rufus Putnam, Reverend Manasseh Cutler, Major Winthrop Sergeant, Captain Thomas Cushing, and Colonel John Brooks.



On October 27, 1787, Winthrop Sergeant and Manasseh Cutler, contracted with the Board of Treasury to acquire 1,500,000 acres for which the company would pay \$500,000 down in Continental Securities, with the remainder to be paid upon completion of the surveys. These securities were then worth about twelve and a half cents to the dollar. The contract reserved Section 16 for school purposes, as stated in the Land Ordinance of May 20, 1785; Section 29 for religious purposes; Sections 8, 11, 26 for disposition by Congress; and two complete surveying townships (46,080 acres), which were given perpetually for the purposes of a university. An allowance of one-third of a dollar per acre was made for bad land.

Unable to raise the money for the second payment, due to expenses and the rise in the price of securities, the company settled for the 750,000 acres they had already paid for. This is called the Ohio Company first purchase. The U.S. Patent for the Ohio Company first purchase was issued May 10, 1792, by President George Washington. The first purchase contained 913,883 acres, including the reserved sections and townships.



The Congressional Resolution of July 23, 1787, permitted military bounty land warrants to be used to acquire land. The Ohio Company used bounty land warrants totaling 142,900 acres to acquire its second purchase; a 214,285 acre tract. The U.S. Patent for this second purchase was also issued May 10, 1792.

The Ohio Company divided the 964,285 acres it acquired into 822 shares of 1,173.37 acres each. On February 1, 1796, a deed of partition, or allotment, was made to 817 shareholders, the residue being held in trust for the company. All lands not previously conveyed or disposed of were sold in 1849.

The allotment deeds show seven separate tracts, grouped in six divisions, were conveyed for each share as follows:

Division	Tract	Acres
First	One eight acre lot	8.00
Second	One three acre lot	3.00
Third	One house lot of (about)	.37
Fourth	One one hundred and sixty acre lot	160.00
Fifth	One one hundred acre lot	100.00
	One six hundred and forty acre lot or section	640.00
Sixth	One two hundred and sixty two acre lot or fraction	262.00
Total	Not Applicable	1,173.37 Acres

Rufus Putnam and Manasseh Cutler led the first surveyors and settlers to the Ohio Company Purchase. They landed on April 7, 1788 at what is now Marietta. This date is observed as the anniversary of the first permanent white settlement in Ohio.

Privately surveyed under the direction of Rufus Putnam, the Range, Township and Section numbers follow the Land Ordinance of May 20, 1785. Exceptions occur when smaller tracts were needed to meet the allotment plan, therefore, some sections were subdivided differently. Records of the Ohio Company are at the Marietta College Library, Marietta, Ohio 45750. Copies of the plats, showing the allotments and original proprietors are also in the State of Ohio Archives.

Donation Tract. The Donation Tract lands are found in Adams, Fearing, Salem, Muskingum, Palmer, Waterford, Watertown Townships in Washington County, and in Windsor Township, Morgan County. This 100,000 acre tract was first surveyed into 100 acre lots, and allotted by agents of the Ohio Company under an Act of Congress passed in April 21, 1792.

This tract was established to act as a buffer between the settlers in the Ohio Company Purchase and the Indians. A 100-acre lot was given to any male, 18 years or older, on the condition they actually settle on the land at the time of the conveyance by deed. The U.S. Patent was issued May 10, 1792, to the Ohio Company, which issued the deeds to the actual settlers. In 1818, lands not conveyed in this tract reverted to the federal government and were sold at the Marietta Land Office.

This gift of land to actual settlers is similar to the Homestead Act of 1862.



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Eighth Edition - September 1996

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