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Ordinance for the Sale of Western Lands, 20 May 1785

Congress accepted the Virginia cession of the Northwest Territory on 1 March 1784. The next day Congress appointed Thomas Jefferson, Hugh Williamson, David Howell, Elbridge Gerry, and Jacob Read to prepare a report on “the most eligible means of disposing of such part of the western lands as may be obtained of the Indians by the proposed treaty of peace and for opening a land office.” On 4 March, five commissioners were appointed to negotiate with the Indians for their lands in the territory northwest of the Ohio River.

The report on the sale of western lands was laid before Congress on 30 April and read on 28 May. Only four delegates voted to consider it. Congress resumed discussion of the ordinance in the spring of 1785 after receiving favorable reports from the commissioners negotiating with the Indians. A grand committee was appointed to draft a new ordinance. On one side were those, mostly Northerners, who feared that the sale of western lands would hinder the sale of vacant lands in the East, and who feared as well the political impact of new western states. On the other side were those, mostly Southerners, who looked forward to the rapid settlement of the West and the political advantage which they assumed agrarian states in the West would give the South.

The debate centered around the size of the tracts to be sold. New Englanders insisted that the land should be sold in lots so large that only a few large investors or groups of investors could afford to purchase them, while the Virginians insisted that the lots be small enough for individuals to buy. William Grayson of Virginia declared that if it had not been for the pressure of public creditors, who hoped to be paid by funds derived from the sale of the land, no ordinance making possible the settlement of the West would have been adopted.

The Ordinance was a compromise which provided that part of the territory would be sold in township lots and part in sections of a square mile each. However, the sale of lands would not begin until seven ranges of townships had been surveyed.

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, as near as may be, 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. And each surveyor shall be allowed and paid at the rate of two dollars for every mile in length he shall run, including the wages of chain carriers, markers, and every other expence attending the same.

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 western 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; provided that nothing herein shall be construed, as fixing the western boundary of the state of Pennsylvania. 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 quality of the lands.

The plats of the townships respectively, shall be marked by subdivisions 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 township 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 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 seven 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 returns from time to time of every seven 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 from those to be sold entire, as from those to be sold in lots, as will be equal to one seventh part of the whole of such seven 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 to satisfy the same, to be applied in manner hereinafter directed. The board of treasury shall from time to time, 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 all the states: provided that in case more land than its proportion is allotted for sale in any state 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 courthouses 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 of townships, at public vendue, in the following manner, viz. The township or fractional part of a township No. 1, in the first range, shall be sold entire; and No. 2, in the same range, by lots; 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 No. 2 in the same range, entire; 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: 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, on 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, for future sale. There shall be reserved the lot No. 16, of every township, for the maintainance 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.

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 _____ in the _____ range, excepting therefrom, and reserving one third part of all gold, silver, lead and copper mines within the same; and the lots No. 8, 11, 26, and 29, for future sale or disposition; and the lot No. 16, for the maintainance of public schools. 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 common.) In witness whereof, A.B. commissioner of the loan-office in the state of _____ hath, in conformity to the ordinance passed by the United States in Congress assembled, the [20th] day of [May] in the year of our Lord [1785], 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

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 _____ in the range, _____ excepting and reserving one third part of all gold, silver, lead and copper mines within the same, for future sale or disposition. To have to the said _____ his heirs and assigns forever; (or if more than one purchaser, to the said _____ their heirs and assigns forever as tenants in common.) In witness whereof, A.B. commissioner of the loan-office in the state of _____ hath, in conformity to the ordinance passed by the United States in Congress assembled, the [20th] day of [May] in the year of our Lord [1785], 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

Which deeds shall be recorded in proper books, by the commissioners of the loan-office, and shall be certified to have been recorded, previous to their being delivered to the purchaser, and shall be good and valid to convey the lands in the same described.

The commissioners of the loan-offices 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 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 a 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 certain officers and soldiers of the late continental army, and by the resolution of 22d September 1780, stipulated grants of land to certain officers in the hospital department of the late continental army; 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 land 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 have respectively belonged, 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 or fractional part of a township and range out of which his portion is to be taken.

The commissioners of the loan offices shall execute deeds for such undivided proportions 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 have belonged 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 secretary at war, from the proper returns, shall transmit to the board of treasury, a certificate, specifying the name and rank of the several claimants of the hospital department of the late continental army, together with the quantity of land each claimant is entitled to, and the township or fractional part of a township and range out of which his portion is to be taken; and thereupon the board of treasury shall proceed to execute deeds to such claimants.

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, having been first recorded; which deeds so returned, shall be preserved in the office, until the parties or their representatives require the same.

And be it further ordained, That three townships adjacent to lake Erie, be reserved to be hereafter disposed of by Congress, for the use of the officers, men, and others, refugees from Canada, and the refugees from Nova-Scotia, who are or may be entitled to grants of land under resolutions of Congress now existing, or which may hereafter be made respecting them, and for such other purposes as Congress may hereafter direct.

And be it further ordained, That the towns of Gnadenhutten, Schoenbrun and Salem, on the Muskingum, and so much of the lands adjoining to the said towns, with the buildings and improvements thereon, shall be reserved for the sole use of the Christian Indians, who were formerly settled there, or the remains of that society, as may, in the judgment of the geographer, be sufficient for them to cultivate.

Saving and reserving 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.

DONE by the United States in Congress Assembled, the Twentieth Day of May,
in the Year of our Lord One Thousand Seven Hundred and Eighty-five, and of
our Sovereignty and Independence the Ninth.

RICHARD HENRY LEE, P.

CHARLES THOMSON, Secretary.

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