No. 75.

MARCH 1st, 1814.

Read the first and second time and committed to a committee of the whole house on Monday next.

A Bill

For the more effectual protection of the north-western frontier, by granting donations of land to actual settlers.

1 *Be it enacted by the senate and house of representatives*
2 *of the United States of America in congress assembled*, That
3 the surveyor general of the United States be, and he is hereby
4 directed to cause to be surveyed as soon as practicable, five tiers
5 of townships, within and immediately adjoining the north boun-
6 dary of the state of Ohio, and of the territories of Indiana and
7 Illinois, extending from the Connecticut reservation, and the
8 western shore of lake Erie in said state, to the Mississippi
9 river in the Illinois territory; also as many ranges of townships,
10 adjoining the said Mississippi or western boundary of the

11 Illinois territory, as will average at thirty miles in width east
12 and west, to be ascertained and bounded on the east by a due
13 north and south line, to be run from the south boundary of the
14 said five tiers of townships, till the line so extending to the south
15 shall intersect the said Mississippi river: *Provided however*,
16 That the surveyor general may at his own discretion make,
17 and he is hereby authorised to make, such a variation from
18 the average width of thirty miles in the ranges bounded by the
19 Mississippi as aforesaid, as he shall deem most conducive to
20 the public interest and private accommodation; not reducing the
21 said tract to less than eighteen, nor extending it to more than
22 twenty-four miles in width, in the narrowest place. And the
23 surveyor general shall cause the whole of said townships to be
24 divided and surveyed into sections and half sections; and he
25 shall furthermore cause to be distinctly marked in the centre,
26 as near as possible, of the east and west boundary lines of each
27 of the said half sections, corners, by which to govern the
28 subdivisions of said sections into quarters, as circumstances
29 may subsequently require. And the surveys aforesaid,
30 shall, in all respects, be executed upon the ground marked,
31 noted, platted, and returned, in the same manner as is directed
32 by law with respect to the other public lands of the United
33 States, north-west of the river Ohio and above the mouth of
34 Kentucky river: *Provided always*, That the whole of said

35 townships shall be described by ranges in progressive numbers
36 from east to west, beginning with number one at the most
37 easterly range, or fractional part of a range in said state, and
38 the same in each of the said territories respectively: and the
39 several townships or tiers of towns in the respective ranges,
40 shall in like manner be described, by progressive numbers, from
41 south to north, beginning with number one at the south town-
42 ship in each of the said ranges, taking separately the ranges
43 composed of the five tiers of townships adjoining the north
44 boundary of the said state and territories, and those south of
45 the said tiers of townships and adjoining the Mississippi river.
46 And the quarter sections in each and every township through-
47 out said ranges, shall be numbered from one to four, beginning
48 with the north-east quarter, which shall be number one; the
49 north-west quarter shall be number two; the south-west quarter
50 number three; and the south-east quarter number four.

1 Sec. 2. *And be it further enacted*, That the surveyor general
2 shall cause the said ranges and tiers of townships to be arrang-
3 ed into districts of thirty miles, or five townships square, in all
4 cases where the form of said ranges and the boundaries there-
5 of will admit; but in all other cases, and where from the
6 irregularity of the exterior boundaries, particularly upon the
7 Mississippi, lake Erie, and the state and territorial lines, the
8 same cannot be made square and of equal area, he may at his

9 discretion attach the fractional parts of districts, if small, to the
10 most convenient district adjoining, or may unite two fractions
11 in one district as their size and form will admit, or erect any
12 one fraction into a separate district, as to him shall appear most
13 convenient: *Provided however*, That no district shall be formed
14 of less contents than four hundred square miles: and it shall
15 be the further duty of the surveyor general, to cause the said
16 district lines and corners to be so marked in the execution of
17 the work upon the ground and upon the plat, and in the sur-
18 vey thereof which he shall return, as that they may be plainly
19 distinguished from the other lines and corners of the townships
20 composing the districts aforesaid. And the surveyor general
21 shall also cause to be surveyed, according to the foregoing pro-
22 visions, one district of the size and form aforesaid, viz.: of thirty
23 miles square, to be denominated the middle district, in each
24 of the said territories of Indiana and Illinois; both of which shall
25 be located upon the line of the fortieth degree of north
26 latitude, and so as to extend equally north and south of said
27 line of latitude, and in such situations as it respects the east
28 and west boundaries of said territories respectively, as will
29 embrace the Wabash river in one of said districts, and the
30 Illinois river in the other; and both to be taken in such form as
31 in the opinion of the surveyor general will embrace the most
32 advantageous situations to command the navigation of said rivers

33 respectively, and for the establishment of fortifications, towns,
34 and other improvements thereon, which can be found within
35 the distance aforesaid of the said latitudinal line.

1 Sec. 3. *And be it further enacted*, That the surveyor general
2 shall appoint three suitable persons as commissioners, to lay
3 out the public roads, and to select and establish the sites of the
4 town plots and fortifications, which this act shall authorise to
5 be laid out and established in said districts, giving to each
6 a warrant or written evidence under his hand and seal of
7 such appointment. And the said commissioners, previous to
8 proceeding upon the duties of their said appointment, shall seve-
9 rally take an oath or affirmation, before some person authorised
10 to administer the same, faithfully to discharge the duties of
11 commissioner, according to law, and the instructions of the
12 surveyor general; and a certificate thereof, shall be endorsed by
13 the person administering the same, upon the back of said war-
14 rant or letter of appointment; and the commissioners so appoint-
15 ed and qualified, may continue to officiate under the direction
16 of the surveyor general, from time to time, as the progress of
17 the surveys and other circumstances may require, until the
18 whole of said surveys shall be completed, and the object of
19 their appointment accomplished, unless sooner dismissed by the
20 surveyor general. And the surveyor general shall be, and he
21 is hereby authorised and empowered, at his discretion, to

22 dismiss from further service any such commissioner for miscon-
23 duct or neglect of duty, and to fill all vacancies so occasioned
24 in said board of commissioners, or by death, disability, or re-
25 signation. And the commissioners aforesaid, shall receive from
26 time to time, such compensation for their services as shall be
27 allowed by law.

1 Sec. 4. *And be it further enacted*, That so soon as one or
2 more districts shall be surveyed as aforesaid, and a plat there-
3 of completed, whether the same be within the state or either of
4 the territories aforesaid, and adjoining the north boundary
5 thereof, or upon the Wabash or Illinois rivers in said territories,
6 the surveyor general shall furnish the said board of commis-
7 sioners with a complete copy of the plat or map thereof, with
8 directions to proceed thereon to the discharge of their duty as
9 commissioners aforesaid. And the said commissioners, or either
10 two of them, being met upon the district according to the di-
11 rections aforesaid, shall forthwith proceed, with the assistance
12 of such deputy surveyor as the surveyor general may appoint,
13 to lay out and distinctly to mark a public road, running as near
14 through the centre of the said five tiers of townships on a
15 straight line from east to west, as the nature of the ground
16 will admit; which road in all cases, shall be four rods in width,
17 and the line so marked be taken as the centre thereof. And the
18 said commissioners, with the assistance aforesaid, shall next pro-

19 ceed carefully to examine, and according to their best judgment,
20 to select upon said road a suitable site or situation for a re-
21 gular town plot, having special reference to the centre of the
22 districts respectively, yet not so as to disregard other advantages
23 of situation which may appear to them important; and having
24 so selected an eligible site, shall distinctly mark the exterior
25 bounds thereof upon the ground, noting the same also upon the
26 plat of the district or districts respectively; the tract so selected
27 to be in extent one mile square, and may consist of one entire
28 section, or of two half sections, or of any four quarter sections,
29 as originally surveyed, and laying in a square form, as the said
30 commissioners shall find to be most convenient for a town plot
31 as aforesaid; and having so selected and marked a site for the
32 town, the commissioners aforesaid, shall immediately proceed
33 with the assistance of said survey, to lay out and mark as afore-
34 said, a public road running across said district or districts re-
35 spectively, on a straight line from south to north, as near as the
36 nature of the ground will admit, intersecting the said east and
37 west road, running through the same district in every case, at
38 such point in the said town plot, as will be the most eligible for
39 the centre thereof. And the said commissioners assisted as
40 aforesaid, shall, at the same time in each and every case, select
41 and establish upon the north boundary of said districts respec-
42 tively, at or near the point where the last said road will inter-

43 sect the same, a suitable site for the establishment of a fortifica-
44 tion, for the protection and defence of the frontier of said district,
45 distinctly marking the spot so selected at its centre upon the
46 ground, and noting the same intelligibly upon the map of said
47 districts respectively. And if it shall appear to the said com-
48 missioners from the peculiar situation of any of the said districts
49 and the intersection of the north boundary thereof, by any
50 large river or rivers, or other important water courses, or by the
51 shore of any lake or lakes, that more than one fortification will
52 be required therein, they shall proceed in the manner aforesaid
53 to select, mark, and note the position or positions, which they
54 shall deem most eligible for such additional number of fortifica-
55 tions. And with respect to the districts in the territory of
56 Illinois, which shall be bounded by the Mississippi river, and
57 extending to the south from the said five tiers of townships,
58 the said commissioners shall lay out and establish in the man-
59 ner, and with the assistance aforesaid, a public road running
60 from south to north, as nearly as possible on a straight line
61 through the centre thereof, locating thereon in each district a
62 site for a town plot, and intersecting the said north and south
63 road with another road in each district, running across the same
64 from east to west; and at or near the termination of each of the
65 last said roads at the Mississippi, to select and establish a site
66 for a fortification; also to select and establish any additional

67 positions which may be required for fortifications therein; being
68 governed in all respects in relation to said roads, towns, and
69 sites, for fortifications, by the principles contained in the fore-
70 going part of this section, relating to the other districts within
71 the said state and territories.

1 Sec. 5. *And be it further enacted*, That the compensation to
2 the deputy surveyors who may be appointed to execute said
3 work, for all lines which they shall actually survey and return
4 according to the provisions of this act, finding themselves with
5 the usual number of hands, and all expenses except the ne-
6 cessary guards, shall not exceed three dollars per mile. And
7 for all services which the said commissioners shall perform
8 according to the provisions of law, including their own expenses,
9 the same being allowed and duly certified by the surveyor gene-
10 ral, they shall severally be entitled to receive dollars
11 per day. And for the sums which may be due to the said de-
12 puty or district surveyor, or to the said commissioners, the
13 surveyor general shall, from time to time, issue to them respec-
14 tively, his certificates, which shall be satisfied and paid in land,
15 within any of the said districts, at the prices, and according to
16 the rules of location, which by this act shall be established for
17 the sale of lands within the district aforesaid.

1 Sec. 6. *And be it further enacted*, That the lands contained
2 in the said districts of country, as they shall be surveyed, from

3 time to time, shall be appropriated and disposed of in the man-
4 ner and form following, viz.: For the use of common schools
5 and for religious purposes, there shall be, and there is hereby
6 appropriated throughout said districts, the same quantity of
7 land in each township, to consist of the same sections by num-
8 ber, as is now appropriated for the same purposes, of the pub-
9 lic lands of the United States within the state of Ohio: For a
10 town plot in each district, there shall be appropriated one en-
11 tire section, or the amount thereof in parts of sections, to be
12 designated by the commissioners, as provided by the fourth
13 section of this act, which shall be laid off into house-lots and
14 out-lots, in form of a regular town, by the district surveyor, ac-
15 cording to such plan as the surveyor general shall prescribe;
16 which town-lots shall be sold under the direction of said board
17 of commissioners, and by such agents as they may think pro-
18 per to appoint, which agents shall enter into bonds to the said
19 board with sufficient sureties for the faithful discharge of the
20 trust reposed in them; and the avails of the lots sold as afore-
21 said, shall be holden in trust by said agents, and placed in such
22 situations as to form accumulating funds for the use and benefit
23 of said districts respectively. And whenever the said dis-
24 tricts, or either of them, shall be established and organized
25 as a county or counties, by the authority of the respective
26 states or territories in which the same may be situated, the

27 funds so accumulated and remaining in the hands or under
28 the direction of the respective agents, together with the unsold
29 parts of such town plots respectively, shall immediately vest in
30 said counties as organized, and be holden in trust for the same
31 by the commissioners thereof, and applied to defray the ex-
32 penses of the county buildings, and if more than sufficient for
33 that purpose, the balance may be applied to any other county
34 purpose which the commissioners thereof may think proper
35 and expedient. And the agents aforesaid shall immediately
36 pay over the funds so entrusted with them, to the treasurers of
37 said counties respectively, taking receipts therefor; and the
38 office of such agents respectively, shall thereupon immediately
39 cease and determine. But if it shall so result that in the esta-
40 blishment and organization of counties, in the tract of country
41 described in this act, by the respective state and territorial au-
42 thorities, the same shall not be done with reference to the said
43 district lines, but shall in any case be so varied as that the said
44 town plats respectively do not become the seat of justice there-
45 in, then, and in every such case, the agent aforesaid shall apply
46 the funds arising from the sale of said town-lots, under the direc-
47 tion of the public commissioners aforesaid, in erecting bridges,
48 where necessary, upon the most important public roads within
49 such district or districts respectively. And the agents aforesaid,
50 shall annually receive from the amount of funds in their hands re-

spectively, such compensation for their services as said board of commissioners shall deem just and reasonable to allow; and the compensation to the said commissioners for their services in relation to said funds, shall be made from the same; the amount thereof being first allowed and certified to the agents respectively by the surveyor general. For the endowment and support of an academy in each of said regular towns, there shall be, and there is hereby appropriated, the amount or contents of five sections in each of said districts, to be taken in separate half sections as follows, viz.: The west half of the two sections numbered ten and twenty-seven, in each of the five central townships in the respective districts, which half sections in all cases, will be composed of the quarter sections numbered two and three. And the several academies so endowed as aforesaid, shall be organized and directed in such manner as may be provided by the acts of the legislatures of the respective states and territories where the same may be situated. To each and every able-bodied man who being of the age and full capacity required by law to perform military duty, and being duly armed at his own expense with a good musket and bayonet and the other implements of war required by law for militiamen, and who, during the present war shall settle within any of the said districts which shall be opened by authority for that purpose, and continue his settlement there-

in by himself or some other man equally able and well equipped as aforesaid, for the term of four years thereafter, shall be given and confirmed to him and his heirs and assigns forever, one half of a section in the same district wherein he shall make his settlement as aforesaid; which half section he may select from any of the half sections composed of the two quarter sections numbered one and four that may be vacant therein at the time when he shall choose to make his location, after his actually commencing a settlement as aforesaid: And to each and every able-bodied man, who being armed and provided as aforesaid for militia duty, and who, after the expiration of the present war, shall settle in any of the said districts and continue his settlement therein, by himself or a sufficient substitute, for the term of four years thereafter as aforesaid, shall be given and confirmed to him and his heirs and assigns forever, one quarter of a section which he may select from any of the quarter sections numbered one that shall be vacant in the same district when he shall be ready to make his location, after the actual commencement of his settlement therein as aforesaid. And whenever any person shall commence a settlement according to the provisions of this act, he shall be entitled to receive, upon making application and producing satisfactory testimony thereof to the register of the land office to which his district may belong, a certificate of entry to the same effect as those issued to the purchasers of public lands, upon making their first payment. And at the expiration of the said term of four years in

101 the respective cases, upon the certificate of the said register that
102 the settler has fully complied with the requisitions of this act,
103 the president of the United States is hereby authorised to issue
104 his letters patent to such settler, or to his heirs or assigns, for the
105 tract described in such certificate, to the same effect as in cases
106 where payments are completed for lands sold by the agents of
107 government: *Provided however*, That in case of the death of
108 any such settler by the hand of the enemy or otherwise, or of
109 his being made a prisoner of war or driven from his possessions
110 and the district, by the events of war, he making all due exer-
111 tions to expel or resist the enemy, in either case, his claims to
112 said lands shall not be forfeited, but himself, or his heirs, as the
113 case may be, shall hold and possess the same, as rightfully as
114 if no such disaster or providential occurrence had taken place.
115 And the said quarter sections throughout said districts number-
116 ed three and four, shall be and they are hereby set apart and
117 reserved for the benefit and encouragement of actual settlers
118 thereon, according to the provisions of this act, and shall con-
119 tinue so reserved until otherwise provided by law, except such
120 of said quarter sections as are or may be otherwise appropriat-
121 ed by the operation of this act. And the remaining quarter sec-
122 tions numbered two and three, except as above excepted, shall
123 be offered for sale, in all respects according to the provisions of
124 the existing laws relative to the public lands north-west of the
125 river Ohio and above the mouth of Kentucky river: *Provided*
126 *always*, That any person or persons who, during the present

127 war, shall enter lands therein by purchase after the public sales
128 in the respective districts, may at their option receive the same
129 at one dollar per acre, for prompt cash payment only, instead of
130 the terms provided by the existing laws: *And provided also*,
131 That in all cases where the site selected by the commissioners
132 for town plots, or fortifications, shall embrace any of the sec-
133 tions or parts thereof, appropriated to other public purposes, the
134 said commissioners shall, at the same time, designate other
135 sections for such public purposes instead thereof, and the same
136 report to the surveyor general.

1 Sec. 7. *And be it further enacted*, That it shall be lawful, from
2 and after the passage of this act, for any person or associations of
3 persons, armed and provided as herein required, to form a settle-
4 ment or settlements, on any part of the tract of country herein
5 described, and lying within the state of Ohio, or on the southern
6 bend of lake Michigan in the Indiana territory, although the
7 same may not be surveyed at the time and in the manner afore-
8 said; and the persons or association so establishing themselves
9 as settlers, shall be entitled to make their entries according to
10 the provisions of this act in their respective districts, so soon as
11 the surveys thereof shall be completed, proceeding in just rota-
12 tion, according to the dates of their respective settlements, or by
13 lot when the dates shall be equal or the same; and the time which
14 shall have elapsed after the commencement of such settlement,
15 and before the completion of said surveys, shall be considered and
16 allowed by the registers of the respective land offices as a part

17 of four years required by the provisions of this act. And it shall
18 be the duty of the said board of commissioners, to cause block
19 houses and suitable stockades to be erected at the sites selected
20 upon the north and western exterior boundaries of said districts,
21 as the progress of the settlements shall in their judgment re-
22 quire; which several block houses and stockades shall not ex-
23 ceed in expense, at any one site, the sum of hundred
24 dollars, unless by further orders from the proper department
25 of government, which expenses shall be satisfied by land certi-
26 ficates, in the same manner as the expenses of surveying and
27 commissioner's services in this act before provided.

1 Sec. 8. *And be it further enacted*, That the surveyor gene-
2 ral shall cause to be surveyed in the territory of Missouri, ad-
3 joining the line or boundary settled by the last treaty with the
4 Indian tribes in that vicinity, and extending from the Jauson
5 river to fort Clark on the Missouri, and thence due south
6 to White river, so many townships as will be equal in contents
7 to the five tiers of townships on the north boundary of Ohio and
8 the territories of Indiana and Illinois, according to the lengths
9 of the respective lines or exterior boundaries; which townships
10 or fractions shall be arranged into districts, or fractional parts
11 of districts, as may be required by the diagonal bearing of said
12 line or boundary varying from the cardinal points of north and
13 south; which said districts, or fractional parts of districts,
14 shall in all respects be under the same regulations as to the
15 surveying thereof, the establishment of roads and fortifications

16 therein, the appropriations for public purposes and donations to
17 settlers, as is by this act provided respecting the districts situat-
18 ed in the state and territories aforesaid, or as nearly so as the
19 different situations of the said tracts of country and their respec-
20 tive boundaries will admit. And if it shall appear to the sur-
21 veyor general that the tract of country herein contemplated to
22 be settled, be too extensive for the charge of one board of com-
23 missioners, he may divide the same, and appoint another board
24 of commissioners, in all respects conforming to the foregoing
25 provision of this act respecting commissioners; and in that case
26 the eastern division shall consist of the districts within the state
27 of Ohio and the Indiana territory, and the western of the dis-
28 tricts within the territories of Illinois and Missouri.

1 Sec. 9. *And be it further enacted*, That there shall be esta-
2 blished a new land office in the town of Norton, in the state of
3 Ohio, at which shall be entered all the lands sold or settled in
4 the districts adjoining the north boundary of the state of Ohio
5 and territory of Indiana. The lands in the middle district of
6 Indiana, on the Wabash river, shall be entered at the land of-
7 fice in the town of Vincennes: The lands of the districts with-
8 in the territory of Illinois, in the town of Kaskaskia; and the
9 lands of the districts within the territory of Missouri, in the
10 town of St. Louis.

1 Sec. 10. *And be it further enacted*, That this act shall take
2 effect from and after the passage thereof.