



**JEFFERSON TOWNSHIP
[TOWNSHIP 40N]**

**SURVEY, ORIGINAL SALES,
AND SUBDIVISIONS**


PART A

Background: Chicago skyline from Planetarium promontory.

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I'm not a licensed attorney and don't intend the materials presented here to replace the services of licensed attorneys
I work alone on a small, fixed personal income. If you appreciate my work, take advantage of it, and are able,
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Laurel Lee
Time For Democracy
Chicago, IL 60647-1127



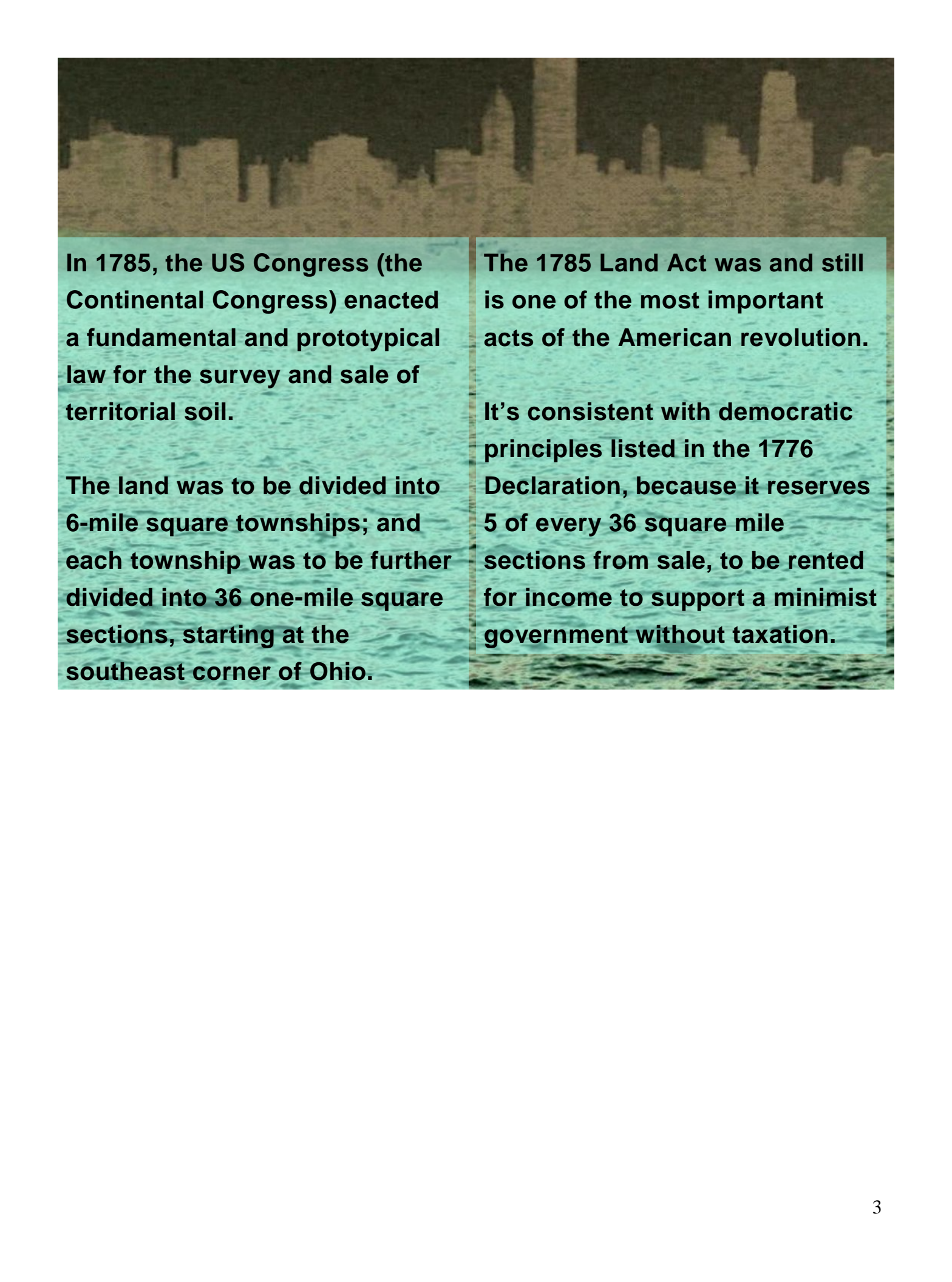
In 1763, by the Treaty of Paris, France ceded a large chunk of North America (also known as the Northwest Territory) to Great Britain.

Some of the British colonies incorporated parts of the territory in their charters, with Virginia claiming jurisdiction over the largest part.

In 1783, by another Treaty of Paris, Great Britain ceded the Northwest Territory to the US.

The several former colonies that claimed parts of the territory ceded their claims to the US Congress for disposition.

The plan was to sell the land to pay down the revolutionary war debts at home and abroad.




In 1785, the US Congress (the Continental Congress) enacted a fundamental and prototypical law for the survey and sale of territorial soil.

The land was to be divided into 6-mile square townships; and each township was to be further divided into 36 one-mile square sections, starting at the southeast corner of Ohio.

The 1785 Land Act was and still is one of the most important acts of the American revolution.


It's consistent with democratic principles listed in the 1776 Declaration, because it reserves 5 of every 36 square mile sections from sale, to be rented for income to support a minimalist government without taxation.



The 1785 Land Act reservations were obstacles to people who wished to exploit the new nation for personal aggrandizement and wealth.

They used positions in and out of government to pervert both the provisions and intent of the land act, and to make the reservations disappear.

Though memory of the land act and the benefits of the reservations have almost entirely been extinguished, the act survives in the description of all land incorporated by every deed for real estate in Jefferson Township and beyond.



In 1796, after US founders reconstituted as the US Congress under the 1787 US Constitution, they confirmed the provisions of the 1785 Land Act and made the reservations stronger.

The 1785 and 1796 Land Acts created individual property rights mankind had never enjoyed before.

The 1776 Declaration likewise exerted individual personal rights that mankind hadn't enjoyed before.

Again, in 1796, Washington's Farewell Address confirms that the 1787 Constitution existed to protect both the personal and property rights of man, newly acknowledged and free of monarchical control.



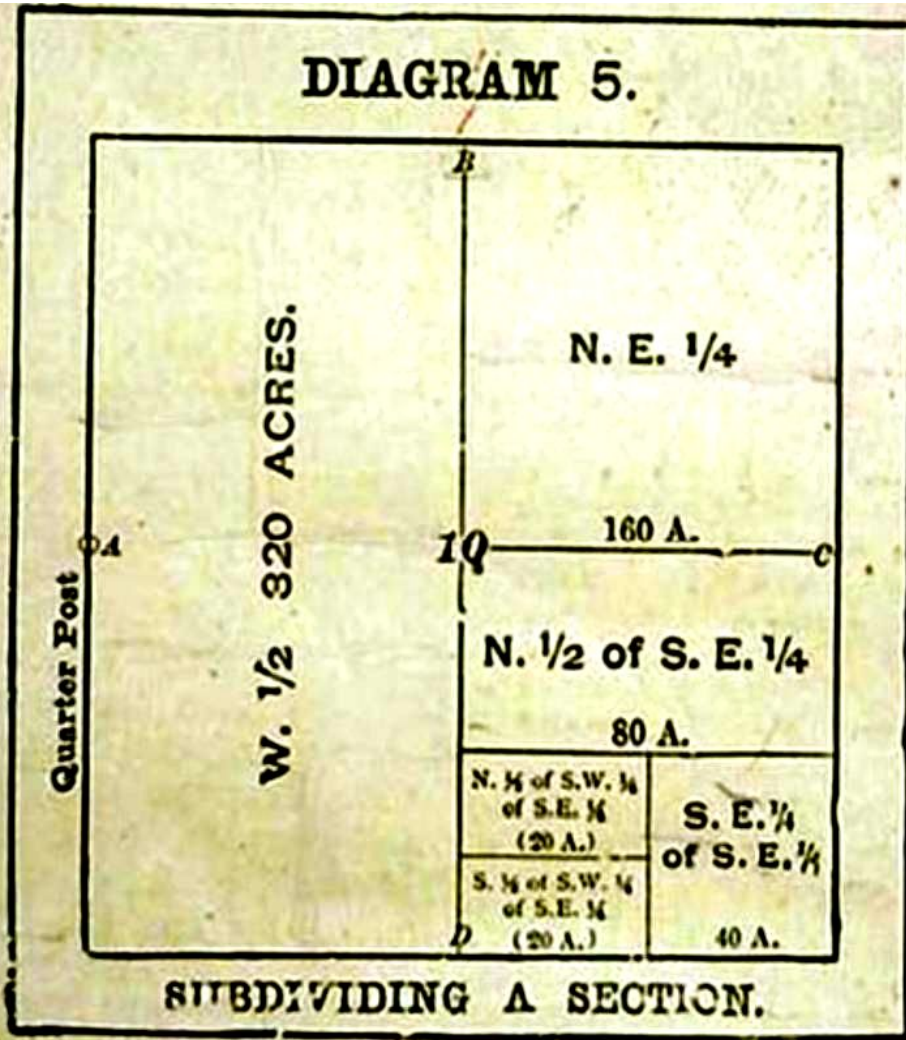
SECTIONS IN A TOWNSHIP

6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

DIVISIONS OF A SECTION

NW ¼ NW ¼	NE ¼ NW ¼	NE ¼ Section 160 acres	
SW ¼ NW ¼	SE ¼ NW ¼ 40 acres		
N ½ SW ¼		W ½ SE ¼	E ½ SE ¼ 80 acres
S ½ SW ¼ 80 acres			

DIAGRAM 5.



http://www.surveyhistory.org/metes_&_bounds_vs_public_land.htm

JOURNALS OF THE CONTINENTAL CONGRESS

1774-1789

EDITED FROM THE ORIGINAL
RECORDS IN THE LIBRARY OF
CONGRESS BY JOHN C. FITZPATRICK

Volume XXVIII. 1785

January 11- June 30

UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON
1933

FRIDAY, MAY 20, 1785.

Congress assembled. Present as yesterday.

Congress proceeded in the third reading of the Ordinance for ascertaining the mode of disposing of lands in the western territory, and the same being gone through, was passed as follows:

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 circum-

¹ This report, in the writing of John Lawrance, is in the *Papers of the Continental Congress*, No. 19, III, folio 623. It was read this day, according to the indorsement, and the resolve, as recommended, passed verbatim June 13. Ludwick's memorial is in No. 41, V, folio 411.

31864*—vol. 28—33—25

Fitzpatrick, John C. (editor) (1933). An Ordinance for Disposing of Lands in the North Western Territory (1785 May 20) (page 375). Journals of the Continental Congress, Vol. 28 (1785 Jan 11 - Jun 30). Washington (DC): US Government Printing Office.

stances 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 expense 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 number one; 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 number one. 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 and 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 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 of townships, at public vendue, in the following manner, viz: The township, or fractional part of a township, N 1, in the first range, shall be sold entire; and N 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, N 1, in the second range, shall be sold by lots; and N 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; pro-

vided, 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 expense 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 N 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:

Know ye, That for the consideration of dollars, we have granted, and hereby do grant and confirm unto the township, (or fractional part of a 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 Ns 8, 11, 26, and 29, for future sale or disposition, and the lot N 16, for the maintenance of public schools. To have to the said his heirs and assigns for ever; (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 twentieth day of May, in the year of our Lord one thousand seven hundred and eighty five, 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, 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 for ever; (or if more than one purchaser, to the said their heirs and assigns for ever as tenants in common.) In witness whereof, (A. B.) Commissioner of the continental loan office in the state of hath, in conformity to the Ordinance passed by the United States in Congress assembled, the twentieth 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 commissioner 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 moneys 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 16 and 18 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 the 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, hereinbefore 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 18 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 Gnadenhutzen, 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,¹ as may, in the judgment of the Geographer, be sufficient for them to cultivate.

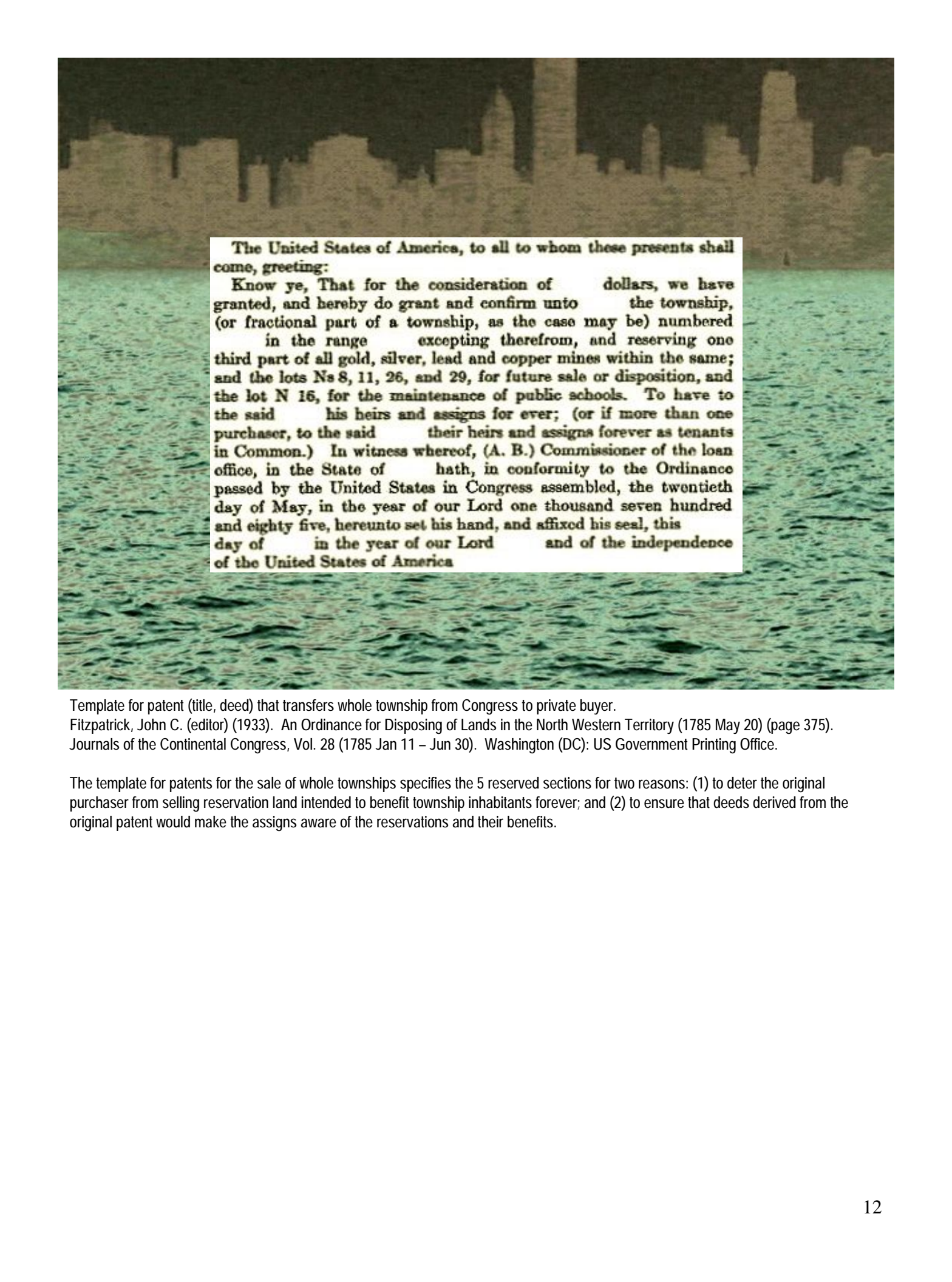
Saving and reserving always, to all officers and soldiers entitled to lands on the northwest side of the Ohio, by donation or bounty from the commonwealth of Virginia, and to all persons claiming under them, all rights to which they are so entitled, under the deed of cession executed by the delegates 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 Sciota, 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 20th day of May, in the year of our Lord 1785, and of our sovereignty and independence the ninth.

CHARLES THOMSON, *Secretary*. RICHARD H. LEE, *President*.²

¹ Moravian. The report of Mr. [Hugh] Williamson, Mr. [Richard Henry] Lee and Mr. [Samuel] Osgood on a memorial of J. Ettwein, A. Hübner and H. C. de Schweinitz on this matter was delivered March 31, 1784, and is indorsed by Thomson: "May 18 [1785] taken into the Ordinance for disposing of Western lands." The report, and two miscellaneous papers connected therewith, are in the *Papers of the Continental Congress*, Miscellaneous, in the Library of Congress.

² See Bibliographic Notes, 1785, for the various modifications of this Ordinance before its final adoption. Identification of the printed forms there given presents difficulties.



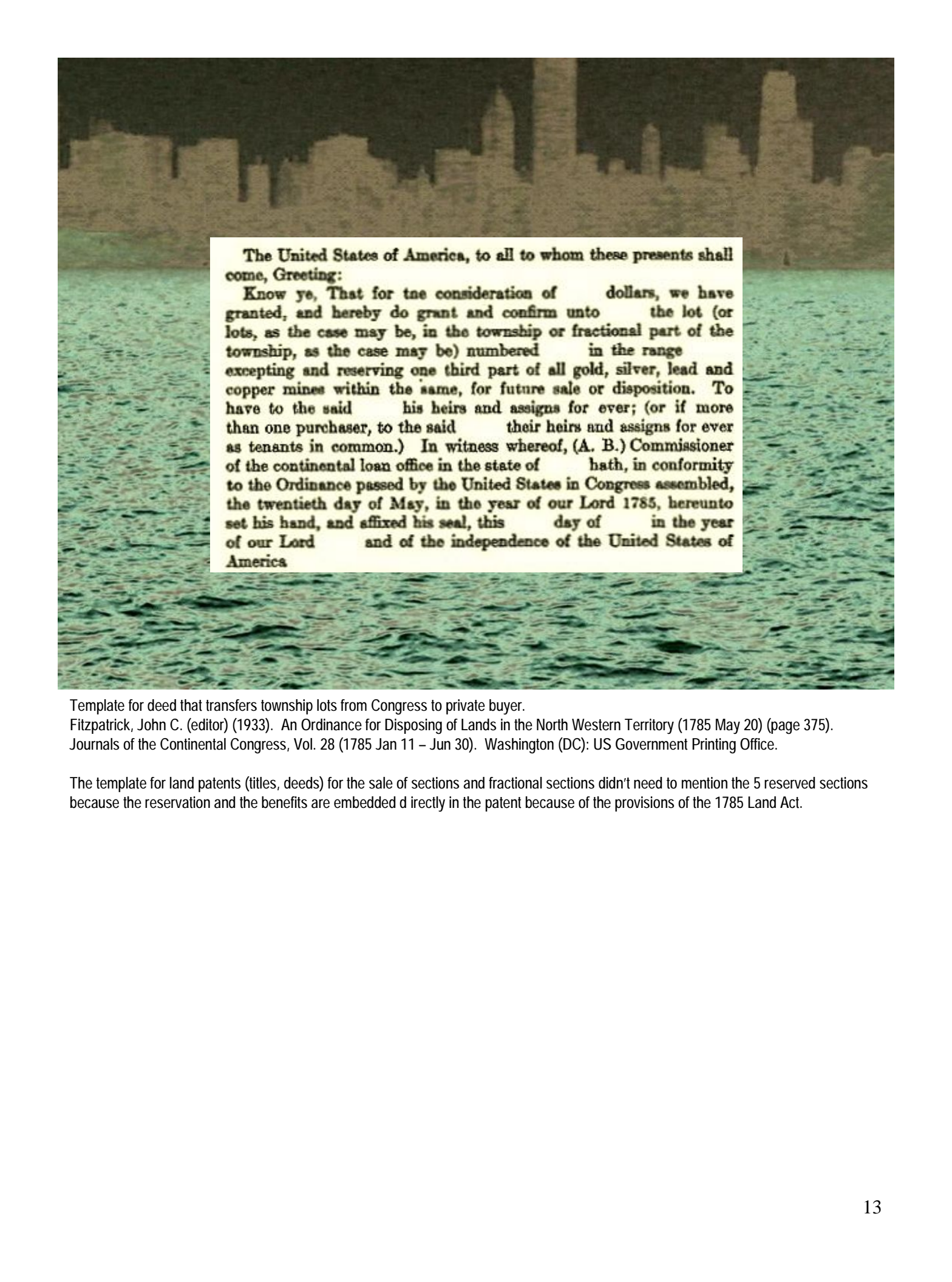
The United States of America, to all to whom these presents shall come, greeting:

Know ye, That for the consideration of dollars, we have granted, and hereby do grant and confirm unto the township, (or fractional part of a 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 Ns 8, 11, 26, and 29, for future sale or disposition, and the lot N 16, for the maintenance of public schools. To have to the said his heirs and assigns for ever; (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 twentieth day of May, in the year of our Lord one thousand seven hundred and eighty five, 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

Template for patent (title, deed) that transfers whole township from Congress to private buyer.

Fitzpatrick, John C. (editor) (1933). An Ordinance for Disposing of Lands in the North Western Territory (1785 May 20) (page 375). Journals of the Continental Congress, Vol. 28 (1785 Jan 11 – Jun 30). Washington (DC): US Government Printing Office.

The template for patents for the sale of whole townships specifies the 5 reserved sections for two reasons: (1) to deter the original purchaser from selling reservation land intended to benefit township inhabitants forever; and (2) to ensure that deeds derived from the original patent would make the assigns aware of the reservations and their benefits.



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, 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 for ever; (or if more than one purchaser, to the said their heirs and assigns for ever as tenants in common.) In witness whereof, (A. B.) Commissioner of the continental loan office in the state of hath, in conformity to the Ordinance passed by the United States in Congress assembled, the twentieth 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

Template for deed that transfers township lots from Congress to private buyer.

Fitzpatrick, John C. (editor) (1933). An Ordinance for Disposing of Lands in the North Western Territory (1785 May 20) (page 375). Journals of the Continental Congress, Vol. 28 (1785 Jan 11 – Jun 30). Washington (DC): US Government Printing Office.

The template for land patents (titles, deeds) for the sale of sections and fractional sections didn't need to mention the 5 reserved sections because the reservation and the benefits are embedded directly in the patent because of the provisions of the 1785 Land Act.

BY AUTHORITY OF CONGRESS.

THE
Public Statutes at Large
OF THE
UNITED STATES OF AMERICA,

FROM THE
ORGANIZATION OF THE GOVERNMENT IN 1789, TO MARCH 3, 1845.

ARRANGED IN CHRONOLOGICAL ORDER.

WITH
REFERENCES TO THE MATTER OF EACH ACT AND TO THE SUBSEQUENT ACTS
ON THE SAME SUBJECT,

AND
COPIOUS NOTES OF THE DECISIONS

OF THE
Courts of the United States

CONSTRUING THOSE ACTS, AND UPON THE SUBJECTS OF THE LAWS.

WITH AN
INDEX TO THE CONTENTS OF EACH VOLUME,
AND A
FULL GENERAL INDEX TO THE WHOLE WORK, IN THE CONCLUDING VOLUME.

TOGETHER WITH
**The Declaration of Independence, the Articles of Confederation, and
the Constitution of the United States;**

AND ALSO,
TABLES, IN THE LAST VOLUME, CONTAINING LISTS OF THE ACTS RELATING TO THE JUDICIARY,
IMPOSTS AND TONNAGE, THE PUBLIC LANDS, ETC.

EDITED BY
RICHARD PETERS, ESQ.,
COUNSELLOR AT LAW.

The rights and interest of the United States in the stereotype plates from which this work is printed, are hereby recognised, acknowledged, and declared by the publishers, according to the provisions of the joint resolution of Congress, passed March 3, 1845.

VOL. I.

BOSTON:
CHARLES C. LITTLE AND JAMES BROWN.
1845.

Peters, Richard (editor, by authority of Congress). Statute 29, An Act providing for the sale of US land in the territory northwest of the Ohio River and above the mouth of the Kentucky River (page 464). The Public Statutes at Large of the United States of America from 1789 to 1845, and copious notes of the decisions of the courts of the United States. Boston: Charles C. Little and James Brown (1845).

cause, without delay, to survey and mark the unascertained outlines of the lands lying northwest of the river Ohio, and above the mouth of the river Kentucky, in which the titles of the Indian tribes have been extinguished, and to divide the same in the manner herein after directed; he shall have authority to frame regulations and instructions for the government of his deputies; to administer the necessary oaths, upon their appointments; and to remove them for negligence or misconduct in office.(a)

Sec. 2. *Be it further enacted*, That the part of the said lands,

(a) The decisions of the courts of the United States, as to the principles which regulate the titles to the public lands, in the states which form part of the territory northwest of the river Ohio, have been :
A title to lands under grants by Indian titles northwest of the river Ohio, to private individuals in the years 1773 and 1775, cannot be sustained in the courts of the United States. Lessee of Johnson et al. v. McIntosh, 8 Wheat. 543; 5 Cond. Rep. 315.

The title to land depends entirely on the laws of the nation in which they lie. *Ibid.*
Discovery constitutes the original title to lands on the American continent, as between the different European nations. The title thus derived was the exclusive right of acquiring the soil from the natives, and establishing settlements upon it. The title was to be consummated by possession. *Ibid.*

The right of the original inhabitants, was to a considerable extent impaired, but in no instance disregarded. The Europeans respected the right of the natives as occupants, but asserted the ultimate dominion to be in themselves; and claimed and exercised as a consequence of this ultimate dominion, a power to grant the soil while yet in the possession of the natives. *Ibid.*

By the treaty between Great Britain and the United States, which concluded the revolution, the powers of government and the right of soil, which had been previously in Great Britain, passed definitely to the United States. *Ibid.*

The United States, or the several states, have a clear title to all the lands within the boundary lines described in the treaty; subject only to the Indian right of occupancy; and the exclusive power to extinguish that right, was vested in the United States, which might constitutionally exercise it. *Ibid.*

It is a principle of universal law, that if an uninhabited country be discovered by a number of individuals, who acknowledge no connection with, and own no allegiance to any government whatever, the country becomes the property of the discoverers, so far as they can use it. *Ibid.*

If the discovery be made, and possession be taken under the authority of an existing government which is acknowledged by the emigrants, the discovery is made for the whole nation; and the country becomes a part of the nation, and the vacant soil is to be disposed of by that organ of the government which has the constitutional power to dispose of the national domain. *Ibid.*

The decision of the register and receiver of a land-office, in the absence of fraud, would be conclusive as to the facts that the applicant for the land was then in possession, and of his cultivating the land during the preceding year; because these questions are directly submitted to those officers. Yet if they undertake to grant pre-emptions to land, on which the law declares they shall not be granted, then they are acting on a subject matter clearly not within their jurisdiction; as much so, as if a court whose jurisdiction was declared not to extend beyond a given sum, should attempt cognizance of a case beyond that sum. *Wilcox v. Jackson*, 13 Peters, 498.

Appropriation of land by the government, is nothing more or less than setting it apart for some peculiar use. Whenever a tract of land has been once legally appropriated to any purpose, from that moment the land thus appropriated becomes severed from the mass of public lands; and no subsequent law or proclamation, or sale, would be construed to embrace it, or to operate upon it, although no other reservation were made of it. *Ibid.*

Nothing passes a perfect title to public lands, with the exception of a few cases, but a patent. The exceptions are where Congress grants lands in words of present grant. The general rule applies as well to pre-emptions, as to other purchases of public land. *Ibid.*

A state has a perfect right to legislate as she may please, in regard to the remedies to be prosecuted in her courts, and to regulate the disposition of the property of her citizens, by descent, devise or alienation. But Congress are invested by the constitution with the power of disposing of the public land, and making needful rules and regulations concerning it. *Ibid.*

Where a patent has not been issued for a part of the public land, a state has no power to declare any title less than a patent valid against the claim of the United States to the land; or against a title held under a patent from the United States. *Ibid.*

Whenever the question in any court, state or federal, is whether the title to property which had belonged to the United States, has passed, that question must be resolved by the laws of the United States. But whenever the property has passed, according to those laws, then the property, like all other in the state, is subject to state legislation; so far as that legislation is consistent with the admission that the title passed, and was vested according to the laws of the United States. *Ibid.*

Congress has the sole power to declare the dignity and effect of titles emanating from the United States; and the whole legislation of the government, in reference to public lands, declares the patent to be the superior and conclusive evidence of legal title. Until it issues, the fee is in the government, which by the patent passes to the grantee, and he is entitled to recover the possession by ejectment. *Bagnell v. Broderick*, 13 Peters, 438.

Where the title to the public land has passed out of the United States by conflicting patents, there can be no objection to the practice adopted by the courts of a state, to give effect to the better right in any form of remedy the legislature or courts of the state may prescribe.

No doubt is entertained, of the power of the states to pass laws authorizing purchasers of lands from the United States, to prosecute actions of ejectment upon certificates of purchase against trespassers on the lands purchased; but it is denied that the states have any power to declare certificates of purchase, of equal dignity with a patent. Congress alone can give them such effect. *Ibid.*

VOL. I.—59

STATUTE I.

May 18, 1796. CHAP. XXIX.—*An Act providing for the Sale of the Lands of the United States, in the territory northwest of the river Ohio, and above the mouth of Kentucky river.*(a)

A surveyor general to be appointed; his power and duties.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That a Surveyor General shall be appointed, whose duty it shall be to engage a sufficient number of skilful surveyors, as his deputies; whom he shall

(a) The acts of Congress relating to the sale of the public lands northwest of the river Ohio, are: An act providing for the sale of the lands of the United States, in the territory northwest of the river Ohio, and above the mouth of the Kentucky river, May 18, 1796, chap. 29; an act for regulating grants of land appropriated for military services, and for the Society of the United Brethren, for propagating the gospel among the heathen, June 1, 1796, chap. 46; an act to amend the act entitled "An act for regulating grants of land appropriated for military services, and for the Society of United Brethren for propagating the gospel among the heathen," March 2, 1799, chap. 29; an act to authorize the sale of certain lands between the Great and Little Miami rivers, in the territory of the United States, northwest of the river Ohio; and for giving a pre-emption to certain purchasers, March 3, 1799, chap. 34; an act in addition to an act regulating the grants of land appropriated for military services, and for the Society of United Brethren for propagating the gospel among the heathen, and for other purposes, March 1, 1800; act of May 10, 1800; an act making provision for the disposal of the public lands in the Indian territory, and for other purposes, March 26, 1804, chap. 25; an act to authorize the Secretary at War, to issue land warrants, and for other purposes, April 18, 1806, chap. 26; an act providing for the cases of lost military land warrants and discharges for faithful services, April 27, 1818, chap. 127, Sec. 2c.

Note: Footnotes to the 1845 authorized edition of US public laws indicates that the US Supreme court upheld the perpetuity of the reservations of the 5 sections in the 1785-1796 land acts. Furthermore, the 1796 land act drops the sale-or-disposition provision for the 4 sections reserved to Congress by the 1785 land act and reduces Congress to a disposition-only option, with disposition meaning treatment up to but not including sale.

The lands how to be surveyed, laid out, &c.

which has not been already conveyed by letters patent, or divided, in pursuance of an ordinance in Congress, passed on the twentieth of May, one thousand seven hundred and eighty-five, or which has not been heretofore, and during the present session of Congress may not be appropriated for satisfying military land bounties, and for other purposes, shall be divided by north and south lines run according to the true meridian, and by others crossing them at right angles, so as to form townships of six miles square, unless where the line of the late Indian purchase, or of tracts of land heretofore surveyed or patented, or the course of navigable rivers may render it impracticable; and then this rule shall be departed from no further than such particular circumstances may require. The corners of the townships shall be marked with progressive numbers from the beginning; each distance of a mile between the said corners shall be also distinctly marked with marks different from those of the corners. One half of the said townships, taking them alternately, shall be subdivided into sections, containing, as nearly as may be, six hundred and forty acres each, by running through the same, each way, parallel lines, at the end of every two miles; and by marking a corner, on each of the said lines, at the end of every mile; 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. And it shall be the duty of the deputy surveyors, respectively, to cause to be marked, on a tree near each corner made, as aforesaid, and within the section, the number of such section, and over it, the number of the township, within which such section may be; and the said deputies shall carefully note, in their respective field-books, the names of the corner trees marked, and the numbers so made: The fractional parts of townships shall be divided into sections, in manner aforesaid, and the fractions of sections shall be annexed to, and sold with, the adjacent entire sections. All lines shall be plainly marked upon trees, and measured with chains, containing two perches of sixteen feet and one half each, subdivided into twenty-five equal links, and the chain shall be adjusted to a standard to be kept for that purpose. Every surveyor shall note in his field-book the true situations of all mines, salt licks, salt springs and mill seats, which shall come to his knowledge; all water courses, over which the line he runs shall pass; and also the quality of the lands. These field-books shall be returned to the Surveyor General, who shall therefrom cause a description of the whole lands surveyed, to be made out and transmitted to the officers who may superintend the sales: He shall also cause a fair plat to be made of the townships, and fractional parts of townships, contained in the said lands, describing the subdivisions thereof, and the marks of the corners. This plat shall be recorded in books to be kept for that purpose; a copy thereof shall be kept open at the Surveyor General's office, for public information; and other copies sent to the places of the sale, and to the Secretary of the Treasury.

Plat of townships and fractional parts to be made.

Reservations for the future disposal of the United States.

Sections of 640 acres (except reservations) to be sold at ven-

Sec. 3. *Be it further enacted*, That a salt spring lying upon a creek which empties into the Sciota river, on the east side, together with as many contiguous sections as shall be equal to one township, and every other salt spring which may be discovered, together with the section of one mile square which includes it, and also four sections at the centre of every township, containing each one mile square, shall be reserved, for the future disposal of the United States; but there shall be no reservations, except for salt springs, in fractional townships, where the fraction is less than three fourths of a township.

Sec. 4. *Be it further enacted*, That whenever seven ranges of townships shall have been surveyed below the Great Miami, or between the Sciota river and the Ohio company's purchase, or between the southern boundary of the Connecticut claims and the ranges already laid off

beginning upon the Ohio river and extending westwardly, and the plats thereof made and transmitted, in conformity to the provisions of this act, the said sections of six hundred and forty acres (excluding those hereby reserved) shall be offered for sale, at public vendue, under the direction of the governor or secretary of the western territory, and the Surveyor General: such of them as lie below the Great Miami shall be sold at Cincinnati; those of them which lie between the Sciota and the Ohio company's purchase, at Pittsburg; and those between the Connecticut claim and the seven ranges, at Pittsburg. And the townships remaining undivided shall be offered for sale, in the same manner, at the seat of government of the United States, under the direction of the Secretary of the Treasury, in tracts of one quarter of a township lying at the corners thereof, excluding the four central sections, and the other reservations before mentioned: *Provided always*, that no part of the lands directed by this act to be offered for sale, shall be sold for less than two dollars per acre.

Sec. 5. *Be it further enacted*, That the Secretary of the Treasury, after receiving the aforesaid plats, shall forthwith give notice, in one newspaper in each of the United States, and of the territories northwest and south of the river Ohio, of the times of sale; which shall, in no case, be less than two months from the date of the notice; and the sales at the different places shall not commence, within less than one month of each other: And when the governor of the western territory, or Secretary of the Treasury, shall find it necessary to adjourn, or suspend the sales under their direction, respectively, for more than three days, at any one time, notice shall be given in the public newspapers, of such suspension, and at what time the sales will re-commence.

Sec. 6. *Be it further enacted*, That immediately after the passing of this act, the Secretary of the Treasury shall, in the manner herein before directed, advertise for sale, the lands remaining unsold in the seven ranges of townships, which were surveyed, in pursuance of an ordinance of Congress, passed the twentieth of May, one thousand seven hundred and eighty-five, including the lands drawn for the army, by the late Secretary of War, and also those heretofore sold, but not paid for; the townships which by the said ordinance, are directed to be sold entire, shall be offered for sale, at public vendue in Philadelphia, under the direction of the Secretary of the Treasury, in quarter townships, reserving the four centre sections, according to the directions of this act. The townships, which, by the said ordinance, are directed to be sold in sections, shall be offered for sale at public vendue, in Pittsburg, under the direction of the governor or secretary of the western territory, and such person as the President may specially appoint for that purpose, by sections of one mile square each, reserving the four centre sections, as aforesaid; and all fractional townships shall also be sold in sections, at Pittsburg, in the manner, and under the regulations provided by this act, for the sale of fractional townships: *Provided always*, That nothing in this act shall authorize the sale of those lots, which have been heretofore reserved in the townships already sold.

Sec. 7. *Be it further enacted*, That the highest bidder for any tract of land, sold by virtue of this act, shall deposit, at the time of sale, one twentieth part of the amount of the purchase money; to be forfeited, if a moiety of the sum bid, including the said twentieth part, is not paid within thirty days, to the treasurer of the United States, or to such person as shall be appointed by the President of the United States, to attend the places of sale for that purpose; and upon payment of a moiety of the purchase money, within thirty days, the purchaser shall have one year's credit for the residue; and shall receive from the Secretary of the Treasury, or the governor of the western territory, (as the case may be) a certificate describing the land sold, the sum paid on account, the balance

due, by the Governor or Secretary of the western territory, and the Surveyor General.

Undivided townships to be sold in like manner by the Secretary of the Treasury.

No part of the lands to be sold for less than two dollars per acre.

Secretary of Treasury to give notice of the times of sale, &c.

Certain other lands to be sold.

Made of payment and of obtaining a patent, &c.

Mode of payment, and of obtaining a patent, &c.

1812, ch. 68, sec. 8.
1836, ch. 352, sec. 6.

Entries to be made of the date of sales &c.

Governor or Secretary to transmit copies at certain times.

Tracts sold to be noted on the general plat.

Navigable rivers to be public highways.

Streams not navigable, to be common property.

Compensation of Surveyor Gen. President to fix compensation of assistant surveyors.

Expense not to exceed three dollars for every mile surveyed.

Regulation of fees to be paid.

Oath to be taken by the Surveyor General, &c.

The person to be appointed to receive the mo-

remaining due, the time when such balance becomes payable; and that the whole land sold will be forfeited, if the said balance is not then paid; but 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: And on payment of the said balance to the treasurer, within the specified time, and producing to the Secretary of State a receipt for the same, upon the aforesaid 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. But if there should be a failure in any payment, the sale shall be void, all the money theretofore paid on account of the purchase shall be forfeited to the United States, and the lands thus sold shall be again disposed of, in the same manner as if a sale had never been made: *Provided nevertheless*, that should any purchaser make payment of the whole purchase money, at the time when the payment of the first moiety is directed to be made, he shall be entitled to a deduction of ten per centum on the part, for which a credit is hereby directed to be given; and his patent shall be immediately issued.

SEC. 8. *Be it further enacted*, That the Secretary of the Treasury, and the governor of the territory north west of the river Ohio, shall respectively, cause books to be kept, in which shall be regularly entered, an account of the dates of all the sales made, the situation and numbers of the lots sold, the price at which each was struck off, the money deposited at the time of sale, and the dates of the certificates granted to the different purchasers. The governor, or secretary of the said territory shall, at every suspension or adjournment, for more than three days, of the sales under their direction, transmit to the Secretary of the Treasury, a copy of the said books, certified to have been duly examined and compared with the original. And all tracts sold under this act, shall be noted upon the general plat, after the certificate has been granted to the purchaser.

SEC. 9. *And be it further enacted*, That all navigable rivers, within the territory to be disposed of by virtue of this act, shall be deemed to be, and remain public highways: And that in all cases, where the opposite banks of any stream, not navigable, shall belong to different persons, the stream and the bed thereof shall become common to both.

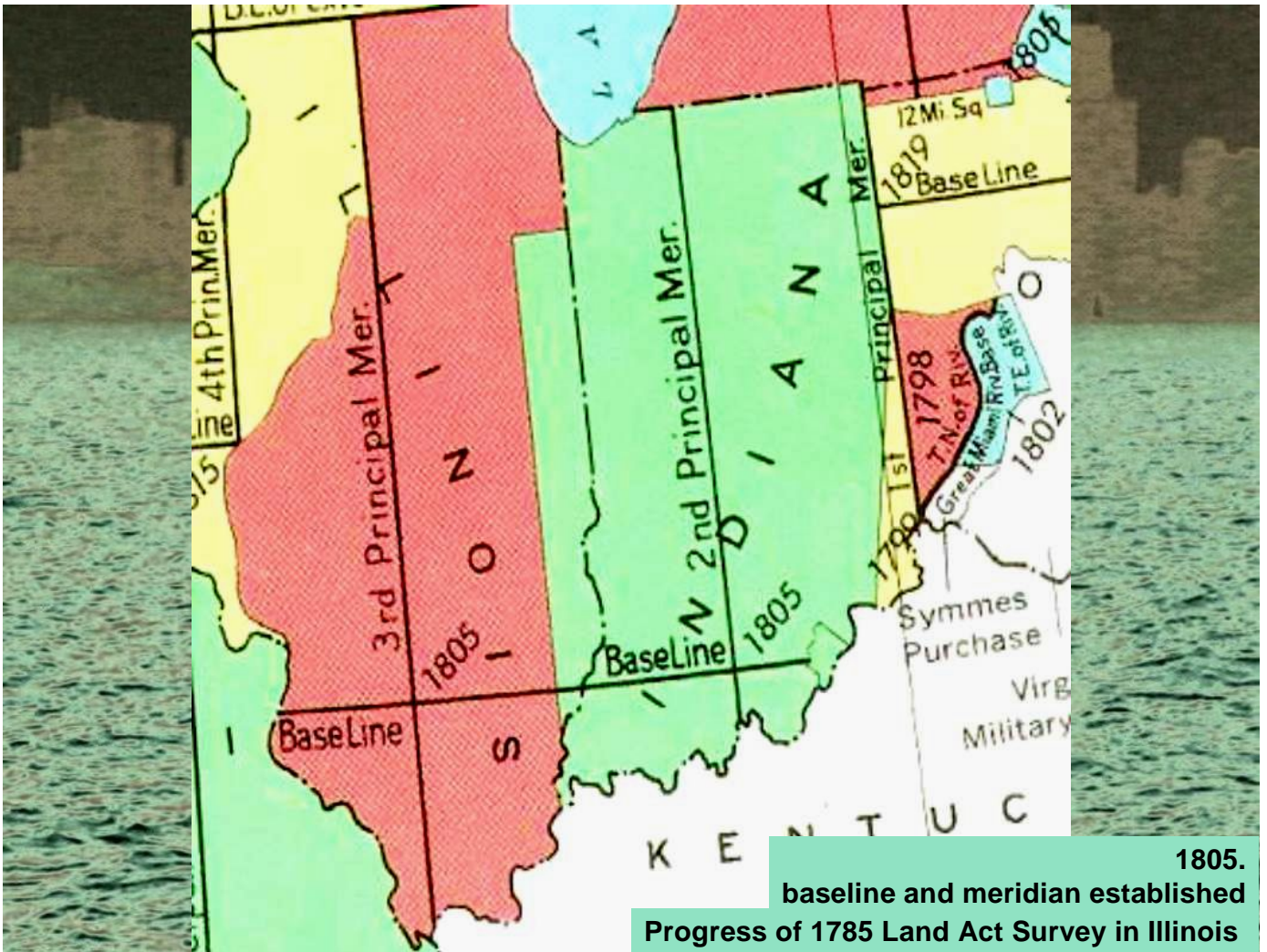
SEC. 10. *And be it further enacted*, That the surveyor general shall receive for his compensation, two thousand dollars per annum; and that the President of the United States may fix the compensation of the assistant surveyors, chain carriers and axe men: *Provided*, that the whole expense of surveying and marking the lines, shall not exceed three dollars per mile, for every mile that shall be actually run or surveyed.

SEC. 11. *And be it further enacted*, That the following fees shall be paid for the services to be done under this act, to the treasurer of the United States, or to the receiver in the western territory, as the case may be; for each certificate for a tract containing a quarter of a township, twenty dollars; for a certificate for a tract containing six hundred and forty acres, six dollars; and for each patent for a quarter of a township, twenty dollars; for a section of six hundred and forty acres, six dollars: And the said fees shall be accounted for by the receivers, respectively.

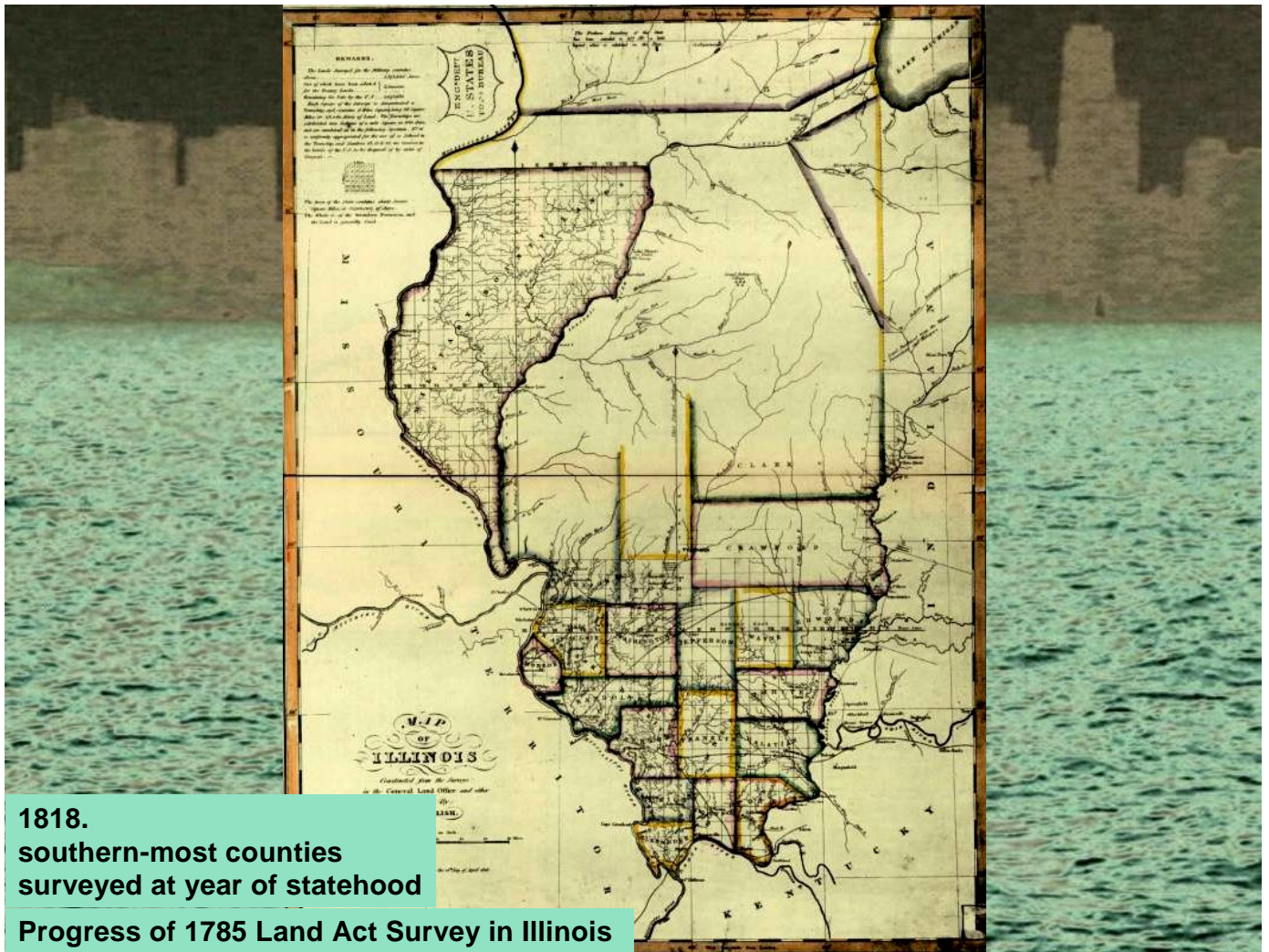
SEC. 12. *And be it further enacted*, That the surveyor general, assistant surveyors, and chain carriers, shall, before they enter on the several duties to be performed under this act, severally take an oath or affirmation, faithfully to perform the same; and the person, to be appointed to receive the money on sales in the western territory, before he shall receive any money under this act, shall give bond with sufficient security,

nted: And it shall be lawful for the Bank of the United States to lend the same.

Approved, May 30, 1796.



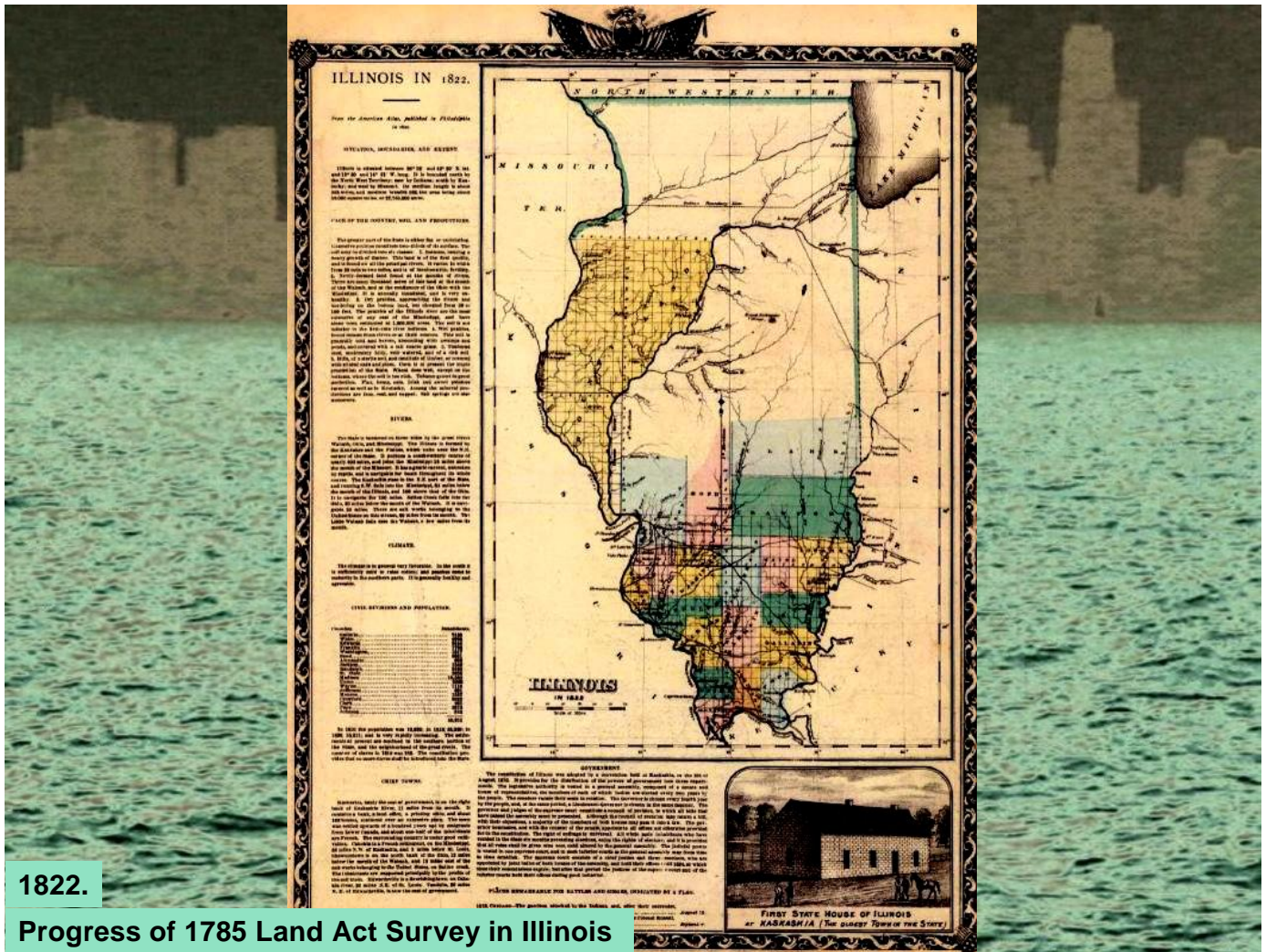
US GLO survey baselines and meridians in Northwest Territory.



1818.
southern-most counties
surveyed at year of statehood

Progress of 1785 Land Act Survey in Illinois

(1818). Illinois counties and extent of US survey.



1822.

Progress of 1785 Land Act Survey in Illinois

Carey, H. C. and Lea, I. Illinois in 1822. (with view:) First State House of Illinois at Kaskaskia, the oldest town in the State). Chicago: Union Atlas Co (Warner & Beers, proprietors, Lakeside Building, corner of Clark & Adams) (c. 1876, Washington DC).

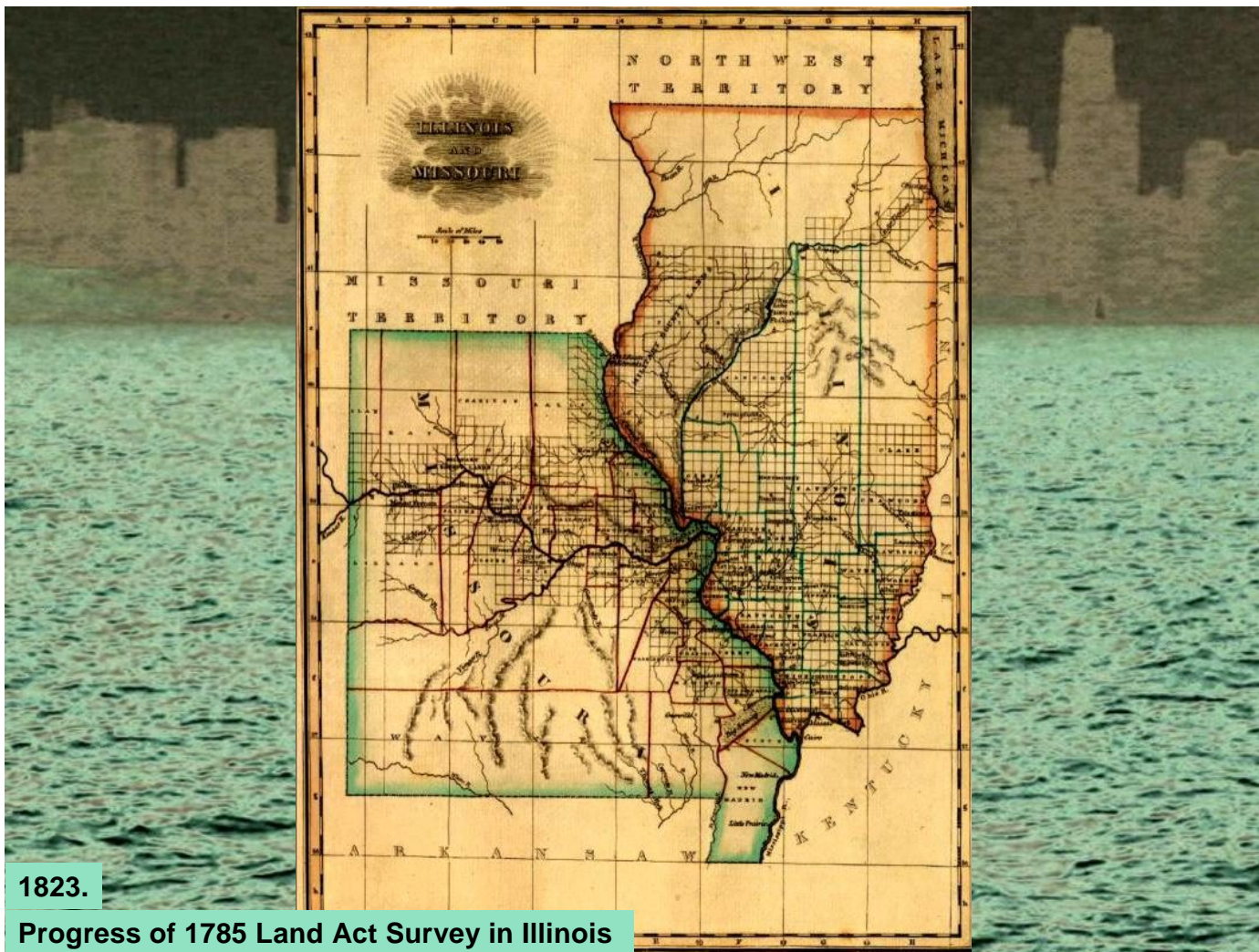
Note: Hand col. lithograph. Shows townships, roads, "Indian boundary line," etc. Includes text and tables. A re-engraved and differently laid out version of the map and text "From the American Atlas, published in Philadelphia in 1822," that is, "A complete historical, chronological, and geographical American Atlas ..." published by H.C. Carey and I. Lea. The original map by "J. Yeager, sculp." The Kaskaskia view, not on the map in the 1822 atlas, measures 7 x 11 cm.

David Rumsey Collection (2005). # 1159.002. Series # 6. Image #1159002. Image ID 460002. File name 1159002.sid.

Published as page 6 in Atlas of the State of Illinois to which are added various general maps, history, statistics and illustrations.

Note: This is very much in the Andreas Minnesota Atlas style - Warner and Beers in fact collaborated with Andreas and did the coloring on the Minnesota Atlas. This 1876 edition bears little resemblance to the earlier 1871 edition by Warner, Higgins & Beers (see our #3749) which used entirely different maps and had no views. Bound in half leather dark brown cloth covered boards with "Atlas of Illinois 1876 illustrated" stamped in gold on the front and blind stamped on the back.

Reference: Phillips, 1513; LeGear Atlas of the United States, L4062; Phillips Maps of America, p. 330.



1823.

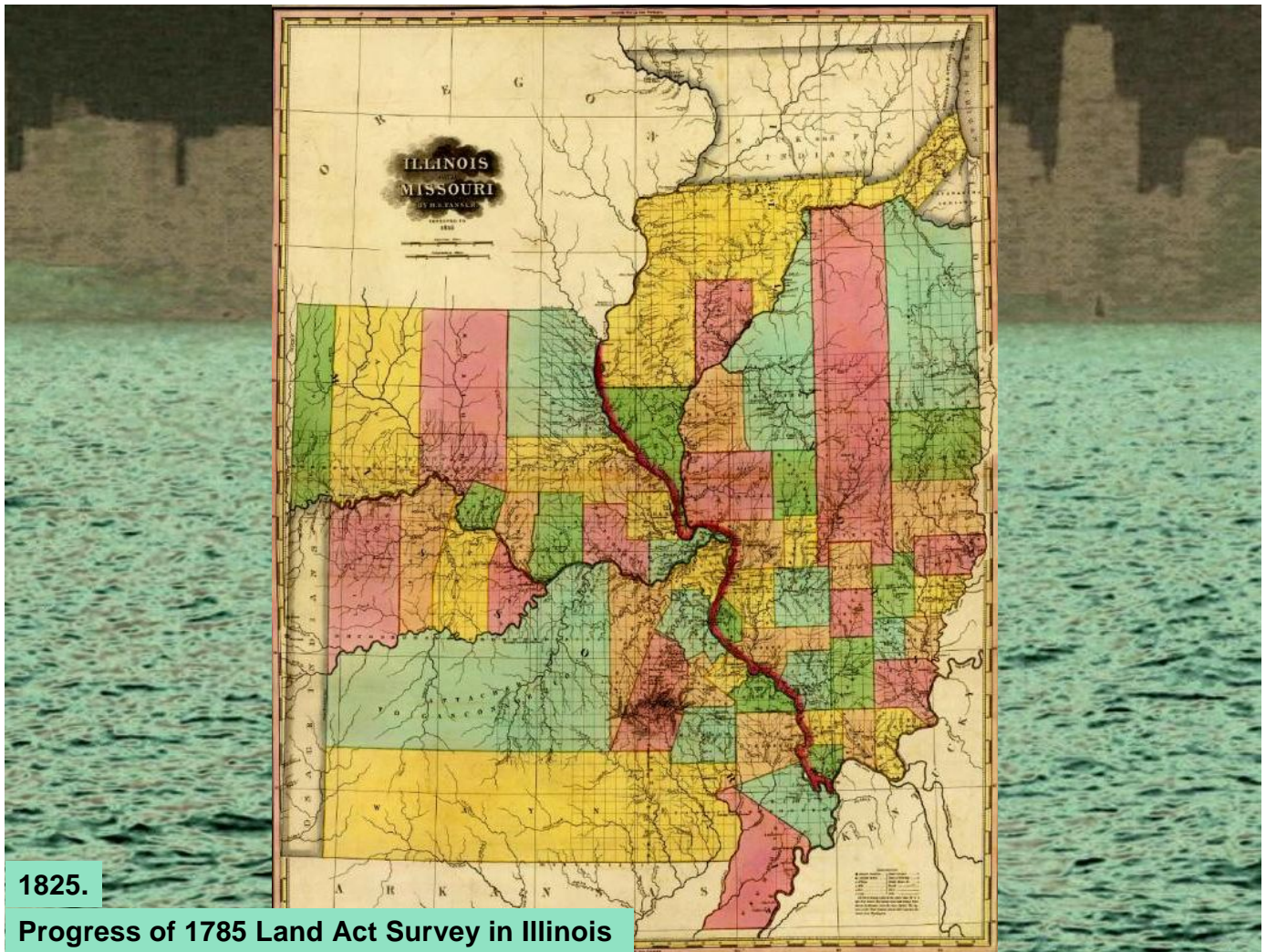
Progress of 1785 Land Act Survey in Illinois

Morse, Sidney Edwards (1794-1871) (1823). Illinois and Missouri. New Haven (CT): N. & S.S. Jocelyn

Note: Engraved map with facing index page. Outline hand color. Relief shown by hachures. Prime meridians: Washington and Greenwich. Reference: Karrow, 4-1416.

David Rumsey Collection (2005). List # 4869.011. Series # 15. Image # 4869011. File Name 4869011.sid.

Published in An atlas of the United States, on an improved plan; consisting of ten maps, with a complete index to each, and a general map of the whole country.



1825.

Progress of 1785 Land Act Survey in Illinois

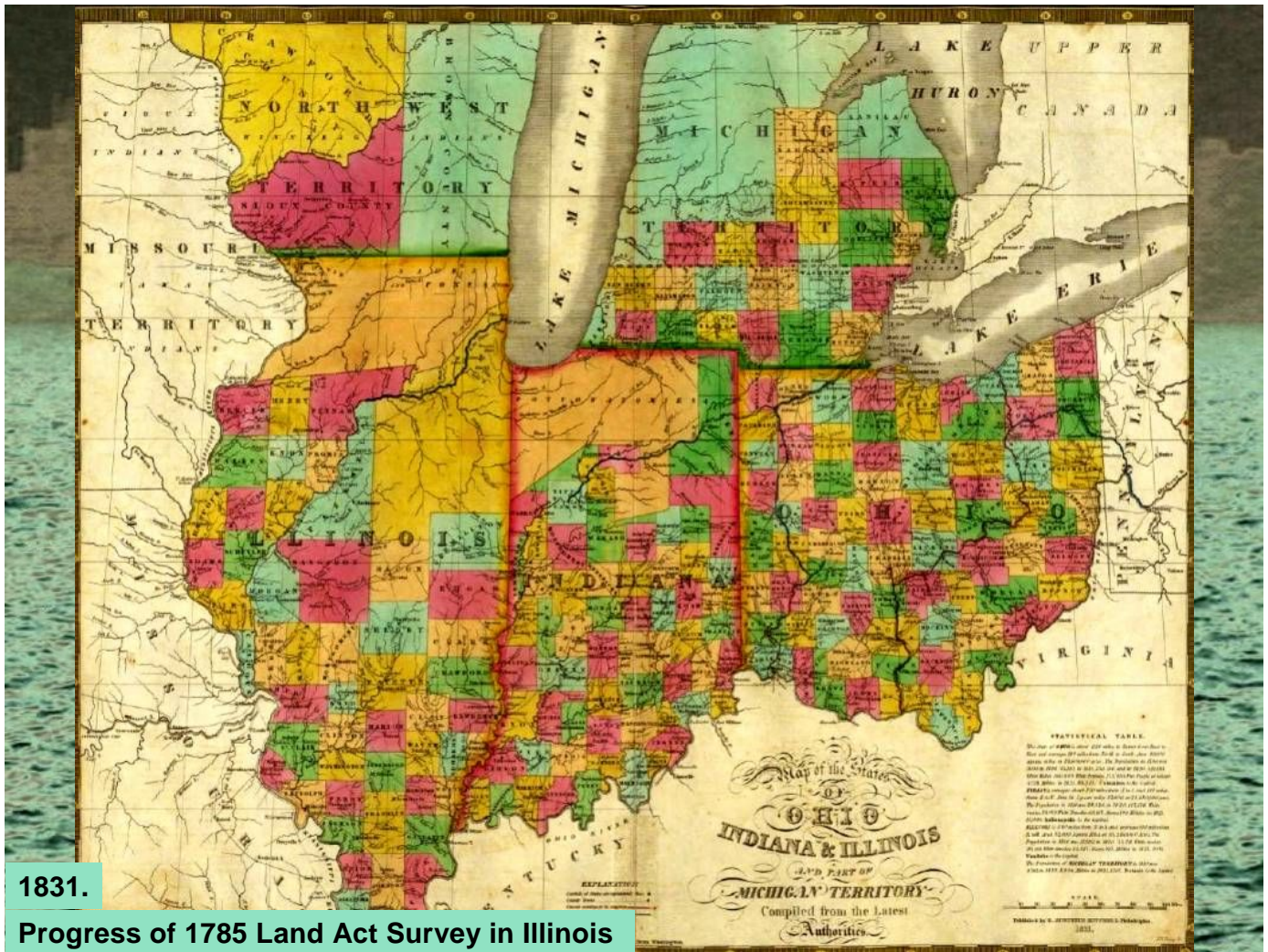
Tanner, Henry S. (engraver, publisher) (1825). Illinois And Missouri Improved To 1825. Pennsylvania: H.S. Tanner (1823 August 20).

David Rumsey Collection (c. 2005) cf P3669-17. List # 2755.017. Series # 31.

Published in A New American Atlas Containing Maps Of The Several States of the North American Union, Projected and drawn on a Uniform Scale from Documents found in the public Offices of the United States and State Governments, and other Original and Authentic Information, By Henry S. Tanner ... Philadelphia: Published By H.S. Tanner. 1825. (title page only) Writing Drawn and Engraved by Joseph Perkins. Barralet del. Humphrys sc.

Note: 2nd edition, maps and title page dated 1825, except S.A. 1823. Like P3669, except S.A. dated 1823 and N.A. dated 1825. Fine copy with extra large sheets bound in full tree calf edged in gilt - the most beautiful and elegant binding we have seen of an American Atlas, stamped "Davis, Binder - Philada." The spine is titled "American Atlas" on a red leather label in gilt. Memoir dated 1825, with slight changes from the 1823 memoir. The index sheet is numbered 1-22 in two columns, vs in one column in the 1823 edition and in two columns numbered 1-17 in the 1833 editions. The maps of the World and America have Arctic discoveries not shown in earlier editions, as does the N.A. map which also shows the Russian Alaska boundary of 1824. The state maps have various updates from the earlier issues (mostly adding counties) although three (Maine etc., Penn., N. & S. Carolina) have 1825 dates with no obvious changes from the earlier issues. See our table comparing all five editions map by map. According to Wolter (Mountains & Rivers article) the 1825 S.A. map has a more elaborate mountains and rivers diagram than any earlier issues. This issue of the atlas can be truly called an edition - all the maps have 1825 dates and the geography is current; the 1823 parts issue is also an edition. Later editions were compilations - some maps were updated, others were not or were taken from out of date issues. Full color.

David Rumsey Collection (c. 2005) cf P3669. List # 2755.000 Image # 2755017 File # 2755017.sid



1831.

Progress of 1785 Land Act Survey in Illinois

Map of the States Of Ohio, Indiana & Illinois And Part Of Michigan Territory Compiled from the Latest Authorities. Young, J.H. (engraver). Philadelphia (PA): S. A. Mitchell (Samuel Augustus) (publisher) (1831).

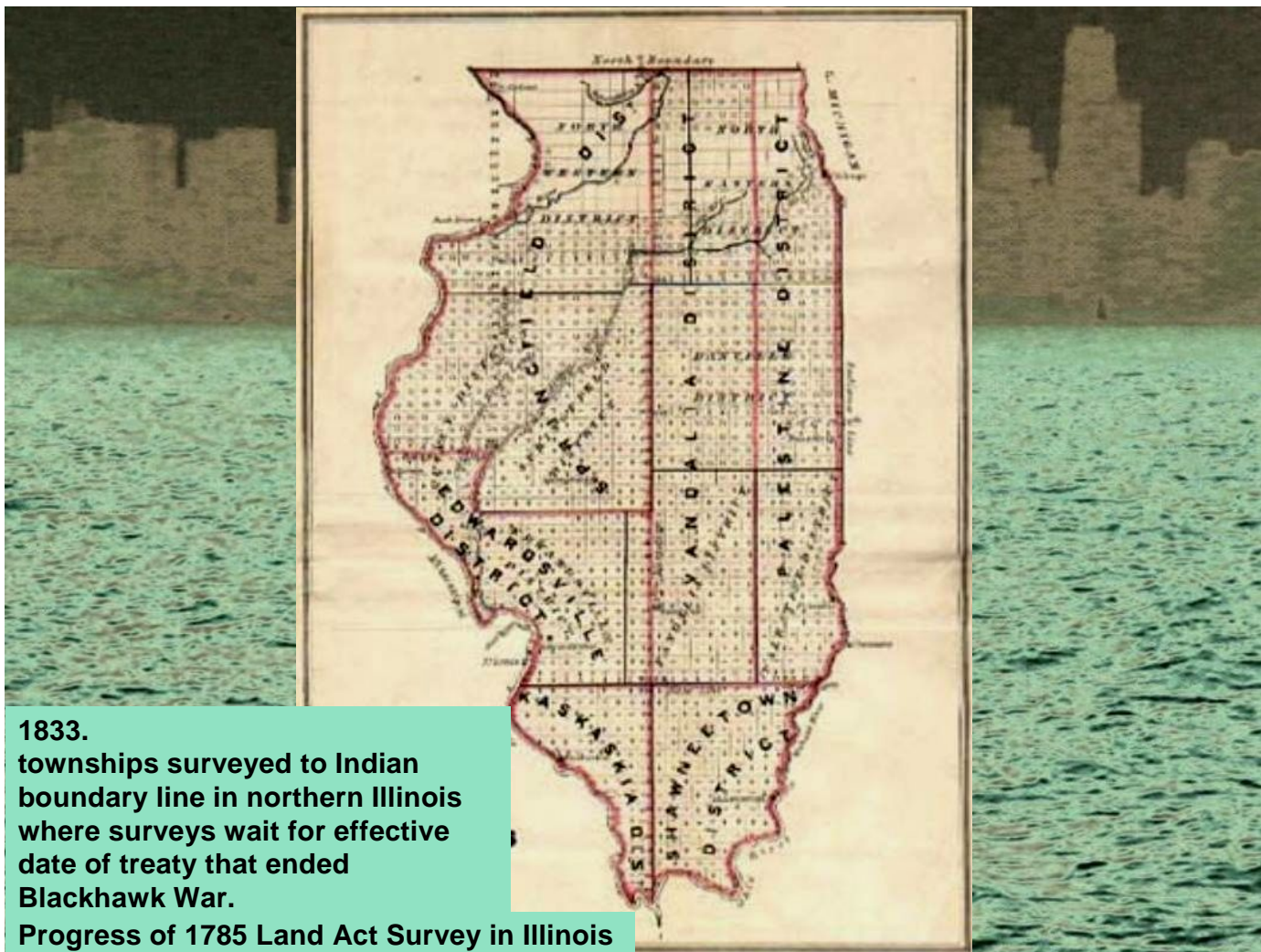
Reference: P11026-11.

David Rumsey Collection (c. 1998). List # 3884.011. Series # 14. Image #3884011. Image ID: 10054. File Name: 3884011.sid

Page 11 in A New American Atlas, Designed Principally To Illustrate The Geography Of The United States Of North America; In Which Every Country In Each State And Territory Of The Union Is Accurately Delineated, As Far As At Present Known: The Whole Compiled From The Latest And Most Authentic Information.

Note: Mitchell's first atlas, published in the first year of Mitchell's map publishing career. Mitchell purchased the plates for this atlas from Anthony Finley, who used them previously in his 1826 edition of his own atlas of the same title, "New American Atlas" (see our # 0278, 0279). Mitchell reissued the atlas with Mitchell's imprint on all the maps, with updating on the maps, and with new borders for the maps. This form of the atlas (folio) is most rare, with no copy in the Library of Congress and only two copies located by LeGear in her "American Atlases" bibliography. Dealers note only one copy for sale or at auction in the last decade. The maps included in the atlas were produced by Mitchell primarily as pocket maps and this explains the rarity of the folio atlas. Maps in full hand painted color. Atlas bound in half leather marbled paper covered boards with red leather label stamped with "American Atlas" in gilt.

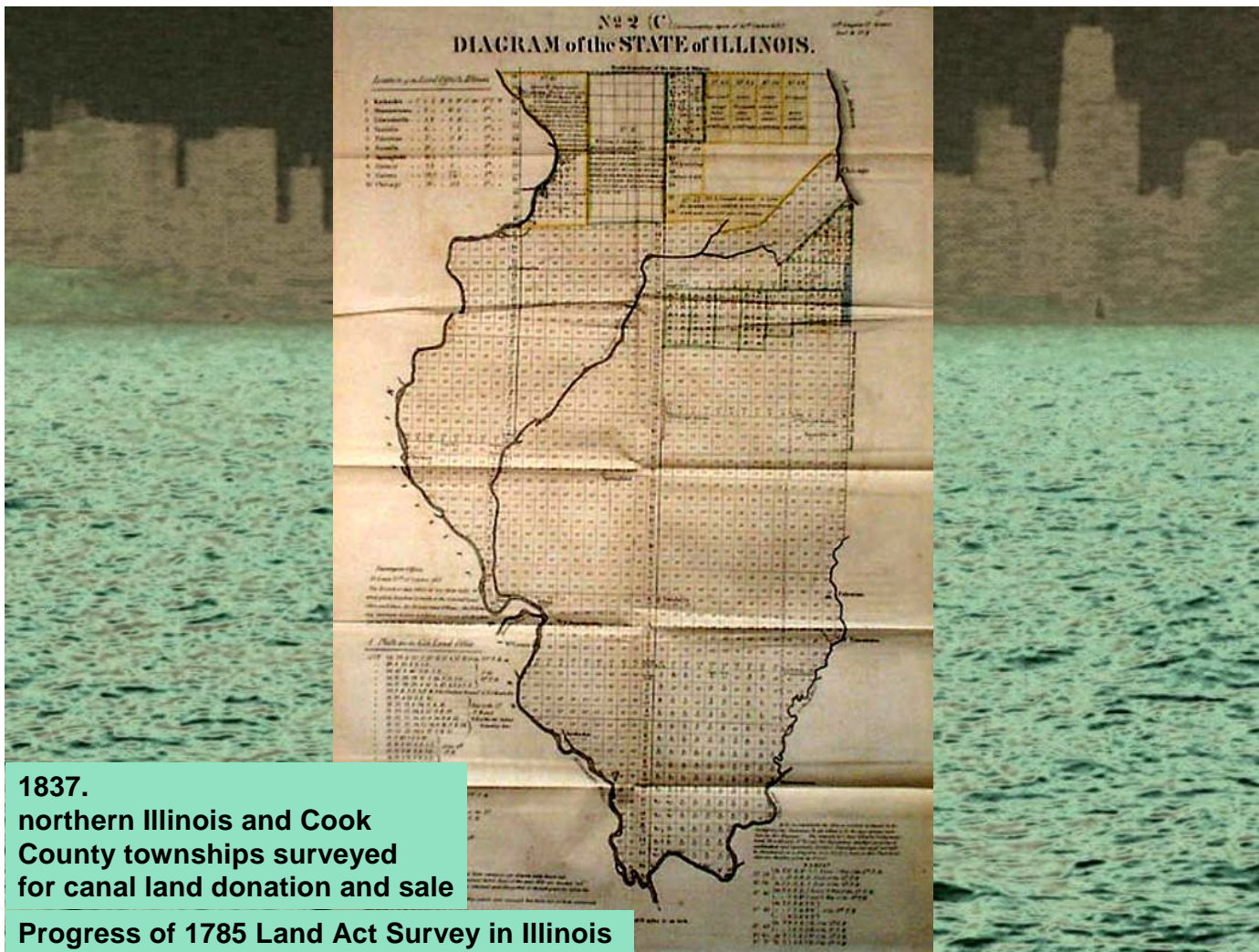
Reference: American Atlases L3584; P11026 and L3585 (Pocket edition).



1833.
townships surveyed to Indian
boundary line in northern Illinois
where surveys wait for effective
date of treaty that ended
Blackhawk War.

Progress of 1785 Land Act Survey in Illinois


(1833). US GLO Survey Map. Illinois Townships and extent of US survey.



1837.
northern Illinois and Cook
County townships surveyed
for canal land donation and sale

Progress of 1785 Land Act Survey in Illinois

(1837). US GLO Survey Map. Illinois Townships and extent of US survey.




Several Indian tribes maintained transient camps in the Chicago area for the purpose of trading animal skins with the agents of Canadian and American fur companies.

Indian tribes had no permanent settlements in the Chicago area; nor any system that established title to the land.

British and US agents who could have seized all the land by conquest, decided instead to acquire it by purchase.

To facilitate the purchase of US soil, US agents attributed a proprietary interest in the land to tribes that had no real proprietary interest in it.




Then, from the 1790s through the 1830s, US agents engaged in several treaties with several non-proprietary tribes for the purchase of Chicago area land.

One of the treaties established a boundary line that passed through Jefferson township.

A half-Mohawk, half-Irish-Canadian man named Billy Caldwell (also known as Sauganash) moved a band of Potawatomies into the area to establish proprietorship and negotiate the treaty.

His reward was Caldwell's reserve.

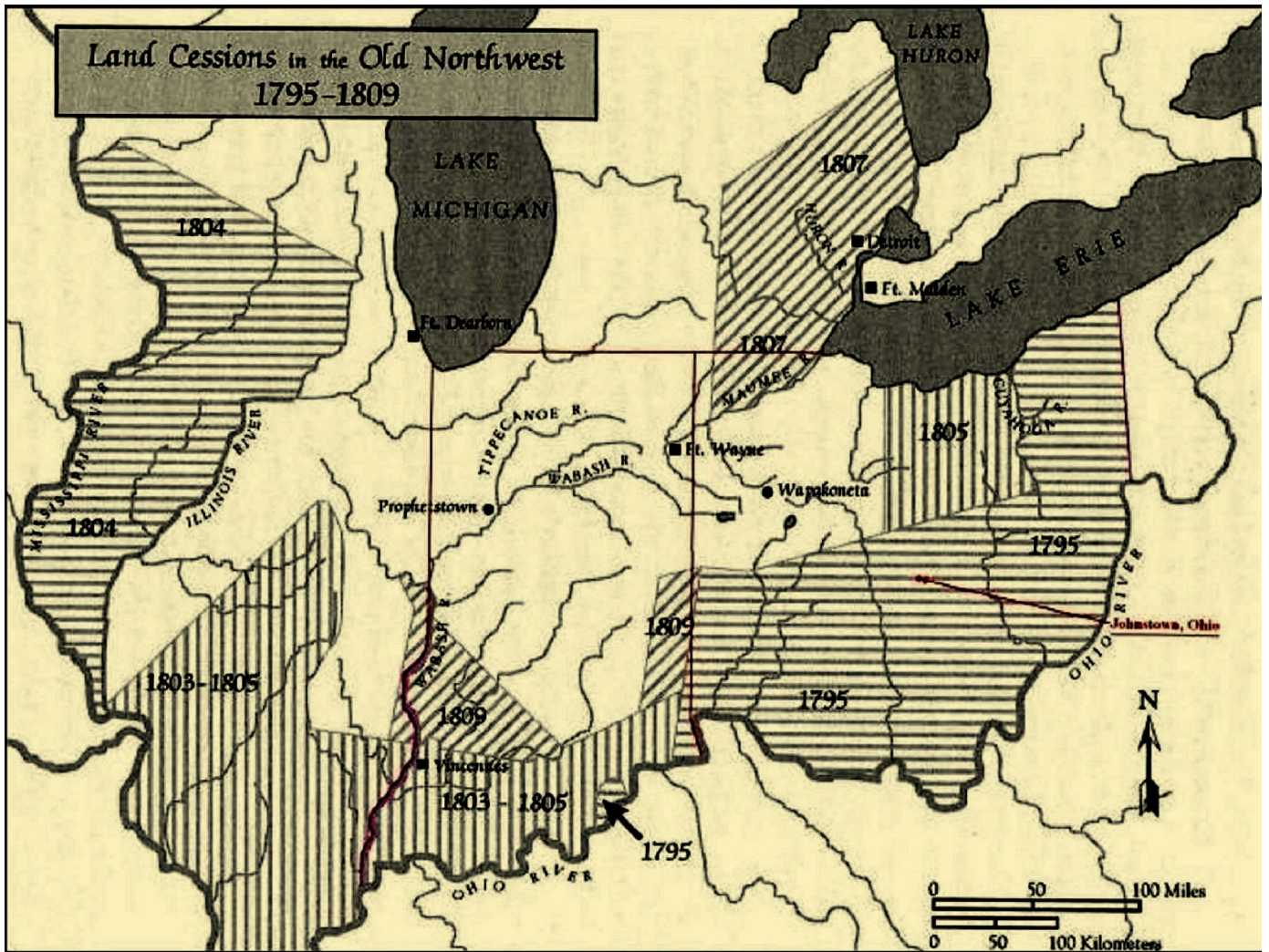


Billy Caldwell eventually sold his reserve and moved the tribe to the vicinity of Council Bluffs, Iowa, where he died.

He's famous for fighting with the British against the Americans in the war of 1812, but also famous for rescuing captives that hostile Indians took from their massacre at Ft. Dearborn.

He was a friend of Tecumseh and of Blackhawk.

US surveyors and land agents divided and sold Jefferson township in two parts, one northwest of the Indian boundary line and the other southeast of it.



found at <http://dennis-william-butt.com/Land%20Cessions%201795-1809%20half%20size.jpg>



Chicago 1718 (page 261) in Hurlbut, Henry H. (1880). Chicago Antiquities, comprising original items and relations, letters, extracts, and notes, pertaining to early Chicago; embellished with views, portraits, autographs, etc.. Chicago: Fergus Printing Company (printed for the author) (1881).

Found at www.google.com

"A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country.

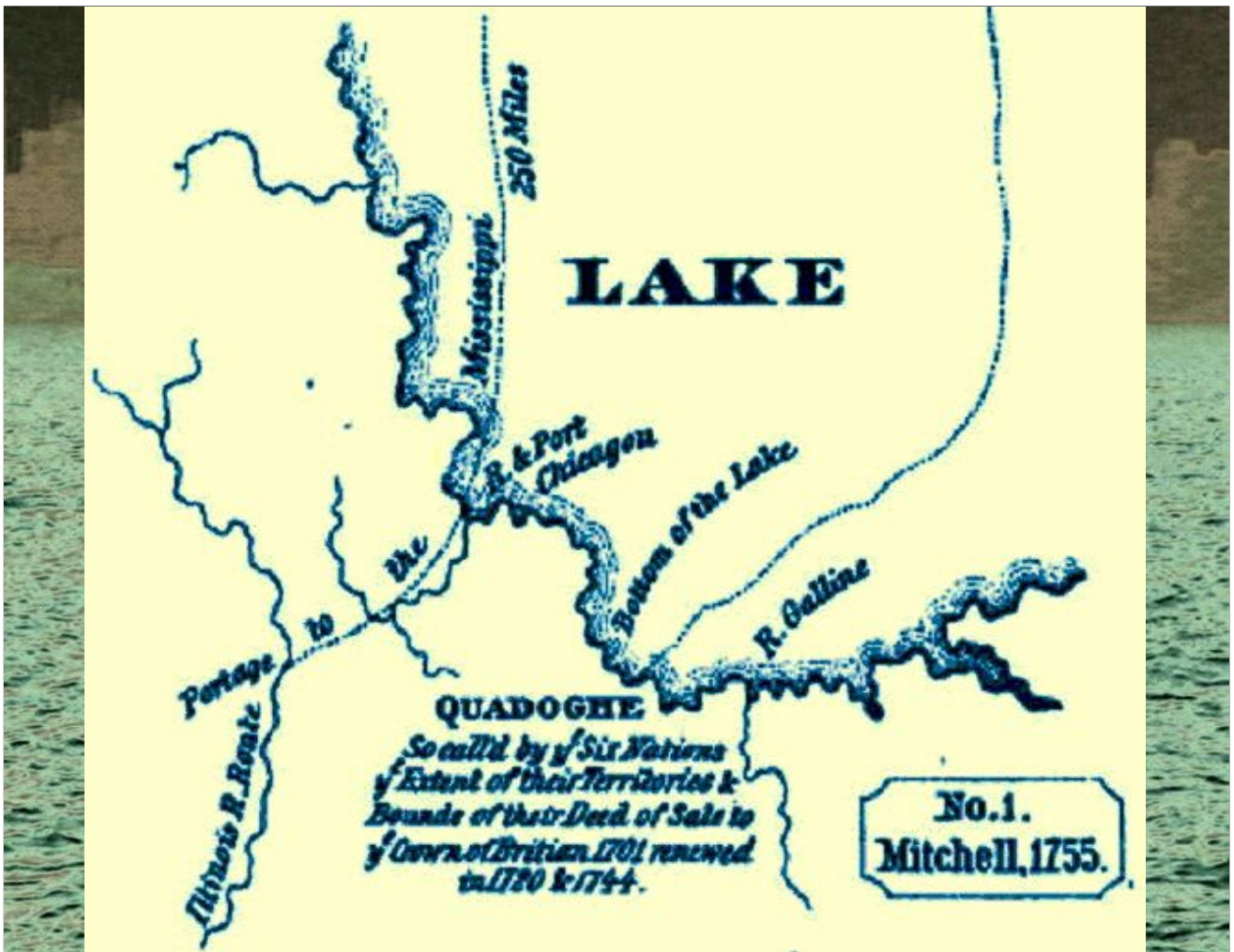
"Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover. Google is proud to partner with libraries to digitize public domain materials and make them widely accessible.

"Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying."



Chicago 1720 (page 263) in Hurlbut, Henry H. (1880). Chicago Antiquities, comprising original items and relations, letters, extracts, and notes, pertaining to early Chicago; embellished with views, portraits, autographs, etc.. Chicago: Fergus Printing Company (printed for the author) (1881).

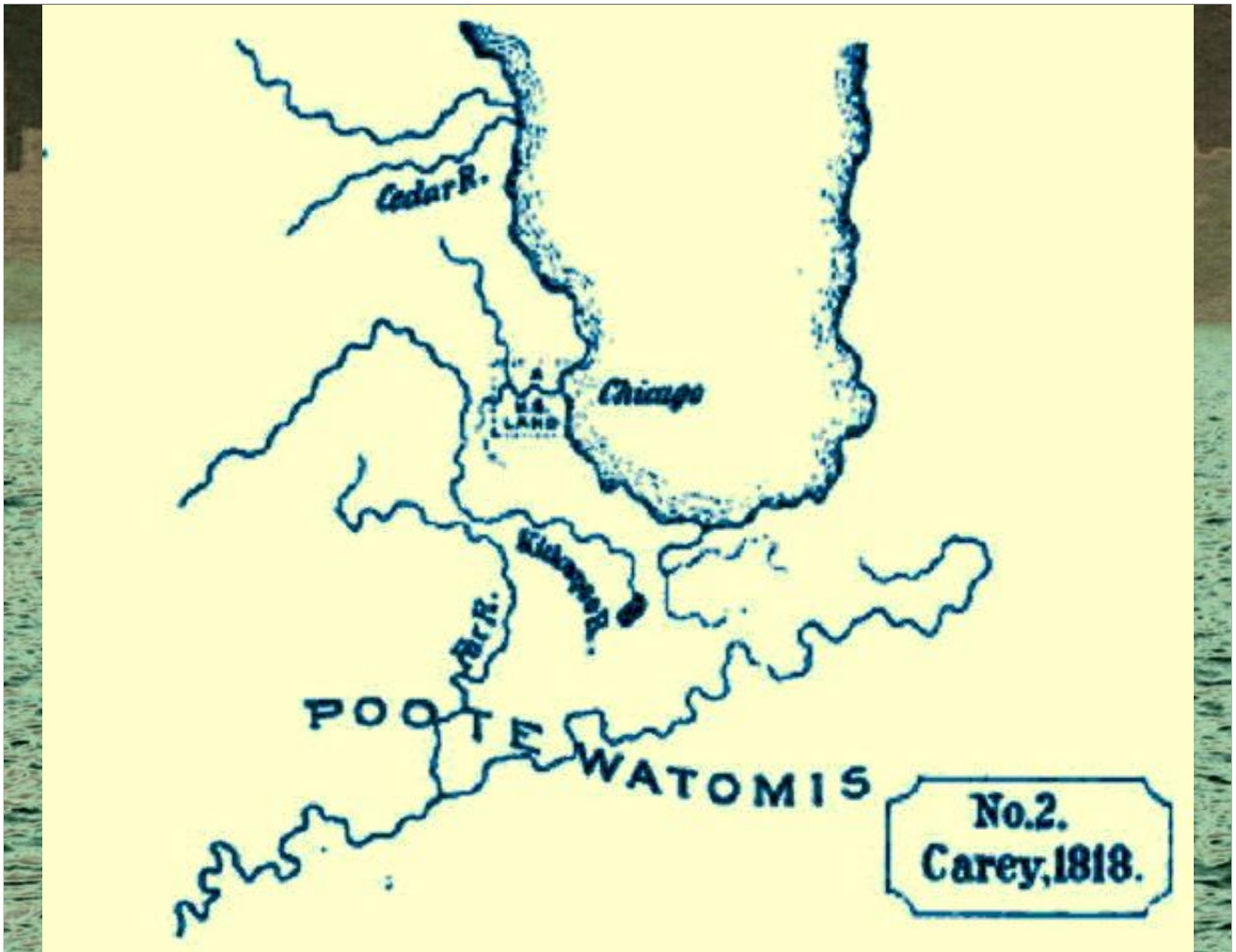
Found at www.google.com



This 1755 map notes deeds of sale by 6 Indian nations to the British king in 1720 and 1744 at a time when the French king had dominion.

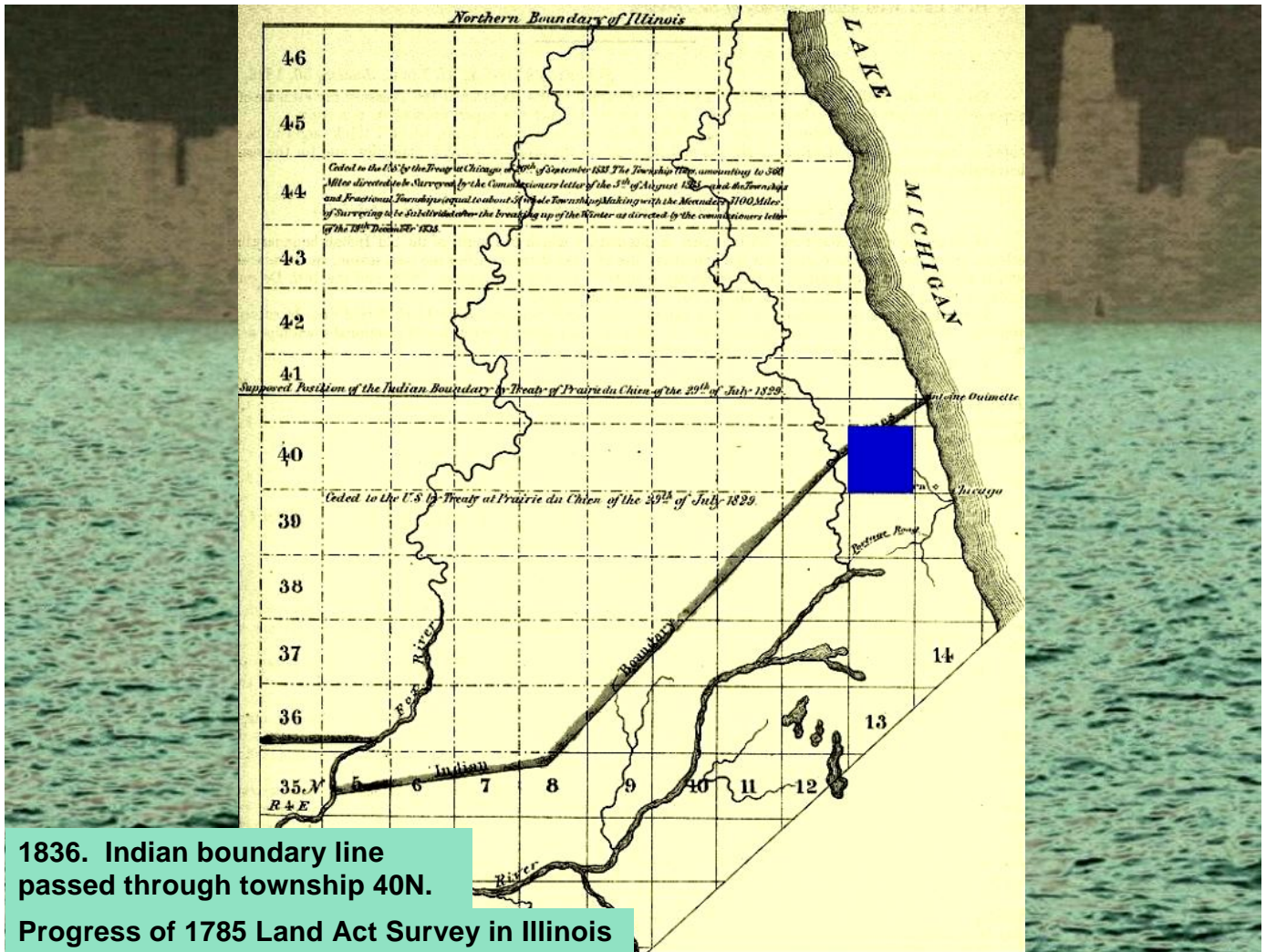
Chicago 1755 (page 269) in Hurlbut, Henry H. (1880). Chicago Antiquities, comprising original items and relations, letters, extracts, and notes, pertaining to early Chicago; embellished with views, portraits, autographs, etc.. Chicago: Fergus Printing Company (printed for the author) (1881).

Found at www.google.com



Chicago 1818 (page 269) in Hurlbut, Henry H. (1880). *Chicago Antiquities*, comprising original items and relations, letters, extracts, and notes, pertaining to early Chicago; embellished with views, portraits, autographs, etc.. Chicago: Fergus Printing Company (printed for the author) (1881).

Found at www.google.com



1836. Indian boundary line passed through township 40N.

Progress of 1785 Land Act Survey in Illinois

North Part of N.E. Land District, of Illinois. Attachment B. Doc. 215. in Woodbury, Levi (US Treasurer) (1836 April 16). Relating to surveys of the public lands in Illinois and Missouri (Document 1509) (page 645). in Dickins, Asbury and Forney, John W. (editors). American State Papers: Public Lands, Volume 8, Washington (DC): Gales and Seaton (1861). [Note: The upper-right hand corner of the page says the map is in Public Lands Volume 7.]

(text on map): "Ceded to the US by the Treaty of Chicago 1833 September. The Townships amounting to 560 miles directed to be surveyed by the Commissioner's letter of 1835 August; and the townships and fractional townships (equal to about 51 whole townships) making with the meanders 3,100 miles of surveying to be subdivided after the breaking up of the winter as directed by the commissioner's letter of 1835 December."



Sauganash (c. 1780 – September 28, 1841), a.k.a. Chief Sauganash or Billy Caldwell, was a Potawatomi leader, born of a Mohawk mother, near Fort Niagara.[1] His father was William Caldwell, an Irish immigrant and British soldier.

Caldwell's Camp' was a Potawatomi village led by Sauganash, this was at or near the later town of Kanesville, the precursor of Council Bluffs.[2]Sauganash fought in the War of 1812 as a captain of Indian forces aligned with the British. During the war he was a close friend and advisor to Tecumseh and acquaintance of Black Hawk. Although supporting the British, Sauganash won the admiration of Americans when he saved the lives of U.S. captives taken from Fort Dearborn in Chicago.[2]

He settled near Chicago in about 1820. As a result of an 1830 treaty with the U.S. government, he was granted a land tract of about 1,600 acres (6.5 km²) north of Chicago, where he lived with a band of Potawatomi. Sauganash later was made a Justice of the Peace. According to Fulton (1882), Sauganash was a local celebrity who was frequently seen at hotels and restaurants in early Chicago, especially a hotel owned by his half brother.[3] Sauganash eventually sold the land and moved to Iowa where he led a Potawatomi band of ca. 2000 individuals, their main village called "Caldwell's Camp", located in modern Council Bluffs, Iowa. From 1838 to 1839 his people were ministered to by the famed missionary Pierre-Jean De Smet, De Smet was appalled at the violence and desperation that overtook the Potawatomi in their new home.[4][5][6]



This 1861-vintage map shows Billy Caldwell's original reservation. This plot of land is responsible for an odd break in Chicago's famous grid pattern. Caldwell avenue bisects the former reservation, and all of the streets within it run parallel and perpendicular with Caldwell. Rogers avenue is the southern border (rightmost on the map).

This plaque was also placed by the Chicago Charter Jubilee in 1937. It marks the location where Billy Caldwell signed away his land, the site of the long gone Old Treaty Elm tree.

found at <http://forgottenchicago.com/features/chicago-areas/the-northern-indian-boundary-line/>



Most of the Sauganash land eventually was annexed by the city of Chicago in 1889. The Chicago neighborhood Sauganash is today located on a portion of the Sauganash land. In the Potawatomi language, the name "Sauganash" (Zhagenash) is said to mean "Englishman."

The Sauganash treaty was signed under the Old Treaty Elm, which stood until 1933. The approximate location of the Old Treaty Elm in the Sauganash neighborhood of Chicago is today marked with a historical marker.

The Sauganash neighborhood is located on the northwest side of Chicago and is bordered by Devon Ave. to the north, Bryn Mawr Ave. to the south, and Cicero Ave. to the west. The eastern boundary was an unused railroad spur. Recently, the City of Chicago converted the railroad spur into a bicycle trail.

Sauganash died in Council Bluffs, Iowa, on September 28, 1841.

References

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a b Whittaker (2008): Pierre-Jean De Smet's Remarkable Map of the Missouri River Valley, 1839: What Did He See in Iowa? *Journal of the Iowa Archeological Society* 55:1-13.

A.R. Fulton (1882) *The Red Men of Iowa* p. 166-167.

Mullen, Frank (1925) *Father De Smet and the Pottawattamie Indian Mission*. *Iowa Journal of History and Politics* 23:192-216.

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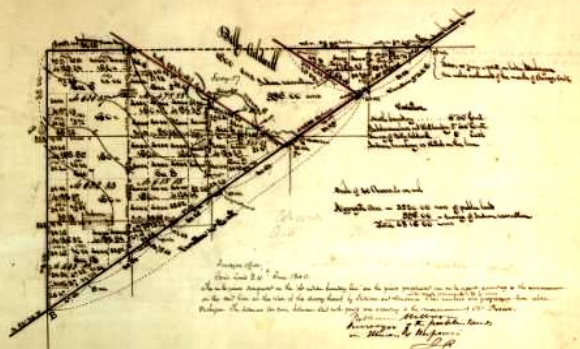
Fulton (1882).

found at http://en.wikipedia.org/wiki/Billy_Caldwell



This 1861-vintage map shows Billy Caldwell's original reservation. This plot of land is responsible for an odd break in Chicago's famous grid pattern. Caldwell avenue bisects the former reservation, and all of the streets within it run parallel and perpendicular with Caldwell. Rogers avenue is the southern border (rightmost on the map).

Fractional Township 40 N. 1840. Range 10 E. of 1st. pop. 1840.



Section 10
 Area 360 1/2 Acres 1840

Section 11
 Area 360 1/2 Acres 1840

Section 12
 Area 360 1/2 Acres 1840

Section 13
 Area 360 1/2 Acres 1840

Section 14
 Area 360 1/2 Acres 1840

Section 15
 Area 360 1/2 Acres 1840

Section 16
 Area 360 1/2 Acres 1840

Section 17
 Area 360 1/2 Acres 1840

Section 18
 Area 360 1/2 Acres 1840

Section 19
 Area 360 1/2 Acres 1840

Section 20
 Area 360 1/2 Acres 1840

Section 21
 Area 360 1/2 Acres 1840

Section 22
 Area 360 1/2 Acres 1840

Section 23
 Area 360 1/2 Acres 1840

Section 24
 Area 360 1/2 Acres 1840

Section 25
 Area 360 1/2 Acres 1840

Section 26
 Area 360 1/2 Acres 1840

Section 27
 Area 360 1/2 Acres 1840

Section 28
 Area 360 1/2 Acres 1840

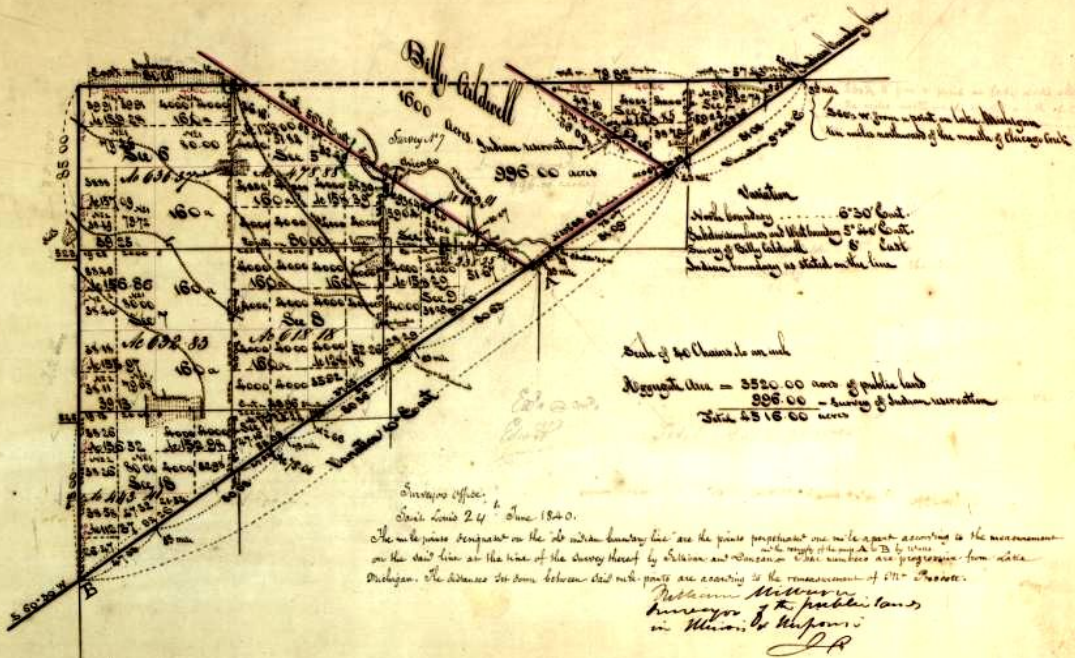
Section 29
 Area 360 1/2 Acres 1840

Section 30
 Area 360 1/2 Acres 1840

William Caldwell
 Surveyor of the Public Lands
 U.S. Office of Indian Affairs

fractional township 40 n 1840 includes billy caldwell reservation
<http://landplats.ilsos.net:9001/StyleServer/calcrn?cat=Cook&item=30-12.sid&wid=600&hei=400&style=basic/default.xsl>

Practical Township 20 North of the base Range 13 East of the 2d principal Meridian



Surveyor Office,
 Saint Louis 24th June 1840.

The north point perpendicular on the "old Indian boundary line" are the points perpendicular one mile apart according to the measurement on the said line at the line of the survey thereof by Sullivan and Brewster. The numbers are progressive from section 1 to 36. The distances between said north points are according to the measurement of 67 1/2 feet.

William Miller
 Surveyor of the public lands,
 in Union, by his power
W. R.

Surveyor Office,
 Saint Louis 24th June 1840.

2.42

Indian boundary line

3rd mile S 60 1/2° W from a point on lake Winke the
ten miles northward of the mouth of C
S 60 1/2° W. from a point on lake Michigan
ten miles northward of the mouth of Chicago Creek



Scale of 40 Chains to an inch
 Aggregate Area = 3520.00 acres of public land
 396.00 = survey of Indian reservation
 Total 4516.00 acres

Surveyor's Office
 Saint Louis 24th June 1840.

The mile points designated on the old Indian boundary line see the points perpetuated one mile apart according to the measurement on the said line at the time of the survey thereof by Sullivan and Hancock with the only stations A & B by 1815. The numbers are progressive from Lake Michigan. The distances set down between said mile points are according to the measurement of Mr. Proctor.

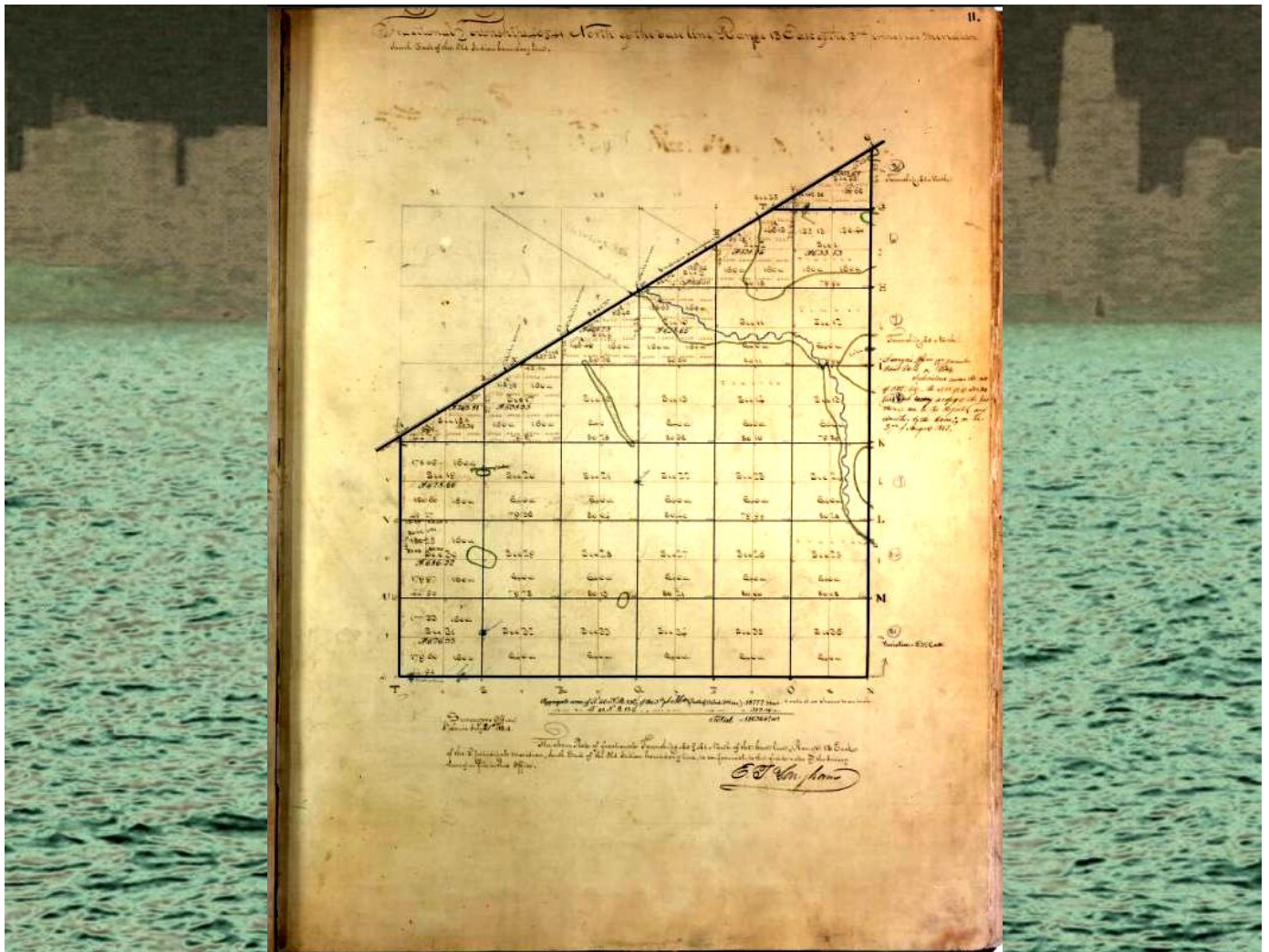
William Miller
 Surveyor of the public lands
 in the State of Illinois & Michigan
 J.P.

Surveyor's Office
 Saint Louis 24th June 1840.

The above plat of fractional township 40 south of the base line, range 10 east of the 2nd principal meridian, north-west of the old Indian boundary line, is strictly conformable to the field notes of the survey thereof on file in this office which have been examined and approved. The South eastern boundary of this fractional township which is designated "old Indian boundary line" was surveyed in the 4th quarter of 1818 by John C. Sullivan as principal surveyor, and James M. Hancock as assistant surveyor, under the authority of a letter from William Rector Surveyor of the public lands in the Territories (now States) of Illinois and Michigan, dated the 13th of October 1818, authorizing the said Sullivan and Hancock to survey under the direction of Commissioners Sullivan and Phelps appointed by the President of the United States to run the line of the treaty of Saint Louis of the 24th of August 1816 (page 177 of following laws) laws of the 1825 - this being the line agreed to be run from a point 10 miles North of the west end of the Portage between Chicago creek which empties into Lake Michigan and the river 25 miles a part of the chain in a direct line to a point on Lake Michigan, ten miles North-west of the mouth of Chicago creek and was found by said Sullivan and Hancock to run from the above designated point on Lake Michigan S. 60th W. 3 miles and 76 chains to the point 10 miles west of the west end of the portage - the said Indian boundary line was retraced and the fractional section corners for the surveys on the S.E. side thereof, and the mile points thereon, were removed in the 2nd quarter of 1827, by Ch. S. Proctor, under contract signed by the Surveyor General on the 5th of May, and by Mr. Proctor on the 2nd of June 1827 - This survey was paid for in the 4th quarter of 1828, and charged in the account current of the Surveyor General, during that quarter Voucher N^o 5 - The West boundary of this fractional township, Double - the north boundary viz: East of the survey of Dilly Caldwell's Indian Reservation 1 mile 57.25 chains - and west of said Caldwell's survey 1 mile 8.53 chains - together 2 miles 65.78 chains, and the subdivision lines 2 miles 25.62 chains, were surveyed - and the lines of the public survey were connected with the survey of the Indian reservation, 1 mile 24.32 chains, as in the 4th quarter of 1828, by George W. Harrison under contract, dated the 21st of September of the same year. They were paid for in this 2nd quarter of 1840 and they will be charged in the account current of the Surveyor General, during the said quarter, under the general appropriation for surveying the public lands - Voucher N^o 12 - The tract of 1600 acres granted to Dilly Caldwell by the 4th article of the treaty between the United States and the United Nations of Chippewa, Ottawa and Pottawatomi Indians, ratified on the 2nd day of January 1820, was surveyed in the 2nd quarter of 1826 by J. H. Evans under instructions from this office, dated the 10th of May of the same year. It did not appear from the files of accounts in this office, that this surveying by Mr. Evans, has as yet been paid for.

William Miller
 Surveyor of the public lands
 in the State of Illinois & Michigan

J.P.



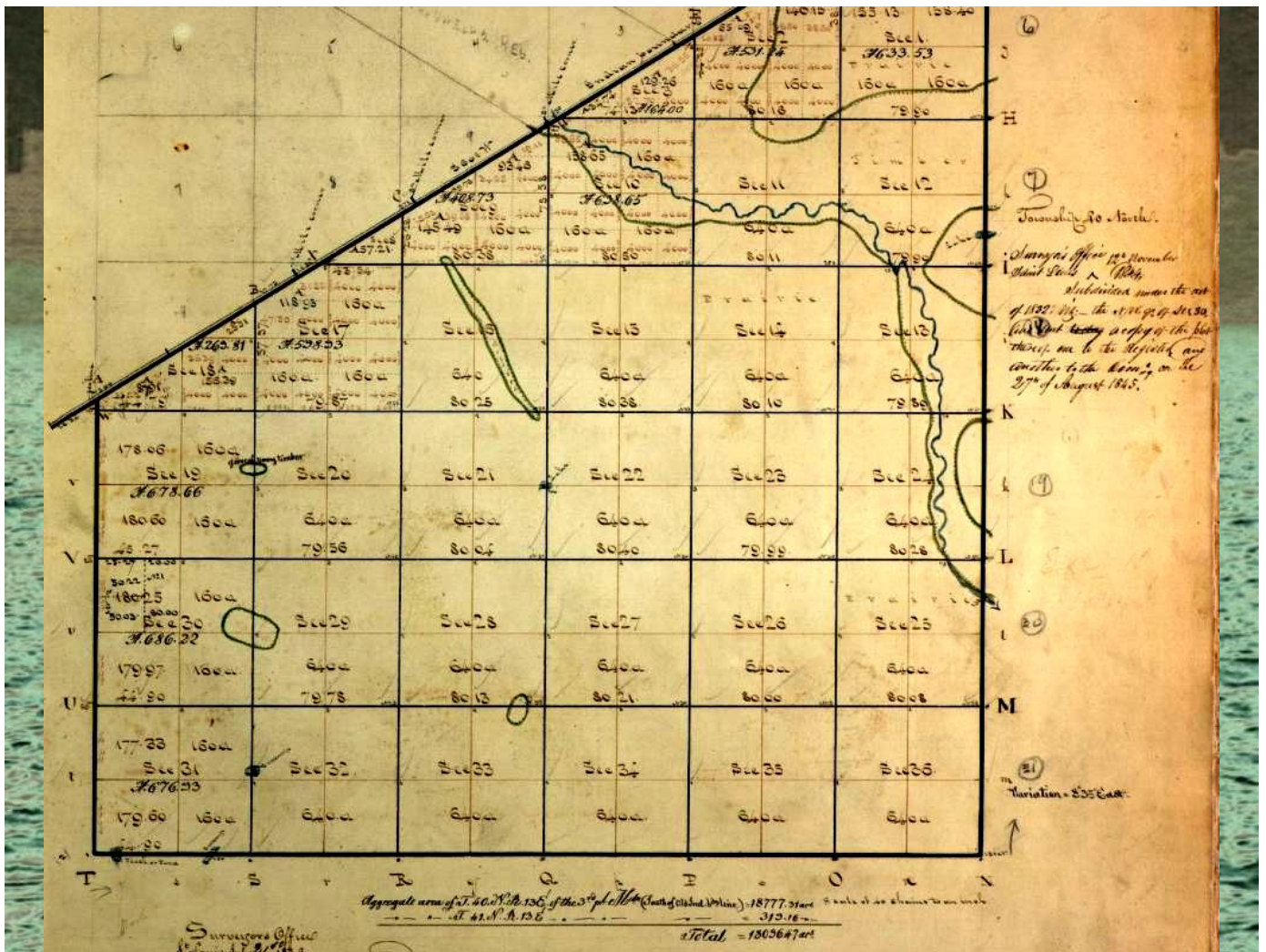
Township 40 North.

Surveyor's Office 12th November
Saint Pauls ¹⁸⁴⁵

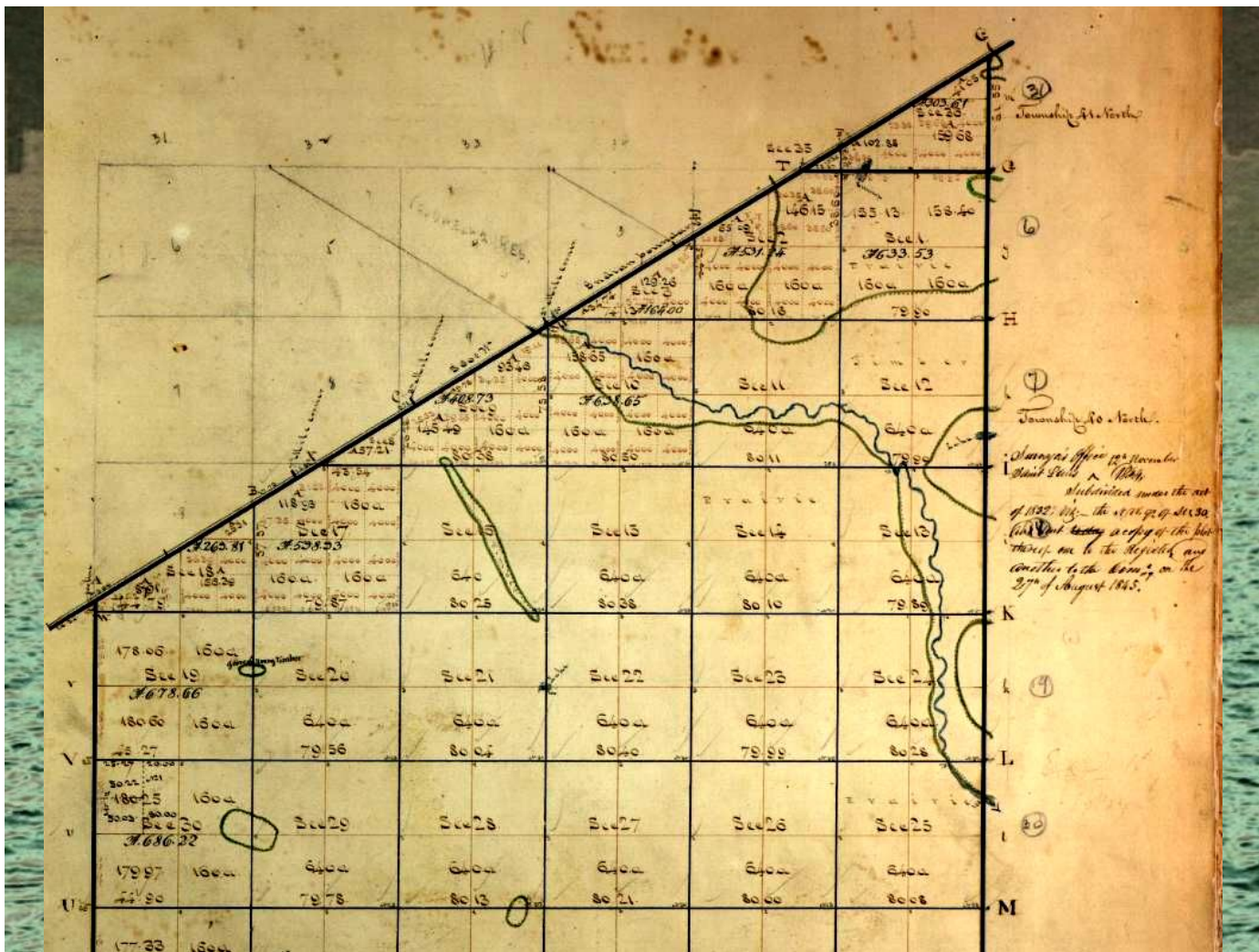
Subdivided under the act
of 1832; viz: - the 11th sec. of Sec. 30,
and sent ~~today~~ a copy of the plot
thereof one to the Register and
another to the Com^{rs} on the
27th of August 1845.

K

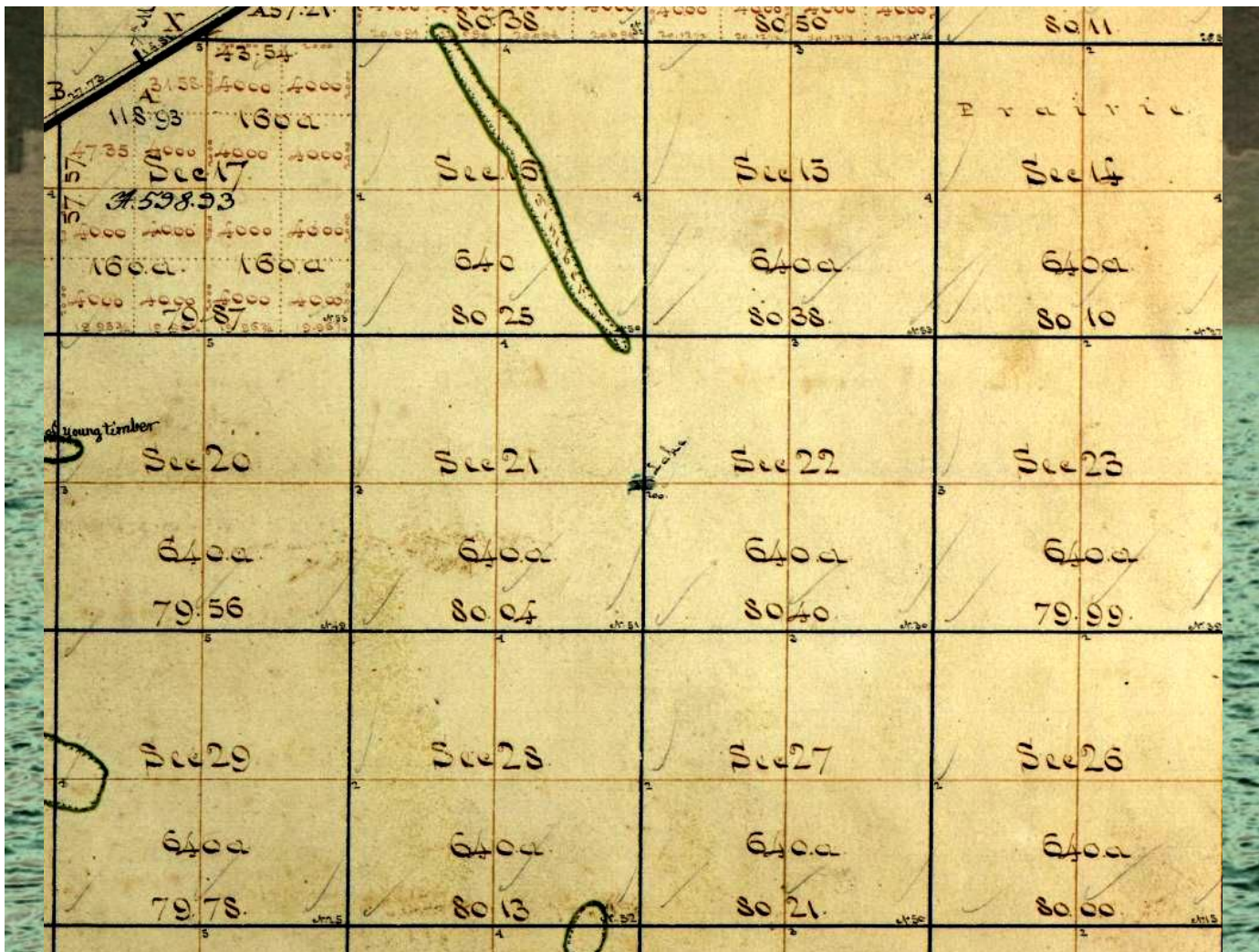
Jefferson Township (Cook County, Illinois). 1845 GLO survey plat.
Found at <http://landplats.ilsos.net/Cook.html>



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