1940

Some Aspects of the National Land System as Seen in the Jeffersonville, Indiana, Land Office

Russell W. Curtis

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SOME ASPECTS OF THE NATIONAL LAND SYSTEM
AS SEEN IN THE
JEFFERSONVILLE, INDIANA, LAND OFFICE
SOME ASPECTS OF THE NATIONAL LAND SYSTEM
AS SEEN IN THE
JEFFERSONVILLE, INDIANA, LAND OFFICE

By
Russell Webster Curtis

A Thesis Submitted in Partial Fulfillment of the Requirements for the Degree of Master of Arts
Department of History and Political Science

Division of Graduate Instruction
Butler University
Indianapolis
1940
PREFACE

Land legislation has long been regarded by many historians as the "driest of historical deadwood." John Fiske has said, however, "if the subject is dull in itself it is closely related to some of the most interesting phases of our history. Without some knowledge of the land system, a study of the westward movement would be only superficial."

Although the history of the public domain and laws dealing with its disposition has been dealt with many times by many great and able historians, little has been done, in the way of getting behind the "scenes" and determining how the land policy was actually carried out in each of its minute parts. That is the purpose of this paper.

Subject matter dealing directly with the Jeffersonville land office is extremely hard to find. As Paxson in his History of the American Frontier intimates, little or very little news concerning the individual land offices is found in local newspapers of the state. One of the chief sources I was able to find was the Correspondence carried on between the land officers and the national government. This source contained from 15,000 to 20,000 pieces which dealt primarily with the procedural side of the business, with which I was not particularly interested. Several federal documents were referred to and the accounts of various travellers in that section of the state were used quite extensively. Perhaps the scarcity of material accounts for the lack of interest in the subject.

I am indebted to a great many people for very helpful and timely suggestions. Miss Esther McNitt, Miss Dorothy Riker, Miss Carolyn Dunn, and Mr. Reed Nation of the Indiana State Library all contributed greatly to the dissertation, since it is to them I owe the suggestion of the topic as well as the provision of very valuable material. Also to Professors A. Dale Heeler and Roy M. Robbins am I indebted.

R. W. C.

Indianapolis, Indiana, June, 1940
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Number 1. Map showing Indian Cessions in the State of Indiana. It was taken from the U. S. Bureau of Ethnology, First Annual Report, 1879-1880.

Number 2. Map showing the Land districts in the State of Indiana. Taken from the U. S. Senate Documents, 26th Congress, session 2; vol. 3, No. 92.
INTRODUCTION

Intensive research in Indiana history has only recently been engaged in to a large extent. Perhaps one of the first Hoosiers to recognize the need of research in Indiana history was Judge E. H. Test, when he delivered the opening address of the then recently formed Pioneer Convention of Indiana, at the state fair in 1878:

Indiana has an unwritten history, and you will agree with me, I think, that something should be done to place that history on record, so far as possible, so that those who come after us may read of the hardships and adventures of the early settlers, his privations and dangers in peace and war, his mighty struggle in laying the foundations of an empire which will endure for ages to come.¹

No other one factor played a greater part in securing settlers in this part of the country than the insatiable drive for land, the basis of all wealth. Bound up inextricably with this was that outpost of governmental authority, the land office. Upon this the settlers were dependent entirely for land as well as the retention of their worldly possessions when they were unable to make

required payments. At first glance, the subject would appear rather unromantic, as indeed it is if the connection previously mentioned is lost in the desire for a portrayal of a factual history of the dealings of the land office. The method of presentation adopted is not to include a technical sketch, but, rather a "humanistic" approach, easily understood by those who attempt to read it.

In order to get the right approach, and to recognize an evolutionary process of development in the land system applicable to the district, a brief resume of political forerunners shall be included—brief because there have allegedly been some three thousand statutes dealing with the land policy since the formation of the national government.

Politically, the American system is probably the most unique due to its federated theory of government. One can see a direct connection between this federal system of government and the disposition of land. As Sato says: "The Public Lands were the backbone of the United States. The history of their constitutional development can not be understood without a study of the land question." With the introduction of a uniform system of land disposition, the federal

governmental influence was felt throughout the vast nation. Many offices were set up for the people’s convenience in purchasing land which seemed to be undiminishing. States were dependent upon the national government for actual creation and existence. Since the public domain was ceded to the central government it depended largely upon its laws just how soon the territories would have the requisite number of people to become states. If Congress had taken a less liberal attitude about the disposition of land, the tremendous influx of immigrants to the territory would have been greatly retarded with a consequent slowness of development, politically. Federal legislation assisted the formation of states in other ways, one of the chief was the inclusion of the percentage funds into their Enabling acts.

Still another phase of the land question remains which undoubtedly influenced not only life at that time, but also gave to the modern American culture the incessant “moving” spirit of ceaseless ambition and indomitable desire for advancement along all lines. This spirit has been ferreted out in a very interesting book written by A. M. Sakolski called The Great American Land Bubble. It is his thesis that “America, from its inception, was a speculation.” His work naturally leans a little too much that way, but nevertheless, gives an interestingly graphic portrayal of the
actual conditions existing at that time. Although today speculative interests are somewhat sanctioned under the heading, business, in yesteryear, rare was the occasion when a man with money failed to take advantage of a good "deal." The most venerable of men were engaged in speculative land companies which seemed to be the usual means of settlement carried on by the people. Poorer people could not be expected to compete with such influential personages as George Washington, Patrick Henry, or Benjamin Franklin, who naturally exerted their influence to the fullest.

Even these illustrious persons carried forth the banner later to become known as "industrial rugged individualism," although the period of the small purchaser, was at hand when he could hope to get his share of the land through less partial laws. Truly, American optimism as it has been known in past years has sprung directly or indirectly from these roots of private speculative initiative.

The very fact that the intellectuals of the early nineteenth century were interested in the land question shows how universal this interest was. Naturally these prominent men differed considerably on the subject, but, this does not detract from its importance. Washington Irving in
his later life would have been considered to be eligible for a "see America first" club in that he made determined efforts to uncover all the things desirable in American life. Parrington quotes a passage of his which would lead one to believe he held a great likeness for such speculative purposes in land:

There are moral as well as physical phenomena incident to every state of things, which may at first appear evils, but which are devised by an all-seeing Providence for some beneficent purpose. Such is the spirit of speculative enterprise which now and then rises to an extravagant height, and sweeps throughout the land. . . The late land speculations, so much deprecated, though ruinous to many engaged in them, have forced agriculture and civilization into the depths of the wilderness; have laid open the recesses of primeval forests; made us acquainted with the most available points of our immense interior.3

As is seen in this quotation, there were as many different ideas on the disposal of the lands as there were people to have them. James Fenimore Cooper with all his Physiocratic tendencies was not an exception to this rule and as expected longed for the old landed aristocracy such as would be found in his eighteenth century Utopia. He abhorred all that was connected with business. Parrington says of him:

Banking and the manipulation of credit seemed to him mean and sordid, and the spirit of speculation that was overrunning the land he believed was destructive of common morality.4

Nearly all those people interested at all in things American had hypotheses for the disposition of the land. The common persons, who made up the majority of the Americans and who were most directly connected with the problem, would, of course, have definite ideas. These conflicting motives complexed the problem very greatly and caused the national government no end of trouble. Whether to follow the native instincts with which the legislators were so frequently endowed, or the wishes of those people most closely connected with the question. Whether to formulate the policy along lines most conducive to economic stability or to toss that aside and provide a more democratic set-up. It has been said that Thomas Jefferson maintained it would take five hundred years to colonize the country to the Mississippi River. It is one of the unique features of American government that enabled the formulation of a truly American land policy and enabled Jefferson to see the process of civilization extended to the Father of Rivers before his life had expired.

SOME ASPECTS OF THE NATIONAL LAND SYSTEM
AS SEEN IN THE
JEFFERSONVILLE, INDIANA, LAND OFFICE

CHAPTER I

POLITICAL PRECEDENTS

Conflicting theories respecting the disposal of the public domain held the center of the political stage from the introduction of the land question in colonial charters until it was finally disposed of in the present century. That section of the country with which this thesis is primarily concerned is the section called the Northwest Territory to the north and west of the Ohio River. According to Treat: "In the northwest four states claimed lands with overlapping bounds."\(^1\) The discrepancies of claims have been mentioned above as being primarily due to the lack of knowledge of the extent and topographical make-up of the new found lands. Virginia had probably the pri-
rity of claims when she secured through her charters on three different occasions lands lying in the new world. In addition to the original charter of April 10, 1606, granted to them by James I, which included land "only 50 miles inland," she received a second charter from James I on May 23, 1609. It is by this charter, although it is seemingly impossible in its boundaries, she actually founded her claim to the whole Northwest Territory. It included:

- the whole seacoast, north and south within 200 miles of old Point Comfort, extending from sea to sea, west and northwest,

Virginia had a very good practical basis for a claim on the Northwest region by virtue of the conquest of that region by General George Rogers Clark and his Virginia troops.

She even established land offices for the disposition of her claims. Although the discrepancies in the claims were bothersome at the time, virtue must be seen in their existence, when you stop to realize that the very vagueness of the claims left room for a future public domain, otherwise the rights of the states would not have been contested.

3 Ibid., p. 146
Even before the actual recognition of independence, there had been proposals for a settlement of the land squabbles in such fashion as to form a source of revenue for the Government that was so badly in need of the same. In case of a financial emergency we would expect to see the problem taken up in a committee designated for that purpose. "An early proposal for cessions of western lands by the states was made by the Committee on Finance on September 19, 1775, . . ."[4] It was not until a year later that Virginia and other states were urged to cease granting western lands until after the war. Prodded by little Maryland, the larger states were led to accept the proposal and cede all their western lands, which, incidentally, were not proving to be the financial success they had hoped for.

In the demands made by other states to the north of her, Virginia saw the need for the continuance of a semblance of union which could be done through ratification of the Articles of Confederation. A committee was appointed by the Legislature of Virginia and on January 2, 1781, a cession of claims was made by her which contained some distasteful reservations about which Congress could not agree and ultimately

rejected. Ultimately, after much debate was carried on, Virginia finally ceded her claims by a deed of transfer signed by Thomas Jefferson, Samuel Hardy, Arthur Lee, and James Madison on March 1, 1784. Certain conditions were included in her cession which finally were accepted. The territory ceded should be laid out in certain definitely sized states:

Containing a suitable extent of territory not less than a hundred, nor more than 150 miles square, or as near thereto as circumstances will permit; and that the states formed shall be distinct republican states, and admitted members of the Federal Union; having the same rights of sovereignty, freedom, and independence, as the other states.5

Thus we see a provision later to be embodied in the Northwest Ordinance of July 13, 1787, with certain modifications to make it read: "not more than five, nor less than three, as the situation of that country and future circumstances may require." Another more specific provision was the one granting 149,000 acres as a Clark's Grant and an additional 1,000 acres for the establishment of a town.

Thus the territory was ceded to the national government in a series of seven cessions. The land now takes on the title, public domain, and is left to the further disposition of the national government without necessarily taking the

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5 Donaldson, *op. cit.*, p. 69
states' wishes into consideration. The national government could either take it upon itself to become a financially sound land enterprizer or permit the public domain to be disposed of in a way most suitable to the individuals purchasing it.

A brief resume or overview of the policy adopted by the Federal Government will be made in order to show the evolutionary process through which the land policy affecting the Jeffersonville office was brought about.

The first step toward administration of the public domain was taken by the Continental Congress, October 10, 1780. Authorities such as Shosuke Sato, say: "The origin of administrative measures adopted by Congress we cannot trace earlier than this resolution of 1780. It was the beginning of American public-land legislation. It was the foundation upon which all subsequent resolutions and ordinances were built." Although it was an important measure, the enactment merely provided for a disposal of the land for the common benefit of the United States, a division into republican states, and that all the lands should be granted or settled under regulations made by Congress.

6 Sato, op. cit., p. 78
Following a petition in the spring of 1783 by some 200 officers at Newburgh calling Congress' attention to promises of land made in the war, Congress appointed a committee in 1784 consisting of several men of whom Thomas Jefferson was the most outstanding. This committee was "to prepare an ordinance for ascertaining and disposing of the lands of the western territory." Its report on May 7, 1784, contained the fantastically contrived provision for ten just as fantastically named states in the northwest. This, however, was totally in accordance with the Virginia committee's cession plans mentioned above. More particularly, it provided that the territory should be divided into "hundreds" of ten geographical miles square, each mile containing 6086.4 feet, and the "hundreds" into lots one geographical mile square, each containing 550.4 acres. On May 28, Congress voted not to consider the report.

However, on March 4, 1785, the report of 1784 was taken into consideration, reread on March 16, and referred to a committee composed of one member from each state. On April 14, the committee reported a much more elaborate plan of disposition of the land. On May 20, the Ordinance was finally passed.

Its main provisions were:

the territory... was to be disposed of as soon as the Indian title was purchased...
The land was to be surveyed into townships of six miles subdivided into lots of one mile square...
The sales were to take place in the States...
A minimum price of one dollar per acre (payable in specie or equivalent)
Congress reserved for future disposition... sections 5, 11, 26, 29 in each township...
and the sixteenth lot in each township was reserved for the maintenance of public schools.8

The Ordinance of 1785, encouraged sales on a small scale and was revised twice. Once on April 21, 1787, when the first credit feature was introduced which provided for one-third cash in hand and the remaining in three months or a forfeiture of that already paid. The other was for an adjustment for bounty lands promised.

With the passage of the Ordinance of 1787 providing for a governmental set-up in the region called the Northwest Territory, Indiana was made a part of the whole unit and Arthur St. Clair was appointed governor with Winthrop Sargent as Secretary. In 1799, William Henry Harrison was selected as representative from the territory in Congress. On May 7, 1800, the territory was divided with the western part called Indiana. Its boundaries were set down as in the

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8 Treat, op. cit., pp. 36-38
law dividing the country:

all that part of territory of the United
States northwest of the Ohio, which lies west­
ward of a line beginning at the Ohio, opposite
to the mouth of the Kentucky river, and running
thence to Fort Recovery, and thence north until
it shall intersect the territorial line between
the United States and Canada, shall, for the
purposes of temporary government, constitute
a separate territory, and be called Indiana
territory.9

On January 11, 1805, Michigan territory was taken away
from Indiana and in 1809, a separate territory was made
of Illinois. All this territory until its admittance as
a state in 1816 was governed under the system provided by
the Northwest Ordinance of 1787.

The Act of May 18, 1796, was built primarily on the
Ordinance of 1785 with the exception of the credit provision
that the purchaser may pay one-twentieth at purchase and
have thirty days for the rest of the first half with a year
for the other half. Although only about 50,000 acres of
land were sold from 1796 to 1800,10 this land act, the Har­
rison frontier Bill of 1800, provided a basis for the ob­
jective of all this study.

9 United States Statutes at Large, Vol. 11, pp. 58-59.
10 Hibbard, op. cit., p. 55.
Professor Hibbard says: "The most important event in the remolding of the public domain policy was the advent of William Henry Harrison into the counsels of Congress." On December 24, 1799, he was named chairman of a committee whose purpose was to "inquire what alterations are necessary in the laws authorizing the sale of the lands of the United States northwest of the Ohio." The committee reported the bill, March 31, 1800, and it was finally adopted. It contained the chief provisions that prevailed at the time of the establishment of the Jeffersonville Land Office. It was primarily a frontiersman bill, drawn up by men of the frontier. Its provisions can only be discussed briefly. The genuine credit system established was destined to make trouble for Congress for the next twenty years. A purchaser was able to pay one-fifth of the first quarter of the purchase price at purchase and the rest of the quarter within forty days, another fourth within two years from date of sale, another fourth in three years, and the last within four years. The indebtedness bore interest at the rate of 6 per cent from the date of sale. Four land offices were to be established in the Northwest with a register and receiver of public monies acting as

11 Ibid., p. 69
officers directly under the supervision of the Secretary of the Treasury. This supervision continued until April 25, 1812, when a General Land Office was established with a Commissioner to take charge. The price was set at a minimum of $2.00 per acre. Half sections could be purchased.

Now the scene shifts from the general to the particular. Although numerous laws were passed obviously too numerous to be dealt with at this time, certain phases of the land policy seem to be more interesting and important than others. The outstanding phases of the general land policy as they were applied to the Jeffersonville land district will be the subject of this dissertation.
CHAPTER II

ESTABLISHMENT OF THE JEFFERSONVILLE LAND OFFICE

Clark's Grant

No mention of territory in the southern part of the state could possibly be complete without consideration of the second earliest surveyed district in the state of Indiana, the Clark's Grant. In their travels to the northwest of the Ohio, it seems that George Rogers Clark and his men were actually interested in something other than fighting. Naturally, they marched circumspectly and observed the most likely locations here for future reference. George R. Clark apparently did not hesitate in securing for himself a piece of land prior to actual settlement:

In the month of July, 1779, two Piankeshaw chiefs, Tobac and Grand Cornette, by deed conveyed to George Rogers Clark a tract of land two and a half leagues square, lying on the northwestern side of the Ohio opposite the falls of that river.¹

This was not recognized immediately by Virginia because their constitution formed in May, 1776, declared that no Indian purchases should be made, but, on behalf of the public on authority of the General Assembly.

On the thirteenth of September, 1783, Congress agreed to accept Virginia's cession of territory with the reservations she demanded, one of which was the 150,000 acres in the Illinois country. In October, 1783, the General Assembly of Virginia passed an act for laying off the town of Clarkesville. The Act provided that the lots of half an acre each, should be sold at public auction for the best price that could be had. The reservation was finally laid off in 1786. The men who had served under Clark received land according to his rank: private soldier--200 acres, non-commissioned officer--400 acres, captain--4,000 acres. Not until 1795, through the treaty of Greenville, did the Indians relinquish claims entirely to this district. The Virginian government continued in control of this section until Indiana became a state in 1816. Even a few years elapsed before Virginia's claim was abrogated and the grant came under the jurisdiction of the newly formed state.

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2 *ibid.*, p. 15.
Indian Cessions

In order to establish an unreserved claim to all this territory before disposing of it, nearly all officials recognized the necessity of abrogating the Indian claims through legal treaties. To the frontiersman, the Indians represented merely another natural obstacle to be surmounted, just like so much ground to be plowed under before cultivation could be engaged in. To the legal minded man a definite claim must be established through definite treaties. Congress had considerable trouble with people of the first type mentioned and warned them to stay off Indian land before it was legally theirs. Just as there was an exception to the first class, there was one legal minded man in the country with oversimplified suggestions as to the disposal of the problem.

Chief Justice John Marshall issued his decision in the case, Johnson vs. McIntosh (3 Wheaton, 543), which, if adhered to, would have created endless amount of trouble with the Indians:

> it was held that the Indian tribes were incompetent to transfer any rights to the soil, and that any such conveyances were void ob initio, the right of property not subsisting in the grantors.3

3 Donaldson, op. cit., p. 241
He derived this conclusion through a very peculiar line of reasoning. To him the right to grant land, now possessed by the government of the United States, resided, while the New World was in the colonial stage, in the Crown or its grantors. That an absolute must be an exclusive title, or at least a title which excludes all others not compatible with it. Tribes of Indians, whose occupation was war, would have left a fine state of affairs in the country if permitted the right of disposition. That the General Government had the right to terminate occupancy of Indians by "conquest or purchase."

Fortunately, in the northwest section of the country there lived a man who, although he was a frontiersman, withheld his innate hatred and adopted more peaceful measures which ultimately won friendship with the Indians and secured undeniable title to that section of the country of which Indiana is a part. William Henry Harrison seemed to have as a plan of action in regards to the Indians which was unapproachable by even modern standards.

He sought to ameliorate the miserable condition of the savages at all times; sought by all means within his power to bring punishment

4 ibid., pp. 240-241
to those who committed outrages against them.\(^5\)

Inspiration for this policy he found in the person of Thomas Jefferson who had proposed to civilize the Indians and prepare them for acceptance into the white man's world.

President Jefferson had always insisted on the payments of annuities in these purchases, instead of a lump sum, so that a fund might be created for the continual support of the tribes from year to year, and so that they might be enabled to purchase horses, cattle, hogs, and the instruments of husbandry and thus gradually enter into the ways of civilization.\(^6\)

In accordance with these ideals are found certain provisions in the Indian treaties which were introduced in order to further advancement in the Aboriginal civilization. Many annuities were specifically apportioned for various purposes such as purchasing cattle, sheep, etc.

The second section of the land secured from the Indians which later came under the jurisdiction of the Jeffersonville Land Office, was that designated by the number (7) on the map accompanying this chapter.\(^7\) At the Treaty of Vincennes on August 18, 1804, Harrison secured land to the south of the


\(^6\) Ibid., p. 356.

\(^7\) The map on the opposite page was taken from the U. S. Bureau of Ethnology Report, 1819-30.
Vincennes tract and the road leading from Vincennes to Clark's Grant which was known as the "Vincennes" or "Buffalo Trace" which had been surveyed by a William Rector. A similar treaty was negotiated with the Piankeshaw tribe on the 27th of August because "the Piankeshaw tribe has hitherto obstinately persisted in refusing to recognize the title of the Delawares." That small portion of the cession lying to the east of the Second principal Meridian was later the land belonging to the Jeffersonville District.

No sooner was the foregoing treaty negotiated than elements in the eastern part of the territory, by this time distinguished from the State of Ohio by the present boundary line, began clamoring for a new treaty to extend the boundaries in their section. One of the chief means of land communication between Cincinnati and Vincennes at this time was "an Indian trail leading from Cincinnati that joined the Buffalo trace near French Lick in the Vincennes trace."\(^3\) Besides preserving this line of communication permanently through an Indian treaty, there was another reason, a plea from Dearborn County which at this time included all the "Gore,"

\(^3\) Wilson, *op. cit.*, XII, p. 24.
The Country is rich and pretty well filled with settlers, but is nevertheless so extremely narrow as not to admit of a new county being formed out of the upper part of the triangle. The inhabitants are therefore obliged to attend the Seat of Justice at Lawrenceburgh on the Ohio, to their great injury and inconvenience.9

Because of these pleas, there came a recognition by those concerned that something was needed in the way of a treaty. By the treaty of Grouseland, a little place just outside of Vincennes, negotiated on August 21, 1805, Harrison secured from the Miami, Eel River, and Wea tribes a cession of all the territory "south of a line to be drawn from the northwest corner of the tract ceded by the treaty of Fort Wayne, (Vincennes Tract) so as to strike the general boundary line (Greenville Treaty Line), at a distance of fifty miles from its commencement on the Ohio River."10 This treaty of Grouseland is designated on the map by number (8).

The remainder of the land which became attached to the Jeffersonville land office was ceded by the Indians in two treaties, one of which was the treaty of Fort Wayne of September 30, 1809. By this, the whites received that territory designated by Numbers (9) and (10) on the map. The latter, called the Twelve Mile Purchase, was never in the Jefferson-

10 Wilson, op. cit., p. 25.
ville district, but rather in the Cincinnati district until 1819, when it was included in the Brookville district. The other treaty, negotiated in 1819, was called the New Purchase. Most of this came under the jurisdiction of the Jeffersonville district until March 2, 1819, when through a division that part of the purchase below a line dividing the ninth and tenth tiers of townships to the north of the base line went to Jeffersonville. Certainly as it is applied to the land contained in the Jeffersonville land district, Thomas Donaldson is correct in his general statement: "The Government has never attempted to survey and dispose of lands prior to their cession by the Indians."

If all the land included in the Jeffersonville land district from the time of its establishment to the time of its discontinuance is considered, it is undoubtedly the second largest land district to have been established in Indiana. The district included eight complete counties as they are situated today, i.e., Harrison, Floyd, Clark, Jefferson, Ripley, Jennings, Jackson, Washington, and parts of eight other counties which include Lawrence, Monroe, Brown, Bartholomew, Decatur, and Switzerland. It contained approxi-

\[\text{Donaldson, op. cit., p. 240.}\]
mately two and one-half million acres of land within the boundaries prescribed by the national government disregarding those sections outside of the boundaries at one time or other unofficially disposed of because of boundary questions.

Legal Creation

The precedent set by the Harrison Law of 1800 was followed throughout the history of the public domain. It has been said there were over two hundred land districts established in the United States for the convenience of the purchasers. The first bill passed in Congress to establish a land office in the Jeffersonville vicinity was on March 2, 1807. It was a very vague and indefinite law which merely provided for:

the disposal of the lands of the United States lying on the Ohio river, between the Cincinnati and Vincennes districts, a land office shall be established at Jeffersonville.\textsuperscript{12}

The law itself may be considered as a beginning. In the first place, no distinct line of demarcation had been drawn between the Vincennes district and that of Jeffersonville. Because of a tendency for claims to over-lap in both districts, this would encourage an endless amount of administrative diffi-

\textsuperscript{12} U. S. Statutes at Large, Vol. II, p. 448.
culties in the event of sales being made at either place. The eastern boundary was fairly well defined, being the Greenville Treaty Line. When the office was set up, the northern boundary coincided with the northern boundary of the Treaty of Grouseland of 1805.

Congressional action required sufficient time in which to carry on an adequate survey before sales could be made, however, this subject will be dealt with more fully in a later chapter. Certain preliminaries were necessary before the actual proclamation setting the sale date could be made by the President. In the meantime, before the month of December, 1806, there had been a great deal of political intrigue being carried on by certain prominent men who wished their proteges to fill the positions of land officers. On November 7, 1807, Albert Gallatin, Secretary of the Treasury, wrote President Jefferson recommending an immediate sale to take place in the Jeffersonville district:

I think that we might advertise the Jeffersonville district for sale on the 1st of April next, ... The proclamation once issued, the officers may be appointed.13

Thomas Jefferson, ready to recognize the suggestion, replied to Gallatin's letter on the following day, saying:

I will sign a proclamation for the sale of the lands Northwest of the Ohio whenever you think proper. I believe the form is in your office.\textsuperscript{14}

Thus it is apparent that the President, though the authority nominally in the provision for sales, really acted very wisely and accepted certain expert advice from his subordinates.

Hence, the proclamation by President Thomas Jefferson on November 19, 1807, which declared the first land sale by public auction. Necessary advertisement was required and the proclamation appeared in the only newspaper in the Territory at that time:

\begin{quote}
Wherefore I, Thomas Jefferson, . . . Do hereby declare and make known that sales shall be held at Jeffersonville, in Indiana Territory, for the disposal of the above mentioned lands, to commence on the second Monday in April, one thousand eight hundred and eight, and continue for and during the six following weeks.\textsuperscript{15}
\end{quote}

Thus the preliminaries for sales were taken care of and certain well-defined lands were advertised for sale.

Boundaries

Since the original sale was so well-defined, no trouble of overlapping was encountered. There was, however, one man

\textsuperscript{14} Ibid., p. 489.

\textsuperscript{15} Vincennes Western Sun, February 22, 1808, page 3, col. 7.
who would be one of the first to realize future difficulty in such an arrangement. It was Jared Mansfield, the general surveyor from Cincinnati. Before the proclamation was even issued for the sale of the lands, he ran into difficulty in making the requisite surveys of the district. He wrote concerning the plan in existence at that time, which evidently was one following the general outlines of the old Indian treaty lines with all the irregularly shaped sections which would be of unusual difficulty in surveying. As early as October 31, 1807, he addressed Gallatin and made a suggestion as to how the land should be divided. No detailed information on the suggestion was found; but it undoubtedly proposed dividing the territory by the Second Principal Meridian. He went so far as to enclose a sketch of the proposal. This is apparently the first instance in which a possible change in the boundary was suggested and it by the person whose duty would demand some kind of change, the surveyor.

Albert Gallatin showed displeasure of the suggestion in a reply to Mansfield on November 17, 1807:

Whether the Congress would make the alteration you propose in the boundaries of the Vincennes and Jeffersonville districts is uncertain; and there would be the inconvenience in attaching any portion of the last to the first, as such portions would not in that case be offered for sale at the Public Sale. I think, therefore, that it will be better to act as if the boundary was not to be
was not to be altered.\textsuperscript{16}

Why Gallatin refused such a worthwhile suggestion is only open to debate. The inconvenience he mentioned could obviously have been eliminated by merely exposing those sections concerned to public sales in small quantities. The reason for the inconvenience he suggested was probably a personal one. He probably had already made definite arrangements for the sale in the district, since the Proclamation of sale was issued two days later.

He finally acquiesced, however, and suggested to John Boyle, chairman of the Land Committee, on March 5, 1803, that certain alterations be made in the boundaries. He suggested the Second Principal Meridian, which coincides with 86° 28' of longitude west from Greenwich, starting from the confluence of Little Blue River with the Ohio river, running north, as a possible demarcation. Reasons he gave could have very well been presented by a surveyor such as Jared Mansfield:

That alteration will throw a small fractional triangle in the Vincennes district, and near half a million acres lying along the Ohio between the said Meridian and Clark's Grant, in the Jeffersonville District. The division line will prevent confusion in the ranges, and be a conveni-

\textsuperscript{16}Carter, \textit{op. cit.}, VII, p. 491
ent permanent boundary, when the purchase of the Indians are extended northwardly.17

It was not until June 1, 1810, that Congress was able to get around to it and establish that as a boundary.

The eastern boundary was that defined in the Greenville treaty of 1795, which drew the line southwardly from Fort Recovery, Ohio, to the mouth of the Kentucky river. All east of this was attached to the Cincinnati office, although the "gore" was made a part of Indian territory in 1802. The northern boundary moved northward with the cession of Indian land. After the New Purchase of 1819, a definite boundary was established as follows:

All the public lands, extending north of a line to be run, separating the ninth and tenth tiers of townships north of the base line, shall form a district, for which a land office shall be established at Brookville.18

Thus the territory was established and kept until April 9, 1855, when the land contained in the district was reduced to a certain minimum and the office was discontinued.

Certain boundary difficulties were continually arising which had to be disposed of in the most satisfactory manner. For instance, on February 27, 1813, Samuel Gwath-

17Ibid., pp. 530-531

18Statutes at Large, Vol. III, pp. 521-522
public education purposes. By law, section sixteen of every township was "reserved for the supply of schools."19 For the provision of land for school purposes another section of the same act provided in certain districts of the United States "entire township... to be located by the Secretary of the Treasury, for the use of a seminary of learning."20 Besides lands for school purposes, the register of the land office, Samuel Gwathmey, was required to locate all the lands in the district upon which saline deposits were located. The salt deposits at this time played a very great part in the lives of all the early settlers. Only through these deposits was there a supply of salt guaranteed. To further insure this supply, the government exempted the lands from public auction. Not only were the salt springs themselves included in the reservation, but also land necessary for the use of the same. From the amount of correspondence carried on between William Henry Harrison and the authorities in Washington, one can judge as to just how important such deposits actually were.

Surveys

Previous to actual exposure of the public land at public

19 Statutes at Large, Vol. ii, p. 279
20 Ibid., p. 279
auction in the Jeffersonville district by presidential proclamation, the national law required an adequate survey of the lands. As mentioned previously, there was a period of eight months between the actual formation of the land office on March 3, 1807, and the proclamation ordering the sale of land in the district on November 19, 1807. This time was not just so much wasted time in the proposed district. Jared Mansfield and his associates were busily engaged in carrying on this survey. Certain instructions were to be followed in this procedure, a brief summary of which will be the next subject dealt with.

Included in the report on May 7, 1784, made by the land committee of which Thomas Jefferson was chairman, was a rectangular system of survey destined to serve as a basis for the more elaborate ordinance of May 20, 1785. This measure provided for townships of six miles square with sections of one mile square, or 640 acres. By the law of May 13, 1796, the 36 sections of the township were to be numbered in the same manner as they are today, "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."  

These general divisions were to be surveyed in a clearly

21 Donaldson, op. cit., p. 577
defined manner which was supposed to guarantee absolute, or nearly absolute, accuracy in measurements. The first step was to lay off the public lands into bodies of 24 miles square, as nearly as possible.

This shall be done by the extension of the standard lines from the principal meridian every 24 miles, and by the extension from the base and standard lines of auxiliary meridians every 24 miles.\(^2\)

Then these areas of 24 miles square were to be laid off into bodies of land 6 miles square, as near as may be, called townships containing approximately 23,040 acres. The township was to be divided into "sections," each containing about 640 acres. The townships were to bear numbers in respect to the base line north or south of it, and the tiers of townships or ranges\(^2\) to bear numbers in respect to the meridian either east or west.

The township lines were to be measured by a two-pole chain of 33.03 feet in length, consisting of 50 links, each link being 7 92/100 inches in length. By this method the distances were to be marked in as accurate a manner as possible. In order to mark these lines, "natural" markers were

\(^{22}\)Ibid., p. 537

\(^{23}\)Any number of contiguous townships, situated north or south of each other, constitute a "range."
used, i.e., trees, with which obvious discrepancies or
difficulties were associated. In addition to the actual
surveying, the surveyors were to note certain definite
topographical features in their plat books. Thus, one finds
upon examination of some of these original plat books, ref­
ference made by the surveyors of the following:

The precise length of every line run;
kind and diameter of all "bearing trees;"
position of true corners and kind of mater­
ials of which they are made; name, diameter,
and distance on line to all trees which it
intersects; intersections by land objects
and water objects; the land's surface; the
soil; timber; bottom lands; improvements;
coal and other deposits, etc. 24

With ensuing years and constant demand for smaller
tracts, Congress complied and correspondingly reduced the
size of the minimum purchases. This, of course, provided
more work for the surveyors, but, it was comparatively
simple matter after having established the other principal
lines. On May 10, 1800, the amount was reduced to half
sections, 320 acres. February 11, 1805, the lands were
to be subdivided into quarter sections, 160 acres. An
act of Congress, April 24, 1820, "provides for the sale
of public lands in half quarter sections (80 acres)." An

24 Donaldson, op. cit., p. 605
act of April 8, 1832, directed the subdivision of the public lands into quarter quarters (40 acres). Surveying, then, is obviously one of the prime requisites of an adequate system. For this reason, only bonded agents were permitted to carry on the duties of a surveyor and that with a great deal of supervision on the part of the surveyor general. Still, with all these precautions, there were many discrepancies which materially evolved from such a natural boundary system.

Jeffersonville

Thus far a rather extensive discussion has been given to the definite location of the land district in Indiana Territory. Now it is necessary to take a glance at the town in which the land office was located and to observe some of the reasons for its selection as a location. Due to the almost dictatorial powers vested in the Governor of Indiana Territory, William Henry Harrison was permitted to create the new County of Clark from a section of Knox County. By gubernatorial proclamation on February 3, 1801, the first county to be erected out of the original Knox County was created. It occupied roughly the bounds as follows:

Beginning on the Ohio at the mouth of the Blue river, up the said river to where the trail leading from Vincennes to the Ohio Falls
crosses said river; thence by direct route to the nearest point on (the east fork) White River; thence up said river to branch thereof which runs towards Fort Recovery, and from the head springs of said branch to Fort Recovery; thence along the boundary line between Indiana Territory and the Northwest Territory, south to the Ohio river.25

Out of this Clark County, which was later by various enactments to be shaved down considerably, the town of Jeffersonville was created. Harrison, in a letter to President Jefferson, on August 6, 1802, reiterated the power of the Governor to establish the seats of justice for the counties. He seems to have accepted the suggestions of a few of the citizens of the county in selecting the spot as the site of a proposed town named after the President. Previously, on June 23, 1802, Isaac Bowman, who owned tract Number 1 of Clark's Grant, disposed of it to Marston Green Clark and others as trustees selected by Harrison to lay off a town and sell lots. It contained 150 acres and John Gwathmey surveyed it according to a plan suggested by Thomas Jefferson.26

In the letter mentioned above, Governor Harrison acknowledges Jefferson's authorship of the plan adopted, called the "checkerboard" plan:

26 ibid., p. 49.
Sir: When I had the honor to see you in Philadelphia in the spring of the year 1800, you were pleased to recommend to me a plan for a Town which you supposed would exempt its inhabitants in a great degree from those pestilences which have become so common in the large cities of the United States.

According to this plan, the lots were to have been divided into alternately occupied lots. That is, one lot was occupied and the next unoccupied, so as to prevent any two adjacent lots from being occupied. There were certain advantages to such a plan, according to Jefferson's ideas expressed in a reply to Harrison dated February 27, 1803, it was to prevent the yellow fever from being encouraged by too thickly populated areas as were found in Europe. The plan, however, was abandoned in 1811 when the present plan was adopted.

Many good points have been attributed to Jeffersonville's location from its very establishment. In speaking of its location, Harrison, in the letter to Jefferson previously mentioned, said:

The beauty of the spot on which the Town is laid out—the advantages of the situation, being just above the rapids of the Ohio, and the excellence of the plan; makes it highly

27 Carter, op. cit., Vol. VII, p. 56
28 Baird, op. cit., p. 49
probable that it will at some period not very remote become a place of Considerable Consequence—At the sale of the lots a few days ago a few of them were struck off at 200 dollars.29

On September 14, 1807, an act of the Legislative Council and House of Representatives established a trustee type of government for Jeffersonville. This may be taken as adequate evidence that some advancement had been made by this time in regard to population as well as political thought. Those five men chosen as trustees represented the cream of the crop and served as a fair representation of the type of men at that time. One of the three territorial judges, Thomas T. Davis, occupied one of these positions. Another, Marston G. Clark, and a third, Samuel Gwathmey, at that time on the legislative council and later to become the first register of the land office.30

Whether the prophecy mentioned above by Harrison was ever realized has been a matter of some discussion by some of the writers discussing it. One must depend upon accounts of various individual travellers for descriptions of the town in later years. In a letter from Jonathan Jennings to

29 Carter, op. cit., Vol. VII, p. 66
Dr. David E. Mitchell, his brother-in-law, on December 1, 1808, he stated how destitute the county of Clark was for a physician, since it had only one and that a quack. Yet, even he seems fairly certain of its future promise: "... and it (Clark County) will be the Centre of the Territory upon the division without a doubt."31

Jervasoe Cutler, an early traveller, in 1812, is rather pessimistic about Jeffersonville. "It is a post town, but contains only a small number of inhabitants, and probably will never be a thriving place."32 This, however, was prior to the rapid influx of immigrants following the war which increased the size many fold. In the middle of May, 1819, another English traveller, James Flint, tells a different story. He describes it as containing about "sixty-five houses, thirteen stores (shops), and two taverns; the land office for a large district of Indiana."33 By the time the Great Migration was in full swing the town had not only taken on many new inhabitants but also a semblance of culture and patriotism so unusual in the frontier countries.

33 Flint, James, Letters from America. Edinburgh, 1822, p. 138
In the year 1825, the town had an opportunity to display the advancement it had made since its inception, when General Lafayette made his mid-western tour. The river towns upstream and down were generated into a social whirl when news of his coming arrived. No town, small or large, wanted to be excelled in welcoming the hero of the Revolution. Jeffersonville was not the exception. On May 11, at eleven o'clock, Lafayette was received by a committee of celebrities and

a salute of thrice twenty-four guns, discharged from three pieces of artillery, stationed on the river bank beside three flagstaffs, each seventy feet in height, bearing flags with appropriate mottoes... Officials, both state and local, together with many other men of state and national renown..., vied with the vast concourse of the "common people" to add to the generous expression of gratitude and esteem for the guest of honor.

At a banquet that evening, the motto read: "Jeffersonville, in 1776--a wilderness, in 1825--a civilized city."

Surely Jeffersonville had nearly fulfilled Harrison's prophecy and had become a place of "considerable consequence."

CHAPTER III

LAND PURCHASERS AND LAND PURCHASES

Population Movements

The quarter of a century, 1800-1825, was the time of one of the greatest voluntary population movements in modern history. It was particularly unique in that it saw the establishment of a new and different civilization in the west based upon ideas of an older civilization but modified to meet changing needs.

The population in Indiana alone increased, from 1800 to 1820, over twenty-six fold. John Melish in his travels noted this tremendous increase when he gave the population figures: "In 1800 the population was only 5641. In 1810 it was 24,520; in 1815, 68,784; and in 1820 it was 147,178."¹ These figures are for a constantly decreasing state, territorially, which makes the facts even more astounding. The tremendous increase is inconceivable in the present genera-

tion of inhabitants but is none the less important for the planting and cultivation of that society we praise so highly at the present time.

Upon examination, there are certain periods of intensity which are discernable in this population change. There was an early slowness of movement eliciting some explanations by many authorities. In Vincennes such a theory was advanced in July of 1806. Although the first legislature of the Territory had met and conditions seemed to be on the verge of progress, there was an apparent lack of population. According to this fellow, there were four reasons for such a slow increase of population:

1. The Indian title to the land was extinguished only in a few tracts on the border of Indiana and Illinois.

2. The high price of government land. It sold at two dollars an acre.

3. The absurd manner of selling land.

4. Ohio, being older and more settled, attracted most of the moving population.2

After the War of 1812, and even during the last years of it, the population or immigration began to take on a

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renewed vigor and the number of people increased many fold. People began to come west and particularly into the northwestern territories. Waldo Mitchell has advanced some ideas on the subject:

On the seaboard, times were dull, the coast was blockaded, taxes were high, and the currency was in disorder. Agriculture was not flourishing, so there began a flow of emigration westward that threatened to depopulate some of the eastern states.\

McMaster has done a monumental piece of work in tracing the history of the people and thus substantiates Mitchell's thesis. In the winter of 1814, the exodus became alarming. Old timers in New York declared they had never seen so many teams and sleighs loaded with women, children, and household goods travelling westward, bound for Ohio. It was thought with the approach of summer that good times would come, but the opposite conditions existed. "At Zanesville, fifty wagons crossed the Muskingum in one day. Ohio, which in 1810 contained a population of 230,000, was believed to have 400,000 in 1816... Both in North Carolina and in Virginia the removal of so many people was felt seriously, and measures to stop it were introduced in the Legislature."\

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Composition of Movement

The composition of the people coming to the west was particularly inclusive of members from all walks of life. Men lacking opportunities in the east were naturally driven to the west in quest of new and better opportunities, stories of which were exaggerated by many enthusiasts returning to the coast. Others searched for opportunities better than those they held in the East. In other words, they were looking forward with an undue amount of pioneer optimism in this new sectional activity. Generally, the statement made by McMasters must be agreed with.

Farmers and men well-to-do were in the minority, and artisans, mechanics, professional men, merchants, clerks, and representatives from the very poorest ranks of society were in the majority.5

Those men having natural inclinations toward conservative, well-established ways were also those usually controlling the wealth so necessary for the establishment of great landed wealth in the form of fine homes, etc. Those people of the less economically sound group were the first to migrate. It was not an unusual sight to see a little cart of four plank wheels a foot in diameter filled with clothes, food, and what

5 Ibid., p. 386.
few worldly possessions they might own, with the mother trudging behind it, with an "infant in her arms and seven other youngsters following with the father, and a boy of twelve pulling the cart." 6

Unquestionably, many such apparitions arrived in Jeffersonville as well as many other land offices, hoping to find in the government a far more lenient creditor than could be found elsewhere in the world. Just such a person was Enoch Parr, a member of a poor family in Rowan County, North Carolina. Solomon Bowers, who already lived in Indiana Territory, returned to the east coast filled to the brim with fantastic stories which would make a modern realtor cringe with envy. Bowers married Enoch's sister and decided to return to the southern part of Indiana Territory. Enoch piled in with them on the 29th day of March, 1808. Upon his arrival in Clark County, Indiana Territory, on April 18, 1808, he found that it was the first day of sales at the Jeffersonville Office. When he investigated, he found only $7.50 in his pockets, constituting his whole possession. Having heard so many tales of the land offices in other parts of the country, he attended the sales a few days after his arrival. The bitter-

6 Ibid., p. 286.
ness he felt when he was unable to enter into the bids is very well depicted in a selection from his journal:

I visited the land office at Jeffersonville and saw the land a selling, and felt all the bitterness of a poor young man without money. In a few days after this, I set in to work...to procure money to buy me a quarter section of land as this was the smallest quantity that could be bought. 7

The struggle of Enoch Parr for money enough to buy some land continued for some time. As in many other instances, of which this is so typical, he appealed to his North Carolinian home for money. Although they were probably in just as much need of the money as he, they loaned him fifty dollars, which, in addition to what he had scraped together, was enough to make the first payment. His horse having strayed, he asked to borrow a horse belonging to his sister’s father-in-law. When old Joseph Bowers heard his intention of filing land which happened to be adjacent to his, he suddenly announced his intention of purchasing the same section. As Enoch tells it:

And as they had a rite to prohibit me from riding their horse, before I could walk to the land office or get another horse, Joseph could get there before me, so I was

obliged to give up. . . I then looked out another quarter, but was very particular after I made my selection to let no one know of it lest I should be again disappointed.

Thus one sees very clearly depicted a panorama of occurrences not unusual in the rush for land. The lack of money, the hard work undergone to get money, the loan from a more (but not much) wealthy section of the country, were all a part of a story told by many of the early purchasers of land.

Even as late as the year 1851, conditions were still similar when on May 24, in the town of Madison, the daily paper carried a story entitled, "in Search, for Better Land;"

A man, his wife and five children, the youngest at the breast, and the eldest about ten years old, encamped last evening at the south-west corner of Second and West Streets. They were the most distressed looking objects we ever say. They had come all the way from "Old Virgini" on foot, and as they expressed it, 'in search for better land.' They were ignorant in a superlative degree. They did not know the name of the county they had left.

The ignorance of many of these settlers was verified by a no less astute man than Judge Test when he tells of a friend of his who was born in North Carolina. This friend, who later achieved fame as a politician, told an exaggerated story which


typifies the ignorance of many North Carolinian and other settlers:

He said that he was born and raised in North Carolina and had never seen a wagon until he was twenty years old, and then followed a mile to see why the big wheels did not catch up with the little ones. Test further states though they were not learned, no truer people ever lived; they were the firm friends of freedom and fought down the vile attempt to force slavery into the territory. Although these people were lacking in a great many of the cultural attributes many in the country pretend to have today, it is in them American ideals were being sown in soil which grew more receptive as more and more varieties of individuals came west.

Another characteristic of pioneer personalities and later inhabitants which has played so important a part in the foundation of later America, was optimism. According to modern standards of social peoples, people introduced to such trying circumstances would be cowed by the thought of such difficulties, but it was not so with these early citizens. Weaklings had no place in the social set-up. Women had certain menial tasks which were of necessity done. Yet, with all these drawbacks, the people managed to survive. Sandford

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10 Report of Indiana State Board of Agriculture, 1878-79, p.282
Cox, writing in 1860 of certain experiences, describes this hopefulness:

A few days of public sale have sufficed to relieve hundreds of their cash, but they secured their land, which will serve as a basis for their future wealth and prosperity, if they and their families use proper industry and economy, sure as "time's gentle progress makes a calf an ox.

There were a great many opportunities for this optimism to be of good avail on the frontier. Although estimates by many authorities on the expense necessary to the establishment of a piece of land vary from $330 to $1,000, many of the original settlers were permitted to establish on less than that. Besides the government, whose liberal policy was utilized by many of the settlers, various other means were used by the people to aid in settling up a claim. An influx of capital was felt moving westwardly from the more prosperous eastern coast. Although a later chapter may seem to lead to a different conclusion, settlers were not at such disadvantages as one may think. James Flint says of the conditions at that time:

New Settlers, who are sufficiently skilled in the quality of soil, are in no danger from land-office transactions. Besides the land-

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11 Cox, Sandford C., Recollections of the Early Settlement of the Wabash Valley. Lafayette, 1860, p. 18.
offices for the sale of national property, there are agents who sell on account of individuals. I can mention Mr. Embree of Cincinnati, as a gentleman who does much business in this way.\textsuperscript{12}

People could, and did, make their choice or selections and when the time of sale was announced would appear and offer a bid for that particular tract, or, if the tract had been offered at public auction, they might enter at private sale.

With the rapid influx of immigration, the land sales increased tremendously. The general tendency for early settlers was to make their settlements in places most convenient to transportation facilities, good pasturages and population centers. The closer association with people in the same circumstances, permitted great deal of cooperation which was so necessary in those times. The population, generally, settled in a peculiar formation, centering around the southern part of the state. Beginning from the "Gore" to Fort Recovery the line swung immediately northwestwardly to a point on the western boundary not far north of an imaginary line drawn west from the tip of the Gore. The Vincennes office for some time after its establishment in 1805 dominated the distribution of land until the Jeffersonville office was introduced. It was

\textsuperscript{12} Flint, \textit{op. cit.}, p. 150
not long, however, before the tide of immigration began to stop at the more convenient location. In 1812, according to Waldo Mitchell, if we supposed that for each 160 acre tract sold to Vincennes in 1812, one family settled in the Vincennes district, then about twenty-five families would have settled in that district; and about one hundred eighty-four would have settled in the Jeffersonville district. In 1812, the number would have been somewhat greater.\(^{13}\)

Even during the war, in 1813, regardless of the fact that land sales in Ohio materially decreased, the sales in Indiana continued their increase. At Jeffersonville, they increased about 57 per cent over the preceding year. This might be due to the fact that many immigrants at this time came from many of the southern states where the effects of the war at that time were not felt so much as in the Eastern states.

The Land Sales

Anything similar to the public land auction is only very infrequently seen in modern society. Only very few accounts of the scenes are available now, since only the mere purchasing of land seemed to have interested those present. However,

\(^{13}\)Mitchell, op. cit., p. 370
a few vivid accounts are obtainable which serve to illustrate the great amount of excitement and pathos in the people at this time. From a description of a day at the sales by an early traveller at the Crawfordsville office, it seems that not only were people intensely interested in purchasing land, but also in being social beings. Land sales were the occasions for great revelry and good times for many.

It is a stirring, crowding time here, truly, and men are busy hunting up cousins and old acquaintances whom they have not seen for many years. If men have even been to the same mill, or voted at the same precinct, though at different times, it is sufficient for them to scrape an acquaintance upon. But after all, there is a genuine backwoods, log-cabin hospitality which is free from the affected cant and polished deception of conventional life.14

The sales were used as the one general meeting place where settlers who had purchased their land the year before returned to buy up more, to renew acquaintances, and to welcome new arrivals.

Although many of the sales were conducted in quite the same manner as mentioned above, there were the grimmer aspects of the sales which were not so conducive to social uplifting on many occasions. Purchasing public lands was a

14Cox, S., op. cit., pp. 18-19
job belonging to the men exclusively. Consequently one would expect to find men of all kinds, rough spoken, hill-billish, greedy, backwoodsmen, as well as the prissy easterner, in search for land. All met together on this one occasion, all were, supposedly, subject to the same impartial dealings with the officers. On one occasion at a sale, certain men of non-descript character were attending a much overcrowded town of Jeffersonville whose housing facilities were none too numerous for the regular inhabitants. On this occasion, as the story goes:

A considerable number of backwoodsmen who had previously taken possession of lands in the new purchase, attended the public sales for about a week. During the night they lodged in a joiner's shed.\textsuperscript{15}

A joiner's shed is what the name implies, a shed, consisting of a few loose planks jammed together in a none too uniform manner which, supported by four poles, comprised a mere temporary roof for the purpose of sheltering workmen from the direct rays of the sun. This inconvenient habitat constituted a means of shelter not at all uncommon to a person attending a sale, in fact, these might even have been at a premium during a particularly crowded sale.

\textsuperscript{15} Flint, J., \textit{op. cit.}, pp. 230-231.
The procedure of sale varied considerably with each land office. Naturally some uniform way of offering land to sell was necessary before actual presidential proclamation of the sale could be made, since all public lands were by law required to be offered for public auction. The land was disposed of in many various ways. Cox, in his travels in and about Crawfordsville, described the way in which the land was sectioned in order to be sold.

The land is sold in tiers of townships, beginning at the southern part of the district and continuing north until all has been offered for public sale.\(^{16}\)

Even such a rule as obviously fair as this one caused some unforeseen difficulty to purchasers. If a person wanted to purchase land in the northern part of a district advertised for sale, he would have to wait at the sales until that section was offered for sale. On the other hand, the system insured a fair degree of regularity in the disposition of land.

The original purchase of the land at the office was merely the beginning of the procedure before a final certificate or deed was given the individual. Immediately after the sale was finished, the officers submitted a report of the land exposed to sale and that actually sold. These

\(^{16}\) Cox, S., op. cit., p. 18.
reports necessitated no end of technical information from the offices. If the entry had been erroneously made by the officers, as was so often the case, it necessitated a new report after a very slow correspondence between the office in Washington and the officers. In looking through the correspondence, such details were the predominating feature. With each payment, the same procedure must be followed until the final payment, on which occasion a longer time ensued before the deed was granted. Particularly long periods were occasioned by a mistake such as selling the same tract of land twice. Upon such an occasion it seems a John Prior purchased a tract of land on January 5, 1835, and later found out it had previously been sold on November 18, 1833. The first letter available was dated August 18, 1835, from the General Land Office asking for a statement by the officers of the facts in the case. It was not until September 20, 1838, that a definite settlement was reached and the second purchaser was notified that he would receive his erroneously taken money.

Indian Influence

Until 1819, the year of the final purchase from the Indians, the public domain in Indiana occupied a comparatively small section of the state. The mere lack of legal
title to the land, however, failed to keep a great number of illegal occupants off the land. Squatters are the best evidence of absence of fear of Indians in some settlers we have. Indian hostilities had been largely inspired by agitators such as Tecumseh and his brother, the Prophet, after large land grants were made to the whites for sums not satisfactory to many of them. The two chiefs managed to band all the Indians together in a common front against the whites and practically succeeded in holding the settlers to the southern part of the state for some time. The Indian victories previous to the Battle of Tippecanoe on November 11, 1811, had completely demoralized the white settlers. It is no wonder that this Battle appeared to be of much greater importance to the people than many historians prefer to acknowledge. After this questionable victory, the whites succeeded in demoralizing the Indians through a series of victories including the Battle of the Thames, and the defeat of Procter, until the year 1814, when, as Test states: "By the middle of the year 1814, we began to feel safe in our homes."17 These conditions are verified by John Hadollet in a letter to a clerk in the General Land Office on November 18, 1814. At this time, the Indian scare was not playing so great a

17 Indiana, Agriculture, State Board of, op. cit., p. 383.
part in the Harrison purchase in the northern section of the Vincennes territory.

It appears by the rapid influx of new settlers and the increasing number of applications for lands even in the most remote and exposed parts of the country and the settlements forming in the new purchase itself, that the apprehension of Indian hostilities has but a limited influence on the minds of the emigrants and is not likely to impede the proposed sale... In the present state of the country, Fort Harrison situated near the northern boundary of the purchase and about 40 or 50 miles in advance of our settlements is a perfect nuisance.18

Flint, in his travels, mentions the apparent lack of fear of the Indians when he describes the territory called the New Purchase, in a letter of October 16, 1819, from Jeffersonville:

already upwards of a hundred families have entered it, for the purpose of rearing cattle and hogs. These will have excellent opportunities for selling their stock when purchasers take possession of the newly acquired territory.19

Thus, people made their appearance on the frontier with a degree of unexcelled optimism. Naturally, this optimism was instilled by certain tales sitting back to their former home lands and increasing in exaggeration with each telling.

18Carter, op. cit., p. 315.
19Flint, J., op. cit., p. 159.
Even the threat of Indians failed to dampen their enthusiasm for attaining a more stable economic setup than they had been accustomed to in their former circumstances. Desire for land even surmounted desire for personal safety in some people and certainly did not necessitate a second call when a semblance of safety was guaranteed by tall stories.
CHAPTER IV

BANKING AND THE LAND OFFICE

Control of Finances

National control of financial matters on the frontier through the banking system is best observed through the "back-door" of the scheme, the land office. Through a study of early banking history of the state of Indiana, it is easily perceived that the control exercised over the depositories in which the land officers were to deposit their monies, and in turn the control of the depositories over the officers, and the officers over the state banks, thus constituted a hierarchy of organization which was unusual in that day. The banks extended their influence to the very root of the whole financial scheme, the individual buyers. Its importance is exemplified by the fact that no subject intrigued so many people at the time of the period of the Jeffersonville land office.

At the foundation of the land office in April, 1803, the first national bank had three years of life yet. When the bill came up for a renewal of the charter, President (60)
James Madison hastily vetoed it declaring it to be unconstitutional. However, in 1816, the conditions became so acute that the Second Bank of the United States came into existence for primarily three purposes:

1. To restore the specie payments which had been suspended.
2. To eliminate the paper in the country not redeemable in specie.
3. And to provide a medium that should possess equal value everywhere.

Since the foregoing three purposes of the Second United States Bank demanded attention, no time was wasted in making provisions for the attainment of the same. As so often is the case in such a large establishment, the good of the whole is many times attained at the expense of the parts. The eagerness of the bank officers to fulfill the expectations of all led them to utilize measures very harmful to the people in each of the many districts. There is no doubt that the bank attained its ends, but, only at the almost ruination of state institutions and financial systems. Many measures were resorted to in order to make possible the resumption of the specie payments. In order to provide specie, it was actually

imported on several occasions at heavy cost. On another occasion: "To avoid shipping coin from the United States in 1822, to pay the installment due that year to the French government by the Louisiana treaty, a loan was negotiated in London for the amount required."\(^2\) Congress assisted in this plan by action taken on April 20, 1818, requiring that "all duties, taxes, and debts payable to the United States after the twentieth day of February, 1718, should be paid in legal currency of the Government..."\(^3\)

The Administrator, Langdon Cheves

The Second Bank of the United States had only a measure of success before the inauguration of Langdon Cheves on March 6, 1819, as president of the institution. Probably Cheves was the one most responsible for the hatred, imbued in western land purchasers, of the National Bank. A culmination of this spirit will be seen in the inauguration of Andrew Jackson who bore the western hatred of banks with him to Washington. Although Cheves was the one most responsible for the establishment of a very stable currency and financial system, many have condemned him because of his lack of feeling


\(^3\) *Ibid.*, pp. 320
for western people. At any rate, during the period of three years and ten months of his administration, until he thought the system well enough organized to resign, he did establish a firm foundation for American financial system. Haskell quotes Robert Hayne of South Carolina, who in a letter to Cheves said:

I have found, in general, that the bank of the United States is unpopular, but the public confidence in yourself is very great, and the prevailing opinion everywhere is that the affairs of the bank will in the future be honestly and ably conducted.4

Many measures adopted by Cheves, however, failed to arouse so much enthusiasm in the western state of Indiana. His total lack of knowledge of western conditions is shown by his complete unwillingness to have dealings with local banks in Tennessee, Indiana, and Illinois. There have been various reasons advanced for this, one to the effect that "as the result of the fact that the above mentioned states had refused to allow branches of the United States Bank to be established in them."5 Even the Secretary of the Treasury failed to have any influence upon him in this regard when on the 18th of August, 1821, he asked Cheves to make

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arrangements with some local banks in the West, to handle the pension money to be disbursed throughout the county. "Cheves, however, refused to have financial dealings with any of them." Upon several occasions Cheves acknowledged his unfamiliarity with local situations. On one occasion, when the administration of Ninian Edwards was being investigated before the House for charges of financial mismanagement, Cheves said:

I know but very little concerning the liability of local banks to the Government of the United States. My duties in the United States Bank consisted wholly of superintendence. I could not concern myself with the details of the business.

Although some allowance may be made in the overlooking of some details of local matters, even a bank president must be in touch with the conditions so general in such a large section of the country.

State Banking, the "Nomadic Stage" of Banking

Previous to the expiration of the charter of the United States Bank in 1811, the subject of banking was very little thought of, comparatively speaking. With this event, however,

6 Esarey, Logan, State Banking in Indiana, 1814-1873, p. 225
came the realization that such an institution played a great part in everyday life. The period from the expiration of the Bank Charter to the admission of Indiana to statehood was the most flourishing period in our history for "wild-cat" banks. Esarey has coined a phrase which describes the situation very admirably, when he calls it the "nomadic stage" of banking. The banks were very simple affairs which could be set up over night. The banker merely printed his own gilt-edged notes and circulated them as money. As these "banks" rarely received deposits, their only function was to discount notes. It is here that the original note shaving could be seen in the most advanced stages. These men would accept notes of other banks at a great discount for their approximate worth with a nice little profit for themselves. Then, when the market at one place seemed exhausted, the bankers would move out, lock, stock, and barrel, without troubling themselves about the redemption of their notes.

Lack of Specie

Perhaps excuses can be made for such a system as the one just described. The lack of specie was a condition creating new problems in the west after the Charter of the First National Bank expired. Previously, the bank had supplied the necessary circulating medium. With the rapid increase of
settlements, a greater amount of specie was required to purchase of retailers those supplies not produced at home. The people apparently sanctioned such action carried on by the numerous note dispensaries. It was so easy to borrow money they needed for the establishment of their tracts when it was being made in such large quantities.

Specie was conspicuous by its absence. The story goes that in one of the land offices an examiner was requested to investigate the amount of money received by the office. The land officers, anxious to hide the absence of the specie, induced the official to stay in the front of the office while they produced the money for his inspection. They continued to carry the same bags out each time until the examiner wanted to see all the money at once. At this time, it was discovered they had succeeded in fooling the examiner by making six bags of specie appear to be a much greater quantity.  

An early attempt to correct the spurious issuances of "money" was made by the Indiana Territorial Legislature in August of 1814, when two banks were established at Vincennes and Madison which were permitted to issue bank notes payable in specie. These banks constituted the first experience

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8 "Banking and Bankers in Early Indiana Days," in Indianaian November 1899, Vol. IV, No. 6, p. 347.
of the territory of Indiana in financial dealings. The charters of both the banks were recognized by the constitution of 1816, which also contained a provision outlawing all banks except those described as state banks and their branches. A year later, the Vincennes Bank was authorized as a state bank to which were added branches at Madison, Salem, Corydon, and Brookville. Even with this more adequate system of banking, there continued to exist, nevertheless, a great need for currency of small denominations. Shinplasters are consequently issued by everyone in order to make change. "Red dogs" and "Blue pups" were common kinds of "shinplasters," the nomenclature coming from the color of the paper used. Plank road companies, merchants, millers, contractors, and various others issued their notes of denominations from 25 cents to one dollar. It was very little improvement over the medieval plan of cutting coins into quarters to provide change.

Mention has already been made of the influence upon the local banks wielded by the national bank system. The tremendous amount of almost valueless money was desirable to the debtors of the west which included most of the population at that time, since most of the people were among those owing money for land. They were most anxious to have this acceptable at the land offices. To stop this, as has already been mentioned, Congress required the payment of all money due the
United States to be made in legal currency, which included coin, notes of the United States Bank, treasury notes, and notes of specie paying banks.

Deeply hidden in the last mentioned provision was an inference of great significance. As Esarey describes it:

Throughout the west the standing of banks was completely in the hands of the receivers at the land offices. Money that was not acceptable to the receivers could not circulate with money that was.9

The Farmers and Mechanics bank at Madison represents the difficulty of honest banking when it came into contact with the United States Bank. Although it never was forced to stop specie payments, it did so in 1818 because no sooner were the notes issued than they were returned for the specie. As John Sering, the cashier of the Madison bank wrote Crawford on June 14, 1820:

this bank continued the payment of specie until its notes, with all western paper, were refused in payment of land; which circumstance caused a general depreciation of all western paper.10

Nathaniel Ewing wrote Crawford, January 9, 1819,

The present situation of the western people is distressing; they cannot get for their produce one dollar of the kind of

9Esarey, op. cit., p. 223.
money that will be received in payment of their debts due to the United States... The banks of the United States west of the mountains issue but few notes, and those few are immediately collected by the merchants and sent eastward.

It is little wonder that the westerners hit the bank and hit it hard when the opportunity came to do so. This opportunity put in its appearance in the year 1836 when Andrew Jackson was in power and the question of renewal of the Second National Bank charter came up. He was not long in showing his animosity towards it, when in 1832, he vetoed the first bill for its renewal. His distaste for banks has been blamed on various things. Bolles offers a hypothesis:

He declared that it was corrupt and dangerous. His opposition, in truth, was grounded in no such lofty sentiments. He was opposed to it because he could not control its officers, and convert the institution into a piece of party machinery.12

Regardless of this "political" interpretation, there was plenty of feeling expressed against the banking system as carried on at that time. Feeling in the west against the bank was particularly high. Enoch Parr in his early visit to Indiana clearly stated the ideas held by the majority of the pioneers in regard to the United States Bank.

11 Ibid., p. 735
12 Bolles, op. cit., p. 334-335
of course, the labouring part of the people are fleeced unperceived, and the rich is enriched at the expense of the many.\textsuperscript{13}

In fact, so great was the prejudice of western Democrats against a national bank that they would rather endure all the evils of a private bank system than see a national currency circulated by one strong bank. Nevertheless, a State Bank was established on January 1, 1836, with certain definite requirements attached to insure its solvency. Soon after this, because of the Specie Circular which was to become effective July 6, 1836, the bank encountered a grave depression that nearly wrecked it, but, it managed to endure and soon was recognized as the greatest western state bank.

Depositories

The Jeffersonville land officers were required to make their deposits in banks specified by the Secretary of the Treasury for that purpose. The Bank of Kentucky at Frankfort was made the depository of public monies in a letter from Albert Gallatin to the receiver of the Jeffersonville office, Edmund Taylor, on December 30, 1808. The rules for making deposits are unusually lax in comparison to later specifications:

\textsuperscript{13} "Memoirs of Enoch Farr," op. cit., p. 384.
the public monies collected by you are to be paid into the Bank of Kentucky at Frankfort. You will make the deposits as often as opportunities shall offer, or your convenience will permit; taking special care in the transportation of Specie or Bank Notes, that losses be not sustained either by accident or robbery.14

Taylor must have suggested another plan in place of this one because in a reply from Gallatin of March 16, 1809, he was reminded that a plan whereby the funds would be kept at the office instead of the depositories would not be a good one. It is also recalled to his mind that the officers at Chillicothe and Cincinnati "are obliged to transport their monies to Pittsburgh, and it is for your accommodation that a nearer place of deposit is selected."15

This place of deposit was utilized for some years until it seems that Secretary of Treasury Crawford contacted Robert Alexander suggesting the Branch bank of Kentucky at Louisville as a depository for public monies. In a letter of March 18, 1817, Alexander announced the Bank's intentions of resuming specie payment on the following April 7. Certain conditions were imposed upon a bank wishing the position as depository.

1. The bank shall receive from the Receiver of Public Monies and others having money to deposit on account of the Treasury, the paper of such Banks...as pay the

14 Carter, op. cit., VII, p. 626

15 Ibid., 645
notes in specie on demand . . . the bank may refuse to receive the paper only with adequate notice.

2. Bank shall pay at sight all drafts which the Treasurer of the United States may draw on it.

Apparently the proposition was accepted and on April 24, 1819, Edmund Taylor received a list of banks whose notes would be honored by the Louisville concern. This list of banks mentioned those on a specie paying basis. In a report made by William H. Crawford, Secretary of Treasury, to the House of Representatives February 18, 1822, it was learned that:

in the year 1817, most of the banks in the States where the land offices are established, and in those parts of other states immediately adjoining them, had resumed specie payments.16

Many banks, however, had great difficulty in maintaining this policy of specie payment. Not only was there difficulty when it came to the individuals demanding specie, but also when drafts were made upon banks by institutions in other states. If a bank was forced to abandon this policy, either its notes were not acceptable as money, or, if it was a depository of public monies, its classification as such was taken away. The Bank of Kentucky was encountering just such difficulty which is described by its president, Robert Alex-

ander, in a letter to Crawford on September 29, 1819.

At two different periods subsequent to the resumption of specie payments by the Bank of Kentucky, the Bank of Missouri, by its Cashier, called on this institution with paper to be exchanged for specie, to an amount, it is believed, of $30,000 to $40,000 each time.17

Of course, it is obviously an impossibility for a financial institution to carry on business under these circumstances. During the period when many of the western state banks were succumbing, the Secretary of Treasury wrote to Mr. Bustard, the cashier of the Branch Bank of Kentucky in Louisville on March 14, 1820, in which he made inquiry as to whether that bank had ceased specie payments along with the other Branches. A very reluctant reply on April 5, announced the news that the branch had "...suspended the payment of its notes in specie on the 18th of January last..."18

Thus, although the provision was adequately understood by both parties, one had refused to notify the other of a breach of contract until four months had elapsed. So the inevitable instructions finally came from the treasury on June 6, that the branch should transfer the public funds in its possession to the Treasury department. Hence the cycle so familiar to banking houses at that time.

17 Ibid., IV, 734
18 Ibid., II, 640
A tremendous amount of trouble and danger was undergone by the receivers at the land offices in depositing the public monies. Very inadequate communication facilities available made it necessary to hire the boats or wagons necessary for transportation of monies. Receivers at Jeffersonville were a little more fortunate than those in other districts, since it was conveniently located near relatively safe means of transportation. As the amounts of public monies increased, so did the number of instructions. Instructions were a far more numerous and detailed than that one already mentioned which made deposits only necessary at "convenience." Since rules were adopted as the occasion demanded, the deposits were sometimes made in rather unorthodox ways. For instance, a certain Mr. Ferguson was appointed by the Secretary of Treasury to investigate and examine the affairs of the Jeffersonville land office in 1810. In a report by him to Crawford, is observed the means through which depository procedure evolved. Crawford wrote Edmund Taylor on September 5, 1810, remarking about the report made by Ferguson:

I notice that he reports the whole balance of monies in your hands, as deposited with C. & T. Bullitt of Louisville for safe keeping... It is proper to apprise you, that a deposit of that kind with individuals, is liable to abuse... You doubtless understand that the money while in their hands is entirely at your risk, and not at
the risk of the United States.\textsuperscript{19}

It is an interesting fact that this same company, C. & T. Bullitt financial organization, represented the first speculating company to purchase thousands of acres in the Jeffersonville district. It may be concluded that the process of depository measures was worked out through an evolutionary process not wholly dissimilar to the whole land policy. From this date on, depository procedure occupied a prominent place in the correspondence carried on between national and district officials to the form of periodical circulars to the offices.

In remuneration for their time, expense, and trouble, the receiver was permitted to make a rather nominal charge per mile for expenses incurred. This varied with the means of transportation. When amounts of money on hands reached a certain maximum, the receiver was required to deposit it in the bank prescribed to the credit of the Treasurer of the United States. In 1831, the maximum was $10,000, while the sum was reduced to $500 in the year 1843. For any amounts on hands amounting to more than this, the receivers were responsible to the extent of their bonds. At any rate, the

\textsuperscript{19} Taken from the original letter found in the Indiana State Library Archives. The letter was found in a collection of uncatalogued correspondence, numbering approximately 19,000 pieces
instructions to the receivers increase in number with the amount of business.

Very early there were numerous objections by certain local people to a system such as this which drained all the money from the particular section that held it originally. The balance of trade of western regions was usually unfavorable to them and favorable to the Eastern states. All the money gathering in the western states was not long in finding its way to the east because the merchants were forced by the balance of trade to ship all their money eastwardly.

The Banking system tended to further a somewhat similar cycle. Nathaniel Ewing was probably the first to appeal for the right of depositaries for his bank in Vincennes. It was very much to the interest of those banks receiving this dispensation because it presented them with an accessibility to a circulating medium. The depositaries for the Jeffersonville Office were found exclusively in Louisville until a circular from the Treasury department of September 16, 1836, which informed the officers of the availability of the Branch banks of the State bank of Indiana at Lawrenceburg, Madison, and New Albany, "the deposit Banks in that state, in which you will deposit the public moneys received by you provided that..."
deposit Banks are not nearer and more convenient."\(^{20}\) However, it seems the officers failed to wait for this "go" signal, since on June 30, 1835, the receiver deposited the money at the Branch bank of New Albany. This marked the advent of recognition which the Second State Bank of Indiana was later to achieve. However, it might be added that no one of these depositories were used to the exclusion of the others as several contained United States monies simultaneously.

The history of the banking problems in the State of Indiana offers a very intriguing field for further research. As William H. Smith says: "Indiana had to go through a very severe sweating process before it finally obtained a safe and secure system of banking."\(^{21}\) Mention has been made of the tremendous amount of influence wielded by the National Banks. One cannot altogether discount the important role played by them in the integration of a unity that has had pseudo-prosperity up to the present. It naturally created tremendous inconveniences on the individuals of the section of the country, but at the same time such a procedure was dictated in the hope for preservation of a semblance of stability in the currency system, national as well as state. A taste

\(^{20}\) Found in original circular in the Indiana State Library.

of what possibly could have been introduced by a different system might be evidenced in the replevy laws in the state of Indiana providing the cancellation of debts for which the creditors did not accept the current notes at that time. Here would have been the beginning of a possible "vicious cycle." The Banking system was, perhaps, one of the few policies of the national government that did not bend over backwards to assist the pioneer.
CHAPTER V

GOVERNMENTAL AID TO THE SETTLERS

The national government as a creditor was indeed not strict with western pioneers. After the first specter of a permanent source of revenue left the near-sighted perspective of the legislators, the land policy took a turn toward extreme liberality in relation to its thousands of debtors. America must be firmly established upon the principles for which its government supposedly stood. Reasons for the inaccuracy of Thomas Jefferson's prognostication on the length of time necessary to populate this territory to the east of the Mississippi river may easily be found in examination of the liberal policies adopted after May, 1800.

Private land claims included that class of titles situated in different sections of the country that now make up the Union, having their origin under jurisdiction preceding the sovereignty of the United States. Not only was this a question confronting the enactment of any legislation in the future, but also was one which demanded settlement correctly or dire consequences may have been incurred. Before complete
control of the public domain could be conceded the United States, certain claims had to be recognized. These claims derived from several sources, French control of that territory, later called Indiana, witnessed the establishment of many land claims. With British domination of these territories they instituted a system of claims. When Virginian troops took over the territory, they had their own claims. The United States was on the threshold of a great deal of difficulty when she assumed jurisdiction in this territory, but the method of settlement, generally, may be held as a credit to the integrity of United States action.

John Todd, in 1779, probably set a precedent for later development when he took into consideration the inevitable influx of population to the Northwest region. According to his proclamation as governor of this territory for Virginia, he conceived of a plan to settle the question of claims:

> every inhabitant is required, as soon as conveniently may be, to lay before the persons in each district, appointed for that purpose, a memorandum of his or her land, with copies of all their vouchers...
>
> The memorandum to mention the quantity of land, to whom originally granted, and when, deducing the title, through the various occupants, to the present possession.¹

The technical procedure adopted by the various governments is not the subject for examination here. It will be sufficient to state, in the words of an authority, as he quotes from the General Land Office report: "The claims have been recognized and confirmed by the various boards of commissioners acting under the authority of Congress, by the courts and by acts of Congress." From the first, then, "rugged" individualists were forced to produce sufficient evidence of the credibility of their claims to the national government. Even the courts recognized the claims, if legally established, regardless of the jurisdiction obtained under. The measures applicable to this territory when it became known as the public domain was equally saturated with the same idea.

Bounty Lands

English feudal law demanded certain military services in exchange for privileges offered by land-owning lords. American colonies, and eventually the United States, offered their one common heritage, land, as an incentive for enlistment for service during war. The first land bounty act was made not to volunteers in the cause of freedom, but to foreign deserters from the royal standards by a resolution of August 14,

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2 Hibbard, op. cit., p. 23.
1776, which offered the Hessians 50 acres apiece if they would desert the British. Fortunately, only one grant was made, since Congress actually controlled no land.

Obviously, a technical handling of the acts creating bounty lands would necessitate a volume of several hundred pages, so the purpose here, is to pick out certain highlights affecting the Indiana territory and the policy engaged to carry them out. Revolutionary War Bounty provisions included the grants to men according to the rank occupied in the army.

"A colonel was promised 500 acres; a lieutenant-colonel 450 acres; a major 400 acres; . . ."\(^3\) Later in 1780, an act even increased the grants to the men. The Bounty Acts concomitant to the War of 1812 were of a different nature. "The bounty lands were only offered to effective, able-bodied men between the ages of 18 and 45, and only privates and non-commissioned officers could receive them. . . Another feature, open to even more criticism but fully as proper, was the restriction of the bounty to troops serving under national authority alone. . . When Congress made provision for satisfying these warrants it retained the system of military districts. . ."\(^4\) Naturally, many criticisms were raised concerning this allotment and it finally culminated in a dispute following the provision of a

\(^3\) Ibid., 118

\(^4\) Treat, op. cit., pp. 247-248
bounty to Canadian volunteers on March 5, 1816.

This act provided certain cessions to these volunteers, both officers and privates, colonel--960 acres; major--800 acres; and other staff members who were to rank according to their pay. According to a circular sent to the land officers, it would be lawful to locate these claims in quarter sections in the Indiana Territory "where land shall have been surveyed, with the exception of salt springs, and lead mines and sections numbered sixteen in each township." Due to a tremendous amount of criticism, Congress on March 3, 1817, "required six month's service, it cut the bounties in half, and required that in the future they should be located on land that had been offered for sale. These acts remained in force but one year." American frontier democracy was influential in ways of disposing of bounty lands when a circular presented the procedure:

that the land warrants... may be located agreeably to the said act at the Land Offices at Vincennes or Jeffersonville in Indiana Territory on the first Monday in June next (1816) ... ; that the warrants may in person or by their attorneys, or by other legal representatives in the presence of the Register and Receiver of the said land district, draw lots for priority of location, and that should any of the warrants not appear for location on that day,

5 This circular found in the correspondence in the State Library Archives.

6 Treat, op. cit., p. 251.
they may be located afterwards, according to their priority of presentation."

Land scrip was provided at times for the convenience of those settlers desiring it. In order to obtain it, however, a properly filled out application was necessary with which assistance was needed. Much of this land scrip was available in Indiana at the land offices. It was acceptable for the purchase of land. Various issues were made, some of the first of which were seen in Madison in 1851. It encountered no little amount of enthusiasm on the part of those receiving it.

We saw yesterday in the possession of James Y. Allison, esq., several splendidly executed certificates for bounty land, lately issued from the Department of Interior to Soldiers of the War of 1812. . . . Mr. Allison will be most happy at all times to render his professional services in preparing the necessary papers for Bounty Land Claimants. 8

After receipt of the land scrip, a claimant was required to make the following sworn statement before a notary public:

applying in part payment thereof a certain certificate of Military Land Scrip I do hereby solemnly swear that from my own knowledge of the facts after actual inspection of the said tract of land on or about the 30th day of March, 1833, there was not at that time any person or persons residing thereon. . . . or having claim or pre-emption thereto under the act of the 27th of May, 1830. 9

7 Circular found in correspondence at Indiana State Library
8 Madison Daily Tribune, April 25, 1851.
9 In correspondence at Indiana State Library
"Rules and regulations" for issuing land Scrip for the satisfaction of Virginia Land Warrants were sent out on August 31, 1852. "The scrip will be issued in pieces or certificates of eighty acres, or one hundred dollars each, . . . when scrip is claimed, sold, or located by the guardian of an infant, the evidence must be produced of their being such. . . . The scrip is "assayable by endorsement attested by two witnesses," in a prescribed manner." Thus one finds people very much dependent upon the government for bounty land grants.

Extension of Time

The national policy towards land purchases endured several radical shifts in emphasis from the establishment of the public domain to the year 1820. The national government was torn between two or three forces; whether to create in the public domain a permanent revenue to the exclusion of the small purchasers, or to establish a system of land disposition in favor of the small holder to the exclusion of a financially sound system. The latter policy required time to triumph over the financiers of the country. In 1787, a land law established a three months credit, in 1791 a credit of two years was suggested, and in 1796, a years credit was
supposed to counteract the increase in price. It was not until the frontiersman bill of 1800 was enacted that the national government stood at the brink of the financial abyss through the introduction of the system as the people of Jeffersonville knew it.

All this was done in contradiction of the great economists of the time who had a remarkable grasp of the situation. Albert Gallatin, in brief, advocated on January 2, 1804, "a reduction in size, reduction in price, and abolition of credit."\textsuperscript{11} Alexander Hamilton was prone to suggest an abolition of credit in his report to Congress in 1790. In the face of so imminent authorities, the land system adopted included a credit system.

On April 1, 1801, after the commencement of sales under the Harrison act, a person could purchase a 320 acre tract of land with terms that enable him to pay one-twentieth of the purchase price, 30 dollars in the case of a 320 acre plot, the remainder of the first quarter being due within 40 days; the next quarter was due two years from sale, and the remainder in two equal annual payments. A charge of 6 per cent interest was charged. An act of March 21, 1804, besides establishing the Vincennes land office, reduced the minimum tract of land to be sold to 160 acres or quarter sections.

\textsuperscript{11}\textit{Treat, op. cit., p. 115}
All these provisions undoubtedly had their foundation in the insatiable desires of the actual purchasers of the land. This desire was carried into effect in a series of relief acts which were a natural concomitant of a credit system. The first relief law came on April 15, 1806, when an extension of time was granted "to 309 persons,—actual settlers on the lands." According to the four-year clause of the 1802 Act, their lands would have been forfeited if not paid for. This law, although it specifically did not apply to the Jeffersonville district, served as a precedent which was followed in eleven similar laws before 1820.

After this law, the next one of a general nature, providing relief to the purchasers was the one on March 2, 1809. A series of acts were passed between this and the final extinguishment of the credit system in 1820. Usually these were made upon the behests of state legislatures at the maintenance of the constituencies. Indiana territory was not above this sort of appeal when, in December of 1810, it joined the ranks and presented a memorial to Congress asking a two years extension of credit because of extenuating circumstances. Its appeal was characteristic of those numerous ones to Congress:

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12 Hibbard, op. cit., p. 92
Most of them, the memorial declared, were actual settlers rather than speculators, yet for a number of reasons they found themselves without the means to pay for their lands.\(^\text{13}\)

Since the territories and states making these demands were not beyond utilizing political intrigue to good advantage, we get a series of almost annual acts from 1806 to 1820. Generally all those acts provide a more than adequate system of assistance to the settler. The leniency of the legislation might be traced through an examination of economic conditions in the country. However, certain provisions were attached to these acts with which eligible settlers must comply. A typical example of the provisions was found in the Vincennes Western Sun soon after the passage of the act of relief on April 30, 1810. According to this article: it applied its provisions to those sales prior to January 1, 1806, of tracts not exceeding 640 acres of land.

The land must not have already been actually sold or reverted to the United States for nonpayment of the purchase money. It was limited to those persons who had inhabited and cultivated at least one tract for one year within the five years from the sale. Those people fulfilling these requirements

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were to receive an extension of two years with interest paid during the same.\textsuperscript{14}

All this legislation on the subject of relief made it appear evident to even the members of Congress that something permanent must be done. Conditions could just not go on like that. It has been suggested that Hamilton and Gallatin proposed abolition of the credit system and were not heeded. Another man, Jeremiah Morrow, worked continually as a member of the House committee on Public Lands and as a member of the Senate for the abolition of the disastrous credit system. Finally, James Monroe signed on April 24, 1820, an act which "was but a return to the system of the Ordinance of 1785."\textsuperscript{15} It was a short act containing only six sections providing for the abolition of credit and the establishment of cash sales after July 1, 1820, for the sale of eighty-acre tracts, and for the reduction of the minimum price to one dollar and twenty-five cents an acre.

This eliminated possibility for the psychology of the settler as expounded by Josiah Meigs: "At present a man who has eighty dollars can have from the public a farm of one hundred and sixty acres for five years; if he cannot then

\textsuperscript{14} (Vincennes) Western Sun, June 23, 1810.

\textsuperscript{15} Treat, \textit{op. cit.}, p. 141.
pay the balance he has not paid a heavy rent; if he has improved his farm, and it sells for more than is due to the United States, he receives the surplus money; if he has not improved it so much as to make it sell, it reverts to the United States, and he may for eighty dollars take it for five years longer.\(^\text{16}\) This law, although it provided for the future sales, failed to provide for the \$21,000,000 owed to the United States by land purchasers. Consequently, we get a series of relief laws after 1820 to 1832 to assist the purchasers.

Many plans were introduced to take care of these extenuating circumstances, but the one adopted on March 2, 1821, became a model for the relief acts for the next ten years. "In the first place, it permitted the relinquishment of land not paid for and the application of the total payment to the purchase of the tract retained; eighty acres being the minimum. The debtors were divided into classes; "if such persons had paid only one-fourth of the original price of the land, the balance should be paid in eight equal annual installments; if he had paid one-half of the original price, the balance could be paid in six equal annual installments; if three-fourths, in four annual installments, and if the whole was

\(^{16}\text{Ibid.}, \text{pp. 138-139.}\)
This bill was further extended to March 30, 1823, because of the absurdity in supposing the purchasers could receive adequate service from it in the time provided for application. The western territory was wielding tremendous political influence at this time through the leadership of Noble and Jennings. "...Noble's reception at home after the passage of the last act was a perfect ovation. Men came from long distances to thank him for his services in their behalf." 19

Even the government had to enforce its land laws periodically. By the law of 1821 mentioned above, a subdivision of land was marked off to provide for a tract of not less than 80 acres on which a purchaser could apply the amount paid on his relinquished land. By the act of April 5, 1832, 18

18 Ibid., p. 385
19 Ibid., p. 386
However, which happened to be the last of the relief laws, a definite arrangement was promulgated which provided for similar tracts as small as 40 acres. A letter to Howel, register of the Jeffersonville land office, from the General Land Office on November 23, 1838, designated the exact procedure of division to enable administration of the statute. Although it may appear from the foregoing discussion that not many settlers lost their land through forfeitures, actually a great number of acres were given up regardless of the almost annual legislation to provide relief. Surely the claim of economic rugged individualism in connection with the national land system has little or no justification.

Pre-emption

Dependence of settlers or squatters upon the United States government for existence and recognition was perhaps most noticeable in their memorials presented to Congress almost periodically for some sort of recognition of their "rights." Many stock arguments were used by the westerners such as: "The settlers had risked much, had made valuable land improvements, had raised the value of the government land." With the pleadings of the memorialists in their

20 Hibbard, op. cit., pp. 152-153
ears, legislators got busy.

Acts along this line hastily recognized certain classes of people who had made great improvements upon the land. So one perceives individual acts, granting the right to enter land with the registers without competition, pertaining to such classes as grist-mill owners. Gradually a system evolved whereby all people were recognized in the same rights. From the "first pre-emption act of March 3, 1801, giving a right of pre-emption" to certain persons who had contracted with John Cleves Symmes,"21 to the all inclusive act of September 4, 1841, a system of pre-emption "arose from the necessities of settlers, and through a series of more than 57 years of experience in attempts to sell or otherwise dispose of public lands."22 In other words, the early idea of retention of the public domain for a revenue only was vanishing and a "settler-centered" system finally emerged in which settler interests were the prime guide posts. All departments were recognizing this factor and it partially explains Donaldson's statement:

The pre-emption system was a result of law, experience, executive orders, departmental rulings, and judicial construction.23

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21 Donaldson, op. cit., p. 214
22 Ibid., p. 215
23 Ibid., p. 215
Indiana Territory to a great extent, was peculiarly exclud-

excluded from this system of pre-emption acts. A few authorities have gone so far as to say: "By 1820, therefore, Congress had recognized squatting to the extent of granting some measure of pre-emption to every one of the public land States and territories save Indiana." This, however, did not seem to be exclusively the case, since on April 30, 1816, a letter from the General Land Office mentioned an act containing germs of a pre-emption clause, and gave instructions to carry it out. The act of March 25, 1816, provided:

The said act directs that any person or persons who before the 1st of February, 1816, had taken possession of, or made a settlement on the lands of the United States, and do actually reside on such lands, may by application to the proper Register, Recorder, Marshall, or their deputies, obtain (on certain conditions) permission to remain on said lands.

Although pre-emption acts of early vintage seem to be scarce, the act of May 29, 1830, did include Indiana. According to a circular distributed to the officers on June 10, 1830:

This act grants to any person who actually cultivated a tract of the Public Lands in the

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24Treat, op. cit., p. 385
25Carter, op. cit., VIII, p. 415
year 1829, and who, continuing thereon, was in the actual possession of that tract at the date of the passage of the Act, a preemption right to the lands at $1.25 per acre. The facts must be established by the affidavit of the occupant, supported by such corroborative testimony as may be satisfactory to you both.

Preemption received its greatest impetus by the Act passed on September 4, 1841. The principles established by this enactment remained, with a few changes, until the repeal was negotiated in 1851. The sources used for the rest of the material on preemption were found among the original documents giving instructions to the land officers to provide preemption. Pre-emptors were required, before the rights were given them, to substantiate three provisions by providing adequate witnesses.

1. that the claimant is a citizen of the United States or has filed his declaration for the rights of same.

2. either the head of the family or a widow or a single man over the age of 21.

3. an inhabitant of the tract sought to be entered upon which, in person, he has made a settlement and erected a dwelling house since the 1st of June, 1840, and prior to the time when the land was applied for; which land must at the date of the settlement, have had the Indian

26 This circular found in correspondence at the Indiana State Library.
In the process of the establishment of their claim, certain questions must be answered on the application. To put an air of finality to the proceedings, an oath, as prescribed in a letter of May 10, 1842 from the General Land Office, was required to be endorsed by the individual.

that he entered upon the land he claims, in his own rights and exclusively for his own use and benefit, and that he has not directly or indirectly made any agreement or contract in any way or manner, with any person or persons whatever, by which the title which he might acquire from the Government of the United States, should go to the use or benefit of any one except himself.

After all these formalities had been carried out, the officers would decide as to their veracity, make the sale, and send the application and certificates to Washington to be verified. Thus, again, obviously the settler is controlled from Washington in settlement procedure.

27 Found in correspondence in the Indiana State Library
28 Found in correspondence in the State Library
With the Jeffersonville Land Office established and operating according to principles set down by the federal government, it is next in order to take into consideration the variable elements of the national land office. These variable elements are personified in these mortals to whom was entrusted the actual carrying out of the prescribed rules. A purely legalistic and formal dissertation on such a subject as this could be evolved from primarily secondary sources. However, this, it seems to me, eliminates a very important as well as interesting phase of the problem.

Because this element, so often omitted, is based to a large extent upon subjective materials rather than objective, no history of it in its entirety can possibly be written. Men just don't seem to think to record the actual things they did which might be of interest to posterity. This probably explains the scarcity of such materials, only snatches of
good material were found in various places. No biography and very few sketches seem to have been written on any one of these officers.

As land offices were established for the convenience of the purchasers in colonial and federal history, so the officers were created by the act of May 10, 1800, for the convenience of the settlers. These took on the names of Register and Receiver of Public Monies. The former occupied much the same position as the county recorder does today, while the latter was the treasurer or financial agent. They were directly controlled by the federal government on the subject of appointments, and removals, and duties prescribed. They were business representatives of the federal government in districts far removed from Philadelphia and Washington, D. C. State authorities had no power over them or any concurrent powers, since they represented the national government in the disposition of the latter's public domain. Because of the security in such a position, the officers were usually valued highly and a considerable degree of intrigue, not unlike that used today by politicians, was engaged in to secure them.

Appointments to offices were made by the President of the United States with the consent of the senate. Appointments in that day were preceded as was mentioned above, by a great deal of correspondence between influential people.
As long as a year before the land office at Jeffersonville was established, an Alexander Balmain of Winchester, Virginia, wrote to Secretary of State Madison recommending Major Edmund Taylor for an appointment. The grandiose manner of presenting the good points of his character are characteristics of many similar letters:

"Honest, virtuous, modest, and capable, he served his country as a lieutenant under General Wayne in several campaigns against the Indians, and distinguished himself as a good, and brave officer in some of the bloodiest actions of that dangerous warfare... I need not say to you, Sir, that his family is numerous and influential in Virginia and Kentucky, and that his connections are the firm friends of Mr. Jefferson and yourself."  

Public service, influential friends, political prestige, all went into insuring appointments to offices.

The officers were required to bond themselves well before they were acceptable to the Senate. The bond at first was for the sum of ten thousand dollars, remaining the same in the case of the registers, but advancing to as much as one hundred thousand dollars, in the case of the receivers, by an act passed on August 6, 1846. This was to be guaranteed by two or more sureties who were to stand good.

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1 Carter, op. cit., VII, p. 427
to the extent of the bond in case of default on the part of the officer. These sureties were investigated thoroughly before actual acceptance of the bonds by the Secretary of Treasury as shown by a note to Samuel Gwathmey on August 3, 1809:

The sureties to the official bond of Edmund H. Taylor, Receiver of Public Monies at Jeffersonville, are Richard Taylor, junior, and Thomas N. Thruston. Having no knowledge of those persons, I will thank you to inform me whether in your opinion, they are sufficient for ten thousand dollars.  

Appointments were often times made by the president in cooperation with the secretary of state and other officials.

Upon acceptance of the position the officers were required to sign an oath which appears somewhat similar to that required of a teacher today. The oath required of the receiver in 1843 was as follows: "...an oath to support the Constitution of the United States, and well and faithfully to execute the trust committed to you." During the time necessary to negotiate all these arrangements no land was sold at the offices because the officers were not considered to be in office until everything had been arranged. Since

2 Original letter in correspondence in State Library Archives.

3 Found in State Library Archives.
one of the reasons for requiring two officers was for them to serve as a check and balance on each other, sales could not adequately be negotiated without the presence of both men. The officers were not forced to carry on this business for nothing, but received rather good salaries. The guaranteed salary was set at $500 annually for each officer with each receiving 1 per cent of amounts received for sale of land, with a maximum of $3,000 provided. By 1835, a minimum salary of $2,500 was attached because of the decrease in sales about this time. At various times fees were added for transportation of monies, location of military warrants, and superintendence of public sales.

**Duties**

The land officers were burdened with more and more duties as the passage of time and the increase of business necessitated a greater number of books to be kept. Land sales, at first, were not so complicated, but with the enactment of great numbers of laws to the benefit of the settlers, new and unusual bookkeeping procedures were instituted. Credit sales and the extension of time required the usage of a great number of applications, and various other formalities. With this increase of duties, came a corresponding tendency towards laxity in keeping them. They were in com-
plete charge of the public sales and private sales of land after it had been exposed to public auction. They were required to see to the proper advertisement of the sales in the neighboring papers.

The receiver of Public monies probably was the busier of the two. It was he who had to correct any inaccurate details in business correspondence with Washington. He served as a financial representative of the United States in many cases. For instance, a letter from the mint of the United States at Philadelphia on August 11, 1826, imposed upon Andrew P. Hay a duty which was created pursuant to a Senate resolution "calling for a report on the subject of foreign gold and silver coins current in any part of the United States." He was to "inform them what denominations of foreign gold and silver coin are in circulation in his district. Especially be so good as to state, as nearly as may be, the amounts of foreign coins used in payment for public lands therein, since the purpose of the Act of March 3, 1823, making certain foreign coins as legal tender for that special purpose."  

The receiver served as a disbursing agent for the fed-

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4 Found in Indiana State Library Archives
eral government. With the rapid increase in the western army prior to the War of 1812, a more adequate means of payment of the same was needed. Consequently, since the receivers took in the government's money they were required to dispense with some money to the Army paymaster. Such was the case in 1810, when Lieutenant Ambrose Whitlock, the district paymaster of the Army was instructed to obtain twelve thousand eight hundred and forty three dollars from the land offices. This happened on several occasions after this and constituted another duty for the Receiver. As a result of these multiplicity of jobs the General Land Office wrote the Receiver of public monies at Jeffersonville on October 17, 1849, the following, in which a definite statement of duties is included:

You will bear in mind that you act in three distinct capacities, viz., - as Designated Depository, under the act of August, 1846; as disbursing agent under the act of March 3, 1849; and, as Receiver of Public Monies.5

To insure correct performance of duties by the men, periodic examinations were conducted by the Secretary of Treasury. Accordingly, Richard Ferguson was appointed by Gallatin "to examine the Books at the Land Office at Jeffersonville, and to ascertain the balance of public monies in

5 Indiana State Library Archives
the hands of the Receiver of public monies of the said office either on the last of the present month, or the last day of August next (1809). "6 This was also conducted on June 27, 1810, by the same person. The report of the latter examination is interesting from several viewpoints.

The Books of the Register are (in my opinion) kept conformably to Law—"it appears that in every instance wherein application is made for Land—That it is immediately inserted on the entry book, nor is there a blotter attached to it. . .The Books of the Receiver were next examined, and it appears that the quantity of cash on hand. . .was deposited in the hands of Mess. C. & T. Bullitt of Louisville for safe keeping. . .the official conduct of Mr. Gwathmey as well as Mr. Taylor appear to be that of strict Justice and the most scrupulous impartiality."

This report revealed a practice not in keeping with the procedure prescribed by law. It was not long in eliciting a response that reminded Taylor that it was done at his own risk of forfeiting his bond. The periodic examination naturally controlled excessive abuse of practices and served also as a connecting link between the offices and the General Land Office.

It was just such an examination carried on in the Fort Wayne office in later years that revealed another practice

6 Found in Indiana State Library Archives
which even in politics today would seem rather impolitic.
Upon this occasion it was found that the register of the
office, while drawing a salary as an officer at that loca-
tion, was actually living in the southeastern corner of the
state in Lawrenceburgh at the time of his holding office in
Fort Wayne.

Officers of Jeffersonville were afflicted with the
same aspirations. The first receiver, Edmund Taylor, re-
quested in a letter to the Secretary of Treasury in 1815,
permission to reside in Louisville with his family. He
emphasized the importance to himself and his family of such
an arrangement. However, the Secretary referred the matter
to Joseph Meigs for his consent. As the new General Land
Office had been created by an act of April 25, 1812, and
the proper readjustment had not been made as to whom such
a request should be addressed, Taylor wrote to the Secretary
of Treasury instead of the Commissioner of the General Land
Office. Meigs, in a reply to the Secretary on September 25,
1815, said:

On this view of the subject you have been
pleased to refer, I am fully of the opinion that
the public interest will not permit a compliance
with the request of the Receiver of Public Monies
at Jeffersonville. . . That the Land Office for
Jeffersonville is separated by a river at times
very difficult to cross. . . That the poverty of
many of these people who have business to trans-
mit at that Office after travelling many miles, renders any delay peculiarly grievous and oppressive.

In the original letter dated October 7, 1815, was found the reply to Taylor refusing the permission asked. The officers were expected to remain in the near vicinity of the office.

Even patriotism could not be adequate reason for leaving the office as J. P. Reed in 1846 was refused the permission to join Indiana troops in the Mexican war. Although his plan was to leave the office in charge of an agent for the duration of the war. The answer written on June 22, 1846:

A course so unusual cannot receive the sanction of this office, as the Laws defining your duties and responsibilities virtually forbid the discharge of those duties by an agent for such an indefinite period.

Officers desirous of purchasing land for themselves were required to go to the Surveyor General at Cincinnati to complete the sale. Samuel Gwathmey on a conditional sales voucher dated April 1, 1813, purchased a tract of 160 acres at the minimum price, the voucher being signed by Josiah Meigs, Surveyor General at that time. These rules were more elaborate as the years transpired. A letter from John Moore of the General Land Office on September 24,

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8ibid., p. 351

9Letter found in Archives at State Library
1833, said: "...the Surveyor General's Certificate of Purchase in your favor is necessary to entitle you to a Patent, and you should enter the land in his office and produce to him a duplicate of the Receiver's receipt for the Purchase Money."10

Officers, then, were supposed to recognize their duties as official representatives of the national government. Specific duties were conferred upon them as new and different procedures were introduced. Naturally, officers of identical aptitudes were seldom found. Lack of uniform method of selection were conducive to lack of uniform procedures on the part of the men in charge. However, it may be said in conclusion that a great degree of control was exercised by Washington on their activities.

Samuel Gwathmey
Jeffersonville's First Register

An examination of the land system of the United States as it was applied in the Jeffersonville land district would not be complete without a sketch of the first and probably most famous officer of its history, Samuel Gwathmey. Although very strict rules were applied to the land officers by the

10 Found in the Indiana State Library Archives
federal government, a proper fulfillment of them required a fine type of men. Although, naturally, individual differences would not allow the same degree of capability and integrity in all individuals, a certain similarity of these qualities can be seen through an examination. A fairly representative individual, chosen from the fifteen different officers was Samuel Gwathmey.

Samuel Gwathmey, the dean of office-holders in Jeffersonville, was a nephew of George Rogers Clark. His mother, the eldest sister of Clark, was married to Owen Gwathmey in her eighteenth year. Owen Gwathmey had served in the Revolutionary War, but removed, to the west soon after and settled at, or near Louisville, where he became a successful businessman. Samuel was born in the year, 1778, near Louisville, in the proximity of which he remained the remainder of his life time. His marriage to Mary Booth produced him five children, three boys and two girls. Acting as one of the trustees selected for that purpose, he laid off the town of Jeffersonville in 1802. He was a member of the first legislative council of Indiana territory and holder of various other offices.

11 A chronological list of all the Jeffersonville officers will be found in the Appendix of this dissertation.
He was an Episcopalian in religion, a man of high character, fine business qualifications, and was long the president of a bank in Louisville. He was the owner of slaves in Indiana during the territorial period.\(^\text{12}\)

The political life of Samuel Gwathmey seemed to have begun quite early in his lifetime as well as the lifetime of the Indiana territory. According to the Northwest Ordinance of 1787, this territory was to have a legislative council composed of five men in whom was intrusted the legislative function of the territory. The councillors were to be selected from ten names submitted to the President by the Governor of the territory. William Henry Harrison, just recently converted to the Republican side of Jefferson, was ardently in favor of adhering to his wishes. Thomas Jefferson seemed to be in complete control of the party whose principles he had formulated. In a letter to Harrison dated April 28, 1806, he enunciated his convictions as to who should be nominated to the Legislative Council by Harrison. According to his philosophy there were three points by which a man's worthiness to a party could be decided. These criteria were classified into three types of men to be excluded from appointment.

1. to reject dishonest men. 2. those called federalists, even the honest men among them are so imbued with party prejudice, so habituated to condemn every measure of public functionaries that they are incapable of weighing candidly the pro, and the con, of any proposition coming from them, and only seek in it the grounds of opposition, their effect in the public councils is merely to embarrass and thwart them. 3. Land jobbers are undesirable.

In the first provision there was plenty of justification for his rejection. The second class brings in a tinge of politics which did not seem to be beneath Thomas Jefferson. Perhaps there were justifications in this case since the Federalists were undoubtedly rather militant towards anything attempted by the Republican Party. The last qualification evidenced the apathy toward men of that class in the newly established west.

Harrison was not long in sending a reply to Jefferson in which he explained the reasons for selecting those he did for positions on the legislative council. On June 19, 1805, he said:

Dear Sir: I have the honor to enclose here-with a list containing the names of five persons (Benjamin Chambers, Samuel Gwathmey, John Ryle Jones, Pierre Menard, and John Hay) whom I have selected for the legislative Council of this territory...--in making this selection I have

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conformed as far as possible to the restrictions laid down in your letter.--Four out of five are, I believe, Staunch Republicans but both of the persons nominated from this County (Knox) were Federalists and as it is the largest in the Territory, it is necessary to take one of them--I have chosen the one that was the best informed and who appeared to be the choice of the Republicans of the Country.

Gwathmey, was then a "Staunch Republican." One might get the idea that the selection of Gwathmey for the office was purely a political move, but, according to a letter written by Judge Thomas Davis, one of the three territorial judges, to the Secretary of State on February 20, 1805, we find this prominent man sanctioning the appointment. A letter written of his own accord declared Gwathmey to be "a sensible respectable young man and lives in this place..." Accordingly, a footnote on the last mentioned reference stated that he was nominated officially by Jefferson on December 20, 1805, and the Senate approved the appointment on January 6, 1806.

Gwathmey was not totally new in the line of holding offices, since on two different occasions prior to his appointment to the Council, he held positions as county officer. On February 4, 1801, he was made Clerk of the Clark County Court which position he held until January 21, 1811, occupying it

14 Carter, op. cit., VII, pp. 293-294
15 Ibid., p. 262
concurrently with his Register-ship. On another occasion he held the office of Recorder of Deeds for the County from January 29, 1802, to January 3, 1804.\textsuperscript{16} It was while in this capacity of Councillor that he signed the treaty of Grouseland on August 21, 1806. Another evidence of his prestige was the fact that on November 29, 1806, Gwathmey was made trustee of the Vincennes University along with such illustrious men as William H. Harrison, Walter Taylor, and Thomas T. Davis.

Evidences that a land office would soon be opened in Indiana Territory seemed to have been in existence as early as December 20, 1806, when a joint letter from John Badollet and Nathaniel Ewing to the Secretary of Treasury suggested Judge Walter Taylor as a possibility for appointment. This was only the beginning of a line of political intrigue which preceded appointments to political position.

Samuel Gwathmey seemed to have been regarded with no little esteem by most of the men in the political circles in Indiana. Although letters of recommendation sometimes spare no means of bringing the good qualities into sharp relief at the exclusion of the other qualities, it seems as though the

\textsuperscript{16} Philbreck, \textit{op. cit.}, pp. 739-740
complimentary things said of Gwathmey were pretty universally felt. Judge T. Davis on December 27, 1806, wrote the first recorded letter specifically nominating Gwathmey for an appointment in the land office wherever it was to be established. In a letter from Jeffersonville on that date he wrote the following of Gwathmey to the Secretary of Treasury:

Sir: From information I am induced to believe that a land office will be opened at this place for the disposal of the Public Lands. Should such an event take place, I suppose of course a Register will be appointed. I assure you that Sam Gwathmey a Young man of this place is well qualified to perform the Duties of Register. His Character is fair in every respect.

Thomas T. Davis seemed to be quite a political schemer. He was evidently dissatisfied with the small remuneration received as a Judge, and probably very much impressed with the possibilities of the remuneration at the land office. At any rate, on January 12, 1807, just two weeks after his letter to the Secretary of Treasury recommending Gwathmey, he wrote to the President requesting a place in the Office.

Dr. Sir: The small salary I receive as Judge of this Territory does not support my family. Many Offices (in the Land Business here) and not incompatible with the Office of Judge is within your Gift.

This was not the only memorial addressed to the responsible people in charge by this man in hopes of better positions.

17 Carter, op. cit., VII, p. 409
18 Ibid., p. 413
At various other times he petitioned for a multiplicity of jobs, however, he had to remain satisfied with what he had.

The appointment of Gwathmey as register was preceded by the customary and probably necessary letters of recommendation. However, competition at that time seemed to be pervaded with a feeling of good will, unusual today. Walter Taylor, mentioned above as a possible candidate, was apparently a very dear friend of Gwathmey's, because in a letter on December 27, 1806, he revealed a plan between himself and Gwathmey in regards to the appointment. He, in this letter to Captain William Clark, was perturbed about his eligibility since he held one office already. In the event there was some question of eligibility in his case, and there was no chance of his getting the appointment, he wanted William Clark:

> to assure the President that it is both Governor Harrison's wish and mine that your Nephew Mr. Sam Gwathmey should be appointed. I knew not until after the application was made for me, that Mr. Gwathmey had any intention to be an applicant, if I had from the high esteem in which I hold his character, I should certainly not have been in his way.\(^{19}\)

\(^{19}\) Ibid., p. 410
Samuel Gwathmey made a formal application for the proposed land office position on December 30, 1806, three days after the letter written above. The peculiar part of this application was the fact that he was not sure as to whom he should apply. He therefore wrote to Meriwether Lewis whom he had had occasion to meet while the latter was at Jeffersonville, on his expedition to the northwest. The letter "ventured" to impose upon a "very short acquaintance" to forward the letter to the correct department. He also was agreeable to the plan revealed by Taylor. He made clear some of the reasons for his removal to Jeffersonville:

Under the expectation, and hope that I should be thought of my the General Government in the distribution of such offices as I might be capable of discharging, induced me to become a resident of the territory at an early Period, when future prospects afforded the only encouragement. 20

A series of letters followed this application the most outstanding of which were the letters from his uncles. Jonathan Clark wrote, on February 9, 1807: "...Mr. Gwathmey is well qualified to conduct such an office—and his integrity may well be relied on..." 21 The following day his more

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20 Ibid., pp. 411-412
21 Ibid., p. 428
illustrious uncle, George Rogers Clark, wrote from Jeffersonville:

Mr. Gwathmey has been a resident of this place since the establishment of the Government, is a young man of fair character; and good understanding, and I have no doubt but he will discharge the duties of the office with strict propriety.22

A slight tinge of nepotism is seen in the above recommendation. Apparently the letters were sufficient, since on December 17, 1809, a formal appointment was sent to Gwathmey announcing his official recognition as Register. He was to execute the necessary bond and swear to the oath prescribed, and after this was done, he received his instructions as to his instructions as to how to advertise the sale in the newspapers.

It is expected that you will meet at Jeffersonville, Mr. Edmund H. Taylor appointed Receiver, on the 1st of March next, from which day your salary as Register will commence.23

His formal Senate approval was made on December 4, 1807, after the President had sent in his recommendation two days before.

Gwathmey's appointment aroused criticism in the legal

22 Ibid., p. 429—a footnote stated "Abraham Edwards was also a candidate for the office of register of Jeffersonville."
23 Found in correspondence in Archives at State Library.
circles in Indiana Territory because of the fact that a law of the Territory said:

> it is declared that no person shall be eligible to a seat in either branch of the Legislature who holds a commission during pleasure directly under the United States or this Territory.  

After an investigation by Robert A. New (New) and Jonathan Jennings, the situation in Gwathmey's case was revealed and he was forced to resign. Harrison's message to the House of Representatives on October 14, 1808, carried the news that Mr. Gwathmey "considers himself no longer a member of the Council."  

Gwathmey occupied this position as Register at Jeffersonville for a period of twenty years when he was dismissed by Andrew Jackson for political reasons at the age of fifty-six. Thus a career as public servant was closed which had seen him in positions of importance since early youth. It was his judicial mind and character that was necessary for membership on an examining board when Nathaniel Ewing was indicted for land frauds; his prestige carried him to the top of society in early Jeffersonville. Thus, a man who had been banker, counsellor, and trustee of a University, was the one to whom the establishment of the Jeffersonville district is indebted.

24 Esarey, Logan, op. cit., p. 312
25 Ibid., p. 315
CHAPTEK VII

FRAUDS AND SPECULATION

Many of the good general histories of the Public Domain include good "general" sketches on the speculative and fraudulent practices incurred in the disposition of the public lands, however, very few mention particular facts in their generalization. This is perhaps due to the fact that such subjects are just not dealt with in an inclusive account because the subject material is so scarce and hard to find. It is with this in mind that one now deals with particularistic history in connection with the Jeffersonville land district.

Subjective factors or causes for this intense speculative interest in the west have been noted in the introduction to this thesis. The westward movement itself was a speculation. People must have had the same optimistic spirit to pack their belongings in a cart and move westward. This spirit manifested itself in many forms, one of which was land speculation. One finds not only monied interests adopting manners not to be considered quite ethical by
non-business standards today, but also, the poorer individuals taking it upon themselves to advance their interests in this line.

The traditional European search for land found adequate furtherance in the method adopted by the federal government for selling the land. The auction system, although there have been many criticisms of it, was the type to be expected in this democratic American frontier where everyone supposedly had opportunities equal to the other person. Many evils naturally evolved which could have been eliminated by the substitution of a less democratic method, but this system, all things considered, seemed to be the best for all concerned.

The Jeffersonville Land Office seemed to have no unusual amount of speculation or at least charges of such practices. Much depended upon the type of characters employed as officers if a land office business was to be run in an orthodox manner. Various other states were not so particularly fortunate in obtaining such leaders. The organ through which such frauds could be exposed was the newspapers of that time, but, strangely enough, very little was said about the Jeffersonville office in Indiana papers. However, in the Republican and Banner there appeared a
story of a fraudulent land office practice in Mississippi where a Samuel Gwinn, who was the register of the office as well, was the ringleader of a gang of speculators. Such unorthodox methods of sale were practically unexcelled at that time. The sale would be announced and attended by speculators only. The lands were only partially surveyed. Small buyers were forced in one way or another to agree to terms which were particularly oppressive. He was forced to sign a paper in which he promised to buy only a quarter section and the cash was to be paid before ten o'clock the next morning. Occasionally, even the exhibition of cash by the buyer was ignored and the land was offered as forfeited and purchased at the minimum price by the company.1

Speculative Companies

Such out and out fraud was not perceivable or at least not written about at the Jeffersonville office, but, nevertheless, numerous incidents of bad practices put in their appearance. Obviously many such practices were carried on unobserved, because many people would be particularly reticent in speaking up for their rights. Not such a person was Harry Hurst, a prospective purchaser in the Vincennes land

1 Republican and Banner, July 17, 1834.
district. In a letter to a Charles Brent, a merchant in Winchester, Virginia, on June 5, 1807, he tells of a vast scheme carried on by Nathaniel Ewing and a company formed for speculative purposes.

I take the liberty of unfolding to you a scene of bribery, corruption, and fraud practiced by the receiver of public monies at this place, that I believe un presidented (sic) in the United States... The sale commenced on the 27th of April last, and with it the scene of bribery above mentioned, to which they have given the name of hush money.²

It seems that there were three fractional sections on the Ohio which Ewing thought would be a nice location for a town in the future. Therefore, he made a company to purchase it. Judge Waller Taylor of Vincennes was particularly anxious to purchase one of the same sections. Henry Hurst, the narrator, engaged a John Johnson, who later turned out to be one of the Ewing company, to bid for one of the same sections. Ewing induced Taylor to keep out of the bidding for the sum of two hundred dollars. Hurst, when he discovered the falsehood in his collaborator, was not to be outdone and bid the price up to seven and a half dollars per acre. In the words of Hurst:

² Carter, op. cit., VII, p. 457
Had the Receiver of Public moneys suc-
ceeded in his fraudulent attempt in the sale
of the 440-88/100 he would have (by giving
$200 to Taylor and Company) saved to himself
and Company the difference between $2.00 and
$7.53 per acre; and of course the United
States would have lost that much.3

On April 27, 1808, Albert Gallatin reported to Jefferson that
the accusation was proven false and that "Although I believe
the specific charges to have been disproved; and although there
be nothing illegal, immoral, or injurious to the United States,
in the Superintendents of the sales bidding or purchasing
lands, as individuals, at such sales; yet it appears to me
extremely improper, that they should become members of companies
for the same object." This ruling was made applicable to all
officers by a circular not long on following on April 30, 1808.

In an answer from Edmund E. Taylor on June 4, 1808, ad-
dressed to Albert Gallatin the conditions in the Jefferson-
ville district were described:

Both register and receiver deemed it improper
to be concerned in any companies for speculation,
and I flatter myself that the sales have in every
respect been conducted with the utmost propriety.5

In the same letter he expressed the desire to build an office
either for the United States, or at his own expense, if he

3 Ibid., p. 458
4 Ibid., pp. 562-63
5 Ibid., p. 572
could get a moderate rent for the same. Although this was to protect the government's interests against the "many transient persons of all descriptions," permission was not granted in a letter from Gallatin on October 4, 1808, in which he said:

In answer to the inquiry in your letter of the 1st ult. respecting the allowance of office rent, I must observe that all Receivers and Registers find their own offices, and no allowance is made therefore—\(^6\)

Mention has been made of the evils created by the credit system. Through such a system, not only were individuals assisted, but also many of the speculators. James Flint mentions in his travels in 1822 one of the most common means utilized by holders of large quantities of land in obtaining their holdings:

For money paid in advance at the land office a discount of eight per cent per annum is allowed, till installments, to the amount of the payment become due. For failures in the payment of installments, interest at six per cent is taken till paid. The most skillful speculators usually pay only one-fourth part of the price at entry, conceiving that they can derive a much greater profit than eight per cent per annum from the increasing value of property, and occasionally from renting out to others.\(^7\)

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\(^6\) Ibid., p. 597

\(^7\) Flint, _op. cit._, p. 153
The best evidence of such practices can be found in the many advertisements in the newspapers of fine terms in purchasing of "excellent locations." Just such an advertisement appeared in the *Indiana Republican* in 1818. Land was for sale in Concord, on the Ohio River 10 miles below Madison. The Terms of Sale—four equal payments at 6, 12, 18, 24 months, without interest and a deduction of 8% will be made for payments made in advance. Numerous other similar advertisements were run, each vying with the other in offering the best terms. Usually you would find three and four names attached to the "ad." signifying the tendency of speculators to pool their interests and capital in the accumulation of large quantities of land. A greater number of competitors in this land business produced better terms for the buyers.

One of the most obvious illustrations of land speculation found in Jeffersonville was the occasion on which a financial firm in Louisville, Kentucky, C. & T. Bullitt, came to the land sales on October 9, 1816, and purchased a great deal of land in a speculative scheme. On that day alone, they purchased approximately 8,756 acres of public land at prices ranging from $2.27 per acre to $5.00 per acre which required approximately $8,055 at deposit. Not only was

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8 *Indiana Republican*, August 1, 1818
this accomplished, but also, the final certificates were issued to them on September 8 and 9, 1820, which signified that all were paid for.9 This same company had an intimate connection with the land office, as it has been noticed previously, when they received some of the public funds as a deposit for safe-keeping from Taylor, who was properly reprimanded.

Methods of Combating

Certain methods of attack on such practices as these were suggested by and to the officers of the land district. The earliest instructions to this effect were found in a letter dated January 13, 1808, and addressed to both Taylor and Gwathmey in the event such practices were engaged in.

Whenever a tract of land shall be struck to the highest bidder, he must on the spot, and before you proceed to sell another tract, pay the deposit of one-twentieth part of the purchase money. If he shall not do it, his bid must be considered as null, and the Land be again set up for sale, crying it at the price offered by the Bidder next below him.10

This undoubtedly was a blow at those sales described by McMaster in which the speculators would engage a person to

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9 Found in correspondence in State Library Archives
10 Found in correspondence in Indiana State Library Archives
"peg" the bids to a price too high for honest people to bid. "When the auction was over and the time arrived to make the first payment, the bidders had disappeared. The principals would then come forward and take the land at a trifle more than the lowest sum for which the government agent was permitted to sell it."

Other measures were called into use by the authorities of the General Land Office in order to cope with such procedure. The register and receiver of the office were to take things into their own hands according to a circular from Josiah Meigs, commissioner of the General Land Office enclosing a letter from Crawford, the Secretary of Treasury, which revealed a plan. This letter of August 2, 1820, said:

I am authorized by the President to request that you will instruct the Registers and Receivers of the Land Offices... whenever they perceive that combinations are formed and acted upon to prevent competition, that they are authorized to bid a reasonable price for the tracts as they are set up, according to the information they have in their possession, and if no higher bid is offered to declare that the tract is reserved from sales. In the exercise of this power, it is expected that they will not bid the value of the Land, and always cease the competition on their part when it exists among the bidders.

A confirmation of such "pegging" practices on the part of the

11 McMaster, op. cit., IV, p. 396
12 in the correspondence in Indiana State Library Archives
government was not beyond reason at this time.

Speculators were met by some competition which is exceedingly difficult to uncover. A person coming into the land office with a large amount of monied capital, was greeted in manners not always conducive to an easy friendship. Usually these persons would purchase immense quantities and remove themselves to another part of the country where they could sit by idly and reap profits from the rising land values. They were particularly disliked by those people in the vicinity who were forced to live on their land and consequently forced to improve it through the building of roads, fences, etc. At the same time they were doing this, the non-residence owners reaped the profits from such improvements without contributing to the construction of the same. All the early travellers made mention of this fact in writing their travels. Edmund Daun, a visitor in Jeffersonville in 1816, said:

\begin{quote}
The non-residence of the proprietors (of whom many are minors) of the town lots and of the adjacent country has hitherto much checked the prosperity of this beautiful delightful spot.\footnote{13 Lindley, Harlow, (ed), Indiana as seen by Early Travellers Indiana Historical, Com., 1916, p. 206.}
\end{quote}
Certain methods of combating the speculative interests of many of these people will never be recorded in an officially documented source. There were various ways conceived by the settlers, conditioned by time and experience, which served to a great extent to put the speculators in their places. Stories have circulated of sales which were attended by well-armed men ready to protect their rights as squatters at any price. By 1825, these means had been perfected to a large extent and travellers recorded their experience with the same. Sandford Cox in his Recollections of the sale at Crawfordsville on December 24, 1824, envisages a condition which might be applicable to any land office:

If a speculator makes a bid, or shows a disposition to take a settler's claim from him, he soon sees the white of a score of eyes snapping at him, and at the first opportunity he crawishes out of the crowd. The settlers tell foreign capitalists to hold on till they enter the tracts of land they have settled upon, and that they may then pitch in—that there will be land enough—more than enough, for them all.14

On occasions the settlers themselves formed coalitions against speculators which bordered on unethical lines. Cox describes such practices which could only be products of a mental condition into which these pioneers had beaten

14 Cox, op. cit., p. 18
themselves. They intended, just as much as the speculators, to take advantage of the lowest price possible in purchasing their land. We find conditions not dissimilar to those which were so deprecated by the same persons when utilized by the monied interests.

There is but little bidding against each other. The settlers, or squatters, as they are called by speculators, have arranged matters among themselves to their general satisfaction. If upon comparing numbers, it appears that two are after the same tract of land, one asks the other what he will take to not bid against him. If neither will consent to be bought off, they then retire, and cast lots, and the likely one enters the tract at Congress price—$1.25 per acre— and the other enters the second choice on his list. 15

Only the process of history has "legitimated" the latter practice to the depreciation of the former. Only a people so imbued with democratic principles would possibly overlook the similarity between the two.

Note—Shaving

This procedure which wrought undue amounts of instability in the economic set up of the early period of land business was a result of the combination of three economic phenomena peculiar to that age of history. The first was the

15 Ibid., pp. 17-18
pronounced lack of specie in the country which was necessary for an adequate exchange system. People purchasing land were badly in need of financial assistance in order to purchase the necessities of life. Debtor farmers demanded an increased amount of money in order to lighten their burden of debt. Consequently there sprang up the second phenomenon which was supposed to supply this intense desire, the state banking system. After the failure to renew the Bank of the United States in 1811, a system of wild cat banking arose for the purpose of supplying needed revenue or money in the form of bank notes. These bank notes were particularly vicious, in fact they were seldom backed with the backing modern economists demand of a currency. A period of speculation chiefly in the form of public lands evolved from these two situations and we find the creditor of the people, the government, finally taking its financial matters in its own hands through the banking system. This created the third phenomenon, the demand for notes of only specie-paying banks in payment for public lands.

It was necessary for the people to secure the kind of money acceptable at the banks, the depositories for the public land funds, so there arose a system of discounting bank notes at various rates in order to obtain money acceptable at the land office. Many men engaged in this business and secured
bank notes at discounts of ten and fifteen per cent then immediately exchanged them at another place at considerable profit. Land officers were particularly tempted to carry on this business because of the facility with which it could be done by occupying a place with a “foot in both camps.” There must have been some of this being carried on in the Jeffersonville district from various intimations included in correspondence between the officers and the General Land Office. Practices such as these are likewise very difficult to uncover accurate information on, since those concerned are not particularly prone to leave such good information, nor are accusations to be taken without a few “grains of salt.”

Two definite periods of these accusations seem to have existed, each at the time when the charter of the United States Bank was up for renewal. It was on such occasion that the Commissioner wrote Edmund Taylor on March 25, 1816:

> it has been represented to me, that you refuse to receive in payment for public lands, any Bank notes other than those which bear a premium, or if, you take Ohio notes, it is at a discount of five or ten per cent.

President William James of the Second United States Bank wrote Secretary Crawford on October 31, 1817:

16 In correspondence in Indiana State Library Archives
A gentleman of unquestioned veracity has assured me that he saw good paper money sold by the receiver at the land office for a premium and the depreciated paper deposited for the government. Let me suggest that land sales be limited to specie.17

To put a stop to this practice, a circular from the Treasury department on September 21, 1819, prescribed a procedure for accepting money for land sales:

by describing upon the back of the receipt the kind of money that was received...if during any public sale of land within your district, it should be found to be impracticable, it may be dispensed with until the sale shall be closed.18

In the year 1837, a definite accusation made of the procedure utilized by the receiver, James Read, of the Jeffersonville district, was made by G. D. Prentice, the editor of the Louisville Journal. He described a situation which had been related to him by a Mr. Lord, who had gone to the Jeffersonville office to purchase land on March 1, 1837. A copy of the excerpt was received by Woodbury, Secretary of Treasury, who immediately demanded an explanation in a letter of March 25, 1837. The article read:

A gentleman had occasion, last week, to pay a sum of money at the Jeffersonville (Indiana) Land Office, opposite to this city. To make sure

17Esarey, State Banking, etc., footnote, p. 221
18In correspondence at State Library
of having no difficulty, he obtained the money in the notes of the State Bank of Indiana, issued by the branch at Lawrenceburg. These notes, however, were refused at the Land Office...For the particular accommodation, however, of the owner of the notes, they were at length shaved in the Land Office to the tune of $17. What wonder that the office-holders turn up the whites of their eyes in an ecstasy of admiration whenever they talk of the blessings of General Jackson's specie circular. 19

Read evidently explained the situation to the satisfaction of the Treasury Department when he said: "I have never directly or indirectly shaved a purchaser of Public Lands, one cent since I have been Receiver of Public monies. I am also satisfied that the Register is equally clear of anything of the kind." On April 12, 1837, his explanation was acknowledged by the Treasury Department. Thus has been portrayed some of the evils of the banking and currency system in vogue at that time.

Andrew P. Hay

Andrew P. Hay was appointed receiver of public monies at Jeffersonville in 1824 and reappointed in 1826. Hay was a Kentuckian by birth, having been educated in medicine at

19 In correspondence at State Library
Transylvania University before he followed the rest of his family to Indiana. His life in Indiana was filled with many interesting events. "Dr. Andrew P. Hay was serving as a physician in the Battle of Tippecanoe November 7, 1811." It was on this occasion that he had opportunity to meet General Bartholomew and they became great friends after Hay had saved the latter's life. In 1813, he was practicing medicine in Charlestown, Indiana, the home of Bartholomew.

In this year on February 27, his brother-in-law, Jonathan Jennings addressed a letter to James Monroe in behalf of Hay and nominated him for the recently created post of Territorial marshal. He was unsuccessful in getting the office, since it went to John Vawter. Upon his appointment as receiver in 1824, his two bond holders were Jonathan Jennings and General Bartholomew, his two dearest friends.

Certainly some of the officers employed in the land office at Jeffersonville were not "tops" in bookkeeping. William G. Armstrong on March 2, 1842, relates to Huntington, the commissioner, the conditions of the office when he assumed the position in August, 1841:


When I came into the office in August last there were no regular files of papers of any description; a few bundles were tied up but generally without regard to class or date; the maps, however, were neither tied or folded. A portion of them I have since arranged.22

Hay encountered the same situation when he assumed office. He describes them by a letter of June 20, 1824:

owing to the absence of the late Receiver (E. M. Taylor) who is now and has been for some time a resident of Jefferson City, Kentucky, I did not get possession of the office until the 1st Inst. The accounts in the Journal and Ledger are nearly one year behind as appears from their face.23

This condition might explain the shortcomings in Hay's administration, an account of which follows:

No material was available on the details of which Hay was proven guilty. All that is known is that in 1830, his bond was forfeited and he was dismissed from office prior to the expiration of his term.

In 1830, by reason of being one of the bondsmen for Dr. Andrew P. Hay, who had been called upon by the federal government for a settlement, a shortage was found. General Bartholomew, whose share of the defalcation amounted to some $10,000 was compelled to sell his farm to make good for

22State Library Archives
23State Library Archives
his neighbor.24

Bartholomew packed his belongings and removed himself to Illinois where he began all over again.

Another bondsman, Jonathan Jennings, was inconvenienced at the same time. In a letter to John Tipton on July 25, 1829, he said:

I cannot visit you this year. I am making arrangements to move into the country and moreover am short of spare cash, having unexpectedly to meet $400--which I borrowed for Doc Hay two years ago.25

Thus ended the career of a man, so far as evidence available shows, who was the only person to be called upon to forfeit his bond for fraudulent practices in the Jeffersonville land office.

Discontinuance

A circular of January 25, 1855, from the General Land Office in Washington, instructed the officials to proceed with the discontinuance of the Jeffersonville land office. According to a federal law, the land offices were to be consolidated when the total acreage remaining unsold in the
district was below one hundred thousand acres. By the original bill of lading of the Jeffersonville railroad, dated April 2, 1855, it was found that the sum total of the physical properties of the Jeffersonville office shipped to the Indianapolis office in care of C. W. Kuter, consisted of "2 boxes of Books and 1 Iron chest." This, in addition to the papers sent with it, represents the last bit of business negotiated by the George W. Carr, the last receiver of the Jeffersonville office.

Other obviously, all the important pieces could not be dealt with adequately. Special attention has been paid to the stiffness on the part of the government in ships the treasure to the needs of those most important.

Many impressions have been gained through the detailed study of the land office functions performed by the Jeffersonville. The comprehensive analyses dealing with people which was to proceed by the east and the second three plan for receiving it, as far from being the least impor-
CHAPTER VIII

CONCLUSION

It has been the purpose of this dissertation to trace a few of the aspects of the national land system as they applied to the "back door" of the public domain--local land offices--of which that at Jeffersonville was so representative. Obviously, all the important phases could not be dealt with adequately. Special attention has been paid to the willingness on the part of the government to adapt the program to the needs of those most concerned.

Many impressions have been obtained through this detailed study of the land office practices carried on at Jeffersonville. The comparative economic equality among people which was so prominent in the west as a result of the availability of cheap land and the easy term credit plan for purchasing it, is far from being the least important of these impressions. People desiring land were required to comply with only a minimum amount of technical details in procuring their plots. Land officials, them-
selves, were not particularly interested in burdening themselves with details. The simplicity of procedure added greatly to the easy manner of obtaining land.

The tremendous influence wielded by the local officials through their control of the state banking systems is a factor not to be overlooked by those interested in local economic history. Much of the economic and social well-being of those pioneers was dependent upon a system adopted by the creditors. People looked toward the financial system with a great deal of dissatisfaction only when such measures crossed their own interests. Beneath the waves of dissatisfaction there flowed a steady current of approval that worked its channel through to the very foundations of the society.

Paternalism is the most obvious and lasting impression derived from the foregoing examination. The federal government in reality proved to be not a harsh creditor, but one interested in adopting measures to the satisfaction of those most affected. The period, 1800-1820, is marked with numerous measures providing for extensions of time and reduction of minimum amounts of land to be purchased. Even after the government had taken on the aspects of a more exacting creditor in 1820, numerous measures were provided for the convenience of the purchasers prior to
the ultimate abolition of the credit system. It is little wonder that Jefferson's prophecy, that the land east of the Mississippi River would not be settled for five hundred years, proved to be a misjudgment as to the future liberal land policy of the national government.

Very few national governments have been confronted with such problems as the United States government had to face when it adopted measures of land disposition. It may be said that democracy in action is observable at close range when an examination of the public domain is engaged in. All the shortcomings and attributes—good points and bad—are seen in the democratic measures adopted. Even the advice of great financial experts such as Gallatin and Hamilton was disregarded in the relentless drive for legislation by the people's representatives.

Although the land offices were discontinued, the democratic spirit in which they operated lived on to fashion a patterned life upon which modern American life is based.
APPENDIX

Chronological List of Jeffersonville Land Officers

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<tr>
<th>Date</th>
<th>Register of Public Monies</th>
<th>Date</th>
<th>Register of Public Monies</th>
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<td>Sept. 30, 1816</td>
<td>Samuel Gwathmey Edmund H. Taylor</td>
<td>Sept. 30, 1817</td>
<td>&quot; &quot; &quot; &quot; &quot;</td>
</tr>
<tr>
<td>Sept. 30, 1819</td>
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<td>Sept. 30, 1821</td>
<td>&quot; &quot; &quot; Charles M. Taylor</td>
</tr>
<tr>
<td>Sept. 30, 1823</td>
<td>&quot; &quot; &quot; &quot;</td>
<td>Sept. 30, 1825</td>
<td>&quot; &quot; &quot; Andrew P. Hay</td>
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<td>Sept. 30, 1827</td>
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<td>Sept. 30, 1829</td>
<td>&quot; &quot; &quot; William Lewis William H. Hurst</td>
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<tr>
<td>Sept. 30, 1831</td>
<td>&quot; &quot; &quot; &quot;</td>
<td>Sept. 30, 1833</td>
<td>&quot; &quot; &quot; James G. Head</td>
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<td>Sept. 30, 1835</td>
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<td>Sept. 30, 1837</td>
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<tr>
<td>Sept. 30, 1839</td>
<td>&quot; &quot; &quot; Mason J. Howell Douglas W. Sloane</td>
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<td>Sept. 30, 1845</td>
<td>&quot; &quot; &quot; James P. Head David G. Bright</td>
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<td>Sept. 30, 1849</td>
<td>&quot; &quot; &quot; James Scott Samuel Meriwether</td>
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<td>Sept. 30, 1855</td>
<td>Jeffersonville combined with Indianapolis</td>
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1 United States, State Department of, Register or Officers and Agents of the United States.
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