

Noncongressional Land-Survey Divisions in Indiana¹

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Introduction

The system of land subdivision familiar to most Indiana residents was established on May 20, 1785, by an act of the Continental Congress and is therefore generally known as the congressional system. It is also called the rectangular system. Briefly, the Ordinance of 1785 and subsequent legislative acts pertaining to public-land surveys provided for the establishment of the township, a geographic unit approximately 36 miles square. Each township is subdivided into 36 units of 640 acres each called sections, each of which is approximately 1 mile square and is in turn subdivided first into quarter-section lots and then into 16 smaller rectangles of 40 acres each.

Under the provisions of the Ordinance of 1785, only part of what is now the State of Ohio was ordered to be surveyed. Legislation providing for the subdivision of public lands in Indiana according to the rectangular system was not enacted until several years later. During the interim other land surveys of a more specific nature were ordered and completed; these did not follow the congressional plan, nor did, of course, any pre-1785 surveys, many of which followed an old French system. Furthermore, actual surveys implementing the congressional land acts could not be completed for a number of years, during which time additional private land claims were established. When the congressional surveys were finally made, it was necessary to honor the boundaries of these existing claims. There are, therefore, in Indiana various types of legal land tracts that are not laid out and described in accord with the congressional system.

Nature and Origin of Noncongressional Units

Noncongressional land-survey divisions exist in three parts of the State (fig. 1). These areas are (a) in southeastern Indiana at and north of Jeffersonville, (b) in southwestern Indiana around Vincennes, and (c) in northern Indiana, where a large number of noncongressional land units are distributed throughout an area of nearly 20 counties.

In southeastern Indiana the congressional system of land division is not used in an area of about 250 square miles known as Clark's Grant, which is located north of the falls of the Ohio River at Jeffersonville and New Albany (fig. 1). Most of this land is in Clark County, and the remainder is in southern Scott County and eastern Floyd County. The grant consists of 298 individual units that are simply called lots or surveys.

Clark's Grant, which is also called the Illinois Grant, was conveyed to Gen. George Rogers Clark and the members of his regiment as a reward for capturing British posts in the Illinois country during the Revolutionary War. The grant was initiated through a resolution

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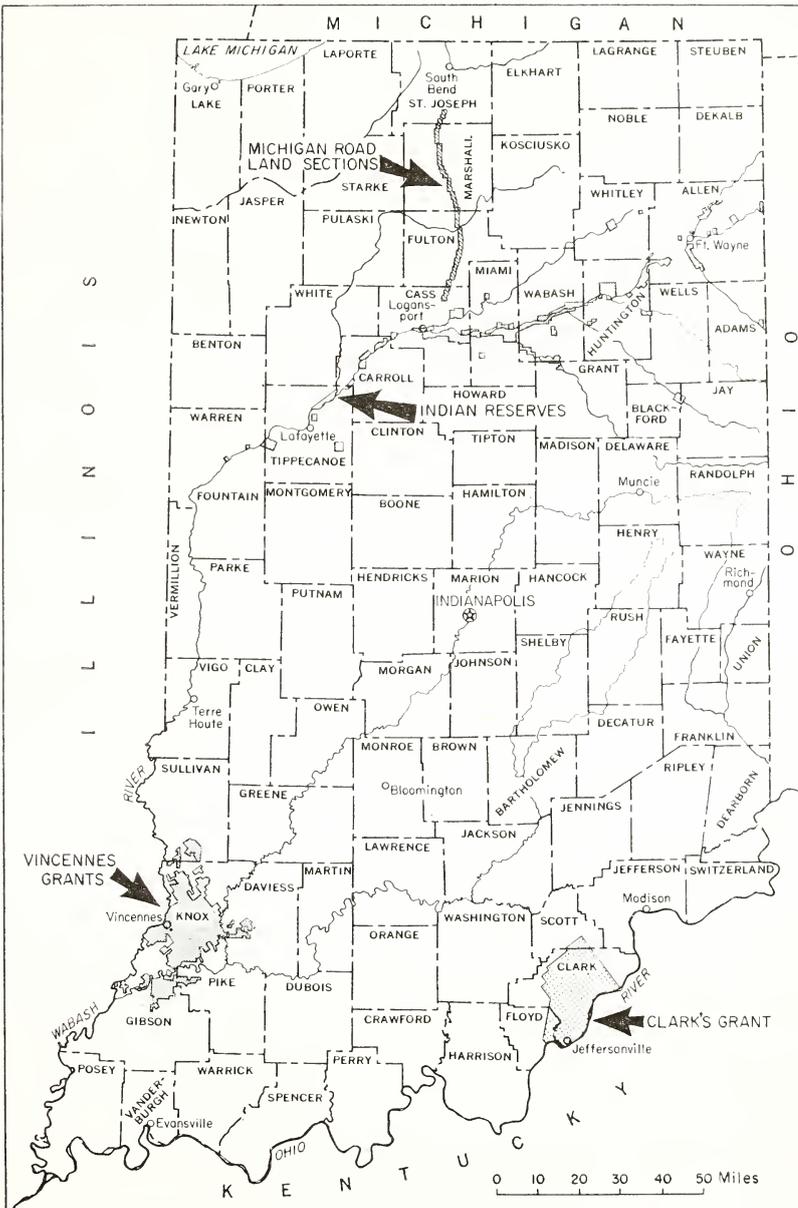


Figure 1. Map of Indiana showing areas of noncongressional land-survey divisions.

adopted by the General Assembly of Virginia in 1781 and through more definitive legislation passed by the Virginia Legislature in 1783. According to this law, a 1,000-acre tract was to be reserved for a town, to be called Clarksville, and the remaining 149,000 acres of the grant was to be surveyed into lots that were not to exceed 500 acres each; with few exceptions, however, the lots are generally larger. The survey and official plat map of Clark's Grant appear to have been completed in 1785, although a patent for the land was not signed by Governor Randolph until December 14, 1786. When the Illinois country was ceded to the United States in 1783, Virginia retained her sovereignty with regard to the right of land legislation in the Illinois Grant, and thus the area never became subject to Federal laws governing the survey of public lands (3).

The second area of the State where noncongressional land-survey units exist is in the Vincennes region in southwestern Indiana (figs. 1 and 2). Early land claims in this area had been established in several different ways, and in order to make certain adjustments in these claims and to provide for additional grants to settlers at Vincennes and elsewhere in the Illinois country, Congress passed a series of resolutions and laws (4). The principal legislation was enacted on March 3, 1791. This act effectively created the several types of noncongressional land-survey divisions that are found in Knox, Gibson, Pike, Daviess, and Sullivan Counties. At least five distinct types of units are recognized in this area: donations or donation lots, common lots, militia donations, locations, and surveys (4, 5). The exact status of a few other land claims not falling within one of these categories is unknown.

Donations or donation lots (fig. 2) are so named because they were outright gifts of the Federal Government, a lot of 400 acres being donated to the head of each family who in 1783 resided at Vincennes or nearby in the Illinois country. There are 246 donation lots covering 98,400 acres; these lie mainly in central Knox County, but extend across the White River into westernmost Daviess County. In addition to the donations, the residents of Vincennes were given 5,400 acres of land to be used as a common. When this area was later subdivided, the individual lots quite naturally became identified as common lots; they are grouped into Divisions A, B, and C (fig. 2), the divisions containing individual lots of three different sizes. The militia donations were given to persons who had served in the militia at Vincennes but who did not receive a regular donation. There are 128 of these 100-acre lots in northeastern Gibson County (4, 5).

When the donations and militia donations were established, many individuals were forced to forfeit earlier land claims. Other legislation permitted these persons to locate elsewhere, however, and to make new claims, which are consequently called locations (fig. 2). These lots are irregular in both size and shape; about 310 of them are distributed in Knox, Gibson, Pike, Daviess, and Sullivan Counties and on the west side of the Wabash River in Illinois.

In general, persons outside the donation tracts were permitted to retain land that had been acquired at some earlier time. The 1791 law

provided for the survey of these claims; thus they are called surveys (fig. 2). Several hundred of these units are present in various parts of Knox, Pike, Sullivan, and Gibson Counties. Many of these earlier claims were grants made by French and British military authorities or by a civil and criminal court at Vincennes; consequently they were surveyed by different methods. The long narrow lots southwest of Vincennes (fig. 2), for example, were laid out according to a French system.

Two kinds of noncongressional land-survey units exist in northern Indiana: Michigan Road Land sections and Indian reserves. Both have their origin in treaties between the United States and various Indian tribes that once occupied the area.

The Michigan Road Land sections consist of 45 sections of land, each approximately 1 mile square, that extend from southern St. Joseph County southward through Marshall and Fulton Counties into northeastern Cass County, where they terminate about 9 miles northeast of Logansport (fig. 1). This strip of land was ceded to the United States by the Pottawattomie Indians and was then relinquished to the State of Indiana. The State in turn offered the land for sale, and the proceeds of the sales were used for the construction of the Michigan Road, which ran from Michigan City (La Porte County) to Madison (Jefferson County) via South Bend, Logansport, and Indianapolis (1). The survey of most, if not all, of the Michigan Road strip in northern Indiana was completed in 1828, or about 5 years before congressional surveys established the rectangular system of land division in this area. When the latter surveys were made in the 1830s, congressional section lines were not carried through the Michigan Road Land strip.

Indian reserves are, as the term implies, parcels of land that were reserved for the Indians. These reserves are located in about 15 counties, stretching across the State from Warren County on the west to Allen and Jay Counties on the east (fig. 1). Their distribution is closely related to the drainage system in this part of the State, the reserves being situated mainly along the Wabash River and its upstream tributaries. The greatest concentration is in a belt that extends from Logansport in Cass County upstream through Miami, Wabash, and Huntington Counties to the vicinity of Fort Wayne (fig. 1). The units are of all sizes and shapes, but in general the boundaries are straight except along rivers.

Virtually all the reserves are areas that were never ceded to the United States in any of the several treaties by which the United States formally acquired land from the Indians in this part of the State. Most of these treaties were signed in the period between 1818 and 1840, principally between the United States and the Miami and Pottawattomie tribes, but treaties with other tribes were also involved (1, 2). When these pacts were negotiated, parcels of land were retained by individual Indians or by relatively small groups of Indians. Many of the reserves are identified, therefore, by the name of a chief or other individual; others are identified by a name and a number, and a few by a number only.

It appears that, unlike the Michigan Road Land sections, many of the reserves were not surveyed until congressional surveys of these northern Indiana counties were made. Because lands in which Indian titles had not been extinguished were considered to be in the category of private land claims, the reserves were not subject to subdivision according to the rectangular system. Approximately 125 reserves are recognized in northern Indiana.

Problems and Solutions

Several problems inevitably arise because of the existence of non-congressional land-survey divisions in a State that is very largely surveyed according to the congressional system. The most obvious is confusion and consequent lack of uniformity in describing locations within the noncongressional units. Probably the most common solution to this problem is the projection of the rectangular grid into areas where it has not been established by actual land surveys. Although some method by which location descriptions can be related to the congressional system seems desirable, the projection of section lines across other land-survey units is clearly an improper practice.

After careful study of the problem, the Indiana Geological Survey has adopted a plan that seems to be both practical and in accord with good cartographic principles. In this system all noncongressional land-survey divisions—donations, surveys, reserves, etc.—are recognized as discrete units. No known noncongressional units are ignored or abandoned, as is essentially done when sections lines are extended into areas where section corners have not been established. The various units are, however, assigned to congressional townships and are accordingly described by the usual township and range designations.

A noncongressional survey unit that is physically within the boundaries of a congressional township obviously presents no problem in description. The location of survey 52 south of Vincennes (fig. 2), for example, can be described as T. 2 N., R. 10 W. It would be improper, however, to extend section lines through this survey; the location of a feature within the unit should be described with respect to the survey itself and not with reference to any of the four fractional sections involved.

A noncongressional survey unit that lies athwart one or more township boundaries (for example, location 7 in the southeast corner of figure 2) is not so easily described, unless some special provision is made for township and range designation. Again, it would be improper practice to make straight-line projections of congressional lines, in this case township and range lines, so as to place the unit in two, three, or even four different townships (as in the case of location 7). Therefore, the unit is treated as a whole and assigned to a single township.

The large area of some land tracts that contain many individual smaller units obviously cannot be kept intact, and it is necessary to run arbitrary township and range lines through these tracts. In so doing, however, the wholeness of individual units is retained, so that no individual unit is broken by a township boundary. The result is that arbitrary township boundaries are commonly irregular, as in the area

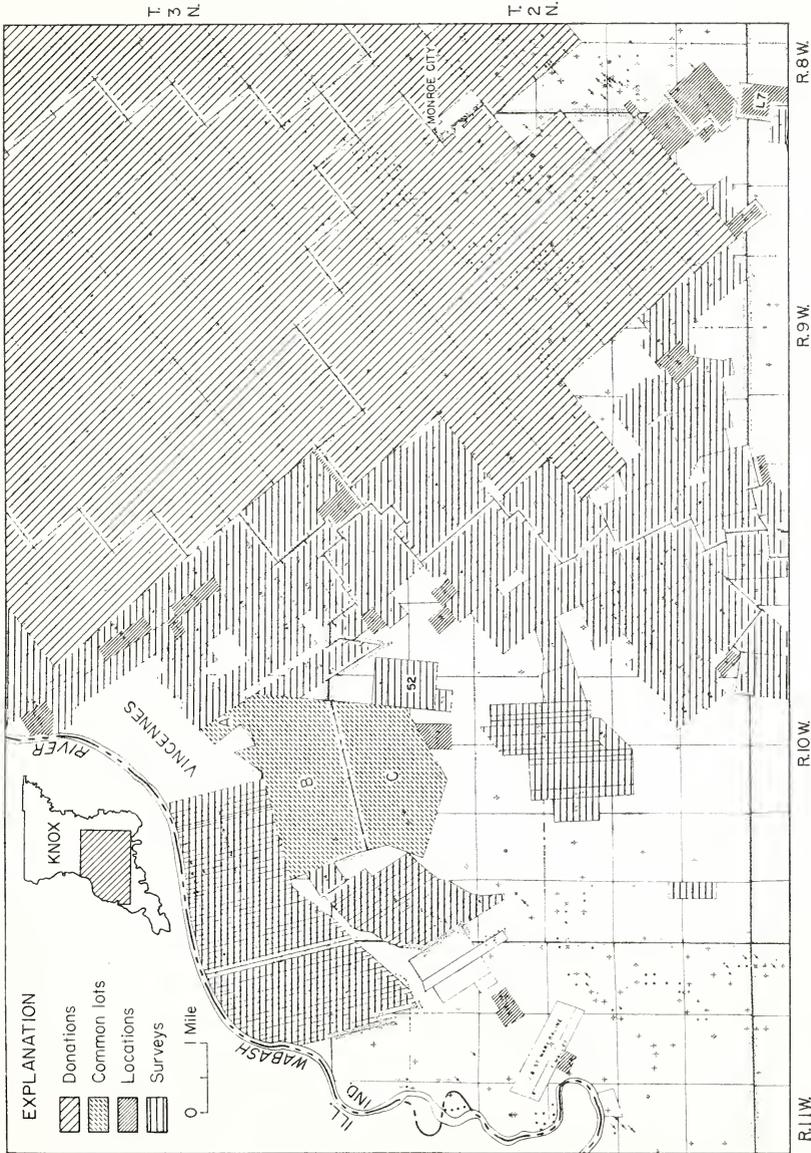


Figure 2. Map of part of Knox County, Indiana, showing noncongressional land-survey divisions and township boundaries in the Vincennes area. Modified from Indiana Geological Survey Petroleum Exploration Map No. 23.

south of Vincennes (fig. 2). Where the individual noncongressional units are relatively uniform in size and shape, the township boundary takes on a zigzag pattern, as in the donation area of Knox County (fig. 2). Irregular township boundaries are infinitely more desirable, however, than split-up units.

In summary, the discreteness of all noncongressional units is retained in our system, yet it is possible to give a general location that is more specific than county name alone. This practice is particularly useful in making and utilizing all types of files and indexes.

The assignment of noncongressional units to townships is not entirely arbitrary on our part; it is based wherever possible on original congressional survey sheets or other reliable sources. Studies of the original survey sheets commonly yield factual information that is not elsewhere available and also give insight into the intent or judgment of the surveyors on certain matters. In the Vincennes area, for example, the survey sheets show surveys to be numbered consecutively within each township, and there usually is no question regarding the assignment of a survey that lies athwart a township boundary.

The Indiana Geological Survey has completed the preparation of petroleum exploration maps for 86 of the 92 counties in the State. Noncongressional land-survey divisions are known to exist in about 25 of these counties. Our completed maps outline and identify these units, which are assigned to congressional townships by arbitrary boundaries generally drawn in conformity with the original land-survey sheets. We would, of course, appreciate learning about any errors on these maps, but, in addition, we invite criticism of our solution to the problem of noncongressional land-survey units. The adoption of a uniform system of handling noncongressional units would go a long way toward clarifying location descriptions in these 25 counties, as well as providing a useful method of cataloging data. Our method has proved to be highly satisfactory to us, and it is hoped that other groups and individuals might also find it useful.

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