

The United States of Am

PRIMARY SOURCES

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Grant and confirm unto *John Martin*

_____ the Lot numbered _____

numbered *Seven* _____ in the Range *For*

and reserving one third Part of all Gold, Silver, Lead and Cop

fame, for future Sale or Disposition: To have to the said

The First American Land Patent

Martin _____ Heirs

PRIMARY SOURCES

Uncharted Americana

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Robin and Laoma Beck

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- Michigan residents please add 6.25% sales tax.



On the covers: The First American Land Patent.





The United States of America,

To ALL to whom these presents shall come Greeting:

KNOW YE, That for the consideration of *Six Hundred and Forty* Dollars, we have granted, and hereby do Grant and confirm unto *John Martin* the Lot numbered *Twenty* in the Township, numbered *Seven* in the Range *Fourth* excepting and reserving one third Part of all Gold, Silver, Lead and Copper Mines within the same, for future Sale or Disposition: To have to the said *John Martin* his Heirs and Assigns for ever.

IN WITNESS WHEREOF, We, the Commissioners of the Board of Treasury, have, in conformity to an Act of Congress of the said United States, of the Twenty-first day of April, in the Year of our Lord, one Thousand Seven Hundred and Eighty-seven, hereunto set our Hands and affixed the Seal of the Treasury, this *Fourth* day of *March* in the Year of our Lord, One Thousand Seven Hundred and *Eighty Eight* and of the Independence of the United States of America the *Twelfth*

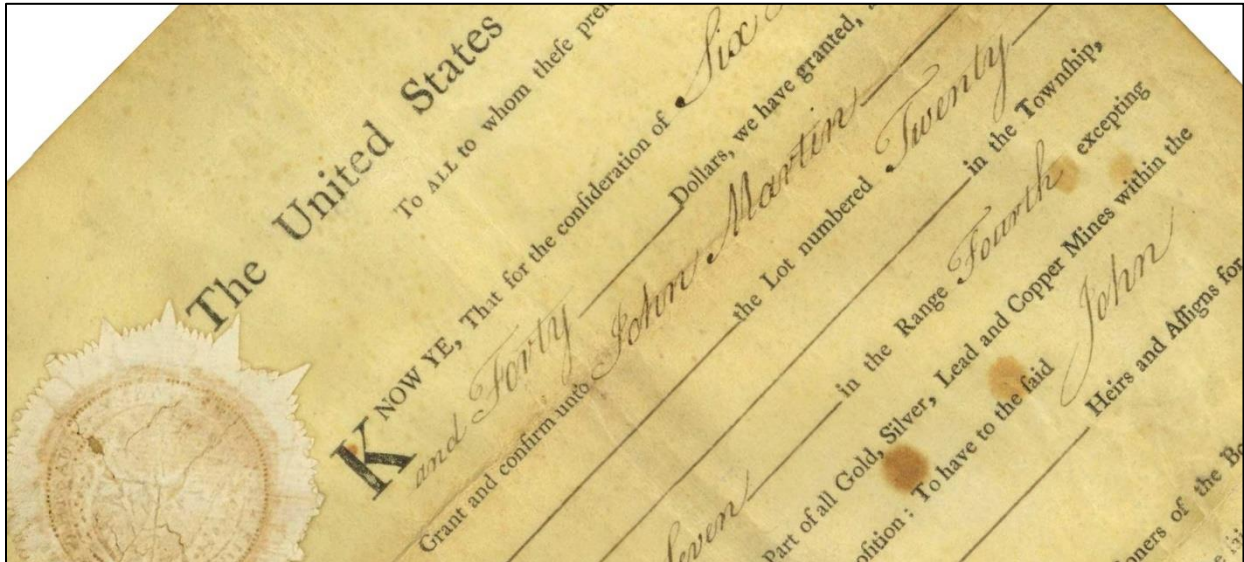
Samuel C. Wood
Walter L. ...
A. ...

Recorded Augt 7th 1848 in volume 32 page 272
A. M. Ward
Recd. Bel. Co

Deposited in Book of Deeds Volume 1
Wm. ...

The First Land Patent Ever Issued by the United States

It is hardly an exaggeration to suggest that Manifest Destiny unfolded as much in the clink of a surveyor's chain as in the blast of a gun. By May 1888, when the last American homesteader fulfilled all of the requirements on his claim, the United States government had granted more than six million patents on federal land and transferred nearly two billion acres from public to private ownership. Land patents, unlike deeds, are legal documents that transfer land ownership from a sovereign power to a private entity. Any subsequent transfers between private entities take the form of a deed. In all, thirty so-called public land states were created through the land patenting system codified by the Northwest Ordinance of 1787. This includes all of those states north and west of the Ohio and Mississippi rivers (excepting Texas, which retained its public lands when it gained admission to the Union in 1846), as well as Alabama, Mississippi, and Florida. Only the original thirteen colonies, Kentucky, Tennessee, Maine, Vermont, West Virginia, and Hawaii--the so-called state land states--were excluded from the federal patenting system. No other policy has more profoundly shaped the contours of our political geography (see Figure 1).



Here we are pleased to offer one of the most important original American documents still in private hands: the very first of those six million land patents granted by the United States over a span of two hundred years. On March 10, 1788, a Baltimore tailor named John Martin acquired 640 acres in what is now Belmont County, Ohio. His patent, partially printed on vellum and completed in manuscript, bears the seal of the preconstitutional Treasury Board and is signed by its three commissioners. It is also docketed by the Treasury Board's secretary, William Duer, as registered in Book of Deeds A, Folio 1. That Book of Deeds is held today by the Bureau of Land Management's General Land Office, whose retained paper copy of Martin's patent has even been featured on the official BLM website ([John Martin Receives the First Land Patent Ever Issued](https://storymaps.arcgis.com/stories/a0e121cf37314dcc8fed71842577d455), <https://storymaps.arcgis.com/stories/a0e121cf37314dcc8fed71842577d455>). The patent itself--presented here for the first time--was recently discovered in St. Clairsville, Ohio, not far from Martin's actual parcel of land. In realizing the world's first federal land patenting system, it launched the young nation's inexorable advance across the continent.

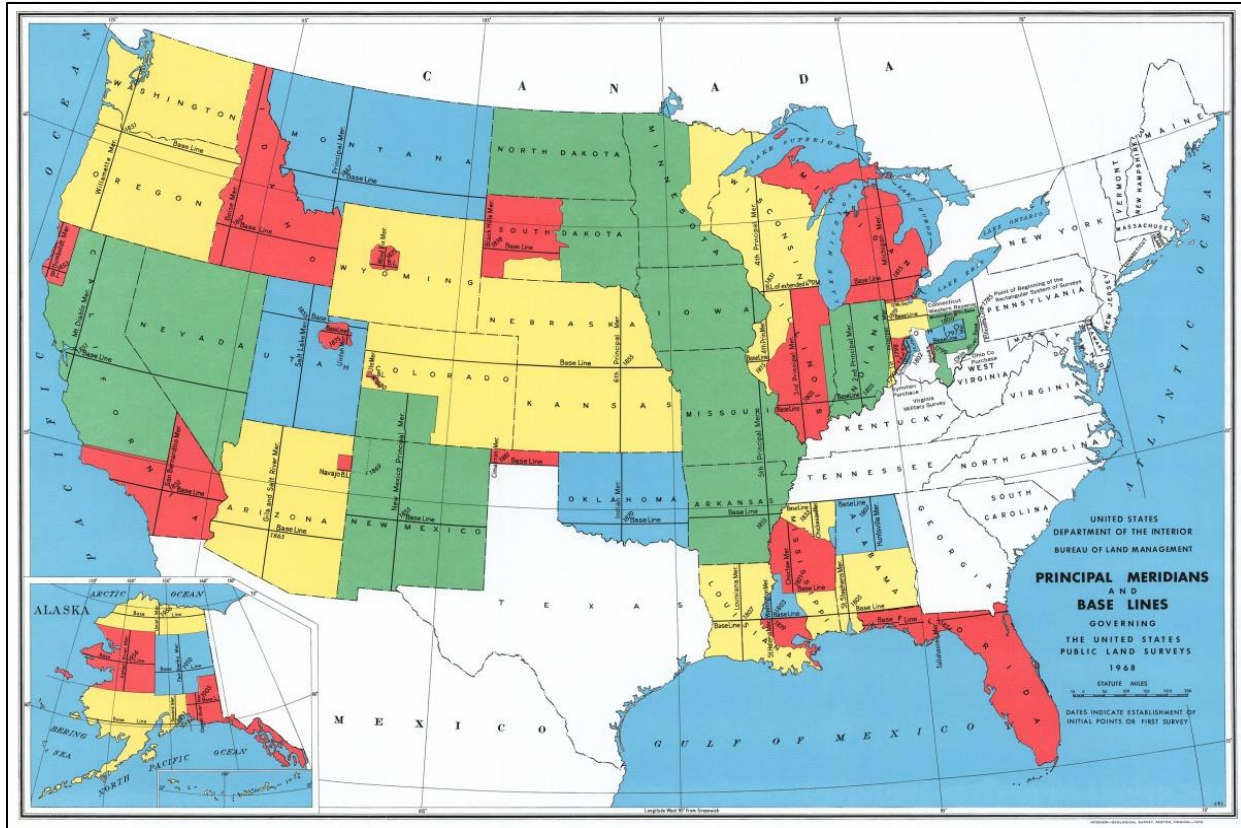


Figure 1: All U. S. public lands distributed by land patent, 1788-1988 (BLM)

Seven long and arduous years of war, culminating in independence from Great Britain, had left the federal government of the United States all but bankrupt, its bonds and currencies virtually worthless. By the time the Treaty of Paris was signed in 1783, the nation's debt had ballooned to more than \$43 million, or \$1.2 billion today. Worse still, the new Congress--its power deliberately constrained by the Articles of Confederation--lacked authority to raise revenue through taxation and had few assets at its disposal to address the crippling debt. What the country had, though, was land. Under the Treaty of Paris, Great Britain had relinquished to the United States an enormous area west of the Appalachians known as the Old Northwest. Stretching south from Lake Erie to the upper Ohio and Allegheny rivers and west to the Mississippi, this territory doubled the size of the new nation. Yet despite its potential as a source of federal revenue, there was little consensus as to how the vast region should be incorporated into the United States.

Among the most evident challenges to achieving consensus was that nearly all of this land had already been claimed by a few of the former colonies, particularly Connecticut, Virginia, New York, Massachusetts, and Pennsylvania. Between 1780 and 1786, each of these states agreed to cede their claims to the federal government, in part from a sense of altruism or national unity but also because the federal government agreed to assume debts that some of these states had accrued during the Revolutionary War. Once the matter ownership was settled, Congress could begin the process of determining how to convert this now public domain into private property. And the need for legislation had grown urgent. Before the Treaty of Paris was even ratified, hordes of squatters began pouring into the Old Northwest, simultaneously threatening to set off new conflicts with the Native tribes who still lived there and to create an ungovernable mess along the country's western

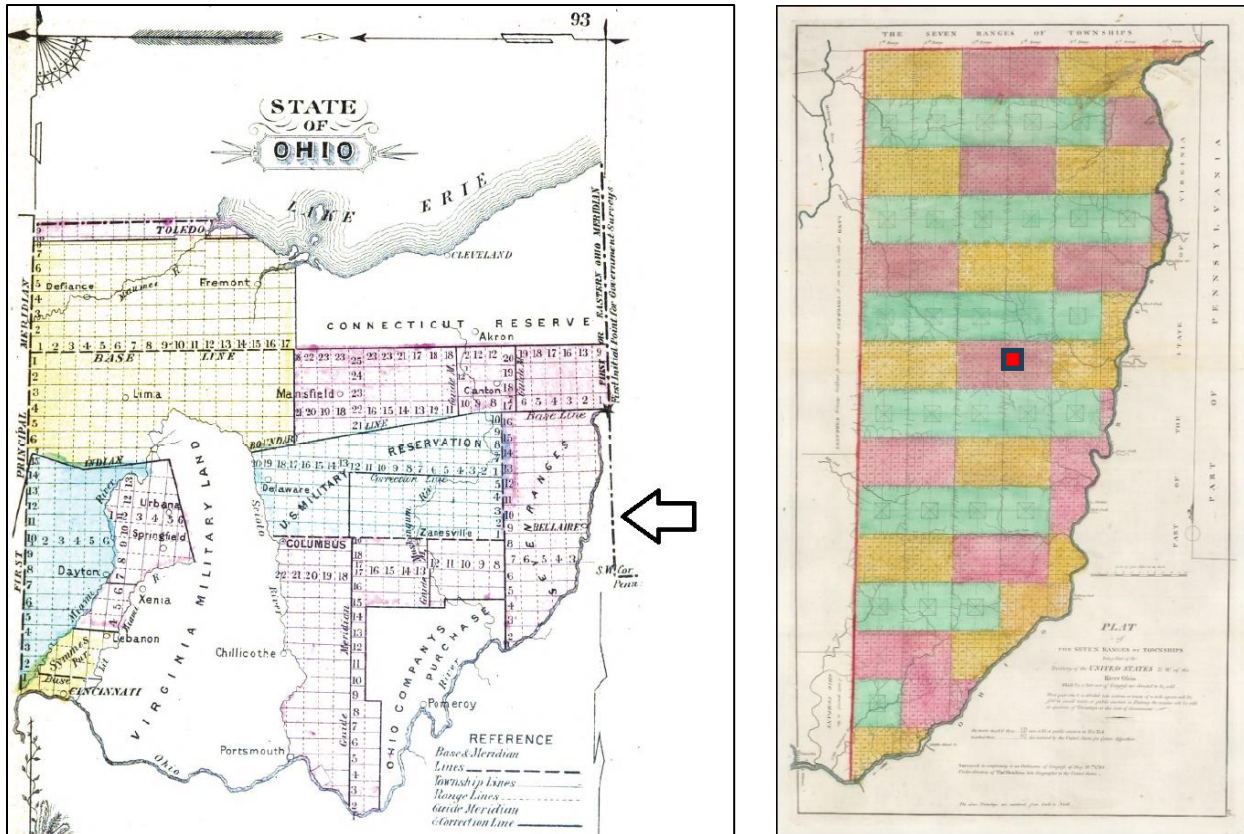


Figure 2: The location of the Seven Ranges in Ohio (John Martin's lot indicated).

frontier. As for the first of these problems, the Treaty of Fort McIntosh--between the United States and representatives of the Wyandotte, Delaware, Chippewa and Ottawa nations--was the first of many such agreements with the various Ohio tribes. As for the second, how to govern the territory and raise the revenue so desperately needed, the task of developing a plan fell to one of Virginia's delegates to the Congress of the Confederation, Thomas Jefferson.

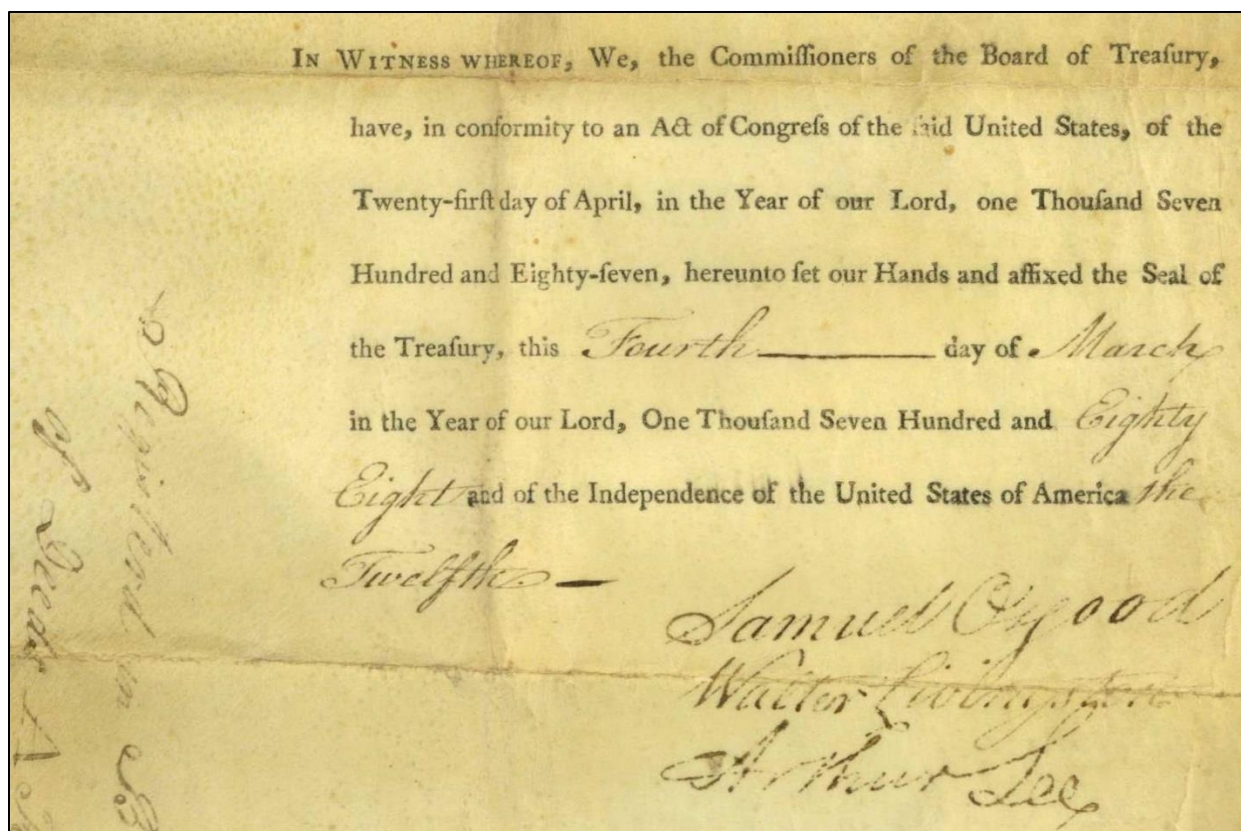
During the 1783-84 session of Congress, Jefferson served as chairman of the committees tasked with establishing a system of government for the territory and creating a policy for making its land available for private ownership. In this role, he was principal author of the first significant legislative achievement of the Confederation Congress, the Land Ordinance of 1784. This act of Congress established how the western territory would be divided into states, stipulating that each new state would remain part of the United States in perpetuity; that each state would hold the same relation to the Confederation as the original 13 states; that each would assume their apportionment of the federal debt; and that each would support republican forms of government. Jefferson's draft of the ordinance contained a fifth clause, that after 1800 each new state would abolish both slavery and indentured servitude, but this clause failed to pass congressional approval.

Just one year later, Jefferson's plan was augmented by another act, the Land Ordinance of 1785. Again Jefferson chaired the congressional committee, which included Hugh Williamson of North Carolina, Elbridge Gerry of Massachusetts, David Howell of Rhode Island, and Jacob Read of South Carolina. The final act was passed on May 20, 1785. This ordinance put its predecessor into practice by defining the mechanism by which individuals or corporations could purchase lands



in the public domain from the federal government. It established the Public Land (or Rectangular) Survey System, a method for plotting or dividing land in the territories for sale and settlement that would eventually define more than three-quarters of the continental United States. The ordinance specified that all western lands would be systematically surveyed into square townships 6 miles on a side. Each township, in turn, would be divided into 36 sections, each measuring 1 mile on a side and containing 640 acres. Sections could be further subdivided for resale, whether by settlers or land speculators. The ordinance also provided a means of financing public education, by setting aside Section 16 in each township for the placement and use of public schools; four other sections were allotted for unspecified government or public purposes. The 1785 Ordinance, together with the 1862 Homestead Act, would define American land policy into the 20th century.

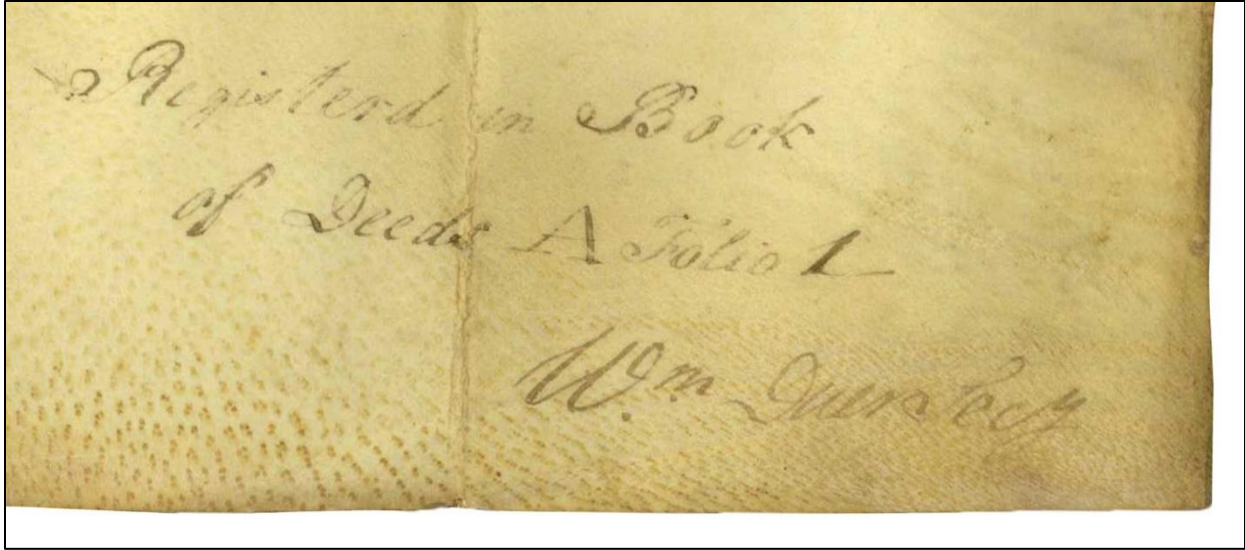
Formal survey under terms of the ordinance commenced on September 30, 1785, directed by the Geographer of the United States, Thomas Hutchins. Work began from a position referred to as the Beginning Point of the U. S. Land Survey, now submerged by the Ohio River but located at the intersection of Pennsylvania, Ohio, and the northern tip of West Virginia. This starting point was a stake on the north bank of the Ohio, set a month earlier by a survey team from Pennsylvania and Virginia to fix their common north-south boundary. A stone marker placed along the nearest roadway in 1881 was designated a National Historical Landmark in 1965. Less than a month after this auspicious beginning, Hutchins grew concerned that an attack by disapproving Wyandot and Delaware Indians was imminent, and so retreated with his team to Pittsburgh until the following July. Returning to their work, but under constant threat of attack, the survey team would lay out four north-south lines of townships, referred to as ranges, by November 1786. By then the danger was too great to continue, and Hutchins proceeded to New York in February 1787 with descriptions



and plats of the first four ranges. He and his men returned to Ohio later that summer and surveyed three more ranges in their entirety. This first completed tract, referred to as the Seven Ranges, was 42 miles across its northern edge, 91 miles along its western edge, and was bordered on the south and east by the Ohio River (see Figure 2). A year later, on July 26, 1788, Hutchins presented final plats, a general plan, and concluding notes to the Board of Treasury. Although he became ill and died shortly after, Hutchins’s work is widely considered the first mathematically designed system and nationally conducted cadastral survey of any modern country in the world.

Congress had not waited for Hutchins to complete his survey of the Seven Ranges before launching into the next phase of settling the land. After he had delivered results from the first four ranges in February 1787, the Board of Treasury recommended that the 27 separate townships be sold either entire or in lots by direct sale at public auction to the highest bidder. Congress accepted the recommendation on April 21, announcing that the land would be sold at no less than one dollar per acre, plus the cost of surveying, payable one-third down and the remaining two-thirds in three months, in specie or certificates. Advertisements issued by congressional order noted that “The admirable quality of these lands, and the favorable climate in which they are situated, are too well known to need description” (in Dyer 1911:47). The auction was set for September 21, 1787, and would continue day-to-day until all of the available lots were sold.

Two far-reaching events took place in the summer of 1787, prior to the auction of the first four ranges, that would ultimately shape much of Ohio’s settlement history. On July 13, Congress passed an Ordinance for the Government of the Territory of the United States Northwest of the River Ohio, known hereafter as the Northwest Ordinance. Long recognized as the most significant



of the three land acts passed during the 1780s--and indeed the most significant of any acts passed by the Confederation Congress--it established a government for the Northwest Territory, outlined the process for admitting new states into the Union, and protected civil liberties through the first national Bill of Rights. Among its six articles of compact are guarantees for the free exercise of religious faith; a fair system of criminal justice (e.g., habeas corpus and trial by jury); equal footing for all new states with the original thirteen; non-interference with existing contracts; protection of Indians; and the prohibition of slavery. In the auction catalogue of his collection, Thomas Streeter notes that "Next to the Constitution itself, the Ordinance of 1787 is the main guarantee of American liberty and property" (1967, Vol. 3: 999, Cat. No. 1307).

In July, as Congress was considering the language of the Northwest Ordinance, Manasseh Cutler and Winthrop Sargent--representing the Ohio Company of Associates--began negotiations with Congress to purchase a very large tract of 1.5 million acres at the confluence of the Ohio and Muskingum rivers. The Ohio Company had been formed in March 1786 by Cutler, Sargent, Rufus Putnam, and several other Revolutionary War veterans as a joint-stock speculation company aimed at profiting from the sale of western lands. This tract along the Muskingum had yet to be surveyed by the new rectangular system outlined in the 1785 Ordinance, but the company proposed to pay for such survey as part of its contract with Congress. The scale of the purchase suggested by Cutler and Sargent was well beyond the public auction framework established for the sale of townships and sections in the four ranges. But as the company proposed to pay \$1 million for the Muskingum tract--\$500,000 down, with the remainder due on completion of the survey--it had the potential to deliver a very large sum of revenue to the federal government in a single transaction. Congress referred the proposal to the Board of Treasury on July 27, yet the Board intended first to hold the scheduled public auction in September. Its outcome would determine whether the Ohio Country entered the private domain as yeoman parcels or as vast, corporate tracts of land.

The sale was held in New York City and ran from September 21 until October 9. During that period, 32 persons bought 148 parcels totaling just over 150,000 acres, with most purchases at the minimum rate of one dollar per acre. In all, the highly anticipated event raised but \$176,090 of revenue for the federal government, of which \$87,438 was paid at the time of the sale. Within

a year, about half of the purchased land was forfeited back to the government for lack of completed payment. It is little wonder, given such a disappointing result, that Congress had finalized the Ohio Company's contract by October 27. As Albion Morris Dyer observes, "The first returns of four ranges, after years of waiting, expense, and danger, were so meagre as to justify criticism in Congress of the mode of survey" (1911:48). Moreover,

At this very moment...memorials began to appear, praying Congress for grants of large areas for private adventure in settlement for which large sums of money were promised for immediate payments, offering quicker means of revenue than the auction sales. Hutchins's finished plan and description of the whole Seven Ranges came in during the summer of 1788, but there the business dropped. By that time several large purchases had been successfully concluded by the Board of Treasury, beginning with the Ohio Company of Associates, which was closed a few weeks after the end of the New York sales [1911:48-49].

Only 111 patents for land in the Ohio Country were issued by the Board of Treasury under the Articles of Confederation, prior to the inauguration of George Washington as President of the United States; the last was dated March 3, 1789. The recipients were the first Americans to obtain ownership of lands from the federal government. The Ohio Company, in contrast, did not complete its contract and obtain patent until May 10, 1792. All of the original 111 patents are recorded in a large ledger, titled Book of Deeds A, now held by the United States General Land Office. **Yet as for the patents themselves, we trace only the single example offered here. Remarkably, it is also the very first patent, issued to John Martin on March 4, 1788.** Martin was born in Chester County, Pennsylvania, in 1750, but moved to Baltimore in 1778. The Baltimore town census of 1790 identifies him as a tailor by occupation and lists him as head of a household with seven free white males more than 16 years old, four free white males under 16, three free white females, and three slaves. Some of the young men in his household may have been apprentices. Unlike most of the speculators who bought lots in the four ranges sale, Martin intended to live there, moving to Ohio with two of his sons and practicing his trade. He died at St. Clairsville in 1815.

John Martin's patent is partially printed on vellum and measures 15 by 9 inches (38 by 23 cm). It is signed by all four of the men who managed America's finances from March 1784, when the Board of Treasury was created, until September 1789, when the new Congress established a Department of the Treasury administered by the executive branch of the federal government. The commissioners of the Board were Arthur Lee, Samuel Osgood, and Walter Livingston; its secretary was William Duer. All four men had served in the Continental Congress either before or after the war, and Duer would later serve as the first Assistant Secretary of the Treasury under Alexander Hamilton. It was Duer who registered this patent in the Treasury Board's first Book of Deeds (see Figure 3). In the top left corner of the patent is one of the few surviving paper seals of the Treasury Board. For many years the document was stored folded in eighths, but otherwise it displays little age or use wear aside from light overall toning. The patent reads in full:

The United States of America, / To all to whom these presents shall come
Greeting: / Know ye, That for the consideration of [six hundred and forty]
Dollars, we have granted, and hereby do / Grant and confirm unto [John
Martin] / the Lot numbered [Twenty] / in the Township, / numbered [Seven]

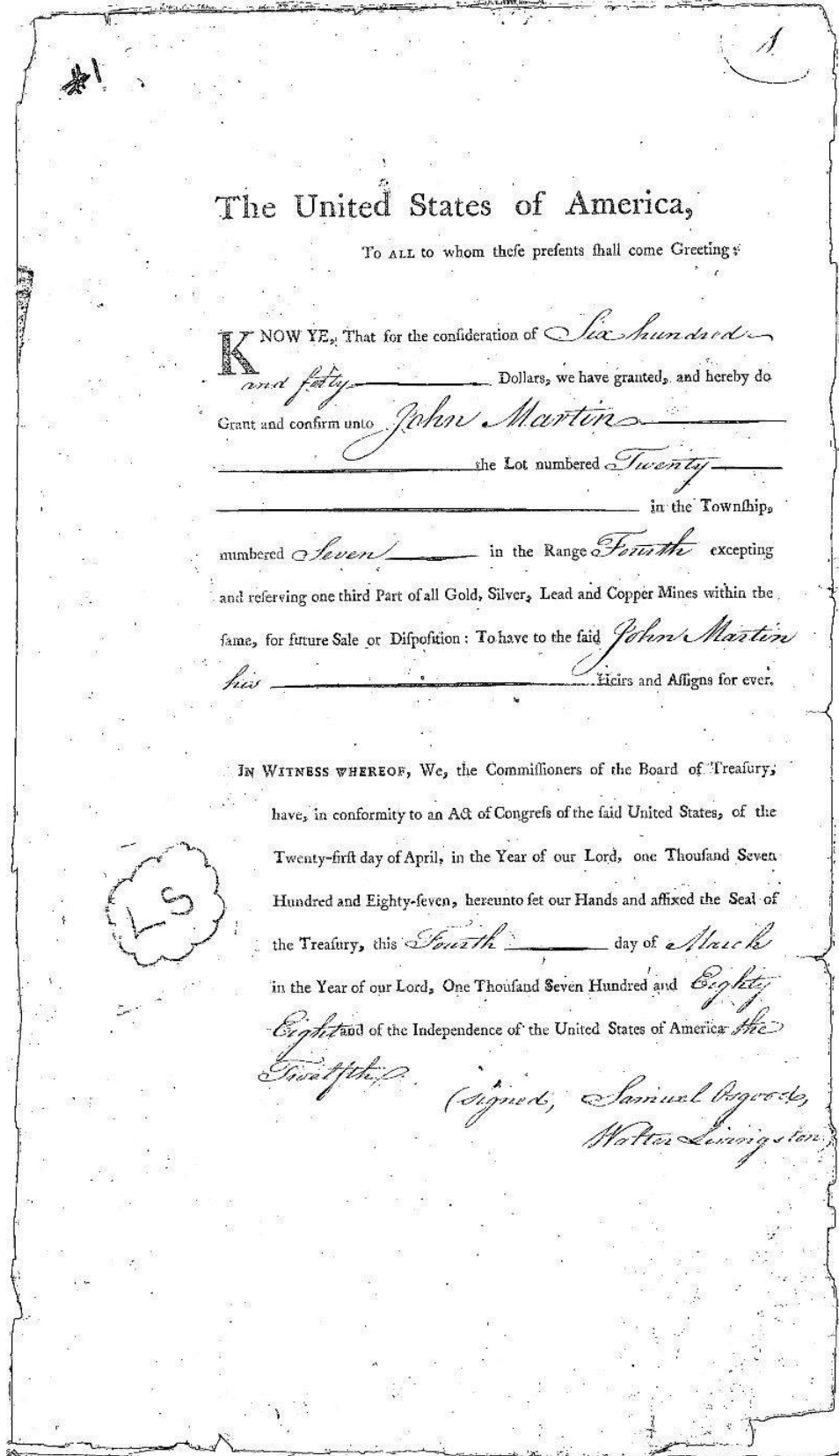


Figure 3: BLM Copy of John Martin's patent in Book of Deeds A, Folio 1

in the Range [Fourth] excepting / and reserving one-third Part of all Gold, Silver, Lead, and Copper Mines within the / same, for future Sale or Disposition: to have the said [John / Martin his] Heirs and Assigns for ever. In Witness whereof, we, the Commissioners of the Board of Treasury, / have, in conformity to an Act of Congress, of the said United States, of the / Twenty-first day of April, in the Year of our Lord, one Thousand Seven / Hundred and Eighty-Seven, hereunto set our Hands and affixed the Seal of / the Treasury, this [Fourth] day of [March] / in the Year of our Lord, One Thousand Seven Hundred and [Eighty / Eight] and of the Independence of the United States of America [the / Twelfth]

Samuel Osgood
Walter Livingston
Arthur Lee

Even a century ago, Albion Dyer expressed his frustration over the lack of primary source materials related to these earliest steps on the path toward Manifest Destiny: “The circumstances of the first survey and sale of the federal lands...would be interesting and doubtless important if all were known, but scarcely anything remains of this period in the public prints or official records to tell the story” (1911:48). Little has changed in the decades since. Of the three land ordinances of 1784, 1785, and 1787, we trace only a single copy of each ever appearing at auction. The Streeter copy of the 1784 Ordinance, dated March 1, 1784--and which made only \$800 in 1967--brought \$90,000 at the 1997 Dush sale, then brought \$300,000 at a Sotheby’s sale in 2018. A previously unknown copy of the 1785 Ordinance made \$201,600 at Freemans in 2022. Streeter’s copy of the Northwest Ordinance of 1787--a Huntington Library duplicate--made \$33,000 in 1967 (the lot also included a letter from George Washington discussing the ordinance). Institutional holdings are also rare: seven libraries hold copies of the 1784 Ordinance [LOC (2 copies), Clements, Western Reserve, AAS, Princeton, UPenn, and New-York Historical]; three libraries hold examples of the 1785 Ordinance [LOC (five copies), Clements, and Yale]; and 14 libraries hold examples of the Northwest Ordinance of 1787 [LOC (4 copies), Clements, Princeton, NYPL (2 copies), Western Reserve, Williams, Huntington, Indiana, Newberry, AAS, State Library of Pennsylvania, Chicago History (the Streeter copy), Ohio History, and UVA].

Published documents pertaining to the Ohio Company of Associates are similarly rare and highly valued. In the past half-century, only the Streeter copy of the first edition of the company’s *Articles of Association* (Worcester, 1786) has appeared at auction: it brought \$5100 in 1966 before reappearing in 2021, making \$73,800. At the same 2021 sale, a small group of stitched items with Streeter provenance--including a later issue of the Ohio Company’s *Articles* (Newport, 1788) and Manasseh Cutler’s handwritten notes from a July 1788 company meeting--made \$30,750 despite significant condition issues (it sold for \$2700 at the Streeter sale). Streeter’s copy of the published contract between the Ohio Company and the Board of Treasury, dated October 27, 1787, made \$1600 at the sale. In sum, the only significant Ohio Company materials to appear at auction since the Streeter sale have a Streeter provenance. Seven institutions hold copies of the 1786 Worcester edition of the *Articles*: LOC, Clements, Ohio History, Cincinnati History, Newberry, Yale, and AAS; five libraries hold copies of the 1787 New York edition: LOC, Wisconsin Historical, Ohio History, Cincinnati History, and NYPL; (the 1788 Newport edition is unique); and five hold copies



Figure 4: Aerial photographs of the rectangular survey system in Ohio (left) and North Dakota (right)

of the 1787 contract: LOC, Clements, Indiana, Western Reserve, and AAS. We locate no surviving materials related to the Treasury Board's 1787 auction in New York City.

More than a decade would pass until additional lots in the Seven Ranges were offered for sale. Following the Land Law of 1796, the first such act passed by the U. S. Congress under the ratified Constitution, the Department of the Treasury held a series of auctions in Philadelphia and Pittsburgh. The new legislation had retained the rectangular survey system set forth by the 1785 Ordinance, but the results of these sales were likewise disappointing. So four years later Congress issued the Land Law of 1800, which halved the size of sections and, more importantly, established land offices on the frontier. Having such offices nearby enabled pioneers already residing in the west to acquire lots directly. On the heels of this new program's relative success, Congress created the General Land Office in 1812, which remained in the Treasury Department until 1849, when it was transferred to the new Department of the Interior. Subsequent passage of the Homestead Act of 1862 would eventually open more than 270 million acres of public lands, allowing any adult who had never taken up arms against the United States to claim 160 acres, provided they improve the land through cultivation. Throughout this long process, the rectangular survey system--and the six million patents it produced--reshaped the continent's cultural and physical geographies in ways that define the landscape even today (see Figure 4).

John Martin obtained the very first of those six million patents, the first document to extend the ordinances of 1784, 1785, and 1787 from political experiment to realized practice. It is difficult to find any record of a similar American document offered at auction or in the long history of the antiquarian trade: it is simultaneously of profound national significance, a unique survival, and the first of its kind. Most comparable would be original documents such as the first U. S. patent for an invention (granted to Samuel Hopkins in 1790 for a new means of making potash, held by the Chicago History Center) or the first copyright (granted in 1790 to John Barry for his *Philadelphia Spelling Book*, its current whereabouts unknown). Neither of these, nor any similar example, has ever appeared in the auction rooms or in a bookseller's catalogue. As best we can determine, there is only the Martin document that we offer here. **Manifest Destiny unfolded one landowner at a time, millions of times over. And if the land ordinances of the 1780s set the stage, then John Martin's patent was the first official act of westward expansion.**

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[American Origins--Westward Expansion]: THE UNITED STATES OF AMERICA, TO ALL TO WHOM THESE PRESENTS SHALL COME...[caption title]. [n.p., but New York City, March 4, 1788]. Partially printed document completed in manuscript, 15 x 9 in. (38 x 23 cm). Signed by Samuel Osgood, Walter Livingston, Arthur Lee, and William Duer. Vellum, preserved paper seal of the Board of Treasury, later (1848) docketing at base of page. Old folds (three horizontal, one vertical), overall toning, else fine. In a half morocco and cloth box by Wiering.

SOLD.

have, in conformity to an Act of Congress of the said Un

Twenty-first day of April, in the Year of our Lord, on

Hundred and Eighty-seven, hereunto set our Hands and

the Treasury, this *Fourth* _____ day of

in the Year of our Lord, One Thousand Seven Hundred

Eight and of the Independence of the United States of

Twelfth —

Samuel O

Walter L

A. M

Recorded Aug^t 7th 1848 in volume

F. M

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