REPORT OF J. M. TRIMBLE

CONCERNING THE

VIRGINIA MILITARY LANDS

DONATED TO THE

Agricultural & Mechanical College

OF OHIO.

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VIRGINIA MILITARY LANDS.

To the President and the Board of Trustees of the Ohio Agricultural and Mechanical College, in relation to the survey and recovery of the lands in the Virginia Military District, referred to me under a former resolution of the Board, I now submit the following

REPORT.

At the regular annual session of your Board in January, 1871, I made an informal statement of a Bill then pending in Congress, ceding the unsurveyed lands in the Virginia Military District of Ohio to the State, that I was using some exertion to procure its passage, in view of securing the lands by an Act of the Legislature to the benefit of our College. The Board authorized me to take the matter in charge, and to act as I might deem most expedient in the premises. The Act of Congress ceding these lands to the State passed.
and was approved February 18, 1871. On the 21st, Mr. Hughes, the member from Highland, at my instance, introduced a Bill in the House to accept the grant, and make some disposition of the lands. On the 8th of March, I went to Columbus and spent several days, had a Bill drafted, ceding the lands to the College, and introduced it in the Senate. The Bill passed the Senate and passed the second reading in the House. I made but two trips to Columbus to explain to members as to the value and localities of these lands.

The Bill, with some sixty others, was lost on the last day of the session, for want of time as alleged.

At our last January meeting, the Board of Trustees created a Committee, consisting of Messrs. Wright, Leete and myself, to prepare and take charge of a Bill, giving it the necessary attention to secure its passage by the General Assembly, granting said lands to the Ohio Agricultural and Mechanical College.

The Bill was prepared by Messrs. Leete and Wright and myself, and introduced into the Senate by Mr. Wright. It encountered strong opposition in the House, but was finally passed in such shape as to amount to a donation of all the unsurveyed lands in the District to the parties residing upon them, known as Squatters. Thereupon I had a consultation with certain other members of the Board, which resulted in the preparation of a Bill by Judge Jones and myself, restricting that class of settlers to forty acres, with the right of pre-empting one hundred and twenty acres additional, which was passed the 29th of April.

II. The delay incident to the legislation referred to, necessarily postponed the survey until after the forest leaves had put forth. This circumstance, alone, largely increased the cost of the work, by requiring one extra hand with each surveyor to clear the line in front. Before the field work could be commenced I found it necessary to procure from the Land Office at Chillicothe, authentic copies of the plats connecting the surveys in the several counties. To do this, I was obliged to spend a considerable time in the Land Office, in making connections and other work connected with the field work to be done. It became absolutely necessary to procure from Mr. Kendrick the use of his connections, and a book used in the office familiarly called the "Mormon Bible," both of which were private property, and owned by him. For about thirty years, he has held the position of Surveyor General of the District. His connections brought the surveys down to the year 1852, the date by Act of Congress of 1850 closing the office against any further entries.

After several propositions had passed between us for the use of his connecting plat and book, we finally agreed that I should have the benefit of them for the purpose of this survey by paying him such sum as I might deem reasonable and just. Under this agreement the surveyors and I have had access to them when necessary, and by that means, have made much further progress with the surveys than we could otherwise have done. I have paid Mr. Kendrick one hundred and fifty dollars for use of same up to 18th December.

During the last forty years Nathaniel Massie has been a locator, whose business it was to locate warrants,
make and return surveys. His private connections are more full and accurate than Mr. Kendrick's, as they embrace most of the entries and surveys since 1852, down to as late, in some instances I think, as in 1872. I could not procure the use of his connections for less than one thousand dollars, which I declined to give him. Yet, I was forced from necessity, to pay him one hundred and fifty dollars for connections of three townships in Adams county, which would have cost us twice that amount, had they been procured at the office.

III. This preliminary work having been done, I visited the several counties, and employed surveyors, commencing with Scioto county.

I was fortunate in the selection of Captain C. A. Barton, of Portsmouth, to assist in the performance of this service. He is, by profession, a practical Surveyor and Civil Engineer. He had previously made a map of all the lands in Scioto county. When I first called upon him, he exhibited to me a complete map of the Military lands in that county, of his own tracing, made up as I learned, from authentic sources. He had devoted much labor to its preparation, and I believe it to be accurate. I entered into an arrangement with him to make the surveys in that county at once. His work up to the 15th of October last, exhibits the following results:

Lands surveyed in Scioto county, twelve thousand one hundred and forty-nine acres, as shown by his field notes and plats herewith marked "A."

This does not include all the lands contained in the College grant in that county. From data in my possession, and estimates made, there are yet remaining in that county about eight thousand acres to be surveyed and divided. I have contracted with Captain Barton to superintend and carry on the work in all three of the counties, Adams, Pike, and Scioto, at a salary of one hundred and twenty-five dollars per month for the time actually employed with necessary traveling expenses whilst out from home, paying him one hundred dollars for the use of his connections in Scioto county to the completion of his work. In addition to his surveying, his contract provides that he shall protect these lands against further tresspassers so far as he can. On the lands in his survey, he found but few occupying claimants. Their names, and the amount of land claimed by each are shown in the memorandum of Capt. Barton, marked "C."

ADAMS COUNTY.

The lands in this county are much scattered. When the surveys shall be completed they will probably foot up to from ten to fifteen thousand acres. I considered it expedient to divide the county into three districts, as follows:

The first district commencing in Green township on the Ohio river, and extending to Jefferson township.

The second district includes parts of Jefferson and Meigs townships.

The third district includes part of Meigs and Frank.
lin township entire. I employed George H. Puntenney, to take charge of the work in the first district. His residence is at the village of Rome, in the vicinity of his work. He has been an active surveyor in that county for many years, and is familiar with the lands of his neighborhood. He has surveyed, in all, twenty-four tracts, mostly in small bodies, except one tract of nine hundred and eleven acres, marked on plat No. 9, as will appear from the plats and statements. There are yet probably two thousand acres in this district to be surveyed. In the surveys made during the season, and reported to me up to the 30th of October, there are returned but five claimants, each of whom he reports entitled to but forty acres, each tract of which has been surveyed and set off to the claimant.

Early in July I employed Mr. William Copas, of Locust Grove, to do the work in the third district at an agreed price of three dollars per day. His reports extend to the first of last September. The amount of land found and surveyed by him at that date amounted to three thousand four hundred and forty-five acres. He reports a very considerable number of occupying claimants in his district. I am not able to state the number entitled to pre-empt, or entitled to forty acres.

In Adams county, eighty-eight persons have filed pre-emption claims with the Auditor, nearly all of whom, claim one hundred and twenty acres, in addition to the grant of forty acres. It is not probable that more than one-half of this number can establish their claims. Yet, the matter is of such importance as to require attention on the part of the Trustees.

PIKE COUNTY.

Upon the recommendation of Mr. Austill, the representative from Pike county, who had rendered the Trustees important service in the passage of the Act of April 29, relating to these lands, I employed Mr. Ralph Hankins. Mr. Hankins reports twelve thousand acres surveyed in Pike county, which, on settlement, he corrected, at my suggestion, to ten thousand five hundred. There has been more trouble in getting correct connections in Pike county than in either of the other counties. Mr. Hankins has done all that any one could have done to secure correct surveys. From the best data we have we think there yet remains in Pike county from six thousand to seven thousand acres to survey.

No particular inquiry has been made as yet for vacant lands in Ross county. From investigation, I am satisfied that the Military lands in this county are nearly all covered by surveys heretofore made, whether some late surveys are legally made or not, I have great doubts. As yet I have not been able to find any vacant land in Highland county. I have expended some forty-five dollars in investigations and surveys and am satisfied that it will not pay to spend either time or money on further investigations in said county. Immediately after these lands were placed in my charge, I found it necessary to visit the several localities where they are situated, not only for the purpose of ascertaining their quality, but for the further object of seeing their surroundings, in order to get some idea of their present and prospective value and to prevent trespassing. The

The
last spring and summer months I devoted chiefly to the performance of that duty. Among the other facts, I learned from personal observation that the lands in every part of the district had been extensively trespassed upon by the cutting of saw-logs, railroad ties, stave-timber, locust posts and by the peeling of tannbark, mostly by settler and squatters, claiming pre-emption.

It is proper that in this connection I should further state that the observations I have been enabled to make satisfy me beyond any reasonable doubt, that a large number of entries have been made since the cession of these lands by the United States to the State of Ohio in 1852, and surveys since 1857—the limit within which they could be legally made.

In a small number of cases the patents have not yet been issued. In order to prevent the further progress of these frauds, I at once communicated the facts in connection with them to the Commissioner of the General Land Office, which resulted in the correspondence with that officer herewith submitted, marked Land Office Papers.

These illegal entries and surveys, including the lands patented, and those which are suspended, embrace not less than thirty thousand acres, some of which is rather choice land.

It will be observed from the letters of the Commissioner that he proposes to withhold the issuing of any more patents until entries and surveys shall be furnished him by me, provided, of course, that prompt action shall be taken on the part of the Board to furnish the proof.

In order that the Board may be able to form some correct idea of the irregularities practiced in the locating of these lands, I submit the following cases which are specimens of many others.

One original warrant calling for one hundred and eighteen and one-half acres, which, by actual survey and measurement, is found to contain two thousand one hundred acres. Another for one hundred acres, upon actual survey, contains fifteen hundred acres. Another for twenty-eight acres, holds in the boundary two hundred and seven acres. Another for one hundred and seventy-one acres, holds six hundred and forty-nine acres; and another for one hundred, holds seven hundred and forty-nine acres, making on five small surveys a surplus of four thousand five hundred and seven acres above what the warrants call for. In respect to the above mentioned entries, the proofs have been taken by me and forwarded to the Commissioner.

My surveyors are now engaged in tracing the lines and estimating the quantities of land in other illegal surveys within the districts. As soon as their surveys shall be ready, I suggest that the required proofs be at once taken, pursuant to the directions of the Commissioner and forwarded to him.

There is still another class of claims I have examined with care, which, in my opinion, give promise of good results. There are not less than twenty-five thousand acres of land in the district dependant on entry alone. They have been in very many instances used as stool-
pigeons by old locators to coon up a good tract of land until they could procure warrants, then withdraw the entry and relocate the land on their own warrants.

The number of occupying claimants has not yet been fully reported, nor can I estimate accurately the quantity of land that will be absorbed by them. The statute granting forty acres to each settler upon these lands is not well understood among those who claim its benefits. A misunderstanding on their part, and an intentional perversion of its provisions by certain editors in Adams and Pike counties, by which an effort was made to persuade the settlers that each was entitled to one hundred and sixty acres without cost by virtue of act of Congress ceding these lands to the State of Ohio, have caused some embarrassment to the operations of the surveyors. In Adams county they combined and compelled the surveyor, Mr. Copas, by threats of violence to suspend his work. I, therefore, prepared a printed circular embracing the acts of Congress and of the Assembly relative to these lands, and have caused it to be circulated among the claimants. It has had the effect to allay their ill-founded apprehensions, by acquainting them with the provisions made for their benefit.

From the time the survey and reclamation of these lands was placed in my charge until the 3d of September, much of my time was spent in the several counties directing the surveyors in their operations, noting timber, the quality of the land and the minerals contained in it.

While the surface of many of these lands is well adapted to the growing of grain and fruit, neither of these capacities, nor yet the oak, poplar and locust timber which is left upon them, constitute, in my judgment, their main value, because the building stone, known as the "Waverly," passes through them from the Ohio river to the north line of Pike county, underlying at least 25,000 acres. Of this "Waverly" stone it is sufficient to say that the fronts of the best buildings in Cincinnati are made from it. It has been adopted in most of the cities of the Mississippi valley, as the strongest and best building material yet discovered. It is in general use in the cities and towns along the river from Pittsburg to Cairo, as well as being in general use for water tables, caps and sills throughout Ohio and Indiana. The Government buildings now in process of construction in Chicago and Omaha are being built of this stone. It forms the best fronts in Cleveland, Columbus, Chillicothe, Portsmouth, Ironton and many other places. It forms a narrow belt between the black slate on the west and the conglomerate on the east, as shown by the old and the new geological maps and surveys. It is one of the great staples, ranking with pine lumber as a building material. I, therefore, respectfully submit whether it be wise and prudent to sell at auction for what it will bring the lands containing this valuable building material. Some of the quarries on this land are conveniently accessible to the Ohio canal. The Southern Ohio Railroad will pass from east to west over the entire belt.

As to the quality and commercial value of this stone, I refer the Board to a paper lately written by Prof.
Orton, from which I have taken the liberty to extract as follows:

"A three-feet course that has recently been quarried in the high ground near Latham, seems to be the equivalent of the Buena Vista ledge. It agrees with it in position, and also measurably in texture and color. This course certainly passes on to the eastward from the point already named, and grows heavier as it is followed in this direction—until near Piketon, at a level of seventy-five or one hundred feet above your line of road, it occurs in a seven feet course of remarkable excellence. This ledge differs, however, in color from the exposure already noted, as well as from the rock in the typical locality. It is of a beautiful yellowish brown, which resembles more nearly the Brown Stone of the Connecticut valley—so largely used in the city of New York—than any other stone found in Southern Ohio. It has been but recently brought into notice, but it has already been used with great approbation in one or more blocks of buildings in the city of Columbus. This stone can not fail to make a valuable contribution to our architectural resources.

"There are still other beds of building stone in the series that would be highly esteemed were it not for the superlative excellence of the two lines of quarries already noted.

"I think that I have made good the statements with which I began, which were, in substance, that Pike county holds the most valuable deposits of building stone in Southern Ohio, and that these deposits are fully commanded by your proposed line of road."

Iron ore is found in these lands in abundant quantities in some parts of Adams county, whether it exists in sufficient quantities to justify the building of blast furnaces I am not sufficiently informed. Three charcoal blast furnaces, the "Steam," "Brush Creek," and "Marble," were built and successfully operated for many years upon the ores gathered in their vicinity. The same quality of ore formerly smelted in those furnaces in Adams county exists in plentiful quantities in Highland and Pike counties. Its existence is especially noted by Prof. Orton in the report from which the above extract is taken. From the same report, in respect to iron ore, I further copy as follows:

"In the vicinity of Sinking Springs, Highland county, I discovered, two years since, a considerable deposit of the well known ore that accompanies the Clinton Lime-stone in various parts of the country. It is styled the flax-seed ore in Wisconsin, the fossil ore in Tennessee the dye-stone ore in Alabama. I found it occupying at least a square mile of territory, with a thickness varying from four to six feet. The deposit is distant about three miles from your line.

"As large quantities of Clinton ore are brought from Oneida county, New York, to be used in the blast furnaces of Northern Ohio, in connection with the rich ores of Lake Superior, it seems safe to conclude that these supplies will come to be utilized. The Sinking Springs ore yields by analysis, thirty-three per cent. of metallic iron.

"Quite heavy beds of iron ochre occur along the out-
crops of the black slate in Sunfish valley, which will quite probably be found to possess economic value."

The Southern Ohio Railroad will traverse from east to west the Waverly formation and the ore beds for a distance of twenty-five or thirty miles.

Within the last year turnpikes have been projected, one in Scioto county from Portsmouth up the Ohio canal to the mouth of Bear creek to Mt. Joy. The main stem of said Pike branches off at the mouth of Pond creek, passing up Scioto Brush creek twenty-five miles to the line of Adams. Another stem takes off from the mouth of Scioto Brush creek, passing up that stem to the mouth of McCulloch's creek through the College lands to Mt. Joy.

Another turnpike in Scioto county follows down the river from Portsmouth about four miles, thence diverging northwest through the hills parallel to and running within seven miles of the Ohio river up the valley of Turkey creek to the county line of Adams. This road passes diagonally through about seven miles of the College lands.

In Adams county there is now a turnpike under contract from Rome, on the Ohio river, to the Mineral Springs, nineteen miles. This road passes through some, and in the vicinity of, a large portion of this land.

The foregoing and other considerations have forced upon my mind the conviction that the great body of these lands can not be sold, as required by the statute, without a ruinous sacrifice.

It is difficult to assign any particular limit to the value of that portion of these lands stratified with iron ore and the Waverly building stone accessible to railroads. Should they be immediately put upon the market, they would be valued principally for their agricultural and horticultural capabilities. Among the small farmers residing in their vicinity there would be little or no competition among bidders. I feel authorized to state that in some localities combinations are now formed to prevent competition in bids at any public sales that may be made.

The work of surveys is going on under the supervision and instructions of Captain C. A. Barton, who, in case I leave for a few months, will consult with Mr. Leete in all cases requiring consultation. From the surveys returned to me up to the first of November, they show in the aggregate 28,094 acres, as follows:

- About 12,149 acres surveyed in Scioto county,
  - 2,000 " in Adams by Puntenney,
  - 3,445 " " Copas, and
  - 10,500 " " Hankins.

Total, 28,094 acres.

From the best estimates I have been able to make, I should put the vacant, unsurveyed lands in Pike, Adams and Scioto counties at 50,000 acres.

All of which is respectfully submitted, with my kinder acknowledgements to the Hon. Ralph Leete for assistance rendered me in making out this report.

JAS. M. TRIMBLE.
The Virginia Military District is one of the original land subdivisions in the State of Ohio. These lands are found in twenty-three Ohio counties from the Ohio River northward, between the Scioto and the Little Miami Rivers and extend 141 miles from the Ohio River. This irregularly shaped district was reserved by the State of Virginia to satisfy its military bounty warrants from the Revolutionary War. This is the only one of the nine original subdivisions of Ohio that does not use a rectangular survey system. The Virginia Military District covers over 6,570 square miles and contains approximately 4,204,800 acres of land.

Over 16,125 indiscriminate [metes and bounds] original surveys are found in the Virginia Military District. Because of this large number of surveys and the difficulty in finding the physical objects they relied upon, there has been a great amount of litigation in this land area.

The land bounties given by Virginia to her Revolutionary War soldiers were very generous. The bounties ranged from 100 acres to 15,000 acres depending upon rank and length of service. The heirs of a soldier killed in the Revolution were entitled to a bounty.

Virginia relinquished and ceded to the federal government its claim to any unlocated [unclaimed] land in the Virginia Military District on December 9, 1852. In 1871, Congress cede this land to the State of Ohio. In 1872, Ohio designated these parcels as an endowment for the Ohio Agricultural and Mechanical College, not the Ohio State University. At that time, 76, 735 acres were believed available for sale by the University. Ohio State sold or quit-claimed these lands to individuals until the s. J. M. Thimble was the original agent of the Ohio State Board of Trustees for the sale of these lands. After his death, William H. Lad acted as the agent and in 1882, Samuel Centric of Chillicothe became the agent. A description of these activities may be found in Alexis Cope, History of the Ohio State University, Vol. I, 1870-1910 (Columbus: Ohio State University Press, 1920) 57-63.

This write-up on the VML Records was written by Professor Robert McCormick in conjunction with the processing of the few records we have in our collection. SEE RG 6/n.
THE VIRGINIA MILITARY LANDS.

COLUMBUS, O., June 6, 1889.

On the 31st day of August, 1882, the Board of Trustees entered into a contract with Mr. Sam. Kendrick, the terms of which are described in the following resolution, which was then adopted:

"Resolved, That Samuel Kendrick, of Chillicothe, be, and he is hereby authorized by this Board to discover, survey, plat, cause to be appraised, and sell undiscovered lands in the Virginia Military District belonging to the Ohio State University, and known as Virginia Military Lands. The sales and the conduct of all litigations and negotiations concerning the same to be reported to the Executive Committee of this Board, and by said Committee approved, before the same shall be binding upon either party. After said approval, all expenses of surveying, appraising, or litigating, and other necessary expenses incurred, save and except the time given by the said Kendrick, to be paid out of such funds as may arise from each tract of said lands by sale or compromise, and the residue of each tract to be divided as follows: To the Ohio State University, 66\(\frac{2}{3}\) per centum, and to said Kendrick 33\(\frac{1}{3}\) per centum. All moneys received by said Kendrick, excepting his expenses, as aforesaid, incurred, and his 33\(\frac{1}{3}\) per centum, shall, in all cases, be promptly paid to the Treasurer of this Board as soon as received. Undiscovered lands shall be held to include all of said Virginia Military Lands reported by said Kendrick, and not known to this Board or any of its former or present agents.

The said Kendrick is hereby fully authorized to compromise and settle any case or cases, with the approval of said Executive Committee—this authority to terminate on the 10th day of November, 1883. The said Kendrick is to be entitled to the said 33\(\frac{1}{3}\) per centum of all cases reported by him and approved by said Committee, and not finally settled at the date fixed for the termination of this authority. When said reported cases are finally severally settled, the proper agents and officers of this
former contract with the Board, made August 1, 1882, and this authority shall terminate at any time on sixty days' notice of this Board to said Kendrick.” [Printed Record of Proceedings of Board 1885 to 1887, page 25.]

April 16, 1888. At a meeting of the Executive Committee the following resolution was adopted:

"Resolved, That except in cases when specifically authorized, the prosecution of all suits for the recovery of Virginia Military Lands be suspended until further orders and that no such suits be commenced hereafter without the express authority of this Committee or the Board of Trustees." [Record of Proceedings of Executive Committee, page 182.]

November 21, 1888. At a meeting of the Board of Trustees the following resolution was adopted:

"Resolved, That Sam Kendrick is authorized to proceed with all cases now pending in court to recover lands belonging to the Ohio State University in accordance with the terms and conditions of the resolution of this Board, August 31, 1882, and the supplemental resolution of this Board, adopted February 23, 1887; but hereafter no suits shall be commenced without the express consent of the Board or of its Executive Committee, and the resolution adopted by the Executive Committee, April 16, 1888, is hereby rescinded."

On the 14th day of March, 1889, the General Assembly of Ohio passed the following act:

AN ACT

To quiet title to unpatented lands in the Virginia Military District of Ohio.

WHEREAS, The United States, by an act of Congress, dated February 18, 1871, ceded the unsurveyed lands in said district to the State of Ohio; and

WHEREAS, The General Assembly of Ohio, by act of March 26, 1872, ceded said lands to the Ohio State University; and

WHEREAS, It was supposed at the time of the passage of said
act of cession, that the legal title passed only to such lands as had not been surveyed, but it is now understood, and courts have been holding in many actions brought by said University to reclaim defective surveys, that the legal title to all unpatented lands in said district where the survey was not returned to the General Land Office, Washington D. C., before January 1, 1852, is now in said University; therefore,

Section 1. Be it enacted by the General Assembly of the State of Ohio, That as soon as the Board of Trustees of the Ohio State University accepts the provisions hereinafter made, it is hereby authorized and required to execute and deliver upon demand, a deed of conveyance to the parties in possession under claim of title of any unpatented survey or part thereof, in said Virginia Military District; provided, however, that all applicants for such deeds must furnish said Trustees with a certified copy of the deed under which they claim, and if required, a certified copy of the unpatented survey in which their lands are situated, as the necessary evidence to satisfy the Board that the same has never been patented, but has been occupied and improved by the said parties in possession or those under whom they claim title, for more than twenty-one years. Provided, also, that each applicant shall pay the Board of Trustees the sum of two dollars, as the cost of preparing and executing such deed.

Section 2. The Auditor of State shall add the sum of one dollar per acre, reckoned by the number of acres of land in each actual survey for all conveyances so made to that part of the irreducible debt of the State, which forms the endowment of said Ohio State University; Provided, that in cases where suit has been brought for the recovery of said lands, persons demanding deeds of release, shall pay all court costs of such suits.

Section 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

W. M. C. LYON,
President of the Senate.

Passed March 14, 1888.