National Discourses Materialized: Early Settlement and Land Tenure in Perry County, Ohio, 1801-1842

Ethan Bottone
Department of Geography
The University of Tennessee Knoxville

Timothy G. Anderson
Department of Geography
Ohio University

ABSTRACT: Beginning in the mid-1780s, the American federal government passed a series of laws that regulated the sale of public land to private citizens. Viewed within the context of Richard Schein’s work on “materialized discourses” in the cultural landscape, this paper argues that embodied in these statutes were a number of national discourses reflecting the commodification of land and the expression of federal authority on the expanding western frontier. The central institution produced by these acts, the Public Land Survey System (PLSS), reflects these discourses. The efficient and rapid disposal of land within the public domain to private hands under the auspices of the PLSS produced a landscape that represents the materialization not only of emerging national tropes regarding the commodification of land, but individual decisions which were both constrained and empowered by federal land policy as well. In order to more fully understand frontier settlement and land tenure processes during the Federal era, this study combines a close examination of issued land patents with field surveys of cultural landscapes in Perry County, Ohio, one of the earliest regions disposed of under the PLSS. The results of this study show that federal regulations on size, shape, and locations of purchases fashioned a characteristic settlement landscape that reflects the expression of national discourses materialized through tangible landscape elements such as roads and property lines, many of which persist in the present-day landscape. As such, we argue that the federal government was an influential “author” of this cultural landscape, at least with respect to the alienation of public lands, through national scale policies that shaped land tenure and subdivision patterns and processes. At the same time, however, individual decisions and actions at the local level resulted in modifications to the national PLSS ideal that reflected individual and local needs, desires and practices involving land subdivision on the nineteenth-century Ohio frontier.

Introduction

North American geographers have had a longstanding interest in documenting and analyzing the spatial patterns and processes associated with the settlement of the continent by a variety of population groups. A large number of early studies produced prior to the 1970s, heavily influenced by “traditional” Sauerian concepts and methods, exhibited a preoccupation with rural areas and tended to focus on the assessment of changes in the cultural landscape associated with successive episodes of human settlement. Most such studies involved
the documentation and mapping of material culture features such as folk housing forms in order
to uncover processes at work in the formation of culture regions.¹

Between roughly 1970 and 1990, American historical geographers shifted their attention
to a more thorough and nuanced understanding of the spatial processes underlying the regional
and national patterns described by an earlier generation of settlement geographers. One of the
dominant themes of these studies was the documentation of cultural transfer resulting from
the European and African settlement of eastern North America and the analysis of cultural
“divergence” in the interior of the continent. Often informed by detailed analysis of archival data,
a central goal was an attempt to understand how “American” cultural landscapes and settlement
systems evolved from Old World antecedents.²

The “cultural turn” of the 1980s and 90s produced a new generation of historical geographers
who pose different questions about the nature of settlement systems and cultural landscapes
focusing on the roles of race, gender and power. These new studies tend to deemphasize the
rural and the folk, instead placing greater emphasis on understanding the social production of
space, especially in urban settings. Informed and heavily influenced by post-structural literary
and social theory, much of the most recent research in American historical geography centers
on understanding the manifestations of social discourses relating to race, gender, power and
memory in both rural and urban cultural landscapes.³

A persistent theme present in each of these scholarship periods is an interest in identifying
and analyzing North America’s distinctive land subdivision patterns. Undoubtedly, the wide
variety of land subdivision patterns and surveying systems employed at various times in the
settlement of the continent engendered an interest in this subject among historical geographers.
Several seminal studies grapple with the origin, effects and meaning of the American Public
Lands Survey System (PLSS), which imparted a regularity in the American cultural landscape on
a continental scale.⁴ Edward Price’s monograph on the subject is the definitive source on regional
land subdivision patterns in the United States.⁵ However, the majority of such studies are careful
analyses of how unique survey systems associated with particular settlement periods and groups
(e.g. English systems in the colonial East, Spanish in the Southwest, French in Quebec and lower
Louisiana) impacted local landscapes.⁶

Taken together, the long trajectory of research on regional historical settlement processes
and land tenure and subdivision patterns undertaken by American historical geographers has
uncovered at least two general, large-scale processes at work.⁷ First, it appears that the settlement
of the eastern seaboard was highly selective in terms of regional origins and social class: certain
“fragments” of European and African societies distinguished by area of origin, class and traditions
tended to settle in disparate Eastern Seaboard locations, implanting those locales with specific
traits and traditions from Old World sending regions. Second, however, land tenure traditions
and social stratification in eastern North America became significantly restructured over time
compared to such traditions in Europe. While vestiges of the ancient feudal system of land tenure,
marked by a highly uneven distribution of land and wealth, remained entrenched in many parts
of Europe, settlers in North America viewed land as a commercial commodity from the beginning.
Access to land – the fundamental source of wealth in pre-industrial agricultural economies –
was therefore open to a much larger share of the population. When Europeans from the landless
underclasses encountered an economic system where land was relatively inexpensive, and in
which markets were poorly defined, many of the complexities with respect to land tenure, class,
and social relations of production so common in the old European feudal order were “simplified.”⁸
Moreover, differences from region to region and from locale to locale so common in the Old
World faded in North America with the development of national-scale policies and trends that were reproduced across the country, transcending political boundaries and regional subcultures.

Another common undercurrent in North American historical geography research – implicit in earlier studies, explicit in work that is more recent – involves “authorship” of cultural landscapes and the identification of large-scale processes at work in their creation. An earlier generation of scholars, heavily influenced by the Sauerian empiricist tradition, viewed the cultural landscape as the sum total of human “cultural” activity, laid down over time in layers upon the physical landscape; these layers can be peeled back and analyzed to reveal the values, traditions and ideals of those who created a given landscape.\(^9\) While not disavowing the power of individual agency in the creation of local-scale landscapes, Wilbur Zelinsky argued that four distinctly “American” motifs are evident in the country’s cultural landscapes, and that these themes – part of an American character or ethos – are evident at a national scale, regardless of locale or sub-region; that is, “American” cultural idea(l)s, developed especially after World War II, came to transcend local and regional political and cultural boundaries and were reproduced in the country’s cultural landscapes everywhere.\(^10\) For Zelinsky, “[c]ulture is . . . something both of and beyond the participating members. Its totality is palpably greater than the sum of its parts, for it is superorganic and supraindividual in nature, an entity with a structure, set of processes, and momentum of its own . . .”\(^11\) For more recent scholars, however, such formulations are problematic because they rely upon an unproven (even undemonstrated) contextualization of culture as superorganic, with “causative power,” and because they tend to minimize the power of individual agency in the creation of landscapes.\(^12\) This is to say nothing of the fact that many early studies failed to take into account such issues as race, gender and power and how they might affect landscape production and change.

Richard Schein offers a “bridge” between these two competing points of view with a “conceptual framework” for interpreting cultural landscapes (especially American landscapes) that centers on the idea of decoding discourses that are “materialized” in cultural landscapes.\(^13\) For Schein, any cultural landscape “…can itself capture different, even competing, sets of meaning, or independent, thematic networks of knowledge . . . [E]ach seemingly individual decision behind any U.S. landscape is embedded within a discourse. When the action results in a tangible landscape element, or total ensemble, the cultural landscape becomes the discourse materialized.”\(^14\) In this way, Schein contextualizes any given cultural landscape as “…a material component of a particular discourse or set of intersecting discourses.”\(^15\)

This paper addresses the discourses encoded in one such landscape element – the PLSS – and its genesis in the incipient American Midwest through the detailed analysis of land entry records during the initial period of Anglo settlement in a frontier setting. In our assessment of initial land entries taken from the public domain in northern Perry County, Ohio (Figure 1), an area where the rectilinear “township and range” federal survey system was first implemented, we seek to shed light on how the federally imposed grided survey system influenced individual purchasing decisions. Some scholars have argued the creation and implementation of the Public Lands Survey System (PLSS) represents a distinctly “American” expression of abstract principles (e.g. “Newtonian rationalism” or “republican individualism”) in the nation’s cultural landscapes.\(^16\) Others, however, contend the rectilinear cadastral system of the PLSS was a “practical and functional” solution to complex problems regarding the management and control of large tracts of land.\(^17\) For such scholars the PLSS is representative of the “reconfiguration” of Old World customs, traditions and ideals in the face of new social, economic and environmental realities that took place during the settlement of North American interior regions.\(^18\) Within the context of the literature reviewed above, the paper addresses and offers our assessment of three
primary questions. First, what was the nature of public land sales in an area in which the federal
government first implemented such sales within the organizational framework of the PLSS? Second, how influential was the PLSS survey ideal with regard to the location, shape and size
of parcels purchased by initial frontier settlers? Finally, in what ways do the tangible, material
elements of the historical settlement landscape that emerged through the interplay between
federal regulations and individual action encode important discourses about land and life on the
nineteenth-century Ohio frontier?

Public Land Sales

Native American tribes such as the Wyandot, Shawnee and Delaware, whose claimed
territories were shared communally among their respective members, occupied lands west of the
Appalachian Mountains for centuries before Anglo-American intrusion. As early as the 1750s,
however, Anglo-American settlers slowly began crossing the mountains to claim ownership
of the western lands for themselves. With the end of the American Revolution in 1783 and the
transfer of western British lands to American control, Anglo-American settlers streamed into these
areas, often encountering indigenous populations as they settled on the new frontier. Because
Eurocentric ideas of private land ownership conflicted with indigenous land practices, many such
interactions led to conflict committed by both Anglo-Americans and Native Americans, leading
to a cycle of violence described in detail by Hixson. These violent encounters escalated during
the late 1700s, culminating in the Battle of Fallen Timbers in 1794 and the signing of the Treaty of Greenville in 1795, which eliminated all indigenous claims in southern and eastern Ohio. These circumstances forced indigenous populations to move westward, opening the lands of eastern Ohio for unchallenged settlement by Anglo-Americans.

In order to control the settlement of newly acquired territory and raise funds to repay debts accrued during the revolution, the federal government devised a series of schemes to alienate the land in the Public Domain to private individuals. Besides allowing individual states to distribute lands they retained in the Northwest Territory (the Western Reserve of Connecticut and the Virginia Military District), Congress opted to sell land directly to individuals through public auctions, authorized under the Land Ordinance of 1785. This act implemented the first federal land survey system, the Public Lands Survey System (PLSS), also referred to as the “township and range” system. The initial 1785 ordinance, however, only allowed for the sale of whole 640-acre one-square-mile sections, and the auctions took place in distant New York City. Because of these mitigating circumstances, sales of land under this law were stagnant, totaling only $117,108 raised from the sale of 72,934 acres along the Ohio River. Failing to quickly dispose of public land, the federal government turned to private means of alienation, selling off millions of acres in Ohio to private companies, including the Ohio Company of Associates, based in Massachusetts, and John Cleves Symmes, a resident of New Jersey. Unfortunately, due to poor management and unsuitable land, these private ventures never sold enough land to repay the government for their deeds and much of this land reverted to government control per stipulations in the 1785 ordinance.

In need of a way to efficiently dispose of the Ohio lands and realize a profit from their sales, the federal government again turned to direct sales, but under much different terms than originally proposed in 1785. Refining the township-and-range system introduced with the first land ordinance, laws introduced subsequently in 1796 and 1800 utilized 36-square-mile townships, divided into one-square-mile sections. These laws also modified the previous land-distribution structure by establishing land offices in the Ohio territory, reserving the four central sections of each township for government use, and implementing a credit system that gave buyers five years to complete the purchase of their chosen lot. Additionally, under the Indiana Act of 1804, settlers could also purchase smaller aliquots of land in rectangular parcels of 320-acre half sections or 160-acre quarter sections. The modifications to the public land sale system enacted between 1796 and 1804 made the public domain more accessible to migrating settlers, resulting in significant increases in land sales in the United States between 1801 and 1805, slowing only during an economic recession in the mid-1800s. Besides reducing the amount of acreage bought, the recession also caused some settlers to default on their credit payments to the federal government during this time. To avoid a substantial loss of revenue, in 1806 Congress passed the first of a series of credit relief acts, extending to months or even years the length of time settlers had to repay the government fees owed from land sales. In 1820 the federal government ended the credit system, instead asking for the full price in cash at the time of purchase. To defray the costs of land sales for frontier settlers who would now have to pay over $300 for the smallest aliquot, the government again reduced the minimum available acreage to eighty-acres, a half-quarter section. The eighty-acre lot would remain the smallest available aliquot until 1832, when the forty-acre quarter-quarter section was introduced, becoming the standard parcel size bought by settlers in the nineteenth century. However, the end of credit sales did not mean the end of credit repayments: Many settlers who had their credit lines extended still owed money after 1820. Additional credit relief acts were passed after this date in order to keep these claims afloat,
including one in 1825 that implemented a system allowing purchasers to relinquish half of the land they claimed to the federal government in return for the complete repayment of their debt. Through these relief acts revenue was still gathered and public land continued to be alienated, despite reductions in land sales due to economic recessions, thus fulfilling the goal of the public land sale system.

Overall, the ordinances controlling the sale of public land during the credit era provided many settlers who otherwise would not have been able to afford land on the frontier the ability to purchase their own parcels and become productive entrepreneurs. Significant population growth in Ohio during the critical period immediately following the opening of the public domain for private sale is one measure of the effect of the public land survey system on the settlement and development of the frontier. Between 1800 and 1810 the population of the territory/state rose from 51,006 to 269,407, a five-fold increase in the space of a decade, a period during which “Ohio fever” took hold. This initial land rush included the sale and settlement of the area that would become the northern five townships of Perry County, first opened for purchase in 1801 and administered by the Chillicothe land office (Figure 2). The dates of patent issuance for this study area (Figure 3) range from 1801 to 1842, a period of forty-one years, and of the 593 patents issued within the five townships, 560 (94.4%) were granted before the end of the credit system in 1820. For the overall study area, the peak of patent issuance occurred between 1811-1812, when 149 (25%) of the total patents were issued. As demonstrated by Danhof and Schroder, the average amount of time necessary for a frontier settler to clear, improve, and make one’s land productive enough to fully pay off a claim was between four and five years. As the patent issuance date only reflects the date when the purchase was officially completed, it can be inferred that the majority of buyers in northern Perry County claimed and settled their land between 1806 and 1808, a period characterized by massive migration into Ohio. However, 125 patents (21%) were issued prior to this peak period, between 1801-1810, signaling that a significant share of this area’s settlement occurred at the very onset of “Ohio fever,” positioning northern Perry County as one

![Figure 2. Northern Perry County townships and sections. Map by authors.](image-url)
of the earliest regions settled under the public land sale system implemented by the nascent federal government.

Land sales continued after the peak period of patent issuance, mainly between 1813 and 1820 when 242 (40.8%) of the patents were granted, but at slower rates than seen in the previous two years. Once the credit system was eliminated for new purchases in 1820, sales declined rapidly (Figure 3), a sign of the benefits offered by the favorable terms of the early land legislation, as well as the rapidly decreasing availability of unsold land in the study area. In 1825 an uncharacteristic spike in patent issuances occurred, most likely a response to the passage of the Credit Relief Act of 1825, allowing settlers to relinquish land for the cancellation of their outstanding debt. Of the twenty-three patents issued during 1825, thirteen were for half-quarter sections, the aliquot Schroder identifies as the type most often granted after the 1825 law, supporting the assertion that this spike was a result of federal land legislation. Credit sales extended by other relief acts also continued throughout the later years of the public sales period, with credit volume patents (purchases begun under the pre-1820 credit system) issued as late as 1842. Upfront full payments also occurred after 1820 in northern Perry County, evidenced by the issuance of state volume patents, conferred after the end of the federal credit system. In general, though, sales after 1820 in the study area were stagnant, with only 75 (12.7%) patents issued between 1821 and 1842.

When the locations of patents are examined by date of issuance, specifically at the township level, patterns emerge that help explain purchase and settlement decisions made by Ohio frontier settlers (Figure 4). During the initial five years of public land sales in the study area patent issuance was slow, most likely because settlers were paying off their land claims under the credit system, taking advantage of the window granted by the federal government to build farmsteads and establish financial capital. Between 1806 and 1812, during the peak years of
patent issuance, settlers rapidly claimed and bought land, especially in the western and northern ends of the county. The proximity of these townships to Zane’s Trace, an important wagon road blazed in southeastern Ohio during the 1790s, to the early population center of Lancaster in neighboring Fairfield County, and to previously settled family members likely contributed to this spatial concentration of land sales. The local topography of these three earliest settled townships, characterized by land that was flatter and better drained, likely also influenced the earliest land sales in Thorn, Hopewell and western Reading townships. As flat, well-drained land is most conducive to farming, early settlers sought out the best available land, purchasing aliquots in these three townships first, resulting in a concentration of settlement in this area during the initial years of public sale. The less desirable land, particularly in the southeastern township of Clayton, sold primarily in the latter years of public sale, between 1813 and 1842, when land previously passed over was infilled by later settlement. These infilled areas consist of moderately- to extremely-broken topography, unsuitable for early farming techniques, and are relatively isolated from transportation routes and population centers. The settlement process of northern Perry County, in terms of sale dates, aligns with research conducted on other land districts in early Ohio.
Other landscape patterns can be determined from public land sale records during the initial settlement of the study area, such as how settlers came to purchase different aliquot sizes. Throughout the public sale era, the federal government offered four aliquot sizes, with the 160-acre quarter section being the most commonly purchased size, at an overwhelming 84.5%, 501 of 593 patents. Of the remaining 92 patents, 43 were half sections, 34 were half-quarter sections, and 15 were entire 640-acre sections. An explanation for this pattern, the preference for smaller aliquots, is easy to ascertain, as the quarter section was the minimum available acreage for the longest period during public sales between 1804 and 1820. The half section was available from the beginning in 1801, existing as the minimum available acreage until the introduction of the quarter section, while the half-quarter section was available only after the end of the credit system in 1820. It is obvious that early Ohio settlers strongly preferred smaller plots of land on which to establish their homesteads, as the aliquot of choice decreased in area during the period of public sale. For example, the average year of issuance for patents of entire sections was 1808, while the average years of sale for half sections was 1810 and 1814 for quarter sections. Clearly, as smaller pieces of land became available from the federal government, settlers overwhelmingly purchased these reduced aliquot sizes because they were easier to improve and transform into a working farmstead, as supported by both Danhof’s and Schroder’s estimates of settler land clearance rates.\(^{35}\)

The location of different aliquot sizes also supports the settlers’ preference for decreasing lot sizes over time. Areas of Perry County settled during the initial years of public sale, the northern and western regions of the study area, experienced higher concentrations of larger aliquots than townships inhabited in the latter stages of settlement, including the southern and eastern townships. For example, Thorn Township, the township with the earliest average date of patent issuance (1812), contains 23 of the 43 half sections issued in the study area, or 53% of the total number of half sections purchased. In contrast, Clayton Township, with the latest average date of issuance (1819), has only one half section; however, Clayton does claim the highest number of half-quarter sections, with 24 of the total 34 issued (70.6%). It appears from these numbers, then, that the size of aliquot purchased decreased over the period of settlement, which correlates with the reduction of the minimum available acreage seen in federal land legislation during the same period. The great abundance of quarter section patents, granted mainly between 1804 and 1820 when 160 acres was the smallest parcel size allowed, supports the hypothesis of the settlers’ penchant for small, manageable purchases from the federal government. Therefore, it seems that the needs and desires of individuals was the main influence in the size of aliquots purchased, at least within the confines established through law by Congress.

Constraints enacted by the federal government also influenced the settlement process of northern Perry County, such as the reservation of central sections for government-only use. The Land Act of 1796 stipulated that sections 15, 16, 21, and 22, always placed at the centers of congressional townships, would not be included in future public auctions and held in perpetuity by the federal government. In an effort to increase revenues from land sales, however, in 1804 Congress released sections 15, 21, and 22 for public purchase, though at a heavily inflated cost relative to unreserved sections. As plenty of surrounding land was available at much reduced rates, many settlers passed over the central sections for lots elsewhere. To compensate for this exclusion, the prices of the reserved sections were gradually decreased until about 1815, when they matched the regular public acreage price.\(^{36}\) Evidence for the initial avoidance and later settlement of reserved sections can be seen in the dates of issuance for patents: On average, the issuance date for the three above reserved sections was 1821, six years later than the average issuance date for all sections within the study area (1815).
Unlike the other reserved sections, section 16 was given to the respective state governments as lands for the construction of local schools, though this in fact rarely occurred; in 1827, Ohio’s citizens voted to open their school lands for public sale, allowing new improvements on previously unsettled land. As such, the dates of purchase for school land patents are much later than seen elsewhere in the study area, issued on average in 1833. Different aliquot sizes occurred in the school lands as well; since the state owned these sections, they came under different land legislation than the other reserved sections. Smaller-than-allowed parcels were sold to settlers in Perry County’s school lands, as small as quarter-quarter sections (forty-acres) and half-quarter-quarter sections (twenty-acres), a lot size never officially sold by the federal government. This lends credence to settlers’ preference for smaller land parcels, as discussed previously. Between the reserved sections and the school lands, the federal government directly disrupted the “natural” settlement process by withholding certain lands from public sale, creating patches of unimproved land quickly surrounded by working farmsteads, sold and infilled only years later.

Other tactics utilized by settlers that influenced early purchasing patterns in northern Perry County included the processes of assignment and tenanting. Assigning a patent entailed the original entrant of a land claim transferring their claim to a second party, the assignee, who then completed payment on the transferred aliquot to own it outright once the government issued a patent. Within the study area, 32% of the patents granted (190) were assigned at least once, a rate higher than reported in previous studies. In his examination of the credit system in Ohio, for example, Schroder found an assignment rate of 23% for issued patents in his study area. This discrepancy in assignment rates may have been a result of Perry County opening for public sale so early; the county’s land district was one of the first four opened for auctions in 1801, making it a primary destination for westward migration. When more lands opened for settlement further west, settlers searching for better fortunes had the opportunity to sell their claims to assignees, realizing a profit that could finance their journey to western Ohio or Indiana. The recession of the mid-1800s may have also contributed to the high concentration of assignments in Perry County, as the prices for many commodities fell during the period when many settlers were beginning to establish their farmsteads. Unable to sell their produce for profit, farmers may have decided to sell their land claims to incoming settlers who were able to purchase due to the sale of their eastern homesteads and move westward or to one of the growing cities of the period. Whatever the reason for the higher rate of assignments in the study area, it appears the main effect this phenomenon had on settlement patterns was a later average date of patent issuance, about one year later than unassigned patents. This finding indicates that assignments may not have had a large impact on the settlement landscape of Perry County, but it does show that early frontier Ohio was a transitory region, since as many as one-third of the original land claimants assigned their properties and settled elsewhere.

Tenanting of patents was much rarer during the settlement of Perry County, only appearing on 34 patents (5.7%) issued within the study area. This process occurred when two names were listed on one patent, noted with the phrase “as tenants in common, and not as joint tenants,” indicating that two parties contributed money to the purchase of the same aliquot, possibly split unevenly between the settlers. Tenanting patents were issued about two to three years later on average (1818) than untenanted patents, a fact likely explained by variations in the local topography. Many tenanting patents were located on broken, rugged ground in the southeastern portion of the study area: ten alone were in Clayton Township, almost one-third of all tenanting patents. As terrain of this type was not ideal for frontier farming, initial settlers passed over these aliquots in favor of land further north and west. When infilling of lots began in 1813, rugged land was finally claimed, but remained relatively unproductive; to make up for the
decreased profits returned from such land, purchasers might have decided to tenant the land in order to split the costs, only buying as much land as they could afford. No regulations controlled how settlers divided their land under common tenanted patents, allowing buyers to partition the land in any fashion they saw fit. For example, only one tenanted patent recorded the exact acreage received from the sale by both parties involved, with a Thomas Buchanan purchasing 215 acres and the second buyer, William Fullerton, receiving only fifty acres. Because of the lack of controls on tenenting, this process may have allowed settlers with fewer means to purchase land when they could not have afforded the minimum acreage set by federal law, as well as enabling smaller farms a chance to survive on less suitable farmland. Although tenenting involved only a small percentage of claims in the study area, it appears that this process afforded settlers an avenue in which to circumvent federal constraints on aliquot sizes, introducing a degree of freedom in the rather rigid, centrally controlled PLSS land alienation process.

A close analysis of the land patents issued in the five townships of northern Perry County sheds light on the patterns and processes of frontier land alienation from the public domain under the auspices of the PLSS. Although the government issued patents throughout the forty-one-year study period, most occurred within a relatively short window, between 1806 and 1812, during a time of rapid in-migration to a previously unsettled region. The average size of purchased lots decreased over the course of the public sale era, signaling a preference for small, manageable farmsteads and a federal response through dynamic land legislation. Federal legislation directly affected purchasing and settlement patterns through the reservation of central sections and school lands, but individual settlers exerted their own power and choice in public sales by assigning and tenanting patents, thereby circumventing certain aspects of federal constraints on land sales.

**Materialized Discourses in Perry County**

Decisions concerning the utilization and modification of spaces happen every day at a variety of scales, and reflect attitudes and beliefs that people hold, including perceptions of landscapes. Duncan refers to these beliefs and perspectives as discourses, defined as “shared meaning[s] which are socially constituted, ideologies, [and] sets of ‘common sense’ assumptions.”39 Richard Schein has written extensively on the concept of discourses embedded in cultural landscapes, explaining that individual decisions, reflecting a variety of discourses, can serve to modify and create landscapes, becoming an expression of a discourse in the form of a tangible landscape element.40 Once a discourse is materialized it can act to limit and/or empower “the possibilities inherent for human action upon the landscape,” influencing how humans access, use, or shape the spaces and places in which they live.41 Because landscapes constantly evolve through everyday activities, a given discourse materialized may later become destroyed, masked, or even enhanced, affecting the reflection of future discourses and modifying how past discourses are perceived. Because of the many occlusions and changes inherent in them, Schein asserts that the cultural landscapes of the United States are challenging to interpret due to their “piecemeal [creation] within a cultural milieu that idealizes liberal individualism, laissez-faire capitalism, and political democracy.”42 As such, Schein argues that the numerous individual discourses encoded in the American landscape illustrates how this “milieu” “... [m]itigates against powerful, centralized, large-scale landscape authorship” common in other regions of the world.43 But on the other hand, our analysis of early land patents in frontier Ohio suggests that through the implementation of the PLSS and the enactment of dozens of acts and regulations regarding land tenure, the federal government was indeed at the very least an important “co-author” with individual settlers in the creation of this and other similar frontier locales.
Because the federal government ultimately controlled the disposal and alienation of public domain lands such as Perry County during the early Federal era, its enforced actions and policies regarding land tenure and land subdivision heavily influenced the discourses embedded in such landscapes. As such, we might term these as “national discourses,” as they reflect the wants and ideals of the democratically elected federal government. Decisions made by settlers on the ground at the local level, reflecting individual needs and desires, also played a significant role in the creation of the settlement landscape of Perry County, but these individual actions were also constrained (or in some cases enabled) by the government-controlled sale of the public domain. In the end, the federal government’s actions encoded a discourse of centralized governmental authority in such landscapes. Schein asserts that many American landscapes are the product of individual agency, as a variety of the country’s materialized discourses reflect the ideals and aspirations of individuals. But at the same time, it can also be argued that these individual materialized discourses were encoded against a backdrop originally created by the federal government, at least with respect to land tenure and subdivision.

To understand the production of landscapes and their encoded discourses during the early Federal period, it is important to understand the prevalent national discourses of the era. The noted historian Joyce Appleby argues that contrary to the popular belief that the political atmosphere of the Early Republic was dominated by a populist “agrarian myth” ideal (which held that Republicans like Thomas Jefferson were working to construct a democracy on the foundation of the “proto-commercial” yeoman farmer), government officials of the period in fact actively promoted the commercialization of small farming by enacting policies that encouraged the disaggregation of population and the advancement of individual freedom of choice. Facing a growing need for private land ownership driven by rising demand for American foodstuffs, the federal government under the supervision of Jefferson and his protégés responded by enacting legislation which established the public land sale system, a “concrete policy measure that emanated from this prescription for American growth…making new land in the national domain accessible to the individual farmer-owner.” This “concrete policy measure” represents a national discourse materialized, reflecting the federal government’s belief that land should be commodified in an effort to “[redirect] the sovereign people away from exercising power as a body,” through the power of capitalist economics, and to at the same time raise funds for the repayment of debt incurred from the revolution. In creating a scheme that systematically divided the land and facilitated its rapid sale, the federal government ensured that this national discourse would be imprinted on the landscapes of frontier regions, from early Ohio to the Pacific Ocean.

Underlying this national discourse of land commodification is another discourse seen less directly on the landscape, though encoded in it just the same. During this period of expansion into previously “unsettled” territory far away from the seat of government in Washington, D.C., bureaucrats worried about losing control of the frontier populace and about how to confront popular uprisings, such as the 1791 Whiskey Rebellion in western Pennsylvania, or aristocratic plots like the alleged Burr Conspiracy. Needing to assert authority and a sense of power over the growing Northwest Territory, the federal government turned to legislation that ultimately had the effect of encoding such a discourse in the landscape, which settlers subsequently built upon. At the same time that military outposts began to dot the frontier, land offices, representing not the military but rather the bureaucratic arm of the federal government (in this case, the Department of the Treasury), were also constructed, first in Ohio, but quickly all across the frontier. In this way, the very same national discourses, materialized in the commodification of the public domain for private sale through the PLSS, reflected the authority and regulation of the federal government,
working to establish a federal presence on the frontier through the constitutional right of the
government to collect taxes, and through the disaggregation of society previously described by
Appleby.  

Two instances of expressed federal authority on the frontier during the Early Republic are
apparent. The first, hinted at above, involved the movement of settlers to frontier regions, seeking
economic prosperity offered in a new environment. In creating a scheme in which land had to be
bought, and even financed (e.g. the credit system before 1820), from the federal government, and
in which the government controlled to a large extent when and where settlers could purchase
land, the public land sales system and the PLSS asserted a sense of federal dominance over the
frontier. These programs even went so far as to facilitate state and federal taxation of private
property after settlement occurred, a direct expression of power by the centralized government
over private citizens. The second involved federal subjugation of Native Americans who had
lived for centuries on the same land that Americans now aimed to commercialize. Though not
as explicit as the warfare and forced removal of Native Americans from ancestral lands, taking
control of and dividing those same lands for commercial sale was an implicit demonstration of
symbolic authority over the Native American way of life, and a means toward the end goal of
“complete control of the land.” Once held communally by indigenous peoples, these federal
land policies communicated to both the defeated Native Americans and the incoming Anglo
settlers that the public domain was ultimately under federal control. By establishing the PLSS to
tame what had become a cultural myth of primitive wilderness, the government created a “binary
between land wasted by indigenes and land mobilized for progress by settlers.”

This interpretation of federal land legislation dovetails well with theories of settler
colonialism, which critically examine how the Anglo-European settlement of new regions was
made possible only through the removal of indigenes. A central focus of settler colonialism
narratives is “the seizure and privatization of [the] lands” of indigenous societies, leading to “the
creation of labor systems and infrastructures that make the land productive.” Viewed through
this lens, federal land legislation and the public land sale system it established are tools of a settler
colonial society, national discourses materialized that reflect dominance over indigenous societies
and the land they once held, and are part of the foundation for contemporary attitudes built, as
Bonds and Inwood argue, upon the idea of white supremacy. Though not expressly seen on
the settlement landscape of the frontier, this settler colonial discourse is encoded into national
discourses made tangible in the landscape of places like Perry County, Ohio.

Conclusions

In the five townships examined for this research, the federal land policies described
above created a settlement landscape that settlers subsequently modified through individual
decisions and actions, a landscape encoded with a series of national-level discourses reflective
of American ideals and tropes regarding the meaning, value and commodification of land.
In order to commodify the public domain and assert its authority on the frontier, the federal
government oversaw the survey and subdivision of the public domain into a highly regular
grid of townships and ranges, each containing 36 one-square-mile sections. The northern
Perry County study area entailed 176 square-mile sections, ultimately alienated into private
hands in the form of 593 individual land patents. While it has already been established that the
legislation which implemented this system was a national discourse materialized, the arbitrary
grid survey is another example of a materialized national discourse, one representing the desire
for commercialized land (the grid system allowed land to be rapidly and efficiently surveyed,
recorded, and sold), the need for authority on the frontier (through the obfuscation or outright
destruction of Native American beliefs regarding communal land ownership), and the need to
record, for taxation purposes, the size and location of individual land holdings. The grid not
only reflects these national discourses, it also influenced the creation of the built landscape of
Perry County as settlers developed their farmsteads along the grid lines employed to survey
their property boundaries. Soon after settlers entered their claims at local land offices, trees
were felled, fields were planted and fences outlining properties were constructed, all according
to the aliquot lines first surveyed by the federal government. Out of the “wilderness” of Ohio,
rectilinear square plots of improved land appeared, representing the “progress” of American
settlers and the government’s authority over the landscape. As settlers could only legally
establish a farmstead on land they had entered with the land office (pre-emption laws were not
officially enacted until the 1840s), the settlement landscape of Perry County was, on a broad
scale, highly regulated by the federal government, even though settlers were able to choose
which aliquot they wanted to purchase out of the survey grid.

These large-scale national discourses influenced the expression of smaller scale individual
discourses as well. Federal land policies affected the timing of individual settlement both nationally,
through the controlled opening and survey of land districts only after the relinquishment of Native
territorial claims, as well as locally, through constraints on aliquot size and section reservations.
In northern Perry County, the earliest minimum available acreages, the whole and half sections,
contributed to slow sales during the initial years of public sale, as many incoming settlers were
unable to purchase or maintain such large parcels. Evidence for this appears in the record of land
patents issued between 1801 and 1804, during which time only two aliquots sold, both whole
sections in western Reading Township. After federal legislation introduced the quarter section
aliquot in 1804, however, land sales rapidly escalated. The location of certain aliquot sizes also
reflects federal limitations. The majority of half sections issued within the study area, for example,
were in Thorn Township, the township with the earliest average date of patent issuance. Claims
in this township occurred under the earliest forms of federal land legislation, which stipulated
the minimum purchase was 320 acres, or a half section. The timing of the earliest settlement in the
township, coinciding with a specific early land policy, created a settlement landscape featuring a
high proportion of half sections, while townships such as Hopewell and Madison, settled after the
quarter section aliquot appeared after 1804, were numerically dominated by quarter sections. The
opposite of this situation occurs in the county as well, with Clayton Township, the latest-settled
township on average, registering an abundance of half-quarter sections, sold only after 1820.

The reservation of the central sections (excluding the school lands) represents perhaps
the most direct influence the federal government had on the construction of the local settlement
landscape. By restricting settlement in sections 15, 21, and 22, the government openly exerted its
authority over the frontier population in prohibiting access to thousands of acres of agricultural
land. Even after the government allowed sales in these sections, federal authority continued to
influence the pattern of land sales in Perry County due to significantly higher prices per acre
in these formerly restricted sections, at least four times higher than in surrounding sections.
These settlement restrictions and subsequent inflated prices affected the dates of issuance for the
reserved sections. For example, purchases of aliquots in previously reserved sections occurred an
average of five to six years later than in other sections. The reservation of section 16 for school
lands produced an exaggerated version of the same effect on purchasing patterns in the county, as
these sections opened for public sale only after 1827. The reservation of these sections represents
a national discourse of federal power and authority that the federal government wielded over the
frontier through control of the land itself and the people who settled it, and through government
commodification of the land through the establishment of higher land prices in reserved sections.
Because of the initial reserved status and higher acreage prices of the central sections, settlers avoided purchasing land here, instead choosing surrounding sections where prices were more manageable. This avoidance, engendered by the earliest federal land policy, created a landscape characterized by patches of land that lay unimproved, juxtaposed against a backdrop of farmsteads featuring boundary fences, woodlots, and fields. The contrast between the improved aliquots and the unimproved central sections can be labeled a national discourse materialized as well, as the purchasing patterns of the settlers that allowed the contrast to emerge was essentially guided by the vagaries of federal land policy.

Akin to the timing of purchasing patterns, federal land policy influenced the size and orientation of purchased aliquots. Settlers were required to purchase aliquots of a fixed size from the federal government; only lots of 640, 320, 160, or 80 acres were available during the public sale era in Perry County. In the later years of the study period, when changes in federal policies allowed for the purchase of land from other agents (e.g. the sale of reserved school sections by the state government), settlers began to purchase aliquots smaller than those purchased in earlier years from the federal government. Settlers who purchased lots of 40, 20, and even 8 acres were in the school lands of Perry County, demonstrating the state government conducted and facilitated land sales differently than federal government. Federal land policy also largely determined the shape of land sales, only allowing for the purchase of rectangular plots from the public domain. This constraint was a consequence of the grid pattern employed through the adoption of the PLSS’s rectilinear township-and-range survey system, which allowed for the efficient recording of public land sales. The rectangular nature of this survey system also facilitated taxation, as it allowed for the efficient accounting of acreage, necessary for an accurate assessment of dues owed. The sale of rectangular lots benefitted settlers as well since rectangular aliquots required less wood to fence than irregularly shaped lots, providing farmers with more time, labor, and capital to invest in ventures that were more profitable. Each of the aliquots sold by the federal land office in Perry County were lots, and this pattern persists to the present day, particularly in the form of cadastral and field boundaries laid down along aliquot lines, this process dovetailing well with Thrower’s seminal survey of PLSS-induced cadastral patterns in an area of southwest Ohio. Although some obfuscation through the actions of individuals has occurred in the 200 years since initial Anglo settlement, remnants of materialized national discourses remain in the form of roads that coincide with aliquot boundaries and field boundaries that reflect original lot subdivisions (Figure 5). Together with a number of property lines that even today expose errors made during the initial survey, these are all representations of the powerful influence of the federal government in the creation of the settlement landscape.

Federal land legislation significantly influenced the means by which settlers purchased land as well. The credit system established by the Land Act of 1800, granting settlers a five-year window to complete payment of their land purchase, allowed incoming migrants to focus on improving their land for a period long enough to achieve profits from the sale of surplus produce. Buyers could then use these profits to repay the federal government, which occurred on average within the original time allotted, as Schroder documented. The credit line offered by federal land policy facilitated a direct goal of the public land survey system, the commercialization of frontier land, by permitting settlers to accumulate capital in the form of money, commodities, land, and tools, stimulating both the local and national economies.

The credit system employed during Perry County’s initial Anglo settlement period reflects the national discourse of federal authority over the frontier and its inhabitants. David Harvey writes, from a Marxist perspective, “. . . the credit system [in this case, a general version of credit] ...embodies a certain power” through its regulation of monetary relations. Viewed in this way,
we can extrapolate that the specific credit system created by early federal land policy asserted the power and authority of the federal government. While the terms of the credit system did in fact greatly benefit the settlers who took advantage of the government’s offer, the system also had the potential to affect the lives of borrowers in a negative way if certain conditions were not met. The acceptance of federal credit produced a subset of settlers indebted to the government for a period of up to five years (longer if settlers applied credit extensions), beholden to annual repayment deadlines that, when missed, could result in the forfeiture of land and property. Depending on the circumstances of the aliquot purchase and commodity prices, the annual sum owed could represent a large portion of the capital accumulated by the settler, possibly leading to future difficulties in purchasing needed supplies or making later credit repayments. Through the power granted to federal agents to collect debts, repossess land in arrears, and resell reverted land, the authority of the federal government influenced the actions of many settlers who took advantage of the policy during a time of uncertain political and economic power.

A resultant landscape element of the credit system, materialized on the frontier, was the spike in half-quarter section patents issued in 1825, especially in Perry County’s Clayton Township. Through the terms of the credit relief act passed that year, allowing settlers to relinquish half of their claimed land in exchange for the cancellation of their outstanding debt, the federal government stimulated land sales by circulating previously unavailable land back into the public domain for resale. The large number of patents issued in 1825, specifically those for half-quarter sections, is evidence for the influence this law had on both the economic and physical landscapes of early Perry County. By rapidly selling relinquished land and eliminating the settler debt (a benevolent force of federal authority), the Credit Relief Act of 1825 stimulated the commercialization of the frontier, an important national discourse during the early Federal period.

Figure 5. Present-day aerial photograph of section 25, township 18 north, range 17 west in Thorn Township. The photograph on the right is overlain with the aliquot boundaries originally purchased in the section. Notice the field and forest boundaries, as well as roads, that align with the original aliquot boundaries. Source: Google Earth.
The myriad of national discourses described above, made tangible in the cultural landscapes of Perry County, represent both the expansive influence of the federal government and local individual agency with regard to purchasing patterns and land tenure processes in frontier locales. When examined holistically alongside the discourses materialized in the actions of individual settlers (such as freedom of choice and accumulation of capital), we argue that federal discourses, materialized in the form of land tenure and subdivision regulations, influenced the character of a variety of landscape elements by either constraining or empowering individual actions. The size of lots purchased, their spatial orientation, when they could be sold, and even how they could be purchased were all regulated at one time or another by the federal government during the settlement of Perry County. The government’s desire to assert its authority with respect to the alienation of public domain lands (and by extension frontier settlers themselves), together with the commercialization of land in order to stimulate the growth of the economy, guided when and where settlers could purchase land and establish farmsteads.

At the same time, purchasers were free to choose whatever location on the survey grid that was open for settlement to enter their claim, and this freedom did in fact lead to a pattern of settlement where land in close proximity to early transportation routes, population centers, and suitable topography was purchased first. Individuals also took advantage of several patenting processes, such as assignment and tenanting, which influenced settlement patterns. Settlers could sell their claims as they saw fit, or could even split the aliquot with tenants in ways not constrained by federal policies. Tenants and assignees were nevertheless constrained by the terms of the credit system and were compelled to meet annual repayment deadlines or face the consequence of reversion. Even the autonomy in choosing the locations of aliquots was constrained to a certain extent by the federal government in the form of reserved sections. The impact of federal landscape authorship on the frontier landscape of Perry County was so comprehensive that landscape elements stemming from the earliest settlement period, along with their encoded national discourses, persist to the present day. Ultimately, however, we argue that the early Federal-era settlement landscape of frontier regions like Perry County was the product of a long series of interactions between individual settlers and the federal government. That is, local agency in the form of local land tenure decisions reflecting individual needs and desires was a significant factor in shaping the nature of Perry County’s early settlement landscape, but the central authority of the federal government, reflected in the PLSS survey and a wide array of federal regulations, imposed a national-scale “order” within which and through which individual decisions were made.

NOTES


9. Sauer’s famous analogy “[c]ulture is the agent, the natural area is the medium, the cultural landscape is the result” best sums up this idea. Sauer, “Morphology of Landscape” (1925).


24. Sherman, *Original Ohio Land Subdivisions* (1925). In the context of the PLSS an “aliquot” refers to a rectilinear-shaped subdivision of a section (one square mile) of land based upon an even division measured along the sides (rather than by total area). This “aliquot principle” was essentially division by halving, and it not only ensured that the rectilinear survey ideal would be replicated with successive subdivisions of the land, but it also allowed for the sale of parcels of land smaller than a quarter section (160 acres) without having to re-survey those smaller parcels. For a detailed discussion of this important concept, see Hubbard, *American Boundaries* (2009), 274-277.
30. We utilized qualitative methods, including document analysis and fieldwork, to address the research questions. First, we examined land patents granted to the original purchasers of land from the public domain for a variety of data points, including location, date of issuance, type of aliquot purchased, and origin of purchaser if given. We also recorded other items of note, including if a patent was tenanted or assigned, as well as general notes including misspellings of names or other notations on the patents. We accessed the patents issued for the land in the Perry County study region from the database available online at the General Land Office’s website, now a part of the Bureau of Land Management: http://www.glorecords.blm.gov/default.aspx. We entered the records into Microsoft Excel spreadsheets and divided the information by civil township for analytical purposes.
37. Perry County Chapter, Ohio Genealogical Society, Perry County, Ohio School Land Vote: A List of Voters for the Sale of Section 16 (Junction City, Ohio: Perry County Chapter, Ohio Genealogical Society, 1997).
42. Schein, “The Place of Landscape” (1997), 663.
43. Schein, “The Place of Landscape” (1997), 663.
44. Schein, “The Place of Landscape” (1997), 663.
55. See Bottone, The Historical Production of Landscape (2016) for a more detailed explanation of the persistence of national discourses materialized.