

Westward Ho  
The Ordinance of 1787

Have you ever reflected somewhat as follows; What were the principles which set our government apart from those of other nations? What was it and is it that stamped the United States as a new and admirable step in the governmental progress of mankind? How did those principles happen to come together in a common form in the birth of this particular nation?

The men of Lexington and Bunker Hill - even those of Valley Forge and Yorktown - did not know the mold into which the resultant nation was going to be cast. Yet how inevitable that their thoughts and discussions should be centered around the final outcome of their eight years of hardship, suffering and sacrifice? Finally, with peace assured and awaiting only the signing of the treaty, these rugged continentals, who now had the time and acute reason for most earnest consideration of their own and the nations future, did formulate their own conceptions of the nation which was being born.

There, from the minds of ordinary Americans, neither politicians nor statesmen, came the first collective presentation of those principles of ethics in government which have directed the peculiar destinies and development of our nation.

So many of these men had seen their meager fortunes sacrificed to the cause of independence that they planned not only for new laws, but for new lands, beyond the jealousies and political

<sup>jockeying</sup>  
~~jockeying~~ which had grown <sup>uh</sup> ~~out~~, in, and between the former colonies.

Nor was theirs a hasty plan of government. It persevered while Congress dallied with the idea of westward expansion and integration of the nation.

After four years, Congress adopted at their behest, the famous Ordinance of 1787, which set forth for the first time in unified form, the essence of American thought as to the relation of our government to the rights of men - the crystallizing expression of <sup>what</sup> America had fought for - the principles under which her people willed to live.

The various claims to authorship of this document made in time since, as its momentous import has become apparent, have but emphasized the significance of this great ordinance.

Read this vital document. Note those passages shown in red - which had not appeared in the Declaration of Independence or in the Articles of Confederation - and which did not appear in the United States Constitution when it was later adopted by Congress and submitted to the States.

Yet those principles, first embodied into a United States government document as the "Ordinance of 1787", were rapidly becoming so deeply embedded as American ideals that they became the first ten amendments to that Constitution.

The Ordinance of 1787 set the pattern for practically every state constitution written as the nation moved westward from sea to sea, and to our present prominent position among the governments of the world.

And today, despite our vaunted representative government and our system of checks and balances, still to the mind of the average American, these principles which relate government to the rights of man remain the most illustrious and distinctive features contributed to organic law by the United States.

Some of these exceptional provisions of the Ordinance of 1787 had been proposed long previously and at variant times and under varying conditions. But here, for the first time, they found collective inclusion in the fundamental law of a nation, and became a basis <sup>upon</sup> ~~where~~ which was to be reared one of civilizations great forward surges.

Thus, this celebration - and educational program, to revivify and honor some of America's greatest thinking and sublime accomplishments.

#### The Western Problem

Now let us go back to 1783 and see what the treaty ending the Seven Years War meant to the infant American government. It now must face the same staggering problems that had plagued England's ministers. How could the Indians be removed from the Trans-Appalachian wilderness? The lands disposed of? and The settlers be governed? Britain's best statesmen had failed to find an answer; now an untried Congress, torn by dissension and sectional jealousies, must succeed or see the collapse of the entire democratic experiment. To make matters worse, the solution was complicated by a number of conflicting interests involving land companies, traders, foreign intrigue, and state

claims. Truly the task seemed insurmountable.

Congress' first step was to secure undisputed control of the West, for at the start of the Revolution the over-mountain region was claimed by seven of the thirteen states on the basis of the crown-granted sea-to-sea charters to which they owed their origin. Massachusetts, Connecticut, North Carolina, and Georgia contended that their original grants had provided each with a strip of coast and northern and southern boundaries running to the Pacific, so they now said their lands extended to the Mississippi, South Carolina, disputed Georgia's claim. Virginia insisted that her 1609 charter gave her control of Kentucky and virtually all lands north and west of the Ohio River. New York claimed the same region, not by colonial grant, but because her jurisdiction over the Iriquois applied to all lands conquered by that tribe.

Throughout the Revolution both national statesmen and representatives of the six "landless states" urged the cession of western lands to the United States. The nationalist group said that trans-Appalachian lands were common property because they were "wrested from the common enemy by the blood and treasure of the thirteen states" and that a nationally owned west would serve as a bank of unity during trying days when interstate rivalries threatened the Republic, and that central control would satisfy frontiersmen who had clamored through the war for a better form of government than individual states could provide. Also they said that the lands were needed both for revenue and for satisfying

bounties promised men who had enlisted in the Revolutionary armies.

Spokesmen for the six states that did not claim western territories agreed with these arguments but pointed out that cession was necessary for them to be able to protect their commonwealths. Then they noted that states with territories in the West could care for most of their expenses by selling land, while those without would be forced to raise taxes which would tend to drive their inhabitants to the landed states.

While it is true that most who argued this way were sincere there still was a very vociferous group in opposition. They were speculators who hoped to use their local influence to secure state-granted lands in the West. There follows a rather complicated struggle lasting from 1776 to 1786. Time won't permit me to go into much detail concerning this struggle but let me point out that by June 1783 most Americans saw that a few greedy individuals were denying Congress a domain badly needed to ease the nation's financial burdens and satisfy bounty-holding Revolutionary heroes. In June of that year a new committee composed mostly of the representatives of landholding states urged Congress to accept the cession which Virginia had offered in September, 1780. (In this Virginia had agreed to turn over its western lands only if Congress guaranteed that no private purchases made there would be recognized.) Congress adopted the committee's report in September 1783 and on March 1, 1784 Virginia officials, happy in their victory over the speculators, transferred their state's western holding to the United States.

Thus Virginia in her cession had set a pattern that other states later followed. However, all the states had issued land bounties

to their Revolutionary militia and were now faced with the necessity of retaining enough western territory to satisfy those claims. So the Virginia Assembly retained a "military reserve" between the Scioto and Little Miami rivers as well as a 150,000 acre plot opposite Louisville which was awarded to George Rogers Clark and his men. Only the lands north of the Ohio River were included in the cession for most of Kentucky was already sold so that region was kept as a county until ready for statehood.

The other northern states quickly followed the example of Virginia (and New York which had ceded her claims in 1781). Massachusetts ceded all its lands west of New York in November, 1784. Connecticut gave up all its interior territory save a "western reserve" of nearly 4,000,000 acres in northeastern Ohio in May, 1786. So by the end of 1786 the United States controlled all of Northwest except the Virginia and Connecticut reserves.

Now what to do with the Northwest territory? Congress had begun to shape a western policy as soon as Virginia made its cession in 1784. In the next three years with a systematic progression that resulted from chance rather than plan, the three most important problems were solved; (1) How to sell the public domain, (2) how to clear away the Indian inhabitants, and (3) how to govern the federal territories? The monumental laws embodying these decisions set a pattern that was followed through the history of the frontier in determining relations between the government and the west.

As might have been expected the nation's first concern was a means of selling the newly acquired lands, for money was needed to pay the Revolutionary debt and meet the government's regular expenses. The complexities of the problem soon became clear. There were two established systems; the New England practice of surveying the lands before settlement and selling them in orderly blocks, or the southern custom of "indiscriminate location and subsequent survey" which allowed a settler to purchase warrant, lay out his plot where he wished and then have it surveyed. As you can readily see both systems had elements of strength and weakness. The northern system avoided conflicting titles and assured settlers protection as they advanced in orderly tiers but it required them to buy bad land along with the good. The southern system caused a welter of conflicting titles for each homeseeker avoided poor soil by laying out irregularly staked plots which could not be surveyed accurately. What was Congress to do?

Many suggestions had been made, even as far back as 1781 when Pelatiah Webster urged the government to divide the West into square townships to be auctioned off at a minimum price of 1 dollar an acre. For three years the question was debated occasionally, but not until March 1785 did Congress set up a committee to recommend a definite program. The Committee's report proposed that the public domain be divided into townships seven miles square, that these be sold at auction with a minimum price of \$1 an acre, and that only whole townships be disposed of to united groups of

frontiersmen. This proposal (practically Webster's plan) aroused southern Congressmen. They pointed out that pioneers from their states were unwilling to band together for township purchases, thus giving socially minded northerners an undue advantage. After a month of debate Congress on May 20, 1785 adopted the Ordinance of 1785. This is often referred to as "one of the most important legislative measures in American history".

All government-owned lands, it said, would be divided into townships six miles square. These, in turn, would be divided into thirty-six numbered "sections", each containing one square mile or 640 acres. Alternate townships would be sold as a whole and in sections, thus satisfying both New Englanders who wanted large units, and southerners who wished smaller plots. The auction method was adopted, with regular sales in each state, and a minimum price of \$1 an acre. Congress reserved four sections in each township for subsequent disposal and set aside one - section sixteen - to maintain schools. The ordinance provided that the first "base line" as the east-west surveys were called, should run due west from the point where the Pennsylvania boundary crossed the Ohio River, and that north-south "range lines" should extend southward from this to the Ohio. As soon as the first "Seven Ranges" were surveyed the whole tract, in the southeast part of what is now Ohio, would be opened to settlers. Thus we see that Congress by adopting the Ordinance of 1785 traded the immediate benefit of land sales for a well-ordered future. They ended the confusion which had existed under the southern warrant system. Yet months

or even years would be needed to complete the surveys necessary before sales could begin.

While surveys were getting underway, Congress turned to the second step needed to open the West; the removal of the Indians. Five commissioners had already been named to treat with the northwestern tribes. They were now sent to the Ohio country to meet the natives and establish the boundary now to be open to settlement. This proved to be a very lengthy and complicated task so to save time I've tried to show how it was handled between 1783 and 1787 by the chart, realizing that this does not make clear the problems caused by illegal settlers and by the Indian wars.

Congress' problems were complicated by the work of land speculators ( some of whome were in Congress) who succeeded in getting Congress to sell large amounts of land to the so-called land companies. Such as the Ohio Company, the Scioto Company and the Symmes Purchase.

Now we come to the third question facing Congress; How were the people in the new territory to be governed? Congressmen had long wrangled over a governmental system for the western territories. They realized that their problem was the same as that which faced Parliament before 1776. The colonists had wanted a system of coordinacy which would have placed the colonies and mother country on an equal footing, bound together only by the allegiance both paid the king. When Parliament failed to realize this and tried to rule the King's American subjects, war followed. So Congress realized they must grant autonomy to their

colonies to escape a second revolution. The Union could exist only if no one of its parts was subservient to any other.

This had been made clear by the attitude of westerners during and just after the Revolution. The frontiersmen who lived beyond the mountains thought of themselves as men of a different world - the "Western World" they called it - who demanded the right to shape their own destiny. Their feelings might be summed up by these questions; (1) What did self-satisfied easterners know of life on the frontier, (2) of the need for protection, (3) of the need for easy land laws, and (4) less <sup>burdensome</sup> ~~burdens~~ and no taxes? Petitions were sent over the mountains protesting actions of the distant legislatures and when the petitions were ignored the colonists showed a tendency to take matters into their own hands. Seperatehood movements flourished and died in the west all through the Revolutionary Period. In fact Pennsylvania was so plagued by the demands of its over-mountain citizens for independence that in 1783 it threatened all agitators with the death penalty. Finally Congressmen realized that the west would be satisfied only with the same rights and privileges under the central government that the east enjoyed. This could be accomplished only by erecting the trans-Appalachian territories into states, to be admitted into the Union on terms of full equality with the original states.

This principle was clearly stated in October, 1780, when Congress tried to get the landed states to cede their western holdings by promising that all cessions would be "formed into separate republican states, which shall become members of the

federal union, and have the same rights and wovereignty, freedom and independence as the other states." There followed much debate to the size of these states and the method by which they would be admitted.

As was to be expected numerous plans were suggested. I should like to call attention to only a few of these. (1) An "Army Plan" was submitted by officers in 1783 proposed statehood for the present Ohio as a means of caring for the soldier's land bounties; (2) A "Financiers' Plan" offered by several business leaders two months later would have divided the west into territories embracing two degrees of latitude and three of longitude which would become states as soon as their population reached 20,000; (3) More important was a plan submitted by a Congressional Committee chaired by Thomas Jefferson, which suggested that the Mississippi Valley be divided into fourteen districts, each with an impressive classical name. The first settlers would set up a temporary government with a legislature, elected officials, and delegate to Congress, which would controll the district until its population reached 20,000 when it would be admitted "into the Congress of the United States, on an equal footing with the said original states."

Jefferson's Ordinance of 1784 never went into effect, for Congress ruled that it should operate only after all landed states ceded their western territories. But before that had occurred other criticisms were voiced. Westerners <sup>opposed</sup> ~~the~~ fixed rectangular boundaries. Easterners had two important complaints; (1) that the new states would outnumber the original and they would lose control; the West would be interested in agriculture,

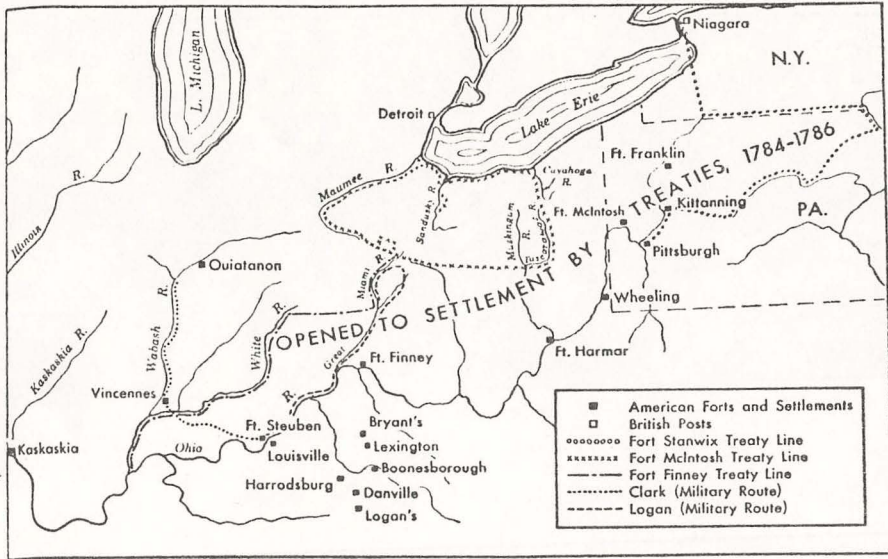
and the seaboard economy would suffer. Then (2) they were alarmed at the complete democracy provided by Jefferson's Ordinance. They insisted that frontiersmen were incapable of ruling themselves, and that external control, at least in the early stages of the new territorial government, was needed to assure an orderly administration.

Congress was still debating these controversial points in July, 1787 when Mannaseh Cutler appeared with his petition. His prodding caused the appointment of a new committee on July 9; two days later the committee submitted its report and on July 13, the Ordinance of 1787 was adopted by the unanimous vote of the eight states present. The first of its three sections erected the "Territory Northwest of the Ohio" into one temporary district with the provision that it eventually be carved into not less than three or more than five territories. If Congress decided on three, one North-south boundary was to run through the mouth of the Great Miami River, the other through Vincennes to the Wabash and down that stream to the Ohio. If five territories were agreed upon an east-west line touching the southern tip of Lake Michigan was to be added.

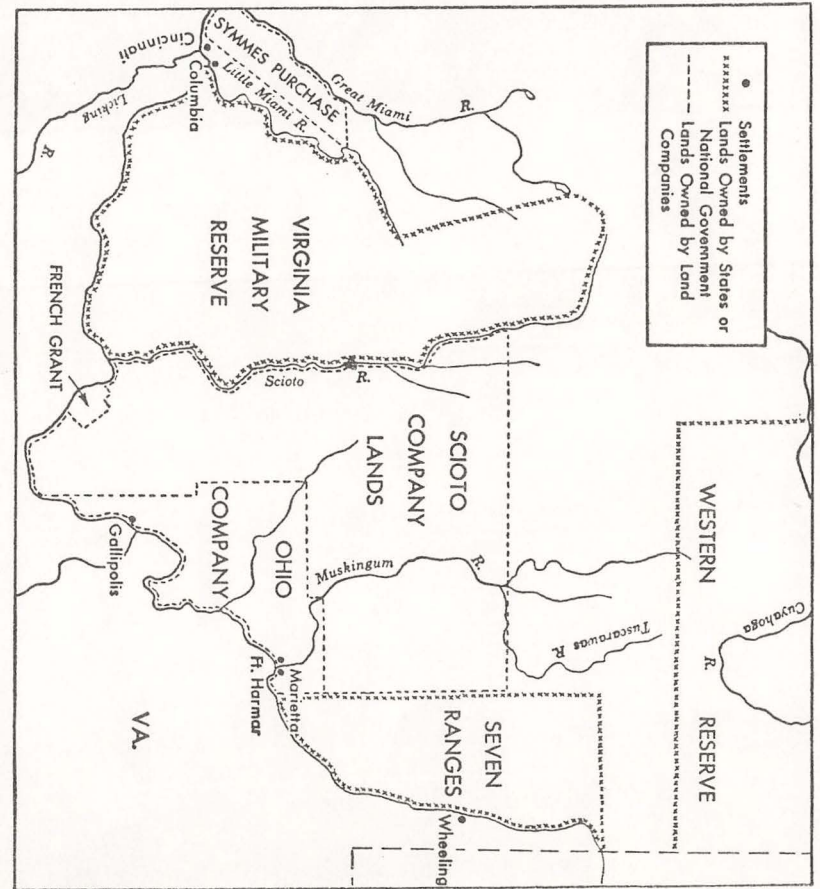
The second section of the Ordinance established three stages by which each territory was to become a state. In the first the people were to be controlled by a governor, secretary, and three judges named by Congress, authorized to enforce and control the Militia. When the adult male population reached 5,000 the territory would enter the second stage, with an elected legislature to share its power with a council of five selected by the governor

and Congress. The assembly was to name a delegate to Congress who could speak but not vote. The final stage would be attained when the territory's inhabitants numbered 60,000. It then could frame a constitution and apply for admission into the Union on equal terms with the older states. The third section of the Ordinance also contained a noteworthy bill of rights which guaranteed the people of the Northwest Territory freedom of worship, proportional representation, jury trial, privileges of common law, the writ of habeas corpus, and security for private contracts. Slavery was prohibited and aristocratic inheritance laws to perpetuate great estates were forbidden. Also, we should note that the Ordinance had encouraged public education by setting aside section sixteen of each township to maintain schools.

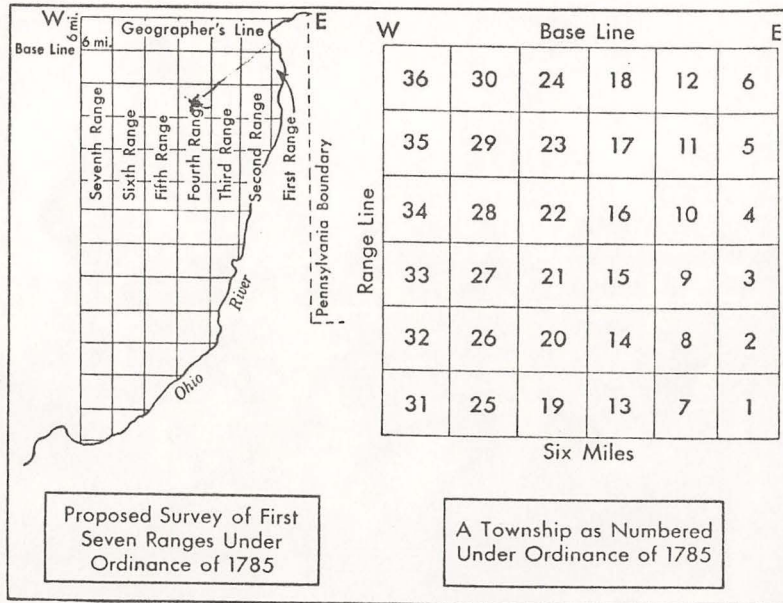
However the Ordinance of 1787, a conservative document written by jealous easterners who wanted to guard their own political and economical supremacy, failed to satisfy the West. Frontiersmen objected to the oversized states, the complete lack of self-rule during the first territorial stage, and the absolute veto power of the governor during the second stage. They resented the property qualifications which required all voters to own fifty acres of land and all legislators two hundred acres. They thought such checks were out of keeping with the democratic spirit of the frontier. Still despite these faults the Ordinance of 1787 did more to perpetuate the Union than any document except the Constitution, which was adopted two months later. Men could now <sup>leave</sup> the older states without surrendering their political privileges which removed one great obstacle to the Westward movement, at least in the Old Northwest.



Indian Relations in the Northwest, 1783-1787



The Ohio Country, 1787-1790



The Ordinance of 1785

# The ORDINANCE OF 1787

## An ORDINANCE for the GOVERNMENT of the TERRITORY of the UNITED STATES, North-West of the RIVER OHIO

**B**E IT ORDAINED by the United States in Congress assembled, That the said territory, for the purposes of temporary government, be one district, subject, however, to be divided into two districts, as future circumstances may, in the opinion of Congress, make it expedient.

*Be it ordained by the authority aforesaid,* That the estates, both of resident and non-resident proprietors in the said territory, dying intestate, shall descend to, and be distributed among, their children, and the descendants of a deceased child, in equal parts; the descendants of a deceased child or grandchild to take the share of their deceased parent in equal parts among them: And where there shall be no children or descendants, then in equal parts to the next of kin in equal degree; and, among collateral heirs, the children of a deceased brother or sister of the intestate shall take, in equal parts among them, their deceased parents' share; and there shall, in no case, be a distinction between kindred of the whole and half-blood; saving, in all cases, to the widow of the intestate her third part of the real estate for life, and one-third part of the personal estate; and this law, relative to descents and dower, shall remain in full force until altered by the legislature of the district. And, until the governor and judges shall adopt laws as hereinafter mentioned, estates in the said territory may be devised or bequeathed by wills in writing, signed and sealed by him or her, in whom the estate may be (being of full age), and attested by three witnesses; and real estates may be conveyed by lease and release, or bargain and sale, signed, sealed, and delivered by the person, being of full age, in whom the estate may be, and attested by two witnesses, provided such wills be duly proved and such conveyances be acknowledged, or the execution thereof duly proved, and be recorded within one year after proper magistrates, courts, and registers shall be appointed for that purpose; and personal property may be transferred by delivery; saving, however, to the French and Canadian inhabitants, and other settlers of the Kaskaskias, St. Vincennes, and the neighboring villages who have heretofore professed themselves citizens of Virginia, their laws and customs now in force among them, relative to the descent and conveyance of property.

*Be it ordained by the authority aforesaid,* That there shall be appointed, from time to time, by Congress, a governor, whose commission shall continue in force for the term of three years, unless sooner revoked by Congress; he shall reside in the district, and have a freehold estate therein in 1000 acres of land, while in the exercise of his office.

There shall be appointed, from time to time, by Congress, a secretary, whose commission shall continue in force for four years unless sooner revoked; he shall reside in the district, and have a freehold estate therein in 500 acres of land, while in the exercise of his office; it shall be his duty to keep and preserve the acts and laws passed by the legislature, and the public records of the district, and the proceedings of the governor in his Executive department; and transmit authentic copies of such acts and proceedings, every six months, to the Secretary of Congress: There shall also be appointed a court to consist of three judges, any two of whom to form a court, who shall have a common law jurisdiction, and reside in the district, and have each therein a freehold estate in 500 acres of land while in the exercise of their offices; and their commissions shall continue in force during good behavior.

The governor and judges, or a majority of them, shall adopt and publish in the district such laws of the original states, criminal and civil, as may be necessary and best suited to the circumstances of the district, and report them to Congress from time to time; which laws shall be in force in the district until the organization of the General Assembly therein, unless disapproved of by Congress; but, afterwards, the legislature shall have authority to alter them as they shall think fit.

The governor, for the time being, shall be commander-in-chief of the militia, appoint and commission all officers in the same below the rank, of general officers; all general officers shall be appointed and commissioned by Congress.

Previous to the organization of the General Assembly, the governor shall appoint such magistrates and other civil officers, in each county or township, as he shall find necessary for the preservation of the peace and good order in the same: After the General Assembly shall be organized, the powers and duties of the magistrates and other civil officers, shall be regulated and defined by the said assembly; but all magistrates and other civil officers, not herein otherwise directed, shall, during the continuance of this temporary government, be appointed by the governor.

For the prevention of crimes and injuries, the laws to be adopted or made shall have force in all parts of the district, and for the execution of process, criminal and civil, the governor shall make proper divisions thereof; and he shall proceed, from time to time, as circumstances may require, to lay out the parts of the district in which the Indian titles shall have been extinguished, into counties and townships, subject, however, to such alterations as may thereafter be made by the legislature.

So soon as there shall be 5000 free male inhabitants of full age in the district, upon giving proof thereof to the governor, they shall receive authority, with time and place, to elect representatives from their counties; or townships to represent them in the General Assembly: *Provided,* That for every 500 free male inhabitants, there shall be one representative, and so on progressively with the number of free male inhabitants, shall the right of representation increase, until the number of representatives shall amount to 25; after which, the number and proportion of representatives shall be regulated by the legislature: *Provided,* That no person be eligible or qualified to act as a representative unless he shall have been a citizen of one of the United States three years, and be a resident of the district, or unless he shall have resided in the district three years; and, in either case, shall likewise hold in his own right, in fee simple, 200 acres of land within the same: *Provided, Also,* That a freehold in 50 acres of land in the district, having been a citizen of one of the States, and being resident in the district, or the like freehold and two years residence in the district, shall be necessary to qualify a man as an elector of a representative.

The representatives thus elected, shall serve for the term of two years; and, in case of the death of a representative, or removal from office, the governor shall issue a writ to the county or township for which he was a member, to elect another in his stead, to serve for the residue of the term.

The General Assembly, or Legislature, shall consist of the governor, legislative council, and a house of representatives. The legislative council shall consist of five members, to continue in office five years, unless sooner removed by Congress; any three of whom to be a quorum; and the members of the council shall be nominated and appointed in the following manner, to wit: As soon as representatives shall be elected, the governor shall appoint a time and place for them to meet together; and, when met, they shall nominate ten persons, residents in the district, and each possessed of a freehold in 500 acres of land, and return their names to Congress; five of whom Congress shall appoint and commission to serve as aforesaid; and, whenever a vacancy shall happen in the council, by death or removal from office the house of representatives shall nominate two persons, qualified as aforesaid, for each vacancy, and return their names to Congress; one of whom Congress shall appoint and commission for the residue of the term. And every five years, four months at least before the expiration of the time of service of the members of council, the said house shall nominate ten persons, qualified as aforesaid, and return their names to Congress; five of whom Congress shall appoint and commission to serve as members of the council five years, unless sooner removed. And the governor,

legislative council, and house of representatives, shall have authority to make laws in all cases, for the good government of the district, not repugnant to the principles and articles in this ordinance established and declared. And all bills, having passed by a majority in the house, and by a majority in the council, shall be referred to the governor for his assent; but no bill, or legislative act whatever, shall be of any force without his assent. The governor shall have power to convene, prorogue, and dissolve the General Assembly, when, in his opinion, it shall be expedient.

The governor, judges, legislative council, secretary, and such other officers as Congress shall appoint in the district, shall take an oath or affirmation of fidelity and of office; the governor before the President of Congress, and all other officers before the governor. As soon as a legislature shall be formed in the district, the council and house assembled in one room, shall have authority, by joint ballot, to elect a delegate to Congress, who shall have a seat in Congress, with a right of debating but not of voting during this temporary government.

And, for extending the fundamental principles of civil and religious liberty, which form the basis whereon these republics, their laws and constitutions are erected; to fix and establish those principles as the basis of all laws, constitutions, and governments, which forever hereafter shall be formed in the said territory; to provide also for the establishment of States, and permanent government therein, and for their admission to a share in the federal councils on an equal footing with the original States, at as early periods as may be consistent with the general interest:

*It is hereby ordained and declared by the authority aforesaid,* That the following articles shall be considered as articles of compact between the original States and the people and States in the said territory and forever remain unalterable, unless by common consent, to wit:

Art. 1st. No person, demeaning himself in a peaceable and orderly manner, shall ever be molested on account of his mode of worship or religious sentiments, in the said territory.

Art. 2d. The inhabitants of the said territory shall always be entitled to the benefits of the writ of Habeas corpus, and of the trial by jury; of a proportionate representation of the people in the legislature; and of judicial proceedings according to the course of the common law. All persons shall be bailable, unless for capital offences, where the proof shall be evident or the presumption great. All fines shall be moderate; and no cruel or unusual punishments shall be inflicted. No man shall be deprived of his liberty or property, but by the judgment of his peers or the law of the land; and, should the public exigencies make it necessary, for the common preservation, to take any person's property, or to demand his particular services, full compensation shall be made for the same. And, in the just preservation of rights and property, it is understood and declared, that no law ought ever to be made, or have force in the said territory, that shall, in any manner whatever, interfere with or affect private contracts or engagements, bona fide, and without fraud, previously formed.

Art. 3d. Religion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged. The utmost good faith shall always be observed towards the Indians; their lands and property shall never be taken from them without their consent; and, in their property, rights, and liberty, they shall never be invaded or disturbed, unless in just and lawful wars authorized by Congress; but laws founded in justice and humanity, shall, from time to time, be made for preventing wrongs being done to them, and for preserving peace and friendship with them.

Art. 4th. The said territory, and the States which may be formed therein, shall forever remain a part of this confederacy of the United States of America, subject to the Articles of Confederation, and to such alterations therein as shall be constitutionally made; and to all the acts and ordinances of the United States in Congress assembled, conformable thereto. The inhabitants and settlers in the said territory shall be subject to pay a part of the federal debts contracted or to be contracted, and proportional part of the expenses of government, to be apportioned on them by Congress according to the same common rule and measure by which apportionments thereof shall be made on the other States; and the taxes, for paying their proportion, shall be laid and levied by the authority and direction of the legislatures of the district or districts, or new States, as in the original States, within the time agreed upon by the United States in Congress assembled. The legislatures of those districts or new States, shall never interfere with the primary disposal of the soil by the United States in Congress assembled, nor with any regulations Congress may find necessary for securing the title in such soil to the bona fide purchasers. No tax shall be imposed on lands the property of the United States; and, in no case, shall non-resident proprietors be taxed higher than residents. The navigable waters leading into the Mississippi and St. Lawrence, and the carrying places between the same, shall be common highways, and forever free, as well to the inhabitants of the said territory as to the citizens of the United States, and those of any other States that may be admitted into the Confederacy, without any tax, impost, or duty, therefor.

Art. 5th. There shall be formed in the said territory, not less than three nor more than five States; and the boundaries of the States, as soon as Virginia shall alter her act of cession, and consent to the same, shall become fixed and established as follows, to wit: The Western State in the said territory, shall be bounded by the Mississippi, the Ohio, and Wabash rivers; a direct line drawn from the Wabash and Post St. Vincent's, due North, to the territorial line between the United States and Canada; and, by the said territorial line, to the Lake of the Woods and Mississippi. The middle State shall be bounded by the said direct line, and by the said territorial line. The Eastern State shall be bounded by the last mentioned direct line, the Ohio, Pennsylvania, and the said territorial line: *Provided, however,* and it is further understood and declared, that the boundaries of these three States shall be subject so far to be altered, that, if Congress shall hereafter find it expedient, they shall have authority to form one or two States in that part of the said Territory which lies North of an East and West line drawn through the Southerly bend or extreme of lake Michigan. And, whenever any of the said States shall have 60,000 free inhabitants therein, such State shall be admitted, by its delegates, into the Congress of the United States, on an equal footing with the original States in all respects whatever, and shall be at liberty to form a permanent constitution and State government: *Provided,* the constitution and government so to be formed, shall be republican, and in conformity to the principles contained in these articles; and, so far as it can be consistent with the general interest of the confederacy, such admission shall be allowed at an earlier period, and when there may be a less number of free inhabitants in the State than 60,000.

Art. 6th. There shall be neither slavery nor involuntary servitude in the said territory, otherwise than in the punishment of crimes, whereof the party shall have been duly convicted: *Provided, always* That any person escaping into the same, from whom labor or service is lawfully claimed and conveyed to the person claiming his or her labor or service as aforesaid.

*Be it ordained by the authority aforesaid,* That the resolutions of the 23d of April, 1784, relative to the subject of this ordinance, be, and the same are hereby, repealed and declared null and void.

Done by the United States, in Congress assembled, the 13th day of July, in the year of our Lord 1787, and of their sovereignty and independence the twelfth.

★ The Ordinance of 1787 was passed by the Continental Congress of the United States, sitting in New York City, on July 13, 1787. The United States Constitution was adopted two months later, September 17, 1787.

The "rights of men" provisions set forth in the Ordinance of 1787 were not a part of the Constitution as adopted, but became, on December 15, 1791, and on December 18, 1865, amendments to that great document.