

## The Northwest Ordinance (1787)

Because the Articles of Confederation, adopted by the states in 1781 as the country's first constitution, have often been considered a failure, it is all too easy to overlook the significant accomplishments of the American government under the Articles. The Confederation negotiated a peace treaty ending the war with Great Britain, carried on diplomatic relations with foreign countries, settled land disputes with the Indian tribes and, in two brilliant pieces of legislation, established a far-reaching policy for the settlement and incorporation of western lands.

After first providing for the survey of the land west of the Appalachian mountains, the so-called Northwest Territory, Congress enacted the Northwest Ordinance of 1787, the single most important piece of legislation in the Confederation period. The Ordinance provided the means by which new states would be created out of the western lands and then admitted into the Union. Governors and judges appointed by Congress would rule a territory until it contained 5,000 free male inhabitants of voting age; then the inhabitants would elect a territorial legislature, which would send a non-voting delegate to Congress. When the population reached 60,000, the legislature would submit a state constitution to Congress and, upon its approval, the state would enter the Union.

The importance of the statute, aside from providing for orderly westerly settlement, is that it made clear that the new states would be equal to the old; there would be no inferior or superior states in the Union. Moreover, in the Ordinance Congress compacted with the settlers of the territories that they would be equal citizens of the United States, and would enjoy all of the rights that had been fought for in the Revolution. Where the Articles of Confederation lacked a bill of rights, the Ordinance provided one that included many of the basic liberties the colonists had considered essential, such as trial by jury, habeas corpus,<sup>1</sup> and religious freedom. One should also note, however, the important role that property still played in government, a holdover from British theory that only those with a tangible stake in society should partake in its governance.

The Northwest Ordinance would, with minor adjustments, remain the guiding policy for the admission of all future states into the Union.

For further reading: Merrill Jensen, *The New Nation: A History of the United States during the Confederation, 1781-1789* (1950); John Porter Bloom, ed., *The American Territorial System* (1974); T.C. Pease, "The Ordinance of 1787," *Miss. Valley Hist.Rev.* 25 (1938): 167.

Footnote 1: Habeas Corpus, which literally means "you have the body," is one of the fundamental rights in Anglo-American law. Through the writ of habeas corpus, a prisoner may challenge the legality of his or her imprisonment, and if the state cannot present adequate evidence to justify the jailing, the court may order the prisoner's release.

<http://usinfo.state.gov/usa/infousa/facts/democrac/5.htm>

# Land Ordinance of 1785

The Land Ordinance of 1785 set forth how the government of the United States would measure, divide and distribute the land it had acquired from Great Britain north and west of the Ohio River at the end of the American Revolution.

In the Treaty of Paris (1783), which formally ended the American Revolution, England relinquished the Ohio Country to the United States. However, the Confederation Congress faced numerous problems gaining control of the land. Native American tribes did not agree with the claim that the land belonged to the United States. Numerous states also claimed the land. These states, when they were still colonies of England, had received permission from the king to control all land between their colonies on the East Coast and the Pacific Ocean. The Confederation Congress faced hard financial times at the American Revolution's conclusion. The Articles of Confederation did not allow the federal government to tax its citizens. The Confederation Congress hoped to sell the land in the Ohio Country to raise funds. The government also feared the large number of illegal settlers or "squatters" in the Ohio Country. Some congressmen believed that these people might form their own country, since the Appalachian Mountains left them so isolated from the rest of the nation. The Confederation Congress immediately began to negotiate with the Indians and the states, so that the federal government could claim sole ownership of the land.

While these negotiations were underway, the Confederation Congress implemented the Ordinance of 1784. It called for the land north of the Ohio River and east of the Mississippi River to be divided into ten separate states. The Ordinance of 1784 established that the western territories would become states. However, it failed to establish how the government would distribute the land or how the territory would be settled.

The Land Ordinance of 1785 dealt with these issues. As the states and Indians relinquished lands, government surveyors were to divide the territory into individual townships. Each township was to be square. Each side of the square was to be six miles in length, and the completed square would include a total of thirty-six square miles of territory. The township would then be divided into one-square mile sections, with each section encompassing 640 acres. Each section received its own number. Section 16 was set aside for a public school. The federal government reserved sections eight, eleven, twenty-six, and twenty-nine to provide veterans of the American Revolution with land bounties for their service during the war. The government would sell the remaining sections at public auction. The minimum bid was 640 dollars per section or one dollar for each acre of land in each section.

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