An Ordinance for the Government of the Territory of the United States, North-West of the River Ohio.

BE 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 grand-child, 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 collaterals, the children of a deceased brother or sister of the intestate, shall have 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 herein after 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 Kaskaskies, Saint Vincent's, and the neighbouring 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 one thousand 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 five hundred 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 five hundred acres of land, while in the exercise of their offices; and their commissions shall continue in force during good behaviour.

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 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 five thousand 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 five hundred 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 twenty-five, 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 in 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, two hundred acres of land within the same:—Provided also, that a freehold in fifty 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 five hundred 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 re-

prefentatives, fhall have authority to make laws in all cafes for the good government of the diftrict, not repugnant to the principles and articles in this ordinance eftablifhed and declared. And all bills having paffed by a majority in the houfe, and by a majority in the council, fhall be referred to the governor for his affent; but no bill or legiflative act whatever, fhall be of any force without his affent. The governor fhall have power to convene, prorogue and diffolve the general affembly, when in his opinion it fhall be expedient.

The governor, judges, legiflative council, fecretary, and fuch other officers as Congrefs fhall appoint in the diftrict, fhall take an oath or affirmation of fidelity, and of office, the governor before the prefident of Congrefs, and all other officers before the governor. As foon as a legiflature fhall be formed in the diftrict, the council and houfe, affembled in one room, fhall have authority by joint ballot to elect a delegate to Congrefs, who fhall have a feat in Congrefs, 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 bafis whereon thefe republics, their laws and conftitutions are erected; to fix and eftablifh thofe principles as the bafis of all laws, conftitutions and governments, which forever hereafter fhall be formed in the faid territory;--to provide alfo for the eftablifhment of ftates, and permanent government therein, and for their admiffion to a fhare in the federal councils on an equal footing with the original ftates, at as early periods as may be confiftent with the general intereft:

It is hereby ordained and declared by the authority aforefaid, That the following articles fhall be confidered as articles of compact between the original ftates and the people and ftates in the faid territory, and forever remain unalterable, unlefs by common confent, to wit:

Article the First. No perfon, demeaning himfelf in a peaceable and orderly manner, fhall ever be molefted on account of his mode of worfhip or religious fentiments in the faid territory.

Article the Second. The inhabitants of the faid territory fhall always be entitled to the benefits of the writ of habeas corpus, and of the trial by jury; of a proportionate repreftntation of the people in the legiflature, and of judicial proceedings according to the courfe of the common law; all perfons fhall be bailable unlefs for capital offences, where the proof fhall be evident, or the prefumption great; all fines fhall be moderate, and no cruel or unufual punifhments fhall be inflicted; no man fhall be deprived of his liberty or property but by the judgment of his peers, or the law of the land; and fhould the public exigencies make it neceffary for the common prefervation to take any perfon's property, or to demand his particular fervices, full compenfation fhall be made for the fame; — and in the just preferva tion of rights and property it is underftood and declared, that no law ought ever to be made, or have force in the faid territory, that fhall in any manner whatever interfere with, or affect private contracts or engagements, bona fide and without fraud previoufly formed.

Article the Third. Religion, morality and knowledge, being neceffary to good government and the happinefs of mankind, fchools and the means of education fhall forever be encouraged. The utmoft good faith fhall always be obferved towards the Indians; their lands and property fhall never be taken from them without their confent; and in their property, rights and liberty, they never fhall be invaded or diftURbed, unlefs in juft and lawful wars authorifed by Congrefs; but laws founded in juftice and humanity fhall from time to time be made, for preventing wrongs being done to them, and for preferving peace and friendfhip with them.

Article the Fourth. The faid territory, and the ftates which may be formed therein, fhall forever remain a part of this confederacy of the United States of America, fubject to the articles of confederation, and to fuch alterations therein as fhall be conftitutionally made; and to all the acts and ordinances of the United ftates in Congrefs affembled, conformable thereto. The inhabitants and fettlers in the faid territory, fhall be fubject to pay a part of the federal debts contracted or to be contracted, and a proportional part of the expences of government, to be apportioned on them by Congrefs, according to the fame common rule and meafure by which apportionments thereof fhall be made on the other ftates; and the taxes for paying their proportion, fhall be laid and levied by the authority and direction of the legiflatures of the diftrict or diftricts or new ftates, as in the original ftates, within the time agreed upon by the United States in Congrefs affembled. The legiflatures of thofe diftricts, or new ftates, fhall never interfere with the primary difpofal of the foil by the United States in Congrefs affembled, nor with any regulations Congrefs may find neceffary for fecuring the title in fuch foil to the bona fide purchafers. No tax fhall be impofed on lands the property of the United States; and in no cafe fhall non-refident proprietors be taxed higher than refidents. The navigable waters leading into the Miffiffippi and St. Lawrence, and the carrying places between the fame fhall be common highways, and forever free, as well to the inhabitants of the faid territory, as to the citizens of the United States, and thofe of any other ftates that may be admitted into the confederacy, without any tax, impoft or duty therefor.

Article the Fifth. There fhall be formed in the faid territory, not lefs than three nor more than five ftates; and the boundaries of the ftates, as foon as Virginia fhall alter her act of ceffion and confent to the fame, fhall become fixed and eftablifhed as follows, to wit: The weftern ftate in the faid territory, fhall be bounded by the Miffiffippi, the Ohio and Wabafh rivers; a direct line drawn from the Wabafh and Poft Vincent's due north to the territorial line between the United States and Canada, and by the faid territorial line to the lake of the Woods and Miffiffippi. The middle ftate fhall be bounded by the faid direct line, the Wabafh from Poft Vincent's to the Ohio; by the Ohio, by a direct line drawn due north from the mouth of the Great Miami to the faid territorial line, and by the faid territorial line. The eaftern ftate fhall be bounded by the laft mentioned direct line, the Ohio, Pennfylvania, and the faid territorial line: Provided however, and it is further underftood and declared, that the boundaries of thefe three ftates, fhall be fubject fo far to be altered, that if Congrefs fhall hereafter find it expedient, they fhall have authority to form one or two ftates in that part of the faid territory which lies north of an eaft and weft line drawn through the foutherly bend or extreme of lake Michigan: and whenever any of the faid ftates fhall have fixty thoufand free inhabitants therein, fuch ftate fhall be admitted by its delegates into the Congrefs of the United ftates, on an equal footing with the original ftates in all refpects whatever; and fhall be at liberty to form a permanent conftitution and ftate government: Provided the conftitution and government fo to be formed, fhall be republican, and in conformity to the principles contained in thefe articles; and fo far as it can be confiftent with the general intereft of the confederacy, fuch admiffion fhall be allowed at an earlier period, and when there may be a lefs number of free inhabitants in the ftate than fixty thoufand.

Article the Sixth. There fhall be neither flavery nor involuntary fervitude in the faid territory, otherwife than in punifhment of crimes whereof the party fhall have been duly convicted: Provided always, that any perfon efcaping into the fame, from whom labor or fervice is lawfully claimed in any one of the original ftates, fuch fugitive may be lawfully reclaimed and conveyed to the perfon claiming his or her labor or fervice as aforefaid.

Be it ordained by the authority aforefaid, That the refolutions of the 23d of April, 1784, relative to the fubject of this ordinance, be, and the fame are hereby repealed and declared null and void.

DONE by the UNITED STATES in CONGRESS affembled, the 13th day of July, in the year of our Lord 1787, and of their fovereignty and independence the 12th.

Cha Thomson Secy