

# The Greensborough Patriot.

BY SHERWOOD & LONG.

A Family Newspaper—Devoted to Literature, Agriculture, Manufactures, Commerce, and Miscellaneous Reading.

TERMS—\$2.00 IN ADVANCE.

VOL. XXII.

GREENSBOROUGH, N. C., JANUARY 10, 1861.

NO. 1,120.

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SHERWOOD & LONG,  
EDITORS AND PROPRIETORS.

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### RATES OF ADVERTISING IN THE PATRIOT.

One dollar per square for the first week, and twenty-five cents for every week thereafter. TWELVE LINES OR LESS making a square. Deductions made in favor of standing matter as follows:

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For the Patriot.

### ORDINANCE OF 1787.

Messrs. Editors: We have fallen upon evil times. The Union of these States is in imminent danger of being forever dissolved, and war, bloodshed and carnage is more than likely to be the result. If such should be the direful result, woful indeed, will be our inheritance. What a dark and polluted mantle of disgrace must eventually envelope and forever shroud the names of the party tricksters and demagogues, who have, by their ambitious selfishness, and unscrupulous party machinations, superinduced these direful and heart-sickening results. I make no pretensions to ability, nor have I the position to give me influence, or weight with the patriotic leaders of any party. Yet, thank God I have a heart to feel, and deplore the great evils, the incalculable mischief those reckless, ambitious and purely selfish leaders of the disunion party, are fast bringing upon this happy land, and our honest yet deluded people. How cheerfully would I yield up every thing I possess, could I but ward off the evils which now threaten us as a Nation, and once more restore peace and prosperity to my native land, and her misguided people. I know too well, that passion rules the hour, and that the passions both North and South, are given over to blindness of mind and hardness of heart, for me to hope to prevail upon them, to lose sight of their party and their avowed leaders for one moment. It seems to me that many of the rank and file, as well as their infatuated leaders, are now ready to destroy this great and glorious Government of ours, for a party triumph; they had rather be first in a Northern or Southern Confederacy than occupy a subordinate position in the present Government. It is also clear to my mind, that we have not attained, to this perilous situation we now occupy as a Nation, without having committed great errors, and without having materially departed from the examples and teachings of our gallant and patriotic forefathers. Nor is it reasonable to suppose that either the South or the North is entirely guiltless in this matter. I shall then, with your permission, endeavor to say a few words touching the present alarming crisis, with the hope of inducing some one who has the requisite ability to take up his pen, or mount the stump in favor of the Union, the Constitution and the perpetuity of our institutions, and present form of Government. Nor shall I be deterred from speaking the truth, and the whole truth on all questions that I may discuss, as far as I have the ability and information to make it known. And in order that all may see that I do not speak at random, I ask you to copy the following veritable record taken from the National Intelligencer, published many years since.

### Notes on the Ordinance of 1787.

On the first of March, 1784, a committee, consisting of Mr. Jefferson, of Virginia, Mr. Chase, of Maryland, and Mr. Howell, of Rhode Island, submitted to Congress the following Plan for the temporary government of the Western Territory:

The committee appointed to prepare a plan for the temporary government of the Western Territory have agreed to the following resolutions:

Resolved, That the territory ceded or to be ceded by individual States to the United States, whenever the same shall have been purchased of the Indian inhabitants and offered for sale by the United States, shall be formed into additional States, bounded in the following manner, as nearly as such sections will admit; that is to say, northwardly and southwardly by parallels of latitude, so that each State shall comprehend, from south to north, two degrees of latitude, beginning to count from the completion of thirty-one degrees north of the equator, but any territory northwardly of the forty-seventh degree shall make part of the State next below. And eastwardly and westwardly they shall be bounded, those on the Mississippi by that river on one side and the meridian of the lower point of the rapids of the Ohio on the other; and those adjoining on the east, by the same meridian or their western side, and on their eastern by the meridian of the western cape of the mouth of the Great Kanawha. And the territory eastward of this last meridian, between the Ohio, Lake Erie, and Pennsylvania, shall be one State.

That the settlers within the territory so to be formed have and offered for sale, shall either on their own petition or on the order of Congress, receive authority from them, with appropriate time and place, for their free sale of full age to meet together for the purpose of establishing a temporary government to adopt the constitution and laws of any one of these States, so that such laws and articles shall be subject to alteration by the ordinary legislature, and to erect, substitute or to like alteration, counties or townships for the election of members for their legislative.

That such temporary government shall only continue in force in any State until it shall have acquired twenty thousand free in-

habitants, when, giving due proof thereof to Congress, they shall receive from them authority, with appointments of time and place, to call a convention of representatives to establish a permanent constitution and government for themselves.

Provided, That both the temporary and permanent governments be established on these principles as their basis:

1. That they shall forever remain a part of the United States of America.

2. That in their persons, property, and territory, they shall be subject to the Government of the United States in Congress assembled, and to the Articles of Confederation in all those cases in which the original States shall be so subject.

3. That they shall be subject to pay a part of the federal debts, contracted or to be contracted, to be apportioned on them by Congress according to the same common rule and measure by which appointments thereof shall be made on the other States.

4. That their respective governments shall be in republican forms, and shall admit no person to be a citizen who holds any hereditary title.

5. That after the year 1800 of the Christian era there shall be neither slavery nor involuntary servitude in any of the said States, otherwise than in punishment of crimes, whereof the party shall have been duly convicted to have been personally guilty.

That whenever any of the said States shall have, of free inhabitants, as many as shall then be in any one of the least numerous of the thirteen original States, such State shall be admitted by its delegates into the Congress of the United States on an equal footing with the said original States, after the assent of two-thirds of the United States, in Congress assembled, shall be requisite in all those cases wherein, by the confederation, the assent of nine States is now required, provided the consent of nine States to such admission may be obtained according to the eleventh of the articles of confederation. Until such admission by their delegates into Congress, any of the said States, after the establishment of their temporary government, shall have authority to keep a sitting member in Congress, with a right of debating, but not of voting.

That the territory northward of the forty-fifth degree, that is, of the completion of forty-five degrees from the equator, and extending to the Lake of the Woods, shall be called *Nylvania*; that of the territory under the forty-fifth and forty-fourth degrees, that which lies westward of Lake Michigan shall be called *Michigan*; and that which is eastward thereof, within the peninsula formed by lakes and waters of Michigan, Huron, St. Clair, and Erie, shall be called *Cheroneux*, and shall include any part of the peninsula which may extend above the forty-fifth degree. Of the territory under the forty-third and forty-second degrees, that to the westward, through which the Assensippi or Rock river runs; shall be called *Assensippia*; and that to the eastward, in which are the fountains of the Muskingum, the two Miamias of Ohio, the Wabash, the Illinois, the Miami of the Lake, and the Sandusky rivers, shall be called *Metropotamia*. Of the territory which lies under the forty-first and fortieth degrees, the western, through which the rivers of Illinois run, shall be called *Illinois*; that next adjoining, to the eastward, *Saratoga*; and that between this last and Pennsylvania, and extending from the Ohio to Lake Erie, shall be called *Washington*. Of the territory which lies under the thirty-ninth and thirty-eighth degrees, to which shall be added so much of the point of land within the fork of the Ohio and Mississippi as lies under the thirty-seventh degree, that to the westward, within and adjacent to which are the confluences of the rivers Wabash, Shawnee, Tennessee, Ohio, Illinois, Mississippi, and Missouri, shall be called *Polytannia*; and that to the eastward, further up the Ohio, otherwise called the Pelippi, shall be called *Pelippia*.

That all the preceding articles shall be formed into a charter or compact, shall be duly executed by the President of the United States, in Congress assembled, under his hand and the seal of the United States, shall be promulgated and shall stand as fundamental conditions between the thirteen original States and those newly described, unalterable but by the joint consent of the United States, in Congress assembled, and of the particular State within which such alteration is proposed to be made.

This report was recommended to the same committee on the 17th of March, and a new one was submitted on the 22d of the same month. The second report agreed in substance with the first. The principal difference was the omission of the paragraph giving names to the States to be formed out of the Western Territory. It was taken up for consideration by Congress on the 19th of April, on which day, on the motion of Mr. Spaight, of North Carolina, the following clause was struck out:

"That, after the year 1800 of the Christian era, there shall be neither slavery nor involuntary servitude in any of the said States, otherwise than in the punishment of crimes whereof the party shall have been duly convicted to have been personally guilty."

The report was further considered and amended on the 20th and 21st. On the 23d it was agreed to, (ten States voting *aye*, and one) without the clause prohibiting slavery and involuntary servitude after the year 1800. On the question to agree to the report, after the prohibitory clause was struck out, the yeas and nays were required by Mr. Beresford. The vote was:

- New Hampshire Mr Foster, *aye*.
- Mr Blanchard, *aye*.
- Mr Gerry, *aye*.
- Mr Patridge, *aye*.
- Massachusetts Mr Ellery, *aye*.
- Mr Howel, *aye*.
- Mr Sherman, *aye*.
- Rhode Island Mr Dewar, *aye*.
- Mr Dwid, *aye*.
- Connecticut Mr Payne, *aye*.
- New York Mr Beatty, *aye*.
- Mr Dick, *aye*.
- Pennsylvania Mr Miffin, *aye*.
- Mr Montgomery, *aye*.
- Mr Hand, *aye*.
- Delaware (Absent).
- Maryland Mr Stone, *aye*.
- Mr Chase, *aye*.
- Virginia Mr Jefferson, *aye*.
- Mr Mercer, *aye*.
- Mr Monroe, *aye*.
- Mr Williamson, *aye*.
- North Carolina Mr Spaight, *aye*.

South Carolina Mr Read, no.

Georgia Mr Beresford, no.

(Absent.)

Thus the report of Mr. Jefferson for the temporary government of the Western Territory, without any restriction whatever as to slavery, received the vote of every State present except South Carolina. It did not "lay on the table of Congress during the three years from 1784 to 1787." During these three years it was the law of the land. It was repealed in 1807.

Nearly a year after the first plan was adopted, the clause originally offered by Mr. Jefferson, as a part of the *charter of compact/fundamental constitutions* between the thirteen original States and the new States to be formed in the Western Territory, prohibiting slavery and involuntary servitude, was again submitted to Congress, omitting the time named—"after the year 1800 of the Christian era."

On the 18th of March, 1785, "A motion was made by Mr. King, seconded by Mr. Ellery, that the following proposition be committed:

"That there shall be neither slavery nor involuntary servitude in any of the States described in the resolve of Congress of the 23d of April, 1784, otherwise than in the punishment of crimes, whereof the party shall have been personally guilty; and that this regulation shall be an article of compact, and remain a fundamental principle of the constitutions between the thirteen original States and each of the States described in the said resolve of the 22d of April, 1784."

The motion was, "that the following proposition be committed"—that is, committed to a Committee of the Whole House; it was not "in the nature of an instruction to the Committee on the Western Territories. At that time there was no such committee. It was a separate, independent proposition. The very terms of it show that it was offered as an addition to the resolve of April 23, 1784, with the intention of restoring to that resolve a clause that had originally formed part of it."

Mr. King's motion to commit was agreed to—eight States (New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, and Maryland) voted in the affirmative, and these States (Virginia, North Carolina, and South Carolina) in the negative. Neither Delaware nor Georgia was represented.

After the commitment of this proposition it was neither called up in Congress nor noticed by any of the committee who subsequently reported plans for the government of the Western Territory.

The subject was not laid over from this time till September, 1786. It is noticed as being before Congress on the 24th of March, the 10th of May, the 18th of July, and the 24th of August of that year.

On the 24th of March a report was made by the grand committee of the House, to whom had been referred a motion of Mr. Monroe upon the subject of the Western Territory.

On the 10th of May, 1786, a report was made by another committee, consisting of Mr. Monroe, of Virginia, Mr. Johnson, of Connecticut, Mr. King, of Massachusetts, Mr. Keat, of South Carolina, and Mr. Pinckney, of South Carolina, to whom a motion of Mr. Dane, for considering and reporting the form of a temporary government for the Western Territory was referred. This report, after amendment, was re-committed on the 13th of July following.

On the 24th of August, 1786, the Secretary of Congress was directed to inform the inhabitants of Kaskaskias "that Congress have under their consideration the plan of a temporary government for the said district, and that its adoption will be no longer protracted than the importance of the subject and a due regard to their interest may require."

On the 19th of September, 1886, a committee, consisting of Mr. Johnson, of Connecticut, Mr. Pickney, of South Carolina, Mr. Smith, of New York, Mr. Dane, of Massachusetts, and Mr. Henry, of Maryland, appointed to prepare a "plan of temporary government for such Districts of new States as shall be laid out by the United States upon the principles of the acts of cession from individual States, and admitted into the Confederacy," made a report which was taken up for consideration on the 29th, and, after some discussion and several motions to amend, the further consideration was postponed.

On the 26th of April, 1887, the same committee (Mr. Johnson, Mr. Pickney, Mr. Smith, Mr. Dane, and Mr. Henry, reported "An Ordinance for the government of the Western Territory." It was read a second time and amended on the 9th of May, when the next day was assigned for the third reading. On the 10th, the order of the day for third reading was called for by the State of Massachusetts, and was postponed. On the 9th and 10th of May, Massachusetts was represented by Mr. Gorham, Mr. King, and Mr. Dade. The proposition which, on Mr. King's motion, was committed on the 16th of March of the preceding year, was not in the ordinance, as reported by the committee, nor was any motion made in the Congress to insert it as amendment.

The following is a copy of the ordinance as amended and ordered to a third reading:

An Ordinance for the Government of the Western Territory.

It is hereby ordained by the United States in Congress assembled, that there shall be appointed, from time to time, a Governor, whose commission shall continue in force for the term of three years unless sooner revoked by Congress.

There shall be appointed by Congress, from time to time, a Secretary, whose commission shall continue in force for four years, unless sooner revoked by Congress. It shall be his duty to keep and preserve the acts and laws passed by the General Assembly, and public records of the district, and of the proceedings of the Governor in his executive department, and transmit the 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 shall form a court, who shall have common law jurisdiction whose commissions shall continue in force during good behavior.

And, to secure the rights of personal liberty and property to the inhabitants and others purchasers in the said districts, it is hereby ordained that the inhabitants of such district

shall always be entitled to the benefits of the act of *habeas corpus* and of the trial by jury.

The Governor and the Judges, and a majority of them, shall adopt and publish in the districts 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 shall prevail in said district until the organization of the General Assembly, unless disapproved of by Congress; but afterwards the General Assembly shall have authority to alter them as they shall think fit; provided however, that said Assembly shall have no power to create perpetuities.

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

Provision 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 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.

The Governor shall, as soon as may be, proceed to lay out the district into counties and townships, subject, however, to such alterations as may hereafter be made by the Legislature, so soon as there shall be five thousand free male inhabitants, of full age, within the said district. Upon giving due proof thereof to the Governor, they shall receive authority, with time and place, to elect representatives from their counties or townships as aforesaid, to represent them in 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 amount to twenty-five; after which the number and proportion of representatives shall be regulated by the Legislature; provided, that no person shall be eligible or qualified to act as a representative unless he shall be a citizen of one of the United States, or have resided within such district three years, and shall likewise hold, in his own right, in fee simple, two hundred acres of land within the same; provided, also, a freehold or life estate in fifty acres of land in the said district, if a citizen of any of the United States, and two years' residence, if a foreigner, in addition, shall be necessary to qualify a man as elector for the said 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 shall consist of the Governor, a Legislative Council to consist of five members, to be appointed by the United States in Congress assembled, to continue in office during pleasure any three of whom to be a quorum, and a House of Representatives who shall have a legislative authority complete in all cases for the good government of the said district; provided, that no act of the said general Assembly shall be construed to affect any lands the property of the United States; and provided further, that the lands of the non-resident proprietors shall in no instance be taken higher as the lands of residence.

All bills shall originate indifferently either in the Council of House of Representatives and, having been passed by a majority in both Houses, shall be referred to the Governor for his assent, also obtaining which they shall become a law; but no bill or legislative act whatever shall be valid or of any force without his assent.

The Governor shall have power to convene prorogue or dissolve the General Assembly when in his opinion shall be expedient.

The said inhabitants or settlers shall be subject to pay a part of the Federal debts, contracted or to be contracted, and to bear a proportional part of the burdens of the Government, to be apportioned on them by Congress according to the same common rule and measure by which apportionment thereof shall be made on the other States.

The Governor, Judges, Legislative Council, Secretary, and such other officers as Congress shall at any time think proper to appoint in such district shall take an oath or affirmation of fidelity; the Governor before the President of Congress, and all other officers before the Governor, respectively, on the 27th of January, 1785, to the Secretary at War, *mutatis mutandis*.

Whensoever any of the said States shall have of free inhabitants as many as are equal in number to the on-thirteenth part of the citizens of the original States, to be computed from the last enumeration, such State shall be admitted by its delegates into the Congress of the United States; provided the consent of so many States in Congress is first obtained as may at that time be competent to such admission.

Resolved, That the resolutions of the 21st of April, 1784, and the same are hereby annulled and repealed.

Such was the ordinance for the government of the Western Territory when it was ordered to a third reading on the 10th of May, 1787. It had then made no further progress in the development of those great principles for which it had been distinguished as "one of the great monuments of civil jurisprudence."

It made no provision for the equal distribution of estates. It said nothing of extending the fundamental principles of civil and religious liberty—nothing of the rights of conscience, knowledge, or education. It did not contain the articles of compact, which were to remain unaltered forever unless by common consent.

We now come to the time when these great principles were first brought forward.

On the 9th of July, 1787, the ordinance was again referred. By committee now consisted of Mr. Carrington, of Virginia, Mr. Dade, of Massachusetts, R. H. Lee, of Virginia, Mr. Keat, of South Carolina, and Mr. Smith of New York; Mr. Carrington, M. Lee, and Mr. Keat, the new members, were a majority.

This committee did not "merely revise the ordinance;" they prepared and reported the great Bill of Rights for the territory north-west of the Ohio.

The question is here presented, why was Mr. Carrington, a new member of the committee, placed at the head of it, to the exclusion of Mr. Dane and Mr. Smith, who had served previously? In the absence of positive evidence, there appears to be but one answer to this question. The opinion of all the members were known in Congress. In the course of debate new views had been presented, which must have been received with general approbation. A majority of the committee were the advocates of these views, and the member by whom they were presented to the House was selected as the chairman. There is nothing improbable or out of the usual course of proceeding in this. Indeed the prompt action of the Committee and of Congress goes very far to confirm it.

On the 11th of July, (two days after the reference,) Mr. Carrington reported the ordinance for the Government of the territory of the United States north-west of the river Ohio. The ordinance was read a second time on the 12th, (and amended, as stated below;) and on the 13th it was read a third time, and passed by the unanimous vote of the eight States present in the Congress.

On the passage, the yeas and nays (being required by Mr. Yates) were as follows:

New Hampshire	(Absent.)
Mr. Holton, <i>aye</i> .	
Mr. Dane, <i>aye</i> .	
(Absent.)	
Rhode Island	(Absent.)
Connecticut	(Absent.)
Mr. Smith, <i>aye</i> .	
Mr. Haring, <i>aye</i> .	
Mr. Yates, <i>aye</i> .	
Mr. Clark, <i>aye</i> .	
Mr. Schureman, <i>aye</i> .	
(Absent.)	
Pennsylvania	Mr. Keatney, <i>aye</i> .
Delaware	Mr. Mitchell, <i>aye</i> .
(Absent.)	
Maryland	Mr. Grayson, <i>aye</i> .
Virginia	Mr. R. H. Lee, <i>aye</i> .
Mr. Carrington, <i>aye</i> .	
Mr. Blount, <i>aye</i> .	
Mr. Hawkins, <i>aye</i> .	
Mr. Keat, <i>aye</i> .	
Mr. Huger, <i>aye</i> .	
Mr. Few, <i>aye</i> .	
Mr. Pierce, <i>aye</i> .	

It appears, then, that, instead of having "this ordinance under deliberation and revision for three years and six months," in five days it was passed through all the forms of legislation—the reference, the action of the committee, the report, the three several readings, the discussion and amendment by Congress, and the final passage.

On the 12th of July, (as above stated,) Mr. Dane offered the following amendment, which was adopted as the sixth of the articles of the compact:

"Article the sixth. 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 claimed in any of the original States, such fugitive may be lawfully reclaimed and conveyed to the person claiming his or her labor or service, as aforesaid."

This had, in part, been presented by Mr. Jefferson in 1784, and again by Mr. King in 1785. The assertion that this clause, "as it now exists in the ordinance," was "proposed and carried by Mr. King, when neither Jefferson nor Dane was present," is singularly incorrect. In the proposition submitted by Mr. King in 1785, (which was never afterwards called up in Congress,) there was no provision for reclaiming fugitives; and without such a provision it could not have been carried at all; besides, the clause, "as it now exists in the ordinance," was proposed by Mr. Dane on the 12th of July, 1787, and carried by the unanimous voice of Congress when Mr. King was not present.

Mr. King was a member of the Convention for framing the Federal Constitution. He was present and voted in the Convention on the 12th July, 1787. The whole of that day was occupied in settling the proportion of representation and direct taxation, which was then determined as it now stands in the Constitution, viz: "by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians, not taxed, *three-fifths of all other persons*." The Congress and the Convention were both in session at the same time in Philadelphia. There was of course free interchange of opinion between the members of the two bodies. To this may be attributed the adoption of the same day of the clause in the ordinance and the clause in the Constitution.

The accompanying copy of the ordinance shows the amendments made in Congress on the 12th of July to Mr. Carrington's report of the 11th. All that was struck out is printed in [brackets] what was inserted is in small capitals. The reader on comparing this with the plans previously reported by Mr. Jefferson, will see that most of the principles on which "its wisdom and fame rests" were first presented by Mr. Carrington.

AN ORDINANCE FOR THE GOVERNMENT OF THE TERRITORY OF THE UNITED STATES, NORTHWEST OF THE RIVER OHIO.

Be it Enacted by the United States in Congress assembled, That the said territory, for the purpose of temporary government, be one district; subject, however, to be divided into two districts, as future circumstances may demand; and that, 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 collateral heirs the children of a deceased mother or sister of the intestate shall have in equal parts among them their deceased parent's 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 [where there shall be no children of intestate] one-third part of the personal estate; and this law rel-

ative 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 will 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 and excepting the inhabitants of Kaskaskias and Post 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 descents 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, pay two of whom to form a court, who shall have 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 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 thereof, 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 [above that rank] shall be appointed and commissioned by Congress.

Provision 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 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 division 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 shall be eligible or qualified to act as a representative unless he shall have resided in any of the original States three years, and be a resident 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, 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 the Representatives shall be elected, they shall 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 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, and by a majority 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 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 [to all parts of the Confederacy] 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, as at 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:

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

Article the Second. 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; and no person shall be liable unless for capital offenses, unless 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