

<http://www.yale.edu/lawweb/avalon/18th.htm>

The Articles of Association; October 20, 1774

We, his majesty's most loyal subjects, the delegates of the several colonies of New-Hampshire, Massachusetts-Bay, Rhode-Island, Connecticut, New-York, New-Jersey, Pennsylvania, the three lower counties of Newcastle, Kent and Sussex on Delaware, Maryland, Virginia, North-Carolina, and South-Carolina, deputed to represent them in a continental Congress, held in the city of Philadelphia, on the 5th day of September, 1774, avowing our allegiance to his majesty, our affection and regard for our fellow-subjects in Great-Britain and elsewhere, affected with the deepest anxiety, and most alarming apprehensions, at those grievances and distresses, with which his Majesty's American subjects are oppressed; and having taken under our most serious deliberation, the state of the whole continent, find, that the present unhappy situation of our affairs is occasioned by a ruinous system of colony administration, adopted by the British ministry about the year 1763, evidently calculated for enslaving these colonies, and, with them, the British Empire. In prosecution of which system, various acts of parliament have been passed, for raising a revenue in America, for depriving the American subjects, in many instances, of the constitutional trial by jury, exposing their lives to danger, by directing a new and illegal trial beyond the seas, for crimes alleged to have been committed in America: And in prosecution of the same system, several late, cruel, and oppressive acts have been passed, respecting the town of Boston and the Massachusetts-Bay, and also an act for extending the province of Quebec, so as to border on the western frontiers of these colonies, establishing an arbitrary government therein, and discouraging the settlement of British subjects in that wide extended country; thus, by the influence of civil principles and ancient prejudices, to dispose the inhabitants to act with hostility against the free Protestant colonies, whenever a wicked ministry shall chuse so to direct them.

To obtain redress of these grievances, which threaten destruction to the lives liberty, and property of his majesty's subjects, in North-America, we are of opinion, that a non-importation, non-consumption, and non-exportation agreement, faithfully adhered to, will prove the most speedy, effectual, and peaceable measure: And, therefore, we do, for ourselves, and the inhabitants of the several colonies, whom we represent, firmly agree and associate, under the sacred ties of virtue, honour and love of our country, as follows:

1. That from and after the first day of December next, we will not import, into British America, from Great-Britain or Ireland, any goods, wares, or merchandise whatsoever, or

from any other place, any such goods, wares, or merchandise, as shall have been exported from Great-Britain or Ireland; nor will we, after that day, import any East-India tea from any part of the world; nor any molasses, syrups, paneles, coffee, or pimento, from the British plantations or from Dominica; nor wines from Madeira, or the Western Islands; nor foreign indigo.

2. We will neither import nor purchase, any slave imported after the first day of December next; after which time, we will wholly discontinue the slave trade, and will neither be concerned in it ourselves, nor will we hire our vessels, nor sell our commodities or manufactures to those who are concerned in it.

3. As a non-consumption agreement, strictly adhered to, will be an effectual security for the observation of the non-importation, we, as above, solemnly agree and associate, that from this day, we will not purchase or use any tea, imported on account of the East-India company, or any on which a duty hath been or shall be paid; and from and after the first day of March next, we will not purchase or use any East-India tea whatever; nor will we, nor shall any person for or under us, purchase or use any of those goods, wares, or merchandise, we have agreed not to import, which we shall know, or have cause to suspect, were imported after the first day of December, except such as come under the rules and directions of the tenth article hereafter mentioned.

4. The earnest desire we have not to injure our fellow-subjects in Great-Britain, Ireland, or the West-Indies, induces us to suspend a non-exportation, until the tenth day of September, 1775; at which time, if the said acts and parts of acts of the British parliament herein after mentioned, are not repealed, we will not directly or indirectly, export any merchandise or commodity whatsoever to Great-Britain, Ireland, or the West-Indies, except rice to Europe.

5. Such as are merchants, and use the British and Irish trade, will give orders, as soon as possible, to their factors, agents and correspondents, in Great-Britain and Ireland, not to ship any goods to them, on any pretence whatsoever, as they cannot be received in America; and if any merchant, residing in Great-Britain or Ireland, shall directly or indirectly ship any goods, wares or merchandize, for America, in order to break the said non-importation agreement, or in any manner contravene the same, on such unworthy conduct being well attested, it ought to be made public; and, on the same being so done, we will not, from thenceforth, have any commercial connexion with such merchant.

6. That such as are owners of vessels will give positive orders to their captains, or masters, not to receive on board their vessels any goods prohibited by the said non-

importation agreement, on pain of immediate dismissal from their service.

7. We will use our utmost endeavours to improve the breed of sheep, and increase their number to the greatest extent; and to that end, we will kill them as seldom as may be, especially those of the most profitable kind; nor will we export any to the West-Indies or elsewhere; and those of us, who are or may become overstocked with, or can conveniently spare any sheep, will dispose of them to our neighbours, especially to the poorer sort, on moderate terms.

8. We will, in our several stations, encourage frugality, economy, and industry, and promote agriculture, arts and the manufactures of this country, especially that of wool; and will discountenance and discourage every species of extravagance and dissipation, especially all horse-racing, and all kinds of games, cock fighting, exhibitions of shews, plays, and other expensive diversions and entertainments; and on the death of any relation or friend, none of us, or any of our families will go into any further mourning-dress, than a black crepe or ribbon on the arm or hat, for gentlemen, and a black ribbon and necklace for ladies, and we will discontinue the giving of gloves and scarves at funerals.

9. Such as are venders of goods or merchandize will not take advantage of the scarcity of goods, that may be occasioned by this association, but will sell the same at the rates we have been respectively accustomed to do, for twelve months last past. -And if any vender of goods or merchandise shall sell such goods on higher terms, or shall, in any manner, or by any device whatsoever, violate or depart from this agreement, no person ought, nor will any of us deal with any such person, or his or her factor or agent, at any time thereafter, for any commodity whatever.

10. In case any merchant, trader, or other person, shall import any goods or merchandize, after the first day of December, and before the first day of February next, the same ought forthwith, at the election of the owner, to be either re-shipped or delivered up to the committee of the country or town, wherein they shall be imported, to be stored at the risque of the importer, until the non-importation agreement shall cease, or be sold under the direction of the committee aforesaid; and in the last-mentioned case, the owner or owners of such goods shall be reimbursed out of the sales, the first cost and charges, the profit, if any, to be applied towards relieving and employing such poor inhabitants of the town of Boston, as are immediate sufferers by the Boston port-bill; and a particular account of all goods so returned, stored, or sold, to be inserted in the public papers; and if any goods or merchandizes shall be imported after the said first day of February, the same ought

forthwith to be sent back again, without breaking any of the packages thereof.

11. That a committee be chosen in every county, city, and town, by those who are qualified to vote for representatives in the legislature, whose business it shall be attentively to observe the conduct of all persons touching this association; and when it shall be made to appear, to the satisfaction of a majority of any such committee, that any person within the limits of their appointment has violated this association, that such majority do forthwith cause the truth of the case to be published in the gazette; to the end, that all such foes to the rights of British-America may be publicly known, and universally contemned as the enemies of American liberty; and thenceforth we respectively will break off all dealings with him or her.

12. That the committee of correspondence, in the respective colonies, do frequently inspect the entries of their customhouses, and inform each other, from time to time, of the true state thereof, and of every other material circumstance that may occur relative to this association.

13. That all manufactures of this country be sold at reasonable prices, so- that no undue advantage be taken of a future scarcity of goods.

14. And we do further agree and resolve that we will have no trade, commerce, dealings or intercourse whatsoever, with any colony or province, in North-America, which shall not accede to, or which shall hereafter violate this association, but will hold them as unworthy of the rights of freemen, and as inimical to the liberties of their country.

And we do solemnly bind ourselves and our constituents, under the ties aforesaid, to adhere to this association, until such parts of the several acts of parliament passed since the close of the last war, as impose or continue duties on tea, wine, molasses, syrups paneles, coffee, sugar, pimento, indigo, foreign paper, glass, and painters' colours, imported into America, and extend the powers of the admiralty courts beyond their ancient limits, deprive the American subject of trial by jury, authorize the judge's certificate to indemnify the prosecutor from damages, that he might otherwise be liable to from a trial by his peers, require oppressive security from a claimant of ships or goods seized, before he shall be allowed to defend his property, are repealed.-And until that part of the act of the 12 G. 3. ch. 24, entitled "An act for the better securing his majesty's dock-yards magazines, ships, ammunition, and stores," by which any persons charged with committing any of the offenses therein described, in America, may be tried in any shire or county within the realm, is repealed-and until the four acts, passed the last session of parliament, viz. that

for stopping the port and blocking up the harbour of Boston-  
that for altering the charter and government of the  
Massachusetts-Bay-and that which is entitled "An act for the  
better administration of justice, &c."-and that "for extending  
the limits of Quebec, &c." are repealed. And we recommend  
it to the provincial conventions, and to the committees in the  
respective colonies, to establish such farther regulations as  
they may think proper, for carrying into execution this  
association.

The foregoing association being determined upon by the  
Congress, was ordered to be subscribed by the several  
members thereof; and thereupon, we have hereunto set our  
respective names accordingly.

IN CONGRESS, PHILADELPHIA, October 20, 1774.

Signed, PEYTON RANDOLPH, President.

<http://www.yale.edu/lawweb/avalon/18th.htm>

[In CONGRESS, July 4, 1776. The unanimous Declaration of the thirteen united States of America] *(these words are not included in the following text at the Avalon website.)*

When in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident:

That all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness; that, to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate that governments long established should not be changed for light and transient causes; and accordingly all experience hath shown that mankind are more disposed to suffer, while evils are sufferable than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of these colonies; and such is now the necessity which constrains them to alter their former systems of government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these states. To prove this, let facts be submitted to a candid world.

...

We, therefore, the representatives of the United States of America, in General Congress assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the name and by the authority of the good people of these colonies solemnly publish and declare, That these United Colonies are, and of right ought to be, FREE AND INDEPENDENT STATES; that they are absolved from

all allegiance to the British crown and that all political connection between them and the state of Great Britain is, and ought to be, totally dissolved; and that, as free and independent states, they have full power to levy war, conclude peace, contract alliances, establish commerce, and do all other acts and things which independent states may of right do. And for the support of this declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor.

[Signed by] JOHN HANCOCK [President]

- (1) New Hampshire: JOSIAH BARTLETT, WM. WHIPPLE, MATTHEW THORNTON.
- (2) Massachusetts Bay: SAML. ADAMS, JOHN ADAMS, ROBT. TREAT PAINE, ELBRIDGE GERRY
- (3) Rhode Island: STEP. HOPKINS, WILLIAM ELLERY.
- (4) Connecticut: ROGER SHERMAN, SAM'EL HUNTINGTON, WM. WILLIAMS, OLIVER WOLCOTT.
- (5) New York: WM. FLOYD, PHIL. LIVINGSTON, FRANS. LEWIS, LEWIS MORRIS.
- (6) New Jersey: RICHD. STOCKTON, JNO. WITHERSPOON, FRAS. HOPKINSON, JOHN HART, ABRA. CLARK.
- (7) Pennsylvania: ROBT. MORRIS, BENJAMIN RUSH, BENJA. FRANKLIN, JOHN MORTON, GEO. CLYMER, JAS. SMITH, GEO. TAYLOR, JAMES WILSON, GEO. ROSS.
- (8) Delaware: CAESAR RODNEY, GEO. READ, THO. M'KEAN.
- (9) Maryland: SAMUEL CHASE, WM. PACA, THOS. STONE, CHARLES CARROLL of Carrollton.
- (10) Virginia: GEORGE WYTHE, RICHARD HENRY LEE, TH. JEFFERSON, BENJA. HARRISON, THS. NELSON, JR., FRANCIS LIGHTFOOT LEE, CARTER BRAXTON.
- (11) North Carolina: WM. HOOPER, JOSEPH HEWES, JOHN PENN.
- (12) South Carolina: EDWARD RUTLEDGE, THOS. HAYWARD, JUNR., THOMAS LYNCH, JUNR., ARTHUR MIDDLETON.
- (13) Georgia: BUTTON GWINNETT, LYMAN HALL, GEO. WALTON.

NOTE.-Mr. Ferdinand Jefferson, Keeper of the Rolls in the Department of State, at Washington, says: " The names of the signers are spelt above as in the facsimile of the original, but the punctuation of them is not always the same; neither do the names of the States appear in the facsimile of the original. The names of the signers of each State are grouped together in the facsimile of the original, except the name of Matthew Thornton, which follows that of Oliver Wolcott."-Revised Statutes of the United States, 2d edition, 1878, p. 6.

<http://www.yale.edu/lawweb/avalon/18th.htm>

Constitution of Delaware; 1776 (1)

(1) Verified from " The Constitutions of the Several Independent States of America, Published by order of Congress, Boston: Printed by Norman and Bowen, 1785."

This constitution was framed by a Convention which assembled at New Castle, August 27, 1776, in accordance with the recommendation of the Continental Congress that the people of the Colonies should form independent State Governments. It was not submitted to the people but was proclaimed September 21, 1776.

GEORGE READ, President.

Attest: JAMES BOOTH, Secretary. - Friday, September 10, 1776.

The Constitution, or System of Government, agreed to and resolved upon by the Representatives in full Convention of the Delaware State, formerly styled "The Government of the Counties of New Castle, Kent, and Sussex, upon Delaware," the said Representatives being chosen by the Freemen of the said State for that express Purpose.

ARTICLE 1. The government of the counties of New-Castle, Kent and Sussex, upon Delaware, shall hereafter in all public and other writings be called The Delaware State.

ART. 2. The Legislature shall be formed of two distinct branches; they shall meet once or oftener in every year, and shall be called, " The General Assembly of Delaware."

ART. 3. One of the branches of- the Legislature shall be called, " The House of Assembly," and shall consist of seven Representatives to be chosen for each county annually of such persons as are freeholders of the same.

ART. 4.4 The other branch shall be called " The council," and consist of nine members; three to be chosen for each county at the time of the first election of the assembly, who shall be freeholders of the county for which they are chosen, and be upwards of twenty-five years of age. At the end of one year after the general election, the councillor who had the smallest number of votes in each county shall be displaced, and the vacancies thereby occasioned supplied by the freemen of each county choosing the same or another person at a new election in manner aforesaid. At the end of two years after the first general election, the councillor who stood second in number of votes in each county shall be displaced, and the vacancies thereby occasioned supplied by a new election in manner aforesaid. And at the end of three years from the first general election,

the councillor who had the greatest number of votes in each county shall be displaced, and the vacancies thereby occasioned supplied by a new election in manner aforesaid. And this rotation of a councillor being displaced at the end of three years in each county, and his office supplied by a new choice, shall be continued afterwards in due order annually forever, whereby, after the first general election, a councillor will remain in trust for three years from the time of his being elected, and a councillor will be displaced, and the same or another chosen in each county at every election.

ART. 5. The right of suffrage in the election of members for both houses shall remain as exercised by law at present; and each house shall choose its own speaker, appoint its own officers, judge of the qualifications and elections of its own members, settle its own rules of proceedings, and direct writs of election for supplying intermediate vacancies. They may also severally expel any of their own members for misbehavior, but not a second time in the same sessions for the same offence, if reelected; and they shall have all other powers necessary for the legislature of a free and independent State.

<http://www.yale.edu/lawweb/avalon/18th.htm>

Constitution of Georgia; February 5, 1777 (1)

(1) Verified from "Watkin's Digest of the Laws of the state of Georgia Philadelphia; 1800," pp. 7-16.

This constitution was framed by a convention which assembled at Savannah October 1, 1776 in accordance with the recommendation of the Continental Congress that the people of the Colonies should form independent state governments. It was unanimously agreed to February 5, 1777. It was not submitted to the people.

Whereas the conduct of the legislature of Great Britain for many years past has been so oppressive on the people of America that of late years they have plainly declared and asserted a right to raise taxes upon the people of America, and to make laws to bind them in all cases whatsoever, without their consent; which conduct, being repugnant to the common rights of mankind, hath obliged the Americans, as freemen, to oppose such oppressive measures, and to assert the rights and privileges they are entitled to by the laws of nature and reason; and accordingly it hath been done by the general consent of all the people of the States of New Hampshire, Massachusetts Bay, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, the counties of New Castle, Kent, and Sussex on Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, given by their representatives met together in general Congress, in the city of Philadelphia;

And whereas it hath been recommended by the said Congress, on the fifteenth of May last, to the respective assemblies and conventions of the United States, where no government, sufficient to the exigencies of their affairs, hath been hitherto established, to adopt such government as may, in the opinion of the representatives of the people, best conduce to the happiness and safety of their constituents in particular and America in general;

And whereas the independence of the United States of America has been also declared, on the fourth day of July, one thousand seven hundred and seventy-six, by the said honorable Congress, and all political connection between them and the Crown of Great Britain is in consequence thereof dissolved:

We, therefore, the representatives of the people, from whom all power originates, and for whose benefit all government is intended, by virtue of the power delegated to us, do ordain and declare, and it IS hereby ordained and declared, that

the following rules and regulations be adopted for the future government of this State:

<http://www.yale.edu/lawweb/avalon/18th.htm>

Constitution of Maryland - November 11, 1776 (1)

(1) Verified by "A Collection of the Constitutions of The Thirteen United States of North America. Published by Order of Congress, Philadelphia, By John Bryce, 1783."

This constitution was framed by a convention which met at Annapolis August 14, 1776, and completed its labors November 11, 1776. It was not submitted to the people.

A Declaration of Rights, and the Constitution and Form of Government agreed to by the Delegates of Maryland, in Free and Full Convention Assembled.

A DECLARATION OF RIGHTS, &C.

THE parliament of Great Britain, by a declaratory act, having assumed a right to make laws to bind the Colonies in all cases whatsoever, and, in pursuance of Rich claim, endeavoured, by force of arms, to subjugate the United Colonies to an unconditional submission to their will and power, and having at length constrained them to declare themselves independent States, and to assume government under the authority of the people; Therefore we, the Delegates of Maryland, in free and full Convention assembled, taking into our most serious consideration the best means of establishing a good Constitution in this State, for the sure foundation and more permanent security thereof, declare,

I. That all government of right originates from the people, is founded in compact only, and instituted solely for the good of the whole.

II. That the people of this State ought to have the sole and exclusive right of regulating the internal government and police thereof.

III. That the inhabitants of Maryland are entitled to the common law of England, and the trial by Jury, according that law, and to the benefit of such of the English statutes, as existed at the time of their first emigration, and which, by experience, have been found applicable to their local and other circumstances, and of such others as have been since made in England, or Great Britain, and have been introduced, used and practiced by the courts of law or equity; and also to acts of Assembly, in force on the first of June seventeen hundred and seventy-four, except such as may have since expired, or have been or may be altered by facts of Convention, or this Declaration of Rights-subject, nevertheless, to the revision of, and amendment or repeal

by, the Legislature of this State: and the inhabitants of Maryland are also entitled to all property, derived to them, from or under the Charter, granted by his Majesty Charles I. to Crecilius Calvert, Baron of Baltimore.

IV. That all persons invested with the legislative or executive powers of government are the trustees of the public, and, as such, accountable for their conduct; wherefore, whenever the ends of government are perverted, and public liberty manifestly endangered, and all other means of redress are ineffectual, the people may, and of right ought, to reform the old or establish a new government. The doctrine of non-resistance, against arbitrary power and oppression, is absurd, slavish, and destructive of the good and happiness of mankind.

V. That the right in the people to participate in the Legislature is the best security of liberty, and the foundation of all free government; for this purpose, elections ought to be free and frequent, and every man, having property in, a common interest with, and an attachment to the community, ought to have a right of suffrage.

<http://www.yale.edu/lawweb/avalon/18th.htm>

Constitution of New Hampshire - 1776 (1)

(1) Verified by "Acts and Laws of the State of New Hampshire in America, by order of The General Assembly. To which is prefixed, The Resolution of the American Congress for Establishing a Form of Government in New Hampshire and the Resolve of the Provincial Congress, for taking up Government in Form. With the Declaration of Independence. America: Printed at Exeter in the State of New Hampshire, MDCCLXXX." pp. 2-4.

This constitution was framed by a convention, or "congress," which assembled at Exeter, December 21, 1775, (in accordance with a recommendation from the Continental Congress,) and completed its labors January 5, 1776. The constitution was not submitted to the people. This was the first constitution framed by an American Commonwealth.

IN CONGRESS AT EXETER, January 5, 1776.

VOTED, That this Congress take up CIVIL GOVERNMENT for this colony in manner and form following, viz.

WE, the members of the Congress of New Hampshire, chosen and appointed by the free suffrages of the people of said colony, and authorized and empowered by them to meet together, and use such means and pursue such measures as we should judge best for the public good; and in particular to establish some form of government, provided that measure should be recommended by the Continental Congress: And a recommendation to that purpose having been transmitted to us from the said Congress: Have taken into our serious consideration the unhappy circumstances, into which this colony is involved by means of many grievous and oppressive acts of the British Parliament, depriving us of our natural and constitutional rights and privileges; to enforce obedience to which acts a powerful fleet and army have been sent to this country by the ministry of Great Britain, who have exercised a wanton and cruel abuse of their power, in destroying the lives and properties of the colonists in many places with fire and sword, taking the ships and lading from many of the honest and industrious inhabitants of this colony employed in commerce, agreeable to the laws and customs a long time used here.

The sudden and abrupt departure of his Excellency John Wentworth, Esq., our late Governor, and several of the Council, leaving us destitute of legislation, and no executive courts being open to punish criminal offenders; whereby the lives and properties of the honest people of this colony are

liable to the machinations and evil designs of wicked men, Therefore, for the preservation of peace and good order, and for the security of the lives and properties of the inhabitants of this colony, we conceive ourselves reduced to the necessity of establishing A FORM OF GOVERNMENT to continue during the present unhappy and unnatural contest with Great Britain; PROTESTING and DECLARING that we never sought to throw off our dependence upon Great Britain, but felt ourselves happy under her protection, while we could enjoy our constitutional rights and privileges. And that we shall rejoice if such a reconciliation between us and our parent State can be effected as shall be approved by the CONTINENTAL CONGRESS, in whose prudence and wisdom we confide.

Accordingly pursuant to the trust reposed in us, WE DO Resolve, that this Congress assume the name, power and authority of a house of Representatives or Assembly for the Colony of New-Hampshire And that said House then proceed to choose twelve persons, being. reputable freeholders and inhabitants within this colony, in the following manner, viz. five in the county of Rockingham, two in the county of Stratford, two in the county of Hillsborough, two in the county of Cheshire, and one in the county of Grafton, to be a distinct and separate branch of the Legislature by the name of a COUNCIL for this colony, to continue as such until the third Wednesday in December next; any seven of whom to be a quorum to do business. That such Council appoint their President, and in his absence that the senior counsellor preside; that a Secretary be appointed by both branches, who may be a counsellor, or otherwise, as they shall choose:

That no act or resolve shall be valid and put into execution unless agreed to, and passed by both branches of the legislature

That all public officers for the said colony, and each county, for the current year, be appointed by the Council and Assembly, except the several clerks of the Executive Courts, who shall be appointed by the Justices of the respective Courts.

That all bills, resolves, or votes for raising, levying and collecting money originate in the house of Representatives.



<http://www.yale.edu/lawweb/avalon/18th.htm>

Constitution of New Jersey; 1776 (1)

Burlington. July 2, 1776.

By order of Congress.

SAMUEL TUCKER, Pres.

WILLIAM PATTERSON, Secretary.

(1) Verified from " Acts of the General Assembly of New Jersey, compiled by Peter Wilson, Trenton, MDCCCLXXXIV." pp. III-X

See, also Extracts from the Journal of Proceedings of the Provincial Congress of New Jersey. Held at Trenton in the months of May, June and August, 1775. Published by order. Burlington: Printed and sold by Isaac Colilns M.DCC.LXXV. Woodbury, N. J. Reprinted by order. Joseph Sailer, Printer, 1835. pp. 241.

Journal of the Votes and Proceedings of the Convention of New Jersey. Begun at Burlington the Tenth of June 1776, and thence continued by Adjournment at Trenton and New Brunswick, to the Twenty-first of August following. To which is annexed, Sundry Ordinances, and the Constitution. Published by order Burlington: Printed and sold by Isaac Collins, M.DCC.LXXVI. Trenton: Reprinted by order. Joseph Justice, Printer. 1831

This constitution was framed by a convention which assembled in accordance with the recommendation of the Continental Congress that the people of the colonies should form independent State governments, and which was in session, with closed doors, successively, at Burlington, Trenton, and New Brunswick, from May 26, 1776, until July 2, 1776, with intermissions. It was not submitted to the people, but its publication was ordered by the convention, July 3, 1776. Back

(2) The legislature of New Jersey amended this constitution September 20, 1777, by substituting the words " State " and " States " for " colony " and " colonies."

WHEREAS all the constitutional authority ever possessed by the kings of Great Britain over these colonies,(2) or their other dominions, was, by compact, derived from the people, and held of them, for the common interest of the whole society; allegiance and protection are, in the nature of things, reciprocal ties; each equally depending upon the other, and liable to be dissolved by the others being refused or withdrawn. And whereas George the Third, king of Great

Britain, has refused protection to the good people of these colonies; and, by assenting to sundry acts of the British parliament, attempted to subject them to the absolute dominion of that body; and has also made war upon them, in the most cruel and unnatural manner, for no other cause, than asserting their just rights-all civil authority under him is necessarily at an end, and a dissolution of government in each colony has consequently taken place.

And whereas, In the present deplorable situation of these colonies, exposed to the fury of a cruel and relentless enemy, some form of government is absolutely necessary, not only for the preservation of good order, but also the more effectually to unite the people, and enable them to exert their whole force in their own necessary defence: and as the honorable the continental congress, the supreme council of the American colonies, has advised such of the colonies as have not yet gone into measures, to adopt for themselves, respectively, such government as shall best conduce to their own happiness and safety, and the well-being of America in general:-We, the representatives of the colony of New Jersey, having been elected by all the counties, in the freest manner, and in congress assembled, have, after mature deliberations, agreed upon a set of charter rights and the form of a Constitution, in manner following, viz.

<http://www.yale.edu/lawweb/avalon/18th.htm>

The Constitution of New York : April 20, 1777  
CONSTITUTION OF NEW YORK -- 1777 (1)

This constitution was framed by a convention which assembled at White Plains July 10, 1776, and after repeated adjournments and changes of location terminated its labors at Kingston Sunday evening April 20 1777, when the constitution was adopted with but one dissenting vote. It was not submitted to the people for ratification. It was drafted by John Jay.

IN CONVENTION OF THE REPRESENTATIVES OF THIS STATE OF NEW YORK,

Kingston, 20th April, 1777.

Whereas the many tyrannical and oppressive usurpations of the King and Parliament of Great Britain on the rights and liberties of the people of the American colonies had reduced them to the necessity of introducing a government by congresses and committees, as temporary expedients, and to exist no longer than the grievances of the people should remain without redress; And whereas the congress of the colony of New York did, on the thirty-first day of May now last past, resolve as follows, viz:

"Whereas the present government of this colony, by congress and committees, was instituted while the former government, under the Crown of Great Britain, existed in full force, and was established for the sole purpose of opposing the usurpation of the British Parliament, and was intended to expire on a reconciliation with Great Britain, which it was then apprehended would soon take place, but is now considered as remote and uncertain;

"And whereas many and great inconveniences attend the said mode of government by congress and committees, as of necessity, in many instances, legislative, judicial, and executive powers have been vested therein, especially since the dissolution of the former government by the abdication of the late governor and the exclusion of this colony from the protection of the King of Great Britain;

"And whereas the Continental Congress did resolve as followeth, to wit:

" 'Whereas His Britannic Majesty, in conjunction with the lords and commons of Great Britain, has, by a late act of Parliament, excluded the inhabitants of these united colonies from the protection of his Crown; and whereas no answers whatever to the humble petition of the colonies for redress of grievances end reconciliation with Great Britain

has been, or is likely to be, given, but the whole force of that kingdom, aided by foreign mercenaries, is to be exerted for the destruction of the good people of these colonies; and whereas it appears absolutely irreconcilable to reason and good conscience for the people of these colonies now to take the oaths and affirmations necessary for the support of any government under the Crown of Great Britain, and it is necessary that the exercise of every kind of authority under the said Crown should be totally suppressed, and all the powers of government exerted under the authority of the people of the colonies for the preservation of internal peace, virtue, and good order, as well as for the defense of our lives, liberties, and properties, against the hostile invasions and cruel depredations of our enemies: Therefore,

" 'Resolved, That it be recommended to the respective assemblies and conventions of the United colonies, where no government sufficient to the exigencies of their affairs has been hitherto established, to adopt such government as shall, in the opinion of the representatives of the people, best conduce to the happiness and safety of their constituents in particular, and America in general.'

"And whereas doubts have arisen whether this congress are invested with sufficient power and authority to deliberate and determine on so important a subject as the necessity of erecting and constituting a new form of government and internal police, to the exclusion of all foreign jurisdiction, dominion, and control whatever; and whereas it appertains of right solely to the people of this colony to determine the said doubts: Therefore

"Resolved, That it be recommended to the electors in the several counties in this colony, by election, in the manner and form prescribed for the election of the present congress, either to authorize (in addition to the powers vested in this congress) their present deputies, or others in the stead of their present deputies, or either of them, to take into consideration the necessity and propriety of instituting such new government as in and by the said resolution of the Continental Congress is described and recommended; and if the majority of the counties, by their deputies in provincial congress, shall be of opinion that such new government ought to be instituted and established, then to institute and establish such a government as they shall deem best calculated to secure the rights, liberties, and happiness of the good people of this colony; and to continue in force until a future peace with Great Britain shall render the same unnecessary; and

"Resolved, That the said elections in the several counties ought to be had on such day, and at such place or places, as by the committee of each county respectively shall be determined. And it is recommended to the said committees

to fix such early days for the said elections as that all the deputies to be elected have sufficient time to repair to the city of New York by the second Monday in July next; on which day all the said deputies ought punctually to give their attendance.

"And whereas the object of the Foregoing resolutions is of the utmost importance to the good people of this colony:

"Resolved, That it be, and it is hereby, earnestly recommended to the committees, freeholders, and other electors in the different counties in this colony diligently to carry the same into execution."

And whereas the good people of the said colony, in pursuance of the said resolution, and reposing special trust and confidence in the members of this convention, have appointed, authorized, and empowered them for the purposes, and in the manner, and with the powers in and by the said resolve specified, declared, and mentioned.

And whereas the Delegates of the United American States, in general (Congress convened, did, on the fourth day of July now last past, solemnly publish and declare, in the words following; viz:

"When, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

"We hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are, life, liberty, and the pursuit of happiness; that to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to edect their safety and happiness. Prudence, indeed, will dictate that governments long established should not be changed for light and transient causes, and accordingly all experience hath shown that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations; pursuing invariably the same object, evinces a design to reduce them under absolute

despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of these colonies; and such is now the necessity which constrains them to alter their former system of government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these States. To prove this, let facts be submitted to a candid world.

....

XLII. And this convention doth further, in the name and by the authority of the good people of this State, ordain, determine, and declare that it shall be in the discretion of the legislature to naturalize all such persons, and in such manner, as they shall think proper: Provided, All such of the persons so to be by them naturalized, as being born in parts beyond sea, and out of the United States of America, shall come to settle in and become subjects of this State, shall take an oath of allegiance to this State, and abjure and renounce all allegiance and subjection to all and every foreign king, prince, potentate, and State in all matters, ecclesiastical as well as civil.(14)

By order.

LEONARD GANSEVOORT,  
President pro tempore.

1 Verified from "Journals of the Provincial Congress, Provincial Convention Committee of Safety and Council of Safety of the State of New York, 1775, 1776 1777, vol. I. Albany: Printed by Thurlow Weed, printer to the State 1842." pp. 892-898.

The Dutch, who began in 1613 to establish trading-posts on the Hudson River claimed jurisdiction over the territory between the Connecticut and the Delaware Rivers, which they called New Netherlands. The government was vested in "The United New Netherland Company," chartered in 1616, and then in "The Dutch West India Company," chartered in 1621.

In 1649 a convention of the settlers petitioned the "Lords States-General of the United Netherlands" to grant them "suitable burgher government," such as their High Mightinesses shall consider adapted to this province, and resembling somewhat the government of our Fatherland," with certain permanent privileges and exemptions, that they might pursue "the trade of our country, as well along the coast from Terra Nova to Cape Florida as to the West Indies

and Europe, whenever our Lord God shall be pleased to permit."

The directors of the West India Company resented this attempt to shake off their rule, and wrote their director and council at New Amsterdam: "We have already connived as much as possible at the many impertinences of some restless spirits, in the hope that they might be shamed by our discreetness and benevolence, but, perceiving that all kindnesses do not avail, we must, therefore, have recourse to God to Nature and the Law. We accordingly hereby charge and command your Honors whenever you shall certainly discover any Clandestine Meetings, Conventicles or machinations against our States government or that of our country that you proceed against such malignants in proportion to their crimes."

These grants embraced all the lands between the west bank of the Connecticut River and the east bank of Delaware say. The Duke of York had previously purchased in 1663 the grant of Long Island and other islands on the New England coast made in 1635 to the Marl of Stirling, and in 1664 he equipped an armed expedition which took possession of New Amsterdam which was thenceforth called New York. This conquest was confirmed by the treaty of Breda, in July 1667. In July 1673 a Dutch fleet recaptured New York and held it until it was restored to the English by the treaty of Westminster in February, 1674. The second grant was obtained by the Duke of York in July, 1674 to perfect his title. The original grants are in the New York state Library.

<http://www.yale.edu/lawweb/avalon/18th.htm>

Constitution of North Carolina : December 18, 1776 (1) (2)

By order,  
JAMES GREEN, jun. secretary.

1 Verified from "The Proceedings and Debates of the Convention of North Carolina, called to amend the Constitution of the State, which assembled at Raleigh, June 4, 1835. To which are subjoined the Convention act and the Amendments to the Constitution together with the votes of the People. Raleigh: Printed by Joseph Gales and Son, 1836." Appendix, pp. 409 424. Back

2 This constitution was framed by a " Congress," "elected and chosen for that particular purpose," which assembled at Halifax November 12, 1776, and completed its labors December 18, 1776. It was not submitted to the people for ratification

#### A DECLARATION OF RIGHTS, &C.

I. That all political power is vested in and derived from the people only.

II. That the people of this State ought to have the sole and exclusive right of regulating the internal government and police thereof.

III. That no man or set of men are entitled to exclusive or separate emoluments or privileges from the community, but in consideration of public services.

IV. That the legislative, executive, and supreme judicial powers of government, ought to be forever separate and distinct from each other.

V. That all powers of suspending laws, or the execution of laws, by any authority, without consent of the Representatives of the people, is injurious to their rights, and ought not to be exercised.

VI. That elections of members, to serve as Representatives in General Assembly, ought to be free.

VII. That, in all criminal prosecutions, every man has a right to be informed of the accusation against him, and to confront the accusers and witnesses with other testimony, and shall not be compelled to give evidence against himself.

VIII. That no freeman shall be put to answer any criminal charge, but by indictment, presentment, or impeachment.

IX. That no freeman shall be convicted of any crime, but by the unanimous verdict of a jury of good and lawful men, in open court, as heretofore used.

X. That excessive bail should not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted.

XI. That general warrants -- whereby an officer or messenger may be commanded to search suspected places, without evidence of the fact committed, or to seize any person or persons, not named, whose offences are not particularly described, and supported by evidence -- are dangerous to liberty, and ought not to be granted.

XII. That no freeman ought to be taken, imprisoned, or disseized of his freehold liberties or privileges, or outlawed, or exiled, or in any manner destroyed, or deprived of his life, liberty, or property, but by the law of the land.

XIII. That every freeman, restrained of his liberty, is entitled to a remedy, to inquire into the lawfulness thereof, and to remove the same, if unlawful; and that such remedy ought not to be denied or delayed.

XIV. That in all controversies at law, respecting property, the ancient mode of trial, by jury, is one of the best securities of the rights of the people, and ought to remain sacred and inviolable.

XV. That the freedom of the press is one of the great bulwarks of liberty, and therefore ought never to be restrained.

XVI. That the people of this State ought not to be taxed, or made subject to the payment of any impost or duty, without the consent of themselves, or their Representatives in General Assembly, freely given.

XVII. That the people have a right to bear arms, for the defence of the State; and, as standing armies, in time of peace, are dangerous to liberty, they ought not to be kept up; and that the military should be kept under strict subordination to, and governed by, the civil power.

XVIII. That the people have a right to assemble together, to consult for their common good, to instruct their Representatives, and to apply to the Legislature, for redress of grievances.

XIX. That all men have a natural and unalienable right to worship Almighty God according to the dictates of their own consciences.

XX. That, for redress of grievances, and for amending and strengthening the laws, elections ought to be often held.

XXI. That a frequent recurrence to fundamental principles is absolutely necessary, to preserve the blessings of liberty.

XXII. That no hereditary emoluments, privileges or honors ought to be granted or conferred in this State.

XXIII. That perpetuities and monopolies are contrary to the genius of a free State, and ought not to be allowed.

XXIV. That retrospective laws, punishing facts committed before the existence of such laws, and by them only declared criminal, are oppressive, unjust, and incompatible with liberty; wherefore no ex post facto law ought to be made.

XXV. The property of the soil, in a free government, being one of the essential rights of the collective body of the people, it is necessary, in order to avoid future disputes, that the limits of the State should be ascertained with precision; and as the former temporary line between North and South Carolina, was confirmed, and extended by Commissioners, appointed by the Legislatures of the two States, agreeable to the order of the late King George the Second, in Council, that line, and that only, should be esteemed the southern boundary of this State as follows: that is to say, beginning on the sea side, at a cedar stake, at or near the mouth of Little River (being the southern extremity of Brunswick county) and running from thence a northwest course, through the boundary house, which stands in thirty-three degrees fifty-six minutes, to thirty-five degrees north latitude; and from thence a west course so far as is mentioned in the Charter of King Charles the Second, to the late Proprietors of Carolina. Therefore all the territories, seas, waters, and harbours, with their appurtenances, lying between the line above described, and the southern line of the State of Virginia, which begins on the sea shore, in thirty-six degrees thirty minutes, north latitude, and from thence runs west, agreeable to the said Charter of King Charles, are the right and property of the people of this State, to be held by them in sovereignty; any partial line, without the consent of the Legislature of this State, at any time thereafter directed, or laid out, in anywise notwithstanding: -- Provided always, That this Declaration of Rights shall not prejudice any nation or nations of Indians, from enjoying such hunting-grounds as may have been, or hereafter shall be, secured to them by any former or future Legislature of this State: -- And provided also, That it shall not be construed so as to prevent the establishment of one or more governments westward of this State, by consent of the Legislature: -- And provided further, That nothing herein contained shall affect the titles or repossessions of individuals holding or claiming

under the laws heretofore in force, or grants heretofore made by the late King George the Second, or his predecessors, or the late lords proprietors, or any of them.

#### THE CONSTITUTION, OR FORM OF GOVERNMENT, &c

WHEREAS allegiance and protection are, in their nature, reciprocal, and the one should of right be refused when the other is withdrawn:

And whereas George the Third, King of Great Britain, and late Sovereign of the British American Colonies, hath not only withdrawn from them his protection, but, by an act of the British Legislature, declared the inhabitants of these States out of the protection of the British crown, and all their property, found upon the high seas, liable to be seized and confiscated to the uses mentioned in the said act; and the said George the Third has also sent fleets and armies to prosecute a cruel war against them, for the purposed reducing the inhabitants of the said Colonies to a state of abject slavery; in consequence whereof, all government under the said King, within the said Colonies, hath ceased, and a total dissolution of government in many of them hath taken place.

And whereas the Continental Congress, having considered the premises, and other previous violation of the rights of the good people of America, have therefore declared, that the Thirteen United Colonies are, of right, wholly absolved from all allegiance to the British crown or any other foreign jurisdiction whatsoever: and that the said Colonies now are, and forever shall be, free and independent States.

Wherefore, in our present state, in order to prevent anarchy and confusion, it becomes necessary that government should be established in this State; therefore we, the Representatives of the freemen of North-Carolina, chosen and assembled in Congress, for the express purpose of framing a Constitution, under the authority of the people, most conducive to their happiness and prosperity, do declare, that a government for this State shall be established, in manner and form following, to wit:

...

<http://www.yale.edu/lawweb/avalon/18th.htm>

Constitution of Pennsylvania - September 28, 1776 (1)

Passed in Convention the 28th day of September, 1776, and signed by their order.

BENJ. FRANKLIN, Prest.

(1) The Proceedings Relative to Calling the Conventions of 1776 and 1790 the Minutes of the Convention that formed the present Constitution of Pennsylvania together with the Charter to William Penn the Constitutions of 1776 and 1790 and a view of the Proceedings of the Convention of 1776 and the Council of Censors. Harrisburg: Printed by John S. Wiestling Market Street, 1825. pp. 3S4. Index.

The Constitution of the Commonwealth of Pennsylvania as established by the General Convention carefully compared with the original to which is added a Report of the Committee appointed to enquire Whether the Constitution has been preserved inviolate in every Part and whether the legislative and executive branches of Government, have performed their duty as Guardians of the People or assumed to themselves or exercised other or greater Powers. than they are entitled to by the Constitution.

As adopted by the Council of Censors Published by their Order. Philadelphia: Printed by Francis Bailey, at Yorick s Head in Market Street. M, DCC.LXXXIV. pp. 64.

This constitution was framed by a convention (called in accordance with the expressed wish of the Continental Congress) which assembled at Philadelphia July 15 1776 and completed its labors September 28 1776. It was not submitted to the people for ratification.

WHEREAS all government ought to be instituted and supported for the security and protection of the community as such, and to enable the individuals who compose it to enjoy their natural rights, and the other blessings which the Author of existence has bestowed upon man; and whenever these great ends of government are not obtained, the people have a right, by common consent to change it, and take such measures as to them may appear necessary to promote their safety and happiness. AND WHEREAS the inhabitants o f this commonwealth have in consideration of protection only, heretofore acknowledged allegiance to the king of Great Britain; and the said king has not only withdrawn that protection, but commenced, and still continues to carry on, with unabated vengeance, a most cruel and unjust war against them, employing therein, not only the troops of Great Britain, but foreign mercenaries,

savages and slaves, for the avowed purpose of reducing them to a total and abject submission to the despotic domination of the British parliament, with many other acts of tyranny, (more fully set forth in the declaration of Congress) whereby all allegiance and fealty to the said king and his successors, are dissolved and at an end, and all power and authority derived from him ceased in these colonies. AND WHEREAS it is absolutely necessary for the welfare and safety of the inhabitants of said colonies, that they be henceforth free and independent States, and that just, permanent, and proper forms of government exist in every part of them, derived from and founded on the authority of the people only, agreeable to the directions of the honourable American Congress. We, the representatives of the freemen of Pennsylvania, in general convention met, for the express purpose of framing such a government, confessing the goodness of the great Governor of the universe (who alone knows to what degree of earthly happiness mankind mav attain, by perfecting the arts of government) in permitting the people of this State, by common consent, and without violence, deliberately to form for themselves such just rules as they shall think best, for governing their future society, and being fully convinced, that itis our indispensable duty to establish such original principles of government, as will best promote the general happiness of the people of this State, and their posterity, and provide for future improvements, without partiality for, or prejudice against any particular class, sect, or denomination of men whatever, do, by virtue of the authority vested in use by our constituents, ordain, declare, and establish, the following Declaration of Rights and Frame of Government, to be the CONSTITUTION of this commonwealth, and to remain in force therein for ever, unaltered, except in such articles as shall hereafter on experience be found to require improvement, and which shall by the same authority of the people, fairly delegated as this frame of government directs, be amended or improved for the more effectual obtaining and securing the great end and design of all government, herein before mentioned.

A DECLARATION OF THE RIGHTS OF THE INHABITANTS OF THE COMMONWEALTH OR STATE OF PENNSYLVANIA

I. That all men are born equally free and independent, and have certain natural, inherent and inalienable rights, amongst which are, the enjoying and defending life and liberty, acquiring, possessing and protecting property, and pursuing and obtaining happiness and safety.

II. (religious freedom)

III. That the people of this State have the sole, exclusive and inherent right of governing and regulating the internal police of the same.

IV. That all power being originally inherent in, and consequently derived from, the people; therefore all officers of government, whether legislative or executive, are their trustees and servants, and at all times accountable to them.

V. That government is, or ought to be, instituted for the common benefit, protection and security of the people, nation or community; and not for the particular emolument or advantage of any single man, family, or sort of men, who are a part only of that community, And that the community hath an indubitable, unalienable and indefeasible right to reform, alter, or abolish government in such manner as shall be by that community judged most conducive to the public weal.

VI. That those who are employed in the legislative and executive business of the State, may be restrained from oppression, the people have a right, at such periods as they may think proper, to reduce their public officers to a private station, and supply the vacancies by certain and regular elections.

VII. That all elections ought to be free; and that all free men having a sufficient evident common interest with, and attachment to the community, have a right to elect officers, or to be elected into office.

VIII. That every member of society hath a right to be protected in the enjoyment of life, liberty and property, and therefore is bound to contribute his proportion towards the expence of that protection, and yield his personal service when necessary, or an equivalent thereto: But no part of a man's property can be justly taken from him, or applied to public uses, without his own consent, or that of his legal representatives: Nor can any man who is conscientiously scrupulous of bearing arms, be justly compelled thereto, if he will pay such equivalent, nor are the people bound by any laws, but such as they have in like manner assented to, for their common good.

...

<http://www.yale.edu/lawweb/avalon/18th.htm>

Constitution of South Carolina - March 26, 1776 (1)

By order of the congress, March 26, 1776.

WILLIAM HENRY DRAYTON, President.

Attested: PETER TIMOTHY, Secretary.

(1) Verified by-" constitution" in "The statutes at Large of South Carolina Edited by Thomas Cooper, M. D.; LL. D. Vol. I. Columbia s. c. 1836" pp. 128-134,

This constitution was framed by the "Provincial Congress ", of South Carolina and adopted March 26, 1776. It was not submitted to the people for ratification.

Whereas the British Parliament, claiming of late years a right to bind the North American colonies by law in all cases whatsoever, have enacted statutes for raising a revenue in those colonies and disposing of such revenue as they thought proper, without the consent and against the will of the colonists. And whereas it appearing to them that (they not being represented in Parliament) such claim was altogether unconstitutional, and, if admitted, would at once reduce them from the rank of freemen to a state of the most abject slavery; the said colonies, therefore, severally remonstrated against the passing, and petitioned for the repeal, of those acts, but in vain, and whereas the said claim being persisted in, other unconstitutional and oppressive statutes have been since enacted by which the powers of admiralty courts in the colonies are extended beyond their ancient limits, and jurisdiction is given to such courts in cases similar to those which in Great Britain are triable by jury; persons are liable to be sent to and tried in Great Britain for an offence created and made capital by one of those statutes, though committed in the colonies; the harbor of Boston was blocked up; people indicted for murder in the Massachusetts Bay may, at the will of a governor, be sent for trial to any other colony, or even to Great Britain; the chartered constitution of government in that colony is materially altered; the English laws and a free government, to which the inhabitants of Quebec were entitled by the King's royal proclamation, are abolished and French laws are restored; the Roman Catholic religion (although before tolerated and freely exercised there) and an absolute government are established in that province, and its limits extended through a vast tract of country so as to border on the free Protestant English settlements, with design of using a whole people differing in religious principles from the neighboring colonies, and subject to arbitrary power, as fit instruments to overawe and subdue the colonies. And whereas the delegates of all the colonies on this continent, from Nova Scotia to Georgia, assembled



in a general Congress at Philadelphia, in the most dutiful manner laid their complaints at the foot of the throne, and humbly implored their sovereign that his royal authority and interposition might be used for their relief from the grievances occasioned by those statutes, and assured His Majesty that harmony between Great Britain and America, ardently desired by the latter, would be thereby immediately restored, and that the colonists confided in the magnanimity and justice of the King and Parliament for redress of the many other grievances under which they labored. And whereas these complaints being Only disregarded, statutes still more cruel than those above mentioned have been enacted, prohibiting the intercourse of the colonies with each other, restricting their trade, and depriving many thousands of people of the means of subsistence, by restraining them from fishing on the American coast. And whereas large fleets and armies having been sent to America in order to enforce the execution of those laws, and to compel an absolute and implicit submission to the will of a corrupt and despotic administration, and in consequence thereof, hostilities having been commenced in the Massachusetts Bay, by the troops under command of General Gage, whereby a number of peaceable, helpless, and unarmed people were wantonly robbed and murdered, and there being just reason to apprehend that like hostilities would be committed in all the other colonies. The colonists were therefore driven to the necessity of taking up arms, to repel force by force, and to defend themselves and their properties against lawless invasions and depredations. Nevertheless, the delegates of the said colonies assembled in another Congress at Philadelphia, anxious to procure a reconciliation with Great Britain upon just and constitutional principles, supplicated His Majesty to direct some mode by which the united applications of his faithful colonists might be improved into a happy and permanent reconciliation, that in the mean time measures might be taken for preventing the further destruction of their lives, and that such statutes as immediately distressed any of the colonists might be repealed. And whereas, instead of obtaining that justice, to which the colonists were and are of right entitled, the unnatural civil war into which they were thus precipitated and are involved, hath been prosecuted with unremitting violence, and the governors and others bearing the royal commission in the colonies having broken the most solemn promises and engagements, and violated every obligation of honor, Justice, and humanity, have caused the persons of divers good people to be seized and imprisoned, and their properties to be forcibly taken and detained' or destroyed, without any crime or forfeiture; excited domestic insurrections; proclaimed freedom to servants and slaves, enticed or stolen them from, and armed them against their masters; instigated and encouraged the Indian nations to war against the colonies; dispensed with the law of the land, and substituted the law martial in its stead; killed many of

the colonists; burned several towns, and threatened to burn the rest, and daily endeavor by a conduct which has sullied the British arms, and would disgrace even savage nations, to effect the ruin and destruction of the colonies; and whereas a statute hath been lately passed, whereby, under presence that the said colonies are in open rebellion, all trade and commerce whatsoever with them is prohibited; vessels belonging to their inhabitants trading in, to, or from the said colonies, with the cargoes and effects on board such vessels, are made lawfull prize, and the masters and crews of such vessels are subjected by force to act on board the King's ships against their country and dearest friends; and all seizures and detention or destruction of the persons and properties of the colonists which have at any time been made or committed for withstanding or suppressing the said pretended rebellion, and which' shell be made in pursuance of the said act, or for the service of the public, are justified, and persons suing for damages in such cases are, on failing in their suits, subjected to payment of very heavy expenses. And whereas large reenforcements of troops and ships have been ordered and are daily expected in America for carrying on war against each of the united colonies by the most vigorous exertions. And whereas in consequence of a plan recommended by the governors, and which seems to have been concerted between them and their ministerial masters to withdraw the usual officers and thereby loosen the bands of government and create anarchy and confusion in the colonies. Lord William (Jampbell, late governor, on the fifteenth day of September last, dissolved the general assembly of this colony, and no other hath been since called, although by law the sitting and holding of general assemblies cannot be intermitted above six months, and having used his utmost efforts to destroy the lives, liberties, and properties of the good people here, whom by the duty of his station he was bound to protect, withdrew himself from the colony and carried off the great seal and the royal instructions to governors. And whereas the judges of courts of law here have refused to exercise their respective functions, so that it is become indispensably necessary that during the present situation of American affairs, and until an accommodation of the unhappy differences between Great Britain and America can be obtained, (an event which, though traduced and treated as rebels, we still earnestly desire,) some mode should be established by common consent, and for the good of the people, the origin and end of all governments, for regulating the internal polity of this colony. The congress being vested with powers competent for the purpose, and having fully deliberated touching the premises, do therefore resolve:

I. That this congress being a full and free representation of the people of this colony, shall henceforth be deemed and called the general assembly of South Carolina, and as such

shall continue until the twenty-first day of October next, and no longer.

II. That the general assembly shall, out of their own body, elect by ballot a legislative council, to consist of thirteen members, (seven of whom shall be a quorum,) and to continue for the same time as the general assembly.

III. That the general assembly and the said legislative council shall jointly choose by ballot from among themselves, or from the people at large, a president and commander-in-chief and a vice-president of the colony.

...

<http://www.yale.edu/lawweb/avalon/18th.htm>

Constitution of South Carolina - March 19, 1778 (1)  
An Act for establishing the constitution of the State of South Carolina.

Assented to. RAWLINS LOWNDES. HUGH RUTLEGE, Speaker of the Legislative Council. THOMAS BEE, Speaker of the General Assembly.

(1) Verified by " A Collection of the Constitutions of the Thirteen United States of North America, Published by order of Congress. Philadelphia Printed: Glasgow Reprinted, John Bryee, 1783."

Also from Cooper's Statute of South Carolina, Vol. I, pp. 137-146.

This constitution was framed by the general assembly of South Carolina, by which it was passed as an " act " March 19, 1778, although it did not go into effect until November, 1778. It was soon afterwards declared by the supreme court of South Carolina that both the constitution of 1776 and the constitution of 1778 were simply acts of the general assembly, which that body could repeal or amend at pleasure.

Whereas the constitution or form of government agreed to and resolved upon by the freemen of this country, met in congress, the twenty-sixth day of March, one thousand seven hundred and: seventy-six, was temporary only, and suited to the situation of their public affairs at that period, looking forward to an accommodation with Great Britain, an event then desired; and whereas the United Colonies of America have been since constituted independent States, and the political connection heretofore subsisting between them and Great Britain entirely dissolved by the declaration of the honorable the Continental Congress, dated the fourth day of July, one thousand seven hundred and seventy-six, for the many great and weighty reasons therein particularly set forth: It therefore becomes absolutely necessary to frame a constitution suitable to that great event.

<http://www.yale.edu/lawweb/avalon/18th.htm>

Constitution of Vermont - July 8, 1777 (1)

(1) Verified from "Vermont State Papers; Being a Collection of Records and Documents, Connected with the Assumption and Establishment of Government by the People of Vermont: together with the Journal of the Council of Safety, the First Constitution, the early Journals of the General Assembly, and the Laws from the year 1779 to 1786, inclusive. To which are added the Proceedings of the First and Second Councils of Censors. Compiled and Published by William Slade Jun. Secretary of State, Middlebury: J. W. Copeland, Printer. 1823." pp. 241-255.

The State of Vermont was originally claimed by Massachusetts, New Hampshire, and New York, and at the commencement of the revolutionary struggle she not only sought independence from British rule, but from the State of New York, which claimed sovereignty over the territory to the west bank of the Connecticut River, and from New Hampshire, which contested the claims of both New York and Vermont. In March, 1781, Massachusetts assented to the independence of Vermont, which adjusted her difficulties with New Hampshire in 1782, but it was 1790 before New York consented to her admission into the Union

This constitution was framed by a convention which assembled at Windsor, July 2, 1777, and completed its labors July 8, 1777. It was not submitted to the people for ratification. It was affirmed by the legislature at its sessions in 1780 and 1782, and declared to be a part of the laws of the State. The Convention subsequently met, on December 24, 1777, after the time of election and the day of meeting of the Assembly.

WHEREAS, all government ought to be instituted and supported, for the security and protection of the community, as such, and to enable the individuals who compose it, to enjoy their natural rights, and the other blessings which the Author of existence has bestowed upon man; and whenever those great ends of government are not obtained, the people have a right, by common consent, to change it, and take such measures as to them may appear necessary to promote their safety and happiness.

And whereas, the inhabitants of this State have (in consideration of protection only) heretofore acknowledged allegiance to the King of Great Britain, and the said King has not only withdrawn that protection, but commenced, and still continues to carry on, with unabated vengeance, a most cruel and unjust war against them; employing therein, not

only the troops of Great Britain, but foreign mercenaries, savages and slaves, for the avowed purpose of reducing them to a total and abject submission to the despotic domination of the British parliament, with many other acts of tyranny, (more fully set forth in the declaration of Congress) whereby all allegiance and fealty to the said King and his successors, are dissolved and at an end; and all power and authority derived from him, ceased in the American Colonies.

And whereas, the territory which now comprehends the State of Vermont, did antecedently, of right, belong to the government of New-Hampshire; and the former Governor thereof, viz. his Excellency Benning Wentworth, Esq., granted many charters of lands and corporations, within this State, to the present inhabitants and others. And whereas, the late Lieutenant Governor Colden, of New York, with others, did, in violation of the tenth command, covet those very lands; and by a false representation made to the court of Great Britain, (in the year 1764, that for the convenience of trade and administration of justice, the inhabitants were desirous of being annexed to that government,) obtained jurisdiction of those very identical lands, ex-parte; which ever was, and is, disagreeable to the inhabitants. And whereas, the legislature of New-York, ever have, and still continue to disown the good people of this State, in their landed property, which will appear in the complaints hereafter inserted, and in the 36th section of their present constitution, in which is established the grants of land made by that government.

They have refused to make regents of our lands to the original proprietors and occupants, unless at the exorbitant rate of 2300 dollars fees for each township; and did enhance the quit-rent, three fold, and demanded an immediate delivery of the title derived before, from New-Hampshire.

The judges of their supreme court have made a solemn declaration that the charters, conveyances, &c. of the lands included in the before described premises, were utterly null and void, on which said title was founded: in consequence of which declaration, writs of possession have been by them issued, and the sheriff of the county of Albany sent, at the head of six or seven hundred men, to enforce the execution thereof.

They have passed an act, annexing a penalty thereto, of thirty pounds fine and six months imprisonment, on any person who should refuse assisting the sheriff, after being requested, for the purpose of executing writs of possession.

The Governors, Dunmore, Tryon and Colden, have made re-grants of several tracts of land, included in the premises,

to certain favorite land jobbers in the government of New-York, in direct violation of his Britannic majesty's express prohibition, in the Year 1767.

They have issued proclamations, wherein they have offered large sums of money, for the purpose of apprehending those very persons who have dared boldly, and publicly, to appear in defence of their just rights.

They did pass twelve acts of outlawry, on the 9th day of March, A. D. 1774, empowering the respective judges of their supreme court, to award execution of death against those inhabitants in said district, that they should judge to be offenders, without trial.

They have, and still continue, an unjust claim to those lands, which greatly retards emigration into, and the settlement of, this State.

They have hired foreign troops, emigrants from Scotland, at two different times, and armed them, to drive us out of possession.

They have sent the savages on our frontiers, to distress us.

They have proceeded to erect the counties of Cumberland and Gloucester, and establish courts of justice there, after they were discountenanced by the authority of Great Britain.

The free convention of the State of New-York at Harlem, in the year 1776, unanimously voted, " That all quit-rents, formerly due to the King of Great Britain, are now due and owing to this Convention. Or such future government as shall be hereafter established in this State."

In the several stages of the aforesaid oppressions, we have petitioned his Britannic majesty, in the most humble manner, for redress? and have, at very great expense, received several reports in our favor; and, in other instances, wherein we have petitioned the late legislative authority of New-York, those petitions have been treated with neglect.

And whereas, the local situation of this State, from New-York, at the extreme part, is upward of four hundred and fifty miles from the seat of that government, which renders it extreme difficult to continue under the jurisdiction of said State

Therefore, it is absolutely necessary, for the welfare and safety of the inhabitants of this State, that it should be, henceforth, a free and independent State; and that a just, permanent, and proper form of government, should exist in it, derived from, and founded on, the authority of the people

only, agreeable to the direction of the honorable American Congress.

We the representatives of the freemen of Vermont, in General Convention met, for the express purpose of forming such a government, confessing the goodness of the Great Governor of the universe, (who alone, knows to what degree of earthly happiness, mankind may attain, by perfecting the arts of government,) in permitting the people of this State, by common consent, and without violence, deliberately to form for themselves, such just rules as they shall think best for governing their future society; and being fully convinced that it is our indispensable duty, to establish such original principles of government, as will best promote the general happiness of the people of this State, and their posterity, and provide for future improvements, without partiality for, or prejudice against, any particular class, sect, or denomination of men whatever,-do, by virtue of authority vested in us, by our constituents, ordain, declare, and establish, the following declaration of rights, and frame of government, to be the CONSTITUTION of this COMMONWEALTH, and to remain in force therein, forever, unaltered, except in such articles, as shall, hereafter, on experience, be found to require improvement, and which shall, by the same authority of the people, fairly delegated, as this frame of government directs, be amended or improved, for the more effectual obtaining and securing the great end and design of all government, herein before mentioned.

#### CHAPTER I

#### A DECLARATION OF THE RIGHTS OF THE INHABITANTS OF THE STATE OF VERMONT

I. THAT all men are born equally free and independent, and have certain natural, inherent and unalienable rights, amongst which are the enjoying and defending life and liberty; acquiring, possessing and protecting property, and pursuing and obtaining happiness and safety. Therefore, no male person, born in this country, or brought from over sea, ought to be holden by law, to serve any person, as a servant, slave or apprentice, after he arrives to the age of twenty-one Years, nor female, in like manner, after she arrives to the age of eighteen years, unless they are bound by their own consent, after they arrive to such age, or bound by law, for the payment of debts, damages, fines, costs, or the like.

II. That private property ought to be subservient to public uses, when necessity requires it; nevertheless, whenever any particular man's property is taken for the use of the public, the owner ought to receive an equivalent in money.

III. That all men have a natural and unalienable right to worship ALMIGHTY GOD, according to the dictates of their

own consciences and understanding, regulated by the word of GOD; and that no man ought, or of right can be compelled to attend any religious worship, or erect, or support any place of worship, or maintain any minister, contrary to the dictates of his conscience; nor can any man who professes the protestant religion, be justly deprived or abridged of any civil right, as a citizen, on account of his religious sentiment, or peculiar mode of religious worship, and that no authority can, or ought to be vested in, or assumed by, any power whatsoever, that shall, in any case, interfere with, or in any manner controul, the rights of conscience, in the free exercise of religious worship: nevertheless, every sect or denomination of people ought to observe the Sabbath, or the Lord's day, and keep up, and support, some sort of religious worship, which to them shall seem most agreeable to the revealed will of GOD.

IV. That the people of this State have the sole, exclusive and inherent right of governing and regulating the internal police of the same.

V. That all power being originally inherent in, and consequently, derived from, the people; therefore, all officers of government, whether legislative or executive, are their trustees and servants. and at all times accountable to them.

VI. That government is, or ought to be, instituted for the common benefit, protection, and security of the people, nation or community; and not for the particular emolument or advantage of any single man, family or set of men, who are a part only of that community; and that the community hath an indubitable, unalienable and indefeasible right to reform, alter, or abolish, government, in such manner as shall be, by that community, judged most conducive to the public weal.

<http://www.yale.edu/lawweb/avalon/18th.htm>

Constitution of Vermont - July 4, 1786 (1)

By order of Convention, July 4th, 1786.

MOSES ROBINSON, President. Attest: ELIJAH PAINE, Secretary.

(1) Verified from text in " The Constitutions of the Sixteen States which Compose the Confederate Republic of America, according to the latest Amendments, to which are prefixed the Declaration of Independence; the Articles of Confederation; the Definitive Treaty of Peace with Great Britain, and the Constitution of the United States with all the Amendments. Boston: Printed by Manning & Loring, 1797."

"Vermont State Papers; being a Collection of Records and Documents connected with the assumption and establishment of Government by the people of Vermont; together with the Journal of the Council of Safety, the First Constitution, the early Journals of the General Assembly and the Laws from the year 1779 to 1786 inclusive. To which are added the Proceedings of the first and second Councils of Censors. Compiled and published by William Slade, Jun. Secretary of State. Middlebury: J. W. Copeland, Printer, 1823." pp. 567.

The original constitution of Vermont provided for the election, at intervals of seven years, commencing in 1785, of a "council of censors," who should not only inquire whether the constitution had been preserved inviolate during the last septenary, and whether the government had been faithfully exercised, but should propose such amendments to the constitution as they might deem proper, and call a convention to meet for the adoption or rejection of them. This constitution was adopted by the legislature and declared to be a part of the laws of the State, in March, 1787.

WHEREAS all government ought to be instituted and supported for the security and protection of the community as such, and to enable the individuals, who compose it, to enjoy their natural rights, and the other blessings which the Author of existence has bestowed upon man: and whenever those great ends of government are not obtained, the people have a right, by common consent, to change it, and take such measures as to them may appear necessary to promote their safety and happiness.

...

<http://www.yale.edu/lawweb/avalon/18th.htm>

The Constitution of Virginia; June 29, 1776 (1)

(1) Verified from "Ordinances passed at a General Convention of Delegates and Representatives from the Several Counties and Corporations of Virginia, Held at the Capitol in the City of Williamsburg, on Monday, the 6th of May, A. D. 1776. Reprinted by a Resolution of the House of Delegates of the 24th February, 1816. Richmond: Ritchie, Trueheart & Duval, Printers. 1816." pp. 3-6.

"The Proceedings of the Convention of Delegates for the Counties and Corporations in the Colony of Virginia, held at Richmond Town, in the County of Henrico, on the 20th of March, 1775. . Re-printed by a Resolution of the House of Delegates, of the 24th February, 1810. Richmond: Ritchie, Trueheart & Duval, Printers. 1816." 8 pp.

"The Proceedings of the Convention of Delegates for the Counties and Corporations in the Colony of Virginia held at Richmond Town, in the County of Henrico, on Monday the 17th of July 1775. Reprinted by a Resolution of the House of Delegates, of the 24th February, 1816. Richmond: Ritchie, Trueheart & Du-Val, Printers. 1816." 116 pp.

"The Proceedings of the Convention of Delegates held at the Capitol, in the city of Williamsburg, in the Colony of Virginia, On Monday, the 6th of May, 1776. Reprinted by a Resolution of the House of Delegates, of the 24th February, 1816. Richmond: Ritchie, Trueheart & Duval, Printers. 1816." 86 pp.

"Ordinances passed at a General Convention of Delegates and Representatives, from the several Counties and Corporations of Virginia, held at the Capitol in the City of Williamsburg, On Monday, the 6th of May, Anno-Dom. 1776. Reprinted by a Resolution of the House of Delegates, of the 24th February, 1816. Richmond: Ritchie, Trueheart & Du-Val, Printers. 1816." 19 pp.

This Declaration of Rights was framed by a Convention, composed of forty-five members of the colonial house of burgesses, which met at Williamsburgh May 6, 1776, and adopted this Declaration June 12, 1776.

This constitution was framed by the convention which issued the preceding Declaration of Rights, and was adopted June 29, 1776. It was not submitted to the people for ratification.

Bill of Rights; June 12, 1776

A declaration of rights made by the representatives of the good people of Virginia, assembled in full and free convention; which rights do pertain to them and their posterity, as the basis and foundation of government.

SECTION 1. That all men are by nature equally free and independent, and have certain inherent rights, of which, when they enter into a state of society, they cannot, by any compact, deprive or divest their posterity, namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.

SEC. 2. That all power is vested in, and consequently derived from, the people; that magistrates are their trustees and servants, and at all times amenable to them.

SEC. 3. That government is, or ought to be, instituted for the common benefit, protection, and security of the people, nation, or community; of all the various modes and forms of government, that is best which is capable of producing the greatest degree of happiness and safety, and is most effectually secured against the danger of maladministration; and that, when any government shall be found inadequate or contrary to these purposes, a majority of the community hath an indubitable, inalienable, and indefeasible right to reform, alter, or abolish it, in such manner as shall be judged most conducive to the public weal.

SEC. 4. That no man, or set of men, are entitled to exclusive or separate emoluments or privileges from the community, but in consideration of public services; which, not being descendible, neither ought the offices of magistrate, legislator, or judge to be hereditary

SEC. 3. That the legislative and executive powers of the State should be separate and distinct from the judiciary; and that the members of the two first may be restrained from oppression, by feeling and participating the burdens of the people, they should, at fixed periods, be reduced to a private station, return into that body from which they were originally taken, and the vacancies be supplied by frequent, certain, and regular elections, in which all, or any part of the former members, to be again eligible, or ineligible, as the laws shall direct.

SEC. 6. That elections of members to serve as representatives of the people, in assembly, ought to be free; and that all men, having sufficient evidence of permanent common interest with, and attachment to, the community, have the right of suffrage, and cannot be taxed or deprived of their property for public uses, without their own consent,

or that of their representatives so elected, nor bound by any law to which they have not, in like manner, assembled, for the public good.

SEC. 7. That all power of suspending laws, or the execution of laws, by any authority, without consent of the representatives of the people, is injurious to their rights, and ought not to be exercised.

...

SEC. 15. That no free government, or the blessings of liberty, can be preserved to any people, but by a firm adherence to justice, moderation, temperance, frugality, and virtue, and by frequent recurrence to fundamental principles.

SEC. 16. That religion, or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence; and therefore all men are equally entitled to the free exercise of religion, according to the dictates of conscience; and that it is the mutual duty of all to practice Christian forbearance, love, and charity towards each other.

...

THE CONSTITUTION OR FORM OF GOVERNMENT, AGREED TO AND RESOLVED UPON BY THE DELEGATES AND REPRESENTATIVES OF THE SEVERAL COUNTIES AND CORPORATIONS OF VIRGINIA

...

Commissions and grants shall run, "In the name of the Commonwealth of Virginia," and bear test by the Governor, with the seal of the Commonwealth annexed. Writs shall run in the same manner, and bear test by the Clerks of the several Courts. Indictments shall conclude, "Against the peace and dignity of the Commonwealth."

A Treasurer shall be appointed annually, by joint ballot of both Houses.

All escheats, penalties, and forfeitures, heretofore going to the King, shall go to the Commonwealth, save only such as the Legislature may abolish, or otherwise provide for.

The territories, contained within the Charters, erecting the Colonies of Maryland, Pennsylvania, North and South Carolina, are hereby ceded, released, and forever confirmed, to the people of these Colonies respectively, with all the rights of property, jurisdiction and government, and

all other rights whatsoever, which might, at any time heretofore, have been claimed by Virginia, except the free navigation and use of the rivers Patomaque and Pokomoke, with the property of the Virginia shores and strands, bordering on either of the said rivers, and all improvements, which have been, or shall be made thereon. The western and northern extent of Virginia shall, in all other respects, stand as fixed by the Charter of King James I. in the year one thousand six hundred and nine, and by the public treaty of peace between the Courts of Britain and France, in the Year one thousand seven hundred and sixty-three; unless by act of this Legislature, one or more governments be established westward of the Alleghany mountains. And no purchases of lands shall be made of the Indian natives, but on behalf of the public, by authority of the General Assembly.

In order to introduce this government, the Representatives of the people met in the convention shall choose a Governor and Privy Council, also such other officers directed to be chosen by both Houses as may be judged necessary to be immediately appointed. The Senate to be first chosen by the people to continue until the last day of March next, and the other officers until the end of the succeeding session of Assembly. In case of vacancies, the Speaker of either House shall issue writs for new elections.

<http://www.yale.edu/lawweb/avalon/18th.htm>

## Articles of Confederation

To all to whom these Presents shall come, we the undersigned Delegates of the States affixed to our Names send greeting.

Articles of Confederation and perpetual Union between the states of New Hampshire, Massachusetts-bay Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia.

I. The Stile of this Confederacy shall be "The United States of America".

II. Each state retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right, which is not by this Confederation expressly delegated to the United States, in Congress assembled.

III. The said States hereby severally enter into a firm league of friendship with each other, for their common defense, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other, against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretense whatever.

IV. The better to secure and perpetuate mutual friendship and intercourse among the people of the different States in this Union, the free inhabitants of each of these States, paupers, vagabonds, and fugitives from justice excepted, shall be entitled to all privileges and immunities of free citizens in the several States; and the people of each State shall free ingress and regress to and from any other State, and shall enjoy therein all the privileges of trade and commerce, subject to the same duties, impositions, and restrictions as the inhabitants thereof respectively, provided that such restrictions shall not extend so far as to prevent the removal of property imported into any State, to any other State, of which the owner is an inhabitant; provided also that no imposition, duties or restriction shall be laid by any State, on the property of the United States, or either of them.

...

VIII. All charges of war, and all other expenses that shall be incurred for the common defense or general welfare, and allowed by the United States in Congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several States in proportion to the value of all land within each State, granted or surveyed for any

person, as such land and the buildings and improvements thereon shall be estimated according to such mode as the United States in Congress assembled, shall from time to time direct and appoint.

The taxes for paying that proportion shall be laid and levied by the authority and direction of the legislatures of the several States within the time agreed upon by the United States in Congress assembled.

...

XII. All bills of credit emitted, monies borrowed, and debts contracted by, or under the authority of Congress, before the assembling of the United States, in pursuance of the present confederation, shall be deemed and considered as a charge against the United States, for payment and satisfaction whereof the said United States, and the public faith are hereby solemnly pledged.

...

And Whereas it hath pleased the Great Governor of the World to incline the hearts of the legislatures we respectively represent in Congress, to approve of, and to authorize us to ratify the said Articles of Confederation and perpetual Union. Know Ye that we the undersigned delegates, by virtue of the power and authority to us given for that purpose, do by these presents, in the name and in behalf of our respective constituents, fully and entirely ratify and confirm each and every of the said Articles of Confederation and perpetual Union, and all and singular the matters and things therein contained: And we do further solemnly plight and engage the faith of our respective constituents, that they shall abide by the determinations of the United States in Congress assembled, on all questions, which by the said Confederation are submitted to them. And that the Articles thereof shall be inviolably observed by the States we respectively represent, and that the Union shall be perpetual.

In Witness whereof we have hereunto set our hands in Congress. Done at Philadelphia in the State of Pennsylvania the ninth day of July in the Year of our Lord One Thousand Seven Hundred and Seventy-Eight, and in the Third Year of the independence of America.

Agreed to by Congress 15 November 1777 In force after ratification by Maryland, 1 March 1781



<http://score.rims.k12.ca.us/resources/grades/?u=102>

### Land Ordinance of 1785

An Ordinance for ascertaining the mode of disposing of Lands in the Western Territory.

Be it ordained by the United States in Congress assembled, that the territory ceded by individual States to the United States, which has been purchased of the Indian inhabitants, shall be disposed of in the following manner:

A surveyor from each state shall be appointed by Congress, or a committee of the States, who shall take an Oath for the faithful discharge of his duty, before the Geographer of the United States, who is hereby empowered and directed to administer the same; and the like oath shall be administered to each chain carrier, by the surveyor under whom he acts.

The Geographer, under whose direction the surveyors shall act, shall occasionally form such regulations for their conduct, as he shall deem necessary; and shall have authority to suspend them for misconduct in Office, and shall make report of the same to Congress or to the Committee of the States; and he shall make report in case of sickness, death, or resignation of any surveyor.

The Surveyors, as they are respectively qualified, shall proceed to divide the said territory into townships of six miles square, by lines running due north and south, and others crossing these at right angles, as near as may be, unless where the boundaries of the late Indian purchases may render the same impracticable, and then they shall depart from this rule no farther than such particular circumstances may require; and each surveyor shall be allowed and paid at the rate of two dollars for every mile, in length, he shall run, including the wages of chain carriers, markers, and every other expense attending the same.

The first line, running north and south as aforesaid, shall begin on the river Ohio, at a point that shall be found to be due north from the western termination of a line, which has been run as the southern boundary of the state of Pennsylvania; and the first line, running east and west, shall begin at the same point, and shall extend throughout the whole territory. Provided, that nothing herein shall be construed, as fixing the western boundary of the state of Pennsylvania. The geographer shall designate the townships, or fractional parts of townships, by numbers progressively from south to north; always beginning each range with number one; and the ranges shall be distinguished by their progressive numbers to the westward. The first range, extending from the Ohio to the lake Erie, being marked number one. The geographer shall personally

attend to the running of the first east and west line; and shall take the latitude of the extremes of the first north and south line, and of the mouths of the principal rivers.

The lines shall be measured with a chain; shall be plainly marked by chaps on the trees and exactly described on a plat; whereon shall be noted by the surveyor, at their proper distances, all mines, salt springs, salt licks and mill seats, that shall come to his knowledge, and all water courses, mountains and other remarkable and permanent things, over and near which such lines shall pass, and also the quality of the lands.

The plats of the townships respectively, shall be marked by subdivisions into lots of one mile square, or 640 acres, in the same direction as the external lines, and numbered from 1 to 36; always beginning the succeeding range of the lots with the number next to that with which the preceding one concluded. And where, from the causes before mentioned, only a fractional part of a township shall be surveyed, the lots protracted thereon, shall bear the same numbers as if the township had been entire. And the surveyors, in running the external lines of the townships, shall, at the interval of every mile, mark corners for the lots which are adjacent, always designating the same in a different manner from those of the townships.

The geographer and surveyors shall pay the utmost attention to the variation of the magnetic needle; and shall run and note all lines by the true meridian, certifying, with every plat, what was the variation at the times of running the lines thereon noted.

As soon as seven ranges of townships, and fractional parts of townships, in the direction from south to north, shall have been surveyed, the geographer shall transmit plats thereof to the board of treasury, who shall record the same with the report, in well bound books to be kept for that purpose. And the geographer shall make similar returns, from time to time, of every seven ranges as they may be surveyed. The Secretary at War shall have recourse thereto, and shall take by lot therefrom, a number of townships, and fractional parts of townships, as well from those to be sold entire as from those to be sold in lots, as will be equal to one seventh part of the whole of such seven ranges, as nearly as may be, for the use of the late continental army; and he shall make a similar draught, from time to time, until a sufficient quantity is drawn to satisfy the same, to be applied in manner hereinafter directed. The board of treasury shall, from time to time, cause the remaining numbers, as well those to be sold entire, as those to be sold in lots, to be drawn for, in the name of the thirteen states respectively, according to the quotas in the last preceding requisition on all the states; provided, that in case more land than its proportion is

allotted for sale, in any state, at any distribution, a deduction be made therefore at the next.

The board of treasury shall transmit a copy of the original plats, previously noting thereon, the townships, and fractional parts of townships, which shall have fallen to the several states, by the distribution aforesaid, to the Commissioners of the loan office of the several states, who, after giving notice of not less than two nor more than six months by causing advertisements to be posted up at the court houses, or other noted places in every county, and to be inserted in one newspaper, published in the states of their residence respectively, shall proceed to sell the townships, or fractional parts of townships, at public vendue, in the following manner, viz.: The township, or fractional part of a township, N 1, in the first range, shall be sold entire; and N 2, in the same range, by lots; and thus in alternate order through the whole of the first range. The township, or fractional part of a township, N 1, in the second range, shall be sold by lots; and N 2, in the same range, entire; and so in alternate order through the whole of the second range; and the third range shall be sold in the same manner as the first, and the fourth in the same manner as the second, and thus alternately throughout all the ranges; provided, that none of the lands, within the said territory, be sold under the price of one dollar the acre, to be paid in specie, or loan office certificates, reduced to specie value, by the scale of depreciation, or certificates of liquidated debts of the United States, including interest, besides the expense of the survey and other charges thereon, which are hereby rated at thirty six dollars the township, in specie or certificates as aforesaid, and so in the same proportion for a fractional part of a township, or of a lot, to be paid at the time of sales; on failure of which payment the said lands shall again be offered for sale.

There shall be reserved for the United States out of every township, the four lots, being numbered 8, 11, 26, 29, and out of every fractional part of a township, so many lots of the same numbers as shall be found thereon, for future sale. There shall be reserved the lot N 16, of every township, for the maintenance of public schools, within the said township; also one third part of all gold, silver, lead and copper mines, to be sold, or otherwise disposed of as Congress shall hereafter direct.

When any township, or fractional part of a township, shall have been sold as aforesaid, and the money or certificates received therefore, the loan officer shall deliver a deed in the following terms:

The United States of America to all to whom these presents shall come, greeting:

Know ye, That for the consideration of [blank] dollars we have granted, and hereby do grant and confirm unto [blank] the township, (or fractional part of a township, as the case may be) numbered [blank] in the range [blank] excepting therefrom, and reserving one third part of all gold, silver, lead and copper mines within the same; and the lots Ns 8, 11, 26, and 29, for future sale or disposition, and the lot N 16, for the maintenance of public schools. To have to the said [blank] his heirs and assigns for ever; (or if more than one purchaser to the said [blank] their heirs and assigns for ever as tenants in Common.) In witness whereof, (A.B.) Commissioner of the loan office, in the State of [blank] hath, in conformity to the Ordinance passed by the United States in Congress assembled, the twentieth day of May, in the year of our Lord one thousand seven hundred and eighty five, hereunto set his hand and affixed his seal this [blank] day of [blank] in the year of our Lord [blank] and of the independence of the United States of America [blank].

And when any township, or fractional part of a township, shall be sold by lots as aforesaid, the Commissioner of the loan office shall deliver a deed therefore in the following form:

The United States of America to all to whom these presents shall come, Greeting:

Know ye, That for the consideration of [blank] dollars, we have granted, and hereby do grant and confirm unto [blank] the lot (or lots, as the case may be, in the township or fractional part of the township, as the case may be) numbered [blank] in the range [blank] excepting and reserving one third part of all gold, silver, lead and copper mines within the same, for future sale or disposition. To have to the said [blank] his heirs and assigns for ever; (or if more than one purchaser, to the said [blank] their heirs and assigns for ever as tenants in common.) In witness whereof, (A.B.) Commissioner of the continental loan office in the state of [blank] hath, in conformity to the Ordinance passed by the United States in Congress assembled, the twentieth day of May, in the year of our Lord 1785, hereunto set his hand and affixed his seal, this [blank] day of [blank] in the year of our Lord [blank] and of the independence of the United States of America [blank].

Which deeds shall be recorded in proper books by the commissioner of the loan office and shall be certified to have been recorded, previous to their being delivered to the purchaser, and shall be good and valid to convey the lands in the same described.

The commissioners of the loan offices respectively, shall transmit to the board of treasury every three months, an account of the townships, fractional parts of townships, and

lots committed to their charge; specifying therein the names of the persons to whom sold, and the sums of money or certificates received for the same; and shall cause all certificates by them received, to be struck through with a circular punch; and they shall be duly charged in the books of the treasury, with the amount of the moneys or certificates, distinguishing the same, by them received as aforesaid.

If any township, or fractional part of a township or lot, remains unsold for eighteen months after the plat shall have been received, by the commissioners of the loan office, the same shall be returned to the board of treasury, and shall be sold in such manner as Congress may hereafter direct.

And whereas Congress by their resolutions of September 16 and 18 in the year 1776, and the 12<sup>th</sup> of August, 1780, stipulated grants of land to certain officers and soldiers of the late continental army, and by the resolution of the 22<sup>d</sup> September, 1780, stipulated grants of land to certain officers in the hospital department of the late continental army; for complying therefore with such engagements, Be it ordained, That the secretary at war, from the returns in his office, or such other evidence as the nature of the case may admit, determine who are the objects of the above resolutions and engagements, and the quantity of land to which such persons or their representatives are respectively entitled, and cause the townships, or fractional parts of townships, hereinbefore reserved for the use of the late continental army, to be drawn for in such manner as he shall deem expedient, to answer the purpose of an impartial distribution. He shall, from time to time, transmit certificates to the commissioners of the loan offices of the different states, to the lines of which the military claimants have respectively belonged, specifying the name and rank of the party, the terms of his engagement and time of his service, and the division, brigade, regiment or company to which he belonged, the quantity of land he is entitled to, and the township, or fractional part of a township, and range out of which his portion is to be taken.

The commissioners of the loan offices shall execute deeds for such undivided proportions in manner and form herein before-mentioned, varying only in such a degree as to make the same conformable to the certificate from the Secretary at War.

Where any military claimants of bounty in land shall not have belonged to the line of any particular state, similar certificates shall be sent to the board of treasury, who shall execute deeds to the parties for the same.

The Secretary at War, from the proper returns, shall transmit to the board of treasury, a certificate specifying the name

and rank of the several claimants of the hospital department of the late continental army, together with the quantity of land each claimant is entitled to, and the township, or fractional part of a township, and range out of which his portion is to be taken; and thereupon the board of treasury shall proceed to execute deeds to such claimants.

The board of treasury, and the commissioners of the loan offices in the states, shall, within 18 months, return receipts to the secretary at war, for all deeds which have been delivered, as also all the original deeds which remain in their hands for want of applicants, having been first recorded; which deeds so returned, shall be preserved in the office, until the parties or their representatives require the same.

And be it further Ordained, That three townships adjacent to lake Erie be reserved, to be hereafter disposed of by Congress, for the use of the officers, men and others, refugees from Canada, and the refugees from Nova Scotia, who are or may be entitled to grants of land under resolutions of Congress now existing, or which may hereafter be made respecting them, and for such other purposes as Congress may hereafter direct.

And be it further Ordained, That the towns of Gnadenhuten, Schoenbrun and Salem, on the Muskingum, and so much of the lands adjoining to the said towns, with the buildings and improvements thereon, shall be reserved for the sole use of the Christian Indians, who were formerly settled there, or the remains of that society, as may, in the judgment of the geographer, be sufficient for them to cultivate.

Saving and reserving always, to all officers and soldiers entitled to lands on the northwest side of the Ohio, by donation or bounty from the commonwealth of Virginia, and to all persons claiming under them, all rights to which they are so entitled, under the deed of cession executed by the delegates for the state of Virginia, on the first day of March, 1784, and the act of Congress accepting the same: and to the end that the said rights may be fully and effectually secured, according to the true intent and meaning of the said deed of cession and act aforesaid, Be it Ordained, that no part of the land included between the rivers called little Miami and Sciota, on the northwest side of the river Ohio, be sold, or in any manner alienated, until there shall first have been laid off and appropriated for the said Officers and Soldiers, and persons claiming under them, the lands they are entitled to, agreeably to the said deed of cession and act of Congress accepting the same.

Done by the United States in Congress assembled, the 20<sup>th</sup> day of May, in the year of our Lord 1785, and of our sovereignty and independence the ninth.

Charles Thomson, Secretary.  
 Richard H. Lee, President.  
 11 Journals of the Continental Congress, XXVIII, 375-81;  
 Carter (ed.), Territorial Papers, II, 12-18; Henry S.  
 Commager (ed.), Documents of American History (6th ed.,  
 New York, 1958), 123-24; also see John D. Barnhart and  
 Donald F. Carmony, Indiana: From Frontier to Industrial  
 Commonwealth (4 vols., New York, 1954), I, 75-76; or Roy  
 M. Robbins, Our Landed Heritage: The Public Domain,  
 1776-1936 (Princeton, 1942),

<http://www.rootsweb.com/~ohfrankl/Land/ohl2.html>

(Provides two maps of section numbering within townships. Claims that section numbering changed from 1785 to 1796 Land Acts. However, 1785 Land Act gives specific numbering instructions only for townships. 1785 Land Act instructs surveyors to number townships from south to north and then north to south. The 1785 Land Act does not give specific instructions for section numbering.

(If sections were numbered in the same pattern as townships per 1785 Land Act, numbering and reservations would look like this, excluding reservations for mineral lands that were not consistent from township to township.)

1785 Land Act .. Section Numbering .. Reservations					
31	30	19	18	7	6
32	<b>29</b>	20	17	<b>8</b>	5
33	28	21	<b>16</b>	9	4
34	27	22	15	10	3
35	<b>26</b>	23	14	<b>11</b>	2
36	25	24	13	12	1

<http://www.utexas.edu/depts/grg/huebner/grg312/lect23.htm>

The USPLSS applies to most of the U.S. except for the thirteen original colonies, Texas, and Hawaii. This cadastral survey is the systematic basis for land subdivision in most of the country. One should be familiar with the system for land ownership reasons and because of the tremendous imprint it has left on the natural landscape.

The Land Act of 1796 changes numbering system of townships to east to west and then west to east, the system still in use.

Subsequent legislation established sections as 640 acres.

(1785 Land Act uses the word lot where the 1796 Land Act uses the word section. 640 acres remained constant for both lots and sections.)

(If section numbering changed from 1785 to 1796 Land Act, the 4 sections reserved to the national government would be in the same positions, but the location of section 16 would change.)

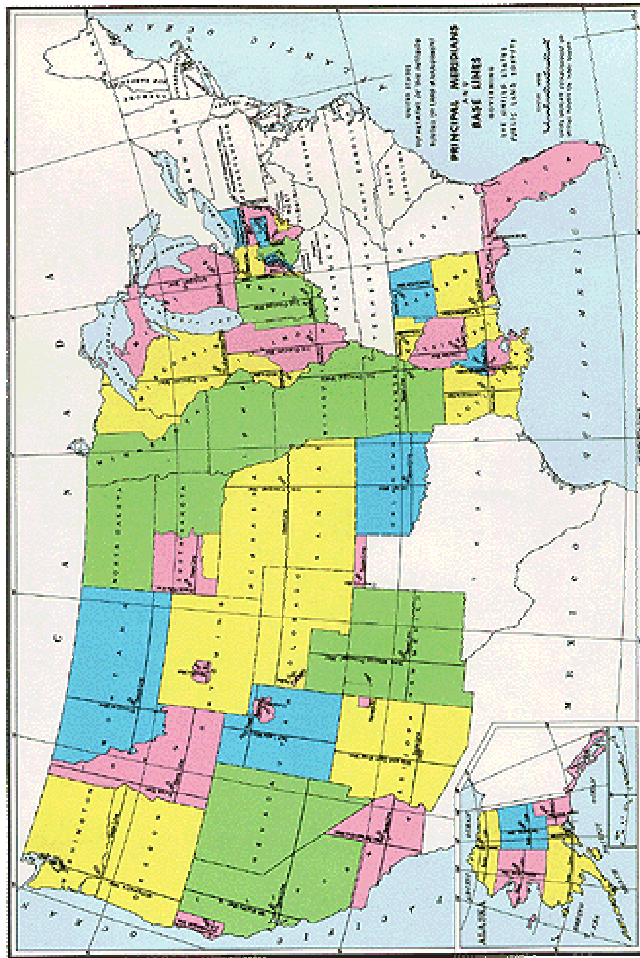
(The 1785 section numbering system was more logical mathematically. Section 36 always lined up with section 1 of the next township to the west as surveyors moved from east to west.)

1796 Land Act .. Section Numbering .. Reservations					
6	5	4	3	2	1
7	<b>8</b>	9	10	<b>11</b>	12
18	17	<b>16</b>	15	14	13
19	20	21	22	23	24
30	<b>29</b>	28	27	<b>26</b>	25
31	32	33	34	35	36

[http://nationalatlas.gov/articles/boundaries/a\\_plss.html](http://nationalatlas.gov/articles/boundaries/a_plss.html)

Explanation of surveys and township numbering.

Maps of US to show different times and styles of survey.



[http://www.geocommunicator.gov/GeoComm/isis\\_home/home/isis-plss-description.htm](http://www.geocommunicator.gov/GeoComm/isis_home/home/isis-plss-description.htm)

Land Ordinance of 1785

In 1785 the Continental Congress enacted the Land Ordinance which set in motion a rectangular survey system to lay out one mile square parcels over all of the federal lands outside the 13 colonies and their western territories. Our present system of public land survey still retains the basic elements set forth in the Land Ordinance of 1785.

[http://www.topodepot.com/USGS\\_PLSS\\_BACKGROUND.htm](http://www.topodepot.com/USGS_PLSS_BACKGROUND.htm)

Excerpted from USGS Part 3: Attribute Coding, Standards for Digital Line Graphs (DLG-3) links to:

<http://rockyweb.cr.usgs.gov/nmpstds/acrodocs/dlg-3/3dlg0798.pdf>

Introduction

All lands in the public domain are subject to subdivision by a rectangular system of surveys called the Public Land Survey System (PLSS), established and regulated by the Bureau of Land Management. The original public domain includes the land ceded to the Federal Government by the Thirteen Original States, supplemented with acquisitions from native Indians and foreign powers. It encompasses major portions of the land area of 30 western States.

[http://nationalatlas.gov/articles/boundaries/a\\_plss.html](http://nationalatlas.gov/articles/boundaries/a_plss.html)

Since the original PLSS surveys were completed, much of the land that was originally part of the public domain has been transferred to private ownership ...

Township—An approximately 6-mile square area of land, containing 36 sections. Also, a horizontal row of townships in the PLSS.

Section—A one-square-mile block of land, containing 640 acres, or approximately one thirty-sixth of a township. Due to the curvature of the Earth, sections may occasionally be slightly smaller than one square mile.

[http://nationalatlas.gov/articles/boundaries/a\\_plss.html](http://nationalatlas.gov/articles/boundaries/a_plss.html)

## History

Originally proposed by Thomas Jefferson, the PLSS began shortly after the Revolutionary War, when the Federal government became responsible for large areas west of the thirteen original colonies. The government wished both to distribute land to Revolutionary War soldiers in reward for their service, as well as to sell land as a way of raising money for the nation. Before this could happen, the land needed to be surveyed.

The Land Ordinance of 1785 which provided for the systematic survey and monumentation of public domain lands, and the Northwest Ordinance of 1787 which established a rectangular survey system designed to facilitate the transfer of Federal lands to private citizens, were the beginning of the PLSS. Under Congressional mandate, cadastral surveys (surveys of the boundaries of land parcels) of public lands were undertaken to create parcels suitable for disposal by the Government. The extension of the rectangular system of surveys over the public domain has been in progress since 1785, and, where it applies, the PLSS forms the basis for most land transfers and ownership today. The Manual of Instructions for the Survey of the Public Lands Of The United States, 1973 documents current official procedures for PLSS surveys.

Certain lands were excluded from the public domain and were not subject to survey and disposal. These lands include the beds of navigable bodies of water, national installations such as military reservations and national parks, and areas such as land grants that had already passed to private ownership prior to subdivision by the Government. France, Spain, and Mexico all conferred land grants in territory they claimed; many of these grants were confirmed by the U.S Government when the territory in which they were situated was acquired by the United States, and the land was then excluded from the public domain.

<http://www.ditext.com/robbins/land1.html>

Roy M. Robbins, *Our Landed Heritage: The Public Domain, 1776-1936* (1942). (No copyright statement.)

### Part I: The Settler Breaks the Way CHAPTER I: FOUNDING THE SYSTEM

(How would lots/ sections be numbered per the 1785 Land Act?)

Congress devoted a year of study to the western land problem. Thomas Jefferson was chairman of the committee

and the first draft of an ordinance, dated 1784, is in his own handwriting. But Jefferson's appointment as ambassador to France removed this important southern and democratic influence from the drafting committee, and the Ordinance of May 20, 1785, reflects a predominant New England influence.

In line with the earlier abolition of feudal incidents, the ordinance adopted allodial tenure, that is, land was to pass in fee simple from the government to the first purchaser. After clearing the Indian title and surveying the land the government was to sell it at auction to the highest bidder. Townships were to be surveyed six miles square and alternate ones subdivided into lots one mile square, each lot consisting of 640 acres to be known as a section. No land was to be sold until the first seven ranges of townships were marked off. A minimum price was fixed at \$1 per acre to be paid in specie, loan-office certificates, or certificates of the liquidated debt, including interest. The purchaser was to pay surveying expenses of \$36 per township. Congress reserved sections 8, 11, 26, and 29 in each township, and one-third of all precious metals later discovered therein. In addition the sixteenth section of each township was set aside for the purpose of providing common schools.<sup>15</sup>

Township = 36 sections

6 5 4 3 2 1

7 8 9 10 11 12

18 17 16 15 14 13

19 20 21 22 23 24

30 29 28 27 26 25

31 32 33 34 35 36

Despite its many defects, the Ordinance of 1785 "proved to be one of the wisest and most influential of all the acts of the Revolutionary period."<sup>16</sup> It inaugurated a system of land surveys which, perfected by practice and experience, has been adopted by nearly every civilized country in the world. No act of the Confederation government evinced a more genuine national spirit. This ordinance together with the better known Ordinance of 1787 "guaranteed the American colonist against exploitation" by the national government or by any of the original thirteen states, and thus formed the basis for the American colonial system.

<http://www.rootsweb.com/~ohfrank/Land/ohl2.html>

© 1994 by the Ohio Auditor of State. All Rights Reserved.

Researched and written by Thomas Aquinas Burke. Eighth Edition - September 1996

FOR FREE DISTRIBUTION ONLY.



SECTIONS  
NUMBERED



BEFORE  
LAW OF  
1796

36	30	24	18	12	6
35	29	23	17	11	5
34	28	22	16	10	4
33	27	21	15	9	3
32	26	20	14	8	2
31	25	19	13	7	1

6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36



AFTER LAW  
OF 1796

2	1
3	4



DIVISIONS OF  
TOWNSHIPS IN  
U.S. MIL. DIST.

3	2
4	1



DIVISION OF  
TOWNSHIPS IN  
FIRE LANDS  
AND RESERVE

Sketch of the Ohio Townships as surveyed under the Rectangular System.



<http://www.yale.edu/lawweb/avalon/18th.htm>

Northwest Ordinance; July 13, 1787

An Ordinance for the government of the Territory of the United States northwest of the River Ohio.

...

Sec 2. Be it ordained by the authority aforesaid, That the estates, both of resident and nonresident proprietors in the said territory, dying intestate, shall descent 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:

Sec. 3

Sec. 4

Appointment of officers and award of freehold in territory during term of office.

Sec. 5. 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.

Sec. 6. Governor is commander in chief of militia.

Sec. 7. 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.

Sec. 8. 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.

Sec. 9. 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 a representative 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.

Sec. 10. 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.

Sec. 11

Sec. 12

Legislative duties, oath of office.

Sec. 13. 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:

Sec. 14. 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. 1. religious freedom

Art. 2. 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.

... 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. 3. 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. 4. 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 a 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 nonresident 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. 5. There shall be formed in the said territory, not less than three nor more than five States; (boundaries described)

... And, whenever any of the said States shall have sixty thousand 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 sixty thousand.

Art. 6. 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 in any one of the original States, such fugitive may be lawfully reclaimed 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 23rd of April, 1784, relative to the subject of this ordinance, be, and the same are hereby repealed and declared null and void.

<http://memory.loc.gov/ammem/amlaw/lawhome.html>  
(Scanned pages without OCR text. My transcript follows)

Fourth Congress, Session I, Chapter 29

An Act providing for the Sale of the Lands of the United States, in the territory northwest of the river Ohio, and above the mouth of the Kentucky river.

Section 1. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a Surveyor General shall be appointed, whose duty it shall be to engage a sufficient number of skilful surveyors, as his deputies; whom he shall cause, without delay, to survey and mark the unascertained outlines of the lands lying northwest of the river Ohio, and above the mouth of the river Kentucky, in which the titles of the Indian tribes have been extinguished, and to divide the same in the manner herein after directed; he shall have authority to frame regulations and instructions for the government of his deputies; to administer the necessary oaths, upon their appointments; and to remove them for negligence or misconduct in office.

Section 2. Be it further enacted, That the part of the said lands, which has not been already conveyed by letters patent, or divided, in pursuance of an ordinance in Congress, passed on the twentieth of May, one thousand seven hundred and eighty-five, or which has not been heretofore, and during the present session of Congress may not be appropriated for satisfying military land bounties, and for other purposes, shall be divided

by north and south lines run according to the true meridian, and by others crossing them at right angles, so as to form townships of six miles square, unless where the line of the late Indian purchase or of tracts of land heretofore surveyed or patented, or the course of navigable rivers may render it impracticable; and then this rule shall be departed from no further than such particular circumstances may require.

The corners of the townships shall be marked with progressive numbers from the beginning; each distance of a mile between the said corners shall be also distinctly marked with marks different from those of the corners. One half of the said townships, taking them alternately, shall be subdivided into sections, containing, as nearly as may be, six hundred and forty acres each, by running through the same, each way, parallel lines, at the end of every two miles; and by marking a corner, on each of the said lines at the end of every mile;

the sections shall be numbered respectively beginning with the number one, in the northeast section, and proceeding

west and east alternately, through the township with progressive numbers, till the thirty-sixth be completed.

And it shall be the duty of the deputy surveyors, respectively, to cause to be marked, on a tree near each corner made, as aforesaid, and within the section, the number of such section, and over it, the number of the township, within which such section may be; and the said deputies shall carefully note, in their respective field-books, the names of the corner trees marked, and the numbers so made :

The fractional parts of townships shall be divided into sections, in manner aforesaid, and the fractions of sections shall be annexed to, and sold with, the adjacent entire sections. All lines shall be plainly marked upon trees, and measured with chains, containing two perches of sixteen feet and one half each, subdivided into twenty-five equal links, and the chain shall be adjusted to a standard to be kept for that purpose.

Every surveyor shall note in his field-book the true situations of all mines, salt licks, salt springs and mill seats, which shall come to his knowledge; all water courses, over which the line he runs shall pass; and also the quality of the lands.

These field-books shall be returned to the Surveyor General, who shall therefrom cause a description of the whole lands surveyed, to be made out and transmitted to the officers who may superintend the sales :

He shall also cause a fair plat to be made of the townships, and fractional parts of townships, contained in the said lands, describing the subdivisions thereof, and the marks of the corners. This plat shall be recorded in books to be kept for that purpose; a copy thereof shall be kept open at the Surveyor General's office, for public information; and other copies sent to the places of the sale, and to the Secretary of the Treasury.

Section 3. Be it further enacted, That a salt spring lying upon a creek which empties into the Sciota river, on the east side, together with as many contiguous sections as shall be equal to one township, and every other salt spring which may be discovered, together with the section of one mile square which includes it,

and also four sections at the center of every township, containing each one mile square, shall be reserved, for the future disposal of the United States, but there shall be no reservations, except for salt springs, in fractional townships, where the fraction is less than three fourths of a township.

Section 4. Be it further enacted, That whenever seven ranges of townships shall have been surveyed below the Great Miami, or between the Sciota river and the Ohio company's purchase, or between the southern boundary of the Connecticut claims and the ranges already laid off beginning upon the Ohio river and extending westwardly, and the plats thereof made and transmitted, in conformity to the provisions of this act,

the said sections of six hundred and forty acres (excluding those hereby reserved) shall be offered for sale, at public vendue, under the direction of the governor or secretary of the western territory, and the Surveyor General :

such of them as lie below the Great Miami shall be sold at Cincinnati ; those of them which lie between the Sciota and the Ohio company's purchase, at Pittsburg; and those between the Connecticut claim and the seven ranges, at Pittsburg.

And the townships remaining undivided shall be offered for sale, in the same manner, at the seat of government of the United States, under the direction of the Secretary of the Treasury, in tracts of one quarter of a township lying at the corners thereof, excluding the four central sections, and the other reservations before mentioned :

Provided always, that no part of the lands directed by this act to be offered for sale, shall be sold for less than two dollars per acre.

Section 5. Be it further enacted, That the Secretary of the Treasury, after receiving the aforesaid plats, shall forthwith give notice, in one newspaper in each of the United States, and of the territories northwest and south of the river Ohio, of the times of sale; which shall, in no case, be less than two months from the date of the notice; and the sales at the different places shall not commence, within less than one month of each other :

And when the governor of the western territory, or Secretary of the Treasury, shall find it necessary to adjourn, or suspend the sales under their direction, respectively, for more than three days, at any one time, notice shall be given in the public newspapers, of such suspension, and at what time the sales will recommence.

Section 6. Be it further enacted, That immediately after the passing of this act, the Secretary of the Treasury shall, in the manner herein before directed, advertise for sale, the lands remaining unsold in the seven ranges of townships, which were surveyed, in pursuance of an ordinance of Congress, passed the twentieth of May, one thousand seven hundred and eighty-five, including the lands drawn for

the army, by the late Secretary of War, and also those heretofore sold, but not paid for ; the townships which by the said ordinance, are directed to be sold entire, shall be offered for sale, at public vendue in Philadelphia, under the direction of the Secretary of the Treasury, in quarter townships, reserving the four center sections, according to the directions of this act.

The townships, which, by the said ordinance, are directed to be sold in sections, shall be offered for sale at public vendue, in Pittsburg, under the direction of the governor or secretary of the western territory, and such person as the President may specially appoint for that purpose, by sections of one mile square each, reserving the four center sections, as aforesaid;

and all fractional townships shall also be sold in sections, at Pittsburg, in the manner, and under the regulations provided by this act, for the sale of fractional townships :

Provided always, That nothing in this act shall authorize the sale of those lots, which have been heretofore reserved in the townships already sold.

Section 7. Be it further enacted, That the highest bidder for any tract of land, sold by virtue of this act, shall deposit, at the time of sale, one twentieth part of the amount of the purchase money ; to be forfeited, if a moiety of the sum bid, including the said twentieth part, is not paid within thirty days to the treasurer of the United States, or to such person as shall be appointed by the President of the United States, to attend the places of sale for that purpose ; and upon payment of ;a moiety of the purchase money, within thirty days, the purchaser shall have one year's credit for the residue ;

and shall receive from the Secretary of the Treasury, or the governor of the western territory, (as the case may be) a certificate describing the land sold, the sum paid on account, the balance remaining due, the time when such balance becomes payable; and that the whole land sold will be forfeited, if the said balance is not then paid; but that if it shall be duly discharged, the purchaser, or his assignee, or other legal representative, shall be entitled to a patent for the said lands :

And on payment of the said balance to the treasurer, within the specified time, and producing to the Secretary of State a receipt for the same, upon the aforesaid certificate, the President of the United States is hereby authorized to grant a patent for the lands to the said purchase, his heirs or assigns : And all patents shall be countersigned by the Secretary of State, and recorded in his office.

But if there should be a failure in any payment, the sale shall be void, all the money theretofore paid on account of the purchase shall be forfeited to the United States, and the lands thus sold shall be again disposed of, in the same manner as if a sale had never been made : Provided nevertheless, that should any purchaser make payment of the whole purchase money, at the time when the payment of the first moiety is directed to be made, he shall be entitled to a deduction of ten per centum on the part, for which a credit is hereby directed to be given ; and his patent shall be immediately issued.

Section 8. Be it further enacted, That the Secretary of the Treasury, and the governor of the territory north west of the river Ohio, shall respectively, cause books to be kept, in which shall be regularly entered, an account of the dates of all the sales made, the situation and numbers of the lots sold, the price at which each was struck off, the money deposited at the time of sale, and the dates of the certificates granted to the different purchasers. The governor, or secretary of the said territory shall, at every suspension or adjournment, for more than three days, of the sales under their direction, transmit to the Secretary of the Treasury, a copy of the said books, certified to have been duly examined and compared with the original. And all tracts sold under this act, shall be noted upon the general plat, after the certificate has been granted to the purchaser.

Section 9. And be it further enacted, That all navigable rivers, within the territory to be disposed of by virtue of this act, shall be deemed to be, and remain public highways :

And that in all cases, where the opposite banks of any stream, not navigable, shall belong to different persons, the stream and the bed thereof shall become common to both.

Section 10. And be it further enacted, That the surveyor general shall receive for his compensation, two thousand dollars per annum; and that the President of the United States may fix the compensation of the assistant surveyors, chain carriers and axe men: Provided, that the whole expense of surveying and marking the lines, shall not exceed three dollars per mile, for every mile that shall be actually run or surveyed.

Section 11. And be it further enacted, That the following fees shall be paid ...

Section 12. And be it further enacted, That the surveyor general, assistant surveyors, and chain carriers, shall, before they enter on the several duties to be performed under this act, severally take an oath or affirmation, faithfully to perform the same: and the person, to be appointed to receive the money on sales in the western territory, before

he shall receive any money under this act, shall give bond with sufficient security,

(Yale Avalon Project does not list the 4/18/1796 Land Act in its list of texts of selected acts of Congress in the 1700s.)

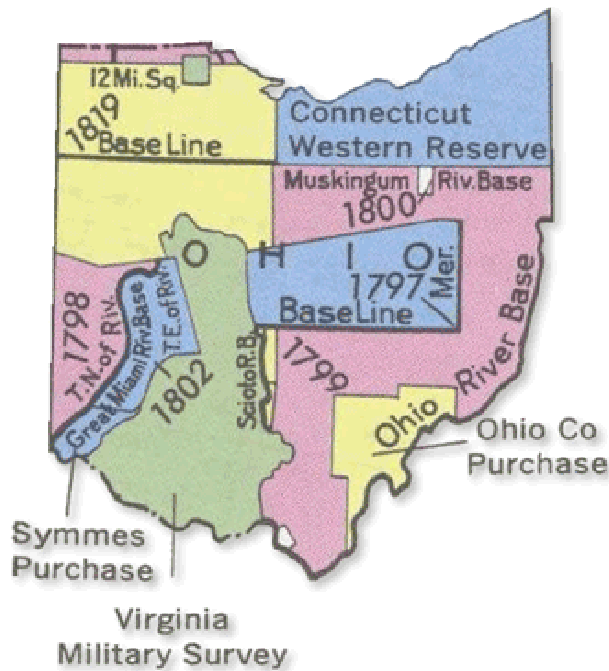
<http://www.nplnews.com/toolbox/history/publiclandhistory.htm#01>

(Summary with some inaccuracies)

1796 - Act of May 18th provided for administration, survey, and sale of public lands in central part of Northwest Territory, north of the Ohio River. The act established position of executive Surveyor General, who supervised work of professional surveyors under contract to the Government. The established system of rectangular surveys was continued, but arrangement of the 36 sections within each township was modified slightly and then utilized in that numerical pattern for all subsequent surveys of public lands. As part of their work, surveyors were required to describe the nature of soil, water, vegetation, and other aspects of lands under survey.

As plats of survey were completed, they were forwarded to the Treasury Department in Philadelphia, where certain reservations were made in accordance with the act. Any salt spring or saline water was reserved by the Government-the first reservation of this type ever.

[http://nationalatlas.gov/articles/boundaries/a\\_plss.html](http://nationalatlas.gov/articles/boundaries/a_plss.html)



p. 429 footnote describes legal basis for land titles

Court decrees

Lessee of Johnson et al v McIntosh  
8 Wheat 543, 5 Cond Rep 515

By the treaty between Great Britain and the United States, which concluded the Revolution, the powers of government and the right of soil, which had previously been in Great Britain, passed definitely to the United States.

The United States, or the several states, have a clear title to all the lands within the boundary lines described in the treaty; ...

Wilcox v. Jackson  
13 Peters 498

Appropriation of land by the government, is nothing more or less than setting it apart for some peculiar use. Whenever a tract of land has been once legally appropriated to any person, from that moment the land thus appropriated becomes severed from the mass of public lands : and no subsequent law or proclamation, or sale, would be construed to embrace it, or to operate upon it, although no other reservation were made of it.

[additional provisions of Wilcox v Jackson uphold right of states to legislate and state courts to judge certain matters regarding land owned via US title.]

Proceedings and Debates of the Fifth Congress  
Thursday November 30, 1797  
pp. 665-670

### Memorial of Quakers

... We wish to revive in your view the solemn engagement of Congress made in the year 1774, as follows:

And, therefore, we do for ourselves, and the inhabitants of the several colonies, whom we represent, firmly agree and associate, under the sacred ties of virtue, honor, and love of our country, as follows:

...

Article 2: (after December 1, 1774, or 1775) will not import or buy imported slaves, will wholly discontinue slave trade, will not be concerned in it ourselves, will not rent vessels to slave traders, will not sell products and commodities to slave traders

Article 3: .. will discountenance every species of extravagance and dissipation ... racing, games, shows, expensive diversions and entertainments

This was a solemn league and covenant, made with the Almighty in an hour of distress, and He is now calling upon you to perform and fulfill it; but how has this solemn covenant been contravened by the wrongs and cruelties practiced upon the poor African race.

... And how grossly is the Almighty affronted on the day of the celebration of Independence ..

Long debate followed.

Gallatin (Pennsylvania) moved that it be read a second time.

Harper (South Carolina) hoped not. This and every other legislature ought to set their faces against remonstrances complaining of what it was utterly impossible to alter.

Thatcher (Massachusetts). the petition should have a second reading and be committed. If the Quakers thought themselves aggrieved it was their duty to present their petition (as many times as needed) until it was attended to.

He believed that one of the subjects of the complaint (respected) some dark-complexioned citizens of North Carolina who were injured by an act of the United States called the Fugitive Act; but as it was the wish of the House not to enter upon any business of a private nature at that time, the petition was ordered to lie on the table.

It appeared, therefore, highly proper that this petition should be referred, as was customary, to a committee that this grievance might be remedied.

Lyon () .. grievance ought to be remedied ... black persons who had been set at liberty by their masters, were now held in slavery, contrary to right.

Rutledge (South Carolina). (Quakers deserved strong censure for) incessantly importuning Congress to interfere in a business with which the Constitution had said they have no concern. If the fact were as stated, redress ought to be sought by means of a court of justice, and not by petitioning the House.

Swanwick (Pennsylvania). there was certainly as strong a disposition in the Middle States as in the Southern, to hold inviolable the right of property. .. If (the Quakers) were wrong in their understanding of this subject, it would be best to appoint a committee to set them right.

Gallatin (Pennsylvania). [Talked at length. Issue was of freemen treated like slaves. It was not an issue of property any more than any law that set up the gradual end to slavery. Quakers weren't trying to incite blacks to do violence against whites such as happened in the French colonies.]

Sewall (Masachusetts). ... If a petition should be presented, complaining that a person had refused to discharge an obligation to another, it would be at once acknowledged that the House could not enforce the obligation; but application must be made to a court of justice.

[Slavery and playhouses were both subjects for State laws and nothing to do with Congress. The Quakers had been Tories during the war with England anyway.]

Allen (Connecticut). [He had seen a man in jail who had been manumitted 20 years before, but jailed because of the fugitive slave law. The fugitive slave should be revised.]

Livingston (New York). [Previous Congress sent a similar petition to committee and reported favorably on it.]

... They said universal emancipation is not in our power, but the evil is one for which a partial remedy may be provided.

... the power of Congress did not extend (to the suppression of vice and immorality).

Parker (Virginia). ... subject matter of all petitions should be within view and authority of the House.

Bayard () ... There could be no objection upon general principles to the reference of this petition.

He was warranted by the Constitution in saying that (the House had jurisdiction in the matter of manumitted slaves) because that instrument says that no State shall make ex post facto laws. It belonged to the House to see that the Constitution was respected, as it could not be expected from the justice of the individual states, that they would repeal such laws.

Parker (Virginia). No one could say they had a right to legislate on the proceedings of any individual state.

Nicholas (). ... to appear to be afraid of an inquiry would do more harm to this property than a fair investigation.

Blount (North Carolina) ... It was stated that 134 persons set free from slavery in North Carolina, had been since enslaved by cruel retrospective, or ex post facto laws ... (The law states) 'that no Negro or mulatto slave shall be set free, except for meritorious services, acknowledged by a license of the court; and when any person shall be set free contrary to this law, he may be seized and sold as a slave.'

[North Carolina passed a subsequent law to confirm the validity of seizure and sale and confirm ownership of slaves.]

Gordon () [Continued on the subject of ex post facto.] ... if there was a law in North Carolina that violated the Constitution, there was a clear remedy in the law which organizes the Judicial Department of the United States, in which it is said, if any law of an individual State interferes with a law of the United States, a person has a right to take advantage of the law of the United States.

Rutledge (South Carolina). ... a court of justice is the proper tribunal to settle (the) business (of ex post facto law)

Edmond (Connecticut) ... (The petition) was addressed to their honesty or justice ... diversity of opinion showed the necessity of investigation

Blount (North Carolina). [Punishment was death for those who reduced persons to slavery who had been manumitted legally according to the provisions of the law.]

Thatcher (Massachusetts). [One part of the US tolerated slavery, the other part did not.] These two opposing principles were like two opposite powers in mechanism, which produced rest; but the more frequently the subject was looked into, the more mitigated would be its effects.

*MITIGATE: to lessen in force*

Bayard (). ... concluded by saying, that gentlemen knew little of human nature who thought to silence these petitioners by contemptuous treatment ...

S. Smith (Maryland). Wished for an explanation on the subject of ex post facto. He thought the Constitution of the United States could have no power over laws passed before it existed.

Venable (Virginia). [It was not disrespect to order a petition to lie on the table.]

53 votes in the affirmative for a second reading.

59 votes in the affirmative for a select committee.

Committee: Sitgreaves, Nicholas, Dana, Schureman, S. Smith.

Wednesday February 14, 1797  
Page 1032

The committee reported that they had met with representatives of the Quakers several times because the petition didn't say exactly what remedy they wanted.

The committee then concluded that the facts (in the petition) are exclusively of judicial cognizance; and that it is not competent to the legislative authority of Congress to do any act in relation to the matter thereof.



Foreign Intercourse  
Wednesday February 28, 1798  
Pages 1098-1143

(page 1100)

Coit (Connecticut). ... read the following extract, which it will be recollected, is from a letter said to be written by a person high in office in this Government to Mr. Mazzei, at Madrid.

'... our political situation is prodigiously changed since a few years past. That instead of that noble love of liberty, and that republican Government which carried us through the dangers of war, an Anglo, Monarchico, Aristocratic party has arisen – their avowed object being to impose upon us the substance, as they have already given us the form, of the British government. That nevertheless the principal body of our citizens remain faithful to republican principles, as also the mass of men of talents.

'... against them ... all the officers of government, -- all who are seeking offices – all timid men who prefer the calm of Despotism to the tempestuous sea of Liberty – the British merchants, and the Americans who trade on British capital – the speculators – persons interested in the bank and the public funds.

' ... these establishments were invented with views of corruption, and to assimilate us to the British model in its corrupt parts.

' ... these men wished to wrest from the people of America that liberty which they have obtained by so much labor and peril ...

(page 1104)

S. Smith (Maryland) ... [Would men of property] set government afloat, and by that means render insecure property of every kind?

*[It was an argument said to originate with slaveholders in southern states, but it applied generally to all acts of government.]*

[http://www.tennesseehistory.org/Publications/Fall-2002/land\\_speculation.htm](http://www.tennesseehistory.org/Publications/Fall-2002/land_speculation.htm)

Land Speculation, Popular Democracy and Political Transformation on the Tennessee Frontier, 1780-1800  
By Kristofer Ray

The article below is written by Kristofer Ray, a doctoral candidate in history at the University of North Carolina at Chapel Hill. He was the recipient of the Wills Research Fellowship for 2001, awarded by the Tennessee Historical Society for research in the society's collections. This article is a product of that research.

...

This partnership would end by the early 1790s when the Washington administration and its eastern political allies realized that aggressive land speculation was costing the government millions of dollars in revenue, and was leading to a frightful escalation in settler-Indian warfare by pushing white settlers onto contested land in the Cumberland basin. Their conclusion -- that Southwestern conflagration grew out of a land-grab impulse that left Indian tribes more in need of protection than white settlers -- came at a moment when the cash-poor government was looking for ways to exploit western resources and begin lowering the country's sizeable debt. Seeing that better opportunities for federal control lay in the land rich northwest, they implemented a defensive Southwestern policy that effectively alienated not only the otherwise supportive territorial elite but also the region's growing population.[9] The end result was that Federalist interests gave way to a new, powerful "Jeffersonian" political culture that offered nascent but growing democratic institutions and that would not falter until well into the nineteenth century.

<http://inventors.about.com/library/inventors/blfarm4.htm>

A History of American Agriculture 1776-1990  
 ©2006 About, Inc., A part of The New York Times Company. All rights reserved.

1600s Small land grants commonly made to individual settlers; large tracts often granted to well-connected colonists
1619 First African slaves brought to Virginia; by 1700, slaves were displacing southern indentured servants
1700s English farmers settled in New England villages; Dutch, German, Swedish, Scotch-Irish, and English farmers settled on isolated Middle Colony farmsteads; English and some French farmers settled on plantations in tidewater and on isolated Southern Colony farmsteads in Piedmont; Spanish immigrants, mostly lower middle-class and indentured servants, settled the Southwest and California.
1776-99 1776 Continental Congress offered land grants for service in the Continental Army
1785-1787 Ordinances of 1785 and 1787 provided for survey, sale, and government of northwestern lands
<b>1790</b> <b>3,929,214 total population</b> <b>90% farmers in labor force</b>
1790 The U.S. area settled extended westward an average of 255 miles; parts of the frontier crossed the Appalachians
1790-1830 Sparse immigration into the United States, mostly from the British Isles
1796 Public Land Act of 1796 authorized Federal land sales to the public in minimum 640-acre plots at \$2 per acre of credit
<b>1800</b> <b>5,308,483 total population</b>
1803 Louisiana Purchase
<b>1810</b> <b>7,239,881 total population</b>
1819 Florida and other land acquired through treaty with Spain
<b>1820</b> <b>9,638,453 total population</b>
1820 Land Law of 1820 allowed purchasers to buy as little as 80 acres of public land for a minimum price of \$1.25 an acre; credit system abolished
<b>1830</b> <b>Total population: 12,866,020</b>
1830 The Mississippi River formed the approximate frontier boundary
1830-37 Land speculation boom
1839 Anti-rent war in New York, a protest against the continued collection of quitrents

<b>1840</b> <b>17,069,453 total population</b> <b>9,012,000 farm population (estimated)</b> <b>69% farmers in labor force</b>
1841 Preemption Act gave squatters first rights to buy land
1845-55 The potato famine in Ireland and the German Revolution of 1848 greatly increased immigration
1845-53 Texas, Oregon, the Mexican cession, and the Gadsden Purchase were added to the Union
1849 Gold Rush
<b>1850</b> <b>23,191,786 total population</b> <b>11,680,000 farm population (estimated)</b> <b>64% farmers in labor force</b> <b>1,449,000 farms</b> <b>203 average acres</b>
1850 Successful farming on the prairies began
1850 With the California gold rush, the frontier bypassed the Great Plains and the Rockies and moved to the Pacific coast
1850-62 Free land was a vital rural issue
1854 Graduation Act reduced price of unsold public lands
1859-75 The miners' frontier moved eastward from California toward the westward-moving farmers' and ranchers frontier
<b>1860</b> <b>31,443,321 total population</b> <b>15,141,000 farm population (estimated)</b> <b>58% farmers in labor force</b> <b>2,044,000 farms</b> <b>199 average acres</b>
1862 Homestead Act granted 160 acres to settlers who had worked the land 5 years
1865-70 The sharecropping system in the South replaced the old slave plantation system
1865-90 Influx of Scandinavian immigrants
1866-77 Cattle boom accelerated settlement of Great Plains; range wars developed between farmers and ranchers
<b>1870</b> <b>38,558,371 total population</b> <b>18,373,000 farm population (estimated)</b> <b>53% farmers in labor force</b> <b>2,660,000 farms</b> <b>153 average acres</b>

<p><b>1880</b>  <b>50,155,783 total population</b>  <b>22,981,000 farm population (estimated)</b>  <b>49% farmers in labor force</b>  <b>4,009,000 farms</b>  <b>134 average acres</b></p>
<p>1880 Heavy agricultural settlement on the Great Plains began</p>
<p>1880 Most humid land already settled</p>
<p>1880-1914 Most immigrants were from southeastern Europe</p>
<p>1887-97 Drought reduced settlement on the Great Plains</p>
<p><b>1890</b>  <b>62,941,714 total population</b>  <b>29,414,000 farm population (estimated)</b>  <b>43% farmers in labor force</b>  <b>4,565,000 farms</b>  <b>136 average acres</b></p>
<p>1890 Increases in land under cultivation and number of immigrants becoming farmers caused great rise in agricultural output</p>
<p>1890 Census showed that the frontier settlement era was over</p>
<p><b>1900</b>  <b>75,994,266 total population</b>  <b>29,414,000 farm population (estimated)</b>  <b>38% farmers in labor force</b>  <b>5,740,000 farms</b>  <b>147 average acres</b></p>
<p>1900-20 Continued agricultural settlement on the Great Plains</p>
<p>1902 Reclamation Act</p>
<p>1905-07 Policy of reserving timberlands inaugurated on a large scale</p>
<p><b>1910</b>  <b>91,972,266 total population</b>  <b>32,077,00 farm population (estimated)</b>  <b>31% farmers in labor force</b></p>
<p>Number of farms: 6,366,000 Average acres: 138</p>
<p>1909-20 Dryland farming boom on the Great Plains</p>
<p>1911-17 Immigration of agricultural workers from Mexico</p>
<p>1916 Stock Raising Homestead Act</p>
<p><b>1920</b>  <b>105,710,620 total population</b>  <b>31,614,269 farm population (estimated)</b>  <b>27% farmers in labor force</b>  <b>6,454,000 farms</b>  <b>148 average acres</b></p>

<p>1924 Immigration Act greatly reduced number of new immigrants</p>
<p><b>1930</b>  <b>122,775,046 total population</b>  <b>30,455,350 farm population (estimated)</b>  <b>21% farmers in labor force</b>  <b>6,295,000 farms</b>  <b>157 average acres</b>  <b>14,633,252 irrigated acres</b></p>
<p>1932-36 Drought and dust-bowl conditions developed</p>
<p>1934 Executive orders withdrew public lands from settlement, location, sale, or entry</p>
<p>1934 Taylor Grazing Act</p>
<p><b>1940</b>  <b>131,820,000 total population</b>  <b>30,840,000 farm population (estimated)</b>  <b>18% farmers in labor force</b>  <b>6,102,000 farms</b>  <b>175 average acres</b>  <b>17,942,968 irrigated acres</b></p>
<p>1940 Many former southern sharecroppers migrated to war-related jobs in cities</p>
<p><b>1950</b>  <b>151,132,000 total population</b>  <b>25,058,000 farm population (estimated)</b>  <b>12.2% farmers in labor force</b>  <b>5,388,000 farms</b>  <b>216 average acres</b>  <b>25,634,869 irrigated acres</b></p>
<p>1956 Legislation passed providing for Great Plains Conservation Program</p>
<p><b>1960</b>  <b>180,007,000 total population</b>  <b>15,635,000 farm population (estimated)</b>  <b>8.3% farmers in labor force</b>  <b>3,711,000 farms</b>  <b>303 average acres</b></p>
<p>Irrigated acres: 33,829,000</p>
<p>1960 State legislation increased to keep land in farming</p>
<p>1964 Wilderness Act</p>
<p>1965 Farmers made up 6.4% of labor force</p>
<p><b>1970</b>  <b>204,335,000 total population</b>  <b>9,712,000 farm population (estimated)</b>  <b>4.6% farmers in labor force</b>  <b>2,780,000 farms</b>  <b>390 average acres</b></p>

<p><b>1980</b>  <b>227,020,000 total population</b>  <b>6,051,00 farm population</b>  <b>3.4% farmers in labor force</b>  <b>2,439,510 farms</b>  <b>426 average acres</b>  <b>50,350,000 irrigated acres(1978)</b></p>
<p><b>1990</b>  <b>246,081,000 total population</b>  <b>4,591,000 farm population</b>  <b>2.6% farmers in labor force</b>  <b>2,143,150 farms</b>  <b>461 average acres</b>  <b>46,386,000 irrigated acres (1987)</b></p>
<p>1980 For the first time since the 19th century, foreigners (Europeans and Japanese primarily) began to purchase significant acreages of farmland and ranchland</p>
<p>1986 The Southeast's worst summer drought on record took a severe toll on many farmers</p>
<p>1987 Farmland values bottomed out after a 6-year decline, signalling both a turnaround in the farm economy and increased competition with other countries' exports</p>
<p>1988 Scientists warned that the possibility of global warming may affect the future viability of American farming</p>
<p>1988 One of the worst droughts in the Nation's history hit midwestern farmers</p>

<http://www.fordham.edu/halsall/mod/modsbook12.html>

"The Establishment of the American State"

Washington 1732-1799

Washington Inaugural Address 4/30/1789  
<http://www.law.ou.edu/ushistory/wash1.shtml>

Washington Farewell Address 4/17/1796  
<http://www.law.ou.edu/ushistory/washbye.shtml>

<http://usinfo.state.gov/usa/infousa/facts/democrac/49.htm>

(Introduction)

Two-thirds of the Address is devoted to domestic matters and the rise of political parties, and Washington set out his vision of what would make the United States a truly great nation. He called for men to put aside party and unite for the common good, an "American character" wholly free of foreign attachments. The United States must concentrate only on American interests, and while the country ought to be friendly and open its commerce to all nations, it should avoid becoming involved in foreign wars. Contrary to some opinion, Washington did not call for isolation, only the avoidance of entangling alliances. While he called for maintenance of the treaty with France signed during the American Revolution, the problems created by that treaty ought to be clear. The United States must "act for ourselves and not for others."

The Address quickly entered the realm of revealed truth. It was for decades read annually in Congress; it was printed in children's primers, engraved on watches and woven into tapestries. Many Americans, especially in subsequent generations, accepted Washington's advice as gospel, and in any debate between neutrality and involvement in foreign issues would invoke the message as dispositive of all questions. Not until 1949, in fact, would the United States again sign a treaty of alliance with a foreign nation.

<http://www.alaska.net/%7Eakpta/HISTORYFEDERALLANDGRANTSRev2003.pdf>

8 page history of school land reservations. Saved & printed.

<http://www.surveyorsland.com/historyright.htm>

A Brief History of Illinois Land Surveying  
The Beginning of the U.S. Public Land System, A  
Chronological History of Surveying in Illinois  
Copyright © 1999-2001 McTigue & Spiewak

In 1850 the Surveyor General for Illinois and Missouri published his "Manual of Instructions to U.S. Deputy Surveyors", with an appendix for the Use of County Surveyors. This was immediately recognized, without any question, as being conclusive authority and generally adopted by the better class of surveyors in the state, that was until Judge Burt published his "key to the Solar Compass and Surveyor's Companion". This opened up the whole subject of the proper survey and subdivision of the sections. This led to much discussion; both oral and written, finally resulting in the call for a convention on January 7, 1857. No conclusions were reached regarding subdivision of sections, so another convention was called for on January 5, 1859 in Springfield. After a very long and warm discussion, it was finally proposed and agreed to submit the question of the proper subdivision of a section to an able lawyer for his decision. In the selection of the attorney, the convention chose Mr. Abraham Lincoln, a practical surveyor as well as a recognized leading member of the Bar, on the principle that a good lawyer could better interpret and apply the law to a subject with which he was thoroughly conversant. Mr. Lincoln replied with the following written opinion:

"The 11th Section of the Act of Congress, approved Feb. 11, 1805, prescribing rules for the subdivision of sections of land within the United States system of surveys, standing unrepealed in my opinion, is binding on the respective purchasers of different parts of the same section, and furnishes the true rule for surveyors in establishing lines between them. That law, being in force at the time each became a purchaser, becomes a condition of the purchase.

"And by that law, I think the true rule for dividing into quarters, and interior section, or section which is not fractional, is to run straight lines through the sections from the opposite quarter section corners, fixing the point where such straight lines cross, or intersect each other, as the middle, or center of the section.

"Nearly, perhaps quite, all the original surveys are to some extent erroneous, and in some of the sections, quite so. In

each of the latter, it is obvious that a more equitable mode of division than the above might be adopted; but as error is infinitely various, perhaps no better single rule can be prescribed.

"At all events, I think the above has been prescribed by the competent authority".

LINCOLN  
Springfield, Jan. 6 1859

<http://www.utexas.edu/depts/grg/huebner/grg312/lect23.htm>  
!

