

# The Northwest Ordinance Worksheet

© Beverly Schmitt 2001-2004, all rights reserved

## The Northwest Ordinance

July 13, 1787

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

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

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

Be it ordained by the authority aforesaid, That there shall be appointed from time to time by Congress, a governor, whose **commission** shall continue in force for the term of three years, unless sooner **revoked** by Congress; he shall reside in the district, and have a freehold estate therein in 1,000 acres of land, while in the exercise of his office.

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

The governor and judges, or a majority of them, shall adopt and publish in the district such laws of the original States, criminal and civil, as may be necessary and best suited to the circumstances of the district, and report them to Congress from time to time: which laws shall be in force in the district

## The Northwest Ordinance Worksheet

Page -2-

until the organization of the General Assembly therein, unless disapproved of by Congress; but afterwards the Legislature shall have authority to alter them as they shall think fit.

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

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

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

So soon as there shall be 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.

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

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

## The Northwest Ordinance Worksheet

Page -3-

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

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

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

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

### Article I.

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

### Article II.

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

### Article III.

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

## **The Northwest Ordinance Worksheet**

Page -4-

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.

### Article IV.

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.

### Article V.

There shall be formed in the said territory, not less than three nor more than five States; and the boundaries of the States, as soon as Virginia shall alter her act of **cession**, and consent to the same, shall become fixed and established as follows, to wit: The western State in the said territory, shall be bounded by the Mississippi, the Ohio, and **Wabash Rivers**; a direct line drawn from the Wabash and Post Vincents, due North, to the territorial line between the United States and **Canada**; and, by the said territorial line, to the Lake of the Woods and Mississippi. The middle State shall be bounded by the said direct line, the Wabash from Post Vincents to the Ohio, by the Ohio, by a direct line, drawn due north from the mouth of the **Great Miami**, to the said territorial line, and by the said territorial line. The eastern State shall be bounded by the last mentioned direct line, the Ohio, **Pennsylvania**, and the said territorial line: Provided, however, and it is further understood and declared, that the boundaries of these three States shall be subject so far to be altered, that, if Congress shall hereafter find it expedient, they shall have authority to form one or two States in that part of the said territory which lies north of an east and west line drawn through the southerly bend or extreme of **Lake Michigan**. And, whenever any of the said States shall have 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.

## The Northwest Ordinance Worksheet

Page -5-

Article VI.

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**.

### Geography —

- (1) Locate the following geographical places on a map, globe, and atlas.
- (2) Compare/Contrast the weather from these areas with your own for one week.
- (3) Make a meal from one or more of these areas for your family.

River Ohio, Kaskaskie, St. Vincents, Virginia, Mississippi, St. Lawrence,  
Wabash River, Canada, Great Miami, Pennsylvania, Lake Michigan

### Vocabulary —

Define the following in 1-2 words. (Keep it as brief as possible)

Ordinance, expedient, proprietors, dying intestate, collaterals, dower, bequeathed, attested, conveyances, commission, revoked, transmit, jurisdiction, extinguished, proportion, eligible, writ, in his stead, residue, quorum, nominated, vacancy, expiration, repugnant, assent, convene, prorogue, dissolve, affirmation, fidelity, joint ballot, republics, unalterable, demeaning, molested, mode, sentiments, inhabitants, entitled, writ of habeas corpus, proportionate, presumption, moderate, exigencies, preservation, compensation, bona fide, Confederacy, Articles of Confederation, conformable, apportioned, levied, navigable, impost, cession, involuntary servitude, convicted, fugitive, resolutions, repealed, null and void

### Comprehension/Discussion/Research Questions —

1. Discuss: Why was it important to claim the Northwest Territory as one district? Provide Scriptural support for this assertion.
2. Early in the document, the importance of family inheritance was discussed at length. Why do you think this was important? Can you give Scriptural support for same?
3. A great deal of time and effort was spent in discussing the duties of the governor and judges, the role of the General Assembly and other civic issues. Why do you think it was important to state these boundaries in this covenant? Give Scriptural support.
4. Review Article I. Why do you think this article was placed in this declaration? (Hint: Review issues of the Great Reformation)

## **The Northwest Ordinance Worksheet**

Page -6-

5. Article II deals with personal civil liberties. Why are these important? Provide Scriptural support.
6. Article III implies that Christians make good citizens. Why would this be so? Give Scriptural support.
7. What is the importance of Article IV?
8. Article V discusses, in detail, where the Northwest Territory was located. Why?
9. Discuss Article VI and its important.
10. This covenant or document is very short and to the point. Do you think that is a good practice for civil laws?