

THE HISTORICAL TIMES

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Northwest Ordinance of 1787

*--Text of remarks delivered to the
Granville Historical Society on
April 9, 1987.*

I have been asked to say a few words about the Northwest Ordinance of 1787 this evening. Even during celebrations of their bicentennials, ordinances, whether village, or Northwest, do not enjoy a very good reputation as exciting topics for speeches, even to historical societies. But hopefully, by placing the Northwest Ordinance, which is a political document, into the context of the physical development of the Northwest Territory through the various land laws, and by looking at some of the specific developments which followed its enactment, the pivotal importance of this very far-sighted document can be better appreciated.

What were these lands about which the early Congress was concerned: The end of the Revolutionary War in 1783 found the colonies, by then loosely linked through the Articles of Confederation, as the owners of the vast territory which now comprises Ohio, Indiana, Illinois, Michigan and Wisconsin. Under their royal charters, a number of the colonies had had conflicting and **overlapping** claims to these lands. The Articles of Confederation, which were adopted by the Continental Congress in 1777, were not ratified and put into effect for four years, until 1781, because of this very question; Maryland, which had no western claims, refused to ratify the Articles until all the other states had conceded their claims to the lands North of the Ohio River to the Confederation. (With the only exceptions being here in Ohio - as we will see later.)

Congress now had to deal with the question which had perplexed the English government before the Revolution: How to control the inevitable expansion of the white population into these lands then thinly populated, but populated none-the-less, by Indians. The English solution, or at least the temporary solution, had been a purely political one, the Proclamation of 1763, forbidding settlement beyond the Appalachian Mountains. This solution had proven to be provocative to the colonists and very unpopular, and was not one that Congress considered. Congress groped for a solution which would

Note from the editors:

Communication is important to all of us. That's what we are attempting to do. We hope you will enjoy this, our very first volume of The Historical Times. We plan to have interesting articles for you to read, news from the Board of Management and many other items. We welcome your suggestions.

Wish us luck!

Flo Hoffman
Tony Lisska
Mary Ann Malcuit

make this expansion orderly and productive for the fledgling nation.

As early as 1780, anticipating the land concessions and the successful conclusion of the Revolution which was still three years away, the Continental Congress had passed a resolution that anticipated the settlement of the area beyond the mountains and that introduced a radically new idea concerning its political organization. The resolution stated that:

"The unappropriated lands may be ceded or relinquished to the United States ... shall be settled and formed into distinct Republican states, which shall become members of the Federal Union, and shall have the same rights of sovereignty, freedom and independence as the other states."

Thus, the seed was planted for one of the key elements, and, in 1787, totally unique elements of the Northwest Ordinance, the idea that new territories would not exist as inferior colonies of the mother country, but would have a right to equality of status and treatment with the existing states. This principle underlay the entire subsequent development of the continental United States.

Congress next dealt with the land question in 1784, shortly after the relinquishment of state claims, by passing the Ordinance of 1784, which was in many ways the precursor of the Northwest Ordinance. This Ordinance of 1784, passed by Congress but never put into effect, was originally drafted by none other than Thomas Jefferson, who can thus be said to have had a very strong, if indirect, influence on the Northwest Ordinance which followed three years later. Jefferson's ordinance of 1784 provided for the division of the area into up to ten new

states (and Jefferson even proposed names for them, most of which like Pelisipia, Polypotamia and Assenisipia have not survived; but some of which, like Michigania and Illinoia have) and provided for the organization of their governments. More striking was Jefferson's suggestion that no slavery be allowed, an idea not adopted by the Congress when the Ordinance was approved.

The next year, 1785, saw Congress dealing not with the political organization of the Northwest but with its physical organization. Another Jefferson committee, this one on land disposal, proposed the Land Ordinance of 1785. It provided for the rectangular survey of the public lands into townships 6 miles square, each to consist of 36 sections of 640 acres each, one of which sections was reserved for the support of public schools. Lands were to be sold, not given away, at land offices to be established in the territory. This ordinance gave the young country two important principles - first the system of orderly survey of the new lands, a system that, with minor variations, spanned the continent. Second, it established that public lands were to be sold (although the rather steep initial price of one dollar per acre for 640 acres minimum was more than most private farmers could pay, so private land companies - like the Licking Company which founded Granville, came to the fore). This approach of selling the public lands, even though the prices varied considerably over the years, remained in effect until the enactment of the Homestead Act in 1862.

So that brings us to the Northwest Ordinance itself, passed on July 13 of 1787. Drawing on Jefferson's Ordinance of 1784 it established the means for a graduated system of governments leading to statehood. The territory was first ruled by a governor appointed by Congress. When there were 5,000

free male inhabitants of voting age, a territorial legislature could be formed, and a non-voting representative sent to Congress. When a territory reached 60,000 free inhabitants (not limited to males) it was to be formed into a state and could petition to be admitted to the Confederacy (and later the Union), "on an equal footing with the original states, in all respects whatever". The number 60,000 represented the then population of the smallest state, Delaware, thus assuring that the new states could not obtain equal representation without population minimally comparable to the existing states. The residents of Ohio, in 1803, were the first citizens of the Northwest Territory to avail themselves of this remarkable extension of political opportunity.

In order that all inhabitants of the new territory should be secure in knowing that as their new areas evolved toward full statehood they held certain basic rights, the Northwest Ordinance also contained what were called Articles of Compact between ... "the Original States and the people and states in said territory". These articles - display in many important respects the values incorporated four years later on the first ten amendments to the Constitution, the Bill of Rights.

This Compact provided for free exercise of religion, the right to writs of habeus corpus, the right to trial by jury, and the right to proportionate representation in the legislature. Schools were to be encouraged, and perhaps most prophetically as the issue which the Constitution of 1787 could never accommodate, slavery was forbidden. This also was a radical step at a time when slavery, even if not widely practiced, was recognized in almost all the states, North and South. This latter provision, interestingly, was to remain in effect until 1857 when it

was struck down as unconstitutional in the Used Scott decision. One other interesting assurance was given to generations unborn: the very first words of the Ordinance assured that the property of a person dying without a will passed equally to all his children, rejecting the key foundation of landed wealth in Britain, the descent of entire estates to the eldest son.

How did Ohio evolve under this system? The map shows the original land divisions. Two states did not cede all their lands to the national government. Virginia kept back the area between the Scioto and Little Miami Rivers to pay off the overdue salaries of her revolutionary soldiers. These **Virginia Military Lands**, just over four million acres, are labeled as #5. Among those Virginia soldiers receiving a grant was George Washington, who received 3,051 acres in Clermont County.

Washington's one time aide, Benedict Arnold, also played a part in these early land divisions.

Connecticut retained its western claims - the Western Reserve, originally #6 and #7 on the map. Late in the Revolutionary War Arnold, who had been rewarded for his betrayal of the American cause with a commission as a Brigadier General in the British Army, led a raid in Southern Connecticut. Much property was put to the torch. Area #7 represents the part of the Western Reserve known as the Fire Lands, lands given as compensation to the people who suffered losses in Arnold's Connecticut raid.

Licking County is in the areas numbered #9 and #12. Area #9 is the U.S. Military Lands - lands awarded by Congress to Revolutionary War Veterans. These lands were laid out in 5 mile square townships, rather than six mile

square townships as indicated in the Ordinance of 1785, because they accommodated the minimum grant to Revolutionary soldiers of 100 acres. Most were sold in quarter township blocks of 4,000 acres assembled by speculators who bought up the rights of veterans. The Licking Company bought the Northwest, Southwest and Southeast Quarters of Granville Township from such speculators in New York, the Northeast having been purchased earlier by the Welsh settlers, as well as quarters in several other townships.

Area #12 is the so-called Refugee Tract. Included in it is all that part of Licking County lying south of Refugee Road. Certain British subjects in Canada had been helpful to the American colonists during the Revolution. Just as the Loyalists were made unwelcome in the colonies after the war, these persons were driven from Canada and settled in the new United States. After much delay, until 1798 in fact, Congress awarded a total of 50,000 acres to 67 of such claimants.



Among the other areas of note are #2 and #3, the lands of the original Ohio Company, and #16, the so-called Twelve Mile Square Reservation. The Ohio Company was founded in Massachusetts in 1787 and originally contracted to purchase 1,500,000 acres, although slightly less than a million were ultimately paid for. The Ohio Company centered its efforts in Marietta. The Twelve Mile Square Reservation #16, surrounded the British Ft. Miami, one of the posts in the Northwest territory which the English refused to vacate after the Revolution. The British garrison remained until the conclusion of the Jay Treaty in 1795 - only 8 years before Ohio statehood. Lands were set aside for people who had settled near the fort, and Congress provided for the division of the remaining land in 1805. Area #10 represents the French Grant, 24,000 acres in Scioto County granted by Congress to a group of French settlers who had been swindled by speculators.

And how did the land division work out here in Granville? Suffice it to say that provision was made for a number of important things:

a. 100 acres were set aside for support of the churches, with the income to be divided in the same proportions as members of different churches paid states taxes.

b. 100 acres were set aside for support of the schools.

c. 4 acres, possibly for a quarry, were set aside on Stone Hill - now Sugarloaf - and remain in public ownership.

d. Ground was provided for a burying ground - Old Colony - although it must have early on proved to be too small or ill suited on its original site, the southern half of the present cemetery, because the present Old

Colony boundaries include what was to be the connection of East Maple Street to Main and the next building lot to the North.

e. A town spring was reserved behind the house built by Elias Gilman in 1808 at the northwest corner of Mulberry and College Streets, now the Theta House. Until a few years ago a picket fence surrounded the old spring, but it is now gone.

Just as the division of the whole northwest had been undertaken with great forethought, the Licking Company gave a good deal of thought to the division of their property. They purchased 7 quarter townships all told - 28,000 acres, to be divided into 100 acre farms. Therefore, they divided the village into 288 lots - and each member got one town lot to go with each 100 acre farm purchased. The survey of the village was, on a purely local scale, as farsighted as the Northwest Ordinance was nationally. We have been allowed to enjoy broad streets and the houses of worship clustered around the central intersection of the village for over 180 years. Was the Northwest Ordinance perfect? Probably not. Nor were the early surveys of Granville. Modern survey instruments have shown that the original plat - laid out we must recall in a virgin forest, is off by a few feet in every village block. Modern villagers would do better to accept historical boundaries - fences and bushes, then to look too closely at survey evidence.

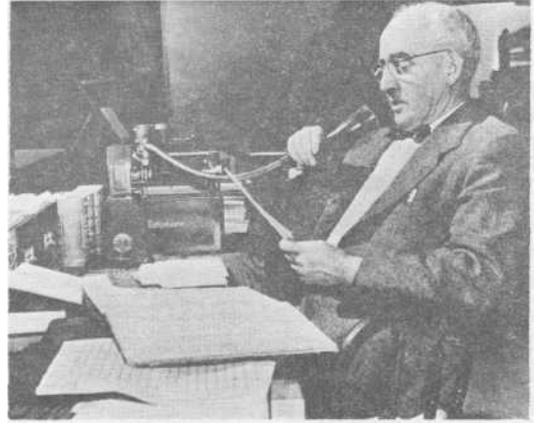
But even if the surveys are off a few feet here and there, let us recall on this occasion that we are privileged to live in a mature community which could only have been planted because of the orderly planning embodied in the Northwest Ordinance - which went a long way toward making this area open to and attractive to settlement.

- Robert N. Drake

History of Granville Re-Issued

On p. 3 of Prof. W. T. Utter's book Granville, the Story of an Ohio Village there is a sentence which all who knew the inimitable professor-author should read first thing the book is at hand. Prof. Utter is writing of the fact that just south of Granville the Lancaster Road crosses the 40-degree N. parallel of latitude. Here are his words: "In our latitude each minute is equal to 6071.3 feet, which means that if one walked due south from the depot a bit more than 4.4 miles he could stand astride the Fortieth Parallel (and much good might it do him)." It is that parenthetical expression that is the consummate "utterism." The thousands, **and it was thousands, of Denisonians** who sat in Bill "Tecumseh" Utter's **class from 1929 until 1962 will** remember their own favorite "utterisms" **spoken softly with a slight drawl which betrayed his Missouri birth and upbringing--the unexpected asides which added so much savor to his lectures especially those on American Frontier history. And Granville residents of the decades of the 30's, 40's, 50's will remember pleasant and interesting encounters with this most unusual man who epitomized all that is best about the long enduring Town and Gown relationship.**

The **good** news announced the last weekend in May is that Utter's Granville, the Story of an Ohio Village is once more available. With the permission of Mrs. Alma Lucas Utter and William L. Utter, widow and son of the author, the Granville Historical Society arranged for the publication of a facsimile edition of the book; a copy of the original edition of 1956 has been virtually unobtainable for more than twenty years. The Historical Society is delighted with the physical appearance of the facsimile; those familiar with the **original will have difficulty dis -**



William T. Utter.

tinguishing the new from the old. Even the dust jacket has been exactly reproduced; all of the black and white drawings and the half-tone photos retain or better their original clarity.

The writer of this piece is acutely aware that newer residents of Granville have been denied the privilege of knowing Professor Utter and may not fully understand this writer's enthusiasm for the reappearance of this volume which tells so absorbingly the exceptional story of our truly unique village. As Prof. Utter says in the first sentence of the foreword, "the village will always be the central character in this book. The village remains and the people pass through it, pausing for an allotted time." We all have our "allotted time" in Granville and the "village remains." Once again the story of the village, extraordinarily well-told by a master story teller, is available. I hesitate not a bit to highly recommend the book to all Granvillians especially the younger ones for whom it may be unfamiliar. Read about "the Great Riot," "Four Churches and a Schism," "Postwar Apathy"; "Behavior and Misbehavior"; "One Village-Five Schools" and much, much more.

The **book** may be purchased for \$10.00 at any one of the village museums.

- Richard H. Mahard

How it came about---

Shortly after the reorganization of the Granville Historical Society in 1982, under the presidency of Robert Drake, the Board of Management of the Society decided that a worthy project would be the reprinting of Professor William Utter's definitive history of Granville entitled Granville, The Story of an Ohio Village. However, other ventures including physical improvements of the Society's two buildings, intervened and it was not until 1985 that the decision could be reached to assign the Utter reprinting project the highest priority.

Mrs. Alma Lucas Utter and her son William L. Utter were contacted in their current hometown of Oxford, Ohio and immediately gave their enthusiastic approval to the project. They expressed the wish, however, that the original edition of the book, including the dust jacket should be reproduced exactly as originally issued in 1956. This wish matched the desire of the Board and the search for a printer began.

Several bids and estimates were obtained and it was apparent that Edwards Brothers of Ann Arbor, Michigan was the best choice. Modern technology enables almost perfect duplication of printed material but photographs constitute a problem. Edwards asked for as many of the original photos as possible. Fortunately, Flo Hoffman, Archivist of the Granville Historical Society, was able to locate the material and it was sent to Ann Arbor. All schedules were met by the printer and on May 29, 1987 a small truck load of books, 1000 copies plus a substantial over-run, arrived in Granville.

We were pleased that the first two weekends the book was available were Denison Commencement and Alumni Weekend, consequently sales of the book were brisk and many purchasers

expressed delight that "Utter" was once more available. Richard and Marian Mahard arranged to travel to Oxford on May 30 and had the privilege of presenting Mrs. Utter with four copies of the facsimile edition, one for her, her son, and two grandchildren. Mrs. Utter was delighted with the appearance of the book and was deeply moved to receive it. She expressed her and her son's very deep appreciation to the Granville Historical Society for making possible a new life for a 30-year old best seller.

- Richard H. Mahard

Museum News

Since the museum opened for the season in April, 1276 visitors have signed the log. There have been 99 from states other than Ohio and 10 from foreign countries; this year from Canada, England, Scotland, France, Italy, South Africa and Japan.

The museum is open mid-April to mid-October on Friday, Saturday and Sunday afternoons and by special arrangement at other times.

Don't Forget--

The annual dinner of the Society on November 10, at the Old Academy Building. The Historian of the Year will be named.

Granville Historical Society Board of Management

President: Fanchion Lewis
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**From
the Archives---**

The Opera House
decorated for the
Granville centennial
celebration in 1905.



The Granville Ohio Historical Society
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