

**THE LEGISLATION OF CONGRESS
FOR THE GOVERNMENT OF THE
ORGANIZED TERRITORIES OF
THE UNITED STATES 1789-1895**

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The Legislation of Congress for the Government of the Organized Territories of the United States
1789-1895 by Max Farrand

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MAX FARRAND

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1789-1895.

...BY...

MAX FARRAND.

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1896.



TO

MY FATHER

WHO HAS EVER BEEN MY BEST
EXAMPLE OF UNSWERVING DEVO-
TION TO HIGH PRINCIPLES AND
DUTY.

84194

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1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that proper record-keeping is essential for transparency and accountability, particularly in the context of public administration and financial management. The text notes that without reliable records, it is difficult to track the flow of funds and ensure that resources are being used effectively and efficiently.

2. The second part of the document addresses the challenges associated with data collection and analysis. It highlights that gathering accurate and timely data can be a complex task, often requiring the coordination of multiple departments and the use of various data sources. The text also discusses the importance of data quality and the need for robust data management systems to ensure that the information collected is reliable and usable for decision-making.

3. The third part of the document focuses on the role of technology in improving data management and analysis. It explores how modern data management tools and software can help organizations streamline their data collection processes, reduce errors, and facilitate the analysis of large volumes of data. The text also discusses the importance of ensuring that these technologies are secure and that data is protected from unauthorized access.

4. The fourth part of the document discusses the importance of data privacy and security. It notes that as organizations collect and store more data, the risk of data breaches and unauthorized access increases. The text emphasizes the need for strong data security measures, including encryption, access controls, and regular security audits, to protect sensitive information and maintain the trust of stakeholders.

5. The fifth part of the document discusses the importance of data governance and the role of leadership in ensuring that data is managed effectively. It notes that data governance involves establishing clear policies and procedures for data collection, storage, and use, and ensuring that these policies are consistently followed across the organization. The text also discusses the importance of leadership in promoting a data-driven culture and ensuring that data is used to inform decision-making and drive organizational success.



I.

The Origin of the Public Territory of the United States.

When the First Congress of the United States met in New York in 1789, among the first subjects that came before it for consideration was that of the government of the public territory in the west.¹ More recent surveys have shown this territory to consist of some one hundred and seventy millions of acres,² but then it was merely a vast tract of unbroken wilderness, stretching north and west of the river Ohio, and designated vaguely as "the Northwest." How had the United States come into possession of this vast wilderness?

About ten years previous the great obstacle to the adoption of the Articles of Confederation by several of the smaller States had been the claim of some of the larger States to the vacant lands in the west. By the treaty of Paris in 1763 the English acquired the western country as far as the Mississippi, but a royal proclamation in the same year confined the colonies to the country east of the Alleghany Mountains.³ The colonists regarded this as

1. Quorum of House April 1, of Senate April 8. The question of the government of the Northwest brought up on May 18. The act passed for its government (see p. 14) was the ninth act of the First Congress.

2. Donaldson: *The Public Domain*, p. 61.

3. "That no Governor of our colonies in America do presume for the present to grant warrants of survey or pass patents for any lands beyond the heads or sources of any of the rivers which fall into the Atlantic Ocean from the west or northwest."

merely a temporary expedient to quiet the minds of the Indians,⁴ and confidently expected that before long the lines of the colonies would be re-extended beyond the Alleghanies. This was not done, however, and an act of Parliament in 1774 annexed the "crown lands," the term usually applied to the land west of the Alleghanies and beyond the Ohio, to the royal province of Quebec.⁵ The colonies felt that the possession of these lands was indispensable to their interests, and the Declaration of Independence putting things on a new footing, such States as had any claim asserted jurisdiction over the territory which fell within their respective limits. Virginia, Massachusetts, Connecticut and New York were the only States that had any legal title to lands northwest of the Ohio. Rhode Island, New Jersey, Delaware and Maryland, so situated that they never could expand in any direction, regarded with alarm a course which would not fail to make the claimant States⁶ all powerful, as it would depopulate and impoverish the non-claimant States. They therefore hesitated to ratify the Articles of Confederation unless these western lands were to be disposed of for the benefit of the whole confederacy, or for defraying the expenses of the war. A circular letter from Congress⁷ urging the necessity of a prompt ratification effected its purpose with all of the States except Maryland. By February, 1779, she alone stood out in her refusal. In May of that year there were read in Congress the instructions of Maryland to her delegates positively forbidding them to ratify the Articles of Confederation unless they should receive definite assurance that the northwestern territory would become the common property of the United States.⁸

4. Adams: *Maryland's Influence Upon Land Cessions to the United States.*

5. The Quebec Bill, referred to in the Declaration of Independence.

6. Especially New York and Virginia.

7. July 10, 1778.

8. Passed by the General Assembly of Maryland December 15, 1778; read in Congress May 21, 1779.

As the consent of all of the thirteen States was necessary to form the confederacy, this refusal of Maryland's brought matters to a crisis. The question was earnestly discussed, and early in 1780 New York set things in motion by authorizing her representatives to cede all her claims in western lands to the United States.⁹ This act of New York at once changed the whole situation. It was no longer necessary for Maryland to defend her position, but the claimant States were compelled to justify themselves before the country for not following New York's example. Congress wisely refrained from any assertion of jurisdiction, and only urgently recommended that the States having claims to western lands should cede them, so that the only obstacle to the final ratification of the Articles of Confederation might be removed.¹⁰ As a special inducement to Virginia, it was further provided a month later that Congress would re-imburse any State for the reasonable expenses it had incurred since the commencement of the war in defending its western territory.¹¹ Connecticut at once offered a cession of her western lands, provided she might retain the jurisdiction.¹² Shortly afterward Virginia yielded, and upon certain conditions ceded to the United States all her lands northwest of the Ohio river.¹³ The Maryland delegates were then empowered to ratify the Articles of Confederation.

Two of the conditions imposed by Virginia were not acceptable to Congress. The one involved a declaration of the validity of Virginia's claims, and a ruling out of those of the other parties; and the other demanded a guarantee to Virginia of undisturbed possession of the lands southeast of the Ohio. Three years later (1784) after long discussion, at the request of Congress, Virginia withdrew the obnoxious conditions, and made her cession absolute.¹⁴ The next year Massachusetts ceded her west-

9. February 19, 1780. 10. September 8, 1780.

11. October 10, 1780. 12. October 10, 1780. 13. January 2, 1781.

14. October 20, 1783, Virginia delegates authorized to make cession in accordance with request of Congress. Delegates made cession on March 1, 1784, accepted by Congress same day.