

**MARYLAND'S INFLUENCE
UPON LAND CESSIONS
TO THE UNITED STATES**

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Maryland's Influence Upon Land Cessions to the United States by Herbert B. Adams

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I

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JOHNS HOPKINS UNIVERSITY STUDIES
IN
HISTORICAL AND POLITICAL SCIENCE
HERBERT B. ADAMS, Editor

History is past Politics and Politics present History.—*Freeman*

THIRD SERIES

I

MARYLAND'S INFLUENCE
UPON
LAND CESSIONS TO THE UNITED STATES

With Minor Papers on George Washington's Interest in Western Lands,
the Potomac Company, and a National University

By HERBERT B. ADAMS, Ph. D.

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INTRODUCTION.

This paper was first printed by the Maryland Historical Society in 1877, (Fund Publication, No. 11), under the title "Maryland's Influence in Founding a National Commonwealth." It is here published in a somewhat revised form, for the sake of advancing the lines of institutional study at the Johns Hopkins University, and at the same time promoting the cause of American Economic History.

The author would call attention to the territorial foundations of the American Union and point out the fact that our Public Lands stand in the same fundamental relation to our National Commonwealth as did Common Lands to the Village Republics of New England. The Great West was the *Folkland* of the United States; it bound them together by economic interests when they would otherwise have fallen apart after the Revolution. To trace out the further constitutional influence of our Public Lands upon the development of these States, which have increased and multiplied within the national domain as did New England Parishes within the original limits of one Town,—this would be a contribution indeed to American Institutional History.

The planting of English Institutions in each of those Western States and Territories is a story not yet told. The agrarian and general economic history has hardly been touched. For the coming student there are questions of the deepest interest respecting the disposition already made of Public Lands, both State and National. George W. Knight, Ph. D., of the University of Michigan, prepared for his Doctor's thesis a most valuable monograph upon "Federal Land Grants to Education in the Northwest Territory," an abstract of which was presented at the first meeting of the American Historical Association, by Professor Charles Kendall Adams, and which is to be printed in full in the Proceedings of the Association, First Series, III. A similar research upon Land Grants to Settlers in the Western States, has been undertaken by Shosuki Sato, who is specially commissioned for that work by the Japanese Government, and who is now prosecuting his agrarian studies at the Johns Hopkins University. Land Grants to Railroads should also be investigated as a chapter in the History of American Politics as well as of American Economics (if the latter term can be used in this connection). But the influence of Railroads upon immigration and transportation, upon state and mun-

cial life, opens into still more attractive fields. There seems to be no limit to the economic and institutional interests connected with the disposal of our Western Territory.

But there are vast questions lying back of the disposal and settlement of our Public Lands; there are yet to be studied in minute detail the records of national and colonial acquisition of territory; the conflicting claims of states and nations; crown lands; royal provinces; chartered colonies; Indian lands; Indian, English, Dutch, and French land-tenure; agrarian survivals, etc. There are substrata of economic history and historical geography in each one of these United States. To some of the very oldest forms of fossil land-tenure renewed attention will be called in a paper on "The Land System of New England Colonies," by Melville Eggleston, Esq. The Land System of Virginia, and the Dutch Village Communities upon Hudson River are also to be treated in these Studies. Canadian Feudalism will be investigated; other topics of an agrarian and institutional character will doubtless suggest themselves to other students.

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The claims of England to the lands immediately west of the Alleghany mountains and to the region northwest of the Ohio river, were successfully vindicated in the French and Indian War. By the treaty of Paris, in 1763, the English became the acknowledged masters, not only of the disputed lands back of their settlements, but of Canada and of the entire Western country as far as the Mississippi river. This was the first curtailment of Louisiana, that vast inland region, over which France had extended her claims by virtue of explorations from Canada to the Gulf of Mexico. Although now restricted by the treaty of Paris to the comparatively unknown territory beyond the Mississippi, Louisiana was destined to undergo still further diminution, and, like Virginia, which was once a geographical term for half a continent, to become finally a state of definite limits and historic character. Ceded by France to Spain, at the close of the above-mentioned war, in compensation for losses sustained by the latter in aiding France against England, and ceded back again to France in 1800, through the influence of Napoleon, these lands beyond the Mississippi were purchased by our Government of the First Consul in 1803, and out of

the south-eastern portion of the so-called "Louisiana Purchase," that State¹ was created, in 1812, which perpetuates the name of Louis XIV., as Virginia does the fame of a virgin queen.

But it is not with Louisiana or the Louisiana Purchase that we are especially concerned in this paper. We have to do with a still earlier accession of national territory, with those lands which were separated from French dominion by conquest and by the treaty of Paris, and, more especially, with that triangular region east of the Mississippi, south of the Great Lakes, and northwest of the Ohio, for here, as we shall see, was established the first territorial commonwealth of the old Confederation, and that too through the effective influence and far-sighted policy of Maryland in opposing the grasping land claims of Virginia and three of the Northern States. The history of the cession of those public lands which are best known to Americans as the Northwest Territory, and the constitutional importance of that cession as a basis of permanent union for thirteen loosely confederated States, and as a field for republican expansion under the sovereign control of Congress, may be presented under three general heads:

1. The land claims of Virginia, Massachusetts, Connecticut, and New York.
2. The influence of Maryland in securing a general cession of western territory for the public good.
3. The origin of our territorial government and national sovereignty.

¹ One of the results of French dominion in this country is Louisiana, with its French inheritance of Roman Law. Having passed of late years through many corrupt phases of government, it was perhaps an historic necessity that she revived the Roman theory of sovereignty, as did Louis XIV., by the aid of his court-lawyers, and re-asserted *la puissance souveraine d'une république* and *l'état c'est moi*, in the form of an enlightened absolutism of its sovereign people.