

# An ordinance for the government of the Western Territory

## **An Ordinance for the government of the Western Territory.**

**IT** is hereby ordained by the United States in Congress assembled, that there shall be appointed from time to time, a governor, whose commission shall continue in force for the term of three years, unless sooner revoked by Congress.

There shall be appointed by Congress, from time to time, a secretary, whose commission shall continue in force for four years, unless sooner revoked by Congress. It shall be his duty to keep and preserve the acts and laws passed by the general assembly, and public records of the district, and of 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 shall form a court, who shall have a common law jurisdiction, whose commissions shall continue in force during good behaviour.

And to secure the rights of personal liberty and property to the inhabitants and others, purchasers in the said districts, it is hereby ordained, that the inhabitants of such districts shall always be entitled to the benefits of the act of *habeas corpus*, and of the trial by jury.

The governor and judges, or a majority of them shall adopt and publish in the districts, 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 shall prevail in said district, until the organization of the general assembly, unless disapproved of by Congress; but afterwards the general assembly shall have authority

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to alter them as they shall think fit; provided, however, that said assembly shall have no power to create perpetuities.

The governor for the time being shall be commander in chief of the militia, and appoint and commission all officers in the same, below the rank of general officers; all officers of that rank 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 peace and good order in the same. After the general assembly shall be organized, the powers and duties of 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.

The governor shall, as soon as may be, proceed to lay out the district, into counties and townships, subject however to such alterations, as may thereafter be made by the legislature, so soon as there shall be 5000 free male inhabitants, of full age, within the said district, upon giving due proof thereof to the governor, they shall receive authority, with time and place, to elect representatives from their counties or townships as aforesaid, to represent them in general assembly; provided that for every 500 free male inhabitants there shall be one representative, and so on progressively with the number of free male inhabitants, shall the right of representation encrease, until the number of representatives amount to 25, after which the number and proportion of representatives shall be regulated by the legislature; provided that no person shall be eligible or qualified to act as a representative unless he shall be a citizen of one of the United States, or have resided within such district three years, and shall likewise hold in his own right, in fee simple 200 acres of land within the same; provided also, that a freehold, or life estate in fifty acres of land in the said district, if a citizen of any of the United States, and two years residence

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if a foreigner, in addition, shall be necessary to qualify a man as elector for the said 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 time.

The general assembly shall consist of the governor, a legislative council, to consist of five members, to be appointed by the United States in Congress assembled, to continue in office during pleasure, any three of whom to be a quorum, and a house of representatives, who shall have a legislative authority complete in all cases for the good government of said district; provided that no act of the said general assembly shall be construed to affect any lands the property of the United States, and provided further, that the lands of the non-resident proprietors shall in no instance be taxed higher than the lands of residents.

All bills shall originate indifferently either in the council or house of representatives and having been passed by a majority in both houses, shall be referred to the governor for his assent, after obtaining which, they shall be complete and valid; but no bill or legislative act whatever, shall be valid or 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 said inhabitants or settlers shall be subject to pay a part of the federal debts, contracted, or to be contracted, and to bear a proportional part of the burthens of the 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.

The governor, judges, legislative council, secretary and such other officers as Congress shall at any time think proper to appoint in such district, shall take an oath or affirmation

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of fidelity; the governor before the president of Congress, and all other officers before the governor, prescribed on the 27th day of January, 1785, to the secretary at war, *mutatis mutandis*.

Whensoever any of the said states shall have of free inhabitants as many as are equal in number to the one thirteenth part of the citizens of the original states, to be computed from the last enumeration, such state shall be admitted by its delegates into the Congress of the United States, on an equal footing with the said original states; provided the consent of so many states in Congress is first obtained, as may at that time be competent to such admission.

*Resolved*, That the resolutions of the 23d of April, 1784, be, and the same are hereby annulled and repealed.