

The committee, to whom a motion of Mr. Dane was referred for considering and reporting the form of a temporary government for the western states, beg leave to report ...

The Committee, to whom a Motion of Mr. DANE was referred for considering and reporting the FORM of a **TEMPORARY GOVERNMENT** for the **WESTERN STATES**,—

Beg leave to Report,—

IT being stipulated by individual states, in their acts of cession to the United States, that the territory *thus* ceded be laid into states of certain dimensions, and admitted into the confederacy with the rights of the thirteen original states, it becomes necessary, that Congress should take such measures as shall be best calculated to carry the said condition into effect; this can be done only by promoting its settlement and securing to its settlers and others who may purchase the soil, the rights of property and of personal safety, with the conditions upon which they shall ultimately obtain that important privilege. The committee therefore think it the duty of Congress to adopt and publish previous to the sale of any part of the said territory, the plan of a temporary government for said state or states, with the period at which it shall expire, and they assume their form and equal station in the confederacy.

They are aware of the propriety of defining in the first instance the bounds of the states within which such government shall apply; but as Congress did on the day of recommend it to the said states to revise their acts of cession, as to the said condition which respects their dimensions, so as to enable the United States to make such division of the same as therein described, it would, in their opinion, be improper to make any further arrangements respecting it, until the fate of the said recommendation shall be determined,

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it is however to be understood, that if the reasons urged for the proposed alteration, shall be satisfactory, and the states accede to it, the states as therein designated, shall be perpetual. But if on the contrary, they should adhere to the said condition, however unfortunate it may be in its consequences, the states must be contracted to an extent of territory conformable to the condition as it now stands; leaving therefore this point to be determined by this event, the committee beg leave to submit the following plan of temporary government for such state or states.

The **PLAN** of a **TEMPORARY GOVERNMENT** for such Districts as shall be laid out by the United States, upon the principles of the acts of cession from individual states, and admitted into the confederacy.

THE United States in Congress assembled will appoint a governor, whose commission shall continue in force for the term of years unless sooner revoked by Congress.

They will also appoint a council consisting of five members, whose commissions respectively shall continue in force for the term of years, unless sooner revoked by Congress. It shall be the duty of the council in all cases, when he shall require it, to attend and advise the governor upon such subjects as he shall submit to their consideration, respecting the affairs of the district, and which in his opinion shall fall within his department.

There shall likewise be appointed a secretary to the governor and council, whose business it shall be to keep a journal of all proceedings; carefully entering the advice of council in all cases submitted to them, with those reasons which influenced the governor, when he disagrees with them, and acts differently for such disagreement; the advice of council to be entered in all cases in presence of the governor; and the reasons of the governor in the other instance in presence of the council and report a copy of all such proceedings every months to

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There shall also be appointed a court, to consist of five members, who shall have a common law and chancery jurisdiction, and whose commissions shall continue in force during good behaviour.

The laws of except in such cases as are herein provided for, shall be established in such district, and continue in force, subject only to alteration by the general assembly after it shall be organized, until its admission into the Congress of the United States, all writs shall issue, and legal process carried on in the name of the United States.

The governor shall, in all cases of consequence, take the advice of council; but shall be at liberty to pursue it, or act otherwise, as his own judgment shall direct.

The governor for the time being, shall be commander in chief of the militia; all officers below the rank of major, shall be of his appointment; all officers above the rank, shall be appointed by Congress; and all officers of every rank and degree, shall be commissioned by Congress.

The governor shall form the inhabitants of such districts into a company or regiment, as their numbers will admit; build a fort or forts, and make such other arrangements for their security and defence, as in his opinion shall be necessary; provided that he shall avoid commencing hostilities with the Indian tribes, to whom the United States have extended their protection, and with whom it is their desire to be at peace.

Upon petition from the people forming such settlement or settlements, to the governor, we shall proceed to lay out their land into counties, townships, or otherwise, and make such other inferior and local arrangements consistent with the ordinances and resolutions of Congress as shall in his opinion be best calculated to promote their interest and happiness. So soon as there shall be free male inhabitants of full age within the said district, upon giving due proof thereof to the governor, who shall immediately transmit the same to Congress, they shall receive from them authority, with time and place, to

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elect representatives from their counties or townships, as aforesaid, to represent them in general assembly; provided that for every free male inhabitants, there shall not be less than one representative, and so on progressively with the number of free male inhabitants shall the right of representation increase; 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 years, and shall likewise hold in his own right in fee simple acres of land within the same; provided also, that a freehold or life estate, in fifty acres of land, if a citizen of any of the United States, and one years residence, 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 years, and in cases of death, resignation or renunciation of office; the house of representatives shall issue a writ to the county or townships 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 and council, and a house of representatives, who shall have a legislative complete in all cases for the good government of the district: provided however, it shall be confined solely in its acts, to such lands as shall be disposed of by the United States, or have already vested in proprietors under the articles of capitulation entered into with the inhabitants of Kaskaskies, St. Vincents and the neighbouring villages by the officers of the commonwealth of Virginia, and to the officers and soldiers of the Virginia line, which rights have been secured to them by the act of cession from the said state to the United States; provided also, that the lands of non-resident proprietors whether citizens of the United States or foreigners, shall in no instance be taxed higher than those of residents.

All laws shall originate in the house of representatives, and having passed there by a majority of the representatives of the district, shall be referred to the governor for his

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assent; after obtaining which, they shall be complete and valid; but no bill, resolution, ordinance or legislative act whatever, shall be valid or of any force without his assent.

The governor shall have power to convene, prorogue, or dissolve the general assembly at their request, or 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 burdens 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.

From the time the settlers in such districts shall have formed a general assembly until they shall be admitted by their delegates into Congress, they shall have authority to keep a member in Congress with the right of debating, but not of voting.

The annual salary of the governor, shall be that of a member of council of the secretary of a judge of the court

The board of treasury shall devise and report the most equal and effectual means of assessing upon the said district annually, such sums as shall be necessary to defray the expences of its government, until the organization of the general assembly, after which such general assembly shall have full authority for the purpose.

The object for which this temporary government is instituted, being to protect the persons and rights of those who may settle within such districts in the infancy of their settlement, the United States look forward with equal anxiety to the period at which it shall cease and they be admitted, agreeably to the condition of the acts of cession, into the confederacy. This shall be the case so soon as they shall respectively obtain a common interest in its affairs, with such mature age and strength as to be able to act for themselves, the highest and most satisfactory evidence of which is, the number of inhabitants they will contain; *it is therefore hereby declared by the United States in Congress assembled, that so soon*

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as any of the said districts shall contain an equal number of free male inhabitants, with the least numerous of the thirteen original states *for the time being*, upon giving due proof thereof to Congress, the inhabitants of such district shall receive from them, authority to elect representatives to meet in convention, *at the metropolis of seat of government of said district*, to form a free constitution of their own, appoint delegates to the Congress of the United States, who shall be received in the same, upon an equal footing with the thirteen original states, having the same rights of freedom, sovereignty and independence as the said states.

Resolved, That the resolutions of the 23d of April, 1784, in the following words viz. (here insert the resolution) be and they are hereby repealed.