
A Country Open for Neighborhood

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A historian who takes part in the celebration of a public anniversary risks the sort of situation in which Perry Miller, the great historian of New England Puritanism, found himself in 1948 at the tercentenary of the Cambridge Platform. The mayor of Cambridge extolled that Puritan code as the veritable fount of American democracy; Miller of course denied it was anything of the kind; and the mayor duly thanked him for affirming that it was. Whatever popular tradition the Northwest Ordinance enjoys today presumably has to do not only with democratic self-government but with a social democracy of self-reliant, egalitarian pioneer farmers living in a distinctively midwestern "open country neighborhood."¹ So it was commemorated in 1937 in the form of a procession of sesquicentennial oxcarts passing through my Ohio town.

Sober historians, however, as early as Jacob Burnet's recollected *Notes on the Early Settlement* in 1847 down through Frederick Merk's lectures that I attended at Harvard in 1947, have tended to dissent from this nostalgic tradition. Insofar as social democracy did eventually develop in the Old Northwest, it was due to subsequent amendment of the ordinances of the 1780s, especially to progressive easing of the original 640-acre minimum purchase in the Ordinance of 1785 to, by 1820, the 80 acres that an ordinary farmer could afford; to, still later, the Preemption Act of 1841 that gave the squatter first choice; and to the Homestead Act of 1862 that offered 160-acre farms free. Only thus gradually, in Burnet's traditional republican phrases, were "men of limited means" enabled to become "freeholders, and independent cultivators of their own domain, who, otherwise, must have been hirelings

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¹ Conrad M. Arensberg, "American Communities," *American Anthropologist*, LVII (December, 1955), 1154.

to the wealthy, or have swelled the ranks of the idle and the dissipated"—the social policy that he believed ought to have been followed all along.² The Ordinance of 1787 was never amended so explicitly, and a generation ago the legal historian Francis S. Philbrick laboriously debunked it as not democratic at all, labeling it instead "a true colonial system" that permitted less self-government than under British rule before the Revolution.³ And now Peter S. Onuf concludes that the two ordinances were little concerned with social arrangements, democratic or undemocratic, but rather with economic development of the West and with land sales as a steady source of revenue for the much-indebted federal government.⁴ To the degree that Congress, then or later, did address itself to social ends, as Mary E. Young has observed, it equated "the disposal of land to small holders with settlement, and settlement with development."⁵ Social policy was merged into economic policy.

And yet however ill-founded in fact the popular sense of the ordinances of the 1780s may be, that sense itself is a historical reality. It is above all a tradition of family farms and independent small businesses, a tradition which is still compelling enough to command special subsidies, tax advantages, and exemption from foreclosure for their proprietors—even benefit pop-music concerts like those in aid of starving African children. Because it is a libertarian tradition, Americans are apt to think first, when the Ordinance of 1787 comes to mind, of its final clause, which forthrightly (it seemed) prohibited slavery everywhere northwest of the Ohio—a clause so unlike the compromises and euphemisms in the Constitution that was also drafted in the summer of 1787. And the opening clause, though less often remarked upon, was no less remarkable, prescribing as it did equal inheritance by all siblings, daughters as well as sons. For whatever reason, the place of the ordinances of the 1780s in the national tradition may be as significant as all the factual niggling by historians.

So deep-running a tradition certainly calls for more detailed research—which, however, it is only beginning to get. Instead of a microscopic view, what I can offer runs to the telescopic, the long-

² Jacob Burnet, *Notes on the Early Settlement of the North-Western Territory* (Cincinnati, 1847), 395-96.

³ Francis S. Philbrick, ed., *The Laws of Illinois Territory, 1809-1818* (*Collections of the Illinois State Historical Library*, Vol. XXV; Springfield, 1950), ccclvii.

⁴ Peter S. Onuf, *Statehood and Union: A History of the Northwest Ordinance* (Bloomington, 1987), *passim*. See also Thomas LeDuc, "History and Appraisal of U.S. Land Policy to 1860," in *Land Use Policy and Problems in the United States*, ed. Howard W. Ottoson (Lincoln, Nebr., 1963), 3-27.

⁵ Mary E. Young, "Congress Looks West: Liberal Ideology and Public Land Policy in the Nineteenth Century," in *The Frontier in American Development: Essays in Honor of Paul Wallace Gates*, ed. David M. Ellis (Ithaca, N.Y., 1969), 77.

est possible setting in time and space, beginning with the remotest possible origins of the tradition. This view goes back not just to 1620 or 1607 but some thousands of years, literally beyond tradition to that time so immemorial that even the memory of the folk runneth not, to the long-forgotten but recently unearthed era of the first agricultural settlement of northern Europe, especially, of course, of Britain. An American historian will be struck by prefigurings of, if not exactly precedents for, settlement of the Old Northwest. Archaeologists detect that the pre-Celtic aboriginals, two or three millennia B.C., carried out the first clearance of the forest cover in long rectangular swathes, regularly oriented northwest to southeast, doggedly crossing streams and otherwise ignoring topography, roughly in the manner of the federal survey system of 1785 which nineteenth century European critics thought so unnatural. These clearances seem to have provided a "planned framework within which individual fields were laid out"—small square fields of less than an acre, the sort that farmers continued to use through the Celtic and Roman eras and the first several hundred years of Anglo-Saxon occupation.⁶ As the archaeologist P. J. Fowler observes, "fields in later prehistoric southern Britain . . . were generally rectangular in shape, whatever the geology, with a tendency towards squarishness."⁷ The similarity to the later American pattern is not surprising if, as the geographer Hildegard Binder Johnson says of "colonial settlement patterns of western and non-western . . . societies" alike, "planners resort to rectangularity all over the world."⁸ Certainly right-angled grids were no latter-day invention of William Penn for laying out Philadelphia between its parallel rivers, as historians of Roman and medieval city planning have shown.⁹ The square-headedness of the human mentality evidently penetrates a good many archaeological levels below that eighteenth century Enlightenment rationality sometimes associated with the Land Ordinance of 1785.

The whole picture of prehistoric Britain now looks oddly familiar: "an enormous effort," Fowler concludes, "by a few million people during the last two millennia BC to bring large tracts of country under systematic control, not only on the grand scale with their field systems, but also in the detail of many thousands of kilometres of field boundary, every single centimetre of which was constructed in a variety of ways from an imaginary line to major

⁶ P. J. Fowler, "Later Prehistory," in *The Agrarian History of England and Wales*: Vol. I, part 1, *Prehistory*, ed. Stuart Piggott (Cambridge, England, 1981), 155.

⁷ *Ibid.*, 157-58.

⁸ Hildegard Binder Johnson, *Order Upon the Land: The U. S. Rectangular Land Survey and the Upper Mississippi Country* (New York, 1976), 219.

⁹ Maurice Beresford, *New Towns of the Middle Ages: Town Plantation in England, Wales and Gascony* (London, 1967), 142-54.

bank and ditch."¹⁰ Ages passed, however, before this landscape emerged into recorded history, and "a thousand years and more of illiterate farming is bound to have blurred the original arrangements," blurred them even beyond the reach of folk tradition.¹¹ By the High Middle Ages the typical English landscape had rounded off the corners and bent the lines to fit the natural topography. Adjacent villages typically lay, more or less parallel to each other, across a stream valley, from one height of land to the one opposite—rather like the "crests and divides" pattern in the presurvey French townships of Wisconsin.¹² The prehistoric pace of settlement and modification of course was speeded up by many times in the Old Northwest. Already, Johnson detects, the terminology, at least, of the rectangular survey system of 1785 is fading from colloquial Wisconsin speech in favor of more "natural" descriptions of farmland.¹³ Perhaps someday those squares too will have to be rediscovered by archaeologists.

There are other strikingly familiar touches in the prehistoric settlement of Britain. Trees were cleared by the slash-and-burn method of girdling and burning and then scratch-plowing around the stumps until the seasons rotted them away—that same labor-saving but prodigally wasteful *Brandwirtschaft* which in nineteenth century America shocked so many observers used to the long since tidied-up landscapes of Europe. It was a slow process even so—perhaps a third of a square mile, about two hundred acres, could be cleared by a family in the course of one hundred years. Sometimes the farmer's task was eased by already existing clearances, the product, as in North America, of fires set by the previous population of hunters, the first postglacial inhabitants of 5000–4000 B.C.¹⁴

Archaeology tells us next to nothing, however, about prehistoric social relations. The little that can be inferred again prefigures the Old Northwest. As Stuart Piggott has observed, "in no instance have the exiguous remains recovered in Britain been capable of interpretation as centres larger than a farm or homestead," one, moreover, "of the 'natural' or 'nuclear' family type, conventionally set at about five persons. . . . The archaeological evidence, such as it is, favours a predominance of settlements of *Einzelhof* type over larger aggregations of village status."¹⁵

Although it is impossible to say that these were "family farmers" of the later familiar sort, the evidence from Old English

¹⁰ Fowler, "Later Prehistory," 161.

¹¹ *Ibid.*, 155.

¹² Johnson, *Order Upon the Land*, 117-18.

¹³ *Ibid.*, 149-50.

¹⁴ Stuart Piggott, "Early Prehistory," in Piggott, *Agrarian History of England and Wales*, I, part 1, pp. 38-42.

¹⁵ *Ibid.*, 45-47.

placenames tends to confirm the concept. A place whose name includes the suffix "ing"—Birmingham, Washington—must have been settled, it used to be thought, by an Anglo-Saxon war band, the first part of the placename commemorating its chieftain. That would make them communal settlements from the first. Now the eponymous Dark Age Beorma of Birmingham or Wassa of Washington appears, rather, to have been simply the head of the family which originally settled the farm or took it over from some Welsh predecessor, the Birmingas or Washingas being his proliferating descendants, real or nominal. The suffixes "ham" and, a bit later, "ton" were also first applied to individual farmsteads. "Ham" is cognate with the German *heim*, English "home," and Scots "hame"; "ton"—which later came to suggest a larger community, a town—was originally "tun," a farm, and in Scots still is "toun," as in the fermtoun or joint farm—of East New Jersey as well as Lowland Scotland.¹⁶

Among all the regional and local permutations of medieval England that sort of farm persisted: perhaps half the rural population around 1300 were holders of the twelve-to-fifteen-acre half-virgate or yardland upon which a family could subsist.¹⁷ In the most advanced villages of the Midlands at some point between 800 and 1300 each family's holding of little square fields was restructured—there is no record anywhere of this process of disenclosure to match the familiar one of enclosure later on—and reassigned into a home-lot in a nucleated village and "strips" (properly oxgangs or selions) in the surrounding open arable fields.¹⁸ That mature agrarian system proved to be too advanced for the primitive settlements of colonial America, even in those New England townships where the first generation tried to transplant it. But some of the accompanying institutions of medieval farming society did persist in America, as late as the Old Northwest. Americans have always sensed, at least, that their tradition of local self-government had transatlantic roots—attributed a century ago to an Anglo-Saxon or a Germanic racial trait, though suppressed for some hundreds of years by Norman feudalism. But no such ethnic theory is required, as Warren Ault demonstrated more than twenty years ago: medieval English villagers, that is, the fifteen-acre smallholders among them, were regulating their own local affairs throughout the Middle Ages. Although most of them in most villages held their land from a lord of the manor, these neighbors devised their own bylaws or ordi-

¹⁶ Fowler, "Later Prehistory," 129; H. P. R. Finberg, "Anglo-Saxon England to 1042," in *Agrarian History of England and Wales: Vol. I, part 2, A.D. 43–1042*, ed. H. P. R. Finberg (Cambridge, England, 1972), 423–27; Ned C. Landsman, *Scotland and Its First American Colony, 1683–1765* (Princeton, N.J., 1985), 139–40.

¹⁷ Edward Miller and John Hatcher, *Medieval England—Rural Society and Economic Change, 1086–1348* (London, 1978), 143–44.

¹⁸ Trevor Rowley, ed., *The Origins of Open-Field Agriculture* (London, 1981), *passim*.

nances for their agriculture and herding. The consensus that was necessary for this self-government, especially in the cooperative open-field villages, was no doubt arrived at the more easily, in the High Middle Ages, because of the high degree of social homogeneity—ethnic, religious, cultural—at least in any one village by that time.¹⁹

English medievalists have been interested in two other phenomena: first, the remarkably free local market for land and, second, the no less remarkably permissive customary pattern of inheritance. In both cases the practical degree of personal liberty quite belied the legal technicalities of manorial tenure with which medievalists used to be preoccupied. It turns out that law was one thing, local custom quite another.

The local land market—which consisted of one farmer's leasing odd acres from another, less often the sale of one family's entire farm to another—was determined by the ups and downs of individual and demographic circumstances, with little interference from the lord, the legal proprietor of the manor. As long as the lord was paid the fines due for such transfers, he seems (virtually everywhere that has been studied) to have found this open land market as much to his advantage as to his tenants'. The farmer's purpose in acquiring more land was not so much capitalistic—for the sake of accumulation and self-gentrification—as it was simply to pass on to one son (more if possible) the twelve to fifteen acres that would support the same self-reliant status that the father had held. Only when the agrarian system was thrown into disarray—by the plague in the late fourteenth century, ultimately by commercial modernization in the sixteenth and seventeenth centuries and after—did some farmers find the opportunity for capitalistic accumulation and aggrandizement.²⁰

Inheritance likewise followed local custom, which varied from place to place but everywhere was far more liberal than seigniorial. Technically, a tenant holding reverted to the lord on the tenant's death, to be regranted to whomever the lord pleased; actually, the manor lord has yet to be discovered who did not customarily prefer, of course on payment of the usual fine, the son or sons or other relatives whom the deceased had named in his will. Sometimes, if the father lived long enough, he conveyed the farm before his death but stipulated a sort of retirement contract for his and his wife's maintenance as a condition of the son's holding the prop-

¹⁹ Warren O. Ault, *Open-Field Husbandry and the Village Community: A Study of Agrarian By-Laws in Medieval England* (*Transactions of the American Philosophical Society*, New Ser., Volume LV, part 7, Philadelphia, 1965); Miller and Hatcher, *Medieval England*, 100-10.

²⁰ Cicely Howell, *Land, Family and Inheritance in Transition: Kibworth Harcourt, 1280-1700* (Cambridge, England, 1983), 237-70.

erty. Daughters, and sons for whom there was not enough land for self-sustaining farms, received personal property or cash or the assurance of some such support by the heir to the land. The purpose of these inheritance customs was the same as that of the land market: to maintain, generation after generation, the family on its holding. As Cicely Howell has summed it up, for one Leicestershire village, the system "was expected to support all adult members [of a family], either by supplying each with a share of land where possible, or [as was more usual] by supporting one nuclear family and a number of celibate adults."²¹ If all these practices foreshadowed the early days of the Old Northwest, so too, eventually, would the shift away from them in seventeenth century England. In social terms modernization involved no longer simply maintaining the family securely on its traditional land but instead seeking to acquire and accumulate capital as such—and much the same change occurred in the Old Northwest some two or three hundred years later.

Between England and the Northwest, of course, lay colonial America in all its regional variety: the New England town, the open-country neighborhood of the Middle Colonies, and the farm and plantation variant of the latter in the South. For all the regional differences, there seems to have been a common underlying reason why the mass of English and other European settlers left the homeland: to escape the effect of modernization, whether actually at hand or only threatened, on their own social status. As the modern commercial economy grew, it offered less and less place for self-reliant smallholding farmers or independent master artisans, or for the traditional homogeneous community of such neighbors. Colonial emigration selected men and families of that middling rural sort out of the much broader social spectrum throughout the colonial era and indeed through the nineteenth century and into the twentieth. (If it be objected that by recent calculation many or most indentured servants and other poor immigrants were from a lower social status, it would be hard to demonstrate that they did not hope to gain, sometimes to regain, the middling level.) This perennial characteristic of American immigration must have accentuated in the United States a version of the traditional, premodern, quite archaic social mentality of the medieval villager. Perhaps it is this, more than anything else, that has, ironically, made America exceptional in the modern world.²²

²¹ *Ibid.*, 269.

²² Mildred Campbell, "Social Origins of Some Early Americans," in *Seventeenth-Century America: Essays in Colonial History*, ed. James Morton Smith (Chapel Hill, N.C., 1959), 71-86; James Horn, "Servant Emigration to the Chesapeake in the Seventeenth Century," in *The Chesapeake in the Seventeenth Century: Essays on Anglo-American Society*, ed. Thad W. Tate and David Ammerman (Chapel Hill, N.C., 1979), 56-65; David W. Galenson, *White Servitude in Colonial America: An Economic Analysis* (Cambridge, England, 1981), 49-50, 63.

The undeveloped colonial economic environment naturally favored the less highly developed forms of Old World local society—a throwback, so to speak, to the scattered farmsteads and crossroads hamlets of prehistoric or unimproved, uncommercial medieval society. Those early New England towns that deliberately laid out nucleated villages and open fields—too labor-intensive in the circumstances—soon reverted to the more primitive arrangements.²³ It took the noneconomic purposes of the Puritans to keep up New England's reputation for communal neighborliness—and so too the Quakers and German sectarians of the Middle Colonies. Elsewhere, something like the prehistoric settlement pattern prevailed from the start: open-country neighborhoods of detached family farmsteads—"plantations" of greater or smaller size—in a landscape of forests that the aboriginal hunting population had burned off only here and there. Since America reversed the mature European ratio of a short supply of land to an oversupply of labor, closely settled communities were neither required nor even possible. Even so, communities continued to be about as homogeneous as in the traditional Old World, especially in ethnic makeup: almost solidly English in New England and, with exceptions, the Chesapeake; either Dutch or English in rural New York, and also Lowland Scots in East Jersey; English, German, or Scotch-Irish in separate localities in Pennsylvania and its mid-eighteenth century spillover into the southern backcountry; something more of an amalgam, perhaps, among the English, French Protestants, Highland Scots, and others in the Carolinas and Georgia; and, in the Old Northwest, the Catholic French inhabitants of Vincennes, Kaskaskia, Cahokia, Prairie du Chien, and Detroit—though all the ethnic enclaves except the French Catholics were divided by religious schisms in the mid-eighteenth century.

And the social norm was still the self-reliant family farm. However many indentured servants and other poor newcomers failed to attain that ideal, most colonists did, whether they were, on the one hand, well-established freeholders—sons succeeding fathers—or, on the other, disreputable squatters trying to hold onto a piece of the public land. There has been a flood of historical research on colonial communities—happily no longer automatically condemned as antiquarian—which has moved (as in England) from questions of government, economy, and social structure to inheritance and the land market. In a pathbreaking new book Toby L. Ditz finds that inheritance in Connecticut was very much what it had been in Old England: the passing on of the family farm to at

²³ David Grayson Allen, *In English Ways: The Movement of Societies and the Transfer of English Local Law and Custom to Massachusetts in the Seventeenth Century* (Chapel Hill, N.C., 1981), 213.

least one or two of the sons, more if each could be provided with enough land to support his own family. Under the “particularly hospitable [demographic] conditions” of early New England, “the desire to secure the independent status of as many children as possible” was often fulfilled. And, again as in England, a Connecticut daughter was customarily left not land but personal property to enhance her chance to become some independent farmer’s wife. The father, who was much more likely to survive to retirement than in England, was the more certain to ensure his and his wife’s comfortable old age by a very explicit contract when he turned over control of the property. The overall result for local society was “rough equality among new households, while overlapping rights [among siblings and their spouses] linked household to household” in a network of kinship within “stable rural communities organized by complex networks of exchange.”²⁴

In Connecticut this customary pattern of inheritance persisted into the nineteenth century in spite of the progressive modernization—Yankeeization—that other recent historians have pointed out in the commercial economy. The contrast with the southern tidewater regions is striking: the mortality rate disrupted traditional family life among the malaria-defenseless newcomers to the southern tidewater in the seventeenth century, and the relatively enormous estates that some tobacco and then rice planters accumulated in the late seventeenth and early eighteenth centuries made them, and their pattern of inheritance, more like the English gentlemen farmers who were thriving in the early-modern commercial market than like their less fortunate neighbors whose smallholdings they often engrossed. As the Chesapeake demography stabilized in the eighteenth century, however, the family—indeed, great networks of kinfolk—recovered to something like the patriarchal norm of premodern England and New England.²⁵ In short, most parts of the country were coming out at a comparably old-fashioned social point. As James A. Henretta and others have argued, well into the nineteenth century “the [traditional] lineal family—not the [modern] conjugal unit and certainly not the unattached individual”—was still the ideal, if only because opportunity for “accumulative, acquisitive behavior” that might produce greater success was still limited.²⁶ Even speculation in real estate, which ordinary eighteenth century farmers as well as large investors

²⁴ Toby L. Ditz, *Property and Kinship: Inheritance in Early Connecticut, 1750–1820* (Princeton, N.J., 1986), 75, 80, 159, *passim*.

²⁵ Allan Kulikoff, *Tobacco and Slaves: The Development of Southern Cultures in the Chesapeake, 1680–1800* (Chapel Hill, N.C., 1986), chapter 6.

²⁶ James A. Henretta, “Families and Farms: *Mentalité* in Pre-Industrial America,” *William and Mary Quarterly*, 3rd ser., XXXV (January, 1978), 32; Ditz, *Property and Kinship*, 6.

dabbled in, in a vast speeding-up of the Old World local land market, aimed more at realizing traditional family goals than at amassing capital for modern entrepreneurial purposes.²⁷

From this standpoint the increasing regularity in the physical layout of new townships on the New England frontier and elsewhere in the eighteenth century—which has always been taken as an index of modernization (anticipating the Land Ordinance of 1785)—may instead be seen as another reversion to the primitive, even to the prehistoric. In the seventeenth century the usual metes-and-bounds fashion of setting the boundaries of farms and other local divisions—from this tree to that rock and along such and such a stream—conformed to the natural terrain almost as much as the highly developed English landscape to which the first settlers had been accustomed. The metes-and-bounds pattern has been called “a social phenomenon rather than a system of surveys.”²⁸ By the 1730s, however, as Amelia C. Ford’s lively little book related some eighty years ago, Massachusetts began to lay off new settlements in “rows of contiguous rectangular townships in advance of settlement”—though not yet oriented due north-south, east-west, nor “exactly six miles square.”²⁹ After midcentury such surveys were common: the New Hampshire grants in Vermont; the Connecticut settlements on the disputed upper Susquehanna; a few places in New York, South Carolina, and elsewhere.³⁰ Scattered farmsteads in squared-off new settlements: how would the traditional family persist in this retreat to the primitive?

The size of land purchases that would be available turns the question in the opposite, modern direction. In 1774 the British government, as part of its stillborn attempt to reorganize colonial administration, adopted a general system of prior survey and land-office auctions of lots of from 100 to 1,000 acres. Although the Revolution intervened, independent Virginia stepped in with sale of 400-acre lots—much larger than the traditional 50-acre headrights that Thomas Jefferson proposed to *give* to landless families. If the sale of such large tracts was the “colossal mistake” that Thomas Perkins Abernethy called it—a failure to secure “diffusion of small landholdings among the people”—he, like Jefferson, was invoking an agrarian tradition closer to medieval custom than to modern practice.³¹ The ordinances of the 1780s continued this oddly inegalitar-

²⁷ Henretta, “Families and Farms,” 3-20.

²⁸ Norman J. W. Thrower, *Original Survey and Land Subdivision: A Comparative Study of the Form and Effect of Contrasting Cadastral Surveys* (Chicago, 1966), 4 n. 4.

²⁹ Amelia Clewley Ford, *Colonial Precedents of Our National Land System as It Existed in 1800* (Madison, 1910), 31.

³⁰ *Ibid.*, 35, 62.

³¹ Thomas Perkins Abernethy, *Western Lands and the American Revolution* (New York, 1937), 100, 228.

ian line of modernization. Were they then as undemocratic as Philbrick has charged and Onuf implied, as contrary, as Abernethy alleged, to the folk tradition of the family farm and to the homogeneous local community of such families, those social ideals with which the Northwest Ordinance of 1787 is popularly associated—and which still inspire celebration in 1987?

Certainly the poor squatters, most of them Scotch-Irish from over the recently established western border of Pennsylvania, whom Army Ensign John Armstrong and his twenty soldiers forcibly evicted from their scattered settlements just inside the still unorganized territory in April, 1785, felt the new federal policy violated the family-community tradition. (They kept coming back.)³² Under the Land Ordinance of 1785 the minimum size of lots for purchase—one square mile—was several times what an ordinary farmer needed or what a squatter could afford. As already noted, nineteenth century Congresses gradually moderated the terms of sale, and historians have agreed that the original terms, in order to raise revenue, had departed too far from the family-farm tradition of the prospective settlers.³³ As one agricultural historian has observed, “The young Nation parted at once with . . . the natural right of man to a fair allotment of whatever unused land he might find, and embraced the idea that the vacant lands in the west should be used as . . . a fund to extinguish the Nation's debts . . .”³⁴ Onuf agrees: “the formulation of congressional land policy in 1784–1785 represented an effort to create a national market in western lands.”³⁵ The need for revenue, acute as it was in the 1780s, also led Congress to rush to accept the wholesale bid of the New England investors in the Ohio Land Company for much of southeastern Ohio and of others for sizable chunks of the southwestern corner. Those projects were of the sort that speculators had been promoting on the colonial frontiers for forty years past.

Although the Ohio grants were, in effect, the last under the colonial land-granting system, the choice offered buyers by the Land Ordinance of 1785—if not a square-mile section, then a whole 36-square-mile township—was also far beyond the smallholder's traditional dream. One of George Washington's correspondents imagined that the *en bloc* townships would encourage whole “neighborhoods of the same religious sentiments [especially New Englanders] to confederate for the purpose of purchasing and set-

³² Charles A. Hanna, *Historical Collections of Harrison County, in the State of Ohio* . . . (New York, 1900), 46-53; Andrew R. L. Cayton, *The Frontier Republic: Ideology and Politics in the Ohio Country, 1780–1825* (Kent, Ohio, 1986), 9-11.

³³ Archer Butler Hulbert, ed., *Ohio in the Time of the Confederation* (Marietta, Ohio, 1918), 95-97, 103-109.

³⁴ Henry Tatter, “State and Federal Land Policy during the Confederation Period,” *Agricultural History*, IX (October, 1935), 183.

³⁵ Onuf, *Statehood and Union*, 40.

tling together.”³⁶ Washington himself favored such compact settlements, and one of the principal themes of debate over the ordinances of the 1780s was the classical fear that too large and scattered a society would be unhomogeneous and hence unrepblican.³⁷ That argument specifically pertained to the size of future *states*, but the concern for social homogeneity echoed the practical experience of most localities in both Europe and America as well as political theory. Unfortunately, even the New Englanders who were still thought of as group migrants *par excellence* had not actually been settling in that fashion for two or three generations, nor would many of them do so northwest of the Ohio. When groups did acquire western land, they were usually speculative investors, not communitarians. And they would sell to whoever would buy.

If not homogeneous communities, then did the new system of survey and sale promote settlement by individual families of the traditional sort? Toward that end the minimum purchase was reduced, by 1820, to 80 acres from the original 640. On the other hand objections raised by practical agriculturists to the severely “rational” survey that so intrigued Jefferson and other enlightened minds—after all, a less abstract Virginian remarked, nature had created few parts of the country in squares—went almost entirely unheeded, then or later.³⁸ Prior survey was intended to enhance conveyancing, and square boundaries contributed to certainty of title—both of course of real use to buyer as well as seller—but they had little other use to farmers or communities of farmers. If, as the agricultural historian Thomas LeDuc argued, the poor man who hoped to become an independent farmer and respectable citizen needed *credit* more than anything, the four-year term for payment of the purchase price that was offered between 1800 and 1820 was too short—no credit at all was offered after 1820—and in any case federal *loans* to settlers, not simply delayed payment, would have served a positive social policy as well as, for that matter, the economic policy of rapid development of the West.³⁹

But this is to get as far ahead of the story as the notion of a federal loan program would have been in nineteenth century America. To return to the ordinances of the 1780s: if they were indeed tilted toward economic rather than social ends, what is the explanation for the two clauses—those against slavery and for equal inheritance—that have cast much of the luster that makes this con-

³⁶ Quoted in *ibid.*, 39.

³⁷ Robert F. Berkhofer, Jr., “Jefferson, the Ordinance of 1784, and the Origins of the American Territorial System,” *William and Mary Quarterly*, 3rd ser., XXIX (April, 1972), 259.

³⁸ Ford, *Colonial Precedents*, 79-80.

³⁹ Thomas LeDuc, “Public Policy, Private Investment, and Land Use in American Agriculture, 1825-1875,” *Agricultural History*, XXXVII (January, 1963), 7; LeDuc, “History and Appraisal of U.S. Land Policy,” 10-11.

ference a celebration? Both were radically liberal departures. At the least, fully partible inheritance carried to its ultimate conclusion the direction in which provincial law had been moving; exclusion of slavery before settlement of the new territory would obviate there for all time the need to raise the question of its abolition, that question to which only a few of the old states had yet responded and which would eventually embroil them all in the Civil War.

Although the symbolic value of these clauses is important, their practical effect has been questioned. The inheritance clause, like most probate law, ruled only where the property owner left no will; and of course the more property a man had, the likelier he was to make a will. Even as moral example to will makers, the principle of equal shares to all would be apt to prevail only as long as there was enough cheap land in a farmer's vicinity to enable him to provide each of his children a competence to support a family—a situation unlikely to outlast the first couple of generations in any one place.⁴⁰

What the effect of the antislavery clause was expected to be has always defied explanation. Nathan Dane of Massachusetts, thinking it had as little chance of passage in 1787 as Jefferson's broader clause had had in 1784, introduced it at the last moment; whereupon, without debate, even the delegations from the southern states voted for it. Staughton Lynd has suggested various economic and political advantages that southerners may have foreseen in it. Onuf speculates that northerners, for their part, anticipated the link that settlement and commerce would in fact develop between a slave-free Northeast and Northwest. Paul Finkelman finds evidence for all such calculations quite ambiguous.⁴¹

Dare one suggest, given the later history of racial prejudice in the Old Northwest, even among free soilers, that to exclude slavery—and to send runaway slaves from the South back there, as the Ordinance of 1787 also specified—meant excluding blacks as such?⁴² Was it an expression not only of genuine commitment to liberty among the proposers but also of the traditional value placed on

⁴⁰ Jay A. Barrett, *Evolution of the Ordinance of 1787, With an Account of the Earlier Plans for the Government of the Northwest Territory* (New York, 1891), 43, 56-59.

⁴¹ Staughton Lynd, *Class Conflict, Slavery, and the United States Constitution* (Indianapolis, 1967), 189-99; Peter S. Onuf, *The Origins of the Federal Republic: Jurisdictional Controversies in the United States, 1775-1787* (Philadelphia, 1983), 169; Paul Finkelman, "Slavery and the Northwest Ordinance: A Study in Ambiguity," *Journal of the Early Republic*, VI (Winter, 1986), 343-70. See also Barrett, *Evolution of the Ordinance of 1787*, 75-80.

⁴² Leon F. Litwack, *North of Slavery: The Negro in the Free States, 1790-1860* (Chicago, 1961); Eugene H. Berwanger, *The Frontier Against Slavery: Western Anti-Negro Prejudice and the Slavery Extension Controversy* (Urbana, 1967), chapters 1-2.

homogeneity—cultural, ethnic, and certainly racial homogeneity? In 1787 southerners and northerners could still agree that they would have been happier, if perhaps poorer, if slavery—black slavery—had never been introduced into North America. The states—that is, the white citizens—that were quickest to abolish slavery after the Revolution were those with the fewest blacks. To exclude slavery from the new territories perhaps held out the prospect of excluding blacks almost altogether. The congressional delegates were as silent about that as about the other considerations that historians have suggested, but what is certain is that virtually no one in that age is known to have seen any positive social benefit in a biracial, that is, a radically *heterogeneous*, population. Thus Ohio, as a state, both endorsed the Ordinance's prohibition of slavery and expressed (as a historian summed it up eighty years ago) the general "contempt" for the "worthless character" of the "shiftless and dependent" blacks by requiring free Negroes to post bond and by excluding them from juries and schools.⁴³

The fate of the French villages of the Illinois country indicates the limit of Anglo-American tolerance even for white ethnic heterogeneity. Had British rule north of the Ohio developed as intended by the Quebec Act of 1774—so repugnant to Anglo-American patriots—the French inhabitants might have continued undisturbed in, among other idiosyncrasies, their exceedingly unsystematic custom of local magistrates' granting land in the common fields and in their still more casual, self-shredding recording of land titles. George Rogers Clark's conquest, in 1778–1779, left them under the not altogether salutary neglect of Virginia, which reaffirmed their rights but allowed the members of the local administrative court to grant large tracts of land to each other. Virginia again stipulated the inhabitants' rights when ceding the territory to the United States in 1784, but within three years the inhabitants of Vincennes (casually called "Post Vincents," "St. Vincent," and the like by Anglo-Americans) were complaining to Congress against the "long tale" of "distresses, oppressions, and calamities" suffered through the "unquenchable rapacity" of an "army of petty tyrants" and asking for secure possession of the thirty miles square that would allow them the "mere competency" that, in the traditional way, was all they claimed.⁴⁴ Although the Ordinance of 1787 confirmed "the laws and customs now in force among them relative to the descent and conveyance of property," and although Congress allotted four hundred acres to each family, by the time the terri-

⁴³ Robert E. Chaddock, *Ohio Before 1850: A Study of the Early Influence of Pennsylvania and Southern Population in Ohio* (New York, 1908), 78–88.

⁴⁴ Clarence E. Carter, ed., *The Territorial Papers of the United States: Vol. II, The Territory Northwest of the River Ohio, 1787–1803* (Washington, D.C., 1934), 58–60.

torial government investigated land claims in the mid-1790s it revealed what the iconoclastic Francis S. Philbrick has called “illegalities of stupendous extent—fraud, perjury, subornation, and forgery”—mainly by Americans who had been buying up claims on the cheap.⁴⁵

There would be no French Illinois or Indiana. Of the eighty-nine persons holding, in 1788, the four hundred headrights granted at Cahokia, only twelve were French.⁴⁶ At the same time the 1,300 inhabitants about Vincennes were almost one-third Americans—from their surnames a Southern Upland blend of Anglo-Scotch-Irish, Germans, and Dutch—and their land grants were scattered throughout the district, not laid out in adjacent rows back from the river in the French manner.⁴⁷ Although as late as 1815 the population was described as including “many very respectable, intelligent French families in good circumstances”—on Sundays to be seen “coming in crowds from mass and hastening to the race course,” ending the day with “dances and balls”—within another ten years a certain “coldness on the part of the Americans,” a reaction to French over-friendliness to the Indians with whom they traded, led a number to move to St. Louis and other more congenial spots, their once neat, flower-gardened houses “out of repair, or shut up.”⁴⁸ “The story,” Philbrick concludes, “is essentially one of the clash of two noncoalescible cultures.”⁴⁹

The modern rationality of the ordinances of the 1780s would likewise subvert the traditional purposes, both familial and communal, of Anglo-American settlers. In a sense the ordinances enticed a population of would-be smallholders and republican citizens into what turned out to be the modern commercial world. Since they came as individual families, at the most in small groups of relatives and old neighbors, they would have to organize communities themselves.⁵⁰ Even the Connecticut settlers of the Western Reserve enjoyed no initial advantage—the opposite if anything. Connecticut sold the whole tract (a bit larger than the parent state) to

⁴⁵ Francis S. Philbrick, *The Rise of the West, 1754–1830* (New York, 1965), 291.

⁴⁶ Clarence W. Alvord, *The Illinois Country, 1673–1818* (Chicago, 1965), 420.

⁴⁷ Leonard Lux, *The Vincennes Donation Lands* (Indianapolis, 1949), 438–40.

⁴⁸ *The Diaries of Donald Macdonald, 1824–1826* (Indiana Historical Society Publications, Vol. XIV, No. 2; Indianapolis, 1942), 272, 281.

⁴⁹ Francis S. Philbrick, ed., *The Laws of Indiana Territory, 1801–1809* (Collections of the Illinois State Historical Library, Vol. XXI; Springfield, 1930), ccxii. See also Ronald P. Formisano, *The Birth of Mass Political Parties: Michigan, 1827–1861* (Princeton, N.J., 1971), 174–79.

⁵⁰ Convincing examples of group settlement are few. See Lois Kimball Matthews, *The Expansion of New England: The Spread of New England Settlement and Institutions to the Mississippi River, 1620–1865* (New York, 1962), 197, 201–209, 211–14; William Vipond Pooley, *The Settlement of Illinois from 1830 to 1850* (Madison, 1908), 378; Malcolm J. Rohrbough, *The Trans-Appalachian Frontier: Peoples, Societies, and Institutions, 1775–1850* (New York, 1978), 141–42, 167–72; John Mack Faragher, *Sugar Creek: Life on the Illinois Prairie* (New Haven, 1986), 56.

thirty-five investors associated in the Connecticut Land Company, who retailed lots as small as fifty acres to prospective migrants—in Connecticut.⁵¹ “Each family, or each little party,” as local tradition remembered it, “fought its way through the wilderness along the township lines until it came to its assigned spot; and there, in the vast loneliness, perhaps fifteen or twenty miles from the nearest neighbors, it chopped out its own hole in the forest . . .”⁵² South of this New Connecticut the reputedly more individualistic Scotch-Irish were somewhat better favored, at least after 1800 as federal land offices were set up within the territory.

As long as historians evaluated community as the sum of individual successes, they seldom asked whether the abstract rationality of the ordinances fostered or impeded community. The Old Northwest seemed the quintessential home of democratic, egalitarian community, almost its birthplace (as it was the birthplace of Frederick Jackson Turner), where settlements were united, not divided, by their common individualism. Until recently only one major contrary tendency was recognized: the scope which the absence of any limit to large-scale land speculation opened to profiteering. “By 1855,” Paul W. Gates has pointed out, “all the public land in Indiana had been disposed of and yet [because so much of it was held by speculators] vast stretches of the state were totally unimproved.”⁵³ The resulting gaps between and within townships, on the Indiana and Illinois prairies in particular, somewhat delayed communal development.

Ordinary farmers were also free to buy land beyond their farming needs; such investment evidently seemed less contradictory to them than to the mid-twentieth century historians who discovered they had done so much of it. Even the clubs that some squatters organized after the 1830s to protect their claim to land they could not afford to buy now seem, in Allan G. Bogue’s words, to have been “a means of protecting [their speculative] trade in claims rather than [as they asserted] a device to protect the home from the speculator . . .”⁵⁴ That confusion between home and investment came, however, at a fairly late date in the settlement of the Old Northwest, when the old values had begun to change.

Before 1840, among the still mainly Southern Upland population of the region, self-seeking enterprise was tempered, as R. Car-

⁵¹ Harriet Taylor Upton, *History of the Western Reserve* (3 vols., Chicago, 1910), I, 10-11; Richard J. Purcell, *Connecticut in Transition, 1775-1815* (Middletown, Conn., 1963), 98.

⁵² Harlan H. Hatcher, *The Western Reserve: The Story of New Connecticut in Ohio* (Indianapolis, 1949), 62.

⁵³ Paul W. Gates, *Landlords and Tenants on the Prairie Frontier: Studies in American Land Policy* (Ithaca, N.Y., 1973), 129.

⁵⁴ Allan G. Bogue, *From Prairie to Corn Belt: Farming on the Illinois and Iowa Prairies in the Nineteenth Century* (Chicago, 1963), 36.

lyle Buley presented it in his classic study, by the neighborly cooperation of log-rollings, barn-raising, and husking bees. (Frank L. Owsley painted much the same picture of the same sort of people in the contemporary Old Southwest.)⁵⁵ Such impressions seemed confirmed by the first of the quantitative local studies, Merle Curti's analysis of settlement of a Wisconsin county after 1850. Curti concluded that since the mixed Yankee and foreign settlers were generally successful in attaining farm ownership, they did constitute the democratic community—politically active, economically relatively equal, and socially cooperative—of the frontier tradition. The individualistic urge to acquire land was apparently quite compatible with egalitarian community; if anything, it was its essence.⁵⁶

Impediments to traditional community in the ordinances of the 1780s keep turning up, however. Some are odd but not entirely incidental. The first roads, which often followed Indian trails along the lie of the land—"angling" across the resolutely square sections of the federal survey—had to be relocated, as the sections were occupied, into the right-angled pattern that the present-day air traveler may still observe; sometimes one of the correction lines of the survey forced the road to follow a still more abrupt "offset." This seemed defensible to an engineer in the 1840s, who said that roads should be laid out "on mathematical . . . [not] on social principles." (From that point of view the mathematics of 1785 had been deficient only in leaving no space between the sections for roads, so that it had to be taken from the property owners on either side.)⁵⁷ In time, given the new engineering principles of the automobile age, many of the corners would have to be rounded off and the survey sections angled through again.

Profounder questions have been troubling historians recently, as they push the new local history from medieval and early-modern England and colonial America into the nineteenth century. Was acquisitive success really what settlers sought in the Old Northwest? If so, did they attain it, and when? What they sought was one thing, predictable enough, given what is now known of their ancestry. Most of them were, like former migrants, of a traditional mentality, concerned to "support by honest Industry," as a young New Englander expressed it on his way to Ohio in 1786, "that In-

⁵⁵ R. Carlyle Buley, *The Old Northwest: Pioneer Period, 1815-1840* (2 vols., Indianapolis, 1950), I, chapters 4, 6; Frank Lawrence Owsley, *Plain Folk of the Old South* (Baton Rouge, 1949), chapter 3.

⁵⁶ Merle Curti, *The Making of an American Community: A Case Study of Democracy in a Frontier County* (Stanford, 1959), chapters 7-8, 10-11, conclusion. See also David Klingaman, "Individual Wealth in Ohio in 1860," in *Essays in Nineteenth Century Economic History: The Old Northwest*, ed. David C. Klingaman and Richard K. Vedder (Athens, Ohio, 1975), 182-83.

⁵⁷ Johnson, *Order Upon the Land*, 58, quotation p. 167; Faragher, *Sugar Creek*, 189.

dependancy of Spirit and Circumstances which is requisite to Happiness."⁵⁸ Happiness meant, above all, the security of the traditional family, even as it cloned itself among the numerous sons of successive generations—too numerous for longer-settled places to contain.

By far the best available example of a rural community of families of that sort is the settlement along the Illinois Sugar Creek, a tributary of the Sangamon River, which John Mack Faragher traces from the dispossession of the Kickapoo in 1815 down to the second, Civil War-era generation. The Sugar Creek settlement became a remarkably organic community, in spite of its mixed Yankee, Southern Upland, and foreign population, bound together by a "web of common obligations" into "multiple structures—of association and collective action, of neighborhood and kinship, of belief and ritual," centering around mill and schoolhouse, working together on the township roads, herding livestock on the unclaimed public prairie, driving hogs or wagons to the Alton or St. Louis market. It took a mere twenty years, by Faragher's account, to transform "a collection of emigrant families into community, with all its attendant harmony and strife"—a community reminiscent of those of Toby Ditz's Connecticut and Cicely Howell's Leicestershire.⁵⁹ To be sure, it was a hard-headed, unsentimental sort of community where each farm or artisan family kept strict account of every pennyworth of goods and labor its neighbors owed it, not exactly the selfless, voluntary cooperators of the romantic tradition which previous historians have echoed. (As Faragher notes, Caroline Kirkland, on the Michigan frontier of the 1830s, knew well enough about this local system of "'change," of poor people so reluctant to recognize any gratuitous help as never to say "thank you.")⁶⁰ But then, there is no evidence that traditional English or colonial neighbors had been any less hard-headed and unsentimental.

The Sugar Creek community was also limited—the same thing has been noted elsewhere—to a core of families within the larger local population at any one time, a minority who managed to take root and eventually to intermarry into a web of kinship, while transient individuals and rootless families came and went around them.⁶¹ Even that core community was transitory. Along Sugar Creek by the 1850s railroads and commercial agriculture began to split this regrouped traditional community, this briefly renewed

⁵⁸ Quoted in Hulbert, *Ohio in the Time of the Confederation*, 212.

⁵⁹ Faragher, *Sugar Creek*, 102-103, 129, 132, 136, 137-38, 150.

⁶⁰ *Ibid.*, 133-36; [Caroline Kirkland], *A New Home—Who'll Follow? or, Glimpses of Western Life* (New York, 1850), 290.

⁶¹ Faragher, *Sugar Creek*, 145. See also Richard S. Alcorn, "Leadership and Stability in Mid-Nineteenth-Century America: A Case Study of an Illinois Town [Paris]," *Journal of American History*, LXI (December, 1974), 685-702.

“peasant utopia” of autonomous, neighborly near-equals, into modern economic classes—owner-operators, tenant farmers, and an incipient laboring proletariat. Much the same stages of development have been discovered elsewhere, earlier or later in the nineteenth century, among upland Georgia farmers and a wide variety of Missourians after the Civil War, republican-minded artisans in New York City before the war and in Cincinnati thereafter, as well as in a contemporary town some thirty miles from Sugar Creek, Jacksonville, Illinois. That sort of change has become a dominant theme of social history.⁶² What the tradition-minded farmer or artisan had sought to escape, first in Europe, then in the East, was catching up with him—as it is still doing at every auction of a bankrupt farm today.

But the farmers and artisans were not simply victims. That the settlers themselves were bending tradition to fit modern circumstances is the burden of the most recent research (again following the English lead) into changing patterns of inheritance. Not only did ordinary western farmers treat land as a speculative commodity—“merely an article of trade,” as Caroline Kirkland deplored it in Michigan.⁶³ Also, as Ditz finds in one of the more commercialized towns of Connecticut around 1820, farmers abandoned the custom of leaving one or more sons enough land for securely independent farms and only items of personal property to the excess sons and to daughters. “Productive property,” she concludes, “was no longer used to set up directly some members of the next generation. It provided instead a head start in life . . . for *all* children,” whether as farmers (perhaps somewhere else than the home farm), businessmen, or professionals.⁶⁴ This stage, which had taken eight hundred years to reach in England, took less than two hundred in Connecticut. It appeared on the frontier of the Old Northwest within fifty years after (though hardly because) fully partible inheritance was written into the Ordinance of 1787.

By the 1830s “the function of the family holding,” as Susan E. Gray shows in her dissertation on certain pioneer Michigan counties, “was to generate capital”; no longer would “conferral of a landed patrimony . . . confer place in the social order, and . . . the rural community, under the impact of economic expansion and

⁶² Faragher, *Sugar Creek*, part 5; Steven Hahn, *The Roots of Southern Populism: Yeoman Farmers and the Transformation of the Georgia Upcountry, 1850–1890* (New York, 1983); David Thelen, *Paths of Resistance: Tradition and Dignity in Industrializing Missouri* (New York, 1986); Sean Wilentz, *Chants Democratic: New York City and the Rise of the American Working Class, 1788–1850* (New York, 1984); Steven J. Ross, *Workers on the Edge: Work, Leisure, and Politics in Industrializing Cincinnati, 1788–1890* (New York, 1985); Don Harrison Doyle, *The Social Order of a Frontier Community: Jacksonville, Illinois, 1825–70* (Urbana, 1978).

⁶³ Kirkland, *A New Home*, 36.

⁶⁴ Ditz, *Property and Kinship*, 76, 116, 136.

commercialization, ceased to be the fundamental social reality.”⁶⁵ That was what had disconcerted Kirkland about Michigan farmers who boasted of mere accumulation—of having “four times as much land as we ever should have owned in York state.”⁶⁶ Most of them were still farmers and heads of families, but no longer of the traditional family farm; it had been modernized, in Gray’s words, into “a mutual self-help association” whose members, in their individual zeal for accumulating capital, forgot the old joint concern for the lineal family persisting on its land from generation to generation, to preserve which they had come to America and now to the territory northwest of the River Ohio.⁶⁷ The Old Northwest marks the metamorphosis from traditional to modern. For a time in Ohio, Indiana, and Illinois, despite whatever the Northwest ordinances lacked in social policy, the settlers may be said to have realized the age-old traditions of family and community (though urban, commercial places, like Jacksonville, Illinois, were modern almost from the outset). By the latter half of the age of rural northwestern settlement, however, as Michigan and Wisconsin were occupied, tradition no longer described reality. Americans have been straining ever since to think of commercial agriculture in terms of the family farm.

What, then, does this celebration of the ordinances of the 1780s commemorate? Were these documents only a program for opening this vast new land to easy acquisition and capital-accumulation? If so, they subverted the ancient ideal of self-reliant families in homogeneous community, to preserve which so many men and women had come. And if there was some aspect of that social tradition that the ordinances did effectively preserve through the nineteenth century, it was what was coming to stand for social homogeneity—not ethnic homogeneity, since no limit was set on who, native or foreign, might come, and not economic classlessness, since men were free to make what they could of their opportunities—but white racial homogeneity. If the antislavery clause of 1787 ensured anything, it was—in spite of Governor Arthur Sinclair’s loose interpretation of it in the 1790s and efforts in Indiana after 1800 and Illinois after 1820 to circumvent it—that there would be few blacks in the Old Northwest until the mass migration out of the South in the twentieth century. From the present-day pluralist point of view, a curious thing to celebrate.

Or should Americans celebrate, candidly, that this was a forward-looking pair of ordinances, anticipating the modern capital-

⁶⁵ Susan E. Gray, “Family, Land, and Credit: Yankee Communities on the Michigan Frontier, 1830–1860” (Ph.D. dissertation, University of Chicago, 1985), 203.

⁶⁶ Kirkland, *A New Home*, 36.

⁶⁷ Gray, “Family, Land, and Credit,” 204–205. See also Faragher, *Sugar Creek*, 99.

istic world of commercial farming and industrial manufacturing that was sure to come in the Old Northwest as it had in England and was about to come in the East? There is, from that point of view, a notable contrast between the Northwest Ordinance and the Constitution, insofar as the Constitution was designed on classical republican lines, in the same year of 1787, to maintain antique civic virtue in static equilibrium, and was anachronistically fastened onto what was shortly to become a dynamic modern economy and world power. Perhaps the old Congress of the Confederation, that "somewhat quiet and peaceable company of men" who were still on hand in New York that summer, sometimes unable to muster a quorum while their better-remembered colleagues were off at the secret convention in Philadelphia, was the wiser of the two bodies.⁶⁸

⁶⁸ Barrett, *Evolution of the Ordinance of 1787*, 78; Lynd, *Class Conflict*, 187-88.