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THE  
ORDINANCE OF 1787.

By WILLIAM F. POOLE.

1892.





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ORDINANCE OF 1787.

A REPLY.

BY WILLIAM F. POOLE.

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FROM "THE INLANDER" FOR JANUARY, 1892.

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## THE ORDINANCE OF 1787.

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IN THE INLANDER for November, Mr. Henry A. Chaney makes an earnest protest against a wrong committed, which he terms "a Perversion of History," in robbing Nathan Dane of the honor of the authorship of the Ordinance of 1787, and bestowing it upon another—Dr. Manasseh Cutler. The purpose of his paper was "to examine the process by which this literary depredation was committed, and to help restore to its owner the reputation of which he has been plundered." As I am the person especially singled out as "depredator," although the names of seven of the most eminent historians in the country are given as my associates in pilfering—and the number might have been enlarged by many more names of similar quality—the editor has requested me to file a brief in reply.

Mr. Chaney is not quite sure in assigning to me the credit (or discredit as he regards it) of originating what he calls "the Poole theory," and "Mr. Poole's thesis," which has beguiled many such wary historians as Charles Kendall Adams, John Fiske, George Bancroft, Herbert B. Adams, Senator Hoar, Edward Everett Hale, Burke A. Hinsdale and others; and he rather suspects that I took it from Rev. Joseph F. Tuttle, then President of Wabash College. The fact is, as the dates I shall later give show, that President Tuttle took his heresy from me, and that I am the culprit and original "perverter of history," if such an atrocious act has been committed.

Mr. Chaney has made a very superficial study of the subject; and while he writes of "the Poole theory," in a tone almost of bitterness, he does not know what that theory is. Perhaps it cannot be stated in a briefer form than in the following extract from my address, at Washington, December 20, 1888, as President of the American Historical Association:

“The main facts concerning the Ordinance are now well established—that it was drafted as a part of the scheme devised by the Ohio Company of Associates, formed in Massachusetts, for buying and settling a large tract of land in Ohio on the Muskingum river; and that it was enacted by the unanimous vote of Congress in furtherance of that scheme. As Dr. Manasseh Cutler was the director of the company, who, with a sagacity and ability unsurpassed, conducted this business before Congress, and made the land purchase, the main credit of the enactment of the Ordinance and its beneficial results have been generally awarded to him. He was entitled to great praise; but to his associate directors, Generals Rufus Putnam and Samuel Holden Parsons, and to prominent members of Congress—a majority of them Southern members—a large share of the honor is due. The authorship of Ordinance has been earnestly discussed by some recent writers, and they have the attempted to fix it upon some individual. No one I think, in the present state of the investigation, can be regarded as its author. It came from a committee, and what occurred in the sessions of that committee is not known. The scribe of the committee was Nathan Dane; and if the manuscript of the final draft, which is now lost, could be found, it would probably appear in his hand writing.”

I have never made the statement, for I have no evidence to sustain it, that Dr. Cutler was the author of the Ordinance; and hence Mr. Chaney's assertion that I have bestowed the honor of the authorship upon Dr. Cutler has no foundation. I said in my paper in the *North American Review* for April, 1876: “What Dr. Cutler, Mr. Dane, Colonel Carrington, or any other member of the committee contributed to the Ordinance, the public records are “silent concerning. Mr. Dane doubtless wrote the draft, and performed the “clerical duties of the committee,” (p. 255). And again, “That Mr. Dane was “the member of the committee who wrote the draft of the Ordinance which was “submitted to and passed by Congress, there can be no question. A clerk of “the committee, under instructions, might have performed this duty. Whether “he was the author of the instrument in the higher sense of furnishing its “fundamental ideas, the occasion, the personal influence, and the strategy “which were needed to carry the measure through, and what services were “rendered by other persons, are legitimate subjects for historical investigation” (p. 236). The privately printed edition of the paper is entitled, “The Ordinance of 1787, and Dr. Manasseh Cutler as an Agent in its Formation.”

Mr. Chaney, in making an *ex-parte* plea for the claim that Mr. Dane was the author of the Ordinance, has ignored all the facts in the record which show the improbability of such a conclusion. This practice is legitimate in a lawyer's pleadings at the bar; but it is not usual in the treatment of historical questions where a judicial quality of mind is expected. He regards the statement of Mr. Dane that he wrote the ordinance as conclusive. That Mr. Dane was the writer of the ordinance has never been questioned by me; but on the other hand, I first brought into the discussion the letter of Mr. Dane to Rufus King of July 16, 1787, in which he states that he drew the ordinance, and which Mr. Chaney quotes with an air of triumph. I referred him also to four other similar statements of Mr. Dane made from thirty-six to forty-three years after the event, when he was a very aged man and his memory had failed. In one of these he states that he was the author, and in the others that he drew it. It is singular that Mr. Chaney has not furnished a single letter, document, fact, or incident, which I did not print in my paper of 1876.

The writing of a document is not proof of authorship. Many men in the walks of literature, statesmanship, and business never write anything. They dictate their ideas to shorthand writers, amanuenses, and in our day to typewriters. In the committee of a legislative body each member makes suggestions, verbally or in writing, which may be his own, or may be furnished by some outside party. These points are discussed, some are accepted, and others rejected; and when an agreement is reached, the writing up of the final draft is turned over to the clerk, or some member of the committee. This was the work done by Mr. Dane in the Ordinance committee. He wrote it, but he was not in any sense its author. We do not know even that it was an expression of his views at the time. If it was, and he had been its author, he would, in his letter to Mr. King, written three days later, have been more conscious of its merits and spoken of it in more affectionate and complimentary terms. He said: "With pleasure I communicate to you what we are doing in Congress, "not so much from the consciousness that what we do is well done, as from a "desire that you may be acquainted with our proceedings. . . . We met several "times, and at last agreed on some principles—at least Lee, Smith, and myself, "we found ourselves rather pressed. . . . We finally found it necessary to "adopt the best system we could get." This is cool and apologetic commenda-

tion of what has been called "the wisest and most beneficent measure ever adopted by the American Congress"; and of which he later, after the death of Dr. Cutler, and of every other member of the Ordinance committee, claimed to be the author. Dr. Cutler died in 1823, and the claim first appeared in Dane's "Abridgment and Digest of American Law," (Vol. VII., p. 389) in 1824. Mr. Chaney says: "For forty-three years after its enactment there was never any question but that Nathan Dane did it." Will Mr. Chaney please give a reference to any authority, before 1824, that Mr. Dane was the author of the Ordinance? Mr. Webster made his first speech on Foot's resolution, January 20, 1830, in which he stated that Mr. Dane was its author. He doubtless based the statement on the assertion above mentioned; for the letter to Mr. King was not printed until February 28, 1855. The King letter shows that the final action of the committee was a compromise; that the result was not reached without some difficulty, and was not altogether satisfactory to Mr. Dane—"We found ourselves rather pressed. The Ohio Company appeared to purchase a large tract of Federal lands, . . . and we found it necessary to adopt the best system we could get." It was, Mr. Dane says, "patched up."

Mr. Chaney bases his whole argument on the fact that Mr. Dane wrote the final draft, and that fact is not by me disputed. He has, however, wholly ignored other facts in his possession, which show the improbability of his conclusion; and some of them I will state.

Mr. Dane had no sympathy with the scheme of the Ohio Company of buying Federal land and forming a settlement in the West; and he was not in intimate personal relations with the promoters, although they were mainly Massachusetts men, and many were citizens of his own district. The scheme would drain Essex County of some of its most useful and enterprising men. General Rufus Putnam, writing to General Washington, said that he could not bring this matter to the notice of the Massachusetts delegates, as the State had lands of its own in the District of Maine for sale; "and I dare not," he adds, "trust myself with any of the New York delegates with whom I am acquainted, because that government is inviting the Eastern people to settle in that State." There is in Dr. Cutler's diaries and correspondence no evidence of his friendship for, or intimacy with, Mr. Dane. They were not fellow-townsmen, as Mr. Chaney says, for Mr. Dane resided in Beverly, and Dr. Cutler in Ipswich.



The only letter of Dr. Cutler which appears in his correspondence is dated March 16, 1787, three months before Dr. Cutler started on his visit to New York. It was an attempt to interest Mr. Dane in a Western scheme of settlement; and its rudimentary information shows how little attention Mr. Dane had given to the subject. The postscript is as follows: "You are doubtless acquainted with the institution of a Company in the New England States by the name of the Ohio Company, for the purpose of making a large settlement on the Federal lands on the river Ohio." When the Doctor was preparing to leave for New York, he procured more than forty letters of introduction to members of Congress from eminent citizens of Massachusetts, that he might not be dependent on Mr. Dane, the representative of his district, for making their acquaintance. His diary shows that his intercourse with Mr. Dane was perfunctory and infrequent. He often speaks of other Congressmen who rendered him service; but never of Mr. Dane in that relation. Mr. Chaney would imply that they were on terms of intimacy because Dr. Cutler dined on Sunday, July 8, at the British minister's house, "in company with Mr. Dane." Dr. Cutler explained the fact by saying: "Sir John [Temple] was so com-pleasant as to invite Dr. Holton [another representative from Essex county, Mass.], and Mr. Dane, which he said he did purposely on my account, as we were countrymen." Dr. Cutler, while the land purchase was under consideration, expressed his opinion of Mr. Dane very explicitly when he wrote in his diary: "Holton, I think, can be trusted. Dane must be carefully watched, notwithstanding his professions."

An Ordinance for the organization of the Northwestern Territory was not a new question in Congress. It had been under discussion for more than three years. Many committees had it under consideration and many drafts were prepared. Mr. Dane came upon such a committee, and September 19, 1786, made a report; and April 26, 1787, another report, which was discussed, took its second reading, and was amended May 9. Its third reading was assigned for the following day. It was called up May 10, but no vote was taken. From May 12 to July 3, there was no quorum present and nothing was done. Here was the occasion for Mr. Dane to have shown his views of what an Ordinance for the Northwestern Territory should be; and there was no Dr. Cutler, and no Ohio Company seeking to buy some of this land, present to vex him or share

the honors of his work. The draft of his committee can be read in *North American Review* for April, 1876 (pp. 242-244). Except in the administrative portions, which were temporary, it had no resemblance to the real Ordinance which passed July 13. It had no prohibition of slavery, which then existed in all the States except Massachusetts; no provision for the equal distribution of estates among children of the whole or half blood; nothing on civil or religious liberty, the rights of conscience, and the obligation of contracts. It had no such clauses as these: "No person shall be molested on account of his mode of worship or "religious worship;" "No man shall be deprived of his liberty or property, but "by the judgment of his peers or the law of the land; and should the public "exigencies render it necessary, for the common preservation, to take any "man's property, full compensation shall be made for the same;" "Religion, "morality and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be "encouraged;" "The utmost good faith shall always be observed towards the "Indians;" "There shall be neither slavery nor involuntary servitude in the "said Territory, otherwise than in the punishment of crimes of which the party "shall have been duly convicted." It had no articles of compact by which the most essential of these provisions were made irrevocable, and was wanting in all the features which made the Ordinance of July 13 one of the greatest monuments of civil jurisprudence.

If previous to the arrival of Dr. Cutler in New York, July 5, Mr. Dane had any idea of what an Ordinance for the organization of the Northwestern Territory should be, the draft of his committee of April 26, which was assigned for third reading and enactment on May 10, expressed them. To consider what would be the condition of the Northwest and the country to-day if that Ordinance had been enacted without an anti-slavery clause and the other beneficent features of the Ordinance of July 13, is not a pleasant subject for contemplation; and yet Mr. Dane, in his letter to Daniel Webster of March 26, 1830, said: "In the years 1784-87, the Eastern members of the old Congress "really thought they were preparing the Northwestern Territory principally for "New England settlers." Alas, for the memory of an old man forty-three years after the event! He doubtless wrote with honest intent. In his letter to Mr. King he stated that "the Ohio Company appeared to purchase a large tract of

“Federal lands, about six or seven million acres;” but when he wrote to Mr. Webster he forgot all about Dr. Cutler, the Ohio Company, and the millions of acres of Federal lands,—the pivot on which the whole matter of the Ordinance turned. How can Mr. Dane’s position in 1787 be explained? I will allow his home friends to explain it, who were more familiar with his record and the facts than is Mr. Chaney. Several papers which support Mr. Dane’s claim to be the author of the Ordinance were contributed anonymously to the Historical Collections of the Essex Institute, at Salem, in 1888, and were collected in a pamphlet of seventy-two pages, in 1889, with the title, “The Part taken by “Essex County in the Organization and Settlement of the Northwest Territory.” It is mainly a compilation, and the notes were prepared by a partisan of Mr. Dane, who says:

“The Ordinance exists in his hand-writing on the files of Congress [which is an error], and was reported by him to Congress, for the apparent reason that the chairman of the committee was not in sympathy with the measure.\* Cutler seems to have distrusted him. His integrity needs no vindication. Mr. Dane had already made large investments in the Eastern land enterprise, and was interested in, and committed to the building up of the Province of Maine. Some of his relatives had gone there and domiciled themselves, and several leading officers of the Revolutionary Army, such as Generals Knox and Lincoln, had acquired land there. Massachusetts sentiment was enlisted, and could not brook the desertion of the Eastern enterprise for any other. If, under these circumstances, the cautious mind of the acute and sagacious jurist may have wavered at times, under the impression that he might be jeopardizing his interests in Maine, in behalf of a distant and doubtful Western venture, posterity will perhaps be able to speak of his vacillation a little more charitably than Dr. Cutler could” (p. 41, 42).

I do not see this quotation, which explains Mr. Dane’s personal relations to the schemes of Eastern and Western settlements, and of Dr. Cutler’s distrust of him, in Mr. Chaney’s paper, nor in his eulogy of Mr. Dane in “The Green

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\*The chairman was Colonel Edward Carrington of Virginia, and the Journal of Congress of July 11 states that, “The committee, consisting of Mr Carrington, Mr. Dane, Mr. R. H. Lee, Mr. Kean and Mr. Smith, . . . reported an Ordinance,” etc. Dr. Cutler took letters to Mr. Carrington, and he was the first Congressman the Doctor met and received attentions from. They later became warm friends. Carrington was not opposed to the Ordinance. He both reported and voted for it. He was doubtless made chairman of the Ordinance Committee through the influence of Dr. Cutler. In the land purchase he was one of the Doctor’s warmest supporters and lobbyists. Dr. Cutler says in his diary: “Grayson, R. H. Lee and Carrington are certainly my warm advocates.”

Bag" for December, 1891. There was no quorum of Congress present, and hence no business was transacted from May 12 to July 4, when Wm. Grayson, of Virginia, in the absence of Gen. St. Clair, was elected temporary chairman. There was no quorum present July 5. Dr. Cutler arrived on the evening of that day. There was, therefore, nothing then concerning an Ordinance before Congress, except the bald, rudimentary draft of April 26, made by Mr. Dane's committee which had fortunately not been enacted May 10. If we accept Mr. Chaney's theory, a great light now burst upon Mr. Dane's mind. The presence of Dr. Cutler might account for this sudden illumination; but the hypothesis would be giving too much credit to Dr. Cutler, and leave Mr. Dane with no claim to originality. Is there any evidence that his mind was illuminated? We know that he had made personal and large investments in lands in Maine, and partook of "the Massachusetts sentiment which could not brook the desertion of the Eastern enterprise for any other;" but what is the evidence that he had suddenly transferred his interest to Western-land schemes? He said, indeed, in his letter to Mr. Webster, that "the Eastern members of the old Congress really thought they were preparing the Northwestern Territory principally for New England settlers;" but the statement was made when he was too old to recall the facts correctly. Mr. Jefferson began to write his Memoirs at about the same age, and fell into many errors. He claimed the authorship of papers of which he was not the author, as of John Dickinson's draft of the "Declaration of the Causes of taking up Arms," 1775. Memory, imagination, and similar incidents which occurred at different times, were mixed up in his mind. Correcting Governor McKean for an error he had made concerning the Declaration of Independence, he said that the Governor, "trusting to his memory at a time when our memories are not to be trusted, has confounded two questions, and ascribed proceedings to one, which belonged to the other."

Whatever effect, if any, the arrival of Dr. Cutler may have had upon Mr. Dane's mind, a great and sudden light illumined Congress during the next eight days, and culminated in the enactment, by a unanimous vote of Congress, of the immortal Ordinance of 1787. This is an undisputed fact; its suddenness arrests attention and demands explanation. Will the presence of Mr. Dane, who had been in Congress for two years, and whose mind, as we have seen, had run slowly and ploddingly in other channels, explain it? The presence of Dr.



Cutler was a new element of influence; and can Mr. Chaney suggest the name of any other person, on any other influence that could have aroused such an interest in Western settlement, and in the framing of an Ordinance best adapted to that end? Was Dr. Cutler a man of sufficient ability, reputation and organizing power to inspire such interest, and secure the passage of the Ordinance? Professor Andrew P. Peabody, D. D., of Harvard University, says of him. "For diversity of good gifts, for their efficient use, and for the variety of modes of valuable service to his country and mankind, I doubt whether Manasseh Cutler has his equal in American history. Had he distinguished himself in any one way as he did in many ways, his would have been confessedly among the greatest names of his age." (*New Englander*, April, 1887, p. 319). This estimate of Dr. Cutler is not overdrawn. His diary shows the methods by which he conducted the campaign which were as scientific and skillful as laying siege to a city. Getting a satisfactory code of laws for the territory and buying the land were parts of the same transaction, and both were secured from Congress within ten days of each other. He made the personal acquaintance not only of the members of Congress, and especially the Southern members, but of the Board of the Treasury—it being largely a financial proposal to relieve the distressing necessities of the government. He quickly became master of the position, and was taken into conference with the committees having both subjects in charge. He arrived in New York on Thursday evening, July 5. On Friday he began his work of making the acquaintance of Congressmen and officers of the government, and continued it on Saturday. Sunday he attended church three times and dined with Sir John Temple, the British minister. Monday, the 9th, he attended "the committee before Congress opened."\* What was said and done at that meeting he did not mention, it then being regarded as a breach of good faith to report what was done in Congress or in committees. At the session of Congress on that day—the sessions began at 11 o'clock—a new committee to prepare an Ordinance was appointed, consisting of Edward

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\*The committee here mentioned was one on the land purchase, appointed May 9, on the petition of General Parsons, consisting of Mr. Carrington, Mr. Madison, Mr. King, Mr. Dane and Mr. Benson. Mr. Madison and Mr. King were both absent at the Constitutional Convention, at Philadelphia, and Mr. Benson was not present at any session of Congress that year after May 10. Mr. Carrington and Mr. Dane were, therefore, the only members present; and both were later members of the Ordinance Committee.

Carrington of Virginia, Nathan Dane, Richard Henry Lee of Virginia, John Kean of North Carolina, and Melancton Smith of New York, a majority being Southern members. After Congress adjourned, on Monday, Dr. Cutler again "attended the Committee at Congress chamber"; and on Tuesday morning, July 10, he records: "This morning another conference with the Committee," making three conferences with the committees in about twenty-four hours. Tuesday afternoon he dined with Colonel Wm. Duer, Clerk of the Treasury Board, with the draft of the genuine Ordinance in his pocket, which had been "sent to me," he says, "with leave to make remarks and propose amendments, and which I had "taken the liberty to remark upon, and to propose several amendments." After he had returned the draft with his observations, he set out, at 7 o'clock, for Philadelphia. On Wednesday, July 11, Mr. Carrington, for the Committee, reported the Ordinance, and it took its first reading; on the 12th its second reading, and was amended; and on Friday, the 13th, it was read the third time, and passed unanimously by the eight States then present, three of them only being Northern States. It appears, therefore, that within about twenty-four hours after the Ordinance Committee was appointed, the draft was so far completed that it was submitted to Dr. Cutler for his remarks and amendments; and within forty-eight hours it was reported to Congress. Dr. Cutler in the meantime had three conferences with the committee. He could have told us in his diary what occurred at those conferences, and he did not; nor has any explanation of that rapid action come to light from any other source. The involved and complicated plan of its construction, as set forth in Mr. Dane's letters to Mr. Webster, Mr. Farnum, and in Appendix A, Vol. IX, of his Abridgment, is wholly improbable. Dr. Cutler, certainly, did not draft it while he was in New York; for his diary shows that his time was otherwise fully occupied. He had an interview with General Rufus Putnam, in Boston, just before he left for New York, and another with General Parsons a few days later at Middletown, Conn. He might have brought the outline of a draft of his own which he submitted to them, or one of theirs. They were associate directors of the Ohio Company, the persons most interested in the terms of the Ordinance, and each an abler man than Mr. Dane. No evidence, however, has come to my knowledge to sustain this supposition. The riddle may yet be explained. The most reasonable solution which occurs to me is that Dr. Cutler brought with him

the outline of an Ordinance which would be satisfactory to the Ohio Company, then proposing to buy the Western lands and take there a large body of New England settlers; and that the opportunity of opening up this Federal land for sale and settlement was the ruling motive in Congress in voting for the Ordinance and the land sale. It was a patriotic movement based on business principles, and it was fortunate for the country that wise and prudent men had charge of the business instead of humanitarian cranks. Mr. Chaney argues that Dr. Cutler had no interest in excluding slavery from the territory, because in his "garrulous and interesting diary there is not a word on the subject of "slavery, nor a stipulation concerning it in the written proposals for the purpose; nor in lobbying with Congressmen was the question ever referred to." It would have been the sublimity of imprudence, in a business point of view, for Dr. Cutler and others to have alluded to the question of slavery. They were dealing with Southern men, and knew how to handle them and avoid antagonizing their local prejudices. Massachusetts had abolished slavery four years before, not by statute, but by a decision of its Supreme Court; and Congressmen knew that her citizens would not engage in any scheme of colonization unless in free territory. Is it possible to conceive that Dr. Cutler would have left New York for Philadelphia on the evening of Tuesday, July 10, unless he had seen in the draft of the Ordinance then submitted to him the sixth article of compact forever prohibiting slavery in the Northwestern territory? And yet it was omitted in the copy submitted to Congress the next day; and Mr. Dane says he "omitted it in the draft," that is, he did not write it in the committee's report, and assigns as a reason for omitting it, that "I had no idea the states would "agree to the sixth article prohibiting slavery, as only Massachusetts of the "Eastern States was present." Dr. Cutler, who had canvassed the whole ground could have given him better information. It was bad faith, ignorance, or stupidity in Mr. Dane, that he left it out. On the next day, the 12th, "finding" he says, "the House favorably disposed on the subject, I moved the "article, which was agreed to without opposition." What would the Ordinance have been without the sixth article, which obviously had been agreed upon by the committee? The incident shows, if nothing worse, how little attention he had given to the subject, and to the sentiments of Congressmen concerning it. It was restored to the Ordinance, of course, in his own handwriting; and because

he restored it, he claimed in his Abridgement, and in his letter to Mr. Webster, the whole credit of keeping slavery out of the Northwestern territory! This statement has often been repeated by others; and the article in the handwriting of Mr. Dane, now in the Library of Congress, is appealed to as proof that he was the great benefactor of the Northwest and of his country.

I promised to give some data which may screen President Joseph F. Tuttle from the discredit of originating what Mr. Chaney calls the "Poole theory" of the origin of the Ordinance. On the evening of September 11, 1872, I was at the house of Hon. William P. Cutler, at Marietta, Ohio, who was the grandson of Dr. Manasseh Cutler. The conversation turned upon historical matters and a large mass of manuscripts was brought out for my inspection. One of these was a copy of Dr. Cutler's Diary, which he kept during his visit to New York and Philadelphia in the summer of 1787. I had never seen the manuscript before, but had heard of it and read the extracts from it printed in Spark's "Life of Dr. Franklin," and in Caleb Emerson's article on "Ohio," in the *North American Review* for October, 1841. As I turned over the leaves I remarked that this Diary would evidently throw light on the origin of the Ordinance of 1787, and if I could be allowed to take it with me to Cincinnati, I would examine it and report what I found. My proposal was readily acceded to; and taking it with me, I made a careful examination of it as soon as I had leisure. I found what I expected, and so reported to the family, who gave me the privilege of retaining it for further study. I prepared a paper on the subject which I read before the Cincinnati Literary Club, December 21, 1872, which was printed entire in the *Cincinnati Commercial*, December 23, 1872, the *Boston Transcript*, January 13, 1873, and the *New England Historical and Genealogical Register* for April, 1873, and abstracts of it appeared in many newspapers. President Tuttle, it appears, had also a copy of Dr. Cutler's Diary which, I was told, he made when a student at Marietta College, from a copy in its library. His attention was called anew to the subject by my paper, and he prepared a series of articles for Dawson's *Historical Magazine*, with the title, "The Western States of the Great Valley," which was made up largely by extracts from Dr. Cutler's Diary. The first of the articles appeared in June, 1873, and they were continued monthly till September. In the last paper he discussed Dr. Cutler's relations to the Ordinance, and claimed that Cutler was

entitled to an equal share of the honor with Dane. "We now begin," he said, "to appreciate the importance of the act, and would emblazon on the great act itself the two names of Nathan Dane and Manasseh Cutler." I am not aware that he has written anything on the subject since. After my paper of December, 1872, was printed, I began the collection of materials for a more elaborate discussion of the subject. The documents I needed, especially those favoring the claims of Mr. Dane, were not easy to find; but they came to me gradually, and having arranged my materials, I read, in December, 1875, before the Chicago Literary Club, the paper which was printed in the *North American Review* for April, 1876.



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