



IT GOES WITH THE TERRITORY! *Find Your Ancestors in Pre-statehood records*

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The Revolutionary War transformed the original thirteen colonies into thirteen states. Expansion began almost immediately. Most new states would originate from federally owned territories. Exceptions:

- **Vermont** and **Texas** were independent republics.
- **Kentucky** formed from western regions claimed by Virginia.
- The **District of Maine** was administered by Massachusetts prior to statehood.
- **West Virginia** separated from Virginia in 1863.
- **Hawaii** was a kingdom, then an independent nation, before becoming an American territory.

NORTHWEST ORDINANCE OF 1787

An Act of the Congress created the **Northwest Territory**, the first organized territory of the United States. The **Northwest Ordinance of 1787** enacted “organic law,” i.e., a system of laws, forming the foundation of territorial government:

- Defined federal sovereignty and public domain lands.
- Transferred original states’ western claims to the federal government.
- Prohibited slavery in the Northwest Territory (regions north of the Ohio River).
- Defined use of natural navigable waters as “common highways and forever free...”
- Natural rights provision (forerunner of federal Bill of Rights amendments) affirmed legal and property rights, religious freedom.
- Encouraged establishment of schools.

Changes over time

- **Missouri Compromise of 1820** prohibited slavery north of the 36°30’ parallel, excluding Missouri. Sought to confine slavery to southern states and maintain balance of power. Each new free state would be offset by admission of a slave state.
- **Compromise of 1850** introduced the concept of “popular sovereignty.” People of New Mexico and Utah Territories would decide whether to permit slavery or not.
- **Kansas-Nebraska Act of 1854** effectively repealed the Missouri Compromise, extending popular sovereignty north of the 36°30’ parallel, fueling national tensions over slavery, and contributing to a series of armed conflicts known as “Bleeding Kansas”.

THE EARLY FRONTIER

Before American settlement, the frontiers were populated with native tribes. Since earliest colonial times, the French, Spanish, Canadian, and British had engaged in a vibrant fur trade. American fur companies competed and were supported in new territories by the United States government.

- American Fur Company, established by John J. Astor, New York, 1816
- House of Ewing, Ft. Wayne, Indiana, established 1827
- Missouri Fur Trade, St. Louis, 1809
- Rocky Mountain Fur Company, St. Louis, 1822

Federally authorized trading posts and Indian agents interacted with local tribes, secured trade, and negotiated tribal land transfers.

Mounted dragoons and federal soldiers patrolled and defended the frontiers. Fortifications ranged from small blockhouses to temporary fortifications to fully-constructed fortresses. Federal troops sought to prevent foreign incursions, maintain peace between tribes and settlers, prevent illegal white settlement, protect communication and transportation.

FEDERAL LAND DISTRIBUTION

Lands in new U.S. territories were considered in the **public domain**. The first time the federal government transfers ownership to private parties is termed an **original entry, land grant, or patent**.

- Acts of Congress established policies for transferring public lands to individuals, states, corporations & companies.
 - Credit/cash sales
 - Military bounties
 - Homestead Act of 1862
 - Minerals, timber, and desert lands
 - Transportation development
 - Grants to new states
- Official federal surveys defined tracts and parcels using the “rectangular survey system.”
- District land offices established by the federal General Land Office (GLO) administered the distribution process within the territories and new states.
- Settlers could not finalize land claims until federal surveys were complete and a land office opened.
- Territorial grants from Spain, Britain, France, and Mexico were not automatically recognized by the United States, but could be adjudicated through state and federal boards of commissioners, federal courts, and through Congressional actions.

GOVERNING THE FRONTIER

The Northwest Ordinance created a blueprint for territorial governance and a path to statehood determined by population growth and territorial development.

- Overall territorial administration by federal departments, Acts of Congress
- Day-to-day governance by territorial legislatures
- Territorial counties & courts

FROM TERRITORY TO STATEHOOD

Population less than 5,000 free, adult male inhabitants

Government was limited to Congressional appointees: governor, secretary, three judges.

- The governor appointed local magistrates and other civil officials; and serve as commander-in-chief of militia.
- The secretary kept public records.
- Federally-appointed judges helped form local legislation and conducted court proceedings.

Population 5,000+ free, adult male inhabitants

- Citizens of territorial counties or districts were allowed to elect one representative per 500 free males to a territorial assembly, up to a total of twenty-five representatives.
- Territorial legislatures administered day-to-day functions.
- Local court systems were established.
- Territorial counties, townships, and provinces were organized as the population grew.

Population threshold of 60,000 free inhabitants

- Eligible for statehood.
- Population voted by referendum to seek statehood.
- Congress passed an “enabling act,” authorizing territorial inhabitants to draft a state constitution.
- Inhabitants and Congress voted approval of the state constitution.
- Statehood granted by a joint resolution of Congress.
- New states were admitted on an equal footing with the original states.



*McConnell's Historical Maps of the United States. McConnell Map Co., 1919
Library of Congress*

YOUR TERRITORIAL ANCESTOR

Construct a timeline and a research plan for your ancestor:

- Where were they during the territorial era?
- What is the territorial timeline for your ancestor's location?
- What jurisdiction was in place? Did that jurisdiction change over time?
- What records might your ancestor have created? Where are those records today?
- What roles did they play in their territorial communities?
- What was their territorial experience?

FIND THE RECORDS

Three levels of government

- **Federal.** Various federal departments administered the territories. Records are preserved by the National Archives and Records Administration, Washington, D.C. and regional federal archive locations.
- **Territorial.** State archives may retain original papers not found federally, especially in territories serving large regions over a long period of time.
- **Local counties and courts.** Territorial counties may retain original records or copies of federal records relevant to their citizenry.

In addition to government records, explore private business records, such as those of land companies and railroads, religious denominational records, newspapers, and local histories.

Three formats

- Original textual documents
 - National Archives & Records Administration (NARA), Washington, DC, regional
 - State archives, historical societies, university repositories
- Microfilmed/digitized original documents
 - NARA microfilm publications
 - State archival microfilm
 - *FamilySearch.org*
- Published indexes, transcriptions and abstracts
 - *American State Papers, U.S. Serial Set*
 - *Territorial Papers of the United States*
 - *The Trans-Mississippi West, 1804-1912: A Guide to Federal Records for the Territorial Period*
 - State archival finding aids

RESOURCES

All URLs valid as of 1 January 2022

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21. Carter, Clarence E., compiler. *The Territorial Papers of the United States. 1787-1845*. 28 vols. Washington, D.C.: General Printing Office, 1934+. NARA microfilm publication series M721. Online, *HathiTrust Digital Library*. Published papers include:
 - Territory northwest of the River Ohio, 1787-1803
 - Territory south of the River Ohio, 1790-1796
 - Territory of Mississippi, 1798-1817
 - Territory of Indiana, 1800-1816
 - Territory of Orleans, 1803-1812
 - Territory of Michigan, 1805-1837
 - Territory of Louisiana-Missouri, 1803-1821
 - Territory of Illinois, 1809-1818
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 - Territory of Florida, 1828-1845
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