
The Land Ordinance Act of 1784: Defining the Political Geography of a New Nation

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In 1783, the Confederation Congress of the United States formed a committee to recommend policies for the disposal of lands ceded by Great Britain to the United States at the conclusion of the American War of Independence. After much debate during the spring of 1784, a significantly amended report became the Land Ordinance Act of 1784. The “Act,” proposed to Congress, embodied the political ideals of the committee’s chairman, Thomas Jefferson. The liberal democratic principles expressed by the Act ensured the success of Republicanism, which made individual liberty and unalienable human rights the central ideal of post-war American society.

As applied to the political geography of the new nation brought into existence by the Treaty of Paris (1783), these principles manifested themselves in four very distinct ways. First, the concepts of public domain and private land ownership emerged as land became a commodity to be bought and sold. Next, the physical geography of the states created by the subdivision of the Western Territory and their representative form of government fueled the cause of Republicanism. Third, the Act elevated colonial agrarianism and encouraged the capabilities of individual farming, giving Jefferson’s land policy a popular base in the agriculturally dominant west. Finally, the policy proposed a land division scheme, which was more democratic than the incumbent schemes, as it defined equal sized lots that simplified revenue collection.

European settlers of North America used methods that can be traced back to 1096 when Pope Urban II directed the Christian church to “recover the sacred city of Jerusalem, where Christianity was born, from the hands of Islam.”¹ These Holy Crusades taught Europeans how to organize far-flung expeditions to unknown lands and how to enrich themselves in the process. In 1295, the Venetian, Marco Polo, returned from seventeen years in the Chinese Empire and published an account of his exploits, which predicted the wealth that European trade with the East would generate.

During the next two hundred years, explorers, supported by various governments, attempted to find a water route, around or through the Americas. Portuguese Ferdinand Magellan sailed southward around Cape Horn and into the

Pacific, while Englishman Martin Frobisher probed northward looking for the Northwest Passage to the Orient. Finding the continents to be a north-south barrier to China in the Atlantic explorers looked elsewhere.

Looters and plunderers recognized the opportunities in the Americas, however, and exploited them. By 1519, Hernando Cortés had spent two years pillaging in Central America, “capturing several king’s ransoms of gold and silver.”² Two decades later Francisco Pizarro mounted his campaign in Peru and liberated \$65 million of treasure from the Inca Empire.³

The wealth extracted from the Americas made Spain the predominant political power in Europe in the 1600s. However, Spain’s mismanagement of its profits allowed France to begin its incursions into North America. Preoccupied with the war between Catholics and Protestants, the English entered the race for the European colonization of North America late. Instead of treasure-taking in the New World, the Protestant Queen Elizabeth filled the royal coffers by enlisting privateer Sir Francis Drake to capture the treasure ships of her chief Catholic enemy, Spain.

During the seventeenth century, European commercial interests in North America were informal, haphazard, and seasonal expeditions to harvest coastal resources by fishermen, lumbermen, and speculative merchants. Through this process, the French discovered their own “Inca Gold” and exploited the abundance of furs—beaver, fox, and lynx.

Failed private colonization schemes, like that of Sir Walter Raleigh in North Carolina, convinced English administrators that government sponsorship and financial encouragement were required to establish commercial trading companies. In 1606, the English King James I granted two joint-stock companies a royal charter to establish permanent colonial settlements in North America. The Virginia Company of London received the deed to all the lands from the 34th parallel north to the 41st parallel, land which encompassed the area now known as Cape Fear to Long Island. The king granted the Massachusetts Bay Company the area between the Charles River, of present-day Boston, to the Merrimack River, which lays in northern New Hampshire. Inexplicably, no western boundary for either company’s charter was specified, a fact which would further complicate settlement of the Western Territory.

English colonial settlement spread outward slowly from its first few permanent settlements on the Atlantic coast and the Chesapeake Bay over the next one hundred fifty years. By 1700, more than a quarter million people had settled in the mainland English colonies.⁴ Few settlements were farther than fifty miles from the sea. In 1775, the population of the colonies had reached two and a half million

people and was then one-third the population of Britain.⁵ By 1820, the population of the United States would surpass that of Britain. The total population of the United States in 1790, the year of the first official census, excluding slaves, was 3.23 million people, an increase of approximately one-third since the start of the American Revolution.⁶

By 1752, the thirteen colonies had organized themselves such that visitors from England would find colonial North America quite agreeable, appreciating the familiar dedication to liberty, property, and mercantilism. English conceptions of county governments and the concept of private property ownership ruled territorial organization below the colonial level. County courts established no farther than one day's round trip ride for any resident made the seat of government accessible to all. However, this was not universally true of all colonies. Until 1769, South Carolina had only a single court in Charleston, at which time the South Carolina Judicial Districts were established to serve the backcountry. English was by far the predominant language, as was the prevalence of British social institutions like the Church of England and the militia.

There were many exceptions, however, as Colonial America was by no means a homogeneous society. The Chesapeake region, for example, had a much higher percentage of Catholics than elsewhere in the colonies while English indentured servants, whose labors in the tobacco fields were replaced by African slaves in the late 1670s, were predominately Protestant. Englishman Henry Hudson's explorations, on behalf of the Dutch of New Netherlands in 1609, established Anglo-Dutch settlements from the lower Delaware River to Long Island, and from western Pennsylvania to upstate New York. The Dutch encouraged culturally and linguistically diverse groups of Catholics, Mennonites, and Lutherans speaking Dutch and German, to immigrate to their North American settlements.⁷

The proximity of all thirteen colonies to the Atlantic Ocean and few, if any, improved roads meant that eighteenth-century America was a maritime society. The number of adventurous souls willing to forgo the safety provided by the British Army further regulated migration to the fertile farmland of the Ohio Country. After the French and Indian War ended, the British Proclamation Line of 1763 prevented trans-Appalachian settlement, much to the chagrin of the colonists, who had expected the war's end to open up that very territory to settlement. But the Proclamation Line was not universally respected and speculative investors, most notably George Washington, made claims on the Western Territory.⁸ Intrepid settlers moved west as far and as fast as their courage allowed.

The 1783 Treaty of Paris declared the end of the American Revolution

and set the boundaries of the United States. The new nation acquired vast tracts of land from the Proclamation Line west to the Mississippi River, north to the Great Lakes, and south to the Gulf of Mexico. Faced with the daunting task of governing a virtually unsettled nation that “was larger than any country in western and central Europe,” the Confederation Congress appointed a committee to prepare a plan for the temporary government of the Western Territory.⁹

The plan titled, “Report on Government for Western Territory,” was presented in the handwriting of its chairman, Thomas Jefferson, and was read to Congress on March 3, 1784. The date of the report coincided with Virginia’s cession, by deed to the United States, to its claim on lands north and west of the Ohio River above the 34th parallel. Congress debated the Plan between March 8 and April 23 which once amended became the basis for the Land Ordinance Act of 1784, known to many scholars as “Jefferson’s Ordinance.” The Act constituted nothing less than a “grand plan for the entire trans-Appalachian West according to Jefferson’s political geography and his perception of Virginia’s interests.”¹⁰

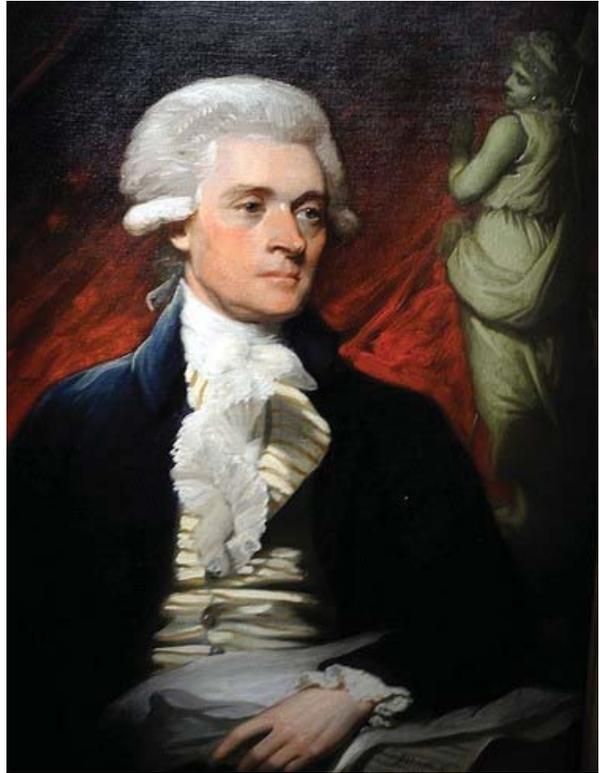


Figure 1. *Thomas Jefferson*, oil on canvas by Mather Brown, c. 1786.

The abandonment of Virginia’s claims on the Ohio country resolved the crisis, which had made Maryland the last state to join the Confederation in 1781. Before ceding its claim, Virginia argued that Maryland, bounded by the Mason-Dixon Line in the north and the Potomac River in the south, had no access or

legitimate claim to the Western Territory. Virginia further argued that their land claim had no western boundary. Maryland countered with the vagaries of the colonial charters. Virginia's cessation, however, came with conditions, which Jefferson co-opted and incorporated into the plan. Most notably, Jefferson wrote, "[the ceded territory] shall be disposed of for the common benefit of the United States, and be settled and formed into distinct republican states, which shall become members of the federal union, and have the same rights of sovereignty, freedom and independence, as the other states."¹¹ This deed established the precedent for "public domain," which held that land was a commodity to be bought and sold for the benefit of the nation.

Land and the abundance of natural resources were the lures to English colonists. The English philosopher, John Locke (1632-1704), wrote after the first visits by Europeans to North America that, "In the beginning, all the world was America."¹² Centuries later, the American naval historian, Edward L. Beach (1918-2002) observed that "Magnificent stands of timber were among the natural resources that instantly struck early explorers of North America."¹³

Since the Native Americans had "nothing but their beliefs, traditions, and culture to show that they 'owned' the land, the Europeans thought they could appropriate it freely."¹⁴ The settlers assumed "the natural right of individual property rights" advanced by Locke, who had also inspired Jefferson's ideals of "government by the consent of the people" and "rights of life liberty and property."¹⁵ This practice of progressive infringement upon the Native American land, with token or no compensation at all, caused one English colonist to observe, "America was a place where one could go to 'live bravely' and live without restraint in the new uncharted lands."¹⁶

Since there was little precedent for private land ownership in America, colonists simply did what they had done in their native Europe. Owners filed property deeds at the seat of county government where clerks recorded them in bound volumes. Since no permanent survey monuments existed, colonists used land survey and division methods that mirrored the systems they had used in their Old World homelands.¹⁷

Before the Act introduced the uniquely American system of rectangular land survey, two schemes defined property boundaries in North America. The first was "metes and bounds" and the second French "long lots."¹⁸ In feudal England, deeds described land claims in relative terms and recorded physical features, both natural and manmade, to define the enclosed parcel. This method was known as "metes and bounds," because it explained how one's property butted—meted—against neighboring properties or bordered by a road, fence, or riverbank. This

system was the predominant method in the original thirteen colonies, plus Vermont, Kentucky, and Tennessee.¹⁹

Metes and bounds created irregularly sized and oddly shaped parcels, with few straight lines, which depended upon unstable terrain features or manmade landmarks. For example, a 1789 parcel filed on the Virginia Military Reservation was an exceedingly complex polygon with 118 sides. Neither was the area of parcels surveyed using metes and bounds very precise. An Ohio country lot, thought to contain 458 acres, was later determined to contain 1,662 acres.²⁰ Finally, with the passage of time, identification became problematic as trees died, streams changed course, and property owners changed.

The French, who also settled vast areas of North America, brought with them a different system for a land division called long lots. Given their French origins, long lots unsurprisingly dominated Eastern Canada, the Great Lakes, St. Lawrence River, Mississippi River, and Louisiana.²¹ These parcels were often ten times longer than they were wide, laid down in successive parallel ranges with one width bounded by a body of water. The opposite end with farmhouse and outbuildings bordered the road. The chief benefit of this scheme gave each property access to both water source and over-land and river transportation. The fact that residences lay very close together, however, was less desirable. Furthermore, French inheritance practices created lengthwise subdivisions that could result in parcels too narrow to be farmed efficiently.²² Long lot parcel descriptions also relied on stakes, fences, and stone markers, with their inherent flaws, to delineate property lines.

The preamble to Jefferson's plan read: "Resolved, that the territory ceded or to be ceded by Individual states to the United States shall be formed into distinct states." Every aspect of his plan for the subdivision and governance of the Western Territory promoted the success of Republicanism, including the number, physical dimensions, and arrangement of the proposed states.²³

Jefferson's ideas about the number of states to be created by the subdividing changed from formal discussions held before the report to Congress. His original thoughts had evolved from previous proposals for creating only one or two states to forming six to fourteen or more.²⁴ Jefferson believed that for state governments to remain republican, the size of the state must be small enough to "preserve the homogeneity of the interests, opinions, and habits of the citizens."²⁵ If the state were too large, he warned, "a stronger, more centralized government than desirable for Republicanism would be needed to extend its influence to the far corners of the state."²⁶ Jefferson argued then that Virginia should, for its good, "cede all the territory it could not govern according to republican principles, to

maintain homogeneity of interests among the state's population."²⁷

Jefferson arranged his new states and selected his meridian lines on "the abstract idea of balance and from fear of conflict between large and small states."²⁸ The parallels drawn through the falls of the Ohio River and the mouth of the Great Kanawha River would determine east to west dimensions.²⁹ He formed the new states into three tiers when added to the original thirteen. The first tier would border the Atlantic, and the third tier would border the Mississippi River. The middle tier "is to be the smallest, and to form a balance betwixt the two more powerful ones."³⁰ Each state would extend two degrees of latitude to include lands south of the Ohio River still claimed by Georgia and North and South Carolina as well as by Virginia.

Jefferson's report also suggested names for the new states. Washington and Saratoga were recognizable in American annals, while the others were Indian tribes with classical suffixes. Only two of the latter would be familiar to today's student. The territory "which lies under the 45'th. & 44'th. degrees that which lies Westward of Lake Michigan," Jefferson suggested being "MICHIGANIA" and "Of the territory which lies under the 41'st. & 40'th. degrees the Western, thro which the river Illinois runs, shall be called ILLINOIA."³¹ Though used later, none of the state names survived the report's amendment process and are not a part of the Act.

Neither the plan, nor the Act, discussed the location of state capitals, or the relocation of the capitals of the original states. However, between 1776 and 1812, eleven of the original thirteen colonies voted to relocate their capitals westward towards the geographic centers of their state.³² This move promoted the democratic ideal of access to representative government.

The selection for the site of the "Federal City" was the result of a compromise with far-reaching political significance. Virginia congressman James Madison agreed to support the core provisions of Alexander Hamilton's fiscal program in exchange for locating the national capital at a site along the Potomac River at a location that appeared "seemingly plopped down at random on land where tobacco and wheat had grown." The Federalist Secretary of the Treasury, Hamilton, benefitted, as did the Jeffersonian Democrats, who had shifted the seat of federal government away from the commerce and manufacturing Atlantic coast to the rural and agrarian Virginia tidewater.³³

Furthermore, the Act set down a plan by which settlers in the new states of the Western Territory could achieve self-government, on par with the original thirteen states. The first step authorized prospective states to meet and form a "temporary government" by adopting the constitution and laws of one of the

original states.³⁴ The temporary government would remain in effect until any state grew to twenty thousand free inhabitants. Then, after certifying its population before Congress, “the state was given authority to call a Convention of representatives to establish a permanent Constitution & Government for themselves.”³⁵ When a new state’s population reached that of the “least numerous of the thirteen original states, such state shall be admitted by its delegates into the Congress of the United States, on an equal footing with the said original state provided the consent of nine states to such admission may be obtained according to the eleventh of the Articles of Confederation.”³⁶ Until such admission, the delegates sitting in Congress would have the right to debate but not to vote.³⁷

The grants of both temporary and permanent self-government were sanctioned only as long as the states adhered to five democratic principles. The Act resolved that: 1) the states shall forever remain a part of the United States of America; 2) the persons and property of the states “shall be subject to the Government of the United States in Congress assembled and to the Articles of Confederation in all those cases in which the original states shall be so subject;” 3) the states shall pay a part of the federal debts apportioned on them by Congress, “according to the same common rule and measure by which apportionments thereof shall be made on the other states;” 4) their government will take a republican form and no citizen, who holds any hereditary title will be allowed to participate; and 5) “After the year 1800 of the Christian era, there shall be neither slavery nor involuntary servitude in any of the said states, otherwise than in punishment of crimes, whereof the party shall have been duly convicted to have been personally guilty.”³⁸

Thomas Jefferson’s vision of America as a farming republic, elevated colonial agrarianism and the support of individual farming families to the highest priority of American government. Jefferson maintained a reverence, bordering on religious fanaticism, for agriculture his entire life. While governor of Virginia, Jefferson wrote in *Notes on the State of Virginia* (1785), “Those who labour in the earth are the chosen people of God, if ever he had a chosen people, whose breast he has made particular deposit for substantial and genuine virtue.”³⁹ Jefferson envisioned for America a land of yeoman farmers, who were the “true representative of American interests,” and went so far as to advocate that only farmers may serve in Congress.

In 1776, Jefferson proposed, but failed to have ratified in the Virginia State Constitution, a provision that “every free person was to be entitled to fifty acres of land.”⁴⁰ His estate, Monticello, had swallowed his parents’ land holdings and grown to 5,500 acres by 1794. His Albemarle County, Virginia plantings were

devoted mostly to the production of wheat, and additional holdings in nearby Bedford County were planted with tobacco.⁴¹ Monticello expressed his conviction that, “agriculture and the independent small-scale farmer were . . . the building blocks of the new nation.”⁴²

Only Jefferson’s disdain for commercial and manufacturing pursuits matched his veneration of agriculture. However, the reality of Colonial America was that before the economic schism caused by the American Revolution, there was little motivation for Americans to do anything else but farm, fish, and ranch. Despite Benjamin Franklin’s bravado that he “did not know of a single article that the colonies could not do without or manufacture themselves,” the colonists were wholly dependent upon Great Britain for their muskets, nails, and farm implements, except, of course, for the significant smuggling industry which brought in goods from French, Dutch, and Spanish sources, typically from the West Indies. Furthermore, a lack of labor and laws, regulations, and duties imposed by Britain, helped promote America’s agrarian prominence, which further inhibited the colonists from developing their manufacturing sector.⁴³ Again, in *Notes on the State of Virginia*, Jefferson wrote, “for manufacture, let our workshops remain in Europe. The mobs of cities add just so much to the support of government, as sores do to the strength of the human body.”⁴⁴

Jefferson’s plan also introduced the rectangular land survey, which was a considerable improvement over early strategies for land division. The Public Land Survey, or PLS as it came to be known, was inherently democratic because it offered small, equal-sized, square lots and provided the federal government with a systematic basis for revenue collection.⁴⁵

The incumbent methods of land survey, which were sufficient for dividing the limited geography of the colonies, became inadequate after the Revolutionary War, and after the Louisiana Purchase in 1803, became absurdly deficient. A system dividing America’s vast land acquisitions quickly and fairly needed to be devised. Fortunately for the cause of westward expansion, Jefferson, the former professional land surveyor, had a solid understanding of geography, astronomy, mathematics, and surveying techniques which were a product of the eighteenth century Age of Enlightenment.

Jefferson recognized that modern survey methods applied to the North American landscape required revising the arcane units of measuring distance. Chains, which measured sixty-six feet and poles of sixteen and a half feet, were converted to feet, equal to 0.06 poles and miles, which measured eighty chains. Colonial Americans also incorporated compass directions in their parcels’ description.⁴⁶ In locations where there were no outstanding terrain features,

surveyors drove stakes or erected stone monuments, to mark key points. The advantage of this method was that property owners could easily envision and communicate the boundaries of their parcel to others.

The rectangular system demonstrated the ideals of Republicanism and was “steeped in Jefferson’s political geography.”⁴⁷ The concept was simple but implementation required progressive surveyors to execute it. The PLS established a geometric grid of east-west latitude “baselines,” and north-south longitude “ranges.” The grid was independent of the landscape or geographical features that metes and bounds or long lots surveys required. Surveyors laid out “townships,” six miles on each side and further subdivided them into thirty-six “sections,” each a mile square, or forty acres.⁴⁸ The Secretary of War was allotted five sections in each township for use by the Continental Army, or to be disposed of as he wished. One of the central sections of the township was reserved for government, maintenance, and public schools.⁴⁹ Much like his plan while governor of Virginia, Jefferson intended to give away the remaining thirty sections to the yeomanry, a quarter or a quarter-quarter section he thought ideal for a single family farm.⁵⁰ Congress however, directed that all unallocated lands be sold for one dollar an acre.⁵¹

Congress ratified the Act but certainly not as Jefferson had drafted it. On the second vote, held April 22, 1784, the provision abolishing slavery was defeated and stricken. America’s first attempt to legally abolish slavery failed for lack of support. Jefferson of Virginia and Hugh Williamson of North Carolina were the only southern congressmen who voted to approve that provision.

The Land Ordinance Act of 1784, however, was short-lived. It was superseded the following year and then again in 1787 by the Northwest Ordinance Act. The latter addressed the issue of expansion of slavery in the territory but did not emancipate the slaves in the existing southern states.

Jefferson’s ultimate goal in drafting his policies was “to guaranty the success of Republicanism,” even to the extent that it required a new state to adopt the constitution from one of the original states.⁵² His integration of the principles of democracy, Republicanism, and representative government influenced the characteristics and political organization of geographical space of the Western Territory and ultimately the nation.⁵³ While the abolition of slavery in the Western Territory after 1800 would have been the ultimate expression of his liberal democracy, it was not to be, and the founding fathers would leave that question for future generations to address.

Any American who has flown over the midwestern United States has seen incontrovertible evidence that Thomas Jefferson’s policy for the disposition

of the land in the Western Territory forever shaped our nation. The checkerboard pattern of mile square sections, planted with wheat, corn, soybeans or grazing cattle, is unwavering unless the presence of mighty rivers or great mountains “may render [Jefferson’s Public Land Survey] impracticable, and then it shall depart from the rule no farther than such particular circumstances may require.”⁵⁴

Notes

1. Richard Norejko, “From Metes and Bounds to Grids or a Cliffs Notes™ History of Land Ownership in the United States,” *Fair & Equitable* (January 2009): 3.
2. *Ibid.*, 4.
3. *Ibid.*
4. Robert D. Mitchell, “The Colonial Origins of Anglo-America,” in *North America: The Geography of a Changing Continent*, eds., Thomas F. McIlwraith and Edward K. Muller (Lanham MD: Rowan & Littlefield Publishing Group, 2001), 89.
5. *Ibid.*, 119.
6. *Ibid.*
7. *Ibid.*, 111.
8. Tony Wernke, “Breaking New Ground: How George Washington’s Land Development Ideas Shaped Sustainability,” *Land Development Today* (August 2010), accessed April 3, 2013, <http://www.triplepundit.com/2010/08/george-washington-land-development-ideas-shaped-sustainability>.
9. Robert F. Berkhofer Jr., “Jefferson, the Ordinance of 1784, and the Origins of the American Territorial System,” *The William and Mary Quarterly*, Third Series, Vol. 29, No. 2 (April, 1972): 232, accessed May 13, 2013, <http://www.jstor.org/stable/1921145>.
10. *Ibid.*, 245.
11. *Ibid.*, 235.
12. Mitchell, 114.
13. Edward L. Beach, *The United States Navy: A 200-Year History* (New York: Holt & Company, 1986), 2.
14. Norejko, 5.
15. *Ibid.*
16. *Ibid.*
17. Andro Linklater, *Measuring America: How an Untamed Wilderness Shaped the United States and Fulfilled the Promise of Democracy* (New York: Walker and Company, 2002), 8.
18. Mitchell, 150.
19. *Ibid.*, 151.

20. Linklater, 145.
21. Mitchell, 153.
22. Ibid.
23. Berkhofer, 243
24. Ibid.
25. Ibid., 244.
26. Ibid.
27. Ibid.
28. Ibid., 245.
29. Ibid., 243.
30. Ibid., 245.
31. "Report on Government for Western Territory; March 1, 1784," *The Avalon Project: Yale Law Library*, accessed June 6, 2013, http://avalon.law.yale.edu/18th_century/jeffrep1.asp.
32. Mitchell, 146.
33. John Ferling, *A Leap in the Dark: The Struggle to Create the American Republic* (New York: Oxford University Press, 2004), 478.
34. Berkhofer, 245-6.
35. "Report on Government for Western Territory; March 1, 1784"
36. Ibid.
37. Ibid.
38. Ibid.
39. Noble E. Cunningham, *In Pursuit of Reason: The Life of Thomas Jefferson* (Baton Rouge: Louisiana State University, 1987), 79.
40. Andrea Wulf, *The Founding Gardeners: The Revolutionary Generation, Nature and the Shaping of the American Nation* (New York: Alfred A. Knopf, 2011), 116.
41. Cunningham, 196.
42. Wulf, 10.
43. Ibid., 7.
44. Cunningham, 17.
45. Berkhofer, 248.
46. Mitchell, 152.
47. Ibid., 153.

48. Ibid., 152.

49. “An ORDINANCE for ascertaining the Mode of disposing of LANDS in the WESTERN TERRITORY,” Documents from the Continental Congress and the Constitutional Convention, 1774-1789: The Library of Congress, accessed June 4, 2013, [http://memory.loc.gov/cgi-bin/query/r?ammem/bdsbib:@field\(NUMBER+@band\(bdsdcc+13201\)\)](http://memory.loc.gov/cgi-bin/query/r?ammem/bdsbib:@field(NUMBER+@band(bdsdcc+13201))).

50. Mitchell, 152-153.

51. “An ORDINANCE.”

52. Berkhofer, 248.

53. Mitchell, 147.

54. “An ORDINANCE.”

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