

## **Reed's Notes The Road to Civil War**

### **Northwest Ordinance**

- \*Passed July 13, 1787 by the Continental Congress
- \*It was a group of laws that established a system of government for the territory north of the Ohio River (Northwest Territory).
- \*Set up procedures for admitting new states:  
Congress appoints governor, secretary and three judges (authorized to enforce laws)  
When 5,000 free adult males inhabit territory, legislature would be established (sharing power with governor)  
When 60,000 people inhabited a territory they could frame a constitution and apply for admission to the Union on equal terms with the older states
- \*Not less than three nor more than five states could be created out of the territory
- \*Guaranteed all persons freedom of worship and trial by jury. Slavery was forbidden, public education was encouraged, Indians were promised fair treatment.
- \*Ohio (1803), Indiana (1816), Illinois (1818), Michigan (1837), Wisconsin (1848).

### **Missouri Compromise**

- \*1819: Missouri applies for admission
- \*Slave or free state? 11 of each
- The Compromise
- \*March 1, 1820: Missouri admitted as slave state
- \*May, 1820: Maine admitted as a free state
- \*Slavery banned north of 36° 30' (southern border of Missouri)
- Result
- \*South wins Missouri, but area where slavery was banned "forever" is larger than the area where slavery would be allowed
- \*1854: Missouri Compromise is repealed by the Kansas-Nebraska Act

### **Wilmot Proviso**

- \*1846: Representative David Wilmot (Pennsylvania) introduces an amendment to an appropriations bill that anticipates Mexico's cession of territory as a result of the war.
- \*The Wilmot Proviso stated that in any resultant treaty "neither slavery nor involuntary servitude shall ever exist in any part of said territory."
- \*Bill passes House but fails in Senate. Became a plank in the Free-Soil and Republican platforms.

### **Compromise of 1850**

\*January 29, 1850: Henry Clay proposed plan that results in five statutes:  
California admitted as free state \* Territory of New Mexico created without reference to slavery and provided that Texas would relinquish 125,000 square miles of territory claimed by New Mexico \* Territory of Utah created without reference to slavery \* Fugitive Slave Law (no jury trial, affidavit only requirement to prove ownership) \* Prohibited slaves from being brought into the District of Columbia for transportation or sale

### **Kansas-Nebraska Act**

\*After 1850, Senator Stephen Douglas (Illinois) becomes architect of bills to create new territories in Kansas and Nebraska (organization of which would be essential to constructing transcontinental railroad)

\*1854: Introduces bill to organize Kansas and Nebraska as territories that adhere to the principle of "popular sovereignty" (their choice, slave or free)

\*Proslavery congressmen demand that Missouri Compromise be declared "inoperative and void"

\*Signed into law (Franklin Pierce) on May 30, 1854.

#### Results

\*Douglas accused of betraying principles for sake of his presidential ambitions and of being in collusion with railroad interests

\*Led to a general realignment of political parties

Northern "Anti-Nebraska" meetings lead to former Whigs, Free Soilers, and antislavery Democrats joining the new Republican party

\*Pro- and anti-slavery groups promote settlement in new territories, leading to several years of violence and conflict ("Bleeding Kansas"; John Brown: 1856 Pottawotamie Creek, 1859 Harpers Ferry Raid)

### ***Dred Scott vs. Sandford***

\*1857: Supreme Court (led by Chief Justice Roger B. Taney) rules that a black slave...property (5th Amendment rights)...could not become a citizen under the U.S. Constitution.

\*Taney's three points:

Blacks (free or slave) were not included and were not intended to be included in the category of *citizen* as the word was used in the U.S. Constitution for the purpose of suing in the federal courts.

Second, he argued that Scott had not become free by virtue of his residence in a territory covered by the Missouri Compromise, since that legislation was unconstitutional.

Third, whatever may have been the temporary effect of Scott's sojourn in Illinois, Scott had ultimately returned to Missouri, where his status depended on Missouri law.

\*Viewed as a proslavery decision by the abolitionists, and the case probably hastened the coming of the Civil War.

\*Only the second time that the Court had declared an act of Congress unconstitutional, the first having occurred 54 years earlier, in *Marbury v. Madison*.