

Act of Congress, 3 Feb. 1809.

Indiana territory, whenever satisfactory evidence shall be given to the governor thereof, that such is the wish of a majority of the freeholders, notwithstanding there may not be therein 5,000 free male inhabitants of the age of 21 years and upward: *Provided*, That until there shall be 5,000 free male inhabitants of 21 years and upward, in said territory, the whole number of representatives to the general assembly shall not be less than seven nor more than nine, to be apportioned by the governor to the several counties in said territory, agreeably to the number of free males, of the age of 21 years and upward, which they may respectively contain.

§ 5. *And be it further enacted*, That nothing in this act contained shall be construed so as in any manner to affect the government now in force in the territory of the United States north-west of the Ohio river, further than to prohibit the exercise thereof within the Indiana territory, from and after the aforesaid fourth day of July

next: *Provided*, That whenever that part of the territory of the United States which lies to the eastward of a line beginning at the mouth of the Great Miami river, running thence due north to the territorial line between the United States and Canada, shall be erected into an independent state, and admitted into the union on an equal footing with the original states, thenceforth said line shall become and remain permanently the boundary line between such state and the Indiana territory; anything in this act contained to the contrary notwithstanding.

§ 6. *And be it further enacted*, That until it shall be otherwise ordered by the legislatures of the said territories, respectively, Chillicothe, on the Scioto river, shall be the seat of the government of the territory of the United States north-west of the Ohio river; and that Saint Vincennes on the Wabash river, shall be the seat of government for the Indiana territory

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2 Stat. at Large, 514.

Dividing the Indiana territory into two separate governments, and establishing the territory of Illinois. — Michigan was formed 11 Jan. 1805: 2 Stat. at Large, 309. Wisconsin was formed 20 April, 1836: 5 Id. 10.

§ 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That from and after the first day of March next, all that part of the Indiana territory which lies west of the Wabash river, and a direct line drawn from the said Wabash river and Post Vincennes due north, to the territorial line between the United States and Canada, shall, for the purpose of temporary government, constitute a separate territory, and be called Illinois.

§ 2. *And be it further enacted*, That there shall be established within the said territory a government in all respects similar to that provided by the ordinance of congress, passed on the 13th day of July, 1787, for the government of the territory of the United States north-west of the river Ohio, and by an act passed on the 7th day of August, 1789, entitled "An act to provide for the government of the territory north-west of the river Ohio;" and the inhabitants thereof shall be entitled to and enjoy all and singular the rights, privileges, and advantages, granted and secured to the people of the territory of the United States north-west of the river Ohio, by the said ordinance.

§ 3. *And be it further enacted*, That the officers for the said territory who, by virtue of this act, shall be appointed by the president of the United States, by and with the advice and consent of the senate, shall, respectively, exercise the same powers, perform the same duties, and receive for their services the same compensations, as, by the ordinance aforesaid, and the laws of the United States, have been provided and established for similar officers in the Indiana territory. And the duties and emoluments of superintendent of Indian affairs shall be united with those of governor. *Provided*, That the presi-

dent of the United States shall have full power, in the recess of congress, to appoint and commission all officers herein authorized, and their commissions shall continue in force until the end of the next session of congress.

§ 4. *And be it further enacted*, That so much of the ordinance for the government of the territory of the United States north-west of the river Ohio, as relates to the organization of a general assembly therein, and prescribes the powers thereof, shall be in force and operate in the Illinois territory, whenever satisfactory evidence shall be given to the governor thereof that such is the wish of a majority of the freeholders, notwithstanding there may not be therein 5,000 free male inhabitants of the age of 21 years and upward: *Provided*, That until there shall be 5,000 free male inhabitants of 21 years and upward in said territory, the whole number of representatives to the general assembly shall not be less than seven, nor more than nine, to be apportioned by the governor to the several counties in the said territory, agreeably to the number of free males of the age of 21 years and upward, which they may respectively contain.

§ 5. *And be it further enacted*, That nothing in this act contained shall be construed so as in any manner to affect the government now in force in the Indiana territory, further than to prohibit the exercise thereof within the Illinois territory, from and after the aforesaid first day of March next.

§ 6. *And be it further enacted*, That all suits, process, and proceedings, which, on the first day of March next, shall be pending in the court of any county which shall be included within the said territory of Illinois, and also all suits, process, and proceedings, which, on the said first day of March next, shall be pending in the general

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court of the Indiana territory, in consequence of any writ of removal, or order for trial at bar, and which had been removed from any of the counties included within the limits of the territory of Illinois aforesaid, shall, in all things concerning the same, be proceeded on, and judgments and decrees rendered thereon, in the same manner as if the said Indiana territory had remained undivided.

§ 7. *And be it further enacted*, That nothing

in this act contained shall be so construed as to prevent the collection of taxes which may, on the first day of March next, be due to the Indiana territory on lands lying in the said territory of Illinois.

§ 8. *And be it further enacted*, That, until it shall be otherwise ordered by the legislature of the said Illinois territory, Kaskaskia, on the Mississippi river, shall be the seat of government for the said Illinois territory.

ACT OF CONGRESS, 18 APRIL, 1818.

3 Stat. at Large, 428.

Enabling the people of Illinois to form a state constitution.

§ 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the inhabitants of the territory of Illinois be, and they are hereby authorized to form for themselves a constitution and state government, and to assume such name as they shall deem proper; and the said state, when formed, shall be admitted into the union upon the same footing with the original states, in all respects whatever.

§ 2. *And be it further enacted*, That the said state shall consist of all the territory included within the following boundaries, to-wit: Beginning at the mouth of the Wabash river; thence up the same, and with the line of Indiana, to the north-west corner of said state; thence east with the line of the same state, to the middle of Lake Michigan; thence north along the middle of said lake, to north latitude 42 degrees 30 minutes; thence west to the middle of the Mississippi river; and thence down along the middle of that river to its confluence with the Ohio river; and thence up the latter river along its northwestern shore, to the beginning: *Provided*, That the convention hereinafter provided for, when formed, shall ratify the boundaries aforesaid; otherwise they shall be and remain as now prescribed by the ordinance for the government of the territory north-west of the river Ohio: *Provided also*, That the said state shall have concurrent jurisdiction with the state of Indiana on the Wabash river, so far as said river shall form a common boundary to both, and also concurrent jurisdiction on the Mississippi river, with any state or states to be formed west thereof, so far as said river shall form a common boundary to both.

§ 3. *And be it further enacted*, That all white male citizens of the United States, who shall have arrived at the age of twenty-one years, and have resided in said territory six months previous to the day of election, and all persons having in other respects the legal qualifications to vote for representatives in the general assembly of the said territory be, and they are hereby, authorized to choose representatives to form a convention, who shall be apportioned amongst the several counties as follows:

From the county of Bond, two representatives;

From the county of Madison, three representatives;

From the county of St. Clair, three representatives;

From the county of Monroe, two representatives;

From the county of Randolph, two representatives;

From the county of Jackson, two representatives;

From the county of Johnson, two representatives;

From the county of Pope, two representatives;

From the county of Gallatin, three representatives;

From the county of White, two representatives;

From the county of Edwards, two representatives;

From the county of Crawford, two representatives;

From the county of Union, two representatives;

From the county of Washington, two representatives;

And from the county of Franklin, two representatives;

And the election for the representatives aforesaid shall be holden on the first Monday of July next, and the two following days, throughout the several counties in the said territory, and shall be conducted in the same manner, and under the same regulations, as prescribed by the laws of the said territory regulating elections therein for members of the house of representatives.

§ 4. *And be it further enacted*, That the members of the convention, thus duly elected, be, and they are hereby authorized to meet at the seat of government of the said territory, on the first Monday of the month of August next, which convention, when met, shall first determine, by a majority of the whole number elected, whether it be, or be not, expedient at that time to form a constitution and state government for the people within the said territory, and, if it be expedient, the convention shall be and hereby is authorized to form a constitution and state government; or, if it be deemed more expedient, the said convention shall provide by ordinance