

Act of Congress, 18 April, 1818.

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 representa-

tives; From the county of Madison, three represent-

atives; From the county of St. Clair, three represent-

atives; From the county of Monroe, two representa-

tives; From the county of Randolph, two represent-

atives; From the county of Jackson, two representa-

tives; From the county of Johnson, two representa-

tives; From the county of Pope, two representatives;

From the county of Gallatin, three represent-

atives; From the county of White, two representa-

tives; From the county of Edwards, two representa-

tives; From the county of Crawford, two represent-

atives; From the county of Union, two representa-

tives; From the county of Washington, two repre-

sentatives; And from the county of Franklin, two repre-

sentatives; 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

Ordinance Accepting the Enabling Act.

for electing representatives to form a constitution or frame of government; which said representatives shall be chosen in such manner, and in such proportion, and shall meet at such time and place, as shall be prescribed by the said ordinance, and shall then form for the people of said territory a constitution and state government: *Provided*, That the same, whenever formed, shall be republican, and not repugnant to the ordinance of the 13th of July, 1787, between the original states and the people and states of the territory north-west of the river Ohio; excepting so much of said articles as relate to the boundaries of the states therein to be formed: *And provided also*, That it shall appear, from the enumeration directed to be made by the legislature of the said territory, that there are, within the proposed states, not less than 40,000 inhabitants.

§ 5. *And be it further enacted*, That until the next general census shall be taken, the said state shall be entitled to one representative in the house of representatives of the United States.

§ 6. *And be it further enacted*, That the following propositions be and the same are hereby offered to the convention of the said territory of Illinois, when formed, for their free acceptance or rejection, which, if accepted by the convention, shall be obligatory upon the United States and the said state.

First. The section numbered 16 in every township, and, when such section has been sold or otherwise disposed of, other lands equivalent thereto, and as contiguous as may be, shall be granted to the state, for the use of the inhabitants of such township, for the use of schools.

Second. That all salt springs within such state, and the land reserved for the use of the same, shall be granted to the said state, for the use of the said state, and the same to be used under such terms, and conditions, and regulations, as the legislature of the said state shall direct: *Provided*, The legislature shall never sell nor lease the same for a longer period than 10 years, at any one time.

Third. That five per cent. of the net proceeds of the lands lying within such state, and which shall be sold by congress, from and after the first day of January, 1819, after deducting all expenses incident to the same, shall be reserved for the purposes following, viz: two-fifths to be disbursed, under the direction of congress, in making roads leading to the state; the residue

to be appropriated, by the legislature of the state, for the encouragement of learning, of which one-sixth part shall be exclusively bestowed on a college or university.

Fourth. That 36 sections, or one entire township, which shall be designated by the president of the United States, together with the one heretofore reserved for that purpose, shall be reserved for the use of a seminary of learning, and vested in the legislature of the said state, to be appropriated solely to the use of such seminary by the said legislature: *Provided always*, That the four foregoing propositions, herein offered, are on the conditions that the convention of the said state shall provide, by an ordinance irrevocable, without the consent of the United States, that every and each tract of land sold by the United States, from and after the first day of January, 1819, shall remain exempt from any tax laid by order, or under any authority of, the state, whether for state, county, or township, or any other purpose whatever, for the term of five years from and after the day of sale: *And further*, That the bounty lands granted, or hereafter to be granted, for military services during the late war, shall, while they continue to be held by the patentees, or their heirs, remain exempt, as aforesaid, from all taxes, for the term of three years, from and after the date of the patents respectively; and that all the lands belonging to the citizens of the United States, residing without the said state, shall never be taxed higher than lands belonging to persons residing therein.

§ 7. *And be it further enacted*, That all that part of the territory of the United States lying north of the state of Indiana, and which was included in the former Indiana territory, together with that part of the Illinois territory which is situated north of and not included within the boundaries prescribed by this act, to the state thereby authorized to be formed, shall be, and hereby is, attached to, and made a part of the Michigan territory, from and after the formation of the said state, subject, nevertheless, to be hereafter disposed of by congress, according to the right reserved in the fifth article of the ordinance aforesaid, and the inhabitants therein shall be entitled to the same privileges and immunities, and subject to the same rules and regulations, in all respects, with the other citizens of the Michigan territory.

ORDINANCE ACCEPTING THE ENABLING ACT.

Laws 1819, app. 21.

Adopted at Kaskaskia, 26 Aug. 1818, by the convention which framed the first constitution of Illinois.

Whereas, the congress of the United States, in the act entitled "An act to enable the people of the Illinois territory to form a constitution and state government, and for the admission of such state into the Union on an equal footing with the original states," passed the 18th of April, 1818, have offered to this convention for

their free acceptance or rejection, the following propositions, which, if accepted by the convention, are to be obligatory upon the United States, viz:

1. That section numbered 16 in every township, and when such section has been sold, or otherwise disposed of, other lands equivalent