

## 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

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:

2. That all salt springs within such state, and the lands 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 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:

3. 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:

4. 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.

And whereas, the four foregoing propositions are offered on the condition that this convention shall provide by 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 the 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. [See Ch. 89 § 36 and note.] 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.

Therefore, this convention, on behalf of, and by the authority of the people of the state, do accept of the foregoing propositions; and do further ordain and declare, 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 purpose whatever, for the term of five years from and after the day of sale. And 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. And this convention do further ordain and declare, that the foregoing ordinance shall not be revoked without the consent of the United States.

## CONSTITUTION OF 1818.

Adopted at Kaskaskia in convention 26 August, 1818. Laws 1819, Appendix.

The people of the Illinois territory, having the right of admission into the general government as a member of the Union, consistent with the constitution of the United States, the ordinance of congress of 1787, and the law of congress approved April 18th, 1818, 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, and for other purposes;" in order to establish justice, promote the welfare, and secure the blessings of liberty to themselves and their posterity, do by their representatives in convention, ordain and establish the following constitution or form of government; and do mutually agree with each other to form themselves into a

free and independent state, by the name of the state of ILLINOIS. And they do hereby ratify the boundaries assigned to such state by the act of congress aforesaid, which are as follows, 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 and 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 north-western shore, to the beginning.