

Enabling Act For The Admission Of Alabama Into The Union

AN ACT

To Enable The People Of Alabama Territory To Form A Constitution And State Government, The Admission And For The Admission Of Such State Into The Union, On An Equal Footing With The Original States.

[Passed March 2, 1819]

Section 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 Alabama be, and they are hereby authorized to form for themselves a constitution and state government, and to assume such name as they may deem proper; and that the said territory, when formed into a state, shall be admitted into the Union, upon the same footing with the original states, in all respects whatsoever.

Section 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 point where the thirty-first degree of north latitude intersects the Perdido river; thence, east, to the western boundary line of the state of Georgia; thence, along said line, to the southern boundary line of the state of Tennessee; thence, west, along said boundary line, to the Tennessee river; thence, up the same, to the mouth of Bear creek; thence, by a direct line, to the north-west corner of Washington county; thence, due south, to the Gulf of Mexico; thence, eastwardly, including all islands within six leagues of the shore, to the Perdido river; and thence, up the same, to the beginning.

Section 3. And be it further enacted, That it shall be the duty of the surveyor of the lands of the United States south of the state of Tennessee, and the surveyor of the public lands in the Alabama territory, to run, and cut out the line of demarkation between the state of Mississippi and the state to be formed of the Alabama territory; and if it should appear to said surveyors, that so much of said line designated in the preceding section, running due south, from the north-west corner of Washington county to the Gulf of Mexico, will encroach on the counties of Wayne, Green, or Jackson, in said state of Mississippi, then the same shall be so altered as to run in a direct line from the north-west corner of Washington county to a point on the Gulf of Mexico, ten miles east of the mouth of the river Pascagoula.

Section 4. 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 three 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 constitution, who shall be appointed among the several counties as follows:

From the county of Madison, eight representatives;
From the county of Monroe, four representatives;
From the county of Blount, three representatives;
From the county of Limestone, three representatives;
From the county of Shelby, three representatives;
From the county of Montgomery, two representatives;
From the county of Washington, two representatives;
From the county of Tuscaloosa, two representatives;
From the county of Lawrence, two representatives;
From the county of Franklin, two representatives;
From the county of Cotaco, two representatives;
From the county of Clarke, two representatives;
From the county of Baldwin, one representative;
From the county of Cahawba, one representative;
From the county of Conecuh, one representative;
From the county of Dallas, one representative;
From the county of Marengo, one representative;
From the county of Marion, one representative;
From the county of Mobile, one representative;
From the county of Lauderdale, one representative;
From the county of St. Clair, one representative;
From the county of Autauga, one representative.

And the election for representatives aforesaid shall be holden on the first Monday and Tuesday in May next, 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 the members of the house of representatives.

Section 5. And be it further enacted, That the members of the convention, thus duly elected, be, and they are hereby authorized to meet, at the town of Huntsville, on the first Monday in July 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 determined to be expedient, the convention shall be, and hereby are, authorized to form a constitution and state government: Provided, that the same, when formed, shall be republican, and not repugnant to the principles of the ordinance of the thirteenth of July, one thousand seven hundred and eighty-seven, between the people and states of the territory north-west of the river Ohio, so far as the same has been extended to the said territory, by the articles of agreement between the United States and the state of Georgia, or of the constitution of the United States.

Section 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 Alabama, when formed, for their free acceptance or rejection, which, if accepted by the convention, shall be obligatory upon the United States:

First. That the section numbered sixteen in every township, and when such section has been sold, granted, or disposed of, other lands equivalent thereto, and most contiguous to the same, shall be granted to the inhabitants of such townships for the use of schools.

Second. That all salt springs within said territory, and the lands reserved for the use of the same, together with such other lands as may, by the President of the United States, be deemed necessary and proper for working the said salt springs, not exceeding in the whole the quantity contained in the thirty-six entire sections, shall be granted to the said state, for the use of the people of the said state, the same to be used, under such terms, conditions, and regulations, as the legislature of the said state shall direct; Provided, the said legislature shall never sell nor lease the same for a longer term than ten years at any one time.

Third. That five per cent. of the net proceeds of the lands lying within the said territory, and which shall be sold by congress, from and after the first day of September, in the year one thousand eight hundred and nineteen, after deducting all expenses incident to the same, shall be reserved for making public roads, canals, and improving the navigation of rivers, of which three-fifths shall be applied to those objects within the said state, under the direction of the legislature thereof, and two-fifths to the making of a road or roads leading to the said state, under the direction of congress.

Fourth. That thirty-six sections, or one entire township, to be designated by the Secretary of the Treasury, under the direction of 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 the Secretary of the Treasury, under the direction as aforesaid, may reserve the seventy-two sections, or two townships, hereby set apart for the support of a seminary of learning, in small tracts; Provided, that no tract shall consist of less than two sections; And provided always, that the said convention shall provide, **by an ordinance irrevocable without the consent of the United States, that the people inhabiting the said territory, do agree and declare that they forever disclaim all right and title to the waste or unappropriated lands lying within the said territory;** and that the same shall be and remain at the sole and entire disposition of the United States [and, moreover, that each and every tract of land sold by the United States, after the first day of September, in the year one thousand eight hundred and nineteen, shall be and remain exempt from any tax laid by the order, or under the authority, of the state, whether for state, county, township, parish, or any other purpose whatever, for the term of five years, from and after the respective days of the sales thereof]*; and that the lands belonging to the citizens of the United States, residing without the said state, shall never be taxed higher than the lands belonging to persons residing therein; and that no tax shall be imposed on lands, the property of the United States; and that all navigable waters within the said state shall forever remain public highways, free to the citizens of said state, and of the United States, without any tax, duty, impost or toll therefor, imposed by the said state.

Section 7. And be it further enacted, That in lieu of a section of land, provided to be reserved for the seat of government of the said territory, by an act, entitled "An Act respecting the surveying and sale of the Public Lands in the Alabama Territory", there be granted to the said state, for the seat of

government thereof, a tract of land containing sixteen hundred and twenty acres, and consisting of sundry fractions and a quarter section, in sections thirty-one and thirty-two, in township sixteen, and range ten, and in sections five and six, in township fifteen, and range ten, and in sections twenty-nine and thirty, in the same township and range, lying on both sides of the Alabama and Cahawba rivers, and including the mouth of the river Cahawba, and which heretofore has been reserved from public sale, by order of the President of the United States.

Section 8. 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.

Section 9. And be it further enacted, That in case the said convention shall form a constitution and state government for the people of the territory of Alabama, the said convention, as soon thereafter as may be, shall cause a true and attested copy of such constitution or frame of government as shall be formed or provided, to be transmitted to congress for its approbation.

*The section in brackets [] was repealed by the Act of Congress of January 26, 1847.

As if Congress could change these Acts?