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Illinois statehood started in tavern, but Congress would have last say

In April 1818, Congress passed a bill allowing Illinois to become a state if it could show that the population of the territory was at least 40,000, and that it had a state constitution that passed muster in Congress.

Territorial Gov. Ninian Edwards began the process of taking a census. The goal was to show that Illinois was home to 40,000 people, which it clearly was not. Census takers appointed for each of the 15 counties counted everyone, including those in wagons passing through the state.

There were approximately 15,000 Native Americans and 1,000 slaves, usually held in a form of indentured servitude, but they were not counted. In June 1818, the census showed 34,620 white residents, but the government soon claimed that there were 40,258.

The requirement of a constitution presented a more complicated problem. The point of a "statehood constitution" was to please Congress. The way to please Congress was to adopt an Illinois constitution with a governmental structure and bill of rights that the members of Congress recognized and understood.

Most important, the new constitution had to show Congress that Illinois was serious about entering as a free soil state.

During the summer of 1818, Illinois held elections for the position of delegate to the first Illinois Constitutional Convention. The only serious campaign issue was whether the candidate supported keeping Illinois a slave state, at least in practice, or whether the candidate supported clearly and openly abolishing slavery and indentured servitude.

On Aug. 3, 1818, a Monday, the convention opened. The 33 delegates crowded into Bennett's Tavern, the only building in the territorial capital of Kaskaskia big enough to accommodate them.

They elected Jesse B. Thomas, a federal judge for the territory, to

be convention president. The most active delegate was Elias Kent Kane, a 24-year-old Yale-educated lawyer who took the laborious task of researching the constitutions of other states and drafting the first Illinois Constitution.

Because many Illinoisans came from Kentucky, it is not surprising that Kane took provisions from that constitution. However, he knew that Congress had admitted two states created from the Northwest Territory: Ohio in 1803 and Indiana in 1816.

In the end, the Illinois Bill of Rights owed much to those state constitutions and ultimately the federal Constitution. Congress would almost certainly approve of those provisions in an Illinois constitution.

The structure of the new Illinois government was a reaction to the almost dictatorial powers of the territorial governor, an appointee of the federal government. The state legislature was to be the most powerful branch of the state government although the judicial branch was to have the opportunity to comment upon bills as they were being considered in the legislature.

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The most contentious issue was slavery, often disguised as a form of indentured servitude. White Illinoisans split on the issue. Almost all of the prominent Illinoisans were slaveholders. Daniel Pope Cook, the native Kentuckian who had engineered the Illinois statehood movement in late 1817, was the exception.

Some delegates argued that Illinois would attract more white settlers if the newcomers could bring



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slaves with them, while others argued that most new settlers would be from New England, whose inhabitants did not hold slaves.

Article 6 of the Northwest Ordinance seemed clear: There shall be neither slavery nor involuntary servitude in the said territory [except for criminal punishment and fugitive slaves and indentured servants were to be returned to their masters].

However, some commentators believed that the prohibition of slavery applied only to territory covered by the Northwest Ordinance, not to any state created from the Northwest Territory.

What should Illinois do — or, more bluntly, how much slavery could Illinois get away with?

In the end, the convention compromised by providing, in Article VI, that "neither slavery or involuntary servitude shall here-

after be introduced," but allowing exceptions for indentured servitude and limiting the duration of "any indenture of any negro or mulatto" to one year. It also freed children born to an indentured servant upon their reaching adulthood. Finally, it allowed one-year indentured servitude of those (primarily black men) under contract to work in the salt mines near Shawneetown until 1825.

The convention decided all these issues within three weeks. On Aug. 26, 1818, the delegates signed the final draft. Kaskaskia celebrated the rest of the day. The date was so momentous that it is part of the Great Seal of the State of Illinois, which is the center of the Illinois state flag.

Illinois delivered the constitution to Congress. Illinoisans were so certain that Congress would approve the petition for admission that they began holding elections of state officers and the one congressman Illinois would be allotted.

Illinoisans did not lack confidence. But was the confidence justified?

Indiana had entered as a free soil state in 1816; Mississippi had entered as a slave state in 1817; and now Illinois was claiming to be a free soil state — sort of. With Missouri and Alabama beginning their own drives for statehood as slave states, would Congress believe that Illinois was truly a free soil state to keep a semblance of balance between free soil and slave states? Or would Congress delay Illinois statehood?

Congress met in the autumn. Henry Clay of Kentucky sponsored the petition for Illinois admission. New Englanders in Congress were skeptical of Illinoisans' good faith when they promised to be a free soil state.

Probably everyone in Congress knew that the census figures were cooked.

The congressional debate began. Would it send a bill of statehood to President James Monroe? Let's wait until Dec. 3 to find out.