The Court Archive:
Happy Birthday Illinois

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November 2018

The State of Illinois celebrates its 200th birthday on December 3, 2018. In order to become a new state, the federally managed Illinois Territory had to accomplish three tasks: permanently define the state's boundaries, show a population of at least 40,000 people, and draft and pass a state constitution. The Enabling Act passed the U.S. Congress in April 1818 and dictated the requirements for Illinois to enter the Union as a new state.

1) State's Boundaries: Nathaniel Pope, as the territorial delegate to the U.S. Congress, pushed for Illinois statehood in the nation's capital. While debating the Enabling Act, Pope recommended moving the northern boundary of the state from its territorial location of an imaginary line perpendicular to the southern point of Lake Michigan to roughly 60 miles north. Pope wanted the new state to have access to the Great Lakes to trade with the large eastern markets and to obtain the valuable lead mines around Galena. The state of Wisconsin later sued to recover the massive land area but lost in court. There were similar lawsuits with Iowa and Kentucky in which Illinois was victorious, most recently in the U.S. Supreme Court in 1991 (500 U.S. 380).

2) Population of at least 40,000: As early as 1817, territorial governor Ninian Edwards commented on the rapid population growth, but many in the territory advocating statehood were concerned about the numbers. The June 1818 census returns showed a population of 35,000, significantly below the mandated 40,000. The territorial legislature provided for a supplementary census to continue counting until December 1. There were several instances of "padding" numbers and good faith estimates in far northern areas. When the supplementary census was completed, Illinois had a population of 40,258. Two years later, when the decennial federal census was taken, Illinois's population was more than 50,000 confirming the rapid growth.

3) Constitution: The Enabling Act passed in April 1818 provided how delegates would be elected to the constitutional convention. Two delegates would be elected from each of Illinois's 15 counties, while the three largest counties would have an additional delegate for a total of 33 delegates. The election was held in July 1818, and delegates met in Kaskaskia in August. The purpose of the constitution prior to statehood was to have a functioning state government in

place when Illinois is admitted to the Union. The structure of state government was modeled after Ohio's constitution of 1802, which gave the legislative branch more powers than the executive and judicial branches. The convention completed its work on August 26, 1818.

In October, the first General Assembly met to fill the positions required by the constitution, including the first four members of the Illinois Supreme Court. In November, the U.S. Congress debated the Illinois statehood resolution with questions about the validity of the population census and the rather weak prohibition of slavery. The House of Representatives passed the resolution 117 to 34 with nearly all of the nay votes coming from the New England states, which believed the restrictions on slavery were not strong enough. The Senate passed the bill unanimously. President James Monroe signed the resolution on December 3, 1818 and Illinois became the 21st state.