

ENABLING ACT

(February 26, 1857)

11 U. S. Statutes at Large, 166-67; 34 Congress, II sess., ch. 60

Chap. LX.—An Act to authorize the People of the Territory of Minnesota to form a Constitution and State Government, preparatory to their Admission in the Union on an equal footing with the original States.

Be it enacted by the senate and house of representatives of the United States of America in Congress assembled, That the inhabitants of that portion of the territory of Minnesota which is embraced within the following limits, to wit: Beginning at the point in the centre of the main channel of the Red River of the North, where the boundary line between the United States and the British possessions crosses the same; thence up the main channel of said river to that of the Bois des Sioux River; thence [up] the main channel of said river to Lake Travers; thence up the centre of said lake to the southern extremity thereof; thence in a direct line to the head of Big Stone Lake; thence through its centre to its outlet; thence by a due south line to the north line of the state of Iowa; thence east along the northern boundary of said state to the main channel of the Mississippi River; thence up the main channel of said river, and following the boundary line of the state of Wisconsin, until the same intersects the Saint Louis River; thence down said river to and through Lake Superior, on the boundary line of Wisconsin and Michigan, until it intersects the dividing line between the United States and the British possessions; thence up Pigeon River, and following said dividing line to the place of beginning—be and they are hereby authorized to form for themselves a constitution and state government, by the name of the state of Minnesota, and come into the union on an equal footing with the original states, according to the federal constitution.

Sec. 2. And be it further enacted, That the said state of Minnesota shall have concurrent jurisdiction on the Mississippi and all other rivers and waters bordering on the said state of Minnesota, so far as the same shall form a common boundary to said state and any other state or states now or hereafter to be formed or bounded by the same; and said river and waters,

and the navigable waters leading into the same, shall be common highways, and forever free, as well to the inhabitants of said state as to all other citizens of the United States, without any tax, duty, impost, or toll, therefor.

Sec. 3. And be it further enacted, That on the first Monday in June next, the legal voters in each representative district, then existing within the limits of the proposed state, are hereby authorized to elect two delegates for each representative to which said district may be entitled according to the apportionment for representatives to the territorial legislature, which election for delegates shall be held and conducted, and the returns made, in all respects in conformity with the laws of said territory regulating the election of representatives; and the delegates so elected shall assemble at the capitol of said territory on the second Monday in July next, and first determine, by a vote, whether it is the wish of the people of the proposed state to be admitted into the Union at that time; and if so, shall proceed to form a constitution, and take all necessary steps for the establishment of subject to the approval and ratification of the people of the proposed state.

Sec. 4. And be it further enacted, That in the event said convention shall decide in favor of the immediate admission of the proposed state into the union, it shall be the duty of the United States' marshal for said territory to proceed to take a census or enumeration of the inhabitants within the limits of the proposed state, under such rules and regulations as shall be prescribed by the secretary of the interior, with the view of ascertaining the number of representatives to which said state may be entitled in the congress of the United States; and said state shall be entitled to one representatives and such additional representatives as the population of the state shall, according to the census, show it would be entitled to according to the present ratio of representation.

Sec. 5. And be it further enacted, That the following propositions be, and the same are hereby offered to the said convention of the people of Minnesota for their free acceptance or rejection, which, if accepted by the convention, shall be obligatory on the United States and upon the said state of Minnesota, to wit:

First. That sections numbered sixteen and thirty-six in every township of public lands in said state, and where either of said sections, or any part thereof, has been sold or otherwise been disposed of, other lands, equivalent thereto and as contiguous as may be, shall be granted to said state for the use of schools.

Second. That seventy-two sections of land shall be set apart and reserved for the use and support of a state university, to be selected by the governor of said state, subject to the approval of the commissioner of the general land-office, and to be appropriated and applied in such manner as the legislature of said state may prescribe for the purpose aforesaid, but for no other purpose.

Third. That ten entire sections of land, to be selected by the governor of said state, in legal subdivisions, shall be granted to said state for the purpose of completing the public buildings, or for the erection of others at the seat of government, under the direction of the legislature thereof.

Fourth. That all salt springs within said state, not exceeding twelve in number, with six sections of land adjoining, or as contiguous as may be to each, shall be granted to said state for its use; the same to be selected by the governor thereof within one year after the admission of said state, and when so selected, to be used or disposed of on such terms, conditions, and regulations as the legislature shall direct: Provided, That no salt spring or land, the right whereof is now vested in any individual or individuals, or which may be hereafter confirmed or adjudged to any individual or individuals, shall, by this article, be granted to said state.

Fifth. That five per centum of the net proceeds of sales of all public lands lying within said state, which shall be sold by congress after the admission of the said state into the union, after deducting all the expenses incident to the same, shall be paid to said state, for the purpose of making public roads and internal improvements, as the legislature shall direct: Provided, The foregoing propositions herein offered, are on the condition, that the said convention which shall form the constitution of said state shall provide, by a clause in said constitution, or an ordinance, irrevocable without the consent of the United States, that said state shall never interfere with the

primary disposal of the soil within the same, by the United States, or with any regulations congress may find necessary for securing the title in said soil to bona fide purchasers thereof; and that no tax shall be imposed on lands belonging to the United States, and that in no case shall non-resident proprietors be taxed higher than residents.

Approved February 26, 1857.

TERRITORIAL ACT
PROVIDING FOR EXPENSES OF
CONSTITUTIONAL CONVENTION
(May 23, 1857)

An Act to provide for the payment of the expenses of the convention to form a Constitution for the State of Minnesota, in accordance with an act of congress, approved March 3, 1857.

Be it enacted by the Legislative Assembly of the Territory of Minnesota:

Section 1. That on the first Monday of June next, the qualified electors of the Territory of Minnesota, shall assemble at their respective places appointed by law for the opening of the polls, and shall there proceed to elect by ballot, certain delegates for a Convention to form a Constitution and State Government for this Territory.

Sec. 2. Every Council District in this Territory shall elect two Delegates for every Councillor it may be entitled to in the Legislative Council, and every Representative District shall elect two Delegates for every member they may be entitled to in the House of Representatives; Provided, That whenever any District has been subdivided in order to elect their

Representative in the Legislative Assembly, the same subdivision shall govern in the election of Delegates to the Constitutional Convention.

Sec. 3. That there be appropriated, out of any money in the Territorial Treasury, unappropriated, for mileage and per diem of members, officers and secretaries, and for stationery, the sum of thirty thousand dollars.

Sec. 4. That the members, officers, and Secretaries of said Convention shall be entitled to the same mileage and per diem as members of the Legislative Assembly; Provided, That the presiding officer shall be entitled to three dollars per day extra.

Sec. 5. The compensation herein provided, for the members, officers and secretaries, shall be certified by the presiding officer, and attested by the Secretary, as well as all claims for stationery, printing, and all other incidental expenses, which said certificates, when so certified, shall be sufficient evidence to the Territorial Treasurer of each persons claim.

Sec. 6. The qualifications of Delegates to the Constitutional Convention shall be the same as the qualifications for members of the House of Representatives or the Legislative Assembly.

Sec. 7. This Act shall be in force from and after its passage.

Approved—May twenty-third, one thousand eight hundred and fifty-seven.

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