An Excerpt of the Enabling Act Published in the Alabama Republican

Huntsville-Madison County Historical Society

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The following statement was, for the Alabama Territory, official permission to write our constitution, which would pave the way for us to become the 22nd state. These words were welcomed with enthusiasm and the realization that the task at hand was not to be taken lightly.

"An Act to enable the people of the Alabama 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.

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 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 whatever.

Sec. 2. And be it further enacted that the 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 to the state of Tennessee thence, west, along the said boundary line, of the Tennessee River; - thence, up the same, to the mouth of Bear Creek; thence, by a direct line, to the northwest corner of Washington County; thence, due south, to the Gulf of Mexico; thence eastwardly, including the islands within six leagues of the shore to the Perdido River, and thence, up the same to the beginning.

Sec. 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 demarcation, 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 northwest corner of Washington County, to the Gulf of Mexico, will encroach on the counties of Wayme, Green or Jackson, in said state of Mississippi, then the same shall be so altered as to run in a direct line from the northwest corner of Washington County to a point on..."
the Gulf of Mexico, ten miles east of the mouth of the river Pascagola.

Sec. 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 apportioned among the several counties as follows:

Madison, eight representatives
Monroe, four representatives
Blount, three representatives
Limestone, three representatives
Shelby, two representatives
Montgomery, two representatives
Tuscaloosa, two representatives
Lawrence, two representatives
Franklin, two representatives
Cotaco, two representatives
Clark, two representatives
Baldwin, one representative
Cahawba, one representative
Conecah, one representative
Dallas, one representative
Marengo, one representative
Marion, one representative
Mobile, one representative
Lauderdale, one representative
St. Clair, one representative
Autaga, one representative

And the election of the representatives aforesaid shall be holden on the first Monday and Tuesday in May next, throughout the several counties in the said territory, and 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 member of the house of representatives.

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

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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 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 northwest of the river Ohio, so far as the same has been extended to the said territory by the articles of agreement between the U.S. and the State of Georgia, or the constitution of the U. States....”

This act was signed by Henry Clay, Speaker of the House of Representatives, James Barbour, President of the Senate pro tempore, and approved by President James Monroe on March 12, 1819.
The Delegates

Autauga: James Jackson
Baldwin: Harry Toulmin
Blount: Isaac Brown, John Brown, Gabriel Hanby
Cahawba (now Bibb): Littlepage Sims
Clarke: Reuben Saffold, James Magoffin
Conecuh: Samuel Cook
Cotaco (now Morgan): Melkijah Vaughn, Thomas D. Crabb
Dallas: William Rufus King
Franklin: Richard Ellis, William Metcalf
Lauderdale: Hugh McVay
Lawrence: Arthur Francis Hopkins, Daniel Wright
Limestone: Thomas Bibb, Beverly Hughes, Nicholas Davis
Marengo: Washington Thompson
Marion: John D. Terrell
Mobile: Samuel H. Garrow
Monroe: John Murphy, John Watkins, James Pickens, Thomas Wiggins
Montgomery: John Dandridge Bibb, James W. Armstrong
St. Clair: David Conner
Shelby: George Phillips, Thomas A. Rodgers
Tuscaloosa: Marmaduke Williams, John L. Tindal
Washington: Israel Pickens, Henry Hitchcock

An article in the Alabama Republican, dated Monday, July 5, announced the opening of the convention:

"The Convention met today, in its opening session. Eight representatives from Madison appeared and took their seats as did three from Monroe, Blount, and Limestone Counties; two from Shelby, Montgomery, Washington, Tuscaloosa, Lawrence, Franklin, Cotaco, and Clarke Counties; one from Cahaba, Conecuh, Dallas, Marengo, Marion, Lauderdale, St. Clair, and Autauga Counties. From the counties of Baldwin and Mobile, no member appeared.

Col. Pickens from Washington County was called to the chair, and the convention proceeded to the choice of a President, when upon canvassing the ballots, it appeared that the Hon. John W. Walker, one of the Judges of
the Superior court, and a member from Madison County, was unanimously elected. Upon being conducted to the chair, Judge Walker returned his acknowledgements to the members in a short address, which was delivered in a feeling and dignified manner, calculated to inspire the members and the audience, with a due sense of the solemnity and importance of the occasion."

Proceedings were reported throughout the convention, and finally on the last day, August 2, 1819, the Alabama Republican printed this article:

"The convention met today. The enrolled Constitution was reported by the committee to be correct, and received the signature of the President and members of the Convention. Mr. Pickens of Washington moved, the following resolution of thanks to the President. Resolved, that the thanks of this convention be presented to John W. Walker, President, thereof, for the dignity, ability, and impartiality with which he has discharged, the arduous duties of the chair. Mr. Walker made a speech in response to the resolution, after which the convention adjourned....Mr. Hitchcock resolved that all sign the document after which it was signed and attested. On motion of Mr. King, Resolved, that the secretary of the convention be instructed to deposit the enrolled Constitution in the office of the Secretary of State...."

Dr. Malcolm McMillan wrote *Constitutional Development in Alabama, 1798-1901* and described the background of the 44 men selected:
Forty-four delegates were elected to the convention which assembled in Huntsville on July 5, 1819. Of this number there were at least eighteen lawyers, four physicians, two ministers, one surveyor, one merchant, and four planters or farmers...Nine of the forty-four had had prior legislative or judicial experience in the states from which they had come. Harry Toulmin of Baldwin County had been president of Transylvania University, Secretary of State for Kentucky, and an Alabama territorial judge since 1804. William Rufus King of Dallas County had served in Congress from North Carolina from 1810 to 1816 and after that was Secretary of the American Legation to St. Petersburg, Russia...Israel Pickens from Washington County had been a member of the North Carolina Senate and had represented that state in Congress from 1811 to 1817. Marmaduke Williams of Tuscaloosa County had been a member of the North Carolina Senate and had served that state in Congress from 1803 until 1817. John Leigh Townes had served in the Virginia legislature in 1815 and 1816. John Murphy of Monroe had been clerk of the South Carolina Senate for ten years and a trustee of South Carolina College, 1809-1818. Clement Comer Clay, Henry Hitchcock, Hugh McVay, James McGoffin, Gabriel Moore, Reuben Saffold, and John W. Walker had all been members of the Alabama territorial legislature and Samuel Garrow, Mayor of Mobile. At least eight of the men had had some college training. The potential ability of the delegates is best indicated by the fact that from them the state obtained six governors, six judges of the supreme court, and six United States senators.