

## Compact with Virginia (1789)

An Act concerning the erection of the District of Kentucky into an Independent State

Passed the 18th of December, 1789, by the Virginia General Assembly

**WHEREAS** it is represented to this present General Assembly, that the act of last session, entitled “an act concerning the erection of the District of Kentucky into an independent state,” which contains terms materially different from those of the act of October session, one thousand seven hundred and eighty-five, are found incompatible with the real views of this commonwealth, as well as injurious to the good people of the said district:

**SECTION 1. Be it enacted by the General Assembly,** That in the month of May next, on the respective court days of the counties within the said district, and at the respective places of holding courts therein, Representatives, to continue in appointment for one year, and to compose a convention, with the powers, and for the purposes hereinafter mentioned, shall be elected by the free male inhabitants of each county, above the age of twenty-one years, in like manner as delegates to the general assembly have been elected within said district, in the proportions following: In the county of Jefferson, shall be elected five representatives; in the county of Nelson, five representatives; in the county of Mercer, five representatives; in the county of Lincoln five representatives; in the county of Madison, five representatives; in the county of Fayette, five representatives; in the county of Woodford, five representatives; in the county of Bourbon, five representatives; and in the county of Mason, five representatives: *Provided*, that no free male inhabitant above the age of twenty-one years, shall vote in any other county except that in which he resides, and that no person shall be capable of being elected unless he has been a resident within the said district at least one year.

**SECTION 2.** That full opportunity may be given to the good people of exercising their right of suffrage on an occasion so interesting to them, each of the officers holding such elections, shall continue the same from day to day, passing over Sunday, for five days including the first day, and shall cause this act to be read on each day immediately preceding the opening of the election, at the door of the court house, or other convenient place; each of the said officers shall deliver to each person duly elected a representative, a certificate of his election, and shall transmit a general return to the clerk of the supreme court, to be by him laid before the convention.

**SECTION 3.** For every neglect of any of the duties hereby enjoined on such officer he shall forfeit one hundred pounds, to be recovered by action of debt, by any person suing for the same.

**SECTION 4.** The said convention shall be held at Danville on the twenty-sixth day of July next, and shall and may proceed, after choosing a president and other proper officers, and settling the proper rules of proceeding, to consider and determine whether it be expedient for, and the will of the good people of the said district that the same be erected into an independent state, on the terms and conditions following:

SECTION 5. **First**, that the boundary between the proposed state and Virginia shall remain the same as at present separates the district from the residue of this commonwealth.

SECTION 6. **Second**, that the proposed state shall take upon itself a just proportion of the debt of the United States, and the payment of all the certificates granted on account of the several expeditions carried on from the Kentucky District against the Indians, since the first day of January, one thousand seven hundred and eighty-five.

SECTION 7. **Third**, all private rights and interests of lands within the said District, derived from the laws of Virginia, prior to such separation, shall remain valid and secure under the laws of the proposed state, and shall be determined by the laws now existing in this state.

SECTION 8. **Fourth**, that the lands within the proposed state of non-resident proprietors, shall not in any case be taxed higher than the lands of residents, at any time prior to the admission of the proposed state to a vote by its delegates in Congress where such non-residents reside out of the United States; nor at any time, either before or after such admission, where such non-residents reside within this commonwealth within which this stipulation shall be reciprocal; or where such non-residents reside within any other of the United States, which shall declare the same to be reciprocal within its limits; nor shall a neglect of cultivation or improvement of any land within either the proposed state of this commonwealth, belonging to non-residents, citizens of the other, subject such non-residents to forfeiture or other penalty within the term of six years, after the admission of the said state into the Federal Union.

SECTION 9. **Fifth**, that no grant of land, or land warrant to be issued by the proposed state, shall interfere with any warrant heretofore issued from the land office of Virginia, which shall be located on land within the said district, now liable thereto, on or before the first day of September one thousand seven hundred and ninety-one.

SECTION 10. **Sixth**, that the unlocated lands within the said district, which stand appropriated to individuals or description of individuals, by the laws of this commonwealth, for military or other services, shall be exempted from the disposition of the proposed state, and shall remain subject to be disposed of by the commonwealth of Virginia, according to such appropriation, until the first day of May one thousand seven hundred and ninety two, and no longer: thereafter the residue of all lands remaining within the limits of the said district, shall be subject to the disposition of the proposed state.

SECTION 11. **Seventh**, that the use and navigation of the river Ohio, so far as the territory of the proposed state, or the territory which shall remain within the limits of this commonwealth lies thereon, shall be free and common to the citizens of the United States, and the respective jurisdictions of this commonwealth and of the proposed state on the river as aforesaid, shall be concurrent only with the states which may possess the opposite shores of the said river.

SECTION 12. **Eighth**, that in case any complaint or dispute, shall at any time arise between the commonwealth of Virginia and the said district, after it shall be an independent state, concerning the meaning or execution of the foregoing articles, the same shall be determined by six commissioners, of

whom two shall be chosen by each of the parties, and the remainder by the commissioners so first appointed.

SECTION 13. **Provided, however,** that five members assembled, shall be a sufficient number to adjourn from day to day, and to issue writs for supplying vacancies which may happen from deaths, resignations or refusals to act; a majority of the whole shall be a sufficient number to choose a president, settle the proper rules of proceeding, authorize any number to summon a convention during a recess, and to act in all other instances where a greater number is not expressly required. Two-thirds of the whole shall be a sufficient number to determine on the expediency of forming the said district into an independent state on the aforesaid terms and conditions, provided that a majority of the whole number to be elected concur therein.

SECTION 14. **And be it further enacted,** That if the said convention shall approve of the erection of the said District into an independent state, on the foregoing terms and conditions, they shall and may proceed to fix a day posterior to the first day of November, one thousand seven hundred and ninety-one, on which the authority of this commonwealth, and of its laws under the exceptions aforesaid, shall cease and determine forever over the proposed state, and the said articles become a solemn compact mutually binding on the parties, and unalterable by either without the consent of the other.

SECTION 15. **Provided, however,** that prior to the first day of November, one thousand seven hundred and ninety-one, the general government of the United States shall assent to the erection of the said district into an independent state, shall release this commonwealth from all its federal obligations arising from the said district as being part thereof, and shall agree that the proposed state shall, immediately after the day to be fixed as aforesaid posterior to the first day of November, one thousand seven hundred and ninety-one, or at some convenient time future thereto, be admitted into the Federal Union.

SECTION 16. And to the end that no period of anarchy may happen to the good people of the proposed state, it is to be understood, that the said convention shall have authority to take the necessary provisional measures for the election and meeting of a convention, at some time prior to the day fixed for the determination of the authority of this commonwealth, and of its laws over said district, and posterior to the first day of November, one thousand seven hundred and ninety-one aforesaid, with full power and authority to frame and establish a fundamental constitution of government for the proposed state, and to declare what laws shall be in force therein, until the same shall be abrogated or altered by the legislative authority acting under the constitution so to be framed and established.

SECTION 17. **And be it further enacted,** That the electors in going to, continuing at, and returning from an election of members to the said convention, shall be entitled to the same privileges from arrest, as are by law allowed at an election of members to the general assembly; and each person returned to serve as a member in said convention, shall be entitled to the same privileges from arrest in going to, during his attendance on, and returning from said convention, as are by law allowed to the members of the general assembly.

SECTION 18. This act shall be transmitted by the executive, to the representatives of this commonwealth in congress, who are hereby instructed to use their endeavors to obtain from Congress a speedy act to the effect above specified.

REF: "The Statute Law of Kentucky", Vol. I, by William Littell, pgs. 17-21.