

accommodation of the United States courts, upon the terms agreed on by the Secretary of the Interior and the proprietors thereof, in addition to the sum of one hundred thousand dollars appropriated by the act of third March, eighteen hundred and fifty-seven, for the erection of a building for said purpose, five thousand dollars.

SEC. 2. *And be it further enacted*, That the sum of one million four hundred and sixty-nine thousand one hundred and seventy-three dollars be, and the same is hereby, appropriated, to be paid out of any money in the treasury not otherwise appropriated, to supply deficiencies in the revenue of the Post-Office Department for the year ending the thirtieth of June, eighteen hundred and fifty-eight.

SEC. 3. *And be it further enacted*, That the accounting officers of the treasury be authorized and directed to allow credit to the clerk of the House of Representatives for such payments out of its contingent fund as have been or may be made under allowances authorized by the House of Representatives during the last Congress : *Provided*, That said allowances shall have been duly approved by the committee on accounts. *And be it further provided*, That the said allowances be paid out of any moneys in the treasury not otherwise appropriated.

SEC. 4. *And be it further enacted*, That, whenever hereafter contracts shall be made by the Secretary of War or the Secretary of the Navy by virtue of the sixth section of the act approved the first of May, eighteen hundred and twenty, entitled "An act in addition to the several acts for the establishment and regulation of the Treasury, War, and Navy Departments," he shall, if Congress be in session at the time, promptly report to both Houses thereof the reasons for making such contract, stating fully all the facts and circumstances which, in his judgment, rendered such contract necessary ; if Congress be not in session at the time of making such contract, he shall, at the commencement of their next session, make such report to both Houses, and no such contracts shall be made hereafter, except in cases of pressing exigency.

APPROVED, May 4, 1858.

1857, ch. 108,  
§ 10.  
*Ante*, p. 229.

Deficiency in  
revenue of Post-  
Office depart-  
ment.

Clerk of House  
to be credited  
with certain pay-  
ments.

*Proviso*.

Secretary of  
War and Navy to  
report hereafter  
to Congress rea-  
sons for making  
certain con-  
tracts.

1820, ch. 52, § 6.

Vol. iii. p. 568.

#### CHAP. XXVI.—*An Act for the Admission of the State of Kansas into the Union.*

May 4, 1858.

Whereas, the people of the Territory of Kansas did, by a convention of delegates assembled at Lecompton on the seventh day of November, one thousand eight hundred and fifty-seven, for that purpose, form for themselves a constitution and State government, which constitution is republican ; and *whereas*, at the same time and place, said convention did adopt an ordinance, which said ordinance asserts that Kansas, when admitted as a State, will have an undoubted right to tax the lands within her limits belonging to the United States, and proposes to relinquish said asserted right if certain conditions set forth in said ordinance be accepted and agreed to by the Congress of the United States ; and *whereas* the said constitution and ordinance have been presented to Congress by order of said convention, and admission of said Territory into the Union thereon as a State requested ; and *whereas* said ordinance is not acceptable to Congress, and it is desirable to ascertain whether the people of Kansas concur in the changes in said ordinance, hereinafter stated, and desire admission into the Union as a State as herein proposed : Therefore,

*Post*, p. 299.

Preamble.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the State of Kansas be, and is hereby, admitted into the Union on an equal footing with the original States, in all respects whatever, but upon this fundamental condition precedent, namely: That the question of admission with the following proposition, in lieu of the ordinance framed at Lecompton, be submitted to a vote of the people of Kansas, and assented to by them or a majority of the voters voting at an election to be held for that purpose, namely :

Kansas to be  
admitted upon  
condition.

Question of ad-  
mission with

accompanying propositions to be submitted to popular vote.

Propositions.

School lands.

State University lands.

Lands for public buildings.

Salt springs and contiguous lands.

Proviso.

Percentage on land sales.

Proviso. Conditions on which propositions are offered.

Manner of voting.

Proceedings after the vote if proposition is accepted.

One representative in Congress.

If proposition is rejected.

People may form constitution, &c.

That the following propositions be and the same are hereby offered to the people of Kansas for acceptance or rejection, which, if accepted, shall be obligatory on the United States and upon the said State of Kansas, to wit: *First.* That sections number sixteen and thirty-six in every township of public lands in said State, or where either of said sections or any part thereof has been sold or otherwise 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 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 may direct: *Provided,* That no salt spring or land the right whereof is now vested in any individual or individuals, or which may hereafter be confirmed or adjudged to any individual or individuals, shall by this article be granted to said State. *Fifth.* That five per centum of the nett proceeds of sales of all public lands lying within said State which shall be sold by Congress after the admission of 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 said State of Kansas shall never interfere with the primary disposal of the lands of the United States, or with any regulations which Congress may find necessary for securing the title in said soil to *bonâ 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. *Sixth.* And that said State shall never tax the lands or property of the United States in that State.

At the said election the voting shall be by ballot, and by endorsing on his ballot, as each voter may be pleased, "Proposition accepted," or "Proposition rejected." Should a majority of the votes cast be for "Proposition accepted," the President of the United States, as soon as the fact is duly made known to him, shall announce the same by proclamation; and thereafter, and without any further proceedings on the part of Congress, the admission of the State of Kansas into the Union upon an equal footing with the original States in all respects whatever shall be complete and absolute; and said State shall be entitled to one member in the House of Representatives in the Congress of the United States until the next census be taken by the Federal Government. But should a majority of the votes cast be for "Proposition rejected," it shall be deemed and held that the people of Kansas do not desire admission into the Union with said constitution under the conditions set forth in said proposition: and in that event the people of said Territory are hereby authorized and empowered to form for themselves a constitution and State government, by the name of the State of Kansas, according to the Federal Constitution, and may elect delegates for that purpose whenever, and not before, it is ascertained by a census duly and legally taken that the population of said Territory equals or exceeds the ratio of representation

required for a member of the House of Representatives of the Congress of the United States; and whenever thereafter such delegates shall assemble in convention, they shall 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 a State government, in conformity with the Federal Constitution, subject to such limitations and restrictions as to the mode and manner of its approval or ratification by the people of the proposed State as they may have prescribed by law, and shall be entitled to admission into the Union as a State under such constitution, thus fairly and legally made, with or without slavery, as said constitution may prescribe.

Mode of proceedings.

SEC. 2. *And be it further enacted*, That for the purpose of insuring, as far as possible, that the elections authorized by this act may be fair and free, the Governor, United States District Attorney, and Secretary of the Territory of Kansas, and the presiding officers of the two branches of its legislature, namely, the President of the Council and Speaker of the House of Representatives, are hereby constituted a board of commissioners to carry into effect the provisions of this act, and to use all the means necessary and proper to that end. And three of them shall constitute a board; and the board shall have power and authority to designate and establish precincts for voting, or to adopt those already established; to cause polls to be opened at such places as it may deem proper in the respective counties and election precincts of said Territory; to appoint as judges of election at each of the several places of voting three discreet and respectable persons, any two of whom shall be competent to act; to require the sheriffs of the several counties, by themselves or deputies, to attend the judges at each of the places of voting for the purpose of preserving peace and good order; or the said board may, instead of said sheriffs and their deputies, appoint at their discretion, and in such instances as they may choose, other fit persons for the same purpose. The election hereby authorized shall continue one day only, and shall not be continued later than sundown on that day. The said board shall appoint the day for holding said election, and the said governor shall announce the same by proclamation; and the day shall be as early a one as is consistent with due notice thereof to the people of said Territory, subject to the provisions of this act. The said board shall have full power to prescribe the time, manner, and places of said election, and to direct the time [within] which returns shall be made to the said board, whose duty it shall be to announce the result by proclamation, and the said Governor shall certify the same to the President of the United States without delay.

Board of commissioners.

Three a board.  
Authority of board.

Election to continue one day only.

SEC. 3. *And be it further enacted*, That in the election hereby authorized, all white male inhabitants of said Territory, over the age of twenty-one years, who possess the qualifications which were required by the laws of said Territory for a legal voter at the last general election for the members of the territorial legislature, and none others, shall be allowed to vote; and this shall be the only qualification required to entitle the voter to the right of suffrage in said election. And if any person not so qualified shall vote or offer to vote, or if any person shall vote more than once at said election, or shall make or cause to be made any false, fictitious, or fraudulent returns, or shall alter or change any returns of said election, such person shall, upon conviction thereof before any court of competent jurisdiction, be kept at hard labor not less than six months and not more than three years.

Who may vote.

Penalty for fraudulent voting.

SEC. 4. *And be it further enacted*, That the members of the aforesaid board of commissioners, and all persons appointed by them to carry into effect the provisions of this act, shall, before entering upon their duties, take an oath to perform faithfully the duties of their respective offices; and, on failure thereof, they shall be liable and subject to the same

Members of board to take oath.

Penalty on failure.

charges and penalties as are provided in like cases under the Territorial laws.

SEC. 5. *And be it further enacted*, That the officers mentioned in the preceding section shall receive for their services the same compensation as is given for like services under the Territorial laws.

APPROVED, May 4, 1858.

May 4, 1858.

CHAP. XXVII.—*An Act to provide for the Issuing, Service and Return of original and final Process in the Circuit and District Courts of the United States in certain Cases.*

Venue of suits not local.

Mode of serving process.

Service how made on defendants in local suits.

Local suits, where brought, &c., when land, &c. is in different districts in same State.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That all suits, not of a local nature, hereafter to be brought in the circuit and district courts of the United States, in a district in any State containing more than one district, against a single defendant, shall be brought in the district in which the defendant resides; but if there be two or more defendants, residing in different districts in the same State, the plaintiff may sue in either district and issue a duplicate writ against the defendants, directed to the marshal of any other district within the State in which any of the defendants reside, on which duplicate writ the clerk issuing the same shall indorse that it is a true copy of a writ sued out of the court of the proper district, and such original and duplicate writs, so issued, shall, when executed and returned into the office from which they issued, constitute one suit and be proceeded on accordingly, and upon any judgment rendered in a suit so brought process of execution may be issued, directed to the marshal of any district in the same State. And in suits of a local nature, where the defendant resides in a different district in the same State than the one in which the suit is brought, the plaintiff may have original and final process against such defendant, directed to the marshal of the district in which he resides.

SEC. 2. *And be it further enacted*, That in all cases of a local nature at law or in equity where the land or other subject-matter of a fixed character lies partly in one district and partly in another district, within the same State, the plaintiff may bring his action or suit in the circuit or district court of either district, and the court in which any such action or suit shall have been commenced, as aforesaid, shall have jurisdiction to hear and decide the same, and to cause mesne or final process to be issued and executed as fully as if the land or other subject-matter were wholly within the district for which such court is constituted.

APPROVED, May 4, 1858.

May 4, 1858.

CHAP. XXVIII.—*An Act to alter the Times of holding the Circuit and District Courts of the United States for the District of Vermont.*

Circuit Court at Windsor.

District Court at Windsor.

Suits, &c. now pending to have day at the new terms.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the circuit court of the United States now directed to be holden at Windsor, in and for the district of Vermont, on the twenty-first day of May, shall, after the first day of July next, be holden on the fourth Tuesday of July annually at said place, and the district court of the United States, within and for said district, instead of the twenty-seventh day of May, shall, after the first day of July next, be holden on the Monday next after the fourth Tuesday in July annually.

SEC. 2. *And be it further enacted*, That all indictments, informations, suits, or actions, and proceedings of any kind, whether civil or criminal, now pending in said courts respectively, shall have day in court and be proceeded in, heard, tried, and determined on the days herein appointed for the holding of said courts respectively, in the same manner that might and ought to have been done had the said courts respectively been holden on the twenty-first and twenty-seventh days of May.

APPROVED, May 4, 1858.