

Voting and returns.

vote directly for or against the proposed constitution, and the returns of said election shall be made to the acting governor of the territory, who, with the United States district-attorney and chief justice of said territory, or any two of them, shall canvass the same, and if a majority of legal votes shall be cast for said constitution in said proposed state, the said acting governor shall certify the same to the President of the United States, together with a copy of said constitution and ordinances; whereupon it shall be the duty of the President of the United States to issue his proclamation declaring the state admitted into the Union on an equal footing with the original states, without any further action whatever on the part of congress.

Representative in congress.

SEC. 6. *And be it further enacted,* That until the next general census shall be taken said state of Nevada shall be entitled to one representative in the house of representatives of the United States, which representative, together with the governor and state and other officers provided for in said constitution, may be elected on the same day a vote is taken for or against the proposed constitution and state government.

School lands.

SEC. 7. *And be it further enacted,* That sections numbers sixteen and thirty-six, in every township, and where such sections have been sold or otherwise disposed of by any act of congress, other lands equivalent thereto in legal subdivisions of not less than one quarter-section, and as contiguous as may be, shall be, and are hereby, granted to said state for the support of common schools.

Land for public buildings;

SEC. 8. *And be it further enacted,* That provided the state of Nevada shall be admitted into the Union, in accordance with the foregoing provisions of this act, that twenty entire sections of the unappropriated public lands within said state, to be selected and located by direction of the legislature thereof, on or before the first day of January, anno Domini eighteen hundred and sixty-eight, shall be, and they are hereby, granted, in legal subdivisions of not less than one hundred and sixty acres, to said state, for the purpose of erecting public buildings at the capital of said state, for legislative and judicial purposes, in such manner as the legislature shall prescribe.

for penitentiary building.

SEC. 9. *And be it further enacted,* That twenty other entire sections of land, as aforesaid, to be selected and located as aforesaid, in legal subdivisions, as aforesaid, shall be, and they are hereby, granted to said state for the purpose of erecting a suitable building for a penitentiary or state prison in the manner aforesaid.

Five per cent. of sales of public lands for roads, &c.

SEC. 10. *And be it further enacted,* That five per centum of the proceeds of the sales of all public lands lying within said state, which shall be sold by the United States subsequent to the admission of said state into the Union, after deducting all the expenses incident to the same, shall be paid to the said state for the purpose of making and improving public roads, constructing ditches or canals, to effect a general system of irrigation of the agricultural land in the state, as the legislature shall direct.

Laws of the United States made applicable.

SEC. 11. *And be it further enacted,* That from and after the admission of the said state of Nevada into the Union, in pursuance of this act, the laws of the United States, not locally inapplicable, shall have the same force and effect within the said state as elsewhere within the United States, and said state shall constitute one judicial district, and be called the district of Nevada.

Judicial district.

APPROVED, March 21, 1864.

March 21, 1864.

CHAP. XXXVII. — *An Act to enable the People of Colorado 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.*

Territory of Colorado made a state, &c.

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 Colorado included in the boundaries hereinafter

designated be, and they are hereby, authorized to form for themselves, out of said territory, a state government, with the name aforesaid; which said state, when formed, shall be admitted into the Union upon an equal footing with the original states, in all respects whatsoever.

SEC. 2. *And be it further enacted*, That the said state of Colorado shall consist of all the territory included within the following boundaries, to wit: Commencing at a point formed by the intersection of the thirty-seventh degree of north latitude with the twenty-fifth degree of longitude west from Washington; extending thence due west along said thirty-seventh degree of north latitude to a point formed by its intersection with the thirty-second degree of longitude west from Washington; thence due north along said thirty-second degree of west longitude to a point formed by its intersection with the forty-first degree of north latitude; thence due east along said forty-first degree of north latitude to a point formed by its intersection with the twenty-fifth degree of longitude west from Washington; thence due south along said twenty-fifth degree of west longitude.

Boundaries.

SEC. 3. *And be it further enacted*, That all persons qualified by law to vote for representatives to the general assembly of said territory, at the date of the passage of this act, shall be qualified to be elected; and they are hereby authorized to vote for and choose representatives to form a convention, under such rules and regulations as the governor of said territory may prescribe; and also to vote upon the acceptance or rejection of such constitution as may be formed by said convention, under such rules and regulations as said convention may prescribe; and if any of said citizens are enlisted in the army of the United States, and are still within said territory, they shall be permitted to vote at their place of rendezvous; and if any are absent from said territory, by reason of their enlistment in the army of the United States, they shall be permitted to vote at their place of service, under the rules and regulations in each case to be prescribed, as aforesaid. And the aforesaid representatives to form the aforesaid convention shall be apportioned among the several counties in said territory in proportion to the population, as near as may be; and said apportionment shall be made for said territory by the governor, United States district-attorney, and chief justice thereof, or any two of them. And the governor of said territory shall, by proclamation on or before the first Monday of May next, order an election of the representatives aforesaid, to be held on the first Monday in June thereafter throughout the territory; and such election shall be conducted in the same manner as is prescribed by the laws of said territory regulating elections therein for members of the house of representatives; and the number of members to said convention shall be the same as now constitute both branches of the legislature of the aforesaid territory.

Who may vote at first elections.

Enlisted soldiers.

Apportionment of representatives.

Time of first election, &c.

SEC. 4. *And be it further enacted*, That the members of the convention, thus elected, shall meet at the capital of said territory on the first Monday in July next, and, after organization, shall declare, on behalf of the people of said territory, that they adopt the constitution of the United States; whereupon the said convention shall be, and it is hereby, authorized to form a constitution and state government for said territory: *Provided*, That the constitution, when formed, shall be republican, and not repugnant to the constitution of the United States and the principles of the Declaration of Independence: *And provided, further*, That said convention shall provide, by an ordinance, irrevocable without the consent of the United States and the people of said state:—

Meeting of convention to form state constitution.

Proviso.

First. That there shall be neither slavery nor involuntary servitude in the said state, otherwise than in the punishment of crimes, whereof the party shall have been duly convicted.

No slavery or involuntary servitude.

Second. That perfect toleration of religious sentiment shall be secured,

Religious toleration.

and no inhabitant of said state shall ever be molested in person or property on account of his or her mode of religious worship.

Unappropriated public lands.

Third. That the people inhabiting said territory do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within said territory, and that the same shall be and remain at the sole and entire disposition of the United States, and that the lands belonging to citizens of the United States, residing without the said state, shall never be taxed higher than the land belonging to residents thereof, and that no taxes shall be imposed by said state on lands or property therein belonging to, or which may hereafter be purchased by, the United States.

Taxes.

Constitution to be submitted to popular vote.

SEC. 5. *And be it further enacted*, That in case a constitution and state government shall be formed for the people of said territory of Colorado, in compliance with the provisions of this act, *that* said convention forming the same shall provide by ordinance for submitting said constitution to the people of said state for their ratification or rejection, at an election to be held on the second Tuesday of October, one thousand eight hundred and sixty-four, at such places and under such regulations as may be prescribed therein, at which election the lawful voters of said new state shall vote directly for or against the proposed constitution; and the returns of said elections shall be made to the acting governor of the territory, who, with the United States district-attorney and chief justice of the said territory, or any two of them, shall canvass the same, and if a majority of legal votes shall be cast for said constitution in said proposed state, the said acting governor shall certify the same to the President of the United States, together with a copy of said constitution and ordinances to that effect; whereupon it shall be the duty of the President of the United States to issue his proclamation declaring the state admitted into the Union on an equal footing with the original states, without any further action whatever on the part of congress.

1864, ch. 135.
Post, p. 137.

Voting and returns.

Representative in congress.

SEC. 6. *And be it further enacted*, That until the next general census shall be taken said state of Colorado shall be entitled to one representative in the house of representatives of the United States, which representative, together with the governor and state and other officers provided for in said constitution, may be elected on the same day a vote is taken for or against the proposed constitution and state government.

School lands.

SEC. 7. *And be it further enacted*, That sections numbered sixteen and thirty-six, in every township, and where such sections have been sold, or otherwise disposed of by any act of Congress, other lands equivalent thereto in legal subdivisions of not less than one quarter-section, and as contiguous as may be, shall be, and are hereby, granted to said state for the support of common schools.

Lands for public buildings;

SEC. 8. *And be it further enacted*, That provided the state of Colorado shall be admitted into the Union, in accordance with the foregoing provisions of this act, *that* twenty entire sections of the unappropriated public lands within said state, to be selected and located by direction of the legislature thereof on or before the first day of January, anno Domini eighteen hundred and sixty-eight, shall be, and they are hereby, granted in legal subdivisions of not less than one hundred and sixty acres to said state, for the purpose of erecting public buildings at the capital of said state for legislative and judicial purposes, in such manner as the legislature shall prescribe.

for penitentiary building.

SEC. 9. *And be it further enacted*, That twenty other entire sections of land, as aforesaid, to be selected and located as aforesaid, in legal subdivisions as aforesaid, shall be, and they are hereby, granted to said state for the purpose of erecting a suitable building for a penitentiary or state prison in the manner aforesaid.

Five per cent. of sales of public

SEC. 10. *And be it further enacted*, That five per centum of the proceeds of the sales of all public lands lying within said state, which shall

be sold by the United States subsequent to the admission of said state into the Union, after deducting all the expenses incident to the same, shall be paid to the said state, for the purpose of making and improving public roads, constructing ditches or canals, to effect a general system of irrigation of the agricultural land in the state, as the legislature shall direct.

SEC. 11. *And be it further enacted*, That from and after the admission of the said state of Colorado into the Union, in pursuance of this act, the laws of the United States not locally inapplicable shall have the same force and effect within the said state as elsewhere within the United States, and said state shall constitute one judicial district, and be called the district of Colorado.

Laws of the United States made applicable.

Judicial district.

APPROVED, March 21, 1864.

CHAP. XXXVIII. — *An Act amendatory of the Homestead Law, and for other Purposes.*

March 21, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in case of any person desirous of availing himself of the benefits of the homestead act of twentieth of May, eighteen hundred and sixty-two, but who, by reason of actual service in the military or naval service of the United States, is unable to do the personal preliminary acts at the district land-office which the said act of twentieth May, eighteen hundred and sixty-two, requires, and whose family or some member thereof, is residing on the land which he desires to enter, and upon which a bona fide improvement and settlement have been made, it shall and may be lawful for such person to make the affidavit required by said act before the officer commanding in the branch of the service in which the party may be engaged, which affidavit shall be as binding in law, and with like penalties, as if taken before the register or receiver; and upon such affidavit being filed with the register by the wife or other representative of the party, the same shall become effective from the date of such filing, provided the said application and affidavit are accompanied by the fee and commissions, as required by law.

Persons in military or naval service claiming benefits of homestead act, may make affidavit before whom.

1862, ch. 75.
Vol. xii. p. 392.

SEC. 2. *And be it further enacted*, That besides the ten-dollar fee exacted by the said act, the homestead applicant shall hereafter pay to the register and receiver each, as commissions, at the time of entry, one per centum upon the cash price as fixed by law, of the land applied for, and like commissions when the claim is finally established and the certificate therefor issued as the basis of a patent.

Commissions to receivers and registers.

SEC. 3. *And be it further enacted*, That in any case hereafter in which the applicant for the benefit of the homestead, and whose family or some member thereof, is residing on the land which he desires to enter, and upon which a bona fide improvement and settlement have been made, is prevented, by reason of distance, bodily infirmity, or other good cause, from personal attendance at the district land-office, it shall and may be lawful for him to make the affidavit required by the original statute before the clerk of the court for the county in which the applicant is an actual resident, and to transmit the same, with the fee and commissions, to the register and receiver.

Certain persons may make affidavit before clerk of court.

SEC. 4. *And be it further enacted*, That in lieu of the fee allowed by the twelfth section of the preëmption act of fourth September, eighteen hundred and forty-one, the register and receiver shall each be entitled to one dollar for their services in acting upon preëmption claims, and shall be allowed, jointly, at the rate of fifteen cents per hundred words for the testimony which may be reduced by them to writing for claimants, in establishing preëmption or homestead rights, the regulations for giving proper effect to the provisions of this act to be prescribed by the commissioner of the general land-office.

Fees of registers and receivers in preëmption claims.

1841, ch. 16,
§ 12.
Vol. v. p. 456.

SEC. 5. *And be it further enacted*, That where a preëmptor has