

collection districts, and for other purposes," is hereby amended by adding Portland aforesaid to the ports therein enumerated, and the deputy collectors, not exceeding three in number, and the appraiser of said port shall each receive the compensation of two thousand dollars per annum, and the assistant appraiser shall receive a compensation of fifteen hundred dollars per annum.

Pay of deputy collectors, appraiser, and assistant appraisers.

APPROVED, April 9, 1864.

CHAP. LVIII. — *An Act extending the Time within which the States and Territories may accept the Grant of Lands made by the Act entitled "An Act donating public Lands to the several States and Territories which may provide Colleges for the Benefit of Agriculture and the Mechanic Arts," approved July second, eighteen hundred and sixty-two.*

April 14, 1864.

1862, ch. 130.
Vol. xii. p. 503.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any state or territory may accept and shall be entitled to the benefits of the act entitled "An act donating public lands to the several states and territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July second, eighteen hundred and sixty-two, by expressing its acceptance thereof as provided in said act, within two years from the date of the approval of this act, subject, however, to the conditions in said act contained.

States, &c., may accept provisions of act giving public lands for benefit of certain colleges, within two years.

SEC. 2. *And be it further enacted,* That the benefit of the provisions of this act, and of the said act approved July second, eighteen hundred and sixty-two, be, and the same are hereby, extended to the state of West Virginia.

West Virginia to have the benefit of this act.

APPROVED, April 14, 1864.

CHAP. LIX. — *An Act to enable the People of Nebraska 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.*

April 19, 1864.

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 Nebraska included in the boundaries hereinafter designated be, and they are hereby, authorized to form for themselves a constitution and state government, with the name aforesaid, which state, when so formed, shall be admitted into the Union as hereinafter provided.

Nebraska territory made a state.

SEC. 2. *And be it further enacted,* That the said state of Nebraska shall consist of all the territory included within the following boundaries, to wit: Commencing at a point formed by the intersection of the western boundary of the state of Missouri with the fortieth degree of north latitude; extending thence due west along said fortieth degree of north latitude to a point formed by its intersection with the twenty-fifth degree of longitude west from Washington; thence north along said twenty-fifth degree of longitude to a point formed by its intersection with the forty-first degree of north latitude; thence west along said forty-first degree of north latitude to a point formed by its intersection with the twenty-seventh degree of longitude west from Washington; thence north along said twenty-seventh degree of west longitude to a point formed by its intersection with the forty-third degree of north latitude; thence east along said forty-third degree of north latitude to the Reya Paha river; thence down the middle of the channel of said river, with its meanderings, to its junction with the Niobrara river; thence down the middle of the channel of said Niobrara river, and following the meanderings thereof, to its junction with the Missouri river; thence down the middle of the channel of said Missouri river, and following the meanderings thereof, to the place of beginning.

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 shall

Who may vote and who be elected to office.

Convention to form constitution.

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.

Enlisted citizens.

Apportionment of representatives to form convention.

Election of representatives, how conducted.

Number.

Meeting of convention.

May form constitution. Proviso.

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: *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 constitution shall provide, by an article forever irrevocable, without the consent of the Congress of the United States:

Slavery prohibited.

First. That slavery or involuntary servitude shall be forever prohibited in said state.

Religious toleration.

Second. That perfect toleration of religious sentiment shall be secured, 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 Nebraska, 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 qualified voters, as hereinbefore provided, 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, together with the United States district attorney and chief

Proceedings.

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; 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.

Proclamation by the President declaring the state admitted.

SEC. 6. *And be it further enacted,* That until the next general census shall be taken said state of Nebraska 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.

One representative in Congress.
Election of, and of state officers.

SEC. 7. *And be it further enacted,* That sections numbered sixteen and thirty-six in every township, and when 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.

School lands.

SEC. 8. *And be it further enacted,* That provided the state of Nebraska 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.

Lands for public buildings;

SEC. 9. *And be it further enacted,* That fifty 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.

for buildings for penitentiary;

SEC. 10. *And be it further enacted,* That seventy-two other sections of land shall be set apart and reserved for the use and support of a state university, to be selected in manner as aforesaid, and to be appropriated and applied as the legislature of said state may prescribe for the purpose named, and for no other purpose.

for State University.

SEC. 11. *And be it further enacted,* 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 said land to be selected by the governor thereof, within one year after the admission of the 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 lands, the right whereof is now vested in any individual or individuals, or which hereafter shall be confirmed or adjudged to any individual or individuals, shall, by this act, be granted to said state.

Salt springs.

Proviso.

SEC. 12. *And be it further enacted,* That five per centum of the proceeds of the sales of all public lands lying within said state, which have been or shall be sold by the United States prior or subsequent to the admission of said state into the Union, after deducting all expenses incident to the same, shall be paid to the said state for the support of common schools.

Five per cent. of sales of certain public lands to go for support of common schools.

SEC. 13. *And be it further enacted,* That from and after the admission of the said state of Nebraska into the Union in pursuance of this act, the laws of the United States, not locally inapplicable, shall have the same

Laws of United States made applicable.

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 Nebraska.

Expenses of convention.

SEC. 14. *And be it further enacted*, That any unexpended balance of the appropriations for said territorial legislative expenses of Nebraska remaining for the fiscal years eighteen hundred and sixty-three and eighteen hundred and sixty-four, or so much thereof as may be necessary, shall be applied to and used for defraying the expenses of said convention and for the payment of the members thereof, under the same rules, regulations, and rates as are now provided by law for the payment of the territorial legislature.

APPROVED, April 19, 1864.

CHAP. LX. — *An Act in Addition to "An Act for the Establishment of certain Arsenals.*

April 19, 1864.

Preamble.

1862, ch. 148.
Vol. xii. p. 537.

WHEREAS it is necessary that the government of the United States should at an early day, for the purpose of the arsenal at Rock Island, in the State of Illinois, provided for in the act passed July eleventh, eighteen hundred and sixty-two, obtain the possession of and title to certain lands, now the property of private persons, upon which to locate the said arsenal, with the grounds and buildings needful for and to make a part of the same: Now, therefore,

Rock Island to be taken possession of by the Secretary of War and held.

Arsenal, &c., to be built thereon.

Compensation for private property taken.

Mode of procedure where damages are agreed upon.

Proviso.

Deed to be given.

Proceedings where owners do not agree as to damages, &c.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized and empowered to take and hold full, complete, and permanent possession in behalf of the United States, of all the lands and shores of the island of Rock Island, in the state of Illinois, the same, when so possessed, to be held and kept as a military reservation by the War Department, upon which shall be built and maintained an arsenal for the construction, deposit, and repair of arms and munitions of war, and such other military establishments as have been or may be authorized by law to be placed thereon in connection with such arsenal.

SEC. 2. *And be it further enacted*, That if it shall appear upon examination by the Attorney-General of the United States of the titles of the lands on Rock Island taken and occupied by the Secretary of War for an arsenal and other military purposes, as provided in the foregoing section, that any part or parcels thereof are now the property of, and are rightfully possessed by, any individual or corporation as his or their own private property, the value of such private property so taken, and a just compensation for any damages caused by such taking, shall, if mutually agreed on by the Secretary of War and the rightful owner or owners thereof and approved by the President, be paid by the Secretary of the Treasury to said rightful owner or owners so agreeing, out of the appropriations made or to be made for the construction of said arsenal: *Provided*, That before such payment shall be made, the said owner or owners of such private lands so taken, or such of them as shall agree, shall by good and sufficient deed or deeds, in due form of law, and approved by the Attorney-General of the United States, fully release and convey to the United States all their and each of their several and respective rights in and titles to such lands so taken.

SEC. 3. *And be it further enacted*, That if the Secretary of War shall not agree with any private owner or owners of lands so taken for the use of the United States for military purposes, or if any such owner or owners shall refuse to accept the sum to be paid to him or them by the Secretary of the Treasury as and for the true value thereof, or shall from any other cause neglect or fail, for the space of twelve months after such taking to execute and deliver the deed or deeds thereof, needful in the opinion of the Attorney-General of the United States, to convey to the United States the title of said lands taken,