

Moines river a public highway. ment of the navigation of the Des Moines river, in said Territory," as makes said river a public highway be, and the same is hereby, repealed.

APPROVED, January 20, 1870.

Jan. 20, 1870.

CHAP. VIII. — *An Act making Appropriations to defray the Expenses of the Committee on Banking and Currency incurred in Pursuance of Investigations ordered by the House of Representatives.*

Appropriation for certain expenses of the committee on banking and currency.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the sum of three thousand dollars, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the treasury not otherwise appropriated, for the purpose of defraying the expenses of the committee on banking and currency, incurred in fulfilment of the order of the House of Representatives.

APPROVED, January 20, 1870.

Jan. 21, 1870.

CHAP. IX. — *An Act relating to retired Officers of the Army.*

Pub. Res. No. 32. Post, p. 372.

Retired officers of the army not to be assigned to duty, &c.

Former assignments to terminate.

Repealing clause.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That no retired officer of the army shall hereafter be assigned to duty of any kind, or be entitled to receive more than the pay and allowances provided by law for retired officers of his grade; and all such assignments heretofore made shall terminate within thirty days from the passage of this act.

SEC. 2. *And be it further enacted,* That all laws and parts of laws inconsistent with the provisions of this act be, and the same are hereby, repealed.

APPROVED, January 21, 1870.

Jan. 26, 1870.

CHAP. X. — *An Act to admit the State of Virginia to Representation in the Congress of the United States.*

Preamble.

WHEREAS the people of Virginia have framed and adopted a constitution of State government which is republican; and whereas the legislature of Virginia elected under said constitution have ratified the fourteenth and fifteenth amendments to the Constitution of the United States; and whereas the performance of these several acts in good faith was a condition precedent to the representation of the State in Congress: Therefore,

Virginia declared entitled to representation in Congress.

Members of State legislature and State officials to take one of two oaths before, &c.

Oaths, form of;

[Oath to include affirmation, ch. 12, p. 63.]

before whom to be taken.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the said State of Virginia is entitled to representation in the Congress of the United States: *Provided,* That before any member of the legislature of said State shall take or resume his seat, or any officer of said State shall enter upon the duties of his office, he shall take, and subscribe, and file in the office of the secretary of state of Virginia, for permanent preservation, an oath in the form following: "I, ———, do solemnly swear that I have never taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, and afterward engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof, so help me God"; or such person shall in like manner take, subscribe, and file the following oath: "I, ———, do solemnly swear that I have, by act of Congress of the United States, been relieved from the disabilities imposed upon me by the fourteenth amendment of the Constitution of the United States, so help me God"; which oaths shall be taken before and certified by any officer lawfully authorized to administer oaths. And any person

who shall knowingly swear falsely in taking either of such oaths shall be deemed guilty of perjury, and shall be punished therefor by imprisonment not less than one year, and not more than ten years, and shall be fined not less than one thousand dollars, and not more than ten thousand dollars. And in all trials for any violation of this act the certificate of the taking of either of said oaths, with proof of the signature of the party accused, shall be taken and held as conclusive evidence that such oath was regularly and lawfully administered by competent authority: *And provided further*, That every such person who shall neglect for the period of thirty days next after the passage of this act to take, subscribe, and file such oath as aforesaid, shall be deemed and taken, to all intents and purposes, to have vacated his office: *And provided further*, That the State of Virginia is admitted to representation in Congress as one of the States of the Union upon the following fundamental conditions: First, That the Constitution of Virginia shall never be so amended or changed as to deprive any citizen or class of citizens of the United States of the right to vote who are entitled to vote by the Constitution herein recognized, except as a punishment for such crimes as are now felonies at common law, whereof they shall have been duly convicted under laws equally applicable to all the inhabitants of said State: *Provided*, That any alteration of said Constitution, prospective in its effects, may be made in regard to the time and place of residence of voters. Second, That it shall never be lawful for the said State to deprive any citizen of the United States, on account of his race, color, or previous condition of servitude, of the right to hold office under the constitution and laws of said State, or upon any such ground to require of him any other qualifications for office than such as are required of all other citizens. Third, That the constitution of Virginia shall never be so amended or changed as to deprive any citizen or class of citizens of the United States of the school rights and privileges secured by the constitution of said State.

Perjury in taking either oath, how punished.

Certificate of taking, &c. to be evidence.

Neglect for thirty days to take, &c. the oath, to vacate office.

Fundamental conditions of the admission of Virginia to representation in Congress.

No citizen or class to be deprived of right to vote, except, &c.

or to hold office on account of race, color, &c. ;

or of school rights and privileges.

APPROVED, January 26, 1870.

CHAP. XI. — *An Act to protect Officials in Government Employ.*

Feb. 1, 1870.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That no officer or clerk in the United States government employ shall at any time solicit contributions of other officials or employees in the government service for a gift or present to those in a superior official position; nor shall any such officials or clerical superiors receive any gift or present offered or presented to them as the contribution of those in government employ receiving a less salary than themselves; nor shall any officer or clerk make any donation as a gift or present to any official superior. Any officer or clerk violating any of the provisions of this bill shall be summarily discharged from the government employ.

Contributions, &c. not to be solicited for, nor received by, United States officials or clerical superiors.

Presents. Penalty.

APPROVED, February 1, 1870.

CHAP. XII. — *An Act to amend an Act entitled "An Act to admit the State of Virginia to Representation in the Congress of the United States."*

Feb. 1, 1870.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That wherever the word "oath" is used in the act entitled "An act to admit the State of Virginia to representation in the Congress of the United States," it shall be construed to include an affirmation; and every person required by said act to take either of the oaths therein prescribed, who has religious or conscientious scruples against taking an oath, may make and file an affirmation to the same purport and effect: *Provided*, That all the pains and

"Oath" to include "affirmation" in the act to admit Virginia.

See ch. 10, p. 62.