

Clothing, how to be delivered.

SEC. 2. *And be it further enacted*, That such clothing shall be delivered to the managers of such institutions upon their requisition therefor, accompanied with such certificates as to numbers and condition as the Secretary of War may prescribe.

APPROVED, March 22, 1867.

March 22, 1867.

CHAP. V. — *An Act in Relation to a certain Tract of Land in Burlington, Iowa.*

An ordinance adopted by the city council of Burlington, Iowa, made legal.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a certain ordinance adopted by the city council of the city of Burlington, in the State of Iowa, of date of December tenth, anno Domini eighteen hundred and sixty-six, entitled "An ordinance devoting Market Square to certain public purposes, and providing for the location of certain railroad tracks upon certain streets, and for other purposes," is hereby ratified, approved, and made legal and valid, so far as relates to said public square; and that said ordinance shall operate to convey to the Burlington and Missouri River Railroad Company all right and interest of the United States in the premises known as Market Square, in the said city of Burlington, upon the terms and conditions and for the purposes and uses therein designated, and shall have the same force, operation, and effect as if the fee-simple title to said Market Square and streets were owned by said city at the date of said ordinance.

APPROVED, March 22, 1867.

Interest of the United States in Market Square, Burlington, conveyed to the Burlington and Missouri River R. R. Co.

March 23, 1867.

CHAP. VI. — *An Act supplementary to an Act entitled "An Act to provide for the more efficient Government of the Rebel States," passed March second, eighteen hundred and sixty-seven, and to facilitate Restoration.*

1867, ch. 153. Vol. xiv. p. 428. Post, pp. 14, 29, 80, 41, 72, 73.

Registration to be made of certain male citizens of each military district before September 1, 1867; to include residents of twenty-one years of age, and upwards, qualified to vote for delegates, and who have taken the oath. Form of the oath.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That before the first day of September, eighteen hundred and sixty-seven, the commanding general in each district defined by an act entitled "An act to provide for the more efficient government of the rebel States," passed March second, eighteen hundred and sixty-seven, shall cause a registration to be made of the male citizens of the United States, twenty-one years of age and upwards, resident in each county or parish in the State or States included in his district, which registration shall include only those persons who are qualified to vote for delegates by the act aforesaid, and who shall have taken and subscribed the following oath or affirmation: "I, _____, do solemnly swear (or affirm), in the presence of Almighty God, that I am a citizen of the State of _____; that I have resided in said State for _____ months next preceding this day, and now reside in the county of _____, or the parish of _____, in said State (as the case may be); that I am twenty-one years old; that I have not been disfranchised for participation in any rebellion or civil war against the United States, nor for felony committed against the laws of any State or of the United States; that I have never been a member of any State legislature, nor held any executive or judicial office in any State and afterwards engaged in insurrection or rebellion against the United States, or given aid or comfort to the enemies thereof; that I have never taken an oath as a member of Congress of the United States, 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 afterwards engaged in insurrection or rebellion against the United States, or given aid or comfort to the enemies thereof; that I will faithfully support the Constitution and obey the laws of the United States, and will, to the best of my ability, encourage others so to do, so help me God"; which oath or affirmation may be administered by any registering officer.

Post, p. 16.

Who to administer the oath

SEC. 2. *And be it further enacted*, That after the completion of the

registration hereby provided for in any State, at such time and places therein as the commanding general shall appoint and direct, of which at least thirty days' public notice shall be given, an election shall be held of delegates to a convention for the purpose of establishing a constitution and civil government for such State loyal to the Union, said convention in each State, except Virginia, to consist of the same number of members as the most numerous branch of the State legislature of such State in the year eighteen hundred and sixty, to be apportioned among the several districts, counties, or parishes of such State by the commanding general, giving to each representation in the ratio of voters registered as aforesaid as nearly as may be. The convention in Virginia shall consist of the same number of members as represented the territory now constituting Virginia in the most numerous branch of the legislature of said State in the year eighteen hundred and sixty, to be apportioned as aforesaid.

SEC. 3. *And be it further enacted,* That at said election the registered voters of each State shall vote for or against a convention to form a constitution therefor under this act. Those voting in favor of such a convention shall have written or printed on the ballots by which they vote for delegates, as aforesaid, the words "For a convention," and those voting against such a convention shall have written or printed on such ballots the words "Against a convention." The persons appointed to superintend said election, and to make return of the votes given thereat, as herein provided, shall count and make return of the votes given for and against a convention; and the commanding general to whom the same shall have been returned shall ascertain and declare the total vote in each State for and against a convention. If a majority of the votes given on that question shall be for a convention, then such convention shall be held as hereinafter provided; but if a majority of said votes shall be against a convention, then no such convention shall be held under this act: *Provided,* That such convention shall not be held unless a majority of all such registered voters shall have voted on the question of holding such convention.

SEC. 4. *And be it further enacted,* That the commanding general of each district shall appoint as many boards of registration as may be necessary, consisting of three loyal officers or persons, to make and complete the registration, superintend the election, and make return to him of the votes, list of voters, and of the persons elected as delegates by a plurality of the votes cast at said election; and upon receiving said returns he shall open the same, ascertain the persons elected as delegates, according to the returns of the officers who conducted said election, and make proclamation thereof; and if a majority of the votes given on that question shall be for a convention, the commanding general, within sixty days from the date of election, shall notify the delegates to assemble in convention, at a time and place to be mentioned in the notification, and said convention, when organized, shall proceed to frame a constitution and civil government according to the provisions of this act, and the act to which it is supplementary; and when the same shall have been so framed, said constitution shall be submitted by the convention for ratification to the persons registered under the provisions of this act at an election to be conducted by the officers or persons appointed or to be appointed by the commanding general, as hereinbefore provided, and to be held after the expiration of thirty days from the date of notice thereof, to be given by said convention; and the returns thereof shall be made to the commanding general of the district.

SEC. 5. *And be it further enacted,* That if, according to said returns, the constitution shall be ratified by a majority of the votes of the registered electors qualified as herein specified, cast at said election, at least one half of all the registered voters voting upon the question of such ratification, the president of the convention shall transmit a copy of the

After completion of registration, and upon at least thirty days' notice of the time and places therefor, an election to be held of delegates to a convention to establish a constitution.

The convention to consist of what number of members in certain States, and how apportioned;

of what number in Virginia, and how apportioned.

At the election, a vote to be taken for or against a convention.

Who to count and return the votes.

See *post*, p. 41.

Convention to be held if a majority of the votes cast are for a convention; but not unless a majority of all the registered voters vote on the question.

Commanding general to appoint boards of registration to superintend the election and make returns to him;

to ascertain and proclaim the persons elected as delegates;

to notify delegates to assemble, if a majority of the votes are for a convention.

Convention to meet and frame a constitution which shall be submitted to the registered voters for ratification.

Election therefor how to be notified and when to be held, &c.

See *Post*, p. 15.

If constitution is ratified by a majority of the votes cast, half of the voters voting, a copy thereof to be

sent to the President, who shall transmit the same to Congress.

Congress to approve the constitution if, &c. and to declare the State entitled to representation, &c.

All the elections to be by ballot.

Officers making the registration to take the oath prescribed by the act of 1862, ch. 128. Vol. xii. p. 502.

Knowingly and falsely swearing in taking the oath to be perjury.

Expenses under this act how to be paid.

Compensation of delegates to the convention, its officers, &c. how to be determined.

Tax to be imposed therefor.

The word "article" in the sixth section of the act to mean "section."

same, duly certified, to the President of the United States, who shall forthwith transmit the same to Congress, if then in session, and if not in session, then immediately upon its next assembling; and if it shall moreover appear to Congress that the election was one at which all the registered and qualified electors in the State had an opportunity to vote freely and without restraint, fear, or the influence of fraud, and if the Congress shall be satisfied that such constitution meets the approval of a majority of all the qualified electors in the State, and if the said constitution shall be declared by Congress to be in conformity with the provisions of the act to which this is supplementary, and the other provisions of said act shall have been complied with, and the said constitution shall be approved by Congress, the State shall be declared entitled to representation, and senators and representatives shall be admitted therefrom as therein provided.

SEC. 6. *And be it further enacted*, That all elections in the States mentioned in the said "Act to provide for the more efficient government of the rebel States," shall, during the operation of said act, be by ballot; and all officers making the said registration of voters and conducting said elections shall, before entering upon the discharge of their duties, take and subscribe the oath prescribed by the act approved July second, eighteen hundred and sixty-two, entitled "An act to prescribe an oath of office": *Provided*, That if any person shall knowingly and falsely take and subscribe any oath in this act prescribed, such person so offending and being thereof duly convicted shall be subject to the pains, penalties, and disabilities which by law are provided for the punishment of the crime of wilful and corrupt perjury.

SEC. 7. *And be it further enacted*, That all expenses incurred by the several commanding generals, or by virtue of any orders issued, or appointments made, by them, under or by virtue of this act, shall be paid out of any moneys in the treasury not otherwise appropriated.

SEC. 8. *And be it further enacted*, That the convention for each State shall prescribe the fees, salary, and compensation to be paid to all delegates and other officers and agents herein authorized or necessary to carry into effect the purposes of this act not herein otherwise provided for, and shall provide for the levy and collection of such taxes on the property in such State as may be necessary to pay the same.

SEC. 9. *And be it further enacted*, That the word "article," in the sixth section of the act to which this is supplementary, shall be construed to mean "section."

SCHUYLER COLFAX,

Speaker of the House of Representatives.

B. F. WADE,

President of the Senate pro tempore.

IN THE HOUSE OF REPRESENTATIVES, U. S., }
March 23, 1867.

The President of the United States having returned to the House of Representatives, in which it originated, the bill entitled "An act supplementary to an act entitled 'An act to provide for the more efficient government of the rebel States,' passed March second, eighteen hundred and sixty-seven, and to facilitate restoration," with his objections thereto, the House of Representatives proceeded, in pursuance of the Constitution, to reconsider the same; and

Resolved, That the said bill do pass, two thirds of the House of Representatives agreeing to pass the same.

Attest:

EDWD. MCPHERSON,
Clerk H. R. U. S.

IN SENATE OF THE UNITED STATES, }
 March 23, 1867.

The Senate having proceeded, in pursuance of the Constitution, to reconsider the bill entitled "An act supplementary to an act entitled 'An act to provide for the more efficient government of the rebel States,' passed March second, eighteen hundred and sixty-seven, and to facilitate restoration," returned to the House of Representatives by the President of the United States, with his objections, and sent by the House of Representatives to the Senate, with the message of the President returning the bill:—

Resolved, That the bill do pass, two thirds of the Senate agreeing to pass the same.

Attest:

J. W. FORNEY,
Secretary.

CHAP. VII.—*An Act to provide for a District and a Circuit Court of the United States for the District of Nebraska, and for other Purposes.* March 25, 1867.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the State of Nebraska shall hereafter constitute one judicial district, and be called the district of Nebraska; and for said district a district judge, a marshal, and a district attorney of the United States, shall be appointed by the President, by and with the advice and consent of the Senate.

Nebraska to constitute one judicial district. Judge, marshal, and attorney to be appointed.

SEC. 2. *And be it further enacted*, That the said district of Nebraska shall be attached to and constitute a part of the eighth judicial circuit; and a term of the circuit court and district court of the United States for said district shall be held in the city of Omaha, in the State of Nebraska, on the first Monday of May, and on the first Monday of November, in each year.

District of Nebraska to be attached to eighth judicial circuit.

SEC. 3. *And be it further enacted*, That the circuit and district courts of the United States for the district of Nebraska, and the judges thereof respectively, shall possess the same powers and jurisdiction and perform the same duties possessed and performed by the other circuit and district courts and judges of the United States, and shall be governed by the same laws and regulations.

Times and places of holding circuit and district courts. Jurisdiction, powers, and duties of the circuit and district courts.

SEC. 4. *And be it further enacted*, That the district judge appointed for the district of Nebraska shall receive as his compensation the sum of thirty-five hundred dollars a year, payable in four equal instalments, on the first days of January, April, July, and October of each year.

Salary of district judge.

SEC. 5. *And be it further enacted*, That the marshal and district attorney of the United States, and clerk of the circuit and district courts, for the said district of Nebraska, shall severally possess the powers and perform the duties lawfully possessed and performed by similar officers in other districts of the United States, and shall for the services they may perform receive the fees and compensation allowed by the act entitled "An act to regulate the fees and costs to be allowed clerks, marshals, and attorneys of the circuit and district courts of the United States, and for other purposes," approved February twenty-sixth, eighteen hundred and fifty-three.

Powers and duties of the marshal and district attorney.

Fees and compensation. 1853, ch. 80. Vol. x. p. 161.

SEC. 6. *And be it further enacted*, That all cases of appeal or writ of error, heretofore prosecuted, and now pending in the Supreme Court of the United States, upon any record from the supreme court of the Territory of Nebraska, or which may hereafter be prosecuted from said court as herein allowed, may be heard and determined by the Supreme Court of the United States, and the mandate of execution or of further proceedings shall be directed by the Supreme Court of the United States to the circuit or district court of the United States for the district of Nebraska, or to the supreme court of the State of Nebraska, as the nature

Provision as to appeals and writs of error.