

# An Act for the Admission of Kansas Into the Union

## PREAMBLE

WHEREAS, The people of the territory of Kansas, by their representatives in convention assembled, at Wyandotte, in said territory, on the twenty-ninth day of July, one thousand eight hundred and fifty-nine, did form to themselves a constitution and state government, republican in form, which was ratified and adopted by the people, at an election held for that purpose, on Tuesday, the fourth day of October, one thousand eight hundred and fifty-nine, and the said convention has, in their name and behalf, asked the congress of the United States to admit the said territory into the union as a state, on an equal footing with the other states; therefore,

*Be it enacted by the senate and house of representatives of the United States of America in congress assembled:*

### § 1. Admission; boundaries; Indian title.

That the state of Kansas shall be, and is hereby declared to be, one of the United States of America, and admitted into the union on an equal footing with the original states in all respects whatever. And the said state shall consist of all the territory included within the following boundaries, to wit: Beginning at a point on the western boundary of the state of Missouri, where the thirty-seventh parallel of north latitude crosses the same; thence west on said parallel to the twenty-fifth meridian of longitude west from Washington; thence north on said meridian to the fortieth parallel of latitude; thence east on said parallel to the western boundary of the state of Missouri; thence south with the western boundary of said state to the place of beginning: Provided, That nothing contained in the said constitution respecting the boundary of said state shall be construed to impair the rights of person or property now pertaining to the Indians of said territory, so long as such rights shall remain unextinguished by treaty between the United

States and such Indians, or to include any territory which, by treaty with such Indian tribe, is not, without the consent of such tribe, to be included within the territorial limits or jurisdiction of any state or territory; but all such territory shall be excepted out of the boundaries, and constitute no part of the state of Kansas, until said tribe shall signify their assent to the president of the United States to be included within said state, or to affect the authority of the government of the United States to make any regulation respecting such Indians, their lands, property, or other rights, by treaty, law, or otherwise, which it would have been competent to make if this act had never passed.

**History:** 12 Stat. 126; ch. 20, § 1; Jan. 29, 1861.

**§ 2. Representative.** That until the next general apportionment of representatives, the state of Kansas shall be entitled to one representative in the house of representatives of the United States.

**History:** 12 Stat. 127; ch. 20, § 2; Jan. 29, 1861.

### § 3. Force of act; school lands; university lands; public buildings; conditions; taxation.

That nothing in this act shall be construed as an assent by congress to all or any of the propositions or claims contained in the ordinance of said constitution of the people of Kansas, or in the resolutions thereto attached; but the following propositions are hereby offered to the said people of Kansas for their free 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 numbered sixteen and thirty-six, in every township of public lands in said state, and where either of said sections or any part thereof has been sold or otherwise been 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 use and

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 the 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 shall 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 percentum of all 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, or for other purposes, as the legislature shall direct: Provided, That the foregoing propositions hereinbefore offered are on the condition that the people of Kansas shall provide by an ordinance, irrevocable without the consent of the United States, that said state shall never interfere with the primary disposal of the soil within the same by the United States, or with any regulations congress may find necessary for securing the title in said soil to bona fide purchasers thereof.

*Sixth.* And that the said state shall never tax the lands or the property of the United States in said state: Provided, however, That in case any of the lands herein granted to the state of Kansas have heretofore been confirmed to the territory of Kansas for the purposes specified in this act, the

amount so confirmed shall be deducted from the quantity specified in this act.

**History:** 12 Stat. 127; ch. 20, § 3; Jan. 29, 1861.

**§ 4. Judicial district; court officers; cases.**

That from and after the admission of the state of Kansas, as hereinbefore provided, all the laws of the United States, which are not locally inapplicable, shall have the same force and effect within that state as in other states of the union; and the said state is hereby constituted a judicial district of the United States, within which a district court, with like powers and jurisdiction as the district court of the United States for the district of Minnesota, shall be established; the judge, attorney and marshal of the United States, for the said district of Kansas, shall reside within the same, and shall be entitled to the same compensation as the judge, attorney and marshal of the district of Minnesota; and in 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 Kansas Territory, the mandate of execution or order of further proceeding shall be directed by the supreme court of the United States to the district [court] of Kansas, or to the supreme court of the state of Kansas, as the nature of such appeal or writ of error may require; and each of those courts shall be the successor of the supreme court of Kansas Territory as to all such cases, with full power to hear and determine the same, and to award mesne or final process therein.

**History:** 12 Stat. 128; ch. 20, § 4; Jan. 29, 1861.

**§ 5. Terms of court.** That the judge of the district court for the district of Kansas shall hold two regular terms of said court annually, at the seat of government of the said state, to commence on the second Monday of April and October in each year.

**History:** 12 Stat. 128; ch. 20, § 5; Jan. 29, 1861.

**ADMISSION**

JOINT RESOLUTION of the Legislature of the State of Kansas, accepting the terms imposed by Congress upon the admission of the State of Kansas into the Union.

*Be it resolved by the Legislature of the State of Kansas:*

**Proposition accepted.** That the propositions contained in the act of congress, entitled "An act for the admission of Kansas into the Union," are hereby accepted, ratified, and confirmed, and shall

remain irrevocable, without the consent of the United States. And it is hereby ordained, that this state shall never interfere with the primary disposal of the soil within the same by the United States, or with any regulations congress may find necessary for securing the title to said soil, to bona fide purchasers thereof; and no tax shall be imposed on lands belonging to the United States. [C.L. 1862, ch. 6; approved January 20, 1862.]