CHAPTER 14

An Act to Organize the Territories of Nebraska and Kansas

May 30, 1854.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all that part of the territory of the United States included within the following limits, except such portions thereof as are hereinafter expressly exempted from the operations of this act, to wit: beginning at a point in the Missouri River where the fortieth parallel of north latitude crosses the same; thence west on said parallel to the east boundary of the Territory of Utah, on the summit of the Rocky Mountains; thence on said summit northward to the forty-ninth parallel of north latitude; thence east on said parallel to the western boundary of the territory of Minnesota; thence down the main channel of said river to the place of beginning, be, and the same is hereby, created into a temporary government by the name of the Territory of Nebraska; and when admitted as a State or States, the said Territory, or any portion of the same, shall be received into the Union with or without slavery, as their constitution may prescribe at the time of their admission ...

SEC. 2. And be it further enacted, That the executive power and authority in and over said Territory of Nebraska shall be vested in a Governor, who shall hold his office for four years, and until his successor shall be appointed and qualified, unless sooner removed by the President of the United States ...

SEC. 3. And be it further enacted, That there shall be a Secretary of said Territory, who shall reside therein, and hold his office for five years, unless sooner removed by the President of the United States; he shall record and preserve all the laws and proceedings of the Legislative Assembly hereinafter constituted, and all the acts and proceedings of the Governor in his executive department ...

SEC. 4. And be it further enacted, That the legislative power and authority of said Territory shall be vested in the Governor and a Legislative Assembly. The Legislative Assembly shall consist of a Council and House of Representatives. The Council shall consist of thirteen members, having the qualifications of voters, as hereinafter prescribed, whose term of service shall continue two years. The House of Representatives shall, at its first session, consist of twenty-six members, possessing the same qualifications as prescribed for members of the Council, and whose term of service shall continue one year. The number of representatives may be increased by the Legislative Assembly, from time to time, in proportion to the increase of qualified voters ... An apportionment shall be made, as nearly equal as practicable, among the several counties or districts, for the election of the council and representatives, giving to each section of the Territory representation in the ratio of its qualified voters as nearly as may be ... Previous to the first election, the Governor shall cause a census, or enumeration
of the inhabitants and qualified voters of the several counties and districts of
the Territory, to be taken by such persons and in such mode as the governor
shall designate and appoint … And the first election shall be held at such time
and places, and be conducted in such manner, both as to the persons who shall
superintend such election and the returns thereof, as the Governor shall appoint
and direct; and he shall at the same time declare the number of members of
the Council and House of Representatives to which each of the counties or
districts shall be entitled under this act. The persons having the highest number
of legal votes in each of said council districts for members of the Council, shall
be declared by the Governor to be duly elected to the Council; and the persons
having the highest number of legal votes for the House of Representatives, shall
be declared by the Governor to be duly elected members of said house … but
thereafter, the time, place, and manner of holding and conducting all elections
by the people, and the apportioning the representation in the several counties
or districts to the Council and House of Representatives, according to the
number of qualified voters, shall be prescribed by law, as well as the day of the
commencement of the regular sessions of the Legislative Assembly ...

SEC. 5. And be it further enacted, That every free white male inhabitant above
the age of twenty-one years who shall be an actual resident of said Territory, and
shall possess the qualifications hereinafter prescribed, shall be entitled to vote
at the first election, and shall be eligible to any office within the said Territory;
but the qualifications of voters, and of holding office, at all subsequent elections,
shall be such as shall be prescribed by the Legislative Assembly: Provided, That
the right of suffrage and of holding office shall be exercised only by citizens of
the United States and those who shall have declared an oath their intention to
become such, and shall have taken an oath to support the Constitution of the
United States and the provisions of this act ...

SEC. 6. And it be further enacted, That the legislative power of the Territory shall
extend to all rightful subjects of legislation consistent with the Constitution of
the United States and the provisions of this act ...

SEC. 7. And it be further enacted, That all township, district, and county officers,
not herein otherwise provided for, shall be appointed or elected, as the case
may be, in such manner as shall be provided by the Governor and Legislative
Assembly of the Territory of Nebraska...

SEC. 9. And be it further enacted, That the judicial power of said Territory shall
be vested in a Supreme Court, District Courts, Probate Courts, and in Justices of
the Peace...

SEC. 10. And be it further enacted, That the provisions of an act entitled “An act
respecting the fugitives from justice, and persons escaping from the service of
their masters,” approved February twelve, seventeen hundred and ninety-three,
and the provisions of the act entitled “An act to amend, and supplementary to, the aforesaid act,” approved September eighteen, eighteen hundred and fifty, be, and the same are hereby, declared to extend to and be in full force within the limits of said Territory of Nebraska.

SEC. 11. And be it further enacted, That there shall be appointed an Attorney for said Territory, who shall continue in office for four years, and until his successor shall be appointed and qualified, unless sooner removed by the President...

SEC. 12. And be it further enacted, That the Governor, Secretary, Chief Justice, and Associate Justices, Attorney and Marshal, shall be nominated, and, by and with the advice and consent of the Senate, appointed by the President of the United States...

SEC. 14. And be it further enacted, That a delegate to the House of Representatives of the United States, to serve for the term of two years, who shall be a citizen of the United States, may be elected by the voters qualified to elect members of the Legislative Assembly, who shall be entitled to the same rights and privileges as are exercised and enjoyed by the delegates from the several other Territories of the United States to the said House of Representatives... The person having the greatest number of votes shall be declared by the Governor to be duly elected; and a certificate thereof shall be given accordingly. That the Constitution, and all Laws of the United States which are not locally inapplicable, shall have the same force and effect within the said Territory of Nebraska as elsewhere within the United States, except the eighth section of the act preparatory to the admission of Missouri into the Union, approved March sixth, eighteen hundred and twenty, which, being inconsistent with the principle of non-intervention by Congress with slavery in the States and Territories, as recognized by the legislation of eighteen hundred and fifty, commonly called the Compromise Measures, is hereby declared inoperative and void; it being the true intent and meaning of this act not to legislate slavery into any Territory or State, nor to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States: Provided, That nothing herein contained shall be construed to revive or put in force any law or regulation which may have existed prior to the act of sixth March, eighteen hundred and twenty, either protecting, establishing, prohibiting, or abolishing slavery...

SEC. 19. And be it further enacted, That all that part of the Territory of the United States included within the following limits, except such portions thereof as are hereinafter expressly exempted from the operations of this act, 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 eastern boundary of New Mexico; thence north on said boundary to latitude thirty-eight; thence following said boundary westward to the east boundary of the Territory of Utah, on the summit of the Rocky Mountains; thence northward on said summit to the fortieth parallel of latitude; thence east on said parallel to the western boundary of said State to the place of beginning, be, and the same is hereby, created into a temporary government by the name of the Territory of Kansas; and whom admitted as a State or States, the said Territory, or any portion of the same, shall be received into the Union with or without slavery, as their Constitution may prescribe at the time of their admission...

SEC. 20. And be it further enacted, That the executive power and authority in and over said Territory of Kansas shall be vested in a Governor, who shall hold his office for four years, and until his successor shall be appointed and qualified, unless sooner removed by the President of the United States ...

SEC. 21. And be it further enacted, That there shall be a Secretary of said Territory, who shall reside therein, and hold his office for five years, unless sooner removed by the President of the United States; he shall record and preserve all the laws and proceedings of the Legislative Assembly hereinafter constituted, and all the acts and proceedings of the Governor in his Executive Department ...

SEC. 22. And be it further enacted, That the legislative power and authority of said Territory shall be vested in the Governor and a Legislative Assembly. The Legislative Assembly shall consist of a Council and House of Representatives. The Council shall consist of thirteen members, having the qualifications of voters, as hereinafter prescribed, whose term of service shall continue two years. The House of Representatives shall, at its first session, consist of twenty-six members, possessing the same qualifications as prescribed for members of the Council, and whose term of service shall continue one year. The number of representatives may be increased by the Legislative Assembly, from time to time, in proportion to the increase of qualified voters... An apportionment shall be made, as nearly equal as practicable, among the several counties or districts, for the election of the Council and Representatives, giving to each section of the Territory representation in the ratio of its qualified voters as nearly as may be... Previous to the first election, the Governor shall cause a census or enumeration of the inhabitants and qualified voters of the several counties and districts of the Territory, to be taken by such persons and in such mode as the Governor shall designate and appoint... And the first election shall be held at such time and places, and be conducted in such manner, both as to the persons who shall superintend such election and the returns thereof, as the Governor shall appoint and direct; and he shall at the same time declare the number of members of the Council and House of Representatives to which each of the counties or districts shall be entitled under this act. The persons having the highest number of legal votes in each of said Council Districts for members of the Council, shall be
declared by the Governor to be duly elected to the Council; and the persons
having the highest number of legal votes for the House of Representatives, shall
be declared by the Governor to be duly elected members of said house...

SEC. 23. And be it further enacted, That every free white male inhabitant above
the age of twenty-one years, who shall be an actual resident of said Territory, and
shall possess the qualifications hereinafter prescribed, shall be entitled to vote
at the first election, and shall be eligible to any office within the said Territory;
but the qualifications of voters, and of holding office, at all subsequent elections,
shall be such as shall be prescribed by the Legislative Assembly: Provided, That
the right of suffrage and of holding office shall be exercised only by citizens of
the United States, and those who shall have declared, on oath, their intention
to become such, and shall have taken an oath to support the Constitution of the
United States and the provisions of this act...

SEC. 24. And be it further enacted, That the legislative power of the Territory
shall extend to all rightful subjects of legislation consistent with the Constitution
of the United States and the provisions of this act...

SEC. 25. And be it further enacted, That all township, district, and county
officers, not herein otherwise provided for, shall be appointed or elected as
the case may be, in such manner as shall be provided by the Governor and
Legislative Assembly of the Territory of Kansas.

SEC. 27. And be it further enacted, That the judicial power of said Territory shall
be vested in a supreme court, district courts, probate courts, and in justices of
the peace.

SEC. 28. And be it further enacted, That the provisions of the act entitled “An
act respecting fugitives from justice, and persons escaping from the service of
their masters,” approved February twelfth, seventeen hundred and ninety-three,
and the provisions of the act entitled “An act to amend, and supplementary to,
the aforesaid act,” approved September eighteenth, eighteen hundred and fifty,
be, and the same are hereby, declared to extend to and be in full force within the
limits of the said Territory of Kansas.

SEC. 29. And be it further enacted, That there shall be appointed an attorney for
said Territory, who shall continue in office for four years, and until his successor
shall be appointed and qualified, unless sooner removed by the President...

SEC. 30. And be it further enacted, That the Governor, Secretary, Chief Justice,
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SEC. 32. And be it further enacted, That a delegate to the House of

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Representatives of the United States, to serve for the term of two years, who shall be a citizen of the United States, may be elected by the voters qualified to elect members of the Legislative Assembly, who shall be entitled to the same rights and privileges as are exercised and enjoyed by the delegates from the several other Territories of the United States to the said House of Representatives... The person having the greatest number of votes shall be declared by the Governor to be duly elected, and a certificate thereof shall be given accordingly. That the Constitution, and all laws of the United States which are not locally inapplicable, shall have the same force and effect within the said Territory of Kansas as elsewhere within the United States, except the eighth section of the act preparatory to the admission of Missouri into the Union, approved March sixth, eighteen hundred and twenty, which, being inconsistent with the principle of non-intervention by Congress with slavery in the States and Territories, as recognized by the legislation of eighteen hundred and fifty, commonly called the Compromise Measures, is hereby declared inoperative and void; it being the true intent and meaning of this act not to legislate slavery into any Territory or State, nor to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States: Provided, That nothing herein contained shall be construed to revive or put in force any law or regulation which may have existed prior to the act of sixth of March, eighteen hundred and twenty, either protecting, establishing, prohibiting, or abolishing slavery...

Approved, May 30, 1854.