

CHAP. 656.—An act to provide for the admission of the State of Idaho into the Union.

July 3, 1890.

Whereas, The people of the Territory of Idaho did, on the fourth day of July, eighteen hundred and eighty-nine, by a convention of delegates called and assembled for that purpose, form for themselves a constitution, which constitution was ratified and adopted by the people of said Territory at an election held therefor on the first Tuesday in November, eighteen hundred and eighty-nine, which constitution is republican in form and is in conformity with the Constitution of the United States; and

Preamble.

Whereas, Said convention and the people of said Territory have asked the admission of said Territory into the Union of States on an equal footing with the original States in all respects whatever: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the State of Idaho is hereby declared to be a State of the United States of America, and is hereby declared admitted into the Union on an equal footing with the original States in all respects whatever; and that the constitution which the people of Idaho have formed for themselves be, and the same is hereby, accepted, ratified, and confirmed.

Idaho admitted as a new State.

Constitution ratified, etc.

SEC. 2. That the said State shall consist of all the Territory described as follows: Beginning at the intersection of the thirty-ninth meridian with the boundary line between the United States and the British Possessions, then following said meridian south until it reaches the summit of the Bitter Root Mountains; thence south-eastward along the crest of the Bitter Root range and the continental divide until it intersects the meridian of thirty-four degrees of longitude; thence southward on this meridian to the forty second parallel of latitude; thence west on this parallel of latitude to its intersection with a meridian drawn through the mouth of the Owyhee River; north on this meridian to the mouth of the Owyhee River; thence down the mid-channel of the Snake River to the mouth of the Clearwater River; and thence north on the meridian which passes through the mouth of the Clearwater to the boundary-line between the United States and the British Possessions, and east on said boundary-line to the place of beginning.

State boundaries.

SEC. 3. That until the next general census, or until otherwise provided by law, said State shall be entitled to one Representative in the House of Representatives of the United States and the election of the Representative to the Fifty-first Congress and the Representative to the Fifty-second Congress shall take place at the time and be conducted and certified in the same manner as is provided in the constitution of the State for the election of State, district, and other officers in the first instance. The law of the Territory of Idaho for the registration of voters shall apply to the first election of State, District, and other officers held after the admission of the State of Idaho. County and precinct officers elected at the first election held after the admission of the State Idaho, shall assume the duties of their respective offices on the second Monday of January eighteen hundred and ninety-one.

Congressional representation.

Election of Representative to Fifty-first and Fifty-second Congresses.

First State, etc., election.

County and precinct officers.

SEC. 4. That sections numbered sixteen and thirty-six in every township of said State, and where such sections, or any parts thereof, have been sold or otherwise disposed of by or under the authority of any act of Congress, other lands equivalent thereto, in legal subdivisions of not less than one quarter section, and as contiguous as may be to the section in lieu of which the same is taken, are hereby granted to said State for the support of common schools, such indemnity lands to be selected within said State in such manner as the legislature may provide, with the approval of the Secretary of the Interior.

School lands granted.

- Sale of school lands. SEC. 5. That all lands herein granted for educational purposes shall be disposed of only at public sale, the proceeds to constitute a permanent school fund, the interest of which only shall be expended in the support of said schools. But said lands may, under such regulations as the legislature shall prescribe, be leased for periods of not more than five years, and such lands shall not be subject to pre-emption, homestead entry, or any other entry under the land laws of the United States, whether surveyed or unsurveyed, but shall be reserved for school purposes only.
- Leases, etc.
- Lands for public buildings. SEC. 6. That fifty sections of the unappropriated public lands within said State, to be selected and located in legal subdivisions as provided in section four of this act, shall be, and are hereby, granted to said State for the purpose of erecting public buildings at the capital of said State for legislative, executive, and judicial purposes.
- Five per cent. of net proceeds, sales of public lands, for common schools fund. SEC. 7. That five per centum of the proceeds of the sales of public lands lying within said State which shall be sold by the United States subsequent to the admission of said State into the Union, after deducting all the expenses incident to the same, shall be paid to the said State, to be used as a permanent fund, the interest of which only shall be expended for the support of the common schools within said State.
- University lands to vest in State, etc. Vol. 21, p. 336. SEC. 8. That the lands granted to the Territory of Idaho by the act of February eighteenth, eighteen hundred and eighty-one, entitled "An act to grant lands to Dakota, Montana, Arizona, Idaho, and Wyoming for university purposes," are hereby vested in the State of Idaho to the extent of the full quantity of seventy-two sections to said State, and any portion of said lands that may not have been selected by said Territory of Idaho may be selected by the said State; but said act of February eighteenth, eighteen hundred and eighty-one, shall be so amended as to provide that none of said lands shall be sold for less than ten dollars per acre, and the proceeds shall constitute a permanent fund to be safely invested and held by said State, and the income thereof be used exclusively for university purposes. The schools, colleges, and universities provided for in this act shall forever remain under the exclusive control of the said State, and no part of the proceeds arising from the sale or disposal of any lands herein granted for educational purposes shall be used for the support of any sectarian or denominational school, college, or university.
- Vol. 21, p. 326, amended. Minimum price of university lands. Proceeds to constitute a university fund. State control of schools, etc. Sectarian, etc., schools, etc., not to be supported from proceeds of sales of school lands, etc. Penitentiary at Boise City, etc., granted to State. SEC. 9. That the penitentiary at Boise City, Idaho, and all lands connected therewith and set apart and reserved therefor, and unexpended appropriations of money therefor, and the personal property of the United States now being in the Territory of Idaho, which has been in use in the said Territory in the administration of the Territorial government, including books and records and the property used at the constitutional convention which convened at Boise City, in the month of July, eighteen hundred and eighty-nine, are hereby granted and donated to the State of Idaho.
- Lands for agricultural colleges. Ante, p. 215. Vol. 12, pp. 503-505. SEC. 10. That ninety thousand acres of land, to be selected and located as provided in section four of this act, are hereby granted to said State for the use and support of an agricultural college in said State, as provided in the acts of Congress making donations of lands for such purposes.
- Lands for internal improvements, etc. Vol. 5, p. 455, repealed as to Idaho. SEC. 11. That in lieu of the grant of land for purposes of internal improvement made to the new States by the eighth section of the act of September fourth, eighteen hundred and forty-one, which section is hereby repealed as to the State of Idaho, and in lieu of any claim or demand by the said State under the act of September twenty-eighth eighteen hundred and fifty, and section twenty four hundred and seventy nine of the Revised Statutes, making a grant of swamp and overflowed lands to certain States, which grant it is hereby declared is not extended to the State of Idaho, and in lieu of any grant of saline lands to said State the following grants of lands are
- Certain bounty and swamp, etc., lands. Vol. 9, pp. 520, 521. R. S., sec. 2479, p. 453, not extended to Idaho.
- Saline lands.

hereby made, to wit: To the State of Idaho: For the establishment and maintenance of a scientific school, one hundred thousand acres: For State normal schools, one hundred thousand acres; for the support and maintenance of the insane-asylum located at Blackfoot, fifty thousand acres; for the support and maintenance of the State University located at Moscow, fifty thousand acres; for the support and maintenance of the penitentiary located at Boise City, fifty thousand acres; for other State, charitable, educational, penal, and reformatory institutions, one hundred and fifty thousand acres. None of the lands granted by this act shall be sold for less than ten dollars an acre.

Specific lieu-land grants.
Scientific school.
Normal schools.
Insane asylum.

State University.
Penitentiary

Other State institutions.
Minimum price of lands.

No further grants.

Limited to specified uses.

SEC. 12. That the State of Idaho shall not be entitled to any further or other grants of land for any purpose than as expressly provided in this act. And the lands granted by this section shall be held, appropriated, and disposed of exclusively for the purpose herein mentioned, in such manner as the legislature of the State may provide.

Mineral lands exempt.

SEC. 13. That all mineral lands shall be exempted from the grants by this act. But if sections sixteen and thirty-six, or any subdivision, or portion of any smallest subdivision thereof in any township shall be found by the Department of the Interior to be mineral lands, the said State is hereby authorized and empowered to select, in legal subdivisions, an equal quantity of other unappropriated lands in said State, in lieu thereof, for the use and the benefit of the common schools of said State.

Lands in lieu.

SEC. 14. That all lands granted in quantity or as indemnity by this act shall be selected, under the direction of the Secretary of the Interior, from the surveyed unreserved, and unappropriated public lands of the United States within the limits of the State entitled thereto. And there shall be deducted from the number of acres of land donated by this act for specific objects to said State the number of acres heretofore donated by Congress to said Territory for similar objects.

Selections to be under direction of Secretary of the Interior.

Deductions.

SEC. 15. That the sum of twenty eight thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for defraying the expenses of said convention and for the payment of the members thereof, under the same rules and regulations and at the same rates as are now provided by law for the payment of the Territorial legislatures, and for elections held therefor and thereunder. Any money hereby appropriated not necessary for such purpose shall be covered into the Treasury of the United States.

Appropriation for convention expenses, etc.

SEC. 16. That the said State shall constitute a judicial district, the name thereof to be the same as the name of the State; and the circuit and district courts therefor shall be held at the capital of the State for the time being, and the said district shall, for judicial purposes, until otherwise provided, be attached to the ninth judicial circuit. There shall be appointed for said district one district judge, one United States attorney, and one United States marshal. The judge of the said district shall receive a yearly salary of three thousand five hundred dollars, payable in four equal installments, on the first days of January, April, July, and October of each year, and shall reside in the district. There shall be appointed clerks of said courts, in the said district, who shall keep their offices at the capital of said State. The regular terms of said courts shall be held in said district, at the place aforesaid, on the first Monday in April and the first Monday in November of each year, and only one grand jury and one petit jury shall be summoned in both said circuit and district courts. The circuit and district courts for said district, and the judges thereof, respectively, shall possess the same powers and jurisdiction, and perform the same duties required to be performed by the other circuit and district courts and judges of the United States, and shall be governed by the same laws and regulations.

Circuit and district courts established.

Judge, attorney, marshal.

Clerks.

Terms.

Juries.

Jurisdiction, etc.

Powers, etc., of officers.	The marshal, district attorney, and clerks of the circuit and district courts of said district, and all other officers and persons performing duties in the administration of justice therein, shall severally possess the powers and perform the duties lawfully possessed and required to be 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 law to other similar officers and persons performing similar duties in the State of Oregon.
Fees, etc.	
Cases pending in the Supreme Court.	SEC. 17. 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 said Territory, or that may hereafter lawfully be prosecuted upon any record from said court, may be heard and determined by said Supreme Court of the
Final proceedings.	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 hereby established within the said State from or to the supreme court of such State, as the nature of the case may require. And the circuit, district, and State courts herein named shall, respectively, be the successors of the supreme court of the Territory, as to all such cases arising within the limits embraced within the jurisdiction of such courts, respectively, with full power to proceed with the same, and award mesne or final process therein; and that from all judgments and decrees of the supreme court of the Territory mentioned in this act, in any case arising within the limits of the proposed State prior to admission, the parties to such judgment shall have the same right to prosecute appeals and writs of error to the Supreme Court of the United States as they shall have had by law prior to the admission of said State into the Union.
Territorial supreme court to be succeeded by circuit, district, and State courts.	
Judgments prior to admission.	
Transfer of pending actions, etc.	SEC. 18. That in respect to all cases, proceedings, and matters now pending in the supreme or district courts of the said Territory at the time of the admission into the Union of the State of Idaho and arising within the limits of such State, whereof the circuit or district courts by this act established might have had jurisdiction under the laws of the United States had such courts existed at the time of the commencement of such cases, the said circuit and district courts, respectively, shall be the successors of said supreme and district courts of said Territory; and in respect to all other cases, proceedings, and matters pending in the supreme or district courts of said Territory at the time of the admission of such Territory into the Union, arising within the limits of said State, the courts established by such State shall, respectively, be the successors of said supreme and district Territorial courts; and all the files, records, indictments, and proceedings relating to any such cases shall be transferred to such circuit, district, and State courts, respectively, and the same shall be proceeded with therein in due course of law; but no writ, action, indictment, cause, or proceeding now pending, or that prior to the admission of the State shall be pending, in any Territorial court in said Territory, shall abate by the admission of such State into the Union, but the same shall be transferred and proceeded within the proper United States circuit, district, or State court as the case may be: <i>Provided, however,</i> That in all civil actions, causes, and proceedings in which the United States is not a party transfers shall not be made to the circuit and district courts of the United States, except upon written request of one of the parties to such action or proceeding filed in the proper court; and in the absence of such request such cases shall be proceeded with in the proper State courts.
Circuit and district courts.	
State courts.	
Transfer of files, records, etc.	
Writs, etc., not to abate, etc.	
<i>Proviso.</i>	
Request for trial in Federal courts, etc.	
Operation of United States laws.	SEC. 19. That from and after the admission of said State into the Union, in pursuance of this act, the laws of the United States not locally inapplicable shall have the same force and effect within the said State as elsewhere within the United States.

SEC. 20. That the legislature of the said State may elect two Senators of the United States as is provided by the constitution of said State, and the Senators and Representative of said State shall be entitled to seats in Congress and to all the rights and privileges of Senators and Representatives of other States in the Congress of the United States.

Election of United States Senators, etc.

SEC. 21. That until the State officers are elected and qualified under the provisions of the constitution of said State, the officers of the Territory of Idaho shall discharge the duties of their respective offices under the constitution of the State, in the manner and form as therein provided; and all laws in force made by said Territory, at the time of its admission into the Union, shall be in force in said State, except as modified or changed by this act or by the constitution of the State.

Territorial officers to hold over, etc., until after State election.

Existing Territorial laws.

SEC. 22. That all acts or parts of acts in conflict with the provisions of this act, whether passed by legislature of said Territory or by Congress, are hereby repealed.

Repeal provision.

Approved, July 3, 1890.

CHAP. 657.—An act to authorize the County of Pulaski, in the State of Georgia, to maintain a high wagon and foot bridge across the Ocmulgee River at or near Hawkinsville in the State of Georgia.

July 3, 1890.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the county of Pulaski, in the State of Georgia, be, and the same is hereby, authorized to maintain a free wagon and foot bridge across the Ocmulgee River at or near Hawkinsville, in said county and State.

Pulaski County Georgia, may bridge Ocmulgee River at Hawkinsville, Ga.

Free wagon and foot bridge.

SEC. 2. That the bridge authorized by this act shall be a high bridge of unbroken and continuous spans, and its lower chord shall not be of less elevation than fifty-three feet above ordinary low-water-mark, as understood at the point of location. That any bridge constructed under this act shall be built and located under and subject to such regulations for the security of navigation of said river as the Secretary of War shall prescribe; and to secure that object the said county shall submit to the Secretary of War, for his examination and approval, the design and drawings of the bridge, piers, and approaches, and a map of the location, giving, for the space of at least one-half mile above and one-half mile below the proposed location, the topography of the banks of the river, the shore-lines at high and low water, and the direction and strength of the currents at all stages, and the soundings, accurately showing the bed of the stream, and the location of other bridge or bridges, wharves, landings, or ferries, and, shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and until said plan and location of the bridge are approved by the Secretary of War the bridge shall not be built; and after such approval by the Secretary of War the approved plans and designs for the bridge shall not be deviated from or added to, either during the construction or after the completion of the bridge, until the proposed change shall have been submitted to the Secretary of War and received his approval; and the said bridge shall be at all times so kept and managed as to offer reasonable and proper means for the passage of vessels through or under said bridge; and for the safety of vessels passing at night there shall be displayed on said bridge, from sunset to sunrise, such lights or other signals as may be prescribed by the Light-House Board; and if at any time the navigation of said river shall in any manner be obstructed or impaired by the bridge authorized by this act to be constructed, the Secretary of War shall have authority, and it shall be his duty, to require said county to alter and change the said bridge, at its own expense, in such manner as

Construction. High spans, etc.

Secretary of War to approve plans, etc.

Unobstructed navigation.

Lights, etc.

Alterations, etc.