The United States Congress approved a bill for Nevada’s admission to the Union as its thirty-sixth state in March 1864, a time that had not yet seen the end of the Civil War or the assassination of President Lincoln that would shock the nation one year later.

The initial drafting of the State of Nevada Constitution was the work of territorial delegates and officials including Governor James W. Nye. The document contained forty-four hand-written pages, signed by Secretary William M. Gillespie and convention members (many of whom hailed from California), and was then forwarded to voters for final approval. Unexpectedly, this first draft was defeated by a majority of 4-1. The vote was indicative of the views of the territory’s new inhabitants, who were concerned mostly about their small businesses, many of which were independent mining operations. They feared the possibility of higher taxes imposed by the state government and the dominance of wealthy and powerful residents who might use the legislative process to further their own interests.

Most Nevadans strongly supported the federal government as devoted Unionists, much like Governor Nye, who had campaigned for President Lincoln’s re-election, the abolition of slavery, and for upholding a “paramount allegiance” to the U.S. Constitution. The second draft of the Nevada Constitution submitted by the delegates in Carson City on July 28 closely mirrored the national doctrine and included changes that voters readily embraced, specifically property tax exemptions on mines, which were taxed only their on proceeds. This particular guarantee convinced the majority of voters to adopt the Constitutional draft, which was officially recorded on September 27, 1864.

Preliminary Action

WHEREAS, The Act of Congress, approved March twenty-first, A.D. eighteen hundred and sixty-four, “To Enable the People of the Territory of Nevada to form a Constitution and State Government, and for the admission of such State into the Union on an equal footing with the Original States,” requires that the members of the Convention for framing said Constitution shall, after organization, on behalf of the people of said Territory, adopt the Constitution of the United States, therefore be it

Resolved, That the members of this Convention, elected by the authority of the aforesaid Enabling Act of Congress, as assembled in Carson City, the Capital of said Territory of Nevada, and immediately subsequent to its organization, do adopt, on behalf of the people of said Territory, the Constitution of the United States.
Ordinance

In obedience to the requirements of an Act of the Congress of the United States, approved March twenty-first, A.D. eighteen hundred and sixty-four, to enable the people of Nevada to form a Constitution and State Government, this Convention, elected and convened in obedience to said Enabling Act, do ordain as follows—and this ordinance shall be irrevocable, without the consent of the United States and the people of the State of Nevada:

First—that there shall be in this State neither slavery nor involuntary servitude, otherwise than in the punishment for crimes, whereof the party shall have been duly convicted.

Second—that perfect toleration of religious sentiment shall be secured, and no inhabitant of said State shall ever be molested, in person or property, on account of his or her mode of religious worship.

Third—that the people inhabiting said Territory do agree and declare, that they forever disclaim all right and title to the unappropriated public lands lying within said Territory, and that the same shall be and remain at the sole and entire disposition of the United States; and that lands belonging to citizens of the United States, residing without the said State, shall never be taxed higher than the land belonging to the residents thereof; and that no taxes shall be imposed by said State on lands or property therein belonging to, or which may hereafter be purchased by, the United States.

Preamble

We, the People of the State of Nevada, grateful to Almighty God for our freedom, in order to secure its blessings, insure domestic tranquillity, and form a more perfect Government, do establish this

Constitution

Article I. Declaration of Rights

Section 1. Inalienable rights. All men are by Nature free and equal and have certain inalienable rights among which are those of enjoying and defending life and liberty; Acquiring, Possessing and Protecting property and pursuing and obtaining safety and happiness.

Section 2. All political power is inherent in the people. Government is instituted for the protection, security and benefit of the people; and they have the right to alter or reform the same whenever the public good may require it. But the paramount allegiance of every citizen is due to the Federal Government, in the exercise of all its constitutional powers, as the same have been, or may be, defined by the Supreme Court of the United States, and no power exists in the people of this or any other State of the Federal Union to dissolve their connection therewith, or perform any act tending to impair, subvert, or resist the supreme authority of the Government of the United States. The Constitution of the United States confers full power on the Federal Government to maintain and perpetuate its existence, and whenever any portion of the States, or the people thereof,
attempt to secede from the Federal Union, or forcibly resist the execution of its laws, the Federal Government may, by warrant of the Constitution, employ armed force in compelling obedience to its authority.

**Article X. Taxation**

**Section 1.** The Legislature shall provide by law for a uniform and equal rate of assessment and taxation, and shall prescribe such regulations as shall secure a just valuation for taxation of all property, real, personal, and possessory, excepting mines and mining claims, the proceeds of which alone shall be taxed, and, also, excepting such property as may be exempted by law for municipal, educational, literary, scientific, religious, or charitable purposes.

[Added in 1989: **Section 5.** Tax on proceeds of minerals; appropriation to counties; apportionment; assessment and taxation of mines.]

1. The legislature shall provide by law for a tax upon the net proceeds of all minerals, including oil, gas and other hydrocarbons, extracted in this state, at a rate not to exceed 5 percent of the net proceeds. No other tax may be imposed upon a mineral or its proceeds until the identity of the proceeds as such is lost.

3. Each patented mine or mining claim must be assessed and taxed as other real property is assessed and taxed, except that no value may be attributed to any mineral known or believed to underlie it, and no value may be attributed to the surface of a mine or claim if one hundred dollars’ worth of labor has been actually performed on the mine or claim during the year preceding the assessment.

**Article XI. Education**

**Section 4.** The Legislature shall provide for the establishment of a State University, which shall embrace departments for agriculture, mechanic arts, and mining, to be controlled by a Board of Regents, whose duties shall be prescribed by law.

**Section 5.** The Legislature shall have power to establish normal schools, and such different grades of schools, from the primary department to the university, as in their discretion they may deem necessary, and all professors in said University, or teachers in said schools, of whatever grade, shall be required to take and subscribe to the oath as prescribed in Article Fifteenth of this Constitution. No professor or teacher who fails to comply with the provisions of any law framed in accordance with the provisions of this section, shall be entitled to receive any portion of the public moneys set apart for school purposes.

**Section 8.** The Board of Regents shall, from the interest accruing from the first funds which come under their control, immediately organize and maintain the said mining department in such manner as to make it most effective and useful; provided, that all the proceeds of the public lands donated by Act of Congress, approved July second, A.D. eighteen hundred and sixty-two, for a college for the benefit of agriculture, the mechanic arts, and including military tactics, shall be invested by the said Board of Regents in a separate fund, to be appropriated exclusively for the benefit of the first named departments to the university, as set forth in Section Four above, and the Legislature shall provide that if, through neglect or any other contingency, any portion of the fund so set apart shall be lost or misappropriated, the State of Nevada shall replace said amount so lost or
misappropriated in said fund so that the principal of said fund shall remain forever undiminished.


**Headnote:** Diana Jonmarie