Second Constitutional Convention, 1864

The First Constitutional Convention in 1863 produced a document that was not ratified by the voters of Nevada Territory and in fact, was not authorized by the U.S. Congress. In February 1864 Senator James Rood Doolittle of Wisconsin introduced a Nevada statehood bill in the U.S. Senate that was passed by both houses and signed by President Abraham Lincoln on March 21, 1864. Instructions in the Enabling Act, reflective of the influences of the Civil War, specified that the new constitution be republican in nature and not repugnant to the Federal Constitution or the Declaration of Independence; that there be no slavery or involuntary servitude other than for punishment of crimes, without the consent of the U.S. and the people of Nevada; that the Constitutional Convention disclaim all rights to unappropriated federal lands in Nevada; and that there be no taxation of federal property by the state. The Enabling Act also stipulated that once the constitution was ratified by the people of Nevada and inspected by President Lincoln, the president could declare Nevada a state with no further action on the part of Congress.

Delegates for the second Constitutional Convention were elected in June 1864 and ranged in age from 26 to 64 years of age. Three were foreign-born, eleven were lawyers, thirty-three had come to Nevada from California, and all but one were registered as Unionists. The president of the convention was J. Neely Johnson, a former California governor and a future justice of the Nevada Supreme Court. (List of delegates .)

The delegates met on July 4 to draw up a constitution that was very similar to the one that had been turned down by voters in 1863. The two most significant changes regarded taxation of mines and mining claims and election of state officials. The 1863 Constitution provided for taxation of all mines and mining claims, whether producing or not, and supplied a list of candidates for state offices. The 1864 document specified that only the proceeds of mines and claims could be taxed and omitted listing candidates for state offices. With these issues modified, the proposed constitution passed and President Lincoln declared Nevada a state on October 31, 1864.*

The citizens of Nevada Territory approved the constitution but the president did not receive either of the two copies sent overland and by sea. Read about the drama in The Making of the Nevada Constitution
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Records of the 1864 Constitutional Convention

Although the records of the 1864 Constitutional Convention are few in number they nevertheless provide a clear view of the proceedings and final product. One large volume of proceedings and one box of manuscript leaves of the journal document the daily discussions and actions of delegates, including the resolution of July 5, 1864:

"Resolved that the Constitution adopted by the late convention be taken as the basis of the constitution to be adopted by this convention." The 1863 Constitution in its final, officially signed format still carries small, neat, red ink notations indicating change or acceptance by the 1864 convention.

Item: TERR-0138 Date: 1864
Type: Volume
Remarks: Proceeding of Constitutional Convention: 1864: Nevada
Agency: 1864 Constitutional Convention

Item: TERR-0130 Date: 1864
Type: Manuscript pages
Remarks: Journal of the Constitutional Convention
Agency: 1864 Constitutional Convention

Item: TERR-0129 Date: 1864
Type: Volume (originally)
Remarks: Original Nevada State Constitution
Agency: 1864 Constitutional Convention

*Facsimile copies of the 1864 Constitution are available for $10.00 from the Archives, Nevada State Library and Archives: 775-684-3310