

## TITLE XXIII.

### THE TERRITORIES.

#### CHAPTER ONE.

#### PROVISIONS COMMON TO ALL THE TERRITORIES.

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1868. Chancery and common-law jurisdiction.	
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Right of Indians in person and property not impaired by this Title, &c.; boundaries, &c.

N. Mex., 9 Sept., 1850, c. 49, s. 2, v. 9, p. 447.

Utah, 9 Sept., 1850, c. 51, s. 1, v. 9, p. 453.

Colo., 28 Feb.,

1861, c. 59, s. 1, v. 12, p. 172. Idaho, 3 March, 1863, c. 117, s. 1, v. 12, p. 808. Dak., 2 March, 1861, c. 86, s. 1, v. 12, p. 239. Ariz., 24 Feb., 1863, c. 56, s. 1, v. 12, p. 664. Mont., 26 May, 1864, c. 95, s. 1, v. 13, p. 85. Wyo., 25 July, 1868, c. 235, s. 1, v. 15, p. 178. Wash., 2 March, 1853, c. 90, s. 1, v. 10, p. 172.

SEC. 1839. Nothing in this Title shall be construed to impair the rights of person or property pertaining to the Indians in any Territory, so long as such rights remain unextinguished by treaty between the United States and such Indians, or to include any Territory which, by treaty with any Indian tribe, is not, without the consent of such tribe, embraced 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 any Territory now or hereafter organized until such tribe signifies its assent to the President to be embraced within a particular Territory.

SEC. 1840. Nor shall anything in this Title be construed to affect the authority of the United States to make any regulations respecting the Indians of any Territory, their lands, property, or rights, by treaty, law, or otherwise, in the same manner as might be made if no temporary government existed, or is hereafter established, in any such Territory.

SEC. 1841. The executive power of each Territory shall be vested in a governor, who shall hold his office for four years, and until his successor is appointed and qualified, unless sooner removed by the President. He shall reside in the Territory for which he is appointed, and shall be commander-in-chief of the militia thereof. He may grant pardons and reprieves, and remit fines and forfeitures, for offenses against the laws of the Territory for which he is appointed, and respites for offenses against the laws of the United States, till the decision of the President can be made known thereon. He shall commission all officers who are appointed under the laws of such Territory, and shall take care that the laws thereof be faithfully executed.

Dak., 2 March, 1861, c. 86, s. 2, v. 12, p. 239. Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665. Idaho, 3 March, 1863, c. 117, s. 2, v. 12, p. 809. Mont., 26 May, 1864, c. 95, s. 2, v. 13, p. 86. Wyo., 25 July, 1868, c. 235, s. 2, v. 15, p. 178. American Insurance Co. vs. 356 Bales of Cotton, 1 Pet., 511.

SEC. 1842. Every bill which has passed the legislative assembly of any Territory shall, before it becomes a law, be presented to the governor. If he approve, he shall sign it, but if not, he shall return it, with his objections, to that house in which it originated, and that house shall enter the objections at large on its journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that house agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered; and, if approved by two-thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for or against the bill shall be entered on the journal of each house. If any bill is not returned by the governor within three days, Sundays excluded, except in Washington and Wyoming, where the term is five days, Sundays excluded, after it has been presented to him, the same shall be a law, in like manner as if he had signed it, unless the legislative assembly, by adjournment sine die, prevent its return, in which case it shall not be a law.

Mont., 26 May, 1864, c. 95, s. 6, v. 13, p. 88. Wyo., 25 July, 1868, c. 235, s. 6, v. 15, p. 180.

SEC. 1843. There shall be appointed a secretary for each Territory, who shall reside within the Territory for which he is appointed, and shall hold his office for four years, and until his successor is appointed and qualified, unless sooner removed by the President. In case of the death, removal, resignation, or absence of the governor from the Territory, the secretary shall execute all the powers and perform all the duties of governor during such vacancy or absence or until another governor is appointed and qualified.

Colo., 28 Feb., 1861, c. 59, s. 3, v. 12, p. 172. Dak., 2 March, 1861, c. 86, s. 3, v. 12, p. 240. Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665. Idaho, 3 March, 1863, c. 117, s. 3, v. 12, p. 809. Mont., 26 May, 1864, c. 95, s. 3, v. 13, p. 86. Wyo., 25 July, 1868, c. 235, s. 3, v. 15, p. 179.

SEC. 1844. The secretary shall record and preserve all the laws and proceedings of the legislative assembly, and all the acts and proceedings of the governor in the executive department; he shall transmit one copy of the laws and journals of the legislative assembly, within thirty days after the end of each session thereof, to the President, and two copies of the laws, within like time, to the President of the Senate, and to the Speaker of the House of Representatives, for the use of Congress. He shall transmit one copy of the executive proceedings and official correspondence semi-annually, on the first day of January and July in each year, to the President. He shall prepare the acts passed by the legislative assembly for publication, and furnish a copy thereof to the public printer of the Territory, within ten days after the passage of each act.

Authority to regulate Indians.

Ibid.

Executive power.

N. Mex., 9 Sept., 1850, c. 49, s. 3, v. 9, p. 447.

Utah, 9 Sept., 1850, c. 51, s. 2, v. 9, p. 453.

Wash., 2 March, 1853, c. 90, s. 2, v. 10, p. 173.

Colo., 28 Feb., 1861, c. 59, s. 2, v. 12, p. 172.

Veto power.

N. Mex., 9 Sept., 1850, c. 49, s. 3, v. 9, p. 447.

27 July, 1868, c. 272, s. 1, v. 15, p. 239.

Utah, 9 Sept., 1850, c. 51, s. 2, v. 9, p. 453.

Wash., 17 June, 1864, c. 131, v. 13, p. 135.

Colo. and Dak., 2 March, 1863, ss. 1, 2, and 4, v. 12, pp. 700, 701.

Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665.

Idaho, 3 March, 1863, c. 117, s. 6, v. 12, p. 810.

Secretary.

N. Mex., 9 Sept., 1850, c. 49, s. 4, v. 9, p. 448.

Utah, 9 Sept., 1850, c. 51, s. 3, v. 9, p. 452.

Wash., 2 March, 1853, c. 90, s. 3, v. 10, p. 173.

Secretary's duties.

Ibid.

29 Aug., 1842, c. 259, s. 2, v. 5, p. 541.

Salaries of governors and secretaries.

23 Jan., 1873, c. 48, s. 3, v. 17, p. 416.  
Legislative power.

3 March, 1869, c. 121, s. 1, v. 15, p. 300.

N. Mex., 9 Sept., 1850, c. 49, s. 6, v. 9, p. 448.

Utah, 9 Sept., 1850, c. 51, s. 4, v. 9, p. 454.

Wash., 2 March, 1853, c. 90, s. 4, v. 10, p. 173.

Colo., 28 Feb., 1861, c. 59, s. 4, v. 12, p. 173.

1863, c. 56, s. 2, v. 12, p. 665.

1864, c. 95, s. 4, v. 13, p. 87.

Census and election.

N. Mex., 9 Sept., 1850, c. 49, s. 5, v. 9, p. 448.

Utah, 9 Sept., 1850, c. 51, s. 4, v. 9, p. 454.

Wash., 2 March, 1853, c. 90, s. 4, v. 10, p. 173.

Colo., 28 Feb., 1861, c. 59, s. 1, v. 12, p. 172.

Dak., 2 March, 1861, c. 86, s. 4, v. 12, p. 240.

Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665.

Idaho, 3 March, 1863, c. 117, s. 4, v. 12, p. 809.

Mont., 26 May, 1864, c. 95, s. 4, v. 13, p. 87.

Wyo., 25 July, 1868, c. 235, s. 4, v. 15, p. 179.

Time and place of holding elections.

Ibid.

Apportionment.

Ibid.

15 June, 1844, c. 63, s. 1, v. 5, p. 670.

Laws to be submitted to Congress.

N. Mex., 9 Sept., 1850, c. 49, s. 7, v. 9, p. 449.

Utah, 9 Sept., 1850, c. 51, s. 6, v. 9, p. 454.

Wash., 2 March, 1853, c. 90, s. 6, v. 10, p. 175.

Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665.

SEC. 1845. From and after the first day of July, eighteen hundred and seventy-three, the annual salaries of the governors of the several Territories shall be three thousand five hundred dollars, and the salaries of the secretaries shall be two thousand five hundred dollars each.

SEC. 1846. The legislative power in each Territory shall be vested in the governor and a legislative assembly. The legislative assembly shall consist of a council and house of representatives. The members of both branches of the legislative assembly shall have the qualifications of voters as herein prescribed. They shall be chosen for the term of two years, and the sessions of the respective legislative assemblies shall be biennial. Each legislative assembly shall fix by law the day of the commencement of its regular sessions. The members of the council and of the house of representatives shall reside in the district or county for which they are respectively elected.

SEC. 1847. Previous to the first election for members of the legislative assembly of a Territory in which Congress may hereafter provide a temporary government, the governor shall cause a census 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 he may designate and appoint, and the persons so appointed shall receive a reasonable compensation for their services. And the first election shall be held at such time and places, and be conducted in such manner, both as to the persons who superintend such election and the returns thereof, as the governor may 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 is entitled under the act providing such temporary government for the particular Territory. The persons having the highest number of legal votes in each of the 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 that house; but in case two or more persons voted for have an equal number of votes, and in case a vacancy otherwise occurs in either branch of the legislative assembly, the governor shall order a new election; and the persons thus elected to the legislative assembly shall meet at such place and on such day as the governor appoints.

SEC. 1848. After such first election, however, the time, place, and manner of holding elections by the people in any newly-created Territory, as well as of holding all such elections in Territories now organized, shall be prescribed by the laws of each Territory.

SEC. 1849. The apportionment of representation, which the governor is authorized to make by section eighteen hundred and forty-seven, in the case of a Territory hereafter erected by Congress, shall be as nearly equal as practicable among the several districts and counties for such first election of the council and house of representatives, giving to each section of the Territory representation in the ratio of its population, except Indians not taxed; and thereafter in such new Territory, as well as in all Territories now organized, the legislative assemblies, respectively, may re-adjust and apportion the representation to the two houses thereof, among the several counties and districts, in such manner, from time to time, as they deem just and proper; but the number of either house, as authorized by law, shall not be increased.

SEC. 1850. All laws passed by the legislative assembly and governor of any Territory except in the Territories of Colorado, Dakota, Idaho, Montana, and Wyoming, shall be submitted to Congress, and, if disapproved, shall be null and of no effect.

SEC. 1851. All laws passed by the legislative assembly and governor of any Territory except in the Territories of Colorado, Dakota, Idaho, Montana, and Wyoming, shall be submitted to Congress, and, if disapproved, shall be null and of no effect.

N. Mex., 9 Sept., 1850, c. 49, s. 7, v. 9, p. 449.

Utah, 9 Sept., 1850, c. 51, s. 6, v. 9, p. 454.

Wash., 2 March, 1853, c. 90, s. 6, v. 10, p. 175.

Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665.

SEC. 1851. The legislative power of every Territory shall extend to all rightful subjects of legislation not inconsistent with the Constitution and laws of the United States. But no law shall be passed interfering with the primary disposal of the soil; no tax shall be imposed upon the property of the United States; nor shall the lands or other property of non-residents be taxed higher than the lands or other property of residents.

Extent of legislative power.

N. Mex., 9 Sept., 1850, c. 49, s. 7, v. 9, p. 449.

Utah, 9 Sept., 1850, c. 51, s. 6, v. 9, p. 454.

Wash., 2 March, 1853, c. 90, s. 6, v. 10, p. 175. Colo., 28 Feb., 1861, c. 59, s. 6, v. 12, p. 174. Dak., 2 March, 1861, c. 86, s. 6, v. 12, p. 241. Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665. Idaho, 3 March, 1863, c. 117, s. 6, v. 12, p. 810. Mont., 26 May, 1864, c. 95, s. 6, v. 13, p. 88. Wyo., 26 July, 1868, c. 235, s. 6, v. 15, p. 180.

SEC. 1852. The sessions of the legislative assemblies of the several Territories of the United States shall be limited to forty days' duration.

Limit of time of sessions.

23 Jan., 1873, c. 48, s. 1, v. 17, p. 416.

SEC. 1853. The members of each branch of the several territorial legislatures shall receive a compensation of six dollars per day during the sessions herein provided for, and they shall receive such mileage as now provided by law: *Provided*, That the president of the council and the speaker of the house of representatives shall each receive a compensation of ten dollars per day.

Compensation of members.

23 Jan., 1873, c. 48, s. 2, v. 17, p. 416.

SEC. 1854. No member of the legislative assembly of any Territory now organized shall hold or be appointed to any office which has been created, or the salary or emoluments of which have been increased, while he was a member, during the term for which he was elected, and for one year after the expiration of such term; but this restriction shall not be applicable to members of the first legislative assembly in any Territory hereafter organized; and no person holding a commission or appointment under the United States, except postmasters, shall be a member of the legislative assembly, or shall hold any office under the government of any Territory. The exception of postmasters shall not apply in the Territory of Washington.

Members of legislature prohibited from holding certain offices.

N. Mex., 9 Sept., 1850, c. 49, s. 9, v. 6, p. 449.

Utah, 9 Sept., 1850, c. 51, s. 8, v. 9, p. 455.

Wash., 2 March, 1853, c. 90, s. 8, v. 10, p. 175.

Colo., 28 Feb., 1861, c. 59, s. 8, v. 12, p. 174. Dak., 2 March, 1861, c. 86, s. 8, v. 12, p. 241. Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665. Idaho, 3 March, 1863, c. 117, s. 8, v. 12, p. 811. Mont., 26 May, 1864, c. 95, s. 8, v. 13, p. 88. Wyo., 25 July, 1868, c. 235, s. 8, v. 15, p. 180.

SEC. 1855. No law of any territorial legislature shall be made or enforced by which the governor or secretary of a Territory, or the members or officers of any territorial legislature are paid any compensation other than that provided by the laws of the United States.

Prohibition of extra compensation to certain officers.

23 Jan., 1873, c. 48, s. 4, v. 17, p. 416.

SEC. 1856. Justices of the peace and all general officers of the militia in the several Territories shall be elected by the people in such manner as the respective legislatures may provide by law.

Election of justices of the peace and militia officers.

15 June, 1844, c. 69, s. 2, v. 5, p. 671.

SEC. 1857. All township, district, and county officers, except justices of the peace and general officers of the militia, shall be appointed or elected in such manner as may be provided by the governor and legislative assembly of each Territory; and all other officers not herein otherwise provided for, the governor shall nominate, and by and with the advice and consent of the legislative council of each Territory, shall appoint; but, in the first instance, where a new Territory is hereafter created by Congress, the governor alone may appoint all the officers referred to in this and the preceding section and assign them to their respective townships, districts, and counties; and the officers so appointed shall hold their offices until the end of the first session of the legislative assembly.

Other officers.

N. Mex., 9 Sept., 1850, c. 49, s. 8, v. 9, p. 449.

Utah, 9 Sept., 1850, c. 51, s. 7, v. 9, p. 455.

Wash., 2 March, 1853, c. 90, s. 7, v. 10, p. 175.

Colo., 28 Feb., 1861, c. 59, s. 7, v. 12, p. 174.

Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665.

Dak., 2 March, 1861, c. 86, s. 7, v. 12, p. 241. Idaho, 3 March, 1863, c. 117, s. 7, v. 12, p. 811. Mont., 26 May, 1864, c. 95, s. 7, v. 13, p. 88. Wyo., 25 July, 1868, c. 235, s. 7, v. 15, p. 180.

SEC. 1858. In any of the Territories, whenever a vacancy happens from resignation or death, during the recess of the legislative council, in any office which, under the organic act of any Territory, is to be filled by appointment of the governor, by and with the advice and consent of

Vacancies, how filled.

8 June, 1872, c. 344, v. 17, p. 335.

the council, the governor shall fill such vacancy by granting a commission, which shall expire at the end of the next session of the legislative council.

Qualifications of voting and holding office at first election.

N. Mex., 9 Sept., 1850, c. 49, s. 6, v. 9, p. 449.

Utah, 9 Sept., 1850, c. 51, s. 5, v. 9, p. 454. Wash., 2 March, 1853, c. 90, s. 5, v. 10, p. 174. Colo., 28 Feb., 1861, c. 59, s. 5, v. 12, p. 173. Dak., 2 March, 1861, c. 86, s. 5, v. 12, p. 241. Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665. Idaho, 3 March, 1863, c. 117, s. 5, v. 12, p. 810. Mont., 26 May, 1864, c. 95, s. 5, v. 13, p. 87. Wyo., 25 July, 1868, c. 235, s. 5, v. 15, p. 179.

At future elections.

Ibid.

SEC. 1859. Every male citizen above the age of twenty-one, including persons who have legally declared their intention to become citizens in any Territory hereafter organized, and who are actual residents of such Territory at the time of the organization thereof, shall be entitled to vote at the first election in such Territory, and to hold any office therein; subject, nevertheless, to the limitations specified in the next section.

SEC. 1860. At all subsequent elections, however, in any Territory hereafter organized by Congress, as well as at all elections in Territories already organized, the qualifications of voters and of holding office shall be such as may be prescribed by the legislative assembly of each Territory; subject, nevertheless, to the following restrictions on the power of the legislative assembly, namely:

First. The right of suffrage and of holding office shall be exercised only by citizens of the United States above the age of twenty-one years, and by those above that age who have declared on oath, before a competent court of record, their intention to become such, and have taken an oath to support the Constitution and Government of the United States.

25 Jan., 1867, c. 15, v. 14, p. 379.

Second. There shall be no denial of the elective franchise or of holding office to a citizen on account of race, color, or previous condition of servitude.

Third. No officer, soldier, seaman, mariner, or other person in the Army or Navy, or attached to troops in the service of the United States, shall be allowed to vote in any Territory, by reason of being on service therein, unless such Territory is, and has been for the period of six months, his permanent domicile.

Fourth. No person belonging to the Army or Navy shall be elected to or hold any civil office or appointment in any Territory.

Subordinate officers of legislature.

23 Jan., 1873, c. 48, s. 2, v. 17, p. 416.

SEC. 1861. The subordinate officers of each branch of every legislative assembly shall consist of one chief clerk, who shall receive a compensation of eight dollars per day, and of one assistant clerk, one enrolling clerk, one engrossing clerk, one sergeant-at-arms, one doorkeeper, one messenger, and one watchman, who shall each receive a compensation of five dollars per day during the sessions, and no charge for a greater number of officers and attendants, or any larger per diem, shall be allowed or paid by the United States to any Territory.

Delegate to Congress.

3 March, 1817, c. 42, s. 1, v. 3, p. 363.

N. Mex., 9 Sept., 1850, c. 49, s. 14, v. 9, p. 451.

Utah, 9 Sept., 1850, c. 51, s. 13, v. 9, p. 457.

Wash., 2 March, 1853, c. 90, s. 14, v. 10, p. 178. Colo., 28 Feb., 1861, c. 59, s. 13, v. 12, p. 176. Dak., 2 March, 1861, c. 86, s. 13, v. 12, p. 243. Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665. Idaho, 3 March, 1863, c. 117, s. 13, v. 12, p. 813. Mont., 26 May, 1864, c. 95, s. 13, v. 13, p. 91. Wyo., 25 July, 1868, c. 235, s. 13, v. 15, p. 182.

Time, places, and manner of electing Delegate.

Ibid.

SEC. 1863. The first election of a Delegate in any Territory for which a temporary government is hereafter provided by Congress shall be held at the time and places and in the manner the governor of such Territory may direct, after at least sixty days' notice, to be given by proclamation; but at all subsequent elections therein, as well as at all elections for a Delegate in organized Territories, such time, places, and

manner of holding the election shall be prescribed by the law of each Territory. [See § 25.]

SEC. 1864. The supreme court of every Territory shall consist of a chief justice and two associate justices, any two of whom shall constitute a quorum, and they shall hold their offices for four years, and until their successors are appointed and qualified. They shall hold a term annually at the seat of government of the Territory for which they are respectively appointed.

9, p. 455. Wash., 2 March, 1853, c. 90, s. 9, v. 10, p. 175. Colo., 28 Feb., 1861, c. 59, s. 9, v. 12, p. 174. Dak., 2 March, 1861, c. 86, s. 9, v. 12, p. 241. Idaho, 3 March, 1863, c. 117, s. 9, v. 12, p. 811. Mont., 26 May, 1864, c. 95, s. 9, v. 13, p. 88. Wyo., 25 July, 1860, c. 235, s. 9, v. 15, p. 180. Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665.

Supreme courts of Territories.

N. Mex., 9 Sept., 1850, c. 49, s. 10, v. 9, p. 449.

Utah, 9 Sept., 1850, c. 51, s. 9, v. 1850, c. 51, s. 9, v.

1850, c. 51, s. 9, v. 1850, c. 51, s. 9, v. 1850, c. 51, s. 9, v.

SEC. 1865. Every Territory shall be divided into three judicial districts; and a district court shall be held in each district of the Territory by one of the justices of the supreme court, at such time and place as may be prescribed by law; and each judge, after assignment, shall reside in the district to which he is assigned.

Judicial districts and courts.

Ibid.

SEC. 1866. The jurisdiction, both appellate and original, of the courts provided for in section nineteen hundred and seven and nineteen hundred and eight, shall be limited by law.

Jurisdiction of courts.

Ibid.

SEC. 1867. No justices of the peace in any Territory shall have jurisdiction of any case in which the title to land, or the boundary thereof, in anywise comes in question.

Jurisdiction of justices of the peace.

Ibid. And see, for Arizona, 23 May, 1870, c. 29, s. 5, v. 16, p. 77.

SEC. 1868. The snpreme court and the district courts, respectively, of every Territory, shall possess chancery as well as common law jurisdiction.

Chancery and common law jurisdiction.

Ibid.

SEC. 1869. Writs of error, bills of exception, and appeals shall be allowed, in all cases, from the final decisions of the district courts to the supreme court of all the Territories, respectively, under such regulation as may be prescribed by law; but in no case removed to the supreme court shall trial by jury be allowed in that court.

Appellate jurisdiction of supreme court.

Ibid.

SEC. 1870. The supreme court of each Territory shall appoint its own clerk, who shall hold his office at the pleasure of the court for which he is appointed.

Clerk of supreme court.

1850, c. 49, s. 10, p. 449. Utah, 9 Sept., 1850, c. 51, s. 9, v. 9, p. 455. Wash., 2 March, 1853, c. 90, s. 9, v. 10, p. 175. Colo., 28 Feb., 1861, c. 59, s. 9, v. 12, p. 174. Dak., 2 March, 1861, c. 86, s. 9, v. 12, p. 241. Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665. Idaho, 3 March, 1863, c. 117, s. 9, v. 12, p. 811. Mont., 26 May, 1864, c. 95, s. 9, v. 13, p. 88. Wyo., 25 July, 1860, c. 235, s. 9, v. 15, p. 180.

N. Mex., 9 Sept., 1850, c. 49, s. 10, p. 449.

Utah, 9 Sept., 1850, c. 51, s. 9, v. 9, p. 455.

Wash., 2 March, 1853, c. 90, s. 9, v. 10, p. 175.

Colo., 28 Feb., 1861, c. 59, s. 9, v. 12, p. 174.

Dak., 2 March, 1861, c. 86, s. 9, v. 12, p. 241.

Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665.

Idaho, 3 March, 1863, c. 117, s. 9, v. 12, p. 811.

Mont., 26 May, 1864, c. 95, s. 9, v. 13, p. 88.

Wyo., 25 July, 1860, c. 235, s. 9, v. 15, p. 180.

SEC. 1871. Each judge of the supreme court of the respective Territories shall designate and appoint one person as clerk of the district over which he presides, where one is not already appointed, and shall designate and retain but one such clerk where more than one is already appointed, and only such district clerk shall be entitled to a compensation from the United States.

Clerk of district court.

Ibid.

16 Aug., 1856, c. 124, s. 10, v. 11, p. 50.

SEC. 1872. Every district clerk shall be also the register in chancery, and shall reside and keep his office at the place where the court is held.

Register in chancery; residence and office.

Ibid.

SEC. 1873. Temporarily, and until otherwise provided by law, the governor of every Territory which may be hereafter established shall define, by proclamation, the judicial districts of such Territory, and assign the judges appointed for such Territory to the several districts as well as fix the times and places for holding courts in the respective counties or subdivisions of each judicial district.

Judicial districts; how defined.

N. Mex., 9 Sept., 1850, c. 49, s. 10, v. 9, p. 452.

Utah, 9 Sept., 1850, c. 51, s. 16, v. 1850, c. 51, s. 16, v.

9, p. 453. Wash., 2 March, 1853, c. 90, s. 18, v. 10, p. 179. Colo., 28 Feb., 1861, c. 59, s. 15, v. 12, p. 176. Dak., 2 March, 1861, c. 86, s. 15, v. 12, p. 243. Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665. Idaho, 3 March, 1863, c. 117, s. 15, v. 12, p. 814. Mont., 26 May, 1864, c. 95, s. 15, v. 13, p. 91. Wyo., 25 July, 1860, c. 235, s. 15, v. 15, p. 193.

Judges of supreme court to hear certain causes.

SEC. 1874. The judges of the supreme court of each Territory are authorized to hold court within their respective districts, in the counties wherein, by the laws of the Territory, courts have been or may be estab-

14 June, 1858, c. 166, v. 11, p. 366.

lished, for the purpose of hearing and determining all matters and causes, except those in which the United States is a party; but the expense of holding such courts shall be paid by the Territory, or by the counties in which the courts are held, and the United States shall in no case be chargeable therewith.

#### District attorneys.

27 Feb., 1813, c. 35, v. 2, p. 806.

N. Mex., 9 Sept., 1850, c. 49, s. 11, v.

9, p. 450. Utah, 9 Sept., 1850, c. 51, s. 10, v. 9, p. 456. Wash., 2 March, 1853, c. 90, s. 10, v. 10, p. 176. Colo., 28 Feb., 1861, c. 59, s. 10, v. 12, p. 175. Dak., 2 March, 1861, c. 86, s. 10, v. 12, p. 242. Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665. Idaho, 3 March, 1863, c. 177, s. 10, v. 12, p. 812. Mont., 26 May, 1864, c. 9, s. 10, v. 13, p. 89. Wyo., 25 July, 1868, c. 235, s. 10, v. 15, p. 181.

#### Marshals.

Ibid.

SEC. 1875. There shall be appointed in each Territory a person learned in the law, to act as attorney for the United States. He shall continue in office for four years, and until his successor is appointed and qualified, unless sooner removed by the President.

SEC. 1876. There shall be appointed a marshal for each Territory. He shall execute all process issuing from the territorial courts when exercising their jurisdiction as circuit and district courts of the United States. He shall have the power and perform the duties, and be subject to the regulations and penalties, imposed by law on the marshals for the several judicial districts of the United States. He shall hold his office for four years and until his successor is appointed and qualified, unless sooner removed by the President.

#### Appointment of governor, &c.

N. Mex., 9 Sept., 1850, c. 49, s. 12, v. 9, p. 450.

Utah, 9 Sept., 1850, c. 51, s. 11, v. 9, p. 456. Wash., 2 March, 1853, c. 90, s. 11, v. 10, p. 176. Colo., 28 Feb., 1861, c. 59, s. 11, v. 12, p. 175. Dak., 2 March, 1861, c. 86, s. 11, v. 12, p. 242. Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665. Idaho, 3 March, 1863, c. 117, s. 11, v. 12, p. 812. Mont., 26 May, 1864, c. 95, s. 11, v. 13, p. 90. Wyo., 25 July, 1868, c. 235, s. 11, v. 15, p. 181.

#### Oath of office; how qualified.

Ibid.

SEC. 1877. The governor, secretary, chief justice, and associate justices, attorney, and marshal of every Territory shall be nominated and, by and with the advice and consent of the Senate, appointed by the President.

SEC. 1878. The governor and secretary for each Territory shall, before they act as such, respectively take an oath before the district judge, or some justice of the peace in the limits of the Territory for which they are appointed, duly authorized to administer oaths by the laws in force therein, or before the Chief Justice or some associate justice of the Supreme Court of the United States, to support the Constitution of the United States and faithfully to discharge the duties of their respective offices; and such oaths shall be certified by the person before whom the same are taken; and such certificates shall be received and recorded by the secretary among the executive proceedings; and the chief justice and associate justices, and all other civil officers appointed for any Territory, before they act as such, shall take a like oath before the governor or secretary, or some judge or justice of the peace of the Territory who may be duly commissioned and qualified, and such oath shall be certified and transmitted by the person taking the same to the secretary, to be by him recorded as above directed; but after the first qualification of the officers herein specified in the case of a new Territory, as well as in all organized Territories, the like oath shall be taken, certified, and recorded in such manner and form as may be prescribed by the law of each Territory.

#### Salaries of justices.

17 June, 1870, c. 130, v. 16, p. 152.

#### Salary of attorney.

27 Feb., 1813, c. 35, v. 2, p. 806.

#### Salary of marshal.

SEC. 1879. The annual salary of the chief justice and associate justices of all the Territories now organized shall be three thousand dollars each.

SEC. 1880. The salary of the attorney of the United States for each Territory shall be at the rate of two hundred and fifty dollars annually.

SEC. 1881. The salary of the marshal of the United States for each Territory shall be at the rate of two hundred dollars a year.

N. Mex., 9 Sept., 1850, c. 49, s. 11, v. 9, p. 450; 14 Aug., 1848, c. 177, s. 10, v. 9, p. 327; 20 April, 1836, c. 54, s. 10, v. 5, p. 14; 27 Feb., 1813, c. 35, s. 1, v. 2, p. 806. Utah, 9 Sept., 1850, c. 51, s. 10, v. 9, p. 456. Wash., 2 March, 1853, c. 90, s. 10, v. 10, p. 176. Colo., 28

Feb., 1861, c. 59, s. 10, v. 12, p. 175. Dak., 2 March, 1861, c. 86, s. 10, v. 12, p. 242; 30 May, 1854, c. 59, s. 11, v. 10, p. 281. Idaho, 3 March, 1863, c. 117, s. 10, v. 12, p. 812. Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665. Mont., 26 May, 1864, c. 95, s. 10, v. 13, p. 89. Wyo., 25 July, 1868, c. 235, s. 10, v. 15, p. 181.

SEC. 1882. The salaries provided for in this Title, to be paid to the governor, secretary, chief justices and associate justices, district attorney, and marshal of the several Territories, shall be paid quarter-yearly at the Treasury of the United States.

When salaries to be paid, &c.

Ibid.

SEC. 1883. The fees and costs to be allowed to the United States attorneys and marshals, to the clerks of the supreme and district courts, and to jurors, witnesses, commissioners, and printers, in the Territories of the United States shall be the same for similar services by such persons as prescribed in chapter sixteen, Title "THE JUDICIARY," and no other compensation shall be taxed or allowed.

Fees of clerks, &c.

following sections and pages of such acts: N. Mex., s. 10, p. 449. Wash., s. 9, p. 175. Colo., s. 9, p. 174, and act 2 March, 1863, c. 70, s. 3, v. 12, p. 700. Dak., s. 9, p. 241. Ariz., s. 2, p. 665. Idaho, s. 9, p. 811. Mont., s. 9, p. 88. Wyo., s. 9, p. 180; 26 Feb., 1853, c. 80, s. 1, v. 10, p. 161; 3 March, 1855, c. 175, s. 12, v. 10, p. 671.

Sec organic acts cited to sections 1877, 1880, and 1881; and also the

Utah, s. 9, p. 455. s. 3, v. 12, p. 700.

SEC. 1884. When any officer of a Territory is absent therefrom, and from the duties of his office, no salary shall be paid him during the year in which such absence occurs, unless good cause therefor be shown to the President, who shall officially certify his opinion of such cause to the proper accounting officer of the Treasury, to be filed in his office.

Salary not to be paid when officer is absent.

15 June, 1852, c. 49, s. 1, v. 10, p. 10.

SEC. 1885. The legislative assembly of every Territory hereafter organized shall hold its first session at such time and place in the Territory as the governor thereof shall appoint and direct; and at the first session of the legislative assembly, or as soon thereafter as it may be deemed expedient, the governor and legislative assembly shall proceed to locate and establish the seat of government for the Territory at such place as they may think proper; but such place shall thereafter be subject to be changed by the governor and legislative assembly.

Seat of government in a new Territory.

N. Mex., 9 Sept., 1850, c. 49, s. 13, v. 9, p. 451.

Utah, 9 Sept., 1850, c. 51, s. 12, v. 9, p. 457. Wash., 2 March, 1853, c. 90,

s. 13, v. 10, p. 177. Colo., 28 Feb., 1861, c. 59, s. 12, v. 12, p. 176. c. 86, s. 12, v. 12, p. 243. Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665. Idaho, 3 March, 1863, c. 117, s. 12, v. 12, p. 813. Mont., 26 May, 1864, c. 95, s. 12, v. 13, p. 91. Wyo., 25 July, 1868, c. 235, s. 12, v. 15, p. 182.

SEC. 1886. All accounts for disbursements, in the Territories of the United States, of money appropriated by Congress for the support of government therein, shall be settled and adjusted at the Treasury Department; and no act, resolution, or order of the legislature of any Territory, directing the expenditure of the sum, shall be deemed a sufficient authority for such disbursement, but sufficient vouchers and proof for the same shall be required by the accounting officers of the Treasury. No payment shall be made or allowed, unless the Secretary of the Treasury has estimated therefor and the object been approved by Congress. No session of the legislature of a Territory shall be held until the appropriation for its expenses has been made.

Accounts of the Territories, no payments unless approved by Congress.

29 Aug., 1842, c. 259, s. 2, v. 5, p. 541.

SEC. 1887. Hereafter no expense for printing, exceeding four thousand dollars, including printing laws, journals, bills, and necessary printing of the same nature, shall be incurred for any session of the legislature of any of the Territories.

Limitation on expenses of printing.

8 May, 1872, c. 140, s. 1, v. 17, p. 73.

Limitation on expenses of legislature.

SEC. 1888. No legislative assembly of a Territory shall, in any instance or under any pretext, exceed the amount appropriated by Congress for its annual expenses.

18 May, 1842, c. 29, No. 117, v. 5, p. 480.

SEC. 1889. The legislative assemblies of the several Territories shall not grant private charters or especial privileges, but they may, by general incorporation acts, permit persons to associate themselves together as bodies corporate for mining, manufacturing, and other industrial pursuits, or the construction or operation of railroads, wagon-roads, irrigating-ditches, and the colonization and improvement of lands

Legislatures not to grant special charters.

2 March, 1867, c. 150, s. 1, v. 14, p. 426.

10 June, 1872, c. 434, v. 17, p. 290.



Limitation on  
right of religious  
corporations to  
hold real estate.

1 July, 1862, c.  
126, s. 3, v. 12, p.  
501.

Constitution and  
laws of United  
States made ap-  
plicable to all the  
Territories.

N. Mex., 9 Sept., 1850, c. 49, s. 17, v. 9, p. 452. Utah, 9 Sept., 1850, c. 51, s. 17, v. 9, p. 458.  
Colo., 28 Feb., 1861, c. 59, s. 16, v. 12, p. 176. Dak., 2 March, 1861, c. 86, s. 16, v. 12, p. 244.  
Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665. Idaho, 3 March, 1863, c. 117, s. 13, v. 12, p. 813.  
Mont., 26 May, 1864, c. 95, s. 13, v. 13, p. 91. Wyo., 25 July, 1868, c. 235, s. 16, v. 15, p. 183.

Penitentiaries.

10 Jan., 1871, c.  
15, s. 1, v. 16, p. 398.

Rules for their  
government.

10 Jan., 1871, c.  
15, s. 2, v. 16, p. 398.

Payment of mar-  
shal, &c., and of  
expenses of sub-  
sistence, &c., of of-  
fenders.

Ibid.

Imprisonment in  
penitentiaries.

10 Jan., 1871, c.  
15, s. 3, v. 16, p. 398.

in connection therewith, or for colleges, seminaries, churches, libraries, or any benevolent, charitable or scientific association.

SEC. 1890. No corporation or association for religious or charitable purposes shall acquire or hold real estate in any Territory, during the existence of the territorial government, of a greater value than fifty thousand dollars; and all real estate acquired or held by such corporation or association contrary hereto shall be forfeited and escheat to the United States; but existing vested rights in real estate shall not be impaired by the provisions of this section.

SEC. 1891. The Constitution and all laws of the United States which are not locally inapplicable shall have the same force and effect within all the organized Territories, and in every Territory hereafter organized as elsewhere within the United States.

SEC. 1892. Any penitentiary which has been, or may hereafter be, erected by the United States in an organized Territory shall, when the same is ready for the reception of convicts, be placed under the care and control of the marshal of the United States for the Territory or District in which such penitentiary is situated; except as otherwise provided in the case of the penitentiaries in Montana, Idaho, Wyoming, and Colorado.

SEC. 1893. The Attorney-General of the United States shall prescribe all needful rules and regulations for the government of such penitentiary, and the marshal having charge thereof shall cause them to be duly and faithfully executed and obeyed, and the reasonable compensation of the marshal and of his deputies for their services under such regulations shall be fixed by the Attorney-General.

SEC. 1894. The compensation, as well as the expense incident to the subsistence and employment of offenders against the laws of the United States, who have been, or may hereafter be, sentenced to imprisonment in such penitentiary, shall be chargeable on, and payable out of, the fund for defraying the expenses of suits in which the United States are concerned, and of prosecutions for offenses committed against the United States; but nothing herein shall be construed to increase the maximum compensation now allowed by law to those officers.

SEC. 1895. Any person convicted by a court of competent jurisdiction in a Territory, for a violation of the laws thereof, and sentenced to imprisonment, may, at the cost of such Territory, on such terms and conditions as may be prescribed by such rules and regulations, be received, subsisted, and employed in such penitentiary during the term of his imprisonment, in the same manner as if he had been convicted of an offense against the laws of the United States.

## CHAPTER TWO.

### OF PROVISIONS CONCERNING PARTICULAR ORGANIZED TERRITORIES.

Sec.	Sec.
1896. Boundaries and establishment of New Mexico.	1905. Elections in Washington and Idaho.
1897. Of Utah.	1906. Delegate to Congress from Washington, Idaho, and Montana, must be a citizen of the United States.
1898. Of Washington.	1907. The judicial power, how vested in all the Territories except Arizona.
1899. Of Colorado.	1908. The judicial power, how vested in Arizona.
1900. Of Dakota.	1909. Writs of error to United States Supreme Court.
1901. Of Arizona.	
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1903. Of Montana.	
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Sec.	Sec.
1910. Jurisdiction of district courts under Constitution, &c.	1932. Jurisdiction of probate courts in Montana.
1911. Writs of error, &c., in Washington Territory, to Supreme Court United States; jurisdiction of district courts.	1933. Clerks of district courts in Washington Territory.
1912. Writ of <i>habeas corpus</i> .	1934. Adjourned terms of the supreme court of Arizona; mileage of clerk.
1913. Certain Territories may modify judicial districts.	1935. Contingent expenses of certain Territories.
1914. Judges of supreme courts in Idaho and Montana to define judicial districts, &c.	1936. Control of penitentiaries in Montana, Idaho, &c., transferred to said Territories.
1915. Judges of supreme courts in New Mexico and Arizona may fix time and places for holding courts.	1937. Expenses of maintenance of prisoners to be paid from judiciary fund.
1916. Assignment of district judges in Utah.	1938. Contingent expenses of Washington Territory.
1917. Terms of district court in Washington.	1939. Expenses of printing laws, &c., in New Mexico, Utah, Colorado, Dakota, Arizona, and Wyoming.
1918. Assignment of judges.	1940. In Washington, Idaho, and Montana.
1919. Time and places of holding district courts in Colorado, Dakota, and Wyoming; how fixed.	1941. No payment of salaries in certain Territories until officers enter on their duties.
1920. Secretary of New Mexico to be superintendent of public buildings.	1942. Pay of members of legislative assembly in New Mexico, Utah, Dakota, and Arizona.
1921. May administer oath of office.	1943. In Idaho and Montana.
1922. Number of council and house of representatives in each Territory.	1944. Seats of government; how changed in certain Territories.
1923. Extra sessions of legislative assembly in Washington, Idaho, and Montana.	1945. In Idaho and Montana.
1924. Restrictions on legislative power of Washington Territory.	1946. School-lands in certain Territories.
1925. Of Colorado, Dakota, and Wyoming.	1947. Certain sections in Washington Territory to be reserved.
1926. Jurisdiction of justices of the peace in New Mexico and other Territories.	1948. Certain laws of Dakota continued in force.
1927. In Colorado and Arizona.	1949. Agencies, &c., continued.
1928. Jurisdiction of district court of New Mexico.	1950. Concurrent jurisdiction over the Columbia River.
1929. Jurisdiction of probate court in Colorado.	1951. Disbursing officers in Washington, Idaho, and Montana to give security.
1930. Writs of error from probate court in Colorado.	1952. Certain laws of Washington continued in force.
1931. Appeal.	1953. Library for Utah and Washington to be kept.

SEC. 1896. All that portion of the territory of the United States bounded as follows: Beginning at a point in the Colorado River where the boundary-line with the republic of Mexico crosses the same; thence eastwardly with that boundary-line to the Rio Grande; thence following the main channel of the Rio Grande to the parallel of the thirty-second degree of north latitude; thence east with that degree to its intersection with the one hundred and third degree of longitude west of Greenwich; thence north with that degree of longitude to the parallel of thirty-eighth degree of north latitude; thence west with that parallel to the summit of Sierra Madre; thence south with the crest of those mountains to the thirty-seventh parallel of north latitude; thence west with that parallel to its intersection with the boundary-line of the State of California; thence with such boundary-line to the place of beginning, is erected into a temporary government by the name of the Territory of New Mexico.

SEC. 1897. All that part of the territory of the United States included within the following limits, to wit: Bounded on the west by the State of California, on the north by the State of Oregon, and on the east by the summit of the Rocky Mountains, and on the south by the thirty-seventh parallel of north latitude, is created into a temporary government by the name of the Territory of Utah.

SEC. 1898. All that portion of Oregon, while that State was a Territory, lying and being south of the forty-ninth degree of north latitude, and north of the middle of the main channel of the Columbia River,

Boundaries and establishment of New Mexico.

9 Sept., 1850, c. 49, s. 2, v. 9, p. 447.

Of Utah.

9 Sept., 1850, c. 51, s. 1, v. 9, p. 453.

Of Washington.

2 March, 1853, c. 90, s. 1, v. 10, p. 172.

from its mouth to where the forty-sixth degree of north latitude crosses that river, near Fort Walla-Walla; thence with the forty-sixth degree of latitude to the summit of the Rocky Mountains, is organized into a temporary government by the name of the Territory of Washington.

Of Colorado.

28 Feb., 1861, c.  
59, s. 1, v. 12, p. 172.

SEC. 1899. All that part of the territory of the United States included within the following limits, viz: Commencing on the thirty-seventh parallel of north latitude, where the twenty-fifth meridian of longitude west from Washington crosses the same; thence north on that meridian to the forty-first parallel of north latitude; thence along that parallel west to the thirty-second meridian of longitude west from Washington; thence south on that meridian to the northern line of New Mexico; thence along the thirty-seventh parallel of north latitude to the place of beginning, is erected into a temporary government by the name of the Territory of Colorado.

Of Dakota.

2 March, 1861, c.  
86, s. 1, v. 12, p. 239.

SEC. 1900. All that part of the territory of the United States included within the following limits, namely: Commencing at a point in the main channel of the Red River of the North, where the forty-ninth degree of north latitude crosses the same; thence up the main channel of the same, and along the boundary of the State of Minnesota to Big Stone Lake; thence along the boundary-line of the State of Minnesota to the Iowa line; thence along the boundary line of the State of Iowa to the point of intersection between the Big Sioux and Missouri Rivers; thence up the Missouri River, and along the boundary-line of the State of Nebraska, to the mouth of the Niobrara or Running Water River; thence following up the same, in the middle of the main channel thereof, to the mouth of the Kaha Paha or Turtle Hill River; thence up that river to the forty-third parallel of north latitude; thence due west to the twenty-seventh meridian of longitude west from Washington; thence due north on that meridian, to the forty-ninth degree of north latitude; thence east, along the forty-ninth degree of north latitude, to the place of beginning, is organized into a temporary government by the name of the Territory of Dakota.

Of Arizona.

24 Feb., 1863, c.  
56, s. 1, v. 12, p. 664.

SEC. 1901. All that part of the present Territory of New Mexico situate west of a line running due south from the point where the southwest corner of the Territory of Colorado joins the northern boundary of the Territory of New Mexico to the southern boundary-line of the Territory of New Mexico, is erected into a temporary government by the name of the Territory of Arizona.

Of Idaho.

3 March, 1863, c.  
117, s. 1, v. 12, p.  
808.

SEC. 1902. All that part of the territory of the United States included within the following limits, to wit: Beginning at a point in the middle channel of the Snake River, where the northern boundary of Oregon intersects the same; then follow down the channel of Snake River to a point opposite the mouth of the Kooskooskia or Clear Water River; thence due north to the forty-ninth parallel of latitude; thence east, along that parallel, to the thirty-ninth degree of longitude west of Washington; thence south along that degree of longitude to the crest of the Bitter Root Mountains; thence southward along the crest of the Bitter Root Mountains till its intersection with the Rocky Mountains; thence southward along the crest of the Rocky Mountains to the thirty-fourth degree of longitude west of Washington; thence south along that degree of longitude to the forty-second degree of north latitude; thence west, along that parallel, to the eastern boundary of the State of Oregon; thence north, along that boundary, to the place of beginning, is created into a temporary government by the name of the Territory of Idaho.

Of Montana.

26 May, 1864, c.  
95, s. 1, v. 13, p. 85.

SEC. 1903. All that part of the territory of the United States included within the following limits, to wit: Commencing at a point formed by the intersection of the twenty-seventh degree of longitude west from Washington with the forty-fifth degree of north latitude; thence due west, on the forty-fifth degree of latitude, to a point formed by its intersection with the thirty-fourth degree of longitude west from Washington; thence due south, along the thirty-fourth degree of longitude,

to a point formed by its intersection with the crest of the Rocky Mountains; thence following the crest of the Rocky Mountains northward till its intersection with the Bitter Root Mountains; thence northward, along the crest of the Bitter Root Mountains, to its intersection with the thirty-ninth degree of longitude west from Washington; thence along the thirty-ninth degree of longitude northward to the boundary-line of the British Possessions; thence eastward, along that boundary-line to the twenty-seventh degree of longitude west from Washington; thence southward, along the twenty-seventh degree of longitude, to the place of beginning, is created into a temporary government by the name of the Territory of Montana.

SEC. 1904. All that part of the United States described as follows: Commencing at the intersection of the twenty-seventh meridian of longitude west from Washington with the forty-fifth degree of north latitude, and running thence west to the thirty-fourth meridian of west longitude, thence south to the forty-first degree of north latitude, thence east to the twenty-seventh meridian of west longitude, and thence north to the place of beginning, is organized into a temporary government by the name of the Territory of Wyoming.

Of Wyoming.

25 July, 1868, c. 235, s. 1, v. 15, p. 178.

SEC. 1905. The elections in the Territories of Washington and Idaho for Delegates to the House of Representatives shall be held biennially on the Tuesday next following the first Monday in November; and all elective territorial, county, and precinct officers shall hereafter be elected at the times herein specified, unless otherwise provided by legislation subsequent hereto, in either of such Territories. [See § 25.]

Elections in Washington and Idaho.

9 May, 1872, c. 147, v. 17, p. 90.

SEC. 1906. The Delegate to the House of Representatives from each of the Territories of Washington, Idaho, and Montana, must be a citizen of the United States.

Delegate to Congress from Washington, Idaho, and Montana must be a citizen of the United States.

2 March, 1853, c. 90, s. 14, v. 10, p. 178. 3 March, 1863, c. 117, s. 13, v. 12, p. 813. 26 May, 1864, c. 95, s. 13, v. 13, p. 91.

SEC. 1907. The judicial power in New Mexico, Utah, Washington, Colorado, Dakota, Idaho, Montana, and Wyoming, shall be vested in a supreme court, district courts, probate courts, and in justices of the peace.

The judicial power, how vested in all the Territories except Arizona.

N. Mex., 9 Sept., 1850, c. 49, s. 10, v. 9, p. 449. Utah, 9 Sept., 1850, c. 51, s. 9, v. 9, p. 455. Wash., 2 March, 1853, c. 90, s. 9, v. 10, p. 175. Colo., 28 Feb., 1861, c. 59, s. 9, v. 12, p. 174. Dak., 2 March, 1861, c. 86, s. 9, v. 12, p. 241. Idaho, 3 March, 1863, c. 117, s. 9, v. 12, p. 811. Mont., 26 May, 1864, c. 95, s. 9, v. 13, p. 88. Wyo., 25 July, 1860, c. 235, s. 9, v. 15, p. 180.

SEC. 1908. The judicial power in Arizona shall be vested in a supreme court and such inferior courts as the legislative council may by law prescribe.

The judicial power, how vested in Arizona.

24 Feb., 1863, c. 56, s. 2, v. 12, p. 665.

SEC. 1909. Writs of error and appeals from the final decisions of the supreme court of either of the Territories of New Mexico, Utah, Colorado, Dakota, Arizona, Idaho, Montana, and Wyoming, shall be allowed to the Supreme Court of the United States, in the same manner and under the same regulations as from the circuit courts of the United States, where the value of the property or the amount in controversy, to be ascertained by the oath of either party, or of other competent witnesses, exceeds one thousand dollars, except that a writ of error or appeal shall be allowed to the Supreme Court of the United States from the decision of the supreme courts created by this Title, or of any judge thereof, or of the district courts created by this Title, or of any judge thereof, upon writs of habeas corpus involving the question of personal freedom.

Writs of error to United States Supreme Court.

N. Mex., 9 Sept., 1850, c. 49, s. 10, v. 9, p. 449.

Utah, 9 Sept., 1850, c. 51, s. 9, v. 9, p. 455.

Wash., 2 March, 1853, c. 90, s. 9, v. 10, p. 175.

Colo., 28 Feb., 1861, c. 59, s. 9, v. 12, p. 174.

[See § 702.]

Dak., 2 March, 1861, c. 86, s. 9, v. 12, p. 241. Idaho, 3 March, 1863, c. 117, s. 9, v. 12, p. 811. Mont., 26 May, 1864, c. 95, s. 9, v. 13, p. 88. Wyo., 25 July, 1860, c. 235, s. 9, v. 15, p. 180. Arizona, 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665.

SEC. 1910. Each of the district courts in the Territories mentioned in the preceding section shall have and exercise the same jurisdiction, in all cases arising under the Constitution and laws of the United States, as is vested in the circuit and district courts of the United States; and

Jurisdiction of district courts under Constitution, &c.

Ibid.

the first six days of every term of the respective district courts, or so much thereof as is necessary, shall be appropriated to the trial of causes arising under such Constitution and laws; but writs of error and appeals in all such cases may be had to the supreme court of each Territory, as in other cases. [See Title 13, cc. 3 and 7.]

Writs of error, &c., in Washington Territory, to Supreme Court United States.

Jurisdiction of district courts.

2 March, 1853, c. 90, s. 9, v. 10, p. 175.

SEC. 1911. Writs of error and appeals from the final decisions of the supreme court of Washington Territory shall be allowed and may be taken to the Supreme Court of the United States in the same manner and under the same regulations as from the circuit courts of the United States, where the value of the property or the amount in controversy, to be ascertained by the oath of either party, or of any other competent witness, exceeds two thousand dollars; and such writs of error and appeals shall be allowed, in all cases, where the Constitution of the United States, or a treaty thereof, or acts of Congress are brought in question; and each of the district courts shall have the same jurisdiction in all cases arising under the Constitution of the United States, and the laws of the Territory, as is vested in the circuit and district courts of the United States; but writs of error and appeals in all such cases may be had from the district courts to the supreme court of the Territory, as in other cases. [See § 702.]

Writ of habeas corpus.

N. Mex., 9 Sept., 1850, c. 49, s. 10, v. 9, p. 449.

Utah, 9 Sept., 1850, c. 51, s. 9, v. 9, p. 455. Wash., 2 March, 1853, c. 90, s. 9, v. 10, p. 175. Colo., 28 Feb., 1861, c. 59, s. 9, v. 12, p. 174. Dak., 2 March, 1861, c. 86, s. 9, v. 12, p. 241. Idaho, 3 March, 1863, c. 117, s. 9, v. 12, p. 811. Mont., 26 May, 1864, c. 95, s. 9, v. 13, p. 88. Wyo., 25 July, 1860, c. 235, s. 9, v. 15, p. 180.

[See Title 13, c. 13.]

Certain Territories may modify judicial districts.

N. Mex., 9 Sept., 1850, c. 49, s. 16, v. 9, p. 452.

Utah, 9 Sept., 1850, c. 51, s. 16, v. 9, p. 458. Wash., 2 March, 1853, c. 90, s. 18, v. 10, p. 179. Colo., 28 Feb., 1861, c. 59, s. 15, v. 12, p. 176. Dak., 2 March, 1861, c. 86, s. 15, v. 12, p. 243. Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665. Wyo., 25 July, 1868, c. 235, s. 15, v. 15, p. 183.

Judges of supreme court in Idaho and Montana to define judicial districts, &c.

Idaho, 2 March, 1867, c. 151, s. 1, v. 14, p. 427.

Mont., 2 March, 1867, c. 150, s. 4, v. 14, p. 426.

Judges of supreme courts in New Mexico and Arizona may fix the times and places for holding their courts.

16 Aug., 1856, c. 124, s. 5, v. 11, p. 49.

Assignment of district judges in Utah.

27 July, 1868, c. 275, v. 15, p. 242.

SEC. 1912. The supreme and district courts of each Territory, and the respective judges thereof, except for Idaho and Montana, may grant writs of habeas corpus in all cases in which the same are grantable by the judges of the United States in the District of Columbia.

SEC. 1913. The legislative assemblies of New Mexico, Utah, Washington, Colorado, Dakota, Arizona, and Wyoming Territories, respectively, may organize, alter, or modify, the several judicial districts thereof, in such manner as each legislative assembly deems proper and convenient.

SEC. 1914. The judges of the supreme courts of the Territories of Idaho and Montana, or a majority of them, shall, when assembled at their respective seats of government, define the judicial districts of each of such Territories, and assign the judges who may be appointed for each of such Territories to the several districts; and shall also fix the times and places for holding court in the several counties or subdivisions in each of such judicial districts, and alter the times and places of holding the courts, as to them may seem proper and convenient; but not less than two terms a year shall be held at each place of holding court in the Territory of Montana.

SEC. 1915. The judges of the supreme court in each of the Territories of New Mexico and Arizona, or a majority of them, shall, when assembled at their respective seats of government, fix and appoint the several times and places of holding the courts in their respective districts, and limit the duration of the terms thereof; but such courts shall not be held at more than three places in any one Territory; and a judge holding court may adjourn the same, without day, at any time before the expiration of a term, whenever in his opinion the further continuance thereof is not necessary.

SEC. 1916. The governor of Utah Territory shall assign the district judges of that Territory to their respective districts, and appoint the time and place of holding court in each of such districts, not exceeding two terms in each district in any one year.

SEC. 1917. The district court for the several districts in the Territory of Washington shall be held at such times and places in the districts not exceeding three places in each district, as the legislative assembly of that Territory may by law determine; but until the legislative assembly otherwise provides, the courts shall be held as provided by law on the ninth of February, eighteen hundred and sixty-three.

Terms of district court in Washington.

9 Feb., 1863, c. 27, v. 12, p. 648.

SEC. 1918. The legislative assemblies of New Mexico, Washington, Colorado, Dakota, Arizona, and Wyoming Territories may assign the judges appointed for such Territories, respectively, to the several judicial districts thereof, in such manner as each legislative assembly deems proper and convenient.

Assignment of judges.

N. Mex., 9 Sept., 1850, c. 49, s. 16, v. 9, p. 452.

Wash., 2 March, 1853, c. 90, s. 18, v. 10, p. 179. Colo., 28 Feb., 1861, c. 59, s. 15, v. 12, p. 176. Dak., 2 March, 1861, c. 86, s. 15, v. 12, p. 242. Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665. Wyo., 25 July, 1868, c. 235, s. 15, v. 15, p. 183.

SEC. 1919. The legislative assemblies of Colorado, Dakota, and Wyoming Territories may fix or alter the times and places of holding the district courts for such Territories, respectively, in such manner as each legislative assembly deems proper and convenient.

Times and places of holding district courts in Colorado, Dakota, and Wyoming; how fixed.

Colo., 28 Feb., 1861, c. 59, s. 15, v. 12, p. 176. Dak., 2 March, 1861, c. 86, s. 15, v. 12, p. 242. Wyo., 25 July, 1868, c. 235, s. 15, v. 15, p. 183.

SEC. 1920. The secretary of the Territory of New Mexico shall be ex-officio superintendent of public buildings and grounds, and shall have full control and management of all public buildings now erected, in process of erection, or to be hereafter erected, and of all grounds pertaining thereto; and he shall be under the direction of the Secretary of the Interior, who shall establish such rules in relation to the public buildings and grounds as he may deem necessary.

Secretary of New Mexico to be superintendent of public buildings.

27 July, 1868, c. 272, s. 2, v. 15, p. 240.

SEC. 1921. The secretary of New Mexico Territory, upon the convening of the legislature thereof, shall administer the oath of office to the members elect of the two houses, and the officers thereof, when chosen; and no other person shall be competent to administer such oath, save in the absence of the secretary; in which case any one member of either house may administer the oath to the presiding officer elect, and he shall administer the same to the members and other officers.

May administer oath of office.

27 July, 1868, c. 272, s. 2, v. 15, p. 240.

SEC. 1922. The councils of New Mexico and Utah shall each consist of thirteen members, and the house of representatives of twenty-six members. The council of Washington Territory shall consist of nine members, and the house of representatives of eighteen members, which may be increased to thirty. The councils of Colorado and Dakota shall each consist of nine members, which may be increased to thirteen, and the house of representatives of thirteen members, which may be increased to twenty-six. The council of Arizona shall consist of nine members, and the house of representatives of eighteen members. The councils of Idaho and Montana shall each consist of seven members, which may be increased to thirteen, and the house of representatives of thirteen members, which may be increased to twenty-six. The council of Wyoming shall consist of nine members, which may be increased to thirteen, and the house of representatives of thirteen members, which may be increased to twenty-seven.

Number of council and house of representatives in each Territory.

N. Mex., 9 Sept., 1850, c. 49, s. 5, v. 9, p. 443.

Utah, 9 Sept., 1850, c. 51, s. 4, v. 9, p. 454.

Wash., 2 March, 1853, c. 90, s. 4, v. 10, p. 173.

Colo., 28 Feb., 1861, c. 59, s. 4, v. 12, p. 173.

Dak., 2 March,

1861, c. 86, s. 4, v. 12, p. 240. Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665. 1863, c. 117, s. 4, v. 12, p. 808. Mont., 26 May, 1864, c. 95, s. 4, v. 13, p. 87. Wyo., 25 July, 1868, c. 235, s. 4, v. 15, p. 179.

SEC. 1923. In each of the Territories of Washington, Idaho, and Montana, the governor shall have power to call the legislative assembly together by proclamation, on an extraordinary occasion, at any time.

Extra sessions legislative assembly in Washington, Idaho, and Montana.

2 March, 1853, c. 90, s. 4, v. 10, p. 103. 3 March, 1863, c. 117, s. 4, v. 12, p. 809. 26 May, 1864, c. 95, s. 4, v. 13, p. 87.

SEC. 1924. In addition to the restrictions upon the legislative power of the Territories contained in the preceding chapter, section eighteen hundred and fifty-one, the legislative assembly of Washington shall have no power to incorporate a bank or any institution with banking

Restrictions on legislative power of Washington Territory.

2 March, 1853, c. 90, s. 6, v. 10, p. 175.

powers, or to borrow money in the name of the Territory, or to pledge the faith of the people of the same for any loan whatever, directly or indirectly. No charter granting any privileges of making, issuing, or putting into circulation any notes or bills in the likeness of bank-notes, or any bonds, scrip, drafts, bills of exchange, or obligations, or granting any other banking powers or privileges, shall be passed by the legislative assembly; nor shall the establishment of any branch or agency of any such corporation, derived from other authority, be allowed in the Territory; nor shall the legislative assembly authorize the issue of any obligation, scrip, or evidence of debt, by the Territory, in any mode or manner whatever, except certificates for service to the Territory. And all taxes shall be equal and uniform, and no distinctions shall be made in the assessments between different kinds of property, but the assessments shall be according to the value of the property. To avoid improper influences, which may result from intermixing in the same act such things as have no proper relation to each other, every law shall embrace but one object, and that shall be expressed in the title.

Of Colorado, Dakota, and Wyoming.

Colo., 28 Feb., 1861, c. 59, s. 6, v. 12 p. 174.

Dak., 2 March, 1861, c. 86, s. 6, v. 12, p. 241.

Wyo., 25 July, 1868, c. 235, s. 6, v. 15, p. 189.

Jurisdiction of justices of the peace in New Mexico and other Territories.

SEC. 1925. In addition to the restrictions upon the legislative power of the Territories, contained in the preceding chapter, section eighteen hundred and fifty-one, the legislative assemblies of Colorado, Dakota, and Wyoming shall not pass any law impairing the rights of private property, nor make any discrimination in taxing different kinds of property; but all property, subject to taxation, shall be taxed in proportion to its value.

SEC. 1926. Justices of the peace, in the Territories of New Mexico, Utah, Washington, Dakota, Idaho, Montana, and Wyoming, shall not have jurisdiction of any matter in controversy where the debt or sum claimed exceeds one hundred dollars.

N. Mex., 9 Sept., 1850, c. 49, s. 10, v. 9, p. 449. Utah, 9 Sept., 1850, c. 51, s. 9, v. 9, p. 455. Wash., 2 March, 1853, c. 90, s. 9, v. 10, p. 175. Dak., 2 March, 1861, c. 86, s. 9, v. 12, p. 241. Idaho, 3 March, 1863, c. 117, s. 9, v. 12, p. 811. Mont., 26 May, 1864, c. 95, s. 9, v. 13, p. 88. Wyo., 25 July, 1868, c. 235, s. 9, v. 15, p. 180.

In Colorado and Arizona

Colo., 2 March, 1863, c. 70, s. 3, v. 12, p. 700.

Jurisdiction of district court of New Mexico.

3 March, 1863, c. 88, s. 2, v. 12, p. 761.

U. S. vs. Hart, 6 Wall., 770.

Jurisdiction of probate court in Colorado.

2 March, 1863, c. 70, s. 3, v. 12, p. 700.

Writs of error from probate court in Colorado.

2 March, 1863, c. 70, s. 3, v. 12, p. 700. 4 May, 1870, c. 73, s. 1, v. 16, p. 96. 14 July, 1870, c. 271, v. 16, p. 279.

Appeal.

4 May, 1870, c. 73, s. 1, v. 16, p. 96.

SEC. 1927. Justices of the peace in the Territories of Colorado and Arizona shall not have jurisdiction of any matter in controversy where the debt or sum claimed exceeds three hundred dollars.

SEC. 1928. The jurisdiction of the district court of New Mexico shall extend over the citizens of El Paso County, Texas, only in cases not instituted by indictment, and the trial and proceedings for violations of the revenue laws in such district court shall be the same as in other district courts of the United States invested with admiralty powers.

SEC. 1929. The probate court of Colorado Territory shall possess chancery as well as common-law jurisdiction, and authority for the redress of all wrongs committed against the laws of the Territory, affecting persons and property; but such court shall not have jurisdiction of any matter in controversy where the debt or sum claimed exceeds the sum of two thousand dollars.

SEC. 1930. Writs of error shall be allowed, from any decision of a probate court in Colorado, to the supreme court of the Territory, under such regulations as are or may be prescribed by law.

SEC. 1931. An appeal from any final order, judgment, or decree of a probate court in Colorado, shall be allowed to the district court of the district in which such probate court is held, under such regulations as are or may be prescribed by the law of the Territory.

SEC. 1932. The probate courts of the Territory of Montana, in their respective counties, in addition to their probate jurisdiction, are authorized to hear and determine civil causes wherein the damage or debt claimed does not exceed five hundred dollars, and such criminal cases arising under the laws of the Territory as do not require the intervention of a grand jury; but they shall not have jurisdiction of any matter in controversy when the title or right to the peaceable possession of land may be in dispute, or of chancery or divorce causes; and in all cases an appeal may be taken from any order, judgment, or decree of the probate courts to the district court.

SEC. 1933. Each clerk of a district court in Washington Territory shall exercise the powers now provided by law for the clerk of the supreme court of the Territory, and be subject to all provisions of law, not inconsistent with this act, applicable to the clerk of such supreme court.

SEC. 1934. The supreme court of the Territory of Arizona may hold adjourned terms thereof at any time and place in the Territory agreed upon by a majority of the judges of the court at any regular term thereof. The order for an adjourned term shall be signed by a majority of the judges thereof at a regular term of the court, and entered upon the minutes of the court, and any business which such court might do at any regular term thereof may be done at such adjourned term; and the clerk of the court shall be entitled to such mileage for attendance at such adjourned term as is by law allowed the marshal of the district of Arizona for his attendance upon the courts in the Territory.

SEC. 1935. There shall be appropriated, annually, one thousand dollars, to be expended by the respective governors, to defray the contingent expenses of New Mexico, Utah, Colorado, Dakota, Arizona, Idaho, Montana, and Wyoming, including the salary of the clerk in the executive departments of those Territories.

Utah, 9 Sept., 1850, c. 51, s. 11, v. 9, p. 456. Colo., 28 Feb., 1861, c. 59, s. 11, v. 12, p. 175. Dak., 2 March, 1861, c. 86, s. 11, v. 12, p. 242. Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665. Idaho, 3 March, 1863, c. 117, s. 11, v. 12, p. 812. Mont., 26 May, 1864, c. 95, s. 11, v. 13, p. 90. Wyo., 25 July, 1868, c. 235, s. 11, v. 15, p. 181.

SEC. 1936. The care and custody of the penitentiaries in Montana, Idaho, Wyoming, and Colorado, and the personal property thereunto belonging, and the use and occupation thereof, are transferred to such Territories, respectively, until otherwise ordered by the Attorney-General; but the legal title to such penitentiaries and the property shall continue to vest in the United States.

SEC. 1937. The Territories named in the preceding section shall keep and maintain, in the penitentiaries transferred to their custody and control, all persons convicted in such Territories of violations of the laws of the United States, and sentenced to imprisonment therefor, and all persons held to answer for alleged violations of the laws of the United States in such Territories, at the rate and price, to be paid by the United States out of the judiciary fund, of one dollar per day for each person so imprisoned.

SEC. 1938. There shall be appropriated, annually, fifteen hundred dollars for Washington Territory, to be expended in like manner and for like purposes as specified in section nineteen hundred and thirty-five.

2 March, 1853, c. 90, s. 11, v. 10, p. 176.

SEC. 1939. There shall be appropriated, respectively, for the Territories of New Mexico, Utah, Colorado, Dakota, Arizona, and Wyoming, annually, a sufficient sum, to be expended by the secretary of each Territory herein named, upon an estimate to be made by the Secretary of the Treasury, to defray the expenses of the legislative assembly and other incidental expenses; and the secretary of each Territory above specified shall, annually, account to the Secretary of the Treasury for the manner in which such sum has been expended.

Jurisdiction of probate courts in Montana.

2 March, 1867, c. 150, s. 2, v. 14, p. 426.

Clerks of district courts in Washington Territory.

26 July, 1866, c. 268, v. 14, p. 288.

Adjourned terms of the supreme court of Arizona; mileage of clerk.

24 Dec., 1872, c. 14, v. 17, p. 404.

Contingent expenses of certain Territories.

N. Mex., 9 Sept., 1850, c. 49, s. 12, v. 9, p. 450.

N. Mex., 9 Sept., 1850, c. 49, s. 12, v. 9, p. 450.

Control of penitentiaries in Montana, Idaho, &c., transferred to said Territories.

24 Jan., 1873, c. 63, s. 1, v. 17, p. 418.

Expenses of maintenance of prisoners to be paid from judiciary fund.

Ibid, p. 419.

Contingent expenses of Washington Territory.

2 March, 1853, c. 90, s. 11, v. 10, p. 176.

Expenses for printing laws, &c., in New Mexico, Utah, Colorado, Dakota, Arizona, and Wyoming.

N. Mex., 9 Sept., 1850, c. 49, s. 12, v. 9, p. 450.



Utah, 9 Sept., 1850, c. 51, s. 11, v. 9, p. 456. Colo., 28 Feb., 1861, c. 59, s. 11, v. 12, p. 175. Dak., 2 March, 1861, c. 86, s. 11, v. 12, p. 242. Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665. Idaho, 3 March, 1863, c. 117, s. 11, v. 12, p. 812. Mont., 26 May, 1864, c. 95, s. 11, v. 13, p. 90. Wyo., 25 July, 1868, c. 235, s. 11, v. 15, p. 181. 8 May, 1872, c. 140, s. 1, v. 17, p. 73.

In Washington, Idaho, and Montana.

Wash., 2 March, 1853, c. 90, s. 11, v. 10, p. 176.

Idaho, 3 March, 1863, c. 117, s. 11, v. 12, p. 812.

Mont., 26 May, 1864, c. 95, s. 11, v. 13, p. 90.

No payment of salaries in certain Territories until officers enter on their duties.

Wash., 2 March, 1853, c. 90, s. 11, v. 10, p. 176. Idaho, 3 March, 1863, c. 117, s. 11, v. 12, p. 812. Mont., 26 May, 1864, c. 95, s. 11, v. 13, p. 90.

Pay of members of legislative assembly in New Mexico, Utah, Dakota, and Arizona.

SEC. 1940. There shall be appropriated, respectively, for the Territories of Washington, Idaho, and Montana, annually, a sufficient sum, to be expended by the secretary of each Territory herein named upon an estimate to be made by the Secretary of the Treasury, to defray the expenses of the legislative assembly and other incidental expenses. The governor and secretary of each Territory above specified shall, in the disbursement of all moneys intrusted to them, be governed solely by the instructions of the Secretary of the Treasury, and shall, semi-annually, account to such Secretary for the manner in which such sums of money have been expended.

SEC. 1941. No payment of salary shall be made to the governor, secretary, chief justice, and associate justices of Washington, Idaho, and Montana Territories until such officers have entered upon the duties of their respective appointments.

SEC. 1942. The members of the legislative assemblies of New Mexico, Utah, Washington, Colorado, Dakota, Arizona, and Wyoming Territories shall each receive three dollars for every twenty miles' travel in going to and returning from the sessions of their respective bodies, estimated according to the nearest usually traveled route.

N. Mex., 9 Sept., 1850, c. 49, s. 12, v. 9, p. 450. Utah, 9 Sept., 1850, c. 51, s. 11, v. 9, p. 456. Dak., 2 March, 1861, c. 86, s. 11, v. 12, p. 242. Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665.

In Idaho and Montana.

Idaho, 3 March, 1863, c. 117, s. 11, v. 12, p. 812.

Mont., 26 May, 1864, c. 95, s. 11, v. 13, p. 90.

Seat of government, how changed in certain Territories.

SEC. 1943. The members of the legislative assembly of Idaho and Montana Territories shall each receive four dollars for every twenty miles' travel in going to and returning from the sessions of their respective bodies, estimated according to the nearest usually traveled route.

SEC. 1944. The seat of government of the Territories of New Mexico, Utah, Washington, Colorado, Dakota, Arizona, and Wyoming may be changed by the governors and legislative assemblies thereof, respectively.

N. Mex., 9 Sept., 1850, c. 49, s. 13, v. 9, p. 451. Utah, 9 Sept., 1850, c. 51, s. 12, v. 9, p. 457. Wash., 2 March, 1853, c. 90, s. 13, v. 10, p. 177. Dak., 2 March, 1861, c. 86, s. 12, v. 12, p. 243. Colo., 28 Feb., 1861, c. 59, s. 12, v. 12, p. 176. Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665. Wyo., 25 July, 1868, c. 235, s. 12, v. 15, p. 182.

In Idaho and Montana.

Idaho, 3 March, 1863, c. 117, s. 12, v. 12, p. 813.

Mont., 26 May, 1864, c. 95, s. 12, v. 13, p. 91.

School lands in certain Territories.

N. Mex., 9 Sept., 1850, c. 49, s. 15, v. 9, p. 452.

Utah, 9 Sept., 1850, c. 51, s. 15, v. 9, p. 457. Colo., 28 Feb., 1861, c. 59, s. 14, v. 12, p. 176. Dak., 2 March, 1861, c. 86, s. 14, v. 12, p. 243. Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665. Idaho, 3 March, 1863, c. 117, s. 14, v. 12, p. 814. Mont., 26 May, 1864, c. 96, s. 14, v. 13, p. 91. Wyo., 25 July, 1868, c. 235, s. 14, v. 15, p. 183.

Certain sections in Washington Territory to be reserved.

2 March, 1853, c. 90, s. 20, v. 10, p. 179.

SEC. 1945. The seat of government, when once fixed by the governor and legislative assembly of Idaho and Montana, respectively, shall not be at any time changed except by an act of such assembly for each Territory, respectively, duly passed and approved, after due notice, at the first general election thereafter, by a majority of the legal votes cast on that question.

SEC. 1946. Sections numbered sixteen and thirty-six, in each township of the Territories of New Mexico, Utah, Colorado, Dakota, Arizona, Idaho, Montana, and Wyoming shall be reserved for the purpose of being applied to schools in the several Territories herein named, and in the States and Territories hereafter to be erected out of the same.

SEC. 1947. Sections numbered sixteen and thirty-six in each township of Washington Territory shall be reserved for the purpose of being applied to common schools in that Territory. In all cases where sections sixteen and thirty-six, or either or any of them, are occupied by actual settlers prior to survey thereof, the county commissioners of the counties in which such sections so occupied are situated are authorized to locate

other lands, to an equal amount, in sections or fractional sections, as the case may be, within their respective counties, in lieu of the sections so occupied.

SEC. 1948. All general territorial laws of the Territory of Dakota in force in any portion of the Territory of Wyoming on the 25th July, 1868, shall continue in force throughout the Territory of Wyoming until repealed by the legislative authority of that Territory, except such laws as relate to the possession or occupation of mines or mining claims.

SEC. 1949. The existing agencies and superintendencies of the Indians inhabiting the Territories of Idaho and Montana shall be continued with the same powers and duties now prescribed by law, except that the President may, at his discretion, change the location of the office of such agents or superintendents.

Mont., 26 May, 1864, c. 95, s. 17, v. 13, p. 91.

SEC. 1950. The State of Oregon and the Territory of Washington shall have concurrent jurisdiction over all offenses committed on the Columbia River, where that river forms a common boundary between the State and Territory.

Certain laws of  
Dakota continued  
in force.

25 July, 1868, c.  
235, s. 17, v. 15, p.  
183.

Agencies, &c.,  
continued.

Idaho, 3 March,  
1863, c. 117, s. 17,  
v. 12, p. 814.

Mont., 26 May, 1864, c. 95, s. 17, v. 13, p. 91.

Concurrent juris-  
diction over the  
Columbia River.

2 March, 1853, c.  
90, s. 21, v. 10, p. 179.

SEC. 1951. All officers to be appointed by the President, by and with the advice and consent of the Senate, for the Territories of Washington, Idaho, and Montana, who, by virtue of the provisions of any law now existing, or which may be enacted by Congress, are required to give security for moneys that may be intrusted to them for disbursement, shall give such security at such time and in such manner as the Secretary of the Treasury may prescribe.

Disbursing offi-  
cers in Washing-  
ton, Idaho, and  
Montana to give  
security.

26 May, 1864, c.  
95, s. 16, v. 13, p. 91.

Wash., 2 March,  
1853, c. 90, s. 12, v. 10, p. 177.

1853, c. 90, s. 19, v. 10, p. 179. Idaho, 3 March, 1863, c. 117, s. 16, v. 12, p. 814. Mont., 26 May, 1864, c. 95, s. 16, v. 13, p. 91.

SEC. 1952. The laws now in force in the Territory of Washington, by virtue of the legislation of Congress in reference to Oregon, when that State was a Territory, which were enacted and passed subsequent to the first day of September, eighteen hundred and forty-eight, applicable to the Territory of Washington, together with the legislative enactments of Oregon, while a Territory, enacted and passed prior to March 2, 1853, and not inconsistent with the provisions of this Title, and applicable to the Territory of Washington, are continued in force in that Territory until repealed or amended by future legislation, unless such laws have been repealed or amended by legislation subsequent to the second day of March, eighteen hundred and fifty-three.

Certain laws of  
Washington con-  
tinued in force.

2 March, 1853, c.  
90, s. 12, v. 10, p.  
177.

SEC. 1953. The libraries heretofore purchased by appropriations of Congress for the Territories of Utah and Washington shall be kept at the respective seats of government of those Territories for the use of the governor, legislative assembly, judges of the supreme court, secretary, marshal, and attorney of each Territory, and such other persons and under such regulations as may be prescribed by law.

Library for Utah  
and Washington to  
be kept.

Utah, 9 Sept.,  
1850, c. 51, s. 14, v.  
9, p. 457.

Wash., 2 March,  
1853, c. 90, s. 17, v.  
10, p. 179.

## CHAPTER THREE.

### PROVISIONS RELATING TO THE UNORGANIZED TERRITORY OF ALASKA.

Sec.	Sec.
1954. Customs, &c., laws extended to Alaska.	1958. Remission of fines, &c.
1955. Importation of fire-arms and distilled spirits may be prohibited.	1959. Saint Paul and Saint George Islands declared special reservations.
1956. Killing of fur-bearing animals prohibited.	1960. Killing of seal upon them prohibited except in certain months.
1957. What courts to have jurisdiction of offenses.	1961. Killing of certain seal prohibited.
	1962. Limit to number of seals to be killed.
	1963. Right to take seal may be leased.

Sec.

1964. Bond.  
 1965. Who may lease.  
 1966. Covenants in lease.  
 1967. Penalty.  
 1968. Penalty upon lessees.  
 1969. Tax upon seal-skins.  
 1970. Lease may be terminated.  
 1971. Lessees to furnish copies to masters of their vessels.

Sec.

1972. Certain sections may be altered.  
 1973. Agents and assistants to manage seal-fisheries.  
 1974. Their pay, &c.  
 1975. Not to be interested in right to take seals.  
 1976. Agents may administer certain oaths and take testimony.

Customs, &c.,  
 laws extended to  
 Alaska.

27 July, 1868, c.  
 273, s. 1, v. 15, p.  
 240.

Importation and  
 use of fire-arms and  
 distilled spirits  
 may be prohibited.

27 July, 1868, c.  
 273, s. 4, v. 15, p.  
 241.

Killing of fur-  
 bearing animals  
 prohibited.

27 July, 1868, c.  
 273, s. 6, v. 15, p.  
 246.

What courts to  
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 of offenses.

27 July, 1868, c.  
 273, s. 7, v. 15, p.  
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1 July, 1870, c.  
 189, s. 7, v. 16, p.  
 182.

SEC. 1954. The laws of the United States relating to customs, commerce, and navigation are extended to and over all the main-land, islands, and waters of the territory ceded to the United States by the Emperor of Russia by treaty concluded at Washington on the thirtieth day of March, anno Domini eighteen hundred and sixty-seven, so far as the same may be applicable thereto.

SEC. 1955. The President shall have power to restrict and regulate or to prohibit the importation and use of fire-arms, ammunition, and distilled spirits into and within the Territory of Alaska. The exportation of the same from any other port or place in the United States, when destined to any port or place in that Territory, and all such arms, ammunition, and distilled spirits, exported or attempted to be exported from any port or place in the United States and destined for such Territory, in violation of any regulations that may be prescribed under this section, and all such arms, ammunition, and distilled spirits landed or attempted to be landed or used at any port or place in the Territory, in violation of such regulations, shall be forfeited; and if the value of the same exceeds four hundred dollars the vessel upon which the same is found, or from which they have been landed, together with her tackle, apparel, and furniture and cargo, shall be forfeited; and any person willfully violating such regulations shall be fined not more than five hundred dollars, or imprisoned not more than six months. Bonds may be required for a faithful observance of such regulations from the master or owners of any vessel departing from any port in the United States having on board fire-arms, ammunition, or distilled spirits, when such vessel is destined to any place in the Territory, or if not so destined, when there is reasonable ground of suspicion that such articles are intended to be landed therein in violation of law; and similar bonds may also be required on the landing of any such articles in the Territory from the person to whom the same may be consigned.

SEC. 1956. No person shall kill any otter, mink, marten, sable, or fur-seal, or other fur-bearing animal within the limits of Alaska Territory, or in the waters thereof; and every person guilty thereof shall, for each offense, be fined not less than two hundred nor more than one thousand dollars, or imprisoned not more than six months, or both; and all vessels, their tackle, apparel, furniture and cargo, found engaged in violation of this section shall be forfeited; but the Secretary of the Treasury shall have power to authorize the killing of any such mink, marten, sable, or other fur-bearing animal, except fur-seals, under such regulation as he may prescribe; and it shall be the duty of the Secretary to prevent the killing of any fur-seal, and to provide for the execution of the provisions of this section until it is otherwise provided by law; nor shall he grant any special privileges under this section.

SEC. 1957. Until otherwise provided by law, all violations of this chapter, and of the several laws hereby extended to the Territory of Alaska and the waters thereof, committed within the limits of the same, shall be prosecuted in any district court of the United States in California or Oregon, or in the district courts of Washington; and the collector and deputy collectors appointed for Alaska Territory, and any person authorized in writing by either of them, or by the Secretary of the Treasury, shall have power to arrest persons and seize vessels and merchandise liable to fines, penalties, or forfeitures under this and the other laws extended over the Territory, and to keep and deliver the same to the marshal of some one of such courts; and such courts shall

have original jurisdiction, and may take cognizance of all cases arising under this act and the several laws hereby extended over the Territory, and shall proceed therein in the same manner and with the like effect as if such cases had arisen within the district or Territory where the proceedings are brought.

SEC. 1958. In all cases of fine, penalty, or forfeiture, embraced in the act approved March 3, 1797, ch. 13, or mentioned in any act in addition to or amendatory of such act, that have occurred or may occur in the collection district of Alaska, the Secretary of the Treasury is authorized, if in his opinion the fine, penalty, or forfeiture was incurred without willful negligence or intention of fraud, to ascertain the facts in such manner and under such regulations as he may deem proper without regard to the provisions of the act above referred to, and upon the facts so to be ascertained, he may exercise all the power of remission conferred upon him by that act, as fully as he might have done had such facts been ascertained under and according to the provisions of that act. [See §§ 5292, 5293.]

SEC. 1959. The islands of Saint Paul and Saint George, in Alaska, are declared a special reservation for Government purposes; and until otherwise provided by law it shall be unlawful for any person to land or remain on either of those islands, except by the authority of the Secretary of the Treasury; and any person found on either of those islands contrary to the provisions hereof shall be summarily removed; and it shall be the duty of the Secretary of War to carry this section into effect.

SEC. 1960. It shall be unlawful to kill any fur-seal upon the islands of Saint Paul and Saint George, or in the waters adjacent thereto, except during the months of June, July, September, and October in each year; and it shall be unlawful to kill such seals at any time by the use of firearms, or by other means tending to drive the seals away from those islands; but the natives of the islands shall have the privilege of killing such young seals as may be necessary for their own food and clothing during other months, and also such old seals as may be required for their own clothing, and for the manufacture of boats for their own use; and the killing in such cases shall be limited and controlled by such regulations as may be prescribed by the Secretary of the Treasury.

SEC. 1961. It shall be unlawful to kill any female seal, or any seal less than one year old, at any season of the year, except as above provided; and it shall also be unlawful to kill any seal in the waters adjacent to the islands of Saint Paul and Saint George, or on the beaches, cliffs, or rocks where they haul up from the sea to remain; and every person who violates the provisions of this or the preceding section shall be punished for each offense by a fine of not less than two hundred dollars nor more than one thousand dollars, or by imprisonment not more than six months, or by both such fine and imprisonment; and all vessels, their tackle, apparel, and furniture, whose crews are found engaged in the violation of either this or the preceding section, shall be forfeited to the United States.

SEC. 1962. For the period of twenty years from the first of July, eighteen hundred and seventy, the number of fur-seals which may be killed for their skins upon the island of Saint Paul is limited to seventy-five thousand per annum; and the number of fur-seals which may be killed for their skins upon the island of Saint George is limited to twenty-five thousand per annum; but the Secretary of the Treasury may limit the right of killing, if it becomes necessary for the preservation of such seals, with such proportionate reduction of the rents reserved to the Government as may be proper; and every person who knowingly violates either of the provisions of this section shall be punished as provided in the preceding section.

SEC. 1963. When the lease heretofore made by the Secretary of the Treasury to "The Alaska Commercial Company," of the right to engage in taking fur-seals on the islands of Saint Paul and Saint George, pur-

Remission of fines, &c.

27 July, 1868, c. 273, s. 8, v. 15, p. 242.

Saint Paul and Saint George Islands declared special reservations.

3 Mar., 1869, Res. No. 22, v. 15, p. 348.

Killing of seal upon them prohibited except in certain months.

1 July, 1870, c. 189, s. 1, v. 16, p. 180.

Killing of certain seal prohibited.

1 July, 1870, c. 189, s. 2, v. 16, p. 180.

Limit to number of seals to be killed.

1 July, 1870, c. 189, s. 3, v. 16, p. 180.

Right to take seal may be leased.

1 July, 1870, c.

189, ss. 4, 5, and 6,  
v. 16, pp. 180, 181.

suant to the act of July 1, 1870, chapter 189, or when any future similar lease expires, or is surrendered, forfeited, or terminated, the Secretary shall lease to proper and responsible parties, for the best advantage of the United States, having due regard to the interests of the Government, the native inhabitants, their comfort, maintenance, and education, as well as to the interests of the parties heretofore engaged in trade and the protection of the fisheries, the right of taking fur-seals on the islands herein named, and of sending a vessel or vessels to the islands for the skins of such seal, for the term of twenty years, at an annual rental of not less than fifty thousand dollars, to be reserved in such lease and secured by a deposit of United States bonds to that amount; and every such lease shall be duly executed in duplicate, and shall not be transferable.

#### Bond.

1 July, 1870, c.  
189, s. 4, v. 16, p.  
180.

SEC. 1964. The Secretary of the Treasury shall take from the lessees of such islands in all cases a bond, with securities, in a sum not less than five hundred thousand dollars, conditioned for the faithful observance of all the laws and requirements of Congress, and the regulations of the Secretary of the Treasury, touching the taking of fur-seals and the disposing of the same, and for the payment of all taxes and dues accruing to the United States connected therewith.

#### Who may lease.

1 July, 1870, c.  
189, s. 5, v. 16, p.  
181.

SEC. 1965. No persons other than American citizens shall be permitted, by lease or otherwise, to occupy the islands of Saint Paul and Saint George, or either of them, for the purpose of taking the skins of fur-seals therefrom, nor shall any foreign vessels be engaged in taking such skins; and the Secretary of the Treasury shall vacate and declare any lease forfeited if the same be held or operated for the use, benefit, or advantage, directly or indirectly, of any persons other than American citizens.

#### Covenants in lease.

1 July, 1870, c.  
189, s. 5, v. 16, p.  
181.

SEC. 1966. Every lease shall contain a covenant on the part of the lessee that he will not keep, sell, furnish, give, or dispose of any distilled spirits or spirituous liquors on either of those islands to any of the natives thereof, such person not being a physician and furnishing the same for use as medicine; and every revenue officer, officially acting as such, on either of the islands, shall seize and destroy any distilled or spirituous liquors found thereon; but such officer shall make detailed reports of his doings in that matter to the collector of the port.

#### Penalty.

1 July, 1870, c.  
189, s. 5, v. 16, p.  
181.

SEC. 1967. Every person who kills any fur-seal on either of those islands, or in the waters adjacent thereto, without authority of the lessees thereof, and every person who molests, disturbs, or interferes with the lessees, or either of them, or their agents or employés, in the lawful prosecution of their business, under the provisions of this chapter, shall for each offense be punished as prescribed in section nineteen hundred and sixty-one; and all vessels, their tackle, apparel, appurtenances, and cargo, whose crews are found engaged in any violation of the provisions of sections nineteen hundred and sixty-five to nineteen hundred and sixty-eight, inclusive, shall be forfeited to the United States.

#### Penalty upon lessees.

1 July, 1870, c.  
189, s. 5, v. 16, p.  
181.

SEC. 1968. If any person or company, under any lease herein authorized, knowingly kills, or permits to be killed, any number of seals exceeding the number for each island in this chapter prescribed, such person or company shall, in addition to the penalties and forfeitures herein provided, forfeit the whole number of the skins of seals killed in that year, or, in case the same have been disposed of, then such person or company shall forfeit the value of the same.

#### Tax upon seal-skins.

1 July, 1870, c.  
189, s. 6, v. 16, p.  
181.

SEC. 1969. In addition to the annual rental required to be reserved in every lease, as provided in section nineteen hundred and sixty-three, a revenue tax or duty of two dollars is laid upon each fur-seal skin taken and shipped from the islands of Saint Paul and Saint George, during the continuance of any lease, to be paid into the Treasury of the United States; and the Secretary of the Treasury is empowered to make all needful regulations for the collection and payment of the same, and to secure the comfort, maintenance, education, and protection of the na-

tives of those islands, and also to carry into full effect all the provisions of this chapter except as otherwise prescribed.

SEC. 1970. The Secretary of the Treasury may terminate any lease given to any person, company, or corporation on full and satisfactory proof of the violation of any of the provisions of this chapter or the regulations established by him.

Lease may be terminated.

1 July, 1870, c. 189, s. 6, v. 16, p. 182.

SEC. 1971. The lessees shall furnish to the several masters of vessels employed by them certified copies of the lease held by them respectively, which shall be presented to the Government revenue-officer for the time being who may be in charge at the islands as the authority of the party for landing and taking skins.

Lessees to furnish copies to masters of their vessels.

1 July, 1870, c. 189, s. 4, v. 16, p. 180.

SEC. 1972. Congress may at any time hereafter alter, amend, or repeal sections from nineteen hundred and sixty to nineteen hundred and seventy-one, both inclusive, of this chapter.

Certain sections may be altered.

1 July, 1870, c. 189, s. 8, v. 16, p. 182.

SEC. 1973. The Secretary of the Treasury is authorized to appoint one agent and three assistant agents, who shall be charged with the management of the seal fisheries in Alaska, and the performance of such other duties as may be assigned to them by the Secretary of the Treasury.

Agent and assistants to manage seal fisheries.

5 March, 1872, c. 31, s. 1, v. 17, p. 35.

SEC. 1974. The agent shall receive the sum of ten dollars each day, one assistant agent the sum of eight dollars each day, and two assistant agents the sum of six dollars each day while so employed; and they shall also be allowed their necessary traveling expenses in going to and returning from Alaska, for which expenses vouchers shall be presented to the proper accounting officers of the Treasury, and such expenses shall not exceed in the aggregate six hundred dollars each in any one year.

Their pay, &c.

5 March, 1872, c. 31, s. 1, v. 17, p. 35.

SEC. 1975. Such agents shall never be interested, directly or indirectly, in any lease of the right to take seals, nor in any proceeds or profits thereof, either as owner, agent, partner, or otherwise.

Not to be interested in right to take seals.

5 March, 1872, c. 31, s. 1, v. 17, p. 35.

SEC. 1976. Such agents are empowered to administer oaths in all cases relating to the service of the United States, and to take testimony in Alaska for the use of the Government in any matter concerning the public revenues.

Agents may administer certain oaths and take testimony.

5 March, 1872, c. 31, s. 3, v. 17, p. 35.