

CHAP. XXXI.—*An Act further providing for the government of the district of Louisiana.*(a)

STATUTE II.

March 3, 1805.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all that part of the country ceded by France to the United States, under the general name of Louisiana, which, by an act of the last session of Congress, was erected into a separate district, to be called the district of Louisiana, shall henceforth be known and designated by the name and title of the Territory of Louisiana, the government whereof shall be organized and administered as follows:

District of Louisiana changed into that of the territory of Louisiana, with a different government.

1804, ch. 38.

The executive power shall be vested in a governor, who shall reside in said territory, and hold his office during the term of three years, unless sooner removed by the President of the United States. He shall be commander in chief of the militia of the said territory, superintendent ex officio of Indian affairs, and shall appoint and commission all officers in the same, below the rank of general officers; shall have power to grant pardons for offences against the same, and reprieves for those against the United States, until the decision of the President thereon shall be known.

Executive power vested in a governor.

How appointed, &c.

His powers and authorities.

SEC. 2. There shall be a secretary, whose commission shall continue in force for four years, unless sooner revoked by the President of the United States, who shall reside in the said territory, and whose duty it shall be, under the direction of the governor, to record and preserve all the papers and proceedings of the executive, and all the acts of the governor and of the legislative body, and transmit authentic copies of the same every six months, to the President of the United States. In case of a vacancy of the office of governor, the government of the said territory shall be exercised by the secretary.

Secretary to be appointed—

His duties, &c.

SEC. 3. The legislative power shall (be) vested in the governor and in three judges, or a majority of them, who shall have power to establish inferior courts in the said territory, and prescribe their jurisdiction and duties, and to make all laws which they may deem conducive to the good government of the inhabitants thereof: *Provided however*, that no law shall be valid which is inconsistent with the constitution and laws of the United States, or which shall lay any person under restraint or disability on account of his religious opinions, profession, or worship, in all of which he shall be free to maintain his own and not be burthened with those of another. *And provided also*, that in all criminal prosecutions, the trial shall be by a jury of twelve good and lawful men of the vicinage, and in all civil cases of the value of one hundred dollars, the trial shall be by jury, if either of the parties require it. And the governor shall publish throughout the said territory, all the laws which may be made as aforesaid, and shall from time to time report the same to the President of the United States, to be laid before Congress, which, if disapproved of by Congress, shall thenceforth cease and be of no effect.

Legislative powers, in whom and how vested.

No law to be valid if inconsistent with the constitution and laws of the United States.

All criminal trials shall be by jury.

Laws to be published and laid before Congress, and if disapproved of by Congress to cease.

Judges to be appointed, to hold their offices for four years, to hold two courts in a year.

At what place. Their jurisdiction.

Governor to lay out the territory into districts, &c.

SEC. 4. There shall be appointed three judges, who shall hold their offices for the term of four years, who, or any two of them, shall hold annually two courts within the said district, at such place as will be most convenient to the inhabitants thereof in general: shall possess the same jurisdiction which is possessed by the judges of the Indiana territory, and shall continue in session until all the business depending before them shall be disposed of.

SEC. 5. *And be it further enacted*, That for the more convenient distribution of justice, the prevention of crimes and injuries, and execution of process criminal and civil, the governor shall proceed from time

(a) By the act of June 4, 1812, chap. 95, entitled, "An act for providing for the government of the territory of Missouri," the territory of Louisiana shall be called "Missouri."

To appoint magistrates, &c. for the same.

Compensations of the Governor, &c.

Oaths of office of the Governor, &c.

Before whom the oaths of office shall be taken.

Governor, &c. to be appointed by the President during the recess of the Senate; but to be nominated by him at the next succeeding session for the Senate's concurrence.

Laws in force to continue in force, unless they be inconsistent with the act.

Repeal of part of a former law.

Act of March 26, 1804, ch. 38.

STATUTE II.

March 3, 1805.

Corporation of Georgetown divided into two branches, after the 2nd Monday in March.

The first, how constituted.

The second, how constituted.

Members of the corporation forthwith to choose by ballot out of their own body, the board of aldermen, or 1st branch.

Term of their service.

Present recorder to be the

to time as circumstances may require, to lay out those parts of the territory in which the Indian title shall have been extinguished, into districts, subject to such alteration as may be found necessary; and he shall appoint thereto such magistrates and other civil officers as he may deem necessary, whose several powers and authorities shall be regulated and defined by law.

SEC. 6. *And be it further enacted*, That the governor, secretary and judges, to be appointed by virtue of this act, shall respectively receive the same compensations for their services as are by law established for similar offices in the Indiana territory, to be paid quarter yearly out of the treasury of the United States.

SEC. 7. *And be it further enacted*, That the governor, secretary, judges, justices of the peace, and all other officers civil or military, before they enter upon the duties of their respective offices, shall take an oath, or affirmation, to support the constitution of the United States, and for the faithful discharge of the duties of their office; the governor before the President of the United States, or before a judge of the supreme or district court of the United States, or before such other person as the President of the United States shall authorize to administer the same; the secretary and judges before the governor; and all other officers before such person as the governor shall direct.

SEC. 8. *And be it further enacted*, That the governor, secretary, and judges, to be appointed by virtue of this act, and all the additional officers authorized thereby, or by the act for erecting Louisiana into two territories, and providing for the temporary government thereof, shall be appointed by the President of the United States, in the recess of the Senate, but shall be nominated at their next meeting for their advice and consent.

SEC. 9. *And be it further enacted*, That the laws and regulations, in force in the said district, at the commencement of this act, and not inconsistent with the provisions thereof, shall continue in force, until altered, modified, or repealed by the legislature.

SEC. 10. *And be it further enacted*, That so much of an act, intitled "An act erecting Louisiana into two territories, and providing for the temporary government thereof," as is repugnant to this act, shall, from and after the fourth day of July next, be repealed, on which said fourth day of July, this act shall commence and have full force.

APPROVED, March 3, 1805.

CHAP. XXXII.—*An Act to amend the charter of Georgetown.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the second Monday in March current, the corporation of Georgetown, in the district of Columbia, shall be divided into two branches; the first branch to be composed of five members, and a recorder, and to be called "the board of aldermen;" and the second branch to be composed of eleven members, and to be called "the board of common council-men;" which said two branches shall be elected as hereafter particularly provided.

SEC. 2. *And be it further enacted*, That after the passage of this act, and before the said day above mentioned, the present members of the said corporation shall meet at their usual place of meeting, and then and there choose, by ballot, from their body, five persons to compose the said board of aldermen, which said persons, when chosen as aforesaid, shall compose the said board of aldermen, and be, and continue such, until the fourth Monday in February, one thousand eight hundred and six; and that the present recorder of the said corporation shall be the president of the said board of aldermen until the time last aforesaid: that