

receive 200 dollars besides fees.

Causes pending in the state courts transferable, &c., may be removed.

the same regulations and penalties, and be entitled to the same fees, as are provided for, and prescribed to, marshals in other districts; and shall, moreover, be entitled to the sum of two hundred dollars annually, as a compensation for all extra services.

SEC. 6. *And be it further enacted*, That all causes pending in the state courts at the passage of this act, which, by law, were transferable to the United States courts, may be so removed, under the rules governing such removals, as soon after the passage of this act as may be reasonably practicable.

APPROVED, March 16, 1822.

STATUTE I.

March 30, 1822.

CHAP. XIII.—*An Act for the establishment of a territorial government in Florida.* (a)

East and west Florida, as

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That all that territory ceded

- (a) The acts relating to the territory of Florida are:
- An act to authorize the President of the United States to take possession of East and West Florida, and establish a temporary government therein, March 3, 1819, ch. 93.
- An act for carrying into execution the treaty between the United States and Spain, concluded at Washington, on the twenty-second day of February, 1818, March 3, 1821, ch. 39.
- An act for establishing a territorial government in Florida, March 30, 1822, ch. 13.
- An act to provide for the collection of duties on imports and tonnage in Florida, and for other purposes, May 7, 1822, ch. 62.
- An act concerning the commerce and navigation of Florida, March 30, 1822, ch. 15.
- An act to amend "An act for establishing a territorial government in Florida," and for other purposes, March 3, 1823, ch. 28.
- An act to carry into effect the ninth article of the treaty concluded between the United States and Spain, on the 22d day of February 1819, March 3, 1823, ch. 35.
- An act to amend an act, entitled "Act to amend an act for the establishment of a territorial government in Florida, and for other purposes," May 26, 1824, ch. 163.
- An act to amend the several acts for the establishment of a territorial government in Florida, May 15, 1826, ch. 46.
- An act to authorize the governor and legislative council of Florida to provide for holding additional terms of the superior courts therein, March 3, 1827, ch. 91.
- An act authorizing the legislative council of Florida to meet in October instead of December, and repealing the proviso in the sixth section of the act entitled "An act to amend an act for the establishment of a territorial government in Florida, and for other purposes," approved March the third, one thousand eight hundred and three, April 28, 1828, ch. 42.
- An act to authorize the citizens of the territories of Arkansas and Florida to elect their officers, and for other purposes, Jan. 21, 1829, ch. 13.
- An act to amend the several acts establishing a territorial government in Florida, March 22, 1832, ch. 52.
- An act to ascertain and mark the line between the state of Alabama, and the territory of Florida, and the northern boundary of Illinois, and for other purposes, March 2, 1831, ch. 86.
- An act to authorize the territory of Florida to open a canal through the public lands between Chipola river and Saint Andrew's bay, in West Florida, March 2, 1831, ch. 73.
- An act making provision for the sale and disposition of the public grounds in the cities of St. Augustine and Pensacola, and to reserve certain lots and buildings for public purposes, and to provide for their repair and preservation, June 28, 1832, ch. 152.
- An act to authorize the surveying and laying out a road from Detroit to the mouth of Grand river, in late Michigan territory, and for the survey of canal routes in the territory of Florida, July 4, 1832, ch. 164.
- An act to amend the several acts for the establishment of a territorial government in Florida, July 14, 1832, ch. 239.
- An act to establish a court at St. Mark's, in Florida, March 2, 1833, ch. 93.
- An act to equalize representation in the territory of Florida, and for other purposes, June 18, 1834, ch. 46.
- An act repealing certain acts of the legislative council of the territory of Florida, June 30, 1834, ch. 166.
- An act for the relief of the inhabitants of East Florida, June 26, 1834, ch. 87.
- An act to disapprove and annul certain acts, of the territorial legislature of Florida, and for other purposes, July 1, 1836, ch. 231.
- An act regulating the terms of the Superior Court of the district of Florida, and for other purposes, July 2, 1836, ch. 261.
- An act authorizing a special term of the court of appeals for the territory of Florida, and for other purposes, Feb. 25, 1836, ch. 41.
- Resolution authorizing the President to furnish rations to certain inhabitants of Florida, February 1, 1836.
- An act to re-organize the legislative council of Florida, and for other purposes, July 7, 1838, ch. 168.
- An act to establish a new judicial district in the territory of Florida, July 7, 1838, ch. 181.

by Spain to the United States, known by the name of East and West Florida, shall constitute a territory of the United States, under the name of the territory of Florida, the government whereof shall be organized and administered as follows:

SEC. 2. *And be it further enacted,* That the executive power shall be vested in a governor, who shall reside in the 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, and be ex officio superintendent of Indian affairs; and shall have power to grant pardons for offences against the said territory, and reprieves for those against the United States, until the decision of the President of the United States thereon shall be made known; and to appoint and commission all officers, civil and of the militia, whose appointments are not herein otherwise provided for, and which shall be established by law: he shall take care that the laws be faithfully executed.

SEC. 3. *And be it further enacted,* That the secretary of the territory shall also be appointed, who shall hold his office during the term of four years, unless sooner removed by the President of the United States; 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 legislative council, and transmit authentic copies of the proceedings of the governor, in his executive department, every six months, to the President of the United States.

SEC. 4. *And be it further enacted,* That, in case of the death, removal, resignation, or necessary absence, of the governor of the said territory, the secretary thereof shall be, and he is hereby, authorized and required to execute all the powers, and perform all the duties, of the governor, during the vacancy occasioned by the removal, resignation, or necessary absence, of the said governor.

SEC. 5. *And be it further enacted,* That the legislative power shall be vested in the governor, and in thirteen of the most fit and discreet persons of the territory, to be called the legislative council, who shall be appointed annually, by the President of the United States, by and with the advice and consent of the Senate, from among the citizens of the United States residing there. The governor, by and with the advice and consent of the said legislative council, or a majority of them, shall have power to alter, modify, or repeal the laws which may be in force at the commencement of this act. Their legislative powers shall also extend to all the rightful subjects of legislation; but 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, burthen, or disability, on account of his religious opinions, professions, or worship; in all which he shall be free to maintain his own, and not burthened with those of another. The governor shall publish, throughout the said territory, all the laws which shall be made, and shall, on or before the first day of December in each year, report the same to the President of the United States, to be laid before Congress, which, if disapproved by Congress, shall thenceforth be of no force. The governor and legislative council shall have no power over the primary disposal of the soil, nor to tax the lands of the

ceded by Spain, to constitute the territory of Florida.

Executive power vested in a governor, to be appointed for three years. &c.

Powers and duties of the governor.

A secretary of the territory to be appointed for four years, &c.

Duties of the secretary.

The secretary to act as governor, in case of a vacancy.

Legislative power vested in the governor and a legislative council of thirteen, to be appointed, &c.

Powers of the legislature.

Restriction of the powers of legislation.

The governor to publish the laws and report them to the President, &c.

The governor and council have no power over, &c.

An act to provide for the armed occupation and settlement of the unsettled part of the peninsula of East Florida, August 4, 1842, ch. 122.

An act to amend an act, entitled "An act to provide for the armed occupation and settlement of the unsettled parts of the peninsula of Florida," June 15, 1844, ch. 71.

An act to confirm certain sections of land in St. Augustine land district in the territory of Florida, made under the pre-emption law of June 22, 1838, June 15, 1844, ch. 74.

An act for the admission of the states of Iowa and Florida into the Union, March 3, 1845, ch. 48.

An act supplemental to the act for the admission of the states of Iowa and Florida into the Union, March 3, 1845, ch. 75.

Sessions of the legislative council.

The governor to obtain information and communicate it to the President.

Judicial power vested in two superior courts, &c.

A superior court for East Florida, with sessions at St. Augustine, &c.

A superior court for West Florida, with sessions at Pensacola, &c.

Jurisdiction of the superior courts.

Each judge to appoint a clerk to reside where the court is held.

Established fees to the clerks.

The superior courts to have the same jurisdiction as the court of Kentucky district, &c.

Act of 1789, ch. 20.

Act of March 2, 1793, ch. 22, vol. i. 333.

Writs of error and appeal to the Supreme Court, &c.

Clerks to keep the records, &c.

Clerks' fees as in the Kentucky district, &c.

Two attorneys for the territory.

Attorneys' additional fees.

A marshal for each superior court.

200 dollars annually, be-

United States, nor to interfere with the claims to lands within said territory: the legislative council shall hold a session once in each year, commencing its first session on the second Monday of June next, at Pensacola, and continue in session not longer than two months; and thereafter on the first Monday in May, in each and every year; but shall not continue longer in session than four weeks; to be held at such place in said territory as the governor and council shall direct. It shall be the duty of the governor to obtain all the information in his power in relation to the customs, habits, and dispositions, of the inhabitants of the said territory, and communicate the same, from time to time, to the President of the United States.

Sec. 6. *And be it further enacted*, That the judicial power shall be vested in two superior courts, and in such inferior courts and justices of the peace, as the legislative council of the territory may, from time to time, establish. There shall be a superior court for that part of the territory known as East Florida, to consist of one judge; he shall hold a court on the first Mondays in January, April, July, and October, in each year, at St. Augustine, and at such other times and places as the legislative council shall direct. There shall be a superior court for that part of the territory known as West Florida, to consist of one judge; he shall hold a court at Pensacola on the first Mondays in January, April, July, and October, in each year, and at such other times and places as the legislative council shall direct. Within its limits, herein described, each court shall have jurisdiction in all criminal cases, and exclusive jurisdiction in all capital cases, and original jurisdiction in all civil cases of the value of one hundred dollars, arising under, and cognisable by, the laws of the territory, now of force therein, or which may, at any time, be enacted by the legislative council thereof. Each judge shall appoint a clerk for his respective court, who shall reside, respectively, at St. Augustine and Pensacola, and they shall keep the records there. Each clerk shall receive for his services, in all cases arising under the territorial laws, such fees as may be established by the legislative council.

Sec. 7. *And be it further enacted*, That each of said superior courts shall, moreover, have and exercise the same jurisdiction within its limits, in all cases arising under the laws and constitution of the United States, which, by an act to establish the judicial power [courts] of the United States, approved the twenty-fourth day of September, one thousand seven hundred and eighty-nine, and "An act in addition to the act, entitled 'An act to establish the judicial courts of the United States,'" approved the second day of March, one thousand seven hundred and ninety-three, was vested in the court of the Kentucky district. And writs of error and appeal from the decisions in the said superior court, authorized by this section of this act, shall be made to the Supreme Court of the United States, in the same cases, and under the same regulations, as from the circuit courts of the United States. The clerks, respectively, shall keep the records at the places where the courts are held, and shall receive, in all cases arising under the laws and constitution of the United States, the same fees which the clerk of the Kentucky district received for similar services, whilst that court exercised the powers of the circuit and district courts. There shall be appointed, in the said territory, two persons learned in the law, to act as attorneys for the United States as well as for the territory; one for that part of the territory known as East Florida, the other for that part of the territory known as West Florida: to each of whom, in addition to his stated fees, shall be paid, annually, two hundred dollars, as a full compensation for all extra services. There shall also be appointed two marshals, one for each of the said superior courts, who shall each perform the same duties, be subject to the same regulations and penalties, and be entitled to the same fees, to which marshals in other

districts are entitled for similar services; and shall, in addition, be paid the sum of two hundred dollars, annually, as a compensation for all extra services.

SEC. 8. *And be it further enacted*, That the governor, secretary, judges of the superior courts, district attorneys, marshals, and all general officers of the militia, shall be appointed by the President of the United States, by and with the advice and consent of the Senate. All judicial officers shall hold their offices for the term of four years, and no longer. The governor, secretary, judges, members of the legislative council, justices of the peace, and all other officers, civil and of the militia, 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, judges, and members of the legislative council, before the governor, and all other officers, before such persons as the governor shall direct. The governor shall receive an annual salary of two thousand five hundred dollars; the secretary of one thousand five hundred dollars; and the judges of one thousand five hundred dollars, each; to be paid quarter yearly out of the treasury of the United States. The members of the legislative council shall receive three dollars each, per day, during their attendance in council, and three dollars for every twenty miles in going to, and returning from any meeting of the legislative council, once in each session, and no more. The members of the legislative council shall be privileged from arrest, except in cases of treason, felony, and breach of the peace, during their going to, attendance at, and returning from, each session of said council.

SEC. 9. *And be it further enacted*, That the following acts, that is to say: "An act for the punishment of certain crimes against the United States," approved April thirtieth, one thousand seven hundred and ninety, and all acts in addition or supplementary thereto, which are now in force:

"An act to provide for the punishment of [certain] crimes and offences committed within the Indian boundaries," approved March third, one thousand eight hundred and seventeen:

"An act in addition to the act for the punishment of certain crimes against the United States, and to repeal the acts therein mentioned," approved April twentieth, one thousand eight hundred and eighteen:

"An act for the punishment of [certain] crimes therein specified," approved January thirtieth, one thousand seven hundred and ninety-nine:

"An act respecting fugitives from justice and persons escaping from the service of their masters," approved twelfth February, one thousand seven hundred and ninety-three:

"An act to prohibit the carrying on the slave trade from the United States to any foreign place or country," approved March twenty-second, one thousand seven hundred and ninety-nine: [four]

"An act in addition to the act entitled 'An act to prohibit the carrying on the slave trade from the United States to any foreign place or country,'" approved May tenth, one thousand eight hundred:

"The act to prohibit the importation of slaves into any port or place within the jurisdiction of the United States, from and after the first day of January, in the year of our Lord one thousand eight hundred and eight," approved March second, one thousand eight hundred and seven:

"An act to prevent settlements being made on lands ceded to the United States until authorized by law," approved March third, one thousand eight hundred and seven:

"An act in addition to 'An act to prohibit the importation of slaves

sides fees, to each marshal.

Governor, secretary, judges, &c., to be appointed by the President and Senate.

Term of judicial offices.

Governor, secretary, judges, &c., to take an oath.

The governor to take the oath before the President or judge, &c.

The secretary, &c., before the governor.

Salaries to the governor, &c.

The members of the legislative council privileged from arrest, &c.

The acts mentioned in force in Florida.

1790, ch. 9.

1817, ch. 92.

1818, ch. 88.

1799, ch. 1.

1793, ch. 7.

1794, ch. 11.

1800, ch. 51.

1807, ch. 22.

1807, ch. 46.

1818, ch. 91.

into any port or place within the jurisdiction of the United States, from and after the first day of January, in the year of our Lord one thousand eight hundred and eight, and to repeal certain parts of the same," approved April twentieth, one thousand eight hundred and eighteen :

- 1819, ch. 101. "An act in addition to the acts prohibiting the slave trade," approved March third, one thousand eight hundred and nineteen :
- 1810, ch. 37. "An act to establish the post-office of the United States:" (a)
- 1802, ch. 48. "An act further to alter and establish certain post-roads, and for the more secure carriage of the mail of the United States:"
- 1804, ch. 60. "An act for the more general promulgation of the laws of the United States:"(b)
- "An act in addition to an act, entitled 'An act for the more general promulgation of the laws of the United States:'"
- 1818, ch. 80. "An act to provide for the publication of the laws of the United States, and for other purposes:"
- 1793, ch. 11. "An act to promote the progress of useful arts, and to repeal the act heretofore made for that purpose:"
- 1800, ch. 25. "An act to extend the privilege of obtaining patents for useful discoveries and inventions to certain persons therein mentioned, and to enlarge and define the penalties for violating the rights of patentees:"
- 1790, ch. 15. "An act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies, during the time therein mentioned:"
- 1802, ch. 36. "The act supplementary thereto, and for extending the benefits thereof to the arts of designing, engraving, and etching, historical and other prints:"
- 1790, ch. 11. "An act to prescribe the mode in which the public acts, records, and judicial proceedings, in each state, shall be authenticated, so as to take effect in any other state:"
- 1804, ch. 56. "An act supplementary to the act, entitled 'An act to prescribe the mode in which the public acts, records, and judicial proceedings, in each state, shall be acknowledged, so as to take effect in any other state:'"
- 1811, ch. 30. "An act for establishing trading-houses with the Indian tribes," and the several acts continuing the same :
- 1800, ch. 68. "An act making provision relative to rations for Indians, and their visits to the seat of government."

And all laws relating to the revenue and its collection subject to the modification stipulated by the fifteenth article of the treaty with Spain, &c.

The inhabitants protected in their liberty, property, and the exercise of religion.

Contracts not to be impaired, &c.

Qualification of grand and petit jurors, and

And the laws of the United States relating to the revenue and its collection, subject to the modification stipulated by the fifteenth article of the treaty of the twenty-second February, one thousand eight hundred and nine, in favour of Spanish vessels and their cargoes ; and all other public laws of the United States, which are not repugnant to the provisions of this act, shall extend to, and have full force and effect in, the territory aforesaid.

SEC. 10. *And be it further enacted*, That, to the end that the inhabitants may be protected in their liberty, property, and the exercise of their religion, no law shall ever be valid which shall impair, or in any way restrain, the freedom of religious opinions, professions, or worship. They shall be entitled to the benefit of the writ of habeas corpus. They shall be bailable in all cases, except for capital offences, where the proof is evident or the presumption great. All fines shall be moderate and proportioned to the offence ; and excessive bail shall not be required, nor cruel nor unusual punishments inflicted. No ex post facto law, or law impairing the obligation of contracts, shall ever be passed ; nor shall private property be taken for public uses without just compensation.

SEC. 11. *And be it further enacted*, That all free male white persons, who are housekeepers, and who shall have resided one year, at least, in the said territory, shall be qualified to act as grand and petit jurors in the

(a) The title of this act is "An act regulating the post-office establishment," April 30, 1810, ch. 37.

(b) The title of this act is "An act to provide for a more extensive distribution of the laws of the United States," passed March 27, 1804, ch. 60.

courts of the said territory; and they shall, until the legislature thereof shall otherwise direct, be selected in such manner as the judges of the said courts shall respectively prescribe, so as to be most conducive to an impartial trial, and to be least burthensome to the inhabitants of the said territory.

selection of them.

SEC. 12. *And be it further enacted*, That it shall not be lawful for any person or persons to import or bring into the said territory, from any port or place without the limits of the United States, or cause or procure to be so imported or brought, or knowingly to aid or assist in so importing or bringing, any slave or slaves. And every person so offending, and being thereof convicted before any court within the said territory, having competent jurisdiction, shall forfeit and pay, for each and every slave so imported or brought, the sum of three hundred dollars, one moiety for the use of the United States, and the other moiety for the use of the person or persons who shall sue for the same; and every slave so imported or brought shall thereupon become entitled to, and receive, his or her freedom.

Importation of slaves prohibited.

Under a penalty of 300 dollars from each person, for every slave.

SEC. 13. *And be it further enacted*, That the laws in force in the said territory, 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.

Present territorial laws in force till altered.

SEC. 14. *And be it further enacted*, That the citizens of the said territory shall be entitled to one delegate to Congress, for the said territory, who shall possess the same powers heretofore granted to the delegates from the several territories of the United States. The said delegate shall be elected by such description of persons, at such times, and under such regulations, as the governor and legislative council may, from time to time, ordain and direct.

Citizens of the territory entitled to a delegate, &c.

The persons by whom, and the times at which, &c., the delegate may be elected.

APPROVED, March 30, 1822.

STATUTE I.

CHAP. XIV.—*An Act to authorize the state of Illinois to open a canal through the public lands, to connect the Illinois river with Lake Michigan.*

March 30, 1822.

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the state of Illinois be, and is hereby, authorized to survey and mark, through the public lands of the United States, the route of the canal connecting the Illinois river with the southern bend of Lake Michigan; and ninety feet of land on each side of said canal shall be for ever reserved from any sale to be made by the United States, except in the cases hereinafter provided for, and the use thereof for ever shall be, and the same is hereby, vested in the said state for a canal, and for no other purpose whatever; on condition, however, that if the said state does not survey and direct by law said canal to be opened, and return a complete map thereof to the Treasury Department, within three years from and after the passing of this act; or if the said canal be not completed, suitable for navigation, within twelve years thereafter; or if said ground shall ever cease to be occupied by, and used for, a canal, suitable for navigation; the reservation and grant hereby made shall be void and of none effect: *Provided always, and it is hereby enacted and declared*, That nothing in this act contained, or that shall be done in pursuance thereof, shall be deemed or construed to imply any obligation on the part of the United States to appropriate any money to defray the expenses of surveying or opening said canal: *Provided also, and it is hereby further enacted and declared*, That the said canal, when completed, shall be, and for ever remain, a public highway for the use of the government of the United States, free from any toll or other charge whatever, for any property of

Act of March 2, 1827, ch. 51.

Illinois authorized to survey and mark through public lands, the route of a canal, connecting Illinois river with the southern bend of Lake Michigan, and 90 feet on each side reserved and vested in the state for a canal on condition, &c.

Proviso; no obligation on the part of the United States to appropriate money, &c.

Proviso; canal always a public highway, free of toll to