

STATUTE II.

Jan. 30, 1823.

[Obsolete.]

An additional judge to be appointed for the territory of Michigan, within the counties of Michilimackinac, Brown and Crawford, having the power of the supreme court of the territory, and of the county courts.

Appeals allowed from the county courts to this court.

Proviso.

Proviso.

The supreme court of the territory authorized, upon the reversal of a judgment of this court, &c.

A writ of error shall be no stay of proceedings in the court to which it issues, unless the plaintiff in error, his agent, or attorney, give security that the plaintiff in error shall prosecute his writ to effect.

No cause, except suits in equity, to be removed from this court, but by writ of error. Suits in equity may be removed by appeal.

This court to hold one term in each of the counties yearly.

The clerks of the county court to be clerks of the court in their

CHAP. VIII.—*An Act to provide for the appointment of an additional judge for the Michigan territory, and for other purposes.*

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That there shall be appointed an additional judge for the Michigan territory, who shall possess and exercise, within the counties of Michilimackinac, Brown, and Crawford, in the territory aforesaid, as said counties are now defined and established, or may be hereafter defined and established, the jurisdiction and power heretofore possessed and exercised by the supreme court of the said territory, and by the county courts of said counties respectively, within the said counties, and to the exclusion of the original jurisdiction of the said supreme court: and the jurisdiction of the said court, hereby established, shall be concurrent with the said county courts; but in all suits, either at law or in equity, appeals shall be allowed from the decisions of the said county courts to the court established by this act, in the same manner as is provided for appeals from said courts to the supreme court of said territory; *Provided, always,* That the said supreme court shall have full power and authority to issue writs of error to the court established by this act, in all civil causes, and to hear and determine the same when sitting as a supreme court of the territory, according to the Constitution and laws of the United States, and to the statutes adopted and published by the governor and judges of said territory: *And provided, also,* That nothing in this act contained shall be construed to give cognisance to the court hereby established, of cases of admiralty and maritime jurisdiction, nor of cases wherein the United States shall be plaintiffs, except as hereinafter mentioned.

SEC. 2. *And it be further enacted,* That the said supreme court are hereby authorized, upon the reversal of a judgment of the court established by this act, to render such judgment as the said court ought to have rendered or passed, except where the reversal is in favour of the plaintiff in the original suit, and the debt or damages to be assessed are uncertain: in which case the cause shall be remanded to the county from whence it came, in order to a final determination.

SEC. 3. *And be it further enacted,* That, when any person, not being an executor or administrator, applies for a writ of error, such writ shall be no stay of proceedings in the court to which it issues, unless the plaintiff in error, his agent or attorney, shall give security, to be approved of by a judge of the said supreme court, which shall be certified on the back of such writ, that the plaintiff in error shall prosecute his writ to effect, and pay the condemnation money, and all costs, or otherwise abide the judgment of the court, if he fail to make his plea good; and no cause, except suits in equity, shall be removed to said supreme court from the court hereby established, but by writ of error, as herein before provided; and suits in equity may be removed by appeal, in the same manner as is provided for appeals from the county courts to the supreme court.

SEC. 4. *And be it further enacted,* That the court established by this act shall hold one term in each of the counties aforesaid, yearly, at the following times and places, to wit: at Prairie du Chien, on the second Monday in May; at Green Bay, on the second Monday in June; and at Mackinac, on the third Monday in July, in each and every year; and shall then and there proceed to hear and determine the pleas, process, and proceedings, depending therein, in the same manner as the said supreme or county courts might, or could have done, in case this act had not been passed; and the clerks of the said county courts shall be clerks of the court hereby established in their respective counties, and shall be entitled to such fees for their services as may be allowed them by law; and the officers appointed to execute the process of the said county courts within

the said counties, are hereby authorized and required to execute the process of the court hereby established.

SEC. 5. *And be it further enacted*, That the said court, hereby established, shall have and possess concurrent jurisdiction with the said supreme court, in and over all actions arising under the acts and laws in force, or which may be enacted, for the regulating trade and intercourse with the Indians, and over all crimes and offences which shall be committed within that part of the Indian country lying north and west of Lake Michigan, within the territory of Michigan.

SEC. 6. *And be it further enacted*, That the judge to be appointed by virtue of this act, shall reside in one of the counties aforesaid, and shall receive the same salary, and payable in the same manner, as is provided and established by law for the judges of the said supreme court of the Michigan territory.

SEC. 7. *And be it further enacted*, That this act shall take effect and be in force, from and after the twentieth day of March next.

APPROVED, January 30, 1823.

respective counties.

This court shall have concurrent jurisdiction with the supreme court, in all actions under laws regulating trade, &c. with the Indians.

The judge to be appointed in virtue of this act, to reside in one of the counties.

CHAP. IX.—*An Act concerning the disbursement of public money.*

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That, from and after the passing of this act, no advance of public money shall be made in any case whatever; but in all cases of contracts for the performance of any service, or the delivery of articles of any description, for the use of the United States, payment shall not exceed [exceed] the value of the service rendered, or of the articles delivered previously to such payment: *Provided*, That it shall be lawful, under the especial direction of the President of the United States, to make such advances to the disbursing officers of the government as may be necessary to the faithful and prompt discharge of their respective duties, and to the fulfilment of the public engagements: *And provided also*, That the President of the United States may direct such advances as he may deem necessary and proper, to such persons in the military and naval service as may be employed on distant stations, where the discharge of the pay and emoluments to which they may be entitled, cannot be regularly effected.

SEC. 2. *And be it further enacted*, That every officer or agent of the United States, who shall receive public money which he is not authorized to retain, as salary, pay, or emolument, shall render his accounts quarter yearly to the proper accounting officers of the treasury, with the vouchers necessary to the correct and prompt settlement thereof, within three months, at least, after the expiration of each successive quarter, if resident within the United States; and within six months if resident in a foreign country: *Provided*, That nothing herein contained shall be construed to restrain the secretaries of any of the departments from requiring such returns from any officer or agent, subject to the control of such secretaries, as the public interest may require.

SEC. 3. *And be it further enacted*, That every officer or agent of the United States, who shall offend against the provisions of the preceding sections, shall, by the officer charged with the direction of the department to which such offending officer is responsible, be promptly reported to the President of the United States, and dismissed from the public service: *Provided*, That in all cases, where any officer, in default as aforesaid, shall account to the satisfaction of the President for such default, he may be continued in office, any thing in the foregoing provision to the contrary notwithstanding.

SEC. 4. *And be it further enacted*, That no security given to, or ob-

STATUTE II.

Jan. 31, 1823.

Act of March 3, 1797, ch. 20. No advance of public money to be made.

Proviso.

Proviso.

Officers or agents of the United States to account quarterly.

Proviso.

Officers or agents offending against the preceding sections, to be promptly reported to the President, and dismissed from the public service.

Proviso. No security