

ous liquors, or their legal representatives, of any state or district within the United States, who, at any time since the first day of January, one thousand eight hundred and fourteen, have used stills made according to Henry Witmer's improvement upon Anderson's condensing tub, and who have paid a duty upon the capacity of the globes of such stills, all the moneys which such distillers may have, respectively, paid, as a duty, on the capacity of the globes of their said stills.

APPROVED, May 26, 1824.

States such sums as they have paid into the treasury.

STATUTE I.

May 26, 1824.

[Obsolete.]

CHAP. CLXIII.—*An Act to amend an act, entitled "An act to amend an act for the establishment of a territorial government in Florida, and for other purposes."* (a)

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the judicial power of the territory of Florida shall be vested in three 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 situated to the west of the river Apalachicola, to consist of one judge; he shall hold his court on the first Mondays in May and November, in each and every year, at Pensacola, and at such other times and places as the legislative council may direct. There shall be a superior court for that part of the territory situated between the Apalachicola and Suwannee rivers, to consist of one judge; he shall hold his court on the first Mondays of April and October, in each and every year, at the seat of government in said territory, and at such other times and places as the legislative council may direct. There shall be a superior court for that part of the territory situated to the east and south of the Suwannee river, to consist of one judge; he shall hold his court on the first Monday in May and November, in each and every year, at St. Augustine, 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 offences, and original jurisdiction in all civil cases of the value of one hundred dollars, arising under the laws of the territory now in force, or which may, at any time hereafter, be enacted by the legislative council, and shall have and exercise appellate jurisdiction over the inferior courts of said territory. Each judge shall appoint a clerk, who shall reside, respectively, at the place where his said court is, or may, by law, be directed to be held, and they shall keep the records there. Each clerk shall receive for his services, in all cases, arising under the laws of the territory, such fees as shall be established by the legislative council. And writs of error and appeal from the final decision of the said superior courts, authorized by this section of this act, shall be made to the appellate court of said territory, hereinafter provided for, in such manner, and under such regulations, as the legislative council may direct; and, until the legislative council shall have made such regulations, writs of error and appeal from the final decision of the said superior courts shall be made to the appellate court of the territory, in the same manner that writs of error and appeals are taken and prosecuted in the next adjoining state.

SEC. 2. *And be it further enacted,* That each of the 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 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 of March, one thousand seven hundred and ninety-three, was

Act of March 3, 1823, ch. 23.

The judicial power of the territory of Florida to be vested in three superior courts.

Act of March 30, 1822, ch. 13.

Act of May 15, 1826, ch. 46.

Where said courts are to be held.

Jurisdiction of each court in all criminal and capital offences.

Each judge to appoint a clerk.

Same jurisdiction to be exercised by each of said superior courts, as was vested in the court of the Kentucky district.

Act of Sept. 24, 1789, ch. 20.

(a) See notes to act of March 30, 1822, ch. 13, vol. iii, 654.

Act of March 2, 1793, ch. 22.

The first six days of each term to be appropriated to the trial of causes arising under the laws and constitution of the United States.

Records to be kept at the places where the courts are held.

Persons learned in the law to be appointed to act as attorneys, and to receive the same salary, each, as the attorney for the district of Kentucky.

A marshal to be appointed for each court.

Each judge to receive 1500 dollars per annum.

A court of appeal to be organized and composed of the judges of the superior court.

Senior judge to preside.

Court may be adjourned, by any one of its judges being present, from day to day, until a quorum be convened.

So much of the act of which this is amendatory, as requires the legislative council to commence its sessions on the first Monday in May, repealed.

vested in the court of the Kentucky district. The first six days of each term of the said courts, or so much thereof as may be necessary, shall be appropriated to the trial of causes arising under the laws and Constitution of the United States. And writs of error and appeal from the decisions in the said superior courts, authorized by this section of this act, shall be made to the appellate court of said territory, in such manner, and under such regulations, as the legislative council shall direct. The clerks, respectively, shall keep the records at the places where the courts are held, and no one clerk shall, by himself or deputy, officiate at more than one place for holding said courts: they shall receive, in all cases under the laws and Constitution of the United States, the same fees which the clerks of the district court of the next adjoining state receives [receive] for similar services.

SEC. 3. *And be it further enacted*, That there shall be appointed, for each of the said courts, a person, learned in the law, to act as attorneys of the United States, as well as for the territory, each of whom shall receive the same fees, both in civil and criminal cases, as are received by the district attorneys of the United States, of the next adjoining state, for similar services; and shall, moreover, receive, as a full compensation for all extra services, annually, the same salary, as is provided, by law, for the district attorney of the district of Kentucky, to be paid, quarterly, by the treasury of the United States. There shall, also, be appointed, for each of the said courts, a marshal, who shall 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 extra services; and shall, also, be subject to such regulations and penalties as the legislative council shall impose, while acting under, and in virtue of, the territorial laws. Each judge shall receive a salary of fifteen hundred dollars per annum, to be paid, quarterly, by the treasury of the United States.

SEC. 4. *And be it further enacted*, That there shall be organized in said territory a court of appeals, to be composed of the judges of the superior courts of said territory, any two of whom shall be a quorum, and shall hold, annually, at the seat of government of said territory, one session, commencing on the first Monday in January, in each and every year. The senior judge shall be the presiding judge of said court, and the other judges shall have precedence according to the date of their commissions, or where their commissions are of the same date, according to their respective ages. That the said court may by any one of its judges being present, be adjourned, from day to day, until a quorum be convened; and if no one of its judges be present, by the marshal of said court, until a quorum be convened; and the district attorney, marshal, and clerk, of the superior court, of the middle district, shall be officers of the said court of appeals; and writs of error and appeal from the decision of the said court shall be made 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 amount in controversy, to be ascertained by the oath or affirmation of either party, shall exceed one thousand dollars.

SEC. 5. *And be it further enacted*, That so much of the act, of which this is an amendment, as requires the legislative council of said territory to commence its sessions on the first Monday in May, in each and every year, be, and the same is hereby, repealed; and the said legislative council shall, hereafter, hold a session in every year commencing on the second Monday in November, in each and every year, but shall not continue longer in session than four weeks after the first session, which shall not continue longer than eight weeks; to be held at the seat of government in said territory, or at such other place or places as the governor and council may, from time to time, direct.

SEC. 6. *And be it further enacted*, That so much of the act, of which this is an amendment, as requires that the governor of Florida shall not leave the territory without the permission of the President of the United States, be, and the same is hereby, repealed.

APPROVED, May 26, 1824.

Part of the former act repealed. 1823, ch. 23.

STATUTE I.

CHAP. CLXIV.—*An Act granting donations of land to certain actual settlers in the territory of Florida.*(a)

May 26, 1824.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the commissioners for ascertaining titles and claims to lands in Florida, be, and they are hereby, authorized and required, within their respective districts, and in addition to their former duties, to receive and examine all claims that may be presented to them, and the evidence in support of each of such claims, founded on habitation and cultivation of any tract of land, town, or city lot, or out-lot, by any person, being the head of a family, and twenty-one years of age, who, on the twenty-second day of February, one thousand eight hundred and nineteen, actually inhabited and cultivated such tract of land, or actually cultivated and improved such lot, or who, on that day, cultivated any tract of land in the vicinity of any town or city, having a permanent residence in such town or city, in said territory; and to grant certificates of confirmation for any tract of land thus inhabited and cultivated, or cultivated by any person of the above description, residing in any town or city in the vicinity of the tract so cultivated; which land shall be located in an entire body, as nearly as possible, in conformity to the surveys of the contiguous public lands, and so as to embrace the principal improvements then made on any tract so claimed, and shall not exceed in quantity six hundred and forty acres: And it shall also be the duty of said commissioners to receive claims to land founded on habitation and cultivation, commenced between the twenty-second of February, one thousand eight hundred and nineteen, and the seventeenth of July, one thousand eight hundred and twenty-one, when Florida was surrendered to the United States, and evidence in support of the same; and to report an abstract of all such claims to Congress, and of the claims by them confirmed, to the Secretary of the Treasury; and the claims merely reported on, shall be laid before Congress at their next session, with the evidence of the time, nature, and extent, of such inhabitation and cultivation, in each case, and the extent of the claim: *Provided*, That no claim shall be received, confirmed, or reported, to Congress, by the said commissioners, for confirmation, in favour of any person, or the legal representatives of any person, who claims any tract of land in said territory, by virtue of any written evidence of title derived from either the British or Spanish government.

The commissioners for ascertaining titles to lands in Florida authorized and required to receive and examine all claims presented to them within their respective districts.

Duty of said commissioners.

Proviso.

APPROVED, May 26, 1824.

STATUTE I.

CHAP. CLXV.—*An Act to authorize the state of Indiana to open a canal through the public lands, to connect the navigation of the rivers Wabash and the Miami of Lake Erie.*

May 26, 1824.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the state of Indiana be, and is hereby, authorized to survey and mark, through the public lands of the United States, the route of a canal, by which to connect the navigation of the rivers Wabash and Miami of Lake Erie; and ninety feet

A route for a canal to be surveyed and marked, by which the navigation of the Wabash and

(a) See notes to act of May 26, 1824, ch. 154.