for each passenger taken on board beyond the above proportions, be fined in the sum of fifty dollars, and may also be imprisoned for any term not exceeding one year: *Provided*, That this act shall not be construed to permit any ship or vessel to carry more than two passengers to five tons of such ship or vessel.

Proviso.

Vessels having on board twenty passengers more than the number limited, to be forfeited.

Sec. 2. *And be it further enacted*, That if the passengers so taken on board of such vessel, and brought into or transported from the United States aforesaid, shall exceed the number limited by the last section to the number of twenty in the whole, such vessel shall be forfeited to the United States aforesaid, and be prosecuted and distributed as forfeitures are under the act to regulate duties on imports and tonnage.

Tiers of berths and space alloted for passengers.

Sec. 3. *And be it further enacted*, That if any such vessel as aforesaid shall have more than two tiers of berths, or in case, in such vessel, the interval between the floor and the deck or platform beneath shall not be at least six inches, and the berths well constructed, or in case the dimensions of such berths shall not be at least six feet in length, and at least eighteen inches in width, for each passenger as aforesaid, then the master of said vessel, and the owners thereof, severally, shall forfeit and pay the sum of five dollars for each and every passenger on board of said vessel on such voyage, to be recovered by the United States as aforesaid, in any Circuit or District Court of the United States where such vessel may arrive, or from which she sails.

Penalty.

Children how reckoned.

Post, p. 149.

Sec. 4. *And be it further enacted*, That, for the purposes of this act, it shall in all cases be computed that two children, each being under the age of eight years, shall be equal to one passenger, and that children under the age of one year shall not be included in the computation of the number of passengers.

Penalties to be liens on the vessels, &c.

Sec. 5. *And be it further enacted*, That the amount of the several penalties imposed by this act shall be liens on the vessel or vessels violating its provisions; and such vessel may be libelled and sold therefor in the district court of the United States aforesaid in which such vessel shall arrive.

Approved, February 22, 1847.

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Feb. 22, 1847.

Chap. XVII.—*An Act to regulate the Exercise of the appellate Jurisdiction of the Supreme Court of the United States, in certain Cases, and for other Purposes.*

Jurisdiction of suits.

Records and proceedings in certain cases to be transferred to the District Court of the U. S. for the District of Florida.

1823, ch. 70.

1830, ch. 106.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That all and singular the records of the proceedings in the several cases which were pending in the superior courts [of the] late Territory of Florida, under and by virtue of the act of Congress of the twenty-third of May, eighteen hundred and twenty-eight, entitled "An Act Supplementary to the several Acts providing for the Settlement and Confirmation of private Land Claims in Florida," and under and by virtue of an act entitled "An Act to provide for the final Settlement of Land Claims in Florida," approved twenty-sixth May, eighteen hundred and thirty, and in the several cases which were pending in the Court of Appeals of the same Territory, on the third day of March, in the year of our Lord one thousand eight hundred and forty-five, and all and singular the records of the proceedings in the several cases in which judgments or decrees had been rendered in the said courts on or before that day, and from which writs of error could have been sued out or appeals could have been taken, or from which writs of error had been

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sued out, or appeals had been taken, and prosecuted to the Supreme Court of the United States, according to the laws of the United States which were in force on the said third day of March, in the year of our Lord one thousand eight hundred and forty-five, shall, from and after the passing of this act, be transferred to and deposited in the District Court of the United States for the District of Florida.

The judge to cause the same to be notified to the clerks of the superior courts, &c.

Sec. 2. *And be it further enacted*, That it shall be the duty of the judge of the District Court of the United States for the District of Florida, immediately after the passing of this act, to cause the same to be notified to the several clerks of the superior courts, or other officers or persons having in their possession or custody the records of the proceedings in the first section of this act referred to and described, and to demand the delivery of the same, to be deposited as in and by the said first section of this act is required; and on the refusal of such clerk or other officer or person to comply with such demand, the said judge of the District Court of the United States is hereby authorized and required to compel the delivery of the said records by attachment or otherwise, according to law.

Delivery of records, &c. may be compelled.

Writs of error and appeals to the Supreme Court of the U. States, from certain courts in Florida.

Sec. 3. *And be it further enacted*, That in all cases in which judgment or decrees have been rendered in the said superior courts or Court of Appeals of the late Territory of Florida, and from which writs of error have been sued out or appeals have been taken to the Supreme Court of the United States, the said Supreme Court shall be, and is hereby, authorized to hear and determine the same, and the mandates of the said Supreme Court for the execution of the judgments or decrees so to be rendered by them, and all other writs which may be necessary in the exercise of the appellate jurisdiction of the said court in such cases, shall be directed to the District Court of the United States for the District of Florida; and the said District Court shall cause the same to be duly executed and obeyed.

District Court of Florida to take cognizance of certain cases.

1823, ch. 70.

1830, ch. 106.

Sec. 4. *And be it further enacted*, That the District Court of the United States for the District of Florida shall take cognizance of all cases which were pending and undetermined in the said superior courts, under and by virtue of the act of Congress of the twenty-third May, eighteen hundred and twenty-eight, entitled "An Act supplementary to the several Acts providing for the Settlement and Confirmation of private Land Claims in Florida,' and under and by virtue of an act entitled "An Act to provide for the final Settlement of Land Claims in Florida," approved twenty-sixth May, eighteen hundred and thirty; and of all cases which were pending and undetermined in the Court of Appeals of the late Territory of Florida, and from the judgments or decrees to be rendered in which writs of error could have been sued out or appeals could have been taken to the Supreme Court of the United States, under the laws which were in force on the third day of March, in the year of our Lord one thousand eight hundred and forty-five, and shall proceed to hear and determine the same; and from the judgments or decrees to be rendered by the said District Court, writs of error may be sued out or appeals may be taken to the Supreme Court of the United States, in the same manner as if such judgments or decrees had been rendered in the Court of Appeals of the Territory of Florida; and the mandates and all writs necessary to the exercise of the appellate jurisdiction of the said Supreme Court in such cases, shall be directed to the District Court of the United States for the District of Florida, and the said District Court shall cause the same to be duly executed and obeyed.

Appeals.

One year allowed to the parties in certain

Sec. 5. *And be it further enacted*, That in all cases not legally transferred to the State courts in which judgments or decrees have been rendered in the superior courts or Court of Appeals of the late

cases for suing out writs of error and taking appeals to the Supreme Court U. States.

Territory of Florida from which writs of error could have been sued out or appeals could have been taken to the Court of Appeals of said Territory, or to the Supreme Court of the United States under the laws which were in force on the third day of March, in the year of our Lord one thousand eight hundred and forty-five, and in which writs of error have not hitherto been sued out or appeals have not hitherto been taken, there shall be allowed to the parties in the said cases the term of one year, from and after the passing of this act, for suing out such writs of error or taking such appeals to the Supreme Court of the United States, which shall have jurisdiction to review the same.

Transfer of unfinished business and proceedings.

1834, ch. 87.

Sec. 6. *And be it further enacted*, That any unfinished business or proceedings now remaining or pending before the judge of the superior court at St. Augustine, as a commissioner under and by virtue of the "Act for the Relief of certain Inhabitants of East Florida," approved twenty-sixth June, eighteen hundred and thirty-four, or under any other act granting special powers, or imposing special duties upon said judge be, and the same are hereby, transferred to the judge of the District Court of the District of Florida, to be proceeded in and finished, or decided, in the same manner provided for by law; and the said district judge shall have, exercise, and possess, the same duties, powers, and rights, which have by virtue of the act of twenty-sixth June, eighteen hundred and thirty-four aforesaid, or otherwise, been possessed and exercised by the said judge of the superior court at St. Augustine, so far as may be necessary to enable the said district judge to determine and finish any matter, business, or proceedings now pending and undetermined before the judge of the superior court aforesaid, by virtue of any such special act.

The provisions of this act made applicable to cases pending in the courts of the late Territory of Michigan.

Sec. 7. *And be it further enacted*, That all and singular, the provisions of this act, so far as may be, shall be, and they are hereby, made applicable to all cases which were pending in the supreme or other superior courts of and for the late Territory of Michigan at the time said Territory was admitted as a State into the Union, and to all cases in which judgments or decrees have been rendered in said supreme or superior court of said late Territory of Michigan, and not hitherto removed as aforesaid by writ of error or appeal.

Other cases which are to be transferred to the District Court for the District of Florida.

Sec. 8. *And be it further enacted*, That in all cases pending in any of the superior courts of said Territory of Florida, or in the Court of Appeals of said Territory, on the third day of March, eighteen hundred and forty-five, and not legally transferred to the State courts of the State of Florida, and which said territorial courts continued to hold cognizance of, and proceeded to determine after said day, or which are claimed to have been since pending therein as courts of the United States; and in all cases of federal character, and jurisdiction commenced in said territorial courts after said day, and in which judgments or decrees were rendered, or which are claimed to have been since pending therein, the records and proceedings thereof, and the judgments or decrees therein are hereby transferred to the District Court of the United States for the District of Florida; and writs of error and appeals may be taken by either party to remove the judgments or decrees that have been, or may be, rendered in such cases unto the Supreme Court of the United States, and the Supreme Court may hear and decide such cases on such writ of error or appeal, and issue its mandate to said District Court: *Provided, however*, Such writ of error or appeal shall be taken within one year from the passage of this act, or one year from the rendition of such judgment or decree hereafter rendered: *And provided, also*, That nothing in this act shall be construed as affirming or disaffirming the jurisdiction, power, or authority of the territorial judges to proceed in, or try, or determine

Writs of error and appeals.

Limitation of one year.

Construction of this act.

such cases after the third of March, eighteen hundred and forty-five, but the same may be referred to said Supreme Court for its decision in all said cases on such writ of error or appeal.

Approved, February 22, 1847.

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Chap. XX. — *An Act to establish a Court at Key West, in the State of Florida, and for other Purposes.* Feb. 23, 1847.

Supplementary act, post, p. 132.

*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 State of Florida lying south of a line drawn due east and west from the northern point of Charlotte Harbor, including the islands, keys, reefs, shoals, harbors, bays and inlets, south of said line, shall be erected into a new judicial district, to be called the Southern District of Florida; a District Court shall be held in said Southern District, to consist of one judge, who shall reside at Key West, in said district, and be called a district judge; and shall in all things have and exercise the jurisdiction and powers of a District and Circuit Court of the United States within the district aforesaid; and appeals may be allowed and writs of error sued out and made returnable in the Supreme Court, in the same manner and under the same rules and regulations as appeals and writs of error are allowed and sued out from and to a Circuit Court. The judge shall appoint a clerk, who shall reside and keep the records of the court at the place of holding the same; and shall receive for the services he may perform the same fees to which the clerk of the Louisiana District is entitled for similar services.

Southern District of Florida established.

District Court.

Jurisdiction.

Clerk.

Sec. 2. *And be it further enacted,* That the judge of said district shall hold two regular terms of court in each year at Key West; the one commencing on the first Monday in May, the other, on the first Monday of November in each year. He shall also hold extra sessions of said court from time to time, at such places in said district as occasion may require, to despatch the business of said court; and, for the purpose of hearing and deciding all cases of admiralty and maritime jurisdiction, the said court shall be at all times open.

Sessions of the court.

Extra sessions.

Sec. 3. *And be it further enacted,* That no vessel, nor master thereof, shall be regularly employed in the business of wrecking on the coast of Florida without the license of the judge of said court; and, before licensing any vessel or master, the judge shall be satisfied that the vessel is seaworthy, and properly and sufficiently fitted and equipped for the business of saving property shipwrecked and in distress; and that the master thereof is trustworthy, and innocent of any fraud or misconduct in relation to any property shipwrecked or saved on said coast.

Wreckers to be licensed.

Sec. 4. *And be it further enacted,* That there shall be allowed to the judge aforesaid an annual salary of two thousand dollars, to be paid to him quarterly from the time of his appointment.

Compensation of judge.

Sec. 5. *And be it further enacted,* That there shall be appointed in said district a person learned in the law, to act as attorney for the United States, who shall, in addition to his stated fees, be paid by the United States two hundred dollars as a full compensation for all extra services.

District attorney to be appointed.

Pay.

Sec. 6. *And be it further enacted,* That there shall be appointed in said district a marshal, who shall perform the same duties, be subject to the same regulations and penalties, and be entitled to the same fees as are allowed to marshals in the District of Louisiana, and shall, moreover, be entitled to the sum of two hundred dollars annually, as a compensation for all extra services.

Marshal to be appointed.

Pay.

Sec. 7. *And be it further enacted,* That the provisions of the act