20th February, 1804.

Read the firſt and ſecond time, and ordered to be committed to a committee of the whole Houſe, on Wedneſday next.

An Act

Erecting Louisiana into two Territories, and providing for the temporary Government thereof.

1 **Be it enacted,** by the Senate and House of Representatives
2 of the United States of America, in Congress assembled, That
3 all that portion of country ceded by France to the United States,
4 under the name of Louisiana, which lies south of the Mississippi
5 territory, and of an east and west line to commence on the Mis-
6 sissippi river, at the thirty third degree of north latitude, and
7 to extend west to the western boundary of the said cession, shall
8 constitute a territory of the United States, under the name of the

9 territory of Orleans; the government whereof shall be organised
10 and administered as follows:—

1 SECT. 2. The executive power shall be vested in a governor,
2 who shall reside in the said territory, and hold his office during
3 the term of three years, unless sooner removed by the President
4 of the United States. He shall be commander in chief of the mi-
5 litia of the said territory; shall have power to grant pardons for
6 offences against the said territory, and reprieves for those against
7 the United States, until the decision of the President of the United
8 States thereon shall be made known; and to appoint and commis-
9 sion all officers, civil, and of the militia, whose appointments are
10 not herein otherwise provided for, and which shall be established
11 by law. He shall take care that the laws be faithfully executed.

1 SECT. 3. A secretary of the territory shall also be appointed,
2 who shall hold his office during the term of four years, unless
3 sooner removed by the President of the United States, whose duty
4 it shall be, under the direction of the governor, to record and pre-
5 serve all the papers and proceedings of the executive, and all the
6 acts of the governor and legislative council, and transmit authen-
7 tic copies of the proceedings of the governor, in his executive de-
8 partment, every six months, to the President of the United States.
9 In case of the vacancy of the office of governor, the government
10 of the said territory shall devolve on the secretary.

1 SECT. 4. The legislative powers shall be vested in the gover-
2 nor, and in thirteen of the most fit and discreet persons of the terri-

3 tory, to be called the legislative council, who shall be appointed
4 annually by the President of the United States, from among those
5 holding real estate therein, and who shall have resided one year, at
6 least, in the said territory, and hold no office of profit under the
7 terrritory, or the United States. The governor, by and with ad-
8 vice and consent of the said legislative council, or of a majority of
9 them, shall have power to alter, modify, or repeal the laws which
10 may be in force at the commencement of this act. Their legisla-
11 tive powers shall also extend to all the rightful powers of legisla-
12 tion; but no law shall be valid, which is inconsistent with the
13 constitution and laws of the United States, or which shall lay any
14 person under restraint, burthen, or disability, on account of his
15 religious opinions, professions or worship; in all which he shall
16 be free to maintain his own, and not burthened for those of ano-
17 ther. The governor shall publish throughout the said territory,
18 all the laws which shall be made, and shall, from time to time,
19 report the same to the President of the United States, to be laid
20 before congress; which if disapproved of by congress, shall thence-
21 forth be of no force. The governor, or legislative council, shall
22 have no power over the primary disposal of the soil, nor to tax the
23 lands of the United States, nor to interfere with the claims to land
24 within the said territory. The governor shall convene and pro-
25 rogue the legislative council, whenever he may deem it expedient.
26 It shall be his duty to obtain all the information in his power, in
27 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.

SECT. 5. The judicial power shall be vested in a superior court, and in such inferior courts, and justices of the peace, as the legislature of the territory may, from time to time, establish. The judges of the superior court, and the justices of the peace, shall hold their offices for the term of four years. The superior court shall consist of three judges, any one of whom shall constitute a court; they shall have jurisdiction in all criminal cases, and exclusive jurisdiction in all those which are capital; and original and appellate jurisdiction in all civil cases, of the value of one hundred dollars. Its sessions shall commence on the first Monday of every month, and continue till all the business depending before them shall be disposed of. They shall appoint their own clerk. In all criminal prosecutions which are capital, the trial shall be by a jury of twelve good and lawful men of the vicinage; and in all cases, criminal and civil, in the superior court, the trial shall be by a jury, if either of the parties require it. The inhabitants of the said territory shall be entitled to the benefits of the writ of habeas corpus; they shall be bailable, unless for capital offences, where the proof shall be evident, or the presumption great; and no cruel and unusual punishments shall be inflicted.

SECT. 6. The governor, secretary, judges, district attorney, marshal, and all general officers of the militia, 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. The governor, secretary, judges, members of the legislative council, justices of the peace, 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 authorise 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 five thousand dollars; the secretary, of two thousand dollars; and the judges, of two thousand dollars each; to be paid quarter yearly out of the revenues of impost and tonnage, accruing within the said territory. The members of the legislative council shall receive four dollars each per day, during their attendance in council.

SECT. 7. *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.

An act, in addition to an act, for the punishment of certain crimes against the United States.

7 An act to prevent citizens of the United States from privateer-
8 ing against nations in amity with, or against citizens of the United
9 States.

10 An act for the punishment of certain crimes therein specified.

11 An act respecting fugitives from justice, and persons escaping
12 from service of their masters.

13 An act to prohibit the carrying on the slave trade from the
14 United States to any foreign place or country.

15 An act to prevent the importation of certain persons into certain
16 states, where by the laws thereof, their admission is prohibited.

17 An act to establish the post office of the United States.

18 An act further to alter and establish certain post roads, and for
19 the more secure carriage of the mail of the United States.

20 An act for the more general promulgation of the laws of the
21 United States.

22 An act, in addition to an act, entitled, an act for the more gene-
23 ral promulgation of the laws of the United States.

24 An act to promote the progress of useful arts, and to repeal the
25 act heretofore made for that purpose.

26 An act to extend the privilege of obtaining patents for useful
27 discoveries and inventions to certain persons therein mentioned,
28 and to enlarge and define the penalties for violating the rights of
29 patentees.

30 An act for the encouragement of learning, by securing the co-
31 pies of maps, charts, and books, to the authors and proprietors of
32 such copies, during the time therein mentioned.

33 An act, supplementary to an act, entitled, an act for the en-
34 couragement of learning, by securing the copies of maps, charts,
35 and books, to the authors and proprietors of such copies, during
36 the time therein mentioned, and extending the benefits thereof to
37 the arts of designing, engraving, and etching historical and other
38 prints.

39 An act providing for salvage in cases of recapture.

40 An act respecting alien enemies.

41 An act to prescribe the mode in which the public acts, records,
42 and judicial proceedings in each state shall be authenticated, so as
43 to take effect in every other state.

44 An act for establishing trading houses with the Indian tribes.

45 An act for continuing in force a law, entitled, an act for estab-
46 lishing trading houses with the Indian tribes.—And

47 An act making provision relative to rations for Indians, and
48 to their visits to the seat of government, shall extend to, and have
49 full force and effect in the above mentioned territories.

1 Sect. 8. There shall be established in the said territory a district
2 court, to consist of one judge, who shall reside therein, and be
3 called the district judge, and who shall hold, in the city of Or-
4 leans, four sessions annually ; the first to commence on the third
5 Monday in October next, and the three other sessions, progressive-
6 ly, on the third Monday of every third calender month thereafter.
7 He shall in all things, have and exercise the same jurisdiction and
8 powers, which are by law given to, or may be exercised by the

judge of Kentucky district; and shall be allowed an annual compensation of two thousand dollars, to be paid quarter-yearly out of the revenues of impost and tonnage accruing within the said territory. He shall appoint a clerk for the said district, who shall reside, and keep the records of the court, in the city of Orleans, and shall receive for the services performed by him, the same fees to which the clerk of Kentucky district is entitled for similar services.

There shall be appointed in the 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 six hundred dollars, annually, as a full compensation for all extra services. There shall also be appointed a marshall for the said district, 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 moreover be paid two hundred dollars, annually, as a compensation for all extra services.

SECT. 9. All free male white persons, who are house-keepers, and who shall have resided one year, at least, in the said territory, shall be qualified to serve as grand or petit jurors, in the 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, respectively shall prescribe, so as to be most conducive to an impartial trial, and to be least burthensome to the inhabitants of the said territory.

1 SECT. 10. It shall not be lawful for any person or persons to
2 import or bring into the said territory, from any port or place with-
3 out the limits of the United States, or cause or procure to be so im-
4 ported or brought, or knowingly to aid or assist in so importing or
5 bringing any slaves or slaves. And every person so offending, and
6 being thereof convicted before any court within said territory, hav-
7 ing competent jurisdiction, shall forfeit and pay for each and every
8 slave so imported or brought, the sum of three hundred dollars; one
9 moiety for the use of the United States, and the other moiety for
10 the use of the person or persons who shall sue for the same; and
11 every slave so imported or brought, shall thereupon become entitled
12 to, and receive his or her freedom.

13 It shall not be lawful for any person or persons to import or bring
14 into the said territory, from any port or place within the limits of the
15 United States, or to cause or procure to be so imported or brought,
16 or knowingly to aid or assist in so importing or bringing any slave or
17 slaves, which shall have been imported since the first day of May,
18 one shousand seven hundred and ninety eight, into any port or place
19 within the limits of the United States, or which may hereafter be
20 so imported, from any port or place without the limits of the Unit-
21 ed States; and every person so offending, and being thereof con-
22 victed before any court within said territory, having competent ju-
23 risdiction, shall forfeit and pay for each and every slave so import-
24 ed or brought the sum of three hundred dollars, one moiety for the
25 use of the United States, and the other moiety for the use of the

26 person or persons who shall sue for the same; and no slave or
27 slaves shall directly or indirectly be introduced into said territory,
28 except by a citizen of the United States, removing into said terri-
29 tory for actual settlement, and being at the time of such removal
30 bona fide owner of such slave or slaves; and every slave imported
31 or brought into the said territory, contrary to the provisions of this
32 act, shall thereupon be entitled to, and receive his or he freedom.

1 SECT. 11. The laws in force in the said territory, at the com-
2 mencement of this act, and not inconsistent with the provisions
3 thereof, shall continue in force, until altered, modified, or repealed
4 by the legislature.

1 SECT. 12. The residue of the province of Louisiana, ceded to
2 the United States, shall be called the District of Louisiana, the
3 government whereof shall be organised and administered as fol-
4 lows:

5 The executive power now vested in the governor of the Indiana
6 territory, shall extend to, and be exercised in the said District of
7 Louisiana. The governor and judges of the Indiana territory shall
8 have power to establish, in the said District of Louisiana, inferior
9 courts, and prescribe the jurisdiction and duties, and to make all
10 laws which they may deem conducive to the good government of
11 the inhabitants thereof: *Provided however*, That no law shall be
12 valid which is inconsistent with the constitution and laws of the
13 United States, or which shall lay any person under restraint or
14 disability on account of his religious opinions, profession, or wor-

15 ship; in all of which he shall be free to maintain his own, and not
16 burthened for those of another: *And provided also*, That in all
17 criminal prosecutions, the trial shall be by a jury of twelve good
18 and lawful men of the vicinage, and in all civil cases of the value
19 of one hundred dollars, the trial shall be by jury, if either of the
20 parties require it. The judges of the Indiana territory, or any
21 two of them, shall hold annually two courts within the said district,
22 at such place as will be most convenient to the inhabitants thereof
23 in general, shall possess the same jurisdiction they now possess in
24 the Indiana territory, and shall continue in session until all the
25 business depending before them shall be disposed of. It shall be
26 the duty of the secretary of the Indiana territory to record and
27 preserve all the papers and proceedings of the governor, of an
28 executive nature, relative to the district of Louisiana, and trans-
29 mit authentic copies thereof every six months to the President of
30 the United States. The governor shall publish throughout the
31 said district, all the laws which may be made as aforesaid, and
32 shall, from time to time, report the same to the President of the
33 United States, to be laid before congress, which, if disapproved
34 of by congress, shall thence forth cease, and be of no effect.

35 The said district of Louisiana shall be divided into districts by
36 the governor, under the direction of the President, as the conve-
37 nience of the settlements shall require, subject to such alterations
38 hereafter as experience may prove more convenient. The inhabi-
39 tants of each district, between the ages of eighteen and forty five

shall be formed into a militia, with proper officers, according to their numbers, to be appointed by the governor, except the commanding officer, who shall be appointed by the President, and who, whether a captain, a major, or a colonel, shall be the commanding officer of the district, and as such shall, under the governor, have command of the regular officers and troops in his district, as well as of the militia, for which he shall have a brevet commission, giving him such command, and the pay and emoluments of an officer of the same grade in the regular army; he shall be specially charged with the employment of the military and militia of his district, in cases of sudden invasion or insurrection, and until the orders of the governor can be received, and at all times with the duty of ordering a military patrole, aided by militia if necessary, to arrest unauthorised settlers in any part of his district, and to commit such offenders to jail to be dealt with according to law.

SECT. 13. The laws in force in the said district of Louisiana, at the commencement of this act, and not inconsistent with any of the provisions thereof, shall continue in force until altered, modified or repealed by the governor and judges of the Indiana territory, as aforesaid.

SECT. 14. *And be it further enacted*, That if any citizen of the United States, or other person, shall make a settlement on any lands belonging to the United States, within the limits of Louisiana, or shall survey, or attempt to survey, such lands, or to desig-

5 nate boundaries by marking trees, or otherwise, such offender shall,
6 on conviction thereof, in any court of record of the United States,
7 or the territories of the United States, forfeit a sum not exceeding
8 one thousand dollars, and suffer imprisonment not exceeding twelve
9 months; and it shall, moreover, be lawful for the President of the
10 United States to employ such military force as he may judge ne-
11 cessary to remove from lands belonging to the United States any
12 such citizen, or other person, who shall attempt a settlement
13 thereon.

1 Sect. 15. The President of the United States, is hereby autho-
2 rised to stipulate with any Indian tribes, owning lands on the east
3 side of the Mississippi, and residing thereon, for an exchange of
4 lands, the property of the United States, on the west side of the
5 Mississippi, in case the said tribes shall remove and settle thereon;
6 but in such stipulation, the said tribes shall acknowlege themselves
7 to be under the protection of the United States, and shall agree
8 that they will not hold any treaty with any foreign power, indivi-
9 dual state, or with the individuals of any state or power; and that
10 they will not sell or dispose of the said lands, or any part thereof,
11 to any sovereign power, except the United States, nor to the sub-
12 jects or citizens of any other sovereign power, nor to the citizens
13 of the United States. And in order to maintain peace and tran-
14 quility with the Indian tribes who reside within the limits of Loui-
15 siana, as ceded by France to the United States, the act of congress,
16 passed on the thirtieth day of March, one thousand eight hundred

17 and two, entitled " An act to regulate trade and intercourse with
18 the Indian tribes, and to preserve peace on the frontiers," is hereby
19 extended to the territories erected and established by this act.

1 SECT. 16. The act, passed on the thirty first day of October,
2 one thousand eight hundred and three, entitled " An act to enable
3 the President of the United States to take possession of the terri-
4 tories ceded by France to the United States, by the treaty con-
5 cluded at Paris, on the thirtieth day of April last, and for the tem-
6 porary government thereof," shall continue in force until the first
7 day of October next, any thing therein to the contrary notwithstand-
8 ing; on which said first day of October, this act shall commence,
9 and have full force.

1804—FEBRUARY 18th.

Read the third time, and passed the Senate.

ATTEST, SAMUEL A. OTIS, *Secretary*.