

STATUTE I.

April 20, 1836.

CHAP. LIII.—*An Act to carry into effect the treaties concluded by the Chickasaw tribe of Indians on the twentieth October, eighteen hundred and thirty-two, and the twenty-fourth May, eighteen hundred and thirty-four.*

Moneys received for lands to be paid into the Treasury.

Be it enacted, by the Senate and House of Representatives of the United States of America in Congress assembled, That all moneys received from the sale of lands under the stipulations of the treaties with the Chickasaw Indians of the twentieth of October, eighteen hundred and thirty-two, and the twenty-fourth May, eighteen hundred and thirty-four, shall be paid into the Treasury of the United States, in the same manner that moneys received from the sales of public lands are paid into the Treasury.

Payment under the instructions of the President.

SEC. 2. *And be it further enacted,* That all payments required to be made, and all moneys required to be vested by the said treaty, are hereby appropriated in conformity to it, and shall be drawn from the Treasury, as other public moneys are drawn therefrom, under such instructions as may from time to time be given by the President.

Special account to be kept, &c.

SEC. 3. *And be it further enacted,* That all investments of stock, required by the said treaty shall be made under the direction of the President; and a special account of the funds under the said treaty, shall be kept at the Treasury, and a statement thereof shall be annually laid before Congress, and the sum of one hundred and fifty thousand dollars, heretofore appropriated, agreeably to the said treaty, and to aid in its fulfilment shall be refunded to the Treasury, as soon as funds sufficient therefor, are received from the sale of the said lands.

APPROVED, April 20, 1836.

STATUTE I.

April 20, 1836.

CHAP. LIV.—*An Act establishing the Territorial Government of Wisconsin.*(a)

What country shall constitute the Wisconsin Territory.

Be it enacted, by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the third day of July next, the country included within the following boundaries shall constitute a separate Territory, for the purposes of temporary government, by the name of Wisconsin; that is to say: Bounded on the

(a) The acts which have been passed relative to the Territory of Wisconsin have been:

An act to establish the Territorial Government of Wisconsin, April 20, 1836, chap. 54.

Appropriation for the public buildings and library of the Territory of Wisconsin, Civil and Diplomatic appropriation, act of May 9, 1836, chap. 59.

An act for laying off the towns of Madison and Burlington, in the county of Des Moines, and the towns of Bellevue, Du Buque and Peru, in the county of Du Buque, Territory of Wisconsin, and for other purposes, July 2, 1836, chap. 262.

An act to amend an act, entitled "An act for laying off the towns of Madison and Burlington, in the county of Des Moines, and the towns of Bellevue, Du Buque and Peru, in the county of Du Buque, Territory of Wisconsin, and for other purposes," approved July 2, 1836. March 3, 1837, chap. 36.

An act to give the approval and confirmation of Congress to three several acts of the Legislative Assembly of the Territory of Wisconsin, incorporating banks, March 3, 1837, chap. 75.

An act making appropriations for completing the public buildings in Wisconsin, June 16, 1838, chap. 117.

Post routes in Wisconsin, an act to establish post routes, and to discontinue others, July 7, 1838, chap. 172.

An act to divide the Territory of Wisconsin, and to establish the Territorial Government of Iowa, June 12, 1838, chap. 96.

An act to authorize the construction of certain improvements in the Territory of Wisconsin, and for other purposes, March 3, 1839, chap. 72.

An act to create the office of Surveyor of public lands in the Wisconsin Territory, June 12, 1838, chap. 95.

An act concerning a seminary of learning in the Territory of Wisconsin, June 12, 1838, chap. 110.

An act to grant a quantity of land to the Territory of Wisconsin, for the purpose of aiding in opening a canal to connect the waters of Lake Michigan with those of Rock river, June 18, 1838, chap. 114.

An act to alter and amend the organic law of the Territories of Wisconsin and Iowa, March 3, 1839, chap. 69.

An act to define and establish the eastern boundary line of the Territory of Wisconsin, March 3, 1839, ch. 9.

Brotherhood Indians subjected to the laws of the United States and of Wisconsin, Act of March 3, 1839, chap. 82, sect. 7.

Appropriation for the survey and examination of the country between the mouths of the Menomonic and Montreal rivers, for the purpose of designating and marking the boundary line between the State of Michigan and the Territory of Wisconsin, March 3, 1841, chap. 36, sect. 3.

An act to appropriate the proceeds of the sales of the public lands, and to grant pre-emption rights, September 4, 1841, chap. 16, sect. 2.

Appropriations for Wisconsin Territory, May 18, 1842, chap. 29, No. 108, &c.

east, by a line drawn from the northeast corner of the State of Illinois, through the middle of Lake Michigan, to a point in the middle of said lake, and opposite the main channel of Green Bay, and through said channel and Green Bay to the mouth of the Menomonie river; thence through the middle of the main channel of said river, to that head of said river nearest to the Lake of the Desert; thence in a direct line, to the middle of said lake; thence through the middle of the main channel of the Montreal river, to its mouth; thence with a direct line across Lake Superior, to where the territorial line of the United States last touches said lake northwest; thence on the north, with the said territorial line, to the White-earth river; on the west, by a line from the said boundary line following down the middle of the main channel of White-earth river, to the Missouri river, and down the middle of the main channel of the Missouri river to a point due west from the northwest corner of the State of Missouri; and on the south, from said point, due east to the northwest corner of the State of Missouri; and thence with the boundaries of the States of Missouri and Illinois, as already fixed by acts of Congress. And after the said third day of July next, all power and authority of the Government of Michigan in and over the Territory hereby constituted, shall cease: *Provided*, That nothing in this act contained shall be construed to impair the rights of person or property now appertaining to any Indians within the said Territory, so long as such rights shall remain unextinguished by treaty between the United States and such Indians, or to impair the obligations of any treaty now existing between the United States and such Indians, or to impair or anywise to affect the authority of the Government of the United States to make any regulations respecting such Indians, their lands, property, or other rights, by treaty, or law, or otherwise, which it would have been competent to the Government to make if this act had never been passed: *Provided*, That nothing in this act contained shall be construed to inhibit the Government of the United States from dividing the Territory hereby established into one or more other Territories, in such manner, and at such times, as Congress shall, in its discretion, deem convenient and proper, or from attaching any portion of said Territory to any other State or Territory of the United States.

Proviso.

Proviso.

SEC. 2. *And be it further enacted*, That the Executive power and authority in and over the said Territory shall be vested in a Governor, who shall hold his office for three years, unless sooner removed by the President of the United States. The Governor shall reside within the said Territory, shall be commander-in-chief of the militia thereof, shall perform the duties and receive the emoluments of superintendent of Indian affairs, and shall approve of all laws passed by the Legislative Assembly before they shall take effect; he may grant pardons for offences against the laws of the said Territory, and reprieves for offences against the laws of the United States, until the decision of the President can be made known thereon; he shall commission all officers who shall be appointed to office under the laws of the said Territory, and shall take care that the laws be faithfully executed.

Appointment and powers of Governor.

SEC. 3. *And be it further enacted*, That there shall be a Secretary of the said Territory, who shall reside therein, and hold his office for four years, unless sooner removed by the President of the United States; he

Secretary, his duties.

An act for the relief of certain settlers in the Territory of Wisconsin, August 23, 1842, chap. 190.

An act to provide for the settlement of certain accounts for the support of the Government in the Territory of Wisconsin, and for other purposes, August 29, 1842, chap. 259.

An act to authorize the election or appointment of officers in the Territory of Wisconsin, March 3, 1843, chap. 99.

An act granting a section of land for the improvement of Grant river, at the town of Potosi, in Wisconsin Territory, June 15, 1844, chap. 50.

An act for granting to the county of Du Buque certain lots of ground in the town of Du Buque, June 15, 1814, chap. 56.

shall record and preserve all the laws and proceedings of the Legislative Assembly hereinafter constituted, and all the acts and proceedings of the Governor in his executive department; he shall transmit one copy of the laws and one copy of the Executive proceedings on or before the first Monday in December in each year, to the President of the United States; and at the same time, two copies of the laws to the Speaker of the House of Representatives, for the use of Congress. And in case of the death, removal, resignation, or necessary absence, of the Governor from the Territory, the Secretary shall have, and he is hereby authorized and required to execute and perform, all the powers and duties of the Governor during such vacancy or necessary absence.

Legislature—
how constituted
and elected.

SEC. 4. *And be it further enacted*, That the Legislative power shall be vested in a Governor and a Legislative Assembly. The Legislative Assembly shall consist of a Council and House of Representatives. The Council shall consist of thirteen members, having the qualifications of voters as hereinafter prescribed, whose term of service shall continue four years. The House of Representatives shall consist of twenty-six members, possessing the same qualifications as prescribed for the members of the Council, and whose term of service shall continue two years. An apportionment shall be made, as nearly equal as practicable, among the several counties, for the election of the Council and Representatives, giving to each section of the Territory representation in the ratio of its population, Indians excepted, as nearly as may be. And the said members of the Council and House of Representatives shall reside in and be inhabitants of the district for which they may be elected. Previous to the first election, the Governor shall cause the census or enumeration of the inhabitants of the several counties in the Territory to be taken and made by the sheriffs of the said counties, respectively, and returns thereof made by said sheriffs to the Governor. The first election shall be held at such time and place, and be conducted in such manner, as the Governor shall appoint and direct; and he shall, at the same time, declare the number of members of the Council and House of Representatives to which each of the counties is entitled under this act. The number of persons authorized to be elected having the greatest number of votes in each of the said counties for the Council, shall be declared, by the said Governor, to be duly elected to the said Council; and the person or persons having the greatest number of votes for the House of Representatives, equal to the number to which each county may be entitled, shall also be declared, by the Governor, to be duly elected: *Provided*, The Governor shall order a new election when there is a tie between two or more persons voted for, to supply the vacancy made by such tie. And the persons thus elected to the Legislative Assembly shall meet at such place on such day as he shall appoint; but, thereafter, the time, place, and manner of holding and conducting all elections by the people, and the apportioning the representation in the several counties to the Council and House of Representatives, according to population, shall be prescribed by law, as well as the day of the annual commencement of the session of the said Legislative Assembly; but no session, in any year, shall exceed the term of seventy-five days.

Proviso.

Who shall be
eligible to
office.

SEC. 5. *And be it further enacted*, That every free white male citizen of the United States, above the age of twenty-one years, who shall have been an inhabitant of said Territory at the time of its organization, shall be entitled to vote at the first election, and shall be eligible to any office within the said Territory; but the qualifications of voters at all subsequent elections shall be such as shall be determined by the Legislative Assembly: *Provided*, That the right of suffrage shall be exercised only by citizens of the United States.

Proviso.

Powers of the
Legislature.

SEC. 6. *And be it further enacted*, That the legislative power of the Territory shall extend to all rightful subjects of legislation; but no law

shall be passed interfering with the primary disposal of the soil; no tax shall be imposed upon the property of the United States; nor shall the lands or other property of non-residents be taxed higher than the lands or other property of residents. All the laws of the Governor and Legislative Assembly shall be submitted to, and, if disapproved by the Congress of the United States, the same shall be null and of no effect.

Sec. 7. *And be it further enacted,* That all township officers and all county officers, except judicial officers, justices of the peace, sheriffs, and clerks of courts, shall be elected by the people, in such manner as may be provided by the Governor and Legislative Assembly. The Governor shall nominate, and, by and with the advice and consent of the Legislative Council, shall appoint, all judicial officers, justices of the peace, sheriffs, and all militia officers, except those of the staff, and all civil officers not herein provided for. Vacancies occurring in the recess of the Council shall be filled by appointments from the Governor, which shall expire at the end of the next session of the Legislative Assembly; but the said Governor may appoint, in the first instance, the aforesaid officers, who shall hold their offices until the end of the next session of the said Legislative Assembly.

What officers are to be elected by the people.

Sec. 8. *And be it further enacted,* That no member of the Legislative Assembly shall hold or be appointed to any office created or the salary or emoluments of which shall have been increased whilst he was a member, during the term for which he shall have been elected, and for one year after the expiration of such term; and no person holding a commission under the United States, or any of its officers, except as a militia officer, shall be a member of the said Council, or shall hold any office under the Government of the said Territory.

Disqualifications for office.

Sec. 9. *And be it further enacted,* That the Judicial power of the said Territory shall be vested in a supreme court, district courts, probate courts, and in justices of the peace. The supreme court shall consist of a chief justice and two associate judges, any two of whom shall be a quorum, and who shall hold a term at the seat of Government of the said Territory, annually, and they shall hold their offices during good behaviour. The said Territory shall be divided into three judicial districts; and a district court or courts shall be held in each of the three districts, by one of the judges of the supreme court, at such times and places as may be prescribed by law. The jurisdiction of the several courts herein provided for, both appellate and original, and that of the probate courts, and of the justices of the peace, shall be as limited by law: *Provided, however,* That justices of the peace shall not have jurisdiction of any matter of controversy, when the title or boundaries of land may be in dispute, or where the debt or sum claimed exceeds fifty dollars. And the said supreme and district courts, respectively, shall possess chancery as well as common law jurisdiction. Each district court shall appoint its clerk, who shall keep his office at the place where the court may be held, and the said clerks shall also be the registers in chancery; and any vacancy in said office of clerk happening in the vacation of said court, may be filled by the judge of said district, which appointment shall continue until the next term of said court. And writs of error, bills of exception, and appeals in chancery causes, shall be allowed in all cases, from the final decisions of the said district courts to the supreme court, under such regulations as may be prescribed by law; but in no case removed to the supreme court, shall a trial by jury be allowed in said court. The supreme court may appoint its own clerk, and every clerk shall hold his office at the pleasure of the court by which he shall have been appointed. And writs of error and appeals from the final decisions of the said supreme court shall be allowed and taken to the Supreme Court of the United States, in the same manner, and under the same regulations, as from the circuit

Judiciary.

Proviso.

courts of the United States, where the value of the property, or the amount in controversy, to be ascertained by the oath or affirmation of either party, shall exceed one thousand dollars. And each of the said district courts shall have and exercise the same jurisdiction, in all cases arising under the constitution and laws of the United States as is vested in the circuit and district courts of the United States. And the first six days of every term of the said courts, or so much thereof as shall be necessary, shall be appropriated to the trial of causes arising under the said constitution and laws. And writs of error, and appeals from the final decisions of the said courts, in all such cases, shall be made to the supreme court of the Territory, in the same manner as in other cases. The said clerks shall receive, in all such cases, the same fees which the clerk of the district court of the United States in the northern district of the State of New York receives for similar services.

Attorneys to
be appointed.

SEC. 10. *And be it further enacted,* That there shall be an Attorney for the said Territory appointed, who shall continue in office four years, unless sooner removed by the President, and who shall receive the same fees and salary, as the attorney of the United States for the Michigan Territory. There shall also be a Marshal for the Territory appointed, who shall hold his office for four years, unless sooner removed by the President, who shall execute all process issuing from the said courts when exercising their jurisdiction as circuit and district courts of the United States. He shall perform the same duties, be subject to the same regulations and penalties, and be entitled to the same fees, as the Marshal of the district court of the United States for the northern district of the State of New York; and shall, in addition, be paid the sum of two hundred dollars, annually, as a compensation for extra services.

Marshal.

Governor,
&c. to be ap-
proved by the
Senate.

SEC. 11. *And be it further enacted,* That the Governor, Secretary, Chief Justice and Associate Judges, Attorney, and Marshal, shall be nominated, and, by and with the advice and consent of the Senate, appointed by the President of the United States. The Governor and Secretary, to be appointed as aforesaid, shall, before they act, as such respectively take an oath or affirmation before some judge or justice of the peace in the existing Territory of Michigan, duly commissioned and qualified to administer an oath or affirmation, to support the constitution of the United States, and for the faithful discharge of the duties of their respective offices; which said oaths, when so taken, shall be certified by the person before whom the same shall have been taken, and such certificate shall be received and recorded by the said Secretary among the Executive proceedings. And, afterwards, the Chief Justice and associate Judges, and all other civil officers in said Territory, before they act as such, shall take a like oath or affirmation before the said Governor or Secretary, or some judge or justice of the Territory who may be duly commissioned and qualified, which said oath or affirmation shall be certified and transmitted by the person taking the same to the Secretary, to be by him recorded as aforesaid; and, afterwards, the like oath or affirmation shall be taken, certified, and recorded, in such manner and form as may be prescribed by law. The Governor shall receive an annual salary of two thousand five hundred dollars for his services as Governor and as superintendent of Indian affairs. The said Chief Justice and Associate Judges shall each receive an annual salary of eighteen hundred dollars. The Secretary shall receive an annual salary of twelve hundred dollars. The said salaries shall be paid quarter-yearly, at the Treasury of the United States. The members of the Legislative Assembly shall be entitled to receive three dollars each per day, during their attendance at the sessions thereof, and three dollars each for every twenty miles' travel in going to and returning from the said sessions, estimated according to the nearest usually-travelled route. There shall be appropriated, annually, the sum of three hundred and fifty dollars, to

Salaries.

Contingent
expenses.

be expended by the Governor to defray the contingent expenses of the Territory, and there shall also be appropriated annually, a sufficient sum, to be expended by the Secretary of the Territory, and upon an estimate to be made by the Secretary of the Treasury of the United States, to defray the expenses of the Legislative Assembly, the printing of the laws and other incidental expenses; and the Secretary of the Territory shall annually account to the Secretary of the Treasury of the United States for the manner in which the aforesaid sum shall have been expended.

Sec. 12. *And be it further enacted*, That the inhabitants of the said Territory shall be entitled to, and enjoy, all and singular the rights, privileges, and advantages, granted and secured to the people of the Territory of the United States northwest of the river Ohio, by the articles of the compact contained in the ordinance for the government of the said Territory, passed on the thirteenth day of July, one thousand seven hundred and eighty-seven; and shall be subject to all the conditions and restrictions and prohibitions in said articles of compact imposed upon the people of the said Territory. The said inhabitants shall also be entitled to all the rights, privileges, and immunities, heretofore granted and secured to the Territory of Michigan, and to its inhabitants, and the existing laws of the Territory of Michigan shall be extended over said Territory, so far as the same shall not be incompatible with the provisions of this act, subject, nevertheless, to be altered, modified, or repealed, by the Governor and Legislative Assembly of the said Territory of Wisconsin; and further, the laws of the United States are hereby extended over, and shall be in force in, said Territory, so far as the same, or any provisions thereof may be applicable.

Rights, &c. under the Territorial compact of July, 1787, extended to Wisconsin.

And also those secured to Michigan.

Sec. 13. *And be it further enacted*, That the Legislative Assembly of the Territory of Wisconsin shall hold its first session at such time and place in said Territory as the Governor thereof shall appoint and direct; and at said session, or as soon thereafter as may by them be deemed expedient, the said Governor and Legislative Assembly shall proceed to locate and establish the seat of government for said Territory, at such place as they may deem eligible, which place, however, shall thereafter be subject to be changed by the said Governor and Legislative Assembly. And twenty thousand dollars, to be paid out of any money in the Treasury, not otherwise appropriated, is hereby given to the said Territory, which shall be applied by the Governor and Legislative Assembly to defray the expenses of erecting public buildings at the seat of government.

Legislative sessions, when held.

Sec. 14. *And be it further enacted*, That a Delegate to the House of Representatives of the United States, to serve for the term of two years, may be elected by the voters qualified to elect members of the Legislative Assembly, who shall be entitled to the same rights and privileges as have been granted to the Delegates from the several Territories of the United States to the said House of Representatives. The first election shall be held at such time and place or places, and be conducted in such manner, as the Governor shall appoint and direct. The person having the greatest number of votes shall be declared by the Governor to be duly elected, and a certificate thereof shall be given to the person so elected.

Delegate to the House of Representatives of the United States.

Sec. 15. *And be it further enacted*, That all suits, process, and proceedings, and all indictments and informations which shall be undetermined on the third day of July next, in the courts held by the additional judge for the Michigan Territory, in the counties of Brown and Iowa; and all suits, process and proceedings, and all indictments and informations which shall be undetermined on the said third day of July, in the county courts of the several counties of Crawford, Brown, Iowa, Dubuque, Milwalke [Milwaukie], and Des Moines, shall be transferred to be heard,

Provision respecting undetermined suits.

tried, prosecuted, and determined, in the district courts hereby established, which may include the said counties.

SEC. 16. *And be it further enacted*, That all causes which shall have been or may be removed from the courts held by the additional judge for the Michigan Territory, in the counties of Brown and Iowa, by appeal or otherwise, into the supreme court for the Territory of Michigan, and which shall be undetermined therein on the third day of July next, shall be certified by the clerk of the said supreme court, and transferred to the supreme court of said Territory of Wisconsin, there to be proceeded in to final determination, in the same manner that they might have been in the said supreme court of the Territory of Michigan.

SEC. 17. *And be it further enacted*, That the sum of five thousand dollars be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be expended by and under the direction of the Legislative Assembly of said Territory, in the purchase of a library for the accommodation of said Assembly, and of the supreme court hereby established.

APPROVED, April 20, 1836.

Five thousand dollars for the purchase of a library.

STATUTE I.

April 20, 1836.

CHAP. LV.—*An Act in addition to the act of the twenty-fourth of May, one thousand eight hundred and twenty-eight, entitled "An act to authorize the licensing of vessels to be employed in the mackerel fishery."*(a)

Vessels licensed for the mackerel fishery not subject to forfeitures, &c.

Act of May 1828, ch. 109. 1793, ch. 8.

Proviso.

Be it enacted, by the Senate and House of Representatives of the United States of America in Congress assembled, That vessels duly licensed under the provisions of "An act to authorize the licensing of vessels to be employed in the mackerel fishery," passed May twenty-fourth, one thousand eight hundred and twenty-eight, shall not be deemed or taken to be liable to the forfeitures imposed by the fifth and thirty-second sections of the act of Congress, approved the eighteenth day of February, one thousand seven hundred and ninety-three, entitled "An act for enrolling and licensing ships or vessels to be employed in the coasting trade and fisheries, and for regulating the same," in consequence of any such vessel, whilst licensed as aforesaid, having been engaged in catching cod, or fish of any other description whatever, *Provided, however*, That this act shall not be deemed or considered as authorizing or entitling the owner or owners of any vessel licensed for the mackerel fishery, to receive the bounty allowed by law to vessels employed in the cod fishery.

APPROVED, April 20, 1836.

STATUTE I.

April 20, 1836.

CHAP. LVI.—*An Act to prescribe the mode of paying pensions heretofore granted by the United States.*

Laws authorizing the U. S. Bank to pay pensions, repealed.

Pensions to be paid according to the directions of the Secretary at War.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all laws and parts of laws, authorizing or requiring the Bank of the United States, or its branches to pay any pensions granted under the authority of the United States, shall be, and the same are hereby, repealed; and such payments shall be hereafter made, at such times and places, by such persons or corporations, and under such regulations, as the Secretary of War may direct; but no compensation or allowance shall be made to such persons or corporations for making such payments, without authority of law.

APPROVED, April 20, 1836.

(a) See notes to act of March 3, 1819, ch. 48.