

CHAP. XXXVI.—*An Act to amend the ordinance and acts of Congress for the government of the territory of Michigan, 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 all citizens of the United States, having the qualifications prescribed by the act, entitled "An act authorizing the election of a delegate from the Michigan territory to the Congress of the United States, and extending the right of suffrage to the citizens of said territory," approved February the sixteenth, eighteen hundred and nineteen, shall be entitled to vote at any public election in the said territory, and shall be eligible to any office therein.

SEC. 2. *And be it further enacted,* That the same powers which were granted to the governor, legislative council, and House of Representatives, of the North-western territory, by the ordinance of Congress, passed on the thirteenth day of July, seventeen hundred and eighty-seven, and which powers are transferred to the territory of Michigan by the act, entitled "An act to divide the Indiana territory into two separate governments," approved January the eleventh, eighteen hundred and five, are hereby conferred upon, and shall be exercised by the governor and a legislative council: which council shall consist of nine persons, any five of whom shall be a quorum, and who shall serve for the term of two years, and be appointed as follows, to wit: At the next election of the delegate to Congress from the said territory, after the passing of this act, the qualified electors shall choose, by ballot, eighteen persons, having the qualifications of electors; and such election shall be conducted, certified, and the result declared, agreeably to the territorial law prescribing the mode of electing such delegate. But the time and manner of electing the members of the legislative council shall, after the first election, be prescribed by the legislature of the said territory; and the names of the eighteen persons, having the greatest number of votes, shall be transmitted by the governor of the said territory, to the President of the United States, who shall nominate, and, by and with the advice and consent of the Senate, appoint therefrom, the said legislative council; and vacancies occurring in the said council shall be filled in the same manner, from the list transmitted as aforesaid: And the President shall have power, in the recess of the Senate, to make the appointments authorized by this act; but all appointments, so made, shall be submitted to the Senate at their next session, for confirmation. The first legislative council shall be assembled at such time and place as the governor shall, by proclamation, designate. No session, in any one year, shall exceed the term of sixty days, nor shall any act passed by the governor and the legislative council be valid, after the same shall have been disapproved by Congress. The members of the legislative council shall receive two dollars each, per day, during their attendance at the sessions thereof, and two dollars for every twenty miles in going to, and returning therefrom, in full compensation for their services, and which shall be paid by the United States: *Provided,* That nothing herein contained shall be construed to affect the right of the citizens of said territory to elect a delegate to Congress; and the duties required of the governor [governor] and judges by the act referred to in the first section of this act, shall be performed by the governor [governor] and legislative council.

SEC. 3. *And be it further enacted,* That the powers and duties of the judges of the said territory shall be regulated by such laws as are, or may be, in force therein; and the said judges shall possess a chancery, as well as common law, jurisdiction. The tenure of office of the said judges shall be limited to four years: and on the first day of February,

STATUTE II.
March 3, 1823.

[Obsolete.]

Citizens qualified by the act of February 16, 1819, ch. 22, entitled to vote, and eligible to any office, in the territory of Michigan.

Powers of the governor and legislative council of Michigan.

Vol. i. 51.
Act of Jan. 11, 1805, ch. 5.

Council to consist of nine persons.

Mode of election.

Session of the legislative council not to exceed sixty days.

Compensation.

Proviso.

Powers of the judges.

Judges to hold office for four years.

(a) See notes to the act of February 16, 1819, ch. 22, for the acts relative to the territory of Michigan.

Proviso.

one thousand eight hundred and twenty-four, and every four years thereafter, the office of each of the said judges shall become vacant: *Provided*, That nothing in this act contained shall be so construed as to deprive the judges of the territory of the jurisdiction conferred upon them by the laws of the United States.

Legislature empowered to submit the question for a general assembly.

Organization, &c. of a general assembly.

SEC. 4. *And be it further enacted*, That the legislature shall have power to submit, at any time, to the people of the said territory, the question, whether a general assembly shall be organized agreeably to the provisions of the ordinance aforesaid; and, if a majority of the qualified electors shall be in favour of such organization, then the powers vested by this act in the legislative council shall cease and determine, and a general assembly shall be organized, in conformity with the said ordinance, subject to the following provision: The governor [governor] of the said territory shall divide the same into five districts, and the qualified voters in each district shall elect one member of the legislative council, which shall possess the same powers heretofore granted to the legislative council of the North-western territory; and the members of the council shall hold their offices four years; and until there shall be five thousand free white male inhabitants, of twenty-one years and upwards, in said territory, the whole number of Representatives to the general assembly shall not be less than seven, nor more than nine, to be apportioned by the governor [governor] to the several counties in the said territory, agreeably to the number of free white males above the age of twenty-one years, which they may contain: but after the organization of the general assembly, the apportionment of the representation shall be made by such assembly: *Provided*, That there shall not be more than twelve, nor less than seven, of the whole number of representatives, until there shall be six thousand free white male inhabitants, above the age of twenty-one years; after which, the number of representatives shall be regulated agreeably to the ordinance aforesaid.

Proviso.

Powers of the governor.

SEC. 5. *And be it further enacted*, That the governor [governor] of the said territory shall have power to grant pardons for offences against the laws of the said territory, and reprieves for those against the United States, until the decision of the President thereon [thereon] shall be made known.

Laws of the United States inconsistent with this act repealed as to Michigan.

There shall be only one clerk of the Supreme Court.

SEC. 6. *And be it further enacted*, That, so much of the ordinance aforesaid, and laws of the United States, as are inconsistent with the provisions of this act, be, and the same are hereby, as respects the territory of Michigan, repealed.

SEC. 7. *And be it further enacted*, That from and after the first day of June next, there shall be but one clerk of the supreme court of the territory of Michigan, who shall perform all the duties of clerk of said court, whether sitting as a circuit and district court, or as judges of the territorial court.

Officers of the treasury to settle the accounts of John J. Deming.

SEC. 8. *And be it further enacted*, That the accounting officers of the treasury shall settle and adjust the accounts of John J. Deming, making him a reasonable allowance for his services as clerk of said district and circuit court, up to the first day of June next, and that the same be paid out of any money in the treasury, not otherwise appropriated.

APPROVED, March 3, 1823.

STATUTE II.

March 1, 1823.

Accounting officers of the

CHAP. XXXVII.—*An Act in addition to the act, entitled "An act for the prompt settlement of public accounts," and for the punishment of the crime of perjury. (a)*

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That, in the settlement of accounts of persons remaining charged, on the books of the third auditor

(a) An act to provide for the prompt settlement of public accounts, March 3, 1817, ch. 45.

An act providing for the better organization of the Treasury Department, May 15, 1820, ch. 107. See notes to act of May 15, 1820, ch. 107.