

# CAROLINA CENTINEL.

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(BY AUTHORITY.)

AN ACT for the establishment of a territorial government in Florida.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all the territory ceded by Spain to the United States, known by the name of East and West Florida, shall constitute a territory of the United States, under the name of the territory of Florida, the government whereof shall be organized and administered as follows:

Sec. 2. *And be it further enacted,* That the executive power shall be vested in a Governor, who shall reside in the said territory, and hold his office during the term of three years, unless sooner removed by the President of the United States. He shall be commander in chief of the militia of the said territory, and be, ex officio, superintendent to Indian affairs, and shall have power to grant pardons for offences against the said territory, and reprieves for those against the United States, until the decision of the President of the United States thereon shall be made known; and to appoint and commission all officers civil and of the militia, whose appointments are not herein otherwise provided for, and which shall be established by law: he shall take care that the laws be faithfully executed.

Sec. 3. *And be it further enacted,* That a Secretary of the territory shall also be appointed, who shall hold his office during the term of four years, unless sooner removed by the President of the United States, whose duty it shall be, under the direction of the Governor, to record and preserve all the papers and proceedings of the Executive, and all the acts of the Governor and Legislative Council, and transmit authentic copies of the proceedings of the Governor, in his Executive Department, every six months to the President of the United States.

Sec. 4. *And be it further enacted,* That, in case of the death, removal, resignation, or necessary absence of the Governor of the said Territory, the Secretary thereof shall be, and he is hereby authorized and required, to execute all the powers, and perform all the duties, of the Governor, during the vacancy occasioned by the removal, resignation, or necessary absence, of the said Governor.

Sec. 5. *And be it further enacted,* That the legislative power shall be vested in the Governor, and in thirteen of the most fit and discreet persons of the territory, to be called the Legislative Council, who shall be appointed annually by the President of the United States, by and with the advice and consent of the Senate, from among the citizens of the United States residing there. The Governor, by and with the advice and consent of the said Legislative Council, or a majority of them, shall have power to alter, modify, or repeal, the laws which may be in force at the commencement of this act. Their legislative powers shall also extend to all the rightful subjects of legislation; but no law shall be valid which is inconsistent with the constitution and laws of the United States, or which shall lay any person under restraint, burthen, or disability, on account of his religious opinions, professions, or worship; in which he shall be free to maintain his own, and not burthened with those of another. The Governor shall publish, throughout the said territory, all the laws which shall be made, and shall, on or before the first day of December in each year, report the same to the President of the United States, to be laid before Congress, which, if disapproved by Congress, shall thenceforth be of no force. The Governor and Legislative Council shall have no power over the primary disposal of the soil, nor to tax the lands of the United States, nor to interfere with the claims to lands within the said terri-

tory: the Legislative Council shall hold a session once in each year, commencing its first session on the second Monday in June next, at Pensacola, and continue in session not longer than two months; and thereafter on the first Monday in May in each and every year, but shall not continue longer than four weeks, to be held at such place in said territory as the Governor and Council shall direct: It shall be the duty of the Governor to obtain all the information in his power in 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.

Sec. 6. *And be it further enacted,* That the judicial power shall be vested in two 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 known as East Florida, to consist of one judge; he shall hold a court on the first Mondays in January, April, July, and October, in each 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 capital cases and original jurisdiction in all civil cases of the value of one hundred dollars, arising under and cognizable by the laws of territory, now of force therein, or which may, at any time, be enacted by the legislative council thereof. Each judge shall appoint a clerk, for his respective court, who shall reside, respectively, at St. Augustine and Pensacola, and they shall keep the records there. Each clerk shall receive for his services, in all cases arising under the territorial laws, such fees as may be established by the legislative council.

Sec. 7. *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 power 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 day of March, one thousand seven hundred and ninety-three, was vested in the court of the Kentucky district. 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 supreme court of the United States, in the same cases, and under the same regulations, as from the circuit courts of the United States. The clerks respectively shall keep the records at the places where the courts are held, and shall receive in all cases arising under the laws and constitution of the United States, the same fees which the clerks of the Kentucky district received for similar services, whilst the court exercised the powers of the circuit and district courts. There shall be appointed, in the said territory, two persons learned in the law to act as attorneys for the United States as well as for the territory; one for that part of the territory known as East Florida, the other for that part of the territory known as West Florida. For each of whom, in addition to his stated fees shall be paid annually, two hundred dollars as a full compensation for all extra services.— There shall also be appointed two marshals, one for each of the said superior courts, who shall each, 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 all extra services.

Sec. 8. *And be it further enacted,* That the governor, secretary, judges of the superior courts, district attorneys, marshals, and all general officers of the militia shall be appointed by the President of the United States, by and with the advice and consent of the Senate. All judicial officers shall hold their office for the term of four

years and no longer. The Governor, Secretary, Judges, members of the Legislative Council, Justices of the Peace, and 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 authorize 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 two thousand five hundred dollars; the Secretary one thousand five hundred dollars; and the Judges of one thousand five hundred dollars each, to be paid quarterly yearly out of the Treasury of the United States. The Members of the Legislative Council shall receive three dollars each, per day, during their attendance in council, and three dollars for every twenty miles in going to, and returning from, any meeting of the Legislative Council, once in each session and no more. The members of the Legislative Council shall be privileged from arrest, except in cases of treason, felony, and breach of the peace, during their going to, attendance at, and returning from, each session of said Council.

Sec. 9. *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, approved April thirtieth, one thousand seven hundred and ninety, and all acts in addition, or supplementary thereto, which is now in force."

"An act for the punishment of crimes and offences committed within the Indian boundaries, approved March third, one thousand eight hundred and seven."

"An act in addition to the act for the punishment of certain crimes against the United States, and to repeal the acts therein mentioned, approved April twentieth, one thousand eight hundred and eighteen."

"An act for the punishment of crimes therein specified, approved January thirtieth, one thousand seven hundred and ninety-nine."

"An act respecting fugitives from justice, and persons escaping from the service of their masters, approved February twelfth, one thousand seven hundred and ninety-three."

"An act to prohibit the carrying on the slave trade from the United States to any foreign place or country, approved March twenty-second, one thousand seven hundred and ninety-nine."

"An act in addition to the act, entitled "An act to prohibit the carrying on the slave trade from the United States to any foreign place or country, approved May tenth, one thousand eight hundred."

"The act to prohibit the importation of slaves into any port or place within the jurisdiction of the United States, from and after the first day of January, in the year of our Lord one thousand eight hundred and eight, approved March second, one thousand eight hundred and seven."

"An act to prevent settlements being made on lands ceded to the United States, until authorized by law, approved March third, one thousand eight hundred and seven."

"An act in addition to "An act to prohibit the importation of slaves into any port or place within the jurisdiction of the United States, from and after the first day of January, in the year of our Lord one thousand eight hundred and eight, and to repeal certain parts of the same, approved April twentieth, one thousand eight hundred and eighteen."

"An act in addition to the acts prohibiting the slave trade, approved March third, one thousand eight hundred and nineteen."

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

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

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

"An act in addition to an act, entitled "An act for the general promulgation of the laws of the United States."

mulgation of the laws of the United States."

"An act to provide for the publication of the laws of the United States and for other purposes."

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

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

"An act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies during the time therein mentioned."

"The act supplementary thereto, and for extending the benefits thereof to the arts of designing, engraving, and etching historical and other prints."

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

"An act supplementary to the act, entitled "An act to prescribe the mode in which the public acts, records, and judicial proceedings, in each state, shall be authenticated, so as to take effect in any other state."

"An act for establishing trading-houses within the Indian tribes, and the several acts continuing the same."

"An act making provisions relative to rations for Indians, and their visits to the seat of government."

"And the laws of the United States relating to the revenue and its collection, subject to the modification stipulated by the fifteenth article of the treaty of the twenty-second February, one thousand eight hundred and nine, in favor of Spanish vessels and their cargoes, and all other public laws of the United States, which are not repugnant to the provisions of this act, shall extend to, and have full force and effect in, the territory aforesaid."

Sec. 10. *And be it further enacted,* That to the end that the inhabitants may be protected in their liberty, property, and the exercise of their religion, no law shall ever be valid which shall impair, or in any way restrain, the freedom of religious opinions, professions, or worship. They shall be entitled to the benefit of the writ of habeas corpus. They shall be bailable, in all cases, except for capital offences where the proof is evident or the presumption great. All fines shall be moderate and proportioned to the offence; and excessive bail shall not be required, nor cruel or unusual punishments inflicted. No ex post facto law, or law impairing the obligation of contracts, shall ever be passed; nor shall private property be taken for public uses without just compensation.

Sec. 11. *And be it further enacted,* That all free male white persons, who are housekeepers, and who shall have resided one year, at least, in the said territory, shall be qualified to act as grand and 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 shall respectively prescribe, so as to be most conducive to an impartial trial, and to be least burthensome to the inhabitants of the said territory.

Sec. 12. *And be it further enacted,* That it shall not be lawful for any person or persons to import, or bring into the said territory, from any port or place without the limits of the United States, or cause to be so imported or brought, or knowingly to aid or assist in so importing or bringing, any slave or slaves. And every person so offending, and being thereof convicted before any court within the said territory, having competent jurisdiction, shall forfeit and pay, for each and every slave so imported or brought, the sum of three hundred dollars, one moiety for the use of the United States, and the other moiety for the use of the persons or persons who shall sue for the same; and every slave so imported or brought, shall receive his or her freedom.

Sec. 13. *And be it further enacted,* That the laws in force in the said territory, at the commencement of this act, and not inconsistent with the provisions thereof, shall continue in force until altered, modified, or repealed, by the legislature.

Sec. 14. *And be it further enacted,* That the citizens of the said territory shall be entitled to one delegate to Congress, for the said territory, who shall possess the same powers hereto-

fore granted to the delegates from the several territories of the United States. The said delegate shall be elected by such description of persons, at such times, and under such regulations, as the governor and legislative council may, from time to time, ordain and direct.

PHILIP P. BARBOUR,  
Speaker of the House of Representatives

JOHN GAILLARD,  
President of the Senate pro tempore.  
Washington, March 30, 1822.

Approved:  
JAMES MONROE.

## INTERESTING TRAITS OF CHARACTER.

From the New-York Statesman.

Some time since, we inserted an extract from an interesting memoir, lately drawn up by Mr. Schoolecraft, on the Fossil Tree, found in the river Des Plaines, visited by Governor Cass, and his party, during the last summer. Mr. Schoolecraft forwarded a copy of his memoir to each of the Ex-Presidents of the United States, and received in return the following notes, which we are permitted to publish:—

"MONTIZILLO, 27th JAN. 1822.

"SIR: I thank you for your memoir on the Fossil Tree, which is very well written, and the conjectures on the process of nature in producing it, are plausible and probable. It is the most remarkable exemplification of petrification that I have ever met with, though I have seen many that I thought curious. I once lay a week wind-bound in Portland Roads, in England, and went often ashore and ascended the mountain, from whence they get all the Portland stone, which are so much employed in building. In a morning walk with some of the American passengers from the Lucreia, Captain Calahan, we passed by a handsome house at the foot of the hill, with a handsome front yard before it. Upon the top of one of the posts of this yard, lay a fish, coiled up in a spiral figure, which caught my eye. I stopped and gazed at it with some curiosity—presently a person in the habit and appearance of a substantial well-bred English gentleman, appeared at his door, and addressed me: "Sir, I perceive your attention is fixed upon my fish. That is a conger eel, a species that abounds in those seas. We see them repeatedly at the depth of 12 feet water lying exactly in that posture. This stone, as it now appears, was dug up from the bowels of this mountain, at the depth of 12 feet below the surface, in the midst of the rocks. "Now, sir," said he "at the time of the deluge, these neighboring seas were thrown up into that mountain, and this fish lying at the bottom, was thrown up with the rest, and then petrified in the very posture in which it lay." I was charmed with the eloquence of this philosopher, as well as with his civility, and said, that I could not account for the phenomenon by any more plausible or satisfactory hypothesis. This is a lofty hill, and very steep, and in the road up and down there are flat and smooth rocks of considerable extent. The commerce in Portlandstone frequently calls for huge masses from 10 to 15 tons weight. These are loaded on very strong wheels, and drawn by 10 or 12 pair of horses. When they come to one of those flat rocks, on the side of the hill, where the descent is steep they take off 6 or 8 pair of horses and attach them behind the waggon, and lash them up hill, while one or two pair of horses in front have to drag the waggon and its load and 6 or 8 pair of horses behind it backwards. I give you this history by way of comment on Dr. Franklin's famous argument against a mixed government. That great man ought not to have quoted this as a New England custom, because it was an English practice before New England existed, and is a happy illustration of the necessity of a balanced government. And since I have mentioned Dr. Franklin, I will relate another fact which I had from his mouth. When he lived at Passy, a new quarry of stone was opened at the depth of 20 feet was found among the rocks a shark's tooth, in perfect preservation, which, I suppose, my Portland friend would account for as he did his conger eel, though the tooth was not petrified. Excuse this whimsical letter, accept my repeated thanks for your memoir, and believe me to be, your obliged friend and humble servant,  
"JOHN ADAMS."