

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 of 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 the 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 all 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

ceded by Spain, to constitute the territory of Florida.

Executive power vested in a governor, to be appointed for three years, &c.

Powers and duties of the governor.

A secretary of the territory to be appointed for four years, &c. Duties of the secretary.

The secretary to act as governor, in case of a vacancy.

Legislative power vested in the governor and a legislative council of thirteen, to be appointed, &c. Powers of the legislature.

Restriction of the powers of legislation.

The governor to publish the laws and report them to the President, &c.

The governor and council have no power over, &c.

An act to provide for the armed occupation and settlement of the unsettled part of the peninsula of East Florida, August 4, 1842, ch. 122.

An act to amend an act, entitled "An act to provide for the armed occupation and settlement of the unsettled parts of the peninsula of Florida," June 15, 1844, ch. 71.

An act to confirm certain sections of land in St. Augustine land district in the territory of Florida, made under the pre-emption law of June 22, 1838, June 15, 1844, ch. 74.

An act for the admission of the states of Iowa and Florida into the Union, March 3, 1845, ch. 48.

An act supplemental to the act for the admission of the states of Iowa and Florida into the Union, March 3, 1845, ch. 75.