

cession, as described in the treaty of Paris. For Louisiana, as acquired from France, embraced all the country from the Gulf of Mexico to the 49th parallel of latitude, and from the Mississippi River to the Rocky Mountains.

But although the terms of the territorial act of 1804 embraced the territory now comprised within the limits of the State of Louisiana, that part of the State, commonly called the Florida parishes, was at that time actually in the possession of Spain, and was held by her until the year 1810.

The territorial act of 1804 vested the legislative power in a Governor, to be appointed by the President, and thirteen persons who were to be appointed annually by the President. But on the 2d March, 1805, Congress authorized the President to establish in Louisiana a government similar to that existing in the "Mississippi Territory," which had been created by adopting the ordinance of 1787, relative to territory northwest of the Ohio River, excluding that portion of the ordinance regulating successions and the last article prohibiting slavery. It is thus perceived, that the celebrated ordinance of 1787, regulated the form of government existing in Louisiana until she was admitted into the Union as an independent State. The second article of the ordinance of 1787 guaranteed among other fundamental rights, the benefit of the writ of "habeas corpus," the right of trial by jury, and judicial proceedings according to the course of the common law.

The first important and radical change made by the new government in the laws of territory, was the necessary results of the change of rulers, and of the guarantees contained in the ordinance of 1787.

The criminal law and proceedings of the Latin races of Europe, whose absolute governments ignored the guarantees contained in our Federal Constitution, were repugnant to the Anglo-Saxon ideas of individual liberty, and constitutional limitation of governmental power, which predominated in the American mind. The territorial statute of 4th May, 1805, defined what acts should constitute crimes and offences, and provided for the trial and punishment of offenders. In so doing, the language and terms of the common law of England were used, and the following provision was embodied in that act, viz: "All the crimes, offences, "and misdemeanors hereinbefore mentioned, shall be taken, in. "tended and construed according to, and in conformity with, the